

June 9, 2011  
BENICIA PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS

**AGENDA**

Thursday, June 9, 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. PRESENTATION**

**A. COMPLETION OF OPEN GOVERNMENT AWARENESS TRAINING**

The Open Government ordinance requires that all public officials and some employees read the Open Government Ordinance and attend an annual training on the ordinance. This

training will also include a review of the Brown Act, the City's Code of Conduct and other related documents.

V. 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 May 12, 2011](#)

V. REGULAR AGENDA ITEMS

A. GENERAL PLAN CONFORMANCE ASSOCIATED WITH VACATION OF ACCESS EASEMENTS ALONG WEST G STREET

PROPOSAL:

This action will allow the property owner of 270 West H Street to purchase obsolete historic access easements along West G Street located on their property approximately 25 feet north of the southerly property boundary.

Recommendation:

Approve a General Plan Conformance to vacate the portion of the right of way easements along the south side of the property at 270 West "H" Street consistent with the goals, objectives and policies of the General Plan and based on the findings set forth in the attached resolution.

B. GENERAL PLAN CONFORMANCE FOR THE VACATION OF RIGHT OF WAY ALONG WEST MILITARY

PROPOSAL:

The property owner of Benicia Health and Fitness Club at 1150 West Seventh Street requests the vacation of approximately 3,572 square feet of existing City right of way along West Military between West Sixth and West Seventh Streets for the purpose of adjusting the lot to match the apparent boundaries of the parcel property consistent with Title 17 of the Benicia Municipal Code. The applicant also proposes to deed to the City 2,038 square feet of private property along the eastern boundary of West Seventh Street between Military West and K Street that includes the public sidewalk and a portion of the roadway.

Recommendation:

Approve a General Plan Conformance to vacate right of way along West Military and acquire property along the eastern boundary of West Seventh Street between Military West and K Street consistent with the goals, objectives and policies of the General Plan and based on the findings set forth in the attached resolution.

**C. AMENDMENT TO USE PERMIT AND VARIANCE FOR LANDSCAPING REQUIREMENTS TO EXPAND BENICIA HEALTH AND FITNESS CLUB**

**PROPOSAL:**

The owner of Benicia Health and Fitness Club requests an amendment to Use Permit 03PLN-00065 to expand the existing facility by constructing a two-story, 4,800 square foot addition, and change the hours of operation to 5 a.m. to 10 p.m. Monday through Friday, 7 a.m. to 7 p.m. on Saturday and 7 a.m. to 5 p.m. on Sunday, and also requests a variance that would permit the property owner to utilize and maintain either 3,690 or 5,134 square feet of City rights of way to satisfy the minimum site landscaping requirement pursuant to Title 17, depending on whether the sought area continues to be owned by the City or is exchanged to the club owner (which may be the subject of future City Council consideration).

**Recommendation:**

Approve an amendment to Use Permit 03PLN-00065 to allow a building addition, modified hours of operation, and approve a variance for minimum site landscaping for the Benicia Health and Fitness Club located at 1150 West Seventh Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution.

**D. CONFORMANCE OF 2011-2031 CAPITAL IMPROVEMENT PROGRAM WITH THE GENERAL PLAN**

**PROPOSAL:**

The Capital Improvement Program (CIP) is being updated as part of the FY 2011-13 budget process. The program includes capital improvement projects (building remodels, street overlays, waterline replacements, park playground installations), comprehensive studies (master plans, impact fee studies), special programs (stormwater program), and major vehicle and equipment replacement. Planning Commission review of the CIP is needed to ensure the program is consistent with the General Plan.

**Recommendation:**

Review the draft City of Benicia 2011-2031 Capital Improvement Program and make a determination that it is consistent with the General Plan.

**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 agendized and non-agendized 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. 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 Trinique, Administrative Secretary, as soon as possible so that it may be distributed to the Planning Commission.

 [Open Government Training](#)

 [May 12, 2011 Draft Minutes](#)

 [General Plan Conformance - Vacation of Easements Along West G St](#)

 [General Plan Conformance for R/W along West Military](#)

 [Use Permit and Variance for Landscaping for 1150 W 7th St Benicia Health and Fitness](#)

 [2011-2031 Capital Improv Program - Conformance with General Plan](#)



City Attorney's Office  
**MEMORANDUM**

**Date:** June 2, 2011  
**To:** Planning Commission  
**From:** City Attorney  
**Re:** Completion of Open Government Awareness Training

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**RECOMMENDATION:**

Complete open government awareness training.

**EXECUTIVE SUMMARY:**

The Open Government ordinance requires that all public officials and some employees read the Open Government Ordinance and attend an annual training on the ordinance. This training will also include a review of the Brown Act, the City's Code of Conduct and other related documents.

**BUDGET INFORMATION:**

There is no fiscal impact.

**BACKGROUND:**

The training includes a review of the Brown Act, conflict of interest issues, ethics, due process and open government tips for effective meetings. Please sign and return the certificate of completion (provided at the meeting) to the City Clerk's office or the City Attorney's office once you have read the ordinance and completed the training. It is not necessary to sign and return page 4 of the Code of Conduct since your signature on the certificate of completion includes verification that you have reviewed the Code:

Attachments (previously distributed):

- Title 4 of the Benicia Municipal Code (Open Government Ordinance)
- The 2011 Brown Act
- Participating in City Council Meetings
- Open Government Tips
- Code of Conduct
- Whistleblower Policy
- Can I Vote?



**DRAFT**

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

**Thursday, May 12, 2011  
7:00 p.m.**

**I. OPENING OF MEETING**

**A. Pledge of Allegiance**

**B. Roll Call of Commissioners**

**Present:** Commissioners Don Dean, Rick Ernst, George Oakes, Belinda Smith, Lee Syracuse and Vice-Chair Rod Sherry

**Absent:** Chair Brad Thomas

**Staff Present:** Heather McLaughlin, City Attorney  
Lisa Porras, Senior Planner  
Doug Vu, Associate Planner  
Kathy Trinique, 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**

Heather McLaughlin, City Attorney, suggested that the Commission consider moving Item IV.A. (Open Government Awareness Training) to the end of the regular agenda items.

On motion of Commissioner Ernst, seconded by Commissioner Oakes, the agenda was adopted, as amended, by the following vote:

Ayes: Commissioners Dean, Ernst, Oakes, Smith, Syracuse and Vice-Chair Sherry

Noes: None

Absent: Chair Thomas

Abstain: None

**III. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN**

None.

**B. PUBLIC COMMENT**

None.

**IV. PRESENTATION**

**A. COMPLETION OF OPEN GOVERNMENT AWARENESS TRAINING**

(agenda order amended – this item moved to after Item V.B.)

**V. CONSENT CALENDAR**

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

On motion of Commissioner Oakes, seconded by Commissioner Dean, the Consent Calendar was adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Oakes, Smith, Syracuse and Vice-Chair Sherry.

Noes: None

Absent: Chair Thomas

Abstain: None

**REGULAR AGENDA ITEMS**

**A. GENERAL PLAN CONFORMANCE ASSOCIATED WITH VACATION OF RIGHT OF WAY EASEMENT ALONG WEST G STREET**

**Description:**

Vacating and selling this easement would allow the property owner of 270 West H Street to purchase the 1,125 square foot easement along West G Street located on their property approximately 25 feet north of the southerly property boundary.

**Recommendation:**

Consistent with the Benicia Municipal Code, staff recommended that the Planning Commission approve a resolution finding the vacation of right-of-way easement along West G Street in conformance with the goals, objectives and policies of the General Plan and based on the findings set forth in the attached resolution.

Vice-Chair Sherry and Commissioner Syracuse recused themselves for this item due to conflict of interest. Rick Ernst acted as Commission Chair.

Heather McLaughlin, City Attorney, presented an overview of the staff report to the Commission. This item is on the agenda for the Planning Commission only to determine if this action conforms to the General Plan, not whether the Commission agrees with the easement vacation. That action will be considered by the City Council. This action results from a mediation settlement agreed to by the City and therefore further details are confidential.

Commission Smith pointed out a typographical error on the Resolution.

Commissioner Oakes stated that this easement has been in place since the 1800's and he was not aware of it because it is not signed as public access. He asked if notices were sent to the neighborhood. The City should receive an offset for the loss of public access.

Ms. McLaughlin responded that a public notice is not required for this action. When it goes before City Council for final action, the public notice requirement applies.

Commissioner Dean asked if the easement continues to the west and what happens to the remainder of the easement.

Ms. McLaughlin responded that at a future date the City would recommend abandonment of the remaining easement section. The public has not had access to this easement because it has been gated off for many years. The purpose of this action is to settle a neighbor dispute and remove a liability for the City.

Commissioner Ernst asked for clarification of the plat map. If this easement was a path above the shoreline it is not being used for its original purpose. Does the easement at 251 W. G Street remain in place?

Ms. McLaughlin responded that the easement does not go through -- it stops in the middle of the property. There are technically two easements shown on the map. The easement at 251 West G Street does remain in effect.

### **Public Comment**

Jack MacCoun of 251 West G Street referred to his letter that was sent to the Planning Commissioners. He brought pictures of the area for the Commissioners. He spoke against staff's recommendation because the General Plan Goal 2.20 does not apply to this easement because there is a gate across the easement. The property owner's stated reason that this easement vacation is to make their property more accessible and visible for emergency vehicles does not apply. There is no need to sell the easement. Public noticing of this action should be required.

Kathleen Olson of 920 First Street also spoke against staff's recommendation. The public should not lose its rights to public access because the easement is fenced. The City Parks and Recreation Department strives to obtain public access to the shoreline and insurance is available for a public access liability. She was surprised that there was no public notice for this action and was not impressed with staff's report. She agrees

with the previous speaker, that Mr. MacCoun's General Plan goals on his letter were on point.

Leann Taagapera of 271 West G Street/270 West H Street is the property owner. She clarified that she did not request this action, rather it is the result of a mediation agreement. There is currently no public access to her front yard. This easement has been gated off since 1907 (she brought a postcard to illustrate this). She also brought pictures for the Commission. The easement leads to nowhere. This vacation is consistent with the General Plan. She spoke in support of staff's recommendation.

John Jacobs, Benicia resident, asked if the City is giving up the public's right to this area. There would be public interest in preserving public access to this area. Why wasn't the public notified.

Ms. McLaughlin responded yes, the public would be giving up its rights to access this area.

Commissioner Ernst also responded that the Planning Commission is making a recommendation to the City Council concerning General Plan conformance. At this point there is no requirement for public notice – that will occur when it goes before the City Council.

**Public Comment Closed.**

Commissioner Smith asked who the applicant was. She stated concern about the need for public access along the shore. But since this easement doesn't go anywhere, she sees the advantage to the City for abandonment.

Ms. McLaughlin responded that the City is applicant.

Commissioner Dean commented that staff is asking for a Commission recommendation with a very narrow and artificial purview, which is only that this action conforms with the General Plan. It is mysterious that the City is the applicant for removing the public easement. He finds it troublesome that the context of this action is missing from the staff report because mediation agreements are confidential. The City should provide public noticing of this type of action even if it is not required.

Commissioner Oakes agreed with Commissioner Dean's comments. He does not want to close off public access to this area. It is a hidden gem. Just because it is gated, does not mean the City should give up the public's right to this area. The existing gate and vegetation hinders the view. The City should retain the easement as long as possible. He also submitted photos of the easement area.

Commissioner Dean stated that usually when staff asks for conformance with the General Plan, there's more information in the staff report. It's not clear what the intent of the City is. What happens to the rest of the easement if only part of it is vacated. He asked if this is a one-time action.

Commissioner Ernst asked who initiated this action.

Ms. McLaughlin stated that she did not remember specifically which property owner requested it. She pointed out that it is a good idea to resolve this issue between neighbors.

A motion was made by Commissioner Smith to adopt the resolution finding the vacation of right-of-way easement along West G Street in conformance with the Goals, Policies and Programs of the General Plan.

No second was made. The motion failed.

A motion was made by Commissioner Oakes and seconded by Commissioner Dean to return this item to staff for further analysis with the General Plan goals that would either support or not support this easement vacation and bring it back to a meeting no later than July 2011. The motion was adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Oakes and Smith

Noes: None

Absent: Chair Brad Thomas

Abstain: (Recused) Commissioner Syracuse and Vice-Chair Sherry

**B. APPEAL OF THE HISTORIC PRESERVATION REVIEW COMMISSION'S APPROVAL OF DESIGN REVIEW FOR EXTERIOR MODIFICATIONS TO THE STOREFRONT LOCATED AT 724 FIRST STREET**

**Description:**

The appellant filed an appeal of the Historic Preservation Review Commission's requirement to remove the existing metal window sign that is in violation of the Downtown Historic Conservation Plan's signage policy as part of the design review approval to modify the façade of the existing commercial storefront located at 724 First Street. The original application for exterior modifications included painting of the walls and trim and replacement of the front door to match the existing color scheme and door of the adjacent storefront at 726 First Street.

**Recommendation:**

Uphold the Historic Preservation and Review Commission's approval of Design Review 11PLN-0005, based on the findings and with the conditions contained in the Draft Resolution.

Doug Vu, Associate Planner, provided a brief overview of this item that included the history of the Historic Preservation and Review Commission's action and details of the application. During staff's review of the initial application, staff discovered a sign in the window. There is a building permit on file for construction of the interior brick wall and shadow box, but no existing sign application is on file. The window sign is non-conforming within the Downtown Historic District. Mr. Vu read the definition of a sign from the code. The metal "Rellik Tavern" piece displayed in the window is consistent with the City's definition of a window sign, therefore staff recommends denying the appeal.

Commissioner Ernst asked when the tiles in front of Benicia Home Improvement were painted.

Mr. Vu answered that we don't have that information at this time. He clarified that the recommendation tonight also recommends that the tiles at this location not be painted.

Commissioner Dean asked if the issue is that the sign is in the window.

Mr. Vu responded that it is whether or not the metal piece meets the definition of a window sign.

Vice-chair Sherry asked what if the metal piece was 20 feet back from the window.

Mr. Vu responded that if the wall structure was set back and something was in between the window and the metal piece, it would not be considered a sign but since it is mounted on the wall and enclosed, it appears to be constructed purposely to be viewed from the outside.

Commissioner Smith asked how staff determined the depth of the piece from the window. Usually a window sign is on the window or behind the window. She stated that she was surprised that this item was pulled aside because there is no application for it. This issue should have been handled at staff level and is confused about the distance between the window and the metal piece and when it stops being considered a window sign. As an art piece, this may be a subjective determination.

The Commission and staff discussed how signs are enforced on First Street and details concerning sign definition interpretation. The City's policy is that sign enforcement occurs after a complaint is received. In this case, it was discovered in the process of an application review and therefore staff has a responsibility within the context of the project to make sure there is compliance with the code. The reason it is considered a sign is because the metal piece is in the shape of the Rellik's logo, it has the company name on it and it is directly behind the window.

## **Public Comment:**

Delando Pegan, appellant and owner of the Rellik Tavern stated that there is an unspoken rule that business owners “do first, ask forgiveness later.” He stated his goal is to have an upscale bar, be a positive business example and follow every rule. His two reasons for the window display were to prevent a “smash and grab” and to promote his business. He has spent \$6,000 to build the case around the art work. He has received no complaints and the City has received no complaints. He researched some other cities’ window sign definitions and read them to the Commission. Our ordinance should be revised to include the allowed distance from the window.

Tom Hamilton, co-owner of the Rellik Tavern stated that the window display does not harm the community. He asked if its removal would serve the community. He asked how the City would enforce other business signs in the downtown and who complained about this window sign.

The Commission and staff discussed a sign variance process.

Harry Newhall of 275 East L Street spoke in support of the appellant. He is a patron of the Rellik and he agrees with Commissioner Smith that this is a subjective call on the part of staff. There is no defined measurement for a display behind the window. The ordinance should include dimensions.

Sam Houston, business owner at 739 First Street, ABC Music, spoke in support of the appellant. He stated that he recently moved his store to First Street. He has experience working with businesses as the Downtown Asset Manager. The ordinance language is vague and restrictive. He stated concern that he would not be allowed to display merchandise in this window. The code should be clear. Businesses depend on merchandise displays for the public to see what the business sells.

John Jacobs, patron of the Rellik, spoke in favor of the appellant. He stated that the City’s code sounds broad and ambiguous. The Rellik’s display is not really a sign. He pointed out that there is a lot of drama over an improvement that is beautiful. The City has wasted too much time on this item.

Tony Shannon, of 28 Buena Vista, spoke in favor of the appellant. He distributed pictures of other businesses on First Street. He agrees that this action is a “slippery slope” and consists of selective enforcement on the part of the City. The Code definition is too broad. He asked what was the intent of the business owner. That in this case it was to make a piece of art that is more than a sign. The sign ordinance should be revised.

John Wilson, a Benicia resident, spoke in favor of he appellant. He pointed out that there is enough evidence here that this window display is not a sign. He asked if the City making it easy or hard to do business here. This business makes everything look better on First Street. The metal piece should be called art.

An unidentified resident from Hanlon way spoke in favor of the appellant. He stated that the Rellik complied with the building code and he does not support the “after the fact” enforcement. He is in favor of the window sign remaining.

### **Closed Public Comment.**

Commissioner Ernst asked the appellant to clarify their position.

Mr. Pegan stated that they wish to proceed with painting the exterior of the building the same colors as their building next door so it looks like one business. He stated that he is in agreement with the HPRC’s approval, except regarding the tile painting. However, the design review approval is contingent on the window sign. He stated that they will comply with HPRC’s decision, but they are appealing the sign issue.

The Commission discussed the following: promoting business by not endorsing selective sign enforcement; the HPRC’s decision details; whether to modify the existing sign ordinance to better define window signs; whether this is a process issue because HPRC is not a regulatory commission.

Commissioner Oakes asked staff if the Rellik owners applied for a sign permit for their business at 726 First Street (next door).

Mr. Vu answered that they did apply for a sign permit for that address. If the appellant had consulted with staff prior to their building permit, or applied for a sign permit, staff could have advised them that this type of window sign does not comply.

Commissioner Dean stated that this sign looks great, but unfortunately he must support staff’s and the HPRC’s decision. Staff is required to interpret the code.

Vice-chair Sherry stated that staff did the right thing in this case. The City cannot turn a blind eye to this issue. The metal piece operates as a sign. He stated that he agrees that the sign ordinance is vague about window signs, but he is reluctant to cause local merchants to re-do something like this when it wasn’t clear in the ordinance. The intent of the ordinance was to prevent neon and/or gaudy signs on First Street, which is not the case here.

Commissioner Syracuse suggested that it may be possible to continue this item and in the interim allow filing of a variance by the appellant.

Ms McLaughlin stated that the Commission may achieve the same result by determining that this metal piece is not a sign, which would give the business owner some finality.

The Commission continued discussing whether the metal piece should be considered a sign according to the City's ordinance.

A motion was made by Commissioner Oakes and seconded by Commissioner Dean to approve staff's recommendation to uphold the Historic Preservation and Review Commission's approval of Design Review 11PLN-0005, based on the findings and with the conditions contained in the draft resolution.

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

The motion was not adopted.

The Commission continued discussing the HPRC process and the sign approval process.

Mr. Pegan, appellant, asked to speak about the HPRC decision. He stated that the HPRC approved the new paint colors, the brick, and the façade. The sign issue was separated from the other actions. Some of the HPRC members did not want the sign issue included in the approval package.

A motion was made by Commissioner Ernst and seconded by Commissioner Smith to uphold the HPRC decision in part and deny in part the section concerning the metal sculpture, adding a "whereas that the metal sculpture is not a sign"

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

The motion was not adopted.

The Commission continued discussing with staff various options to move forward with this item.

Mr. Pegan stated that he wishes to move forward with the rest of the façade work that was previously approved by the HPRC.

A motion was made by Commissioner Oakes, seconded by Commissioner Smith, to approve the staff report and resolution as drafted, striking all mention of the window sign, and continue the sign appeal by applying for a sign permit and a sign variance within two months from this meeting and was adopted by the following vote:

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

The Commission reconvened after a short break.

By consensus, the Commission agreed to postpone the Open Government Awareness Training until the next meeting.

#### **VII. COMMUNICATION FROM STAFF**

Lisa Porras, Senior Planner, announced staff's plan to increase awareness about the City's Housing Rehabilitation Loan Program for interested low to moderate income residents.

#### **VIII. COMMUNICATION FROM COMMISSIONERS**

Commissioner Oakes requested that for future staff reports, staff provide more detailed information with better maps and graphics.

Commission Oakes asked how to proceed, before a meeting, he is asked by property owners to meet with them on items scheduled on a Planning Commission agenda.

Ms. McLaughlin responded that the Commissioner might, at the beginning of the item, state what occurred and who the Commissioner met with (an ex-parte disclosure).

Commissioner Smith asked what the appropriate process is to ask questions from staff prior to a Planning Commission meeting?

Ms. Porras responded that Commissioners can email the staff member and cc: Kathy Trinique for the record.

#### **IX. ADJOURNMENT**

Meeting was adjourned at 10:20 pm.

**AGENDA ITEM**  
**PLANNING COMMISSION MEETING: June 9, 2011**  
**REGULAR AGENDA ITEMS**

**DATE** : June 1, 2011

**TO** : Planning Commission

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

**SUBJECT** : **GENERAL PLAN CONFORMANCE ASSOCIATED WITH  
VACATION OF RIGHT OF WAY EASEMENTS ALONG WEST G  
STREET**

**PROJECT:**

The vacation of the existing right of way easements for roadway and sidewalk purposes along West G Street as part of a mediation settlement.

**RECOMMENDATION:**

Approve a General Plan Conformance to vacate the portion of the right of way easements along the south side of the property at 270 West "H" Street consistent with the goals, objectives and policies of the General Plan and based on the findings set forth in the attached resolution.

**EXECUTIVE SUMMARY:**

This action will allow the property owner of 270 West H Street to purchase obsolete historic access easements along West G Street located on their property approximately 25 feet north of the southerly property boundary. Consistent with the Benicia Municipal Code, staff recommends Commission approval of a General Plan Conformance to vacate 1,125 square feet of existing right of way easements along West G Street, which is necessary to allow the right of way vacation.

**BUDGET INFORMATION:**

The City will relinquish requirements for maintenance and liability for a portion of public right of way that serves only one piece of property and no broader public purpose. The City will receive some money if the easement is sold.

**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 along West G Street is not of statewide, regional or areawide concern, does not have significant wildlife habitat value, and is not capable of independent development.

**BACKGROUND:**

At its May meeting the Planning Commission first considered this request for right of way vacation. At that meeting members of the public presented additional information relevant to General Plan goals and policies. The item was continued by the Planning Commission in order for staff to consider the additional information. That information has now been considered, and staff's review is provided herein.

Pursuant to Section 65402 of the California Government Code, the City shall determine if the proposed vacation of approximately 1,125 square feet of right of way easements are 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 adjacent to West G Street on parcel number 089-111-002	1,125 square feet	15' x 75'

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	Low Density Residential	Single-Family Residential	Single-Family Homes
West	Low Density Residential	Single-Family Residential	Single-Family Homes

Section 8531 of the California State and Highway Code states that if an easement is abandoned by resolution of the state or local public agency that was granted the easement for vehicular use, the title to the property previously subject to the vehicular easement is therefore clear of the easement.

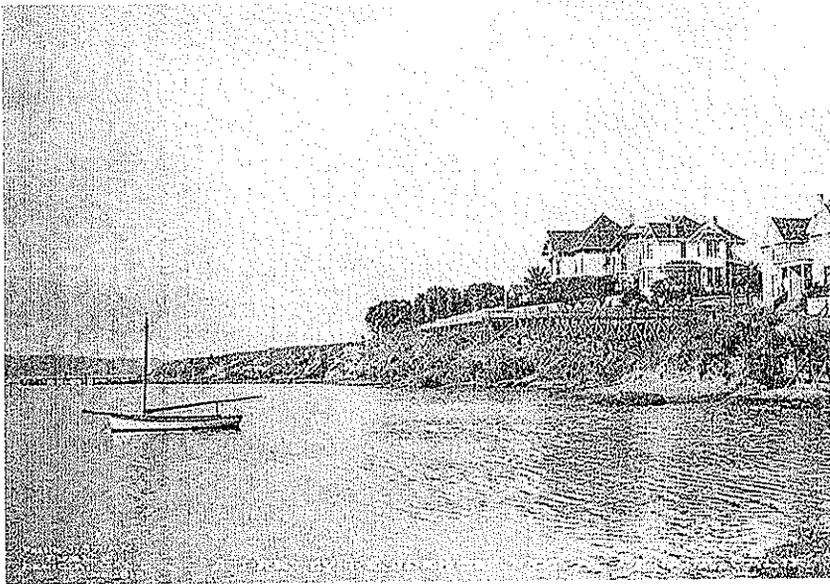
**STAFF ANALYSIS:**

Staff has now had an opportunity to more closely evaluate the proposed right of way vacation and continues to maintain its prior recommendation. Staff has visited the site and the surrounding area to ascertain the right of way and its necessity relevant to access and opportunities for public views and access. The evidence and information that staff has generated confirm that the proposed abandonment is consistent with the General Plan and broader public purposes.

### Origin of Right of Way

It appears that the existing right of way actually served as the primary entrance for the Crooks Mansion directly west of the subject property prior to the improvement of West 3<sup>rd</sup> Street, and the balance of the homes built after it to the east along West G Street. The contour of the easements closely resembles the former shoreline that is visible in postcard and other historic (including aerial) photographs of the area.

Benicia's newly adopted Historic Context Statement (page 76) indicates that the homes along the waterfront (which terminated at Crooks Mansion) were likely built there for the views of the Strait and to escape the smells of industry along the southern portion of First Street in the 1890's. The Semple Crossing development filled the Strait directly below the existing right of way. That development exists south of and including the roadway trestle in the photo below.



The Crooks Mansion In Benicia In The Year 1917

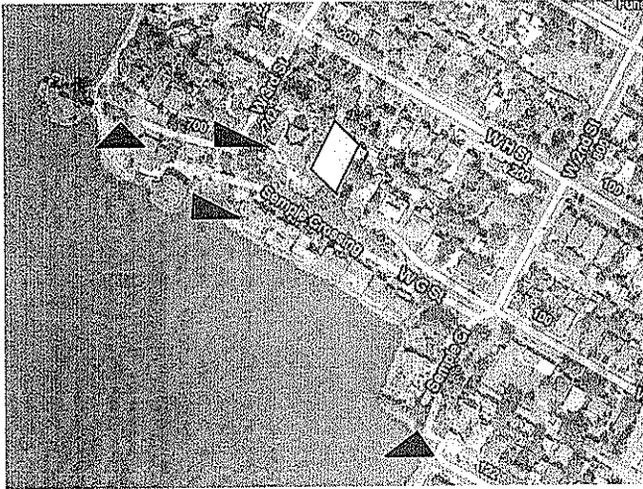
The portion of the right of way that traverses the subject property would have been the final length of access to the Crooks Mansion property. Now that West 3<sup>rd</sup> Street is improved and the historic Crooks Mansion's access is taken from 3<sup>rd</sup> Street, the right of way along the south portion of 270 West H Street is obsolete. Staff has contacted the owner of the Crooks Mansion to confirm that they would have no objection to the vacation. As of this writing they have not provided their comments.

Staff will report orally to the Planning Commission if further contact is had with the current owner. Therefore, the right of way no longer serves a useful purpose (other than potential public access for views, as discussed below) and may provide the potential for unnecessary intrusion onto the property at 270 West H Street.

### Public Views

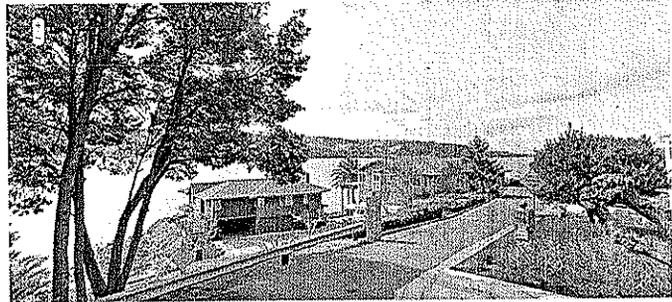
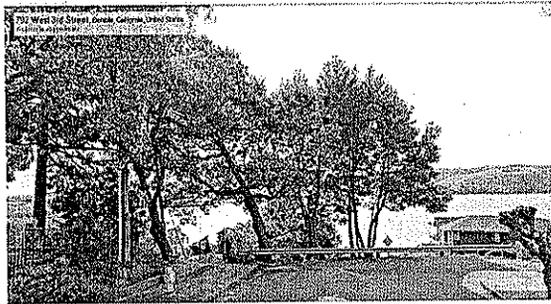
Public access to views of the Carquinez Strait and other vistas are an important component of Benicia's land use pattern and community amenities. As described by members of the public at the Planning Commission's last meeting, the General Plan provides a number of policies that serve to protect important vistas in the City.

Proximal to the location of the proposed right of way vacation are numerous improved public vistas. Many of them are improved for public access with benches and paths. The Semple Crossing development improved a segment of the Bay Trail for public access. The south terminus of West 3<sup>rd</sup> Street provides far superior access and views without the need to cross into a private yard (see photos, below).

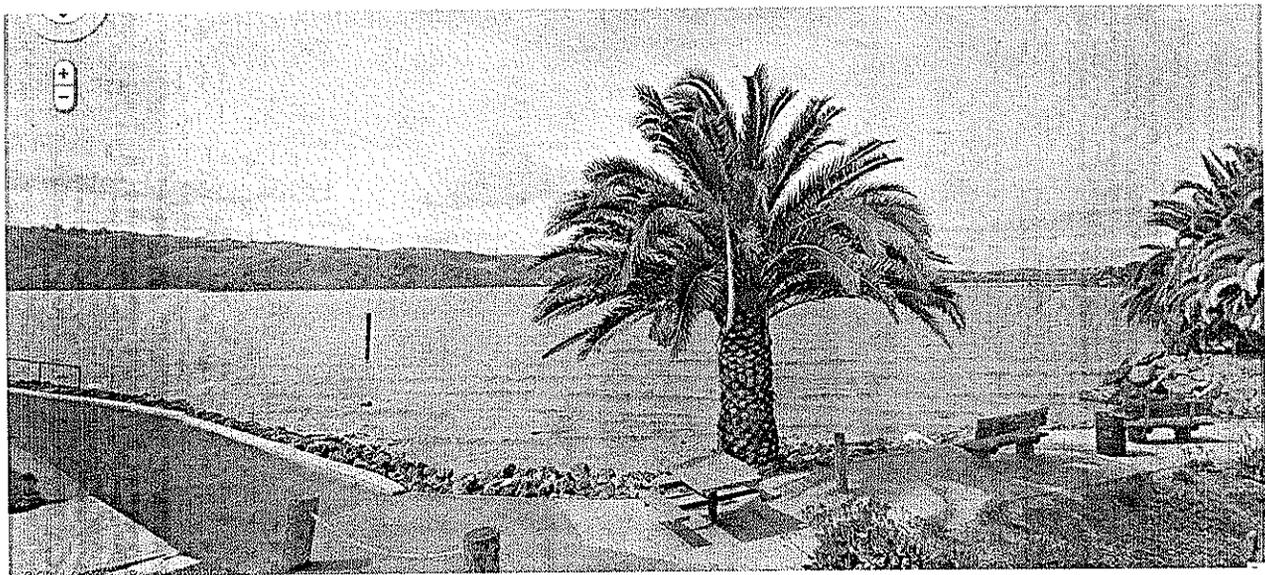


Subject site, and view locations with superior vistas and public access.

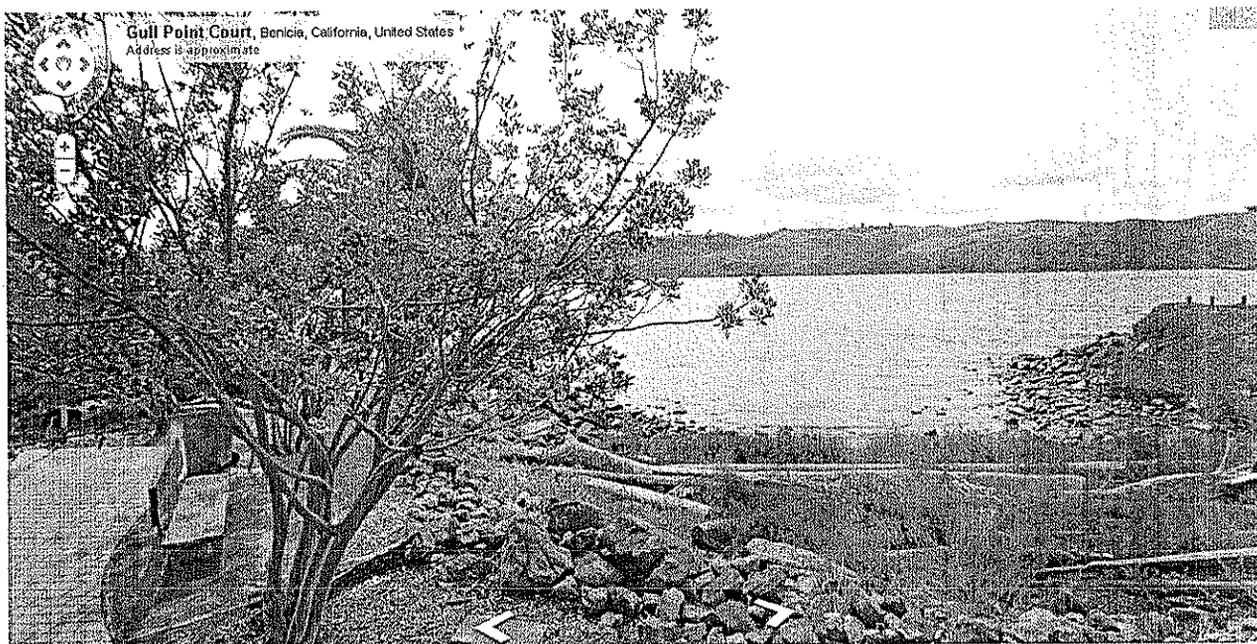
West 3rd Street Views (below)



Semple Crossing Views (below)



Gull Point/West G View (below)



West 3<sup>rd</sup> Access (below)



The public view issue from the right of way along 270 West H Street is further complicated by the fact that the right of way bisects private properties along most of its length. This is problematic in that property owners can plant vegetation that will grow and precludes public views, or install a fence (so long as a permit is not required), on the private property portions between the right of way and the Strait. This has the effect of eliminating views, as was shown

by one of the neighbors at the last meeting. As a result, there can be no public reliance on access to these views. This is not the case with the examples shown above.

#### Property Access

Currently, 270 West H Street does not require the right of way for access any longer, and neither does the Crook's Mansion. They both have access from other, better-improved public rights of way. There are several properties at the terminus of West G Street that will still rely on the right of way, and that includes 251, 241-243, 229 and 223 West G Street.

#### **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 1,125 square feet of existing right of way 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. Better and more accessible vistas exist in close proximity to the subject area. Public access to the views from the property at 270 West H Street has been obscured for years.

- 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 2.32.2: Continue to develop and enhance recreational benefits of the shoreline and seek public access along the waterfront.

- Program 2.32.D: Explore public access on private waterfront through collaborative planning or a development review process.

The proposed right of way to be vacated is no longer on the waterfront.

- GOAL 3.13: Improve urban design qualities of the waterfront and public access to the shoreline.
  - POLICY 3.13.1: Enhance waterfront vistas.
  - POLICY 3.13.2: Improve pedestrian amenities along waterfront streets and walkways.
    - Program 3.13.B: Develop a plan for public and pedestrian access to and along the waterfront and shoreline.
  - 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 right of way vacation is not along the waterfront. Waterfront public and pedestrian access in this vicinity is provided as a result of the Semple Crossing development and West 3<sup>rd</sup> Street improvements. Superior public access and views are located at those locations.

#### **STRATEGIC PLAN CONSISTENCY:**

The following Strategic Plan issue and strategy relate to the proposed acquisition of an easement by the property owner of 270 West H Street:

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

Since this easements is not improved, and is adjacent to an existing street, it is not only redundant, but the house in question is at the end of the improved portion of the easements. Consequently, relinquishment is the logical next step, as the easement has no purpose at this location.

#### **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 Easements

# **DRAFT RESOLUTION**

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

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA FINDING THE VACATION OF RIGHT OF WAY EASEMENTS 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 1,125 square foot portion of an access easement located approximately 25 feet north of the southern boundary of 270 West H Street along West 6th Street; and

**WHEREAS**, staff has reviewed the easement vacation request and submitted it to the Planning Commission for review on May 12 and June 9, 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 right of way 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 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.

\* \* \* \* \*

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 9th day of June, 2011, and adopted by the following vote:

Ayes

Noes:

Absent:

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Charlie Knox  
Planning Commission Secretary

**AGENDA ITEM**  
**PLANNING COMMISSION MEETING: JUNE 9, 2011**  
**REGULAR AGENDA ITEMS**

**DATE** : May 25, 2011

**TO** : Planning Commission

**FROM** : Doug Vu, Associate Planner

**SUBJECT** : **GENERAL PLAN CONFORMANCE FOR THE VACATION OF RIGHT OF WAY ALONG WEST MILITARY**

**RECOMMENDATION:**

Approve a General Plan Conformance to vacate right of way along West Military and acquire property along the eastern boundary of West Seventh Street between Military West and K Street consistent with the goals, objectives and policies of the General Plan and based on the findings set forth in the attached resolution.

**EXECUTIVE SUMMARY:**

The property owner of Benicia Health and Fitness Club at 1150 West Seventh Street requests the vacation of approximately 3,572 square feet of existing City right of way along West Military between West Sixth and West Seventh Streets for the purpose of adjusting the lot to match the apparent boundaries of the parcel property consistent with Title 17 of the Benicia Municipal Code. The applicant also proposes to deed to the City approximately 2,038 square feet of private property along the eastern boundary of West Seventh Street between Military West and K Street that includes the public sidewalk and a portion of the roadway.

**BUDGET INFORMATION:**

The difference in value between the vacated and deeded parcels will be provided to the City should the City Council approve the proposed exchange.

**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 along West Military 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 3,572 square feet of right of way easement along the southern

boundary of Military West between West Sixth and West Seventh Streets is in conformance with the goals, policies and programs of the General Plan.

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	Low Density Residential	Single-Family Residential and Community Commercial	Single-Family Homes and Messina's Photography Studio
West	Community Commercial and Open Space	Community Commercial and Open Space	Taco Bell and Willow Glen Park

Section 8531 of the California State and Highway Code states that if an easement is abandoned by resolution of the state or local public agency that was granted the easement for vehicular use, the title to the property previously subject to the vehicular easement is therefore clear of the easement.

**SUMMARY:**

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 lies along the northern perimeter of the block where Benicia Health and Fitness Club is located. The property owner received design review approval from the Historic Preservation Review Commission for an approximately 4,800 square-foot addition along the northeast corner of the existing building. The design review approval is contingent upon compliance with the City's development regulations, including additional off-street parking and minimum landscaping requirements. Vacation of the proposed easement and the sale of this property will allow the owner to hold title to the existing driveways, perimeter landscaping and northernmost portion of the fitness club's parking lot that he already maintains (see Figure A).

The proposed right of way vacation will help facilitate the landscaping required for the Benicia Health and Fitness Club. Subsequent to vacating the easement, the City will offer fee title of the property to the landowner once an appraisal has been completed (see Figure B). In addition, the property owner is proposing to deed approximately 2,038 square feet along the western perimeter of the property adjacent to West Seventh Street that includes the public sidewalk and a portion of the West Seventh Street roadway (see Figure C).

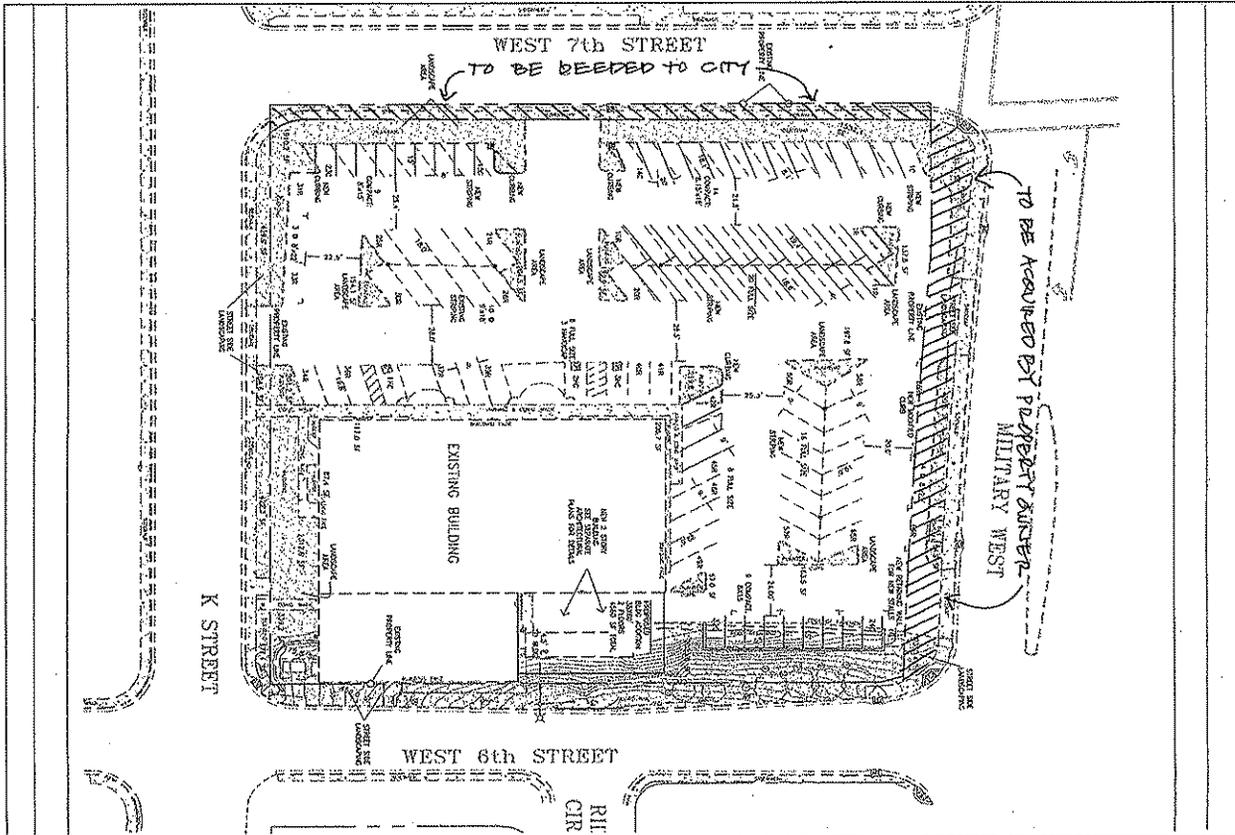


Figure A: Areas to be deeded to City and acquired by property owner

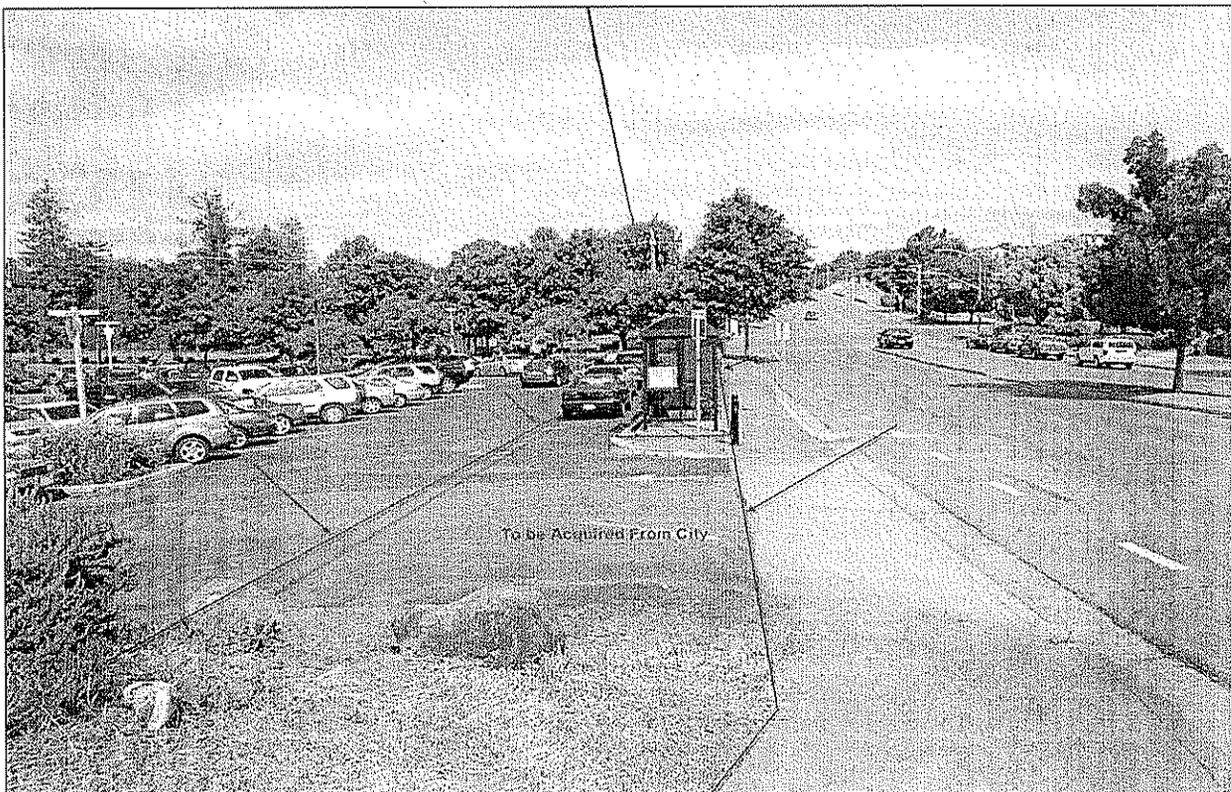


Figure B: Easement area to be acquired by Benicia Health and Fitness Club from the City

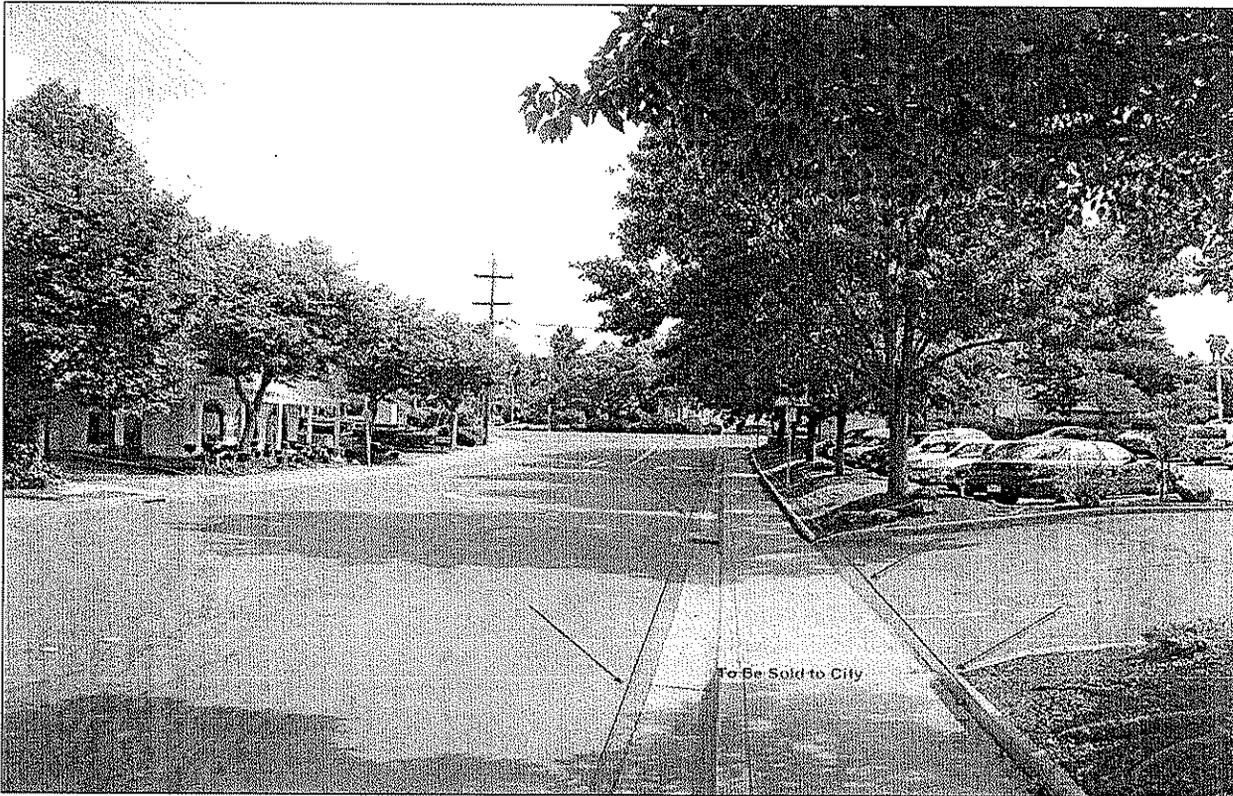


Figure C: Easement area to be acquired by the City from Benicia Health and Fitness Club

The vacation of this easement is consistent with the goals, policies and programs of the General Plan. Therefore, staff recommends the Planning Commission approve that this easement vacation is in conformance with the General Plan.

**GENERAL PLAN CONSISTENCY:**

The proposed vacation and dedication of right of way conforms to the following goals, policies and programs of the General Plan:

- Goal 2.1: Preserve Benicia as a small-sized city.
  - Policy 2.1.1: Ensure that new development is compatible with adjacent existing development and does not detract from Benicia’s small town qualities and historic heritage.
  - Policy 2.1.2: Make efficient use of land in new development areas consistent with the surrounding neighborhood.
  
- Goal 2.4: Ensure that development pays its own way.
  - Policy 2.4.1: Ensure any new development to be fiscally and financially sound and pay its own way with respect to City capital improvements.
  - Program 2.4.A: Monitor development to ensure it does not overburden the City’s infrastructure.

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and community while maintaining health, safety and quality of life.
- 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.
  - Program 2.20.F: Consider lane narrowing, driver education, traffic speed alert trailers, and other traffic calming remedies.

**STRATEGIC PLAN CONSISTENCY:**

The following Strategic Plan issue and strategy relate to the proposed vacation and acquisition adjacent to 1150 West Seventh Street:

- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
  - Strategy 3: Retain and attract business

**FURTHER ACTION:**

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

Attachment:

- Draft Resolution

**DRAFT RESOLUTION**

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

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF BENICIA FINDING THE VACATION OF A RIGHT OF WAY  
EASEMENT ALONG WEST MILITARY 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 an approximately 3,572 square foot portion of street right of way easement located along the southern boundary of Military West between West Sixth and West Seventh Streets, and acquire a 2,038 square foot portion of vacated easement along the eastern boundary of West Seventh Street between Military West and K Street; and

**WHEREAS**, staff has reviewed the easement vacation request and submitted it to the Planning Commission for review on June 9, 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 a right of way easement 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 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.

\* \* \* \* \*

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 9th day of June 2011, and adopted by the following vote:

Ayes  
Noes:  
Absent:

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Charlie Knox  
Planning Commission Secretary

**AGENDA ITEM  
PLANNING COMMISSION MEETING: JUNE 9, 2011  
REGULAR AGENDA ITEMS**

**DATE** : May 24, 2011

**TO** : Planning Commission

**FROM** : Doug Vu, Associate Planner

**SUBJECT** : **AMENDMENT TO USE PERMIT AND VARIANCE  
FOR LANDSCAPING REQUIREMENTS TO EXPAND BENICIA  
HEALTH AND FITNESS CLUB**

**RECOMMENDATION:**

Approve an amendment to Use Permit 03PLN-00065 to allow a building addition and modified hours of operation, and approve a variance for minimum site landscaping for the Benicia Health and Fitness Club located at 1150 West Seventh Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution.

**EXECUTIVE SUMMARY:**

The owner of Benicia Health and Fitness Club requests an amendment to Use Permit 03PLN-00065 to expand the existing facility by constructing a two-story, 4,800 square foot addition, and change the hours of operation to 5 a.m. to 10 p.m. Monday through Friday, 7 a.m. to 7 p.m. on Saturday and 7 a.m. to 5 p.m. on Sunday, and also requests a variance that would permit the property owner to utilize and maintain either 3,690 or 5,134 square feet of City rights of way to satisfy the minimum site landscaping requirement pursuant to Title 17, depending on whether the sought area continues to be owned by the City or is deeded to the fitness club owner, which may be the subject of future City Council consideration.

**BUDGET INFORMATION:**

No budget impact has been identified, other than the considerable amount of staff time needed to process this application.

**ENVIRONMENTAL ANALYSIS:**

The proposed project is Categorically Exempt per California Environmental Quality Act (CEQA) Guidelines, Section 15301(e)(2) Existing Facilities – Addition of less than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. The subject property is located in a developed area where all public services and facilities are currently available to allow for development consistent with zoning standards, and the project is not located in an environmentally sensitive area.

**BACKGROUND:**

The subject property is 1.66 acres in size and is located on the east side of the 1100 block of West Seventh Street, between West Military and K Street. The General Plan and Zoning designation for the property is Community Commercial (CC) and the adjacent land uses include: Single Family Residential (RS) to the north and east; Single Family Residential, Medium Density Residential (RM) and Community Commercial to the south; and Community Commercial and Open Space (OS) to the west of the property (see Figure A).



Figure A: 1150 West Seventh Street – Benicia Health & Fitness Club

The Planning Commission originally approved the Benicia Health and Fitness Club through a use permit in 1994. In 2003, the owner received Commission approval through an amendment of the original 1994 use permit to expand the facility by constructing a two-story, 7,200 square foot addition to the southeast portion of the building (03PLN-00065), and a new use permit for reduced parking (03PLN-00064).

**SUMMARY:**

Project Description

The applicant proposes to construct a 25-foot tall, two-story, 4,800 square-foot addition that will fill in the “L” shape of the existing 30,000 square-foot structure, which will result in a square-shaped building that measures approximately 122-feet in width and 122-feet in depth. Similar to the existing east-facing portion of the building that was approved in 2003, the slope adjacent to West Sixth Street will be graded to accommodate the addition and provide some of the additional parking that is required as a result of the expansion (see Figure B).

The exterior of the addition will be clad in stucco, plywood siding and incorporate redwood trim that will match the exterior of the existing building. The north-facing elevation of the addition will also include four double-pane fixed glass windows, a pair of metal service doors and an

awning structure that will also match similar architectural elements on the existing building. The addition will provide further space for club member activities including separate aerobics and rowing rooms, as well as a workshop to service gym equipment and maintenance and utility rooms.

At its meeting on May 26, 2011, the Historic Preservation Review Commission (HPRC) considered and approved the design review for the two-story addition, along with related site improvements. To insure that adequate landscaping will be provided along West Sixth Street, the HPRC conditioned that a detailed landscaping and irrigation plan be submitted to them for approval, and that no certificates of occupancy be issued until the landscaping is installed and a maintenance agreement between the City and the property owner is executed. The Commission also required that subject to the recommendations and approval of a geotechnical engineer, the proposed retaining wall along the northeastern portion of the property be terraced if it is more than eight feet in height. Finally, the HPRC recommended the Planning Commission consider requiring the owner to incorporate resilient channel techniques during construction of the addition to further minimize noise and vibrations from passing through the walls, since excessive noise is a neighborhood compatibility and use permit issue.

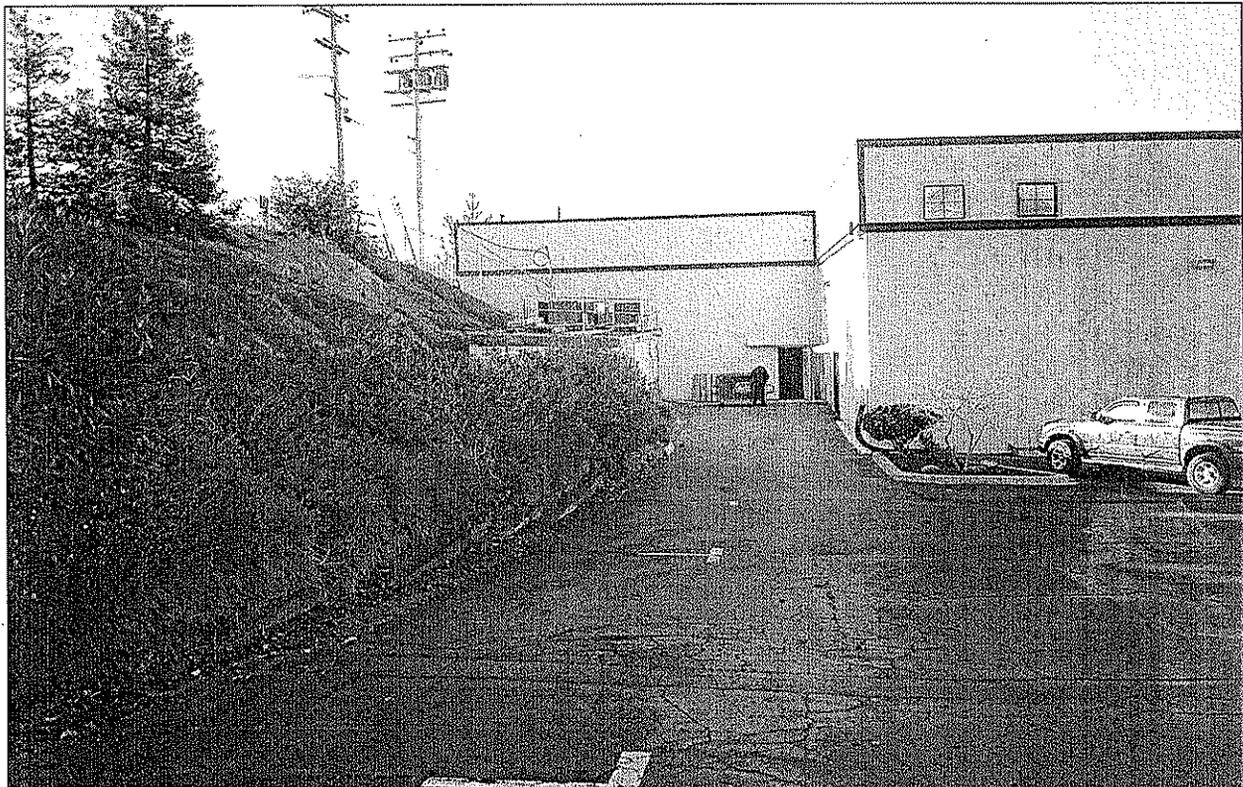


Figure B: Location of addition facing north

#### Use Permit Amendment

The addition will be located along the eastern boundary of the property, adjacent to the addition that was approved in 2003 west of West Sixth Street. The lower floor of the addition will be below the grade of West Sixth Street and not visible to residences on Ridge Circle nor to the east. A portion of the second floor will be partially visible from the west but will be screened by six existing redwood trees that are approximately ten to fifteen feet in height (see Figure C). To

minimize any remaining visual impacts, the HPRC has required that additional trees and shrubs be planted. The addition will not have any openings that face West Sixth Street in order to minimize any potential noise generated by the facility.

The fitness club currently has 92 off-street parking spaces, which was granted by Planning Commission Use Permit 03-14. Since the City does not have a parking requirement formula for health and fitness clubs and determines this on a project-by-project basis, the applicant submitted a focused parking analysis to determine the additional amount of spaces that would be needed as a result of the proposed addition. The analysis by the consulting traffic engineer indicated the peak parking demand for the health club was 94 vehicles, and the total parking supply should exceed this amount by 5% to 10%, which equals 99 to 103 total spaces. The project will meet this requirement by providing 104 parking spaces, which shall be achieved by the re-configuration of the existing lot and construction of a retaining wall along the northeastern boundary of the parcel that will create area for nine additional parking spaces. For the square footage associated with the increase in parking area, the applicant will be required to comply with the City's Stormwater Program through the installation of landscaped area, permeable pavers and/or other post-construction best management practices.

The existing permitted hours of operation are 6:00 a.m. to 10:00 p.m., seven days a week. The owner would like to modify these hours to 5 a.m. to 10:00 p.m. Monday through Friday, 7 a.m. to 7 p.m. on Saturday and 7 a.m. to 5 p.m. on Sunday. The request to open one hour earlier during weekdays is to accommodate club members who might not otherwise be able to engage in exercise because of their morning commute out of Benicia. The proposed hours of operation total 107 hours per week, which is five hours less than currently permitted.

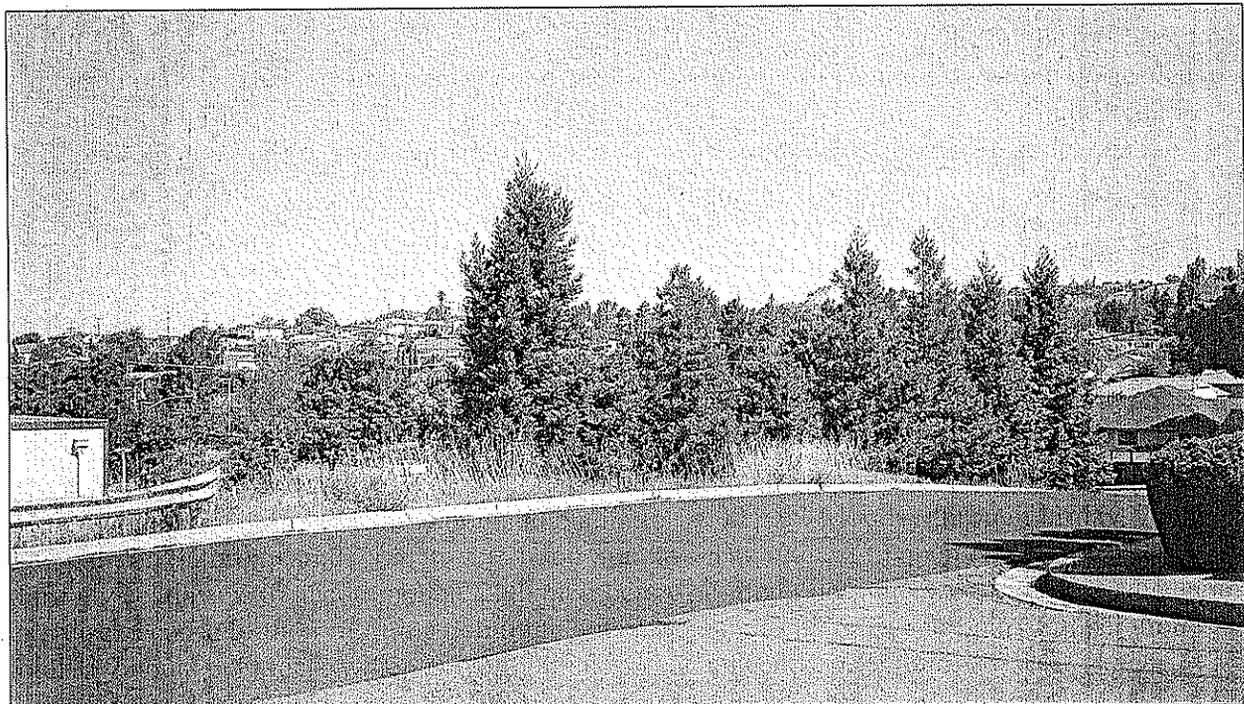


Figure C: Existing open space along West Sixth Street right of way

Pursuant to Benicia Municipal Code Section 17.104.060, in order to approve the use permit amendment, the Planning Commission must make the following findings:

- 1) *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.* This finding can be made. The Planning Commission made the finding in 1994 when the use was originally established, and again in 2003 when it approved an expansion that the use of the property as a health and fitness club is consistent with the objectives of Title 17 because the facility serves the daily needs of nearby residential areas and does not pose adverse effects on residential uses adjoining the district. The proposed 4,800 square foot addition will continue to serve residents of Benicia, the architectural design of the addition will minimize any potential noise impacts, additional parking spaces will be provided to adequately serve the use, and the landscaping requirements adopted by the Historic Preservation Review Commission through design review Resolution No. 11-5 will mitigate any potential visual impacts on adjoining residential uses.
- 2) *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. As determined in 1994 when the health club was originally permitted, the use is consistent with General Plan Policy 2.1.1, which states that new development should be compatible with adjacent existing development and does not detract from Benicia's small town qualities. The proposed 4,800 square foot addition is also consistent with General Plan Policy 2.1.2 because it is an efficient use of land in a development area consistent with the surrounding neighborhood. The addition's orientation, placement into the existing slope, architectural design, lack of openings facing West Sixth Street, and improved landscaping will result in a project that is not detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the health club facility.
- 3) *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.* This finding can be made contingent upon approval of a variance that will allow the property owner to utilize landscaping within City rights of way to comply with the 20% minimum site landscaping requirement, pursuant to Title 17. The use complies with all other applicable conditions required for the commercial recreation use designation in the Community Commercial zoning district.

#### Variance for Minimum Site Landscaping

The subject parcel is 72,234 square feet in area, and the existing amount of landscaping totals 9,294 square feet, which is less than the 14,446 square feet needed to comply with the Zoning Ordinance's 20% requirement. Therefore, the applicant requests a variance for minimum site landscaping to utilize 5,134 square feet of landscaping within existing City rights of way

adjacent to Military West, K and West Sixth Streets to meet this requirement.

	Existing Landscaping	Variance Request	Total	Requirement
Current Parcel (72,234 s.f.)	9,294 s.f.	5,134 s.f.	14,428 s.f. (19.9%)	14,446 s.f. (20%)
Re-Configured Parcel (73,769 s.f.)	10,738 s.f.	3,690 s.f.	14,428 s.f. (19.6%)	14,753 s.f. (20%)

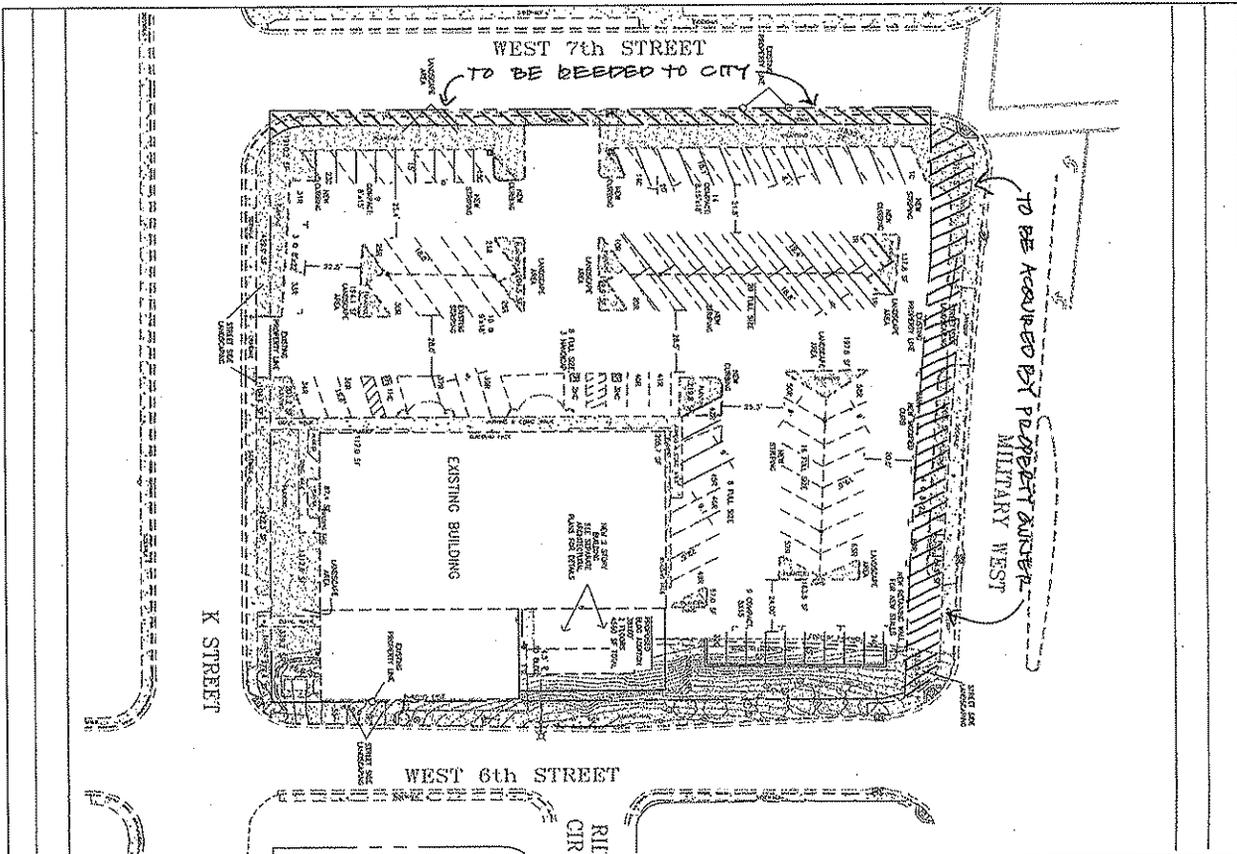


Figure C: Areas to be deeded to City and acquired by property owner

The fitness club's parcel boundaries are not consistent with the physical delineation of typically private commercial areas (i.e. landscaping, driveways and parking lot) and public areas (i.e. sidewalk, curb and roadway). Therefore, the owner has requested that a 2,038 square foot portion of his property along West Seventh Street that extends into the public realm be deeded to the City, and that he acquire a 3,572 square foot portion of City right of way along West Military that encroaches into the fitness club's driveways, parking lot and perimeter landscaping. If approved by the City, the re-configured 73,769 square foot parcel (which gained a net increase of 1,534 square feet) will have 10,738 square feet of landscaping, but still less than the 14,753 square feet needed. If using this configuration, the property owner requests a variance to utilize 3,690 square feet of existing landscaping within City rights of way adjacent to K and West Sixth Streets to meet the requirement. The fitness club already maintains the area along K Street, and the area along West Sixth Street would be planted and maintained to provide a buffer between the fitness club and the residences on Ridge Circle through an agreement with the City. City

Council action is necessary to allow the exchange, and the City will be compensated in an amount acceptable to Council for the difference in value between the area proposed to be obtained by the fitness club and the area proposed to be deeded to the City (see Figure C).

Pursuant to Benicia Municipal Code Section 17.104.060, in order to approve the variance, the Planning Commission must make the following findings:

- 1) *That because of special circumstances or conditions applicable to the development site, including size, shape, topography, location or surroundings, strict application of the requirements of this title deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.* This finding can be made. The northern and southern boundaries of the subject parcel encroach onto the driveways, parking lot and perimeter landscaping that is maintained by the property owner. The parcel's western boundary extends into the public realm and includes the entire sidewalk, curb and part of the West Seventh Street roadbed. The parcel's eastern boundary is located 13-feet behind the face of the curb. Due to the parcel's irregular boundary locations, it is impossible to provide on-site landscaping as part of an expansion project that would otherwise be easily achieved with other nearby properties in the Community Commercial zoning district.
- 2) *That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.* This finding can be made. The property owner has maintained the perimeter landscaping within the K Street right of way for several years. The City does not currently have the resources to improve and/or maintain the the open space within the West Sixth Street right of way. Permitting the owner to improve and maintain this area through a maintenance agreement will mitigate any potential visual impacts as a result of the addition, benefit the City and the surrounding neighborhood and will not be detrimental or injurious to property, improvements in the vicinity, or to the public health, safety or general welfare.
- 3) *That granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.* This finding can be made. The granting of a variance to allow the property owner to improve and maintain open space within City rights of way does not constitute a grant of special privilege due to the irregular boundaries of the subject parcel. This circumstance is unique from other properties in the vicinity that share the Community Commercial zoning designation and does not set a precedent that otherwise could not be supported.

### Conclusion

The proposed amendment to Use Permit 03PLN-00065 to expand Benicia Health and Fitness Club by constructing a two-story, 4,800 square foot addition, and change the hours of operation to 5 a.m. to 10 p.m. Monday through Friday, 7 a.m. to 7 p.m. on Saturday and 7 a.m. to 5 p.m. on Sunday, and the request for a variance that would permit the property owner to utilize and maintain either 3,690 or 5,134 square feet of City rights of way to satisfy the minimum site

landscaping requirement are consistent with the intent and purposes of the City's zoning ordinance. Therefore, staff recommends the Planning Commission approve the use permit amendment and variance based on the findings and subject to the conditions of approval set forth in the proposed resolution.

**FURTHER ACTION:**

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

**Attachments:**

- Draft Resolution
- Project Plans
- Historic Preservation Review Commission Resolution 11-5
- 5/26/11 HPRC Draft Meeting Minutes

**DRAFT RESOLUTION**

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

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF BENICIA APPROVING AN AMENDED USE PERMIT (10PLN-00017) AND A VARIANCE FOR MINIMUM SITE LANDSCAPING (11PLN-00018) FOR  
BENICIA HEALTH AND FITNESS CLUB LOCATED AT 1150 WEST SEVENTH  
STREET**

**WHEREAS**, the applicant, Norman D. Koerner, has submitted an application for an amended use permit to expand an existing fitness by constructing a 4,800 square-foot addition, change the hours of operation to 5 a.m. to 10 p.m., Monday through Friday, 7 a.m. to 7 p.m. on Saturday and 7 a.m. to 5 p.m. on Sunday, located at 1150 West Seventh Street; and

**WHEREAS**, the applicant has also submitted a request for a variance to allow the utilization and maintenance of City rights of way to satisfy the minimum site landscaping requirement pursuant to Title 17; and

**WHEREAS**, the Planning Commission on February 10, 1994 approved Use Permit UP93-11 that established the fitness club; and

**WHEREAS**, the Planning Commission on October 9, 2003 approved Use Permit amendment 03PLN-00065 that permitted expansion of the existing fitness club and Use Permit 03PLN-00064 for reduced parking; and

**WHEREAS**, the Planning Commission at their regular meeting on June 9, 2011 conducted a public hearing and reviewed this proposed project.

**WHEREAS**, the Planning Commission made the following findings relative to the Use Permit amendment approval:

1. 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 Planning Commission made the finding in 1994 when the use was originally established, and again in 2003 when it approved an expansion that the use of the property as a health and fitness club is consistent with the objectives of Title 17 because the facility serves the daily needs of nearby residential areas and does not pose adverse effects on residential uses adjoining the district. The proposed 4,800 square foot addition will continue to serve residents of Benicia, the architectural design of the addition will minimize any potential noise impacts, additional parking spaces will be provided to adequately serve the use, and the landscaping requirements adopted by the Historic Preservation Review Commission through design review Resolution No. 11-5 will mitigate any potential visual impacts on adjoining residential uses.
2. 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. As determined in 1994 when the health club was originally permitted, the use is consistent with General Plan Policy 2.1.1, which states that new development should be compatible with adjacent existing development and does not detract from Benicia's small town qualities. The proposed 4,800 square foot addition is also consistent with General Plan Policy 2.1.2 because it is an efficient use of land in a development area consistent with the surrounding neighborhood. The addition's orientation, placement into the existing slope, architectural design, lack of openings facing West Sixth Street, and improved landscaping will result in a project that is not detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the health club facility.

3. 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. This finding can be made contingent upon approval of a variance that will allow the property owner to utilize landscaping within City rights of way to comply with the 20% minimum site landscaping requirement, pursuant to Title 17. The use complies with all other applicable conditions required for the commercial recreation use designation in the Community Commercial zoning district.

**WHEREAS**, the Planning Commission made the following findings relative to the Variance approval:

1. Because of special circumstances or conditions applicable to the development site, including size, shape, topography, location or surroundings, strict application of the requirements of this title deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The northern and southern boundaries of the subject parcel encroach onto the driveways, parking lot and perimeter landscaping that is maintained by the property owner. The parcel's western boundary extends into the public realm and includes the entire sidewalk, curb and part of the West Seventh Street roadbed. The parcel's eastern boundary is located 13-feet behind the face of the curb. Due to the parcel's irregular boundary locations, it is impossible to provide on-site landscaping as part of an expansion project that would otherwise be easily achieved with other nearby properties in the Community Commercial zoning district.
2. Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare. The property owner has maintained the perimeter landscaping within the K Street right of way for several years. The City does not currently have the resources to improve and/or maintain the the open space within the West Sixth Street right of way. Permitting the owner to improve and maintain this area through a maintenance agreement will mitigate any potential visual impacts as a result of the addition, benefit the City and the surrounding neighborhood and will not be

detrimental or injurious to property, improvements in the vicinity, or to the public health, safety or general welfare.

3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district. The granting of a variance to allow the property owner to improve and maintain open space within City rights of way does not constitute a grant of special privilege due to the irregular boundaries of the subject parcel. This circumstance is unique from other properties in the vicinity that share the Community Commercial zoning designation and does not set a precedent that otherwise could not be supported.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Benicia finds that no further environmental review is required for the proposed project as provided by Section 15301 of the California Environmental Quality Act Guidelines because:

1. Pursuant to CEQA Guidelines, Section 15301(e)(2) Existing Facilities, the expansion of the fitness facility includes an addition that is less than 10,000 square feet, the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the project is not located in an environmentally sensitive area.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Benicia hereby approves Use Permit 10PLN-00017 and Variance 11PLN-00018 subject to the following conditions:

1. This approval shall expire two years from the date of approval, unless made permanent by the issuance of building permits.
2. The plans submitted for the building permit and development and construction shall be in substantial compliance with the submitted plans prepared by A.C.K. Engineering & Surveying and Cullen-Sherry Associates, Inc., date stamped received April 8, 2011, consisting of 8 sheets marked Exhibit "A" on file with the Public Works & Community Development Department, except as noted below. Any change from the approved plans, including substitution of materials, shall be requested in writing and approved by the Public Works & Community Development Director, or designee, prior to changes being made in the field.
3. The plans submitted for building permit and development and construction shall clearly identify the location of the trash enclosure, subject to the approval of the Public Works & Community Development Director, or designee.
4. The applicant shall submit a final landscaping plan for the entire project site, including the City right of way area adjacent to West Sixth Street, subject to the approval of the Historic Preservation review Commission. The landscaping plan shall be designed to minimize irrigation and runoff, promote surface infiltration where

appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Where feasible, landscaping shall be designed to treat storm water runoff by incorporating elements that collect, detain and infiltrate runoff.

5. The project shall adhere to all applicable ordinances, plans, and specifications of the City of Benicia.
6. Any alteration of the approved plans, including substitution of materials, shall be requested in writing and reviewed and approved by the Historic Preservation Review Commission prior to changes being made in the field.
7. Prior to the issuance of a grading permit, a storm drainage analysis including detailed calculations for planters shall be prepared by the applicant and approved by the Public Works & Community Development Department to insure adequate drainage capacity for the proposed project. The applicant shall be responsible for all stormwater treatment measures required by the City of Benicia's Stormwater Program, including construction and post-construction best management practices (BMPs).
8. If the proposed retaining wall along the northeastern portion of the property is more than eight (8) feet in height, a minimum of two terraced walls will be constructed. Prior to the issuance of a grading permit, a geotechnical report prepared by a registered geotechnical engineer, with recommendations to the findings of the proposed retaining wall shall be prepared by the applicant and approved by the Public Works & Community Development Department.
9. Construction activities shall meet all municipal code requirements for hours of operation. Construction equipment shall be adequately muffled and controlled. These requirements shall be made a condition of all related contracts for the project.
10. The applicant shall construct the project as a whole and at substantially the same time. No certificates of occupancy shall be issued until all of the landscaping, including along West Sixth Street, has been installed. The applicant may obtain a temporary certificate of occupancy prior to the installation of landscaping if the applicant posts a performance bond or cash escrow in the amount of 100 percent of the estimated cost of installing the landscaping, to be approved by the Public Works & Community Development Director and subject to a third party valuation paid for by the applicant.
11. The emergency exit door on the second floor will only be used for emergency purposes. The applicant shall insure that this door is alarmed to sound when opened and that the door will be monitored by the internal closed circuit TV system to insure it is only open in emergency situations.

12. Final site design plans for the addition shall reflect approvals granted by the Historic Preservation Review Commission and shall be reviewed as a consent item prior to issuance of the certificate of occupancy.
13. Upon issuance of a building permit, this Use Permit 10PLN-00017 shall supersede Use Permit 03PLN-00065, which no longer has any force or effect.
14. The requirements identified in the Department of Public Works memorandum dated January 27, 1994 and the Fire Department memorandum dated January 24, 1994 remain in full force and effect.
15. This Use Permit shall be for an exercise facility, diet center, massage and tanning salon, martial arts classes, jazzercise, rowing and aerobics classes. Similar indoor commercial recreation and entertainment and personal improvement services uses can be approved by the Public Works & Community Development Director if found to be consistent with the provisions of this Use Permit.
16. The approved use shall operate between 5 a.m. to 10 p.m., Monday through Friday, 7 a.m. to 7 p.m. on Saturday and 7 a.m. to 5 p.m. on Sunday.
17. Prior to issuance of the certificate of occupancy, the property owner shall enter into a Consent to Annex agreement with the City for the future undergrounding of existing overhead utilities along street frontages of the project.
18. Bicycle parking shall be provided on the site. The number of bicycle spaces, together with their location and design, shall be subject to approval by the Public Works & Community Development Director.
19. Prior to issuance of the certificate of occupancy and subject to visual inspection by the City's Building Official or designee, the applicant shall seal all new penetrations for heating, ventilating, and air conditioning equipment through the roof using acoustical caulking around all pipes and ducts.
20. Prior to issuance of the certificate of occupancy, the applicant shall insulate the new exterior stud walls with R-11 batt insulation.
21. Prior to issuance of the certificate of occupancy and subject to visual inspection by the City's Building Official or designee, the applicant shall caulk the entire perimeter of the new walls at intersections with the existing wall, the roof, and the side walls with acoustical caulking. All wall penetrations shall be sealed with acoustical caulking.
22. Prior to issuance of the certificate of occupancy, the applicant shall install a faced fiberglass batt insulation or comparable product between the ceiling joists, exposed to the room, to absorb sound in the aerobics exercise and weight rooms upstairs.

23. The applicant shall maintain the weather-stripping along the entire perimeter of exterior doors facing West Sixth Street on the second floor.
24. Noise from heating, ventilating, and air conditioning (HVAC) equipment shall be controlled through the use of quiet equipment, noise barrier screens and sound attenuators as necessary to comply with the Benicia Noise Ordinance.
25. 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, 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 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 9th day of June, 2011, and adopted by the following vote:

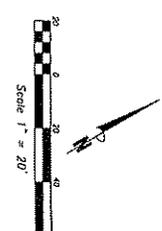
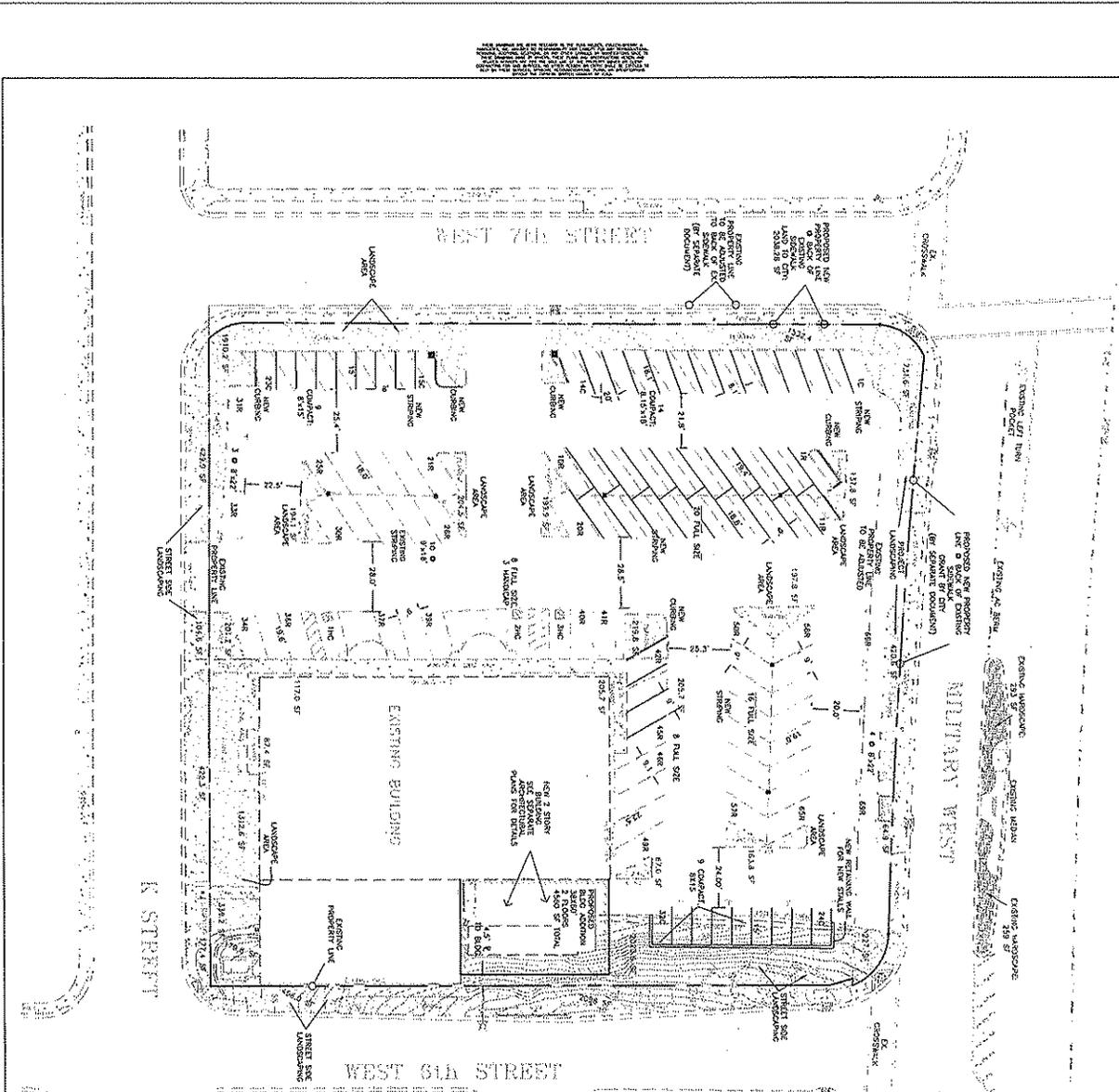
Ayes

Noes:

Absent:

\_\_\_\_\_  
Charlie Knox  
Planning Commission Secretary

# **PROJECT PLANS**



**PARKING SUMMARY**

EXISTING: 92 STALLS  
 PROPOSED: w/ NEW CURB MODIFICATIONS AS SHOWN:  
 104 STALLS  
 TOTAL: 196  
 REMOVAL (R): 10  
 EXISTING (E): 32 (31%)  
 LANDSCAPE (L): 3

**SITE SUMMARY**

FOR NEW 4500 SF BUILDING TO BE ADDED TO 2389 57'x104' EXISTING LOT (200' x 104')  
 PROPOSED NEW BUILDING: 2389 57'x104' ST  
 PROJECT NO: 04-04-11

PREPARED: 1/22/04  
 CLIENT: 72  
 ADDRESS: 1472 1/2 ST. BENICIA, CA 94924  
 411 1/2 ST. (1/2 OF 104')  
 104' TOTAL

**EXISTING SITE AREA:** 223,419 SF

**ADDED NEW PORTION OF THE EXISTING PROPERTY TO BACK OF SITE:** 1,638,118 SF

**ADDED NEW PORTION OF THE EXISTING PROPERTY TO BACK OF SITE:** 1,638,118 SF

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**ADDED NEW PORTION OF THE EXISTING PROPERTY TO BACK OF SITE:** 1,638,118 SF

**LANDSCAPE: 524 SF**

**PROPOSED LANDSCAPE: 524 SF**

**PROPOSED LANDSCAPE: 524 SF**

**PROPOSED LANDSCAPE: 524 SF**

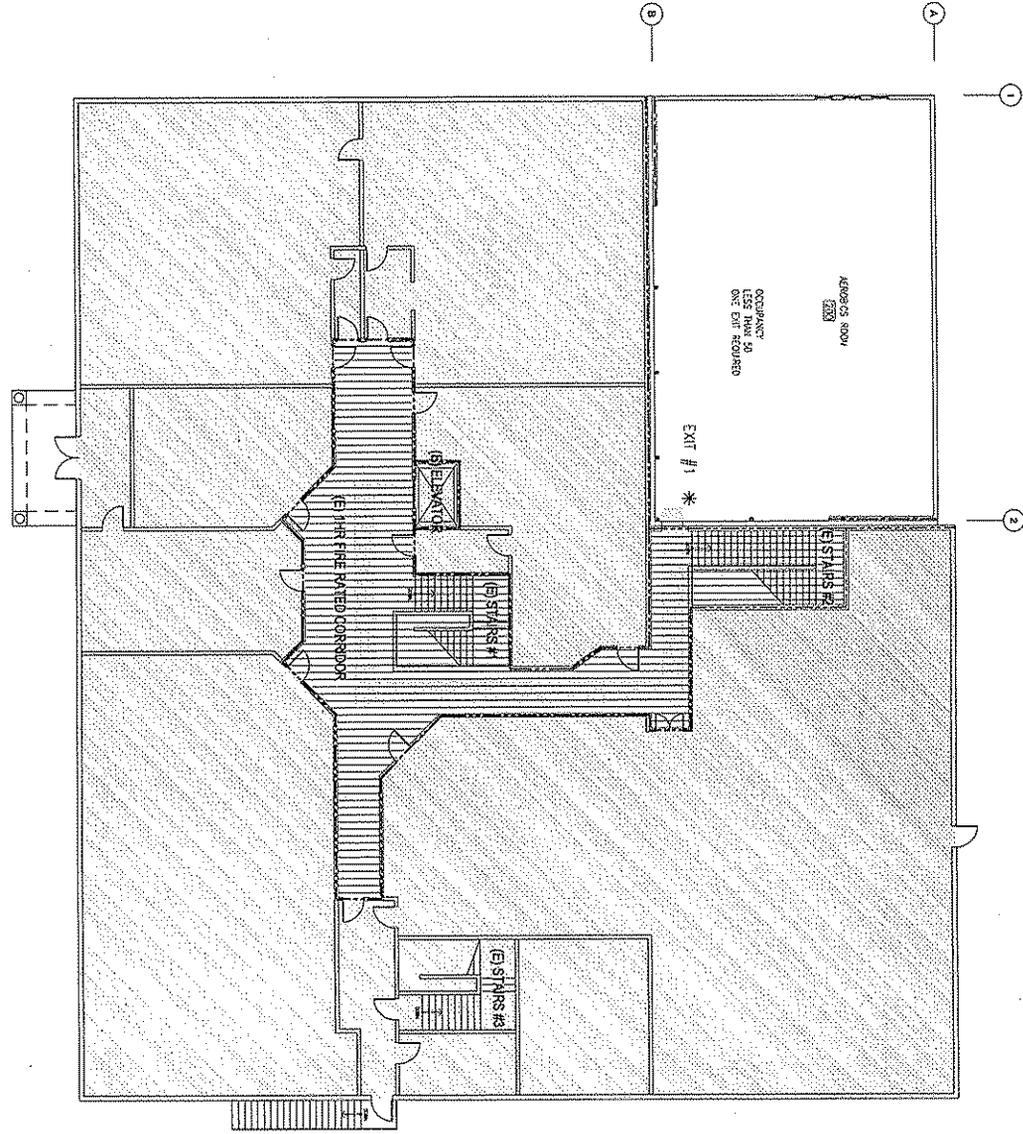
**PROPOSED LANDSCAPE: 524 SF**

REVISED PLAN  
 4-04-11





**2ND FLOOR EXITING AND ADA DIAGRAMS**  
SCALE: 1/8" = 1'-0"



**LEGEND**

- Main entrance to room
- Main exit from room
- Door with panic alarm
- Door with panic alarm and egress cut-off
- Door with panic alarm and egress cut-off

**OCCUPANCY CALCULATIONS**  
Per 2001 Code, Table 10B.1.1, and 10B.7

ROOM NO.	ROOM NAME	AREA (S.F.)	FLOOR LOAD FOR OCCUPANCY (PSF)	OCCUPANCY LOAD FACTOR (S.F./PERSON)	NUMBER OF PERSONS	PERCENT OF TOTAL
101	RECEPTION	108 S.F.	50	1.0	108	1
102	OFFICE	333 S.F.	50	1.0	333	3
103	OFFICE	333 S.F.	50	1.0	333	3
104	OFFICE	333 S.F.	50	1.0	333	3
105	OFFICE	333 S.F.	50	1.0	333	3
106	OFFICE	333 S.F.	50	1.0	333	3
107	OFFICE	333 S.F.	50	1.0	333	3
108	OFFICE	333 S.F.	50	1.0	333	3
109	OFFICE	333 S.F.	50	1.0	333	3
110	OFFICE	333 S.F.	50	1.0	333	3
111	OFFICE	333 S.F.	50	1.0	333	3
112	OFFICE	333 S.F.	50	1.0	333	3
113	OFFICE	333 S.F.	50	1.0	333	3
114	OFFICE	333 S.F.	50	1.0	333	3
115	OFFICE	333 S.F.	50	1.0	333	3
116	OFFICE	333 S.F.	50	1.0	333	3
117	OFFICE	333 S.F.	50	1.0	333	3
118	OFFICE	333 S.F.	50	1.0	333	3
119	OFFICE	333 S.F.	50	1.0	333	3
120	OFFICE	333 S.F.	50	1.0	333	3
121	OFFICE	333 S.F.	50	1.0	333	3
122	OFFICE	333 S.F.	50	1.0	333	3
123	OFFICE	333 S.F.	50	1.0	333	3
124	OFFICE	333 S.F.	50	1.0	333	3
125	OFFICE	333 S.F.	50	1.0	333	3
126	OFFICE	333 S.F.	50	1.0	333	3
127	OFFICE	333 S.F.	50	1.0	333	3
128	OFFICE	333 S.F.	50	1.0	333	3
129	OFFICE	333 S.F.	50	1.0	333	3
130	OFFICE	333 S.F.	50	1.0	333	3
131	OFFICE	333 S.F.	50	1.0	333	3
132	OFFICE	333 S.F.	50	1.0	333	3
133	OFFICE	333 S.F.	50	1.0	333	3
134	OFFICE	333 S.F.	50	1.0	333	3
135	OFFICE	333 S.F.	50	1.0	333	3
136	OFFICE	333 S.F.	50	1.0	333	3
137	OFFICE	333 S.F.	50	1.0	333	3
138	OFFICE	333 S.F.	50	1.0	333	3
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141	OFFICE	333 S.F.	50	1.0	333	3
142	OFFICE	333 S.F.	50	1.0	333	3
143	OFFICE	333 S.F.	50	1.0	333	3
144	OFFICE	333 S.F.	50	1.0	333	3
145	OFFICE	333 S.F.	50	1.0	333	3
146	OFFICE	333 S.F.	50	1.0	333	3
147	OFFICE	333 S.F.	50	1.0	333	3
148	OFFICE	333 S.F.	50	1.0	333	3
149	OFFICE	333 S.F.	50	1.0	333	3
150	OFFICE	333 S.F.	50	1.0	333	3

NUMBER OF SEATED PEOPLE AND MEN'S RESTROOMS EXCEEDS THE REQUIREMENTS FOR THE MAX NUMBER OF SEATING FACILITIES PER TABLE PER 2001 Code.

CONVERT WITH PASSING OF ROOM CAPACITY PER THE CODE PERMITTED (THE SEATING FACILITIES) THE MAXIMUM OCCUPANCY OF AN ASSEMBLY SPACE SHALL NOT EXCEED THE OCCUPANCY LOAD AS DETERMINED IN TABLE 10B.1.1.

LEGEND

- \* END DOOR
- 50' MIN. WIDE ENTRANCE PAIR OF DOORS

DESIGNER: MK  
DATE: 02/20/02  
SCALE: 1/8" = 1'-0"  
SHEET: G-04  
OF 2 SHEETS



**OCCUPANCY CALCULATIONS, EXITING AND ADA DIAGRAMS**  
BENICIA HEALTH AND FITNESS CENTER  
1150 WEST 7th STREET  
BENICIA, CA

**A.C.K.** Engineering & Surveying  
600 Marin St. #5  
Vallejo, Ca. 94590  
PH: 707-648-8811  
Fax: 707-644-2443

REVISION	BY	DATE



**GENERAL NOTES**

1. ALL MEMBERS REFERRED TO BY PART OF OR BY NUMBER ARE TO BE CONSIDERED AS SHOWN UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
3. WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
4. CONFIRM ALL ROOM OFFICE DIMENSIONS FOR ROOM FINISH TO CONSTRUCTION OF THE WORK.
5. PROVIDE FIRE EGRESS IN CONFORMANCE WITH ALL CITY, COUNTY, STATE AND FEDERAL REQUIREMENTS.
6. PROVIDE ALL ROOM OFFICE DIMENSIONS FOR ROOM FINISH TO CONSTRUCTION OF THE WORK.
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19. PROVIDE ALL ROOM OFFICE DIMENSIONS FOR ROOM FINISH TO CONSTRUCTION OF THE WORK.
20. PROVIDE ALL ROOM OFFICE DIMENSIONS FOR ROOM FINISH TO CONSTRUCTION OF THE WORK.

**KEY NOTES**

1. (N) REAR EXTERIOR WALL TO BE CONSIDERED AS SHOWN UNLESS OTHERWISE NOTED.
2. (N) REAR EXTERIOR WALL TO BE CONSIDERED AS SHOWN UNLESS OTHERWISE NOTED.
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20. (N) REAR EXTERIOR WALL TO BE CONSIDERED AS SHOWN UNLESS OTHERWISE NOTED.

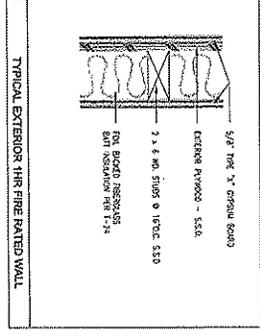
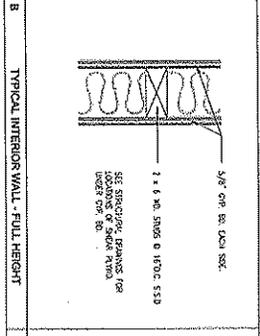
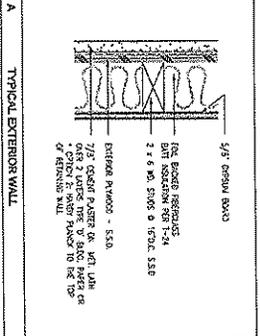
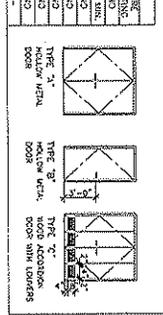
**LEGEND**

- (E) WALL ASSEMBLY TO RETURN
- (N) WALL ASSEMBLY
- (E) FIRE RATED CORRIDOR
- (E) BUILDING NOT IN SCOPE OF WORK
- (N) FIRE RATED WALL ASSEMBLY
- (E) FIRE RATED WALL ASSEMBLY

**WINDOW SCHEDULE**

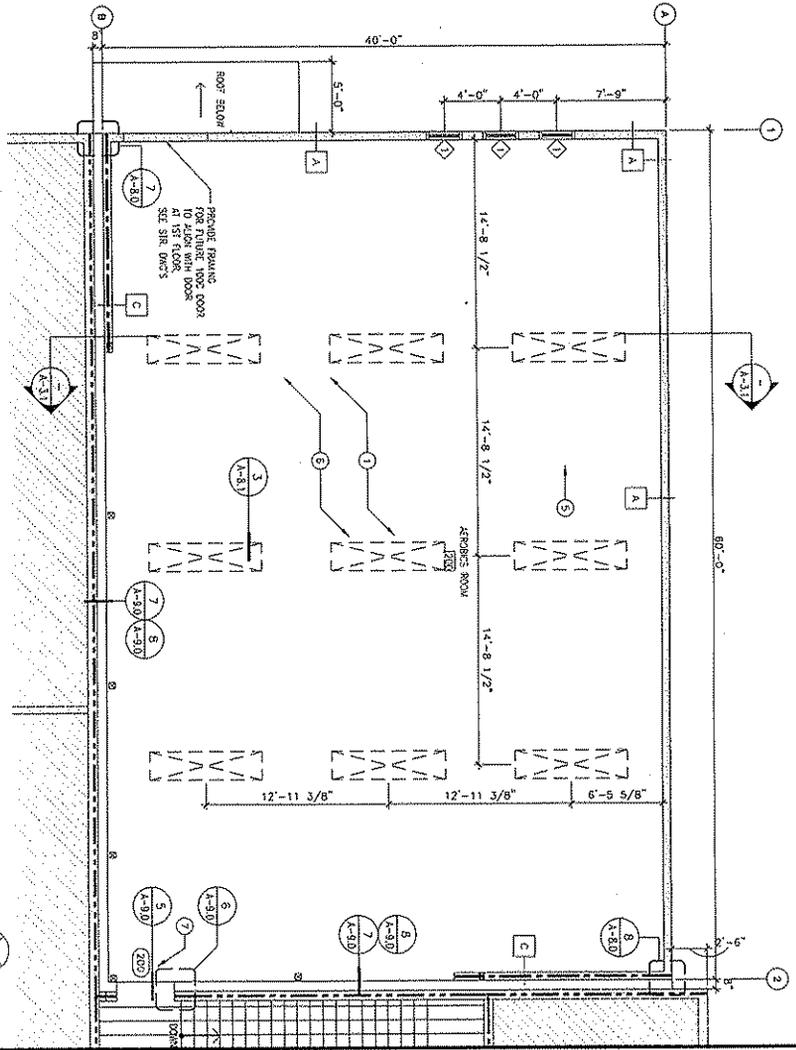
- TYPE "1" FIXED WINDOW WITH DOUBLE PANE GLASS  
SEE DETAILS 5 AND 6, SHEET A-3.0
- TYPE "2" FIXED WINDOW WITH DOUBLE PANE GLASS  
SEE DETAILS 5 AND 6, SHEET A-3.0

NUMBER	SIZE	FRAME	GLASS	TYPE	NOTES	FIG. NO.
100A	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100B	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100C	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100D	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100E	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100F	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100G	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100H	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100I	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100J	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100K	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100L	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100M	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100N	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100O	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100P	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100Q	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100R	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100S	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100T	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100U	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100V	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100W	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100X	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100Y	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20
100Z	3'-0" x 6'-0"	ALUMINUM	1/2" CLEAR GLASS	FIXED	REAR EXTERIOR WALL	20



**PARTITION TYPES**

SCALE: N.T.S.



**2ND FLOOR PLAN**

SCALE: 1/4" = 1'-0"



DRAWN BY: [ ]  
 CHECKED BY: [ ]  
 DATE: [ ]  
 SCALE: 1/4" = 1'-0"  
 JOB NO.: [ ]  
 SHEET: A-2.1  
 OF 33 SHEETS



**2ND FLOOR PLAN**  
**BENICIA HEALTH AND FITNESS CENTER**  
 1150 WEST 7th STREET  
 BENICIA, CA

**A.C.K. Engineering & Surveying**  
 600 Main St. #5  
 Vallejo, CA 94590  
 ph: 707-648-8818  
 fax: 707-644-2443

REVISION	DATE	BY





**HPRC RESOLUTION 11-5**

## RESOLUTION NO. 11-5 (HPRC)

### A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR 1150 WEST SEVENTH STREET – BENICIA HEALTH AND FITNESS CLUB (10PLN-0008)

**WHEREAS**, the applicant, Norm Koerner, has requested design review approval to construct a two-story, 4,800 square foot addition to the rear of the existing health club facility located at 1150 West Seventh Street; and

**WHEREAS**, the Historic Preservation Review Commission at their regular meeting on May 26, 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 finds that:

- a) The project is Categorically Exempt from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15301(e)(2) Existing Facilities – Addition of less than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. The subject property is located in a developed area where all public services and facilities are currently available to allow for development consistent with zoning standards, and the project is not located in an environmentally sensitive area.
- b) The location and configuration of the addition is visually harmonious with its site and with surrounding sites and structures, and will not unnecessarily block scenic views from other buildings or public parks or dominate its surroundings to an extent inappropriate to its use. The addition will not increase the overall height of the existing building, will be sited at the bottom of a steep slope and only a portion of the upper story will be above the grade of Sixth Street. The portion of the addition that may be visible will be screened with existing and newly installed landscaping.
- b) The architectural design of the addition, its materials and colors are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which it is proposed to be located. The addition will incorporate the same materials and colors

as the existing building and will be contoured into the existing slope, similar to the addition that was approved in 2003.

- d) Contingent upon approval of a variance from the Planning Commission, the required landscaping of open spaces will comply with the 20% requirement in the zoning ordinance. The landscaping will also provide a visually pleasing and harmonious setting for structures on the site and serve as a transition to adjoining and nearby sites.
- e) The project prevents excessive and unsightly grading of hillsides, and preserves natural landforms and existing vegetation where feasible. The addition will be contoured into the existing slope and will minimize the amount of grading necessary.
- f) As recommended by a focused parking analysis, the parking lot will be re-configured to provide 104 spaces that will adequately serve the facility during peak periods and will provide efficient circulation areas that conform to the requirements of the zoning ordinance.
- g) The project provides a functional, efficient, and attractive site design which is sensitive to existing uses in the area and to the topography and conditions of the site. The addition is functional, efficiently sited, will be harmonious with the existing structure, and is in a location that will minimize any potential visual impacts to the surrounding neighborhood.

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

1. This approval is of no force and effect unless and until Planning Commission approval of a variance for landscaping is granted that will permit the applicant to utilize landscaping within City rights of way to satisfy the minimum site landscaping requirement pursuant to Title 17 of the Benicia Municipal Code.
2. This approval is of no force and effect unless and until the execution of an agreement between the property owner and the City of Benicia for the maintenance of landscaping within City rights of way.
3. Design Review approval shall expire two years from the date of approval, unless made permanent by the issuance of building permits.

4. The plans submitted for the building permit and development and construction shall be in substantial compliance with the submitted plans prepared by A.C.K. Engineering & Surveying and Cullen-Sherry Associates, Inc., date stamped received April 8, 2011, consisting of 8 sheets marked Exhibit "A" on file with the Public Works & Community Development Department, except as noted below. Any change from the approved plans, including substitution of materials, shall be requested in writing and approved by the Public Works & Community Development Director, or designee, prior to changes being made in the field.
5. Sheets including, but not limited to G-03, G-04, A-2.0, A-2.1, and A-3.0 of the plans submitted for the building permit, development and construction shall be modified to include two fixed windows on the first floor and two fixed windows on the second floor along the northern elevation of the addition. These new windows shall be aligned and spaced to match the existing windows on the north elevation of the building.
6. The exterior stucco clad portion of the addition shall be painted to match the existing concrete masonry unit (CMU) exterior of the existing building.
7. The plans submitted for building permit and development and construction shall clearly indentify the location of the trash enclosure, subject to the approval of the Public Works & Community Development Director, or designee.
8. The applicant shall submit a landscaping and irrigation plan for the entire project site, including the City right of way area adjacent to West Sixth Street. The landscaping plan shall provide a variety of plant species and spacing to adequately screen the HVAC equipment.
9. The final landscaping and irrigation plan shall be submitted to the Historic Preservation Review Commission for approval, prior to installation.
10. No certificates of occupancy shall be issued until the landscaping along West Sixth Street has been installed. The applicant may obtain a temporary certificate of occupancy prior to the installation of landscaping if the applicant posts a performance bond or cash escrow in the amount of 100 percent of the estimated cost of installing the landscaping, to be approved by the Public Works & Community Development Director.

11. If the proposed retaining wall along the northeastern portion of the property is more than eight (8) feet in height, a minimum of two terraced walls will be constructed. Prior to the issuance of a grading permit, a geotechnical report prepared by a registered geotechnical engineer, with recommendations to the findings of the proposed retaining wall shall be prepared by the applicant and approved by the Public Works & Community Development Department.
12. The project shall adhere to all applicable ordinances, plans, and specifications of the City of Benicia.
13. Any alteration of the approved plans, including substitution of materials, shall be requested in writing and reviewed and approved by the Historic Preservation Review Commission prior to changes being made in the field.
14. Construction activities shall meet all municipal code requirements for hours of operation. Construction equipment shall be adequately muffled and controlled. These requirements shall be made a condition of all related contracts for the project.
15. 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 Crompton, seconded by Commissioner Mang, 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 May 26, 2011 by the following vote:

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

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Toni Haughey  
Historic Preservation Review Commission Chair

**5/26/11 HPRC DRAFT MEETING MINUTES**



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

**City Hall Commission Room  
Thursday, May 26, 2011  
6:30 P.M.**

**MEET & GREET SESSION: 6:30 – 7:00 P.M.**

Chair Haughey provided an introduction to the Meet & Greet Session. City Planning and Building staff, and HPRC Commissioners met informally with the public.

**I. OPENING OF MEETING: 7:00 P.M.**

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

Present:

Commissioners Crompton, Mang, McKee, Van Landschoot and Chair Haughey

Absent:

Commissioners Taagepera and White

Staff Present:

Charlie Knox, Public Works & Community Development Director

Harvey Higgs, Building Official

Doug Vu, Associate Planner

Gina Eleccion, Management Analyst

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

**II. ADOPTION OF AGENDA:**

On motion of Commissioner Crompton, seconded by Commissioner McKee, the agenda was adopted as presented by the following vote:

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

**III. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN COMMENT**

None.

**B. PUBLIC COMMENT**

None.

**IV. ELECTION OF OFFICERS**

Due to the absence of two commissioners, the consensus of the Commission was to continue this item to the June meeting.

**V. CONSENT CALENDAR**

On motion of Commissioner Mang, seconded by Commissioner McKee, the Consent Calendar was adopted by the following vote:

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

**A. Approval of Minutes of March 24, 2011**

**VI. REGULAR AGENDA ITEMS**

**A. 1150 WEST 7<sup>TH</sup> STREET – DESIGN REVIEW**

10PLN-8 Design Review  
1150 West Seventh Street – Benicia Health and Fitness Club  
APN: 087-141-060

**PROPOSAL:**

The applicant requests Design Review approval to construct a two-story, 4,800 square foot addition to the rear of the existing 30,000 square foot

health club facility. The addition will provide additional space for health club member activities and maintenance and utility rooms. The proposed addition is consistent with the development regulations of the Zoning Ordinance, with the exception of minimum site landscaping, for which the applicant has submitted a separate Variance application that will be considered by the Planning Commission.

**Recommendation:** Approve design review request for a two-story, 4,800 square foot east-facing addition to the rear of the existing building located at 1150 West Seventh Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution.

Doug Vu, Associate Planner, gave an overview of the project. He noted that written comments were submitted by Roger Lipman, an adjacent property owner. Doug Vu noted that the proposed project meets the provisions of the Zoning Ordinance, except for the landscaping requirements. The applicant has requested a variance from the Planning Commission to meet the landscaping requirements by assuming responsibility for maintenance of the City right-of-way along West 6<sup>th</sup> Street. A parking analysis was submitted by the property owner. It recommended a 5-10% reserve of spaces at peak hours. Based on this calculation, 99-103 spaces would be required, and the applicant is proposing 104 spaces.

With regard to the correspondence received, Doug Vu responded to the issues raised. A copy of the response was submitted to the Commission and made available to the public.

Commissioners asked specific questions about the issues raised by Mr. Lipman. Doug Vu provided additional information regarding landscaping requirements, HVAC equipment locations and screening, noise regulations, access issues, and compensation for the land exchange.

Commissioners questioned what would happen if the Planning Commission doesn't approve this. Doug Vu confirmed that the City Council could not approve a vacation if the General Plan Conformance is not approved.

Commissioners discussed landscaping on West K versus West 6<sup>th</sup> Street. Doug Vu noted that a maintenance agreement was not entered into in 2003 for the landscaping on West K Street, however, that is proposed for the landscaping on West 6<sup>th</sup> Street.

The trash enclosure was discussed. It was noted that it would not affect the required landscaping. It was noted that a geotechnical engineer would submit a study to Public Works regarding the retaining wall. It was suggested to have a two-terrace retaining wall.

Norm Koerner, applicant, stated that he had no additional comments and that Doug Vu accurately presented the project.

Commissioners questioned the property owner as to why the landscaping wasn't completed from the 2003 approval. The property owner does not believe the 2003 conditions were the final conditions.

The public hearing was opened.

Roger Lipman, 2 Ridge Circle – He noted that he is most impacted by this project. He noted that in 2003, he insisted that the landscaping be taken care of. He further noted that he planted the trees on West 6<sup>th</sup> Street. He doesn't oppose the project, but simply wants the landscaping resolved. He believes the noticing was done improperly. A landscape agreement should be attached to the project being done. He stated concerns with the noise.

Barbara Sorrentino, Health Club Manager – She does not dispute what Mr. Lipman is saying, however, she spoke to adjacent neighbors and they have no noise issues. She noted that they attempt to mitigate any noise issues. The gym isn't open until 7am on Saturday and Sunday. She noted that the watering system on West 6<sup>th</sup> Street does work. The gym intends to continue working on the landscaping and the parking lot.

Norm Koerner, applicant, noted that there is a watering system. It has been a matter of ownership, but the right-of-way is owned by the City.

The public hearing was closed.

Commissioners discussed the project. Doug Vu noted that if a land exchange/purchase is not approved, the variance would include additional square footage to meet the landscaping requirement.

It was noted that the north elevation was not complete and the plans show the incorrect number of windows. It might be beneficial to request accurate elevations and look at the window

configurations. There was a request to paint the stucco to match the CMU wall to match. There was a request to see more detail on the awning. Regarding noise, there are sound-deadening measures that can be taken during construction.

Charlie Knox noted that it appears that the middle window is missing on the north elevation. He recommended that the Commission consider recommending repeating the pattern of the windows.

A recess was called at 7:50 p.m. The meeting was reconvened at 7:58 p.m.

The following amendments were made to the resolution:

1. Condition #6 – add language requiring landscaping installation prior to allowance of occupancy or finaling of the Building Permit, or the applicant post a bond in the amount. Maintenance Agreement for the West 6<sup>th</sup> Street right-of-way and automatic irrigation be required. Require language that addresses variety and spacing of landscaping to screen existing HVAC.
2. Add condition that if retaining wall is higher than 8', that 2, terraced retaining walls be constructed, subject to the approval of the geotechnical engineer.
3. At north elevation of addition, provide 2 windows on first and 2<sup>nd</sup> floor. Windows shall be spaced to match existing paired windows at north elevation. Align windows at center of the addition.
4. Paint new stucco to match existing CMU.
5. Recommend Planning Commission include condition regarding resilient channel in construction.
6. Final Landscaping Plan to be approved by the Commission as a Consent Calendar item.

Commissioners questioned if the window change would impact the interior improvements. The applicant stated that he would confer with his engineer. Doug Vu noted that the windows would be in the workshop and aerobics room.

Mr. Lipman questioned if the Commission's purview includes lighting pollution. Charlie Knox stated that this would fall under their purview.

**RESOLUTION NO. 11-5 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR 1150 WEST SEVENTH STREET – BENICIA HEALTH AND FITNESS CLUB (10PLN-0008)**

On motion of Commissioner Crompton, seconded by Commissioner Mang, the above Resolution was adopted by the following vote:

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

**VII. COMMUNICATIONS FROM STAFF**

**A. VERBAL UPDATE ON BICYCLE RACK TASK FORCE**

Staff will provide an update on the Bicycle Rack Task Force.

Gina Eleccion stated that the recommendation of the Bicycle Rack Task Force was presented to the City Council on May 3<sup>rd</sup>. Staff is currently looking into small placards for the racks. Once the new racks are received, the hoops will be removed and racks will be installed in approved locations.

**B. UPDATE – AMENDMENT TO TITLE 17.54**

Staff will provide an update on the amendment to Title 17.54.

Gina Eleccion provided an update on the status of the text amendment. She noted that this item was put on hold pending the completion of the Historic Context Statement. She stated that the Commission has discussed this item twice and she is currently working with the State Office of Historic Preservation, who is providing input on the document. The item will be coming back to the Commission in June.

Gina Eleccion noted that final copies of the Historic Context Statement have been distributed. The document is on the City's website and CDs are available for members of the public.

**VIII. COMMUNICATIONS FROM COMMISSIONERS**

Chair Haughey reminded everyone of the Memorial Day celebration at the cemetery and also of the Museum's Vietnam Veteran's exhibit.

Chair Haughey commented on the Sunset magazine article on Benicia.

**IX. ADJOURNMENT**

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

**AGENDA ITEM  
PLANNING COMMISSION MEETING: JUNE 9, 2011  
REGULAR AGENDA ITEM**

**DATE:** May 31, 2011

**TO:** Planning Commission

**FROM:** Charlie Knox, Public Works & Community Development Director

**SUBJECT:** **CONFORMANCE OF 2011-2031 CAPITAL IMPROVEMENT PROGRAM WITH THE GENERAL PLAN**

**RECOMMENDATION:**

Review the draft City of Benicia 2011-2031 Capital Improvement Program and make a determination that it is consistent with the General Plan.

**EXECUTIVE SUMMARY:**

The Capital Improvement Program (CIP) is being updated as part of the FY 2011-13 budget process. The program includes capital improvement projects (building remodels, street overlays, waterline replacements, park playground installations), comprehensive studies (master plans, impact fee studies), special programs (stormwater program), and major vehicle and equipment replacement. Planning Commission review of the CIP is needed to ensure the program is consistent with the General Plan.

**BUDGET INFORMATION:**

There is no direct fiscal impact associated with this agenda item.

**ENVIRONMENTAL ANALYSIS:**

The Capital Improvement Program is statutorily exempt from the California Environmental Quality Act per Guidelines Section 15262 Feasibility and Planning Studies. Environmental review will be performed for each project prior to moving forward with final design and construction.

**BACKGROUND:**

The City of Benicia Capital Improvement Program identifies projects, programs, and studies that would be beneficial to complete over the next 20 years. The draft CIP list is generated from Council/Commission input, staff recommendations, grant programs, public requests/concerns, and projects currently underway or unfinished from the previous CIP. Various master plan documents, impact fee, fleet management, pavement management, and regulatory agency

programs are also consulted. The General Plan and Strategic Plan Update are the primary guiding documents used for selecting and then prioritizing draft CIP projects.

The CIP spans a 20-year period. Projects listed in the first 2 years are fully funded and included in the FY 2011-13 budget. Projects listed in years 3-5 are intended to be included in the following two budget cycles but may not have a funding source identified. Projects in years 6-20 identify future needs and generally do not have funding at this time.

**GENERAL PLAN:**

Each project and program included in the CIP has been reviewed by staff for General Plan consistency. The last column in the CIP list spreadsheet (attached) identifies the specific goal, program, and/or policy in the General Plan applicable to that project.

**STRATEGIC PLAN:**

CIP projects may implement one or a number of Strategic Plan Issues, Strategies and/or Actions.

**FURTHER ACTION:**

After Planning Commission review, the CIP list and any Planning Commission comments will be forwarded to the City Council for consideration during the budget and strategic plan update process.

**Attachments:**

- Draft Resolution
- Draft Capital Improvement Program (“Exhibit A”)

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA DETERMINING THAT THE CITY OF BENICIA DRAFT 2011-31 CAPITAL IMPROVEMENT PROGRAM IS CONSISTENT WITH THE BENICIA GENERAL PLAN**

**WHEREAS**, the Planning Commission reviewed the draft City of Benicia 2011-2031 Capital Improvement Program (Exhibit "A") at its June 9, 2011 regular meeting; and

**WHEREAS**, the projects, programs, and studies as described in said document are consistent with the City of Benicia General Plan.

**NOW THEREFORE**, the Planning Commission of the City of Benicia hereby determines that the draft 2011-13 Capital Improvement Program is consistent with the Benicia General Plan.

\* \* \* \*

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 9th day of June, 2011, and adopted by the following vote:

Ayes  
Noes:  
Absent:

---

Charlie Knox  
Planning Commission Secretary

DRAFT CAPITAL IMPROVEMENT PROGRAM (Exhibit "A")

Transportation Projects  
City of Benicia Capital Improvement Program

TR	Project Description	2011-12	2012-13	2013-14	2014-15	2015-16	2016-31	Total	Funding	Goal/Program/Policy
<b>Local Roads and Streets</b>										
1	Alley Improvement Program	15,000	15,000	15,000	15,000	15,000	225,000	300,000	GT	2.28, 3.11, 2.12.J, 2.20.J & K
3	Ind. Wy Flood Control (200 block)	195,000	-	-	-	-	-	195,000	GT/AW	2.28, 2.20.J & K
4	Citywide Street Resurfacing Program	760,000	909,000	445,000	445,000	445,000	6,675,000	9,679,000	GT/AW/GP	2.28, 2.20.J & K
5	Columbus Pkwy Overlay (I-780 to Rose Drive)	421,000	-	-	-	-	-	421,000	GP	2.28, 2.20.J & K
10	Channel Rd Extension to Industrial Wy	-	-	-	-	-	500,000	500,000	DEV	2.28, 2.4.1, 2.20.I, 2.20.J & K
11	East B St Improvements (east of East 2 St)	-	-	-	-	-	590,000	590,000	U	2.12.J, 2.28, 2.20.J & K
13	Park Rd Widening (Ind Wy-Sulphur Spg Cr Br)	-	-	-	-	-	1,000,000	1,000,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
14	Benicia Ind. Park Railroad Crossing Upgrades	-	-	-	-	-	900,000	900,000	U	2.28, 2.20.J & K
16	East 2 St Reconstruct (East B to East E St)	-	-	-	-	-	1,000,000	1,000,000	U	2.28, 2.20.J & K
19	Bayshore Rd Extend (Park Rd to Industrial Wy)	-	-	-	-	-	1,600,000	1,600,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
20	Industrial Wy Widening (East 2 St to I-680)	-	-	-	-	-	2,250,000	2,250,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
21	Lake Herman Rd Reconstruction	-	-	-	-	-	2,250,000	2,250,000	U	2.28, 2.20.J & K
22	East 2 St Widening (Military East to I-780)	-	-	-	-	-	3,400,000	3,400,000	DEV	2.28, 2.4.1, 2.20.I, 2.20.J & K
23	Ind. Wy Extend (East 2 St-Lake Herman Rd)	-	-	-	-	-	3,000,000	3,000,000	DEV	2.28, 2.4.1, 2.20.I, 2.20.J & K
24	Park Rd/East 2 St Cross-Connector Rd	-	-	-	-	-	4,100,000	4,100,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
25	East 2 St Widening (Ind. Wy-Lake Herman Rd)	-	-	-	-	-	6,000,000	6,000,000	DEV	2.28, 2.4.1, 2.20.I, 2.20.J & K
98	First St Rehabilitation	-	25,000	500,000	-	-	-	525,000	GT/U	2.20.8&K, 2.25
99	Military West Rehabilitation	-	50,000	500,000	-	-	-	550,000	GT/U	2.20.8&K, 2.25
109	Columbus Parkway Reliever Route	-	500,000	-	-	-	-	500,000	DEV	2.28, 2.4.1, 2.20.I & K
111	Storm Drain Projects	-	-	-	-	-	15,000,000	15,000,000	GT/GP/U	4.13, 4.12, 2.28

**Intersections**

9	Columbus/Rose Thru/Right Turn	-	-	-	-	70,000	645,000	715,000	TM/GP	2.28, 2.4.1, 2.20.I, 2.20.J & K
26	Rose/Columbus Parkway Signal/Intsrctn Mod	-	30,000	150,000	-	-	-	180,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
27	East 6 St/Military East Intersection Mods	-	50,000	-	-	-	-	50,000	U	2.28, 3.11, 2.14, 2.20.J & K
29	Southampton Rd/Hastings Dr Signalization	-	50,000	250,000	-	-	-	300,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
30	Lake Herman Rd/East 2 St Signalization	-	-	-	-	200,000	-	200,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
31	Park Rd/Industrial Wy Intersection Mods	-	-	-	150,000	-	-	190,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
32	East 2 St/Industrial Wy Intersection Mods	-	-	-	-	-	300,000	300,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
33	East 2 St/Military East Intersection Mods	-	-	-	-	-	350,000	350,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
34	Park Rd/Bayshore Dr Signal Upgrades	-	-	-	-	-	475,000	475,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
35	Bayshore Rd/I-680 Ramps Signalization	-	-	-	-	-	500,000	500,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
36	East 2 St/Rose Dr Signal Modification	-	-	-	-	-	500,000	500,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
37	East 5 St/I-780 Ramps Signalization	-	-	-	-	-	550,000	550,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
38	Industrial Wy/I-680 Ramps Signalization	-	-	-	-	-	550,000	550,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
39	East 5 St/Military East Intersection Mods	-	-	-	-	-	650,000	650,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
40	Lake Herman Rd/I-680 Ramps Signalization	-	-	-	-	-	750,000	750,000	TM	2.28, 2.4.1, 2.20.I, 2.20.J & K
41	West 7 St/Military West Intersection Mods	-	-	-	-	100,000	-	100,000	U	2.28, 2.4.1, 2.20.I, 2.14, 2.20.J & K
107	First Street/Military West Signal Modification	250,000	-	-	-	-	-	250,000	GP	2.28, 2.4.1, 2.20.I, 2.14, 2.20.J & K

**Bridges**

42	West 9 St Pedestrian Bridge Painting	-	-	-	-	-	32,000	32,000	GT	2.28, 2.20.J & K
110	W. Channel Railroad Bridge Removal	100,000	-	-	-	-	-	100,000	AW	2.28

AW - Allied Waste DEV - Developer GP - Grant Programs GT - Gas Tax Funds TM - Traffic Mitigation U - Undetermined

DRAFT CAPITAL IMPROVEMENT PROGRAM (Exhibit "A")

**Transportation Projects**  
City of Benicia Capital Improvement Program

TR	Project Description	1 2011-12	2 2012-13	3 2013-14	4 2014-15	5 2015-16	6-20 2016-31	Total	Funding	Goal/Program/Policy
<b>Freeway</b>										
44	I-780 Ramp Improvements at East 2 St	-	-	-	-	-	325,000	325,000	TM/DEV	2,27.1, 2,28, 2,20.J & K
45	I-780 Ramp Improvements at West 7 St	-	-	-	-	-	360,000	360,000	TM	2,27.1, 2,28, 2,20.J & K
46	I-780 Ramp Improvements at Southampton Rd	-	-	-	-	-	500,000	500,000	DEV	2,27.1, 2,28, 2,20.J & K
47	I-780 Ramp Improvements at East 2 St	-	-	-	-	-	500,000	500,000	U	2,27.1, 2,28, 2,20.J & K
49	I-680/Industrial Wy Interchange Improvements	-	-	-	-	-	550,000	550,000	U	2,27.1, 2,28, 2,20.J & K
50	I-680/Bayshore Dr Interchange Improvements	-	-	-	-	-	900,000	900,000	U	2,27.1, 2,28, 2,20.J & K
52	I-680/Lake Herman Rd Interchange Imps.	-	-	-	-	-	7,500,000	7,500,000	TM	2,24, 2,27.1, 2,28, 2,20.J & K
<b>Alternative Modes (Bicycle and Pedestrian)</b>										
54	Sidewalk Replacement Program	15,000	15,000	15,000	15,000	15,000	225,000	300,000	GT	2,14G,2,15,2,21,2,28,2,20J&K
55	Curb Ramp Installations	10,000	10,000	10,000	10,000	10,000	150,000	200,000	GT	2,16,2,15,2,21,2,28,2,20J&K
61	East 3 St Pedestrian Tunnel Upgrades	-	-	50,000	-	-	-	50,000	U	2,15,2,21,2,28,3,11,2,20J&K
92	Bay and Ridge Trail Route Improvements	-	-	-	-	-	500,000	500,000	U	2,14,G,2,15,2,21,2,28,2,20J&K
63	Citywide Lighted Crosswalk Installation	30,000	-	-	-	-	100,000	130,000	TM/U/GP	2,14,2,15,2,21,2,28,2,20J&K
94	Park Rd/Benicia Bridge Ped Walkway Imp.	400,000	-	-	-	-	-	400,000	GT/GP	2,14,G,2,15,2,21,2,28,2,20J&K
<b>Traffic Calming</b>										
72	Rose Drive Corridor TC Improvements	-	21,000	193,050	-	-	-	214,050	DEV	2,14,2,20F,2,28,3,9,5,2,20J&K
73	Neighborhood TC Improvements	15,000	10,000	10,000	10,000	10,000	150,000	205,000	TM	2,14,2,20F,2,28,3,9,5,2,20J&K
74	Radar Speed Signs in School Zones	-	-	50,000	-	-	-	50,000	U	2,14,2,20F,2,28,3,9,5,2,20J&K
105	Major Roads Traffic Calming Program	25,000	25,000	25,000	25,000	25,000	375,000	500,000	TM	2,14,2,20F,2,28,3,9,5,2,20J&K
<b>Transit</b>										
77	Industrial Park Regional Transit Hub	-	-	-	300,000	900,000	-	1,200,000	GP	2,17, 2,21, 2,28
79	Downtown Area Park and Ride Facility	2,400,000	480,000	-	-	-	-	2,880,000	GP	2,17, 2,21, 2,28, 2,23
84	Benicia Ferry Terminal	-	-	-	-	-	5,000,000	5,000,000	U	2,17, 2,21, 2,28, 2,19
85	Benicia Intermodal Transportation Station	-	-	-	-	-	20,000,000	20,000,000	U/GP	2,17, 2,21, 2,28, 2,18
<b>Transportation Related</b>										
87	Miscellaneous Public Improvements	10,000	10,000	10,000	10,000	10,000	150,000	200,000	GT	2,28, 2,20.J & K
88	Traffic Count Program	5,000	-	-	-	5,000	15,000	25,000	TM	2,28, 2,20.J & K
89	Traffic Impact Fee Program Update	-	-	50,000	-	-	150,000	200,000	TM	2,28, 2,4, 2,5.1, 2,20.J & K
90	Radar Speed Study	-	-	-	-	25,000	50,000	75,000	TM	2,28, 2,20.E, J & K
91	Corporation Yard Improvements	-	-	-	-	-	500,000	500,000	GT	2,28, 2,20.J & K
94	Public Utility Rule 20A Undergrounding	-	-	-	-	-	4,000,000	4,000,000	GP	2,28, 3,7.D
95	Underground Gasoline Tank Replacement	-	-	-	-	-	500,000	500,000	U	2,28
<b>Total Program Costs</b>		\$ 4,651,000		\$ 1,995,000	\$ 1,078,050	\$ 2,270,000	\$ 1,780,000	\$ 97,392,000	\$ 109,166,050	

AW - Allied Waste DEV - Developer GP - Grant Programs GT - Gas Tax Funds TM - Traffic Mitigation U - Undetermined

# Water Capital Fund

## City of Benicia Capital Improvement Program

WC Project Descriptions	1	2	3	4	5	6-20	Year	General Plan
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-31	Funding	Goals/Prog/Policy
							Total	
1 AB 1600 Review	30,000	30,000	-	-	-	50,000	110,000	WCap 2.39, 2.4, 2.5.1
2 Lake Herman Capacity Enhancements	75,000	125,000	125,000	75,000	75,000	500,000	975,000	WCap 2.39, 2.36, 3.23
3 Water Purchases	-	-	-	50,000	-	750,000	800,000	WCap 2.39, 2.36
4 Solano Water Authority Projects	-	-	-	75,000	-	1,125,000	1,200,000	WCap 2.39, 2.36
5 System Capacity Improvements	724,000	172,000	-	150,000	-	1,200,000	2,246,000	WCap 2.39
6 Reserve for Water Supply	-	-	-	-	200,000	1,600,000	1,800,000	WCap 2.39, 2.36
7 Reserve for Storage Expansion	-	-	-	-	-	2,000,000	2,000,000	WCap 2.39
8 Reserve for Plant Expansion	-	-	-	700,000	-	2,800,000	3,500,000	WCap 2.39
9 Master Plan Update	75,000	-	-	-	-	250,000	325,000	WCap 2.39, 2.36
<b>Total Program Needs</b>	<b>\$ 904,000</b>	<b>\$ 327,000</b>	<b>\$ 125,000</b>	<b>\$ 1,050,000</b>	<b>\$ 275,000</b>	<b>\$ 10,275,000</b>	<b>\$ 12,956,000</b>	

# Water Operations Fund

## City of Benicia Capital Improvement Program

WO	Project Descriptions	1	2	3	4	5	6-20	Total	Year	Funding Goal/Program/Policy	General Plan
		2011-12	2012-13	2013-14	2014-15	2015-16	2016-31				
<b>Water Operations</b>											
1	Tools, Equipment and Furniture	25,000	25,000	30,000	30,000	30,000	450,000	590,000	WOPs	2.39	
2	Reservoir Maintenance	30,000	30,000	30,000	30,000	30,000	450,000	600,000	WOPs	2.39	
3	Filter Replacement Fund	80,000	80,000	80,000	80,000	80,000	1,200,000	1,600,000	WOPs	2.39	
4	Equipment Replacement Fund	70,000	70,000	70,000	70,000	70,000	1,050,000	1,400,000	WOPs	2.39	
5	System Replacement Fund	200,000	200,000	200,000	200,000	200,000	3,000,000	4,000,000	WOPs	2.39	
6	Corp Yard Improvements	-	-	-	33,750	-	500,000	533,750	WOPs	2.39	
7	Cross Connection Control Program	3,500	3,500	3,500	3,500	3,500	52,500	70,000	WOPs	2.39	
8	Cordelia and Lake Herman Lines Survey	-	-	25,000	-	-	-	25,000	WOPs	2.39	
9	Computer System Upgrades	10,000	10,000	10,000	10,000	10,000	500,000	550,000	WOPs	2.39	
10	Service Line Replacement Program	75,000	75,000	75,000	75,000	75,000	1,125,000	1,500,000	WOPs	2.39	
11	Facility Security	77,000	-	-	-	-	-	77,000	WOPs	2.39	
12	Catholic Protection Improvements	112,500	100,000	100,000	140,000	-	-	452,500	WOPs	2.39	
15	Solano Water Authority Projects	-	-	-	-	-	500,000	500,000	WOPs	2.39, 2.36	
16	Master Plan Update	75,000	-	-	-	-	250,000	325,000	WOPs	2.39	
18	Demolish backwash tank	-	-	-	-	-	450,000	450,000	WOPs	2.39	
19	Landscape Improvements	-	-	-	-	-	100,000	100,000	WOPs	2.39	
20	Reserve for Water Supply	-	-	-	-	-	1,000,000	1,000,000	WOPs	2.39, 2.36	
21	Raw Water Transmission Line Improvements	-	-	150,000	100,000	-	-	250,000	WOPs	2.39	
22	Upgrade plant utility water system	-	-	-	-	-	75,000	75,000	WOPs	2.39	
24	P-2 Pump Station Improvements	-	-	-	-	-	300,000	300,000	WOPs	2.39	
25	Replace roof at P-3 Pump Station	-	50,000	-	-	-	50,000	100,000	WOPs	2.39	
27	Clarifier demolition	-	-	-	-	-	350,000	350,000	WOPs	2.39	
28	Install pipeline to sewer system	-	-	-	-	-	1,000,000	1,000,000	WOPs	2.39	
29	Re-line sludge lagoons	-	-	-	-	500,000	1,100,000	1,600,000	WOPs	2.39	
30	UV Disinfection	-	-	-	-	-	5,000,000	5,000,000	WOPs	2.39	
31	Expand and modify operations bldg; build shop	-	-	-	-	-	2,500,000	2,500,000	WOPs	2.39	
58	MIEX Pretreatment System	-	-	-	-	500,000	1,000,000	1,500,000	WOPs	2.39	
59	Plant Headworks Improvements	95,000	-	-	-	-	-	95,000	WOPs	2.39	
61	Flash Mix Room Improvements	-	-	150,000	-	-	-	150,000	WOPs	2.39	
62	Treated Water Reservoir Improvements	492,500	-	-	100,000	-	-	592,500	WOPs	2.39	
69	Chemical Tank Farm Improvements	-	-	250,000	750,000	-	-	1,000,000	WOPs	2.39	
70	Alternative Energy Options	-	-	-	-	-	-	675,000	Unknown	2.39	
71	Lake Herman Pump Station Improvements	-	75,000	-	-	-	-	75,000	WOPs	2.39	
72	Filter Improvements	-	100,000	-	-	-	110,000	210,000	WOPs	2.39	
73	Zone 2 Distribution System Improvements	-	-	-	140,000	-	-	140,000	WOPs	2.39	
74	Cordelia Pump Station Improvements	-	-	-	-	-	3,000,000	3,000,000	WOPs	2.39	

# Water Operations Fund

## City of Benicia Capital Improvement Program

WO Project Descriptions	Year						Total	Funding Goal/Program/Policy	General Plan
	1 2011-12	2 2012-13	3 2013-14	4 2014-15	5 2015-16	6-20 2016-31			
<b>Water Line Projects</b>									
33 Lower Arsenal Area Waterline Improvements	150,000	150,000	173,000	-	-	-	473,000	WOps	2.39
34 East F Street Water Main Relocation	-	-	-	-	-	105,000	105,000	WOps	2.39
35 Adams Street Water Main Replacement	-	-	-	-	-	473,000	473,000	WOps	2.39
36 East G Street Waterline Upgrade	-	-	99,000	-	-	-	99,000	WOps	2.39
37 West 7th Street Water Main Upgrade	-	-	-	99,000	-	-	99,000	WOps	2.39
38 West I Street Alley Water Main Replacement	-	-	-	-	100,000	-	100,000	WOps	2.39
39 East D Street Water Main	-	-	-	-	-	313,000	313,000	WOps	2.39
40 East 5th Street Water Main Replacement	-	-	-	-	-	500,000	500,000	WOps	2.39
41 Pacifica Court Water Main Replacement	-	-	-	-	-	50,000	50,000	WOps	2.39
42 West Manor Area Secondary Connection	-	-	-	-	-	-	-	WOps	2.39
43 Pine Lake Area Improvements - Zone 2 connectio	-	-	-	-	-	288,000	288,000	WOps	2.39
44 Francisco Court Water Main Replacement	-	-	-	-	-	50,000	50,000	WOps	2.39
45 West 8th Street Water Main Upgrade	-	-	-	-	-	75,000	75,000	WOps	2.39
46 East O Street Water Main Upgrade	-	-	-	-	-	75,000	75,000	WOps	2.39
47 East H Street Water Main Upgrade	-	-	-	-	-	75,000	75,000	WOps	2.39
48 Jefferson Street Water Main	-	-	-	-	-	250,000	250,000	WOps	2.39
49 West I Street Water Main Replacement	-	-	-	-	-	150,000	150,000	WOps	2.39
50 Viewmont Water Main Replacement	-	-	-	-	-	175,000	175,000	WOps	2.39
52 Bayshore Road Water Main	-	-	-	-	-	500,000	500,000	WOps	2.39
53 Park Road Water Main	-	-	-	150,000	-	-	150,000	WOps	2.39
54 Benicia-Vallejo Secondary Connection	-	-	-	-	-	445,000	445,000	WOps	2.39
55 Bayshore Road Water Main Replacement	-	-	-	-	-	3,500,000	3,500,000	WOps	2.39
56 Install Redundant Treated Water Pipeline	-	-	-	-	-	1,500,000	1,500,000	WOps	2.39
57 Lake Herman Transmission Main Replacement	-	-	-	-	-	1,200,000	1,200,000	WOps	2.39
64 Snapdragon Area Corrosion Control	-	-	-	-	-	1,500,000	1,500,000	WOps	2.39
65 Old R-1 Reservoir Water Main Improvements	-	-	-	-	-	550,000	550,000	WOps	2.39
66 Remote-Read Water Meter System	-	-	-	-	-	250,000	250,000	WOps	2.39
67 McKay Way Water Main Replacement	-	-	-	-	-	2,500,000	2,500,000	Unknown	2.39
68 East 2nd Street Water Main Replacement	720,000	-	-	-	-	75,000	75,000	WOps	2.39
							720,000	WOps	2.39
<b>Total Program Needs</b>	<b>\$ 2,215,500</b>	<b>\$ 968,500</b>	<b>\$ 1,445,500</b>	<b>\$ 2,011,250</b>	<b>\$ 1,748,500</b>	<b>\$ 40,386,500</b>	<b>\$ 48,775,750</b>		

**Wastewater Capital Fund**  
**City of Benicia Capital Improvement Program**

WWC Project Descriptions	Year					Total	Funding	Goals/Prog/Policy
	1 2011-12	2 2012-13	3 2013-14	4 2014-15	5 2015-16			
1 AB 1600 Review	25,000	25,000	-	-	-	50,000	WWCap	2.40, 2.41, 2.5.1, 2.4
2 System Capacity Improvements	302,430	200,000	200,000	332,000	0	7,322,400	WWCap	2.40, 2.41, 2.5.1
3 Reserve for Plant/System Expansion	-	325,000	-	-	-	2,275,000	WWCap	2.40, 2.41, 2.5.1
4 Master Plan Update	-	-	-	-	-	250,000	WWCap	2.40, 2.41, 2.5.1
<b>Total Program Needs</b>	<b>\$ 327,430</b>	<b>\$ 550,000</b>	<b>\$ 200,000</b>	<b>\$ 332,000</b>	<b>\$ -</b>	<b>\$ 9,897,400</b>		<b>\$ 11,306,830</b>

# Wastewater Operations Fund

## City of Benicia Capital Improvement Program

WWO Project Descriptions	6-20						Total	Funding	Goals/Progi/Policies	General Plan
	1	2	3	4	5	6-20				
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-31				
<b>Wastewater Operations</b>										
1 Tools, Equipment and Furniture	30,000	30,000	40,000	40,000	40,000	600,000	780,000	WWOps	2,40, 2,41	
2 Equipment Replacement Fund	-	-	80,000	80,000	80,000	1,200,000	1,440,000	WWOps	2,40, 2,41	
3 System Replacement Fund	-	-	200,000	200,000	200,000	3,000,000	3,600,000	WWOps	2,40, 2,41	
4 Computer System Upgrades	10,000	10,000	10,000	10,000	10,000	500,000	550,000	WWOps	2,40, 2,41	
5 Facility Security and Ancillary Projects	-	-	-	-	-	300,000	300,000	WWOps	2,40, 2,41	
6 Corp Yard Improvements	-	-	-	33,750	-	500,000	533,750	WWOps	2,40, 2,41	
7 Odor Scrubber Media Replacement	-	45,000	-	-	-	125,000	170,000	WWOps	2,40, 2,41	
8 Replace Helical Scum Collectors	-	-	50,000	-	-	100,000	150,000	WWOps	2,40, 2,41	
9 RBC Replacement	-	-	-	-	-	1,200,000	1,200,000	WWOps	2,40, 2,41	
10 Water Reuse Project	-	-	-	-	-	40,000,000	40,000,000	Unknown	2,40, 2,41, 2,36.A	
12 Rehab grit separator	-	-	-	-	-	50,000	50,000	WWOps	2,40, 2,41	
13 Master Plan Update	-	-	-	-	-	250,000	250,000	WWOps	2,40, 2,41	
14 Plant Cathodic Protection Improvements	-	-	-	100,000	500,000	-	600,000	Unknown	2,40, 2,41	
15 HMI replace with SCADA nodes	50,000	-	-	-	-	-	50,000	WWOps	2,40, 2,41	
17 Add actuators/controls-aeration basin gates	-	-	30,000	-	-	-	30,000	WWOps	2,40, 2,41	
18 Digester cleaning	-	-	-	-	-	-	200,000	WWOps	2,40, 2,41	
21 Replace belt filter press	-	-	-	-	140,000	90,000	230,000	WWOps	2,40, 2,41	
22 Upgrade/replace PLCs	-	-	-	80,000	-	-	80,000	WWOps	2,40, 2,41	
23 Lift Station Improvements	-	-	-	-	-	500,000	500,000	WWOps	2,40, 2,41	
25 Overhaul natural gas genset	-	-	75,000	-	-	-	75,000	WWOps	2,40, 2,41	
27 Rehab 4 MCCs	-	-	-	-	-	200,000	200,000	WWOps	2,40, 2,41	
28 Add third clarifier	-	-	-	-	-	1,500,000	1,500,000	WWOps	2,40, 2,41	
46 Boiler Control Panels	-	-	-	-	-	40,000	40,000	WWOps	2,40, 2,41	
47 Sludge Disposal Options	-	-	-	-	-	450,000	450,000	WWOps	2,40, 2,41	
48 Computerized O&M Manual	-	-	-	-	-	10,000	10,000	WWOps	2,40, 2,41	
49 Odor Scrubber Piping Modifications	40,000	-	-	-	-	-	40,000	WWOps	2,40, 2,41	
54 Alternative Energy Options	-	-	-	-	-	725,000	725,000	Unknown	2,40, 2,41	
55 Effluent Flow Recycle Pump Station	30,000	-	-	-	-	-	30,000	WWOps	2,40, 2,41	
56 Emergency Electrical MCC Connection Points	-	50,000	-	-	-	-	50,000	WWOps	2,40, 2,41	
57 Plant Electrical System Upgrade	-	-	-	-	-	200,000	200,000	WWOps	2,40, 2,41	
58 Chemical Tank Replacement	15,000	-	-	80,000	-	-	95,000	WWOps	2,40, 2,41	
59 Grit Separator Gates	-	-	30,000	-	-	-	30,000	WWOps	2,40, 2,41	
60 Influent Pumps Rehabilitation	-	-	-	30,000	-	-	30,000	WWOps	2,40, 2,41	

# Wastewater Operations Fund

## City of Benicia Capital Improvement Program

WWO Project Descriptions	1 2011-12	2 2012-13	3 2013-14	4 2014-15	5 2015-16	6-20 2016-31	Total	Funding	Goals/Prog/Policies	General Plan
<b>Wastewater Line Projects</b>										
31 West H Street Sewerline Replacement	-	-	-	-	-	50,000	50,000	WWOps	2.40, 2.41	
32 East 7th Street Sewerline Replacement	-	-	-	-	237,000	150,000	387,000	WWOps	2.40, 2.41	
36 Sample School Area Sewer Main Relocation	-	-	-	-	-	646,000	646,000	WWOps	2.40, 2.41	
39 West Manor Neigh Sewer Main Replacement	-	-	-	-	-	400,000	400,000	WWOps	2.40, 2.41	
41 Wet Weather Program Re-Evaluation	-	-	-	-	-	450,000	450,000	WWOps	2.40, 2.41	
52 Bayshore Rd Gravity Main Rehabilitation	-	200,000	200,000	332,000	-	-	732,000	WWOps	2.40, 2.41	
61 Bayshore Force Main Replacement	150,000	-	-	-	-	-	150,000	WWOps	2.40, 2.41	
62 West Fork Sewerline Replacement	-	-	-	-	-	911,600	911,600	WWOps	2.40, 2.41	
63 East Channel Road Sewerline Replacement	-	-	-	-	-	2,493,000	2,493,000	WWOps	2.40, 2.41	
64 I-780 Crossing at West 7th Street Sewerline Replacement	-	-	-	-	-	152,000	152,000	WWOps	2.40, 2.41	
65 West 7th Street Sewerline Replacement	-	-	-	-	-	646,000	646,000	WWOps	2.40, 2.41	
66 I-780 at Rose Drive Sewerline Replacement	-	-	-	-	-	4,399,000	4,399,000	WWOps	2.40, 2.41	
67 Park Industrial Lift Station Replacement	-	-	-	-	-	581,000	581,000	WWOps	2.40, 2.41	
<b>Total Program Needs</b>	<b>\$ 325,000</b>	<b>\$ 335,000</b>	<b>\$ 715,000</b>	<b>\$ 653,750</b>	<b>\$ 1,207,000</b>	<b>\$ 62,618,600</b>	<b>\$ 66,502,495</b>			

# Buildings & Related Infrastructure

## City of Benicia Capital Improvement Program

BR	Project Description	1 2011-12	2 2012-13	3 2013-14	4 2014-15	5 2015-16	6-20 2016-31	Total	Goals/Prog/Policy						
1	Youth Activity Center Improvements	-	-	-	230,000	-	-	230,000	4.5, 2.28						
2	Camel Barn Floor Repairs	-	-	-	75,000	-	-	75,000	3.1, 2.28						
3	Depot Freight Room & Renovation	-	-	-	-	-	1,000,000	1,000,000	2.12.N, 3.1, 2.28						
6	Library Basement Completion	-	-	1,000,000	-	-	-	1,000,000	3.4, 2.28						
7	James Lemos Swim Center	-	-	-	-	-	2,510,000	2,510,000	2.28						
8	City Gym Improvements	-	-	-	-	250,000	-	250,000	2.28						
9.1	Commandants Renovation - Phase II	-	-	300,000	-	600,000	-	900,000	3.1, 2.28						
10	Community Center	-	-	-	-	-	-	-	2.28, 2.32						
11	Fire Station #12 Upgrades	-	-	-	-	-	-	-	2.28						
12	Upgrade Current Police Facility	-	-	-	-	-	-	-	2.28						
13	City Hall Reinforcement	-	-	1,100,000	-	-	-	1,100,000	3.1, 2.28						
14	Senior Center Upgrades	-	-	-	500,000	-	-	500,000	2.28						
15	City Hall Non-Structural Improvements	-	-	100,000	-	100,000	750,000	950,000	3.1, 2.28						
16	Corporation Yard Improvements	-	-	-	600,000	-	-	600,000	2.28						
17	Clocktower Improvements	-	-	-	-	1,500,000	-	1,500,000	3.1, 2.28						
19	Camel Barn Seismic Upgrade	-	-	-	-	-	1,650,000	1,650,000	3.1, 2.28						
20	Library Improvements	-	-	-	-	-	-	-	3.4, 2.28						
21	Camel Barn Parking Lot Lights	-	-	-	-	-	161,000	161,000	2.23, 3.1, 2.28						
22	New Police Facility	-	-	-	-	-	16,000,000	16,000,000	2.28						
25	Energy Efficiency and Photo Voltaic	-	-	-	-	-	11,860,000	11,860,000	2.28, 3.27						
<b>Annual Program Needs</b>		<b>\$ 11,860,000</b>		<b>\$ 0</b>		<b>\$ 2,500,000</b>		<b>\$ 1,405,000</b>		<b>\$ 2,450,000</b>		<b>\$ 22,071,000</b>		<b>\$ 40,286,000</b>	

All projects are to be paid for by the General Fund and are unfunded except for BR25 (Energy Efficiency and PV) which is fully funded under a Public Placement Certificates of Participation/Lease.

# Parks & Recreation Facilities

## City of Benicia Capital Improvement Program

PR	Project Descriptions	1	2	3	4	5	6-20	Total	General Plan Goal/Prog/Policy
		2011-12	2012-13	2013-14	2014-15	2015-16	2016-31		
3	Playground Replacement Fund	20,000	20,000	20,000	20,000	20,000	300,000	400,000	2,30, 2,32, 2,28, 2,31
4	Arneson	-	-	-	15,000	-	-	15,000	2,30, 2,32, 3,6, 2,28, 2,31
5	Jack London	-	-	-	60,000	-	-	60,000	2,30, 2,32, 2,28, 2,31
6	Benicia Community Park	-	-	986,000	1,000,000	1,000,000	281,750	3,267,750	2,30, 2,32, 2,28, 2,31
8	Overlook Park	-	-	-	-	832,500	300,000	1,132,500	2,30, 2,32, 2,28, 2,31
9	Willow Glen Park	-	-	-	250,000	250,000	368,000	868,000	2,30, 2,32, 2,28, 2,31
10	West Ninth Street Park	-	-	200,000	-	-	50,000	250,000	2,30, 2,32, 3,13, 2,28, 2,31
11	Southampton Park	-	-	100,000	-	400,000	65,500	465,500	2,30, 2,32, 2,28, 2,31
12	Parks Master Plan Update	-	-	-	-	-	-	100,000	2,30, 2,32, 2,28
13	Youth Activity Center	-	-	-	-	-	-	-	2,30, 2,32, 4,5, 2,28, 2,31
14	Francesca Terrace	-	-	-	322,000	-	249,550	571,550	2,30, 2,32, 2,28, 2,31
15	Duncan Graham Park	-	-	20,000	-	-	31,500	51,500	2,30, 2,32, 2,28, 2,31
16	Civic Center Park	-	-	300,000	-	-	150,000	450,000	2,30, 2,32, 2,12,J, 2,28, 2,31
17	Bridgeview Park	-	-	-	-	345,000	116,000	461,000	2,30, 2,32, 2,28, 2,31
18	Lake Herman Regional Park	-	-	-	-	-	1,065,000	1,065,000	2,30, 2,32, 2,2, 3,23, 2,28
19	X-Parik	-	-	-	-	-	350,000	350,000	2,30, 2,32, 2,28
20	City Cemetery Road Improvements	85,000	-	25,000	-	25,000	800,000	935,000	3,1, 2,28
21	Sarvia Park	-	-	75,000	-	-	-	75,000	2,30, 2,32, 2,28, 2,31
22	Channing Circle	-	-	-	-	200,000	110,000	310,000	2,30, 2,32, 2,28, 2,31
23	Benicia Views II	-	-	-	-	-	75,000	75,000	2,30, 2,32, 2,28, 2,31
24	Park Solano	-	-	-	-	75,000	32,000	107,000	2,30, 2,32, 2,28, 2,31
25	Roller Hockey Rink Surface	-	-	-	-	-	350,000	350,000	2,30, 2,32, 2,28, 2,31
26	Clocktower Park Improvements	-	-	-	-	-	1,000,000	1,000,000	2,30, 2,32, 2,28, 2,31
27	Skillman	-	-	-	-	-	450,000	450,000	2,30, 2,32, 2,28, 2,31
28	Gateway	-	-	-	-	-	100,000	100,000	2,30, 2,32, 3,9,4, 2,28, 2,31
29	City Park	-	-	50,000	-	-	600,000	650,000	2,30, 2,32, 2,12-J, 2,28
30	Fitzgerald Field	-	-	-	-	-	1,000,000	1,000,000	2,30, 2,32, 2,12,J, 3,11, 2,28, 2,31
31	First St. Green Expansion	-	-	-	-	1,000,000	-	1,000,000	2,30, 2,32, 2,12-J, 2,12,O, 3,13, 2,28
32	Benicia Waterfront Path	-	-	-	-	-	65,000	65,000	2,30, 2,32, 2,12,J, 2,15, 3,13, 2,28
33	Matthew Turner Park	-	-	-	345,000	445,000	-	790,000	2,30, 2,32, 2,28
34	Misc. Trails	-	-	-	-	-	96,000	96,000	2,30, 2,32, 2,15, 3,17, 2,28
35	Bottle Hill Park	-	-	-	-	-	200,000	200,000	2,30, 2,32, 3,11, 2,28
36	Little League	-	-	345,000	-	-	575,000	920,000	2,30, 2,32, 3,11, 2,28
37	Raymond Bardoni Park	-	-	-	-	-	862,500	862,500	2,30, 2,32, 3,13, 2,28
39	Marsh Overlook & Pier Trail	-	-	-	-	-	1,150,000	1,150,000	2,30, 2,32, 2,12,J, 2,15, 3,13, 2,28
40	Perth Way Neighborhood Park	-	-	-	-	-	2,070,000	2,070,000	2,30, 2,32, 2,28
41	Hastings Road Neighborhood Park	-	-	-	-	-	3,168,250	3,168,250	2,30, 2,32, 2,28
42	Waterfront Project (E2nd to First St)	-	-	-	-	-	3,450,000	3,450,000	2,30, 2,32, 2,12,J, 3,13, 2,28
43	ADA Restroom Upgrade Fund	-	-	300,000	300,000	300,000	4,800,000	5,700,000	2,30, 2,31, 2,32
44	Executive Golf Course Feasibility Study	-	-	-	-	-	100,000	100,000	2,28, 2,30, 2,32
45	Tree Maintenance	-	-	50,000	50,000	50,000	800,000	950,000	2,28, 2,30, 2,31
<b>Total Program Costs</b>		<b>\$ 105,000</b>	<b>\$ 20,000</b>	<b>\$ 2,471,000</b>	<b>\$ 2,362,000</b>	<b>\$ 4,942,500</b>	<b>\$ 25,181,050</b>	<b>\$ 39,752,004</b>	

All projects are funded by the General Fund. Projects after FY 2012-13 are unfunded.