



BENICIA HISTORIC PRESERVATION REVIEW COMMISSION REGULAR MEETING MINUTES

**City Hall Commission Room
Thursday, March 26, 2015
6:30 P.M.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Haughey, Macenski, McKee, Trumbly,
Van Landschoot, von Studnitz and Chair Delgado
Absent: None

Staff Present: Dan Marks, Interim Community Development Director
Suzanne Thorsen, Associate Planner
Amy Million, Principal Planner/Recording Secretary

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA

On a motion of Commissioner Trumbly, seconded by Commissioner von Studnitz, the Agenda was approved by the following vote:

Ayes: Commissioners Haughey, Macenski, McKee, Trumbly, Van
Landschoot, von Studnitz and Chair Delgado
Noes: None
Absent: None
Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN COMMENT– None.

B. PUBLIC COMMENT- None.

IV. CONSENT CALENDAR

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

Ayes: Commissioners Haughey, Macenski, McKee, Trumbly, Van Landschoot, von Studnitz and Chair Delgado
Noes: None
Absent: None
Abstain: Commissioner McKee (Item IV. C.)

- A. APPROVAL OF MINUTES OF FEBRUARY 26, 2015 REGULAR MEETING**
- B. VON PFISTER GENERAL STORE NOMINATION TO NATIONAL REGISTER OF HISTORIC PLACES**
- C. DESIGN REVIEW FOR A RESIDENTIAL FOUNDATION, ADDITION, AND DETACHED GARAGE AT 470 WEST J STREET, AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA**
15PLN-00009 Design Review
470 West J Street
APN: 0089-031-030

RESOLUTION NO. 15-6 OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING A DESIGN REVIEW FOR A RESIDENTIAL FOUNDITON, ADDITION AND DETACHED GARAGE AT 470 WEST J STREET (15PLN- 00009)

V. REGULAR AGENDA ITEMS

- A. DESIGN REVIEW FOR EXTERIOR ALTERATIONS AND ADDITION AT 130 WEST E STREET, AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA**
15PLN-00006 Design Review
130 West E Street
APN: 0089-174-020

Ms. Thorsen provided an overview of the proposed project.

Commission requested clarification on the DMUMP requirements, landscaping and the existing sign.

Ms. McKee, representative of the architect, provided additional detail on the project.

Public comment was opened.

Jack Maccoun, commented that the story poles were helpful and spoke in support of the project noting the project's protection of the historic character. Recommends that the alley not be improved due to traffic concerns.

Public comment was closed.

The Commission requested clarification on the construction, improvement of the alley and the existing trees.

Commissioner Haughey stated her ex parte communication with the project applicant, Steve McKee, to discuss the view corridor.

Commissioner Van Landschoot made a motion seconded by Commissioner Haughey. Chair Delgado requested that the motion be amended to reflect preservation of the existing trees along the east property line, or replacement as necessary.

RESOLUTION NO. 15-7 OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING A DESIGN REVIEW FOR EXTERIOR ALTERATIONS AND ADDITION TO 130 WEST E STREET (15PLN-00006)

On a motion of Commissioner Van Landschoot, seconded by Commissioner Haughey, the above Resolution was approved with the addition of a condition of approval regarding preserving and/or replacing landscaping, by the following vote:

Ayes: Commissioners Haughey, Macenski, Trumbly, Van Landschoot, von Studnitz and Chair Delgado
Noes: None
Absent: None
Abstain: Commissioner McKee

Commissioner Haughey stated her abstention on the Items V.B and V.C and recused herself.

Commissioner McKee returned to the meeting.

B. DESIGN REVIEW FOR MODIFICATION OF FRONT ENTRANCE, INCLUDING REPLACEMENT OF FRONT DOOR AT 122 EAST J STREET, AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA

15PLN-000013 Design Review
122 East J Street
APN: 0089-051-160

Ms. Thorsen provided an overview of the proposed project.

The Commission requested clarification on the history of the project.

Fred Railsback, applicant on behalf of St. Paul's Church, discussed prior repair and rehabilitation of the Church's buildings, funding resources for the rehabilitation work they have completed, the functionality of the buildings, purpose of the modifications, and design of the door which was installed at the time of siding replacement in 2014.

The Commission requested clarification on the modification to the door and the replacement of other doors on the property.

Larry Houseman, contractor, spoke regarding the history of work on the building and provided additional detail.

The Commission requested clarification on the scope of a prior building permit for siding replacement, shutters on the door and windows as shown in the HABS photographs, and the new door on the Rectory.

Public comment was opened.

Jack Maccoun stated that the proposed door is the wrong door for the building and recommended a wood door. He stated that the fiberglass door would set a bad precedent for the district.

Potts Cahill spoke on the history of the rectory building and the changes made to the exterior that have negatively impacted the building's historic integrity.

A Benicia resident stated that the prior wood door was less than 30 years old and not historic. He questioned whether changing the door really makes a difference and stated the new door is a small part of the building and should be left.

A Benicia resident stated that the church is not a museum, but a highly used facility. He spoke on the purpose and functionality of the door and expressed support for the project.

Angela Fortain, requested clarification on the process for analyzing the door on a highly use building and what the process would be if the door was of an aluminum material, but a compatible design.

Staff provided clarification on the analysis required for the subject proposal.

Jerry Hayes commented on his personal experience with the church and the Historic Preservation Review Commission, stating that the use of alternative materials such as fiberglass is a newer issue. He acknowledged that this was a difficult decision and thanked the Commissioners for their service.

Steve Rodecur stated that the church is very busy and described changes to doors on the church campus under a prior design review approval. The purpose of the new door on the Rectory is to make the church more accessible.

The Commission requested clarification on the previous approvals for the modification to the church, historic status, entry, use permit requirements, window material and precedents.

The Commission commented on the historic status, work completed without a permit, material, style of the building, appropriateness of the door, maintenance of wood doors, width of the door.

RESOLUTION NO. 15-8 OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA DENYING A DESIGN REVIEW FOR MODIFICATION OF FRONT ENTRANCE, INCLUDING REPLACEMENT OF FRONT DOOR AT 122 EAST J STREET (15PLN-00013)

On a motion of Commissioner Van Landschoot, seconded by Commissioner Trumbly, the above Resolution was approved by the following vote:

Ayes: Commissioners Macenski, McKee, Trumbly, Van Landschoot, von Studnitz and Chair Delgado
Noes: None
Absent: None
Abstain: Commissioner Haughey

C. STATUS OF MILLS ACT PROGRAM

Ms. Million provided an overview of the program, points of discussion and staff's recommendations.

The Commission requested clarification about cancellation of contracts, annual inspections, subsequent owners who purchased a house with a Mills Act already in place, whether Mills Act has increased the designation status of a property, revenue loss in contrast to overall General Fund, and requirements for maintenance, concentration of contracts by location and style.

Jack Maccoun - Mills Act contract holder, stated the cost to city does not account for increased tax revenues as a result of Mills Act and making the town more desirable "a rising tide lifts all boats".

A Benicia resident stated he moved here due to Benicia's charm and character and respect that the community has for its history. Agrees with Jack Maccoun. He moved from Manhattan Beach that had changed over time due to developers who demolished historic building stock and built larger new homes.

Karen Hamilton – Mills Act contract holder, described original condition of Frisbee-Walsh home. She described the investments over time to restore the home and the benefits to the city of well-maintained historic homes.

Michael Navas – Mills Act contract holder, described his appreciation of his historic home and noted that Mills Act was the reason he purchased the home. The house requires maintenance as well as new projects, and his goal is for the home to stand for hundreds of years.

Judy Delgado - Mills Act contract holder, described the condition of her home at the time of purchase and the work that has gone into rehabilitation as well as maintenance. She stated that the savings on Mills Act are appreciated and do not cover the cost of maintenance. Feels that nonrenewal is unfair treatment of contract holders given the value of individual investments in historic properties in terms of preservation, tourism, schools, community and other areas.

Dadane Lane - Mills Act contract holder, described the commitment to owning an older home and appreciation for the diversity of the homes in the neighborhood.

Bill Venturelli - Mills Act contract holder, stated that participation in Mills Act has helped to pay for the cost of restoration to the home, which had suffered deferred maintenance. He expressed concerned about destroying the community's reputation for historic preservation.

Dave Delgado - Mills Act contract holder, noted that lots of time and effort goes into maintaining and restoring historic homes and the pride that people take in their homes is noticeable. Maintenance of a historic home is a ten-year cycle.

Toni Haughey - Mills Act contract holder, described the history and accomplishments of historic preservation in Benicia since 1998 and her experience as a Realtor. She stated that canceling contracts is a step backwards and if contracts are cancelled, people should not be required to continue with work plans. The City budget is \$30 million, the financial commitment to Mills Act is \$35,000. Property value increases due to the program bring money to the city. HPRC is charged with protecting the City's historic resources. Stated that maintenance contracts are part of the program and some of the maintenance holders did their work before entering the program. Maintenance results in long-term preservation. There is almost no history of canceling Mills Act contracts statewide.

Jose Coelho - Mills Act contract holder, commented that work visible from the street does not reflect investments on the interior. Many of the contract holders are older and rely on maintenance contract to help pay for building systems and repairs in retirement. He is in favor of letting additional people into the program because it is a city of historic homes, but should not penalize those that have already joined.

Crystal DiStefano - Mills Act contract holder, discussed the condition of her home at the time of purchase and described the work that was done to restore it over time. She expressed gratitude for the Mills Act program to enable the work that has been done and commented on the deterioration of paint over a short period of time.

Jon Van Landschoot - Mills Act contract holder, described the efforts to establish the Mills Act in Benicia. The program represents the City's commitment to repairing the stock of its historic buildings. Feels insulted by the \$35,000 limitation in the context of the City's budget. No City has ever re-thought the program in the way proposed by staff. The money spent under the program goes into the community. The City is getting a good deal out of the Mills Act Program. Agrees that the program should have better guidelines about requirements for contracts.

Patrick Ward - Mills Act contract holder, stated that contracts guarantee preservation and provide control over continued maintenance. Staff's recommendation in the staff report is in conflict with General Plan to maintain historic character of Benicia, and 74% of cost of Mills Act is paid for by the state. He also described his expenses/direct contributions of approximately \$200,000 to the local economy for design and contracting work on the home as well as indirect benefits through local spending, increased property tax, and heritage tourism. He stated that the only logical choice for the Commission is to suggest increasing Mills Act contracts, not terminating them. Annual costs for maintenance far exceed annual savings. Maintenance is often the first thing to go when there is no money available to do so. The Mills Act is the one tool available to the HPRC to actively promote historic preservation. Curious to know about tax escalation upon nonrenewal.

Tom Carroll stated that consideration should be given to the effectiveness of program to promote the city. Benicia is differentiated by the historic downtown and Arsenal. He noted that the consultant expenditures to market the downtown far exceed the annual commitment from the City for the Mills Act program and the Mills Act program is a great bargain for the tax dollar.

Leann Taagepera - Mills Act contract holder, stated that she spoke with Office of Historic Preservation, Solano County Assessor and reviewed other communities' programs. She commented that owning a historic home is stressful and expensive and all repairs are custom and require specialists. She stated her appreciation to the Commission for allowing for extensive public comment adding that there is value in staff reaching out to the community before recommendations are made and she is unclear on what problem is being addressed by the staff report. She stated that a CLG that professes to support historic preservation should not cancel contracts. She recommended that the City not issue a notice of non-renewal to any contracts as there are serious financial ramifications to property owners in cost of home and planning projects. She thinks that this item should have been considered after the new Community Development Director starts next week and recommends increasing program or finding other ways to cut costs, such as inspecting every five years vs. every year.

Judy Delgado stated that participants entered into contracts willingly and have lived up to the obligations and requests that the City live up to its commitments.

Melani Arment, Mills Act contract holder, stated that she agrees with those who have spoken before her, non-renewal of contract that increases taxes will impact maintenance, realtors, prospective buyers and visitors to Benicia will complement her home, which has been preserved due to the Mills Act.

Jon Van Landschoot stated that if property owners cannot do maintenance work, it will be done by local contractors and go back into the local economy.

The public hearing was closed.

Commissioner Macenski acknowledged that staff is directed to look at the program and appreciates the analysis. He does not support a mechanism that would diminish or discourage preservation, but seeks a more effective mechanism to do that. He recommends that increasing exposure to the program or its benefits should be considered. For example, dispersing contracts more evenly across the district or tying new building permits to funding for additional Mills Act contracts (one for one or a ratio of new permits to Mills Act contracts).

Commissioner McKee commented that the \$35,000 does not seem to be the issue. He suggested improvements to establish criteria for work plans; being more responsive to shirking on maintenance; agrees with annual inspections to hold contract owners accountable; expanding allowable number of contracts but moving away from the fiscal threshold which is a moving target.

Commissioner Trumbly provided some personal history on her move to Benicia. She described the benefits of the programs, stated that non-renewal should not be pursued, and that the program should be expanded. She recommended criteria for houses that enter into the program and allowing maintenance-only after completion of a work program.

Chair Delgado commented that the program should be expanded to 50 contracts and disagrees with discontinuing or scaling back the program. He commented on the cost of this program pales in comparison to other public benefits such as recreation programs and recommended that the City should study the benefits of the program on the back end. He stated some of the new contracts for maintenance were granted to homes for which major work had already been completed.

Commissioner Macenski stated that he wants to see the problem be solved only once. If a threshold of 50 Mills Act Contracts is set, there should be a mechanism by which the program automatically expands.

Ms. Million summarized the Commissioners' feedback:

- Disperse among building types or through the districts.
- Building permits for new residences tied to expansion of the program (for example, 1 new home equals 1 new contract).
- Criteria for future work plans and more detail on work items to be completed.
- More enforcement on noncompliant contracts.
- Supports the annual inspections
- Expanding the program to 50 contracts or more. The Commission does not support non-renewal of contracts.
- Establishing a number of contracts vs. set monetary value
- \$35,000 is a small commitment in the context of the City's budget.
- Deeper dive into the benefits of the program.

D. CLG GRANT APPLICATION - 2015

Ms. Thorsen provided an overview and requested the Commission select or two Commissioner to help in the review of the CLG application.

Commissioners Trumbly and Macenski volunteered and they were supported by the Commission.

VI. COMMUNICATIONS FROM STAFF

Ms. Thorsen introduced Ben Welsh, intern for the Community Development Department.

Ms. Thorsen provided an update on the new Community Development Director, Christina Ratcliffe, who will start on Monday, March 30.

Ms. Million reminded the Commission that the Form 700 is due by March 31.

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Trumbly announced that April 14 starts the Archeology Conference in San Francisco which also focuses on historic preservation. She encourages people to attend.

Commissioner Haughey noted there was a Mills Act webinar from OHP on Wednesday March 26.

Commissioners von Studnitz requested information on funding for the CPF Conference.

Commissioner Van Landschoot requested that staff schedule follow-up discussion about Vallejo's sub-committee process and plaque program.

VIII. ELECTION OF OFFICERS

Ms. Million noted that staff was recommending a change to have the new officer's start at the next meeting. The Commission agreed.

Commissioner Haughey motioned to nominate Commissioner Van Landschoot as Chair and Commissioner Trumbly as Vice-Chair.

Ayes: Commissioners Haughey, Macenski, McKee, Trumbly, Van Landschoot, von Studnitz and Chair Delgado

IX. ADJOURNMENT

Chair Delgado adjourned the meeting at 10:02 p.m.