



BENICIA PLANNING COMMISSION

REGULAR MEETING AGENDA

**City Hall Council Chambers
Thursday, March 13, 2014
7:00 P.M.**

I. OPENING OF MEETING

- A. Pledge of Allegiance**
- B. Roll Call of Commissioners**
- 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. ADOPTION OF AGENDA

III. OPPORTUNITY FOR PUBLIC COMMENT

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

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

A. WRITTEN

B. PUBLIC COMMENT

IV. ELECTION OF OFFICERS (CHAIR AND VICE CHAIR)

V. 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.

A. APPROVAL OF MINUTES OF FEBRUARY 13, 2014 REGULAR MEETING

VI. REGULAR AGENDA ITEMS

A. APPEAL OF COMMUNITY DEVELOPMENT DIRECTOR DECISION TO APPROVE A FOUR FOOT TALL FENCE LOCATED ON THE NORTHERN PROPERTY LINE AT 1507 KAREN DRIVE, ADJACENT TO 560 SANDY WAY

14PLN-00010 Appeal
1507 Karen Drive; APN: 0087-043-720

PROPOSAL:

On February 3, 2014, the Community Development Director issued a decision to allow a four foot tall fence along the northern property line of 1507 Karen Drive. The northern property line of 1507 Karen Drive abuts the southern property line of 560 Sandy Way. There is an elevation difference in the two adjacent lots of more than 10 feet. Pursuant to Benicia Municipal Code Section 17.24.030 (P), the allowable fence height is only three feet where the difference in elevation between two adjacent lots is more than 10 feet, unless the Director approves a higher height. The Director's February 3, 2014 decision to approve the fence at 1507 Karen Drive to be four feet tall has been appealed by Mr. Robert Peters, who is the adjacent property owner of 560 Sandy Way.

Recommendation:

Adopt a resolution confirming the Community Development Director decision to allow the property line fence to be four feet tall at 1507 Karen Drive

B. USE PERMIT TO OPERATE A 4,608 SQUARE FOOT PERSONAL TRAINING STUDIO AT 538 STONE ROAD; AFTER DETERMINATION IS MADE THAT THE PROJECT IS EXEMPT FROM CEQA

14PLN-00004 Use Permit
538 Stone Road
APN: 0080-05-0310

PROPOSAL:

The applicant, CrossFit707, requests approval of a Use Permit to operate a 4,608 square foot health and fitness studio to provide group and individual fitness training within an existing building at 538 Stone Road. The hours of operation will be from 5:00 a.m. to 10:00 p.m. daily with classes offered on the following general schedule:

- Weekdays (Monday through Friday) - 5:00 a.m. to 10:00 p.m.
- Weekends (Saturday and Sunday) – 7:00 a.m. to 1:00 p.m.

Open gym will be offered throughout the day. Private and small group sessions will be offered when classes are not in session. The facility will also include a small accessory retail area, operational only during business hours for the benefit of members.

Recommendation:

Adopt a resolution approving Use Permit 14PLN-00004 to allow the operation of a 4,608 square foot commercial recreation facility (health and fitness studio) located at 538 Stone Road, based on the findings and subject to the conditions of approval set forth in the draft resolution; after determination that the project is categorically exempt from CEQA.

C. USE PERMIT FOR A HEALTH AND FITNESS FACILITY AT 714 FIRST STREET AFTER A DETERMINATION IS MADE THAT THE PROJECT IS EXEMPT FROM CEQA

14PLN-00006 Use Permit
714 First Street
APN: 0089-34-1220

EXECUTIVE SUMMARY:

The applicant, Denise Brazeal, requests a Use Permit to establish a 3,101 square foot Health and Fitness Studio at 714 First Street. The proposed studio will provide yoga, cardio and weight training. The proposed hours of operation are Monday through Saturday from 8:00 a.m. to 12:00 p.m. and 5:00 p.m. to 9:00 p.m. The subject property is located within the Downtown Historic Conservation District. It is not identified as a contributor or landmark structure. No exterior modifications or outdoor use are proposed.

Recommendation:

Adopt a resolution approving Use Permit 14PLN-00006 for a (insert square footage) health and fitness studio at 714 First Street based on the findings and subject to the conditions of approval set forth in the draft Resolution, after the determination that the project is exempt from the California Environmental Quality Act (CEQA).

D. GENERAL PLAN IMPLEMENTATION REPORT

PROPOSAL:

California Government Code Section 65400 requires that cities submit an annual report on the status of their General Plan and progress in its implementation to the Governor's Office of Planning and Research and Department of Housing and Community Development.

Recommendation:

Receive and file the Annual General Plan Progress Report, 2013 for acceptance by the City Council.

VII. COMMUNICATIONS FROM STAFF

VIII. COMMUNICATIONS FROM COMMISSIONERS

IX. 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 Commission Secretary.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact 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 the Commission may take.

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 that 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 business days of the date of action.

Public Records

The agenda packet for this meeting is available at the City Clerk's Office, the Benicia Public Library and the Community Development Department during regular working hours. The Community Development Department is open Monday through Friday (except legal holidays), 8:30 a.m. to 5 p.m. (closed from noon to 1 p.m.). Technical staff is available from 8:30 - 9:30 a.m. and 1:00 - 2:00 p.m. only. If you have questions/comments outside of those hours, please call 746-4280 to make an appointment. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the Community Development Department's office located at 250 East L Street, Benicia, or at the meeting held in the City Hall Council Chambers. If you wish to submit written information on an agenda item, please submit to Amy Million, Commission Secretary, as soon as possible so that it may be distributed to the Planning Commission.