

BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

CITY HALL COMMISSION ROOM

REGULAR MEETING AGENDA

Thursday, March 25, 2010

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 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 council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN

B. PUBLIC COMMENT

IV. 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 25, 2010

B. TANNERY BUILDING – COLOR FOR ENTRANCE DOORS ALONG FIRST STREET

09PLN-01 Design Review

127 First Street; APN 89-24050

PROPOSAL:

Pursuant to Condition No. 15 of Historic Preservation Review Commission (HPRC) Resolution No. 09-13, which approved new entry doors along First Street, the applicant requests HPRC review and approval of the proposed paint color for the new doors.

Recommendation: Review and approve paint color for new entrance doors along First Street for an existing building located at 127 First Street.

V. REGULAR AGENDA ITEMS

A. LOWER ARSENAL MIXED USE SPECIFIC PLAN AND EIR

LOCATION:

The Lower Arsenal is generally bounded by lands adjoining I-780 on the north, lands adjoining I-680 on the east, Port of Benicia land and the Carquinez Strait on the south, and residential neighborhoods extending into downtown Benicia on the west.

PROPOSAL:

The Specific Plan for the Lower Arsenal site, which is designated for mixed uses in the Benicia General Plan, covers four distinct zones, each of which exhibits a unique physical character. The Specific Plan includes a form-based code to shape future development on the project site, with primary emphasis on the physical form and character of new development. After build-out of the Specific Plan, the area could contain approximately

741,865 square feet of mixed uses, 22 new single-family residential units, and 6.39 acres of open space. The Specific Plan area currently contains approximately 525,000 square feet of mixed uses. The Draft Specific Plan is available for public review at the City's Public Works & Community Development Department or on the City's website at www.ci.benicia.ca.us.

Recommendation:

Make a recommendation to the Planning Commission and the City Council regarding certification of the Environmental Impact Report and adoption of the Lower Arsenal Mixed Use Specific Plan.

VI. COMMUNICATIONS FROM STAFF

VII. COMMUNICATIONS FROM COMMISSIONERS

VIII. 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 Valerie Ruxton, 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 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 Community Development Department during regular working hours. 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 Community Development Department's office located at 250 East L Street, Benicia, or at the meeting held in the City Hall Council Chambers. If you wish to submit written information on an agenda item, please submit to Gina Eleccion, Management Analyst, as soon as possible so that it may be distributed to the Historic Preservation Review Commission.



**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION
CITY HALL COMMISSION ROOM
REGULAR MEETING MINUTES**

**Thursday, February 25, 2010
6:30 P.M.**

I. OPENING OF MEETING

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

Present: Commissioners Crompton, Donaghue, Mang, Taagepera, White and Chair Haughey
Absent: Commissioner McKee (excused)

Staff Present:
Charlie Knox, Director
Gina Eleccion, Management Analyst
Raquel Walsh, Recording Secretary

- C. Reference to Fundamental Rights of Public** - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

II. ADOPTION OF AGENDA

On motion of Commissioner Crompton, seconded by Commissioner Donaghue, the agenda was adopted by the following vote:

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

III. OPPORTUNITY FOR PUBLIC COMMENT

- A. WRITTEN**
None

B. PUBLIC COMMENT

None

IV. CONSENT CALENDAR

Commissioner Taagepera asked that the following changes be made to the HPRC Minutes of January 28, 2010: The Commissioners’ request for the removal of “Training for Secretary of Interior of Standards” from the priority list and the addition of “Discussion of Downtown Mixed Use Master Plan” to the priority list created by staff.

On motion of Commissioner Taagepera seconded by Commissioner Crompton, the Consent Calendar was adopted, with changes to the minutes as noted above, by the following vote:

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

A. Approval of Minutes of January 28, 2010

V. REGULAR AGENDA ITEMS

A. LOWER ARSENAL MIXED USE SPECIFIC PLAN AND EIR - WORKSHOP

Workshop to provide an overview of the project and direction to the Historic Preservation Review Commission and their required action.

LOCATION:

The Lower Arsenal is generally bounded by lands adjoining I-780 on the north, lands adjoining I-680 on the east, Port of Benicia land and the Carquinez Strait on the south, and residential neighborhoods extending into downtown Benicia on the west.

PROPOSAL:

The subject of the workshop is a Specific Plan for the Lower Arsenal site, which is designated for mixed uses in the Benicia General Plan. The Specific Plan covers four distinct zones, each of which exhibits a unique physical character. The Specific Plan includes a form-based code to shape future development on the project site, with primary emphasis on the physical form and character of new development. After build-out of the Specific Plan, the area should contain approximately 741,865 square feet of mixed uses, 22 residential units, and 6.39 acres of open space. The Specific Plan area currently contains approximately 525,000 square feet of mixed uses. The Draft Specific Plan is available for public review at the City’s Public Works & Community Development Department or on the City’s website at www.ci.benicia.ca.us.

Recommendation:

Hold a workshop to review the project history and provide direction to the Historic Preservation Review Commission regarding action to be taken at its March 25, 2010 meeting.

At the March 25, 2010 meeting, the Commission will be tasked to make a recommendation to the Planning Commission and the City Council regarding certification of the Environmental Impact Report and adoption of the Lower Arsenal Mixed Use Specific Plan, including modification of Specific Plan Action 4.6.2 to prohibit granting of City permit for alteration of any structure in the Plan area more than 50 years old until the Lower Arsenal historic resource inventory has been updated.

A letter with accompanying Table of Comment and Responses and a bullet point/questions page was submitted by Belinda Smith with regards to the Lower Arsenal Specific Plan. It was noted previous documents had been submitted in December. John Van Landschoot submitted comments.

Charlie Knox began the workshop by explaining that work on the Lower Arsenal Mixed Use Specific Plan began over four years ago and it has been in the last three years that the draft plan has moved forward. He noted that HPRC should have been more involved from the beginning and acknowledged that the plan could better incorporate the Secretary of Interior Standards. He referred to the letter submitted by Belinda Smith indicating that she did a stellar job detailing discussion points and found it to be a very useful resource. He also stated that it is the job of staff to help the HPRC reach a greater level of understanding of the plan in order to be able to make a recommendation to the Planning Commission and City Council.

The Commissioners continued by posing various questions to Charlie Knox in which several issues were covered, including: Re-circulated sections of the Lower Arsenal Plan Draft; architectural review of existing and new construction properties; guidance on what sections of the Plan to focus on; impacts to the Lower Arsenal District and attention to sub-districts; the consideration of the General Plan when making recommendations for the Lower Arsenal Specific Plan.

Commissioner Taagepera pointed out editing issues with the text of the second recirculation of the Draft EIR, including the bullet points on page three. She questioned why items on pages 82, 86 and 87 once considered significant were now considered less than significant, noting difficulty following those changes. She opposed the deferral of certain mitigation measures. Charlie Knox explained that it is within the Commission's purview to recommend changes to the mitigation measures.

Chair Haughey inquired if there is a possibility of not adopting the Specific Plan. Charlie Knox answered that it is possible, but added that this is a major opportunity to reinvest in the Arsenal and staff's recommendation is to adopt the plan. Chair Haughey opened up the discussion to the public for comment.

Belinda Smith, 347 Goldenslopes Court- She spoke about the National Register of Historic Places and questioned what is considered the historic district. She spoke about District C and indicated that Sub-Districts A & B are not part of the analysis in the Specific Plan. In addition, she spoke about CEQA guidelines, defining district boundaries, character defining features of each district and her concern with the potential impact to the integrity of the Lower Arsenal with regard to the Secretary of the Interior Standards.

Kitty Griffin, Benicia Resident- She inquired as to whether it would be appropriate to re-write the descriptions of each district. Charlie Knox explained that the Commission could make a recommendation to do so.

Kathleen Olson, Benicia Resident- She suggested an analysis of the occupants and businesses at the live/work studios in the Lower Arsenal be conducted to help determine the use, and how to measure that use with regard to the Arsenal Specific Plan.

Steve Goetz, Benicia Resident- He spoke about mitigation monitoring reporting programs. He requested that the architectural historian or preservation architect be identified who worked on the Draft EIR.

John Van Landschoot, Benicia Resident- He made the suggestion of adding in height and mass limits into the Arsenal Specific Plan. Chair Haughey indicated that the height limits are listed. Charlie Knox added that the issue is how wide or the size of the footprint a structure may have. John Van Landschoot also asked that Director Knox give the Commission information with regard to the DTSC and the Army Corps of Engineers on their analysis and efforts. Charlie Knox indicated that he hoped that the two agencies were starting to work together, but noted a December 2009 newsletter received by the Army Corps of Engineers stating that the “job in the Lower Arsenal is complete”. He continued that letters from Council have been submitted to legislators to bring this issue to light.

Richard Bortolazzo, Benicia Resident- He inquired as to where the pollution is located that the Army Corps of Engineers investigated. Charlie Knox explained that it has migrated down to where the blacksmith shop was once located. He also indicated that it exists at the corner of Park and Adams streets. Richard Bortolazzo indicated that the Arsenal Specific Plan makes the process unintelligible, and makes it confusing to property owners and developers. He added that if rational development is not allowed, the Arsenal would remain the way it is today, with no tourist traffic.

Jim Wallace, Benicia Business Owner- He indicated that two to five people visit his 2400 sq. ft headquarters building each week to inquire about the historic buildings in the Arsenal. He suggested that a kiosk be available in the building of his business to give interested visitors more information. He also spoke about his experience working with the Army Corps of Engineers.

Mark Hajjar, Benicia Resident- He spoke about the current economy, noting that if uses for the Arsenal are limited, then the area has less of a chance to grow. He suggested keeping the door open as wide as possible to allow growth.

Kitty Griffin, Benicia Resident- She suggested the Arsenal could be considered historic ruins and a museum setting would be appropriate.

Richard Bortolazzo, Benicia Resident- Indicated that the City has damaged the Arsenal and it is beyond repair making it impossible to do anything in the area.

Belinda Smith, 347 Golden Slopes Court- She indicated that the Arsenal Specific Plan makes the assumption that a single developer will come in with one big plan.

Bob Whitehead, Benicia Resident- He explained that another option (option 2A- “Senior Housing”) has also been submitted for approval. Charlie Knox added the Commission could recommend another alternative.

Steve Goetz, Benicia Resident- He suggested that modifications should be made to the environmental impact report, and he referred to a letter submitted by he and Belinda Smith at the December 17, 2009 HPRC Meeting.

Commissioner Taagepera inquired as to what development can be built now vs. Arsenal Specific Plan implementation with regards to Jefferson Ridge. Charlie Knox explained Jefferson Ridge could support more development based on the current General Plan and existing zoning.

Chair Haughey called for a break at 8:35 pm. The meeting reconvened at 8:46 pm.

Chair Haughey asked for a summary from Director Knox. Charlie Knox suggested the Commission come back prepared to make a recommendation to the Planning Commission and City Council at the next meeting. He asked the Commission to review options and select the preferred plan or alternative.

VI. COMMUNICATIONS FROM STAFF

Gina Eleccion announced the Historic Context Project is continuing and appreciated the input from Commissioners. She also noted that Commissioner Taagepera arranged a trip to Napa to meet with their staff and commissioners regarding their recently development context statement. This was a very informative and useful meeting. She also indicated that there are two additional training sessions by the Napa Historical Preservation Group on March 13 and March 20 and encouraged the Commissioners to attend.

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Taagepera explained that there will be a design review and development meeting that will be held on March 31 in Monterey. She opened up the discussion for a similar meeting to be held closer to Benicia and indicated that she could approach other local agencies to gauge interest. Chair Haughey offered her assistance and the Commissioners briefly discussed cost for the meeting.

VIII. ADJOURNMENT

Chair Haughey adjourned the meeting at 8:57pm

AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION: MARCH 25, 2010
CONSENT CALENDAR

DATE : March 19, 2010

TO : Historic Preservation Review Commission

FROM : Lisa Porras, Senior Planner

SUBJECT : **TANNERY BUILDING - COLOR FOR ENTRANCE DOORS**
ALONG FIRST STREET

PROJECT : 09PLN-01 Design Review
127 First Street
APN 089-244-050

RECOMMENDATION:

Review and approve paint color for new entrance doors along First Street for an existing building located at 127 First Street.

SUMMARY:

Pursuant to Condition #15 of Historic Preservation Review Commission (HPRC) Resolution No. 09-13, which approved new entry doors along First Street, the applicant requests that HPRC review and approve the proposed paint color for the new doors.

Painted color sample will be on display during the HPRC hearing of March 25, 2010.

ATTACHMENT:

- Resolution No. 09-13 (HPRC)
- Photo of proposed paint color

RESOLUTION NO. 09-13 (HPRC)

RESOLUTION NO. 09-13 (HPRC)

A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW OF A NEW PATIO WINDSCREEN AND WALL, REFUSE STORAGE AREA, AND NEW ENTRY DOORS ALONG THE EAST ELEVATION AT THE TANNERY BUILDING LOCATED AT 127 FIRST STREET

WHEREAS, John R. Hernandez has requested Design Review approval for a new outdoor patio windscreen and wall, redesigned refuse storage area, and new entry doors along the east elevation at the Tannery Building at 127 First Street; and

WHEREAS, the Historic Preservation Review Commission at a regular meeting on July 23, 2009 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 approves the new outdoor patio windscreen and wall, redesigned refuse storage area, and new entry doors along the east elevation at the Tannery Building; and

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission finds that:

- a) The proposed development is consistent with the objectives and the applicable provisions of Title 17 of the Benicia Municipal Code and the Downtown Historic Conservation Plan;

The proposed modifications are consistent with Policies 1, 2, 4, 5, and 6 of the Downtown Historic Conservation Plan, and Section 17.70.200.

- b) The location and configuration of the proposed changes are visually harmonious with their site and with surrounding sites and structures, and do not unnecessarily block scenic views from other buildings or public parks or dominate their surroundings to an extent inappropriate to their use;

Proposed changes are satisfactory and do not impact or dominate surrounding sites, and features, or views.

- c) The architectural design of the proposed changes, their materials and colors are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located;

Materials and colors selected for new doors and windows along First Street, the redesigned trash enclosure, the new outdoor patio windscreen and wall would not impact or overwhelm the features of surrounding development.

- d) The proposed modifications and the proposed conditions of approval are consistent with the Downtown Historic Conservation Plan and 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 project, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city;

The proposed modifications are consistent with Policies 1, 2, 4, 5, and 6 of the Downtown Historic Conservation Plan, and Section 17.70.200 of the Municipal Code.

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

1. This approval applies to the replacement and installation of new doors and windows along First Street as shown on the elevation date stamped July 9, 2009 submitted by John Hernandez, consisting of four sheets marked Exhibit A, attached to this decision of record on file with the Community Development Department.
2. This approval also applies to the redesigned trash enclosure, and the new outdoor patio windscreen and wall as shown on the plans date stamped July 13, 2009 submitted by John Hernandez, consisting of five sheets marked Exhibit B, attached to this decision of record on file with the Community Development Department.
3. The plans submitted for the building permit and development and construction shall substantially comply with the plans specified in conditions 1 and 2 above, on file with the Community Development Department, except as modified by the following conditions.
4. All conditions from previous Resolutions, including HPRC 09-6, HPRC 09-2, and HPRC 08-3 shall remain in effect.
5. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
6. Any alteration of the approved plans, or of conditions listed herein, including substitution of materials, shall be requested in writing and reviewed by the Historic Preservation Review Commission prior to changes being made in the field.
7. A sign program shall be prepared, consistent with the Sign Ordinance as provided under Title 18 of the Benicia Municipal Code and consistent with applicable guidelines listed in the Downtown Historic Conservation Plan, and presented to the Historic Preservation Review Commission for review and approval prior to issuing any sign permits for any tenant of the entire building.
8. The new windscreen shall be made of tempered glass with metal framing in a tan color that matches the windows frames on the south façade and shall be 10 feet tall.

9. The new wall along the south property line shall be 10 ft. tall and offset from the existing brick wall a minimum of 3 inches to the south. Materials for the north side of the wall that faces the outdoor patio shall be brick veneer (integral color) over concrete block. Materials for the south side of the wall that faces Captain Blyther's Restaurant shall be smooth stucco, with two coats, painted offwhite.
10. Materials for the new wall enclosing the trash area shall be brick veneer (integral color) over concrete block on all four sides.
11. The roof covering the trash area shall be of composition shingle in a hunter green color. In addition, the doors to the trash area shall be painted hunter green.
12. New doors along the east façade of the Tannery shall be manufactured by T.M. Cobb, in the High Performance Unit models consisting of French doors with full lite grids, in unfinished wood painted in a tan color.
13. The applicant shall be required to apply for and receive a decision on a Tree Removal Permit for the existing tree along the fence line, prior to receiving building permits.
14. Prior to issuance of building permit, all construction plans shall be reviewed by the Community Development Director, or designee prior to receiving a building permit.
15. The following materials shall be brought back to the Historic Preservation Review Commission for review and approval prior to issuance of a building permit:
 - a. Materials for the new patio wall, which includes samples of the brick veneer and a painted stucco sample.
 - b. Materials for the trash area roof, including a sample on the composition shingles in a hunter green color.
 - c. Actual paint swatches for all painted areas.
16. Construction activities shall meet all municipal code requirements for hours of operation. Construction equipment shall be adequately muffled and controlled. These requirements shall be made a condition of all related contracts for the project.
17. 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.

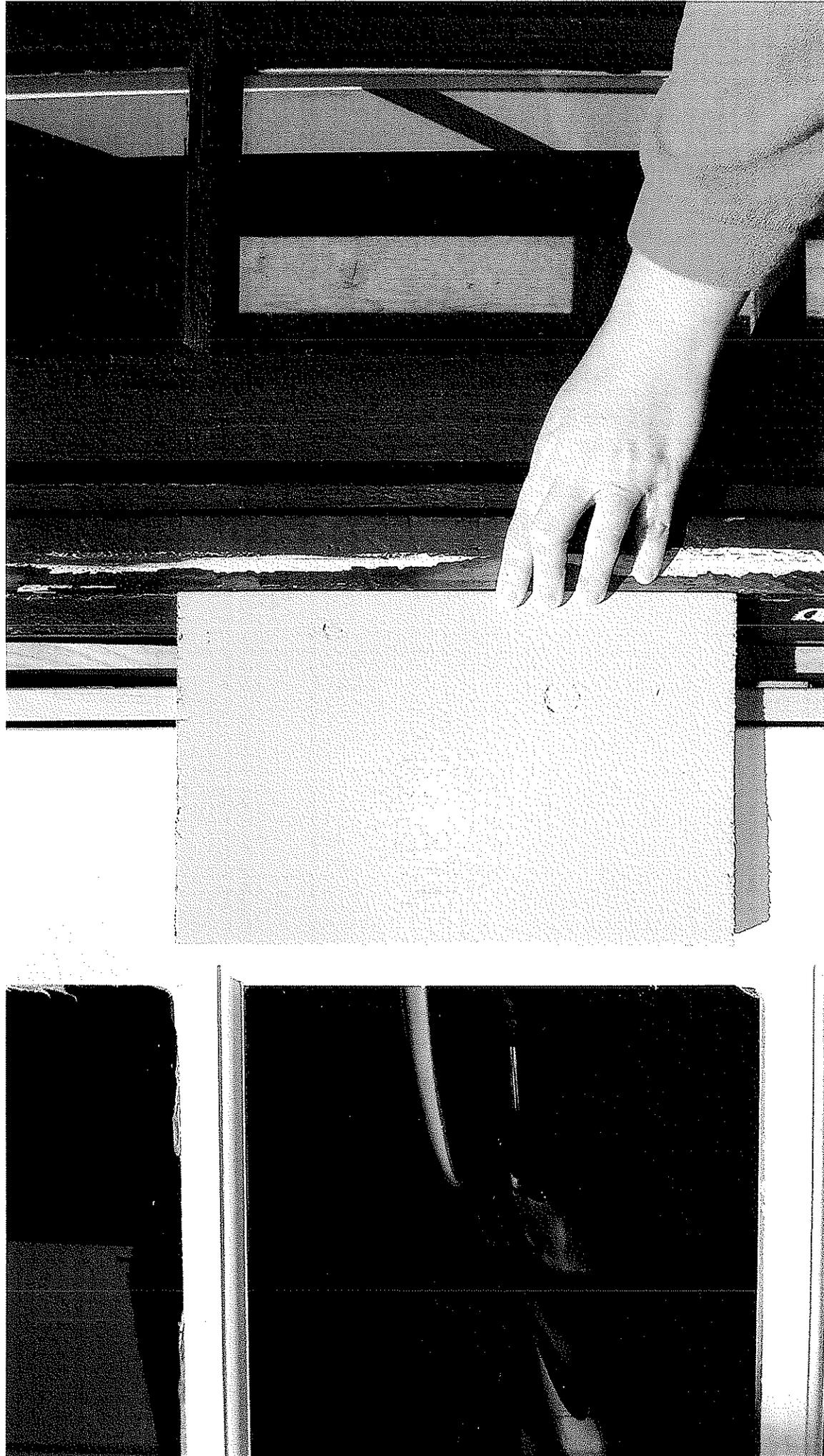
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On motion of Commissioner White, seconded by Commissioner Haughey, the above Resolution was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on July 23, 2009 by the following vote:

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



Chuck Mang
Historic Preservation Review Commission Chair



Color Sample for New Doors Along First Street,
Pursuant to HPRC Resolution No. 09-13, Condition #15