

PUBLIC HEARINGS AND OTHER MATTERS**19. Review of the Historic Preservation Task Force Status Report**

Community Development Director Dolan presented the staff report. Established in 2012, the task force has met 10 times in the last 15 months to review City policies and processes as they relate to the protection of historic resources. The task force process included the preparation of a Historical Context Statement by a contract consultant as well as the formation of a subcommittee to conduct outreach to the Pleasanton Downtown Association, Economic Vitality Committee and various property owners. As part of this effort, the task force received consistent feedback requesting that any programs and policies that come out of this exclude commercial properties so as not to hinder economic development in the downtown. After some consideration, the task force concurred and therefore the discussion is focused on potential programs and policies that would affect only residential properties in the downtown area.

The task force focused its discussion several areas where it found the City's current approach to merit further review and potential changes. These include:

- **Inadequate Standards of Significance** – The task force is interested in exploring the possibility of developing a local standard for historic preservation that may be more far reaching than that established by the state. The task force feels that the City may be or potentially could lose some older structures because the state criteria do not recognize certain features that might carry local significance. Components of a local standard could include reliance on the Historical Context Statement, which identifies certain property types of, introduction of a fixed year of historical significant such as a time surrounding World War II, amendment of the California criteria to emphasize those buildings associated with local history, or implementation of a local Historic District.
- **Definition of Demolition** – Current policies only prohibit demolition of those structures eligible for the California Register of Historic Resources and “demolition” is not well defined. There have been issues whereby almost all of a home is torn down with just a few walls left remaining and this is not considered a demolition. In other instances a home is essentially demolished through neglect. Staff and the task force questioned what is accomplished by prohibiting demolition if these situations do not qualify. The majority of the task force supports a definition that includes the removal of any physical element of the structure that, upon removal, would substantially diminish the structure's historical significance. Staff alternatively recommended another option that may be more practical in that it concentrates on protecting the front façade and roofline.
- **Design Review** – The City currently has Design Review authority in most circumstances, with exception of any improvements below the first 10 feet in height on a single family home. With historic structures, proposed changes to the first floor often affect significant character-defining features such as the type, location, spacing and size of window and doors. The task force is suggesting that design review authority be expanded to include the first floor of structures on certain categories of homes.
- **Implementation of Existing Policies and Guidelines** – The Downtown Specific Plan and Design Guidelines contain several policies and guidelines requiring new construction, remodels, and additions to be compatible with the historic character of the area. There has been some concern, however, that these policies and guidelines are either not specific enough on certain issues, inconsistent with community values or have not been implemented properly by the City. Examples include floor area ratio and a number of modernization/efficiency related features.

- **Clarity of Process** – This was suggested as an action item in the Downtown Specific Plan but never implemented. The plan also directed the development of a list of “frequently asked questions” with the intent being to provide applicants with the education and information needed to more smoothly navigate the process. The task force feels that addressing some of the previous points will inherently increase clarity and staff has already begun drafting flow charts to help further identify the process.
- **Incentives** – As part of its implementation, the Downtown Specific Plan calls for the provision of certain incentives. These include participation in a federal tax credit program which requires the creation of a National Register Historic District. Staff and the task force don’t feel the community has the resources or interest to pursue such a designation and so wanted to look at more realistic incentives. The task force discussed establishment of a Mills Act Program, which would provide property owners with a property tax reduction in exchange for agreement to perform a certain level of preservation activities, although the actual incentive is relatively minor. Perhaps more relevant is the idea of a comprehensive historical survey, which was called for in the specific plan but never implemented. One major component of any proposal involving the demolition of a historic structure is the preparation of the necessary professional analysis to determine if a specific structure meets the criteria for protected status. The cost to the project applicant is roughly \$5,000 and a 35 to 40 day delay in order to complete the analysis. Staff estimates that completing a survey of all older homes in the downtown to predetermine this status would cost approximately \$100,000 but would provide significant benefits to applicants in terms of time and money.

Vice-Mayor Cook-Kallio asked and Mr. Dolan confirmed that there are fines that can be pursued if a property owner were to demolish a protected structure without permission but that no fine can replace what was destroyed.

Councilmember Brown asked and Mr. Dolan confirmed that garage space is not included in calculating floor area ratio.

Vice-Mayor Cook-Kallio asked how many homes the comprehensive survey would encompass. Mr. Dolan estimated 200.

Vice-Mayor Cook-Kallio wondered whether it would be possible to recoup some of the cost (less than the \$5,000 it would otherwise cost the applicant) of the analysis through some sort of historic property fee.

Mr. Dolan continued the staff report presentation, stating that the task force has an interest, with the Council’s approval, in pursuing virtually all of the programs mentioned. The task force does, however, realize that not all programs are necessarily universally supported and therefore has prepared four package options for the Council’s consideration. The task force generally supports option 4, with exception of one member who issued a minority report favoring something between option 1 and option 2.

Councilmember Brown asked how something like a church, which is neither commercial nor residential, would be addressed.

Mr. Dolan said it is undecided but that task force generally feels it appropriate to use the property’s zoning as a guide.

Councilmember Narum asked what the creation of a local historic district means in the context of the task force.

Mr. Dolan explained that a district becomes a definable geographic area that is generally elevated in profile by virtue of having a boundary. It creates a substantive difference in terms of regulation in that it tends to be more inclusive, acknowledging both historical resources and properties that contribute to a historical resource within the local district.

Mayor Thorne opened the item for public comment.

Mike Carey identified himself as both a real estate professional and downtown property owner. He strongly encouraged the City to follow several applicants through the process for renovating an older home before making any sort of determination on whether or how to change it. He said that applying more a burdensome, lengthy and expensive process to historic structures carries the same risk of stifling development whether applied to residential or commercial structures and asked that residential properties enjoy the same exclusion. He referred to the Redcoats building, which sat boarded up for several years because the owner decided it was easier to let it sit vacant than deal with the City's process. He said a streamlined process, which singles out neither residential nor commercial properties, is the best path to supporting positive growth and investment in the downtown.

Linda Frank expressed her disappointment that the community was not involved in this process until now. She felt that property owners by and large do an excellent job of caring for their environment and their investment and that this care and attention does not warrant the level of review being proposed by the task force. She said there are more pressing issues for the City to address, such as the fact that it has only one officer to respond to violations across the entire city or that the onus of reporting problems is placed on residents. She said it was ridiculous to exclude certain types of properties and noted that both Kottinger Barn and the old underground railroad are worthy of restoration. She said she would like to make certain accessibility improvements to her property but cannot afford the additional survey costs, which a Mills Act program would do little to offset.

Chris Beratlis said Pleasanton has developed nicely under the current rules. He said he is opposed to the establishment of a historic district or additional regulations for both commercial and residential properties.

Brian Moret echoed the comments of previous speakers and said he and his family opposed the inclusion of commercial properties in any part of this process.

Andrew Shaper said he has spent considerable time and effort restoring his historic Division Street home and values the history, look and feel of the downtown. He expressed strong support for the intent and design guidelines of the existing Downtown Specific Plan but said he strongly opposed the recommended historic district and any additional regulations. He said the economic rationale applied to commercial properties also applies to residential properties and cautioned that he would request judicial review if the value of his own property were jeopardized in any way by additional restrictions. He asked that the City look at effectively implementing or enforcing its existing standards rather than creating new. He also noted several errors in the historical context statement.

Louis Rivara said he could support some refinement of the existing specific plan language but no more. He agreed that the community is generally effective at preserving the city's unique historic integrity and, while their choices don't always match his personal preference, he did not believe they did any harm to the city. He said he did not support any change that would make the process any more difficult or costly and asked that residential and commercial properties be treated equally.

Olivia Sanwong said her Division Street home was constructed in 1912 and its loving restoration adds to the charm of the neighborhood and helps to preserve the character of the downtown. She stressed the importance of preparing a comprehensive survey and adopting a framework and guidelines that make continued preservation a clear and easy to follow process.

Art Dunkley, said he has lived and worked in the historic downtown since 1974 and believes that private property owners have demonstrated an earnest willingness to enhance their properties and homes. In order to encourage a more robust historic area going forward, he suggested the City take the following steps: 1) designate a local historic district, 2) accept the historical context statement, 3) prepare a comprehensive historic resource survey, 4) encourage the task force to increase clarity in design guidelines to educate owners on possible and preferred features when remodeling, 5) encourage the task force and staff to develop a more useful discussion relative to major remodels and demolition, and 6) encourage the task force and staff to identify an expedited process for proposed projects that comply with all appropriate guidelines.

Linda Garbarino, task force member, said the task force has sought and received a tremendous amount of input over the last 15 months. She agreed that some properties have more significance than others in the context of state standards but noted that Pleasanton's unique charm and character might also make some structures locally important even if they were not to meet the state's rigorous standards. Establishing a date of historical significance would cast a wide net and allow the City to create its own local protections. She shared some of the comments received by the task force from the public. The questions ranged from how a neighbor's poor remodeling decisions affected the value of their own property to why "no one is paying attention." She acknowledged that some residents fear the task force may be stepping on their property rights, but noted that others argue for their right to have the City monitor and protect their historic neighborhoods from design errors and benign neglect. With input and direction from Council, the task force can move forward with simplifying, not adding to, existing documents and making a narrative like a specific plan document relevant to an individual project.

Bonnie Krichbaum, task force member, said the creation of a historic district is a simple but meaningful designation that will emphasize the identity of subject site. As an identifying name, it has great power and creates pride, respect and interest. She noted the value of designated districts evidenced in other jurisdictions, including Livermore. She quoted from the City of San Diego's Historical Resources Report, stating that "property owners often perceive that the value of their asset is confined within their property line boundaries. However, the value of real estate is interrelated with is beyond the property boundaries." She said the benefits of a well-preserved or rehabilitated historic structure accrue to adjacent property owners, businesses and local government. She asked the Council to direct the task force to create a local historic district within the current Downtown Specific Plan boundaries.

Dorothy Nesbitt said the specific guidelines of the Downtown Specific Plan were initiated to preserve and revitalize the numerous historic buildings downtown. She stressed that the goal is not to prevent property owners from altering their existing structures but rather to provide some guidance on how to do just that within the structure's historical context.

Mike Cheney said he felt it was appropriate to streamline and properly implement existing guidelines but not to create any additional regulations.

Charles Huff identified himself as both an architect and historian. He took issue with the idea of regulating what can and cannot be done with private property beyond the protections already in place. He agreed that other cities have successful examples of historic districts but noted that those places are not Pleasanton. He also noted that those sharing support for creating such a district seem to be limited to those who own historic homes and said he did not share their support.

John Harvey identified his home as the "modern craftsman" depicted in Mr. Dolan's presentation. He said the Historical Context Statement was an interesting read but seemed to accomplish nothing that isn't already addressed by the City's numerous other zoning regulations, design guidelines and general requirements. He felt this existing guidance was sufficient with some clarification. He stated support for a more specific definition of "demolition" but expressed concern with the idea that moving a door or window on the front façade, which could substantially diminish the historic significance of a structure,

could then be declared a demolition. He felt that compatibility standards and expansion of design review to the first floor could be addressed through revision of existing standards and a closer look by staff at the proposed changes. He stated support for the flow chart with exception of the fact that it fails to identify the "can of worms" opened by the noticing process and subsequent public hearings. He noted that he submitted a signed petition opposing the proposed changes to the City Clerk.

Brad Hirst said that historic preservation benefits the community, businesses and the downtown. Having said that, increased regulations stifle innovation and improvement, which is not good for the downtown. He recommended that the Council stop the process here and recommend only an update to existing guidelines. He questioned the values of any Council that would support a \$100,000 expenditure on yet another consultant when City staff is more than capable of preparing the appropriate survey. He also questioned the efficacy of a historic district that excludes Main Street and commercial properties. He said the people of Pleasanton want to maintain and improve its historic inventory and private property owners, not the government, are better suited to determine what is best for their property.

Rob Dondaro said he is under contract to purchase a home in the proposed historic district and is frightened by what some of the task force's recommendations could mean for him. He said he had considerable confidence in the ability of staff, existing regulations and the community to preserve the eclectic character of this area and that he strongly opposed any historic designation.

Christine Bourg said she has invested considerable time and money in updating her 100+ year old Victorian on 2nd Street. She asked the Council to support option 4 as it would truly protect Pleasanton's historic residential neighborhoods where existing regulations have not. She said that many comment on how much more vibrant Livermore's downtown is and that this is in large part due to their robust historic preservation policies as well as the addition of a City Historian and Heritage Commission. She noted that this task force is not recommending ordinances, historians or additional conditions but is recommending steps to protect the City's pieces of history for future generations. She also noted that recommendations were made in 2001 regarding the formation of historic preservation guidelines and, had these been implemented the City would likely not have lost the many historic homes that have been effectively demolished since then.

Becky Duret stated her support for the creation of a formal historic district, which she thought would serve to streamline rather than complicate matters. She said that owning an older home comes with both privileges and responsibilities that are not for everyone. She shared her experiences remodeling her own 2nd Street home and said she, like many others, would have welcomed the assistance of historic guidelines.

Debbie Ayres said she would like to see a designated historic district in Pleasanton.

David Stark, Bay East Association of Realtors, said he has participated actively in the task force meetings. He said he felt the City's existing documents and policies deserve a comprehensive review in order to address the concerns raised this evening and provide a sense of certainty regardless of what direction that takes. He urged the Council to look at the potential unintended consequences that additional regulations could have on other City policies, specifically those related to the Climate Action Plan, and ensure that any historic guidelines do not preclude homeowners from modernizing their historic homes for the purpose of increased efficiency or comfort. As a homeowner, he has made a number of improvements to his mid century modern home not because of an ordinance, but because of his pride of ownership and own personal taste. He asked that any action of the Council reflect the integrity of the community and the fact that it has dynamic neighborhoods filled with engaged property owners.

Sharrell Michelotti agreed with those who spoke against the need for additional regulations and in support of reviewing and clarifying existing documents. She encouraged the Council not to further complicate a process with additional regulations when the actual intent is to streamline it.

Mayor Thorne closed the public comment.

BREAK – Mayor Thorne called a recess at 8:57 p.m. and reconvened the regular meeting at 9:09 p.m. with all members present.

Councilmember Narum said that as many alluded to, the eclectic and unique downtown character is part of what contributes to Pleasanton's small town charm. She stated support for something between options 2 and 3 and a revised definition of "demolition" that reduces subjectivity in a way that is thoughtful and speaks to the relevant aspects of the area. She explained that the Planning Commission put this forward as Council priority due to its ongoing struggles with inconsistencies amongst the City's various guidelines. She stated support for the comprehensive survey because of the economy of scale and clarity it would provide and thought it would serve to simplify rather than over regulate the entire process. She also stated support for the designation of a historic district, provided it does not encompass additional regulation.

Councilmember Brown said that downtown homes and businesses are part of the jewel that is Pleasanton and something to be preserved. She said it is a true shame to see older homes demolished through neglect and that it is imperative to ensure there are policies in place that prevent that from happening. She acknowledged that historic home ownership is not for everyone but felt that those do take it on should be supported. She stated support for a comprehensive survey and asked if there is any sort of exemption process for those property owners who may not wish to be included.

Mr. Dolan said that the state and other levels of governance do have provisions that he would have to explore further but that they generally relate to the quality of the resources rather than the interest of the property owner. If not prepared in the context of a local standard, the survey would only document whether or not a property meets the state standards.

Councilmember Brown said local history is extremely important to Pleasanton and does not necessarily mirror what makes properties historically significant in the state context. She noted that she spoke with Mr. Dolan earlier about her desire to see the use of story poles with any expansion of older homes. In terms of the task force recommendations, she said she liked a blend of options 2, 3 and 4, including the designation of a local district. She questioned the value of establishing a Mills Act program based on the relatively minimal benefits to the property owner.

Vice-Mayor Cook-Kallio said she saw this as more of a process to create a set of guidelines that could be readily understood and eliminates inconsistencies rather than to increase regulation. She said she liked option 2 and was particularly interested in clarification of existing policies and guidelines as well as the creation of the flow chart mentioned by staff. She thought the comprehensive survey would provide a benefit to property owners in terms of cost savings and certainty although if possible, she would like to explore the idea of recouping at least some of the cost to the City. She found the benchmark for the state registry of historic structures to be rather high and said she would be interested in exploring what local standards might look like. She acknowledged the importance of protecting personal property rights but thought that there could be a way to establish standards in a way that benefits those property owners, particular if it clarifies the process and expectations for them and City staff. In terms of design review, she said she has always been in favor of guidelines that preserve the look of a façade while still allowing for upgrades to modern standards. Most importantly, anything that comes out of this process must focus on providing clear and concise information for the public.

Councilmember Pentin said his experience on the Planning Commission taught him that no matter how streamlined, there is no one process that works well for every circumstance or property. He said he felt

strongly that less is more and therefore supported something like option 1. He agreed the demolition should be addressed and said he would like to see the second definition provided by staff expanded a bit further. He said he would also like to see the task force come forward with one document that marries and clarifies the policies and guidelines spelled out within the Downtown Specific Plan, design guidelines and Historical Context Statement. He also thought the flow chart would be critical in providing those who wish to renovate their older homes an opportunity to understand the City's expectations. With regard to the comprehensive survey, he said he could support it if it were simply for the purpose of identifying those houses that meet the state standards but wondered about the unforeseen implications of the City's involvement.

Mayor Thorne said he could support option 1, with "demolition" clarified in the manner and for the reasons already noted. He said it was most important that this process provide clear and easily understood policies and guidelines and noted how something as basic as a flow chart could simplify an otherwise complex set of guidelines. He said the only aspect of option 2 he could support is the comprehensive survey and that he did not support designation of an official historic district or inclusion of commercial properties in this process.

Mr. Fialho said the consensus of the majority seemed to lie with options 1 and 2, with specific direction being to harmonize existing policies, expand the definition of "demolition," entertain design review for first floor projects, create a procedural flow chart and prepare the comprehensive survey. He requested direction on whether the Council wished for the task force to spend time developing local standards that go above and beyond what currently exists.

Mr. Dolan said there are two approaches to local standards that have received the most discussion at the task force level. The first is to rely on the Historical Context Statement, which organizes property types by physical characteristics and may or may not include consideration of the date of construction. The second would be to continue working off of the state criteria but to incorporate certain references to the local community.

Vice-Mayor Cook-Kallio said she liked the idea of establishing a date of significance and thought it would be critical to creating a useful survey. She wasn't sure what local standards would look like beyond that but said she would be interested in entertaining some discussion on that moving forward. She explained that she was not interested in anything overly restrictive or cumbersome but said they do need to establish some idea of what makes historic Pleasanton historic, even if it is just a statement to that effect.

Councilmember Brown said the task force has done a wonderful job thus far and she would like to let them make a recommendation on an appropriate date.

Councilmember Narum said she would support examining what local standards would look like, provided that includes an analysis of the ramifications on affected property owners. She suggested it would be helpful to follow an actual property through the process of what they are looking to implement.

Mayor Thorne said he would prefer to clarify what already exists before looking at any additional regulations.

Councilmember Pentin suggested that if allowed to clarify, strengthen and apply those tasks outlined in option 1, they could very get to those local standards without a separate effort.

Mr. Fialho clarified the majority consensus as supporting options 1 and 2, excluding design review for first floor projects and with direction to proceed cautiously in the discussion on local standards.