

The Benicia Planning Commission meets the 2nd Thursday of each month at 7:00 p.m. in the Council Chambers.

BENICIA HISTORIC PRESERVATION REVIEW COMMISSION CITY HALL COMMISSION ROOM

REGULAR MEETING AGENDA

Thursday, July 26, 2007
6:30 P.M.

Please file a speaker's slip if you wish to address the Commission. Anyone wishing to address the Commission regarding the agenda items or during Communications from Audience may speak for a maximum of 5 minutes per agenda item if the subject is before the Commission.

Note: All items listed, except under Communications, are for Commission Discussion and/or Action.

I. **CALL TO ORDER**

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

II. **OPPORTUNITY FOR PUBLIC COMMENT**

- A. **WRITTEN**

- B. **PUBLIC COMMENT**

III. **CONSENT CALENDAR**

- A. **Approval of Agenda**

- B. **Approval of Minutes of [June 28, 2007](#)**

IV. **REGULAR AGENDA ITEMS**

- A. **134 WEST D STREET**
06PLN-45 Design Review
134 West D Street; APN: 89-243-050

PROPOSAL:

The applicant is proposing to relocate a three story, 112-year old house (known as the Thompson House) and its water tower from Napa County to the Benicia shore at the end of West D Street to create a Bed and Breakfast Inn. The project site is 18,750 square feet. The relocated house will undergo extensive restoration and rehabilitation. The Inn will have a total of 6 guest rooms and a caretaker's suite.

Recommendation: Approve a design review permit for relocation and restoration of a house and water tower to 134 West D Street; and recommend that the Planning Commission approve the associated Initial Study/ Mitigated Negative Declaration, based on the findings, and subject to the conditions listed in the proposed resolution.

- B. **DRAFT HISTORIC BUILDING SURVEY**
City of Benicia
Downtown Historic Conservation District

PROPOSAL:

The City of Benicia is in the process of updating the Downtown Historic Conservation Plan. A current survey of historic properties has been completed. A draft of the survey results is being presented to the Commission and public for their review, comment and recommendation to the City Council.

Recommendation: That City Council amend the Downtown Historic Conservation Plan (DHCP) based on the findings, and subject to the conditions listed in the proposed resolution.

V.

VI. **COMMUNICATIONS FROM COMMISSIONERS**

VII. **COMMUNICATIONS FROM STAFF**

VIII. **ADJOURNMENT**

Public Participation

The Benicia Planning 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 Planning 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 Planning Commission.

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

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, 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 may be taken by the Commission.

The Planning 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 Planning 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 Planning 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 Planning Commission decisions which are final actions, not recommendations, are considered by the City Council. Appeals must be filed in the Community Development Department in writing, stating the basis of appeal with the appeal fee within 10 days of the date of action.



**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION
CITY HALL COMMISSION ROOM**

REGULAR MEETING MINUTES

**Thursday, June 28, 2007
6:30 P.M.**

I. CALL TO ORDER

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Conlow, Donaghue, Haughey, Mang, White, Wilson and Chair
Delgado
Absent: None

Staff Present:

Xzandrea Fowler, Associate Planner
Gina Eleccion, Administrative Secretary

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. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

None.

III. CONSENT CALENDAR

On motion of Commissioner Haughey, seconded by Commissioner Conlow, the Consent Calendar was approved by the following vote:

- Ayes: Commissioners Conlow, Donaghue, Haughey, Mang, White, Wilson and Chair Delgado
- Noes: None
- Absent: None
- Abstain: Commissioners Donaghue, Wilson and Chair Delgado (from Item IV-A)

A. Approval of Agenda

B. Approval of Minutes of May 24, 2007

IV. REGULAR AGENDA ITEMS

A. 163 EAST H STREET

07PLN-18 Design Review
163 East H Street; APN: 89-052-290

PROPOSAL:

The applicant proposes to construct an approximately 17,150 square foot mixed-use building with sub-terrain parking on the vacant parcel located at 163 East H Street. The first floor of the building contains seven office/retail spaces. The office/retail spaces range in size from 400 square feet to 1,100 square feet. The first floor includes a common courtyard and restrooms. The second floor contains five office/retail spaces and common restrooms. The second floor spaces range in size from 770 square feet to 1,120 square feet. The third floor contains three residential units and a laundry room. The residential units range in size from 885 square feet, for a studio apartment, to 1,185 square feet, for a two bedroom apartment.

Recommendation: Historic Preservation Review Commission hold a public hearing, consider public testimony and other relevant documents and tentatively approve a design review permit for the construction of the proposed mixed-use project located at 163 East H Street; and make a recommendation to the Planning Commission regarding the approval and certification of the Initial Study/ Mitigated Negative Declaration, based on the findings, and subject to the conditions listed in the proposed resolution.

Xzandrea Fowler, Associate Planner, gave a brief overview of the project. She noted that the Initial Study included in the packet was an incomplete draft. A complete Initial Study was given to the Commission.

Roger Britt, Applicant – He introduced Lance Krennel, Architect, and Larch McNeill, Planner, who gave a presentation on the project.

Lance Krennel, Architect – He gave a PowerPoint presentation on the project and was available to answer questions.

Commissioners commented on screening of mechanical equipment on the roof. In addition, they commented on fire sprinkler requirements. Commissioners questioned if there were samples of the split face of the building. The Architect noted that could be provided to Staff. Commissioners commented on the location of the gutters and would like an appropriate drainage system.

The public hearing was opened.

Jon Van Landschoot, 175 West H Street – He is pleased that this plan complies with the Opticos Downtown Master Plan.

The public hearing was closed.

Commissioners commented on the concrete block and would like to see samples. Overall, the project is nicely designed. Applicant was questioned if the Hardiplank will be smooth.

Commissioners commended the Applicant on the project. There was concern over the split-face on the back of the structure. An 8” Hardiplank, smooth finish was suggested. Windows will be consistent with the historic construction in the overlay district, most likely pre-finished. The Commissioners do not want to see vinyl-clad windows. A large 4 ¾” og gutter was suggested. Commissioners would like the smooth trim to be consistent with the smooth siding. There was concern over access to some of the parking spaces. The Architect is willing to work with the Structural Engineer to mitigate this.

Commissioners discussed the split-face construction. The Applicant stated that cultured stone can be looked at, possibly using a block with stone veneer. The possibility of ½” thick brick veneer was mentioned. Commissioners suggested stucco with a water table with a color break. Xzandrea Fowler noted that this detail element can be brought back to the Commission for approval.

The motion by Commissioner Wilson included the following added conditions:

1. No visible mechanical equipment units above the roofline, and all equipment must be contained in the proposed mechanical wells.
2. The siding and trim shall be smooth Hardiplank. The trim shall project beyond the lap of the siding.
3. The Commission shall review the lower base material/finish (cmu, cultured stone, etc.) prior to installation. The applicant shall explore the use of a concrete water table with a color break.
4. No vinyl-clad windows.
5. 4 ¾” OG gutter.
6. The applicant shall re-evaluate the parking arrangement to create more maneuverability for space #1 and #23.

RESOLUTION NO. 07-8 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA

APPROVING A DESIGN REVIEW FOR THE PROPOSED MIXED-USE PROJECT AT 163 EAST H STREET (07PLN-18)

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

Ayes: Commissioners Conlow, Donaghue, Haughey, Mang, White, Wilson and Chair Delgado
Noes: None
Absent: None

B. UPDATE TO DOWNTOWN HISTORIC CONSERVATION PLAN

Discussion regarding amendments to the current Downtown Historic Conservation Plan.

Gina Eleccion gave an overview of the City Council’s adopted work program. This work program was a result of community workshops held in 2004. Staff intends to incorporate the changes outlined in the work program into an updated draft Plan. The draft Plan will be brought to both the Historic Preservation Review and Planning Commissions prior to going to the City Council for adoption.

Jon Van Landschoot, 175 West H Street – Made comments on the process. Commented on single-family design review and compatibility of height. Wants to ensure Secretary of the Interior Standards.

Bob Berman, 230 West K Street – Would like to see Study Sessions on the surveys. Would also like to have survey forms sent to individuals.

The public hearing was closed.

Gina Eleccion noted that to be more efficient, all survey forms will be posted online. A letter will be sent to all historic property owners regarding the survey process, along with instructions to print out their individual survey forms. Any residents unable to print out their forms can contact the Community Development Department to have their forms printed. The Commissioners and public thought this was a good idea.

V. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Haughey commented that the surveys should be done by street. She further questioned if fiberglass windows were acceptable. Commissioners noted that fiberglass can be painted.

Commissioners commented that they do not like vinyl windows in the historic district.

VI. COMMUNICATIONS FROM STAFF

A. MILLS ACT INSPECTION INFORMATION

Staff will give a verbal update on the Mills Act inspection process.

Xzandrea Fowler noted that inspections will be done in July. Property owners will receive letters notifying them of inspections.

VII. ADJOURNMENT

Chair Delgado adjourned the meeting at 7:47 p.m.

AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION MEETING
JULY 26, 2007
REGULAR AGENDA ITEMS

DATE : July 18, 2007

TO : Historic Preservation Review Commission

FROM : Xzandrea Fowler, Associate Planner

SUBJECT : **DESIGN REVIEW PERMIT REQUEST FOR HOUSE RELOCATION FOR BED AND BREAKFAST USE**

PROJECT : 134 West D Street
07PLN-45
APN: 89-052-290

RECOMMENDATION:

Approve a design review permit for relocation and restoration of a house and water tower to 134 West D Street, and recommend that the Planning Commission approve the associated Initial Study/ Mitigated Negative Declaration, based on the findings, and subject to the conditions listed in the attached resolution.

EXECUTIVE SUMMARY:

Phillip and Celeste Joy request approval to relocate a 3-story 1895 house (known as the Somky House) and its water tower (originally from Napa County) to an 18,750 sq. ft. vacant area they own at 134 West D Street. The house will undergo extensive restoration to be reused as a bed & breakfast inn with 6 guest rooms and a caretaker's suite. The project also includes disabled accessible ramps and rails to the east side of the Somky House, and a stair to the east of the water tower as replacement for the original ladder access.

The project site utilizes two parcels zoned Downtown Commercial and located in the Downtown Historic Overlay district. APN 89-243-050 ("Lot 5") fronts West D Street north of Von Pfister Alley west of an existing single family residence and east of APN 89-243-040 ("Lot 4"), the second parcel in the project site. Lot 5 is graded but unimproved, except for fencing. It is currently used for equipment and material storage associated with Phil Joy House Moving. The property was previously used for boat and equipment storage. Lot 4 contains 125 lineal feet of the Southampton Bay shoreline in the Carquinez Strait, is bound by West D Street to the north and the Von Pfister Alley to the south, and by Lot 5 to the east. The lot is unimproved, and the western portion of the lot is primarily below water. The lot is subject to an ongoing informal mitigation agreement between the Joys and the Bay Conservation and Development Commission (BCDC) for cleanup.

The proposed project also includes shoreline protection, subject to BCDC approval, to prevent further erosion of the waterfront margin of the upland portion of Lot 4, as well as a section of Bay Trail waterfront walkway, including planting and lighting.

BUDGET INFORMATION:

All applicable fees have been paid by the applicant in order to process the design review request.

ENVIRONMENTAL ANALYSIS:

Staff has determined that this project is subject to the California Environmental Quality Act (CEQA). An Initial Study (IS) was prepared, and based on the findings of the IS a Mitigated Negative Declaration (MND) was prepared. The IS/MND is subject to a public review period that ends on August 9, 2007.

BACKGROUND:

Applicant/Owner: Phillip and Celeste Joy

General Plan designation/Zoning: Commercial Downtown/Downtown Commercial

Existing use: Storage

Proposed use: Bed and Breakfast Inn

Adjacent zoning and uses:

North: Commercial Downtown (Residential)

East: Commercial Downtown (Residential and Commercial)

South: Commercial Downtown (Von Pfister Alley, Von Pfister Adobe and Commercial)

West: Southampton Bay

SUMMARY:

A. Project Description

The project consists of the relocation and restoration of a 3-story, approximately 5,400-sq. ft. residential building and its approximately 535-sq. ft. water tower to the parcel located at 134 West D Street. The first floor is 2,143 square feet and contains a foyer, parlor, living room, dining room, kitchen and a half bath. An ADA compliant ramp, that runs the length of the house, has been proposed along the east side. The second floor is 1,824 square feet and contains five guest rooms, each with their own attached full bath. The third floor, originally the attic, will be converted into a 963 square foot caretaker's suite. The caretaker's suite will have a living room, bedroom, full bathroom, kitchen, dining room and a bonus room. In order to make the caretaker's suite a more desirable space, three skylights and a new dormer, designed to match the existing dormers, are proposed.

The applicant proposes to do the following major modifications as part of the restoration:

1. Remove non-original concrete entry stair and replace with wood (Douglas Fir).
2. Install new guardrail on entry stair to match existing porch rail.

3. Install new handrail per ADA requirements.
4. Restore and reinstall damaged porch guardrails.
5. Remove non-original metal connectors at porch guardrail.
6. Replace deteriorated wood gutters with copper.
7. Repair siding.
8. Repair windows (keep original sash and glazing).

The water tower will be lifted to accommodate a new disabled-accessible guest suite on the ground floor and a one-room office space for the business on the second floor.

The applicant is proposing to accommodate 4 parking spaces on-site, 2 spaces on the immediately adjacent parcel (owned by the project owner), and 2 newly paved spaces on city owned land on East B Street. The off-site parking proposal requires Planning Commission Use Permit approval.

B. Project Analysis

1. The following General Plan goals and policies are applicable to the project proposal for the purpose of design review:

One of the most important goals in the General Plan is the community's desire to *preserve Benicia as a small-sized city* (Goal 2.1.). That goal can be obtained by *ensuring that new development is compatible with adjacent existing development and does not detract from Benicia's small town qualities and historic heritage (policy 2.1.1)*. The project is located in the Historic Overlay District, and is subject to the Design Guidelines for the Transitional Area, as identified in the Downtown Historic Conservation Plan (DHCP).

2. The following Zoning ordinance chapters are applicable to the project proposal for the purpose of design review:

According to Chapter 17.28 (Commercial Districts), the general purpose of the Commercial District as it relates to Design Review is to *create suitable environments for various types of commercial uses; minimize the impact of commercial development on adjacent residential districts; and ensure that the appearance and effects of commercial buildings and uses are harmonious with the area they are located in*. In addition to the general purposes mentioned above the purpose of the Downtown Commercial district is to *provide opportunities for residential, commercial, public and semipublic uses appropriate for the downtown area*.

According to Chapter 17.54 (Historic Overlay District), the specific purpose of the historic overlay district is to *implement the city's general plan; deter demolition, destruction, alteration, misuses, or neglect of historic or architecturally significant buildings that form an important link to Benicia's past; promote the conservation, preservation, protection, and enhancement of each historic district; stimulate the economic health and residential quality of the community and stabilize and enhance the*

value of property; and to encourage development tailored to the character and significance of each historic district through a conservation plan that includes goals, objectives, and design criteria.

3. The following Downtown Historic Conservation Plan design guidelines are applicable to the project proposal:

The property is commercially zoned, and is surrounded by commercial and residential uses, with a designated historic resource located directly across the alley on the south side of the property. Even though this section of West D Street is fairly small, it has a high level of historic integrity and character.

According to the DHCP design guidelines, specifically for new buildings in the transitional areas, *commercial buildings should maintain the character and scale of adjoining residences and neighborhoods to provide an appropriate transition between residential and intensive commercial development.* Unlike most new commercial developments in the Downtown Historic District, this project utilizes a historic structure.

To maintain architectural character and scale, *setbacks from adjoining properties should be sufficient to allow for window openings and access to side and rear property lines.* The project provides a minimum 5'-0" setback from the side yard, this is consistent with the existing side yard setback for West D Street. The proposed setback is sufficient to allow window openings and access to side and rear yards.

The structure has three stories, but the second floor has the appearance of being pulled back from the street, since the front covered porch and the parlor project out towards the street. The third floor is fully concealed under the roof, except for the dormers, which makes the building look like it is two stories instead of three. The maximum building height for the house is 38 feet. The design of the structure will effectively *minimize the apparent height and bulk of the overall building height*, especially since the third floor space will be *partially concealed from the street level* as encouraged in the DHCP.

The project, as encouraged in the DHCP, has *a pitched roof form with shallow to moderate overhanging eaves.*

Excessive use of glazing in facades is discouraged by the DHCP. The existing window openings comply with the guideline.

The DHCP encourages new construction to integrate *architectural forms that recall those of the adjoining residential structures, particularly those of historic merit.* The structure is a historic structure that has many of the design details that were historically found on similar structures throughout the Historic Overlay District.

4. Findings

The following findings would be necessary to allow Historic Preservation Review Commission approval of the requested design review:

- a) The proposed development is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purposes of Downtown Commercial zoning district; and
- b) The proposed location of the project and the proposed conditions of approval will be consistent with the General Plan and with Title 17 of the Benicia Municipal Code and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.

C. Conclusion

Staff supports the design review request because the required findings for approval can be made if the project is approved with the recommended conditions listed in the attached resolution.

FURTHER ACTION:

The Historic Preservation Review Commission action on the design review request will be final unless appealed to the Planning Commission within ten business days.

The Planning Commission will consider the requested use permit for off-site parking and the Initial Study/Mitigated Negative Declaration. Its action will be final unless appealed to the City Council within ten business days following that action. The Planning Commission is scheduled to take action on the use permit request and the IS/MND at its next regular meeting on August 9, 2007.

Attachments:

- Draft Resolution
- [Initial Study/ Mitigated Negative Declaration](#)
- Project Plans **

*** If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the July 26, 2007 Historic Preservation Review Commission packet.*

DRAFT RESOLUTION

RESOLUTION NO. 07- (HPRC)

A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR PROPOSED RELOCATION OF A HOUSE AND WATER TOWER TO BE USED AS A BED AND BREAKFAST INN AT 134 WEST D STREET (06PLN-45)

WHEREAS, on July 21, 2006 Phillip and Celeste Joy requested design review approval to relocate a 3-story, 112-year old house (known as the Somky House) and its water tower from Napa County to vacant parcels at 134 West D Street;

WHEREAS, the Historic Preservation Review Commission at a regular meeting on July 26, 2007, conducted a public hearing and reviewed the proposed project; and

WHEREAS, in accordance with State and local procedures regarding the California Environmental Quality Act (CEQA), the Community Development Department conducted an Initial Study (with a public review period that ends on August 9, 2007) to determine whether the proposed project could have a significant adverse effect on the environment, and on the basis of that study, proposed certification of a Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation Review Commission of the City of Benicia recommends that the Planning Commission adopt the Initial Study/ Mitigated Negative Declaration.

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

- A. The proposed development is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purposes of the Downtown Commercial zoning district.
- B. The proposed location of the project and the proposed conditions of approval will be consistent with the General Plan and with Title 17 of the Benicia Municipal Code and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia hereby approves the design review proposal subject to the following conditions:

1. This approval shall expire two years from the date of this approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Community Development Director, if an application for time extension is received prior to the end of the initial two year deadline and there has been no change

in the City's development policies which affect the site, and there has been no change in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.

2. The plans submitted for the building permit and construction, except as modified by these conditions of approval, shall be in substantial compliance with the plans dated June 5, 2007 on file in the Community Development Department.
3. All minor design details, such as light fixtures and paint colors, shall be reviewed and approved by the Community Development Director prior to issuance of building permits.
4. A Knox Box access system shall be provided in accordance with the Uniform Fire Code, Section 902.4. Contact the Fire and Life Safety Division at (707) 746-4273 for details.
5. The structure shall be equipped with an automatic fire sprinkler system in accordance with the Benicia Municipal Code and the Uniform Building Code. A permit for the installation of the system shall be obtained from the Fire and Life Safety Division prior to work commencing. Private fire protection water systems shall be supplied through an approved back flow device per City Engineering Standards. The location of the back flow device and the fire department connections shall be approved by Community Development, Public Works and the Fire Department.
6. Portable fire extinguishers shall be provided for this structure. Fire Extinguisher size and locations to be approved by the Fire Department.
7. A fire alarm system installed in accordance with the Uniform Fire Code, Section 1007, will be required for this structure. A permit for the installation of the system shall be secured from the Fire and Life Safety Division prior to work commencing.
8. Prior to issuance of a building permit, the applicant shall obtain an encroachment permit for:
 - A. Installation of standard City sidewalk along the West D Street property frontage to replace the existing damaged walk.
 - B. Closure of the existing driveway on West D Street.
 - C. Restriping of the parking stalls along West D Street.
 - D. Installation of water and sewer service laterals.
 - E. Extension of the alley westerly with, 3" A.C. over 6" A.B., 20' in width.

The above improvements shall be designed by a Registered Civil Engineer and in conformance with the City's Engineering Design Standards.

9. No portion of the structure(s) shall exceed 150 feet from an approved access roadway. Where a fire apparatus access roadway is required, a minimum of 20'-0" clear width

and 13'-6" vertical clearance shall be provided. All private access roadways in excess of 150 feet in length shall be constructed with a maximum grade of 16% with traffic index of 4, and provide an approved turn around area.

10. All storm water runoff from the project site and alley shall be treated by employing the concepts in "Start at the Source" published by Bay Area Storm water Management Agencies Association prior to entering the public storm drain system or the Carquinez Strait.
11. Commercial type cooking equipment shall be protected by an approved automatic extinguishing system. A permit for the installation of the system shall be secured from the Fire and Life Safety Division prior to work commencing.
12. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
13. Construction activities shall meet all municipal code requirements for hours of operation. Construction equipment shall be adequately muffled and controlled. These requirements shall be made a condition of all related contracts for the project.
14. All Mitigation Measures contained in the Initial Study/Mitigated Negative Declaration that was prepared for this project, shall be fully complied with.
15. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

* * * * *

On motion of Commissioner , seconded by Commissioner , the above Resolution was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on July 26, 2007 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Gina Eleccion
Historic Preservation Review Commission Secretary

AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION MEETING
JULY 26, 2007
REGULAR AGENDA ITEMS

DATE : July 19, 2007
TO : Historic Preservation Review Commission
FROM : Xzandrea Fowler, Associate Planner
SUBJECT : **DOWNTOWN HISTORIC CONSERVATION PLAN**
SURVEY UPDATE

RECOMMENDATION:

Recommend that the City Council amend the Downtown Historic Conservation Plan (DHCP) to:

1. Categorize all historic resources as either landmark or contributor to the historic district;
2. Utilize the standard federal historic designation forms (DPR 523) prepared by Roland-Nawi Associates to determine historic designation status;
3. Expand the district boundary to include the portion of East K Street Between East Third and East Fourth Streets;
4. Update DHCP Figures 1 and 2 to reflect changes 1-3 above;
5. Identify and list all historic Resources by address, assessor parcel number and designation status; and
6. Amend the DHCP text as needed to reflect changes 1-5 above and correct minor internal inconsistencies,

based on the findings in the attached resolution.

EXECUTIVE SUMMARY:

The DHCP was adopted in 1990 and amended in 1992 as the principal tool to identify historic properties in the Downtown Historic Overlay District and guide their preservation. A DHCP update is needed to reflect changes in use, demolitions and new construction to render it more effective in achieving its purposes of:

1. Implementing the city's general plan;
2. Deterring demolition, destruction, alteration, misuse or neglect of historic or architecturally significant buildings that form an important link to Benicia's past;
3. Promoting the conservation, preservation, protection and enhancement of the historic district;
4. Stimulating the economic health and residential quality of the community and stabilizing and enhancing the value of the property, and

5. Encouraging development tailored to the character and significance of the historic district.

In March 2004, the City Council approved a work program for an update to the DHCP, with new historic survey forms and documentation as the top priority. A series of joint meetings of the Historic Preservation, Design Review and Planning Commissions were then held to refine the update process.

The historic survey forms and documentation have been completed, with a DPR 523 form, current photograph and description for each property recommended by Roland-Nawi Associates to be designated as landmarks or contributors. The recommended addition of historic resources also requires the Historic Preservation Review Commission to consider new district boundaries, and HPRC also may identify needed DHCP text changes. The following text changes have already been identified for discussion:

- a. Include new single-family construction and addition to non-historic structures in the Historic District in the Design Review process, including guidelines for such.
- b. Adopt the Secretary of the Interior's Standards for Treatment of Historic Properties as a basis of the DHCP design guidelines.
- c. Expand public notification requirements in the Downtown Historic District.
- d. Include guidelines for maintenance of historic properties.

Designation Changes

A total of 281 properties were surveyed. The DPR 523 forms were prepared for all buildings recommended for designation within the historic district, as well as ones tentatively identified as eligible for listing in Figures 1 and 2 of the DHCP. A property must meet state and federal eligibility criteria and retain sufficient integrity to convey its significance in order to qualify as a historical resource under California law and regulation. The California Register and the State Office of Historic Preservation do not recognize "potential" landmarks or contributors as a category.

Properties previously categorized as a "potential contributor" or a "potential landmark" were field inspected, previous survey documentation was reviewed, and additional research was undertaken to determine if each building should be included in the list of designated resources and if a DPR 523 form should be prepared. In cases where the property did not appear to have any potential to meet the criteria, no form was prepared. Of the properties surveyed 43 are recommended as landmarks, 166 are recommended as contributors, and 69 are identified as being ineligible for designation.

Boundary Changes

A preliminary survey of potential areas outside of the existing district boundary conducted in September 2005 identified a group of properties on East K Street as having a sufficient concentration of historic resources to constitute a historic district eligible for listing in the California Register. The proposed added district includes several residential structures and two historic school buildings. A DPR 523 form was prepared for each building (all contributors) and the boundaries for the potential district were defined (refer to page 10 of the Downtown Historic

Survey).

Based on the information obtained from the survey two exhibits have been prepared (see attachment). Exhibit 1 shows the existing DHCP boundary and property designations with the recommended changes to the district boundary and the recommended historic property designations. Exhibit 2 shows the recommended changes to the DHCP boundary and the recommended historic property designations. If approved, the exhibits will replace Figures 1 and 2 of the DHCP to identify historic properties in the Downtown Historic Overlay District, including the added exclave along East K Street. The attached list of historic properties by address, assessor parcel number and designation has been prepared to be added as an appendix to the DHCP.

BUDGET INFORMATION:

The consultant work necessary to complete the DHCP update was funded in FYs 05-07.

ENVIRONMENTAL ANALYSIS:

City designation of historic resources (including removal of “potential” status) within the city is Categorically Exempt under California Environmental Quality Act Section 15331 as a project limited to the preservation and conservation of historical resources in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

FINDINGS:

To forward the updated surveys and DHCP maps and text to the City Council, HPRC would need to find that the update furthers the purposes of HPRC to:

- a) Advise and assist the City Council in implementing the goals, policies and programs set forth in the City’s General Plan relating to preservation and enhancement of the city’s historic character;
- b) Identify, register, designate, preserve, protect, enhance and perpetuate those historic structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Benicia; and
- c) Maintain a program to compile, record and update an inventory of cultural resources within the city, which shall be based on comprehensive surveys conducted in conformance with state survey standards and procedures.

CONCLUSION:

The Downtown Historic District Survey prepared by Roland-Nawi Associates and its associated recommendations are ready to be forwarded to the City Council, along with associated DHCP map and text changes necessary to reflect the survey update.

FURTHER ACTION:

A draft of all proposed DHCP map and text amendments directed by HPRC will be presented to the City Council, along with HPRC recommendations for updated surveys and designations.

HPRC recommendation of modification to the Downtown Historic Overlay District will be forwarded to the Planning Commission for its subsequent recommendation to the City Council.

Attachments:

- ❑ Draft Resolution
- ❑ Downtown Historic District Survey: Volume 1**
- ❑ Downtown Historic District Survey: Volume 2**
- ❑ [List of Historic Properties within the Downtown Historic Overlay District**](#)
- ❑ Exhibit 1: Existing DHCP Boundary and Designation Map with Recommended Changes**
- ❑ [Exhibit 2: Proposed DHCP Boundary and Designation Map**](#)

*** If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the July 26, 2007 Historic Preservation Review Commission packet.*

DRAFT RESOLUTION

RESOLUTION NO. 07- (HPRC)

A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA TO THE CITY COUNCIL REGARDING THE DOWNTOWN HISTORIC DISTRICT SURVEY AND THE UPDATE TO THE DOWNTOWN HISTORIC CONSERVATION PLAN

WHEREAS, the purpose of the Historic Preservation Review Commission is to:

- advise and assist the City Council in implementing the goals, policies and programs set forth in the city's General Plan relating to preservation and enhancement of the city's historic character;
- identify, register, designate, preserve, protect, enhance and perpetuate those historic structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Benicia; and
- maintain a program to compile, record and update an inventory of cultural resources within the city, which shall be based on comprehensive surveys conducted in conformance with state survey standards and procedures.

WHEREAS, the Historic Preservation Review Commission has reviewed recommended updates to survey documentation and historic resource designations for properties within the Downtown Historic Overlay District; and

WHEREAS, the Historic Preservation Review Commission has reviewed recommended updates to the Downtown Historic Conservation Plan text and maps; and

WHEREAS, the Historic Preservation Review Commission has considered modifications to the boundaries of the Downtown Historic Overlay District.

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation Review Commission of the City of Benicia hereby recommends that the City Council amend the Downtown Historic Conservation Plan (DHCP) to:

1. Categorize all historic resources as either landmark or contributor to the historic district;
2. Utilize the standard federal historic designation forms (DPR 523) prepared by Roland-Nawi Associates to determine historic designation status;
3. Expand the district boundary to include the portion of East K Street Between East Third and East Fourth Streets;
4. Update DHCP Figures 1 and 2 to reflect changes 1-3 above;
5. Identify and list all historic Resources by address, assessor parcel number and designation status; and
6. Amend the DHCP text as needed to reflect changes 1-5 above and correct minor internal inconsistencies.

BE IT FURTHER RESOLVED that the Historic Preservation Review Commission of the City of Benicia hereby recommends that the Planning Commission recommend to the City Council that the Zoning Map be amended to expand the boundary of the Downtown Historic

Overlay District to include the portion of East K Street Between East Third and East Fourth Streets

* * * * *

On motion of Commissioner, seconded by Commissioner, the above Resolution, with noted abstentions in Exhibit A, was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on July 26, 2007 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Gina Eleccion
Historic Preservation Review Commission Secretary