



DRAFT SUMMARY OF HISTORIC PRESERVATION TASK FORCE MEETING #10

Tuesday, April 30, 2013
6:30 pm – 8:30 pm
157 Main Street, Conf. 3

Task Force Members in Attendance

Planning Commissioner Jennifer Pearce (Chair)	Paul Martin
Emilie Cruzan	Bonnie Krichbaum
Linda Garbarino	

Task Force Members Absent

Planning Commissioner Phil Blank	Gerald Hodnefield
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Staff Present

Brian Dolan, Director of Community Development
Steve Otto, Senior Planner
Rosalind Rondash, Associate Planner

Others Present

Mike Peel	Art Dunkley
Christine Bourg	Peter MacDonald
Brian Bourg	Jan Batchelor
Karla Brown	Sharrell Michelotti
Steve Williams	Brad Hirst
Linda Frank	Al Bronzini
Mike Cheney	Mary Bronzini

Meeting Purpose

Review of City Council Staff Report

The meeting was called to order by Chair Pearce. Agenda items were presented and discussed in order.

I. Welcome and Review of Meeting Purpose

A. Welcome and Agenda Overview

Chair Pearce welcomed everyone to the meeting. She indicated that the Task Force will be going over the proposed staff report for the Council check-in.

B. Review and Approval of the Meeting #9 Summary

Linda Garbarino inquired if, for the check-in, the Task Force is required to have a formal motion as a recommendation from the Task Force or simply submit what it recommended as a group at the last meeting.

Chair Pearce replied that the Task Force will simply submit its recommendation.

The Meeting Summary was accepted and approved by a vote of 5-0-2.

II. Meeting Open to the Public

No comments were provided.

III. Old Business

A. There were none.

IV. Discussion of:

A. City Council Staff Report

Mr. Dolan stated that what has been distributed for this meeting was just a draft report that would be used for the check-in. He indicated that this is somewhat tricky because a Council report is typically not shown to anyone prior to the Council seeing it first. He noted that the report is not completely formatted like it would be but has all of the items the Task Force has been discussing:

- a background on who is on the Task Force;
- what its focus has been;
- how many meetings it has had; and
- its outreach program and change in direction to eliminate the commercially zoned properties.

Mr. Dolan continued that the report then goes into a discussion of the major issues that have really developed, noting that some of the discussion was lifted directly from previous reports the Task Force has seen:

- the standards of significance;
- the definition of demolition;
- the issue about potentially expanding design review;
- the implementation of existing policies and guidelines;
- Something which the Task Force has not talked about a great deal but has been part of the dialogue is clarity of process. He noted that this has been one of the comments that the Task Force has heard from applicants and others, pointing out that there are local, State, and Federal regulations and guidelines that interact with one another, and no flow chart has been made showing how this all fits together. He further noted that when a process is introduced and

- nothing is written down, it sounds more daunting than it actually is; and the incentives, with the Mills Act as the primary one the Task Force has been discussing.

Mr. Dolan stated that he did include photographs. He recalled that the Task Force talked about that early in the process, indicating that some people might not be thrilled to have a picture of their property used as an example. He noted, however, that a picture tells a thousand words, and when the Task Force finds itself talking in code about these properties, it should just say that these are the properties being talked about. He indicated that it would be fine if the Task Force wants to change its mind on that.

Mr. Dolan stated that the only thing he introduced that was new at all is the definition of demolition, one that the Task Force has been working with. He indicated that in response to a fair amount of input that thought the definition was too open-ended, he added an example of what an alternative might look like by including one that talked about the front façade, including the roofline. He added that if the Task Force so desired, he would be happy to add other examples, as there are a range of samples, but he characterized most of them generically because some just get down to a mathematical equation of linear feet or percentage of the exterior.

Mr. Dolan stated that the only reason for this meeting was really to see if the Task Force had any comments or if there is anything in staff report that it objects to, and to talk a little bit about the City Council meeting dates being proposed. He added that he assumed that the Task Force would want him to present this report and inquired if any of the Task Force members would want to make any kind of presentation.

Mr. Dolan then asked for the Task Force members' for input on the report.

Emily Cruzan stated that she thinks it is a really good summary of the things the Task Force talked about and that she likes the fact that it includes pictures. She noted that sometimes it is good to have pictures because they do show what the Task Force is talking about.

Mr. Dolan clarified that, having done these check-in's a number of times with the City Council, he does not anticipate a vote from the Council, unless Council decides to do so. He indicated that the Councilmembers will be asked for individual comments on a particular issue, and staff would interpret that as whatever level of support it has from the Council and will take it very seriously. He noted, as an example, that if some Councilmembers might have a significant problem with doing something, the Task Force might then adjust what it would bring forward later. He added that the Councilmembers are very good about bringing forward their opinions on things, noting that the Council has heard a fair amount about these matters because of the outreach the Task Force has had.

Bonnie Krichbaum asked Mr. Dolan who has received all this Task Force paperwork.

Mr. Dolan replied that it has been posted on the City's website, just like all of the materials that staff has given the Task Force.

Ms. Krichbaum referred to Item No. 4 on page 6 of the staff report regarding the Downtown Specific Plan (DTSP) and Downtown Design Guidelines (DTDG) and stated that she is not exactly clear if the Task Force is presenting to the Council a remodeling of the DTDG and DTSP or if the Task Force is doing away with them. She inquired how

the Task Force is presenting that to Council.

Mr. Dolan replied that the Task Force is not presenting to the Council that it is doing away with the DTSP and DTDG, but that certain issues have come up with the implementation of those two documents where the meaning has not necessarily been interpreted in the same way by everyone, and, therefore, the Task Force needs to revisit those and provide clarity. He noted that for that purpose, he included a few examples of what those are, listed specific policies and guidelines, and then tried to describe what the issues have been in both texts and pictures. He added that at one of its first meetings, the Task Force provided a draft of the actual language changes to the Guidelines, a lot of which was eliminating things that were no longer relevant. He noted that the Task Force could do that; however, there are the actual policies and guidelines that might need more work. He further noted that his assumption is that the Council would not have too much issue with that and would support providing more clarity.

Ms. Krichbaum inquired if the report would include any discussion on the enforcement of that.

Mr. Dolan replied that he thinks what Ms. Krichbaum means by “enforcement” is “implementation.” He indicated that he suggested in the staff report that it is not only an issue of whether or not the policies and the design guidelines are adequate in terms of where they are written but also of having it implemented correctly. He added that the fact that the Task Force is talking about them and getting Council direction on them will get some discussion going.

Ms. Cruzan referred to Item No. 5 on page 8 regarding Clarity of Process and inquired if staff was thinking of creating the comprehensive flow chart and if that is something staff wants Council to approve.

Mr. Dolan replied that he has actually done a draft of the flow chart but that it is not yet ready and that it is not something the Council would know much about. He stated that it is what the process is, and it is finally down on paper. He explained that when someone comes to the Planning counter, staff has to determine whether or not it is historic; then there is the CEQA part of it and the design review part of it; and all this mixes together in a process. He noted that the Specific Plan actually states that this was going to be done 10 or 12 years ago, but it was never done, so the Task Force is doing that. He added that the other part of Clarity of Process is whether or not the Task Force wants to do the survey.

Linda Garbarino stated that she thinks it is probably best for Mr. Dolan to do the presentation, with possibly Co-Chairs Pearce and Blank there for support. She added that if any questions are directed to any of the Task Force members, they would answer them.

Mr. Dolan inquired if the Task Force members would agree to sit in the front row.

Ms. Garbarino replied that she does not see why not and that she thinks that is important. She indicated that the points made by Mr. Dolan regarding the clarity and the issues are good; the Context Statement is an excellent document which has certainly been a benefit to the City to have had that completed in the past, and copies should be made available to folks who have not the opportunity to see it. She added that the biggest single issue the Task Force has heard from the public is probably the issue of the certainty and the clarification, and the Context Statement is really the only document

available other than the DTDG. With respect to the DTSP, she noted that it is truly only a single chapter that has a narrative that really is daunting to folks coming in wanting to do things and wanting to find property and do something to that property. She added that she thinks it is really important the way the report has been laid out and the way Mr. Dolan spoke about the presentation. She further added that it is true that there may be folks who do not have all this information, but what is not there is having it in a format or organizational structure, and to try to add to the narrative would simply complicate it. She stated that she thinks the structure of the flow chart, and the process that seems to work quite well for other cities, is good. She then asked Mr. Dolan if he will be asking or if there will be a suggestion from the Council as to what that date might be.

Mr. Dolan replied that he thinks that is one of the issues. He noted that in addition to the report, he will also have a PowerPoint presentation that would mostly go through these issues. He added that at the end of check-in's like this, he typically tries and asks about five or six key questions. He reiterated that it would be great if the Task Force members provide input at this point.

Ms. Garbarino added that she also supports the concept that Mr. Dolan is taking of using the feedback the Task Force has received over the past several months, which is certainly the proof that the Task Force has been focused on its charge, as well as relating what the Task Force has come up with as a solution to existing problems. She gave, as an example, that she had a discussion a couple of weeks ago with people who put money into historic reports, and they would find it to be very useful; but that is probably not going to have to be an issue if the process is followed through appropriately. She noted that this saves people money and time. She added that it is very frustrating for developers who are looking at or waiting for property to be developed to have the process prolonged. She pointed out that the fact that the Task Force is responding specifically to those kinds of needs and input is really important to share with the Council, and added that she thinks Mr. Dolan has that pretty well tied up.

Mr. Dolan advised that, just by way of warning, all staff reports that go to the City Council ultimately have to be approved by the City Manager. He noted that he does not think there is anything in the report that the City Manager would object too, as the Task Force is just asking questions, but the City Manager has not given the report any official sign-off, so any changes made in a dramatic way would come from that source. He noted, however, that he did not think the report would change dramatically and that it would just be wordsmithing.

Chair Pearce noted the Task Force can check on line if there are any dramatic changes.

Mr. Dolan noted that he is hearing that the Task Force is fine with the staff report as presented.

Mr. Dolan then moved on to the second issue, which is when this will take place. He stated that the City Manager and the Department Heads hold Council Agenda planning meetings every Tuesday morning. He indicated that Mr. Fialho was not able to attend the meeting this morning but that he is proposing that this go on the May 21, 2013 meeting. He noted that at this point, there is plenty of room on that Agenda for this discussion and that he believes Mr. Fialho will think that is a good date.

Chair Pearce inquired if the new Councilmember will be seated by then.

Ms. Rondash replied that it would depend on when the election results are certified but that it will be very close to that date.

Mr. Dolan indicated that he does not know for sure if the new Councilmember will be seated by then.

Chair Pearce commented that it would be nice if the new Councilmember would be there.

Paul Martin requested to back up a second and talk about Item No. 6, Incentives for Historic Preservation. He apologized that he was not at the last meeting and that he did not go to all the outreach sessions. He stated that one thing he heard loud and clear was that commercial property would be exempted from the Historic District. He noted that he was disappointed and thinks that there is a real opportunity here to not only address how commercial properties got treated in this process but also to encourage these commercial property owners to address issues that have been lingering out there before and through this process. He pointed out that one of these issues is incentives. He indicated that he knows that there would be incentives in the DTSP and that one of those incentives is the Mills Act. He indicated that he does not honestly think that anyone he spoke to really understood how the Mills Act would really affect or benefit them. He questioned whether they should look for incentives or ask the City Council if it wants incentives that the City can do on the local, counter level. He reiterated that there is an opportunity here to address things that are lingering there as opposed to just wanting the status quo.

Mr. Dolan stated that he can work that into the dialogue when he makes his presentation. He asked Mr. Martin if he is talking about fees.

Mr. Martin stated that he has some experience with running commercial properties and that going into a restaurant business requires \$68,000 in sewer fees. He indicated that he does not know what fees the City of Pleasanton has but that there may be other tools out there that can be used for more incentive to property owners to forget the \$5,000 for a historical study and just follow the Secretary of the Interior's guidelines, and then move forward.

Mr. Dolan stated that there are a lot of programs around for the Downtown independent of historic preservation. He noted that the proposal right now is to exclude commercial properties and that he doubts that commercial property owners will get historic preservation set up as part of a new package if they are not included in the Program. He added that current State standards would still make commercial properties eligible for the Mills Act, but it would have to be set up that way, and the City Council will decide if it wants that.

V. Meeting Open to the Public to Comment on the Meeting Material

Mike Peel, Member of the Pleasanton Downtown Association (PDA) Board, stated that the PDA made a direct statement to the Task Force that PDA has not taken a position on what direction it is taking, but it is leaning towards exempting commercial properties from the historic district. He then referred to the last sentence of the first full paragraph on page 4 of the staff report: *"There is general agreement among the Task Force that either the start of US involvement in..."* and indicated that there is no date there, *"or the end of World War II (1942 or 1945)..."*

Chair Pearce clarified that “1942” refers to the start of US involvement in World War II, and “1945” refers to the end of the War.

Mr. Peel stated that he has been to all the Task Force meetings and that he cannot remember when the majority of the Task Force members picked a specific date for this to start.

Mr. Dolan stated that the Task Force has talked generically about the start of the War and the end of the War, and he just added the dates of when the United States entered the War and when the War ended.

Mr. Peel then addressed the definition of “*demolition*,” noting that he knows the Task Force discussed demolition but has never come up with a definition. He asked Mr. Dolan if he put in the definition in Item No. 2 on page 4 of the staff report.

Mr. Dolan stated that it is the definition that staff brought to the Task Force and which the Task Force signed off on at one of these meetings.

Mr. Peel asked at what meeting the Task Force signed off on it.

Mr. Dolan replied that he would have to check the Minutes but that it was probably four or five meetings ago.

Mr. Peel then asked Mr. Dolan who came up with the alternative definition for “*demolition*.”

Mr. Dolan replied that it is the one he mentioned tonight which is the only new material in the staff report.

Mr. Peel referred to the two pictures on page 7 of the staff report and noted that with respect to the one on the Division Street home, he does not remember discussing that particular parcel; and he cannot remember discussing the one on the Neal Street home, the Harvey house, either.

Mr. Dolan replied that the both of these properties were discussed by the Task Force more than once. He then asked Mr. Peel if the PDA is aware of the decision of the Task Force made last time to not pursue the commercially-zoned properties.

Mr. Peel said yes.

Peter MacDonald asked the Task Force members if they received the email that he sent today. He stated that he thinks this whole process has gotten off-track in terms of simplification and clarification and that the way to make this process work is to get focused back on the historic preservation of the DTSP which needs to be updated and the DTDG. He indicated that he did not think it was necessary to have a Historic District Ordinance or regulatory power to the Historic Context Statement, which makes it more complicated and more difficult for people who want to improve their property.

Mr. MacDonald stated that given that, he could not help but comment on the three pictures in the staff report which were supposedly not acceptable. He noted that since he came to Pleasanton in 1982, Downtown residential and commercial have improved immensely because people have built and improved and upgraded buildings, and these three pictures are examples of properties that were vastly improved by the buildings that were or are being built as opposed to the buildings that were there before. He indicated that so long as the

property is within the floor area ratio (FAR) of that zoning district, the scale should not be an issue, and this kind of investment in all three cases should be allowed.

With respect to the demolition issue, Mr. MacDonald stated that he worked with historic preservation all over the Bay Area, most notably in Alameda and Sunnyvale. He indicated that he has come across ordinances that basically say that it is “*demolition*” if more than 50 percent of the walls of the original building is changed. He noted that that is a reasonable standard, as opposed to the standard in this draft which assumes that changing a doorknob or touching the front of a building can now be considered demolition and cannot be done. He stated that “*demolition*” cannot be defined in such a way that everything people do to improve their buildings constitutes a demolition. He stated, however, that that does not mean that there is no design review when people who have historic buildings do not take good care of them. He added that he agrees with Jon Harvey’s point in his email.

Linda Frank stated that this is the first meeting she is able to attend. She indicated that she owns property on Gale Avenue and that she and her husband are concerned about this because there are only one or two original houses left of these 1943 homes on their street, and these homes are not in the best of shape. She noted that she loves her house and does not mean to disparage it; however, the \$2,000 the Mills Act gives her off of her property tax to fix up her house is a drop in the bucket of what it costs to restore that building. She indicated that it had an addition before they acquired the house.

Ms. Frank stated that her second concern is that during the heyday when everyone was building like crazy, three contractors came in and bought properties in the area, and then demolished the houses on those lots. She indicated that it was fine because the houses were in terrible shape, and it would have cost a fortune to upgrade them, but there were no guidelines then. She noted that the house behind hers has a 31-foot tall roof on it, and the upper story is the living story with the living room, the dining room, and a large porch overlooking her backyard. She added that on one end of her street, there was a lovely restoration which was sold for a huge profit; and on the other corner of Angela Street and Gale Avenue, the house looks like a piece of “Costco” but people like it because it is better than what was there before.

Ms. Frank stated that she has been in the area for 18 years and has enjoyed living here, and she is now hearing that if she wants to fix her property, there will be constraints on what size she can build, what she can build, when she can build, and how she can build. She indicated that if she wanted to be in a gated community, she would have lived in one. She added that she has repainted and repaired her house and paid property taxes on it, and she is now concerned that because her house is old, it will be considered historic, which it is not. She noted that she has furniture in her house that came from her husband’s family, who are ten generations Americans. She further noted that the furniture is 150 years old, her husband is attached to them, and she has had to live with them for 36 years. She added that the only thing saving her is that she told her two daughters, who are 11th generation Americans, that they should have the furniture estimated, then sell them, and buy their own furniture. She stated that “old” is not “antique,” and old is not preservable all the time. She added that the house on Third Street was 100 years old and was so eaten up by termites that nobody could have held it together.

Brad Hirst told Mr. Brian that the pictures are great and that he should include them all in his PowerPoint presentation. He stated that as one drives down the Downtown residential areas along First Street, Second Street, Third Street, Pleasanton Avenue, St. John Street, St. Mary Street, and west of the railroad tracks, one sees properties that have been improved tremendously without historic preservation. He noted that these owners did the

improvements on their own because they cared about living there and their property. He added that government does not need to say what should be done with the property. He referred to the two pictures on page 6 of the staff report and noted that some residents believed that the homes should have been preserved and that the new buildings are inappropriately scaled in the neighborhood. He questioned how they can be considered inappropriately scaled when they met all the conditions of the Zoning Ordinance.

Mr. Dolan replied that, as mentioned by Mr. MacDonald earlier, there is a conflict between the FAR limitation, which is a mathematical thing, and the policy that says *“Protect the character of the west side neighborhood around St. Mary Street and Division Street from inappropriately-scaled additions or new construction unrelated to the density, size, and character of the neighborhood.”*

Mr. Hirst commented that it then comes down to the Zoning Ordinance or what is defined as inappropriate.

Mr. Dolan said yes, and added that that is the problem that this process will ultimately resolve: whether or not one can just rely on the FAR or design review. He recalled the whole dialogue about the Cunningham house where it met the FAR but the decision was based on people’s perception of whether or not the house was too big.

Mr. Hirst presented a scenario where if he comes to the Planning counter with the option to buy the Apperson property, and there is the argument that because the Appersons lived in that property, then it has historic value; and if he wanted to build a nice house on that property, and Ms. Rondash says that what he wants to do is inappropriate; and three days later, Mr. Otto says that it is fine, what then is he supposed to do. He added that most people would walk away.

Mr. Dolan stated that he wants there to be a set of rules where there is no tension between the FAR and the policy, but without necessarily conceding that it will just be the FAR because the City adopted this through a public process when the Specific Plan was approved: it is there, in design review; and that input is already in the system already. He stated that he thinks that through this process, that tension can be eliminated, maybe not 100 percent, but can be better than what is in existence now.

Mr. Hirst asked Mr. Dolan is he is saying that a person cannot rely solely on the Zoning Ordinance.

Mr. Dolan explained that this cannot be done in any place in the City because those policies exist for any design review, and staff has these dialogues all the time, not necessarily in historic neighborhoods only. He noted that there have been second-story additions that have been gone before the City Council on appeal.

Mr. Hirst gave as an example, a property located on Division Street right next to the railroad tracks that has a 120-year old house that has been occupied by the property owner for 65 years; and the house has major issues, particularly with the windows and doors. He inquired if they want to demolish or restore the house, if they will be told that they cannot take out those windows.

Chair Pearce told Mr. Hirst that this was good conversation but that at this time, she would like limit the discussion to the staff report and providing input on it.

Mr. Hirst wrapped up his comments by asking the Task Force not to create more problems than it solves because it has good intentions.

Ms. Frank referred to the language in the Meeting Minutes and expressed concern that it stated there were two who were violently opposed to regulation. She stated that she was not sure what that meant, whether they disagreed or were throwing punches and chairs.

Mr. Dolan said the word “violently” would be changed to “vehemently.”

Karla Brown referred to the six items on page 3 and the picture of the Old Stanley Boulevard home on page 4 of the staff report, where the property owners have allowed the house to wear down. She inquired if there is any discussion on how to prevent or preserve properties from disrepair so the house does not undergo demolition by neglect.

Mr. Dolan replied that there has been some discussion in the Task Force with respect to ordinances that are on the books now.

Chair Pearce stated that right at the beginning, the Task Force has had discussions about various forms of demolition, including demolition by neglect. She recalled that the Task Force decided on a more active definition of demolition as opposed to passive demolition; the Task Force opted to not include that concept within the definition of demolition.

Ms. Brown inquired if it would be addressed in any of the other six key issues or if it would just happen and not be part of this Task Force.

Mr. Dolan replied that there are laws on the books now on a lot of other things, and the City has only one Code Enforcement Officer.

Ms. Brown inquired if they should then call Walter Wickboldt when they see something like this and if he has the power to enforce the law.

Mr. Dolan said yes but within some limitation. He indicated that the ordinance talks specifically about what can be enforced, such as a leaky roof, for one. He added, as another example, that a building that has no windows in it and is boarded up passes as long as it is secure.

Brian Bourg stated that a Historic District status is needed because this will allow Pleasanton to preserve what the residents value as a community as part of its historic heritage. He added that the City will then not have to have to rely on State and Federal historic status guidelines for properties to be protected. He further added that he hopes that the Historic District status would not be dropped.

Al Bronzini stated that they did a substantial upgrade on their property on Main Street, and to say that the process was easy would actually be inaccurate. He added that he agreed with some comments made earlier at this meeting that going through another layer of government to accomplish what the property owner should be willing to accomplish on his own is not necessary. He noted that they did not have to put a new façade on their building as the old one was still good, but because the integrity of the Downtown was involved in the reconstruction part of the Downtown, people who really care have their heart and money invested in this Downtown, and they will do as much or more than is actually required in most cases. He indicated that adding another group of people to have to go through would slow down the process more and would be more costly. He noted that some people in this room have completely and totally redone their buildings and gone the extra mile to make

sure that it makes its contribution to Main Street. He further noted that Mr. Otto and Ms. Rondash have been helpful, and they did whatever the book said. He agreed that it was a slow process, and it took three extra months before they had the lease signed because of the length of time it took to go through the process of reconstructing his building. He reiterated that there are rules and regulations, codes and ordinances and requirements in place, and there is no need for more government to reach out and slow down the process, which would add more costs to the remodel or reconstruction of any property.

VI. Matters Initiated by Task Force

There were none.

VII. Summary and Next Steps

A. Summary of the Meeting, Next Steps, Review of Next Meeting Topics

No comments were made.

B. Future Meeting Dates:

May 9, 2013 (Task Force meeting)

Chair Pearce inquired if the Task Force was meeting on May 9th.

Mr. Dolan said no and noted that the next time the Task Force meets will be at the City Council check-in tentatively proposed for May 21st. He added that he will let the Task Force know if it is scheduled for another Council meeting date.

The meeting was adjourned at 7:30 p.m.

For further information, call Steve Otto at (925) 931-5608 or sotto@cityofpleasantonca.gov.