

- WRITTEN

- PUBLIC COMMENT

III. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Historic Preservation Review Commission or a member of the public by submitting a speaker slip for that item.

*

Any Item identified as a Public Hearing has been placed on the Consent Calendar because it has not generated any public interest or dissent. However, if any member of the public wishes to comment on a Public Hearing item, or would like the item placed on the regular agenda, please notify the Community Development Staff either prior to, or at the Historic Preservation Review Commission meeting, prior to the reading of the Consent Calendar.

- Approval of Agenda
- [Approval of Minutes of August 28, 2008](#)
- [Approval of Minutes of September 25, 2008](#)
- [Approval of Amended Resolution No. 08-8](#)

IV. REGULAR AGENDA ITEMS

- [MILLS ACT CONTRACT- 271 WEST J STREET](#)

08PLN-41; APN: 87-162-160

PROPOSAL:

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

Recommendation:

Recommend City Council approval of Mills Act Contract.

- [MILLS ACT CONTRACT- 141 WEST F STREET](#)

08PLN-32; APN: 89-115-180

PROPOSAL:

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

Recommendation:

Recommend City Council approval of Mills Act Contract.

- **MILLS ACT CONTRACT- 155 WEST J STREET**

08PLN-4; APN: 87-164-230

PROPOSAL:

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

Recommendation:

Recommend City Council approval of Mills Act Contract.

- **DESIGN REVIEW – 301 FIRST STREET**

08PLN-15 Design Review

301 First Street; APN 089-243-140

PROPOSAL:

The applicant requests design review approval to modify an existing single-story structure (previously used as a lumber drying shed) and convert it into a two-story building for retail and office uses. Modifications include raising the existing building, constructing an additional 371 square feet below it, add a new covered balcony on the second story, a new covered porch on the

first story, and reconfiguring the primary façade to accommodate a "gallery" frontage type.

Recommendation:

Grant Design Review approval for proposed modifications to an existing structure at 301 First Street to accommodate new retail and office uses, based on the findings and subject to the conditions listed in the proposed resolution.

- **DESIGN REVIEW – 1280 WEST 11TH STREET**

08PLN-37 APN: 86-062-010

PROPOSAL:

The applicant requests design review approval for the expansion of King Solomon Church (from 3,949 to 8,943 square feet) located at 1280 West 11th Street.

Recommendation:

Grant Design Review approval for the King Solomon Church expansion project at 1280 West 11th Street, based on the findings and subject to the conditions listed in the proposed resolution.

V. COMMUNICATIONS FROM COMMISSIONERS

- COMMUNICATIONS FROM STAFF

- [MILLS ACT COMPLIANCE REPORT](#)

A report on the annual inspections of Mills Act properties is presented to the Commission for review.

- ADJOURNMENT

Public Participation

The Benicia Historic Preservation Review Commission welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The Historic Preservation Review Commission allows speakers to speak on agenda and non-agenda matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Historic Preservation Review Commission.

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

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Valerie Ruxton, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for Commission discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action the Commission may take.

The Historic Preservation Review Commission may not begin new public hearing items after 11 p.m. Public hearing items, which remain on the agenda, may be continued to the next regular meeting of the Commission, or to a special meeting.

Pursuant to Government Code Section 65009; if you challenge a decision of the Historic Preservation Review Commission in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Historic Preservation Review Commission at, or prior to, the Public Hearing. You may also be limited by the ninety (90) day statute of limitations in which to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

Appeals of Historic Preservation Review Commission decisions that are final actions, not recommendations, are considered by the Planning Commission. Appeals must be filed in the Community Development Department in writing, stating the basis of appeal with the appeal fee within 10 business days of the date of action.

Public Records

The agenda packet for this meeting is available at the Community Development Department Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an agenda item that are distributed after the agenda packet is prepared are available before the meeting at the Community Development Department Office located at 250 East L Street, Benicia, or at the meeting held in the Commission Room. If you wish to submit written information on an agenda item, please submit to the Community Development Department as soon as possible so that it may be distributed to the Historic Preservation Review Commission.



BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

CITY HALL COMMISSION ROOM

REGULAR MEETING MINUTES

Thursday, August 28, 2008

6:30 P.M.

I. CALL TO ORDER

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Crompton, Donaghue, Haughey, McKee, White and Chair Mang

Absent: Commissioner Taagepera (excused)

Staff Present:

Lisa Porras, Principal Planner

Mike Marcus, Assistant Planner

Terry Baldwin, Sr. Administrative Clerk

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 White, seconded by Commissioner Haughey, the Consent Calendar was approved by the following vote:

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

A. Approval of Agenda

B. Approval of Minutes of July 24, 2008

C. 808 EAST FIFTH Street – Public Hearing

08PLN-50 Design Review
808 East Fifth Street; APN: 89-072-180

PROPOSAL:

The applicant requests design review approval to replace a deteriorated roof and fascia boards, and install new rain gutters on an existing non-historic building in downtown Benicia.

Recommendation: Approve request to remove and replace existing roof materials, fascia boards, and rain gutters on the property.

RESOLUTION NO. 08-6 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING REPLACEMENTS TO THE ROOF, FASCIA BOARDS, AND INSTALLATION OF NEW RAIN GUTTERS FOR THE PROPERTY LOCATED AT 808 EAST FIFTH STREET

IV. REGULAR AGENDA ITEMS

A. 401 FIRST STREET – UNION HOTEL

Amendment to Mills Act Contract – Revised Work Plan
401 First Street; APN: 89-174-11

PROPOSAL:

The applicant requests an amendment to the Mills Act Contract for the property located at 401 First Street. Specifically, the property owner has submitted a revised work plan for approval.

Recommendation: Review the work plan and recommend City Council amendment to the Mills Act Contract.

Mike Marcus, Assistant Planner, presented the staff report.

Commissioners discussed the difference between an Inn and a residential property.

Tax savings were discussed. The savings do not directly compensate for all necessary improvements.

The front entrance and banister were discussed. Commissioner Haughey requested that the corner entrance banister replacement be added to the contract if it was constructed without permits. Mike Marcus stated that staff would research the item and adjust the work program if permits had not been attained.

Lydia Woytak, property owner, mentioned guests being happy with the hotel. The outside stairs have been replaced. They uncovered historical stairs at main entrance and opened historical entrance at corner. Many windows have been replaced with wood and currently working on second floor windows. There are internal improvements to improve hotel, fire alarm, elevators, wood floors on third floors, replaced carpets with wood from an old tobacco company. The hotel is old fashioned while providing modern conveniences. Mills act savings do not cover what they are doing.

The public hearing was opened.

Nancy Martinez, Benicia Main Street, spoke in favor of the project.

The public hearing was closed.

RESOLUTION NO. 08-7 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AUTHORIZE THE CITY MANAGER TO AMEND THE MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 401 FIRST STREET

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

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

B. PRIORITY LIST OF COMMISSION’S DISCUSSION ITEMS – Discussion of current list to provide clear direction to staff on Commission’s priorities.

Lisa Porrás presented current list and reminded Commission that two items have already been completed. Ms. Porrás suggested that the Commission could identify their top 5 priorities with the remaining as placeholders.

Commissioners discussed the list of items.

Commissioner White willing to work with group as a whole. Commissioner Haughey commented on the grouping of a few of the items. Secretary of the Interior Standards, paint standards, windows, and other items should be part of the DHCP update.

The historic context was discussed in relation to the Downtown Historic Conservation Plan.

Chair Mang asked about the status of the historic survey update. Staff advised that this will be on the September agenda. Gina Eleccion was complimented for her hard work on this project.

Craftsman cottages were discussed. These buildings are included in the historic survey. There should be a list of the different eras and what was built during those eras.

Commissioners will review the list and prioritize them. Staff will bring the prioritized list back to the Commission. Commissioners commented that they need to decide if an item is worth spending time on.

V. COMMUNICATIONS FROM COMMISSIONERS

Commissioners would like to have someone give a presentation on tax incentives for historic homeowners.

VI. COMMUNICATIONS FROM STAFF

A. ANNUAL STATUS OF CITY-OWNED HISTORIC STRUCTURES

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

Chair Mang wanted to know how it worked to have a booth at the Farmers' Market. Mike Marcus stated that property owners appreciated having the information available to them there.

Lisa Porras informed the Commission that there will be a 2-day workshop on October 3rd and 4th for the update to the Housing Element. The workshop will be held at the Veteran's Memorial Building. She invited all members to participate.

Mike Marcus provided information on the Climate Action Plan. The City received a grant from the Bay Area Air Quality Management District. Flyers were distributed with information.

VII. ADJOURNMENT

Chair Mang adjourned the meeting at 7:40pm.



BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

BENICIA UNIFIED SCHOOL DISTRICT – 350 EAST K STREET

****SPECIAL LOCATION****

Meeting will be televised on Cable Channel 28

REGULAR MEETING MINUTES

Thursday, September 25, 2008

6:30 P.M.

I. CALL TO ORDER

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Crompton, Donaghue, Haughey, McKee, Taagepera, White and Chair Mang

Absent: None

Staff Present:

Charlie Knox, Community Development Director

Gina Eleccion, Management Analyst

Guests: Bonnie Silveria, Benicia Historical Society

Carol Roland, Consultant

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

A citizen spoke regarding non-historic design review. He would like to know what guidelines will be followed regarding the non-historic properties. He recommended that fees be waived for non-optional building and repair.

III. CONSENT CALENDAR

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

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

A. Approval of Agenda

IV. REGULAR AGENDA ITEMS

A. DRAFT HISTORIC RESOURCE INVENTORY UPDATE

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 and reviewed by an ad hoc committee of volunteers from the Historic Preservation Review Commission and the Benicia Historic Society. 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: Planning Commission and 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 introduced the project. He thanked the committee for their time and effort on this project.

Gina Eleccion gave an overview of the project. She introduced Bonnie Silveria, as a member of the committee.

Bonnie Silveria gave an overview of the project. She discussed the issue regarding the Portuguese community. She recommends we move forward with the survey and deal with the Portuguese homes issue once a context is developed.

Carol Roland noted that the context we have primarily addresses architecture under National Register Criterion C. That was the focus of the survey update.

Kerry Carney, Benicia Historical Society – She owns a property on the 100 block of East H Street and had questions as to the recommendations on that block. She commented on existing properties and their designation status. She commented on her experience with her own historic property.

Linda Lewis, 282 West I Street – She thanked the Commission for their work. She submitted a letter for review. She does not want her residences at 282 West I and 401 West J included as contributors.

Doug Robertson, 532 East J Street – Spoke requesting 405 East H Street be added to the district as a resource.

Larry Miller, Benicia Historical Society – He thanked everyone for their work on this project. He believes the integrity exists in the properties the committee is recommending as contributing buildings. He commented on the continued need to review homes that are over 50 years old for possible inclusion.

Kathleen Olson, 920 First Street – She thanked the committee and staff for their work on this project. She believes there was some subjectivity in the process. She read letters into the record regarding 130 West E and 251 West G. She commented on the construction date as prior to 1942. Carol Roland noted that there is a 1913-1942 Sanborn map. She noted that in that period of time, Sanborn began revising their old maps, and this property was on the 1913-1942 map, which notes construction within that time period.

Property owner 156 West F– He stated there is incorrect information on the form. He commented on work that has been done to the property. He does not think the design review fee is fair.

Donnell Rubay – She thanked the Committee for their work and noted her husband could not be here to make his comments. She is pleased with what has been done. She believes we need to look at design guidelines for non-historic properties to be compatible with the historic properties.

Marleen Deane, 1121 West 2nd Street – She questioned if there will be additional time to discuss this. She believes there should be consideration for individual properties and how they are used. She commented on materials and conditions of properties.

Steve Stark 396 East H – He commented on context. He does not see how it affects the structure.

Robert Reichert, 710 First Street – He would like his property to remain as a contributor, not be elevated to a landmark.

The public hearing was closed. A recess was called at 8:05 p.m. The meeting was reconvened at 8:15 p.m.

Chair Mang requested that Carol Roland and Bonnie Silveria comment on the specific properties brought up under public comment. Staff noted that Commissioners will need to recuse themselves on specific properties they have a conflict of interest on.

155/157 East H Street – no additional discussion needed.

138 East H – address will be added to DPR form and designation spreadsheet.

130 West E (Donaghue recused) – Carol Roland noted the date of construction was based on the 1913-1942 Sanborn map. In terms of historic appearance, additional information would need to be found should a proposal be made for restoration. Regarding Criterion C, this is one of the few industrial type buildings in the downtown. The form notes some issues with integrity, but it is still representative of its industrial building type. Charlie Knox noted that if this building was not designated as historic, as it's a commercial structure, it would still need full design review approval. Bonnie Silveria commented on the lack of industrial buildings and believes this structure should be retained. Commissioners discussed the architecture of 130 West E. There is concern that this building could be demolished. There are ways to adaptively reuse the building. Charlie Knox noted that no demolition ordinance has been drafted, which means no historic properties currently can be demolished per the Downtown Master Plan Negative Declaration.

251 West G (Haughey/Taagepera recused) – Commissioners commented on the integrity of the property. Bonnie Silveria noted that it has not changed in its footprint, but the window and porch have been changed. Carol Roland recommends removal of this property. Commissioner McKee commented on the properties that are “marginal,” and that they would still be subject to design review. Charlie Knox noted that this home is much smaller than its neighbors.

165 West F – No additional comments from Commission. Carol Roland stated that the description is based on looking at the house from the street. Additional documentation can be provided and the form modified as necessary.

710 First – Property owner would like this to be a contributor, not a designated landmark. Carol Roland noted this property might be considered a landmark, but there are issues with integrity. Consensus was to designate as a contributor.

282 West I (Haughey/Taagepera recused) – no questions.

401 West J (Haughey/Donaghue recused) – no questions.

405 East H –Commission determined not to amend the district boundary to include. Home recently was remodeled, including major addition.

110 East E – (Donaghue recused). There was discussion about the integrity, and the association with Robert Arneson is appropriate for 402 West J, not this structure, according to the property owner. Commission agreed to delist.

811 East 6th – No questions.

Properties outside current boundary:

385 West K – (Donaghue recused) Commissioners discussed this property. Carol Roland noted that she was asked to see if there were any additional districts or boundaries that should be designated. Commissioners commented on what the original features were.

327 Gull Point Court – (Taagepera recused) – Commissioners agree.

470 West J – no questions.

690 West K – no questions.

602 West K – The committee discussed this. Carol Roland noted that either a property contributes to a district or does not. This is based on the California Register criteria. Commissioner Taagepera noted there could be “properties of merit,” as a property outside the district.

It was clarified that the Fire Museum on East 2nd Street should be removed from the designation list.

Commissioners discussed the removal of properties and the impact on the district. Carol Roland noted that based on the high number of historic properties, the district is still substantial in its historic integrity.

Questions were asked about changing the district boundaries and whether intervening non-historic properties should also be added to due concern that there is no design review for the non-historic properties adjacent to the district boundaries. Carol Roland noted that by adding non-contributing structures, you lower the percentage of designated structures.

Commissioners did not reach a consensus on the following two properties, and these were voted on individually as noted below:

130 West E

On motion of Commissioner Crompton, seconded by Commissioner Haughey, the property is recommended to remain as a contributing structure in the Downtown Historic Overlay District by the following vote:

Ayes: Commissioners Crompton, Haughey, Taagepera
Noes: Commissioner McKee, White and Chair Mang

Absent: None
Abstain: Commissioner Donaghue

251 West G

On motion of Commissioner White, seconded by Commissioner Donaghue, the property is recommended to be removed as a contributing structure in the Downtown Historic Overlay District by the following vote:

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

Modifications to below resolution:

1. Change 710 First Street to “contributor”
2. 385 West K not recommended for designation or inclusion in the district
3. Change 110 East E Street to “remove”
4. Regarding Portuguese-influenced properties (as noted in Ad Hoc Committee report), support Roland-Nawi recommendation for removal. Issue of Portuguese will be addresses with the development of a historic context. All properties within the Downtown Historic Overlay District, excluding those in the Eastern Residential Area (shown on page 8 of the DHCP) and any other future exclave of the Central Historic Area (shown on page 7 of the DHCP) are now subject to non-historic design review.

RESOLUTION NO. 08-8 (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

On motion of Commissioner White, seconded by Commissioner Haughey, the above Resolution was adopted, with exceptions as noted and abstentions shown in Exhibit A attached to the Resolution, by the following vote:

Ayes: Commissioners Crompton, Donaghue, Haughey, McKee, Taagepera, White and Chair Mang
Noes: Commissioner Donaghue (141 East E only)
Absent: None
Abstain: None

V. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Haughey acknowledged Gina Eleccion for her work on this project.

VI. COMMUNICATIONS FROM STAFF

Gina Eleccion noted that there will be a Housing Expo on October 3rd and 4th at the Veterans' Memorial building. Flyers are available for the Commission and public.

In addition, there will be a presentation of the Climate Action Plan at the October 9th Planning Commission meeting, and a Climate Action workshop at the November 13th Planning Commission meeting.

VII. ADJOURNMENT

Chair Mang adjourned the meeting at 10:45 p.m.



Community Development Department
MEMORANDUM

Date: October 16, 2008
To: Historic Preservation Review Commission
From: Gina Eleccion, Management Analyst
Re: Historic Survey Amended Resolution

At the September 25, 2008 meeting, the Commission adopted a resolution recommending updates to the Downtown Historic District Survey and Downtown Historic Conservation Plan. Subsequent to that meeting, it was determined that additional abstentions should have been stated. Attached is an amended resolution that resolves the following issues:

1. Commissioner McKee should have abstained from voting separately on 130 West E due to conducting business with property owners within 500' of this property.
2. Commissioner Donaghue should not have stated a "no" vote specifically related to 141 East E, as he owns the property and must abstain.

Attachment:

- HPRC Resolution No. 08-8

RESOLUTION NO. 08-8 (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, and the Historic Survey Ad Hoc Committee's recommendation, 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; and include 470 West J Street and 327 Gull Point Court;
4. Update the DHCP maps (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 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; include 470 West J Street and 327 Gull Point Court.

BE IT FURTHER RESOLVED that the Historic Preservation Review Commission of the City of Benicia hereby formally acknowledges the importance of developing a formal historic context, and recommends City Council consideration of this project during the upcoming 2009/2011 budget cycle.

* * * * *

On motion of Commissioner White, seconded by Commissioner Haughey, the above Resolution, with abstentions as noted in Exhibit A of the final Resolution and specifically noted below, was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on September 25, 2008 by the following vote:

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

130 West E

On motion of Commissioner Crompton, seconded by Commissioner Haughey, the property is recommended to remain as a contributing structure in the Downtown Historic Overlay District by the following vote:

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

251 West G

On motion of Commissioner White, seconded by Commissioner Donaghue, the property is recommended to be removed as a contributing structure in the Downtown Historic Overlay District by the following vote:

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

Gina Eleccion

Historic Preservation Review Commission Secretary

AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION MEETING
OCTOBER 23, 2008
REGULAR AGENDA ITEMS

DATE : October 16, 2008
TO : Historic Preservation Review Commission
FROM : Mike Marcus, Assistant Planner
SUBJECT : **MILLS ACT CONTRACT FOR 271 WEST J STREET**

RECOMMENDATION:

Adopt a resolution recommending that the City Council authorize the City Manager to enter into a Mills Act Contract with the property owner of 271 West J Street in the City of Benicia.

EXECUTIVE SUMMARY:

Jon and Patricia DiFrancesco request approval of a Mills Act Contract for the rehabilitation of a "contributing" building located at 271 West J Street, as provided by the City of Benicia's Mills Act Program.

The Mills Act Program, enacted by the State of California in 1972, encourages the restoration and preservation of qualified historic buildings through economic incentive and authorizes its implementation by local governments. In 2003, Council approved the City of Benicia Mills Act Program and assigned initial review and recommendation of Mills Act Contract applications to the Historic Preservation Review Commission (Resolution 03-12). The program incentive consists of an alternative method for determining property value for tax assessment purposes.

Staff has determined the property at 271 West J Street meets the eligibility requirements for the Mills Act Program and all application requirements have been satisfied.

BUDGET INFORMATION:

An approved Mills Act Contract would reduce the property taxes collected from 271 West J Street. Based on data available on the Solano County Tax Assessor's website, the property owner pays approximately \$3,365 in property taxes. Should the Mills Act Contract be recommended by the Historic Preservation Commission and approved by City Council, property taxes could be adjusted to approximately \$1,150 per year.

The City collects 26% of paid property taxes. Without a Mills Act Contract, the City would receive about \$875 per year from 271 West J Street. Should the Mills Act Contract be approved,

the City would lose approximately \$575 per year.

No other budget impacts are anticipated.

ENVIRONMENTAL ANALYSIS:

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15331, which applies to projects limited to the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the federal Secretary of the Interior’s Standards for the Treatment of Historic Properties. In addition, Mills Act Contracts require all work performed subsequent to entering into a contract be consistent with these standards.

BACKGROUND:

According to Solano County Assessor’s parcel data, the existing structure was built in 1890. At present, the property is listed as a “Contributing” building, as shown on Figure 1 in the City’s Downtown Historic Conservation Plan. Carol Roland’s analysis recommends that the building remain as a contributing structure.

Items listed in the Draft Work Plan and Schedule (Exhibit C of Draft Contract) are intended to rehabilitate this downtown historic resource.

SUMMARY:

Site Description

The property is located on the north side of West J Street, on the block between West 2nd and West 3rd Streets. The site is 0.13 acres, or 5,662 square feet with terrain that is generally flat. The property contains one single-family detached structure (one-story) that is approximately 1,520 square feet, with a south facing front entrance. Attached photos document the character defining features of the building.

Project Description

The proposed Architectural Preservation Schedule consists of improvements that are characteristic of rehabilitation and intended to occur over a period of 10 years. The applicant’s proposed maintenance and repair plan includes the following tasks and target dates:

1. Minor roof repairs (2009)
2. Exterior painting (2011)
3. Renovate/upgrade front landscaping (2012)
4. Repair and rehabilitate front porch, railings and stairs (2013)
5. Replace roof and gutter downspouts (2018)

This rehabilitation work is consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties as demonstrated by the attached checklist. This scope of work is appropriate for Mills Act contracts.

Secretary of the Interior's Standards for Treatment of Historic Properties

As a designated contributing historic structure and pursuant to the Mills Act Contract, all exterior changes must comply with the Secretary of the Interior's Standards for Rehabilitation. According to the Standards:

“...where an important architectural feature is missing, its replacement is always recommended in the Rehabilitation guidelines as the first, or preferred, course of action. If adequate documentation exists so that the feature may be accurately reproduced, and if it is desirable to re-establish the feature as part of the building's historical appearance, then designing and constructing a new feature based on such information is appropriate. When replacing a missing historic feature such as an entrance or porch, the Standards recommend restoration based on historical, pictorial, and physical documentation; a new design that is compatible with the historic character building. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered. “

All work must be consistent with the standards and guidelines for rehabilitation.

Downtown Historic Conservation Plan Consistency

The Downtown Historic Conservation Plan provides Design Guidelines for all categories of designated historic residential buildings. The guidelines are intended to guide renovation work as well as building additions. Staff has determined that the proposed work program is consistent with these guidelines (see attachment).

Conclusion

The improvements listed in the Work Plan for Architectural Rehabilitation (Exhibit C of Draft Contract) are consistent with historic preservation goals established by the City of Benicia, including General Plan Goal 3.1, to “Maintain and enhance Benicia’s historic character.” The items in the proposed work program are also consistent with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for the Treatment of Historic Buildings, and the Downtown Historic Conservation Plan.

Carol Roland’s recent analysis of the property states that the building retains its integrity with the exception of the porch rail and stairs, which the work plan proposes to replace. Ms. Roland recommends that 271 West J Street continue to be listed as a contributing structure.

The work described herein is appropriate to execute this Mills Act Contract.

FURTHER ACTION:

The recommendation of the Historic Preservation Review Commission will be forwarded to the City Council for final action. The decision of the Historic Preservation Review Commission may be appealed to the Planning Commission within ten (10) business days.

Attachments:

- ❑ Consistency Analysis: Secretary of the Interior's Standards for Rehabilitation
 - ❑ Applicable Downtown Historic Conservation Plan Guidelines
 - ❑ Department of Parks & Recreation (DPR) Forms 523 A & B
 - ❑ Photographs
 - ❑ Draft Resolution
 - ❑ Draft Contract
- Exhibit A: Legal Description of Property
Exhibit B: Secretary of the Interior Standards for Rehabilitation
Exhibit C: Architectural Preservation Work Program and Schedule

**CONSISTENCY ANALYSIS:
SECRETARY OF THE INTERIOR'S
STANDARDS FOR REHABILITATION**

**Project Consistency Analysis:
Secretary of Interior's Standards for Rehabilitation
Mills Act Contract (08PLN-41)
271 West J Street, Benicia, CA**

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.

When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, rehabilitation may be considered as a treatment.

The bold text is the applicable Secretary of Interior's Standard for Rehabilitation guideline. The regular text is staff's response about how the particular guideline or policy relates to the proposed project.

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.**

The existing residential use will not change.

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.**

The structure at 271 West J Street is a Vernacular Style house. The principal character-defining features of this style of building as exhibited on the subject property, are as follows:

1. Moderately pitched hip roof.
2. Decorative details derived from multiple popular styles of the same period.
3. Symmetrical in arrangement with a centered entrance door
4. Pairs of vertically emphasized one-over-one double hung windows on either side.

These character-defining features are still present and will be retained and preserved. The proposal does not involve the removal of distinctive materials or alteration of features, spaces and spatial relationship that characterizes the property.

- 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.**

The repair and rehabilitation of the front porch, railings and stairs in 2013 will be done in accordance with the Secretary of Interior's Guidelines for Historic Preservation. No work is to be performed prior to a separate Design Review approval.

- 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.**

According to Carol Roland, the house retains its integrity with the exception of the replaced porch rail and set of stairs on the front façade. The work plan includes the rehabilitation of the porch rail and stairs, therefore restoring the building's historic integrity.

- 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.**

The rehabilitation work plan included in the draft contract would preserve the distinctive materials, features, finishes and construction techniques of the property. The focus of the work plan is to repair the existing materials instead of replacement, wherever possible.

- 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.**

The proposed rehabilitation would repair any distinctive materials, features, finishes and construction techniques of the building. Any future general maintenance performed during the term of the contract that involves deteriorated historic features that cannot be repaired will be replaced in-kind and will match the old in design, color, and texture.

- 7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.**

This standard does not apply to this project.

- 8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.**

This standard does not apply to this project.

- 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.**

There are no new additions or related construction associated with this Mills Act Contract rehabilitation plan resulting in the destruction of historic materials, features and spatial relationship. Exterior alterations will be limited to repair or replacement in-kind therefore will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

No new additions or related new construction is proposed and therefore the essential form and integrity of the historic property would not be impaired by future removal.

**APPLICABLE DOWNTOWN HISTORIC
CONSERVATION PLAN GUIDELINES**

Applicable Downtown Historic Conservation Plan Guidelines

271 West J Street, Benicia, CA

- Policy 1: Design Integrity. Maintain the design integrity and distinguishing features of historic buildings.
- Policy 2: Façade Elements and Details. Retain the traditional façade elements, proportions and architectural details which give historic buildings their special character and use appropriate replacements where necessary.
- Policy 3: Integrity of Materials. Maintain the integrity of original building materials.
- Policy 4: Appropriate Materials, Colors, and Finishes. Promote the use of appropriate materials in restorations, renovations and additions to historic and colors which complement their styles and particular combination of building materials.

Given the proposed work schedule, the following DHCP guidelines apply to this property:

2.1 – Architectural elements such as porches, steps and railings should not be removed. Replacements, where required, should be similar in character to the original.

2.2 – Maintain the proportions of existing door and window openings and the pattern of existing window sash in replacement work or additions.

3.1 – Original siding material should not be replaced, covered over or clad with another material such as stucco, wood or composition shingles, aluminum siding, and the like.

4.1 – Use original materials wherever possible in restoration, renovation, or repair work and use the same materials for building additions.

4.2 – When necessary to substitute a material, take care that its outward appearance, durability, texture and finish will be as close as possible to that of the original. If the original material was painted, be sure that the substitute will accept and retain the same painted finish.

4.4 – Materials or colors listed as inappropriate for new construction are also inappropriate for historic buildings (New Construction – Policy 4: Accessory buildings such as garages, storage sheds, studios or workshops should be compatible with the main structure and detailed in accordance with the structure’s visual prominence and function.).

4.5 – Paint colors and color schemes should be appropriate to the style and design intent of the building. Some examples follow: (1) Italianate or classical – monochrome, white or off-white; contrasting window sash (optional).

With regards to site improvements:

1.1 – Landscaping with live plant material shall be the principal plant treatment of front and exterior side yards.

1.2 – Mature trees, especially those with historic ties to the building or the city's development shall be retained unless diseased, hazardous or located such that development of the property is unduly constrained. "Volunteer" trees, whether mature or not, may be removed, subject to required approvals, if crowding or overgrown conditions exist.

1.3 – Paving in front and exterior side yards shall be kept to the minimum area necessary for circulation and maintenance of plant material

3.5 – Retaining walls should be constructed of dressed stone, field stone, or textured or split faced concrete block or poured concrete designed to resemble stone. Plain or rough textured poured concrete walls higher than 12 inches or plain cinderblock masonry unit walls are inappropriate.

**DEPARTMENT OF PARKS AND RECREATION
FORMS 523 A & B**

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #: _____
 HRI # _____
 Trinomial _____
 NRHP Status Code: _____
 Other Listings _____
 Review Code _____ Reviewer _____ Date _____

*Resource Name or #: 271 West J Street

- P1. Other Identifier: none
 *P2. Location: *a. County Solano
 b. Address: 271 West J Street
 *c. City: Benicia Zip 94510
 d. UTM: N/A
 e. USGS Quad: Benicia T2N R3W MDM
 *f. Other Locational Data (APN #): 87-162-16

*P3a. Description

This rectangular plan house with a moderately pitched hip roof is a Vernacular Style house with decorative details derived from more popular styles of the same period. The roof has small overhangs and a decorative cornice. Symmetrical in arrangement, the house has a center door with a transom and vertically emphasized paired one-over-one double hung windows on either side. A centered three-quarter length porch is covered by a shed roof supported on plain posts. The plain rail and wooden stair are replacement.

*P3b. Resource Attributes: HP2

*P4. Resources Present: Building Structure Object Site District Element of District

P5b. Description of Photo:

Front façade, view north

*P6. Date Constructed/Age: Circa 1890
 Prehistoric Historic Both

*P7. Owner and Address:

John DiFrancesco
 271 West J Street
 Benicia, CA 94510

*P8. Recorded by:

Carol Roland
 Roland-Nawi Associates
 4829 Crestwood Way
 Sacramento, CA 95822

*P9. Date Recorded: 11-20-04

*P10. Type of Survey: Intensive
 Reconnaissance Other

Describe Eligibility Evaluation

*P11. Report Citation: none

*Attachments: NONE Map Sheet Continuation Sheet Building, Structure, and Object Record Linear Resource Record Archaeological Record District Record Milling Station Record Rock Art Record Artifact Record Photograph Record Other (List):

P5. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Identifier: 271 West J Street

*NRHP Status Code: 3D

B1. Historic Name: N/A

B2. Common Name: same

B3. Original Use: Residential

B4. Present Use: Residential

*B5. Architectural Style: Vernacular

B7. Moved? No Yes Unknown

Date: N/A Original Location: same

*B8. Related Features: None

B9a. Architect: unknown

B9b. Builder: unknown

*B10. Significance: Theme: Benicia Downtown District

Period of Significance: 1847-1940

Property Type:

Single Family Applicable Criteria: A / C

This is a Vernacular House of a type that occurs several times in Benicia's Downtown Historic District. The house is a contributor to the Downtown District. With the exception of the replaced porch rail and stair, the house retains its integrity. It should continue to contribute to the district.

B11. Additional Resource Attributes: N/A

B12. References: McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred Knopf (1986); Bruegmann, Robert. *Benicia Portrait of an Early California Town: An Architectural History* (San Francisco: 101 Productions (1980); Woodbridge, Sally and Cannon Design Group. *Benicia, California: Downtown Historic Conservation Plan*. City of Benicia, 1990; Sanborn Map Benicia, CA. 1886; 1986 Benicia Historic Inventory form.

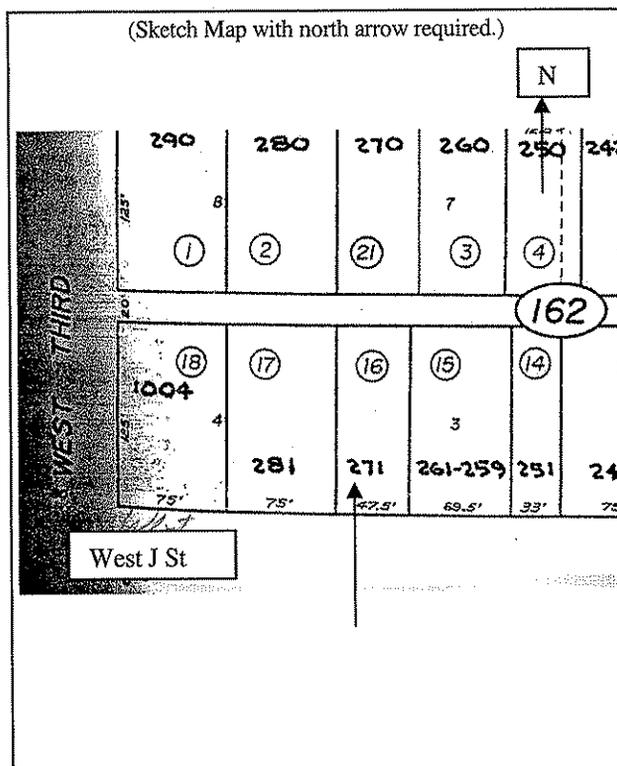
BUILDING, STRUCTURE, AND OBJECT RECORD

Remarks: N/A

B14. Evaluator: Carol Roland, Ph.D.

Roland-Nawi Associates: Preservation Consultants
4829 Crestwood Way
Sacramento, CA 95822

B 15. Date of Evaluation: 11-22-04



(This space reserved for official comments.)

PHOTOGRAPHS



PHOTOGRAPH OF STAIRS



PHOTOGRAPH OF PORCH

DRAFT RESOLUTION

RESOLUTION NO. 08-__ (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 271 WEST J STREET

WHEREAS, the purpose of the Mills Act Program is to encourage the preservation, restoration and rehabilitation of historic properties within the City of Benicia; and

WHEREAS, the property at 271 West J Street is listed as a contributing building in the Downtown Historic Conservation Plan; and

WHEREAS, General Plan Goal 3.1 is to “Maintain and enhance Benicia’s historic character” and the and preservation and rehabilitation of the contributing building at 271 West J Street is consistent with this Goal; and

WHEREAS, the Strategic Goals and Strategies are to “Promote Arts, Culture, Continuous Learning and Historic Preservation” and to “Maintain and enhance Benicia’s historic character”; and

WHEREAS, all exterior work undertaken pursuant to the subject Mills Act Contract must be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties; and

WHEREAS, the City has determined that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15331, which states that modifications to historic structures consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties are categorically exempt from CEQA review; and

WHEREAS, the Historic Preservation Review Commission at a regular meeting on October 23, 2008 considered the Mills Act contract application of Jon and Patricia DiFrancesco.

NOW, THEREFORE, BE IT RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia hereby finds that:

The proposed application is consistent with General Plan Goal 3.1 as the proposed contract will allow the applicant to continue to preserve and enhance a contributing building at 271 West J Street.

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission recommends that the City Council approve the Mills Act Contract application of Jon and Patricia DiFrancesco.

* * * * *

On motion of Commissioner _____, seconded by Commissioner _____, the above Resolution was adopted at a regular meeting of the Historic Preservation Review Commission on October 23, 2008 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Gina D. Eleccion
Historic Preservation Review Commission Secretary

DRAFT CONTRACT

WHEN RECORDED, RETURN TO:

CITY OF BENICIA
250 East L Street
Benicia, CA 94510
Attention: City Clerk

HISTORICAL PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, by and between the CITY OF BENICIA, a municipal corporation (hereinafter referred to as the "City"), and Jose J. Coelho (hereinafter referred to as the "Owner").

WITNESSETH

A. Recitals

1. California Government Code Sections 50280, *et seq.* allow cities the discretion to enter into contracts with the owners of qualified historical properties, as the term is defined by Government Code Section 50280.1, for the purpose of restricting development of its cultural and historic significance and continuing maintenance of the historical property;
2. Owners possess fee title in and to that certain real property, together with associate structures and improvements thereon, located at the street address 271 West J Street, Benicia, CA 94510 (hereinafter, shall be referred to as the "the Historical Property"). A legal description of the Property is attached hereto and incorporated herein by this reference as Exhibit A;
3. On _____ the City Council of the City of Benicia adopted Resolution No. ____-__ thereby declaring its intention to enter into this Historic Property Preservation Agreement.
4. City and Owners, for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of cultural and historical significance of the Property and to qualify the Property for an assessment of valuation pursuant to the provisions of Article 1.9, Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code

B. Agreement

NOW, THEREFORE, City and Owner, in consideration of the mutual promises, covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on _____ and shall remain in effect for a term of (10) years thereafter. Each year, upon the anniversary of the effective date of this Agreement

(hereinafter “renewal date”), one (1) year shall automatically be added to the term of the Agreement, unless timely notice of nonrenewal, as provided in paragraph 2, is given. If either City or Owners serves notice to the other of nonrenewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.

2. Notice of Nonrenewal. If City or Owner desires in any year not to renew the Agreement, that party shall serve written notice of nonrenewal in advance of the annual renewal date of the contract as follows: (1) Owner must serve written notice of nonrenewal at least ninety (90) days prior to the renewal date or (2) City must serve written notice within sixty (60) days prior to the renewal date. Owner may make a written protest of the notice. City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice of nonrenewal to Owner.
3. Valuation of Historical Property. During the term of this Agreement, Owner is entitled to seek assessment of valuation of the Historical Property pursuant to the provisions of Article 1.9, Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.
4. Standards for Historical Property. During the term of this Agreement, the Property shall be subject to the following conditions, requirements and restrictions:
 - a) Owner shall preserve and maintain the characteristics of cultural and historical significance of the Property in accordance to the Secretary of the Interiors Standards for Rehabilitation and the minimum maintenance standards, identified in Exhibit “B”, attached hereto, which shall apply to the property throughout the term of this Agreement. New additions, exterior alterations, or related new construction shall comply with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.
 - b) Owner shall make improvements to bring the Property into good condition. Attached hereto, marked as Exhibit “C”, and incorporated herein by this reference, is a list of work that both City and Owner agree is necessary to bring the Property into good condition.

Owner shall undertake all improvements in accordance with Exhibit “C”. If the schedule set out in Exhibit “C” is not complied with, then City will use the following process to determine whether the owner is making good faith progress on the schedule of work. Upon City’s request, the Owner shall submit documentation of expenditures, made to accomplish the next highest priority improvement project for the property, within the last 24 months. The owner shall be determined to be in substantial compliance when the expenditures are equal to or greater than the property tax savings provided by the Property being in the Mills Act Program. This schedule set out in Exhibit “C” shall be revised to reflect the schedule change. The Community Development Director shall have the ability to administratively adjust the schedule timeline, in concurrence with the property owner, only by written recorded instrument executed by the parties hereto.

5. Inspections and Annual Reporting. Owners agrees to permit the periodic examination, by prior appointment, of the interior and exterior of the Historic Property by the County Assessor, the State Department of Parks and Recreation, the State Board of Equalization and the City as may be necessary to determine Owners' compliance with the terms and provisions of this Agreement. Owners agree to provide the City with a report as to the status of the Historic Property annually and when any improvements or changes have been made.
6. Provision of Information. Owners hereby agree to furnish City with any and all information requested by City which City deems necessary or advisable to determine compliance with the terms and provisions of this Agreement.
7. Cancellation. City, following a duly noticed public hearing as set forth in California Government Code Section 50285 may cancel this Agreement if it determines that Owners have breached any of the conditions of the Agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. City may also cancel this Agreement if it determines that Owners have failed to restore or rehabilitate the Historical Property in the manner specified in paragraph 4 of this Agreement.

In the event of cancellation, Owner shall be subject to payment of those cancellation fees set forth in California Government Code Sections 50280 et seq., described herein. Upon cancellation, Owners shall pay a cancellation fee of twelve and one-half percent (12 1/2%) of the current fair market value of the Historic Property at the time of cancellation, as determined by the county assessor as though the Historic Property were free of any restrictions pursuant to this Agreement.

8. Enforcement of Agreement. In lieu of any provisions to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default, under the provisions of this Agreement by Owner, City shall give written notice to Owner by registered or certified mail addressed to the address stated in the Agreement, and if such a violation is not corrected to the reasonable satisfaction of City within thirty (30) days thereafter, or if not corrected within such a reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days provided that acts to cure the breach or default may be commenced within (30) days and must thereafter be diligently pursued to completion by Owner, then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically enforce the obligations of Owner growing out of the terms of this Agreement, apply to any violation by Owner or apply for such other relief as may be appropriate.
9. Waiver. City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No

waiver by City of any breach or default under this Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.

10. Binding Effect of Agreement. Owner hereby subject the Historical Property described in Exhibit A hereto to the covenants, reservations and restrictions as set forth in this Agreement. City and Owners hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owners' successors and assigns in title or interest to the Historical Property.

Each and every contract, deed or other instrument hereinafter executed, governing or conveying the Historical Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that it restricts development of the Historic Property. City and Owners hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the cultural and historic characteristics and significance of the Historic Property for the benefit of the public and Owner.

11. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below, or at any other address as may be later specified by the parties hereto.

City: City of Benicia
250 East L Street
Benicia, California 94510

Owner: Jon and Patricia DiFrancesco
271 West J Street
Benicia, CA 94510

12. General Provisions

a. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

b. Owner agrees to and shall hold City and its elected officials, officers, agents and employees harmless from liability for damage or claims which may arise from the direct

or indirect use or operations of Owner or those of their contractor, subcontractor, agenda, employee or other person acting on his/her behalf which relates to the use, operation and maintenance of the Historic Property and from any injury to property caused by the restrictions on development of the Historical Property from application or enforcement of the City's Historical Preservation Ordinance or from the enforcement of this Agreement. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owners' activities in connections with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historical Property.

c. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.

d. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

e. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

f. This Agreement shall be constructed and governed in accordance with the laws of the State of California.

13. Recordation. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause the Agreement to be recorded in the office of the County Recorder of the County of Solano.
14. Notice to State Office of Historic Preservation. The Owner or Agent of the Owner shall provide written notice of this Agreement to the State Office of Historic Preservation within six (6) months of the date of this Agreement.
15. Amendments. This Agreement may be amended, in whole or in part, only by written recorded instrument executed by the parties hereto

IN WITNESS WHEREOF, City and Owners have executed this Agreement on the day and year first written above.

Jon DiFrancesco
Patricia DiFrancesco

CITY OF BENICIA

BY:
DATED:

BY: Jim Erickson, City Manager
DATED:

BY:
DATED:

APPROVED AS TO FORM

Heather McLaughlin, City Attorney

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

(See attached sheet)

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF BENICIA, COUNTY OF SOLANO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

The West 47.5 feet of Lot 3, Block 43, Map of the City of Benicia, filed in the Office of the Recorder of Solano County, California Book 1 of Maps, Page 124.

APN: 0087-162-160

EXHIBIT B

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The following Standards are to be applied to rehabilitation projects for the Property in a reasonable manner, taking into consideration economic and technical feasibility:

- (1) The Property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of the Property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the Property shall be avoided.
- (3) The Property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the historic property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structure(s), if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archeological resources affected by this project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Minimum Property Maintenance:

As part of this agreement the Owner shall maintain all buildings, structures, yards and other improvements in a manner that does not detract from the appearance of the immediate neighborhood. The following conditions (including, but not limited to) are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures, such as: fences, roofs, doors, walls, and windows, broken windows, peeling exterior paint, broken structures;
2. Scrap lumber, junk, trash or debris;
3. Abandoned discarded or unused objects, equipment such as automobiles, automobile parts, furniture, appliances, containers, cans or similar items;
4. Stagnant water, including pools or spas, or open excavations;
5. Any device, decoration, design, structure, vegetation or landscape which is unsightly by reason of its height, condition or its inappropriate location;
6. Graffiti;
7. Incomplete exterior construction where no building inspections have been requested for 6 or more months, or for work which does not require a building permit, where there has been no significant progress for 90 days.

EXHIBIT C

Architectural Rehabilitation and/or Restoration

The City and the Owner agrees to the following Rehabilitation projects to be undertaken by the Owner in conformance with Paragraph 4b of this Agreement. In addition, throughout the life of this contract the owner shall maintain Minimum Property Maintenance as described in Exhibit B of Attachment E. The work will be conducted as indicated below.

PROJECTS	SCHEDULE
1. Minor roof repairs	2009
2. Exterior Painting	2011
3. Renovate/Upgrade front landscaping	2012
4. Repair and rehabilitate front porch, railings and stairs	2013
5. Replace roof and gutter downspouts	2018

AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION MEETING
OCTOBER 23, 2008
REGULAR AGENDA ITEMS

DATE : October 16, 2008
TO : Historic Preservation Review Commission
FROM : Lisa Porras, Senior Planner
SUBJECT : **MILLS ACT CONTRACT FOR 141 WEST F STREET**

RECOMMENDATION:

Adopt a resolution recommending that the City Council authorize the City Manager to enter into a Mills Act Contract with the property owner of 141 West F Street in the City of Benicia.

EXECUTIVE SUMMARY:

Mr. Jose J. Coelho requests approval of a Mills Act Contract for the *preservation* of a “contributing” building located at 141 West F Street, as provided by the City of Benicia’s Mills Act Program.

The Mills Act Program, enacted by the State of California in 1972, encourages the restoration and preservation of qualified historic buildings through economic incentive and authorizes its implementation by local governments. In 2003, Council approved the City of Benicia Mills Act Program and assigned initial review and recommendation of Mills Act Contract applications to the Historic Preservation Review Commission (Resolution 03-12). The program incentive consists of an alternative method for determining property value for tax assessment purposes.

Staff has determined the property at 141 West F Street meets the eligibility requirements for the Mills Act Program and all application requirements have been satisfied.

BUDGET INFORMATION:

An approved Mills Act Contract would reduce the property taxes collected from 141 West F Street. Currently, the property owner pays approximately \$2,508.52 in property taxes. Should the Mills Act Contract be recommended by the Historic Preservation Commission and approved by City Council, property taxes could be adjusted to approximately \$1,330.67 per year.

The City receives 26% of paid property taxes.

Without a Mills Act Contract, the City would receive about \$652.22 per year from 141 West F

Street. Should the Mills Act Contract be approved, the City would receive \$345.97 per year (a loss of \$306.25 per year).

No other budget impacts are anticipated.

ENVIRONMENTAL ANALYSIS:

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15331, which applies to projects limited to the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the federal *Secretary of the Interior's Standards for the Treatment of Historic Properties*. In addition, Mills Act Contracts require all work performed subsequent to entering into a contract be consistent with these standards.

BACKGROUND:

According to Solano County Assessor's parcel data, the existing structure was built in 1883. At present, the property is listed as a "Contributing" building, as shown on Figure 1 in the City's Downtown Historic Conservation Plan.

Items listed in the Architectural Preservation Work Program and Schedule (Exhibit C of Draft Contract) are intended to preserve this downtown historic resource.

SUMMARY:

Site Description

The property is located on the north side of West F Street, on the block between First and West 2nd Streets. The site is 0.14 acres, or 6,098 square feet with terrain that is generally flat. The property contains one single-family detached structure (two-story) that is approximately 2,102 square feet, with a south facing front entrance. Attached photos document the character defining features of the building.

Project Description

The proposed Architectural Preservation Schedule consists of improvements that are characteristic of *preservation* and intended to occur over a period of 10 years. The applicant's proposed maintenance and repair plan includes the following tasks and target dates:

1. Replace front yard fence (2009)
2. Front yard landscaping (2010)
3. Exterior siding and trim repair (2011)
4. Exterior painting (2013)
5. New gutters (2014)
6. Refurbish windows (2016)

Secretary of the Interior's Standards for Treatment of Historic Properties

As a designated contributing historic structure and pursuant to the Mills Act Contract, all exterior changes must comply with the Secretary of the Interior's Standards for Preservation and Guidelines for Preserving Historic Buildings. According to the Standards:

“Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.”

All work must be consistent with the standards and guidelines for preservation. Staff has determined that the proposed work program is consistent with the standards (see attachment).

Downtown Historic Conservation Plan Consistency

The Downtown Historic Conservation Plan provides guidelines for all categories of designated historic residential buildings. The guidelines are intended to guide renovation work as well as building additions. Staff has determined that items proposed in the work program must be consistent with these guidelines (see attachment).

Conclusion

The improvements listed in the Architectural Preservation Work Program and Schedule (Exhibit C of Draft Contract) are consistent with historic preservation goals established by the City of Benicia, including General Plan Goal 3.1, to “Maintain and enhance Benicia’s historic character.” The items in the proposed work program are also consistent with the *Secretary of the Interior’s Standards for Preservation*.

The work described herein is appropriate to execute this Mills Act Contract.

FURTHER ACTION:

The recommendation of the Historic Preservation Review Commission will be forwarded to the City Council for final action. The decision of the Historic Preservation Review Commission may be appealed to the Planning Commission within ten (10) business days.

Attachments:

- Consistency Analysis: Secretary of the Interior’s *Standards* for Preservation
- Applicable Downtown Historic Conservation Plan Guidelines
- Department of Parks & Recreation (DPR) Forms 523 A & B
- Photographs
- Draft Resolution
- Draft Contract
- Exhibit A: Legal Description of Property

Exhibit B: Secretary of the Interior Standards for Preservation
Exhibit C: Architectural Preservation Work Program and Schedule

**CONSISTENCY ANALYSIS: SECRETARY OF
THE INTERIOR'S STANDARDS FOR
PRESERVATION**

**Work Program Consistency Analysis with the
Secretary of Interior's Standards for Preservation**

<http://www.nps.gov/history/hps/tps/standguide/index.htm>

141 West F Street, Benicia, CA

The federal Secretary of Interior Standards define preservation as, "the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project."

Text in **bold** indicates the Secretary of Interior's Standards for Preservation. The text underneath represents staff's response about how the particular standard relates to the proposed work program.

- 1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.**

The structure was built as a residence, a use that remains to this day. No changes in use are proposed in the work program.

- 2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.**

The work program does not propose any alteration plans, changes to spatial relationships, nor proposals to remove any materials or features. The only replacement work listed involved the replacement of the existing fence in the front yard, which must be consistent with the Downtown Historic Conservation Plan Guidelines for Site Improvements (Policy 3 and Guidelines 3.1, 3.2, 3.3, and 3.4).

- 3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.**

The City has on record photos from 1986 through the present to record and document existing historic resources in the downtown. In addition, the City's Mills Act program requires the annual inspection of Mills Act Contracts.

- 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.**

The proposed work program's purpose is to maintain and preserve this home.

- 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.**

The work program does not involve removing or replacing existing materials and features. Only the maintenance and repair of these existing features is proposed.

- 6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.**

The property does not exhibit severely damaged or deteriorated features. All repair work will preserve the existing features and character of the building.

- 7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.**

This standard does not apply to this project. No chemical or physical treatments are required as part of this project.

- 8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.**

The maintenance and repair work will not involve any such disturbances to known or unknown archaeological resources. As such, this standard does not apply to this project.

**APPLICABLE DOWNTOWN HISTORIC
CONSERVATION PLAN GUIDELINES**

**Applicable Policies and Guidelines of the
Downtown Historic Conservation Plan (pgs. 61–65)**

141 West F Street, Benicia, CA

All work must be consistent with the following guidelines, which apply to the proposed work program.

Guidelines for Historic Buildings (p. 61)

Policy 3: Integrity of Materials. Maintain the integrity of original building materials.

- 3.1 – Original siding material should not be replaced, covered over or clad with another material such as stucco, wood or composition shingles, aluminum siding, and the like.
- 3.5 – Integrally colored materials such as brick or stone and stained wood (shingles, rafters, trim) should not be painted over. Sandblasting of masonry surfaces to remove paint will damage the material. Other methods

Policy 4: Appropriate Materials, Colors, and Finishes. Promote the use of appropriate materials in restorations, renovations and additions to historic and colors which complement their styles and particular combination of building materials.

- 4.1 – Use original materials wherever possible in restoration, renovation, or repair work and use the same materials for building additions.
- 4.2 – When necessary to substitute a material, take care that its outward appearance, durability, texture and finish will be as close as possible to that of the original. If the original material was painted, be sure that the substitute will accept and retain the same painted finish.
- 4.3 – Wood window sash is preferred for historic buildings. Vinyl clad wood or factory finished (i.e., baked enamel) aluminum frames may be acceptable as long as the original design can be duplicated.
- 4.4 – Materials or colors listed as inappropriate for new construction are also inappropriate for historic buildings.
- 4.5 – Paint colors and color schemes should be appropriate to the style and design intent of the building. Some examples follow: (1) Italianate or classical – monochrome, white or off-white; contrasting window sash (optional).

Site Improvements (pg. 64)

Policy 1: Planting and Paving Materials. Encourage landscape treatments which are appropriate to a residential neighborhood and enhance the character and unity of the historic district.

- 1.1 – Landscaping with live plant materials shall be the principal treatment of front and exterior side yards.
- 1.2 – Mature trees, especially those with historic ties to the building or the city's development shall be retained unless diseased, hazardous or located such that development of the property is unduly constrained. "Volunteer" trees, whether mature or not, may be removed, subject to required approvals, if crowding or overgrown conditions exist.
- 1.4 – Decorative rock or gravel as the predominant ground plane treatment is inappropriate.
- 1.6 – Artificial turf or indoor/outdoor carpeting is inappropriate.

Policy 3: Fencing, Walls, Site Features. Use fences and walls in traditional designs and application to set off residential buildings and define, but not obscure, their street-front garden areas.

- 3.1 – Fences, walls and other site features associated with historic building shall be maintained in good repair. Where already deteriorated, replacement with like materials and designs is encouraged.
- 3.2 – New fences in front yards should not exceed three (3) feet in height and should generally be constructed of wood slats in an open work pattern. Existing higher fences may be maintained if the design is sufficiently open and consistent with these guidelines.
- 3.3 – Chainlink, chicken wire or other pre-fab metal fencing materials are inappropriate.
- 3.4 – Prefab or flimsy wood trellis should not be used as the principal material for fence construction but may be appropriate as a decorative element for higher fences (i.e. in rear or side yards).

**DEPARTMENT OF PARKS AND RECREATION
(DPR) 523 FORMS A & B**

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #: _____
 HRI # _____
 Trinomial _____
 NRHP Status Code: _____
 Other Listings _____
 Review Code _____ Reviewer _____ Date _____

*Resource Name or #: Hastings House

- P1. Other Identifier: none
- *P2. Location: *a. County Solano
- b. Address 141 West F Street
- *c. City: Benicia Zip 94510
- d. UTM: N/A
- e. USGS Quad: Benicia T2N R3W MDM
- *f. Other Locational Data (APN #): 89-115-18

*P3a. Description:

This Italianate residence is two story, rectangular in plan and is set on a raised foundation. The roof is low hipped with overhanging, boxed rafters and a decorative cornice and fascia. A large, two-story canted bay occupies the east side of the narrow front elevation. The entry is found on the west side and is recessed with a small covered landing. The porch roof is flat and is supported on square posts with decorative brackets. Since 1986 an upper veranda/balcony has been added to the top of the porch with an open rail. A glazed door replaces the double hung window above the porch, providing entry to the balcony. There is a wooden stair with plain wooden balustrade which leads to the paneled entry door with transom. Fenestration is double hung with two-over- two glazing. Cladding is clapboard.

*P3b. Resource Attributes: HP2

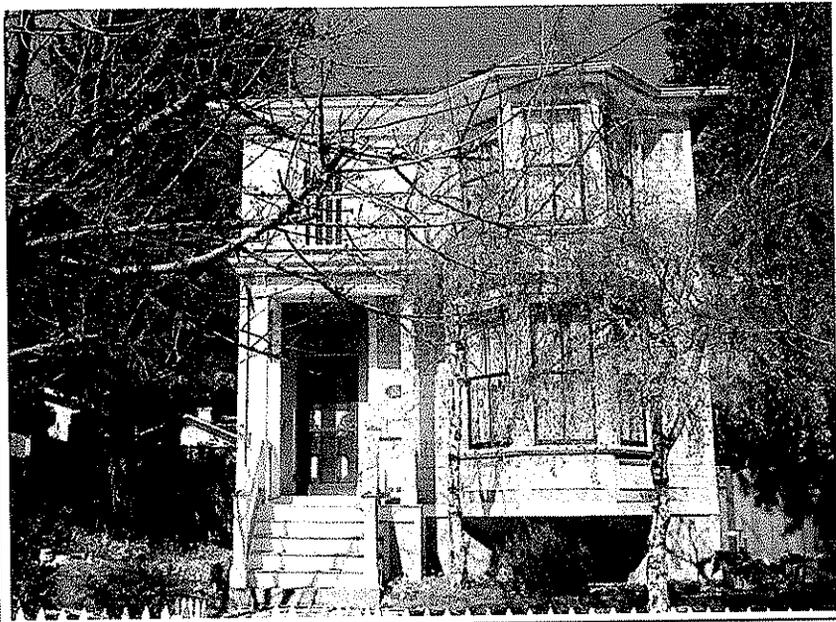
*P4. Resources Present: Building Structure Object Site District Element of District

P5b. Description of Photo:

Front façade, view

*P6. Date Constructed/Age: 1870

P5. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



*P7. Prehistoric Historic Both

Owner and Address:

Valerie Stenborg
 141 West F Street
 Benicia, CA 94510

*P8. Recorded by:

Carol Roland
 Roland-Nawi Associates
 4829 Crestwood Way
 Sacramento, CA 95822

*P9. Date Recorded: 11-20-04

*P10. Type of Survey: Intensive
 Reconnaissance

Other

Describe Eligibility Evaluation

*P11. Report Citation: none

*Attachments: NONE Map Sheet
 Continuation Sheet Building, Structure, and
 Object Record Linear Resource Record
 Archaeological Record District Record
 Milling Station Record Rock Art Record
 Artifact Record Photograph Record
 Other (List):

BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Identifier: Hasting House

*NRHP Status Code: 3D

B1. Historic Name: N/A

B2. Common Name: none

B3. Original Use: Residential

B4. Present Use: Residential

*B5. Architectural Style: Italianate

*B6. Construction History: The porch, although consistent with the Italianate style, has been altered since the previous survey in 1986. An upper balcony has been added and the balustrades have been changed.

*B7. Moved? ■ No Yes Unknown

Date: N/A

Original Location: same

*B8. Related Features: none

B9a. Architect: unknown

B9b. Builder: unknown

*B10. Significance: Theme: Benicia Downtown District

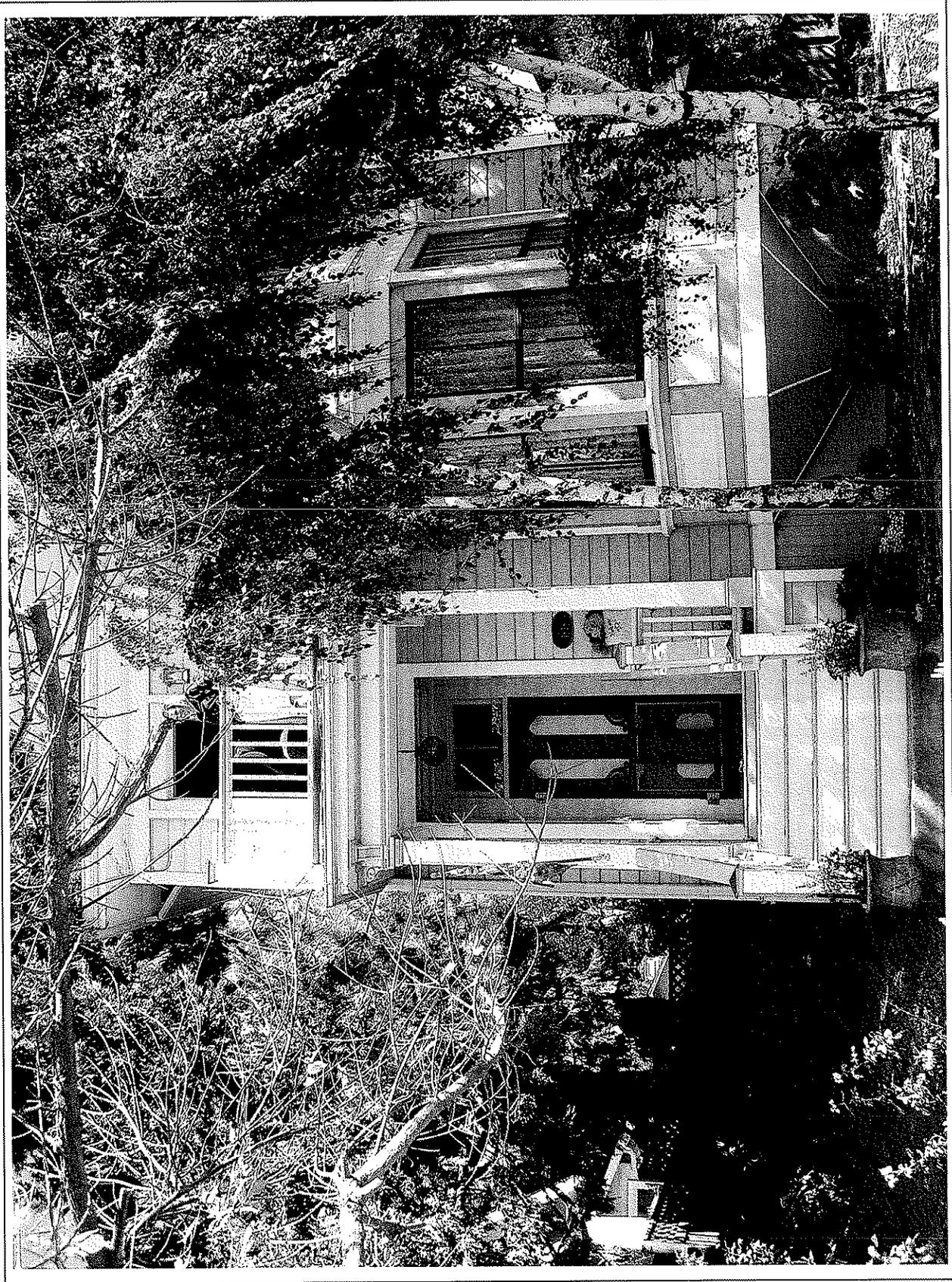
Period of Significance: -1847-1940 Property Type: Single Family Applicable Criteria: A/C

The house has been designated as a contributing building in the Downtown Historic District. The house is significant under Criterion A for its association with the early settlement of the town. The house was constructed by Daniel Hastings, a prominent local businessman, in the 1870s. It appears on the 1886 Sanborn Map. Under Criterion C it is an excellent example of an Italianate town house which retains its character defining massing and form, cladding, fenestration and entry. The house, despite alterations to the porch retains its integrity. The building contributes to the Historic Downtown District and should continue to maintain this status.

B11. Additional Resource Attributes: N/A

B12. References: McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred Knopf (1986); Bruegmann, Robert. *Benicia Portrait of an Early California Town: An Architectural History* (San Francisco: 101 Productions (1980); Woodbridge, Sally and Cannon Design Group. *Benicia, California: Downtown Historic Conservation Plan*. City of Benicia, 1990; Sanborn Map Benicia, CA. 1886; 1986 Benicia Historic Inventory form.

PHOTOGRAPHS

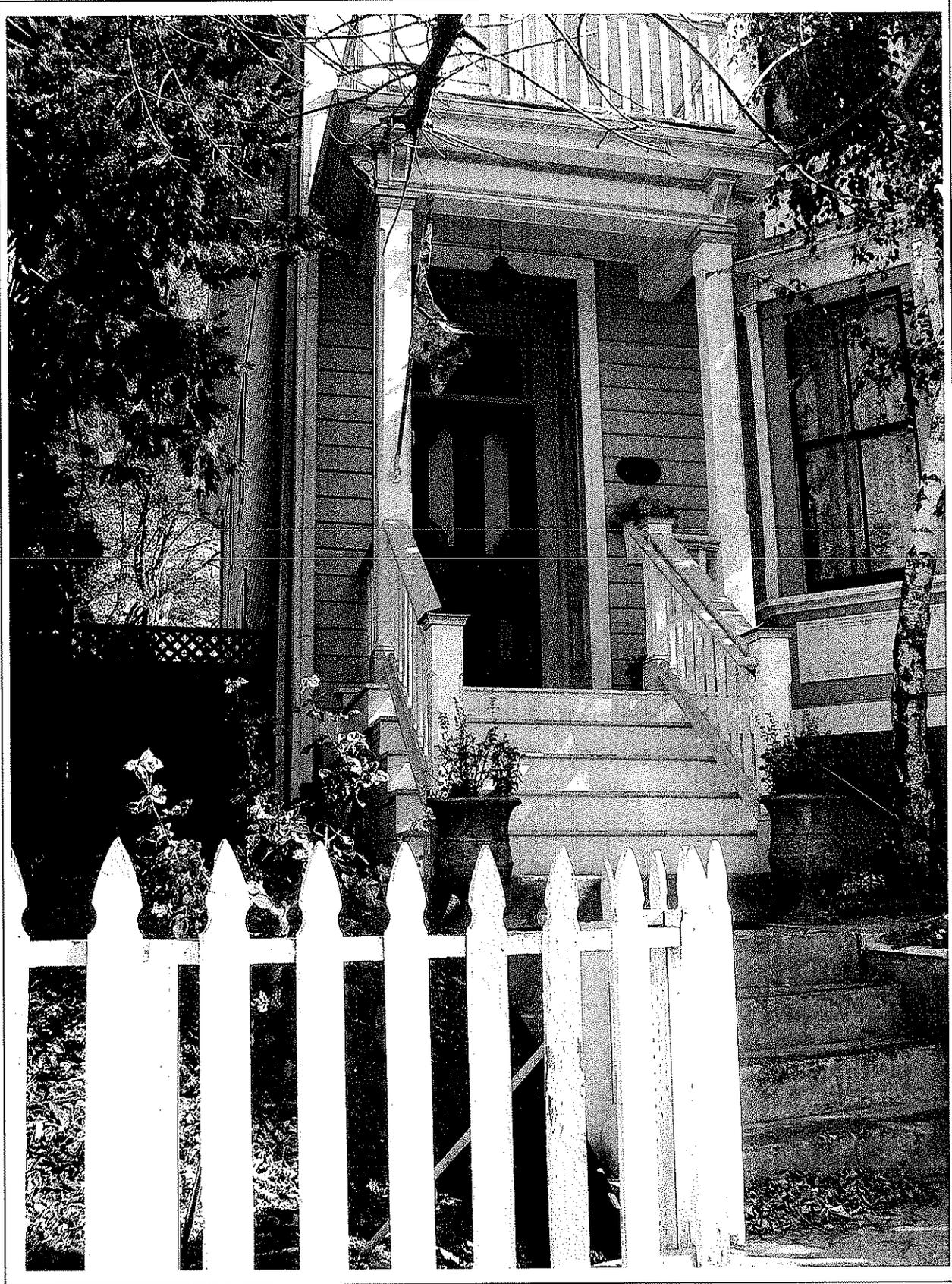


141 West F Street
Front Elevation



141 West F Street
Primary Entrance







141 West F Street
Bay Window Detail



141 West F Street
2nd Story Balcony with Rail Detail

DRAFT RESOLUTION

RESOLUTION NO. 08-__ (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 141 WEST F STREET

WHEREAS, the purpose of the Mills Act Program is to encourage the preservation, restoration and rehabilitation of historic properties within the City of Benicia; and

WHEREAS, the property at 141 West F Street is listed as a contributing building in the Downtown Historic Conservation Plan; and

WHEREAS, General Plan Goal 3.1 is to “Maintain and enhance Benicia’s historic character” and the and preservation and rehabilitation of the contributing building at 141 West F Street is consistent with this Goal; and

WHEREAS, the Strategic Goals and Strategies are to “Promote Arts, Culture, Continuous Learning and Historic Preservation” and to “Maintain and enhance Benicia’s historic character”; and

WHEREAS, all exterior work undertaken pursuant to the subject Mills Act Contract must be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties; and

WHEREAS, the City has determined that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15331, which states that modifications to historic structures consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties are categorically exempt from CEQA review; and

WHEREAS, the Historic Preservation Review Commission at a regular meeting on October 23, 2008 considered the Mills Act contract application of Jose J. Coelho.

NOW, THEREFORE, BE IT RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia hereby finds that:

The proposed application is consistent with General Plan Goal 3.1 as the proposed contract will allow the applicant to continue to preserve and enhance a contributing building at 141 West F Street.

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission recommends that the City Council approve the Mills Act Contract application of Jose J. Coelho.

* * * * *

On motion of Commissioner _____, seconded by Commissioner _____,
the above Resolution was adopted at a regular meeting of the Historic Preservation Review
Commission on October 23, 2008 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Gina D. Eleccion
Historic Preservation Review Commission Secretary

DRAFT CONTRACT

WHEN RECORDED, RETURN TO:

CITY OF BENICIA
250 East L Street
Benicia, CA 94510
Attention: City Clerk

HISTORICAL PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, by and between the CITY OF BENICIA, a municipal corporation (hereinafter referred to as the "City"), and Jose J. Coelho (hereinafter referred to as the "Owner").

WITNESSETH

A. Recitals

1. California Government Code Sections 50280, *et seq.* allow cities the discretion to enter into contracts with the owners of qualified historical properties, as the term is defined by Government Code Section 50280.1, for the purpose of restricting development of its cultural and historic significance and continuing maintenance of the historical property;
2. Owners possess fee title in and to that certain real property, together with associate structures and improvements thereon, located at the street address 141 West F Street, Benicia, CA 94510 (hereinafter, shall be referred to as the "the Historical Property"). A legal description of the Property is attached hereto and incorporated herein by this reference as Exhibit A;
3. On _____ the City Council of the City of Benicia adopted Resolution No. ____-__ thereby declaring its intention to enter into this Historic Property Preservation Agreement.

4. City and Owners, for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of cultural and historical significance of the Property and to qualify the Property for an assessment of valuation pursuant to the provisions of Article 1.9, Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code

B. Agreement

NOW, THEREFORE, City and Owner, in consideration of the mutual promises, covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on _____ and shall remain in effect for a term of (10) years thereafter. Each year, upon the anniversary of the effective date of this Agreement (hereinafter "renewal date"), one (1) year shall automatically be added to the term of the Agreement, unless timely notice of nonrenewal, as provided in paragraph 2, is given. If either City or Owners serves notice to the other of nonrenewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.
2. Notice of Nonrenewal. If City or Owner desires in any year not to renew the Agreement, that party shall serve written notice of nonrenewal in advance of the annual renewal date of the contract as follows: (1) Owner must serve written notice of nonrenewal at least ninety (90) days prior to the renewal date or (2) City must serve written notice within sixty (60) days prior to the renewal date. Owner may make a written protest of the notice. City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice of nonrenewal to Owner.
3. Valuation of Historical Property. During the term of this Agreement, Owner is entitled to seek assessment of valuation of the Historical Property pursuant to the provisions of Article 1.9, Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.
4. Standards for Historical Property. During the term of this Agreement, the Property shall be subject to the following conditions, requirements and restrictions:
 - a) Owner shall preserve and maintain the characteristics of cultural and historical significance of the Property in accordance to the Secretary of the Interiors Standards for Preservation and the minimum maintenance standards, identified in Exhibit "B", attached hereto, which shall apply to the property throughout the term of this Agreement. New additions, exterior alterations, or related new construction shall comply with the Secretary of the Interior's Standards for Preservation and Guidelines for Preservation of Historic Buildings.

- b) Owner shall make improvements to bring the Property into good condition. Attached hereto, marked as Exhibit "C", and incorporated herein by this reference, is a list of work that both City and Owner agree is necessary to bring the Property into good condition.

Owner shall undertake all improvements in accordance with Exhibit "C". If the schedule set out in Exhibit "C" is not complied with, then City will use the following process to determine whether the owner is making good faith progress on the schedule of work. Upon City's request, the Owner shall submit documentation of expenditures, made to accomplish the next highest priority improvement project for the property, within the last 24 months. The owner shall be determined to be in substantial compliance when the expenditures are equal to or greater than the property tax savings provided by the Property being in the Mills Act Program. This schedule set out in Exhibit "C" shall be revised to reflect the schedule change. The Community Development Director shall have the ability to administratively adjust the schedule timeline, in concurrence with the property owner, only by written recorded instrument executed by the parties hereto.

5. Inspections and Annual Reporting. Owners agrees to permit the periodic examination, by prior appointment, of the interior and exterior of the Historic Property by the County Assessor, the State Department of Parks and Recreation, the State Board of Equalization and the City as may be necessary to determine Owners' compliance with the terms and provisions of this Agreement. Owners agree to provide the City with a report as to the status of the Historic Property annually and when any improvements or changes have been made.
6. Provision of Information. Owners hereby agree to furnish City with any and all information requested by City which City deems necessary or advisable to determine compliance with the terms and provisions of this Agreement.
7. Cancellation. City, following a duly noticed public hearing as set forth in California Government Code Section 50285 may cancel this Agreement if it determines that Owners have breached any of the conditions of the Agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. City may also cancel this Agreement if it determines that Owners have failed to restore or rehabilitate the Historical Property in the manner specified in paragraph 4 of this Agreement.

In the event of cancellation, Owner shall be subject to payment of those cancellation fees set forth in California Government Code Sections 50280 et seq., described herein. Upon cancellation, Owners shall pay a cancellation fee of twelve and one-half percent (12 1/2%) of the current fair market value of the Historic Property at the time of cancellation, as determined by the county assessor as though the Historic Property were free of any restrictions pursuant to this Agreement.

8. Enforcement of Agreement. In lieu of any provisions to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default, under the provisions of this Agreement by Owner,

City shall give written notice to Owner by registered or certified mail addressed to the address stated in the Agreement, and if such a violation is not corrected to the reasonable satisfaction of City within thirty (30) days thereafter, or if not corrected within such a reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days provided that acts to cure the breach or default may be commenced within (30) days and must thereafter be diligently pursued to completion by Owner, then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically enforce the obligations of Owner growing out of the terms of this Agreement, apply to any violation by Owner or apply for such other relief as may be appropriate.

9. Waiver. City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No waiver by City of any breach or default under this Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.
10. Binding Effect of Agreement. Owner hereby subject the Historical Property described in Exhibit A hereto to the covenants, reservations and restrictions as set forth in this Agreement. City and Owners hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owners' successors and assigns in title or interest to the Historical Property.

Each and every contract, deed or other instrument hereinafter executed, governing or conveying the Historical Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that it restricts development of the Historic Property. City and Owners hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the cultural and historic characteristics and significance of the Historic Property for the benefit of the public and Owner.

11. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below, or at any other address as may be later specified by the parties hereto.

City: City of Benicia
250 East L Street
Benicia, California 94510

Owner: Jose J. Coelho
141 West F Street
Benicia, CA 94510

12. General Provisions

- a. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.
- b. Owner agrees to and shall hold City and its elected officials, officers, agents and employees harmless from liability for damage or claims which may arise from the direct or indirect use or operations of Owner or those of their contractor, subcontractor, agenda, employee or other person acting on his/her behalf which relates to the use, operation and maintenance of the Historic Property and from any injury to property caused by the restrictions on development of the Historical Property from application or enforcement of the City's Historical Preservation Ordinance or from the enforcement of this Agreement. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owners' activities in connections with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historical Property.
- c. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.
- d. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to court costs and other relief ordered by the court.
- e. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.
- f. This Agreement shall be constructed and governed in accordance with the laws of the State of California.

13. Recordation. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause the Agreement to be recorded in the office of the County Recorder of the County of Solano.
14. Notice to State Office of Historic Preservation. The Owner or Agent of the Owner shall provide written notice of this Agreement to the State Office of Historic Preservation within six (6) months of the date of this Agreement.
15. Amendments. This Agreement may be amended, in whole or in part, only by written recorded instrument executed by the parties hereto

IN WITNESS WHEREOF, City and Owners have executed this Agreement on the day and year first written above.

Jose J. Coelho

CITY OF BENICIA

 BY:
 DATED:

 BY: Jim Erickson, City Manager
 DATED:

 BY:
 DATED:

APPROVED AS TO FORM

 Heather McLaughlin, City Attorney

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

(See attached sheet)

LEGAL DESCRIPTION

Real property in the City of Benicia, County of Solano, State of California, described as follows:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2, BLOCK 20, THENCE EASTERLY UPON THE NORTH LINE OF "F" STREET 50 FEET; THENCE AT RIGHT ANGLES NORTHERLY 125 FEET; THENCE WESTERLY AT RIGHT ANGLES 50 FEET; THENCE SOUTHERLY AT RIGHT ANGLES 125 FEET TO THE PLACE OF BEGINNING BEING THE WESTERLY 2/3 OF LOT 2, BLOCK 20, AS THE SAME IS LAID DOWN AND DELINEATED ON THE OFFICIAL MAP OF THE CITY OF BENICIA, FILED IN BOOK 1 OF MAPS, PAGE 124, SOLANO COUNTY RECORDS.

APN: 0089-115-180

EXHIBIT B

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR PRESERVATION

The following Standards are to be applied to preservation projects for the Property in a reasonable manner, taking into consideration economic and technical feasibility:

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Please refer to the complete text for additional information.

Copied from The Secretary of the Interior's Standards for the Treatment of Historic Properties U. S. Department of the Interior, National Park Service, Weeks and Grimmer, 1995.

Minimum Property Maintenance:

As part of this agreement the Owner shall maintain all buildings, structures, yards and other improvements in a manner that does not detract from the appearance of the immediate neighborhood. The following conditions (including, but not limited to) are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures, such as: fences, roofs, doors, walls, and windows, broken windows, peeling exterior paint, broken structures;
2. Scrap lumber, junk, trash or debris;

3. Abandoned discarded or unused objects, equipment such as automobiles, automobile parts, furniture, appliances, containers, cans or similar items;
4. Stagnant water, including pools or spas, or open excavations;
5. Any device, decoration, design, structure, vegetation or landscape which is unsightly by reason of its height, condition or its inappropriate location;
6. graffiti;
7. Incomplete exterior construction where no building inspections have been requested for 6 or more months, or for work which does not require a building permit, where there has been no significant progress for 90 days.

EXHIBIT C

Architectural Preservation Work Program and Schedule

The City and the Owner agrees to the following Preservation projects to be undertaken by the Owner in conformance with Paragraph 4b of this Agreement. In addition, throughout the life of this contract the owner shall maintain Minimum Property Maintenance as described in Exhibit B of Draft Contract. The work will be conducted as indicated below.

PROJECTS	SCHEDULE
1. Replace front yard fence	2009
2. Front yard landscaping	2010
3. Exterior siding and trim repair	2011
4. Exterior painting	2013
5. Install new gutters	2015
6. Refurbish windows	2016

**AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION MEETING
OCTOBER 23, 2008
REGULAR AGENDA ITEMS**

DATE : October 16, 2008
TO : Historic Preservation Review Commission
FROM : Lisa Porras, Senior Planner
SUBJECT : **MILLS ACT CONTRACT FOR 155 WEST J STREET**

RECOMMENDATION:

Adopt a resolution recommending that the City Council authorize the City Manager to enter into a Mills Act Contract with the property owner of 155 West J Street in the City of Benicia.

EXECUTIVE SUMMARY:

Mr. Gary Arneson requests approval of a Mills Act Contract for the *preservation* of a “contributing” building located at 155 West J Street, as provided by the City of Benicia’s Mills Act Program.

The Mills Act Program, enacted by the State of California in 1972, encourages the restoration and preservation of qualified historic buildings through economic incentive and authorizes its implementation by local governments. In 2003, Council approved the City of Benicia Mills Act Program and assigned initial review and recommendation of Mills Act Contract applications to the Historic Preservation Review Commission (Resolution 03-12). The program incentive consists of an alternative method for determining property value for tax assessment purposes.

Staff has determined the property at 155 West J Street meets the eligibility requirements for the Mills Act Program and all application requirements have been satisfied.

BUDGET INFORMATION:

An approved Mills Act Contract would reduce the property taxes collected from 155 West J Street. Currently, the property owner pays approximately \$2,132.87 in property taxes. Should the Mills Act Contract be recommended by the Historic Preservation Commission and approved by City Council, property taxes could be adjusted to approximately \$798.40 per year.

The City receives 26% of paid property taxes.

Without a Mills Act Contract, the City would receive about \$554.55 per year from 155 West J

Street. Should the Mills Act Contract be approved, the City would receive \$207.58 per year (a loss of \$346.97 per year).

No other budget impacts are anticipated.

ENVIRONMENTAL ANALYSIS:

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15331, which applies to projects limited to the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the federal *Secretary of the Interior's Standards for the Treatment of Historic Properties*. In addition, Mills Act Contracts require all work performed subsequent to entering into a contract be consistent with these standards.

BACKGROUND:

According to Solano County Assessor's parcel data, the existing structure was built in 1900. At present, the property is listed as a "Contributing" building, as shown on Figure 1 in the City's Downtown Historic Conservation Plan.

Items listed in the Architectural Preservation Work Program and Schedule (Exhibit C of Draft Contract) are intended to preserve this downtown historic resource.

SUMMARY:

Site Description

The property is located on the north side of West J Street, on the block between First and West 2nd Streets. The site is 0.07 acres, or 3,049 square feet with terrain that is generally flat. The property contains one single-family detached structure (two-story) that is approximately 904 square feet, with a south facing front entrance. Attached photos document the character defining features of the building.

Project Description

The proposed Architectural Preservation Schedule consists of improvements that are characteristic of *preservation* and intended to occur over a period of 10 years. The applicant's proposed maintenance and repair plan includes the following tasks and target dates:

1. Refinish hardwood floors (2009)
2. Front and Back Yard Landscaping (2009)
3. Exterior Painting (2010)
4. Front and Back Porch Repairs and Maintenance (2011)
5. Replace clay sewer pipe (2012)
6. Fence Repairs on both sides and back (2013)
7. Window trim repair and maintenance, including painting (2014)
8. Entry way repairs (2015)
9. Upgrade electrical system (2016)

10. Interior painting and bathroom remodel (2017)

Secretary of the Interior's Standards for Treatment of Historic Properties

As a designated contributing historic structure and pursuant to the Mills Act Contract, all exterior changes must comply with the Secretary of the Interior's Standards for Preservation and Guidelines for Preserving Historic Buildings. According to the Standards:

“Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.”

All work must be consistent with the standards and guidelines for preservation. Staff has determined that the proposed work program is consistent with the standards (see attachment).

Downtown Historic Conservation Plan Consistency

The Downtown Historic Conservation Plan provides guidelines for all categories of designated historic residential buildings. The guidelines are intended to guide renovation work as well as building additions. Staff has determined that items proposed in the work program must be consistent with these guidelines (see attachment).

Conclusion

The improvements listed in the Architectural Preservation Work Program and Schedule (Exhibit C of Draft Contract) are consistent with historic preservation goals established by the City of Benicia, including General Plan Goal 3.1, to “Maintain and enhance Benicia’s historic character.” The items in the proposed work program are also consistent with the *Secretary of the Interior’s Standards for Preservation*.

The work described herein is appropriate to execute this Mills Act Contract.

FURTHER ACTION:

The recommendation of the Historic Preservation Review Commission will be forwarded to the City Council for final action. The decision of the Historic Preservation Review Commission may be appealed to the Planning Commission within ten (10) business days.

Attachments:

- Consistency Analysis: Secretary of the Interior’s *Standards* for Preservation
- Applicable Downtown Historic Conservation Plan Guidelines
- Department of Parks & Recreation (DPR) Forms 523 A & B
- Photographs
- Draft Resolution

- Draft Contract
 - Exhibit A: Legal Description of Property
 - Exhibit B: Secretary of the Interior Standards for Preservation
 - Exhibit C: Architectural Preservation Work Program and Schedule

**CONSISTENCY ANALYSIS: SECRETARY OF
THE INTERIOR'S STANDARDS FOR
PRESERVATION**

**Work Program Consistency Analysis with the
Secretary of Interior's Standards for Preservation**

<http://www.nps.gov/history/hps/tps/standguide/index.htm>

155 West J Street, Benicia, CA

The federal Secretary of Interior Standards define preservation as, "the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project."

Text in **bold** indicates the Secretary of Interior's Standards for Preservation. The text underneath represents staff's response about how the particular standard relates to the proposed work program.

- 1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.**

The structure was built as a residence, a use that remains to this day. No changes in use are proposed in the work program.

- 2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.**

The work program does not propose any alteration plans, changes to spatial relationships, nor proposals to remove any materials or features. The only replacement work listed involved is the replacement of a clay sewer pipe.

- 3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.**

The City has on record photos from 1986 through the present to record and document existing historic resources in the downtown. In addition, the City's Mills Act program requires the annual inspection of Mills Act Contracts.

- 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.**

The proposed work program's purpose is to maintain and preserve this home.

- 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.**

The work program does not involve removing or replacing existing materials and features. Only the maintenance and repair of these existing features is proposed.

- 6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.**

The property does not exhibit severely damaged or deteriorated features. All repair work will preserve the existing features and character of the building.

- 7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.**

This standard does not apply to this project. No chemical or physical treatments are required as part of this project.

- 8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.**

Replacement of the clay sewer pipe is the only work task is likely to involve disturbance of soil. Should any potential resources be identified, the owner must mitigate the disturbance.

**APPLICABLE DOWNTOWN HISTORIC
CONSERVATION PLAN GUIDELINES**

**Applicable Policies and Guidelines of the
Downtown Historic Conservation Plan (pgs. 61–65)**

155 West J Street, Benicia, CA

All work must be consistent with the following guidelines, which apply to the proposed work program.

Guidelines for Historic Buildings (p. 61)

Policy 3: Integrity of Materials. Maintain the integrity of original building materials.

- 3.1 – Original siding material should not be replaced, covered over or clad with another material such as stucco, wood or composition shingles, aluminum siding, and the like.
- 3.5 – Integrally colored materials such as brick or stone and stained wood (shingles, rafters, trim) should not be painted over. Sandblasting of masonry surfaces to remove paint will damage the material. Other methods

Policy 2: Façade Elements And Details. Retain the traditional faced elements, proportions and architectural details which give historic buildings their special character and use appropriate replacements where necessary.

- 2.1 – Architectural elements, such as porches, steps and railings should not be removed. Replacements, where required, should be similar in character to the original.

Policy 4: Appropriate Materials, Colors, and Finishes. Promote the use of appropriate materials in restorations, renovations and additions to historic and colors which complement their styles and particular combination of building materials.

- 4.1 – Use original materials wherever possible in restoration, renovation, or repair work and use the same materials for building additions.
- 4.2 – When necessary to substitute a material, take care that its outward appearance, durability, texture and finish will be as close as possible to that of the original. If the original material was painted, be sure that the substitute will accept and retain the same painted finish.
- 4.3 – Wood window sash is preferred for historic buildings. Vinyl clad wood or factory finished (i.e., baked enamel) aluminum frames may be acceptable as long as the original design can be duplicated.
- 4.5 – Paint colors and color schemes should be appropriate to the style and design intent of the building. Some examples follow: (1) Queen Anne or Stick/Eastlake – polychrome: white, light pastel or earth-toned base color; one to three compatible trim colors.

Site Improvements (pg. 64)

Policy 1: Planting and Paving Materials. Encourage landscape treatments which are appropriate to a residential neighborhood and enhance the character and unity of the historic district.

- 1.1 – Landscaping with live plant materials shall be the principal treatment of front and exterior side yards.
- 1.2 – Mature trees, especially those with historic ties to the building or the city's development shall be retained unless diseased, hazardous or located such that development of the property is unduly constrained. "Volunteer" trees, whether mature or not, may be removed, subject to required approvals, if crowding or overgrown conditions exist.
- 1.4 – Decorative rock or gravel as the predominant ground plane treatment is inappropriate.
- 1.6 – Artificial turf or indoor/outdoor carpeting is inappropriate.

Policy 3: Fencing, Walls, Site Features. Use fences and walls in traditional designs and application to set off residential buildings and define, but not obscure, their street-front garden areas.

- 3.1 – Fences, walls and other site features associated with historic building shall be maintained in good repair. Where already deteriorated, replacement with like materials and designs is encouraged.
- 3.2 – New fences in front yards should not exceed three (3) feet in height and should generally be constructed of wood slats in an open work pattern. Existing higher fences may be maintained if the design is sufficiently open and consistent with these guidelines.
- 3.3 – Chainlink, chicken wire or other pre-fab metal fencing materials are inappropriate.
- 3.4 – Prefab or flimsy wood trellis should not be used as the principal material for fence construction but may be appropriate as a decorative element for higher fences (i.e. in rear or side yards).

**DEPARTMENT OF PARKS AND RECREATION
(DPR) 523 FORMS A & B**

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #: _____
 HRI # _____
 Trinomial _____
 NRHP Status Code: _____
 Other Listings _____
 Review Code _____ Reviewer _____ Date _____

*Resource Name or #: 155 West J Street

- P1. Other Identifier: none
 *P2. .Location: *a. County Solano
 b. Address: 155 West J Street
 *c. City: Benicia Zip 94510
 d. UTM: N/A
 e. USGS Quad: Benicia T2N R3W MDM
 *f. Other Locational Data (APN #): 87-164-23

***P3a. Description**

This is a late Queen Anne residence with a rectangular plan and a raised foundation. The house has a front gable roof with clipped eaves and gable. The gable is finished with a plain fascia and is clad with fish scale shingles. A horizontally emphasized lead window is centered in the gable end. A cornice with a bracketed pediment runs across the front elevation. The principal roof extends to cover a porch located on the west side of the front elevation. The porch roof is supported on turned posts and has a bracketed and spindle work frieze. The porch is enclosed with a plain open rail. The porch window is canted at the corner. The east side of the front elevation is occupied by paired one-over-one double hung windows. The house is clad with clapboard while the basement story is covered by vertical boards

*P3b. Resource Attributes: HP2

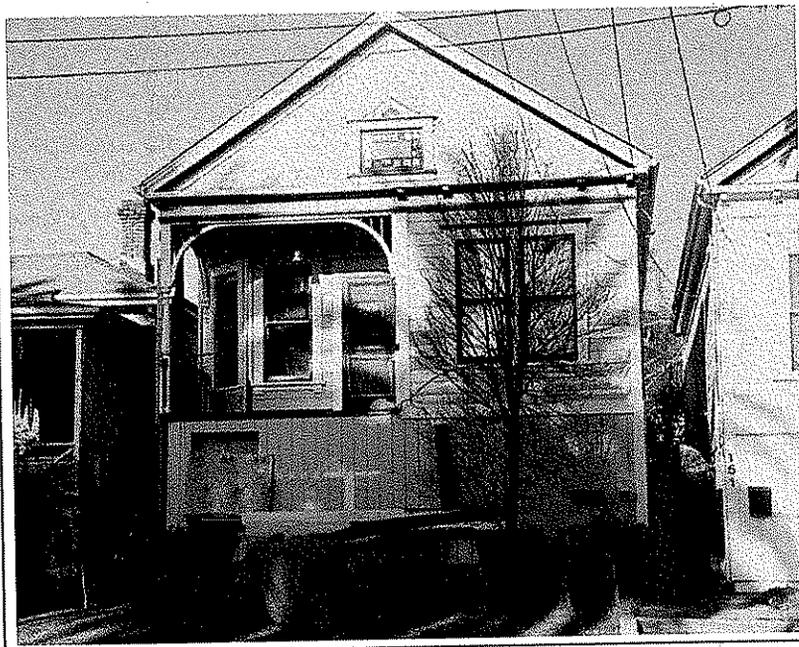
*P4. Resources Present: Building Structure Object Site District Element of District

P5b. Description of Photo:

Front façade, view north

*P6. Date Constructed/Age: 1890

P5. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



Prehistoric Historic Both

***P7. Owner and Address:**

James Harlander
 155 West J Street
 Benicia, CA 94510

***P8. Recorded by:**

Carol Roland
 Roland-Nawi Associates
 4829 Crestwood Way
 Sacramento, CA 95822

*P9. Date Recorded: 11-20-04

*P10. Type of Survey: Intensive
 Reconnaissance Other

Describe Eligibility Evaluation

*P11. Report Citation: none

*Attachments: NONE Map Sheet Continuation Sheet Building, Structure, and Object Record Linear Resource Record Archaeological Record District Record Milling Station Record Rock Art Record Artifact Record Photograph Record Other (List):

BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Identifier: 155 West J Street

*NRHP Status Code: 3D

B1. Historic Name: N/A

B2. Common Name: same

B3. Original Use: Residential

B4. Present Use: Residential

*B5. Architectural Style: Queen Anne

*B6. Construction History: This house is currently undergoing replacement of the front stair.

*B7. Moved? No Yes Unknown

Date: N/A Original Location: same

*B8. Related Features: None

B9a. Architect: unknown

B9b. Builder: unknown

*B10. Significance: Theme: Benicia Downtown District

Period of Significance: 1847-1940

Property Type:

Single Family Applicable Criteria: A / C

This Queen Anne house is one of two virtually identical residences built side-by-side on the north side of J Street. The house retains its integrity and is part of an enclave of similar residences clustered together in this block of West J Street. It is a contributor to the Downtown Historic District.

B11. Additional Resource Attributes: N/A

B12. References: McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred Knopf (1986); Bruegmann, Robert. *Benicia Portrait of an Early California Town: An Architectural History* (San Francisco: 101 Productions (1980); Woodbridge, Sally and Cannon Design Group. *Benicia, California: Downtown Historic Conservation Plan*. City of Benicia, 1990; Sanborn Map Benicia, CA. 1886; 1986 Benicia Historic Inventory form.

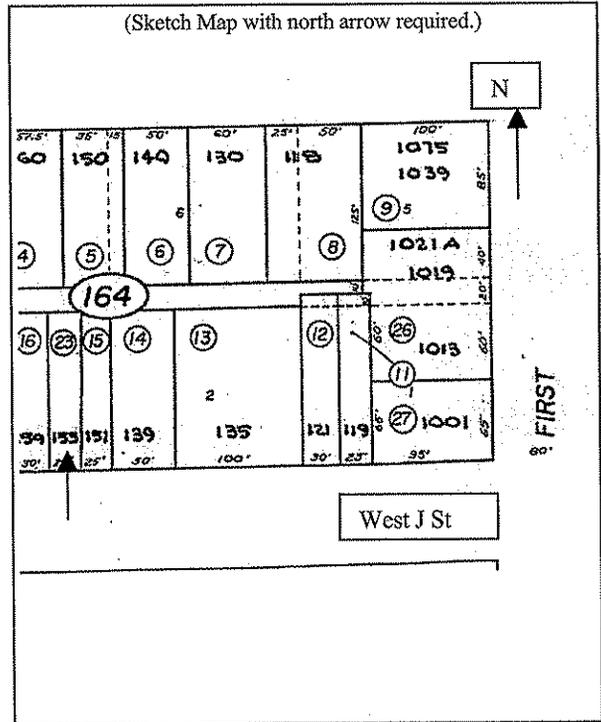
BUILDING, STRUCTURE, AND OBJECT RECORD

Remarks: N/A

B14. Evaluator: Carol Roland, Ph.D.

Roland-Nawi Associates: Preservation Consultants
4829 Crestwood Way
Sacramento, CA 95822

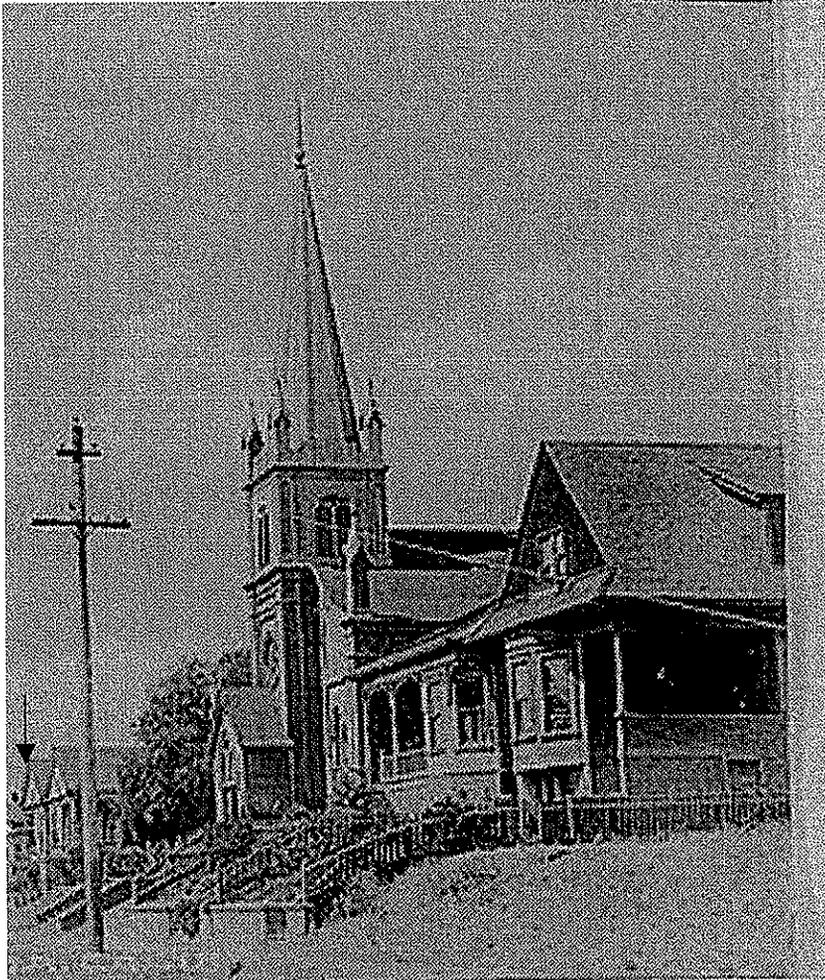
B 15. Date of Evaluation: 11-22-04



(This space reserved for official comments.)

Resource Identifier: 155 West J Street

Continuation Update



155 West J Street
Historic Photograph HABS
Late 19th Century

PHOTOGRAPHS



155 West J Street
“contributor”



155 West J Street
Elevation showing ground floor entrance.



155 West J Street
Elevation showing stair and balcony detail.

DRAFT RESOLUTION

RESOLUTION NO. 08-__ (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 155 WEST J STREET

WHEREAS, the purpose of the Mills Act Program is to encourage the preservation, restoration and rehabilitation of historic properties within the City of Benicia; and

WHEREAS, the property at 15 West J Street is listed as a contributing building in the Downtown Historic Conservation Plan; and

WHEREAS, General Plan Goal 3.1 is to “Maintain and enhance Benicia’s historic character” and the and preservation and rehabilitation of the contributing building at 155 West J Street is consistent with this Goal; and

WHEREAS, the Strategic Goals and Strategies are to “Promote Arts, Culture, Continuous Learning and Historic Preservation” and to “Maintain and enhance Benicia’s historic character”; and

WHEREAS, all exterior work undertaken pursuant to the subject Mills Act Contract must be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties; and

WHEREAS, the City has determined that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15331, which states that modifications to historic structures consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties are categorically exempt from CEQA review; and

WHEREAS, the Historic Preservation Review Commission at a regular meeting on October 23, 2008 considered the Mills Act contract application of Gary Arneson.

NOW, THEREFORE, BE IT RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia hereby finds that:

The proposed application is consistent with General Plan Goal 3.1 as the proposed contract will allow the applicant to continue to preserve and enhance a contributing building at 155 West J Street.

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission recommends that the City Council approve the Mills Act Contract application of Gary Arneson.

* * * * *

On motion of Commissioner _____, seconded by Commissioner _____,
the above Resolution was adopted at a regular meeting of the Historic Preservation Review
Commission on October 23, 2008 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Gina D. Eleccion
Historic Preservation Review Commission Secretary

DRAFT CONTRACT

WHEN RECORDED, RETURN TO:

CITY OF BENICIA
250 East L Street
Benicia, CA 94510
Attention: City Clerk

HISTORICAL PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, by and between the CITY OF BENICIA, a municipal corporation (hereinafter referred to as the "City"), and Gary Arneson (hereinafter referred to as the "Owner").

WITNESSETH

A. Recitals

1. California Government Code Sections 50280, *et seq.* allow cities the discretion to enter into contracts with the owners of qualified historical properties, as the term is defined by Government Code Section 50280.1, for the purpose of restricting development of its cultural and historic significance and continuing maintenance of the historical property;
2. Owners possess fee title in and to that certain real property, together with associate structures and improvements thereon, located at the street address 155 West J Street, Benicia, CA 94510 (hereinafter, shall be referred to as the "the Historical Property"). A legal description of the Property is attached hereto and incorporated herein by this reference as Exhibit A;
3. On _____ the City Council of the City of Benicia adopted Resolution No. ___-___ thereby declaring its intention to enter into this Historic Property Preservation Agreement.

4. City and Owners, for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of cultural and historical significance of the Property and to qualify the Property for an assessment of valuation pursuant to the provisions of Article 1.9, Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code

B. Agreement

NOW, THEREFORE, City and Owner, in consideration of the mutual promises, covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on _____ and shall remain in effect for a term of (10) years thereafter. Each year, upon the anniversary of the effective date of this Agreement (hereinafter "renewal date"), one (1) year shall automatically be added to the term of the Agreement, unless timely notice of nonrenewal, as provided in paragraph 2, is given. If either City or Owners serves notice to the other of nonrenewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.
2. Notice of Nonrenewal. If City or Owner desires in any year not to renew the Agreement, that party shall serve written notice of nonrenewal in advance of the annual renewal date of the contract as follows: (1) Owner must serve written notice of nonrenewal at least ninety (90) days prior to the renewal date or (2) City must serve written notice within sixty (60) days prior to the renewal date. Owner may make a written protest of the notice. City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice of nonrenewal to Owner.
3. Valuation of Historical Property. During the term of this Agreement, Owner is entitled to seek assessment of valuation of the Historical Property pursuant to the provisions of Article 1.9, Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.
4. Standards for Historical Property. During the term of this Agreement, the Property shall be subject to the following conditions, requirements and restrictions:
 - a) Owner shall preserve and maintain the characteristics of cultural and historical significance of the Property in accordance to the Secretary of the Interiors Standards for Preservation and the minimum maintenance standards, identified in Exhibit "B", attached hereto, which shall apply to the property throughout the term of this Agreement. New additions, exterior alterations, or related new construction shall comply with the Secretary of the Interior's Standards for Preservation and Guidelines for Preservation of Historic Buildings.

- b) Owner shall make improvements to bring the Property into good condition. Attached hereto, marked as Exhibit "C", and incorporated herein by this reference, is a list of work that both City and Owner agree is necessary to bring the Property into good condition.

Owner shall undertake all improvements in accordance with Exhibit "C". If the schedule set out in Exhibit "C" is not complied with, then City will use the following process to determine whether the owner is making good faith progress on the schedule of work. Upon City's request, the Owner shall submit documentation of expenditures, made to accomplish the next highest priority improvement project for the property, within the last 24 months. The owner shall be determined to be in substantial compliance when the expenditures are equal to or greater than the property tax savings provided by the Property being in the Mills Act Program. This schedule set out in Exhibit "C" shall be revised to reflect the schedule change. The Community Development Director shall have the ability to administratively adjust the schedule timeline, in concurrence with the property owner, only by written recorded instrument executed by the parties hereto.

5. Inspections and Annual Reporting. Owners agrees to permit the periodic examination, by prior appointment, of the interior and exterior of the Historic Property by the County Assessor, the State Department of Parks and Recreation, the State Board of Equalization and the City as may be necessary to determine Owners' compliance with the terms and provisions of this Agreement. Owners agree to provide the City with a report as to the status of the Historic Property annually and when any improvements or changes have been made.
6. Provision of Information. Owners hereby agree to furnish City with any and all information requested by City which City deems necessary or advisable to determine compliance with the terms and provisions of this Agreement.
7. Cancellation. City, following a duly noticed public hearing as set forth in California Government Code Section 50285 may cancel this Agreement if it determines that Owners have breached any of the conditions of the Agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. City may also cancel this Agreement if it determines that Owners have failed to restore or rehabilitate the Historical Property in the manner specified in paragraph 4 of this Agreement.

In the event of cancellation, Owner shall be subject to payment of those cancellation fees set forth in California Government Code Sections 50280 et seq., described herein. Upon cancellation, Owners shall pay a cancellation fee of twelve and one-half percent (12 1/2%) of the current fair market value of the Historic Property at the time of cancellation, as determined by the county assessor as though the Historic Property were free of any restrictions pursuant to this Agreement.

8. Enforcement of Agreement. In lieu of any provisions to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default, under the provisions of this Agreement by Owner,

City shall give written notice to Owner by registered or certified mail addressed to the address stated in the Agreement, and if such a violation is not corrected to the reasonable satisfaction of City within thirty (30) days thereafter, or if not corrected within such a reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days provided that acts to cure the breach or default may be commenced within (30) days and must thereafter be diligently pursued to completion by Owner, then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically enforce the obligations of Owner growing out of the terms of this Agreement, apply to any violation by Owner or apply for such other relief as may be appropriate.

9. Waiver. City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No waiver by City of any breach or default under this Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.
10. Binding Effect of Agreement. Owner hereby subject the Historical Property described in Exhibit A hereto to the covenants, reservations and restrictions as set forth in this Agreement. City and Owners hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owners' successors and assigns in title or interest to the Historical Property.

Each and every contract, deed or other instrument hereinafter executed, governing or conveying the Historical Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that it restricts development of the Historic Property. City and Owners hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the cultural and historic characteristics and significance of the Historic Property for the benefit of the public and Owner.

11. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below, or at any other address as may be later specified by the parties hereto.

City: City of Benicia
250 East L Street

Benicia, California 94510

Owner: Gary Arneson
155 West J Street
Benicia, CA 94510

12. General Provisions

a. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

b. Owner agrees to and shall hold City and its elected officials, officers, agents and employees harmless from liability for damage or claims which may arise from the direct or indirect use or operations of Owner or those of their contractor, subcontractor, agenda, employee or other person acting on his/her behalf which relates to the use, operation and maintenance of the Historic Property and from any injury to property caused by the restrictions on development of the Historical Property from application or enforcement of the City's Historical Preservation Ordinance or from the enforcement of this Agreement. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owners' activities in connections with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historical Property.

c. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.

d. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

e. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

f. This Agreement shall be constructed and governed in accordance with the laws of the State of California.

13. Recordation. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause the Agreement to be recorded in the office of the County Recorder of the County of Solano.

14. Notice to State Office of Historic Preservation. The Owner or Agent of the Owner shall provide written notice of this Agreement to the State Office of Historic Preservation within six (6) months of the date of this Agreement.

15. Amendments. This Agreement may be amended, in whole or in part, only by written recorded instrument executed by the parties hereto

IN WITNESS WHEREOF, City and Owners have executed this Agreement on the day and year first written above.

Gary Arneson

CITY OF BENICIA

BY:
DATED:

BY: Jim Erickson, City Manager
DATED:

BY:
DATED:

APPROVED AS TO FORM

Heather McLaughlin, City Attorney

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

(See attached sheet)

LEGAL DESCRIPTION

Real property in the City of Benicia, County of Solano, State of California, described as follows:

PARCEL ONE:

THE WESTERLY 25 FEET OF THE EASTERLY 50 FEET OF LOT 3, BLOCK 42, OFFICIAL MAP OF THE CITY OF BENICIA, FILED IN BOOK 1 OF MAPS, PAGE 124, SOLANO COUNTY RECORDS.

PARCEL TWO:

AN EASEMENT FOR SEWER AND SIDEWALK PURPOSES AFFECTING THE SOUTH 83 FEET OF THE WESTERLY 2 FEET OF THE EASTERLY 25 FEET OF THE EASTERLY 80 FEET OF LOT 3, BLOCK 42, OFFICIAL MAP OF THE CITY OF BENICIA, FILED IN BOOK 1 OF MAPS, PAGE 124, SOLANO COUNTY RECORDS. SAID EASEMENT IS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL ONE ABOVE.

APN: 0087-164-230

EXHIBIT B

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR PRESERVATION

The following Standards are to be applied to preservation projects for the Property in a reasonable manner, taking into consideration economic and technical feasibility:

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Please refer to the complete text for additional information.

Copied from The Secretary of the Interior's Standards for the Treatment of Historic Properties U. S. Department of the Interior, National Park Service, Weeks and Grimmer, 1995.

Minimum Property Maintenance:

As part of this agreement the Owner shall maintain all buildings, structures, yards and other improvements in a manner that does not detract from the appearance of the immediate neighborhood. The following conditions (including, but not limited to) are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures, such as: fences, roofs, doors, walls, and windows, broken windows, peeling exterior paint, broken structures;
2. Scrap lumber, junk, trash or debris;

3. Abandoned discarded or unused objects, equipment such as automobiles, automobile parts, furniture, appliances, containers, cans or similar items;
4. Stagnant water, including pools or spas, or open excavations;
5. Any device, decoration, design, structure, vegetation or landscape which is unsightly by reason of its height, condition or its inappropriate location;
6. graffiti;
7. Incomplete exterior construction where no building inspections have been requested for 6 or more months, or for work which does not require a building permit, where there has been no significant progress for 90 days.

EXHIBIT C

Architectural Preservation Work Program and Schedule

The City and the Owner agrees to the following Preservation projects to be undertaken by the Owner in conformance with Paragraph 4b of this Agreement. In addition, throughout the life of this contract the owner shall maintain Minimum Property Maintenance as described in Exhibit B of Draft Contract. The work will be conducted as indicated below.

PROJECTS	SCHEDULE
1. refinish hardwood floors	2009
2. front and back yard landscaping	2009
3. exterior painting	2010
4. front and back porch repairs and maintenance	2011
5. replace clay sewer pipe	2012
6. fence repairs on both sides and back	2013
7. window trim repair and maintenance, including painting	2014
8. entryway repairs	2015
9. upgrade electrical system	2016
10. interior painting and bathroom remodel	2017

AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION: OCTOBER 23, 2008
REGULAR AGENDA ITEMS

DATE : October 15, 2008

TO : Historic Preservation Review Commission

FROM : Lisa Porras, Senior Planner

SUBJECT : **EXPAND EXISTING LUMBER DRYING SHED TO ACCOMMODATE RETAIL AND OFFICE USES AT 301 FIRST STREET**

PROJECT : 08PLN-15 Design Review
301 First Street
APN 089-243-140

RECOMMENDATION:

Grant Design Review approval for proposed modifications to an existing structure at 301 First Street to accommodate new retail and office uses, based on the findings and subject to the conditions listed in the attached resolution.

EXECUTIVE SUMMARY:

The applicant requests design review approval to modify an existing single-story structure (previously used as a lumber drying shed), and convert it into a two-story building for retail and office uses. Modifications include raising the existing 371 sq. ft. building, constructing an additional 371 square feet below it, adding a new covered balcony on the second story and a new covered porch on the first story, and reconfiguring the primary façade to accommodate a “gallery” frontage type. This project is located in the Downtown Historic District and is regulated by the following documents:

- Downtown Historic Conservation Plan – Design Guidelines for Lower First Street: Street Wall Buildings with Roof (Type 2) and Type 2 Street Wall Commercial Buildings
- Downtown Mixed Use Master Plan – Town Core Zone

BUDGET INFORMATION:

No fiscal impacts to the City are anticipated as a result of this project.

ENVIRONMENTAL ANALYSIS:

This project is Categorically Exempt under Section 15332 of the State CEQA Guidelines, which applies to infill development projects.

BACKGROUND:

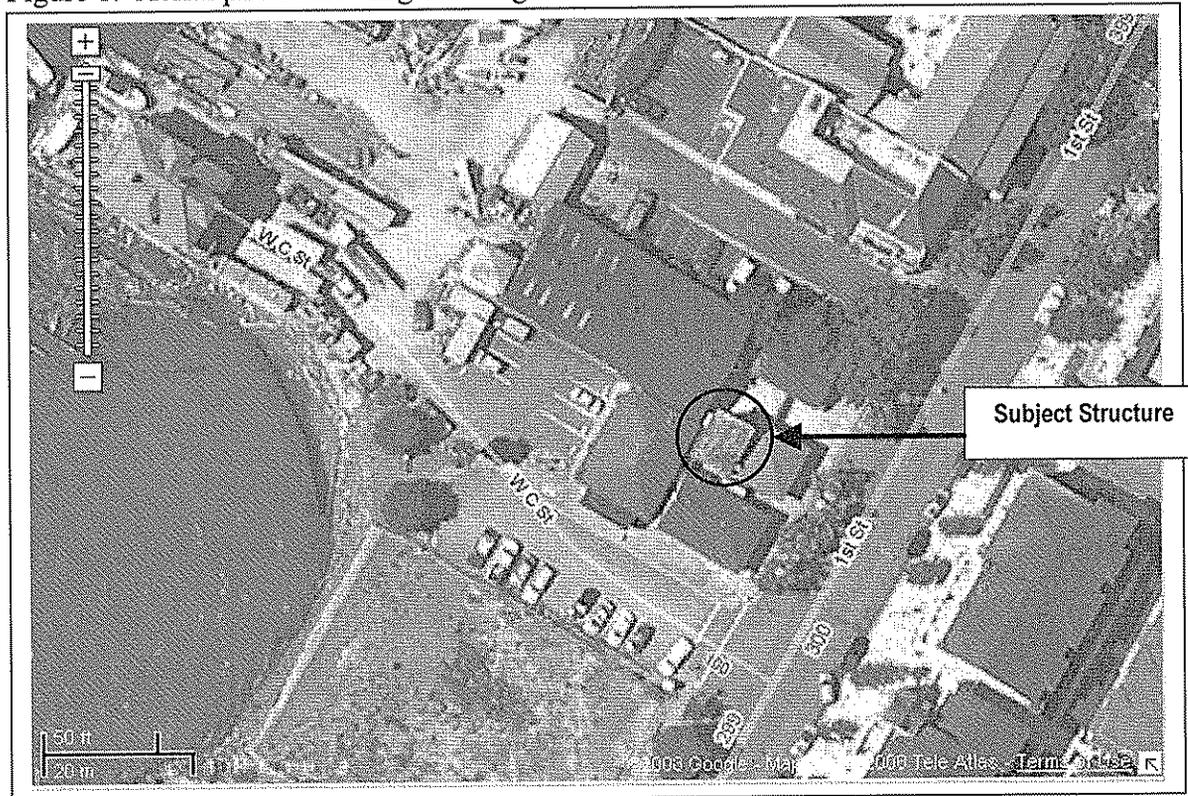
Applicant/Owner:	Steve McKee / Phil and Celeste Joy
General Plan Designation / Zoning:	Commercial Downtown / Town Core
Existing use:	lumber drying shed
Proposed use:	ground floor retail and second story office
Adjacent zoning and uses:	
North:	Town Core / retail
East:	Town Core / First Street; residential & retail (Harbor Walk)
South:	Town Core / C Street, and mixed use at 221 First Street
West:	Town Core Open / Phil Joy Housemoving & Marine Svcs.

SUMMARY:

Project Location

The project site is located on the 300 block of First Street, between Von Pfister Alley and West C Street. The building itself is situated amongst five other buildings on the same 1.2-acre parcel, immediately behind the building at 307 First Street (as shown in Figure 1 below).

Figure 1. Aerial photo showing building site.



Existing Conditions and Site Context

The existing building, which had previously been used as a lumber drying shed, is situated on a courtyard and faces north. Additional buildings surround the shed, and are described in Table 1 below.

Table 1. Description of Surrounding Buildings

Address	Description	Historic Status
111 West C Street	Two-story office building. Located west of existing shed.	Not designated or proposed to be.
305 First Street	Single-story retail - home to "Benicia Antiques". Located southeast of existing shed.	Currently designated as a "Landmark" building, with an HPRC recommendation to list as a "Contributor" pending Council approval.
307 First Street	Single story retail building. Located east of existing shed.	Currently designated as a "Landmark", with HPRC recommendation to maintain "Landmark" status pending Council approval.
309 First Street	Single story retail building, home to "Be Chic" clothing. Located northeast of existing shed.	Currently designated as a "Contributor", with an HPRC recommendation to maintain "Contributor" status pending Council approval.
Located behind shed and 309 First Street.	Two-story metal shed. Located west of existing shed.	Not designated or proposed to be.

This 1.2-acre parcel has historically been used as an industrial and shipping location, as shown on a Sanborn map dated 1886. Around 1958 Joe Garske, Sr. began operating the site for marine services with boatyard and berthing facilities. In April of 2005, the property (and everything on it) was sold to Phil and Celeste Joy.

Today, the Joys maintain the historic boatyard operations but concentrate this activity on the western end of the lot. With a lot configuration of 100 feet wide by 450 feet deep, this 1.2-acre lot allows separation between the boatyard functions and the retail uses that front First Street at the eastern end of the site.

The lumber drying shed has been in its present location for at least 50 years and is not designated as a historic resource.

Project Description

The proposed expansion of the 371 sq. ft. single-story shed would provide for retail and office space, with the ground floor dedicated to retail and the upper story set aside for services (e.g., office uses) as permitted by the Downtown Mixed Use Master Plan for the Town Core zone.

The expansion includes raising the existing structure, adding an additional 371 sq. ft. of retail space on the new ground floor, and adding a covered porch on the first floor and a covered balcony on the second floor for a total of 756 square feet.

Building Entrances

Two entrances are proposed: one off of the primary courtyard to access the first floor, and the second off of First Street, through a new entrance gate, and up an open stairway to reach the second story.

Siding (Exterior Walls)

Siding will consist of Cedarmill HardiePlank™ vertical siding (painted dark brown) with 1 x 3 redwood battens (also painted dark brown) and vertically oriented and spaced one foot apart from another. New porch posts and second story rails will be made of wood, and left in their natural color.

Exterior Lighting

The applicant is proposing exterior light fixtures manufactured by Rejuvenation, the “Amity” model, which consist of burnished antique with caramel-and-white art glass (see attached photos). These fixtures will be placed at the first and second story entrances, and next to an entrance on the west elevation.

Windows and Doors

New doors and windows will be of recycled materials salvaged from other buildings (e.g. second hand products). Materials will consist of wood window frame and dressings, and Victorian style half glazed or full glazed doors in Western Red Cedar as shown in the attachment photos. Because windows will be collected from recycled building materials and subject to availability, substituting window styles may be necessary (e.g., replacing awning windows with double-hung windows as described below). However, the building materials (wood doors, and wood window frames and dressings) will not change. Windows and/or doors are proposed on all elevations and are described below:

- North (primary façade) Elevation: first floor includes one half-glazed door framed by two picture style windows to match the front door entrance, and a single-paned window to the right of the door configuration. The second story includes two French doors, which are framed by two fixed (non-opening) windows consisting of 9 panes.
- South (or rear) Elevation: includes one full glazed door for the second story entrance, and one 8-paned double hung window.
- West Elevation: includes a full-glazed door on the first floor, and one 12-paned awning style window (double-hung alternative) and one picture-style window on the second floor.
- East Elevation: includes one double hung window (4 panes) on the first floor, and one 16-paned awning window (double-hung alternative) on the second floor, and two fixed windows (non-opening) – one consisting of 9 panes and the other as single paned.

Roof Material

The single-sloped shed style roof will remain. The existing roof material is corrugated metal, gray in color. The applicant proposes to maintain this roof type and intends to match the new roof overhang (over the covered balcony) with the existing roof.

Project Analysis

The section evaluates project consistency with applicable city regulations and guidelines. Table 2 below lists the applicable development regulations for the Town Core (TC) zone designation. This project meets all of the applicable development regulations.

Table 2. Town Core Development Standards

DEVELOPMENT REGULATIONS	TOWN CORE (TC) STANDARDS	PROPOSED RETAIL AND OFFICE BUILDING
Building Placement Build to Line: Front	0	N/A
Building Placement Build to Line: Side Street	0	N/A
Building Placement Setback: Side	0	N/A
Building Placement Setback: Rear	5	N/A
Building Placement Building Form: Primary Street Façade built to BTL	80% min. (Street facades must be built to BTL along first 30 feet from every corner)	N/A Lot frontage is 100 feet long. The existing buildings cover 66 feet. 305 – 22.5 ft. 307 – 22.5 ft. 309 – 18 ft.
Building Placement Building Form: Side Street Façade built to BTL	30% min. (Street facades must be built to BTL along first 30 feet from every corner)	N/A The corner of First Street and West C Street is covered by 27 feet; a preexisting condition.
Building Placement Building Form: Lot Width	125 feet max.	Lot is 100 feet wide
Building Placement Building Form: Lot Depth	100 feet max.	Lot is 450 ft. deep
Use Ground Floor	Service, Retail, or Recreation, Education & Public Assembly	Service (Office) or Retail
Use Upper Floor(s)	Residential or Service	Service (Office)
Height Building Minimum	22 feet	23.7 feet
Height Building Maximum	2.5 stories and 40 feet	2 stories and 23.7 feet

DEVELOPMENT REGULATIONS	TOWN CORE (TC) STANDARDS	PROPOSED RETAIL AND OFFICE BUILDING
Height Max. to Eave/Top of Parapet	35 feet	20.7 feet
Height Ancillary Building Max.	2 stories and 25 feet	2 stories and 23.7 feet
Height Finish Ground Floor Level	6 inches max. above sidewalk	6 inches
Height First Floor Ceiling Height	12 ft. min. clear	12 feet
Height Upper Floor(s) Ceiling Height	8 feet min. clear	8.7 feet
Parking, Required Spaces Ground Floor	Uses less than 3,000 sq. ft. require no off-street parking	First Floor is 371 sq. ft. = 0 spaces required
Parking, Upper Floors	1 space for every 1,000 sq. ft.	2 nd Floor is 385 sq. ft. = 0 spaces required
Allowed Frontage Types	Gallery 1 ft. min. back from curb line 9 ft. min. clear, 2 stories max	Gallery N/A 11 ft.
Signs or Sign Program	As regulated by Title 18	A separate sign application will be filed at a later date.
Refuse Storage Areas	Screened on all sides by a 6 ft. tall solid wood or masonry wall	Existing trash area is enclosed by a solid wood fence.
Maintenance of Structures and Premises in the Historic District (17.54.120)	Maintenance of structures and premises: all property owners in H districts and owners of designated landmarks shall have the obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material variance in apparent condition from surrounding structures in compliance with the provisions of this chapter. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises.	The applicant proposes to reconfigure an existing drying shed, thereby transforming what is currently a dilapidated structure into an improved and usable building. The expansion will include repairs and improvements to the building, new windows and doors, new lighting. Together, these improvements will increase the aesthetic quality of the courtyard, which happens to be flanked by two historic buildings.

The proposed project, for the most part, is consistent with applicable guidelines from the Downtown Historic Conservation Plan. The following table provides a discussion of specific guidelines that may warrant further evaluation the Commission.

Table 3. Consistency with the Downtown Historic Conservation Plan

Downtown Historic Conservation Plan			
Types 1 and 2: Street Wall Commercial Buildings			
Policy 1	Scale, Proportion and Façade Composition: Retain traditional façade elements and proportions of the façade composition and repeat them in new or renovated buildings.		
			<i>Discussion</i>
	Guideline 1.5	Generally, avoid more “modern” window types such as awning style or single-lite casement windows.	<i>Only two awning style windows are proposed. If this style cannot be acquired then these windows will be double hung. With wood frames and dressings, along with multiple panes divided by muntins, these awning windows could not achieve a “modern” look.</i>
	Guideline 1.6	Use translucent or transparent glazing in the transom area above display windows and doors.	<i>None proposed. Instead, the applicant proposes to locate business signage above the first floor’s main entrance. Guidelines, by their very nature, are meant to have some flexibility in their application. Because the primary storefront does not face First Street, strict application of this guideline may not be warranted.</i>
	Guideline 1.7	Recess entries to upper and lower floors to provide a transition between exterior and interior spaces.	<i>The covered porch on the first floor functions as a transition from the outdoor courtyard area into the interior space of the first floor – thereby meeting the intent of this guideline. The second story entrance is not recessed, however the stairways provide a vertical transition from the outdoor exterior to the interior second story space.</i>
	Guideline 1.8	Provide a clearly visible and enclosed entry to upper floors from the street. Avoid open-air stairways which can disrupt the continuity of the street wall, especially along First Street.	<i>The upper story entrance is not enclosed. However, the new 4 ft. 6 in. tall entrance gate (fence) off of First Street, consistent with the Downtown Mixed Use Master Plan, includes signage and marks a visible entrance to the stairs that lead up to the second story entrance. A pre-existing 10.5 ft. separation between the historic buildings at 305 and 307 First Street does not meet the intent of this guideline; however, by installing a horizontal connection (gate) between the two structures would help create building continuity along First Street.</i>
Policy 4	Roofing Materials: Roofing materials should be appropriate to the type, form and style of the building.		
			<i>Discussion</i>
	Guideline 4.1	Where roof forms area visible, composition shingles in neutral colors should generally be used.	<i>The applicant proposes to maintain the existing shed roof, which is corrugated metal with a gray color (innate to the material). This material will be extended onto the new roof for the covered balcony.</i>

	Guideline 4.2	Higher quality materials such as sheet metal or copper roofing or flat concrete or slate tiles may be appropriate in some cases. Architectural features such as towers, cupolas, or porticoes may be roofed in these materials. They may also be appropriate for projects in waterfront locations and will be considered on a case by case basis. Care should be taken that the roof form and/or materials does not become the dominant design element, however.	<i>As noted above, the shed roof will be corrugated metal, and this feature will be extended onto the new covered balcony on the second story. Because the primary façade is oriented towards the courtyard and not directly onto First Street, the roof would not dominate the remodeled shed.</i>
Policy 6	Colors and Finishes: Colors and finishes should be appropriate to the nature of the material, the historic character of the district, the style of building and the climate and quality of light in Benicia.		
			<u>Discussion</u>
	Guideline 6.4	Where building facades are painted, the wall color should be light to medium, ranging from off-whites and pale neutral pastels to earth-toned neutral colors. Avoid bright whites and deep, dark colors.	<i>The applicant proposes to paint the exterior walls in a dark brown color to match the existing color of the shed.</i>
	Guideline 6.9	Metal roofing (if specifically approved) should be selected in subdued colors that will not present a jarring contrast with other historic buildings and roof colors and will not fade over time.	<i>The gray color of the metal roof would not create a sharp contrast with adjacent buildings.</i>

C. Conclusion

Because the project is consistent with the objectives of the Downtown Historic Conservation Plan and the applicable provisions of Title 17 of the Benicia Municipal Code as well as the Downtown Mixed Use Master Plan, staff recommends that the Historic Preservation Review Commission approve modifications to the existing building at 301 First Street based on the findings and subject to the conditions listed in the attached resolution.

FURTHER ACTION:

The Historic Preservation Review Commission action will be final unless appealed to the Planning Commission within ten (10) business days.

Attachments:

- Draft Resolution
- Project Plans
- Photographs

**If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the October 23, 2008 Historic Preservation Review Commission packet.*

DRAFT RESOLUTION

RESOLUTION NO. 08-__ (HPRC)

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION
OF THE CITY OF BENICIA APPROVING MODIFICATIONS TO THE EXISTING
LUMBER DRYING SHED AT 301 FIRST STREET**

WHEREAS, Phil and Celeste Joy have requested Design Review approval for modifications to an existing building located at 301 First Street; and

WHEREAS, the Historic Preservation Review Commission at a regular meeting on October 23, 2008 conducted a public hearing and reviewed the proposed project;

NOW, THEREFORE, BE IT RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia hereby approves the design of the expanded structure at 301 First Street ; and

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

- a) The proposed development is consistent with the objectives and the applicable provisions of Title 17 of the Benicia Municipal Code, the Downtown Mixed Use Master Plan, and the Downtown Historic Conservation Plan;
- b) The location and configuration of the modified structure is visually harmonious with their site and with surrounding sites and structures, and does not unnecessarily block scenic views from other buildings or public parks or dominate their surroundings to an extent inappropriate to their use;
- c) The architectural design of the structure, its materials and colors are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located;
- d) The proposed building modifications and the proposed conditions of approval are consistent with the Downtown Historic Conservation Plan, Title 17 of the Benicia Municipal Code as applicable, and the Downtown Mixed Use Master Plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed project, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city;

BE IT FURTHER RESOLVED THAT the Benicia Historic Preservation Review Commission hereby approves the proposed project subject to the following conditions:

1. The plans submitted for the building permit and development and construction shall substantially comply with the submitted elevations and floor plans date stamped September 25, 2008 and October 15, 2008 prepared by Steve McKee-Architect, consisting of five (5) sheets marked Exhibit A, attached to this decision of record on

file with the Community Development Department, except as modified by the following conditions.

2. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
3. Any alteration of the approved plans, including substitution of materials, shall be requested in writing and reviewed by the Community Development Director or designee prior to changes being made in the field.
4. Prior to issuance of a building permit, the applicant must submit samples, photos, and descriptions of all recycled windows and doors to the Community Development Director or designee for review.
5. All proposed signs must comply with Title 18. A sign or sign program permit is required for all on-site signs.
6. The first floor restroom must be ADA compliant. Prior to issuing a building permit, a revised set of plans must be submitted to reflect this condition and approved by the Building Official.
7. 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.
8. Prior to issuance of a building permit the applicant shall obtain an encroachment permit for the installation of fire hydrant(s) if required by the Fire Department. Improvements shall be designed by a Registered Civil Engineer in compliance with the City's Engineering Design Standards, Standard Plans and all applicable City Ordinances including 15.64 Storm Water Management. The applicant shall ensure that all proposed improvements comply with all provisions of City of Benicia Stormwater Management and Discharge Control Ordinance. The applicant shall use storm water quality BMPs to prevent sediments or pollutants from entering the storm drain system or watercourses. The impact of the proposed improvements on the storm drain system and watercourses shall be mitigated with storm water quality BMPs such that the rate of post construction runoff is no greater than preconstruction runoff to the extent practicable. Maintenance responsibility of Post Construction BMPs is the responsibility of the property owner and a signed Operation and Maintenance agreement must be submitted to the City. Prior to issuance of a Certificate of Occupancy the applicant shall complete all of the required improvements.
9. As defined under Title 17 use definitions, the existing boatyard operations are classified under Marine Sales and Services and Vehicle/Equipment and Repair. Because the boatyard has been a historic use on a portion of this property, and given this existing application to modify a portion of the site (shed expansion) the City requires the following:

- a. Pursuant to BMC 17.70.100 (Site Regulations for Service stations, vehicle/equipment repair, and automobile washing) and 17.70.200 (Outdoor facilities) an 8 ft. tall fence is required to screen and protect views along the north and south sides of the wharf. The design and location of the fence must be reviewed by the Community Development Director prior to receiving a building permit for the building at 301 First Street. And, prior to receiving a certificate of occupancy for the building at 301 First Street, the applicant is required to install the fence.
 - b. In addition, on all dry land area (including the wharf), no outdoor storage of inoperative vehicles and/or boats is allowed beyond a maximum of 30 days. Vehicles and/or boats may be stored indoors (e.g. inside the existing metal shed) for any length of time, but are limited to outdoor storage for a maximum of 30 days.
 - c. All boats, barges, and floating craft must be moored and confined within the area of the subject property.
10. 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 Historic Preservation Review Commission, 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 _____, seconded by _____, 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 October 23, 2008 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Chuck Mang
Historic Preservation Review Commission Chair

PROJECT PLANS

*(If viewing online, this attachment is available to view in the Community
Development Department or in the Benicia Public Library in the October 23, 2008
Historic Preservation Review Commission packet)*

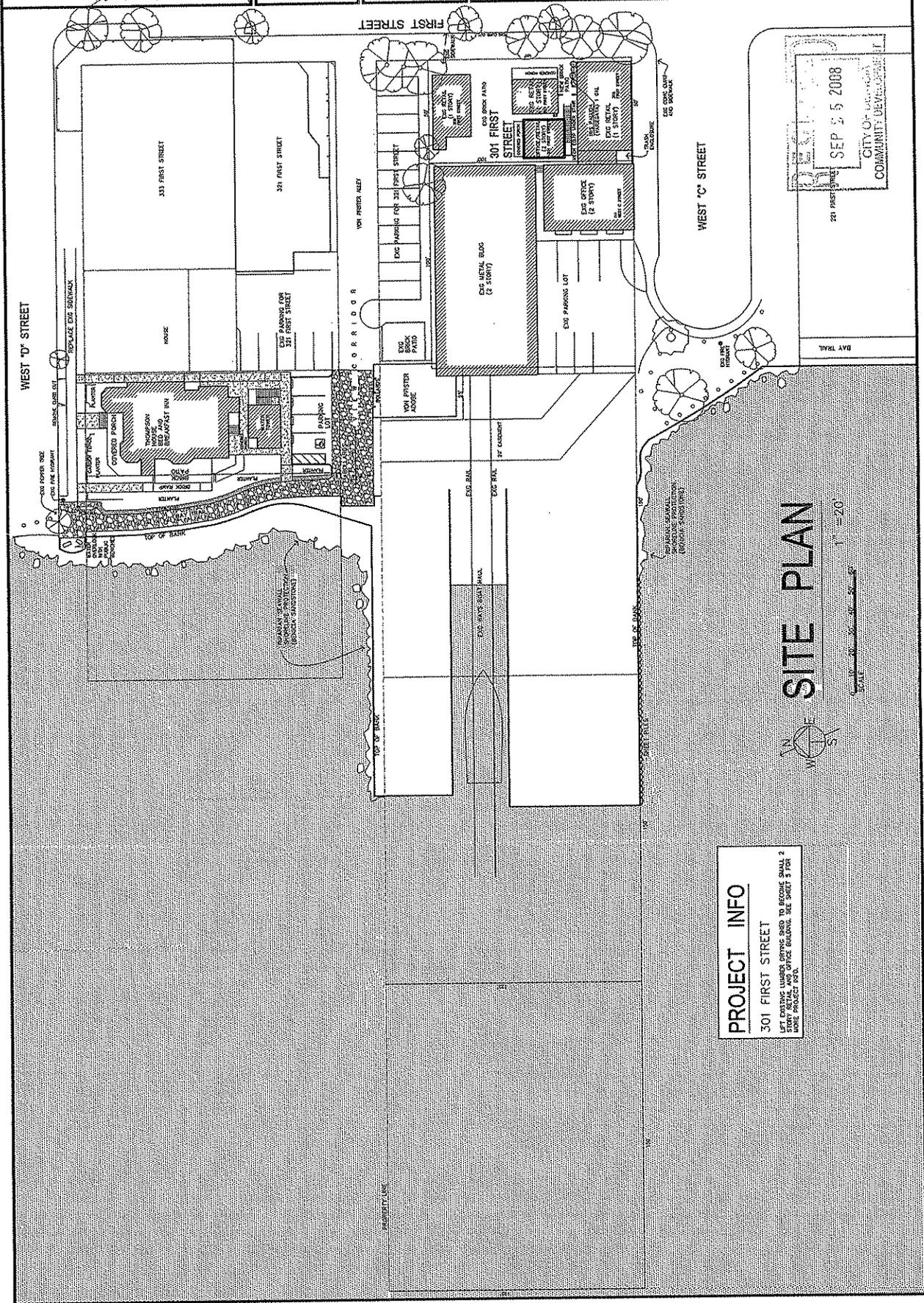
SITE PLAN

301 FIRST STREET
BENICIA HISTORIC BOATYARD
BENICIA CA

Date: 8/11/08
Drawn By: SM

Steven Mckee - Architect
925 West K Street
Benicia CA 94510
(707) 746-6787 fax

SEP 5 2008
CITY OF BENICIA
COMMUNITY DEVELOPMENT



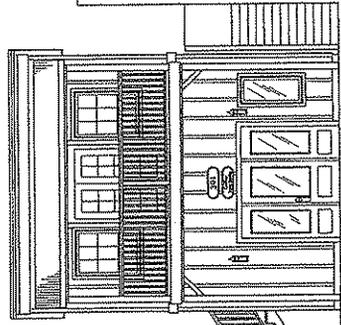
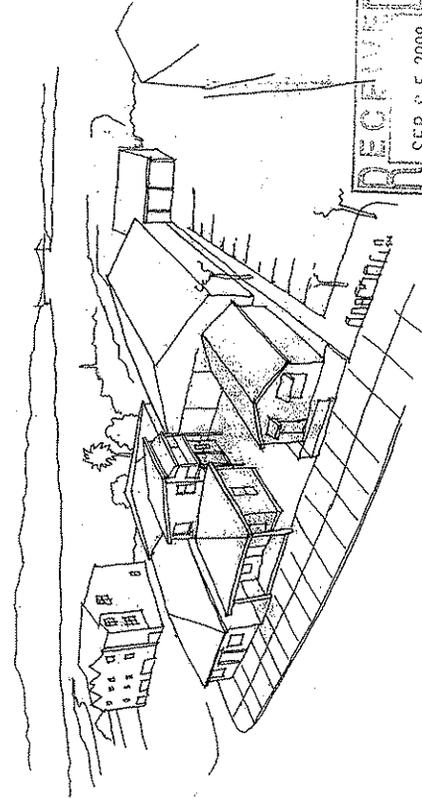
SITE PLAN

1" = 20'

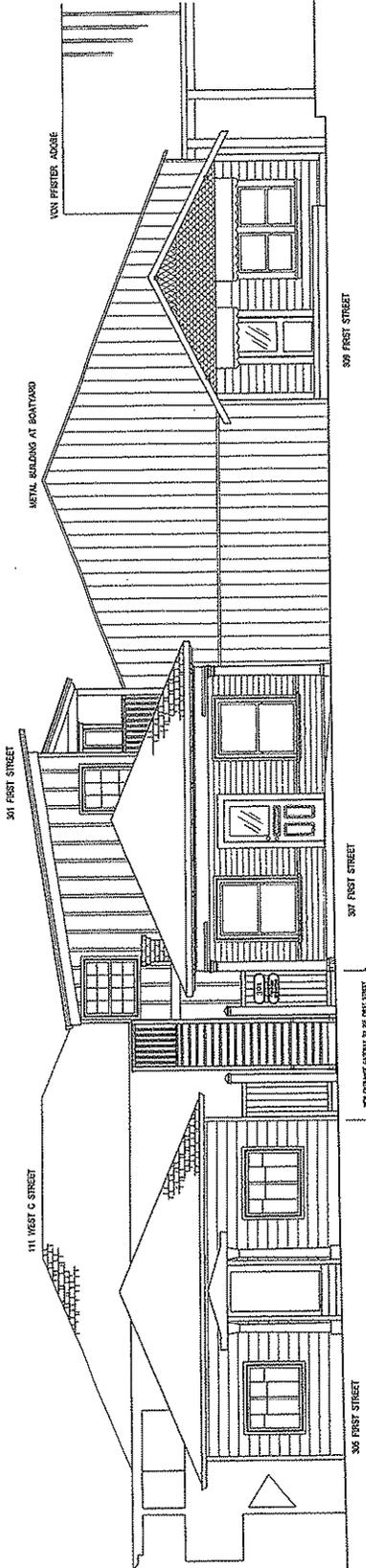
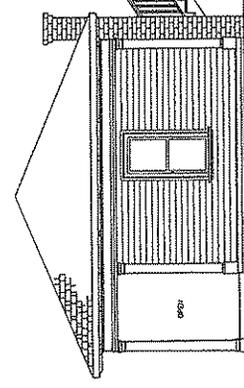


PROJECT INFO
 301 FIRST STREET
 LEFT DRAWING UNLESS NOTED OTHERWISE. SEE SHEET 2.
 USE PROJECT PERMITS.

RECEIVED
SEP 25 2008
CITY OF BENICIA
COMMUNITY DEVELOPMENT



VIEW FROM BRICK COURTYARD
(NORTH ELEVATION) 1/4"

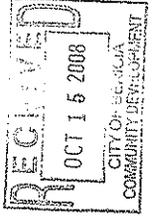


VIEW OF ALL BUILDINGS FROM FIRST STREET
(EAST ELEVATION) 1/4"

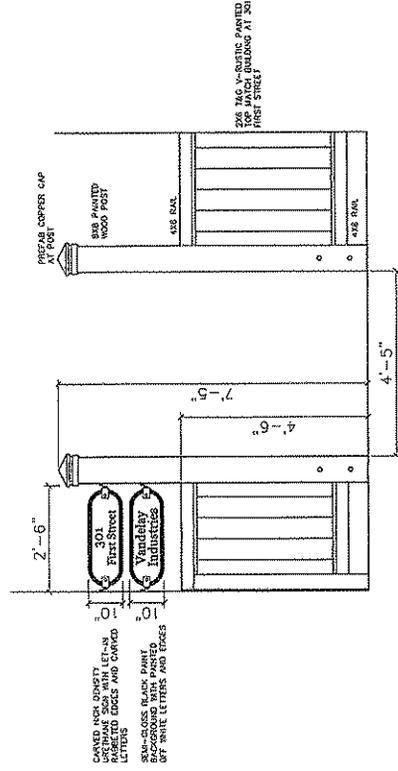
Revisions:
Date: 10/11/08
Drawn By: SM

Steven McKee - Architect

925 West K Street
Berkeley CA 94710
(415) 746-5788
www.stevemckee.com

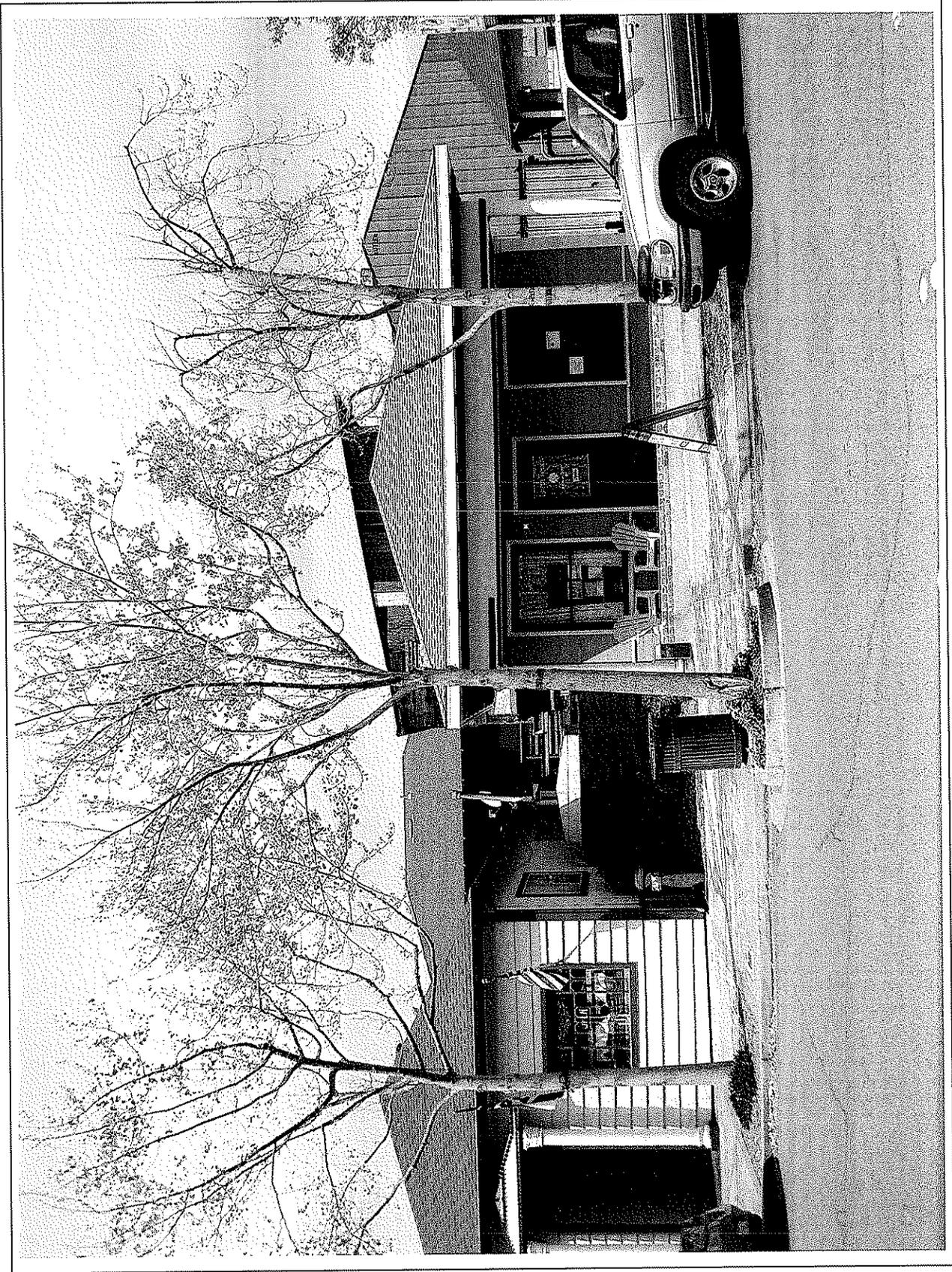


SIGN AND ENTRANCE DETAIL
THIS DETAIL SUPERCEDES ENTRANCE SHOWN ON SHEET 4



PHOTOGRAPHS

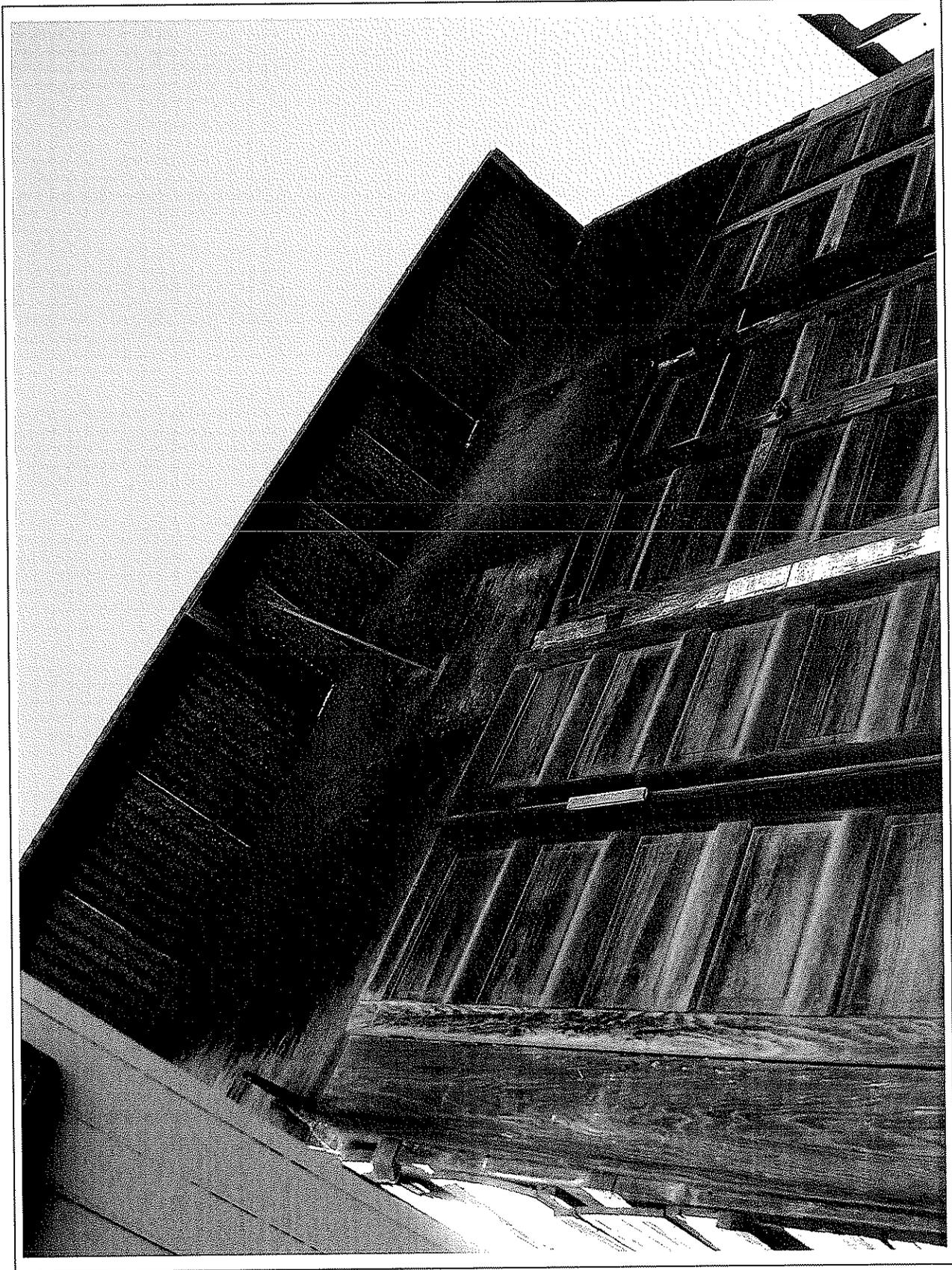
(If viewing online, this attachment is available to view in the Community Development Department or in the Benicia Public Library in the October 23, 2008 Historic Preservation Review Commission packet)



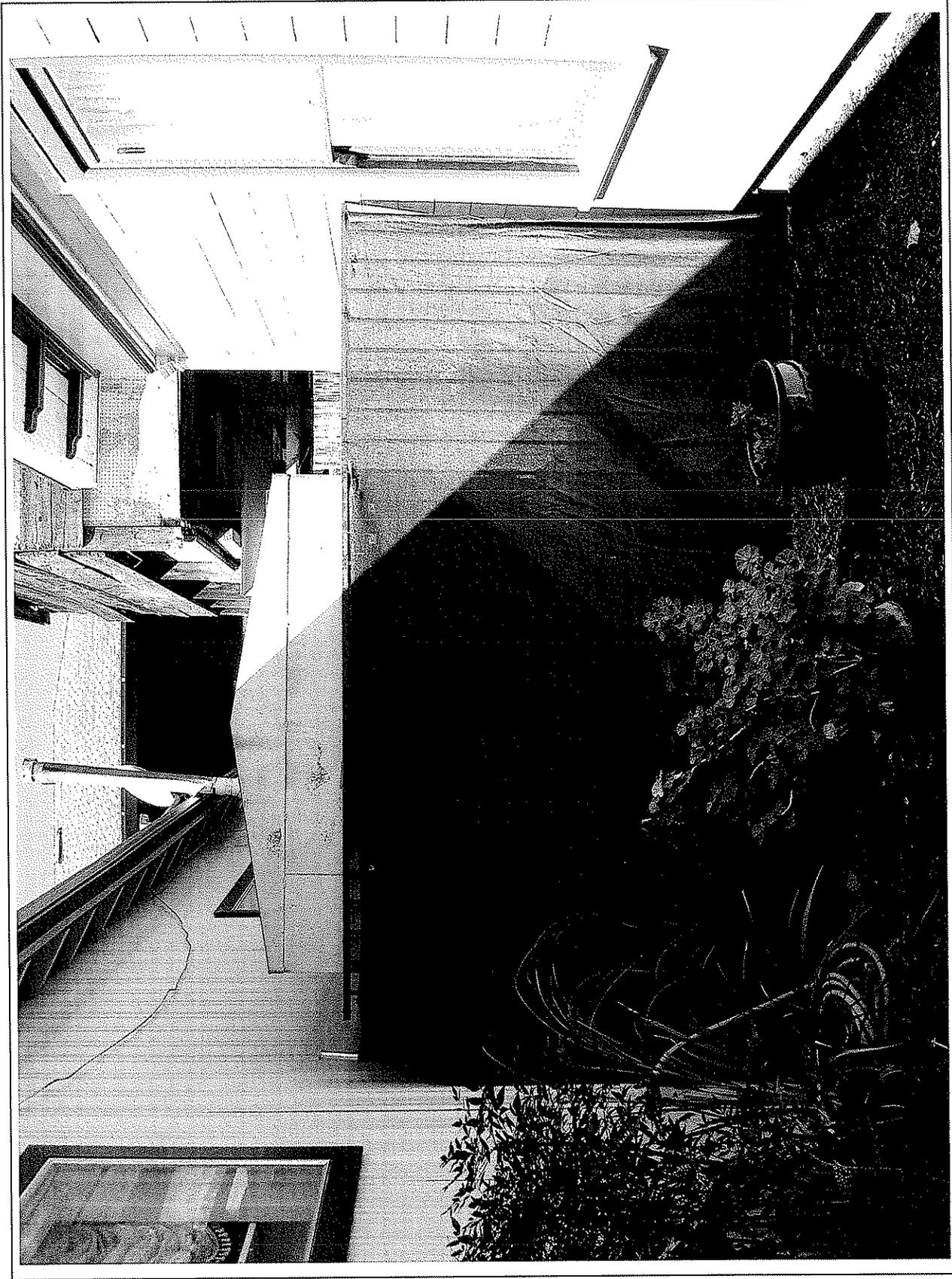
301 First Street
View of Shed in Background, with 305 and 307 in the Foreground



301 First Street
View from Courtyard



301 First Street
Close Up Detail of Existing Shed



301 First Street
View Between 305 and 307 First Street – Future Location of New Gateway and Stairs



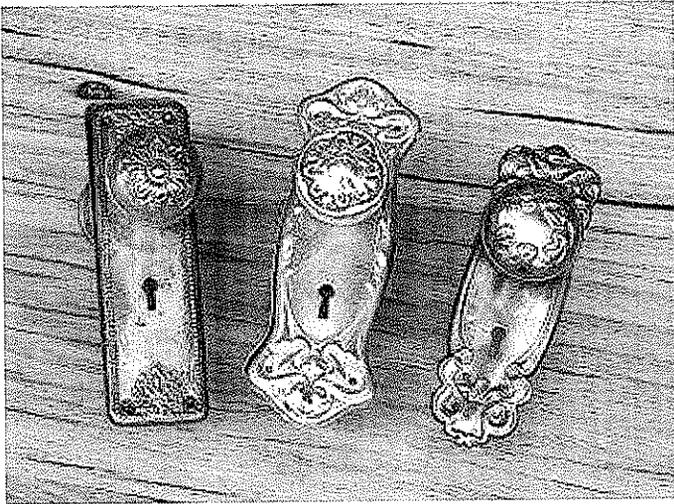
<http://www.selectsalvage.com.au/index.htm>

76 Smith Street, Kensington VIC 3031

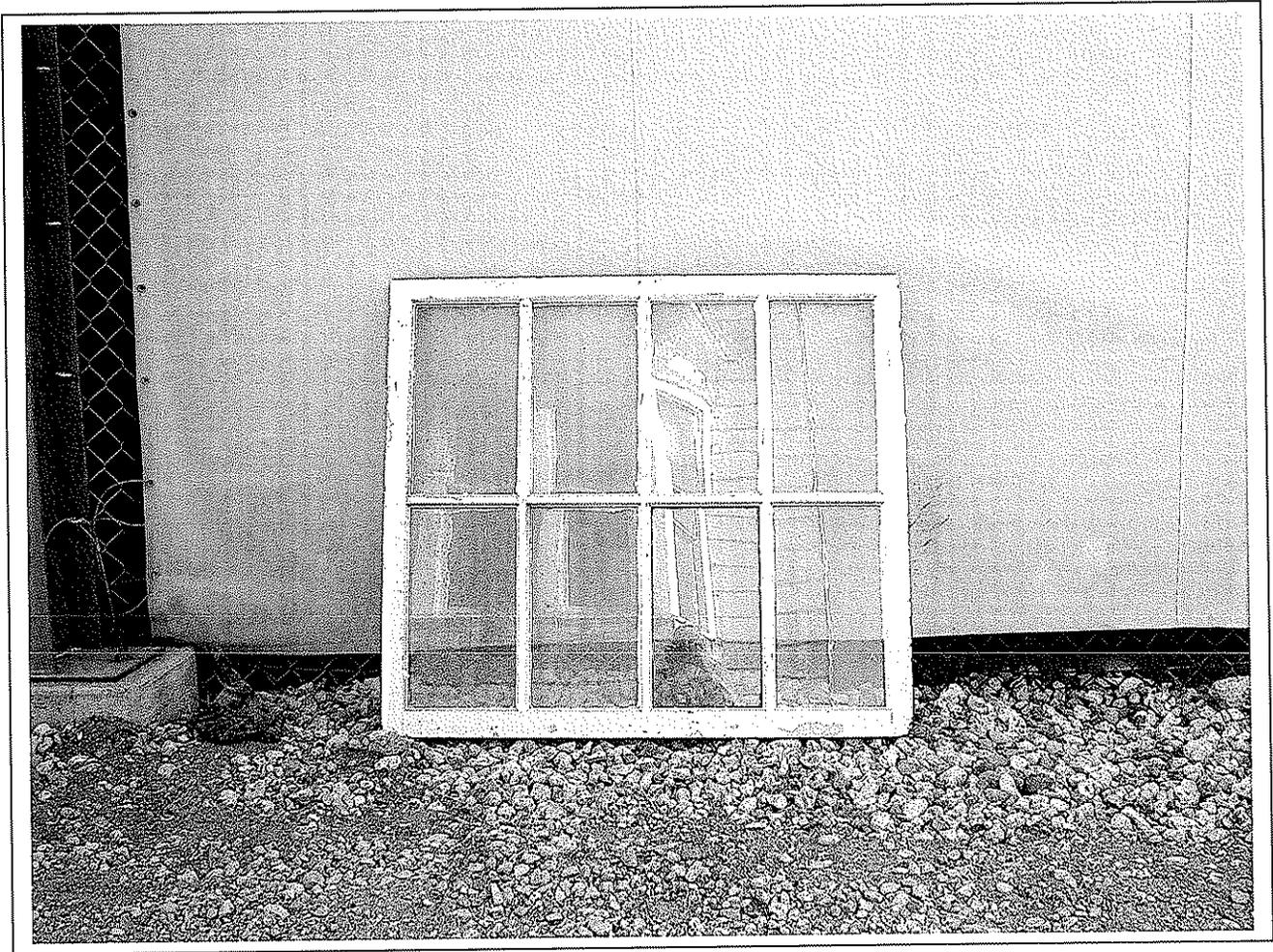
Tel: (03) 9376-2543

08PLN-15 Design Review
301 First Street

Proposed Doors and accompanying hardware will be consistent with those shown from "Select Salvage".







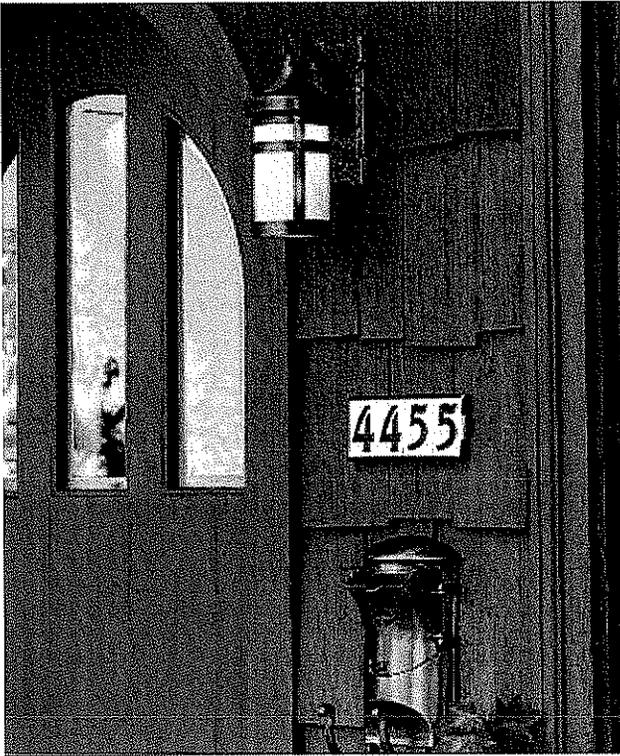
Proposed windows
301 First Street

08PLN-15 - Design Review

Amity

< Product Details





**AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION
MEETING: OCTOBER 23, 2008
REGULAR AGENDA ITEMS**

DATE : October 16, 2008

TO : Historic Preservation Review Commission

FROM : Lisa Porras, Senior Planner

SUBJECT : **DESIGN REVIEW FOR KING SOLOMON CHURCH EXPANSION**

PROJECT : 08PLN-37 (Design Review)
1280 West 11th Street
APN: 086-062-010

RECOMMENDATION:

Grant Design Review approval for the King Solomon Church expansion project at 1280 West 11th Street, based on the findings and subject to the conditions listed in the attached resolution.

EXECUTIVE SUMMARY:

The applicant requests design review approval to expand the existing church from 3,949 to 8,943 square feet. The applicant proposes to construct an additional 4,994 square feet to enlarge the sanctuary, kitchen, restrooms, and social hall, and to add new classroom and office space. The proposal also calls for an at-grade parking area with 50 spaces and landscaping throughout.

A Use Permit (church expansion) and Variance (setbacks and landscaping) to expand King Solomon Church was approved by the Planning Commission on September 11, 2008 (Resolution 08-9). The project also requires Design Review approval by the Historic Preservation Review Commission.

BUDGET INFORMATION:

Project approval would not result in any impacts to the City budget.

ENVIRONMENTAL ANALYSIS:

This project is Categorically Exempt under Section 15332 of the State CEQA Guidelines, which applies to infill development projects.

BACKGROUND:

Applicant/Owner:	ACK Engineering / James Judkins
General Plan designation/Zoning:	Residential Low Density / Single Family Residential
Existing use:	3,949 sq. ft. church
Proposed use:	same, but expanded to 8,943 sq. ft.
Adjacent zoning and uses:	
North:	Single Family (RS); Military West right-of-way, residential, and Benicia High School
East:	Planned Development (PD), Single Family (RS); apartments
South:	Single Family (RS); vacant land and mixed single family detached and duplexes
West:	Single Family (RS); single family detached residences

SUMMARY:

Project Description

Location/Photos

The project site is located along Military West, and encompasses the northern half of the block between West 11th and West 10th Streets as shown in Figure 1 below.

Figure 1. Project Location

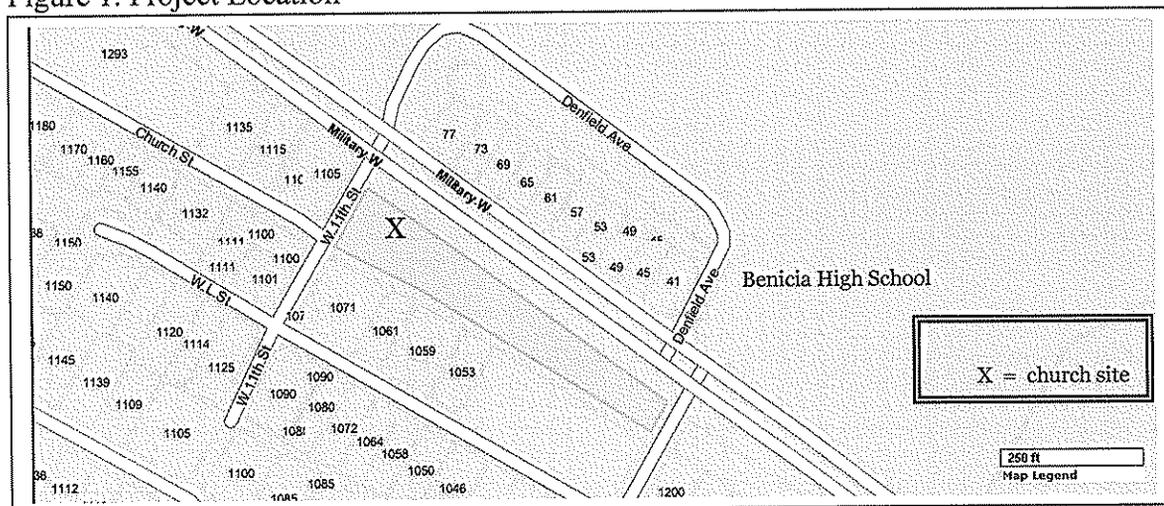


Figure 2 illustrates on the following page shows the existing church as it presently sits on the southwest corner of the parcel.

Figure 2. Aerial Photo of the Site



Existing Conditions

The church property encompasses one lot totaling 43,566 square feet, or approximately one acre. The site is bordered on all sides by City rights-of-way: West 11th Street along the west, Military West along the north, West 10th Street along the east, and an unpaved alley along the south. The parcel spans the entire 500 ft. long block between West 11th and West 10th Streets.

There is a 10-foot drop in elevation from the east side of the building to the center of the site. The center is the lowest point on the property, which drains south towards the alley and the adjacent property.

Existing landscaping is found mostly along the City rights-of-way. On Military West there are three 18 – 20 ft. tall trees, each with a canopy approximately 12 – 18 ft. wide, and one Palm tree near the center of the block.

The existing 3,949 square-foot single-story building is located on the southwest part of the site and is accessed from West 11th Street. The primary façade and church entrance faces Military West and is separated from the street by 21 parking spaces. The rest of the site is undeveloped.

Site Design and Improvements

The proposed expansion maintains the building's present orientation, but enlarges the building footprint by extending the north-facing elevation towards Military West, and extending the east-facing elevation towards West 10th Street. The primary façade and building entrances (one primary entrance and two secondary entrances) will continue to front Military West. The site will be graded to level the center of the parcel and redirect drainage flows towards the northern half of the site and into the City storm drain along Military West.

Building Features

The existing building will undergo partial demolition; parts for removal include the north and east facing elevations and roof. New construction will enlarge the existing building's rectilinear shape, by extending the north and east facing walls approximately 26 feet to the north and 30 feet to the east. New building dimensions will be 156 by 57 feet (currently 126 by 31 ft).

The existing sanctuary, social hall, kitchen, storage area, and restrooms will remain but undergo expansion; new offices, classrooms, and a dressing room area will be added to the floor plan. The expanded sanctuary will include fixed seating for up to 162 parishioners (with 30 extra seats for the choir), an altar and baptistery area.

The remodeled church will remain single story, and increase its square footage by 4,994 square feet for a total of 8,943 square feet. Total lot coverage would be \approx 21% of the site. Building entrances and exits are primarily located on the north facing elevation and project outward from the building wall. The roof ridgeline running above the sanctuary and the primary side-gable of the building measures just less than 20 feet in height, which is about 4 feet taller than the existing structure. Two lower side-gables on the opposite sides of the primary side gable would be 13 feet tall.

Building materials include stucco cladding, two 9 ft. tall columns (fiberglass reinforced polymer) to frame the primary church entrance, wood-framed medium oak colored fiberglass doors, vinyl windows, a composite shingle roof, and bronze color matte glass to frame the church cross within the primary side-gable. Proposed building colors are by Sherwin Williams; "Hearts of Palm" (light green) for the primary building, "Sheraton Sage" (dark green) for the projected entrances, and "Dover White" (pure white) for the window trim, columns, and eaves. The roof color would be "Thunderstorm Gray" (gray/black). Window styles include: fixed picture – two with half-circle round top windows to flank the secondary building entrances; casement with half circle round top; slider, and single-hung.

Landscape Design and Material

The proposed landscape plan illustrates 7,410 square feet of new plantings along the north, south, and east sides of the building and within the parking lot. This equates to 17% of the area devoted to landscaping, which is below 35% (or 15,248 sq. ft.) needed in RS zones. As such, the applicant requested and was granted a variance from the 35% landscaping development standard by the Planning Commission. To compensate for the reduced amount of landscaping, the applicant will landscape an additional 18,653 square feet of the city's Military West right of way, and on the corners of the West 10th and West 11th Street right-of-ways (see sheet L-1 on project

plans). This increases the total landscaped area to approximately 42% of the total land involved (subject site plus abutting rights of way proposed for landscaping).

Proposed plant materials consist of groundcover, shrubs, and trees. Groundcover includes yellow gazania, bearberry cotoneaster, blue glow fescue grass, and carpet roses. Small shrubs will be maori queen flax, westringia, and wax leaf privet, while trees would consist of Raywood Ash, Chinese Pistache, double stake Oleander, and Saucer Magnolia (see attachments for photos and descriptions for each botanical name). In addition, the applicant will plant two 15-gallon size palm trees (Phoenix Canariensis) to match the existing palm (also Phoenix Canariensis) along the Military West right-of-way. Finally, to provide additional buffer between the parking lot and the adjacent properties the applicant has agreed to plant additional trees along the south side of the property, in the area behind the HVAC equipment, parking stall #36, and the two ADA parking spaces.

Circulation and Parking

Vehicular access to the church will remain from West 11th Street, but through a one-way entrance with a one-way exit onto West 10th Street. All 50 parking spaces (including 2 ADA) would be relocated east of the building with landscaping between parking aisles. Fifteen light fixtures mounted on 10-foot high poles would be distributed in the entrance driveway and the parking lot. Parking spaces would be oriented 90 degrees with 5 angled spaces toward the exit. A 6 ft. tall solid wood fence is proposed along the south property line as required by the zoning ordinance. In addition, a 7-space bicycle rack is provided to help encourage alternate modes of travel to and from the church.

Project Analysis

The following section evaluates project consistency with applicable city goals, policies, and regulations. Staff's analysis is shown in *italics*.

General Plan Consistency

One of the city's goals is to "provide for churches to locate where conflicts with adjacent land uses will be minimized" (Goal 2.29). Policy 2.29.1 supports allowing churches as a conditional use in the RS zone, and Policy 2.29.2 encourages "the location and design of church facilities to be compatible with neighboring properties." *Because the location and site design minimizes conflict with adjacent residential land uses by being situated on a major thoroughfare, which minimizes traffic through residential neighborhoods, and the provision of a new parking lot that significantly reduces the parking load on nearby residential streets, this project displays consistency with the General Plan Goal 2.29 and Policies 2.29.1 and 2.29.2.*

General Plan, Goal 2.21 encourages Benicia residents and employees to use alternatives to the single-occupant automobile. Policy 2.21.1 calls for the provision of a range of travel alternatives to the use of the private automobile, and Policy 2.21.2 encourages new development patterns that facilitate bicycling, walking, and transit for commute, shopping, recreation, and school trips. *Because the project includes bicycle-parking facilities, the proposed project helps encourage alternatives to the passenger vehicle. In addition, there are three Benicia Breeze bus routes (Lines 15, 17, and 21) that run along Military West that offer another mode of travel to and from the church site. Together, these show consistency with this city goal and supporting policies.*

Zoning Ordinance Consistency (Benicia Municipal Code, Title 17)

Pursuant to BMC 17.24.010 and 17.24.020 a use permit was requested and granted by the Planning Commission on September 11, 2008 (Resolution 08-9). This project meets all of the applicable development regulations as outlined for the RS zone under BMC 17.24.030, with the exception of three (3) that were granted as variances by the Planning Commission (Resolution 08-9).

Table 3. Development Standards for the RS Zone (*Variance Granted)

DEVELOPMENT REGULATIONS	BMC 17.24.030 BMC 17.70.040 BMC 17.74.030	PROPOSED CHURCH
Minimum Lot Area (sq. ft.)	6,000	43,566
Minimum Lot Width (ft.)	60	104 – 40 (west to east)
Minimum Front Yard (ft.) [West 11 th]	20	0*
Minimum Side Yard (ft.) [Alley]	5 (Religious Assembly needs 15 on the interior side)	*7 (from property line) 25 (if alley is included)
Minimum Corner Side (ft.) [Military West]	10	27
Minimum Rear Yard (ft.) [West 10 th]	15 (Religious Assembly needs 25)	425
Maximum Height (ft.)	30	19 ft. ¼ inch
Maximum Lot Coverage	40%	20.76%
Maximum FAR	0.4	0.21
Outdoor Living Area	N/A	N/A
Minimum Site Landscaping	35%	15,248 sq. ft. needed. *7,410 sq. ft. proposed. An additional 18,653 sq. ft. proposed in the city's right of way. (7,410 + 18,653 = 26,063)
Fences and Walls (ft.)	6	A 6 ft. tall wood fence is proposed along the southern property line (alley side); extends east from building to end.
Off-Street Parking Spaces	1 space for every 4 seats	192 seats require 48 spaces.
Loading Spaces	0-30,000 sf. ft. building = 1	50 spaces proposed (incl. 2 ADA); Passenger drop off area doubles as loading space.
Signs	As regulated by Title 18	Pre-existing sign located on Military West will remain.
Refuse Storage Areas	Screened on all sides by a 6 ft. tall solid wood/masonry wall	A 100 sq. ft. trash area is enclosed on all 4 sides by a 6 ft. tall stucco wall; covered by a gabled roof.
Performance Standards (Outdoor Lighting)	Lighting shall not exceed 0.5 footcandles; confine direct light rays to the site; cone of direct illumination no greater than 60 degrees; light poles no greater than 12 ft. tall.	15 light poles are proposed throughout the parking lot. Poles are 10 ft. tall.

Design Review

The Historic Preservation Review Commission is responsible for Design Review of non-residential structures in the RS zone. Design review is intended to implement General Plan policies. Benicia Municipal Code Section 17.108.010 (outlined below) provides purposes of design review. Staff's analysis, in *italics*, follows.

1. Ensure that the location and configuration of proposed structures are visually harmonious with their site and with surrounding sites and structures, and do not unnecessarily block scenic views from other buildings or public parks or dominate their surroundings to an extent inappropriate to their use.

The location of the expanded building rests fundamentally with the existing building footprint. Given the long and increasingly narrow shape of the site, the church's decision to expand the building to the north and east makes efficient use of the land area available while maintaining a size that is consistent with the regulations in the zoning code. In addition, because of the topography, the church is tucked inside the boundaries of its parcel, thereby not obstructing views from adjacent properties. The expansion is modest, maintains its single story character and does not dominate its surroundings.

2. Ensure that the architectural design of the structures, their materials and colors are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located.

The rectilinear design of the structure is simple and modest. However, the redesign of the building along with new landscaping would improve the aesthetic quality of the property as a whole (currently, the building is in need of repairs and the landscape and onsite circulation is limited).

Relief along the long primary façade is made possible by the main entrance that projects out from the building wall, and also by the two secondary entrances that also project from the primary wall. In addition, a series of windows are situated in repetition every 5.5 feet. The building proposed color scheme for the primary and accent colors would not dominate or clash noticeably with the surrounding properties. The chosen color for the roof top – thunderstorm gray – would align itself positively with green building techniques if a lighter color were chosen. Staff recommends that the applicant select a lighter color for the roof.

3. Ensure that the plans for the landscaping for open space conform with the requirements of this title and they provide visually pleasing setting for structures on the site and on adjoining and nearby sites and blend harmoniously with the natural landscape.

The landscape design plan meets the requirements of on site landscaping pursuant to section 17.17.190 of the Benicia Code. Because of the long, narrow configuration of the site, combined with parking requirements, meeting the city's 35% landscape requirement is difficult. In an effort to comply with the city's requirement the applicant will landscape the Military West right-of-way. The proposed landscape plan has been reviewed and accepted

by the City's Parks Department. The plant materials chosen will help define the edge of the street by planting more trees. In addition, a colorful saucer magnolia tree will be planted at the building eastern edge with pink foliage to contrast against the buildings light green color. The applicant is also working with adjacent neighbors to discuss acceptable tree plantings along the south side of the parcel, to help buffer the view to the parking lot. The Planning Department will require a new landscape plan be submitted before the applicant receives a building permit.

4. Ensure the provision of adequate, safe and efficient parking and circulation areas, which conform to the requirements of this title.

The site plan provides the required amount of parking spaces, including 2 ADA spaces, as well as bicycle racks for an alternate mode of travel to the church.

5. Provide a functional, efficient, and attractive site design which is sensitive to existing uses in the area and to the topography and conditions of the site.

The site design is largely due to the shape of the parcel, and because two existing building walls will remain in their current place. Given unchangeable nature of these features, along with challenges of ingress and egress, the design of the site manages to form an acceptable arrangement between the building, landscaping, parking, and topography.

Conclusion

Staff recommends that the Historic Preservation Review Commission approve Design Review for the proposed church expansion (08PLN-37) based on the findings and subject to the conditions of approval.

FURTHER ACTION:

The Historic Preservation Review Commission action will be final unless appealed to the Planning Commission within ten (10) business days.

Attachments:

- Draft Resolution
- Project Plans **
- Photographs **

*** If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the October 23, 2008 Planning Commission packet.*

DRAFT RESOLUTION

RESOLUTION NO. 08-__ (HPRC)

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION
OF THE CITY OF BENICIA APPROVING DESIGN REVIEW RELATED TO THE
EXPANSION OF KING SOLOMON CHURCH
LOCATED AT 1280 WEST 11TH STREET**

WHEREAS, ACK Engineering on behalf of James Judkins has requested Design Review approval for the expansion of King Solomon Church at 1280 West 11th Street; and

WHEREAS, the Historic Preservation Review Commission at a regular meeting on October 23, 2008, conducted a public hearing and reviewed the proposed project;

NOW, THEREFORE, BE IT RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia hereby approves design review for the King Solomon church expansion; and

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission makes the following findings:

1. Ensure that the location and configuration of proposed structures are visually harmonious with their site and with surrounding sites and structures, and do not unnecessarily block scenic views from other buildings or public parks or dominate their surroundings to an extent inappropriate to their use.

The location of the expanded building rests fundamentally with the existing building footprint. Given the long and increasingly narrow shape of the site, the church's decision to expand the building to the north and east makes efficient use of the land area available while maintaining a size that is consistent with the regulations in the zoning code. In addition, because of the topography, the church is tucked inside the boundaries of its parcel, thereby not obstructing views from adjacent properties. The expansion is modest, maintains it's single story character and does not dominate its surroundings.

2. Ensure that the architectural design of the structures, their materials and colors are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located.

The rectilinear design of the structure is simple and modest. The rectilinear design of the structure is simple and modest. However, the redesign of the building along with new landscaping would improve the aesthetic quality of the property as a whole (currently, the building is in need of repairs and the landscape and onsite circulation is limited). Relief along the long primary façade is made possible by the main entrance that projects out from the building wall, and also by the two secondary entrances that also project from the primary wall. In addition, a series of windows are situated in repetition every 5.5 feet. The building proposed color scheme for the

primary and accent colors would not dominate or clash noticeably with the surrounding properties. The chosen color for the roof top – thunderstorm gray – would align itself positively with green building techniques if a lighter color were chosen. Staff recommends that the applicant to consider a lighter color.

3. Ensure that the plans for the landscaping for open space conform with the requirements of this title and they provide visually pleasing setting for structures on the site and on adjoining and nearby sites and blend harmoniously with the natural landscape.

The landscape design plan meets the requirements of on site landscaping pursuant to section 17.17.190 of the Benicia Code. Because of the long, narrow configuration of the site, combined with parking requirements, meeting the city's 35% landscape requirement is difficult. In an effort to comply with the city's requirement the applicant will landscape the Military West right-of-way. The proposed landscape plan has been reviewed and accepted by the City's Parks Department. The plant materials chosen will help define the edge of the street by planting more trees. In addition, a colorful saucer magnolia tree will be planted at the building eastern edge with pink foliage to contrast against the buildings light green color. The applicant is also working with adjacent neighbors to discuss acceptable tree plantings along the south side of the parcel, to help buffer the view to the parking lot. The Planning Department will require a new landscape plan be submitted before the applicant receives a building permit.

4. Ensure the provision of adequate, safe and efficient parking and circulation areas, which conform to the requirements of this title.

The site plan provides the required amount of parking spaces, including 2 ADA spaces, as well as bicycle racks for an alternate mode of travel to the church.

5. Provide a functional, efficient, and attractive site design which is sensitive to existing uses in the area and to the topography and conditions of the site.

The site design is largely due to the shape of the parcel, and because two existing building walls will remain in their current place. Given unchangeable nature of these features, along with challenges of ingress and egress, the design of the site manages to form an acceptable arrangement between the building, landscaping, parking, and topography.

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission hereby approves the proposed project subject to the following conditions:

1. The religious assembly use, for which this permit was applied, shall substantially comply with the plans and accompanying documents submitted by ACK Engineering and received by the Community Development Department on October 15, 2008,

consisting of 16 sheets marked "Exhibit A", and on file with the Community Development Department, subject to the following conditions.

2. This approval shall be effective upon the close of the appeal period. This approval shall expire two years from the date of approval, unless: a building permit has been issued and construction diligently pursued; an occupancy permit has been issued; or the approval is renewed prior to expiration.
3. Any change from the approved plans, including substitution of materials, shall be requested in writing and reviewed by the Community Development Director, or designee, prior to changes being made in the field.
4. A revised landscape plan showing the existing Phoenix Canariensis palm tree, along with the integration of two additional palm trees (15-gallon, Phoenix Canariensis) along Military West right of way, and additional trees along the south side of the property (to buffer views from adjacent properties) shall be approved by city prior to issuing building permit.
5. Prior to issuing a building permit, the applicant shall submit a Title 24 cool roof color for review by the Community Development Director.
6. Prior to issuance of a building permit, the applicant, or designee, shall obtain grading and encroachment permits from the Public Works Department.
7. This project shall adhere to all applicable ordinances, plans, and specifications of the City of Benicia.
8. Prior to issuance of a building permit the applicant shall obtain an encroachment permit to install the public improvements necessary to accommodate this project. These improvements shall be designed by a Registered Civil Engineer in accordance with the City's Engineering Design Standards and include the following:
 - a. The West 11th Street driveway entrance shall be marked "Entrance Only" and shall be kept as far south as possible. The West 10th Street exit shall be signed and marked "Exit Only". A "Stop" sign and stop bar shall be installed at the West 10th Street exit.
 - b. The repair and or replacement of any missing or damaged curb, gutter, and sidewalk along the West 10th Street, West 11th Street, and Military West frontages.
 - c. Upgrade or otherwise improve the sewer and water service laterals if they do not meet current standards.
 - d. The trash enclosure shall be covered and drain to the sanitary sewer.
 - e. These improvements shall be in compliance with the City's Engineering Design Standards, Standard Plans and all applicable City Ordinances including 15.28, Grading, and 15.64, Stormwater Management.

9. Appropriate care and maintenance of all required landscaping, including landscaping used to treat stormwater, on-site and in the adjacent right-of-way shall be the responsibility of the property owner to maintain in perpetuity. These required landscape improvements are a condition of project approval and shall be installed by the developer.
10. The property owner shall enter into a Maintenance and Operation Agreement with the City for the landscape improvements in the city right-of-way.
11. The applicant shall ensure that all proposed improvements comply with all provisions of City of Benicia Stormwater Management and Discharge Control Ordinance. The applicant shall use Best Management Practices (BMPs) to prevent sediments or pollutants from entering the storm drain system or watercourses. The impact of the proposed improvements on the public storm drain system and watercourses shall be mitigated to the maximum extent practicable. Maintenance responsibility of Post Construction BMPs is the responsibility of the property owner and a signed Operation and Maintenance agreement must be submitted to the City.
12. The applicant shall design the project to minimize and treat surface runoff, as required by the Community Development Director or designee, and as described in Start at the Source, the Bay Area Stormwater Management Agencies Association's Design Guidance Manual for Stormwater Quality Protection.
13. Outdoor parking and loading area lighting shall not employ a light pole higher than 12 feet. No light source shall create a cone of direct illumination greater than 60 degrees from a light source higher than six feet, and shall not directly shine onto an adjacent street or an adjacent lot. Minimum illumination at ground level shall be 0.5 footcandles, and shall not exceed 0.5 footcandles in an R district. No light source within a parking structure in an R district shall be visible from a public right-of-way adjoining an R district. (BMC 17.74.070).
14. The religious assembly use, for which this permit was applied, shall substantially comply with the schedule of weekly activities as proposed by Deacon James Judkins on May 1, 2008, and as listed below:

Day	Frequency	Activity	Time	Attendance
Sunday	every	Sunday School	9:30 am – 10:45 am	10-30
Sunday	every	Morning Service	11:00 am – 1:30 pm	125 - 180
Sunday	occasional	Evening Service	3:30 pm – 6:30 pm	60 -100
Monday	every	New Member Training	7:00 pm – 8:30 pm	5-10
Tuesday	every	Choir Rehearsal	7:30 pm – 9:30 pm	30-50
Tuesday	2 nd and 4 th	Youth Meeting	7:30 pm – 9:00 pm	10-15
Wednesday	every	Prayer/Bible Study	7:30 pm – 9:00 pm	25-30
Thursday	2 nd and 4 th	Usher's Meeting	7:00 pm – 8:30 pm	8-10
Thursday	3 rd	Christian Education	7:00 pm – 8:30 pm	5-8
Thursday	2 nd	Pastor's Aid	7:30 pm – 9:00 pm	5-8
Friday	2 nd and 4 th	Mission Department	7:15 pm – 9:00 pm	10-12
Saturday	1 st and 4 th	Male chorus	4:00 pm – 5:30 pm	6-10
Saturday	2 nd	Brotherhood	9:30 am – 11:30 am	10-12

Day	Frequency	Activity	Time	Attendance
Saturday	3 rd	Deacons and Deaconess	10:30 am – 12:00 pm	6-12
Saturday	4 th	Building Fund	4:00 pm – 6:00 pm	6-8
Saturday	every	Solomon Brothers Choir	6:00 pm - 8:30 pm	7-10
Saturday	occasional	Evening Service	6:00 pm – 9:00 pm	60 -100

15. Any special events, such as fairs, outdoor sales, and Christmas tree sales as generally described in Section 17.16.090 needs a temporary use permit as stipulated in Section 17.104.110 of Benicia’s Municipal Code.

16. Under Benicia Municipal Code Section 8.20 (Noise Regulations) the religious assembly, for which this permit was applied, may operate sound amplifying equipment on all days, but only between the hours of 9:00 am through 9:00 pm. This noise shall not exceed 15 decibels above the ambient base noise level in the RS zone; ambient noise levels in the RS zone are: (1) from 10:00 pm – 7:00 am: 40 – 50 decibels; (2) from 7:00 pm – 10:00 pm: 45 – 55 decibels; (3) from 7:00 am – 7:00 pm: 50 – 60 decibels.

17. 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.

* * * * *

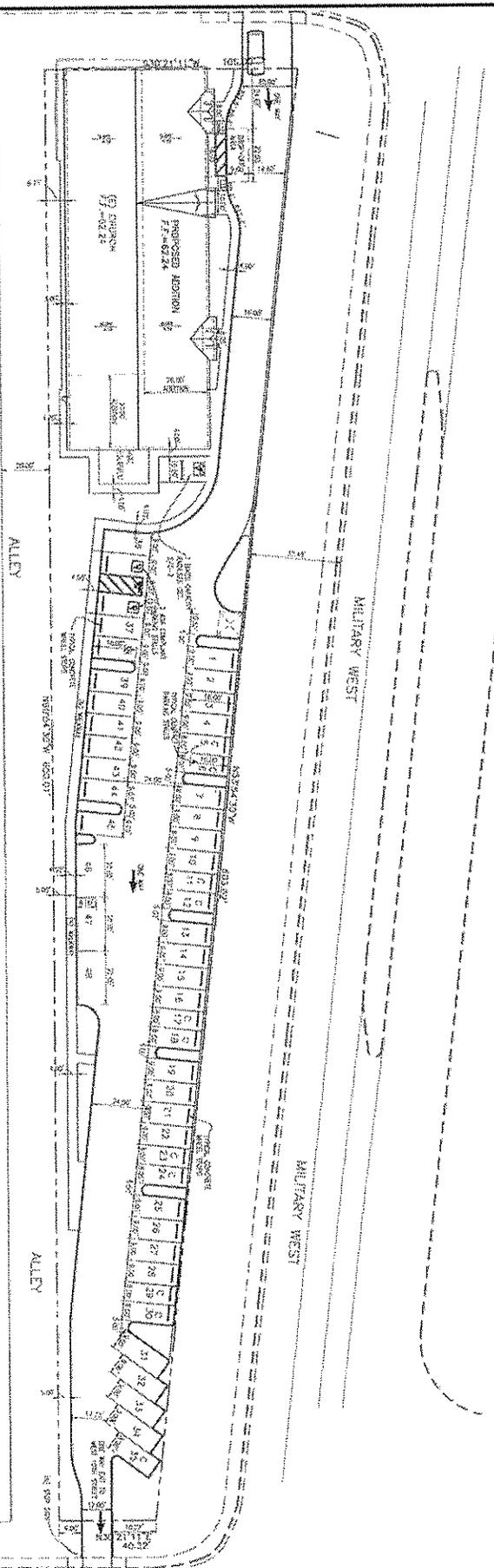
On motion of Commissioner _____, seconded by Commissioner _____, the above Resolution was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on October 23, 2008 by the following vote:

Ayes:
 Noes:
 Absent:

 Chuck Mang
 Historic Preservation Commission Chair

PROJECT PLANS

(If viewing online, this attachment is available to view in the Community Development Department or in the Benicia Public Library in the October 23, 2008 Historic Preservation Review Commission packet)



PARKING PLAN



PARKING CALCULATION

REQUIRE	TYPE OF SPACE	WALL & ISLAND
71 SPACES	NON-PARKING	AS APPLD
3 SPACES	NON-PARKING	90°-180°
3 SPACES	PARKING	90°-180°
1 SPACE	A.D.A. STANDARD	90°-180°
1 SPACE	A.D.A. VAN ACCESSIBLE	90°-180°

REQUIRED PARKING SPACES (SANCTUARY 102 SEATS & LOBBY 25 SEATS & LOBBY 25 SEATS & 102 SEATS / 102 SEATS) = 48 PARKING SPACES
 PROVIDED PARKING SPACES = 48 TOTAL * A.D.A. ACCESSIBLE

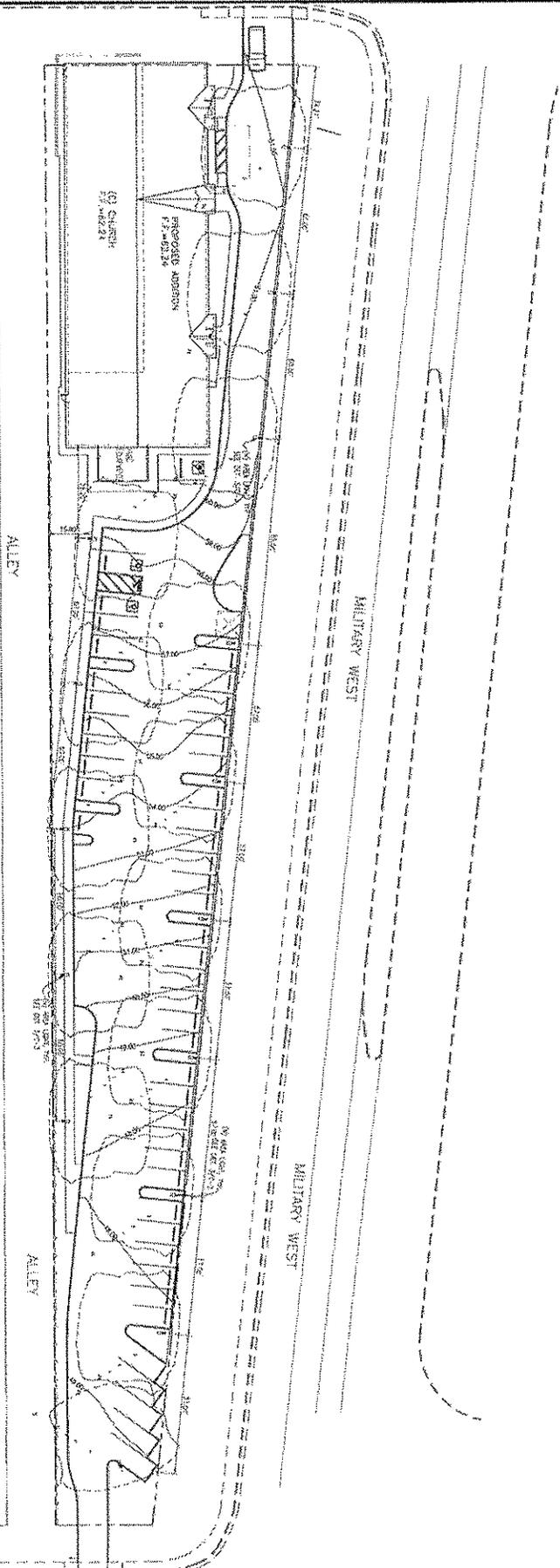


PARKING PLAN
 KING SOLOMON MISSIONARY BAPTIST CHURCH
 1280 WEST 11th STREET
 BENICIA, CA

A.C.K. Engineering & Surveying
 600 Mirra St. #5
 Vallejo, CA 94590
 ph. 707-648-8211
 fax 707-648-2443

REVISION	DATE	BY

DRAWN BY
 CHECKED BY
 DATE 10/25/87
 SCALE
 TERN NO. 201
 SHEET
 C-2



LIGHTING FIXTURE SCHEDULE

SYMBOL	MANUFACTURER	DESCRIPTION	TYPE	WATTAGE	NO.	TYPE	COMMENTS	QUANTITY
OC1	LINEAR HOUSING SUN-120W-SS-SS	PROJECTOR, DIM-SENSITIVE OPTIC EQUIVALENT 40W 120V	RECESSED WALL MOUNTED	120W	1	2nd	MAIN HALL 1st-2nd TOTAL 120W	1



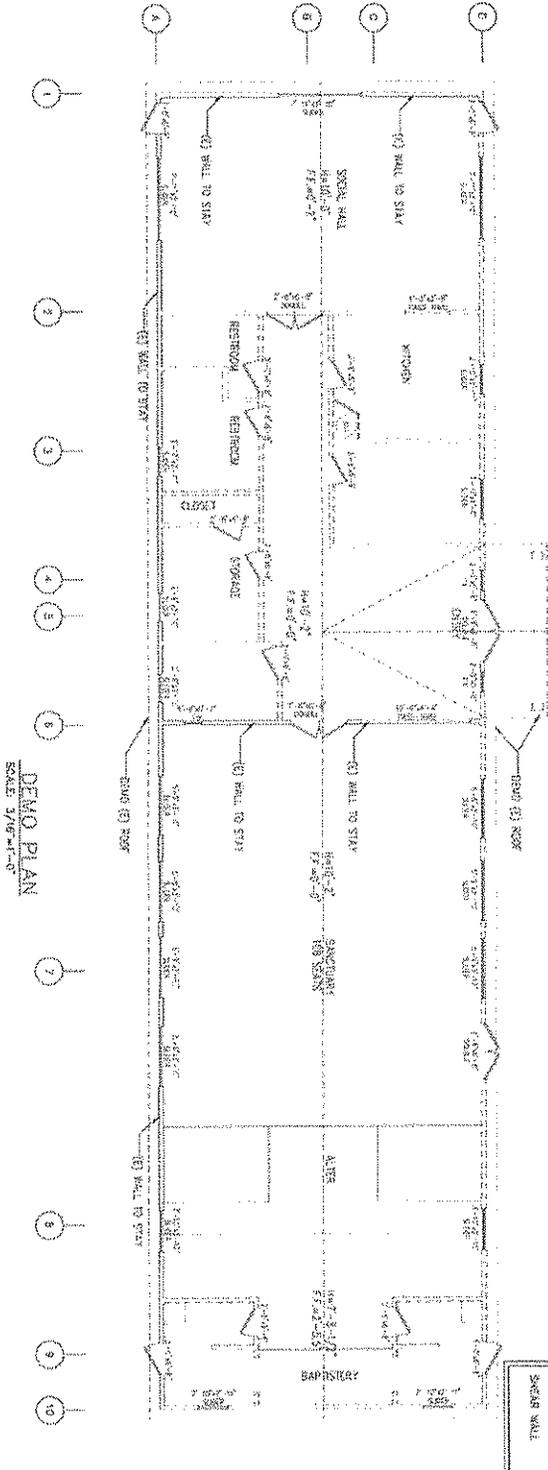
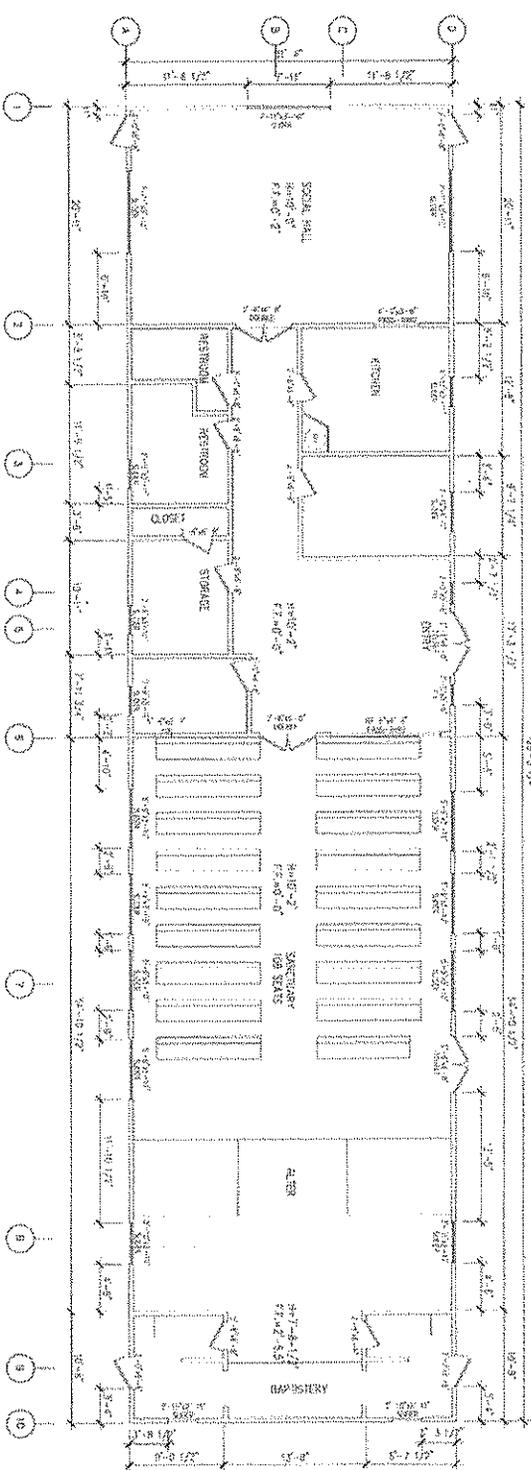
DRAWN BY
 CHECKED BY
 DATE 12/29/22
 SCALE
 JOB NO. 1719
 SHEET
 E-1



LIGHTING / PHOTOMETRIC PLAN
 KING SOLOMON MISSIONARY BAPTIST CHURCH
 1280 WEST 11th STREET
 BENICIA, CA

A.C.K. Engineering
 & Surveying
 600 Marin St. #5
 Vallejo, Ca. 94590
 Tel: 707-448-8888
 Fax: 707-444-8448

REVISION	DATE	BY	DESCRIPTION



(E) FLOOR PLAN

DEMO PLAN

SCALE: 3/8"=1'-0"

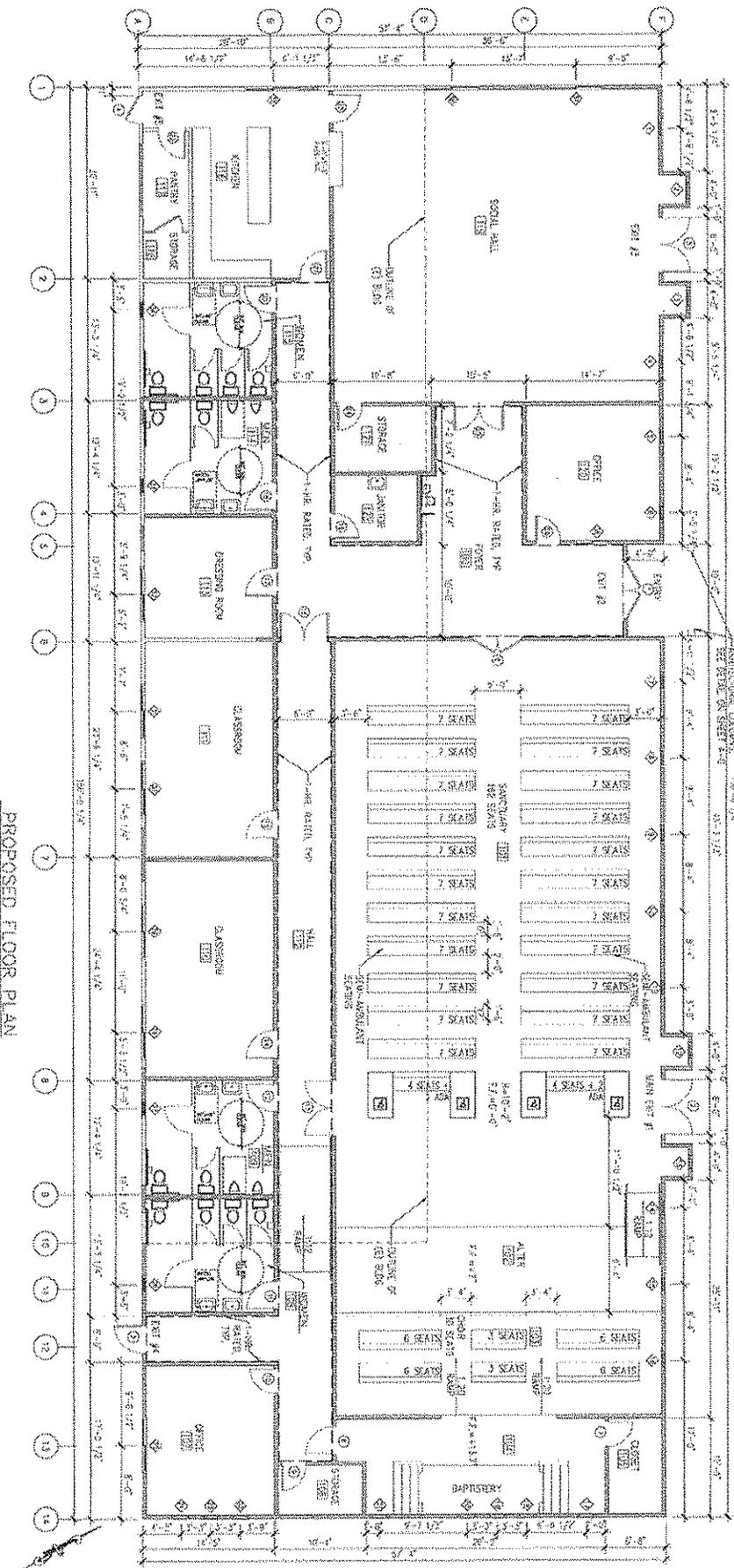
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BY	AK
CHECKED BY	AK
SCALE	AS SHOWN
JOB NO.	201
SHEET	A-1



(E) FLOOR / DEMO PLAN
 KING SOLOMON MISSIONARY BAPTIST CHURCH
 1280 WEST 11th STREET
 BENICIA, CA

A.C.K. Engineering & Surveying
 100 Meritt St #2
 Vallejo, CA 94590
 ph: 707-648-8818
 fax: 707-644-2463

NO.	REVISION
1	ISSUED FOR PERMITS
2	
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PROPOSED FLOOR PLAN

- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF BENICIA BUILDING DEPARTMENT ORDINANCES AND ALL APPLICABLE CODES AND CITY OF BENICIA BUILDING DEPARTMENT ORDINANCES AND ALL APPLICABLE CODES AND CITY OF BENICIA BUILDING DEPARTMENT ORDINANCES AND ALL APPLICABLE CODES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF BENICIA BUILDING DEPARTMENT ORDINANCES AND ALL APPLICABLE CODES AND CITY OF BENICIA BUILDING DEPARTMENT ORDINANCES AND ALL APPLICABLE CODES.
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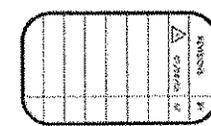


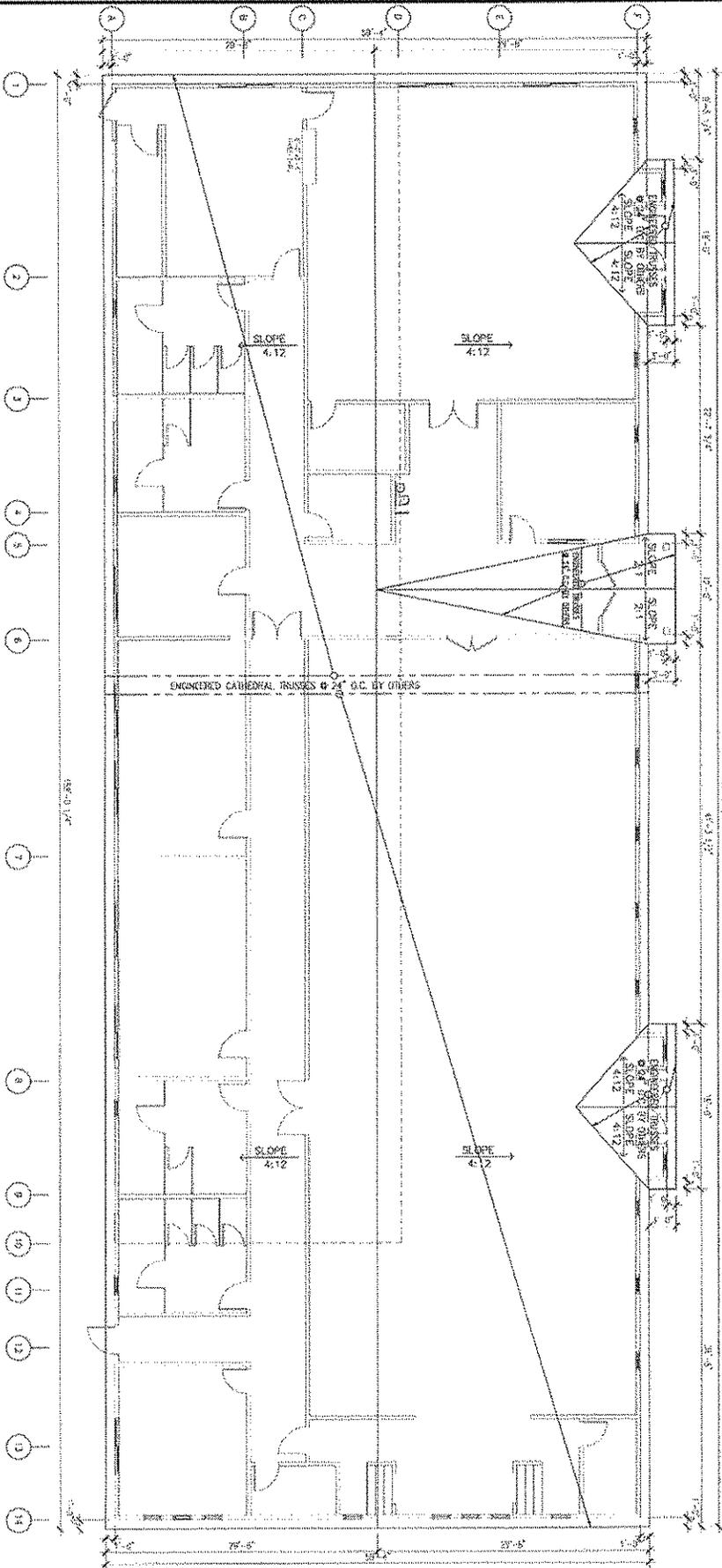
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 CHECKED BY: [Name]
 SCALE: AS SHOWN
 SHEET NO: A-2



PROPOSED FLOOR PLAN
 KING SOLOMON MISSIONARY BAPTIST CHURCH
 1280 WEST 11th STREET
 BENICIA, CA

A.C.K. Engineering & Surveying
 800 Marin St. #5
 Vallejo, CA 94590
 PH: 707-448-8812
 FAX: 707-444-3443





PROPOSED ROOF PLAN
SCALE: 3/8" = 1'-0"

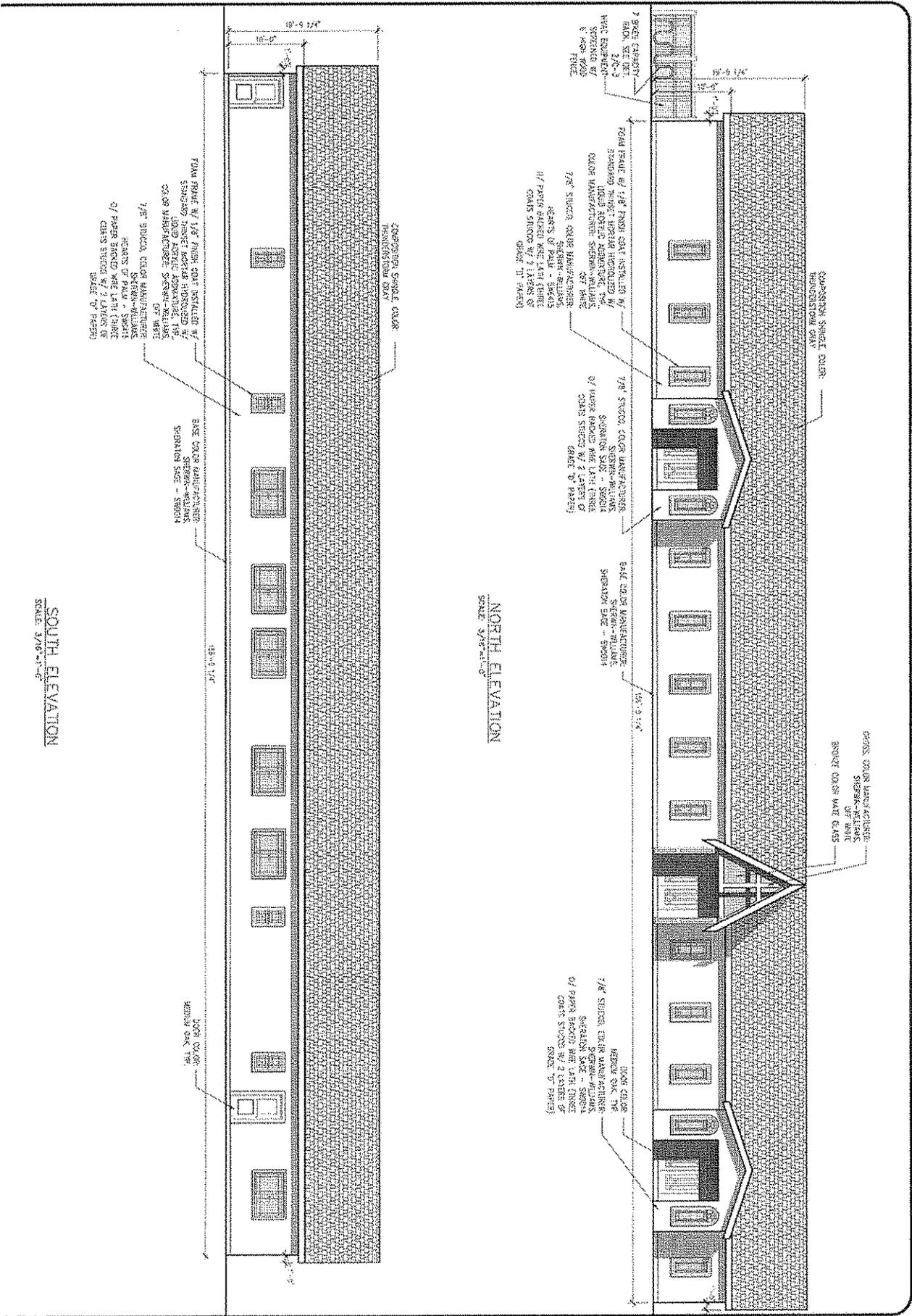
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JOB NO.	272
SHEET	A-3



PROPOSED ROOF PLAN
 KING SOLOMON MISSIONARY BAPTIST CHURCH
 1280 WEST 11th STREET
 BENICIA, CA

A.C.K. Engineering & Surveying
 600 Marin St. #2
 Vallejo, Ca. 94590
 ph: 707-448-8318
 fax: 707-448-2443

NO.	REVISION
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SOUTH ELEVATION
SCALE 3/16" = 1'-0"

NORTH ELEVATION
SCALE 3/16" = 1'-0"

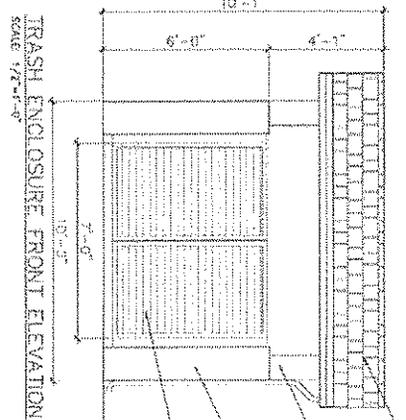
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12/15/20	MS	MS
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3/16" = 1'-0"	3/16" = 1'-0"	3/16" = 1'-0"
SHEET	SHEET	SHEET
A-4.1	A-4.1	A-4.1



PROPOSED ELEVATIONS
KING SOLOMON MISSIONARY BAPTIST CHURCH
 1280 WEST 11th STREET
 BENICIA, CA

A.C.K. Engineering
 600 Marin St. #5
 Vallejo, CA 94590
 ph. 707-642-8218
 fax 707-642-2043

NO.	DATE	REVISION

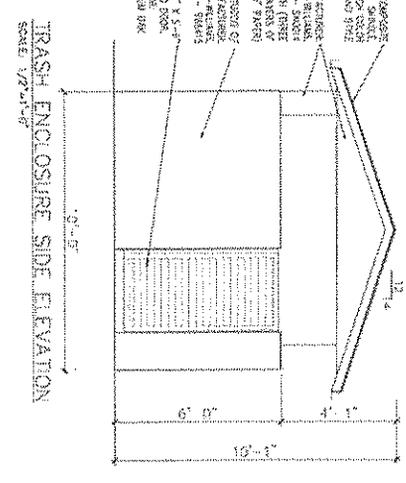


TRASH ENCLOSURE FRONT ELEVATION
SCALE 1/2"=1'-0"

1/2" STUCCO OVER MANUFACTURED SHEET-METAL COLOR
BY PAPER BANNER W/ 2 LAYERS OF COATS SHICRO W/ 2 LAYERS OF GRADE "D" PAPER

7/8" STUCCO OVER MANUFACTURED SHEET-METAL COLOR
BY PAPER BANNER W/ 2 LAYERS OF COATS SHICRO W/ 2 LAYERS OF GRADE "D" PAPER

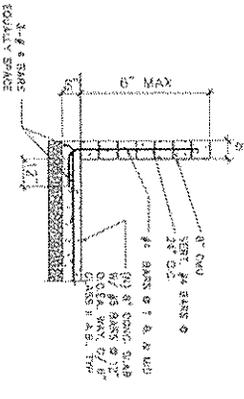
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BY PAPER BANNER W/ 2 LAYERS OF COATS SHICRO W/ 2 LAYERS OF GRADE "D" PAPER



TRASH ENCLOSURE SIDE ELEVATION
SCALE 1/2"=1'-0"

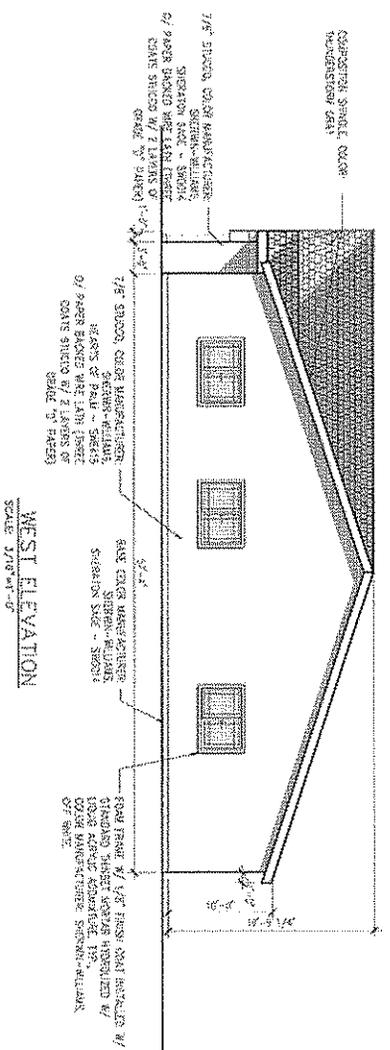
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BY PAPER BANNER W/ 2 LAYERS OF COATS SHICRO W/ 2 LAYERS OF GRADE "D" PAPER

7/8" STUCCO OVER MANUFACTURED SHEET-METAL COLOR
BY PAPER BANNER W/ 2 LAYERS OF COATS SHICRO W/ 2 LAYERS OF GRADE "D" PAPER



TRASH ENCLOSURE DETAIL
SCALE NBS

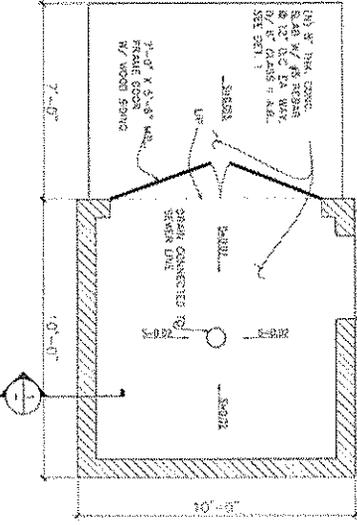
1/2" END
1/2" x 1/2" x 1/2" JOINT
1/2" x 1/2" x 1/2" JOINT



WEST ELEVATION
SCALE 1/2"=1'-0"

1/2" STUCCO OVER MANUFACTURED SHEET-METAL COLOR
BY PAPER BANNER W/ 2 LAYERS OF COATS SHICRO W/ 2 LAYERS OF GRADE "D" PAPER

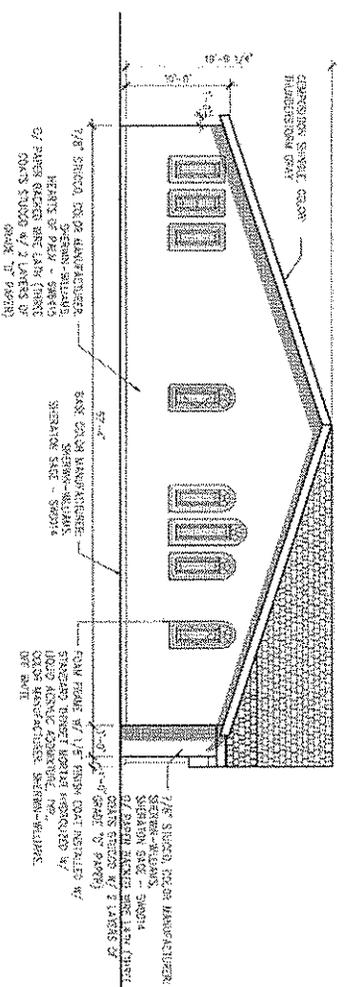
7/8" STUCCO OVER MANUFACTURED SHEET-METAL COLOR
BY PAPER BANNER W/ 2 LAYERS OF COATS SHICRO W/ 2 LAYERS OF GRADE "D" PAPER



TRASH ENCLOSURE - PLAN VIEW
SCALE 1/2"=1'-0"

1/2" STUCCO OVER MANUFACTURED SHEET-METAL COLOR
BY PAPER BANNER W/ 2 LAYERS OF COATS SHICRO W/ 2 LAYERS OF GRADE "D" PAPER

7/8" STUCCO OVER MANUFACTURED SHEET-METAL COLOR
BY PAPER BANNER W/ 2 LAYERS OF COATS SHICRO W/ 2 LAYERS OF GRADE "D" PAPER



EAST ELEVATION
SCALE 1/2"=1'-0"

1/2" STUCCO OVER MANUFACTURED SHEET-METAL COLOR
BY PAPER BANNER W/ 2 LAYERS OF COATS SHICRO W/ 2 LAYERS OF GRADE "D" PAPER

7/8" STUCCO OVER MANUFACTURED SHEET-METAL COLOR
BY PAPER BANNER W/ 2 LAYERS OF COATS SHICRO W/ 2 LAYERS OF GRADE "D" PAPER

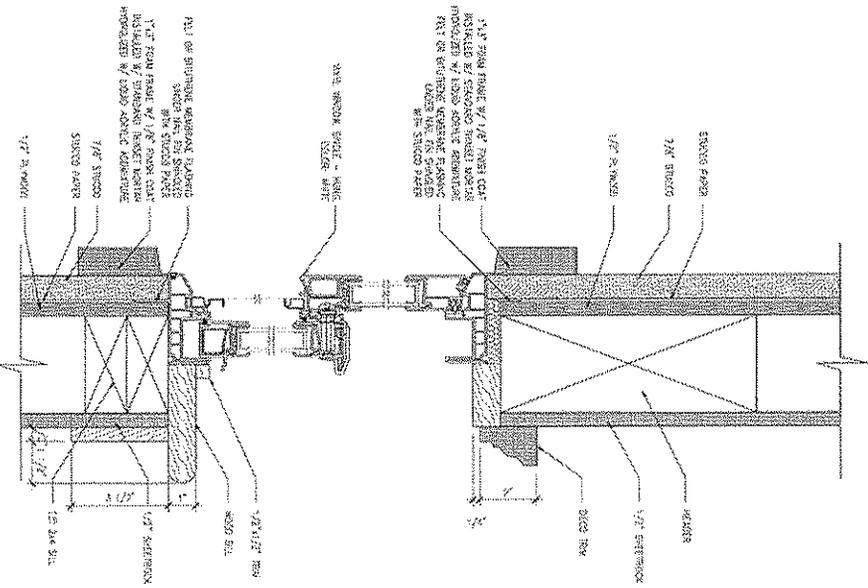


PROPOSED ELEVATIONS & TRASH ENCLOSURE
KING SOLOMON MISSIONARY BAPTIST CHURCH
1280 WEST 11th STREET
BENICIA, CA

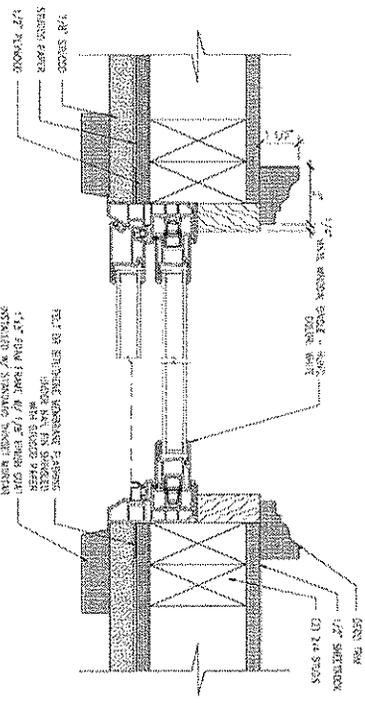
A.C.K. Engineering & Surveying
600 Mark St. #5
Vallejo, Ca. 94591
Tel: 707-444-8516
Fax: 707-444-2443

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITS	11/11/03	AK
2	ISSUED FOR PERMITS	11/11/03	AK
3	ISSUED FOR PERMITS	11/11/03	AK
4	ISSUED FOR PERMITS	11/11/03	AK
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8	ISSUED FOR PERMITS	11/11/03	AK
9	ISSUED FOR PERMITS	11/11/03	AK
10	ISSUED FOR PERMITS	11/11/03	AK

REVISIONS
NO. DATE BY
1 11/11/03 AK
2 11/11/03 AK
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9 11/11/03 AK
10 11/11/03 AK



2 VINYL WINDOW HEAD AND SILL TYPICAL DETAIL
SCALE: 3/4" = 1'-0"



1 VINYL WINDOW JAMB TYPICAL DETAIL
SCALE: 3/4" = 1'-0"



WINDOW DETAILS
 KING SOLOMON MISSIONARY BAPTIST CHURCH
 1280 WEST 11th STREET
 BENICIA, CA

A.C.K. Engineering & Surveying
 600 Marin St., #5
 Berkeley, CA 94709
 Tel: 207-646-8818
 Fax: 207-644-2443

NO.	REVISION	DATE
1		
2		
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5		

DESIGNER: A.C.K.
 CHECKED: M.K.
 DATE: 11/11/03
 SCALE: 3/4" = 1'-0"
 DRAWN: C.M.
 SHEET: A-5

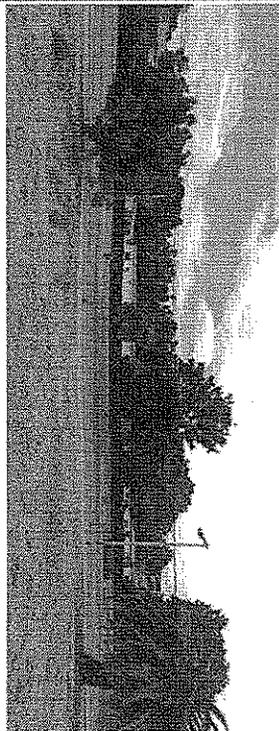


PHOTO #6

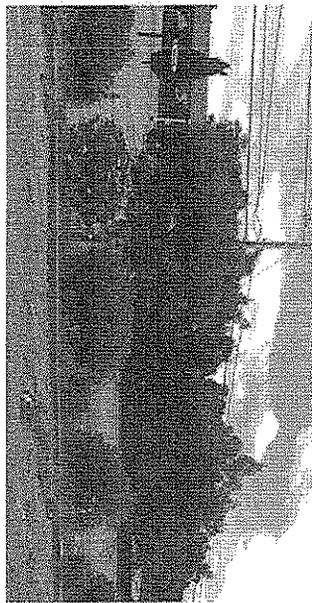


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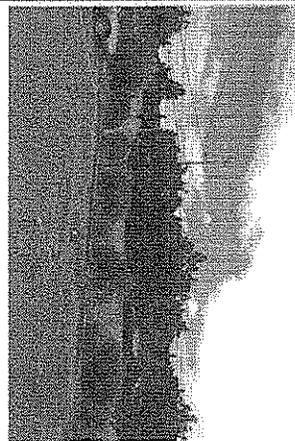


PHOTO #2

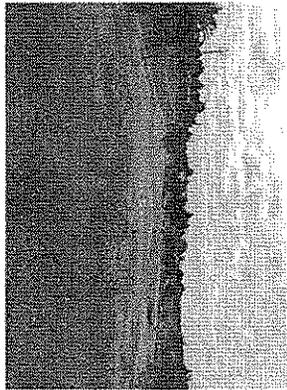


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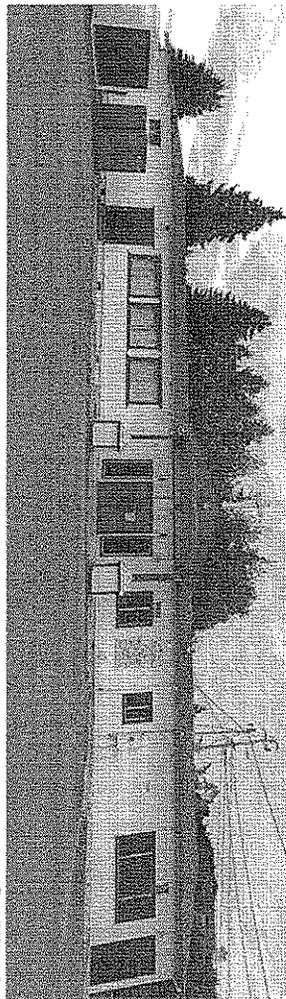


PHOTO #1

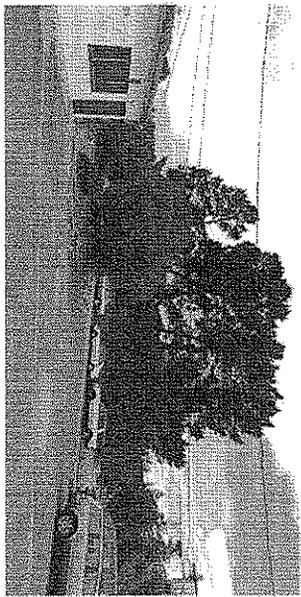
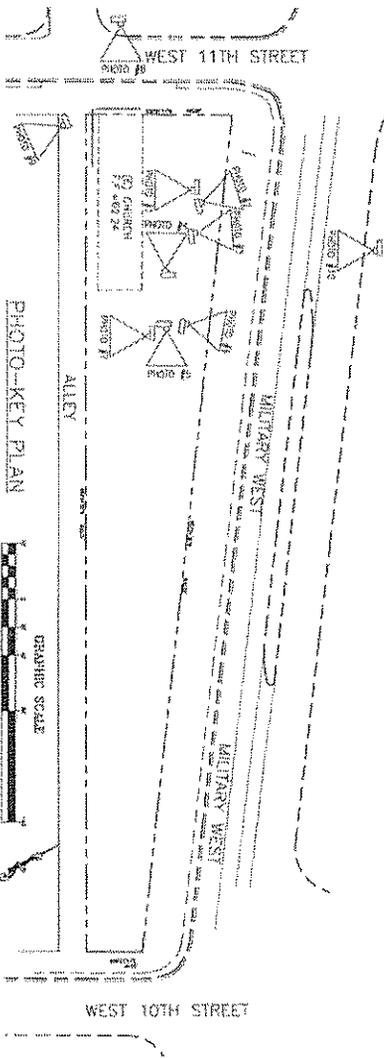


PHOTO #4



PHOTOGRAPHS
 KING SOLOMON MISSIONARY BAPTIST CHURCH
 1280 WEST 11th STREET
 BENICIA, CA

A.C.K. Engineering
 & Surveying
 600 Mark St. #5
 Vallejo, Ca. 94590
 ph:707-646-8318
 fax:707-644-2443

NO.	DATE	BY



DATE: 10/28/20
 SCALE: AS SHOWN
 SHEET: PH-1



PHOTO #9

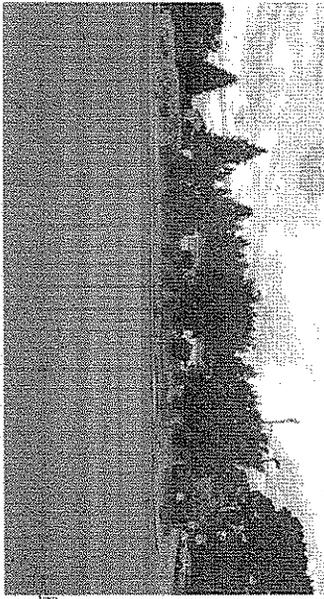


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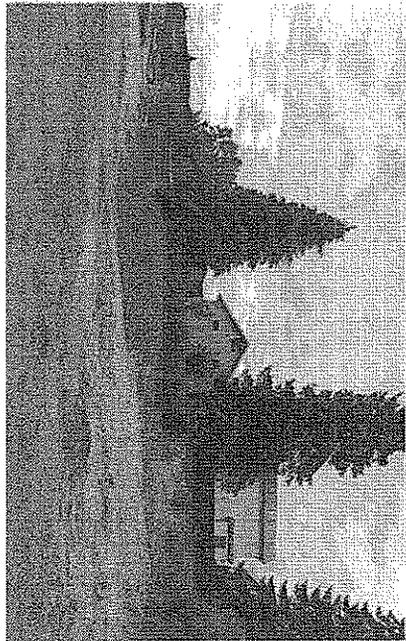
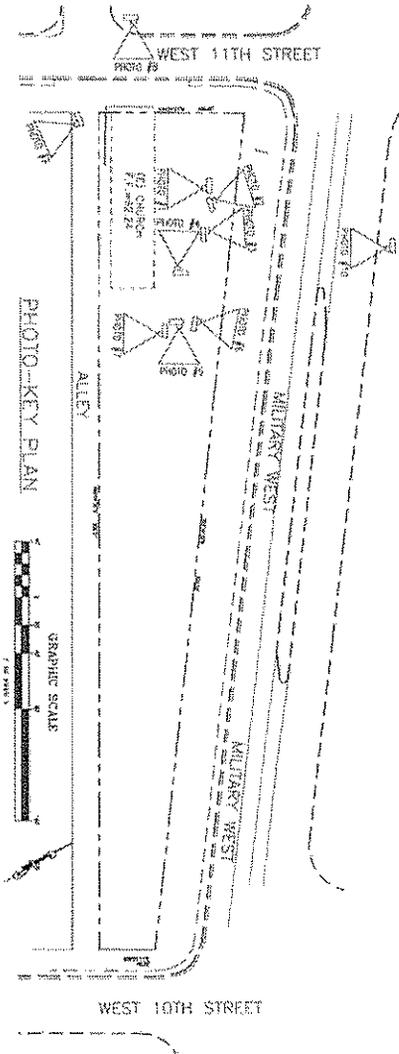


PHOTO #11



PHOTO #12

DATE	12/27/00
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DRAWN BY	PH-2
CHECKED BY	
DATE	
SCALE	
DRAWN BY	
CHECKED BY	



PHOTOGRAPHS
 KING SOLOMON MISSIONARY BAPTIST CHURCH
 1280 WEST 11th STREET
 BENICIA, CA

A.C.K. Engineering & Surveying
 660 Mills St. #5
 Vallejo, CA 94590
 Tel: 707-648-2311
 Fax: 707-648-2443

NO.	DATE	REVISION

PHOTOGRAPHS

(If viewing online, this attachment is available to view in the Community Development Department or in the Benicia Public Library in the October 23, 2008 Historic Preservation Review Commission packet)









Community Development Department
MEMORANDUM

Date: October 16, 2008
To: Historic Preservation Review Commission
From: Gina Eleccion, Management Analyst
Re: Mill Act Compliance Report

As part of the Mills Act Program Requirements, the City is responsible for performing annual inspections of each Mills Act property. Inspections were performed in December 2007. As a result of the inspections, a number of property owners have been contacted to ensure compliance with their contracts. In addition, those properties that the City entered into contracts with in 2007 will be inspected in December 2008. Due to the scheduling of certain agenda items, this was the first opportunity to present this report.

Attachment:

- Mills Act Inspection Spreadsheet

MILLS ACT ANNUAL INSPECTION REPORT 2007

ADDRESS	Property owner annual Report		Inspection performed Date	Compliance yes/no	NOTES/COMMENTS
	Mailed	Received			
185 East D Street	10/02/07	10/29/07	12/07/07	yes	
123 West D Street	10/02/07 11/20/07	11/30/07	12/07/07	no	Need to complete window replacement. Trim/Painting need maintenance. Remove particle board pieces against fence in front yard. Window approval - July 2008
401 First Street	10/02/07	11/01/07	12/07/07	no	Behind on window replacement scheduled. Shutters need repair, siding/paint need maintenance. Arched window on D Street is cracked. Lighting on stained glass window? No permit/inspection for sanitary pipe. Revised Work Program - Council November 2008
149 West G Street	10/02/07 11/20/07	12/03/07	12/07/07	yes	Continue repair/painting of siding.
159 West G Street	10/02/07	10/19/07	12/07/07	yes	
166 West H Street	10/02/07 11/20/07	12/20/07	12/07/07	no	Annual report filed late. Stair/Rail work not completed. Front window broken. Missing window trim.
125 East I Street	10/02/07	10/31/07	12/07/07	no	Flashing/gutter need repair. Siding needs maintenance.

145 East I Street	10/02/07	11/09/07	12/07/07	yes	Remove construction materials from front yard. Exposed wires at electrical box.
121 West J Street	10/02/07	10/31/07	12/07/07	yes	Siding needs minor maintenance.
163 West J Street	10/02/07	11/01/07	12/07/07	yes	Siding will require maintenance in upcoming years.
251 West J Street	10/02/07	10/03/07	12/07/07	yes	Paint stairs. Dry rot under roofline and gutters need replacing.
1063 Jefferson Street	10/02/07	10/09/07		yes	
230 West K Street	10/02/07	10/15/07	12/07/07	yes	Landscaping needs attention.
245 West K Street	10/02/07 11/20/07	12/06/07	12/07/07	yes	Roof/Porch/Paint need maintenance. 2 top windows need repair.
235 East L Street	10/02/07 11/20/07	11/29/07		no	Met with property owner. Property now for sale. Will meet with new property owner to discuss.