

OPEN SPACE TASK FORCE STAFF REPORT



DATE: January 9, 2011

TO: Open Space Task Force

FROM: Debbie Chamberlain, Division Manager, Planning Services
By: Lauren Barr, Senior Planner
Ryan Driscoll, Assistant Planner

SUBJECT: Overview of the Draft Hillside, Creek, and Ridgeline Area Ordinance

RECOMMENDED ACTION:

Informational Item: Provide Comments and Input-No Action Required

BACKGROUND/ANALYSIS:

Resource Conservation Overlay District and Ordinance 197

The City of San Ramon has a history of conservation and protection of natural open space and scenic resources that continues to be a priority to maintain community character and the quality of life. The City's 1986 General Plan policies resulted in the adoption of the Resource Conservation Overlay District (RCOD) in 1988. The RCOD was one of the City's first set of comprehensive open space regulations implemented through the Zoning Ordinance.

The City Council adoption of Ordinance 197 in 1990 represented a uniform shift in the application of the RCOD standards from specific zoning districts to all land within the City limits (or land annexed to the City), above the 500-foot elevation limit and also called for the strengthening of the General Plan policies related to hillside, ridgeline and creek protection.

In application, Ordinance 197 created a balance that allowed for limited development associated with hillsides, ridges and creeks, while preserving these open space and resource lands that are important to San Ramon's sense of place and quality of life. Ridgeline and creek setbacks coupled with sloped limitations established a standard for developable and undevelopable land based on the Ordinance. Further, Ordinance 197 created a sliding scale of development potential/density based on a site's slope characteristics and other development restrictions. Flatter sites allowed more development potential/density, while steeper slopes and undevelopable sites (where development is prohibited), were granted a minimal development credit. This development credit could then be transferred to another portion of the site where development could be permitted. Through this process, development would be encouraged on the portion of sites that are most suited to development and are consistent with the goals of hillsides, ridges and creek preservation. The principles of Ordinance 197 were, during subsequent years, strengthened, integrated and implemented through the Zoning Ordinance standards.

As locally adopted ordinances, Ordinance 197 and the subsequent Zoning Ordinance provisions applied only to those properties under the land use control of the City of San Ramon. Portions of the Westside Hills and Eastside Specific Plan Area (Tassajara Valley) did not enjoy the same hillside, ridge and creek protection as those within the City’s jurisdiction.

In 2002, the voter-approved General Plan 2020 established the City’s first Urban Growth Boundary (UGB) and incorporated the policies of Ordinance 197 into the Open Space and Conservation Element with the exception of the 32-foot height limit and the slope density analysis methodology. Additionally, General Plan 2020 Policy 8.4-I-17 required voter review of an extension to Ordinance 197 (1990), to correspond to the expiration of Ordinance 197 in 2010.

Measure W (General Plan 2030)

Measure W (General Plan 2030) satisfied the General Plan 2020 (2002) requirement for voter review of the Urban Growth Boundary and extension of Ordinance 197 in late 2010. With the voter rejection of Measure W, Ordinance 197 (1990) expired on December 31, 2010 as specified in the original Ordinance. As a result of this expiration, policy revisions were proposed and adopted in the General Plan 2030 (2011) which continued the City’s commitment to hillside, creek, and ridgeline protection. General Plan 2030 Open Space and Conservation Element, Section 8.3 (Resource Management), provides an overview of the City’s comprehensive open space and conservation regulations and the revised policy framework in response to the expiration of Ordinance 197. General Plan 2030 Policies 8.3-I-13 through 8.3-I-18 (see Attachment A) require the adoption of viewshed criteria and slope methodology standards, and promote resource protection and preservation by requiring the development and adoption of new Zoning Ordinance regulations to protect and preserve the hillsides, creeks, and ridgelines.

Zoning Ordinance Text Amendment

Staff initiated a Zoning Ordinance Text Amendment (TA 10-410-001) in response to General Plan 2030 Policies 8.3-I-13 through 8.3-I-18 requiring amendments to the Zoning Ordinance related to hillside, creek, and ridgeline protection,. Specifically, the proposed Text Amendment would remove the Resource Conservation (-RC) Overlay Zone within Division D2 and replace the “Creek and Riparian Habitat Protection” chapter within Division D5 with a comprehensive “Hillside, Creek, and Ridgeline Areas” (HCR) chapter. The new HCR chapter would meet the requirements of General Plan 2030 Open Space and Conservation Element policies while taking much of the language directly from the expired Ordinance 197.

The following analysis outlines the similarities and differences between the expired Ordinance 197 regulations and the proposed HCR chapter by specific topic:

Applicability:

Similar to Ordinance 197, the HCR chapter would apply to:

- 1) All property over 500 ft. in elevation; or
- 2) Property with a natural gradient in excess of 10%; or
- 3) Property within 1,000 ft. of a Major or Minor Ridgeline

Policy direction from General Plan Policy 8.3-I-14, however, would limit the applicability of the HCR chapter to areas outside the Built Urban Land, except for creek setback regulations, as shown in Figure 8-3 of the General Plan 2030 (see Attachment B). As was the case with Ordinance 197 and prior Zoning Ordinance provisions, the applicability of these new standards apply only to those properties under the land use control of the City. Any future development outside the City’s jurisdiction is not subject to these hillside, ridge and creek protection provisions.

Density Standards:

The proposed slope density standards within the HCR chapter would remain unchanged from the expired Ordinance 197.

Greater than 20 percent slope:	1 dwelling unit per 320 acres (1)
15 to 20 percent slope:	1 dwelling unit per 5 acres
10 to 15 percent slope:	1 dwelling unit per 1 acre
Note: (1) Only upon transfer to a developable area	

Height Limit:

The proposed HCR chapter would continue to limit structures to a maximum 32 foot height limit measured from the lowest to the highest points of the structure which are above the ground. The HCR chapter would also add new language allowing the review authority to approve up to a 15 percent increase in height for multi-family development projects that incorporate sustainable building and development practices similar to Leadership in Energy and Environmental Design (LEED) Gold or Platinum certification.

Building Prohibited on “Undevelopable Land” and Ridgeline Areas:

The proposed HCR chapter would continue to prohibit development on “Undevelopable Land” and Ridgeline Areas as defined under the Zoning Ordinance Division D8 (Glossary). The definition of “Undevelopable Land” would also remain unchanged. The HCR chapter would allow “Undevelopable Land” to meet the permanent open space dedication requirements based on the policy direction under Table 4-3 of the General Plan 2030.

Creek Setbacks:

The proposed HCR chapter would continue to prohibit development within 100 feet of the centerline of creek/stream areas as identified in Figure 8-3 of the General Plan 2030. However, to avoid issues related to a potential “taking” of a property, new language would allow exceptions to the creek setbacks if specific variance findings could be made by the review authority.

Street/Driveway Grades:

The proposed HCR chapter would continue to limit street grades to a maximum 12 percent grade and driveways to a maximum 15 percent grade. There would be no change from the expired Ordinance 197.

Design Guidelines:

The proposed HCR chapter would continue to limit natural terrain alteration, implement building design guidelines, and adopt new viewshed criteria to promote architecture and designs that are compatible with the natural hillside terrain and minimize visual impacts. Viewshed criteria would require the consideration of elements such as retaining natural on-site vegetation, installation of landscaping to screen structures, minimize off-site visibility and glare, use of non-reflective windows/trim, and the design of roof angles and composition to conform to the existing landform and landscape.

Slope Methodology:

As required by General Plan 2030 Policy 8.3-I-16, the proposed HCR chapter would incorporate slope methodology standards. The slope methodology standards would remain unchanged from the standards established in 1992 responding to Ordinance 197.

STEPS FOLLOWING TASK FORCE REVIEW

A Planning Commission workshop on the Zoning Ordinance Text Amendment including the Draft Hillside, Creek, and Ridgeline Area provisions has been scheduled for January 17, 2012 to solicit additional comments. Additional public hearings are schedule for the spring of 2012.

ATTACHMENTS

Attachment A: Page 8-17 of General Plan 2030 - Policies 8.3-I-13 through 8.3-I-18
Attachment B: General Plan 2030 Figure 8-3 (Resource Management)

Monitoring includes maintaining an up-to-date inventory of creeks and creating a creek maintenance program. Proactive measures may include promoting periodic waterway clean-up efforts, installing fencing or other protective barriers to prevent unauthorized access in sensitive locations, or planting vegetation along waterways to provide shade and prevent erosion.

- 8.3-I-13 Develop viewshed criteria to determine how to manage views of the natural hillsides surrounding San Ramon.

The hills surrounding the City of San Ramon provide a natural hillside backdrop. Viewshed criteria would establish the process to evaluate new development and potential significant public views of the surrounding natural hillsides.

- 8.3-I-14 Develop and adopt regulations for the protection and preservation of hillsides, creeks, and ridgelines.

Amend the Zoning Ordinance to replace the Resource Conservation (-RC) Overlay Zone with regulations that incorporate the protection and preservation of hillsides, creeks, and ridgelines in the Resource Management Division. The amended hillside, creek, and ridgeline regulations of the Resource Management Division shall apply to 1) all property over 500 feet in elevation, 2) property with a natural gradient in excess of 10 percent, or 3) property within 1,000 feet of a major or minor ridgeline. The amended hillside, creek, and ridgeline regulations of the Resource Management Division shall not apply to Built Urban Land as shown in Figure 8-3, except for creek setback regulations.

- 8.3-I-15 Apply the hillside, creek, and ridgeline regulations of the Resource Management Division of the Zoning Ordinance to the Resource Management Area as shown in Figure 8-3.

The Resource Management Area in Figure 8-3 continues the City's commitment towards hillside, creek, and ridgeline protection and preservation.

- 8.3-I-16 Develop and adopt slope methodology standards to implement the resource management policies.

Slope methodology standards will achieve consistent application of the resource management policies in the Zoning Ordinance.

- 8.3-I-17 Retain ridgelines as open space, except for ridgelines that may be altered, as shown in Figure 8-3.

The amended hillside, creek, and ridgeline regulations of the Resource Management Division in the Zoning Ordinance shall provide additional standards for natural terrain alteration.

- 8.3-I-18 Retain hillsides steeper than 20 percent slope as open space, except for slopes and ridgelines that may be altered, as shown in Figure 8-3.

The surrounding natural open space continues to be a vital goal to enhance the community character and quality of life in San Ramon.

SAN RAMON GENERAL PLAN 2030

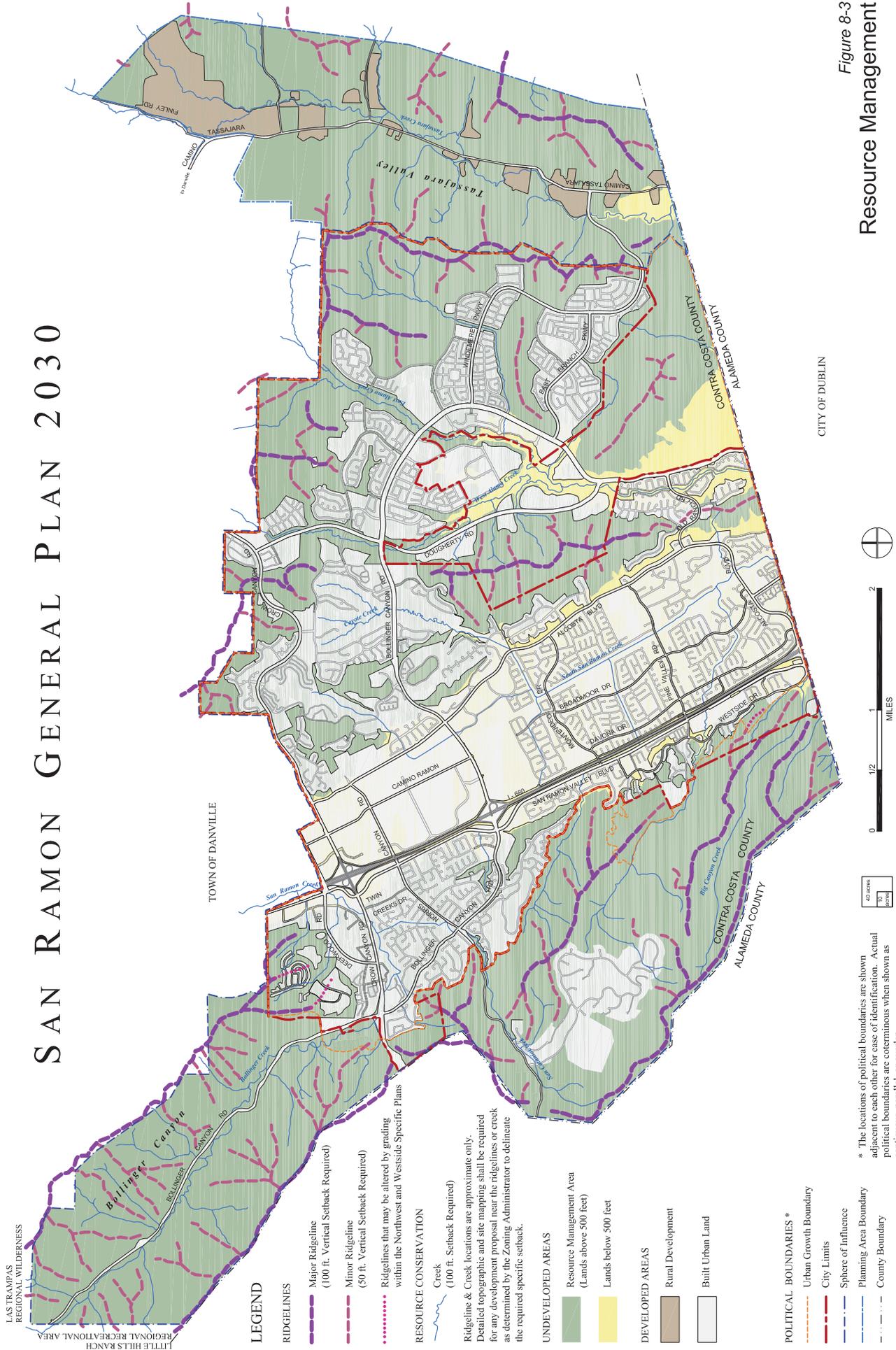


Figure 8-3
Resource Management

* The locations of political boundaries are shown adjacent to each other for ease of identification. Actual political boundaries are coterminal when shown as contiguous, parallel, or overlap.