



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

**Thursday, May 13, 2010
7:00 P.M.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Richard Bortolazzo, Don Dean, Rick Ernst, Lee Syracuse
(arrived at 8:55pm), Brad Thomas and Chair Dan Healy

Absent: Commissioner Rod Sherry

Staff Present: Charlie Knox, Public Works & Community Development Director
Kat Wellman, Contract Attorney
Kathy Trinque 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 Ernst, seconded by Commissioner Thomas, the agenda was adopted by the following vote:

Ayes: Commissioners Bortolazzo, Dean, Ernst, Syracuse, Thomas and Chair Healy

Noes: None

Absent: Commissioners Sherry and Syracuse

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

Steve Goetz , 347 Goldenslopes Ct., commented on the community gateway policy that was discussed at the March Planning Commission meeting, specifically the Caltrans landscaping project at 680/780 and north of Benicia/Martinez Bridge. He attended a recently held meeting arranged by City staff with Caltrans and other interested parties to review Caltrans' landscaping plans. Caltrans complied with Benicia citizens' previous request to plant large trees; the plan includes 1300 new oak trees. The current plan compared to the previous project plan was reduced due to State budget constraints. Caltrans does not landscape for areas adjacent to industrial uses. About 10% of the area will be mulched and will remain native grass, which is mowed twice per year. There are several Caltrans programs that the City may pursue to enhance this project.

IV. CONSENT CALENDAR

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

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

A. Approval of Minutes of April 8, 2010

V. REGULAR AGENDA ITEMS

A. LOWER ARSENAL MIXED USE SPECIFIC PLAN.

LOCATION:

The Lower Arsenal is generally bounded by lands adjoining I-780 on the north, lands adjoining I-680 on the east, Port of Benicia land and the Carquinez Strait on the south, and residential neighborhoods extending into downtown Benicia on the west.

PROPOSAL:

The subject of the public hearing is a Specific Plan for the Lower Arsenal site, which is designated for mixed uses in the Benicia General Plan, covers four distinct zones, each of which exhibits a unique physical character. The Specific Plan includes a form-based code to shape future development on the project site, with primary emphasis on the physical form and character of new development. After build-out of the Specific Plan, the area could contain approximately 741,865 square feet of mixed uses, 22 new single-family residential units, and 6.39 acres of open space. The Specific Plan area currently contains approximately 525,000 square feet of mixed uses.

Recommended Action: Confirm or modify the Commission's prior recommendation that the City Council certify the Environmental Impact Report (EIR) and adopt the Lower Arsenal Mixed Use Specific Plan.

Commissioner Richard Bortolazzo recused himself due to economic interest in the Arsenal and left the room.

Charlie Knox gave an overview of the project and reviewed the chronology of the Lower Arsenal Mixed Use Specific Plan process. He summarized the concerns expressed and action taken by the Historic Preservation and Review Commission (HPRC) at its March 25, 2010 meeting. The HPRC recommended against approval of the plan and that the EIR not be certified.

The HPRC issues include:

1. Size of buildings on the Jefferson Ridge (no new buildings larger than the Commanding Officers Quarters).
2. Ratio of historic buildings to new buildings (3:1 preferred).
3. New development could adversely affect the National Register District.
4. Inadequate mitigation measures for potential toxic hazards.

Commissioners asked questions of staff.

The Public Hearing was opened.

Steve Goetz, 347 Goldenslopes Ct, asked for clarification on the format of discussion because the notice said that this was a workshop?

Charlie Knox responded that there was an error in the text (but not title) of the original notice, which was corrected by republishing the corrected notice in the newspaper.

Steve Goetz stated that he wanted to make sure that Belinda Smith's comments were considered. He stated that he is not in support of approval of the Specific Plan and EIR.

Marilyn Bardet stated that she wants to eliminate confusion about what the Arsenal toxic clean-up actually is. She reviewed her efforts with the City and the Department of Toxic Substances Control (DTSC) for cleanup of this area. She spoke against approval of the Specific Plan and the EIR.

Kathleen Olson, Olson Realty, presented a slide show of Arsenal photographs and spoke in favor of the Specific Plan and certification of the EIR. She supported clean up of the Arsenal area, but its clean up should not preclude plan adoption and EIR certification. She expressed concern that the Specific Plan and EIR cost \$440,000 of the City's general fund money and it should not be wasted.

Mark Hajjar spoke in support of approval of the Specific Plan and certification of the EIR. He read his letter dated May 12, 2010 into the record.

Charlie Knox clarified that about one-third of the \$440,000 spent included work that was done on the Downtown Mixed Use Master Plan.

Jon Van Landschoot stated that he agrees with Marilyn Bardet and Steve Goetz and supports their positions. He is a new HPRC member, but is not speaking for the HPRC. He expressed concern about maintaining the National Historic District designation. He stated that he hopes this action is not about money because parts of the plan can be salvaged. He asked the Commissioners to explain their votes.

Dan Raffanti spoke in favor of moving forward with approval of the Specific Plan and EIR. He expressed concern that we don't waste the money and efforts of many good people. He stated that Jefferson Ridge had a Phase 2 review already completed and the only toxics found were weed killer on one corner of the property.

Dana Dean, representing Amports, spoke against approval of the Specific Plan and EIR based on General Plan inconsistency, insufficient noise analysis and the problem of deferred mitigation measures. She reviewed the key points contained in the documents she submitted to the Commission.

Randy Potter, representing Unico, expressed concern about industrial noise impacting residents. They already receive complaints from existing residents. He stated his concern with the environmental problem and minimal clean up that has occurred. He stated support for more investigative work on toxics. Unico intends to continue its operations in the area.

Belinda Smith apologized for the lateness of her letter and information sent to the Commission. She reviewed the key points of her letter. She is not in support of the Specific Plan and certification of the EIR.

The Public Hearing was closed.

Commissioner Ernst asked Marilyn Bardet what is the timeline for DTSC to do a clean-up of this area.

Marilyn Bardet responded that, a rough ballpark timeframe, is if the cleanup process begins in July 2010, site characterization would take approximately 18 months, depending on what exactly is found, plus some additional time to involve the property owners in the process.

Discussion was held among Commissioners and staff responded to questions.

Commissioners stated their agreement with the decision made by the HPRC at their March 25, 2010 meeting:

“Recommend the Lower Arsenal Mixed Use Specific Plan not be adopted because it includes development that could adversely affect the National Register District, does not appear to meet the Secretary of the Interior Standards, and does not address sustainability goals and policies of the General Plan.”

“Recommend the Environmental Impact Report not be certified because impacts to historic resources are not adequately analyzed and adequate mitigation measures are not included.”

After discussion, the Planning Commissioners concluded that:

The Specific Plan needs serious modification and rework. They do not accept the EIR as adequate because it should (1) limit the building size for new projects, (2) include a ratio of 3 (or 2) historic buildings to 1 new building; (3) address the issue of the compatibility

of residential use with existing industrial uses; (4) adequately address the impact to the historic integrity of the Historic District in its entirety.

The Commissioners directed staff to draft a resolution for their adoption at the June Planning Commission meeting.

A motion was made by Commission Dean and seconded by Commissioner Ernst as follows:

Recommend that the City Council reject the Specific Plan as written, and further recommend that the Plan include the following specific modifications:

- (1) limit the building size for new projects,
- (2) a ratio of 3 (or 2) historic buildings to 1 new building;
- (3) address the issue of compatibility of residential use with existing industrial uses;
- (4) adequately address the impact to the historic integrity of the Historic District in its entirety.

Recommend that the City Council not adopt the EIR until there is appropriate environmental analysis of the Specific Plan modification, that the Council wait until the City has more information on the DTSC clean up characterization process for the lower Arsenal area and that the environmental documents be reviewed again by HPRC, Planning Commission and City Council.

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

VI. COMMUNICATIONS FROM STAFF

A. SUMMARY OF CC MYERS/AMPORTS DESIGN REVIEW APPROVAL AT 2000 PARK ROAD (PINE LAKE).

Charlie Knox distributed exhibits showing the landscaping plans for the CC Myers, 2000 Park Road, project and reviewed the process staff followed for the Decision of Record No. 10-2, that was included in the Commission's agenda packet.

Charlie Knox stated that staff is presenting this information to the Commission and members of the public for information and questions. Staff has worked with CC Myers to craft a solution to improve the view from the 780 freeway. The property owner will do some additional clean up and organization of the material storage. The current zoning does allow for storage of construction materials outdoors.

Dana Dean, representing CC Myers, stated that CC Myers voluntarily brought this application to the City. CC Myers is making an effort to address the City's concerns about gateway views. The new trees will draw the eye upward and the landscaping will mask the on-site storage. The water features were not required. The new trees and water features will be in place soon.

Commissioners asked further questions of Ms. Dean.

Steve Goetz, 347 Goldenslopes Ct, commented that he would like to see that the plant density on the CC Myers project be the same as the Caltrans landscape plan. He offered some comments on the specific plantings and irrigation and asked for elaboration on the water features.

Charlie Knox responded that the water features range from decorative waterways to lakes or ponds. The City Attorney's office has determined that these features meets the terms of the development agreement, therefore staff had the authority to approve the application.

VII. COMMUNICATIONS FROM COMMISSIONERS

None.

VIII. ADJOURNMENT

Meeting was adjourned at 9:32 pm.