

TOWN OF PARADISE VALLEY

Hillside Code Update

Town Council
Work Session
April 12, 2018



Background

- July 21, 2015 – Code updated started
- June 22, 2017 – Issued SOD
- Updates grouped into 19 categories:
 - 9 topics subject to PC review
- December 19, 2017:
 - PC voted 5 to 1 to forward draft code TC with recommendation of approval



Background (Cont.)

- March 22, 2018 – TC Work Session:
 - Hillside Assurance:
 - Research costs to restore site
 - Examples with amounts
 - Costs for letter of credit and bond
 - Edits - Work with Council Member Moore on grammatical/clarifying edits
 - Municipal Hillside Requirements:
 - Research other communities regarding hillside regulations



Background (Cont.)

- March 22nd WS:
 - TC agreeable with 17 of the 19 Topics
 - Green Topics – Acceptable by TC
 - Red Topics – Needs Additional Review



Summary of Topics



1. Material Palette & Light Reflective Value
2. Disturbed Area Calculation
3. Demolition on Hillside Properties
4. Hillside Models
5. Accessory Structures & Accessory Structure Height Limits
6. 40' Overall Height Measurement
7. Process to Remove a Property from the Hillside Designation
8. Pool Barriers & Perimeter Fencing Standards
9. Retaining Walls & Screen Walls
11. Retaining Walls
12. Driveway Disturbance Credit
13. Lighting
14. La Place du Sommet Subdivision and applicable code
15. Solar Panels and Hillside Review Process
16. Cantilever Limitations
17. Reviews & Administrative Hillside Chair Review
18. Hillside Assurance/Bond
19. On-Site Retention
20. Add a Safety Section in the Code

Green/Acceptable Topics

- Questions or Comments regarding **Green** Topics?
- If none, will continue on to **Red** Topics (Starting at Slide 33)



Material Palette & LRV

- Issue:
 - Colors meet LRV but do not always blend in with surrounding hillside
 - HBC limited in approving contrasting colors
- Draft Code:
 - Language added to clarify colors must blend in with surrounding hillside
 - Give HBC more latitude to approve contrasting colors when deemed appropriate

■ Reference page 29 of Draft Ordinance



Disturbed Area Calculation

- Issue :
 - Footprint does not count as disturbed area. Bigger house can result in less disturbance
 - Should footprint be counted as disturbance?
- Decision:
 - Do not count footprint as disturbance. May create too many non-conformities and Prop 207 issues
 - No edits to code



Demolition on Hillside Properties

- Issue :
 - During demo, some contractors go beyond existing disturbance and grade native hillside
- Draft Code:
 - Require existing disturbance limits to be staked prior to demolition
- Reference page 30 of Draft Ordinance



Hillside Model

- Issue :
 - Code requires physical model and model making is a dying art
- Draft Code:
 - Update code to clarify 3D computer models are acceptable with criteria for 3D models (e.g. show contours, scaled, etc.)
- Reference page 20 of Draft Ordinance



Accessory Structures & Heights

- Issue :
 - Clarify 16' height limit for accessory structures. Confusion that 24' height limit for house applies to accessory structures
 - Codify policy on raised outdoor living areas (e.g. raised pool decks)
- Draft Code:
 - Language added to clarify 16' height limit
 - Language added to identify setback requirements for raised outdoor living areas

■ Reference pages 8, 23, 24, and 25 of Draft Ordinance

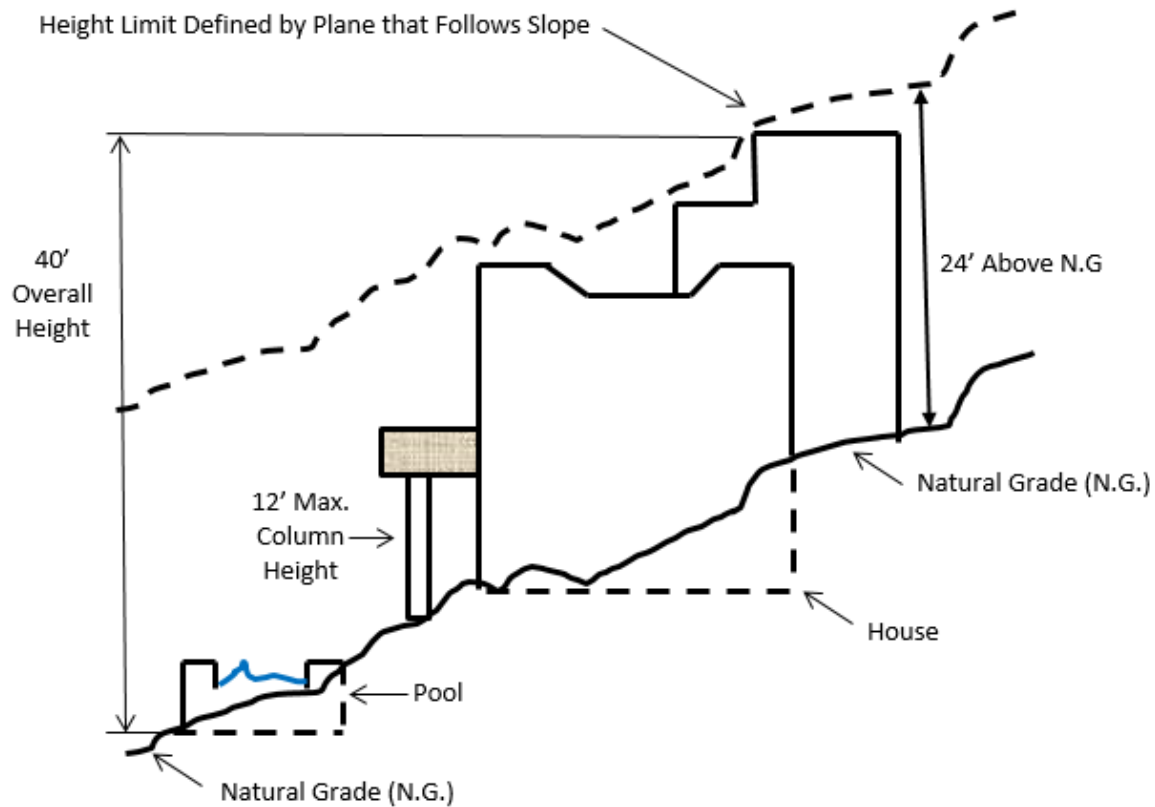


40' Overall Height Limit

- Issue :
 - Confusion on how 40' overall height is measured
- Draft Code:
 - Language added to clarify how 40' height limit is measured (from natural grade of lowest structure to highest point of a structure)
 - Figure 5 update to clarify
- Reference pages 24 and 25 of Draft Ordinance



FIGURE 5 – BUILDING HEIGHT IN HILLSIDE



Process to Remove Property from Hillside

- Issue :
 - Process not identified in code
- Draft Code:
 - Codify policy/practice
 - Language added to identify process:
 - Demonstrate lot has slope less than 10%
 - HBC Recommendation and Council action
- Reference pages 46 and 47 of Draft Ordinance



Pool Barriers & Perimeter Fencing

- Issue :
 - Hillside Code prohibits fences with exception of view pool barriers, screen walls, retaining walls, and view guard rails
 - Pool barrier often designed to be yard or perimeter fence (does not meet intent of code)
- Draft Code:
 - Language added to clarify barrier must be appropriate to site and minimum amount needed to secure pool
- Reference page 38 of Draft Ordinance



Retaining Walls & Screen Walls

- Issue:
 - Clarify when walls must meet setbacks
 - Retaining walls limited to 6” height above material they retain.
Examine when retaining walls may extend beyond 6” limit
- Draft Code:
 - Language added to identify retaining walls must meet setback unless needed to access property or to prevent erosion/flooding
 - Language added to allow driveway retaining walls to extend 18” above material they retain
- Reference pages 36 and 38 of Draft Ordinance



Retaining Walls

- ***Allow HBC to determine appropriate guard rail height between 36” and 42” (SOD)***
- Issue:
 - 36” tall guard rail when fall potential of 30” (+)
 - Applicants request 42” guard rail
- Draft Code:
 - Language added – 42” max height as determined by HBC
- Page 37 of Draft Ordinance



Driveway Disturbance Credit

- ***Develop standards and credits for driveways that serve new homes and remodeled homes (SOD)***
- Issue:
 - Different standards for driveways that serve new homes vs. remodels
 - Concern that code encourages larger driveways on remodels
- Draft Code:
 - New home - decorative driveways receive partial disturbance credit within 18” from natural grade
 - Remodeled home - existing driveways with decorative materials receive 100% disturbance credit. New portions of driveway that extend beyond existing layout receive partial disturbance credit (if within 18” from n.g.)

▪ Reference pages 8, 33, and 34 of Draft Ordinance



Driveway Disturbance Credit (Cont.)

Decorative Driveways for Remodeled Homes	Decorative Driveways for New Homes
<p data-bbox="237 281 929 312">100% Disturbance Credit for Existing Driveway Area</p> <p data-bbox="237 361 938 426">New Driveway Beyond the Existing Layout/Driveway Area Receives Partial Credit:</p> <ul data-bbox="237 476 987 661" style="list-style-type: none"><li data-bbox="237 476 813 506">▪ 50% credit within 6" of Natural Grade<li data-bbox="237 552 987 583">▪ 25% credit over 6" and under 18" of Natural Grade<li data-bbox="237 628 923 659">▪ 0% credit if 18" or greater from Natural Grade	<p data-bbox="1023 459 1528 490">50% credit within 6" of Natural Grade</p> <p data-bbox="1023 536 1615 601">25% credit over 6" and under 18" of Natural Grade</p> <p data-bbox="1023 650 1640 681">0% credit if 18" or greater from Natural Grade</p>



Page 7, 32, and 33 of Draft Ordinance

Lighting

- ***Evaluate Lighting Standards to address Kelvin requirements, add Lux as another light measurement, and holiday lighting start on October 15th (SOD)***
- Issue:
 - Flat land lighting recently updated. Minor updates for consistency
- Draft Code:
 - Definition of Lux
 - Color temperature - 3000 K max
 - Holiday lights to start on October 15th

■ Pages 40 – 45 of Draft Ordinance



La Place du Sommet & Applicable Code

- ***Incorporate amendments from Town Attorney related to which Hillside Code applies to La Place du Sommet Subdivision (SOD)***
- Issue:
 - Practice of applying 1984 code to La Place du Sommet subdivision
 - Research identified only disturbance limits from 1984 code apply to select lots in subdivision
- Draft Code:
 - No edits to code



Solar Panels

- ***Commission shall explore use of stealth solar technology and evaluate placement of solar on pitched roofs (SOD)***
- Issue:
 - Requests to place solar panels on pitched Roofs
- Draft Code (Two Sections):
 - Solar Panel Criteria:
 - On pitched roofs only when screened by adjoining hillside or cut
 - Stealth Solar Criteria:
 - Solar shingles/tiles on pitched roofs when blend in with building and LRV of 38% or less
 - Cannot have shiny metallic finish



Sample Solar Tiles & Shingles



Shiny Metallic Solar Tiles & Shingles



Cantilevers

- ***Add language prohibiting cantilevered driving surfaces. May require definition of driveway. Establish or revise criteria that minimizes visual impact and discourages use of cantilevers in construction of structures. In no circumstance should the cantilever standard exceed 8' vertical and 4' horizontal (SOD)***
- Issue:
 - Mitigate negative impacts of cantilevers



Cantilevers (Cont.)

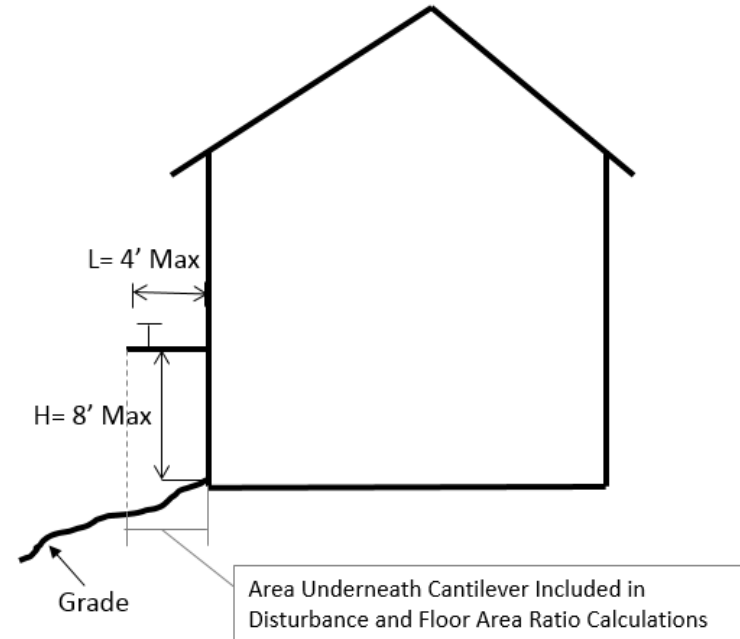
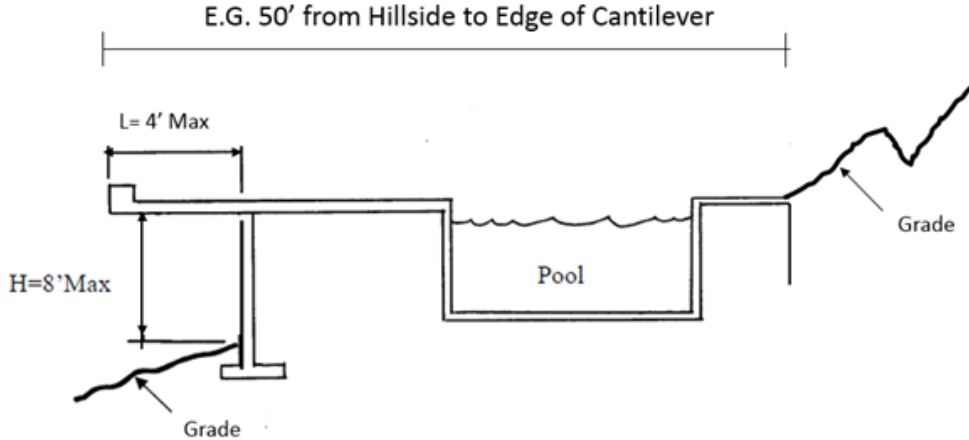
- Draft Code:
 - 4 Categories/Criteria:
 - Cantilevered driveways prohibited
 - 8' max vertical height and 4' max horizontal length
 - Area underneath counted as disturbance, meet setbacks of associated structure, finished to blend in with structure/surrounding
 - Building cantilever included in floor area ratio
- Pages 6 and 26 – 28 of Draft Ordinance



Cantilevers (Cont.)

- Illustrations modified for clarity

FIGURE 7 - HEIGHT FOR A CANTILEVERED ELEMENT



Cantilevers (Cont.)

- Cantilever Definition:
 - Cantilever – A rigid structural element of a building, deck, or walking surface that is anchored at one end of a support from which it protrudes more than two feet . This excludes roof overhangs that do not have a walking surface above them
- Page 6 of Draft Ordinance



Additional Updates

- PC made clarifying edits:
 - Section 2209 (Lot Split Standards):
 - Clarify how slope lines calculated
 - Figure 4 updated to clarify requirements

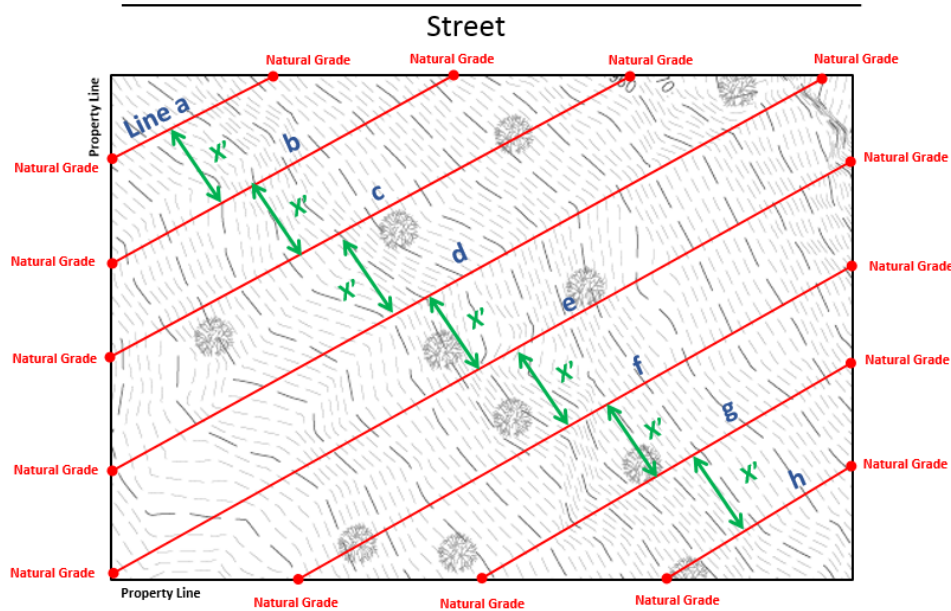


Lot Split Standards

- Slope shall be calculated using a minimum of 3 slope lines per Acre. The slope lines shall be perpendicular to the slope and at equal ~~distances~~ **spacing** across the Lot (see Figure 10).



Figure 10 – Slope Lines per Acre



$(2.5 \text{ acres}) \times (3 \text{ Slope Lines per Acre}) = 7.5 \text{ Lines}$ which Rounds Off to 8 Slope Lines

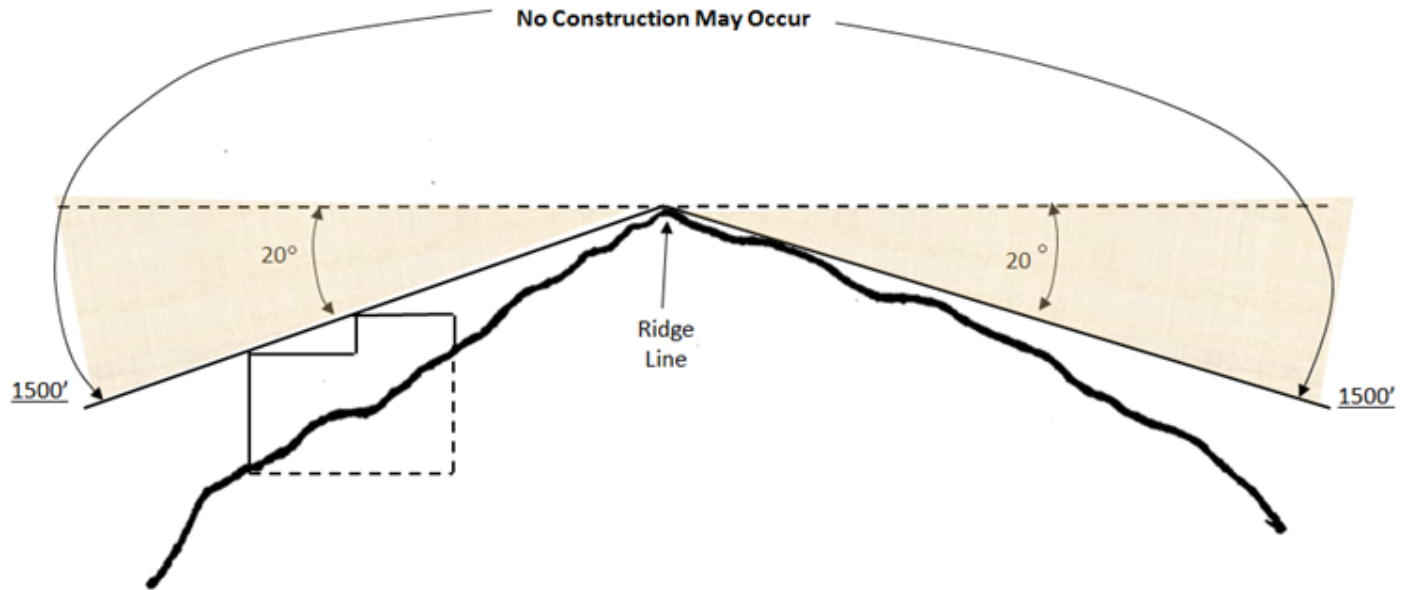
$((\text{Line a Length} \times \text{Slope}) + (\text{Line b length} \times \text{Slope}) + (\text{Line c Length} \times \text{Slope}) + (\text{Line d Length} \times \text{Slope}) + (\text{Line e Length} \times \text{Slope}) + (\text{Line g Length} \times \text{Slope}) + (\text{Line h Length} \times \text{Slope})) / (\text{Summation of All the Slope Line Lengths}) = \text{Average Lot Slope}$

Use the Average Lot Slope % in Table 3 to Determine Minimum Allowable Lot Size



Figure 4

FIGURE 4 – RIDGE LINE TWENTY DEGREE DELINEATION



Hillside Reviews & Admin Chair Review

- Issue :
 - Clarify the 4 types of Hillside Reviews
 - Examine scope of Chair Review
- Draft Code:
 - Language added to clarify 4 types of Hillside Reviews
 - Chair Review:
 - May approve limited amount of site walls, disturbance, and **increase height of house**
 - Approvable amount of building footprint reduced

Reference pages 11 - 12 of Draft Ordinance



Admin Chair Review (Cont.)

- Concern :
 - 6' increase in height of house significant visual impact
 - Reviewed by Committee instead of Chair?
- Options:
 - Keep as drafted – Allow Chair to Review Height Increase
 - Use original code – Chair Cannot Review Height Increase
- Reference pages 11 of Draft Ordinance



Hillside Assurance

- ***Sufficient amount to restore hillside and establish thresholds for when assurance called to mitigate impacts. Identify landscape assurance solution (SOD)***
- Issue:
 - Concern current amount not sufficient to restore property
- Scope:
 - Cover and restore back to extent possible
 - Many instances - not possible to restore 30' cut
 - Use to mitigate abandoned development
 - Remove vertical elements, restore driveway, grade and vegetate parts of pad, stain cut



Hillside Assurance (Cont.)

- Draft Code:
 - Two Standards for Grading Permit:
 - New SFR/Major Improvements – amount to restore property to natural grade
 - Minor Improvements – amount to restore affected portions to natural grade
 - Assurance:
 - 35 times Grading Permit Fee, or
 - Greater amount deemed appropriate by HBC



■ Pages 14 - 17 of Draft Ordinance

Hillside Assurance (Cont.)

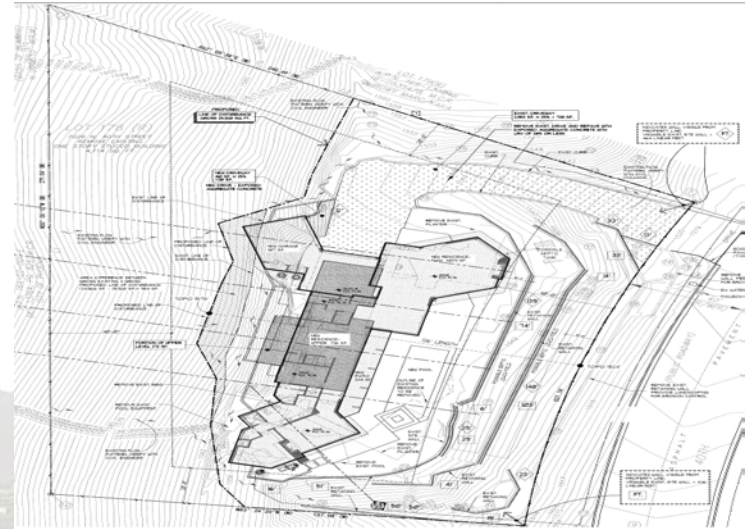
- March 22nd WS:
 - Provide project examples and calculated assurance amounts
 - Scenario - Abandoned property where pad is cut and house framed
 - **Estimate of \$200,000 - \$400,000** to remove framing, bury walls, add some fill on pad, re-vegetate site, and stain cut
- Assurance from draft/proposed code more in line with estimate
- Current Code – 4 of 5 examples below estimate
- Proposed Code – 1 of 5 examples below estimate
- See Exhibit D for Examples



Hillside Assurance (Cont.)

- March 22nd WS:
 - Example – 40th St Project (New SFR on Existing Pad):

	Total Cut/Fill	Assurance (\$)
Current Code	1,486 c.y.	1,486 x \$25 = \$37,150.00
Proposed Code	6,216 c.y.	\$5,952.20 x 35 = \$208,327.00



Hillside Assurance (Cont.)

- March 22nd WS:
 - Identify costs of letter of credit and bonds
 - Assurance Payment (Since 2015):
 - 76 % paid in cash
 - 13 % by letter of credit
 - 11 % by bond
 - Letter of Credit (LC):
 - Banks identified LC not used often and do not change fee
 - Bonds:
 - None response to inquiries



Hillside Assurance (Cont.)

- ***Identify a landscape assurance solution (SOD)***
- Issue:
 - Project completed in summer and applicant wants deferment on landscaping due to heat
- Draft Code:
 - Applicant may request temporary deferment on installation of landscaping
 - Town hold assurance until landscaping is installed
- Pages 13 - 16 of Draft Ordinance



On-Site Retention

- ***Identify on-site retention and detention shall be in accordance with Town's Storm Drainage Design Manual and develop standards that allow retention basins without retaining walls to receive partial disturbance credit (SOD)***
- Issue:
 - Retention counted as disturbed area
 - Applicants occasionally use retaining walls to create retention areas



On-Site Retention (Cont.)

- Draft Code:
 - When required, retention basins designed in accordance with Storm Drainage Design Manual
 - Area included in disturbance calculation
 - 50% credit:
 - Don't use retaining walls
 - Vegetated with native plants
- Pages 31 and 36 of Draft Ordinance



On-Site Retention (Cont.)

- Council Member Moore identified conflicting language regarding washes
- Hillside code states wash cannot be diverted or relocated
- Town Code and Storm Drainage Design Manual allow washes to be diverted or relocated
- Recommended hillside code match Town Code and Storm Drainage Design Manual requirements
- Reference page 36 of draft ordinance



Conservation Easement

- Proposal:
 - Encourage hillside property owners to dedicate conservation easement over undeveloped portions of property
 - Help preserve and protect hillside
 - Add this to draft code?
- Reference page 2 of draft ordinance



- Questions or Comment?
- Next – Safety Section



NEXT STEPS

- Incorporate input and edits from today's meeting
- Tentative Schedule:
 - April 26th – TC Work Session
 - May 10th – TC Public Hearing



Questions?

