

**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION
REGULAR MEETING MINUTES**

**City Hall Commission Room
Thursday, November 21, 2013
6:30 P.M.**

I. OPENING OF MEETING

- A. Pledge of Allegiance**
- B. Roll Call of Commissioners**

Present: Commissioners Delgado, McKee, Trumbly,
Van Landschoot, von Studnitz, and Chair Haughey
Absent: None

Staff Present: Brad Kilger, City Manager
Amy Million, Principal Planner
Adam Petersen, Contract Associate Planner
Teresa Olson, Senior Admin. Clerk/Recording Secretary

- C. Reference to Fundamental Rights of Public**

II. ADOPTION OF AGENDA

On a motion of Commissioner Van Landschoot, seconded by Commissioner von Studnitz, the Agenda was approved by the following vote:

Ayes: Commissioners Delgado, McKee, Trumbly and Van Landschoot,
von Studnitz, and Chair Haughey
Noes: None
Absent: None
Abstain: Commissioners

III. OPPORTUNITY FOR PUBLIC COMMENT

- A. WRITTEN COMMENT**
None
- B. PUBLIC COMMENT**
None

IV. CONSENT CALENDAR

Item IV. B was pulled for discussion by the Commission.

On a motion of Commissioner Delgado, seconded by Commissioner von Studnitz, the Consent Calendar was approved with the removal item IV. B., by the following vote:

Ayes: Commissioners Delgado, McKee, Trumbly, von Studnitz, and Chair Haughey
Noes: None
Absent: None
Abstain: Commissioner Van Landschoot

A. APPROVAL OF MINUTES OF OCTOBER 24, 2013 REGULAR MEETING

V. REGULAR AGENDA ITEMS

Commissioner von Studnitz and Chair Haughey recused themselves due to a conflict of interest (Subject property located within 500 feet of their residences).

A. DESIGN REVIEW TO ENCLOSE A CARPORT AND INSTALL TWO SKYLIGHTS ON THE RESIDENCE AT 271 WEST J STREET; AFTER DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA (13PLN-00055)

271 West J Street, APN: 0087162160

Staff and the applicant answered questions from the Commission regarding the proposed project including the location, design and materials of the skylights and details on the materials and color of the proposed siding on the carport, garage door and window.

No public comment.

RESOLUTION NO. 13-12 OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING A DESIGN REVIEW FOR THE ENCLOSURE OF A CARPORT AND INSTALLATION OF SKYLIGHTS AT 271 WEST J STREET (13PLN-00055)

On a motion by Commissioner Trumbly, seconded by Commissioner McKee, the above resolution was adopted by the following vote:

Ayes: Commissioners Delgado, McKee, Trumbly, Van Landschoot
Noes: None
Absent: None
Abstain: Commissioner von Studnitz and Chair Haughey

B. DESIGN REVIEW APPROVAL FOR BAY TRAIL PUBLIC ACCESS LOCATED BEHIND THE TANNERY BUILDING AT 127-135 FIRST STREET; AFTER ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING

AND REPORTING PROGRAM (12PLN-00030)

127-135 First Street; APN: 0089-244-050

Ms. Million gave a detailed presentation on the proposal. Ms. Million spoke on public comment received and provided responses.

The Commission asked questions concerning vibrations resulting from construction and the creation of unsafe conditions at the Tannery Building.

Ms. Million and Mr. Kilger both spoke to these concerns. After conferring with experts in the field, the work suggested in this project would not pose or create a danger.

Commissioner Van Landschoot questioned liability of any failures with the project and time of potential construction for the project.

Commissioner Trumbly clarified the approval process and any potential design modifications and archeological history uncovered during the proposed project. Commissioner Trumbly asked to add a mitigating condition about any discovered cultural resources during the construction process. The resolution will include a stipulation regarding prehistoric or historic archeological materials encountered during project construction.

Commissioner Van Landschoot requested to have a condition added to the project that the elevation be consistent with the existing trail at the Anderson Lane development to the north.

Commissioner McKee inquired as to the proposed landscaping materials, bench design, and rip rap. Commissioner McKee raised concerns about the concrete used for the path.

Ms. Million responded to the questions and concerns of the Commission.

Joe Lopez, applicant, spoke on behalf of the project.

Commissioner Van Landschoot and Chair Haughey questioned the applicant regarding the project.

Public Comment:

John Hernandez, owner of Sailor Jacks at 123 First Street, voiced concerns about erosion and potential water damage to his business.

Ella Marie Kallios, resident of 221 1st Street, asked about the estimated completion date of the West C Street trail project. Chair Haughey advised that she work with staff for questions on other projects not on the agenda.

The commission recapped the previous discussion regarding the additional mitigation for unintended discovery of archaeological resources, erosion impacts to the shoreline of 123 First Street, liability concerns and the material of the pathway.

**RESOLUTION NO. 13-13 OF THE HISTORIC PRESERVATION REVIEW
COMMISSION OF THE CITY OF BENICIA APPROVING THE DESIGN OF A NEW
BAY TRAIL LOCATED ALONG THE WATERFRONT AND BEHIND THE EXISTING
BUILDING AT 127 FIRST STREET(12PLN-00030)**

On a motion by Commissioner Trumbly, seconded by Commissioner Van Landschoot, the above resolution was adopted with the following conditions of approval added:

1. This approval is valid on the condition that the owner of the property provides evidence of security to cover the entire cost of construction of the bay trail that is acceptable to the City Attorney that would allow the City to complete the work on the bay trail if it became necessary to do so. This must be submitted and accepted by the City Attorney within 30 days of BCDC approval.
2. Per the California Department of Fish and Wildlife (CDFW) letter dated received November 19, 2013 the following shall be required: Preconstruction surveys. A field survey shall be conducted by a qualified biologist (as determined by a combination of academic training and professional experience in species identification and related resource management activities) at the project site during the blooming period for the species in Table 1 of the letter. The results of the survey shall be submitted to CDFW for review. If these special status plan species are found on or adjacent to the project site, stands shall be flagged and avoided.
3. A construction access plan shall be submitted for the proposed construction access path from First Street through the vacant land between 127-135 First Street and 221 First Street. The plan shall be approved by the Engineering Division, Public Works Department and shall include the necessary encroachment period and details of the relocation of the newspaper racks, relocation of the United States postal mail box, and bench (if necessary), shall be submitted to the Community Development Department prior to issuance of a

building permit.

4. If deposits of prehistoric or historic archeological materials are encountered during project construction, all work at the find shall be halted until a qualified 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, a qualified 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.

by the following vote:

Ayes:	Commissioners Delgado, McKee, Trumbly, Van Landschoot, von Studnitz and Chair Haughey
Noes:	None
Abstain:	None
Absent:	None

VI. COMMUNICATIONS FROM STAFF

None

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Van Landschoot informed the Commission that he and Chair Haughey will tour the Mills Act locations in the city and capture photographs of those locations.

VIII. ADJOURNMENT

Chair Haughey adjourned the meeting at 7:50 p.m.