

Planning Commission Staff Report

January 23, 2013
Item 6.a.

- SUBJECT:** P12-1796
- APPLICANT:** City of Pleasanton
- PROPERTY OWNERS:** Various owners
- PURPOSE:** Application to amend Title 18 (Zoning) of the Pleasanton Municipal Code to create Chapter 18.70 Ridgeline and Hillside Protection and Preservation, development standards and review procedures for development proposed in the hillside areas of the City.
- GENERAL PLAN:** Various.
- ZONING:** Various.
- LOCATIONS:** Hillside and ridgeline areas within and surrounding the City.
- EXHIBITS:**
- A. Draft Amendment to Title 18, for Chapter 18.70 Ridgeline and Hillside Protection and Preservation, dated January 23, 2013.
 - B. City Council Special Meeting staff report, dated November 27, 2012, analyzing implementation options for Measure PP provisions.
 - C. Minutes of the City Council special meeting of November 27, 2012.
 - D. "Analysis of the Impacts and Effects of the 'Save Pleasanton's Hills & Housing Cap Initiative,'" prepared by staff dated June 11, 2008.
 - E. Minutes of the City Council public hearings held on May 20, 2008, June 26, 2008, and June 17, 2008.
 - F. Chapter 18.76 H-P-D Hillside Planned Development District, Chapter 18.68 PUD Planned Unit Development District, and Chapter 18.78 West Foothill Road Corridor Overlay District.
 - G. Appendix J, Grading Definitions, of 2010 California Building Code.
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I. BACKGROUND

On November 27, 2012, the Pleasanton City Council held its special meeting to discuss and provide direction on the implementation of the November 2008 voter-adopted Measure PP. The City Council addressed the following items:

1. Measuring slope grades;
2. Defining the terms ridge and ridgeline;
3. Deciding if streets are structures subject to Measure PP grading limits; and,
4. Determining whether the limitations on slopes having a 25-percent grade or greater apply to manufactured slopes.

The City Council supported the staff recommended options for the above-listed items, with changes to the recommended options on streets and roads on slopes having a 25-percent grade or greater, and to manufactured slopes having a 25-percent grade or greater. The Council directed staff to prepare an amendment to Title 18, the Pleasanton Municipal Code, for a new chapter on ridgeline and hillside protection and to have the proposed amendment before the Planning Commission in January 2013.

The City Council staff report and the minutes of the special meeting are attached as Exhibit B and Exhibit C, respectively. Additional background is provided by Exhibit D, the "Analysis of the Impacts and Effects of the 'Save Pleasanton's Hills & Housing Cap Initiative,'" dated June 11, 2008, and Exhibit E, the minutes of the City Council public hearings held on May 20, 2008, June 26, 2008, and July 15, 2008 on Measure PP.

II. PROJECT DESCRIPTION

The proposed Chapter 18.70, Ridgeline and Hillside Protection and Preservation, would codify the City Council's direction made at its special meeting on the implementation of Measure PP. The proposed chapter would regulate ridgeline and hillside development in compliance to the goals, policies, and programs of the Pleasanton General Plan and to the requirements of Measure PP, which would be considered the policy required by Measure QQ.

The proposed chapter would apply to the vacant and/or underdeveloped hillside areas surrounding the City, such as west and southeast Pleasanton; and to the infill areas within the City having relatively large, potentially developable areas of hillside land. The proposed Chapter would not be applicable to the flatter areas of the City, such as the City's Bernal Park property.

III. CITY COUNCIL SPECIAL MEETING

On November 27, 2012, the City Council discussed the implementation options for Measure PP. The minutes of the City Council meeting are attached (Exhibit C). Public

comments were made by Alan Roberts, Amy Lofland, Greg O'Conner, Karla Brown, and Kay Ayala. The Council discussed the implementation options and staff recommended options identified in the attached staff report (Exhibit B). When questioned by the City Council, staff replied that:

1. A pre-existing building pad located on property having a 25-percent slope or greater could be developed if the driveway to the pad did not cross a 25-percent slope;
2. An existing lot on land area of a 25-percent slope or greater could be developed if there was adequate property area less than a 25-percent slope;
3. The definition of slope used in the staff report affirms the slope definition used in the 1996 General Plan;
4. The staff recommendations do not incorporate any aspect of the Weighted Increment Slope (WIS) used by the City's H-P-D District;
5. Specific Plans do not constitute vested rights; and,
6. The proposed Code Chapter is intended to protect hillside areas and not flat land areas, such as the Bernal Park property.

Public comments received at the City Council's special meeting generally supported the staff recommendations, with the following changes suggested to the City Council:

1. Regarding streets and roads:
That streets or roads are structures covered by Measure PP unless the street or road is intended to only provide access to a public park, trail, or similar facility and/or is covered by a previous Specific Plan and PUD Development Plan approved prior to November 2008 when Measure PP was passed;
2. Regarding slopes:
That a two-foot contour interval measured over 10 vertical feet should be used.
3. Regarding manufactured slopes:
That manufactured slopes over a 25-percent grade are covered by Measure PP and should be excluded from development.

The City Council discussed the staff recommendations, public comments, and the ability to include an exemption process within the proposed chapter for streets or roads referenced by previous PUD Development Plans and/or Specific Plans on slopes having a 25-percent grade or greater and whether manufactured slopes having a 25-percent grade or greater should be included or excluded from the developable area of a proposed development. For manufactured slopes, the Council felt that an exemption process with a public hearing should be incorporated into the proposed code chapter to

enable the City to support an exception if it was consistent with the intent of the Code chapter.

The City Council approved the following recommendations, numbered according to the numbering in the attached staff report, for incorporation into the proposed Code chapter:

- 1.a. Methodology for Determining 25-Percent Slope.
The City Council chose Option One – Calculate 25-percent slope as a specific value based on the distance between contour lines on a topographic map with the added wording that the WIS (Weighted Increment Slope) formula will not be used in the calculation of slope.
- 1.b. Methodology for Defining Contour Intervals
The City Council chose Option One – Two-foot contour intervals, provided that any reference to WIS in the methodology is eliminated from the definition.
2. Definition of Ridge and Ridgeline and the 100-Foot Setback.
The City Council chose Option Two – Define ridgeline as a continuous ground line connecting a series of hills located at their highest elevations ending at the last peak on each end of the landform. The “last peak” would be defined as the point at which the elevation of the ridgeline no longer rises in elevation, and only decreases in elevation.
3. Definition of Streets and Roads as Structures.
The City Council chose Option Three as amended – Determine that streets and/or roads and their attendant infrastructure are a structure in that they are a physical improvement on the property intended to accommodate development of residential and commercial structures and, therefore, are covered by Measure PP unless the street or road is covered by a Specific Plan or PUD Development Plan approved prior to November 2008.
4. Manufactured Slopes over a 25-Percent Grade as amended.
The City Council chose Option Two – Determine that manufactured slopes of 25-percent or greater are covered by Measure PP and are excluded from the developable area of the property, but allow for the consideration of potential exceptions on a case-by-case basis through the public review process.

IV. GENERAL PLAN

The proposed Chapter implements Measure PP and Measure QQ and complies with the policy and/or program directions of the Pleasanton General Plan including:

1. Policy 21 of the Land Use Element:
“Preserve scenic hillside and ridgeline views of the Pleasanton, Main, and Southeast Hills ridges (Measure QQ, 2008);”

2. Program 21-3 of the Land Use Element:
“Ridgelines and hillsides shall be protected. Housing units and structures shall not be placed on slopes of 25 percent or greater, or within 100 vertical feet of a ridgeline. No grading to construct residential or commercial structures shall occur on hillside slopes 25 percent or greater or within 100 vertical feet of a ridgeline. Exempt from this policy are housing developments of 10 or fewer units on a single property. Splitting, dividing, or subdividing a ‘legal parcel’¹ to approve more than 10 housing unit is not allowed (Measure PP, 2008).”
3. Policy 6 of the Open Space and Conservation Element:
“Protect all large continuous areas of open space, as designated on the General Plan Map, from intrusion by urban development (Measure QQ, 2008).”

V. DISCUSSION

Purpose and Objectives.

The purpose of the hillside and ridgeline protection standards of Chapter 18.70 would be to: preserve the predominant views of hillside and ridgeline areas; protect hillside and ridgeline areas from development; direct development away from environmentally sensitive land, land with open space value, or land difficult to provide city services to because of slopes; while maintaining the city’s ability to meet community goals for services including, but not limited to, parks and open space areas, trails and staging areas, and utilities.

Applicability.

As directed by Measure PP, the regulations of this chapter shall apply to the hillside and ridgeline areas of the City for commercial buildings and developments and for residential developments of 11 units or greater. Staff considers “units” to include dwellings such as single-family detached homes (with or without a second unit)², townhomes and condominiums, and apartments.

The proposed Chapter exempts from these requirements housing developments of ten or fewer units on a single property that was, as of January 1, 2007, a legal parcel created pursuant to the California Subdivision Map Act³. Where the construction of a multi-unit residential development exceeding ten units would be phased, the entire development must be shown on a single PUD development plan application with the entire development, e.g., building and lot locations, streets and parking, open space areas, etc., shown on the development plan and the development application including the information required by Section 18.70.050 of the proposed chapter (Exhibit A).

Although new residential developments of ten or fewer units are exempt from the requirements of the proposed code chapter, the Pleasanton General Plan contains other policies addressing hillside developments.

¹ Measure PP defined “legal parcel” as a lot created prior to January 1, 2007.

² A single-family home with an attached or detached second unit is considered one unit per California Government Code §65852.

³ California Government Code §§ 66410 – 66413.5.

Regulations and Implementation.

The City will implement the regulations of the proposed chapter with review of PUD Development Plan, Design Review, and/or Tentative Subdivision Map.

The proposed regulations of Chapter 18.70 would work together with State and Federal regulations and with present City regulations on, but not limited to, ridgeline and hillside protection, protection of jurisdictional waters, species, and habitat areas, trees, wildland fire mitigation, urban storm water runoff treatment and necessary mitigation, etc., and would be implemented with review of development applications. Where the regulations of the proposed Chapter may conflict with other provisions of the Pleasanton Municipal Code⁴, the regulations of this Chapter shall control.

Definitions.

The City Council approved the use of the following concepts in the proposed chapter.

Contour Interval and Contour Line.

The City Council directed two-foot contour intervals – the difference in elevation between adjacent contour lines on a contour map or topographical map – in order to provide a high level of land form detail that would be used to verify compliance with Measure PP. (Two-foot contour intervals are typically used on slope inventory maps and preliminary grading plans provided with development applications, and would require the least interpolation between the intervals.)

Contour intervals are shown as contour lines, the horizontal lines, curved or straight, that join points of the same elevation (height) above sea level. The spacing between contour lines – wide or narrow – can graphically show the relative steepness (grade) of the slope. Figure 1, on the following page, shows how contour intervals are reflected as contour lines, and how the spacing between the contour lines can graphically indicate the relative steepness (grade) of the slope.

⁴ Including, but not limited to, Chapter 18.76 H-P-D Hillside Planned Development District, Chapter 18.68 PUD Planned Unit Development District, and Chapter 18.78 West Foothill Road Corridor Overlay District (Exhibit F).

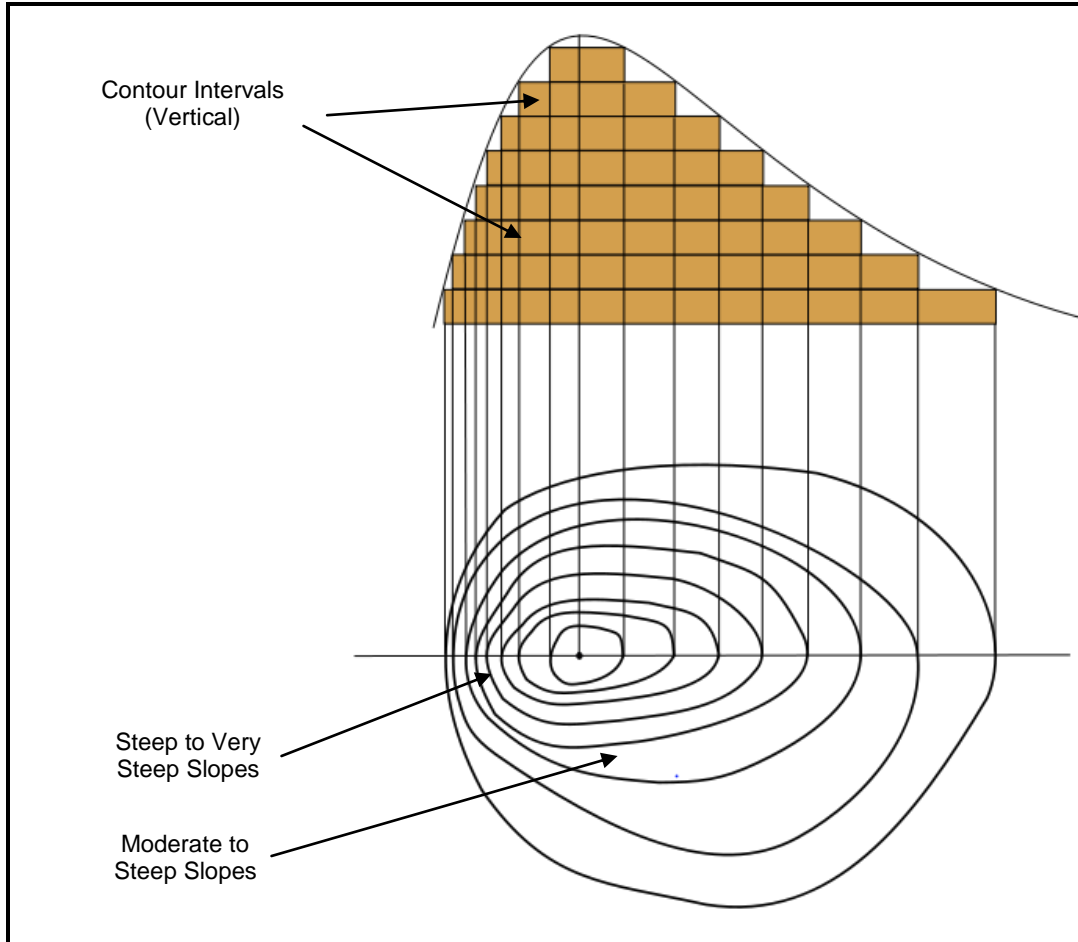


Figure 1: Contour Intervals, Contour Lines, and Slope Grades.

Staff review of the slope inventory map will still be required combined with field visits of the property to evaluate the significance of land features. Isolated and/or insignificant land features are not considered to trigger the 25-percent slope prohibition. These minor land forms would be addressed during the review of the proposed development.

Ridge/Ridgeline.

The City Council defined ridge/ridgeline as a continuous ground line connecting a series of hills located at their highest elevations ending at the last peak on each end of the landform at which the elevation of the ridgeline no longer rises in elevation, and only decreases in elevation. Figure 2, on the following page, shows the ridge/ridgeline definition.

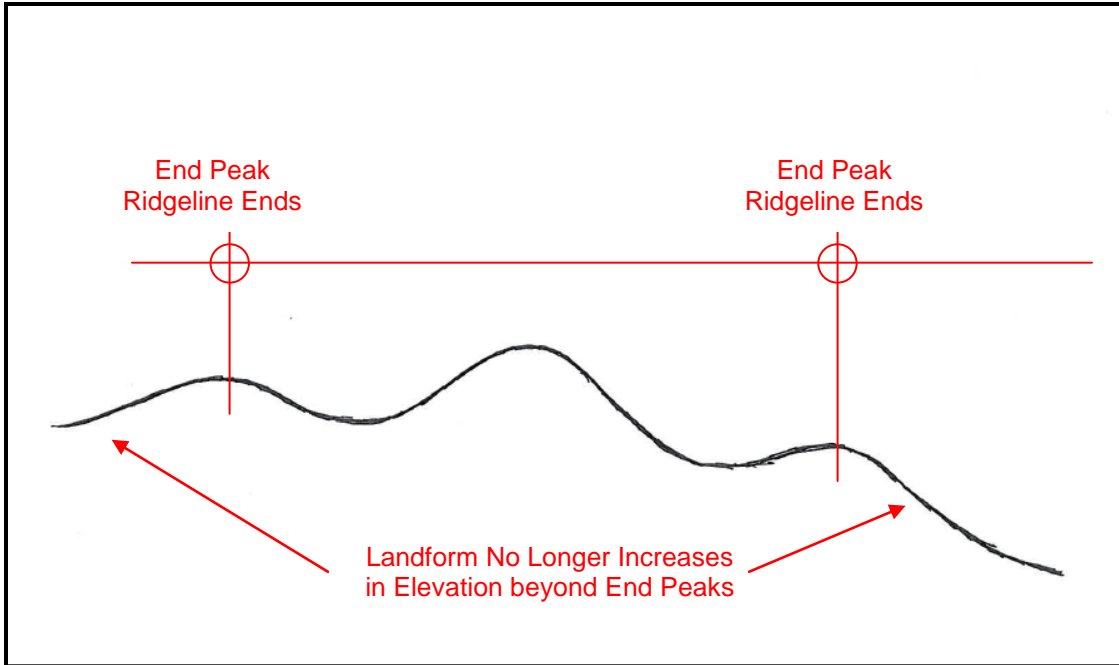


Figure 2: Definition of Ridge/Ridgeline.

Slope.

The City Council defined slope as a specific value, the ratio of height (rise) over distance (run) for a segment of land, where a vertical line would have an infinite slope. The 25-percent slope standard used in this chapter is the ratio of a one-foot rise over a four-foot run, i.e., 25-percent. Slopes are typically measured between adjacent contour lines and perpendicular to the contour lines. Figure 3, below, shows the 25-percent slope as a one unit rise over a four unit run.

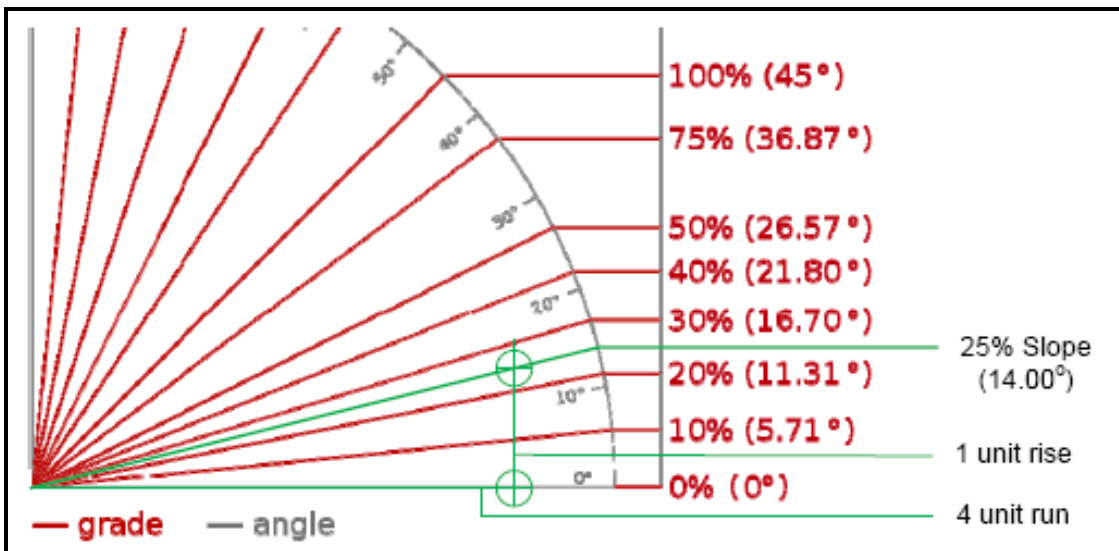


Figure 3: 25-percent slope.

Required Information.

The proposed Chapter would require submittal of a contour map/topographic map, prepared by a registered Civil Engineer or by a registered Land Surveyor at the discretion of the Community Development Director, with an application for commercial development or residential development of 11 units or greater on hillside property having a 25-percent slope or greater.

The scale of the contour map/topographic map would be based on property size. Staff based the following information to be shown on the contour map/topographic map already required by Chapter 18.68 PUD Planned Unit Development District and Chapter 18.76 H-P-D Hillside Planned Development District:

1. Existing contour lines prior to grading at an interval of not more than two feet;
2. Slope classifications in contrasting colors of all land that has a slope less than 25 percent and land that a slope greater than 25 percent;
3. Location of all ridgelines on the property and the 100-foot ridgeline setback;
4. Existing on-site streets or roads, trails and pathways, and off-site connections;
5. Existing buildings and structures including drainage structures, fences, sheds, etc.;
6. Existing arroyos, streams, and drainage courses including jurisdictional waters;
7. Existing trees and shrubs; and,
8. Off-site development and topography at a distance no less than 100 feet from the property lines.

The requirement for a contour map/topographic map would not be new to applicants. Contour maps/topographic maps in some form are already submitted to the City with development applications, even for custom home design applications, especially for the applications on hillside properties regardless of slope grade to show existing contours, buildings, tree/shrub cover, drainage courses, etc.

Review Procedures and Exemptions.

The workflow that could be used in reviewing a contour/topographic map would be to:

1. First, verify the plot of the 25-percent slope setback line as a continuous horizontal on the contour map/topographic map of the property.
2. Second, verify the location of ridgelines and ridgeline setback lines as a continuous horizontal line on the contour map/topographic map of the property; and,

3. Third, verify the hillside development limit line on the property as the more restrictive of the two standards, i.e., the development standard that locates the limit of development on the lowest portion(s) of the hillside; and,

Determining the 25-Percent Slope Line.

Staff, where appropriate, may exclude isolated property features such as sink-holes, mounds, ditches, ravines, furrows, etc., that are surrounded by significant property area having a slope less than a 25-percent grade.

Determining the Ridge/Ridgeline Setback Line.

The vertical elevation of the ridgeline setback will vary based on the elevation of the ridgeline. The horizontal distance of the ridgeline setback from the ridgeline will vary based on the slope of the hillside. Figure 4, below, shows how the 100-foot ridgeline setback line is determined on a cross section of the ridge.

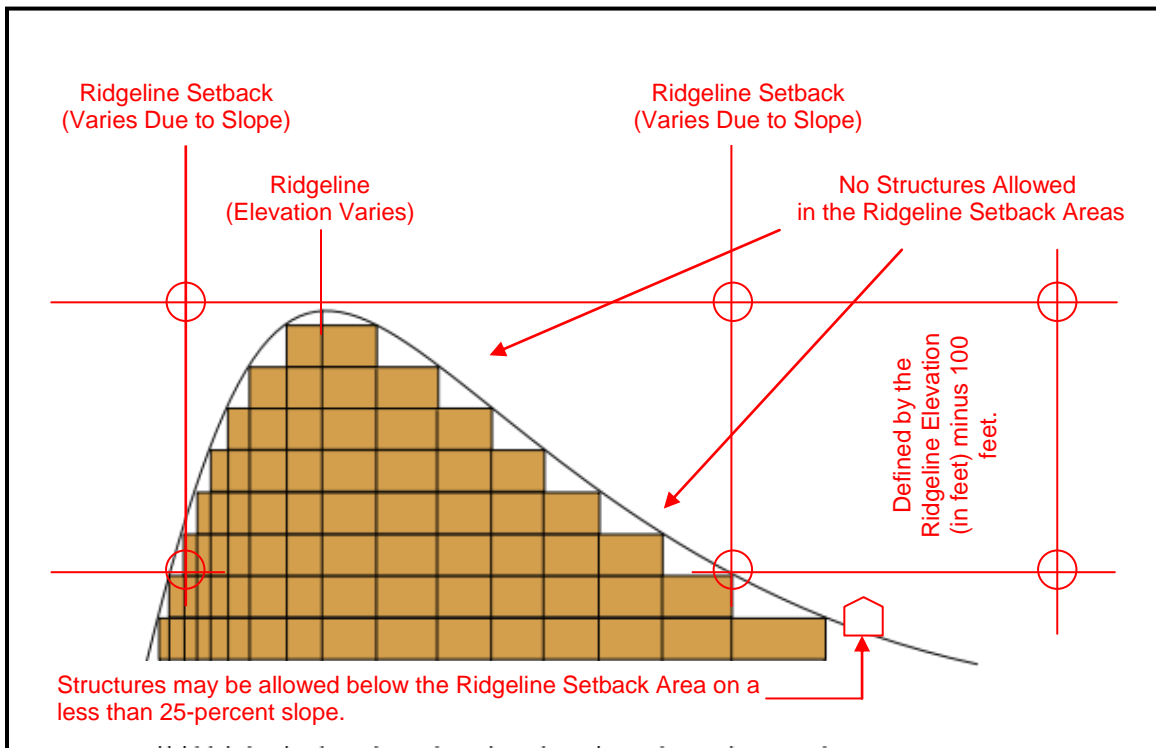


Figure 4: Slope Cross Section with the Ridgeline Setback.

Figure 5, on the following page, shows how the ridgeline definition and ridgeline setbacks would be applied to the “ends” of a ridge.

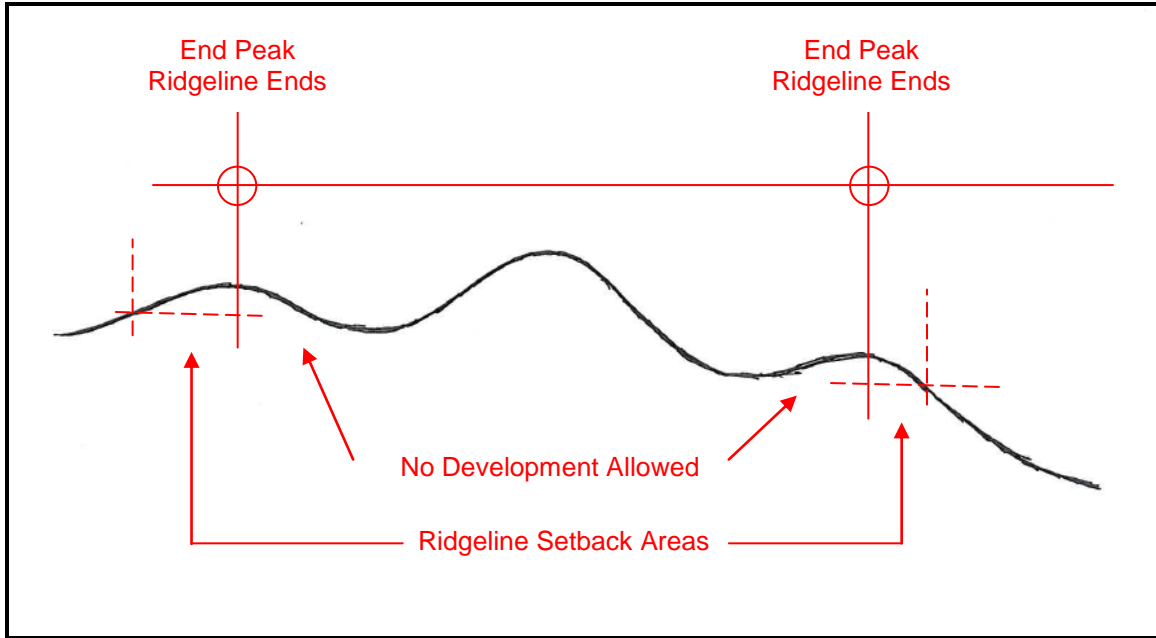


Figure 5: Slope Cross Section Designating Ridgelines and Ridgeline Setbacks

Determining the Hillside Development Limit Line.

The Hillside Development Limit Line is the most restrictive of the 25-Percent Slope Line standard and the Ridge/Ridgeline Setback Line standard – the development standard that locates the limit of development on the lowest portion of the hillside.

Existing Manufactured Slopes Exceeding 25-Percent Grade.

The City Council directed that manufactured slopes having a 25-percent grade or greater be excluded from the developable area of the property. However, the City Council also wanted to maintain the ability to grant an exemption to allow development on manufactured slopes 25-percent or greater, if:

1. The grade of the original slope was less than a 25-percent grade based on a review of contour/topographic maps; and,
2. The development to be allowed by the exemption is consistent with the purpose of these regulations.

Figure 6 and Figure 7, on the following page, are views of a manufactured slope on the Lund property that exceeds a 25-percent grade surrounded by land area having less than a 25-percent grade.



Figure 6: Cut Slope which Exceeds a 25-Percent Grade.



The existing slope is less than a 25-percent grade.

Figure 7: Looking Back at the Cut Slope in Figure 7.

Public and Private Streets and Roads.

The City Council considered public and private streets and/or roads and their attendant infrastructure serving residential or commercial development to be structures subject to these restrictions. However, if a road was part of a Specific Plan or PUD Development Plan approved prior to November 2008, then the limitations would not apply. Such grandfathered streets would still be subject to the City's review processes to direct the road's location and design to mitigate or preserve environmentally sensitive features, and to make the streets or roads as unobtrusive as practical and to blend with natural terrain. With a public hearing, the city may grant an exemption to allow new streets intended to provide access to city facilities and to landlocked areas designated for development by the Pleasanton General Plan.

Public Facilities.

The proposed ordinance also includes provisions whereby following a public hearing, the city may exempt public facilities (e.g. water tanks, parks trails and staging areas), and the roads serving such facilities, from these restrictions. This is consistent with the language of Measure PP, which is directed to residential and commercial development. This section still provides that the City would mitigate any impacts as part of the review process.

VI. ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15308, Actions by Regulatory Agencies for Protection of the Environment. Therefore, no environmental document accompanies this report.

VII. PUBLIC NOTICE

Notice of this item was published in *The Valley Times*. Written notices of the public meeting were sent to the people who spoke at the City Council's Special meeting. At the time that the staff report was written, staff had not received any written or verbal comments. Staff will forward to the Planning Commission, any new public comment received after publication of the staff report.

VIII. CONCLUSION

The proposed Chapter 18.70 would implement the ridgeline and hillside protection and preservation measures outlined in the Pleasanton General Plan including Measure PP and Measure QQ. The proposed chapter implements the location and setback standards of Measure PP with terms and methodologies to determine the location of ridgelines and slopes integral to the review of hillside development. Manufactured slopes or streets and roads on land greater than 25-percent grade are covered.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P12-1796 by taking the following actions:

1. Find that the proposed amendment to Title 18 is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15308, Actions by Regulatory Agencies for Protection of the Environment; and
2. Adopt a resolution recommending approval of the Draft Chapter 18.70 Ridgeline and Hillside Protection and Preservation, Exhibit A, dated January 23, 2012.

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