



BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

CITY HALL COMMISSION ROOM

REGULAR MEETING MINUTES

Thursday, April 23, 2009

6:30 P.M.

I. OPENING OF MEETING

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

Present: Commissioners Crompton, Donaghue, Haughey, McKee (arrived late),
Taagepera, White and Chair Mang

Absent: None

Staff Present:

Lisa Porras, Senior Planner
Mike Marcus, Assistant 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

Gina Eleccion suggested moving Item V-D up before Item V-C. On motion of Commissioner Crompton, seconded by Commissioner White, the agenda was amended per the previous request by the following vote:

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

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

Jon Van Landschoot, 175 West H Street – Compliment staff for the full-sized plans provided.

IV. CONSENT CALENDAR

On motion of Commissioner White, seconded by Commissioner Donaghue, the Consent Calendar, with amendments to minutes as noted, was approved by the following vote:

Ayes: Commissioners Donaghue, Haughey, McKee, Taagepera, White and Chair Mang

Noes: None

Absent: None

Abstain: Commissioner Crompton

A. Approval of Agenda

B. Approval of Minutes of March 26, 2009

Commissioner Taagepera commented on her request for clearer rules for Chair and Vice Chair and the addition of Roberts Rules of Order.

On Communications from Commissioners, Commissioner Taagepera wanted clarification on her request for information from staff trainings. She noted that she requested staff come back to the Commission with information from their training sessions.

V. REGULAR AGENDA ITEMS

A. 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.

Commissioner McKee stated he is the architect on the project and must recuse himself.

Lisa Porras, Senior Planner, gave an overview of the project. She highlighted specific conditions, including those required by the Zoning Administrator on March 30th. Colors and materials were highlighted. She noted that there are 10 cypress trees proposed for removal. Ms. Porras informed the Commission about a revision to condition #7.

Commissioners questioned the variance and why it was granted. Ms. Porras stated that the Zoning Administrator's findings for granting approval, and the required conditions for approval were listed in the Decision of Record. Commissioners questioned the purpose of the lot line adjustment. . Lisa Porras stated that a lot line adjustment was required as a condition of variance approval to address driveway width.

Commissioners questioned the selected paint colors and whether future approval would be required to change the paint colors. Staff informed the Commission that currently, paint colors do not require approval, but it is something that could be considered in the future. Staff clarified that the Commission has the authority to review color and materials for new construction with guidance provided in the Downtown Historic Conservation Plan.

Commissioner Taagepera was concerned that the CEQA exemptions are not being applied consistently. She stated the project could also be deemed exempt under a different category.

The 5-foot lot line adjustment for the driveway was questioned. Lisa Porras showed the 5' lot line adjustment on the plans that would create a 10' driveway. Condition #4 of the resolution should read April 23, 2011. Lisa Porras noted that currently the building permit can move forward without the lot line adjustment. If the lot line adjustment was not completed in the timeframe outlined, Commissioners questioned how the City would ensure that it was done.

Commissioner Donaghue excused himself at 7:00 p.m.

Joseph Garske, Applicant – Mr. Garske informed the Commission that he has spoken to an Engineer and is attempting to get a survey from a title company, clarifying that he is already working on the lot line adjustment process. He gave a brief history of the lot and the project. He noted that he is pleased to move back downtown. He noted that the story poles are not a true depiction of the building.

The public hearing was opened.

Donnell Rubay, 175 West H Street – Ms. Rubay asked the Commission whether revised Condition #7 would be included in the final resolution. She noted that an agreement was made between the neighbors and the property owner .

Jon Van Landschoot, 175 West H Street – He thanked the Garskes for approaching them about this project. He questioned the color of the main body of the building. Lisa Porras noted that it will be a beige color. He stated concerns with the height of the screening trees and would like them to go at least 10-15'.

Phil Joy – He noted that the story poles do not accurately depict the building.

Mrs. Garske – She noted that they are pleased with the design and looking forward to moving downtown.

Celeste Joy – She noted that the Garskes were sensitive to the neighborhood.

Bonnie Silveria – She is pleased to see story poles being used. The story poles alert the neighbors that something is being built.

The public hearing was closed.

Commissioners stated they did not want to select a specific tree and instead prefer providing general guidance.. Commissioner Haughey questioned why an accessory building would be disallowed, and why it should be deed restricted in the conditions of approval. She asked whether it was legal and stated her concern. . Lisa Porras noted that the deed restriction was required by the Zoning Administrator as part of the variance approval process. The landscaping screening was required as a condition of approval for the variance..

Commissioner White noted that strawberry trees drop a lot of fruit and will grow to at least 15'. There are other evergreens that might be more low maintenance.

Commissioner Donaghue rejoined the meeting at 7:17 p.m.

Commissioner White stated that decisions were made that the Commission had no input on.

Commissioners commented that it is a good design. There was a suggestion to have some requirement that the paint colors remain for a certain time period.

There are concerns with the octagon windows, particularly on the porch. Based on other properties in the district, this window style does not appear to be appropriate.

Commissioner Taagepera questioned the variance and why the HPRC should be constrained in their review; the Commission had no say in the size, which is related to design.

Commissioner Haughey stated a decision was already made with the neighbors beforehand and that the process was not done correctly.

The Commissioners questioned the variance procedure and noted it restricts HPRC's decision making abilities. A review of the variance request would have been helpful before a decision was made on the matter. The Commission would like to discuss future handling of these types of issues.

There was another comment on the octagon windows proposed. This is not an architectural element represented. It was noted that the windows appear somewhat nautical. There was a suggestion to modify the conditions to change the octagon windows.

Conditions were amended as follows:

1. Amend Condition #4 to require that the Lot Line Adjustment process begin prior to Certificate of Occupancy.
2. Amend Condition #5 to remove the word “opaque”.
3. Condition #7 be approved as written in the resolution, not based on the revised language submitted.

Donnell Rubay made a point of order that the setbacks in the Downtown Mixed Use Master Plan created confusion. She noted that the applicant and neighbors worked this out ahead of time.

Commissioners asked staff to clarify what the setback requirements are.. Lisa Porras cited the setbacks as written in the Downtown Mixed Use Master Plan for the NG zone. Commissioner Taagepera would have liked to have heard the neighbors’ concerns. Commissioner Haughey noted that she believed the issue related to the garage versus an accessory unit and stated the agreement was made to satisfy the neighbors’ concerns.

Commissioner White stated that the HPRC should not set a precedent by requiring deed restrictions and instead the property owners should be left to decide this for themselves. He stated that the neighbors and property owner can agree to a private deed restriction on their own.

RESOLUTION NO. 09-8 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

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

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

A recess was called at 8:05 p.m. The meeting was reconvened at 8:20 p.m.

B. 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.

Commissioner McKee, as the architect for the project, recused himself.

Mike Marcus, Assistant Planner – gave an overview of the proposal. He noted that an additional sheet was available. The applicants would like preliminary review and feedback.

Commissioners questioned how the applicant will deal with the 10' setback issue. Mike Marcus noted that the Neighborhood General zone of the Downtown Mixed Use Master Plan requires the 10' setback. There were questions regarding the encroachment of the adjacent property. Mike Marcus noted that this is currently legal, non-conforming. There was a question as to the new fire code regulations now conforming with the proposed plans.

The issue of a variance was raised. Mike Marcus noted that the City does not believe it can make the findings for a variance. Commissioners suggested moving the house back 3'11" so that they could meet the 40' setback from the alley.

Bob VanWert, Applicant – He noted that there is ample yard space. They have looked into a variance, but this has been discouraged by the City. He noted that the garage is in good condition. They would like to go straight back, but that was discouraged.

Laurie VanWert – Applicant – She noted that there is inconsistency in the regulations. The City has advised that a variance could not be granted. They have a real need for additional square footage. She feels they are meeting the standards of all of the regulations, other than the Downtown Historic Conservation Plan in relation to the historic character of the site. She noted it's difficult for homeowners to expand their properties and they are frustrated with the process. There have been modifications to the property.

Commissioners questioned if there is a basement under the structure. The applicant noted that there is, with exterior access. Commissioners questioned the possibility of using the basement to add square footage.

Commissioners discussed options for the applicants. There are issues with the addition projecting out. There is a possibility of moving the garage, but this would not gain a lot of square footage.

There are issues with the Downtown Mixed Use Master Plan and it needs to be revisited.

The public hearing was opened.

Bonnie Silveria – She questioned the findings for a variance and noted it could be appealed to the Planning Commission. She noted that a recommendation from HPRC to the Planning Commission would carry some weight.

The applicants questioned if any of the fees could be waived. This would have to be approved by the Community Development Director.

The Commission reached consensus that the 10' separation from the house and garage is not consistent with other provisions. They would support granting of a variance to relieve this condition, and would recommend waiving the variance application fee. There is no unfair advantage and a hardship exists due to inconsistency in the regulations with the Downtown Mixed Use Master Plan. The Commission recommended further meetings with staff to see if this issue can be resolved. The preference is to add on to the back. Adding to the side has not been consistent with prior approvals.

Commissioner Crompton suggested looking at designs that expand the structure sideways that would be consistent with the Secretary of the Interior Standards.

Bob VanWert noted that the basement is basically crawl space and there are flooding issues.

Commissioner Crompton noted that granting a variance here might set a precedence for future applicants.

A variance would not offer an unfair advantage and this is a hardship because the regulations conflict. There are concerns with the Downtown Mixed Use Master Plan and a recommendation to amend this document. There is also an issue with the siting of the house on the lot.

Commissioner Crompton noted that an addition can be done and be compatible.

D. DISCUSSION ON FORMATION OF A STANDING SUBCOMMITTEE – The Commission will discuss the suggestion by Bonnie Silveria to form a standing subcommittee of the Commission.

Gina Eleccion, Management Analyst, introduced the item. She noted that staff supports this, but would like to clearly define the role of the committee. It is not intended to meet monthly, but quarterly. If a standing committee is formed, these meetings will need to be noticed, agendas prepared, minutes taken. There are Open Government requirements for such a committee.

Bonnie Silveria, Benicia Historical Society – She suggested forming this committee to have continuity with the goals and work of the Commission, the Historical Society and City staff.

Commissioners discussed the committee and how it would be structured. Bonnie Silveria clarified that a standing committee would exist in perpetuity so that there is consistency in the collaboration between the Commission, the Historical Society and City staff.

Commissioners commented on the issues related to historic preservation and would like to support staff in their efforts in preservation. Gina Eleccion noted that staff is appreciative of the volunteers efforts. The committee can be structured so that the Commission determines the work of the committee.

There was consensus to form a quarter ad hoc committee that would deal with a specific topic or project. The committee would bring back their findings to the Commission. Once the work on that topic or project was complete, a new ad hoc committee would be formed with a different purpose.

C. **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.

Commissioners discussed to draft rules. Gina Eleccion noted that the City Attorney has reviewed and recommended approval of this document. The City Attorney has added language to the conflict of interest and subcommittees sections.

Direction was given to staff to update specific sections of the draft presented.

Commissioner Taagepera commented on using Robert’s Rules of Order. Gina Eleccion read excerpts from Robert’s Rules of Order regarding elections. If the Commission does not specify how elections will be held, Robert’s Rules of Order will apply. Officers can be elected verbally or by ballot. Commissioners felt more comfortable with voting by ballot.

Commissioner White suggested that at the end of the Chair’s year term, nominations for new officers will be accepted and voted on by ballot. Commissioners will consider tenure and desire to serve, on the Commission when electing Chair/Vice Chair.

RESOLUTION NO. 09-9 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA AMENDING RULES AND PROCEDURES BY WHICH THE COMMISSION WILL OPERATE

On motion of Commissioner Donaghue, seconded by Commissioner White, the above resolution was adopted by the following vote:

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

VI. COMMUNICATIONS FROM STAFF

Gina Eleccion reminded Commissioners of CLG training in Davis on April 27th. Directions and information were provided.

May is National Preservation Month. The City has been working with the Benicia Historical Society. Flyers and letters will be going out to all H District property owners. The following events are scheduled:

May 5th – City Council Proclamation. Everyone is encouraged to attend to support our preservation efforts.

May 7th & 14th – Farmers’ Market. Commissioners were encouraged to attend and volunteer to work at the booth.

May 28th – Historic Preservation “Meet & Greet”. This will take place on HPRC’s regular meeting night. This will be an informal setting that will allow residents to talk to Commissioners, staff and Historical Society members about a variety of topics. Informational brochures will be on hand for the public.

Gina Eleccion noted that the CLG grant application is being submitted this week.

There is no update on the IOOF. Commissioner Haughey noted she got an estimate of \$2600 to put 2 coats of spray on sealant on the brick. Staff will follow up on the direction to get an Architectural Historian’s opinion on the integrity of the building with the existing brick.

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Haughey commented on a house on West H Street that was painted red. There are many complaints about this. In addition, she raised concerns about the variance process for 170 West I Street. She has major concerns with the Downtown Mixed Use Master Plan.

Commissioner Taagepera distributed flyers for the Commanding Officer’s Quarters.

VIII. ADJOURNMENT

Chair Mang adjourned the meeting at 11:20 p.m.