

Final Action

☒ City Council

☐ Planning Commission



Planning Commission Meeting Agenda Report

Subject: Hillside Updates (DCA-2021-2396) to amend Chapters 8.20 and 15.52 of the Murrieta Municipal Code, and to amend the Murrieta Development Code (Title 16) for the purpose of revising and updating Chapters 16.08, 16.10, 16.11, 16.12, 16.13, 16.14, 16.18, 16.22, 16.24, 16.28 and new Sections 16.24.080, entitled "Exceptions", 16.24.090, entitled "Reserved", 16.24.100, entitled "Hillside Overlay Map", and 16.24.110, entitled "Prominent Ridgelines Map"

Date: June 28, 2023

Prepared by: Christopher Tracy, AICP, Senior Planner

Reviewed by: Carl Stiehl, Interim City Planner

Approved by: Jarrett Ramaiya, Deputy Development Services Director
David Chantarangsu, AICP - Development Services Director

RECOMMENDATION

1. Find that the proposed action is consistent with the Public Resources Code Section 21000 et. Seq. (the California Environmental Quality Act (CEQA)) pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations (CEQA Guidelines), Section 15162 for the reasons specified in this report; and
2. Receive public comments; and
3. Adopt a Resolution (Attachment 1) recommending that the City Council introduce and place on first reading an Ordinance for the Title 16 updates reflective of Attachment 1.3 and Attachment 1.4 (Exhibits "C" and "D").

BACKGROUND

The City adopted a General Plan in 1994 following incorporation in 1991. At that time, it was determined that all development decisions were to continue using Riverside County's Ordinance No. 348 (Zoning) until such time that the City adopted its own zoning code, provided that the County's Ordinance No. 348 was not in conflict with the General Plan. For context, Title 16 of the Murrieta Development Code (Development Code) within the Murrieta Municipal Code (MMC) is the primary instrument for implementing the City's General Plan. It provides the City's regulations for the development and use of property within the City limits and provides standards for development, subdivisions, and other related land use activities.



In August 1996, the City Council retained a design consultant to assist with the development of a new zoning code. In September 1997, the City began the adoption process for the Development Code after holding several joint Planning Commission and City Council public workshops to receive public input and to identify development standards. In early 1998, the City implemented new zoning and development standards replacing Riverside County Ordinance No. 348. The new standards included hillside development. Other than minor updates in 2003, the City's hillside development standards have remained relatively unchanged since adoption.

When the standards were initially adopted, they were applied on a citywide basis and not specifically to designated hillside areas within the City. Further, the City did not have the ability to identify hillside areas on its own. At some point in time, a map of the City's hillside features was created which was not codified within the MMC. The information has been utilized in the past with respect to project review, but uncertainty remained regarding its accuracy. With changes in technology, the ability exists to identify hillside areas on a citywide basis with certainty using geographic information software commonly referred to as GIS.

Additionally, over time staff discovered inconsistent standards between existing Municipal Code sections that conflict with interpretations of the current standards. For example, Staff has received feedback from applicants that the City's hillside standards and general height standards are overly complicated and have not been consistently applied.

The overall goal of these updates is to re-draft the development standards into language that is more concise and accurate for applicants and staff. With these proposed modifications, staff anticipates that proposed modifications would improve readability, resolve code inconsistencies, incorporate best practices, and simplify standards to make them more user-friendly to staff and applicants.

City Council directed staff at its annual priority goals workshop on March 29, 2022, to review the hillside development standards as there were concerns about how it was being interpreted. For reference, the City's existing hillside development standards are contained in Chapter 16.24 "Hillside Development" of the Development Code. The proposed updates were recently reviewed and approved by the Riverside County Airport Land Use Commission (Attachment 2). Lastly, a webpage was created for the proposed modifications to inform the public about the proposed changes at the following link on the City's website: <https://www.murrietaca.gov/1314/Hillside-Ordinance-Updates>.

Development Advisory Group

On August 25, 2022, staff presented an overview of proposed changes to the Development Advisory Group (DAG) to receive feedback on proposed standards. The consensus from the group was that the proposed standards will be beneficial in clarifying the applicability of hillside standards. Staff notes it also had the benefit of consultant assistance through a grant program administered by the Western Regional Council of Governments (WRCOG). Within the parameters of this grant program, staff was able to obtain updated graphic images as provided within the draft Ordinance by working with PlaceWorks, at no cost to the City.



Planning Commission Workshop 1

This item was continued from the December 14, 2022 meeting. No report or presentation was provided.

Planning Commission Workshop 2

On January 25, 2023, staff presented proposed changes to the Planning Commission in a workshop format to review the current and proposed standards ahead of a future public hearing. The purpose of this effort was to receive feedback on the more substantial issues with current MMC provisions and potential standards. Below is an overview of these **Discussion Items**:

1. Code conflicts for measuring building height, and staff's recommendation to use an specific grade reference point that accounts for topography.
2. Hillside mapping using Geographic Information Systems (GIS) software.
3. Removal of the Average Slope Calculation from the Development Code and replacement with GIS information for identification of slope contours using 2-foot contour data.
4. Ridgeline mapping using GIS software for identification of these locations and application of techniques for development screening at ridgeline locations.
5. Updated standards for retaining walls, both inside and outside hillside areas.

The other items presented by staff were potential techniques to improve the readability of the existing MMC, examples of graphics that could be incorporated, highlights of areas to resolve code inconsistencies, ways to incorporate best practices, and suggestions from staff on how to simplify the standards to make them more user-friendly to both staff and applicants.

Due to time constraints from the robust discussion from both the public and Planning Commission, there was not enough time to cover the proposed retaining wall updates. Staff will cover this in more detail within the Analysis portion of this report. Comprehensively, all of the updates for consideration which relate to the hillside development standards are included in the draft Ordinance.

Community Outreach Workshop

On April 11, 2023 at the Alderwood Park Clubhouse, staff hosted a presentation on the existing and proposed hillside standards. Staff held the workshop to obtain additional feedback from the community on the proposed hillside development standards. This additional outreach was conducted per direction from the prior Planning Commission meeting for further community input and transparency. Areas that were covered were inclusive of existing and proposed Hillside Overlay applicability, height allowances for structures, height measurement criteria, hillside slope applicability, average slope calculation, prominent ridgelines, and retaining wall criteria. Lastly, staff provided some time for questions/answers at the end of the presentation for feedback.

Overview - Greer Ranch and Copper Canyon Specific Plans

It should be noted that portions of the proposed Hillside Area Overlay cover both the Greer Ranch and Copper Canyon Specific Plans areas. For context, a Specific Plan is a planning document that implements the goals and policies of the Murrieta General Plan. Specific Plans serve as



standalone planning documents with their own unique development standards within a defined area. This would include their own development standards for hillside areas. Areas with adopted specific plans would be excluded from any changes to the hillside regulations, except where noted.

Greer Ranch

With the implementation of the Greer Ranch Specific Plan, it was described as "...the site is characterized by two valleys created by three northeast to southwest trending ridgelines. Elevations range from 1,560 to 2,160 feet above mean sea level. A highlands area is created by the hills in the northwestern portion of the Site. **Development will be primarily restricted to areas of less than 25 percent slope** (Greer Ranch Specific Plan, Page 1)." Given this standard in the specific plan, a project would avoid areas over 25 percent slope within Greer Ranch that would otherwise be considered a "Hillside Area" under the City's hillside development standards.

When reviewing projects within the Greer Ranch Specific Plan on the steeper hillside areas of the plan area, there are provisions for limited pad grading and landform grading techniques. This mirrors the same approaches as provided in the Citywide Development Code: "...The Estate Residential use areas (Planning Areas 6 and 7) are characterized by more steeply-sloped, visible hillsides, particularly in the northwest portions of the Site. Limited pad grading and other minimal grading techniques, in addition to landform grading, will be stressed in the design of development within these areas (see Exhibit 12). A key factor affecting the grading here is access, which is provided with a modified "Mountain Local" road designed to minimize grading and reduce landform impacts (Greer Ranch Specific Plan, Page 34)."

Copper Canyon

As described within the Specific Plan "...The prominent ridgelines and hillsides onsite are preserved in open space. Adherence to special hillside grading design criteria and development standards is required in the adjacent development areas to minimize and soften transitional grading impacts. (Copper Canyon Specific Plan, Page 290)."

Furthermore, "...A slope analysis of the site was prepared early in the planning process to determine the site development opportunities and constraints. The analysis evaluated slopes of 0-15%, 16%-20%, 25% and 50% with an emphasis on slopes of less than 25% as a benchmark for determining developable areas and preservation requirements. **Areas of 25% slope or greater are largely avoided.**

The preservation of visually prominent ridgelines and steep hillside areas is a major design feature of the Specific Plan, supported by a comprehensive set of hillside grading, infrastructure, land use, and landscaping design standards and guidelines (Copper Canyon Specific Plan, Page 292)." Similar to Greer Ranch, Copper Canyon would also avoid those areas considered a "Hillside Area" under the citywide development standards.

In addition, the Specific Plan does have provisions for consistency with the hillside development standards when implemented: "...Based upon a directive from the City's General Plan process a Hillside Overlay Zone (HOZ) was developed to identify prominent hillside and ridge line features of the City. The HDO establishes policies for the treatment of areas identified as being within or adjacent to the HOZ. A portion of the Copper Canyon site associated with the escarpment has been included in the HOZ and is subject to the provisions of the HDO.



To ensure that the development of the proposed specific plan will be consistent with the HDO, the portions of the project site subject to the provisions of the HDO were identified. While much of the project site is proposed for open space uses where the HOZ is identified, Planning Area 1, Planning Area 2, Planning Area 16 (the golf course), and Planning Area 18 (the golf clubhouse, under the “Golf Course Alternative”) are largely located within the HOZ (Cooper Canyon Specific Plan, Page 40).”

ANALYSIS

The following analysis covers the major proposed modifications that were previously discussed at both the Planning Commission and Community Workshops, as well as, a summary of the more non-substantive modifications.

Summary of Code Changes – Chapters 8.20 and 15.52 (For Informational Purposes Only – Limited to City Council Review) (Attachments 1.1 and 1.2):

- **Updates to Section §8.20.030 “Declaration of Nuisance”**
 - Code Enforcement Division’s request to address revegetation of sloped areas after a catastrophic event.
 - Following a catastrophic event causing a loss of vegetation (i.e. wildfire, landslide, etc.), all impacted sloped areas of a subject parcel shall be revegetated to prevent further erosion pursuant to Section 16.28.080 “Landscaping Standards”.
- **Updates to Section §15.52.020 “Definitions” for Consistency**
 - Clarification of a definition for “Hillside Area” and “Hillside Site” for consistency with the proposed updates under Chapter 16.
 - “Hillside Area,” means those areas specifically designated in a Hillside Overlay as adopted by the City.

Summary of Code Changes – Title 16 (Attachments 1.3 and 1.4):

The proposed code changes are intended to clarify existing Hillside Development regulations and applicability, remove redundancies, clarify code sections, and streamline review processes where applicable. A summary of the changes proposed is reflected below. The modifications as described below run parallel with the order of the attached Ordinance Amendment:

- **Updates to Development Standards Table Updates: Tables 16.08-3, and 16.08-4**
 - Addition of footnotes on where someone would go to find the maximum building height and if the property is within a “Hillside Area”.
 - Updates Section §16.08.020 “Residential Districts General Development Standards”, Table 16.08-03 “Residential (Single-Family) Zones General Development Standards” refers back to this footnote.



- Updates Section §16.08.020 “Residential Districts General Development Standards”, Table 16.08-04 “Residential (Multi-Family) Zones General Development Standards” refers back to this footnote.
- **Updates to Section §16.08.030.5.c “Single-family Residential Design Standards and Design Features”**
 - Provides a new cross-reference from Section §16.08.030.5.c “Single-family Residential Design Standards and Design” to Section §16.22.070(F) “Retaining Walls” for someone to locate retaining wall criteria.
- **Updates to Section §16.08.040.7.c “Multi-family Residential Design Standards”**
 - Provides a new cross-reference from Section §16.08.040.7.c “Walls” to Section §16.22.070(F) “Retaining Walls” for the centralized retaining wall criteria.
- **Development Standards Table Updates: Tables 16.10-2, 16.11-2, and 16.12-2**
 - Addition of footnotes on where to go to find the maximum building height and if the property is within a “Hillside Area”.
 - Section §16.10.020 “Commercial District General Development Standards”, Table 16.10-2 “Commercial Zones General Development Standards Requirements” refers to this footnote.
 - Section §16.11.020 “Office Districts General Development Standards”, Table 16.11-2 “Office Districts General Development Standards” refers to this footnote.
 - Section §16.12.020 “Business Park and Industrial Districts General Development Standards”, Table 16.12-2 “Business Park and Industrial Zones General Development Standards” refers to this footnote.
- **Updates to Section §16.12.030 “Business Park and Industrial Zoning Districts Design Standards”**
 - Provides a new cross-reference from Section §16.12.030.4.d “Screen Walls/Fencing” to Section §16.22.070(F) “Retaining Walls” for the centralized retaining wall criteria.
- **Development Standards Table Updates: Tables 16.13-2 and Table 16.14-2**
 - Provides footnotes on where to go to find the maximum building height and if the property is within a “Hillside Area”.



- Section §16.13.020 “Innovation District General Development Standards”, Table 16.13-2 “Innovation District General Development Standards” refers to this footnote.
- Section §16.14.010 “Purpose”, Table 16.14-2 “Special Purpose Districts General Development Standards” refers to this footnote.
- **Updates to Section §16.18.080 “Height Measurement and Height Limit Exceptions”**

Please Note: Covered Under Discussion Item 1 from 1/25/23 PC Workshop

Background:

This standard creates ambiguity as to when the City’s Hillside Development standards apply. Relatedly, Chapter 16.24 could be misapplied beyond the maximum slope height criteria as identified under Section 16.18.080 “Height Measurement and Height Limit Exceptions”. Staff is aware of an inconsistent interpretation that has been raised regarding how an applicant would measure a slope under a 14.3 percent slope (one-foot rise or fall in 7 feet). The measurement for a building pad would remain unchanged with these proposed modifications.

Planning Commission Workshop – 1/25/23:

This was presented at the Planning Commission Workshop as **Discussion Item 1**. Staff suggested the below updates as they would provide uniform standards for measuring height on a slope and pad irrespective of a given percentage. Outside of the Hillside Overlay area, the maximum height would be based on the underlying zone maximum height criteria. If a project is located within the mapped Hillside Overlay area, then a 30-foot maximum height would apply to those to those areas greater than 25 percent. The direction to staff from the Planning Commission was that this approach was agreeable for incorporation into the Ordinance amendment.

Community Workshop – 4/11/23:

This issue area was presented for a second time at the hosted community workshop. The feedback from the group was positive and felt the proposed modifications were easier to implement versus the current criteria.

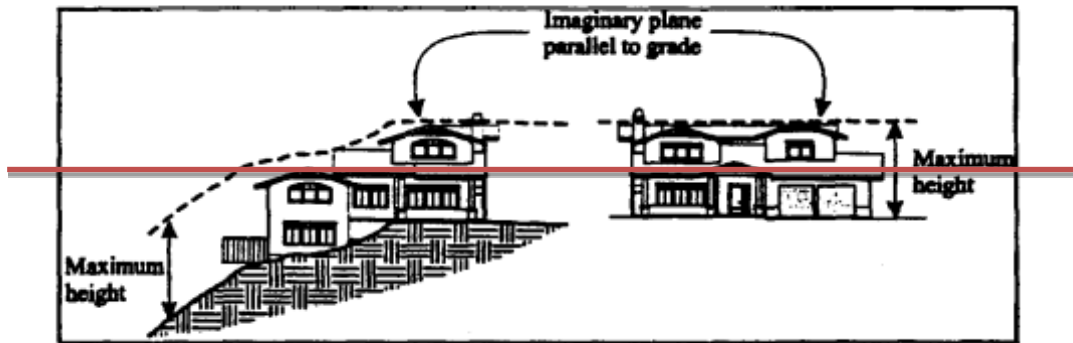
Proposed Modifications / Discussion:

Section 16.18.080 (Height Measurement and Height Limit Exceptions) of the Murrieta Municipal Code is hereby amended to read as follows:

All structures shall meet the following standards relating to height, except for fences and walls, which shall comply with [Chapter 16.22](#) (Fences, Hedges, and Walls).

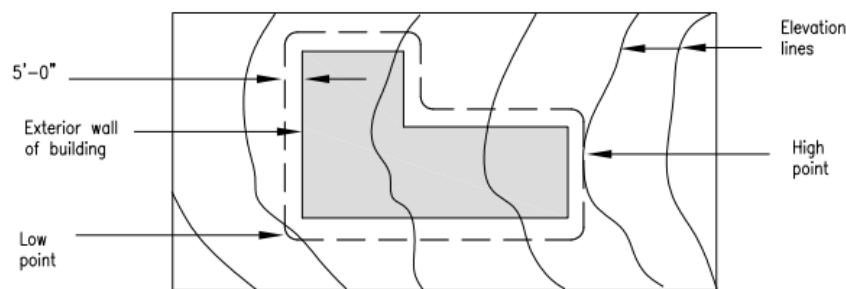
A. Maximum Height. The height of structures shall not exceed the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses) or for structures within a Hillside Area under Section 16.24.020.A. In addition, the Mmaximum height for structures on a specific parcel shall be measured as follows: the vertical distance from finish grade to an imaginary plane located the allowed number of feet above and parallel to the finish grade.

**FIGURE 3-1
HEIGHT MEASUREMENT**



1. Establishing the high point and low point on the property as reference grade points as follows:

a. A measurement is taken from the lower of existing or proposed grade, 5 feet away from the lowest grade point around the structure in accordance with Figure 16.18-1. This point shall be the low reference grade point. The highest point anywhere on the structure may not exceed the elevation of that low grade point by more than the allowable height plus the grade differential between the low point of structure and high point of structure (excluding items as detailed under Section 16.18.080(B) (Exceptions to Height Limits)), but in such case where the actual grade differential exceeds 10 feet, only a maximum of 10 feet may be added to the maximum allowable height per the zone. The measurement is the difference in elevation between the highest and the lowest adjacent ground elevation surrounding the building.

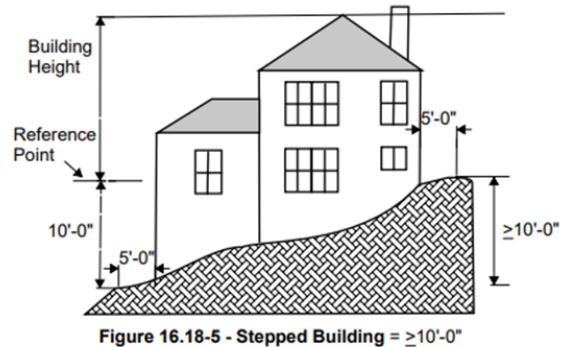
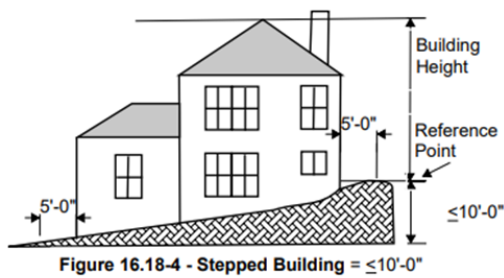
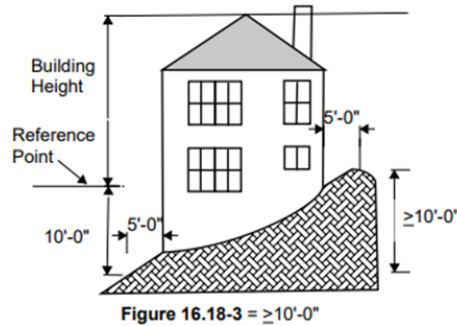
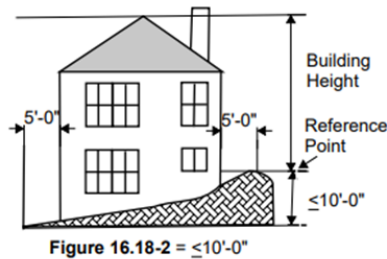


**FIGURE 16.18-1
MEASUREMENT LOCATIONS**

b. If the difference in elevation is 10 feet or less, the reference grade point is established at the highest adjacent ground elevation. See Figure 16.18-2. If the difference in elevation is greater than 10 feet, the reference grade point is established at 10 feet above the lowest adjacent ground elevation. See Figure 16.18-3. For stepped

or terraced buildings, the building height is the overall height as illustrated in Figures 16.18-4 and Figure 16.18-5.

Height Measurement on a Slope



FIGURES 16.18-2, -3, -4, -5 MEASUREMENT CRITERIA

c. For a project with a proposed pad configuration, the height of the structure measured by the vertical distance from the finished grade to the height of the roof line. See Figure 16.18-6.

- The structure height measurement is the difference in elevation between the highest and the lowest "Adjacent Ground Elevation" located five feet from the building. If the actual grade difference exceeds 10 feet, a maximum of 10 feet may be added to the maximum allowable height per the zone to accommodate areas such as crawl spaces. Additionally, staff is proposing under this scenario, chimneys, vent pipes, etc. would be permitted to exceed this limit up to 15 percent as provided currently under MMC §16.18.080.C. - "Exceptions to Height Limits." This approach reduces grading in some respects and promotes a grading design that follows natural grades.
- If the difference in elevation is 10 feet or less, the reference grade height is established at the highest "Adjacent Ground Elevation". **Figures 16.18-2 and 16.18-4.**



- If the difference in elevation is greater than 10 feet, the reference grade height is established at 10 feet above the lowest “Adjacent Ground Elevation”. **Figures 16.18-3 and 16.18-5.**
- Provides some flexibility to account for some subterranean areas that one would encounter on a sloped property (i.e. crawl space areas below a stem wall).
- Provides some flexibility for someone to have a covered elevated deck or balcony within this height envelope.
- For where there are steeper slopes, where the elevation difference is 10 feet or greater, the measurement envelope tightens as height would pull back with the slope. This would minimize the overall height.
- For gentler slopes where there is a differential of less than or equal to 10 feet, it accounts for slight variation at a building site.
- On a very steep lot, it may limit the height of the building on the highest uphill side.

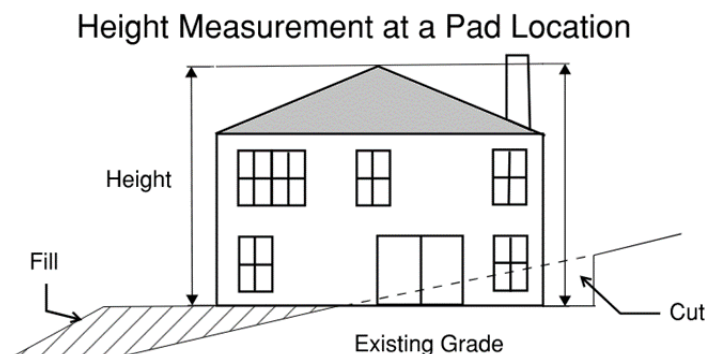


FIGURE 16.18-6
MEASUREMENT WITH PAD CONFIGURATION

~~—B. Structures on Sloping Parcels. Where the average slope of a parcel is greater than one foot rise or fall in 7 feet of distance from the street elevation at the property line, structure height shall be measured in compliance with Chapter 16.24 (Hillside Development).~~

~~—CB. Exceptions to Height Limits. Exceptions to the height limits identified in this development code shall apply in the following manner:~~

~~1. **Roof-mounted Features.** Roof-mounted features including chimneys, cupolas, clock towers, elevator equipment rooms, equipment enclosures, and similar architectural features shall be allowed, up to a maximum of fifteen (15) feet above the allowed structure height. The total square footage of all structures above~~



the heights allowed in the zoning districts shall not occupy more than twenty-five (25) percent of the total roof area of the structure. Greater height or area coverage may be allowed subject to the approval of a minor conditional use permit in compliance with [Chapter 16.52](#).

2. Parapet Walls. Fire or parapet walls may extend up to four feet above the allowable height limit of the structure.

3. Public Assembly, Hotels, Class "A" Office and Public Structures. Places of public assembly including churches, schools, assembly halls, Class "A" office buildings greater than three (3) stories, hotels and other similar structures may exceed the established height limit by one (1) foot for every two (2) feet that the minimum required front, rear and side yard setbacks are increased. The increase in the front, rear and side yard setbacks is determined by averaging the total of the increased building setbacks at the closest point on all sides. The maximum additional height allowed is thirty (30) feet above the height limit established for the applicable zoning district. This exception shall not apply when the site is adjacent to single-family zoned property. This exception may be used in conjunction with the height exception for rooftop equipment.

4. Telecommunications Facilities. Telecommunication facilities, including antennae, poles, towers, and necessary mechanical appurtenances, may be authorized to exceed the height limit established for the applicable zoning district, subject to the approval of a conditional use permit in compliance with [Chapter 16.52](#).

5. Basement. A basement is defined as a story that has its floor surface below the adjoining finished grade as both conditioned and unconditioned space per the California Building and Residential Codes.

...

- For a proposed building pad location, the height of the building is the vertical distance from the finished grade to the height of the roof line.
 - The finished grade is a known metric and easily identifiable element.
 - This mirrors the current standard and it is a simple approach for both a project applicant and City staff.
 - This is a relatively easy standard for an applicant to show compliance with elevations and height measurements on a standard set of plans.
- **Updates Section §16.18.140.D.4.b “Setback Regulations and Exceptions”**

Please Note: Covered Under Discussion Item 5 from 1/25/23 PC Workshop

Background:

Presently, Section §16.18.140.D.4.b refers to two retaining wall standards with one standard facing outward and inward; however, it is missing some other wall components that are needed to address line-of-sight and visibility triangles, required offset for step-



back, general design criteria, and a cross-reference to retaining wall criteria in Hillside Areas.

- Makes our existing standards easier to follow for applicants and staff for retaining wall criteria.
- Applies Citywide

Planning Commission Workshop – 1/25/23:

This was presented at the Planning Commission Workshop as **Discussion Item 5**. As mentioned in the introduction, due to time constraints from the robust discussion from both the public and the Planning Commission; there was not enough time to cover the proposed retaining wall updates at the Planning Commission Workshop on January 25, 2023.

Community Workshop – 4/11/23:

This issue area was presented at the hosted community workshop. The feedback from the group was that having Table 16.18-2 and having the existing parameters consolidated into one table would be easier for staff and project applicants to follow. Having the retaining wall offset at 12 feet in height was positively received as well.

Proposed Modifications:

<u>TABLE 16.18-2</u> <u>RETAINING WALLS - NON-HILLSIDE AREAS</u>	
<u>Criteria</u>	
<u>Facing Outward Within Front or Street-Side Setback</u>	<u>For residential, mixed-use locations, commercial, and industrial, retaining walls within a front yard or street-side setback shall not exceed four feet in height.</u>
<u>Facing Inward</u>	<u>Retaining walls up to six feet in height may be located within a required setback provided the exposed side of the wall faces into the subject parcel and shall incorporate landscaping to screen the wall(s).</u>
<u>Line-of-Sight Locations/Visibility Triangles</u>	<u>For any required line-of-sight locations or visibility triangles, a maximum of thirty inches in height shall be permitted.</u>
<u>Six Feet or Greater - Retaining Wall Facing Outward</u>	<u>Retaining walls six feet or greater in height shall be subject to the same setback</u>



	requirements as the main structure in the applicable zoning district and shall incorporate landscaping to screen the wall(s).
Required Offset	At twelve feet in height, a retaining wall shall be separated by a minimum of six feet horizontally to accommodate landscaping.
Design Criteria	Refer to Section 16.22.070(F) (Retaining Walls).
Retaining Wall(s) within Hillside Areas	Refer to Table 16.24-2 (Retaining Walls – Designated Hillside Areas)

Discussion:

To walk through the proposed parameters:

First, for the first row, with a retaining wall facing outward within the front or street-side setback, an applicant would be looking at a 4-foot maximum height. This would be for walls within a required front or side setback. Past the setback line, a retaining wall can be as tall a structure for that underlying zone. This is the current standard. For the second row, with a retaining wall facing inward, an applicant would be looking at a 6-foot maximum height. An example would be a parking area at a lower elevation than the street. For the third row, for any line-of-sight areas, a proposed maximum height would be thirty inches for safety issues for vehicle visibility. This is consistent with current standards for this design by engineering but just reinforced here. For the fourth row, for a retaining wall six feet or greater would be subject to the same setback requirements as the main structure. No change in comparison to the current standard. For the fifth row, staff proposes a required offset at twelve feet in height. The retaining wall offset would be separated by a minimum of six feet horizontally in width to accommodate landscaping. This situation is concerning to staff for aesthetic reasons, as it can lead to the creation of large retaining walls with hard edges without landscaping. The idea here was to provide for additional landscaping to help soften tall retaining walls as shown in the images below.



For the sixth row and fourth rows; this is just a cross-reference to the uniform retaining wall design criteria and for retaining walls in the Hillside Overlay which have their own criteria. This will be covered further within this report.

- **Minor Table Numbering Update: Table 3-3 to become renumbered Table 16.22-1**
 - Renumbers Table 3-3 to Table 16.22-1 (Maximum Height of Fences, Hedges, and Walls).
 - This would be in-line with other recent table numbering updates within the MMC.
- **Updates to Section §16.22.040 “Exceptions to Height Limitations”**
 - Minor updates to the title to note “Non-Retaining”.
 - Intention for this update is to clarify that the exceptions under this Section are applicable to non-retaining walls and not all walls.
- **Updates to Section §16.22.050 “Measurement of Fence or Wall Height”**
 - The objective here is to clarify the measurement criteria under Section §16.18.080 (Height Measurement and Height Limit Exceptions) is to utilize the standards under Chapter 16.24 for parcels located within the Hillside Overlay.
 - Provides parameters for when there is a difference in the ground level between two adjacent parcels and how that is determined.
- **Updates to Section §16.22.060 “Walls Required Between Different Zoning Districts”**
 - Clean-up of criteria and errors in the MMC with respect to wall criteria between Business Park (BP), General Industrial (GI), or General Industrial-A (GIA) Zones.



- Incorporation of Innovation (INN) Zone fencing criteria in alignment with existing wall standards. This is presently absent.
- Provides for pedestrian and vehicle access standards within the INN Zone with a few exceptions for pedestrian access.
- **New Section §16.22.070.F “Retaining Walls”**

Please Note: Covered Under Discussion Item 5 from 1/25/23 PC Workshop

Background:

It was brought to staff’s attention through internal dialog with the Planning Division that Section §16.22.070 is lacking design criteria for retaining walls; however, it covers other general wall and fencing requirements. This lack of clarity has created issues for both project applicants and City staff when reviewing a development project. To help resolve this, staff is proposing a new centralized design section.

- Makes our existing standards easier to follow for applicants and staff.
- Applies Citywide.
- Provides a variety of design choices.

Planning Commission Workshop – 1/25/23:

Similar to the other retaining wall items, this was to be presented at the Planning Commission Workshop under **Discussion Item 5**. As previously noted, there was not enough time to cover this item. Below is a synopsis of the proposed updates.

Community Workshop – 4/11/23:

This issue area was presented at the hosted community workshop. The feedback from the group was positive and the group was in agreement with the proposed modifications as presented.

Proposed Modifications / Discussion:

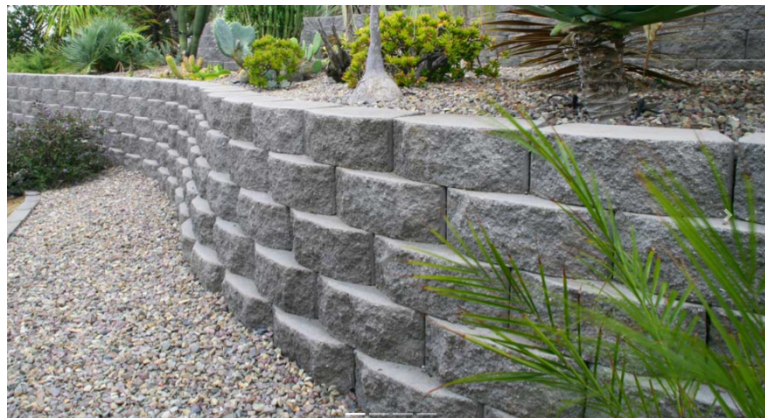
To highlight the proposed modifications:

- Providing cross-referencing of unifying standards for all zones with respect to retaining walls for design consistency under Section §16.22.070.F “Retaining Walls”.
- Retaining walls may be used to reduce grading, preserve natural, features, or increase soil stabilization.



- Crib walls, keystone, loffelstein walls, and other similar living wall systems are a design option as long as it can be demonstrated on the project plans that the walls are structurally acceptable and provisions are provided for acceptable landscaping.





Such walls would be subject to the following standards:

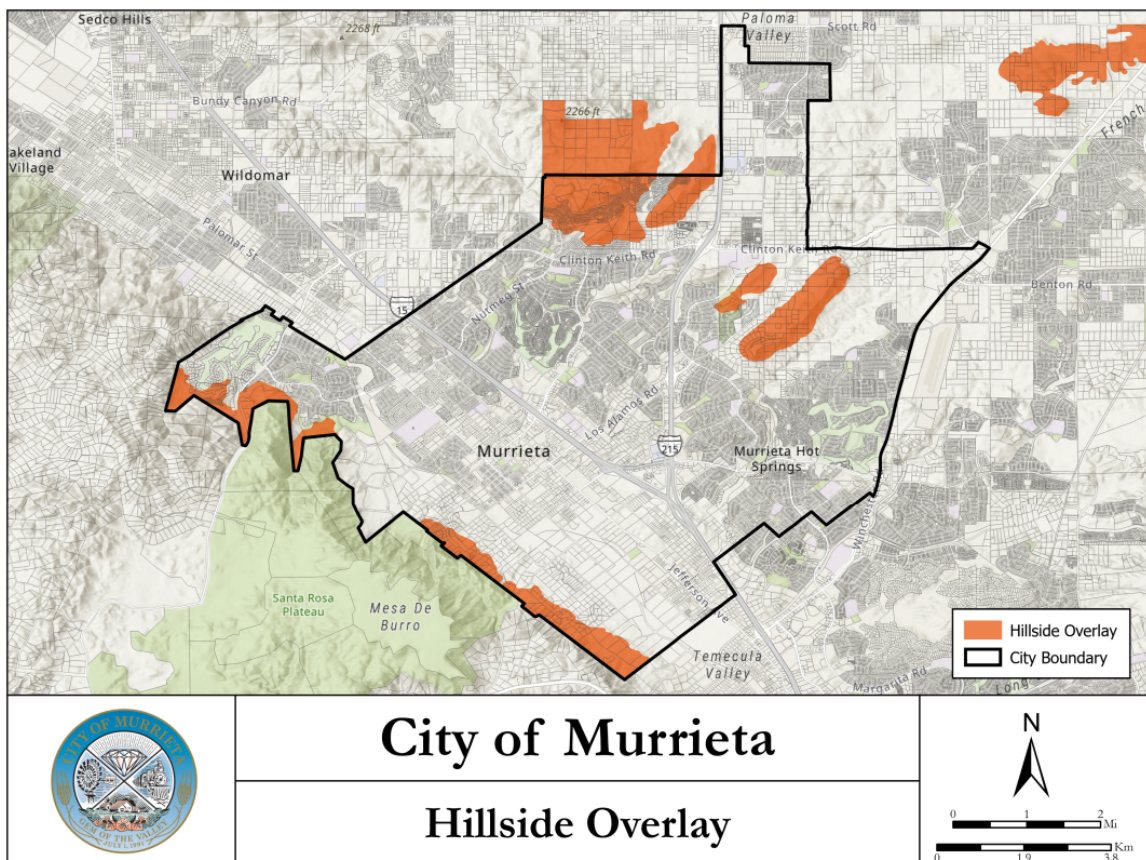
- Utilize a curvilinear slope pattern consistent with the appearance of the natural hillside terrain.
 - Be planted with landscape material suitable for the climate and wall exposure relative to the sun.
 - The color palette and materials selected for the retaining wall would be required to blend in with the adjacent hillsides and landscape plant palette.
 - Walls and fences would incorporate materials and colors used with adjacent structures. All materials used to construct the retaining wall(s) would consist of either: native stone, poured-in-place concrete, precast concrete block, color treated, textured or veneered to blend in with the surrounding natural colors and textures of the existing landscape and native plant materials.
 - Walls and fencing visible from the public right-of-way would be designed to provide variation in placement, use of planters, differing materials, and modulation of the wall plane.
 - Walls and fences would follow landform grading shapes and contours.
 - Use of tubular steel or wrought-iron safety fencing may be necessary in conjunction with these wall locations for landscape safety maintenance personnel. Placement shall be consistent with the California Building Code and related codes.
- **Minor Modifications to Section §16.24.010 “Purpose”**
 - Minor typographical updates with capitalization and italicizes to reference a given definition.
 - **Updates to Section §16.24.020 “Applicability”**



Please Note: Covered Under Discussion Item 2 from 1/25/23 PC Workshop

Background:

The issue is MMC §16.24.060.A under “Hillside Slope Categories” applies the “Hillside Condition” to all natural slopes within the threshold of 25% slope up to 50% slope throughout the City (no development is permitted on slopes over 50%). Staff understands that the intent of this original criteria was for it to be limited to mapped areas (see below image and Attachment 3) within the Hillside Overlay, not on a citywide basis. The other issue is that this map was never codified within the MMC, which should have been the case for ease of reference for project review for both City staff and project applicants.



Planning Commission Workshop – 1/25/23:

This was presented at the Planning Commission Workshop as **Discussion Item 2**. Staff suggested the following updates to limit the applicable criteria to those mapped area within the Hillside Overlay that are 25 percent or greater area and utilize the City’s GIS to have this mapped at two-foot contours for project review. Planning Commission concurred with this approach.



Community Workshop – 4/11/23:

This issue area was presented for second time at the hosted community workshop. The feedback from the group was positive and felt the proposed modifications to have this mapped and codified within the MMC would work with consensus from the group.

Proposed Modifications / Discussion:

Staff believes with implementation of the following modifications it will bring clarity to the issue:

- Utilization of Geographic Information System (GIS) for identification of mapped “Hillside Areas”.
- Updates to MMC which address the existing discrepancy with a 20 percent slope being referenced, versus the 25 percent slope as described for the Hillside Overlay Area. This has been a key issue of misunderstanding and applicability in the past with respect to project review.
- Updates to Section §16.24.020. The updates here help clarify that hillside overlay criteria only applies to those areas that are located within the Hillside Overlay.



- **Updates to Section §16.24.030 “Definitions”**

Removal of Average Slope Calculation

Please Note: Covered Under Discussion Item 3 from 1/25/23 PC Workshop

Background:

As part of the definitions updates it has been brought to staff’s attention the below calculation may have been misinterpreted or misapplied for determining a slope.



~~**Slope, Average.** The method of determining average natural slope of land using the following equation:~~

~~$$\frac{I \times L}{A} \times .0023$$
 where~~

~~————— A~~

~~I = Contour interval in feet.~~

~~L = Combined length in feet of contour lines measured on the project site.~~

~~.0023 = A constant that converts square feet into acres and expresses slope in percent.~~

~~A = Project site area in acres.~~

Planning Commission Workshop – 1/25/23:

This was presented at the Planning Commission Workshop as **Discussion Item 3**. Staff suggested the removal of this formula. This was based on the fact that with today's technology, this formula is no longer necessary by using the City's GIS using two-foot contours. The Planning Commission concurred with this approach.

Community Workshop – 4/11/23:

This issue area was presented for a second time at the hosted community workshop. The feedback from the group was positive and they felt the removal of the formula from the MMC would work.

Proposed Modifications / Discussion:

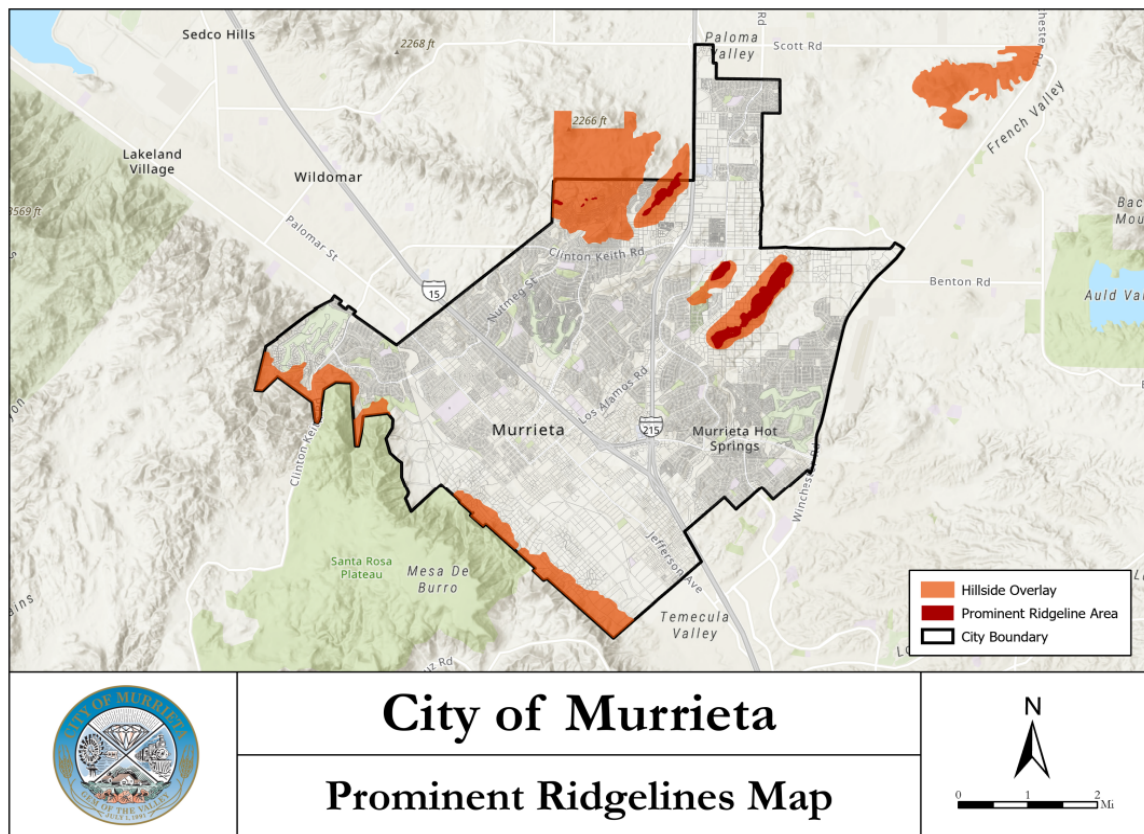
The proposed modifications would remove this formula. As mentioned within the introduction portion of this discussion item, with today's technology, this formula is no longer necessary in the MMC and the slope criteria can be mapped utilizing the City's GIS service using two-foot contours. This will be beneficial to project applicants and City staff in reviewing projects since it simplifies the analysis.

Prominent Ridgeline Updates – Part 1

Please Note: Covered Under Discussion Item 4 from 1/25/23 PC Workshop

Background:

An issue that has come is the misapplication of Prominent Ridgelines. The Definitions section currently provides very vague language in defining where these locations are. This lack of clarity could create issues for both project applicants and City staff when reviewing a future project that lies within these areas. A potential solution would be to identify these locations within the Prominent Ridgelines Map (See below image and Attachment 4) and more precisely on the City's GIS.



Planning Commission Workshop – 1/25/23:

This was presented at the Planning Commission Workshop as **Discussion Item 4**. With these updates, there was some concern from residents that have property within the Los Alamos Hills area by having this mapped, it may limit future development at these locations. Their contention was that it should only apply to those mapped areas that are conserved for open space and not to existing developed ridgeline properties within the Hillside Overlay. From this dialog, Planning Commission directed staff to host a community workshop to discuss this item further with residents. The last takeaway from this was that the Planning Commission was in favor of using GIS technology to have these areas mapped and codified within the MMC.

Community Workshop – 4/11/23:

This discussion item was presented at the hosted community workshop. The feedback from the group was much the same as Planning Commission. Again, it was noted that these locations should only apply to those mapped areas that are conserved for open-space and not to existing developed ridgeline properties within the Hillside Overlay.

Proposed Modifications / Discussion:



With these updates, staff does not foresee by having these locations mapped using both GIS and codified within an MMC, it would result in a barrier to future development at these locations. It will be a helpful tool for site analysis for both City staff and project applicants with respect to these locations when reviewing future proposals. Additionally, staff is proposing enhanced landscaping at these locations which will be covered in greater detail under Section §16.24.060 "Hillside Development Standards" within this report.

Other Definition Updates

- Provides new definitions consistent with other portions of the MMC including "City", "City Engineer", "City Manager", and "Director".
- Corrects/updates existing definitions consistent with other portions of the MMC.
- Updates provided to Figure 16.24-1 (Slope Examples) with the inclusion of a new 4:1, 25 percent slope example and clearer graphics.
- **Updates to Section §16.24.040 "Application Submittal Requirements"**
 - Updates to Section §16.24.040. This covers existing standards for the submittal of a natural features map, a conception grading plan, a drainage map, a slope analysis map, slope profile drawings, data sources, provisions for a geotechnical report, objective design guidelines, criteria for when no grading is required, and additional information that may be needed.
 - The proposed language is moving from a subjective interpretation to objective standards. This is consistent and required with recent State housing legislation.
- **Updates to Section §16.24.050 "Project Review Procedures"**
 - Cross-referencing to the Hillside Overlay Map for applicability.
 - Clarification of "Commission" to mean "Planning Commission".
 - Updates with referencing to objective criteria consistent with recent State housing legislation, versus existing subjective criteria and requirements.
- **Updates to Section §16.24.060 "Hillside Development Standards"**

Retaining Wall Updates – Part 2

Please Note: Covered Under Discussion Item 5 from 1/25/23 PC Workshop

Background:



Similar to the approach for covering the updates proposed under the Citywide retaining walls updates which was covered earlier within this report, staff is suggesting the addition of a new table to make both the existing and proposed standards easier to follow for applicants and staff within 25 percent or greater areas within the mapped Hillside Area overlay.

E. Walls and Fences.

<u>TABLE 16.24-2</u> <u>RETAINING WALLS – DESIGNATED HILLSIDE OVERLAY</u> <u>AREAS</u>	
<u>Criteria</u>	
<u>Up to Three Feet Within Front or Street-Side Setback</u>	<u>Walls within the required front yard or street-side setback shall not exceed three feet in height, shall be separated by a minimum of three feet, and shall incorporate landscaping to screen the wall(s).</u>
<u>Line-of-Sight Locations/Visibility Triangles</u>	<u>For any required line-of-sight locations, or visibility triangles, a maximum of thirty inches in height shall be permitted.</u>
<u>Up to Six Feet.</u>	<u>Where multiple terraced retaining walls are designed to retain larger slopes, they shall not exceed six feet in height. Refer to Figure 16.24-2.</u>
<u>Over Six Feet</u>	<u>Prohibited</u>
<u>Over Six Feet and as Part of Structure.</u>	<u>Walls that are an integral part of the primary structure may exceed six feet in height; however, their visual impact shall be mitigated through <i>contour grading</i> and landscape treatment. Refer to Figure 16.24-3.</u>
<u>Required Offset</u>	<u>At six feet in height, a retaining wall shall be separated by a minimum of six feet horizontally. Refer to Figure 16.24-2.</u>
<u>Design Criteria</u>	<u>Refer to Section 16.22.070.F (Retaining Walls).</u>



~~—1. Retaining walls, not exceeding six feet in height, may be allowed to reduce grading, preserve natural features, or increase soil stabilization. Within the required front yard setback, individual retaining walls shall not exceed three feet in height.~~

~~—2. Where multiple (terraced) walls are designed to retain larger slopes they shall not exceed six feet in height and shall be separated by a minimum of six feet horizontally. A maximum of two walls shall be placed together. Walls within the required front yard setback shall not exceed three feet in height and shall be separated by a minimum of three feet and shall incorporate landscaping to screen the wall(s).~~

Planning Commission Workshop – 1/25/23:

Similar to the other retaining wall items, this was to be presented at the Planning Commission Workshop under **Discussion Item 5**. As previously noted, there was not enough time to cover this item. Below is a synopsis of the proposed updates.

Community Workshop – 4/11/23:

This issue area was presented at the hosted community workshop. The overall feedback from the group was positive and the group was in agreement with the proposed modifications as presented.

Proposed Modifications / Discussion:

The proposed standards here would apply only to designated Hillside Areas. To walkthrough the above table, for the first row above, for a retaining wall within the front or street-side setback, a 3-foot maximum height would be permitted. This reflects the current standard with the additional of the street-side criteria. For the second row, for any line-of-sight areas, a proposed maximum height would be thirty inches for safety issues. This is consistent with current standards for this design by engineering, but just reinforced here. For the third row, a 6-foot maximum height would be set for terraced walls. This is consistent with the current standard. For the fourth row, for a retaining wall over 6-feet and as part of structure may exceed six feet in height; however, their visual impact shall be mitigated through contour grading and landscape treatment. This is also consistent with the current standards. For the sixth row, at 6-feet in height, a retaining wall shall be separated by a minimum of six feet horizontally in width. This is consistent with the current standard. For the last row, this is just a cross-reference to the uniform retaining wall design criteria that was described earlier within this staff report.

Prominent Ridgelines Updates – Part 2

Please Note: Covered Under Discussion Item 4 from 1/25/23 PC Workshop

Background:



Presently, MMC §16.24.60.G provides some parameters that structures are not permitted to be closer to a prominent ridge than fifty (50) feet as measured vertically on a cross-section or one hundred fifty (150) feet horizontally on a topographic map.

~~3.—Structures shall not visually impair ridgeline silhouettes. Structures are not permitted closer to a prominent ridge than fifty (50) feet measured vertically on a cross-section or one hundred fifty (150) feet *horizontally* on a topographic map, whichever is more restrictive. Exceptions to this requirement for public facilities, utilities, and infrastructure necessary to serve the public health, safety, and welfare may be considered by the commission~~

3. In order to help address visual impacts at *Prominent Ridgelines*, use of the combination of natural occurring vegetation (trees/shrubs) and proposed landscaping shall be implemented to screen proposed structures at these locations. Additionally, any required Fuel Modification Zone and California Fire Code standards shall be considered in the design of this screening method blending with the terrain and existing vegetation.

Planning Commission Workshop – 1/25/23:

This was presented at the Planning Commission Workshop as **Discussion Item 4**. There was some concern from residents that have property within the Los Alamos Hills area that having this standard no longer makes sense as a number of properties have developed along the ridgeline areas. It was described by the residents the original intention was that it should only apply to ridgelines when the City was beginning to be developed as there was a much more naturalized context surrounding the Hillside Areas. It was suggested that if this standard were to remain should only apply to the properties located within open-space lots or other undeveloped land.

The challenge is how to balance this goal while providing property owners the ability to utilize their property; so staff suggested a few options to the Planning Commission including:

- Providing the opportunity for a landform depression/berming grading.
- Utilization of muted earth-tone colors for exterior walls and roofing with the incorporation of exterior paint and roof elements with a low reflective value.
- Utilization of natural occurring vegetation (trees/shrubs) to help screen proposed structures.

The takeaway from this dialog was with the utilization of natural occurring vegetation (trees/shrubs) to help screen proposed structures as a solution was the preferred solution for updating this existing standard.

Community Workshop – 4/11/23:

This issue area was presented at second time at the hosted community workshop. The dialog/feedback from the group was much the same as Planning Commission. Again, it



was noted with the utilization of natural occurring vegetation (trees/shrubs) to help screen structures, it would be an amenable solution for all.

Proposed Modifications / Discussion:

As proposed, staff believes with the implementation of the proposed modifications at these ridgeline locations, the end result will be largely the preservation the visual characteristics at these ridgeline locations while providing property owners the ability to utilize their property. Furthermore, any required Fuel Modification Zone and California Fire Code standards will be implemented. With the modification for enhanced landscaping at these locations, it would still meet the intent following General Plan Goals and Policies: **Land Use Goal LU-22** "Natural and visual resources are valued resources to maintain the rural character of the Los Alamos Hills." and the following corresponding **Policy LU-22.2** "Encourage new construction and landscape design that utilizes grading techniques to mimic the natural terrain." Additionally, the modifications would still meet the intent of Goal **CSV-5** "Hills and ridges are protected for their environmental and aesthetic values" and following **Policy CSV-5.1** "Promote compliance with hillside development standards and guidelines to maintain the natural character and the environmental and aesthetic values of sloped areas." All in all, future development at these locations and would involve careful siting, grading, and landscaping techniques to minimize exposure and preserve vistas of these ridgelines.

Other General Updates to Section

- Updates to Table 16.24-1 (Hillside Development Standards) for criteria.
- Updates to site design and roadway placement for consistency with current California Fire Code and City standards.





- Minor updates for cross-lot profiles which cover the building envelope for a structure on a downhill lot, the building envelope for an uphill lot, and for the building envelope at cross-lot slopes.
- Minor updates for walls and fencing criteria. Refers to Section §16.22.070.F (Retaining Walls) for additional criteria and for consistency with citywide design standards for retaining walls.
- Cross-referencing for consistency with citywide landscaping standards at sloped areas and use of drought tolerant and fire resistive landscaping materials.
- Updates for grading techniques at hillside areas, drainage improvements at hillside areas, and for public safety.
- **Updates to Section §16.24.070 Hillside Development Guidelines**
 - Minor updates for the site design and building placement of a residence at a site on a slope. Buildings are encouraged to be placed parallel to the slope and not counter to it, which is the current guidance.
 - Minor updates to roadway placement at hillside locations. Placement is encouraged to work with the terrain and not counter to it. These are the current parameters.
 - Minor updates to grading techniques which covers site situations with minimal grading, contour grading, landform grading, and drainage improvements in a more objective and naturalized manner.
 - Cross-referencing of unifying standards for all zones with respect to landscaping on sloped areas.
- **New Section §16.24.080 “Exceptions”**
 - Provide exceptions from requiring a grading permit in a Hillside Area if meets the current criteria as provided under Section §15.52.040 “Permit Exceptions”. These exceptions include exploratory excavations, installation of underground utilities, clearing and brushing when directed by the fire chief to mitigate a potential fire hazard, etc.
 - Provides exceptions from requiring a grading permit for flatwork, pools, or spas, which results in the disturbance of 50 cubic yards or less, does not require a grading permit.
 - All other activities resulting in the disturbance of 50 cubic yards or less (excluding those areas that are identified within Section 16.24.060.G “Grading”), shall require the applicant to provide a statement to that effect, which shall be filed with the City Engineer including the following information: parcel boundaries, pad elevations, on or off-site existing grade elevations, vehicular access to and from the project site with



both private and public roadways, existing utilities, and, if applicable, septic system location(s).

- **New Section §16.24.090 “Reserved”**

- Reserved blank section for future hillside updates/amendments.

- **New Section §16.24.100 “Hillside Overlay Map”**

- Codifies the Hillside Overlay Map within the MMC. This has been missing up to this point in time which has made it challenging for City staff and project applicants to reference.
- Provided that these updates are approved, staff will work with Code publisher on uploading a high-resolution image.
- This information will also be incorporated into the City’s online Geographic Information System (GIS) as a layer for future reference which will assist City staff and project applicants.

- **New Section §16.24.110 “Prominent Ridgelines Map”**

- Codifies where these locations would apply within the MMC.
- Similar to the Hillside Overlay Map as described above, provided that these updates are approved, staff will work with Code publisher on uploading a high-resolution image.
- This information will also be incorporated into the City’s online Geographic Information System (GIS) as a layer for future reference which will assist City staff and project applicants.

Conclusion

All in all, the changes proposed in this update are intended to reconcile the various code sections and achieve consistency throughout the Development Code (Title 16), as well as, the Municipal Code (Chapter 15.52) for hillside standards. With the implementation of these updates, it will bring clarity for residents and project applicants on what standards apply, and where, with respect to hillside development that is currently lacking. Lastly, with the application of the proposed modifications covered in this ordinance amendment, it will continue to preserve the visual and aesthetic quality of hillsides and ridgelines as viewed from the surrounding community and avoid and minimize site disturbance at these locations to the extent feasible.

General Plan Consistency

It should be noted that these updates will be consistent with **Conservation Element - Goal CSV-5** by maintaining that “...Hills and ridges are protected for their environmental and aesthetic values. To substantiate this determination, this ordinance update will remain consistent with **Policy CSV-**



5.1 in that it will "...Promote compliance with hillside development standards and guidelines to maintain the natural character and the environmental and aesthetic values of sloped areas. Compliance with this goal and policy will be achieved in that future projects at hillside locations will be required to utilize landform, contour, and similar grading techniques which will be designed to blend with the natural existing site contours. This will be required to be demonstrated in future grading plans. Furthermore, proposed building pads and buildings with stem wall configurations will be sited in a manner to necessitate only minimal grading and to preserve open areas of the hillside areas as much as possible. Finally, naturally occurring vegetation (trees/shrubs) will be utilized at these locations, and confirmation will be verified on landscaping plans. This will help reinforce the natural aesthetic values of a given location.

It should be noted that the updates will be also be consistent with the following goal and policies with respect to the Los Alamos Hills community: **Land Use Goal LU-22** with "Natural and visual resources are valued resources to maintain the rural character of the Los Alamos Hills" and implemented with the following policies: **LU-22.1** "Encourage the preservation of natural and visual resources within Los Alamos Hills, such as rock outcroppings and scenic views of the local hills and valleys, to the greatest degree practicable" **LU-22.2** "Encourage new construction and landscape design that utilizes grading techniques to mimic the natural terrain"; and **LU-22.3** "Encourage development that minimizes impacts to existing water courses, mature trees, and natural features as much as possible. In those cases that these areas/features are impacted, the final design should provide adequate mitigation on-site and/or in nearby areas." Projects in Los Alamos Hills will also be required utilize landform, contour, and similar grading techniques which will be designed and implemented in a manner to blend with the natural existing site contours which will be consistent with the description of LU-22.2. Lastly, projects in Los Alamos Hills will be placed in a manner to that minimizes impacts to natural features as much as possible to the community and mitigation for impacts will be assessed on project-level basis through CEQA review which is consistent with LU-22.1 and LU-22.3.

Moreover, the modifications for the utilization of naturalized landscaping for aesthetic purposes at hillside areas will be consistent with the following goal and policy: **Goal CSV-9** "A community that promotes the growth of an urban forest and water-efficient landscaping, recognizing that plants provide natural services such as habitat, storm water management, soil retention, air filtration, and cooling, and also have aesthetic and economic value" and **Policy CSV-9.6** "Maintain a guide to preferred trees, shrubs, and ground cover plants of noninvasive species, or refer private parties to an existing guide that meets City needs to assist private landscaping efforts." Implementation of this policy supports our fire resistant standards for vegetation planting, maintenance, and for public safety for hillside development proposals as reviewed by Murrieta Fire & Rescue.

ENVIRONMENTAL DETERMINATION

The proposed action was reviewed for consistency with the citywide Comprehensive Development Code in 1998. These standards were originally evaluated and implemented under the adopted Negative Declaration for implementation of the Comprehensive Development Code on October 28, 1997. These updates have been evaluated for consistency for the current "Project" proposal utilizing this Negative Declaration and the Murrieta General Plan Final FEIR and Subsequent SEIR in 2021 (SCH No. 2010111084), by the City of Murrieta, in accordance with Public Resources Code Section 21166 and California Environmental Quality Act (CEQA)



Guidelines Section 15162. Based on this evaluation, Staff determined the project would not result in new impacts or changed circumstances that would require a new environmental document and the previous environmental document adequately covers these modifications (Attachments 5 and 6).

NOTICING

The Project was noticed in compliance with Section 16.76 of the Development Code, including sending the notice to all properties that lie within the Hillside Area Overlay and publication occurred within a newspaper a minimum of 10 Days prior to the hearing and posting of the agenda (Attachment 7).

ATTACHMENTS

1. Hillside Updates (PC Resolution)
 - 1.1 Ex. A - Draft Ord. – Title 8 And 15 - Strike_Undl. (For Info. Purposes Only)
 - 1.2 Ex. B - Draft Ord. – Title 8 And 15 - Clean (For Info. Purposes Only)
 - 1.3 Ex. C - Draft Ord. – Title 16 - Strike_Undl
 - 1.4 Ex. C - Draft Ord. – Title 16 - Clean
2. Riverside Co. Airport Land Use Commission, Approval Letter, June 2, 2023
3. Hillside Overlay Map Exhibit
4. Prominent Ridgelines Map Exhibit
5. Hillside Ordinance Updates 15162 Consistency Analysis
6. Hillside Ordinance Updates Subsequent NOD
7. Public Notice