



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

REGULAR MEETING MINUTES

**Thursday, August 23, 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:

Charlie Knox, Community Development Director
Damon Golubics, Senior 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 were received from Donnell Rubay and Sandra Shannonhouse.

B. PUBLIC COMMENT

Don Dean, 257 West I Street – He commented on the 134 West D Street project and read a portion of an article in the Benicia Herald. He noted that the context of the structure is as important as the structures themselves.

Jon Van Landschoot, 175 West H Street – He would like to request a few agenda items placed on the Commission agendas. He submitted a letter with his requests.

III. CONSENT CALENDAR

On motion of Commissioner White, seconded by Commissioner Donaghue, 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 and Wilson (Item III B only)

A. Approval of Agenda

B. Approval of Minutes of July 26, 2007

IV. REGULAR AGENDA ITEMS

A. 309 FIRST STREET

07PLN-60 Design Review
309 First Street, APN: 89-243-140

PROPOSAL

The applicant requests approval of two new window awnings and potted plants to dress up the front of a new boutique business located at 309 First Street. The project also consists of signage placed on the new awnings.

Recommendation: Approve a design review permit for 309 First Street.

Commissioner Donaghue noted that he had an economic interest within 500' of this property and recused himself from this item.

Damon Golubics, Senior Planner, made a brief presentation.

Commissioners questioned if there is space to install the awnings. They discussed the historic nature of the building.

Claudia Mahrt, Applicant – She noted that the awning will help with the sun and the rain and believes it will look nicer. She noted that the plants will be small.

The public hearing was opened.

Sandra Shannonhouse noted that the building has been there for a long time.

Jon Van Landschoot supported the business.

A citizen spoke that this structure may have historic significance to Benicia.

The public hearing was closed.

Commissioners discussed the project. They would like a condition that the awning not encroach on the shingled, gabled portion, and a condition that the color of the awnings be black.

RESOLUTION NO. 07-10 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING A DESIGN REVIEW REQUEST FOR TWO NEW AWNINGS AT 309 FIRST STREET (07PLN-60)

On motion of Commissioner Wilson, seconded by Commissioner White, the above Resolution was approved, with added conditions, by the following vote:

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

B. 150 WEST G STREET - Discussion

Bill Royal submitted a letter to the Commission at the July meeting regarding the condition of an accessory structure at 150 West G Street. The Commission will discuss issues raised and provide direction to staff.

Charlie Knox noted that this was placed on the agenda in response to a letter/picture submitted. Due to Brown Act issues, the Commission could not discuss this at their July meeting, therefore they requested it be on the August agenda for discussion.

Commissioners questioned if the City has ever pursued enforcement against a property owner for deterioration of their structure. Charlie Knox noted that this has not been done, but the Code Enforcement Officer could be sent to develop a plan for compliance.

The public hearing was opened.

Jerry Hayes, 150 West G Street – As the property owner, he noted that he has plans to restore the carriage house. The structure is not on the verge of falling down. The structure has been there since the 1860's. He intends to begin working on this within the next year or so.

A citizen commented that she has mixed emotions on this item. She does not believe that all property owners have the financial means to restore their structures. She encouraged the Commission to look at issues raised.

Donnell Rubay, 175 West H Street – She stated that she is puzzled that this is agendized.

Jon Van Landschoot, 175 West H Street – He questioned how this item could get on the agenda so easily.

The public hearing was closed.

Commissioners commented on the condition of the structure. They also discussed the issue of agendizing this item.

Commissioners support the owner’s intention to rehabilitate this structure. Staff can work with the homeowner to rehabilitate the structure. No further action was recommended.

C. MILLS ACT PROGRAM REQUIREMENTS – Discussion

The Commission will discuss State and City Mills Act Program provisions regarding homes 50 years or older.

Recommendation: Direct staff to prepare a revision to City Mills Act Program Guidelines to remove the provision qualifying homes solely on the basis of being 50 years or older, and forward this revision to the City Council for approval.

Charlie Knox announced that Gina Eleccion was reclassified as a Management Analyst and will be more involved in the Commission’s projects.

Gina Eleccion gave a brief overview.

Charlie Knox noted that the State does not recognize “potential” as a category.

Jon Van Landschoot, 175 West H Street – He commented that the Commission should support the removal of this criteria.

Donnell Rubay, 175 West H Street – She believes the intention was to comply with State Law.

On motion of Commissioner Wilson, seconded by Commissioner Haughey, staff was directed to revise the Mills Act Program Guidelines to remove Criterion #4, with the future removal of Criterion #2 when the historic surveys are updated, by the following vote:

Ayes: Commissioners Conlow, Donaghue, Haughey, Mang, White, Wilson and Chair Delgado

Noes: None
Absent: None
Abstain: None

D. DRAFT HISTORIC BUILDING SURVEY – Formation of Ad Hoc Committee

City of Benicia
Downtown Historic Conservation District

PROPOSAL

The City of Benicia is in the process of updating the Downtown Historic Conservation Plan. A draft survey of historic properties was presented at the July Commission meeting. The Commission directed staff to form an ad hoc committee to ensure the accuracy of the inventory and provide additional outreach to the public before the Commission forwards the documentation to the City Council for approval.

Recommendation: Authorize formation of a committee consisting of two Commission members, two Benicia Historical Society representatives, and one City staff member to work with community volunteers to finalize the Downtown historic resource inventory, and appoint 2 members of the Commission to this committee.

Gina Eleccion gave background on this item.

The public hearing was opened.

Cathy Forbes questioned how the Commissioners are appointed.

The public hearing was closed.

Commissioner Wilson nominated Commissioner Haughey. Commissioner Haughey nominated Commissioner White.

On motion of Commissioner Donaghue, seconded by Commission Conlow, formation of the committee and the above nominations were approved by the following vote:

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

E. 126 EAST E STREET

06PLN-52 Design Review
126 East E Street; APN: 89-372-050

PROPOSAL

The applicant proposes to demolish a designated potential contributor structure to the Downtown Historic District and relocate an 1895 house from Napa to the site, which would be lifted above a new first floor, and supplemented with a third floor deck to become a mixed-use building.

Recommendation: Approve a permit for demolition of a structure at 126 East E Street because it no longer retains substantial historical, architectural or cultural interest or value; approve a design review permit for the relocation of a building to the project site; and recommend that the Planning Commission adopt the Initial Study/Mitigated Negative Declaration prepared for the project.

Commissioners Donaghue, Wilson and Chair Delgado recused themselves due to conflict of interest issues.

Commissioner White chaired this item.

Damon Golubics, Senior Planner, gave an overview of the project. The Commission needs to determine whether this structure can be demolished. If this determination is made, the design of the structure can be discussed, and then the environmental documentation can be discussed.

Commissioners questioned the adequacy of the Negative Declaration. Charlie Knox noted that because the demolition of a cultural resource is requested, a CEQA categorical exemption for infill can't be used, but could be used for a later project if demolition is approved but not the replacement project proposed. The Planning Commission would be responsible for adoption of the environmental document if project design is approved.

Charlie Knox noted that staff has typically erred on the side of caution in terms of environmental review. For example, there are no thresholds of significance in our CEQA Guidelines, but a typical traffic impact threshold is a 1% increase citywide. The adopted City process for approving demolition permits is being followed. If the Commission believes this historic resource should not be demolished, then there is no need to discuss design.

Demolition:

The public hearing was opened.

Mark Mitchell, Attorney for the applicant – He noted that this is a confusing issue. He is concerned with the historic designation of the structure. His client would like this removed as a designated structure because it does not retain any historic significance.

Charlie Knox noted that it is the purview of the Commission to approve or deny the demolition permit. He noted that there has not been public notice on whether to de-list the historic structure.

The public hearing was opened.

Don Dean, 257 West I Street – He does not believe this is as complicated as it seems. CEQA Guidelines should be followed and he does not believe this is happening. The replacement of this structure with a 3-story structure is a significant impact to the existing district. Regarding the structure itself, he commented on the analysis in the staff report.

Bob Berman, 250 West K Street – He noted that this is a confusing issue. He believes that staff is wrong in its determination. This demolition is subject to CEQA review. He believes the Initial Study is inadequate. Many jurisdictions are not using thresholds of significance. Comments previously made on the Initial Study should have been addressed.

Donnell Rubay, 175 West H Street – She was surprised to see this item come back before the historic surveys have been adopted. If a historic building is being demolished, additional CEQA review is required. She disagrees with a categorical exemption for infill. There is no current DPR form for this property.

Sandra Shannonhouse – She believes it is an error to approve a demolition permit. She is concerned that the Commission does not promote renovation of structures.

Jon Van Landschoot, 175 West H Street – He believes this is demolition by neglect and the applicant should not be rewarded for neglecting this structure. He commented on other buildings that have been renovated. He submitted a 200 email from the applicant regarding preserving historic structures.

Jerry Hayes, 150 West G Street – He opposes the demolition of this structure because it will degrade the district. It is designated within the district. He believes the Commission should deny the demolition permit and continue the item until there is a clear understanding of the issues. Proper CEQA evaluation needs to be completed.

Mark Mitchell, Attorney – He noted that there were permits to repair and improve the inside of the property. There are no external historic features to this structure. The new structure bears more historic significance to this community than the existing structure. There are property owners who would like to develop their properties and can't wait until the historic survey update is complete. The State does not recognize "potential contributors."

The public hearing was closed.

Commissioners discussed the issue of the demolition permit. Additional clarification on the designation was requested.

Charlie Knox noted that if delisting were requested, it would be a recommendation from HPRC with final Council action to change the Downtown Historic Conservation Plan map of historic resources. Demolition permits are approved directly by HPRC. The recommendation from staff is based on the Downtown Historic Conservation Plan and Zoning Ordinance allowing demolition of structures that no longer have historic integrity.

Commissioner Haughey would like additional information. She is concerned with the process. There is potential for this structure to be rehabilitated.

Commissioner White would like the City Council to take action on the delisting prior to any action being taken on the demolition permit. He does not believe the structure has historic significance.

Charlie Knox noted that the Commission can make a recommendation to the City Council on the delisting. He further noted that there is a process in place for demolition.

Jon Van Landschoot stated adding de-listing to this discussion would be a Brown Act violation.

RESOLUTION NO. 07-11 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING A DEMOLITON PERMIT FOR A STRUCTURE LOCATED AT 126 EAST E STREET (06PLN-52)

On motion of Commissioner Conlow, seconded by Commissioner Mang, the above resolution was adopted by the following vote:

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

A recess was called at 9:08 p.m. The meeting was reconvened at 9:20 p.m.

Design:

Jon Van Landschoot requested pictures of the project be displayed. Charlie Knox posted the project plans.

Vicki Tucker, ARC Inc., on behalf of the applicant – She is excited to be involved in recycling a structure. She commented on the proposed rotation of the building so that the original front door faces sideways. If this is not done, a large portion of the storefront would be lost. They propose stepping the structure back. She realizes there is concern from the community. The applicant is willing to work with the community on the design of the project.

Commissioner Haughey questioned if the building could be brought into town without raising it up.

Applicant Patrick Donaghue stated that a commercial building needs to be visible from First Street or it would not be viable. If it is to be used as a residence, it will need a 2-car garage.

Commissioner Conlow said he does not believe that the proposed building rotation is the best option.

The public hearing was opened.

Sandra Shannonhouse – She is opposed to the project and does not like the design. The use needs to be within the context of a building that fits within the historic district. The proposal is out of scale with the neighborhood. The design is not compatible with the adjacent properties. She would like the project redesigned to be more compatible with the historic district.

Donnell Rubay, 175 West H Street – She noted that the proposed design does not fit with the existing district. She is concerned with the property rights of existing properties. There are not garages for all of the historic properties in the district. She would like the building put on the ground without the glass front.

Cathy Forbes – She commented that the Secretary of the Interior Guidelines need to be followed, particularly in terms of massing, materials and setbacks.

Bob Berman, 250 West K Street – He believes the environmental review needs to be done prior to any action being taken on the project. Noise is a major issue with residential uses.

Kirk Arneson, 110 East E Street – He commented that there are no 3-story buildings on the side streets in the district. He believes a good project can be designed with 2 stories.

Don Dean, 257 West I Street – He believes the design is out of proportion to the existing neighborhood. The height and setbacks should be looked at.

Jon Van Landschoot, 175 West H Street – He reminded the Commission that it is a design review body. The project is out of scale with the neighboring structures.

Mark Mitchell, Attorney – He requested guidance as the applicant is willing to bring the design back.

The public hearing was closed.

Commissioners discussed the design.

Commissioner Haughey said she believes the design is insensitive to the neighbors, district and the building itself. She does not believe it is compatible with the district.

Commissioner Conlow commented on the height of the proposed structure in relation to the First Street Café. The City Council sets the standards for height and setbacks. He would like to see the building be more compatible with the historic nature of the district. There are many historic districts that have a variety of building heights adjacent to each other.

Commissioner Mang understands staff's recommendation to return the structure to its original orientation. He would like to see the front elevation be more pronounced.

Commissioner White believes it is not compatible with the neighborhood. A 3-story structure on that street will be too pronounced. He would like the project redesigned with staff involvement to better fit the neighborhood.

On motion of Commissioner Haughey, seconded by Commissioner White, the applicant was asked to redesign the project to be more compatible with the DHCP and within the character of the neighborhood, to work with staff based on the comments given by the Commission and public, and to comply with the Secretary of the Interior Guidelines, by the following vote:

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

Environmental Documentation:

Charlie Knox noted that the Commission is being asked to determine the appropriateness of the Mitigated Negative Declaration solely for the demolition permit since no action on the design review has occurred. He noted that the Commission may want to consider the cultural resource section of the MND. Given existing rules, a single-family residence could be constructed on the property.

The public hearing was opened.

Bob Berman, 250 West K Street – The Initial Study is inadequate. He submitted comments in April listing the inadequacies.

Sandra Shannonhouse, 110 East E Street – She believes the Initial Study is inadequate and previously submitted a letter with her concerns.

The public hearing was closed.

Commissioner Conlow commented that if the document is inadequate then the Commission should be acting with a complete document.

Commissioner White commented that the MND may be inadequate for the project as a whole, but not the demolition permit. Commissioner Haughey noted that issues have been raised regarding the cultural resources on future potential action. Charlie Knox noted that both Bob Berman and Donnell Rubay raised concerns with the adequacy in relation to the demolition permit. Charlie Knox noted that if the environmental review is found to be inadequate, the demolition permit could not take effect until environmental documentation is approved.

On motion of Commissioner Conlow, seconded by Commissioner Mang, the IS/MND was approved in relation to the demolition permit only.

Ayes: Commissioners Conlow and Mang
No: Commissioners Haughey and White
Absent: None
Abstain: Commissioners Donaghue, Wilson and Chair Delgado

The motion failed.

Charlie Knox noted that staff will prepare a revised Initial Study/MND solely for demolition of the structure.

Don Dean noted that there is a demolition permit approved for a potential future project. He does not believe the actions can be segmented. Charlie Knox noted that based on the Commission's decision, he does not know what the final proposal will look like. At this point, the IS/MND needs to consider the demolition permit only. If in the meantime, the applicant revises the proposal, then the IS/MND will be revised to include all impacts.

Charlie Knox noted that since the project was not approved, the environmental review is considered separately. Issues – MND relied on uncertain future action and MND deficient in not analyzing the impact of removal on the cultural resource that is the entire district. In addition, look at cumulative impacts if done on a repeated basis.

Commissioner White clarified that he does not support the current MND because it is not specific to demolition. Commissioner Conlow questioned if a vote for demolition negated the CEQA determination. Charlie Knox noted that if the building remains a historic resource, though it has been approved for demolition, and environmental documentation is still required.

Charlie Knox noted that a new or revised Initial Study would require a 30-day recirculation.

On motion of Commissioner White, seconded by Commissioner Mang, staff was directed to prepare an Initial Study/Mitigated Negative Declaration in relation to the demolition

permit only, with a condition that if the applicant submits a redesigned project, then the IS/MND will address both demolition and design, by the following vote:

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

Chair Delgado and Commissioners Donaghue and Wilson rejoined the meeting.

V. COMMUNICATIONS FROM COMMISSIONERS

Chair Delgado stated that he, Mayor Messina, and Charlie Knox attended a ceremony in Oakland August 3, 2007, to receive CLG certification, which he believes is an honor for the City.

VI. COMMUNICATIONS FROM STAFF

A. STATUS OF CITY-OWNED HISTORIC STRUCTURES

The Parks and Community Services Department has prepared a maintenance update of City-owned historic structures.

Gina Eleccion stated that the Parks Department compiled this list in response to inquiries from the Commission. She asked the Commission if they would like an annual update and if this format is acceptable. The Commission stated that they liked the format and requested an annual update.

Charlie Knox noted that Xzandrea Fowler is no longer with the City, and that a new Senior Planner and Assistant Planner will be joining staff in September.

VII. ADJOURNMENT

Chair Delgado adjourned the meeting at 11:04 p.m.