

**Pleasanton Municipal Code**

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Title 18 ZONING

**Chapter 18.76 H-P-D HILLSIDE PLANNED DEVELOPMENT DISTRICT****Article I. General Provisions****18.76.010 Purpose.**

The city is located in the Livermore-Amador Valley. Within the city's incorporated boundaries and within its sphere of influence are a series of major and minor hills. These hills constitute a significant topographical feature of the community because they are visible to all persons traveling on I-580 and I-680, as well as to citizens residing in and around the community. Although most of the development within the city, caused by the migration of substantial numbers of people, has occurred in the flatlands, some development has occurred in the hills and more development in the hills will occur in the future. In order to insure that a harmonious visual and functional relationship will exist between the existing natural hillside environment and the growing manmade environment, development standards specifically designed for hillside development are required. It is therefore the declared intent of the city that appropriate undeveloped land in hillside areas be placed in a hillside planned development district to be identified by the initials H-P-D, in order to accomplish the following:

- A. To preserve significant features of a hill area in essentially their natural state as part of a comprehensive open space system;
- B. To encourage in hill areas an alternative approach to conventional flatland practices of development;
- C. To minimize grading and cut and fill operations consistent with the retention of the natural character of the hill areas;
- D. To minimize the water runoff and soil erosion problems incurred in adjustment of the terrain to meet on-site and off-site development needs;
- E. To achieve land use densities that are in keeping with the general plan; however, in order to retain the significant natural features of the hill areas, densities will diminish as the slope of the terrain increases;
- F. To insure that the open space as shown on any development plan is consistent with the open space element shown on the general plan; and
- G. To preserve the predominant views both from and of the hill areas and to retain the sense of identity and imageability that these hill areas now impart to the city and its environs. (Prior code § 2-2.3201)

**18.76.020 Permitted uses.**

The following uses may be permitted in the H-P-D district:

- A. Single-family dwellings and planned unit developments;
- B. Recreation facilities, either for general public use or for the exclusive use of the residents of the subdivision or series of subdivisions of which the recreation facilities are a part;
- C. Recreational vehicle storage, stables, day nurseries, child care centers and managerial offices where any such use is owned by and used exclusively for the residents of the subdivision or series of subdivisions which contain such use;
- D. Schools, public or private, attendance at which satisfied the compulsory laws of the state;
- E. Churches and similar religious institutions; and
- F. Public facilities, such as administrative offices and similar uses, but not including storage yards, corporation yards, or similar uses;

- G. Other uses accessory to any permitted use. (Prior code § 2-2.3202)

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**18.76.030 Conditional uses.**

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Agricultural uses may be permitted in the H-P-D district subject to the granting of a use permit pursuant to the procedure and criteria specified in Chapter 18.124 of this title. (Prior code § 2-2.3203)

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**18.76.040 Permit required.**

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- A. Property zoned pursuant to the provisions of this chapter shall neither be developed nor shall any grading permit be issued pursuant to any provisions of this code until a hillside planned development (H-P-D) permit has been obtained pursuant to the provisions of Article II of this chapter.
- B. As used in this section, “developed” means the submittal of any plans required by this code prior to the commencement of construction of any improvements, excepting therefrom those permitted by Section 18.76.070. (Prior code § 2-2.3204)

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**18.76.050 Property development standards.**

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The following property development standards shall apply to the H-P-D district:

- A. Dimensions. There shall be no minimum yards, lot area, lot width, lot frontage or distance between buildings or maximum lot coverage except as may be required by an approved H-P-D permit.
- B. Building Height. No building shall exceed two stories in height, exclusive of covered parking in the same structure.
- C. Parking.
1. Quantity. For residential use there shall be not less than two covered parking spaces designated for the exclusive use of the occupant of every dwelling unit. In addition to covered parking spaces there shall be a quantity of open parking spaces not in driveways, equal to or greater than the number of dwelling units.
  2. Location. The open parking spaces required by subsection (C)(1) shall be located within two hundred feet of every dwelling unit provided the terrain is appropriate for such placement. Wherever possible, open space parking shall be placed in groups, if six or more spaces are required; groupings may include parking within street rights-of-way, parking bays, and small parking lots, or any combination of the above.
  3. Nonresidential Use. Parking for nonresidential uses shall also be required in a quantity commensurate with the specific use.
  4. Covered Parking. No covered parking shall exceed one story in height.
- D. Landscaping. All development in H-P-D districts shall include a combination of landscaping consisting of intensely planted and maintained areas and open space preserved in its natural condition. Unless otherwise stated in the approval of an H-P-D permit, natural open space may be used for livestock grazing.
- E. Subdivisions. The final subdivision, land division or parcel map shall show not more than one dwelling unit on any one lot and commonly owned land and facilities on one or more additional lots.
- F. Common Area. No final subdivision map or parcel map shall be recorded until documents pertaining to the maintenance of the privately owned open space and other facilities owned by or used in common by the subsequent owners of the various real properties within the subject development shall have been approved by the city attorney. (Prior code § 2-2.3205)

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**18.76.060 Signs.**

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Where applicable, the sign regulations for the R districts as set forth in this chapter shall apply to the H-P-D districts.

(Prior code § 2-2.3206)

### **18.76.070 Interim uses.**

A. If any land has been zoned H-P-D but no H-P-D permit has been approved thereon, no new use shall be established on such land. Any single-family residential or agricultural buildings lawfully existing at the time of the establishment of H-P-D zoning on that property may be enlarged, structurally altered, or accessory buildings may be constructed. Any remodeling or construction allowed by this section shall conform to the conditions to use applicable to the R-40 district.

B. "Agricultural building," as used in this chapter, shall mean any structure, except fences, for the purposes of housing farm animals or farm equipment and shall specifically exclude any building used for processing farm products on a commercial basis. The remodeling or construction of any building as permitted by this chapter shall conform to the various conditions to uses required in the R-40 district. (Prior code § 2-2.3207)

### **18.76.080 Grading.**

The grading of land and maximum height of graded slopes shall be governed by provisions of the Uniform Building Code, the provisions of Title 19 of this code relating to subdivisions, and/or the provision of a comprehensive grading ordinance adopted by the city council. (Prior code § 2-2.3208)

## **Article II. Hillside Planned Development Permit**

### **18.76.090 Purpose.**

The purpose of the H-P-D permit is to assure that the intent and purpose of the hillside planned development district are effectuated. (Prior code § 2-2.3209(a))

### **18.76.100 Definitions.**

The terms and symbols used in this section shall have the following meanings:

- A. "Base density" means the number of dwelling units per gross acre as determined by Section 18.76.150(A).
- B. "Contour interval" means the difference in elevation between adjacent contour lines on a topographical or planimetric map.
- C. "I" means the contour interval measured in feet.
- D. "L" means the summation of the length of all contour lines measured in feet.
- E. "Open space" means landscaped areas together with areas retained in their original state without enhancement by landscaping, both of which are owned in common by the owners of the residential lots within a development.
- F. "Ridge" means a connected series of major and minor hills.
- G. "Ridgeline" means a ground line located at the highest elevation of the ridge running parallel to the long axis of the ridge.
- H. "Weighted incremental slope (WIS)" means a number assigned to a specific parcel of land for the purpose of determining its relative slope conditions and is determined according to the following formula:

$$\text{WIS} = \frac{0.0023IL}{\text{Area in Acres}}$$

The calculation of the WIS shall be performed pursuant to the criteria and procedure set forth in Section 18.76.140(E). (Prior code § 2-2.3209(b))

### **18.76.110 Procedures.**

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Following are the procedures for processing an application for an H-P-D permit:

- A. Review by Planning Commission. Upon receipt of the data required by Section 18.76.140, the planning commission shall hold a public hearing to consider the request for an H-P-D permit. The public hearing required by this section shall be given pursuant to the provisions of Government Code Section 65854. Following the public hearing, the planning commission may approve, conditionally approve, or disapprove the requested H-P-D permit. The decision of the planning commission shall be placed in resolution form and the reasons for the decision shall be specified therein. A copy of the resolution shall be transmitted to the city council and to the applicant as soon as possible after review by the planning commission. A synopsis of the planning commission's action and rationale shall be transmitted to the city council and the applicant where the planning commission's review will not occur until after the expiration of the appeal period specified in subsection E of this section; said synopsis shall be the unofficial report of the planning commissions pending receipt of the required resolution.
- B. Review by City Council. Upon receipt of a resolution from the planning commission recommending approval of an H-P-D permit, the city clerk shall schedule a public hearing before the council with notice of the time, date and place of public hearing being given, pursuant to Government Code Section 65854. Following the public hearing the council may approve, conditionally approve, or disapprove the H-P-D permit. In approving a permit, the council may modify the recommendations of the planning commission. In making its decision, the council shall be subject to the same requirements as are placed on the commission by this section.
- C. Referral. Council may also refer the matter back to the planning commission for further report and recommendation. The planning commission shall not be required to hold a public hearing on a matter referred back to it, but shall submit its report and recommendation within 40 days after the reference; otherwise the proposed modifications shall be deemed approved.
- D. Denial by Planning Commission. If the planning commission recommends denial of an H-P-D permit application, no further action by the city council is necessary, unless the planning commission's decision is appealed to the city council by the applicant pursuant to the provisions of Section 18.144.020 of this title. (Prior code § 2-2.3209(c))

### **18.76.120 Findings.**

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In recommending approval of, or in approving an H-P-D permit, the following findings must be made:

- A. The approval of the plan is in the best interests of the public health, safety and general welfare;
- B. Off-site and on-site views of the ridges will not be substantially impaired. In determining which ridges are subject to this finding, the following criteria shall be used: the intents and purposes set forth in Section 18.76.010 of this chapter shall be followed;
- C. Any grading to be performed within the project boundaries takes into account the environmental characteristics of that property, including, but not limited to, prominent geological features, existing streambeds and significant tree cover, and is designed in keeping with the best engineering practices to avoid erosion, slides or flooding, to have as minimal an effect on said environment as possible;
- D. Streets, buildings and other manmade structures have been designed and located in such a manner as to complement the natural terrain and natural landscape;
- E. Adequate fire safety measures have been incorporated into the design of the plan;
- F. The plan conforms to the purpose and intent of the hillside planned development district; and
- G. The plan is consistent with the city's general plan. (Prior code § 2-2.3209(d))

**18.76.130 Conditions.**

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In the recommendation of approval and in the approval of an H-P-D permit, conditions may be imposed which are deemed necessary to protect the public health, safety and general welfare in line with the standards set forth in this article. (Prior code § 2-2.3209(e))

**18.76.140 Required data.**

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Any application for an H-P-D permit shall be accompanied by the following data prepared by a design team consisting of an architect, landscape architect and registered civil engineer:

- A. A site plan showing general locations of all streets, on-street and off-street parking, bicycle paths, riding trails, hiking trails, buildings and other manmade structures; typical elevations or perspective drawings sufficient to show building height, building materials, colors, and general design; perspective drawings showing the relationship after development of the proposed buildings and the topographic features of the site; and a table listing land coverages by percentage and acreage for the following: open space (intensely landscaped and natural) coverage by housing unit roof, parking (covered, open, off-street), streets, sidewalks, paths, recreational facilities;
- B. A topographical map showing existing contours and proposed lot lines, which may be integrated with the site plan described in subsection A of this section; the lot lines may be omitted if building locations on the site plan make proposed lot lines obvious;
- C. A topographical map at a scale not smaller than one inch equals 100 feet showing contour lines existing prior to grading at an interval of not more than 10 feet; a grading plan showing increments of the depths of all cuts and fills in various colors or any similar display which shows the cuts, fills, depths thereof in colors; and a slope classification map showing, in contrasting colors, all land which has less than a 10 percent slope, that land which has a slope between 10 percent and twenty percent, that land which has a slope between twenty percent and 25 percent, and all land which has a slope greater than 25 percent. The director of housing and community development, or his or her designated representative, may allow a reduction in the scale of the map or an increase in the contour interval when the size of a parcel or its terrain require such changes to make the map more meaningful;
- D. Profiles showing the relationship of the proposed project to any dominant geological or topographical features which may be on or in the vicinity of the proposed project;
- E. The calculation of the WIS factor shall be prepared by a registered civil engineer or a licensed land surveyor, and the following criteria and procedure shall be used:
  1. The contour map shall have 10-foot contour intervals;
  2. The interval used in WIS calculation shall be two feet and interpolation of the contour intervals shall be made if required;
  3. Topographic map scale:

Parcel Size	Scale
Less than 2.0 acres	1"—20'
2.0 acres to 20 acres	1"—50'
Over 20 acres	1"—100'

- F. Any tree(s) including size and species as defined in Chapter 17.16 of this code, whether or not such tree(s) is to be removed, or destroyed, on the site plan or on a separate plat;
- G. Sufficient dimensions to show right-of-way widths, pavement widths, radii of curvature of center lines, street grades, whether streets are to be public or private, and all proposed frontage improvements on new and existing streets;
- H. A current preliminary soils and geological report prepared by a registered civil engineer and a registered geologist;
- I. A detailed landscaping plan showing the natural open space which will remain upon completion of development, all existing trees (and indicating which trees are scheduled for removal), and the precise boundaries of additional landscaping; the landscape plan shall include container size of all trees and shrubs, species of all plant material, irrigation system plan, street lighting, low level path lighting, street furniture and fencing materials, dimensions and locations;
- J. A statement in writing stipulating to the total number of bedrooms to be constructed; and
- K. The initial plan shall indicate the density allowed by subsection A of Section 18.76.150 and the location of the proposed units. Any request for density adjustments allowed by subsection B of Section 18.76.150 shall be shown on an alternate plan detailing the location of the additional units and amenities.

Notwithstanding the requirements of this subsection, an applicant for an H-P-D permit for the development of five or more acres, which development will occur in stages, may submit general information relating to subsections A and I of this section for review by the planning commission. Precise and detailed plans setting forth the information required by these items shall be submitted to the planning commission for its review and approval prior to the approval of a tentative subdivision map, building permit or other construction authorized by the H-P-D permit. (Prior code § 2-2.3209(f))

**18.76.150 Density.**

A. Base Density. A base density for a piece of property shall be determined by the following:

Percent slope	10%	15%	20%	25%	Greater than 25%
*WIS	9.9	14.9	19.6	24.2	Greater than 24.2
Base Density	3.5	2.8	1.8	1	0.2

\*Corrected number values.

Any WIS not shown in the table shall be determined by interpolation, using the graph set forth in Exhibit A of the ordinance codified in this chapter, and incorporated in this chapter by reference.

B. Density Adjustments. The effectiveness of hillside development can be affected by a number of factors such as the physical characteristics of a specific parcel, the amount of landscaped and natural open space existing within a development, the existence of amenities within a development and the number of people who will reside in the hill area. Therefore, in order to encourage hillside developments which take into consideration the factors provided in this subsection, adjustments may be made in the base density in the recommendation for approval and approval of an H-P-D permit, pursuant to any of the following:

- 1. The existence of open space beyond that required by Section 18.76.160;

2. The existence of amenities or on-site or off-site improvements which are not normally found or required in residential developments;
3. The existence of a mixture of housing types which provides a variation in the appearance of the development and allows a range of housing prices;
4. The existence of landscaping of a type, size and quantity which exceeds that of a standard residential development;
5. The existence of a topographical feature, including, but not limited to, a cliff or deep ravine, or extensive land area over 25 percent slope, of a magnitude which causes the WIS to be significantly greater than would be the case if the topographic feature was not considered; and
6. The offer to and acceptance by the city of land in excess of the parkland dedication requirements of Chapter 19.44 of this code. (Prior code § 2-2.3209(g))

#### **18.76.160 Percentage open.**

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The percentage of the parcel to be developed which must remain in open space and/or public parkland shall be a minimum of 25 percent plus one and one-half times the WIS factor. Public parkland shall include only those areas which are offered for dedication as public parks and which are accepted by the city. (Prior code § 2-2.3209(h))

#### **18.76.170 Grading control.**

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- A. **Size and Treatment.** In order to keep all graded areas and cuts and fills to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty of the property as far as possible as well as to serve the other specified purposes of this chapter, specific requirements may be placed on the size of areas to be graded or to be used for building, and on the size, height and angles of cut slopes and fill slopes and the shape thereof. In appropriate cases retaining walls may be required.
- B. **Restrictions.** All areas indicated as natural open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise except that riding trails, hiking trails, picnic areas, stables and similar amenities may be placed in natural open space pursuant to the approval of an H-P-D permit.
- C. **Landscaping.** The H-P-D permit shall include the planting of newly created banks or slopes for erosion control or to minimize their visual effect. (Prior code § 2-2.3209(i))

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**Chapter 18.68 PUD PLANNED UNIT DEVELOPMENT DISTRICT**

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**18.68.010 Created.**

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A zoning classification distinction is created to be known as the planned unit development (PUD) district. (Prior code § 2-8.25)

**18.68.020 Purpose.**

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The planned unit development district is intended to accomplish the following purposes:

- A. To encourage imagination and housing variety in the development of property of varying sizes and topography in order to avoid the monotony and often destructive characteristics of standard residential, commercial and industrial developments;
- B. To provide a development procedure which will insure that the desires of the developer and the community are understood and approved prior to commencement of construction;
- C. To insure that the goals and objectives of the city's general plan are promoted without the discouragement of innovation by application of restrictive developmental standards;
- D. To encourage efficient usage of small, odd-sized or topographically affected parcels difficult for development by themselves;
- E. To accommodate changing market conditions and community desires;
- F. To provide a mechanism whereby the city can designate parcels and areas requiring special consideration regarding the manner in which development occurs;
- G. To encourage the establishment of open areas in residential, commercial and industrial developments and provide a mechanism for insuring that said areas will be beautified and/or maintained;
- H. To complement the objectives of the hillside planned development district (HPD) in areas not subject to the provisions of that zoning district. (Prior code § 2-8.26)

**18.68.030 Permitted uses.**

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The planning commission and city council may permit any use in the PUD district which is compatible with the purposes of this title, the neighborhood and general vicinity of the proposed project, and in keeping with protection of the public health, safety and general welfare. (Prior code § 2-8.27)

**18.68.040 Conditional uses.**

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Unless specific conditional uses are specified in the PUD plan, only the expansion, enlargement or alteration by area or usage of an interim use permitted by Section 18.64.080 of this chapter shall require a conditional use permit granted pursuant to Chapter 18.124 of this title. (Prior code § 2-8.28)

**18.68.050 Development.**

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Except as provided in Section 18.68.090, no property subject to this chapter shall be developed in any way nor shall any grading permit be issued pursuant to the provisions of this code until all provisions of this chapter have been completed. As used in this section, "developed" means the submittal of any plans required by this code prior to the commencement

of construction of any improvements. (Prior code § 2-8.29)

#### **18.68.060 Property development standard.**

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- A. In order to allow the greatest amount of flexibility in designing a project compatible with the physical features of the property, the uses intended to be developed thereon, and the objectives of this chapter, no minimum property development standards shall apply to the PUD district. The planning commission and city council shall determine appropriate amounts of landscaping, natural open space, parking, signing, distances between buildings, front yards and other development standards as are appropriate for the specific uses requested at the time of consideration of the PUD development plan required by Section 18.68.110. Said standards shall be included as conditions to any approved PUD development plan.
- B. Landscaping shall include, but not be limited to, intensely planted and maintained areas. "Natural open space" means land lacking any physical, aboveground improvements, except for utility wires and poles, agricultural type fences or similar improvements, and unenhanced by plants, trees and shrubs, except those which are naturally existing and for agricultural purposes. (Prior code § 2-8.30)

#### **18.68.070 Maintenance.**

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- A. No final subdivision map or parcel map shall be recorded until documents pertaining to the maintenance of common natural open space areas, common landscaped areas, and common recreational facilities located within the plan have been approved by the city attorney. For nonresidential developments, said maintenance shall pertain to all landscaped areas and recreational facilities not enclosed within a building. For residential developments, said maintenance shall apply to the privately owned natural open space, landscaped areas, and recreational facilities owned by or used in common by the residents.
- B. The city shall be identified as a third party beneficiary to conditions, covenants and restrictions placed upon a development, unless otherwise directed by the city council or the city attorney. (Prior code § 2-8.31)

#### **18.68.080 Interpretation.**

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- A. Due to the flexibility and imagination desired in PUD developments, not every issue regarding future development and use of the property may be established as part of the initial approval of a development. Thus, the community development director shall be charged with responsibility to determine if a change to the approved plan and/or conditions thereto is substantial. If, after review of the plan and conditions, the director determines that the request is a substantial revision or change, the request shall be presented to the planning commission and city council in accordance with the applicable provisions of Chapter 18.04 of this title. If the change is not substantial, the director, after consulting with the city attorney and city engineer, may approve the change, subject to reasonable conditions, and advise the planning commission and city council of said approval, in writing, within 10 days of the approval.
- B. If the planning commission, city council, applicant or any interested citizen disagrees with the community development director's determination or conditions of approval, a written appeal shall be filed with the secretary to the planning commission within 20 calendar days of said action and a public hearing shall be held. The requisite notices of the public hearing shall be given pursuant to the provisions of Chapter 18.04 of this title.
- C. If the revision or change involves the construction of an improvement or betterment for which no specific development standard is established pursuant to this chapter, the community development director, planning commission and/or city council shall apply the provisions of this code which most closely represent the type of development which has been approved. (Ord. 2000 § 1, 2009; prior code § 2-8.32)

#### **18.68.090 Interim uses.**

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Any existing use of property zoned PUD (including property with an approved development plan) shall be subject to the provisions of Chapter 18.120 of this title pertaining to nonconforming uses. No expansion of a nonconforming land use, expansion of a nonconforming building, or addition of any new structures associated in any manner with an existing land use or building, with the exception of emergency standby electricity generators, fuel cells, or battery facilities, shall be allowed until a conditional use permit has been granted in accordance with Chapter 18.124 of this title. Emergency standby electricity generators, fuel cell, or battery facilities shall comply with the regulations of the most applicable R-1 zoning district, as determined by the community development director. (Ord. 2000 § 1, 2009; Ord. 1880, 2003; prior code § 2-8.33)

#### **18.68.100 Grading.**

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Any land located within a PUD district which does not have an approved development plan shall not be graded or have fill placed upon it without first obtaining a conditional use permit pursuant to Chapter 18.124 of this title. (Prior code § 2-8.34)

#### **18.68.110 Development plan.**

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- A. Purpose. The development plan is intended to provide to the city a comprehensive plan of the proposed development to ensure that the intent and purposes of the planned unit development district are effectuated. The development plan may proceed as a single program or in phases, but in either situation, it is part of the entire PUD zoning process.
- B. Considerations. In recommending approval of, or in approving a PUD development plan, the planning commission and city council should consider the following:
1. Whether the plan is in the best interests of the public health, safety and general welfare;
  2. Whether the plan is consistent with the city's general plan and any applicable specific plan;
  3. Whether the plan is compatible with previously developed properties in the vicinity and the natural, topographic features of the site;
  4. Whether any grading to be performed within the project boundaries takes into account the environmental characteristics of the property and is designed in keeping with the best engineering practices to avoid erosion, slides or flooding to have as minimal an effect upon the environment as possible;
  5. Whether streets, buildings, and other manmade structures have been designed and located in such a manner to complement the natural terrain and landscape;
  6. Whether adequate public safety measures have been incorporated into the design of the plan;
  7. Whether the plan conforms to the purpose of the planned unit development district.
- C. Conditions. In the recommendation of approval and in the approval of a PUD development plan, conditions may be imposed which are deemed necessary to protect the public health, safety and general welfare.
- D. Required Data. Any development plan shall be accompanied by the following data prepared by a design team consisting of a registered civil engineer and either a licensed architect, professional planner, or licensed building designer:
1. A site plan showing general locations of all streets, on street and off-street parking, buildings and other manmade structures and where applicable any bicycle paths, riding trails, hiking trails; typical elevations of sufficient detail to show building heights, building materials, colors, textures, and general design; and a table listing land coverages by percentage and acreage for the following: landscaped areas and natural open space; coverage by buildings, parking (covered, open, off-street), streets, sidewalk; and where applicable, paths and recreational facilities;
  2. A topographical map showing existing contours and proposed lot lines, which may be integrated with the site plan described in subsection (D)(1) of this section; the lot lines may be omitted if building locations on

the site plan make proposed lot lines obvious. The topographical map shall be at a scale no smaller than one inch equals 100 feet showing contour lines existing prior to grading at an interval of not more than 10 feet. The community development director, or his or her designated representative, may allow a reduction in the scale of the map or allow an increase in the contour interval when in his or her opinion the size of the parcel or its terrain requires such changes to make the map more meaningful. The director may omit the requirement for a topographical map entirely for a parcel located on land having an average slope of less than 10 percent;

3. A grading plan showing increments of the depths of all cuts and fills in various colors or any similar display which shows the cuts, fills and depths thereof and readily distinguishes between differing fills and depths; and a slope classification map showing, in contrasting colors, all land which has less than 10 percent slope, that land which has a slope between 10 percent and 20 percent and all land which has a slope greater than 20 percent. The community development director, or his or her designated representative, may waive the slope classification map for properties which do not have significant land areas in excess of 10 percent slope;
4. The community development director, or his or her designated representative, shall require, where appropriate, development profiles which show the relationship of the proposed project to any dominant geological or topographical features which may be on or in the vicinity of the proposed project;
5. On the site plan or on a separate plat show any tree(s), including size and species as provided in Chapter 17.16 of this code and whether or not such tree(s) is to be removed or destroyed;
6. Sufficient dimensions to show right-of-way widths, pavement widths, street grades, whether streets are to be public or private, and all proposed frontage improvements on new and existing streets;
7. The community development director, after consulting with the city engineer, may require a current preliminary soils and geological report prepared by a registered civil engineer and/or a registered geologist when development is proposed in areas in excess of 10 percent average slope, there is known or suspected ground instability, high water table, or significant erosion. A geologic report shall always be prepared as required by Chapter 17.12 of this code;
8. A detailed landscaping plan showing the natural open space, if any, which will remain upon completion of development, all existing trees and the precise boundaries of additional landscaping; the landscape plan shall include container size of all trees and shrubs, species of all plant material, evidence of an irrigation system (indicating whether manual or automatic), street furniture, and fencing materials, and where applicable, dimensions and locations;
9. Residential developments also shall include the following data:
  - a. A calculation of the population density of the development,
  - b. The location of proposed dwelling units and types,
  - c. A calculation of the number of bedrooms to be constructed;
10. A specification of the permitted uses desired in the development plan. The community development director, the planning commission, or city council may require greater identification of specific uses;
11. Notwithstanding the requirements of this subsection, an applicant for a PUD development plan for the development of two or more acres, which development will occur in stages, may submit general information relating to subsections (D)(1) through (D)(9) of this section for review for the entire project. Unless otherwise authorized by the city council, each stage or phase of the project must be adjacent to any previously approved portion of the development plan and shall be reviewed by and approved by the planning commission and city council, in accordance with the procedure set forth herein, together with the exact, complete and detailed information required by subsections (D)(1) through (D)(9) of this section. No tentative subdivision map, building permit or other entitlement shall be approved or issued until such review and approval has been obtained.

**E. Grading Control.**

1. **Size and Treatment.** In order to keep all graded areas and cuts and fills to a minimum, to eliminate

unsightly grading and to preserve the natural appearance and beauty of the property as far as possible as well as to serve the other specified purposes of this chapter, specific requirements may be placed on the size of areas to be graded or to be used for building, and on the size height and angles of cut slopes and fill slopes and the shape thereof. In appropriate cases, retaining walls may be required.

2. **Restrictions.** All areas indicated as natural open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise except as permitted by this subsection. Where applicable, drainage improvements, utility lines, riding trails, hiking trails, picnic areas, stables and similar public improvements and amenities may be placed in natural open space areas at the time of approval of a PUD development plan. Where natural open space is disturbed for public improvements, best engineering efforts shall be undertaken to make said improvements as unobtrusive as practicable and trenched areas (and similar ground disturbances) shall be treated so as to encourage rapid regeneration of the natural coverage.

3. **Landscaping.** The PUD development plan shall include the planting of newly created banks or slopes for erosion control or to minimize their visual effect. (Ord. 2000 § 1, 2009; prior code § 2-8.35)

### **18.68.120 HPD process.**

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If a development is proposed pursuant to this chapter, which also could develop under the provisions of the hillside planned development district (Chapter 18.76 of this title), the developer shall submit with his or her application for PUD zoning and PUD development plan an explanation why the project is not requested for development pursuant to the hillside planned development district. (Prior code § 2-8.36)

### **18.68.130 Procedure.**

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- A. The placement of property into the PUD zoning district may be initiated by the city council, planning commission, property owner, an authorized representative or an option holder pursuant to the provisions of this chapter.
- B. The city council, planning commission, applicant or general citizen may appeal any decision approving or disapproving a request for PUD zoning, development plan approval, or modification to a development plan pursuant to the provisions of this chapter.
- C. A PUD district zoning request and development plan may be processed concurrently or separately. If they proceed concurrently, only a single ordinance shall be required for approval. If they proceed separately, or if the PUD development plan proceeds in phases as provided by this chapter, separate ordinances shall be required for each process and phase of the project. The ordinance(s) required by this subsection shall be processed in the same manner as any zoning ordinance.
- D. No subdivision map shall be processed concurrently with a PUD zoning request or PUD development plan.
- E. An applicant shall file a separate application for each noncontiguous parcel upon which consideration of PUD zoning and/or a development plan is desired. For the purposes of this subsection, parcels shall be deemed to be noncontiguous if they are separated by roads, streets, utility easements or railroad rights-of-way, which, in the opinion of the community development director, are of such a width as to:
  - 1. Destroy the unity of the proposed project or the ability of the parcel to be developed as a cohesive unit; or
  - 2. Otherwise create the impression that two separate parcels or projects are being developed. (Ord. 2000 § 1, 2009; prior code § 2-8.37)

**Pleasanton Municipal Code**

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**Chapter 18.78 WEST FOOTHILL ROAD CORRIDOR OVERLAY DISTRICT**

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**18.78.010 Purpose.**

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The purpose of this chapter is to create a zoning overlay district with regulations which will implement the goals and policies of the general plan as they relate to maintaining the highly aesthetic, rural character of the Foothill Road corridor. This corridor is designated an “area of special concern” in the land use element, and the combination of residential densities allowed in the general plan is designed to form a complementary pattern of development and conservation which will provide Pleasanton with opportunities for custom homes, recreation, open space and preservation of the city’s most visible resource. This zoning overlay district will assure that development along this corridor is consistent with the goals and policies of the general plan and thereby promotes and protects the health, safety, comfort, appearance and general welfare of the community. (Ord. 1468 § 1 (part), 1990)

**18.78.020 Creation of district.**

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There is created a zoning overlay district known as the West Foothill Road corridor overlay district (hereinafter referred to as “district”), the boundaries of which are as follows:

All that land bounded as follows: Foothill Road on the east, the northern boundary of lands of East Bay Regional Park district approximately 1,500 feet south of Verona Road on the south, the 670-foot elevation contour line on the west except in the northwest corner where it shall be the property line between lands of Presley Homes and lands of Panganiban, and Dublin Canyon Road on the north excluding lands planned for commercial uses; all as more precisely shown on Exhibit A, attached to the ordinance codified in this chapter, and incorporated herein by reference, appearing on the maps following this chapter. (Ord. 1468 § 1 (part), 1990)

**18.78.030 Regulations applicable.**

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- A. The regulations applicable to the district contained in this chapter are in addition to the regulations otherwise applicable to the area within the district; provided, however, that where regulations conflict, the provisions of this chapter shall control.
- B. In the event the underlying zoning of properties within the district is changed, this district shall remain in effect unless the rezoning action specifically removes the properties from this district. (Ord. 1468 § 1 (part), 1990)

**18.78.040 Properties not subject to the district’s regulations.**

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- A. All properties within the district which have approved PUD development plans, prior to the adoption of this district, shall be allowed to develop in accordance with the provisions of their development plans. To the extent those development plans require subsequent discretionary city approval, the city reviewing boards and commissions shall attempt to meet the spirit of this district’s regulations in the context of allowing development in accordance with the approved PUD development plans.
- B. Existing lots of record as of the date of adoption of the ordinance codified in this chapter may be developed with structures in accordance with the regulations of the underlying zoning rather than within the regulations included in this district; however, the city reviewing boards and commissions shall attempt to meet the spirit of this district’s regulations in the context of allowing structures to be built in accordance with the existing underlying zoning regulations. (Ord. 1468 § 1 (part), 1990)

**18.78.050 Procedure.**

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The requirements of this district shall be implemented by city reviewing boards, commissions and officials, in conjunction with their review of projects otherwise required by this code. Review of projects shall include, but not be limited by, PUD development plans, design review, tentative subdivisions and building permits. The reviewing boards, commissions and officials may approve projects which do not comply with strict technical standards of this chapter upon making a finding that the design of the project as a whole is consistent with the highly aesthetic, rural character of the Foothill Road corridor. (Ord. 1468 § 1 (part), 1990)

**18.78.060 Adoption of guidelines.**

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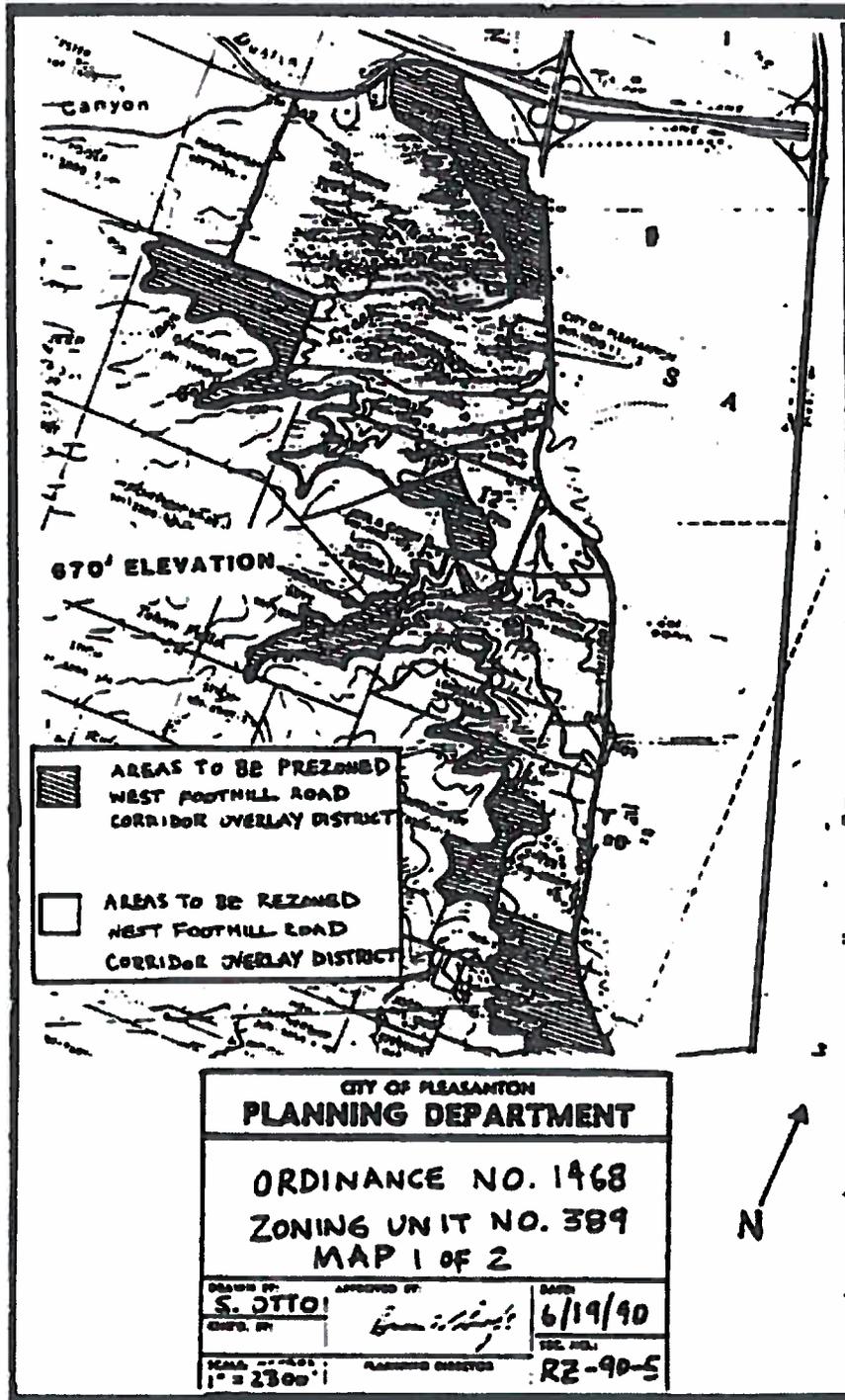
The city council, following recommendations by the planning commission, may adopt by resolution design guidelines for the district. Such guidelines may be amended from time to time following the same procedure. city staff, boards and commissions shall adhere to the adopted guidelines in reviewing all applications for permits. (Ord. 1468 § 1 (part), 1990)

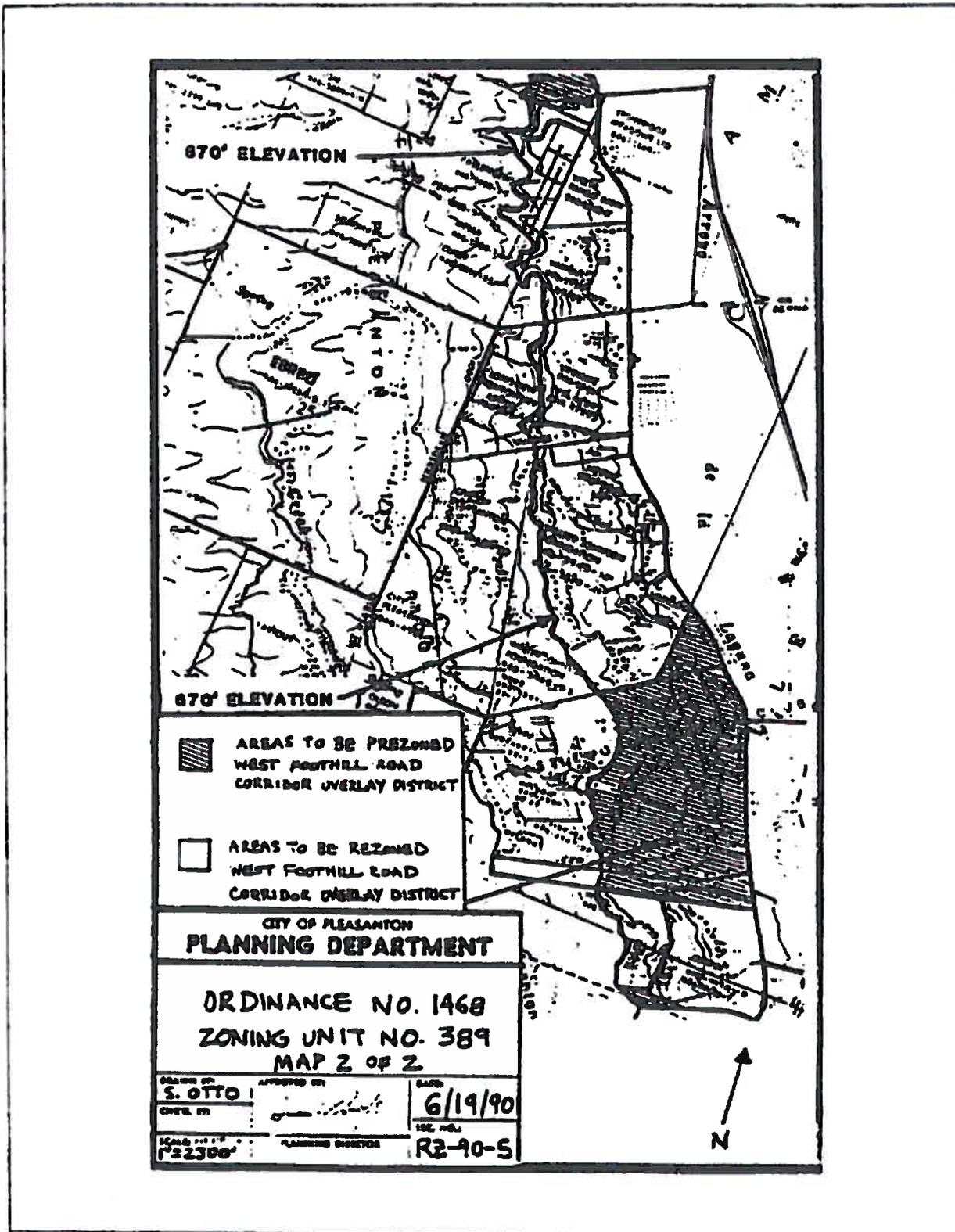
**18.78.070 Regulations for lots adjoining Foothill Road.**

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The following regulations shall apply to lots adjoining Foothill Road or any frontage road adjacent to Foothill Road, when feasible, in order to achieve the purposes of the district. These requirements shall apply to the first tier of lots along Foothill Road and shall not apply to lots located westerly of the first tier of lots:

- A. Lot Size Regulations. The minimum lot size shall be 30,000 square feet in area. Variation in lot sizes shall be encouraged. Lot width and depth shall be sufficient to allow the main building to be sited in a manner consistent with front and side yard setback and main structure separation requirements.
- B. Setback From Foothill Road. No structure shall be located closer than 150 feet to the westerly edge of the Foothill Road edge of pavement, back of curb, or back of curb as established by an approved alignment plan.





C. Side Yard Setbacks. Side yard setbacks shall be a minimum of 25 feet. Main structures with a building elevation facing Foothill Road of between 80 to 100 feet in width shall have side yard setbacks of a minimum 45 feet. Main structures wider than one hundred feet shall have minimum side yard setbacks of 75 feet.

D. Main Structure Height. The maximum height for any structure shall be 30 feet, measured vertically from the lowest point of the structure to the highest point of the structure, excluding towers, spires, cupolas, chimneys and

other such uninhabitable projections. (Ord. 1468 § 1 (part), 1990)

#### **18.78.080 Subdivision design.**

The following standards should be followed, when feasible, in any development within the district in order to achieve the purposes of this district:

- A. **Open Space Between Lot Clusters.** Lots created along Foothill Road, or any frontage road parallel to Foothill Road, shall be clustered such that natural open space a minimum of 200 feet in width shall separate clusters of lots. No more than three lots may exist in a cluster of lots.
- B. **Prohibition on Foreridge Development.** Building sites within lots shall not be allowed if they are located on or near ridges which do not have a background of Pleasanton or Main Ridges when viewed from Foothill Road. Landscaping in the form of mature trees may be an allowable background for such ridgeline sites if the decision-making body finds that the landscaping will preclude the structure from dominating the skyline as viewed from Foothill Road.
- C. **Access/Frontage Improvements.** Use of individual driveways intersecting directly onto Foothill Road should be prohibited; combined, common-access driveways serving more than one lot shall be encouraged. Use of frontage roads should be encouraged where topography, grading and similar considerations make such roadways feasible.
- D. **Landscaping.** Mature, native trees within the district shall be retained to the maximum extent feasible. Where feasible, mature oak and other native species should be relocated to grassland areas planned for development in order to soften the effect of new development with the corridor. New development landscaping shall be predominantly native plant species in areas visible from Foothill Road, with lawn or turf areas in landscape schemes adjacent to Foothill Road either eliminated or hidden by native landscaping.
- E. **Retaining Walls.** Retaining walls visible from Foothill Road should be faced with materials compatible with the natural setting, such as natural stone or wood. Where feasible, retaining walls should be stepped. Landscaping shall be incorporated to minimize adverse visual impacts, with planting in front of walls, within stepped recesses and/or overhanging the wall.
- F. **Fencing.** Open fencing shall be required, except that solid, privacy fencing may be allowed in areas of a lot not within required yard areas if it is screened with landscaping. (Ord. 1468 § 1 (part), 1990)

**APPENDIX J  
GRADING**

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

**SECTION J101  
GENERAL**

**J101.1 Scope.** The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the geotechnical report, the geotechnical report shall govern.

**J101.2 Flood hazard areas.** The provisions of this chapter shall not apply to grading, excavation and earthwork construction, including fills and embankments, in *floodways* within *flood hazard areas* established in Section 1612.3 or in *flood hazard areas* where design *flood* elevations are specified but floodways have not been designated, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed work will not result in any increase in the level of the base flood.

**SECTION J102  
DEFINITIONS**

**J102.1 Definitions.** For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

**BENCH.** A relatively level step excavated into earth material on which fill is to be placed.

**COMPACTION.** The densification of a fill by mechanical means.

**CUT.** See Excavation.

**DOWN DRAIN.** A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility

**EROSION.** The wearing away of the ground surface as a result of the movement of wind, water or ice.

**EXCAVATION.** The removal of earth material by artificial means, also referred to as a cut.

**FILL.** Deposition of earth materials by artificial means.

**GRADE.** The vertical location of the ground surface.

**GRADE, EXISTING.** The grade prior to grading.

**GRADE, FINISHED.** The grade of the site at the conclusion of all grading efforts.

**GRADING.** An excavation or fill or combination thereof.

**KEY.** A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

**SLOPE.** An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

**TERRACE.** A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

**SECTION J103  
PERMITS REQUIRED**

**J103.1 Permits required.** Except as exempted in Section J103.2, no grading shall be performed without first having obtained a *permit* therefor from the *building official*. A grading *permit* does not include the construction of retaining walls or other structures.

**J103.2 Exemptions.** A grading *permit* shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**SECTION J104  
PERMIT APPLICATION AND SUBMITTALS**

**J104.1 Submittal requirements.** In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

**J104.2 Site plan requirements.** In addition to the provisions of Section 107, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.