

June 23, 2011

**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION**

**REGULAR MEETING AGENDA**

City Hall Commission Room

Thursday, June 23, 2011

6:30 P.M.

**I. OPENING OF MEETING:**

**A. Pledge of Allegiance**

**B. Roll Call of Commissioners**

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

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**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. ELECTION OF OFFICERS**

**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 May 26, 2011

B. [321 FIRST STREET – DESIGN REVIEW](#) 11PLN-00028 Design Review

321 First Street, APN: 0089-243-080

**PROPOSAL:**

The applicant requests design review approval to modify the south-facing façade of the existing commercial building located at 321 First Street within the Downtown Historic Conservation District. The exterior modification includes the construction of approximately 40 linear feet of railing along the perimeter of the building on the outside edge of the existing covered walkway that will match the existing railing on the staircase and upper floors of the building.

Recommendation: Approve design review request for minor exterior modifications to the south-facing façade of the existing commercial building located at 321 First Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution.

**VI. REGULAR AGENDA ITEMS**

A. [WORKSHOP - TITLE 17.54 \(H HISTORIC OVERLAY\) ZONING TEXT AMENDMENT](#) **PROPOSAL:**

The Commission will continue discussion of Title 17.54 amendment, which clarifies the process that allows an eligible property to gain historic status, and also addresses demolition in the H Overlay Districts. This discussion includes suggestions made by Commissioner Taagepera in a memo dated March 25, 2009, and comments made by the Commission at the January 28, 2010 and September 24, 2009 meetings.

**Recommendation: Continue this discussion, review draft policy, and make final recommendation to staff to prepare a zoning text amendment for the Commission to make a recommendation to the Planning Commission and the City Council.**

**VII. COMMUNICATIONS FROM STAFF**

**A. VERBAL UPDATE ON 235 EAST L STREET ALTERATIONS**

**VIII. COMMUNICATIONS FROM COMMISSION.**

**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 agendized and non-agendized matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Historic Preservation Review Commission.**

**Should you have material you wish to enter into the record, please submit it to the Commission Secretary.**

**Disabled Access**

**In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact 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. 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 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 Gina Eleccion, Management Analyst, as soon as possible so that it may be distributed to the Historic Preservation Review Commission.

 [Minutes May 26, 2011](#)

 [Staff Report -- 321 First Street Design Review](#)

 [Staff Report - Workshop Title 17.54 \(H Historic Overlay\) Zoning Amendment](#)



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

**City Hall Commission Room  
Thursday, May 26, 2011  
6:30 P.M.**

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

Chair Haughey provided an introduction to the Meet & Greet Session. City Planning and Building staff, and HPRC Commissioners met informally with the public.

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

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

Present:

Commissioners Crompton, Mang, McKee, Van Landschoot and Chair Haughey

Absent:

Commissioners Taagepera and White

Staff Present:

Charlie Knox, Public Works & Community Development Director

Harvey Higgs, Building Official

Doug Vu, Associate 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. ADOPTION OF AGENDA:**

On motion of Commissioner Crompton, seconded by Commissioner McKee, the agenda was adopted as presented by the following vote:

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

**III. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN COMMENT**

None.

**B. PUBLIC COMMENT**

None.

**IV. ELECTION OF OFFICERS**

Due to the absence of two commissioners, the consensus of the Commission was to continue this item to the June meeting.

**V. CONSENT CALENDAR**

On motion of Commissioner Mang, seconded by Commissioner McKee, the Consent Calendar was adopted by the following vote:

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

**A. Approval of Minutes of March 24, 2011**

**VI. REGULAR AGENDA ITEMS**

**A. 1150 WEST 7<sup>TH</sup> STREET – DESIGN REVIEW**

10PLN-8 Design Review  
1150 West Seventh Street – Benicia Health and Fitness Club  
APN: 087-141-060

**PROPOSAL:**

The applicant requests Design Review approval to construct a two-story, 4,800 square foot addition to the rear of the existing 30,000 square foot

health club facility. The addition will provide additional space for health club member activities and maintenance and utility rooms. The proposed addition is consistent with the development regulations of the Zoning Ordinance, with the exception of minimum site landscaping, for which the applicant has submitted a separate Variance application that will be considered by the Planning Commission.

**Recommendation:** Approve design review request for a two-story, 4,800 square foot east-facing addition to the rear of the existing building located at 1150 West Seventh Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution.

Doug Vu, Associate Planner, gave an overview of the project. He noted that written comments were submitted by Roger Lipman, an adjacent property owner. Doug Vu noted that the proposed project meets the provisions of the Zoning Ordinance, except for the landscaping requirements. The applicant has requested a variance from the Planning Commission to meet the landscaping requirements by assuming responsibility for maintenance of the City right-of-way along West 6<sup>th</sup> Street. A parking analysis was submitted by the property owner. It recommended a 5-10% reserve of spaces at peak hours. Based on this calculation, 99-103 spaces would be required, and the applicant is proposing 104 spaces.

With regard to the correspondence received, Doug Vu responded to the issues raised. A copy of the response was submitted to the Commission and made available to the public.

Commissioners asked specific questions about the issues raised by Mr. Lipman. Doug Vu provided additional information regarding landscaping requirements, HVAC equipment locations and screening, noise regulations, access issues, and compensation for the land swap.

Commissioners questioned what would happen if the Planning Commission doesn't approve this. Doug Vu confirmed that the City Council could not approve a vacation if the General Plan Conformance is not approved.

Commissioners discussed landscaping on West K vs. West 6<sup>th</sup> Street. Doug Vu noted that a maintenance agreement was not entered into in 2003 for the landscaping on West K Street, however, that is proposed for the landscaping on West 6<sup>th</sup> Street.

The trash enclosure was discussed. It was noted that it would not affect the required landscaping. It was noted that a geotechnical engineer would submit a study to Public Works regarding the retaining wall. It was suggested to have a two-terrace retaining wall.

Norm Koerner, applicant, stated that he had no additional comments and that Doug Vu accurately presented the project.

Commissioners questioned the property owner as to why the landscaping wasn't completed from the 2003 approval. The property owner does not believe the 2003 conditions were the final conditions.

The public hearing was opened.

Roger Lipman, 2 Ridge Circle – He noted that he is most impacted by this project. He noted that in 2003, he insisted that the landscaping be taken care of. He further noted that he planted the trees on West 6<sup>th</sup> Street. He doesn't oppose the project, but simply wants the landscaping resolved. He believes the noticing was done improperly. A landscape agreement should be attached to the project being done. He stated concerns with the noise.

Barbara Sorrentino, Health Club Manager – She does not dispute what Mr. Lipman is saying, however, she spoke to adjacent neighbors and they have no noise issues. She noted that they attempt to mitigate any noise issues. The gym isn't open until 7am on Saturday and Sunday. She noted that the watering system on West 6<sup>th</sup> Street does work. The gym intends to continue working on the landscaping and the parking lot.

Norm Koerner, applicant, noted that there is a watering system. It has been a matter of ownership, but the right-of-way is owned by the City.

The public hearing was closed.

Commissioners discussed the project. Doug Vu noted that if a land swap/purchase is not approved, the variance would include additional square footage to meet the landscaping requirement.

It was noted that the north elevation was not complete and the plans show the incorrect number of windows. It might be beneficial to request accurate elevations and look at the window

configurations. There was a request to paint the stucco to match the CMU wall to match. There was a request to see more detail on the awning. Regarding noise, there are sound-deadening measures that can be taken during construction.

Charlie Knox noted that it appears that the middle window is missing on the north elevation. He recommended that the Commission consider recommending repeating the pattern of the windows.

A recess was called at 7:50 p.m. The meeting was reconvened at 7:58 p.m.

The following amendments were made to the resolution:

1. Condition #6 – add language requiring landscaping installation prior to allowance of occupancy or finaling of the Building Permit, or the applicant post a bond in the amount. Maintenance Agreement for the West 6<sup>th</sup> Street right-of-way and automatic irrigation be required. Require language that addresses variety and spacing of landscaping to screen existing HVAC.
2. Add condition that if retaining wall is higher than 8', that 2, terraced retaining walls be constructed, subject to the approval of the geotechnical engineer.
3. At north elevation of addition, provide 2 windows on first and 2<sup>nd</sup> floor. Windows shall be spaced to match existing paired windows at north elevation. Align windows at center of the addition.
4. Paint new stucco to match existing CMU.
5. Recommend Planning Commission include condition regarding resilient channel in construction.
6. Final Landscaping Plan to be approved by the Commission as a Consent Calendar item.

Commissioners questioned if the window change would impact the interior improvements. The applicant stated that he would confer with his engineer. Doug Vu noted that the windows would be in the workshop and aerobics room.

Mr. Lipman questioned if the Commission's purview includes lighting pollution. Charlie Knox stated that this would fall under their purview.

**RESOLUTION NO. 11-5 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR 1150 WEST SEVENTH STREET – BENICIA HEALTH AND FITNESS CLUB (10PLN-0008)**

On motion of Commissioner Crompton, seconded by Commissioner Mang, the above Resolution was adopted by the following vote:

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

**VII. COMMUNICATIONS FROM STAFF**

**A. VERBAL UPDATE ON BICYCLE RACK TASK FORCE**

Staff will provide an update on the Bicycle Rack Task Force.

Gina Eleccion stated that the recommendation of the Bicycle Rack Task Force was presented to the City Council on May 3<sup>rd</sup>. Staff is currently looking into small placards for the racks. Once the new racks are received, the hoops will be removed and racks will be installed in approved locations.

**B. UPDATE – AMENDMENT TO TITLE 17.54**

Staff will provide an update on the amendment to Title 17.54.

Gina Eleccion provided an update on the status of the text amendment. She noted that this item was put on hold pending the completion of the Historic Context Statement. She stated that the Commission has discussed this item twice and she is currently working with the State Office of Historic Preservation, who is providing input on the document. The item will be coming back to the Commission in June.

Gina Eleccion noted that final copies of the Historic Context Statement have been distributed. The document is on the City's website and CDs are available for members of the public.

**VIII. COMMUNICATIONS FROM COMMISSIONERS**

Chair Haughey reminded everyone of the Memorial Day celebration at the cemetery and also of the Museum's Vietnam Veteran's exhibit.

Chair Haughey commented on the Sunset magazine article on Benicia.

**IX. ADJOURNMENT**

Chair Haughey adjourned the meeting at 8:20 p.m.

**AGENDA ITEM  
HISTORIC PRESERVATION REVIEW COMMISSION MEETING  
JUNE 23, 2011  
CONSENT CALENDAR**

**DATE** : June 10, 2011

**TO** : Historic Preservation Review Commission

**FROM** : Doug Vu, Associate Planner

**SUBJECT** : **DESIGN REVIEW FOR EXTERIOR MODIFICATIONS TO THE  
COMMERCIAL BUILDING LOCATED AT 321 FIRST STREET**

**PROJECT** : 11PLN-00028 Design Review  
321 First Street  
APN: 0089-243-080

**RECOMMENDATION:**

Approve design review request for minor exterior modifications to the south-facing façade of the existing commercial building located at 321 First Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution.

**EXECUTIVE SUMMARY:**

The applicant requests design review approval to modify the south-facing façade of the existing commercial building located at 321 First Street within the Downtown Historic Conservation District. The exterior modification includes the construction of approximately 40 linear feet of railing along the perimeter of the building on the outside edge of the existing covered walkway that will match the existing railing on the staircase and upper floors of the building.

**ENVIRONMENTAL ANALYSIS:**

Staff has reviewed the project and determined it is Categorically Exempt under Section 15301 of the California Environmental Quality Act (CEQA), which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The construction of exterior railing is a minor alteration and will not expand the existing commercial use of the building.

**BACKGROUND:**

Applicant/Owner: Rob Storlee/R. A. Storlee Commercial Properties  
General Plan designation: Downtown Commercial

Zoning designation: Town Core  
Existing use: Bar (Rookies Bar)

Adjacent zoning:  
North: Town Core  
East: Town Core  
South: Town Core  
West: Town Core

Commonly referred to as the Von Pfister Building, 321 First Street is a multi-unit commercial building located between West C and West D Streets in the Downtown Historic Conservation District. Aside from Rookies, other businesses located within the building include La Mer Skin Spa, Bada Bing Salon, Benicia Family Dentistry, Light Touch Medical Spa, Synergy Hair Salon, and R.A. Storlee Insurance Agency (see Figure A).



Figure A: 321 First Street

**SUMMARY:**

The applicant is requesting design review approval to complete the construction of approximately 40 linear feet of railing that is 4-feet in height along the southern perimeter of the building, on the outside edge of the covered walkway. Constructed in two segments, the railing components include 2x6 flat-top horizontal rails, 2x6 horizontal side rails, 2x3 vertical pickets that are spaced 3 inches apart, 1x4 on-edge horizontal trim, and 4x4 posts that are finished with copper caps and 1x4 trim. The railing is painted white and the posts are painted grey to match the existing railing on the staircases, second

floor and roof of the building. Although the 3-inch spacing between the pickets and their placement behind the side rails are not identical to that found on the existing railings/staircases, the overall aesthetic is complimentary. Finally, the interior side of the railing includes 2x12 horizontal redwood boards that have been stained to accommodate outdoor patrons of the bar (see Figure B).

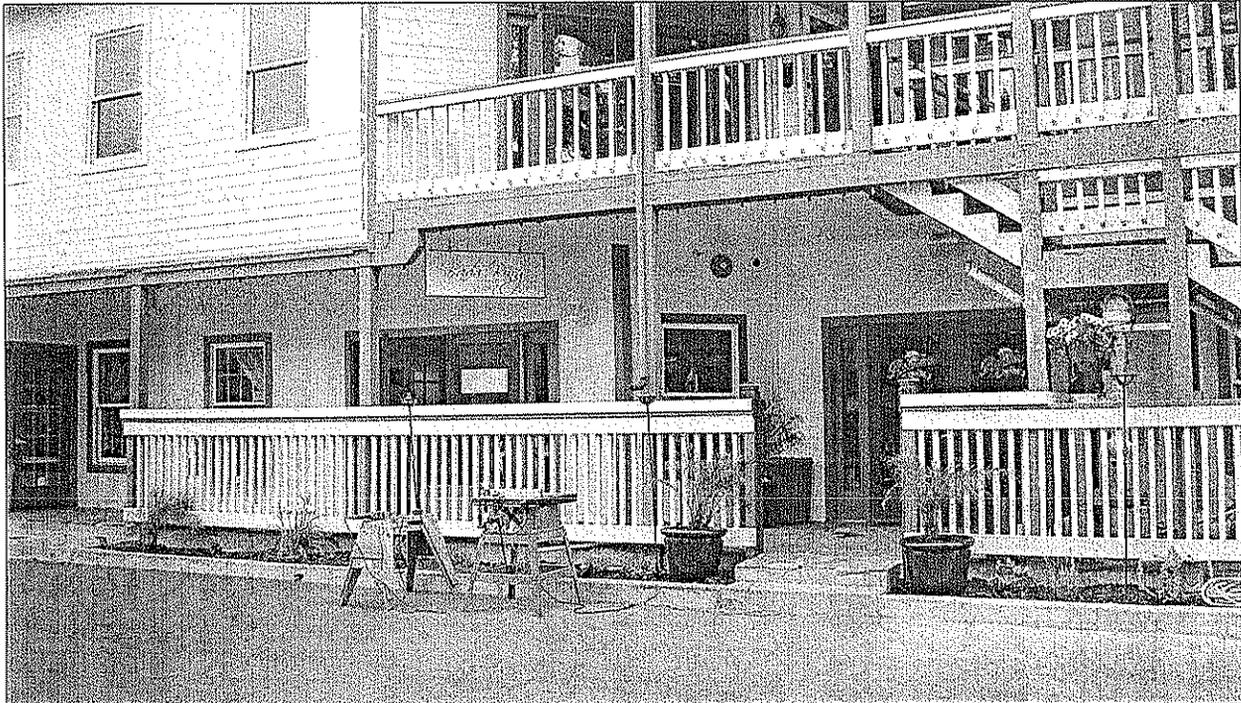


Figure B: New railing

#### Downtown Historic Conservation Plan Consistency

The subject property is located in the Downtown Historic District and therefore is subject to the policies and guidelines set forth in the Downtown Historic Conservation Plan (DHCP). The proposed exterior modifications to the façade are consistent with the DHCP's Design Guidelines for Street Wall Commercial Buildings. Specifically, the proposed changes to the building are applicable to, and consistent with Policy 3: Accent Materials and Finishes, and Policy 6: Colors and Finishes. With regard to Policies 9 and 10 pertaining to signage, staff is working with the applicant under a separate sign permit application to ensure compliance with these policies.

#### Zoning Ordinance Consistency

The commercial use of this property will be maintained and is consistent with all applicable development regulations for the Town Core zoning district.

#### **CONCLUSION:**

The proposed railing along the south-facing façade of the commercial building is consistent with the Downtown Historic Conservation Plan and Zoning Ordinance. Staff recommends the Historic Preservation Review Commission

approve the design review based on the findings and conditions of approval in the proposed resolution.

**FURTHER ACTION:**

The Historic Preservation Review Commission's action will be final unless appealed to the Planning Commission within ten business days by filing of the appropriate form and payment of the appropriate fee.

**Attachments:**

- Proposed Resolution
- Project Elevation and Detail
- Use Permit 92-7

## **PROPOSED RESOLUTION**

**RESOLUTION NO. 11-X (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR EXTERIOR MODIFICATIONS TO 321 FIRST STREET (11PLN-00028)**

**WHEREAS**, the applicant, Rob Storlee, has requested design review approval to construct approximately 40 linear feet of railing along the southern façade of the existing commercial building in the Downtown Historic District located at 321 First Street; and

**WHEREAS**, the Historic Preservation Review Commission at their regular meeting on June 23, 2011 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 finds that:

- a) This project is Categorically Exempt under Section 15301 of the California Environmental Quality Act (CEQA), which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The construction of exterior railing is a minor alteration and will not expand the existing commercial use of the 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 Title 17 of the Benicia Municipal Code.

**BE IT FURTHER RESOLVED** that the Historic Preservation Review Commission of the City of Benicia hereby approves the proposed project subject to the following conditions:

1. This approval shall expire two years from the date of approval.
2. The work to be completed shall be in substantial compliance with the elevation and detail dated received "May 17, 2011" marked Exhibit "A" and consisting of 1 sheet on file in the Public Works & Community Development Department.

3. Any other alteration of the approved elevation, including substitution of materials or changes in paint colors shall be requested in writing for consideration of approval by the Historic Preservation Review Commission prior to changes being made in the field.
4. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
5. 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, Public Works and Community Development Director's, Historic Preservation Review Commission 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 at a regular meeting of the Historic Preservation Review Commission on June 23, 2011 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

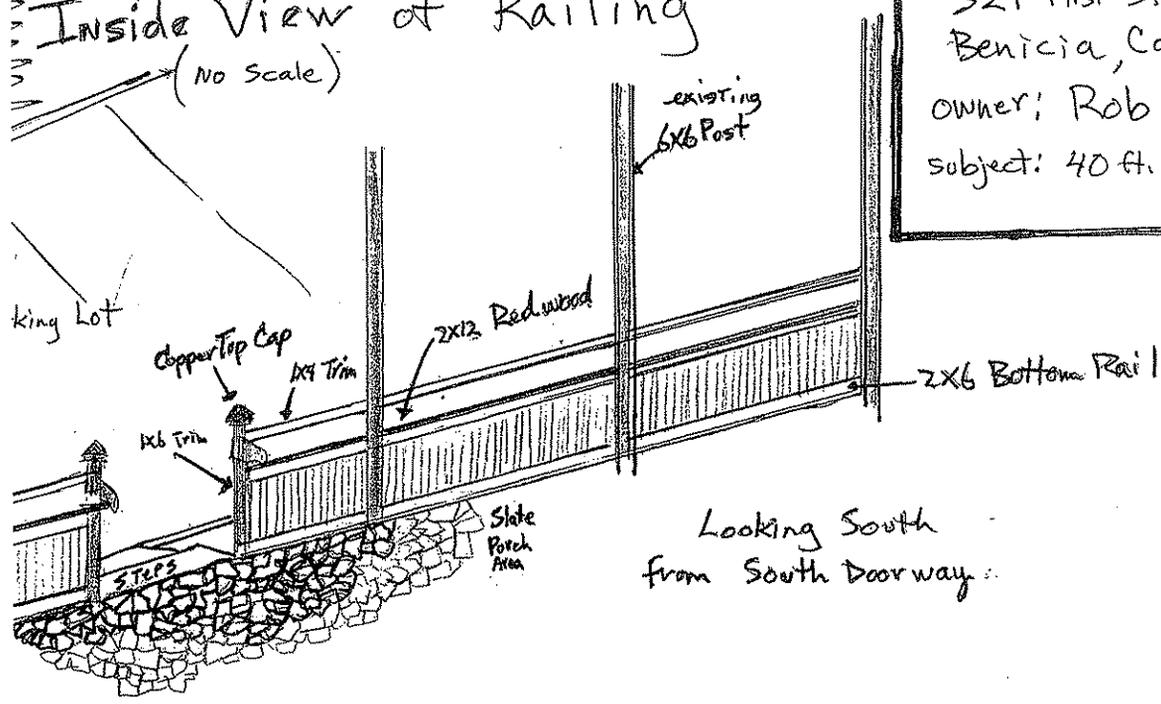
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Tony Haughey  
Historic Preservation Review Commission Chair

## **PROJECT ELEVATION AND DETAIL**

# Inside View of Railing

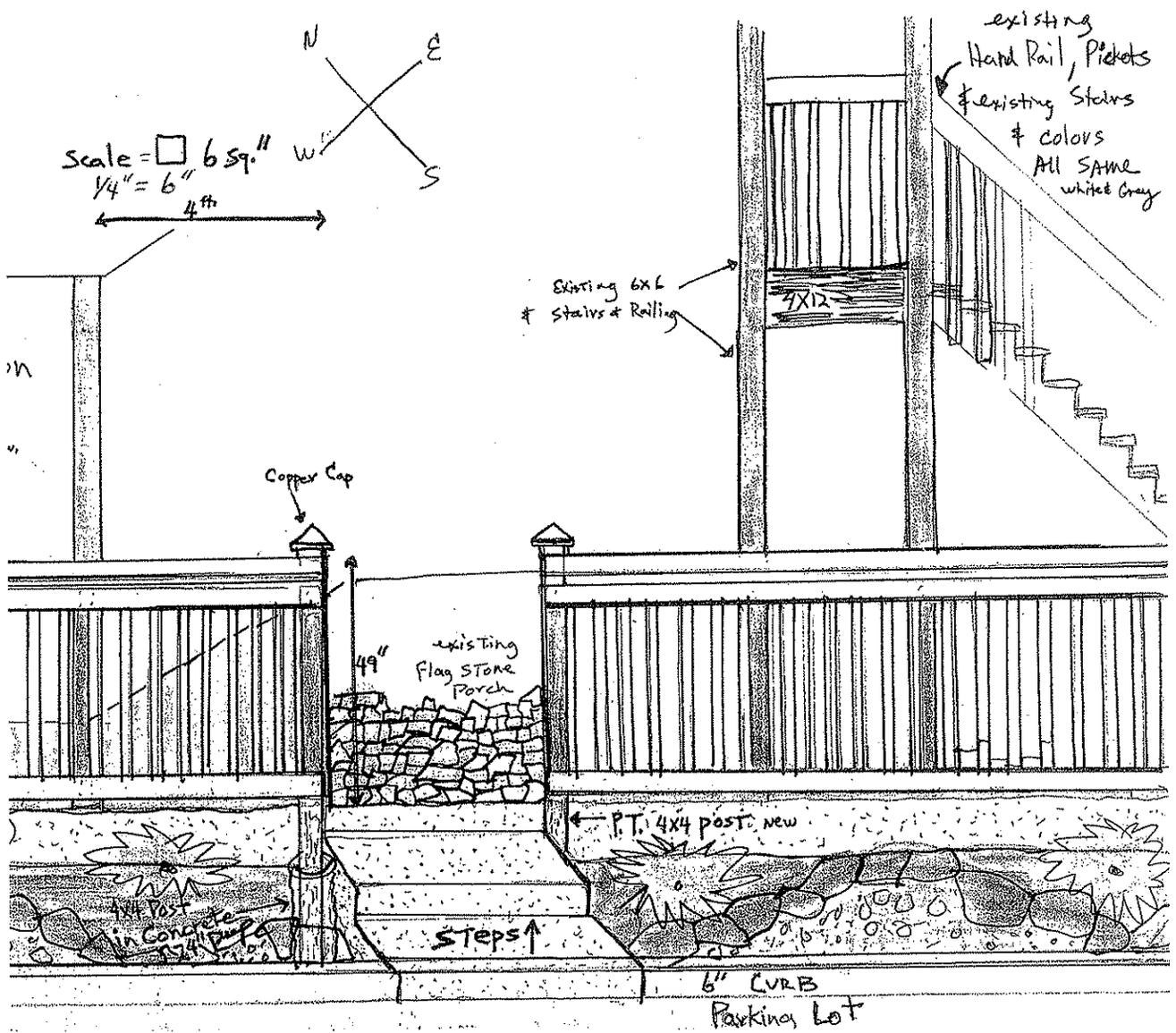
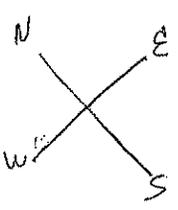
(No Scale)



Looking South  
from South Doorway

Von Pfister Build.  
321 First St,  
Benicia, Ca.  
owner: Rob Stonelee  
subject: 40 ft. Handrail

Scale =  $\square$  6 sq. ft.  
 $\frac{1}{4}'' = 6''$   
4 ft



existing  
Hard Rail, Pickets  
existing Stairs  
& colors  
All SAME  
white Gray

existing 6x6  
& Stairs & Railing

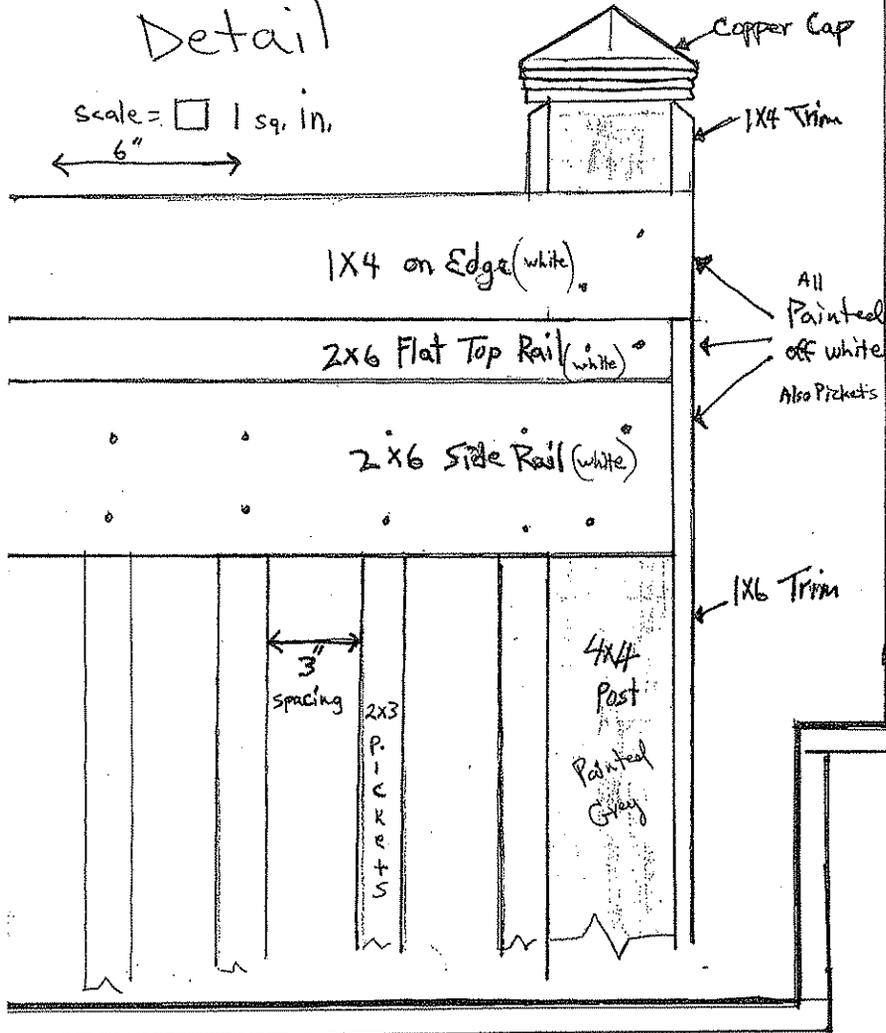
P.T. 4x4 post new

STEPS

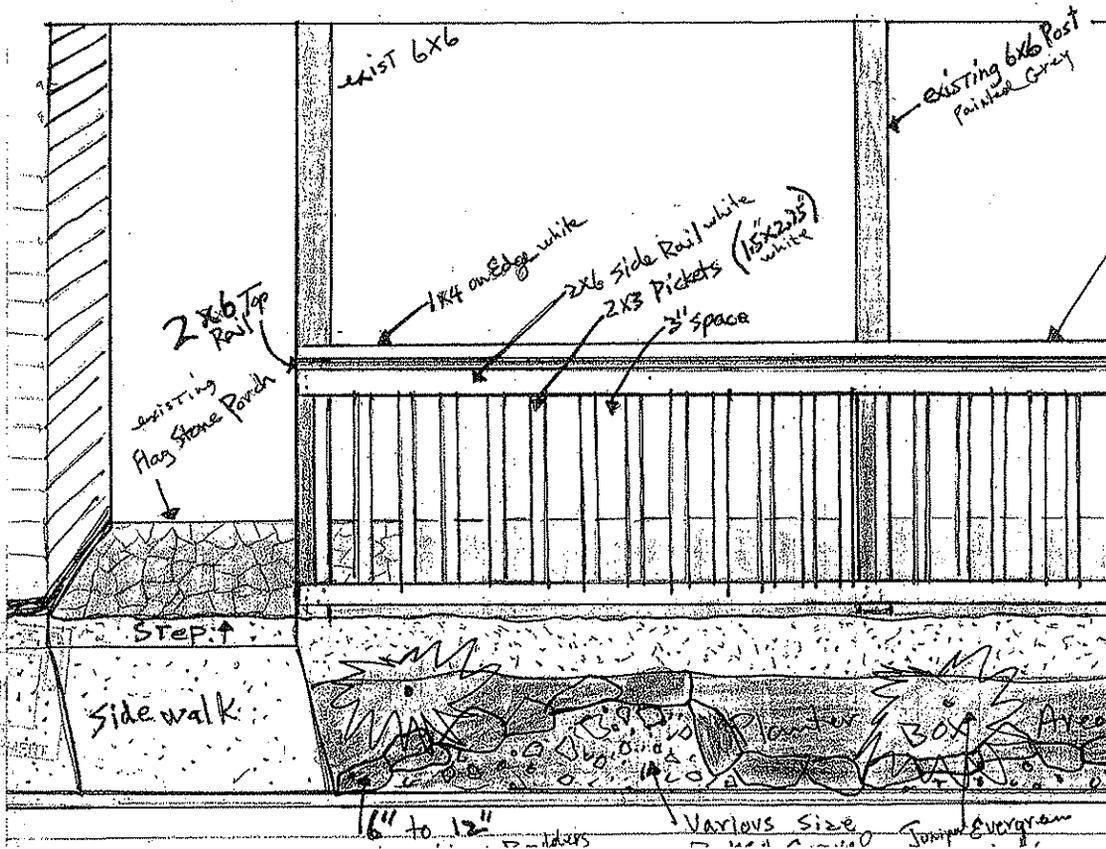
6" CURB  
Parking Lot

# Railing Detail

Scale =  $\square$  1 sq. in.  
6"



Side View



MAY 17 2011  
COMMUNITY DEVELOPMENT

**USE PERMIT 92-7**

CHOICES 351 FIRST

CHOICES

UP 92-7 Use Permit  
321 First Street, APN: 89-243-08

A motion was made by Vice Chairman Gizzi and seconded by Commissioner Burek to approve the findings and conditions of approval for the use permit for Choices Bar (UP 92-7), removing the condition for annual review:

Findings:

- a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located, which include the provision of suitable environments for various types of commercial uses, and opportunities for commercial uses appropriate to the downtown area.
- b) The proposed location of the use at the end of First Street and the proposed conditions under which it would be operated or maintained, including the conditions of approval addressing hours of operation and prevention of neighborhood noise impacts, will be consistent with the General Plan, 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 use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the City, based upon the operating measures which the project will incorporate.
- c) The proposed conditional use has been in substantial compliance with the provisions of the Zoning Ordinance related to eating and drinking establishments, including any specific condition required for the proposed conditional use in the CD district, in which it would be located.
- d) The operation of this use has been in substantial compliance with the use permit conditions of approval for 4 years.

Conditions:

1. This approval is for a live entertainment use involving live musical entertainment. Any alteration in the character or scope of entertainment being offered shall require an approved amendment to this use permit prior to the implementation of such changes. **This permit is valid unless revoked by the Planning Commission for failure to comply with the City codes and regulations, after a duly held public hearing.**

2. This project shall adhere to all applicable ordinances, plans, and specifications of the City of Benicia. In the event of on-going violations of the conditions of this permit, the use permit shall be referred to the Planning Commission for subsequent review, potential modifications to conditions of approval, or potential revocation of the use permit.
3. Live entertainment utilizing amplified music shall be limited to the hours of 9 PM to 1 AM, Friday, Saturday, and major holidays; and 8:30 PM to 11:30 PM, Tuesday, Wednesday, Thursday and Sunday. If a holiday falls in the middle of the week, live entertainment may be allowed until 1 AM. Live entertainment using non-amplified music may take place at any time during regular business hours. In any case, noise levels from the site shall not exceed the standards contained in the Benicia Noise Ordinance.
4. Live entertainment shall not take place in the parking lot, common area, or any exterior area, and shall be fully confined to the building interior. The doors and windows of the facility shall remain closed at all times during live entertainment, except for patron ingress and egress through the door. The windows surrounding the band corner shall be covered at all times with acoustical covers during live entertainment. Carpet or foam pads shall be placed under all floor equipment and instruments, including drum sets and speakers. Music from interior performances shall not be transmitted to speakers in any outdoor area. The window coverings shall be implemented immediately.
5. 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, Planning 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 any claims, actions, or proceedings.

A roll call vote was taken as follows:

Ayes: Arrants, Burek, Gizzi, Horowitz, Steele, Gonsalves

Noes: None

Abstain: Rice



Public Works & Community Development Department  
**MEMORANDUM**

**Date:** June 16, 2011  
**To:** Historic Preservation Review Commission  
**From:** Gina Eleccion, Management Analyst *GE*  
**Re:** **Workshop** - Title 17.54 (Historic Overlay) Amendments

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At its March 17, 2009 meeting, and as part of the historic resource inventory update discussion, City Council directed staff to develop a process that allows a potentially eligible property that goes through a restoration to gain historic status. In addition, the demolition section of Title 17.54 required updating. The amendments to the code were put on hold due to staff resources being expended on the Historic Context Project. Now that the Historic Context is complete, staff has continued to work on the text amendments.

On January 28, 2010 and September 24, 2009, the Historic Preservation Review Commission reviewed proposed modifications to Title 17.54. Commissioners made multiple suggestions for modifications. The suggestions have been incorporated into the red-lined version attached.

In addition, staff has been working with the State Office of Historic Preservation (OHP), who is reviewing and commenting on the amendments.

Staff is requesting additional input from the commission. Final comments from the commission, as well as comments from OHP, will be included in the text amendment that will be presented to the commission on July 28, 2011. Pending HPRC recommendation, the text amendments will be forwarded to the Planning Commission and City Council late summer or early fall.

**Attachments:**

- Red-lined "Draft" - Benicia Municipal Code, Title 17.54 (H Historic Overlay District)
- "Draft" Historic Designation Application Checklist
- January 21, 2010 Memo to Historic Preservation Review Commission
- Portion of the Historic Preservation Review Commission Minutes from January 28, 2010

**RED-LINED DRAFT  
TITLE 17.54 (H HISTORIC OVERLAY)**

## Chapter 17.54 H HISTORIC OVERLAY DISTRICT

### Sections:

- 17.54.010 Specific purposes.
- 17.54.020 Applicability and zoning map designator.
- 17.54.030 Land use and development regulations.
- 17.54.040 Criteria for establishment of H district.
- 17.54.050 Criteria for designating landmark buildings outside H districts.
- 17.54.060 Conservation plan required.
- 17.54.070 Application requirements.
- 17.54.080 Review and approval.
- 17.54.090 Establishment of H districts and ~~landmark designation~~designation of contributing historic resources (contributor and landmark).
- 17.54.100 Demolition and design review procedures.
- 17.54.120 Maintenance of structures and premises.

### **17.54.010 Specific purposes.**

The specific purposes of the H historic overlay district are to:

- A. Implement the city's general plan;
- B. Deter demolition, destruction, alteration, misuses, or neglect of historic or architecturally significant buildings that form an important link to Benicia's past;
- C. Promote the conservation, preservation, protection, and enhancement of each historic district;
- D. Stimulate the economic health and residential quality of the community and stabilize and enhance the value of property;
- E. Encourage development tailored to the character and significance of each historic district through a conservation plan that includes goals, objectives, and design criteria. (Ord. 87-4 N.S., 1987).

### **17.54.020 Applicability and zoning map designator.**

The H historic overlay district may be combined with any zoning district. Each H overlay district shall be shown on the zoning map by adding an "-H" designator to the base district designation followed by the number of the district based on the order of adoption. (Ord. 87-4 N.S., 1987).

### **17.54.030 Land use and development regulations.**

- A. The land use and development regulations applicable in an H district shall be as prescribed for the base district with which it is combined unless modified by another overlay district; provided, that the requirements of the district conservation plan shall govern where conflicts arise.
- B. Exceptions for Historic and Architecturally Significant Structures.
  - 1. The public works & community development director may grant a use permit for an exception to the land use regulations of the base district with which an H district is combined when such an exception is necessary to permit the

preservation or restoration of an historic or architecturally significant building, structure or site.

2. Applications for such use permits shall be filed with the public works & community development director on a form provided. The public works & community development director shall refer all applications for an exception under this section to the historic preservation review commission (HPRC) for a report and recommendation. In making a decision, the public works & community development director shall make a written finding that shall specify the facts relied upon in rendering his decision. A copy of this written finding, together with all evidence presented to the public works & community development director, shall be filed in the planning public works & community development department. The written finding and decision shall be mailed to the applicant and shall be subject to appeal to the planning commission. Decision-making authority on such use permits may be deferred to the planning commission at the option of the public works & community development director. Upon their decision in such instances, an appeal may be made to the city council as prescribed in Chapter 1.44 BMC. (Ord. 07-59 § 1; Ord. 05-03 § 4; Ord. 87-4 N.S., 1987).

#### **17.54.040 Criteria for establishment of H district.**

A. A portion of a base district shall be eligible for inclusion in an H district if one or more of the following criteria, rigorously applied, are met:

1. The area possesses character, interest, or value as part of the heritage of the city.
2. The area is the location of a significant historical event.
3. The area is identified with a person or group that contributed significantly to the culture and development of the city.
4. Structures within the area exemplify a particular architectural style or way of life important to the city.
5. Structures within the area are the best remaining examples of an architectural style in a neighborhood.
6. The area or its structures are identified as the work of a person or group whose work has influenced the heritage of the city, the state, or the United States.
7. The area or its structures embody elements of outstanding attention to architectural or landscape design, detail, materials, or craftsmanship.
8. The area is related to a designated historic building or district in such a way that its preservation is essential to the integrity of the building or district.
9. The area's unique location or singular physical characteristics represent an established and familiar visual feature of a neighborhood.
10. The area has potential for yielding information of archaeological interest.
11. The area's integrity as a natural environment strongly contributes to the well-being of the people of the city.

B. Portions of a base zoning district that do not meet the above criteria may be included in an H district if inclusion is found to be essential to the integrity of the district. (Ord. 87-4 N.S., 1987).

#### **17.54.050 Criteria for designating landmark buildings outside an H overlay district.**

Individual buildings outside an H overlay district may be designated as historic or architecturally significant landmarks if one or more of the criteria set forth in BMC 17.54.040 are met. A landmark so designated shall be ~~eligible for~~ subject to the same review procedures as buildings and structures within an H district. (Ord. 87-4 N.S., 1987).

**17.54.060 Conservation plan required.**

Prior to filing an application for an H district, the applicant shall prepare an historic district conservation plan with the assistance of the planning public works & community development department. Each conservation plan shall contain:

A. A map and description of the proposed district, including boundaries; the age, setting, and character of structures; urban design elements and streetscapes; major public improvements; and proposed objectives to be achieved;

B. A statement of the architectural or historical significance of the proposed district;

C. A list of specific alterations that should be subject to design review in order to protect the architectural or historical character of the proposed district;

D. A set of specific performance guidelines for new construction and alterations necessary to preserve the character of the proposed district;

E. Proposed rules and regulations for design review. (Ord. 87-4 N.S., 1987).

**17.54.070 Application requirements.**

A. Filing of Petition. An application for an H district or landmark designation may be initiated by the historic preservation review commission, planning commission or city council, or by filing a petition requesting establishment of the district with the public works & community development director, accompanied by the required fee. If initiated by petition, the application shall include:

1. The proposed conservation plan for the district as prescribed by BMC 17.54.060;

2. A form bearing the signatures of the owners of 51 percent of the land area within the proposed district.

B. Application Contents. An application for a landmark designation shall contain:

1. A map showing the location of the building or structure and building plans or photographs of the building exterior;

2. A statement of the architectural or historical significance of the proposed building and description of the particular features that should be preserved; and

3. Except when initiated by the city, the consent of the owner or authorized agent to the proposed designation is required. For purposes of this section, each condominium owner's association shall be deemed the property owner of common areas.

Prior to accepting the application as complete, the public works & community development director may request additional information, plans or materials deemed necessary to support the application. A planning historic preservation review commission public hearing on the petition shall be held within 90 days of the date the petition is accepted as complete. (Ord. 87-4 N.S., 1987).

**17.54.080 Review and approval.**

A. Neighborhood Workshop. The planning-public works & community development department shall conduct a neighborhood workshop in the proposed district to explain the proposal and the amendment process to neighborhood residents. Notice of the workshop shall be given in the same manner prescribed for zoning map amendments by BMC 17.120.040.

B. Notice and Public Hearing. After the neighborhood workshop, the proposed district shall be the subject of public hearings before the historic preservation review commission, planning commission and the city council. The hearings shall be set, noticed, and conducted as prescribed by Chapter 17.120 BMC.

C. Contents of Public Notice. In addition to the information prescribed by Chapter 17.120 BMC, notice of a public hearing for the establishment of an H district or designation of a landmark shall include a statement that original petitioners have the right to withdraw their support of the district at any time prior to the hearing, and that property owners who have not signed the petition have the right to do so prior to the date of the hearing. (Ord. 87-4 N.S., 1987).

**17.54.090 Establishment of H districts, and designation of contributing historic resources (contributor or landmark) and landmark designation.**

A. A. Required Findings. In addition to the findings required by Chapter 17.120 BMC, the historic preservation review commission, planning commission and city council shall find that the proposed district or landmark-contributing historic resource has a significant architectural or historical character that can be preserved and enhanced through appropriate controls on new development and alterations to existing buildings and landscaping. Further, the designation as a contributing historic resource or district shall be granted only if the city council first finds that the proposed historic resource or district meets the Criteria for Evaluation in National Register Bulletin 15 (National Park Service). It is recommended that a historic preservation specialist perform this evaluation and complete the required documentation.

B. Procedure for designation or deletion of historic resources.

1. Prior to city council consideration for designating or deleting historic resource or districts, written consent shall be obtained from the property owner(s) of record;
2. The city council shall set a public hearing prior to designating or deleting a historic resource or district;
3. The city clerk shall give notice of public hearing, which notice shall contain the date, time and place of the hearing, the general nature of the proposed designation or deletion and the street address or legal description of the property involved. Said notice shall be mailed, postage prepaid, at least ten days prior to the date of the hearing to affected property owners, and all persons shown on the last equalized assessment roll as owning real property located within a radius of three hundred feet of the exterior boundaries of the property which is subject to the proposed designation or deletion;
4. The city shall make findings of fact and determinations in writing pursuant to the criteria set forth in Section 17.54.090 of the code; and

5. The decision of the city council shall be made by resolution which shall be recorded with the Solano County Recorder.

B. Adoption of Conservation Plan. An ordinance establishing an H district shall include an historic district conservation plan in the form submitted or as revised by the planning commission or city council. The plan's performance guidelines may modify the land use and development regulations of the base zoning district, but shall not significantly alter the regulations. A performance guideline shall be found to be a significant alteration of base district regulations if it substantially prevents property from being used in accord with the provisions of the base district, or creates a substantial number of nonconforming uses or structures.

C. Effects on Projects Initiated Prior to Effective Date. No provision of this chapter shall apply to projects initiated prior to the effective date of an ordinance establishing an H district or designating a contributing historic resource or landmark. Such projects shall be considered nonconforming uses, subject to the provisions of Chapter 17.98 BMC. For the purposes of this subsection, a project shall be deemed initiated if an application, plans, and materials for concept or development plan review have been filed and accepted as complete.

D. Amendments to Adopted Conservation Plans. Procedures for an amendment to an adopted conservation plan shall be initiated in the same manner as an application for a zoning map amendment (Chapter 17.120 BMC). (Ord. 87-4 N.S., 1987).

**17.54.100 Demolition and design review procedures.**

A. In General. Except as modified by an adopted conservation plan, design review in an H district or of a proposed alteration, enlargement or demolition of a designated ~~landmark-historic resource~~ shall be conducted as prescribed by Chapter 17.108 BMC. Design review and approval shall be the responsibility of the public works & community development director or the ~~design-review~~historic preservation review commission, as the case may be.

The building official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated contributing historic resource landmark (~~contributor or landmark~~) without the prior approval of the public works & community development director or the ~~design-historic preservation~~ review commission. ~~Prior approval of the community development director or the design review commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons.~~

B. Criteria. In addition to the requirements of Chapter 17.108 BMC, the public works & community development director or ~~design-historic preservation~~ review commission, as the case may be, shall consider the proposed demolition, new construction, or alteration in the context of the adopted conservation plan and the architectural or historical value and significance of the site and structure in relation to the overlay district. These considerations shall include the visual relationship of proposed architectural design elements to the surrounding area, including scale, height, rhythm of spacing, pattern of windows and doorways, building siting and

relationship to landscaping, roof pitch, architectural style, and structural details, materials, colors, and textures.

~~C. Required Findings. No demolition permit shall be issued for demolition of any historic structure within an H district or for demolition of a designated landmark without prior review and approval by the design review commission. Demolition permits for nonhistoric structures within the H district may be approved by the community development director. To assist any evaluation by the design review commission, the community development director shall submit a report and recommendation to the design review commission.~~ Exception. This section is not intended to apply to the following:

1. Demolitions of non-historic structures within the Eastern Residential Area of the Downtown Historic District as shown in the Downtown Historic Conservation Plan.
2. Emergency Demolitions as defined in Section 17.12.030 ordered by the Chief Building Official of the City of Benicia to remedy conditions determined to be an immediate danger to the life, health and safety of the occupants, the owner or that of the general public do not require approval of the public works & community development director or the historic preservation review commission.
3. Demolition of a non-historic structure which has a floor area less than one hundred twenty (120) square feet.
4. A temporary construction shed or office.

D. Required Permit. No demolition permit shall be issued for demolition of any structure within an H district or for demolition of a designated landmark outside of an H district without prior review and approval by the historic preservation review commission. To assist any evaluation by the design review commission, the public works & community development director shall submit a report and recommendation to the historic preservation review commission.

1. For Demolitions.

a. If, after review of the request for a demolition permit, the design historic preservation review commission determines that the structure itself has historical, architectural or cultural interest or value, the commission may withhold approval for demolition for 180 days (from the date of commission action) or until environmental review is completed, whichever occurs later.

During the 180 days, the design-historic preservation review commission may direct the ~~planning~~ public works & community development department to consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens; make recommendations for acquisition of property by public or private bodies or agencies; explore the possibility of moving one or more structures or other features; and take any other reasonable measures.

At the end of the 180-day period, the demolition permit shall be issued if environmental review determines there will not be a significant impact on the

environment and all requirements of this title are met or, if there may be substantial environmental damages, that specific economic, social or other considerations make infeasible the mitigation measures or alternatives identified during environmental review.

b. If, after review of the request for a demolition permit, the design historic preservation review commission determines that the building or structure has no substantial historical, architectural, or cultural interest or value, a building permit for demolition may be issued.

~~2. For New Construction or Alterations. The director or the commission shall not grant design approval for new construction or alterations unless it finds that the proposed new construction or alteration will be compatible with and help achieve the purposes of the H district.~~

~~3. For Removal or Alteration of Certain Landscape Materials. The director's or commission's approval shall be required for removal or alteration of landscape materials identified as significant resources by the historic district conservation plan. Removal or alteration of such landscape materials shall require a finding that the proposed removal or alteration will not affect the character of the H district, or that the safety of persons or property requires the removal or alteration. No provisions of this subsection shall be construed as restricting routine maintenance of landscape materials.~~

E. Required Findings. The director or the commission shall not grant design approval for demolition, new construction or alteration unless it finds the following:

1. For Demolitions.

- a. The project will not cause a significant adverse effect as defined in the State of California Environmental Quality Act Guidelines.
- b. The replacement structure will be compatible with the historic context of the district and the surrounding buildings.
- c. No economically reasonable, practical, or viable measures could be taken to adaptively use, rehabilitate, or restore the building or structure on its existing site and there is substantial evidence to support this conclusion from at least two sources (e.g. structural engineer, architect); or there exists compelling public interest to justify the demolition.

2. For New Construction or Alterations.

- a. That the proposed new construction or alteration will be compatible with and help achieve the purposes of the H district.
- b. For designated historic structures, the project complies with the Secretary of the Interior Standards "Standards" or adopted guidelines based on the Standards.

3. For Removal or Alteration of Certain Landscape Materials. The director's or commission's approval shall be required for removal or alteration of landscape materials identified as significant resources by the historic district conservation plan. Removal or alteration of such landscape materials shall require a finding that the proposed removal or alteration will not affect the character of the H district, or that the safety of persons or property requires the removal or alteration. No provisions of this subsection shall be construed as restricting routine maintenance of landscape materials.

DF. Economic Hardship Waiver. If an applicant for design concept or design approval presents evidence of inability to meet the cost of complying with a condition of approval, the director or the commission may grant the approval with the requirement that all conditions be met within a period of up to five years. If such conditions are not met within five years, the property owner shall be subject to the enforcement provisions of Chapter 17.128 BMC.

EG. Effective Date – Appeals. Decisions of the director or commission shall be final on the tenth business day after the date of the decision, unless appealed in accordance with Chapter 1.44 BMC. (Ord. 07-59 § 2; Ord. 93-1 N.S. § 5, 1993; Ord. 87-4 N.S., 1987).

**17.54.120 Maintenance of structures and premises.**

All property owners in H districts and owners of designated ~~landmarks~~ historic resources (contributors and landmarks) shall have the obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material variance in apparent condition from surrounding structures in compliance with the provisions of this chapter. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises. (Ord. 87-4 N.S., 1987).

**DRAFT HISTORIC DESIGNATION  
APPLICATION CHECKLIST**



## Public Works & Community Development Department Planning Division

In Title 17.54 of the Benicia Municipal Code, the City has established criteria for designating contributing historic resources, or re-listing properties that have previously lost their designation status. The process to designate a contributing historic resource (contributor or landmark) can be initiated by the City Council, Planning Commission, Historic Preservation Review Commission, or individual property owners.

Project Address:

Date:

Planner:

accepting application

For Applicant's Use	For Staff Use	<b>Historic Designation Application Checklist</b> Please note: Your project planner may require additional information depending on the specifics of your project.	New Designation	If Previously Designated
		<b>Application Form</b>	Required	Required
		<b>Updated Historic Resources Inventory (State Department of Parks &amp; Recreation DPR Form 523 A &amp; B.</b> Identification and evaluation of the resource shall comply with the standards provided in National Register Bulletin 15 and other pertinent National Register bulletins.	Required	Required
		<b>Historic Evaluation</b> <ul style="list-style-type: none"> <li> <b>Report</b>            At the applicant's expense, the applicant may retain an historic preservation specialist to evaluate the applicant's proposal for consistency with the architectural, historic, or aesthetic integrity of the resource. This shall include recommendations to the City to ensure that the proposed work will not adversely affect the significant architectural features of the property, nor adversely affect the character or historic architectural or aesthetic interest or value of the cultural resource and its site.         </li> <li> <b>Work Plan</b>            Consisting of a description of work needed to restore character defining features of the property per the Secretary of the Interior Standards for the Treatment of Historic Properties. This Work Plan shall include methods and materials proposed, and shall be prepared in conjunction with the Historic Evaluation Report.         </li> </ul>	Required	Required
		<b>Elevations and Architectural Plans</b> , identifying the entire structure, and highlighting features to be restored per the work plan	6 sets	6 sets
		<b>Photographs</b> <ul style="list-style-type: none"> <li>Existing Building</li> <li>Building prior to any or all inappropriate alterations</li> </ul>	1 set printed/ 1 set electronic	1 set printed/ 1 set electronic
		<b>Legal Description of Property (Can be provided by Title Company)</b>	Required	Required

For Applicant's Use	For Staff Use	<b>Historic Designation Application Checklist</b>		New Designation	If Previously Designated
		Please note: Your project planner may require additional information depending on the specifics of your project.			
		<b>Building Materials and Color Sample Board</b>		If applicable	If applicable
		<b>Filing Fee</b>		No Fee	No Fee
		<b>Mailing Labels (see <u>Mailing Notice</u> handout)</b>		Required	Required
<b>Supplemental Information:</b>		Your project planner may require one or more of the following items after your initial application submittal, depending on the condition of the property and nature of the proposed work.			
		<b>Additional Plans Required Subsequent to Initial Submittal</b> <b>Plans – Revised and submitted for further staff review:</b> <b>Plans – Ready for Commission review:</b>		<b>6 sets</b>	<b>12 sets</b> <b>11"x17"</b> <b>1 full-size set, rolled</b>

**JANUARY 21, 2010 MEMO TO HPRC**



Public Works & Community Development Department  
**MEMORANDUM**

**Date:** January 21, 2010  
**To:** Historic Preservation Review Commission  
**From:** Gina Eleccion, Management Analyst *GE*  
**Re:** Listing Process for Historic Resources to Regain Historic Status

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At its March 17, 2009 meeting, and as part of the historic resource inventory update discussion, City Council directed staff to develop a process that allows a potentially eligible property that goes through a restoration to gain historic status.

In Section 17.54.090, there is an existing process for initiating and designating landmarks. This chapter could be amended to include a clearer process for any resource to gain or regain historic status. Staff recommends addition of the term "contributing historic structure", so that more than landmarks are addressed. Staff also recommends inclusion of language that gives HPRC the authority to initiate the designation process. In addition, there are other minor modifications of this section that could further clarify the process.

In March 2009, Commissioner Taagepera submitted a memo outlining a procedure. The listing process, with Commissioner Taagepera's recommendations, was discussed at the September 24, 2009 meeting (minutes attached).

Staff is requesting to continue the discussion on the existing process, with the recommendations of Commissioner Taagepera and the Commission. Based on input from this discussion, staff will prepare a draft ordinance for the Commission to make a recommendation to the Planning Commission and City Council.

**Attachments:**

- Benicia Municipal Code – Chapter 17.54 (H Historic Overlay District)
- Commissioner Taagepera memo dated March 25, 2009
- Portion of the Historic Preservation Review Commission Minutes from September 24, 2009
- "Draft" Historic Designation Application Checklist

**BENICIA MUNICIPAL CODE**  
**CHAPTER 17.54 (H HISTORIC OVERLAY DISTRICT)**

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**Chapter 17.54  
H HISTORIC OVERLAY DISTRICT**

**Sections:**

<u>17.54.010</u>	Specific purposes.
<u>17.54.020</u>	Applicability and zoning map designator.
<u>17.54.030</u>	Land use and development regulations.
<u>17.54.040</u>	Criteria for establishment of H district.
<u>17.54.050</u>	Criteria for designating landmark buildings.
<u>17.54.060</u>	Conservation plan required.
<u>17.54.070</u>	Application requirements.
<u>17.54.080</u>	Review and approval.
<u>17.54.090</u>	Establishment of H districts and landmark designation.
<u>17.54.100</u>	Demolition and design review procedures.
<u>17.54.120</u>	Maintenance of structures and premises.

**17.54.010 Specific purposes.**

The specific purposes of the H historic overlay district are to:

- A. Implement the city's general plan;
- B. Deter demolition, destruction, alteration, misuses, or neglect of historic or architecturally significant buildings that form an important link to Benicia's past;
- C. Promote the conservation, preservation, protection, and enhancement of each historic district;
- D. Stimulate the economic health and residential quality of the community and stabilize and enhance the value of property;
- E. Encourage development tailored to the character and significance of each historic district through a conservation plan that includes goals, objectives, and design criteria. (Ord. 87-4 N.S., 1987).

**17.54.020 Applicability and zoning map designator.**

The H historic overlay district may be combined with any zoning district. Each H overlay district shall be shown on the zoning map by adding an "-H" designator to the base district designation followed by the number of the district based on the order of adoption. (Ord. 87-4 N.S., 1987).

**17.54.030 Land use and development regulations.**

A. The land use and development regulations applicable in an H district shall be as prescribed for the base district with which it is combined unless modified by another overlay district; provided, that the requirements of the district conservation plan shall govern where conflicts arise.

**B. Exceptions for Historic and Architecturally Significant Structures.**

1. The community development director may grant a use permit for an exception to the land use regulations of the base district with which an H district is combined when such an exception is necessary to permit the preservation or restoration of an historic or architecturally significant building, structure or site.
2. Applications for such use permits shall be filed with the community development director on a form provided. The community development director shall refer all applications for an exception under this section to the historic preservation review commission (HPRC) for a report and recommendation. In making a decision, the community development director shall make a written finding that shall specify the facts relied upon in rendering his decision. A copy of this written finding, together with all evidence presented to the community development director, shall be filed in the planning

department. The written finding and decision shall be mailed to the applicant and shall be subject to appeal to the planning commission. Decision-making authority on such use permits may be deferred to the planning commission at the option of the community development director. Upon their decision in such instances, an appeal may be made to the city council as prescribed in Chapter 1.44 BMC. (Ord. 07-59 § 1; Ord. 05-03 § 4; Ord. 87-4 N.S., 1987).

**17.54.040 Criteria for establishment of H district.**

A. A portion of a base district shall be eligible for inclusion in an H district if one or more of the following criteria, rigorously applied, are met:

1. The area possesses character, interest, or value as part of the heritage of the city.
2. The area is the location of a significant historical event.
3. The area is identified with a person or group that contributed significantly to the culture and development of the city.
4. Structures within the area exemplify a particular architectural style or way of life important to the city.
5. Structures within the area are the best remaining examples of an architectural style in a neighborhood.
6. The area or its structures are identified as the work of a person or group whose work has influenced the heritage of the city, the state, or the United States.
7. The area or its structures embody elements of outstanding attention to architectural or landscape design, detail, materials, or craftsmanship.
8. The area is related to a designated historic building or district in such a way that its preservation is essential to the integrity of the building or district.
9. The area's unique location or singular physical characteristics represent an established and familiar visual feature of a neighborhood.
10. The area has potential for yielding information of archaeological interest.
11. The area's integrity as a natural environment strongly contributes to the well-being of the people of the city.

B. Portions of a base zoning district that do not meet the above criteria may be included in an H district if inclusion is found to be essential to the integrity of the district. (Ord. 87-4 N.S., 1987).

**17.54.050 Criteria for designating landmark buildings.**

Individual buildings may be designated as historic or architecturally significant landmarks if one or more of the criteria set forth in BMC 17.54.040 are met. A landmark so designated shall be eligible for the same review procedures as buildings and structures within an H district. (Ord. 87-4 N.S., 1987).

**17.54.060 Conservation plan required.**

Prior to filing an application for an H district, the applicant shall prepare an historic district conservation plan with the assistance of the planning department. Each conservation plan shall contain:

- A. A map and description of the proposed district, including boundaries; the age, setting, and character of structures; urban design elements and streetscapes; major public improvements; and proposed objectives to be achieved;
- B. A statement of the architectural or historical significance of the proposed district;
- C. A list of specific alterations that should be subject to design review in order to protect the architectural or historical character of the proposed district;
- D. A set of specific performance guidelines for new construction and alterations necessary to preserve the character of the proposed district;
- E. Proposed rules and regulations for design review. (Ord. 87-4 N.S., 1987).

**17.54.070 Application requirements.**

A. Filing of Petition. An application for an H district or landmark designation may be

initiated by the planning commission or city council, or by filing a petition requesting establishment of the district with the community development director, accompanied by the required fee. If initiated by petition, the application shall include:

1. The proposed conservation plan for the district as prescribed by BMC

17.54.060:

2. A form bearing the signatures of the owners of 51 percent of the land area within the proposed district.

B. Application Contents. An application for a landmark designation shall contain:

1. A map showing the location of the building or structure and building plans or photographs of the building exterior;
2. A statement of the architectural or historical significance of the proposed building and description of the particular features that should be preserved; and
3. Except when initiated by the city, the consent of the owner or authorized agent to the proposed designation is required. For purposes of this section, each condominium owner's association shall be deemed the property owner of common areas.

Prior to accepting the application as complete, the community development director may request additional information, plans or materials deemed necessary to support the application. A planning commission public hearing on the petition shall be held within 90 days of the date the petition is accepted as complete. (Ord. 87-4 N.S., 1987).

**17.54.080 Review and approval.**

A. Neighborhood Workshop. The planning department shall conduct a neighborhood workshop in the proposed district to explain the proposal and the amendment process to neighborhood residents. Notice of the workshop shall be given in the same manner prescribed for zoning map amendments by BMC 17.120.040.

B. Notice and Public Hearing. After the neighborhood workshop, the proposed district shall be the subject of public hearings before the planning commission and the city council. The hearings shall be set, noticed, and conducted as prescribed by Chapter 17.120 BMC.

C. Contents of Public Notice. In addition to the information prescribed by Chapter 17.120 BMC, notice of a public hearing for the establishment of an H district or designation of a landmark shall include a statement that original petitioners have the right to withdraw their support of the district at any time prior to the hearing, and that property owners who have not signed the petition have the right to do so prior to the date of the hearing. (Ord. 87-4 N.S., 1987).

**17.54.090 Establishment of H districts and landmark designation.**

A. Required Findings. In addition to the findings required by Chapter 17.120 BMC, the planning commission and city council shall find that the proposed district or landmark has a significant architectural or historical character that can be preserved and enhanced through appropriate controls on new development and alterations to existing buildings and landscaping.

B. Adoption of Conservation Plan. An ordinance establishing an H district shall include an historic district conservation plan in the form submitted or as revised by the planning commission or city council. The plan's performance guidelines may modify the land use and development regulations of the base zoning district, but shall not significantly alter the regulations. A performance guideline shall be found to be a significant alteration of base district regulations if it substantially prevents property from being used in accord with the provisions of the base district, or creates a substantial number of nonconforming uses or structures.

C. Effects on Projects Initiated Prior to Effective Date. No provision of this chapter shall apply to projects initiated prior to the effective date of an ordinance establishing an H district or designating a landmark. Such projects shall be considered nonconforming uses, subject to the provisions of Chapter 17.98 BMC. For the purposes of this subsection, a project shall be deemed initiated if an application, plans, and materials for

concept or development plan review have been filed and accepted as complete.

D. Amendments to Adopted Conservation Plans. Procedures for an amendment to an adopted conservation plan shall be initiated in the same manner as an application for a zoning map amendment (Chapter 17.120 BMC). (Ord. 87-4 N.S., 1987).

#### **17.54.100 Demolition and design review procedures.**

A. In General. Except as modified by an adopted conservation plan, design review in an H district or of a proposed alteration, enlargement or demolition of a designated landmark shall be conducted as prescribed by Chapter 17.108 BMC. Design review and approval shall be the responsibility of the community development director or the design review commission, as the case may be.

The building official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated landmark without the prior approval of the community development director or the design review commission. Prior approval of the community development director or the design review commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons.

B. Criteria. In addition to the requirements of Chapter 17.108 BMC, the community development director or design review commission, as the case may be, shall consider the proposed demolition, new construction, or alteration in the context of the adopted conservation plan and the architectural or historical value and significance of the site and structure in relation to the overlay district. These considerations shall include the visual relationship of proposed architectural design elements to the surrounding area, including scale, height, rhythm of spacing, pattern of windows and doorways, building siting and relationship to landscaping, roof pitch, architectural style, and structural details, materials, colors, and textures.

C. Required Findings. No demolition permit shall be issued for demolition of any historic structure within an H district or for demolition of a designated landmark without prior review and approval by the design review commission. Demolition permits for nonhistoric structures within the H district may be approved by the community development director. To assist any evaluation by the design review commission, the community development director shall submit a report and recommendation to the design review commission.

##### **1. For Demolitions.**

a. If, after review of the request for a demolition permit, the design review commission determines that the structure itself has historical, architectural or cultural interest or value, the commission may withhold approval for demolition for 180 days (from the date of commission action) or until environmental review is completed, whichever occurs later.

During the 180 days, the design review commission may direct the planning department to consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens; make recommendations for acquisition of property by public or private bodies or agencies; explore the possibility of moving one or more structures or other features; and take any other reasonable measures.

At the end of the 180-day period, the demolition permit shall be issued if environmental review determines there will not be a significant impact on the environment and all requirements of this title are met or, if there may be substantial environmental damages, that specific economic, social or other considerations make infeasible the mitigation measures or alternatives identified during environmental review.

b. If, after review of the request for a demolition permit, the design review commission determines that the building or structure has no substantial historical, architectural, or cultural interest or value, a building permit for demolition may be issued.

##### **2. For New Construction or Alterations.**

The director or the commission shall not grant design approval for new construction or alterations unless it finds that the proposed new construction or alteration will be compatible with and help achieve the purposes of

the H district.

3. For Removal or Alteration of Certain Landscape Materials. The director's or commission's approval shall be required for removal or alteration of landscape materials identified as significant resources by the historic district conservation plan. Removal or alteration of such landscape materials shall require a finding that the proposed removal or alteration will not affect the character of the H district, or that the safety of persons or property requires the removal or alteration. No provisions of this subsection shall be construed as restricting routine maintenance of landscape materials.

D. Economic Hardship Waiver. If an applicant for design concept or design approval presents evidence of inability to meet the cost of complying with a condition of approval, the director or the commission may grant the approval with the requirement that all conditions be met within a period of up to five years. If such conditions are not met within five years, the property owner shall be subject to the enforcement provisions of Chapter 17.128 BMC.

E. Effective Date – Appeals. Decisions of the director or commission shall be final on the tenth business day after the date of the decision, unless appealed in accordance with Chapter 1.44 BMC. (Ord. 07-59 § 2; Ord. 93-1 N.S. § 5, 1993; Ord. 87-4 N.S., 1987).

#### **17.54.120 Maintenance of structures and premises.**

All property owners in H districts and owners of designated landmarks shall have the obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material variance in apparent condition from surrounding structures in compliance with the provisions of this chapter. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises. (Ord. 87-4 N.S., 1987).

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**This page of the Benicia Municipal Code is current through Ordinance 09-18, passed September 15, 2009.**  
Disclaimer: The City Clerk's Office has the official version of the Benicia Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.benicia.ca.us/>  
City Telephone: (707) 746-4201  
Code Publishing Company

**COMMISSIONER TAAGEPERA MEMO  
DATED MARCH 25, 2009**

**DATE:** March 25, 2009  
**TO:** HPRC Commissioners  
**FROM:** Leann Taagepera  
**SUBJECT:** Procedure for Regaining Historic Status

Buildings have been de-listed which could be restored. It would be prudent for the City to adopt a program whereby a property owner can restore a building and regain historic status. The HPRC is tasked with encouraging historic preservation. If historic buildings have had alterations which could be restored, de-listing them with no procedure to allow them to regain historic status has removed all financial incentives to restore, because now those buildings are no longer eligible for the Mill's Act property tax savings and they cannot use the historical building code. People who need to restore their buildings would benefit from that savings the most. I have spoken with historic preservation officers and architectural historians about this situation and they term de-listing buildings on the borderline of historical integrity as "throwing out the baby with the bath water."

I propose the following procedure as a starting point for discussion and request that this item be agendaized for the next HPRC meeting.

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Property owners of buildings which currently are not deemed to be contributors to the Downtown Historic Conservation District, due to a de-listing of these buildings in the 2009 historic survey, may apply to the City for a historic redesignation of their buildings. Redesignation of their building from non-contributor to contributor (or to Landmark status, in the event this were ever appropriate) would require approval by the HPRC. If such request were denied, applicant could appeal denial to the City Council.

Application material to be submitted to the City Community Development Department would be composed of the following:

1. A list of inappropriate alterations which have resulted in the loss of historic integrity, and therefore, loss of historic designation;
2. Information about when these inappropriate alterations occurred, if known;
3. A description of which of these alterations are proposed to be reversed or restored, and a description of the methods and materials proposed;
4. A drawing or architectural rendering of the building, identifying the areas that would be restored or replaced;
5. Photos of the building as it appears now;
6. Any photos that can be provided as the building looked prior to any or all of the inappropriate alterations.

As this re-designation is intended to encourage the restoration and preservation of historic buildings in Benicia, the only fee that would be charged would be a simple fee for a minor application of no more than \$200, and the fee for the Mill's Act application, if appropriate. It would be important for the City to advertise this program, so property owners were aware of it. The HPRC and City staff would be tasked with determining if the proposed plan for restoration would result in re-establishing the building's historical integrity, thereby warranting re-listing the building.

**PORTION OF HISTORIC PRESERVATION REVIEW  
COMMISSION MINUTES OF SEPTEMBER 24, 2009**

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Lisa Porras, Senior Planner, gave an overview of the project. Material samples were provided to the Commission for their review.

Commissioners discussed the material samples. There was a suggestion to set the brick so that no edges are shown.

The applicant noted that they tried to match the brick to the existing brick wall and arch. The brick does not match exactly, but complements the brick inside the restaurant. The steel door trash enclosure will be painted in a hunter green color. The stucco is a sand finish, which will reduce glare.

The public hearing was opened. No public comment. The public hearing was closed.

Commissioners discussed the material samples. They approved of the following:

Kelly-Moore Hunter Green (149 Green Thumb)

Kelly-Moore Off-White (27 Bone)

Brick corners fabricated so they do not appear to be veneer; with special attention to the corners

On motion of Commissioner McKee, seconded by Commissioner Crompton, the above materials were approved by the following vote:

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

**D. LISTING PROCESS FOR HISTORIC RESOURCES TO REGAIN HISTORIC STATUS**

**PROPOSAL:**

Per City Council direction, the Commission will discuss a process that allows an eligible property to gain historic status. This discussion includes suggestions made by Commissioner Taagepera in a memo dated March 25, 2009.

**Recommendation:** Based on this discussion, staff will prepare a draft ordinance for the Commission to make a recommendation to the City Council.

Gina Eleccion gave an overview of this item. She recommended a brief overview and stated that staff can take all comments and come back with a draft ordinance for discussion.

Commissioner Taagepera would like to see more changes to the current ordinance. She would like to see property owners approach the City to get their properties listed. She would like to see a minimal fee for this.

Commissioners commented on the need for a professional DPR form. Commissioners agreed that staff can come back with a draft ordinance.

Commissioners discussed whether or not this would include properties outside of the district. Gina Eleccion noted that this warrants further discussion.

Following recommendations:

1. Professional consultant DPR form – provided by property owner
2. Not just for reconstruction
3. Restoration reviewed prior to changes being made

## **VII. COMMUNICATIONS FROM STAFF**

### **A. HISTORIC CONTEXT CONSULTANT SELECTION COMMITTEE**

Staff requests the Commission designate a member to sit on the Historic Context Consultant Selection Committee.

Commissioner Taagepera had expressed an interest in being involved in this. The Commission agreed with this.

Gina Eleccion stated that the City has entered into a contract with a consultant to review the historic integrity of the IOOF. Staff will present the results of the consultant's evaluation at the November meeting.

Gina Eleccion noted that the Climate Action Plan was adopted at the September 15<sup>th</sup> City Council meeting. Once the Community Sustainability Commission is seated, the Commission will start to see implementation strategies included in project approvals.

## **VIII. COMMUNICATIONS FROM COMMISSIONERS**

Commissioner Crompton questioned the Big-Q Tire sign. Staff will review the sign.

Commissioner Mang commented on the fact that there were only 2 Mills Act applications this year. Gina Eleccion noted that there are multiple factors contributing to this.

Commissioner Mang would like to see bigger work plans for certain properties. In addition, he would like follow up on 166 West H Street.

Commissioner White commented on the Masonic Temple. Building Division staff is currently reviewing all buildings with issues.

Commissioner McKee encouraged commissioners to take a more active role in the non-historic design review projects, such as the New Harbor Church project.

**DRAFT HISTORIC DESIGNATION  
APPLICATION CHECKLIST**

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# Public Works & Community Development Department

## Planning Division

The City has established criteria for designating contributing historic structures, or re-listing properties that have previously lost their designation status. The process to designate a contributing historic resource (contributor or landmark) can be initiated by the City Council, Planning Commission, Historic Preservation Review Commission, or individual property owners.

**Project Address:**

**Date:**

**Planner:**  
accepting application

For Applicant's Use	For Staff Use	<b>Historic Designation Application Checklist</b>	
		Please note: Your project planner may require additional information depending on the specifics of your project.	
		<b>Application Form</b>	Required
		<b>Updated Historic Resources Inventory (State Department of Parks &amp; Recreation DPR Form 523 A &amp; B)</b> , to be completed by a qualified historic preservation specialist	Required
		<b>Architectural Historian Evaluation</b> <ul style="list-style-type: none"> <li>• <b>Report</b> At the applicant's expense, the applicant shall retain an architectural historian, or restoration architect, to evaluate the applicant's proposal for consistency with the architectural, historic, or aesthetic integrity of the resource. The architectural historian shall review and make recommendations to the City to ensure that the proposed work will not adversely affect the significant architectural features of the property, nor adversely affect the character or historic architectural or aesthetic interest or value of the cultural resource and its site.</li> <li>• <b>Work Plan</b> Consisting of a description of work needed to restore character defining features of the property per the Secretary of the Interior Standards for the Treatment of Historic Properties. Work Plan shall be prepared in conjunction with the Architectural Historian Report.</li> </ul>	Required
		<b>Elevations and Architectural Plans</b> , identifying the entire structure, and highlighting features to be restored per the work plan	6 sets
		<b>Photographs</b> <ul style="list-style-type: none"> <li>• Existing Building</li> <li>• Building prior to any or all inappropriate alterations</li> </ul>	1 set printed 1 set electronic
		<b>Legal Description of Property (Can be provided by Title Company)</b>	Required

For Applicant's Use	For Staff Use	<h3 style="text-align: center;">Historic Designation Application Checklist</h3> <p style="text-align: center; font-size: small;">Please note: Your project planner may require additional information depending on the specifics of your project.</p>	
		<b>Title Report</b>	Required
		<b>Building Materials and Color Sample Board</b>	Required
		<b>Filing Fee</b>	\$300
		<b>Mailing Labels</b>	Required (see <u>Mailing Notice</u> handout)
<p><b>Supplemental Information:</b> Your project planner may require one or more of the following items after your initial application submittal, depending on the condition of the property and nature of the proposed work.</p>			
		<p><b>Additional Plans Required Subsequent to Initial Submittal</b></p> <p><b>Plans – Revised and submitted for further staff review:</b></p> <p><b>Plans – Ready for Commission review:</b></p>	<p style="text-align: center;"><b>6 sets</b></p> <p style="text-align: center;"><b>12 sets 11"x17"</b> <b>1 full-size set, rolled</b></p>

**PORTION OF HPRC MINUTES FROM  
JANUARY 28, 2010**

Commissioner Crompton indicated that applicants require direction as he observed compliance issues and difficulty with people understanding the contract.

Gina Eleccion explained to the Commission that the Council is seeking an overall report with financial aspects and financial ramifications with amendments to the guidelines. She noted that the approximate \$36,000 in lost revenue is worth it for the city to protect 30 historical properties. The discussion concluded with a brief debate about actual loss to the county and state and assessed values of historical properties vs. Prop 13 values.

**C. CERTIFIED LOCAL GOVERNMENT (CLG) ANNUAL REPORT**

Staff will present the CLG Annual Report to the Commission for review and discussion.

Gina Eleccion gave an overview of the Certified Local Government annual report and highlighted specific areas. She noted that the three goals set by the Commission have been met, and looking forward, staff is mindful of the Commissions objectives while balancing budgetary constraints.

Chair Haughey questioned if the Community Development Director is required to go to additional training with regard to the CLG Program. Gina Eleccion answered no. She added that the Commission is way ahead of the curve over other jurisdictions.

Commissioners discussed certain sections of the report. Gina Eleccion noted that the Commission will have input on next year's report.

**D. LISTING PROCESS FOR HISTORIC RESOURCES TO REGAIN HISTORIC STATUS**

**PROPOSAL:**

Per City Council direction, the Commission will discuss a process that allows an eligible property to gain historic status. This discussion includes suggestions made by Commissioner Taagepera in a memo dated March 25, 2009, and comments made by the Commission at the September 24, 2009 meeting.

**Recommendation:** Continue this discussion, review draft policy, and direct staff to prepare a zoning text amendment for the Commission to make a recommendation to the Planning Commission and the City Council.

Gina Eleccion referred to the existing process listed in the Municipal Code Section 17.54 for initiating and designating historic properties. She explained that amendments could be made to the section to create a clearer process, so that a property that has not been eligible or previously de-listed could gain historic status. She directed the Commission to review the Historic Designation Application Checklist and create a red line version for recommendation to Council.

Commissioners discussed the process at length, each having specific questions with regard to the section and checklist. Gina Eleccion fielded questions pertaining to program

guidelines, authority to preserve historic properties without forcing property owners to become historic, and the criteria necessary for designation.

Commissioner McKee questioned if the section pertains to properties inside the historic district. Gina Eleccion responded yes and explained that landmarks would also be included. Other subjects discussed were reasons why a property would be removed from the designation, who can initiate the process, and staff assistance to applicants.

Commissioner White suggested segregating property owners and government entities on the application. He also stressed the importance of the revisions having longevity and significance 20 – 25 years into the future.

Commissioner McKee felt the process should be more casual. He felt a color board was not necessary and the filing fee could be lowered as well.

Commissioner Donahue suggested the sentence “can be *initiated* by City Council, etc.” be removed.

Chair Haughey asked why a title report is required. Gina Eleccion informed the Commission that it does not have to be a requirement. She added that the fee is a suggestion and it is within the purview of the Commission to alter certain requirements.

Commissioner Taagepera explained that her original intent of the March 2009 memo was specific to the re-designation of properties through this process. She expressed concern that the application requires professional review and an architectural historian report. The Commission then discussed the differences between an architectural historian and a historic architect. A majority of the Commission agreed that professional review was necessary to facilitate accurate reports, repairs and upgrades to historic properties.

The discussion concluded with Gina Eleccion reiterating the importance of updating Section 17.54 along with the Historic Designation Application, amending items that impede the process and taking the opportunity to reconstruct a comprehensive document that will have longevity well into the future.

**E. PRIORITY LIST OF DISCUSSION ITEMS**

Staff and Commission will discuss and review the Commission’s discussion items, including ranking of topics.

~~Gina Eleccion reviewed the list of priorities with the Commission. She advised them to add any items they wanted and then to re-prioritize the list. With current staff resources, it is not realistic to accomplish all of these items. Staff will work with Chair Haughey to manage this.~~

~~Commissioners discussed the position of certain topics high on the priority list. Commissioner White indicated that staff is working extremely hard on current projects and that the Commission should “hold fast for the time being” with current priorities. Gina~~