



**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION
CITY HALL COUNCIL CHAMBERS
(SPECIAL LOCATION)**

REGULAR MEETING MINUTES

**Thursday, July 26, 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, and Chair Delgado
Absent: Commissioner Wilson (excused)

Staff Present:

Charlie Knox, Community Development Director
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

Written comments received prior to the meeting were submitted to the Commission for review.

B. PUBLIC COMMENT

Bill Royal spoke regarding 150 West G Street and the fact that he believes it should be recognized as a contributor. He commented that he was labeled as a violent person and was not treated fairly. He noted that he completed his project on East D Street.

III. CONSENT CALENDAR

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

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

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.

Commissioner Donaghue recused himself due to property ownership within 500' of this project.

Xzandrea Fowler, Associate Planner, gave a brief presentation on the project. An Initial Study was prepared for this project and comments will be received through August 9th.

The Commissioners questioned if the Historic Building Code could be used for this project. Xzandrea Fowler noted that it could. She further noted that no Use Permit is required for the bed and breakfast use. A Use Permit is required for the parking.

The applicant gave a slideshow presentation.

The public hearing was opened.

Chuck Maddux, 126 East D Street – He supports the project.

Bill Royal – He supports the project.

Donald Dean, 257 West I Street – He questioned the future Bay Trail in the project. Xzandrea Fowler noted that this will be conditioned during the Planning Commission approval of the project.

Sandra Shannonhouse – She questioned height and FAR, and its compliance with the Downtown Mixed Use Master Plan. She believes the project is compatible with the area.

Xzandrea Fowlers stated the following:
Height to peak – 38’; height to eave - 30’; FAR – 0.32.

Dave Delgado, 185 East D Street – He supports the project.

Jon Van Landschoot, 175 West H Street – He generally supports the project. He reminded the Commission that this will no longer be a historic structure and will not be eligible for the Mills Act. He is concerned with people moving buildings from other towns and then significantly altering the buildings.

The public hearing was closed.

Commissioners discussed the project. There was a question regarding the historic status of other structures that have been moved here. Xzandrea Fowler noted that it could be deemed architecturally significant to the State of California.

RESOLUTION NO. 07-9 (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)

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

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

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.

Charlie Knox, Community Development Director, commented on the abstentions for the Commissioners. He further advised the Commissioners on ex-parte communications. Commissioner Donaghue noted that he had numerous ex-parte communications with many individuals.

Xzandrea Fowler, Associate Planner, gave a history and overview of the project. The previous historic surveys were done in 1986 by volunteers. She noted that there is no State recognition of “potential” contributors or landmarks. This has been addressed in the updates. A draft of the surveys was completed in 2004, and has been revised and edited since then. Recommendations from the consultant are based strictly on the State’s criteria.

Charlie Knox noted that the surveys were an independent consultant’s recommendation based on objective criteria.

Xzandrea Fowler noted that staff is recommending the documentation be provided for properties that did or did not meet the criteria to be designated. She gave information on the new district that is being recommended.

Commissioners questioned whether CEQA review is needed. Xzandrea Fowler noted that any text changes will require CEQA review, but the survey forms do not. Charlie Knox further noted that the listing or delisting of properties is technically exempt, and any zoning text changes will require environmental review.

Commissioner Haughey commented that there is a structure being recommended for delisting that currently has the Mills Act. Xzandrea Fowler noted that the text to the Downtown Historic Conservation Plan can be amended to clarify some of these issues.

Commissioner Conlow commented on a project that was approved for an 1800’s era home. It is being recommended for removal as a contributor.

Commissioner Donaghue questioned if there have been amendments to the contract for the survey work. Charlie Knox noted that the Commission will be making a recommendation to the City Council on the proposed surveys. Xzandrea Fowler noted that all eligible properties within the district had DPR forms prepared. Commissioners questioned the criteria being used. Xzandrea Fowler noted that the State Office of Historic Preservation standards are

used, and that the City's standards are outdated, which is why the Downtown Conservation Plan needs to be updated.

Chair Delgado questioned how individual properties outside the district would be evaluated. Xzandrea Fowler noted that individual properties not in a cluster had not been evaluated. Additional funding will be required for this to occur. Charlie Knox noted that the Commission may wish to discuss incentives for property owners to restore their properties to eligibility status.

Xzandrea Fowler noted that to be eligible for the State register, there must be a level of historic integrity. The Commission and City Council can establish criteria for contributor or landmark status.

Commissioner Conlow commented that there is incorrect information on the survey forms. Charlie Knox noted that basic property information (owner name) is not significant to the data, but should be corrected.

The public hearing was opened.

Bill Royal, 409 East 2nd Street – He believes the consultant is inadequate. He commented on his own property being misclassified.

Kerry Carney, 164 East H Street – She believes this is a great effort. She thinks it is a good basis to begin talking about this. She would like to see every letter to include a form and letter and map. She noted that there is a significant change recommended on East H Street. She commented on local cultural significance.

Cathy Forbes, 744 Tulip Court – She thanked the Commission for their hard work. The survey forms are a very important tool and its accuracy is critical.

Larry Miller, 146 Carlisle Court – He stated that this is a great beginning. Every homeowner should get their own form. The Historic Society would be willing to help get the information out.

John Woods, 355 West M Street – He questions the quality of the review. He commented on the use of the word “property” versus the use of the word “structure”. This needs to be clarified. He believes there are too many mistakes in the survey forms.

Phyllis Hartzell, 420 West K Street – There are two properties on her street that are designated. Her house is being recommended for removal. She does not understand the process for listing and delisting. She commented that it is expensive to own a historic home.

Linda Lewis, 282 West I Street – She commented on 401 West J being recommended as a contributor. She does not want to be included as a historic contributor. It is a financial burden to own a historic home. She does not believe that her properties should be historic.

Chuck Maddux, 126 East D Street – He does not believe this should move forward. Property owners should be contacted. He has documentation that some of his property information is incorrect.

Richard Fitzsimmons, 187 West H Street – He spoke regarding the address of his property. There are 3 addresses (185, 187 and 189 West H). The owner on his survey form is incorrect.

Damon Beggs, 175 East F Street – His home is being recommended as a historic landmark and he is concerned about impacts to his property.

Robert Brown, 215 West H Street – His home was originally listed as a contributor, but is being recommended for removal. He would like to know why it's recommended for removal.

Kathleen Brown, 215 West H Street – She would like to see more notification. She would like to understand why her property is being recommended for removal.

Bonnie Silveria, President of the Historical Society – She has been involved in this process for a long time. She believes this is a good start and would like to see a Committee formed to do public outreach. The survey is a foundation for the update to the Downtown Historic Conservation Plan.

Carol DeMaintenon, 126 East E Street – Her property is recommended for delisting. There are many properties that should no longer be designated.

J.B. Davis, 385 West K Street – He believes his property should have been evaluated. There are too many inconsistencies with the survey.

Kathleen Olson, 920 First Street – Regarding 251 West G Street, the property owner supports the recommendation for removal. She recommended allocating resources if this process is to be expanded.

A citizen named Jane noted that the design review fee is too high.

Donnell Rubay, 175 West H Street – She believes the forms are more complete than they've ever been. She commented on delisting and the CEQA process. She would like survey forms for all properties. She commented on issues with non-historic Mills Act properties. She would like to be off the historic list if the guidelines are not being followed.

Sandra Shannonhouse, 110 East E Street – This survey is extremely important. Each property owner needs to be spoken to. There needs to be a local category to address properties that have lost integrity but could be returned to their historic integrity. All properties within the district should be subject to design review. She stated her concern with compatibility. There needs to be a Historic Preservation education program.

Mark Mitchell, Attorney – He noted that there is specific criteria in the 1990 surveys. He does not believe the homes that have lost their integrity should be included. The City needs to look at the benefit of the program as a whole, not simply based on individual opinions.

Jon Van Landschoot, 175 West H Street – He believes this is a great start. There are still errors on the forms. There needs to be additional discussion regarding recommendations for additions and removals. Design review should be required of all homes in the district.

Donald Dean, 257 West I Street – He supports the effort of having professional expertise. He commented on the CEQA exemption and believes there may be a potential impact regarding the delisting of properties. He would like to see a Negative Declaration done.

The public hearing was closed.

A recess was called at 9:45 p.m. The meeting was reconvened at 9:52 p.m.

Commissioners would like to see more work be done. Information should be corrected on the forms. Additional work should be done to make the forms factual. There should be a form for each property and the specific criteria used should be stated. There are houses outside the district that should be looked at. Delisting should be looked at in terms of the impact to the district. CEQA and Mills Act processes need clarification.

The item has been continued with the following purpose:

1. Receive a 2nd outside professional opinion on the surveys completed;
2. Form an ad hoc committee of Commission and Historical Society representatives to direct the work of volunteers to review survey forms, correct errors and perform outreach; and
3. Request input and guidance from the State Office of Historic Preservation.

V. COMMUNICATIONS FROM COMMISSIONERS

The Commissioners would like to agendaize a discussion of 150 West G Street, as presented in a letter from Bill Royal.

Commissioner Conlow would like to see a mechanism for those properties being recommended for removal to move forward.

VI. COMMUNICATIONS FROM STAFF

None.

VII. ADJOURNMENT

Chair Delgado adjourned the meeting at 10:20 p.m.