

December 17, 2013
Community Development
Planning Division

TITLE: CONSIDER (1) AMENDMENTS TO THE GENERAL PLAN, DOWNTOWN SPECIFIC PLAN, AND DOWNTOWN DESIGN GUIDELINES RELATING TO HISTORIC PRESERVATION AND RESIDENTIAL DESIGN WITHIN THE DOWNTOWN SPECIFIC PLAN AREA; AND (2) INTRODUCTION OF AN ORDINANCE APPROVING AMENDMENTS TO THE MUNICIPAL CODE RELATING TO STORY POLE REQUIREMENTS AND DEMOLITION BY NEGLECT WITHIN THE DOWNTOWN SPECIFIC PLAN AREA

SUMMARY

In December 2011, the City Council appointed a seven-member ad hoc Historic Preservation Task Force to review the current Downtown historic preservation policies, guidelines, and processes. After 12 Task Force meetings, four public outreach meetings, and one public workshop, the Task Force developed and is unanimously recommending amendments to the General Plan, Downtown Specific Plan, Downtown Design Guidelines, and Pleasanton Municipal Code to modify existing historic preservation policies and design guidelines, implement story pole requirements, and address demolition by neglect. A majority of the Planning Commission supports the Task Force's recommendation except for a proposed compatibility policy regarding the mass and bulk of single-family homes. Staff supports the Task Force's recommendation and the attached draft amendments reflect the Task Force's recommendation with a minor change to the demolition definition by staff.

PLANNING COMMISSION ACTION

Recommended the City Council accept the Pleasanton Downtown Historic Context Statement and approve the amendments as recommended by the Task Force and staff except for the mass and bulk compatibility policy.

RECOMMENDATION

1. Find that the proposed amendments to the General Plan, Downtown Specific Plan, Downtown Design Guidelines, and Municipal Code are statutorily exempt from CEQA;
2. Adopt a resolution accepting the Pleasanton Downtown Historic Context Statement (Attachment 1);
3. Adopt a resolution approving the amendments to the Downtown Specific Plan (Attachment 2);

4. Adopt a resolution approving the amendments to the Downtown Design Guidelines (Attachment 3);
5. Adopt a resolution approving the amendments to the General Plan (Attachment 4); and
6. Introduce the draft ordinance approving amendments to the municipal Code relating to story pole requirements and demolition by neglect within the Downtown Specific Plan Area (Attachment 5).

FINANCIAL STATEMENT

No fiscal impact to the City or public services is anticipated.

BACKGROUND

In response to the Planning Commission’s recommendation to review the existing Downtown historic preservation policies, guidelines, and processes as a Council priority, the Council approved the creation of an ad hoc Historic Preservation Task Force comprised of seven members: two Planning Commissioners and five at-large Pleasanton residents.

The focus of the Historic Preservation Task Force was to review current City Policies and processes to determine if they: a) provide adequate protection of historic resources; and b) allow for an efficient and clear process for projects involving historic preservation issues.

Between February 2012 and August 2013, the Task Force held 12 Task Force meetings, four public outreach meetings, and one public workshop. In addition, on June 4, 2013, the Task Force updated the City Council on the results of their work since forming and requested Council direction on specific items it was considering. The table below lists the discussion items and Council direction. The attached Planning Commission and City Council staff reports provide detailed information on each item.

DISCUSSION ITEMS	COUNCIL DIRECTION
Create Local District?	No
Create Local Standards?	Possibly
Create Definition of Demolition?	Yes (generally preferred the second definition in the Council staff report or similar)
Apply Design Review to First Floor?	No
Clarify Polices and Guidelines?	Yes
Provide Process Flow Chart?	Yes
Complete Comprehensive Survey?	Yes
Implement Mills Act?	No
Demolition by Neglect	A Councilmember requested this be addressed
Use of Story Poles	A Councilmember requested this be addressed

PROJECT DESCRIPTION

Based on the direction it received from the City Council check-in and public feedback received at the various public meetings, the Task Force developed and is recommending amendments to the General Plan, Downtown Specific Plan, Downtown Design Guidelines, and Pleasanton Municipal Code to modify the existing Downtown historic preservation policies and design guidelines, implement story pole requirements, and address demolition by neglect. All of the amendments would be limited to the Downtown Specific Plan Area (shown in Exhibit K of Attachment 9). Highlights of the proposed amendments are summarized below and are described in more detail in the attached Planning Commission staff report.

Downtown Specific Plan Amendments

- **Local Standards:** The existing criteria that are used for determining if a residential structure is considered a historic resource and protected from demolition would be modified:

Current: At least 50 years old and determined to be eligible for the CA Register.

Proposed: Built before 1942 and determined to be eligible for the CA Register using the Pleasanton Downtown Historic Context Statement as a resource document.

- **Commercial Properties:** The new historic preservation policies would not be applicable to commercially-zoned properties, including residences in commercial or office zoning districts. A few existing Specific Plan policies had to be slightly modified to clarify that they only apply to non-residential properties.
- **Demolition Definition:** A definition of demolition for residential structures was created:

Demolition of a residential building for purposes of historic preservation shall be defined as the removal of the front façade or the most visible façade from the street, including changes to the roof and roof line. The front or most visible façade shall be considered the forward most ten feet of the structure. If the portion(s) of a building that is(are) required to remain as described above are later determined by the Director of Community Development to be unusable (e.g., due to dry rot, termite damage, etc.), then said portion(s) may be removed and reconstructed provided the new exterior construction matches the original in material, composition, design, color, texture, shape, and dimensions.

- **New Residential Building Design:** The current policy states “new building design should draw upon the primary exterior features of Downtown’s traditional design character in terms of architectural style...” and “...the design of new/replacement buildings should not represent a significant departure from the existing neighborhood character.” In order to clearly inform property owners and applicants what residential architectural styles are acceptable Downtown, the policy would be

changed to require new homes to utilize one of the architectural styles found Downtown dating before 1942 such as Victorian, Craftsman, Mission Revival, etc.

- **Compatibility of Mass and Bulk of Single-Family Homes:** The current policy states that the floor area, bulk, and massing of new buildings should be consistent with those of buildings in the immediate neighborhood. In order to reduce uncertainty in the policy and clearly inform property owners and applicants what mass and bulk would be acceptable Downtown, the policy would be changed. The proposed policy requires the mass and bulk of new single-family homes and modifications to existing single-family homes be compatible with single-family homes in the immediate neighborhood. Compatibility would be assumed if the proposed Floor Area Ratio (FAR) does not exceed the average FAR of the single-family homes in the neighborhood by more than 25 percent. The immediate neighborhood is defined as lots within 150 ft. of the subject lot. Exceptions could be granted if the house design is determined to offset issues created by exceeding the standard or if a representative sample of the neighborhood could not be obtained using the 150 ft. distance. The entire proposed section is shown below:

Compatibility of new single-family homes or modifications to existing single-family homes with the immediate neighborhood (i.e., single-family homes on lots within 150 feet of the subject lot) relative to mass and bulk shall be assumed if the proposed FAR does not exceed the average FAR of the single-family homes in the immediate neighborhood by more than 25 percent. In computing the average FAR, only single-family detached homes in PUD and non-PUD zoning districts in the Downtown Specific Plan Area shall be used. The above compatibility standard does not apply to new single-family homes in PUD zoning districts or modifications to existing single-family homes in PUD zoning districts.

Exceptions can be granted to this compatibility standard if the specific house design is determined to offset issues created by FAR above this standard or if a representative sample of the neighborhood cannot be obtained using the 150 ft. distance, as determined by the Director of Community Development. In no case shall exceptions be granted to exceed zoning restrictions on FAR. However, variances may be granted subject to required findings and established processes.

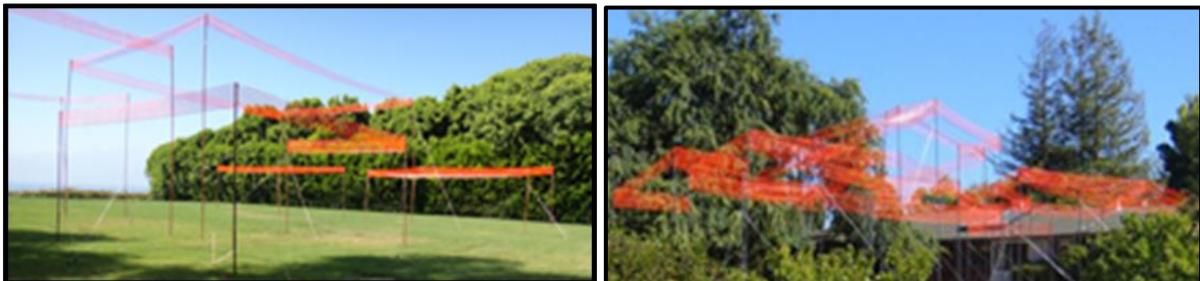
- **Garage Location:** An existing design policy which encourages garages at the rear of lots is proposed to be changed. The proposed policy would require that a detached garage be utilized and placed at the rear of the site when the lot width exceeds 60 ft. Staff discusses a possible change to the Task Force's recommendation in the **Discussion** section below.
- **Incentives:** The Task Force recommends that the Council eliminate infeasible incentive measures currently included in the Specific Plan such as establishing a National Register Historic District and encouraging participation in the Federal Historic Preservation Tax Certification program.

Downtown Design Guidelines Amendments

To be consistent with the Specific Plan, the Guidelines governing residential design were amended to address new building design, mass and bulk, and garage location. Other amendments were made to discourage the use of metal roofs (metal shingles that resemble shake or tile with a dull finish may be approved) and to discourage the replacement of wooden windows (replacement would be allowed if the replacement windows match the original windows regarding operation, profile, height, width, and glazing pattern). Please see Attachment 3 for all of the recommended changes.

Municipal Code Amendments

- Story Poles: Story poles (examples shown below) are not currently addressed by the Municipal Code. The Task Force felt that story poles are a useful tool to ensure the surrounding neighbors are aware of what a proposed home or addition would look like in terms of its height and mass before a decision is made by the City. A similar sentiment was also stated by Councilmember Brown at the Council check-in. The draft amendment would allow the City to require an applicant to install story poles for a new single-family home or two-story addition to a single-family home.



- Demolition by Neglect: An existing Municipal Code section only addresses demolition by neglect for non-single-family homes in the Downtown Revitalization District, which is a smaller area than the Downtown Specific Plan Area. The draft amendment would apply to all structures within the Downtown Specific Plan Area, including single-family homes.

General Plan Amendments

The General Plan currently states in two locations that the City will adopt a historic preservation ordinance. Based on the City Council's prior direction that it did not wish to create a historic preservation ordinance, but instead wanted the existing Downtown historic preservation policies, guidelines, and processes be re-evaluated, these two sections of the General Plan would be deleted.

Historic Context Statement

The draft Pleasanton Downtown Historic Context Statement prepared for the Task Force in 2012 by Architectural Resources Group, Inc. (Exhibit G of Attachment 9) identifies primary themes in the history of Pleasanton and connects those themes to the built environment by identifying property types associated with each theme. It provides a common resource document for future determinations of eligibility for listing on the California Register.

The Task Force is recommending that the Context Statement be used as a resource document to help determine whether a residential structure is eligible for listing in the California Register and considered a historic structure.

Process Flow Charts

The attached flow charts (Exhibit H of Attachment 9) show the City process for a residential addition, a residential tear down and rebuild, new residential construction (i.e., a new house not involving demolition of an existing house), and a residential remodel. The flow charts will be integrated into a new public informational guide explaining the City's historic preservation policies and regulations, submittal requirements, and processes. The informational guide will be completed by staff after the Council takes action on the proposed draft amendments.

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing on November 13, 2013, to review the proposed amendments. Detailed information on this meeting is provided by Attachment 7, draft excerpts of the Planning Commission minutes. Eight members of the public spoke at the hearing (including two Task Force members) indicating either support of or opposition to and/or concerns with the proposed amendments. After receiving public testimony, a majority of the Commission indicated that it supported the proposed amendments with the exception of the proposed mass and bulk compatibility standard. The Commission then approved a motion (4-1 vote) recommending the Council accept the Context Statement and approve the proposed amendments with the exception of the proposed mass and bulk compatibility standard (the Commission indicated that the Specific Plan's existing residential compatibility language would remain). The dissenting Commissioner was concerned with language in some of the new policies such as residential building design and the demolition definition.

DISCUSSION

Staff supports the proposed amendments as recommended by the Task Force and believes that they will help protect historic residential properties that are valued by the community from possible demolition. The amendments will also help streamline and eliminate uncertainty in the City's review process and eliminate inconsistencies between the Specific Plan policies and Downtown Design Guidelines. The attached Planning Commission staff report presents a more detailed description and discussion of the amendments. This report includes additional discussion regarding: an item not discussed by the Planning Commission regarding garage location; a minor change staff recommends be made to the demolition definition; changes that would need to be made to the Downtown Specific Plan and Downtown Design Guidelines if the Council supports the Planning Commission's removal of the mass and bulk compatibility policy; and two Task Force-recommended items for possible future consideration by Council.

Garage Location

The Planning Commission did not discuss an item that staff had raised in the Planning Commission staff report regarding garage location. The Specific Plan currently includes a Residential Design and Beautification policy encouraging garages at the rear of lots and the Downtown Design Guidelines state that detached garages are preferred and

should be placed at the rear of sites. The Task Force recommends that the Specific Plan and Guidelines be modified to remove any uncertainty of whether the garage has to be detached and placed in the rear of the lot or if it could be attached and placed at the front of the home.

In its discussion of drafting the new standard, the Task Force felt that there is a point when the lot is too narrow to reasonably locate a detached garage in the back of the lot and retain enough space for the construction of the home while meeting the City's setback requirements. The Task Force discussed various lot widths to use as the cutoff when a detached garage would be required (e.g., 45 ft., 50 ft., 60 ft., etc.) and ultimately selected a lot width of greater than 60 ft. The Task Force felt that a lot narrower than this would not allow one to build a house of reasonable width while also meeting the setback requirements. Exception language was also included to address a physical constraint, such as a heritage-sized tree or topography, that prevented someone from installing a driveway on the side of the house.

Below is the Task Force's recommended policy:

When a lot exceeds 60 feet in width, detached garages are required and shall be located to the rear of the site. Exceptions can be granted due to a physical constraint that prevents compliance such as an existing heritage-sized tree.

The Downtown Design Guidelines were modified to include the same language.

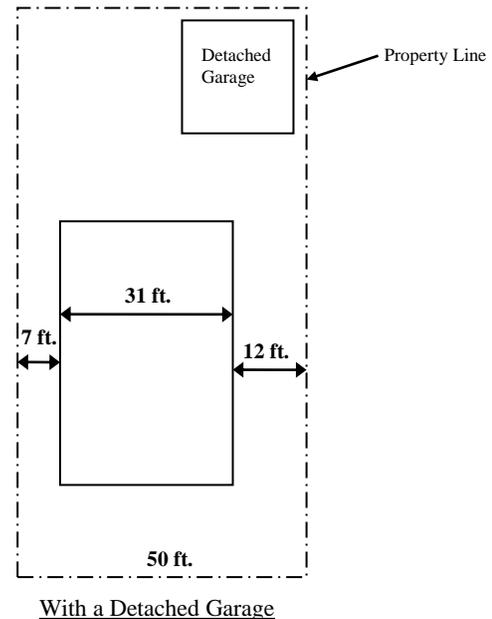
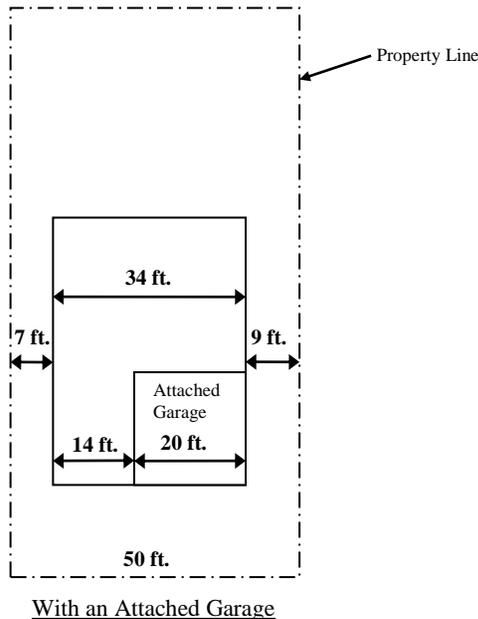
While staff supports making the Specific Plan and Guidelines consistent with respect to garage regulations, staff questions whether using the Task Force's recommended greater than 60 ft. lot width would potentially allow more homes to be built with a garage-dominated front elevation in the one area of the city where it would look most out of character with the surrounding homes and conflict with the architectural styles that are desired.

The Task Force had originally contemplated using a 50 ft. lot width as the cutoff for requiring a detached garage. The Task Force and some members of the public were concerned about the width of the house that would remain if you were required to place the drive aisle leading to the detached garage on the side of the house. However, staff notes that if a two-car garage was allowed on the front of a house, then you would lose 20 ft. of the house width at the front portion of the house for a 20 ft. wide by 20 ft. deep two-car garage (the minimum dimensions allowed by Municipal Code). On a 50 ft. wide lot (a common residential lot width Downtown), that would result in a remaining width of 14 ft. for the living area of the house adjacent to the garage and a 34 ft. house width beyond the garage after the City setbacks are applied for the RM-4,000 Zoning District (which includes the homes on the east side of First St. and the west side of Second St.). Conversely, a 10-ft. wide driveway on the side of the house with one-ft. wide landscape planters on either side (12-ft. total) results in a 31-ft. wide house after the City setbacks are applied, which is wider at the front of the house than if the garage is attached and only three feet less in width behind the attached garage option. A graphic example of this is shown on the following page. Examples for the two other residential zoning

districts in the Downtown Specific Plan Area (the R-1-6,500 and RM-1,500 Districts) can be found in Exhibit I of Attachment 9.

RM-4,000 District

Minimum Side Yard Setbacks are 7 ft. minimum on one side with total combined side yards of at least 16 ft.



Staff notes that there are many examples of 50 ft. wide lots with driveways on the side of the house leading to a detached garage in the rear of the lot. For example, on the west side of Second St. between Kottinger Dr. and Arendt St., where most of the 13 lots are 50 ft. wide, there is a driveway on the side of all of the homes except for the corner lot at Kottinger Dr. (which has a driveway on Kottinger Dr. and no driveway on Second St.).

Options for Consideration

The following are a few options that the Council may wish to consider and/or discuss:

1. Use the Task Force's recommendation without changes.
2. Change the Task Force's recommended greater than 60 ft. lot width for requiring a detached garage to 50 ft. (or another dimension the Council believes is appropriate).
3. Use the Task Force's recommended greater than 60 ft. lot width for requiring a detached garage and add language to encourage detached garages be located at the rear of lots on lots 60 ft. or less when feasible.
4. Keep the existing Specific Plan and Guideline language which encourages, but doesn't require detached garages be located at the rear of lots.

Demolition Definition

Some members of the public were concerned that the proposed demolition definition would prohibit the replacement of windows and doors. While the definition was not written with the intent to prohibit the replacement of windows and doors, staff acknowledges that someone might interpret the definition that way. In order to clarify that the replacement of windows and doors would not be considered a demolition, staff recommends the definition be modified as shown below (new language is underlined):

Demolition of a residential building for purposes of historic preservation shall be defined as the removal of the front façade or the most visible façade from the street, including changes to the roof and roof line, but excluding the replacement of windows and doors. The front or most visible façade shall be considered the forward most ten feet of the structure. If the portion(s) of a building that is(are) required to remain as described above are later determined by the Director of Community Development to be unusable (e.g., due to dry rot, termite damage, etc.), then said portion(s) may be removed and reconstructed provided the new exterior construction matches the original in material, composition, design, color, texture, shape, and dimensions.

This change has been incorporated into the draft amendments (Attachment 2).

Changes to Address Elimination of the Mass and Bulk Compatibility Policy

If the Council supports the Planning Commission's removal of the proposed new residential mass and bulk policy, the current Specific Plan policy addressing this issue would be retained with some minor revisions. In addition, an existing Design Guideline should be modified to be consistent with the language of this new Specific Plan policy. These changes are shown in Attachment 6.

Another Option for Consideration

Some members of the public have requested that no compatibility standard be used regarding mass and bulk (i.e., eliminate the existing Specific Plan policy and Design Guideline without adding new language) and only require compliance with the FAR standard of the zoning district that the property is located in. For the residential districts Downtown, the FAR standard is 40% for the R-1-6,500 and RM-4,000 Districts and 50% for the RM-1,500 District. The FAR is calculated using the gross floor area of the home and accessory buildings excluding space used for off-street parking divided by the lot area.

Other Items for Possible Future Consideration

Based on the feedback from the City Council at the June check-in, the Task Force is not recommending that the City Council require Design Review for modifications to the first floor (i.e., 10 ft. or below in height) of single-family homes or establish a Mills Act Program as part of this package of amendments. However, some Task Force members felt that expanding design review authority to the first floor of homes in the Downtown is critical to ensure that changes are consistent with the Downtown Specific Plan and Downtown Design Guidelines. In addition, some Task Force members believe that the Mills Act is a useful economic incentive to help property owners preserve historic

buildings. The Task Force is recommending that the City Council ask staff to continue to evaluate these two items.

PUBLIC NOTICE

Notices regarding the proposed amendments and related City Council public hearing were sent to property owners and tenants within the entire Downtown Specific Plan Area (shown on Exhibit K of Attachment 9), the Task Force members, and interested parties who contacted staff requesting such notice. The public notice was also published in *The Valley Times*. At the time this report was written, staff had not received any public comments in response to this notice. Correspondence received in response to the Planning Commission public hearing notice has been attached to this report (Attachment 8 and Exhibit J of Attachment 9).

ENVIRONMENTAL ASSESSMENT

This project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), as it has been determined that the amendments will not cause a significant negative effect on the environment.

Submitted by:



Brian Dolan
Director of
Community Development

Approved by:



Nelson Fialho
City Manager

Attachments:

1. [Draft City Council Resolution accepting the Pleasanton Downtown Historic Context Statement](#)
2. [Draft City Council Resolution approving amendments to the Downtown Specific Plan](#)
3. [Draft City Council Resolution approving amendments to the Downtown Design Guidelines](#)
4. [Draft City Council Resolution approving amendments to the General Plan](#)
5. [Draft City Council Ordinance approving amendments to the Municipal Code](#)
6. [Planning Commission's Recommended Changes to the Task Force's Proposed Amendments](#)
7. [Draft Excerpts of the November 13, 2013, Planning Commission meeting minutes](#)
8. [Letter from Peter MacDonald, received after publishing the November 13, 2013, Planning Commission Staff Report](#)
9. [November 13, 2013, Planning Commission Staff Report with the following Attachments:](#)
 - Exhibit E – City Council Check-In Report dated June 4, 2013, without Attachments
 - Exhibit F - Minutes of the June 4, 2013, City Council Meeting
 - Exhibit G - Pleasanton Downtown Historic Context Statement
 - Exhibit H - Process Flow Charts
 - Exhibit I - Garage Location Figures
 - Exhibit J - Public Comments
 - Exhibit K - Location and Public Noticing Map