

December 8, 2011

**BENICIA PLANNING COMMISSION**

**CITY HALL COUNCIL CHAMBERS**

**AGENDA**

**Thursday, December 8, 2011**

**7:00 P.M.**

**I. OPENING OF MEETING**

**A. Pledge of Allegiance**

**B. Roll Call of Commissioners**

**C. Reference to Fundamental Rights of Public -**

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

**II. ADOPTION OF AGENDA**

**III. OPPORTUNITY FOR PUBLIC COMMENT**

This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on the agenda that is within the subject jurisdiction of the Planning Commission. State law prohibits the Commission from responding to or acting upon matters not listed on the agenda.

Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

**A. WRITTEN**

**B. PUBLIC COMMENT**

**IV. 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 Planning Commission or a member of the public by submitting a speaker slip for that item.

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

**A. Approval of [Minutes of September 8, 2011](#)**

**V. REGULAR AGENDA ITEMS**

**A. [AN APPEAL OF THE HPRC'S DENIAL OF A DESIGN REVIEW REQUEST TO REPLACE THREE WOOD WINDOWS WITH VINYL WINDOWS ON THE FRONT FACADE OF THE EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 410 WEST J STREET](#)**

**11PLN-00064 Design Review Appeal**

**410 West J Street**

**APN: 0089-031-090**

**PROPOSAL:**

The applicant requests design review approval to replace three wood windows with new, paintable custom vinyl windows on the existing single-family residence located at 410 West J Street, a contributing structure within the Downtown Historic Overlay District. The HPRC has a longstanding policy of NOT allowing wood windows to be replaced with vinyl. The HPRC approved the replacement of the two windows (one on each side of the house) but they denied the change on the front facade.

Staff's recommendation to the HPRC to approve this request was based on a number of factors including that the windows are not the most prominent façade feature of the residence and that the replacement windows are high quality and nearly identical in dimension to the existing windows and frames.

**Recommendation:**

Consider the appeal of the Historic Preservation Review Commission's (HPRC's) denial of a request by Julian and Claudia Fraser for a minor exterior modification (replacement of wood windows with vinyl) to the front façade of the existing residence located at 410 West J Street. The HPRC approved the request for the side windows, but denied the request for the front windows. Note that staff's recommendation was to approve the whole design review request.

**B. USE PERMIT FOR AN INDOOR ARCHERY RANGE AT 3001 BAYSHORE ROAD, UNIT #9**

**3001 Bayshore Road, Unit #9**

**APN: 0080-340-020**

**11PLN-67 Use Permit for Commercial Recreation and Entertainment**

**PROPOSAL:**

In accordance with the Benicia Municipal Code Section 17.32.020, the applicant requests approval of a Use Permit for the establishment of an indoor archery range at 3001 Bayshore Road of approximately 4,500 square feet. The archery range will have regular business hours of Monday through Friday 12:00pm – 9:00pm and Saturday 9:00am – 5:00pm.

**Recommendation:**

Approve a Use Permit for an indoor archery range (Commercial Recreation and Entertainment) located at 3001 Bayshore Road, Unit #9, based on the findings, and subject to the conditions listed in the attached resolution and as discussed during the public hearing.

**C. GENERAL PLAN CONFORMANCE ASSOCIATED WITH VACATION OF PORTION of ACCESS EASEMENT ADJACENT TO 532 CAMBRIDGE DRIVE**

**PROPOSAL:**

To allow the property owner of 532 Cambridge Drive to purchase a pie-shaped portion of an existing easement along his east property line. The portion is approximately 40' wide at the north edge of the subject property, tapering easterly to 0' at the south property boundary. The change still allows for a wide access to the open space area that is approximately 38 feet wide along Cambridge Drive, and remains 25' wide at the open space boundary. Consistent with the Benicia Municipal Code, staff recommends Commission approval of a General Plan Conformance to vacate the approximately 2,340 square feet of existing right of way

easement adjacent to 532 Cambridge Drive. The proposed request is that the Planning Commission determines that the vacation of a portion of an existing open space access easement on the east edge of the property at 532 Cambridge Drive is consistent with the General Plan. A 25+ foot wide strip would be retained for public access.

**Recommendation:**

**Approve a General Plan Conformance to vacate an access easement along the east side of the property at 532 Cambridge Drive consistent with the goals, objectives and policies of the General Plan and based on the findings set forth in the attached resolution.**

**VI. [COMMUNICATIONS FROM STAFF](#)**

**VII. COMMUNICATIONS FROM COMMISSIONERS**

**VIII. ADJOURNMENT**

### **Public Participation**

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

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

### **Disabled Access**

**In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the ADA Coordinator, at (707) 746-4211.**

**Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.**

### **Meeting Procedures**

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

**The Planning 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 Planning 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 Planning 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 Planning Commission decisions that are final actions, not recommendations, are considered by the City Council. Appeals must be filed in the Public Works & 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 City Clerk's Office, the Benicia Public Library and the Public Works & Community Development Department during regular working hours. The Public Works & Community Development Department is open Monday through Friday (except legal holidays), 8:30 a.m. to 5 p.m. (closed from noon to 1 p.m.). Technical staff is available from 8:30 - 9:30 a.m. and 1:00 - 2:00 p.m. only. If you have questions/comments outside of those hours, please call 746-4280 to make an appointment. To the extent feasible, the packet is also available on the City's web page at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the Public Works & Community Development Department's office located at 250 East L Street, Benicia, or at the meeting held in the City Hall Council Chambers. If you wish to submit written information on an agenda item, please submit to Kathy Trinque, Administrative Secretary, as soon as possible so that it may be distributed to the Planning Commission.

-  [Draft Minutes September 8, 2011 Meeting](#)
-  [Staff Report for 410 West J Street \(Appeal\)](#)
-  [Staff Report for 3001 Bayshore Rd \(Use Permit\)](#)
-  [Staff Report for 532 Cambridge Dr \(GP Conformance\)](#)
-  [2012 Meeting Schedule](#)

**DRAFT**



**BENICIA PLANNING COMMISSION  
CITY HALL COUNCIL CHAMBERS  
MEETING MINUTES**

**Thursday, September 8, 2011  
7:00 p.m.**

**I. OPENING OF MEETING**

**A. Pledge of Allegiance**

**B. Roll Call of Commissioners**

**Present:** Commissioners Don Dean, Rick Ernst, Rod Sherry, and Chair Brad Thomas.

**Absent:** George Oakes (excused), Belinda Smith, Lee Syracuse

**Staff Present:** Kat Wellman, Contract Attorney  
Mark Rhoades, Interim Land Use and Engineering Manager  
Lisa Porras, Senior Planner  
Kathy Trinke, Administrative Secretary

**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. ADOPTION OF AGENDA**

On motion of Commissioner Sherry, seconded by Commissioner Ernst, the agenda was adopted by the following vote:

**Ayes:** Commissioners Dean, Ernst, Sherry and Chair Thomas

**Noes:** None

**Absent:** Commissioners Oakes, Smith and Syracuse

**Abstain:** None

**III. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN**

None.

**B. PUBLIC COMMENT**

None.

**IV. CONSENT CALENDAR**

**A. Approval of Minutes of July 14, 2011**

On motion of Commissioner Ernst, seconded by Commissioner Sherry, the Consent Calendar was adopted by the following vote:

Ayes: Commissioners Dean, Ernst and Sherry  
Noes: None  
Absent: Commissioners Oakes, Smith and Syracuse  
Abstain: Chair Thomas

**VI. REGULAR AGENDA ITEMS**

**A. USE PERMIT TO OPERATE A 2,600 SQUARE FOOT PERSONAL TRAINING STUDIO AT 4856 EAST SECOND STREET**

**PROPOSAL:**

The applicant requests approval of a use permit to operate a 2,600 sq. ft. personal training studio, dba CrossFit707, located within an existing building at 4856 East Second Street. The studio will offer classes from 5 a.m. to 7 p.m. Monday through Wednesday, 5 a.m. to 8 p.m. on Thursdays, 5 a.m. to 10:30 a.m. on Fridays, 8:30 a.m. to 10:30 a.m. on Saturdays, and will be closed on Sundays. Class sizes are limited to 15 persons per class.

**Recommendation:**

Approve Use Permit 11PLN-00035 to allow the operation of a 2,600 square foot personal training studio located at 4856 East Second Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution.

Lisa Porras, Senior Planner, provided a brief overview of this project. Ms. Porras reviewed the zoning, location, parking, business operating hours, class sizes and summarized that the project is consistent with the General Plan. Based on the applicant's parking survey, adequate parking is available. This project meets the Use Permit findings. Staff recommends approval of this Use Permit.

Commissioner Ernst asked if staff knew the date and time of the picture on page 2 of the staff report that shows the project location. It appears from this photograph that the available parking spaces are 90% full.

Ms. Porras responded that this photograph was taken from Google Earth which does not provide a date and time.

Commissioner Ernst asked if there would be parking conflicts with the neighboring church.

Ms. Porras responded that New Harbor Church is an adjacent tenant. However, Cross Fit would be open Monday through Saturday only, and would not conflict with the church's Sunday service.

Commissioner Ernst asked if parking is only allowed on the east side of the island.

Ms. Porras responded that there are two designated parking spaces for Cross Fit, the rest are available for use by any of the businesses. There is a total of 36 spaces for the 8 tenants occupying that side of the building.

Spencer Purves, applicant and business owner, explained that they chose not to have classes on Sunday to avoid conflicts with the neighboring church. He proposed that the Google Earth photo must have been taken on a Sunday. They have not experienced any issues with parking.

Commissioner Ernst asked about other times during the week when the church has activities, has there been any parking conflicts?

Mr. Purves answered that there has not been a problem during the week.

Opened for public comment. None was received.

Closed public comment.

Commissioner Sherry stated that he was happy to have a new business – a new type of gym -- in town.

Commissioner Ernst agreed with Commissioner Sherry's comment.

Commissioner Dean stated that the class schedule seem to be a good fit with the other businesses located in the area. He supports this business applicant.

On motion made by Commissioner Sherry and seconded by Commissioner Ernst, the Planning Commission approved Use Permit 11PLN-00035 to allow the operation of a 2,600 square foot personal training studio located at 4856 East Second Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution, by following vote:

Ayes: Commissioners Dean, Ernst, Sherry and Chair Thomas

Noes: None  
Absent: Commissioners Oakes, Smith and Syracuse  
Abstain: None

**VII. COMMUNICATION FROM STAFF**

Mark Rhoades, Interim Land Use and Engineering Manager, spoke regarding the parking study approach used by staff for the CrossFit707 business. The intent is for the City to encourage small business. Health clubs do not usually come with parking requirements. Rather than require a formal traffic engineering study, which is very expensive, staff provided the applicant with parking survey form for the applicant's use, which allows the applicant to tell the story.

Chair Thomas commented that this is a good solution to minimize the cost for small businesses.

**VIII. COMMUNICATION FROM COMMISSIONERS**

Commissioner Ernst asked about the status of the sign ordinance update, as a follow-up to the last Planning Commission meeting in July.

Commissioner Sherry stated that he recalled that the sign ordinance revision is on hold for now until the City's budget issues have been resolved.

Mr. Rhoades affirmed that is correct. A sign ordinance update will require an extensive public process and a serious budget commitment.

Commissioner Ernst stated that he would like to see it updated in small sections.

Commissioner Ernst also asked staff about the General Plan annual review.

Commissioner Sherry stated that he recalled a discussion about having a study session. That staff would pick a section and review it a section at a time.

Chair Thomas stated that this is not a mandate.

Commissioner Ernst asked about his previous request that the Planning Commission make a recommendation to the City Council not to ignore Planning Commission decisions. He would like to see this item on the Planning Commission agenda.

Kat Wellman, Contract Attorney, advised the Commission to be careful about having too much discussion on this item because it was not agendized.

**IX. ADJOURNMENT**

Meeting was adjourned at 7:28 pm.

**AGENDA ITEM  
PLANNING COMMISSION MEETING: DECEMBER 8, 2011  
REGULAR AGENDA ITEM**

**DATE** : November 29, 2011

**TO** : Planning Commission

**FROM** : Mark Rhoades, AICP  
Interim Land Use and Engineering Manager

**SUBJECT** : **AN APPEAL OF THE HPRC'S DENIAL OF A DESIGN REVIEW  
REQUEST TO REPLACE THREE WOOD WINDOWS WITH VINYL  
WINDOWS ON THE FRONT FACADE OF THE EXISTING SINGLE-  
FAMILY RESIDENCE LOCATED AT 410 WEST J STREET**

**PROJECT** : 11PLN-00064 Design Review Appeal  
410 West J Street  
APN: 0089-031-090

**RECOMMENDATION:**

Consider the appeal of the Historic Preservation Review Commission's (HPRC's) denial of a request by Julian and Claudia Fraser for a minor exterior modification (replacement of wood windows with vinyl) to the sides and front façade of the existing residence located at 410 West J Street. The HPRC approved the request for the side windows, but denied the request for the front windows. Note that staff's recommendation was to approve the whole design review request.

**EXECUTIVE SUMMARY:**

The applicant requests design review approval to replace five deteriorating wood windows with new, paintable custom vinyl windows on the existing single-family residence located at 410 West J Street, a contributing structure within the Downtown Historic Overlay District. The HPRC has a longstanding policy of NOT allowing wood windows to be replaced with vinyl. The HPRC approved the replacement of the two windows (one on each side of the house) but they denied the change on the front facade.

Staff's recommendation to the HPRC to approve this request was based on a number of factors including that the windows are not the most prominent façade feature of the residence and that the replacement windows are high quality and nearly identical in dimension to the existing windows and frames.



**BUDGET INFORMATION:**

There are no budget impacts associated with this project.

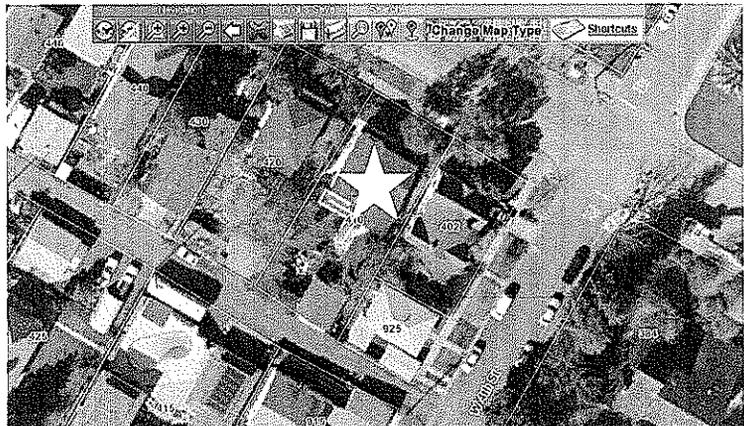
**ENVIRONMENTAL ANALYSIS:**

The HPRC reviewed the project and determined that it is a Section 15331 (Class 31) Categorical Exemption from the CEQA Guidelines. Class 31 exemptions allow restoration and rehabilitation of historic resources so long as any work is completed consistent with the Secretary of the Interior's Standards. The proposed project, including the decision of the HPRC, is consistent with the Secretary of the Interior Standards based on the analysis in this report.

Staff believes that the project is also Categorically Exempt under Section 15301 (Existing Facilities) of the Guidelines of the California Environmental Quality Act. This exemption includes minor alterations to the exterior of existing structures, involving negligible or no expansion of use.

**BACKGROUND:**

Applicant/Property Owner:	Julian and Claudia Frazier
General Plan designation:	Low Density Residential
Zoning designation:	RS, Single Family Residential
Existing/Proposed use:	Single Family Residential
Adjacent zoning:	
North:	RS, Single Family Residential
East:	RS, Single Family Residential
South:	RS, Single Family Residential
West:	RS, Single Family Residential



410 West J Street is located on the south side of J Street between West Third and West Fourth Streets. The subject building is listed as a contributing structure in the Downtown Historic Conservation Plan. Contributing structures are also located to the east and to the west of subject property.

On October 27, 2011, the HPRC considered the applicant's request for the proposed window replacement. The HPRC expressed significant concern about their window policy, and staff's recommendation for the replacement (the reasons for which are discussed below).



The HPRC noted that the structure at 410 West J Street is designated as a "Contributing Structure" under the Downtown Historic Conservation Plan (DHCP) but that Contributing and Historic designations should not receive different consideration relevant to design review. Some commissioners pointed out that attempts should be made "at all costs" to repair original wood windows when they are extant. They also noted that no previous applicants had been provided this concession. One commissioner noted that this case was a good candidate to show some flexibility on the policy because the characteristics of the house are not distinguishing and that it is "pretty plain in character".



After additional discussion the HPRC allowed the replacement of the two side windows because they are visible from the public right of way, but they denied the replacement of the three front windows. The HPRC also recommended that the applicant replace the more prominent front façade window, which is a legally existing vinyl window, with an original style wood window.

**SUMMARY:**

The staff's report to the HPRC provided the following analysis.

The applicant has been upgrading and rehabilitating the subject structure at considerable expense. In August, the applicant's window contractor approached the City with a request to replace all of the windows on the house with new vinyl windows. Staff at the permit counter informed the contractor that that only in-kind window replacement would be allowed with an "over the counter" building permit. The definition of "in kind" was explained to the

contractor, which is essentially replacement with identical materials, style, color, configuration and size. The conversation was memorialized in the City's permit tracking system.

The contractor represented at the time that all of the existing windows were already vinyl and would be replaced with vinyl. This is so noted on the contractor's site plan. Subsequent to the issuance of the permit it came to staff's attention that some of the windows, including those under the front porch, are existing single-hung wood sash and staff issued a warning notice to the property owner that the project could not proceed. The applicant indicated a desire to proceed with the request for the vinyl replacement, so a design review application was prepared for the HPRC.

The applicant is requesting design review approval to replace five deteriorating single paned wood windows, including the three on the front façade, with high quality paintable vinyl windows. All of the windows on the structure will be replaced but the rest of the windows are already vinyl (albeit lower quality than is proposed). The other two presently wood windows are located on the east and west sides of the house and are not visible from the public right of way. The three windows on the front façade are located under a porch roof and five feet behind an arched porch wall.

The main street-facing features consist of a double (vinyl) sash on the prominent façade, and three arched porch openings. The porch windows are setback from the porch openings approximately five feet. The applicant is not proposing to change the size of the openings or alter their rhythm behind the arches.

The proposed windows are pictured at right. The photo above shows the double window that will replace the existing vinyl window on the front façade that is the most prominent and visible window on the house (this does not require HPRC approval). This will be a significant improvement over the existing vinyl window.

The bottom photo shows the single hung window (right side of photo) that is proposed to replace the existing windows that are behind the porch arches. The window on the left side of the photo



will replace existing casement windows. All of the windows on the house will be uniform after this installation.

#### Downtown Historic Conservation Plan Consistency

The subject property is located in the Downtown Historic Overlay District and therefore is subject to the policies and guidelines set forth in the Downtown Historic Conservation Plan (DHCP). The property is listed as a contributing structure to the DHCP.

The Purpose of the DHCP is as follows (pg. 2):

1. Implement the City's general plan,
2. Deter demolition, destruction, misuse, or neglect of historic or architecturally significant buildings that form an important link to Benicia's past,
3. Promote the conservation, preservation, protection, and enhancement of each historic district,
4. Stimulate the economic health and residential quality of the community and stabilize and enhance the value of property, and
5. Encourage development tailored to the character and significance of each historic district.

The structure at 410 West J Street was built in 1930 and was recently determined to be a contributing structure (2009 Survey). The Primary Record description of the structure (also see attached) states the following:

This is an L-shape plan, single story Mediterranean Revival residence. It has a cross gable roof of moderate pitch with clipped eaves and gables. An attic vent of terra cotta pipe is found at the apex of the front gable. The primary roof extends to cover the cut-in porch. It is supported on arched openings. Fenestration is double hung and is paired on the gable end. The house is clad in stucco. This residence is very simple in conception with few decorative details. However, it is representative of many of the houses of this style built in the 1930s. It also is an example of Downtown in-fill in this period.

The sixth sentence states that the windows are double hung. They are actually single-hung with the top pane fixed.

In addition, the Primary Record states the significance as follows:

This is a simple in-fill Mediterranean Revival Style house. Its architectural character is principally defined by its arched porch openings and its stucco cladding. The house was noted in the 1986 historical survey, but was not made a

contributing structure in the Downtown Historic District. It should be considered for inclusion within the District.

The general review criteria under the DHCP for this property are "Historic Buildings." There are a number of policies and guidelines that provide direction for the consideration of this project. These include:

- Policy 2 – Façade Elements and Details
- Policy 3 – Integrity of Materials
- Policy 4 – Appropriate Materials, Colors, Finishes

Policy 1 does not apply because it provides guidelines for new additions. The guidelines that apply to this project and staff's response to each follow.

#### Policy 2 – Façade Elements and Details

*Policy 2, Guideline 2.2: Maintain the proportions of existing door and window openings and the pattern of existing sash in replacement work or additions.*

Response: The project complies with this policy guideline. The new windows, pictured above, have narrow frames that are very close in dimension to the existing wood frames and will fit into the existing openings of the subject windows.

*Policy 2, Guideline 2.3: New or replacement window sash **should** (emphasis added) match the original sash. Where the original sash has been completely removed, new windows should match the existing unless a complete replacement program for the façade is undertaken.*

Response: The applicant is proposing to replace all of the windows on the house with new vinyl windows that have a paintable frame and sash dimension nearly identical to the original wood. The three wood windows to be replaced on the front façade are tucked behind an arched porch so their visibility from the street is reduced. The main façade window that is wide framed vinyl will be replaced with a vinyl window with dimensions more consistent with the original wood sash. This will be a significant improvement over the existing condition.

#### Policy 3 – Integrity of Materials

*Policy 3, Guideline 3.3: Where inappropriate or later materials have been removed, they should be replaced with the original material.*

Response: This guideline provides that, in so far as the applicant is replacing all of the windows on the house, they should be replaced with original wood



windows. This would require the applicant, at significant expense, to order new wood windows for the entire structure. The applicant has indicated that this is not financially feasible. In addition, this is a contributing structure, not a landmark. The proposed windows will improve the appearance of the structure's street façade from an historic perspective because the windows are nearly identical in dimension to the existing wood windows. In addition, the existing vinyl window with a wide frame will be replaced with a window that is more consistent with the wood window dimension that the vinyl replaced at some point in the past.

#### Policy 4 – Appropriate Materials, Colors, and Finishes

*Policy 4, Guideline 4.1: Use original materials whenever possible in restoration, renovation or repair work and use the same materials for building additions.*

Response: The applicant has stated that it is not financially feasible for them to replace all of the windows on the property with period appropriate wood windows. The applicant has purchased high quality paintable vinyl, energy efficient windows that display frame dimensions that are nearly identical to the existing wood sash and that fit in the existing openings. In addition, the wood windows that proposed for replacement are not highly visible from the street.

*Policy 4, Guideline 4.2: For substitute materials, the outward appearance, durability, texture and finish should be as close as possible to that of the original. If the original was painted, the substitute should accept and retain a painted finish.*

Response: The five existing wood windows are smooth painted, single hung with narrow frame dimensions. The proposed replacement windows are smooth in texture, paintable, and single hung. They also exhibit narrow frame dimensions, nearly identical to the existing windows, and will fit within the existing openings.

*Policy 4, Guideline 4.3: Wood window sash is preferred for historic buildings. Vinyl clad wood or factory finished (i.e., baked enamel) aluminum frames are acceptable if the original design can be duplicated.*

Response: The structure is not itself a landmark, but listed as a contributing structure in the DHCP. The features of the structure that are listed as character defining include the arched porch openings and the stucco exterior. The applicant is not proposing to alter either of these. See response to *Policy 4, Guideline 4.1*, above.

*Policy 4, Guideline 4.4: Materials or colors listed as inappropriate for new construction (Commercial Building Types 1 and 2 – Guidelines 2.2 and 2.3) are also inappropriate for historic buildings.*

Response: The list of inappropriate materials is for siding, and does not include guidance for windows.

#### Consistency with Secretary of the Interior's Standards

The proposed project is consistent with the Secretary of the Interior's Standards (see Attachment 2).

#### Zoning Ordinance Consistency

The project is consistent with existing Zoning Ordinance requirements in that the residential use remains unchanged and no additions are proposed that require review of any site development standards.

#### **CONCLUSION:**

The HPRC has had a consistent policy since 2005 relevant to wood window replacement. The HPRC concluded that even though the three front windows were less prominent and were not character defining that they should not be changed. While no specific findings were made relevant to the denial of the front windows, The HPRC made the following findings in approving the vinyl replacement for the two side windows:

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

- a) This project is Categorically Exempt under Section 15331 of the California Environmental Quality Act (CEQA), which applies to projects limited to maintenance and repair in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- b) The project will be consistent with the Downtown Historic Conservation Plan policies and design guidelines and the Secretary of the Interior's Standards, if the conditions of approval are adhered to.
- c) The design of the project is consistent with the purposes of Title 17 of the Benicia Municipal Code.

Staff's recommendation to the HPRC was based on the fact that the application is not proposing to change any of the character defining architectural features of the home, which include the stucco cladding and the arched porch openings. The windows are not listed as details of significance on the structure. The structure is not a landmark itself, but is a contributing structure

and the window modifications will neither reduce the home's ability to convey its architectural character nor cause any impacts to designated landmark structures or the Downtown Historic Overlay District in general.

The windows proposed for change from wood to paintable vinyl are not highly visible on the street façade because they are tucked behind a covered porch with arched openings. The proposed new windows will provide a more uniform design that is consistent in appearance with the original wood windows. The project will also improve the most visible window with one that has dimensions that are more appropriate than what exists. All of the proposed new windows will fit within the original openings built for the structure.

The proposed request is consistent with Purpose No. 4 of the DHCP in that the proposed project will, "Stimulate the economic health and residential quality of the community and stabilize and enhance the value of property." In addition, the project is consistent with the General Plan and Climate Action Plan goals and strategies to increase energy efficiency.

Staff recommends the Planning Commission consider the appeal, the facts of the case including the draft minutes from the HPRC's discussion (attached) and issue findings and a decision

**FURTHER ACTION:**

The Planning Commission's action will be final unless appealed to City Council within ten business days of the issuance of the notice of decision.

**Attachments:**

1. Draft Minutes of the October 27, 2011 HPRC Meeting
2. Draft HPRC Resolution
3. Proposed Planning Commission Resolution
4. HPRC Report Packet

## **PROPOSED RESOLUTION**

**RESOLUTION NO. 11- (PC)**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF BENICIA \_\_\_\_\_ WINDOW REPLACEMENT AT 410 WEST J  
STREET**

**WHEREAS**, Julian and Claudia Fraser, have requested Design Review approval to replace five windows on the side and front façades of the existing single-family residence at 410 West J Street; and

**WHEREAS**, the Historic Preservation Review Commission at a regular meeting on October 27, 2011 conducted a public hearing and reviewed the proposed project and,

**WHEREAS**, the Historic Preservation Review Commission denied the replacement of the three front windows but approved the replacement of the two side windows; and,

**WHEREAS**, Julian and Claudia Fraser have appealed the denial of the replacement of the three front windows to the Planning Commission

**WHEREAS**, the Planning Commission reviewed the appeal to replace three wood windows with vinyl windows on the front façade of the existing single-family residence at 410 West J Street.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Planning Commission of the City of Benicia hereby \_\_\_\_\_ the appeal and \_\_\_\_\_ the replacement of the three front windows to the building at 410 West J Street.

**BE IT FURTHER RESOLVED THAT** the Planning Commission finds that:

- a) The proposed project is a Section 15331 (Class 31) Categorical Exemption from the CEQA Guidelines. Class 31 exemptions allow restoration and rehabilitation of historic resources so long as any work is completed consistent with the Secretary of the Interior's Standards. The proposed project, including the decision of the HPRC, is consistent with the Secretary of the Interior Standards based on the analysis in this report.
- b) The project will be consistent with the Downtown Historic Conservation Plan policies and design guidelines and the Secretary of the Interior's Standards, as described in the staff report, if the conditions of approval are adhered to.

- c) The design of the project is consistent with the purposes of Title 17 of the Benicia Municipal Code.

**BE IT FURTHER RESOLVED THAT** the Benicia Planning Commission hereby \_\_\_\_\_ the proposed project subject to the following conditions (as approved by the HPRC):

1. This approval shall expire two years from the date of approval unless made permanent by the issuance of a building permit.
2. This approval is granted on the condition that the three existing wood windows on the primary façade be restored and repaired, and, if they cannot, these three wood windows shall be replaced with single-hung wood windows.
3. Any other alteration of the approved plans, including substitution of materials shall be requested in writing for consideration of approval by the Historic Preservation Review Commission prior to changes being made in the field.
4. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
5. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Historic Preservation Review Commission, Planning Commission, City Council, Public Works & Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

\* \* \* \* \*

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the above Resolution was adopted by the Planning Commission of the City of Benicia at a regular meeting of said Commission held on December 8, 2011 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

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Brad Thomas  
Planning Commission Chair

# **SECRETARY OF THE INTERIOR'S STANDARDS**

**Consistency Analysis:  
Secretary of Interior's Standards for Rehabilitation  
Design Review (11PLN-00064)  
410 West J Street**

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

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

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

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

The existing residential use will not change. None of the structure's character defining architectural features (stucco cladding, arched porch openings) will be modified. The proposal will replace five wood frame windows with paintable vinyl windows that have dimensions very similar to the existing. The existing window openings will be utilized as they exist.

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

The principal character-defining features of this style of building (Mediterranean Revival) as exhibited on the subject property are its stucco exterior and its arched front porch openings.

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

The property was surveyed in 1986. The analysis states that the building is a common example of the Mediterranean Revival style, which is a common infill style the DHCD. No features will be added or changed that will convey a false sense of historicism.

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

The structure has not been changed in a manner that said changes might have acquired historic significance in their own right.

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

No distinctive materials, features, finishes and construction techniques will be removed.

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

The windows proposed for change from wood to paintable vinyl are not highly visible on the street façade because they are tucked behind a covered porch with arched openings. The proposed new windows will provide a more uniform design that is consistent in appearance with the original wood windows. The project will also improve the most visible window with one that has dimensions that are more appropriate than what exists. All of the proposed new windows will fit within the original openings built for the structure. Staff recommends the Historic Preservation Review Commission approve the design review based on the findings and conditions of approval in the proposed resolution.

**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.**

No chemical or physical treatments will be undertaken.

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

No archaeological resources are known to exist on the subject site. No construction activity involve soil work is proposed.

- 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 windows proposed for change from wood to paintable vinyl are not highly visible on the street façade because they are tucked behind a covered porch with arched openings. The proposed new windows will provide a more uniform design that is consistent in appearance with the original wood windows. The project will also improve the most visible window with one that has dimensions that are more appropriate than what exists. All of the proposed new windows will fit within the original openings built for the structure. Staff recommends the Historic Preservation Review Commission approve the design review based on the findings and conditions of approval in the proposed resolution.

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

No additions to the structure will be undertaken.

**RESOLUTION NO. 11-10 (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION  
OF THE CITY OF BENICIA ADDRESSING WINDOW REPLACEMENT AT 410 WEST J  
STREET**

**WHEREAS**, Julian and Claudia Fraser, have requested Design Review approval to replace five windows on the side and front façades of the existing single-family residence they own at 410 West J Street; and

**WHEREAS**, the Historic Preservation Review Commission at a regular meeting on October 27, 2011 conducted a public hearing and reviewed the proposed project.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Historic Preservation Review Commission of the City of Benicia hereby denies replacement of three single-hung wood windows with vinyl windows on the front of the home at 410 West J Street; and

**BE IT FURTHER RESOLVED THAT** the Historic Preservation Review Commission recommends and encourages the property owners to replace the existing vinyl window on the primary façade with a wood window to match the existing wood windows on the front façade to achieve consistency.

**BE IT FURTHER RESOLVED THAT** the Historic Preservation Review Commission approves replacement of one casement and one single hung wood window with vinyl windows on the sides of the home at 410 West J Street; and

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

- a) This project is Categorically Exempt under Section 15331 of the California Environmental Quality Act (CEQA), which applies to projects limited to maintenance and repair in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- b) The project will be consistent with the Downtown Historic Conservation Plan policies and design guidelines and the Secretary of the Interior's Standards, if the conditions of approval are adhered to.
- c) The design of the project is consistent with the purposes of Title 17 of the Benicia Municipal Code.

**BE IT FURTHER RESOLVED THAT** the Benicia Historic Preservation Review Commission hereby applies the following conditions to the approval:

1. This approval shall expire two years from the date of approval unless made permanent by the issuance of a building permit.
2. This approval is granted on the condition that the three existing wood windows on the primary façade be restored and repaired, and, if they cannot, these three wood windows shall be replaced with single-hung wood windows.
3. Any other alteration of the approved plans, including substitution of materials shall be requested in writing for consideration of approval by the Historic Preservation Review Commission prior to changes being made in the field.
4. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
5. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Historic Preservation Review Commission, Planning Commission, City Council, Public Works & Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

\* \* \* \* \*

On motion of Commissioner Van Landschoot, seconded by Commissioner White, the above Resolution was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on October 27, 2011 by the following vote:

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

A handwritten signature in black ink, appearing to read "David Crompton", written over a horizontal line.

David Crompton  
Historic Preservation Review Commission Chair



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

**City Hall Commission Room  
Thursday, October 27, 2011  
6:30 P.M.**

**I. OPENING OF MEETING:**

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

Present: Commissioners Haughey, McKee, Taagepera, Van Landschoot, White  
and Chair Crompton

Absent: Commissioner Mang

Staff Present:

Charlie Knox, Public Works and Community Development Director

Lisa Porras, Senior Planner

Stacy Hatfield, Sr. Admin. Clerk, Recording Secretary

- C. Reference to Fundamental Rights of Public**

**II. ADOPTION OF AGENDA:**

On motion of Commissioner White, seconded by Commissioner Van Landschoot,  
the Agenda was approved by a majority vote.

**III. OPPORTUNITY FOR PUBLIC COMMENT**

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

IV. PRESENTATIONS

None.

V. CONSENT CALENDAR

A. Approval of Minutes of September 22, 2011

B. **519 FIRST STREET – DESIGN REVIEW FOR EXTERIOR MODIFICATIONS (NEW DOOR) TO THE NON-HISTORIC COMMERCIAL STOREFRONT TO BE ADDRESSED AS 519 FIRST STREET (FORMERLY 523 FIRST STREET)**

11PLN-00049 Design Review

519 First Street

APN: 0089-173-06-0

**PROPOSAL:**

The applicant requests design review approval to modify the east façade of the existing commercial building located at 519 First Street within the Downtown Historic Conservation District. The proposal results in the creation of a new storefront through the addition of an interior partition and new exterior entry. The new storefront will match the adjacent storefront (Char's Hot Dogs) located at 523 First Street.

**Recommendation:** Approve design review request for a minor exterior modification (new door) to the east façade of the existing commercial building located at 519 First Street, based on the findings, and subject to the conditions listed in the proposed resolution.

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

Ayes: Commissioners Haughey, Taagepera, Van Landschoot, White and Chair Crompton

Noes: None

Absent: Commissioner Mang

Abstain: Commissioner McKee

VI. REGULAR AGENDA ITEMS

A. **DESIGN REVIEW TO REPLACE FIVE WINDOWS ON THE SIDE AND FRONT FAÇADES OF THE EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 410 WEST J STREET**

11PLN-00064 Design Review  
410 West J Street  
APN: 0089-031-090

**PROPOSAL:**

The applicant requests design review approval to replace five deteriorating wood windows with new, paintable custom vinyl windows on the existing single-family residence located at 410 West J Street, a contributing structure within the Downtown Historic Overlay District.

**Recommendation:** Approve the design review request for a minor exterior modification (replacement windows) to the sides and front façade of the existing residence located at 410 West J Street, based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

Lisa Porras, Senior Planner, presented the staff report, as written, and gave an overview of the project reviewing the applicable policies and guidelines that provide direction for it. Lisa also pointed out a correction that needs to be made to the resolution that was distributed as part of the packet. Brian Maloney's name should be replaced with Julian and Claudia Fraser as the applicants requesting Design Review approval.

The Commissioners asked for clarification and additional information on the windows that are to be replaced. They also reiterated that homes designated as Contributing or Historic are to be treated the same. In addition, the same standards for window replacement apply to homes that are either Mills Act or non-Mills Act.

The appropriateness of the window replacement material was also discussed. Commissioner Haughey pointed out that an attempt is supposed to be made to repair original windows at all costs when the house is listed as Contributing or Historic. If windows are unable to be repaired or restored, then they are to be replaced in-kind. They also noted that all property owners, both Historic and Contributing, should be treated with consistency and that no

concessions have been made for previous applicants on the replacement of front windows in the past.

Commissioner McKee voiced his opinion that the characteristics of this house are not that distinguishing and are pretty plain in character. He believes this would be a good opportunity to exercise some flexibility with the applicant on replacement of the windows.

On the motion of Commissioner Van Landschoot, seconded by Commissioner Haughey, the following motion was made:

1. The three wood windows on the front façade of the house are to be refurbished or replaced with new wood windows.
2. The existing vinyl window on the front façade of the house is to be restored to its original state, which also was wood.
3. The remaining windows that can't be seen from the front of the house can be replaced with vinyl.

After discussion among the Commissioners on the above motion, item number 2 of the motion was revised as follows and a new motion was made to include those changes.

1. The three wood windows on the front façade of the house are to be refurbished or replaced with new wood windows.
2. The Commission is encouraging the applicant to restore the one existing vinyl window on the front façade of the house back to its original condition, which was wood.
3. The remaining windows that can't be seen from the front of the house can be replaced with vinyl.

**RESOLUTION NO. 11-10 (HPRC) A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA ADDRESSING WINDOW REPLACEMENT AT 410 WEST J STREET**

On motion of Commissioner Van Lanschoot, seconded by Commissioner White, the above resolution was approved by the following vote:

Ayes: Commissioners Taagepera, Van Landschoot, White and Chair Crompton

Noes: Commissioners Haughey and McKee

Absent: Commissioner Mang

Abstain: None

**VII. COMMUNICATIONS FROM STAFF**

None

**VIII. COMMUNICATIONS FROM COMMISSIONERS**

Commissioner Van Lanschoot asked staff what it would approximately cost to rewrite the Downtown Historic Conservation Plan. Staff indicated that they thought it would be approximately \$150,000 and felt part of that amount could be grantable.

Commissioner Taagepera shared that she has heard positive comments about the HPRC. She believes that problems arise when property owners are not treated consistently.

Commissioner Haughey shared information about her attendance at the Design Awards presentation.

**IX. ADJOURNMENT**

Chair Crompton adjourned the meeting at 8:20 p.m.

**AGENDA ITEM**  
**HISTORIC PRESERVATION REVIEW COMMISSION MEETING: OCTOBER 27, 2011**  
**Regular Agenda Item**

**DATE** : October 19, 2011

**TO** : Historic Preservation Review Commission

**FROM** : Mark Rhoades, AICP  
*Interim Land Use and Engineering Manager*

**SUBJECT** : **DESIGN REVIEW TO REPLACE FIVE WINDOWS ON THE SIDE AND FRONT FACADES OF THE EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 410 WEST J STREET**

**PROJECT** : **11PLN-00064 Design Review**  
410 West J Street  
APN: 0089-031-090

**RECOMMENDATION:**

Approve the design review request for a minor exterior modification (replacement windows) to the sides and front façade of the existing residence located at 410 West J Street, based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

**EXECUTIVE SUMMARY:**

The applicant requests design review approval to replace five deteriorating wood windows with new, paintable custom vinyl windows on the existing single-family residence located at 410 West J Street, a contributing structure within the Downtown Historic Overlay District.

**BUDGET INFORMATION:**

There are no budget impacts associated with this project.

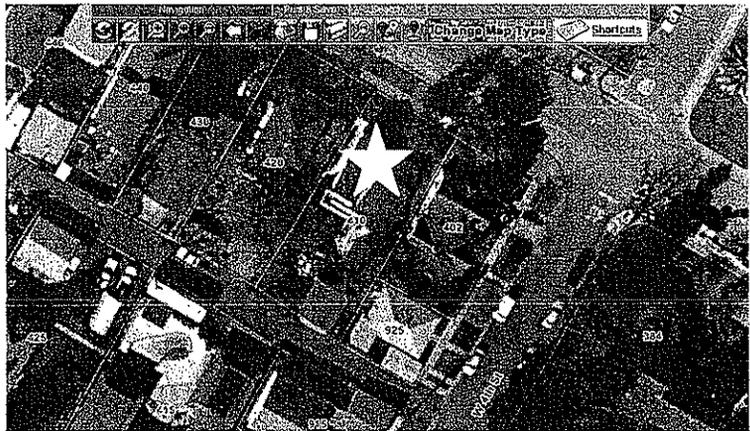
**ENVIRONMENTAL ANALYSIS:**

This project is Categorically Exempt under Section 15301 (Existing Facilities) of the Guidelines of the California Environmental Quality Act. This exemption includes minor alterations to the exterior of existing structures, involving negligible or no expansion of use.

**BACKGROUND:**

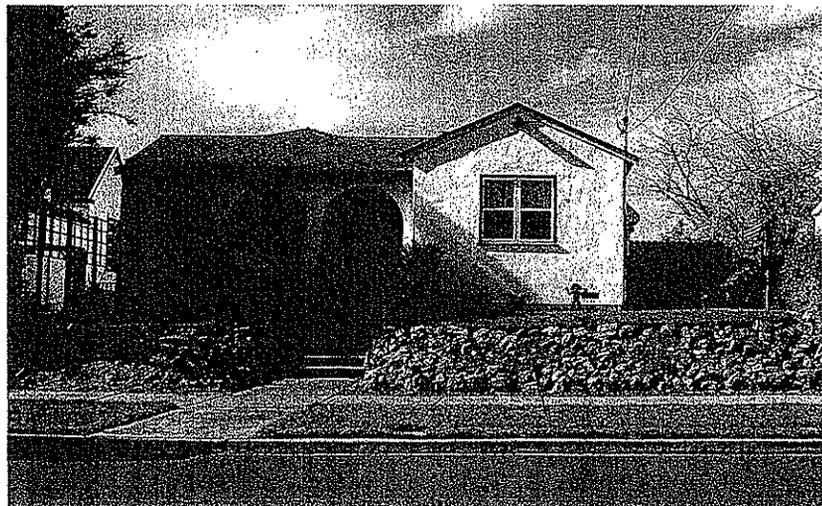
Applicant/Property Owner: Julian and Claudia Frazier  
General Plan designation: Low Density Residential  
Zoning designation: RS, Single Family Residential  
Existing/Proposed use: Single Family Residential  
Adjacent zoning:  
North: RS, Single Family Residential  
East: RS, Single Family Residential  
South: RS, Single Family Residential  
West: RS, Single Family Residential

410 West J Street is located on the south side of J Street between West Third and West Fourth Streets. The subject building is listed as a contributing structure in the Downtown Historic Conservation Plan. Contributing structures are also located to the east and to the west of subject property.



**SUMMARY:**

The applicant has been upgrading and rehabilitating the subject structure at considerable expense. In August, the applicant's window contractor approached the City with a request to replace all of the windows on the house with new vinyl windows. The contractor represented at the time that all of the existing windows were vinyl and would be replaced with vinyl. It came to staff's attention that some of the windows, including those under the front porch, were single-hung wood sash. The applicant is requesting design review approval to replace five deteriorating single paned wood windows, including the three on the front façade, with high quality paintable vinyl windows. All of the



windows on the structure will be replaced but the rest of the windows are already vinyl (albeit lower quality than is proposed). The other two presently wood windows are located on the east and west sides of the house and are not visible from the public right of way. The three windows on the front façade are located under a porch roof and five feet behind an arched porch wall.

The main street-facing features consist of a double (vinyl) sash on the prominent façade, and three arched porch openings. The porch windows are setback from the porch openings approximately five feet. The applicant is not proposing to change the size of the openings or alter their rhythm behind the arches.

The proposed windows are pictured at right. The photo above shows the double window that will replace the existing vinyl window on the front façade that is the most prominent and visible window on the house (this does not require HPRC approval). This will be a significant improvement over the existing vinyl window.

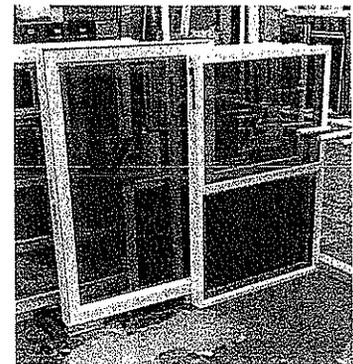
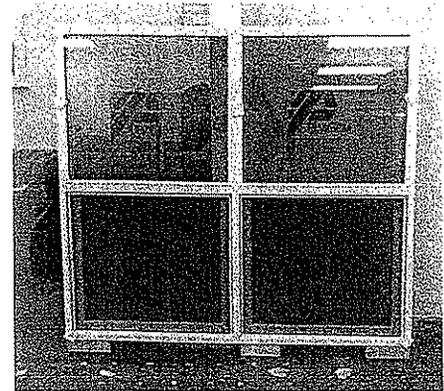
The bottom photo shows the single hung window (right side of photo) that is proposed to replace the existing windows that are behind the porch arches. The window on the left side of the photo will replace existing casement windows. All of the windows on the house will be uniform after this installation.

#### Downtown Historic Conservation Plan Consistency

The subject property is located in the Downtown Historic Overlay District and therefore is subject to the policies and guidelines set forth in the Downtown Historic Conservation Plan (DHCP). The property is listed as a contributing structure to the DHCP.

The Purpose of the DHCP is as follows (pg. 2):

1. Implement the City's general plan,
2. Deter demolition, destruction, misuse, or neglect of historic or architecturally significant buildings that form an important link to Benicia's past,
3. Promote the conservation, preservation, protection, and enhancement of each historic district,



4. Stimulate the economic health and residential quality of the community and stabilize and enhance the value of property, and
5. Encourage development tailored to the character and significance of each historic district.

The structure at 410 West J Street was built in 1930 and was recently determined to be a contributing structure (2009 Survey). The Primary Record description of the structure (also see attached) states the following:

This is an L-shape plan, single story Mediterranean Revival residence. It has a cross gable roof of moderate pitch with clipped eaves and gables. An attic vent of terra cotta pipe is found at the apex of the front gable. The primary roof extends to cover the cut-in porch. It is supported on arched openings. Fenestration is double hung and is paired on the gable end. The house is clad in stucco. This residence is very simple in conception with few decorative details. However, it is representative of many of the houses of this style built in the 1930s. It also is an example of Downtown in-fill in this period.

The sixth sentence states that the windows are double hung. They are actually single-hung with the top pane fixed.

In addition, the Primary Record states the significance as follows:

This is a simple in-fill Mediterranean Revival Style house. Its architectural character is principally defined by its arched porch openings and its stucco cladding. The house was noted in the 1986 historical survey, but was not made a contributing structure in the Downtown Historic District. It should be considered for inclusion within the District.

The general review criteria under the DHCP for this property are "Historic Buildings." There are a number of policies and guidelines that provide direction for the consideration of this project. These include:

- Policy 2 – Façade Elements and Details
- Policy 3 – Integrity of Materials
- Policy 4 – Appropriate Materials, Colors, Finishes

Policy 1 does not apply because it provides guidelines for new additions. The guidelines that apply to this project and staff's response to each follow.

#### Policy 2 – Façade Elements and Details

*Policy 2, Guideline 2.2: Maintain the proportions of existing door and window openings and the pattern of existing sash in replacement work or additions.*

Response: The project complies with this policy guideline. The new windows, pictured above, have narrow frames that are very close in dimension to the existing wood frames and will fit into the existing openings of the subject windows.

*Policy 2, Guideline 2.3: New or replacement window sash **should** (emphasis added) match the original sash. Where the original sash has been completely removed, new windows should match the existing unless a complete replacement program for the façade is undertaken.*

Response: The applicant is proposing to replace all of the windows on the house with new vinyl windows that have a paintable frame and sash dimension nearly identical to the original wood. The three wood windows to be replaced on the front façade are tucked behind an arched porch so their visibility from the street is reduced. The main façade window that is wide framed vinyl will be replaced with a vinyl window with dimensions more consistent with the original wood sash. This will be a significant improvement over the existing condition.

### Policy 3 – Integrity of Materials

*Policy 3, Guideline 3.3: Where inappropriate or later materials have been removed, they should be replaced with the original material.*

Response: This guideline provides that, in so far as the applicant is replacing all of the windows on the house, they should be replaced with original wood windows. This would require the applicant, at significant expense, to order new wood windows for the entire structure. The applicant has indicated that this is not financially feasible. In addition, this is a contributing structure, not a landmark. The proposed windows will improve the appearance of the structure's street façade from an historic perspective because the windows are nearly identical in dimension to the existing wood windows. In addition, the existing vinyl window with a wide frame will be replaced with a window that is more consistent with the wood window dimension that the vinyl replaced at some point in the past.

### Policy 4 – Appropriate Materials, Colors, and Finishes

*Policy 4, Guideline 4.1: Use original materials whenever possible in restoration, renovation or repair work and use the same materials for building additions.*

Response: The applicant has stated that it is not financially feasible for them to replace all of the windows on the property with period appropriate wood windows. The applicant has purchased high quality paintable vinyl, energy

efficient windows that display frame dimensions that are nearly identical to the existing wood sash and that fit in the existing openings. In addition, the wood windows that proposed for replacement are not highly visible from the street.

*Policy 4, Guideline 4.2: For substitute materials, the outward appearance, durability, texture and finish should be as close as possible to that of the original. If the original was painted, the substitute should accept and retain a painted finish.*

Response: The five existing wood windows are smooth painted, single hung with narrow frame dimensions. The proposed replacement windows are smooth in texture, paintable, and single hung. They also exhibit narrow frame dimensions, nearly identical to the existing windows, and will fit within the existing openings.

*Policy 4, Guideline 4.3: Wood window sash is preferred for historic buildings. Vinyl clad wood or factory finished (i.e., baked enamel) aluminum frames are acceptable if the original design can be duplicated.*

Response: The structure is not itself a landmark, but listed as a contributing structure in the DHCP. The features of the structure that are listed as character defining include the arched porch openings and the stucco exterior. The applicant is not proposing to alter either of these. See response to *Policy 4, Guideline 4.1*, above.

*Policy 4, Guideline 4.4: Materials or colors listed as inappropriate for new construction (Commercial Building Types 1 and 2 – Guidelines 2.2 and 2.3) are also inappropriate for historic buildings.*

Response: The list of inappropriate materials is for siding, and does not include guidance for windows.

#### Consistency with Secretary of the Interior's Standards

The proposed project is consistent with the Secretary of the Interior's Standards (see Attachment 2).

#### Zoning Ordinance Consistency

The project is consistent with existing Zoning Ordinance requirements in that the residential use remains unchanged and no additions are proposed that require review of any site development standards.

#### **CONCLUSION:**

This application is not proposing to change any of the character defining architectural features of the home, which include the stucco cladding and the arched porch openings. The windows are not listed as details of significance on

the structure. The structure is not a landmark itself, but is a contributing structure and the window modifications will neither reduce the home's ability to convey its architectural character nor cause any impacts to designated landmark structures or the Downtown Historic Overlay District in general.

The windows proposed for change from wood to paintable vinyl are not highly visible on the street façade because they are tucked behind a covered porch with arched openings. The proposed new windows will provide a more uniform design that is consistent in appearance with the original wood windows. The project will also improve the most visible window with one that has dimensions that are more appropriate than what exists. All of the proposed new windows will fit within the original openings built for the structure.

The proposed request is consistent with Purpose No. 4 of the DHCP in that the proposed project will, "Stimulate the economic health and residential quality of the community and stabilize and enhance the value of property." In addition, the project is consistent with the General Plan and Climate Action Plan goals and strategies to increase energy efficiency.

Staff recommends the Historic Preservation Review Commission approve the design review based on the findings and conditions of approval in the proposed resolution. Finally, it should be noted that allowing property owners some flexibility, when appropriate, has positive policy level implications relevant to the relationship between the City and the community.

**FURTHER ACTION:**

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

**Attachments:**

1. Proposed Resolution
2. Secretary of the Interior Standards
3. Plan Submittal
4. Primary Record

*\*\* If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the October 27, 2011 Historic Preservation Review Commission packet.*

## **PROPOSED RESOLUTION**

**RESOLUTION NO. 11- (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION  
OF THE CITY OF BENICIA APPROVING WINDOW REPLACEMENT AT 410 WEST J  
STREET**

**WHEREAS**, Brian Maloney, has requested Design Review approval to replace two windows on the X façade of the existing single-family residence at 410 West J Street; and

**WHEREAS**, the Historic Preservation Review Commission at a regular meeting on October 27, 2011 conducted a public hearing and reviewed the proposed project;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Historic Preservation Review Commission of the City of Benicia hereby approve the exterior modification to the building at 410 West J Street; and

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

- a) This project is Categorically Exempt under Section 15301 of the California Environmental Quality Act (CEQA), which applies to minor alterations to the exterior of existing structures, involving negligible or no expansion of use. The addition of a new door is minor in nature and will not expand the existing commercial use of this building
- b) The project will be consistent with the Downtown Historic Conservation Plan policies and design guidelines, as described in the staff report, if the conditions of approval are adhered to.
- c) The design of the project is consistent with the purposes of Title 17 of the Benicia Municipal Code.

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

- 1. This approval shall expire two years from the date of approval unless made permanent by the issuance of a building permit.
- 2. Any other alteration of the approved plans, including substitution of materials shall be requested in writing for consideration of approval by

the Historic Preservation Review Commission prior to changes being made in the field.

3. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
4. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Historic Preservation Review Commission, Planning Commission, City Council, Public Works & Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

\* \* \* \* \*

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the above Resolution was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on October 27, 2011 by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

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David Crompton  
Historic Preservation Review Commission Chair

# **SECRETARY OF THE INTERIOR'S STANDARDS**

**Consistency Analysis:**  
**Secretary of Interior's Standards for Rehabilitation**  
**Design Review (11PLN-00064)**  
**410 West J Street**

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

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

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

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

The existing residential use will not change. None of the structure's character defining architectural features (stucco cladding, arched porch openings) will be modified. The proposal will replace five wood frame windows with paintable vinyl windows that have dimensions very similar to the existing. The existing window openings will be utilized as they exist.

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

The principal character-defining features of this style of building (Mediterranean Revival) as exhibited on the subject property are its stucco exterior and its arched front porch openings.

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

The property was surveyed in 1986. The analysis states that the building is a common example of the Mediterranean Revival style, which is a common infill style the DHCD. No features will be added or changed that will convey a false sense of historicism.

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

The structure has not been changed in a manner that said changes might have acquired historic significance in their own right.

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

No distinctive materials, features, finishes and construction techniques will be removed.

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

The windows proposed for change from wood to paintable vinyl are not highly visible on the street façade because they are tucked behind a covered porch with arched openings. The proposed new windows will provide a more uniform design that is consistent in appearance with the original wood windows. The project will also improve the most visible window with one that has dimensions that are more appropriate than what exists. All of the proposed new windows will fit within the original openings built for the structure. Staff recommends the Historic Preservation Review Commission approve the design review based on the findings and conditions of approval in the proposed resolution.

**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.**

No chemical or physical treatments will be undertaken.

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

No archaeological resources are known to exist on the subject site. No construction activity involve soil work is proposed.

- 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 windows proposed for change from wood to paintable vinyl are not highly visible on the street façade because they are tucked behind a covered porch with arched openings. The proposed new windows will provide a more uniform design that is consistent in appearance with the original wood windows. The project will also improve the most visible window with one that has dimensions that are more appropriate than what exists. All of the proposed new windows will fit within the original openings built for the structure. Staff recommends the Historic Preservation Review Commission approve the design review based on the findings and conditions of approval in the proposed resolution.

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

No additions to the structure will be undertaken.

## **PROJECT PLANS**

*(If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the October 27, 2011 Historic Preservation Review Commission packet)*



# **PRIMARY RECORD**

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

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

\*Resource Name or #: 410 West J Street  
 P1. Other Identifier: none  
 \*P2. .Location: \*a. County Solano  
 b. Address: 410 West J Street  
 \*c. City: Benicia Zip 94510  
 d. UTM: N/A  
 e. USGS Quad: Benicia T2N R3W MDM  
 \*f. Other Locational Data (APN #): 89-031-09

\*P3a. Description  
 This is an L-shape plan, single story Mediterranean Revival residence. It has a cross gable roof of moderate pitch with clipped eaves and gables. An attic vent of terra cotta pipe is found at the apex of the front gable. The primary roof extends to cover the cut-in porch. It is supported on arched openings. Fenestration is double hung and is paired on the gable end. The house is clad in stucco. This residence is very simple in conception with few decorative details. However, it is representative of many of the houses of this style built in the 1930s. It also is an example of Downtown in-fill in this period.

\*P3b. Resource Attributes: HP2  
 \*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  
 P5b. Description of Photo:  
 Front façade, view south  
 \*P6. Date Constructed/Age: 1930  
 Prehistoric  Historic  Both  
 \*P7. Owner and Address:  
 Brian Maloney

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



410 West J Street  
 Benicia, CA 94510  
 \*P8. Recorded by:  
 Carol Roland  
 Roland-Nawi Associates  
 4829 Crestwood Way  
 Sacramento, CA 95822  
 \*P9. Date Recorded: 11-20-04  
 \*P10. Type of Survey:  Intensive  
 Reconnaissance   
 Other  
 Describe Eligibility Evaluation  
 \*P11. Report Citation: none  
 \*Attachments:  NONE  Map Sheet   
 Continuation Sheet  Building, Structure, and  
 Object Record  Linear Resource Record   
 Archaeological Record  District Record   
 Milling Station Record  Rock Art Record  
 Artifact Record  Photograph Record   
 Other (List):

**BUILDING, STRUCTURE, AND OBJECT RECORD**

\*Resource Identifier: 410 West J Street

\*NRHP Status Code: 3D

B1. Historic Name: N/A

B2. Common Name: same

B3. Original Use: Residential

B4. Present Use: Residential

\*B5. Architectural Style: Mediterranean Revival

B7. Moved?  No  Yes  Unknown

Date: N/A

Original Location: same

\*B8. Related Features:

B9a. Architect: unknown

B9b. Builder: unknown

\*B10. Significance: Theme: Benicia Downtown District

Period of Significance: 1847-1940

Property Type: Single Family

Applicable Criteria: A/C

This is a simple in-fill Mediterranean Revival Style house. Its architectural character is principally defined by its arched porch openings and its stucco cladding. The house was noted in the 1986 historical survey, but was not made a contributing structure in the Downtown Historic District. It should be considered for inclusion within the District.

B11. Additional Resource Attributes: N/A

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

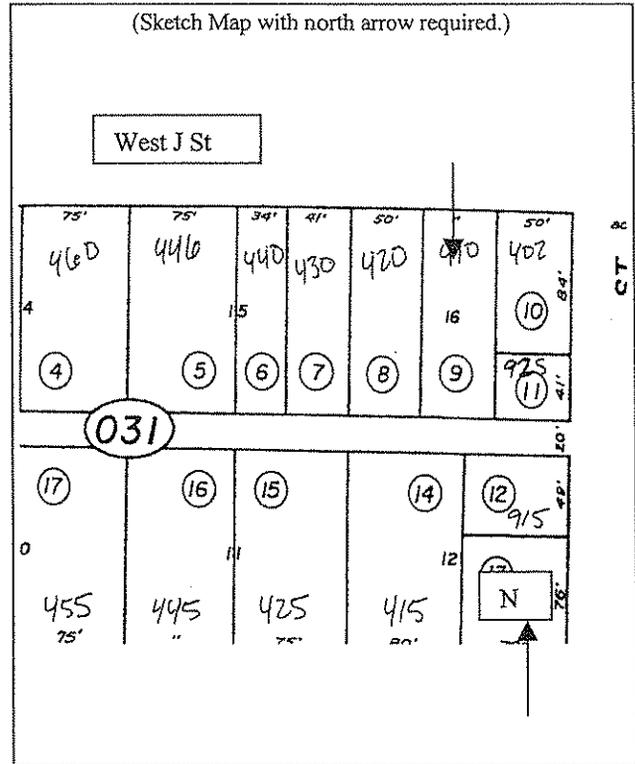
**BUILDING, STRUCTURE, AND OBJECT RECORD**

Remarks: N/A

B14. Evaluator: Carol Roland, Ph.D.

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

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



(This space reserved for official comments.)

**RESOLUTION NO. 11-3 (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA AMENDING ESTABLISHED WINDOW STANDARDS FOR DESIGNATED BUILDINGS IN THE DOWNTOWN HISTORIC OVERLAY DISTRICT**

**WHEREAS**, the City of Benicia has an established Downtown Historic Overlay District;  
and

**WHEREAS**, property owners of designated buildings in the Downtown Historic Overlay District are required to obtain Historic Preservation Review Commission approval to make modifications to their structures; and

**WHEREAS**, on August 18, 2005, October 27, 2005, November 17, 2005, and December 22, 2005, the Historic Preservation Review Commission held public hearings on the establishment of window standards for designated buildings in the Downtown Historic Conservation District, considered the staff report, presentations, and public testimony, and directed staff to draft a Resolution formalizing the Commission's findings; and

**WHEREAS**, on December 22, 2005, the Historic Preservation Review Commission adopted resolution No. 05-14, establishing window standards; and

**WHEREAS**, on May 27, 2010, the Historic Preservation Review Commission reviewed and amended Resolution No. 05-14 to incorporate Preservation Brief 9 as Exhibit A to clarify the process for verifying feasibility of repair of windows, and adopted Resolution No. 10-4; and

**WHEREAS**, on February 24, 2011, the Historic Preservation Review Commission held a workshop on windows, and reviewed and amended Resolution No. 10-4.

**NOW, THEREFORE**, the Historic Preservation Review Commission of the City of Benicia hereby resolves as follows:

**SECTION 1.** The Benicia Historic Preservation Review Commission hereby determines that proposals to modify windows in a designated building in the historic district shall be repaired, if possible, or if replaced, replaced with wood or historically appropriate material. Upon verification of feasibility of repair per National Park Service Preservation Brief 9 (Exhibit A), staff is authorized to approve window repairs or replacements meeting the above criteria. Replacement windows shall be those typical of the period and appropriate to the architectural style. Staff can approve dual-paned windows that convey the visual appearance of the original windows. All other repairs and replacements, other than those approved as above, are to be reviewed by the Historic Preservation Review Commission.

\*\*\*\*\*

The foregoing motion was made by Commissioner Crompton, seconded by Commissioner McKee, and carried by the following vote at a regular meeting of the Commission on February 24, 2011:

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



Toni Haughey  
Historic Preservation Review Commission Chair

# 9 Preservation Briefs

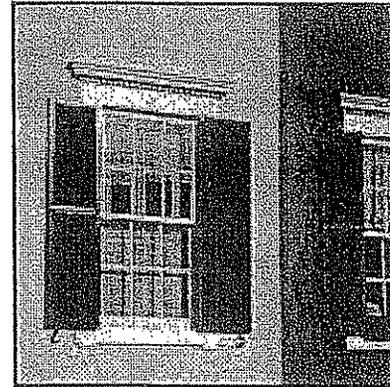
Technical Preservation Services

National Park Service  
U.S. Department of the Interior

## The Repair of Historic Wooden Windows

John H. Myers

- » Architectural or Historical Significance
- » Physical Evaluation
- » Repair Class I: Routine Maintenance
- » Repair Class II: Stabilization
- » Repair Class III: Splices and Parts Replacement
- » Weatherization
- » Window Replacement
- » Conclusion
- » Additional Reading



**A NOTE TO OUR USERS:** The web versions of the **Preservation Briefs** differ somewhat from the printed versions. Many illustrations are new, captions are simplified, illustrations are typically in color rather than black and white, and some complex charts have been omitted.

**The windows on many historic buildings are an important aspect of the architectural character of those buildings.** Their design, craftsmanship, or other qualities may make them worthy of preservation. This is self-evident for ornamental windows, but it can be equally true for warehouses or factories where the windows may be the most dominant visual element of an otherwise plain building. Evaluating the significance of these windows and planning for their repair or replacement can be a complex process involving both objective and subjective considerations. *The Secretary of the Interior's Standards for Rehabilitation* and the accompanying guidelines, call for respecting the significance of original materials and features, repairing and retaining them wherever possible, and when necessary, replacing them in kind. This Brief is based on the issues of significance and repair which are implicit in the standards, but the primary emphasis is on the technical issues of planning for the repair of windows including evaluation of their physical condition, techniques of repair, and design considerations when replacement is necessary.

Much of the technical section presents repair techniques as an instructional guide for the do-it-yourselfer. The information will be useful, however, for the architect, contractor, or developer on large-scale projects. It presents a methodology for approaching the evaluation and repair of existing windows, and considerations for replacement, from which the professional can develop alternatives and specify appropriate materials and procedures.

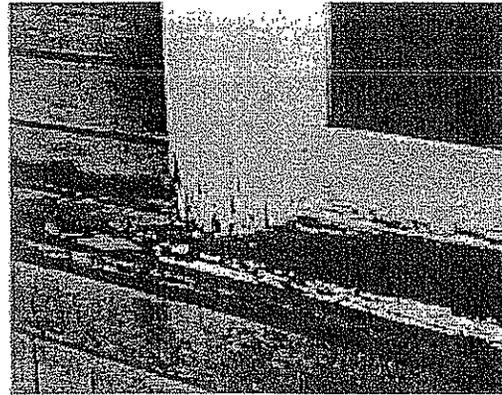
### Architectural or Historical Significance



- 3) condition of the frame and sill
- 4) condition of the sash (rails, stiles and muntins)
- 5) glazing problems
- 6) hardware, and
- 7) the overall condition of the window (excellent, fair, poor, and so forth)

Many factors such as poor design, moisture, vandalism, insect attack, and lack of maintenance can contribute to window deterioration, but moisture is the primary contributing factor in wooden window decay. All window units should be inspected to see if water is entering around the edges of the frame and, if so, the joints or seams should be caulked to eliminate this danger. The glazing putty should be checked for cracked, loose, or missing sections which allow water to saturate the wood, especially at the joints. The back putty on the interior side of the pane should also be inspected, because it creates a seal which prevents condensation from running down into the joinery. The sill should be examined to insure that it slopes downward away from the building and allows water to drain off. In addition, it may be advisable to cut a dripline along the underside of the sill. This almost invisible treatment will insure proper water runoff, particularly if the bottom of the sill is flat. Any conditions, including poor original design, which permit water to come in contact with the wood or to puddle on the sill must be corrected as they contribute to deterioration of the window.

One clue to the location of areas of excessive moisture is the condition of the paint; therefore, each window should be examined for areas of paint failure. Since excessive moisture is detrimental to the paint bond, areas of paint blistering, cracking, flaking, and peeling usually identify points of water penetration, moisture saturation, and potential deterioration. Failure of the paint should not, however, be mistakenly interpreted as a sign that the wood is in poor condition and hence, irreparable. Wood is frequently in sound physical condition beneath unsightly paint. After noting areas of paint failure, the next step is to inspect the condition of the wood, particularly at the points identified during the paint examination.



**Deterioration of poorly maintained windows usually begins on horizontal surfaces and at joints, where water can collect and saturate the wood. Photo: NPS files.**

Each window should be examined for operational soundness beginning with the lower portions of the frame and sash. Exterior rainwater and interior condensation can flow downward along the window, entering and collecting at points where the flow is blocked. The sill, joints between the sill and jamb, corners of the bottom rails and muntin joints are typical points where water collects and deterioration begins. The operation of the window (continuous opening and closing over the years and seasonal temperature changes) weakens the joints, causing movement and slight separation. This process makes the joints more vulnerable to water which is readily absorbed into the endgrain of the wood. If severe deterioration exists in these areas, it will usually be apparent on visual inspection, but other less severely deteriorated areas of the wood may be tested by two traditional methods using a small ice pick.

An ice pick or an awl may be used to test wood for soundness. The technique is simply to jab the pick into a wetted wood surface at an angle and pry up a small section of the wood. Sound wood will separate in long fibrous splinters, but decayed wood will lift up in short irregular pieces due to the breakdown of fiber strength.

Another method of testing for soundness consists of pushing a sharp object into the wood, perpendicular to the surface. If deterioration has begun from the hidden side of a member and the core is badly decayed, the visible surface may appear to be sound wood. Pressure on the probe can force it through an apparently sound skin to penetrate deeply into decayed wood. This technique is especially useful for checking sills where visual access to the underside is restricted.

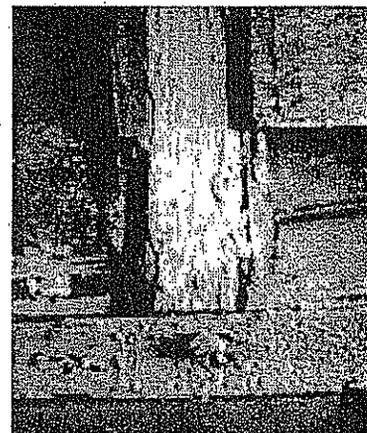
Following the inspection and analysis of the results, the scope of the necessary repairs will be evident and a plan for the rehabilitation can be formulated. Generally the actions necessary to return a window to "like new" condition will fall into three broad categories: **1) routine maintenance procedures, 2) structural stabilization, and 3) parts replacement.** These categories will be discussed in the following sections and will be referred to respectively as **Repair Class I, Repair Class II, and Repair Class III.** Each successive repair class represents an increasing level of difficulty, expense, and work time. Note that most of the points mentioned in Repair Class I are routine maintenance items and should be provided in a regular maintenance program for any building. The neglect of these routine items can contribute to many common window problems.

Before undertaking any of the repairs mentioned in the following sections all sources of moisture penetration should be identified and eliminated, and all existing decay fungi destroyed in order to arrest the deterioration process. Many commercially available fungicides and wood preservatives are toxic, so it is extremely important to follow the manufacturer's recommendations for application, and store all chemical materials away from children and animals. After fungicidal and preservative treatment the windows may be stabilized, retained, and restored with every expectation for a long service life.

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## Repair Class I: Routine Maintenance

Repairs to wooden windows are usually labor intensive and relatively uncomplicated. On small scale projects this allows the do-it-yourselfer to save money by repairing all or part of the windows. On larger projects it presents the opportunity for time and money which might otherwise be spent on the removal and replacement of existing windows, to be spent on repairs, subsequently saving all or part of the material cost of new window units. Regardless of the actual costs, or who performs the work, the evaluation process described earlier will provide the knowledge from which to specify an appropriate work program, establish the work element priorities, and identify the level of skill needed by the labor force.



This historic double-hung window has many layers of paint, some cracked and missing putty, slight separation at the joints, broken sash cords, and one cracked pane. Photo: NPS files.

The routine maintenance required to upgrade a window to "like new" condition normally includes the following steps: 1) some degree of interior and exterior paint removal, 2) removal and repair of sash (including reglazing where necessary), 3) repairs to the frame, 4) weatherstripping and reinstallation of the sash, and 5) repainting. These operations are illustrated for a typical



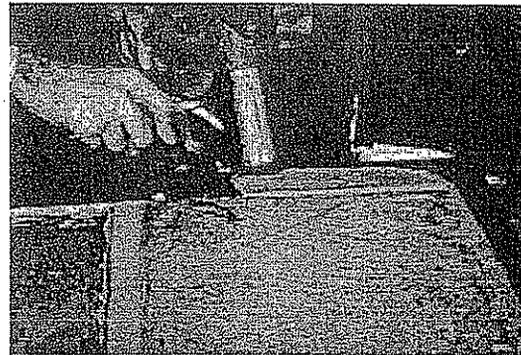
After removing paint from the seam between the interior stop and the jamb, the stop can be pried out and gradually worked loose using a pair of putty knives as shown. Photo: NPS files.

double-hung wooden window, but they may be adapted to other window types and styles as applicable.

Historic windows have usually acquired many layers of paint over time. Removal of excess layers or peeling and flaking paint will facilitate operation of the window and restore the clarity of the original detailing. Some degree of paint removal is also necessary as a first step in the proper surface preparation for subsequent refinishing (if paint color analysis is desired, it should be conducted prior to the onset of the paint removal). There are several safe and effective techniques for removing paint from wood, depending on the amount of paint to be removed.

Paint removal should begin on the interior frames, being careful to remove the paint from the interior stop and the parting bead, particularly along the

seam where these stops meet the jamb. This can be accomplished by running a utility knife along the length of the seam, breaking the paint bond. It will then be much easier to remove the stop, the parting bead and the sash. The interior stop may be initially loosened from the sash side to avoid visible scarring of the wood and then gradually pried loose using a pair of putty knives, working up and down the stop in small increments. With the stop removed, the lower or interior sash may be withdrawn. The sash cords should be detached from the sides of the sash and their ends may be pinned with a nail or tied in a knot to prevent them from falling into the weight pocket.



Sash can be removed and repaired in a convenient work area. Paint is being removed from this sash with a hot air gun. Photo: NPS files.

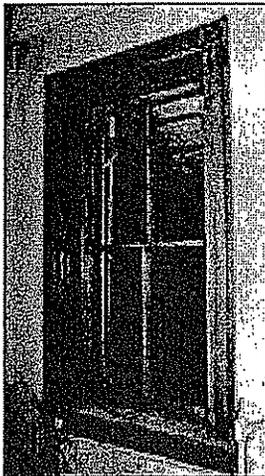
Removal of the upper sash on double-hung units is similar but the parting bead which holds it in place is set into a groove in the center of the stile and is thinner and more delicate than the interior stop. After removing any paint along the seam, the parting bead should be carefully pried out and worked free in the same manner as the interior stop. The upper sash can be removed in the same manner as the lower one and both sash taken to a convenient work area (in order to remove the sash the interior stop and parting bead need only be removed from one side of the window). Window openings can be covered with polyethylene sheets or plywood sheathing while the sash are out for repair.

The sash can be stripped of paint using appropriate techniques, but if any heat treatment is used, the glass should be removed or protected from the sudden temperature change which can cause breakage. An overlay of aluminum foil on gypsum board or asbestos can protect the glass from such rapid temperature change. It is important to protect the glass because it may be historic and often adds character to the window. Deteriorated putty should be removed manually, taking care not to damage the wood along the rabbet. If the glass is to be removed, the glazing points which hold the glass in place can be extracted and the panes numbered and removed for cleaning and reuse in the same openings. With the glass panes out, the remaining putty can be removed and the sash can be sanded, patched, and primed with a preservative primer. Hardened putty in the rabbets may be softened by heating with a soldering iron at the

point of removal. Putty remaining on the glass may be softened by soaking the panes in linseed oil, and then removed with less risk of breaking the glass. Before reinstalling the glass, a bead of glazing compound or linseed oil putty should be laid around the rabbet to cushion and seal the glass. Glazing compound should only be used on wood which has been brushed with linseed oil and primed with an oil based primer or paint. The pane is then pressed into place and the glazing points are pushed into the wood around the perimeter of the pane.

The final glazing compound or putty is applied and beveled to complete the seal. The sash can be refinished as desired on the inside and painted on the outside as soon as a "skin" has formed on the putty, usually in 2 or 3 days. Exterior paint should cover the beveled glazing compound or putty and lap over onto the glass slightly to complete a weather-tight seal. After the proper curing times have elapsed for paint and putty, the sash will be ready for reinstallation.

While the sash are out of the frame, the condition of the wood in the jamb and sill can be evaluated. Repair and refinishing of the frame may proceed concurrently with repairs to the sash, taking advantage of the curing times for the paints and putty used on the sash. One of the most common work items is the replacement of the sash cords with new rope cords or with chains. The weight pocket is frequently accessible through a door on the face of the frame near the sill, but if no door exists, the trim on the interior face may be removed for access. Sash weights may be increased for easier window operation by elderly or handicapped persons. Additional repairs to the frame and sash may include consolidation or replacement of deteriorated wood. Techniques for these repairs are discussed in the following sections.



Following the relatively simple repairs, the window is weathertight, like new in appearance, and serviceable for many years to come. Photo: NPS files.

The operations just discussed summarize the efforts necessary to restore a window with minor deterioration to "like new" condition. The techniques can be applied by an unskilled person with minimal training and experience. To demonstrate the practicality of this approach, and photograph it, a Technical Preservation Services staff member repaired a wooden double-hung, two over two window which had been in service over ninety years. The wood was structurally sound but the window had one broken pane, many layers of paint, broken sash cords and inadequate, worn-out weatherstripping. The staff member found that the frame could be stripped of paint and the sash removed quite easily. Paint, putty and glass removal required about one hour for each sash, and the reglazing of both sash was accomplished in about one hour. Weatherstripping of the sash and frame, replacement of the sash cords and reinstallation of the sash, parting bead, and stop required an hour and a half. These times refer only to individual operations; the entire process took several days due to the drying and curing times for putty, primer, and paint, however, work on other window units could have been in progress during these lag times.

## Repair Class II: Stabilization

The preceding description of a window repair job focused on a unit which was operationally sound. Many windows will show some additional degree of physical deterioration, especially in the vulnerable areas mentioned earlier, but even badly

damaged windows can be repaired using simple processes. Partially decayed wood can be waterproofed, patched, built-up, or consolidated and then painted to achieve a sound condition, good appearance, and greatly extended life. Three techniques for repairing partially decayed or weathered wood are discussed in this section, and all three can be accomplished using products available at most hardware stores.

One established technique for repairing wood which is split, checked or shows signs of rot, is to: **1)** dry the wood, **2)** treat decayed areas with a fungicide, **3)** waterproof with two or three applications of boiled linseed oil (applications every 24 hours), **4)** fill cracks and holes with putty, and **5)** after a "skin" forms on the putty, paint the surface. Care should be taken with the use of fungicide which is toxic. Follow the manufacturers' directions and use only on areas which will be painted. When using any technique of building up or patching a flat surface, the finished surface should be sloped slightly to carry water away from the window and not allow it to puddle. Caulking of the joints between the sill and the jamb will help reduce further water penetration.



This illustrates a two-part epoxy patching compound used to fill the surface of a weathered sill and rebuild the missing edge. When the epoxy cures, it can be sanded smooth and painted to achieve a durable and waterproof repair. Photo: NPS files.

When sills or other members exhibit surface weathering they may also be built-up using wood putties or homemade mixtures such as sawdust and resorcinol glue, or whiting and varnish. These mixtures can be built up in successive layers, then sanded, primed, and painted. The same caution about proper slope for flat surfaces applies to this technique.

Wood may also be strengthened and stabilized by consolidation, using semirigid epoxies which saturate the porous decayed wood and then harden. The surface of the consolidated wood can then be filled with a semirigid epoxy patching compound, sanded and painted. Epoxy patching compounds can be used to build up missing sections or decayed ends of members. Profiles can

be duplicated using hand molds, which are created by pressing a ball of patching compound over a sound section of the profile which has been rubbed with butcher's wax. This can be a very efficient technique where there are many typical repairs to be done. The process has been widely used and proven in marine applications; and proprietary products are available at hardware and marine supply stores. Although epoxy materials may be comparatively expensive, they hold the promise of being among the most durable and long lasting materials available for wood repair. More information on epoxies can be found in the publication "Epoxies for Wood Repairs in Historic Buildings," cited in the bibliography.

Any of the three techniques discussed can stabilize and restore the appearance of the window unit. There are times, however, when the degree of deterioration is so advanced that stabilization is impractical, and the only way to retain some of the original fabric is to replace damaged parts.

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### Repair Class III: Splices and Parts Replacement

When parts of the frame or sash are so badly deteriorated that they cannot be stabilized there are methods which permit the retention of some of the existing or original fabric.

These methods involve replacing the deteriorated parts with new matching pieces, or splicing new wood into existing members. The techniques require more skill and are more expensive than any of the previously discussed alternatives. It is necessary to remove the sash and/or the affected parts of the frame and have a carpenter or woodworking mill reproduce the damaged or missing parts. Most millwork firms can duplicate parts, such as muntins, bottom rails, or sills, which can then be incorporated into the existing window, but it may be necessary to shop around because there are several factors controlling the practicality of this approach. Some woodworking mills do not like to repair old sash because nails or other foreign objects in the sash can damage expensive knives (which cost far more than their profits on small repair jobs); others do not have cutting knives to duplicate muntin profiles. Some firms prefer to concentrate on larger jobs with more profit potential, and some may not have a craftsman who can duplicate the parts. A little searching should locate a firm which will do the job, and at a reasonable price. If such a firm does not exist locally, there are firms which undertake this kind of repair and ship nationwide. It is possible, however, for the advanced do-it-yourselfer or craftsman with a table saw to duplicate moulding profiles using techniques discussed by Gordie Whittington in "Simplified Methods for Reproducing Wood Mouldings," *Bulletin of the Association for Preservation Technology*, Vol. III, No. 4, 1971, or illustrated more recently in *The Old House*, Time-Life Books, Alexandria, Virginia, 1979.

The repairs discussed in this section involve window frames which may be in very deteriorated condition, possibly requiring removal; therefore, caution is in order. The actual construction of wooden window frames and sash is not complicated. Pegged mortise and tenon units can be disassembled easily, if the units are out of the building. The installation or connection of some frames to the surrounding structure, especially masonry walls, can complicate the work immeasurably, and may even require dismantling of the wall. It may be useful, therefore, to take the following approach to frame repair: **1)** conduct regular maintenance of sound frames to achieve the longest life possible, **2)** make necessary repairs in place, wherever possible, using stabilization and splicing techniques, and **3)** if removal is necessary, thoroughly investigate the structural detailing and seek appropriate professional consultation.

Another alternative may be considered if parts replacement is required, and that is sash replacement. If extensive replacement of parts is necessary and the job becomes prohibitively expensive it may be more practical to purchase new sash which can be installed into the existing frames. Such sash are available as exact custom reproductions, reasonable facsimiles (custom windows with similar profiles), and contemporary wooden sash which are similar in appearance. There are companies which still manufacture high quality wooden sash which would duplicate most historic sash. A few calls to local building suppliers may provide a source of appropriate replacement sash, but if not, check with local historical associations, the state historic preservation office, or preservation related magazines and supply catalogs for information.

If a rehabilitation project has a large number of windows such as a commercial building or an industrial complex, there may be less of a problem arriving at a solution. Once the evaluation of the windows is completed and the scope of the work is known, there may be a potential economy of scale. Woodworking mills may be interested in the work from a large project; new sash in volume may be considerably less expensive per unit; crews can be assembled and trained on site to perform all of the window repairs; and a few extensive repairs can be absorbed (without undue burden) into the total budget for a large number of sound windows. While it may be expensive for the average historic home owner to pay seventy dollars or more for a mill to grind a custom knife to duplicate four or five bad muntins, that cost becomes negligible on large commercial projects which may have several hundred windows.

Most windows should not require the extensive repairs discussed in this section. The ones which do are usually in buildings which have been abandoned for long periods or have totally lacked maintenance for years. It is necessary to thoroughly investigate the alternatives for windows which do require extensive repairs to arrive at a solution which retains historic significance and is also economically feasible. Even for projects requiring repairs identified in this section, if the percentage of parts replacement per window is low, or the number of windows requiring repair is small, repair can still be a cost effective solution.

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## Weatherization

A window which is repaired should be made as energy efficient as possible by the use of appropriate weatherstripping to reduce air infiltration. A wide variety of products are available to assist in this task. Felt may be fastened to the top, bottom, and meeting rails, but may have the disadvantage of absorbing and holding moisture, particularly at the bottom rail. Rolled vinyl strips may also be tacked into place in appropriate locations to reduce infiltration. Metal strips or new plastic spring strips may be used on the rails and, if space permits, in the channels between the sash and jamb. Weatherstripping is a historic treatment, but old weatherstripping (felt) is not likely to perform very satisfactorily. Appropriate contemporary weatherstripping should be considered an integral part of the repair process for windows. The use of sash locks installed on the meeting rail will insure that the sash are kept tightly closed so that the weatherstripping will function more effectively to reduce infiltration. Although such locks will not always be historically accurate, they will usually be viewed as an acceptable contemporary modification in the interest of improved thermal performance.

Many styles of storm windows are available to improve the thermal performance of existing windows. The use of exterior storm windows should be investigated whenever feasible because they are thermally efficient, cost-effective, reversible, and allow the retention of original windows (see "Preservation Briefs: 3"). Storm window frames may be made of wood, aluminum, vinyl, or plastic; however, the use of unfinished aluminum storms should be avoided. The visual impact of storms may be minimized by selecting colors which match existing trim color. Arched top storms are available for windows with special shapes. Although interior storm windows appear to offer an attractive option for achieving double glazing with minimal visual impact, the potential for damaging condensation problems must be addressed. Moisture which becomes trapped between the layers of glazing can condense on the colder, outer prime window, potentially leading to deterioration. The correct approach to using interior storms is to create a seal on the interior storm while allowing some ventilation around the prime window. In actual practice, the creation of such a durable, airtight seal is difficult.

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## Window Replacement

Although the retention of original or existing windows is always desirable and this Brief is intended to encourage that goal, there is a point when the condition of a window may clearly indicate replacement. The decision process for selecting replacement windows should not begin with a survey of contemporary window products which are available as replacements, but should begin with a look at the windows which are being replaced. Attempt to understand the contribution of the window(s) to the appearance of the facade including: **1)** the pattern of the openings and their size; **2)** proportions of the

frame and sash; 3) configuration of window panes; 4) muntin profiles; 5) type of wood; 6) paint color; 7) characteristics of the glass; and 8) associated details such as arched tops, hoods, or other decorative elements. Develop an understanding of how the window reflects the period, style, or regional characteristics of the building, or represents technological development.

Armed with an awareness of the significance of the existing window, begin to search for a replacement which retains as much of the character of the historic window as possible. There are many sources of suitable new windows. Continue looking until an acceptable replacement can be found. Check building supply firms, local woodworking mills, carpenters, preservation oriented magazines, or catalogs or suppliers of old building materials, for product information. Local historical associations and state historic preservation offices may be good sources of information on products which have been used successfully in preservation projects.

Consider energy efficiency as one of the factors for replacements, but do not let it dominate the issue. Energy conservation is no excuse for the wholesale destruction of historic windows which can be made thermally efficient by historically and aesthetically acceptable means. In fact, a historic wooden window with a high quality storm window added should thermally outperform a new double-glazed metal window which does not have thermal breaks (insulation between the inner and outer frames intended to break the path of heat flow). This occurs because the wood has far better insulating value than the metal, and in addition many historic windows have high ratios of wood to glass, thus reducing the area of highest heat transfer. One measure of heat transfer is the U-value, the number of Btu's per hour transferred through a square foot of material. When comparing thermal performance, the lower the U-value the better the performance. According to ASHRAE 1977 Fundamentals, the U-values for single glazed wooden windows range from 0.88 to 0.99. The addition of a storm window should reduce these figures to a range of 0.44 to 0.49. A non-thermal break, double-glazed metal window has a U-value of about 0.6.

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## Conclusion

Technical Preservation Services recommends the retention and repair of original windows whenever possible. We believe that the repair and weatherization of existing wooden windows is more practical than most people realize, and that many windows are unfortunately replaced because of a lack of awareness of techniques for evaluation, repair, and weatherization. Wooden windows which are repaired and properly maintained will have greatly extended service lives while contributing to the historic character of the building. Thus, an important element of a building's significance will have been preserved for the future.

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## Additional Reading

*ASHRAE Handbook 1977 Fundamentals*. New York: American Society of Heating, Refrigerating and Air-conditioning Engineers, 1978 (chapter 26).

Ferro, Maximillian. *Preservation: Present Pathway to Fall River's Future*. Fall River, Massachusetts: City of Fall River, 1979 (chapter 7).

"Fixing Double-hung Windows." *Old House Journal* (no. 12, 1979): 135.

Morrison, Hugh. *Early American Architecture*. New York: Oxford University Press, 1952.

Phillips, Morgan, and Selwyn, Judith. *Epoxies for Wood Repairs in Historic Buildings*. Washington, DC: Technical Preservation Services, U.S. Department of the Interior (Government Printing Office, Stock No. 024016000951), 1978.

*Rehab Right*. Oakland, California: City of Oakland Planning Department, 1978 (pp. 7883).

"Sealing Leaky Windows." *Old House Journal* (no. 1, 1973): 5.

Smith, Baird M. "Preservation Briefs: 3 Conserving Energy in Historic Buildings." Washington, DC: Technical Preservation Services, U.S. Department of the Interior, 1978.

Weeks, Kay D. and David W. Look, "Preservation Briefs: 10 Exterior Paint Problems on Historic Woodwork." Washington, DC: Technical Preservation Services, U.S. Department of the Interior, 1982.

### **Washington, D.C. 1981**

Home page logo: Historic six-over-six windows--preserved. Photo: NPS files.

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*This publication has been prepared pursuant to the National Historic Preservation Act of 1966, as amended, which directs the Secretary of the Interior to develop and make available information concerning historic properties. Technical Preservation Services (TPS), Heritage Preservation Services Division, National Park Service prepares standards, guidelines, and other educational materials on responsible historic preservation treatments for a broad public.*

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KDW

**AGENDA ITEM**  
**PLANNING COMMISSION MEETING: DECEMBER 8, 2011**  
**REGULAR AGENDA ITEMS**

**DATE** : November 22, 2011

**TO** : Planning Commission

**FROM** : Amy Million, Consulting Planner

**SUBJECT** : **USE PERMIT FOR AN INDOOR ARCHERY RANGE AT 3001 BAYSHORE ROAD, UNIT #9**

**PROJECT** : 3001 Bayshore Road, Unit #9  
APN: 0080-340-020  
11PLN-67 Use Permit for Commercial Recreation and Entertainment

**RECOMMENDATION:**

Approve a Use Permit for an indoor archery range (Commercial Recreation and Entertainment) located at 3001 Bayshore Road, Unit #9, based on the findings, and subject to the conditions listed in the attached resolution and as discussed during the public hearing.

**EXECUTIVE SUMMARY:**

In accordance with the Benicia Municipal Code Section 17.32.020, the applicant requests approval of a Use Permit for the establishment of an indoor archery range at 3001 Bayshore Road of approximately 4,500 square feet. The archery range will have regular business hours of Monday through Friday 12:00pm – 9:00pm and Saturday 9:00am – 5:00pm.

**STRATEGIC PLAN 2011-2013:**

Relevant Strategic Plan Strategies:

- Strengthen the Economy
- Increase economic viability of industrial park and other commercial areas, while preserving existing economic strengths and historic resources

**BUDGET INFORMATION:**

There are no anticipated budgetary implications.

**ENVIRONMENTAL ANALYSIS:**

Staff has determined that this project is Categorically Exempt under Section 15301 of the State of California Environmental Quality Act (CEQA). This exemption includes interior alterations of existing private facilities.

**BACKGROUND:**

Applicant: Carl Massey

General Plan designation: General Industrial

Zoning designation: General Industrial

Existing use: Vacant

Proposed use: Archery Range

Adjacent zoning and uses:

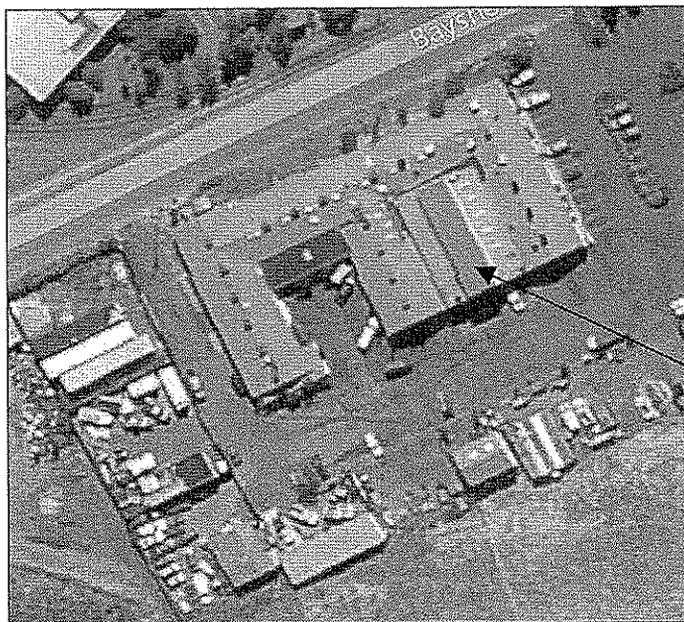
North: General Industrial / Iron Workers Union

East: General Industrial / Benicia Foundry

South: General Industrial / I-680

West: General Industrial / Industrial

The subject property is located on the south side of Bayshore Road east of the I-680 within the Benicia Industrial Park. The existing multi-tenant building is approximately 26,000 square feet with 29 tenant spaces occupied by a variety of commercial and industrial businesses including a restaurant, office space, and light manufacturing. Access to the property is provided by two driveways from Bayshore Road along the east and west side of the parcel. The applicant proposes to establish the indoor archery range within Suite #9, which is located on the backside of the complex. The entry door to the unit faces the rear property line. The tenant improvements will not alter the exterior of the building.



Proposed Location  
- Unit #9

Figure 1: Aerial view of subject property

## **SUMMARY:**

### **A. Project Description**

The applicant proposes to establish an indoor archery range inside an existing multi-use building. The archery range will operate six days a week, Monday through Friday 12:00 p.m. to 9:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m. The applicant is proposing to occupy the entire space measuring approximately 4,500 square feet, thus requiring a Use Permit per the Zoning Ordinance.

The space is able to accommodate up to 12 lanes for shooting. Each lane may be used by up to two people per lane, for a total of 24 active participants at one time. Each lane is reserved in one-hour blocks of time. The applicant anticipates the participants will consist of a combination of walk-ins, students from classes for the Junior Olympic Archery Development program, as well as general public leagues. The organized programs will be available in the evenings during the weekdays, as well as Saturday mornings.

In order to accommodate the new use, minor modifications will be made to the interior of the building, including a new partition wall. No changes to the building's exterior are proposed.

### **B. Project Analysis**

#### **1. Zoning Ordinance**

##### **a. Establishment of Use**

Benicia Municipal Code (BMC) Section 17.32.020 requires a Use Permit for an archery range within an existing building occupying more than 1,000 square feet. The purpose of this is to give the Planning Commission the opportunity to review and decide upon the appropriateness of such establishments at the locations where they are proposed.

##### **b. Parking**

Pursuant to BMC Section 17.74.030 the number of off-street parking spaces are determined by the Use Permit. The site is designed with the building fronting along Bayshore Road and a wide driving aisle with parking areas along the three interior sides of the property. There are currently 20 striped parking spaces; however, the majority of the parking area is open without formal delineation of individual parking spaces. At least 20 parking spaces are available in the open area.

Under staff direction, the applicant has completed a parking analysis of the current parking demand on the subject property. Parking counts were taken over a three-week period demonstrating the parking occupancy during what is projected to be the busiest time of the

proposed business operations. The results of that parking analysis are as follows:

	Day and Time	No. of Vehicles Parked	Day and Time	No. of Vehicles Parked
Week One	Weekday / 6:30pm-9:00pm	6-8	Saturday / 9:00am – 12:00pm	6-8
Week Two	Weekday / 6:30pm-9:00pm	6-8	Saturday / 9:00am – 12:00pm	4-6
Week Three	Weekday / 6:30pm-9:00pm	8	Saturday / 9:00am – 12:00pm	12

In addition to the parking analysis, staff also took into consideration the current occupancy rate of the building to ensure that the on-site parking is sufficient for all existing and future occupants of the property. Currently the majority of the building tenant spaces are occupied (26 of the 29 spaces occupied). Of those 3 spaces not occupied, the subject unit #9 is the largest at approximately 4,500 square feet. The other two vacant spaces measure less than 1,000 square feet collectively.

It is anticipated that the parking demand for the proposed use is likely to be a maximum of 20 vehicles during the busiest hours of operation. This estimate assumes that some patrons will carpool, each of the 2 employees use their own vehicle, all 12 shooting lanes are occupied, and other miscellaneous patrons are present.

The parking analysis provided shows that the number of available parking spaces is over 20 spaces during the anticipated busiest hours of operation. In the event that the business expands in its number of employees, the on-site parking still appears to be adequate to serve the needs of the use and the other uses within the building.

## 2. Use Permit Findings

Pursuant to BMC Section 17.104.060, in order to approve a Use Permit, the Planning Commission must make the following findings:

- a. *The proposed location of the use is in accord with the objectives of Title 17 and the purposes of the district in which the site is located. The finding can be made. The proposed use is consistent with Title 17 of the Benicia Municipal Code and the General Industrial zoning district. The proposed use will strengthen the City's economic base by proving a new business to the residents of the City and surrounding communities.*

In addition, the proposed use will increase the broad range of commercial uses within the district.

- b. *The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the general plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.* This finding can be made. The proposed archery range is consistent with General Plan Policy 2.6.1 (p. 43) Preserve industrial land for industrial purposes and certain compatible "service commercial" and ancillary on-site retail uses. The proposed location would not displace an existing industrial use. The City's industrial area has approximately 19% of the total available square footage for industrial uses as vacant. In addition, smaller buildings/units such as the proposed location do not provide sufficient space for the larger industrial uses. Goal 2.5 (p.41): Facilitate and encourage new uses and development, which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life. Providing an new commercial establishment is consistent with the General Plan, in that it would not displace any industrial uses and attract both local and visitor business.
  
- c. *The proposed conditional use will comply with the provisions of this Title 17, including any specific condition required for the proposed conditional use in the district in which it would be located.* This finding can be made. The proposed use is consistent with Title 17 of the Benicia Municipal Code and the General Industrial zoning designation.

#### C. Conclusion

The proposed business meets the intent of Benicia Municipal Code. Staff recommends that the Planning Commission conduct the public hearing, consider all the testimony and pertinent information and then act to approve the Use Permit Amendment (11PLN-00067) to establish a new indoor archery range occupying approximately 4,500 square feet by adopting the attached draft resolution.

#### **FURTHER ACTION:**

The Planning Commission's action will be final unless appealed to the City Council within ten business days.

Attachments:

- Draft Resolution
- Applicant's Written Statement and Proposed Floor Plan

## **DRAFT RESOLUTION**

## RESOLUTION NO. 011- (PC)

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A USE PERMIT FOR AN INDOOR ARCHERY RANGE AT 3001 BAYSHORE ROAD

**WHEREAS**, Mr. Carl Massey has requested Use Permit approval for an indoor archery range at 3001 Bayshore Road, Suite #9; and

**WHEREAS**, the Planning Commission at a regular meeting on December 8, 2011 conducted a public hearing, considered all testimony and documents and reviewed the proposed project.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Benicia hereby approves Use Permit 11PLN-00067 based on the following findings:

1. That no further environmental review is required for the proposed project as provided by the California Environmental Quality Act (CEQA) because the project is categorically exempt under CEQA Guidelines, Section 15301(a) Existing Facilities, the subject property may undergo tenant improvements including interior alterations such as interior partitions and electrical work.
2. The proposed location of the use is in accord with the objectives of Title 17 and the purposes of the district in which the site is located. The proposed use is consistent with Title 17 of the Benicia Municipal Code and the General Industrial zoning district. The proposed use will strengthen the city's economic base by proving a new business to the residents of the city and surrounding communities. In addition, the proposed use will increase the broad range of commercial uses within the district.
3. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the general plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city. The proposed archery range is consistent with General Plan Policy 2.6.1 (p. 43) Preserve industrial land for industrial purposes and certain compatible "service commercial" and ancillary on-site retail uses. The proposed location would not displace an existing industrial use. The City's industrial area has

approximately 19% of the total available square footage for industrial uses as vacant. In addition, smaller buildings/units such as the proposed location do not provide sufficient space for the larger industrial uses. Goal 2.5 (p.41): Facilitate and encourage new uses and development, which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life. Providing an new commercial establishment is consistent with the General Plan, in that it would not displace any industrial uses and attract both local and visitor business.

4. The proposed conditional use will comply with the provisions of this title, including any specific condition required for the proposed conditional use in the district in which it would be located. The archery range is compatible with surrounding commercial and industrial businesses and provides a community need that complies with all applicable conditions required for this use classification in the General Industrial zoning district.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Benicia hereby approves Use Permit 11PLN-00067 subject to the following conditions:

1. This approval shall expire two years from the date of approval, unless the business has been established in accordance with these conditions of approval or unless an extension is approved. Any modification to this permit shall require review and approval by the Planning Commission or designee.
2. The applicant shall obtain a business license from the City of Benicia Finance Department prior to start of operations.
3. The applicant shall apply for and obtain a sign permit from the Public Works & Community Development Department prior to installation of a sign associated with the archery range.
4. The project shall adhere to all applicable ordinances, plans, and specifications of the City of Benicia.
5. This establishment is subject to all requirements of the Fire and Life Safety Division, in relation to its enforcement of the Uniform Building Code and Fire Code.

6. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

\* \* \* \* \*

On a motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the above Resolution was adopted by the Planning Commission of the City of Benicia at the regular meeting of said Commission held on the 8<sup>th</sup> day of December 2011, and adopted by the following vote:

Ayes

Noes:

Absent:

Abstain:

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Brad Thomas  
Planning Commission Chair

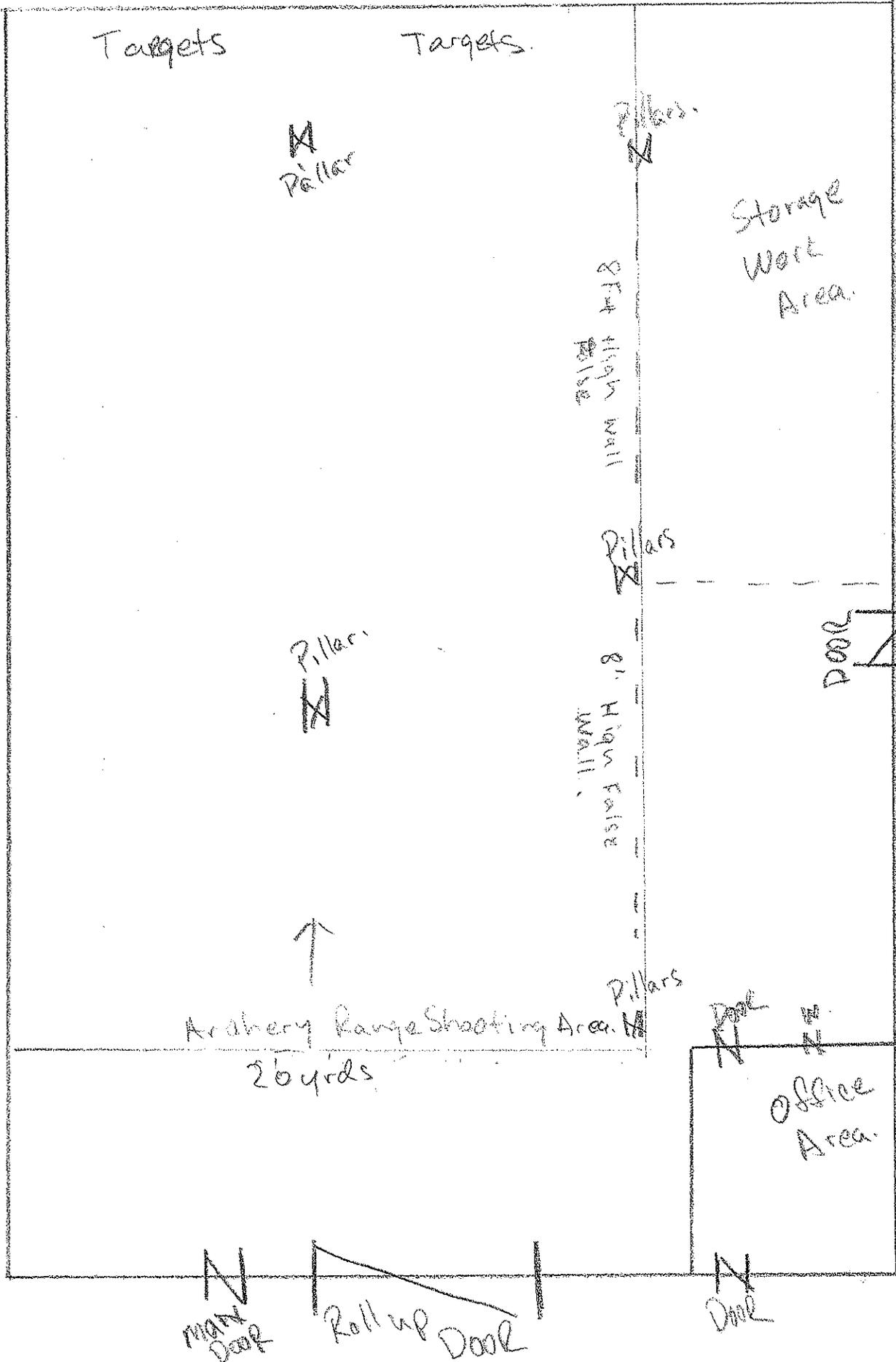
**APPLICANT'S WRITTEN STATEMENT AND FLOOR  
PLAN**

To: City of Benicia Planning Commission

From: Fat Shafts Archery  
Carl Massey & Jacob Lloyd-Massey

Subject: Proposal for Indoor Archery

Our propose plans for 3001 Bayshore Road Suite #9, Benicia. Is to open an indoor archery and repair shop. The indoor archery range will consist 8 to 12 lanes for the public to shoot. Our operating hours will Monday thru Friday 12:00pm - 9:00 pm and Saturday 9:00 am - 5:00 pm. Our mission is to teach classes Wednesday afternoon and Saturday mornings for the JOAD program ( Junior Olympic Archery Development) children and young adults 8-21 years old. Then hold general public leagues Tuesday and Thursday nights along with Monday night class for adults to learn how to shoot too. We are planning on holding various competition shoots following CBH/NFAA Indoor Archery schedule and Benefit shoots for our JOAD Team and program.



Targets

Targets

Pillar

Pillars

Storage  
Wait  
Area

8 FT High Wall

Pillars

Pillar

8 FT High Wall

POOL

Community  
Rest Rooms



Archery Range Shooting Area

Pillars

26 yds

DOOR

Office  
Area

MAIN  
DOOR

Roll up  
DOOR

DOOR

**AGENDA ITEM**  
**PLANNING COMMISSION MEETING: DECEMBER 8, 2011**  
**REGULAR AGENDA ITEMS**

**DATE** : November 22, 2011

**TO** : Planning Commission

**FROM** : Mark Rhoades, Interim Land Use and Engineering Manager

**SUBJECT** : **GENERAL PLAN CONFORMANCE ASSOCIATED WITH VACATION OF PORTION OF ACCESS EASEMENT ADJACENT TO 532 CAMBRIDGE DRIVE**

**PROJECT:**

The proposed request is that the Planning Commission determines that the vacation of a portion of an existing open space access easement on the east edge of the property at 532 Cambridge Drive is consistent with the General Plan. A 25+ foot wide strip would be retained for public access.

**RECOMMENDATION:**

Approve a General Plan Conformance to vacate an access easement along the east side of the property at 532 Cambridge Drive consistent with the goals, objectives and policies of the General Plan and based on the findings set forth in the attached resolution.

**EXECUTIVE SUMMARY:**

To allow the property owner of 532 Cambridge Drive to purchase a pie-shaped portion of the easement along his east property line. The portion is approximately 40' wide at the north edge of the subject property, tapering easterly to 0' at the south property boundary. The change still allows for a wide access to the open space area that is approximately 38 feet wide along Cambridge Drive, and remains 25' wide at the open space boundary. Consistent with the Benicia Municipal Code, staff recommends Commission approval of a General Plan Conformance to vacate the approximately 2,340 square feet of existing right of way easement adjacent to 532 Cambridge Drive.

**BUDGET INFORMATION:**

No budget impact has been identified.

**ENVIRONMENTAL ANALYSIS:**

Staff has reviewed the proposed vacation and determined it is Categorically Exempt under Section 15312 – *Surplus Government Property Sales* of the

California Environmental Quality Act (CEQA), which applies to the sales of surplus government property that is not in an area of statewide, regional or areawide concern, or does not have significant values for wildlife habitat or other environmental purposes and is incapable of independent development. The easement proposed for vacation is not of statewide, regional or areawide concern, does not have significant wildlife habitat value, and is not capable of independent development.

**BACKGROUND:**

Pursuant to Section 65402 of the California Government Code, the City shall determine if the proposed vacation of approximately 2,340 square feet of easement right of way is in conformance with the goals, policies and programs of the General Plan. The subject easement areas are identified below:

Location	Approximate Area	Approximate Dimensions
Access easement 532 Cambridge Drive	2,340 square feet	40' x 125.5' x 135.1'

The surrounding land use, zoning and General Plan designations include:

Location	General Plan	Zoning	Land Use
North	Low Density Residential	Single-Family Residential	Single-Family Homes
East	Low Density Residential	Single-Family Residential	Single-Family Homes
South	Open Space	Open Space	Open Space
West	Low Density Residential	Single-Family Residential	Single-Family Homes

**STAFF ANALYSIS:**

Section 65402 of the California Government Code provides that no street or real property shall be vacated until the location, purpose, and extent of such vacation or abandonment has been submitted to and reported upon as to its conformity with the City's adopted General Plan. Consistent with State law, staff has identified goals, policies and programs that are applicable to the request in the General Plan Consistency section of this report.

The area to be vacated is located adjacent to 532 Cambridge Drive. The access easement currently supports public and emergency access to the open space area to the south. The owner of this property has requested the abandonment so that they may purchase the property for their personal use.

### Origin of Right of Way

It appears that the existing easement is a combination of remnant parcel and access designed for the open space area to the south.

### Public Views

Public access to views of the Carquinez Strait and other vistas are an important component of Benicia's land use pattern and community amenities. The General Plan provides a number of policies that serve to protect important vistas in the City. No public views are eliminated by the proposal because there remains a 25+ foot wide access easement for the open space and the vistas it affords.

### **GENERAL PLAN CONSISTENCY:**

Section 65402 of the California Government Code provides that no street or real property shall be vacated until the location, purpose, and extent of such vacation or abandonment has been submitted to and reported upon as to its conformity with the City's adopted General Plan. Consistent with State law, staff has identified goals, policies and programs that are applicable to the request in the General Plan Consistency section of this report.

Vacating approximately 2,340 square feet of existing easement conforms to the following goals, policies and programs of the General Plan (emphasis added):

- GOAL 2.1: Preserve Benicia as a small-sized city. "Small-sized city" refers to Benicia's open and uncluttered space, safe neighborhoods and streets, pedestrian-friendly streets, the "Main Street" character of First Street, **open vistas of hills and water**, ...

Open vistas of hills and water will not be adversely affected by this vacation. The public access will remain as will the vistas it affords.

- GOAL 2.14: Enhance Benicia's small-town atmosphere of pedestrian-friendly streets and neighborhoods.
- POLICY 2.14.1: Give priority to pedestrian safety, access, and transit over automobile speed and volume.
- GOAL 2.20: Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit, balancing vehicle-flow improvements with multi-modal considerations.
  - Program 2.20.D: Continue to identify and implement acceptable alternatives to in-town roadway widening, extensions, and larger intersections.

All of the streets in the vicinity of the vacation will continue to provide excellent pedestrian safety and access. The proposed right of way only leads to a dead end that is heavily vegetated and does not provide pedestrian through access to anywhere.

- POLICY 3.15.2: Preserve public views of public open space and maintain existing vistas (including the Northern Area vistas) wherever possible.

As described in the report, above, the proposed easement vacation only includes a portion of the access area. There will remain a 25+ foot wide access strip to the open space.

**STRATEGIC PLAN CONSISTENCY:**

The following Strategic Plan issue and strategy relate to the proposed acquisition of an easement by the property owner of 532 Cambridge Drive:

- Strategic Issue 4: Preserving and Enhancing Infrastructure
  - Strategy 3: Provide safe, functional and complete streets

The change still allows for a wide access to the open space area that is approximately 38 feet wide along Cambridge Drive, and remains 25' wide at the open space boundary.

**FURTHER ACTION:**

Planning Commission action will be a recommendation to the City Council for approval of a Resolution of Intention.

Attachments:

- Draft Resolution
- Location Map
- Record of Survey showing Easement

## **DRAFT RESOLUTION**

**RESOLUTION NO. 11- (PC)**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF BENICIA FINDING THE VACATION OF RIGHT OF WAY EASEMENT  
ALONG WEST G STREET IN CONFORMANCE WITH THE GOALS, POLICIES AND  
PROGRAMS OF THE GENERAL PLAN**

**WHEREAS**, the Government Code of the State of California, Section 65402, provides that a local agency shall not acquire real property, nor dispose of any real property, nor construct a public building or structure in any county or city until the location, purpose and extent of such activity has been reported upon as to the conformity with the adopted General Plan; and

**WHEREAS**, the City of Benicia has declared its intention to vacate a 2,340 square foot portion of an access easement located on the east side of and adjacent to 532 Cambridge Drive; and,

**WHEREAS**, staff has reviewed the easement vacation request and submitted it to the Planning Commission for review on December 8, 2011; and

**WHEREAS**, staff has identified applicable General Plan goals, policies and programs to establish conformance with the General Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Benicia hereby finds the proposed vacation of a portion of open space access easements in conformance with the goals, policies and programs of the General Plan.

**BE IT FURTHER RESOLVED THAT** the Planning Commission of the City of Benicia finds the vacation of right of way easements is Categorical Exempt under Section 15312 – Surplus Government Property Sales of the California Environmental Quality Act (CEQA), which applies to the sales of surplus government property that is not in an area of statewide, regional or areawide concern, or does not have significant values for wildlife habitat or other environmental purposes and is incapable of independent development.

\* \* \* \* \*

On a motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_,  
the above Resolution was adopted by the Planning Commission of the City of  
Benicia at the regular meeting of said Commission held on the 8th day of  
December, 2011, and adopted by the following vote:

Ayes

Noes:

Absent:

Abstain:

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Brad Thomas, Chair  
Planning Commission

## **LOCATION MAP**







**RECORD OF SURVEY SHOWING EASEMENT**

EXHIBIT "A"  
TRANSFER PARCEL "A"  
PRO FORMA LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF BENICIA, COUNTY OF SOLANO, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL W-5 AS DESCRIBED AND DESIGNATED ON THAT CERTAIN FINAL MAP ENTITLED "SOUTHAMPTON UNIT B-3" FILED SEPTEMBER 14, 1978 AND RECORDED IN BOOK 36 OF SUBDIVISION MAPS, AT PAGE 1, SOLANO COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL W-5; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID PARCEL W-5 NORTH 27°00'00" EAST 135.10 FEET TO THE NORTHEAST CORNER OF SAID PARCEL W-5, SAID CORNER LAYING ALSO ON A CURVE FROM WHICH THE RADIUS POINT BEARS SOUTH 47°15'04" WEST 557.50 FEET DISTANT; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4°06'39" A DISTANCE OF 40.00 FEET; THENCE LEAVING THE NORTHEASTERLY LINE OF SAID PARCEL W-5 SOUTH 44°08'45" WEST 125.50 FEET TO THE POINT OF BEGINNING.

BEARINGS BASED ON AND IDENTICAL WITH SAID FINAL MAP ENTITLED "SOUTHAMPTON UNIT B-3".

COMPRISING 2,509 SQUARE FEET, MORE OR LESS.

PREPARED ENTIRELY FROM RECORD DATA BY:

  
TODD A. TILLOTSON, PLS 8593  
LICENSE EXPIRES 12/31/11



DATE: 1/27/2011

EXHIBIT "B"  
RESULTANT LOT 199  
PRO FORMA LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF BENICIA, COUNTY OF SOLANO, STATE OF CALIFORNIA, BEING ALL OF LOT 199 AS DESCRIBED AND DESIGNATED ON THAT CERTAIN FINAL MAP ENTITLED "SOUTHAMPTON UNIT B-3" FILED SEPTEMBER 14, 1978 AND RECORDED IN BOOK 36 OF SUBDIVISION MAPS, AT PAGE 1, SOLANO COUNTY RECORDS, **TOGETHER WITH** THAT PORTION OF PARCEL W-5, AS SHOWN ON SAID MAP, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 199; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 199 NORTH 31°00'00" EAST 151.85 FEET TO THE NORTHEAST CORNER OF SAID LOT 199, SAID CORNER LAYING ALSO ON THE SOUTHWESTERLY LINE OF CAMBRIDGE DRIVE, AS SHOWN UPON SAID FINAL MAP, AND A CURVE FROM WHICH THE RADIUS POINT BEARS SOUTH 31°00'00" WEST 557.50 FEET DISTANT; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7°26'03" A DISTANCE OF 72.34 FEET TO THE MOST NORTHERLY CORNER OF SAID PARCEL W-5; THENCE CONTINUING ALONG THE SOUTHWESTERLY LINE OF SAID CAMBRIDGE DRIVE, SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4°06'39" A DISTANCE OF 40.00 FEET; THENCE LEAVING THE SOUTHWESTERLY LINE OF SAID CAMBRIDGE DRIVE SOUTH 44°08'45" WEST 125.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 199, THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 199 NORTH 60°00'00" WEST 80.00 FEET TO THE POINT OF BEGINNING.

BEARINGS BASED ON AND IDENTICAL WITH SAID FINAL MAP ENTITLED "SOUTHAMPTON UNIT B-3".

COMPRISING 13,320 SQUARE FEET, MORE OR LESS.

PREPARED ENTIRELY FROM RECORD DATA BY:

  
TODD A. TILLOTSON, PLS 8593  
LICENSE EXPIRES 12/31/11



DATE: 1/27/2011

EXHIBIT "C"  
RESULTANT PARCEL W-5  
PRO FORMA LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF BENICIA, COUNTY OF SOLANO, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL W-5 AS DESCRIBED AND DESIGNATED ON THAT CERTAIN FINAL MAP ENTITLED "SOUTHAMPTON UNIT B-3" FILED SEPTEMBER 14, 1978 AND RECORDED IN BOOK 36 OF SUBDIVISION MAPS, AT PAGE 1, SOLANO COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID PARCEL W-5; SAID CORNER ALSO LAYING ON THE SOUTHWESTERLY LINE OF CAMBRIDGE DRIVE, AS SHOWN UPON SAID FINAL MAP, AND A CURVE FROM WHICH THE RADIUS POINT BEARS SOUTH 47°15'04" WEST 557.50 FEET DISTANT; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4°06'39" A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING THE SOUTHWESTERLY LINE OF SAID CAMBRIDGE DRIVE SOUTH 44°08'45" WEST 125.50 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL W-5; THENCE ALONG THE SOUTHWEST LINE OF SAID PARCEL W-5 SOUTH 60°00'00" EAST 25.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL W-5; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL W-5 NORTH 55°15'00" EAST 113.77 FEET TO THE NORTHEAST CORNER OF SAID PARCEL W-5; THENCE ALONG THE NORTHEAST LINE OF SAID PARCEL W-5 NORTH 34°45'00" WEST 8.98 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID CAMBRIDGE DRIVE, SAID POINT LAYING ALSO ON A CURVE HAVING A RADIUS OF 557.50 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°53'17" A DISTANCE OF 37.83 FEET TO THE POINT OF BEGINNING.

BEARINGS BASED ON AND IDENTICAL WITH SAID FINAL MAP ENTITLED "SOUTHAMPTON UNIT B-3".

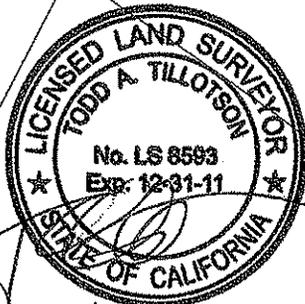
COMPRISING 4,196 SQUARE FEET, MORE OR LESS.

PREPARED ENTIRELY FROM RECORD DATA BY:

  
TODD A. TILLOTSON, PLS 8593  
LICENSE EXPIRES 12/31/11



DATE: 1/27/2011



1/27/2011

LOT 197-A  
20 PM 4

LOT 198-A  
20 PM 4

LOT 200  
36 M 1

PARCEL  
'D-1'  
20 PM 4

LOT 199  
36 M 1  
0.25 AC± (EXISTING)  
0.31 AC± (PROPOSED)

EXISTING LOT LINE  
(TO BE EXTINGUISHED)

TRANSFER PARCEL 'A'  
AREA=0.06 AC±

PARCEL 'W-5'  
36 M 1  
0.15 AC± (EXISTING)  
0.09 AC± (PROPOSED)

PROPOSED  
LOT LINE

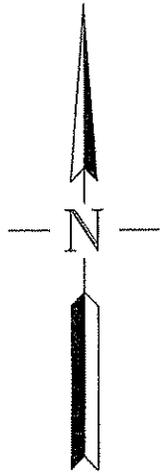
SOUTHAMPTON UNIT 21  
32 M 83

PARCEL 'W-4'  
35 M 98

PARCEL 'W-2'  
32 M 83

**LEGEND**

- PROPOSED LOT LINE
- LOT LINE TO BE EXTINGUISHED
- EXISTING LOT LINE
- MONUMENT LINE
- TRANSFER AREA



SCALE: 1"=30'

**F3** & Associates, Inc.  
LAND SURVEYING - 3D INDUSTRIAL LASER SCANNING  
701 E.H ST, BENICIA, CA 94510  
PHONE(707)748-4300 FAX(707)361-0295  
www.F3-Inc.com

EXHIBIT 'D' - PLAT TO ACCOMPANY LEGAL DESCRIPTION  
**PROPOSED LAND TRANSFER**  
LOT 199 AND PARCEL W-5 - SOUTHAMPTON UNIT B-3  
BENICIA CALIFORNIA SOLANO COUNTY

DESIGN BY:	N/A
DRAWN BY:	STAFF
DATE:	JAN 2011
SCALE:	1"=30'
PAGE OF	1 1
JOB NUMBER:	11013



Public Works & Community Development Department  
**MEMORANDUM**

**Date:** December 1, 2011  
**To:** Planning Commission  
**From:** Lisa Porras, Senior Planner  
**Re:** 2012 Planning Commission Meeting Schedule

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The next Planning Commission meeting is scheduled for January 12, 2012.  
Below for your reference are the regular meeting dates for 2012.

The meeting schedule is already posted to the City's website at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under "Boards and Commissions," "Planning Commission" "December 8, 2011" and scroll down to the link under Communications from Staff.

At the January 12 meeting, staff will recommend Planning Commission's approval of the meeting schedule for the balance of 2012.

<b>January 12, 2012</b>	<b>July 12, 2012</b>
<b>February 9, 2012</b>	<b>August 9, 2012</b>
<b>March 8, 2012</b>	<b>September 13, 2012</b>
<b>April 12, 2012</b>	<b>October 11, 2012</b>
<b>May 10, 2012</b>	<b>November 8, 2012</b>
<b>June 14, 2011</b>	<b>December 13, 2012</b>