



SPECIAL JOINT MEETING
**BENICIA PLANNING COMMISSION, HISTORIC PRESERVATION REVIEW
COMMISSION AND ECONOMIC DEVELOPMENT BOARD**
CITY COUNCIL CHAMBERS

SPECIAL MEETING MINUTES - Revised
****Continued from January 11, 2007****

January 17, 2007
6:30 P.M. – note earlier start time

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

PLANNING COMMISSION

Present: Chair Fred Railsback, Commissioners Kyle Daley, Dan Healy, Mike Ioakimedes, and Bonnie Silveria

Absent: Commissioners Richard Bortolazzo and Scott Strawbridge

HISTORIC PRESERVATION REVIEW COMMISSION

Present: Commissioners Jim Conlow, Don Dean, Luis Delgado (arrived late), Toni Haughey, and Chair Pat Donaghue

Absent: Commissioners Mike White and Blythe Wilson

ECONOMIC DEVELOPMENT BOARD

Present: Larry Fullington, Suzanne Kleiman, Duane Oliveira, Chris Strawbridge and Chair J.B. Davis

Absent: Norm Hattich, Leah Perry-Shelhorn

Staff Present: Community Development Director Charlie Knox
City Attorney Heather McLaughlin
Senior Planner Damon Golubics
Administrative Secretary Gina Eleccion

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

II. OPPORTUNITY FOR PUBLIC COMMENT:

- A. **WRITTEN**
None.

- B. **PUBLIC COMMENT**
None.

III. REGULAR AGENDA ITEMS

- A. **DOWNTOWN/ARSENAL SPECIFIC PLAN** – continued from January 11, 2007
Citywide

PROPOSAL:

Under contract to the City of Benicia, Opticos Design, Inc. has prepared draft General Plan implementation programs for the Downtown and lower Arsenal areas. Drafts of the Downtown Mixed Use Master Plan and the lower Arsenal Mixed Use Specific Plan will be presented for review and discussion. A recommendation from the Planning Commission, incorporating comments from the Historic Preservation Review Commission and the Economic Development Board will be forwarded to the City Council

Recommendation: Planning Commission hold a public hearing to review and recommend City Council adoption of the Downtown and Arsenal Special Plans. The Arsenal Plan will be discussed first, followed by the Downtown Plan.

ARSENAL SPECIFIC PLAN:

Charlie Knox gave an overview of the timeline of the project. A PowerPoint presentation was shown outlining recommendations from the January 11th meeting. He noted that the stricter provisions in adopted Historic Conservation plans supercede. Recommendations from the public and board/commission members were outlined. The Yuba property has been recommended to be removed from the Arsenal Plan as it was not part of the scope of the project.

Commissioners questioned if an EIR done for this project will apply to specific projects. Charlie Knox noted that a program EIR allows development that conforms with the Plan without preparing another EIR.

Commissioner Haughey questioned if the sale of the Commandant's residence can be decided at a later date. Charlie Knox noted this could be decided at a later date.

Stefan Pellegrini, Consultant, gave a presentation on the Arsenal Plan. Specific areas of the Arsenal were shown.

The public hearing was opened.

Rick Augur, representing Stephen David – He is concerned with the statement that the Officer's Quarters appears neglected. A lot of work has been done on this structure.

Chris Howe, Valero – He commended staff for the effort made. He commented on the location and operations of the Valero dock. He is concerned with the uses in the area and would like to see more industrial or light industrial uses.

Marilyn Bardet, 333 East K Street – Submitted additional comments to the Commission, which she read into the record.

Robert Whitehead, 755 West 6th Street – Submitted a document for the record. He owns property in the Arsenal that will be changed by this Plan. He commended staff and the consultants on an inclusive process. He is concerned with impacts to his property.

Randy Potter, Manager of Unico – He stated concerns with public access and common areas near their property. They do not support residential uses in the lower Arsenal area.

Dana Dean, Attorney representing Amports – She thanked Mr. Knox for recommending the removal of the Yuba property. She believes the Plan is inconsistent with the General Plan, but made suggestions to remedy that, as outlined in a letter submitted.

Commissioner Daley questioned if residential was located near Bayshore Road, would the rest of the road be closed. Dana Dean commented that industrial traffic and safety issues are major concerns.

Belinda Smith, 347 Goldenslopes – She commented on retaining the historic character of the Arsenal district. She commented on potential impacts of a proposed Grant Street project. She would like to protect the cork oak trees.

Dennis McCray, Solano Affordable Housing Foundation – He would like to develop senior housing in the Arsenal. He believes there is a public taking of land. The existing Plan is not compatible with the potential senior housing project. He referenced a letter submitted by Kathy Austin.

Mark Hajjar, 1025 Grant Street property owner – He commented on the reduction of height. Regarding housing, he read a letter into the record regarding housing in mixed-use designated areas. Deed restrictions can be used to notify residents of the proximity to industrial uses.

Commissioner Daley questioned if there would be designated areas for children at the 1025 Grant Street project. Mark Hajjar noted that each home has a fenced yard. They anticipate a lot of the units being purchased by people without children.

Kathleen Olson, 1025 Grant Street property owner – Submitted information on Richmond industrial/mixed-use zones.

Stephen David, 963 Jefferson Street – He stated that he plans to spend the remainder of his life there and to trust this property to the City. He has plans for the building and opposes the Plan.

Jon Van Landschoot, 175 West H Street – He supports Marilyn Bardet and Belinda Smith. There is a need for buffer zones. He is concerned with children playing in the street, but is generally in favor of the Plan.

David Lockwood – He commented that there needs to be buffers.

The public hearing was closed.

Larry Fullington (EDB) – He would like to see Yuba included in the Plan. He commented on General Plan consistency and thought the consultants and staff have done a good job.

Duane Oliveira (EDB) – He stated that he has a business in the Arsenal and does not typically hear as much noise as people are alleging. He agrees that the Arsenal needs improvements and infrastructure, which will be driven by residential uses. He questioned what feedback the existing residents gave to Opticos throughout the process.

Suzanne Kleiman (EDB) – She would like to see Yuba remain in the Plan. She commended Opticos on their work. She would like to modify prohibitive uses to maintain the existing uses. She commented on the difficulty in tying industrial, residential and historical uses together.

Chris Strawbridge (EDB) – She is happy to see vision. She believes mixed-use will create vitality. Funding will be a major issue, which will require private funds and joint City/private funds. She suggested creating an Arsenal organization similar to Benicia Main Street.

J.B. Davis (EDB) – Thanked Charlie Knox, staff and Opticos. Supports heritage tourism. He commented on the fact that we have a working port and supports the use of deed restrictions for residential properties in the Arsenal. He would like the Yuba property to remain in the Plan.

Don Dean (HPRC) – He referenced a letter he submitted. He commented on Option 1 and stated that there is a possibility of heritage tourism. It would help if the City Council takes a policy position on the undeveloped property in the Arsenal. He commented on

the proposed square footages. He commented on Grant Street and believes it's inappropriate to have residential there. Light industrial uses are more appropriate. He commented on the 1025 Grant Street project and his concerns with the lot coverage. He would like pedestrian pathways included in the circulation plan.

Luis Delgado (HPRC) – He noted that some of the proposed buildings are too large and will diminish the historic character of the existing buildings. There are elevation changes that will affect the appearances of the buildings. He would like Yuba to remain in the Plan.

Pat Donaghue (HPRC) – He stated that the Plan provides much needed guidance. The Plan should be done right the first time. He doesn't want to see any Fifth Amendment rights issues with property rights. The Plan should be fine-tuned.

Jim Conlow (HPRC) – He commented on safety issues on Rose Drive and the fact that the traffic in the Arsenal does not compare to that. He commented on individual property owners' rights.

Toni Haughey (HPRC) – She commented on the Yuba property and asked the Commission to consider Amports' objections. She is concerned with individual property owners' rights and height limits. She believes the City needs to step up to the plate and revitalize the Commandant's area. She commended Opticos and staff for a tremendous job.

Commissioner Ioakimedes commented that the City owns historic assets. There have been times that it was appropriate to oppose projects in the name of historic preservation. This is not one of those times. It is time to do something in the Arsenal. Mixed-use is a difficult proposition because it is infill development. He thanked all of the citizens who put effort into this process. He commented on the proximity of the Wastewater Treatment Plant to the Yuba property.

Commissioner Daley thanked Opticos for the Plan, and thanked the public for their interest. He toured the site with the Plan. He is concerned with residents in the industrial areas. He would like to see any residential developments constructed in sound-sensitive manners. There are long-term environmental impacts. He encouraged green-building. Residential uses will create general safety issues. He appreciates the detail of the historic background in the Plan and acknowledged the need to protect the history of the Arsenal.

Commissioner Silveria stated that she worked in the Arsenal at age 18. This Plan is a vision. She is concerned with the definition of "prohibited uses".

Commissioner Silveria does not want to see any live/work on the west side of Polk Street. She questioned the enforcement of deed restrictions. Heather McLaughlin, City Attorney, stated that the City can enforce deed restrictions imposed by the City.

Commissioner Silveria noted that this is not a perfect plan, but she does not disagree with everything in it. She questioned if the Commission needs to make a recommendation on the options to the Council. Charlie Knox noted that typically one option, with an alternative, should be recommended. The EIR will identify which option is environmentally superior.

Charlie Knox stated that a program EIR anticipates development on a number of properties. The Plan sets out things that need to be done to reduce impacts to less-than-significant levels. Charlie Knox noted that he anticipates a Scoping Session in April and an EIR to come back to the Planning Commission in July 2007.

Commissioner Silveria questioned the use of walking paths on private property. Charlie Knox stated that the paths may, but won't have to, be constructed, but there are standards of construction suggested. There may be locations where the vision is not achievable.

Commissioner Silveria would like to remove Yuba from the Plan. The road is privately owned and she believes this would be an issue.

Commissioner Healy thanked the community for their input. He believes this is the beginning of the process. He believes it's important to move forward. He is looking forward to the form-based codes. He supports the City in creating consistency. He would like to see historic buildings designated on the map. He would also like to see view corridors specified. He commented that ADA requirements still apply. He commented on the need to balance historic preservation with green-building practices. He supports mixed-use and believes that people have a certain vision of the Arsenal. He stated his confusion over security issues because there is already access to the gate. He would like to see the port's vision.

Chair Railsback commented that he agrees with some parts and disagrees with others. He believes it is time to move forward and believes this is a great beginning. Property rights are a huge issue. He would like to remove the Yuba from the Plan. With the Urban Growth Boundary, the City has to be creative to provide additional residential units.

Stefan Pellegrini answered questions raised. He commented that residents of the Arsenal were interested and excited in the potential of the Arsenal. There is an understanding of the industrial uses that is a chosen reality.

Stefan Pellegrini commented on parking at the Bachelor's Office Quarters. The vision and reality may differ. Parking can be reconfigured in that area, but public access could be created. There are some recommendations that talk about parking management in the future.

Heather McLaughlin recommended that the Commission read staff's recommendations. Chair Railsback read the recommendations aloud.

Commissioners discussed the requirement of restoring the Commandant's and Clocktower and what this means. Charlie Knox stated that the Commission's recommendation to the City Council can be to include restoration in a first phase of development.

Commissioners recommended the following changes to staff's recommendations:

1. (#9) No obstacles to private development waiting on public funds regarding Commandant's and Clocktower restoration. Recommend park development fees be used to fund restoration.
2. (#14) Add language regarding deed restrictions vs. Codes, Covenants & Restrictions and the nature of the industrial uses in the area, which are not dependent on the clock.
3. (#15) West of Polk, south of Grant – no residential uses.
4. (#16) Add language regarding green-building incentives.

Marilyn Bardet wanted to remind Council that the EPA and Army Corps of Engineers will need to weigh in on residential uses regarding the Arsenal cleanup. Charlie Knox noted that this will be addressed in the EIR.

RESOLUTION NO. 07-2 (PC) – A RESOLUTION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF A DRAFT LOWER ARSENAL MIXED USE SPECIFIC PLAN

On motion of Commissioner Healy, seconded by Commissioner Silveria, the above Resolution, with amendments suggested, was approved by the following vote:

Ayes: Commissioners Daley, Healy, Ioakimedes, Silveria and Chair Railsback
Noes: None
Absent: Commissioners Bortolazzo and Strawbridge

A recess was called at 9:35 p.m. The meeting was reconvened at 9:50 p.m.

DOWNTOWN MASTER PLAN:

Mike Ioakimedes stated that he has to recuse himself from this item.

Charlie Knox gave an overview of recommendations to the Commission.

Stefan Pellegrini, Consultant, gave a presentation. Measurement of height limits was shown.

The public hearing was opened.

Neil Leary, 140 East G Street – He referenced a letter he submitted to the Commission. He does not agree with commercial type uses on certain portions of East G Street. He

read a letter into the record from a neighbor opposing commercial uses on East G Street.

Bob Berman, 250 West K Street – He referenced a letter he submitted to the Commission. He believes there needs to be more focus on historic preservation in the Plan. He questioned who decides which plan is enforced when there is a conflict between regulations. There needs to be discussion on a definition of mixed-use. There need to be standards for bike and shoreline trails. He raised issues with the CEQA process.

Sandra Shannonhouse - Read comments on behalf of Kurt Arneson.

Linda Lewis, 282 West I Street – She stated concerns regarding redevelopment in the downtown. She would like more time to process the information in the Plan. She would like to see an EIR for the Downtown Plan. Property owner rights should be considered.

Donnell Rubay, 175 West H Street – Thanked Charlie Knox and Opticos for their time and effort. She referenced a letter she submitted. She noted that property rights are based on laws, which do change. She is concerned with large structures being built next to historic homes. She gave suggestions for regulating height limits. The City Council can pass an ordinance to require single-family non-historic design review and she would like to see a recommendation from the Planning Commission requesting that.

Jon Van Landschoot, 175 West H Street – He commented on height issues and does not want to see 2 ½ story homes. There are not many 2 story homes. He would like Neighborhood General to be no more than 25’.

Mike Ioakimedes, 360 East H Street – He commented on definitions in the Plan. He recommended changing the commercial designation to look at retail separate from other uses. He commented on the energy within a retail district. There are buildings that owners choose to not operate in a commercial fashion.

Phyllis Hartzell, 420 West K Street – She stated her concerns with a 40’ height limit. She questioned the future of the East E Street parking lot. She questioned what a story pole is. Chair Railsback explained story poles.

Art Shay, 110 East E Street – He questioned what form-based zoning is. He is concerned with the height limits proposed.

Kathleen Olson, 920 First Street – She commented on Town Core standards and commercial definitions. She agrees that retail is ideal, but offices are better than vacancies. She would like to see flexibility in the Plan, with the possible requirement of a Use Permit. She noted the height limit of 3 stories and 40’.

Darryl Rich, 277 West H Street – Had trouble obtaining a copy of the Plan. He commented on the Neighborhood General Open designation. He would like more time to look at the report.

The public hearing was closed.

Jim Conlow (HPRC) – He commented on height limits and variation in building heights and design. He would like to see 40' heights allowed.

Toni Haughey (HPRC) – She questioned the determination of a Mitigated Negative Declaration. Charlie Knox stated that an Initial Study will be done and if significant impacts that can't be mitigated are identified, that would trigger an EIR. Toni Haughey agreed with the residential uses on East G Street. She likes the Plan and understands that things evolve over time. She would like to remove the Neighborhood Center designations. She commented on the character of neighborhoods. She agrees with the need for single-family design review in the historic district. She stated her concerns with the height limits and historic character.

Luis Delgado (HPRC) – He gave information on definitions of building stories. He mentioned the need to notify property owners of historic property status.

Don Dean (HPRC) – He questioned the rationale for the Town Core designation of the East E Street parking lot. Charlie Knox noted that this is to keep options open, including for parking for future ferry service. Further, the height of the Marina condominiums would mirror the height. Don Dean supports the 35' height limit and 2 ½ stories.

Commissioner Daley thanked Opticos for the Downtown Plan. His major concern is the height limit. He questioned if the State and the City have had any conversations regarding the Capitol lawn. Charlie Knox noted that this is a discussion that could be held with the State.

Commissioner Silveria commented that she likes the report. She would like to remove the Neighborhood Center designation. She can't make sense out of the Neighborhood General Open designation. She hopes that this Plan makes First Street better.

Commissioner Healy agreed with having a unified plan. He wants to avoid confusion over multiple plans. He commented on the value of the waterfront. He is struggling with the economics of the Plan. Retail on First Street should be encouraged without discouraging other uses. Use Permits might be a good option. He suggested moving forward with the economics of public improvements. He reiterated that this is a vision plan. Angled parking should be explored further.

Commissioner Silveria believes 40' is too high, particularly on the waterside.

Chair Railsback believes this Plan is a good start. Regarding residences, he likes the variation in height. He would like to see limitation on height closer to the water. He is not opposed to an EIR on this Plan.

Commissioners made the following recommendations on the Plan:

1. (#1) – Delete from recommendations.
2. (#6) – Historic Plan clarification and continuity.
3. Recommendation to City Council to adopt an ordinance requiring single-family design review for all houses in the historic districts.
4. Non-retail ground floor uses allowed through a Minor Use Permit.
5. Add language regarding green-building incentives.

Charlie Knox noted with regard to #3, a recommendation can be given from the Commission directly to the City Council independent of this project.

Bob Berman requested clarification on the Neighborhood Center designations. The Commission stated that this would be changed to NG-O.

Commissioners encouraged the City pursuing economic strategies.

RESOLUTION NO. 07- 3 (PC) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF A DRAFT DOWNTOWN MIXED USE MASTER PLAN

On motion of Commissioner Daley, seconded by Commissioner Healy, the above Resolution was adopted by the following vote:

Ayes:	Commissioners Daley, Healy, Silveria and Chair Railsback
Noes:	None
Absent:	Commissioners Bortolazzo and Strawbridge
Abstain:	Commissioner Ioakimedes

IV. COMMUNICATIONS FROM STAFF:

Gina Eleccion stated that there will be a presentation from the State Office of Historic Preservation on preservation incentives at the January 25th HPRC meeting. The meeting will be held in Council Chambers at 6:30 on January 25th. She noted that there is a discussion item on the agenda regarding notification of historic property owners and an update to status of discussion items.

Charlie Knox stated that the Commission will be asked for feedback on the City Manager’s Strategic Plan presentation. Commissioners will be emailed as a reminder.

V. COMMUNICATIONS FROM COMMISSIONERS:

Commissioners thanked everyone for their participation.

VI. ADJOURNMENT:

Chair Railsback adjourned the meeting at 11:40 a.m.