

BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

CITY HALL – COMMISSION ROOM

REGULAR MEETING AGENDA

Thursday, November 20, 2008

6:30 P.M.

I. CALL TO ORDER

- Pledge of Allegiance

- Roll Call of Commissioners

- 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.

- OPPORTUNITY FOR PUBLIC COMMENT

- WRITTEN

- PUBLIC COMMENT

III. CONSENT CALENDAR

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

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

- Approval of Agenda
- [Approval of Minutes of October 23, 2008](#)
- [Approval of 2009 Meeting Schedule](#)

IV. REGULAR AGENDA ITEMS

- [SOUTHERN PACIFIC DEPOT ADA ACCESSIBILITY AND SCHEMATIC SITE PLAN](#)

90 First Street; APN: 080-20-007

PROPOSAL:

Design Review for a schematic site plan, including a plaza/parking area and accompanying site features, as well as ADA accessibility. ADA accessibility upgrades include an ADA ramp on the East side of the building, an ADA van accessible parking space, panic hardware for the historic sliding baggage door, and an ADA restroom.

Recommendation:

Grant design review approval for ADA Accessibility and Schematic Site Plan at the Southern Pacific Depot.

- [MILLS ACT PROGRAM GUIDELINES](#)

– Discussion of overall program to ensure guidelines meet the intent of the program.

Recommendation:

Review the Mills Act Program Guidelines, and make recommendations, if any, to the City Council for updates to the program.

V. [COMMUNICATIONS FROM COMMISSIONERS](#)

- COMMUNICATIONS FROM STAFF

- [PRIORITY OF DISCUSSION ITEMS](#)

Staff will provide a review of the ranking of the Commission's discussion items.

- 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 agendaed and non-agendaed matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Historic Preservation Review Commission.

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

Disabled Access

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

Meeting Procedures

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

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

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

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

Public Records

The agenda packet for this meeting is available at the Community Development Department Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at

www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an agenda item that are distributed after the agenda packet is prepared are available before the meeting at the Community Development Department Office located at 250 East L Street, Benicia, or at the meeting held in the Commission Room. If you wish to submit written information on an agenda item, please submit to the Community Development Department as soon as possible so that it may be distributed to the Historic Preservation Review Commission.



BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

CITY HALL – COMMISSION ROOM

REGULAR MEETING MINUTES

**Thursday, October 23, 2008
6:30 P.M.**

I. CALL TO ORDER

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Donaghue, Haughey, McKee, Taagepera, White and Chair Mang
Absent: Commissioner Crompton (excused)

Staff Present

Lisa Porras, Senior Planner
Mike Marcus, Assistant 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

None.

B. PUBLIC COMMENT

Jon Van Landschoot, 175 West H Street – Thanked the Commission for their work on the survey.

III. CONSENT CALENDAR

Commissioner Donaghue pulled item III-C for discussion.

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

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

- A. Approval of Agenda**
- B. Approval of Minutes of August 24, 2008**
- C. Approval of Minutes of September 25, 2008**

Commissioner Donaghue requested that the minutes reflect his comments on 141 East E Street, specifically related to his request to speak on this item. Gina Eleccion noted that the meeting tape was reviewed and the minutes will be revised to reflect Commissioner Donaghue's comments.

On motion of Commissioner Donaghue, seconded by Commissioner White, the Minutes of September 25, 2008 were approved, as amended, by the following vote:

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

- D. Approval of Amended Resolution No. 08-8**

IV. REGULAR AGENDA ITEMS

- A. MILLS ACT CONTRACT- 271 WEST J STREET
08PLN-41; APN: 87-162-160**

PROPOSAL:

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

Recommendation: Recommend City Council approval of Mills Act Contract.

Mike Marcus, Assistant Planner, gave a brief report on the project.

Commissioners questioned if the stairs/porch would come before the Commission for design review approval. Mike Marcus noted that this would come forward. There was a suggestion to move up the landscaping prior to the stairs/porch.

Jon DiFrancesco, property owner – He commented that as the stairs/porch are currently

in good condition, they did not plan on doing that work immediately. They plan to submit a design review proposal with multiple projects. Mike Marcus noted that there will be additional design review approvals requested in the future. The property owner noted that he has no formal landscaping plan. Mike Marcus noted that the landscaping plan can be reviewed through staff if the Commission conditions it so.

There were questions about the landscaping. Commissioners discussed adding this to the work plan and what review would be required.

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

Commissioners commented on the specifics of the work plan. Gina Eleccion noted that Exhibit B deals with property maintenance standards in addition to the work plan. In addition, she noted that there is no requirement for property owners to document a 1-for-1 savings vs. expenditures. In the issue of a non-compliant property, documentation of expenditures can be requested by the City.

Commissioner Donaghue commented that if the porch/stairs meet the criteria in the DHCP, it could be approved administratively with minor design review fees. Commissioner Taagepera seconded the motion, but would like this to come back on the Consent Calendar for review. Commissioners requested staff level review of the landscaping at no cost. Staff level review for the porch would require minor design review fees.

RESOLUTION NO. 08-9 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 271 WEST J STREET

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

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

B. MILLS ACT CONTRACT- 141 WEST F STREET
08PLN-32; APN: 89-115-180

PROPOSAL:

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

Recommendation: Recommend City Council approval of Mills Act Contract.

Lisa Porras, Senior Planner, gave a brief report.

Commissioners questioned the repairs to the windows. Lisa Porras noted that the applicant can respond to that issue.

Jose Coelho, property owner – He noted that it is likely that some of the work plan items will be combined and done at one time. He would like to address some of the work that has been done and return the property to its original condition. There has been a porch enclosed in the back and work done to the garage. Staff noted that they would not have to modify their work plan to do this, but it would go through the design review process and building permits would be required.

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

Commissioners would like clarification on the window refurbishment. In addition, there was discussion on the allowable use of vinyl or other materials for windows. Staff noted that a full window replacement would require a building permit.

Commissioner Haughey requested the following changes to the resolution:

- 1. Change word “refurbish” to “repair”.
- 2. Specify replacement of windows, if necessary, with wood windows.

RESOLUTION NO. 08-10 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 141 WEST F STREET

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

Haughey, change refurbish to repair and add “replace with wood”, second White.

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

C. MILLS ACT CONTRACT- 155 WEST J STREET
08PLN-4; APN: 87-164-230

PROPOSAL:

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

Recommendation: Recommend City Council approval of Mills Act Contract.

Lisa Porras, Senior Planner, gave a report on the project. She noted that it has not been typical to add interior improvements to work plans, and this can be modified by the Commission.

Commissioners commented on the specific work plans items.

Gary Arneson, property owner – He commented that the concrete has been damaged on the entryway. He noted that the house is in fairly good shape. There is general maintenance that needs to be done. The lack of landscaping is a major issue.

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

Commissioners requested the removal of the interior items, with the exception of the electrical upgrade. In addition, landscaping shall be reviewed by staff.

RESOLUTION NO. 08-11 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A MILLS ACT CONTRACT FOR THE PROPERTY LOCATED AT 155 WEST J STREET

On motion of Commissioner White, seconded by Commissioner Donaghue, the above resolution was approved, as amended, by the following vote:

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

D. DESIGN REVIEW – 301 FIRST STREET

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

PROPOSAL:

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

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

Commissioner Donaghue stated property ownership within 500'. Commissioner McKee stated a conflict on this item and the next item.

Lisa Porras, Senior Planner, gave a presentation.

Commissioners commented on the overall project. The height of the building was discussed. Fencing between buildings was discussed.

Celeste Joy, applicant – She noted that this is a unique property. A lot of work has been done on the other existing buildings on the property. Their intention is to preserve the history of Benicia. They would like the courtyard to eventually be an entrance to the building and would like to see outdoor dining there in the future.

Phil Joy noted that the Downtown Mixed Use Master Plan requires a 12' first floor. Lisa Porras noted that a variance would be required to allow less than 12' in height for the first floor.

The Commission asked staff if the Community Development Director could determine the building non-conforming, in order to consider a reduction in height. The applicant noted that the building was raised within the last 2 years.

Commissioners discussed the Downtown Historic Conservation Plan in relation to this project.

The public hearing was opened.

Elliott Rapp, 560 Anderson Lane – He understands the applicant's vision, but there are existing problems with the work at the boatyards. He would prefer no additional permits be issued until the existing work is completed.

Gary Wheeler, 580 Anderson Lane – He supports the project. He commented on compatibility and noted that there are 2-story buildings behind. He would not like this to have to go through the variance process for the height issue. He would like to know the timeline on the project. He asked that the windows be similar in style. He questioned the total square footage of the project site and whether this meets the parking requirements. The building is aged to a dark color. He commented on specifics in the resolution.

Jane Malone, 566 Anderson Lane – She is in favor of the project, but commented on the boatyard operations. She would like to see the property cleaned up prior to additional projects being approved.

Lisa Porras noted that this has been an existing use on the site. The site is 100x450 feet. The parcel contains the shed and all of the historic buildings. She noted that it was appropriate to condition the boatyard operations for aesthetic reasons, which had not been done in the past.

Greg Davis, 123 West D – He noted that there has been a boatyard there ever since he moved in. He noted there are mixed opinions on this project. He supports the project proposed and does not believe the height is overwhelming.

Jon Van Landschoot, 175 West H Street – He supports the project, but is concerned with the height issue. He commented on paint vs. stain.

Phil Joy commented on the issues raised. He gave background on the work that has been done. A bay trail will be constructed with BCDC approval. The house on the barge will be moved in the next few months. The foundation is almost complete.

Lisa Porras commented on the parking requirements. The Downtown Mixed Use Master Plan does not require parking for the project. The site currently has 7 parking spaces. If the site was vacant and all current buildings were to be built as is, additional parking would be required.

The public hearing was closed.

Commissioners commented on the existing conditions at the boatyard, and timing of the Bed and Breakfast at 134 W. D Street.

Lisa Porras noted that because the project at 134 W. D Street is within 100' of the shoreline, it required BCDC approval and adds additional review and time for the project to be finished.

The fence was discussed. Lisa Porras noted that the fence is required along the wharf to shield the view of the existing boatyard and materials onsite. In addition, she noted that the applicant agrees with the conditions presented.

Commissioners commented on the Downtown Mixed Use Master Plan and the fact that there should be flexibility.

Commissioners commented on the color and stain vs. paint. The proposal to paint the structure dark brown is consistent with the existing color of the shed.

The awning windows were discussed.

Conditions were amended to include:

1. Height reviewed by CDD Director to determine if the first floor height could be reduced from the required 12 feet to 10 feet. If not, the proposed plans would go forward as is.
2. Windows shall be consistent in style and material.

RESOLUTION NO. 08-12 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING MODIFICATIONS TO THE EXISTING LUMBER DRYING SHED AT 301 FIRST STREET

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

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

A recess was called at 9:15 p.m. The meeting was reconvened at 9:25 p.m.

E. DESIGN REVIEW – 1280 WEST 11TH STREET
08PLN-37 APN: 86-062-010

PROPOSAL:

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

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

Lisa Porras gave a presentation on the project.

Commissioners commented on the Title 24 “cool roof” issue. Lisa Porras noted that the “Cool Roof” requirements do not necessarily require a lighter color roof. There was a suggestion to remove that condition and have this resolved at the time of building plan submittal.

Marv Kinney, Engineer – He noted that the church did receive a building permit previously to add a much larger addition, but due to financial reasons, the project was never constructed. He noted that there was a sewer backup and the church is anxious to move this forward.

The public hearing was opened.

Rick Ernst, 539 Clyne Court – He spoke as a citizen. He supports the project and believes it will be an asset to the community.

The public hearing was closed.

Parking lot lighting was discussed. Marv Kinney noted that there is a City requirement for lumens. There could be 2 additional lights added.

Commissioners questioned conditions 14-16 on the resolution. Lisa Porras noted that these are Planning Commission conditions that were restated in the HPRC resolution, but these could be removed.

The resolution was amended as follows:

1. Revise Finding 2 to remove discussion about roof color.
2. Remove Condition 5
3. Remove Conditions 14-16

RESOLUTION NO. 08-13 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW RELATED TO THE EXPANSION OF KING SOLOMON CHURCH LOCATED AT 1280 WEST 11TH STREET

On motion of Commissioner Donaghue, seconded by Commissioner White, the above resolution was approved, as amended, by the following vote:

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

V. COMMUNICATIONS FROM COMMISSIONERS

Commissioner White recommended that the work of the Historic Survey Ad Hoc Committee is complete other than responding to a couple of issues as a result of the action on September 25th. Gina Eleccion confirmed that no additional work will be performed by the committee. There may be the opportunity to form additional sub-committees in the future to work on other projects.

Commissioners commented on the order of items on the agenda. Staff noted that any item can be pulled and asked to be reordered. This would be done prior to Consent Calendar approval of the agenda.

VI. COMMUNICATIONS FROM STAFF

A. MILLS ACT COMPLIANCE REPORT

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

Gina Eleccion gave a brief overview of the annual inspections and noted that inspections for this year will be conducted in the next few months. Mills Act property owners will be receiving letters requesting submittal of their annual property owner reports. This allows the property owner an opportunity to advise staff of any issues with complying with the provisions of their contracts.

Gina Eleccion noted that as this was the first formal year performing inspections, the City has been working with property owners to be in compliance. A number of projects came before the Commission to facilitate that, specifically 401 First Street (Union Hotel revised Work Plan) and 123 West D (window replacement).

In addition, Gina Eleccion noted that the November agenda will include a discussion on the Mills Act Program.

VII. ADJOURNMENT

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



Community Development Department
MEMORANDUM

Date: October 10, 2008
To: Historic Preservation Review Commission
From: Gina Eleccion, Management Analyst
Re: 2009 Historic Preservation Review Commission Meeting Schedule

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

January 22, 2009
February 26, 2009
March 26, 2009
April 23, 2009
May 28, 2009
June 25, 2009

July 23, 2009
August 27, 2009
September 24, 2009
October 22, 2009
****November 19, 2009**
****December 17, 2009**

**** Alternate date due to statutory holiday.**

AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION MEETING
NOVEMBER 20, 2008
REGULAR AGENDA ITEM

DATE : November 13, 2008

TO : Historic Preservation Review Commission

FROM : Mike Marcus, Assistant Planner

SUBJECT : **SP DEPOT DESIGN REVIEW AT 90 FIRST STREET**

RECOMMENDATION:

Adopt a resolution approving Design Review for the schematic site plan and ADA improvements of the SP Depot located at 90 First Street.

EXECUTIVE SUMMARY:

As part of a continuous effort to rehabilitate the historic Southern Pacific Depot, the City began the schematic site planning and ADA accessibility plan by retaining the services of Carey and Company in 2004. The two main components of the schematic site plan are the plaza/parking area and ADA accessibility. The Historic Preservation Review Commission is being asked to review, approve and provide comments on the project to forward onto the City Council.

BUDGET INFORMATION:

No budget impacts are anticipated at this time. Future phases of the project and site development will require additional funding.

ENVIRONMENTAL ANALYSIS:

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15331, which states that work on historic resources that is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* is categorically exempt from further CEQA review. The City and its consultant, Carey and Company, have been careful to address the Secretary's *Standards* throughout the design process.

BACKGROUND:

The first passenger and freight depot, near the ferry slips, was opened in 1879 with completion of the transcontinental train lines. Here, trains transferred onto ferryboats bound for Port Costa, where they resumed travel to San Francisco. Eventually, a station that could accommodate both passengers and freight was needed. Thus in 1902, Southern Pacific secured the current site and moved a pre-existing building from the dwindling railroad town of Banta. The building was

originally built in 1887 with a waiting room, office and a freight house, as well as an upstairs living unit. After the railroad completed the Southern Pacific Railroad Bridge between Benicia and Martinez in 1930, there was no longer a need for train ferries or the Depot.

Having sat vacant for years, the City began the Southern Pacific Depot Exterior Rehabilitation Project in 1999. The project included elevating the grade of the existing facility to the level of First Street and placing the building on a new foundation, as well as new composition roofing, doors and windows, and exterior painting. In 2001, the City Council approved the initial phase of the interior rehabilitation, consisting of the front half of the downstairs area, including a restroom. In 2002, the City signed a lease with the Benicia Main Street program as the primary tenant. Currently, the Benicia Main Street program occupies the space for office uses as well as a small gift shop. The Main Street program shared the cost of the schematic planning with the City and has been an active partner in the planning process.

SUMMARY:

Site Description

The property is located at the end of First Street, adjacent to the Point Benicia Spit and abutting the First Street Green. The parcel containing the Depot building is 0.3747 acres and is owned by the City of Benicia. The proposed parking lot and public access trail associated with this project are located on a separate parcel, directly adjacent to the Depot parcel, also City owned. Prior to the exterior rehabilitation and change of grade, the site experienced frequent flooding; the area to the north of the Depot continues to experience such challenges.

Project Description

The City began the schematic site-planning phase by retaining the services of Carey and Company in 2004. There are two main components to the schematic site plan – the plaza/parking area and accompanying site features, as well as ADA accessibility. The plan has undergone several significant changes. The final design conforms to the Secretary of the Interior's *Standards for Rehabilitation*, addresses the need and concerns of the Benicia Main Street program, takes into consideration SF Bay Conservation Development Commission (BCDC) permitting standards, and achieves the goals set by the City of Benicia.

Plaza and parking area

The south portion of the site has been designated to serve as a flexible space — a plaza/staging area and a parking area. The schematic design includes 1 designated van accessible ADA parking space located adjacent to the ADA ramp on the east face of the building. The plan outlines a maximum developable area for the plaza/parking area that is in keeping with BCDC's permitting requirements and is set back approximately fifty feet from the marsh and Carquinez Strait. A specific design and associated materials will be determined in the next phase (construction drawings). Several connector paths will provide pedestrian access to the trail described below.

Site features

Staff has worked with BCDC and Benicia Main Street to design a paved trail, ten feet in width, running along the waterfront, connecting up to the proposed Marsh Walk (Parks, Trails and Open Space Master Plan, 1997). It includes a bicycle parking rack at the mouth of the trail abutting the base of the First Street roundabout, as well as a bench and lookout point. The trail has been sited in accordance with initial BCDC permitting requirements, whereas it is fifteen feet from the top of bank and twenty-five feet from the plaza/parking area. The trail is linked to the plaza/parking area by several connector paths.

ADA Accessibility

In accordance with the Americans with Disability Act (ADA), the following considerations have been designed into the project:

- Building ramp: An ADA accessible ramp is proposed for the east side of the building, primarily hidden from the street.
- Van accessible parking space: Adjacent to the ramp is an ADA van accessible parking space that will provide access to the depot.
- Baggage door panic hardware: Appropriate panic hardware for the baggage door on the building's south face has been identified; it will meet code and preserve the historic integrity of the original baggage door.
- Interior restroom: an ADA accessible restroom has been designed for the interior of the Depot, as well as a small kitchenette for events at the depot.

Conclusion

Following the schematic site-planning phase, a professional architecture firm specializing in historic preservation will need to be retained to produce construction drawings. In this phase, stakeholder groups such as Benicia Main Street and Arts Benicia will be consulted in order to create a space that fits the need of the user groups of the community meeting space.

The aforementioned projects 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*.

FURTHER ACTION:

The Historic Preservation Review Commission design review approval will be forwarded to the City Council for their consideration in accepting the schematic site plan.

Attachments:

- Checklist for the Secretary of the Interior's Standards for Rehabilitation
- Draft Resolution
- Schematic Site Plan (Available at Community Development Department and at November 20, 2008 meeting)

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

**Consistency Analysis:
Secretary of Interior's Standards for Rehabilitation
90 First 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.**
Historically, the structure served as a railroad depot, which included offices, passenger ticket sales and freight handling. It is now used as a retail space for the Benicia Main Street program and houses their offices. What was previously used as the freight handling area is proposed to serve as a community meeting space. The distinctive materials, features, spaces and spatial relationships have been retained.
- 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; in fact, special panic hardware was chosen to preserve the historic freight doors on the south facing side of the building.
- 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.**
There are no proposed additions or changes that will create a false sense of historical development. The construction of the ADA ramps will follow the *Secretary's Standards*.
- 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 majority of the exterior rehabilitation work was done in 1999 and abided by the Secretary's Standards. The proposed work will preserve the distinctive materials, features, finishes that characterize the property.

- 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.**

ADA accessibility and site planning is the primary focus of this proposal; therefore, it will have little impact on the integrity of the structure and will not focus on exterior rehabilitation. In the case that any of the work involves deteriorated historic features, an emphasis will be put on repair rather than replacement.

- 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.**

There will be no chemical or physical treatments undertaken in this project.

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

Any work in this project that occurs below grade will be performed in accordance with the proposed cultural resources monitoring plan, pursuant to the conditions of approval. If deposits of prehistoric or historic archeological materials are encountered during project construction, all work at the find shall be halted until an archeologist can examine the find and make recommendations. If human remains are encountered at any point during project construction, work shall halt at the find and the Solano County Coroner shall be notified immediately. In addition, the archeological monitor shall be contacted to examine the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification.

- 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 ADA accessible ramp will not destroy historic materials, features, or spatial relationships and will be compatible with the historic materials. The 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.*

- 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 ADA accessible ramp will be constructed in such a way as to maintain the essential form and integrity of the property; should it be removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

DRAFT RESOLUTION

RESOLUTION NO. 08- (HPRC)

A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR THE SCHEMATIC SITE PLAN AND ADA IMPROVEMENTS TO THE SP DEPOT LOCATED AT 90 FIRST STREET

WHEREAS, the City of Benicia, owners of 90 First Street, requested design review approval for the schematic site plan and ADA improvements; and

WHEREAS, the Historic Preservation Review Commission, at a regular meeting on November 20, 2008, 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 proposed project is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, as outlined in the consistency analysis.
- C. The design of this project is consistent with the purposes of the City of Benicia Zoning Ordinance and the Downtown Mixed Use Master Plan.

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia hereby approves the design review permit at 90 First Street subject to the following conditions:

- 1. Any excavation that occurs on site shall abide by the following cultural resource monitoring plan:
 - a. If deposits of prehistoric or historic archeological materials are encountered during project construction, all work at the find shall be halted until an archeologist can examine the find and make recommendations.
 - b. If human remains are encountered at any point during project construction, work shall halt at the find and the Solano County Coroner shall be notified immediately. In addition, an archeologist shall be contacted to examine the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. Pursuant to Section 5097.98 of the public Resources Code, the Native American Heritage Commission will identify a Native American Most

Likely Descendent to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

On motion of Commissioner _____, seconded by Commissioner _____, the above Resolution was adopted at a regular meeting of the Historic Preservation Review Commission on November 20, 2008 by the following vote:

Ayes:

Noes:

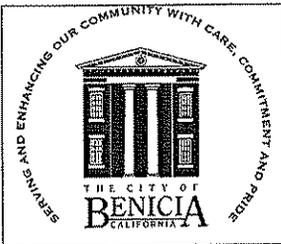
Absent:

Abstain:

Chuck Mang
Historic Preservation Review Commission Chair

SCHEMATIC SITE PLAN

(Available at the Community Development Department and at the November 20, 2008 meeting)



Community Development Department
MEMORANDUM

Date: November 13, 2008
To: Historic Preservation Review Commission
From: Gina D. Eleccion, Management Analyst
Re: Mills Act Program Guidelines

The City of Benicia Mills Act Program was approved by the City Council on October 15, 2002 and amended in December 2007. The Commission has ranked this as the #3 item on their list of discussion items.

The Commission has commented on the types of contracts approved, particularly “maintenance only” contracts. Currently, the program guidelines do not restrict the type of Mills Act contracts that the City enters into.

Based on discussion and public comment, the Commission may wish to recommend a revision to the City of Benicia Mills Act Program Guidelines for City Council approval.

Attachments:

- City of Benicia Mills Act Program brochure
- State Mills Act Program Guidelines (including Government Code 50280 – 50290)

THE MILLS ACT

A Tax Incentive Law
for
Historic Properties



Community Development Department
250 East L Street
Benicia, CA 94510
(707) 746-4280

Artwork by Del Lacey

TABLE OF CONTENTS

Mills Act Program: What is it?	3
City of Benicia Mills Act Program	4
Example of Mills Act Property Tax Assessment Formula	8
Property Owner Annual Report Form	10
Sample Contract and Exhibits	11
Mills Act Contract Application	23
Mills Act Application Checklist	26

MILLS ACT PROGRAM: WHAT IS IT?

The Mills Act is a State law that allows cities and owners of historic structures to enter into contracts that decrease property tax in exchange for continued preservation of buildings and property. Property tax can be reduced by 50 percent or more under Mills Act contracts.

How it works...

State law enables the City of Benicia to enter into ten-year contracts with owners of properties in the Historic District, by which owners agree to maintain and, if necessary, rehabilitate historic structures. The contracts automatically renew annually for another ten years, unless purposely non-renewed by either party (in which case the contract lasts only through stated ten-year term) or cancelled. An owner may petition the City for immediate cancellation, and the City may only cancel a contract for breach of conditions (which carries a penalty for the owner equal to 12 ½ percent of assessed property value).

Who's eligible...

Participation in the program is open to owners of the following types of structures:

1. Historic Landmark Buildings, as identified by the Downtown or Arsenal Historic Conservation Plans;
2. Contributing Buildings, as identified by the Downtown or Arsenal Historic Conservation Plans;
3. Buildings listed in the National Register of Historic Places; and
4. Buildings listed in any State, City, or County official register of historical or architecturally significant sites, places, or landmarks.

City of Benicia Mills Act Program
Approved by the City Council on October 15, 2002
Amended by the City Council on December 18, 2007

Purpose and Goal:

The purpose of the program is to encourage the preservation, restoration and rehabilitation of historic property in the City of Benicia.

The Mills Act is a state law that enables a community to enter into 10-year contracts with owners of historically significant properties who agree to maintain and, if necessary, rehabilitate their historic structure in exchange for a reduction in property tax. The contract renews itself annually; hence, the owner is always between 9 and 10 years from termination unless there is a notice of nonrenewal. Either the property owner or the City may elect not to renew for any reason. The effect of nonrenewal is to terminate the contract at the end of the current nine to ten-year term.

A Mills Act contract provides a method of reducing property taxes in exchange for the continued preservation of a historic property. Property taxes are recalculated using the special Mills Act assessment method and can be reduced by 50 percent or more. Property valuation is determined by the "income" method set out in Revenue and Tax Code Section 439.2. Generally, the income, or projected income, less certain expenses, is divided by a capitalization rate to determine the assessed value of the property. When a property is owner occupied, the determination of "income" is based on what a property could reasonably be expected to yield, or an amount stipulated in the contract as the minimum income to be used. The income projected for owner occupied property is based on comparable rents for similar property in the area or, if insufficient rental information is available, the income that it could reasonably be expected to produce under prudent management.

Definitions:

Preservation: The maintenance of the structure in its present condition or as originally constructed. Preservation aims at halting further deterioration and providing structural safety, but does not contemplate significant rebuilding. Preservation includes techniques of arresting or slowing the deterioration of a structure; improvement of structural conditions to make a structure safe, habitable, or otherwise useful; normal maintenance and minor repairs that do not change or adversely affect the fabric or appearance of a structure.

Rehabilitation: Involves equipping the building or facility for an extended useful life with a minimum alteration of original construction or the process of returning a structure to a state of usefulness by repairs or alterations.

Restoration: The process of accurately recovering, by the removal of later work and the replacement of missing earlier work, the form and details of a structure, together with its setting, as it appeared at a particular period of time.

Eligibility Criteria:

Qualified historical property: for purposes of this Mills Act Program, means privately owned property which is not exempt from property taxation and which meets either of the following:

- A. Listed in the National Register of Historic Places or located in a registered historic district.
- B. Listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks.

Participation in the program is open to the following types of structures:

- A. Historic Landmark Buildings,
- B. Contributing Buildings to the Downtown Historic or Arsenal District, and

Type and Extent of Proposed Work:

The applicant will propose a schedule of proposed preservation, maintenance and/or improvements to the building to protect or enhance its historical value. The type and extent of the proposed work to be committed to in the Mills Act contract will also be used to evaluate the proposal.

- A. Extend the life of the structure, such as a new roof, a stable foundation; seismic retrofits (bolting to the foundation, shear walls, etc.) weatherproof exterior walls.
- B. Improve or restore the building's historic exterior appearance.
- C. Provides extensive improvement.
- D. New additions, exterior alterations, or related new construction shall follow the Secretary of Interior guidelines such as: the project 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.
- E. A Maintenance program for properties that are already in good condition.

Mills Act Program Procedures:

- A. The Mills Act process starts with a meeting between the Community Development Department staff and the potential applicant to discuss the program. The property owner and staff will consult with the County Assessor's Office to get detailed information on how their property taxes would be affected.

- B. The applicant submits an application packet requesting that the City enter into a Historic Property Preservation Agreement. Applications will be accepted from January-June of each calendar year. An application packet will include the following:
1. A completed application form.
 2. The Historic Resources Inventory entry, updated to comply with the most current procedures of the State Office of Historic Preservation (form DPR 523B 1/95).
 3. An itemized description of the annual preservation and restoration goals to be undertaken by the owner through the initial ten-year term of the agreement.
 4. A maintenance plan for building(s), yards and other improvements.
 5. A copy of the last tax bill and the projected adjustments of the property taxes as determined by the Solano County Assessors Office.
 6. The application fee.

Other Supplemental Information:

7. Depending on the condition of the property and the nature of the proposed work, staff may request that a Structural Pest Report be made part of the application submittal.
8. Depending on the condition of the property and the nature of the proposed work, staff may request that a Roof Inspection Report be made part of the application submittal.
9. Depending upon the nature of the proposed work and the significance of the property, the City may retain an architectural historian, or restoration architect, at the applicant's expense, to evaluate the applicant's proposal for consistency with the architectural, historic, or aesthetic integrity of the resource. The architectural historian shall review and make recommendations to the City to help ensure that the proposed work will not adversely affect the significant architectural features of the property nor adversely affect the character or historic architectural or aesthetic interest or value of the cultural resource and its site. Every reasonable effort should be made to restore the architectural character of the structure back to its original material or architectural features. Restoration would not necessarily be required unless the structure has been modified to change its historic character, or in a manner which is contrary to the Downtown Historic Conservation Plan or Secretary of the Interiors Standards. The architectural historian would review the application and proposed improvements and formulate a recommendation to staff on what, if anything is needed to restore and/or preserve the property.

Once a complete application is submitted and deemed complete, it is forwarded to the Historic Preservation Review Commission along with staff's recommendation.

The Historic Preservation Review Commission evaluates the application based upon the Mill Act Criteria and votes to recommend to the City Council approval or denial of the project.

Staff forwards the application and the Historic Preservation Review Commission's recommendation to the City Council for their consideration.

The City Council considers the application request and decides to approve, modify or deny the request.

If approved, a draft Agreement is prepared by staff and reviewed by the City Attorney's Office for form and content.

The City Manager or Community Development Director executes the agreement with the property owner. The property owner is responsible for having the agreement recorded with the Solano County Recorder's Office by the end of the calendar year in which it is executed.

Once the Agreement is signed, the Solano County Assessor's Office is notified and the assessor determines the value of the property and annual property tax using the capitalization of income method.

Staff annually inspects the property to ensure that the terms of the Agreement are being met and that the property is being properly maintained and preserved and reports to the Historic Preservation Review Commission.

The Historic Preservation Review Commission recommends action to be taken by the City if the terms of the Agreement are not being met. If appropriate, the Commission may recommend that the Council cancel or not renew the Agreement.

Annual Inspection

Each year the properties under Mills Act contract are to be inspected and their compliance with their contracts reported to the Historic Preservation Review Commission. Following consideration at a public meeting, the Commission shall accept each property as being in compliance or find that the project may not be in compliance, citing the particular areas of concern. The areas of concern shall be reviewed by City staff with the property owner. Where they are resolved, a supplemental report is to be submitted for the Historic Preservation Review Commission's further consideration of finding the property in compliance. Where the concerns are not resolved, then the matter shall be referred to the City Council for action, which may include termination of the contract for noncompliance.

EXAMPLE OF MILLS ACT PROPERTY TAX ASSESSMENT FORMULA

The usual method of valuation for property tax is to determine fair market value based on comparable sales. However, under the Mills Act, valuation is determined by a capitalization of income method rather than on market value. The following example estimates the potential net savings to a property owner entering into a Mills Act agreement. If the Agreement is approved, the County Assessor will make an official determination on the value of the property using the following capitalization of income method. **THE MILLS ACT MAY NOT PROVIDE A TAX SAVINGS FOR EVERYONE WHO CHOOSES TO PARTICIPATE IN THE PROGRAM. IN CERTAIN CIRCUMSTANCES, PARTICULARLY FOR PROPERTY OWNERS WHO HAVE OWNED THEIR HOMES PRE-PROPOSITION 13, A PROPERTY OWNER'S TAXES MIGHT INCREASE.**

Estimated Gross Income: (\$1,400/mo. X 12)	\$16,800
Expenses: (\$800.00/mo. X 12)	<u>- 9,600</u>
Net Operating Income (NOI)	\$ 7,200
Capitalization Rate	
Interest Component (rate)	8.12%
Historical Property Risk Component	2.00%
Amortization Component	
(assume reciprocal life of 50 years)	2.00%
Property Taxes Component	<u>1.00%</u>
Total Capitalization Rate	13.12%
Capitalization of Net Income (NOI ÷ Cap Rate)	\$7,200 ÷ .1312 = \$54,878
Current Assessed Value	\$180,000
Current Property Taxes	\$1,800
Assessed Value w/ Agreement	\$55,000
Estimated Property Tax w/ Agreement	\$550

Potential property tax reduction to property owner is \$1,250.00 (\$1,800 - \$550)

The assessed value of property under an Agreement is recalculated each year by the County Assessor to reflect changes in income, expenses, interest rate, and amortization. Through the life of the Agreement, the tax savings to the property owner will increase as the market value assessment increases.

Estimated Gross Income: is determined by the rental income a property can potentially produce as determined by other comparable properties in the area. (multiplied by 12 months)

Expenses: utilities, insurance etc. (multiplied by 12 months)

Net Operating Income (NOI) equals the *gross income - expenses*.

Capitalization Rate:

Interest Component is determined by the State Board of Equalization and announced no later than September 1 of the year preceding the assessment year (the yield rate is equal to the effective rate on conventional mortgages as determined by the Federal Home Loan Bank Board, rounded to the nearest ¼ percent).

Historical Property Risk Component is 4% in the case of owner occupied single-family dwellings. In all other cases, the property risk component is 2%.

Amortization Component is a percentage equal to the reciprocal of the remaining life of the improvements. This can be determined by the information on the Solano County Assessor's Office website for each address. Simply calculate Land / Improvements.

Property Taxes Component is defined by the percentage of the estimated total tax rate applicable to the property for the assessment year times the assessment ratio. Contact the Assessor's Office for the official rate, it will be approximately 1%.



MILLS ACT PROGRAM PROPERTY OWNER ANNUAL REPORT

Property Address: _____ Date: _____

Date contract entered into (month/year): _____

What were your tax savings this year? _____

What project(s) was completed this year? _____

What was the cost of the project(s)? _____

Based on the results of this project would you like to revise your Ten-Year Plan? _____

If so, how? _____

Comments/ Suggestions: _____

(Attach additional sheets if necessary)

Name _____ Signature _____

For Office Use Only

Date Received: _____ Inspection Date: _____

Work Completed? _____ Staff Inspection Report Attached? _____

RECORDED AT THE REQUEST OF THE CITY OF BENICIA
WHEN RECORDED, RETURN TO:

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

HISTORICAL PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day
of _____ (month), _____ (year) by and between the CITY OF BENICIA, a municipal
corporation (hereinafter referred to as the "City"), and _____
(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 _____ (hereinafter, shall be referred to as the "the Historical Property"). A legal description of the Property is attached hereto and incorporated herein by this reference as Exhibit A;
3. On _____, the City Council of the City of Benicia adopted Resolution No. _____ thereby declaring its intention to enter into this Historic Property Preservation Agreement.

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

B. Agreement

NOW, THEREFORE, City and 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 _____ 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) Owner shall make improvements to preserve the integrity of the Property. Attached hereto, marked as Exhibit "C", and incorporated herein by this reference, is a Schedule of Stabilization Measures that both City and Owner agree is necessary for the immediate preservation of the Property. Owner shall undertake these improvements in accordance with Exhibit "C".
- c) Owner shall make improvements to bring the Property into good condition. Attached hereto, marked as Exhibit "D", 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 "D". If the schedule set out in Exhibit "D" 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 "D" 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. Owner 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 Owner's compliance with the terms and provisions of this Agreement. Owner agrees 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: _____

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.

OWNER

CITY OF BENICIA

BY:
DATED:

BY: City Manager
DATED:

APPROVED AS TO FORM

City Attorney

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

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
Schedule of Stabilization and Rehabilitation Work

The City and Owners agree to the following schedule of Stabilization and /or Protection Measures to be undertaken by Owner pursuant to the Paragraph 4b or this Agreement. All work shall be done in conformance with Paragraph 4a.

Project (s)	Schedule
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

EXHIBIT D
Architectural Rehabilitation and/or Restoration

The City and Owners agree to the following schedule of Rehabilitation and /or Restoration projects to undertaken by Owner pursuant to the Paragraph 4c or this Agreement. All work shall be down in conformance with Paragraph 4a.

Project (s)	Schedule
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____



Community Development Department

Planning Division

MILLS ACT CONTRACT APPLICATION

Application Due Date: June 30th

If approved, this application would require a historic building property owner to enter into a ten-year contract with the City (subject to annual renewal) for a reduction of property taxes in exchange for undertaking all rehabilitation, restoration or maintenance of the historic building in compliance with the Secretary of the Interior's Standards.

1. Property Information.

Address/location _____

APN(s) _____ Parcel area (sq. ft. or ac) _____

Single-Family Multi-Family/Commercial Other _____

Year Built _____

Date of purchase of current owner _____

List all known prior alterations or additions to structure _____

2. Location.

Downtown Historic District Arsenal Historic District

Designation _____

3. Tax Assessment. (Please contact the Solano County Assessor's Office at (707) 748-6210 for information)

Current year: \$ _____ Estimated with Contract: \$ _____

Are property taxes paid to date? Yes No

4. Potential Structure/Property Improvements.

What is the general condition of the property? Excellent Good Fair Deteriorated

What type of work needs to be done? Stabilization Rehabilitation Maintenance

Please list improvements that will take place over the next ten years. See attached form.

5. Application Materials.

The following materials must be submitted along with this application form in order to process a Mills Act Contract application. See attached form.

For Staff Use:	Application #(s) _____	Date Filed _____
Date Entered _____	Entered By _____	Receipt # _____
Fee Breakdown _____	Total Fees Paid \$ _____	
GP designation _____	Current zoning _____	Historical Dist./designation _____

6. Contact Information. Check the to indicate the primary contact.

Property Owner

Name _____ Organization _____

Mailing address _____

Phone _____ Fax _____ E-mail _____

Applicant, if different from owner

Name _____ Organization _____

Mailing address _____

Phone _____ Phone (2) _____

E-mail _____ Fax _____

7. Signatures. Applicant and Property Owner must sign. Both signature lines must be signed, even if the applicant and property owner are the same.

Applicant

HOLD HARMLESS/INDEMNIFICATION: As part of this application the applicant hereby agrees to defend, indemnify and hold harmless the City of Benicia, its Council, boards and commissions, officers, employees, volunteers and agents from any claim, action, or proceeding against the City of Benicia, its Council, boards and commissions, officers, employees, volunteers and agents, to attack, set aside, void or annul an approval or challenge a denial of the application or related decision, including environmental documents. The applicant's duty to defend, indemnify and hold harmless shall be subject to the City's promptly notifying the applicant of said claim, action or proceeding and the City's cooperation in the applicant's defense of said claims, actions or proceedings. The City of Benicia shall have the right to appear and defend its interests in any action through the City Attorney or outside counsel.

By signing below, I hereby certify that the application I am submitting, including all additional required information, is complete and accurate to the best of my knowledge. I understand that any misstatement or omission of the requested information or of any information subsequently requested may be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper by the City of Benicia.

Applicant: _____ Date: _____

Property owner

By signing below, I hereby certify under penalty of perjury, that I am the owner of record of the property described herein and that I consent to the action requested herein. All other owners, lenders or other affected parties on the title to the property have been notified of the filing of this application. Further, I hereby authorize City of Benicia employees and officers to enter upon the subject property, as necessary to inspect the premises and process this application.

In order to facilitate the public review process, the City requires that property owners agree to allow any plans or drawings submitted as part of the application to be copied for members of the public. Property owner(s) hereby agree to allow the City to copy the plans or drawings for the limited purpose of facilitating the public review process.

Property owner: _____ Date: _____

NOTE: In addition to City and other government agency requirements, many development areas, particularly residential areas, are regulated by private agreements and/or private easements. Applicants should check project property descriptions, including title reports, to determine if such private contractual agreements ("CC&Rs") or easement descriptions impact the project proposal.

The City's issuance of a building or development permit does not indicate conformance to these private agreements.

DESIGNATION OF A REPRESENTATIVE FORM

Applicants or property owners who desire to authorize a representative or representatives to act on their behalf in conjunction with this application shall provide the following information:

Name of authorized representative(s): _____

Address of representative(s): _____

Phone number of representative(s): _____

The above named representative(s) is authorized as follows:

File any and all papers in conjunction with the application including the signing of the application. ____ (initial)

Speak on behalf of, or representing, the [choose owner and/or applicant and fill in blank] _____ at any staff meeting and/or public hearing. ____ (initial)

Sign any and all papers on my behalf, with the exception of the application form. ____ (initial)

This authorization is valid until revoked in writing and filed with the Community Development Department.

Owner/ Applicant (specify)

Date



Community Development Department

Planning Division

Project Address:

Date:

Planner:
accepting application

For Applicant's Use	For Staff Use	Mills Act Application Checklist	
		Please note: Your project planner may require additional information depending on the specifics of your project.	
		Application Form - Due by June 30th	Required
		Updated Historic Resources Inventory entry (State DPR Form 523) , to be completed by a qualified historic preservation specialist	Required
		<p>Work Plan, consisting of a description and schedule of work needed to stabilize or restore character defining features of the property, for the initial 10-year contract period.</p> <p>Check the box that most closely resembles your property:</p> <p><input type="checkbox"/> Building in good condition—no repair necessary, ongoing maintenance consistent with the Secretary of the Interior's Standards for Rehabilitation</p> <p><input type="checkbox"/> Building requires some rehabilitation work</p> <p><input type="checkbox"/> Building requires immediate work to preserve, stabilize, or protect resource</p>	<p>Requirement:</p> <ul style="list-style-type: none"> • Work plan may be needed for unusual building details • Proposed work plan • Proposed work plan
		Legal Description of Property (Can be provided by Title Company)	Required
		Copy of Last Property Tax Bill	Required
		Filing Fee	\$550
		Mailing Labels	Required (see <u>Mailing Notice</u> handout)
<p>Supplemental Information: Your project planner may require one or more of the following items after your initial application submittal, depending on the condition of the property and nature of the proposed work.</p>			
		<p>Physical Inspection A physical inspection by City staff—building inspector, Fire Marshall, and/or planner—may be required</p>	Dependent upon Property
		<p>Architectural Historian Report At the applicant's expense, the City may retain an architectural historian, or restoration architect, to evaluate the applicant's proposal for consistency with the architectural, historic, or aesthetic integrity of the resource. The architectural historian shall review and make recommendations to the City to help ensure that the proposed work will not adversely affect the significant architectural features of the property, nor adversely affect the character or historic architectural or aesthetic interest or value of the cultural resource and its site.</p>	Dependent upon Property

For Applicant's Use	For Staff Use	<h3 style="text-align: center;">Mills Act Application Checklist</h3> <p style="text-align: center;">Please note: Your project planner may require additional information depending on the specifics of your project.</p>	
		Structural Pest Report	Dependent upon Property
		Roof Inspection Report	Dependent upon Property

GOVERNMENT CODE

SECTION 50280-50290

50280. Upon the application of an owner or the agent of an any qualified historical property, as defined in Section 502 the legislative body of a city, county, or city and county m contract with the owner or agent to restrict the use of the in a manner which the legislative body deems reasonable to c the purposes of this article and of Article 1.9 (commencing Section 439) of Chapter 3 of Part 2 of Division 1 of the Rev Taxation Code. The contract shall meet the requirements of 50281 and 50282.

50280.1. "Qualified historical property" for purposes of th article, means privately owned property which is not exempt property taxation and which meets either of the following:

(a) Listed in the National Register of Historic Places or in a registered historic district, as defined in Section 1.1 of Title 26 of the Code of Federal Regulations.

(b) Listed in any state, city, county, or city and county register of historical or architecturally significant sites, or landmarks.

50281. Any contract entered into under this article shall c the following provisions:

(a) The term of the contract shall be for a minimum perio years.

(b) Where applicable, the contract shall provide the foll

(1) For the preservation of the qualified historical prop when necessary, to restore and rehabilitate the property to to the rules and regulations of the Office of Historic Prese of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, an State Historical Building Code.

(2) For the periodic examinations of the interior and ext the premises by the assessor, the Department of Parks and Re and the State Board of Equalization as may be necessary to d

the owner's compliance with the contract.

(3) For it to be binding upon, and inure to the benefit of successors in interest of the owner. A successor in interest has the same rights and obligations under the contract as the original owner who entered into the contract.

(c) The owner or agent of an owner shall provide written notice of the contract to the Office of Historic Preservation within six months of entering into the contract.

50281.1. The legislative body entering into a contract described in this article may require that the property owner, as a condition of entering into the contract, pay a fee not to exceed the reasonable cost of administering this program.

50282. (a) Each contract shall provide that on the anniversary of the contract or such other annual date as is specified in the contract, a year shall be added automatically to the initial term of the contract unless notice of nonrenewal is given as provided in this section. If the property owner or the legislative body desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless the notice is served by the owner at least 90 days prior to the renewal date or by the legislative body at least 60 days prior to the renewal date, the anniversary year shall automatically be added to the term of the contract.

(b) Upon receipt by the owner of a notice from the legislative body of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The legislative body may, at any time before the renewal date, withdraw the notice of nonrenewal.

(c) If the legislative body or the owner serves notice of nonrenewal in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since its original execution or the last renewal of the contract, as it may be.

(d) The owner shall furnish the legislative body with any information the legislative body shall require in order to enable it to determine the eligibility of the property involved.

(e) No later than 20 days after a city or county enters into a contract with an owner pursuant to this article, the clerk of the legislative body shall record with the county recorder a copy of the contract.

contract, which shall describe the property subject thereto. and after the time of the recordation, this contract shall notice thereof to all persons as is afforded by the recording this state.

50284. The legislative body may cancel a contract if it det that the owner has breached any of the conditions of the con provided for in this article or has allowed the property to deteriorate to the point that it no longer meets the standar qualified historical property. The legislative body may als a contract if it determines that the owner has failed to res rehabilitate the property in the manner specified in the con

50285. No contract shall be canceled under Section 50284 un after the legislative body has given notice of, and has held public hearing on the matter. Notice of the hearing shall b to the last known address of each owner of property within t historic zone and shall be published pursuant to Section 606

50286. (a) If a contract is canceled under Section 50284, t shall pay a cancellation fee equal to $12\frac{1}{2}$ percent of the c fair market value of the property , as determined by the cou assessor as though the property were free of the contractual restriction.

(b) The cancellation fee shall be paid to the county audi the time and in the manner that the county auditor shall pre and shall be allocated by the county auditor to each jurisd the tax rate area in which the property is located in the sa as the auditor allocates the annual tax increment in that ta area in that fiscal year.

(c) Notwithstanding any other provision of law, revenue r by a school district pursuant to this section shall be consi property tax revenue for the purposes of Section 42238 of th Education Code, and revenue received by a county superintend schools pursuant to this section shall be considered propert revenue for the purposes of Article 3 (commencing with Secti

of Chapter 12 of Part 2 of Division 1 of Title 1 of the Educ Code.

50287. As an alternative to cancellation of the contract of any condition, the county, city, or any landowner may bring an action in court necessary to enforce a contract including, but not limited to, an action to enforce the contract by specific performance or injunction.

50288. In the event that property subject to contract under this article is acquired in whole or in part by eminent domain or acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the legislative body to frustrate the purpose of the contract, such contract shall be canceled and no fee shall be imposed under Section 50286. Such contract shall be deemed null and void for all purposes of determining the value of the property so acquired.

50289. In the event that property restricted by a contract under this article is annexed to a city, the city shall succeed to all rights, duties, and powers of the county under the contract.

50290. Local agencies and owners of qualified historical property may consult with the State Historical Resources Commission for advice and counsel on matters relevant to historical property contracts.



Community Development Department
MEMORANDUM

Date: November 13, 2008
To: Historic Preservation Review Commission
From: Gina D. Eleccion, Management Analyst
Re: Status of Priority List of Discussion Items

Based on a discussion at the August 28th meeting, each Commissioner ranked the discussion items in order of priority. Attached is the list compiling all of the Commissioners' responses.

As a reminder, these items are agendaized based on meeting availability and staff workload. The original intention of the discussion items was not to have an agenda item at each meeting, but rather to address the highest priority items quickly, and then deal with the other items as workload allows. Staff recognizes the Commission's desire to have these items agendaized and will do our best to ensure this occurs.

In addition, a number of these items require City Council direction and funding. Staff will be pursuing this during the upcoming 2009-2011 budget cycle. We also look forward to continuing our partnership with the Benicia Historical Society in our efforts to maintain a strong commitment to historic preservation in Benicia.

Priority List of Discussion Items

Priority	Discussion Item	Status
1	<p>Historic Context</p> <p>Includes:</p> <ol style="list-style-type: none"> 1. Portuguese Influence 	<p>2008 – Applied for grant. Did not receive. Will apply for 2009 grant</p>
2	<p>Downtown Historic Conservation Plan Update</p> <p>Includes:</p> <ol style="list-style-type: none"> 1. Window Standards – Review existing resolution establishing window standards 2. Craftsman Cottages 3. Paint Standards for the H overlay district 4. Design Guidelines for non-historic homes 	<p>Pending update to Historic Resource Inventory</p>
3	<p>Mills Act Program – Training, discussion of overall program and recommendation to City Council for amendments</p>	<p>SHPO training early Spring 2008 Program overview 7-24-08 Additional discussion on program eligibility</p>
4	<p>Staff level Design Review (Administrative Certificates of Appropriateness) for specific projects that are consistent with Secretary of Interior’s Standards for the Treatment of Historic Properties</p>	
5	<p>Secretary of the Interior Standards for Treatment of Historic Properties</p>	<p>SHPO training (Mark Huck) February 2008 Additional discussion requested by Chair Mang</p>
6	<p>Information to Historic Property Owners and Realtors (Notification of historic property designation status & eligibility for Mills Act)</p>	<p>Complete until further direction. Staff report 1-25-07. Staff to draft language to be included on deed. Will cost City approximately \$15,000 to implement</p>

Priority	Discussion Item	Status
<u>ANNUAL</u>		
	Mills Act Compliance Report	Result of annual inspections
	Certified Local Government Report	Discussion of annual report submitted to SHPO
	City-owned Historic Buildings (Project Status and Maintenance)	Ongoing. Parks & Community Services Dept. will prepare an annual status report
<u>COMPLETED</u>		
	Story Pole requirement for projects that require Design Review in the H overlay district	Complete. Implementation program of the Downtown Mixed-Use Master Plan
	Mills Act Monitoring	Complete. Monitoring Program adopted 8-31-06
	Property Maintenance Issues	Complete. Staff report 9-28-06. No further action required
	Design Review for all single-family homes in the H overlay district	Complete until update of DHCP to include design guidelines