

## Suzanne Thorsen

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**From:** [REDACTED]  
**Sent:** Wednesday, March 10, 2021 9:19 PM  
**To:** ComDev  
**Subject:** Planning commission meeting March 11, item 11B



March 10, 2021

Re: Agenda item 11B

Dear Planning Commissioners,

In determining how development should take place in the Arsenal I would like to make these points.

1. I don't believe that you should do objective based design on this area as a whole. There should be one plan for Jefferson Street and the area south of Jefferson and west of Jefferson. Another plan for the area between Grant and Adams, and one more along Park Road. Even though these areas are close they have distinctive feels that should be honored. All residential in this area should be multiple units.
2. The area between Jefferson Street and Adams and east of Jefferson (the Jefferson Street that goes between Jefferson and Adams) that contains the Cork Trees should become a park, and all the trees protected. Leaving this area undeveloped will preserve the beautiful views of the straits from Jefferson Street. The cork trees are beautiful and need to be protected. We can not lose trees like this and maintain an historic district.
3. Multifamily units are appropriate if they are developed to blend in with the existing buildings. For example, in an apartment building you could have a central front door with apartments off interior hallways. I think the width could exceed the width of the existing buildings and still be compatible on officer's row on Jefferson Street. To me the dominant feature of Jefferson Street is large mansions. Multifamily units can mimic that feel. Also, on this street one easy way to maintain cohesiveness would be to require all buildings to be off white. There isn't any cost involved in that.
4. On the other hand, on the parcel north of Grant Street east of the barracks building a multi-unit building could look like the former barracks. I could envision two or maybe three narrow buildings with front porches that face one another with an open area in between and parking in the back. You could put one other building off the parking lot that is on the diagonal. There are no noteworthy trees in this parcel.
5. Developments off of Park Road could be smaller 4-to-6-unit buildings that are more in line with the west end of Jefferson Street.
6. All multifamily buildings should have a minimum of 30% square footage as below market rate housing. This is the only way we will ever get below market rate housing.
7. The mature trees in the area, including the cork trees, should be protected at all costs. Development should take place around the trees. None of the options suggested are sufficient. There are many large trees around the perimeter of the lots. These should not be taken down. Setbacks should be determined by tree location. If it is necessary to reduce setbacks in one place to accommodate the trees than that should happen. When looking at the overhead views it looks like there is enough area between the trees to accommodate development. The commission almost needs to do a tree-by-tree analysis to determine which large trees would need to be removed to allow for development. I think only two or three. The only trees that should be removed should be done based on the arborist's report, or if a tree cannot be built around. I would suggest that the planning commission look at each large tree individually. Planting 2 trees that will take decades to reach the size of one old tree is a crime.

Figure 5 which shows significant trees is from the Arsenal Plan that was published in 1993. That is close to 30 years ago and trees that were not significant then are significant now. That figure needs to be completely revised to show what the trees are like now. Figure 9 does a much better job. You can look at that picture and see large trees that are not reflected in the old 1993 figure. But again, I would urge someone to look at each tree individually. There may be 2 or 3 that would impact development, but I believe almost all trees could be conserved if that were a priority.

8. Electric vehicle charging stations should be required with all development. There should be charging stations in all multi family units and wiring should be installed at the beginning, even if charging stations are not built then, that would allow the easy addition of more charging stations.

9. All buildings should be built to maximize solar capacity as much as possible and all buildings should have solar. In addition, grey water from laundry and showers should be required. It is so much cheaper to do this when building then to try to put it in later. If necessary, the city may want to think of ways to make this affordable for the developer.

This is such a beautiful area with great potential. It requires careful, thoughtful, planning.

Sincerely,

A solid black rectangular redaction box covering the signature area.

Benicia Planning Commission  
City of Benicia  
250 East L Street  
Benicia, CA 94510



March 9, 2021

**RE: Objective Planning Standards for the Benicia Arsenal Historic District**

Dear Chair Birdseye and Commissioners:

Thank you for the opportunity to comment on the Objective Planning Standards for the city and in particular the Arsenal Historic District.

While we support the basic intent of Senate Bill (SB) 35 and understand the need for more housing, particularly affordable housing, we think the City should proceed carefully as it deliberates Objective Planning Standards for the Arsenal Historic District. As a National Register Historic District, the Arsenal has value beyond just its potential for housing.

**The Arsenal’s History and Importance to Benicia**

The Benicia Arsenal—originally called the Benicia Barracks—was established in 1850 and by 1860 had expanded to become the only Civil War-era federal arsenal west of the Mississippi River. It played a major role in all of America’s military conflicts from its founding up through the Korean War until its close in 1964. Notable Americans associated with the Arsenal include General Ulysses S. Grant, General William Tecumseh Sherman, General John J. Pershing, and the writer Stephen Vincent Benet.

Listed on the National Register of Historic Places on 1975, the Benicia Arsenal has long been recognized for its contributions to the military history of the nation and the growth and development of California. The National Register recognizes four historic districts within the Arsenal: A, B, C, and D. Our comments focus on District C, Jefferson Ridge and Officers’ Row, which includes the officers’ administration buildings and open space on the terraced land below the ridge.

*Not Just Buildings, but a District*

District C contains 10 National Register buildings, including the mansions of Officers’ Row— notably, the Commanding Officer’s Quarters (1860), Lieutenant’s Quarters (1861), and the Duplex Officers Quarters (1862)—and the original armory, called the Clocktower Fortress (1857), on the imposing promontory of the Carquinez Strait. Between the Commanding Officer’s Quarters and the Lieutenant’s Quarters is a former parade ground, where an 80-foot pole once flew an American flag large enough to be seen for miles up and down the strait.

National Register District C is historically important not just because all the individual buildings remain structurally “intact,” but because they can be seen all together as they were meant to be seen—as a unit—and appreciated for the expression of military order and hierarchy. District C represents the administrative core and heart of the *only* surviving Civil War-era federal Arsenal still in existence that remains physically and geographically intact. Over the years, various letters from both the State Historic Preservation Officer (SHPO) and California Preservation Foundation, as well as others, have attested to the unique value of the Arsenal Historic District. See Attachment A for an expanded description and an illustration of the historic Arsenal District.

### *Housing Constraints and Community Support for Preservation*

Residential development in the Lower Arsenal has always been problematic. Issues of residential compatibility with surrounding industrial uses, which produce noise, light, vibration, hazardous materials, truck traffic, and air pollution, have never been satisfactorily resolved. A major wharf fire at the Port in 2011 brought home the issue of emergency access and egress should artists in the work/live studios and people working in the Lower Arsenal area have needed to be evacuated. Adding multi-unit housing to the area encompassing District C increases risks associated to emergencies and evacuation from the Port area.

Meanwhile, community support for preserving the historic nature of the Arsenal has been substantial and longstanding. For example, after the Jefferson Park residential subdivision project on Jefferson Ridge was approved by the City Council in 2001, a petition drive by Benicia citizens to place a referendum on the ballot and overturn the approval gathered more than 4,000 signatures. Subsequently, the developer withdrew their proposal.

In 2006, an application to build 80 units of multi-family units was submitted and eventually withdrawn following multiple community workshops and planning charettes. In 2008, the draft Lower Arsenal Mixed Use Specific Plan failed to gain approval based on unanswered questions related to project size and density, cultural impacts, and hazardous materials, among other issues.

Noting a dearth of recreation facilities on the east side of the city, many citizens have expressed a desire that the Jefferson Ridge portion of the District be developed as a park—one that includes the parade ground and the Arsenal flag pole in its original location—to serve the dual purposes of providing passive recreation space and preserving the District’s historic landscape setting.

### **SB 35 and the Arsenal**

SB 35 is designed to produce more housing wherever the City’s Objective Planning Standards can be met. As a planning tool, SB 35 is a blunt instrument that works best for residential

districts where straightforward standards can be identified and applied. It is ill-suited to the needs of a historic district.

The Arsenal is a case where the desire to provide housing via SB 35 is at odds with maintaining the integrity of the National Register District. In a sense, applying SB 35 to the historic district is like trying to fit a square peg in a round hole. Insensitive development in District C could result in the loss of historic integrity and loss of the National Register distinction, which may be considered a significant adverse environmental impact. Such development could also be contrary to the intent of the City's adopted General Plan and Arsenal Historic Conservation Plan. In addition, meeting the SB 35 requirements could create conflicts with the City's commitments as a Certified Local Government responsible for administering the U.S. Secretary of the Interior's *Standards for the Treatment of Historic Properties*.

The City's planning staff has worked hard to translate existing policies for the Arsenal into objective standards that will meet SB 35 requirements. The basic problem with the SB 35 approach, however, is that the special qualities of the historic district cannot be retained using a generic checklist of regulations that will apply to all development across the district. These types of standards have very limited ability to address the complex issues that must be considered when evaluating new development in a historic district, such as impacts on the features, spaces, and landscape setting that give the district its historic character.

### **Next Steps**

At this critical point in planning for the Arsenal, we encourage the Commission to consider not only the Objective Planning Standard options laid out in the staff report, but also other innovative ways of meeting SB 35 requirements while also preserving and enhancing the Arsenal as a unique city asset.

#### *Approach to Objective Planning Standards*

The Commission's approach to the Objective Planning Standards should be to preserve the character of District C so the District's place on the National Register is protected. In doing so, the Commission is not limited to what is discussed in the staff report. As noted above, there are inherent problems with applying these types of standards to a historic district. In general, though, more conservative standards would ensure more sensitive development.

To address environmental justice issues, the Commission should also consider reinstating noise, light, and air quality standards that were previously rejected by the City Council.

The Commission should reconsider whether the Objective Planning Standards received adequate review under the California Environmental Quality Act (CEQA). The 2007-2008 Environmental Impact Report (EIR) on the Lower Arsenal Mixed Use Specific Plan identified significant impacts related to development in the Lower Arsenal. These same impacts would seem possible with development under the Objective Planning Standards. It is important to

consider this issue now, because the standards, once adopted, would enable future development with no further opportunity for CEQA review.

Attachment B lists our recommendations on the Objective Planning Standards as they relate to the staff report in your packet.

### *Moratorium on Residential Development*

Notwithstanding the press to provide Objective Planning Standards in accordance to SB 35, the City should seriously consider recommending that the City Council adopt a temporary moratorium on residential development in the Arsenal Historic District. This approach would allow for balanced planning to evaluate housing opportunities for the area and ensure any development does not degrade the integrity of Arsenal Historic District. During the moratorium, the City could evaluate and fine-tune the zoning for the area, carefully considering issues such as:

- The most appropriate locations for housing development;
- The need for a park in the Arsenal to serve existing and future residents in this part of the city;
- Opportunities for heritage tourism at the Arsenal, as called for in the City's economic development strategy and the recent inclusion of the Arsenal in the Sacramento-San Joaquin Delta National Heritage Area ([Sacramento-San Joaquin Delta National Heritage Area \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/sacramento-san-joaquin-delta-national-heritage-area));
- Protections that will allow affordable housing in the area without creating environmental justice issues due noise, light, and air pollution from surrounding industrial development;
- Protections for industrial and commercial activities that have successfully served the city for many years; and
- The possible need for development fees to support historic preservation and park improvements.

The City has previously used this approach. In 2018, for example, the City adopted a temporary moratorium on Work/Live Quarters in order to allow the City to evaluate the potential use and revise the Zoning Ordinance as needed to ensure compatibility with the Municipal Code and General Plan. This moratorium was justified because of the risk that application of SB 35 in combination with the allowance for work-live units in General Commercial and Waterfront Commercial Districts could result in a pattern of residential development that is contrary to public health and safety, and the integrity of commercial and industrial areas of the City. A similar risk exists with allowance of residential uses in the Arsenal Historic District, which contains Commercial Office and Planned Development parcels that allow multi-family residential uses.

*Request SB 35 Amendments to Protect Historic Districts*

SB 35 has a long list of conditions that make a site ineligible for development streamlining. For example, development cannot qualify for SB 35 streamlining if the site is within a Coastal Zone, on prime farmland or a wetland, within a very high fire hazard zone, or on a hazardous waste site. The City may wish to consider requesting that the State of California amend SB 35 to include historic districts on this list. The rationale for this request would be that Objective Planning Standards cannot adequately protect significant historic resources like the Arsenal Historic District.

*Tours*

We would be pleased to offer (socially distanced) tours of the Lower Arsenal to any member of the Planning Commission who would find that valuable. Please ask City staff to contact Marilyn Bardet to make an appointment.

Thank you for considering these comments. We appreciate the good work that City staff has done so far. We hope that the City will consider innovative ways of meeting its SB 35 obligations while also protecting and enhancing the historic district. The Arsenal is a gem that deserves and needs special, careful attention.

Sincerely,

Marilyn Bardet

Donald Dean

Steve Goetz

Toni Haughey

Natalie Macris

Belinda Smith

Attachments:

Attachment A – Description of Historic Arsenal

Attachment B – Objective Planning Standard Recommendations

## Attachment A – Description of Historic Arsenal

The Arsenal Historic District C contains 10 National Register buildings. Principally, these include the mansions of Officers' Row, including the Commanding Officer's Quarters (1860), Lieutenant's Quarters (1861), the Duplex Officers Quarters (1862), and on the imposing promontory of the strait, the original armory, called the Clocktower Fortress (1857). The green, tree-canopied landscape setting on the Jefferson Ridge buffers the officers' quarters from the various administration buildings below the Ridge, that is, the Headquarters Office/Command Post (1870) and the Guard House (1872). It is not just that all the individual buildings in District C remain structurally "intact," it is that they can be seen all together as they were meant to be seen—as a unit—and appreciated for the expression of military order that their placements and features reflect: the hierarchy of military relations, ranks and duties.

The visual connections between the structures are maintained by the open space both north and south of Jefferson Lane. The area north of Jefferson Lane between the Commanding Officer's Quarters and the Jefferson Street Mansion (Lieutenant's Quarters) was the Arsenal's parade ground. Once the location of an 80-foot-tall flagpole, which flew a flag that could be seen for miles up and down the strait, the parade ground was at the heart of the Arsenal activities. The open space south of Jefferson Lane and Adams Street was never developed and provided a visual connection, not just along Officer's Row, but down to the Guard House and Command Post. This open space contains rare ornamental trees and was once landscaped, providing an attractive amenity to the post. It should be considered a cultural landscape in its own right.

Meticulously planned by the Army, the District's layout is a prime example of the Army's expression of an ordered world of strategic and hierarchical relations as embodied in architectural features, scale of structures, and significance of their placement, one building to another across the upper terrace of Officers' Quarters and the lower terrace of administration buildings. This order and the alignments of structures including sight lines created from one to another is revealed in the site plan. The Army's design strategies for their Officers' Enclave manifested as logical: Their design conception for the enclave demonstrates the military's clarity about their sense of order and also dignity. Sight lines from each of the officers' living quarters to their appropriate administration buildings were carefully calculated in accordance with officers' ranks and duties.

Officers' needs for comfort, peaceful relaxation and family pleasures were expressed by allowing for a natural landscape setting of the Jefferson Ridge that buffers the living quarters from the administrative buildings and the busy activities in the port area farther below. Historically, there were tidy bordered gardens set within lawns around the Commanding Officer's Quarters, also a welcoming fountain, and a "daisy walk" for strolling among daisy bushes planted down Jefferson Lane. Peace at least was cherished and celebrated "at home" when officers took time to socialize with their wives, children and friends.

It is not by accident that the National Register designation is for an entire district and not just for individual buildings. National Register District C represents the administrative core and heart of the *only* surviving Civil War-era federal Arsenal still in existence that remains physically and geographically intact.

Regarding District C, the City of Benicia's *Arsenal Historic Conservation Plan* (November 1993) states as follows:

*This subarea, which includes the officers' quarters along Jefferson Street and the original Arsenal storehouse (Clocktower Building), houses the most outstanding ensemble of historic buildings in the district...The remarkable architectural and visual unity of this subdistrict could be severely compromised by inappropriate design or siting of new buildings or additions. Future development on the slope south of Jefferson Street and on the slopes below the promontory is of particular concern. Other concerns including the retention of oak trees on the south slope which may be difficult if the property is developed.*

Over the years, various letters from both the State Historic Preservation Officer (SHPO) and California Preservation Foundation, as well as others, have attested to the unique value of the Arsenal Historic District.

Figure 1 provides an early view of the Arsenal, including the Clocktower Fortress, flagpole, and other buildings described above.

Figure 1: An Early View of the Arsenal



## **Attachment B – Objective Planning Standard Recommendations**

The historic resources in the Arsenal must be protected, so the more rigorous the standards, the better. The intent of the following recommendations is to make the standards as rigorous as possible for any project proposed in the Arsenal Historic District. Implementation of these recommendations by themselves, however, does not ensure protection of the historic district's integrity for the reasons stated in the comment letter.

### **Building Materials**

The Arsenal Historic Conservation Plan's (AHCP) building material guidelines that were developed for Commercial Buildings should be used for the historic district. The AHCP has building material guidelines for commercial buildings that are distinct from the building material guidelines for residential buildings. The staff report only describes the AHCP guidelines for residential buildings. Residential guidelines for building materials may be appropriate for the parcel located in the Planned Development zone, but they are not appropriate for parcels located in the Commercial Office and General Commercial zones of the Arsenal. The purpose of this commercial zoning is to regulate commercial development and residential uses are secondary to the commercial use.

### **View Corridor Protection**

We recommend Option #1 (Enhance Graphics to Clarify Requirement) which requires that views remain completely unobstructed. This option provides the greatest protection for the view corridors identified in the AHCP. Each of these views to historic buildings, natural features, the waterfront, and port-related activities contribute to the Arsenal's historic identity and merit preservation.

The staff report states that the City Council questioned if a partial view obstruction should be allowed, and whether prohibiting development on a portion of a property to protect views is desirable. Protection of views is desirable based on the City's adopted policies. Allowing partial obstruction creates potential for a significant adverse impact on these visual resources and the historical integrity of the district which is related to those views. In addition, allowing partial obstruction or alternative vantage points introduces subjectivity to these Objective Planning Standards, which is contrary to the purpose of the standards.

### **Arsenal Building Width/Separation Standards**

We recommend Option #2 and include maximum building width, minimum building separation, and minimum setbacks as discussed in the AHCP.

AHCP Policy 1 (Guideline 1.1) describes Siting and Setback policies for commercial buildings. In part it states that "Setbacks greater than the zoning requirements may be required if necessary to match or

approximate that of existing buildings along the block or to ensure that major view corridors remain open.” For instance, the Commanding Officer’s Quarters, the Lieutenant’s Quarters and the Officer’s Quarters Duplex have uniform setback of 45 feet from the curb face of Jefferson Street. The setback should be used for new buildings on Jefferson Street. Other Guidelines that apply include the following:

Guideline 1.2: For double frontage lots the rear building setback shall be the same as the required front setback. [For instance, parcels bordered by Jefferson Street and Grant Street.]

Guideline 1.3: Provide adequate distance between structures to avoid the impression of overcrowding and to allow for views to and from landmark buildings and/or the water. A minimum building separation shall be provided equal to the height, measured at its perimeter walls, of the existing historic building or the proposed structure, whichever is greater.

### **Tree Protection**

We recommend Option #3 (Adopt Objective Planning Standard B-1). This standard would require the applicant to demonstrate that tree removal is necessary on the basis of an arborist’s report or to achieve the density proposed. Option #3 provides the most protection for the trees, and other adopted Objective Planning Standards require significant mitigation. However, removal or relocating landscape features can potentially destroy the historic relationship between buildings and the landscape setting and negatively impact the historic character of the setting.

### **Additional Objective Planning Standards to Protect the District’s National Register Status**

There is no formula or prescription for planning and designing new development within an historic district, however, other standards to consider include the following:

- Limit the number of new structures to one structure per existing parcel. On July 11, 2001, Dr. Knox Mellon, the State Historic Preservation Officer (SHPO), commented on the City’s environmental review of the Jefferson Park development in the Arsenal Historic District stating: *...historic districts must generally have a ratio of 2:1, and preferably 3:1, historic buildings versus non-historic buildings.* According Appendix C of the AHCP, the Arsenal Historic District has 22 historic buildings, which suggests that anywhere from 7 to 11 non-historic structures can be accommodated in the district. There are currently 14 non-historic structures located in the District. The number of historic buildings could potentially change by updating the historic survey of buildings in the District but the number suggests that construction of new buildings in the District should be minimized.
- Establishing new standards for public access for the District. Maintain the historic width of Jefferson Street, east of Park Road, to 20 feet.

- Acquire parcels or corridors in the District for trails, open space and public facilities through park dedication fees or in-lieu contributions and/or a new fee for historic preservation purposes.

### **California Environmental Quality Act (CEQA) Issues to Address**

The City Council's January 2021 action to delete the proposed standards for mitigating adverse noise and air quality impacts creates potentially significant adverse impacts. These potential impacts have not been evaluated through CEQA review.

CEQA also requires that a project follow the *Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* in order for the project to have a level of less-than-significant impact on the historical resources (CEQA Guidelines 15064.5(b)(3)) and 15331). So either the City demonstrate that its proposed objective planning standards to be consistent with the Secretary of the Interior Standards, or they should not be exempt from CEQA, and there should be environmental review of the objective planning standards. Failure to demonstrate consistency with the Secretary of the Interior's Standards creates a potential significant impact on the City's historical resources and threatens the Arsenal Historic District's placement on the National Register of Historic Places.

Benicia Planning Commission  
City of Benicia  
250 East L Street  
Benicia, CA 94510



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- The most appropriate locations for housing development;
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Attachment B – Objective Planning Standard Recommendations

## **Attachment A – Description of Historic Arsenal**

The Arsenal Historic District C contains 10 National Register buildings. Principally, these include the mansions of Officers' Row, including the Commanding Officer's Quarters (1860), Lieutenant's Quarters (1861), the Duplex Officers Quarters (1862), and on the imposing promontory of the strait, the original armory, called the Clocktower Fortress (1857). The green, tree-canopied landscape setting on the Jefferson Ridge buffers the officers' quarters from the various administration buildings below the Ridge, that is, the Headquarters Office/Command Post (1870) and the Guard House (1872). It is not just that all the individual buildings in District C remain structurally "intact," it is that they can be seen all together as they were meant to be seen—as a unit—and appreciated for the expression of military order that their placements and features reflect: the hierarchy of military relations, ranks and duties.

The visual connections between the structures are maintained by the open space both north and south of Jefferson Lane. The area north of Jefferson Lane between the Commanding Officer's Quarters and the Jefferson Street Mansion (Lieutenant's Quarters) was the Arsenal's parade ground. Once the location of an 80-foot-tall flagpole, which flew a flag that could be seen for miles up and down the strait, the parade ground was at the heart of the Arsenal activities. The open space south of Jefferson Lane and Adams Street was never developed and provided a visual connection, not just along Officer's Row, but down to the Guard House and Command Post. This open space contains rare ornamental trees and was once landscaped, providing an attractive amenity to the post. It should be considered a cultural landscape in its own right.

Meticulously planned by the Army, the District's layout is a prime example of the Army's expression of an ordered world of strategic and hierarchical relations as embodied in architectural features, scale of structures, and significance of their placement, one building to another across the upper terrace of Officers' Quarters and the lower terrace of administration buildings. This order and the alignments of structures including sight lines created from one to another is revealed in the site plan. The Army's design strategies for their Officers' Enclave manifested as logical: Their design conception for the enclave demonstrates the military's clarity about their sense of order and also dignity. Sight lines from each of the officers' living quarters to their appropriate administration buildings were carefully calculated in accordance with officers' ranks and duties.

Officers' needs for comfort, peaceful relaxation and family pleasures were expressed by allowing for a natural landscape setting of the Jefferson Ridge that buffers the living quarters from the administrative buildings and the busy activities in the port area farther below. Historically, there were tidy bordered gardens set within lawns around the Commanding Officer's Quarters, also a welcoming fountain, and a "daisy walk" for strolling among daisy bushes planted down Jefferson Lane. Peace at least was cherished and celebrated "at home" when officers took time to socialize with their wives, children and friends.

It is not by accident that the National Register designation is for an entire district and not just for individual buildings. National Register District C represents the administrative core and heart of the *only* surviving Civil War-era federal Arsenal still in existence that remains physically and geographically intact.

Regarding District C, the City of Benicia's *Arsenal Historic Conservation Plan* (November 1993) states as follows:

*This subarea, which includes the officers' quarters along Jefferson Street and the original Arsenal storehouse (Clocktower Building), houses the most outstanding ensemble of historic buildings in the district...The remarkable architectural and visual unity of this subdistrict could be severely compromised by inappropriate design or siting of new buildings or additions. Future development on the slope south of Jefferson Street and on the slopes below the promontory is of particular concern. Other concerns including the retention of oak trees on the south slope which may be difficult if the property is developed.*

Over the years, various letters from both the State Historic Preservation Officer (SHPO) and California Preservation Foundation, as well as others, have attested to the unique value of the Arsenal Historic District.

Figure 1 provides an early view of the Arsenal, including the Clocktower Fortress, flagpole, and other buildings described above.

Figure 1: An Early View of the Arsenal



## **Attachment B – Objective Planning Standard Recommendations**

The historic resources in the Arsenal must be protected, so the more rigorous the standards, the better. The intent of the following recommendations is to make the standards as rigorous as possible for any project proposed in the Arsenal Historic District. Implementation of these recommendations by themselves, however, does not ensure protection of the historic district's integrity for the reasons stated in the comment letter.

### **Building Materials**

The Arsenal Historic Conservation Plan's (AHCP) building material guidelines that were developed for Commercial Buildings should be used for the historic district. The AHCP has building material guidelines for commercial buildings that are distinct from the building material guidelines for residential buildings. The staff report only describes the AHCP guidelines for residential buildings. Residential guidelines for building materials may be appropriate for the parcel located in the Planned Development zone, but they are not appropriate for parcels located in the Commercial Office and General Commercial zones of the Arsenal. The purpose of this commercial zoning is to regulate commercial development and residential uses are secondary to the commercial use.

### **View Corridor Protection**

We recommend Option #1 (Enhance Graphics to Clarify Requirement) which requires that views remain completely unobstructed. This option provides the greatest protection for the view corridors identified in the AHCP. Each of these views to historic buildings, natural features, the waterfront, and port-related activities contribute to the Arsenal's historic identity and merit preservation.

The staff report states that the City Council questioned if a partial view obstruction should be allowed, and whether prohibiting development on a portion of a property to protect views is desirable. Protection of views is desirable based on the City's adopted policies. Allowing partial obstruction creates potential for a significant adverse impact on these visual resources and the historical integrity of the district which is related to those views. In addition, allowing partial obstruction or alternative vantage points introduces subjectivity to these Objective Planning Standards, which is contrary to the purpose of the standards.

### **Arsenal Building Width/Separation Standards**

We recommend Option #2 and include maximum building width, minimum building separation, and minimum setbacks as discussed in the AHCP.

AHCP Policy 1 (Guideline 1.1) describes Siting and Setback policies for commercial buildings. In part it states that "Setbacks greater than the zoning requirements may be required if necessary to match or

approximate that of existing buildings along the block or to ensure that major view corridors remain open.” For instance, the Commanding Officer’s Quarters, the Lieutenant’s Quarters and the Officer’s Quarters Duplex have uniform setback of 45 feet from the curb face of Jefferson Street. The setback should be used for new buildings on Jefferson Street. Other Guidelines that apply include the following:

Guideline 1.2: For double frontage lots the rear building setback shall be the same as the required front setback. [For instance, parcels bordered by Jefferson Street and Grant Street.]

Guideline 1.3: Provide adequate distance between structures to avoid the impression of overcrowding and to allow for views to and from landmark buildings and/or the water. A minimum building separation shall be provided equal to the height, measured at its perimeter walls, of the existing historic building or the proposed structure, whichever is greater.

### **Tree Protection**

We recommend Option #3 (Adopt Objective Planning Standard B-1). This standard would require the applicant to demonstrate that tree removal is necessary on the basis of an arborist’s report or to achieve the density proposed. Option #3 provides the most protection for the trees, and other adopted Objective Planning Standards require significant mitigation. However, removal or relocating landscape features can potentially destroy the historic relationship between buildings and the landscape setting and negatively impact the historic character of the setting.

### **Additional Objective Planning Standards to Protect the District’s National Register Status**

There is no formula or prescription for planning and designing new development within an historic district, however, other standards to consider include the following:

- Limit the number of new structures to one structure per existing parcel. On July 11, 2001, D r. Knox Mellon, the State Historic Preservation Officer (SHPO), commented on the City’s environmental review of the Jefferson Park development in the Arsenal Historic District stating: *...historic districts must generally have a ratio of 2:1, and preferably 3:1, historic buildings versus non-historic buildings.* According Appendix C of the AHCP, the Arsenal Historic District has 22 historic buildings, which suggests that anywhere from 7 to 11 non-historic structures can be accommodated in the district. There are currently 14 non-historic structures located in the District. The number of historic buildings could potentially change by updating the historic survey of buildings in the District but the number suggests that construction of new buildings in the District should be minimized.
- Establishing new standards for public access for the District. Maintain the historic width of Jefferson Street, east of Park Road, to 20 feet.

- Acquire parcels or corridors in the District for trails, open space and public facilities through park dedication fees or in-lieu contributions and/or a new fee for historic preservation purposes.

### **California Environmental Quality Act (CEQA) Issues to Address**

The City Council's January 2021 action to delete the proposed standards for mitigating adverse noise and air quality impacts creates potentially significant adverse impacts. These potential impacts have not been evaluated through CEQA review.

CEQA also requires that a project follow the *Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* in order for the project to have a level of less-than-significant impact on the historical resources (CEQA Guidelines 15064.5(b)(3)) and 15331). So either the City demonstrate that its proposed objective planning standards to be consistent with the Secretary of the Interior Standards, or they should not be exempt from CEQA, and there should be environmental review of the objective planning standards. Failure to demonstrate consistency with the Secretary of the Interior's Standards creates a potential significant impact on the City's historical resources and threatens the Arsenal Historic District's placement on the National Register of Historic Places.

Benicia Arsenal — Arsenal Historic District  
Past & Present (1850 - 2021)  
Historic Preservation & Development Challenges:  
an overview and summary in the form of a

**CHRONOLOGY:**  
**Purposes, Key Dates & Activities**

researched, compiled & submitted to the City of Benicia

February 18, 2021

by  
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[Facts accounted in the Chronology are sourced from my own archives:  
City, state & federal reports, documents, comment letters, emails and EIRs]



## CHRONOLOGY: Purposes

This Chronology is intended to highlight the Benicia Arsenal's history spanning two centuries, (1848 - 1964): its centrality to Benicia's history, growth and identity as "the first American city" established in California, and in respect to the state's history—from Gold Rush days and early statehood, when Benicia served as the state's capitol in 1853, and from the Arsenal's role related to national history and the West's development, as supplier to the Civil War, Spanish-American war, and especially WWII when the Arsenal served the entire Pacific Theater, and, at its maximum intensive industrial development, through the Korean war. It closely follows the Arsenal's closure in 1964, and its aftermath: how former Arsenal lands were transferred and transformed by public and private investment and uses. Most importantly, the effect in 1975, of the U.S. Department of the Interior/National Park Services' identification of four specifically distinct, historically significant "districts" —A, B, C, & D—within the former Arsenal lands for special recognition and protection— thus, the listing of each district, inclusive of historical structures and landscape settings, on the National Register of Historic Places. (see below)

Continuing into the next decades, the Chronology accounts for the City of Benicia's recognition of the importance of such historical assets within old Arsenal lands for their future reuse: the creation of the Arsenal Historic District, within whose boundaries lie the National Register districts; and years later, to codify preservation aims, development of the Arsenal Historic District Conservation Plan, adopted in November 1993. In 1999, the new Benicia General Plan is adopted to guide future development within the City by the overarching goal of sustainability, thus also, for future protection and enhancements within the Arsenal Historic District, for promising economic, social, and ecological revitalization and rehabilitation of historic structures and landscape places for compatible mixed uses, for the good of all. But, there's a cloud hanging over Arsenal preservation, which is the singular unresolved problem of permitting family residential housing within the Arsenal Historic District.

**According to the Arsenal Historic District Conservation Plan of 1993, [Fig. 2 - p.7] the U.S. Dept. of the Interior identified and listed four distinct subdistricts on the National Register of Historic Places:** Subdistricts A & B, inclusive of historic structures and surroundings within 345 acres of the original Benicia Barracks (1849); and subdistricts C & D, the Civil War-era Officers' Enclave, inclusive of three original mansions of Officers' Row (1860-62), the Clocktower Fortress (1859), the Jefferson Ridge landscape setting (1860), and the Officers' Admin buildings—the Command Post (1870), Guard House (1871) and Shop Buildings (1857). The Junior Officers' Barracks was not included in Subdistrict C for reasons unknown to me; however, according to the Conservation Plan, it is counted among the historically valuable structures identified. Within the Arsenal Historic District's four National Register subdistricts, the Conservation Plan cites a total of 34 distinct, architecturally intact, historically significant landmark structures still located within their original landscape settings. Twenty of those structures are also listed individually on the National Register of Historic Places.

Therefore, the purpose of this CHRONOLOGY stands

1. **FOR Preservation of the integrity of designated National Register Districts A, B, C & D, especially for preserving the integrity of Subdistrict C, the Civil War-era Officers' Enclave as a whole intact military design unit**—inclusive of its historic structures and its landscape settings visible together—for its unique historical value to the nation as the only remaining, wholly intact, Arsenal Officers' Enclave of its historical period and kind in the U.S., and thus, honoring the City of Benicia, owner of two premier historic assets in District C;
2. **FOR Revision of the much outdated Arsenal Historic Conservation Plan of 1993**, to better protect and enhance the National Register-listed historic districts within its scope, for sustainable economic, social, and ecological revitalization and rehabilitation of those districts' assets for compatible mixed uses within the Arsenal Historic District;
3. **FOR Understanding the public's challenges from 2001 - 2009, to ensure particular protection for National Register District C, against development of family residential infill and for lending context for the City's creation of the "Lower Arsenal Mixed Use Specific Plan" 2006 - 2009**, an area-wide plan for massive mixed use development, including residential—the Plan whose Final EIR was rejected, with the issue of compatibility of residential in the Arsenal Historic District remaining unresolved since adoption of the General Plan in 1999;
4. **FOR Meeting the development/preservation challenge presented by SB35**, the new state law requiring cities throughout the state to allow infill multi-family housing development via a streamlined application process, *without exception, without CEQA review;*
5. **FOR The City's and the public's considered attention to SB35's foreseeable negative impacts to the Arsenal Historic District, such as:** potential violation of General Plan policies for maintaining National Register-listed historic districts and community health and safety; threat to maintaining compatible uses of existing historic structures and their special landscape settings for today and future generations; and, in particular, threat of significant loss of protected **National Register status of District C**, with attendant loss of possible opportunities for developing heritage tourism and for economically feasible compatible uses of City-owned historic assets for economic, social, cultural and ecological advantages to be realized now and in the future.

## CHRONOLOGY: Key Dates & Activities

**1848** — Establishment of the Benicia Barracks, the first federal military installation west of the Mississippi, on 345 acres donated to the Army by Dr. Robert Semple and Thomas O. Larkin, founders in 1847 of the City of Benicia, effectively, the first city in California to be established by Americans.

**1860** — President Abraham Lincoln, orders the expansion of the Barracks to become the Benicia Arsenal, to serve the West and to supply the Union Army nearing the outbreak of Civil War.

**1898 - 1960** — The Arsenal expands to 2,700 acres, with intensification of industrial/manufacturing activities beginning during the Spanish American War, then especially WWII when the Arsenal is primary supplier of munitions, tanks and equipment to the Pacific Theater. Work at the Arsenal includes storage, re-fabrication, munitions testing, cleaning (degreasing) of machinery and equipment.

- From 1944 - 1960, the Army leases approx. 200 acres of private land, owned by Mary Tourtelot, located adjacent to the northwestern boundary of the Arsenal. The Tourtelot property is used for testing bores of howitzer gun barrels, and later for demilitarization activities—including detonation of damaged or obsolete munitions and, for disposal of toxic explosives, such as TNT. However, these facts are not discussed in an early CEQA review of the Project. (The so-called "concrete bunkers" were cited as needing removal.)

**1964** — The Dept. of Defense orders Benicia Arsenal closed: it will be the first base closure in the United States. The Arsenal's closure occurs six years before the federal EPA is established by President Nixon in 1970. There are no D.O.D. policies set for vacating and cleaning up a military installation. For the Arsenal's closure, only a surface clearance of visible munitions' materiel and equipment is to be done. For years, great uncertainty regarding public safety will shroud former Arsenal lands owing to toxic contamination and hazards known or suspected left behind, including military landfills and unexploded "live" ordnance (UXO).

The federal Gov't relinquishes ownership of all Arsenal lands (2,700 acres) to the City, and recommends—likely for safety reasons—that the land be dedicated as an Arsenal memorial park. The City refuses the idea of creating a park. The State of California then urges the City to preserve 250 acres of the most historically significant areas of the former Arsenal lands for a state park; instead, the City negotiates to create a state park along Southampton Bay, on the western border of the City.

- Regarding those areas identified by the State of California as having obvious historic significance, the City only retains 2.5+ acres within "Officers' Row" of two historic structures: the Clocktower Fortress (1859) and Commanding Officer's Quarters (1860). In the historic Barracks area, the City retains the "Camel Barns" and Powder Magazines (1850s); and also, the port and port "uplands". In the former Yuba Manufacturing area (which served the Arsenal), the City retains ownership of the U.S. Steamship Co building (1850).
- The City creates the Surplus Property Authority to hold former Arsenal lands in trust for future private industrial/commercial development. All former Arsenal lands, (excepting those kept by the City), are divided into parcels to be sold or leased to private investors, real estate, commercial and manufacturing/industrial enterprises. Humble Oil acquires property to build the Benicia refinery, (purchased for further expansion by Exxon in 1968).
- City fathers envision private development of an industrial park on the greater part of the former Arsenal lands where Army rail lines, roads and remaining warehouse structures could serve future commercial/industrial enterprises; they thereby intend that the Benicia industrial Park would become the City's economic engine and primary revenue source. They also pictured an industrial waterfront extending west, from the Port to First Street.

**1975** — The U.S. Dept. of the Interior/National Park Service lists on the National Register of Historic Places four historically significant distinct districts—A,B,C,&D—located within the former Arsenal's boundaries. The districts contain a total of 20 intact historical landmark structures in their original locations with their landscape settings. "District C" encompasses the most prestigious Civil War-era Officers' Enclave: the three Officers' mansions of "Officers' Row, including Commanding Officer's Quarters (1860), the Clocktower Fortress (1859), and Jefferson Ridge, and the Officers' Admin area, with the Command Post (1870) and Guard House (1872). [Note: the Junior Officers' Barracks was not listed on the National Register as part of District C; but despite its condition, it is still a beautiful historic structure worthy of distinction and rehab. Since the 2000s, individuals have been living and working in it.]

**1977** — The City contracts Charles Hall Page & Associates to develop general requirements for rehabilitation of City-owned historic structures, creating a document called "*Benicia Arsenal Adaptive Use Study: Clocktower Fortress - Camel Barns - Powder Magazine*". (The Commanding Officer's Quarters was not included in the study, since, according to the document, the building had recently been rehabbed for use as restaurant and bar and was in good condition.)

**1978 - 1979** — A land deal is struck between the City and Benicia Industries: the City surrenders its proprietary ownership of "port uplands" parcels in exchange for parcels along the east side waterfront owned by Benicia Industries, where a private boat marina is envisioned. This leaves the City with ownership at the Port of only the port's dock, which is leased "for free" back to Benicia Industries until 2032. [Note: this is a complicated deal; this description needs fact-checking.]

**1981** — Formerly leased by the Army, 200+ acres of private land called "Tourtelot" [see above] are transferred by D.O.D. to variously named private entities (FN Projects Inc, and other local development interests) and finally to Granite Management/Pacific Bay Homes of Ford Motor Co. Given the conditions of the property, the so-called "dirty transfer" occurs before the Arsenal was investigated by USACE for hazard risks and designated a "FUDS" (see below.)

**1986** — The Department of Defense intends to close numbers of U.S. military bases, including properties leased by the Army. D.O.D. recognizes need for cleanup protocols for safe base closures. The Formerly Used Defense Sites Program, called "FUDS", is created and funded, under which base closures will require USACE-led cleanups. It turns out that some sites have already been sold, so some cleanups will be "privatized", which D.O.D. welcomes, to avoid upfront cleanup costs that become assigned to "Responsible Parties".

**1991 - 1992** — The Tourtelot property, (as described previously), is slated for a housing subdivision development by Pacific Bay Homes, (the building division of Ford Motor Co.) for 250 - 400 single family homes. In the early 90's, Pac Bay Homes begins excavations on the Tourtelot property.

**1992** — In 1992, D.O.D. initiates Risk Hazard Assessments for all designated "FUDS", including lands of the former Benicia Arsenal and the leased Tourtelot land. With cursory interviews with City officials regarding known hazards, Arsenal lands are given a "Critical Hazards II" level assessment, citing criteria and reasons for their "critical risk" evaluation, given what has been reported in City police files, of isolated "finds" of hand grenades in unfenced landscaping in the industrial park, in the vicinity where people work.

**1992 - 1993** — The City creates the Arsenal Historic Conservation Plan, which is adopted in 1993 to guide preservation and reuse of structures within National Register Districts A,B,C,D, and future development prospects within and around those districts. Although the Conservation Plan's guidance follows the U.S. Secretary of the Interior's Standards for Historic Preservation, within a year of its adoption, the document was recognized by the City and community as needing revision and expansion in response to public concerns.

**1992 (?) - 1994** — Mr. Andrew Allen, a visionary real estate investor/developer of Howard Allen Trust (HQ, Marin County), purchases vacant warehouses in the port area east of Polk St., along Tyler and Jackson Streets, from a local investor group, (which for 12 years had no feasible plan for their reuse). Mr. Allen envisions rehabbing the buildings to create artist work/live studios. The City had re-zoned the area for "Planned Development" to accommodate a variety of commercial uses, including factory outlets. Because of difficult restricted access to the area and little parking, that vision did not materialize. The warehouses' rehab for work/live studios is hugely successful, though the Port and other Industrial Park stakeholders express concern about compatibility of the artists' community with port area light industrial activities.

**1993 - 1994** — Following up on the D.O.D.'s risk hazard assessment, the Army conducts further research at Benicia, issuing a report "The Benicia Arsenal Archives Search Report" which catalogues interviews with former Arsenal employees and also records all known uses of Arsenal properties throughout its history. The City is given a copy of the report, which remains in custody of the City without public knowledge. In 1995, through a FOIA request to USACE by a consultant working as a liaison between the City and concerned community members, the public receives a copy of the Archives Search Report and learns information pertinent to development being proposed in the port area by Koch Industries (see below) as well as for housing development being proposed for Tourtelot property.

**1994 - 1995** — The Port ("Benicia Industries") introduces a proposal by Koch Industries to create a water-related project: a massive petroleum coke storage and shipping terminal, a 24/7 polluting operation intended to serve all 5 Bay Area refineries, including Exxon: six giant "Coke Domes" are proposed to be located along Tyler St., either directly across from the newly created artists' work-live building, or just below the Clocktower. The "Coke Domes Project" was opposed by many Arsenal businesses, realtors, artists and community residents, and Mr. Allen, developer/stakeholder of the artists' studios, who recognized the threat to his and others' investments in the lower Arsenal area, and to future prospects for further development of commercial and mixed uses. A public alliance was formed, called "Benicians Against Domes", which challenges Koch Industries' promises of jobs and City revenue as well as to protect the City's image and future alternative economic development. Koch Industries' application is not completed and is withdrawn. (A smaller version of the project was built in Pittsburg).

**1994 - 1997** — In 1994, the City Council appoints a 17-member General Plan Oversight Committee ["GPOC"], representing all sectors of the community and commercial/industrial stakeholders and charges GPOC with oversight of the creation of a new General Plan to replace the City's outdated 1978 GP. Consultant, Naphthali Knox & Associates, is contracted to draft the document. Ms. Elizabeth Patterson, local resident, professional planner and planning commissioner, is appointed to facilitate the GPOC; under her guidance, a new draft GP is developed and written in a consensus process by GPOC members themselves, with many public workshops, speakers, and a public survey to support and advise GPOC's work. The final draft document takes 3+ years to complete and is finally submitted to Council for review and adoption. The GP has three main chapters whose goals and policies are integrated and meant to reflect together the concept of sustainability—the new Plan's overarching goal to balance competing economic, social, cultural and environmental interests for creating community strength and a more vitally healthy city.

- **Important, apropos Arsenal zoning: the final new draft General Plan as submitted by GPOC to the City Council did NOT provide for family residential to be included in the recommended "mixed use" zoning for the Arsenal Historic District.** Major Arsenal stakeholders, Exxon refinery (with its own port operations) and the Port (Benicia Industries), had cited concerns about compatibility of uses in the area and opposed inclusion of family residential as a permitted use for liability, safety and security reasons within the lower Arsenal. Other GPOC members had agreed, citing key stakeholders' concerns regarding public safety hazards as well as multiple environmental pollution sources in the immediate area, and also, concern to protect National Register historic districts' assets. While the allowance for an artists' work/live community was initially debated, it was resolved to be compatible with nearby industrial uses, since artisanal production may involve toxics: solvents, paints and other chemicals. Subsequently, the artists' community along Tyler St is later to be quietly appreciated by the Port as a security benefit: artists nearby have "eyes" on the Port's car import business.

**1994 - 1996** — In the midst of excavations and construction of streets, lighting, sidewalks and a model home, Pac Bay Homes activities are halted when community members discover evidence of "hazards" in the hills, where seven overturned, unmarked Army-green 55 gal. drums are found in two graffitied "concrete tunnels" or "bunkers", (which are casually described in an old EIR for the project and recommended for removal, as well as surface soils containing elevated levels of lead). A burned out VW van is found abandoned within one tunnel and shrapnel fragments and signal flares are scattered around. Whence these residents alert USACE and CalEPA's Dept. of Toxic Substances Control ["DTSC"] about their discoveries, submitting photographs taken at the site. Following almost simultaneously, the developer announces their own "finds": concrete-filled shells of spent munitions and 9 pieces of live ordnance, including a 50 millimeter munition. Later, the bunkers are identified as the site for testing the bores of howitzer gun barrels.

Through a FOIA request made to USACE by a contractor to the City serving as liaison with community members, the 1994 Army Archives Search Report and the Army's 1992 Risk Hazard Assessment for former Benicia Arsenal lands are publicly revealed. Community members organize as the Committee for Public Advisory Consensus on Tourtelot, ["ComPACT"] and demand an open investigation. ComPACT calls for public stakeholder participation in oversight of both investigation and cleanup.

**1999** — In response to citizens' concerns for safety, DTSC visits Benicia and assesses the possible extent of hazards and contamination and recommends cleanup to USACE. On June 1, DTSC issues an Imminent and/or Substantial Endangerment Determination and Remedial Action Order requiring a complete remedial investigation/Feasibility Study and a cleanup be performed.

From my personal letter, dated Aug 17, 1999, to the director of Cal-EPA, Edwin Lowry, with whom I with others met in Sacramento:

" . . . even more significantly, he [Stan Phillippe of DTSC] said: '*As you know there are no real standards. The closest thing we have is the Defense Explosive Safety Board's directive: clear to 10' and add extra 4'—for total of 14 ft.*' This also means that there is no existing model where any UXO cleanup method thought to be appropriate for housing has been tested over time for protectiveness. Given these circumstances, as you yourself implied, a most rigorous investigation process and comprehensive risk assessment/risk management plan has to be devised to meet the demand for prospective residential end-use. But this demand requires safety standards that do not yet exist.'

**1999** — On **June 15, 1999** the City Council considers approval of the the final draft of the new Benicia General, submitted by GPOC. That night, a "last minute" change is recommended by Mayor Steve Messina. His textual change to permit residential family housing within areas in town designated mixed use, including the Arsenal Historic District, is approved. The Council does not consider that residential use had been rejected by GPOC for the lower Arsenal, owing to concerns (cited above) about the incompatibility of family residential in the mix of industrial and commercial uses in the vicinity of port and port related activity.

On **Oct 6, 1999**, local residents and real estate developers, Mr. Richard Bortolazzo of Coldwell Banker and Mr. Robert Whitehead pay \$470,000 for purchase of 7.5 acres in National Register District C, of undeveloped contiguous parcels (only divided by Jefferson Lane), of the Officers Parade Ground and the Jefferson Ridge. The partners know that the land's highest market value is tied to residential development, which had just four months prior been permitted by Council's adoption of the new General Plan with their added text. Thus, the Officers' Parade Ground (the original site of the Arsenal's flagpole), located between the Lieutenant's Quarters (1861) and the Commanding Officer's Quarters (1860) and also the entirety of the Jefferson Ridge—the historic, tree studded landscape setting that was kept throughout the Arsenal's history as a pleasant buffering open space between "Officers' Row" along Jefferson Lane and Officers' Admin area below—would essentially become sacrificed to infill residential— whether single family or multi-unit family or senior housing.

- Given the City Council's addition to the General Plan of new language permitting residential in mixed use zoning, the market value of privately held undeveloped lands in the Arsenal would increase. By late 1999, it's anticipated that applications for "family residential infill" would be forthcoming for District C. There are a number of easements within Officers' Row properties. Ms. Reed Robbins, the then owner of the Lieutenant's Quarters, which she'd named "The Jefferson Mansion" for commercial purposes, is alarmed: throughout the year, the Jefferson Mansion hosts corporate and community meetings and events, and on weekends, outdoor weddings. Surrounding her property with residential development would jeopardize her business. Ms. Robbins is an architect and historic preservationist, member of the California Preservation Foundation; yet she is vilified and harassed for trying to protect her property and business from prospective incompatible residential development.

**2001** — Mr. Bortolazzo and Mr. Whitehead, recent purchasers of the undeveloped Parade Ground and the Jefferson Ridge, invite Pacific Bay Homes to build residential housing on their properties. Pac Bay submits an application for a Jefferson Park Project, for construction of 17 single family "mansions" with detached carports that are designed to complement Officers' Row's three historic mansions (1860-62). Across Jefferson Lane from the Parade Ground, the Jefferson Ridge is to accommodate the larger number of 17 single family "up scale" mammoth homes.

Waiting to build a subdivision on Tourtelot property as the Tourtelot investigation and cleanup commences, Pacific Bay Homes is free to consider a profitable plan to build 15 'mansions' within the preeminent Civil War era Officers' Enclave. But Arsenal stakeholders and preservationists oppose family residential in the Arsenal; there is special concern about destroying the 19th century ambiance of Officers' Row, the "feel" reminding of the small town historic character of Benicia's early days, which character the new General Plan honors through policies for enhancing special places, especially those of historic significance. The proposal to sacrifice the Jefferson Ridge for residential infill fuels alarm and is protested: the Jefferson Ridge landscape setting had graced Officers' Row for 141 years, serving to buffer the Officers' lives with their families from the Admin area and the busier activities in the the port area further below. The Ridge land is also the only tree-canopied natural landscape existing within the lower portion of the Arsenal Historic District, or for that matter on the East side of

town. Those who once enjoyed strolling Jefferson Lane and dined in the 1980's at the "Commandant's Residence" (Commanding Officer's Quarters') restaurant and bar support the cause to oppose Pac Bay's Jefferson Park Project..

- The Arsenal Preservation Task Force ["APTF"] is formed to challenge the proposal. APTF holds a free public planning "charrette" at the Jefferson Mansion and 50+ people attend, including residents of lower Jefferson St. A guest speaker, Nannette Watson from Portland OR, introduces ideas about smart development and reuse of existing buildings for the area. A group of Arsenal women create a "Save the Trees" campaign, and invite Julia Butterfly Hill to come to Benicia to talk about her love of trees and how she'd lived up in a giant redwood in Humboldt County, never coming down for 738 days to protest logging in old growth redwood forests.
- In 2001, letters dated May 31 and July 11, 2001, addressed to the City's Planning Dept., from (the now late) Dr. Knox Mellon, the chief Officer of the State Office of Historic Preservation and State Park, address the need for a full EIR to evaluate the foreseeable impacts of the Jefferson Park Project on the character and integrity of District C, stating the inadequate "initial study" review that led to the staff recommendation for approval of a negative declaration of impacts. Dr. Mellon is concerned about the amount of infill the Project would allow and the massing of so many large-scale homes that would dwarf the District's layout, threatening loss of District C's special character and integrity. He expresses that the ratio of 3:1 of existing historical structures to proposed infill buildings is preferable for sake of preservation of significant historic resources of the State of California and the nation.

Finally, Pacific Bay Homes withdraws its application under public pressure. The company remains headquartered in Benicia, with their office in the model home they'd built without permission on Tourtelot property. They work on their plans for their subdivision and the US-ACE/DTSC strategy for cleanup that will serve preparations for "cut and fill" sculpting of the hills for housing.

**2001 - 2004** — The final EIR for the Tourtelot Cleanup Project is certified in December, 2001. Cleanup activities commence in late 2001. A Community Advisory Group is created by DTSC to ensue public involvement in oversight of the project. A very complex investigation begins to explore the extent of contamination, live OE and metal frag. A bomb squad is brought in to do a thorough magnetometer scan of the entire area. The cleanup also entails excavation of lead contaminated surface soils and removal of "explosive soils" filled with TNT powder found along a ridge in the northern area of the property.

- On June 24, 2004, a "Covenant to Restrict Use of Property (Environmental Restrictions)" is recorded to convey to current and future property owners authority over designated areas within the Tourtelot property deemed ""off limits" to public access and any use effectively "forever": specifically, the South Valley swale, west of the McAllister St. land bridge, where munitions' demolition pits, live ordnance and tons of metal frag have been found, and where steep slopes on the eastern property line could not be scanned for metals.
- According to the Five-Year Inspection and Wrap Up Report in the City's possession, "DTSC issued a No Further Action determination, confirming that no further removal actions are required [on the Tourtelot Project Site]. All residential areas were approved for unrestricted resident use. Open space portions of the Project Site, all of which are owned by the City of Benicia, are subject to ongoing inspection and reporting requirements that are designed to monitor the Project Site. . . The wrap-up report must be carried out by a City of Benicia representative and is due every five years beginning in 2009. . . no later than may 30 of that year."

**2005 - 2006** — In 2005, Mr. Tom Adams and Ms. Kathleen Olson each purchase properties respectively, Mr. Adams' close by and Ms. Olson's within National Register District C;

- Mr. Adams property is located on the western side of Park Rd at the intersection of Jefferson Lane. In 2006, he proposes the Jefferson Villas Project, to build multi-unit condos, which require demolition of a WWII-era recreation/club building for Arsenal employees. The Planning Commission approves the Villas Project; the decision is appealed to the City Council, which rejects the appeal, thus permitting development and allowing for demolition of the historic Arsenal club building. In the end, the Villas condo project is not built, the land is sold and Mr. Adams moves out of town.
- Ms. Olson's parcel is within National Register District C's Officers' Admin area, whose historic buildings—Command Post, Guard House and Junior Officers' Barracks, as well as the WWII era's small brick "laundry"—surround it. The undeveloped parcel, at 1025 Grant St., is less than an acre but Ms. Olson's desire is to build 22 market rate detached town houses which of necessity would be virtually squeezed onto the land: the massing's density is seen in architectural drawings to be completely out of character with the military's layout of their Officers' Admin area as a designed unit, leaving open space between its buildings for temporary uses and activities. Both Mr. Adams' Jefferson Villas proposal and Ms. Olson's 1025 Grant St. Project, raise many questions about traffic, parking, lack of safe play areas for children, and about potential historic hazards, like the old rusted iron cannon balls found in the slope below the Guard House by the Guard House's then new owner, who had beautifully restored the building for his film company office.

**2006** — The Solano Housing Authority proposes to build 9 buildings containing a total of 80 units of affordable housing "for seniors" on Mr. Bortolazzo's and Mr. Whitehead's properties in District C's Parade Ground and Jefferson Ridge. Although there are many residents who support building truly affordable housing in Benicia, some supporters balk at locating senior housing so far away from Downtown and Solano Square shopping center. Others decry despoiling District C's historic character and value for heritage tourism. For reasons apparently other than public protest, which APTF members mobilize against the proposal, Solano Housing Authority withdraws its application.

**2006 - 2009** — The City initiates the creation of an ambitious area-wide Specific Plan for the Arsenal Historic District, to guide mixed use infill development and re-use of historic buildings in what becomes described as "the lower Arsenal area". Mixed use design standards are to be set according to Form Based Code criteria for rehab of existing buildings and future infill development. The new plan is to be called The Lower Arsenal Mixed Use Specific Plan ["LAMUSP"], a title which notably doesn't utilize the actual designated name, "Arsenal Historic District". The young design team, Opticos, (office in Berkeley) is contracted to draft the LAMUSP for their knowledge of Form Based Code standards and smart growth principles; however, their team leaders seem not to be much interested in the actual history of the Arsenal or the National Register distinctions awarded the Civil War-era Officers' Enclave for the visible integrity of the military design unity, which Form Based Code is unable to address owing to its focus on the appearance and features of individual buildings within mixed use development areas. (Opticos' own credentials are associated to recently built neighborhoods of detached residential homes which they had designed for the City of Hercules, CA).

The team participates in several City-sponsored public workshops at the beginning of the planning process. In 2006, the first draft Plan for public review is released Dec. 22nd, 2006. It clearly illustrates the massive scale of changes envisioned for the entirety of National Register districts C & D. The draft Plan sets off serious concerns among Arsenal stakeholders and preservationists.

- Property owners of undeveloped land in District C, Mr. Bortolazzo and Mr. Whitehead, and also Kathleen Olson, each submit their respective plans for residential infill on their properties. To enable prospects for their approval and construction, the City offers that their projects, which would ordinarily be reviewed separately under CEQA, could be evaluated together "under the umbrella" of the Final EIR for the LAMUSP: the City's offer would help local developers avoid the separate expense associated to CEQA review processes— about which expense Ms. Olson had declared openly that her project to build 22 single family, market rate, detached townhouses on her (less-than-an-acre) property "would not pencil out."
- Several development options are proposed that are considered in the first iteration of the EIR under CEQA review: the first option is for the "no infill in District C" development alternative; a second option is for a maximal infill development, allowing for 9 new multi-unit residential buildings for a total of 80 housing units in District C, with buildings to be distributed between the Parade Ground and Jefferson Ridge. The LAMUSP proposes six new roads cut into the Ridge, with underground parking proposed for split level buildings with up to 4 stories designed for the south-facing side of the Jefferson Ridge bordering Adams St.
- It was not difficult to imagine how the LAMUSP's plan for maximum development would drastically increase the density and massing of buildings within the National Register districts C & D. When the public protested, a third option was created by Opticos that would reduce infill to several new buildings to be located between the Commanding Officers' Quarters and the Clocktower Fortress, as well as allowing for several more buildings, one for the western border of the Ridge at Park Road and another adjacent to the Officers' Duplex at the border of Park Road at the end of Jefferson Lane.
- APTF Arsenal stakeholders (including me) offer an alternative option that would allow for one or two new infill buildings for commercial uses to serve a campus-like events and conference center focused on enhanced use of the Clocktower Fortress and COQ as a functional commercial unit within District C. One new building, which would have a commercial kitchen, would be discreetly located between the COQ and the Clocktower Fortress on the northeastern slope bordering the District's promontory. It would serve as part of the campus-like events and conference center, with the charm of an enhanced 19th c historic district potentially attracting City interest in developing and promoting heritage tourism, as called for by the General Plan.
- The LAMUSP is lambasted as a plan too big, too intensive and too destructive of the character of the National Register districts C & D. Great concern was focused on lack of any protection for the integrity of District's C's layout and massing of buildings as a whole design unit. **The issue of allowing a combination of single family and multi-unit housing for a total of 32 new infill buildings, adding up to a total of 102 units of infill housing inserted into District C alone could not, and would not be acceptable!**

**2009** — The Specific Plan's draft EIR is also rejected for many reasons of public health and safety, for known and unknown hazards: the lack of characterization of potential hazards in the general area in and around the vicinity of District C & D: for example, the LAMUSP does not mention the on-going Arsenal FUDS investigation that continued in the waterfront area through 2009; also the inherent dangers of active oil pipelines running down from the refinery along the eastern side of Park Road and then behind District C's Officers' Row, then down to the refinery's dock; also, the lack of adequate characterization of refinery/port area activities and their dangers to public health and safety—daily truck traffic in and out of the port and industrial park, diesel tailpipe emis

sions from truck traffic and ships at port, and from freeways; toxic petroleum coke dust circulating in the air. The subject of petcoke particulate pollution in the Arsenal Historic District is a little discussed public health issue.\*

The Final EIR for the Lower Arsenal Mixed Use Specific Plan was roundly rejected, after two revisions; ultimately the Plan was withdrawn without further revision or circulation. All told, the cost of the plan was approx. \$500,000.

- As a last hope for resolving the problem of accommodating infill residential within the Arsenal Historic District's "lower Arsenal area", the Community Director at the time, Mr. Charlie Knox, hosted a public workshop to discuss the matter; but nothing came of that discussion, since presumably to resolve the question, a change to the General Plan on the hot-button subject would have to be made by the City Council majority and the mayor himself had developer friends. Is "historic preservation" now just a term of art, a thing of the past, not attached to any particular time or place.
- Could there be any wonder why SB35's stream-lined application process for multi-unit housing infill projects should and MUST provide for CEQA review for special cases like Benicia's to protect National Register Historic Districts resources that exemplify distinguished national, state, regional and local military, social and cultural history? as well as, to protect families, children and the elderly from hazards in an industrial port area, including chronic daily exposure to deadly air pollution from all sources and loaded with petcoke particulates?

\* \* \*

CODA:

Today, this is what I would write on the subject of hazards in an EIR for any future infill housing project proposed for the Arsenal Historic District. Exposure to air pollution in the Arsenal is a serious chronic health hazard. For all the reasons I have stated above, the Arsenal Historic District poses an unsafe, unfit living place for families, children and the elderly.

Petcoke, though sold as a product as a cheap fuel source for overseas markets, it is actually a toxic waste, a residue of the oil refining process. However, under industry pressure, federal EPA does not regulate petcoke because it is designated by the industry to be a refined "product", as produced at refineries such as Valero's Benicia refinery. The hardened scrapings of coke residue taken from the inside walls of the hydrocracker are sent to a "coking unit" where the substance is "fluffed up" through aeration processes to become a fine, oily black talc-like, dust-like particles. Inhaling petcoke particles or dust is a serious health risk. Very fine petcoke particulates at 2.5 microns (PM2.5) or less greatly contribute to local air pollution in Benicia and especially around the Arsenal Historic District and the port area. The oily black powdery particulates are toxic, containing heavy metals and other petroleum contaminants. If nickel, a carcinogen when inhaled, is present in the petcoke molecules, then those PM2.5 molecules are carcinogenic. Petcoke particulates in the air mix with other toxic gases that are ubiquitous in urban air and are carried into the lungs by those invisible petcoke particulates. If the particulates are 2.5 microns or less in size, they cannot be expelled by exhaling or coughing, and so, lodge in lung tissue and thereby release the gases they've carried with them into the bloodstream, causing damage over time to the heart and circulatory system. Chronic exposure to PM2.5 retards lung development in children and affects lung function in the elderly and anyone with a compromised immune system, and especially those who suffer chronic asthma or C.O.P.D.

At maximum production of pet coke residue from the refining process in Benicia, the hard, coal-like pet coke "rocks" as refined into that fine powdery talc-like substance must be transported to the port to be exported. In Benicia, the refinery transports petcoke by train. Each petcoke train may have as many as 13 hopper cars. The trains travel very slowly from the refinery down tracks bordering Bayshore Road toward the refinery port, and come to a stop at the gigantic concrete coke storage silos located near the port and the artists' work-live buildings, at the eastern end of Tyler St. Powdery petcoke is visible along the tracks from Bayshore Rd to the port. When the train stops, the hoppers' hinged doors below the cars open up, releasing the coke onto an underground conveyor belt that carries the product into the silos. Two or three times per week, depending on refinery production levels, a ship arrives to receive the coke to be transported to mostly Asian markets. This final procedure entails sending the coke from the silos via conveyor belts to the ship, where it is finally dumped in huge quantities into the ship's open hull. This last act sends tiny, toxic coke particulate swirling up into the air, visible even at a distance as a dirty wafting thin cloud that dissipates, with coke particulates landing as carbon dust on window sills and cars. Years ago, I photographed such a coke cloud rising from the ship on a grey drizzly day.

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