



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

REGULAR MEETING MINUTES

**Thursday, September 27, 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 Wilson
Absent: Chair Delgado (excused)

Staff Present:

Damon Golubics, Acting Community Development Director
Amy Million, Consulting 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. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

No written comments received.

B. PUBLIC COMMENT

Jon Van Landschoot, 175 West H Street – He stated his concern with having the Mills Act contracts on the Consent Calendar. He apologized for his comments at the last meeting regarding the Commissioners' duties.

III. CONSENT CALENDAR

Commissioner Haughey requested the removal of all Mills Act contracts from the Consent Calendar.

On motion of Commissioner Donaghue, seconded by Commissioner Haughey, the Consent Calendar was approved, with the removal of the Items C through G, by the following vote:

Ayes: All
Noes: None
Absent: Chair Delgado
Abstain: Commissioner Wilson abstained from approval of Minutes

A. Approval of Agenda

B. Approval of Minutes of August 23, 2007

**C. 392 – 396 EAST H STREET – MILLS ACT CONTRACT
06PLN-67 APN: 89-051-120**

PROPOSAL:

The applicant requests approval of a Mills Act Contract with the City of Benicia for this property.

Recommendation: Approve Mills Act contract and recommend City Council approval.

Commissioner Conlow stated a conflict of interest on the project due to property ownership within 500' of the project.

Damon Golubics recommended that the Commission discuss their concerns with this project.

Commissioners discussed the process. A question was asked as to whether fees are refunded if applications are denied or withdrawn. Staff noted that fees can be refunded by the Community Development Director.

Commissioner Haughey questioned the maintenance plan for this property. Amy Million noted that if the Commission feels that this property needs a work plan, that the contract would need to be amended and Exhibit C, Work Program, needs to be amended. This is a maintenance contract.

Commissioners questioned the existing materials of the structure. The porch and windows do not comply with the Secretary of the Interior Standards. There is concern with Mills Act properties having additions.

Commissioners discussed the eligibility requirements. Specific features of the property were discussed. Staff was asked to research the siding and the windows that were approved.

Commissioners commented that if the Design Review Commission approved the previous work that was done, the Commission can't fault the applicant for that.

The public hearing was opened.

The applicant questioned if their contract is being looked at as a maintenance plan. Damon Golubics noted that the issues with the siding and windows need to be researched prior to deciding if this is a maintenance contract or there is a work program attached.

Jon Van Landschoot, 175 West H Street – He noted that there is a large penalty in not complying with Mills Act contracts.

The applicant noted that a significant amount of work has been done to this property, with prior design review approval. Damon Golubics noted that staff will research this and bring it back to the Commission at the next meeting.

Angela Fortain, Applicant – She noted that the windows installed are wood-clad. The siding is horizontal wood and the porch is wood.

The public hearing was closed.

Commissioner Donaghue motioned to approve, with addition to Paragraph 4B of the contract, to have applicant work with staff to identify items that do not comply with the Secretary of the Interior Standards. Work with staff to develop an appropriate Work Program throughout the life of the contract.

RESOLUTION NO. 07-13 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 392-396 EAST H STREET

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

Ayes: Commissioners Donaghue, Haughey, Mang, White
Noes: Commissioner Wilson
Absent: Chair Delgado
Abstain: Commissioner Conlow

D. 141 WEST H STREET – MILLS ACT CONTRACT

07PLN-50 APN: 89-044-350

PROPOSAL:

The applicant requests approval of a Mills Act Contract with the City of Benicia for this property.

Recommendation: Approve Mills Act contract and recommend City Council approval.

Damon Golubics recommended the Commission discuss and address their concerns.

Commissioner Haughey commented on the front windows. She would like the aluminum window returned to wood.

Amy Million noted that paint is included under Exhibit B, Property Maintenance Standards. Staff noted that there is routine maintenance required whether a work plan has been submitted or not. Landscaping was discussed, which is also included in Property Maintenance Standards.

The public hearing was opened.

Paula Chiotti, Applicant – She noted that she would be open to adding the replacement of the window to the work program. There are plantings onsite.

The public hearing was closed.

Aluminum window replaced, and front porch to wood.

RESOLUTION NO. 07-14 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 141 WEST H STREET

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

Ayes:	All
Noes:	None
Absent:	Chair Delgado
Abstain:	None

E. 120 WEST D STREET – MILLS ACT CONTRACT
07PLN-52 APN: 89-243-060

PROPOSAL:

The applicant requests approval of a Mills Act Contract with the City of Benicia for this property.

Recommendation: Approve Mills Act contract and recommend City Council approval.

Commissioner Donaghue stated a conflict of interest due to property ownership within 500' of the property.

Commissioners discussed the application.

Commissioner discussed the porch and whether the entry was proper. The fence is an adjacent property owners. The cyclone fence is temporary and is coming down. The garage is going to be rehabilitated. Staff will review the garage when a building permit application is submitted.

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

RESOLUTION NO. 07-15 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 120 WEST D STREET

Front porch consistent with the architecture and period of home, and add garage door consistent with Secretary of the Interior Standards.

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

Ayes: All
Noes: None
Absent: Chair Delgado
Abstain: Commissioner Donaghue

F. 1025 WEST 2ND STREET – MILLS ACT CONTRACT
07PLN-51 APN: 87-162-080

PROPOSAL:

The applicant requests approval of a Mills Act Contract with the City of Benicia for this property.

Recommendation: Approve Mills Act contract and recommend City Council approval.

Commissioner Haughey stated a conflict of interest due to property ownership within 500' of the property.

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

Commissioners discussed concerns with aluminum windows, cyclone fence, front wood door is inappropriate.

RESOLUTION NO. 07-16 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 1025 WEST SECOND STREET

Amend work program to include above items.

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

Ayes: All
Noes: None.
Absent: Chair Delgado
Abstain: Commissioner Haughey

Chair Wilson called a recess at 7:50 p.m. The meeting was reconvened at 8:00 p.m.

G. 140 EAST G STREET – MILLS ACT CONTRACT
07PLN-53 APN: 89-342-040

PROPOSAL:

The applicant requests approval of a Mills Act Contract with the City of Benicia for this property.

Recommendation: Approve Mills Act contract and recommend City Council approval.

Commissioner Donaghue stated a conflict of interest due to property ownership within 500' of the project.

Commissioners discussed whether Mills Act money can be used for new construction. In addition, Commissioners discussed the existing design review work being done by the applicant.

Commissioners discussed what items are placed on a work program. In addition, they discussed if only the original structure is assessed. Staff will look into this.

The public hearing was opened.

Neil Leary, Applicant – He stated that he has not moved forward on the front portion of the structure. He is working on the back of the structure.

Jon Van Landschoot, 175 West H Street – He noted that he loves this house. He believes there needs to be a visual reward to the citizens for granting a Mills Act contract.

The public hearing was closed.

Commissioner Haughey would like to see a more specific work plan. Commissioner Conlow suggested removing Item 2 from the work plan.

The applicant noted that the foundation work would cost roughly \$150,000.

2010 – Foundation inspection? Add other work program items based on design review approval.

Commissioners discussed consistency in approving Mills Act contracts.

RESOLUTION NO. 07- 17 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 140 EAST G STREET

Conlow – remove Item #2, painting to 2008 (weather permitting), foundation report (staff to determine if necessary to take action to repair foundation). Damon Golubics suggested Building Inspection staff assist in the annual inspection of the property to monitor the foundation and document the condition. Cosmetically repair and stabilize retaining wall. Second - Mang

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

Ayes: Commissioners Conlow, Mang, White and Wilson
Noes: Commissioner Haughey
Absent: Chair Delgado
Abstain: Commissioner Donaghue

H. 522 WEST K STREET

07PLN-59 Design Review

510-550 West K Street and 501 West 5th Street (522 ½ West K Street-Leasing Office), APN: 0087-145-010, -030, -040, -050

PROPOSAL:

The applicant requests approval for an exterior remodel to an existing apartment complex “Benicia Continental Apartments” located at 510-550 West K Street and 501 West 5th Street (522 ½ West K Street-Leasing Office). The changes shall include modifications to the exterior stairs, exterior sheathing and the roofline.

Recommendation: Approve design review for the exterior remodel of the existing apartment complex “Benicia Continental Apartments” located at 510-550 West K Street and 501 West 5th Street (522 ½ West K Street – Leasing Office), based on the findings, and subject to the conditions listed in the proposed resolution.

RESOLUTION NO. 07-12 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA

**APPROVING DESIGN REVIEW PERMIT FOR THE EXTERIOR REMODEL
OF THE BENICIA CONTINENTAL APARTMENT COMPLEX LOCATED AT
510-550 WEST K STREET AND 501 WEST 5TH STREET (07PLN-59)**

IV. REGULAR AGENDA ITEMS

A. STRAW HAT PIZZA

07PLN-68 Design Review
1401 East Fifth Street, APN: 88-092-040

PROPOSAL

The applicant requests approval for the complete renovation of an existing building, previously known as the Sundowner, for a new Straw Hat Pizza restaurant. The renovation includes a complete interior/exterior remodel, renovation of an outdoor eating area, parking reconfiguration and reduction, landscaping improvements, and an update of handicapped accessibility.

Recommendation: Continue to the October 25, 2007 meeting.

Damon Golubics, Senior Planner, noted that a formal continuance has been requested. The applicant will be submitting additional drawings prior to the next meeting.

The public hearing was opened.

Jessie ??? – Son of property owner. He commented that the plans are being revised.

The public hearing was closed.

Motion White, Conlow to continue - All

B. GOLLNICK RESIDENCE - ALTERATION

07PLN-62 Design Review
149 West F Street, APN: 89-115-190

PROPOSAL

The applicant requests approval to add 499 square foot addition to the existing second dwelling unit located in the rear yard of the subject property addresses as 153 West F Street. The proposal would expand the first story and add a partial second story.

Recommendation: Approve design review for the proposed addition.

Damon Golubics, Senior Planner, introduced Amy Million, Consulting Planner, who gave a brief overview of the project. She noted a change to finding B of the Resolution to add consistency with the DMUMP.

Commissioners discussed the project.

Commissioners questioned the discussion of accessory units over garages. Staff noted that the new construction is conforming. The siding does not match the existing structure.

The public hearing was opened.

Verna Gollnick, Applicant – She presented pictures of an adjacent property. She noted that the architect attempted to match the house siding. She would like to get a variance to maintain the height of the house based on the adjacent properties. She commented on the existing windows on the alley.

Steve McKee, Architect – He commented on the height of the structure. He worked with staff to meet the setback requirements. The siding is intended to match the main house.

Jon Van Landschoot, 175 West H Street – He stated his concern with not having pictures on the wall of the project. He disagreed with the determination to use both plans in reviewing the project. He believes the Downtown Mixed Use Master Plan should be followed. He does not want to see windows looking onto someone else's property.

A citizen stated that she is impressed with the applicant's efforts to restore the property. The property is in need of improvement.

The public hearing was closed.

Commissioners questioned if this is going to the Planning Commission. Damon Golubics stated that this would go to the Planning Commission either on appeal, or to request a variance. Staff can't make the findings to support the granting of a variance.

Commissioners commented on the nonconforming use of the existing structure. Amy Million noted that the plans show a 2 ½' extension, however to meet code this has to be moved back..

Steve McKee would like to see the Commission find this consistent considering two sets of regulations apply.

RESOLUTION NO. 07-18 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW PERMIT TO EXPAND THE EXISTING DETACHED RESIDENTIAL UNIT LOCATED IN THE REAR YARD OF 149 WEST F STREET (07PLN-62)

Amendments requested:

Daylight setback requirement applied correctly to the design, and expansion of existing non-conforming structure.

On motion of Commissioner Donaghue, seconded by Commissioner White, the above Resolution was approved, with amendments noted, by the following vote:

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

V. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Haughey requested site visits to all of the properties. In addition, she requested a report on the Mills Act inspections.

Commissioners commented on the possibility of having a discussion on the Mills Act contracts. Gina Eleccion noted that this can be agendized as a discussion item.

Commissioner White thanked Commissioner Haughey for her thorough research.

VI. COMMUNICATIONS FROM STAFF

Damon Golubics, Senior Planner, thanked Commissioner Haughey for her research. He suggested having a study session on the Mills Act program.

Damon Golubics stated that we have new staff, Mike Marcus, Assistant Planner and Lisa Porras, Senior Planner.

Damon Golubics noted that Charlie Knox and his wife Leila had a baby girl, Hazel.

A. HISTORIC SURVEY AD HOC COMMITTEE UPDATE

Gina Eleccion gave an oral report.

VII. ADJOURNMENT

Commissioner Wilson adjourned the meeting at 10:07 p.m.