

CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

ORDINANCE NO. 1586

AN ORDINANCE AMENDING CHAPTER 18.08, SECTIONS  
18.20.100, 18.20.140, 18.74.040, 18.74.080,  
18.74.160, 18.74.170, 18.74.180, 18.74.190,  
18.88.020 AND 18.144.010 OF THE PLEASANTON  
MUNICIPAL CODE, CONCERNING UNREINFORCED  
MASONRY BUILDINGS AND OFF-STREET PARKING  
FACILITIES

THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS  
FOLLOWS:

Section 1: Chapter 18.08 of the Pleasanton Municipal Code  
(Definitions) is amended to add a new subsection,  
18.08.407, to read as follows:

**"18.08.407 Unreinforced Masonry (URM) Building.**

"Unreinforced masonry (URM) building" is a building or  
structure which is constructed with unreinforced  
masonry bearing-walls and shall include, but not be  
limited to:

1. Buildings with masonry walls which lack  
reinforcing.
2. Buildings with walls which are not structurally  
tied to the roof and floors.
3. Buildings whose ground floors have open fronts  
with little or no crosswise bracing.
4. Buildings with unbraced parapets."

Section 2: Section 2 (part) of Ordinance 1410 and Section  
18.20.100 of the Pleasanton Municipal Code are amended  
to read as follows:

**"18.20.100 Projects subject to design review board  
and zoning administrator review:**

In order to preserve and enhance the city's aesthetic  
values and to ensure the preservation of the public  
health, safety, and general welfare, the following  
projects shall be subject to discretionary review.

Ordinance No. 1586

(Subsections A and B, no change)

- C. The zoning administrator is empowered to review and make decisions concerning the following classes of projects:

(Paragraphs 1 - 5, no change)

6. Exterior improvements or expansions to unreinforced masonry buildings.

(Subsection D, E, no change)"

Section 3: Section 2 (part) of Ordinance 1410, as amended, and Section 18.20.140 of the Pleasanton Municipal Code are further amended to read as follows:

"(Subsections A - B, no change)

- C. Any aggrieved party, or any member of the design review board, may appeal an action of the zoning administrator to the design review board, except for zoning administrator actions on improvements or expansions to unreinforced masonry buildings, which appeal shall be taken directly to the city council. Any appeal taken to the design review board may be further appealed to the planning commission or the city council. Any member of the planning commission and/or city council may appeal an action of the zoning administrator to the planning commission or the city council, respectively, except for zoning administrator actions on improvements or expansions to unreinforced masonry buildings, which appeal shall be taken directly to the city council. Appeals to the board, commission or council shall be governed by this title as if the appeal were a new application before the board, commission or council."

Section 4: Section 1 (part) of Ordinance 1225, as amended and Section 18.74.040 of the Pleasanton Municipal Code are further hereby amended to read as follows:

- "A. The design review board shall review the design of each improvement for which a building permit, license, certificate or other approval is required pursuant to this code, except for signs in compliance with this section, and except for

unreinforced masonry building upgrades in conformance with Chapter 20.52 of the Municipal Code, which shall be subject to the review of the zoning administrator. If a proposed improvement within the district would require planning commission or city council approval, then such body shall review the design. All reference to the design review board hereafter shall apply, when relevant, to these other reviewing bodies. The design review board may adopt standards for determining which applications comply on their face with all applicable regulations for improvements under this article and which will, if approved, have an insignificant effect both on the district as a whole and on the particular built context of the proposed improvement. The board may also adopt standards for determining that applications for certain improvements do not need all the information required by Section 18.74.050 of this chapter. Such applications under such adopted standards shall be deemed applications for minor improvements and the required review under this article for such minor improvements may be delegated to a designated staff member by the design review board. Decisions under such delegation shall be deemed board decisions under this chapter.

(Subsections B, C, no change)."

Section 5: Section 1 (part) of Ordinance 1225 and Section 18.74.080 of the Pleasanton Municipal Code are amended to read as follows:

"18.74.080 Evaluation and criteria.

The board of design review and/or zoning administrator shall examine the material submitted with the application by considering the following aspects for conformance with the purpose of this chapter.

(Subsections A through D, no changes)

The board and/or zoning administrator shall be guided in their review of improvements within the district by the adopted downtown Pleasanton design guidelines."

Section 6: Section 1 (part) of Ordinance 1225 and Section 18.74.160 of the Pleasanton Municipal Code are amended

to read as follows:

**"18.74.160           Alteration or change prohibited without certificate of appropriateness.**

- A.   No person shall alter or materially change the appearance of any structure, portion of a structure, or sign, visible from a public street or way, nor shall any permit of such actions be issued without such person first having applied for and been issued a certificate of appropriateness by the board of design review, except for alterations or exterior changes to unreinforced masonry buildings which shall be subject to issuance of a certificate of appropriateness by the zoning administrator.
- B.   Certificates shall be issued for all such proposed actions determined by the board of design review and/or zoning administrator to be consistent with the purpose of the district. The board of design review and/or zoning administrator shall be guided in their determination by the provisions of this chapter and the adopted downtown Pleasanton design guidelines. Certificates of appropriateness shall be in addition to and not in lieu of any other required permit."

Section 7: Section 1 (part) of Ordinance 1225 and Section 18.74.170 of the Pleasanton Municipal Code are hereby amended to read as follows:

**"18.74.170           Certificate of appropriateness required for demolition or removal.**

No person shall demolish or remove an existing structure, including a structure of primary or secondary significance, without first obtaining a certificate of appropriateness from the planning commission. Structures of primary or secondary significance are those determined to be so by the city council, from time to time, and adopted pursuant to the regulations governing adoption and changes in the downtown Pleasanton design guidelines. All applications for demolition permits shall be forwarded upon receipt by the chief building official to the planning commission. If the application for demolition is clear the property of a structure, which in the opinion of the chief building official could be subject

to proceedings for the abatement of hazardous buildings under this code, then the applicant shall not be required to submit, with this application, materials sufficient to enable the planning commission to determine that the proposed future use including the design is consistent with the adopted guidelines. In all other cases the applicant shall submit material sufficient for such review. The commission has the authority to deny a certificate of appropriateness or to delay the issuance of the certificate in accordance with the standards set forth under Section 18.74.190 of this chapter. The commission may delay issuance for ninety days for a structure of secondary significance and one hundred eighty days for a structure of primary significance."

Section 8: Section 1 (part) of Ordinance 1225 and Section 18.74.180 of the Pleasanton Municipal Code are amended to read as follows:

**"18.74.180 Procedure.**

Upon receipt of an application for a permit to demolish, the commission shall set a time and place for review and public hearing on the application and shall give the owner or applicant and all other persons who have indicated their interest in the application written notice. Such hearing shall be held not later than thirty days after receipt of the application by the commission. The commission shall issue a final decision not later than fifteen days after closure of the public hearing. If the commission fails to hold the hearing or take final action within the time period specified or as extended by mutual agreement, the application shall be deemed to be approved. Whenever an application is so deemed approved it shall automatically be deemed appealed to the city council. The city council shall hear the appeal in accordance with the procedures set forth in this code for appeals. In case of a denial or delay, the commission shall state its reasons therefor in writing. In case of approval of the application, the commission shall issue a certificate of appropriateness."

Section 9: Section 1 (part) of Ordinance 1225 and Section 18.74.190 of the Pleasanton Municipal Code are amended to read as follows:

**"18.74.190 Standards for review for demolition.**

Ordinance No. 1586

If the commission finds that (a) the proposed demolition of a structure would be inappropriate or inconsistent with the purposes of this chapter, or that (b) the proposed demolition would have an adverse effect on adjoining property, or on the built context, or that (c) the proposed future use and design of the property would be inconsistent with this chapter or the adopted guidelines, then the commission shall deny the certificate of appropriateness, unless the applicant establishes to the satisfaction of the commission that there is unnecessary hardship in the strict application of this chapter. To establish hardship, the applicant must show that no reasonable use of the property can be made unless the structure is demolished. The applicant must also show that the hardship is the result of the application of the chapter and is not the result of any act or omission by the applicant or the applicant's predecessor in interest. If the commission finds that such unnecessary hardship exists, it shall approve the certificate of appropriateness unless the proposed demolition would alter the essential character of the built context. In such case, the commission shall delay issuance of the certificate for one hundred eighty days for structures of primary significance and ninety days for structures of secondary significance. During the delay period, the commission shall take such action as it deems necessary to preserve the structure. Such action may include negotiations with civic groups, public or private agencies or individuals for the purchase, lease or relocation of the structure. The commission may also suggest eminent domain proceedings be initiated by the city council.

Section 10: Section 1 of Ordinance 1156 and Section 18.88.020 of the Pleasanton Municipal Code are hereby amended to read as follows:

"18.88.020        Basic requirements.

(Subsections A through C, no change)

D.    For property zoned C-C located within the central business district (CBD) as shown on the zoning maps on file with the city, the following requirements shall modify the basic requirements of subsection A of this section:

(Paragraphs 1 - 2, no change).

3. As determined on a case-by-case basis by the City, the provision of additional off-street parking facilities and/or in-lieu parking fees for building expansions exceeding twenty-five percent of the total gross floor area and/or for proposed new building construction may be waived if the property owner allows the existing parking on the property to be open to the public. Considerations will include access, circulation, the number of resulting parking spaces serving the building, the effect on adjacent parking lots, and whether or not an unreinforced masonry building upgrade is involved. Under this section, new construction or building expansions shall not exceed a basic floor area ratio of two hundred percent and shall not exceed two-stories in height. Any property owner receiving such a parking waiver which property later reverts to private use would then become responsible to provide the required parking and/or in-lieu fee in effect at the time of the reversion to private use.
- E. For property with unreinforced masonry buildings, the following shall modify the basic requirements of subsections A and D of this section:
1. Unreinforced masonry buildings of primary or secondary significance which are located on property zoned C-C and within the Downtown Revitalization District boundaries as shown on the zoning maps on file with the city may be expanded up to a basic floor area ratio of two hundred percent without providing any additional off-street parking facilities and/or in-lieu parking fees if the building is reinforced to comply with the requirements of Chapter 20.52 of the Pleasanton Municipal Code.
  2. Property owners with building expansions exempt from the off-street parking requirement as stated in section 18.88.020.E.1. shall not significantly alter the existing facades of buildings of primary or secondary significance nor eliminate existing parking unless such elimination is

Ordinance No. 1586

necessary, as determined by the zoning administrator, to allow the retention of the facades of a building of primary or secondary significance. Building expansions shall not exceed two-stories in height."

Section 11: Section 18.144.010 of the Pleasanton Municipal Code is hereby amended to read as follows:

**"18.144.010 City council review.**

The city council may elect to review an action of the planning commission or zoning administrator within fifteen days following such action, or at its next regular meeting, whichever is later. If the council elects to review an action and declines to confirm the decision, a public hearing shall be held by the council. The hearing shall be set and notice given as prescribed in Section 18.12.040 of this code."

Section 12: A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Tri-Valley Herald," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

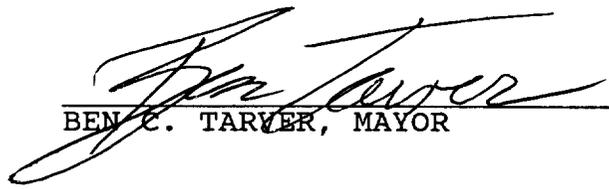
Section 13: This ordinance shall be effective thirty (30) days after the date of its final passage and adoption.

INTRODUCED at a regular meeting of the City Council of the City of Pleasanton on January 19, 1993.

Ordinance No. 1586

ADOPTED at a regular meeting of the City Council of the City of Pleasanton on February 2, 1993 by the following vote:

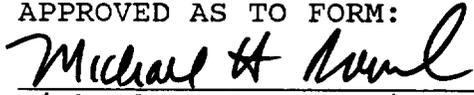
AYES: Councilmembers - Mohr, Pico, Scribner, and Mayor Tarver  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
BEN C. TARVER, MAYOR

ATTEST:

  
Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:

  
Michael H. Roush, City Attorney