



BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

**JOINT MEETING WITH
THE BENICIA CITY COUNCIL AND THE BENICIA PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS**

REGULAR MEETING MINUTES

**Thursday, January 24, 2008
6:30 P.M.**

**I. CALL TO ORDER – JOINT MEETING OF CITY COUNCIL, PLANNING COMMISSION
AND HISTORIC PRESERVATION REVIEW COMMISSION**

A. Pledge of Allegiance

B. Roll Call of City Council and Commissioners

City Council:

Present: Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor
Patterson

Absent: None

Planning Commission:

Present: Commissioners Bortolazzo, Ernst (arrived late), Healy, Sherry (arrived late),
Syracuse, Thomas, and Chair Railsback

Absent: None

Historic Preservation Review Commission:

Present: Commissioners Conlow, Delgado, Donaghue, Haughey, Mang and White,
Wilson

Absent: None

Staff Present:

Charlie Knox, Community Development Director
Damon Golubics, Principal Planner
Gina Eleccion, Management Analyst

- C. **Reference to Fundamental Rights of Public** - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

II. **OPPORTUNITY FOR PUBLIC COMMENT**

A. **WRITTEN**

1. **GREEN BUILDING INFORMATION**

Planning Commissioner Ernst submitted information regarding green building practices.

B. **PUBLIC COMMENT**

Jon Van Landschoot, 175 West H Street – He believes that an intact historic district is essential for tourism.

Bill Royal, 490 East 2nd Street – He addressed the City Council regarding his property at 195 East D Street. He believes the search on his property was illegal and cost him a tremendous amount of money. He was advised to sue the City, which he did.

Jim Erickson, City Manager – He noted that Mr. Royal sued the City and there was a court judgment against him.

A property owner spoke regarding the Mills Act and would like to see everyone working together. He thinks things should be simplified.

Gretchen Burgess, 28 Buena Vista – She worked with the City to get a gas meter. The City was responsive and this was taken care of.

III. **PRESENTATION – State Office of Historic Preservation**

Charlie Knox, Community Development Director, introduced Lucinda Woodward from the State Office of Historic Preservation.

Lucinda Woodward gave a brief overview of historic preservation at the local level. The State runs different types of programs. The local government unit works with local jurisdictions to assist with the implementation of programs. The State's website is extremely comprehensive and contains many valuable resources. On February 28th, Tim Brandt will be making a presentation on the Secretary of the Interior Standards, and how the Commission should apply these standards. The State's role is to provide training and assistance, but not giving input on specific projects. A brief PowerPoint presentation was shown.

A. **THE MILLS ACT PROGRAM**

Guest Speaker: Shannon Lauchner, State Historian I – Mills Act Coordinator, Office of Historic Preservation

The Mills Act program is a State of California authorized program that allows owners of “Qualified Historical Properties” to receive a reduction of their property taxes if they maintain and/or rehabilitate their property.

An overview of the Mills Act Program was given. A PowerPoint presentation was shown. The Mills Act is designed and administered at the local level.

A question was asked about original use in terms of properties that have been converted to commercial use. This is within the framework of the program.

County assessors were addressed in terms of their familiarity with the program. There are some counties that are not familiar with the program.

Impact on other agencies in terms of revenue loss was discussed. Typically, the preservation programs provide a real investment in the community, so the revenue loss can be outweighed by the historic preservation benefit.

Cancellation of contracts was discussed. There must be a publicly noticed hearing in which the Commission/Council can cancel the contract and levy a 12 ½ % penalty.

Local designation was discussed. The local jurisdiction determines what the standard is.

Property maintenance was discussed. The City has the ability to specify what should be included in a work plan.

Compliance was mentioned. This is a loosely framed program and up to the local jurisdiction.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND HISTORICAL RESOURCES

Guest Speaker: Michelle Messinger, State Historian II - CEQA Coordinator, Office of Historic Preservation

The CEQA environmental review process insures that the City is well informed about the potential environmental impacts of any proposed project, that the public is given an opportunity to comment on the potential environmental impacts of applicable projects, that all relevant information regarding environmental impacts is considered, and that decisions are made to avoid or reduce any potential harm to the environment, when possible.

The information provided will be beneficial to all owners of historic properties as well as any interested parties. The City encourages everyone to attend. Please note that the question and answer portion of the presentation is to address general issues, not specific City of Benicia project related issues.

Michelle Messinger gave an overview of CEQA for Historic Resources. A PowerPoint presentation was shown.

Discretionary projects were discussed. Discretionary projects are those that require additional review, and are not issued over-the-counter. The local jurisdiction makes the determination on what is discretionary.

A question was asked if there is a project within the district, is an Initial Study is required. This is not necessarily the case. CEQA does not allow permits to be issued for parts of projects without a submittal of the whole project.

Historical surveys were discussed in terms of what CEQA documents are required for delisting of buildings.

IV. ADJOURNMENT OF JOINT MEETING WITH CITY COUNCIL AND PLANNING COMMISSION; CONTINUATION OF REGULAR MEETING OF HISTORIC PRESERVATION REVIEW COMMISSION

Recess at 8:30. Reconvened at 8:40 p.m.

V. CONSENT CALENDAR

On motion of Commissioner Donaghue, seconded by Commissioner Wilson, the Consent Calendar was approved by the following vote:

Ayes: Commissioners Conlow, Donaghue, Haughey, Mang, White, Wilson and Chair Delgado
Noes: None
Absent: None
Abstain: Chair Delgado (abstain from Item V-C)

- A. Approval of Agenda**
- B. Approval of Minutes of October 25, 2007**
- C. Approval of Minutes of November 15, 2007**

VI. REGULAR AGENDA ITEMS

A. 126 EAST E STREET - DEMOLITION PERMIT

06PLN-52 Design Review
126 East E Street, APN: 89-372-050

PROPOSAL:

This is a demolition permit request involving a structure designated as a potential contributor to the Downtown Historic District. The HPRC denied the request on October 25, 2007 and the applicant appealed the decision to the Planning Commission. On

December 13, 2007, the Planning Commission remanded the request to the HPRC because the applicant submitted plans to build a new single-family home as a replacement structure.

Recommendation: Approve a permit for demolition of a structure at 126 East E Street because it no longer retains substantial historical, architectural or cultural interest or value; and adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project, based on the findings, and subject to the conditions listed in the attached resolution.

Commissioner Donaghue and Chair Delgado recused themselves.

Damon Golubics, Principal Planner, gave an overview of the project. He noted that this has been before the Commission a number of times. An appeal to the Planning Commission was remanded to HPRC since the applicant submitted plans for a single-family home. A new single-family home does not require design review approval, nor does it require CEQA review. CEQA does not prevent the demolition of a listed structure. Staff recommends that a demolition permit be approved. Comments were submitted by Bob Berman and Don Dean.

Commissioners questioned if an IS/MND was done on the demolition only. Charlie Knox noted that the Commission requested an Initial Study that looked at the impacts of the demolition only. This is a rare case in that design review is not required. Commissioners commented on conditioning the demolition permit and whether design review could be required.

Commissioners questioned if a change in use is allowed under the Downtown Mixed Use Master Plan. Charlie Knox noted that the Neighborhood General Open (NG-O) district allows commercial uses in residential structures. Certain uses are allowed by right, while others require a use permit.

Commissioners commented that staff provides design review on all building permits for single-family residences.

The public hearing was opened.

Mark Mitchell, Attorney for Applicant – He does not believe this issue is complicated. If HPRC determines that the structure does not retain its historic integrity, it can approve a demolition permit. He does not believe that design review is required. There is expert opinion that this structure is not historically significant.

Donald Dean, 257 West I Street – He submitted a letter to the Commission. He believes that concurrent design review of the replacement structure is required. He believes that design review on any proposal related to demolition is required. He does not believe that the Initial Study identifies all potential impacts.

Marilyn Bardet, 333 East K Street – She stated her concern for the preservation of resources. She is concerned with irreparable damage being caused by demolishing a historic resource and replacing it with a new structure.

Jon Van Landschoot, 175 West H Street – He is surprised that there is no required design review of the replacement structure. He does not believe that the intent of the DHCP supports demolition without review.

Gretchen Burgess, 28 Buena Vista – She has attended several meetings about this project. She reminded Commission Members that they, as well as staff, should be knowledgeable on regulations and policies. She does not believe there has been any respect for this particular applicant. She does not support single-family design review.

Pam Dixon, 161 East D Street – She commented that there is too much fighting and too many personal agendas. She noted that the structure does not retain its historic integrity. There have been too many continuances without any resolution. She noted that the impact of this structure on East E Street does not compare to the impact of developing the East E Street parking lot.

Sandra Shannonhouse, 110 East E Street – She lives adjacent to the project and is committed to preservation. She submitted a letter, which she read into the record. She believes the structure has historic value.

The public hearing was closed.

Mark Mitchell, Attorney for Applicant – He submitted photos of the current condition of the property. He noted that if the Commission determines the structure has lost its historic integrity, then the Commission can approve the demolition permit.

The Commissioners discussed the proposal.

Commissioner Conlow noted that he had ex-parte communications with the property owner. He noted that there have been multiple modifications to the property. He believes if it is not demolished, then it should be condemned.

Commissioner Mang commented on his confusion as to whether design review is required or not. Charlie Knox noted that the DHCP (page 25) exempts non-historic single family homes from design review.

There was concern over segmenting the project and conversion to a commercial structure. Charlie Knox noted that the Commission can request the City Attorney's opinion on design review, and based on conversations with the City Attorney, he believes that she would agree with staff's determination that HPRC design review can't be required for the replacement single family residence. Charlie Knox commented that HPRC could approve the demolition permit and direct staff to withhold issuance of the building permit until an opinion on design review is given by the City Attorney.

Commissioner Haughey questioned the avenue for citizens to comment on the design of the project. Charlie Knox stated storypoles have been constructed at the site to alert adjacent property owners of the development on-site.

Commissioner White noted that he supports preservation and is a native Benician. He believes the demolition applies to designated structures and this property does not retain its integrity to be designated as a contributor. He does not believe the City can require design review of the new structure.

Commissioners commented on the potential of appeal of any action taken. Commissioner Wilson questioned if the applicant is willing to have design review brought before the Commission. Patrick Donaghue, applicant, noted that he previously asked the Commission for guidance on this project. He does not want to delay this project further. He plans to build a green project. He prefers that the City Attorney determine whether design review is required.

Demolition approved, with determination of City Attorney as to whether design review is required prior to building permit issuance.

RESOLUTION NO. 08-1 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING APPROVAL OF A DEMOLITION PERMIT AND ASSOCIATED INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION FOR A PROJECT LOCATED AT 126 EAST E STREET (06PLN-52)

On motion of Commissioner Conlow, seconded by Commissioner Mang, the above Resolution was adopted by the following vote:

Ayes:	Commissioners Conlow, Mang, White, Wilson
Noes:	None
Absent:	None
Abstain:	Commissioner Haughey
Recuse:	Commissioner Donaghue and Chair Delgado

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Haughey asked for a report on Mills Act inspections. Gina Eleccion noted that this is a report under Communications from Staff.

Commissioner Haughey questioned what would happen if a property recommended for delisting submits a permit for modifications. Charlie Knox noted that it would still need to come before design review.

Commissioner Mang thanked staff for putting the workshop together.

VIII. COMMUNICATIONS FROM STAFF

A. HISTORIC SURVEY AD HOC COMMITTEE UPDATE

Gina Eleccion gave an overview of the work that has been done.

B. MILLS ACT COMPLIANCE UPDATE

Gina Eleccion noted that Mills Act inspections have been performed. Staff is working with a number of property owners to bring their properties into compliance.

C. GREEN BUILDING PROGRAM UPDATE

Staff has provided a memorandum summarizing initial recommendations for implementation of a green building program.

D. NOTICE OF PREPARATION – HYDROGEN PIPELINE ACROSS CARQUINEZ STRAIT

Charlie Knox gave a brief overview of this project.

IX. ADJOURNMENT

Chair Delgado adjourned the meeting at 10:35 p.m.