



BENICIA PLANNING COMMISSION

REGULAR MEETING AGENDA

**City Hall Council Chambers
Thursday April 10, 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. 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 13, 2014 REGULAR MEETING

V. REGULAR AGENDA ITEMS

A. VARIANCE TO THE REAR YARD SETBACK TO CONSTRUCT A TWO-STORY, 460 SQUARE FOOT ADDITION AND ENCLOSE A ONE-STORY PORCH ON REAR OF THE EXISTING BED & BREAKFAST AT 145 EAST D STREET, AFTER DETERMINING THAT THE PROJECT IS EXEMPT FROM CEQA

14PLN-00019 – Variance

145 East D Street, APN: 0089-372-250

PROPOSAL:

The applicant requests a Variance to encroach into required the rear yard setback to construct a two-story, 460 square foot addition and enclose an existing one-story porch on the rear of the bed & breakfast. The property is located in the Neighborhood General-Open zoning district which requires that the rear wall of the main building be setback 35 feet from the rear property line. The existing building constructed circa 1900 is located 28'-11" from the rear property line. The applicant proposes to construct an addition to the rear which would place the new rear building wall 27'-11" from the rear property line.

Recommendation: Adopt a resolution approving a Variance from the rear yard setback requirement of the Neighborhood General-Open zoning district to allow for an expansion to the rear façade of the existing nonconforming building at 145 East D Street, based on the findings and subject to the conditions of approval set forth in the draft Resolution, after determination that the project is exempt from the California Environmental Quality Act (CEQA).

B. RECOMMENDATION TO CITY COUNCIL TO ADOPT A TEXT AMENDMENT TO THE BENICIA MUNICIPAL CODE TO INCREASE THE PUBLIC NOTICING REQUIREMENT FROM 300 FEET RADIUS TO 500 FEET RADIUS FOR SITE-SPECIFIC PROJECTS INCLUDING AN AMENDMENT OF THE CITY'S CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") GUIDELINES TO DO THE SAME, AFTER DETERMINATION THAT THE TEXT AMENDMENT IS EXEMPT FROM CEQA

PROPOSAL:

A notice of public hearing is required whenever the City seeks to adopt or amend an ordinance or take action on a discretionary permit such a use permit, design review, variance and environmental review. A notice of public hearing is provided to all property owners within 300 feet radius of the project location. On September 17, 2013, City Council directed staff to draft an ordinance amending the public notification requirement from a 300 foot radius to 500 a foot radius. In addition, staff has included an update to the City's California Environmental Quality Act (CEQA) Guidelines which also requires a notice of public hearing for action on environmental documents. The Planning Commission is required to review the proposed text amendment during a public hearing and make recommendations to the City Council.

Recommendation: Adopt the resolution recommending City Council approve the amendments to the Benicia Municipal Code and the City's California Environmental Quality Act Guidelines.

C. RECOMMENDATION TO CITY COUNCIL TO ADOPT A ZONING TEXT AMENDMENT TO INCORPORATE REGULATIONS PERTAINING TO MOBILE FOOD VENDING IN THE BENICIA INDUSTRIAL PARK, AFTER DETERMINATION THAT THE TEXT AMENDMENT IS EXEMPT FROM CEQA

PROPOSAL:

At their January 21, 2014 meeting, the City Council directed City staff to initiate a public hearing process for consideration of a draft mobile food vendor ordinance. The proposed amendments add Mobile Food Vending as a new use classification. The amendment allows mobile food vending within certain zoning districts of the Benicia Industrial Park while establishing regulations to protect the health, safety and general welfare of the community.

Recommendation: Adopt a resolution recommending City Council approve the amendments to Benicia Municipal Code Title 17 (Zoning) to incorporate regulations pertaining to mobile food vendors in the Benicia Industrial Park; after determination the project is exempt from CEQA.

D. PLANNING COMMISSION WORK PRIORITIES

PROPOSAL:

The Planning Commission works to complete an annual review of its priorities and submits its recommended actions for inclusion in the City of Benicia's Strategic Plan. This list includes the Commission's priorities and also serves as a compendium of ongoing topics for discussion and action by the Commission. This list is reviewed, updated, and prioritized on an annual basis

by the Planning Commission. Items from the list may be reprioritized, modified, added or removed by a majority consensus of the Planning Commission. The list was not updated in 2013 and was last updated by the Commission in May 2012.

Recommendation:

Review, discuss and modify the Planning Commission Priority Project List and update for the 2013-2015 Fiscal Year, as desired.

VI. COMMUNICATIONS FROM STAFF

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 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.