

**BENICIA PLANNING COMMISSION
AGENDA**

**Benicia City Hall, Council Chamber and Conference Room 1
250 East L Street, Benicia, CA 94510
3934 Highlands West, Ft. Collins, CO 80526
May 12, 2022
7:00 PM**

Accessing The Meeting

How to Participate in the Meeting:

- 1) Attend in person at Council Chambers or Conference Room 1 at City Hall located at 250 East L Street.
- 2) Cable T.V. Broadcast - Check with your cable provider for your local government broadcast channel.
- 3) Livestream online at www.ci.benicia.ca.us/agendas.
- 4) Zoom Meeting (link below)

The public may view and participate (via computer or phone) link:

<https://us02web.zoom.us/j/86100071423?pwd=MmFueGR0MEJjMmExTlp3VzJsZ294dz09>

- If prompted for a password, enter 942044.
- Use participant option to “raise hand” during the public comment period for the item you wish to speak on. Please note, your electronic device must have microphone capability. Once unmuted, you will have up to 5 minutes to speak.

Dial in with phone:

Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one.

1 669 900 9128

1 346 248 7799

1 253 215 8782

1 646 558 8656

1 301 715 8592

1 312 626 6799

- Enter the meeting ID number: 861 0007 1423

- Enter password: 942044
- When prompted for a Participant ID, press #.
- Press *9 on your phone to “raise your hand” when the Mayor calls for public comment during the item you wish to speak on. Once unmuted, you will have up to 5 minutes to speak.

Any member of the public who needs accommodations should email the Community Development Department at comdev@ci.benicia.ca.us, who will their best efforts to provide as much accessibility as possible while also maintaining public safety.

1. Call To Order

2. Roll Call Of Commissioners

3. Pledge Of Allegiance

4. Reference To Fundamental Rights Of Public

The fundamental rights of each member of the public can be found in the municipal code posted on the City's website per section 4.04.030 of the City of Benicia's Open Government Ordinance.

5. Adoption Of Agenda

6. Opportunities For Public Comments

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

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

7. Written Comment

7.A PUBLIC COMMENT

[Public Comment - Colleen Williams](#)

[Public Comment - Jane Lauder King](#)

8. Public Comment

9. Consent Calendar

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker slip for that item.

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

9.A APPROVAL OF MINUTES FROM MARCH 3, 2022

[3-3-22 DRAFT MINUTES](#)

9.B APPROVAL OF MINUTES FROM MARCH 21, 2022

[3-21-22 DRAFT MINUTES](#)

9.C APPROVAL OF MINUTES FROM APRIL 14, 2022

[4-14-22 DRAFT MINUTES](#)

10. Regular Agenda Items

10.A DISCUSSION ITEM: HOUSING OPPORTUNITY SITES OVERLAY DISTRICT

Every eight years, each California city and county must update the Housing Element of their General Plan and have it certified by the California Department of Housing and Community Development (HCD). The Housing Element must plan for the housing needs of the community at all economic levels and ensure that adequate sites are zoned to meet the City's projected housing need. A draft Housing Opportunity Sites Inventory was affirmed by the City Council on April 19, 2022 following public comment and Planning Commission review. A number of Housing Opportunity Sites will require rezoning and associated General Plan amendments. In some cases, the City will pursue a change in the site zoning designation and in other instances would adopt an overlay zone that would apply in combination with the underlying (base) zoning. The purpose of this agenda item is to present a conceptual outline of the Housing Opportunity Sites Overlay District for public review and comment.

RECOMMENDATION:

Receive the staff report and presentation, accept public comment, and provide feedback on the outline approach for the Housing Opportunity Sites Overlay District. This item is presented for discussion and feedback and no formal action is requested at this time.

[Staff Report - Housing Opportunity Sites Overlay District](#)

[1. Draft Housing Opportunity Sites Inventory - Table](#)

[2. Draft Housing Opportunity Sites Inventory - Maps](#)

10.B ZONING TEXT AMENDMENT AND USE PERMIT TO AUTHORIZE A DAY CARE CENTER AT NORTHGATE CHURCH (Northgate Childcare Center)

The proposed project includes (1) approval of a zoning text amendment to Benicia Municipal Code (BMC) Chapter 17.36 (OS Open Space District) to allow Day Care Centers as a conditional use on parcels that also house religious assembly uses; and (2) approval of a use permit to allow a Day Care Center within existing facilities of Northgate Church.

Recommendation:

Conduct the public hearing and move to adopt the following resolutions:

1. Recommending that the City Council of the City of Benicia adopt an Ordinance amending Title 17 (Zoning) of the Benicia Municipal Code to enable day care center uses in the Open Space District, when located on the grounds and within the facilities of a duly permitted religious assembly use.
2. Conditionally approving a use permit, subject to conditions, for the Northgate Childcare Center located in the Open Space (OS) District, based on the findings of approval and subject to the conditions listed in the proposed resolution, after a public hearing and determination that the project is exempt from CEQA.

[PLN 22-15 - Northgate Childcare Center UP and ZTA - May 12 2022 PC Staff Report.pdf](#)

[1. Draft Resolution Recommending Approval of a Zoning Text Amendment with Exhibit A.pdf](#)

[2. Draft Resolution Conditionally Approving a Use Permit for the Northgate Childcare Center with Exhibit A and B.pdf](#)

10.C USE PERMIT FOR GENERAL RETAIL SALES WITH ALCHOLIC BEVERAGE SALES (SendSips)

The applicant requests approval of a use permit to authorize general retail with alcoholic beverage sales in an existing 347 square foot commercial tenant space located at 621½ First Street. The subject property is located in the Town Core zone of the Downtown Mixed Use Master Plan area. The requested use permit would allow for the sale of wine, craft beers and spirits in gift packaging for off-site consumption.

Recommendation:

Adopt the resolution approving the Use Permit for General Retail Sales with Alcoholic Beverage Sales, based on the findings of approval and subject to the conditions listed in the proposed resolution, after a public hearing and determination that the project is exempt from CEQA.

[Staff Report PLN 22-7 - 621 and a half First Street - Use Permit.pdf](#)

[1. Resolution - PLN 22-7 - 621 and a half First Street - Use Permit - with Exhibits A and B.pdf](#)

[2. Public Comment](#)

11. Communication From Staff

12. Communication From Commissioners

13. Adjournment

Public Participation

The Benicia City Council and its Boards and Commissions welcome 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 City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five 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 City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access or Special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Kim Imboden, the ADA Coordinator, at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

Meeting Procedures

All items listed on this agenda are for Council 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 City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council 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 City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the

City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.

Contact Your Council Members

If you would like to contact the Mayor or a Council Member, please call the number listed below to leave a voicemail message.

Mayor Young: 746-4213

Vice Mayor Campbell: 746-4213

Council Member Strawbridge: 746-4213

Council Member Largaespada: 746-4213

Council Member Macenski: 746-4213

Benicia Community Development and Planning Commission
250 East L Street
Benicia, CA 94510



22 April 2022

Subject: 14 April 2022 PC Meeting - 825 East Fifth Street – Shipping container – Zoning Violation

Dear Benicia Community Development and Planning Commission:

Thanks to Evan Gorman, who presented the above project at the Commission meeting and who has been in contact with neighbors regarding the status of the illegal shipping container.

Thanks to Commissioners Hayer, Catton and Dravnicks Apple for your concern and comments regarding the removal of the illegal shipping container that has been in place since November 2020. I appreciate your concern that the illegal shipping container has been in place too long and that there is no definitive date for removal.

Hopefully, the illegal shipping container will be removed soon.

Thank you for your voice.

With appreciation,

A handwritten signature in cursive script that reads "Colleen Williams".

Colleen Williams

Jane Lauder King

Architectural Historian, Civil Engineer (ret.)



City of Benicia
Community Development
May 3, 2022
RECEIVED

May 3, 2022

Mayor and City Council
Planning Commission
Parks, Recreation, and Cemetery Commission
Historic Preservation Commission
Community Development Department
City of Benicia
250 East L Street
Benicia, CA 94510

Please distribute accordingly.

Regarding National Register District C, Arsenal Officers' Enclave:

This District is of such historical and architectural significance that it has been a California State Historical Landmark since 1935. In 1976 it was recognized with placement on the National Register of Historic Places, registered as a “*district* with clusters of buildings. Boundaries were ... based upon integrity of setting.” To maintain its National Register integrity, the ten Landmark structures need to be considered as a unified whole for planning purposes. I am a member of the Benicia Arsenal Park Task Force, dedicated to protecting this historical treasure from disruptive infill development. To that end, we have gathered over 800 signatures on our Change.org petition to prevent such infill. Studying the issue, I've noted several errors and omissions in the City's planning documents for District C, which would interfere with accurate and comprehensive planning. At this time, with the Housing Element and the Parks, Trails, and Open Spaces Master Plan under review for updating, it is particularly important to correct these errors for accuracy going forward.

-- In 1993 the Arsenal Historic Conservation Plan was published, saying “The remarkable architectural and visual unity of [Subdistrict 2: Jefferson Ridge/Officer's Row] could be severely compromised by inappropriate design or siting of new buildings... Future development on the slope south of Jefferson Street ...is of particular concern.” (p.57). To address this concern, the Benicia Arsenal Park Task Force, is exploring options for protecting the vacant lands that tie the District together with dramatic views among the ten Landmarks and the Straits. Although the AHCP designated several important view corridors, some of the most magnificent were omitted, such as that between the Guardhouse and Lieutenant's Quarters, which are precisely aligned facing each other above the Straits. Likewise, the Headquarters Office Building was placed directly below and facing the garrison flagpole towering above the Straits and visible for miles. The absence of these definitive viewsheds from the AHCP was pointed out in 2001, when inappropriate development that would have seriously interrupted the District was reviewed, and that oversight has still not been corrected.

--The second most costly Phase II improvement in the 1997 Park, Trails, and Open Space Master Plan, Table 5-2, was expansion and improvements at the Clock Tower Park, Page 4-13, Figure 4-15 (although expansion was shown over lands held by industrial entities, not the City), but clearly none of that has happened, although that park is listed in Table 2-13 of the General Plan however it has been eliminated

from current update documents. Why? For years it was recognized as an appropriate location for a park. With increasing housing pressure, isn't a park even more justified on the East side?

--Oddly, General Plan Figure 3-1, Historic Resources (p.99), shows only *three* of the ten District C Landmarks shown in AHCP Figure 2 (Clocktower, Commandant's Residence and Guardhouse), the Commandant's Residence is shown in the wrong location, and part of Park Road is mislabeled as Adams Street.

--The Objective Planning and Design Standards have carried the General Plan oversight forward, also showing only the same *three* of the ten District C Landmarks, as well as omitting several streets in general use (Figure 1, Page 10, Arsenal View Corridors and Sight Lines). Without an appreciation for the visual continuity of National Register Historic Districts C and D and complete delineation of the defining viewsheds, View Protection Standards become meaningless. Figure 1 has Washington Street mislabeled as Adams Street and omits Madison and McKinley Streets. Whether they are privately held or maintained by the City, Jefferson, Madison, and McKinley Streets remain in public use, forming prescriptive easements, which should be acknowledged in planning documents. OPDS (C-4) reads, "Jefferson Street Alignment: Retain and *extend* the existing Jefferson Street alignment. Provide pedestrian cross-access to the city-owned property containing the Commanding Officers Quarters (APN: 0080-140-090)," so that part of Jefferson Street should not be overlooked or omitted from City planning documents.

There are also numerous private easements over the vacant lands, and the 1975 Exchange Agreement is very specific about improving the streets leading to historic sites to City standards. Unfortunately, the 1975 Exchange Agreement at City Hall is apparently incomplete, missing the formerly attached Exhibits describing Historical Areas and related easements, according to the City Clerk.

Page 13, Item III.B.2.a. describes setbacks for Area 4, shown in Figure 2, as applying to Grant Street frontage, but Area 4 is shown in Figure 2 abutting Adams, not Grant, Street, as well as Park Road, which is not mentioned there.

In addition, I would submit that ODPS III.B.1.b, requiring setbacks for new development in line with Officers' Quarters along upper Jefferson St, rather than "enhance the unified identity of the subdistrict and its image as a former residential officers' enclave" per AHCP p. 58, Item 8 in Future Development, actually would cause visual confusion between old and new, and obscure the relationships among the Landmark Structures.

--The April 19 proposed Housing Element Attachment 8 "Vacant Sites Inventory" shows the location of the property line between APN's 0080-150-380 and -390 erroneously; it is further west, having been relocated. In any case, those vacant sites help define District C, and should not be considered for infill housing.

How can these errors be corrected? How can we expect Planning staff to make appropriate recommendations to the City based on faulty documents? I would very much appreciate a response to my questions and comments.

Respectfully,
Jane L. King, Retired Civil Engineer and former Benicia resident

MINUTES OF THE BENICIA PLANNING COMMISSION/HISTORIC PRESERVATION
REVIEW COMMISSION

Videoconferencing Meeting
March 3, 2022
6:30 PM

Coronavirus (Covid-19) Advisory Notice

1. Call To Order

Chair Birdseye called the meeting to order at 6:35 p.m.

2. Roll Call Of Commissioners

Planning Commission

Present: Commissioners Hayer, Kallios, Mollica, Slate, and Chair Birdseye

Absent: Commissioners Catton and Dravnieks Apple

Historic Preservation Review Commission

Present: Commissioners Haughey, Marshall, von Studnitz, Van Landschoot (6:40 p.m.),
Young, and Chair Reynolds

Absent: Commissioner Delgado

Staff: Suzanne Thorsen, Community Development Director
Vic Randall, Senior Planner
Danielle Crider, Senior Planner
Richard Pautenade, Consultant
Mary Wagner, Assistant City Attorney
Tamar Burke, Assistant City Attorney

3. Pledge Of Allegiance

4. Reference To Fundamental Rights Of Public

The fundamental rights of each member of the public can be found in the municipal code posted on the City's website per section 4.04.030 of the City of Benicia's Open Government Ordinance.

5. Adoption Of Agenda

On a motion by Commissioner Hayer, seconded by Commissioner Haughey, the Commissions adopted the agenda on a roll call by the following vote:

Ayes: Commissioners Hayer, Kallios, Mollica, Slate, Chair Birdseye, Haughey, Marshall, von Studnitz, and Chair Reynolds

Noes: (none)

6. Opportunities For Public Comments

None.

7. Written Comment

8. Public Comment

9. Consent Calendar

None.

10. Regular Agenda Items

10.a MILLS ACT ANNUAL COMPLIANCE REPORT (2021) AND PROGRAM EVALUATION

[Staff Report - Mills Act Annual Compliance Report \(2021\) and Program Evaluation](#)

[1. Benicia Mills Act Program Requirements](#)

[2. 2021 Mills Act Inspection Report](#)

[3. City of Benicia Mills Acts Program Costs FY 21-22](#)

Ms. Thorsen and Mr. Pautenade, Consultant, provided a staff presentation.

Ex Parte Communications:

Co-Chair Reynolds declared ex parte communication with members of the public regarding Mills Act properties.

Chair Birdseye declared ex parte communication with Co-Chair Reynolds during a commission preparation meeting.

Commissioner Van Landschoot thanked Mr. Patenaude for suggesting that the City connect historic home owners with a list of qualified contractors.

Commissioner Marshall inquired about the City adjusting its process to better track how projects are progressing and whether permits have been issued.

Commissioner Mollica asked why the City have capped the program at 41 properties.

Ms. Thorsen clarified that this number was mandated by the City Council.

Commissioner Haughey provided history of the beginning of the Mills Act program in Benicia.

PUBLIC COMMENT:

DRAFT

1. Carla Chiotti, Mills Act contract holder for two properties, commented on administrative challenges of the Mills Act program. Ms. Chiotti stated favor for the program and the maintenance incentive it brings to historic structures.
2. Leann Taagepera gave a summary of written comment she submitted. Ms. Taagepera spoke about the program being vital to preservation of historic buildings and stated support for increasing the number of contracts. She spoke about the involvement of the Planning Commission, suggested workshops for contract holders, expressed concern for staff's suggestion that existing contracts be revised to incorporate structural integrity requirements or allowing the Building Official to perform inspections.
3. A member of the public stated that the Mills Act buildings are some of the most regulated in the City and among the best maintained.
4. Teresa inquired about expanding the number of contracts.
5. Richard Jenny commented in favor of expanding the number of Mills Act contracts and restructuring the program to having non-compliant contract holders lose their contract so that new properties could benefit.

Commissioner Catton, Marshall, Kallios, and Co-Chair Birdseye stated favor for the report.

Co-Chair Reynolds asked a clarifying question about a potential process change requiring that property owners provide photos of interior or non-public areas as a part of their reporting.

Ms. Wagner provided clarification.

PUBLIC COMMENT

None.

Commissioner Slate stated that there should be recourse for contract holders who do not comply with reporting requirements.

Commissioner Mollica supported staff recommendations.

Commissioner von Studnitz stated support for a directory of professional contractors to assist in finding appropriate personnel.

Commissioner Van Landschoot agreed with Commissioner von Studnitz and other Commissioners' comments regarding the benefit of the program and obligations associated with a Mills Act contract. Commissioner Van Landschoot stated favor for more recourse for property owners who break the contract terms.

Commissioner Marshall commented on the program's results and homeowner challenges with timelines and contractors.

Co-Chair Reynolds agreed with Commissioner Marshall's comments.

Commissioner Haughey discussed the possibility of allowing non-compliant contract holders with financial difficulties to forfeit their contract renewal in lieu of a fee penalty.

Ms. Thorsen provided some background and clarification in response to Commissioner Haughey's comments.

DRAFT

Co-Chair Birdseye inquired about expanding the program to include new applicants and a ten-year phase out for non-compliant contract holders.

Ms. Thorsen provided background information and clarification in response to Co-Chair Birdseye's inquiry.

Commissioner Haughey spoke about the tax advantages of the program.

Co-Chair Reynolds spoke of the Mills Act program being a valuable preservation tool and stated that expanding the program would be a benefit to the City.

Co-Chair Reynolds inquired about an intermediate step for non-compliant contract holders prior to receiving a penalty fee.

Ms. Thorsen clarified that staff's recommendation would be for the City to provide the property owner lead time to correct their non-compliance. Ms. Thorsen added that the property owner could also choose to not renew their contract with no penalty.

Commissioner Slate inquired about the possibility of the penalty fee being on a sliding scale.

Commissioner Van Landschoot inquired about the City Council's interest in increasing the number of contracts or if non-compliance is a barrier to expanding the program.

Ms. Thorsen provided clarification.

Commissioner Hayer supported staff's recommendations and commented that the proposed non-compliance penalty is fair in comparison to the financial benefits that the property owners have received.

Co-Chair Reynolds agreed with Commissioner Slate and Van Landschoot's statements.

Commissioner Haughey commented on contract holders having the option to give up their Mills Act contract if they are unable to comply. Commissioner Haughey asked for research regarding the tax savings on contract holders and cost to the City.

Ms. Thorsen provided clarification.

PUBLIC COMMENT

1. Anastasia Heuer, a Mills Act contract holder, commented on the benefits of the program, administration challenges, and stated support for expanding the program.
2. Leann Taagepera stated concern for HPRC delegating the duty of the program to the Planning Commission. Ms. Taagepera commented on potential legal implications for changing properties work plans after contracts are signed.

Co-Chair Reynolds provided clarification to Leann Taagepera's public comment regarding the Historic Preservation Review Commission and Planning Commission's roles in administering the program.

DRAFT

Commissioner Hayer stated support for Mills Act contract reporting every two years or more. Commissioner Hayer stated disfavor for assessing inspection fees to homeowners unless the contract was in a maintenance phase. Commissioner Hayer stated support for building safety being a part of the initial property assessment. He stated support for the program and commented that the loss of tax revenue is returned in quality of the town, visitors, and historic preservation.

Commissioner Slate spoke about repairs and the necessity for structural professionals to make assessments.

Commissioner Catton stated support for the staff recommendation and the need for qualified professionals to perform any significant work on historic homes. Commissioner Catton stated support for the two year reporting period and commended staff for the review and proposed program improvements.

Commissioner Marshall spoke about the structure of historic buildings and the need for qualified professionals to assess and repair as necessary.

Commissioner Hayer agreed with Commissioner Marshall's comments regarding qualified professionals and assessing the structures.

Co-Chair Birdseye concurred with all recommendations except for the process change proposed when there is a perceived conflict of interest for the majority of Historic Preservation Review Commissioners in their review of the Mills Act Program. She stated that this issue should only be commented on by the Historic Preservation Review Commissioners. In regard to cost recovery, Co-Chair Birdseye stated that it should be carefully implemented. Co-Chair Birdseye inquired about any grant opportunities for additional funding of the program.

Co-Chair Reynolds commented that there are some grant opportunities available, but that they are mostly for energy upgrades.

10.b OPEN GOVERNMENT ORDINANCE AND BROWN ACT TRAINING

Tamar Burke, Assistant City Attorney, provided training.

11. Communication From Staff

Ms. Thorsen reminded the Planning Commission of the upcoming meeting.

12. Adjournment

Chair Birdseye adjourned the meeting at 9:46 p.m.

**MINUTES OF THE BENICIA SPECIAL PLANNING COMMISSION/COMMUNITY
SUSTAINABILITY COMMISSION**

**Videoconferencing Meeting
March 21, 2022
6:00 PM**

Coronavirus (Covid-19) Advisory Notice

1. Call To Order

Chair Birdseye called the meeting to order at 6:03 p.m.

2. Roll Call Of Commissioners

Planning Commission

Present: Commissioners Catton, Dravnieks Apple, Hayer, Kallios, Mollica, Slate,
and Chair Birdseye

Absent: None

Community Sustainability Commission

Present: Commissioners DeMasi, McCabe, Fleming, Weaver-Lloyd,
Hardman-Saldana Petrellese, Chair Wray, and Ex-officio member Bardet

Absent: Ex-officio members Wicklow, and Scott

Staff: Mario Giuliani, Deputy City Manager
Suzanne Thorsen, Community Development Director
Vic Randall, Senior Planner
Danielle Crider, Senior Planner
Mary Wagner, Assistant City Attorney

3. Pledge Of Allegiance

4. Reference To Fundamental Rights Of Public

The fundamental rights of each member of the public can be found in the municipal code posted on the City's website per section 4.04.030 of the City of Benicia's Open Government Ordinance.

5. Adoption Of Agenda

On a motion by Commissioner Mollica, seconded by Commissioner Catton, the Planning Commission adopted the agenda on a roll call by the following vote:

Ayes: Commissioners Catton, Hayer, Kallios, Mollica, Slate, and Chair Birdseye

Noes: (none)

On a motion by Chair Wray, seconded by Commissioner Fleming, the Community Sustainability Commission adopted the agenda on a roll call by the following vote:

Ayes: Commissioners DeMasi, McCabe, Fleming, Weaver-Lloyd, Hardman-Saldana Petrellese, and Chair Wray

Noes: (none)

6. Opportunities For Public Comments

None.

7. Written Comment

8. Public Comment

9. Consent Calendar

None.

10. Regular Agenda Items

**10.A SAFETY ELEMENT UPDATE AND VULNERABILITY ASSESSMENT
INTRODUCTION**

[Staff Report - Safety Element & Vulnerability Assessment](#)

[1. Council Resolution No. 21-60](#)

[2. Stakeholder Meeting #1 Summary](#)

[3. Hazards Populations and Assets Memo](#)

Ms. Crider introduced Consultant, Eli Krispi.

Mr. Krispi made a presentation.

Chair Wray asked for clarification on the Vulnerability Assessment and the Community Health and Safety Element.

Mr. Krispi provided clarification.

Commissioner Fleming inquired about short term environmental hazards, specifically of air quality.

Mr. Krispi provided clarification.

Chair Wray inquired about sea level rise and how climate change modeling will be incorporated into this work.

Mr. Krispi clarified that State guidelines for the Vulnerability Assessment include climate change modeling.

Ex-Officio Marilyn Bardet expressed concern about water availability, particularly as it relates to Valero's operation, and inquired if it will be a consideration in the hazards analysis.

Mr. Krispi replied that this is being considered.

PUBLIC COMMENT:

1. Kathy Kerridge suggested prioritizing planning for heat waves, including electricity demand and need for cooling systems.

Commissioner Hardman-Saldana agreed with Ms. Kerridge's comments and noted their concern about the wastewater treatment facility.

Commissioner Fleming inquired about wildfire risk assessment.

Mr. Krispi clarified that the map referenced was prepared by the State and that the growing wildfire risks will be evaluated.

Commissioner DeMasi made comments regarding local wildfire risks.

Ms. Crider provided clarification.

Ex-Officio Marilyn Bardet agreed with Ms. Kerridge's comments.

Commissioner DeMasi inquired about vulnerability of public utilities and whether this would be addressed.

Mr. Krispi provided clarification that the Vulnerability Assessment would include this.

Commissioner Weaver-Lloyd inquired about benefits and consequences related to the Safety Element.

Mr. Krispi provided clarification.

Chair Wray inquired about the Adaptation and Climate Action Plans and how they relate to the Safety Element.

Mr. Krispi provided clarification.

Commissioner Slate concurred with previous comments regarding the need for cooling systems as a result of extreme heat and smoke events.

Commissioner Mollica stated that wildfire safety and Climate Change, especially rising sea tides, should be high priorities in the Safety Element.

Commissioner Dravnieks Apple inquired about how air quality issues will be addressed in the Safety Element.

Mr. Krispi replied that air quality from wildfires will be considered and there will be opportunity to address public resilience to this hazard.

Chair Birdseye commented on Climate Change and the potential issues with Valero being within the flood plain. Chair Birdseye stated that addressing drought-related challenges should also be a priority, as should updating wildfire vulnerability maps.

Ex-Officio Marilyn Bardet agreed with the comments regarding drought. Ms. Bardet emphasized focus on water supply, air quality, fire prevention, and health and safety education. Ms. Bardet stated concern for lack of fencing and fire risk in the Arsenal area.

11. Communications From Staff

Vic Randall, Senior Planner, provided information to the Commissions regarding upcoming community meetings about the Housing Element.

12. Communications From Commissioners

None.

13. Adjournment

7:29 p.m.

MINUTES OF THE BENICIA PLANNING COMMISSION

**Benicia City Hall, 250 East L Street
Council Chamber and Conference Room 1
Benicia, CA 94510
April 14, 2022
7:00 PM**

Accessing The Meeting

1. Call To Order

Chair Mollica called the meeting to order at 7:04 p.m.

2. Roll Call Of Commissioners

Present: Commissioners Catton, Dravnieks Apple, Hayer, Kallios, and Chair Mollica

Absent: Commissioners Slate and Birdseye

Staff: Suzanne Thorsen, Community Development Director
Vic Randall, Senior Planner
Evan Gorman, Associate Planner
Mary Wagner, Assistant City Attorney
Colette Schow, Administrative

3. Pledge Of Allegiance

4. Reference To Fundamental Rights Of Public

The fundamental rights of each member of the public can be found in the municipal code posted on the City's website per section 4.04.030 of the City of Benicia's Open Government Ordinance.

5. Adoption Of Agenda

On a motion by Commissioner Kallios, seconded by Commissioner Catton, the Commission adopted the agenda on a roll call by the following vote:

Ayes: Commissioners Catton, Dravnieks Apple, Hayer, Kallios, and Chair Mollica

Noes: (none)

6. Opportunities For Public Comments

7. Written Comment

7.A St. Dominic's Conference Public Comment

[St Dominic's Conference Public Comment](#)

8. Public Comment

None.

9. Consent Calendar

9.A APPROVAL OF MINUTES FROM JANUARY 25, 2022

[1-25-22 DRAFT MINUTES](#)

9.B APPROVAL OF MINUTES FROM MARCH 10, 2022

[3-10-22 DRAFT MINUTES](#)

Commissioner Hayer made a correction to the March 10, 2022 minutes that he was not present at the meeting.

On a motion by Commissioner Catton, seconded by Commissioner Hayer, the Commission adopted the consent calendar with the correction as stated by Commissioner Hayer on the March 10, 2022 minutes on a roll call by the following vote:

Ayes: Commissioners Catton, Dravnieks Apple, Hayer, Kallios, and Chair Mollica

Noes: (none)

10. Regular Agenda Items

10.A Use Permit Modification for Emergency Supply Accessory Structure

[Staff Report - 825 East Fifth Street](#)

[1. Draft Resolution with Exhibits](#)

[2. Use Permit 97-8](#)

[3. Prior Agenda Item \(excluding attachments\) for Shipping Container Appeal](#)

[4. Appeal Determination Resolution \(21-6\)](#)

[5. Planning Commission Minutes - October 14, 2021](#)

Evan Gorman, Associate Planner, made a staff presentation.

Commissioner Dravnieks Apple inquired about a timeline for enforcement of removing the shipping container.

Mr. Gorman provided clarification.

Commissioner Hayer asked for clarification on why materials being distributed offsite was a condition.

Mr. Gorman provided clarification that the condition was included due to zoning.

Commissioner Catton asked if the condition was in the original condition of approval.

Mr. Gorman replied with clarification of conditions.

PUBLIC COMMENT:

1. Tom Carroll, President of the St. Vincent de Paul Society of Benicia, made comments in support of the use of the storage unit.

Commissioner Kallios stated that the design is compatible with the neighborhood and thanked the applicant.

Commissioner Hayer agreed with Commissioner Kallios' comments and stated that the design fits with the neighborhood and the use and conditions seem appropriate. Commissioner Hayer inquired about enforcement and timeline for removing the shipping container.

Commissioner Dravnieks Apple thanked the applicant for revising the design and stated concern for the enforcement and timeline of the removal of the shipping container.

Mr. Gorman provided clarification on the enforcement and timeline of removing the shipping container.

Commissioner Catton thanked staff for the presentation and the applicant for the improvement on the design. Commissioner Catton stated concern about the timeline of the removal of the shipping container.

Commissioner Hayer commented on the enforcement of the removal of the shipping container.

On a motion by Commissioner Hayer, seconded by Commissioner Kallios the Commission approved Item 10.A on a roll call by the following vote:

Ayes: Commissioners Catton, Dravnieks Apple, Hayer, Kallios, and Chair Mollica

Noes: (none)

11. Communication From Staff

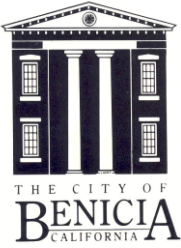
Mr. Randall updated the Commission regarding a virtual workshop for the Parks, Trails, and Open Space Master Plan.

12. Communication From Commissioners

None.

13. Adjournment

Chair Mollica adjourned the meeting at 7:47 p.m.



Planning Commission Staff Report

May 12, 2022

Subject: Housing Opportunity Sites Overlay District Discussion Item

Staff Recommendation

Receive the staff report and presentation, accept public comment, and provide feedback on the outline approach for the Housing Opportunity Sites Overlay District. This item is presented for discussion and feedback and no formal action is requested at this time.

Background

Every eight years, each California city and county must update the Housing Element of their General Plan and have it certified by the California Department of Housing and Community Development (HCD). The Housing Element must plan for the housing needs of the community at all economic levels and ensure that adequate sites are zoned to meet the City's projected housing need over the upcoming eight-year planning cycle. On April 7, the Planning Commission reviewed and provided feedback on a draft Housing Opportunity Sites Inventory. The inventory, provided as Attachment 1, was revised and subsequently affirmed by the City Council on April 19, 2022.

Beginning in January 2022, the City has conducted various outreach meetings and study sessions concerning the Housing Element and the sites inventory. During these meetings, it has been noted that in order for the Housing Element to be certified by the State, the City will need to rezone certain Housing Opportunity Sites and make associated General Plan amendments.

In some cases, the City will pursue a change in the site zoning designation (e.g. from General Commercial to Mixed Use-Infill). However, in other instances, the City is proposing an overlay zone that would apply in combination with the underlying (base) zoning. The overlay approach is still considered a "rezone" and would result in a change to the permitted uses and development standards to align with the densities identified in the opportunity sites list. However, it would allow the City to focus the rezoning in a manner that specifically aligns with the Housing Element and to keep existing underlying land use rights and entitlements intact.

Based on the City's understanding of the Department of Housing and Community Development's review to date, the overlay is most likely to be acceptable in the following circumstances:

- Overlay is applied to sites under the City's control (where development of another type of use is not anticipated) or on sites that are residentially zoned; or
- Underlying (base) zoning allows the residential use.

Accordingly, the proposed zoning approach will align opportunity sites with the General Plan and base zoning to ensure that the regulations are consistent.

The broad concepts of the overlay approach, which are modeled on the Mixed Use-Limited District¹, were described in the agenda items for the Planning Commission and City Council in April 2022 to include:

- Residential multifamily density of up to 30 dwelling units per acre; and
- Allowance of at least 4 multifamily units per parcel; and
- Permitted height of 35 feet / 3 stories.

The proposed Overlay District would be applied to housing opportunity sites that are not proposed for rezoning to Mixed Use-Infill (e.g., Solano Square/Davies Square, Southampton Center, 2170 Columbus Parkway and 670 East H Street) or already zoned Mixed Use-Infill or Mixed Use-Limited.

Outline of Zoning Approach

The proposed Housing Opportunity Sites Overlay District would be adopted as a new chapter of the Benicia Zoning Ordinance. A conceptual outline of the overlay district is provided below for public review and comment.

Applicability:

The overlay district may be combined with any parcel identified in the Housing Opportunity Sites Inventory of the Housing Element to facilitate the development of multifamily, group residential, supportive housing or transitional housing use, when the base zoning is one of the following:

- o R Residential Districts (Single Family, Medium Density, High Density)
- o PS Public and Semipublic District
- o OS Open Space District
- o C Commercial Districts (Community Commercial and Office Commercial only)
- o Downtown Mixed Use (Town Core, Town Core-Open, Neighborhood General, Neighborhood General-Open)

¹ The Mixed Use-Limited District can be viewed here: [Chapter 17.26 MIXED USE DISTRICTS \(codepublishing.com\)](#)

Land Use:

1. Permitted Uses
 - Multifamily Residential
 - Group Residential
 - Supportive Housing
 - Transitional Housing

2. Ground Floor Use - In a C District, PS District, Town Core or Town Core Open District of the Downtown Mixed Use Master Plan, residential use specified by the Overlay District shall be permitted on the ground floor; provided that there shall also be a ground floor public and semipublic or commercial use on-site or on a contiguous parcel under the same ownership (“horizontal mixed use”). Such public and semipublic or commercial use shall be permitted by the underlying zoning district
 - a. The ground floor nonresidential use shall provide a floor area of at least 1,000 square feet.
 - b. The ground floor nonresidential use must be accessible from and adjoining the front or corner side yard and may be located within the same structure or a separate structure as the residential use.
 - c. The exception to this standard is that an allowed ground floor use, as specified in the Town Core Zone, must be provided along the entire ground floor frontage of First Street to a minimum depth of 50 feet.

Development Regulations:

1. Project shall comply with the development regulations of the base zoning district, except where the overlay district is more permissive in favor of housing.

2. Density – Max. 30 dwelling units per acre (min. site area per unit of 1,452 square feet). On any parcel legally existing as of January 31, 2023, four multifamily dwelling units would be permitted on the parcel, regardless of parcel size, as long as the project complies with all other applicable standards.

3. Height – Maximum height of 35 feet and three stories.

4. Floor Area Ratio – maximum floor area ratio (FAR) in the OS and PS Districts shall be 1.0.

5. Yards –
 - A. Minimum yards in the OS and PS Districts shall be as follows:
 - Front Yard: 15 feet
 - Side Yard: 5 feet
 - Corner Side: 10 feet
 - Rear Yard: 15 feet

B. The front yard for any parcel in an R or C District may be reduced to the average setback of the blockface, where lots comprising 40 percent of the frontage on a blockface are improved with buildings². The average setback of the blockface is determined by calculating the front yard depths for existing structures (excluding detached garages or carports) on each developed site on the blockface.

Design Standards:

1. Any housing proposed in the overlay district must comply with the City of Benicia's Objective Planning and Design Standards for Mixed-Use Residential and Multifamily Development pursuant to section 17.70.430.
2. Projects in the Downtown Mixed Use Master Plan Area shall comply with the applicable standards of the form-based code (Chapter 4); except that the permitted building height is 35 feet and 3 stories.
3. Projects in an R, C, PS or OS District shall comply with design standards, which will be proposed based on the Mixed Use – Limited District, BMC Chapter 17.26.030:
 - a. Building Width and Wall Modulation
 - b. Upper Story (3rd story) massing
 - c. Balconies and Neighbor privacy
 - d. Garage Frontage
 - e. Primary Entrance Design

Development Plan Review:

1. Design review would be required pursuant to BMC Chapter 17.108 (Design Review), except when pre-empted by State Law.
2. For projects requiring discretionary design review, the review authority may allow deviation from one or more design standards through the design review process. Any deviation from the Development Regulations (e.g., density, height, FAR, Yards) would require separate approval of a zoning variance.

Corresponding Amendments to Municipal Code and DMUMP:

The Zoning Ordinance and Downtown Mixed Use Master Plan would be amended, as needed, to specify that the Housing Opportunity Sites Overlay District authorizes

² Definition per BMC Chapter 17.12: "Blockface" means the properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or city boundary.

residential land uses to sites designated as Housing Opportunity Sites in the Benicia General Plan Housing Element.

General Plan Amendments:

In addition to the Housing Element, which is an amendment to the General Plan³, the Land Use and Growth Management Chapter would be modified to establish a clear linkage between the purpose and objectives of the Housing Element in concert with the land use classifications of the General Plan, to acknowledge housing as an essential need and component of sustainability in certain infill settings as follows:

An adequate supply of housing, and land zoned to accommodate future housing need, is an essential element of community sustainability. Accordingly, a land use plan that accommodates housing uses in compatible infill settings is consistent with the overarching goals and specific policies of this General Plan. Where sites are specifically identified in the Housing Opportunity Sites Inventory of the current adopted Housing Element, residential use at the density specified within the Housing Element sites inventory shall be considered consistent with the following land use categories and shall be permitted at a density of up to 30 dwelling units per acre: Residential (all), Community Commercial, Business and Professional Offices, Public and Quasi Public and Open Space.

Next Steps

Following the study session, staff will make necessary revisions to the outline approach and prepare a draft zoning text amendment for public review.

Attachments:

1. Draft Housing Opportunity Sites Inventory List
2. Draft Housing Opportunity Sites Inventory Map

For more information contact: Suzanne Thorsen, Community Development Director

Phone: 707.746.4280

E-mail: sthorsen@ci.benicia.ca.us

³ The General Plan can be viewed online: [General Plan - Planning - Benicia, California](#)

Draft Housing Opportunity Sites Inventory

APN	Acres	Zoning	Proposed Zoning	Upzone or Rezone Density	Max Upzone Dwelling Units	Upzoned Realistic Development Capacity	Address	Housing Sites Inventory
0086047040	0.84	RS	RH with Overlay Zone	30	25	19	1400 Military West	Yes
0079020360	2.47	CG	MU-I	44	109	83	2170 Columbus Parkway	Yes
0087122200	0.43	RS	RH with Overlay Zone	30	13	9	255 Military West	Yes
0087200090	0.38	CG	RH with Overlay Zone	30	11	8	W. 2nd, second parcel north of Military West	Yes
0087161010	0.47	RS	RH with Overlay Zone	30	14	10	200 block between Military West and West K Street	Yes
0087161140	0.08	RS	RH with Overlay Zone	30	2	1		
0087161150	0.09	RS	RH with Overlay Zone	30	3	2		
0087161220	0.46	RS	RH with Overlay Zone	30	14	10		
0088141060	5.16 (0.45 developable)	PS	PS with Overlay Zone	30	39	30	230 East L Street	Yes
0088141070	2.52 acres (0.85 developable acres)	PS	PS with Overlay Zone	30			150 East L Street	
0088113010		PS	PS with Overlay Zone	30			187 East L	
0088113030		PS	PS with Overlay Zone	30			n/a	
0088113020		PS	PS with Overlay Zone	30			n/a	
0088124040		0.25	MU-I	MU-I	44	11	8	456 Military East
0088124140	0.26		MU-I	44	11	3	498 Military East	Yes
0088092040	0.43	MU-I	MU-I	44	19	14	1401 East Fifth Street	Yes
0088102040	0.43	MU-I	MU-I	44	19	14	502 East N Street	Yes
0088102140	0.14	MU-I	MU-I	44	6	4		Yes
0088102050	0.44	MU-I	MU-I	44	19	14		Yes
0088121110	0.14	MU-I	MU-I	44	6	4	385 Military East	Yes
0089062030	0.21	RS	RS with Overlay Zone	30	6	4	356 East I Street	Yes
0088091120	0.24	RS	RS with Overlay Zone	30	7	5	353 East N Street	Yes
0088091110	0.24	RS	RS with Overlay Zone	30	7	5	363 East N Street	Yes
0088091100	0.24	RS	RS with Overlay Zone	30	7	5	373 East N Street	Yes
0080140670	9.41 (appx. 5.65 acres developable)	PS	RH with Overlay Zone	30	170	130	1471 Park Road at 780	Yes

Attachment 1 - Draft Housing Opportunity Sites Inventory List

APN	Acres	Zoning	Proposed Zoning	Upzone or Rezone Density	Max Upzone Dwelling Units	Upzoned Realistic Development Capacity	Address	Housing Sites Inventory
0080180050	10.53 (total parcel); appx 5.5 acres developable	IL	MU-I	44	242	186	670 East H Street	Yes
0089074100	0.22	RM	RM with Overlay Zone	30	7	5	H Street at E. 6th	Yes
0089074330	0.8	RM	RM with Overlay Zone	30	24	18		Yes
0089074020	0.29	RS	RS with Overlay Zone	30	9	6	612 E I St	Yes
0089074030	0.43	RS	RS with Overlay Zone	30	13	9	600 block of East I	Yes
0089076120	0.14	RS	RS with Overlay Zone	30	4	3	800 East 7th Street	Yes
0089076130	0.14	RS	RS with Overlay Zone	30	4	3	808 East 7th Street	Yes
0089076140	0.14	RS	RS with Overlay Zone	30	4	3	888 East 7th Street	Yes
0089076090	0.34	RS	RS with Overlay Zone	30	10	7	Along East 7th Street	Yes
0088123140	0.14	MU-I	MU-I	44	6	4	475 Military East	Yes
0086151110	13.67	CG	MU-I	44	601	463	802 Southampton Road	Yes
0086062110	1 acre (full parcel); appx. 0.67 acres developable	RS	RS with Overlay Zone	30	20	15	1280 West 11th Street	Yes
0087011810	1.01	CO	MU-I	44	44	34	701 Southampton Road	Yes
0087011530	3.61 acres (full parcel); appx. 0.50 acres developable	RS	RS with Overlay Zone	30	15	11	1055 Southampton Road	Yes
0086212010	13.83	OS	OS with Overlay Zone	30	81	62	Open space at the corner of Southampton and Hastings Roads, extending north to Brentwood Drive.	Yes
0087144010	0.38	RM	RM with Overlay Zone	30	11	8	1030 West 6th	Yes
0087144060	0.02	RM	RM with Overlay Zone	30	1	1		
0087200100	0.47	CG	MU-I	44	21	15	10 Solano Square	Yes
0087200040	1	CG	MU-I	44	22	17	20 Solano Square	
0087200050	1.19	CG	MU-I	44	52	40	25-79 Solano Square	

Attachment 1 - Draft Housing Opportunity Sites Inventory List

APN	Acres	Zoning	Proposed Zoning	Upzone or Rezone Density	Max Upzone Dwelling Units	Upzoned Realistic Development Capacity	Address	Housing Sites Inventory
0087200060	1.88	CG	MU-I	44	83	63	40-50 Solano Square	
0087200070	0.67	CG	MU-I	44	29	22	60 Solano Square	
0087200080	0.73	CG	MU-I	44	32	24	70 Solano Square	
0087200130	0.77	CG	MU-I	44	34	26	84, 86, 90 Solano Square	
0087200120	1.15	CG	MU-I	44	51	38	72, 74, 76, 77, 78 Solano Square	
0088111020	0.26	CG	MU-I	44	11	8	160 East N Street	Yes
0088111100	0.16	CG	MU-I	44	7	5	164 East N Street	Yes
0088111070	0.37	CG	MU-I	44	16	12	155 East Military	Yes
0088111080	0.19	CG	MU-I	44	8	6	177 East Military	Yes
0088111090	0.49	CG	MU-I	44	22	16	191 East Military	Yes
0088111120	0.05	CG	MU-I	44	2	2		Yes
0088111110	0.37	CG	MU-I	44	16	12	1367 East Second	Yes
0089044090	0.43	TC	TC with Overlay Zone	29.9	13	9	827 First Street	Yes
0089371110	1.66 ; appx. 0.75 acres developable	NG	NG with Overlay Zone	30	23	17	560 First Street	Yes
0089371020	0.43	NG	NG with Overlay Zone	30	13	9	190 East F Street	Yes
0089052290	0.21	NG	NG with Overlay Zone	30	6	4	163 East H Street	Yes
0089052160	0.9	TC-O	TC-O with Overlay Zone	30	27	20		Yes
0089173190	0.12	TC-O	TC-O with Overlay Zone	30	4	2		Yes
0089053110	0.43	PS	PS with Overlay Zone	30	13	9	900 East Second Street	Yes
0089053100	0.22	PS	PS with Overlay Zone	30	7	5	900 East Second Street	Yes
0089053090	0.22	PS	PS with Overlay Zone	30	7	5	900 East Second Street	Yes
0089053010	0.43	NG-O	NG-O with Overlay Zone	30	13	9	202 East J Street	Yes
0087144100	0.12	CC	CC with Overlay	30	4	2	507 Claverie Way	Yes

Attachment 1 - Draft Housing Opportunity Sites Inventory List

APN	Acres	Zoning	Proposed Zoning	Upzone or Rezone Density	Max Upzone Dwelling Units	Upzoned Realistic Development Capacity	Address	Housing Sites Inventory
0087143130	1.63; appx. 1.14 acres developable	RS	RH with Overlay Zone	30	34	26	Incl. 1113-1115 W. 5th, (bounded by Military West, W. 5th, and K Street)	Yes
0086050030	0.16	RS	RS with Overlay	30	5	3	mid-block Church St.	Yes
0086050040	0.13	RS	RS with Overlay	30	4	3	mid-block Church St.	Yes
0087021160	20.12; appx. 4.0 acres developable	PS	PS with Overlay Zone	30	120	92	150 Riverhill Drive	Yes
0080150260	0.29	CG	CO with Overlay Zone	30	9	6	1043 Grant Street	Yes
0080150320	0.71	CG	CO with Overlay Zone	30	21	16	1025 Grant Street	Yes
0080150330	0.51	CG	CO with Overlay Zone	30	15	11		Yes
0086350070	42.4; appx. 2.7 acres developable	OS	OS with Overlay Zone	30	81	62	Open Space between Cambridge and London Circle, above I-780	Backup Site
0087401010	5.38 (developable TBD)	OS	OS with Overlay Zone	30	TBD	TBD	Open Space north of Chadwick Way	Backup Site
0087402350	5.16 total; appx. 2.1 acres that aren't linear OS behind residences	OS	OS with Overlay Zone	30	63		Open Space at Chelsea Hills Drive and Chadwick Way	Backup Site
0086410270	3.13	RS	RS with Overlay Zone	30	94	72	882 Blake Court	Backup Site
0089072170	0.22	RM	RM with Overlay Zone	30	7	5	500 block of East H Street	Backup Site
0089072160	0.22	RM	RM with Overlay Zone	30	7	5	535 East H Street	Backup Site
0089072150	0.21	RM	RM with Overlay Zone	30	6	4	543 East H Street	Backup Site
0089115160	0.14	TC	TC with Overlay Zone	30	4	3	125 West F Street	Backup Site
0080161130	0.22	RS	RS with Overlay Zone	30	7	5	705 East 6th Street	Backup Site
0089372180	0.43	TC	TC with Overlay Zone	29.9	13	9	117 East D Street	Backup Site
0089044320	0.14	TC-O	TC-O with Overlay Zone	30	4	3	111 West H Street	Backup Site
0089044330	0.11	TC-O	TC-O with Overlay Zone	30	3	2		Backup Site

Attachment 1 - Draft Housing Opportunity Sites Inventory List

APN	Acres	Zoning	Proposed Zoning	Upzone or Rezone Density	Max Upzone Dwelling Units	Upzoned Realistic Development Capacity	Address	Housing Sites Inventory
0087121230	2.13; appx 0.53 acres developable	RS	RS with Overlay	30	16	12	1305 W. 2nd Street	Backup Site
0087141060	1.62	CC	CC with Overlay	30	49	37	1150 West Seventh Street	Backup Site
0089025080	0.36	CC	CC with Overlay	30	11	8	510 West J Street	Backup Site
0088083350	1.5	RS	RS with Overlay Zone	30	45	34	1400 East Second	Backup Site
0089064100	0.29	RS	RS with Overlay	30	9	6	825 East Fifth	Backup Site
0087114220	0.44	CC	CC with Overlay	30	13	10	335 West Military	No
0087153340	0.21	CC	CC with Overlay	30	6	4	310 West Military	No
0087611030	0.21	CC	CC with Overlay	30	6	4	300 West Military	No
0089012250	0.76	CC	CC with Overlay	30	23	17	810 West Ninth Street	No
0089012310	0.15	RS	RS with Overlay	30	5	3		No
0089081180	0.57 (appx. 0.2 acres developable)	RS	RS with Overlay	30	6	4	876 West H Street	No
0086162110	3.76; appx. 2.75 acre parking lot developable	RS	RS with Overlay	30	83	63	1125 Southampton Road	No
0087511150	2.05; appx. 1.2 acre parking lot developable	RS	RS with Overlay	30	36	27	201 Raymond Drive	No
0181260090	20; appx. 2.0 acres developable	OS	OS with Overlay Zone	30	60	46	2201 Lake Herman Road	No
0088042180	0.05	RM	RM with Overlay Zone	30	2	2	1845 East Third Street	No
0088042160	0.36	RM	RM with Overlay Zone	30	11	8	1845 East Third Street	No
0088042060	0.08	RM	RM with Overlay Zone	30	2	1	1845 East Third Street -	No
0088042190	0.07	RM	RM with Overlay Zone	30	2	1	1845 East Third Street -	No
0086250250	2.45; appx. 0.80 acres developable	RS	RS with Overlay	30	24	18	1315 Military West	No

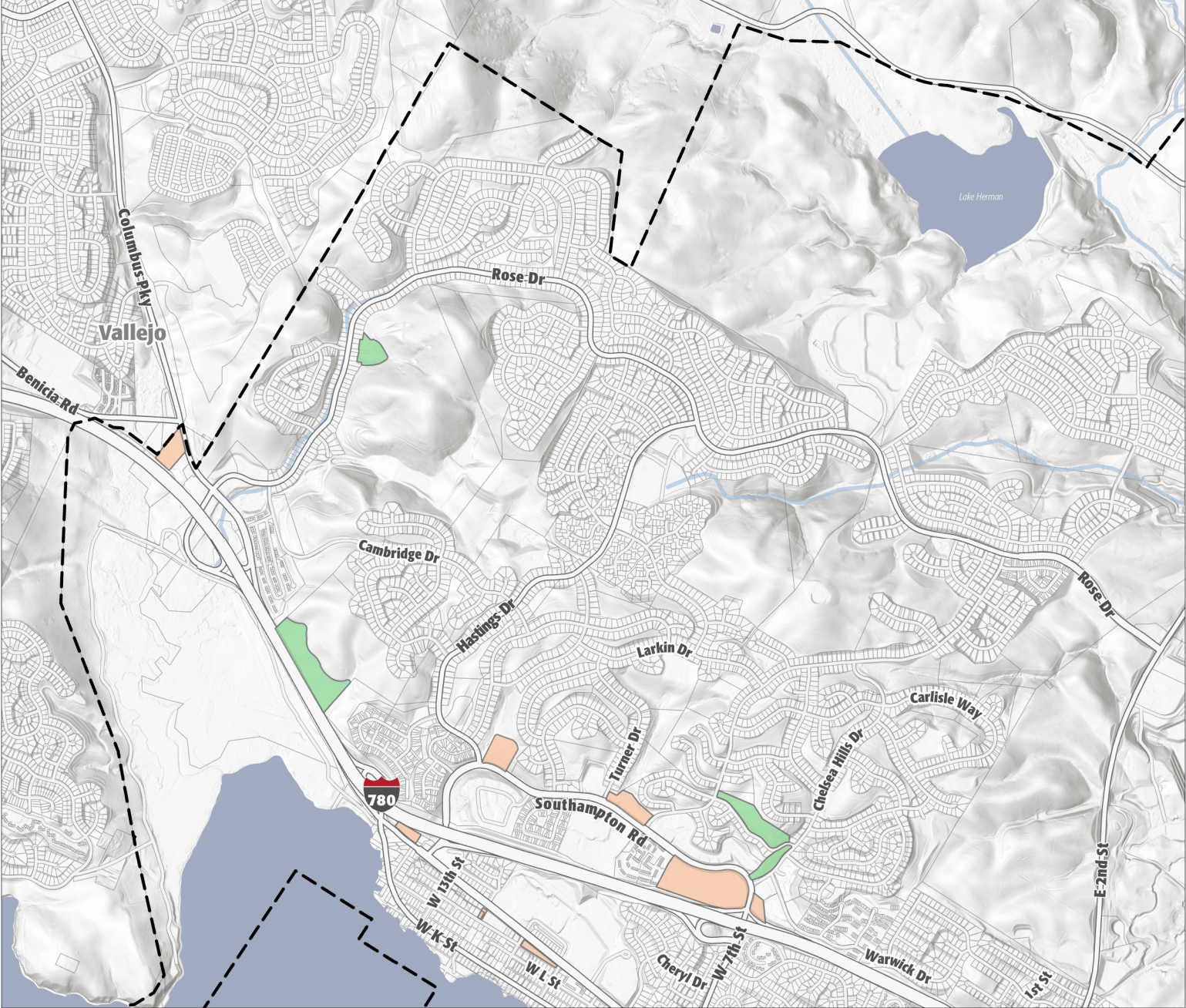
Attachment 1 - Draft Housing Opportunity Sites Inventory List

APN	Acres	Zoning	Proposed Zoning	Upzone or Rezone Density	Max Upzone Dwelling Units	Upzoned Realistic Development Capacity	Address	Housing Sites Inventory
0087134050	0.43 (assume 1 total acre is developable across all parcels)	OS	OS with Overlay Zone	30	30	23	Adjacent to Willow Glen Park, between Military and K Streets, just west of W. 7th	No
0087134540	0.06 (assume 1 total acre is developable across all parcels)	OS	OS with Overlay Zone	30				No
0087134120	0.57 (assume 1 total acre is developable across all parcels)	OS	OS with Overlay Zone	30				No
0087134690	0.08 (assume 1 total acre is developable across all parcels)	OS	OS with Overlay Zone	30				No
0087074100	0.43	CO	CO with Overlay Zone	30	13	9	175 East N Street	No
0087074110	0.22	RS	RS with Overlay Zone	30	7	5	163 East N	No
0087074120	0.22	RS	RS with Overlay Zone	30	7	5	155 East N	No
0087074130	0.42	CO	CO with Overlay Zone	30	13	9	125 East N	No
0087074150	0.34	RS	RS with Overlay Zone	30	10	7	121 East N	No
0087070530	0.31	RS	RS with Overlay Zone	30	9	7	On N Street	No
0088083390	0.52	PD	MU-L	30	16	12	1440 East Second	No
0088083360	0.35	CG	MU-L	30	11	8	1410 East Second	No
0089441070	0.46	CC	CC with Overlay	30	14	10	271-289 East H Street	No
0086041250	0.82	CC	CC with Overlay	30	25	18	1440 West Military	No
0086047100	0.18	RS	RS with Overlay	30	5	4	1403 West Military	No
0086047110	0.13	RS	RS with Overlay	30	4	3	1401 West Military	No
0086047030	0.02		??	30	1	1		No
0086047050	0.23	RS	RS with Overlay	30	7	5	1407 West Military	No
0086047080	0.07	RS	RS with Overlay	30	2	1	(runs with 1407 West Military)	No

Attachment 1 - Draft Housing Opportunity Sites Inventory List

APN	Acres	Zoning	Proposed Zoning	Upzone or Rezone Density	Max Upzone Dwelling Units	Upzoned Realistic Development Capacity	Address	Housing Sites Inventory
0088164240	0.22	RS	RS with Overlay	30	7	5	633 East J	No
0088131250	0.49	MU-1	MU-1	44	22	16	1322 1/2 East 5th Street	No

HOUSING ELEMENT
CITY OF BENICIA



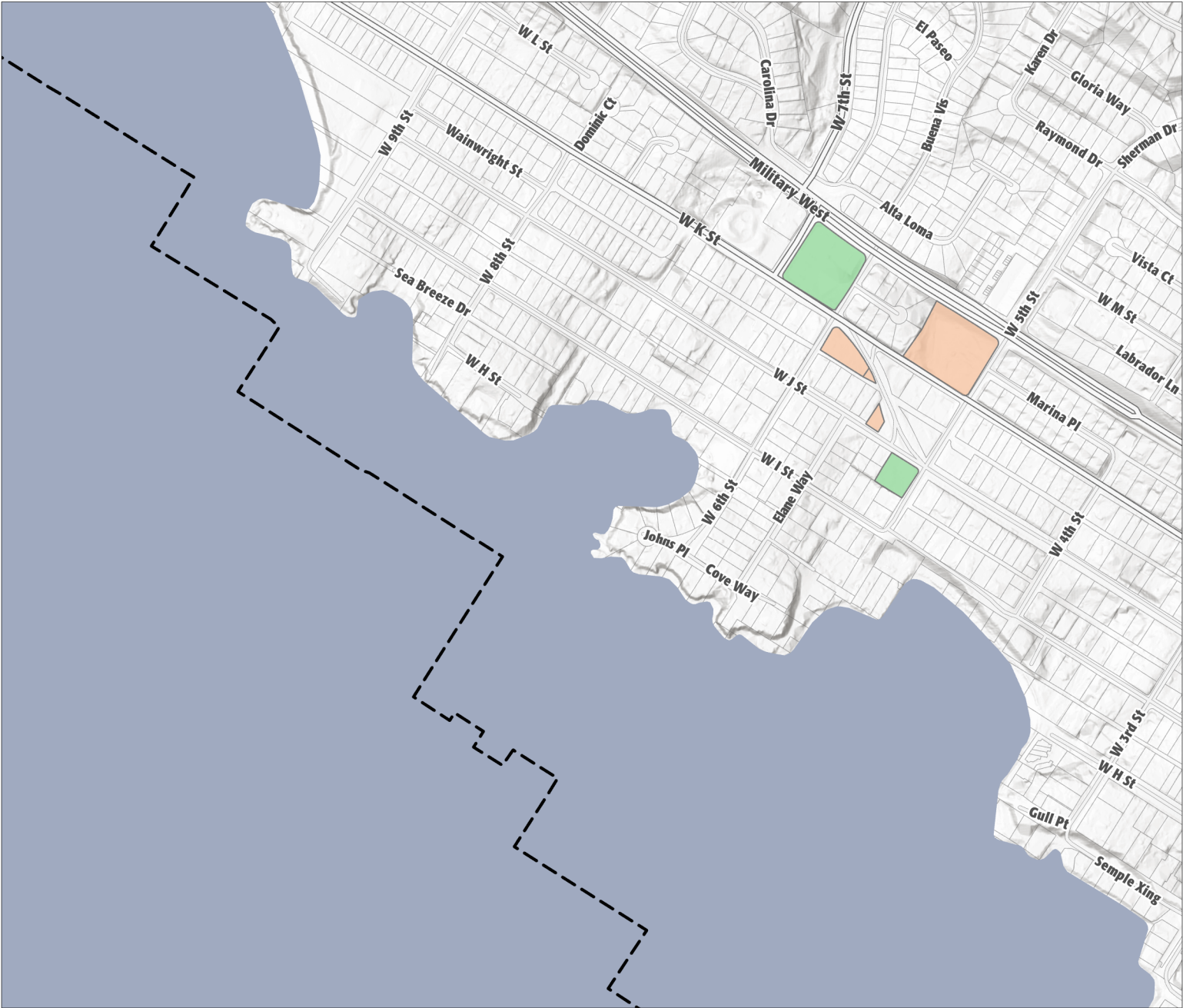
**Tiered
Opportunity Sites**

- City Limit
- Parcels
- Housing Sites Inventory**
- Yes
- Backup Site



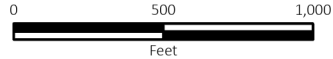
Revision Date: 4/11/2022

HOUSING ELEMENT
CITY OF BENICIA



**Tiered
Opportunity Sites**

- City Limit
- Parcels
- Housing Sites Inventory**
- Yes
- Backup Site







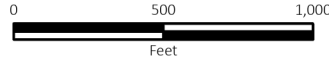
Revision Date: 4/11/2022

HOUSING ELEMENT
CITY OF BENICIA



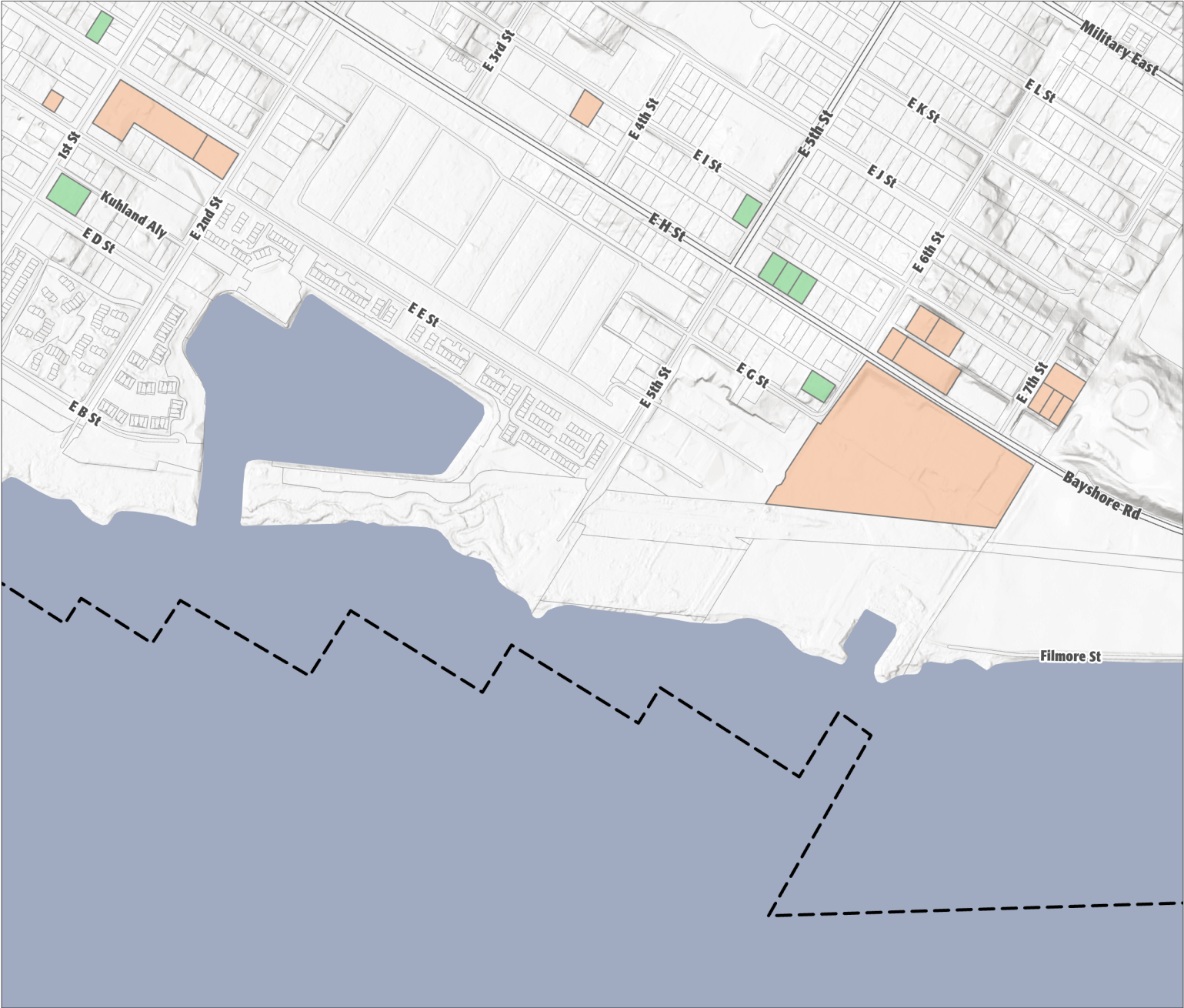
Tiered Opportunity Sites

-  City Limit
-  Parcels
- Housing Sites Inventory**
-  Yes
-  Backup Site



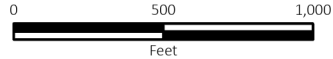
Revision Date: 4/11/2022

HOUSING ELEMENT
CITY OF BENICIA



Tiered Opportunity Sites

- City Limit
- Parcels
- Housing Sites Inventory**
- Yes
- Backup Site



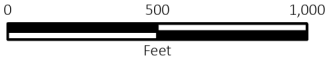
Revision Date: 4/11/2022

HOUSING ELEMENT
CITY OF BENICIA

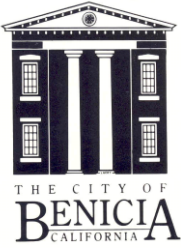


Tiered Opportunity Sites

- City Limit
- Parcels
- Housing Sites Inventory**
- Yes



Revision Date: 4/11/2022



Planning Commission Staff Report

May 12, 2022

Project: Zoning Text Amendment and Use Permit to Authorize a Day Care Center at Northgate Church (Northgate Childcare Center)

Application: PLN-22-15

Location: 2201 Lake Herman Road

APN: 0181-260-090

Owner/Applicant

Northgate Christian Fellowship
2201 Lake Herman Road
Benicia, CA 94510

Staff Recommendation

Conduct the public hearing and move to adopt the following resolutions:

1. Recommending that the City Council of the City of Benicia adopt an Ordinance amending Title 17 (Zoning) of the Benicia Municipal Code to enable day care center uses in the Open Space District, when located on the grounds and within the facilities of a duly permitted religious assembly use.
2. Conditionally approving a use permit, subject to conditions, for the Northgate Childcare Center located in the Open Space (OS) District, based on the findings of approval and subject to the conditions listed in the proposed resolution, after a public hearing and determination that the project is exempt from CEQA.

Project Description

The proposed project includes (1) approval of a zoning text amendment to Benicia Municipal Code (BMC) Chapter 17.36 (OS Open Space District) to allow Day Care Centers as a conditional use on parcels that also house religious assembly uses; and (2) approval of a use permit to allow a Day Care Center within existing facilities of Northgate Church.

The applicant proposes to amend Chapter 17.36 (OS Open Space District) to conditionally permit Day Care Center uses in the OS District.¹ Doing so would enable the City of Benicia to authorize a use permit for a Day Care Center within the Northgate Christian Fellowship's religious assembly facility at 2201 Lake Herman Road. Northgate Christian Fellowship is a privately-owned property currently zoned OS. In addition, the applicant seeks approval of a Use Permit, which would take effect only upon the effective date of the proposed zoning text amendment.

The proposed zoning text amendment would amend the BMC as follows:

¹ Pursuant to BMC Section 17.120.020 amendments to zoning regulations and the zoning map may be initiated by the City Council, Planning Commission or by petition of any resident, property owner or business owner in the City.

BMC Chapter 17.36: Section 17.36.030 (Land use regulations) would be amended to add “Day Care Center” to the land use schedule along with the additional regulation related to the allowed location of day care uses and off-street parking, as shown below:

OS District: Land Use Regulations

- P - Permitted
- U - Use Permit
- L - Limited (See “Additional Use Regulations”)
- - Not Permitted

	OS	Additional Regulations
Public and Semipublic		
<u>Day Care Center</u>	<u>U</u>	<u>(J)</u>

(J) A day care center may be conditionally permitted only when it would be located on the grounds and within the facilities of a duly permitted religious assembly use. Adequate off-street parking for the day care center shall be provided for per BMC Chapter 17.74, except when the applicant demonstrates consistency with the findings for collective provision of parking pursuant to BMC 17.74.040 and the collective provision of parking is specifically authorized by the use permit for a day care facility.

The applicant proposes to occupy six existing classrooms, which are currently used for children during regular Sunday church services, to provide weekday childcare services for 60-89 children ages 0-5 years old. The applicant has met with California Community Care Licensing, which has indicated that it expects to be able to license the childcare center with only minor interior changes to existing facilities.

Project Setting

The subject property is a 20-acre parcel located on the north side of Lake Herman Road, east of Lake Herman. The property is developed with a church and related facilities, and is surrounded by undeveloped hills north of Lake Herman Road. The site is zoned Open Space (OS) and has a General Plan designation of Open Space—General. Existing land uses in the surrounding area include vacant undeveloped land in all directions.

Adjacent Land Uses and Designations

North

Use: Undeveloped
 Zoning: A-20 Exclusive Agriculture (County)
 General Plan: Open Space

East

Use: Undeveloped
 Zoning: A-20 Exclusive Agriculture (County)
 General Plan: Open Space

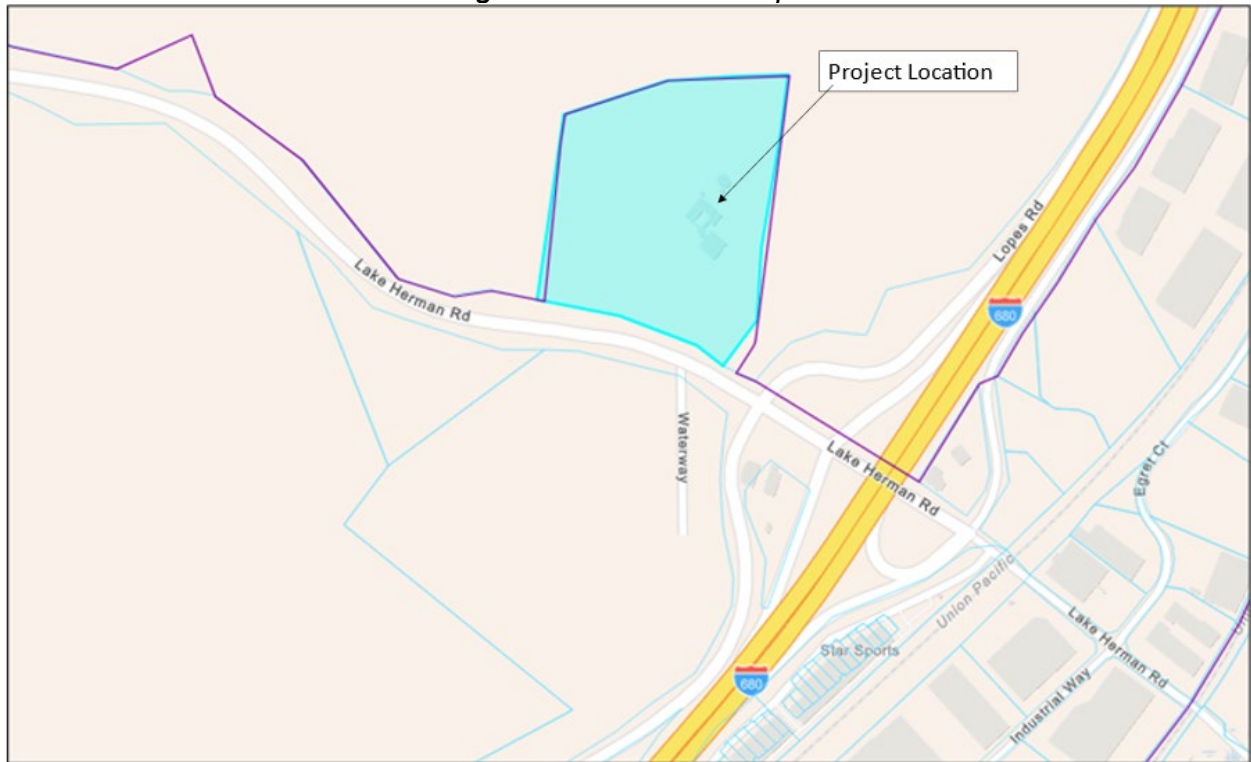
South

Use: Undeveloped
Zoning: General Commercial
General Plan: General Commercial

West

Use: Undeveloped
Zoning: Open Space
General Plan: Open Space

Figure 1 – Location Map



The project site includes a 38,530 square foot church facility, and 7,354 square feet used as classrooms that are proposed for use for the childcare center. A 3,000 square foot outdoor play area will support the childcare center classrooms. The site has 227 existing regular parking spaces and 23 compact parking spaces (total of 250 parking stalls) that serve weekend religious assembly and would also be adequate to meet the weekday parking demand of the proposed Northgate Childcare Center.

Figure 2 – Project Site



Background

The use of the subject property as a religious assembly facility is consistent with the Open Space zoning. Northgate Christian Fellowship is the only church in Benicia’s Open Space District, and is the only church in Benicia that is not currently allowed to operate a day care center use. The proposed zoning text amendment would enable the operation of a day care center with a use permit. The property is not identified as a historic resource.

Prior Land Use Actions

The subject property was annexed to the City of Benicia and zoned OS in 2002. Following the annexation, Northgate Church was reviewed and authorized pursuant to the following.

Date	Land Use Action	Resolution
10/9/2003	Use Permit for Northgate Christian Fellowship	Resolution No. 03-12 (PC)
10/30/2003	Design Review for Northgate Christian Fellowship	Resolution NO. 03-02 (PC)
5/27/2004	Design Review for Northgate Christian Fellowship Campus	Resolution NO. 04-6 (DRC)

12/11/2014	Use Permit Amendment	Resolution No. 14-18 (PC)
12/18/2014	Design Review Amendment	Resolution No. 14-13 (HPRC)

Project Analysis

Chapter 17.16.040 (Public and semipublic use classifications) of the Benicia Municipal Code defines “Day care center” as “a licensed child day care facility other than a family day care home that provides nonmedical care to children under 18 years of age on a less than 24-hour basis, and includes infant centers, nursery schools, preschools, extended day care facilities, and school age child care centers.”

The Zoning Ordinance currently allows day care center uses in the Public/Semi-Public, Residential, Commercial, and Mixed Use Districts. Day care center use is also allowed in the Industrial Districts, excepting Waterfront Industrial, limited to facilities accessory to manufacturing, wholesaling, or distribution. However, day care center use is not currently allowed in the Open Space District.

In order to authorize a day care center, the applicant first must receive approval of a zoning text amendment to add day care center to the use of permitted and conditionally permitted uses in the OS District. Accordingly, the proposed text amendment would amend BMC Chapter 17.36 to add Day Care Center as a conditionally permitted use, when located on the grounds and within the facilities of a duly permitted religious facility.

Use permits are required for uses that are not permitted by right and have operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. The applicant seeks approval of a use permit for a day care center at 2201 Lake Herman Road, conditioned upon the City Council’s approval of the proposed zoning text amendment. The concurrent zoning text amendment and use permit applications allow for the Planning Commission’s full consideration of the requested action and would result in efficiencies for the applicant to commence operations, if the project is approved.

The proposed daycare would be accommodated within the existing facilities of Northgate Christian Fellowship, which currently provides adequate “classroom” space, outdoor facilities and off-street parking to accommodate the use.

Dimensions and standards for off-street parking are contained in BMC Chapter 17.74. Typically, off-street parking will be required as follows:

Use Classification	Off-Street Parking Spaces
Day Care Center	1 per 7 children; maximum enrollment based on maximum occupancy load

Because Northgate Christian Fellowship experiences peak use demand during weekends and some evenings, it can be reasonably anticipated that the activities of the day care center would complement and not overlay with those of the church. As such, Northgate Childcare Center will be eligible to utilize the collective provision of parking as defined in BMC 17.74.040 for existing on-site parking.

The site is not located in close proximity to existing residential and commercial uses; therefore, there are no anticipated adverse impacts related to areas of common concern such as traffic and noise.

Consistency with the General Plan

- Goal 2.1, Policy 2.1.7: *The City shall promote compact urban development within the (Urban Growth Boundary) UGB and shall encourage development of public, semi-public, active recreational, and all other uses deemed desirable for the community inside the UGB.*
- Goal 2.2: *Maintain lands near Lake Herman and north of Lake Herman Road in permanent agriculture/open space use*

Findings of Approval – Use Permit

Pursuant to BMC Section 17.104.060, in order to approve the proposed use permit, the Planning Commission must make the following findings:

- 1) ***The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the Open Space district in which the site is located.*** The proposed use is consistent with the objectives of the Zoning Ordinance as identified in BMC 17.04.030, notably to “foster convenient, harmonious, and workable relationships among land uses.” The use permit will authorize a day care center use, which is compatible with the current and continuing use of the parcel for religious assembly and surrounding undeveloped open space uses, as it would occupy existing facilities. Should the City Council approve the proposed Zoning Text Amendment, the use would comply with the requirements of the Open Space district.
- 2) ***The proposed location of the conditional use and the proposed conditions under which it would be operated is in keeping with the General Plan and will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the City.*** The operation of a day care center at Northgate Church is a low-impact use that would have offset peak traffic, noise and use impacts from

the religious institution and would utilize existing infrastructure and parking to provide day care services in Benicia.

- 3) ***The proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the Open Space district in which it would be located.*** No exterior alterations are proposed, and adequate on-site parking is available to meet the use subject to approval of collective parking pursuant to BMC section 17.74.070. Should the City Council approve the proposed Zoning Text Amendment, the use would comply with the requirements of the Zoning Ordinance.

Findings of Approval – Collective Provision of Parking

Pursuant to BMC Section 17.74.040, the Planning Commission may approve collective provision of parking in association with the requested use permit upon making the following findings:

- 1) **That the collective provision of parking and conditions of approval are in accord with the objectives of this title and the purpose of this chapter.** Existing parking supply of 250 off-street parking spaces that serves weekend, evening and holiday religious services is underutilized on weekdays. This available parking will be more than adequate to meet the required parking of thirteen stalls associated with the proposed day care center use.
- 2) **That the collective provision of parking and conditions of approval are consistent with the general plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.** The collective provision of parking would result in efficient use of land, with offset peak hours for traffic and noise, and no detrimental impacts to public health, safety, or welfare.
- 3) **That the collective parking will comply with all conditions attached to the permit.** The collective parking available through existing parking on site would be adequate to meet the demand generated by the proposed day care center use.

Findings of Approval – Zoning Text Amendment

Pursuant to Benicia Municipal Code Section 17.120.050, the Planning Commission shall make specific findings prior to recommending approval, conditional approval, or disapproval of a zoning text amendment to the City Council. The required findings for the zoning text amendment approval can be met as follows:

- 1) **The proposed zoning regulation or zoning map amendment is consistent with the policies of the general plan and the purposes of the zoning ordinance.** *The proposed zoning text amendment is consistent with the General Plan because it would facilitate the establishment of a semi-public use within the urban growth boundary and would not change the zoning of Open Space or General Plan land use designation of General Open Space for any site. The proposed land use would not hinder adjacent open space and agricultural uses.*

California Environmental Quality Act

The project is Categorically Exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which applies to the operation and minor alteration of existing structures and the “common sense” exemption of Section 15061. The proposed zoning amendment would conditionally permit day care facilities only when located on the grounds of existing religious facilities, resulting in efficient use of land with offset peak hours for traffic, noise and other activities. The proposed Use Permit would authorize a day care center in an existing facility with no expansion of the existing use.

Public Noticing

The application for this project was completed on March 2, 2022, and proceeded in compliance with the Permit Streamlining Act (PSA) as outlined below.

In accordance with Benicia Municipal Code (BMC) Section 17.104.040 (Notice and public hearing), BMC Section 17.120.040 (Public hearing scope and notice) and California Government Code Sections 65090 and 65091 (Notification procedures), notice of public hearing was mailed to 4 interested parties and property owners within 500 feet of the site and posted near the project site at 2201 Lake Herman Road and within Benicia City Hall on Thursday April 28, 2022. Notice of the proposed zoning text amendment was published in the Benicia Herald on May 1, 2022.

March 2, 2022	Project application was submitted.
March 30, 2022	The application was deemed complete.
April 28, 2022	Public hearing notices were mailed and notice was posted.
May 12, 2022	Public hearing before the Planning Commission.

In accordance with Benicia Municipal Code sections 17.104.080 and 1.44.060, the Planning Commission’s decision is subject to a ten-day appeal period. If the Planning Commission makes a decision on May 12, 2022, the appeal period will end on May 26, 2022.

Next Steps

The proposed Zoning Text Amendment is tentatively scheduled to be taken to City Council for a first reading on June 7, 2022, with a second reading tentatively scheduled for June 21, 2022. If approved the proposed amendment would go into effect thirty days after the second reading. The proposed Use Permit, if approved by the Planning Commission, would become effective on the same date as the zoning amendment. Pursuant to the Public Utilities Code (PUC) Section 21676, any local agency whose General Plan includes areas covered by an airport land use compatibility plan shall refer a proposed zoning ordinance to the Airport Land Use Commission (ALUC) for review. The ALUC shall determine whether the proposal is consistent with the adopted airport land use compatibility plan. Benicia falls within the jurisdiction of the Travis Air Force Base Airport Land Use Compatibility Plan (Travis Plan); therefore, the proposed zoning amendments will be reviewed by the Solano County Airport Land Use Commission (ALUC). This review is tentatively scheduled for June 9, 2022.

The project will also require subsequent building and fire construction permits for minor interior tenant improvements and, licensing by California Department of Social Services, Community Care Licensing Division.

Attachments:

1. Draft Resolution Recommending Approval of a Zoning Text Amendment
 - a. Exhibit A – Draft Ordinance Amending Title 17
2. Draft Resolution Conditionally Approving a Use Permit and Collective Provision of Parking for Northgate Childcare Center
 - a. Exhibit A – Project Description
 - b. Exhibit B – Northgate Christian Fellowship Site Plans

For more information contact: Vic Randall, Senior Planner

Phone: 707.746.4278

E-mail: vrandall@ci.benicia.ca.us

RESOLUTION NO. 22- (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BENICIA MAKE CERTAIN FINDINGS AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPT AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE (BMC) TO CONDITIONALLY PERMIT DAY CARE CENTER USES IN THE OPEN SPACE DISTRICT (PLN-22-15)

WHEREAS, Northgate Christian Fellowship has requested a zoning text amendment to conditionally permit day care center use in the Open Space District (PLN-22-15); and

WHEREAS, the Applicant seeks concurrent approval of a use permit (PLN-22-15) to operate a day care center within the existing religious assembly facilities located within Northgate Church at 2201 Lake Herman Road (APN 0181-260-090); and

WHEREAS, the subject property is located in the Open Space (OS) District and has a General Plan designation of General Open Space; and

WHEREAS, the proposed project would require the approval of a use permit from the Planning Commission and an approval of a zoning text amendment from the City Council to establish and permit the said use; and

WHEREAS, the zoning text amendment would amend Benicia Municipal Code Chapter 17.36 (OS Open Space District) to conditionally permit the day care center use classification in the Open Space District, as well as regulations for such use, thereby creating the ability for day care center use to be authorized subject to a use permit in the Open Space District when located on the grounds and within the facilities of a duly permitted religious assembly use; and

WHEREAS, pursuant to California Government Code Section 65853, *et seq.* and Benicia Municipal Code Section 17.120.050 prior to the adoption of amendments to the Zoning Ordinance the Planning Commission shall hold a public hearing and make a recommendation to the City Council; and

WHEREAS, in accordance with Benicia Municipal Code (BMC) Section 17.120.040 (Public hearing scope and notice) and California Government Code Sections 65090 and 65091 (Notification procedures), notice of public hearing was published in the Benicia Herald on May 1, 2022, and mailed to four interested parties and property owners within 500 feet of the site and posted near the project site and within Benicia City Hall on Thursday April 28, 2022.

WHEREAS, the Planning Commission, at a regular meeting on May 12, 2022 conducted a public hearing, accepted public comment and reviewed the proposed amendments to the Benicia Municipal Code Title 17 to allow and regulate day care centers in the Open Space District, adopted this resolution and recommended approval of said amendments to Title 17 to the City Council.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Benicia does hereby recommend that the City Council make the following findings in approving the zoning text amendment for the Northgate Childcare Center project:

- a) This project is categorically exempt from CEQA pursuant to Guidelines Section 15301 which applies to the operation and minor alteration of existing structures and the “common sense” exemption of Section 15061. The proposed zoning amendment would conditionally permit day care facilities only when located on the grounds of existing religious facilities, resulting in efficient use of land with offset peak hours for traffic, noise and other activities.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Benicia does hereby recommend that the City Council of the City of Benicia adopt the ordinance included as Exhibit A to this resolution, amending Title 17 (Zoning) of the Benicia Municipal Code (BMC) to allow and regulate day care centers in the Open Space District. The recommendation is pursuant to Benicia Municipal Code Section 17.120.050 based on the following finding:

1. The proposed zoning regulation or zoning map amendment is consistent with the policies of the general plan and the purposes of the zoning ordinance. *The proposed zoning text amendment is consistent with the General Plan because it would facilitate the establishment of a semi-public use within the urban growth boundary and would not change the zoning of Open Space or General Plan land use designation of General Open Space for any site. The proposed land use would not hinder adjacent open space and agricultural uses.*

On motion of Commissioner _____ and seconded by Commissioner _____, the above Resolution is introduced and adopted by the Planning Commission of the City of Benicia at a regular meeting of the Commission held on the 12th day of May 2022 and adopted by the following vote:

Ayes: Commissioners

Noes: Commissioners

Absent: Commissioners

Abstain: Commissioners

Kari Birdseye, Chair

Date

CITY OF BENICIA

ORDINANCE NO. 22-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE (BMC) TO ALLOW THE DAY CARE CENTER USE CLASSIFICATION IN THE OPEN SPACE DISTRICT WHEN LOCATED ON THE GROUNDS AND WITHIN THE FACILITIES OF A DULY PERMITTED RELIGIOUS ASSEMBLY USE

WHEREAS, Northgate Christian Fellowship (Applicant) has requested approval of a zoning text amendment to allow the day care center use classification, associated regulations, and conditionally permit day care center use in the Open Space District with the approval of a use permit (Application No. PLN-22-15); and

WHEREAS, the Applicant has filed a concurrent application for a use permit (Application No. PLN-22-15) to operate a day care center in existing religious assembly facilities on a 20-acre parcel located on the north side of Lake Herman Road, more specifically described as APN 0181-260-090; and

WHEREAS, the subject property is located in the Open Space (OS) District and has a General Plan designation of General Open Space; and

WHEREAS, the proposed project would require the approval of a use permit from the Planning Commission and an approval of a zoning text amendment from the City Council to allow and permit the said use; and

WHEREAS, the zoning text amendment would amend Benicia Municipal Code Chapter 17.36 (OS Open Space District) to allow the day care center use classification in the Open Space District, as well as regulations for such use, thereby creating the ability for day care center use to be a conditionally permitted use in the Open Space District; and

WHEREAS, the Planning Commission held a public hearing on May 12, 2022, and considered all public and written comment, pertinent information, documents and recommended that the City Council approve the proposed amendments to the Benicia Municipal Code Title; and

WHEREAS, the City Council of the City of Benicia held a duly noticed public hearing, which notice was published in the Benicia Herald on _____, 2022, made certain findings, and introduced this ordinance on _____, 2022.

NOW, THEREFORE, the City Council of the City of Benicia does hereby ordain as follows:

Section 1. Section 17.36.030 (Land use regulations) of Chapter 17.36 (OS Open Space District) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended by adding the following use classification to Table “OS District: Land Use Regulations”:

Public and Semipublic		
Day Care Center	U	(J)

Section 2. Section 17.36.030 (Land use regulations) of Chapter 17.36 (OS Open Space District) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended by adding the following section to “OS District: Additional Use Regulations”:

(J) A day care center may be conditionally permitted only when it would be located on the grounds and within the facilities of a duly permitted religious assembly use. Adequate off-street parking for the day care center shall be provided for per BMC Chapter 17.74, except when the applicant demonstrates consistency with the findings for collective provision of parking pursuant to BMC 17.74.040 and the collective provision of parking is specifically authorized by the use permit for a day care facility.

Section 3. **Severability.** If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 4. Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Benicia, California and cause the same to be published in accordance with State law.

Section 5. Effective Date. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the _____ day of _____, 2022, and adopted at a regular meeting of the Council held on the _____ day of _____, 2022 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

RESOLUTION NO. 22- (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A USE PERMIT FOR A DAY CARE CENTER AND COLLECTIVE PROVISION OF PARKING AT 2201 LAKE HERMAN ROAD (PLN-22-15)

WHEREAS, on March 2, 2022, Northgate Christian Fellowship submitted an application for a use permit to allow a day care center located at 2201 Lake Herman Road (APN 0181-260-090); and

WHEREAS, in accordance with Benicia Municipal Code (BMC) Section 17.104.040 (Notice and public hearing) and California Government Code Section 65091 (Notification procedures), notice of public hearing was mailed to four interested parties and property owners within 500 feet of the site and posted near the project site and within Benicia City Hall on Thursday April 28, 2022.

WHEREAS, the Planning Commission, at a regular meeting on May 12, 2022 conducted a public hearing, accepted public comment and reviewed the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Benicia does hereby find:

- a) This project is categorically exempt from CEQA pursuant to Guidelines Section 15301 which applies to the operation and minor alteration of existing structures and the “common sense” exemption of Section 15061. The proposed Use Permit would authorize a day care center in an existing facility with no expansion of the existing use, resulting in efficient use of land with offset peak hours for traffic, noise and other activities.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Benicia hereby approves the use permit to allow a Day Care Center and Collective Provision of Parking within existing facilities at Northgate Church at 2201 Lake Herman Road. The permittee’s rights shall be in accordance with the following conditions and limitations in addition to all applicable regulations, restrictions and limitations set forth in the Benicia Municipal Code.

Required Findings for a Use Permit (BMC 17.104.060):

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located. *The proposed use is consistent with the objectives of the Zoning Ordinance as identified in BMC 17.04.030, notably to “foster convenient, harmonious, and workable relationships among land uses.” The use permit will authorize a day care center use, which is compatible with the current and continuing use of the parcel for religious assembly and surrounding undeveloped open space uses, as it would occupy*

existing facilities. Should the City Council approve the proposed Zoning Text Amendment, the use would comply with the requirements of the Open Space district.

2. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the general plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city. *The operation of a day care center at Northgate Church is a low-impact use that would have offset peak traffic, noise and use impacts from the religious institution and would utilize existing infrastructure and parking to provide day care services in Benicia.*
3. The proposed conditional use will comply with the provisions of this title, including any specific condition required for the proposed conditional use in the district in which it would be located. *No exterior alterations are proposed, and adequate on-site parking is available to meet the use subject to approval of collective parking pursuant to BMC section 17.74.070. Should the City Council approve the proposed Zoning Text Amendment, the use would comply with the requirements of the Zoning Ordinance.*

Required Findings for Collective Provision of Parking (BMC 17.74.040):

1. That the collective provision of parking and conditions of approval are in accord with the objectives of this title and the purpose of this chapter. *Existing parking supply of 250 off-street parking spaces that serves weekend, evening and holiday religious services is underutilized on weekdays. This available parking will be more than adequate to meet the required parking of thirteen stalls associated with the proposed day care center use.*
2. That the collective provision of parking and conditions of approval are consistent with the general plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city. *The collective provision of parking would result in efficient use of land, with offset peak hours for traffic and noise, and no detrimental impacts to public health, safety, or welfare.*
3. That the collective parking will comply with all conditions attached to the permit. *The collective parking available through existing parking on site would be adequate to meet the demand generated by the proposed day care center use.*

BE IT FURTHER RESOLVED that the Planning Commission of the City of Benicia approves Use Permit Application PLN-22-15, subject to the following conditions and limitations in addition to all applicable regulations, restrictions and limitations set forth in

the Benicia Municipal Code:

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 Preliminary Project Narrative consisting of two sheets (Exhibit A) and the Northgate Christian Fellowship Day Care Use Permit Application Drawings with site plans and floor plans consisting of twelve sheets (Exhibit B), except as modified by the conditions of approval and subject to compliance with the Benicia Municipal Code.
3. The Use Permit shall only take effect if the City Council of the City of Benicia adopts an ordinance amending Title 17 of the Benicia Municipal Code to allow Day Care Center use in the Open Space District, and would be effective on the same date that said zoning text amendment becomes effective.
4. Prior to commencing the use, applicant shall obtain requisite licensing of the day care center from California Department of Social Services, Community Care Licensing Division.
5. The project shall adhere to all applicable ordinances, plans, and specifications of the City of Benicia.
6. Any alteration of the approved plans, including substitution of materials, shall be requested in writing for review and approval by the Community Development Director prior to changes being made in the field.
7. The applicant or permittee shall defend, indemnify (including reimbursement of all fees and costs reasonably incurred by separate counsel retained by the City), and hold harmless the City of Benicia and its elected and appointed officials, its agents, officers, and employees from and against any and all liability, loss, damage, or expense including without limitation reasonable attorneys' fees which City may suffer or incur as a result of any claims relating to or arising from the City's approval of the project or any portion of the project.

On motion of Commissioner _____ and seconded by Commissioner _____, the above Resolution is introduced and adopted by the Planning Commission of the City of Benicia

at a regular meeting of the Commission held on the 12th day of May 2022 and adopted by the following vote:

Ayes: Commissioners

Noes: Commissioners

Absent: Commissioners

Abstain:

Kari Birdseye, Chair

Date

Preliminary Project Narrative

Description of project: Northgate Christian Fellowship would like to offer childcare as part of their mission to give back to the community. The campus already has classrooms and play yards built that are currently used for children during their regular Sunday church services. The state of California Community Care Licensing has looked at the property and feels this property would serve as a great location for a childcare center and give parents in the community continuity of care. Northgate is currently located in an open space zone and would like to apply for a building code E change for the classrooms Monday-Friday, a zoning text amendment and an additional use permit.

Northgate Christian Fellowship's plan is to use 6 classrooms on site with the occupancy of approximately 60-89 children total.

Existing building condition: Excellent condition and ready for use

Proposed use: Childcare center for children ages 0-5 years old.

Development or construction: None

Northgate Christian Fellowship

Day Care Use Permit Application

Drawings

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Phase 2A

PROJECT LOCATION

NORTHGATE CHRISTIAN FELLOWSHIP
2201 LAKE HERMAN ROAD
BENICIA, CA 945100
APN 181-026-009

OCCUPANCY SUMMARY

OCCUPANCY GROUPS: A3, S1, S2
(S OCCUPANCIES ACCESSORY TO A3 < 10%)
OCCUPANCY SEPARATIONS: NON-SEPARATED OCCUPANCIES
FIRE SPRINKLER: FULLY SPRINKLED PER STANDARD NFPA 13 AND BENICIA FIRE DEPARTMENT REQUIREMENTS
SPECIAL REQUIREMENTS: NONE
CONSTRUCTION TYPE: IIB
FLOOR LEVELS: 2
TOTAL GROSS AREA: 22,605 SF
OPENING PROTECTIVES: NONE REQUIRED DUE TO LOCATION ON PROPERTY

ALLOWABLE AREAS

A3 IS MOST RESTRICTIVE (B, E, AND S1 OCCUPANCIES ACCESSORY TO A3)
BASIC ALLOWABLE PER FLOOR: 9,500 SF
ALLOWABLE STORIES AND HEIGHT: 2 STORIES & 55 FEET MAX.
SPRINKLER INCREASE (200%): 19,000
FRONTAGE INCREASE (NOT TAKEN): N/A
MAX. ALLOWABLE: 28,500 SF
ACTUAL FLOOR AREA: FIRST FLOOR 22,068 SF
SECOND FLOOR 537 SF
TOTAL AREA 22,605 SF

WALL CONSTRUCTION

1. CONSTRUCTION TYPE: MAIN STRUCTURE: TYPE IIB
INTERIOR PARTITIONS: TYPE IIB
2. WALL CONSTRUCTION:
EXTERIOR WALLS: BEARING WALLS AT SANCTUARY ARE REINFORCED CMU W/ STUCCO SKIM COAT AT EXTERIOR EXPOSED SIDE.
WALLS AT RESTROOMS, CLASSROOMS AND CAFE ARE POST AND BEAM WITH METAL STUD INFILL AND FURRING INTERIOR SIDE WHERE NEEDED. USE MR GWB @ RESTROOM WALLS.
INTERIOR SIDE: AESTHETIC FURRING AT CMU IS 5/8" GWB OVER HAT CHANNEL PER PLAN
INTERIOR WALLS: 5/8" GWB OVER METAL STUD.

EGRESS REQUIREMENTS

TOTAL OCCUPANT LOAD PER TABLE 1004.1.2: 1766 OCCUPANTS
EGRESS COMPONENT FACTOR USED FOR CALCULATIONS: 0.2 IN/OCCUPANT
REQUIRED EGRESS WIDTH: 354 IN.
PROVIDED EGRESS WIDTH: 3420 IN.
NUMBER OF EXITS REQUIRED: 4
PROVIDED: 14

PLUMBING FIXTURE ANALYSIS

CPC TABLE A LOAD FACTORS
A3 AREA 21,241 SF @ 30 SF/OCC
709 OCCUPANTS FOR SANCTUARY AND ANCILLARY ROOMS
S1 AREA 899 SF @ 2000 SF/OCC
1 OCCUPANT FOR ELECT/FIRE RISER AREA
S2 AREA 323 SF @ 5000 SF/OCC
1 OCCUPANT FOR S2 OCCUPANCY
UTIL AREA 142 SF @ 2000 SF/OCC
1 OCCUPANT FOR ELECT/FIRE RISER AREA
Z12 TOTAL OCCUPANTS (356 MEN, 356 WOMEN)

2013 CPC TABLE 422.1 MIN. FIXTURE COUNT

TOTAL REQUIRED	MALE	WOMEN	UNISEX	CHILDREN
WC	3	8		
URINAL	3			
LAVATORIES				
DRINKING FOUNTAINS				
UTILITY SINK				
SHOWERS				
SINKS				
TOTAL PROVIDED	5	11	1	1
WC	5	N/A		
URINALS	5			
LAVATORIES				
DRINKING FOUNTAINS				
UTILITY SINK				
SHOWER				
SINKS				

SEMI-AMBULENT SEATING

SEMI-AMBULENT SEATING TO BE PROVIDED EQUAL TO 1% OF THE TOTAL NUMBER OF SEATS (118-221.6).

TOTAL SEATS (SANCTUARY 133): 506
FACTOR: 0.01
TOTAL REQ'D: 504 X 0.01 = 6
TOTAL PROVIDED: 6

WHEELCHAIR SEATING

WHEELCHAIR SEATING (WC) REQUIRED 118-221.2 (TABLE 11B-221.2.1.1):

*APPLIES IN ASSEMBLY AREAS WHERE SEATING IS PROVIDED, SUCH AS SANCTUARY 133, SEATING AREAS 108/108A AND MEETING ROOMS 124/130. NUMBER OF REQUIRED WHEELCHAIR SPACES SUBJECT TO CHANGE IN FINAL NUMBER OF SEATS IN OCCUPANCY.

CAPACITY:
4-25 SEATS 1 SPACE
26-50 SEATS 2 SPACES
51-300 SEATS 4 SPACES
301-500 SEATS 6 SPACES
501+ 6 SPACES PLUS 1 FOR EACH ADDITIONAL 100 SEATS.

IN DINING AREAS, NUMBER OF REQUIRED ACCESSIBLE SEATING SPACES IS MINIMUM 5% OF TOTAL SEATING PROVIDED.

CALCS FOR SHOWN: SANCTUARY 133
TOTAL SEATS: 504
WC REQUIRED: 7
WC PROVIDED: 7

SEMI-AMBULENT SEATING W/ 24" MIN CLR. IN FRONT
36x48 WHEEL CHAIR AREA PER PLAN

ASSISTIVE LISTENING

ASSISTIVE LISTENING DEVICES PER CBC 11B-219 TO BE PROVIDED EQUAL TO 4% OF THE TOTAL NUMBER OF SEATS:

TOTAL SEATS: 504
FACTOR: 0.04
TOTAL REQ'D: 504 X 0.04 = 21

PROVIDE A SYSTEM CAPABLE OF SERVING MIN 21 OCCUPANTS IN NEED OF HEARING ASSISTANCE
SEE G-002 FOR SIGNAGE DETAILS.

EQUIPMENT ROOM SIGNAGE

1. PROVIDE PERMANENT, ALL-WEATHER SIGNAGE W/ CONTRASTING LETTERING, MIN 4" IN HEIGHT. SIGN TO READ "MAIN ELECTRICAL DISCONNECT".
2. PROVIDE PERMANENT, ALL-WEATHER SIGNAGE W/ CONTRASTING LETTERING, MIN 4" IN HEIGHT. SIGN TO READ "FIRE RISER INSIDE".

FIRE EXTINGUISHERS:

- LOCATE FIRE EXTINGUISHERS WHERE INDICATED BY THE "FEC" DESIGNATOR EITHER IN CABINET OR SUPPLIED HANGER. COORDINATE WITH OWNER ON TYPE.
- PROVIDE FIVE-POUND 2A:10-B:1C PORTABLE FIRE EXTINGUISHER AT EACH FEC LOCATION.
- INSTALL SO THAT TOP OF EXTINGUISHER IS 60" AFF MAX., BOTTOM OF EXTINGUISHER IS 4" AFF MIN.
- PROVIDE WALL IDENTIFICATION DECAL FOR EACH EXTINGUISHER LOCATION (ARROW TO POINT TOWARDS EXTINGUISHER). APPLY IN CONSPICUOUS LOCATION TO WALL ABOVE EXTINGUISHER. DECAL SHOULD BE MOUNTED 72" AFF MIN. OR ABOVE HEIGHT OF SURROUNDING DISPLAY SHELVING, WHICHEVER IS HIGHER.
- EXTINGUISHERS SHALL NOT CONTAIN CFC'S OR HALONS. (2013 CGBSC 5.508.1, 5.508.2)

APPLICABLE CODES:

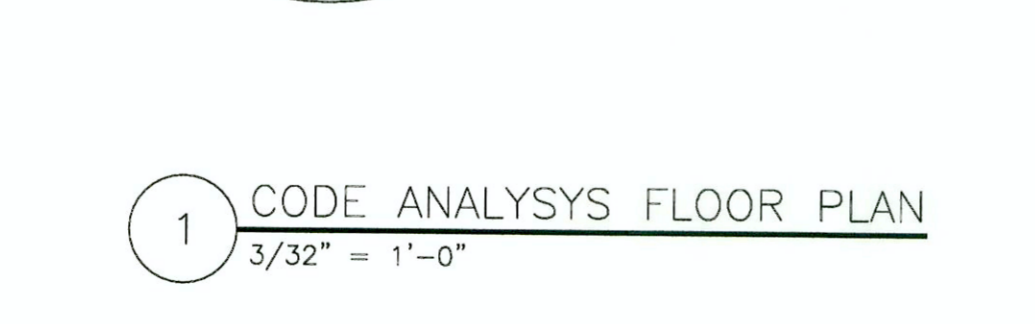
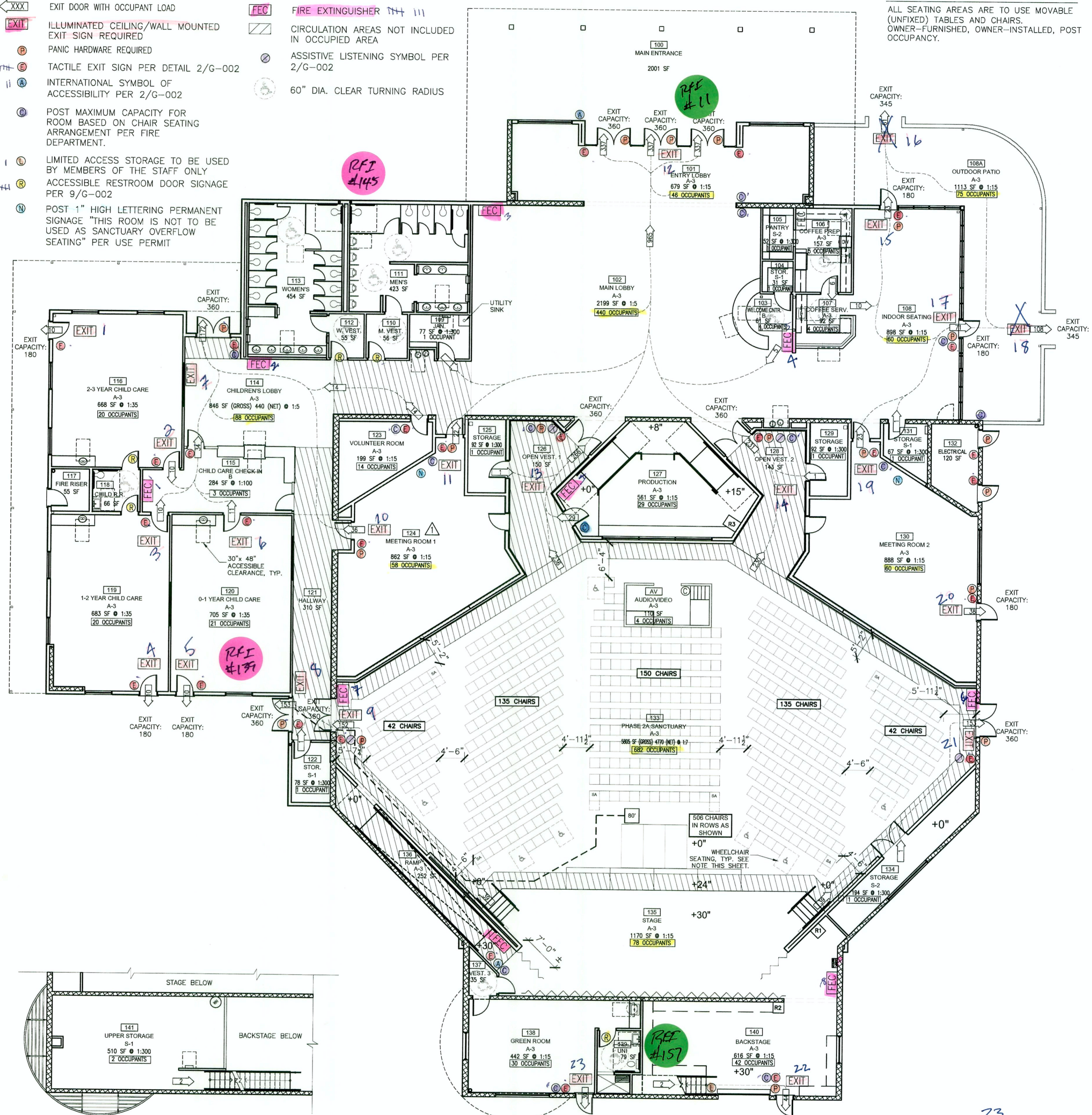
ALL WORK SHALL CONFORM TO THE FOLLOWING CODES:
2013 CALIFORNIA BUILDING CODE (CBC),
2013 CALIFORNIA MECHANICAL CODE (CMC),
2013 CALIFORNIA PLUMBING CODE (CPC),
2013 CALIFORNIA ELECTRICAL CODE (CEC),
2013 CALIFORNIA ENERGY CODE (CEC T-24),
2013 CALIFORNIA FIRE CODE (CFC),
2013 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBSC),
2013 CALIFORNIA HEALTH AND SAFETY CODE.

SYMBOLS LEGEND

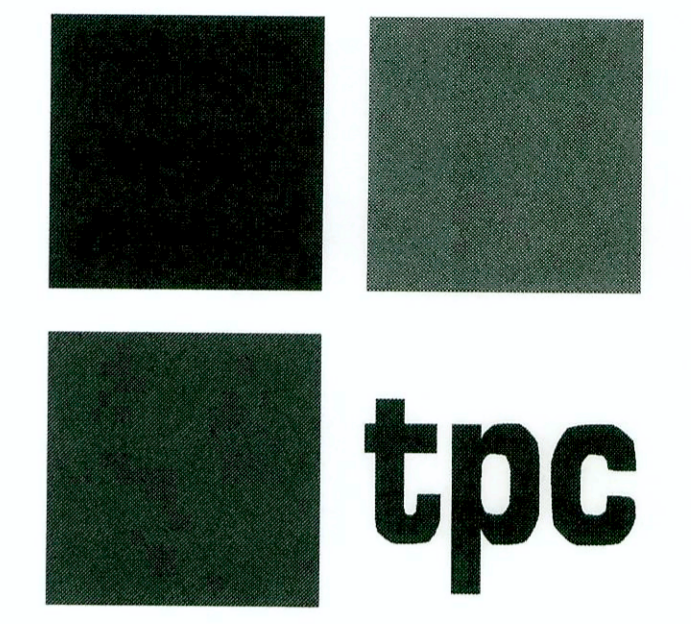
- EXIT DOOR WITH OCCUPANT LOAD
- ILLUMINATED CEILING/WALL MOUNTED EXIT SIGN REQUIRED
- PANIC HARDWARE REQUIRED
- TACTILE EXIT SIGN PER DETAIL 2/G-002
- INTERNATIONAL SYMBOL OF ACCESSIBILITY PER 2/G-002
- POST MAXIMUM CAPACITY FOR ROOM BASED ON CHAIR SEATING ARRANGEMENT PER FIRE DEPARTMENT.
- LIMITED ACCESS STORAGE TO BE USED BY MEMBERS OF THE STAFF ONLY ACCESSIBLE RESTROOM DOOR SIGNAGE PER 9/G-002
- POST 1" HIGH LETTERING PERMANENT SIGNAGE "THIS ROOM IS NOT TO BE USED AS SANCTUARY OVERFLOW SEATING" PER USE PERMIT
- FIRE EXTINGUISHER
- CIRCULATION AREAS NOT INCLUDED IN OCCUPIED AREA
- ASSISTIVE LISTENING SYMBOL PER 2/G-002
- 60" DIA. CLEAR TURNING RADIUS

TABLE & SEATING NOTES

ALL SEATING AREAS ARE TO USE MOVABLE (UNFIXED) TABLES AND CHAIRS. OWNER-FURNISHED, OWNER-INSTALLED, POST OCCUPANCY.

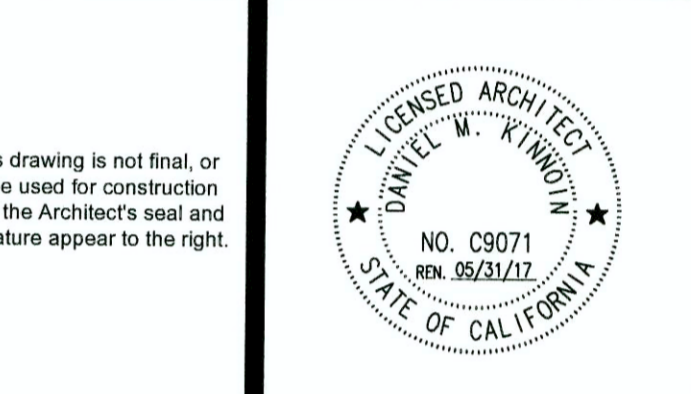


1 CODE ANALYSIS FLOOR PLAN
3/32" = 1'-0"



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CONSULTANTS

NORTHGATE CHRISTIAN FELLOWSHIP

PHASE 2A CONSTRUCTION DOCUMENTS

2201 LAKE HERMAN ROAD
BENICIA, CA 94510
APN: 181-026-009

SHEET TITLE

CODE ANALYSIS

MARK	DESCRIPTION	DATE
PC2	COMMENTS	06/25/2015
PC1	COMMENTS	06/01/2015

Project Manager: JARED CALLIS
Project Architect: DANIEL KINNOIN
Scale: AS NOTED
Date: 06/25/2015
Project Number: 1414
SHEET NO. **A-001**

Northgate Christian Fellowship Building – Phase 2A Code Analysis

Regarding Northgate Christian Fellowship Building – Phase 2A, the following is explained per the code analysis provided by TPC Architects, Inc. (TPC) on Sheet A-001:

Chapter 3 Occupancy Classification and Use / Chapter 5 Building Heights and Areas / Chapter 6 Types of Construction

Per Chapter 3 from the California Building Code (CBC), TPC determined the occupancy classification use as Assembly Group A-3 (*CBC Section 303.4*). TPC then used CBC Chapter 5 to determine building height and maximum building area. Per Sheet A-001, the building had been analyzed as Type IIB construction, 2-story, fully sprinklered, with a maximum allowable area of 28,500 S.F.

The building's total floor area is 22,605 S.F. Since the total floor area of 22,605 S.F. is less than the maximum allowable area of 28,500 S.F., the building can be designed as an Assembly Group A-3 without the need for occupancy separation (non-separated occupancies). TPC designed for the most restrictive occupancy group A-3, therefore accessory occupancies B, E, and S1 would be acceptable groups to include within the building. Specifically, Group E as specified in *CBC Section 303.1.3* and *Section 303.1.4*.

Chapter 10 Means of Egress

Pertaining to the scoped area of rooms 114, 115, 116, 118, 119, 120 and 121, TPC had assessed the occupant load calculations appropriately per *CBC Section 308.5.1*, classification as Group E; *Section 305.2 Group E, day care facilities*; and *Section 1004, occupant load table 1004.5*.

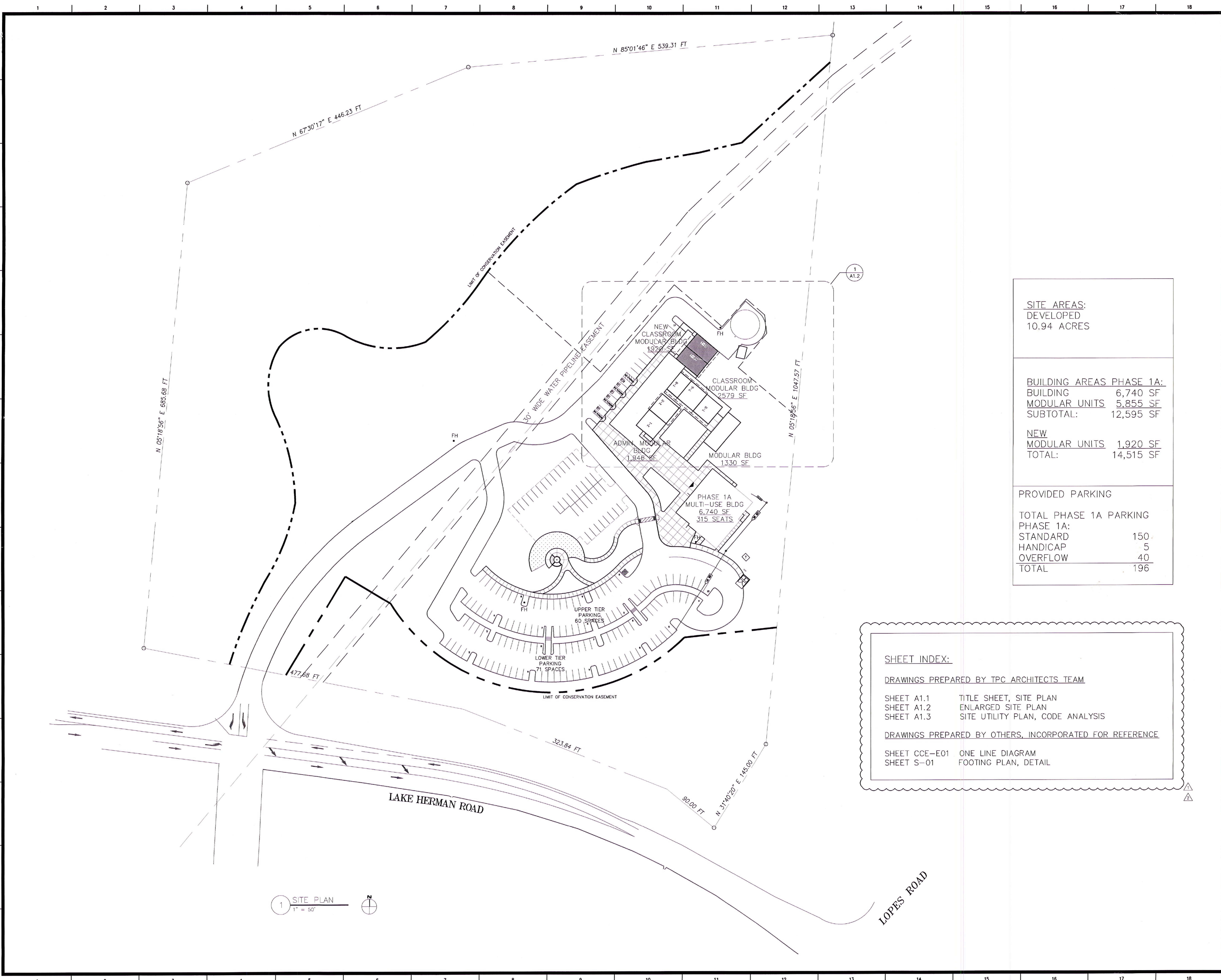
Rooms 116, 119 and 120 are classified as Group E per *Section 308.5.1*. Most children are under the age of 2, have an exit door directly to the exterior, and have more than 6 but less than 100 children. With the designated area determined to be Group E, *Section 305.2 Group E, day care facilities*; would be the most appropriate for day care during non-religious functions. Per *Section 1004, table 1004.5*, the occupant load factor for rooms 116, 119 and 120, should be "Day care" with an occupant load factor of 35 net S.F. Per TPC code analysis sheet A-001, rooms 116, 119 and 120 had been calculated at 35 net S.F.

Conclusion

Based on the California Building Code, TPC Architects Inc. previously designed the designated space for day care use during non-religious functions.

In addition to the City of Benicia's approval, Northgate Christian Fellowship should get approval by Benicia Fire Department, Department of Social Services Title 22, and California State Department Health Services.

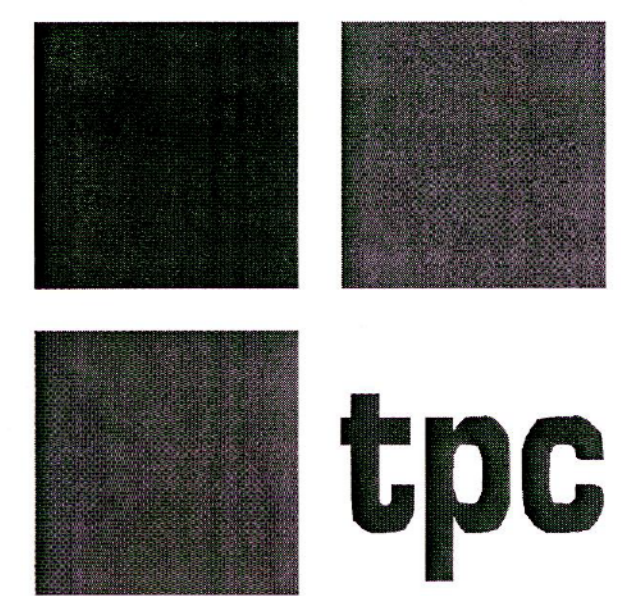
Modular Building Addition
(Club 45)



SITE AREAS:	
DEVELOPED	
10.94 ACRES	
BUILDING AREAS PHASE 1A:	
BUILDING	6,740 SF
MODULAR UNITS	5,855 SF
SUBTOTAL:	12,595 SF
NEW	
MODULAR UNITS	1,920 SF
TOTAL:	14,515 SF
PROVIDED PARKING	
TOTAL PHASE 1A PARKING	
PHASE 1A:	
STANDARD	150
HANDICAP	5
OVERFLOW	40
TOTAL	196

SHEET INDEX:	
DRAWINGS PREPARED BY TPC ARCHITECTS TEAM	
SHEET A1.1	TITLE SHEET, SITE PLAN
SHEET A1.2	ENLARGED SITE PLAN
SHEET A1.3	SITE UTILITY PLAN, CODE ANALYSIS
DRAWINGS PREPARED BY OTHERS, INCORPORATED FOR REFERENCE	
SHEET CCE-E01	ONE LINE DIAGRAM
SHEET S-01	FOOTING PLAN, DETAIL

1 SITE PLAN
1" = 50'



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Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job site, and this office shall be notified of any variations from the dimensions and conditions as shown on these drawings.

This drawing is not final or to be used for construction until the Architect's seal and signature appear to the right.

CONSULTANTS

NORTHGATE CHRISTIAN FELLOWSHIP MODULARS

MODULAR BUILDINGS ADDITION

2201 LAKE HERMAN ROAD
BENICIA, CA 94510

APN 0181-260-090

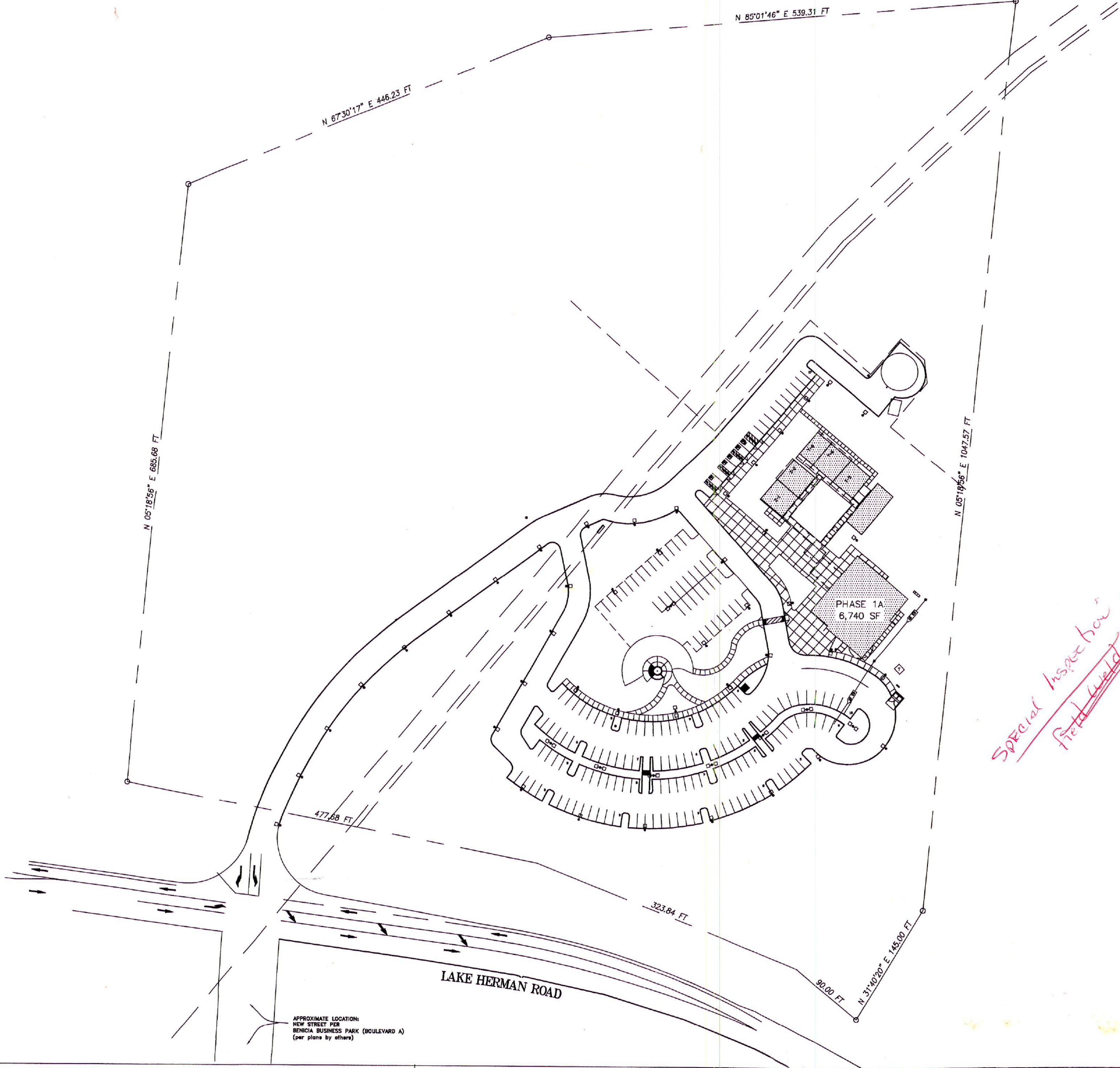
TITLE SHEET / SITE PLAN

PLAN REVIEW	9/13/2013
PLAN REVIEW	9/05/2013
MARK	DESCRIPTION DATE

Project Manager DANIEL KINNIN	SHEET NO.
Project Architect DANIEL KINNIN	A1.1
Scale AS NOTED	
Date 9/06/2013 Project Number 1310	

Modular Buildings
(Preschool & K1)

NORTHGATE CHRISTIAN FELLOWSHIP MODULARS



Special Inspection - See this in Inspection on sheet S4.1

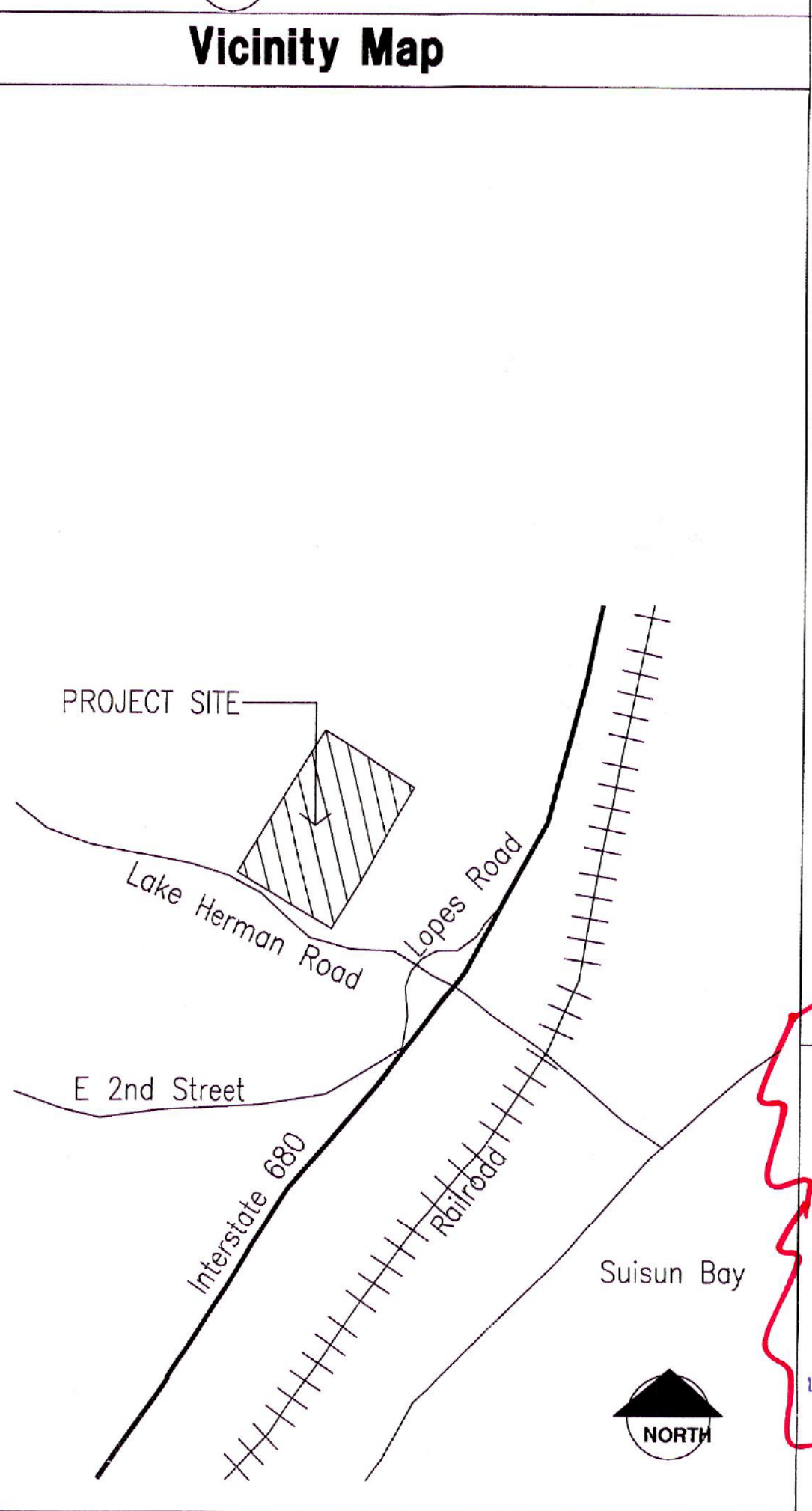
Project Team		
ARCHITECT TPC Architects, Inc. Daniel Kimoin, AIA 8680 Greenback Lane, Suite 200 Orangevale, CA 95662 (916) 988-8401 FAX: (916) 988-8402 dmkn@tpcarch.com	STRUCTURAL ENGINEER Beaver Engineering Bill Beaver 2479 Sunrise Blvd. Gold River, CA 95670 (916) 631-3030 FAX: (916) 631-8996 bill@beaver.net	ELECTRICAL ENGINEER AC System Engineering Thomas A. Harris 5457 Diablo Drive Sacramento, CA 95842 (916) 339-0490 FAX: (916) 339-0502 dennish@acsyseng.com
MECHANICAL/PLUMBING Robert U. Kootstra Mechanical Engineer 5 Honey Bee Court Sacramento, CA 95826 (916) 383-2311 FAX: (916) 383-6351 rkootstra@comcast.net	CIVIL ENGINEER RFE Engineering Bob Eynck 8680 Greenback Lane Ste. 230 Orangevale, CA 95662 (916) 989-3285 reynck@RFEEngineering.com	LANDSCAPE ARCHITECT T.H.A. Group 1990 Third Street, Ste. 500 Sacramento, CA 95814 (916) 447-7400 FAX: (916) 447-8270

Abbreviations		
ACOUS. Acoustical	EMER. Emergency	LAV. Lavatory
A.D. Area Drain	ENCL. Enclosure	LCKR. Locker
ADJ. Adjustable	E.P. Elec. Panel board	LT. Light
AGGR. Aggregate	EQ. Equal	MAX. Maximum
ALUM. Aluminum	EQPT. Equipment	M.C. Medicine Cab.
APPROX. Approximate	E.W.C. Elec. Water Cooler	MECH. Mechanical
ARCH. Architectural	EXIST. Existing	MEMB. Membrane
ASPH. Asphalt	EXP. Expansion	MFR. Manufacturer
BD. Board	EXPO. Exposed	MH. Manhole
BITUM. Bituminous	EXT. Exterior	M/W Microwave Oven
BLDG. Building	F.A. Fire Alarm	MIN. Minimum
BLK. Block	F.B. Flat Bar	MIR. Mirror
BLKG. Blocking	F.D. Floor Drain	MISC. Miscellaneous
BM. Beam	FDN. Foundation	MTD. Mounted
BOT. Bottom BTM.	F.E. Fire Extinguisher	MTL. Metal
CAB. Cabinet	F.E.C. Fire Exting. Cab.	MUL. Mullion
CEM. Cement	F.H.C. Fire Hose Cabinet	N. North
CER. Ceramic	FN. Finish	N.I.C. Not In Contract
CI. Cast Iron	FL. Floor	NO./# Number
C.G. Ceiling	FLASH. Flashing	NOM. Nominal
CKG. Caulking	FLUOR. Fluorescent	NTS. Not To Scale
C. Closet	F.O.C. Face of Concrete	O. Over
CL. Clear	F.O.F. Face of Finish	O.A. Overall
Column	F.O.S. Face of Stud	Obs. Obscure
Concrete	FRNF. Fireproof	O.C. On Center
Connection	FS. Full Size	O.D. Outside Dia. Dim.
Construction	FT. Foot or Feet	OFF. Office
Continuous	FTG. Footing	OPNG. Opening
Corridor	FURR. Furring	OPST. Opposite
Countersunk	FUT. Future	O.F.O.I. Owner Furnished, Owner Installed
Counter	G.D. Garbage Disposal	O.F.C.I. Owner Furnished, Contractor Installed
Center	GALV. Galvanized	P.L. Plastic Laminate
Double	GA. Gauge	PL. Plaster
Department	G.B. Grab Bar	PLYWD. Plywood
Drinking Fountain	GND. Ground	PR. Pre-cast
Detail	GR. Grade	PRCST. Precast
Dimension	GYP. Gypsum	PT. Point
Dispenser	H.B. Hose Bib	P.T.D. Paper Towel Disp.
Door	H.C. Hollow Core	P.T.D/R. Combination Paper Towel Dispenser & Receptacle
Door Opening	HW. Hardware	PTN. Partition
Door	H.M. Hollow Metal	P.T.R. P.T.R.
ower	HORZ. Horizontal	P.T.R. Paper Towel Receptacle
age Inlet	H.R. Hour	Q.T. Quarry Tile
Joist Spout	HGT. Height	R. Rear
Dry Standpipe	I.D. Inside Dia. Dim.	RAD. Radius
Drafting	INSUL. Insulation	R.D. Roof Drain
E. Each	INT. Interior	REF. Reference
Expansion Joint	JAN. Janitor	REFR. Refrigerator
Elevation	JT. Joint	REG. Register
ELEC. Electrical	KIT. Kitchen	RENF. Reinforced
ELEV. Elevator	LAB. Laboratory	
	LAM. Laminate	
	LAV. Lavatory	
	LCKR. Locker	
	LT. Light	
	MAX. Maximum	
	M.C. Medicine Cab.	
	MECH. Mechanical	
	MEMB. Membrane	
	MFR. Manufacturer	
	MH. Manhole	
	M/W Microwave Oven	
	MIN. Minimum	
	MIR. Mirror	
	MISC. Miscellaneous	
	MTD. Mounted	
	MTL. Metal	
	MUL. Mullion	
	N. North	
	N.I.C. Not In Contract	
	NO./# Number	
	NOM. Nominal	
	NTS. Not To Scale	
	O. Over	
	O.A. Overall	
	Obs. Obscure	
	O.C. On Center	
	O.D. Outside Dia. Dim.	
	OFF. Office	
	OPNG. Opening	
	OPST. Opposite	
	O.F.O.I. Owner Furnished, Owner Installed	
	O.F.C.I. Owner Furnished, Contractor Installed	
	P.L. Plastic Laminate	
	PL. Plaster	
	PLYWD. Plywood	
	PR. Pre-cast	
	PRCST. Precast	
	PT. Point	
	P.T.D. Paper Towel Disp.	
	P.T.D/R. Combination Paper Towel Dispenser & Receptacle	
	PTN. Partition	
	P.T.R. P.T.R.	
	Q.T. Quarry Tile	
	R. Rear	
	RAD. Radius	
	R.D. Roof Drain	
	REF. Reference	
	REFR. Refrigerator	
	REG. Register	
	RENF. Reinforced	
	REQD. Required	
	RESIL. Resilient	
	RM. Room	
	R.O. Rough Opening	
	RWD. Redwood	
	R.W.L. Rain Water Leader	
	S. South	
	S.C. Solid Core	
	S.C.D. Seat Cover Disp.	
	SCHED. Schedule	
	S.D. Soap Dispenser	
	SECT. Section	
	SH. Shelf	
	SHR. Shower	
	SHT. Sheet	
	SM. Similar	
	S.N.D. Sanitary Napkin Dispenser	
	S.N.R. Sanit. Napkin Receptacle	
	SQ. Square	
	SST. Stainless St.	
	S.SK. Service Sink	
	STA. Station	
	STD. Standard	
	STL. Steel	
	STOR. Storage	
	STR. Structural	
	SUSP. Suspended	
	SYM. Symmetrical	
	T. Treed	
	T.B. Towel Bar	
	TEL. Telephone	
	TEL. Terrazzo	
	T.L. & C. Tongue and Groove	
	THK. Thick	
	T.P.D. Toilet Paper Dispenser	
	T.V. Television	
	T.O.C. Top of Curb	
	T.O.P. Top of Parapet or Top of Pavement	
	T.O.W. Top of Wall	
	TRP. Typical	
	UNF. Unfinished	
	U.O.N. Unless Other-wise Noted	
	U.R. Urinal	
	VERT. Vertical	
	VEST. Vestibule	

Phase 1 Site Plan

NO.	REVISION	DATE
1		

Symbol Legend	
	AGGREGATE FILL
	COMPACTED SOIL
	CONCRETE
	CONCRETE BLOCK
	GYPSUM BOARD
	RIGID INSULATION
	PLYWOOD
	WOOD, BLOCKING
	WOOD, FINISH
	WOOD, FRAMING CONT.
	CABINET NUMBER, SEE CASEWORK SCHEDULE
	DETAIL NUMBER SHEET NUMBER
	DOOR NUMBER
	WINDOW TYPE
	ROOM NAME
	ROOM NUMBER
	INTERIOR SHEET ELEVATION
	REFERENCE MARK
	SECTION IDENTIFICATION SHEET NUMBER
	KEYNOTE



ARCHITECTURAL

- A0.1 COVER SHEET
- A0.2 CODE ANALYSIS
- A1.1 PHASE 1 SITE PLAN
- A1.2 ENLARGED SITE PLAN
- A2.1 FLOOR PLANS
- A2.2 ROOF PLANS
- A3.1 ROOM FINISH, DOOR, WINDOW SCHEDULE
- A4.1 EXTERIOR ELEVATIONS
- A4.2 EXTERIOR ELEVATIONS
- A5.1 INTERIOR ELEVATIONS
- A6.1 REFLECTED CEILING PLANS
- A8.1 DETAILS

STRUCTURAL

- S1.1 TYPICAL NOTES
- S2.1 FOUNDATION PLAN
- S4.1 BUILDING SECTIONS

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- MECHANICAL / PLUMBING
 - MP1 MODULAR MECHANICAL AND PLUMBING PLAN
- ELECTRICAL
 - E0.0 SYMBOLS, NOTES & TITLE 24
 - E1.1 SITE PLAN
 - E2.1 REMOVAL PLAN
 - E2.2 LIGHTING PLANS
 - E2.3 POWER/SIGNAL FLOOR PLANS
 - E2.4 FIRE ALARM PLAN
 - E3.1 ONE LINE DIAGRAM
- LANDSCAPE
 - L-1 IRRIGATION PLAN
 - L-2 IRRIGATION PLAN
 - L-3 IRRIGATION PLAN
 - L-4 PLANTING PLAN
 - L-5 PLANTING PLAN
 - L-6 PLANTING PLAN
 - L-7 IRRIGATION DETAILS
 - L-8 PLANTING DETAILS

RECEIVED
 MAR 24 2006
 CITY OF BENICIA BUILDING DIVISION
 PERMIT # 05BLD-01550
 ADDRESS 220 LAKE HERMAN RD.
 APN # 181-260-09
 PROJECT Five modular buildings from Benicia High School

APPROVED:
 C. H. Hagg
 DATE: 24 APR 06

The 5 modular buildings will be located at the 3 modular sites. See response to structural elements shall be removed. All rooftop equipment, including A/C units shall be located so it is not visible above the roof lines of any onsite structure. (DRC # 31)

Building material storage shall be consistent with approved color board dated 11 June, 2003. Exceptions around 202 color is Humber Green (M7) 1/2" max 500 color for DG.

Project Notes

1. SEPARATE PERMIT SHALL BE OBTAINED FOR EXTERIOR CANOPIES.

Parking under separate permit

TPC Architects, Inc.
 A Full Service Architectural Company
 8680 Greenback Ln. Suite 200
 Orangevale, CA 95662
 (916) 988-8401
 Fax: (916) 988-8402

These drawings are instruments of service and are the property of TPC Architects, Inc. All drawings and other information on the drawings are for the use of the project and shall not be used otherwise without the express written permission of TPC Architects, Inc.

Written dimensions on these drawings shall have precedence over verbal dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job site, and the office shall not be held liable for any variations from the dimensions and conditions as shown on these drawings.

This drawing is not final, or to be used for construction without the Architect's seal and signature. The Architect's seal and signature shall be in full view and shall not be obscured by any other markings or signatures.

Consultant

PLAN REVIEWED
 APR 06 2006
 INDEPENDENT LOCAL CONSULTANTS

NORTHGATE CHRISTIAN FELLOWSHIP MODULARS

APN # 181-260-09
 220 Lake Herman Road
 Benicia, CA

CONSTRUCTION DOCUMENTS

BUILDING

COVER SHEET

PLAN CHECK COMMENTS 03/17/06

Project Manager: **D. DELOACH**
 Project Architect: **D. KINNOON**

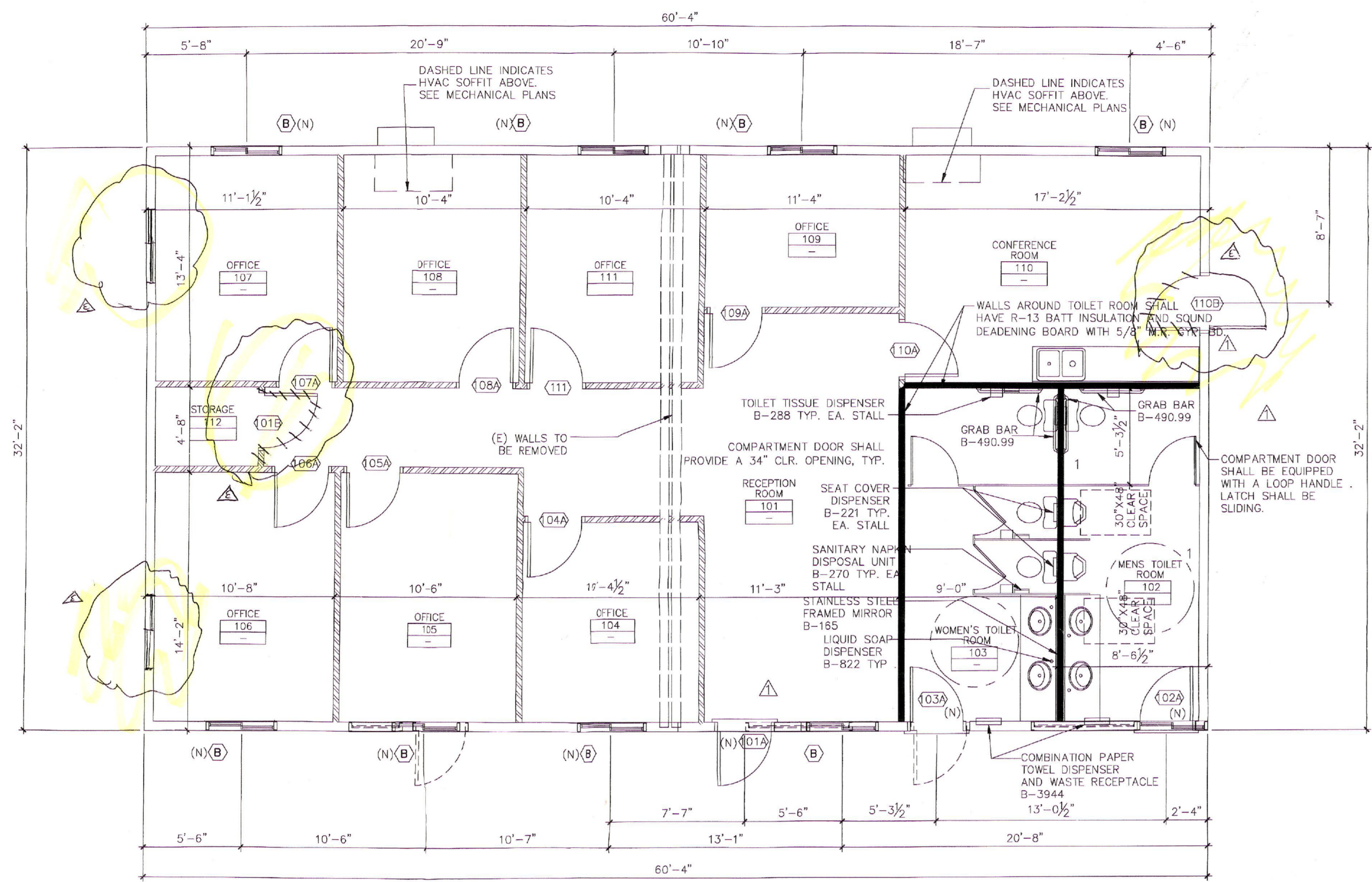
Scale: **AS NOTED**

Date: **09/28/05**

Project: **A0.1**

JOB COPY

SEE A-1, D-1, G-1/A0.2 FOR STANDARD NOTES AND DIMENSIONS OF TOILET ROOM FIXTURES AND ACCESSORIES.



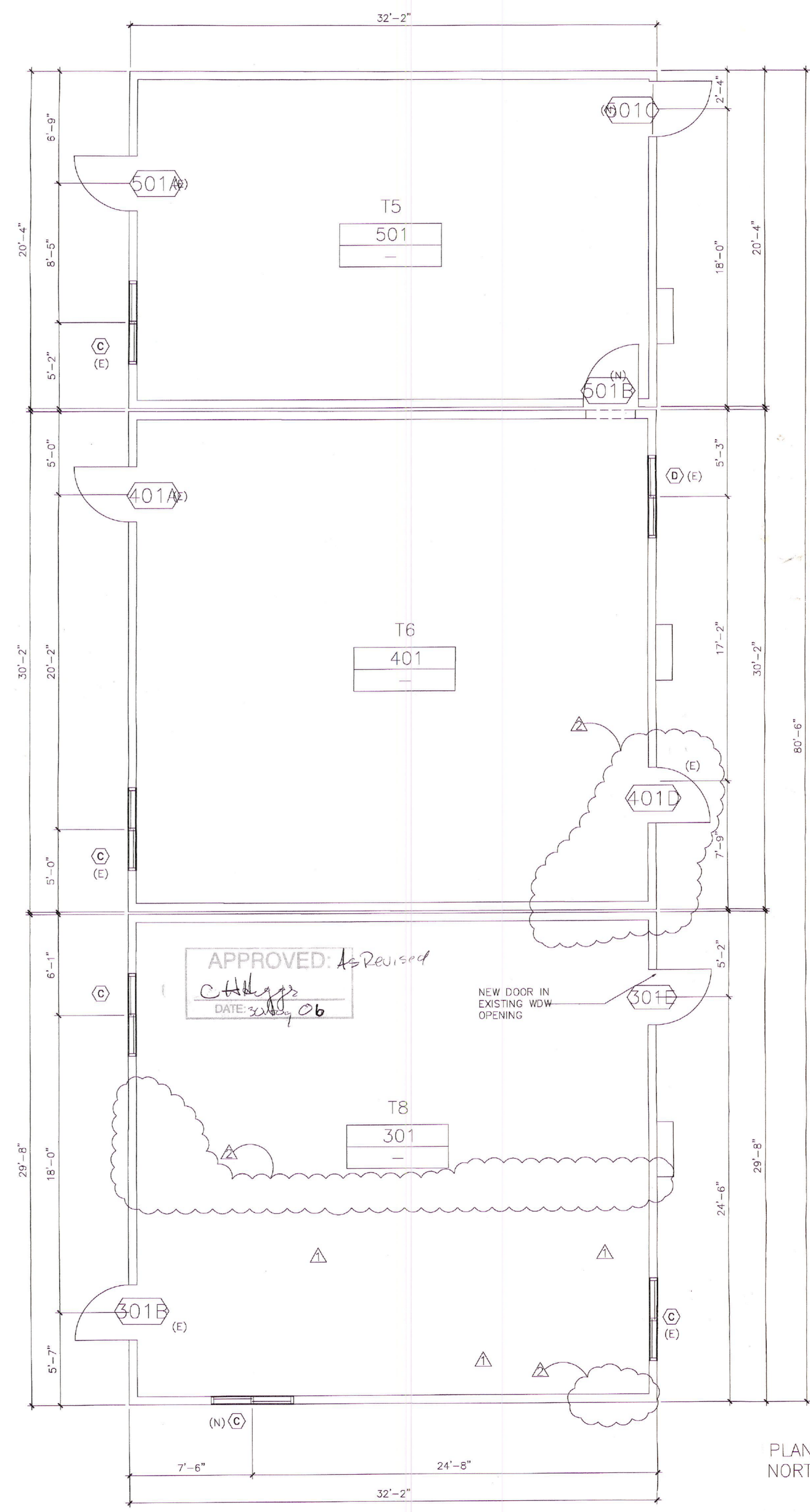
WALL LEGEND

- EXISTING WALLS, EXTERIOR T1-11 PLYWOOD SIDING OVER BUILDING FELT, INTERIOR 5/8" GYP. BD.
- DEMOUNTABLE PARTITIONS AS MANUFACTURED BY PRECISION WALLS, INC. OR EQUAL
- 3 5/8" X 22GA. METAL STUDS AT 24" O.C. WITH 5/8" GYP. BD. EACH SIDE. 5/8" M.R. GYP. BD. SHALL BE USED AT WET LOCATIONS

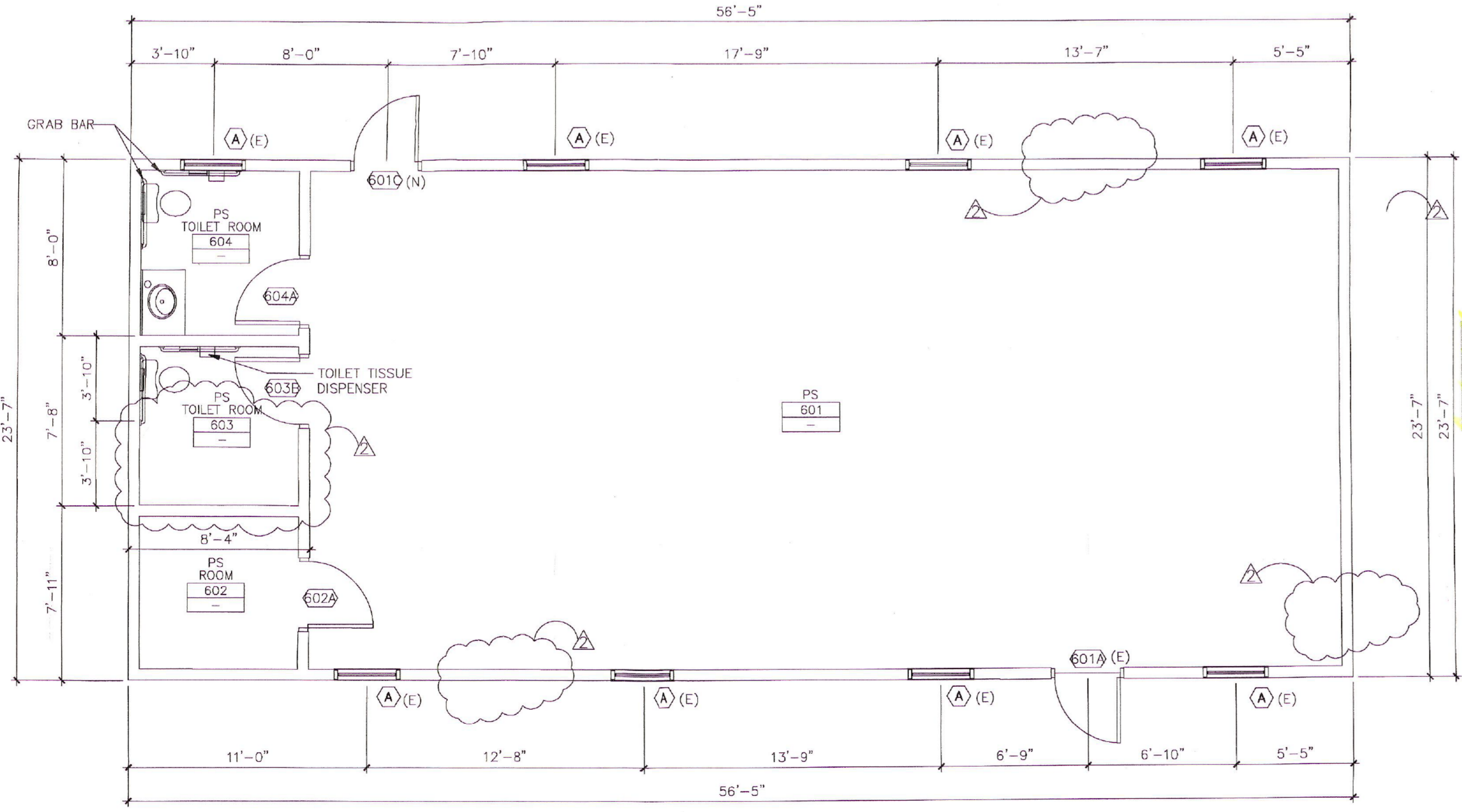
NOTE
1. NO STRUCTURAL ELEMENTS SHALL BE REMOVED DURING THE REMODELING OF THE MODULAR UNITS.
2. MAXIMUM THRESHOLD AT DOORS SHALL NOT EXCEED 1/2".

NOTE:
ALL DIMENSIONS ARE P-U/S / MINUS TO ACCOMMODATE ACTUAL FIELD DIMENSIONS. NOTIFY ARCHITECT OF ANY CONFLICTS

DOOR AND WINDOW ABBREVIATIONS
(E) NEW DUAL PANE WINDOW OR NEW DOOR TO BE INSTALLED IN EXISTING OPENING.
(N) NEW WINDOW OR DOOR TO BE INSTALLED IN NEW OPENING.



G-1 Z2 AND Z1 FLOOR PLANS
1/4" = 1'-0"



05-Bld-01560
2201 Lake Herman Rd
781-260-090
Modulars

Revised
APPROVED:
11/21/06 JGA
DATE:

A-12 T5, T6 AND T8 FLOOR PLANS
1/4" = 1'-0"



TPC Architects, Inc.
A Full Service Architectural Company
8880 Greenback Ln, Suite 200
Orangevale, CA 95662
(916) 988-8401
Fax: (916) 988-8402

These drawings are the property of TPC Architects, Inc. All designs and other information on the drawings are for the use on the specified project and shall not be used elsewhere without the expressed written permission of TPC Architects, Inc.

This drawing is not final, or to be used for construction until the Architect's seal and signature appear to the right.

Consultant

NORTHGATE CHRISTIAN FELLOWSHIP MODULARS

Lake Herman Road Benicia, CA

CONSTRUCTION DOCUMENTS

SHEET TITLE
FLOOR PLANS

3	CLIENT CHANGE	11/20/06
2	CLIENT CHANGES	08/18/06
1	PLAN CHECK COMMENTS	03/17/06

Project Manager
D. DELOACH
Project Architect
D. KINNOIN
Scale
1/4" = 1'-0"
Date
09/26/05
Project No.
0329
of ___ Sheets

A2.1

JOB COPY

2001 CBC ANALYSIS:

1. CONSTRUCTION TYPE, TYPE V-1 HOUR (SPRINKLER SUBSTITUTE FOR 1-HOUR CONSTRUCTION- SECTION 508)
2. OCCUPANCY SEPARATIONS, NONE REQUIRED
3. WALL CONSTRUCTION:
 - A. EXTERIOR WALLS - 2 X STUDS W/PC EXTERIOR SIDE, 1 1/2" PLYWOOD SIDING OVER BUILDING FILT, INTERIOR SIDE 5/8" GYP. SD.
 - B. INTERIOR WALLS - 2X WOOD OR 3 5/8" X 25 GA. MET. STUDS WITH 5/8" GYP. SD. EACH SIDE.
4. OPENING PROTECTIONS, NONE REQUIRED DUE TO LOCATION ON PROPERTY

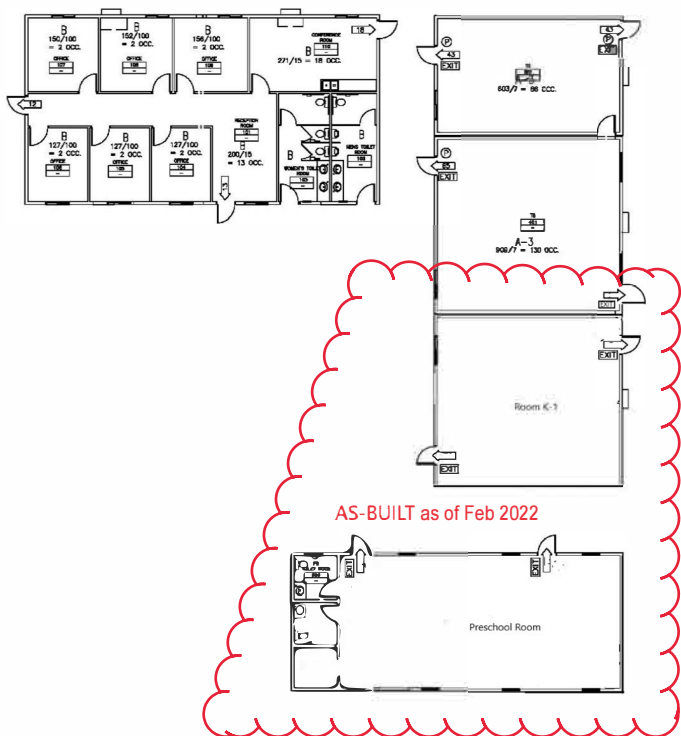
5. ALLOWABLE AREA CALCULATIONS:

SEPARATION ON 2 SIDES - MAXIMUM ALLOWABLE	B	A2.1	A-3	E
BASIC ALLOWABLE (TABLE 509)	14,000	10,500	10,500	15,750
SEPARATION ON 2 SIDES - MAXIMUM ALLOWABLE	2,000	1,500	1,500	2,250
ACTUAL FLOOR AREA	2882	3,552	3,852	924

6. MIXED OCCUPANCY CALCULATIONS:

R	A-2.1	A3	E-3
2,882	3,852	3,852	924
31,000	15,750	15,750	23,560
= 0.128 + 0.219 + 0.372 + 0.028 = 0.746 < 1.0			

A-10 CODE ANALYSIS CALCULATIONS




NOTE:
THIS SHEET IS INTENDED ONLY TO SHOW BUILDING CODE COMPLIANCE OF OCCUPANCY SEPARATIONS, AREA SEPARATION WALLS, EXIT PASSAGeways, AND 1-HOUR CORRIDOR WALLS AND IS NOT INTENDED FOR CONSTRUCTION USE.

SYMBOLS LEGEND:
 ◻ EXIT DOOR WITH OCCUPANT LOAD
 ◻ ILLUMINATED EXIT SIGN REQUIRED
 ⊕ PANIC HARDWARE REQUIRED
 ◻ TACTILE EXIT SIGN (SEE SECTION 109.2.1.1 & 119.2.1.1)

PLAN NORTH

D-7
1/8" = 1'-0" **CODE ANALYSIS PLAN** 12,498 SF. SINGLE STORY



TPC Architects, Inc.
A Full Service Architectural Company

8889 Greenback Ln. Suite 200
Orland Hills, CA 94652
(916) 988-8471
Fax: (916) 988-8422

I am a registered professional architect in the State of California, No. 10000. My license is valid until 12/31/2024. I am not a registered professional architect in any other state. I am not a registered professional architect in any other country. I am not a registered professional architect in any other jurisdiction.

NORTHGATE CHRISTIAN FELLOWSHIP MODULARS

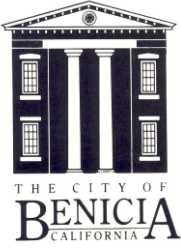
Lake Herman Road
Benicia, CA

CONSTRUCTION DOCUMENTS

SHEET TITLE

CODE ANALYSIS

Project Manager B. BELMONT Project Architect B. BELMONT Date 08/26/08 Project No. 0808	Sheet No. A0.2
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Planning Commission Staff Report

May 12, 2022

Project: Use Permit for General Retail Sales with Alcoholic Beverage Sales (SendSips)
Application: PLN 22-7
Location: 621½ First Street, Unit A
APN: 0089-115-130

Owner

Bay Area Property Management LLC
PO Box 696
Benicia, CA 94510

Applicant

Kuvin Hayer
PO Box 696
Benicia, CA 94510

Staff Recommendation

Adopt the resolution approving the Use Permit for General Retail Sales with Alcoholic Beverage Sales, based on the findings of approval and subject to the conditions listed in the proposed resolution, after a public hearing and determination that the project is exempt from CEQA.

Project Description

The applicant requests approval of a use permit to authorize general retail with alcoholic beverage sales in an existing 347 square foot commercial tenant space located at 621½ First Street. The subject property is located in the Town Core zone of the Downtown Mixed Use Master Plan area. The requested use permit would allow for the sale of wine, craft beers and spirits in gift packaging for off-site consumption.

Although retail sales are permitted in the Town Core zone, the sale of alcoholic beverages requires approval of a use permit pursuant to the Downtown Mixed Use Master Plan, Chapter 4 (Form-Based Code). The subject property is an approximately 347 square foot tenant space on the first floor of a retail building, which is accessible from the alley located mid-block between West F and West G Streets in the Downtown Historic District. No exterior alterations to the existing structure or site are proposed. The applicant has filed for a Type 21 (Off-Sale General) liquor license from the California Department of Alcoholic Beverage Control (ABC), which is being considered under the jurisdiction of that agency. In order to commence the use, the applicant will require approval of both the proposed use permit and the pending Type 21 license.

The applicant proposes to use the store as a showroom for customers as well as a workspace for staff to process orders. The showroom will have more than 100 bottles on display in specific gift packaging. Retail activity on site will include online orders for delivery or pick up, in-person visits by appointment, and walk-in visits. The normal business hours when the store will be open to walk-in customers will be 12:00 – 7:00 p.m., Tuesday through Saturday. The store will be closed on Sundays and Mondays. Customers will also be allowed to visit by appointment between the hours of 10:00 a.m. and 7:00 p.m., Tuesday through Saturday. Most customers are expected to come via car and park on First Street, with occasional customer visits by foot or bike. There is no exterior use planned. The business will have 2 to 3 employees, with one working on site and the others working remotely. The applicant anticipates approximately 6-10 customers per day, each spending 10-15 minutes per visit.

The applicant anticipates deliveries to the store via box truck to occur once per week, taking approximately three minutes from start to finish. Benicia customers will get delivery directly from the store to their address, if the customer is not able to pick up the order. Deliveries from the store are anticipated to be made between 12:00 – 4:00 p.m. once per week. For orders received from outside Benicia, a delivery service such as UPS will be used to deliver orders to the customer's address, with pickups scheduled once to twice per week. There is space on the property, off the alley, that will be used for loading.

Design review approval is not required because the project will not result in any physical alterations to the exterior of the building.

Project Setting

The subject property is on the same parcel and situated behind the building that houses 621-625 First Street, which is a contributing structure in the Downtown Historic District. The project site is served by on-street parking spaces.

The subject property is located along the north side of the alley between West F Street and West G Streets. The subject site is an approximately 347 square foot tenant space on the first floor of the commercial building located at 621 ½ First Street. The subject property is located on a 0.12-acre parcel that is improved with two commercial buildings: 621 ½ First Street, which is located along the west (rear) property line; and 621 and 623 First Street, which are in the primary commercial building fronting First Street. Vehicular and pedestrian access are provided along the alley. Parking for the property is provided by on-street parking. Loading and deliveries are expected to occur on the site, adjacent to the alley.

The building site is situated in the heart of the First Street business district, with commercial buildings to the north, residential to the west, commercial buildings and parking to the south, and commercial buildings to the east.

Adjacent Land Uses and Designations

North

Use: Commercial
Zoning: Town Core
General Plan: Downtown Commercial

East

Use: Commercial
Zoning: Town Core
General Plan: Downtown Commercial

South

Use: Commercial Parking
Zoning: Town Core
General Plan: Downtown Commercial

West

Use: Residential
Zoning: Neighborhood General
General Plan: Downtown Mixed Use

Figure 1 – Location Map

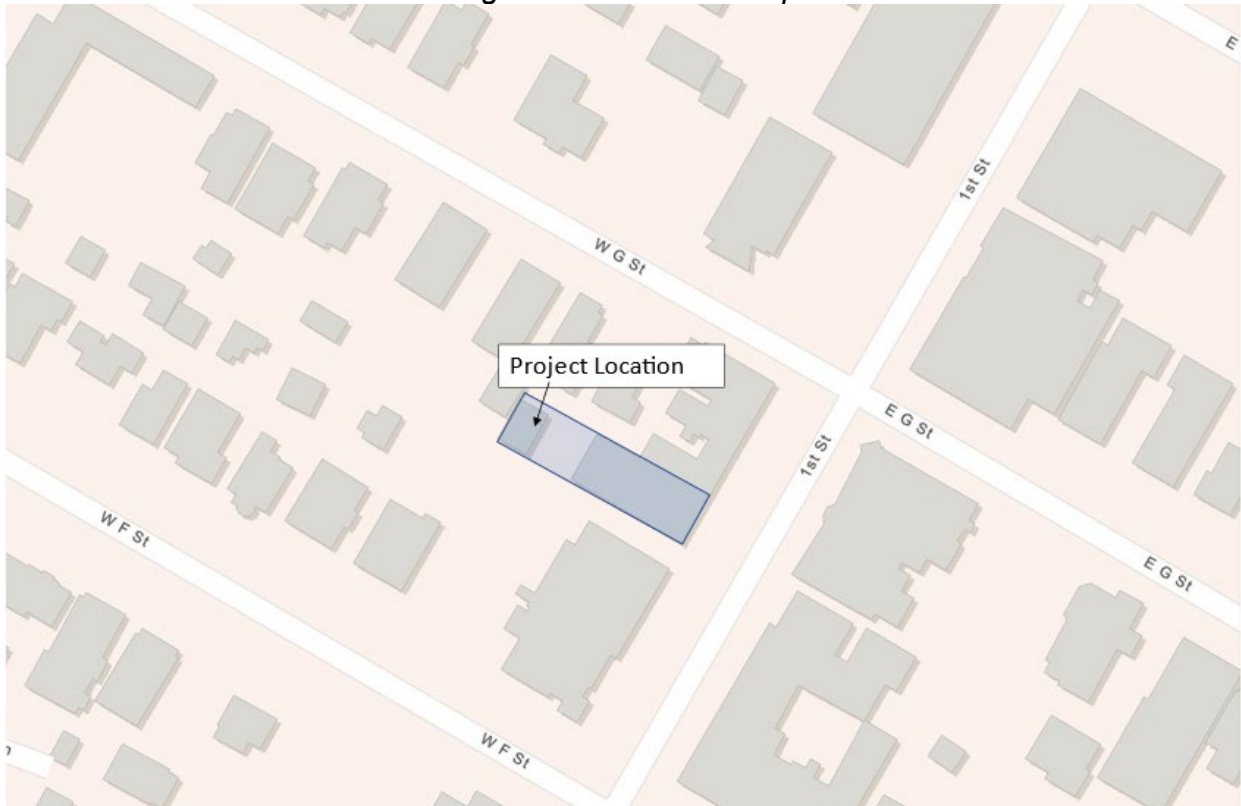


Figure 2 – Project Site



Background

The proposed use of the property as general retail with alcoholic beverage sales is a conditionally permitted use in the Town Core (TC) zone of the Downtown Mixed Use Master Plan. Although the proposed use is a different tenant than the prior personal services use, it is a continuation of the established commercial use of the site.

The primary building on this parcel (621-625 First Street) is identified as a contributing structure in the Downtown Historic Conservation Plan (DHCP).

Prior Land Use Actions

There is no record of prior land use approvals having been granted for 621 ½ First Street.

Project Analysis

Land Use and Conditions of Approval

The applicant proposes to occupy 621½ First Street with a retail store that sells wine, craft beers and spirits in gift packaging for off-site consumption. This use is conditionally permitted in the Town Core zone of the Downtown Mixed Use Master Plan, which specifies that the Planning Commission must authorize a use permit for the retail sale of alcoholic beverages. The applicant has provided a project description, provided

as Exhibit A to the draft Resolution, which indicates the nature of the proposed use is a boutique retail establishment that will function as a showroom and workspace for processing custom orders. The proposed business is not intended to operate as a package liquor or convenience store establishment and would be limited to the operations and hours specified in the project description and associated project conditions of approval.

The proposed draft conditions of approval would ensure operation of the proposed use in a manner consistent with the project description, including the following (conditions 3 through 5 of Attachment 1):

3. The approved use shall include in-person retail sales, which may be open to the general public by appointment or walk-in during the hours of 10:00 AM to 7:00 PM, Tuesday through Saturday, as specified in Exhibit C.
4. Approved alcoholic beverage sales shall be limited to packaged wine, craft beers and spirits for off-site consumption.
5. Online orders are permitted as accessory to the in-person general retail use.

In addition, the following additional conditions of approval would address site management and security, consistent with conditions established for other alcohol retail and service establishments in the community (conditions 6 through 10 of Attachment 1):

6. The premises and adjacent areas shall be maintained free of litter or debris.
7. The Owner/Manager shall establish and maintain a “complaint response-community relations” program that includes the following: (a) Posting at the entry of the establishment and providing to any requesting individual the telephone number for the Benicia Police Department; (b) Coordinating with the Benicia Police Department to monitor community complaints about the establishment’s activities; (c) Having a representative of the establishment meet with neighbors or homeowners’ association on a regular basis and at their request, attempt to resolve any neighborhood complaints regarding the establishment.
8. Informational signs shall be prominently posted in a readily visible manner specifying: (a) “California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age”; and (b) “No Loitering or Public Drinking”.
9. The applicant shall install high-definition security cameras on the interior and exterior of premises.
10. Prior to commencing the use, the applicant shall have received the required permit from the California Department of Alcohol and Beverage Control.

The draft conditions of approval were provided to the applicant in correspondence dated February 22, 2022; on February 28, 2022. The applicant acknowledged receipt and did not object to any of the draft conditions of approval.

The proposed use requires a liquor license which is authorized under the jurisdiction of ABC, and which may result in additional conditions of approval. If the proposed project is approved, the applicant would need to comply with all conditions of approval for the establishment as provided in both the ABC license and use permit.

Zoning Consistency

If the proposed use permit is approved, the proposed project will be consistent with the applicable standards of the Downtown Mixed Use Master Plan and Zoning Ordinance. Because no site or exterior alterations are proposed, the project does not require design review, and is not being evaluated for consistency with the Downtown Historic Conservation Plan. The subject property is compliant with the off-street parking requirements of the Downtown Mixed Use Master Plan.

The subject property is located within the Town Core (TC) zoning district and therefore subject to the requirements of the Downtown Mixed Use Master Plan (DMUMP). The purpose of the TC district is to *enhance the vibrant, pedestrian-oriented character of First Street. The physical form and uses are regulated to reflect the urban character of the historic shopfront buildings.* General retail with alcoholic beverage sales is allowed in the TC zone with a Use Permit.

The DMUMP establishes land use regulations and development standards for structures, parking, encroachments, and frontage types. The project does not propose to expand the existing building or construct any structures and therefore is not subject to the development standards.

The DMUMP does not require off-street parking to be provided for uses less than 3,000 square feet. The commercial space is approximately 347 square feet. Therefore, no parking is required.

Consistency with the General Plan

The proposed retail use is consistent with the General Plan designation of Downtown Commercial, which anticipates a wide variety of retail businesses.

The following General Plan goals and policies pertain to the proposed Use:

- Goal 2.12: Strengthen the Downtown as the City's central commercial zone.
 - Policy 2.12.1: Emphasize retail sales and service businesses along First Street, preferring retail commercial on the street level and encouraging other commercial, office, and housing as important supporting uses on upper floors.
- Goal 2.13: Support the economic viability of existing commercial centers.
 - Policy 2.13.1: Direct new commercial ventures first, towards Downtown, and second, to other existing economic centers (instead of dispersing resources to new areas).

Findings of Approval

In order to approve the requested use permit, the Planning Commission must make the findings pursuant to BMC Section 17.104.060 (Use Permits and Variances: Required Findings). The findings are summarized below and detailed in the draft resolution (Attachment 1).

- 1) ***The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the Town Core district in which the site is located.*** The proposed use is consistent with the objectives of the Zoning Ordinance as identified in BMC 17.04.030, notably to “permit the development of office, commercial, industrial and related land uses that are consistent with the General Plan in order to strengthen the city’s economic base.” The Use Permit will authorize a retail use, which is compatible with the Town Core zoning of the site and the surrounding uses, which include commercial uses.
- 2) ***The proposed location of the conditional use and the proposed conditions under which it would be operated is in keeping with the General Plan and will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the City.*** The proposed use is a low-impact commercial use that is in keeping with the Downtown Commercial land use designated for this site in the General Plan. The proposed conditions of approval would ensure that the use is not detrimental to the public health, safety and welfare.
- 3) ***The proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the Town Core district in which it would be located.*** No site or exterior alterations are proposed, and the subject property is compliant with the off-street parking requirements of the Downtown Mixed Use Master Plan. The use will comply with the requirements of the Zoning Ordinance.

California Environmental Quality Act

The project is categorically exempt pursuant to Section 15301, Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines. The proposed Use Permit authorizes general retail with alcoholic beverage sales in an existing commercial building and would not result in any expansion of the existing structure.

Public Noticing

The application for this project was submitted on January 24, 2022, and proceeded in compliance with the Permit Streamlining Act (PSA) as outlined below.

In accordance with Benicia Municipal Code (BMC) Section 17.104.040 (Notice and public hearing) and California Government Code Section 65091 (Notification procedures), notice of public hearing was mailed to 111 interested parties and property owners within 500 feet of the site and posted near the project site at 621 ½ First Street and within Benicia City Hall on Thursday, April 28, 2022.

1/24/22	Project application was submitted.
2/22/22	An incomplete notice with comments and preliminary draft conditions of approval was sent to the applicant.
2/28/22	Additional revisions and information were submitted by the applicant.
3/29/22	An incomplete notice with comments was sent to the applicant.
4/25/22	Additional information was submitted by the applicant.
4/28/22	A complete letter was mailed to the applicant.
4/28/22	Public hearing notices were mailed, and notice was posted.
5/12/22	Public hearing before the Planning Commission.

In accordance with Benicia Municipal Code section 17.104.080 and 1.44.060, the Planning Commission's decision is subject to an appeal period of ten business days. If the Planning Commission makes a determination on May 12, 2022, the appeal period will end on May 26, 2022.

Next Steps

Approval or denial of the Use Permit would be final 10 business days after the Planning Commission determination unless an appeal is filed during that time.

Attachments:

1. Draft Resolution with Exhibits
 - a. Exhibit A – Project Description
 - b. Exhibit B – Floor Plan
2. Public Comment

*For more information contact: Vic Randall, Senior Planner
Phone: 707.746.4278
E-mail: vrandall@ci.benicia.ca.us*

RESOLUTION NO. 22- (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A USE PERMIT FOR GENERAL RETAIL WITH ALCOHOLIC BEVERAGE SALES AT 621½ FIRST STREET (PLN 22-7)

WHEREAS, on January 24, 2022, the applicant Kuvin Hayer submitted an application for a use permit to allow general retail with alcoholic beverage sales at 621½ First Street (APN 0089-115-130); and

WHEREAS, in accordance with Benicia Municipal Code (BMC) Section 17.104.040 (Notice and public hearing) and California Government Code Section 65091 (Notification procedures), notice of public hearing was mailed to 111 interested parties and property owners within 500 feet of the site and posted near the project site and within Benicia City Hall on Thursday April 28, 2022; and

WHEREAS, the Planning Commission, at a regular meeting on May 12, 2022 conducted a public hearing, accepted public comment and reviewed the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Benicia does hereby find:

- a) This project is categorically exempt from CEQA pursuant to Guidelines Section 15301, Existing Facilities, which applies to the operation, permitting, and leasing of existing public or private structures and facilities involving negligible or no expansion of existing or former use. The applicant is not proposing any physical improvements to the property.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Benicia hereby approves the Use Permit for general retail with alcoholic beverage sales at 621½ First Street. The permittee's rights shall be in accordance with the following conditions and limitations in addition to all applicable regulations, restrictions and limitations set forth in the Benicia Municipal Code.

Required Findings for a Use Permit (BMC 17.104.060):

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located.

The proposed use is consistent with the objectives of the Zoning Ordinance as identified in BMC 17.04.030, notably to "permit the development of office, commercial, industrial and related land uses that are consistent with the General Plan in order to strengthen the city's economic base." The Use Permit will authorize

a retail use, which is compatible with the Town Core zoning of the site and the surrounding uses which include commercial uses.

2. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the general plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.

The proposed use is a low-impact commercial use that is in keeping with the Downtown Commercial land use designated for this site in the General Plan. The proposed conditions of approval would ensure that the use is not detrimental to the public health, safety and welfare.

3. The proposed conditional use will comply with the provisions of this title, including any specific condition required for the proposed conditional use in the district in which it would be located.

No site or exterior alterations are proposed, and the subject property is compliant with the off-street parking requirements of the Downtown Mixed Use Master Plan. The use will comply with the requirements of the Zoning Ordinance.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Benicia approves Use Permit Application PLN 22-7, subject to the following conditions and limitations in addition to all applicable regulations, restrictions and limitations set forth in the Benicia Municipal Code:

1. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a Use 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 use of the site and any plans submitted for the Use Permit shall substantially comply with the site plan and floor plan consisting of one sheet received on January 24 (Exhibit B) and the project narrative consisting of 2 sheets received on January 24 (Exhibit C), except as modified by the conditions of approval and subject to compliance with the Benicia Municipal Code.

3. The approved use shall include in-person retail sales, which may be open to the general public by appointment or walk-in during the hours of 10:00 AM to 7:00 PM, Tuesday through Saturday, as specified in Exhibit C.
4. Approved alcoholic beverage sales shall be limited to packaged wine, craft beers and spirits for off-site consumption.
5. Online orders are permitted as accessory to the in-person general retail use.
6. The premises and adjacent areas shall be maintained free of litter or debris.
7. The Owner/Manager shall establish and maintain a “complaint response-community relations” program that includes the following: (a) Posting at the entry of the establishment and providing to any requesting individual the telephone number for the Benicia Police Department; (b) Coordinating with the Benicia Police Department to monitor community complaints about the establishment’s activities; (c) Having a representative of the establishment meet with neighbors or homeowners’ association on a regular basis and at their request, attempt to resolve any neighborhood complaints regarding the establishment.
8. Informational signs shall be prominently posted in a readily visible manner specifying: (a) “California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age”; and (b) “No Loitering or Public Drinking”.
9. The applicant shall install high-definition security cameras on the interior and exterior of premises.
10. Prior to commencing the use, the applicant shall have received the required permit from the California Department of Alcohol and Beverage Control.
11. The project shall adhere to all applicable ordinances, plans, and specifications of the City of Benicia.
12. Any alteration of the approved plans, including substitution of materials, shall be requested in writing for review and approval by the Community Development Director prior to changes being made in the field.
13. The applicant or permittee shall defend, indemnify (including reimbursement of all fees and costs reasonably incurred by separate counsel retained by the City), and hold harmless the City of Benicia and its elected and appointed officials, its agents, officers, and employees from and against any and all liability, loss, damage, or expense including without limitation reasonable

attorneys' fees which City may suffer or incur as a result of any claims relating to or arising from the City's approval of the project or any portion of the project.

On motion of Commissioner _____ and seconded by Commissioner _____, the above Resolution is introduced and adopted by the Planning Commission of the City of Benicia at a regular meeting of the Commission held on the 12th day of May 2022 and adopted by the following vote:

Ayes: Commissioners _____

Noes: Commissioners _____

Absent: Commissioners _____

Abstain: _____

Kari Birdseye, Chair

Date

Project Narrative – 621 ½ 1st Street, Benicia, California

1. Interior & Exterior Uses
 - a. There is approximately 347 square feet of space inside. Approximately 320 square feet will be used for product displays and housing inventory. The residual is an existing bathroom. The space will have one POS unit for purchases with a display screen outlining how customers can customize their purchase. A small bathroom.
 - b. There is no exterior use planned, no sales, storage, etc.
2. Hours of operation
 - a. Customers can enter by appointment only during normal business hours of 11AM to 7PM, Tuesdays through Saturdays. The store will be closed Sundays and Mondays.
 - b. Customers can visit by appointment between the hours of 11AM and 7PM, Tuesdays through Saturdays.
 - c. Walk-ins will be limited to special event days aligned with the downtown calendar.
3. Previous land use
 - a. N/A. no change to zoning or use
4. Anticipated number of employees and customers
 - a. Employees – 2 to 3, with only one working at the site. The other 1-2 will be working remotely.
 - b. Customers –we expect approximately 6-10 customers per day, each spending 10-15 minutes per visit, by appointment. We expect few, high dollar customers.
5. Special Events
 - a. Not applicable, no intention of special events
6. Type of vehicle traffic
 - a. Between deliveries from vendors and pick-ups via UPS, we anticipate this will take approximately 2-3 minutes from start to finish, as Inventory and package pickups will be minimal. We are expecting deliveries and pickups to be made once per week. UPS and other delivery vehicles currently operate throughout the ally daily.
 - b. We're expecting most customers to come via car and park on 1st street. We may also have walking customers from time to time.
7. Delivery schedule
 - a. Deliveries will be made once per week between the hours of noon and 4PM, lasting a few minutes.
8. Odors – Not applicable
9. Hazardous materials – Not applicable
10. Temporary equipment or storage – Not applicable

11. Lease controls – Not applicable

12. Potential permit requirements

- a. Yes, a type-21 off sale general license has been applied for with the CA Department of Alcohol Beverage Control.
- b. Business will apply for other necessary permits (sellers permit, Fictitious Business Name Statement, local health permit)

Additional Detail: This is a low volume/low traffic specialty store, and NOT a convenience store or corner store.

This business will offer:

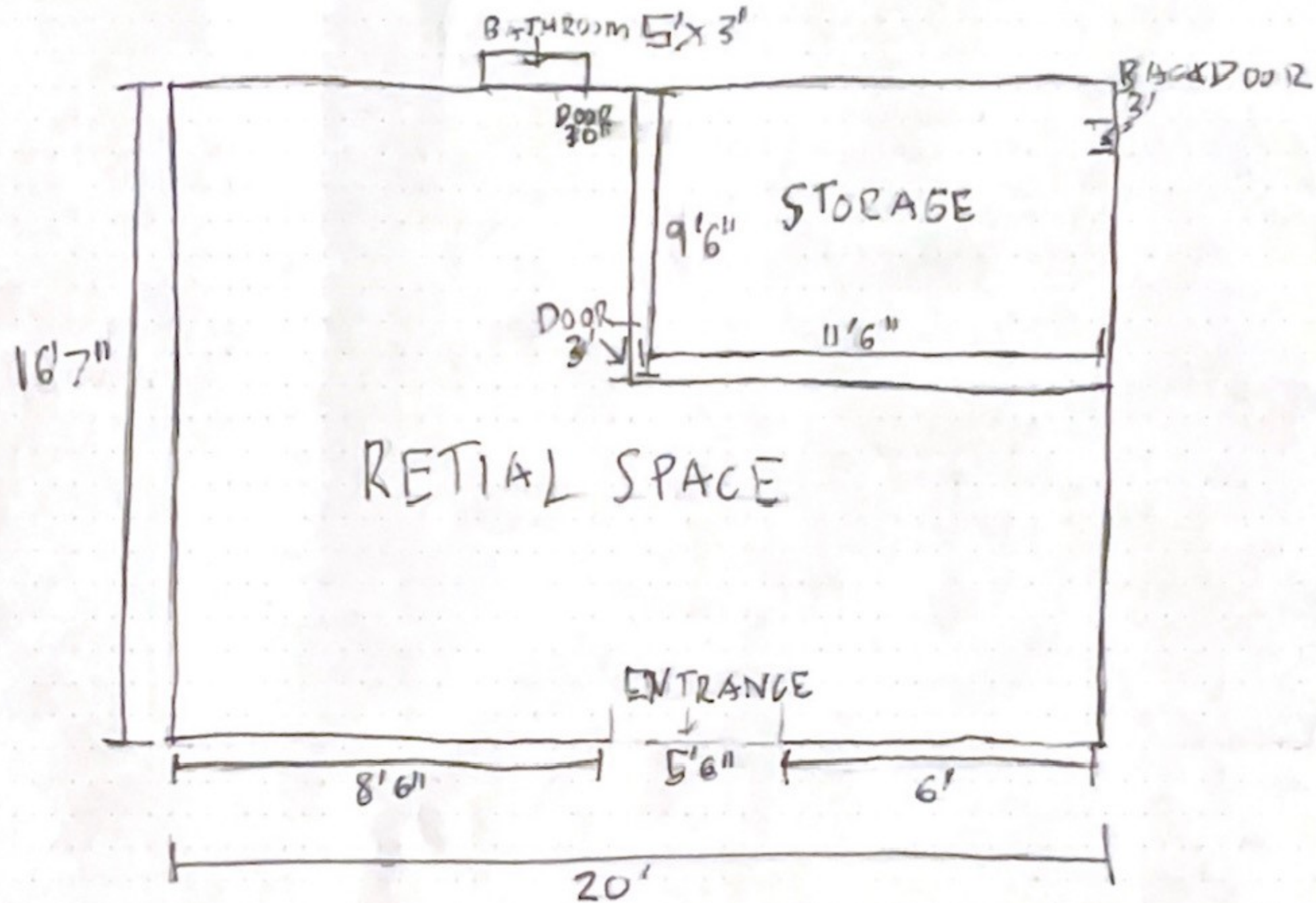
- Predominately appointment-based sales
- Sales based on an online transaction
- Walk-ins at selective times such as downtown event days
- Allocated wine & spirits currently not available in Benicia & surrounding areas
- Ability for customers to make special orders
- Custom gift packaging
- Custom, high-end experience

This business will NOT offer:

- Cigarettes/Vape products
- Chips/snacks/food/soft drinks
- CA Lottery
- Sale to anyone under 21

13 through 15 – Not applicable

Site Plan, Grading & Drainage Plan, Landscape Plan, Elevations, floor plan, arborist report, photometric, visual, story poles, map amendment, traffic analysis, historic resource evaluation, ESA, soils report, housing, cannabis, wireless, parcel/plat map – all items not applicable, no changes to existing.



Colette Schow

From: Gary Hellmuth [REDACTED]
Sent: Thursday, March 10, 2022 8:55 AM
To: Victor Randall
Subject: PLN-22-7 621 1/2 First Street

City of Benicia
Community Development
March 10, 2022
RECEIVED

Follow Up Flag: Follow up
Due By: Thursday, March 10, 2022 9:30 AM
Flag Status: Flagged

Mr Randall

I noticed a Liquor License Application on the side door of 621 1/2 First Street

I live at 170 West G Street; 200 feet down the alley this property fronts.

I have lived here over 40 years and I am vehemently opposed to the use of this tiny alley location as a Liquor Store.

The application mis-states the neighboring property usages.

The North side has an Historic Salt-Box home facing the State Capitol.

The North side also has a Residential home facing the capitol.

The West side is also a Residential home: as are all the rest of the properties beyond the 621 address in the alley.

The property on the South side of the alley (across from 621) is commercial and is currently going under structural renovations (I assume under Permit) That property's alley parking is directly across from 621.

The application does not note the Residential use of the address. It has been a "Living" work space for the entire 40 years I have lived here. The second floor is an apartment unit that has always been tied to either a Used Clothing Shop or Hair Salon on the ground level below.

None of which were in business for any length of time.

(I am sure you can check the Business License records to confirm this)

The only parking space has always been used (as it is now) by the apartment tenant.

There is No Parking in the alley.

The alley buildings on First have only 20' between them.

621 1/2 is built right on the property line as well.

The Liquor Store will undoubtedly result in continual "temporary" parking in the alley next to the Store.

As is, the current Tenant (Hair Salon) at the main building regularly has clients parking "Temporarily" in the alley. This effectively blocks traffic in both directions and has become a sore spot with the neighbors.

Please keep me informed as to the progress of this Application.

I appreciate your time.

Best Regards

Gary Hellmuth
[REDACTED]

Battery Street Construction

San Francisco

