

**March 25, 2010**

**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION**

**CITY HALL COMMISSION ROOM**

**REGULAR MEETING MINUTES**

**Thursday, March 25, 2010**

**6:30 P.M.**

**I. OPENING OF MEETING**

**A. Pledge of Allegiance**

**B. Roll Call of Commissioners**

Present: Commissioners Donaghue, Mang, McKee, Taagepera, White and Chair Haughey

Absent: Commissioner Crompton (excused)

Staff Present:

Charlie Knox, Director

Gina Eleccion, Management Analyst

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

**II. ADOPTION OF AGENDA**

On motion of Commissioner White, seconded by Commissioner Mang, the agenda was adopted by the following vote:

Ayes: Commissioners Donaghue, Mang, McKee, Taagepera, White and Chair Haughey

Noes: None

Absent: Commissioner Crompton

### **III. OPPORTUNITY FOR PUBLIC COMMENT**

#### **A. WRITTEN**

None.

#### **B. PUBLIC COMMENT**

None.

### **IV. CONSENT CALENDAR**

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

Ayes: Commissioners Donaghue, Mang, McKee, Taagepera, White and Chair Haughey

Noes: None

Absent: Commissioner Crompton

Abstain: None

#### **A. Approval of Minutes of February 25, 2010**

#### **B. TANNERY BUILDING – COLOR FOR ENTRANCE DOORS ALONG FIRST STREET**

09PLN-01 Design Review

127 First Street; APN 89-24050

#### **PROPOSAL:**

Pursuant to Condition No. 15 of Historic Preservation Review Commission (HPRC) Resolution No. 09-13, which approved new entry doors along First Street, the applicant requests HPRC review and approval of the proposed paint color for the new doors.

**Recommendation:** Review and approve paint color for new entrance doors along First Street for an existing building located at 127 First Street.

**V. REGULAR AGENDA ITEMS**

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**A. LOWER ARSENAL MIXED USE SPECIFIC PLAN AND EIR**

**LOCATION:**

The Lower Arsenal is generally bounded by lands adjoining I-780 on the north, lands adjoining I-680 on the east, Port of Benicia land and the Carquinez Strait on the south, and residential neighborhoods extending into downtown Benicia on the west.

**PROPOSAL:**

The Specific Plan for the Lower Arsenal site, which is designated for mixed uses in the Benicia General Plan, covers four distinct zones, each of which exhibits a unique physical character. The Specific Plan includes a form-based code to shape future development on the project site, with primary emphasis on the physical form and character of new development. After build-out of the Specific Plan, the area could contain approximately 741,865 square feet of mixed uses, 22 new single-family residential units, and 6.39 acres of open space. The Specific Plan area currently contains approximately 525,000 square feet of mixed uses. The Draft Specific Plan is available for public review at the City's Public Works & Community Development Department or on the City's website at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us).

**Recommendation:**

Make a recommendation to the Planning Commission and the City Council regarding certification of the Environmental Impact Report and adoption of the Lower Arsenal Mixed Use Specific Plan.

Commissioner McKee recused himself due to economic interest in the Arsenal and left the room.

Charlie Knox, Director, gave an overview of the project. He discussed the workshop that was held at the last meeting and reminded the Commission of their purview. He thanked the Commission for submitting their comments in advance, which were included in the staff report. Based on Commissioner

comments, he suggested the Commission start with whether they want to recommend adoption of the Plan. He suggested that if this is the case, the Commission should make recommendations for changes to assist the Planning Commission if it desires to make a recommendation for adoption to the City Council.

Chair Haughey questioned if the form-based code only deals with new construction. Charlie Knox noted that the Arsenal Historic Conservation Plan would supercede when there is a conflict with the Arsenal Specific Plan. Further, Charlie Knox clarified that if the Plan is not adopted, any project could come forward under the current regulations. He clarified that a Specific Plan is intended to implement the General Plan for a specific area.

Commissioner Taagepera asked for clarification on which plan applies to which buildings. Charlie Knox agreed that there are wording errors on page 83 of the Draft EIR. The Plan would replace current zoning but not the Arsenal Historic Conservation Plan. Charlie Knox also noted that the statement regarding the Arsenal Specific Plan being the primary document on page 3.1-2 of the Specific Plan should be stricken. In addition, he recommended striking the word "historic" on Page 3.1-3 in the first bullet.

Commissioner Taagepera commented that she does not believe that impacts to historic resources can be characterized as "less than significant."

Commissioner Mang questioned why Option 2 would require grading on Jefferson Ridge in Area E. Charlie Knox noted that this was due to the proposed new building complementing the spacing between the Clocktower and the Commanding Officer's Quarters.

The public hearing was opened.

Jerry Hayes, President, Benicia Historical Society – He noted that the Historical Society met regarding the Specific Plan and has a number of concerns with the report and EIR. The Historical Society submitted a letter to the Commission. He read the letter into the record.

Kerry Carney, 155 East O Street – She thanked the Commission for their service. She commented on HPRC's charge as outlined in the Benicia Municipal Code. She opposes the Plan, particularly based on the idea that photographs of resources that could be lost was an adequate mitigation measure.

Belinda Smith, Resident – She submitted a letter to the Commission. She referred to Master Comment 1 related to integrity. She noted that the district would not have been listed on the National Register if it did not have integrity. She does not believe there is any supporting documentation regarding loss of integrity in the Arsenal.

Marilyn Bardet, Resident – She stated that she has been active in protecting the Arsenal. She thanked the Benicia Historical Society for taking a stand, and thanked Belinda Smith for her comments. She does not believe the EIR or Specific Plan properly address the significance of the district. She commented on the form-based code and the elevations proposed. She does not believe there is any rush in adopting the plan. She has been reviewing and has assembled Army Corps and DTSC documents, which are available for review. She believes that Option 1 is acceptable.

Dana Dean, Attorney – She spoke on behalf of Amports. She commented on the purview of the Commission. She believes the Commission should review the entire Plan and EIR. She believes there are problems with the Plan and the EIR. She recommended that the Plan not be adopted and the EIR not be certified. She asked that if the Commission moves forward with Option 1, they include mitigations she requested in previous documents submitted. She requested a response regarding deferred mitigations.

Bob Whitehead, Property Owner – He commented on the Jefferson Ridge area, which currently contains 2 privately owned historic buildings. One of the buildings hasn't had any exterior modifications, where the other does not look as it originally did. He noted that Option 2 distributes the square footage between 6 buildings. He noted there should be an appreciation for both old and new buildings.

Jim Wallace, Resident and Arsenal Leaseholder – He compared to the Boston historic path that navigates among modern buildings to and a national historic battlefield park in Tennessee where spatial relationships between historic features are preserved without new development. The infrastructure of the Arsenal would need to be improved to support a tourist destination.

Jon Van Landschoot, Resident – He said the Arsenal is truly a historic area. Experts say that it is, as it was listed on the National Register. Secondly, he questioned if the EIR protects historic assets in the Arsenal. He cited the absence of the Secretary of the Interior Standards in the EIR and the Plan. He commented on Option 2 and its mitigation measure of photographing resources. He suggested that the Presidio in San Francisco is successful because it is comprised mostly of historic buildings. He does not believe the EIR protects the landscape and view corridors.

Richard Bortolazzo, Property Owner – He questioned if the acreage included in the Housing Element is affected by the ridge property. In response, Charlie Knox noted that the City is being pressed by HCD regarding sites and densities.

The public hearing was closed.

Commissioner Taagepera questioned how many buildings and square feet are proposed under Option 2. Charlie Knox noted that there are 7 major buildings with a few smaller buildings. The maximum new square footage would be 185,000.

In addition, Charlie Knox responded to the issue of deferred mitigation. He noted that a Plan or Program EIR should offer appropriate mitigation measures for projects in the future. He noted that if development is allowed, property owners need to know about remediation. He commented on multi-phase hazards mitigations. If a property owner wants to develop, the property owner must work with DTSC and County Environmental Health.

Chair Haughey asked the Commissioners to convey their concerns with the Plan and the EIR.

Commissioner Taagepera said she does not believe the Plan adequately protects historic resources. She commented on restoration of buildings, and does not see how the Specific Plan addresses restoration or rehabilitation. She stated specific concerns regarding architecture and materials. She was concerned with mimicking architectural styles, which would create a false sense of history.

Commissioner Taagepera said that the EIR was difficult to read. She believes the EIR is inadequate in its analysis of impacts to historic resources. She believes the 1025 Grant Street project is not adequately analyzed in the EIR. New roads have not been analyzed. She cited a SHPO letter regarding the inadequacy of the EIR. She believes the EIR is flawed and that deferred mitigations are not appropriate.

Commissioner White agreed with Commissioner Taagepera's concerns. He believes the Plan would overpower the existing district and he does not support the Plan or the EIR.

Commissioner Mang questioned if Option 2 and 2A are a single item. Charlie Knox noted that they are separate. Commissioner Mang would like to see something happen in the Arsenal and it should be a living area that respects the historic integrity. He noted that the cleanup is a major challenge. He supports Option 2A (Senior Housing), and would like to see some development in the area.

Commissioner Donaghue agrees that there should be some development in the Arsenal. He has concerns with the EIR regarding development on the Jefferson Ridge. He believes the EIR failed to address the historic aspects of the district as a whole. He commented on sustainability and economic development, promoting higher density development that reduces vehicle dependency. He does not support adoption of the Plan or certification of the EIR and instead believes the City should focus on updating the Arsenal Historic Conservation Plan and perhaps zoning for the area.

Chair Haughey commented on historic integrity and development. She stated that the more she reads the Plan, the less she can support it. She would like the integrity retained, but would like to see development. She doesn't want to see anything larger than the Commanding Officer's Quarters. She does not believe the EIR adequately addresses the Plan.

Commissioner Taagepera made a motion, seconded by Commissioner White for the following:

1. Recommend Specific Plan not be adopted
2. Recommend staff revise Plan to reduce significant impacts to district
3. Recommend the EIR not be certified as adequate

Commissioners discussed the motion above.

Commissioner Mang commented that all projects would have their own environmental review. Commissioner Taagepera doesn't think the EIR is legally defensible based on CEQA law. She does not think the mitigation measures are adequate.

Commissioner Donaghue questioned if implementation of this would change the General Plan. Charlie Knox noted that this Plan is intended to implement the General Plan.

Charlie Knox noted that having staff revise the Specific Plan would be a major undertaking, but that with very specific direction, staff could try to accomplish the goals of the Commission. Anything that becomes a lesser project than Option 2 would be covered by the existing EIR. Charlie Knox recommended that if there is a general basis for the Commission's recommendation, it should be included in the motion.

Charlie Knox commented on the Downtown Mixed Use Master Plan and the fact that it's not a Specific Plan. The Arsenal Specific Plan was intended to initiate reinvestment.

Commissioner Donaghue suggested language that the Plan not be adopted because it does not address the type of development that can occur that is consistent with the historic integrity of the district and compliant with the Secretary of the Interior Standards in relation to building form, architecture and protection of open space.

Commissioner Taagepera amended her motion, seconded by Commissioner White, to read as follows:

Recommend the Lower Arsenal Mixed Use Specific Plan not be adopted because it includes development that could adversely affect the National Register District, does not appear to meet the Secretary of the Interior Standards, and does not address sustainability goals and policies of the General Plan.

Recommend the Environmental Impact Report not be certified because impacts to historic resources are not adequately analyzed, and adequate mitigations measures are not included.

Commissioner Taagepera made the above motion, seconded by Commissioner White, and carried by the following vote:

Ayes: Commissioners Donaghue, Taagepera, White and Chair Haughey

Noes: Commissioner Mang

Absent: Commissioner Crompton

Abstain: Commissioner McKee

## **VI. COMMUNICATIONS FROM STAFF**

Gina Eleccion reminded the Commission and the public that Earth Day is April 22<sup>nd</sup>. The next HPRC meeting will be a special meeting date on April 29<sup>th</sup>.

Gina Eleccion also reminded the Commission and the public that May is National Preservation Month. This year's theme is "Old is the New Green". The Commission will promote this concept at Earth Day with sustainable practices for historic property owners.

**VII. COMMUNICATIONS FROM COMMISSIONERS**

Commissioner Mang commented on the roofline at Big-O. He thought staff did a good job with that.

In addition, Chair Mang noted that he went to an informative workshop in Napa.

**VIII. ADJOURNMENT**

Chair Haughey adjourned the meeting at 8:52 p.m.