

May 24, 2012

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

City Hall Commission Room
Thursday, May 24, 2012
6:30 P.M.

MEET & GREET SESSION: 6:30 – 7:00 P.M.

Chair Crompton will provide an introduction to the Meet & Greet Session. City staff, HPRC Commissioners and members of the local preservation community including the Benicia Historical Museum will be available to meet the public, answer questions, and discuss general issues. There is no agenda for this portion of the meeting to allow citizens the opportunity to ask questions, get information regarding City procedures and discuss any topics desired.

Please note that the Commission will not be able to discuss specific items or projects that may come before them in the future.

I. OPENING OF MEETING: 7:00 P.M.

A. Pledge of Allegiance

B. Roll Call of Commissioners

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

II. ADOPTION OF AGENDA:

III. OPPORTUNITY FOR PUBLIC COMMENT

This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on the agenda that is within the subject matter jurisdiction of the Historic Preservation Review Commission. State law prohibits the Commission from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on commissioners, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT

B. PUBLIC COMMENT

IV. PRESENTATIONS

None.

V. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Historic Preservation Review Commission or a member of the public by submitting a speaker slip for that item.

*Any Item identified as a Public Hearing has been placed on the Consent Calendar because it has not generated any public interest or dissent. However, if any member of the public wishes to comment on a Public Hearing item, or would like the item placed on the regular agenda, please notify the Community Development Staff either prior to, or at the Historic Preservation Review Commission meeting, prior to the reading of the Consent Calendar.

[A. Approval of Minutes of April 26, 2012](#)

VI. REGULAR AGENDA ITEMS

[DESIGN REVIEW TO REPLACE 69 WINDOWS AT 827-857 FIRST STREET](#)

[12PLN-00017 Design Review](#)

[827-857 First Street](#)

[APN: 0089-044-090](#)

PROPOSAL:

The applicant requests design review approval to replace 69 existing aluminum, single-pane windows with vinyl, dual-pane windows on the existing multi-tenant commercial and residential building located at 827-857 First Street. The building is a non-contributing structure within the Downtown Historic Conservation District. (Note: Correction from Notice of Public Hearing mailed May 14, 2012 states 68 windows. The total number is 69 windows.)

Recommendation: Approve design review request to replace the aluminum, single-pane window with vinyl dual pane windows (69 total) on the existing multi-tenant commercial and residential building located at 827-857 First Street, based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

VII. COMMUNICATIONS FROM STAFF

VIII. COMMUNICATIONS FROM COMMISSIONERS

IX. 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 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 Public Works & 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 Public Works & Community Development Department during regular working hours. The Public Works & Community Development Department is open Monday through Friday (except legal holidays), 8:30 a.m. to 5 p.m. (closed from noon to 1 p.m.). Technical staff is available from 8:30 - 9:30 a.m. and 1:00 - 2:00 p.m. only. If you have questions/comments outside of those hours, please call 746-4280 to make an appointment. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the Public Works & Community Development Department's office located at 250 East L Street, Benicia, or at the meeting held in the City Hall Commission Room. If you wish to submit written information on an agenda item, please submit to Lisa Porras, Senior Planner, as soon as possible so that it may be distributed to the Historic Preservation Review Commission.

 [April 26 2012 draft minutes.pdf](#)

 [831 First Street HPRC 12-PLN-00017.pdf](#)



DRAFT

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

**City Hall Commission Room
Thursday, April 26, 2012
6:30 P.M.**

I. OPENING OF MEETING:

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Haughey, Taagepera, Trumbly, Van Landschoot,
and Chair Crompton

Excused Absence: Commissioners Delgado & McKee

Staff Present:

Amy Million, Principal Planner

Stacy Hatfield, Sr. Admin. Clerk, Recording Secretary

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA:

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

Ayes: Commissioners Haughey, Taagepera, Trumbly, Van Landschoot and
Chair Crompton

Noes: None

Absent: Commissioners Delgado & McKee

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN COMMENT

None

B. PUBLIC COMMENT

None

IV. PRESENTATIONS

None.

V. CONSENT CALENDAR

On motion of Commissioner Van Landschoot, seconded by Commissioner Haughey, the consent calendar, with minor modifications to the March 22, 2012 Minutes, was approved by the following vote:

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

A. Approval of Minutes of March 22, 2012

VI. REGULAR AGENDA ITEMS

A. WORKSHOP – DEMOLITION ORDINANCE, LISTING PROCESS AND OTHER PROPOSED REVISIONS TO TITLE 17 OF THE BENICIA MUNICIPAL CODE

The Commissioners discussed whether the definitions in the draft Demolition Ordinance are sufficient or whether they need to be crafted and standardized. Staff agreed that standardizing the text and the definitions would be beneficial. Commissioners expressed a concern that the wording of the current ordinance may include contradictions and is not in understandable layman’s terms.

The meeting was opened to the public.

Dana Dean, attorney representing Amports, discussed the April 25, 2012 letter she submitted to the HPRC. This letter addresses her concerns regarding inconsistencies and unclear definitions in the Demolition Ordinance. Ms. Dean expressed concerns regarding the language in Section 17.54.100 Subsection E For New Construction or Alterations, and the noticing process for designation of contributing or landmark structures. She also suggested removing the word “residential” from Section 17.54.010 D.

The meeting was returned to the Commission. Chair Crompton indicated that this would be an informal workshop and that members of the public could continue to contribute throughout the discussion.

The Commissioners discussed the CEQA process and the definition of demolition, including whether or not it should be 50% of the structure. Additionally, the Commission discussed the design review process and whether or not the Commission should review everything in the historic districts.

Commissioner Taagepera suggested incorporating the seven aspects of integrity into the criteria for designating historic structures. The Commission agreed.

A discussion took place regarding adding the Commission's ability to nominate historic resources for designation. The Commission recommended removing "Planning Commission" from initiating the process in Section 17.54.070 A and adding "property owners" instead.

The Commission made several other minor suggestions for changes to the ordinance that Staff will incorporate into the next draft.

VII. COMMUNICATIONS FROM STAFF

A. MAY – NATIONAL PRESERVATION MONTH

Staff presented to the Commission the May 2012 National Preservation Month flyer. Staff explained that the Benicia Historical Society and the Benicia Historical Museum would be participating in the celebration as well. There are six events scheduled including hosting a booth at the Farmers' Market on May 17th, and a Meet & Greet on May 24th. Commissioner Haughey volunteered to help staff with the events and suggested that the fire museum may want to participate as well.

VIII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Haughey discussed Vallejo's policy on vinyl windows in historic districts. She also shared that Vallejo charges \$1,000.00 to apply for a Mills Act contract. She provided a sample from the City of Vallejo of a disclosure on a title report for properties in the historic district and suggested using this for reference for the next priority list item.

Commissioner Taagepera discussed the new draft sign ordinance and inquired on how the Commission can contribute to its review. She also suggested that the Commission provide annual updates to the City Council on the Commission's progress. It was suggested that perhaps the Commission's Chair would represent the Commission.

IX. ADJOURNMENT

Chair Crompton adjourned the meeting at 8:39 p.m.

AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION MEETING: MAY 24, 2012
REGULAR CALENDAR

DATE : May 16, 2012

TO : Historic Preservation Review Commission

FROM : Amy Million, Principal Planner

SUBJECT : **DESIGN REVIEW TO REPLACE 69 EXISTING SINGLE-PANE ALUMINUM CLAD WINDOWS WITH NEW DUAL-PANE VINYL WINDOWS ON THE MULTI-TENANT COMMERCIAL AND RESIDENTIAL BUILDING AT 827-857 FIRST STREET**

PROJECT : 12PLN-00017 Design Review
827-857 First Street
APN: 0089-044-090

RECOMMENDATION:

Approve design review request to replace the aluminum clad, single-pane window with vinyl, dual-pane windows (69 total) on the existing multi-tenant commercial and residential building located at 827-857 First Street, based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

EXECUTIVE SUMMARY:

The applicant requests design review approval to replace all 69 existing aluminum, single-pane windows with new energy efficient vinyl, dual-pane windows on the existing commercial and residential building located at 827-857 First Street. The building is a non-contributing structure to the Downtown Historic Conservation District.

BUDGET INFORMATION:

There are no budget impacts associated with this project.

ENVIRONMENTAL ANALYSIS:

This project is Categorically Exempt under Section 15301 Existing Facilities of the California Environmental Quality Act. This exemption includes minor alterations to the exterior of existing structures, involving no expansion of use. The replacement and upgrade of the building's windows is minor in nature and will not expand the existing use of the subject building.

BACKGROUND:

Applicant / Owner:	David Fewins / Richard Bortolazzo
General Plan designation:	Downtown Commercial
Zoning designation:	Town Core
Existing / Proposed use:	Commercial Office/Retail and Residential
Adjacent zoning and uses:	
North:	Town Core
East:	Town Core
South:	Town Core / Town Core-Open
West:	Neighborhood General

827-857 First Street is a multi-unit commercial and residential building located on the southwest corner of First and West I Streets. The building is a non-contributing structure to the Downtown Historic District. Pursuant to the Downtown Historic Conservation Plan, design review approval by the Historic Preservation Review Commission is required for exterior alterations to commercial buildings located within the Downtown Historic District.

SUMMARY:

The applicant is requesting design review approval to replace the 69 existing aluminum frame windows with vinyl windows. The proposal would upgrade the existing single-pane windows with new energy efficient dual-pane windows. The window replacement plan will be implemented in two phases as follows:

- Phase 1: First Street Facing Structure
Street Addresses 827,829,831,833, 835,837,839,841
- Phase 2: West I Street Facing Structure
Street Addresses 843,845,847,849, 851,853,855,857

Phase 1 begins with the windows on the ground floor of the building facing First Street, followed by the second floor windows. Phase 2 includes the windows on the interior building that faces West I Street. The chart below provides a breakdown of the size and location of the 69 windows.

Façade (Elevation):	Window Size and Number				
	2' x 5'	4' x 5'	4' x 4'	6' x 4'	6' x 3'
Front of First Street Bldg (west)		16			
Rear of First Street Bldg (east side)			8	8	
Side of First Street Bldg (south side)	5				
Rear of Interior Bldg (south side)			8		8
Front of Interior Bldg (north side)			8	8	

All of the existing and proposed windows are horizontal sliding windows with exception to the five windows on the Side Facade of the First Street Building (south elevation).



Front Façade of First Street Building



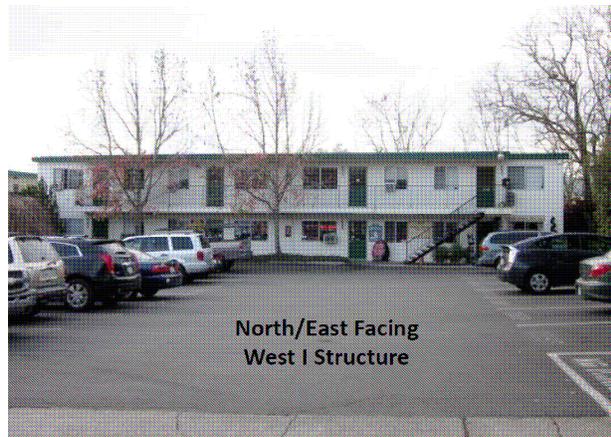
Rear Façade of First Street Building



Side Façade of First Street Building



Rear Façade of Interior Building



Front Façade of Interior Building

Materials and Colors

The applicant is proposing to retrofit the windows with new vinyl windows. The vinyl windows will be factory finish white. The proposed windows will match the existing windows in size and style. They are proposed to be dual-pane energy efficient glazing without grids.

Downtown Mixed Use Master Plan (DMUMP)

The scope of work for the proposed project does not expand the building envelope or require a change in use; therefore the project does not require additional evaluation under the DMUMP. The existing multi-tenant building is occupied by a variety of retail and office uses as well as residential in some of the second floor units. All exterior alterations are subject to the design review requirements set forth in the Downtown Historic Conservation Plan.

Downtown Historic Conservation Plan (DHCP) Consistency

The subject property is located in the Downtown Historic District and therefore is subject to the policies and guidelines set forth in the DHCP. Built in 1971, the building possesses a more modern style of architecture than typical of the historic district. The building is located within the Upper First Street Corridor defined within the DHCP. The design guidelines set forth in this section apply principally to new construction; however they can also apply to modifications. The window replacement plan does not propose to modify the size or style of the existing windows or the architectural form of the building. Although the DHCP does not generally encourage the use of vinyl windows on new construction or historic buildings, this building fits neither one of these categories. These proposed windows are appropriate for this building.

CONCLUSION:

Staff recommends the Historic Preservation Review Commission approve the design review request based on the findings and conditions of approval in the draft resolution.

FURTHER ACTION:

The Historic Preservation Review Commission's action will be final unless appealed to the Planning Commission within ten business days.

Attachments:

- Draft Resolution

DRAFT RESOLUTION

RESOLUTION NO. 12- (HPRC)

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION
OF THE CITY OF BENICIA APPROVING THE REPLACEMENT OF ALL WINDOWS (69
TOTAL) TO THE BUILDING AT 827-857 FIRST STREET**

WHEREAS, David Fewins has requested Design Review approval to replace 69 single-pane aluminum windows with new dual-pane vinyl windows at 827-857 First Street; and

WHEREAS, the existing multi-tenant building is a non-contributing building to the Downtown Historic Overlay District;

WHEREAS, the Historic Preservation Review Commission at a regular meeting on May 24, 2012 conducted a public hearing and reviewed the proposed project;

NOW, THEREFORE, BE IT RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia hereby approves the window replacement plan for the building at 827-857 First Street; and

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission makes the following findings:

- a) This project is Categorically Exempt under Section 15301 of the California Environmental Quality Act (CEQA), which applies to minor alterations to the exterior of existing structures, involving negligible or no expansion of use. The replacement and upgrade of the building's windows is minor in nature and will not expand the existing use of this building.
- b) The project will be consistent with the Downtown Historic Conservation Plan policies and design guidelines if the conditions of approval are adhered to.
- c) The design of the project is consistent with the purposes of the Downtown Mixed Use Master Plan.

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

1. This approval shall expire two years from the date of approval unless made permanent by the issuance of a building permit.

2. Any alteration, including substitution of materials, shall be requested in writing for consideration of approval by the Historic Preservation Review Commission prior to changes being made in the field.
3. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
4. 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, Public Works & 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 May 24, 2012 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

David Crompton
Historic Preservation Review Commission Chair