



**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION  
CITY HALL COUNCIL CHAMBERS**  
*(Note location change)*

**REGULAR MEETING MINUTES**

**Thursday, January 25, 2007  
6:30 P.M.**

**I. CALL TO ORDER**

**A. Pledge of Allegiance**

**B. Roll Call of Commissioners**

Present: Commissioners Conlow, Dean, Delgado, Haughey, White, Wilson and Chair  
Donaghue  
Absent: None

Staff Present:

Xzandrea Fowler, Associate Planner  
Gina Eleccion, Administrative Secretary

**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. CONSENT CALENDAR**

On motion of Commissioner White, seconded by Commissioner Delgado, the Consent Calendar was adopted by the following vote:

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

**A. Approval of Agenda**

**B. Approval of Minutes of December 21, 2006**

**III. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None.

**IV. PRESENTATION**

**A. HISTORIC PRESERVATION AWARDS**

Benicia Main Street and the Benicia Historical Society will present awards to selected property owners in the community.

Bonnie Silveria, Benicia Historical Society, gave a background of the awards program. Awards were given to the following:

Neil & Carol Rich Family, 277 West H Street – Restored and maintained a structure in the historic district.

Jerry & Mary Ellen Hayes - Restored their home and a commercial building on First Street and have been involved in historic preservation.

Patrick Ward & Patricia Dillon, 230 West K Street – Restored an Italianate home.

Phil & Celeste Joy – Restored two buildings on First Street and are working on many more.

Historic Depot – Has been restored through the efforts of Benicia Main Street and the City of Benicia.

Nominations for the 2007 awards will be accepted in May at Benicia Main Street and the Community Development Department.

**B. HISTORIC PRESERVATION INCENTIVES AND ASSISTANCE**

Guest Speaker: Mark Huck, AIA, Restoration Architect, State Office of Historic Preservation

Mark Huck, representing the Office of Historic Preservation, will give a presentation on the Federal Rehabilitation Tax Credit and other incentive programs that are available to historic property owners to assist them in repairing and rehabilitating their structures rather than turning to demolition and new construction. The information provided will be beneficial to all owners of historic properties; however, the information provided will be primarily directed towards the owners of historic commercial properties.

Xzandrea Fowler, Associate Planner, thanked Libbey McKendrey of Benicia Main Street for coordinating this presentation. A background of Mark Huck was given.

Mark Huck gave a PowerPoint presentation on preservation incentives.

Belinda Smith – Asked a question regarding the Commanding Officer’s Quarters and if the Historic Building Code would apply. Mark Huck noted that it would depend on what the goal was. The Historic Building Code might allow for alternatives, which would be approved by the Building Official. Further, she questioned if tax credits could be applied for if a lease was entered into on the property. Mark Huck noted that an accountant should be contacted, but this could be an option.

A citizen questioned how one would go about applying for the various tax credits. Mark Huck recommended reviewing the Office of Historic Preservation website, research credits and contact OHP.

A citizen from Martinez questioned if there is a historic district without an ordinance, are there incentives that apply. Mark Huck stated that he would need to look at their guidelines to determine what incentives might apply.

Jon Van Landschoot – He questioned if the tax incentives are like the Mills Act contracts where they are 10-year contracts. Mark Huck noted that the Mills Act is a locally regulated contract, where the other tax credits go through a review process and then credit is granted over a 5-year period from the IRS once work is completed.

Sandra Shannonhouse – She questioned if Mr. Huck was shown any residential buildings that were proposed to become commercial. Mr. Huck noted that he toured many areas of the town. He noted that any buildings applying for tax credits would be reviewed.

**V. REGULAR AGENDA ITEMS**

**A. LEARY RESIDENCE-NEW ADDITION**

06PLN-79 Design Review  
140 East G Street, APNs: 0089-342-040

**PROPOSAL:**

The applicant has requested design review approval for the demolition of the existing 880 square foot 1.5 story rear addition. In its place the applicant is proposing to construct a 1240 square foot single story addition. The proposed addition will accommodate the master bedroom, kitchen, dining and family room for the main two- story dwelling.

Chair Donaghue and Commissioner Wilson both recused themselves from this project.

A recess was called at 7:35 p.m. The meeting was reconvened at 7:44 p.m.

Xzandrea Fowler, Associate Planner, gave an overview of the project. She noted concerns with the environmental determination of the project. The Commission should review the CEQA exemption and determine if this is appropriate. If the Commission finds that this project requires an Initial Study, then no further action can be taken. The project would be continued and staff would prepare an Initial Study. The Commission could deny the

application without prejudice and the applicant can come back at a future date with additional information.

Commissioners discussed the environmental analysis and clarified that this structure is a contributing structure in the historic district. The DPR form does not address the building in the rear and whether it is part of the historic landmark recommendation of the main structure. Carol Roland could be directed to do a more intensive survey of the entire property.

Commissioners discussed whether clarification was needed and if additional information on the historic significance of the addition is needed.

Blythe Wilson, Architect speaking on behalf of the Applicant – He noted that the project was brought for design review approval in 2004. He noted that there is a cellar underneath that is collapsing and the property owner would like to remedy this situation. He noted that the addition is not a building that is visible from the street and should not be included in the historic significance of the Queen Anne structure.

Commissioners questioned the significance of the addition on the side of the house.

Commissioners questioned if this is a rehabilitation or reconstruction project. Blythe Wilson noted that this is a reconstruction project.

Neil Leary, Applicant – He noted that the back half of the house is in terrible need of repair. He had bids to do foundation repair, but the bids were cost prohibitive.

Commissioners questioned which part needs foundation work. Mr. Leary noted that the back addition needs work. Commissioners questioned the amount of work being done on the exterior of the Queen Anne structure. Mr. Leary noted that he intends to paint the house this summer and put a new roof on.

The public hearing was opened.

Scott Strawbridge, 144 East G Street – His property was donated to the City by the Leary family. The work that is being done is behind the house and is not visible from the street. He supports the staff recommendation. He is concerned with the structure collapsing if nothing is done.

Tom Adams, 223 East J Street – He supports the project and appreciates the property owner's efforts to restore the property.

Leann Taagepera – She commented on the CEQA determination on this project. The Commission needs to determine if the addition is historic or not. If it is historic, it could not be found exempt from CEQA. She is concerned with consistency and how the law is being applied. She referenced a previous project and its CEQA determination.

Jon Van Landschoot, 175 West H Street – He sympathized with the supporters of the project, but wants to make sure the Secretary of the Interior Standards are applied. He believes the addition is historically significant and an Initial Study should be prepared.

The public hearing was closed.

Blythe Wilson, Architect – He noted that there are concerns over the historic nature of the addition. The building itself is significant, but he does not believe the addition is.

Commissioners discussed the project. Commissioner White would like to see additional information on the structure to determine its historic significance. Commissioner Haughey stated that she was frustrated that this information was not provided. She is not comfortable moving forward without additional information. Commissioner Dean quoted the historic determination of the structure on the DPR form. This property is recommended for landmark status so it's difficult to separate the structure from the addition in terms of historic significance. He would like additional information prior to a decision being made. Xzandrea Fowler noted that staff wants to avoid utilizing CEQA Categorical Exemptions that are not appropriate for the proposals to designated structures. With concerns raised, an Initial Study can be done, with additional information provided. Commissioner Conlow commented on the potential landmark recommendation. He would like additional information. Commission Delgado agreed with many of the Commissioners' comments. He commented on the period of significance, which would include the entire structure. He would like additional information.

Commissioner Haughey questioned if Carol Roland would be available to attend a meeting to answer these questions. Xzandrea Fowler noted that properties are reviewed on a case-by-case basis. There is a chance that no significant additional information will be provided.

Xzandrea Fowler noted that staff can recommend the significance of the property, but that is determined by the City Council.

On motion of Commissioner White, seconded by Commissioner Conlow, the above project was continued for staff to prepare an Initial Study and provide additional information, by the following vote:

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

A recess was called at 8:51 p.m. The meeting was reconvened at 8:55 p.m.

**B. INFORMATION TO HISTORIC PROPERTY OWNERS AND REALTORS**

Discussion on implementation plan to notify property owners and realtors of historic property designation and eligibility for Mills Act incentive.

Xzandrea Fowler, Associate Planner, gave an overview of this item.

The Commissioners discussed the item. Xzandrea Fowler noted that there appears to be a notation on the deed that notifies property owners of historic district inclusion. Commissioner Haughey noted that the City can set this up to be on the title, but it currently is not. It is the realtor or property owner's responsibility.

Commissioners questioned how the recordation would be done. Xzandrea Fowler noted that staff would look into that.

Commissioner Conlow questioned issues with the current surveys being done. Xzandrea Fowler noted that draft forms are being reviewed at this time for accuracy. When the review is complete and corrections are made, the information will be brought back to the Commission for a recommendation to the City Council.

Commissioners questioned the accuracy of the surveys.

Direction was given to staff to pursue this item and look into budgeting money to accomplish this goal.

The public hearing was opened.

Melani Sesin, 145 East I Street – She likes the idea of having the information on the title. She would like to see language regarding eligibility for the Mills Act.

A property owner in Benicia commented on people who want to opt out of the historic significance status. Xzandrea Fowler noted that property owners can't opt out of the district.

Tom Adams, 223 East J Street – Encouraged the Commission to move forward with notification on title. He is concerned with realtors not disclosing the historic district designation.

The public hearing was closed.

Commissioner Haughey was concerned with the Mills Act language being included. Staff can research the language that can be included on the deed.

On motion of Commissioner Haughey, seconded by Commissioner Wilson, staff was given direction to draft notification of deed restriction for all properties within the district, including staff investigation of inclusion of Mills Act language, by the following vote:

Ayes: Commissioners Conlow, Dean, Delgado, Haughey, White, Wilson and Chair Donaghue

Noes: None  
Absent: None

**C. STRATEGIC PLAN UPDATE & 2007-2009 BUDGET PROCESS**

Discussion on the budget process and Commission recommendation regarding work program items for the next two years.

Gina Eleccion gave an overview to the Commission.

No public comment.

Commissioner Conlow commented that he is concerned with changes made through design review approval and wants to make sure that all properties are appropriately designated. Xzandrea Fowler noted that this will be part of the review and adoption of the updated surveys.

Commissioner Haughey would like to see City-owned buildings as a priority.

Commissioners discussed their priority list of discussion items and forwarded the following priorities to City Council:

1. Status and maintenance of City-owned buildings.
2. Design Review for all single-family homes in the H overlay district.
3. Story Pole requirement for projects that require Design Review in the H overlay district.

In addition, the Commission will discuss the following 3 items, which do not require City Council action:

4. Evaluate and review alterations to Craftsman Cottages just like the other historic architectural styles found in the H overlay district.
5. Staff level Design Review (Administrative Certificates of Appropriateness) for specific projects that are consistent with Secretary of Interior's Standards for the Treatment of Historic Properties.
6. Paint standards for the H overlay district.

On motion of Commissioner Dean, seconded by Commissioner Haughey, the above recommendations were approved by the following vote:

Ayes: Commissioners Conlow, Dean, Delgado, Haughey, White, Wilson and Chair Donaghue  
Noes: None  
Absent: None

**VI. COMMUNICATIONS FROM COMMISSIONERS**

Commissioner Haughey questioned if a different consultant can be used. Staff stated that another consultant can be used. Typically, this is the applicant's expense.

Commissioner Delgado commented on the awards and how this was coordinated. He would like to see a more formal process.

Commissioner Dean commented on the CEQA exemptions. He would also like to see advanced notification of projects.

**VII. STAFF COMMUNICATIONS**

**A. COMMISSION RULES AND PROCEDURES**

Gina Eleccion noted that a copy of the Rules and Procedures was distributed to the Commissioners. If additional discussion was needed, this can be agendized for a future meeting. The Commission did not see the need to agendize this item at this time.

**B. STATUS OF PRIORITY DISCUSSION ITEMS**

Gina Eleccion noted that a status of the priority list of discussion items was included in the Strategic Plan Update report. This status is provided for informational purposes only.

**VIII. WRITTEN COMMUNICATIONS**

None.

**IX. ADJOURNMENT**

The meeting was adjourned at 9:45 p.m.