



# P A C I F I C A D I R E C T

The City provides this Fact Sheet relating to the **Hillside Preservation District** as a courtesy to the public and to assist the public in understanding certain basic information about the general review process for development projects. This Fact Sheet is not intended to provide legal advice nor is it intended to be relied upon as the process for any specific project.

## Hillside Preservation District (HPD) Fact Sheet

This document provides information on the Hillside Preservation District (HPD) and answers common questions about development projects in the HPD. Frequently Asked Questions (FAQs) are included in this document.



### HISTORY

The **Hillside Preservation District (HPD)** is an overlay zoning district and was first enacted by the City Council in 1972. It is codified in [Pacifica Municipal Code \(PMC\) Title 9, Chapter 4, Article 22.5](#). The HPD overlay zoning district is applied to certain properties within the City of Pacifica and is in addition to other zoning district classifications assigned to those properties.

The City Council made several amendments to various sections within Article 22.5 in the years following its enactment, beginning in 1975, then again in 1976 and 1977, and most recently in 1982. In 1993, the voters of Pacifica enacted the *City of Pacifica Growth Management Ordinance* that included a voter approval requirement to rezone any land out of the HPD overlay zoning district. The *Growth Management Ordinance* also included a voter approval requirement for any future changes to the HPD standards.

There have been no amendments to the HPD standards since the *Growth Management Ordinance's* enactment in 1993.

### Common Questions

- Q:** *What is the City doing to make the HPD development review process more transparent to the community?*
- A:** *The Planning Department has heard the community's requests for more information about the HPD overlay zoning district. We have updated our development permit application form to require a specific, consolidated plan sheet with all potential coverage areas applicable to the HPD limit, in order to minimize the potential for discrepancies between plan sheets. We are also adding a greater level of detail regarding HPD regulation in Article 22.5 to the analysis in staff reports to provide a clearer picture of how the City has evaluated HPD compliance on each project located within the HPD overlay zoning district, including as it pertains to any exceptions from HPD coverage that staff believes may apply.*

## PURPOSE AND INTENT

The HPD has more than a dozen stated objectives listed in PMC Sec. 9-4.2252. In general, the HPD's purpose and intent is to protect hillsides by carefully regulating development and ensuring outstanding and innovative project design. The HPD encourages clustering the concentration of dwellings and other structures to limit the amount of hillside area disturbed by development while ensuring maximum safety in potentially hazardous hillside areas.

**The HPD is intended to discourage the development of ridgelines**, except when a ridgeline is the only buildable portion of a property or when development of other portions of a property would significantly frustrate other purposes of the HPD.

The HPD is also intended to allow the reasonable use of hillside lands consistent with the objectives in Article 22.5 in such a manner so as not to be confiscatory (which is explained further below).

## PROCEDURES

The HPD regulates development through two main mechanisms: **rezoning** to the P-D (Planned Development) zoning district and **coverage controls**.

### Rezoning

Any development project within the HPD overlay zoning district requires City Council approval of rezoning from the underlying zoning district to the P-D (Planned Development) zoning district. This rezoning does not remove the HPD overlay. A rezoning request must first be considered by the Planning Commission which will submit a written recommendation to the City Council. The P-D zone also requires concurrent approval of a Development Plan and Specific Plan pursuant to PMC Title 9, Chapter 4, Article 22.

A Development Plan identifies the uses allowed within a P-D zone while a Specific Plan contains the detailed site layout and architecture for a property in the P-D zone. The Planning Commission must also submit a written recommendation to the City Council regarding the approval of a Development Plan. The Planning Commission may approve a Specific Plan application without City Council action.

**Q:** Who determines the average percent of natural slope of a site (S)?

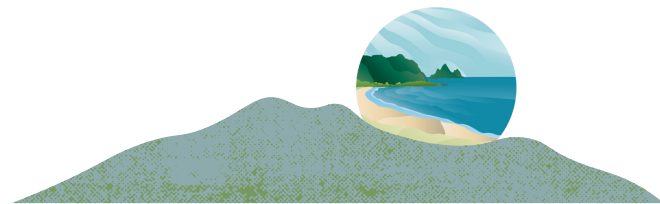
**A:** A project applicant must submit a survey of the project site prepared by a licensed surveyor or registered professional engineer to demonstrate the elevation contours. The City may perform a peer review of this information as necessary to ensure compliance with Article 22.5.

**Q:** If coverage (C) ends up at 0%, does that mean nothing can be developed?

**A:** Article 22.5 provides that the intent of the land coverage control formula in the HPD is to allow the reasonable use of hillside lands consistent with the objectives of Article 22.5 in such a manner so as not to be confiscatory. The City must analyze a number of factors to ensure compliance with this provision including, but not limited to, whether the site is a legal lot and whether the project may qualify for a variance under [PMC Title 9, Chapter 4, Article 34](#).

**Q:** What does "confiscatory" mean under the HPD regulations?

**A:** The HPD regulations do not define the term confiscatory. However, the City has interpreted this term in the land use context in which it is used to assure that the City does not deprive a property owner of all economic use of their property. The term confiscatory aligns with the land use planning principle of a taking. That is, to unconstitutionally deprive a property owner of all economic use of property either by physically occupying property or, in this case, through application of a regulation (i.e., a regulatory taking), without just compensation. Thus, the HPD includes provisions to ensure a property owner is not deprived of all economic use of its property solely on account of the HPD coverage limitation or other HPD provisions.



## PROCEDURES CONT'D

There are some limited exceptions to the rezoning requirement, including but not limited to, properties that are zoned as A (Agricultural).

### Coverage Controls

Article 22.5 establishes a maximum allowable land coverage (C) based on the average percent of natural slope of the site (S) in the HPD overlay zoning district, which is based on the following formula:

$$C = 40 - \frac{S^2}{35}$$

Coverage (C) includes all areas of the site occupied or covered by buildings, pavement, and grading, except for recreation facilities and active recreation areas which can be utilized by all residents of the development.

The average percent of natural slope of the site (S) is calculated by applying a formula based on the elevation contour interval (not more than 10 feet), the length of those contours, and the area of the site. The maximum allowable coverage (C) may be awarded to a project which represents outstanding and innovative design, site planning, and engineering techniques and strongly achieves the objectives of Article 22.5. A project which to some lesser extent meets the above stated requirement may be awarded less than the maximum allowable coverage (C).

Regardless of the land coverage controls, a minimum of 200 square feet of usable recreational open space per dwelling unit must be provided for each dwelling unit in accordance with Pacifica Municipal Code section 9-4.2257.

## OTHER COMPONENTS

Article 22.5 also includes a parking and streets component that regulates development.

Article 22.5 sets specific minimum standards for parking and street widths within the HPD overlay zoning district. The amount of required parking in the HPD is generally greater than in non-HPD areas. The minimum street widths in the HPD range from 26 feet wide with a 6-foot wide sidewalk for a local street, to 48 feet wide with no sidewalk for a major thoroughfare.

**Q:** *Has the City ever approved a project where coverage (C) was 0%?*

**A:** *Yes. The City has approved variances for projects in the HPD overlay zoning district, including some variances for development where coverage (C) was 0%.*

**Q:** *What happens if a site has previously been graded or otherwise disturbed?*

**A:** *Article 22.5 does not address situations where a site is no longer in its natural state. The City has approached this situation by applying the HPD coverage control to the project site in its condition at the time of the development application unless the City has record of a prior HPD approval.*

**Q:** *Can someone return to the City after an HPD approval and be awarded more coverage?*

**A:** *For a site that had a previous HPD approval, the City would compare the new request against its records from the original approval in relation to the prior average percent of natural slope of the site (S). If an owner previously utilized all coverage (C) then no additional coverage remains for additions or other project expansions. If unused coverage (C) remained, then the City could determine if circumstances warrant additional coverage (C) under the HPD coverage controls. A variance to exceed the coverage (C) control can only be approved if the findings for approval of said variance can be supported under [PMC Title 9, Chapter 4, Article 34](#).*

**Q:** *What is a variance?*

**A:** *A variance is an exemption granted by the City from one or more standards contained in a zoning ordinance. Pursuant to [PMC Section 9-4.3401](#), where practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of Chapter 4 (Zoning) may result from the strict application of that Chapter, a variance may be granted, provided, however, such procedure may not be used to change the use of land. The granting of a variance requires that the City make the findings specified in [PMC Section 9-4.3404\(a\)](#). Approval of a variance requires careful consideration of facts applicable to a particular property and can only occur after a public hearing.*