

# **BENICIA HISTORIC PRESERVATION REVIEW COMMISSION**

## **CITY HALL COMMISSION ROOM**

### **REGULAR MEETING AGENDA**

**Thursday, April 23, 2009**

**6:30 P.M.**

#### **I. OPENING OF MEETING**

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

#### **II. AGENDA CHANGES AND DISCUSSION**

#### **III. OPPORTUNITY FOR PUBLIC COMMENT**

- WRITTEN

- 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.

- Approval of Agenda
- [Approval of Minutes of March 26, 2009](#)
- REGULAR AGENDA ITEMS
- [170 WEST I STREET – NEW 4,564 SQUARE FOOT TWO-STORY HOME](#)

## 09PLN-8 Design Review

170 West I Street, APN: 089-044-030 and 089-044-010

### PROPOSAL:

The applicant requests design review approval to construct a new 4,564 two-story home consisting of three bedrooms, bonus area, exercise area, living room, family room, dining room, kitchen, utility room, and a three-car garage. This project is subject to the development regulations in the Downtown Mixed Use Master Plan. Because the proposed project is within the Downtown Historic District, it is also subject to the Downtown Historic Conservation Plan (DHCP) guidelines for "New Construction" and "Site Improvements."

Recommendation: Approve a new two-story home at 170 West I Street, based on the findings and subject to the conditions listed in the proposed resolution.

- [182 EAST I STREET ADDITION - WORKSHOP](#)
- 09PLN-7 Design Review

182 East I Street, APN: 89-052-090

### PROPOSAL:

The owners of 182 East I Street are requesting preliminary review of their proposal for a rear addition to an existing residential structure. The residence is listed as a Contributing historic structure in the recent survey update of the Downtown Historic Conservation Plan and retains its historic integrity.

Recommendation:

Review the preliminary proposal and provide feedback to applicants.

- **AMENDMENT OF COMMISSION RULES & PROCEDURES**

The Commission will review draft Rules and Procedures.

Recommendation:

Adopt a resolution amending the Historic Preservation Review Commission rules and procedures.

- **DISCUSSION ON FORMATION OF A STANDING SUBCOMMITTEE**

– The Commission will discuss the suggestion by Bonnie Silveria to form a standing subcommittee of the Commission.

- **COMMUNICATIONS FROM STAFF**

- **COMMUNICATIONS FROM COMMISSIONERS**

- **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 agenda and non-agenda 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](http://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, March 26, 2009**

**6:30 P.M.**

**I. OPENING OF MEETING**

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

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

Staff Present:  
Lisa Porras, Senior Planner  
Gina Eleccion, Management Analyst

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

**II. AGENDA CHANGES AND DISCUSSION**

None.

**III. OPPORTUNITY FOR PUBLIC COMMENT**

- A. WRITTEN**  
None.
- B. PUBLIC COMMENT**

Bonnie Silveria, Benicia Historical Society – Requested an agenda item to discuss the possibility of having a standing committee between the HPRC and Historical Society.

**IV. CONSENT CALENDAR**

Commissioner Taagepera requested that Item IV-B be pulled for discussion.

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

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

**A. Approval of Agenda**

**B. Approval of Minutes of February 26, 2009**

Commissioner Taagepera noted that the Commission had requested a definition of minor vs. repair and that is not reflected in the minutes. In addition, Commissioner Taagepera requested additional clarification regarding the CLG commissioner qualifications. Under Communications from Commissioners, the first two items were discussed and the third and fourth will be agendized at a future meeting. Commissioner White requested clarification on his recommendation that Steve McKee work with Bonnie Silveria to identify the historic elements of the Tannery.

On motion of Commissioner White, seconded by Commissioner Donaghue, the Minutes of February 26, 2009 were approved, as amended, by the following vote:

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

**V. REGULAR AGENDA ITEMS**

**A. 250 WEST H STREET - ADDITION TO EXISTING SINGLE FAMILY DETACHED DWELLING UNIT**

09PLN-5 Design Review  
250 West H Street, APN: 089-111-040

**PROPOSAL:**

The applicant requests design review approval to expand an existing residential building from 2,318 to 3,317 square feet. The applicant proposes to construct an additional 999 square feet at the rear of the building in order to: (1) enlarge the basement; (2) add a new bedroom, bathroom, and sitting room on the first floor, (3) add a bathroom, recreation room and office to the second story. This project is located within the Downtown Historic District and listed as a Contributing Building, thereby subject to the Downtown Historic Conservation Plan (DHCP) guidelines for Historic Buildings for residential building types.

**Recommendation:** Approve a 999 square foot addition to the property at 250 West H Street, based on the findings and subject to the conditions in the proposed resolution.

Commissioner McKee, as the architect for the project, recused himself. Commissioner Taagepera recused herself due to property ownership within 500' of the project. Commissioner Taagepera stated she would like to remain in the room to hear the discussion. Commissioners commented that the Rules and Procedures do not allow it. There was a request to have all meetings televised. Gina Eleccion noted that the City Attorney advised Commissioners to leave the room. If Commissioners choose to stay it is at their own risk. Commissioner Taagepera left the room.

Lisa Porras, Senior Planner, gave an overview of the project. Not only is an addition proposed, but modifications to the windows, chimney, and installation of skylights are also proposed. She noted an error in Condition #1 of the resolution. This should read sheets 1-4.

Commissioners commented on the windows in the plans. In addition, they noted that no DPR form was included in the packet. There are concerns with the windows and skylights. Lisa Porras gave specific information on the existing windows and doors. The applicant will repair the existing, and replace with Marvin, if not possible to repair.

Mallory Wilkerson – She gave a brief history of the property and the project.

The public hearing was opened.

Jon Van Landschoot, 175 West H Street – He noted that he would like full-sized plans available. He would also like to see story poles used to demonstrate the height and massing of the structure. He has concerns with the materials proposed. The front window adds a design feature that was not there. The skylights should not be visible from the street. The windows and doors should all be consistent. The removal of the chimney is an issue, unless it's for safety reasons. He has concerns with the square footage being added.

The public hearing was closed.

Gina Eleccion noted that staff intended to post full-sized plans, but the set is missing from the file. Staff will continue to provide full-sized plans for the public.

Commissioners discussed the project. The issue of skylights visible from the street was raised. There have been projects proposed where the skylights were not approved. The Commission has looked at Marvin double-hung windows in the past. There are concerns with the addition of the front window, particularly the shape of the window. Commissioners commented on retaining the chimney. If the windows and doors are going to be replaced, they should be consistent. Commissioners suggested painting the skylight flashing the same color as the roof. Regarding the fireplace, there are issues with reinforcing the existing material.

Amend conditions:

1. Exclude arched window.
2. Paint skylight flashing the same color as roofing.
3. All replacement windows shall be consistent in design with materials proposed. If divided lites are proposed, they must be true-divided lites.
4. Commissioner Donaghue noted that the incandescent light proposed must either be on a timer or motion-sensored. He would like it to be dark-sky compliant.

**RESOLUTION NO. 09-7 A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR A 999 SQUARE FOOT ADDITION TO AN EXISTING SINGLE-FAMILY BUILDING LOCATED AT 250 WEST H STREET**

On motion of Commissioner White, seconded by Commissioner Donaghue, the above Resolution, as amended, was approved by the following vote:

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

A recess was called at 6:38 p.m. The meeting was reconvened at 6:45 p.m.

**B. COMMISSION RULES & PROCEDURES**

The Commission will discuss current Rules and Procedures and, if necessary, adopt changes.

**Recommendation:** Discuss, review, take public testimony, and amend rules and procedures.

Gina Eleccion, Management Analyst, gave an introduction and overview of this item. She noted that it's important to review and update these Rules and Procedures, but even more important to conduct business based on these rules.

Jon Van Landschoot, 175 West H Street – He commented on the story pole issue. Regarding procedures, he would like to see a defined percentage of increase that would deem something non-historic. He noted that all decisions should be made with the Mills Act in mind.

The public hearing was closed.

Commissioners commented on the priority list of items. Robert's Rules of Order was mentioned. Commissioners commented on the informality of some of its actions. Customer service should be the priority.

Gina Eleccion noted that there's a difference between an informal process vs. an unstructured process. The Commission can provide good customer service while running a structured, professional meeting.

Commissioners commented that they liked the informal process, but could be more structured. Commissioners like the idea of workshops when it will assist applicants in redesigning our projects.

Commissioners reviewed the existing Rules and Procedures and made recommendations for changes. The Commission directed Gina Eleccion to bring back a draft document with their recommended changes.

## **VI. COMMUNICATIONS FROM STAFF**

Gina Eleccion noted that the historic resource inventory was adopted. Staff is focusing on outreach and applying for a CLG Grant. She further noted that May is National Preservation Month and she is working on promoting this. She noted that there is an Arsenal Specific Plan meeting on April 6<sup>th</sup>. There is also a Strategic Plan meeting on March 30<sup>th</sup>.

## **VII. COMMUNICATIONS FROM COMMISSIONERS**

Commissioners questioned the status of the IOOF building. Gina Eleccion noted that Carol Roland is now working for a private firm and is not available to take on this project. Staff is following up on this issue. Commissioner Haughey commented on the possibility of sealing the building. She will get quotes and bring the information to staff.

Commissioners commented that they liked 11 x 17 plans rather than full sets.

Commissioner Taagepera commented on Bonnie Silveria's suggestion of a standing subcommittee. Consensus of the Commission was to agendize this item. Commissioner Taagepera questioned if the demolition ordinance is on an April Council agenda. In addition, she would like follow up on staff trainings. She noted there is a sign program. Gina Eleccion confirmed this is an Economic Development program. In addition, she noted that the Building Department is requiring lighted address signs. Staff will follow up with the Building Department on what the requirements are.

Commissioner Taagepera commented on the memo she submitted. Consensus of the Commission was to add this to the list of discussion items.

Chair Mang commended Gina Eleccion and Bonnie Silveria for their presentations at the March 27<sup>th</sup> Council meeting.

## **VIII. ADJOURNMENT**

Chair Mang adjourned the meeting at 9:40 p.m.

**AGENDA ITEM**  
**HISTORIC PRESERVATION REVIEW COMMISSION: APRIL 23, 2009**  
**REGULAR AGENDA ITEMS**

**DATE** : April 16, 2009

**TO** : Historic Preservation Review Commission

**FROM** : Lisa Porras, Senior Planner

**SUBJECT** : **170 WEST I STREET – 4,564 SQUARE FOOT NEW TWO-STORY HOME**

**PROJECT** : Design Review 09PLN-08  
APN: 089-044-0430 and 089-044-010

**RECOMMENDATION:**

Approve a new two-story home at 170 West I Street, based on the findings and subject to the conditions listed in the proposed resolution.

**EXECUTIVE SUMMARY:**

The applicant requests design review approval to construct a new 4,564 two-story home consisting of three bedrooms, bonus area, exercise area, living room, family room, dining room, kitchen, utility room, and a three-car garage.

This project is subject to the development regulations in the Downtown Mixed Use Master Plan. Because the proposed project is within the Downtown Historic District, it is also subject to the Downtown Historic Conservation Plan (DHCP) guidelines for “New Construction” and “Site Improvements”.

**BUDGET INFORMATION:**

Project approval would not result in any impacts to the City budget.

**ENVIRONMENTAL ANALYSIS:**

This project is Categorically Exempt under Sections 15303 of the State CEQA Guidelines, which applies to new construction or conversion of small structures.

**BACKGROUND:**

Applicant/Owner:	Steven McKee / Joseph Garske, Jr.
General Plan designation/Zoning:	Mixed Use – Downtown / Neighborhood General
Existing use:	vacant lot
Proposed use:	residential
Adjacent zoning and uses:	
North:	Neighborhood General (NG); residential
East:	Neighborhood General (NG); residential
South:	Neighborhood General (NG); residential
West:	Neighborhood General Open (NGO); residential

**SUMMARY:**

**Project Description**

Location

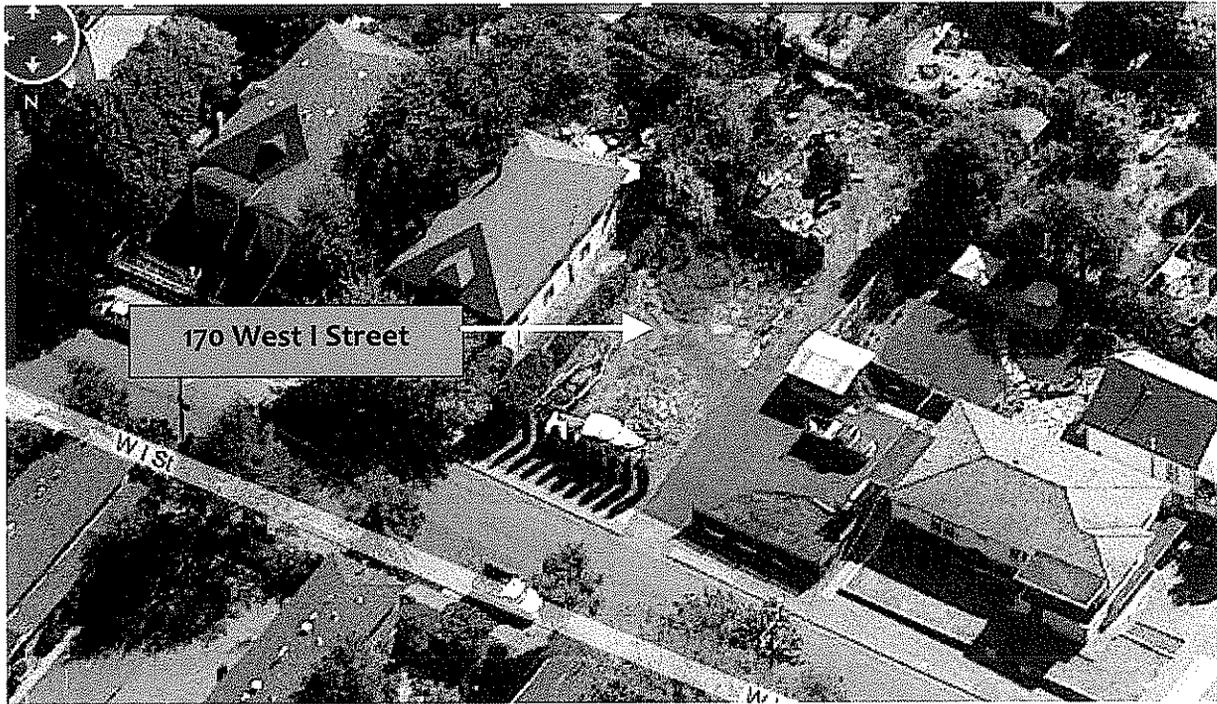
The project site is located on the south side of West I Street as shown in Figure 1 below. The proposed project will be developed on two individual parcels; one parcel is 7,663 square feet and the other is 406 square feet.

Figure 1. Project Map



Figure 2 on the following page shows a bird’s eye view of the vacant lot.

Figure 2. Aerial Photograph of Project Site



Existing Conditions

The vacant parcels together make up 8,069 square feet. Single-family residential detached housing types border the site on all sides. There are ten (10) cypress trees that line the front of the property. Because the applicant proposes to remove these trees, a Tree Removal Permit is required and listed as a condition of approval in the proposed resolution (attached).

Proposed Project – Purpose, Disposition, and Scale

As stated previously, the proposed two-story home consists of three bedrooms, bonus area, exercise area, living room, family room, dining room, kitchen, utility room, and a three-car garage.

The north-facing primary façade would front onto West I Street. Overall, the proposed house is 105 feet long by 38 feet wide and is situated in the middle of the lot, set back approximately 20 feet from both the front and rear property lines.

The proposed height of the structure measures 30 ft. at the roof ridgeline, which is consistent with the maximum allowed building height in the NG zone district.

Proposed Project – Architectural Details

Table 1. Building Materials

Siding	Wood Shiplap (finger joint pre-primed) with 8" exposure
Roof	Composition Shingle (Dimensional 40 year) on #30 Felt. GAF-Elk Timberline "Slate".

Windows	Windows manufactured by Pella, Double hung wood window “architect” series “Deep Olive” color.
Doors	Wood Door with Glass Lite and Sidelite. Front door shall be Antigua Classic 540-K. Rear patio doors shall be Pella wood hinged “architect” series.
Chimney	Brick veneer chimney, with brick banding at top, capped with a black metal deco top.
Porch	Wood steps from clear T&G Fir on 1x RWD Risers with bottom step concrete; porch railing includes 2x2 pickets with 2x3 top cap – all from redwood, primed – total height of 2.5 feet. Porch posts are 1x2 corner trim on 1x8 posts, includes base and crown.
Lighting	10 exterior light fixtures by Rejuvenation, Jordan Valley model (AB 2946) with Black enamel finish and frosted shade.
Details	Metal sectional garage doors painted Kelly Moore Oxford Brick; engineered wood (MDO) architectural trim details on north, south, and west elevations; medallion ornamentation on primary elevation; galvanized sheet metal gutter painted Kelly Moore Oxford Brick.

### Building Color

The entire building will be painted. Proposed paint colors, to be displayed at public hearing, include:

- Body: Kelly Moore: Owl Manner Malt HL4258-2 (beige)
- Trim: Kelly Moore Cozy Cotton OW239-1 (off white/cream)
- Accent: Kelly Moore Oxford Brick HL4269-5 (gutter and some selected trim accents) (reddish brown, e.g. “brick” color)
- Accent: Kelly Moore Ruskin Bronze HL4221-5 (selected accents) (gray)

### Proposed Project – Landscape Plan

Landscape for the property includes:

- Ten (10) cypress trees (located at property line) are proposed for removal
- One (1) Japanese Maple Tree at northeast corner of property
- Arctostaphylos Emerald Carpet - groundcover
- Concrete walkway to front porch
- Five (5) Strawberry Trees (Arbutus Unedo) evergreen trees at rear property line
- Asphalt driveway
- Grass/turf pavers at patio

### **Project Analysis**

The following section evaluates project consistency with applicable city goals, policies, and regulations. Staff’s analysis is shown in *italics*.

#### General Plan Consistency

One of the city’s policies is to “ensure that new development is compatible with adjacent existing development and does not detract from Benicia’s small town qualities and historic

heritage” (Policy 2.1.1). Policy 3.1.5 permits new development, remodeling, and building renovation in the historic districts when consistent with the policies of the applicable Historic Conservation Plan.

*The proposed new home is within Downtown Historic District and subject to the Downtown Historic Conservation Plan (DHCP). Because the proposed addition is consistent with applicable guidelines of the DCHP (see Table 3, project consistency matrix, on page 6 of this report), the project is consistent with General Plan Policy 3.1.5 and 2.1.1.*

Zoning Ordinance Consistency (Benicia Municipal Code, Title 17.26.010)

Land use regulations and development standards for the subject property are within the Downtown Mixed Use Master Plan; the property is specifically subject to the NG zone district regulations.

Development Standards for the NG zone are outlined in Table 1 below.

Table 2. Development Standards for the NG Zone

STANDARDS	DOWNTOWN MIXED USE MASTER PLAN Neighborhood General, “NG”	PROPOSAL
Build To Line (Front)	20'	20'
Setback (Side)	4' one side, 8' other	5' on east, 8' on west
Setback (Rear)	40' (setback shall be 120 feet measured from front property line if no alley adjoins the property.)	20'2" (variance granted)
Lot Width (maximum)	50'	Currently 50' (variance condition of approval requires lot line adjustment for a width of 55' to be completed by 2011)
Lot Depth (maximum)	150'	175'2" (pre-existing condition, e.g. legal non-conforming)
Ground Floor Use	Residential or Services	Residential
Upper Floor(s) Use	Residential or Services	Residential
Building Height (max.)	30' and 2.5 stories	29'10" feet and 2 stories
Finish Ground Floor Level	18" min. above sidewalk	2.5'
First Floor Ceiling Height	10' min. clear	9' and 10' (condition of approval req's 10')
Upper Floor Ceiling Height	8' min. clear	8.5' and 9'
Notes	Windows along any portion of the building that project beyond the rear façade of adjacent homes must be privacy windows if the façade is 10' or less from the side property line.	Privacy windows have opaque glass. This requirement applies to the east façade of the proposed structure where windows project past the rear façade of the property of the house to the east. Such windows are required as a condition of approval.
Parking Setback (front)	20'	90'
Parking Setback (side)	0'	5' on east, and 24' on west
Parking Setback (rear)	5'	20'2"

STANDARDS	DOWNTOWN MIXED USE MASTER PLAN Neighborhood General, "NG"	PROPOSAL
Required Spaces	3+ bedroom unit: 1 space plus additional ½ space for every bedroom over two	Code requires 1.5 spaces. Project proposes twice as much, or 3 spaces total.
Parking Drive Width	11' maximum	10' at sidewalk, and 11' further down drive aisle
Frontage Types	Stoop, Forecourt, Porch, or Common Lawn	Common Lawn with required 8 ft. min porch depth

On March 30, 2009 a public hearing with the Zoning Administrator was held to consider a deviation from the rear setback requirement for the NG zone. The variance request was granted and conditions of approval were required by the Zoning Administrator as part of the approval.

Conditions that relate to site design include:

- Landscape screening along length of rear property line (evergreen hedges or trees) – the applicant has proposed strawberry trees (*Arbutus Unedo*) to serve as a screen along the rear property line. These trees grow to 25 feet or more tall and wide.
- Lot line adjustment to increase the width of the lot at the street front in order to accommodate a 10 ft. wide driveway.
- Garage wall must be a maximum of 10 feet in height, and the roof ridgeline on the garage must be a maximum of 15 feet.

These conditions are reflected in the attached plans.

#### Downtown Historic Conservation Plan

This project is located within the Downtown Historic District, thereby subject to the Downtown Historic Conservation Plan (DHCP) guidelines for New Construction and Site Improvements for residential building types as listed on pages 58 through 60, and 64 and 65 in the DHCP (see attachment). The proposed project is consistent with applicable guidelines contained in the DHCP for new construction as identified in Table 3 below.

Table 3. Downtown Historic Conservation Plan, Project Consistency Matrix

GUIDELINE	CONSISTENT	INCONSISTENT	NOT APPLICABLE
<b>New Construction</b>			
Policy 1	X		
1.1	X		
1.2	X		
1.3			X
Policy 2	X		
2.1	X		
2.2			X
2.3	X		

GUIDELINE	CONSISTENT	INCONSISTENT	NOT APPLICABLE
2.4			X
2.5			X
2.6			X
Policy 3	X		
3.1	X		
3.2	X		
3.3	X		
3.4	X		
3.5	X		
Policy 4			X
4.1			X
4.2			X
4.3			X
Policy 5	X		
5.1	X		
5.2	X		
5.3	X		
5.4	X		
5.5	X		
5.6	X		
5.7	X		
5.8	X		
5.9	X		
5.10	X		
5.11	X		
<b>Site Improvements</b>			
Policy 1	X		
1.1	X		
1.2	X		
1.3	X		
1.4	X		
1.5	X		
1.6	X		
1.7			X
1.8			X
Policy 2	X		
2.1	X		
2.2	X		
2.3			X
2.4	X		
Policy 3			X
3.1			X
3.2			X
3.3			X
3.4			X
3.5			X

## Design Review

Design review is intended to implement General Plan policies. Benicia Municipal Code Section 17.108.010 (outlined below) provides purposes of design review. Staff's analysis, in *italics*, follows.

1. Ensure that the location and configuration of proposed structures 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.

*Building disposition and configuration is similar to nearby homes in the neighborhood. No scenic views would be blocked, nor would new construction dominate the existing neighborhood context.*

2. Ensure that the architectural design of the structures, 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.

*The overall design, materials, and color are compatible with surrounding development.*

3. Ensure that the plans for the landscaping for open space conform with the requirements of this title and they provide visually pleasing setting for structures on the site and on adjoining and nearby sites and blend harmoniously with the natural landscape.

*Overall landscape design is compatible with surrounding context.*

4. Ensure the provision of adequate, safe and efficient parking and circulation areas, which conform to the requirements of this title.

*Plans for the proposed home include a 3-car garage, which more than meets the parking requirement of the NG zone.*

5. Provide a functional, efficient, and attractive site design which is sensitive to existing uses in the area and to the topography and conditions of the site.

*The proposed project exhibits an adequate site design that is generally found in the immediate vicinity.*

## **Conclusion**

Staff recommends that the Historic Preservation Review Commission approve Design Review for the proposed new home (09PLN-5) based on the findings and subject to the conditions of approval as stated in the proposed resolution.

**FURTHER ACTION:**

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

Attachments:

- Proposed Resolution
- Project Plans \*\*
- Photographs \*\*
- Proposed Building Materials
- Downtown Historic Conservation Plan Guidelines for New Construction and Site Improvements
- Decision of Record No.09-5 (Variance and related Conditions of Approval)

*\*\* If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the April 23, 2009 Planning Commission packet.*

## **PROPOSED RESOLUTION**

**RESOLUTION NO. 09-**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION  
OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR A NEW 4,564  
SQUARE FOOT RESIDENCE LOCATED AT 170 WEST I STREET**

**WHEREAS**, Steven McKee on behalf of Joseph Garske has requested Design Review approval for the construction of a new two-story home located at 170 West I Street; and

**WHEREAS**, the Historic Preservation Review Commission at a regular meeting on April 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 design review for a new two-story home at 170 West I Street; and

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

1. Ensure that the location and configuration of proposed structures 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.

*Building disposition and configuration is similar to nearby homes in the neighborhood. No scenic views would be blocked, nor would new construction dominate the existing neighborhood context.*

2. Ensure that the architectural design of the structures, 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.

*The overall design, materials, and color are compatible with surrounding development.*

3. Ensure that the plans for the landscaping for open space conform with the requirements of this title and they provide visually pleasing setting for structures on the site and on adjoining and nearby sites and blend harmoniously with the natural landscape.

*Overall landscape design is compatible with surrounding context.*

4. Ensure the provision of adequate, safe and efficient parking and circulation areas, which conform to the requirements of this title.

*Plans for the proposed home include a 3-car garage, which more than meets the parking requirement of the NG zone.*

5. Provide a functional, efficient, and attractive site design which is sensitive to existing uses in the area and to the topography and conditions of the site.

*The proposed project exhibits an adequate site design that is generally found in the immediate vicinity.*

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

1. The proposed new home, for which this permit was applied, shall substantially comply with the plans and accompanying documents submitted by Steven McKee Architect and received by the Community Development Department, consisting of sheets 1 through 5 date stamped April 14, 2009 marked "Exhibit A", and on file with the Community Development Department, subject to the following conditions.
2. This approval shall be effective upon the close of the appeal period. This approval shall expire two years from the date of approval, unless: a building permit has been issued and construction diligently pursued; an occupancy permit has been issued; or the approval is renewed prior to expiration.
3. Any change from the approved plans, including substitution of materials, shall be requested in writing and reviewed by the Community Development Director, or designee, prior to changes being made in the field.
4. The applicant shall apply for a lot line adjustment to merge parcels 089-040-030 and 089-044-010 no later than April 23, 2009, which is two years from the date of this approval. The lot line adjustment must be approved and recorded 3 years from the date of this approval.
5. Windows along any portion of the building that project beyond the rear façade of the property to the east must be privacy windows (e.g. opaque). The applicant must provide the Planning Division with specifications for such windows prior to receiving a building permit.
6. Prior to issuing a building permit for this project, section drawings must be submitted that reflect a 10 ft. minimum clear ceiling height for the first floor.
7. The portion of the main building that is beyond 80 feet from the front property line shall be limited to 15 feet in height except that the roof peak of the one-story portion of the main building may be approximately 16 feet to accommodate the width of the building. No rear building will be allowed in the 20-foot rear setback area.
8. Prior to receiving a building permit, the applicant must apply for a Tree Removal Permit in order to remove the 10 cypress trees at the north end of the property. A decision and course of action from the Parks and Community Services Department is required prior to issuing a building permit for the project.

9. This project shall adhere to all applicable ordinances, plans, and specifications of the City of Benicia.
10. The applicant shall ensure that all proposed improvements comply with all provisions of City of Benicia Stormwater Management and Discharge Control Ordinance. Construction drawings for Building Permit issuance shall include a Stormwater Control Plan. The applicant shall use Best Management Practices (BMPs) to prevent sediments or pollutants from entering the storm drain system or watercourses. The impact of the proposed improvements on the public storm drain system and watercourses shall be mitigated to the maximum extent practicable. Maintenance responsibility of Post Construction BMPs is the responsibility of the property owner and a signed Operation and Maintenance agreement must be submitted to the City.
11. 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.

\* \* \* \* \*

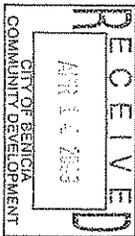
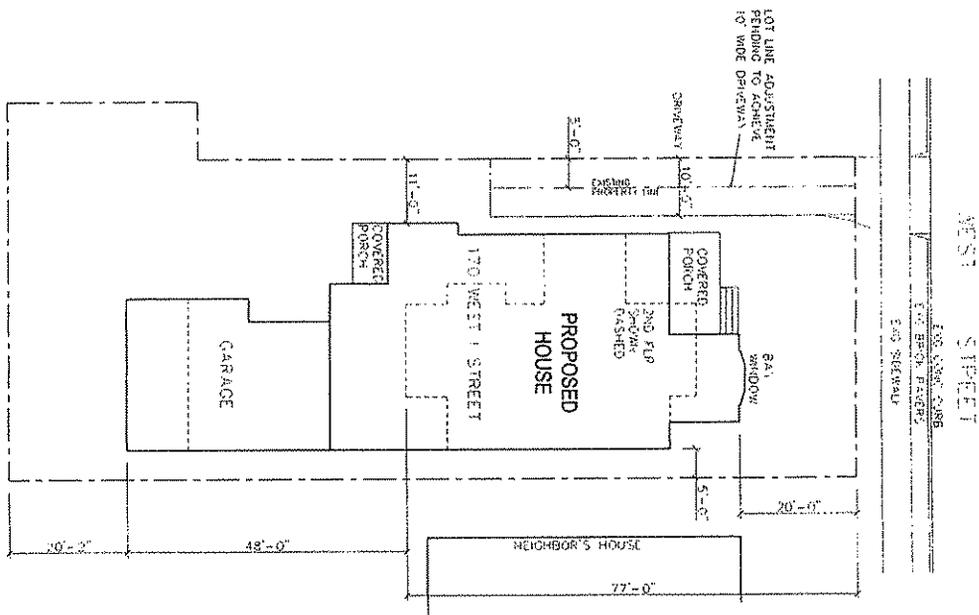
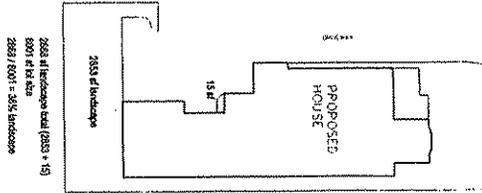
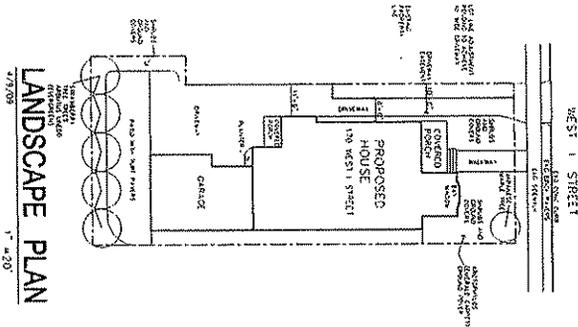
On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the above Resolution was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on April 23, 2009 by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Chuck Mang  
Historic Preservation Review Commission Chair

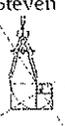
## **PROJECT PLANS**

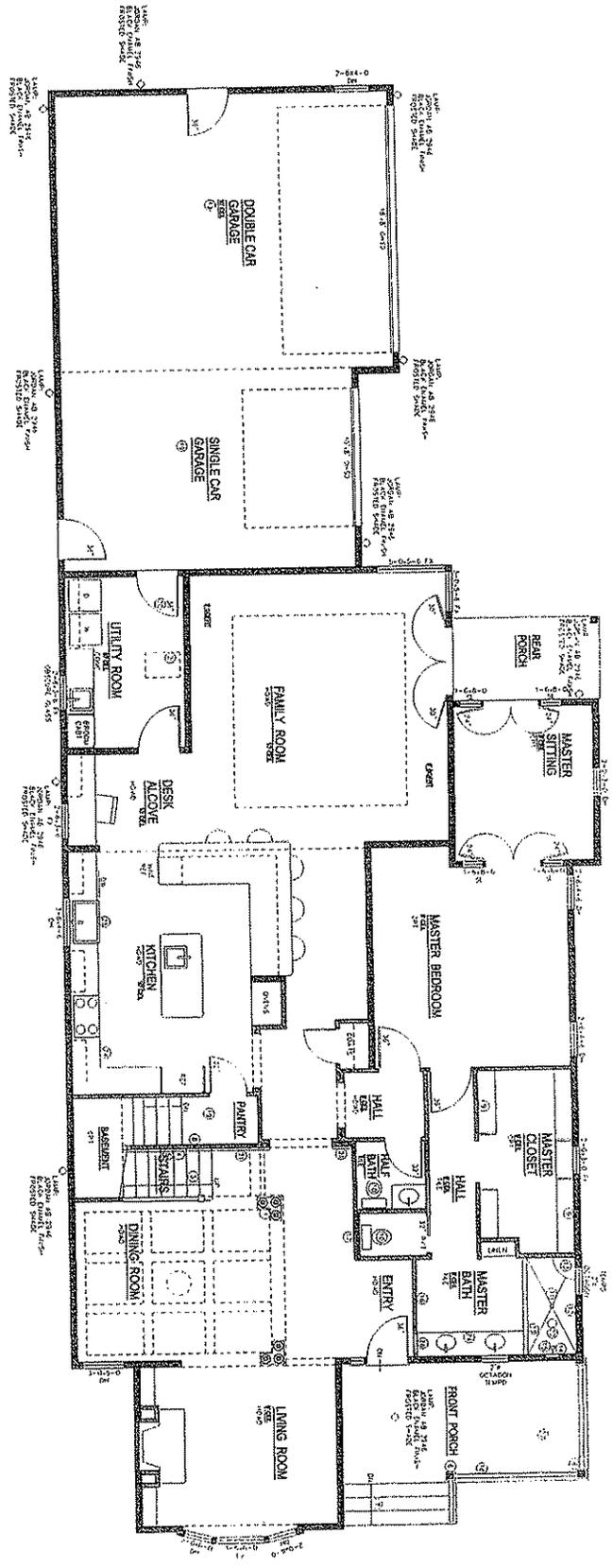
*(If viewing online, this attachment is available to view in the Community  
Development Department or in the Benicia Public Library in the April 23, 2009  
Historic Preservation Review Commission packet)*



PROJECT INFO	
PROJECT DESCRIPTION: NEW RESIDENTIAL DEVELOPMENT PROJECT	
CONTRACT: 2008-03-01-01	
OWNER: GARSKE, V. AND HE. WITH LARS GARSKE AT 170 WEST 1 STREET (1001-SPRINGERFIELD)	
HOUSE SITE	2074 SF
HOUSE SITE	1337 SF
HOUSE SITE	1448 SF
HOUSE SITE	2271 SF
HOUSE SITE	232 SF
HOUSE SITE	1448 SF
HOUSE SITE	8001 SF

# GARSKE RESIDENCE

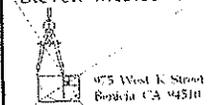
Sheet: <b>1</b>	NEW RESIDENCE	Revisions:	Steven McKee - Architect  975 West K Street Benicia CA 94510 (707) 746-6788 (707) 746-6787 fax
OF 5	<b>GARSKE RESIDENCE</b>	Date: 1/15/09 Drawn By: SIM	
SITE PLAN	170 WEST 1 STREET BENICIA CA		



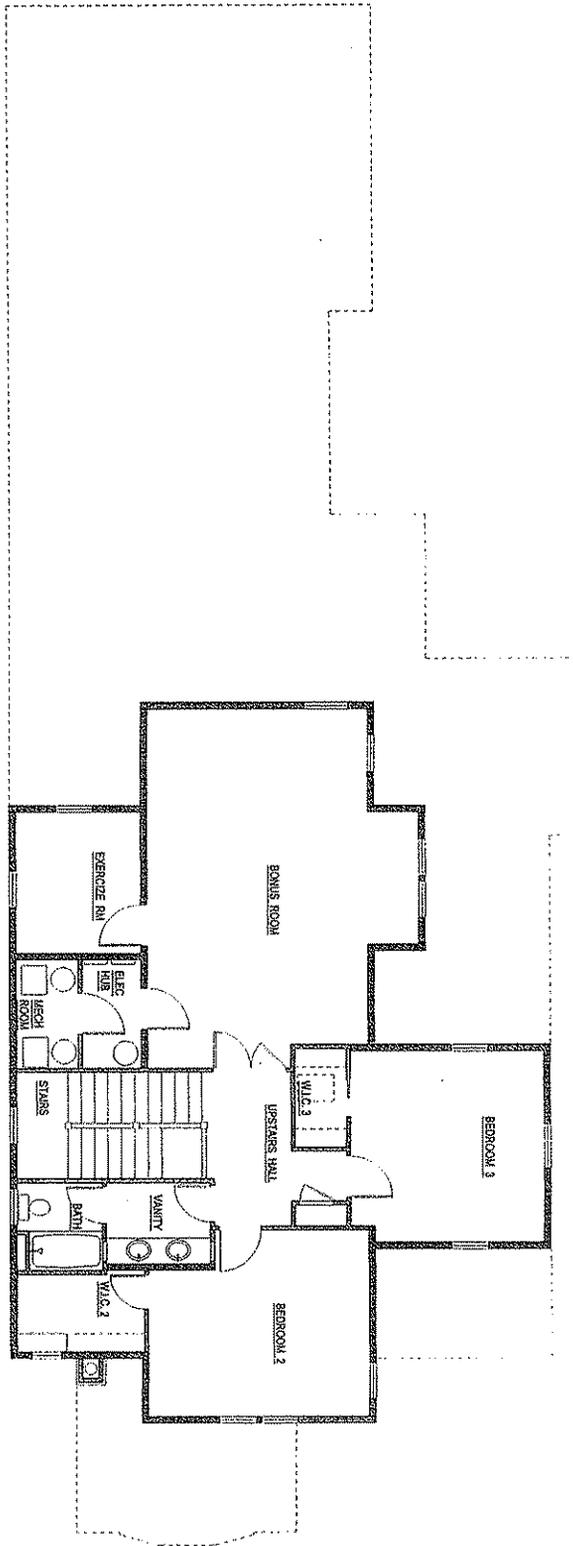
  
**FIRST FLOOR PLAN**

**LEGEND**

- NEW WALL 2x6 AT 16" O.C.
- (R)-19 BATT INSUL. AT 16" O.C.
- NEW WALL 2x4 AT 16" O.C.
- (R)-13 BATT INSUL. AT 16" O.C.

Sheet: <div style="font-size: 2em; font-weight: bold; text-align: center;">2</div> OF 5 <b>1ST FLOOR PLAN</b>	NEW RESIDENCE  <b>GARSOLE RESIDENCE</b> 176 WEST C STREET BERHOLIA, CA	Revisions:  Date: 1/15/09 Drawn By:	<div style="text-align: right;"> <b>Steven McKee - Architect</b>           475 West K Street          Berkeley, CA 94710          (510) 748-6788          (510) 748-6767 fax       </div>
---	--	--	---

SECOND FLOOR PLAN



LEGEND

- NEW WALL 2x6 AT 16" O.C.
- (R-19 BATT INSUL AT EXT WALLS)
- NEW WALL 2x4 AT 16" O.C.
- (R-11 BATT INSUL AT EXT WALLS)

Sheet: **3** OF 5  
2ND FLOOR PLAN

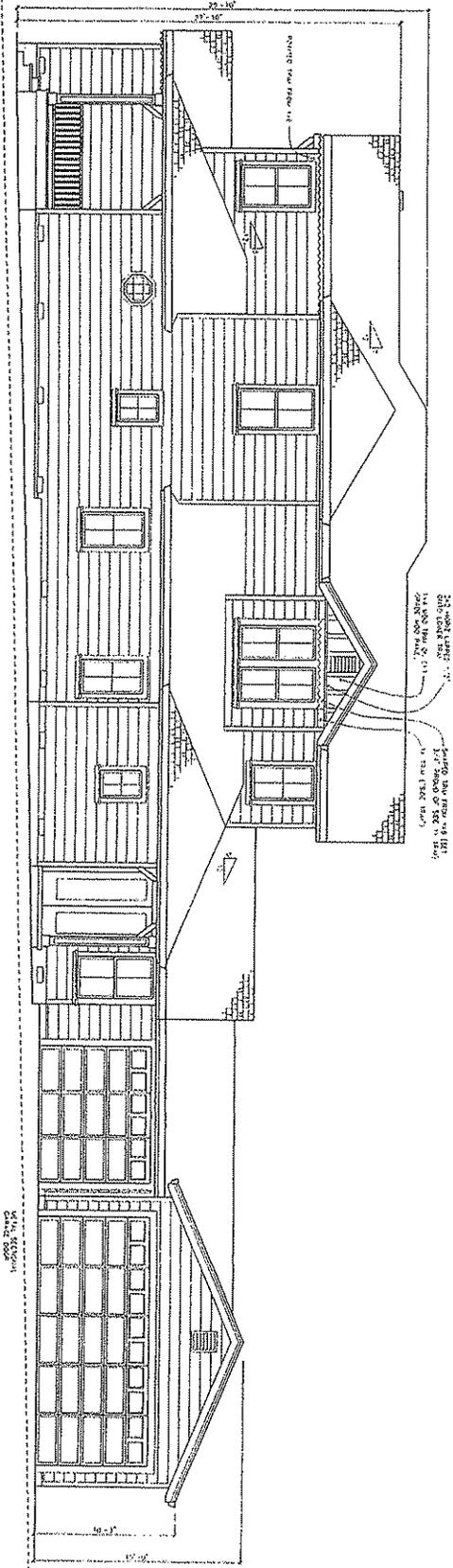
NEW RESIDENCE  
GARONTE RESIDENCE  
120 WESTLY STREET  
BERKELEY, CA

Revisions:  
Date: 1/15/03  
Drawn By: J.M.

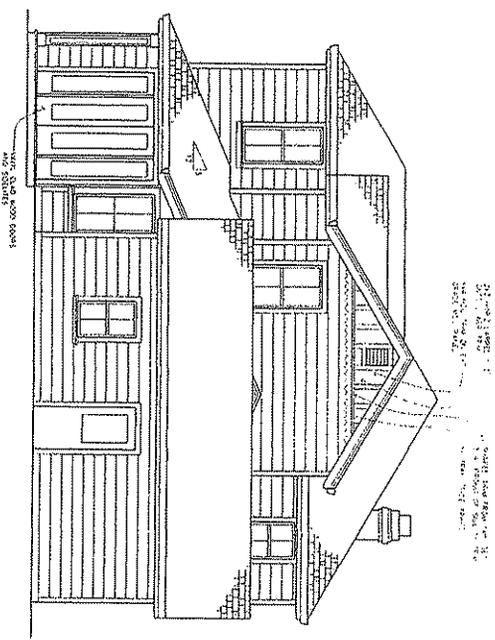
Steven McKee - Architect  
175 West K Street  
Berkeley CA 94510  
(415) 746-7881  
(415) 746-7871 fax



WEST ELEVATION  
SIDE  
1/4"



SOUTH ELEVATION  
REAR  
1/4"



Sheet: **5**  
OF 5  
ELEVATION

NEW RESIDENCE  
GARFIELD RESIDENCE  
170 WEST STREET  
BERNICA CA

Revisions:  
Date: 1/15/09  
Drawn By: SM

Steven McKee - Architect  
975 West E Street  
Berkeley CA 94710  
(415) 746-0788  
(415) 746-0787 FAX  
www.stevemckee.com

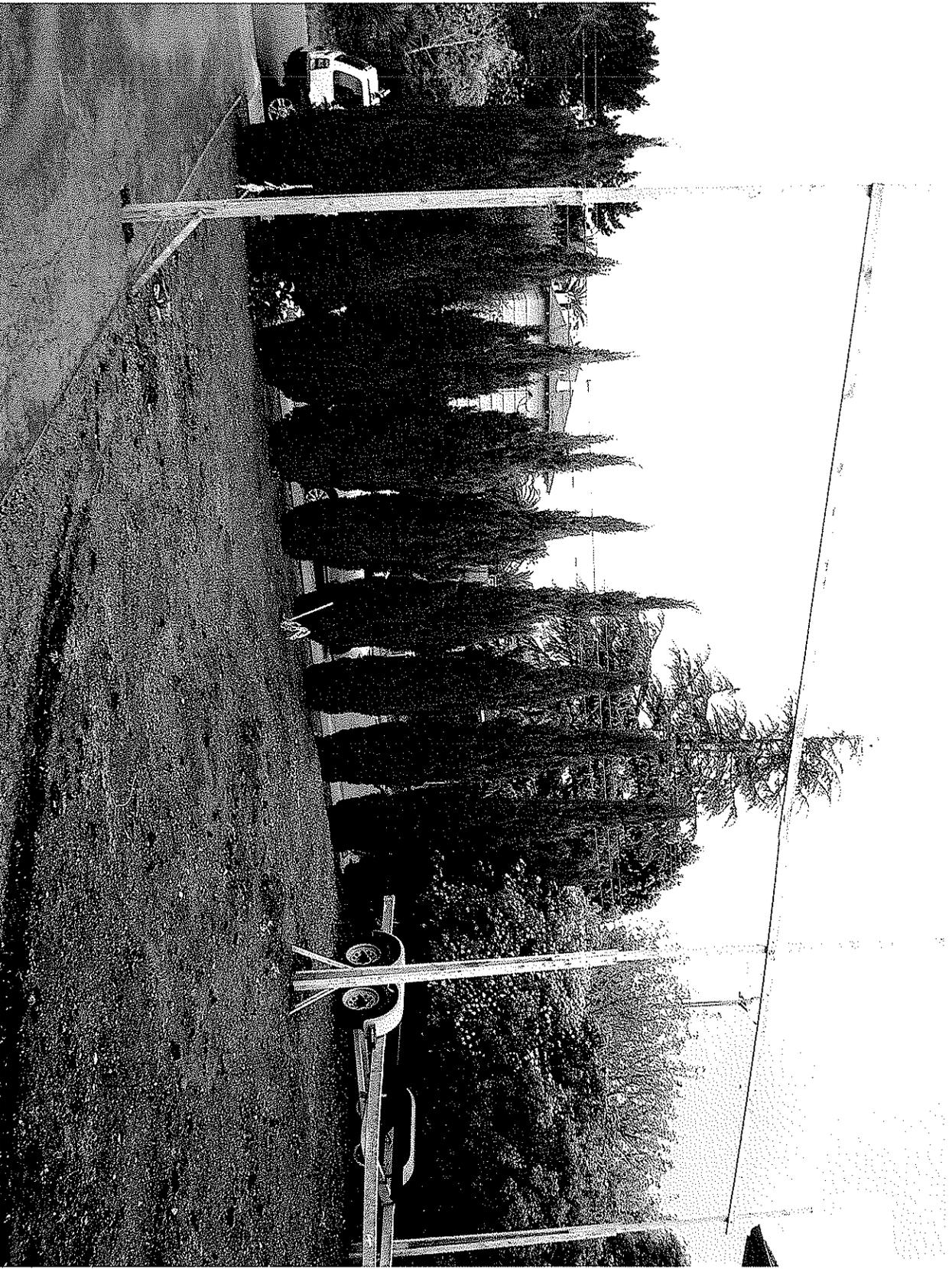
## **PHOTOGRAPHS**

*(If viewing online, this attachment is available to view in the Community  
Development Department or in the Benicia Public Library in the April 23, 2009  
Historic Preservation Review Commission packet)*



170 West I Street

Photo of vacant property - facing southeast.



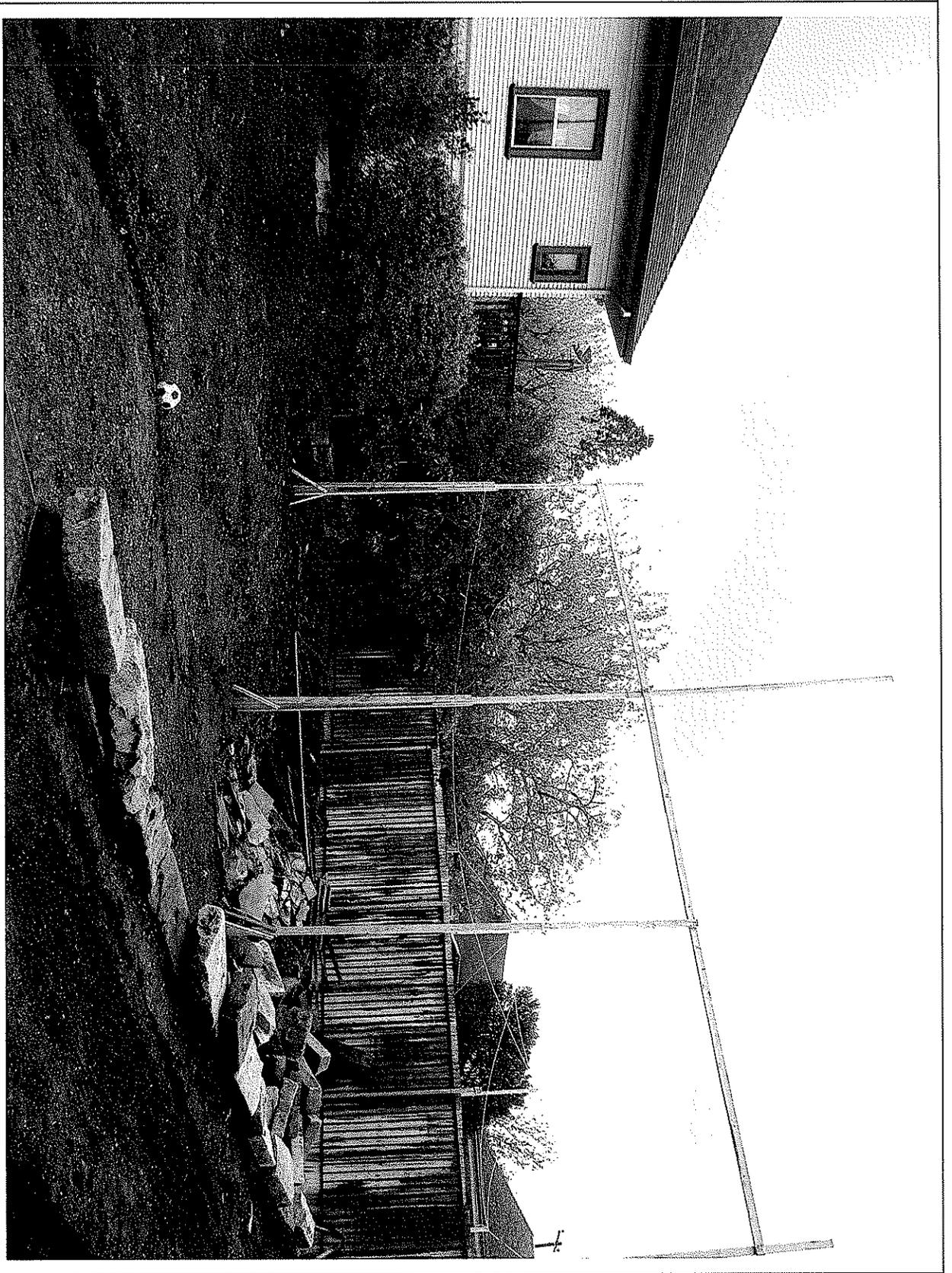
170 West I Street

Facing north, taken at mid-section of property.



170 West I Street

Facing northeast, taken at mid-section of property.



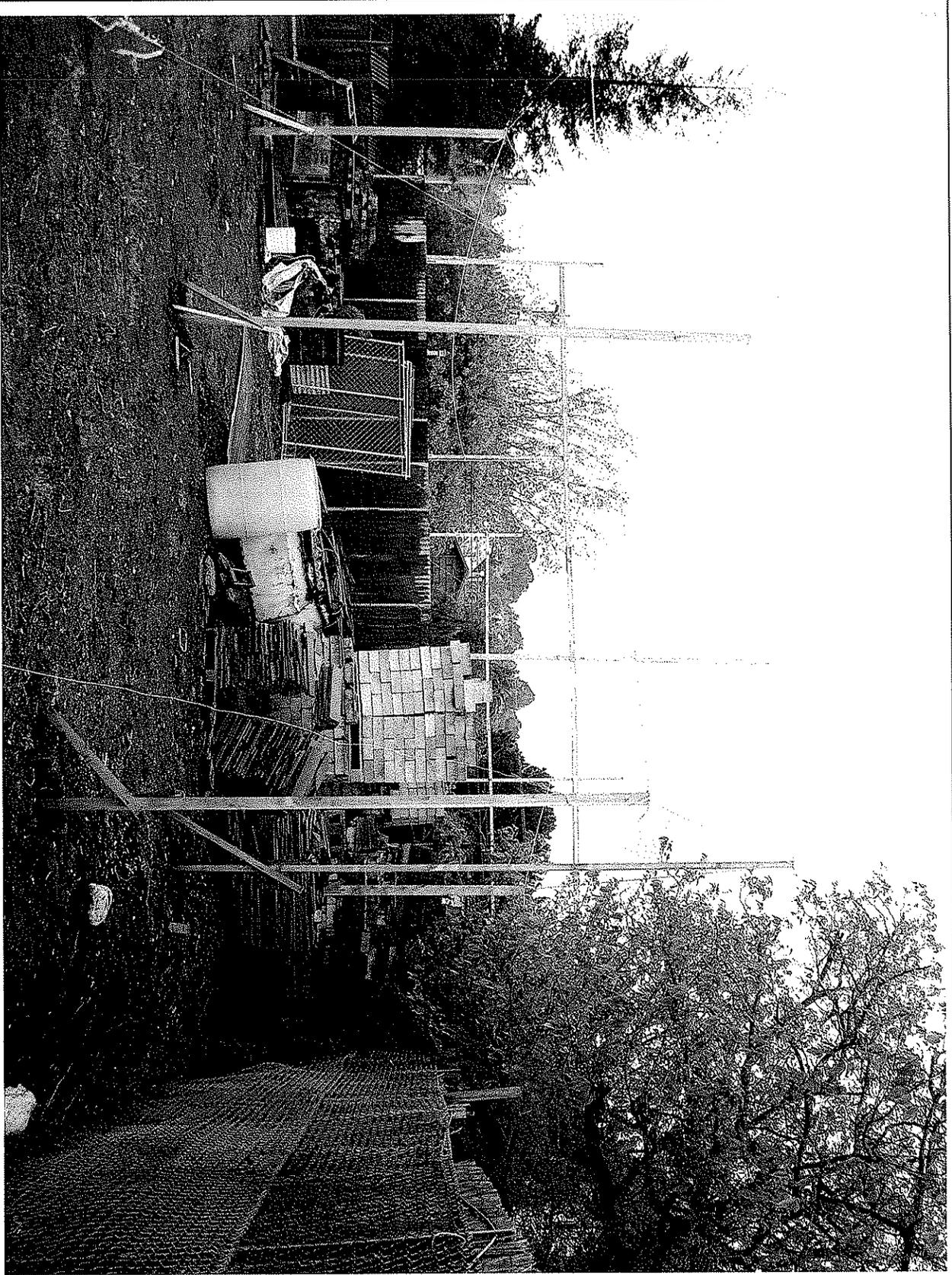
170 West I Street

Photo showing mid-section of proposed project, facing southeast.



170 West I Street

Facing east, at rear property.



170 West I Street

Facing north, taken at southeast corner of property.

## **PROPOSED BUILDING MATERIALS**

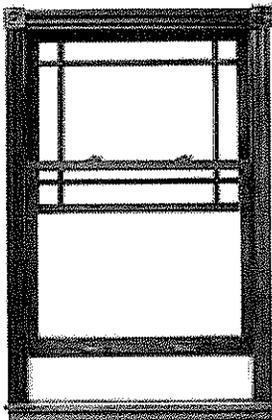
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Benefits & Highlights    Product Features    Sizes    Performance Values    Installation & Warranty

Exterior Options

Interior Options

Glass

Hardware

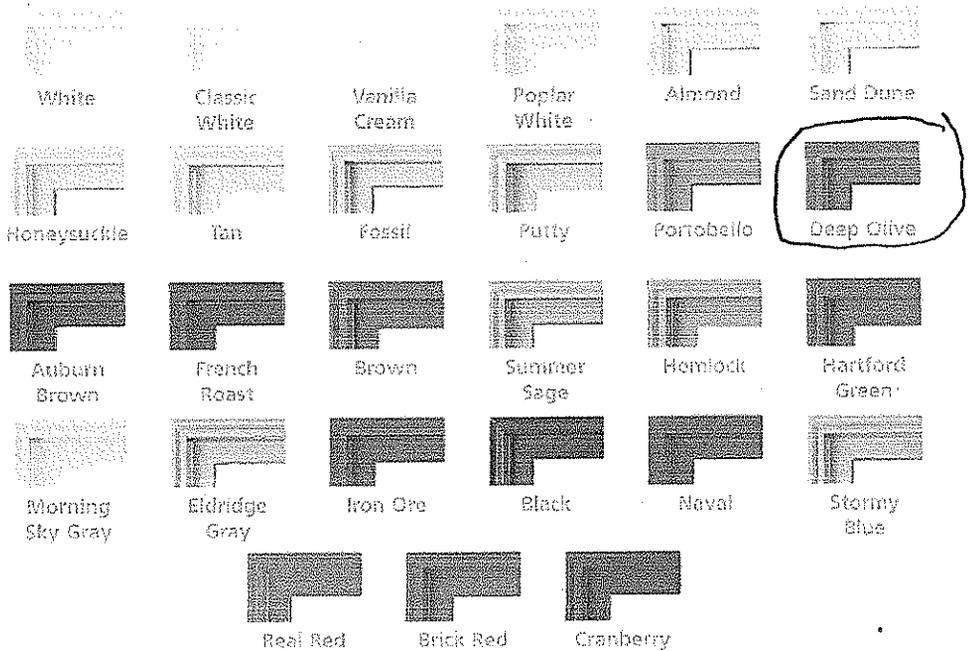
Grilles

Wood Types

Screens

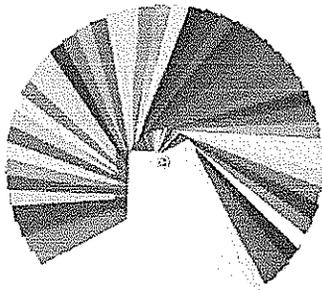
Styles

Pella offers Aluminum EnduraClad®, Aluminum EnduraClad® Plus, Primed Wood Exterior and Unfinished Wood Exteriors. Custom Exterior EnduraClad® Colors are available along with the options below.



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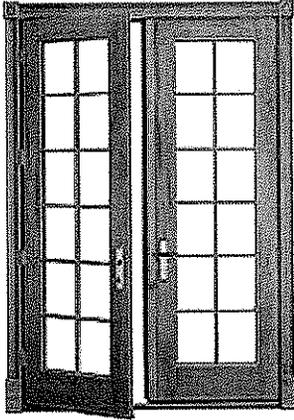




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Benefits & Highlights	Product Features	Sizes	Performance Values	Installation & Warranty
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**Energy Efficiency**

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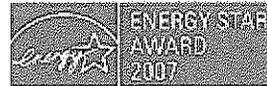
Peace of Mind

**Energy Efficiency**

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- help reduce energy costs for heating and cooling
- help enhance comfort
- help reduce UV damage to furniture, carpet and drapes
- help the environment
- help save you money

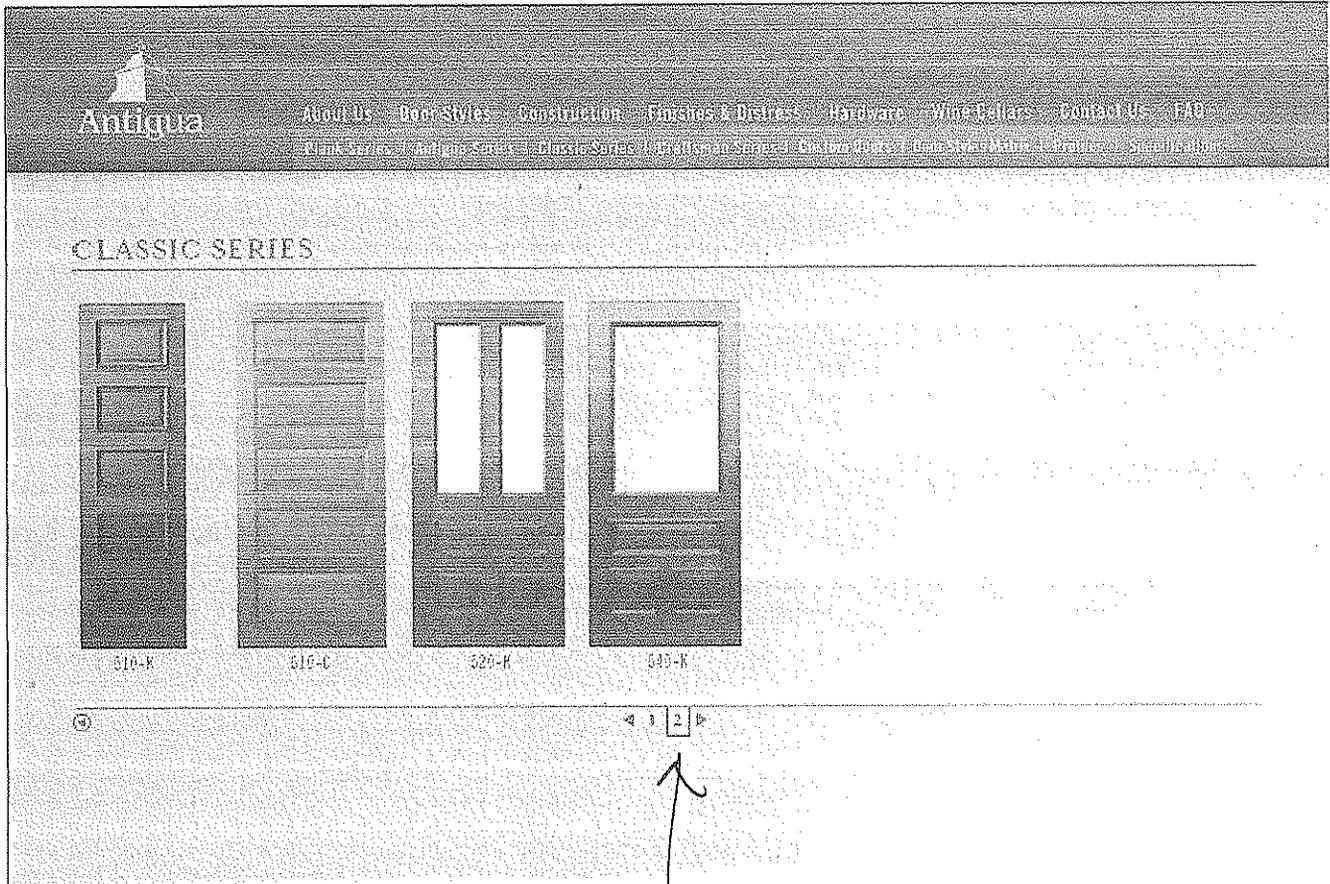
<sup>1</sup>Some Pella products may not meet ENERGY STAR guidelines in Canada. For more informat representative or go to [energystar.gc.ca](http://energystar.gc.ca).



PARTNER OF THE YEAR

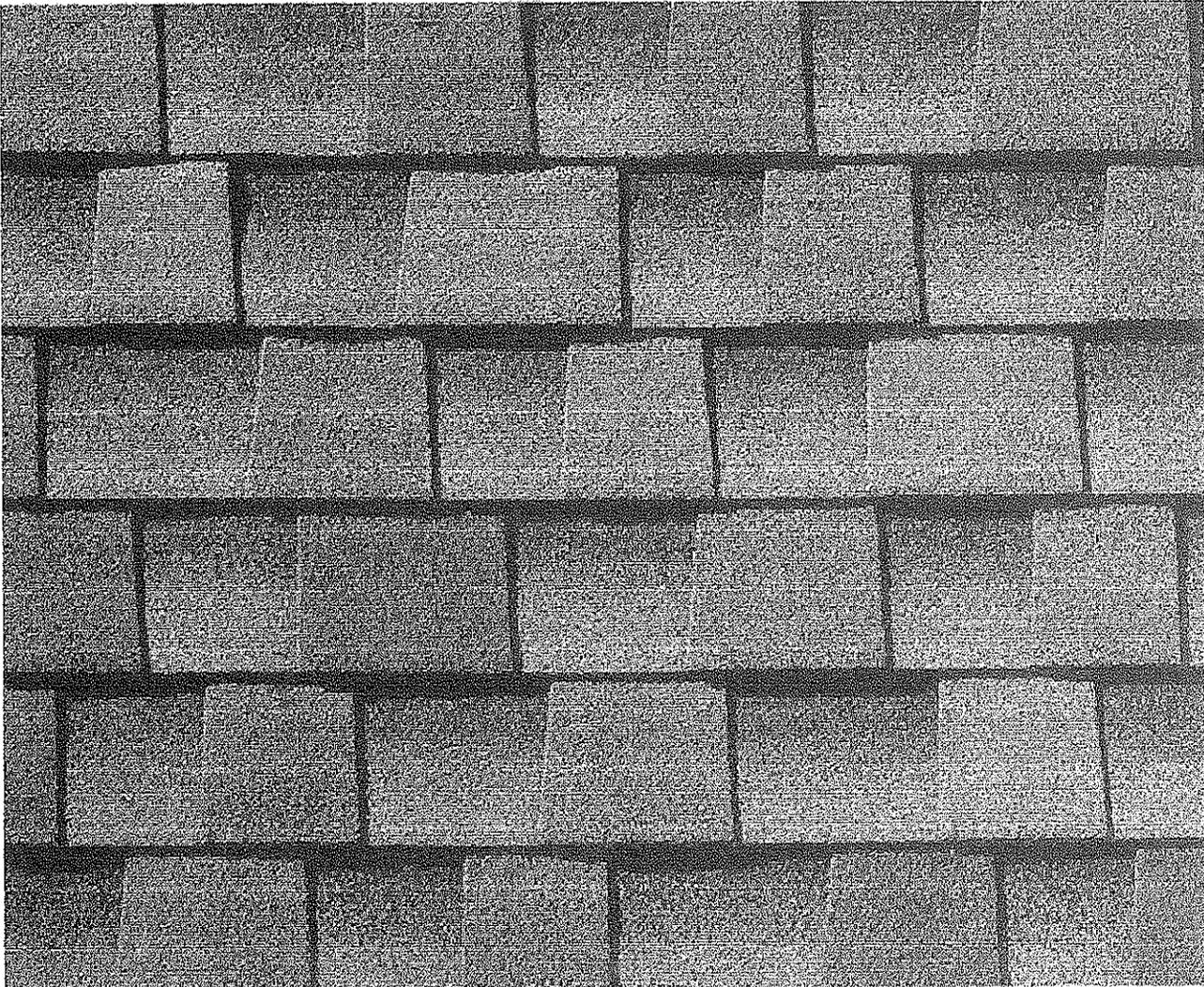
PARTNER OF THE YEAR

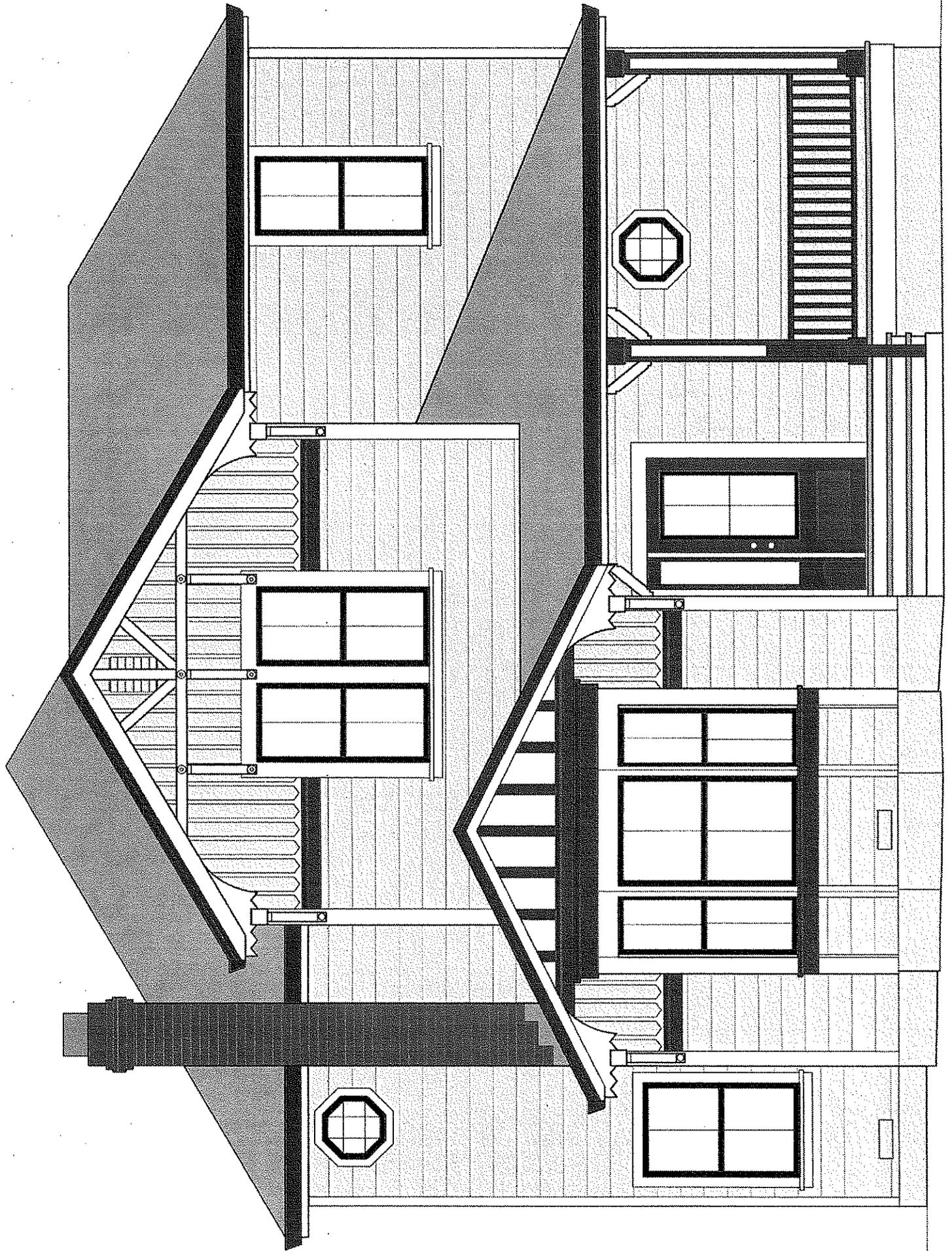
Learn more about ENERGY STAR®.



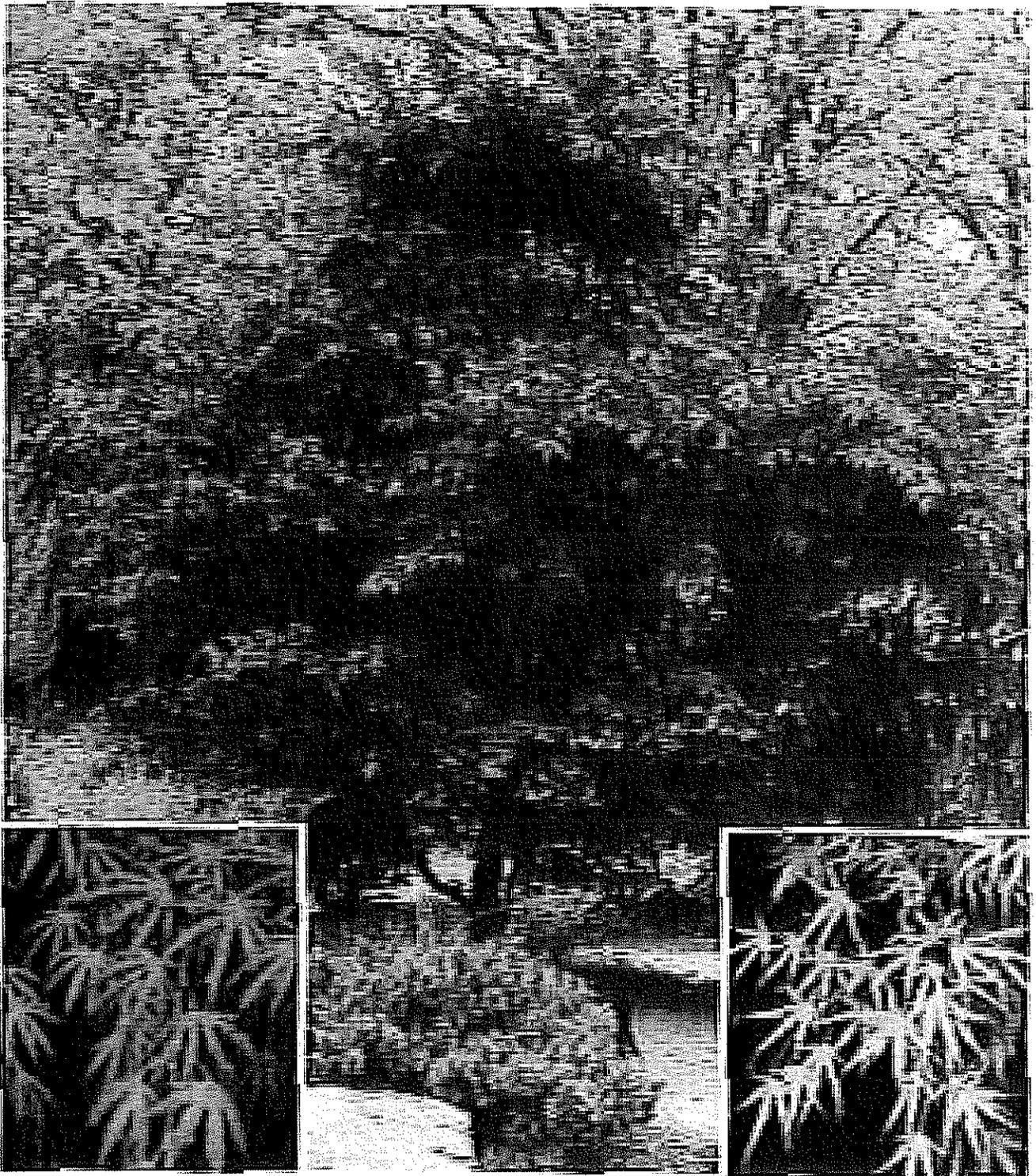
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JAPANESE MAPLE (*Acer palmatum*)



Strawberry Tree  
*Arbutus Unedo*

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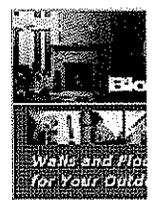
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## Grass Pavers and Turf Pavers Introduction

Grass Pavers Introduction | Advantages | Installation Part One | Part Two

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  - Porphyry Stone
  - Cantera Stone
  - Mexican Pavers
  - Cobblestones
  - Sandstone Pavers
  - Limestone
  - Grass - Turf Pavers
  - Bluestone Pavers
  - Slate Tile
  - Flagstone Pavers
  - Rubber Pavers
  - Antique Pavers
  - Permeable Pavers

- Paver Applications**
- Patio Pavers
  - Driveway Pavers
  - Sidewalk Pavers
  - Walkway Pavers
  - Pool Pavers
  - Garden Pavers
  - Edging Pavers
  - Interlocking Pavers
  - Paving Stones

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- Installing Pavers
  - Technical Specs
  - Paver Materials
  - Paver Saw | Tools
  - Material Calculator
  - Paving Visualizer
  - FAQ's

- Paver Accessories**
- Cleaners & Sealers
  - Paver Repairs
  - Paver Lighting
  - Sand & Base
  - Erosion Control
  - Irrigation

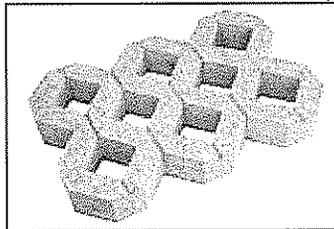
- Related Products**
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  - Marble Tile
  - Decorative Concrete
  - Precast Concrete
  - Engraved Pavers
  - Stepping Stones
  - Roof Pavers

Retaining Walls

### What Are Grass or Turf Pavers?

Turf and grass pavers are hollow pavers used for the construction of permeable pavements. They are installed using plastic grid systems, concrete grids or soil enhancement technologies as the base.

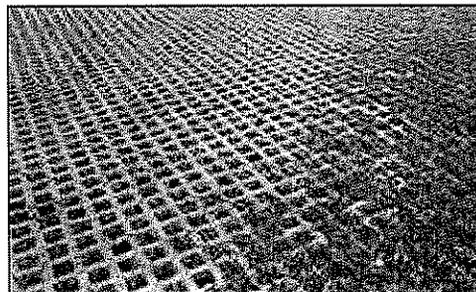
Grass /turf pavers begin with a grid-like structure, sometimes referred to as a 'honeycomb' system.



Once this grid is installed, topsoil, sand and gravel are added inside the grid.

This helps to prevent the turf or grass from settling and collapsing from underneath itself, whilst still encouraging filtration.

The next step is for the planting of the vegetation within the grid system. The end product is a grass or turf covered pavement structure. The grid system protects the grass roots and reduces storm water runoff, resulting in a very durable grass pavement.



**Grass and Turf pavers are widely used for Commercial, Residential and Erosion Control Purposes.**

### Commercial Uses

- Parking lots in shopping complexes, churches, sporting centers and festival grounds.
- Golf cart paths
- Racetrack pit areas
- Emergency and fire lane access.
- Erosion control
- Land stabilization: steep or sloping land
- Drainage channels
- Facility walkways
- Sewer access roads

Retaining Walls  
 Build Retaining Wall  
 Wall Caps & Coping  
 Celtik® Wall System  
 Anchor Wall System  
 Keystone Wall System

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 Landscape Design  
 Landscape Supply  
 Pool Landscaping  
 Water Features

Resources  
 Paving Software  
 Glossary of Terms  
 Add Us to Your Site  
 Product Catalogs  
 Paving Elements

### Residential Uses

- ◊ Driveways
- ◊ Walkways and paths
- ◊ Extensions of driveways
- ◊ Flooring for barns and horse barns
- ◊ Parking spaces



### Erosion Control

- ◊ Turf pavers help to stabilize the soil
- ◊ Used for sloping or steep land
- ◊ To prevent soil erosion on river banks, ponds and streams
- ◊ Grass/Turf Pavers prevent erosion by supporting the weight of traffic and loads.
- ◊ They prevent the soil from rutting and compacting, which would make the surface weaken and become unstable.
- ◊ The grid system promotes the growth and strength of the underlying root system, which intern increases the whole surfaces strength and durability
- ◊ They are a load bearing system

### Storm Water Management

The great thing about Grass/Turf Pavers is that they allow the growth of grass or turf through the paving gaps. This makes them permeable, allowing rain water to soak into the ground, reducing the pressure on our storm water runoff systems. So the grass/turf is being watered and fed, while at the same time you are reducing the storm water runoff flowing into our drainage systems.

Grass/Turf Pavers are an environmentally friendly material. These types of paving systems are said to be approximately 90% pervious. They assist with the storm water pollution filtration and treatment, making them a very effective paving alternative.

### Find a local Turf and Grass Paver Company or Professional for your project!

- < Find a Turf and Grass Paver Contractor
- < Find a Turf and Grass Paver Designer
- < Find a Turf and Grass Paver Dealers/Supplier
- < Find a Turf and Grass Paver Manufacturer

**DOWNTOWN HISTORIC CONSERVATION PLAN  
GUIDELINES FOR NEW CONSTRUCTION AND  
SITE IMPROVEMENTS**

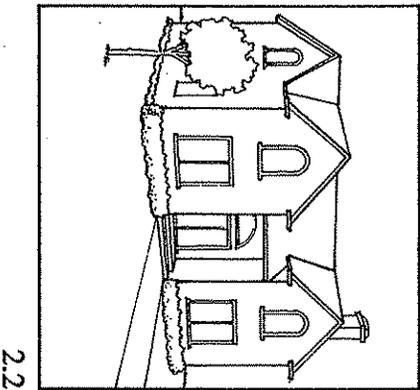
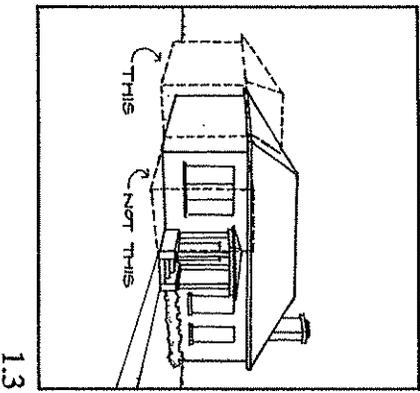
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Development Department or in the Benicia Public Library in the April 23, 2009  
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## New Construction

These guidelines apply to new construction in the residentially zoned areas of the proposed historic district, including institutional buildings. Although intended principally for the design of new buildings, the design principles stated here would apply equally to additions or alterations to non-historic buildings. Additions and alterations to historic buildings are addressed below in the section titled "Historic Buildings".

### Policy 1: Siting and Setbacks

New residential development should maintain the pattern of building setbacks, spacing and siting of the adjoining historic residences and the neighborhood as a whole.



### Guidelines

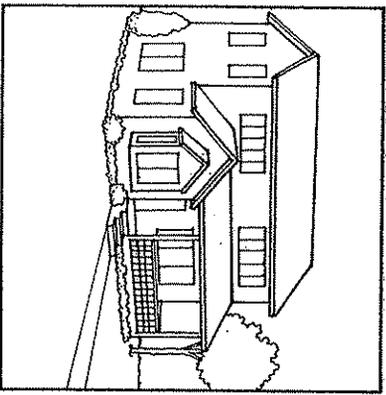
- 1.1 New buildings should generally be set back 20 feet from the front property line. Exceptions may be made if a lesser setback (i.e., the average along a block face or the average of two adjoining properties) would be more compatible with adjacent historic structures.
- 1.2 Provide side and rear yard setbacks as specified for the zoning district in which the property lies.
- 1.3 Additions should be sited to complement and balance overall form, massing and composition of the existing building.

### Policy 2: Scale, Form and Massing

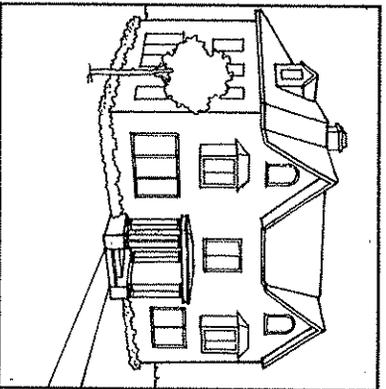
Encourage building forms which are similar in scale, form and massing to neighboring single family residential structures, particularly those of historic merit.

### Guidelines

- 2.1 Ensure that the basic structure and form of the building is balanced and well composed with respect to the placement of room or floor additions, bays, projections, and window and door openings.
- 2.2 Larger, multi-family buildings should use smaller building modules to reflect the predominant scale and facade rhythms of nearby historic residences.
- 2.3 Use projecting bays, porches, individual balconies, upper floor setbacks, bay windows and/or variations within the floor plan to provide variation in the building's volume and form.



2.3



2.4

- 2.4 To minimize the height and bulk of larger buildings, third floor spaces should be partially concealed beneath the building's roof by the use of gables, dormers, and the like.
- 2.5 Access to upper floor units should be by interior, not exterior, stairs.
- 2.6 Provide detached garages accessed from alleyways or side (north-south) streets whenever possible. Double or multiple garage doors on street front facades are prohibited.

**Policy 3: Architectural Style And Character**

Discourage designs which call undue attention to themselves in favor of those which reflect the architectural qualities that tie the buildings of the district together.

**Guidelines**

- 3.1 Avoid replicating or mimicking the distinctive architectural features of landmark buildings which set them apart from other historic buildings.

- 3.2 Avoid the use of architectural styles or stylistic elements which are not represented in the residential types found throughout the historic district (e.g., ranch, colonial and prairie style buildings).
- 3.3 Where a single architectural style is predominant in a given area or along a street, the use of that style for new residential construction is strongly encouraged.
- 3.4 Provide a covered entry or entry porch which does not obscure the detail or composition of the facade beyond.
- 3.5 Use pitched roof forms with overhanging eaves.

**Policy 4: Accessory Buildings**

Accessory buildings such as garages, storage sheds, studios or workshops should be compatible with the main structure and detailed in accordance with the structure's visual prominence and function.

**Guidelines**

- 4.1 Small sheds and prefabricated buildings should be sited so that they are not visible from the street. They should be the same base color as the main building or a compatible neutral shade.
- 4.2 Except for prefabricated buildings, accessory structures should be constructed of the same materials and finished in the same colors as the main structure.
- 4.3 Freestanding garages sited along alleys should generally be simply composed and detailed. Where permitted, garages or other necessary buildings which are visible from the street should be designed and detailed with the same level of care as the main structure.

**Policy 5: Materials And Color**

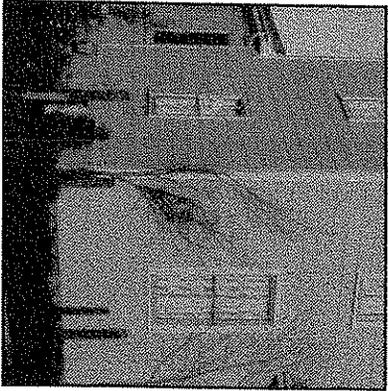
Encourage the use of materials commonly used for the construction and finishing of historic buildings in the district and colors which complement those materials and styles.

**Guidelines**

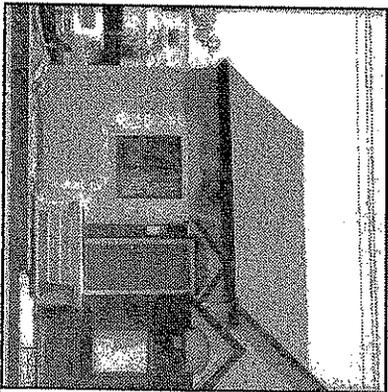
5.1 Horizontal wood siding and/or wood shingles are the preferred principal building materials. Stucco may be appropriate if it is the original or the predominant finish for adjoining buildings and may be used for institutional buildings.

5.2 Wood should generally be painted unless used in the Craftsman style.

5.3 Plywood, aluminum or other panel siding products and composition shingles (on walls) are inappropriate building materials.



5.1



5.7

5.4 Brick, stone, concrete and other types of masonry should not be used as principal residential building materials. They may be considered on a case by case basis for institutional buildings if appropriate to the context.

5.5 Metal or metallic finishes are generally inappropriate including handrails, porch railings, decorative iron work and aluminum canopies or awnings.

5.6 Chimneys should generally be of brick. Where zero-clearance or prefab units are used, avoid the use of plywood or wood sheathing. Stucco or a dark painted metal flue are preferable finishes.

5.7 Set in or "nail-on" aluminum windows with thin frames set close to the exterior wall surface are not appropriate.

5.8 Window frames should be painted or factory-finished. Metallic finishes such as silver or bronze anodized aluminum are inappropriate.

5.9 Colors which are neon bright, shiny, metallic iridescent or otherwise attention grabbing are inappropriate for paint or any other finish.

5.10 Rustic, rough-hewn, or heavily textured materials, such as wood shakes, rough-sawn timber or siding are inappropriate.

5.11 Composition shingles in a similar or darker tone than the building walls should generally be used for roofing. White and black colors which contrast strongly should generally be avoided. Mission style clay tiles or other decorative roofing materials are appropriate only where authentic for the particular architectural style of the building.

## Site Improvements

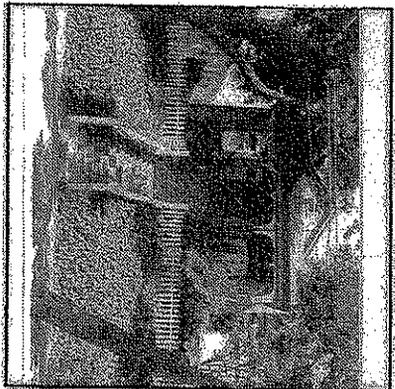
The guidelines which follow apply to all residential and institutional building types, whether in residential or commercial use, and whether existing or new. Additional guidelines relating to site and other improvements for buildings in commercial or institutional use are found in the next section of this chapter under "Commercial Features". The intent of these guidelines is to encourage site improvements that are consistent with the historic character of the residences in the district and will serve to unify the area into a visually more cohesive district.

### Policy 1: Planting & Paving Materials

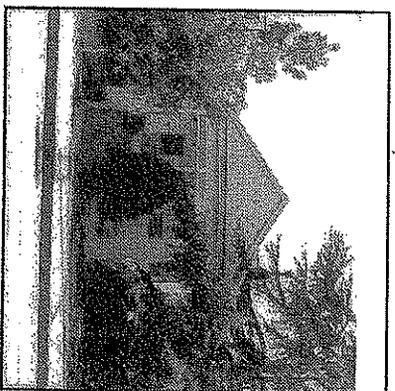
Encourage landscape treatments which are appropriate to a residential neighborhood and enhance the character and unity of the historic district.

#### Guidelines

- 1.1 Landscaping with live plant material shall be the principal treatment of front and exterior side yards.
- 1.2 Mature trees, especially those with historic ties to the building or the city's development shall be retained unless diseased, hazardous or located such that development of the property is unduly constrained. "Volunteer" trees, whether mature or not, may be removed, subject to required approvals, if crowding or overgrown conditions exist.
- 1.3 Paving in front and exterior side yards shall be kept to the minimum area necessary for circulation and maintenance of plant material.



1.1 1.3



1.2

- 1.4 Decorative rock or gravel as the predominant ground plane treatment is inappropriate.
- 1.5 Crushed rock may be used for walkways only if it is of a fine consistency and is contained at the edges by recessed headerboards or brick edging.
- 1.6 Artificial turf or indoor/outdoor carpeting is inappropriate.
- 1.7 Planting within the public right-of-way shall be subject to the approval of the city. Only approved plant materials - designated street trees, lawn or other approved walkable ground cover - shall be used.
- 1.8 Property owners shall be responsible for the maintenance and replanting, if necessary, of lawn or ground cover in the curbside planter strip for the full frontage of the property. Street tree planting may be required in conjunction with new development.

## Policy 2: Lighting

Encourage the use of residentially scaled light fixtures to supplement street lighting and to highlight and complement the historic and architectural features of residences.

### Guidelines

- 2.1 The use of historic, period style light fixtures is encouraged for exterior illumination.
- 2.2 The design and style of period light fixtures shall be consistent with that of the building and for the site on which they are placed.
- 2.3 Freestanding light fixtures should not exceed 8 feet in height, except in commercial parking lot areas or for larger-scaled institutional buildings.
- 2.4 Light fixtures should be residentially scaled. Old street light fixtures intended for mounting on tall poles are generally too large for residential use.

## Policy 3: Fences, Walls, Site Features

Use fences and walls in traditional designs and applications to set off residential buildings and define, but not obscure, their street-front garden areas.

### Guidelines

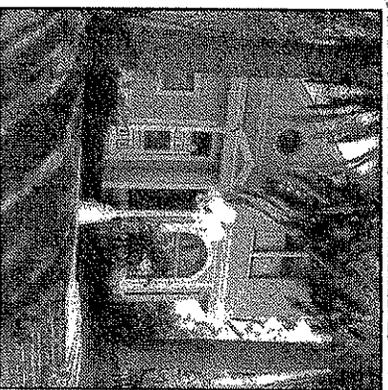
- 3.1 Fences, walls and other site features associated with historic buildings shall be maintained in good repair. Where already deteriorated, replacement with like materials and designs is encouraged.

- 3.2 New fences in front yards should not exceed three (3) feet in height and should generally be constructed of wood slats in an open work pattern. Existing higher fences may be maintained if the design is sufficiently open and consistent with these guidelines.

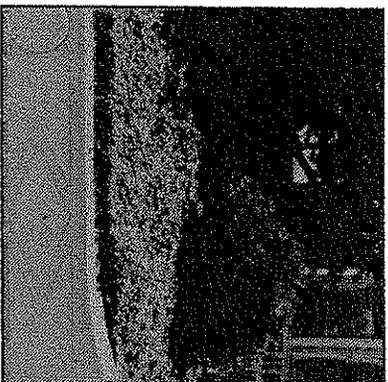
- 3.3 Chainlink, chicken wire or other pre-fab metal fencing materials are inappropriate.

- 3.4 Prefab or flimsy wood trellis should not be used as the principal material for fence construction but may be appropriate as a decorative element for higher fences (i.e., in rear or side yards).

- 3.5 Retaining walls should be constructed of dressed stone, field stone, or textured or split faced concrete block or poured concrete designed to resemble stone. Plain or rough textured poured concrete walls higher than 12 inches or plain cinderblock masonry unit walls are inappropriate.



2.1



3.5

**DECISION OF RECORD NO. 09-5**

**(Variance and Related Conditions of Approval)**

*(If viewing online, this attachment is available to view in the Community  
Development Department or in the Benicia Public Library in the April 23, 2009  
Historic Preservation Review Commission packet)*

**DECISION OF RECORD NO. 09-5**

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF BENICIA  
APPROVING REAR SETBACK VARIANCE (09PLN-00009)**

**WHEREAS**, Joe Garske, Jr. submitted an application for a variance to allow a sub-standard rear setback at 170 West I Street; and

**WHEREAS**, the Zoning Administrator considered pertinent information and documents;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Zoning Administrator 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 provisions in the Downtown Mixed Use Master Plan, including the purpose of the Neighborhood General (NG) zoning district.
- B. The proposed location of the rear setback variance 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. The proposed rear setback variance will comply with the provisions of the Downtown Mixed Use Master Plan, including specific conditions required for use in the district in which it will be located. The granting of this variance would not constitute a grant of special privileges inconsistent with limitations on other properties in the vicinity and in the same zoning district. The only other lot with similar circumstances is neighboring parcel 160 West I Street, which already has main and accessory buildings.

**BE IT FURTHER RESOLVED THAT** the Zoning Administrator hereby approves the proposed site improvements subject to the following conditions:

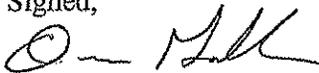
1. The variance allows for a 20 feet 2 inch rear setback and will substantially comply with the submitted plans prepared by Steve McKee Architect date stamped January 26, 2009 on file with the Community Development Department except as modified by the following conditions. Any change from the approved plans, shall be requested in writing and approved by the Community Development Director, or designee, prior to changes being made in the field.
2. This approval shall expire two years after the approval date, unless the Community Development Director grants an extension. A written request for a one-year extension shall be received by the Community Development Department prior to expiration of the permit.

3. South wall of garage shall be a maximum of 10 feet in height from adjacent grade. Roof ridgeline at south portion of garage shall run in an east-west direction and may be a maximum of 15 feet in height from adjacent grade. No rear building, main building extension or accessory structure shall be allowed in the 20-foot 2-inch rear setback.
4. The applicant shall deed restrict the parcel to prohibit any accessory building in the rear setback. The deed restriction shall be recorded against the subject property with the Solano County Recorder's Office prior to issuance of building permits for the project.
5. The applicant shall provide a landscape screen along the entire length of the rear property line with evergreen hedges or trees. Each plant shall be a minimum of 15-gallon (container measurement) in size. The applicant shall also have species and/or potential plant specimen approved by the Community Development Department prior to installation. The landscape screen shall be installed, with irrigation, prior to issuance of a Certificate of Occupancy for the site.
6. Applicant must apply for a lot line adjustment to provide adequate driveway access (an addition of approximately 5' of driveway width to the existing driveway) no later than March 30, 2011, which is two years from the Zoning Administrator's approval of the variance request. The lot line adjustment must be approved and recorded 3-years from the date of the Zoning Administrator's variance request approval.
7. 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.

\* \* \* \* \*

The foregoing decision was made by the Zoning Administrator on March 30, 2009.

Signed,



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Damon Golubics  
Zoning Administrator



Community Development Department  
**MEMORANDUM**

**Date:** April 13, 2009  
**To:** Historic Preservation Review Commission  
**From:** Mike Marcus, Assistant Planner  
**Re:** Workshop – 182 East I Street

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*The project before you is for discussion and for you to provide feedback on the preliminary proposal.*

Robert and Lauri VanWert and architect Steve McKee are requesting preliminary review of their proposal for a rear addition to the residential structure located at 182 East I Street. The residence is listed as a Contributing historic structure in the recent survey update of the Downtown Historic Conservation Plan and retains its historic integrity.

*Project Summary*

The proposed addition is located at the rear of the residential structure and is comprised of 519 square feet of new construction. The proposed project includes an enlarged deck on the west side of the structure. In addition, the applicant has submitted a color board specifying 'Spring Hill' (sage green) as the primary façade color, with 'Snow Fall' (white) accents and trim and a 'Cabin Red' (deep red) colored front door.

New construction would be differentiated from old by means of the type of wood siding. The existing siding is V-Rustic with 6 7/8" exposure, versus the new siding, which would be V-Rustic, with 6 1/2" exposure. Staff is comfortable that the differentiation between the new and the old would be consistent with the Secretary of the Interior's Standards for Rehabilitation. However, staff is very concerned that the addition would significantly alter the roofline, a character-defining feature of the structure. This change would be highly visible from the street and could jeopardize the structure's historic integrity.

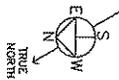
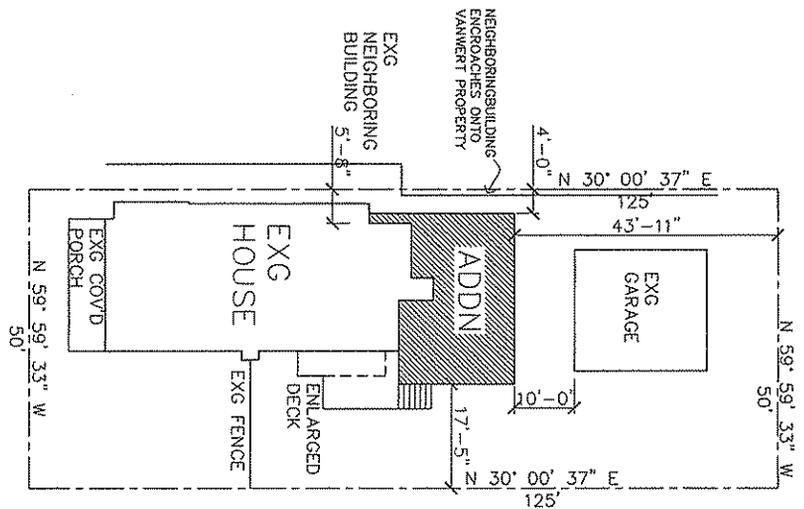
The Commission is being asked to review the proposal and provide comments and feedback to the applicants prior to a formal Design Review hearing.

Attachments:

- Preliminary project plans
- DPR 523 A & B Forms
- Letter from project architect, Steve McKee, date stamp received 4/6/2009

## **PRELIMINARY PROJECT PLANS**

PROJECT INFO	
PROJECT DESCRIPTION: ADDITION AT REAR OF HOUSE. ENLARGE SIDE DECK.	
OCCUPANCY GROUP: R-3, U-1	
CONST. TYPE: V- NO. HR. (NON-SPRINKLERED)	
HOUSE SIZE: EXG HOUSE	1,238 S.F.
ADDITION	319 S.F.
LOT COVERAGE:	
HOUSE	1,728 S.F.
GARAGE	147 S.F.
DECK	147 S.F.
COVERED PORCH	113 S.F.
TOTAL	2,465 S.F.
LOT SIZE =	6,250 S.F.
HOUSE/LOT =	39% COVERAGE

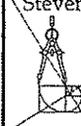


## SITE PLAN

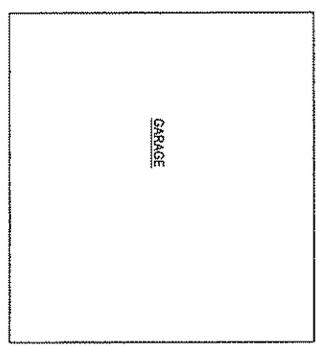
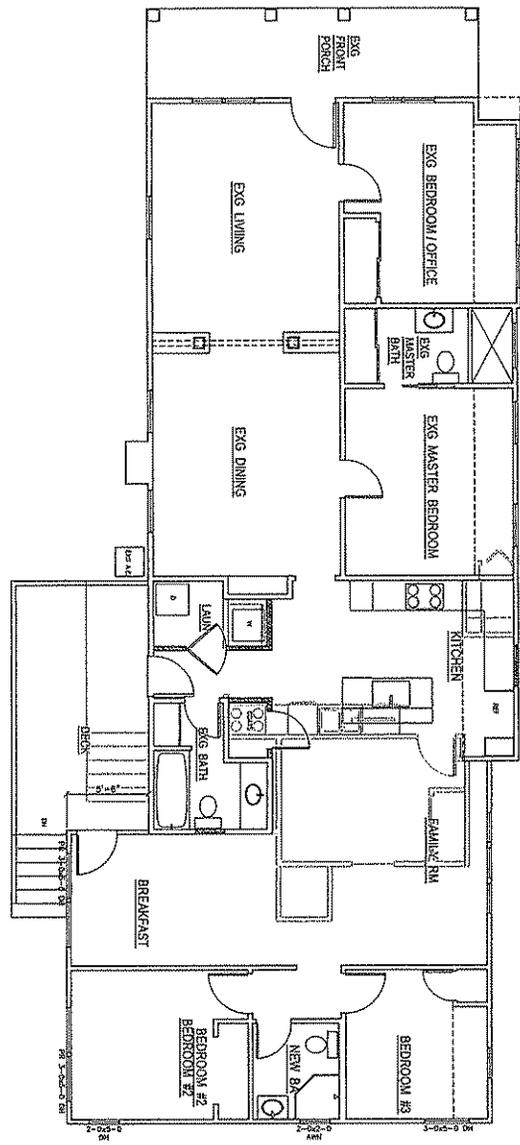
1" = 20'

INDEX OF DRAWINGS	
1	SITE PLAN NOTES
2	FLOOR PLAN
3	ELEVATIONS
4	ELEVATIONS

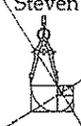
# VANWERT ADDITION

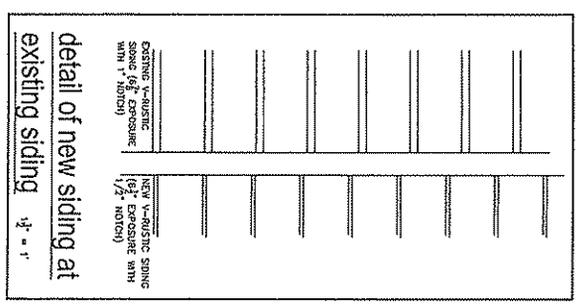
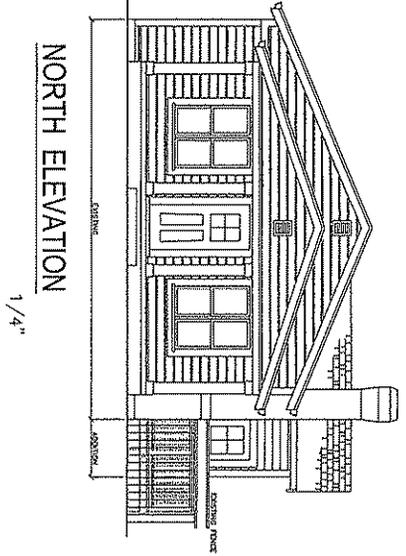
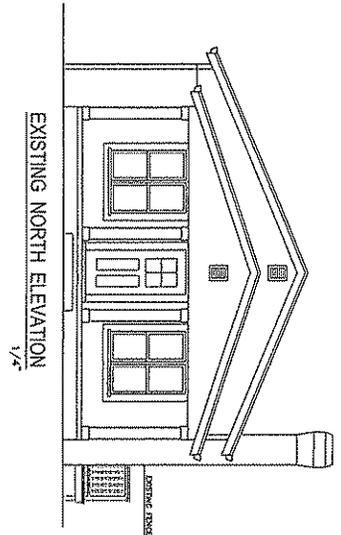
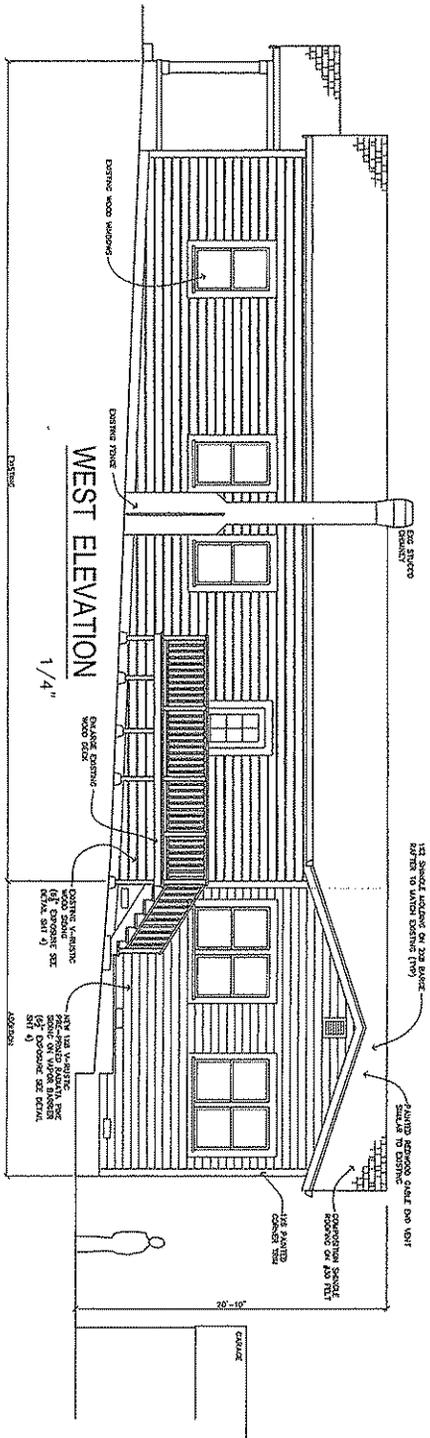
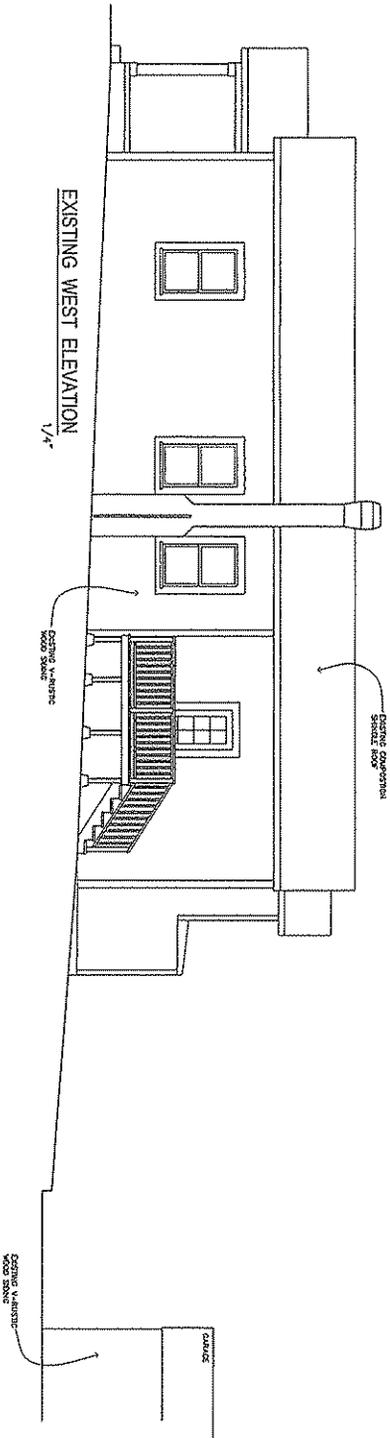
Sheet: <b>1</b>	ADDITION & REMODEL	Revisions:	Steven McKee - Architect  975 West K Street Benicia CA 94510 (707) 746-6788 (707) 746-6767 fax www.stmckee.com
OF 4	VANWERT RESIDENCE	Date: 3/30/09	
SITE PLAN NOTES	182 EAST "I" STREET BENICIA CA	Drawn By: SM	

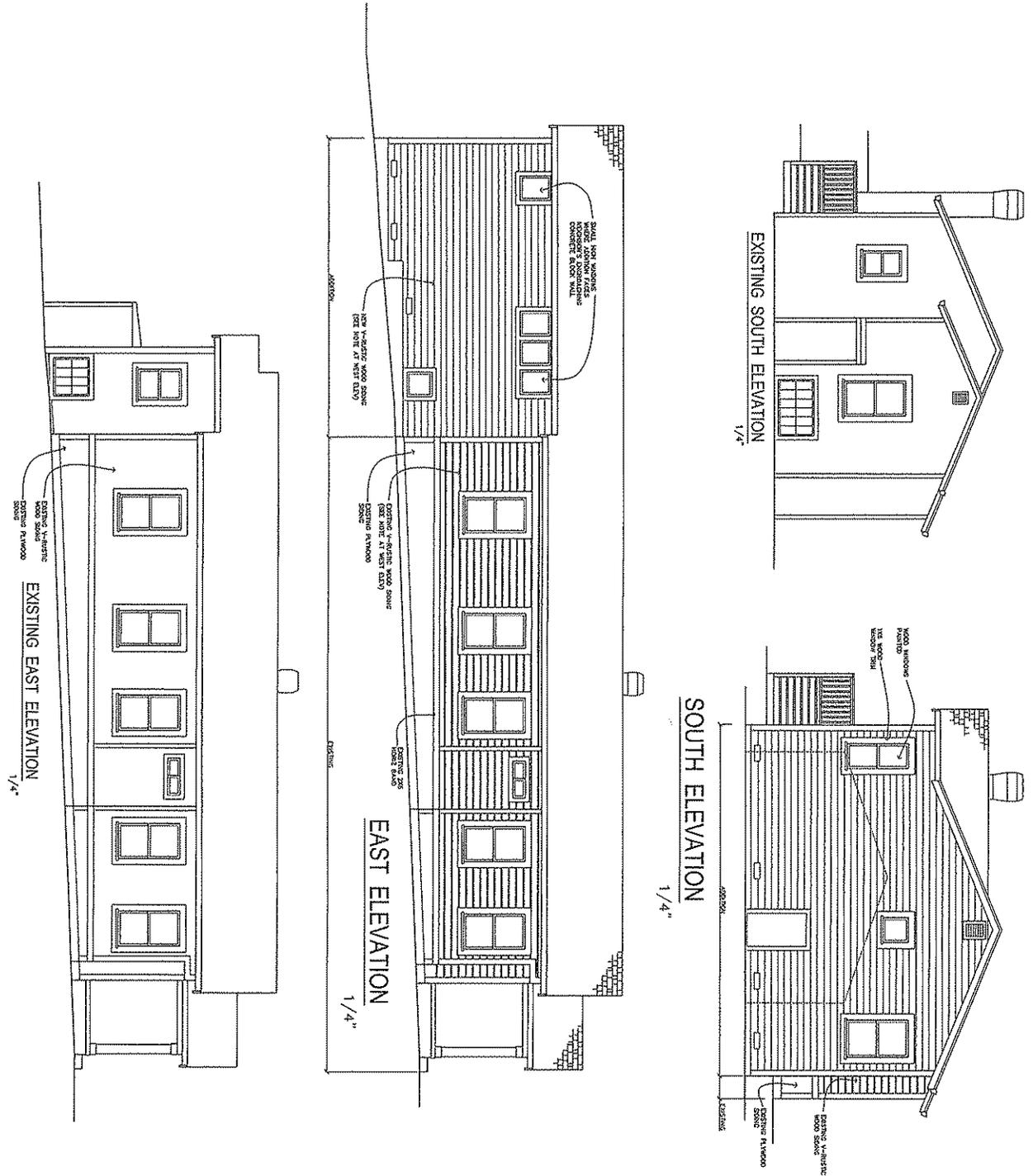
  
**FLOOR PLAN**  
 1/4"



- LEGEND**
-  NEW WALL 2X6 AT 16" O.C.
  -  (8'-19" BATT INSUL. AT EXT WALLS)
  -  NEW WALL 2X4 AT 16" O.C.
  -  (8'-13" BATT INSUL. AT EXT WALLS)
  -  EXG WALL
  -  REMOVE WALL

Sheet: <b>2</b> OF 4 <b>FLOOR PLAN</b>	ADDITION & REMODEL <b>VANWERT RESIDENCE</b> 182 EAST "I" STREET BENICIA CA	Revisions: Date: 3/30/09 Drawn By: SM	<div style="text-align: right;"> <b>Steven McKee - Architect</b>                   975 West K Street                  Benicia CA 94510                  (707) 746-6788                  (707) 746-6767 fax  <small>www.anker.com</small> </div>
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Sheet: <b>4</b> OF 4	ADDITION & REMODEL VANWERT RESIDENCE	Revisions:	Steven McKee - Architect
ELEVATIONS	182 EAST "I" STREET BENICIA CA	Date: 3/30/09 Drawn By: SM	 975 West K Street (707) 746-6788 Benicia CA 94510 (707) 746-6767 fax www.stevemckee.com

**DEPARTMENT OF RECREATION  
FORMS 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 #: 182 East I Street

- P1. Other Identifier:
- \*P2. Location: \*a. County Solano
- b. Address: 182 East I Street
- \*c. City: Benicia Zip 94510
- d. UTM: N/A
- e. USGS Quad: Benicia T2N R3W MDM
- \*f. Other Locational Data (APN #): 89-052-09

\*P3a. Description

This is a double gable bungalow. The house is rectangular in plan with a moderately pitched front gable roof. Eave overhangs have exposed rafter tails and the gable is finished with a plain facial. An attic vent is located under the roof ridge on the gable end. A three-quarter length porch spans the front elevation, its front gabled roof creating the double gable effect. The porch gable is finished in a manner identical to the principal roof gable. It is supported on full-length square posts. There is no porch rail. Fenestration consists of paired double hung windows arranged on either side of the central entry door. The building is clad with clapboard.

\*P3b. Resource Attributes: HP2

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

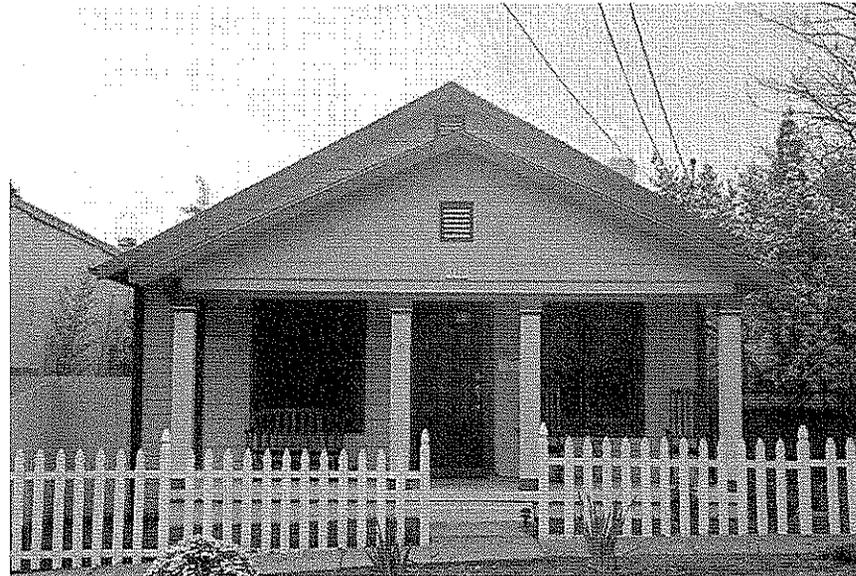
P5b. Description of Photo:

Front façade, view south

\*P6. Date Constructed/Age: 1920  
 Prehistoric  Historic  Both

\*P7. Owner and Address:  
 Robert Vanwert

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



182 East I 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):

State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**BUILDING, STRUCTURE, AND OBJECT RECORD**

Primary #:  
HRI#:

\*Resource Identifier: 182 East I Street

\*NRHP Status Code: 3D

B1. Historic Name: N/A

B2. Common Name:

B3. Original Use:

B4. Present Use: commercial

\*B5. Architectural Style: Craftsman Bungalow

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

This is a simple example of the Bungalow Style, one that relies on form, massing, and roof and porch shape to convey its style. The building has been minimally altered over time and retains its integrity in all regards. The building is a contributor in the Benicia Downtown Historic District and should retain its 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.

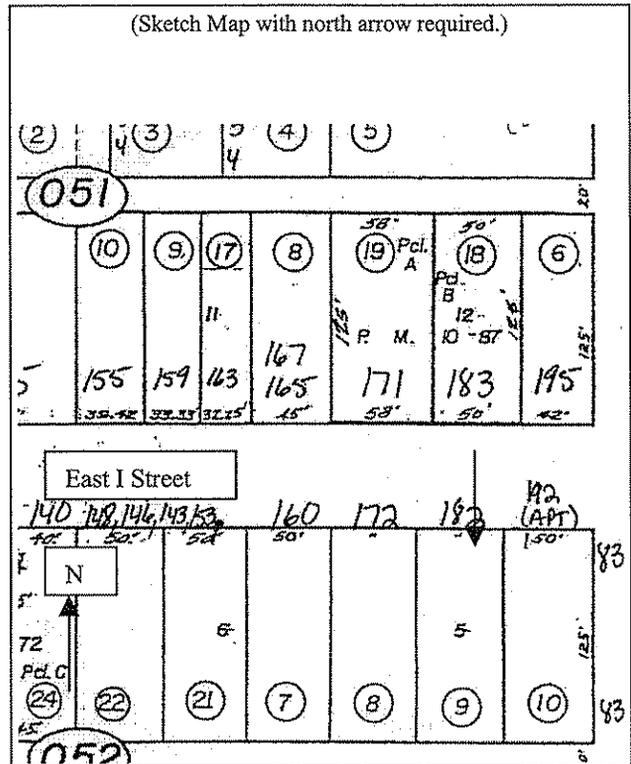
**BUILDING, STRUCTURE, AND OBJECT RECORD**

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



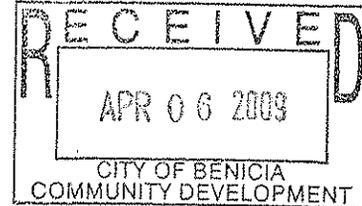
(This space reserved for official comments.)

**CORRESPONDENCE FROM PROJECT ARCHITECT  
DATE STAMP RECEIVED 4/6/2009**

McKee Associates, 975 West K St, Benicia CA 94510 (707) 746-6788

A R C H I T E C T S Calif license C17890

April 6, 2009



Mr. Mike Marcus  
City of Benicia Planning Department  
250 East L Street  
Benicia, CA 94510

Re: Vanwert Addition "study session" at HPRC  
182 East I Street  
Benicia CA

Dear Mike,

The Vanwerts have given up on the idea of applying for a variance for their addition and are electing to proceed with a design that stays 10' away from the detached garage. We would like to be included in the 4/23/09 HPRC meeting as a "study session" (as suggested by Damon Golubics in his email to us on 3/27/09.)

In order to have a viable project we are proposing to extend the addition slightly sideways to the west. I believe this complies with all criteria for additions for reasons I will state below. I know this is counter to a standard the planning department is establishing (in which rear additions on contributing houses should stay 6" inside of the side wall planes and, if not, the addition will not be recommended for approval by the planner writing the report for the project.) I don't expect to change everybody's mind on this, at least not right away, but I would like to point out a few things that should be taken into consideration regarding side additions.

In the case of some properties the notion of confining the entire addition to the rear can be followed while still allowing the homeowner to expand his/her residence in a livable manner (such as my client Steve Woodruff did recently for his house at 250 West H Street) but in other properties (such as the Vanwerts) the resulting footprint available for the addition would be so small as to be almost punitive. And besides, the "rear only" additions are going to be visible anyway to anybody who is not directly lined up in front of the house.

Why side additions should not be routinely ruled out:

For "contributing houses" in the downtown area there are three documents that control the design of additions:

1. Downtown Historic Conservation Plan.
2. Downtown Mixed Use Master Plan.
3. Secretary of Interior Standards for Rehabilitation as interpreted by the HPRC.

The Vanwert design complies with every Secretary of Interior Standard (none of which dictates placement of an addition to either the side or rear. Even standard #9 talks only of "new work shall be differentiated from old" and have "compatible massing, size and scale.")

Our new design complies with the Downtown Mixed Use Master Plan.

The only document that questions the sideways aspect of an addition is the Downtown Historic Conservation Plan. Specifically page 61:

Item 1.2 says an addition "should be located in the rear." We have done that.

Item 1.3 says "where necessary to locate additions to the side of an existing building, the addition should be set back behind the line of the front façade."

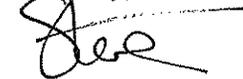
Which we have achieved by setting ours well back from the front line by 49'.

Nowhere does it declare that an extension slightly sideways that we are asking for is not appropriate.

It is my hope that, when made necessary by constricting circumstances, the homeowners in the downtown area will be able to improve the lives of their families by expanding their homes in at least a fraction of the way that others in town are allowed.

Thank you for letting me try out this argument on you. I suspect that it will not be the last time I attempt to make such a case for various projects that I believe are deserving of this consideration.

Sincerely,



Steve McKee

**AGENDA ITEM**  
**HISTORIC PRESERVATION REVIEW COMMISSION MEETING: APRIL 23, 2009**  
**REGULAR AGENDA ITEM**

**DATE** : April 15, 2009

**TO** : Historic Preservation Review Commission

**FROM** : Gina Eleccion, Management Analyst 

**SUBJECT** : **HISTORIC PRESERVATION REVIEW COMMISSION**  
**RULES AND PROCEDURES**

**RECOMMENDATION:**

Discuss, review, take public testimony, and amend rules and procedures by which the Historic Preservation Review Commission can conduct business. Adopt a resolution amending Historic Preservation Review Commission rules and procedures.

**EXECUTIVE SUMMARY:**

The Historic Preservation Review Commission adopted rules and procedures in September 2005. In response to the Commission's comments, and in consultation with the City Attorney's Office, staff has prepared a draft set of amended rules and procedures for review and consideration. Once the Historic Preservation Review Commission and the public have had an opportunity to review and comment on this draft, the Commission should approve the final document for use by the current Historic Preservation Review Commission and future Commissions.

**BUDGET INFORMATION:**

The proposed action has no budget impacts.

**ENVIRONMENTAL REVIEW:**

The proposed action is not classified as a "project" pursuant to the California Environmental Quality Act Guidelines (CEQA), thus no environmental review is necessary for this request.

**SUMMARY:**

Each Commission or Committee representing the City of Benicia operates under a set of rules and procedures. The Historic Preservation Review Commission should consider the draft amended rules and procedures, modify if necessary, and adopt the document.

Attachments:

- Proposed Resolution
- Draft Rules and Procedures

## **PROPOSED RESOLUTION**

**RESOLUTION NO. 09- (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA AMENDING RULES AND PROCEDURES BY WHICH THE COMMISSION WILL OPERATE**

**WHEREAS**, the Historic Preservation Review Commission at a regular meeting on September 22, 2005 conducted a public hearing, reviewed draft rules and procedures, and adopted such rules and procedures by which the Historic Preservation Review Commission can conduct business; and

**WHEREAS**, the Historic Preservation Review Commission at a regular meeting on March 26, 2009 conducted a public hearing, discussed current rules and procedures, and made recommendations for amendments to said rules and procedures; and

**WHEREAS**, the Historic Preservation Review Commission at a regular meeting on April 23, 2009 conducted a public hearing, discussed proposed amendments to the rules and procedures, and approved amendments to the rules and procedures.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Historic Preservation Review Commission approves the amended rules and procedures for the function and operation of the current Historic Preservation Review Commission and future Historic Preservation Review Commissions which serve the citizens of the City of Benicia.

\* \* \* \* \*

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 the 23<sup>rd</sup> day of April, 2009 by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

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Chuck Mang  
Historic Preservation Review Commission Chair

# **DRAFT RULES AND PROCEDURES**

**HISTORIC PRESERVATION REVIEW COMMISSION  
RULES AND PROCEDURES  
ADOPTED: SEPTEMBER 22, 2005  
AMENDED:**

A. GENERAL PROVISIONS

1. These rules and procedures shall be known as "Rules and Procedures of the Historic Preservation Review Commission, City of Benicia." A copy of these rules and amendments thereto shall be filed in the Community Development Department for examination by the public. This document shall be posted on the City's website ([www.ci.benicia.ca.us](http://www.ci.benicia.ca.us)) on the Historic Preservation Review Commission page.
2. These rules, and any amendments thereto, shall be effective on the date of the adoption hereof and shall govern the conduct of the Historic Preservation Review Commission.
3. These rules and procedures may be amended hereafter by action of the Historic Preservation Review Commission.

B. MEMBERSHIP

1. Membership, Term of Office, and Maintenance of Membership is regulated by Benicia Municipal Code, Chapter 2.84, *Historic Preservation Review Commission*. The Secretary of the Commission may be the Chair of the Commission, a Commissioner, or the Community Development Director, as designated by the Commission.
2. The officers of the Commission/Board shall be:

Chair: who shall preside at all meetings of the Historic Preservation Review Commission, call special meetings, and perform other proper duties of a presiding officer. Except as otherwise authorized by the Historic Preservation Review Commission, the Chair shall sign all correspondence, reports and other instruments approved by the Historic Preservation Review Commission.

Vice Chair: who shall perform the duties of the Chair in the absence or incapacity of the Chair; and in case of the resignation or other permanent absence of the Chair, the Vice Chair shall perform such duties as are imposed on the Chair until such time as the Historic Preservation Review Commission shall select a new chair.

Secretary: who shall keep a written record of all business transacted by the Historic Preservation Review Commission, notify members of meetings, maintain the official records of the Historic Preservation Review Commission,

and perform such other duties as the Historic Preservation Review Commission may direct.

3. The Chair and Vice Chair shall be elected by the Historic Preservation Review Commission from its membership each year when the Historic Preservation Review Commission is fully constituted. The Community Development Director or his or her designee shall serve as Secretary to the Commission/Board.
4. Staff Person. The Staff Person of the Historic Preservation Review Commission shall: (a) supply the Historic Preservation Review Commission members with such information and make such recommendation as deemed necessary to carry out the purposes of the Historic Preservation Review Commission and to properly administer its affairs; and (b) be the single point of contact for the Historic Preservation Review Commission.
5. Additional Duties The officers of the Historic Preservation Review Commission shall perform such other duties and functions as may from time to time be required by the Historic Preservation Review Commission.
6. Subcommittees. The Commission may establish subcommittees from time to time to carry out the business of the Commission. Committees are to be used for short-term, specific projects. Committee members shall be elected by a majority of the Commission. Subcommittees shall comply with the Open Government Ordinance and the Brown Act. An Ad Hoc Committee composed solely of less than 5 Commission members and no other people is not required to comply so long as the committee's purpose is limited in scope and in duration.

#### C. MEETINGS

1. Regular Meeting: The regular meeting of the Historic Preservation Review Commission shall be on the fourth Thursday of each month at 6:30 pm. In compliance with the Brown Act and the Open Government Ordinance, all regular meetings shall be open and public. An agenda for regular meetings will be prepared and posted six (6) days prior to a meeting.
2. Special Meetings: Special meetings may be called by the Chair or by a majority of the Historic Preservation Review Commission members if determined to be necessary for discharge of the Historic Preservation Review Commission's responsibilities. The Secretary shall poll Historic Preservation Review Commission members and attempt to arrange a date and time convenient to all Historic Preservation Review Commission members. Notice of special meetings shall be given consistent with Brown Act and Open Government Ordinance requirements. Special meetings are not advised, and shall only be held when deemed critical to conducting business.

3. Meeting Location. Regular meetings shall be held in the Council Chambers. When the Council Chamber is unavailable and in exceptional circumstances, the Historic Preservation Review Commission may change this meeting location by notice on its agenda
4. Adjournment. The Historic Preservation Review Commission shall not begin new public hearing items after 11:00 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. At the conclusion of the last public hearing item that ends after 11:00 p.m., the Commission may determine by a simple majority vote that all remaining administrative items on the agenda be heard by the Commission or continued to a future meeting and the Historic Preservation Review Commission may extend the meeting to an additional specified amount of time.

#### D. AGENDA

1. Opening of Meeting/Pledge of Allegiance/Roll Call
2. Reference to Fundamental Rights of Public
3. Agenda Changes and Discussion
4. Public Comment
5. Consent Calendar/Approval of the Agenda/Approval of Minutes
6. Agenda Items
7. Communications from Staff/Communications from Commissioners
  - a. A request to add an item to the list of priority items, or agendaize items for future meetings, must get a majority vote of the Commission.
8. Adjournment
9. Agendas shall be set by the Chair and Commission Staff
10. The Historic Preservation Review Commission shall maintain a list of priority items (Exhibit A). This list shall provided the basis of both strategic plan priorities to City Council, as well as ongoing topics for discussion and action by the Commission. This list shall be reviewed and prioritized on a semi-annual basis. Items may be added to the list by a majority consensus of the Commission.

#### E. MINUTES

1. General Policy Statement on Minutes of Meeting. It is the general policy of the Historic Preservation Review Commission to prepare draft minutes of the deliberations of the Historic Preservation Review Commission. These minutes will include:
  - a. the time the meeting was called to order
  - b. the names of the members attending the meeting
  - c. a one-sentence summary of, and the roll call vote on, each matter considered at the meeting

- d. the time the body began and ended any closed session
- e. any letters submitted on agenda items,
- f. those members of the public who spoke on each matter if the speakers identified themselves
- g. and the time the meeting was adjourned

The draft minutes of each meeting shall be available for inspection and copying upon request within the shortest possible time after the meeting. Minutes must be finalized and adopted by the majority of Historic Preservation Review Commission members in order to be regarded as an official record of the Historic Preservation Review Commission. No later than five business days after the meeting at which the minutes are adopted, the officially adopted minutes shall be available for inspection and copying upon request and shall be posted on the city's web site.

2. Public Comment. Any member of the public during Public Comment may request that corrections or deletions be made to the minutes. These requests may be acted upon by the Historic Preservation Review Commission with appropriate review and deliberation.
3. Method of Documentation. It is the policy of the Historic Preservation Review Commission to retain tape recordings documenting Historic Preservation Review Commission deliberations for two years following the finalization and adoption of written minutes. Written minutes that have been adopted by the Historic Preservation Review Commission shall constitute the official record of the Commission and shall be maintained indefinitely.

## F. RULES OF ORDER

The following definitions and rules shall govern the proceedings and order of business of the Historic Preservation Review Commission:

1. Presentation:
  - a. Prior to public discussion or Historic Preservation Review Commission deliberation, the presiding officer or other person designated thereby shall describe the item or business before the Historic Preservation Review Commission.
  - b. Staff may make a presentation to the Commission. Once staff has finished the presentation, the Chair will poll the Commissioners for questions of staff.
  - c. Once the Commissioners have finished with their questions the Chair will call for the applicant's presentation, if any, or call for public

discussion on the matter before the Commission. Public discussion shall follow the applicant's presentation, but precede Historic Preservation Review Commission deliberation.

2. Public Discussion.

The presiding officer shall recognize speakers on an agendized matter when that item is before the Historic Preservation Review Commission for consideration. (This includes any comments pertaining to the Announcements/Appointments/Presentations/ Proclamations section of the agenda.) The presiding officer shall recognize speakers on Public Hearing items at the Public Hearing. The presiding officer shall recognize speakers on matters not on the agenda under the Opportunity for Public Comment portion of the agenda.

Persons addressing the Historic Preservation Review Commission shall do so only at the speakers' rostrum and should begin, but are not required to do so, by stating their name and address for the record. All remarks shall be addressed to the Historic Preservation Review Commission as a body and not to any member thereof, or to staff, or to the public. No person other than a member of the Historic Preservation Review Commission and the person having the floor shall be permitted to enter into any discussion without the permission of the presiding officer. Speakers may not make personal attacks on Historic Preservation Review Commissioners, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

- a. Recognition. Any person addressing the Historic Preservation Review Commission shall first secure the permission of the presiding officer.
- b. Not a Debate. Public discussion should not be used to elicit a debate between Historic Preservation Review Commission members and the public. Speakers should not be interrupted unless they are out of order.
- c. Time Limits. Each speaker shall speak only once on an agenda item and limit his/her remarks to five (5) minutes when speaking at the time of the agendized item or when speaking on non-agendized items under Opportunity for Public Comment, except as otherwise specifically provided for in these Rules or in the Open Government Ordinance, or except as time is extended by the presiding officer with the consent of the majority of the Historic Preservation Review Commission. Each speaker shall avoid repetition of the remarks of prior speakers and speak only to the specific agenda item under consideration.

In accordance with the Open Government Ordinance, the presiding officer may request spokespersons be designated to represent similar views.

Spokespersons shall each have fifteen (15) minutes to present their case. Any spokesperson wishing to make a rebuttal shall have 5 (five) minutes to present.

d. Pending Motion. When a motion is pending before the Historic Preservation Review Commission, no person other than a Historic Preservation Review Commission member shall address the Historic Preservation Review Commission without first securing the permission of the Chair to do so.

e. Public Discussion. Public Discussion shall precede Historic Preservation Review Commission deliberation. Once all members of the public wishing to speak have been heard on the matter, the presiding officer shall close the public discussion session and bring the matter back to the Commission for consideration. No additional public comment may be made after this time.

f. No discussion shall be permitted, without approval of the Historic Preservation Review Commission, after a motion has been adopted which would terminate further deliberation.

### 3. Appeals

a. The procedure for the conduct of all appeals to the Historic Preservation Review Commission shall be as set forth in the governing ordinance or resolution.

b. If no procedure is set forth, the staff person shall first present his or her case. The appellant shall then present his or her case. The staff person may then offer a rebuttal. The staff person and appellant may then present closing arguments.

### 4. Historic Preservation Review Commission Deliberation

a. Presiding Officer May Deliberate. The presiding officer may deliberate from the chair, subject only to such limitations of deliberation as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Historic Preservation Review Commission by reason of his or her acting as the presiding officer.

b. Conflict of Interest. In situations where there is a conflict of interest under the Political Reform Act, the Open Government Ordinance or other conflict laws, members of the Historic Preservation Review Commission are required to abstain from voting on the item and from participating in the decision-making process. The following procedures should be followed:

i. Declare the conflict of interest.

- ii. State the basis of the conflict of interest.
- iii. Do not discuss or vote on the matter.
- iv. Step down from the podium and leave the room until the item is completed or unless the Political Reform Act allows the member to remain in the room.
- v. If the item is on the Consent Calendar, and is not pulled except for declaring the conflict, the commissioner does not have to leave the room.

c. Getting the Floor - Improper References to be Avoided. Every member desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine himself or herself to the questions under deliberation, avoiding all personalities and indecorous language.

d. Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call said member to order, or as herein otherwise provided. If a member, while speaking, be called to order, said member shall cease speaking until the question of order be determined, and if in order, said member shall be permitted to proceed.

e. Remarks of Commission/Board Member - When Entered in Minutes. Any Historic Preservation Review Commission member may request, through the presiding officer, the privilege of having a written abstract of said member's statement on any subject under consideration by the Historic Preservation Review Commission entered in the minutes. If the Historic Preservation Review Commission consents thereto, such statement shall be entered in the minutes.

f. Motion to Reconsider. A motion to reconsider any action taken by the Historic Preservation Review Commission may be made only on the date such action was taken. It may be made either immediately during the same session; or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable.

g. Motion to Table. A motion to lay on the table shall preclude all amendments or deliberation of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority.

h. Motion to Call for Question or Continue to a Date Specific. A motion to call for the question or continue the matter to a specific date shall preclude all amendments to or deliberation of the subject under consideration and is not debatable.

- i. Statement of Position. When a motion to call for question or table is adopted, each member of the Historic Preservation Review Commission may briefly state his/her position on the matter before roll call or call for the next item of business.
- j. Privilege of Closing Deliberation. The member moving the adoption of a motion or resolution shall have the privilege of closing the deliberations or making the final statement.
- k. Division of Question. If the question contains two (2) or more divisible propositions, the presiding officer may, and upon request of a member shall, divide the same.
- l. Second Required. All motions, except for nominations and a point of order, shall require a second.
- m. Voting. Four (4) members of the Historic Preservation Review Commission shall constitute a quorum. A vote of three (3) members at a properly called meeting shall be necessary for any action of the Historic Preservation Review Commission. If a motion fails to receive the required number of votes to pass or fail, the request of any Historic Preservation Review Commission member would cause the item to be carried over to the next meeting.
- n. Forms of Action. The Historic Preservation Review Commission may act by motion or resolution. All motions shall be recorded in the minutes verbatim. All resolutions shall be in writing and the title shall be recorded verbatim in the minutes as well as the vote thereon.
- o. Miscellaneous. All other matters not covered by these rules shall be decided by a majority of the Historic Preservation Review Commission. Roberts Rules of Order may be used as a guide.

#### G. ATTENDANCE

It shall be the responsibility of each Historic Preservation Review Commission member to notify the Secretary, who shall thereupon notify the Chair, of an inability to attend a scheduled Historic Preservation Review Commission meeting. Other applicable attendance rules for Commissioners are governed by the Benicia Municipal Code.

#### H. PREEMPTION

The applicable City of Benicia's policies, resolutions and ordinances and state and federal laws shall prevail where a conflict exists between any of them and these Rules and Procedures.

## Priority List of Items

Priority	Strategic Plan Projects	Status
1	<p>Historic Context</p> <p>Includes:</p> <ol style="list-style-type: none"> <li>1. Portuguese Influence</li> <li>2. Properties over 50 years old</li> </ol>	2008 – Applied for grant. Did not receive. Will apply for 2009 grant
2	<p>Downtown Historic Conservation Plan Update</p> <p>Includes:</p> <ol style="list-style-type: none"> <li>1. Window Standards – Review existing resolution establishing window standards</li> <li>2. Craftsman Cottages</li> <li>3. Paint Standards for the H overlay district</li> <li>4. Design Guidelines for non-historic homes</li> <li>5. Skylights</li> </ol>	Pending update to Historic Resource Inventory
Priority	Topics	Status
1	Staff level Design Review (Administrative Certificates of Appropriateness) for specific projects that are consistent with Secretary of Interior's Standards for the Treatment of Historic Properties	
2	Secretary of the Interior Standards for Treatment of Historic Properties	Ongoing SHPO training (Mark Huck) February 2008 Additional discussion requested by Chair Mang
3	Information to Historic Property Owners and Realtors (Notification of historic property designation status & eligibility for Mills Act)	Complete until further direction. Staff report 1-25-07. Staff to draft language to be included on deed. Will cost City approximately \$15,000 to implement
4	Fee Schedule and Design Review Process (for both historic and non-historic properties)	
5	CLG Requirements	

5	Standing Historic Subcommittee with Benicia Historical Society	Requested by Bonnie Silveria
6	Formal process for property owners to rehabilitate non-historic properties and apply for designation as a contributor or landmark	Requested by Commissioner Taagepera
<u>ANNUAL</u>		
	Mills Act Compliance Report	Report on annual inspections
	Certified Local Government Report	Discussion of annual report submitted to SHPO
	City-owned Historic Buildings (Project Status and Maintenance)	Parks & Community Services Dept. will prepare an annual status report
<u>COMPLETED</u>		
	Story Pole requirement for projects that require Design Review in the H overlay district	<b>Complete.</b> Implementation program of the Downtown Mixed-Use Master Plan
	Mills Act Monitoring	<b>Complete.</b> Monitoring Program adopted 8-31-06
	Property Maintenance Issues	<b>Complete.</b> Staff report 9-28-06. No further action required
	Design Review for all single-family homes in the H overlay district	<b>Complete</b> until update of DHCP to include design guidelines
	Mills Act Program – Training, discussion of overall program and recommendation to City Council for amendments	<b>Completed November 2008</b> - Additional discussion on program eligibility. Minimal changes recommended. SHPO training early Spring 2008 Program overview 7-24-08

- List to be reviewed bi-annually
- Strategic Plan Projects require Council direction/funding
- Discussion Topics to be agendized reasonably, based on required agenda items and staff workload
- Chair/Staff set agendas



Community Development Department  
**MEMORANDUM**

**Date:** April 15, 2009  
**To:** Historic Preservation Review Commission  
**From:** Gina Eleccion, Management Analyst  
**Re:** Discussion on formation of standing subcommittee

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At the March 26, 2009 meeting, Bonnie Silveria requested a discussion on the possibility of forming a standing subcommittee to advise HPRC regarding ongoing issues. This subcommittee would be similar to the Historic Survey Ad Hoc Committee, and would be made up of HPRC Commissioners, Benicia Historical Society members, and City staff.

The consensus of the Commission was to agendaize this for discussion. The below excerpt from the Commission's draft rules and procedures written by the City Attorney addresses the issue of subcommittees:

*Subcommittees.* The Commission may establish subcommittees from time to time to carry out the business of the Commission. Committees are to be used for short-term, specific projects. Committee members shall be elected by a majority of the Commission. Subcommittees shall comply with the Open Government Ordinance and the Brown Act. An Ad Hoc Committee composed solely of less than 5 Commission members and no other people is not required to comply so long as the committee's purpose is limited in scope and in duration.

Staff submits the following options for discussion:

1. Benicia Historical Society form a committee, with City staff as a liaison. This committee could meet as often as necessary, as it would not be subject to the City's Open Government Ordinance.
2. HPRC form a subcommittee. This committee would only meet quarterly, as it is subject to the City's Open Government Ordinance and requires noticing, agendas, and minutes. The committee's purpose must be clearly defined, as it is not the purview of the committee to act in the same capacity as City staff.
3. No committee be formed. City staff to present a quarterly report at the Benicia Historical Society meetings regarding the progress on historic projects, and updates on historic issues.

It was stated at the March meeting that the Parks, Recreation and Cemetery Commission has such a standing subcommittee. The following are the only current Parks committees or boards:

- The Benicia Sports Board - comprised of members from the City of Benicia, Benicia Unified School District and sports related stakeholders to discuss rules, regulations, field allocation issues. The Benicia Sports Board meets twice a year.
- Tree Committee – meets quarterly to discuss implementation of the City's tree ordinance.