



BENICIA PLANNING COMMISSION REGULAR MEETING MINUTES

**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

Present: Commissioners Birdseye, Cohen-Grossman, Oakes,
Radtke, Sherry, Young and Chair Dean

Staff Present: Christina Ratcliffe, Community Development Director
Amy Million, Principal Planner
Suzanne Thorsen, Senior Planner
Teresa Olson, Management Analyst/Recording Secretary
Mario Giuliani, Economic Development Manager
Kat Wellman, Contract Attorney

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA

On motion of Commissioner Sherry, seconded by Commissioner Cohen-Grossman, the agenda was adopted, by the following vote:

Ayes: Commissioners Birdseye, Cohen-Grossman, Oakes, Radtke, Sherry,
Young and Chair Dean

Noes: None

Absent: None

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN – None.

B. PUBLIC COMMENT – None.

IV. CONSENT CALENDAR

A. APPROVAL OF MINUTES OF APRIL 9, 2015 REGULAR MEETING

On motion of Commissioner Young, seconded by Commissioner Cohen-Grossman, Item IV. A. was approved with minor revisions, by the following vote:

Ayes: Commissioners Birdseye, Cohen-Grossman, Oakes, Sherry, Young and Chair Dean
Noes: None
Absent: None
Abstain: Commissioner Radtke

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

RESOLUTION NO. 15-5 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA AMENDING CONDITION NO. 4 OF RESOLUTION NO. 15-2 DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR TO APPROVE A CONDITIONAL USE PERMIT TO ESTABLISH A BED AND BREAKFAST AT 963 JEFFERSON STREET (15PLN-00002)

On motion of Commissioner Young, seconded by Commissioner Oakes, Item IV. B. was approved, by the following vote:

Ayes: Commissioners Birdseye, Oakes, Radtke, Young and Chair Dean
Noes: None
Absent: None
Abstain: Commissioners Cohen-Grossman and Sherry

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

Ms. Million presented the project.

The Commission asked various questions regarding the use permit application, history of complaints with the applicant with regard to their

current location under the same use for a large family day care, the appeal process and definitions of small and large family day care facilities.

On behalf of Appellant Paula Broome, Yamilet Alfaro-Gunion, asked about being notified of the disposition of the outstanding building code violations at the proposed project location. She voiced concerns about the number of day care facilities in the area, locating a day care facility on a cul-de-sac, the process for making changes to the Benicia Municipal Code governing day care facilities, fencing at the project location, prior construction in the interior of the residence, and the health of the trees in the front yard.

Appellant Paula Broome asked about possible conflicts of interest amongst Planning Commissioners.

Ms. Wellman advised there were no conflicts for any of the Commissioners.

Applicant Kristi Claverie spoke on the proposed project. She addressed concerns raised by the appellant and advised that she conforms to State Licensing Board regulations for her large family day care facility.

Commissioner Young asked about State inspections at the proposed location and asked for clarification on the regulations for the fence at the property.

Public Comment was opened.

Kathy Lago, Solano Family and Children Services, the child resource facility for the County. She spoke about licensed family child care centers. She advised that the next closest licensed family day care is one mile away from the proposed project location. She commented on the licensing regulations and the benefits of family day care facilities.

Mike Gunion, 578 Cooper Drive, stated there are other day care facilities in the area, however, they are more than likely unlicensed, he voiced concerns about the health of the trees in the front yard, the safety of a second-story deck on the residence, a load bearing wall in the interior of the home that he alleged was modified, and prior electrical work at the proposed location. He also inquired about complaints or violations for family day care facilities and who the appropriate governing body is for family day care facilities.

Commissioner Young asked staff to clarify the process for complaints of work without a permit or building code violations.

Becky Billing, Benicia resident, Solano County Childcare Planning Council, spoke in support of the applicant and the project. She spoke on the state codes regulating licensed child care facilities and advised Community Care Licensing is an agency which residents can call and make complaints or report unlicensed facilities.

Sally Proctor, Cooper Drive resident, stated there is already a home based business on Cooper Drive which adds to the traffic on the street. She spoke about the health, safety and welfare of the children at a potential day care facility, a day care facility was inappropriate for Cooper Drive, City liability and the applicant having insurance for the business.

Brian Stone, 554 Cooper Drive, spoke in favor of the project. He stated the proposed location is a great location, very safe and the business is beneficial for the community and local schools. He voiced concerns about the length of the time for the application process for the applicant, and the fees incurred to the appellant versus City staff time involved in processing the application and appeal.

Kathy McCrarey (Co-Appellant), 582 Cooper Drive, spoke in opposition of the project. She voiced concerns about prior work without a permit completed at the residence and potential loss in property values because of the proposed project.

Aimee Kincaid, Vallejo resident and large family day care operator, spoke in favor of the project. She stated she has not experienced any loss in property values in the neighborhood where her business operates, and voiced frustration over the lengthy burdensome process for the use permit.

Maria Teresa Matthews, 575 Cooper Drive, spoke in opposition of the project, citing concerns for safety of the children, traffic impacts, and possible building code violations.

Diana Brennan, 211 Eaton Court, spoke in favor of the project, stating her child attends the applicant's child care facility. She also addressed concerns of earlier speakers regarding traffic safety of the children possible being in the front yard of the residence, as the children are not permitted to play in the front yard of the day care.

Appellant Paula Broome, spoke in opposition of the project, stated it is her right to file an appeal and felt the applicant and homeowner imposed on the neighborhood assuming the business would not be opposed by the neighbors.

Adrienne Nguyen, spoke in support of the project, the applicant, her employees and the Montessori business model.

Jeff Atz, 506 Bigler Court, spoke in opposition of the project, citing concerns about traffic impacts, traffic safety, and excessive noise in a residential area.

Claudia Claverie, 441 York Drive, spoke in support of the project, her personal experience with large family day cares, the applicant, and the reputation of the business.

Sandy Cross, 510 Bigler Court, spoke in opposition of the project, citing concerns about traffic congestion, location on a cul-de-sac, and noise.

James Claverie spoke in favor of the project, the applicant, the business, stated both he, the applicant and the homeowner are working to resolve any building code violations or safety concerns at the residence.

Dan Reed spoke in opposition of the project, stating work completed on the interior of the residence without permits, concerns of traffic impacts, parking, and traffic safety during the sunset hours of the day.

Desiree La Bar spoke in favor of the project, the applicant, and the business.

Joanna Osmanski spoke in favor of the project, the applicant, the business, and advised that children are not allowed to play in the front yard of the day care.

Susan Schoemaker spoke in favor of the project and the applicant.

Nai Paz spoke in favor of the project, the applicant, and the business. She stated she's never encountered any traffic issues at the present location and debated the concerns about traffic impacts at the proposed location.

Christine Willeford, Rose Drive resident, spoke in favor of the project, the business, and expressed her support for the Commission to deny the appeal.

Tamara Wilder, 207 Riverview Terrace, spoke in favor of the project, small businesses within Benicia, expressed support of the applicant, and the business.

Jim Schoemaker spoke in favor of the applicant and the proposed project.

Lauren Reed, spoke in opposition of the project citing concerns for traffic safety.

Amy Lerner, spoke in favor of the project, the applicant and the business. She voiced a desire for the process to be less cumbersome.

John Waring, Benicia resident, spoke in favor of the project, supporting families and family daycare facilities.

Paul Gunion, on behalf of the appellant, spoke in rebuttal to the comments made. He reiterated the initial points made in the appeal, due process, the rights of the neighborhood and concerns regarding safety at the property.

Applicant, Ms. Claverie, made a rebuttal statement stating she has no history of complaints, and remains in compliance with all applicable state licensing regulations. She stated safety is a paramount concern and she is working diligently with the homeowner to rectify all building code issues at the property.

Public Comment was closed

Chair Dean called for a ten minute recess at 9:22 p.m.

Chair Dean resumed the meeting at 9:30 p.m.

The Commission discussed parking and vehicle traffic, State mandates for the proposed use, the limitations under which an application can or cannot be approved by the City, potential liability for the City when granting a use permit, and building code violations.,

Ms. Ratcliffe advised that the City works under a complaint basis and responded to the residence once the complaint was made under the appeal.

Commissioner Oakes requested one of the conditions of approval be modified to address any safety issues and prior construction work which may have been completed without permits.

Commissions discussed delays of the use permit tied to the building permit issue and condition number seven in regard to parking.

RESOLUTION NO. 15-6 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA DENYING THE APPEAL AND APPROVING A USE PERMIT TO ESTABLISH A LARGE FAMILY DAY CARE FACILITY WITH A MAXIMUM OF 14 CHILDREN AT 579 COOPER DRIVE (15PLN-00020)

On motion of Commissioner Sherry, seconded by Commissioner Oakes, the above resolution was approved, with modifications to conditions #3 and #7

as follows:

#3. Within 30 days of this approval the property owner or applicant shall submit for a building permit for previously completed construction work, for which a building permit was necessary and was not obtained, as determined by the Building Official. The building permit shall be completed with the receipt of a final inspection within 180 days.

#7. During the hours of day care operation, all residents of 579 Cooper Drive should either park in the garage or driveway. Two parking spaces in the driveway shall remain available for pick-up and drop off. Other day care employees, visitors and potential clients coming to the day care facility shall be accommodated on site to the maximum degree possible and, if necessary, shall park in a legal parking space along the street.

by the following vote:

Ayes: Commissioners Birdseye, Cohen-Grossman, Oakes, Radtke, Sherry, Young and Chair Dean

Noes: None

Absent: None

Abstain: None

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

Ms. Thorsen presented the item to the Commission.

The Commission discussed the frequency and number of use permits for this type of business within the Industrial Park. Chair Dean mentioned that looking at the data, the actual numbers are not increasing based upon the data provided by Staff covering 1994-2015.

Mr. Giuliani presented data to the Commission on sales tax trends and vacancy rates within the Industrial Park from 2009-2014. The Commission asked questions based upon the information Mr. Giuliani presented.

The Commission discussed potential direction on zoning issues and current uses occupying the Industrial Park.

Public Comment was opened.

Jasmine Powell, President Benicia Industrial Park Association, advised that the City has the largest Industrial Park in Solano County, however, the City is built-out. She detailed current issues facing the Industrial Park; erosion of the roads, lack of broadband, unsafe buildings as a result of seismic activity. She voiced her desire to maintain industrial uses in the Industrial Park.

Public Comment was closed.

Staff presented additional information and answered questions of the Commission.

The Commission agreed to discuss the item again at a future date in conjunction with Economic Development and BIPA, and add the item to the Commission's Work Plan.

C. PLANNING COMMISSION WORK PROGRAM

Ms. Million presented the item to the Commission.

The Commission discussed prioritizing the work items. Chair Dean requested the rules and procedures item become a higher priority. Each Commissioner provided their desired priority of the work program to Staff.

VI. COMMUNICATIONS FROM STAFF

Ms. Ratcliffe welcomed new Commissioner Radtke.

VII. COMMUNICATIONS FROM COMMISSIONERS

None

VIII. ADJOURNMENT

Chair Dean adjourned the meeting at 11:17 p.m.