



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

**Thursday, April 12, 2012
7:00 p.m.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Don Dean, Susan Cohen Grossman, Belinda Smith (arrived at 7:13 pm), Lee Syracuse and Vice-Chair Rod Sherry.

Absent: Commissioner George Oakes (excused)

Staff Present: Heather McLaughlin, City Attorney
Charlie Knox, Public Works & Community Development Director
Lisa Porras, Senior Planner
Kathy Trinquere, 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 Syracuse, seconded by Commissioner Grossman, the agenda was adopted by the following vote:

Ayes: Commissioners Dean, Grossman, Smith, Syracuse and Vice-Chair Sherry

Noes: None

Absent: Commissioner Oakes

Abstain: None

III. ELECTION OF OFFICERS (CHAIR & VICE-CHAIR)

On motion of Commissioner Dean and seconded by Commissioner Syracuse, the Planning Commission elected Rod Sherry as Chair, by the following vote:

- Ayes: Commissioners Dean, Grossman, Smith, Syracuse and Vice-Chair Sherry
- Noes: None
- Absent: Commissioner Oakes
- Abstain: None

On motion of Chair Sherry and seconded by Commissioner Syracuse, the Planning Commission elected Don Dean as Vice-Chair, by the following vote:

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

IV. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

None.

IV. CONSENT CALENDAR

A. APPROVAL OF MINUTES FROM FEBRUARY 9, 2012

City Attorney, Heather McLaughlin, requested that the February 9, 2012 minutes be amended to remove the parenthetical comment that Chair Brad Thomas's term was finished. She explained that because the City Council had not yet made a new Planning Commission appointment, the Commissioners' whose term had expired were contacted to see if they are willing to serve on the Commission until a new appointment is made.

On motion of Commissioner Dean and seconded by Commissioner Syracuse, the February 9, 2012 meeting minutes, as amended, were approved by the following vote:

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

V. TRAINING:

A. OPEN GOVERNMENT PRINCIPLES

The Open Government ordinance requires that all public officials and some employees read the Open Government Ordinance and attend an annual training on the ordinance. This training includes a review of the Brown Act, the City's Code of Conduct and other related documents.

After the Commission held a brief discussion, a motion was made by Commissioner Dean and seconded by Commissioner Syracuse to postpone the Open Government training until a full Commission is seated; the motion was adopted by the following vote:

Ayes: Commissioners Dean, Grossman, Smith, Syracuse and Chair Sherry
Noes: None
Absent: Commissioner Oakes
Abstain: None

VI. REGULAR AGENDA ITEMS

A. SIGN ORDINANCE

PROPOSAL:

The City's sign ordinance is in need of updating. The last comprehensive revision of the sign ordinance was in 1977. Although some changes have been made since then, the ordinance is not fully in compliance with law. In addition, there are some aspects of the sign ordinance that are not business friendly such as the restrictions on signs on the second floor businesses on First Street. It would also be appropriate to consider if the current restrictions, such as A-frame signs, are still desired by the community. This proposal would provide for public outreach and input followed by drafting revisions to the sign ordinance.

Recommendation:

Review and comment on a plan to revise the sign ordinance.
Recommend the City Council approve a plan to revise the sign ordinance.

Heather McLaughlin, City Attorney, presented an overview of this item. She outlined the proposed process that includes the assistance of an outside

attorney, Randal Morrison, an expert in sign law. Ms McLaughlin recommended that a team comprised of two members of the Planning Commission and two members of the Economic Development Commission be appointment by the respective commissions. After outreach to the Chamber of Commerce, Main Street, Benicia Industrial Park Association and other members of the public, a public workshop, sponsored by the team would be held. At this meeting, Randal Morrison would present the parameters of a proposed sign ordinance. Members of the public would then advise Mr. Morrison and the City Attorney what revisions they would like made or included in a draft ordinance. The ordinance would be drafted and presented to the Economic Development Commission and the Planning Commission with final approval made by the City Council. The City Council would hold a public hearing to consider the ordinance.

The Planning Commission held a discussion and asked whether the Economic Development Board has discussed this process (not yet); and what is the cost (\$25,000 or less); several Commissioners commented that the downtown area specifically needs attention.

Commissioner Dean asked Ms. McLaughlin whether the staff recommendation is for the Planning Commission to provide input and then recommend City Council approve revising the Sign Ordinance according to the proposed plan? Ms. McLaughlin responded that this item is before the Planning Commission to receive suggestions and input on the proposed plan process and then recommend that City Council approve the plan to revise the ordinance.

Chair Sherry commented that it is important that the process include involvement of the business community. Once we have a draft ordinance, he would like to invite various business groups to review it and provide additional feedback to the City. He further stated that he would like to see defined steps for the process.

Commissioner Smith suggested that the Commission start with the plan as outlined in the staff report and then include members from the Chamber of Commerce, Main Street, local merchants and a minimum number of workshops. Address the legalities of the ordinance, receive input from merchant groups, and then draft a new ordinance. She requested that we set a time frame with an end date.

Ms. McLaughlin responded that the time frame will depend on the schedule and number of subcommittee meetings. She is planning to take the proposed plan to the Economic Development Board next month.

The Commission continued with a discussion of what they would like added to the proposed plan and the best approach.

Public Comment:

Paula Schwartz, of PS Hair Studio, spoke in support of a revised sign ordinance process. She stated that the existing ordinance causes a variety of problems for local business owners, specifically with A-frame signs. Regarding electronic signs, there should be continuity within the city. She is not happy that the current ordinance does not allow signs for second floor businesses on First Street. She would like a business person to be included on the committee. If \$25,000 is not enough to complete a new ordinance for the entire city, she wants to see the priority be given to the downtown, then the industrial park area.

Chair Sherry asked Commissioners to volunteer to serve on this sub-committee. He suggested that the City invite business representatives to also be included on the committee.

Ms. McLaughlin responded that the committee could include: 2 members from the Economic Development Commission, 2 members from the Planning Commission, 2 members from the City Council, 1 member from the Chamber of Commerce, 1 from the Main Street Program Board, and 1 from the Industrial Park Association. Ms. McLaughlin would be the staff representative.

Commissioner Grossman asked what the process would be for approval of a new sign ordinance? She also asked to improve efficiency if we could combine commissions for final review of the draft ordinance.

Ms. McLaughlin responded that the draft ordinance would go first to Economic Development, second to Planning Commission, last to City Council. She answered that yes, we can combine commission meetings.

Commissioner Smith volunteered to represent the Planning Commission on this committee. Chair Sherry also volunteered for now. He mentioned that he will check with Commissioner Oakes in case he would like to participate. If so, then

Chair Sherry will step down to allow Commissioner Oakes to participate on the committee.

After additional discussion, Commissioner Dean summarized the Planning Commission's recommendation to the City Attorney for updating the sign ordinance as follows:

1. Develop a Committee (invite realtors association to join in addition to those listed above).
2. Hold 1 or more public workshops (also invite HPRC to workshops for input).
3. Incorporate staff input into proposed ordinance.
4. Present draft ordinance to Economic Development Board and Planning Commission for input/review.
5. Schedule the draft ordinance for City Council review and approval.
6. This will be a 4 to 6 month process and the Planning Commission recommends expending \$25,000 for the consulting attorney.

On motion of Commissioner Syracuse and seconded by Commissioner Dean the previously described process was approved by the Planning Commission of the City of Benicia at the regular meeting of said Commission held on the 12th day of April 2012 and adopted by the following vote:

Ayes: Commissioners Dean, Grossman, Smith, Syracuse and Chair Sherry
Noes: None
Absent: Commissioner Oakes
Abstain: None

B. 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, 2011 for final acceptance by the City Council.

Lisa Porras, Senior Planner, presented an overview of this item. She explained the background and annual process the City follows before submitting the report to the Governor's Office of Planning and Research and the Department of Housing and Community Development.

Ms. Porras pointed out General Plan accomplishments that have been completed over the past year:

- ✓ Solano Square pedestrian friendly improvements
- ✓ New transit stops
- ✓ New Bicycle racks
- ✓ New community center
- ✓ Historic Context Statement
- ✓ New Business Development Action Plan
- ✓ New Economic Development website
- ✓ Grant for new waterfront enhancement plan

Ms. Porras noted that since General Plan adoption in 1999, the Community Development Department has completed 66% of the programs for which it is responsible.

Commissioners asked questions of staff and discussed this item.

Comments made by Commissioners follow:

Commissioner Syracuse asked when Housing Element will be reviewed.

Ms. Porras explained the process will include another review by the Planning Commission before it is presented to the City Council for their approval, afterwhich the report will be submitted to the State for certification.

Commissioner Dean asked for a status update on the Arsenal Specific Plan project and the train station project.

Charlie Knox, Public Works & Community Development Director, provided a brief status update of the Arsenal Specific Plan. After the potential hazardous soils issue is resolved by the State Dept of Toxic Substances Control, the draft plan will eventually be brought back to the Planning Commission for review or modification before it is presented to City Council.

Mr. Knox stated that a train station is still some years away. About 10 years ago, there was an estimated \$40 million cost to build it. There is not a lot of work activity on it at the present time. It is included as a placeholder on the Regional Transportation Plan.

Commissioner Dean asked staff to reformat the General Plan Implementation Report to include headings and to separate and regroup the items according to the General Plan goals, rather than by department.

Commissioner Smith asked when the report was last done (2009); when it should be submitted to the State (within the next few months); can Commissioners change it or just provide comments (comments welcome); and she would like more time to review it.

Mr. Knox recommended that staff incorporate Commissioners' comments at this meeting and return with a revised plan for Commission review before presenting it for City Council acceptance.

Public Comment.

Kathy Kerridge, Vice-Chair of the Community Sustainability Commission, spoke as a private citizen. She expressed support for the report, but requested the pages be numbered consecutively. Regarding the water conservation item, not all of the \$10 million from the Valero/Good Neighbor Steering Committee Fund is available any longer. There is \$1.6 million designated for water conservation. She is happy that in-law units are now easier to obtain and stated that it is very important that this is included in next housing element update.

Public Comment closed.

Commissioner Grossman asked Staff to: re-format and reorganize the report to correspond with the General Plan goals and chapters, rather than by City department; define acronyms (on the page where shown); unify status language to reflect the City in its entirety (rather than by department).

A motion was made by Commissioner Smith and seconded by Commissioner Syracuse, to continue this item and was approved by the following vote:

Ayes: Commissioners Dean, Grossman, Smith, Syracuse and Chair Sherry

Noes: None

Absent: Commissioner Oakes

Abstain: None

C. PLANNING COMMISSION WORK PRIORITIES

PROPOSAL:

In April 2011, the Planning Commission submitted its recommended actions for the City of Benicia's Strategic Plan for Fiscal Years 2011-2013. This list included the Commission's priorities and also served 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.

Recommendation:

Review, discuss, and modify as necessary the Planning Commission's preferred work program for 2012-2013.

Lisa Porras, Senior Planner, presented an overview of this item and staff's recommendation. She briefly reviewed each of the 8 projects listed on the work program priority list for 2011-13.

Commissioners held a discussion concerning the best approach to review and update the work priorities list.

Charlie Knox provided additional information about the purpose of the work program. He explained that each City commission agrees on a set of desired objectives that is forwarded to the City Council during the Strategic Plan update process. While the department doesn't have the resources to accomplish all the items on the list, the items represent areas or objectives that the Planning Commission has asked staff to work on as time and resources permit.

Commissioners and staff discussed the various work items listed and the purpose of the priority list.

Chair Sherry asked Commissioners if they would like to re-prioritize the list.

Commissioners requested that staff divide the priorities into long and short-term groups and bring back it to the Commission for a future agenda.

Mr. Knox agreed and suggested that items #2 and #3 (First Street Pedestrian Improvements) be combined and moved to the top of the list.

Chair Sherry agreed with Mr. Knox's suggestion. He asked staff what happened to the City gateways program – is the City still looking for a way to improve them?

Ms. Porras responded that the gateway program concluded with a recommendation from the Planning Commission to the City Council to pursue implementation when resources became available.

Commissioner Dean recommended that Items #5 (green building and energy standards) and #8 (Southampton open space trails and community gardens) be removed from the list. Item #5 is completed.

Commissioner Grossman asked if staff would add to the list a bicycle connection along East H Street from the lower Arsenal to the Downtown area.

Commissioner Dean agreed that this item should be on the list and would like an item added to provide additional emergency access from the lower Arsenal to the Downtown area.

The Commission reviewed the list, item by item, removing and re-prioritizing as desired. The Commission asked staff to specify which items they are expected to accomplish.

By consensus the Planning Commissioners directed staff to incorporate their comments and provide Commissioners with a new draft for review and adoption at a future Planning Commission meeting.

VI. COMMUNICATIONS FROM STAFF

Ms. Porras informed Commissioners that at the May 2012 meeting, Mario Giuliani, Interim Economic Development Manager will present the new Business Development Action Plan to the Commission.

Ms. Porras provided a status update of the ISystems Technology wireless facility at 257 Essex Way. The project was completed and went into operation in July 2011.

Ms. Porras asked if Commissioners had received a memo from the City Attorney that was recently emailed to them concerning a mandatory Ethics Training on April 25, 2012 at 5:30 pm in Conference Room 1 at City Hall. If Commissioners are not available to attend this training, a free on-line ethics course is available any time. She asked Commissioners to RSVP for the April 25 training. Commissioners are required to attend ethics training every two years.

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Dean asked about a report on the number of bird strikes from the wind turbine at the water reservoir near Panorama Drive and Essex Way.

Ms. Porras responded that a report should be available in August 2012 (it went into operation in July 2011). We expect to have a report to Commissioners in August regarding the wind turbine's impact on birds. (There have been zero bird deaths so far.)

Commissioner Smith commented that she recently saw a presentation by Sr. Civil Engineer, Mike Roberts, on the Downtown Intermodal Project. The project looks very good.

Chair Sherry commented that the new Park Road Sidewalk project will be bid soon.

VIII. ADJOURNMENT

The meeting was adjourned at 9:50 pm.