

May 10, 2007

**BENICIA PLANNING COMMISSION  
CITY COUNCIL CHAMBERS**

**REGULAR MEETING AGENDA**

May 10,, 2007  
7:00 P.M.

Please file a speaker's slip if you wish to address the Commission. Anyone wishing to address the Commission regarding the agenda items or during Communications from Audience may speak for a maximum of 5 minutes per agenda item if the subject is before the Commission.

Note: All items listed, except under Communications, are for Commission Discussion and/or Action.

**1. OPENING OF MEETING**

1. Pledge of Allegiance
2. Roll Call of Commissioners
3. 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.

**2. AGENDA CHANGES AND DISCUSSION**

**3. OPPORTUNITY FOR PUBLIC COMMENT**

**1. WRITTEN**

**2. PUBLIC COMMENT**

**4. 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.

**1. Approval of Agenda**

**2. Planning Commission Minutes of [April 12, 2007](#)**

**5. REGULAR AGENDA ITEMS**

**1. [3673 MALLARD DRIVE](#)**

**07PLN-8 Variance for Sign Height**

**3673 Mallard Drive, APN: 80-090-290**

**PROPOSAL:**

The applicant requests approval of a variance to allow for a new freestanding sign approximately 55 feet in overall height. According to Benicia Municipal Code Section 18.16.050, no part of a freestanding sign may extend over 20 feet above the normal contour of the land or surrounding terrain of the business it serves. Other previously approved sign height variances have allowed freestanding signs in the City's industrial area to be no taller than 45 feet high.

**Recommendation:** Planning Commission hold a public hearing, take testimony and consider all relevant documents and approve a variance to allow a new freestanding sign approximately 55 feet in overall height located at 3673 Mallard Drive, based on the findings and conditions in the proposed resolution.

**6. COMMUNICATIONS FROM THE STAFF**

**7. COMMUNICATIONS FROM COMMISSIONERS**

**8. ADJOURNMENT**

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**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 Secretary.

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**Disabled Access**

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Diane O'Connell, 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.

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## **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 may be taken by the Commission.**

**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 which 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 days of the date of action.**