

DRAFT

P13-2446, P13-2447, and P13-2448, City of Pleasanton

Consider amendments to the General Plan, Downtown Specific Plan, Downtown Design Guidelines, and Municipal Code relating to historic preservation, residential design, story pole requirements, and demolition by neglect within the Downtown Specific Plan Area.

O'Connor recused himself, indicating that he owns property in the Downtown. Commissioner Posson joined the other Commissioners on the dais.

Brian Dolan presented the staff report and stated that after a very long and interesting process, staff is bringing forward the recommendations of the Historic Preservation Task Force. He then made a brief presentation of the history of the Task Force.

Mr. Dolan stated that the Task Force was created in October of 2011 by the City Council and consisted of seven members, two of which were Planning Commissioners and five were at-large members selected by each Councilmember. He indicated that the primary focus of the Task Force was to review the City's current preservation policies, guidelines, and processes, pointing out that there were two points of emphasis: (1) to see if some of the "brain damage" from the previous processes and projects that had been evaluated through the existing procedures could be eliminated; and (2) to explore whether or not the historic resources in town were actually being protected enough.

Mr. Dolan stated that the Task Force met twelve times, held a public workshop and four outreach meetings, and had "check-ins" with both the Planning Commission and the City Council. He indicated that when the Task Force had formed a tentative plan or path forward, it went back to the City Council and brought forward several issues:

1. The Task Force spent a fair amount of time talking about the potential creation of a local historic district, but the Council did not believe that was something it could support.
2. The Task Force explored whether or not the City should be pursuing local standards and something different than what the criteria currently are for determining a historic structure or property, and there was no support for that; one Councilmember said that she would be interested in more information. He stated that ultimately, the Task Force, with one minor exception, took that feedback from the Council and did not recommend the creation of additional local standards.
3. The HFTP proposed the creation of a definition of demolition. The City was operating in a kind of vacuum in this regard which came up time after time in various projects. The Council was supportive of that and actually selected one of the options that was presented at the check-in. Based on some of the public input at one of the more recent meetings, the Task Force has subsequently made some minor amendments to that, but staff believes those are going to be acceptable to the Council.

4. There was some question about whether or not there was a need to clarify existing policies and guidelines. Some of those inconsistencies and maybe outdatedness of some of the information in the policies and the guidelines, particularly in the policies of the Specific Plan, were very obvious and did need clarification.
5. The Task Force was exploring whether or not to complete a comprehensive historic resource survey instead of an as-you-go process of requiring property owners to pay for analysis of their individual property when they decide to do a project. Doing a more comprehensive survey ahead of time to be funded by the City would eliminate both the time and expense of the applicant later down the road; it also informs people ahead of time in terms of real estate transactions, and they can make an informed decision if they are really interested in owning a historic property or not.
6. Implementation of the Mills Act, where the City sets up a program which allows it to enter into contracts with property owners regarding some particular improvements to the property that are consistent with historic preservation, restoration of historic features, and even more common, maintenance, in exchange for relief from their local tax bill. The Council was not supportive of pursuing that.
7. There were a few things that were discussed in the Task Force meetings which were not a part of what the Task Force brought forward to the Council but did come up at the Council check-in: (a) improvement to the City ordinances about property maintenance, essentially, the issue of demolition by neglect, when an owner who has an old property and just does not take care of it, and ultimately the property gets too bad that it has to be torn down; and (b) the use of story poles, which is something the Commission is familiar with and which becomes particularly important when projects with historic homes in the Downtown area are being considered. The Council asked to add these to the package of initiatives to move forward.

Mr. Dolan stated that the Task Force recommendations will affect several of the documents that guide decisions in this subject matter: there are very small amendments to the General Plan which are very much just clean-up; there are some more significant proposed changes to the Downtown Specific Plan; some additional changes to the Downtown Design Guidelines that typically have some relationship to what is being amended in the Specific Plan; there would not be a change to the Zoning Ordinance in terms of creating a Historic Preservation Ordinance, which the current Specific Plan states would be done; however, a few related issues came up requiring changes to the Zoning Ordinance, one of which is story poles. He noted that the Commission is aware that oftentimes having story poles is very helpful, but staff has no authority to require them now, and the Task Force essentially felt it was important enough to address the issue. He added that with this amendment, staff would be able to require story poles if necessary. He noted that it adds a minor expense but is really very helpful in seeing what these new structures might look like in a particular setting.

Mr. Dolan stated that the Task Force did take the suggestion by Council, and originally by some of the Task Force members or people who attended the Task Force meetings, to propose some improvements to the Code related to "demolition by neglect."

Mr. Dolan stated that the City had contracted with a historic preservation consulting firm to prepare a Historic Context Statement, which is basically a background information document that describes the history of Pleasanton and how that translated into the physical environment, what types of buildings the City ended up with, and what the particular architectural and physical components of those types of buildings that exist in the Downtown are; and sets a basic understanding and framework for what is in the Downtown.

Mr. Dolan stated that one thing that the Task Force also agreed after some discussion was that all changes would be limited to the Downtown Specific Plan area. He noted that there are a few items that the Council did not give the green light to at the check-in, but the Task Force was interested in making sure the Council knew that, with the understanding that its role is going to be over, the Task Force would be in favor of encouraging additional discussion in the future of first-floor design review and in the potential for a Mills Act program.

Mr. Dolan then summarized the Task Force recommendations that relate to the Downtown Specific Plan:

1. Criteria for determining if a structure is a historic resource are that it is at least 50 years old and determined to be eligible for the California Register.

Mr. Dolan stated that this is the State criteria that the City just basically adopted. He indicated that the Task Force talked about this matter quite a bit and was actually one of the issues it brought forward to the Council; however, the Council was not interested in adding local criteria and questioned if it is really necessary to get more localized or more aggressive in saving and protecting more buildings. He noted that the Task Force ultimately took a very measured approach without trying to exceed what the Council was interested in. He indicated that one change that the Task Force collectively decided to recommend is moving back the year by which there would be concern about particular buildings, to the start of World War II, 1942, as opposed to the State's rolling 50-year period, which would consider everything up to 1963 something that would be looked at. He added that the Historic Context Statement is a resource that provides more information, and the idea is that there is this common basis for analysis, and there will be consistency for what conclusions will be based on, relative to the criteria for eligibility for the California Register.

2. The creation of a definition for demolition.

Mr. Dolan stated that the Task Force considered many different options, but the Council identified one which would be considered a pretty liberal definition of demolition. He pointed out that some people get very numeric about the percentage of the exterior wall, and so it is a mathematical equation; while others use a more general one that is

actually recommended by the State Office of Historic Preservation which was more vague and requires more interpretation on a case-by-case basis. He noted that these are at two opposite ends, and the Task Force picked something that was more practical but also not hard to figure out on a case-by-case basis, basically trying to become consistent with what the community value is. He stated that the Task Force came up with one that essentially regulates the front façade, not only the front wall but going back and getting some volume of the house. He noted that most people interested in preservation in Pleasanton are most concerned with how the structure presents itself to the public on the street and not so much with what goes on in the back; the Task Force addressed the definition to the first front ten feet of the house.

Mr. Dolan stated that the minor change that has occurred since the Council check-in is the issue that certain walls are designated to be maintained and they might even be the front wall, but when the siding is pulled off and there are dry rot or termites and all the studs and everything else are falling apart, this is really not something that should stay if reconstructing or remodeling the house is being considered. He indicated that the Task Force wanted to be clear that if it can be documented that that is the case, even though that is the wall that the City wants to save, fixing it and putting structurally sound material in would be allowed with the idea that the exterior would match the original materials in composition, design, color, shape, and dimensions.

3. The initial conversation about including both residential and commercial properties.

Mr. Dolan noted that there was substantial opposition from commercial property owners to having anything that could be perceived as additional regulation on their properties. The Task Force heard that input and ultimately was agreeable to removing from its recommendations any changes to commercial properties. He further noted that there is the sub-question of whether it is commercial property or residential use on a commercial property, and ultimately, the dividing line is if the property is zoned commercial, it would be considered a commercial property.

4. Recommended change on a policy that existed and applied only to Ray Street and Spring Street.

Mr. Dolan stated that this is a neighborhood that was one of the City's older subdivisions and is mentioned in the Specific Plan as the original subdivision. He indicated that the research done as part of the Historic Context Statement suggested that this was not necessarily accurate, but it had another problem created by a policy which said that there will be no demolition on those properties to the primary structure. He noted that the Commission had to struggle with this policy relative to the proposed demolition where the structure itself had not been deemed to be eligible for the California Register, and this policy was the only reason it was being saved, even if it had been altered so many times that it did not have any integrity left, and even though the replacement structure arguably offered as much to the scale and the neighborhood feel as the existing structure would have. He stated that the Task Force recommended

to take that policy out and give this particular neighborhood the same protections that all the other neighborhoods would have.

5. New residential building design and how it is supposed to be compatible with the neighborhood.

Mr. Dolan stated that the Task Force spent some time talking about how compatibility is judged and can be a little bit subjective. He indicated that the Task Force tried to come up with some kind of metric because part of the Council's instruction was to make the outcomes more predictable and not have as many individual discretionary decisions that add on to each other and make the process so hard. He added that the Task Force explored different compatibility standards and ultimately came to the conclusion that the Downtown was an eclectic community. He noted that the Historic Context Statement identified the types of architecture that are prominent and historic, and someone from the audience who attended the Task Force meetings quite regularly suggested that the structure would be considered compatible if it included one of those styles. He added that the Task Force liked that, and that is what the recommendation is at this point.

Mr. Dolan stated that staff also struggles occasionally with applications and the current policies relative to compatibility of residential additions or even new homes. He indicated that the problem lies in the fact that there are established floor area ratios (FAR) which dictate the amount of square footage each lot can have relative to the size of the lot. He added that there are additional policies layered on top of that that say that it needs to be compatible with the surrounding neighborhood relative to massing and scale and bulk. He noted that these are two conflicting policies or regulations: if it is 40 percent, or if it is really appropriate to require the applicant to go smaller if things in the neighborhood are also smaller. He stated that in the interest of trying to come up with something fairly predictable, a numerical standard was established that basically says that the applicant can go up to 25 percent more than the average of the floor area ratios of the existing homes in the immediate neighborhood, defined as on any lot that is within 150 feet of the subject lot. He explained that while there is nothing magical about 25 percent, staff felt it is reasonable, and the Task Force was supportive of this particular formula. He added that the Task Force also recognized that there are certain circumstances where someone could design something that just spectacularly hides the mass and this numerical calculation is not appropriate. He noted that in this case, there is an exception process. He added that there is also an exception process for cases such as if the property is located in such a way that this neighborhood comparison is not really possible, or if it is in a corner of the Specific Plan Area, or there are uses that are not residential adjoining and the proper sampling cannot be obtained within 150 feet, or if the samples obtained give such odd numbers that they are not usable.

6. Garage policies in the Specific Plan.

Mr. Dolan stated that the Specific Plan includes policies, when dealing with proposed homes, about encouraging garages to be detached and not a part of the main structure facing the street and dominating the streetscape, but to have them more similar to how

the historic homes have typically been, where the garage was built separated or sometimes even later or after the home. He pointed out that this issue comes up possibly more at the staff level than at the Commission level. He noted that there are certain size lots where putting something in the back just does not work. He stated that what the Task Force decided was to acknowledge that fact and put in a minimum width for requiring it to be in the back, starting at 50 feet, which, after some questioning by the public about the practicality of that, the Task Force raised that minimum width to 60 feet.

Mr. Dolan stated that after thinking about this at the staff level, staff wanted to show some diagrams of garages as to how it would work on a 50-foot lot, differing from the Task Force recommendation of 60 feet. He then displayed a slide comparing two diagrams: If the garage were to be inside the house, it would be located right in the front where it would be easy to get at, and what is left in front of the house is 14 feet of living space to do a window and a door and present something nice to the street; and then maybe have a nice garage door set back a couple of feet. He noted that there are tricks that architects use, but questioned if that 14 feet of living space really all that great relative to requiring it to be in the back and then getting the full 31-foot width of living space across the front. He indicated that this is just a question that staff is posing that is different than the Task Force recommendation.

7. Clean-up based on other proposals.

Mr. Dolan stated that there were other amendments that had to be made to the Specific Plan just as a matter of clean-up, based on the other proposals: The implementation section includes all kinds of things in the Downtown Specific Plan about establishing a National Register Historic District and then utilizing the Federal Historic Preservation Tax Certification Program. He noted that a Local District is not being proposed, much less a National District; staff figured it might be time to take those out of the Specific Plan because that is clearly not where the City is headed.

Mr. Dolan then presented the Downtown Design Guideline amendments. He stated that these are overlaps between the policies and the design guidelines, and the Task Force asked that there be consistency between the policies and the design guidelines. He indicated that this required a series of changes to the design guidelines just to be consistent with the changes in the Specific Plan that were discussed earlier. He stated that at an earlier meeting this morning, the Task Force was accused of having now turned the guidelines into mandatory elements where they were currently just guidance. He explained that this is true in some cases because if the Specific Plan says in its policy, "Thou shall do it," then it would confuse the issue if in the design guidelines, it says it might not have to be done. He noted that whenever the Task Force felt very strongly that something had to be a "shall" and not a "should," that "shall" was extended to the guidelines just so there is no inconsistency. He further noted that there are still some "should,s" in the guidelines, and so it is a mix of both. He clarified that only a few select topics and not all were changed like that.

Mr. Dolan stated that another issue discussed by the Task Force that is found only in the Design Guidelines is the use of metal roofs: here it still says “discourage metal roofs” but it also acknowledges that metal shingles that resemble shake or tile with a dull finish may be approved. He indicated that there was some controversy about a particular application that used that particular approach, and there was fear it was going to be a big negative. He stated that that is not necessarily the case and can be something that is acceptable.

Mr. Dolan stated that another issue that comes up a lot, again maybe more often than not at the staff level, is that a true blue historic preservationist always wants the windows in these homes to be wooden. He noted that people argue whether or not it costs more to replace them with wood windows, but the reality is the replacement windows that are being created now look a lot better than they used to. He further noted that from a distance, it is pretty difficult to determine if something is actually wood in some of these products. He indicated that the replacement of existing wood windows is being allowed for better heat efficiency; or if the windows are just in bad repair, they can be replaced with a window made out of a different material other than wood as long as they have been designed to look like the original windows regarding the operation, profile, the height, glazing, and pattern. He noted that the replacement may sometimes not be exactly to the inch, but one that is pretty close is acceptable.

Mr. Dolan stated that there is one minor General Plan amendment, a clean-up item, that needs to be made: The General Plan states that the implementation of all these policies would be through the adoption of a Historic Preservation Ordinance; however, as mentioned earlier, none of the changes will create a Historic Preservation Ordinance.

Finally, Mr. Dolan addressed the two Pleasanton Municipal Code amendments mentioned earlier: (1) Story Poles, which are not currently addressed, and the Task Force is proposing an amendment that requires staff to allow them as they are very useful in the application review; and (2) Demolition by Neglect, which are addressed only for non-single-family homes in the Downtown Revitalization District, and this amendment would make the current ordinance apply to all structures within the Downtown Specific Plan Area.

Mr. Dolan concluded his presentation, indicating that that is the package of recommendations that the Task Force would like the Council to adopt and which is being presented to the Commission for its review and, hopefully, recommendation. He indicated that staff concurs with the Task Force recommendations, with the one issue on the lot width regarding requiring the garage to go in the back.

The Commission took a break at 8:31p.m. and resumed at 8:39 p.m.

Commissioner Ritter noted that the Task Force is recommending deleting the Federal opportunity. He inquired if there are any tax incentives or government incentives to help in restoration efforts for historic preservation.

Mr. Dolan replied that the only one that would be available is the Mills Act program, and Council was not supportive of it.

Commissioner Ritter inquired if it is necessary to designate an area in order to do the Mills Act program.

Mr. Dolan replied that the City would have to adopt a program, and then there are regulations that control that program.

Commissioner Ritter inquired if someone who wanted to replace a window would need to go through a special process because of the façade.

Mr. Dolan said no. He added that this refers to the definition of demolition, and the City's view is very generous. He indicated that if they keep the front ten feet looking like the old, they can do a lot in the back. He stated that the purpose is not to change the consideration of the replacement of a window – that is still the same process as the City has now. He explained that a like-for-like replacement is an over-the-counter process; and if some modest change is proposed, or if staff needs to determine whether or not it is consistent with the Secretary of the Interior Standards, then it is more complicated, possibly an actual Design Review application. He added that in most cases, if it is just a minor replacement, staff makes the finding that it is consistent with the Standards and the application is approved.

Commissioner Ritter inquired what the FAR has to do with historic preservation and why the 25 percent over FAR; why not just have a standard FAR, the same one that applies to every place else in the City.

Mr. Dolan replied that he understands the question and that it is a good one. He stated that this is something to eliminate an inconsistency that currently exists. He indicated that it really is a policy question. He posed the question; "Does the City want new homes to be roughly the same size as the ones near them, or is a flat-rate 40-percent FAR the answer for everything?" He added that since there was already a policy saying that they be consistent with each other, staff just wanted to eliminate the inconsistency between that policy and the 40-percent FAR requirement, and let everybody be able to predict the outcome before they went into a project and spent a bunch of time and money on designing something.

Commissioner Ritter inquired if the same would apply for non-historic houses as well.

Mr. Dolan said yes.

Commissioner Ritter stated that he just wanted to keep them all the same and that he does not want to create more bureaucracy in the process.

Commissioner Posson inquired what the rationale was for going beyond the State guidelines. He stated that the way he read this, there are two areas that go beyond the Stage guidelines: (1) the 1942 date versus the 50-year rolling time line; and (2) the Historic Context Statement. He requested a little background on what that genesis is and what type of public review that document has gone through.

Mr. Dolan replied that the change in date was basically the feeling of the Task Force and almost everyone the Task Force talked to, especially those who are a little bit older, felt that something that was built in 1963 was not really historic. He indicated that there are certain periods that the Context Statement actually describes, about when the boom's were and what they were related to. He continued that there is a certain kind of architecture that was associated with each of those, and it is spelled out pretty clearly in the Context Statement. He stated that the City would generally like to protect the homes that are older than 1942, but there are exceptions as not every home that is built before 1942 is going to qualify under the State criteria, and that actually releases a set of homes. He noted that this is not going beyond, but is actually more liberal than the State standard.

Mr. Dolan stated that he does not necessarily consider using the Context Statement as going beyond the State standard either. He explained that it is just saying that a common denominator will be used for the analysis: the pattern of development, the property types, and the components that make them important; and this is what is referred to when responding to the California Registry eligibility criteria. He stated, for example, that if George Washington slept there, that is a criterion that is more obvious; however, getting down to the components that make them important is where the professional judgment of the consultant will be necessary to determine if the property embodies the distinctive characteristics of a type, period or region, or method of construction, or represents the work of a master, or possesses high artistic values. He reiterated that making that distinction would be based on a common document.

Commissioner Posson requested verification that by using 1942, more residents are excluded from this Ordinance than if the 50-year figure is used.

Mr. Dolan replied that is correct. He noted that there are not very many. He explained that if a house that was built in 1956 meets the State criteria, but the City is not considering it historically significant and the additional regulations that are part of the City's local criteria will not be applied to the house.

Commissioner Posson asked what kind of peer review the Historic Context Statement went through.

Mr. Dolan replied that there was no peer review, but it was reviewed by the Task Force and staff, it was provided to the City Council, and it has been widely distributed at Task Force workshops and has been available on the website for over a year.

Commissioner Posson inquired if there were any comments that came back.

Mr. Dolan said yes and added that most of the comments were very positive.

Commissioner Olson requested verification that none of this applies to commercially-zoned buildings in the area.

Mr. Dolan replied that none of the proposed changes apply to the commercial. He continued that the Task Force did not roll back what already applies to the commercial and that if the Council adopts this package, what applies to commercial today will be exactly the same down the road. He confirmed that these new policies apply only to residential.

Commissioner Allen inquired how this proposal compares to other cities that have a lot of old homes, such as Livermore, Danville, and others. She inquired if Pleasanton is being more lenient or stricter compared to the others.

Mr. Dolan replied that there is no standard approach, and they are all over the map. He stated that there are some communities that have National Registers for Historic Districts, and the process for protecting them is pretty regulated. He indicated that a certain quality of resources is necessary before that approval is granted and that it is not the locality that makes the determination that the district is eligible. He added that once a district is deemed eligible, the rules are pretty strict, and it requires the creation of a commission, whose membership must have a certain amount of expertise, to consider all changes other than minor ones that can be designated to staff. He stated that it gets pretty involved and that there are some communities that ignore this issue entirely and only do it when somebody uses CEQA to challenge something that they have done. He indicated that Livermore has probably a more aggressive and involved approach than what Pleasanton has; it has a fairly complex ranking or rating system of its resources, Levels 1 through 6, based on the national model of rating. He added that Livermore also has a commission, but in most cases, smaller items are eligible to be determined by staff. He added that it has a very similar set of policies to Pleasanton's and a similar set of guidelines, but the decisions are made at either the staff level or through this commission that it has established with a certain kind of expertise.

THE PUBLIC HEARING WAS OPENED.

Peter MacDonald stated that at the Chamber of Commerce meeting this morning, a member of the Task Force, who is also a Downtown homeowner, expressed concern that Downtown is the only neighborhood in Pleasanton that is not protected by architectural restrictions. He indicated that he agreed and that it shows in the highly diverse architecture that makes Downtown Pleasanton so interesting. He noted that Downtown is the most spectacular neighborhood in the City; the quality homes and eclectic architecture of Downtown is the product of individual property owners, each improving their own property in their own way. He pointed out that there are already substantial controls on Downtown property improvements; every project has to go through design review. He added that the Historic Preservation chapter of the Downtown Specific Plan spells out policies for preservation of historic resources, and there are design guidelines as well. He stated that the Task Force recommendation addresses the right issues but has some flaws that should

be clarified or corrected before adoption. He further stated that in general, the proposed amendments emphasize prescriptive architectural controls even on non-historic properties, and this is not in keeping with the way the Downtown was built and with what makes Downtown so attractive.

Mr. MacDonald then addressed five specific issues:

1. Widespread Downzoning. The compatibility standard in Policy 8 is a downzoning of selected properties Downtown and is so complicated that property owners cannot even know what their allowed floor area is. If they gave a Darwin type award for the most obtuse government regulation, Policy 8 would be a finalist. The applicant would have to know the exact floor area of the house and the exact land area of the 25 to 75 houses within 150 feet of that house. There are complicated calculations after that. How many property owners know that and can plan their home improvements accordingly? The City has a 40-percent FAR standard in the Zoning Ordinance, and that should be enough to ensure compatibility anywhere Downtown. Moreover, FAR has nothing to do with historic preservation.

Mr. MacDonald recommended that the Planning Commission delete Policy 8 in its recommendation to the City Council.

2. Mandatory Pre-1942 Architecture. Policy 6 says that all new residential design should adopt architectural styles dating from pre-1942. Pleasanton has never mandated an imitation history design on all new construction Downtown; most Downtown buildings do not meet that architectural standard.

Mr. MacDonald stated that he has no problem with the statement “as a preference and vision for property owners to consider.” He indicated that Policy 6 says: “shall utilize pre-1942 architecture” and added that in similar places, it could say: “are encouraged to use pre-1942 architecture.” He recommended that the “shall” and the “must” be taken out. He indicated that that is a reasonable and needed clarification.

3. Any Façade Modification is a (Prohibited) Demolition. Policy 2 says it is a prohibited demolition to remove the most visible façade from the street. At the Chamber meeting this morning, Director of Community Development Brian Dolan assured the business community and attending Councilmembers that property owners would be allowed to replace materials in the front façade so long as they maintain the same look and feel. That is not what Policy 6 says. Policy 6 requires that the material replaced must be proven to be unusable.

To bring this regulation back to what the Director thinks it says, Mr. MacDonald recommended that Policy 6 be modified to say: “It shall not be considered a demolition when portions of the façade are modified, expanded, removed, or reconstructed with the exterior construction substantially matching the original in material, composition, design, color, texture, and shape.” He indicated that this is a reasonable and needed clarification.

4. What is a Historic Resource? Policy 1 says historic resource is a residential building built before 1942 ... determined using the Pleasanton Downtown Historic Context Statement to be eligible for listing in the California Register.

Mr. MacDonald stated that Mr. Dolan told the Chamber this morning that the reference to the Context Statement does not change the requirement that each property designated a historic resource must meet the full criteria for California Register listing. He noted that that is a helpful clarification and that he is ready to take Mr. Dolan's word so the word change is not warranted. He added that he comes from the trust-but-verify school of thought when it comes to new government regulations. He stated that he thinks the Planning Commission should request that the Comprehensive Historic Resource Survey to be performed based on those criteria be brought back to the Planning Commission and City Council. He pointed out that each property recommended for designation as a historic resource, and the factual basis for that designation should be vetted by the people whose property is being designated. He emphasized that the final determination of a property as a historic resource should be made by the City Council and not by some consultant. He indicated that that is a needed safeguard to assure that the standards are reasonably applied.

5. Converts Guidelines into Mandates. Mr. Dolan stated earlier that Policy 10 is not intended to make the guidelines mandatory to the extent that they are mandatory or voluntary now, and that they will stay that way.

Mr. MacDonald stated that Mr. Dolan gave the clarification that he was hoping for.

Mike Peel stated that he attended Task Force Meetings #1 through #7 and that at the last Task Force meeting, he was told that items decided by the previous six Task Force meetings were not going to be changed or discussed. He called attention to the paragraph on height and mass on page 35 of the Downtown Design Guidelines: "In the immediate area, homes on the lots within 200 feet of the subject lot." He indicated that this was decided in Task Force Meeting #6 and that he could not bring up any discussion on it in Task Force Meeting #7.

Mr. Peel stated that on October 4, 2013, he got an email from Steve Otto stating that paragraph 8 on page 9 of 12 of the changes, the "200 feet" is now changed to "150 feet of the subject property." He noted that this was not discussed in the last Task Force Meeting, and, therefore, he does not know if it got changed by staff or by the Task Force itself. He questioned who is going to determine the square footage of the surrounding 18 to 25 homes. He stated that, as a real estate broker, he knows that on the tax records, the square footages of these older homes are misleading, and some do not even exist. He questioned what if one of the surrounding neighbors does not want the applicant to come onto their property to measure their house, and how can the applicant then get the accurate measurements of the houses surrounding the subject property.

Lastly, Mr. Peel presented a scenario where if he were buying a house on Second Street and took into consideration the 25 percent of the surrounding neighbors, and it was determined that he could add 400 square feet to his house. He continued that then a friend of his moves three blocks down the street where the homes are larger, and he can add 800 square feet to his house. He indicated that this is extremely inappropriate and not consistent with each homeowner who wants to move Downtown.

Mr. Peel stated that he agrees with everything Mr. MacDonald said. In summary, he stated that he believes the historic date should be 1900 and older and that all new homes and remodeled homes in this district have the same FAR as all the other homes in Pleasanton.

Jan Batcheller stated that she lives right in the heart of this District that is being talked about tonight and sees this as creeping regulation that makes things harder and more expensive. She indicated that some of the most affordable housing is located in part of this Downtown area, such as on Augustine Street. She noted that with these big regulations such as replacing wood with wood, people will not be able to do what they might want to do with their homes because this is expensive and eliminates some of the people who might want to make some modest changes to their modest homes. She indicated that one of the things she likes about living Downtown is that it is very eclectic, and there are so many modest homes around there. She noted that her home could never be built today if these regulations were in existence. She stated that she lives in a mainly Victorian neighborhood but her house is not Victorian and the setbacks are all different. She further stated that this makes our neighborhood very eclectic and very unique and desirable. She indicated that they do not have any Covenants, Conditions, & Restrictions (CC&Rs) and that they are one of the most desirable neighborhoods in the Downtown. She added that she sees this as putting a whole bunch of CC&Rs on her neighborhood and they are not by the homeowners. She noted that it is the government putting the CC&Rs upon them, and they do not get to decide those for themselves. She recommended that rather than having prohibitions, there should be incentives, such that their fees for this or that are reduced if the regulations are followed. She stated that it should encourage remodeling and restoration, not discourage it.

Ms. Batcheller stated that she is in full agreement with Policy 8. She noted that the compatibility FAR just sounds terribly complicated and questioned how she is supposed to know of the neighbors' FARs before starting to make any plans. She stated that the FAR has nothing to do with historic preservation and requested that the Commission consider adjusting it. In conclusion, she stated that she seconds Mr. MacDonald's comments.

Linda Garbarino stated that she attended the Chamber meeting this morning, which is always interesting and a really educational experience. She noted that at that meeting today, the proposal that is being considering this evening was described by the presenter as decrepit and fossilized. She stated that she was not really sure if those adjectives were referring to the Task Force members over the age of 60 years or the view that some folks have of taking Pleasanton's history. She indicated that she was a little confused by that but that she will take the high road.

Ms. Garbarino stated that as a Task Force member, she realized and found out a lot of things that she did not know. She thanked Mr. Dolan because he came in with a fresh set of eyes, having worked in Vallejo and Palo Alto and knows what types of things look like and how they work with regard to historic property. She stated that she thinks that is important because he was able to look at documents and to point out issues that needed to be changed that were definitely important for the Task Force members to look at and to be consistent.

Ms. Garbarino stated that the Task Force looked at the 1942 date and there are approximately 266 homes in that Downtown Specific Planning Area which will go through the rigors of the California Register criteria. She indicated that a question came up at this morning's meeting about who would certify home as a historic resource. She noted that a professional group with credentials will come and do that certification. She added that this has always been required and that Mr. Dolan has been very adamant about that and she respects that.

Ms. Garbarino stated that the Task Force members learned a lot of good things; they also learned about bad decisions that some cities have made and looked at what they have done. She noted that not having some sort of regulations really have negative impacts on the entire look and vitality of a city. She added that the good things that they have learned about cities is that good decisions protect the local history while fostering innovative renovations and enhancements and adaptive reuses which is important and really supports the commercial vitality. She pointed to the Firehouse Arts Center as one example in town that is an adaptive reuse and has been helpful to the vitality of the Downtown, and which is very much supported in these recommendations.

Ms. Garbarino stated that property values are important to everyone and is probably the single most important and most critical expense that people make as individuals. She stated that property owners want to protect their property values, but if there is no sort of sense that those property values are going to be overseen and that the property itself is going to be protected, something could happen to those homes – and it has happened to homes – and changes have been made within the Downtown context area that have negatively impacted and would negatively impact the property values of people's homes. She stated that this is why it is important to have somebody overseeing that. She indicated that neighbors should not be pitted against one another to oversee that; it needs to come to the Planning Commission, go to the Council and then the staff does that oversight. She noted that that will save the Commission a tremendous amount of problems in the future.

Ms. Garbarino stated that the members also learned that the primary reason people move to Pleasanton is because of schools and the historic charm. She noted that the guidelines being proposing to the Commission will enhance the historic neighborhoods, and since the Downtown Specific Plan Area ties past, present, and future together, it is important that people see what the Downtown was at the beginning and what the property owners have done that made it look like it is, including transitions that are comfortable and look good through making enhancements to existing homes, adding on, remodeling, or building new structures.

Ms. Garbarino stated that one of the most important things the Task Force looked at and constantly asked its members as a Task Force is if they are simplifying this process, if they are removing some of the old dead wood information in there; and she believes the answer is yes. She noted that staff has come up with some fabulous flow charts that are going to help the average person walking in the door, look at those to determine what it is that they are going to do before they spend their money upfront, and realize that maybe there is something they cannot do. She added that they received input during their outreach meetings, and what they have done is put together a document that really is going to be useful and very serviceable by staff. She asked if this is simpler and if residences would be able to come in and say "yes, everything is working the way it should be" and feel comfortable with that process.

Ms. Garbarino stated that a famous quote that came from one of the Commissioners is "We do not build 100-year-old houses anymore, which is why it is important to commit to maintaining authentic, historic inventory. She told the Commissioners that the Task Force is presenting this proposal to them and asking them to be a partner in maintaining the history that supports a real rich quality of life for Pleasanton residents.

Michael Harmon stated that he moved to the Downtown in April and it seems like a lot of people have lived in the Downtown area for a long time. He indicated that one of the reasons his wife and he purchased and decided to make their home in the Downtown area is to get away from regulation. He stated that shortly after they moved in, they got this notice that said that they were in a historic home. He then emailed Steve Otto, who replied that they should come to this meeting and express their concerns.

Mr. Harmon stated that they own one of those small homes built in 1928, probably 1,000 square feet in area, and they do not want to make any radical changes to it. He indicated that they like a small house and that they are a little concerned about changes in terms of property owners' rights, as some of the people who have spoken earlier have mentioned. He stated that property taxes are not a small expense, and as individual property owners, he thinks that they have certain rights in terms of their properties. He added that he is also concerned that they want to maintain that appearance, that history, and he values that as one of the reasons they bought in the Downtown; but at the same time, if he wanted to make changes to his home, he is very concerned about the specifics and the complexity of those specifics in terms of executing. He noted that he is just learning about FAR and what would need to be done if he were to expand, and the specific guidelines are daunting. He stated that as a new member of Downtown, he would like to go on record that he is concerned about property rights and also maintaining the place that he plans to live in for a very long time.

Bonnie Krichbaum stated that she is a Pleasanton resident, living in the Heritage neighborhood, and was a member of the Task Force. She expressed her thanks to all the Task Force members and to staff who have worked very hard, and hoped that the Commission approves something tonight that sounds good.

Ms. Krichbaum stated that in looking at faces and hearing things, some issues might sound a little complicated. She added that anyone purchasing in the Heritage neighborhoods should know that the Downtown Specific Plan and the Downtown Design Guidelines have been in existence for decades in the City of Pleasanton and that they should look at those documents; their realtor should tell them about the documents. She noted that the Task Force is recommending amending and cleaning-up some parts; they are not being thrown out or starting over. She added that there will be no new ordinance, and no district is being established.

Ms. Krichbaum stated that if Downtown property owners decide to add on, they should go to the City and City staff will help them with the FAR. She indicated that one reason the FAR comes into play in historic neighborhoods is something called McMansions, which is in towns all over America and which thousands of towns have dealt with: buying a small house on a small lot and then putting a great big house on it. She noted that this is done in Pleasanton because the setbacks are small and garages do not count in the FAR, so the lot can just about be covered and still stay within the 40-percent FAR; however, doing that might mean ending up looking very different than your neighbors. She stated that in their Heritage neighborhood, they have many big lots and many small lots, and it is nice to look somewhat like your neighbor and not come in and tear down your small home and build a great big home with many garages. She noted that all over California and the United States, people are looking at their historic neighborhoods, enhancing them, saying this makes their city better, more important, more livable, more exciting. She added that she thinks Pleasanton residents drive through the City and look at everything it has and it is one of the reasons they all live here. She stated that to her, it is important to ensure that the neighborhood is going to look good in the end, and the Task Force recommendations are just helping to keep it that way.

Ms. Krichbaum stated that the City has a Heritage Tree Ordinance. She noted that the City decided years and years and years ago that the City's Heritage trees were important because they cannot be replaced: a new tree can be planted, but it is not going to be a Heritage tree for a long time. She added that the City even has fines for removing a Heritage tree. She indicated that the City's Heritage homes and Heritage neighborhoods should be viewed in the same way.

Finally, Ms. Krichbaum commented on Commissioner Allen's question regarding what other communities around are doing. She stated that that information is easily available online; there are districts and ordinances surrounding the City; it is done over and over, and Pleasanton is not reinventing the wheel here.

Scott Raty stated that he wanted to give a collective sigh with the hope that the work is completed and the City is done. He indicated that he wants to bring closure and anticipates the Commission's adoption of this tonight in terms of moving it forward to a Council recommendation. He noted that, with all due respect with everything he has heard and the amount of time that has been spent, it seems to him that it has been rather disproportionate in terms of how much time and attention has been spent here as a community and a city on the tail versus the dog.

Mr. Raty stated that as a longtime resident of this community, whose first home was on Third Street in 1979, he values the historic charm of Downtown in a big, big way. He added that as the Chamber of Commerce Chief Executive Officer in the 1980's, he is still proud of the work that its Downtown Committee did with City staff to craft design guidelines for commercial properties Downtown that proved effective in providing certainty to those who would come forward with new projects to move the community forward while retaining historic character and charm and community values. He noted that the historic charm and value of the Downtown is really Main Street, the commercial core; Second Street and Third Street and the other neighborhoods were not discovered until long after that. He recalled some of the standouts that have happened here over the years, and he is still proud of the two-story building at Main Street and Angela Street that Brad Hirst built on the former site of the Roundup Saloon; the Vaughn Building right across the street from that with its ground-floor retail and second-story office building uses right now that used to be the site of Clyde Vaughn's transmission shop where the parking lot was gravel and the roof was corrugated tin; and the Chamber office stared right across the street at it every day. He continued that at the other end of the block, 450 Main Street, an entire new building behind the façade of the original two brick walls was a labor of love by Joe Callahan, Mark Sweeney, and Pat O'Brien; and there is the Rose Hotel at the end of the block that the Maddens built on the former St. Vincent De Paul Thrift Store building pad.

Mr. Raty stated that what he is circling back around is where the community is with so much of the Downtown charm and the things that have moved forward really are rooted in what happened here commercially and with the business community that remains the magnet. He added that what was accomplished was accomplished with a lot of design guidelines, but the ball was kept moving forward. He indicated that it is his hope that with the adoption of these new rules that he imagines the Commission will move forward, the City can pursue commercial revitalization with the same commitment and zeal that residential historic preservation was pursued. He emphasized that the City needs to move forward with this but continue to encourage and assist those who come again with proposals to enhance retail, dining, and entertainment in Downtown to move it forward because that is where the real ball is and that is where this community will continue to grow and flourish.

Matt Morrison stated that he has been a resident of Pleasanton for a long time and that it is his understanding that the reason Pleasanton, as all its surrounding communities, has historic Downtowns is because Pleasanton was so far off the freeway in the 1960's and 1970's that its historic Downtown did not get torn down and Pleasanton had an opportunity to preserve something. He indicated that what happened is that money came in and started to rebuild and change the character of the community. He stated that this is why it is important to support the guidelines as the City cannot build any more historic Downtown; it is really important to have something stable and a place to keep something that is already in place.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Posson stated that he would like to explore the FAR issue further. He recalled that what he heard Mr. Dolan mention was that the 25 percent was just kind of what the Task Force thought was the right number.

Mr. Dolan replied that the Task Force made the first suggestion, starting with an average, the type of information that, when there is a new home proposed and it is going to be amongst a group of older homes, the Planning Commission and, if it moves on, the City Council would want to know what the FAR of everything surrounding it is. He noted that staff is constantly doing that chart and that it is very doable. He added that sometimes, if the records are shady, staff has to estimate but it can get pretty accurate.

Mr. Dolan stated that in that regard, the Task Force thought that people are all already taking this information into consideration and asked if it should just be the average, or if it can actually be bumped up some and still be compatible. He indicated that somebody has to be the biggest, so the Task Force decided to bump it up; 25 percent was the first suggestion made, and it felt right to the Task Force. He stated that the Planning Commission may feel better with another number, or the Commission can also eliminate the Compatibility Standard entirely and just stop having discussions as to whether or not something has to match in size and scale.

Commissioner Posson inquired what the FAR requirements are for residential areas in other parts of the City and noted that he heard 40 percent mentioned tonight.

Mr. Dolan replied that 40 percent is the most common within straight-zoning districts.

Commissioner Posson inquired why the variation from that in this specific area.

Mr. Dolan replied that in a newer tract home, the size and mass are pretty consistent just based on the way they were built, and they typically have the same lot sizes as well. He noted that there is some mix but not the dramatic variation found in the Downtown. He further noted that other areas of town are just not as organic a neighborhood as Downtown.

Commissioner Posson requested staff to display the slide that shows the numeric value but includes the comment on the exemption. He stated that where he is headed with this is that should someone come in above that 25 percent, maybe with an exceptional design, and it is consistent with the neighborhood, and it is going to be 40 percent above what the neighbors have, how difficult it would be for them to get that exemption from that 25 percent increase, and what hoops they would have to go through.

Mr. Dolan replied that if it became controversial they would go through the same hoops that they would have to go through the way the regulations are now. He indicated that it will come up to the Commission and possibly the Council to decide whether or not, based on no specific criteria, they have met the challenge of being compatible in mass. He noted that in the worst case scenario, the hardest thing they would have to do is prove what they have to prove now.

Mr. Dolan continued that then there is a whole different circumstance where someone actually wants to go above the 40 percent, which would be a variance; the findings are hard to make, and that is the exact same process that would be required now.

Commissioner Allen asked Mr. Dolan if he stated that there is a principle today in the historic district regarding being compatible in mass and that the issue is that there are not specific standards of what that looks like.

Mr. Dolan said that was correct. He thanked Commissioner Allen for bringing it up as he indicated he was a little confused by one of Commissioner Ritter's earlier questions who asked if this only applies to historic. Mr. Dolan explained that this is actually an existing policy that applies to anything in the Downtown Specific Plan, so that if someone were bringing something in that is supposed to be consistent, whether it is old or new, the Downtown Specific Plan right now says that it should be consistent.

Commissioner Allen requested Mr. Dolan to verify that what she is really hearing him say is that it is a principle today, but the issue is just that it is vague and so there is uncertainty; and what the Task Force did was to put standards around this to create more certainty around the process.

Mr. Dolan said yes.

Commissioner Allen continued that then an exception is provided if there is a reason that has a business benefit.

Commissioner Olson commented that if consistency is followed far enough, the eclectic nature of the neighborhood would be destroyed.

Mr. Dolan replied that he thinks there is probably some truth to that statement. He noted that there is quite a bit of eclecticism just by the variation in the lot sizes, and there are some differences there that are not found in other neighborhoods.

Commissioner Olson stated that he has concerns about the FAR issue because if he purchases a vacant lot in this district, he would not know what to tell his architect for starters. He inquired if he even knows what he can do for starters.

Mr. Dolan replied that hopefully, Commissioner Olson is not designing a building with his architect before one of them has come down and sat down with Planning staff. He stated that typically, every architect who is being considered for a job goes in and does his research so he can help his client design something. He noted that it is hard for him to imagine not including a visit to Planning as that is part of the things that Planning staff do: they explain to the architect what the rules are, and this would be something that Planning staff would do with them. He added that the source of information for determining the FAR is going to be in the Planning offices; staff would assist, and if there are those rare occasions when staff do not have square footages and the property owners are not allowing the applicant to access their properties, staff will work around that, go to the

next-door property, look at aerial photographs, and come up with a reasonable estimate of what the square footage is.

Commissioner Olson stated that he has looked at the Historic Context Statement and it strikes him as opening things up dramatically and making the whole process less predictable for an individual who wants to either build a home on a vacant lot or refurbish an existing house or add on to it.

Mr. Dolan explained that the Historic Context Statement does not even address new homes.

Commissioner Olson inquired if it will be used by folks to throw rocks at a proposal, and there have been plenty of that going on in this area.

Mr. Dolan explained that it is really only a document to help decide whether something is historic or not; it is just an analysis of history and how it relates to what ended up being built on the ground and what the components of the various types of things that were built are. He indicated that the information is then used to determine if something is historic; it does not include regulations. He stated that it actually closes gaps because it makes a consistent resource for all different analysis that might be presented. He pointed out that under the current situation, the City gets various consultants, and staff review their credentials to make sure they are qualified, but they are not necessarily all using the same material to come up with their conclusions on whether or not a home meets the criteria for registration on the California Register.

Commissioner Olson inquired, should this be adopted, if it would be possible to build the Jon Harvey home on Neal Street. He indicated that he views that house as an addition to the eclectic nature of the area.

Mr. Dolan replied that the house was always described as a craftsman home, and the issue was if it was a traditional enough craftsman. He indicated that he does not know what the conclusion of that analysis would be, but the process would be that the applicant would go look in the Context Statement and look at what the components are, the features, the physical characteristics of a craftsman, and if the proposal contains those features. He noted that if the answer is yes but it happened to be in a more modern interpretation of them, he would think that the answer would be yes. He added that that is as much as he can answer the question right now and that he is not going to say that that home would be approved exactly as it was proposed because he does not really know that and has not done that analysis.

Chair Pearce asked Mr. Dolan if it is staff's opinion that, given some of the concerns seen in the Downtown Specific Plan Area with regard to homes over the past few years, those challenges would not have occurred or would not have been as problematic as they were with these modifications.

Mr. Dolan replied that he thinks this is going to help. He explained that just the fact that there was a public dialogue about the issue makes everyone more aware of what the processes are. He indicated that staff has done these flow charts, and staff is going to follow through on preparation of instructional information about how to go through the process. He added that he thinks that with the regulations themselves, incompatibility or inconsistency between various sections, between the guidelines and the policies, are being eliminated. He noted that there are "should's" versus "shall's" on the same topic, and the Task Force has eliminated some of the background chatter of things that are unrealistic and are never going to happen like Historic Preservation Ordinance. He indicated that there are people in this town who value historic preservation a great deal and there are some that think it is kind of a nice issue that should be accommodated when possible. He noted that there is always going to be conflicts and not all of them will be eliminated; but some of the problems that staff and the Commission have had in the past will be eliminated.

Commissioner Posson inquired if the FAR element is more or less restrictive on development.

Mr. Dolan replied that he thinks it is a legitimate policy issue. He stated that on its face, it is more restrictive because the outcome is currently unknown regarding how the Planning Commission or the City Council is ultimately going to interpret this generalized policy that says that new building design should draw upon the primary exterior features of Downtown's traditional design character in terms of architectural style and materials, colors, details of construction, height, floor area, bulk, massing, and setbacks. He noted that it states that these building elements should be consistent with those elements of buildings in the immediate neighborhood, and the design of new, replacement buildings should not represent a significant departure from the existing neighborhood character. He indicated that that is the existing language and that presents a struggle; what the Task Force is trying to do is make that determination more predictable.

Commissioner Posson stated that there was also a recommendation from Mr. MacDonald about waiting on this until the survey is done. He inquired what the practical implication of that would be. He indicated that the reason he is raising that question is to provide certainty to the folks who live in the affected area.

Mr. Dolan replied that he is not sure he caught Mr. MacDonald's suggestion about waiting. He stated that what he thought he heard Mr. MacDonald say was that he thinks the City should do the survey but it is not in effect until the Council approves it. Mr. Dolan stated that he sees the logic in that, but he also sees a big problem in that there will be professionals who will come to this analytical decision about whether or not one is a resource, and then it is opened up to a political process that says this one is in, and that one is out, depending on whether or not one or the other comes down and objects. He indicated that he is not sure what would be achieved if that is the process.

Commissioner Posson noted that he probably misheard Mr. MacDonald's comment and that he will leave that decision up to the Council.

Chair Pearce stated that she has been gratified in the way that this process has worked. She indicated that years ago, when the old Stanley Boulevard house came before the Commission, she was dismayed with what looked like a very chaotic process which cost a lot of people a lot of time, cost people a lot of money, and in the end made no one happy. She continued that it was compounded with situations like this, like the Cunningham house, which she thinks this FAR situation would have addressed. She stated that it seemed like the City had a process that really did not work for anyone.

Chair Pearce stated that she was gratified when the Planning Commission accepted her suggestion to make this the Commission's only priority going forward to the City Council. She continued that she was gratified when the City Council put it on its list of priorities and the Task Force was created. She indicated that she has been very proud of the work this Task Force did as it was not always easy; nor should it be. She further indicated that the Task Force really kind of started this process in an effort to find out what was important to the City as a community; not what was important to the Fed's, not what was important to the State, but what was important to the City. She noted that she believes the Task Force had a great cross section in its seven members; they had some good discussions and had very robust conversations that included the public, as it should. She expressed appreciation for everybody's comments, and the Task Force had a consistent number of people come to all the meetings and provided the Task Force with their commentary, many of whom are present tonight, which she indicated she appreciated. She stated that this really reflects a lot of hard work on the Task Force level and that obviously, she is in support of all of it.

Chair Pearce stated that she will address the FAR situation in particular because she knows there have been some conversations about it tonight. She noted that she believes the FAR proposal that staff has put forward would have eliminated that significant issue that the Commission had on the Cunningham house. She addressed Commissioner Olson and recalled how the entire Commission was involved trying to figure out the mass and the scale of the house by sort of just looking at it. She noted that the FAR proposal quantifies that situation that becomes mired in what people can actually figure out by eyeballing it. She added that frequently, the Commission has had people come back asking the Commission for help as they do not know what to do. She noted that in the staff report, the Commission would end up having a smattering of FAR's as a result of extensive time being spent trying to eyeball a situation. She indicated that her opinion is that this deals with that issue up front. She emphasized that the Commission wants to take the human element out; the Commission does not want to have anyone have to go through what the Cunninghams went through again, and she thinks this really rectifies that situation.

Chair Pearce then stated that as Co-Chair of the Task Force, she is going to make a motion.

Commissioner Posson asked to have more discussion.

Chair Pearce replied that the Commission can have more discussion, but she would make a motion in an effort to shape the discussion.

Commissioner Pearce moved to find that the proposed amendments to the General Plan, Downtown Specific Plan, Downtown Design Guidelines, and Municipal Code are statutorily exempt from the California Environmental Quality Act (CEQA); to recommend to the City Council to accept the Pleasanton Downtown Historic Context Statement; and to recommend approval to the City Council of: (1) Case P13-2447 amending the General Plan as shown in Exhibit D of the staff report; (2) Case P13-2446 amending the Downtown Specific Plan as shown in Exhibit A of the staff report; (3) the amendments to the Downtown Design Guidelines as shown in Exhibit B of the staff report; and (4) Case P13-2448 amending the Pleasanton Municipal Code as shown in Exhibit C of the staff report.

Commissioner Ritter stated that he also commends the Task Force for putting this together and doing a great job. He indicated that he is not opposed to the FAR but that what he is more opposed to is making it different for this specific area than what all is expected for the rest of the residents in Pleasanton, because he still does not totally understand the historical value of the FAR versus another neighborhood that might have the same concerns when they are doing a remodel. He stated that he does not think Policy #8 needs to be eliminated because of the Cunningham application, but maybe it can be revised to match the other FAR requirements in the City. He indicated that this is his only comment on the FAR and that the Commission has already addressed the other things.

Commissioner Posson stated that he thinks the Task Force did a terrific job in clarifying the Ordinance and getting some of the issues far easier for development. He expressed concern, however, about the FAR calculation being more restrictive. He noted that the Commission did not hear too much from the residents about having a large concern about that, and with that, he indicated that he can support the motion.

Commissioner Posson seconded the motion.

Commissioner Olson stated that obviously the Task Force had a tough assignment here, and considering the membership of the Task Force, he thinks it was balanced. He indicated, however, that Mr. MacDonald has raised some good points, and if he has to accept this package the way it is without any tweaking per the input from Mr. MacDonald and others, than he is going to be a "no" vote.

Chair Pearce asked Commissioner Olson if he wanted to talk about what his concerns are.

Commissioner Olson replied that the Commission can start with Policy #8. He stated that he just does not agree with the FAR formula as proposed; he does not see why it cannot be the same as the rest of the town. He added that it appears that some of what Mr. MacDonald raised was addressed at this morning's meeting, and he was not at that meeting but would like to see those points wired into this rather than just saying it can be

done. He indicated that if the Commission is not going to change any of this, he does not think it is going to help matters much and that he is not going to vote "yes" for this the way it is. He reiterated that he is a "no" vote.

Commissioner Allen stated that she has not followed this closely in the past but believes the Task Force really did a thorough job here. She noted that the Task Force was a diverse team with members of the business community, homeowners, and staff, and they made a lot of compromises early on, which resulted in the proposal before the Commission tonight. She indicated that when she learned it was a unanimous vote of the Task Force from all members of the business community, residents and staff, it said a lot to her, knowing the kind of contention there could have been.

Commissioner Allen indicated that she supports this proposal and just wanted to mention a couple things. She stated that she looked at three questions as she made her decision on this: (1) Does this adequately protect our historic resources? (2) Does this provide a simpler process for all homeowners, for builders, and minimize some of the frustrations due to the lack of clarity that exists today? (3) Does it provide enough flexibility to homeowners to help them make solid decisions? She stated that she really looked at the rights of property owners versus protecting historic resources, and she looked at both of those areas. She stated that she felt the process did the best job it could in balancing those and provided protection for really an important part of Pleasanton that is not well protected today in terms of our residences in historic areas. She indicated that she thinks the process provides more clarity.

Commissioner Allen stated that she struggled with the FAR issue in the discussion the Commission had tonight, and where she lands on the FAR and why she can support it is twofold: (1) It is a standard today for the Downtown district, which says things need to be scaled in a similar way, and that exists today in the Downtown district even though it does not exist in the rest of the City. She noted that the principle is not being changed; all it does is add some clarity to make it easier for people to make decisions and have that information. (2) She does recognize that the historic district does have a big variance in lot size, and she is guessing that is probably why this principle was put in place a long time ago. She questioned if, frankly, the City should do this for the rest of the City. She noted that if it needs to be done here, then let it start there. She noted that she thinks this goes a long way in protecting this great resource that is the Downtown. She expressed her appreciation for the work of the Task Force to provide clarity that will hopefully make it easier for everyone over time to know what they are getting themselves into as they look into buying a house or enhancing the house they have today.

Chair Pearce stated that she wanted to circle back around to Commissioner Olson one more time. She indicated that she would obviously love to have his support on this. She asked Commissioner Olson if it is simply the FAR that would allow him to have a "yes" or if he wanted all of Mr. MacDonald's suggestions incorporated in the motion as the only way to get his to a "yes" vote.

Commissioner Olson replied that that is the only way to get him to a "yes" vote.

Commissioner Ritter stated that he would be the same.

Chair Pearce asked Commissioner Ritter if he wanted all of Mr. MacDonald's suggestions too.

Commissioner Ritter replied that he would like Policy #8 changed to have the FAR match that of the rest of the City.

Chair Pearce clarified that what she was asking Commissioner Olson is whether he wants all of Mr. MacDonald's suggestions incorporated in the motion and not just the FAR because she was going to entertain a discussion about a FAR if it would get him to a "yes," but if it is all of Mr. MacDonald's suggestions, then she would recommend that the Commission move for a vote.

Commissioner Posson inquired if the Commission can discuss that a little more.

Chair Pearce said yes.

Commissioner Posson stated that frankly, that is the area where he got some heartburn. He noted that the City is going to go out and do a survey, and he is wondering whether or not it makes sense to reconsider the FAR language once the City gets a firm understanding of how many properties and what specific properties are affected by this. He indicated that he is very concerned about restricting the residents' ability to modernize their homes. He added that he understands the compatibility issue and providing certainty, but he just does not want to put a numerical limit or any restrictions in there. He suggested that this may be something the Commission wants to consider recommending to the Council, that the Council take a look at that 25-percent limit after the survey is completed.

Mr. Dolan stated that he just wants to clarify as the Commission considers that suggestion, that this does apply to all the properties in the Specific Plan Area and so that is what the concept issue is now.

Chair Pearce added that it is not just the ones in the Historic area, but it is the compatibility issue with regard to Downtown. She asked the Commissioners if that clarification helps.

Commissioner Posson stated that it confounds his decision.

Chair Pearce asked Commissioner Posson if he wants to have more discussion on the FAR as he seconded her motion.

Commissioner Posson stated that he is ready to vote. He added that when this does go to Council, he hopes that the Council will look long and hard at that 25-percent and whether that is equitable. He stated that if there are any residents that have heartburn with that limit, they should speak out loud and clear to the Council.

ROLL CALL VOTE:

AYES: Commissioners Allen and Pearce
NOES: Commissioners Olson, Posson, and Ritter
ABSTAIN: None
RECUSED: Commissioner O'Connor
ABSENT: None

The motion failed.

Chair Pearce stated that she would be happy to accept a substitute motion.

Commissioner Olson stated that if he were the emperor pulling the strings on the puppet, he would go through Mr. MacDonald's suggestions in detail. He noted Mr. MacDonald's points in his letter: Policy 8 deals with the FAR; use of the word "encourage" as opposed to "should"; have a more robust definition of demolition; and historic resource. He added that anyone who buys homes in this area that are definitely historic homes should not expect to tear it down; they should expect to have to maintain it. He mentioned again that this is an eclectic area.

Chair Pearce stated that she hears the Commission and would be happy to have the conversation about FAR if everyone wants to. She indicated that she has significant concerns with regard to Mr. MacDonald's demolition definition and other recommendations that he's come up with which are in opposition to what the Task Force recommended. She added that she was not at that morning meeting but that it was her understanding that there was a significant conversation on this. She stated that she does not know if the Commission would support a modified motion eliminating the FAR discussion because she thinks that would get the Commission going. She also suggested that maybe the Commission can go through and have this conversation. She noted that obviously, the Minutes will include a discussion of Commissioner Olson's position with regard to Mr. MacDonald's recommendations. She stated that she does not know if any Commissioner is interested in making a motion which is essentially her motion but stripping it of the FAR recommendation, but her sense is that the Commission could get a majority of the Commissioners supportive of that.

Commissioner Posson asked how that FAR language would read, if the 25 percent would just be removed, or what specific language would be changed.

Commissioner Allen replied that the FAR would be kept the same as it exists today.

Commissioner Ritter inquired what the rest of Pleasanton does.

Chair Pearce replied that the problem is that the rest of Pleasanton does not have the Downtown Specific Plan and the Design Guidelines that indicate that they have to match and be compatible in terms of mass and scale. She asked Mr. Dolan if that would still be applicable.

Mr. Dolan replied that it would make no change to that section.

Chair Pearce clarified that it would make no change and it would still have what is there, which is, it has to be compatible.

Commissioner Ritter inquired if this would mean having the Cunningham thing happen again.

Chair Pearce said yes.

Commissioner Ritter inquired if the FAR for the other residences in different areas in Pleasanton is 40 percent.

Mr. Dolan replied that was correct.

Chair Pearce clarified that the Commission is not talking about taking the current language and making it looser. She noted that that was not the Commission's direction from Council so the Commission would not be taking out the compatibility with regard to the mass and the scale that would still be in place because the Council's direction was not to loosen the language with regard to Downtown. She stated that it was her understanding that the concern was that the some of the Commissioners did not want the extra FAR calculations in there, and to just leave it as compatible in mass and scale.

Commissioner Posson said yes, to leave it more subjective and less definitive.

Chair Pearce asked Commissioner Posson if he would you like to make that motion.

Commissioner Posson said yes. He indicated that he can support it with the exclusion of the 25-percent numeric the FAR.

Chair Pearce asked Commissioner Ritter if he is seconding that motion.

Commissioner Ritter replied that he would, noting that the City Council will also be reviewing this.

Commissioner Posson moved to find that the proposed amendments to the General Plan, Downtown Specific Plan, Downtown Design Guidelines, and Municipal Code are statutorily exempt from the California Environmental Quality Act (CEQA); to recommend to the City Council to accept the Pleasanton Downtown Historic Context Statement; and to recommend approval to the City Council of: (1) Case P13-2447 amending the General Plan as shown in Exhibit D of the staff report; (2) Case P13-2446 amending the Downtown Specific Plan as shown in Exhibit A of the staff report; (3) the amendments to the Downtown Design Guidelines as shown in Exhibit B of the staff report; and (4) Case P13-2448 amending the Pleasanton Municipal Code as shown in

**Exhibit C of the staff report; with the deletion of the modification in Policy #8 regarding the 25-percent numeric in the FAR.
Commissioner Ritter seconded the motion.**

ROLL CALL VOTE:

AYES: Commissioners Allen, Pearce, Posson, and Ritter

NOES: Commissioner Olson

ABSTAIN: None

RECUSED: Commissioner O'Connor

ABSENT:None

Resolutions Nos. PC-2013-50 recommending approval of Case P13-2447, PC-2013-51 recommending approval of Case P13-2446, PC-2013-52 recommending approval of the amendments to the Downtown Specific Plan, and PC-2013-53 recommending approval of Case P13-2448 were entered and adopted as motioned.

Commissioner Olson pointed out that in his letter, Mr. MacDonald was not taking exception to the idea of prohibition on demolition through neglect. He indicated that he agreed with Mr. MacDonald's statement and that demolition should not occur as a result of neglect.