

SUPPLEMENT NO. 24

INSERTION GUIDE

PLEASANTON PLANNING AND ZONING CODE

July 2020

(Covering Ordinances through 2207)

This supplement consists of reprinted pages replacing existing pages in the Pleasanton Planning and Zoning Code.

Remove pages listed in the column headed “Remove Pages” and in their places insert the pages listed in the column headed “Insert Pages.”

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

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Preface Preface

TEXT

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PREFACE

The Pleasanton Planning and Zoning Code is a codification of the planning and zoning ordinances of the City of Pleasanton, California, republished in June 2008 by Quality Code Publishing.

Commencing with the June 2008 republication, updates to this code are published by Quality Code Publishing.

The code is current through Supplement Number 24, July 2020, and includes Ordinance 2207, passed February 18, 2020.

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Chapter 18.140

PENALTIES

Sections:

- 18.140.010 Violation—Penalty.**
- 18.140.020 Voidable conveyances.**
- 18.140.030 Fines and restrictions on future development for illegal historic building demolition.**

18.140.010 Violation—Penalty.

- A. Any violation of this title shall be punishable as provided in Section 1.12.020 of this code.
- B. Any structure or sign erected, moved, altered, enlarged, or maintained, and any use of a site contrary to the provisions of this title shall be and is declared to be unlawful and a public nuisance, and the city attorney shall immediately institute necessary legal proceedings for the abatement, removal and enjoinder thereof in the manner provided by law, shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure, sign or use, and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering or enlarging the structure or sign or using the site contrary to the provisions of this title.
- C. All remedies provided for in this section shall be cumulative and not exclusive. (Ord. 1168 § 3, 1984; prior code § 2-12.22)

18.140.020 Voidable conveyances.

Any deed of conveyance, sale or contract to sell made contrary to the provisions of this title shall be voidable at the sole option of the grantee, buyer or person contracting to purchase, his or her heirs, personal representative, or trustee in insolvency, or bankruptcy, within one year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase other than those above enumerated, and upon the grantor, vendor, or person contracting to sell or his or her assignee, heir, or devisee. (Prior code § 2-12.23)

18.140.030 Fines and restrictions on future development for illegal historic building demolition.

- A. Any property owner who demolishes, or causes to be demolished, any historic building in the city is subject to fines and restrictions on future development unless the owner received prior written city approval: in conjunction with a new development application or other code provision; or the chief building and safety official made a determination of a dangerous building pursuant to Chapter 20.32.
 - 1. A “historic building” is a building which meets the eligibility criteria for the National Register of Historic Places or the California Register of Historical Resources; is listed as a historic resource in the Pleasanton General Plan; or is a historic resource determined by the city in other documents.
 - 2. “Demolition” means: dismantlement, tear down, or deconstruction of buildings, structures and their components, or portions thereof; removal of a historic building from its original site (unless approved by the city); and demolition by neglect (see Sections 9.28.025 and 18.74.200). Alterations to a historic building beyond the approvals granted by the city can also be a demolition.
- B. Fines. In the reasonable determination of the director of community development, the fine for an unpermitted demolition shall be based on an amount up to the greater of: (1) the appraised value of the building, or altered portions of the building, before demolition, using a licensed appraiser selected by the city; or (2) the replacement value of the demolished building, or altered portion[of the building.
- C. Restrictions on Future Development. New or replacement development on the property shall not exceed the demolished historic building’s original:
 - 1. Square footage;

2. Floor area ratio;
3. Height; and
4. Location (e.g., setbacks and separation between structures).

If the original historic building's size, height, or location does not comply with current zoning (i.e., it was legal nonconforming), a new or replacement development shall not be allowed to continue such noncompliance, unless otherwise approved by the city.

New or replacement construction shall be built in the same or another appropriate historical style as described in the Pleasanton Downtown Historic Context Statement (2015) or other city document; and shall be of the same or better quality of design and level of architectural detail as the building that was altered or demolished.

These restrictions shall be in place for a period of 20 years from the date of the unlawful demolition; and shall be recorded against the title of the property as a Notice of Violation and Covenant of Future Development Restrictions.

An owner may be relieved of these restrictions in conjunction with a subsequent zoning approval from the zoning administrator, planning commission or city council.

- D. Decisions made pursuant to this section are subject to appeal as provided in Chapter 18.144. (Ord. 2204 § 3, 2019)

Chapter 18.144

APPEALS

Sections:

- 18.144.010** City council review.
- 18.144.020** Appeal to planning commission or city council.
- 18.144.030** Public hearing on appeal.
- 18.144.040** Action on appeal.
- 18.144.050** Administrative appeal procedure.

18.144.010 City council review.

The city council may elect to review an action of the planning commission or zoning administrator within 15 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 title. (Ord. 1586 § 11, 1993; prior code § 2-5.09)

18.144.020 Appeal to planning commission or city council.

Where this title provides for an appeal of a decision of the zoning administrator, the Building Inspector, or the planning commission, the appeal shall be filed within 15 days of the date of the decision being appealed and shall be filed with the secretary in the case of an appeal of the zoning administrator or the commission and with the city clerk in the case of an appeal to the city council. The appeal shall be made on a form approved by the commission and shall state specifically wherein it is claimed there was an error or abuse of discretion by the person or body making the decision or wherein a decision following a public hearing is not supported by the evidence in the record. (Ord. 1656 § 1, 1995; Ord. 1520 § 5, 1991; prior code § 2-5.10)

18.144.030 Public hearing on appeal.

The body designated by this chapter to hear an appeal shall hold at least one public hearing within 40 days of the date when the appeal was filed. The hearing shall be set and notice given as prescribed in Section 18.12.040 of this title. (Prior code § 2-5.11)

18.144.040 Action on appeal.

Within 40 days following the closing of a public hearing on an appeal, the body hearing the appeal shall render its decision. A decision by the zoning administrator or the planning commission shall become final 15 days after it is made, unless appealed, and a decision by the city council shall be final immediately after it is made. If an appealed decision is reversed or modified, the body hearing the appeal shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the findings required by this chapter as prerequisite to granting the application or shall specifically decline to make such findings. (Ord. 1520 § 5, 1991; prior code § 2-5.12)

18.144.050 Administrative appeal procedure.

An appeal may be made to the planning commission by any interested party of any administrative determination or interpretation made by the zoning administrator or the building inspector under this title. An appeal shall be made on a form prescribed by the commission and shall be filed with the secretary. The planning commission may affirm, modify or reverse any administrative determination or interpretation from which appeal is made, and in making its decision shall be guided by the objectives of this title. The decision of the commission shall be rendered within 30 days after filing, unless the applicant shall consent to an extension of time. A decision of the planning commission may be appealed to the city council by the applicant within 15 days of the date of the decision or, in the event no decision is rendered, within 15 days following the time period prescribed for a decision by the commission. (Ord. 1656 § 1, 1995; prior code § 2-12.19)

