



CITY OF MURRIETA

City Council Meeting Agenda

Report

8/15/2023
Agenda Item No. WS1.

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: David Chantarangsu, AICP Development Services Director

PREPARED BY: Chris Tracy, AICP Senior Planner, Advanced Planning

SUBJECT: Hillside Updates Workshop (DCA-2021-2396) - Ordinance Overview

RECOMMENDATION

Receive the presentation by staff and discuss and provide direction of policy options under a proposed ordinance framework; and

Receive public comments.

PRIOR ACTION/VOTE

On March 29, 2022, the City Council directed staff to review the hillside development standards (Non-Action Item).

On June 28, 2023, the Planning Commission recommended the introduction and first reading of an Ordinance providing Hillside Updates amending Murrieta Municipal Code Chapters 8.20, 15.52, and updating portions of Title 16 (Vote 4-0-1).

CITY COUNCIL GOAL

Maintain a high performing organization that values fiscal sustainability, transparency, accountability and organizational efficiency.

BACKGROUND

The City of Murrieta (City) adopted a General Plan in 1994 following incorporation in 1991. At that time, it was determined that all development decisions were to continue to use Riverside County's Ordinance No. 348 (Zoning) until such time that the City adopted its own zoning code, provided that Ordinance No. 348 was not in conflict with the City's 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 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 now exists to identify hillside areas on a citywide basis with certainty using geographic information software, commonly referred to as GIS.

Over time, staff also discovered inconsistent standards between existing MMC 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 they 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 MMC Chapter 16.24 "Hillside Development". 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>.

As with prior workshops, a courtesy notice was distributed to interested parties through email, social media channels, the Press-Enterprise, and posted to the City's website.

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.

Planning Commission - Workshop 1

On December 14, 2022, this item was continued. 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 code provisions and potential standards.

Below is an overview of the discussion items:

1. Code conflicts for measuring building height and staff's recommendation to use a specific grade reference point that accounts for topography;
2. Hillside mapping using GIS software;

3. Removal of the Average Slope Calculation from the Development Code and replacement of the formula by relying on GIS data using 2-foot contour intervals;
4. Ridgeline mapping using GIS software for identification of these locations and application of techniques for development screening at ridgeline locations; and
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 requirements, 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 standards to make them more user-friendly to both staff and applicants.

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 Workshop 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 the opportunity for questions/answers at the end of the presentation for feedback.

Planning Commission - Ordinance Introduction

On June 28, 2023, the Planning Commission considered the Development Code updates. Staff provided a presentation covering the same main discussion items as described above from the Planning Commission Workshop 2 held on January 25, 2023. Prior to opening the public hearing, a letter from an affected resident was also read into the record by staff and discussed. There were two speakers in attendance that addressed the Commission, and both were generally supportive of the overall updates. One of the speakers expressed concerns that the proposed implementation of a Prominent Ridgeline Overlay Map may affect their future plans with respect to expansion at their property.

The Commission recommended approval of the Ordinance introduction with additional direction that "...nothing herein in the Ordinance is intended to hinder development or otherwise be inconsistent with current aesthetics and the architectural treatment for structures located at identified ridgelines or on the ridgelines map." Lastly, the Commission did not have any comments or any additional questions on the informational amendments of the MMC items as provided under MMC Sections 8.20 and 15.52. Written comments/correspondence received at the Planning Commission's hearing and shortly after, are included in Attachment 5.

Greer Ranch and Copper Canyon Specific Plans

For reference, it should be noted that portions of the proposed Hillside Area Overlay were previously mapped in covering both the Greer Ranch and Copper Canyon Specific Plans areas. These areas have since been removed to avoid confusion on applicability.

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.

Greer Ranch

Development of the Greer Ranch Specific Plan was primarily restricted to areas of less than 25 percent slope (Greer Ranch Specific Plan, Page 1). Given this approach, areas over 25 percent slope within Greer Ranch that would otherwise be considered a "Hillside Area" under the City's hillside development standards are avoided and consistent with proposed standards even though the specific plan regulations apply.

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 provided in the Development Code. The Specific Plan states "...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)."

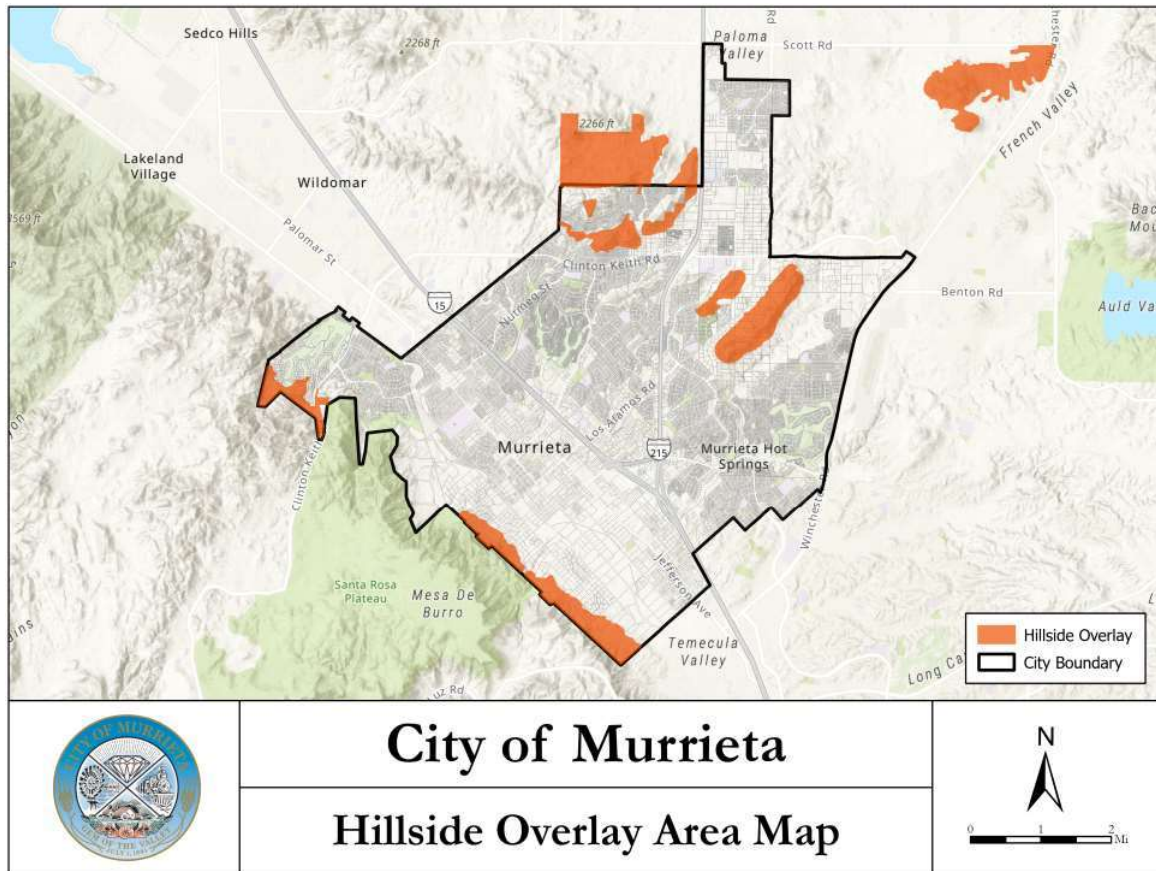
Furthermore, "...A slope analysis of the site was prepared early in the planning process to determine the site development opportunities and constraints. The analysis evaluated slopes of 0-15%, 16-20%, 25%, and 50% with an emphasis on slopes of less than 25% as a benchmark for determining developable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

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 also avoided areas considered a "Hillside Area" under the citywide development standards.

Analysis

Staff is bringing forward these updates in a workshop format to the City Council to review the proposed standards ahead of a future public hearing to walk through the more complex updates and for feedback. The purpose of this current effort to update the City's hillside standards is to improve readability and graphic exhibits, resolve code inconsistencies, incorporate best practices, and simplify the standards to make them more user-friendly to staff and applicants. Staff notes it was directed by the City Council at its annual priority goals workshop on March 29, 2022, to review the hillside development standards. The City's existing hillside development standards are contained in Section 16.24 (Hillside Development) of the Development Code.

For the discussion below, references to the Murrieta Municipal Code are noted as "MMC". Additionally, the following image, Attachment 3, Hillside Overlay Area Map contains the mapped "Hillside Overlay" areas within the City for the following discussion points.



Summary of Proposed Code Modifications - Chapters 8.20 and 15.52:

- **Updates to MMC Section §8.20.030 “Declaration of Nuisance”**
 - Code Enforcement Division’s request to address revegetation of sloped areas after a catastrophic event.
- **Updates to MMC 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.

Summary of Proposed Code Modifications (Substantive Items) - MMC Title 16:

Below is a summary of the more substantive modifications as proposed under MMC Title 16. Related to this, for easy cross-referencing with respect to the overall proposed updates, staff has included an “Overview of Proposed Modifications” as provided in Attachment 1. Lastly, as provided in Attachment 2, a “Strikeout-Underline” version of the proposed amendments is included for further detail.

- **Updates to MMC Section §16.18.080 “Height Measurement and Height Limit Exceptions”**
 - Fixes an existing inconsistent interpretation of how an applicant would measure a slope with the implementation of a new method for measuring on a slope and a pad.

- **Updates MMC Section §16.18.140.D.4.b “Setback Regulations and Exceptions”**
 - Updates to general retaining wall standards with other 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.
- **New Section MMC §16.22.070.F “Retaining Walls**
 - There is currently a lack of specifics for retaining walls. Proposed updates address this through design choices/techniques.
- **Updates to MMC Section §16.24.020 “Applicability”**
 - Updates address the current issue with the applicability of Hillside Areas on a citywide basis versus having it mapped to a defined area which was the original intention.
- **Updates to MMC Section §16.24.030 “Definitions”**
 - Removal of Average Slope Calculation and utilization of the City’s Geographic Information Systems (GIS) to ensure consistent review of slopes within a Hillside Area.
 - Defines where Prominent Ridgelines are located with the implementation of a codified Map (Attachment 4) and use of the available City’s GIS to ensure a consistent review.
- **Updates to MMC Section §16.24.060 “Hillside Development Standards”**
 - Retaining Wall Updates for Hillside Areas, similar to updates described above.
 - Prominent Ridgelines Updates with the incorporation of landscaping techniques.

Other Updates from the Proposed Ordinance:

Please see Attachment 2 for the other proposed amendments (non-substantive) in detail. In summary, these are:

- Table Footnote Updates and Hillside Areas;
- Retaining Wall Cross-Referencing;
- Table renumbering of Table 3-3 to Table 16-22-1;
- 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;
- Updates to Definitions under MMC 16.24;
- Minor cleanup of Project Review Procedures under MMC 16.24;
- Roadway placement consistent with CA Fire Code and graphical updates for building envelopes;
- Hillside Landscaping updates under MMC 16.24 and use of drought tolerant and fire resistive materials;
- Minor updates to grading techniques - Minimal, Contour, and Landform; and
- Exceptions from grading permit under MMC 16.24 - Exploratory Excavations, Installation of Underground Utilities, Clearing and Brushing, and minor site work

Conclusion

The changes proposed in this update are intended to reconcile the various code sections and achieve consistency throughout the Development Code, and MMC Sections 8.20 and 15.52 for hillside and related standards. With the implementation of these updates, clarity will be added for residents and project applicants regarding applicable standards. Lastly, with the application of the proposed modifications covered in this ordinance amendment, the City will continue to require development to consider 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 as described in the City's adopted General Plan.

General Plan Consistency

- The proposed updates are consistent with the General Plan Land Use Element in that: "A key component of the Land Use Element is the Land Use Policy Map, which depicts the location of the permitted type and density/intensity of all land uses within the City. Other components include a summary of existing land uses in the City, quantification of 2035 buildout, and the fundamental goals and policies that provide the framework for land use planning and decision making in the City."
 - The following community priorities relate most directly to implementation of this element: "...Protect the natural beauty of the mountains, hills, and waterways."
- It will also be consistent with the Conservation Element in that updates will complement the following statement: "...Murrieta's hills and ridges offer scenic and biological values and are considered to be a community treasure. The City has regulations that protect hillside topography and scenic characteristics and prevent slope erosion and seeks to preserve habitat areas such as the foothills of the Santa Ana Mountains under the MSHCP."
- Furthermore, the updates will be harmonious with Conservation Element - GOAL CSV-4 in that the design parameters for drainage areas in hillsides will consider: "Restoration of the natural function and aesthetic value of creeks, while providing flood control measures and opportunities for recreation", and related implementing Policy CSV-4.2.
 - Policy CSV-4.2 "Consider alternatives to hard-lined bottoms and side slopes within flood control facilities, where technically feasible" in that projects in Hillside Areas will be designed in a manner to work with natural watercourses and natural side slopes.
- The updates are relatable to Goal CSV-5 by maintaining that: "Hills and ridges are protected for their environmental and aesthetic values", and related implementing Policy CSV-5.1. To substantiate this determination, this ordinance update will remain consistent with Policy CSV-5.1 and the following discussion.
 - 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."

Compliance with the above-described goals and policies 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 also be relatable with the following goal and implementing policies for 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 all of 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 to 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 that minimizes impacts to natural features, and mitigation for impacts will be assessed on a project-level basis through CEQA review which is consistent with LU-22.1 and LU-22.3.

The modifications for the utilization of naturalized landscaping for aesthetic purposes at hillside areas will be achieved 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, stormwater management, soil retention, air filtration, and cooling, and also have aesthetic and economic value” and implementing Policy CSV-9-6.

- 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 the above policy is supported through the City’s specifications for fire-resistive standards for vegetation planting, maintenance, and for public safety for hillside development proposals as reviewed by Murrieta Fire & Rescue.

FISCAL IMPACT

None.

ATTACHMENTS

- 1) Overview of Proposed Modifications
- 2) Draft Ordinance - Title 16 - Strikeout-Underline
- 3) Hillside Overlay Map Exhibit
- 4) Prominent Ridgelines Map Exhibit
- 5) Correspondence