



**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION  
CITY HALL COMMISSION ROOM**

**REGULAR MEETING MINUTES**

**Thursday, February 22, 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, and Chair Donaghue  
Absent: Commissioner Wilson (excused)

Staff Present:

Heather McLaughlin, City Attorney  
Damon Golubics, Senior Planner  
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 Delgado, seconded by Commissioner White, the Consent Calendar, with the removal of the Minutes of January 25, 2007 by Commissioner Dean, was approved by the following vote:

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

**A. Approval of Agenda**

**B. Approval of Minutes of January 25, 2007**

Commissioner Dean requested clarification on the 140 East G Street project. He would like it noted that Blythe Wilson was speaking on behalf of the applicant.

On motion of Commissioner Dean, seconded by Commissioner Delgado, the minutes were approved, as amended, by the following vote:

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

### **III. OPPORTUNITY FOR PUBLIC COMMENT**

#### **A. WRITTEN**

Gina Eleccion noted that there were 3 items submitted to the Commission as follows:

1. Memo from Donnell Rubay regarding duties of HPRC.
2. Memo from Leann Taagepera regarding the Jefferson Street Mansion project.
3. Supplemental materials regarding the Jefferson Street Mansion project.

#### **B. PUBLIC COMMENT**

Jon Van Landschoot, 175 West H Street – He thanked the Commission for their participation on the Specific Plan project.

### **IV. PRESENTATIONS**

#### **A. OPEN GOVERNMENT PRINCIPLES**

The City Attorney will be giving an overview of the Open Government Ordinance, including Brown Act, Conflict of Interest, Ethics, Public Records and Ex-Parte Communication.

Heather McLaughlin, City Attorney, gave an overview. This overview qualifies as Open Government Training. There is a certificate for the Commissioners to fill out and submit to the City Clerk. Agenda deadlines were discussed for regular vs. special meetings. An overview of what constitutes a meeting was given, including off-site meetings, email communications and any non-agendized communication with a quorum of the Commission.

A question was asked if once a decision is made, then can the Commission discuss the project. The City Attorney advised that this is probably not a best practice as the item might still come back for further discussion or action.

A Commissioner questioned if it was acceptable to discuss items that have been discussed at meetings. The City Attorney advised Commissioners to use caution and make sure that no decisions are being made.

Ex-parte communication was defined. The City Attorney advised the Commissioners to disclose any ex-parte communication to avoid any appearance of inappropriateness.

A question was asked as to how to handle phone or email communication directly from applicants. The City Attorney suggested advising staff of all communications, which should be disclosed at meetings.

Public records and open government were discussed. Records are more accessible and available in a shorter timeframe than the Public Records Act. There are certain documents that are not accessible or disclosable.

Ethics and Conflict of Interest were discussed. Any questions over Conflict of Interest should be directed to the City Attorney's office. All gifts over \$50 need to be disclosed on a Form 700, Statement of Economic Interest form.

There was no public comment on this item.

**B. ROLE OF HISTORIC PRESERVATION REVIEW COMMISSION**

The City Attorney will be giving a brief overview of the role of the Historic Preservation Review Commission.

Heather McLaughlin, City Attorney, gave an overview. She noted that the Commission ensures conformity of design aspects with City regulations. She noted that the Downtown Historic Conservation Plan supplements the Zoning Ordinance. Design can be modified to comply with the zoning regulations. Each project needs to be looked at individually because there are many exceptions. If the Commission were denying a request, findings must be made as to why.

Commissioners would like to tighten the regulations so that there is less subjectivity. There might be a need to have additional meetings and to provide input to the City Council to address these issues. There is an issue with infill projects due to conflicts between the General Plan and Zoning Ordinance.

This item can be agendaized for a future meeting.

Donnell Rubay, 175 West H Street – She thanked the City Attorney for her comments. She noted that historic homes are still in demand and there is economic value to them. She noted that she submitted a memo to the Commission with her comments. She requested that any future memo address all of the issues raised.

Jon Van Landschoot, 175 West H Street - He referenced comments from the State Office of Historic Preservation to create a glossary of terms. He suggested a meeting with Lucinda Woodward from the State Office of Historic Preservation to make sure the City's Certified Local Government status is not in jeopardy.

There were no additional public comments.

**V. REGULAR AGENDA ITEMS**

**A. JEFFERSON STREET MANSION – PORCH REPLACEMENT**  
04PLN-73 APN: 80-150-200

**PROPOSAL:**

The applicant requests design review approval for the rehabilitation of the East and West porches, construction of an exterior restroom facility, construction of a carport and construction of a Wisteria Arbor located at 1063 Jefferson Street, which lies within a designated National Historic District.

Xzandrea Fowler, Associate Planner, gave an overview of the project. She clarified that this is a rehabilitation project. The arbor was introduced as a landscape feature. The carport and height were reviewed. Exterior restrooms have been proposed for better functionality. The applicant will work out details of the materials with staff prior to issuance of building permits. An overview of the proposed porches was given. The porches were originally proposed in 2004. The project has been modified since that time.

A comment was received from Leann Taagepera. Xzandrea Fowler addressed the CEQA exemption issues raised by Ms. Taagepera. The balustrades are not being replicated and there is differentiation between new construction and existing architecture. The balustrades do not impact the historic integrity of the building. Staff is requesting that Condition #3 (balustrades) be removed from the Resolution. The porches will not be permanently attached to the building and can be removed at a later date. Xzandrea Fowler noted that the State Office of Historic Preservation and the National Trust do not comment on individual projects.

The applicant has provided documentation of a porch on the east side of the property. There is no evidence of a porch on the west side of the property. There is a condition requiring HABS documentation.

Commissioner Haughey stated that she had ex-parte communication with the applicant. She questioned if the arbor is open or enclosed. It was stated that the arbor is open.

The balustrades were discussed. There is concern over the balustrades remaining on the porches. Xzandrea Fowler noted that the design details reflect the functionality of the building today and there are features that can be removed.

Commissioner Dean questioned if the plans were current since the design has changed. Xzandrea Fowler noted that there were certain elements originally proposed and others that have been modified.

Reed Robbins, Applicant – She noted that the restoration of the mansion was started over 10 years ago. Photos of the property and its restoration were shown. She commented on the economic aspects of owning and restoring the mansion. Weddings are a huge part of her business. She gave an overview of the visual features of her property. She noted that she came before the Commission 3 years ago and the Commission requested an expert opinion. She met a previous resident that referenced the wrap-around porches. He

provided photographic evidence of the porches. The California Heritage Council is supporting this project in its entirety.

Commissioner Haughey questioned the proximity of the arbor to the porch. The applicant noted that it is 25' from the porch.

Commissioner Dean commented on the recommendations from Circa in 2004. These recommendations were reviewed.

The public hearing was opened.

Marilyn Bardet, 333 East K Street – She noted the amount of work that has gone into revising this project since 2004. The wisteria arbor will soften the property. She supports the project.

Jon Van Landschoot, 175 West H Street – He appreciates the work Ms. Robbins has done and supports the project.

The public hearing was closed.

Commissioners discussed the CEQA exemption of the project. Commissioner Dean commented on Leann Taagepera's letter. If the project is consistent with the Secretary of the Interior Standards, then the project is exempt. The Commission discussed whether the project meets the Secretary of the Interior Standards.

#### **ARBOR/CARPORT/RESTROOMS:**

Consensus of the Commission was that the above items meet the Secretary of the Interior Standards. Commissioner Delgado would like to see the arbor moved back.

#### **PORCHES:**

The Circa report was commented on. Staff noted that the project has been modified since the Circa report was written. The applicant has addressed the issues raised in the report. A HABS report will document the features of the building. Xzandrea Fowler noted that the porches will not be permanently attached to the building. Safety requirements regarding the balusters will be met in working with the Building Department.

Mills Act properties were discussed in relation to this property.

Xzandrea Fowler noted that one of the recommendations was to construct a 6' wide porch, but this might not be functional for the applicant.

Commissioner discussed Standards #5 and #9 and whether the project meets these standards. There is still a question whether there is evidence of a west porch.

Commissioners discussed additions to historic properties, which are allowed. Some of the character-defining features will be obstructed, regardless of the location of the porches.

Commissioners discussed the recommendations made by Sheila McElroy. The design is a rehabilitation design, which is different than a restoration.

Commissioner Delgado requested clarification on Sheila McElroy's comment on the east porch original location. Xzandrea Fowler noted that there was a photo submitted by Jane Lauder King.

Commissioner Dean would like to see the west porch moved back and to remove the balustrades on the entry above.

There are no upper decks proposed on the new porches.

The Commission could add a condition regarding the simple, non-urn shaped upper deck balustrade and no upper deck on the new east/west porches to make the project comply with the Secretary of the Interior Standards.

Commissioner Delgado would like to follow the preferred approach recommended by Sheila McElroy, with pulling the west porch back to the T (length only), leaving the design intact, except with the removal of the top balustrade.

Reed Robbins commented on the recommendations proposed. She noted that it will take years to complete the construction.

Recommendation is to approve the Resolution as presented, with the moving of the west porch to the T (as modified by Commissioner Delgado), and the removal of the balusters from the upper portion of the new porches.

**RESOLUTION NO. 07-2 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING A DESIGN REVIEW FOR THE REHABILITATION OF THE EAST AND WEST PORCHES, CONSTRUCTION OF AN EXTERIOR RESTROOM FACILITY, CONSTRUCTION OF A CARPORT AND CONSTRUCTION OF A WISTERIA ARBOR LOCATED AT 1063 JEFFERSON STREET (04PLN-73)**

On motion of Commissioner Delgado, seconded by Commissioner Haughey, the above Resolution was approved, as amended, by the following vote:

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

**B. SAFEWAY PAINT CHANGE REQUEST**

06PLN-77 Design Review  
50 Solano Square, APN: 0087-200-060

**PROPOSAL:**

The applicant has requested design review approval for “exterior alterations” to the existing Safeway building located in Solano Square Shopping Center which includes “new paint, up-lights, and stone veneer.” The applicant is not proposing to apply the proposed exterior improvements to the rest of the Solano Square Shopping Center.

Damon Golubics, Senior Planner, gave an overview of the project.

Commissioners questioned if this paint scheme includes the Rite Aid section. Damon Golubics noted that the applicant has stated that Rite Aid would be included in the project.

Eric Euren, Architect – He stated that Safeway is proposing to repaint Safeway and Rite Aid, along with the lights and signs. Safeway does not believe it is their responsibility to repaint the entire center and the current landlord is not willing to repaint the center at this time. He has experience with other Safeway stores in centers where landlords were unwilling to repaint the entire center, but the landlords did eventually repaint.

Commissioners questioned if there would be additional colors for the rest of the center. The applicant noted that the same colors would be used.

The public hearing was opened.

Marshall Lochman, Resident – He stated concerns with the uplighting and wants to make sure that this is not a problem. There is a specific code regarding the lighting allowed.

Dan Humphries, Resident – He opposes any uplighting and does not want to see additional light pollution.

The public hearing was closed.

Commissioners discussed the lighting. There will be 4 additional fixtures installed. Staff noted that the lights meet the City requirements. Commissioners discussed the possibility of fixtures more compatible with the parking lot lights.

Commissioners discussed the amount of lights that would remain teal. Safeway comprises approximately 1/3<sup>rd</sup> of the lights in the center.

Commissioner White commented on the Downtown Plan recommendation to encourage businesses to paint their buildings.

Commissioners discussed the color schemes.

Commissioners would like to approve the project, with addition of Rite Aid and painting of Solano Square monument sign and addition of stone to the columns.

Commissioner Delgado wants down lights only.

On motion of Commissioner Delgado, seconded by Commissioner Haughey, staff is directed to draft a Resolution approving the project as conditioned, by the following vote:

Ayes: Commissioners Conlow, Dean, Delgado, Haughey, White  
Noes: Chair Donaghue  
Absent: Commissioner Wilson

A Resolution will be brought to the Commission at the March meeting for approval.

**VI. COMMUNICATIONS FROM COMMISSIONERS**

Commissioner White commented on CEQA and confusion over exemptions. He would like a short training session on this.

Commissioner Haughey stated her concern with handling applicants, particularly when there is an expert opinion. Projects need to be held to the highest standards. She further stated concerns with checking if an applicant is okay with conditions. The conditions should be added, whether the applicant likes them or not.

Commissioner Conlow stated that it is common to inquire if conditions are feasible to applicants to avoid additional hearings or appeals. He further noted that the Commission can disagree with an expert's opinion.

Commissioner Conlow would also like CEQA training.

Commissioner Dean questioned the size of the plans submitted for the Jefferson Street Mansion project. He would like larger plans in the future.

**VII. COMMUNICATIONS FROM STAFF**

Gina Eleccion noted that copies of the City Attorney's training materials were provided to the Commissioners for their handbooks.

**VIII. ADJOURNMENT**

Chair Donaghue adjourned the meeting at 10:05 p.m.