ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AMENDING THE PLEASANTON MUNICIPAL CODE REGARDING STORY POLE REQUIREMENTS AND DEMOLITION BY NEGLECT WITHIN THE DOWNTOWN SPECIFIC PLAN AREA

WHEREAS, at its meeting of October 18, 2012, the City Council approved the formation of the Historic Preservation Task Force to review the current Downtown Specific Plan and associated Downtown Design Guidelines and to make recommendations to the City Council to help clarify City policy on historic preservation and development review processes in the Historic Downtown; and

WHEREAS, the Task Force held 12 Task Force meetings, four public outreach meetings, and one public workshop and recommended amendments to the Pleasanton Municipal Code regarding story pole requirements and demolition by neglect within the Downtown Specific Plan Area; and

WHEREAS, on November 13, 2013, the Planning Commission held a public hearing on the proposed amendments to the Pleasanton Municipal Code and recommended that the City Council approve the amendments to Chapter 18.20 (Design Review) to allow the City to require an applicant to install story poles within the Downtown Specific Plan Area and Chapter 9.28 (Property Maintenance) to address demolition by neglect within the Downtown Specific Plan Area; and

WHEREAS, a noticed public hearing was held on December 17, 2013, at which time the City Council reviewed the report of the Director of Community Development regarding the proposed amendments to the Pleasanton Municipal Code, and considered all related reports, documents, and testimony, and the recommendations of the Task Force and the Planning Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the proposed amendments to the Pleasanton Municipal Code regarding story poles and demolition by neglect within the Downtown Specific Plan Area are consistent with the Pleasanton General Plan, and that these amendments will not cause a significant effect on the environment as provided in Title 14 of the California Code of Regulations Section 15061(b)(3).

SECTION 2. The Pleasanton Municipal Code is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 3. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," 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 4. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 17, 2013, and adopted at a regular meeting of the City Council of the City of Pleasanton on January __, 2014, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

_____
Jerry Thorne, Mayor

ATTEST:

_____
Karen Diaz, City Clerk

APPROVED AS TO FORM:

_____
Jonathan Lowell, City Attorney

THE CITY OF PLEASANTON

EXHIBIT A

DRAFT PLEASANTON MUNICIPAL CODE AMENDMENTS

(Proposed new language is underlined and proposed deletions in ~~strikeout~~)

Demolition by Neglect

Add the following section to Chapter 9.28 (Property Maintenance) of the Municipal Code:

> **9.28.025 Demolition by Neglect**
> Every person in possession or control of a building and appurtenant premises in the Downtown Specific Plan Area shall maintain and keep in good repair such building and premises. "Good repair" means and includes that level of maintenance and repair which: (1) clearly ensures the continued availability of such building and premises for lawful reasonable uses; (2) prevents deterioration, dilapidation, and decay of any exterior portion of such building and premises; and (3) prevents deterioration, dilapidation, and decay of interior portions whose maintenance is necessary to prevent deterioration, dilapidation, and decay of an exterior feature.

Modify Section 9.28.030 (Declaration of a public nuisance) as follows:

> Any property found to be maintained in violation of ~~the foregoing section~~ Sections 9.28.020 or 9.28.025 is declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition or repair pursuant to the procedures set forth in this chapter, except that property in violation of Section 9.28.025 shall not be abated by demolition. The procedures for abatement set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law.

Modify Section 9.28.040 (Notification of nuisance) as follows:

> Whenever the city manager determines that any property within the city is being maintained contrary to one or more of the provisions of Sections 9.28.020 or 9.28.025, the city manager shall give written notice to the owner of the property stating the section(s) being violated. Such notice shall set forth a reasonable time limit, in no event more than 15 days, for correcting the violation(s) and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner in accordance with provisions of Section 9.28.060 covering service in person or by mail.

Story Pole

Add the following section to Chapter 18.20 (Design Review) Section 18.20.040 (Procedures) of the Municipal Code:

E. If determined to be necessary by the zoning administrator or planning commission, an applicant for a new house within the Downtown Specific Plan Area or a two-story addition to an existing house within the Downtown Specific Plan Area shall install story poles depicting the height and mass of the proposed house or addition subject to the satisfaction of the zoning administrator or planning commission. Unless otherwise directed by the zoning administrator or planning commission, the story poles shall be installed by the applicant prior to public noticing and shall remain in place until the project has been acted upon.