

March 8, 2007

**BENICIA PLANNING COMMISSION
CITY COUNCIL CHAMBERS**

REGULAR MEETING AGENDA

**March 8, 2007
7:00 P.M.**

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

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

1. OPENING OF MEETING

- 1. Pledge of Allegiance**
- 2. Roll Call of Commissioners**
- 3. 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.**

2. AGENDA CHANGES AND DISCUSSION

3. OPPORTUNITY FOR PUBLIC COMMENT

1. WRITTEN

2. PUBLIC COMMENT

4. PRESENTATIONS

1. OPEN GOVERNMENT PRINCIPLES

The City Attorney will be giving an overview of the Open Government Ordinance, including Brown Act, Conflict of Interest, Ethics, Public Records and Ex-Parte

5. CONSENT CALENDAR

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

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

the reading of the Consent Calendar.

1. Approval of Agenda
2. Planning Commission Minutes of February 8, 2007

6. REGULAR AGENDA ITEMS

1. 907 FIRST STREET - SAHARA RESTAURANT
07PLN-1 Use Permit for Outdoor Patio Dining
07PLN-11 Use Permit for In-Lieu Parking Fee
07PLN-10 Use Permit for Live Entertainment
907 First Street, APN: 89-043-130

PROPOSAL:

The applicant requests approval of use permits to 1) establish a 600 square foot outdoor dining area; 2) allow payment of an in-lieu parking fee for two spaces (\$4,000 total) to serve the outdoor dining area; and 3) allow live entertainment inside the restaurant Wednesday thru Saturday evenings and in the outdoor dining area for special occasions at 907 First Street.

Recommendation: Planning Commission hold a public hearing, consider public testimony and other relevant documents and approve conditional use permit applications for: 1) outdoor dining; 2) in-lieu parking; and 3) live entertainment; based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

2. 1208 EAST FIFTH STREET
06PLN-75 Use Permit for Parking Reduction
1208 East Fifth Street, APN: 88-132-180

PROPOSAL:

The applicant requests approval of a use permit to reduce the required on-site parking ratio for a proposed three story 6,081 square foot medical building used as an in-office and outpatient surgery center for chronic pain treatment located at 1208 East 5th Street. According to Benicia Municipal Code Section 17.74.030, medical and dental offices require one parking space per 250 square feet of floor area. However, the applicant requests approval of a use permit to reduce the on-site parking requirement ratio to one parking space per 300 square feet of floor area.

Recommendation: Planning Commission hold a public hearing, consider public testimony and other relevant documents and approve the conditional use permit for a reduction in on-site parking for a proposed medical building at 1208 East 5th Street, based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

3. CONSIDERATION OF AN ORDINANCE TO REGULATE FORMULA BUSINESSES

PROPOSAL:

The City Council has directed the Planning Commission to offer its recommendation regarding a potential ordinance to regulate formula businesses. Among its provisions, the drafted ordinance

would:

- * Define "formula business" and "big box";
- * Require use permit review for formula and big box businesses in certain locations; and
- * Limit the number of formula businesses allowed both citywide and downtown. The

Planning Commission must provide a recommendation to the Council regarding any zoning ordinance amendment pursuant to California Government Code Section 65853 et seq.

Recommendation: If desired, Planning Commission recommend that City Council consider a proposed ordinance on formula businesses.

7. COMMUNICATIONS FROM THE STAFF

1. STRATEGIC PLAN PRIORITIES UPDATE

2. COMMUNICATIONS FROM COMMISSIONERS

3. ADJOURNMENT

Public Participation

The Benicia Planning Commission welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The Planning Commission allows speakers to speak on agendized and non-agendized matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Planning Commission.

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

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Diane O'Connell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for Commission discussion and/or action. In accordance with

the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the Commission.

The Planning Commission may not begin new public hearing items after 11 p.m. Public hearing items which remain on the agenda may be continued to the next regular meeting of the Commission, or to a special meeting.

Pursuant to Government Code Section 65009; if you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing. You may also be limited by the ninety (90) day statute of limitations in which to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

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