



BENICIA PLANNING COMMISSION

REGULAR MEETING MINUTES

**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

Present: Commissioners Dean, Oakes, Sherry Smith, Sprague, and Young

Absent: Commissioner Cohen-Grossman (excused)

Staff Present: Kat Wellman, Contract Attorney
Amy Million, Principal Planner/Recording Secretary
Suzanne Thorsen, Associate Planner

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA

On motion of Commissioner Dean, seconded by Commissioner Young with the change to move Item V.A. to follow Items V. B. and V.C. the agenda was adopted by the following vote:

Ayes: Commissioners Dean, Oakes, Smith, Sprague, Young and Chair Sherry

Noes: None

Absent: Commissioner Cohen-Grossman

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN – None.

B. PUBLIC COMMENT

Chris Howe, Valero informed the Commission that the Valero Refinery has received the California Department of Industrial Relations and CAL OSHA 3 year certification for voluntary protection program (VPP). Valero is the only Bay Area refinery to be VPP Star Site (safety rating). He announced the crude by rail infrastructure project informational meeting and invited interested parties to attend. The meeting will be held on March 24, 2014 at the Ironworkers Union Local 378, 3120 Bayshore Road.

IV. ELECTION OF OFFICERS (CHAIR AND VICE CHAIR)

Chair Sherry opened the item and stated that he would like to see Commissioner Dean as the Chair. Commissioner Oakes stated that he would be Vice Chair.

On motion of Commissioner Young, seconded by Commissioner Sprague to elect Commissioner Dean as Chair and Commissioner Oakes as Vice Chair, the Election of Officers concluded by the following vote:

Ayes: Commissioners Dean, Oakes, Smith, Sprague, Young and Chair Sherry
Noes: None
Absent: Commissioner Cohen-Grossman
Abstain: None

V. CONSENT CALENDAR

On motion of Commissioner Sherry, seconded by Commissioner Smith, the Consent Calendar was approved by the following vote:

Ayes: Commissioners Sherry, Smith, Sprague and Chair Dean
Noes: None
Absent: Commissioner Cohen-Grossman
Abstain: Commissioners Oakes and Young

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

VI. REGULAR AGENDA ITEMS

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

Ms. Thorsen provided an overview of the project.

Commission asked staff for clarification on the parking with regard to the use of the building and vacancy rates and clarification on the outdoor uses.

The applicant, Spencer Purves, gave a brief presentation stating that he is moving due to his expanding business.

The Commission asked for clarification on where the outdoor activities would occur. Mr. Purves responded.

No public comment.

Commissioner Sherry stated that he supported the business, but wanted to be clear that the proposed business was a non-industrial business locating within an industrial park and encouraged the CrossFit business owners to be good neighbors.

RESOLUTION NO. 14-5 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APROVING A CONDITIONAL USE PERMIT FOR A HEALTH/FITNESS STUDIO AT 538 STONE ROAD (14PLN-00004; APN: 0080-05-0310)

On motion of Commissioner Sherry, seconded by Commissioner Young, the above Resolution was adopted, by the following vote:

Ayes: Commissioners Oakes, Sherry, Smith, Sprague, Young and Chair
Dean
Noes: None
Absent: Commissioner Cohen-Grossman
Abstain: None

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

Ms. Thorsen provided an overview of the project.

Commissioners requested information on the days and times of the classes and the existing parking space on site.

Applicant, Denise Brazeal, gave a brief presentation including her reasons for moving her business to this location and provided an overview of her business and the anticipated class schedule.

The Commission and applicant discussed potential noise impacts related to weight lifting.

No public comment.

The Commission discussed the hours of operation and providing a limit to the hours of operation in order to be consistent with previous approvals for health/fitness facilities. They considered defining the hours of operation to 6:00 a.m. to 9:00 p.m. Monday through Sunday and any changes made to the hours of operation to be reviewed administratively with the Planning Staff.

RESOLUTION NO. 14-6 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A CONDITIONAL USE PERMIT FOR A HEALTH AND FITNESS STUDIO AT 714 FIRST STREET (14PLN-00006; APN: 0089-34-1220)

On motion of Commissioner Sherry, seconded by Commissioner Young, with new condition added for the operating hours 6:00 a.m. to 9:00 p.m. Monday through Sunday and any changes to that schedule subject to administrative approval, the above Resolution was adopted, by the following vote:

Ayes: Commissioners Oakes, Sherry, Smith, Sprague, Young and Chair Dean
Noes: None
Absent: Commissioner Cohen-Grossman
Abstain: None

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

Commissioner Sprague – recused due to business conflict
Commissioner Young – recused due to location of residence

Ms. Million provided an overview of the project.

Suzanne Peters, appellant and property owner of 560 Sandy Way, gave a presentation.

Robert Peters, appellant and property owner of 560 Sandy Way, gave a presentation and provided a video of their property.

John McLaughlin, property owner of 1507 Karen Drive, gave a presentation.

No public comment.

The Commission discussed the layout of the two parcels, lack of privacy in Benicia due to the topography, and the value of views.

The Commission reviewed the findings in Chapter 17.82 of the Benicia Municipal Code.

Commissioner Oakes made a motion to uphold the appeal to allow only a three-foot fence, seconded by Commissioner Smith.

The Commission discussed the monetary impacts of obstructing views.

Ms. Wellman, provided clarification on the purpose of the residential zoning districts.

Commission acknowledged that this decision was precedent setting and the importance of making findings in this decision.

RESOLUTION NO. 14-7 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA UPHOLDING THE APPEAL AND OVERTURNING THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION TO APPROVE A FOUR FOOT TALL FENCE LOCATED ON THE NORTHERN PROPERTY LINE AT 1507 KAREN DRIVE, ADJACENT TO 560 SANDY WAY (14PLN-00010)

On motion of Commissioner Oakes, seconded by Commissioner Smith, the above Resolution was adopted, by the following vote:

Ayes: Commissioners Dean, Oakes, Smith, Sprague, Young and Chair Sherry
Noes: None
Absent: Commissioner Cohen-Grossman
Abstain: None

D. GENERAL PLAN IMPLEMENTATION REPORT

Ms. Million presented the General Plan implementation report.

The Commission asked various questions regarding the status of some of the programs' implementation including the timing of the fee study on Program 2.4.A, clarification on potential ferry service under Program 2.17.F and if there would be a new sewer ordinance associated with

Program 2.40A. The Commission also made some minor edits to the report.

No public comment.

VII. COMMUNICATIONS FROM STAFF

Ms. Million provided an update on the status of the removal of the existing “Nationwide” sign and the construction of the new CBS Outdoor billboard. She also mentioned that it is staff’s intent to have the commission review their priorities at the next Planning Commission meeting in April.

VIII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Young requested direction from Counsel on whether it is appropriate to attend the Valero informational meeting due to potential Brown Act violations.

Ms. Wellman stated that it is acceptable for Commissioners to attend as long as they are careful to not discuss it amongst themselves and keep an open mind. She continued to state that this would also be the case if Commissioners attended meetings that are held by those who oppose projects.

Commissioner Smith stated that she appreciated the information provided by Ms. Wellman because she attended the community meeting for the Valero Crude by Rail project on Monday, March 10 and will plan on attending the informational meeting held by Valero.

Chair Dean requested an update on the Draft Environmental Impact Report for the Valero Crude by Rail project. Staff confirmed April.

IX. ADJOURNMENT

On a motion of Commissioner Oakes, seconded by Commissioner Sherry, Chair Dean adjourned the meeting at 9:30 p.m.