

February 23, 2012

BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

REGULAR MEETING AGENDA

City Hall Commission Room

Thursday, February 23, 2012

6:30 P.M.

I. OPENING OF MEETING:

A. Pledge of Allegiance

B. Roll Call of Commissioners

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. ADOPTION OF AGENDA:

III. OPPORTUNITY FOR PUBLIC COMMENT

This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on the agenda that is within the subject matter jurisdiction of the Historic Preservation Review Commission. State law prohibits the Commission from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on commissioners, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT

B. PUBLIC COMMENT

IV. PRESENTATIONS

None.

V. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Historic Preservation Review Commission or a member of the public by submitting a speaker slip for that item.

***Any Item identified as a Public Hearing has been placed on the Consent Calendar because it has not generated any public interest or dissent. However, if any member of the public wishes to comment on**

a Public Hearing item, or would like the item placed on the regular agenda, please notify the Community Development Staff either prior to, or at the Historic Preservation Review Commission meeting, prior to the reading of the Consent Calendar.

A. Approval of the [Special Joint Workshop Minutes](#) from the January 12, 2012 Meeting with the Benicia Planning Commission and the Benicia Historic Preservation Review Commission

B. Approval of [Minutes of January 26, 2012](#)

VI. REGULAR AGENDA ITEMS

A. [MILLS ACT CONTRACT ANNUAL INSPECTION REPORT](#)

Staff will update the commissioners on the status of the annual Mills Act Contract inspections.

B. [PRIORITY LIST OF DISCUSSION ITEMS](#)

Staff and Commission will discuss and review the Commission's discussion items, including ranking of topics.

VII. COMMUNICATIONS FROM STAFF

A. CALIFORNIA PRESERVATION FOUNDATION 2012 CONFERENCE

VIII. COMMUNICATIONS FROM COMMISSIONERS

IX. ADJOURNMENT

Public Participation

The Benicia Historic Preservation Review Commission welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The Historic Preservation Review Commission allows speakers to speak on agendized and non-agendized matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Historic Preservation Review Commission.

Should you have material you wish to enter into the record, please submit it to the Commission Secretary.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the ADA Coordinator at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for Commission discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action the Commission may take.

The Historic Preservation Review Commission may not begin new public hearing items after 11 p.m. Public hearing items, which remain on the agenda, may be continued to the next regular meeting of the Commission, or to a special meeting.

Pursuant to Government Code Section 65009; if you challenge a decision of the Historic Preservation Review Commission in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Historic Preservation Review Commission at, or prior to, the Public Hearing. You may also be limited by the ninety (90) day statute of limitations in which to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

Appeals of Historic Preservation Review Commission decisions that are final actions, not recommendations, are considered by the Planning Commission. Appeals must be filed in the Public Works & Community Development Department in writing, stating the basis of appeal with the appeal fee within 10 business days of the date of action.

Public Records

The agenda packet for this meeting is available at the City Clerk's Office, the Benicia Public Library and the Public Works & Community Development Department during regular working hours. The Public Works & Community Development Department is open Monday through Friday (except legal holidays), 8:30 a.m. to 5 p.m. (closed from noon to 1 p.m.). Technical staff is available from 8:30 - 9:30 a.m. and 1:00 - 2:00 p.m. only. If you have questions/comments outside of those hours, please call 746-4280 to make an appointment. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the Public Works & Community Development Department's office located at 250 East L Street, Benicia, or at the meeting held in the City Hall Commission Room. If you wish to submit written information on an agenda item, please submit to Lisa Porras, Senior Planner, as soon as possible so that it may be distributed to the Historic Preservation Review Commission.

 [Special Joint Workshop Minutes January 12, 2012](#)

 [Draft Minutes January 26, 2012](#)

 [Mills Act Contract Annual Inspection Report](#)

 [Priority List of Discussion Items](#)



**BENICIA PLANNING COMMISSION AND
BENICIA HISTORIC PRESERVATION REVIEW COMMISSION
CITY HALL COUNCIL CHAMBERS
SPECIAL JOINT WORKSHOP MINUTES**

**Thursday, January 12, 2012
6:00 p.m.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Planning Commissioners: Don Dean, Rick Ernst, George Oakes, Rod Sherry, Belinda Smith, Lee Syracuse and Chair Brad Thomas.

HPRC Commissioners: Chuck Mang, Steve McKee, Jon Van Landschoot, Mike White and Chair David Crompton.

Absent: Commissioners Toni Haughey and Leann Taagepera (both excused)

Staff Present: Kat Wellman, Contract Attorney
Charlie Knox, Public Works & Community Development Director
Mark Rhoades, Interim Land Use and Engineering Manager
Lisa Porras, Senior Planner
Kathy Trinque, 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. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

None.

III. SPECIAL MEETING AGENDA ITEM

A. WORKSHOP – NEW HARBOR COMMUNITY CHURCH, NEW FACILITY PROPOSED AT 882 BLAKE COURT AT ROSE DRIVE.

PROJECT PROPOSAL:

The City of Benicia is processing an application from New Harbor Community Church to construct a new 20,244 sq. ft., multi-use, two-story church at the terminus of Blake Court, east of Rose Drive. Pursuant to a prior agreement with the City in June 2001, the land was dedicated to a church to be selected by the Benicia Council of Churches. New Harbor Community Church was the selected recipient of this land. However, the Church will still need to get Use Permit approval from the Planning Commission since the location is in the City's Single Family Zone District. In addition, the project's overall site plan and building disposition requires Design Review approval by the Historic Preservation Review Commission (HPRC). Finally, because the project in its current form provides less than the required landscaping, a Variance will also need to be approved by the Planning Commission. This project was previously presented to a joint workshop of the Planning Commission and HPRC on September 10, 2009. City staff has been working with the applicant on overall site design to address the concerns that were raised at the previous workshop. Several schematic drawings will be presented at this workshop.

The purpose of this meeting was to receive feedback and input from citizens and Commissioners regarding new conceptual site designs produced by staff.

Recommendation:

Staff recommended that the Planning Commission and Historic Preservation Review Commission review alternative site design concepts for the proposed two-story 20,244 sq. ft. New Harbor Church at 882 Blake Court, at Rose Drive, and direct the applicant to draw upon staff's suggested conceptual site plan (Diagram 4) and continue processing the application.

Lisa Porras, Senior Planner, presented the proposed project. No formal action by either Commission is requested or required, this item is for discussion and comments from commissioners and members of the public. Commissioners are requested to provide direction to the applicant so the project may proceed for approval separately and at future dates.

Ms. Porras continued with a power point presentation that reviewed the site history, project description, building overview, lot size, parking, aerial view, architectural rendering and the current site plan. The building shown in the center of the site does not meet findings for design review and use permits. Ms. Porras read the necessary findings and explained staff's review process. Staff has expressed these concerns to the Church (applicant) and outlined the findings needed for the project to be approved.

Ms. Porras presented 4 rough sketches prepared by staff of possible site plans and explained each. The number of required parking spaces is determined by the size of the worship building (that also contains a basketball court). The applicant asked to hear from the community and the HPRC and Planning Commissions before spending additional funds on additional design or environmental review of the project.

In conclusion, Ms. Porras stated that the purpose of the meeting is to hold a discussion focused on the proposed site design. The goal is to bring a project forward that can meet the necessary findings. Staff will continue to work with the applicant and bring their project back for formal approval. First, design review approval from HPRC will be scheduled and second, Use Permit approval will be scheduled for the Planning Commission.

HPRC and Planning Commissioners asked staff for clarification regarding: average square footage of surrounding single family homes, quantity of site grading required, number of required parking spaces, playground placement, history of how site was selected for a religious use, if number of parking spaces is reduced if the basketball court was removed from the worship building.

Kat Wellman, Contract Attorney, advised Commissioners that the City must be careful not to discriminate toward a religious facility at this location. She explained that the religious use for this site was decided in 2002 by the City Council. The City can condition the number of services, activities, traffic issues, etc., but not the use. She also clarified that the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) applies to an application for a religious facility. In that regard the City may not treat this use differently than similar uses. Commissioners are not making a decision for the applicant to move forward with this site design at this meeting, rather giving direction to the applicant of how best to meet the needs of the community.

Commissioners asked staff for additional clarification on why the view of Blake Court from Rose Drive is important, the number of community use facilities in the city, landscaping requirements, child care program details, sustainability goals, why open space does not mitigate landscaping requirements, square footage of the main worship building, potential for landslides in the open space area and whether the basketball court should be included in the worship center.

Chair Thomas opened the meeting for public comment, with a reminder to focus on the site and design and not to discuss whether or not the project should be built.

Public Comment:

David Bowie, attorney for the applicant, stated that this project has previously been presented to the City. The project has been well described by staff. The applicant is sensitive to the neighborhood's concerns and asks the City to balance the needs of all parties. Regarding the basketball court, the applicant is flexible about its inclusion in the worship building. The applicant has hired a new project architect to develop a new site design and is interested in hearing comments from everyone. The original design does fit the site and he understands there are parking and traffic concerns from the neighborhood. The EIR will be completed soon. The church currently conducts multiple services and does hope to grow its congregation. Any overflow traffic and parking issues can be addressed. The applicant is open to conditions to make this project work for the neighborhood.

Kerry Degavre, of 869 Rose Drive, spoke in opposition of the proposed site plan and project. She said that she represents 98% of the neighbors and she has spent many hours collecting signatures and researching this project. She is not in favor of the size of this church.

Rick Allen, of 917 Bradford Ct, spoke in opposition of the proposed site plan and project. He stated that 450 neighbors do not want the church built. Rose Drive is dangerous with many accidents. Police reports confirm the number of accidents at the intersection of Bolton Circle and Rose Drive. An error was made when this decision was made.

Marguerita Hunt, of 890 Rose Dr., spoke in opposition of the proposed site plan and project. She stated that the plan is overly optimistic about the

number of required parking spaces – 75 is not enough to accommodate various activities that would be held at this church. The density of the church is greater than that of surrounding single-family homes.

Victoria Johnston, of 880 Rose Dr., spoke in opposition of the proposed site plan and project. She stated that this is not an appropriate site for a large church due to the traffic safety from the hill on Rose Drive. She expressed concern about cars exiting Blake Ct onto Rose Drive when more cars are entering for the next worship service. She loves the existing open space and chose her current residence for that reason.

Patricia Everhart, of 878 Channing Circle, spoke in opposition of the proposed site plan and project. She stated that the church should be one story to blend in with the residential neighborhood. The church should be as low impact as possible to the neighbors. Additional services and parking will impact neighbors and lower property values.

Buck Cabral, of 851 Clifton Ct, spoke in opposition of the proposed site plan and project. He stated that this project is like putting a square peg in a round hole. The City shouldn't force things. The traffic at the intersection of Rose Drive at Blake Ct is too busy and he would like a traffic signal installed. The police can't handle all the traffic issues here. He does not think this project is a good idea.

A resident of 945 Rose Drive stated that a 20,000 sq ft facility is too big and would have too much of a traffic impact on Rose Drive. Rose Drive traffic is bad now without it. Rose Drive traffic won't stop to let residents back out of their driveways. He wants the size of the facility reduced to reduce the impact on the neighborhood.

A resident of 763 Rose Drive spoke in opposition of the proposed site plan and project. Rose Drive traffic is horrible – cars drive 50 mph. He stated that he did not know about this project until he saw a yard sign about it. The church should be a small facility with limited parking.

Chair Thomas asked Ms. Wellman, Contract Attorney, about a limit to the number of speakers heard during public comment.

Ms. Wellman advised Chair Thomas that he may state if the public has anything new to add to the comments that have already been made, please do so, otherwise you may simply state that you agree with

previous comments. Also the Chair may state that public comment will be limited to a certain number of additional speakers.

Chair Thomas stated that due to time constraints the Commission will limit public comment to 3 more speakers.

Mike Spangler, of 928 Bradford Way, spoke in opposition of the proposed site plan and project. He expressed concern about traffic from Columbus Parkway, if the church provides daycare. A two-story structure is too big for the neighborhood. He has a major concern about the design, day care and traffic.

Jerry Beckman, of 884 Rose Dr, spoke in opposition of the proposed site plan and project. He wants the building scaled down so it is not so dominant and the parking lot gated and locked. He also expressed concern about traffic from Columbus Parkway backing up.

Tom Percival, of 914 Bolton Circle, spoke in opposition of the proposed site plan and project. He stated that the building is too large – a 1-story design would be better and to make sure the lighting on building and in parking areas is low.

Peggy Kooley, of 949 Rose Drive, spoke in favor of the proposed project. She stated that she wants to have a church on this site. She lives next to low income housing on Rose Drive. She wants the church to work with the community on this project.

Public Comment closed.

Comments from HPRC Commissioners:

HPRC Chair, David Crompton:

1. The landscaping requirement should be more than minimum standard.
2. The building design should be compatible with the neighborhood – i.e., break up the wall (less than 30 ft) that faces the residences.
3. Additional landscaping would break up the mass of the building.
4. No basketball court inside.
5. Liked staff's suggestion to locate the parking behind the church.
6. Break up the church building into a number of smaller buildings.

Commissioner Mike White:

1. The proposed trees located between the building and the neighborhood are the wrong type. Would rather see small redwoods or require the Church to work with the neighbors and plant what they would like.
2. Agrees with Chair Compton – also likes staff’s proposed site plan sketch #4.
3. The childcare should be moved away from the neighbors.
4. The windows on the building facing residences should be placed higher or use opaque glass to preserve the privacy of the neighbors.

Commissioner Jon Van Landschoot:

1. The building is too large and it violates all HPRC rules.
2. Install a traffic signal at Blake Ct/Rose Drive intersection.
3. 1 or 2 buildings on the site/no more than 1 story high.
4. This project is not a community center.
5. If offices are needed, build one on the north side and one on the south side.
6. No day care.
7. No basketball court.
8. Trees should be evergreen.
9. Worship services should be spaced 1 ½ hours apart.
10. No windows facing backyard of residences or use opaque glass.

Commissioner Steve McKee:

He expressed appreciation for the church’s willingness to be flexible and that a new architect has been hired.

1. He is unsure that Blake Ct should extend into the parking lot.
2. He is OK with a one-story church that is visible from the street.
3. He is OK without a basketball court and a smaller worship building.
4. Maybe the church could include some future parking spaces.
5. Would like to see the building mass at the back but keep the site line to open space open.
6. Is the lighthouse feature necessary?
7. Wants to see the traffic issues worked out.

8. Wants to see a site plan that is significantly different than the current one.

Commissioner Chuck Mang:

1. He agrees that it is OK to see the church from the street.
2. The elevation height on the worship building should be kept toward the rear.
3. The childcare should be in the rear and to the south.
4. This is a good project for the neighborhood.

Comments from Planning Commissioners:

Commissioner Dean:

1. Agrees with other comments made by HPRC Commissioners
The building is too large – either build it smaller or build multi-buildings to blend in with neighborhood and be less intrusive.
2. Don't agree that parking should be behind the building.
3. Push building back to give more space with the neighborhood.
4. Parking impacts
5. Work with neighbors on landscaping and parking.

Commissioner Ernst:

1. Agrees with HPRC Commissioners and Commissioner Dean.
He would like the building re-designed as 1-story.
2. Prefers circular parking plan around the building.
Feels sorry about possible impacts to Rose Drive residents.
Is against the project and would like to see residents contact the City Council to keep this area as open space.

Commissioner Smith:

- She recalled that there was a similar discussion with the neighborhood before the new Community Center was built and now the new Center is considered as asset to the neighborhood.
1. She agrees with the other commissioner's comments regarding the second story windows.
 2. Move parking away from backyards of neighbors.

3. The applicant should consider a building with multi-levels to reduce the massing.
4. The lighting should not be intrusive for neighbors.
5. She asked for clarification on the open space – is it City property or the church’s property.

Ms. Porras responded that the church owns the open space, but the City accepted the open space easement on October 15, 2002.

Commissioner Sherry:

He summarized public and Commissioner concerns that he agrees with as follows:

1. The traffic and vehicle speed on Rose Drive needs to be mitigated.
2. Parking and overflow – church should maximize onsite parking.
3. Reduce the size of the building – limit occupancy load.
4. Shadow problem from building – restrict building height and move it away from the neighbors.
5. Access to parking during off-hours – add a gate across the parking lot.
6. Sound – likes staff’s sketch #4 – the sound can be mitigated with landscaping and a soundwall.
7. Landscaping – the trees should not be too tall.

Chair Thomas adjourned the workshop by stating that this is a good project. He encouraged all parties that he believes the benefits of this project will outweigh the burdens to the neighborhood.

IV. ADJOURNMENT

The Special Meeting was adjourned at 7:50 pm.

**REGULAR MEETING
BENICIA PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
January 12, 2012
Meeting Minutes
7:45 pm (meeting started 8:00 pm)**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Don Dean, Rick Ernst, George Oakes, Rod Sherry, Belinda Smith, Lee Syracuse and Chair Brad Thomas.

Absent: None

Staff Present: Kat Wellman, Contract Attorney
Charlie Knox, Public Works & Community Development Director
Mark Rhoades, Interim Land Use and Engineering Manager
Lisa Porras, Senior Planner
Kathy Trinque, 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. ADOPTION OF AGENDA

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

None.

IV. CONSENT CALENDAR

A. Approval of the 2012 Planning Commission Calendar Identifying Hearing Dates

On motion of Commissioner Oakes, seconded by Commissioner Sherry, the Consent Calendar was adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Oakes, Sherry, Smith, Syracuse and Chair Thomas

Noes: None

Absent: None

Abstain: None

V. REGULAR AGENDA ITEMS

A. USE PERMIT APPLICATION FOR A LARGE FAMILY DAY CARE AT 130 GILL WAY

PROPOSAL:

In accordance with the Benicia Municipal Code Section 17.24.020, the applicant requested approval of a Use Permit to establish a large family day care facility at 130 Gill Way. The applicant currently operates a large family day care facility at 216 Eaton Court, but will be moving and requested use permit approval to operate the large family day care, maximum of 14 children, at this new location. The applicant requested hours of operation from 6:00 a.m. to 5:00 a.m., seven days a week.

Recommendation:

Approve a Use Permit request to allow a large family day care facility at 130 Gill Way based on the findings, and subject to the conditions listed in the resolution.

Lisa Porras, Senior Planner, provided an overview of the proposed project and the reviewed the action before the Planning Commission at this meeting. She read the Zoning Administrator's conditions included in the staff report and those conditions recommended by staff.

Mark Rhoades, Interim Land Use and Engineering Manager, provided a brief overview as he conducted the Zoning Administrator's hearing on November 23, 2011. He briefly explained that the State has made family day care facilities a priority and it is to be considered a residential use. The applicant has operated a large family day care at her previous residence at 216 Eaton Court without neighborhood complaints. There is another large family day care operating as a legal non-conforming use two doors away from the 130 Gill Way. The Zoning Administrator's conditions are rather conservative and the other day care has stated that they will comply with the same standards,

Commissioners held a discussion with staff regarding the following: terms of the use permit and termination date (use permit in effect until vacated or revoked based on complaints); why is there a legal non-conforming use (established prior to the zoning ordinance and allowed unless there are the City holds nuisance proceedings from complaints); how many children are allowed (up to 14, per State law); operating hours are 6:00 to 5:00 am? (Staff is recommending that hours be limited to 6:00 am to 8:00 pm); does the Zoning Ordinance regulate how close family day care centers can be to each other? (no); is the 23/hour per day operating hours typical? (yes).

Opened for Public Comments

Applicant, Claudia Claverie, 130 Gill Court, explained that the reason she requested 23 hour/day operating hours is to provide emergency daycare for families when needed. She stated that she has been a licensed day care provider since 1976. She provides quality childcare. She has a degree in early child development and her business is accredited and meets or exceeds all licensing laws.

Ms. Claverie answered questions from Commissioners regarding the number of children she cares for at one time and how her schedule works (she does not have 14 children at one time – the number of children on site varies throughout the day); if she is comfortable with the restricted operating hours (she stated that she prefers the 23 hr/day operating hours); how long is her lease (not sure at this point).

Becky Billing, of 2064 Havenhill Dr, resident and Coordinator for Solano County Childcare Planning Council, spoke in favor of the proposed Use Permit. She stated that Solano County has a huge need to infant/toddler care. She knows Claudia, that she has both a degree in child care and a quality program.

Gerry Raycraft, Childcare Facility Coordinator of Childcare Network, spoke in favor of the proposed Use Permit. He explained how family childcare functions. He stated that the average enrollment in Solano County is 7.25 children and in Benicia it is just less than 7 children. Outside playtime is part of a residential use. Ms. Claverie won't have all 14 children playing outside every day at 8:00 am. He requested that the Commission remove the 9:00 am restriction on outside play.

David Pillsbury, of 139 Gill Way, spoke in opposition to the Use Permit. He is opposed to day care use in this neighborhood. There is already 1 day care which causes noise and additional traffic. He wants the conditions to limit hours from 6:00 am to 6:00 pm, five days per week.

Leslie McFadden, of 132 Gill Way, spoke in opposition to the Use Permit. She lives just below 130 Gill Way and can hear everything. There is no fence across the backyard. She is retired and fighting cancer. She wants peace and quiet.

Carrie Peterson, of 132 Gill Way, spoke in opposition to the Use Permit. She stated that they already have a large family day care on the block and she knows what the neighborhood impacts are. She does not want two on the

same street with one house in between. She wants peace and quiet. The proposed Use Permit is an unfair burden to the neighborhood.

Karl Hellevick, of 135 Gill Way, spoke in opposition to the Use Permit. He is concerned about additional traffic, noise, pollution and parking. He is also concerned that his house will lose value. The area should be tested for radon and asbestos because there are many residents with cancer.

Public Comment closed.

Commissioner Ernst asked if the daycare at 130 Gill Way was operating now.

Mr. Rhoades responded no, the existing daycare at the other Gill Way residence is operating.

Chair Thomas asked about the lack of a backyard fence.

Ms. Claverie responded that she plans to construct a new back yard fence once the Use Permit is approved. She will also supervise children playing in the backyard.

Commissioner Smith asked for clarification on the conditions of approval and findings. She finds some conditions onerous unless applied to all day care providers.

Commissioner Ernst stated concern about re-directing traffic onto White Chapel, which may create a nuisance for other neighbors. He also agrees with Commissioner Smith that some conditions need to be removed.

Commissioner Sherry stated that he also agrees with Commissioner Smith. Gill Way is a narrow street and White Chapel is steep. He would like to see the applicant leave 1 parking space in the driveway open so parents could pull into the driveway and park there. Also agrees that some conditions need to be removed or modified.

Commissioner Dean stated that he wants to remove #3 in the resolution so that no parent has to be without childcare in an emergency. He asked staff for further clarification on #6 and #13. He would like to remove the "3 strikes" since the City has an enforcement mechanism. He stated support for the Use Permit.

Commissioner Oakes stated that he is opposed to granting this Use Permit because he does not agree with having two day care facilities this close together in the same neighborhood.

Commissioners reviewed and discussed the conditions of approval listed in the proposed resolution.

Mr. Rhoades read the conditions and revisions were made as Commissioners reached consensus.

Commissioners reviewed each condition listed in the resolution with the applicant, Claudia Claverie. Ms. Claverie concurred that she would be able to operate her day care facility under the revised conditions of approval.

Commissioner Ernst made a motion to approve the Use Permit and it was seconded by Commissioner Syracuse.

Commissioners Smith commented that she sympathizes with the neighbors, but she is obligated to support the Zoning Ordinance and Municipal Code which contains nothing that would prohibit this Use Permit.

Commissioner Ernst made some additional comments concerning noise impacts in his neighborhood.

Commissioner Oakes asked for a point of order.

Ms. Wellman explained that if the Commission is adopting the resolution, the findings and conditions are also being adopted.

Commissioner Oakes expressed frustration that the Commission has not determined that this Use Permit is detrimental to the health and safety of the public. He further stated that the Commission has not mitigated the health issue. He has no problem with the day care facility except that it is in the wrong location.

Commissioner Sherry responded that while this is inconvenient to the neighborhood, those issues have been mitigated by the conditions of approval.

On motion of Commissioner Ernst and seconded by Commissioner Syracuse, the proposed resolution, with amended conditions of approval, was adopted by the Planning Commission of the City of Benicia at the regular meeting of said Commission held on the 12th day of January 2012 and adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Sherry, Smith, Syracuse and Chair Thomas.

Noes: Commissioner Oakes

Absent: None

Abstain: None

VI. COMMUNICATIONS FROM STAFF

None.

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Dean asked staff when agendas are posted on the City's website are attachments also posted.

Kathy Trinique, Administrative Secretary, responded yes, however, sometimes due to technical issues, it is necessary to scroll to the bottom of the agenda page and click on the document icon to view them.

Commissioner Smith asked when the Commission would be reviewing the work program.

Chair Thomas responded that he understood that it would be agendized according to workload.

Commissioner Smith stated that she would like to see Planning policies scheduled at an upcoming meeting.

Commissioner Dean asked if staff would email a current department organizational chart to Commissioners.

VIII. ADJOURNMENT

The meeting was adjourned at 10:10 pm.

DRAFT



**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION
REGULAR MEETING MINUTES**

**City Hall Commission Room
Thursday, January 26, 2012
6:30 P.M.**

I. OPENING OF MEETING:

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Haughey, Mang, McKee, Taagepera, Van Landschoot, White and Chair Crompton

Absent:

Staff Present:

Mark Rhoades, Interim Land Use and Engineering Manager

Amy Million: Principal Planner

Lisa Porras, Senior Planner

Stacy Hatfield, Sr. Admin. Clerk, Recording Secretary

Lisa Porras introduced Amy Million, the City's new Principal Planner, to the Commissioners. Lisa highlighted Amy's previous work experience and accomplishments and explained that Amy will be taking over as Secretary to the HPRC Commission.

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA:

On motion of Commissioner White, seconded by Commissioner Haughey, the Agenda was approved by the following vote:

Ayes: Commissioners White, Mang, Haughey, Taagapera, McKee, Van Landschoot and Chair Crompton

Noes: None

Absent: None
Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN COMMENT

None

B. PUBLIC COMMENT

None

IV. PRESENTATIONS

None

V. CONSENT CALENDAR

A. Approval of Minutes of December 15, 2011

On motion of Commissioner White, seconded by Vice Chair Taagepera, the minutes of the December 15, 2011 meeting were approved by the following vote:

Ayes: Commissioners White, Mang, Haughey, Taagapera, McKee, Van
Landschoot
Noes: None
Absent: None
Abstain: Chair Crompton

VI. REGULAR AGENDA ITEMS

A. DESIGN REVIEW FOR MODIFICATION TO THE EXISTING LANDSCAPING AT 938 TYLER STREET (CONTINUED)

11PLN-00044 – Design Review
938 Tyler Street – Carpenter Shop
APN: 0087-141-060

PROPOSAL:

The applicant requests design review approval for modifications to the landscaping at 938 Tyler Street in the Benicia Arsenal Historic District. This a continued discussion from the December 15, 2011 Historic Preservation Review Commission meeting, whereas the Commission approved the removal of the non-historic shed addition on the front façade and requested additional information on the proposed landscaping modifications. The subject building is located within the Benicia Arsenal

National Register Historic District and is locally designated as a Landmark building in the Arsenal Historic Conservation Plan.

Recommendation: Approve the design review request for landscaping modifications at the existing Carpenter Shop (Building No. 57) at 938 Tyler Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution.

Staff presented the project to the Commissioners and discussed the proposed landscaping modifications including a new retaining wall, stairs, railing and plant material.

The Applicant, Mike Potter of Therma-Flite, Inc., presented additional renderings of the project to the Commissioners that included more detail. It is the Applicants intention to make the building look more original and to provide additional parking. Mr. Potter explained that the concrete wall would be textured to match the look of the sandstone building. A couple of large red Japanese maples will be planted in front of the building as well.

The Commission, with the addition of language that addresses the following, approved resolution 12-1:

- The type of red Japanese Maple trees to be planted must be of the larger upright variety such as a 'bloodgood' or similar.
- The texture of the concrete retaining wall is to match the sandstone trim color and texture on the original building.

The Commissioners agreed that any minor changes to these conditions could be addressed at the staff level.

RESOLUTION NO. 12- 1 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR MODIFICATIONS TO THE EXISTING LANDSCAPING AT 938 TYLER STREET (11PLN-00044)

On motion of Commissioner White, seconded by Commissioner Van Landschoot, the proposed resolution for modifications to the existing landscaping at 938 Tyler Street was approved by the following vote:

Ayes: Commissioners White, Mang, Haughey, Taagapera, McKee, Van Landschoot and Chair Crompton
Noes: None

Absent: None
Abstain: None

B. UPGRADE TO AN EXISTING WIRELESS COMMUNICATION FACILITY FOR AT&T/ERICSSON/FHMC AT 1471 PARK ROAD

11PLN-00071 – Design Review
1471 Park Road – AT&T Wireless, Modification to Existing Wireless Facility
APN: 080-140-670

PROPOSAL:

The applicant requests Design Review approval to upgrade an existing telecommunications facility adjacent to the existing water tank at 1471 Park Road, in the northeast area of the site. This facility received Design Review approval in 1991, which required minimizing visibility of the cellular site by painting the antenna pole light blue (to match the sky) and painting two small buildings tan (to match landscape). The purpose of this upgrade is to provide faster and more efficient service. This facility is under a lease agreement by the City and will require that Design Review and Use Permits be obtained prior to lease renewal. Pursuant to Benicia Municipal Code Section 17.70.250 "D" and 17.108.060 "B", this project requires Design Review approval by the Historic Preservation Review Commission given its use, zone designation, and location within the Arsenal Historic District.

Recommendation: Approve Design Review request to upgrade an existing telecommunications facility including installation of three (3) new antennas, six (6) new RRUS, one (1) new surge suppressor, one (1) new GPS receiver, and associated conduit and cabling located at the city-owned water tank site at 1471 Park Road, based on the findings and conditions of approval set forth in the Draft Resolution.

Staff presented the scope of the project to the Commission, including the equipment to be added to the site and explained that the purpose of the project is to achieve faster cell service. Staff stated that this project would not significantly impact any of the City's historic resources. Staff also pointed out that condition of approval #5 in draft resolution should be removed, as it does not apply to this project.

RESOLUTION NO. 12-2 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR UPGRADES TO AN EXISTING WIRELESS COMMUNICATION FACILITY AT 1471 PARK ROAD (11PLN-71)

On motion of Commissioner White, seconded by Commissioner McKee, the proposed resolution for design review for upgrades to an existing wireless communication facility at 1471 Park Road was approved by the following vote:

Ayes: Commissioners White, Mang, Haughey, Taagapera, McKee, Van Landschoot and Chair Crompton
Noes: None
Absent: None
Abstain: None

C. CERTIFIED LOCAL GOVERNMENT (CLG) ANNUAL REPORT

Staff presented the CLG Annual Report to the Commission for review and discussion. The report is due January 31, 2012. There was some additional discussion among the Commissioners regarding the distinction between certified ordinances, internal policies, and what constitutes law.

Commissioners also discussed and sought clarification on the following items:

- Page 2 under the Reminder Note – What language is included on title reports in Benicia concerning historic designation?
- Obtaining a copy of the environmental checklist referred to on page 4.
- In the future, Amy Million's name will appear on page 6 in place of Doug Vu's name.
- Vice Chair Taagepera recounted recent training courses she has attended that can be included on page 9.
- On page 9 item III., instead of reporting not applicable, change our response to say that we are working on maintaining a system for the survey and inventory of properties that furthers the purposes of the National Historic Preservation Act.
- On page 11 item IV. A., regarding adequate public participation, include that we hosted a "meet and greet" in 2011. Staff also suggested that the Historic Context Award should be included in this section.

D. DESIGN REVIEW EXEMPTION APPLICATION

PROPOSAL:

Pursuant to the Commission's request, staff presented the Design Review Exemption form for both the Downtown and Arsenal Historic Districts for review and discussion.

Staff is trying to devise a system to make sure that Benicia's historic resources are better protected in the future. As part of this process, prior to permit issuance the building inspector will be visiting the job site to verify that the scope of work is consistent with how it was presented at the counter. The Commissioners discussed what "in-kind" really means.

Commissioners expressed some concern that the language on the front of the form in the AHCP and the DHCP paragraphs is confusing. If the applicant simply answers relevant questions on the form, there is no language to interpret or misinterpret. Staff commented that the form will be revisited, and that it may be best to simplify it by deleting the language on the first page.

VII. COMMUNICATIONS FROM STAFF

Staff informed the Commissioners that they are working on setting up a workshop with the Office of Historic Preservation (OHP). It was noted that OHP is not as flexible as they once were, and one of their prerequisites is that the meeting will need to be multi-agency / multi-jurisdictional.

VIII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner White pointed out that there are 4 to 5 pieces of granite curbing along A Street and he would like to see the City maintain them and keep them clean.

Vice Chair Taagepera would like the Commission to start addressing some of the following items:

- Revisit the Commission's priority list of projects and assemble an ad hoc committee, if necessary, to accomplish some of the items on the list.
- Work (big picture) on the preservation program.
- Correct possible inconsistencies on the Downtown Historic District map.
- Discuss Historic District disclosures to prospective property owners.

- Develop a City brochure that can be handed out at the counter informing people what it means to buy a house in Benicia's Historic District.
- Provide more public outreach, possibly through a workshop series.

Commissioner Haughey would like to agendize a discussion on what "in kind" really means, along with a discussion on disclosures.

Commissioner Mang commented that he thought the January 12, 2012 workshop with both the Planning Commission and the HPRC Commission was confusing, especially for the applicant. Commissioner Mang thought the format was not good and the design review comments were confusing. Staff commented that the applicant's architect called after the workshop to express that the information he received gave him answers to the questions he was looking for.

Commissioner Van Landschoot talked about the staff and Commissioners attending the California Preservation Foundation workshops in May. Staff will look into this and will report back to the Commission. Commissioner Van Landschoot also agrees with forming subcommittees, if necessary, to work on outstanding goals including getting notice to homeowners that they are located in the Historic District, conducting outreach to the Historic District homeowners and invite them to attend workshops, and possibly restore our previous plaque program.

Staff updated the Commissioners that two candidates have been interviewed for the two available Commissioner positions.

IX. ADJOURNMENT

Chair Crompton adjourned the meeting at 8:33p.m.



Public Works &
Community Development Department
MEMORANDUM

Date: February 1, 2012
To: Historic Preservation Review Commission
From: Amy Million
Re: Mill Act Compliance Report

As part of the Mills Act Program Requirements, the City is responsible for performing annual inspections of each Mills Act property. For 2011, inspections were performed in January 2012. As a result of the inspections staff will be contacting a number of property owners to ensure compliance with their contracts.

The report is presented to the Commission for their review and comment. No action is required.

Attachment:

- Mills Act Inspection Spreadsheet

MILLS ACT ANNUAL INSPECTION REPORT 2011

Address	Year Entered	Property owner annual Report		Inspection performed	Compliance w/ Exhibit B	Compliance w/ Exhibit C	Compliance Letter		Notes/Comments
		Mailed	Received				Mailed	Response Received	
M - Denotes "Maintenance Only" contract				Date	yes/no	yes/no			
185 East D Street - M	2004	10/21/11	11/18/11	01/27/12	yes	yes	02/01/12	N/A	Completed 2011: Property well maintained. Upcoming 2012: Continue property maintenance
120 West D Street	2007	10/21/11	11/04/11	01/27/12	yes	yes	02/01/12	N/A	Completed 2011: No work plan items Upcoming 2012 :Develop and install low-maintenance landscape plan.
123 West D Street - M	2005	10/21/11	no	01/27/12	yes	yes	02/01/12	N/A	Completed 2011: Property well maintained. Upcoming 2012: Continue property maintenance
401 First Street	2004	10/21/11	no	01/27/12	yes	no	02/01/12		Outstanding 2011: Replacement of (3) windows #7-9 on West D Street
1025 West Second Street	2007	10/21/11	11/04/11	01/27/12	yes	no	02/01/12		Outstanding 2011: replace exterior aluminum window screens with wood screens; 2011: repair wood floor boards on front entry porch (complete); Upcoming 2012: Develop and install low maintenance landscape plan for front yard
1101 West Second Street	2009	10/21/11	11/18/11	01/27/12	yes	no	02/01/12		Outstanding 2011: repair front porch, minor work still needed to floor boards
141 West F Street	2008	10/21/11	11/28/11	01/27/12	yes	yes	02/01/12	N/A	Upcoming 2012: K Street facade window repair and yard/landscaping cleanup 2011: No work plan items until 2014; work plan reschedule revised
140 East G Street	2007	10/21/11	11/18/11	01/27/12	yes	yes	02/01/12	N/A	Upcoming 2012: Continue property maintenance Completed 2011: Rehabilitation work continues
149 West G Street	2006	10/21/11	no	01/27/12	yes	yes (letter sent for verification)	02/01/12		Completed 2011: Install drainage at house perimeter Upcoming 2012: Replace existing cracked concrete retaining wall in front of property
159 West G Street - M	2006	10/21/11	11/18/11	01/27/12	yes	yes	02/01/12	N/A	Completed 2011: Property well maintained. Upcoming 2012: Continue property maintenance

Address	Year Entered	Property owner annual Report	Inspection performed	Compliance w/ Exhibit B	Compliance w/ Exhibit C	Compliance Letter	Notes/Comments
392-396 East H Street	2007	10/21/11	01/27/12	yes	yes	02/01/12	2011: No work plan items until 2015 Upcoming 2015: Repair and/or replace wood fence along side yard.
		11/01/11				N/A	Completed 2011: Property well maintained.
166 West H Street - M	2004	10/21/11	01/27/12	yes	yes	02/01/12	Upcoming 2012: Continue property maintenance
		12/01/11				N/A	2011: No work plan items; exterior painting needs maintenance
141 West H Street	2007	10/21/11	01/27/12	yes	yes	02/01/12	Upcoming 2012: Install new landscaping in front yard
		11/4/11					2011: No work plan items, work plan schedule revised
171 West H Street	2007	10/21/11	01/27/12	yes	yes	02/01/12	Upcoming 2012: Repair dry rot on front porch columns and steps, reface garage door with siding to match house, replace front window, replace wood retaining wall along front property line, replace aluminum windows
		12/20/11				N/A	2011: Investigate chimney repair (complete). No work plan items until 2013
270 West H Street	2007	10/21/11	01/27/12	yes	yes	02/01/12	Upcoming 2013-2015: Repair or replace side porch
		12/26/11				N/A	Completed 2011: Correct foundation grades to ensure property drainage
125 East I Street	2006	10/21/11	01/27/12	yes	yes (letter sent for verification)	02/01/12	Upcoming 2012: Replace roof
		11/18/11					2011: No work plan items; property needs general maintenance for trash/debris
145 East I Street	2006	10/21/11	01/27/12	no	yes	02/01/12	Upcoming 2012: Restoration of exposed channel siding and replacement/restoration of trim details, rebuild the wood porch, rebuild retaining wall in front of property, repaint the structure, remove foundation skirt and replace with approved siding.
		11/18/11					Completed 2011: Property well maintained.
182 East I Street - M	2009	10/21/11	01/27/12	yes	yes	02/01/12	Upcoming 2012: Continue property maintenance
		01/03/12				N/A	Completed 2011: Property well maintained.
224 West I Street - M	2007	10/21/11	01/27/12	yes	yes	02/01/12	Upcoming 2012: Continue property maintenance
		11/18/11				N/A	Completed 2011: Property well maintained.
242 West I Street	2007	10/21/11	01/27/12	yes	no	02/01/12	Outstanding 2011: Paint exterior, repair wood sash windows, replacing missing front porch components, replacement missing architectural details
		no					Upcoming 2012: All work plan items plus property maintenance

Address	Year Entered	Property owner annual Report		Inspection performed	Compliance w/ Exhibit B	Compliance w/ Exhibit C	Compliance Letter	Notes/Comments
121 West J Street - M	2004	10/21/11	10/24/11	01/27/12	yes	yes	N/A	Completed 2011: Property well maintained. Upcoming 2012: Continue property maintenance Outstanding 2011: painting, front and back porch repairs
155 West J Street	2008	10/21/11	no	01/27/12	yes	no	02/01/12	Upcoming 2012: Replace clay sewer pipe Completed 2011: Property well maintained.
163 West J Street - M	2006	10/21/11	11/09/11	01/27/12	yes	yes	N/A	Upcoming 2012: Continue property maintenance, property owner plans on repainting the front porch Completed 2011: Property well maintained;
251 West J Street - M	2004	10/21/11	No	01/27/12	yes	yes	N/A	front stairs need maintenance painting Upcoming 2012: Continue property maintenance
271 West J Street	2008	10/21/11	11/08/11	01/27/12	yes	yes	N/A	Completed 2011: Exterior painting Upcoming 2012: Renovate/Upgrade front landscaping
395 West J Street	2010	10/21/11	10/31/11	01/27/12	yes	yes	N/A	2011: No work plan items Upcoming 2012-2013: Repair and paint newel posts and railings on front entry steps, repair and paint front steps, sand and re-finish original front door.
441 West J Street	2008	10/21/11	No	01/27/12	yes	no	02/01/12	Outstanding 2011: Replace windows on the south facing (front) side of house. Upcoming 2012: Landscape backyard, Replace windows and sliding door on the north facing (back) side of house. Includes replacement of two (2) horizontally oriented windows with four (4) vertical windows.
1063 Jefferson Street - M	2005	10/21/11	11/17/11	01/27/12	yes	yes	N/A	Completed 2011: Property well maintained. Upcoming 2012: Continue property maintenance
230 West K Street	2004	10/21/11	11/08/11	01/27/12	yes	yes	N/A	Completed 2011: Landscaping Upcoming 2012: Complete landscaping and continue property maintenance
245 West K Street - M	1990	10/21/11	11/17/11	01/27/12	yes	yes	N/A	Completed 2011: Property well maintained. Upcoming 2012: Continue property maintenance
235 East L Street - M	1990	10/21/11	11/08/11	01/27/12	yes	yes	N/A	Completed 2011: Property well maintained. Upcoming 2012: Complete landscaping and continue property maintenance



Public Works &
Community Development Department
MEMORANDUM

Date: February 1, 2012
To: Historic Preservation Review Commission
From: Amy Million, Principal Planner
Re: Priority List of Discussion Items

Per adopted Rules and Procedures, the Historic Preservation Review Commission shall maintain a list of priority items (Exhibit A, attached). This list provides the basis of both strategic plan priorities to City Council, as well as ongoing topics for discussion and action by the Commission.

This list shall be reviewed and prioritized on a semi-annual basis. Items may be added to, or removed from the list by a majority consensus of the Commission. Staff will continue to update the Commission on the status of the discussion items during staff communications.

At the January 26, 2012 meeting the Commissioners expressed interest in adding the following topics to the Priority List of Discussion Items:

- Discussion on "in-kind"
- Discuss Historic District disclosures to prospective property owners.
- Develop a City brochure that can be handed out at the counter informing people what it means to buy a house in Benicia's Historic District.
- Provide more public outreach, possibly through a workshop series.

As a reminder, any items on the Priority List are agendaized based on meeting availability and staff workload. The original intention of the discussion items was not to have an agenda item at each meeting, but rather to address the highest priority items quickly, and then deal with the other items as workload allows. Staff recognizes the Commission's desire to have these items agendaized and will do our best to ensure this occurs.

Attachment:

- Exhibit A – Priority List of Discussion Items

Priority List of Discussion Items - January 2012

Priority	Strategic Plan Projects	Status
1	<p>Downtown Historic Conservation Plan Update Topics</p> <p>Includes:</p> <ol style="list-style-type: none"> 1. Craftsman Cottages (included in Historic Context) 2. Paint Standards for the H overlay district 3. Design Guidelines for non-historic homes 4. Skylights 	<p>Incorporating Historic Resource Inventory update</p> <p>May 2010 – Reviewed paint/skylights</p>
2	Downtown Mixed Use Master Plan Review	Requested by Commissioner McKee (will provide specific issues to clarify his request)
Priority	Topics	Status
1	Definitions of "repair", "emergency", "minor"	Requested by Commission
2	<p>Title 17.54</p> <ul style="list-style-type: none"> • Listing Process - Formal process for property owners to restore non-historic properties and apply for designation as a contributor or landmark • Demolition Ordinance 	<p>In process</p> <p>Directed by City Council, further requested by Commissioner Taagepara</p>
3	Preservation of Historic Sites	<p>Requested by Commissioner White (memo submitted 7-20-09)</p> <p>8-25-10: Met with P&CS staff and Historical Society members. National Register nomination being prepared for Von Pfister General Store. Parks to pursue stabilization and Carey & Co. contract obligations</p>
4	Commanding Officer's Quarters – Standards of Use	Requested by Commission (agendized 7/22/10) Chair Haughey to draft letter to P&CS Director
5	Arsenal Historic Context – CLG Grant	Requested by Marilyn Bardet, supported by

		Commission
6	Historic District Boundaries	Requested by Commissioner Taagepera
7	Historic Context Recommendations	Requested by Commissioner Taagepera
<u>ANNUAL</u>		
	Mills Act Compliance Report	Report on annual inspections
	Certified Local Government Report	Discussion of annual report submitted to SHPO
	City-owned Historic Buildings (Project Status and Maintenance)	Parks & Community Services Dept. will prepare an annual status report

- List to be reviewed bi-annually (January & July)
- Strategic Plan Projects require Council direction/funding
- Discussion Topics to be agendaized reasonably, based on required agenda items and staff workload
- Chair/Staff set agendas