

BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

CITY HALL COMMISSION ROOM

REGULAR MEETING AGENDA

Thursday, October 25, 2007

6:30 P.M.

I. CALL TO ORDER

- **Pledge of Allegiance**

- **Roll Call of Commissioners**

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

**II. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN**

**B. PUBLIC COMMENT**

**A. Approval of Agenda**

**B. [Approval of Minutes of September 27, 2007](#)**

**C. [Approval of 2008 HPRC Meeting Schedule](#)**

**D. [PERROTIS APARTMENT BUILDING EXTERIOR RENOVATION](#)**

1004-1016 West Third Street APN: 0087-162-180

PROPOSAL:

The applicant requests approval for the new construction of a sixty-nine foot and nine inch (69'9") long, five foot (5') wide balcony with three (3) partitions along the Southeast side of the apartment building; replacement of four (4) six foot (6') windows with six foot (6') sliding vinyl double pane doors white in color along the southeast side; new construction of a second-story six foot (6') white, vinyl double pane window with grids on the northeast side of the building fronting the alley; and, replacement of four (4) single aluminum pane windows with white, vinyl double pane windows with grids on the Southeast side.

Recommendation:

Approve design review request for a new rear balcony deck and window and door replacement, based on the findings and conditions in the proposed resolution.

#### **IV. REGULAR AGENDA ITEMS**

##### **A. 126 EAST E STREET – DEMOLITION PERMIT**

126 East E Street, APN: 89-372-050 and 89-372-060

PROPOSAL

The proposed project consists of demolishing the existing building located on the northern side of the lot, which is currently used as an office. This building is designated as a potentially contributing structure in the Downtown Historic Conservation Plan.

Recommendation:

Approve a permit for demolition of a structure at 126 East E Street because it no longer retains substantial historical, architectural or cultural interest or value; and adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project, based on the findings, and subject to the conditions listed in the attached resolution.

B.

##### **224 WEST I STREET – DESIGN REVIEW AND MILLS ACT CONTRACT**

07PLN-74 Design Review and 07PLN-69 Mills Act Contract

224 West I Street, APN: 89-042-070

PROPOSAL

The applicant requests approval for exterior modifications to the existing single-family residence located at 224 West I Street within the Downtown Historic District. The modifications include removal

of asbestos siding, restoration of deteriorated wood siding, replacement of gutters, restoration/reconstruction of architectural details around the bay windows, reconstruction of a rear-facing second story balcony, and placement of decorative medallions above windows. The applicant also requests approval of a Mills Act Contract with the City of Benicia for this property.

Recommendation:

Approve design review for exterior alterations to the existing single-family residence, based on the findings, and subject to the conditions listed in the proposed resolution.

Recommendation:

Approve Mills Act contract and recommend City Council approval.

C. 129 WEST I STREET – DESIGN REVIEW AND MILLS ACT CONTRACT

07PLN-63 Design Review and 07PLN-72 Mills Act Contract

129 West I Street

APN: 0089-043-160

PROPOSAL:

The applicant requests approval for exterior alterations to the existing single-family residence located at 129 West I Street within the Downtown Historic District. The modifications include a major historic rehabilitation of the front and west elevations. The applicant also requests approval of a Mills Act Contract with the City of Benicia for this property.

Recommendation:

Approve design review for exterior alterations to the existing single-family residence, based on the findings, and subject to the conditions listed in the proposed resolution.

Recommendation:

Approve Mills Act contract and recommend City Council approval.

V. COMMUNICATIONS FROM COMMISSIONERS

VI. COMMUNICATIONS FROM STAFF

A. HISTORIC SURVEY AD HOC COMMITTEE UPDATE

## VII. 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 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.



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

**REGULAR MEETING MINUTES**

**Thursday, September 27, 2007  
6:30 P.M.**

**I. CALL TO ORDER**

**A. Pledge of Allegiance**

**B. Roll Call of Commissioners**

Present: Commissioners Conlow, Donaghue, Haughey, Mang, White and Wilson  
Absent: Chair Delgado (excused)

Staff Present:

Damon Golubics, Acting Community Development Director  
Amy Million, Consulting Planner  
Gina Eleccion, Management Analyst

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

**II. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN**

No written comments received.

**B. PUBLIC COMMENT**

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

**III. CONSENT CALENDAR**

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

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

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

**A. Approval of Agenda**

**B. Approval of Minutes of August 23, 2007**

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

**PROPOSAL:**

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

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

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

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

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

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

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

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

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

The public hearing was opened.

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

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

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

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

The public hearing was closed.

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

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

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

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

**D. 141 WEST H STREET – MILLS ACT CONTRACT**

07PLN-50 APN: 89-044-350

**PROPOSAL:**

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

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

Damon Golubics recommended the Commission discuss and address their concerns.

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

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

The public hearing was opened.

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

The public hearing was closed.

Aluminum window replaced, and front porch to wood.

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

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

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

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

**PROPOSAL:**

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

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

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

Commissioners discussed the application.

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

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

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

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

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

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

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

**PROPOSAL:**

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

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

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

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

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

**RESOLUTION NO. 07-16 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BENICIA RECOMMENDING**

**CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 1025 WEST SECOND STREET**

**Amend work program to include above items.**

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

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

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

**G. 140 EAST G STREET – MILLS ACT CONTRACT**

07PLN-53 APN: 89-342-040

**PROPOSAL:**

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

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

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

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

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

The public hearing was opened.

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

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

The public hearing was closed.

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

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

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

Commissioners discussed consistency in approving Mills Act contracts.

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

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

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

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

**H. 522 WEST K STREET**

07PLN-59 Design Review

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

**PROPOSAL:**

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

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

**RESOLUTION NO. 07-12 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW PERMIT FOR THE EXTERIOR REMODEL**

**OF THE BENICIA CONTINENTAL APARTMENT COMPLEX LOCATED AT  
510-550 WEST K STREET AND 501 WEST 5<sup>TH</sup> STREET (07PLN-59)**

**IV. REGULAR AGENDA ITEMS**

**A. STRAW HAT PIZZA**

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

**PROPOSAL**

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

**Recommendation:** Continue to the October 25, 2007 meeting.

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

The public hearing was opened.

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

The public hearing was closed.

Motion White, Conlow to continue - All

**B. GOLLNICK RESIDENCE - ALTERATION**

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

**PROPOSAL**

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

**Recommendation:** Approve design review for the proposed addition.

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

Commissioners discussed the project.

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

The public hearing was opened.

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

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

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

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

The public hearing was closed.

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

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

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

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

Amendments requested:

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

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

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

**V. COMMUNICATIONS FROM COMMISSIONERS**

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

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

Commissioner White thanked Commissioner Haughey for her thorough research.

**VI. COMMUNICATIONS FROM STAFF**

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

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

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

**A. HISTORIC SURVEY AD HOC COMMITTEE UPDATE**

Gina Eleccion gave an oral report.

**VII. ADJOURNMENT**

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



Community Development Department  
**MEMORANDUM**

**Date:** October 11, 2007  
**To:** Historic Preservation Review Commission  
**From:** Gina Eleccion, Management Analyst  
**Re:** 2008 Historic Preservation Review Commission Meeting Schedule

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The Historic Preservation Review Commission meeting schedule is listed below for your reference and approval.

<b>January 24, 2008</b>	<b>July 24, 2008</b>
<b>February 28, 2008</b>	<b>August 28, 2008</b>
<b>March 27, 2008</b>	<b>September 25, 2008</b>
<b>April 24, 2008</b>	<b>October 23, 2008</b>
<b>May 22, 2008</b>	<b>November 17, 2008</b>
<b>June 26, 2008</b>	<b>*December 18, 2008</b>

\* Alternate date due to Christmas week.

**AGENDA ITEM  
HISTORIC PRESERVATION REVIEW COMMISSION  
OCTOBER 25, 2007  
CONSENT CALENDAR**

**DATE** : October 17, 2007

**TO** : Historic Preservation Review Commission

**FROM** : Mike Marcus, Assistant Planner

**SUBJECT** : **DESIGN REVIEW REQUEST FOR A NEW REAR BALCONY  
DECK AND WINDOW & DOOR REPLACEMENT TO A 7-UNIT  
APARTMENT BUILDING**

**PROJECT** : 1004-1016 West Third Street  
07PLN-70  
APN: 0087-162-180

**RECOMMENDATION:**

The Historic Preservation Review Commission hold a public hearing, consider public testimony and other relevant documents and move to approve Design Review 07PLN-70 based on the findings, and subject to the conditions listed in the attached resolution and as discussed during the public hearing.

**EXECUTIVE SUMMARY:**

The applicant requests approval for the new construction of a sixty-nine foot and nine inch (69'9") long, five foot (5') wide balcony with three (3) partitions along the southeast side of the apartment building; replacement of four (4) six foot (6') windows with six foot (6') sliding vinyl double pane doors white in color along the southeast side; new construction of a second-story six foot (6') white, vinyl double pane window with grids on the northeast side of the building fronting the alley; and, replacement of four (4) single pane aluminum windows with white, vinyl double pane windows with grids on the southeast side.

While the plans reflect a six-foot (6') balcony width, staff recommends approval of a five-foot (5') balcony, pursuant to BMC 17.70.150(E). The applicant agrees with staff's recommendation and the applicant's project engineer has stated that there will be no negative structural impacts as a result thereof. As a Condition of Approval, Building plans will reflect this change with a copy of revised plans added to the planning file at the time of filing for a building permit.

The applicant has spoken to surrounding neighbors and has submitted a letter of support from Mr. Tony Hensley, the resident and owner of 281 West J Street, which is directly adjacent to the property (See Attachment #4).

### **BUDGET INFORMATION:**

No City budgetary impacts are anticipated.

### **ENVIRONMENTAL ANALYSIS:**

Staff has determined that this project is Categorical Exempt under Section 15301 of the State CEQA Guidelines, Existing Facilities. A Class 1 exempts from the provisions of CEQA interior and exterior alterations where the project involves negligible or no expansion of an existing use.

### **BACKGROUND:**

Applicant/Owner: John Perrotis

General Plan designation: Residential, Medium Density; Historic Overlay District

Zoning: Medium Density Residential

Existing use: Medium Density Residential; 7-unit apartment building

Proposed use: Medium Density Residential; no change

Adjacent zoning and uses:

North: RS, Single Family Residential/Residential

East: Existing Land Use: Single Family Residential/Residential;

Current Zoning: RM, Medium Density Residential/Residential

South: RS, Single Family Residential/Residential

West: RS, Single Family Residential/Residential

### **SUMMARY:**

#### Site Description

The apartment building is located at the southeast corner of West 3<sup>rd</sup> Street and West J Street. The two-story building consists of seven (7) rental units, with entrances fronting West 3<sup>rd</sup> Street.

#### Project Description

The building is a two-story residential building clad with stucco siding and a green and white paint palate. The exterior stairs leading to the second story units are comprised of open concrete steps with rod iron railings, ascending from the primary walkway and adjoining parking lots.

The proposed balcony and door/window replacements would consist of a series of exterior upgrades. These improvements include:

1. Proposed Rear Balcony (southeast facing)
  - a. Construction of a sixty nine foot and nine inch (69'9") long, five-foot (5') wide balcony along the southeast face of the building with three (3) partitions, one between each unit and six feet (6') in height. In an effort to maximize privacy between residents and adjacent neighbors, the balcony deck will be enclosed with a T-111 plywood wall painted to match the exterior of the building.
2. Doors
  - a. Replace four (4) six-foot (6') aluminum windows with six-foot (6') sliding vinyl white double pane doors.
3. Windows
  - a. Replace four (4) single-pane aluminum windows with white vinyl double-pane windows with grids.
  - b. New construction of a six foot (6') wide, three feet (3') high window on the second story of the northeast, rear-side of the building fronting the alley.

### Project Analysis

#### 1. Applicable codes

Pursuant to Benicia Municipal Code (BMC), Section 17.12.030, the parcel is a *corner lot*, thereby making West J Street the technical building front (corner lots use the shortest lot line abutting the street as the front property line). Under the BMC, the deck is proposed for the Southeast-facing side lot where a minimum side setback of six feet (6') is required (BMC 17.48.010). The existing building is situated ten feet (10') from the property line, thus providing the owner with an additional four feet (4') of buildable area. The applicant is allowed an additional one and a half feet (1.5') projection into the interior side yard pursuant to BMC Section 17.70.150[E]. This combination allows for a five and a half foot (5.5') second story balcony to be constructed on the Southeast face of the apartment building.

#### 2. Findings

- a) The proposed development is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purposes of Medium Density Residential zoning district.
- b) The proposed location of the balcony and exterior upgrades and the proposed conditions of approval will be consistent with the General Plan and with Title 17 of the Benicia Municipal Code and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the

neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city;

- c) The proposed balcony and exterior upgrades will comply with the provisions of Title 17 (Benicia Zoning Ordinance), including specific conditions required for use in the district in which it will be located.

#### General Plan and Zoning Consistency

According to Section 17.108.010, Design Review is intended to ensure that the architectural design of structures, their material, and colors are visually harmonious with surrounding development and with the natural landforms, etc. The proposed balcony and exterior upgrades are intended to enhance the aesthetic quality design of the subject property and contribute to the overall enhancement of the neighborhood.

#### **FURTHER ACTION:**

The Historic Preservation Review Commission's action will be final unless appealed to the Planning Commission within ten business days.

#### **Attachments:**

- ❑ Draft Resolution
- ❑ Project Plans
- ❑ Site Photographs
- ❑ Correspondence from Neighbor @ 281 West J Street

# **DRAFT RESOLUTION**

**RESOLUTION NO. 07- (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION  
OF THE CITY OF BENICIA APPROVING A DESIGN REVIEW PERMIT FOR A  
BALCONY AND ANCILLARY EXTERIOR UPGRADES OF A 7-UNIT APARTMENT  
BUILDING AT 1004-1016 WEST 3<sup>RD</sup> STREET (07PLN-70)**

**WHEREAS**, John Perrotis, owner of a 7-unit apartment building on West 3<sup>rd</sup> Street, requested minor design review approval for the new construction of a rear balcony, door/window replacements and new construction of a window located at 1004-1016 West 3<sup>rd</sup> Street; and,

**WHEREAS**, the Historic Preservation Review Commission at a regular meeting on October 25, 2007, 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 new construction of a rear balcony, door/window replacements and new construction of a window located at 1004-1016 West 3<sup>rd</sup> Street; and,

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

- A. This project is Categorically Exempt under Section 15301 of the State CEQA Guidelines, Existing Facilities. Class 1 exempts interior and exterior alterations where the project involves negligible or no expansion of an existing use, from the provisions of CEQA.
- B. The design of this project is consistent with the purposes of the City of Benicia Zoning Ordinance.

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

- 1. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
- 2. Any alteration of the approved plans, including substitution of materials, shall be requested in writing and approved by the Community Development Director or designee prior to changes being made in the field.
- 3. 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.

4. The balcony construction shall not exceed the following dimensions: sixty-nine feet and nine inches (69'9") in length and five feet (5') in width; shall be divided by three (3) six feet (6') tall partitions as indicated by the plans; and, shall be enclosed with a T-111 plywood wall painted to match the exterior of the building.
5. Building plans will reflect the change in balcony width to be five feet (5'); an additional copy of the plans will be added to the planning file at the time of filing for a building permit.
6. 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 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 25, 2007 by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

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Gina D. Eleccion  
Historic Preservation Review Commission Secretary

# **PROJECT PLANS**

# **PHOTOGRAPHS**

# **CORRESPONDENCE**

**AGENDA ITEM  
HISTORIC PRESERVATION REVIEW COMMISSION  
OCTOBER 25, 2007  
REGULAR AGENDA ITEMS**

**DATE** : October 3, 2007

**TO** : Historic Preservation Review Commission

**FROM** : Gina Eleccion, Management Analyst

**SUBJECT** : **126 EAST E STREET – DEMOLITION PERMIT**

**PROJECT** : 126 East E Street  
06PLN-52  
0089-372-050, -060

**RECOMMENDATION:**

Approve a permit for demolition of a structure at 126 East E Street because it no longer retains substantial historical, architectural or cultural interest or value; and adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project, based on the findings, and subject to the conditions listed in the attached resolution.

**EXECUTIVE SUMMARY:**

Patrick Donaghue requests demolition of a structure he owns at 126 East E Street that is currently listed as a potential contributor to the Downtown Historic District. Two independent evaluations concluded that the structure no longer retains substantial historical, architectural or cultural interest or value. One of these analyses, conducted on behalf of the City as part of the ongoing update of downtown historic resources, finds that the structure is no longer eligible for designation as a historic resource.

The applicant proposes to demolish the existing structure. A previous proposal included a mixed-use project for the site, however, as the applicant has formally withdrawn that project from consideration by the City, the original Initial Study/Mitigated Negative Declaration no longer applies. A new Initial Study was prepared for the proposed demolition of the existing on-site “potentially contributing” structure.

**BUDGET INFORMATION:**

No City budgetary impacts are anticipated.

**ENVIRONMENTAL ANALYSIS:**

Staff has determined that this project is subject to the California Environmental Quality Act (CEQA). An Initial Study was prepared. The Initial Study identified air quality and cultural resources that could be potentially affected by the project. Based on the Initial Study, staff found there would not be a significant effect on the environment.

A Mitigated Negative Declaration (MND) was prepared and circulated for 30-day public review on September 12, 2007. No comments were received. A Mitigation Monitoring and Reporting Program was also prepared for the project

## **BACKGROUND:**

Applicant/Owner: Pat Donaghue

General Plan designation/Zoning: Downtown Mixed Use/ Downtown Commercial

Existing use: Mixed Use Commercial/Residential

Proposed use: Mixed Use Commercial/ Residential

Adjacent zoning and uses:

North: Downtown Commercial, Vacant lot (used for parking) and Single Family Residential Uses

East: Downtown Commercial, Single Family Residential and Commercial (Hair salon) uses

South: Downtown Commercial, Kuhland Alley and Mixed Use (Residential and Commercial uses)

West: Downtown Commercial, Single Family Residential and Mixed Use (First Street Café)

## **SUMMARY:**

### **A. Project Description**

The project site consists of two parcels (APN: 89-372-050 and 89-372-060), with a combined area of 8,250 square feet zoned Downtown Commercial and located in the Downtown Historic Overlay district. Three structures exist on Parcel 89-372-060: the first (the building requested to be demolished) is used as a construction office, the second (125 Kuhland Alley) is used as a bead shop, and the third (127 Kuhland Alley) is a residence. The two buildings on the alley are designated as contributing structures in the Downtown Historic Conservation Plan. The combined size of all existing structures is approximately 3,385 square feet. The structure that is being proposed for demolition is 1,450 square feet.

### **B. Project Analysis**

#### **1. Historic Evaluation**

ARC Inc. prepared a Historic Review and Evaluation of 126 East E Street, and 125 and 127 Kuhland Alley and concluded that the 126 East E Street structure has had "several drastic remodeling and two additions, obliterating any obvious original detailing, porches, or fenestration on the exterior." Although some original architectural features

have been retained, the alterations to the structure have “irreversibly compromised the historic integrity of the architectural design, and leave [the structure] a confusing assemblage of forms and materials.” Based on that evaluation, the applicant contends the structure should not be designated a potential contributor to the historic overlay district.

A separate analysis of the 126 East E Street structure conducted by Rowland-Nawi Preservation Associates for the ongoing update of downtown historic resources inventory concludes that the structure, currently listed as a potential contributor, is not eligible for listing as a contributor. (The potential contributor category is not recognized by the State and is being eliminated from the Downtown Historic Conservation Plan, pursuant to the City’s new status as Certified Local Government.)

2. The following General Plan policy (2.1.2) is applicable to the project proposal for the purpose of demolition:

*Make efficient use of land in new development areas consistent with the surrounding neighborhood.*

3. The following Zoning Ordinance sections are applicable to the project proposal for the purpose of design review:

According to Chapter 17.54 (Historic Overlay District) the specific purpose of the historic overlay district is to implement the city’s general plan; deter demolition, destruction, alteration, misuses, or neglect of historic or architecturally significant buildings that form an important link to Benicia’s past; promote the conservation, preservation, protection, and enhancement of each historic district; stimulate the economic health and residential quality of the community and stabilize and enhance the value of property; and to encourage development tailored to the character and significance of each historic district through a conservation plan that includes goals, objectives, and design criteria.

According to Section 17.54.100 (Demolition and design review procedures) the Historic Preservation Review Commission shall consider the proposed demolition in the context of the adopted Downtown Conservation Plan and the architectural or historical value and significance of the site and structure in relation to the overlay district. No demolition permit shall be issued for demolition of any historic structure within an H district without prior review and approval by the design review commission.

If, after review of the request for demolition permit, the Commission determines that the structure itself has historical, architectural or cultural interest or value, the Commission may withhold approval for demolition. The demolition permit shall be issued if environmental review determines there will not be a significant impact on the environment and all requirements of this title are met or, if there may be substantial environmental damages, that specific economic, social or other considerations make infeasible the mitigation measures or alternatives identified during environmental review.

#### 4. Findings

The following findings would need to be made prior to approval of the project:

- a) The Historic Preservation Review Commission considered and approved the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
- b) The proposed project is consistent with the objectives and provision of Title 17 of the Benicia Municipal Code and the purpose of the Downtown Commercial zoning district.
- c) The proposed project with the recommended mitigation measures and conditions of approval will be consistent with the General Plan and will not be detrimental to public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.
- d) The structure located at 126 East E Street no longer retains substantial historical, architectural or cultural interest or value.
- e) The structure located at 126 East E Street is no longer eligible for designation as a historic resource to the Historic Overlay District.
- f) The issuance of a demolition permit will not be a significant impact on the environment because the historic designation of the structure is no longer applicable.

#### **FURTHER ACTION:**

Historic Preservation Review Commission action regarding the demolition permit will be final unless appealed to the Planning Commission within ten business days.

#### Attachments:

- Draft Resolution
- Initial Study/Mitigated Negative Declaration
- Mitigation Monitoring and Reporting Program
- Historic Review and Evaluation

**DRAFT RESOLUTION**

**RESOLUTION NO. 07- (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING APPROVAL OF A DEMOLITION PERMIT AND ASSOCIATED INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION FOR A PROJECT LOCATED AT 126 EAST E STREET (06PLN-52)**

**WHEREAS**, Patrick Donaghue requested approval of a demolition permit for the structure located at 126 East E Street;

**WHEREAS**, the Historic Preservation Review Commission, at a regular meeting on October 25, 2007 conducted a public hearing and reviewed the request; and

**WHEREAS**, in accordance with state and local procedures regarding the California Environmental Quality Act (CEQA), the Community Development Department conducted an Initial Study (with the 30-day comment period ending on October 11, 2007) to determine whether the proposed project could have a significant adverse effect on the environment, and on the basis of that study, proposed adoption of a Mitigated Negative Declaration.

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

- A. The Historic Preservation Review Commission considered the Initial Study/ Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program.
- B. The proposed project is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purpose of the Downtown Commercial zoning district.
- C. The proposed project with the recommend mitigation measures and conditions of approval will be consistent with the General Plan and will not be detrimental to public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.
- D. The structure located at 126 East E Street no longer retains substantial historical, architectural or cultural interest or value.
- E. The structure located at 126 East E Street is no longer eligible for designation as a historic resource to the Historic Overlay District.
- F. The issuance of a demolition permit will not be a significant impact on the environment because the historic designation of the structure is no longer applicable.

**BE IT FURTHER RESOLVED THAT** the Historic Preservation Review Commission of the City of Benicia hereby approves the demolition permit subject to the following conditions:

1. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
2. 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.
3. The applicant shall abide by all mitigation measures as identified in the Mitigation Monitoring and Reporting Program.
4. 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's, Historic Preservation Review Commission 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 at a regular meeting of the Historic Preservation Review Commission on October 25, 2007 by the following vote:

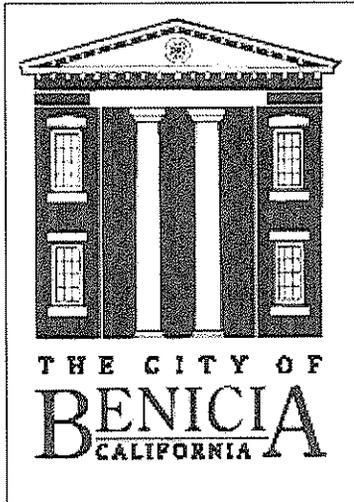
Ayes:  
Noes:  
Absent:  
Abstain:

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Gina Eleccion  
Historic Preservation Review Commission Secretary

**INITIAL STUDY/MITIGATED NEGATIVE  
DECLARATION**

# INITIAL STUDY/MITIGATED NEGATIVE DECLARATION



## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Project Title: 126 East E Street Project

Lead Agency Name and Address: City of Benicia  
250 East L Street  
Benicia, CA 94510

Project Location: 126 East E Street  
Benicia, California

Project Sponsor's Name and Address: Patrick M. Donaghue  
390 West K Street  
Benicia, CA

General Plan Designation(s): Downtown Commercial

Zoning: Downtown Commercial

Assessor's Parcel No. 089-372-050 and 089-372-060

Contact Person: Damon Golubics, Senior Planner

Phone Number: 707-746-4280

Date Prepared: September 2007

## **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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### **PROJECT DESCRIPTION**

The project site consists of parcels 089-372-050 and 089-372-060. The property is zoned Downtown Commercial and is located within the Historic Overlay district of the city's downtown. Parcel 89-372-060 contains three structures.

The proposed project consists of demolishing the existing building located on the northern side of the lot, which is currently used as an office. This building is designated as a potentially contributing structure in the Downtown Historic Conservation Plan.

### **ENVIRONMENTAL SETTING AND SURROUNDING LAND USES**

North: Single-family residential

West: Single-family residential

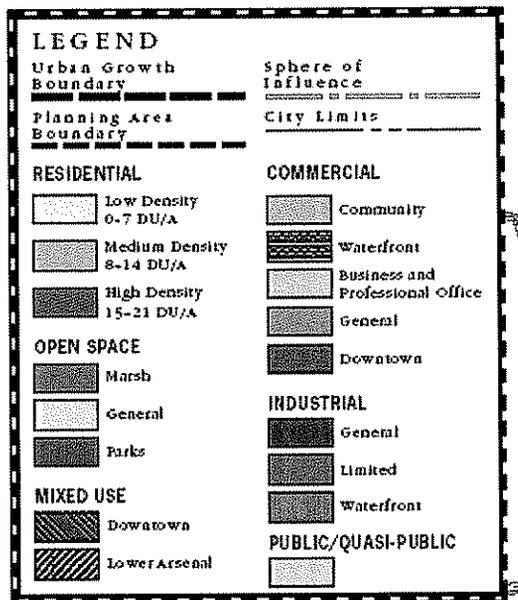
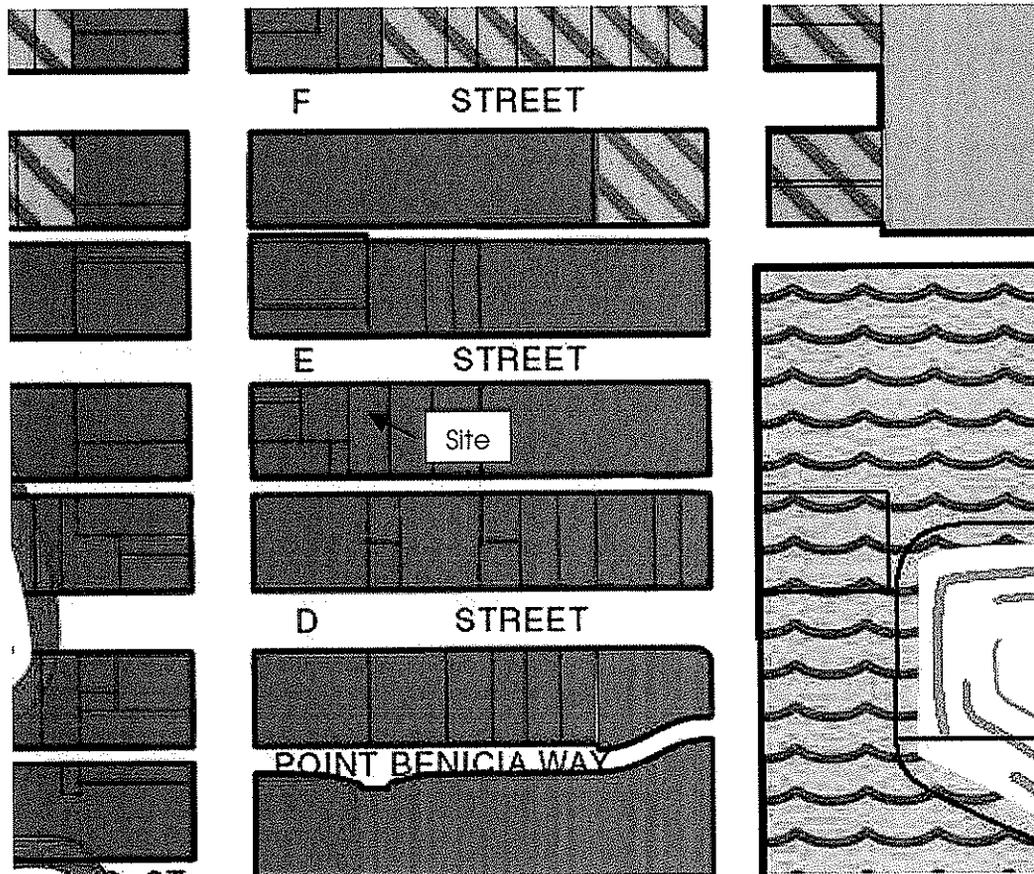
South: Art studio/gallery, single-family residence

East: Single-family residential

No approval is required for the proposed demolition from other public agencies.



LAND USE MAP OF BENICIA



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agricultural Resources             | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources          | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |   |

DETERMINATION: The City of Benicia Planning Department

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner's Signature

Date

\_\_\_\_\_  
Damon Golubics  
Senior Planner

### PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a mitigated negative declaration.

### EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impacts to a less than significance.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) The project is located in the Downtown Historic Overlay District. The General Plan and the Downtown Historic Conservation Plan contain detailed policies for new development in order to protect historic and harmonious appearance of the downtown. The Downtown Historic Conservation Plan also contains specific design guidelines for new construction within the Transitional Area, in which this project is located. The subject property is not directly part of any designated sight line or view corridor.
- b) The project site is located on a relatively level improved lot. No scenic resources on or near the site would be affected, and the site is not near or within view of a state highway.
- c) The structure has undergone remodels and additions that have irreversibly compromised its original architectural design.
- d) Demolition activities would occur during daylight hours.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>II. AGRICULTURAL RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) The Farmland Mapping and Monitoring Program of the California Resources Agency has not designated the project area as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore no impact to farmland would occur.
- b) The proposed project site is zoned for commercial uses and is not covered by a Williamson Act contract. Furthermore, no Williamson Act Contracts are located in the immediate vicinity of the project site. Therefore, no impacts to Williamson Act Contracts would occur.
- c) The proposed project is designated for downtown commercial uses. Implementation of the proposed project would therefore not result in conversion of farmland to non-agricultural uses. No Impacts to conversion of agricultural land would occur.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site and the City of Benicia are located in the San Francisco Bay air basin and are within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The 2004 Ozone Attainment Plan and the 2000 Bay Area Clean Air Plan contain District-wide control measures to reduce ozone precursor and carbon monoxide emissions.

The BAAQMD monitoring site in Benicia monitors SO2 and gross hydrocarbons. The Inspection Program of the Compliance and Enforcement Division of BAAQMD routinely conducts inspections and audits of potential polluting sites to ensure compliance with applicable federal, State, and BAAQMD regulations.

a) Vehicle trips associated with the proposed project would result in the emission of ozone precursor and carbon monoxide. However, the *BAAQMD CEQA Guidelines* indicate that demolition of a commercial structure of the size proposed is below the established threshold for the generation of potentially significant emissions resulting from trip generation during project operation. Therefore, trips generated by the proposed project are not expected to result in a significant increase in ozone, carbon monoxide, or other pollutants associated with fuel combustion, or obstruct implementation of the Ozone Attainment Plan or the Clean Air Plan.

The City's *General Plan* is in conformance with the Clean Air Plan. The proposed project is consistent with the City's *General Plan*; as a result, the project would not conflict with implementation of the Clean Air Plan. The EIR for the Benicia General Plan found the City to be consistent with the regional Clean Air Plan. The project would not conflict with or obstruct implementation of the BAAQMD air quality plan, nor would it require a permit from BAAQMD.

b-d) The San Francisco Bay air basin is in non-attainment for ozone and particulate matter – 10 micron (PM10) per State standards. The air basin is preliminarily in non-attainment for particulate matter – fine (PM2.5) per State standards. The air basin is in marginal attainment for ozone at the federal level. As noted previously, the demolition proposed is below the established BAAQMD threshold for the generation of potentially significant emissions resulting from trip generation during project operation. Therefore, implementation of the proposed project would not generate sufficiently high amounts of ozone that would substantially contribute to the air basin's existing nonattainment status for ozone.

Activities associated with the project could result in the generation of emissions and dust that would contribute to the air basin's non-attainment status for particulate matter. BAAQMD has identified feasible control measures for pollutants from such construction activities. Grading and storm water management practices required by the City, plus the following mitigation measure identified by BAAQMD, would reduce air quality impacts to a less-than-significant level:

**Mitigation Measure - AIR QUALITY**

**MM AIR 1 During all phases of activity at the project site:**

- (1) Water all active lot areas at least twice daily during the dry season; a backflow device is required on all hoses used for watering.**
- (2) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;**
- (3) Weather permitting, sweep twice daily (with regenerative air type sweepers) all paved access roads, parking areas and staging areas at the site; and**
- (4) Sweep streets twice daily (with regenerative air type sweepers) if visible soil material is carried onto adjacent public streets.**

e) No sensitive receptors are located in close proximity to the project site.

f) The proposed project would not generate objectionable odors affecting a substantial number of people.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES.</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The General Plan does not indicate that there are any sensitive biological resources on this developed site. The proposed project would remove one moderately size tree, which may required a permit from the Parks and Community Services Department.

- a) The project site, an improved infill lot, has low habitat value for wildlife. Wildlife species that do occupy the site are common species that easily adapt to disturbed, urban conditions. No protected species are known to exist within the project site. Therefore, implementation of the proposed project would not have a substantial direct or indirect effect on protected species.
  
- b) No riparian habitat or wetlands are located within or in the immediate vicinity of the project site.
  
- c) The proposed project would not have a substantially adverse effect on federally protected wetlands.
  
- d) The project site is a developed infill site. The project site is not used by native resident or migratory fish or wildlife species. The project would not destroy, impede the use of, or otherwise modify native wildlife nursery sites. Therefore, implementation of the proposed project would not substantially interfere with the movement of native or migratory wildlife species, or adversely affect native resident or migratory wildlife corridors or native wildlife nursery sites.
  
- e) The proposed project does not conflict with any local policies or ordinances protecting biological resources.
  
- f) The project site is not located in any area subject to the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) The subject property is located in the Historic Overlay District. The building proposed for demolition is designated as a potentially contributing historic resource in the Downtown Historic Conservation Plan.

According to a Historic Review and Evaluation prepared by ARC Inc., date stamped January 9, 2007, the existing building located on the northern side of the lot facing East E Street proposed for demolition was constructed in the 1870's as a 1,200 square foot single-family residence but is currently used as an office. The building as it exists now is approximately 1,450 square feet with one story and basement/garage area below the main section. The evaluation concludes that the structure has undergone several major remodels and two additions that together have eliminated any obvious original detailing, porches, or fenestration on the exterior. Although some original wainscoting and interior doorframes remain, the remodeling has irreversibly compromised the historic integrity of the architectural design both inside and out, rendering it a confusing assemblage of forms and materials.

The architectural historian hired by the City to update the inventory of downtown historic resources also has concluded that the building does not retain substantial historical, architectural or cultural interest or value and is therefore not eligible for City historic resource designation.

Approximately 60 other structures currently designated as historic resources have likewise been determined to be ineligible for continued historic designation. The potential for these to be demolished could have a significant impact on the overall integrity of the downtown historic district. While still designated as historic resources, activities involving their exterior appearance will need to comply with the provisions of the Downtown Historic Conservation Plan.

**Mitigation Measures - CULTURAL RESOURCES:**

**MM CULT 1** The Downtown Historic Conservation Plan shall apply to all designated historic resources.

b,d) The General Plan does not identify the project site as containing any archaeological resources and is not considered likely to contain human remains. Demolition will involve only limited and very shallow ground disturbance

c) There are no known paleontological resources or unique geological features on the site.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-d) The project site is not located in an Alquist-Priolo Special Studies Zone designated by the California Department of Conservation, Division of Mines and Geology. The Green Valley Fault is about 3.6 miles to the northeast of the site. While this area is subject to frequent seismic activity, fault rupture on the site is unlikely. The project site is located in an area shown in the *General Plan* as having the potential for liquefaction and other seismic-related ground failure. Standard construction safety practices are intended to protect site workers from hazards that include building failure during demolition. The site is not in a potential landslide or area expansive soils zone.

e) Not applicable.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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a,c-h) Demolition activities could involve transport of small volumes of commercially available hazardous materials, such as oil, gasoline, paint, and solvent; however use of any such materials would be governed by hazardous materials regulations and would not pose a substantial adverse threat to either on-site construction workers or the public. The proposed project would not result in the emission or handling of hazardous materials within the near vicinity of an existing or proposed school.

b) The Benicia General Plan (Appendix G) does not identify the project site as a Hazardous Materials Site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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- a) The project would be required to conform to the City grading and storm water standards.
- b) The City does not use groundwater for water supply.
- c-f) Implementation of the proposed project would not result in the alteration of a stream or river. City regulations require post-project runoff to not exceed pre-project levels.
- g-i) The project is located outside the 100-year flood and hazard area and would not impede or redirect flood flows nor place persons in a flood or inundation hazard area.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) The demolition of one building would not create a divisive land use pattern.
- b) A City-designated historic structure may be demolished if it no longer "has substantial historical, architectural or cultural value" (Downtown Historic Conservation Plan, pp. 26)
- c) The project site is not located in an area included in a habitat conservation plan or natural community conservation plan.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X. MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a,b) The General Plan does not designate any mineral resources on the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a,b,d) Noise levels on the project site and immediately adjacent properties would increase temporarily during demolition phases of the project. The project will be required to comply with the City noise ordinance.

c) The project will be of temporary duration.

e,f) The proposed project is not within an airport land use plan or located within two miles of a public or public use airport.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-c) The building proposed for demolition is used as an office.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES.</b> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) The proposed demolition would not create demand for municipal services.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a,b) The proposed demolition would not create demand for park or recreational services or facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Because the 100 block of East E Street functions as a cul-de-sac, all project-related traffic will affect the intersection of First and E Streets. However, the level of traffic generated by transport of workers, equipment, and material to/from the site will be well within the design capacity of that intersection and the city street system.

b) The Solano Transportation Agency operates as the Congestion Management Agency for Solano County, which sets a significance threshold for requiring an analysis of regional roadways at 100 PM peak hour trips, far above any level reasonable associated with the demolition project.

c) The project proposal is not expected to result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

d) East E Street is adequately designed to accommodate demolition-related vehicle trips. The project would not result in the creation of sharp curves, dangerous intersections, or other design hazards.

## **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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- e) The project site is served by East E Street and the public alley to the rear. East E Street is paved and readily accessible to emergency vehicles. The alley to the rear of the project site will require improvements to ensure access for emergency vehicles.
- f) No parking requirement is associated with the project.
- g) This project is not in conflict with adopted policies, plans or programs supporting alternative transportation.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) The project will not result in new demand for water supply or wastewater treatment or require new sewer or storm water facilities.

f,g) Solid waste collected in the City is transported to Keller Canyon Landfill in Pittsburg for disposal. Keller Canyon Landfill is duly permitted and anticipated to have sufficient capacity to operate until 2037 and would accommodate solid waste generated by the proposed project.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b> Does the Project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wild-life population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less than Significant Impact.** The proposed project would not degrade the quality of the environment; result in an adverse impact on fish, wildlife, or plant species including special status species, or prehistoric resources. The structure proposed for demolition has lost the attributes necessary for it to continue to qualify as a City-designated historic resource. Therefore the impact to cultural resources would less than significant.
- b) **Less than Significant Impact.** The requirement that this and any other City-designated historic resource proposed for demolition be evaluated independently on the basis of retention or loss of substantial historic, architectural, and cultural integrity remains in place in the Downtown Historic Conservation Plan and the City zoning ordinance (Section 17.54.100). All potential impacts would be reduced to less than significant levels by adhering to basic regulatory requirements and/or conditions of approval. Therefore the cumulative impact of future similar demolitions would be less than significant.
- c) **Less than Significant Impact.** Only adherence to City regulations governing demolition procedures is necessary to render potential impacts less than significant.

**REFERENCES:**

1. City of Benicia General Plan, 1999, Land Use Diagram
2. City of Benicia General Plan
3. City of Benicia Zoning Ordinance
4. City Staff
5. Project description
6. Downtown Historic Conservation Plan
7. Historic Review and Evaluation, prepared by ARC Inc., date stamped January 9, 2007
8. Final Report: Downtown Benicia Parking Study, June 2004
9. Bay Area Air Quality Management District Guidelines, 1999

**MITIGATION MONITORING  
AND REPORTING PROGRAM**

# MITIGATION MONITORING AND REPORTING PROGRAM

## FOR 126 EAST E STREET DEMOLITION APPLICATION

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### Introduction

This document describes the mitigation monitoring and reporting program (MMRP) for ensuring the effective implementation of the mitigation measures required for City of Benicia approval of the demolition of the structure at 126 East E Street.

### City of Benicia

When a lead agency approves findings pursuant to §15074 upon completion of a Mitigated Negative Declaration, it is required to adopt a reporting and monitoring program. The purpose of the reporting and monitoring program is to ensure that measures adopted to mitigate or avoid significant environmental impacts are implemented. A mitigation monitoring and reporting program does not need to be included with the Mitigated Negative Declaration as at times the findings which trigger the program are made after considering the MND. Note that mitigation measures are enforced through permit conditions, agreements, or other measures. The reporting and monitoring program will not only direct the implementation of mitigation measures by the applicant, but also facilitate the monitoring, compliance and reporting activities of the City and any monitors it may designate.

### Project Background

The applicant is requesting approval for demolishing the existing building located on the northern side of the lot, which is currently used as an office. This building is designated as a potentially contributing structure in the Downtown Historic Conservation Plan.

The Mitigated Negative Declaration for the 126 East E Street Demolition Project found that the resulting actions would have potentially significant impacts in the areas of:

- Air Quality
- Cultural Resources
- Mandatory Findings of Significance

In addition, no mitigation measures were identified for the following areas as all potential project impacts were determined to be either no impact or less than significant:

- Aesthetics
- Agricultural Resource
- Biological Resources
- Hydrology and Water Quality
- Mineral Resources
- Noise
- Population/Housing

- Public Services
- Recreation
- Transportation/Traffic
- Geology and Soils
- Hazards & Hazardous Materials
- Land Use Planning
- Utilities/Service Systems

### **Roles and Responsibilities**

As the lead agency under CEQA, the City of Benicia will be responsible for ensuring full compliance with the provisions of this monitoring program and has primary responsibility for implementation of the monitoring program. The City of Benicia has the authority to halt any activity associated with the demolition if the activity is determined to be a deviation from the approved project or the adopted mitigation measures. The City of Benicia will act as the mitigation monitor and will designate to the applicant (Pat Donahue) how to contact the monitor.

### **Mitigation Monitoring and Reporting Program**

The table attached presents a compilation of the mitigation measures in the Mitigated Negative Declaration together with the required monitoring and reporting actions, effectiveness criteria, and timing.

## Mitigation Monitoring Table

Impact	Mitigation Measure	Monitoring/Reporting Action	Effectiveness Criteria	Timing	Non-Compliance Sanction
<p><b>AIR QUALITY</b></p> <p>3c) Construction activities associated with the proposed project could result in the generation of emissions and dust that would contribute to the air basin's non-attainment status for particulate matter.</p>	<p>MM AIR 1 During all phases of activity at the project site:</p> <p>(1) Water all active lot areas at least twice daily during the dry season; a backflow device is required on all hoses used for watering.</p> <p>(2) Cover all trucks hauling soil, sand, and other loose materials <i>or</i> require all trucks to maintain at least 2 feet of freeboard;</p> <p>(3) Weather permitting, sweep twice daily (with regenerative air type sweepers) all paved access roads, parking areas and staging areas at the site; and Sweep streets twice daily (with regenerative air type sweepers) if visible soil material is carried onto adjacent public streets.</p>	<p>Reporting action: Builder shall specify air quality construction practices at time of grading plan submittal.</p> <p>Monitoring action: Field survey by mitigation monitor.</p> <p>Monitoring action: Complaints by neighbors.</p>	<p>Receipt by the mitigation monitor of the described documentation.</p> <p>If construction practices are not followed: Stop Work Order.</p>	<p>Prior to issuance of grading plan and continued during all phases of activity at the project site</p>	<p>Stop Work Order.</p>

Impact	Mitigation Measure	Monitoring/Reporting Action	Effectiveness Criteria	Timing	Non-Compliance Sanction
<p><b>CULTURAL RESOURCES</b></p> <p>5a) Structures currently designated as historic resources in the Downtown Historic Conservation Plan to be demolished could have a significant impact on the overall integrity of the downtown historic district. The structure has undergone several major remodels that have irreversibly compromised the historic integrity of the architectural design. The building does not retain substantial historical, architectural or cultural interest or value and is therefore not eligible for future City historic resource designation.</p>	<p>MM CULT 1 The Downtown Historic Conservation Plan shall apply to all designated historic resources.</p>	<p>Monitoring/Reporting action: The City shall monitor all work through building permit inspections to insure that no designated historic resources are affected.</p>	<p>If the project activity extends to any designated structure, a Stop Work Order shall be placed.</p>	<p>During all activity phases of the project.</p>	<p>Stop Work Order.</p>

# **HISTORIC REVIEW AND EVALUATION**



616 Marin Street  
Vallejo, CA 94590  
Tel: 707.745.0502  
Fax: 707.556.1121  
ARCIncArchitects.com

## Historic Review and Evaluation

126 East E Street, Benicia, CA 94510

### Overview

There are three distinct structures on this parcel (1996 Solano Assessors Parcel #89-372-06) with three different addresses. This report primarily addresses the structure at 126 East E Street that was constructed in 1900, according to records at the Solano County Assessor's records.

The Historic Resource Inventory of the area completed by City of Benicia in 1986 describes the structure as a remodel with an estimated construction date in the 1870s, and lists the property size as 56 feet of frontage and 125 feet deep. An attached 1919 assessment form describes the building as a residence with a foundation made of brick and wood, encompassing 1200 square feet.

### Current Description

The residence at 126 East E Street is currently a 1450 square-foot, single-story structure with a basement/garage area below the main section. The structure consists of an apparently original hipped-roof cottage structure circa 1900, a later single-gable addition on the rear, and a third, flat-roofed addition adjoining the gabled portion. The exterior of the original portion of the house has been altered drastically with no original doors, windows, or porches visible.

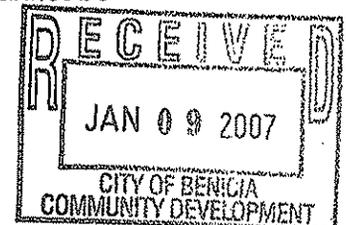
### Historic Evaluation

The structure has had several drastic remodelings and two additions, obliterating any obvious original detailing, porches, or fenestration on the exterior. Although some original wainscoting and door frames remain in the interior, such remodeling, both inside and out, have irreversibly compromised the historic integrity of the architectural design, and leave it a confusing assemblage of forms and materials. Several interior walls have been removed.

Although of different design and dates of construction, the other two structures on the site (125 and 127 Kuhland Alley) have undergone similar layered remodelings.

A review of the historic documentation of the city of Benicia (see Bibliography) has uncovered no social significance connected to any of these structures, or to any of its previous inhabitants or owners.

The structures fall within "The Benicia Downtown Historical District", but cannot be considered as contributing structures in their current state.



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

Page 1 of 2

\*Resource Name or #: - 126 East E St.

P1. Other Identifier: none

\*P2. Location: \_

\*a. County: Solano

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad: Benicia T2N R3W MDM

c. Address: 126 East E Street

City: Benicia

Zip: 94510

d. UTM: N/A

e. Other Locational Data: APN# 89-372-06

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The residence at 126 E. E St. is a 1450 sq. ft. irregular shaped single story structure with a small basement/garage below the main section. The building consists of an apparently original hipped-roof cottage structure circa 1900, a later single-gable addition on the rear, and a third, flat-roofed addition adjoining the gabled portion. It has stucco siding. It is unclear whether any original windows remain. On the front of the building there is a double hung window and a multi-paned picture window that may be original. The four remaining windows are vinyl replacements; one is aluminum, a sheet of Plexiglas has replaced one, and one has been reglazed with Plexiglas. Doors have also been replaced.

\*P3b. Resource Attributes: (List attributes and codes) single family structure

\*P4. Resources Present: X Building Structure Object Site District Element of District  
Other (Isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)

P5b. Description of Photo: (View, date, accession #)

Front façade, view south

\*P6. Date Constructed/Age and Sources:

circa 1900, Solano County Assessor

\*P7. Owner and Address:

Patrick M. Donaghue

126 E. E St.

Benicia, CA 94510

\*P8. Recorded by: (Name, affiliation, and address) A. Kinane

Andy Kinane, Historic Evaluation. Benicia, CA

\*P9. Date Recorded: Dec. 22, 2006

\*P10. Survey Type: (Describe) General Reconnaissance

\*P11. Report Citation: (Cite survey report and other sources, or enter

"none.")



\*Attachments: NONE Location Map Sketch Map Continuation Sheet X Building, Structure, and Object Record  
Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record  
Artifact Record Photograph Record X Other (List): Selected references (appendix)

DPR 523A (1/95)

\*Required Information

State of California The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
**BUILDING, STRUCTURE, AND OBJECT RECORD**

Primary #  
 HRI#  
 \*NRHP Status Code

Page 2 of 2

\*Resource Name or # (Assigned by recorder) 126 E. E St.

- B1. Historic Name: N/A
- B2. Common Name: none
- B3. Original Use: residential
- B4. Present Use: residential
- \*B5. Architectural Style: vernacular
- \*B6. Construction History: (Construction date, alterations, and date of alterations) The house was built circa 1900. Retaining wall was added in 1966. Major repairs in 1983. 1980's to 1990's: extensive remodeling.
- \*B7. Moved?  No  Yes  Unknown Date: Original Location: same
- \*B8. Related Features: none

B9a. Architect: unknown  
 \*B10. Significance: Theme: N/A  
 Period of Significance: N/A  
 (Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

b. Builder: unknown  
 Area: Benicia Downtown Historic District  
 Property Type: Single Family  
 Applicable Criteria: N/A

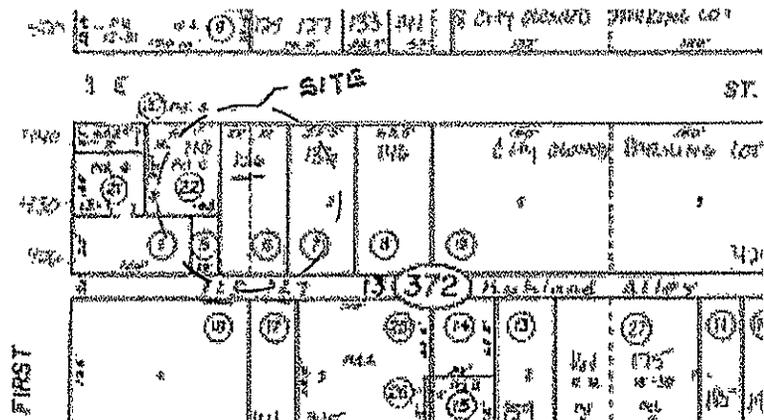
While the house has some elements of an early vernacular residential building associated with the establishment of the town of Benicia, it has been heavily modified. This includes additions. Extensive remodeling occurred in the 1980's and 1990's. Due to this drastic remodeling there appears to be little of the original structure in the current residence and little if any historic significance of this or either of the other two structures on the property. Additionally, as part of the review of the historic documents and books on the history and development of Benicia (see references) no significance was found related to any previous owners or of the structures themselves.

The site is in an established historic district. The other two structures on the property: 125 and 127 Kuhland Alley are also of little or no historic importance. The structure at 127 was heavily modified in the early 1990's with new siding, stucco, a new roof, and vinyl windows. 125 Kuhland was likely constructed at a similar time as 126 E. E St. but has been heavily modified as part of the remodeling done in the 1980's to 1990's period.

\*B12. References: Historic Resources Inventory (on State of California Form) prepared Mar. 1986 by City of Benicia volunteer; City of Benicia Building Valuation Appraisal Form for 126 E. E St., 1919 Assessment. Sanborn Insurance Atlas of Benicia, 1886, Sheet 4 showing E. E St. and Kuhland Alley between 1st and E. 2nd. 'Benicia, Portrait of an Early California Town', An Architectural History by Robert Brueggemann, Charles Scribner's Sons, New York. 1980 Great Expectations, The Story of Benicia, California, by Richard Dillon, Benicia Heritage Book, Inc. 1980. 'Images of America: Benicia', Julia Bussinger and Beverly Phelan, Arcadia Publishing, San Francisco, CA. 2004

\*B14. Evaluator: Andy Kinane in association with John Howland, architect, of ARC Inc. Benicia, CA

\*Date of Evaluation: Dec. 22, 2006



**Appendix** (Selected References)

Historic Resources Inventory (on State of California Form) prepared Mar. 1986 by  
City of Benicia volunteer?

City of Benicia Building Valuation Appraisal Form for 126 E. E St., 1919  
Assessment.

Photographs of buildings at 125 and 127 Kuhland Alley

Sanborn Insurance Atlas of Benicia, 1886, Sheet 4 showing a portion of E. E St. and  
Kuhland Alley between 1st and E. 2<sup>nd</sup>.

HISTORIC RESOURCES INVENTORY

76

HABS \_\_\_\_\_ HAER \_\_\_\_\_ Ser. No. \_\_\_\_\_  
 UTM: A \_\_\_\_\_ SHL No. \_\_\_\_\_ NR Status \_\_\_\_\_  
 B \_\_\_\_\_ C \_\_\_\_\_  
 D \_\_\_\_\_

IDENTIFICATION

1. Common name: \_\_\_\_\_
2. Historic name: \_\_\_\_\_
3. Street or rural address: 126 E. E St.  
 City \_\_\_\_\_ Zip \_\_\_\_\_ County \_\_\_\_\_
4. Parcel number: 89 - 372 - 6 B1K13 E 25' 88 + W 31' 77
5. Present Owner: L. Bordon Address: 401 C. St.  
 City Martinez Zip 94553 Ownership is: Public \_\_\_\_\_ Private \_\_\_\_\_
6. Present Use: \_\_\_\_\_ Original use: \_\_\_\_\_

DESCRIPTION

- 7a. Architectural style:
- 7b. Briefly describe the present *physical appearance* of the site or structure and describe any major alterations from its original condition:

*Remodel*



- B. Construction date: Estimated 1870 Actual \_\_\_\_\_
9. Architect \_\_\_\_\_
10. Builder \_\_\_\_\_
11. Approx. property size (in feet):  
 Frontage 56 Depth 125  
 or approx. acreage .10
12. Date(s) of enclosed photograph(s)  
3-28-86

*4:3*

126 E E

Mary Kuby 1867

# BUILDING VALUATION APPRAISAL FORM

REVALUATION OF REAL ESTATE FOR THE 1919 ASSESSMENT  
CITY OF BENICIA, CALIFORNIA

J. C. McARAYY  
City Clerk

CHAS. M. PRINCE  
Deputy Assessor

NO. 12 East E

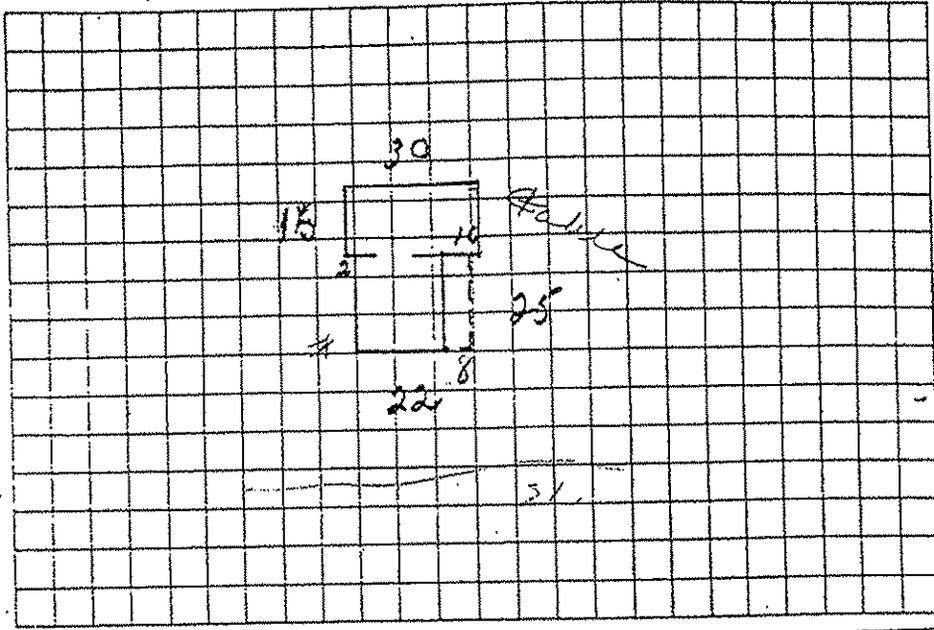
ST. EXAMINED BY

OWNER C. Bergstrom

DATE

LOT NO. W31-7-8 BLOCK NO. 13 TRACT OR SUBDIVISION

EACH SQUARE REPRESENTS 10 FEET



### BUILDING VALUES.

Class	<u>4</u>
Total sq. ft.	<u>1320</u>
Price per sq. ft.	<u>1.10</u>
Building, \$	<u>1320</u>
Basement, \$	
Heat \$	
Out Buildings	
Total Cost, \$	<u>1320</u>
Per cent. Dep.	<u>45</u>
Dep. Value, \$	<u>594</u>
Per cent. Utility Dep.	
Present Value, \$	<u>725</u>

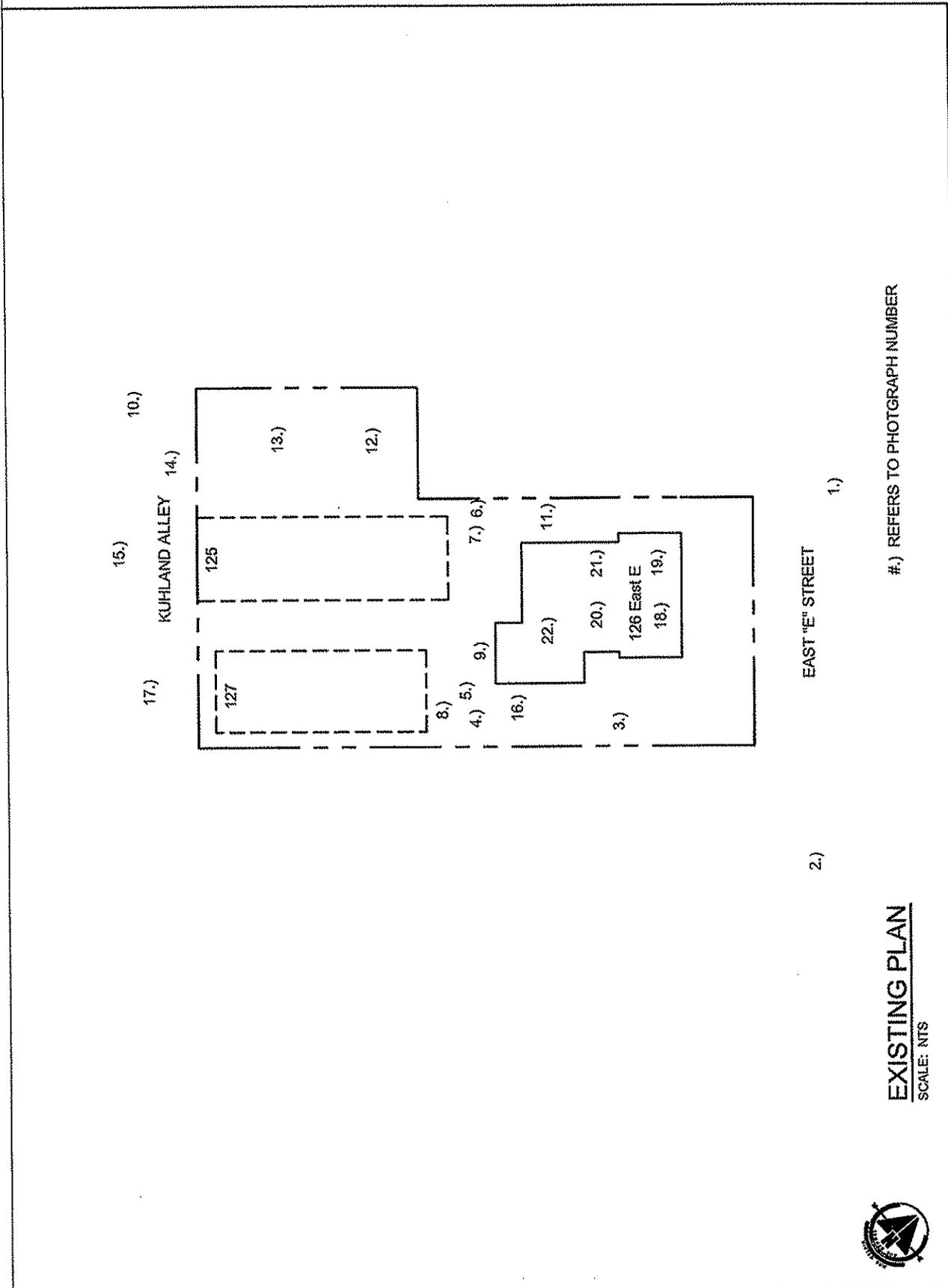
CLASS	Construction	ROOF	LIGHTING	OCCUPANCY—Owner, Rented, Vacant.
Hotels	Class A—	Flat. Hip	Gas. Electric	BASEMENT. ft. x ft. x ft. Dec
Loft Bldgs.	Structural Steel	Gables, Dormers	Good, Medium	
Warehouses	Terra cotta doors	Cut up Ordinary	Cheap	WALLS, <u>Wood</u> Lot Grade <u>2-6"</u>
Stores & Offices	Rein. concrete "	Plain		CONDITION, Good, Medium, Poor. BUILT <u>4</u>
" & Apts.	" " Frame	Tile, Shingle	ELEVATOR	Row 1 2 - TYPICAL -
" & Theatres	Heavy	Tin, Gravel	Sidewalk Elev.	Living Room
Offices	Medium	Composition	Freight	Bed "
& Theatres	Light	PARTITIONS	Passenger	Bath "
Hospitals	Class B—	Brick, Tile	Electric	Kitchen
Library	Class C—	Concrete	Hydraulic	Hardwood Floor
California	Class D—	Plaster	TRIMMINGS	Hardwood Fin.
Residence	Good. Med.	Inside Finish	Cobblestone	Storage
Flat	Cheap	Plaster	Brick, Plaster	Store
Apartment	EXTERIOR	Stock	Stone, Wood	Cement Floor
Garage	Bay Windows	Special	Plain	Unfinished
Shed	Dalconies, No. 1	Built-In Features	Ornamental	Lobby
Barn	Enameled Br.	Buffet, Pat. Beds	Miscellaneous	Offices
Church	Pressed Brick	Refrigerator	Fire Escapes	
School	Blue Brick	Bookcases	Metal Windows	
Shop	Blue Brick	Plain, Ornament.	Cornice	
Garage	Terra Cotta	HEATING	Sprinkler	
FOUNDATION	Art Stone	Fire places, Stoves	Marquise	
Stone	Plaster, Met. Lath	Wood, Coal, Oil, & Gas Furnace	Ventilating	
Concrete	" Wood Lath	Steam, hot Water	Ceilings	
Brick	Shakes, Rustic	PLUMBING	Stairways	
Wood	Siding, Beard and Batten	No. of Fixtures	DECORATING	
Deep, Shallow	Corr. Iron	Good, Medium	Ornamental	
	Store Front	Cheap	Medium	
	Plate in Copper	Sewer	Cheap	
	" " Wood	Cesspool		
	Sheet Glass			

REMARKS: Enumerate Special Features:  
Lot = 25' x 106' - 8" 831 sq ft





DATE:	8-10-06
REV. NO.	REV. DATE
▲	
▲	
▲	
▲	
▲	
▲	
▲	
▲	
▲	



**EXISTING PLAN**  
SCALE: NTS



Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/5/2007



1.) 126 East E North Elevation.jpg

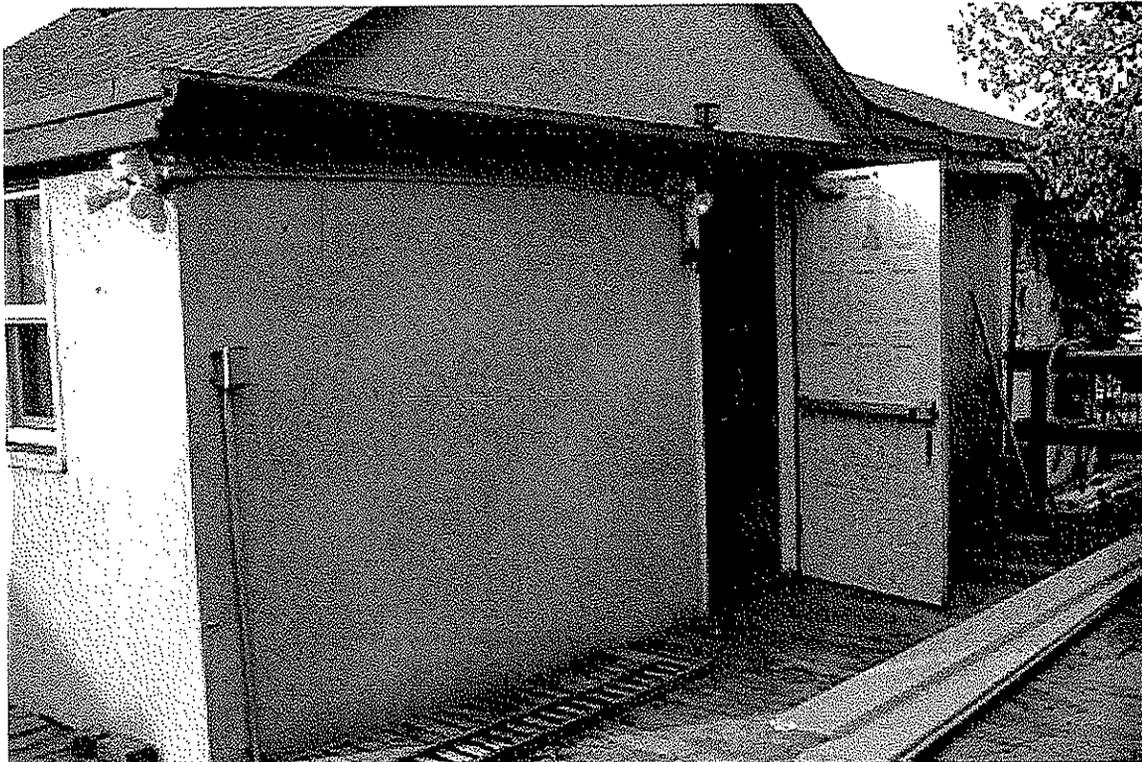


2.) 126 East E North Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/5/2007

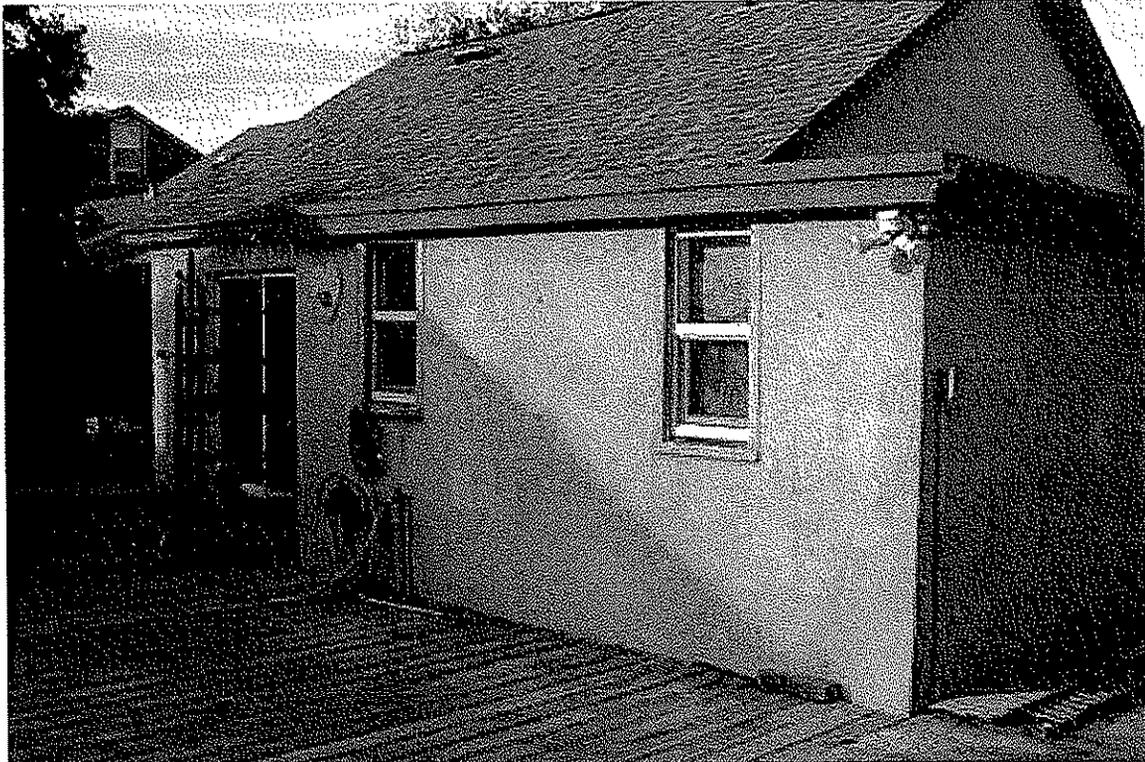


3.) 126 East E East Elevation.jpg

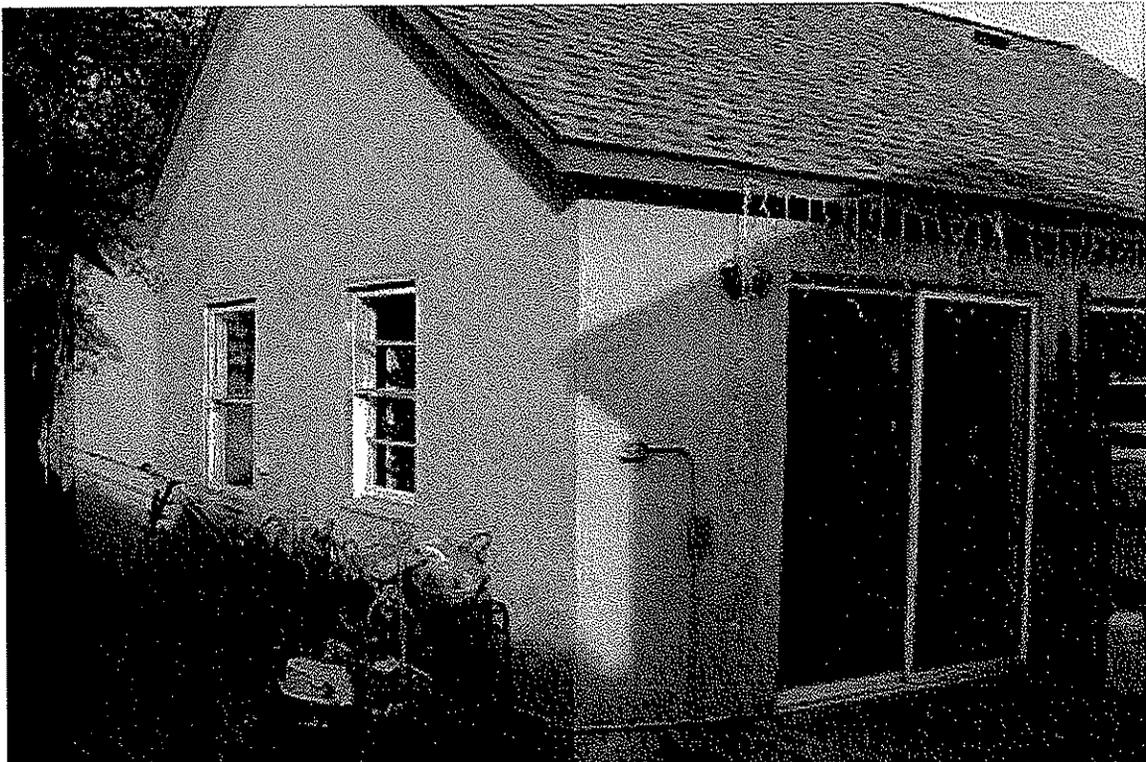


4.) 126 East E South Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/5/2007



5.) 126 East E West Elevation.jpg



6.) 126 East E West Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/5/2007



7.) 126 East E South Elevation.jpg

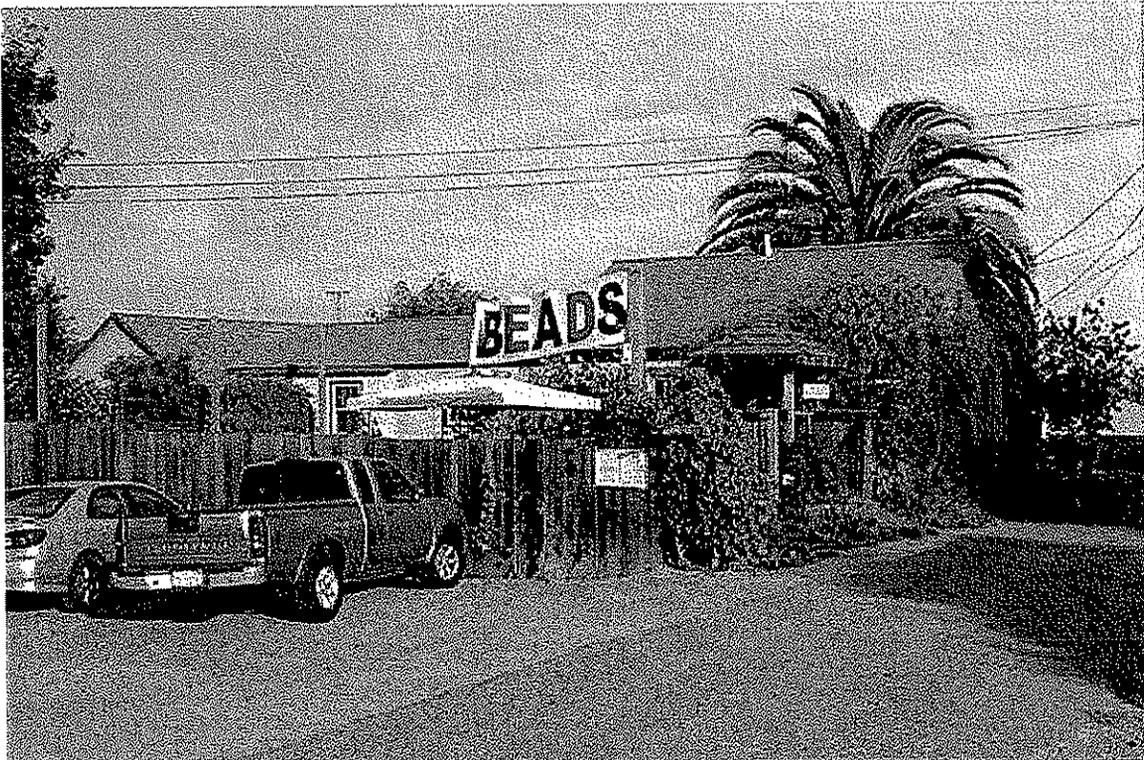


8.) 125 Kuhland Alley East Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/8/2007



9.) 125 kuhland Alley East Elevation.jpg

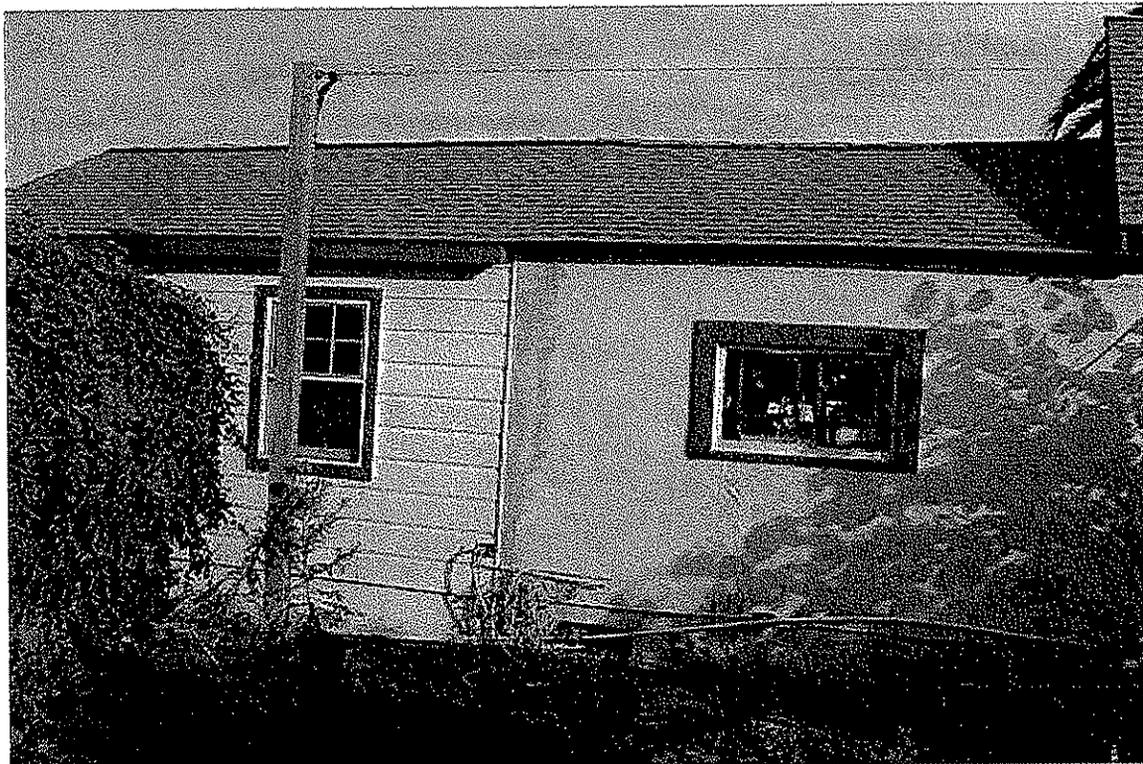


10.) 125 Kuhland Alley West Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/8/2007



11.) 125 Kuhland Alley North Elevation.jpg



12.) 125 Kuhland Alley West Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/8/2007

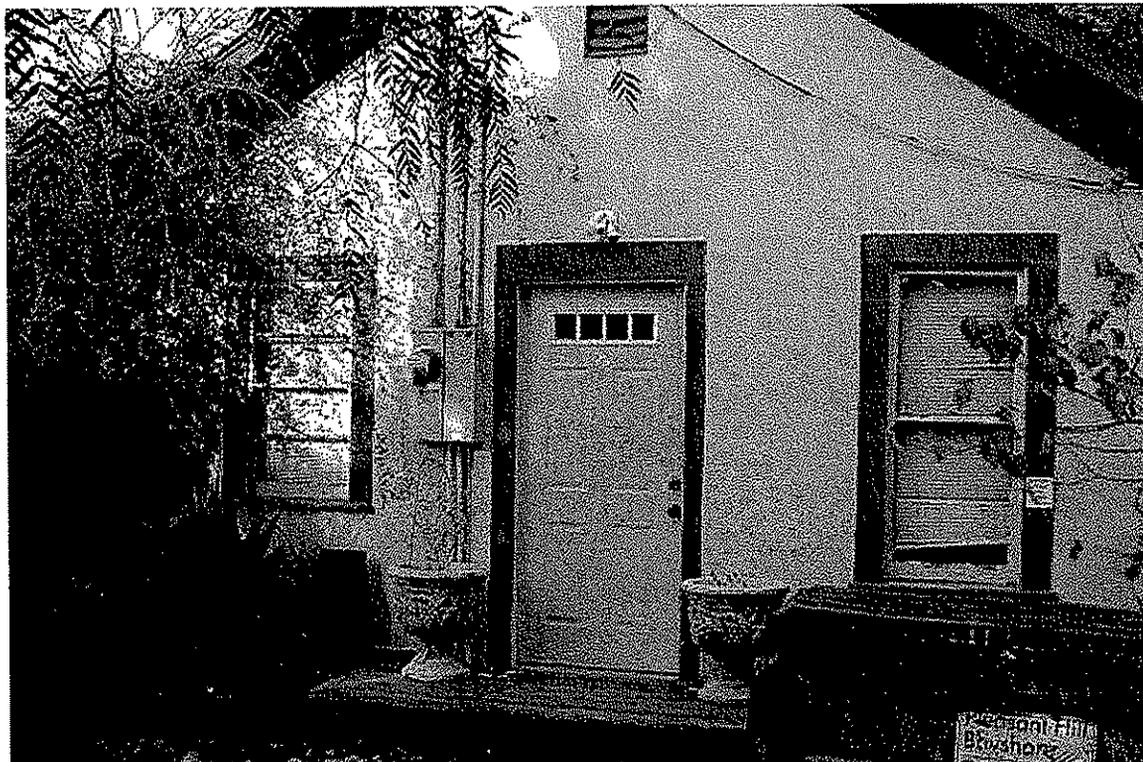


13.) 125 Kuhland Alley West Elevation.jpg

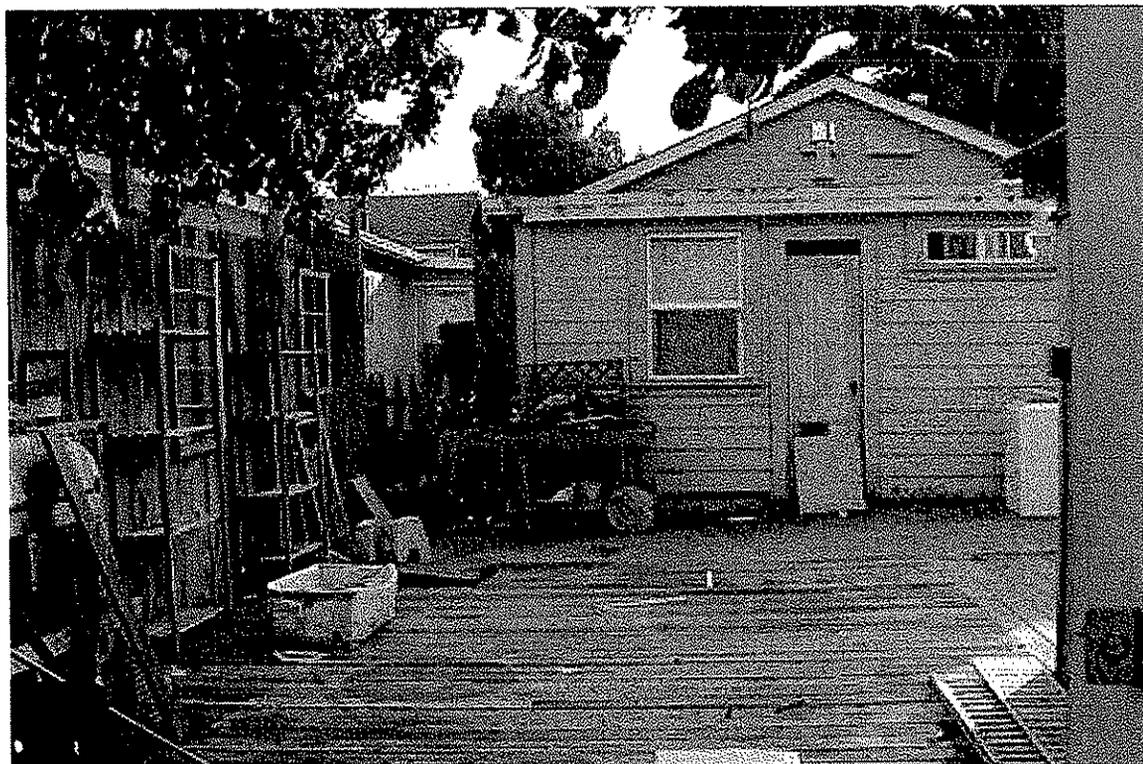


14.) 125 Kuhland Alley West Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/8/2007



15.) 125 Kuhland Alley North Elevation.jpg



16.) 127 Kuhland Alley North Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/8/2007



17.) 127 Kuhland Alley North Elevation.jpg



18.) 126 East E Interior West Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/8/2007



19.) 126 East E Interior East Elevation.jpg



20.) 126 East E Interior West Elevation .jpg



21.) 126 East E Interior East Elevation.jpg



22.) 126 East E Interior West Elevation.jpg



23.) 126 East E Original Window.jpg



24.) 126 East E Window replacement.jpg

**AGENDA ITEM**  
**HISTORIC PRESERVATION REVIEW COMMISSION MEETING:**  
**OCTOBER 25, 2007**  
**REGULAR AGENDA ITEM**

**DATE** : October 17, 2007

**TO** : Historic Preservation Review Commission

**FROM** : Mike Marcus, Assistant Planner

**SUBJECT** : **REVIEW OF DESIGN REVIEW APPROVAL REQUEST FOR EXTERIOR MODIFICATION AND RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A MILLS ACT CONTRACT FOR THE PROPERTY AT 224 WEST I STREET IN THE CITY OF BENICIA**

**RECOMMENDATION:**

Move to adopt Resolution No. 07- approving Design Review 07PLN-74 for exterior alterations to the existing single-family residence located at 224 West I Street, based on the findings, and subject to the conditions listed in the attached resolution.

Move to adopt Resolution No. 07- recommending that the City Council authorize the City Manager to enter into a Mills Act Contract 07PLN-69 with the property owner of 224 West I Street in the City of Benicia.

**EXECUTIVE SUMMARY:**

The applicant requests design review approval for exterior modifications and rehabilitation with regards to asbestos removal, in-kind siding, second-story balcony re-construction, gutter replacement, west-facing side entrance, window treatments, chimney, landscaping and architectural detailing.

The applicant also requests approval of a Mills Act Contract. The Mills Act program is a State of California authorized mechanism by which owners of Qualified Historical Properties may use an alternative method of determining property value for tax assessment purposes. The program is available to both residential and non-residential properties. The intent of the Mills Act Program is to enhance and preserve historic buildings within the Historic Districts. The City Council approved the City of Benicia Mills Act program and assigned initial review and recommendation of Mills Act applications to the Historic Preservation Review Commission.

## **BUDGET INFORMATION:**

The Mills Act contract will reduce the property tax paid by this property. The City of Benicia receives approximately 26% of the property taxes collected on residential parcels in the City. The estimated reduction in City revenue due to the subject Mills Act proposal is \$1,400. The City Council authorized up to \$30,000 annually of property tax rebates for Mills Act contracts, of that, approximately \$15,500 remains available for new contracts. No other budget impacts are anticipated.

## **ENVIRONMENTAL ANALYSIS:**

Staff has determined that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15331. Class 31 exempts alterations to historic resources that are consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. In addition, Mills Act contracts require that all work performed subsequent to entering into a contract is consistent with those standards.

## **BACKGROUND:**

The property is listed as a contributing building in the City's Downtown Historic Conservation Plan (DHCP). In 1994 the City of Benicia hired an outside historic expert, Carol Roland of Roland-Nawi Associates, to perform a survey and analysis of historic properties in the Downtown Historic Overlay District. Ms. Roland's analysis, as outlined in Department of Parks and Recreation (DPR) Form 523 A & B, states that this building contributes to the integrity of the Downtown Historic District. Built during the 1880's, the property retains its original form and massing, a degree of its original ornamentation, and has integrity of design, setting and location. Ms. Roland did note that the front bay window is a replacement. The applicants have stated that they have evidence that it is an original window and are in the process of submitting an appeal to the Historic Survey ad hoc committee.

The exterior alterations presented in this design review application are intended to restore the historic integrity that has been lost or is currently in jeopardy of being lost. The subject building also meets the eligibility requirements for the Mills Act Program.

In 2007, the applicant was granted an in-kind re-roof permit 07BLD-00908; in addition, the applicant has painted the exterior of the residence and ancillary structures. The DHCP exempts exterior painting of the residence and ancillary structures from Design Review approval. This application includes work that was undertaken prior to necessary approvals in conjunction with proposed work.

## **SUMMARY:**

### Site Description

The parcel is 9,375 square feet and the topography is relatively flat. The property consists of a 2,374 square foot main house, and two ancillary buildings.

## Project Description

The proposed project includes work that has already been performed (without permit), as well as future work to be performed. The applicants have indicated that they intend on completely rehabilitating the residence to bring back its historical character and preserve the building's integrity. In addition to the exterior work, the applicants are completing an extensive interior restoration.

Work that has already been performed includes the removal of asbestos siding to reveal wood shingle siding on the second story and horizontal wood lap on the first story. According to the applicant, this work was done in an effort to restore the building's historic integrity and was performed by a professional asbestos removal contractor. The gutters were replaced at the time of the re-roofing; the applicant has stated that the gutters along the front façade will be the original wood gutters, relocated from the rear of the residence. The remaining gutters appear to be standard ogee metal gutters that have been painted dark brown to match the trim of the residence. Since work began without proper permits, the City issued a Stop Work order on September 26, 2007, which stated that the applicants could not move forward with any further exterior modifications until approval was obtained.

Work to be performed includes:

- Rehabilitation of, and where necessary, replacement of deteriorated wood siding
- Reconstruction of the second story balcony, adjacent to the bay window on west facade
- Replace non-original west-facing sliding aluminum door and plywood porch with Mahogany French doors and historically accurate stairway
- Replace south-facing rear second story window (currently boarded-up) with a rehabilitated wooden sash window
- Relocate and reconstruct new three foot (3') fence; re-landscape in classic Victorian style
- Repair, and where necessary, replace the architectural details around the bay windows
- Placement of decorative medallions above windows
- Chimney rehabilitation and re-mortaring

The proposed project includes rehabilitation, and where necessary, replacement of deteriorated siding with in-kind materials in an effort to bring back the historic integrity of the residence. The main residence consists of two types of exterior treatments; the first story is clad with horizontal wood lap siding and the second story is clad with cedar shake shingles. In the case of the lower level wood lap siding, there are two areas that will require material replacement: (1) the east-facing facade around the bay window, and (2), the south-facing rear of the building facing the alley. In the case of the second-story cedar shake shingle treatment, there is an area on the rear of the residence where shingles are missing. In keeping with the *Secretary of Interior's Standards*, the applicant has indicated that they intend on using replacement shingles that will match the old in design, color, texture, and material, which is being included as a Condition of approval.

In addition, the project proposes to construct a second-story balcony on the west-facing side of the residence, adjacent to the west-facing bay window, not visible from the street. The applicants believe that there was originally a balcony in this location due to a framed doorway, discovered

under the asbestos siding and visible from the interior (*See Attachment 3, Image 2*). The preferred project, pending a structural analysis, is to construct a small, Victorian-style, cantilevered balcony designed in a historically accurate manner. If a structural analysis indicates that cantilevering is not possible, the applicant would like to proceed with a balcony that has one or two posts, not visible from the street or first floor bay window. After reviewing historic Sanborn Fire Insurance Company map documents from four different dates, 1891, 1899, 1913 and 1942, staff could not identify a historic balcony at this location. Therefore, unless the applicant can supply historic record of the balcony, deemed adequate by the Community Development Director or designee, staff recommends that in keeping with the *Secretary of the Interior's Standard #9*, 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. In keeping with the massing requirement, staff recommends that the balcony be required to be recessed at least six inches (6") from the bay window, so as to screen the view of the balcony from the street. Staff recommends that as a Condition of approval, the final design shall be reviewed and approved by the Community Development Director prior to balcony construction.

The proposed project also includes the removal of a non-historic plywood porch and aluminum sliding door located on the west-facing facade, not visible from the street (*See Attachment 3, Image 3 & 4*). The existing porch projects from the wall to allow for the aluminum slider, which is significantly smaller than the original doorframe. The project proposes utilizing the original doorframe for the installation of mahogany French doors, along with a small landing and set of stairs. Staff recommends that as a Condition of approval, a complete door, porch and stair design shall be reviewed and approved by the Community Development Director prior to balcony construction.

The project includes replacing the south-facing, second story rear window (visible from the rear alley), with an authentic wood sash window. Currently the window is boarded-up, although the original window frame is visible.

The project also proposes to relocate and reconstruct the existing plywood fence, located on the side yard adjacent to the west-facing facade, no more than fifteen feet (15') closer to the street. This relocation would allow the applicants to construct a classic Victorian garden outside of their west-facing bay window. The project proposes a rod-iron fence, to provide a degree of enclosure and privacy, while allowing visibility of the landscaped area from the street. As a Condition of approval, staff recommends that the fence be limited to rod-iron or wood (explicitly excluding stucco); be no more than four feet (4') in height; and, be located no more than fifteen feet (15') closer to West I Street from its existing location.

In addition, the proposed project calls for the rehabilitation of the north-, west-, and east-facing facades to reflect the rectangular architectural details (*see sample board*) that appear to have been historically located directly below each of the three bay windows. In keeping with the *Secretary of the Interior's Standards*, deteriorated historic detailing will be repaired rather than replaced, wherever possible. Most of the detailing seems to be well preserved, although there are a couple of details that are missing and will need replacement.

Furthermore, the proposal includes replacing missing circular medallions, located directly above each of the second story windows, which sit above the bay windows (*See Attachment 3, Image 5*). The applicants could not locate any of the original details and would like to **substitute** the original ornamentation with **shell-shaped** details, an example of which was found in basement. Although this detail was found on site, it appears that the original medallions were a circular shape, and given that there is no evidence of elaborate architectural features on the property, staff is concerned that this particular modification is inconsistent with the *Secretary of Interior's Standards for Rehabilitation*. The *Standards* indicate that changes creating a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken. Therefore, staff recommends that these features not be included in design review approval, which is reflected in the conditions of approval; however, staff still seeks Commission guidance on this issue.

Lastly, the proposed project rehabilitates the aesthetics of the residence's brick chimney; several bricks are loose and need to be re-mortared.

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

As a designated contributing historic structure and Mills Act Contract applicant, 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 engaging in new exterior alterations, such as the second story balcony on the West-facing facade, new construction, "*will be differentiated from the old and will be compatible with the historic materials, features, sizes, scale and proportion, and massing to protect the integrity of the property and its environment.*" In addition, the alteration shall not destroy historic materials, features or spatial relationships that characterize the property and must 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.*"

In the case of substituting shell-shaped medallions for the original circular details above the second story windows, for which the applicant says that there are no historical examples of, staff is concerned that a false historical appearance will be created. According to the Standards for Rehabilitation, "*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.*" To be consistent with the *Standards*, staff recommends that Design Review approval is contingent on the applicants submitting findings, which include photo documentation, indicating that the shell-shaped medallions do not create a false sense of historical development. Without appropriate findings, the addition of the shell medallions is inappropriate.

## Downtown Historic Conservation Plan

This project is consistent with the Downtown Historic Conservation Plan which contains Design Guidelines for Residential Building Types. In keeping with *Facade Elements and Details*, the project retains all architectural elements, and where replacement is necessary, the materials are similar in character. There are no changes to the existing door and window openings and replacement window sashes matching the original sashes in thickness, depth, pattern and finish.

In terms of the *Integrity of Materials*, the project is removing asbestos siding to reveal the original historic siding and exterior treatment and, where necessary, missing siding is being replaced with original material. In the case of the chimney, the original brick is being used for its rehabilitation. In the case of using *Appropriate Materials, Colors and Finishes*, original material is being used wherever possible, and the necessary substitute materials will be as close as possible to that of the original. In addition, the project is rehabilitating boarded up windows to reflect sash windows of the building's historical era.

## Conclusion

The fore mentioned projects and those listed in the Mills Act Contract's Architectural Rehabilitation and/or Restoration Plan, included in "Exhibit C" of the Contract are consistent with the historic preservation goals established by the City of Benicia. The City of Benicia General Plan Goal 3.1 is to "Maintain and enhance Benicia's historic character." This rehabilitation work is also consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* as demonstrated by the attached checklist. This type of work is appropriate for Mills Act contracts.

## Attachments:

- The Secretary of the Interior's Standards for Rehabilitation checklist
- Site Plans
- Site Photographs
- Department of Parks and Recreation forms 523 A & B
- Draft Resolution approving Design Review application 07PLN-74
- Draft Resolution recommending City Council approval of Mills Act contract for 224 West I Street
- Draft Contract

*\*\* If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the October 25, 2007 Historic Preservation Review Commission packet.*

**ATTACHMENT 1:**  
***THE SECRETARY OF THE INTERIOR'S***  
***STANDARDS FOR REHABILITATION***

**Secretary of Interior's Standards for Rehabilitation  
Design Review and Mills Act Contract  
224 West I 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.

An assumption is made prior to work that existing historic fabric has become damaged or deteriorated over time and, as a result, more repair and replacement will be required. Thus, latitude is given in the **Standards for Rehabilitation and Guidelines for Rehabilitation** to replace extensively deteriorated, damaged, or missing features using either traditional or substitute materials.

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.**  
This project does not propose the removal of any distinctive materials or alterations that characterize a 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.**  
With regards to the shell-shaped medallions located directly above each of the second-story windows, which sit above each of the three bay windows, the applicants must submit findings indicating that the shell-shaped medallions do not create a false sense of historical development, or alternative circular medallions that are of the same size must be used. Findings shall include photo documentation, historic elevations, etc. Without appropriate findings, the addition of the shell medallions is inappropriate.
4. **Changes to a property that have acquired historic significance in their own right will be retained and preserved.**  
This project does not propose changes to any features that have acquired historic significance.

**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 design review application and 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.

**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. Due to missing siding, shingles and architectural details, there will be some replacement that matches the old in design, color, texture, and where possible, materials. In addition, 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.**

The asbestos removal adhered to this standard and was performed by a professional asbestos removal contractor.

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

All work in this project will be performed above grade and will therefore not interfere with any archeological resources.

**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.**

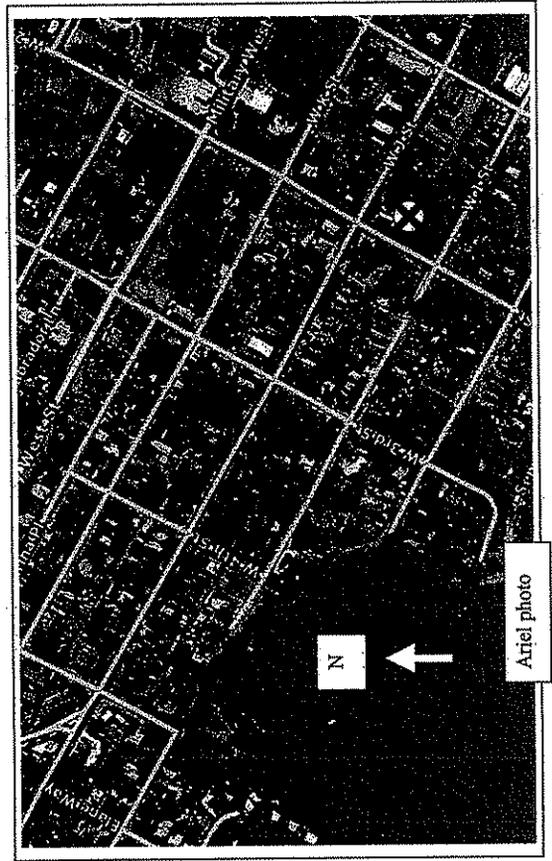
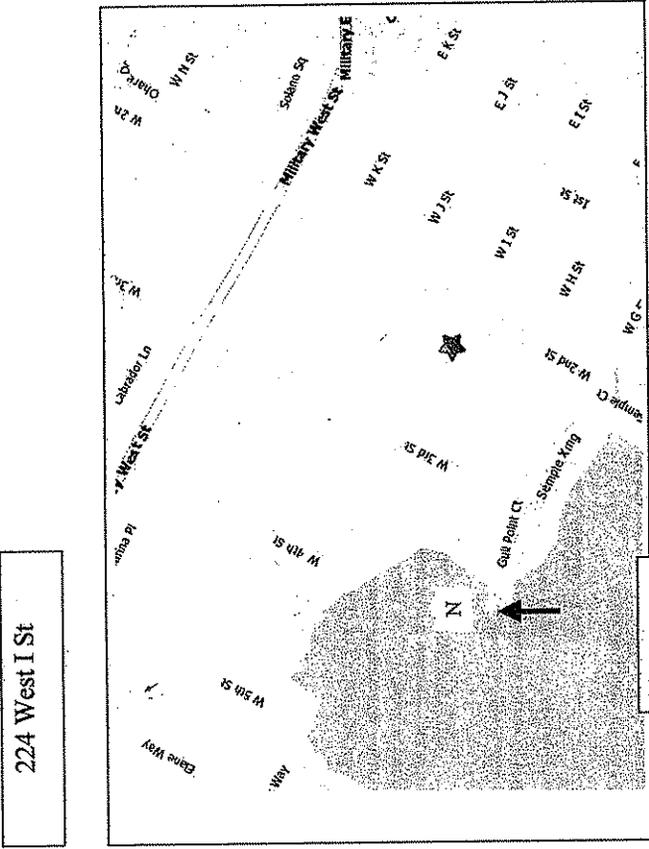
The new reconstructed balcony, located on the West-facing side of the residence, adjacent to the West-facing bay window, will be differentiated from the old and not jeopardize the integrity of the property and its environment. In addition, the French doors and related stairs located on the first floor, adjacent to the balcony, will be in keeping with historic materials, features, size, scale and proportion.

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. Future 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.

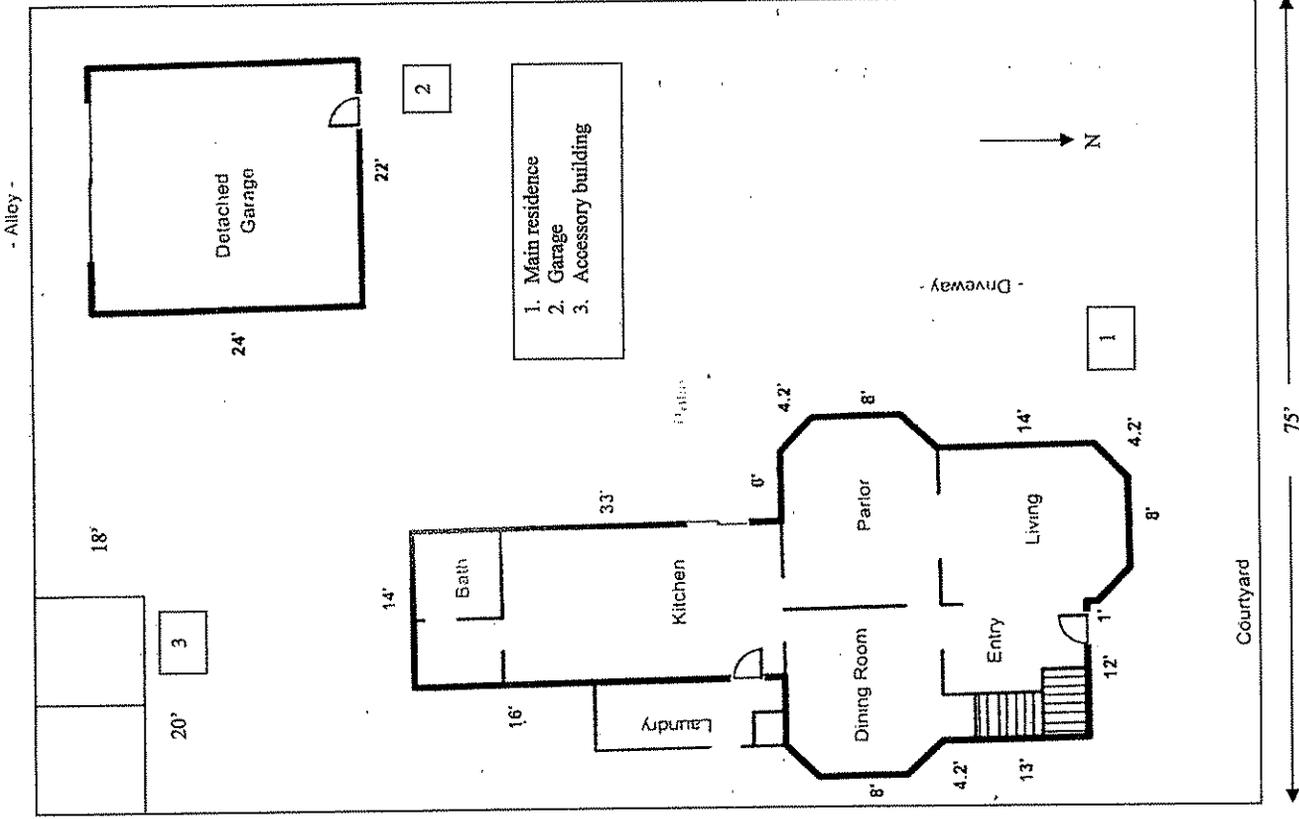
**10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.**

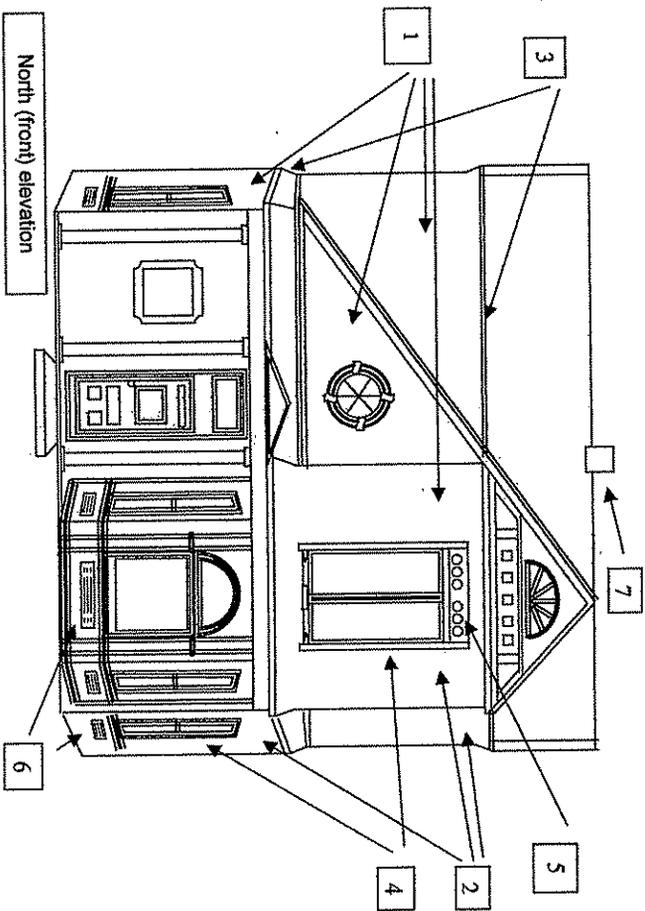
The second story balcony will be constructed in a way that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**ATTACHMENT 2:**  
***SITE PLANS***



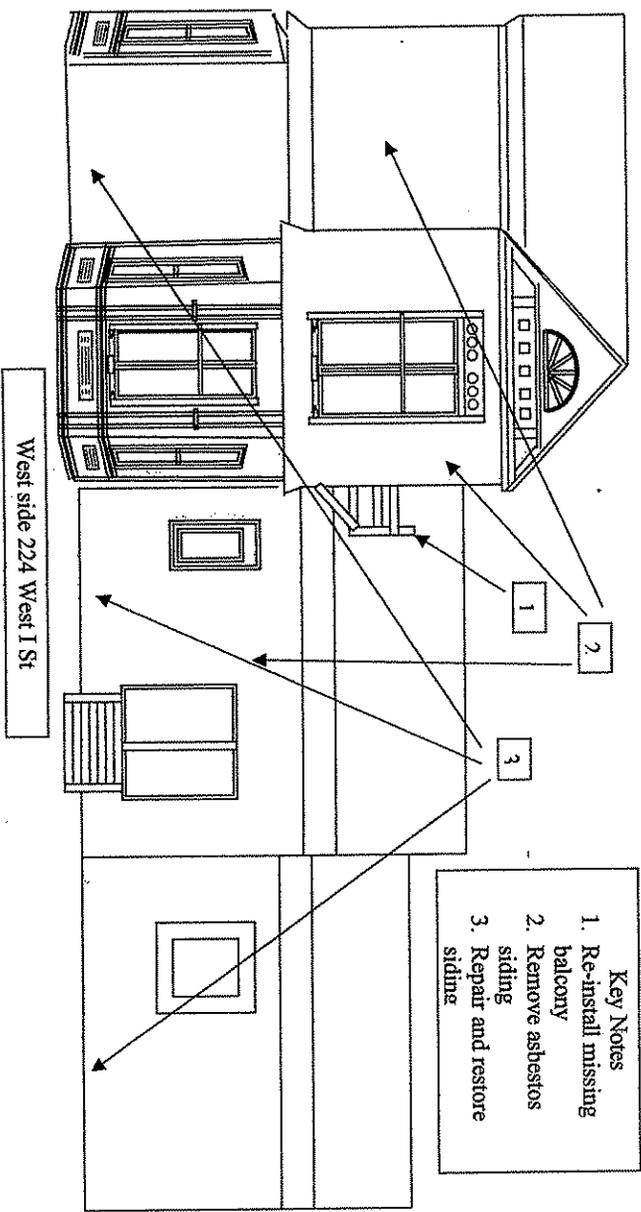
125'





North (front) elevation

- Key Notes**
1. Remove asbestos shingle siding
  2. Restore and repair cedar shingles and V rustic siding
  3. Restore and replace gutters as needed
  4. Restore sash windows and replace with like kind as needed
  5. Replacement of decorative medallions above windows
  6. Repair and replace decorative accents around bay windows with duplicated originals
  7. Repair chimney



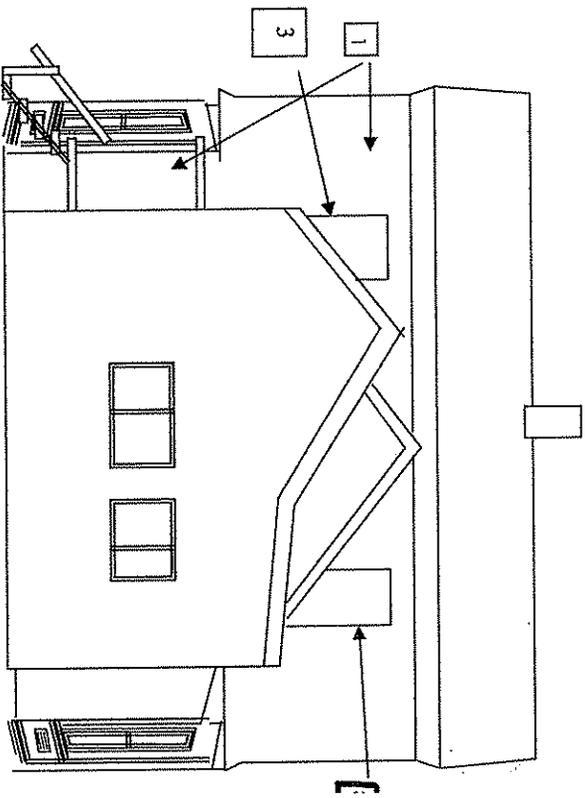
West side 224 West I St

- Key Notes**
1. Re-install missing balcony
  2. Remove asbestos siding
  3. Repair and restore siding

224 West I St  
Page 1

Scale: 1/8" = 1.0'

- Key Notes**
1. Remove asbestos siding
  2. Repair sash window
  3. Repair balcony door



Back (south side) of 224 West I St

**ATTACHMENT 3:**  
***SITE PHOTOGRAPHS***

**Attachment 3: Image #1:**  
**Front, north-facing facade of 224 West I Street**



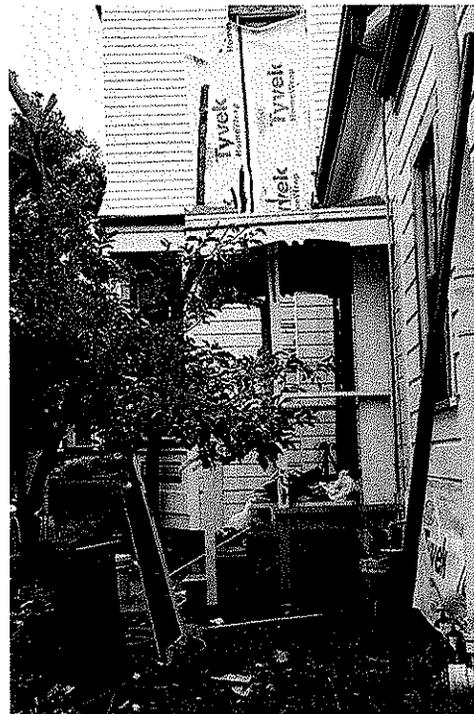
**Attachment 3: Image #2:**  
**Location of existing framing and proposed second-story balcony**



**Attachment 3: Image #3:  
Non-historic plywood porch and aluminum slider on west-facing facade**



**Image # 4: Side view of porch**



**Attachment 3: Image #5:**

**Blue circular medallions  
(Proposed to be replaced with shell-shaped medallions)**



**ATTACHMENT 4:**  
***DEPARTMENT OF PARKS AND RECREATION***  
***FORM 523 A & B***

**PRIMARY RECORD**

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

\*Resource Name or #: 224 West I Street

- P1. Other Identifier: none
- \*P2. Location: \*a. County Solano
- b. Address: 224 West I Street
- \*c. City: Benicia Zip 94510
- d. UTM: N/A
- e. USGS Quad: Benicia T2N R3W MDM
- \*f. Other Locational Data (APN #): 89-042-07

**\*P3a. Description**

This is a large two-story house set on a wide lot. The house has a T-shape plan with a cross gable, multi-height roof. The roof has enclosed rafters with closed gables and a plain cornice. The gable end displays an arched attic window. On the front façade the east side of the roof slope is elongated creating a second front gable at a lower level than the full second story. This gable also is closed and trimmed in a manner similar to the front cross wing and side gables. On the front elevation a canted bay is found at the first level. A covered porch, with a shed roof and pediment occupies the east half of the front elevation. The porch is supported on turned posts. Original fenestration is one-over-one double hung. The front bay has a modern arched window with stained glass trim around its edge. The house is clad in a combination of clapboard and asbestos shingle. The house has two large mature palm trees that frame its entry.

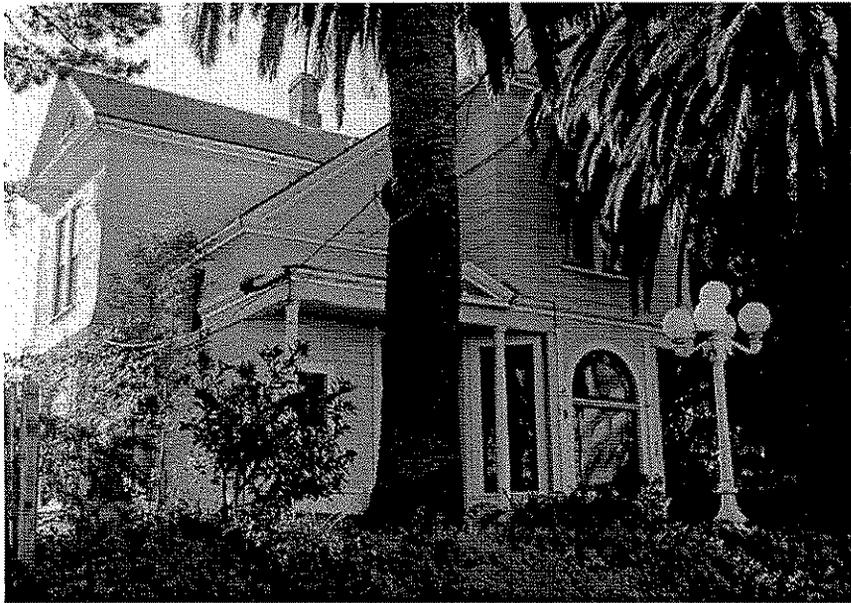
\*P3b. Resource Attributes: HP2

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

P5b. Description of Photo: Front façade, view southwest

\*P6. Date Constructed/Age: 1880

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



Prehistoric  Historic  Both

\*P7. Owner and Address:  
Gerald McKay Trust  
712 8<sup>th</sup> Avenue  
Trinidad, CA 95570

\*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: 224 West I Street

\*NRHP Status Code: 3D

B1. Historic Name: N/A

B2. Common Name: none

B3. Original Use: Residential

B4. Present Use: Residential

\*B5. Architectural Style: Queen Anne

\*B6. Construction History: The front bay window is replacement, and it appears that some elements of the porch may have been changed.

\*B7. Moved?  No  Yes  Unknown

Date: N/A

Original Location: same

\*B8. Related Features: Large landscape palms were planted to frame the house.

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 an interesting example of Queen Anne architecture. Its compound roof with an extended front gable gives the house an unusual roof line. The house retains its form and massing, a degree of its original ornamentation, and has integrity of design, setting, and location. However, some substantial changes, particularly to the fenestration on the front façade and possibly on the porch, plus the use of asbestos shingles compromise the building's authenticity. The house continues to contribute to the Downtown District, but further non-historic alterations could jeopardize its 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.



**ATTACHMENT 5:**  
***DRAFT RESOLUTION***  
***DESIGN REVIEW 07PLN-74***

**RESOLUTION NO. 07- (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW PERMIT FOR THE EXTERIOR ALTERATIONS TO THE SINGLE-FAMILY RESIDENCE LOCATED AT 224 WEST I STREET (07PLN-74)**

**WHEREAS**, Michael and Ebba Navas, owners of 224 West I Street, requested design review approval for exterior modifications and rehabilitation with regards to asbestos removal, in-kind siding, second-story balcony re-construction, gutter replacement, West-facing side entrance, window treatments, chimney, landscaping and architectural detailing; and

**WHEREAS**, the Historic Preservation Review Commission, at a regular meeting on October 25, 2007, conducted a public hearing to review the request; and

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

- A. 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 further CEQA review.
- B. The design of this project is consistent with the purposes of the City of Benicia Zoning Ordinance and the Downtown Mixed Use Master Plan.
- C. The proposed rehabilitation is consistent with the Downtown Historic Conservation Plan's guidelines for integrity of materials *because existing non-original materials, including asbestos siding and aluminum sliding door will be replaced with materials that will restore the historic appearance of the structure; the non-original side porch will be removed; and, the original brick chimney will be rehabilitated with in-kind materials.*
- D. The proposed rehabilitation is consistent with the Downtown Historic Conservation Plan's guidelines for appropriate materials, colors and finishes *because original materials are being used wherever possible in rehabilitation, renovation and repair work.*

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

- 1. The plans submitted for approval and development of the site shall be in substantial compliance with the plans dated received "September 28, 2007" prepared by the

applicant marked Exhibit "A" and on file in the Community Development Department.

2. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
3. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Community Development Director, if the application for time extension is received prior to the end of the initial two year deadline and there has been no change in the City's development policies which affect the site, and there is no change in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.
4. Any alteration of the approved plans, including substitution of materials, shall be requested in writing and approved by the Community Development Director or designee prior to changes being made in the field.
5. 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.
6. In keeping with the *Secretary of Interior's Standards*, the applicants shall use replacement materials that will match the old in design, color, texture, and material. In the case of the lower level wood lap siding, there are two areas that will require material replacement: (1) the east-facing facade around the bay window, and (2), the south-facing rear of the building facing the alley. In the case of the second-story cedar shake shingle treatment, there is an area on the south-facing rear of the residence where shingles are missing and will be replaced.
7. Prior to construction of a second story balcony on the west-facing facade, adjacent to the west-facing bay window, a final design shall be reviewed and approved by the Community Development Director or designee. Unless the applicant can supply historic record of the balcony, deemed adequate by the Community Development Director or designee, 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. The balcony is required to be a small, simple structure recessed at least six inches (6") from the bay window, so as to screen the view of the balcony from the street.
8. Prior to construction of French doors, porch and stairs on the west-facing facade, a final design shall be reviewed and approved by the Community Development Director or designee.

9. The final landscaping plan for the front yard and west-facing side yard shall be reviewed and approved by the Community Development Director or designee. The fence shall be limited to rod-iron or wood material (explicitly excluding stucco); be in accordance with zoning provisions including BMC 17.24.030 & 17.74.150; and, be located no more than fifteen feet (15') closer to West I Street from its existing location.
10. With regards to the shell-shaped medallions located directly above each of the second-story windows, which sit above each of the three bay windows, the applicants must submit findings to the Community Development Director, or designee, indicating that the shell-shaped medallions do not create a false sense of historical development, or alternative circular medallions that are of the same size must be used. Findings shall include photo documentation, historic elevations, etc. Without appropriate findings, the addition of the shell medallions is inappropriate.
11. Prior to the issuance of a building permit, tree trimming and/or removal permits from the Parks and Community Services department are required if the scope of work has an impact on existing trees.
12. 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's, Historic Preservation Review Commission 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 at a regular meeting of the Historic Preservation Review Commission on October 25, 2007 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

---

Gina Eleccion

Historic Preservation Review Commission Secretary

**ATTACHMENT 6:**  
***DRAFT RESOLUTION:***  
***MILLS ACT CONTRACT 07PLN-72***

**RESOLUTION NO. 07- (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 224 WEST I 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 224 West I 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 preservation and rehabilitation of the contributing building at 224 West I Street is consistent with this Goal; and

**WHEREAS**, all exterior work undertaken pursuant to the subject Mills Act Contract must be consistent with the Secretary of the Interior’s Standards; 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 further CEQA review; and

**WHEREAS**, the Historic Preservation Review Commission at a regular meeting on October 25, 2007 considered the Mills Act contract application of Michael and Ebba Navas.

**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 224 West I Street.

**BE IT FURTHER RESOLVED THAT** the Historic Preservation Review Commission recommends that the City Council approve the Mills Act Contract application of Michael and Ebba Navas.

\*\*\*\*\*

On motion of Commissioner , seconded by Commissioner , the above Resolution was adopted at a regular meeting of the Historic Preservation Review Commission on October 25, 2007 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

---

Gina D. Eleccion  
Historic Preservation Review Commission Secretary

**ATTACHMENT 7:**  
***DRAFT CONTRACT***

WHEN RECORDED, RETURN TO:

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

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## HISTORICAL PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of DATE, by and between the CITY OF BENICIA, a municipal corporation (hereinafter referred to as the "City"), and Michael and Ebba Navas (hereinafter referred to as the "Owners").

### 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 224 West I 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 DATE the City Council of the City of Benicia adopted Resolution No. 07- 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 Owners, 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 DATE 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 Owners 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) Owners 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. Owners 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 Owners.
3. Valuation of Historical Property. During the term of this Agreement, Owners are 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) Owners 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) Owners 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, Owners 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 Owners, City shall give written notice to Owners 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 Owners, 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 Owners growing out of the terms of this Agreement, apply to any violation by Owners or apply for such other relief as may be appropriate.

9. Waiver. City does not waive any claim of default by Owners 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. Owners 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 Owners 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 Owners.

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

Owners: Michael and Ebba Navas  
719 West I 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. Owners agree 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 Owners 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. Owners hereby agree 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 Owners or Agent of the Owners 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.

Michael Navas  
Ebba Navas

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)

## 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.

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, pg. 62.

### **Minimum Property Maintenance:**

As part of this agreement the Owners shall maintain all buildings, structures, yards and other improvements in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions (includes but does not limit to the following) 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 Owners agree to the following Rehabilitation projects to be undertaken by the Owners in conformance with Paragraph 4b of this Agreement. The work will be conducted as indicated below.

Projects	Schedule
1. <u>Paint white street lamp located in front setback</u>	2008
2. <u>Paint the front door and replace the door's window with historically appropriate glass</u>	2008
3. <u>Repair sunburst feature above the East-facing bay window</u>	2008
4. <u>Replacement/repair of deteriorated siding, including second-story shingles</u>	2008
5. <u>Rehabilitate the rear, South-facing window on the Southeast corner of the residence; replace boarded-up opening with a wood sash window</u>	2009
6. <u>Rehabilitate brick chimney</u>	2009
7. <u>Landscape front yard and West-facing side yard in accordance with design review conditions. <i>Note: If landscaping involves removal of brick on front grade, brick around the porch shall be removed and constructed of wood.</i></u>	2010

**AGENDA ITEM**  
**HISTORIC PRESERVATION REVIEW COMMISSION MEETING:**  
**OCTOBER 25, 2007**  
**REGULAR AGENDA ITEM**

**DATE** : October 18, 2007

**TO** : Historic Preservation Review Commission

**FROM** : Amy Million, Consulting Planner

**SUBJECT** : **REVIEW OF DESIGN REVIEW APPROVAL REQUEST FOR EXTERIOR ALTERATIONS AND RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A MILLS ACT CONTRACT FOR THE PROPERTY AT 129 WEST I STREET IN THE CITY OF BENICIA**

**RECOMMENDATION:**

Move to adopt Resolution No. 07- approving Design Review 07PLN-63 for the exterior alterations to the existing single-family residence located at 129 West I Street, based on the findings, and subject to the conditions listed in the attached resolution.

Move to adopt Resolution No. 07- recommending that the City Council authorize the City Manager to enter into a Mills Act Contract with the property owner of 129 West I Street in the City of Benicia.

**EXECUTIVE SUMMARY:**

The applicant requests design review approval to construct a wrap around porch along the front and west side of an existing single-family residential building. The proposed front porch would in part replicate the original front porch located on this structure. In addition, a request is made to expand the existing addition along the West elevation.

The applicant also requests approval of a Mills Act Contract. Mills Act program is a State of California authorized mechanism by which owners of Qualified Historical Properties may use an alternative method of determining property value for tax assessment purposes. The program is available to both residential and non-residential properties. The intent of the Mills Act Program is to enhance and preserve historic buildings within the Historic Districts. The City Council approved the City of Benicia Mills Act program and assigned initial review and recommendation of Mills Act applications to the Historic Preservation Review Commission.

**BUDGET INFORMATION:**

The Mills Act contract will reduce the property tax paid by this property. The City of Benicia

receives approximately 26% of the property taxes collected on parcels in the City. The estimated reduction in City revenue due to the subject Mills Act proposal is \$700. The City Council authorized up to \$30,000 annually of property tax rebates for Mills Act contracts, of that, approximately \$16,000 remains available for new contracts. No other budget impacts are anticipated.

### **ENVIRONMENTAL ANALYSIS:**

Staff has determined that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15331. Class 31 exempts alterations to historic resources that are consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. In addition, Mills Act contracts require that all work performed subsequent to entering into a contract is consistent with those standards.

### **BACKGROUND:**

The property is listed as a contributing building in the City's Downtown Historic Conservation Plan. The subject building meets the eligibility requirements for the Mills Act Program. The applicant has met all of the submittal requirements.

Built during the 1890's, the property has since been significantly altered. The subject building has lost some major character defining features that define its historic integrity. In 2004, the City of Benicia consulted with Carol Roland to update the historic surveys for the Downtown Historic District. As part of this work, Ms. Roland did not prepare an official survey of the subject property, but instead recommended that the subject property be removed as a contributing structure to the Downtown Historic District. The property owners have since submitted a letter (see attachment) to the Ad Hoc Historic Survey Committee via the Planning Division requesting that this property continue to be designated as a contributing structure. The exterior alterations presented in this design review and Mills Act contract application are intended to rehabilitate the building and restore the historic integrity that has been lost.

### **SUMMARY:**

#### Site Description

The subject property is located on the north side of West I Street between First and West Second Streets. The property measures 6,250 square feet and the topography is flat. The subject property has two structures; the main house and a small, detached garage located in the west side of the rear yard.

#### Project Description

The proposed project includes three primary alterations to the building's exterior. The alterations include the addition of a porch to the front and west elevations, expansion of the existing addition on the west side and an extension of the existing roofline to the northeast portion of the building (rear).

#### Front Porch:

The building was originally constructed as a two-story dwelling with a rectangular footprint. A covered front porch extended the entire width of the front elevation. Sometime during the later part of the 20<sup>th</sup> century, the front porch was removed. A small entry porch was constructed as a replacement. The project includes the removal of the non-original, small front porch and the construction of the historic long porch on the front façade and the expansion of the porch by wrapping it around the west side. Photographs from 1969 provided by the applicants and historic Sanborn Fire Insurance Company maps document the existence of the original front porch. Although, not thoroughly detailed on the attached plans, the applicant has proposed to design the support posts, brackets and spindle work similar to that of the existing porch on the west side and the submitted historic photographs of the original front porch. Documentation shows that the subject building has historically had this porch and the small porch on the West entry. Both porches are prominent features of the front façade and together they create cohesiveness between the two entries. The proposed porch would wrap around to the West façade and connect with the western addition. The proposed porch would continue this similar historic architectural design by providing a relationship between the two porches.

*NOTE: The plans document modifications to the window and entries of the front elevation. These changes are inconsistent with the City's guidelines and the Secretary of the Interior's Standards. Therefore, staff has worked with the applicants on revising the project to meet these concerns. As a result, staff has recommended a series of conditions that maintain the existing window and door openings. See attached resolution.*

#### West Façade Addition:

Sometime between 1913 and 1942 the addition was constructed on the west side of the house. The addition included a small covered porch, most likely as it appears today. This porch has decorative support posts and spindle work just below the small shed roof. The proposed project also includes expansion of the post construction addition on the west side. The work includes extending the first floor of this addition 18' 1" and the second floor 11' 7" towards the front façade. The width of the building/addition will remain unchanged. The expansion of this portion of the building would provide the interior space for the relocation of the interior stairs. The building's existing interior staircase is located on the southwest corner of the building adjacent to the front entry. According to the applicants, the location of the staircase limits the functionality of both the front entry and the interior living space. The project involves reconfiguring the interior stairs to the middle portion of the building. To accommodate this, the addition on the west elevation would be expanded by approximately 144 square feet. Constructed after the building's original construction, the addition is delineated from the main building by its change in roofline. The *Secretary of the Interior's Standards* (Standards) recognizes that some alterations can obtain historic significance in their own right. In consideration of the Standards and to maintain the visual appearance from West I Street, the proposed expansion would maintain a similar roofline to the existing roofline by keeping a separate roof structure and extending a mildly pitched roof along the addition. This design is consistent with the City's policies and goals related to historic preservation as the design would not obscure, damage, or destroy character-defining features of the historic building by minimally affecting the appearance of the building.

### Roofline Extension:

The final exterior expansion of the building envelope includes extending the roofline of the northeast corner the building. According to the applicants, this portion of the building was most likely built in 1940's with substandard construction techniques. The ceiling height in this portion of the residence is much lower than the remainder of the house. The proposal is to extend the roofline so that it is flush with the existing roofline. This alteration would be minimally visible from West I Street and contribute to the overall symmetry of the roofline.

The design review requests also includes window and entry changes to the rear elevation. The applicant proposes to replace the long narrow windows, with standard size 3' by 5' double-hung windows. The extended roofline would allow for a larger window on the second story (east side) to match the other new windows. The single-door entry would be removed and replaced with French doors. The new French doors would be moved approximately 5 feet westward towards the center of the building. A small wood deck would be added along the first floor adjacent to the proposed French doors. The changes made to this portion of the building do not affect the building's appearance from the street.

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

As a designated contributing historic structure and Mills Act Contract applicant, all exterior changes must comply with the Standards. 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; or 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.* Photographs from 1969 provided by the applicants and historic Sanborn Fire Insurance Company maps document the existence of the front porch. The applicant has proposed to design the support posts, brackets and spindle work similar to that of the existing porch on the west side and photographs of the original front porch. The Sanborn maps and historic photographs document the two porches on the subject building. Both porches contribute to the architecture of the front façade and together they create cohesiveness between the two entries. The proposed wrap around porch would continue this similar architectural design.

In regard to the expansion of the West façade, the additional square footage would result in minimal change in appearance from the street. In consideration of the Standards and to maintain the visual appearance from West I Street, the expansion would maintain a similar roofline to the existing roofline. The roof has been designed as a separate extension with a slight pitch similar to the existing design.

### Downtown Historic Conservation Plan

Chapter Five of the Downtown Historic Conservation Plan (DHCP) contains Design Guidelines for Residential Building Types. This chapter emphasizes maintenance and rehabilitation of

historic structures. Guidelines for *Façade Elements and Details* such as 2.2 recommends *maintaining the proportions of existing door and window openings and the pattern of existing window sash in replacement work or additions*. The proposed project would not alter any existing door and window openings on the primary façade (as modified by the attached conditions of approval). In addition, the windows on the addition would be replaced in the same location of the west and south side. The DCHP further states that *new or replacement window sash should match the original sash in thickness, depth, pattern and finish. Where the original sash has been completely removed, new windows should match the existing unless a replacement program for the entire façade using the original style sash is undertaken*. The project proposes using wood sash and wood trim windows. On the front façade, where the wood trim and sills have been replaced, new trim and sills shall be installed to match the materials and width of the historic wood trim and sills (matching original wood windows of West and North façades).

In regard to materials, the DHCP states that *where inappropriate or later materials have been removed, they should be replaced with the original material. When necessary to use a substitute material, take care that its outward appearance, durability, texture and finish will be as close as possible to that of the original*. The project would replace the existing non-original wood siding with appropriate horizontal wood lap siding.

### Conclusion

The projects included in the design review application and listed in the Mills Act Contract's Architectural Rehabilitation and/or Restoration Plan as included in "Exhibit C" of the Contract are consistent with the historic preservation goals established by the City of Benicia. The City of Benicia General Plan Goal 3.1 is to "Maintain and enhance Benicia's historic character." This rehabilitation work is also consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* as demonstrated by the attached checklist. This type of work is appropriate for Mills Act contracts.

### **FURTHER ACTION:**

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

### Attachments:

- The Secretary of the Interior's Standards for Rehabilitation
- Photographs
- Project Plans \*\*
- Letter from Rod and Jaimie Sherry, property owners, regarding Historic Survey dated 10/10/07
- Draft Resolution approving Design Review application 07PLN-63
- Draft Resolution recommending City Council approval of Mills Act contract for 129 West I Street
- Draft Contract
- Correspondence from neighbors (3 comments received)

*\*\* If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the October 25, 2007 Historic Preservation Review Commission packet.*

**THE SECRETARY OF THE INTERIOR'S  
STANDARDS FOR REHABILITATION**

**Secretary of Interior's Standards for Rehabilitation**  
**Design Review and Mills Act Contract**  
**129 West I 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.

An assumption is made prior to work that existing historic fabric has become damaged or deteriorated over time and, as a result, more repair and replacement will be required. Thus, latitude is given in the **Standards for Rehabilitation and Guidelines for Rehabilitation** to replace extensively deteriorated, damaged, or missing features using either traditional or substitute materials.

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 project does not involve removal of distinctive materials or alteration of features and spaces. As part of this project, the historic integrity would be brought back through the replacement of non-original materials such as aluminum and vinyl windows with wood, the addition of missing features such as front porch, roof eaves and fascia, and appropriate wood siding.

- 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.**

This project does not involve adding conjectural features or elements taken from other historic properties.

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

Built during the 1890's, the property has been significantly altered. The property has lost some major character defining features that define its historic integrity. The exterior alterations presented in this design review and Mills Act contract application are intended to

rehabilitate the building and restore the historic integrity that has been lost. The addition of the west side of the building is the only post-construction change that could be considered to have acquired historic significance in its own right. The project would minimally expand this addition to that the overall style and scale is retained. The expansion of the addition would be minimally visible from the front façade property line.

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

Photographs from 1969 provided by the applicants and historic Sanborn Fire Insurance Company maps document the existence of the front porch. The subject building has historically had two porches. Both porches are prominent features of the front façade and together they create cohesiveness between the two entries. The Standards state that *if using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.* The proposed wrap around porch would continue this similar architectural design. The applicant has proposed to design the support posts, brackets and spindle work similar to that of the existing porch on the west side and photographs of the original front porch. The project would include materials and workmanship that is consistent with the historic documentation.

In addition, 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 restore the front porch and preserve the existing materials instead of replacement.

**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. The proposed porch would attempt to match the design of the support posts, brackets and spindle work similar to that of the existing porch on the west side and photographs of the original front porch. 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. 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.**

This standard does not apply to this project. The proposed project involves minimal land disturbance and therefore no archeological resources shall be affected.

**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.**

The proposed project involves the expansion of several areas of the house. The expansion of the west side would be constructed so that it is similar in materials, features and overall size and massing of the residence. As seen from the primary street frontage, the change in appearance would be minimal. The addition would respect the existing style by maintaining a similar roofline and stepping back the top story.

According to the Sanborn maps, the subject building has historically had two porches. Both porches are prominent features of the front façade and together they create cohesiveness between the two entries. The proposed wrap around porch would continue this similar architectural design. The proposed porch would attempt to match the design of the support posts, brackets and spindle work similar to that of the existing porch on the west side and photographs of the original front porch. 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.

All other exterior alterations will be limited to repair or replacement in-kind and therefore would 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.**

The new additions would not significantly alter the essential form and integrity of the historic property and its environment. The alterations attempt to develop the house into a structure that is more compatible with today's lifestyle.

# **PHOTOGRAPHS**

## **PROJECT PLANS**

*( If viewing online, this attachment is available to view in the Community Development Department or in the Benicia Public Library in the March 8, 2007 Planning Commission packet)*



View of front and west side of subject building.

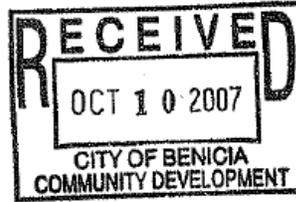


View of rear of subject building (north elevation)



Photograph of subject property (front façade) taken in 1969.

**LETTER FROM ROD AND JAIMIE SHERRY,  
PROPERTY OWNERS, REGARDING HISTORIC  
SURVEY**



October 9, 2007

To: City of Benicia  
Planning Department  
250 East 'L' Street  
Benicia, CA 94510  
Attn: Damon Golubics, Acting Planning Director

Reg: Contributing Historical Status of 129 West 'I' Street, Benicia.

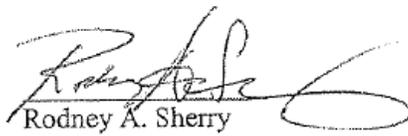
Damon,

It is my understanding that my house at 129 West 'I' Street has been slated to be removed from the list of contributing historical houses in Downtown Benicia. I believe the consultant that made the recommendation to have the house removed was judging the house based on it's poor condition at the time of the survey. She didn't even bother with a survey form for the property. Since the survey was completed, my wife and I have purchased the property and intend to make it our home. We have already stabilized the structure by constructing a new perimeter foundation under the entire house. We intend to restore, enhance, and preserve the historical nature/appearance of the house. Please reconsider this property as a contributing historical asset to the Benicia Downtown.

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My family would prefer the house to remain as a Contributing Historical Structure.

If you have any questions or concerns, please do not hesitate to contact me at (707) 980-2227

  
Rodney A. Sherry  
129 West 'I' Street  
Benicia, CA 94510

**DRAFT RESOLUTION  
DESIGN REVIEW 07PLN-63**

**RESOLUTION NO. 07- (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW PERMIT FOR THE EXTERIOR ALTERATIONS TO THE SINGLE-FAMILY RESIDENCE LOCATED AT 129 WEST I STREET (07PLN-63)**

**WHEREAS**, Rod and Jaimie Sherry, owners of 129 West I Street, requested design review approval to construct a wrap around porch along the front and west side of an existing single-family residential building. The proposed front porch would in part replicate the original front porch located on this structure. In addition, a request is made to expand the existing addition along the western elevation; and

**WHEREAS**, the Historic Preservation Review Commission, at a regular meeting on October 25, 2007, conducted a public hearing to review the request; and

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

- A. 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 further CEQA review.
- B. The design of this project is consistent with the purposes of the City of Benicia Zoning Ordinance.
- C. This project is consistent with the purposes of the Downtown Mixed Use Master Plan.
- D. The proposed rehabilitation is consistent with the Downtown Historic Conservation Plan's guidelines *because the porch will be constructed to closely resemble its original appearance, existing non-original materials, including existing vinyl windows that are not original to the house will be replaced with double hung wood clad windows, missing materials such as roof eaves and fascia, historically appropriate wood lap siding will restore the historic appearance of the structure.*

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

- 1. The plans submitted for approval and development of the site shall be in substantial compliance with the plans dated received "October 10, 2007" prepared by R.A.S marked Exhibit "A" and consisting of 2 sheets on file in the Community Development Department, unless modified by these conditions of approval.

2. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
3. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Community Development Director, if the application for time extension is received prior to the end of the initial two year deadline and there has been no change in the City's development policies which affect the site, and there is no change in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.
4. Any alteration of the approved plans, including substitution of materials, shall be requested in writing and approved by the Community Development Director or designee prior to changes being made in the field.
5. 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.
6. All replacement windows shall be wood or wood clad.
7. The applicant shall preserve and reuse as much of the historic material as possible, including the original wood windows and glazing on the West-façade and incorporate that material into the new addition.
8. The new wood siding shall be 1" by 12" horizontal wood lap siding as shown on the approved plans.
9. The wood trim around the windows on the front façade shall be removed and replaced with historically appropriate trim and sills, constructed with the appropriate wood and width. The trim and sills shall be consistent with the existing original wood windows on the West and North façades.
10. The roof eaves and fascia shall be designed to match the original eaves and fascia as documented in the photograph from 1969 attached to the HPRC staff report for October 25, 2007.
11. Plans submitted for building permit issuance shall have the following changes:
  1. Windows located on the first and second story of the front façade shall not be altered so that they retain the same configuration, size and spacing.
  2. Design of the porch support posts, brackets and spindle work shall match the existing porch posts on the West side entry and/or the porch posts as documented in the photograph from 1969 attached to the HPRC staff report for October 25, 2007.

12. 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's, Historic Preservation Review Commission 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 at a regular meeting of the Historic Preservation Review Commission on October 25, 2007 by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

---

Gina Eleccion  
Historic Preservation Review Commission Secretary

**DRAFT RESOLUTION  
MILLS ACT CONTRACT 07PLN-72**

**RESOLUTION NO. 07- (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 129 WEST I 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 129 West I 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 preservation and rehabilitation of the contributing building at 129 West I Street is consistent with this Goal; and

**WHEREAS**, all exterior work undertaken pursuant to the subject Mills Act Contract must be consistent with the Secretary of the Interior’s Standards; 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 further CEQA review; and

**WHEREAS**, the Historic Preservation Review Commission at a regular meeting on October 25, 2007 considered the Mills Act contract application of Rod and Jaimie Sherry.

**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 129 West I Street.

**BE IT FURTHER RESOLVED** that the Historic Preservation Review Commission recommends that the City Council approve the Mills Act Contract application of Rod and Jaimie Sherry.

\*\*\*\*\*

On motion of Commissioner , seconded by Commissioner , the above Resolution was adopted at a regular meeting of the Historic Preservation Review Commission on October 25, 2007 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

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### **HISTORICAL PROPERTY PRESERVATION AGREEMENT**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of DATE, by and between the CITY OF BENICIA, a municipal corporation (hereinafter referred to as the "City"), and Rod and Jaimie Sherry (hereinafter referred to as the "Owners").

#### **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 129 West I 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 DATE the City Council of the City of Benicia adopted Resolution No. 07- 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 Owners, 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 DATE 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 Owners 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) Owners 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. Owners 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 Owners.
3. Valuation of Historical Property. During the term of this Agreement, Owners are 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) Owners 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) Owners 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, Owners 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 Owners, City shall give written notice to Owners 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 Owners, 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 Owners growing out of the terms of this Agreement, apply to any violation by Owners or apply for such other relief as may be appropriate.
9. Waiver. City does not waive any claim of default by Owners 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. Owners 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 Owners 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 Owners.

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

Owners: Rod and Jaimie Sherry  
P.O. Box 901  
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. Owners agree 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 Owners 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. Owners hereby agree 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 Owners or Agent of the Owners 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.

Rod Sherry  
Jaimie Sherry

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)

## 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.

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, pg. 62.

### **Minimum Property Maintenance:**

As part of this agreement the Owners shall maintain all buildings, structures, yards and other improvements in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions (includes but does not limit to the following) 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 Owners agree to the following Rehabilitation projects to be undertaken by the Owners in conformance with Paragraph 4b of this Agreement. The work will be conducted as indicated below.

	Projects	Schedule
1.	<u>New foundation</u>	<u>2007</u>
2.	<u>Construct retaining wall and rebuild redwood fence along east property line.</u>	<u>2008</u>
3.	<u>Construct new porch along front and west side consistent with HPRC Design Review Resolution 07-X</u>	<u>2008</u>
4.	<u>Install new concrete driveway along west side of house.</u>	<u>2008</u>
5.	<u>Landscape front yard and install irrigation system.</u>	<u>2009</u>
6.	<u>Construct new redwood fence along rear property line abutting the alley. Fence shall be architecturally and historically compatible with the period of the house</u>	<u>2010</u>
7.	<u>Replace non-historic aluminum and vinyl windows with historically appropriate wood windows.</u>	<u>2010</u>
8.	<u>Replace non-original window trim on front elevation with window trim and sills that are historically consistent with the original. The trim and sills should be of the same width as the original trim and sills on the west and north elevations.</u>	<u>2010</u>
9.	<u>Install historically appropriate rain gutters.</u>	<u>2011</u>
10.	<u>Remove non-original siding on front and east elevations and replace with historically appropriate wood siding.</u>	<u>2011</u>

11. Remove non-original siding on detached garage and replace with historically appropriate wood siding. 2013
12. Restore roof eave and fascia on front elevation consistent with the architectural period and style of the home. Design shall be similar to that of the photo documentation from 1969 attached to the HPRC Design Review Staff Report for October 25, 2007. 2014

## **CORRESPONDENCE FROM NEIGHBORS**

137 West I Street  
Benicia, CA 94510  
October 10, 2007

Planning Department  
City of Benicia  
250 East L Street  
Benicia, CA 94510

**RE: 129 West I Street – Rod and Jaimie Sherry**

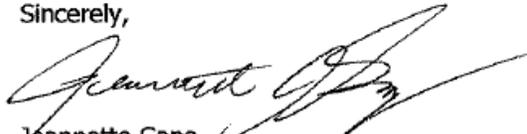
To Whom It May Concern:

I am in total support of all of the changes that Rod and Jaimie Sherry are proposing to make to their property, which is adjacent to my property. They have discussed the entire project with me in total and as they move each step forward.

The changes to the house will bring it back to its historic appearance before alterations were made to the house over the past many years. I know that it will enhance the value of my property when these changes are complete.

I urge the Benicia Historic Preservation and Review Commission to approve these changes so the Sherry's can move forward and complete their rehabilitation of the house located at 129 West I Street.

Sincerely,

  
Jeannette Gape  
707-745-4189



To; Benicia Historic Review Commission  
Regarding; Renovation of 129 West I st.  
From; Jamie & Marsha Calderwood

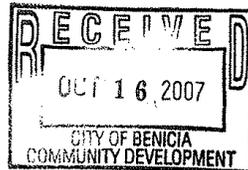
Dear Commission;

We have reviewed the changes to our neighbor's house at 129 West I Street. We feel the proposed front elevation adds to the integrity of the house. This renovation in our opinion will improve our neighborhood. We support it and hope you will also.



Sincerely,

Jamie & Marsha Calderwood  
140 West I Street



10-10-07

The Project at 129 West  
I' St. HAS my complete  
Support.

It's always wonderful  
to SEE people  
Care to restore  
the wonderful Homes  
in Bonaire

Rinda Verschoor  
145 West I St

