

April 8, 2010

BENICIA PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS

REGULAR MEETING AGENDA

THURSDAY, APRIL 8, 2010

7:00 P.M.

I. CALL TO ORDER:

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. 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 March 11, 2010](#)

V. REGULAR AGENDA ITEMS:

A. [DRAFT PRINCIPLES FOR GATEWAY PRIORITIES, COMPONENTS, AND PROCESS](#)

City Wide

PROPOSAL:

Planning Commission will review and confirm the Principles for Gateway Priorities, Components, and Process. The Planning Commission can take action to forward this list of principles to the City Council for its consideration during future work programming for city gateways.

Recommendation:

Approve the Planning Commission's *Principles for Gateway Priorities, Components, and Process* and forward to the City Council for its consideration during future work programming for city gateways.

VI. COMMUNICATIONS FROM STAFF:

A. UPDATE ON THE TANNERY - 127 FIRST STREET

127 First Street; APN: 89-244-050

PROJECT:

Planning Commission requested that staff provide an update on the Tannery building project. Staff's update will include a discussion on current permit activity, current planning applications, and public access (e.g. Bay Trail) regulations and requirements.

Recommendation:

No action is required.

VII. COMMUNICATIONS FROM COMMISSIONERS:

VIII. 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 agendaized and non-agendaized 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 Valerie Ruxton, 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 Public Works & 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 Public Works & Community Development Department during regular working hours. 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 Public Works & 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 Gina Eleccion, Management Analyst, as soon as possible so that it may be distributed to the Planning Commission.

 [March 11, 2010 minutes \(pdf\)](#)

 [Gateways \(pdf\)](#)

 [Tannery Status \(pdf\)](#)



**BENICIA PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
REGULAR MEETING MINUTES**

**Thursday, March 11, 2010
7:00 P.M.**

I. OPENING OF MEETING

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

Present: Commissioners Don Dean, Rick Ernst, Rod Sherry, Lee Syracuse, Brad Thomas and Chair Healy
Absent: Richard Bortolazzo

Staff Present: Lisa Porras, Senior Planner
Kat Wellman, Contract Attorney
Kathy Trinke, Administrative Secretary

- 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

On motion of Commissioner Sherry, seconded by Commissioner Dean, the agenda was adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Sherry, Syracuse, Thomas, and Chair Healy
Noes: None
Absent: Richard Bortolazzo
Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

- A. WRITTEN**
None.

B. PUBLIC COMMENT

None.

IV. CONSENT CALENDAR

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

Ayes: Commissioners Dean, Ernst, Sherry, Syracuse, Thomas, and Chair Healy
Noes: None
Absent: Bortolazzo
Abstain: None

A. Approval of Minutes of February 11, 2010

V. REGULAR AGENDA ITEMS

A. COMMISSION PRIORITY DISCUSSION ITEM #4, CONTINUED.

Staff followed up on the Commission’s February 11th discussion on Gateways. Follow up topics included: Caltrans’ Standard Encroachment Permit process, funding status, summary of Commission’s comments, and staff’s suggested next steps, including establishing a list of principles to forward to the City Council for future gateway planning. Staff recommended that the Planning Commission review the first draft of the Planning Commission’s Principles for Gateway Priorities, Components, and Process.

Lisa Porras, Senior Planner, gave an overview of the report contained in the packet. This item was continued from the February 11 meeting to respond to questions raised by the Planning Commission and to memorialize and organize the prior meeting comments into a format for future reference. This is an opportunity for the Planning Commission to make any corrections or changes to the summary report. Staff will bring this item back to the Planning Commission at a future meeting to take action and forward it as a recommendation to the City Council. Implementation will require funding and direction from Council to become part of staff’s work plan.

Questions:

On page 3(f) should it say, “tree city”?

Lisa responded that the idea here was creating a “city tree.”

Commission discussion followed concerning utilizing a tree as part of the gateway logo, incorporating trees into the landscaping around the gateway features, etc.

Question: Why aren’t we considering E 2nd Street and 780 as a major interchange for gateway treatment?

Lisa responded that this area is not on the list contained in the General Plan, but that it is referenced under the “internal” gateway category.

Question concerning the comment on page 2 about gateways being listed in the Capital Improvement Program for \$450,000 over 3 years, but no funds are identified? How often is the list put together?

Lisa responded that is correct. The Capital Improvement Project is forecasted over 20 years and indicates which projects have a funding source. This one does not. The CIP is part of the 2-year budget cycle. The next budget cycle will start in 2011.

Public Comment:

Steve Goetz of 347 Goldenslopes commented that the Highway 20 Statue at the Napa Valley and the C&H Sugar sign in Crockett are good examples of gateways. He suggests that staff is directed to look into funding partners for this work; add any other interested organizations in the City to artists on the list; consider implementing art fees that could help fund the project; check into Caltrans’ landscape architecture pages on-line for helpful information (gave copies to staff).

Dana Dean, business address 835 First Street. She is representing her client, CC Meyers who have submitted an application on the Pine Lake Area. Ms. Dean reminded the Commission to be sensitive to Pine Lake being categorized as a gateway, because it is different from those called out in the General Plan. Ms. Dean has met with Fred Railsback to review their plans. She’s working on producing a quality landscape plan. Ms. Dean asked the Commission to respect and remember the difference between Pine Lake and other gateways mentioned in the General Plan.

Discussion occurred between the Commission and Dana Dean clarifying her comments.

Kat Wellman cautioned the Commission that because this is a private project not on the agenda and because proper public notice has not occurred, further discussion is not appropriate.

Commission ended their discussion with comments and concern about moving this program forward. They discussed process ideas involving public workshops and charettes. Would like to see this happen soon and asked if staff had time to work on this.

Lisa responded that she’s hearing additional things from the Commission tonight. Keep in mind that we have no funding for this work. Will pass along your message to the Director. We will come back next month in a format ready for the Planning Commission to recommend to City Council.

VI. COMMUNICATIONS FROM STAFF

A. COMMISSION PRIORITY DISCUSSION ITEM #5: REGULATIONS FOR SIDEWALK TABLE SERVICE, RESTAURANTS, BARS, LIVE ENTERTAINMENT, AND ALCOHOL BEVERAGE SERVICE

Staff will transmit information to the Planning Commission to review in preparation for discussion at the next Planning Commission hearing on April 8, 2010.

Lisa Porras, Senior Planner, gave an overview of the materials contained in the Commission's packet, including relevant General Plan policy language, use regulations outside the Downtown Mixed Use Master Plan area, BMC Title 17 Zoning Regulations Use Definitions, use regulations inside the Downtown Mixed Use Master Plan area, Sidewalk Table Permit Application, BMC Chapter 9.04 Alcoholic Beverage Consumption and sample Conditions of Approval taken from previous use permit requests.

This information is provided for the Planning Commission's review, and to have the tools necessary for a valuable discussion. It is not a guarantee that this item will come back at the April meeting because other projects may need to come first. This item is not before you for action or discussion tonight. Please point out if anything is missing or if you have questions.

Questions – none.

Public Comment:

Chuck Maddox of 126 East D Street is concerned about noise in his neighborhood. Lives close to various businesses, bars, and restaurants with live entertainment. Wants the City to enforce noise issues if these businesses violate conditions of approval. Make sure the Police know what the rules are for each business because it's different for each one.

Committee Chair thanked Lisa for bringing this information forward. He wants consistency, simplicity and transparency for these issues. He wants businesses to know what the rules are ahead of time. If a business is issued a use permit and there are violations, the City has the means to withdraw that use permit. Noise and alcohol violations are public violations handled by the Police Department. We want to make this easy to enforce, while trying to create an atmosphere for business to succeed.

B. INTERIM PLANNING COMMISSION SECRETARY ASSIGNMENT

Lisa Porras reviewed the memo contained in the packet regarding the interim Planning Commission Secretary assignment, due to Damon Golubic's resignation. Charlie Knox has recommended to City Council on their March 16th agenda to consider hiring a Land Use and Engineering Manager and fill the Associate Planner position. Staff will keep you informed about any further staff changes.

VII. COMMUNICATIONS FROM COMMISSIONERS

Lee Syracuse referenced a letter the Planning Commission received from the Benicia Historical Society in their packet. The Commission would like an update on this matter placed on the next agenda.

VIII. ADJOURNMENT

Chair Healy adjourned the meeting at 8:15 pm.

**AGENDA ITEM
PLANNING COMMISSION MEETING: APRIL 8, 2010
REGULAR AGENDA ITEMS**

DATE : April 1, 2010
TO : Planning Commission
FROM : Lisa Porras, AICP, Senior Planner
SUBJECT : **PRINCIPLES FOR GATEWAY PRIORITIES, COMPONENTS,
AND PROCESS**

RECOMMENDATION:

Approve the Planning Commission's *Principles for Gateway Priorities, Components, and Process* and forward to the City Council for its consideration during future work programming for city gateways.

EXECUTIVE SUMMARY:

Staff has drafted an outline of the Planning Commission's recommended principles for future gateway planning. This item is the 4th of 10 priority discussion items set forth by the Planning Commission. In order to memorialize the Commission's suggestions, comments, and concerns regarding gateways, staff recommended that a list of principles be developed and subsequently forwarded to the City Council for its consideration during any future endeavors to design, develop, and install gateways within the City of Benicia.

BUDGET INFORMATION:

There are no fiscal impacts to the General Fund as a result of this action.

ENVIRONMENTAL ANALYSIS:

This action is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, which applies to planning studies for possible future actions which the Commission has not approved, adopted, or funded.

BACKGROUND:

The Planning Commission requested staff to agendize a discussion on gateways in the City. The first hearing on this subject was held on February 11, 2010 and was continued for further refinement and clarification on March 11, 2010. At this time, staff is requesting the Planning

Commission finalize its list of principles for the priorities, design and development, and process for installing gateways within the City.

SUMMARY:

At the Commission's February 11th hearing, a key topic of discussion was on Benicia's "gateways". Staff presented an overview of existing goals, policies, and programs pertaining to gateways as described in Benicia's General Plan. In addition, staff informed the Commission about current efforts underway, such as the Solano Highways Operation Study that addresses gateways/signs throughout the county. Local examples were shared.

The Commission considered five gateways in the City as illustrated in Figure 1-3 of the 1999 General Plan:

- (1) Northern Gateway at I-680 and Lake Herman Road; and
- (2) Lake Herman Gateway along Lake Herman Road, just east of Lake Herman; and
- (3) Southern Gateway at the intersection of I-680 and I-780; and
- (4) Western Gateway at I-780 and Rose Drive/Columbus Parkway; and
- (5) Marina and the Port as approached from the Carquinez Strait.

In addition, staff informed the Commission of General Plan policies pertaining to the Pine Lake area, which direct the City to support the development of Pine Lake as a gateway, and require the incorporation of a gateway into future plans.

Based upon comments received by the Planning Commission, staff returned to the Commission on March 11, 2010 to discuss a draft outline of principles that would apply to future gateways in the City. Principles centered on priorities, elements and required features of gateways, and on design and development through a required public process.

After receiving additional input from the Commission, staff has further refined this outline (see attached *Draft Principles for Gateway Priorities, Components, and Process*) and recommends that the Commission direct staff to forward this list to the City Council.

FURTHER ACTION:

There is no further action necessary at this time.

Attachment:

- Draft Principles for Gateway Priorities, Components, and Process

**DRAFT PRINCIPLES FOR GATEWAY
PRIORITIES, COMPONENTS, AND PROCESS**

Principles for Gateway Priorities, Components, and Process

As Recommended by the City of Benicia's Planning Commission
April 8, 2010

Gateway Priorities

The City of Benicia's 1999 General Plan identifies five (5) gateways. Of these, priority should be placed on the Southern Gateway. The General Plan also provides specific policy language pertaining to Pine Lake, which also should be amongst the top priorities for Gateway treatment.

1999 General Plan - Gateways, Figure 1-3	Planning Commission Priorities
Northern Gateway at I-680 and Lake Herman Road	
Lake Herman Gateway along Lake Herman Road just east of Lake Herman	
Southern Gateway at the intersection of I-680 and I-780	✓
Western Gateway at I-780 and Rose Drive/Columbus Parkway	
Marina and the Port as approached from the Carquinez Strait	
1999 General Plan – Pine Lake, Policy 2.11.3, Program 2.11.A	✓

The City should give attention to additional gateways not necessarily identified in the 1999 General Plan. These could include:

Additional (Internal) Gateways	Planning Commission Priorities
Local roads/neighborhoods Along bike/pedestrian paths Inside/alongside parks Focal points/landmarks A designated "city tree"	✓ East 2 nd Street exit off I-780 eastbound (replace existing) ✓ East 2 nd Street exit off of I-780 westbound exit – island treatment

Additional guidance to help discern priorities for gateways include the following:

- A. Generally, priority should be given to gateways that are most used and traveled by.
- B. If limited funds are available, attention should be given to the most visible of all gateways, which should be developed to maximize its presence.

- C. The City should seek opportunities where new development can provide or help provide gateways, such as the Seeno development that could assist in establishing the Northern Gateway at I-680 and Lake Herman Road.
- D. There are gateways listed in the General Plan. There are also gateways not listed in the General Plan that have been identified through this process. Should funding become available for gateways that are not listed in the General Plan, it should be considered appropriate to pursue development of such gateways.

Gateway Components

1. Consider the art community's ability to infuse artistic elements into gateways, or as a feature in a gateway.
2. Each gateway should have its own unique features, depending upon location and context.
3. Every gateway should be different, however a unifying theme amongst all gateways such as an art piece or common landscape/hardscape features should be incorporated.
4. Gateways should include three basic elements: landscaping, art, and signage.
5. The scale of a gateway needs to be contextual. For example, a gateway located off a highway needs to be large enough to give an impression; in contrast, an interior gateway could be more modest in size.
6. Consider what kind of statement the City of Benicia should make, and to whom, such as visitors, local residents and businesses, and historic interests.

Gateway Process

1. Develop a process/work program to begin implementation, when feasible.
2. Seek funding opportunities whenever possible, including leveraging resources that may already be set aside in certain locations, or for certain projects.
3. Consider design competitions, and/or charrettes.
4. Invite the public and the art community, such as Arts Benicia, to participate and play a role in shaping gateways.
5. Include boards and commissions, such as: Art and Culture Commission, the Historic Preservation and Review Commission, Parks Recreation and Cemetery Commission, and Economic Development Board.
6. Include participation by the schools.
7. The public should have an opportunity to comment on Pine Lake applications/plans.



Public Works &
Community Development Department
MEMORANDUM

Date: April 1, 2010
To: Planning Commission
From: Lisa Porras, AICP, Senior Planner
Re: Tannery Status Update

At the Commission's March 11 hearing, the Planning Commission requested that staff update the Commission regarding permit activity and bay trail requirements for the Tannery building located at 127 First Street in downtown Benicia.

Permit Activity

Since April 2008 the building at 127 First Street has had four (4) Design Review approvals, four (4) building permits, one (2) public works permits, and three (3) business licenses issued. In addition, there is a current application on file requesting a Use Permit to allow a new 3,000 sq. ft. remodeled interior space to be added to a previous restaurant space (Mike & Gayle's and the Shoreline), and another Use Permit to play live music past 9:00 PM.

The site is zoned Town Core under the Downtown Mixed Use Master Plan. The downtown mixed-use master plan allows live entertainment by right for this property, but only until 9:00 PM. The Town Core designation also allows restaurants to operate by right, and allows bars, night clubs by right but only until 9:00 PM. Bars and night clubs wishing to operate past 9:00 PM require approval of a Use Permit.

For a complete listing of recent permit activity refer to last page.

Public Access / Bay Trail Requirements

Because portions of this building are within 100 feet of the shoreline, certain types of modifications to the building, including a substantial change in use, can trigger regulatory compliance with the Bay Conservation and Development Commission (BCDC). It is the City of Benicia's responsibility to enforce and comply with the state laws of the McAteer-Petris Act, which is enforced by the Bay Conservation and Development Commission.

The McAteer Petris Act found that “access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible access, consistent with a proposed project, should be provided.” Likewise, “it is essential that the commission be empowered to issue or deny permits, after public hearings, for any proposed project that involves placing fill, extracting materials or making any substantial change in use of any water, land or structure within the area of the commission’s jurisdiction.” BCDC’s jurisdiction begins at the mean high tide and extends 100 feet landward.

Policy 3.a under the Historical Business District section of the Benicia Waterfront Special Area Plan states, “Maximum feasible public access shall be required in the form of a public pathway system from Point Benicia along the entire shoreline to the intersection of West Second and West “G” Street. The granting of development permits by the City of Benicia will require that public access be provided.” As such, whenever a project requires a development permit approval by the City for this site, public access shall be required.

Permit activity for the Tannery, listed in chronological order, is shown below in Table 1.

-  = Design Review
-  = Building Permit
-  = Public Works Permit
-  = Business License
-  = Use Permit

Table 1. Tannery Permit Activity

Date Issued/Approved	Permit Type	Description
04-28-08	Design Review 08PLN-22	New windows and doors along west elevation and a portion of the south elevation.
10-21-08	Building 08-BLD-434	Exterior doors along west façade, ADA accessible restrooms.
10-21-08	Public Works 08PUB-129	Address ADA ramp and raised (broken) sidewalk.
01-22-09	Design Review 09PLN-01	New windows and doors along the south elevation and a portion of the west façade.
02-26-09	Design Review 09PLN-01	New siding and paint along the south elevation and a portion of the west façade.
03-04-09	Building 09BLD-108	Demolish interior restaurant area (formerly Mike & Gayle's and the Shoreline).
04-27-09	Building 09BLD-253	Seismic reinforcement of south facing façade.
07-15-09	Building 09BLD-422	Remodel, repair northeast corner for food shop.
07-23-09	Design Review 09PLN-01	Patio windscreen, patio wall, trash area and new entry doors along First Street.
03-09-10	Business License 09BUS-387	Isabella's Gifts.
03-11-10	Business License 09BUS-367	Frankenburger (hamburger and hot dog take out).
03-26-10	Business License 09BUS-55	Double Eagle Security.
03-2010	Public Works	Sidewalk and Table permit for the northeastern side of the building (outdoor seating for Frankenburger).
<i>In progress</i>	Use Permit 08PLN-68	Applicant requests to incorporate a 3,000 sq. ft. banquet room addition to an existing restaurant, and requests live music must past 9:00 PM.

Attachment

- Floor Plan Showing Permit Activity