



**BENICIA PLANNING COMMISSION
CITY COUNCIL CHAMBERS**

REGULAR MEETING MINUTES

Thursday, February 14, 2008

7:00 P.M.

I. OPENING OF MEETING

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

Present: Commissioners Rick Ernst, Dan Healy, Rod Sherry, Lee Syracuse, Brad Thomas and Chair Railsback
Absent: Commissioner Richard Bortolazzo

Staff Present: Charlie Knox, Community Development Director
Mike Marcus, Assistant Planner
Contract Attorney Kat Wellman
Gina Eleccion, Management Analyst

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

II. AGENDA CHANGES AND DISCUSSION

No agenda changes.

III. OPPORTUNITY FOR PUBLIC COMMENT

- A. WRITTEN**

A comment letter was received from Greg Gartrell regarding the Subway Use Permit, but more specifically the lack of trash receptacles downtown. This letter was distributed to the Commission.

- B. PUBLIC COMMENT**

None.

IV. CONSENT CALENDAR

On motion of Commissioner Ernst, seconded by Commissioner Syracuse, the Consent Calendar was approved by the following vote:

Ayes: Commissioners Ernst, Healy, Sherry, Syracuse, Thomas and Chair Railsback
 Noes: None
 Absent: Commissioner Bortolazzo

- A. Approval of Agenda**
- B. Planning Commission Minutes of December 13, 2007**

VII. REGULAR AGENDA ITEMS

A. 1371 EAST SECOND STREET – SUBWAY SANDWICHES AND SALADS USE PERMIT

08PLN-4 Use Permit
 1371 East Second Street, APN: 88-111-110

PROPOSAL:

In accordance with Benicia Municipal Code 17.70.350, Formula Businesses, the applicant requests approval of a Use Permit for the establishment of a Subway Sandwiches and Salads restaurant.

Recommendation: Approve a Use Permit based on the findings and conditions in the proposed resolution.

Mike Marcus, Assistant Planner, gave a brief overview. A use permit has been applied for. This is the first project to be processed based on the formula business ordinance. He clarified that the business is not in operation, but that tenant improvements are being done.

Charlie Knox, Community Development Director, stated that the tenant improvement is normally approved after the use permit, however, the applicant is aware that the tenant improvements are being done at their own risk. He further explained that no additional parking study was required, as there are parking requirements for Solano/Davies Square.

Chair Railsback commented on the increase of parking on N Street. He questioned if it was possible to create 30-minute parking zones on N Street. Charlie Knox stated that he will communicate this issue to Public Works. Further, Mike Marcus noted that there are ten spaces below the building that should be utilized for employee parking.

Commissioner Ernst stated that there is confusion in the public that this has already been improved. Commissioners discussed the issue with the tenant improvements versus the use permit approval. Charlie Knox noted that there was a 10-day period between the time the tenant improvements were approved and the time the applicant was notified that a use permit was required.

Commissioners questioned if there could be signage noting the additional parking.

Kat Wellman, Contract Attorney, noted that the applicant bears the liability of the cost of the tenant improvements.

Jodi Singh, Applicant – She stated that she lives and works in Benicia. She is available to answer questions. She noted that it is a small retail franchise that intends to support the community.

Commissioner Ernst questioned if the applicant owns the other Subway shops in town. The applicant stated that this is her only Subway in town. Commissioner Ernst questioned where the products come from and what size truck would be used for deliveries. The applicant noted that there are small trucks and deliveries are not daily. They further noted that they anticipate the majority of their customers will be from Benicia.

The public hearing was opened.

Janine Seeds, 775 West K Street – She commented on the risk of the tenant improvements without the use permit approval. She doesn't understand the allowable uses, particularly with regards to delivery trucks. She does not want another Subway in town.

The public hearing was closed.

Commissioners discussed the project. Kat Wellman noted that the analysis of the project is included in the staff report. There was discussion over the impact of an additional formula business.

Commissioner Ernst stated his concerns with approving this application. Commissioner Healy clarified that this is before the Commission because it is a formula business. Commissioner Syracuse noted that there are no other business owners here this evening. He believes that many business owners believe that the increase in traffic benefits them. Commissioner Thomas commented on the concentration of formula businesses, but does not believe that this one business will significantly impact the existing conditions. Commissioner Sherry questioned the signage. Mike Marcus confirmed that the sign will fit with the approved sign program for Solano/Davies Square. Chair Railsback commented on the need for 30-minute parking zones and loading zones. There are issues with trash. Possibly, there could be a meeting of the business owners to address some of these concerns. Chair Railsback noted that there was a very involved public process regarding the formula business ordinance and this business complies with the ordinance. Commissioner Healy agreed with Chair Railsback's comments. He believes this is a much better location than a business on First Street.

RESOLUTION NO. 08-1 (PC) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A USE PERMIT FOR A FORMULA BUSINESS AT 1371 EAST SECOND STREET

On motion of Commissioner Healy, seconded by Commissioner Sherry, the above Resolution was approved by the following vote:

Ayes: Commissioners Healy, Sherry, Syracuse, Thomas and Chair Railsback
Noes: Commissioner Ernst
Absent: Commissioner Bortolazzo

Commissioner Ernst commended staff for a thorough report.

B. ZONING TEXT AMENDMENT TO AMEND TITLE 17.108 (DESIGN REVIEW) OF THE BENICIA MUNICIPAL CODE

Zoning Text Amendment
City Wide

PROPOSAL:

The zoning text amendment would update and amend Title 17 (Zoning), specifically Chapter 17.108 amending regulations for design review responsibilities.

Recommendation: City Council approval of update and amendment of Section 17.108 of the Benicia Municipal Code, based on the findings in the proposed resolution.

Charlie Knox gave an overview of this item. City Council directed this amendment. This would only affect commercial projects greater than 2500 square feet.

The public hearing was opened.

Jon Van Landschoot, 175 West H Street – He supports this amendment, but wants to make sure the Commission is trained and qualified to assume these duties.

The public hearing was closed.

Charlie Knox noted that this type of design review approval by the Planning Commission might only come up once every year.

RESOLUTION NO. 08-2 (PC) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENTS ESTABLISHING THE PLANNING COMMISSION AS THE AUTHORITY FOR COMMISSION-LEVEL DESIGN REVIEW OUTSIDE HISTORIC DISTRICTS

On motion of Commissioner Ernst, seconded by Commissioner Syracuse, the above Resolution was approved by the following vote:

Ayes: Commissioners Ernst, Healy, Sherry, Syracuse, Thomas and Chair Railsback
Noes: None
Absent: Commissioner Bortolazzo

C. ZONING TEXT AMENDMENT TO CHANGE THE REGULATIONS FOR ANIMAL KEEPING, SUBJECT TO SPECIFIC CRITERIA

Zoning Text Amendment
City Wide

PROPOSAL:

The zoning text amendment would update and amend Title 17 (Zoning), specifically Section 17.70.300 establishing new regulations for animals in a residential district.

Recommendation: Direction to City Council on amendment of Section 17.70.300 of the Benicia Municipal Code, based on the findings in the proposed resolution.

Charlie Knox gave a brief overview. He noted that Title 6 of the Benicia Municipal Code has been amended and this is to be consistent with that change. This is necessary for compatibility in residential areas.

The public hearing was opened.

Janine Seeds, 775 West K – She commented on existing animal uses adjacent to Rose Center.

Charlie Knox noted that the horses next to the Rose Center are being handled through the City’s code enforcement department.

The public hearing was closed.

RESOLUTION NO. 08-3(PC) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENTS AMENDING SECTION 17.70.300 OF THE ZONING ORDINANCE TO BE CONSISTENT WITH TITLE 6 OF THE BENICIA MUNICIPAL CODE

On motion of Commissioner Syracuse, seconded by Commissioner Thomas, the above Resolution was approved by the following vote:

- Ayes: Commissioners Ernst, Healy, Sherry, Syracuse, Thomas and Chair Railsback
- Noes: None
- Absent: Commissioner Bortolazzo

VIII. COMMUNICATIONS FROM STAFF

Charlie Knox noted that the Contra Costa County pipeline hearing has been postponed to February 19th. City staff will be writing a letter regarding safety and sensitive species.

Gina Eleccion noted that there will be a special meeting with the State Office of Historic Preservation regarding the Secretary of the Interior Standards. The meeting will be held in the City Council Chambers on March 27th.

IX. COMMUNICATIONS FROM COMMISSIONERS

None.

X. ADJOURNMENT

Chair Railsback adjourned the meeting at 8:09 p.m.