



BENICIA PLANNING COMMISSION REGULAR MEETING AGENDA

**City Hall Council Chambers
Thursday May, 14, 2015
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 APRIL 9, 2015 REGULAR MEETING

B. STAFF REQUEST FOR CLARIFICATION OF CONDITION OF APPROVAL NO. 4 OF RESOLUTION NO. 15-2 TO DENY THE APPEAL AND APPROVE THE USE PERMIT FOR A BED AND BREAKFAST AT 963 JEFFERSON STREET

15PLN-00002 Appeal
963 Jefferson Street
APN: 0080-150-490, -010

Based on Planning Commission discussion at the March 12, 2015 meeting, staff is requesting clarification as to whether the Commission intended to add "odors" and "dust" to Condition No. 4, to more clearly define the potential impacts that may occur due to the nearby location of the Industrial Area. Both the applicant and the appellant are amenable to clarifying the condition to add those potential impacts. Staff needs Commission clarification and approval to make the change.

V. REGULAR AGENDA ITEMS

A. APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF A USE PERMIT FOR A LARGE FAMILY DAY CARE AT 579 COOPER DRIVE

15PLN-00020 Appeal
579 Cooper Drive
APN: 0086-401-270

PROPOSAL:

On April 7, 2015, Paula Broome and Kathleen McCrerey filed an appeal of the Zoning Administrator's decision to approve a use permit for a large family day care facility for up to 14 children at 579 Cooper Drive (Decision of Record No. 15-8). The appeal was filed in accordance with Chapter 1.44 of the Benicia Municipal Code. The appeal expresses allegations of construction work completed on the home without permits by a previous owner, concerns with liability and insurance, fire and other emergency response, residency and conflicts of interest, and the City of San Jose Council Policy on commercial Day Care.

Recommendation: Deny the appeal and uphold the Zoning Administrator's decision to allow a large family day care facility at 579 Cooper Drive based

on the findings and subject to the conditions listed in the draft Resolution after a determination that the project is exempt from CEQA.

B. DISCUSSION ITEM – PERSONAL SERVICES IN THE BENICIA INDUSTRIAL PARK

PROPOSAL:

As part of the Planning Commission's priority list of project, the Commission requested a discussion on the personal service uses in the Industrial Park such as health and fitness clubs, beauty and barber shops, restaurants, animal grooming and boarding, etc. This item is being presented to the Planning Commission for discussion and possible direction to staff on next steps.

Recommendation:

Review and discuss and potentially provide staff with direction on next steps.

C. PLANNING COMMISSION WORK PROGRAM

PROPOSAL:

The Planning Commission reviews its work program annually and submits recommended actions for inclusion in the City Council's Priority Project List. The Commission's work program includes the Commission's priority projects and also serves as a compilation of ongoing topics for discussion and action by the Commission.

Recommendation:

Review, discuss and modify the Planning Commission Priority Project List and update for the 2015-2017 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.