



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

**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**

Present: Commissioners Delgado, Haughey, McKee, Taagepera, Trumbly,  
and Van Landschoot

Absent: Chair Crompton

Staff Present:

Amy Million, Principal Planner

Lisa Porras, Senior 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 Haughey, the Agenda was approved by the following vote:

Ayes: Commissioners Delgado, Haughey, McKee, Taagepera, Trumbly, and  
Van Landschoot

Noes: None

Absent: Chair Crompton

Abstain: None

**III. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN COMMENT**

None

**B. PUBLIC COMMENT**

None

**IV. PRESENTATIONS:**

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

Vice Chair Taagepera read the Proclamations of Commendation for former Commissioners White and Mang. The proclamations will be mailed to their homes since neither one was able to attend the meeting. Commissioner Van Landschoot expressed how much he appreciated them staying on the Commission until their replacements could be found.

**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.

The City Attorney gave a presentation to the Commission on the topics listed above. She discussed what constitutes a meeting. If four or more commissioners get together to discuss something commission related, it should be noticed so that the public has an opportunity to speak on the issue. She also shared that the City Council has decided that speakers will have no fewer than 3 minutes to talk at public meetings.

Vice-Chair Taagepera wanted clarification from the City Attorney on whether letters sent to a commission are public information. The City Attorney noted that unless the letter was relating to something confidential, it is public information and should be made available at the meeting.

The Commissioners also asked for clarification on whether they could speak at other commission meetings. The City Attorney said that they could, however it must be made clear whom they are representing. She suggested designating a representative, which would need to be done at a prior meeting by vote. Spokespersons are allowed 15 minutes to talk.

The City Attorney suggested using caution when communicating by emails and blogs, and Commissioner Haughey asked if a commissioner could

serve on two commissions. The City Attorney said no. The City Attorney also gave an overview of the Code of Conduct handout and discussed the Public Records Act. She explained that you have ten days to respond to records requests. The City is trying to post as much information as possible on the City's website so that the public can access it. She also noted that each board should maintain a public correspondence file for one year.

**V. CONSENT CALENDAR**

**A. Approval of Minutes of February 23, 2012**

On motion of Commissioner Haughey, seconded by Commissioner Van Landschoot, the minutes of the February 23, 2012 meeting were approved by the following vote:

Ayes: Commissioners Haughey, McKee, Taagepera, and Van Landschoot  
Noes: None  
Absent: Chair Crompton  
Abstain: Commissioners Delgado and Trumbly

**VI. REGULAR AGENDA ITEMS**

**B. 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.

Staff presented this item to the Commission and explained that the applicant is requesting to make a change to his design review application to include a new flue vent. Staff is not concerned with this non-substantive change as presented and is willing to put it in front of the Commission for approval. It was noted that the laundry room addition was performed prior to obtaining a building permit.

The applicant gave an overview of the events that occurred during the process to obtain what he thought was his building permit. He contends that he was just following staff direction when he went ahead and started construction. He presented to the Commission what he thought was his building permit.

Staff gave an explanation of the conversation that took place between the Public Works and Community Development Director and the applicant. Staff clarified that the applicant paid for a plan check, not a permit. Some of the Commissioners expressed concern that the proper process was not followed.

Commissioner McKee indicated that had this project been presented before it was started, he would have likely voted for approval. He also indicated that since the laundry room addition was engineered, and the walls were left open so the work could still be inspected, he was fine with their design review. The Commissioners decided that the project is consistent with all of the necessary criteria and approved the design review application.

**RESOLUTION NO. 12-3 (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**

On motion of Commissioner Haughey, seconded by Commissioner McKee, the above resolution was approved for exterior modifications to the rear façade of 153 West E Street and the addition of a new flue vent by the following vote:

Ayes: Commissioners Haughey, McKee, Taagepera, Trumbly, and Van Landschoot  
Noes: Commissioner Delgado  
Absent: Chair Crompton  
Abstain: None

**C. 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.

Staff presented the project to the Commissioners and explained that there will also be two minor roof changes done when the applicant addresses some needed repair work. The applicant would like to change that portion of the roof to match the lines of the existing roof. Overall staff finds the project is consistent with the requirements and staff is recommending approval.

Commissioner Van Landschoot asked for clarification on percentage of lot coverage. Staff explained that the setback dictates what the footprint can be. There is no maximum lot coverage requirement under the Downtown Mixed Use Master Plan.

The applicant offered to answer any questions the Commissioners may have had or provide further clarification on the project. The applicant was asked the amount of the fees he paid to come before the Commission and Commissioner Van Landschoot requested a copy of the City's design review fees from staff. Staff also pointed out that the fees are posted on the City website. The Commissioners had no further questions and congratulated the applicant on a great project.

Commissioner Delgado made a suggestion to the applicant on the design of the back of the house. His suggestion was to remove one of the two gables. Commissioner McKee was fine with the design as it was and Vice-Chair Taagepera believed the project was consistent and looked good.

A motion was made by Commissioner Delgado to approve the project as it was presented except for that portion of the roofline on the east façade

where he suggested constructing a hip. No second to the motion was made.

**RESOLUTION. 12-4 (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)**

On motion of Commissioner Van Landschoot, seconded by Commissioner Trumbly, the proposed resolution approving the design review and addition to the existing residential structure located at 141 West F Street, along with allowing the applicant to make the design changes to the roof line on the east façade suggested by Commissioner Delgado should they decide to do so, was approved by the following vote:

Ayes: Commissioners Delgado, Haughey, McKee, Taagepera, Trumbly, and Van Landschoot  
Noes: None  
Absent: Chair Crompton  
Abstain: None

**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.

Staff explained that the Demolition Ordinance and listing process is being discussed in order to address concerns that have been expressed by the Commissioners over the past few years and also as a directive from Council. Staff is anticipating receiving comments and suggestions from the Commissioners and then would like to redraft the ordinance and bring it back to the Commission at the next regularly scheduled meeting.

Commissioner Haughey would like clarification on who has the authority to make the decisions on demolition. The ordinance seems to be inconsistent to her because in some places the decision seems to rest with the Community Development Director and at other times it seems to be the responsibility of the Commission.

Commissioner Van Landschoot would like staff to look at the formatting of the ordinance for consistency. Staff will revise the format and will also remove the underlines and strikeouts so it is easier to read.

Dana Dean explained that she was in attendance at the meeting on behalf of Amports. Ms. Dean had several concerns with the current ordinance. Some of those concerns included inconsistent references, the demolition issue as a whole, the issue of notice to property owners, the differing environmental review references, the level of environmental review and the designation of properties.

The Commissioners agreed to take the existing ordinance home to spend more time reviewing it. They also agreed to bring their comments and suggestions back to the Commission and suggested having another workshop.

Dana Dean also agreed to put her comments in writing and give them to staff.

**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.

Staff explained that at the February 23, 2012 meeting the Commission began reviewing the Priority List of Discussion Items. To better facilitate the discussion, staff restructured and regrouped the list in order to help the Commission decide what to focus on and what to go forward with.

On the list under Discussion Topics, it was decided that Definitions of "repair", "emergency", and "minor" would be merged with Title 17.54 to make a new Priority Item 2, Disclosure on Historic District Properties would be moved to Priority Item 1, Informational Brochure on Historic Districts would be Priority Item 3 and Preservation of Historic Sites would be Priority Item 4.

On the list under Historic Context Recommendations the Update to Downtown Historic Conservation Plan was merged with Priority 1 on

Strategic Plan Projects as number 5 on the list and the Historic Inventory Survey & Update to Conservation Plans under Historic Context Recommendations was moved to number 5 under Discussion Topics. The remaining survey items under Historic Context Recommendations were removed from the list entirely.

## **VII. COMMUNICATIONS FROM STAFF**

### **A. UPDATE ON MILLS ACT CONTRACT INSPECTION AND COMPLIANCE REPORT**

As a follow up to the Commission's request at the February 23, 2012 meeting, staff provided an update on the properties that were out of compliance with their Mills Act agreements. Staff contacted the three property owners and had the following information to report:

- Due to budgetary constraints, the Union Hotel has not been able to replace their windows. Staff worked with the property owner to bring them into compliance.
- 145 East I St. is now in compliance.
- 441 West J Street ended up restructuring their program themselves without communicating with staff. They completed items that were scheduled for the end of their contract first. They are now in compliance and will be replacing the windows on the front side of the house this year.

### **B. UPDATE ON THE CURRENT MILLS ACT PROGRAM BUDGET**

Staff reported that the costs for last year were \$27,000, which is under the \$35,000 cap. There is still money left if people want to apply. She also mentioned that the DHCP Map has been updated and the inaccuracies were addressed. After clarifying the situation with the County Assessor's Office, staff has revised the methodology used for determining lost revenue to the City. This revenue is now more accurately described since it is now based on the lower of the County's three assessment values (fair market value, Proposition 13, Mills Act).

## **VIII. COMMUNICATIONS FROM COMMISSIONERS**

Vice-Chair Taagepera welcomed the new commissioners.

## **IX. ADJOURNMENT**

Vice-Chair Taagepera adjourned the meeting at 9:45 p.m.