

The Benicia Planning Commission meets the 2nd Thursday of each month at 7:00 p.m. in the Council Chambers.

# BENICIA HISTORIC PRESERVATION REVIEW COMMISSION CITY HALL COMMISSION ROOM

REGULAR MEETING AGENDA

Thursday, August 23, 2007  
6:30 P.M.

Please file a speaker's slip if you wish to address the Commission. Anyone wishing to address the Commission regarding the agenda items or during Communications from Audience may speak for a maximum of 5 minutes per agenda item if the subject is before the Commission.

Note: All items listed, except under Communications, are for Commission Discussion and/or Action.

I. **CALL TO ORDER**

- 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. **OPPORTUNITY FOR PUBLIC COMMENT**

- A. **WRITTEN**
  
  
- B. **PUBLIC COMMENT**

III. **CONSENT CALENDAR**

- A. **Approval of Agenda**
  
  
- B. **Approval of Minutes of [July 26, 2007](#)**

IV. **REGULAR AGENDA ITEMS**

- A. **309 FIRST STREET**  
07PLN-60 Design Review  
309 First Street, APN: 89-243-140

**PROPOSAL:**

The applicant requests approval of two new window awnings and potted plants to dress up the front of a new boutique business located at 309 First Street. The project also consists of signage placed on the new awnings.

**Recommendation:** Approve a design review permit for 309 First Street.

- B. **150 WEST G STREET - Discussion**  
Bill Royal submitted a letter to the Commission at its July meeting regarding the condition of an accessory structure at 150 West G Street. The Commission will discuss issues raised and provide direction to staff.

- C. **MILLS ACT PROGRAM REQUIREMENTS - Discussion**  
The Commission will discuss State and City Mills Act Program provisions regarding homes 50 years or older.

**Recommendation:** Direct staff to prepare a revision to City Mills Act Program Guidelines to remove the provision qualifying homes solely on the basis of being 50 years or older, and forward this revision to the City Council for approval.

- D. **DRAFT HISTORIC BUILDING SURVEY - Formation of Ad Hoc Committee**  
City of Benicia  
Downtown Historic Conservation District

**PROPOSAL:**

The City of Benicia is in the process of updating the Downtown Historic Conservation Plan. A draft survey of historic properties was presented at the July Commission meeting. The Commission directed staff to form an ad hoc committee to ensure the accuracy of the inventory and provide additional outreach to the public before the Commission forwards the documentation to the City Council for approval.

**Recommendation:** Authorize formation of a committee consisting of two Commission members, two Benicia Historical Society representatives, and one City staff member to work with community volunteers to finalize the Downtown historic resource inventory, and appoint 2 members of the Commission to this committee.

- E. **126 EAST E STREET**  
06PLN-52 Design Review  
126 East E Street; APN: 89-372-050

**PROPOSAL:**

The applicant proposes to demolish a designated potential contributor structure to the Downtown Historic District and relocate an 1895 house from Napa to the site, which would be lifted above a new first floor, and supplemented with a third floor deck to become a mixed-use building.

**Recommendation:** Approve a permit for demolition of a structure at 126 East E Street because it no longer retains substantial historical, architectural or cultural interest or value; approve a design review permit for the relocation of a building to the project site; and recommend that the Planning Commission adopt the Initial Study/Mitigated Negative Declaration prepared for the project.

V.

VI. **COMMUNICATIONS FROM COMMISSIONERS**

VII. **COMMUNICATIONS FROM STAFF**

A. **STATUS OF CITY-OWNED HISTORIC STRUCTURES**

The Parks and Community Services Department has prepared a maintenance update of City-owned historic structures.

VIII. **ADJOURNMENT**

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**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 Secretary.

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**Disabled Access**

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, 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.

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## **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 may be taken by the Commission.

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 which are final actions, not recommendations, are considered by the City Council. Appeals must be filed in the Community Development Department in writing, stating the basis of appeal with the appeal fee within 10 days of the date of action.



**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION  
CITY HALL COUNCIL CHAMBERS  
(SPECIAL LOCATION)**

**REGULAR MEETING MINUTES**

**Thursday, July 26, 2007  
6:30 P.M.**

**I. CALL TO ORDER**

**A. Pledge of Allegiance**

**B. Roll Call of Commissioners**

Present: Commissioners Conlow, Donaghue, Haughey, Mang, White, and Chair Delgado  
Absent: Commissioner Wilson (excused)

Staff Present:

Charlie Knox, Community Development Director  
Xzandrea Fowler, Associate Planner  
Gina Eleccion, 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. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN**

Written comments received prior to the meeting were submitted to the Commission for review.

**B. PUBLIC COMMENT**

Bill Royal spoke regarding 150 West G Street and the fact that he believes it should be recognized as a contributor. He commented that he was labeled as a violent person and was not treated fairly. He noted that he completed his project on East D Street.

**III. CONSENT CALENDAR**

On motion of Commissioner Donaghue, seconded by Commissioner Conlow, the Consent Calendar was approved by the following vote:

Ayes: Commissioners Conlow, Donaghue, Haughey, Mang, White and Chair Delgado  
Noes: None  
Absent: Commissioner Wilson

**A. Approval of Agenda**

**B. Approval of Minutes of June 28, 2007**

**IV. REGULAR AGENDA ITEMS**

**A. 134 WEST D STREET**

06PLN-45 Design Review  
134 West D Street; APN: 89-243-050

**PROPOSAL:**

The applicant is proposing to relocate a three story, 112-year old house (known as the Thompson House) and its water tower from Napa County to the Benicia shore at the end of West D Street to create a Bed and Breakfast Inn. The project site is 18,750 square feet. The relocated house will undergo extensive restoration and rehabilitation. The Inn will have a total of 6 guest rooms and a caretaker’s suite.

**Recommendation:** Approve a design review permit for relocation and restoration of a house and water tower to 134 West D Street; and recommend that the Planning Commission approve the associated Initial Study/ Mitigated Negative Declaration, based on the findings, and subject to the conditions listed in the proposed resolution.

Commissioner Donaghue recused himself due to property ownership within 500’ of this project.

Xzandrea Fowler, Associate Planner, gave a brief presentation on the project. An Initial Study was prepared for this project and comments will be received through August 9<sup>th</sup>.

The Commissioners questioned if the Historic Building Code could be used for this project. Xzandrea Fowler noted that it could. She further noted that no Use Permit is required for the bed and breakfast use. A Use Permit is required for the parking.

The applicant gave a slideshow presentation.

The public hearing was opened.

Chuck Maddux, 126 East D Street – He supports the project.

Bill Royal – He supports the project.

Donald Dean, 257 West I Street – He questioned the future Bay Trail in the project. Xzandrea Fowler noted that this will be conditioned during the Planning Commission approval of the project.

Sandra Shannonhouse – She questioned height and FAR, and its compliance with the Downtown Mixed Use Master Plan. She believes the project is compatible with the area.

Xzandrea Fowlers stated the following:  
Height to peak – 38’; height to eave - 30’; FAR – 0.32.

Dave Delgado, 185 East D Street – He supports the project.

Jon Van Landschoot, 175 West H Street – He generally supports the project. He reminded the Commission that this will no longer be a historic structure and will not be eligible for the Mills Act. He is concerned with people moving buildings from other towns and then significantly altering the buildings.

The public hearing was closed.

Commissioners discussed the project. There was a question regarding the historic status of other structures that have been moved here. Xzandrea Fowler noted that it could be deemed architecturally significant to the State of California.

**RESOLUTION NO. 07-9 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR PROPOSED RELOCATION OF A HOUSE AND WATER TOWER TO BE USED AS A BED AND BREAKFAST INN AT 134 WEST D STREET (06PLN-45)**

On motion of Commissioner White, seconded by Commissioner Haughey, the above Resolution was approved by the following vote:

- Ayes: Commissioners Conlow, Haughey, Mang, White and Chair Delgado
- Noes: None
- Absent: Commissioner Wilson
- Abstain: Commissioner Donaghue

**B. DRAFT HISTORIC BUILDING SURVEY**

City of Benicia  
Downtown Historic Conservation District

**PROPOSAL**

The City of Benicia is in the process of updating the Downtown Historic Conservation Plan. A current survey of historic properties has been completed. A draft of the survey results is being presented to the Commission and public for their review, comment and recommendation to the City Council.

**Recommendation:** That City Council amend the Downtown Historic Conservation Plan (DHCP) based on the findings, and subject to the conditions listed in the proposed resolution.

Charlie Knox, Community Development Director, commented on the abstentions for the Commissioners. He further advised the Commissioners on ex-parte communications. Commissioner Donaghue noted that he had numerous ex-parte communications with many individuals.

Xzandrea Fowler, Associate Planner, gave a history and overview of the project. The previous historic surveys were done in 1986 by volunteers. She noted that there is no State recognition of “potential” contributors or landmarks. This has been addressed in the updates. A draft of the surveys was completed in 2004, and has been revised and edited since then. Recommendations from the consultant are based strictly on the State’s criteria.

Charlie Knox noted that the surveys were an independent consultant’s recommendation based on objective criteria.

Xzandrea Fowler noted that staff is recommending the documentation be provided for properties that did or did not meet the criteria to be designated. She gave information on the new district that is being recommended.

Commissioners questioned whether CEQA review is needed. Xzandrea Fowler noted that any text changes will require CEQA review, but the survey forms do not. Charlie Knox further noted that the listing or delisting of properties is technically exempt, and any zoning text changes will require environmental review.

Commissioner Haughey commented that there is a structure being recommended for delisting that currently has the Mills Act. Xzandrea Fowler noted that the text to the Downtown Historic Conservation Plan can be amended to clarify some of these issues.

Commissioner Conlow commented on a project that was approved for an 1800’s era home. It is being recommended for removal as a contributor.

Commissioner Donaghue questioned if there have been amendments to the contract for the survey work. Charlie Knox noted that the Commission will be making a recommendation to the City Council on the proposed surveys. Xzandrea Fowler noted that all eligible properties within the district had DPR forms prepared. Commissioners questioned the criteria being used. Xzandrea Fowler noted that the State Office of Historic Preservation standards are

used, and that the City's standards are outdated, which is why the Downtown Conservation Plan needs to be updated.

Chair Delgado questioned how individual properties outside the district would be evaluated. Xzandrea Fowler noted that individual properties not in a cluster had not been evaluated. Additional funding will be required for this to occur. Charlie Knox noted that the Commission may wish to discuss incentives for property owners to restore their properties to eligibility status.

Xzandrea Fowler noted that to be eligible for the State register, there must be a level of historic integrity. The Commission and City Council can establish criteria for contributor or landmark status.

Commissioner Conlow commented that there is incorrect information on the survey forms. Charlie Knox noted that basic property information (owner name) is not significant to the data, but should be corrected.

The public hearing was opened.

Bill Royal, 409 East 2<sup>nd</sup> Street – He believes the consultant is inadequate. He commented on his own property being misclassified.

Kerry Carney, 164 East H Street – She believes this is a great effort. She thinks it is a good basis to begin talking about this. She would like to see every letter to include a form and letter and map. She noted that there is a significant change recommended on East H Street. She commented on local cultural significance.

Cathy Forbes, 744 Tulip Court – She thanked the Commission for their hard work. The survey forms are a very important tool and its accuracy is critical.

Larry Miller, 146 Carlisle Court – He stated that this is a great beginning. Every homeowner should get their own form. The Historic Society would be willing to help get the information out.

John Woods, 355 West M Street – He questions the quality of the review. He commented on the use of the word “property” versus the use of the word “structure”. This needs to be clarified. He believes there are too many mistakes in the survey forms.

Phyllis Hartzell, 420 West K Street – There are two properties on her street that are designated. Her house is being recommended for removal. She does not understand the process for listing and delisting. She commented that it is expensive to own a historic home.

Linda Lewis, 282 West I Street – She commented on 401 West J being recommended as a contributor. She does not want to be included as a historic contributor. It is a financial burden to own a historic home. She does not believe that her properties should be historic.

Chuck Maddux, 126 East D Street – He does not believe this should move forward. Property owners should be contacted. He has documentation that some of his property information is incorrect.

Richard Fitzsimmons, 187 West H Street – He spoke regarding the address of his property. There are 3 addresses (185, 187 and 189 West H). The owner on his survey form is incorrect.

Damon Beggs, 175 East F Street – His home is being recommended as a historic landmark and he is concerned about impacts to his property.

Robert Brown, 215 West H Street – His home was originally listed as a contributor, but is being recommended for removal. He would like to know why it's recommended for removal.

Kathleen Brown, 215 West H Street – She would like to see more notification. She would like to understand why her property is being recommended for removal.

Bonnie Silveria, President of the Historical Society – She has been involved in this process for a long time. She believes this is a good start and would like to see a Committee formed to do public outreach. The survey is a foundation for the update to the Downtown Historic Conservation Plan.

Carol DeMaintenon, 126 East E Street – Her property is recommended for delisting. There are many properties that should no longer be designated.

J.B. Davis, 385 West K Street – He believes his property should have been evaluated. There are too many inconsistencies with the survey.

Kathleen Olson, 920 First Street – Regarding 251 West G Street, the property owner supports the recommendation for removal. She recommended allocating resources if this process is to be expanded.

A citizen named Jane noted that the design review fee is too high.

Donnell Rubay, 175 West H Street – She believes the forms are more complete than they've ever been. She commented on delisting and the CEQA process. She would like survey forms for all properties. She commented on issues with non-historic Mills Act properties. She would like to be off the historic list if the guidelines are not being followed.

Sandra Shannonhouse, 110 East E Street – This survey is extremely important. Each property owner needs to be spoken to. There needs to be a local category to address properties that have lost integrity but could be returned to their historic integrity. All properties within the district should be subject to design review. She stated her concern with compatibility. There needs to be a Historic Preservation education program.

Mark Mitchell, Attorney – He noted that there is specific criteria in the 1990 surveys. He does not believe the homes that have lost their integrity should be included. The City needs to look at the benefit of the program as a whole, not simply based on individual opinions.

Jon Van Landschoot, 175 West H Street – He believes this is a great start. There are still errors on the forms. There needs to be additional discussion regarding recommendations for additions and removals. Design review should be required of all homes in the district.

Donald Dean, 257 West I Street – He supports the effort of having professional expertise. He commented on the CEQA exemption and believes there may be a potential impact regarding the delisting of properties. He would like to see a Negative Declaration done.

The public hearing was closed.

A recess was called at 9:45 p.m. The meeting was reconvened at 9:52 p.m.

Commissioners would like to see more work be done. Information should be corrected on the forms. Additional work should be done to make the forms factual. There should be a form for each property and the specific criteria used should be stated. There are houses outside the district that should be looked at. Delisting should be looked at in terms of the impact to the district. CEQA and Mills Act processes need clarification.

The item has been continued with the following purpose:

1. Receive a 2<sup>nd</sup> outside professional opinion on the surveys completed;
2. Form an ad hoc committee of Commission and Historical Society representatives to direct the work of volunteers to review survey forms, correct errors and perform outreach; and
3. Request input and guidance from the State Office of Historic Preservation.

**V. COMMUNICATIONS FROM COMMISSIONERS**

The Commissioners would like to agendaize a discussion of 150 West G Street, as presented in a letter from Bill Royal.

Commissioner Conlow would like to see a mechanism for those properties being recommended for removal to move forward.

**VI. COMMUNICATIONS FROM STAFF**

None.

**VII. ADJOURNMENT**

Chair Delgado adjourned the meeting at 10:20 p.m.

**AGENDA ITEM**  
**HISTORIC PRESERVATION REVIEW COMMISSION MEETING**  
**AUGUST 23, 2007**  
**REGULAR AGENDA ITEMS**

**DATE** : August 8, 2007

**TO** : Historic Preservation Review Commission

**FROM** : Damon Golubics, Senior Planner

**SUBJECT** : **BE CHIC BOUTIQUE AWNINGS**

**PROJECT** : 309 First Street  
07PLN-60  
APN: 89-243-140

**RECOMMENDATION:**

Hold a public hearing, consider public testimony and other relevant documents and approve a design review permit for new awnings, signage and exterior plants located at 309 First Street based on the findings, and subject to the conditions listed in the attached resolution.

**EXECUTIVE SUMMARY:**

The applicant requests approval of two new window awnings and potted plants to dress up the front of her new boutique business located at 309 First Street. The project also consists of signage placed on the new awnings.

The property is assessor's parcel number 89-243-140, with a site area of approximately 5,000 square feet. The property is zoned Downtown Commercial and is located in the Downtown Historic Overlay district. The existing 600 square foot structure is not designated as a historic resource.

**BUDGET INFORMATION:**

All applicable fees have been paid by the applicant in order to process the design review request.

**ENVIRONMENTAL ANALYSIS:**

Staff has determined that this project is Categorically Exempt under Section 15301 of the California Environmental Quality Act (CEQA). This exemption applies to projects involving minor alterations to existing structures.

## **BACKGROUND:**

Applicant: Claudia Mahrt

Owner: Phil and Celeste Joy

General Plan designation/Zoning: Commercial Downtown / Downtown Commercial

Existing use: Existing commercial building (non-historic)

Proposed use: Commercial/Retail

Adjacent zoning and uses:

North: CD – Downtown Commercial (Retail)

East: PD – Planned Development (Harbor Walk)

South: CD - Downtown Commercial (Retail)

West: Water/Boat Yard (Southampton Bay)

## **SUMMARY:**

### A. Project Description

The project consists of the installation of two new window awnings, awning signage, a shingle sign and three potted plants. Specifically, the larger awning will be 8 feet wide while the second awning will be 4 feet 6 inches wide. Each awning will have a 2 foot 6 inch drop and an 8-inch valance. The canvas color of the each awning will be jet black. Signage is proposed on the valance of the larger awning which will read “Be Chic Boutique.” The applicant is also proposing a conforming shingle signs and three potted plants near the entrance.

### B. Project Analysis

1. The following General Plan goals and policies are applicable to the project proposal for the purpose of design review:

An most important goal in the General Plan is the community’s desire to *strengthen the Downtown as the City’s central commercial zone* (Goal 2.12.). That goal can be obtained since the project will *emphasize retail sales and service businesses along First Street, preferring retail commercial at street level . . . (policy 2.12.1)*. The project is located in the Historic Overlay District, and is subject to the Design Guidelines for Commercial Building Types (Lower First Street), as identified in the Downtown Historic Conservation Plan (DHCP).

2. The following Zoning ordinance chapters are applicable to the project proposal for the purpose of design review:

According to Chapter 17.28 (Commercial Districts), the general purpose of the Commercial District as it relates to Design Review is to *create suitable environments for various types of commercial uses; minimize the impact of commercial development on adjacent residential districts; and ensure that the appearance and effects of commercial buildings and uses are harmonious with the area they are located in*. In addition to the general purposes mentioned above the purpose of the Downtown Commercial district is

*to provide opportunities for residential, commercial, public and semipublic uses appropriate for the downtown area.*

According to Chapter 17.54 (Historic Overlay District), the specific purpose of the historic overlay district is to *implement the city's general plan; deter demolition, destruction, alteration, misuses, or neglect of historic or architecturally significant buildings that form an important link to Benicia's past; promote the conservation, preservation, protection, and enhancement of each historic district; stimulate the economic health and residential quality of the community and stabilize and enhance the value of property; and to encourage development tailored to the character and significance of each historic district through a conservation plan that includes goals, objectives, and design criteria.*

3. The following Downtown Historic Conservation Plan design guidelines are applicable to the project proposal:

The property is commercially zoned, and is primarily surrounded by commercial uses, with Southampton Bay and the old boat yard just west of the site. Landmark and contributing historic structures are located south of the site. It should be noted that this building is not a designated historic structure.

According to the DHCP design guidelines, specifically for commercial buildings in the Lower First Street area, *the southern stretch of First Street is quite different in character for the northern. Here the city's oldest surviving commercial buildings stand clustered together, yet largely in isolation. Unlike the northern portion of First Street, there is no continuous wall of buildings to define the street, yet the structures are built up to the sidewalks edge.* Unlike other commercial developments near First Street, the proposed development provides a 3 to 4-foot setback from the front property line. The existing setback puts the building at a visual disadvantage since it is not in the line of sight of most customers traveling in their vehicles down First Street. The projecting awnings would provide an appropriate avenue for signage and provide an additional architectural feature to the building to make it stand out, thus drawing attention to the business.

The project, as encouraged in the DHCP, will *use simple awning shapes and profiles which reflect the façade composition and geometry of the building. Set individual awnings between the vertical elements of the ground floor storefront such as piers, pilasters, shop divisions, second floor entries (if applicable) and the like.*

Staff believes that this request is consistent with the DHCP Guidelines since the project will *not obscure architectural elements with careless placement of awnings.* The proposed awnings tastefully accent the buildings simple yet unique architecture.

The DHCP allows awnings to *project into the street right-of-way subject to the provisions of the Uniform Building Code.* Since the building is setback from the street right-of-way, the proposed awnings will not encroach into this area.

Lastly, the awnings will consist of fixed frame construction as encouraged by the DHCP and will not have glossy, plasticized or a vinyl finish which the DHCP calls out as inappropriate. Overall, the awnings and tasteful signage will enhance the small commercial facade.

#### 4. Findings

The following findings would be necessary to allow Historic Preservation Review Commission approval of the requested design review:

- a) The Historic Preservation Review Commission consider and recommend approval of the project;
- b) The proposed development is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purposes of Downtown Commercial zoning district; and
- c) The proposed project and the proposed conditions of approval will be consistent with the General Plan and with Title 17 of the Benicia Municipal Code and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.

#### C. Conclusion

Staff supports the design review request because the required findings for approval can be made if the project is approved with the recommended conditions listed in the attached resolution.

#### **FURTHER ACTION:**

The Historic Preservation Review Commission action on the design review request will be final unless appealed to the Planning Commission within ten calendar days.

#### **Attachments:**

- Draft Resolution
- Project Information and Photos\*\*

*\*\* If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the August 23, 2007 Historic Preservation Review Commission packet.*

# **DRAFT RESOLUTION**

**RESOLUTION NO. 07-XX (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING A DESIGN REVIEW REQUEST FOR TWO NEW AWNINGS AT 309 FIRST STREET (07PLN-60)**

**WHEREAS**, on August 7, 2007, Claudia Mahrt requested design review approval for two new awnings to an existing commercial building at 309 First Street; and

**WHEREAS**, the Historic Preservation Review Commission at a regular meeting on August 23, 2007, conducted a public hearing and reviewed the proposed project;

**WHEREAS**, in accordance with state and local procedures regarding the California Environmental Quality Act (CEQA), the Community Development Department has concluded that the proposed project is Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Historic Preservation Review Commission of the City of Benicia hereby finds that:

- A. The Historic Preservation Review Commission consider and recommend approval of the project;
- B. The proposed development is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purposes of Downtown Commercial zoning district; and
- C. The proposed project and the proposed conditions of approval will be consistent with the General Plan and with Title 17 of the Benicia Municipal Code and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.

**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 shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Community Development Director, if the application for time extension is received prior to the end of the initial two year deadline and there has been no change in the City's development policies which affect the site, and there has been no change in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.

2. The plans submitted for the building permit and construction, except as modified by these conditions of approval, shall be in substantial compliance with the plans dated August 7, 2007 on file in the Community Development Department.
3. All final sign details, awning construction details and other final project details shall be forwarded for review and approval by the Community Development Department prior to issuance of a building permit for the project. One final set of development plans shall be submitted to the Community Development Department as a file copy.
4. The applicant shall obtain an approved building permit for the proposed awnings prior to installation of such awnings. The applicant shall be responsible for meeting all requirements of the Building Division.
5. If necessary, all remaining minor design details shall be reviewed and approved by the Community Development Director prior to issuance of building permits.
6. This approval is for two new storefront awnings, awning signage, a proposed shingle sign and three potted plants located in front of the commercial building. All other proposed exterior renovations shall be under a separate Design Review request with the appropriate fees and applications submitted to the Community Development Department for further processing.
7. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
8. 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.
9. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

\* \* \* \* \*

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the above Resolution was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on August 23, 2007 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

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Gina Eleccion  
Historic Preservation Review Commission Secretary

## **PROJECT INFORMATION & PHOTOS**

*(If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the August 23, 2007 Historic Preservation Review Commission packet)*



Community Development Department  
**MEMORANDUM**

**Date:** August 15, 2007  
**To:** Historic Preservation Review Commission  
**From:** Gina D. Eleccion, Management Analyst  
**Re:** 150 West G Street

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At the July 26, 2007 Historic Preservation Review Commission meeting, Bill Royal submitted a letter regarding the condition of a structure at 150 West G Street. The Commission has placed this item on the agenda to review, discuss and make a recommendation to City staff regarding the protection and preservation of this historic structure.

Attachments:

- ❑ Letter submitted at July 26, 2007 meeting



Community Development Department  
**MEMORANDUM**

**Date:** August 15, 2007  
**To:** Historic Preservation Review Commission  
**From:** Gina D. Eleccion, Management Analyst  
**Re:** Mills Act Program Guidelines

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The City of Benicia Mills Act Program was approved by the City Council on October 15, 2002. The City currently bases eligibility on any one or more of the following criteria:

1. Historic Landmark Buildings, as identified by the Downtown or Arsenal Historic Conservation Plans
2. Potential Historic Landmark Buildings, as identified by the Downtown or Arsenal Historic Conservation Plans
3. Contributing Buildings, as identified by the Downtown or Arsenal Historic Conservation Plans
4. Residential buildings 50 years or older situated within the Downtown Historic or Arsenal Historic District
5. Buildings listed in the National Register of Historic Places; and Buildings listed in any State, City, or County official register of historical or architecturally significant sites, places, or landmarks.

Criterion 4 allows residential buildings that are not designated as “contributing” in the Downtown Historic Conservation Plan to be eligible for the program. Based on comments at the July 26, 2007 meeting, the Commission may wish to recommend a revision to the City of Benicia Mills Act Program Guidelines for City Council approval.

Attachments:

- City of Benicia Mills Act Program brochure
- State Mills Act Program Guidelines (including Government Code 50280 – 50290)



Community Development Department  
**MEMORANDUM**

**Date:** August 15, 2007  
**To:** Historic Preservation Review Commission  
**From:** Gina D. Eleccion, Management Analyst  
**Re:** Historic Building Survey – Ad Hoc Committee

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A draft survey of historic properties was presented at the July 26, 2007 meeting. The Commission directed staff to form an ad hoc committee to ensure the accuracy of the inventory and provide additional outreach to the public before the Commission forwards the documentation to the City Council for approval.

The Commission is being asked to form a committee consisting of two Commission members, two Benicia Historic Society representatives, and one City staff member to work with community volunteers to finalize the historic resource inventory, and appoint 2 members of the Commission to this committee.

**AGENDA ITEM  
HISTORIC PRESERVATION REVIEW COMMISSION  
AUGUST 23, 2007  
REGULAR AGENDA ITEMS**

**DATE** : August 9, 2007

**TO** : Historic Preservation Review Commission

**FROM** : Xzandrea Fowler, Associate Planner

**SUBJECT** : **126 EAST E STREET - DESIGN REVIEW**

**PROJECT** : 126 East E Street  
06PLN-00052  
0089-372-050, -060

**RECOMMENDATION:**

Approve a permit for demolition of a structure at 126 East E Street because it no longer retains substantial historical, architectural or cultural interest or value; approve a design review permit for the relocation of a building to the project site; and recommend that the Planning Commission adopt the Initial Study/Mitigated Negative Declaration prepared for the project, based on the findings, and subject to the conditions listed in the attached resolutions.

**EXECUTIVE SUMMARY:**

Patrick Donaghue requests demolition and replacement of a structure he owns at 126 East E Street that is currently listed as a potential contributor to the Downtown Historic District. Two independent evaluations concluded that the structure no longer retains substantial historical, architectural or cultural interest or value. One of these analyses, conducted on behalf of the City as part of the ongoing update of downtown historic resources, finds that the structure is no longer eligible for designation as a historic resource.

The applicant proposes to demolish the existing structure and develop a mixed-use project consisting of a salvaged house from Napa placed on top of a new first floor. The total building would be three stories with approximately 5,855 square feet of commercial and residential space.

The project site consists of two parcels (APN: 89-372-050 and 89-372-060), with a combined area of 8,250 square feet zoned Downtown Commercial and located in the Downtown Historic Overlay district. Three structures exist on Parcel 89-372-060: the first (the building requested to be demolished) is used as a construction office, the second (125 Kuhland Alley) is used as a bead shop, and the third (127 Kuhland Alley) is a residence. The two buildings on the alley are designated as contributing structures in the Downtown Historic Conservation Plan. The combined size of all existing structures is approximately 3,385 square feet. The applicant is

proposing to retain the structures along the alley, which total 1,935 square feet. The structure that is being proposed for demolition is 1,450 square feet.

**BUDGET INFORMATION:**

No City budgetary impacts are anticipated.

**ENVIRONMENTAL ANALYSIS:**

Staff has determined that this project is subject to the California Environmental Quality Act (CEQA). An Initial Study was prepared. The Initial Study identified aesthetics, air quality, cultural resources, geology/soils, and transportation/traffic as environmental factors that could be potentially affected by the project. Based on the Initial Study, staff found there would not be a significant effect on the environment in this case due to revisions to the project agreed to by the applicant.

A Mitigated Negative Declaration (MND) was prepared and circulated for 30-day public review on March 28, 2007. Comments received focused on the potential impacts to transportation and traffic along East E Street, primarily since the street only has one egress. Since the applicant is proposing either to pay in lieu fees for the required parking spaces or improve part of a City-owned lot used for parking, the traffic generated by the project will have a less-than-significant effect on East E Street by not providing parking on-site. Most mixed use and commercial developments downtown do not provide on-site parking.

**BACKGROUND:**

Applicant/Owner: Pat Donaghue

General Plan designation/Zoning: Downtown Mixed Use/ Downtown Commercial

Existing use: Mixed Use Commercial/Residential

Proposed use: Mixed Use Commercial/ Residential

Adjacent zoning and uses:

North: Downtown Commercial, Vacant lot (used for parking) and Single Family Residential Uses

East: Downtown Commercial, Single Family Residential and Commercial (Hair salon) uses

South: Downtown Commercial, Kuhland Alley and Mixed Use (Residential and Commercial uses)

West: Downtown Commercial, Single Family Residential and Mixed Use (First Street Café)

## SUMMARY:

### A. Project Description

The proposed project consists of demolishing the existing 1,450 square foot building on the north side of the lot and replacing it with a circa 1885 building atop a newly constructed ground floor. The new building would be three stories and approximately 5,855 square feet.

The building would include a third floor deck, exterior staircases, and a landscaped courtyard. The structure would be used primarily for commercial purposes but could accommodate residential units on the upper floors.

The two existing structures along the alley would remain, so the site would have three structures totaling approximately 7,790 square feet and 47% site coverage. The three-story structure would have a maximum height of 38 feet, a front setback of 3 feet, and a side setback of 4 feet at ground level and none at the upper deck.

### B. Project Analysis

#### 1. Historic Evaluation

ARC Inc. prepared a Historic Review and Evaluation of 126 East E Street, and 125 and 127 Kuhland Alley and concluded that the 126 East E Street structure has had “several drastic remodeling and two additions, obliterating any obvious original detailing, porches, or fenestration on the exterior.” Although some original architectural features have been retained, the alterations to the structure have “irreversibly compromised the historic integrity of the architectural design, and leave [the structure] a confusing assemblage of forms and materials.” Based on that evaluation, the applicant contends the structure should not be designated a potential contributor to the historic overlay district.

A separate analysis of the 126 East E Street structure conducted by Rowland-Nawi Preservation Associates for the ongoing update of downtown historic resources inventory concludes that the structure, currently listed as a potential contributor, is not eligible for listing as a contributor. (The potential contributor category is not recognized by the State and is being eliminated from the Downtown Historic Conservation Plan, pursuant to the City’s new status as Certified Local Government.)

#### 2. The following General Plan goal and policy are applicable to the project proposal for the purpose of design review:

One of the most important goals in the General Plan is the community’s desire to *Preserve Benicia as a small-sized city* (Goal 2.1.). That goal can be obtained by *ensuring that new development is compatible with adjacent existing development and does not detract from Benicia’s small town qualities and historic heritage (policy 2.1.1)*. The project is located in the Historic Overlay District, and is subject to the Design Guidelines

for the Transitional Area, as identified in the Downtown Historic Conservation Plan (DHCP).

3. The following Zoning ordinance chapters are applicable to the project proposal for the purpose of design review:

According to Chapter 17.28 (Commercial Districts) the general purpose of the Commercial District as it relates to Design Review is to create suitable environments for various types of commercial uses; minimize the impact of commercial development on adjacent residential districts; and ensure that the appearance and effects of commercial buildings and uses are harmonious with the area they are located in. In addition to the general purposes mentioned above the purpose of the Downtown Commercial district is to provide opportunities for residential, commercial, public and semipublic uses appropriate for the downtown area.

According to Chapter 17.54 (Historic Overlay District) the specific purpose of the historic overlay district is to implement the city's general plan; deter demolition, destruction, alteration, misuses, or neglect of historic or architecturally significant buildings that form an important link to Benicia's past; promote the conservation, preservation, protection, and enhancement of each historic district; stimulate the economic health and residential quality of the community and stabilize and enhance the value of property; and to encourage development tailored to the character and significance of each historic district through a conservation plan that includes goals, objectives, and design criteria.

According to Section 17.54.100 (Demolition and design review procedures) the Historic Preservation Review Commission shall consider the proposed demolition, new construction in the context of the adopted Downtown Conservation Plan and the architectural or historical value and significance of the site and structure in relation to the overlay district. These considerations shall include the visual relationship of proposed architectural design elements to the surrounding area, including scale, height, rhythm of spacing, pattern of windows and doorways, building sitting and relationship to landscaping, roof pitch, architectural style, and structural details, materials, colors, and textures. No demolition permit shall be issued for demolition of any historic structure within an H district without prior review and approval by the design review commission.

If, after review of the request for demolition permit, the commission determines that the structure itself has historical, architectural or cultural interest or value, the commission may withhold approval for demolition. The demolition permit shall be issued if environmental review determines there will not be a significant impact on the environment and all requirements of this title are met or, if there may be substantial environmental damages, that specific economic, social or other considerations make infeasible the mitigation measures or alternatives identified during environmental review.

4. The following Downtown Historic Conservation Plan design guidelines are applicable to the project proposal:

Even though the property is commercially zoned, the street still retains its historic residential character and the proposed development must be compatible with the existing development along East E Street. According to the DHCP design guidelines, specifically for new buildings in the transitional areas, commercial buildings should maintain the character and scale of adjoining residences and neighborhoods to provide an appropriate transition between residential and intensive commercial development.

The applicant proposes a 3-foot setback from the property line at the street. **Staff recommends that a greater setback be provided to approximate the existing setbacks of the existing buildings along the street.**

To maintain architectural character and scale, setbacks from adjoining properties should be sufficient to allow for window openings and access to side and rear property lines. The project provides a minimum 4-foot side setback, which is consistent with the side yard setback for 127 Kuhland Alley and sufficient to allow window openings and access to side and rear yards.

Since the project will have three stories, which is unprecedented on this block of East E Street, **staff recommends that the second and third floors** (essentially the existing structure from Napa) **be setback a minimum of 6 feet from the side property lines** in order to minimize the apparent height and bulk of the larger building, especially since the third floor space cannot be partially concealed beneath the building's roof as encouraged in the DHCP.

The existing roof of the building from Napa is flat, as encouraged in the DHCP, but the project proposes pitched roof forms with shallow to moderate overhanging eaves. The project as currently designed does not provide a covered entry; however, if the second/third floors are pulled back, as recommended by staff, the applicant will have room to incorporate a covered porch into the design.

Excessive use of glazing in facades is discouraged by the DHCP. The proposed area of window openings along the ground floor exceeds that of the solid wall on the plane of the façade. However, the project is commercial in nature and in order to be utilized and marketed as a viable commercial space, pedestrians should be able to see into the building. All of the windows and door openings are vertically oriented and window frames are paired or grouped to form horizontal units throughout the project.

Even though the building from Napa is not a historic resource in Benicia, it is historic and alterations to it should be done sensitively to preserve its design integrity. The DHCP encourages additions to historic buildings to be set apart from original construction and clearly distinguish old from new to avoid confusing original historical elements with later additions. Staff believes that the recommendation to pull the historic structure back from the side yard will help maintain its design integrity and distinguishing features.

The project removes some of the traditional façade elements, proportions and architectural details that have given the historic building from Napa its special character, which are actions discouraged by the DHCP. **Staff recommends that the historic building from Napa be turned so that the original front façade is facing East E Street and that the existing entry and covered porch be retained and incorporated into the design.**

The DHCP encourages new construction to integrate architectural forms that recall those of the adjoining residential structures, particularly those of historic merit. The architectural forms along East E Street are vernacular (indigenous to Benicia, a rectangular form with a single gable lacking sufficient ornamental detail to characterize them as belonging to a recognized) and the historic building from Napa is Italianate in architectural style. Even though Italianate architectural styles are not historic to East E Street they were historically used throughout the Historic Overlay District. Italianate architectural styles can be found nearby on East D and East F Streets (126 East D Street and 175 East F Street both have Italianate architectural style).

## 5. Findings

The following findings would need to be made prior to approval of the project:

- a) The Historic Preservation Review Commission considered and recommended approval of the Mitigated Negative Declaration.
- b) The proposed project is consistent with the objectives and provision of Title 17 of the Benicia Municipal Code and the purpose of the Downtown Commercial zoning district.
- c) The proposed project with the recommended mitigation measures and conditions of approval will be consistent with the General Plan and will not be detrimental to public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.
- d) The structure located at 126 East E Street no longer retains substantial historical, architectural or cultural interest or value.
- e) The structure located at 126 East E Street is no longer eligible for designation as a historic resource to the Historic Overlay District.
- f) The issuance of a demolition permit will not be a significant impact on the environment because the historic designation of the structure is no longer applicable.

**FURTHER ACTION:**

Historic Preservation Review Commission action regarding the demolition and design review permits will be final unless appealed to the Planning Commission within ten calendar days.

The Planning Commission will review the associated request for a use permit for the proposed parking arrangement.

**Attachments:**

- Draft Resolutions
- Initial Study
- Project Plans
- Photos
- Historic Review and Evaluation
- Letter from Applicant
- Public Comments

# **DRAFT RESOLUTIONS**

**RESOLUTION NO. 07- (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING A DEMOLITION PERMIT FOR A STRUCTURE LOCATED AT 126 EAST E STREET (06PLN-52)**

**WHEREAS**, Patrick Donaghue has requested that a structure at 126 East E Street designated by the City as a potential contributor to the Downtown Historic District be allowed to be demolished; and

**WHEREAS**, the Historic Preservation Review Commission, at a special meeting on May 3, 2007, continued to regular meetings on May 24 and August 23, 2007, conducted a public hearing to review the request; and

**WHEREAS**, In accordance with state and local procedures regarding the California Environmental Quality Act (CEQA), the Community Development Department conducted an Initial Study (with the 30-day comment period ending on April 26, 2007) to determine whether the proposed project could have a significant adverse effect on the environment, and on the basis of that study, proposed adoption of a Mitigated Negative Declaration.

**NOW, THEREFORE BE IT RESOLVED THAT** the Historic Preservation Review Commission of the City of Benicia hereby finds that:

- A. Considered and recommended approval of a Mitigated Negative Declaration for the proposed to the Planning Commission.
- B. The proposed project is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purpose of the Downtown Commercial zoning district.
- C. The proposed project with the recommend mitigation measures and conditions of approval will be consistent with the General Plan and will not be detrimental to public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.
- D. The structure located at 126 East E Street no longer retains substantial historical, architectural or cultural interest or value.

**BE IT FURTHER RESOLVED THAT** the Historic Preservation Review Commission of the City of Benicia hereby approves the demolition permit subject to the following conditions:

1. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.

2. 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.
  
3. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director's, Historic Preservation Review Commission or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

\* \* \* \* \*

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the above Resolution was adopted at a regular meeting of the Historic Preservation Review Commission on August 23, 2007 by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

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Gina Eleccion  
Historic Preservation Review Commission Secretary

**RESOLUTION NO.07- (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING APPROVAL OF AN INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION FOR A MIXED-USE PROJECT AT 126 EAST E STREET (06PLN-52)**

**WHEREAS**, on August 17, 2006, Patrick Donaghue requested approval of a demolition permit for the structure located at 126 East E Street, design review approval for the relocation of a historic structure from the City of Napa to the Historic Overlay District, and design review for the proposed mixed-use project on the property located at 126 East E Street;

**WHEREAS**, the Historic Preservation Review Commission, at a special meeting on May 3, 2007, a regular meeting on May 24, 2007, and a regular meeting on August 23, 2007 conducted a public hearing and reviewed the request; and

**WHEREAS**, in accordance with state and local procedures regarding the California Environmental Quality Act (CEQA), the Community Development Department conducted an Initial Study (with the 30-day comment period ending on April 26, 2007) to determine whether the proposed project could have a significant adverse effect on the environment, and on the basis of that study, proposed adoption of a Mitigated Negative Declaration.

**NOW, THEREFORE BE IT RESOLVED THAT** the Historic Preservation Review Commission of the City of Benicia hereby finds that:

- A. The Historic Preservation Review Commission considered the Initial Study/ Mitigated Negative Declaration, comments thereon, and responses to those comments.
- B. The proposed project is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purpose of the Downtown Commercial zoning district.
- C. The proposed project with the recommend mitigation measures and conditions of approval will be consistent with the General Plan and will not be detrimental to public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.
- D. The issuance of a demolition permit will not be a significant impact on the environment since the structure no longer retains substantial historical, architectural or cultural interest or value, and is therefore no longer eligible for designation as a historic resource to the Historic Overlay District.

\* \* \* \* \*

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the above Resolution was adopted at a regular meeting of the Historic Preservation Review Commission on August 23, 2007 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

**RESOLUTION NO. 07- (HPRC)**

**A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING A DESIGN REVIEW PERMIT FOR THE RELOCATION OF A STRUCTURE TO, AND THE CONSTRUCTION OF A MIXED-USE PROJECT AT, 126 EAST E STREET (06PLN-52)**

**WHEREAS**, on August 17, 2006, Patrick Donaghue requested design review approval for the relocation of a historic structure from the City of Napa to the Historic Overlay District, and design review for the proposed mixed-use project on the property located at 126 East E Street; and

**WHEREAS**, the Historic Preservation Review Commission, at a special meeting on May 3, 2007, a regular meeting on May 24, 2007 and on August 23, 2007, conducted a public hearing and reviewed the proposed project.

**WHEREAS**, in accordance with state and local procedures regarding the California Environmental Quality Act (CEQA), the Community Development Department conducted an Initial Study (with the 30-day comment period ending on April 26, 2007) to determine whether the proposed project could have a significant adverse effect on the environment, and on the basis of that study, proposed adoption of a Mitigated Negative Declaration.

**NOW, THEREFORE BE IT RESOLVED THAT** the Historic Preservation Review Commission of the City of Benicia hereby finds that:

- A. The proposed project is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purpose of the Downtown Commercial zoning district.
- B. The proposed project with the recommend mitigation measures and conditions of approval will be consistent with the General Plan and will not be detrimental to public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.

**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 shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Community Development Director, if the application for time extension is received prior to the end of the initial two year deadline and there has been no change in the City's development policies which affect the site, and there has been no change

in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.

2. The plans submitted for the building permit and construction shall substantially comply with the submitted plans prepared by Dennis Mahaffey Design, date stamped August 17, 2006 and consisting of 3 sheets except as modified by the following conditions. Any change from the approved plans, including substitution of materials, shall be requested in writing and approved by the Community Development Director, or designee, prior to changes being made in the field.
3. The setback from the property line at the street shall be a minimum of 5 feet and a maximum of 10 feet.
4. The relocated structure from Napa shall be setback a minimum of 6 feet from the property line at the street and the side yard.
5. The relocated structure from Napa shall be rotated so that the historic front façade of the structure faces East E Street. The historic entrance opening and covered porch shall be retained.
6. All major design revisions for the proposed project shall be reviewed and approved by the Historic Preservation Review Commission prior to issuance of building permits.
7. A landscaping plan shall be reviewed and approved by the Historic Preservation Review Commission prior to issuance of building permits.
8. All minor design details, such as light fixtures, paint colors, etc. shall be reviewed and approved by the Community Development Director prior to issuance of building permits.
9. All construction shall be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
10. The Historic Building Code shall be applied to the project at the discretion of the Community Development Department.
11. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
12. 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.
13. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding

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

\* \* \* \* \*

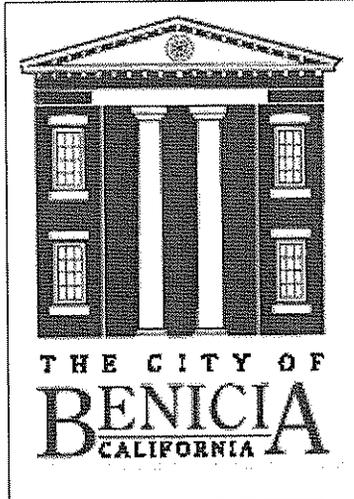
On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the above Resolution was adopted at a regular meeting of the Historic Preservation Review Commission on August 23, 2007 by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Gina Eleccion  
Historic Preservation Review Commission Secretary

**INITIAL STUDY/MITIGATED NEGATIVE  
DECLARATION**

# INITIAL STUDY/MITIGATED NEGATIVE DECLARATION



## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Project Title: 126 East E Street Project

Lead Agency Name and Address: City of Benicia  
250 East L Street  
Benicia, CA 94510

Project Location: 126 East E Street  
Benicia, California

Project Sponsor's Name and Address: Patrick M. Donaghue  
390 West K Street  
Benicia, CA

General Plan Designation(s): Downtown Commercial

Zoning: Downtown Commercial

Assessor's Parcel No. 89-372-050 and 89-372-060

Contact Person: Xzandrea Fowler, Associate Planner

Phone Number: 707-746-4280

Date Prepared: March 2007

Recirculated: August 2007

## **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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### **PROJECT DESCRIPTION**

The project site consists of parcels 89-372-050 and 060. The property is zoned Downtown Commercial and is located within the Historic Overlay district of the city's downtown. Parcel 89-372-060 consists of three distinct structures. The first structure on the northern side of the lot is currently used as a construction office. This building is designated as a potentially contributing structure within the Downtown Historic Conservation Plan. The second structure on the southwestern side of the lot is used as a bead shop. The third structure along the southeastern side of the lot is used as a residence. The two structures located along the southern side of the property are designated as contributing structures within the Downtown Historic Conservation Plan. Parcel 89-372-050 provides a few unimproved parking spaces for the users of buildings located on parcel 89-372-060.

The proposed project consists of demolishing the existing building located on the northern side of the lot. Upon removal of this structure a two story historic building constructed around 1885 would be relocated from the City of Napa and placed on the project site. The historic building relocated from Napa would be placed above a newly constructed ground floor.

The proposed three-story building would occupy the majority of the northern portion of the lot. The structure would consist of three usable floors, an expansive deck on the third floor, a series of exterior staircases, and a landscaped courtyard. The property owner does not have any tenants currently in mind to occupy the proposed building, however, the intended use of the proposed structure is solely commercial.

### **ENVIRONMENTAL SETTING AND SURROUNDING LAND USES**

North: Single-family residential

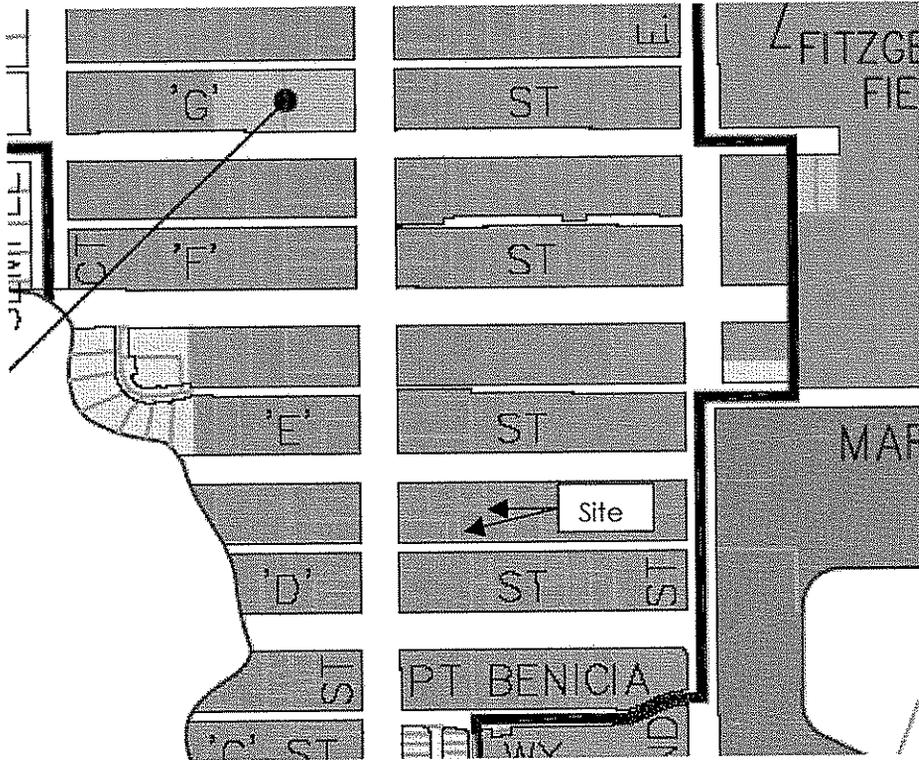
West: Single-family residential

South: A nursery, an art studio/gallery, single-family residence

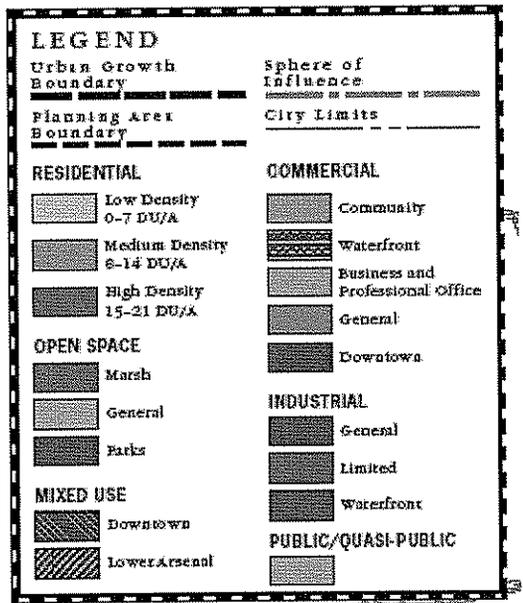
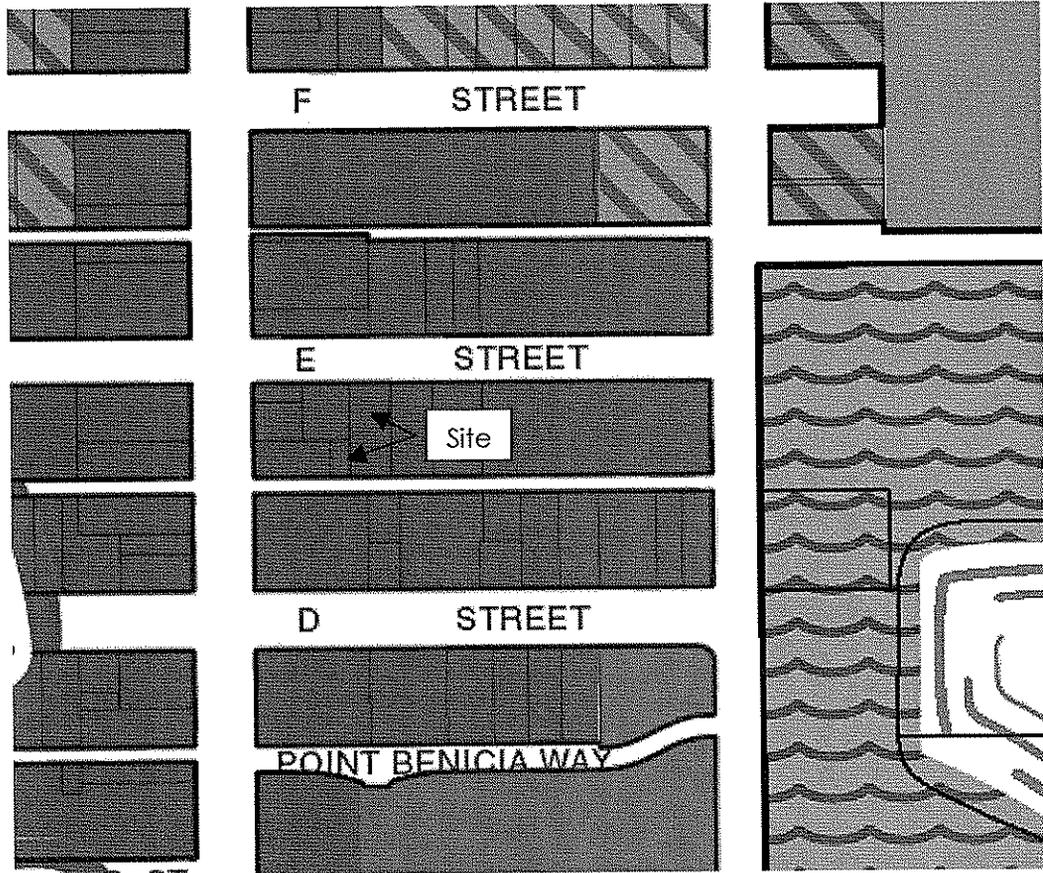
East: Single-family residential

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement) include BAAQMD and the California Office of Historic Preservation.

PROJECT VICINITY MAP



LAND USE MAP OF BENICIA



**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics         | <input type="checkbox"/> Agricultural Resources             | <input checked="" type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input checked="" type="checkbox"/> Cultural Resources      | <input checked="" type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning                 |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing                |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |  |

DETERMINATION: The City of Benicia Planning Department

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner's Signature

Date

\_\_\_\_\_  
Laura Karaboghosian  
Associate Planner

\_\_\_\_\_  
City of Benicia, Community  
Development Director

## **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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### **PURPOSE OF THIS INITIAL STUDY**

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a mitigated negative declaration.

### **EVALUATION OF ENVIRONMENTAL IMPACTS**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impacts to a less than significance.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a) The project is located within the City of Benicia's Historic Overlay District. The General Plan and the Downtown Historic Conservation Plan contain detailed policies for new development in order to protect historic and harmonious appearance of the downtown. The Downtown Historic Conservation Plan also contains specific design guidelines for new construction within the Transitional Area, area in which this project is located. The subject property is not directly part of any designated sight line or view corridor.
- b) The project site is located on a fairly level improved lot not within view of Interstate 780. Based upon the aforementioned, the project proposal would not cause substantial damage to scenic resources such as trees, rock outcroppings and historic buildings within a state scenic highway. In addition, according to the California Scenic Highway Mapping System there are no officially designated scenic highways located within Solano County at this time.
- c) According to a Historic Review and Evaluation prepared by ARC Inc., date stamped January 9, 2007, the existing building located on the northern side of the lot facing East E Street proposed for demolition was constructed in the 1870's as a 1,200 square foot single-family residence but is currently used as an office. The building as it exists now is approximately 1,450 square feet comprised of a single-story with a basement/garage area below the main section. According to the historic architect hired to evaluate the site, the structure has undergone several drastic remodels and two additions obliterating any obvious original detailing, porches, or fenestration on the exterior. Although some original wainscoting and door frames remain in the interior, such remodeling, both inside and out, have irreversibly compromised the historic integrity of the architectural design, and leave it a confusing assemblage of forms and materials.  
  
Although the structure located on the northern side of the lot is designated in the Downtown Historic Conservation Plan as potentially contributing, the historic architect hired by the applicant as well as a historic architect hired by the city both agree that the building no longer possesses any historic integrity and should be removed from the City's inventory of building of historic significance. The City of Benicia's Community

Development Department is currently updating the historic survey data and will propose to City Council this summer that the building proposed for demolition be declassified. Upon removal of the historic classification demolition of the structure becomes a ministerial act.

The scale of the proposed structure is significantly larger than that of adjacent properties, however, the Downtown Historic Conservation Plan's development guidelines for new development within the transitional area would be applied to the proposed project. By applying design criteria adopted by City Council specifically outlined within the Downtown Historic Conservation Plan the mass and scale of the structure would be mitigated and adopted city regulations would be met.

**Mitigation Measure AESTHETICS**

**MM AETH 1    Employ design guidelines specified within the Downtown Historic Conservation Plan's development guidelines for new development within the transitional area.**

- d)    The proposed project consists of a large number of storefront windows along the first floor of the new building. When constructing the building windows shall be installed that consist of an anti-glare film in order to significantly reduce glare. Implementation of the proposed project would result in the installation of lights at ground level as well as on the exterior of the proposed building itself. Light from the proposed project could spill over into adjacent properties, potentially affecting nighttime views. Implementation of the following mitigation measures would reduce this impact to a less-than-significant level:

**Mitigation Measure AESTHETICS**

**MM AETH 2    Install windows consisting of an anti-glare film to reduce glare.**

**MM AETH 3    A detailed lighting plan shall be submitted for design review and approval by city staff. The lighting plan shall be consist with the Benicia Municipal Code. A lighting plan shall be prepared by a qualified lighting engineer and shall clearly demonstrate that adverse light and glare will not be cast from this project onto adjoining properties.**

**MM AETH 4    The project sponsor shall design lighting to be sensitive to neighboring land uses according to standard City lighting guidelines.**

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>II. AGRICULTURAL RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) The Farmland Mapping and Monitoring Program of the California Resources Agency has not designated the project area as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore no impact to farmland would occur.
- b) The proposed project site is zoned for commercial uses and is not covered by a Williamson Act contract. Furthermore, no Williamson Act Contracts are located in the immediate vicinity of the project site. Therefore, no impacts to Williamson Act Contracts would occur.
- c) The proposed project is designated for downtown commercial uses. Implementation of the proposed project would therefore not result in conversion of farmland to non-agricultural uses. No Impacts to conversion of agricultural land would occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site and the City of Benicia are located in the San Francisco Bay air basin and are within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The 2004 Ozone Attainment Plan and the 2000 Bay Area Clean Air Plan contain District-wide control measures to reduce ozone precursor and carbon monoxide emissions.

The BAAQMD monitoring site in Benicia monitors SO<sub>2</sub> and gross hydrocarbons. The Inspection Program of the Compliance and Enforcement Division of BAAQMD routinely conducts inspections and audits of potential polluting sites to ensure compliance with applicable federal, State, and BAAQMD regulations.

a) Vehicle trips associated with the proposed project would result in the emission of ozone precursor and carbon monoxide. However, the BAAQMD CEQA Guidelines indicate that the construction of a commercial structure of the size proposed is below the established threshold for the generation of potentially significant emissions resulting from trip generation during project operation. Therefore, trips generated by the proposed project are not expected to result in a significant increase in ozone, carbon monoxide, or other pollutants associated with fuel combustion, or obstruct implementation of the Ozone Attainment Plan or the Clean Air Plan.

## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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The City's *General Plan* is in conformance with the Clean Air Plan. The proposed project is consistent with the City's *General Plan*; as a result, the project would not conflict with implementation of the Clean Air Plan. In addition, the proposed project would result in the development of infill commercial within the downtown. By providing additional commercial uses within a centrally located area, the site may lend itself to a "park once" use.

c) As of August 2005, the San Francisco Bay air basin is under non-attainment status for ozone and particulate matter – 10 micron (PM10) per State standards. The air basin is preliminarily under nonattainment status for particulate matter – fine (PM2.5) per State standards. The air basin is under marginal attainment status for ozone at the federal level. As noted previously, the commercial building proposed is below the established BAAQMD threshold for the generation of potentially significant emissions resulting from trip generation during project operation. Therefore, implementation of the proposed project would not generate sufficiently high amounts of ozone that would substantially contribute to the air basin's existing nonattainment status for ozone.

However, construction activities associated with the proposed project could result in the generation of emissions and dust that would contribute to the air basin's nonattainment status for PM10. Sources of air emissions and dust include activities such as excavation, grading, vehicle travel on paved and unpaved surfaces, and vehicle and equipment exhaust. The BAAQMD has identified feasible control measures for pollutants from such construction activities. Implementation of standard construction practices required by the City of Benicia and the following mitigation measure identified by BAAQMD would reduce construction period air quality impacts to a less-than-significant level:

### **Mitigation Measure AIR QUALITY**

**MM AIR 1** The following practices should be followed during all phases of site preparation and construction activities at the project site. This mitigation measure does not apply to construction of building interiors.

- (1) Water all active construction areas at least twice daily during the dry season; a backflow device is required on all hoses used for construction dust watering.
- (2) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- (3) Weather permitting, sweep twice daily (with regenerative air type sweepers) all paved access roads, parking areas and staging areas at construction site; and
- (4) Sweep streets twice daily (with regenerative air type sweepers) if visible soil material is carried onto adjacent public streets.

d) The EIR on the Benicia General Plan found the City to be consistent with the regional Clean Air Plan.

This is a small project that would not require a permit from the Bay Area Air Quality Management District. It would not conflict with or obstruct implementation of the BAAQMD air quality plan. The project would generate temporary dust during construction, which would be addressed through Department of Public Works requirements for Storm Water Management Plan Best Management Practices.

e) Sensitive receptors are facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people

with illnesses. No sensitive receptors are located adjacent to the project site. However, the following schools are within 1 mile of the project site: Liberty High School, Mills Elementary School (no longer open), St. Dominic's School and Robert Semple Elementary School. No known assisted care facilities or hospitals are located in the vicinity of the project site.

Implementation of the proposed project would result in the development of a three story commercial building on the project site and would not generate substantial pollutant concentrations. Long-term air pollution associated with the proposed project would be primarily vehicle-related, and would not necessarily be concentrated in the vicinity of the project site. Therefore, implementation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations.

f) Implementation of the proposed project would result in the development of a three story commercial building and associated improvements. The proposed project would not generate objectionable odors. In addition, the proposed project is not located downwind from any odor sources (e.g., landfills, sewage treatment plants) that could affect persons within the project site. Therefore, implementation of the proposed project would not create objectionable odors affecting a substantial number of people or subject persons to objection-able odors.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES.</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The General Plan does not indicate that there are any sensitive biological resources on this developed site. The proposed project would remove one moderately size trees on site. In order to remove the existing tree a tree removal permit may be required by the Parks and Community Services Department.

a) The project site, which is an improved infill site, has low habitat value for wildlife. Wildlife species that do occupy the site are common species that easily adapt to disturbed, urban conditions. No protected species are known to exist within the project site. Therefore, implementation of the proposed project would not have a substantial direct or indirect effect on protected species.

b) No riparian habitat or wetlands are located within or in the immediate vicinity of the project site.

c) Under 33 CFR 328.3, "wetlands" are defined as those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas (See also 40 CFR 122.2). The project site does not include any such area. Thus, the proposed project would not have a substantially adverse effect on federally protected wetlands.

d) The project site is a developed infill site and has been subject to human disturbance for the past 100 years. Wildlife associated with the project site is generally adapted to disturbed urban sites and would not be substantially affected by the proposed project. The project site is not used by native resident or migratory fish or wildlife species. In addition, implementation of the proposed project would not destroy, impede the use of, or otherwise modify native wildlife nursery sites. Therefore, implementation of the proposed project would not substantially interfere with the movement of native or migratory wildlife species, or adversely affect native resident or migratory wildlife corridors or native wildlife nursery sites.

e) The proposed project does not conflict with any local policies or ordinances protecting biological resources.

f) The project site is not located in any area subject to the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to ? 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) The subject property is located within the City of Benicia's Historic Downtown. The building proposed for demolition is currently designated within the Downtown Historic Conservation Plan as a potentially contributing structure to the historic downtown.

According to a Historic Review and Evaluation prepared by ARC Inc., date stamped January 9, 2007 the existing building located on the northern side of the lot facing East E Street was constructed between 1870 and 1900 as a 1,200 square foot single-family residence but is currently used as an office. The building as it exists now is approximately 1,450 square feet comprised of a single-story with a basement/garage area below the main section. The structure has undergone several remodels and two additions, according to the historic architect hired to evaluate the site. In addition, the original detailing, porches, and fenestration on the exterior of the building are no longer present. Although some original wainscoting and doorframes remain in the interior, such remodeling, both inside and out, has irreversibly compromised the historic integrity of the architectural design, and left it a confusing assemblage of forms and materials.

The building located along the southwestern side of Assessor's Parcel Number 89-372-060 was also constructed around the time of the single-family residence. It is unknown when the third building along the southeastern side of the property was constructed, however, unlike the previous two structures this third building was not depicted on the 1886 Sanborn Insurance Atlas of Benicia suggesting that it had not yet been constructed.

The architectural historian, Carol Roland, hired by the City of Benicia to update the historic district survey inventory has notified city staff that it is her intent to recommend to City Council removal of the structure located on the northern side of the lot from the Downtown Historic Conservation Plan inventory of structures with historic integrity.

**Mitigation Measures CULTURAL RESOURCES:**

**MM CULT 1** The Downtown Historic Conservation Plan guidelines shall be applied to the project and implemented during the design phase of this proposal.

b) Page 99 of the General Plan does not identify the project site as containing any archaeological resources.

**MM CULT 2** In the event that archaeological resources are encountered at any point during the project, work shall halt at the find and a state certified archaeologist and the City of Benicia Community Development Director shall be contacted immediately. All work at the find shall remain halted until the archaeologist can examine the find and make recommendations.

c) There are no known paleontological resources on the site or are there any unique geological features.

d) The project site is not considered likely to contain human remains. Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined whether or not the remains are subject to the coroner's authority. Consistent with Section 7050.5, implementation of the following mitigation measures would reduce impacts to human remains to a less-than-significant level:

**MM CULT 3** If human remains are encountered at any point during project work shall halt at the find and the Solano County Coroner and the City of Benicia Community Development Director shall be notified immediately. In addition, the state certified archeologist shall be contacted to examine the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. Pursuant to Section 5097.98 of the Public Resources Code, the Native American Heritage Commission will identify a Native American Most Likely Descendent to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, i) The project site is not located in an Alquist-Priolo Special Studies Zone designated by the California Department of Conservation, Division of Mines and Geology. The Green Valley Fault is about 3.6 miles to the northeast of the site. While this area is subject to frequent seismic activity, fault rupture on the site is unlikely. Figure 4.1 of the General Plan shows the site as subject to potentially high ground shaking amplification. The California Building Code requires that the project conform to the requirements for construction for Seismic Zone 4 and the State Historic Code.

a, ii) Because the project site is located in close proximity to an active fault, and is within a region that is considered seismically active, there is a high potential for the project site to

experience seismic activity, including strong seismic ground shaking, during the life span of the proposed project.<sup>4</sup> The United States Geologic Survey estimates an approximately 62 percent probability of a large earthquake of magnitude 6.7 or greater occurring within the San Francisco Bay Area by 2032. This estimate reflects the combined probability of expected earthquakes on the major fault zones in the Bay Area, including the San Andreas, Hayward, Calaveras, and Rodgers Creek fault zones. Estimates for the probability of occurrence of expected earthquakes on other faults in the region, including the Concord-Green Valley Fault, have not been developed and were not included in the USGS probability estimate. Therefore, the probability estimate, which reflects the combined probability of the occurrence of an earthquake, should be considered a minimum value. Seismic shaking at the project site that would be expected during earthquakes on regional faults could cause structural and nonstructural damage to the proposed project.

The proposed project would be built in compliance with the seismic design requirements of the California Building Code (CBC) and State Historic Code. Adherence to these requirements would minimize the potential that the proposed building would collapse in the event of an earthquake. However, earthquake-related damage could be substantial, and could endanger the safety of building occupants. In addition to potential structural damage, nonstructural damage could also be expected during a seismic event. Nonstructural damage could include breakage of windows, doors, piping, ducts, and light fixtures; collapse of walls, partitions, ceilings, and stairways; or damage to building interiors, including appliances, computer equipment, and furnishings.

Implementation of the following mitigation measure would reduce, but not eliminate, the severity of impacts associated with seismic shaking. However, the risk of earthquakes and associated damage is generally accepted in the Bay Area. Therefore, implementation of the following mitigation measures would reduce the impacts resulting from seismic shaking to a less-than-significant level:

**Mitigation Measure GEOLOGY AND SOILS:**

**MM GEO 1** Prior to approval of final project plans, a registered geotechnical engineer shall prepare a design-specific geotechnical report, and all recommendations of the report shall be incorporated into the project's final engineering design to avoid potential geologic impacts.

a,iii) The project site is located within an area that is designated in the *General Plan* as having the potential for liquefaction and other seismic-related ground failure. Liquefaction occurring during seismic events could endanger people and structures on the project site. Implementation of the following mitigation measure would reduce impacts resulting from liquefaction and settlement to a less-than significant level:

**MM GEO 2** Implement Mitigation Measure GEO MM1.

a,iv) Figure 4.2 of the *General Plan* shows the site to be outside a potential landslide and debris flow area. A soils report is required for all foundation work. The geotechnical report shall recommend standards for site preparation and construction.

a,b,c,d) Construction activities associated with the proposed project would require minimal earthwork within the project site. Implementation of the following mitigation measures would reduce soil erosion and the loss of topsoil to a less-than-significant level:

**MM GEO 3** Implement Mitigation Measure GEO MM1.

**MM GEO 4** The project applicant shall prepare an erosion control component of the project construction plan to protect all areas of the project site from soil erosion and topsoil loss until construction is complete and all non-paved areas are covered with established vegetation.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a,c,d,e,f,g,h) Implementation of the proposed project would result in the demolition of an existing historic structure and the construction of a three story commercial building. Project construction activities would involve the use of small volumes of commercially available hazardous materials, such as oil, gasoline, paint, and solvent. However, the use of these materials would generally be constrained to the temporary project construction period. In addition, use of these substances would be governed by existing hazardous materials regulations and would not pose a substantial adverse threat to either on-site construction workers or the public. Small quantities of similar commercially available hazardous materials (e.g., paint, maintenance supplies) would be routinely used within the project site for maintenance and cleaning. However, these materials would not be used in sufficient strength or quantity to create a substantial risk of explosion or fire, or otherwise pose a substantial risk to human or environmental health. Therefore, implementation of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The project site is not located within ¼ mile of an existing or proposed school. Therefore, implementation of the proposed project would not result in the emission or handling of hazardous materials within the near vicinity of an existing or proposed school.

b) The Benicia General Plan (Appendix G) does not identify the project site as a Hazardous Materials Site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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a) The developer would be required to conform during construction and post construction to the City's Stormwater Ordinance and Best Management Practices.

b) Because some permeable pavement is incorporated into the proposed project implementation is not expected to interfere substantially with groundwater recharge. In addition, the City of Benicia relies on imported California State Water Project water for its water supply, and does not use groundwater as a drinking supply. Therefore, additional water usage resulting from implementation of the proposed project would not substantially deplete groundwater supplies.

c,d,e,f) Implementation of the proposed project would not result in the alteration of a stream or river. Post construction runoff would be required to be less than pre construction runoff levels or the applicant would need to determine whether sufficient capacity exists downstream.

g,h,i) The project is located outside the 100-year flood hazard area, and it would not impede or redirect flood flows. Implementation of the proposed project would not involve any construction activity within a 100-year flood hazard area. Therefore, implementation of the proposed project would not place within a 100-year flood hazard area structures, which would impede or redirect flood flow

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) The Land Use Element of the General Plan designates the site as Downtown Commercial. This category includes residential, retail, office, public and quasi-public users. Its purpose is to encourage a mix of compatible uses adjacent to the Downtown, upgrading of existing buildings, preservation and adaptive reuse of historic buildings, and introduction of new, compatible mixed use buildings. "Mixed use" includes the mixing of permitted activities within the same building or within separate buildings on the same site or on contiguous sites. Design standards specified within the Downtown Historic Conservation Plan shall be applied to this project to ensure that mixed use development is compatible with and contributes to the character of the street, the Downtown, and adjoining neighborhoods. The Downtown Mixed Use category permits a maximum FAR of 2.0.

b) Currently the structure proposed for demolition is designated within the Downtown Historic Conservation Plan as a potentially contributing building. As a historic structure the building cannot be demolished unless an EIR is prepared and a statement of overriding considerations prepared. However, based upon input received from two separate architectural historians suggesting that the building be delisted from the Downtown Historic Conservation Plan's inventory of historic structures within the downtown staff believes that during the summer of 2007 the City Council will move to delist this building thereby rescinding its historic designation. Once the structure is delisted the project may precede. The project shall be required to be in compliance with the city's General Plan, Downtown Historic Conservation Plan, and Zoning Ordinance. The city is developing a Downtown Master Plan scheduled to be reviewed by the City Council this summer, however, the proposed project has been deemed complete and shall be held to the guidelines specified in the General Plan, current Downtown Historic Conservation Plan, and Zoning Ordinance.

c) The project site is not located within an area that is included in a habitat conservation plan or natural community conservation plan. Therefore, the proposed project would not conflict with any of these plans.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X. MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a,b) The General Plan does not designate any mineral resources on the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a,b,c) The project proposal involves the establishment of a new commercial structure surrounded primarily by existing residential uses. It is anticipated that ambient noise levels in the project vicinity shall increase due to the mixture of commercial uses that may occupy the proposed development. All future uses shall be required to comply with noise regulations stipulated in Title 8 of the Benicia Municipal Code. The zoning ordinance identifies conditional uses that require more thorough review due to the potential they possess for negative impacts to adjacent users. Conditions of approval shall be drafted specifically for the purpose of mitigating potential negative impacts such as noise. These mitigation measures shall be established in the form of limiting the days and hours of operation as well as the manner in which the property is used.

d) Noise levels on the project site and immediately adjacent properties would increase temporarily during the construction and demolition phases of the project. Due to the residential character of the land uses adjacent to the site and because these impacts are temporary, this impact is not considered significant. Because the project will be required to comply with City of Benicia ordinances regarding construction activity, no additional mitigation is required.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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e.f) The proposed project is not within an airport land use plan or located within two miles of a public or public use airport.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a,b,c) The proposed development consists of a small scale in-fill commercial project which would not induce substantial population growth or require the extension of infrastructure. Implementation of the proposed project would result in the construction of a three story commercial structure on an existing mixed use property. The building proposed for demolition is currently used as a construction office; no displacement of existing housing is anticipated. Because the structure proposed for demolition is not used as a residence, it is not expected that anyone shall be displaced by the project.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES.</b> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposal is to demolish an existing structure used as a commercial office and replace it with a larger commercial building. The EIR on the General Plan reports that additional resources will be needed to support the projected citywide demand for Fire and Police Services and Schools. The developer will be required to pay school impact fees. It is not anticipated that the development would trigger the need for the addition of public services or facilities.

a,b,c,d,e) Implementation of the proposed project would result in the construction of a new commercial building. The proposed project is not expected to provide housing therefore it should not have any impact on the Benicia Unified School District. In accordance with AB1600 the project applicant would be required to pay school, park, police, library, fire, and traffic fees that could be used to fund future capital improvements.

The proposed project would require the provision of additional public services, such as fire and police protection, and street maintenance. However, these services are already provided to residential and commercial areas in Benicia and would not require new or significantly expanded facilities in order to maintain acceptable service ratios. Implementation of the proposed project would not result in substantial adverse environmental impacts associated with the provision of public services.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Implementation of the proposed project is commercial in nature and would not generate a population increase.

b) The project does not include recreational facilities, nor does it require the construction or expansion of recreational facilities.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) The 100 block of East E Street functions as a cul-de-sac. The majority of uses along this stretch of road are single family residential in nature with two commercial uses located along the northern side of the street, one located immediately off of First Street and the other located several parcels down on East E Street. At the end of the block is a 90,000 square foot City owned unimproved gravel lot used for public parking. This gravel lot is accessible from East E Street as well as East Second Street. According to a parking study prepared by Fehr & Peers entitled, Final Report: Downtown Benicia Parking Study dated June 2004, this existing unimproved lot has the capacity to provide as many as 125 parking stalls for downtown users.

The proposed project has the potential to increase the number of vehicle trips on the 100 block of East E Street as well as increase on-street parking demand. Because the vast majority of properties along East E Street are single family residential in nature and because this segment of East E Street functions as a cul-de-sac, current vehicle trips are relatively low. However, with the addition of a three story commercial structure (future tenants/uses unknown) traffic volumes are expected to increase significantly. According to a trip generation calculation performed by staff, the overall project proposal may generate as many as 32 more peak hour daytime trips than the current uses generate. As long as the City owned East E Street parking lot is available

to the public users of the project site, both employees and customers may depend upon the East E Street parking lot to meet their needs, however, if this lot is one day developed then users of the project site will more significantly impact the adjacent streets.

**MM TRANS 1 A licensed traffic engineer shall prepare a traffic/parking study. The traffic/parking study shall be reviewed and approved by city staff. All mitigation measures identified in the traffic/parking study shall be implemented.**

b) The Solano Transportation Agency operates as the Congestion Management Agency (CMA) for Solano County. The number of trips generated by the proposed project (31 PM peak hour trips) is below the CMA's threshold for requiring an analysis of regional roadways (100 PM peak hour trips). Although the project may result in an incremental increase in traffic on some roadway segments, the increase would not be considered significant.

The proposed project would be subject to Benicia's Citywide Traffic Impact Fee (TIF). The fee is based on PM peak hour trip generation, and can be used to fund local and regional roadway improvements. Payment of the TIF would help further minimize the proposed project's impact on cumulative traffic volumes, and would meet the intent of the "fair share" mitigation measure recommended by Caltrans.

- c) The project proposal is not expected to result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- d) Implementation of the proposed project would not result in the creation of sharp curves, dangerous intersections, or other design hazards.
- e) The project site is served by East E Street and the public alley to the rear. East E Street is paved and readily accessible to emergency vehicles. The alley to the rear of the project site will require improvements to ensure access for emergency vehicles.

**MM TRANS 2 Prior to occupancy of the proposed building the alleyway shall be paved in accordance with Public Works Department standards.**

f) The project would be required to comply with Zoning Ordinance standards for off-street parking and loading. Benicia Municipal Code Section 17.74.030 requires that one parking space per 300 square feet of floor area on the first floor and one parking space for every 400 square feet of floor area on the second and third floors be provided for commercial uses within the Downtown Commercial district. Based on those sections the project site would require a total of 23 parking spaces (the proposed project would require 17 parking spaces and the existing uses six parking spaces). Due to site constraints the applicant is applying for a conditional use permit to be reviewed and approved by the Planning Commission to pay an in-lieu parking fee for 21 parking spaces that cannot be provided on the project site. If approved the applicant would pay \$2,000 per parking stall that cannot be accommodated on-site into a fund for the establishment of public parking or would make the improvements to a public parking facility designated by the Public Works Director.

**MM TRANS 3 Bicycle racks capable of accommodating six bicycles shall be provided on-site.**

g) This project is not in conflict with adopted policies, plans or programs supporting alternative transportation.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a,b,c,d) The General Plan and the General Plan EIR report that the City will have adequate water, sewer, drainage, and solid waste disposal capacity to meet projected build out. It is not possible to project capacity of gas and electric facilities because of rapidly changing conditions.

The main source of City water is the State Water Project - North Bay Aqueduct. Total system capacity is 12 million gallons per day (mgd). Peak usage during the winter is 4 mgd; peak summer usage is 8 mgd. Therefore, existing water supplies are sufficient to serve the proposed project.

The proposed project would be subject to the provisions of the City's Water Efficient Landscape Standards and the City's Emergency Water Conservation Ordinance. This Emergency Water Conservation Ordinance (Title 13, Chapter 13.35: *Emergency Water Conservation Ordinance*)

incorporates a five-stage plan for usage reduction by all water users. The City Manager determines when to move to more restrictive stages. Each stage mandates a percentage reduction in water use of the base year as established in 1989. Water use beyond the maximum allowed for at each stage will be subject to a drought penalty or charge based on the amount of the water use. Enforcement provisions include installation of flow restriction devices, or for disconnection of water service for continued violation. The ordinance includes provisions for exceptions and variances. The provisions of this ordinance will ensure that the proposed project would not have a significant effect on the City's water supply. No additional mitigation is required for this less-than-significant impact.

e) The existing wastewater treatment plant that serves Benicia has sufficient capacity to serve the proposed project in addition to existing commitments. Thus, the project is not expected to have a significant impact on wastewater treatment.

f) Solid waste collected in the City is transported to Keller Canyon Landfill in Pittsburg for disposal. Keller Canyon Landfill is anticipated to have sufficient capacity to operate until 2037 and would accommodate solid waste generated by the proposed project.

g) Consistent with City of Benicia recycling policy, all commercial uses developed as part of the proposed project would be supplied with recycling bins. Therefore, implementation of the proposed project would comply with federal, State, and local statutes and regulations related to solid waste.

**MM UTIL 1      Recycling bins of sufficient capacity to accommodate all commercial uses on-site shall be provided by the property owner.**

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b> Does the Project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wild-life population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less than Significant Impact with Mitigation Incorporated.** The proposed project with mitigations implemented would not degrade the quality of the environment; result in an adverse impact on fish, wildlife, or plant species including special status species, or prehistoric or historic cultural resources. Therefore impacts would be reduced to less than significant with mitigation
- b) **Less than Significant Impact.** The proposed project in addition to past and future developments in the surrounding planned urban developments would be consistent with the City's General Plan in further completion of the urbanization process and infilling for Benicia. All potential impacts would be reduced by adhering to basic regulatory requirements and/or conditions of approval incorporated into project design. Therefore the impacts would be less than significant.
- c) **Less than Significant Impact with Mitigation Incorporated.** With the implementation of the identified mitigation measures and the City of Benicia standard conditions of project approval as well as other pertinent agencies; no direct or indirect adverse impacts are anticipated and no additional mitigation is required. Therefore impacts would be reduced to less than significant with mitigation.

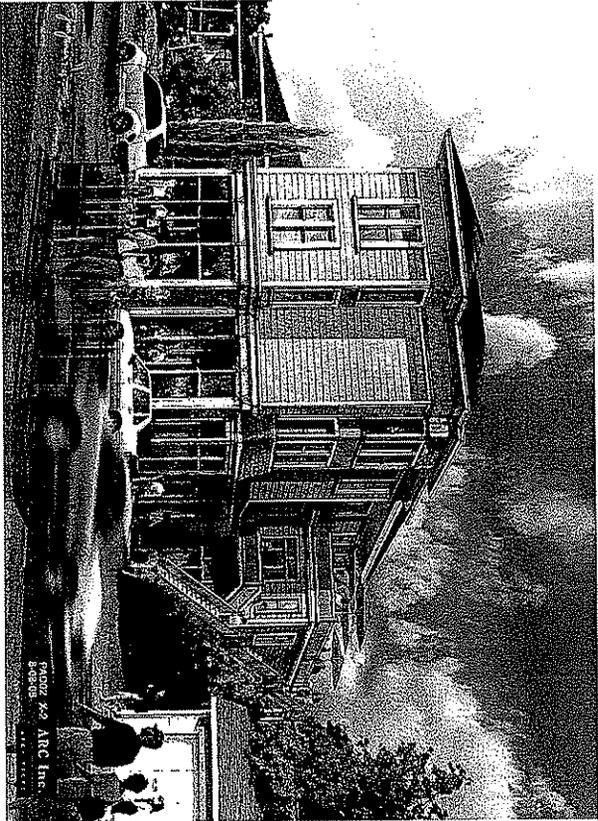
**REFERENCES:**

1. City of Benicia General Plan, 1999, Land Use Diagram
2. City of Benicia General Plan
3. City of Benicia Zoning Ordinance
4. City Staff
5. Project description
6. Downtown Historic Conservation Plan
7. Historic Review and Evaluation, prepared by ARC Inc., date stamped January 9, 2007
8. Final Report: Downtown Benicia Parking Study, June 2004
9. Bay Area Air Quality Management District Guidelines, 1999

# **PROJECT PLANS**

# RETAIL BUILDING

126 EAST "E" STREET  
BENICIA CA 94510



067M-S2/S3

VICINITY MAP		CLIENT		ARCHITECT		DRAWING INDEX	
		PATRICK M. DONAGHUE 126 EAST "E" STREET BENICIA, CA 94510 TEL: (707) 746-8416 FAX: (707) 874-489		ARC Inc. ARCHITECTS 840 TYLER STREET, SUITE 23 BENICIA, CA 94510 TEL: (707) 746-0582 FAX: (707) 746-0582		DR - 1 COVER SHEET DR - 2 PRELIMINARY SITE PLAN AND START AT SOURCE PLAN DR - 3 EXTERIOR ELEVATIONS AND FLOOR PLANS	
SUBMITTED TO		SUBMITTED FOR		SUBMITTED FOR DESIGN REVIEW APPLICATION			
CITY OF BENICIA COMMUNITY DEVELOPMENT DEPARTMENT AUGUST 10, 2008				8-10-08			

DATE: 8-10-06
REV. NO. REV. DATE
COVER SHEET
DR-1
108 NO.: PAD02

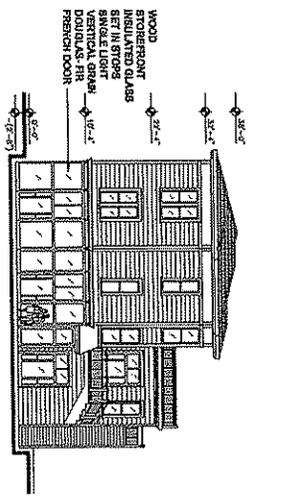
RETAIL BUILDING  
126 EAST "E" STREET  
BENICIA, CA

ARC Inc. ARCHITECTS  
840 TYLER STREET, SUITE 23  
BENICIA, CA 94510  
TEL: (707) 746-0582  
FAX: (707) 746-0582  
WWW.ARCINC.COM



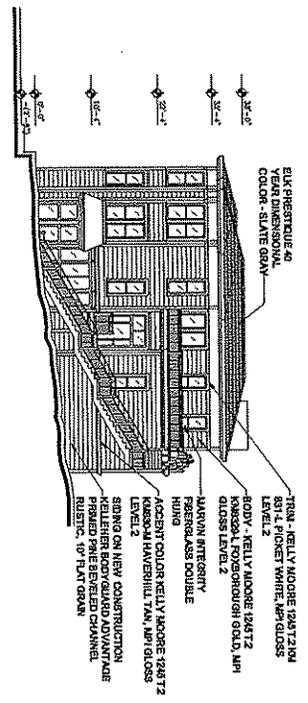
BY THE USE OF THIS DRAWING AND SPECIFICATIONS IS HEREBY REPRESENTED TO THE CLIENT THAT THE ARCHITECT HAS CONDUCTED A VISUAL CHECK OF THE PROJECT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF BENICIA'S ZONING AND ORDINANCES. THE ARCHITECT DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE ARCHITECT AND DOES NOT EXTEND TO THE CONSTRUCTION OF THE PROJECT OR TO THE PERFORMANCE OF THE PROJECT BY OTHER PROFESSIONALS.



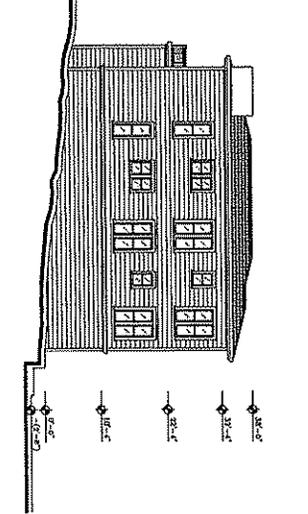


NORTH (E STREET) ELEVATION

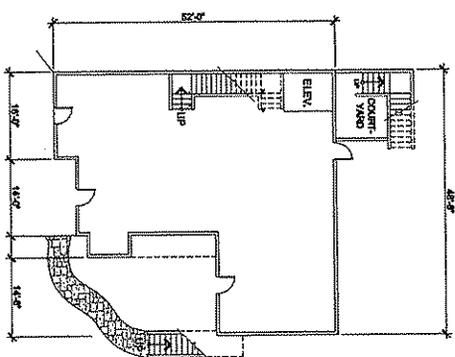
EXTERIOR ELEVATIONS  
SCALE: 3/32" = 1'-0"



WEST ELEVATION

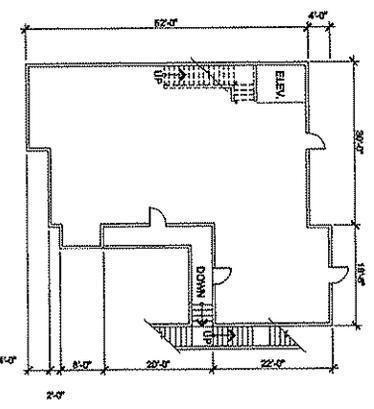


EAST ELEVATION

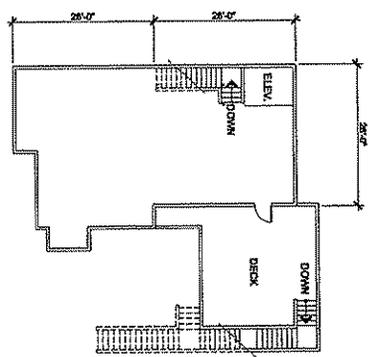


GROUND FLOOR PLAN

FLOOR PLANS  
SCALE: 3/32" = 1'-0"



SECOND FLOOR PLAN



THIRD FLOOR PLAN

<p><b>DR-3</b></p> <p>FLOOR PLANS AND EXTERIOR ELEVATIONS</p>	<p>DATE: 8-10-06</p> <p>REV. NO. REV. DATE</p>	<p>RETAIL BUILDING</p> <p>126 EAST "E" STREET</p> <p>BENICIA, CA</p>	<p><b>ARC Inc.</b></p> <p>ARCHITECTS</p>
	<p>JOB NO.: PAD102</p>		

REPRODUCED HEREIN IS THE PROPERTY OF ARC INC. ANY REPRODUCTION OR TRANSMISSION IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF ARC INC. IS STRICTLY PROHIBITED.

# **PHOTOS**



MOVED



BUILT OUT



NAPA HOUSE



NAPA HOUSE



NAPA HOUSE



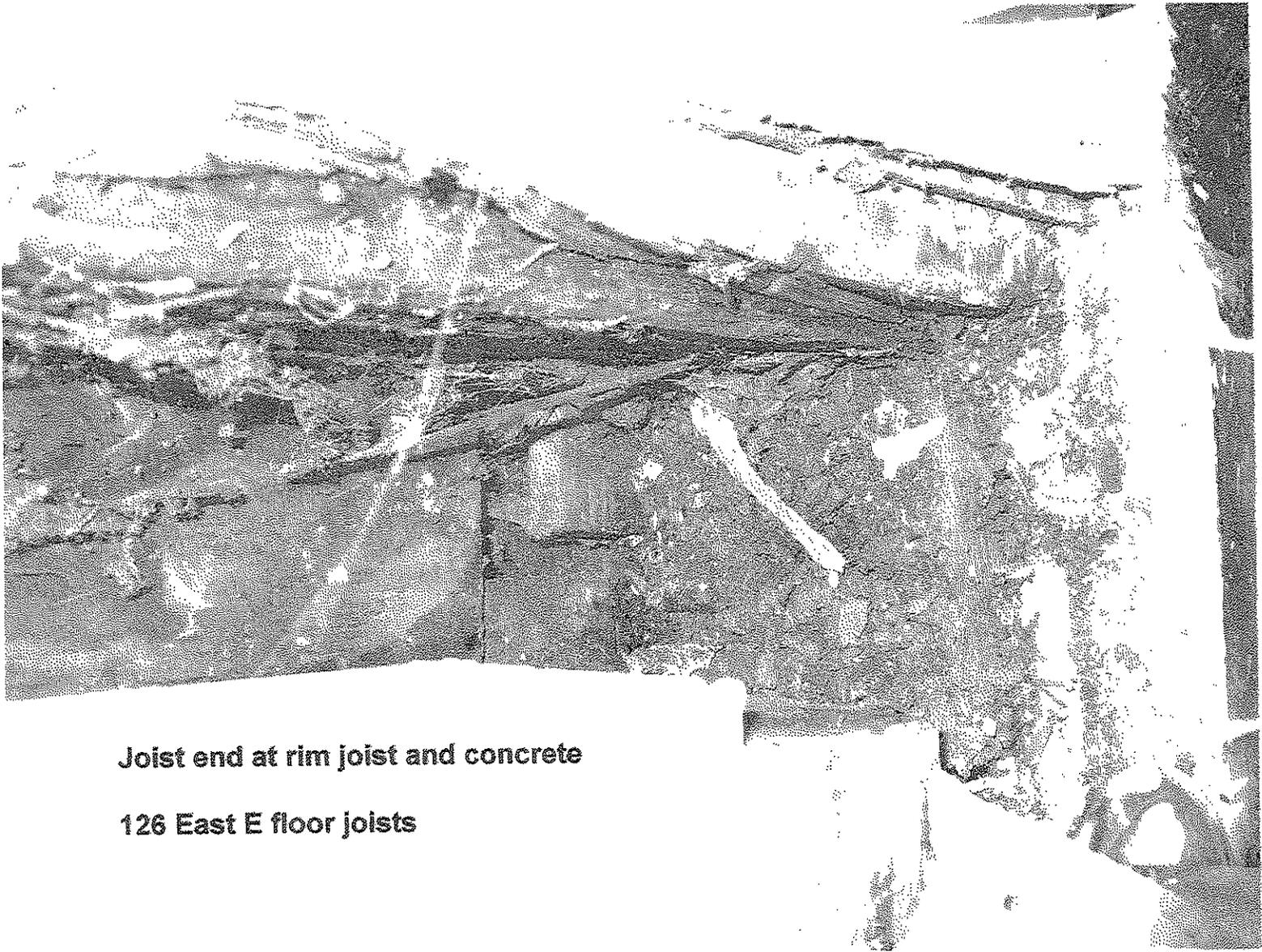
VICTORIANS



VICTORIANS

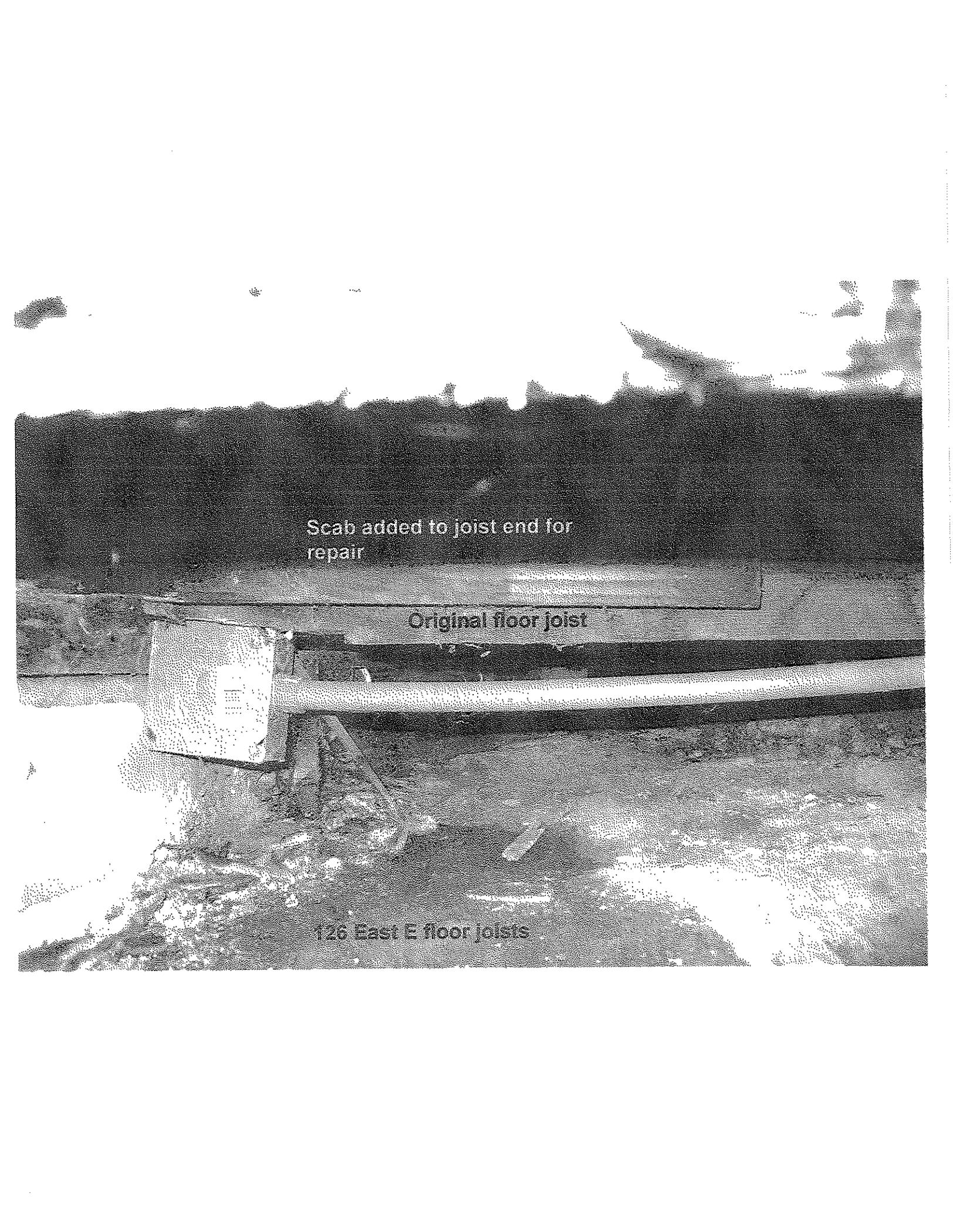


VICTORIANS



**Joist end at rim joist and concrete**

**126 East E floor joists**



Scab added to joist end for repair

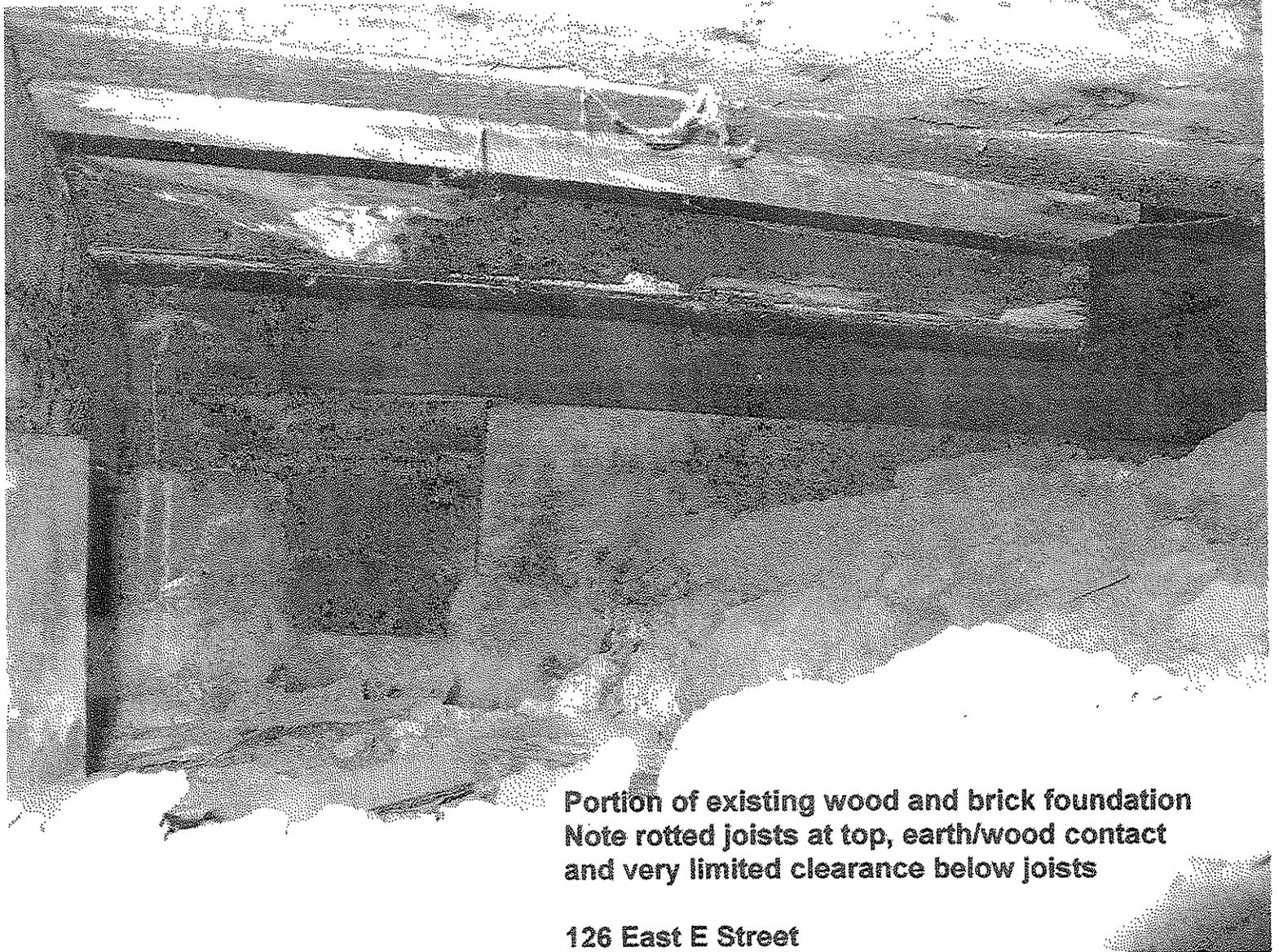
Original floor joist

126 East E floor joists



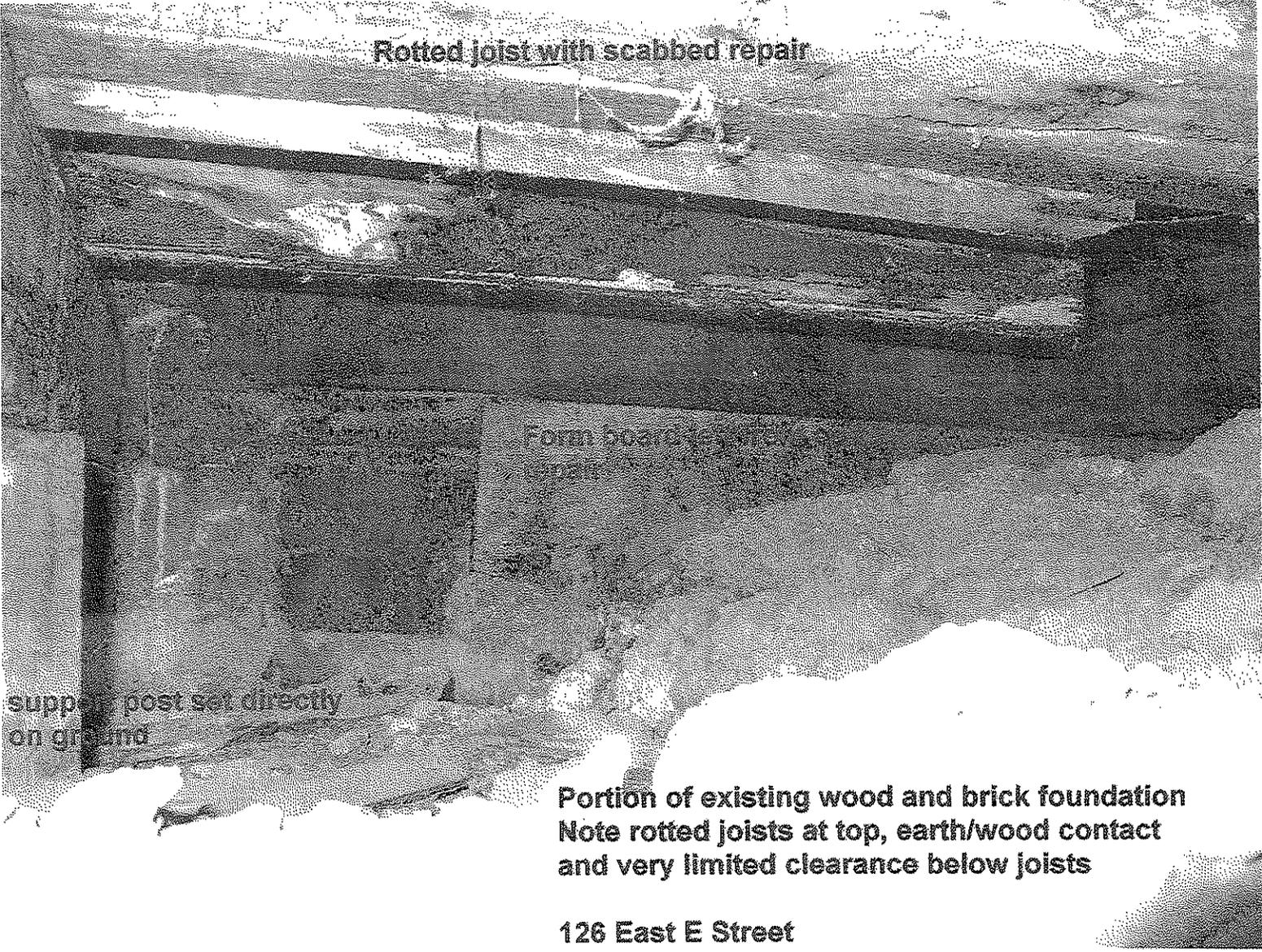
Scab added to joist end  
for repair

Original floor joist



**Portion of existing wood and brick foundation  
Note rotted joists at top, earth/wood contact  
and very limited clearance below joists**

**126 East E Street**



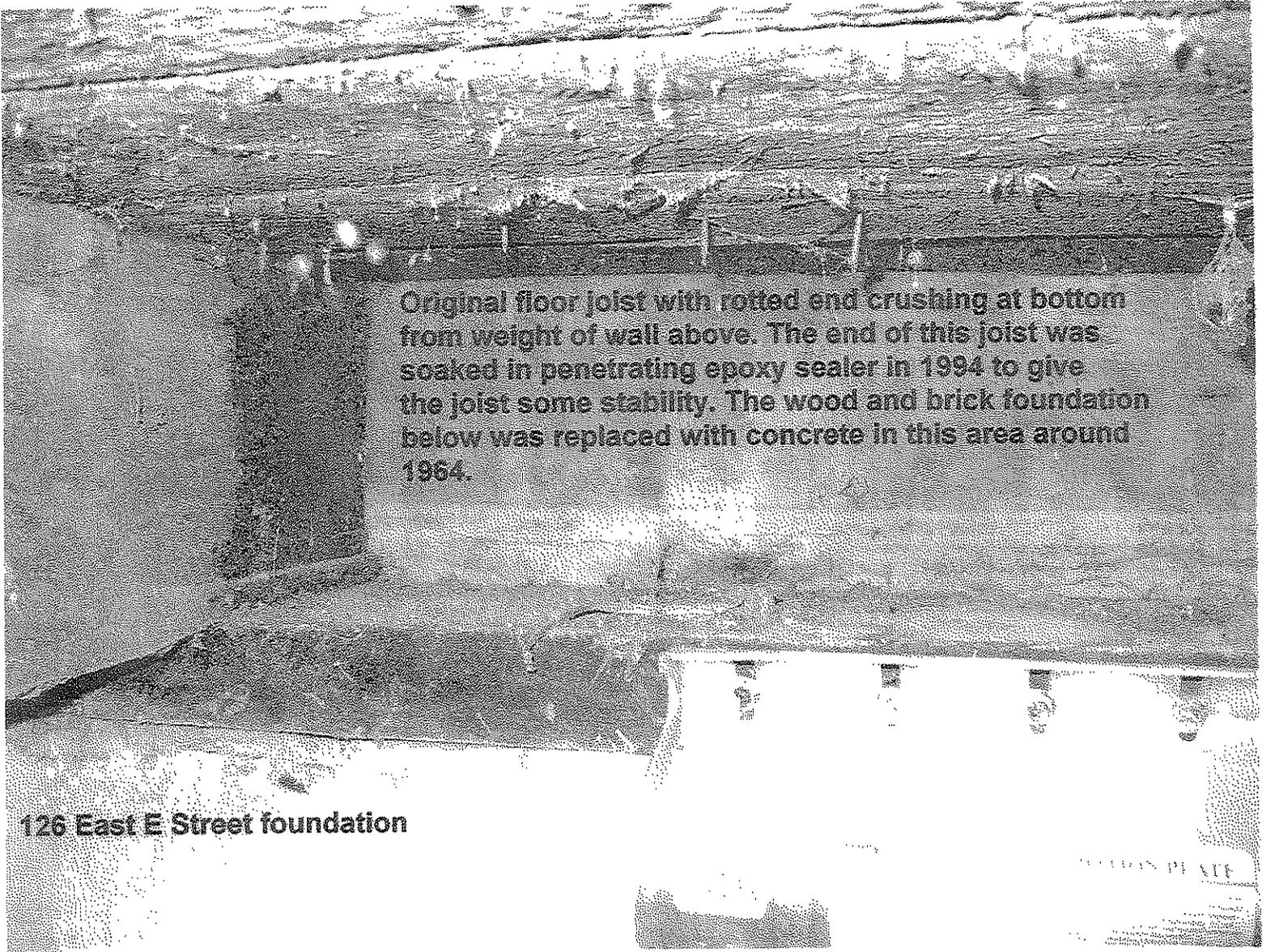
Rotted joist with scabbed repair

Form board

support post set directly  
on ground

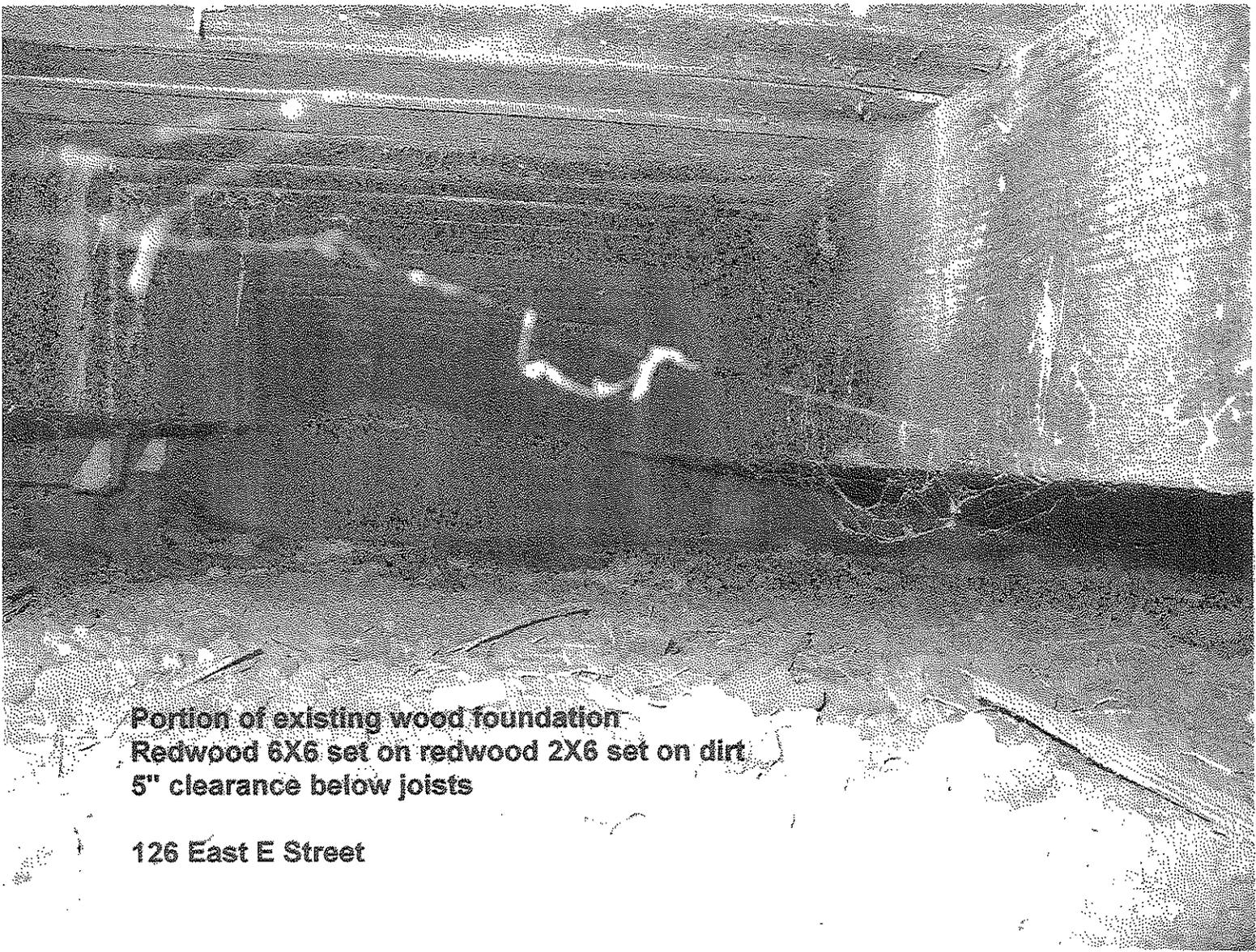
Portion of existing wood and brick foundation  
Note rotted joists at top, earth/wood contact  
and very limited clearance below joists

126 East E Street



Original floor joist with rotted end crushing at bottom from weight of wall above. The end of this joist was soaked in penetrating epoxy sealer in 1994 to give the joist some stability. The wood and brick foundation below was replaced with concrete in this area around 1964.

126 East E Street foundation



Portion of existing wood foundation  
Redwood 6X6 set on redwood 2X6 set on dirt  
5" clearance below joists

126 East E Street

# **HISTORIC REVIEW AND EVALUATION**

**ARC Inc.**

**ARCHITECTS**

616 Marin Street

Vallejo, CA 94590

Tel: 707.745.0502

Fax: 707.556.1121

ARCIncArchitects.com

## **Historic Review and Evaluation**

126 East E Street, Benicia, CA 94510

### **Overview**

There are three distinct structures on this parcel (1996 Solano Assessors Parcel #89-372-06) with three different addresses. This report primarily addresses the structure at 126 East E Street that was constructed in 1900, according to records at the Solano County Assessor's records.

The Historic Resource Inventory of the area completed by City of Benicia in 1986 describes the structure as a remodel with an estimated construction date in the 1870s, and lists the property size as 56 feet of frontage and 125 feet deep. An attached 1919 assessment form describes the building as a residence with a foundation made of brick and wood, encompassing 1200 square feet.

### **Current Description**

The residence at 126 East E Street is currently a 1450 square-foot, single-story structure with a basement/garage area below the main section. The structure consists of an apparently original hipped-roof cottage structure circa 1900, a later single-gable addition on the rear, and a third, flat-roofed addition adjoining the gabled portion. The exterior of the original portion of the house has been altered drastically with no original doors, windows, or porches visible.

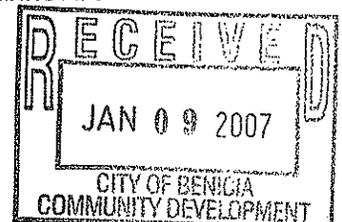
### **Historic Evaluation**

The structure has had several drastic remodelings and two additions, obliterating any obvious original detailing, porches, or fenestration on the exterior. Although some original wainscoting and door frames remain in the interior, such remodeling, both inside and out, have irreversibly compromised the historic integrity of the architectural design, and leave it a confusing assemblage of forms and materials. Several interior walls have been removed.

Although of different design and dates of construction, the other two structures on the site (125 and 127 Kuhland Alley) have undergone similar layered remodelings.

A review of the historic documentation of the city of Benicia (see Bibliography) has uncovered no social significance connected to any of these structures, or to any of its previous inhabitants or owners.

The structures fall within "The Benicia Downtown Historical District", but cannot be considered as contributing structures in their current state.



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

Primary #  
HRI #  
Trinomial  
NRHP Status Code

Other Listings  
Review Code

Reviewer

Date

Page 1 of 2

\*Resource Name or #: - 126 East E St.

**P1. Other Identifier:** none

**\*P2. Location:** \_

\*a. County: Solano

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad: Benicia T2N R3W MDM

c. Address: 126 East E Street

City: Benicia

Zip: 94510

d. UTM: N/A

e. Other Locational Data: APN# 89-372-06

**\*P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The residence at 126 E. E St. is a 1450 sq. ft. irregular shaped single story structure with a small basement/garage below the main section. The building consists of an apparently original hipped-roof cottage structure circa 1900, a later single-gable addition on the rear, and a third, flat-roofed addition adjoining the gabled portion. It has stucco siding. It is unclear whether any original windows remain. On the front of the building there is a double hung window and a multi-paned picture window that may be original. The four remaining windows are vinyl replacements; one is aluminum, a sheet of Plexiglas has replaced one, and one has been glazed with Plexiglas. Doors have also been replaced.

**\*P3b. Resource Attributes:** (List attributes and codes) single family structure

**\*P4. Resources Present:** X Building Structure Object Site District Element of District  
Other (Isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)

P5b. Description of Photo: (View, date, accession #)

Front façade, view south

**\*P6. Date Constructed/Age and Sources:**

circa 1900, Solano County Assessor

**\*P7. Owner and Address:**

Patrick M. Donaghue

126 E. E St.

Benicia, CA 94510

**\*P8. Recorded by:** (Name, affiliation, and address) A. Kinane

Andy Kinane, Historic Evaluation. Benicia, CA

**\*P9. Date Recorded:** Dec. 22, 2006

**\*P10. Survey Type:** (Describe) General Reconnaissance

**\*P11. Report Citation:** (Cite survey report and other sources, or enter "none.")



**\*Attachments:** NONE Location Map Sketch Map Continuation Sheet X Building, Structure, and Object Record  
Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record  
Artifact Record Photograph Record X Other (List): Selected references (appendix)

DPR 523A (1/95)

\*Required Information

State of California The Resources Agency Primary #  
 DEPARTMENT OF PARKS AND RECREATION HRI#  
**BUILDING, STRUCTURE, AND OBJECT RECORD**

Page 2 of 2

\*NRHP Status Code

\*Resource Name or # (Assigned by recorder) 126 E. E St.

- B1. Historic Name: N/A
- B2. Common Name: none
- B3. Original Use: residential
- B4. Present Use: residential
- \*B5. Architectural Style: vernacular
- \*B6. Construction History: (Construction date, alterations, and date of alterations) The house was built circa 1900. Retaining wall was added in 1966. Major repairs in 1983. 1980's to 1990's: extensive remodeling.
- \*B7. Moved?  No  Yes  Unknown Date: Original Location: same
- \*B8. Related Features: none

- B9a. Architect: unknown
  - b. Builder: unknown
  - \*B10. Significance: Theme: N/A Area: Benicia Downtown Historic District
  - Period of Significance: N/A Property Type: Single Family Applicable Criteria: N/A
- (Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

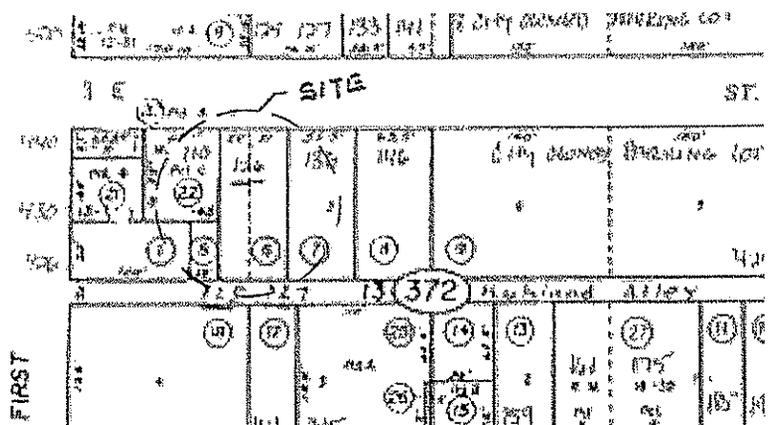
While the house has some elements of an early vernacular residential building associated with the establishment of the town of Benicia, it has been heavily modified. This includes additions. Extensive remodeling occurred in the 1980's and 1990's. Due to this drastic remodeling there appears to be little of the original structure in the current residence and little if any historic significance of this or either of the other two structures on the property. Additionally, as part of the review of the historic documents and books on the history and development of Benicia (see references) no significance was found related to any previous owners or of the structures themselves.

The site is in an established historic district. The other two structures on the property: 125 and 127 Kuhland Alley are also of little or no historic importance. The structure at 127 was heavily modified in the early 1990's with new siding, stucco, a new roof, and vinyl windows. 125 Kuhland was likely constructed at a similar time as 126 E. E St. but has been heavily modified as part of the remodeling done in the 1980's to 1990's period.

\*B12. References: Historic Resources Inventory (on State of California Form) prepared Mar. 1986 by City of Benicia volunteer; City of Benicia Building Valuation Appraisal Form for 126 E. E St., 1919 Assessment. Sanborn Insurance Atlas of Benicia, 1886, Sheet 4 showing E. E St. and Kuhland Alley between 1st and E. 2nd. 'Benicia, Portrait of an Early California Town', An Architectural History by Robert Bruegmann. Charles Scribner's Sons, New York. 1980 Great Expectations, The Story of Benicia, California', by Richard Dillon, Benicia Heritage Book, Inc. 1980. 'Images of America: Benicia', Julia Bussinger and Beverly Phelan, Arcadia Publishing, San Francisco, CA. 2004

\*B14. Evaluator: Andy Kinane in association with John Howland, architect, of ARC Inc. Benicia, CA

\*Date of Evaluation: Dec. 22, 2006



**Appendix** (Selected References)

Historic Resources Inventory (on State of California Form) prepared Mar. 1986 by  
City of Benicia volunteer?

City of Benicia Building Valuation Appraisal Form for 126 E. E St., 1919  
Assessment.

Photographs of buildings at 125 and 127 Kuhland Alley

Sanborn Insurance Atlas of Benicia, 1886, Sheet 4 showing a portion of E. E St. and  
Kuhland Alley between 1st and E. 2<sup>nd</sup>.

# HISTORIC RESOURCES INVENTORY

76

HABS \_\_\_\_\_ HAER \_\_\_\_\_ Loc. \_\_\_\_\_ Ser. No. \_\_\_\_\_  
 UTM: A \_\_\_\_\_ SHL No. \_\_\_\_\_ NR Status \_\_\_\_\_  
 B \_\_\_\_\_ C \_\_\_\_\_  
 D \_\_\_\_\_

## IDENTIFICATION

1. Common name: \_\_\_\_\_
2. Historic name: \_\_\_\_\_
3. Street or rural address: 126 E. E St.  
 City \_\_\_\_\_ Zip \_\_\_\_\_ County \_\_\_\_\_
4. Parcel number: 89 - 372 - 6 B1K13 E 25' x 8 + W 31' x 7
5. Present Owner: L. Bordini Address: 401 C. St.  
 City Martinez Zip 94553 Ownership is: Public \_\_\_\_\_ Private \_\_\_\_\_
6. Present Use: \_\_\_\_\_ Original use: \_\_\_\_\_

## DESCRIPTION

- 7a. Architectural style:
- 7b. Briefly describe the present *physical appearance* of the site or structure and describe any major alterations from its original condition:

*Remodel*



8. Construction date: \_\_\_\_\_  
 Estimated 1870 Actual \_\_\_\_\_
9. Architect \_\_\_\_\_
10. Builder \_\_\_\_\_
11. Approx. property size (in feet)  
 Frontage 56 Depth 125  
 or approx. acreage .10
12. Date(s) of enclosed photograph(s)  
3-28-86

*4:3*

126 E E

Mary Kuby 5  
1867

# BUILDING VALUATION APPRAISAL FORM

## REVALUATION OF REAL ESTATE FOR THE 1919 ASSESSMENT CITY OF BENICIA, CALIFORNIA

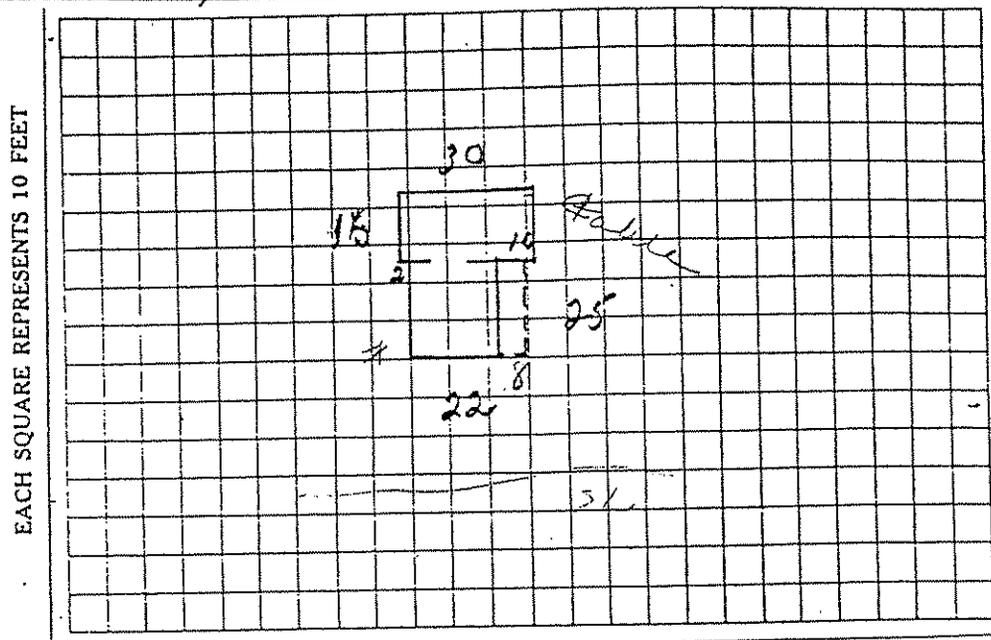
J. C. McARAVY  
City Clerk

CHAS. M. PRINCE  
Deputy Assessor.

NO. 12 East E ST. EXAMINED BY

OWNER C Bergstrom DATE

LOT NO. W 31 77-8 BLOCK NO. 13 TRACT OR SUBDIVISION



BUILDING VALUES.	
Class	<u>4</u>
Total sq. ft.	<u>1170</u>
Price per sq. ft.	<u>1.10</u>
Building, \$	<u>1320</u>
Basement, \$	
Heat \$	
Out Buildings	
Total Cost, \$	<u>1320</u>
Per cent. Dep.	<u>45</u>
Dep. Value, \$	<u>594</u>
Per cent. Utility Dep.	
Present Value, \$	<u>725</u>

CLASS	Construction	ROOF	LIGHTING	OCCUPANCY—Owner, Rented, Vacant.		
				BASEMENT,	ft. x	ft. x
Hotels	Class A—	Flat, Hip	Gas, Electric			
Loft Bldgs.	Structural Steel	Gables, Dormers	Good, Medium			
Warehouses	Terra cotta floors	Cut up Ordinary	Cheap			
Stores & Offices	Rein. concrete "	Plain				
" & Apts.	" " Frame	Tile, Single	ELEVATOR			
" & Theatres	Heavy	Tin, Gravel	Sidewalk Elev.	Living Room	2	
Offices	Medium	Composition	Freight	Bed	3	
& Theatres	Light	Brick, Tile	Passenger	Bath	1	
Hospitals	Class B—	Concrete	Electric	Kitchen	1	
Library	Class C—	Plaster	Hydraulic	Hardwood Floor		
California	Class D—	Inside Finish	TRIMMINGS	Hardwood Fin.		
Residence	Good, Med.	Plin	Cobblestone	Storage		
Flat	Cheap	Ornamental	Brick, Plaster	Store		
Apartment	EXTERIOR	Stock	Stone, Wood	Cement Floor		
Garage	Bay Windows	Special	Plain	Unfinished		
Shed	Balconies, No. 1	Built-In Features	Ornamental	Lobby		
Barn	Enameled Dr.	Dinet, Pat. Beds	Miscellaneous	Offices		
Church	Pressed Brick	Refrigerator	Fire Escapes			
School	Plaster Brick	Bookcases	Metal Windows			
Shop	Blue Brick	Plain, Ornament.	Cornice			
Garage	Terra Cotta	HEATING	Sprinkler			
	Art Stone	Fire places,	Marquise			
	Plaster, Met. Lath	Stoves	Ventilating			
	" Wood Lath	Wood, Coal, Oil,	Ceilings			
	Shakes, Rub'c	& Gas Furnace	Stairways			
	Siding, Board	Steam, hot Water	DECORATING			
	and Batten	PLUMBING	Ornamental			
	Corr. Iron	No. of Fixtures	Medium			
	FOUNDATION	Good, Medium	Cheap			
Stone	Store Front	Cheap	Sewer			
Concrete	Plate in Copper	Sheet Glass	Cesspool			
Brick	" " Wood					
Wood	Sheet Glass					
Deep, Shallow						

REMARKS: Enumerate Special Features:  
Lot 2570-16-8 331 in

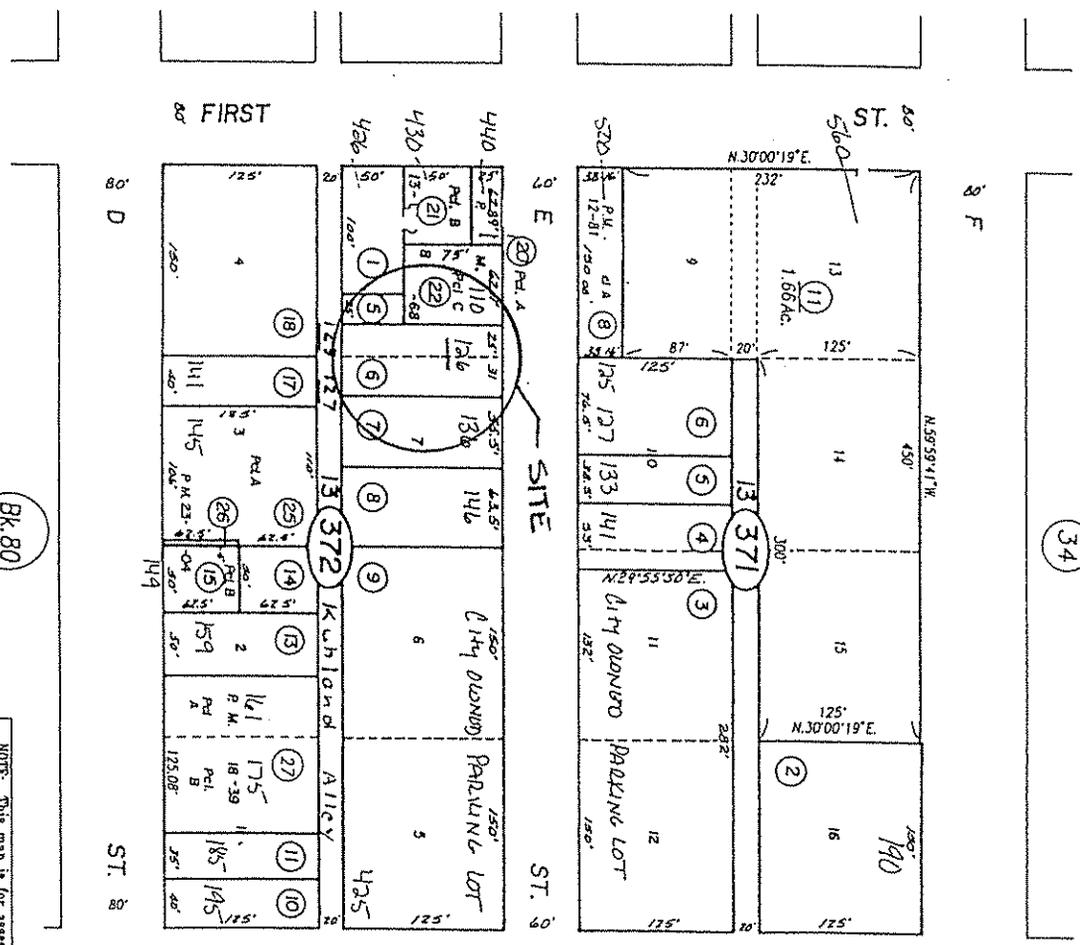


5089-372-060

POR. SEC. 2, T2N., R.3W., M.D.B. & M.

Tax Area Code  
1000

89-37



Bk. 80

Bk. 80

Benicia, City of , R.M. Bk. 04 Pg. 45

17-01	Assess. Manual	1-26-01	PA
17-07	(04)	1-26-01	PA
17-05 & 06	(04)	1-26-01	PA
17-27	DA	1-20-00	GS
REVISION	DATE		BY

NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

NOTE: Assessor's Block Numbers Shown in Ellipses Assessor's Parcel Numbers Shown in Circles

CITY OF BENICIA  
Assessor's Map Bk. 89 Pg. 37  
County of Solano, Calif.

02 03

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within 1915 ft. Dist. (Dimension)

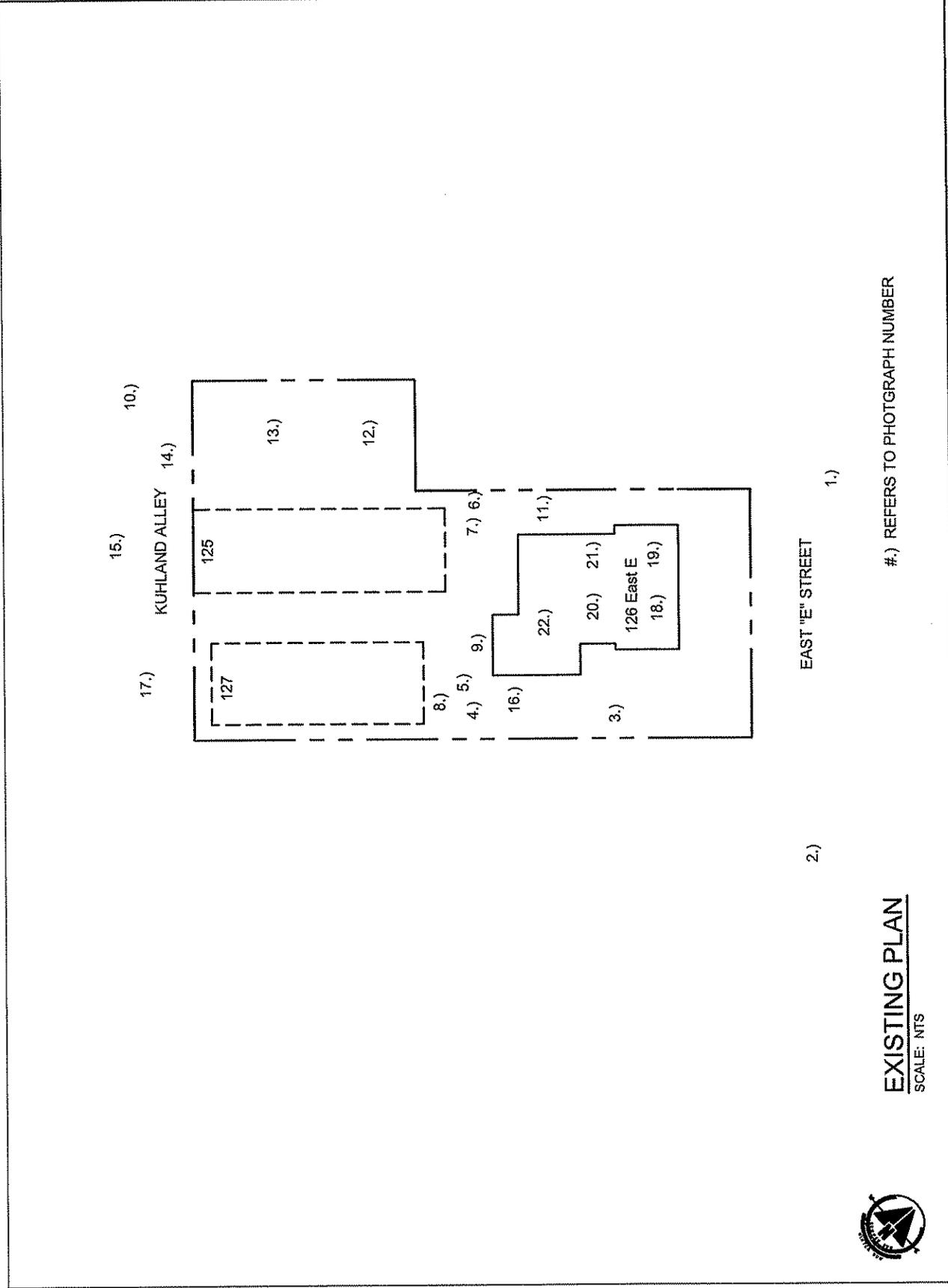


Daniel G. Quilley  
 240 Tyler Street, Suite 23  
 Benicia, CA 94922  
 Tel: (707) 745-0592  
 Fax: (707) 745-0592  
 Daniel G. Quilley  
 240 Tyler Street  
 Benicia, CA 94922  
 www.arcincarchitects.com

126 EAST "E" STREET  
BENICIA, CA

DATE:	8-10-06
REV. NO.	REV. DATE

JOB NO.: PAD02



#.) REFERS TO PHOTOGRAPH NUMBER

**EXISTING PLAN**

SCALE: NTS



Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/5/2007



1.) 126 East E North Elevation.jpg

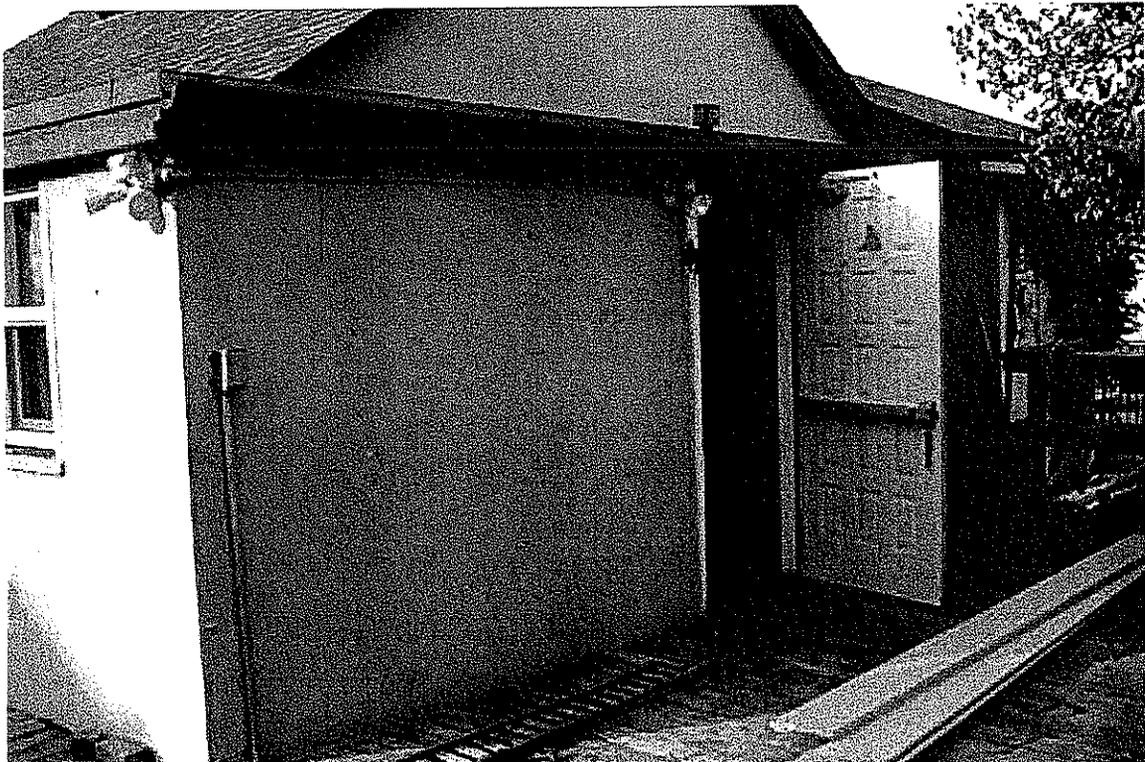


2.) 126 East E North Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/5/2007

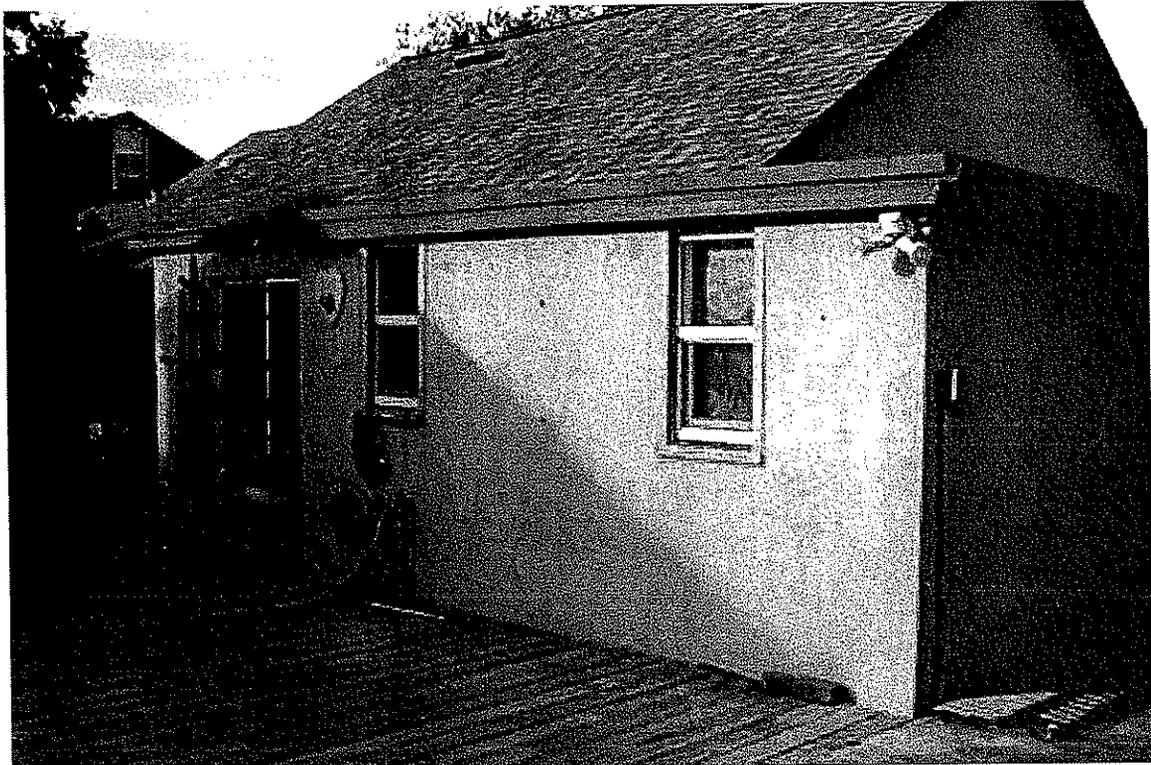


3.) 126 East E East Elevation.jpg

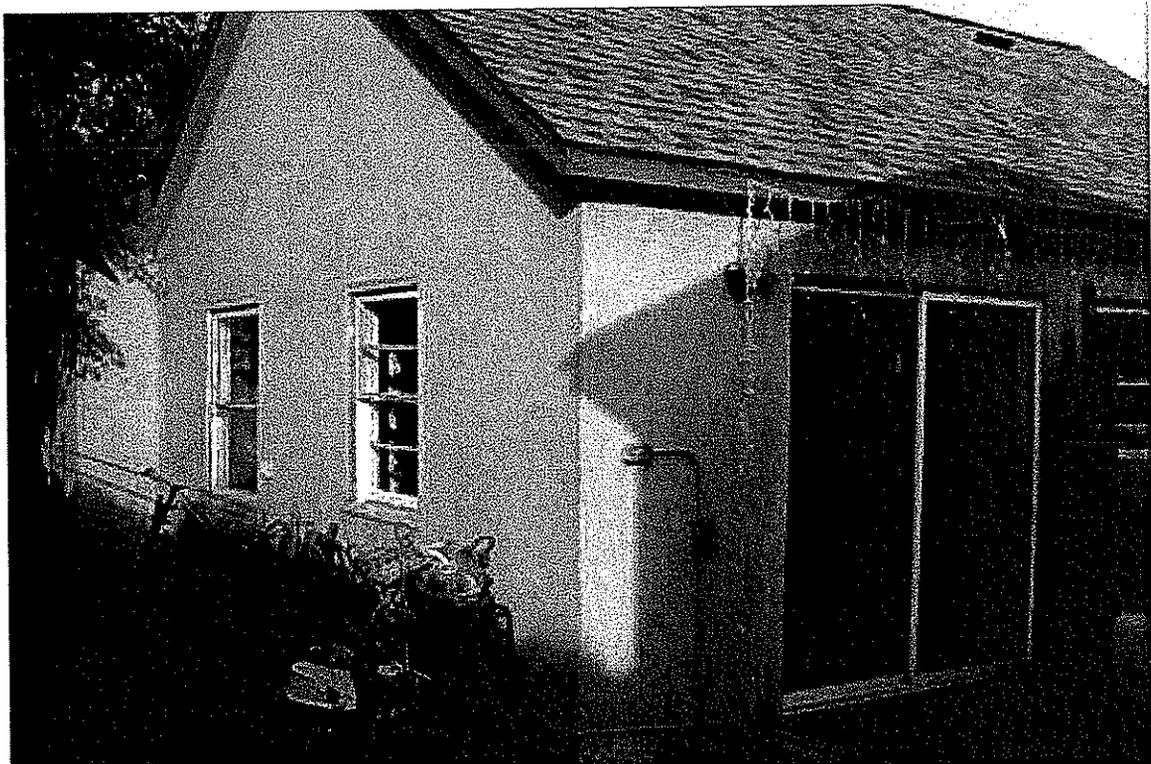


4.) 126 East E South Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/5/2007



5.) 126 East E West Elevation.jpg



6.) 126 East E West Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/5/2007



7.) 126 East E South Elevation.jpg

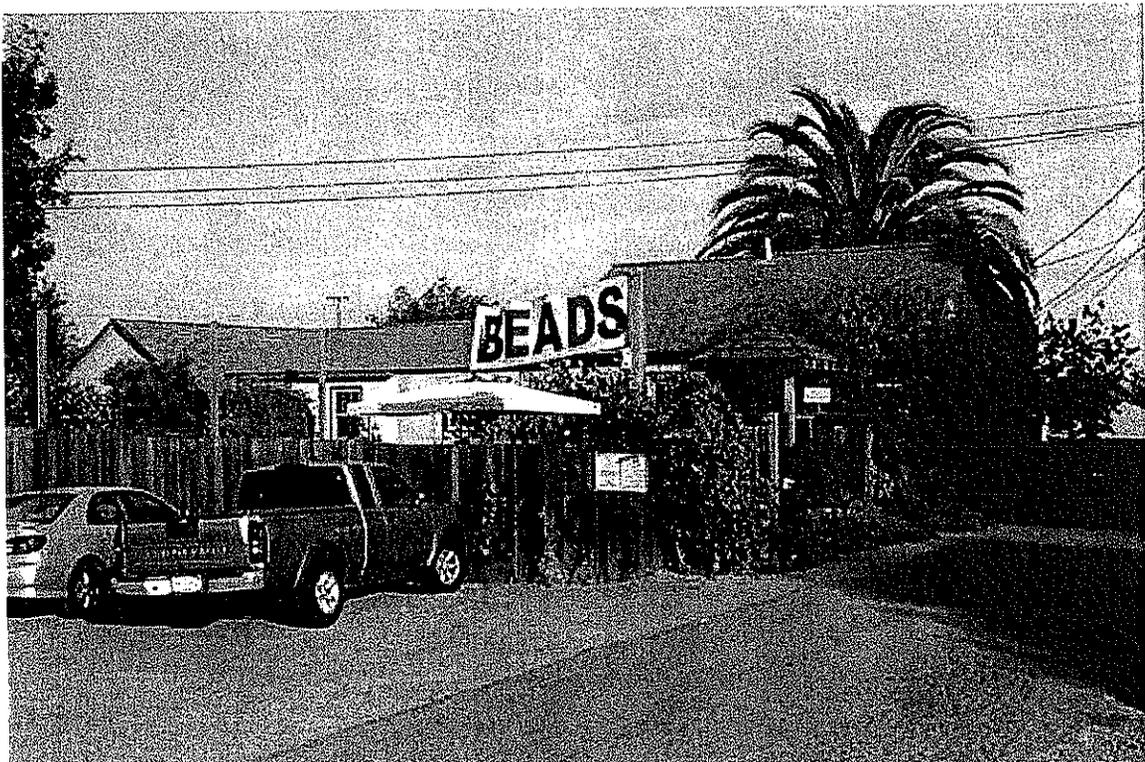


8.) 125 Kuhland Alley East Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/8/2007



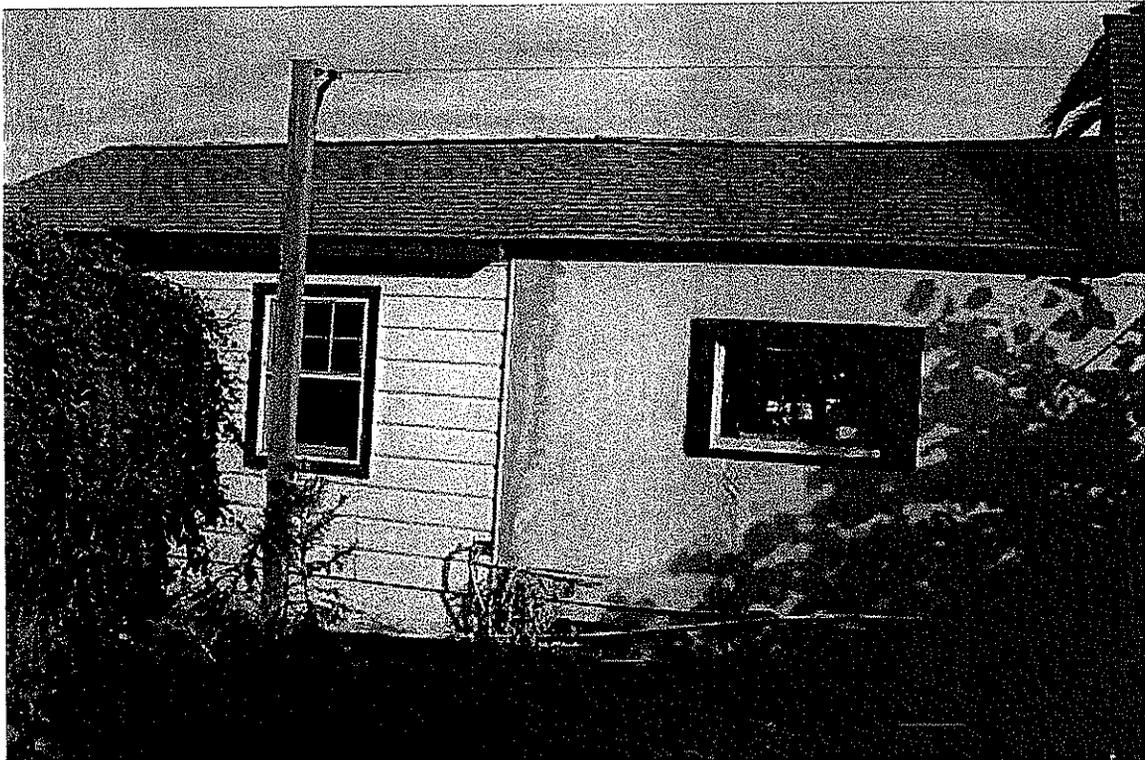
9.) 125 kuhland Alley East Elevation.jpg



10.) 125 Kuhland Alley West Elevation.jpg



11.) 125 Kuhland Alley North Elevation.jpg



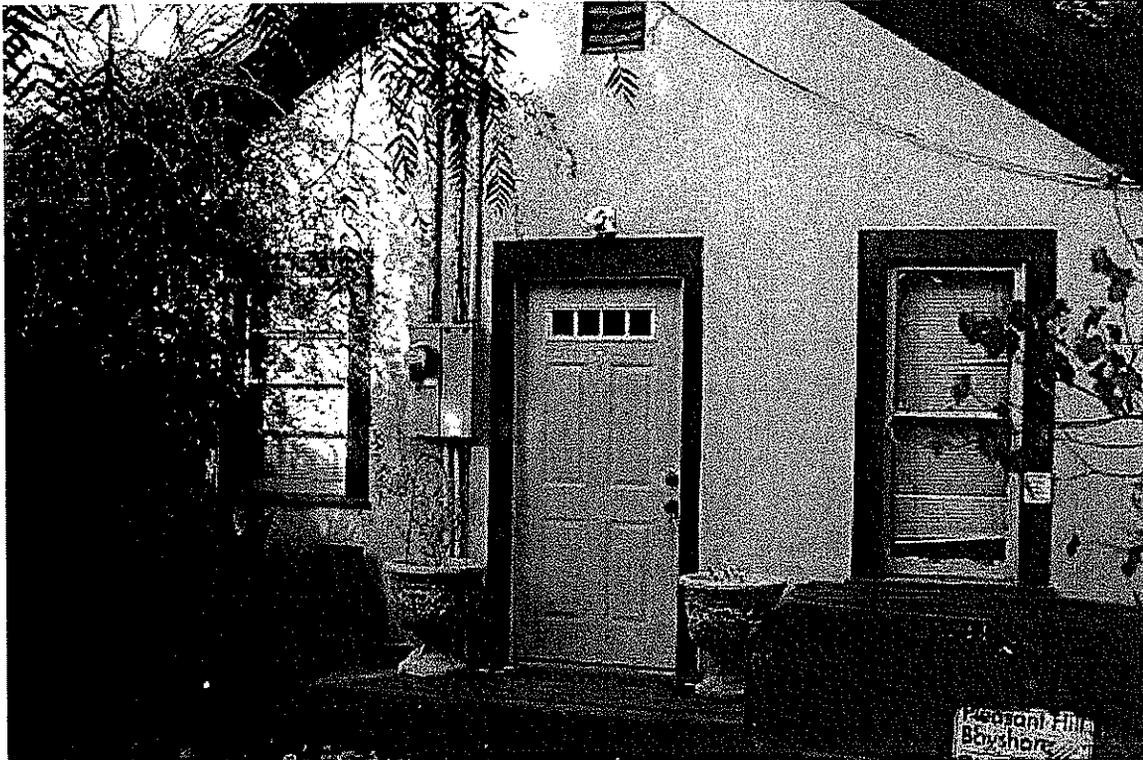
12.) 125 Kuhland Alley West Elevation.jpg



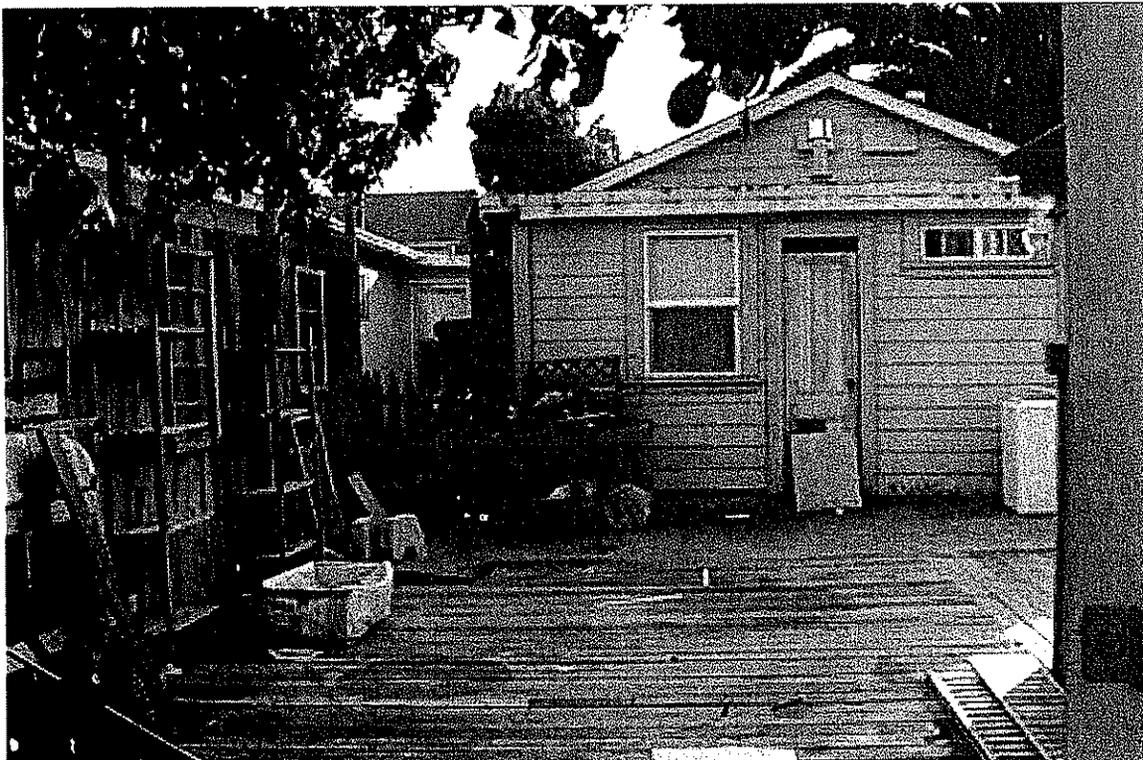
13.) 125 Kuhland Alley West Elevation.jpg



14.) 125 Kuhland Alley West Elevation.jpg

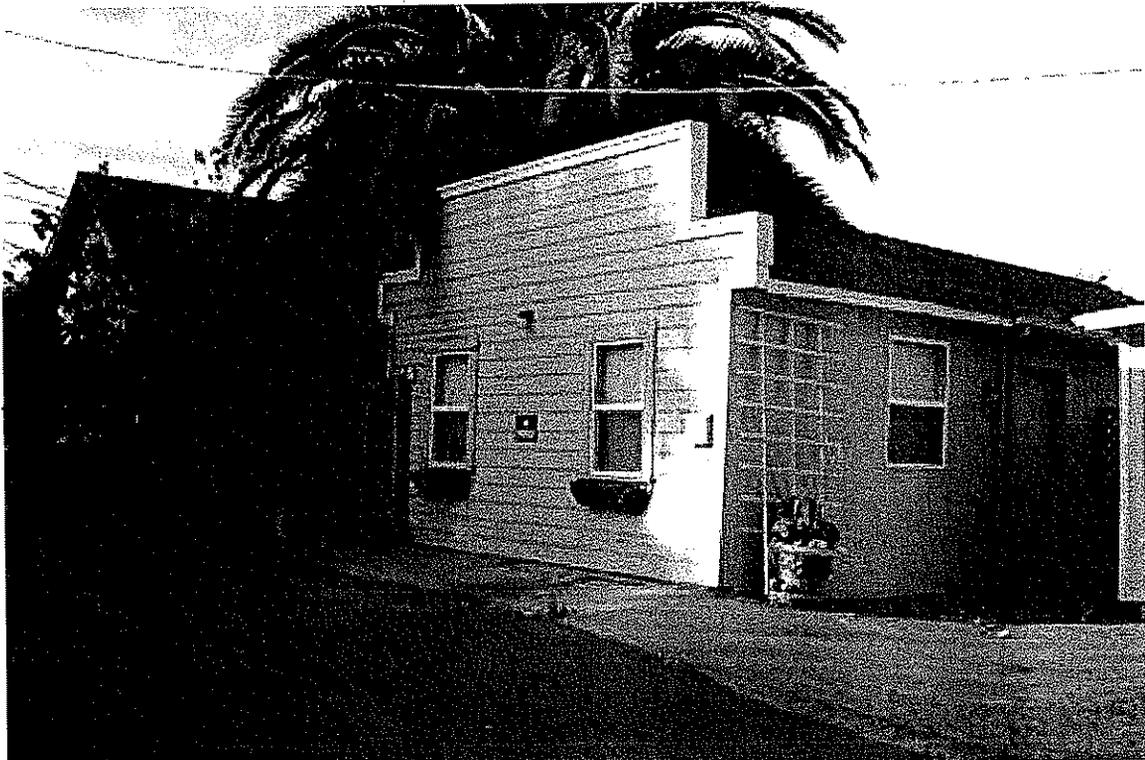


15.) 125 Kuhland Alley North Elevation.jpg

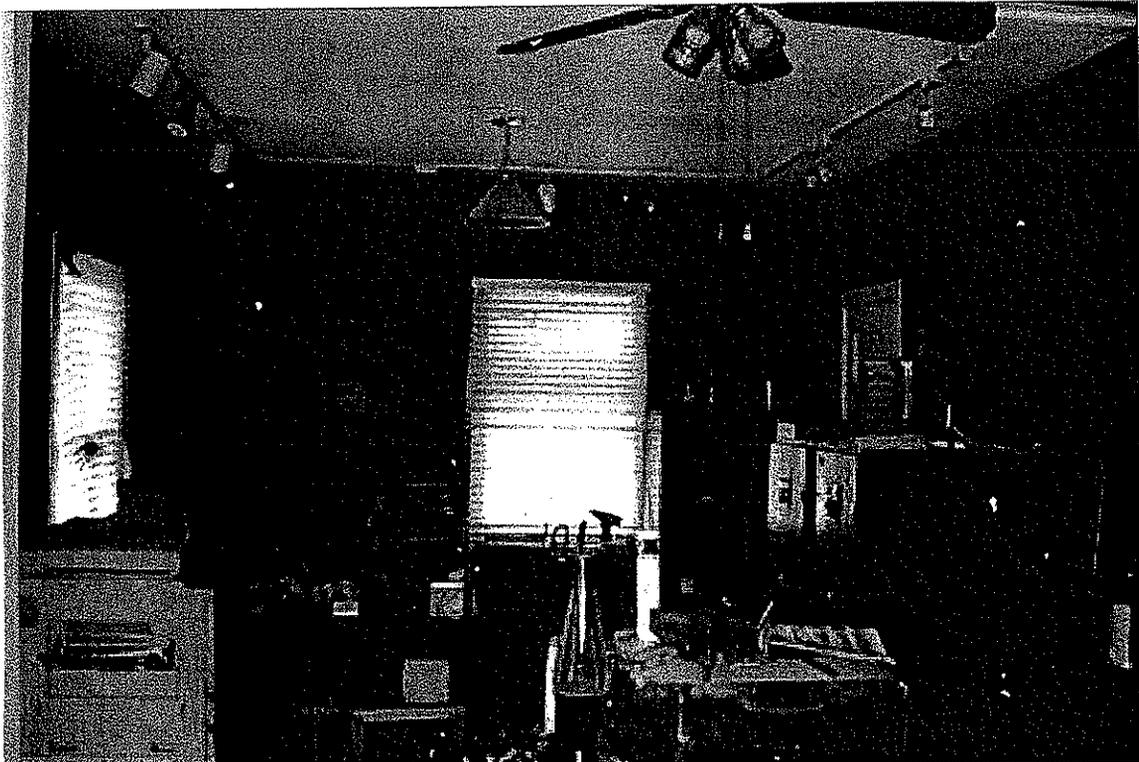


16.) 127 Kuhland Alley North Elevation.jpg

Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/8/2007



17.) 127 Kuhland Alley North Elevation.jpg

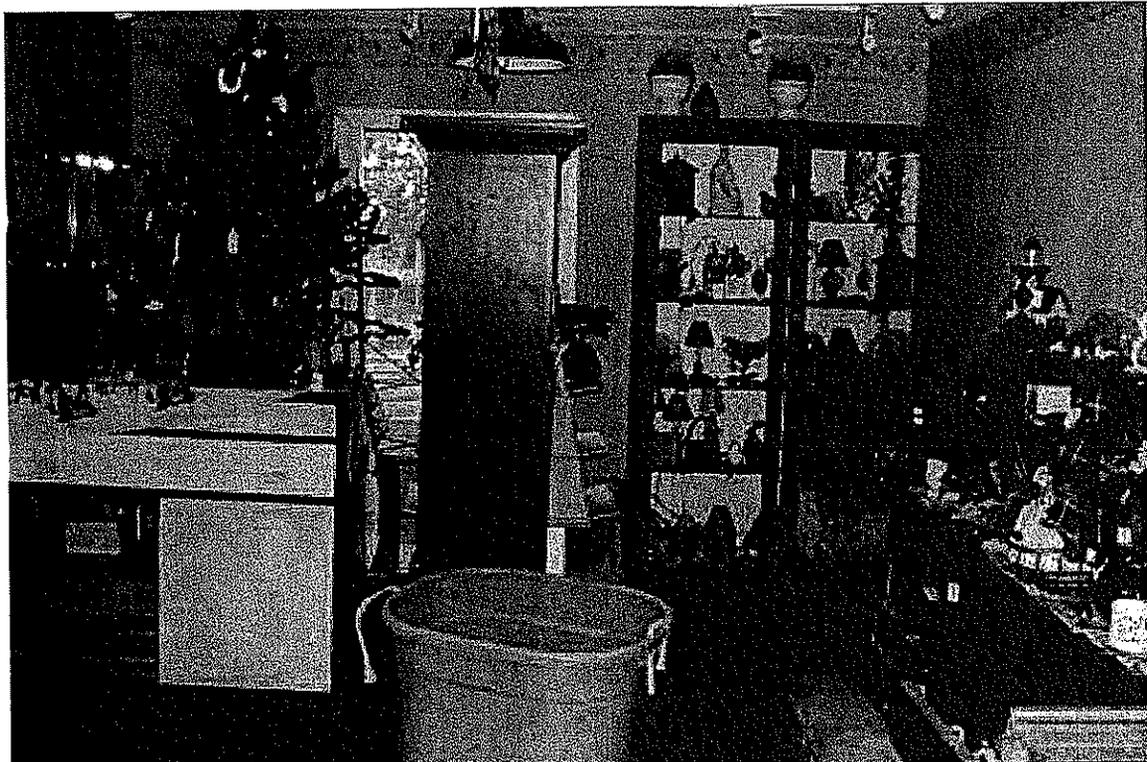


18.) 126 East E Interior West Elevation.jpg

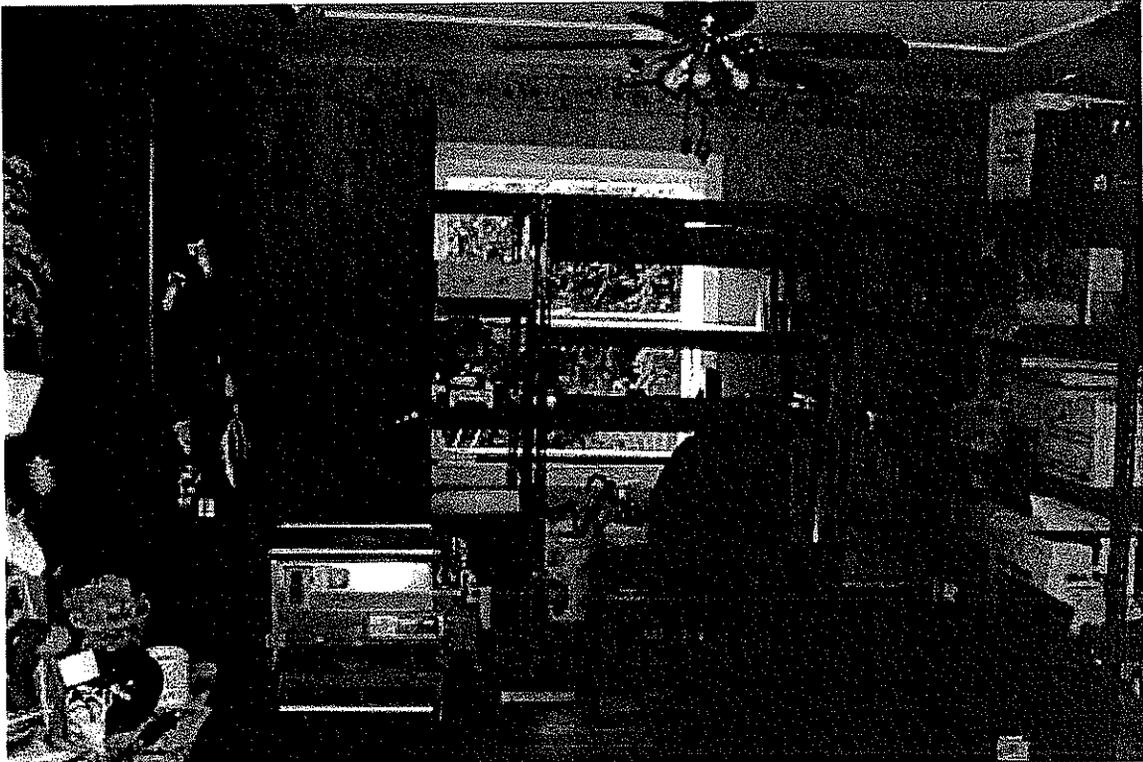
Historic Review and Evaluation  
126 East E Street, Benicia, CA 94510  
1/8/2007



19.) 126 East E Interior East Elevation.jpg



20.) 126 East E Interior West Elevation .jpg



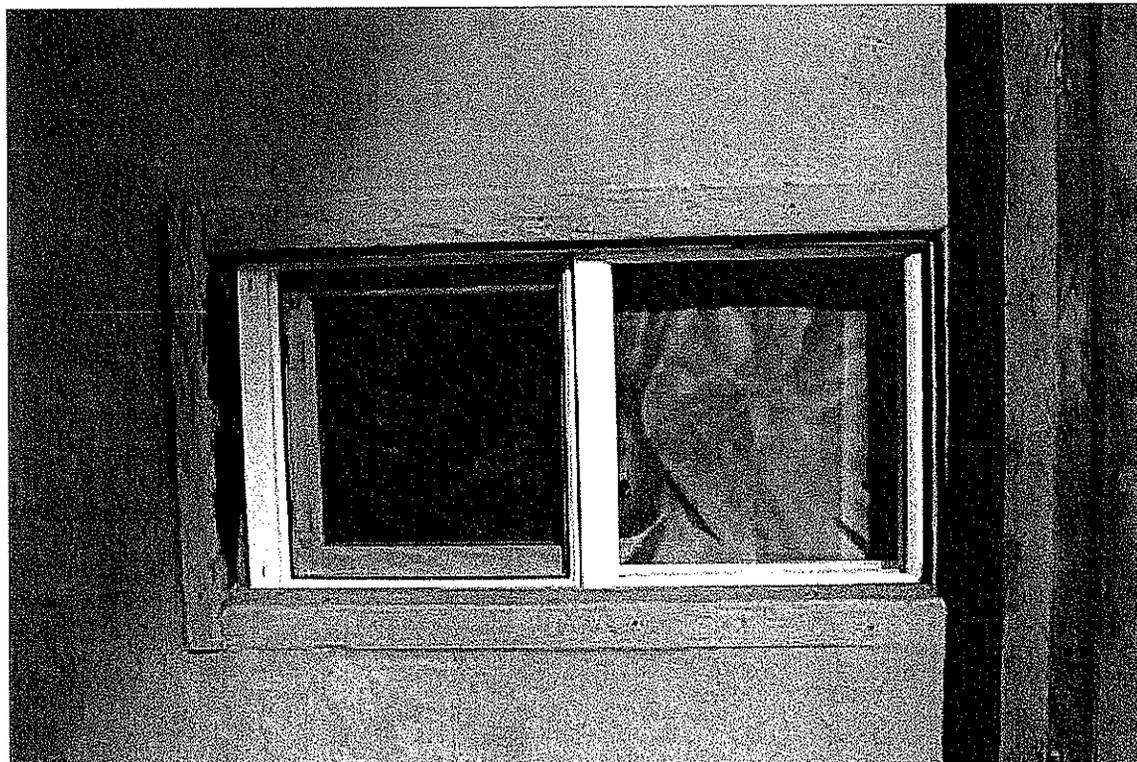
21.) 126 East E Interior East Elevation.jpg



22.) 126 East E Interior West Elevation.jpg



23.) 126 East E Original Window.jpg



24.) 126 East E Window replacement.jpg

# **LETTER FROM APPLICANT**

PATRICK M.  
**DONAGHUE**  
GENERAL CONTRACTOR  
LICENSE # 378320



April 17, 2007

City of Benicia Community Development Department  
Attn: Xzandrea Fowler  
250 East L Street  
Benicia, CA 94510

RE: 126 East E Street Project

Dear Xzandrea,

This project is a perfect fit for this location in Benicia. I am taking a historic house built in 1885 and incorporating it into Benicia's downtown historical district. The City of Napa characterized the architecture for this building as a mixture of Stick and Italianate. The building was built on Pearl Street in Napa and moved to its present location on Jackson Street in 1953. The building is not in a historical district and is being removed to permit United Rentals to expand their Napa yard.

The project I propose will have large open spaces suitable for retail on the ground and second floor and will attract commercial and retail uses to this area. The project incorporates a commercial storefront for the retail space that respects historical storefronts in Benicia and is representative of late 19th Century California Italianate commercial architecture. The exterior of the original house will not be changed, but will be preserved as much as possible. Additions will be to the rear of the 1885 building, will not obscure the character defining features of the 1885 building, and will be differentiated. Wooden flooring and trim in the project will be milled out of Douglas Fir beams first installed in the Pacific Motor Boat Club in Belvedere in 1912 that we salvaged during a recent foundation repair. The project will recycle a building and materials and will incorporate green building practices to ensure a healthy and ecologically-sound, built environment.

### **Mixed use and Floor Area Ratio (FAR)**

Aspects inherent to good urban design include: density, mixed-use and vitality, streets and sidewalks, buildings, sense of place/community, fit, access/mobility, control, and equity. (Barnett, J. (2003). *Redesigning Cities: Principles, Practice, Implementation*. Chicago: Planner's Press.)

The U.S. Green Building Council's core purpose is to transform the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy, and prosperous environment that improves the quality of life. They can be found on the internet at <http://www.usgbc.org/>. Their Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. You can download the LEED for Neighborhood Development Rating System Pilot at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=148>. LEED-ND places value on density and makes denser neighborhoods a requirement for good design.

Urban infill is necessary to decrease urban sprawl, protect open space and promote energy and resource efficiency. This goal of the General Plan means larger buildings and greater lot coverage (less setback) than Benicia has at present. The General Plan, the zoning ordinance, and the State of California General Plan Guidelines all support larger buildings.

Current urban development thought supports this. See an article written by Christopher B. Leinberger, "Financing Walkable Urbane Projects", in Urban Land magazine of the Urban Land Institute, January, 2007. In it Christopher states "*The purpose of developing walkable urbane places is to allow for walking to be the preferred method for the majority of trips from a residence, though there are multiple transportation options available, including the car. The resulting density for walkable places is a floor/area ratio (FAR) of more than 1.0 in a suburban town center or new urbanist suburban project, 3.0 to 4.0 in a mid-sized downtown, . . .*"

We already have too many people in this world to support sustainably at current material consumption levels. The ecological pressure of a Benicia resident is 13 times that of a resident of India and 52 times that of a Somali resident. (Global Footprint Network at <http://www.footprintnetwork.org/> ) We need to change that. The Brundtland Commission, led by the former Norwegian Prime Minister Gro Harlem Brundtland, defined sustainable development as development that "meets the needs of the present without compromising the ability of future generations to meet their own needs". It relates to the continuity of economic, social, institutional and environmental aspects of human society, as well as the non-human environment.

Our resistance to increased density will stifle many of the aspects inherent to good urban design. Retail space contributes 11 times more revenue to the City of Benicia than residential. Mixed use residential space is best suited to those who prefer public amenities to private, regulated personal space. Modern consumers seem to prefer big box retailers, as evidenced by the fact that most grocery shoppers today would prefer the convenience of weekly shopping, as opposed to picking up each day's food items from many small shops. If we are to wean ourselves from the big box retailers, we need to increase downtown density to make local business more viable.

### **The Benicia General Plan calls for a higher intensity of development than now exists**

California Government Code Section 65302 says of the General Plan "*The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan.*"

The Benicia General Plan designates the lot at 126 East E Street as "*Downtown Commercial*" and encourages a wide variety of retail businesses, restaurants, and lodging with offices and residences encouraged above the first floor. A higher intensity of development Downtown is envisioned by permitting a maximum FAR of 2.4 – higher than in the other commercial districts. The 2.4 FAR is permitted only if housing is included; the maximum non-residential FAR is 2.0

Goal 2.12 of the General Plan is to "*Strengthen the Downtown as the City's central commercial zone.*"

Program 2.12.B of this goal is to "*Work to attract economically viable business that will create night-life Downtown such as restaurants, cafes, movie theaters, and other entertainment uses.*"

Policy 2.12.2 is to "*Permit a mix of residential and commercial uses including detached single-family homes and live/work quarters in the first row of blocks east and west of First Street. Allow small retail commercial business on parcels close to First Street, and small, less intensive uses (such as offices, personal services, and bed-and-breakfast establishments) anywhere within the block.*"

Policy 2.12.3 is to "*Seek to make Downtown a thriving and vigorous community center offering a variety of activities and attractions for residents and visitors.*"

Goal 2.21 of the General Plan is to "*Encourage Benicia residents and employees to use alternatives to the single-occupant automobile.*"

Policy 2.21.2 of this goal is to "*Encourage new development patterns that facilitate bicycling, walking, and transit for commute, shopping, recreation, and school trips*"

Program 2.21.C is to "Consider denser, mixed-use developments, particularly in the Downtown area."

The floor area ratio of the project as submitted is .94, far below that stated as a goal in Benicia's General Plan.

### **Benicia Zoning Ordinance land use regulations for the Downtown Commercial District**

Single family residential uses established prior to January 1, 1993 are permitted. New residential units created after that date are not permitted on ground level facing a street.

Multi-family residential not permitted on ground level	
Front setback	0
Side setback	0
Rear setback	0
Maximum height of structures	40
Maximum lot coverage	100%
Maximum nonresidential FAR	2.0
Maximum FAR	2.4

### **Design of the storefront**

Design is a major factor in developing mixed-use developments. Well designed buildings help sell the positive aspects of density and compact developments. The storefront of a business is the first point of contact with it, and the storefront and those of its neighboring business owners define the character of the business district. As a group, the storefronts should attract new customers and sales. Poor storefront design causes a retail area to appear blighted, undercapitalized and marginal. If you value the ability of local businesses to compete to survive and win and if you want a vibrant commercial district, give business owners the tools they need to be able to do so.

People go to places that appeal to them on many levels. Ideally, all the senses are engaged –sight, smell, sound, touch, and taste. But it is the presence of other people and the ability to interact with and watch them in a safe and energized environment that creates the most memorable and successful places. As a result, diverse, well-conceptualized developments in a coordinated, entertaining, and lively environment are worth more in real estate value than stand-alone buildings in a sea of parking. These places also maximize retail spending and rents and, as a consequence, capital value. When people like a place, they will incorporate it into their daily lives, using it and enjoying it even when they have no expressed purpose for visiting it. Such places establish a sense of community that gives a focus to people's daily lives.

A successful storefront in a retail shopping district permits people to window shop at close range. Potential customers have visibility into the store's interior. The storefront should be close to and at the same level as the sidewalk. The streetscape is an important part of integrating the retail space with the surrounding community.

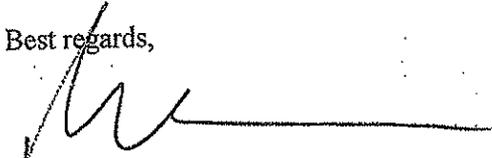
The storefront we designed for this building complements historic storefronts already in Benicia. Examples include the storefronts at 637 First Street, 737 First Street, 739 First Street, 929 First Street, and 935 First Street. We modeled the new storefront at 126 East E Street after the Kyle Building on Bay Street in Florence, Oregon, where it represents a perfect example of early Central Coast commercial architecture. One of the town's most complete mercantile stores, located in the Kyle Building, was built in 1901. Bulk goods, farm tools, hats, boots, and other items were sold there, providing residents necessities for life in what was a remote part of the state. The Kyle Building was placed on the National Register of Historic Buildings in 1981. Attachment 1 is a picture of this building.

Patrick M. Donaghue, General Contractor  
Subject: 126 East E Street Project  
4/17/2007, Page 4

**In closing**

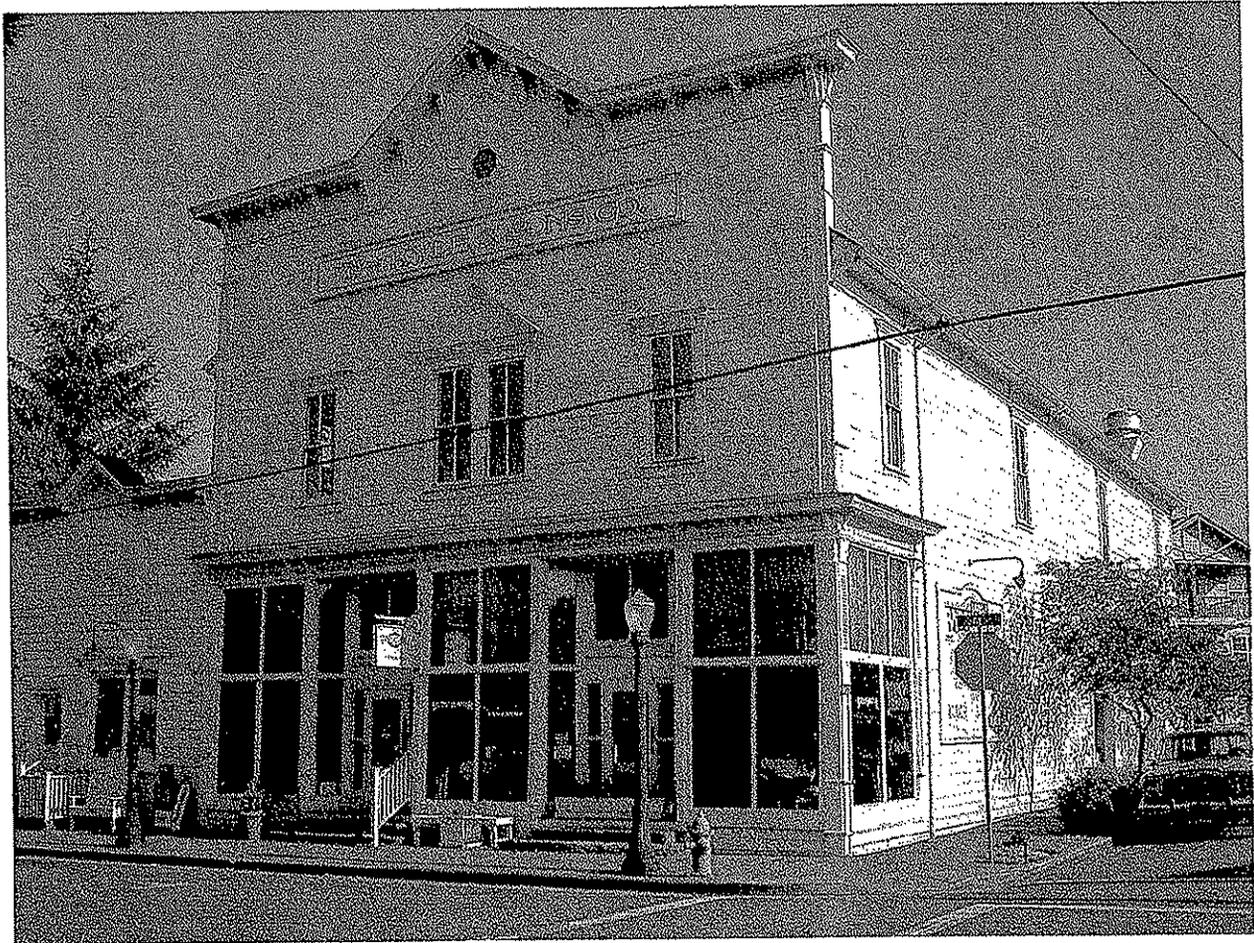
This project meets principles of good development and will be a valuable addition to the Benicia Downtown Commercial District. Our current General Plan has given us the tools we need to move away from the cancer called Euclidean Zoning and we should take advantage of it by adhering to the principles of Smart Growth or The New Urbanism:

Best regards,

A handwritten signature in black ink, appearing to be 'P. Donaghue', written over a horizontal line.

Patrick M. Donaghue

1 attachment  
as stated



### THE KYLE BUILDING

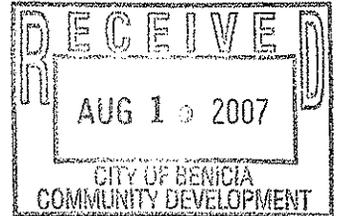
Built in 1901 by William Kyle, this false-fronted Italianate commercial structure served as a mercantile store until 1961, the upstairs, as a social center. Restoration began in 1971, culminating in its being placed on the National Register of Historic Buildings ten years later.

## **PUBLIC COMMENTS**

**FROM: Sandra Shannonhouse, 110 East E Street, Benicia, CA 94510**

**TO: Historic Preservation and Review Commission, August 14, 2007**

**RE: 126 East E Street, Benicia, CA 94510**



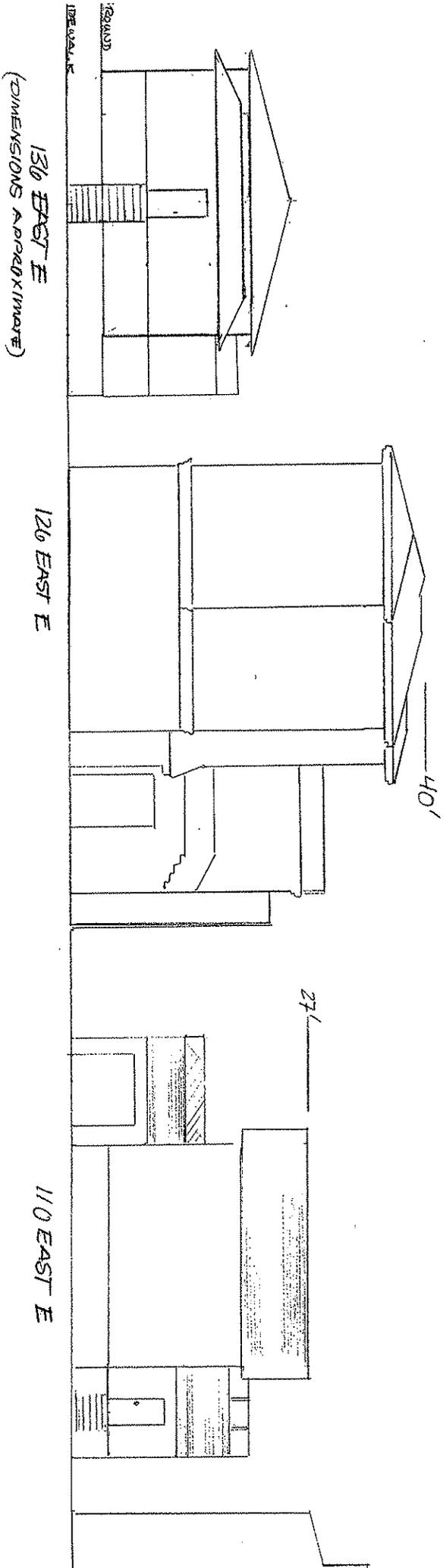
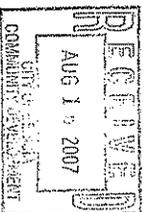
Attached please find drawings showing a street elevation of the proposal for 126 East E St., and the two small houses on either side of it, 110 East E, and 136 East E. (Please note that while the dimensions for 136 East E are not exact, every effort has been made to be as accurate as possible, while taking measurements from the sidewalk.) There is also a drawing showing the west elevation of the proposal, with the west elevation of 110 East E St. superimposed on it. The two historic houses across East E St. to the north, and the two historic structures immediately south of it, owned by the applicant at 125 and 127 Kuhland Alley, are even smaller than either 110 East E or 136 East E.

It is clear from the elevation drawings that the proposal is out of compliance with the Downtown Historic Conservation Plan. Please see all of page 50, **Type 3: Setback Buildings (Transitional Areas and Institutional Types)**.

Particularly note that it mandates in **Policy 1: Architectural Character and Scale** that "Commercial and/or institutional buildings should maintain the character and scale of adjoining residences and neighborhoods to provide an appropriate transition between residential and more intensive commercial development."

The proposal before you **does not** maintain the character or scale of the adjoining small structures, some of them still in their historic form and all of them fully capable of being rehabilitated to their historic form.

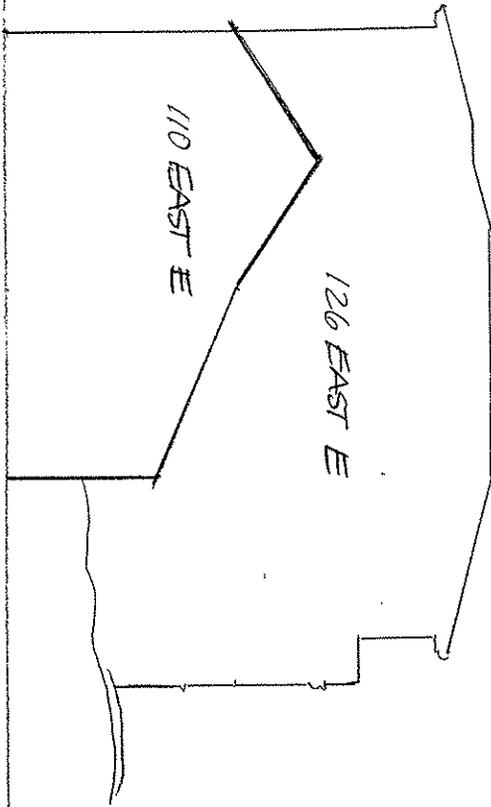
Thank you for your attention to this very important matter.



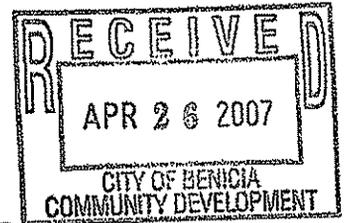
NORTH ("E" STREET) ELEVATION

SCALE: 3/8" = 1'-0"

WEST ELEVATION

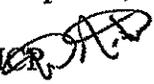


RECEIVED  
AUG 1 9 2007  
HAWAII COUNTY  
COMPLIMENTARY DEVELOPMENT



**MEMORANDUM**

**TO:** Historic Preservation Review Committee and Charlie Knox, Director of  
Community Development,

**FROM:** Donald Dean, MCR 

**RE:** Comments on the Initial Study/Mitigated Negative Declaration for the 126  
East E Street Project

**DATE:** April 26, 2007

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Please accept the following comments on the Initial Study/Mitigated Negative Declaration for the 126 East E Street Project.

**Project Description**

The project description is wholly inadequate. None of the project details that are relevant to an evaluation of the project are provided; these include the size of the site (square footage or acreage), size of the proposed structure (total square footage and footprint), important dimensions (height, width, depth), architectural detailing, and site access.

The site plans and elevations, which are central to the evaluation of the project, should be provided in the body of the Initial Study/Negative Declaration. The project includes the movement of a structure from Napa to the project site. The project description should provide photos of the structure to be moved. The project description also should illustrate how it will be incorporated on the site.

Benicia is the only jurisdiction I'm aware of where standard site plans, elevations, and architectural plans are not provided in an Initial Study/Negative Declaration. The city itself has been inconsistent on this point in the past, with some Negative Declarations containing this information and others not.

The last sentence in the project description (page 2) states that approval is required from the BAAQMD and the California Office of Historic Preservation. Please clarify what approvals are required.

**Cultural Resources**

The cultural resources evaluation does not contain an adequate analysis of the proposed project. It is deficient in that it makes the conclusion that there is no impact to cultural resources (with mitigation) without supporting that conclusion with any real analysis or documentation.

There are two questions that need to be addressed in the cultural resources evaluation. The first is whether the proposed demolition of the existing structure, currently designated as a contributing structure, would be a significant cultural impact. The second is whether the proposed project, which is construction of a new first floor and placing an existing two-story structure atop that structure, would be consistent with the Downtown Historic District and the *Downtown Historic Conservation Plan* (Conservation Plan)

Existing Conditions. A description of existing conditions needs to be provided. At a minimum, the evaluation should describe the existing conditions, streetscape, other historically significant structures in the project vicinity in order to describe the project's historic district context. Supporting photos of the streetscape would be useful. The Historic Review and Evaluation provided by ARC Inc. (January, 2007) and referenced in the Negative Declaration should be appended to the document as supplementary information. The qualifications of its preparers should be provided. It should be clearly stated that the Historic Review and Evaluation was provided by ARC Inc. on the behalf of the applicant. Also, please provide the DPR form for the property prepared by Carol Roland, the city's architectural historian, which is also referenced in the text.

Removal of 126 East E Street from Historic Building Inventory. The Negative Declaration discussion goes to some length describing how the 126 East E Street property may be removed from the city's inventory of buildings of historical significance due to its loss of architectural integrity (page 8 and 16). Removal of the property from the city's inventory of historic properties is a future action that requires the approval of multiple city bodies (HPRC, Planning Commission, and City Council) and is strictly speculative. Current decisions by the HPRC should not be based on such speculation. The HPRC should make its own determination on whether the demolition the existing structure, currently designated as a potentially contributing structure, is a significant cultural impact.

Analysis of Proposed Project. The project is not just the removal of the existing structure at 126 East E Street, but also the construction of a new three-story structure. The HPRC must determine whether the proposed project is consistent with the existing zoning, including the *Downtown Historic Conservation Plan*. As stipulated in section 17.54.030 of the of the Benicia Zoning Ordinance (H District Overlay), "the requirements of the district conservation plan shall govern where conflicts arise." For instance, the applicant proposes three floors of commercial uses on a site bordered on four sides with residential uses. Chapter Four of the Downtown Historic Conservation Plan provides design guidelines for commercial building types in transitional areas (Conservation Plan, page 36). Transition areas are those areas where commercial areas "make the transition from residential development to commercially zoned development on and sometimes adjacent to First Street. These side streets have very little history of commercial development. *Therefore, care must be taken that commercial buildings do not overwhelm the scale or adversely alter the residential nature of these streets*" (emphasis added). There is no indication in the Initial Study/Negative Declaration that the project was reviewed for consistency with this or any other design guidelines.

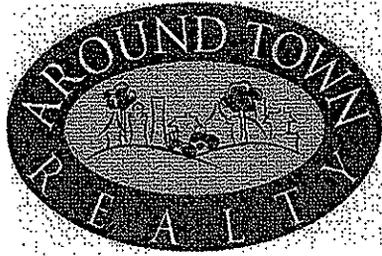
As noted above, the Negative Declaration does not provide enough information on the project as proposed to make an effective evaluation of the potential cultural impacts, and it certainly does not provide the factual foundation to allow a finding of no significant impact. It is an open question whether the proposed project with a two-story structure from Napa placed on top of a new first story to create a new building on the site would be consistent with the Downtown Historic Conservation District. Moving a structure, even if it was a historic structure in its original setting, denies it its original integrity, and it may not be appropriate in its new setting. The Initial Study/Negative Declaration does not address this issue.

Ineffective Mitigation Measures. Mitigation measures cited to reduce impacts in the Negative Declaration are not effective. The Negative Declaration includes Mitigation Measure AETH-1 and CULT-1 that respectively state "Employ design guidelines specified within the Downtown Historic Conservation Plan's development guidelines for new development within the transitional area," and "The Downtown Historic Conservation Plan guidelines shall be applied to the project and implemented during the design phase of this proposal."

Implementation of the proposed mitigation measures for the project is assumed, but their effectiveness is not substantiated in the Initial Study/Negative Declaration. A project has been submitted. If the project is consistent as proposed, then no mitigation is required. If the design is required to be mitigated in some fashion to conform to the design guidelines, then the specific project changes required should be specified in the mitigation measure, otherwise no mitigation has been achieved. Please specify exactly what changes are required to the proposed project so that it conforms to the appropriate guidelines.

## **Conclusion**

The cultural resources evaluation does not contain an adequate evaluation of the proposed project. It is deficient in that it makes the conclusion that there is no impact (with mitigation) without supporting that conclusion with any real analysis or documentation. Prior to approval, the Initial Study/Negative Declaration should be amended to include an adequate project description and cultural resources evaluation as described above. The Initial Study/Mitigated Negative Declaration should include specific mitigation measures to ensure that the project conforms to the *Downtown Historic Conservation Plan*.



To whom it may concern.

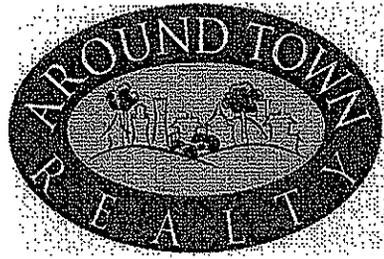
I am a Real estate broker, own my home in Benicia and have my office here at 525 First St.

I have reviewed the plans of the project at 126 East E St. and think it would be a great addition to our community. We need more commercial space downtown and the combination of people living and working here. The mix of commercial and residential is working well here as evidenced by Harbor Walk which sold out and has all but one commercial space sold or leased. Our downtown community is thriving because of the people living within walking distance of the stores and restaurant. There is a shortage of commercial space here for lease.

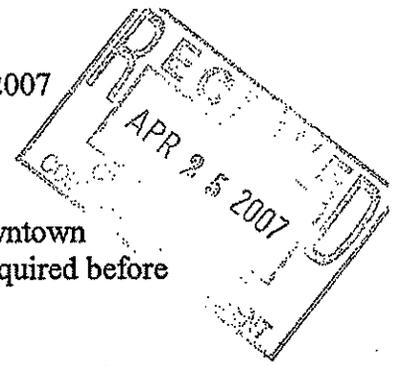
The reuse of this 1885 home by bringing to Benicia and combining its beauty with modern construction is a welcome and brilliant contribution to our town and recycling in its finest form.

Thank you

Paul R. Winders  
Broker/Owner



To: HPRC From: Donnell Rubay Re: 126 East E Street Date: April 17, 2007



Some comments on this proposal:

1. Currently, this building is listed as an historic building in Benicia's Downtown Historic Conservation Plan. As an historic building, an EIR would be required before the building may be demolished.
2. If the applicant does not believe an EIR is necessary because he believes this building is not historic, the building must first be de-listed before it may be demolished.
3. Similarly, the neighboring building to the East, at 136 East E, is a currently listed historic building. If the Applicant does not wish to consider the historic status of this neighbor in his proposal, because he does not believe this building is still historic—136 East E must first be delisted.
4. Only the City Council has the power to de-list a building. No City procedure exists, currently, for the de-listing of buildings. The City has established a precedent, however, with the de-listing of the building at 195 East F Street. For that building, an historic consultant (Carol Roland) provided an analysis as to why the building was no longer historic. The City Council then reviewed this information, and determined to de-list the building. The Applicant is familiar with this procedure as he was a member of the HPRC—which was kept fully apprised of the procedure—at the time. At a minimum, a similar procedure should be followed in this case before this building may be demolished without an EIR.
5. All historic property owners within the City have given up substantial property rights—such as the right to alter their property without City approval and conformance with the restrictions of the Historic Plan and the Secretary of the Interior's Standards. Since the HPRC is the body that allows—or prevents—property owners from altering their properties, the HPRC has power over the property values and quality of life of historic property owners.
6. As you know, I have often been concerned about the commissioners placed on the HPRC. Given their power over property values and quality of life (including my own) would they have the best interests of historic property owners in mind when making their decisions?
7. As Chairman of the HPRC, I have been impressed by the Applicant's understanding of the HPRC's role as the protector of the historic district. In addition, I have been pleased by comments he has made expressing his understanding of the importance of rules that impact all property owners, and the inequitable results that can occur if some property owners are covered by rules that do not affect other property owners (see e.g. e-mail to me from Mr. Donaghue of January 2006.)<sup>1</sup>

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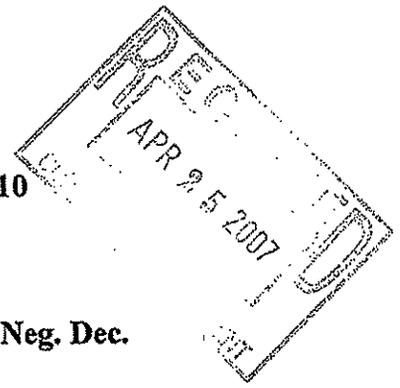
<sup>1</sup> "In my layman's opinion, the ability to 'opt out' of a historic district would essentially gut the district. I think that in the short run, an owner of a house in a historic district that is not subject to the rules of the district would benefit from being surrounded by houses subject to district rules. In the long run, the value added by being in a historic district would be lost as the district is lost by more people opting out" (e-mail from Patrick Donaghue, 1-4-2006.)

8. It was also my understanding that HPRC members supported the new Downtown Mixed Use Master Plan (DMUMP)—as none of them cautioned the City against undertaking this expensive project.
9. Therefore, part of me is surprised that Mr. Donaghue is pursuing his current project. This is a project that will:
  - a. allow him to avoid the DMUMP yet restrict his neighbors. While he will enjoy a personal benefit, the property values of his neighbors are likely to be less than if his property also conformed to the DMUMP.
  - b. raise the question as to whether historic property owners—after having been forced to relinquish property rights—are being protected by the City and the HPRC, given that the Chair of the HPRC is being allowed to remain on the HPRC while pursuing a project that may be harmful to others in the Downtown Historic District.
10. If the remaining commissioners believe their job is to protect the interests of all property owners in the District, then you may:
  - a. ensure that the appropriate procedure is followed to delist this building—or require an EIR—before proceeding with this project;
  - b. If you do proceed, and if a new building is allowed, ensure that this building complies with the Downtown Historic Conservation Plan so that the Downtown Historic District is not degraded. For example you can require:
    - i. that the setback of this building match, or at least approximate, that of the neighboring historic building at 136 East E (Guideline 1.1 p. 50);
    - ii. Partially conceal the third floor by the roof (Guideline 1.3);
    - iii. Require an architectural form that recalls the adjoining residential structures, particularly the historic building on its East side (Policy 2).
    - iv. Provide a covered entry or porch (Guideline 2.2);
    - v. Avoid the excessive use of glazing in the façade (Guideline 2.3);

**FROM: Sandra Shannonhouse, 110 East E Street, Benicia, CA 94510**

**TO: Historic Preservation and Review Commission, April 25, 2007**

**RE: 126 East E Street, Benicia, CA 94510 – Initial Study/Mitigated Neg. Dec.**



**RE: Project Summary and Environmental Check List, errors and inconsistencies**

Community Development Department Planning Division Project Summary, Page 1 of 2:  
Property Information

Adjacent properties and uses:

North is residential (not rental)

East is residential (as stated)

South across Kuhland Alley at 141 East D St. is residential with a low key gallery within the residence. There is also an undeveloped lot that was until recently Ms. De Maintenon's plant nursery that fronts on First Street.

West is residential (not mixed use)

Uses of the Property:

Retail Sales, Residential, and To Be Determined are listed. However, in the initial study the project is referred to as solely commercial. Residential use has different requirements from retail sales, which is commercial. To Be Determined would seem to make the application incomplete as there is no way for staff to develop an Initial Study for a use yet to be determined!

East E Street has historically been a residential street. The few commercial uses have evolved within the context of existing buildings that were or are historic. All were constructed prior to 1900, though many have undergone regrettable remodeling. This kind of organic adaptive reuse, albeit with better attention to historical correctness, would be an appropriate approach to the old structures on East E Street, most particularly by the applicant who is supposed to be upholding historic preservation in Benicia. The City COULD be encouraging rehabilitation of these structures to their historic condition.

1. Community Development Department Planning Division Environmental Checklist Form, page 1 of 1, Type of Impact:
  - b. Change in scenic views or vistas from existing residential areas or public lands or roads: The increase of height from an existing 21 foot high building to a 40 foot building will absolutely yes, not "maybe" impact residences to both the east and west of the proposal. In addition the expansive third floor deck will render the private garden to the west of the proposal not at all private and open to public view. It will be a visual affront to 125 and 129 East E Street which Consultant Carol Roland indicates have retained their historic significance.

- c. Change in pattern, scale or character of general area of project: Yes, it will. There is no Victorian building on East E Street; there is no three story building on East E Street; the existing historically residential structures are one story buildings or in two cases two story buildings with the second story within the eaves of the building; there is no glass fronted building on East E Street.
- d. Change in existing noise or vibration levels in the vicinity: Of course it depends on what use is intended. If this is to become a restaurant or bar with outdoor patio or deck it will certainly increase the noise in the residential area. In addition the amount traffic and parking needs will be greatly increased and will certainly increase noise and vibration levels.

**RE: Historic Review and Evaluation**

Since the applicant purchased the property at 126 East E St, 125 and 127 Kuhland Alley, there have been a significant number of alterations and construction projects on all three existing buildings. Were these projects approved by the City? Did they have the proper reviews and were they subject to historic review and evaluation? If the alterations are now being used as a reason to declare that the structures are no longer of historic significance, then it seems that the applicant is benefiting from improper actions. Were sliding glass doors and new windows improperly installed? What about the addition to the rear of 125 Kuhland Alley several years ago, around time that the Bead Shop opened at that address? Staff says that there was a permit for a handicapped bathroom, but what about the exterior addition, to the rear? Did it have historic review?

**RE: Initial Study and Proposed Mitigated Negative Declaration**

It must be emphasized that the purpose of an Initial study is to determine if the proposed project would no have a significant effect on the environment (and there for a Negative Declaration is appropriate) or if the project **MAY** have a significant effect on the environment and therefore an EIR is necessary.

Aesthetics, Page 8, c.: Until Consultant Carol Rowland's survey has been completed, proofed and finalized, and procedures for the removal or addition of buildings to Benicia's list of historic buildings codified, it is improper and premature to discuss the demolition or replacement of an existing building that is currently designated contributing historic.

**RE: Mitigation Measure AESTHETICS**

MM AETH 1: "The scale of the proposed structure is significantly larger than that of adjacent properties, however the Downtown Historic Conservation Plan's development guidelines for new development within the transitional area would be applied to the proposed project." But, the DHCP states, under Transitional Areas, page 36, "These side streets have very little history of commercial development. Therefore, care must be take that commercial buildings do not overwhelm the scale or adversely alter the residential character of these streets." It is simply **incorrect** say that a 40 foot high building that is stylistically completely out of character with the existing small houses on East E Street

does not overwhelm them or adversely alter the character of the street! The plan before you does not comply with the DHCP guidelines, there is no mitigation recommended, therefore there is a potentially significant impact that needs to be further studied in an EIR.

MM AETH 2: Installing anti-glare film on a wall of windows DOES NOT change the fact that a wall of windows is there. It is not just the glare that could result, but the windows themselves, which are 100% out of character with other glazing on the street. Nothing that is out of character should be introduced onto the street. As in MM AETH 2, above, there is a potentially significant impact that needs to be further studied in an EIR.

MM AETH 3 & 4: Absolutely NO light or glare should affect any of the existing residential properties on East E Street. The City must assure that no use could be approved that will require outdoor nighttime light. Putting lighting allowed for commercial development in the middle of what is a historically residential area will of course be a significant impact and again, calls for further study in an EIR.

Page 11: Since the property in question exists in a largely residential neighborhood, it would be appropriate to limit construction to Monday through Friday, to strictly enforce the hours when construction of any sort whatsoever is allowed, and those limits are so requested.

Page 13, Re: Objectionable odors: this would seem to preclude use of the project as a restaurant, bar, or entertainment establishment, and that restriction must also be included.

Page 14: Please clarify that on the west side of the proposal, a solid property line fence and trumpet vine are to be maintained.

Page 16, 17 (Cultural resources)

RE: Mitigation Measures CULTURAL RESOURCES

MM AETH 1: The introduction of a 40 high, three story building with a new glass fronted first floor, topped by a Victorian house brought from Napa, and the addition of a two story structure that will have an "expansive third floor deck" threatens and diminishes residential structures originally constructed prior to 1900.

In addition Carol Rowland in her draft historic survey comments that 110 East E, immediately to the west of the proposal might be eligible for listing on the California Register under Criterion B, association with a person of historic significance. That person would be my late husband, the internationally recognized artist, Robert Arneson. Further it is not just the house, where he lived from 1975 until his death in 1992, but also the studio at 430 First Street from which one could easily see a 40 foot high building at 126 East E, that is associated with Mr. Arneson. Even Frank Gehry was required to relocate a planned building because the original location was within the view of an historic building.

Staff states that, "The Downtown Historic Conservation Plan guidelines shall be applied to the project and implemented during the design phase of this proposal." However, the proposal before you **DOES NOT** do that.

Referring to the Downtown Historic Conservation Plan:

1. Policy 1: Architectural character and scale: The proposal **does not** maintain the character and scale of adjoining residences, as the policy states it should. An EIR is necessary.

Guidelines:

- 1.1 States that new buildings should be set back from the property line at the street a minimum of five (5) feet. The proposal **does not** do that, but rather has a setback of what three (3) feet. This too might be significant, it does not comply with the guidelines, and an EIR is necessary.
- 1.2 Guidelines are satisfied.
- 1.3 Third floor spaces, which should not be allowed on East E Street for previously stated reasons, **are not** partially concealed beneath the building's roof through the use of gables, dormers and the like. In fact, an addition to what looks to be the Victorian structure proposed to be brought from Napa, has a wholly **unconcealed** expansive deck. Obviously all of this is a significant impact and an EIR is necessary.

Policy 2: Architectural Form

The proposal **does not** have an architectural form that recalls those of the adjoining residential structures. The structure to the west, at 110 East E, retains its original basic form and ought to be returned to its original historic state. Unfortunately when it was renovated in 1975, the City recommended moving the entry, which was the most grievous error. The three houses across the street at 125, 129, and 133 East E St. regardless of some modifications that have been made, are widely recognized as among the oldest houses in town. Each of them could easily be returned to their original form. The proposal before you has absolutely nothing to do with those existing architectural forms.

Guidelines

- 2.1 The pitched roof form **is not** employed, as the guideline states it should be.
- 2.2 The covered entry or entry porch **is not** used, as the guideline states it should be.
- 2.3 The proposal **does not** avoid excessive use of glazing in the façade, as the guideline states it should be. In addition the area of window openings **vastly exceeds** that of the solid wall on the north plane.
- 2.4 The guidelines for framed windows **are not followed**, as the guideline states it should be.
- 2.5 In fact, the first floor façade might be appropriate for upper First Street, but not for East E Street.

## **IX. LAND USE AND PLANNING, Page 25:**

Staff is proposing to on the one hand rely on what MIGHT be determined, that the building proposed to be demolished will be de-listed as a contributing structure and therefore can be demolished, and on the other hand staff proposes to ignore the Downtown Mixed Use Master Plan, which is now in review and MIGHT be, it seems WILL BE, adopted. (Subsequently, staff relies on phantom parking spaces in an unimproved lot that might be developed, or be available for parking, possibilities that have no concrete plans even under discussion.) If DMUMP is adopted, then, on East E St., only the proposal before you will be out of compliance with the standards that are proposed for the area of the project, which is proposed to be Neighborhood General – Open. This will present many problems in the future: The proposal if built will be the only structure of its nature allowed on East E St, both in scale, architectural style, and use. If you allow this proposal, you will be creating a monster. It is particularly inappropriate that the proposal is brought forth by none other than the Chairman of the Historic Preservation and Review Commission. Has he taken unfair advantage of his position and the knowledge that a new downtown Master Plan is currently under review, for his own gain? If the Opticos plan is adopted, no other building on East E Street will be able to be have commercial uses on the upper floor, be three stories, be 40 feet high, etc.

Discussing the demolition is premature and inappropriate. The City has no demolition ordinance. There is no mechanism for analysis of historic structures in the draft Historic Survey. If, in the Historic Survey, a number of old buildings are proposed to have a change of status that would make them somehow eligible for demolition, the City will need to do an EIR to determine what the effect will be on the Downtown Historic Conservation Plan.

## **XI. NOISE**

a, b, c: To say that this project when completed would have a less than significant impact on the level of noise in the area is not addressing the question. At this point in time the most noise generated from activities at the property occurs when Mr. Donaghue arrives at his office on his very noisy Harley, nearly every morning, at 7 A.M.

There will be a significant increase of noise from traffic, and from customers. There will also be a potential for significant noise from commercial use of the proposed courtyard and deck. It must be included that there would be no restaurant, drinking or entertainment establishment at the site, that the deck and courtyard would not be available for outdoor tables or other customer use, and that the top floor (presuming the commission realizes that a third floor is completely out of character and so not allowable) would be limited to residential or office use. The initial study is incorrect when it says that noise impacts will be less than significant. Since the analysis does not prove that the impact will be less than significant, nor are there any mitigation measures offered which will reduce the impact

to less than significant, there is a potentially significant impact that needs to be studied in an EIR.

d. Any construction on East E Street must be limited to Monday through Friday, and the hours that construction is allowed must be strictly maintained, due to the residential nature of the area.

#### **XIV. RECREATION, page 31**

Staff states that the project is commercial in nature and would not generate a population increase, but the application refers to residential use. Quite recently, on East B Street the Harbor Walk project was allowed to have residential uses on the first floor, because they said that there was not enough call for commercial uses in the area. It is inconsistent to think that there will now be commercial use for all three floors of the proposed building. And even if there is, the area is mostly residential and should have residential development on the upper floor. The effect of commercial use has not been shown to be insignificant and would need further investigation in an EIR. Likewise the effect of second floor residential has not been addressed at all.

#### **XV. TRANSPORTATION/TRAFFIC, page 32-33:**

- a. The Initial Study has serious omissions and is misleading: East E Street is described as a cul-de-sac, which ends in a 90,000 square foot City owned unimproved gravel lot. In fact, however, the lot is not much used for parking precisely because it is unimproved. In addition the gravel lot is **not** accessible from East Second Street. As well, I question the legality of the City using the lot for parking because, again, it is unimproved. When private citizens have parking spaces, they are required to pave them, and I believe that the city is as well. Also, although the Fehr & Peers parking study states that the unimproved lot has the capacity for as many as 125 parking stalls, during the DMUMP hearings it has come to light that the City desires to have the lot developed. Until that development is codified it is imprudent to assume that there will be parking spaces available for any other development.

The street is heavily impacted by trucks making deliveries to restaurants that front on First Street, First Street Café, Szechwan House, and restaurants to the north of Szechwan House. Parking is heavily impacted from the two restaurants as well as from other First Street businesses.

Several of the residences have no off street parking whatsoever.

#### **MM TRANS 1:**

- b. The collected Traffic Impact fee ought to be used for improvements to East E Street, to make it both safer and if it is to be called a cul-de-sac, then to actually construct the turn-around that was ordered and then somehow "forgotten" when Mr. Don Curtis, engineer, left the City's employ.

- c. East E Street, due to traffic, trucks, and the unimproved cul-de-sac is already a dangerous street made more so by the number of hourly U turns that take place at First Street and East E Streets.

**MM-TRANS 2:**

- f. The fees collected for in-lieu must be used to actually install 21 improved, lit parking spaces in the unimproved lot at the cul-de-sac end of East E Street. The parking bank notion has been used and abused by the City for many years. It is time actually make the spaces required by the project.

Because the Initial Study does not prove that there will be a less than significant impact on traffic and parking, an EIR is necessary.

**CONCLUSION:**

The plan before you is nothing less than a frontal assault on historic preservation by none other than the Chairman of HPRC!

The Initial Study and proposed Mitigated Negative Declaration is sadly inadequate and does not address the effect of introducing to the streetscape a building that is totally out of character and oversized when compared to the other buildings on East E Street, and which adds significantly to the commercial space on East E street, with attendant traffic, parking and noise issues. Shockingly, the City has not even asked for a drawing that would show you just how out of scale the proposal is. The buildings fronting on East E Street were all constructed as residences in the late 1800's and continue to be primarily residential in use, with just two businesses within original buildings

1. There are NO Victorian buildings fronting on East E Street.
2. There are NO glass fronted buildings on East E Street.
3. There are no buildings that even approach the proposed height of the proposal on East E Street.

Therefore, the proposal will alter the character of East E Street and must be disallowed.

The Initial Study does not prove its points, a negative declaration is inappropriate and an EIR is required. However, in light of the proposed Opticos DMUMP plan, which looks like it will be adopted, the Draft Historic Survey, which has many issues connected to it, the lack of a demolition ordinance and the mitigation measure recently proposed to have an East E Street neighborhood charrette, I hereby request that the City call a moratorium on all demolition and building in the Downtown Historic Conservation Plan area. As well as simply being good planning, this will prevent people like this applicant from taking advantage of their knowledge of what is in the pipeline to their own personal advantage and to disadvantage of others.



R.A. STORELEE INSURANCE AGENCY, INC.

April 20, 2007



City of Benicia  
250 East L Street  
Benicia, Ca 94510  
Attn: Xzandrea Fowler, Associate Planner

Re: APN 89-372-050 and 89-372-060

Dear Ms Fowler,

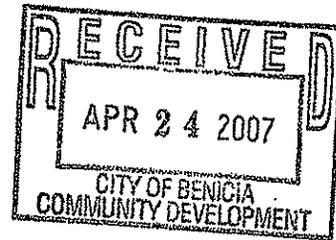
Our family owns the Von Pfister building located at 321 First Street which is also located with the Historic Overlay district of the City's downtown. We have reviewed the plans for the Patrick Donaghue Property located at 126 East E Street. We recommend that you accept and approve the plans as submitted.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Storelee".

Robert & Margaret Storelee

April, 2007



To:

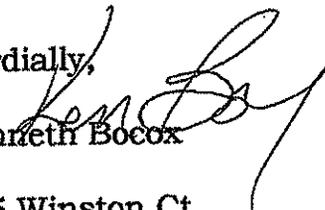
Benicia Planning Commission  
Benicia, CA.

I have lived in Benicia since 1988 and have only recently experienced real results from efforts promoted by this community to urbanize (infill) the central business district. There are many historic photographs throughout Benicia depicting a vibrant and active commercial district that once concentrated resources and maintained economic efficiency.

The property located at 126 East E. Street, is currently under review for re-build as a new commercially viable structure. I believe it can, and will, seed additional retail businesses into the area. I am supporting Patrick Donohue and his effort to make this property a sustainable part of the community and asset to Benicia's General Plan. Part of Mr. Donohue's building plan is integrating a structure, built in 1885, into the general construction plan for the East E. Street property. Saving his Italianate structure only strengthens the case for blending historic preservation and new construction.

Located only a half block from First Street, this new structure will strengthen the central commercial zone by pulling pedestrian traffic around the corners ! Several smaller communities in the bay area have also concentrated urban in-fill activities within their commercial districts such as ElCerrito, Concord, Alameda, Clayton, and others. Community satisfaction levels are high as well as economic returns for the cities involved.

Cordially,

  
Kenneth Bocox

515 Winston Ct.  
Benicia, CA.

Bob Berman  
250 West K Street  
Benicia, CA 94510



## MEMORANDUM

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**DATE:** April 22, 2007  
**TO:** City of Benicia Historic Preservation Review Commission  
**REGARDING:** 123 East E Street Project -- Initial Study / Mitigated Negative Declaration  
**FROM:** Bob Berman

---

### MESSAGE:

I have reviewed the March 2007 Initial Study / Mitigated Negative Declaration for the 126 East E Street project. Based on my review I have concluded that the Initial Study is inadequate and does not provide the necessary evidence to support the finding that a Mitigated Negative Declaration is appropriate for the proposed project.

Some examples of the inadequacies of the Initial Study.

**Aesthetics** -- It is inappropriate to say that the project would not substantially degrade the existing visual character or quality of the site and its surroundings. There is no analysis of the height and bulk of the building as it relates to the surroundings. What is the visual impact of the expansive third story outdoor deck? What is the visual impact of exterior staircases? Also, the Initial Study says that the design criteria in the Downtown Historic Conservation Plan will mitigate the mass and scale of the building. However, there is no evidence presented that even complying with the adopted design criteria the impact be mitigated. What aspects of the proposed building do not meet the adopted design criteria? I understand that the Planning Commission will be the asked to approve a use permit to allow an eight inch height exception. What is the visual impact of this height exception? At a minimum, a revised building, meeting the design criteria must be presented for review in the Initial Study. Clearly, the height and bulk of the proposed building will result in significant visual impacts.

**Cultural Resources** -- The Initial Study's findings in this section is based on the statement that Carol Roland, hired by the City of Benicia, will at some time in the future recommend to the City Council that the structure located on the northern side of the lot be removed from the Downtown Historic Conservation Plan inventory of structures with historic integrity. While this may be interesting information it is improper to base the Initial Study's findings on some future action that the Benicia City Council may or may not take. The project must be evaluated with the designation of the building proposed for demolition currently designated as a potentially contributing structure to the historic downtown.

**Land Use and Planning** -- Again it is improper to base the impact discussion on the suggestion that the building be delisted from the Downtown Historic Conservation Plan's inventory of historic structures. Also, it is interesting that it is acknowledged here that the City is now preparing a Downtown Master Plan however because the proposed project has been deemed complete it shall not be held to the guidelines of the new Downtown Master Plan. It seems to me that those who prepared the Initial Study are trying to have it both ways.

**Noise** -- There is no discussion of existing noise levels on this portion of East E Street and what the noise levels are expected to be with the proposed project. What are the potential noise impacts of the third story outdoor deck?

It is stated here "conditions of approval shall be drafted specifically for the purpose of mitigating potential negative impacts such as noise". What exactly does this mean? Will there be a significant increase in noise? What conditions of approval will be drafted? What evidence is there that such noise impacts will be mitigated?

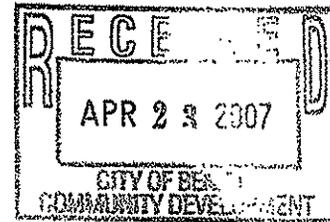
**Transportation/Traffic** -- The transportation/traffic discussion is confusing at best. There is discussion of the use of the City's unimproved gravel lot at the end of East E Street as a place where employees and customers may use for parking. However, an even casual observation of the existing lot makes it apparent that people are not inclined to use the unimproved gravel lot for much else than turning around after they realize that East E street is a dead end street. What evidence is there that individuals (employees and customers) will use this unimproved lot? The Initial Study does recommend that a traffic/parking study be prepared and that "all mitigation measures identified in the traffic/parking study shall be implemented". CEQA guidelines clearly state that future studies (such as the recommended traffic/parking study) is neither sufficient nor legal mitigation.

The above discussion is only a sample of the problems with the Initial Study. The Initial Study is clearly inadequate for the City to determine that the proposed project, with the recommended mitigation measures, will not have a significant impact on the environment.

I believe that the Historic Preservation Review Commission has two options at this time:

1. Based on the information included in the Initial Study make a finding that the proposed 126 East E Street project may have a significant impact on the environment and therefore an environmental impact report is required.
2. Direct the planning staff to revise the Initial Study to include a complete, detailed and adequate analysis of the proposed project. Based on a revised Initial Study it may be possible to prepare a Mitigated Negative Declaration at a future meeting.

**CHARLES AND SUZANNE MADDUX  
126 EAST D STREET  
BENICIA, CA 94510  
(707) 745-4361**



**RE: APPLICATION BY PATRICK DONAGHUE AND  
CAROL J. DeMAINTENON**

**126 EAST E ST. BENICIA  
APN: 89-372-050 and 89-372-060**

**TO: Historic Preservation Review Commission and  
Planning Commission – City of Benicia**

**We have reviewed and find very appropriate the application to bring another Napa building to Benicia. It is long overdue to have more buildings in the commercial side streets that meet the needs of our historic city.**

**Unlike recent projects on First St, this project will be within our view North and yet will not be a detriment to the sight of First Street and St Pauls. We would hope that the possible height extension of eight inches can be mitigated within the construction of the first floor so as not to create a new precedent. We would also hope that the development of new commercial projects on East E will lead traffic to the ample parking just beyond. We look forward to cheering Phil Joy as he barges another special recycled building up the straits. Napa's loss is definitely Benicia's gain.**

**If the argument is given that the building to be destroyed is "historical" then I would counter that it is to be replaced by a building certainly more historical in age and vision than the overly "remuddled" one presently on site.**

**We so hope the city can get by any objections to this new renaissance in old town.**

**Regards,**

A handwritten signature in cursive script, appearing to read "Chuck Maddux &amp; Suzanne".

**Chuck and Sue Maddux**

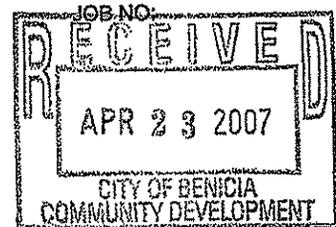
PATRICK I  
**DONAGHUE**  
 GENERAL  
 CONTRACTOR  
 LICENSE # 378320

**LETTER ( ) TRANSMITTAL**

To: Benicia Community Development  
 Fax:

(707) 746-1721 Fax (707) 746-6416  
 E-mail [patrick@donaghue.com](mailto:patrick@donaghue.com)  
 126 East E Street  
 Benicia, California 94510

DATE Monday, April 23, 2007  
 ATTENTION: Xzandria Fowler  
 RE: 126 East E Street



WE ARE SENDING YOU  Attached  Under separate cover via courier the following items:

- Shop drawings  Prints  Plans  Samples  Specifications  
 Copy of letter  Change Order  \_\_\_\_\_

NO	DATE	COPIES	DESCRIPTION
1	3/14/07	1	Letter of support, RE Lipman
2	4/4/07	1	Letter of support, Tom Gavin
3	4/10/07	1	Letter of support, Richard Thompson
4	4/13/07	1	Letter of support, James Harris
5	4/23/07	1	Letter of support, Chuck and Sue Maddux

THESE ARE TRANSMITTED as checked below:

- For approval  Approved as submitted  Resubmit \_\_\_\_\_ copies for approval  
 For your use  Approved as noted  Submit \_\_\_\_\_ Copies for distribution  
 As requested  Returned for corrections  Return \_\_\_\_\_ corrected prints  
 For review and comment

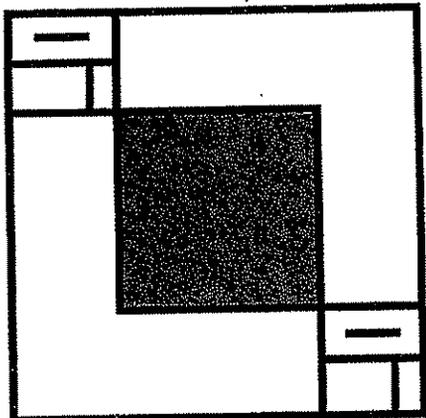
FOR BIDS DUE \_\_\_\_\_  PRINTS RETURNED AFTER LOAN TO US

REMARKS: Please ensure these are included in the project file, Thanks.

Copy to:

Signed: \_\_\_\_\_

*If enclosures are not as noted, kindly notify us at once.*



**R.E. LIPMAN**  
**P O BOX 1291**  
**BENICIA, CA 94510**  
**707-745-2021**  
**March 14, 2007**

Mr. Patrick Donaghue  
Donaghue Construction  
126 East E Street  
Benicia, CA 94510

RE: Proposed development 126 East E Street

Dear Mr. Donaghue:

I have reviewed with interest your development plans and find them consistent with what I feel the downtown should create.

As a neighbor directly affected by your plans I see nothing which impedes the "best use" concept of our neighborhood. The fact that you are recycling an old Victorian building as the core of your development is a plus of which Benicia should be proud.

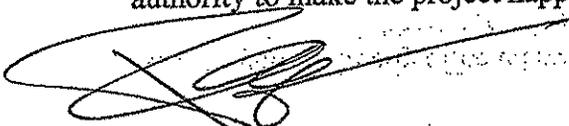
Parking should not be a problem as the public lot is close by.

I think that Benicia should aspire to have a "parking problem" as it would be testimony to the vitality of the downtown district.

With regard to my building, I have no current plans to develop it. It would be great if the building immediately to my north, (Ms Shannonhouse's) was opened to a retail operation to further enhance the First Street business. As she owns the entire block to the North she should be a supporter of your project as am I. We all win: Benicia, You, Ms Shannonhouse, and me.

I wish you every success.

Please feel free to share this letter with the various commissions and boards who have authority to make the project happen.

  
Roger E Lipman

Owner: 422-426 First Street, Benicia

 **GAVIN & SCHREINER**  
**INSURANCE**

828 First Street, Ste. A • Benicia, CA 94510  
(707) 745-5626 *phone* • (707) 745-5903 *fax*  
gavinschreiner@yahoo.com  
www.gavinschreinerinsurance.com

April 4, 2007

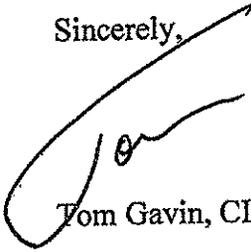
City of Benicia et al  
250 East L Street  
Benicia, CA 94510

Re: Patrick Donaghue Project  
126 East E Street

Dear Sirs,

Exciting projects that improve the downtown area do not happen on a regular basis. Patrick's vision for his property on East E Street is a welcome design and addition. As a downtown business owner, projects of this nature stimulate the overall economy of the area. The combination of retail and residential is an accepted mechanism to generate immediate returns to the business district. Please support this project as it will be a welcome enhancement for Benicia. It certainly has my support and I know Patrick will build a quality development.

Sincerely,



Tom Gavin, CLU, ChFC

Tng:jrb

Cc: Patrick Donaghue

1205 West K Street  
Benicia, CA 94510

April 10, 2007

City of Benicia Community Development Department  
Attn: Xzandrea Fowler, Associate Planner  
250 East L Street  
Benicia, CA 94510

I am writing in support of the proposed development by Patrick Donaghue at 126 East E Street.

As a more than 20-year resident of Benicia, I have looked forward to the development of a diverse, interesting and viable downtown area.

The Donaghue development represents a desirable transition of the area immediately adjacent to 1<sup>st</sup> Street to uses more compatible with fostering a business district that will enhance the quality of life in Benicia.

The location of this proposed project is entirely compatible with the existence of the city parking lot and other mixed-use construction along the 1<sup>st</sup> Street corridor.

I suggest that the City of Benicia should embrace Mr. Donaghue's plan as a worthy contribution to the betterment of Benicia.

Sincerely,



Richard Thompson



*Known for the Company We Keep*

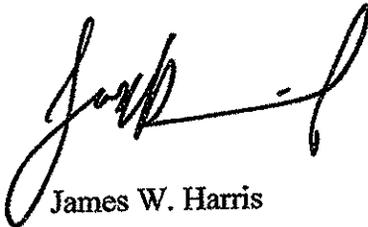
April 13, 2007

Ms. Xzandrea Fowler  
250 East L. St  
Benicia, CA 94510

Ms. Fowler:

I am a property owner at 145 East D. St.

I support this effort on the part of Patrick Donaghue to develop the property at 126 East E St.



James W. Harris

**CHARLES AND SUZANNE MADDUX  
126 EAST D STREET  
BENICIA, CA 94510  
(707) 745-4361**

**RE: APPLICATION BY PATRICK DONAGHUE AND  
CAROL J. DeMAINTENON**

**126 EAST E ST. BENICIA  
APN: 89-372-050 and 89-372-060**

**TO: Historic Preservation Review Commission and  
Planning Commission – City of Benicia**

**We have reviewed and find very appropriate the application to bring another Napa building to Benicia. It is long overdue to have more buildings in the commercial side streets that meet the needs of our historic city.**

**Unlike recent projects on First St, this project will be within our view North and yet will not be a detriment to the sight of First Street and St Pauls. We would hope that the possible height extension of eight inches can be mitigated within the construction of the first floor so as not to create a new precedent. We would also hope that the development of new commercial projects on East E will lead traffic to the ample parking just beyond. We look forward to cheering Phil Joy as he barges another special recycled building up the straits. Napa's loss is definitely Benicia's gain.**

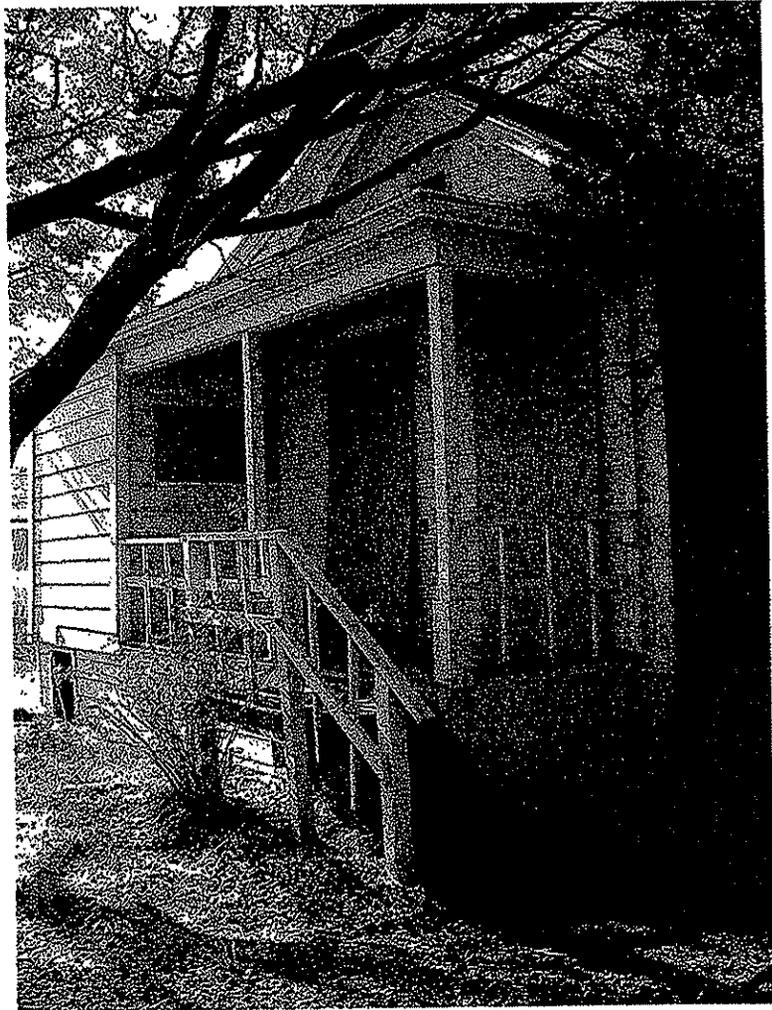
**If the argument is given that the building to be destroyed is "historical" then I would counter that it is to be replaced by a building certainly more historical in age and vision than the overly "remuddled" one presently on site.**

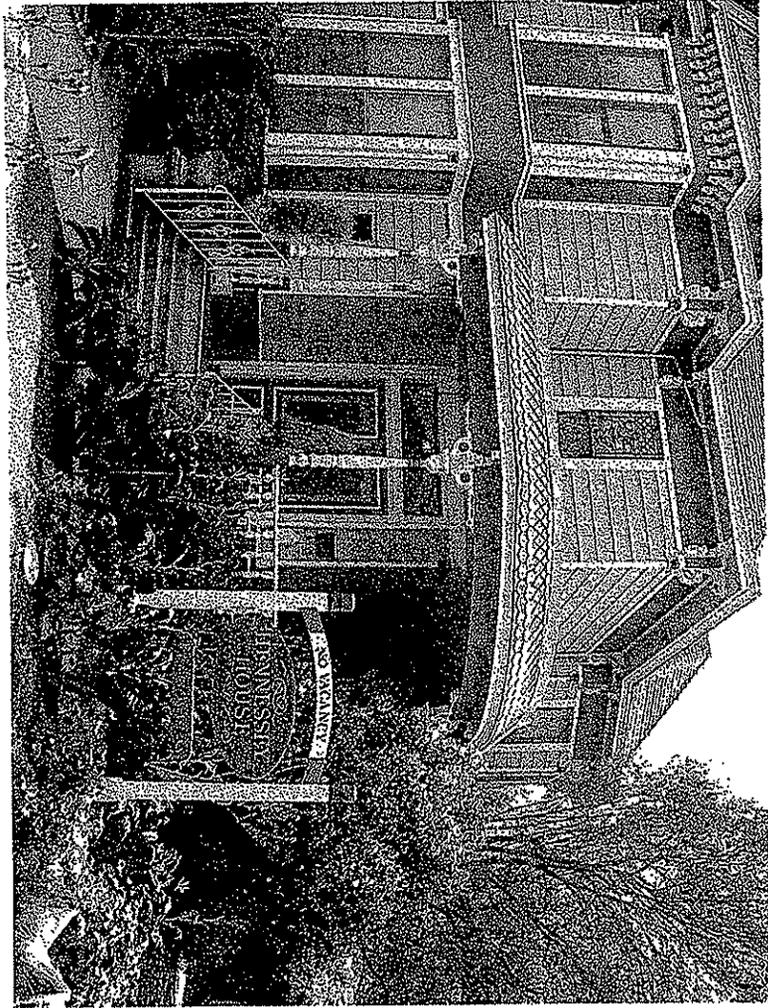
**We so hope the city can get by any objections to this new renaissance in old town.**

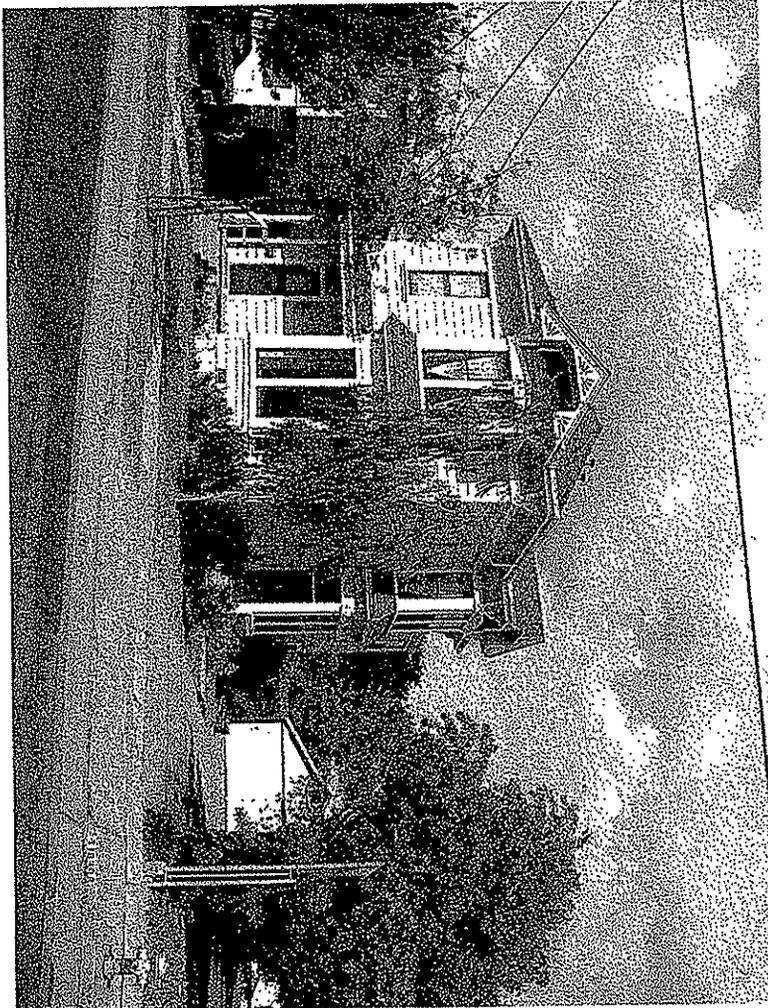
**Regards,**

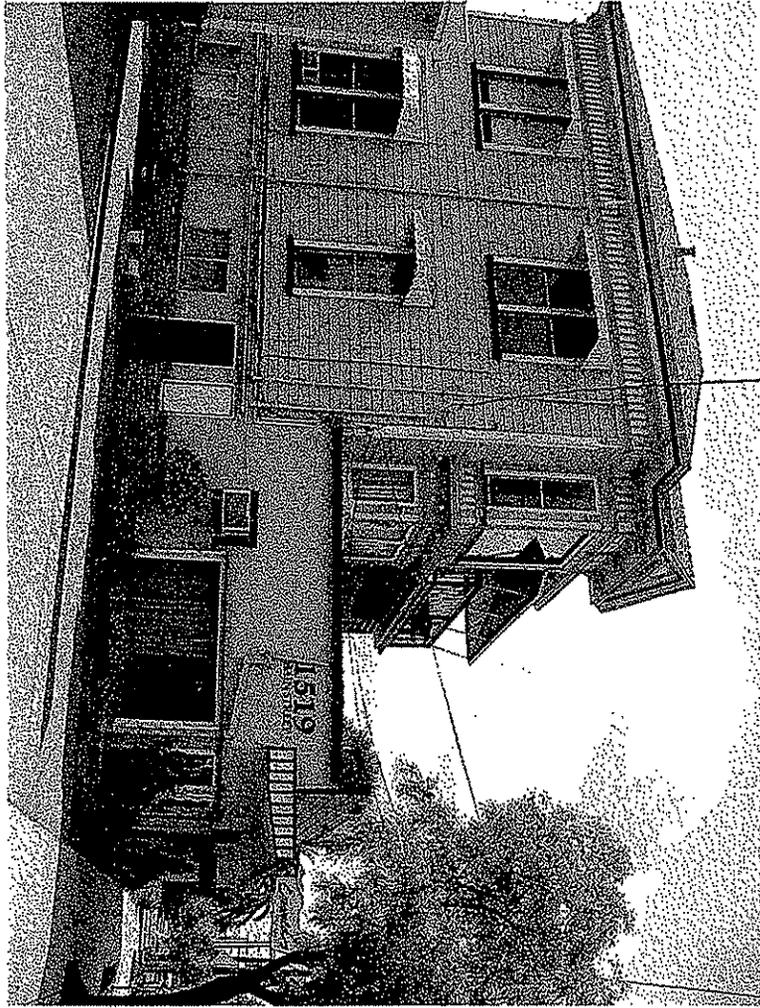


**Chuck and Sue Maddux**











April 12, 2006

Xzandrea Fowler, Associate Planner  
City of Benicia Community Development Department  
250 East L Street  
Benicia, CA 94510

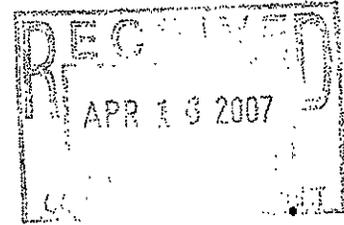
Dear Ms. Fowler,

I saw the plans for a three story historic building being proposed for the property behind mine at 126 East E Street. I have been living at 141 East D Street for 36 years, and although some changes to this part of downtown Benicia have been unwelcome, this isn't one of them.

I live in the smallest building in the immediate area. If another three-story building is coming into the block and it is an historic building that has been saved and refurbished, I have no problems with it. Pat and Carol have been good neighbors for many years and I wish them all the best with their project.

Sincerely,

Joanne O'Grady  
141 East D Street



April 14, 2006

City of Benicia Community Development Department  
Attn: Xzandrea Fowler, Associate Planner  
250 East L Street  
Benicia, California 94510

Re: 126 East E Street Project

Dear Xzandrea:

I have been residing at 117 East D Street since June of 1987. Many changes have happened to this end of the downtown during that time. Welcome improvements have been made to historic buildings and the waterfront promenade, and new construction fills in formerly open vistas. The latest replaced the view from my front window of the Martinez hills, the Carquinez Straights and the train station with a big long row of condo garages and a Starbucks. If there is a consolation to be had, it is that the development is mixed use with residential and commercial, thus preserving a sense of neighborhood where people can live, work and enjoy walking both day and night.

In twenty years I've seen the property across Kuhland alley from my back yard used as a stable for draft horses, a homing pigeon roost and a nursery. I have also seen derelict historical structures transformed into viable buildings that enhance the town. Jurgensen's saloon, the refurbished train station and Phil Joy's 'new' mansion are exciting additions.

I've seen the rendering of the proposed transformation of a 19<sup>th</sup> century Stick and Italianate Victorian into a commercial structure and am in full support of the project as it is designed. I know Pat Donaghue to be a responsible builder. He and Carol are sensitive to the needs of the neighborhood and will construct a viable business in keeping with the historical integrity and traditionally eclectic mix of people and buildings in our little corner of the downtown.

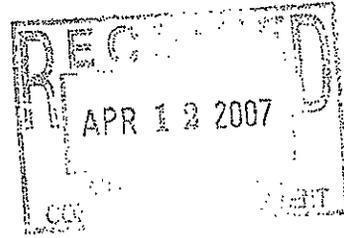
The beauty and local benefits of the finished project will far outweigh any concerns of structure size. I only wish that Pat Donaghue, Phil Joy and the Werbelows had developed the old cannery/tannery lot outside my *front* window.

Sincerely,

Mernie Buchanan

April 8, 2007

Charlie Knox, Community Development Director  
250 East 'L' St.  
Benicia, Ca. 94510



Re; 126 East 'E' St., Benicia, Ca. – Donaghue

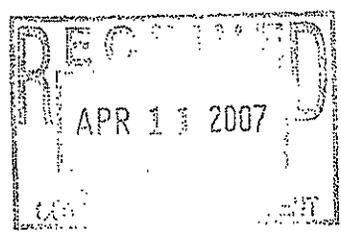
I am writing this letter in support of this project. I have had the opportunity to review the Preliminary Site Plan for this project along with a copy of the Mitigated Negative Declaration and agree that this plan will make a great improvement to this area of our Downtown. I strongly encourage the Design Review Commission and the Planning Commission approve this project.

Sincerely:

  
Roger Britt

**FILE COPY**

1205 West K Street  
Benicia, CA 94510



April 10, 2007

City of Benicia Community Development Department  
Attn: Xzandrea Fowler, Associate Planner  
250 East L Street  
Benicia, CA 94510

I am writing in support of the proposed development by Patrick Donaghue at 126 East E Street.

As a more than 20-year resident of Benicia, I have looked forward to the development of a diverse, interesting and viable downtown area.

The Donaghue development represents a desirable transition of the area immediately adjacent to 1<sup>st</sup> Street to uses more compatible with fostering a business district that will enhance the quality of life in Benicia.

The location of this proposed project is entirely compatible with the existence of the city parking lot and other mixed-use construction along the 1<sup>st</sup> Street corridor.

I suggest that the City of Benicia should embrace Mr. Donaghue's plan as a worthy contribution to the betterment of Benicia.

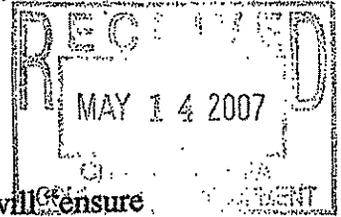
Sincerely,

A handwritten signature in cursive script that reads "Richard Thompson".

Richard Thompson

To: HPRC From: Donnell Rubay Re: 126 East E Street Date: May 24, 2007

SECOND MEMO



Some additional comments on this proposal:

- A. The Downtown Historic Conservation Plan, at page 2, provides that it will ensure that businesses and homeowners who invest in appropriate rehabilitation and new construction will not be damaged by insensitive or incompatible construction."

The National Park Service has recognized that large buildings near smaller historic homes—or even the potential for such buildings—can cause an area to suffer from disinvestment (The National Park Service, Cultural Resources Partnership Notes, "Zoning and Historic Preservation.")

- B. This project is covered by Historic Plan Guidelines entitled "Type 3: Setback Buildings (Transitional Areas and Institutional Types)" on page 50.

Type 3 "guidelines reflect the predominantly residential character of historic buildings on the fringe areas of First Street. They apply primarily to new buildings or modifications to existing non-historic buildings. They may be applied equally to commercial and institutional building types.

**"Policy 1: Architectural Character And Scale**

"Commercial and/or institutional buildings should maintain the character and scale of adjoining residences and neighborhoods to provide an appropriate transition between residential and more intensive commercial development.

**"Policy 2: Architectural Forms**

"Encourage architectural forms which recall those of the adjoining residential structures, particularly those of historic merit."

(I discuss the specific guidelines relating to the above policies in the April 17, 2007 memo previously sent to you (copy attached.))

- C. The economic value of preserving the residential form on Benicia's downtown side streets is confirmed by the Opticos Downtown Mixed-Use Special Area Plan. As you know the DMUMP was part of a \$250,000 project and included economic evaluations by Strategic Economics. The DMUMP states that "the primary intent" for the new *Neighborhood General-Open* zone, which this street will become, "is to ensure a residential physical form to relate to adjacent residential buildings along the side streets between First Street and Second Street in order to provide an appropriate transition from First Street into the residential neighborhoods."

- D. The DMUMP confirms that the Historic Plan regulations calling for residential building forms to preserve the residential nature of Downtown side streets is the

economically wisest option for this area. Therefore, allowing a non-residential form that does not maintain the character and scale of adjoining residences would not be economically smart. Further, it could hurt the property values of neighboring properties—an economically negative consequence for the Community.

- E. The Historic Plan requires that this building “maintain the character and scale of adjoining residences and neighborhoods” and asks for architectural forms “which recall those of the adjoining residential structures, particularly those of historic merit.”

This building, as proposed, is much larger than adjoining structures and contains a first floor that does not reflect residential character, as it is a glass, commercial storefront. Therefore this building does not comply with the Historic Plan.

- F. The Historic Plan provides that it will “ensure that businesses and homeowners who invest in appropriate rehabilitation and new construction will not be damaged by insensitive or incompatible construction.”

The proposed building is close to 40 feet high. Neighboring buildings are much lower and, after the DMUMP is approved will be unable to go higher than 30 feet. This incompatible construction, according to the National Park Service, is likely to cause economic damage to the neighboring historic property owners—yet the Historic Plan states that it will “ensure” against such harm.

The Commission may be tempted to ignore the Historic Plan’s assurance to property owners that they will not be damaged by “insensitive or incompatible construction.” If this is the case, however, why has the City taken away historic property owners rights? **If the Historic Plan can not protect their property rights—historic property owners are entitled to have those rights returned to them. With property rights equal to their neighbors, historic property owners can then protect themselves by having the option to build large buildings compatible with their larger neighbors.**

- G. “But doesn’t current zoning allow the Applicant to do this?” Under BMC section 17.54.030 the Historic Plan takes precedence over zoning.
- H. Finally, as you know, the Applicant is a member of the Historic Preservation Review Commission and, until recently, was its chairman. If he is not required to comply with the Historic Plan, how can you ask any one else in the City to comply with it?

## **RESPONSE TO PUBLIC COMMENTS**

**Staff response to Public comments  
Regarding the project proposal for 126 east e street**

Staff has prepared a brief response to the public comments that asked a specific planning related question and or requested clarification of something that was in the staff report or the Initial Study/Mitigated Negative Declaration.

**Response to written comments received from Donald Dean on April 26, 2007**

In accordance with the California Environmental Quality Act (CEQA) Guidelines, Appendix G, the project description should describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.

All supporting documents, plans, and studies used to evaluate the project should be attached to the Initial Study/Mitigated Negative Declaration for reference. The CEQA Guidelines do not require the insertion of support documents into the text of the environmental document.

Only lead agency approval is necessary for the project. However, comments received from outside agencies, such as the BAAQMD and the Office of Historic Preservation, are taken into consideration.

The historic resource evaluation prepared for the designated structure located at 126 East E Street finds that the structure no longer retains its character defining features and has therefore lost its historic integrity. The conclusion is that the demolition of a structure that no longer has its historic integrity would not have a significant environmental impact on the historic district.

The historic resource evaluation was prepared to address the request for the demolition permit and not the design review permit for the replacement project.

The review bodies, Planning Commission and the Historic Preservation Review Commission, will determine the effectiveness of the proposed mitigation measures.

**Response to written comments received from Donnell Rubay on April 25, 2007**

Demolition of a historic resource requires environmental review by the lead agency before a demolition permit may be issued.

A historic resource evaluation was prepared for the designated structure and based on that evaluation and other applicable information the Historic Preservation Review Commission will make a recommendation to the City Council regarding the proposed delisting and demolition of a designated structure.

**Response to written comments received from Sandra Shannonhouse on  
April 25, 2007**

The potential impacts of a residential project vs. a commercial project could impose different impacts on the environment. Typically, when an applicant is not certain of the exact tenants that will occupy a building the project is reviewed with the most intense proposed use in mind. Since a solely commercial project would generate the most potential impacts (mass and scale of the structure, circulation impacts, parking, etc.) staff prepared the environmental analysis with those potential impacts in mind.

The proposed increase in building height will potentially impact the views of adjacent property owners, but it has not been determined that the impact will be significant. The proposed structure would impact the existing pattern, scale and character of the 100 block of East E Street, since the proposed structure is substantially larger than the majority of the existing structures on that block. However, the proposed structure is consistent with the existing zoning and all property owners have the right to develop their property within the established property development regulations.

The potential uses will determine the potential significance of noise impacts.

Some of the alterations to the subject structures did receive some form of planning review and building permits were issued for some of the existing exterior alterations. However, there appears to be a number of interior and exterior alterations that did not receive planning review and building permits. Staff is uncertain as to why those alterations did not undergo some type of planning review or why building permits were not issued.

The purpose of an Initial Study is to determine what impacts the proposed project may have on the environment and the significance of those impacts. Based on the findings of the Initial Study, a Negative Declaration, a Mitigated Negative Declaration or a Environmental Impact Report would need to be prepared before any entitlements could be issued for the proposed project.

There are conflicts between what type of development is permissible under the zoning and what is encouraged under the Downtown Historic Conservation Plan design guidelines. The guidelines are a supplement to the zoning regulations, and the application of the design guidelines is intended to be flexible rather than rigid. Most of the guidelines are stated in terms of general principles, rather than absolutes. This is why it is critical that staff and decision-making bodies use discretion in applying them. Page 30 of the Downtown Historic Conservation Plan discusses this subject in greater detail.

All feasible actions by decision-making bodies that could be made in the immediate future and could impact the proposed project should be discussed in the environmental analysis. However, those actions should not be used as the sole source or reason to make a determination finding.

Review of demolition permits are discussed in detail on page 26 of the Downtown Historic Conservation Plan.

A study of the potential noise impact would provide a greater degree of certainty regarding the significance of the impacts.

If the proposed project were all residential, the potential increase in the number of residents in Benicia would be insignificant. A few additional people would not impact the existing recreation resources and they would not create additional demand for additional recreational resources. According to estimated demographic information used by the City, the population in Benicia has actually decreased since the 2000 Census.

A study of the potential circulation and parking impacts would provide a greater degree of certainty to determine the significance of the impact.

**Response to written comments received from Bob Berman on April 23, 2007**

Additional analysis of the potential impacts related to aesthetics may be necessary to determine the significance of the impact.

Feasible actions by decision-making bodies that could be made in the immediate future and could impact the proposed project should not be used as the sole source or reason to make a determination finding.

A study of the potential noise impact would provide a greater degree of certainty to determine the significance of the impact.

A study of the potential circulation and parking impacts would provide a greater degree of certainty to determine the significance of the impact.



# **Maintenance of City Owned Historic Buildings**

## **CAMEL BARN**

### *Completed Maintenance*

- Roof replaced and insulated on building #7
- Drainage installed on east side of building #7 and the office
- Water damaged floor in building #7 repaired
- Electrical wiring in museum replaced
- Lighting in museum replaced
- Replaced railing and deck on main entrance to museum

### *Proposed Maintenance*

- Restoration of sandstone of exterior of all buildings
- Replace A/C unit in the office

## **CEMETERY**

### *Completed Maintenance*

- Tree maintenance program (continuous)
- Headstone Restoration (continuous)
- Clean-up/weed abatement (continuous)

### *Proposed Maintenance*

- Cemetery management program
- Replace roadways
- Repair Security gates
- Replace Perimeter fencing

## **CIVIC CENTER (City Hall/Police Station/Gym)**

### *Completed Maintenance*

- Painted exterior of City Hall
- Replaced roof on City Hall, Gym, and Police Station
- Repaired water intrusion on first floor of City Hall
- City Hall walls tied to the foundation
- Tied brick fascia to the structure of City Hall
- Installed automatic doors at City Hall
- Seismic retro fit on the Police Department

*Proposed Maintenance*

- Replace windows
- Paint exterior of Gym and Police Department
- Re-finish gym floor annually

**CLOCK TOWER**

*Completed Maintenance*

- Replaced stairways on North and South side of the exterior of the building
- Seismic retro fit of the building
- Replaced appliances in the kitchen
- Upgraded fire sprinkler system

*Proposed Maintenance*

- 
- Restoration of sandstone on exterior of building
- Upgrade restrooms and elevator
- Master Plan downstairs for future use

**COMMANDANT'S RESIDENCE**

*Completed Maintenance*

- Removed non-historical addition on the rear of the house

*Proposed Maintenance*

- Residence is in the design phase for complete exterior restoration and seismic stabilization

**SCHOOL AT LAKE HERMAN**

*Completed Maintenance*

- No maintenance performed

*Proposed Maintenance*

- Stop further water damage from occurring

## **SOUTHERN PACIFIC DEPOT**

### *Completed Maintenance*

- Modified gutters and downspouts to drain properly
- Installed concrete pathway from sidewalk

### *Proposed Maintenance*

- Complete luggage bay in the rear of the building
- Landscape around the exterior of the building
- Construct a parking lot and access road around the perimeter of the building
- Paint exterior of the building

## VON PFISTER ADOBE

### *Completed Maintenance*

- Replaced existing tarp with full length canvas covers

### *Proposed Maintenance*

- Maintain protective structure