

March 22, 2012

BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

REGULAR MEETING AGENDA

City Hall Commission Room

Thursday, March 22, 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. PRESENTATION:

A. PROCLAMATIONS OF COMMENDATION FOR CHUCK MANG AND MIKE WHITE FOR THEIR SERVICE TO THE COMMUNITY

B. OPEN GOVERNMENT PRINCIPLES

The City Attorney will make a presentation on the Open Government ordinance. The Open Government ordinance requires that all public officials and some employees read the Open Government Ordinance and attend an annual training on the ordinance. This training will also include a review of the Brown Act, the City's Code of Conduct and other related documents.

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 Minutes of February 23, 2012](#)

VI. REGULAR AGENDA ITEMS

A. [DESIGN REVIEW FOR A REAR ADDITION AT 153 WEST E STREET](#)

12PLN-00005 – Design Review

153 West E Street

APN: 0089-173-110

PROPOSAL:

The applicant requests design review approval for exterior modifications to the rear façade of the existing Craftsman style non-contributing building located within the boundaries of the Downtown Historic District. The proposed modification includes enclosing a portion of the rear porch and stairs to accommodate a new laundry room used as part of the Bed & Breakfast operations. The new enclosure would be located on the first floor and match the siding and details of the first floor's rear façade. The construction of this addition was commenced prior to the subject request for approval.

Recommendation:

Approve design review request for exterior modifications to the rear façade of the existing bed and breakfast, based on the findings and conditions of approval set forth in the proposed resolution.

B. [DESIGN REVIEW FOR A REAR ADDITION AT 141 WEST F STREET](#)

12PLN-00006 – Design Review

141 West F Street

APN: 0089-115-180

PROPOSAL:

The applicant requests design review approval to construct a 378 sq. ft. addition along the rear elevation of an existing residence. This Design Review request also includes a new 417 sq. ft. deck attached to the proposed addition. This residence is listed as a Contributing Structure and located in the Downtown Historic District.

Recommendation:

Approve the design review request to construct a rear addition to an existing single-family residence, based on the findings and conditions of approval set forth in the proposed resolution.

C. WORKSHOP– DEMOLITION ORDINANCE, LISTING PROCESS AND OTHER PROPOSED REVISIONS TO TITLE 17 OF THE BENICIA MUNICIPAL CODE

PROPOSAL:

To address concerns over the current demolition ordinance, listing process, respond to the Commission’s request for additional definitions in our zoning code, staff has drafted amendments for the commission’s review and discussion. Comments will be incorporated into a final draft, which will be brought back to the Commission to make a recommendation to the Planning Commission and City Council.

Recommendation:

Review draft demolition ordinance and added definitions, discuss revisions, take public comment, and direct staff to bring back a final draft for action.

D. PRIORITY LIST OF DISCUSSION ITEMS – Continued from February 23, 2012

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

VII. COMMUNICATIONS FROM STAFF

A. UPDATE ON MILLS ACT CONTRACT INSPECTION AND COMPLIANCE REPORT

B. UPDATE ON THE CURRENT MILLS ACT PROGRAM BUDGET

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.

-  [Draft Minutes of February 23, 2012 Meeting](#)
-  [153 West E Street Design Review](#)
-  [141 West F Street Design Review](#)
-  [Workshop - Demolition Ordinance](#)
-  [Priority List of Discussion Items](#)
-  [Staff Communications Update on Mills Act](#)

DRAFT



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

**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

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

Absent: None

Staff Present:

Amy Million, Principal Planner

Stacy Hatfield, Sr. Admin. Clerk, Recording Secretary

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA:

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

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

Noes: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN COMMENT

None

B. PUBLIC COMMENT

None

IV. PRESENTATIONS

None

V. 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.

Commissioner McKee requested Chair Crompton pull the minutes from the January 12, 2012 Joint Workshop to make the following change:

- On page 7, under Commissioner Steve McKee, item number 1 should read, "He believes that Blake Ct. should not extend into the parking lot."

On motion of Commissioner McKee, seconded by Commissioner White, the minutes were approved with the above modification by the following vote:

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

Noes: None

Abstain: Vice Chair Taagepera and Commissioner Haughey

B. Approval of Minutes of January 26, 2012

Vice Chair Taagepera requested Chair Crompton pull the minutes from the January 26, 2012 meeting in order to make the following changes:

- Correct the spelling of her name in a few places, and on page 3 the last sentence under Recommendation should read, "the Commissioners agreed to modify Condition 2 to state that any minor changes to these conditions could be addressed at the staff level."

On motion of Commissioner White, seconded by Commissioner Mang, the minutes were approved with the above modifications by the following vote:

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

Noes: None

VI. REGULAR AGENDA ITEMS

A. MILLS ACT CONTRACT ANNUAL INSPECTION REPORT

Staff presented the Mills Act Compliance Report to the Commissioners. Amy Million stated that 24 properties are in compliance based on Exhibits B and C of their contract, one property is out of compliance with Exhibit B of their contract, and six are out of compliance with Exhibit C of their contract. Staff sent out letters to the Mills Act property owners who are not in compliance and will follow-up with phone calls or email if there is no response. Commissioner Van Landschoot requested a status update on the properties that are out of compliance at the March 22, 2012 meeting.

Staff was requested to provide an update at the next meeting on where the City is in regard to the number of Mills Act contracts and the \$30,000 budgeted allowance allocated to the program.

B. PRIORITY LIST OF DISCUSSION ITEMS

Staff gave a brief overview of the Commission's Priority List of Discussion Items. In addition to the items already on the list, Commissioners expressed interest in adding four more, including a discussion on "in-kind," a discussion on Historic District disclosures to prospective property owners, development of a City brochure, and providing more public outreach, possibly through a workshop.

Commissioner Haughey discussed how Historic District disclosures are handled in Benicia from a realtor's perspective. She believes it is very unlikely that someone buying a house in Benicia's Historic District would be unaware of it. Commissioners discussed what it would take to include on deeds that a home is located in the Historic District. Staff will look into the process and the costs associated with this.

Commissioners discussed what the definition of "in-kind" is since there seems to be two different interpretations. City staff interprets the term to mean that a new building element can replace the same materials already existing, and Commissioners interpret it to mean that it would require replacing materials with the same type of materials original to the building. The Commissioners emphasized the need to come to an agreement with all parties on the exact meaning. Commissioner White suggested turning to the State for help on defining the term.

Staff resources were also discussed in regard to completing some of the topics on the priority list. The Commission wants to be realistic with what they can expect to get accomplished. Staff indicated that Charlie Knox, the Public Works & Community Development Director, might have more insight after Council's upcoming discussion on the role of the Commissions.

Per the Commissioners' discussions, the Priority List of Discussion Items is going to be amended as follows:

- Downtown Mixed Use Master Plan Review is moved to priority No.1.
- Downtown Historic Conservation Plan Update shall be merged with definitions of "repair", "emergency" and "minor" and moved to No. 2.
- Title 17.54 moved to No. 3.
- Commanding Officer's Quarters – Standards of Use is removed.
- Arsenal Historic Context – CLG Grant, moved to Strategic Plan Projects, last item.
- Historic District Boundaries, moved to Strategic Plan Projects.

Chair Crompton recommended that the discussion items be grouped by which adopted ordinances and/or plans would need to be modified in order to change the process or regulations. Commissioner Taagepera suggested that Item No. 7, Historic Context Recommendations, be expanded to list all of the recommendations outlined in the Historic Context Statement for the Downtown. The Commission requested that staff reorganize the list based on the comments provided and bring it back to the Commission for further discussion at their March 22, 2012 meeting.

VII. COMMUNICATIONS FROM STAFF

A. CALIFORNIA PRESERVATION FOUNDATION 2012 CONFERENCE

Staff presented information on the California Preservation Foundation 2012 Conference. All Commissioners are invited to attend the Conference, and staff would like to receive RSVPs from the Commissioners as soon as possible so the appropriate arrangements can be made.

VIII. COMMUNICATIONS FROM COMMISSIONERS

- Commissioner McKee stated that he liked hearing Chair Crompton's input on how design review is handled in other cities.
- Vice-Chair Taagepera wanted information on how the updated Figure 1 map will be inserted into the DHCP.
- Commissioner Haughey discussed Sanborn Maps and how they can be used to determine the age of some properties.

IX. ADJOURNMENT

Chair Crompton adjourned the meeting at 8:55p.m.

AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION MEETING: MARCH 22, 2012
REGULAR CALENDAR

DATE : March 9, 2012

TO : Historic Preservation Review Commission

FROM : Amy Million, Principal Planner

SUBJECT : **DESIGN REVIEW FOR EXTERIOR MODIFICATIONS TO THE REAR FAÇADE OF 153 WEST E STREET**

PROJECT : 153 West E Street
12PLN-00005 Design Review
APN: 089-173-110

RECOMMENDATION:

Approve design review request for exterior modifications to the rear façade of the existing bed and breakfast located at 153 West E Street, based on the findings and conditions of approval set forth in the proposed resolution.

EXECUTIVE SUMMARY:

The applicant requests design review approval for exterior modifications to the rear façade of the existing Craftsman style non-contributing building located within the boundaries of the Downtown Historic District. The proposed modifications include enclosing a portion of the rear porch and stairs to accommodate a new laundry room used as part of the Bed & Breakfast operations. The new enclosure would be located on the first floor and match the siding and details of the first floor façade. The construction of this addition was commenced prior to obtaining required approvals.

BUDGET INFORMATION:

No budget impacts.

ENVIRONMENTAL ANALYSIS:

Staff has reviewed the project and determined that it is Categorically Exempt under Section 15301 of the CEQA Guidelines. This exemption permits minor alterations to existing structures involving negligible or no expansion of use. The proposed addition of a new laundry room is minor in nature and will not expand the use of the existing bed and breakfast. The project is not of a scale or nature to have any effect on either nearby historic structures or to the Downtown Historic Overlay District.

BACKGROUND:

Applicant/Owner: Stephen David

General Plan designation/Zoning: Neighborhood General (NG)

Existing/Proposed use: Bed and Breakfast

Adjacent zoning and uses:

North: Neighborhood General (NG), Residential

East: Neighborhood General (NG), Residential

South: Town-Core Open (TC-O), Vacant Property & Carquinez Straight

West: Neighborhood General (NG), Residential

153 West E Street is located on the north side of West E Street at the western terminus. The subject building is located within the Downtown Historic Overlay District and is listed as a non-contributing Building to the District. The site measures 40 feet by 125 feet and is developed with a Craftsman style six-guest room bed and breakfast. The subject building consists of a ground floor, first floor, and second floor. The ground floor was added later to create a new foundation for the first and second floors, which were once the west wing of the former Anderson Hotel.



On September 29, 2011, the applicant, Stephen David applied for a building permit for the proposed addition. On October 3, 2012, Planning Division Staff sent a letter to Mr. David stating that Design Review approval from the Historic Preservation Review Commission (HPRC) is required prior to building permit issuance. Subsequently, construction was commenced without the approval of the HPRC. The request before you is for approval of an enclosure on the rear façade, which has already been constructed.

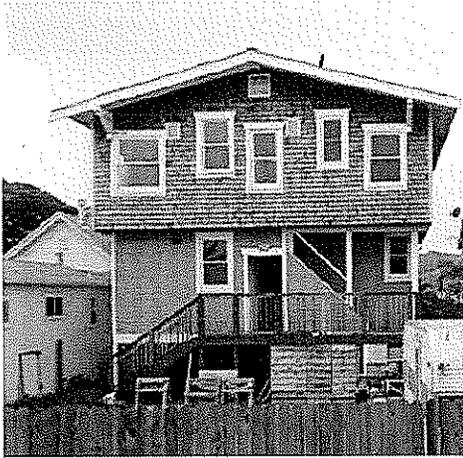
SUMMARY:

The proposed rear addition encloses a portion of the first floor to allow for a new indoor laundry room, including the existing porch and exterior stairs. The stairs previously provided an exterior path from the top floor to the first floor. Enclosing the stairs would provide an interior access to the new laundry room. The previous one-over-one window adjacent to the stairs is removed and a new window installed on the new exterior wall of the addition.

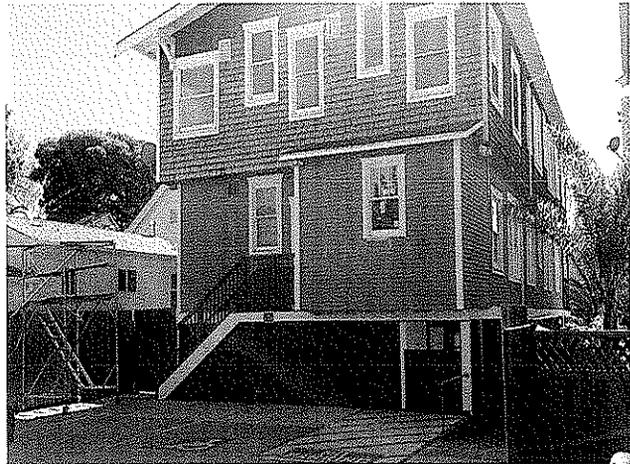


Materials:

Each floor of the subject building is clad with a different type of wood siding. The ground floor is sealed with beveled horizontal wood board finished with a dark stain, the first floor is clad with a horizontal 3" wood composite lap siding and the second floor is clad with natural wood shake shingles. As shown in the photographs below, the new addition generally matches the existing siding and details of the first floor. The new window is a three-over-one Marvin brand wood window. The portion of the window detail that runs along the top (exterior head casing) is consistent with the details of the existing windows. The head is not rectangular and instead angle out on the top.



View of rear façade **before** addition



View of rear façade **after** addition

Downtown Historic Conservation Plan (DHCP) Consistency

The subject property is located within the Downtown Historic District and is listed as a non-contributing building. According to the DHCP design guidelines, specifically for commercial buildings (transitional areas):

- *Commercial buildings should maintain the character and scale of adjoining residences and neighborhoods to provide an appropriate transition between residential and more intensive commercial development (Policy 1).* The subject addition is less than 80 square feet and matches the materials and general design of the subject building. As a result the scale and character of the subject building and neighborhood are maintained.
- *Use individually framed window and door openings, which are vertically oriented (Guideline 2.4).* The location and style of the new door and window are vertically oriented and compliment the existing windows and door on the rear façade.

Although the subject building is not listed as a designated historic resource and therefore not evaluated as such, consideration to the impact of the Historic District is evaluated. The proposal is for a small addition of less than 80 square

feet and is compatible with the existing building. As a result, the proposed alteration will not diminish the historic integrity of the Downtown Historic District.

Downtown Mixed Use Master Plan (DMUMP) Consistency

The subject property is located in the Neighborhood General (NG) zoning district. The building is used as a Bed & Breakfast. No change of use is requested. The subject building, including the proposed addition, which would horizontally extend the rear façade approximately 2-feet, meets all of the setback requirements for the zoning district.

General Plan Consistency

Benicia General Plan Goal 3.1 is to *Maintain and enhance Benicia's historic character. That goal can be achieved by permitting new development, remodeling and building renovation in historic districts when consistent with the policies of the applicable Historic Conservation Plan (Policy 3.1.5).* This project is consistent with General Plan Goal 3.1 in that it allows for building modifications that are compatible with the downtown historic district.

Conclusion

Although the subject building is not listed as a historic resource and therefore not evaluated as such, the work proposed will not diminish the historic integrity of the Historic District. The proposed exterior changes are consistent with the DHCP, DMUMP, and City of Benicia Zoning Ordinance.

FURTHER ACTION:

The Historic Preservation Review Commission's action will be final unless appealed to the Planning Commission within ten business days.

Attachments:

- Draft Resolution
- Project Plans**

*** If viewing online, these attachments are available to view in the Public Works & Community Development Department or in the Benicia Public Library in the March 22, 2012 Historic Preservation Review Commission packet.*

DRAFT RESOLUTION

RESOLUTION NO. 12- (HPRC)

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION
OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR EXTERIOR
MODIFICATIONS TO THE REAR FAÇADE OF 153 WEST E STREET**

WHEREAS, On February 10, 2012, property owner Steven David requested Design Review approval for exterior modifications to the rear façade at 153 West E Street; and

WHEREAS, the Historic Preservation Review Commission at a regular meeting on March 22, 2012, conducted a public hearing and reviewed the proposed project.

NOW, THEREFORE, BE IT RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia hereby finds that:

- a) The proposed development is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purposes of the Downtown Mixed Use Master Plan (DMUMP), Neighborhood General (NG) zoning district, and Historic Conservation Plan policies and design guidelines
- b) The proposed project and the proposed conditions of approval will be consistent with the General Plan and with Title 17 of the Benicia Municipal Code and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.
- c) In accordance with state and local procedures regarding the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt pursuant to Section 15301. This exemption permits minor alterations to existing structures involving negligible or no expansion of use. The proposed addition of a new laundry room is minor in nature and will not expand the use of the existing bed and breakfast.

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia hereby approves the proposed project subject to the following conditions:

1. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. The applicant shall be responsible for meeting all requirements of the Building Division and shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
2. The plans submitted for approval, except as modified by these conditions of approval, shall be in substantial compliance with the plans dated received "February 10, 2012" marked Exhibit "A" and consisting of one (1) sheet on file in the Public Works & Community Development Department.
3. Any alterations of the approved plans, including substitution of materials or changes in paint colors, shall be requested in writing and approved by the Public Works & Community Development Director or designee prior to changes being made in the field.
4. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Historic Preservation Review Commission, Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

* * * * *

On motion of Commissioner _____, seconded by Commissioner _____, the above Resolution was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on March 22, 2012, by the following vote:

- Ayes:
- Noes:
- Absent:
- Abstain:

Leann Taagepera
Historic Preservation Review Commission Vice Chair

PROJECT PLANS

*** If viewing online, these attachments are available to view in the Public Works & Community Development Department or in the Benicia Public Library in the March 22, 2012 Historic Preservation Review Commission packet.*

<p>BERGERSON designs 1350 HAYES BLVD. #117 BENICIA CALIFORNIA 94810 E-MAIL: mbergerson@mlbdesigns.com CELL PHONE: 707-265-7828</p>	<p>OWNER BUILDER Mr. Stephen F. David 707-746-5648 401 West Channel Rd. Benicia, CA 94810</p>	<p>"PINK PALACE" LAUNDRY ROOM ADDITION 153 WEST 'E' STREET BENICIA, CALIFORNIA, 94810</p>	<p>This sheet Location & Legend, Prod. & Framing, Plot, Project Data, W. Roof & Plot, Gen. Notes & 3-D View, Vicinity Map, Sheet Index.</p>
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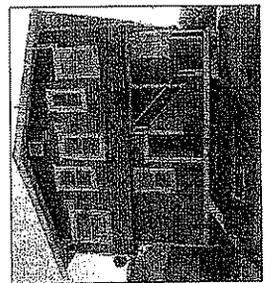
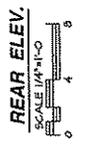
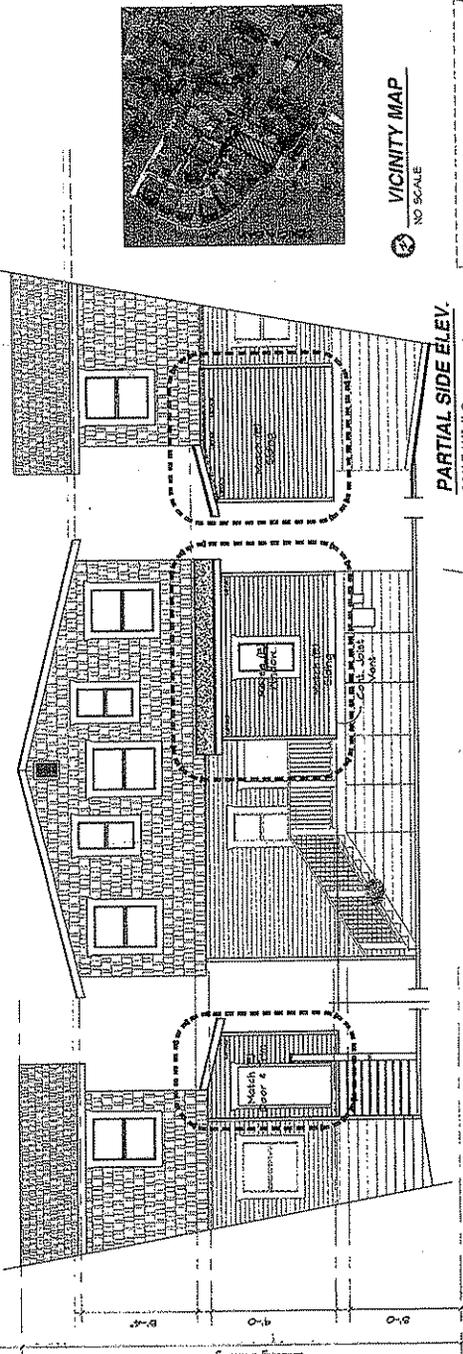
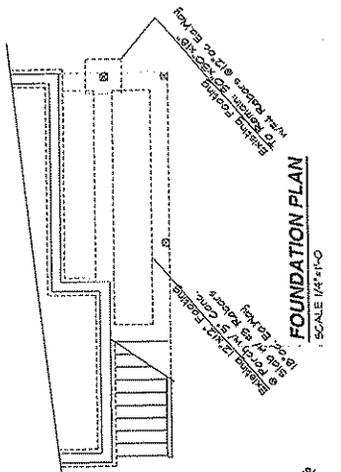
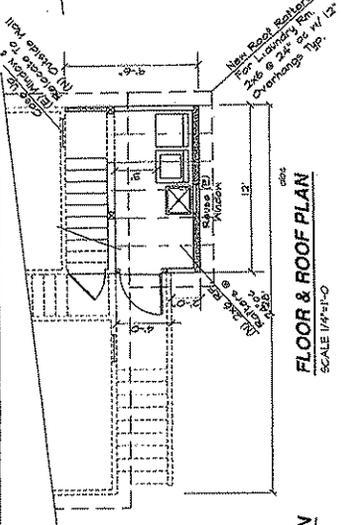
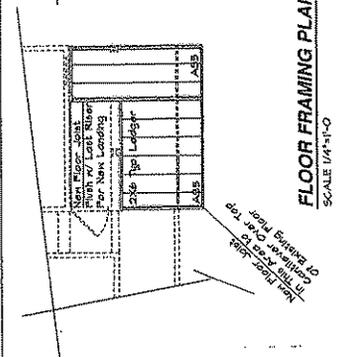
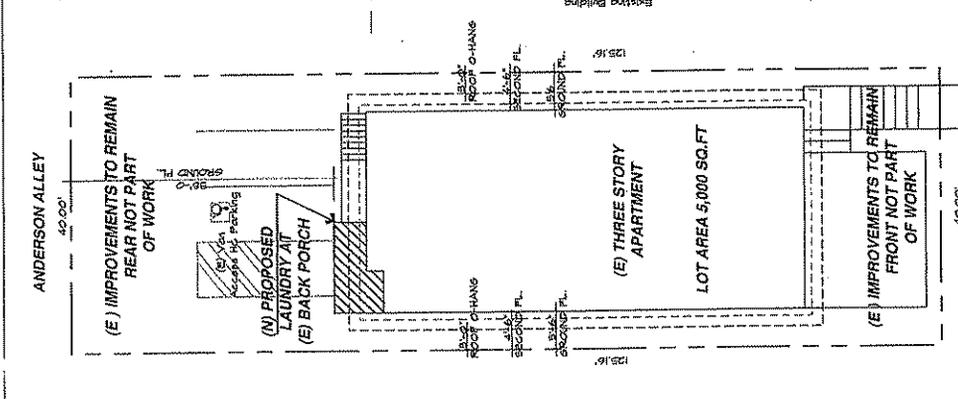
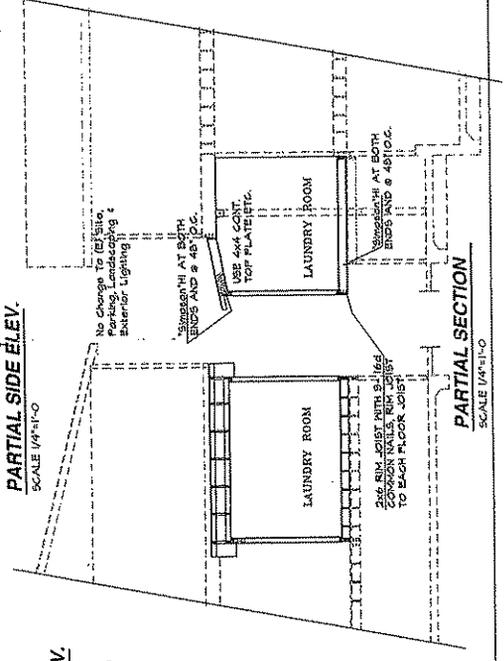


PHOTO OF REAR VIEW



RECEIVED
 FEB 10 2012
 CITY OF BENICIA
 COMMUNITY DEVELOPMENT

APN 0089-173-110
 # 153 WEST 'E' STREET
PLOT & ROOF PLAN
 SCALE 1/8\"/>



ENGINEER'S STATEMENT:
 I hereby certify that the information on these plans and/or calculations was prepared by me or under my direct supervision and I am a duly Licensed Professional Engineer in the State of California. I am not providing the public review process.
 Stephen F. David
 Forward 1 Sheet

**AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION MEETING
MARCH 22, 2012
REGULAR AGENDA ITEM**

DATE : March 16, 2012

TO : Historic Preservation Review Commission

FROM : Lisa Porras, AICP, Senior Planner

SUBJECT : **DESIGN REVIEW APPROVAL TO CONSTRUCT AN ADDITION CONSISTING OF 378 SQ. FT. AND A 417 SQ. FT. DECK TO THE REAR ELEVATION OF AN EXISTING RESIDENCE LOCATED AT 141 WEST F STREET**

PROJECT : 12PLN-6 (Design Review)
141 West F Street
APN: 089-115-180

RECOMMENDATION:

Approve the Design Review request to modify an existing Contributing Structure in the Downtown Historic District structure by (1) constructing a new 378 sq. ft. addition to the rear elevation, and (2) constructing a new 417 sq. ft. deck along the proposed addition to the property located at 141 West F Street, based on the findings and conditions of approval set forth in the draft Resolution.

EXECUTIVE SUMMARY:

The applicant requests Design Review approval to construct an addition consisting of a new kitchen, bathroom, washroom, family room, and a new deck, all of which would modify the existing rear elevation of the property located at 141 West F Street in downtown Benicia. The property is listed as a Contributing Structure circa 1870 and has undergone a previous addition of 212 sq. ft. in 1978.

The proposed building alterations are subject to the Neighborhood General-Open development standards set forth in the Downtown Mixed Use Master Plan and the design guidelines for Historic Buildings as listed in the Downtown Historic Conservation Plan. As required by the California Environmental Quality Act (CEQA), the project is also subject to the Secretary of the Interior's Standards for the Treatment of Historic Properties.

ENVIRONMENTAL ANALYSIS:

Staff has determined that this project is Categorically Exempt from the State of California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines that exempts minor additions of no more than 50% of existing floor area; and, Section 15331, which exempts rehabilitation of historic structures in a manner that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

BACKGROUND:

This historic property is under a Mills Act Agreement (work program will not be affected), is listed as an Italianate town house with massing, form, cladding, fenestration and entry as its character defining features. In 1978 the City issued a building permit for a 212 sq. ft. addition consisting of a sundeck and washroom at the rear of the house (see attached Building Permit No. 3722). The current request is for an additional 378 sq. ft. and new deck on to the rear (north-facing) elevation.

SUMMARY:

A. Project Location and Description:

Figure A. Air Photo, 141 West F



As shown above in Figure A, the site is located on the north side of the block along West F Street, with the primary façade facing south.

The owner wishes to expand his home by constructing a new kitchen, washroom, family room, and restroom at the rear of the existing residence. In addition, a new deck would be added along the exterior of the proposed building addition. On the east elevation, the deck would

be covered, and along the north and west elevations, the deck would be uncovered.

As mentioned, a previous addition was built in 1978. This initial addition took place at the northeast section of the building, and also at the northwestern section leaving a small section of the original rear elevation in place. The owner is requesting to attach the proposed addition to the previous addition and to the remaining portion of the original rear elevation.

Proposed materials consist of horizontal shiplap wood siding to match existing, wood windows and trim, wood doors, wood deck, and asphalt roof shingles. Windows will be single hung, with 12 (six over six) divided lites. New doors will be wood French doors. Wood deck will have wood railing pickets and posts.

All colors will match existing: beige for main structure, gray for window and door frames, and white for trim and fascia board.

In addition to the above, the applicant requests two minor modifications to the rear roof line: (1) extend gable end of roof along rear elevation, and (2) reframe a portion of the roof from the 1978 addition to match the new proposed roof. The gable extension applies to a section of the roof along the rear elevation that was likely removed due to dry rot conditions according to physical evidence gathered by the applicant. This portion of the roof was likely cut off due to its current sharp and abrupt finish and lack of overhang. The applicant would like to fix this end of the roof with an overhang as exhibited all other areas of the roof.

B. Zoning Ordinance Consistency:

The proposed addition is consistent with the all development standards for the Neighborhood General Open zone designation, with the exception of the first floor ceiling height. The first floor ceiling height is required to be 10 ft. minimum height. The applicant states that constructing a 10 ft. tall first floor would result in a roof line that would bisect original windows and trim on the rear elevation. Because the Downtown Mixed Use Master Plan states: "In the event of a conflict between the Downtown Historic Conservation Plan and the Downtown Mixed Use Master Plan, the Downtown Historic Conservation Plan will apply" staff does not object to deviating from the stated first floor ceiling height standard in order to preserve the wood windows on the rear elevation. Policy 2, Historic Buildings, of the Downtown Historic Conservation Plan directs preservation of façade elements, proportions

and architectural details. Staff's recommendation is consistent with past actions of the Historic Preservation Review Commission that have allowed deviation from development standards in the Downtown Mixed Use Master Plan on grounds of incompatibility with historic preservation goals.

C. Downtown Historic Conservation Plan Consistency

The proposed modification is consistent with the design guidelines for Historic Buildings. To restate, the guidelines strongly encourages additions to be placed to the rear of existing structures (Guideline 1.2, pg. 61). No part of the addition would be visible from the street. The guidelines also state that additions should employ the same materials and proportionate fenestration as the original (Guideline 1.5, pg. 61 and Guideline 2.2, pg. 62). The guidelines go on to say that it is not necessary or desirable to make the addition look identical (Guideline 1.5, pg. 61). The addition is using same materials as original, and the window configurations are also similar to original, which is preferred under Guideline 1.5. At the same time, the addition could look "identical" to the original due to its siding, which is the same as the original (potential conflict with the second part of Guideline 1.5). When the first addition was done in 1978, the construction differentiated from the original by inserting a vertical trim element. This differentiation between old and new could have been done unintentionally since the guidelines did not then exist (Downtown Historic Conservation Plan adopted 1990). The applicant's request is to employ the same method of differentiation (vertical trim) and apply it to the second addition. Because the guidelines provide flexibility, staff has no objection to this slight differentiation and finds the modifications to be, overall, consistent with the Downtown Historic Conservation Plan.

D. Secretary of the Interior's Standards for the Treatment of Historic Properties

To be exempt from CEQA under Class 31, the project must comply with all ten (10) of the Secretary of the Interior's Standards (see attachment). In particular, because the project consists of an addition:

- New **additions**, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

As discussed, the addition will be differentiated from the old, with insertion of vertical trim element.

- New **additions** and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

If this requested addition were to be removed at some point in the future, the original structure would not be impacted.

E. Conclusion:

Staff recommends approval of the proposed modifications to the existing residential structure subject to the conditions of approval in the proposed Resolution.

FURTHER ACTION:

The Historic Preservation Review Commission decision will be final unless appealed to the Planning Commission within ten (10) business days.

Attachments:

- Draft Resolution
- Consistency Analysis: Secretary of the Interior's Standards for the Treatment of Historic Properties
- Department of Parks and Recreation Form 523 A and B
- Site Plans
- Photographs

DRAFT RESOLUTION

RESOLUTION. 12- __ (HPRC)

A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR AN ADDITION TO THE EXISTING RESIDENTIAL STRUCTURE LOCATED AT 141 WEST F STREET (12PLN-6)

WHEREAS, Jose Coelho has requested Design Review approval to construct an addition to his single family residence at 141 West F Street; and

WHEREAS, the Historic Preservation Review Commission at a regular meeting on March 22, 2012, conducted a public hearing and reviewed the proposed project.

NOW, THEREFORE, BE IT RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia finds that:

- a. The plans and maps submitted for approval and development of the site are consistent with the purposes of Design Review (BMC 17.108.010); and
- b. The plans and maps submitted for approval and development of the site are consistent with the Downtown Mixed Use Master Plan, Downtown Historic Conservation Plan, and the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- c. This project is Categorically Exempt from the State of California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines that exempts minor additions of no more than 50% of existing floor area; and, Section 15331, which exempts rehabilitation of historic structures in a manner that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

BE IT FURTHER RESOLVED that the Historic Preservation Review Commission hereby approves the proposed addition to the existing residential structure subject to the following conditions:

1. The plans and maps submitted for approval and development of the site shall be in substantial compliance with the plans date stamped February 10, 2012 marked Exhibit A prepared by Jose Coelho consisting of four (4) sheets and plans date stamped March 12, 2012 marked Exhibit B prepared by Jose Coelho consisting of one (1) sheet,

both of which are on file in the Public Works & Community Development Department.

2. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Public Works & Community Development Director, if the application for time extension is received in writing prior to the end of the initial two year deadline and there has been no change in the City's development policies which affect the site, and there is no change in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.
3. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
4. Any alteration of the approved plans, including substitution of materials or changes in paint colors, shall be requested in writing for consideration and approval by the Historic Preservation and Review Commission prior to changes being made in the field.
5. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

* * * * *

On motion of Commissioner _____, seconded by Commissioner _____, the above Resolution was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on March 22, 2012 by the following vote:

Ayes:
Noes:
Absent:

Leann Taagepera
Historic Preservation Review Commission Vice-Chair

**CONSISTENCY ANALYSIS:
SECRETARY OF THE INTERIOR'S
STANDARDS FOR THE TREATMENT OF
HISTORIC PROPERTIES
(REHABILITATION)**

**CONSISTENCY ANALYSIS:
SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC
PROPERTIES FOR REHABILITATION**

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

No change in use.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

The proposed addition will not impact the historic character of this property.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

No conjectural features or faux elements are proposed.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The proposed addition will not impact the historic significance of this property.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The proposed addition will employ the same materials and craftsmanship (i.e. wood siding, wood windows and doors) in a similar manner to be compatible with original.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

All original features will be retained. No work done on the original front and side elevations of the house; work limited to rear where previous additions have occurred. However, a section of the roof along the rear elevation was likely removed due to dry rot conditions according to physical evidence gathered by the applicant. This portion of the roof was likely cut off due to its current sharp and abrupt finish and lack of overhang. The applicant would like to fix this end of the roof with an overhang as exhibited all other areas of the roof.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

No part of the modification will cause damage to historic materials.

8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

There are no known archaeological resources on site.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The new addition will not create destruction of major character defining features of this historic house. The new work will be differentiated by inserting vertical trim to distinguish both the original house and previous addition from the current proposal.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

If this requested addition were to be removed at some point in the future, the original structure would not be impacted.

**DEPARTMENT OF PARKS AND
RECREATION FORM 523 A & B**

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #: _____
 HRI # _____
 Trinomial _____
 NRHP Status Code: _____
 Other Listings _____
 Review Code _____ Reviewer _____ Date _____

*Resource Name or #: Hastings House

- P1. Other Identifier: none
 *P2. .Location: *a. County Solano
 b. Address 141 West F Street
 *c. City: Benicia Zip 94510
 d. UTM: N/A
 e. USGS Quad: Benicia T2N R3W MDM
 *f. Other Locational Data (APN #): 89-115-18

*P3a. Description:

This Italianate residence is two story, rectangular in plan and is set on a raised foundation. The roof is low hipped with overhanging, boxed rafters and a decorative cornice and fascia. A large, two-story canted bay occupies the east side of the narrow front elevation. The entry is found on the west side and is recessed with a small covered landing. The porch roof is flat and is supported on square posts with decorative brackets. Since 1986 an upper veranda/balcony has been added to the top of the porch with an open rail. A glazed door replaces the double hung window above the porch, providing entry to the balcony. There is a wooden stair with plain wooden balustrade which leads to the paneled entry door with transom. Fenestration is double hung with two-over- two glazing. Cladding is clapboard.

*P3b. Resource Attributes: HP2

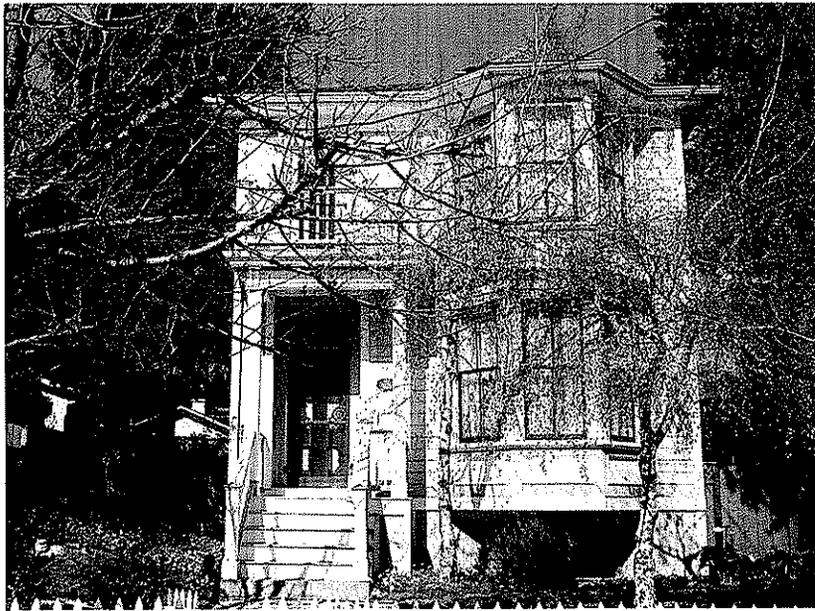
*P4. Resources Present: Building Structure Object Site District Element of District

P5b. Description of Photo:

Front façade, view

*P6. Date Constructed/Age: 1870

P5. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



Prehistoric Historic Both
 *P7. Owner and Address:

Jose Coelho
 141 West F Street
 Benicia, CA 94510

*P8. Recorded by:

Carol Roland
 Roland-Nawi Associates
 4829 Crestwood Way
 Sacramento, CA 95822

*P9. Date Recorded: 11-20-04

*P10. Type of Survey: Intensive
 Reconnaissance
 Other

Describe Eligibility Evaluation

*P11. Report Citation: none

*Attachments: NONE Map Sheet
 Continuation Sheet Building, Structure, and
 Object Record Linear Resource Record
 Archaeological Record District Record
 Milling Station Record Rock Art Record
 Artifact Record Photograph Record
 Other (List):

BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Identifier: Hasting House

*NRHP Status Code: 3D

B1. Historic Name: N/A

B2. Common Name: none

B3. Original Use: Residential

B4. Present Use: Residential

*B5. Architectural Style: Italianate

*B6. Construction History: The porch, although consistent with the Italianate style, has been altered since the previous survey in 1986. An upper balcony has been added and the balustrades have been changed.

*B7. Moved? No Yes Unknown

Date: N/A

Original Location: same

*B8. Related Features: none

B9a. Architect: unknown

B9b. Builder: unknown

*B10. Significance: Theme: Benicia Downtown District

Period of Significance: -1847-1940

Property Type: Single Family

Applicable Criteria: A / C

The house has been designated as a contributing building in the Downtown Historic District. The house is significant under Criterion A for its association with the early settlement of the town. The house was constructed by Daniel Hastings, a prominent local businessman, in the 1870s. It appears on the 1886 Sanborn Map. Under Criterion C it is an excellent example of an Italianate town house which retains its character defining massing and form, cladding, fenestration and entry. The house, despite alterations to the porch retains its integrity. The building contributes to the Historic Downtown District and should continue to maintain this status.

B11. Additional Resource Attributes: N/A

B12. References: McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred Knopf (1986); Bruegmann, Robert. *Benicia Portrait of an Early California Town: An Architectural History* (San Francisco: 101 Productions (1980); Woodbridge, Sally and Cannon Design Group. *Benicia, California: Downtown Historic Conservation Plan*. City of Benicia, 1990; Sanborn Map Benicia, CA. 1886; 1986 Benicia Historic Inventory form.

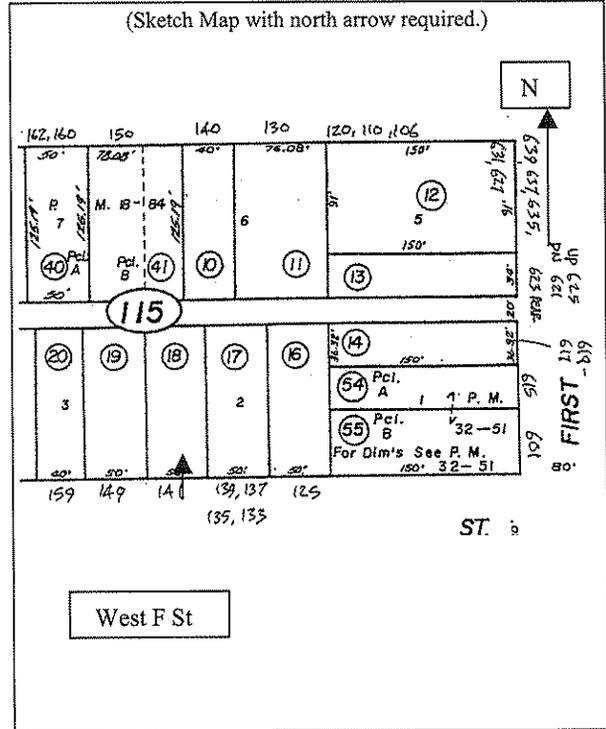
BUILDING, STRUCTURE, AND OBJECT RECORD

Remarks: N/A

B14. Evaluator: Carol Roland, Ph.D.

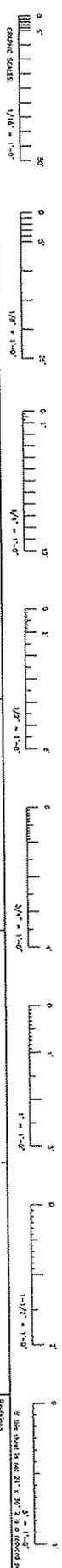
Roland-Nawi Associates: Preservation Consultants
4829 Crestwood Way
Sacramento, CA 95822

B 15. Date of Evaluation: 11-22-04



(This space reserved for official comments.)

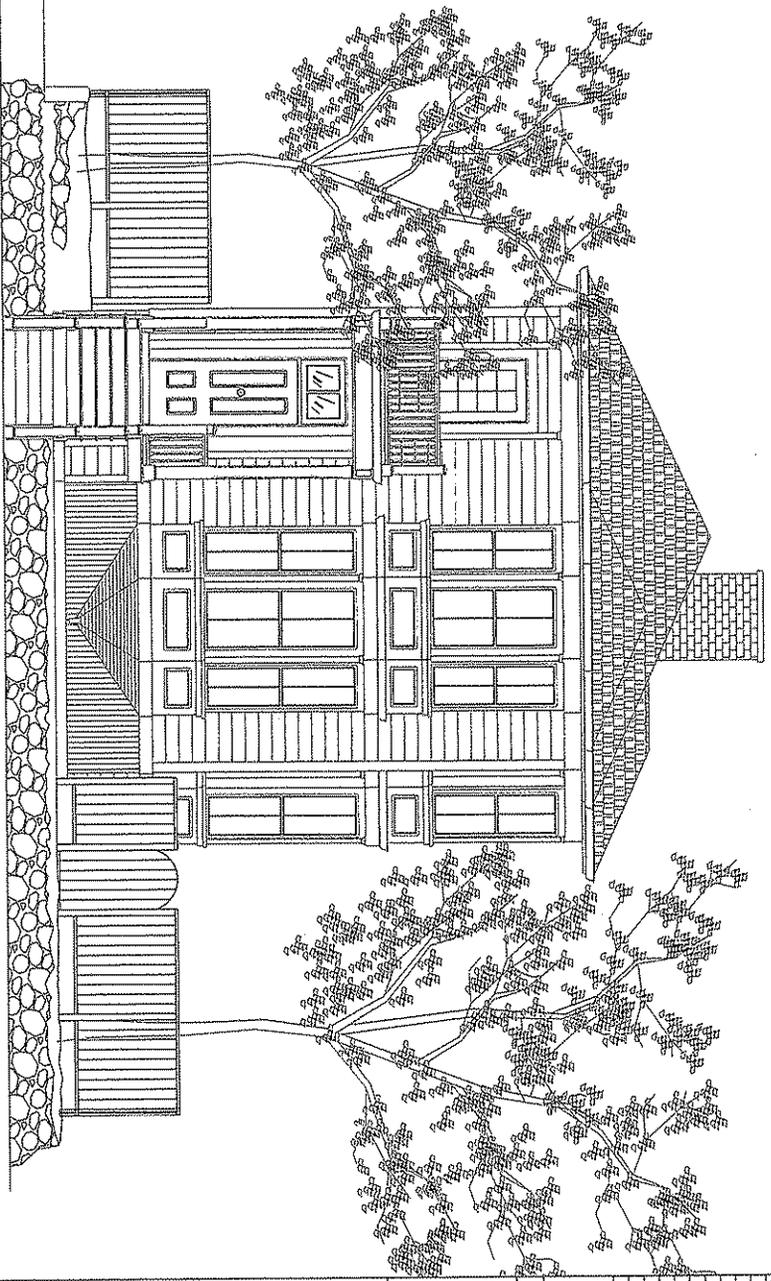
SITE PLANS



COELHO RESIDENCE

141 WEST F STREET

BENICIA, CALIFORNIA

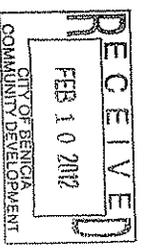


INDEX OF DRAWINGS

NO.	DESCRIPTION
1	COVER SHEET
2	1st FLOOR PLAN
3	2nd FLOOR PLAN
4	SECTION & ELEVATION
5	FOUNDATION & ROOF PLAN
6	MECHANICAL PLAN
7	ELECTRICAL PLAN
8	PLUMBING PLAN
9	LANDSCAPE PLAN
10	EXTERIOR ELEVATION
11	INTERIOR ELEVATION
12	DETAILS

PROPERTY INFORMATION

- ASSESSOR'S MAPAL NUMBER: 888-2118-00-01
- APPLICANT: JOSE COELHO
- DATE OF SUBMITTAL: 1/27/2012
- EXPIRES: 1/27/2013
- ADDRESS: 141 WEST F STREET, BENICIA, CA 94705
- APPLICANT'S PHONE: 707-864-8410
- DATE OF ISSUE: 2/1/2012



Revisions:
 No. Description By Scale Index

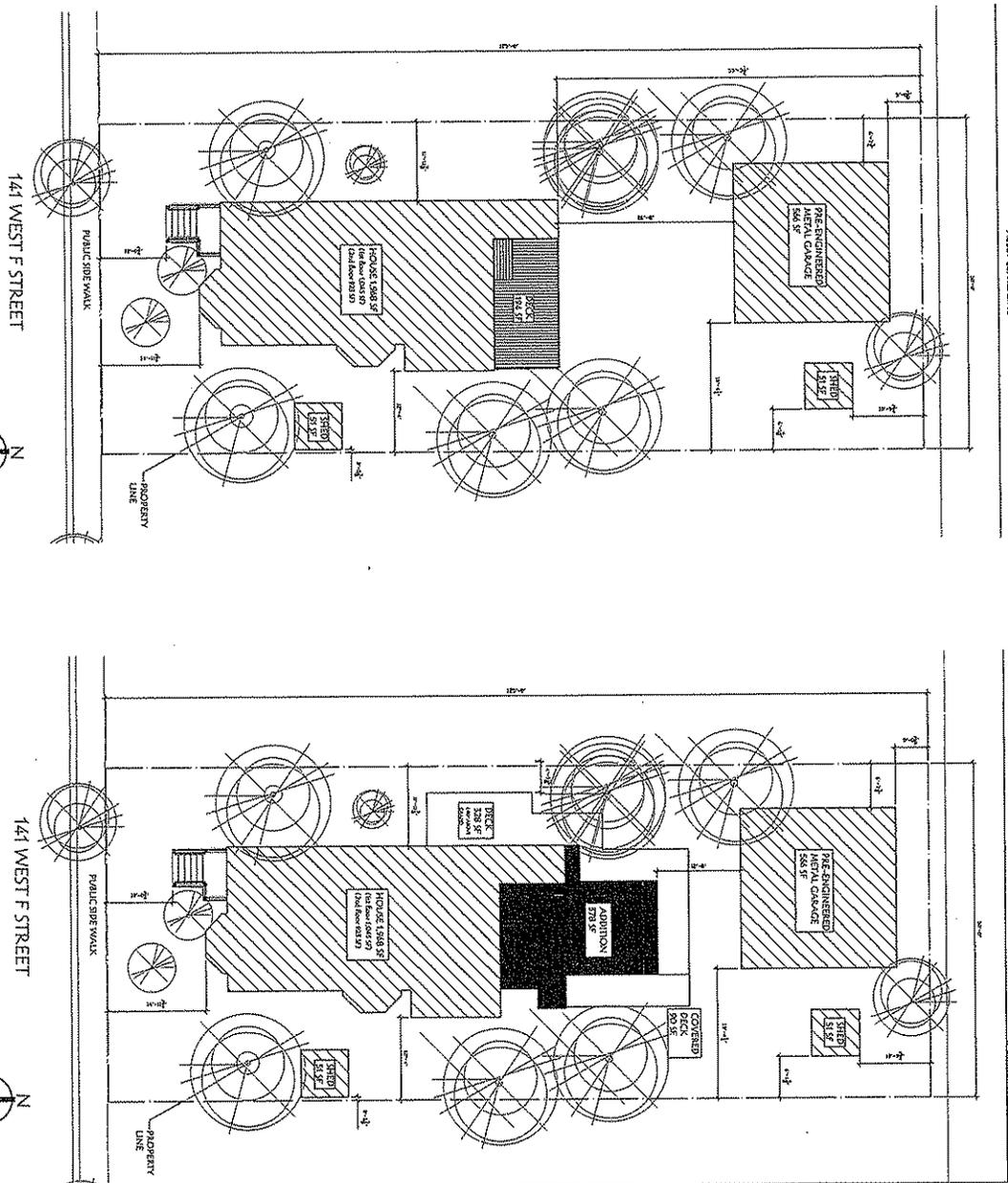
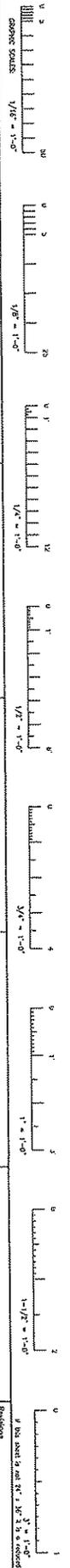


JOSE COELHO
 Architect
 707-864-8410

COELHO RESIDENCE
 141 WEST F STREET
 BENICIA, CALIFORNIA

Sheet Title: COVER SHEET

Sheet No.: T-1
 of 1 Sheet



2 EXISTING SITE PLAN
Scale: 1/8" = 1'-0"

1 NEW SITE PLAN
Scale: 1/8" = 1'-0"

RECEIVED
 FEB 10 2012
 CITY OF BENICIA
 COMMUNITY DEVELOPMENT

PROPERTY INFORMATION

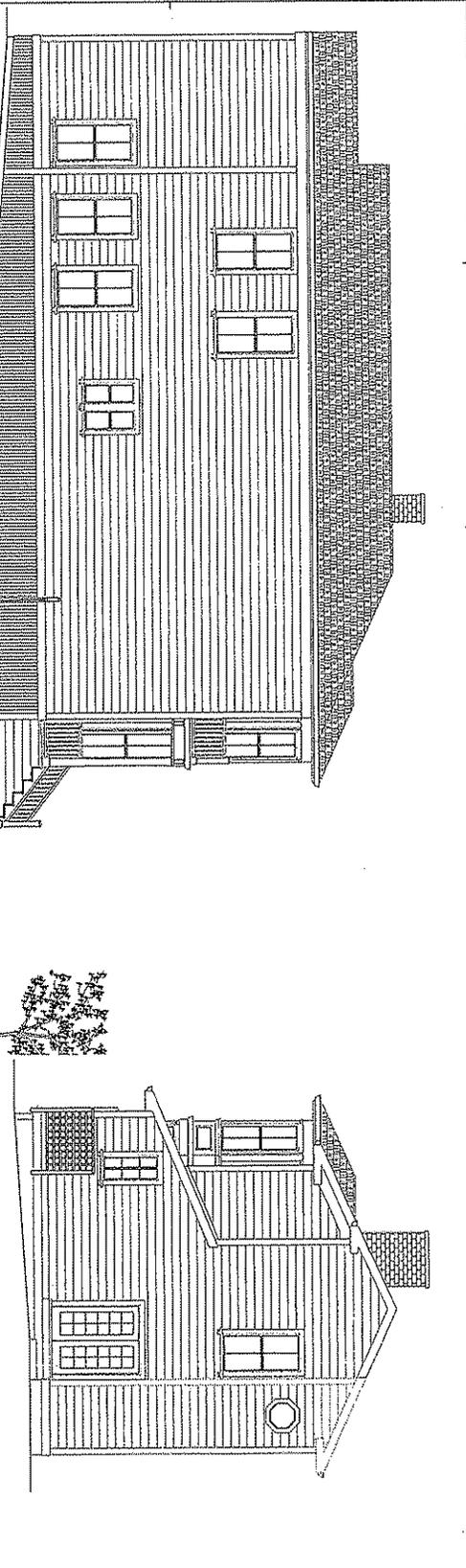
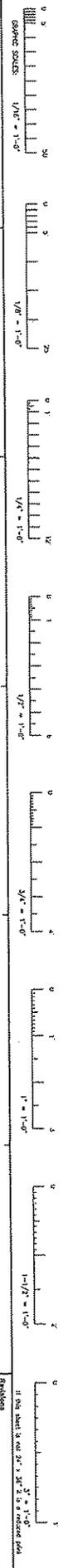
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2. LOT AREA (SQ. METERS)	332
3. EXISTING GARAGE (SQ. FT.)	284
4. EXISTING HOUSE (SQ. FT.)	1,288
5. EXISTING TRUCK (SQ. FT.)	238
6. EXISTING TERRAZZO (SQ. FT.)	202
7. TOTAL EXISTING (SQ. FT.)	2,032

Sheet Title: LOT COVERAGE PLANS

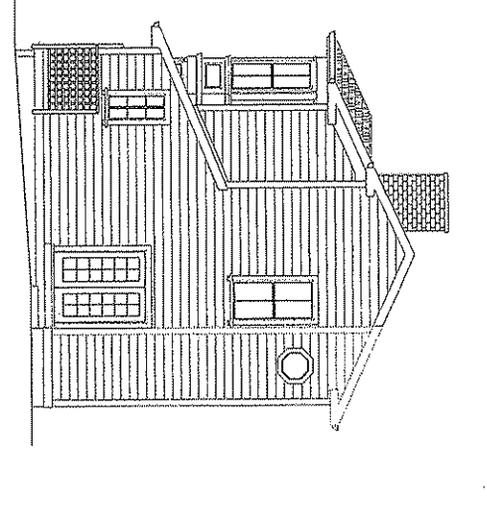
COELHO RESIDENCE
 141 WEST F STREET
 BENICIA, CALIFORNIA

JOSE COELHO
 4445 W. 12th St.
 San Francisco, CA 94116
 320.818.9940

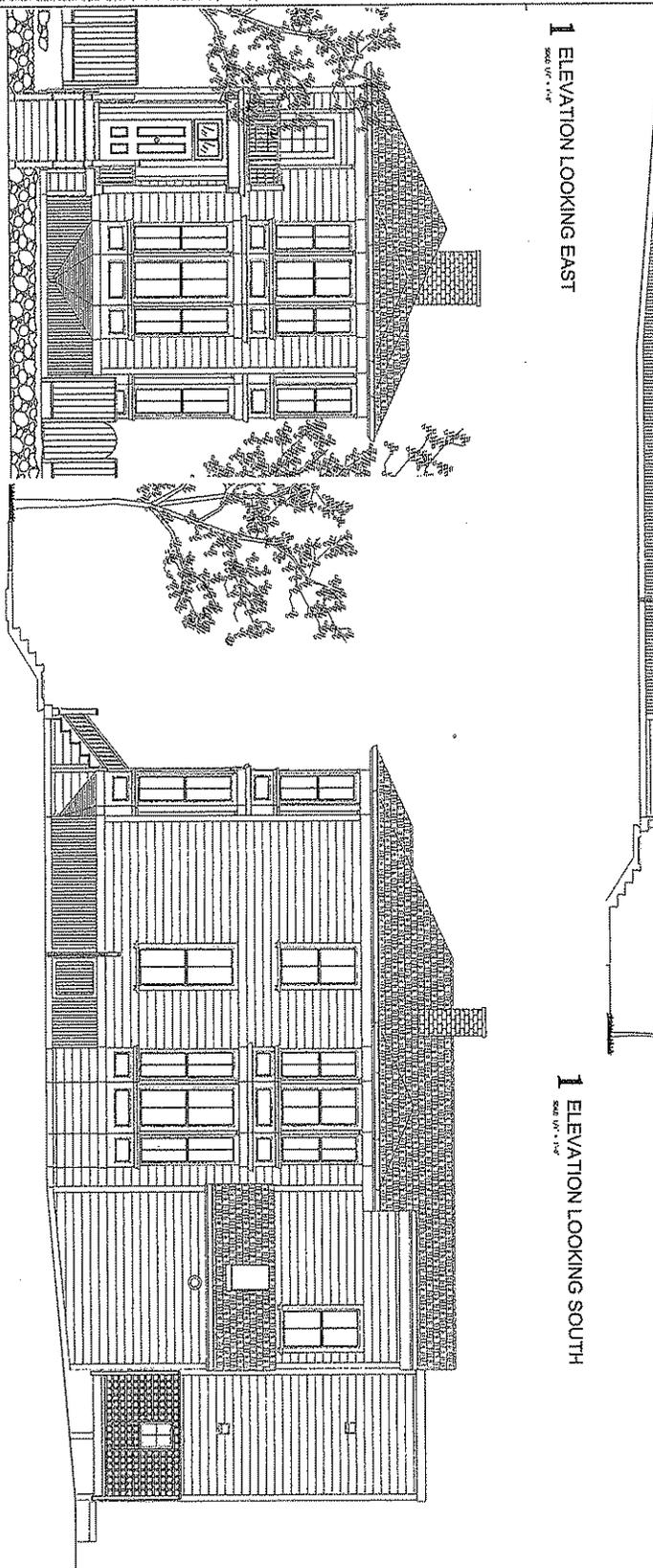
Drawn Date: _____
 By: _____
 Check Date: _____
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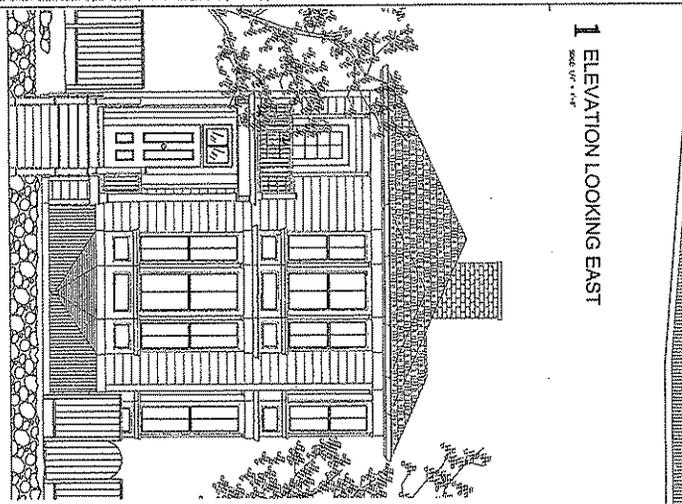
1 ELEVATION LOOKING EAST
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Scale: 1/4" = 1'-0"



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Scale: 1/4" = 1'-0"



1 ELEVATION LOOKING NORTH
Scale: 1/4" = 1'-0"

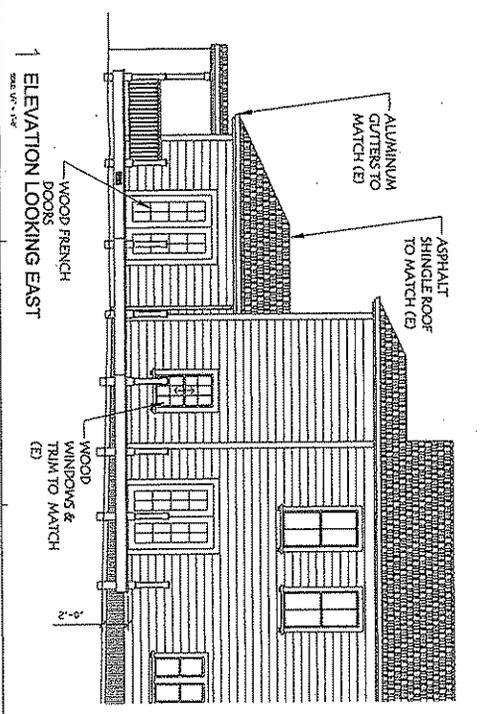
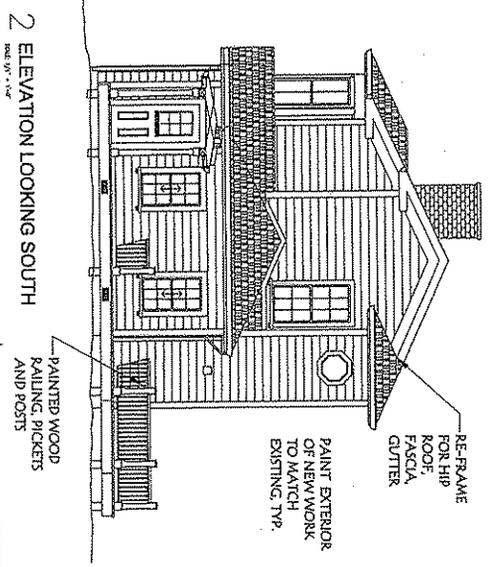
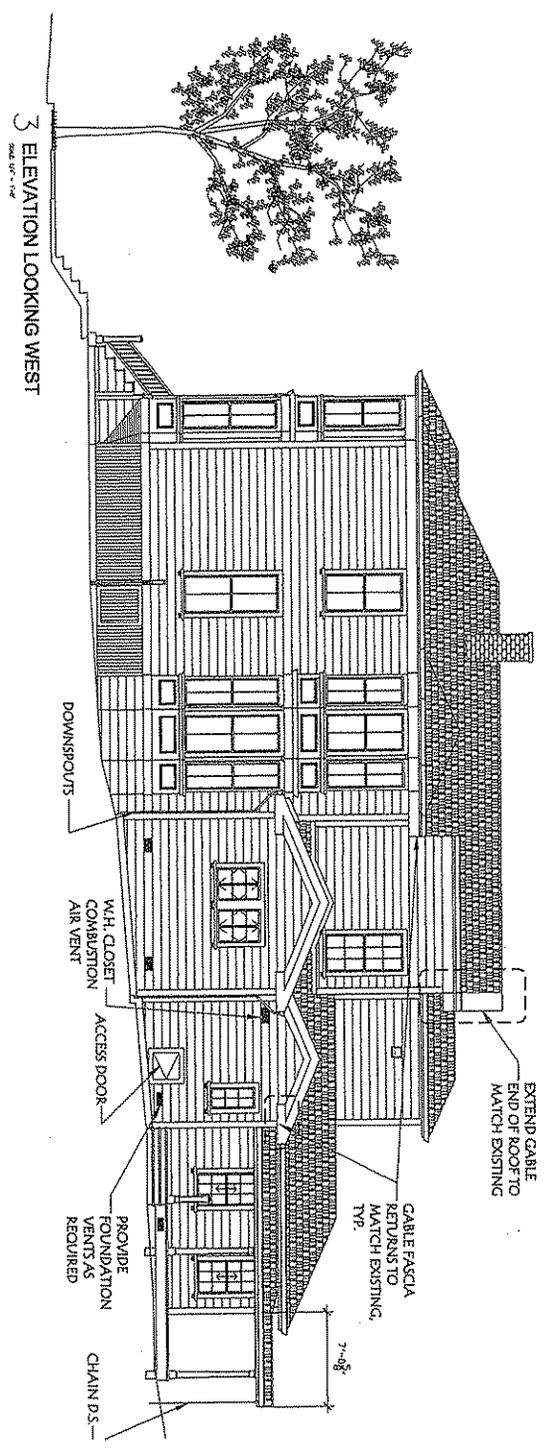
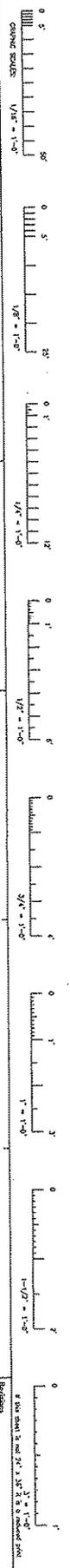
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FEB 10 2012
CITY OF BENICIA
COMMUNITY DEVELOPMENT

JOSE COELHO
141 WEST F STREET
BENICIA, CA 94610
707.818.8910

Project:
COELHO RESIDENCE
141 WEST F STREET
BENICIA, CALIFORNIA

Sheet 709 (E) EXTERIOR ELEVATIONS

Scale: A5.1
Sheet: 709 (E)



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 CITY OF BENTON
 COMMUNITY DEVELOPMENT



JOSE COELHO
 Architect
 707-888-8910

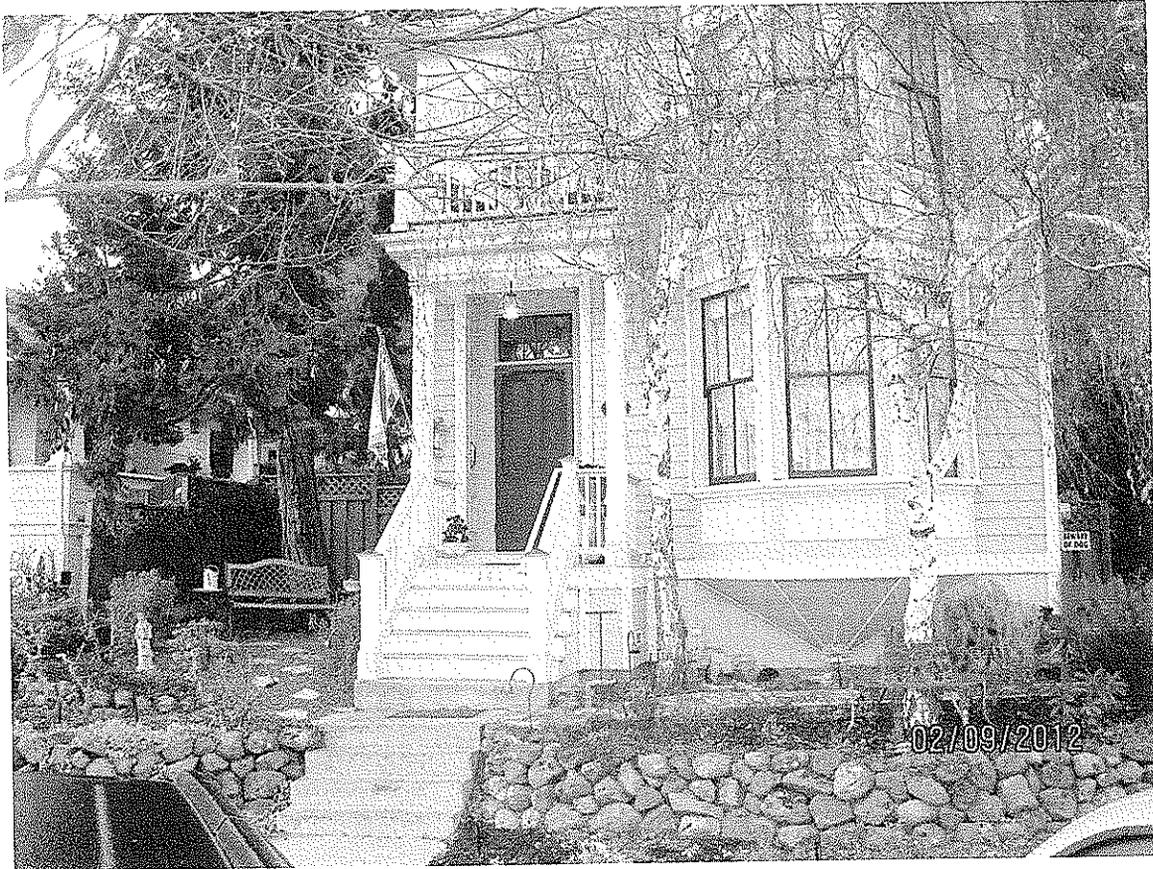
COELHO RESIDENCE
 141 WEST STREET
 BENTON, CALIFORNIA

Sheet No. **A6.1**

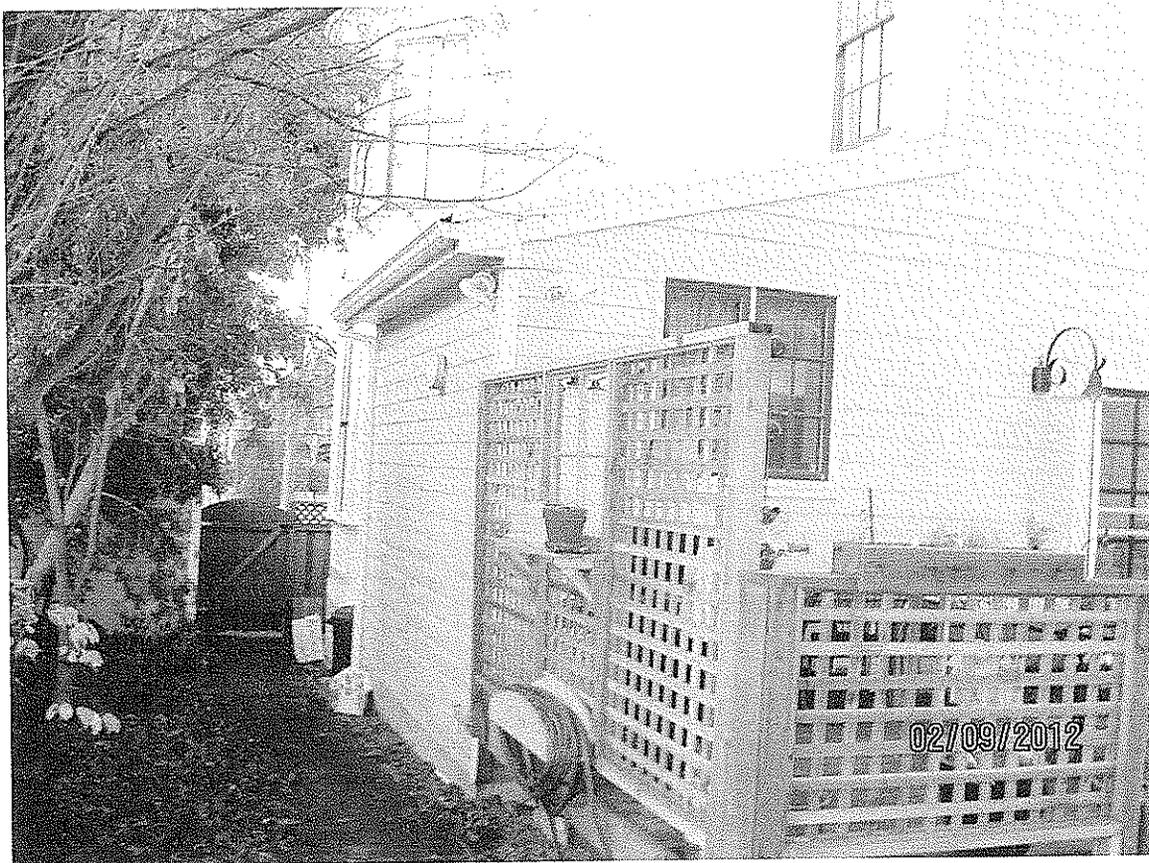
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PHOTOGRAPHS

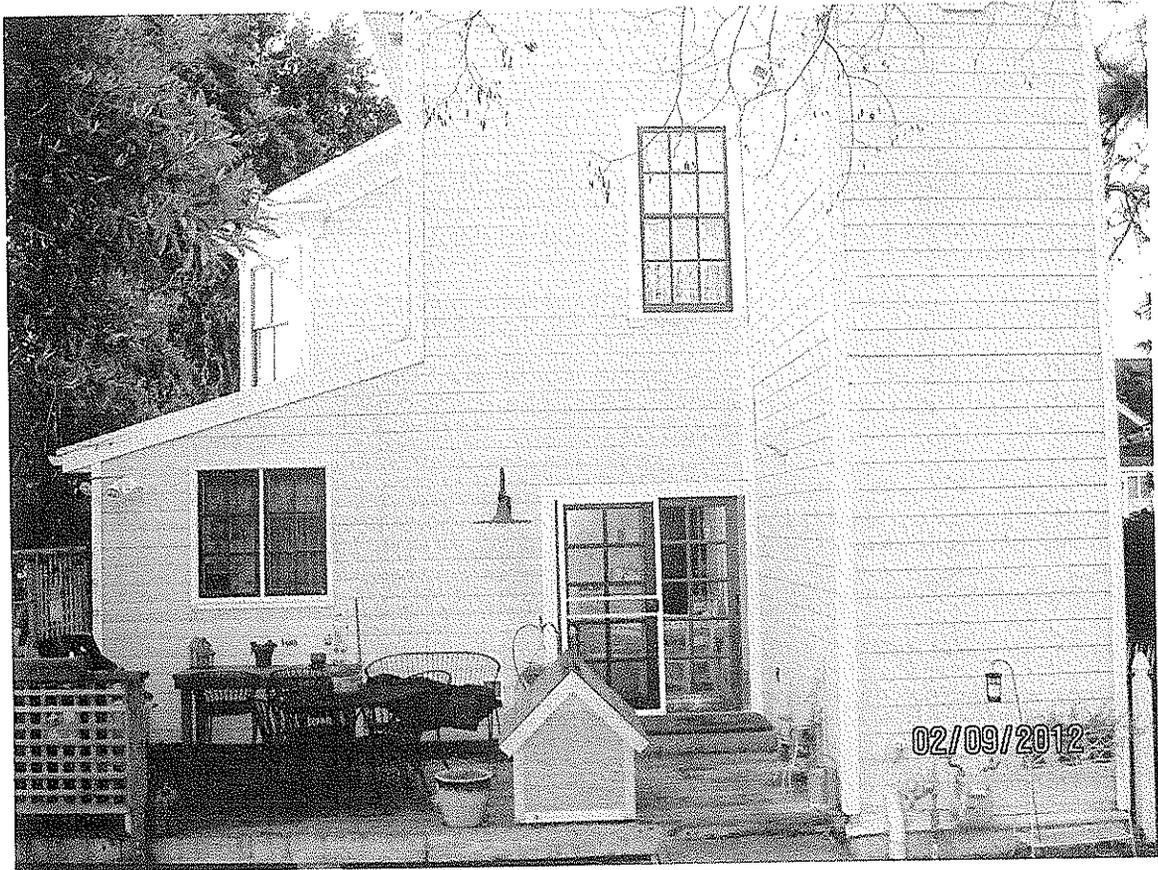
COELHO RESIDENCE
141 WEST 'F' STREET



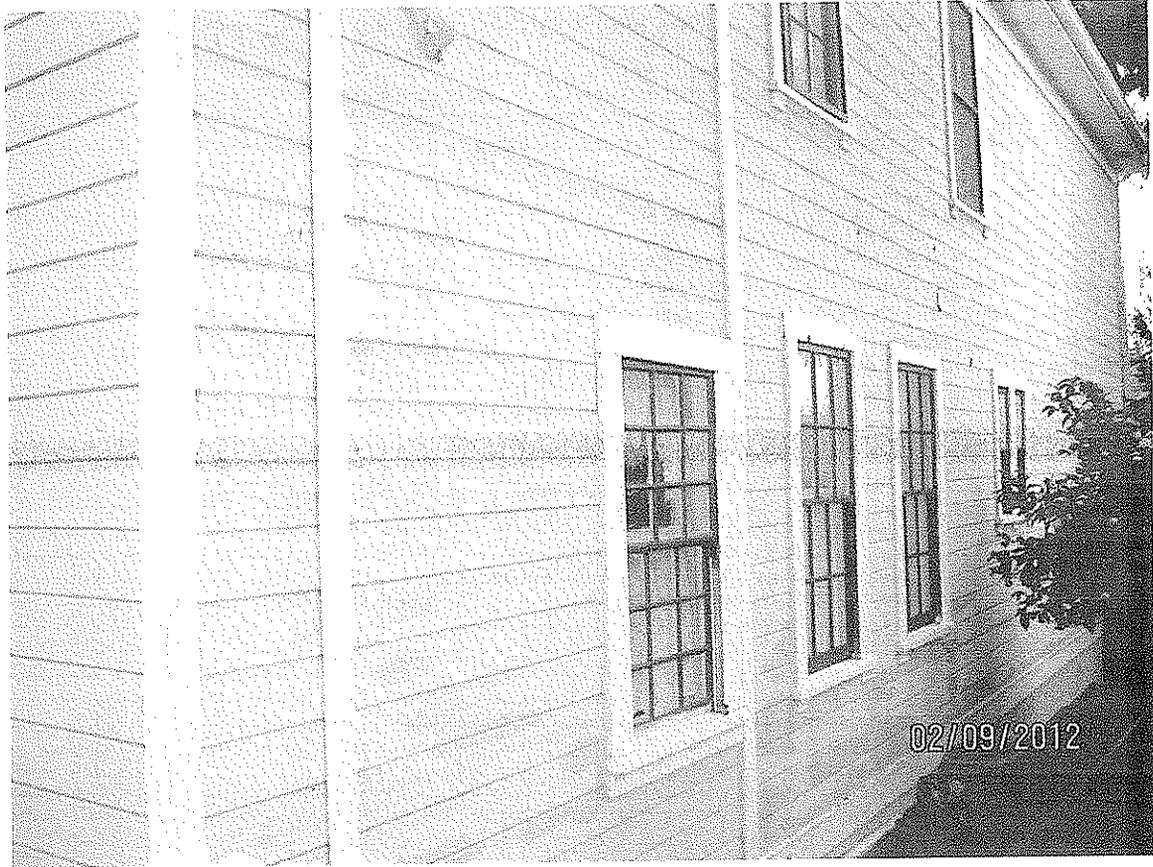
FRONT ELEVATION



EAST - SIDE ELEVATION



REAR ELEVATION



WEST - SIDE ELEVATION



**Public Works & Community Development
Department
MEMORANDUM**

Date: March 16, 2012
To: Historic Preservation Review Commission (HPRC)
From: Amy Million, Principal Planner
Re: Workshop / Discussion of the draft ordinance to update Title 17 of the Benicia Municipal Code

In response to the Commission's comments regarding the City's demolition regulations, clarifying certain definitions and City Council's direction to staff to develop a process that allows a potentially eligible property that goes through a restoration to gain historic status, staff has prepared a draft text amendment to Chapter 17.54.

Over a series of HPRC meetings, the Commissioners made multiple suggestions for modifications. The suggestions have been incorporated into the red-lined version attached. In addition, staff has been working with the State Office of Historic Preservation (OHP), who is reviewing and commenting on the amendments.

Staff is requesting additional input from the Commission. Final comments from the Commission, as well as comments from OHP, will be included in the text amendment that will be presented back to the Commission. Pending HPRC recommendation, the text amendments will be forwarded to the Planning Commission and City Council late spring or early summer.

DRAFT ORDINANCE

CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 17.12.030 (DEFINITIONS) OF CHAPTER 17.12 (DEFINITIONS), AND AMENDING CHAPTER 17.54 (H HISTORIC OVERLAY DISTRICT), ALL OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO UPDATE DEVELOPMENT STANDARDS AND REGULATIONS FOR DEMOLITIONS OF HISTORIC AND NON-HISTORIC STRUCTURES

Section 1.

Section 17.12.030 (Definitions) of Chapter 17.12 (Definitions) of Title 17 (Zoning) of the Benicia Municipal Code is amended by adding the following definitions to read as follows:

“Contributor or Contributing structure” means structures which contribute to the historic character of the district because of age and because they are representative of common styles and building types of the historic period of the district, but are not architecturally or historically outstanding and therefore do not qualify for individual recognition.”

“Demolition” means any act of pulling down, removing, dismantling, or razing a substantial portion of a structure or building. Substantial portion shall mean fifty (50) percent of the walls or roof of a structure

Emergency Demolition, Repair or Alteration” refers to demanding immediate action to prevent or mitigate loss of or damage to life, health, property or essential public services, as determined the City’s Building Official. This shall include, but is not limited to, such occurrences as fire, flood, earthquake, or other soil or geological movements, as well as occurrences such as a riot, accident, or sabotage. The Building Official’s determination in this matter shall be governed by the standards and criteria set forth in the most recent edition of the California Building Code that is in effect in the City.

“Landmark means officially recognized historic buildings that are listed on the registers of important national, state and/or local programs: the National Register of Historic Places, the Historic American Buildings Survey, the State Historic Landmarks program, and the Benicia Historical Resources Survey.

Section 2.

Chapter 17.54 (H Historic Overlay District) of Title 17 (Zoning) of the Benicia Municipal Code is amended to read as follows:

Sections:

- 17.54.010 Specific purposes.
- 17.54.020 Applicability and zoning map designator.
- 17.54.030 Land use and development regulations.
- 17.54.040 Criteria for establishment of an H district.

- 17.54.050 Criteria for designating a contributing or landmark structure buildings.
- 17.54.060 Conservation plan required.
- 17.54.070 Application requirements.
- 17.54.080 Review and approval.
- 17.54.090 ~~Establishment of H districts and landmark designation.~~ Required Findings
- 17.54.100 Demolition and design review procedures.
- 17.54.110 Amendments and removal of historic designation.
- 17.54.120 Maintenance of structures and premises.

17.54.010 Specific purposes.

The specific purposes of the H historic overlay district are to:

- A. Implement the city's general plan;
- B. Deter demolition, destruction, alteration, misuses, or neglect of historic or architecturally significant buildings that form an important link to Benicia's past;
- C. Promote the conservation, preservation, protection, and enhancement of each historic district;
- D. Stimulate the economic health and residential quality of the community and stabilize and enhance the value of property;
- E. Encourage development tailored to the character and significance of each historic district through a conservation plan that includes goals, objectives, and design criteria.

17.54.020 Applicability and zoning map designator.

A. The H historic overlay district may be combined with any zoning district. Each H overlay district shall be shown on the zoning map by adding an "-H" designator to the base district designation followed by the number of the district based on the order of adoption.

B. Effects on Projects Approved Prior to Effective Date. No provision of this chapter shall apply to projects approved prior to the effective date of an ordinance establishing an H district or a resolution designating a contributing historic structure or landmark. Such projects shall be considered nonconforming uses, subject to the provisions of Chapter 17.98 BMC.

17.54.030 Land use and development regulations.

A. The land use and development regulations applicable in an H district shall be as prescribed for the base district with which it is combined unless modified by another overlay district; provided, that the requirements of the district conservation plan shall govern where conflicts arise.

B. Exceptions for Designated Contributing and Landmark Structures.

1. The community development director may grant a use permit for an exception to the land use regulations of the base district with which an H district is combined when such an exception is necessary to permit the preservation or restoration of an historic or architecturally significant building, structure or site.

2. Applications for such use permits shall be filed with the community development director on a form provided. The community development director shall refer all applications for an exception under this section to the historic preservation review commission (HPRC) for a report and recommendation. In making a decision, the community development director shall make a written finding that shall specify the facts relied upon in rendering his decision. A copy of this written finding, together with all evidence presented to the community development director, shall be filed in the planning community development department. The written finding and decision shall be mailed to the applicant and shall be subject to appeal to the planning commission. Decision-making authority on such use permits may be deferred to the planning commission at the option of the community development director. Upon their decision in such instances, an appeal may be made to the city council as prescribed in Chapter 1.44 BMC.

17.54.040 Criteria for establishment of an H district.

A. A portion of a base district shall be eligible for inclusion in an H district if one or more of the following criteria, rigorously applied, are met:

1. The area possesses outstanding character, interest, or value as part of the heritage of the city.
2. The area is the location of a significant documented historical event.
3. The area is identified with a person or group that contributed significantly to the culture and development of the city.
4. Structures within the area exemplify and convey a particular architectural style or way of life that is important to the city's documented history.
5. Structures within the area are the best remaining examples of an architectural style in a neighborhood.
6. The area or its structures are identified as the work of a person or group whose work has significantly influenced the heritage of the city, the state, or the United States.
7. The area or its structures embody elements of outstanding attention to architectural or landscape design, detail, materials, or craftsmanship that reflect Benicia's historic significance.

8. The area is related to a designated historic building or district in such a way that its preservation is essential to the integrity of the building or district.

9. The area's unique location or singular physical characteristics represent an established and familiar visual feature of a neighborhood.

10. The area has potential for yielding information of archaeological interest.

11. The area's integrity as a natural environment strongly contributes to the well-being of the people of the city.

B. Portions of a base zoning district that do not meet the above criteria may be included in an H district if inclusion is found to be essential to the integrity of the district.

17.54.050 Criteria for designating a contributing or landmark structure building.

Individual buildings may be designated as a contributing structure or historic architecturally significant landmarks if one or more of the following criteria, rigorously applied, set forth in BMC 17.54.040 are met. A landmark located outside of an H-Overlay District or adopted conservation plan so designated shall be eligible for the same review procedures as buildings and structures within an H district.

1. The structure possesses outstanding character, interest, or value as part of the heritage of the city.

2. The structure is the location of a significant documented historical event.

3. The structure is identified with a person or group that contributed significantly to the culture and development of the city.

4. The structures exemplify and convey a particular architectural style or way of life that is important to the city's documented history.

5. The structure(s) is identified as the work of a person or group whose work has influenced the heritage of the city, the state, or the United States.

6. The structure embodies outstanding elements of architectural or landscape design, detail, materials, or craftsmanship that reflect and convey Benicia's historic significance.

7. Other attributes of the historic/cultural resource which are consistent with the Secretary of the Interior's Standards.

In order for a structure to be considered for designation of a landmark, it must possess an exceptional level of quality as it pertains to the criteria listed above. The building should be considered for its individual exceptional significance and not limited to its ability to contribute to the historic context or the district.

17.54.060 Conservation plan required.

A. Prior to filing an application for an H district, the applicant shall prepare an historic district conservation plan with the assistance of the planning community development department. Each conservation plan shall contain:

A1. A map and description of the proposed district, including boundaries; the age, setting, and character of structures; urban design elements and streetscapes; major public improvements; and proposed objectives to be achieved;

B2. A statement of the architectural or historical significance of the proposed district;

C3. A list of specific alterations that should be subject to design review in order to protect the architectural or historical character of the proposed district;

D4. A set of specific performance guidelines for new construction and alterations necessary to preserve the character of the proposed district;

E5. Proposed rules and regulations for design review.

B. Adoption of Conservation Plan. An ordinance establishing an H district shall include an historic district conservation plan in the form submitted or as revised by the planning commission or city council. The plan's performance guidelines may modify the land use and development regulations of the base zoning district, but shall not significantly alter the regulations. A performance guideline shall be found to be a significant alteration of base district regulations if it substantially prevents property from being used in accord with the provisions of the base district, or creates a substantial number of nonconforming uses or structures.

17.54.070 Application requirements.

A. Filing a Petition.—Initiation. An application for the establishment of an H district or landmark designation the designation of an individual historic structure (contributing or landmark) may be initiated by the historic preservation review commission, planning commission or city council, or by filing a petition. The petition requesting establishment of an H district shall be filed with the community development director, accompanied by the required fee. If initiated by petition, the application shall include:

1. The proposed conservation plan for the district as prescribed by BMC 17.54.060;

2. A form bearing the signatures of the owners of at least 51 percent of the land area within the proposed district.

B. Application Contents. An application for a contributing structure or landmark designation shall contain:

1. A map showing the location of the building or structure and building plans or photographs of the building exterior;

2. A statement, supported by documentation, of the architectural or historical significance of the proposed building and description of the particular features that should be preserved; and

3. Except when initiated by the city, the consent of the owner or authorized agent to the proposed designation is required. For purposes of this section, each condominium owner's association shall be deemed the property owner of common areas.

4. A statement of the condition of the site or structures and an explanation of any known threats to the site or structures

5. An evaluation consistent with the *National Register Criteria for Evaluation Bulletin 15 (U.S. Department of the Interior, National Park Service)*. It is recommended that a historic preservation specialist perform this evaluation and complete the required documentation.

Prior to accepting the application as complete, the community development director may request additional information, plans or materials deemed necessary to support the application. A planning-historic preservation review commission public hearing on the petition shall be held within 90-45 days of the date the petition is accepted as complete with final disposition completed within 90 days.

17.54.080 Review and approval.

A. Neighborhood Workshop. For establishment of an H-Overlay District, the community development department shall conduct a neighborhood workshop in the proposed district to explain the proposal and the amendment process to neighborhood residents. Notice of the workshop shall be given in the same manner prescribed for zoning map amendments by BMC 17.120.040.

B. Notice and Public Hearing. After the neighborhood workshop, if required, the proposed district or designation of a historic structure shall be the subject of public hearings before the historic preservation review commission, planning commission and the city council. The hearings shall be set, noticed, and conducted as prescribed by Chapter 17.120 BMC.

C. Contents of Public Notice. In addition to the information prescribed by Chapter 17.120 BMC, notice of a public hearing for the establishment of an H district or designation of a landmark-historic structures therein, shall include a statement that

original petitioners have the right to withdraw their support of the district at any time prior to the hearing, and that property owners who have not signed the petition have the right to do so prior to the date of the hearing.

17.54.090 ~~Establishment of H districts and landmark designation.~~ Required Findings.

A. ~~Required Findings.~~ In addition to the findings required by Chapter 17.120 BMC, the historic preservation review commission, planning commission and city council shall make the following specific findings:

1. -Tthat the proposed district, contributing or landmark structure has a significant documented architectural or historical character that can be preserved and enhanced through appropriate controls on new development and alterations to existing buildings and landscaping
2. That all the criteria setforth in Section 17.54.040 for the esblishment of an H district have been met or one or more of the criteria setforth in Section 17.54.050 for the desination of a contributing or landmark structure have been met, as the case may be.
3. That the proposed historic resource or district meets the National Register Criteria for Evaluation Bulletin 15 (National Park Service).

~~B. Adoption of Conservation Plan. An ordinance establishing an H district shall include an historic district conservation plan in the form submitted or as revised by the planning commission or city council. The plan's performance guidelines may modify the land use and development regulations of the base zoning district, but shall not significantly alter the regulations. A performance guideline shall be found to be a significant alteration of base district regulations if it substantially prevents property from being used in accord with the provisions of the base district, or creates a substantial number of nonconforming uses or structures.~~

~~C. Effects on Projects Initiated Prior to Effective Date. No provision of this chapter shall apply to projects initiated prior to the effective date of an ordinance establishing an H district or designating a contributing historic resource or landmark. Such projects shall be considered nonconforming uses, subject to the provisions of Chapter 17.98 BMC. For the purposes of this subsection, a project shall be deemed initiated if an application, plans, and materials for concept or development plan review have been filed and accepted as complete.~~

~~D. Amendments to Adopted Conservation Plans. Procedures for an amendment to an adopted conservation plan shall be initiated in the same manner as an application for a zoning map amendment~~

17.54.100 Demolition and design review procedures.

A. In General. Except as modified by an adopted conservation plan, design review in an H district or of a proposed alteration, enlargement or demolition of a designated landmark historic resource (contributor or landmark) shall be conducted as prescribed by Chapter 17.108 BMC. Design review and approval shall be the responsibility of the community development director or the design reviewhistoric preservation review commission, as the case may be.

The building official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated historic resource landmark without the prior approval of the community development director or the design-historic preservation review commission. ~~Prior approval of the community development director or the design review commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons.~~

B. Criteria. In addition to the requirements of Chapter 17.108 BMC, the community development director or design-historic preservation review commission, as the case may be, shall consider the proposed demolition, new construction, or alteration in the context of the adopted conservation plan and the architectural or historical value and significance of the site and structure in relation to the overlay district. These considerations shall include the visual relationship of proposed architectural design elements to the surrounding area, including scale, height, rhythm of spacing, pattern of windows and doorways, building siting and relationship to landscaping, roof pitch, architectural style, and structural details, materials, colors, and textures.

C. ~~Required Findings. No demolition permit shall be issued for demolition of any historic structure within an H district or for demolition of a designated landmark without prior review and approval by the design review commission. Demolition permits for nonhistoric structures within the H district may be approved by the community development director. To assist any evaluation by the design review commission, the community development director shall submit a report and recommendation to the design review commission.~~ Exception. Prior design review approval of the community development director or historic preservation review commission is not required for permit applications for the following:

1. Demolitions of non-historic structures within the Eastern Residential Area of the Downtown Historic District as shown in the Downtown Historic Conservation Plan.
2. Emergency Demolitions, Alterations or Repair as defined in Section 17.12.030 ordered by the City's Building Official to remedy conditions determined to be an immediate danger to the life, health and safety of the occupants or general public.
3. Demolition of a non-historic structure which has a floor area less than one hundred twenty (120) square feet.
4. Installation or removal of a temporary construction shed or office.
5. Exemptions set forth in the adopted conservation plan.

D. Required Permit. No demolition permit shall be issued for demolition of any structure within an H district or for demolition of a designated historic structure outside of an H district without prior review and approval by the historic preservation

review commission. To assist any evaluation by the historic preservation review commission, the community development director shall submit a report and recommendation to the historic preservation review commission.

1. For Demolitions.

a. Demolition permit applications for a designated historic resource shall require preparation of an environmental impact report in accordance with the California Environmental Quality Act and shall be considered by the historic preservation review commission before making a decision on the demolition permit application.

b. If, after review of the request for a demolition permit of a non-historic structure, the design-historic preservation review commission determines that the structure itself has historical, architectural or cultural interest or value and initiates the subject structure for historic designation, the commission shall may withhold approval for demolition for 180 days (from the date of commission action) or until the appropriate environmental review is completed in accordance with the California Environmental Quality Act, whichever occurs later.

As a possible mitigation measure to the applicable environmental review, During the 180 days, the design-historic preservation review commission may direct the planning-community development department to consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens; make recommendations for acquisition of property by public or private bodies or agencies; explore the possibility of moving one or more structures or other features; and take any other reasonable measures.

At the end of the 180-day period, the demolition permit shall be issued if environmental review determines there will not be a significant impact on the environment and all requirements of this title are met or, if there may be substantial environmental damages, that specific economic, social or other considerations make infeasible the mitigation measures or alternatives identified during environmental review.

b. If, after review of the request for a demolition permit, the design historic preservation review commission determines that the building or structure has no substantial historical, architectural, or cultural interest or value, a building permit for demolition may be issued.

~~2. For New Construction or Alterations. The director or the commission shall not grant design approval for new construction or alterations unless it finds that the proposed new construction or alteration will be compatible with and help achieve the purposes of the H district.~~

32. For Removal or Alteration of Certain Landscape Materials. The director's or commission's approval shall be required for removal or alteration of landscape materials identified as significant resources by the historic district conservation plan. Removal or alteration of such landscape materials shall require a finding that the proposed removal or alteration will not affect the character of the H district, or that the safety of persons or property requires the removal or

alteration. No provisions of this subsection shall be construed as restricting routine maintenance of landscape materials.

E. Required Findings. The director or the commission shall not grant design approval for demolition, new construction or alteration unless it finds the following:

1. For Demolitions.
 - a. The project will not cause a significant adverse effect as defined in the State of California Environmental Quality Act Guidelines.
 - b. The replacement structure will be compatible with the historic context of the district and the surrounding buildings.
 - c. No economically reasonable, practical, or viable measures could be taken to adaptively use, rehabilitate, or restore the building or structure on its existing site and there is substantial evidence to support this conclusion from at least two sources (e.g. structural engineer, architect); or there exists compelling public interest to justify the demolition.
2. For New Construction or Alterations.
 - a. That the proposed new construction or alteration will be compatible with and help achieve the purposes of the H district.
 - b. For designated historic structures, the project complies with the Secretary of the Interior Standards for the Treatment of Historic Properties "Standards" or adopted guidelines based on the Standards.

DF. Economic Hardship Waiver. If an applicant for design concept or design approval presents evidence of inability to meet the cost of complying with a condition of approval, the director or the commission may grant the approval with the requirement that all conditions be met within a period of up to five years. If such conditions are not met within five years, the property owner shall be subject to the enforcement provisions of Chapter 17.128 BMC.

EG. Effective Date – Appeals. Decisions of the director or commission shall be final on the tenth business day after the date of the decision, unless appealed in accordance with Chapter 1.44 BMC.

17.54.110 Amendments and Removal of historic designation.

A. Removal of the historic designation of a building shall be approved by the city council upon recommendation from the historic preservation review commission.

B. Removal of the historic designation of a H overlay district shall be approved by the city council upon recommendation from the historic preservation review commission and the planning commission.

C. Evidence in the form of a formal evaluation documenting that the designated historic structure no longer retains the historic integrity required for designation stated in the city adopted survey and the *National Register Criteria for Evaluation Bulletin 15 (National Park Service)*.

D. Required Findings. The City Council shall make findings of fact and determinations in writing that the criteria set forth in Sections 17.54.040 and 17.54.050, as the case may be, can no longer be met. It is recommended that a historic preservation specialist perform this evaluation and complete the required documentation.

E. Amendments to Adopted Conservation Plans. Procedures for an amendment to an adopted conservation plan shall be initiated in the same manner as an application for a zoning map amendment (Chapter 17.120 BMC).

17.54.120 Maintenance of structures and premises.

A. All property owners in H districts and owners of designated landmarks-historic structures (contributors and landmarks) shall have the obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material variance in apparent condition from surrounding structures in compliance with the provisions of this chapter.

B. For the purposes of this Section, good repair shall be defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises including but not limited to:

1. Facades that may fall and injure a member of the public or property
2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports
3. Members of ceilings, roofs and roof supports or other horizontal members which age, split or buckle due to defective material or deterioration
4. Deteriorated or insufficient waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors
5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering
6. Any fault or defect which renders it not properly watertight or structurally unsafe.



Public Works &
Community Development Department
MEMORANDUM

Date: March 12, 2012
To: Historic Preservation Review Commission
From: Amy Million, Principal Planner
Re: Priority List of Discussion Items cont'd

At the February 23, 2012 Historic Preservation Review Commission meeting, the Commissioners began reviewing the Priority List of Discussion Items. To better facilitate the discussion, the Commission requested that the structure of the list be modified to group Discussion Items by the associated implementation process such as; Update to the Downtown Historic Conservation Plan, preparation of a new document/handout, Historic Inventory Survey, etc.

As part of that discussion some items were removed from the list and some were expanded, such as the recommendations outlined in the City's Historic Context Statement. Some items were given a priority ranking during the February 23rd meeting while others have not been discussed. For items that were ranked by the Commission, that number is provided for reference. The revised Priority List of Discussion Items is attached for your review and discussion (See Exhibit A).

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

Strategic Plan Projects			
Priority	Projects / Discussion Item	Implementation Process	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 	Update to Downtown Historic Conservation Plan	<p>Incorporating Historic Resource Inventory update</p> <p>May 2010 – Reviewed paint/skylights</p>
2	Downtown Mixed Use Master Plan Amendment	Text Amendment – Downtown Mixed Use Master Plan	Requested by Commissioner McKee (will provide specific issues to clarify his request)
	Historic District Boundaries	Update to Downtown Historic Conservation Plan	Requested by Commissioner Taagepera
	Arsenal Historic Context	CLG Grant	Requested by Marilyn Bardet, supported by Commission
Discussion Topics			
Priority	Projects / Discussion Item	Implementation Process	Status
1	Definitions of "repair", "emergency", "minor"	Update to Downtown Historic Conservation Plan	Requested by Commission
2	Disclosure on Historic District properties	Research and Implementation	Requested by Commission
3	<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 	Text Amendment - Zoning Ordinance	<p>Directed by City Council, further requested by Commissioner Taagepera.</p> <p>Staff is working on the preliminary draft for the Commission's review. Projecting April 2012.</p>
	Informational brochure on Historic Districts	Development of New Document	Requested by Commission

	Preservation of Historic Sites	TBD	Requested by Commissioner White (memo submitted 7-20-09) 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
Historic Context Recommendations The following items are to be considered by the Commission for potential placement on the Priority List of items			
Priority	Projects / Discussion Item	Implementation Process	Status
	<p>The adoption of design guidelines for the Downtown Historic Overlay District is recommended. These can help facilitate appropriate treatment or restoration efforts for historic resources in accordance with the Secretary of the Interior Standards. They can also help lessen the impact of new infill construction on the setting of historic properties, while also maintaining a consistent architectural vocabulary in terms of scale, massing, materials, etc.</p> <p>Additional historic survey efforts that expand on the age-range and architectural styles of previous studies are recommended. In particular, many buildings constructed after 1920 that are located within the boundaries of the Downtown Historic Overlay District were not formally documented by previous survey efforts. Many of these buildings appear to have the potential to qualify as contributors to the existing district, and thus should be evaluated. The evaluation of post-1920 properties should also include the previously-discussed concentration of buildings located on Military East Street, which appears to have the potential for designation as a small, separate overlay district.</p>	Update to Downtown Historic Conservation Plan	
		Historic Inventory Survey & Update to Downtown Historic Conservation Plan	

	<p>Additional historic survey efforts focused on World War II era residential properties is recommended, as their significance in relation to activities of the Benicia Arsenal makes them good candidates for historic qualification. The windshield survey efforts undertaken by this study did not reveal any obvious concentrations of such properties with sufficient integrity for the formation of a historic district, but a more thorough examination may reveal pockets of properties with sufficient integrity to merit designation.</p>	<p>Historic Inventory Survey & Update to Arsenal Historic Conservation Plan</p>
	<p>The re-evaluation of World War II era buildings at the Benicia Arsenal previously designated as non-contributors is recommended. The documentation for the National Register district was prepared nearly 35 years ago, and since that time more perspective has developed regarding the importance of these resources. Not every building constructed during the wars is necessarily significant, but it appears that previous documentation may have been geared primarily to architectural interest rather than function.</p>	<p>Historic Inventory Survey & Update to Arsenal Historic Conservation Plan</p>
	<p>Additional historic survey efforts that expand on the boundaries of previous studies are recommended. Benicia's prior survey efforts were largely skewed to Victorian and turn-of-the-century architecture in close proximity to First Street. While this is clearly the area with the greatest concentration of historic resources, preliminary reconnaissance has revealed several buildings located outside the district boundaries with the potential to qualify as individual resources.</p>	<p>Historic Inventory Survey & Update to Conservation Plans</p>

	<p>The consideration of additional buildings for city landmark status is recommended. These include the Benicia Primary School and the Benicia Grammar School, both of which are outstanding representatives of Benicia's educational facilities and display high artistic values. The Pacific Mail Steamship Foundry and Office also appear to be excellent candidates for landmark designation.</p>	<p>Historic Inventory Survey & Update to Conservation Plans</p>	
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- 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



**Public Works & Community Development
Department
MEMORANDUM**

Date: March 14, 2012
To: Historic Preservation Review Commission (HPRC)
From: Amy Million, Principal Planner
Re: Staff Communications – Update on Mills Act Program Costs

As a follow up to the Commission's request at their February 23, 2012 meeting, staff is providing a breakdown of the Benicia Mills Act Program costs.

Every year staff works with the County to provide the most up-to-date information available to show the associated tax savings and program costs for each property.

In order to determine the taxes for a Mills Act Contract property, the County will use one of the following three values:

1. Base Property Value
2. Fair Market Value
3. Mills Act Property Value

The County will use the lesser of the three values to determine the amount of taxes owed. With that said, the loss of revenue can be based on the difference between the taxes for a Mills Act Property Value and either the Base Property Value or the Fair Market Value (whichever is less). The specific value that applies to each property is bolded and highlighted.

As a result of the County's system, the amount of loss to the City every year will fluctuate regardless of whether or not there is a change in the number of contracts

Currently, the City Council has allotted up to \$35,000 toward the program (including staff implementation costs). The total loss of city revenue for this year is \$22,067.

MILLS ACT PROGRAM COSTS

City of Benicia Mills Act Program Costs

The Mills Act contracts will reduce the property tax paid by these properties. The City of Benicia receives approximately 28% of the property taxes collected on parcels in the City.

PROPERTY ADDRESS	DATE ENTERED INTO	BASE PROPERTY VALUE (as of Feb 2013)	PROPERTY TAX WITHOUT CONTRACT (1%)	CITY PROPERTY TAX REVENUE OF REASSESSED VALUE (26% OF PROPERTY TAX)	FAIR MARKET VALUE (as of Feb 2012)	PROPERTY TAX WITHOUT CONTRACT (1%)	CITY PROPERTY TAX REVENUE OF REASSESSED VALUE (26% OF PROPERTY TAX)	REASSESSED VALUE (as of Feb 2012)	PROPERTY TAX WITH CONTRACT (1%)	CITY PROPERTY TAX REVENUE OF REASSESSED VALUE (26% OF PROPERTY TAX)	ESTIMATED TAX SAVINGS*	LOSS OF CITY REVENUE**
EXISTING CONTRACTS:												
245 West K Street - M	11/7/90	\$1,339,611	\$13,396.11	\$3,482.99	\$531,000	\$5,310	\$1,381	\$149,505	\$1,485.05	\$386.11	\$3,825	\$994
235 East L Street**	6/11/90	\$649,857	\$6,498	\$1,689.63	\$465,000	\$4,650	\$1,217	\$202,222	\$2,022	\$526	\$2,658	\$691
230 West K Street	10/22/04	\$517,749	\$5,177	\$1,346.15	\$221,400	\$2,224	\$838	\$106,484	\$1,065	\$277	\$2,159	\$561
121 West J Street - M	12/3/04	\$389,936	\$3,899	\$1,013.57	\$69,000	\$6,900	\$1,323	\$173,559	\$1,736	\$451	\$2,163	\$562
185 East D Street - M	11/9/04	\$352,006	\$3,520	\$915.21	\$13,000	\$1,300	\$1,334	\$101,278	\$1,013	\$263	\$2,507	\$652
251 West J Street - M	12/17/04	\$276,501	\$2,765	\$718.67	\$231,000	\$2,310	\$601	\$84,520	\$845	\$220	\$1,465	\$381
401 First Street	10/15/04	\$899,728	\$8,997	\$2,599.29	\$1,300,000	\$13,000	\$3,380	\$953,333	\$9,533	\$2,479	\$4,664	\$1,211
166 West H Street	12/17/04	\$439,000	\$4,390	\$1,141.40	\$439,000	\$4,390	\$1,141	\$182,895	\$1,829	\$424	\$2,761	\$718
123 West D Street - M	12/27/05	\$734,808	\$7,348	\$1,910.50	\$637,000	\$6,370	\$1,656	\$100,547	\$1,005	\$261	\$3,365	\$1,395
1063 Jefferson Street - M	5/24/05	\$448,032	\$4,480	\$1,157.08	\$1,000,000	\$10,000	\$2,600	\$252,778	\$2,528	\$657	\$1,923	\$500
125 East I Street	12/20/06	\$653,334	\$6,533	\$2,218.67	\$499,000	\$4,990	\$1,297	\$165,111	\$1,661	\$432	\$3,329	\$866
159 West C Street - M	10/30/06	\$436,217	\$4,362	\$1,134.16	\$397,000	\$3,987	\$1,037	\$127,969	\$1,280	\$333	\$2,707	\$704
163 West J Street - M	10/30/06	\$688,059	\$6,881	\$1,528.95	\$242,000	\$2,420	\$629	\$74,466	\$745	\$194	\$1,675	\$436
149 West C Street - M	10/30/06	\$439,000	\$4,390	\$1,141.40	\$439,000	\$4,390	\$1,141	\$162,895	\$1,629	\$424	\$2,761	\$718
145 East I Street	10/30/06	\$683,388	\$6,834	\$1,516.81	\$399,000	\$3,990	\$1,037	\$82,266	\$823	\$214	\$3,167	\$824
141 West H Street - M	12/18/07	\$432,805	\$4,328	\$1,125.29	\$258,000	\$2,550	\$663	\$101,870	\$1,019	\$265	\$1,531	\$398
120 West D Street	12/18/07	\$380,872	\$3,807	\$937.75	\$444,000	\$4,440	\$1,154	\$109,141	\$1,091	\$284	\$2,515	\$654
1025 West Second Street	12/18/07	\$330,439	\$3,304	\$859.14	\$228,000	\$2,280	\$595	\$75,933	\$758	\$197	\$1,532	\$398
140 East C Street	12/18/07	\$667,749	\$6,677	\$1,736.15	\$979,000	\$9,790	\$1,765	\$203,972	\$2,040	\$530	\$4,638	\$1,205
392-396 East H Street	12/18/07	\$398,421	\$3,984	\$1,035.89	\$309,000	\$3,090	\$780	\$165,686	\$1,657	\$431	\$1,343	\$349
224 West I Street	12/18/07	\$635,562	\$6,356	\$1,632.46	\$631,000	\$6,320	\$1,383	\$115,702	\$1,157	\$301	\$4,163	\$1,082
242 West I Street	12/18/07	\$575,163	\$5,752	\$1,495.42	\$374,000	\$3,740	\$972	\$90,670	\$907	\$236	\$2,833	\$737
171 West H Street	12/18/07	\$632,540	\$6,325	\$1,644.60	\$443,000	\$4,420	\$1,149	\$93,939	\$939	\$244	\$3,481	\$905
270 West H Street	12/18/07	\$1,359,475	\$13,595	\$3,534.64	\$644,000	\$6,440	\$1,674	\$141,690	\$1,417	\$368	\$3,023	\$1,306
441 West J Street	12/16/07	\$678,692	\$6,787	\$1,764.60	\$477,000	\$4,770	\$1,240	\$88,328	\$883	\$230	\$3,887	\$1,011
271 West J Street	12/02/08	\$517,749	\$5,177	\$1,346.15	\$327,400	\$3,224	\$838	\$106,484	\$1,065	\$277	\$2,159	\$561
162 East I Street	12/19/2008	\$481,885	\$4,819	\$1,252.85	\$241,000	\$2,450	\$637	\$63,984	\$640	\$166	\$1,810	\$471
1101 West Second Street	12/9/2009	\$380,440	\$3,804	\$1,015.14	\$346,000	\$3,460	\$900	\$106,608	\$1,066	\$277	\$2,394	\$622
395 West J Street	7/2/1905	\$584,367	\$5,844	\$1,519.35	\$395,000	\$3,960	\$1,030	\$101,461	\$1,015	\$264	\$2,945	\$766
TOTAL VALUE:		\$18,335,372	\$183,354	\$47,672	\$14,725,500	\$147,255	\$38,286	\$4,744,624	\$47,446	\$12,336	\$84,873	\$22,067
EXISTING CONTRACTS TOTAL:												
EXISTING CONTRACTS ANNUAL COSTS: (\$150 per contract for annual inspections)												
2012 CONTRACTS PROPOSED:												
2012 CONTRACTS TOTAL:												
2012 CONTRACTS ANNUAL STAFF COSTS: (\$1350 per application)												
2012 CONTRACTS ANNUAL STAFF COSTS: (\$150 per contract for annual inspections)												
CONTRACTS TOTAL (EXISTING AND PROPOSED):												
CONTRACTS ANNUAL STAFF COSTS TOTAL (EXISTING AND PROPOSED):												
											TOTAL:	
											\$84,873	\$22,067
											\$4,650	\$2,483

* Tax savings are estimates and subject to change annually M - Exhibit B "Maintenance Only" contract ** Prior to 2003 City Council program authorization