BENICIA PLANNING COMMISSION
PLANNING COMMISSION AGENDA

Council Chamber, 250 East L. Street
May 10, 2018
7:00 PM

1. **OPENING OF MEETING**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL OF COMMISSIONERS**

4. **REFERENCE TO FUNDAMENTAL RIGHTS OF PUBLIC**

A Plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

5. **ADOPTION OF AGENDA**

6. **ELECTION OF OFFICERS (CHAIR AND VICE CHAIR)**

7. **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.

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8. WRITTEN

9. PUBLIC COMMENTS

10. 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.

10.A March 8, 2018 DRAFT MINUTES

March 8, 2018 Planning Commissin Draft Minutes

11. REGULAR AGENDA ITEMS

11.A GENERAL PLAN CONFORMANCE DETERMINATION FOR REQUEST TO VACATE A PORTION OF EAST N STREET RIGHT-OF-WAY AND UNIMPROVED ALLEY ABUTTING THE VACANT PARCEL AT 121 EAST N STREET; AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA (17PLN-00060)

The applicants, Daraius and Judith Tata, request that the city vacate portions of unimproved right-of-way adjoining two sides of the property located at 121 East N Street (APN: 0087-074-150). The subject request includes vacation of approximately 2,000 square feet of alley right-of-way at the rear of the property and 1,977 square feet of East N Street right-of-way at the front of the property in order to facilitate development of a single-family home.

The purpose of the Planning Commission hearing is to determine whether the location, purpose and extent of the requested vacation conforms to the General Plan as required by Government Code Section 65402. Right-of-way vacation is subject to approval by the City Council following a public hearing.

RECOMMENDATION:
Adopt the resolution finding that the proposed vacation of right-of-way is consistent with the General Plan.

Staff Report - PC ROW Vacation GP - 05102018

1. Draft Resolution

2. ROW Vacation Exhibit

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3. Location Map and Images

4. Legal Descriptions

12. COMMUNICATION FROM STAFF

13. COMMUNICATION FROM COMMISSIONERS

14. ADJOURNMENT

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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 Alan Shear, 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

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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 Patterson: 746-4212
Vice Mayor Young: 746-4213
Council Member Campbell: 746-4213
Council Member Hughes: 746-4213
Council Member Schwartzman: 746-4213

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DRAFT

MINUTES OF THE
REGULAR MEETING – PLANNING COMMISSION
March 8, 2018

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

1) OPENING OF MEETING

2) PLEDGE OF ALLEGIANCE (Activated at 00:00:26)

3) ROLL CALL OF COMMISSIONERS (Activated at 00:00:51)

Present:	Commissioners Dravnieks Apple, Catton, Macenski, Radtke, and Chair Birdseye
Absent:	Commissioners Masdeo and Oakes
Staff Present:	Shawna Brekke-Read, Community Development Director
	Suzanne Thorsen, Principal Planner
	Kat Wellman, Contract Attorney
	Mario Giuliani, Economic Development Director
	Dorothy Dickson-Dodds, Recording Secretary (Activated at 00:00:18)

4) REFERENCE TO FUNDAMENTAL RIGHTS OF PUBLIC (Activated at 00:01:18)

5) ADOPTION OF AGENDA (Activated at 00:01:26)

On motion of Commissioner Macenski, seconded by Commissioner Dravnieks Apple, the agenda was adopted, by the following vote:

Ayes:	Commissioners Dravnieks Apple, Catton, Macenski, Radtke, and Chair Birdseye
Noes:	None
Absent:	Commissioners Masdeo and Oakes
Abstain:	None

6) OPPORTUNITIES FOR PUBLIC COMMENTS (Activated at 00:01:50)

7) WRITTEN (Activated at 00:02:01)

8) PUBLIC COMMENTS (Activated at 00:02:06)

Tony Shannon, Benicia resident, spoke about a “Dig Once Policy” in Benicia, and explained the program would benefit the city.

9) CONSENT CALENDAR (Activated at 00:06:29)

On motion of Commissioner Dravnieks Apple, seconded by Commissioner Macenski, the Consent Calendar was approved by the following vote:
Ayes: Commissioners Dravnieks Apple, Catton, Macenski, Radtke, and Chair Birdseye

Noes: None
Absent: Commissioners Masdeo and Oakes
Abstain: None

9.A) FEBRUARY 8, 2018 DRAFT MINUTES (Activated at 00:06:31)

9.B) USE PERMIT FOR OUTDOOR STORAGE OF CONSTRUCTION EQUIPMENT AND MATERIALS, AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA (Activated at 00:06:33)

10) REGULAR AGENDA ITEMS (Activated at 00:07:23)

10.A) USE PERMIT FOR AN EATING AND DRINKING ESTABLISHMENT WITH FULL ALCOHOLIC BEVERAGE SERVICE PURSUANT TO THE HARBOR WALK PLANNED DEVELOPMENT PLAN AND PURSUANT TO THE DOWNTOWN MIXED-USE MASTER PLAN FOR A BAR OR TAVERN OPERATING AFTER 9 P.M. AND BEFORE 7 A.M. AT 280 FIRST STREET, AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA. (Activated at 00:07:25)

Ms. Thorsen provided a presentation and brief history and overview.

Jason Diavitis, applicant and owner of The Loft/The Speakeasy, thanked staff concurs with staff report.

Commissioners asked Mr. Diavitis questions regarding sound systems restrictions, the effect on the upstairs neighbors and a designated onsite manager.

In response, Mr. Diavits said they keep the sound moderate. He said he is the manager.

PUBLIC COMMENT OPEN:

Lisa Murphy, 264 1st St, said that The Loft is a good neighbor. She stated her concern with another restaurant moving in and made a point that the Covenants, Conditions & Restrictions do have guidelines that address noise. She asked for clarification with regards to the draft conditions of approval, specifically closing time, and asked that exceptions be made for holidays.

(Activated at 00:23:25)

PUBLIC COMMENT CLOSED

The Commissioners asked staff clarifying questions about land use, compatibility and the California State Alcohol, Beverage Control (ABC) conditions. (Activated at 00:26:43)

(Activated at 00:27:49)

The Commission discussed food service a half hour before closing and including that in the conditions of approval since it is on the ABC license.

On motion of Commissioner Catton, seconded by Commissioner Macenski, the Commission approved the above resolution with the substitution of "designated employee" for "manager" in the conditions of the resolution, by the following vote:

Ayes: Commissioners Dravnieks Apple, Catton, Macenski, Radtke, and Chair Birdseye
Noes: None
Absent: Commissioners Masdeo and Oakes
Abstain: None

10.B) STUDY SESSION TO EVALUATE POTENTIAL ZONING TEXT AMENDMENTS RELATED TO ACCESSORY DWELLING UNITS (Activated at 00:32:16)

Ms. Thorsen provided a presentation.

PUBLIC COMMENT OPEN:

Steve Ray, Benicia resident, expressed support for expanding affordable housing opportunities and the potential for ADUs above garages.

Angela Fortain, Benicia resident, commented on the potential size disparity between an accessory dwelling unit and the principal house, commented on accessibility concerns, and discussed differences between attached and detached ADUs.

Tim Reynolds, Benicia resident, said that Accessory Dwelling Units are a great idea and expressed his concern with effects of new ADUs and conversion of historic accessory buildings in the Historic District

Toni Haughey, Benicia resident, said she is in favor of affordable housing. She commente don parking concerns and the aesthetic impact of the downtown neighborhoods.

Kenneth Boman, Benicia resident, said he did not agree with the owner-occupied section. He said affordable housing is good and helps families and commented that fees should be reasonable.

Christina Topf, Benicia resident, said she does not agree with the proposed size limitation for attached ADUs, disagrees with the owner-occupied rule, and commented on the importance of legal and safe dwelling units.

Anthony Shannon, Benicia resident, agrees with the concept but disagrees with the state mandate decision regarding parking regulations near transit stations.

Kathy Kerridge, Benicia resident, said homeowners should be allowed to make the decision of renting out both units on their properties and commented that timing of ADU construction in

relation to the principal dwelling. She said there should be setback distinctions adjoining alleys. She said ADUs should be allowed above garages and disagrees with the proposed floor area restriction for attached ADUs.

Micha Barach, Benicia resident, said he believes a home owner should be able rent their house and have an ADU and expressed concerns for regarding the owner occupancy requirement which may have unintended effects if the owner needs to leave Benicia for some reason.

PUBLIC COMMENT CLOSED

Commissioners discussed the proposed draft and provided the following comments:

The city should review the owner-occupancy requirement.

Overall the Commission is in favor of ADUs above the garage. They should be in character with the Historic District. Staff should review the proposed height limitations.

Setbacks in the downtown setting should be reviewed.

Staff should review the limitations on the floor area of attached ADUs in the primary dwelling unit.

There are concerns about conversion of historic buildings/

Commissioners concur that the parking requirements should be consistent city wide and clarified that bus routes in Southampton serve commuters as well as students. A safety evaluation should be made to ensure that streets are up to code for fire access and safety. The Commission suggested considering parking permits in the future.

Commissioners suggested the option of a 30-day temporary permit to lease both units for the owner's travel.

Staff should evaluation design standards and whether it is necessary t match the primary dwelling.

11) COMMUNICATION FROM STAFF (Activated at 01:52:58)

Ms. Brekke reported the continuation of 2000 Park Road, and that the application was withdrawn this week.

Ms. Brekke-Read reported that City Council adopted several Cannabis ordinances; there is a citywide limitation of one microbusiness and two retail businesses. The applications will go to Planning Commission, and staff will hold a workshop for the Commissioners prior to the hearings.

Ms. Thorsen updated the Commission with the Ad Hoc Advisory Committee's progress concerning the Historic District Downtown Design Guidelines. The committee has two focuses: one is working on the guidelines and the second is the process.

Mr. Giuliani, Economic Development Director talked about the City moving to Priority Based Budgeting. He invited the Commissioners to attend either the March 14 (during the day) or March 16, from 6-8p.m. at City Hall.

12) COMMUNICATION FROM COMMISSIONERS (Activated at 01:59:58)

Chair Birdseye thanked staff for comments made Tuesday night; one goal was to address affordable housing. She said would like the Commission to examine housing ordinances to make sure the City is addressing sustainable issues and the Climate Action Plan, so the City isn't reactive.

13) ADJOURNMENT (Activated at 02:02:40)

Chair Birdseye adjourned the meeting at 9:32p.m.

AGENDA ITEM
PLANNING COMMISSION
MEETING DATE – MAY 10, 2018
BUSINESS ITEMS

TO : Planning Commission

SUBJECT : **GENERAL PLAN CONFORMANCE DETERMINATION FOR REQUEST TO VACATE A PORTION OF EAST N STREET RIGHT-OF-WAY AND UNIMPROVED ALLEY ABUTTING THE VACANT PARCEL AT 121 EAST N STREET; AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA (17PLN-00060)**

EXECUTIVE SUMMARY:
The applicants, Daraius and Judith Tata, request that the city vacate portions of unimproved right-of-way adjoining two sides of the property located at 121 East N Street (APN: 0087-074-150). The subject request includes vacation of approximately 2,000 square feet of alley right-of-way at the rear of the property and 1,977 square feet of East N Street right-of-way at the front of the property in order to facilitate development of a single-family home.

The purpose of the Planning Commission hearing is to determine whether the location, purpose and extent of the requested vacation conforms to the General Plan as required by Government Code Section 65402. Right-of-way vacation is subject to approval by the City Council following a public hearing.

RECOMMENDATION:
Adopt the resolution finding that the proposed vacation of right-of-way is consistent with the General Plan.

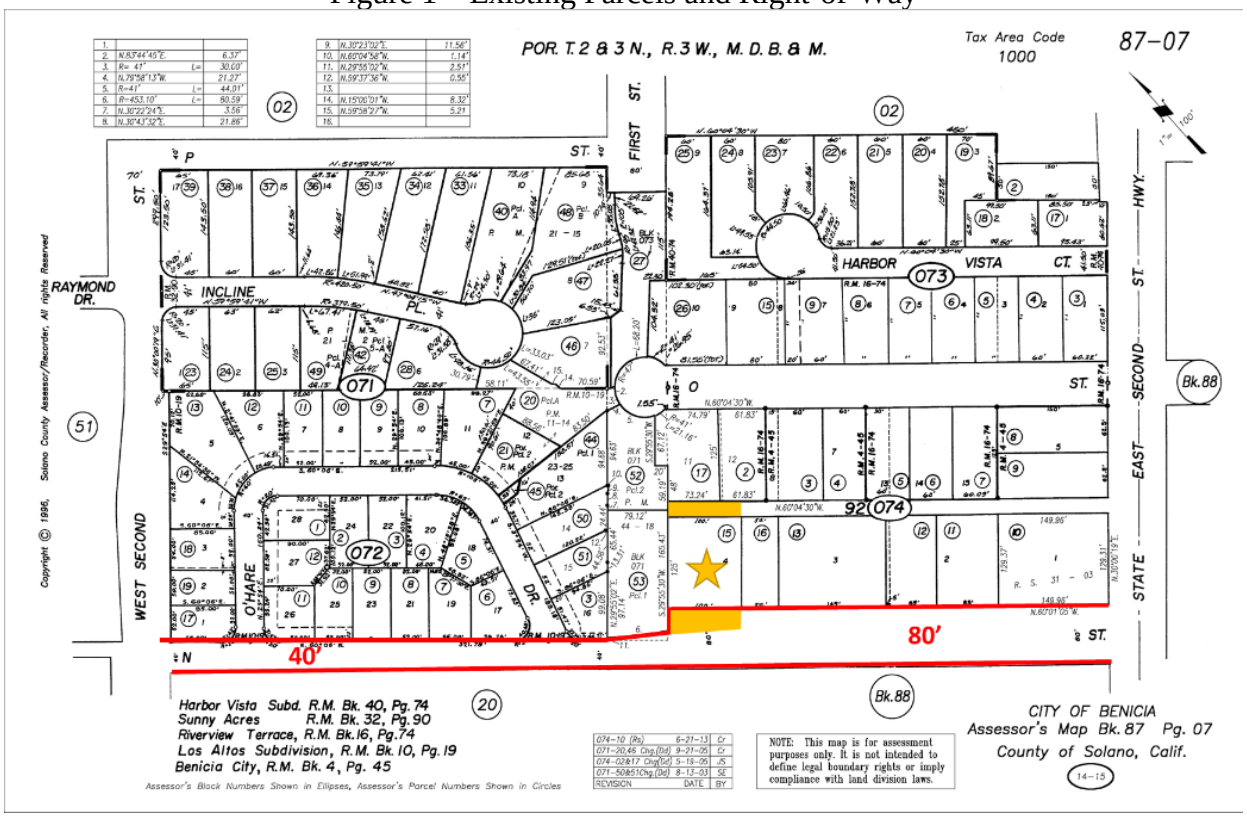
BACKGROUND:
In accordance with Government Code Section 65402, the Planning Commission must conduct a public hearing to determine conformance to the General Plan regarding any street vacation, abandonment or acquisition of real property for any purpose.

Subsequent to the Planning Commission's determination, the City Council will conduct a public hearing and make a decision to approve or deny the proposed right-of-way vacation. The City Council's procedures will follow the statutory requirements of the California Streets and Highways Code Sections 8300-8363.

Location and Site Characteristics
The subject property consists of unimproved right-of-way adjoining the south (front) and north (rear) property lines of 121 East N Street. Land to the north, east and west is zoned for single-family residential use; land use to the south is open space and a commercial shopping center.

The width of the East N Street right-of-way in the location of the subject property is 80 feet; immediately to the west, it is reduced to 40 feet.

Figure 1 – Existing Parcels and Right-of-Way

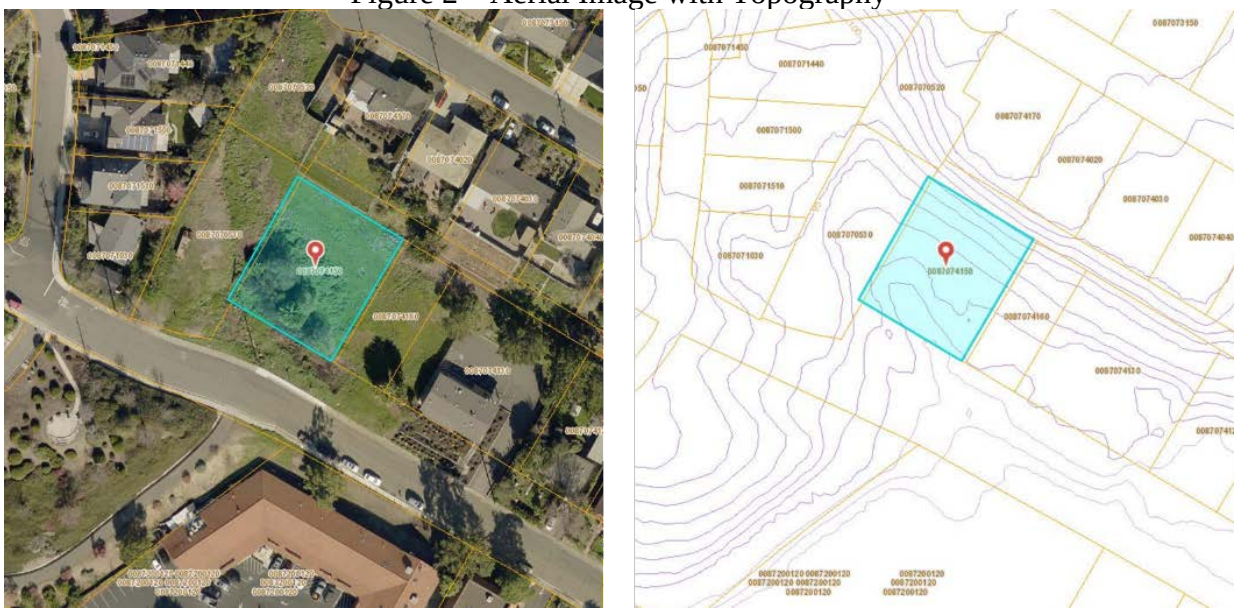


The topography in the area is characterized by a general downward slope from northwest to south. The right-of-way adjoining the front property line has a slope of about 17 feet from west to east along the East N Street frontage and the alley has a slope of about 8 feet from north to south.

An open drainage channel bisects the lot diagonally from northwest to southeast. To the northwest, drainage is conveyed through a 24-inch solid pipe that outlets along the west property line; water is subsequently conveyed across the property and into a 10-inch solid pipe inlet at the southeast corner of the site (south property line). The water conveyed through the open channel originates from the residential neighborhood northwesterly of the property, including the Benicia Cemetery site. The city will continue to evaluate the drainage through its review of the building permit for the single-family home.

The city owns and maintains a storm drainage infrastructure within the East N Street right-of-way. PG&E, Comcast and AT&T also operate and maintain utility facilities within the proposed vacation area and have requested dedication of a public utility easement.

Figure 2 – Aerial Image with Topography



SUMMARY

Project Description

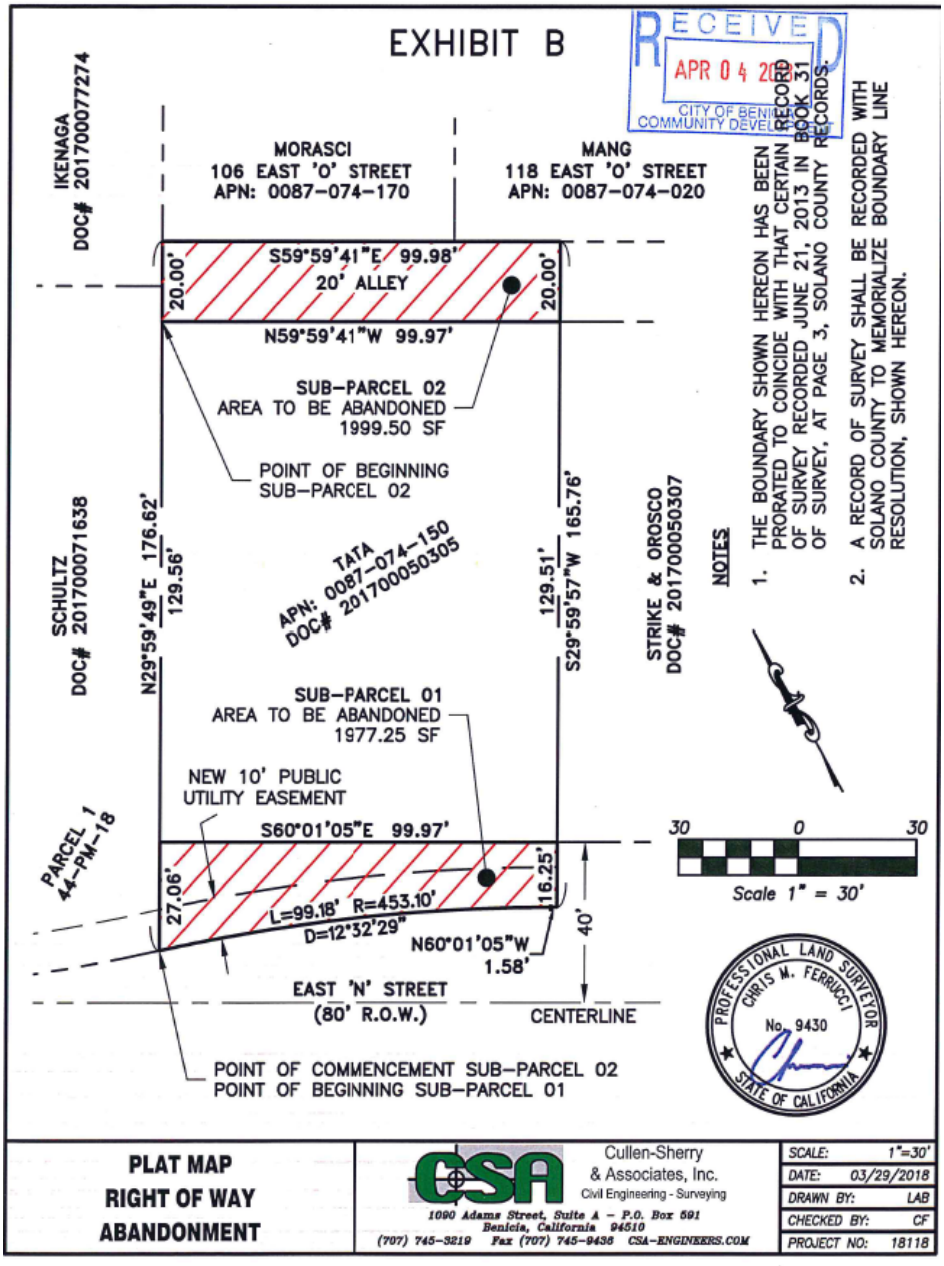
The applicants, Daraius and Judith Tata, request that the city vacate the following unimproved right-of-way adjoining 121 East N Street:

1. Approximately 2,000 square feet of alley right-of-way adjoining the rear property line (approximately 100 lineal feet in width along the rear property line and 20 feet in depth as shown in Figure 2);
2. Approximately 1,977 square feet of East N Street right-of-way adjoining the front property line (approximately 100 lineal feet along the front property line and ranging in depth from approximately 27 feet to 16 feet as shown in Figure 2).

The proposed right-of-way vacation is requested in order to facilitate development of 121 East N Street with a new single-family home. The 12,947 square foot residential lot is zoned RS (Single Family Residential) and the current property owners have submitted a building permit application for a single-family home. If the property is vacated, it will be offered for sale at fair market value and may be combined with the existing residential lot to increase the lot area by approximately 3,000 to 4,000 square feet. While the increased lot area would not increase the amount of residential density that could be developed on the site, it would provide an expanded yard area in which to locate the residence and accessory structures.

The applicant notified adjoining property owners and utility providers of the request; no objections were received. Additional public notice was provided in advance of the public hearing in accordance with the city's notice procedures.

Figure 2 – Proposed ROW vacation



Circulation Impacts

The applicants request to vacate right-of-way that is currently unimproved. There are no immediate impacts to vehicular circulation in the vicinity as described below:

- Alley: The alley is unimproved and remains in a natural state. Originally the alley was platted to extend from First Street to East Second Street; however, First Street was vacated in this location (see Figure 1) so it no longer provides connectivity to a grid street pattern.

  Properties on East O Street that adjoin the alley have front-loaded garages with access from East O Street. The residential lots to the east and west of the subject property on East N Street are vacant and are likely to obtain vehicular access from the public street due to the unimproved condition of the alley and prevailing development pattern in the area.

  The alley has a slope that would require substantial grading to prepare for improvement; as noted, it does not provide through access to another block.

  If the city vacates the alley, it can no longer be developed for public access in the vacated segment. While there is a possibility that some future individual or individuals may desire to use the alley in this vicinity, it would require improvement of the land and construction to city standards. There are no plans for such improvement or access at this time.

- East N Street: The East N Street right-of-way varies in width as shown in Figure 1; however, the pavement width is consistent along the roadway. The existing right-of-way exceeds current roadway needs. East N Street is a local street and it is intended to provide access directly to abutting property, but not to carry through traffic form one part of the community to the other. Vacation of the unimproved right of way in this location would not impact the dimensions of the roadway, nor would it affect the continuity of right-of-way along East N Street. The city does not have any plans to expand the roadway in this location; as noted in the General Plan, Benicia's policy is to maintain minimal pavement width in residential areas.

Alternatives

The subject property is constrained due to the presence of an open drainage channel that bisects the site. This existing condition requires that a new home be placed toward the rear of the lot, potentially within the required setback area. Placement of a garage or other off-street parking is also constrained by the existing drainage channel.

An alternative to the proposed right-of-way vacation is for the property owners to pursue a zoning variance(s) that would facilitate development of the site. The findings for a zoning variance relate to special conditions of the property (size, shape, topography, etc.); impacts to adjoining property or improvements; and consistency with the purpose of the Zoning Ordinance. Due to the existing drainage channel that bisects the property and based upon the information provided to date, city staff would likely support a zoning variance related to setbacks to accommodate development of the site.

Additional Considerations

The proposed vacation of right-of-way conforms to the General Plan. Staff notes the following additional considerations related to the proposal:

1. Appropriate easements will be needed due to existing stormwater and public utility infrastructure on the vacant lot and in the East N Street right-of-way.
2. The existing drainage on the property should be evaluated, regardless of the requested right-of-way vacation. Considerations such as maintenance and repair of drainage infrastructure need to be addressed by the city and property owner. A hydrologic study has been requesting; the potential for flooding on the residential lot and in the East N Street right-of-way will be evaluated prior to the City Council's hearing on the proposed request.
3. Pursuant to State statute, the city has may offer vacated land for sale equitably to adjoining property owners. The owners of 121 East N Street anticipate that they will purchase the entire 20 feet of unimproved alley that adjoins their property; however, the city's practice is to divide the vacated right-of-way along the centerline and offer it to sale for adjoining property owners. It is possible that the applicants will only be able to obtain 10 feet of right-of-way if their neighbors also decide to purchase northern portion of the vacated alley.
4. Adjoining property owners have been notified of the applicant's request. Some design-related preferences have been expressed (single-story home, no vehicle access across the rear property line). The city's ability to control these factors, such as rear yard landscaping and single-story height, is limited because single-family development is permitted "by right" and does not require design review in this location.

The evaluation of these considerations is ongoing in the Public Works Engineering Division; accounting for these factors, a staff recommendation regarding the vacation of right-of-way will be developed prior to the City Council hearing.

GENERAL PLAN:
East N Street is designated as a local street. The Benicia General Plan (1999) says that the function of local streets is to provide access directly to abutting property. Local streets play an important secondary role as locations for utilities, easements, open space for light and air, and firebreaks between buildings. The proposed right-of-way vacation would not interfere with the intended function of the local street designation. The General Plan does not specify a minimum right-of-way width for local streets but does establish a program to re-examine City standards to allow development of local streets with the minimum pavement width needed in residential areas (Program 2.14A).

The General Plan does not establish policies or considerations for decisions regarding right-of-way vacation. The City has not codified procedures or adopted any policies related to right-of-way vacation. Thus, staff concludes that there are no General Plan policies that would preclude the proposed right-of-way vacation.

The proposed right-of-way vacation would facilitate the development of 121 East N Street for residential use, which is consistent with the Land Use Diagram of the General Plan.

General Plan	Goal 2.1 Preserve Benicia as a small-sized city. ➢ Policy 2.1.1: Ensure that new development is compatible with adjacent existing development and does not detract from Benicia's small town qualities and historic heritage. Goal 2.14 Enhance Benicia's small-town atmosphere of pedestrian-friendly streets and neighborhoods. ➢ Policy 2.14.1: Give priority to pedestrian safety, access, and transit over automobile speed and volume. o Program 2.14.A: Reexamine City standards to allow the development of local streets with the minimum pavement width needed in residential areas, at the same time assuring that emergency access is maintained and that pedestrian and vehicular safety are preserved. Goal 2.20 Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit, balancing vehicle-flow improvements with multi-modal considerations. ➢ Policy 2.20.2: Seek alternatives to road widenings. Goal 4.12 Accommodate runoff from existing and future development. ➢ Policy 4.12.2: Upgrade existing drainage facilities as necessary to correct localized drainage problems. ➢ Policy 4.12.4: Where practicable, discourage the use of storm drain systems, and promote stormwater management strategies which maximize opportunities for absorption of rainfall, overland conveyance of runoff, non-reservoir surface storage, and other measures that reduce development-induced impacts on peak flow rates.

CEQA:

CEQA Analysis	The proposed right-of-way vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 (Class 5) which consists of minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density. The proposed right-of-way vacation will not result in the creation of a new parcel nor result in any changes to the existing roadways or permitted residential density for the adjoining single family lot (121 East N Street).

ATTACHMENTS:

1. Draft Resolution
2. Right-of-Way Vacation Exhibit
3. Location Map & Images
4. Legal Descriptions

For more information contact: Suzanne Thorsen, Principal Planner
Phone: 707.746.4382
E-mail: SThorsen@ci.benicia.ca.us

RESOLUTION NO. 18- (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA FINDING THE VACATION OF A PORTION OF EAST N STREET RIGHT-OF-WAY AND UNIMPROVED ALLEY ABUTTING THE VACANT PARCEL AT 121 EAST N STREET IS IN CONFORMANCE WITH THE GENERAL PLAN (17PLN-00060)

WHEREAS, the Government Code of the State of California, Section 65402, provides that a local agency shall not acquire real property, nor dispose of any real property, nor construct a public building or structure in any county or city until the location, purpose and extent of such activity has been reported upon as to the conformity with the adopted General Plan; and

WHEREAS, the applicants, Judith and Daraius Tata, have requested that the City of Benicia vacate unimproved right-of-way adjoining two sides of the property located at 121 East N Street (APN: 0087-074-150). The subject request includes vacation of approximately 2,000 square feet of alley right-of-way on one end of the property and 1,977 square feet of East N Street right-of-way on the opposite side of the property in order to facilitate development of a single-family home; and

WHEREAS, the Planning Commission at a regular meeting on May 10, 2018 conducted a public hearing and reviewed the proposed project in order to make a determination regarding conformance of the requested vacation with the Benicia General Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Benicia hereby finds that the proposed vacation of a portion of the East N Street right-of-way and the unimproved alley abutting the vacant parcel at 121 East N Street is in conformance with the goals, policies and programs of the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Benicia hereby finds that the proposed vacation of right-of-way is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 (Class 5) which consists of minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density. The proposed right-of-way vacation will not result in the creation of a new parcel nor result in any changes to the existing roadways or permitted residential density for the adjoining single family lot (121 East N Street).

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On motion of Commissioner , seconded by Commissioner , the above Resolution is introduced and passed by the Planning Commission of the City of Benicia at a regular meeting of the Commission held on the 10th day of May 2018 and adopted by the following vote:

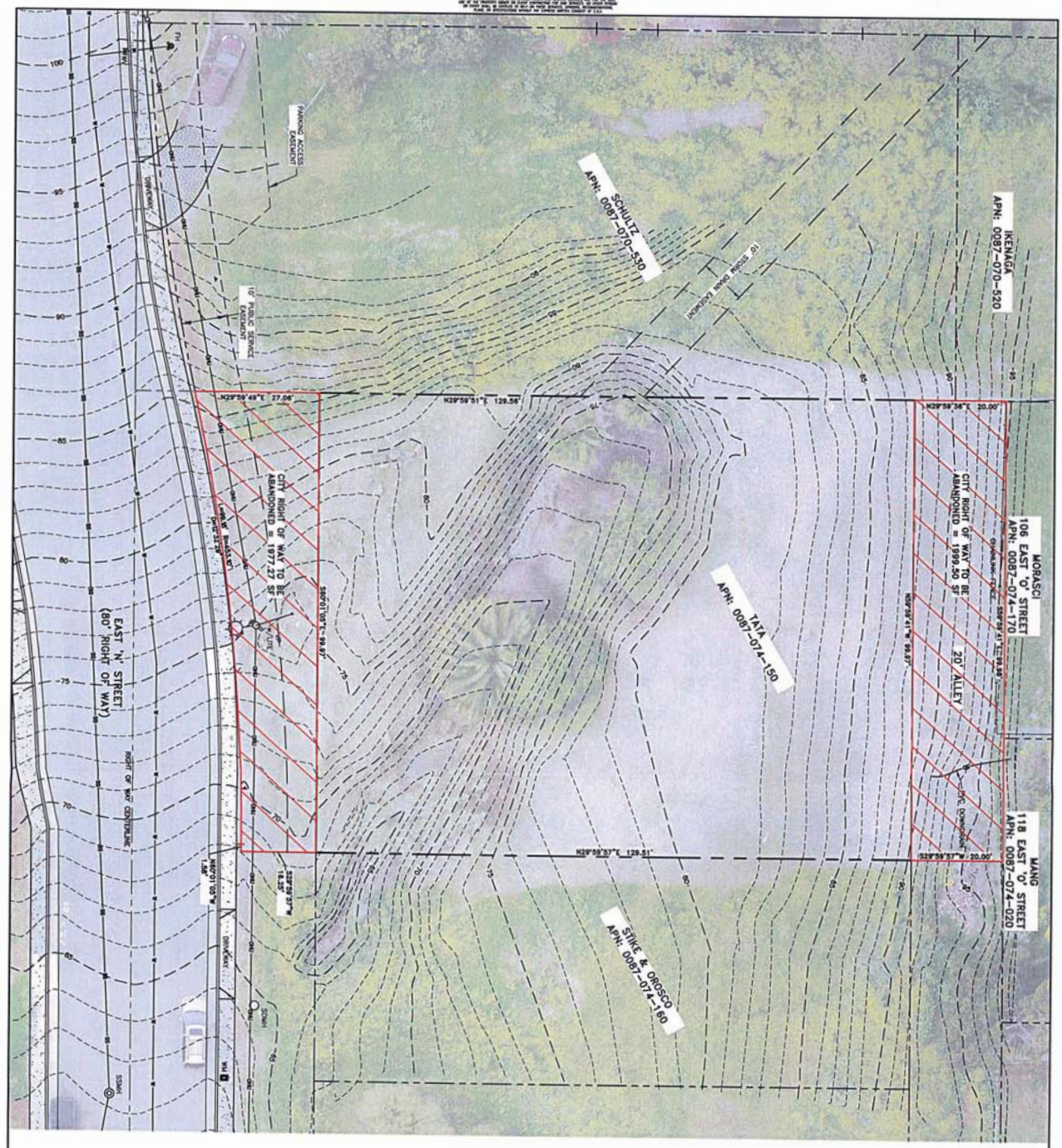
Ayes:

Noes:

Absent:

_____
Kari Birdseye, Chair

_____
Date



AERIAL SURVEY NOTES

1. AS-BUILT DATA SHOWN HEREON IS REPRESENTATIVE OF EXISTING SITE CONDITIONS DURING AN AERIAL SURVEY PERFORMED ON 03/27/2018.
2. AERIAL IMAGERY ACQUIRED VIA DJI PHANTOM 4 PRO DRONE AND REDUCED VIA PIX4D MAPPER PRO.
3. GROUND CONTROL POINTS SET AND ACQUIRED VIA TOPCON GPS RTK NETWORK
4. CONTOUR LINES HAVE BEEN GENERATED FROM PIX4D MAPPER PRO DIGITAL TERRAIN MODEL IN CONJUNCTION WITH A FIELD SURVEY.

BASIS OF BEARINGS

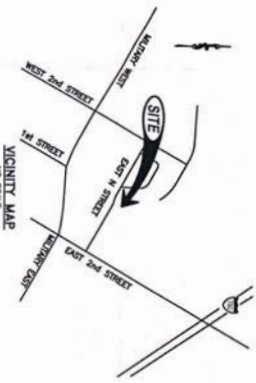
TAKEN AS THE LINE BETWEEN FOUND MONUMENTS IN EAST 2nd STREET AT THE INTERSECTIONS OF 'N' STREET AND HARBOR VISTA COURT, HELD AS N30°00'19"E

BENCHMARK

NATIONAL GEODETIC SURVEY (NGS) BENCHMARK DESIGNATION 'E 798', PID 'JT0134'.
ELEVATION = 33.70' (NAVD 88)

VICINITY MAP

NO SCALE



LEGEND

APN	ASSESSOR'S PARCEL NUMBER
PP	POWER POLE
JPOLE	JOINT POLE WITH STREET LIGHT
OHU	OVERHEAD UTILITY LINES
SSMH	SANITARY SEWER MAN HOLE
SD	STORM DRAIN
SDMH	STORM DRAIN MAN HOLE
SS	SANITARY SEWER LINE
SSMH	SANITARY SEWER MAN HOLE
W	WATER LINE
WM	WATER METER
WV	WATER VALVE
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	EASEMENT AS NOTED
	RIGHT OF WAY CENTERLINE
	CONCRETE
	RIGHT OF WAY ABANDONMENT

Scale 1" = 10'

SURVEYOR'S STATEMENT:

THIS MAP REPRESENTS A TOPOGRAPHIC SURVEY.

ALL INFORMATION SHOWN REGARDING THE BOUNDARY IS COMPILED FROM RECORD DATA AND DOES NOT REPRESENT A BOUNDARY SURVEY. NO WARRANTY AND DOES NOT REPRESENT AS TO THE ACCURACY OR COMPLETENESS OF THE BOUNDARY INFORMATION SHOWN HEREON.

PREPARED UNDER DIRECTION OF:

CHRIS W. FERRUCCI
DATE 04/03/2018

PROFESSIONAL LAND SURVEYOR
CHRIS W. FERRUCCI
No. 9450
STATE OF CALIFORNIA

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COMMUNITY DEVELOPMENT

RIGHT OF WAY ABANDON EXHIBIT

121 EAST 'N' STREET
APN: 0087-074-150

BENICIA, CALIFORNIA
PREPARED FOR: TATA

SCALE:	1"=10'
DATE:	04/03/2018
DESIGN BY:	
DRAWN BY:	LAR
CHECKED BY:	
FIELD BOOK:	OF
SHEET NUMBER:	1
SHEETS	1
PROJECT #	18118

CSA
Cullen-Sherry & Associates, Inc.
Civil Engineering - Surveying
1000 Adams Street, Suite A –P.O. Box 581, Benicia, California 94510
(707) 745-3219 Fax (707) 745-9436 csa-engineers.com
Dan Cullen RCE 28162 Rod Sherry RCE 61537

REV	DATE	DESCRIPTION	BY

Google Maps Benicia

Imagery ©2017 Google, Map data ©2017 Google United States 20 ft

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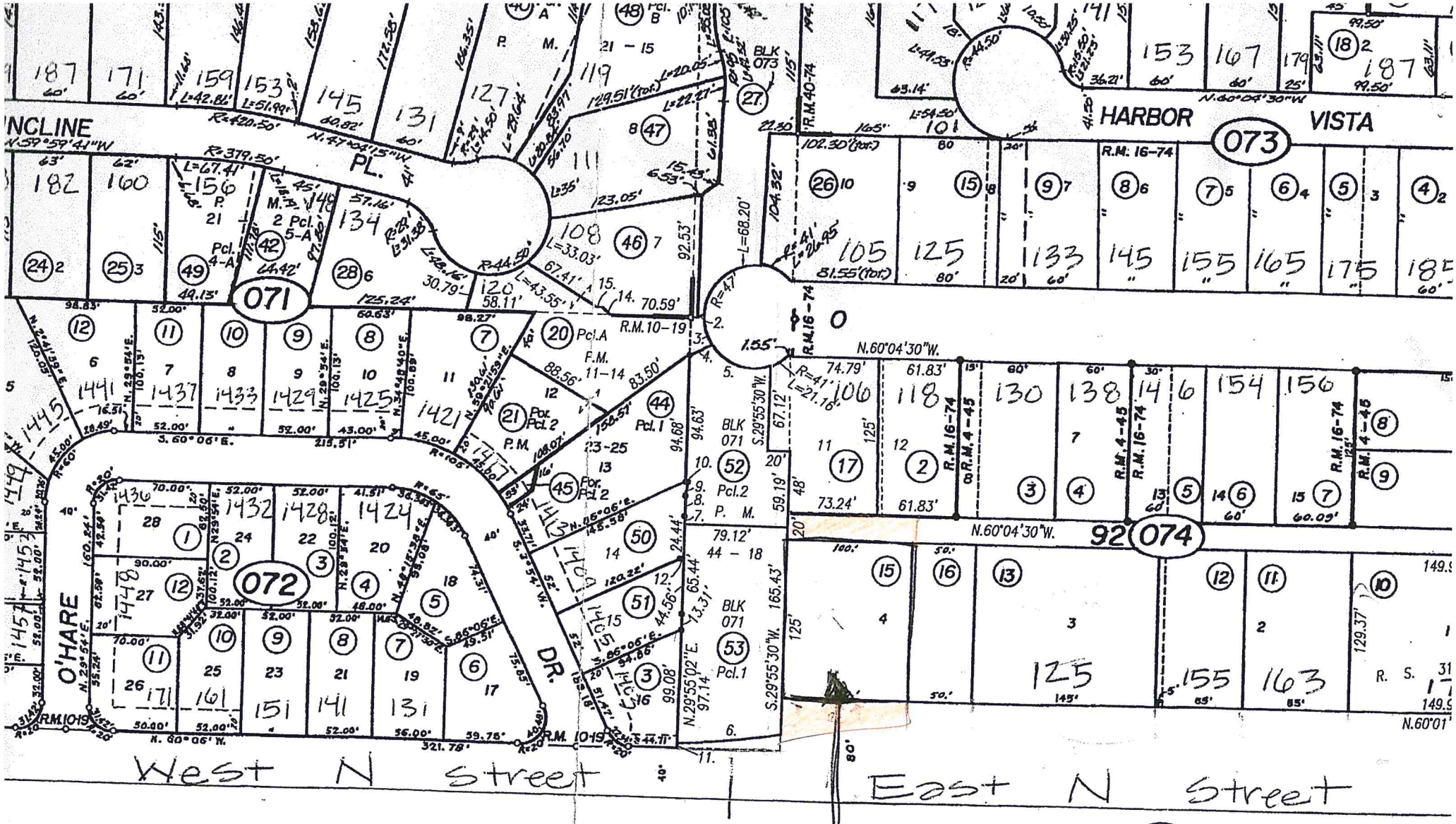
MAR 28 2018
CITY OF BENICIA
COMMUNITY DEVELOPMENT

3



r Vista Subd. R.M. Bk. 40, Pg. 74
Acres R.M. Bk. 32, Pg. 90
iew Terrace, R.M. Bk. 16, Pg. 74
Altos Subdivision, R.M. Bk. 10, Pg. 19
a City, R.M. Bk. 4, Pg. 45

: Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles

20

Bk. 88

REVISION	DATE	BY
074-10 (Rs)	6-21-13	Cr
071-20,46 Chg.(Dd)	9-21-06	Cr
074-02&17 Chg(Dd)	5-19-05	JS
071-50&51Chg.(Dd)	8-13-03	SE

NOTE: This map is for assessment purposes only. It is not intended to define legal boundary rights or imply compliance with land division laws.

CITY
Assessor's M
County o

PARCEL 15

APN 0087-074-150

EXHIBIT A-1

SUB-PARCEL 01

REAL PROPERTY IN THE CITY OF BENICIA, COUNTY OF SOLANO, STATE OF CALIFORNIA, BEING A PORTION OF EAST 'N' STREET ADJACENT TO LOT 4, IN BLOCK 92 AS DEPICTED ON THE REVISED OFFICIAL MAP OF BENICIA, MADE BY BENJAMIN W. BARLOW, ORIGINALLY RECORDED AT BOOK 1 OF MAPS, AT PAGE 124 AND LATER RECORDED AT BOOK 4, OF MAPS, AT PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF SOLANO COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 1 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED ON MARCH 27, 2003 IN BOOK 44 OF PARCEL MAPS, AT PAGE 18 IN THE OFFICE OF THE COUNTY RECORDER OF SOLANO COUNTY; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1 NORTH 29°59'49" EAST 27.06 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN THE GRANT DEED RECORDED JUNE 15, 2017 AS DOCUMENT 201700050305 SOLANO COUNTY RECORDS; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND SOUTH 60°01'05" EAST 99.97 FEET TO THE SOUTH EAST CORNER OF SAID PARCEL OF LAND; THENCE SOUTH 29°59'57" WEST 16.25 FEET; THENCE NORTH 60°01'05" WEST 1.58 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 453.10 FEET, THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°32'29" AN ARC LENGTH OF 99.18 FEET TO THE POINT OF BEGINNING.

ALL BEARINGS AND DISTANCES HEREON ARE A REPRESENTATION OF THE PRORATION OF BLOCK 92 AS RESOLVED AND DELINEATED ON THAT CERTAIN RECORDS OF SURVEY AS FILED WITH THE COUNTY OF SOLANO IN BOOK 31 OF SURVEYS, PAGE 3 AND THAT CERTAIN PARCEL MAP AS FILED WITH THE COUNTY OF SOLANO IN BOOK 44 OF PARCEL MAPS, PAGE 18.

SAID SUB-PARCEL 01 CONTAINING 1977.25 SQUARE FEET, MORE OR LESS.

SEE PLAT MAP, EXHIBIT 'B', ATTACHED HERETO AND MADE A PART HEREOF.

EXHIBIT B

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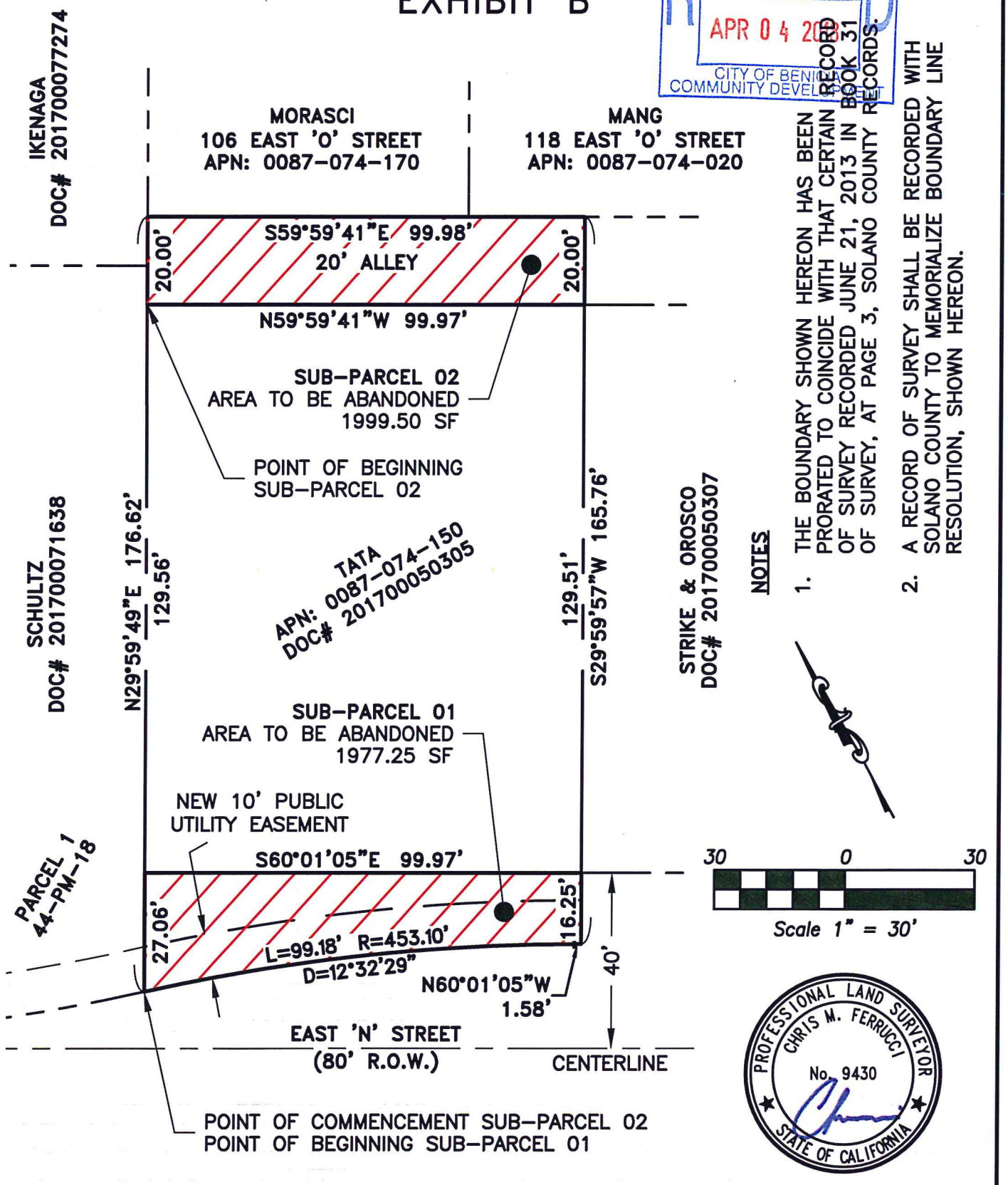

NOTES

1. THE BOUNDARY SHOWN HEREON HAS BEEN PRORATED TO COINCIDE WITH THAT CERTAIN RECORD OF SURVEY RECORDED JUNE 21, 2013 IN BOOK 31 OF SURVEY, AT PAGE 3, SOLANO COUNTY RECORDS.
2. A RECORD OF SURVEY SHALL BE RECORDED WITH SOLANO COUNTY TO MEMORIALIZE BOUNDARY LINE RESOLUTION, SHOWN HEREON.

30 0 30

Scale 1" = 30'

PLAT MAP
RIGHT OF WAY
ABANDONMENT

Cullen-Sherry
& Associates, Inc.
Civil Engineering - Surveying
1090 Adams Street, Suite A – P.O. Box 591
Benicia, California 94510
(707) 745-3219 Fax (707) 745-9436 CSA-ENGINEERS.COM

SCALE:	1"=30'
DATE:	03/29/2018
DRAWN BY:	LAB
CHECKED BY:	CF
PROJECT NO:	18118

Mapcheck 2: ROW SUB-PARCEL 01

Closure Summary

Precision, 1 part in: 55136.498'

Error distance: 0.004'

Error direction: S43°47'54"E

Area: 1977.382 Sq. Ft.

Square area: 1977.382

Perimeter: 244.040'

Point of Beginning

Easting: 6517216.100'

Northing: 1782031.768'

Side 1: Line

Direction: N29°59'35"E

Angle: [-150°00'25.00"]

Deflection angle: [29°59'35.00"]

Distance: 27.060'

Easting: 6517229.627'

Northing: 1782055.204'

Side 2: Line

Direction: S60°01'05"E

Angle: [-90°00'40.00"]

Deflection angle: [89°59'20.00"]

Distance: 99.970'

Easting: 6517316.219'

Northing: 1782005.246'

Side 3: Line

Direction: S29°59'57"W

Angle: [-89°58'58.00"]

Deflection angle: [90°01'02.00"]

Distance: 16.250'

Easting: 6517308.094'

Northing: 1781991.173'

Side 4: Line

Direction: N60°01'05"W

Angle: [-90°01'02.00"]

Deflection angle: [89°58'58.00"]

Distance: 1.580'

Easting: 6517306.726'

Northing: 1781991.963'

Side 5: Curve

Curve direction: Counter-clockwise

Radius: 453.080'

Arc length: 99.180'

Delta angle: 12°32'30.00"

Tangent: [49.787']

Chord direction: [N66°17'20"W]

Chord angle: [173°43'45.00"]

Deflection angle: [-6°16'15.00"]

Chord distance: [98.978']

Easting: 6517216.103'

Northing: 1782031.764'

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