



BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

CITY HALL COMMISSION ROOM

REGULAR MEETING MINUTES

Thursday, February 26, 2009

6:30 P.M.

I. OPENING OF MEETING

- A. Pledge of Allegiance**
- B. Roll Call of Commissioners**

Present: Commissioners Crompton, Donaghue, Haughey, McKee (arrived late),
Taagepera, White and Chair Mang

Absent: None

Staff Present:

Charlie Knox, Community Development Director
Heather McLaughlin, City Attorney
Lisa Porras, Senior Planner
Mike Marcus, Assistant 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. AGENDA CHANGES AND DISCUSSION

Charlie Knox suggested moving Item IV-A after Item VI-A.

On motion of Commissioner Crompton, seconded by Commissioner White, the agenda changes were supported.

III. OPPORTUNITY FOR PUBLIC COMMENT

- A. WRITTEN**

No written comments were submitted.

B. PUBLIC COMMENT

None.

IV. PRESENTATION

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 of the Open Government Principles. She went over the Brown Act requirements. She commented on the rights of the public. Items must be agendaized for the Commission to have a discussion. An overview of the Conflict of Interest Code was given. A handout with exceptions was distributed. Ethics and Code of Conduct were summarized. She noted that code enforcement is handled on a complaint basis. The Code of Conduct was emphasized. The Policy Role of Members and Positive Work Place Environment, were emphasized.

Heather McLaughlin clarified that a Commissioner can speak as a member of the public when they are conflicted out of an item.

V. CONSENT CALENDAR

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

Ayes: Commissioners Crompton, Donaghue, Haughey, Taagepera, White and Chair Mang
Noes: None
Absent: Commissioner McKee (arrived late)
Abstain: None

A. Approval of Agenda

B. Approval of Minutes of January 22, 2009

C. 726 FIRST STREET (RELLIK TAVERN) – EXTERIOR REPAIR -*Public Hearing

08PLN-58 Design Review
726 First Street, APN: 89-341-010

PROPOSAL:

The owners of the Rellik Tavern request design review approval to repair the south (alley) and east (rear) walls. While performing the interior tenant improvements, the applicant discovered extensive dry rot, resulting in the need to re-frame and re-floor portions of the building, as well as add structural improvements including a portion of new foundation on the southeast corner of the building. Improvements will result in the removal of the inadequate walkway facing the alley; upgrading the plywood siding of the south and east

facing walls with stucco to match the remainder of the structure; and, reconstruction of the trash enclosure.

Recommendation: Approve a design review request for exterior repairs at 726 First Street, based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

RESOLUTION NO. 09-4 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING EXTERIOR REPAIRS AT THE RELLIK TAVERN (formerly PASTIME) ON A BUILDING LOCATED AT 726 FIRST Street

VI. REGULAR AGENDA ITEMS

- A. **IOOF FAÇADE MODIFICATIONS AND RULES FOR REPAIR** – Staff and the Commission will discuss issues related to repairs of the Odd Fellows building, including potential changes to the Downtown Historic Conservation Plan rules for repair projects.

Recommendation: Provide direction to staff regarding any future modifications to the Odd Fellows building and changes to the Downtown Historic Conservation Plan rules for repair projects.

Charlie Knox gave an overview of the modifications of the building.

Commissioners questioned staff on the estimates. Charlie Knox gave background on the estimates. He suggested the City work with the applicant to agree on a solution. If the Commission suggests replacement of the brick, this would have to be a Strategic Plan priority funded by the City. There is the possibility of acid-washing the brick, but there are issues surrounding this process.

Charlie Knox noted that the City believed the brick would be red. Rather than halt or delay the project, the City allowed the contractor to continue with the brick. Further, he discussed compatibility with the Secretary of the Interior Standards. Commissioners expressed concern with the determination of compatibility.

Commissioners discussed the definitions of repair vs. emergency, and a definition of “minor.” Charlie Knox noted these definitions are not specified. Commissioners would still like a discussion on the definitions of repair, minor and emergency.

There was discussion regarding the materials used. There was a previous project at the Masonic Hall where they were made to replace vinyl windows.

The public hearing was opened.

Jim Conlow – He commented on a project brought before the Design Review Commission in 1993. There was no used or simulated brick allowed at that time. He believes the

building should have been rehabilitated to as close to original as possible. He does not believe this building would be designated as historic with the existing brick.

A citizen noted that the brick that had been on the building was Benicia brick. She believes the building has lost its identity.

Sandra Shannonhouse – She believes this is selling the City short. She is disappointed at the outcome.

The public hearing was closed.

Commissioners stated their concerns with the bricks that were installed. There are concerns that the City is not uniformly enforcing the regulations.

Commissioners would like to come to a solution. There are concerns that there is no money to fund this project.

Commissioners discussed the need to move forward and have a process so this will not happen again. There are concerns with the cost estimates provided. Commissioners would still like to clarify the definitions. Commissioners discussed that this was a seismic retrofit project.

It was noted that the building was evaluated by Carol Roland when it was painted. Since this met the Secretary of the Interior Standards, painting would allow the building to remain historic.

Staff clarified that this is not a restoration, but a rehabilitation. The bricks would not be allowed to be painted if this was a restoration.

It was noted that there are buildings that have had used brick that are designated as historic. There are major concerns with the City paying to replace the bricks. Painting is potentially the most logical solution at this point. The owner should pay the cost to paint the bricks. The City Attorney stated that she would have to look at the details to see if the property owner could be liable.

Commissioners questioned the possibility of getting an opinion from SHPO or Carol Roland.

Charlie Knox noted that there is no mark on the integrity of HPRC regarding this project. The City's goal is to provide good customer service.

On motion of Commissioner White, seconded by Commissioner Haughey, the Commission recommended the brick be painted to its previous color. The motion was withdrawn.

A request to fund the project in Strategic Plan process was made. Amend motion to require any additional changes be brought back to HPRC.

Chair Mang commented that it's possible that Carol Roland may agree that the brick is appropriate. Commissioners would like an expert opinion.

Commissioner Crompton noted that he will not be voting in favor of the motion because he believes that painting the brick white will be a worse solution. Commissioner Donaghue stated the same.

Commission directed staff to have this building evaluated by Carol Roland with this being brought back to the Commission.

Charlie Knox noted that all minor design review items will be brought before the Commission on the Consent Calendar.

B. 439 FIRST STREET – LUCCA BAR AND RESTAURANT DESIGN REVIEW FOR REQUIRED ADA IMPROVEMENTS AND MOVABLE PLANTER BOXES

09PLN-6 Design Review

439 First Street, APN: 89-174-030

PROPOSAL:

The applicant requests design review approval for required ADA access improvements on the front façade and the rear exit, as well as movable planters for the creation of an outdoor dining area along the West E Street frontage.

Recommendation: Approve a design review request for required ADA access improvements and movable planter boxes, for the proposed business located at 439 First Street, based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

Commissioner McKee noted that as the architect he had to recuse himself. Commissioner Donaghue recused himself due to property ownership within 500' of the project.

Mike Marcus, Assistant Planner, gave an overview of the project. He noted that the applicant received Use Permit approval from the Planning Commission. The proposal before the Commission is for the ADA Ramp and landing, and movable planter boxes.

Commissioners commented on the space constraints at the site. There were questions regarding the aesthetics of the planter boxes. Commissioners questioned ABC requirements for alcohol service on the sidewalk.

Jan Lucca, Applicant – He noted that the project will meet all of the conditions of the sidewalk table permit. He further noted that ABC requires some sort of containment. He would like to use the planter boxes for containment.

Commissioners noted that any additional changes need to be reviewed.

The public hearing was opened.

Greg Davis, 123 West D Street – He noted that he and his wife are happy to see the project. He does not want to see amplified music outside. He is concerned with the door remaining open. He would like a permanent structural element on the sidewalk for safety purposes.

Sandra Shannonhouse, 110 East E Street – She stated her concerns with amplified music. It needs to be maintained as a mixed-use area. She is concerned with the alcohol permit service through 1 a.m. She would like to see First Street safer by ticketing drivers making illegal u-turns.

Jeffrey Liebowitz – He applauded the applicant for opening a new restaurant. The character of the downtown is important. There are solutions to the safety issues.

The public hearing was closed.

Mike Marcus acknowledged the comments made. Many of the issues raised are conditions of the Use Permit, which was approved by the Planning Commission.

Commissioners commented on the minor modifications being made and the respect for the integrity of the building.

Mike Marcus noted that the resolution specifies that the Historical Building Code was used to address issues surrounding the First Street façade and ADA compliance.

RESOLUTION NO. 09-5 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING AN ADA RAMP AND LANDING, AND MOVABLE SIDEWALK PLANTER BOXES AT A SITE LOCATED AT 439 FIRST STREET

On motion of Commissioner White, seconded by Commissioner Taagepera, the above Resolution was adopted by the following vote:

Ayes:	Commissioners Crompton, Haughey, Taagepera, White and Chair Mang
Noes:	None
Absent:	None
Abstain:	Commissioners Donaghue and McKee

A recess was called at 8:25 p.m. The meeting was reconvened at 8:32 p.m.

- C. **127 FIRST STREET –THE TANNERY**
09PLN-1 Design Review
127 First Street; APN: 89-244-050

PROPOSAL:

The applicant requests design review approval to replace existing galvanized metal siding with stucco and apply new paint (to match existing) on the south and west facing elevations of an existing building known as The Tannery.

Recommendation: Approve new siding and paint for the south and west facing elevations of an existing building located at 127 First Street, based on the findings and subject to the conditions listed in the proposed resolution.

Lisa Porras, Senior Planner, gave an overview of the project. An overview of the consistency with City regulations was given.

Commissioners questioned the piecemealing of the project. Lisa Porras noted that this is the final design as she is aware of, but there is no requirement that all changes be submitted at the same time. Staff conveyed this issue to the applicant. She noted that there is a Use Permit application for a restaurant and live music past 9 p.m.

Lisa Porras noted that the Bay Trail is regulated by BCDC. She noted that staff and the applicant are working with BCDC on this project.

The applicant noted that they did not intend to piecemeal the project and apologized for this issue. He does not believe there will be more substantive changes. They are working closely with BCDC for approval. If BCDC requires any modifications, those changes would be brought back to the Commission for approval.

Commissioners questioned the future use of the lot on the north side of the property. Currently, there are no plans to develop that property.

Lisa Porras noted that BCDC will advance the project to their design review committee . Any future plans submitted to the Historic Preservation Review Commission will include the requirements from BCDC. She noted that BCDC will require some access to the Bay Trail.

Commissioners questioned vehicle access in the rear of the property. Currently, this is used for commercial delivery purposes.

The public hearing was opened.

Bonnie Silveria – She commented on the gabion wall behind 221 First Street. The gabion wall has caused washout on the shoreline. BCDC is looking at this issue.

Jeffrey Liebowitz – He noted that the waterfront is a unique feature of the town. He is concerned with losing the character of the downtown and the historic context. The metal fabric of the building is appropriate.

Sandra Shannonhouse, 110 East E – She does not want to see stucco and believes it’s inappropriate. She would like to see more metal siding. A sculpture by Robert Arneson was illegally removed.

The public hearing was closed.

The applicant noted that the Tannery is made up of 4 buildings that have been connected. Lisa Porras noted that there was an addition in the 1960’s to the area on the north side of the building.

Lisa Porras noted that page 42 of the DHCP does not support metal siding.

Commissioners commented on the potential of the vacant lot on the north side. The applicant noted that the historical aspect of the building is not being changed.

Commissioners commented that they looked at the site. There are existing issues with the current siding that need to be addressed. The City should focus on the historical section of the building. There was a suggestion to put wood siding rather than stucco. Comments were made that this would be adding an additional element to the exterior. It was suggested to have the applicant expose some of the interior elements.

Lisa Porras noted that the stucco proposed is smooth.

The applicant noted that they intend to end the patio where the trash enclosed area begins.

RESOLUTION NO. 09-6 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING NEW SIDING AND PAINT FOR THE SOUTH AND WEST ELEVATIONS OF THE TANNERY BUILDING LOCATED AT 127 FIRST STREET

On motion of Commissioner White, seconded by Commissioner Taagepera, the above Resolution was adopted by the following vote:

Ayes:	Commissioners Crompton, Donaghue, McKee, Taagepera, White and Chair Mang
Noes:	Commissioner Haughey
Absent:	None
Abstain:	None

VII. COMMUNICATIONS FROM STAFF

Gina Eleccion noted that the Commission’s Rules and Procedures will be coming forward for discussion.

VIII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Taagepera clarified that there was a discrepancy on the qualified commissioners as CLG members. She noted that she and Commissioner Crompton should qualify as planners. Gina Eleccion stated that she and Commissioner Taagepera had discussed that. She will follow up with SHPO to clarify this.

Commissioner Taagepera requested agendizing the following items:

1. Concerns with grading activity at the Camel Barn Museum.
2. Non-historic design review for a property at 295 West H Street.
Gina Eleccion noted that this particular issue was a mistake. Planning review is required of all properties in the historic district.

The above items were discussed and the Commission did not think any further discussion was necessary.

3. Master Fee Schedule & explanation of costs and review.
4. Historic Survey completion schedule.

Commissioners discussed the above items and requested they be agendized in the future.

Commissioner Haughey requested a copy of the city-owned properties resolution. The Commission would like to know why the Commandant's was not brought to the Commission. Commissioner Haughey requested a copy of the window policy.

Commissioner White commented on the piecemealing of the Tannery project. He would like to encourage Commissioner McKee to work with Bonnie Silveria to identify the historic elements of the Tannery.

Chair Mang noted that he will be attending the March 17th meeting regarding the historic survey.

IX. ADJOURNMENT

Chair Mang adjourned the meeting at 10:00 p.m.