

June 12, 2008

**BENICIA PLANNING COMMISSION**

**CITY COUNCIL CHAMBERS**

**REGULAR MEETING AGENDA**

**Thursday, June 12, 2008**

**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. AGENDA CHANGES AND DISCUSSION**

**III. OPPORTUNITY FOR PUBLIC COMMENT**

- 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 Agenda
- B. [Planning Commission Minutes of May 8, 2008](#)

**V. REGULAR AGENDA ITEMS**

**[A. LOWER ARSENAL MIXED USE SPECIFIC PLAN – DRAFT ENVIRONMENTAL IMPACT REPORT \(DEIR\) – PUBLIC COMMENT ON RECIRCULATED SECTIONS:](#)**

**(1) HAZARD AND HAZARDOUS MATERIALS AND (2) CULTURAL AND PALEONTOLOGICAL RESOURCES**

**PROJECT LOCATION:**

The project site is located in the City of Benicia in Solano County. The project site consists of approximately 50 acres east of Downtown Benicia, and is a portion of Benicia's former Arsenal known as the Lower Arsenal. The site 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.

#### **BRIEF DESCRIPTION OF PROJECT:**

The proposed project includes implementation of a Specific Plan for the Lower Arsenal site, which is designated for mixed uses in the Benicia General Plan. The Specific Plan covers four distinct zones, each of which exhibits a unique physical character. The Specific Plan would implement 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 would contain approximately 741,865 square feet of mixed uses, 22 residential units, and 6.39 acres of open space. The Specific Plan area currently contains approximately 525,000 square feet of mixed uses.

The Draft Specific Plan is available for public review on the City's website (<http://www.ci.benicia.ca.us/downtown-arsenalimprovements.php>) or at the City's Community Development Department.

**Recommendation:** The City of Benicia is requesting that reviewers limit their comments to the recirculated materials, consistent with CEQA Guidelines section 15088.5(f)(2). Comments on the DEIR should focus on the sufficiency of the DEIR in discussing possible impacts on the environment, ways in which adverse effects might be minimized, and alternatives to the project. Comments may be made at the public hearing described above, or in writing. There is no fee for commenting, and all comments received will be considered by the City prior to finalizing the EIR and making a decision on the project

#### **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 non-agendized matters under public comments, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five 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 Dan Pincetich, 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 may be taken by the Planning 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 business days of the date of action.

### Public Records

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

 [May 8, 2008 minutes.pdf](#) \_

 [Arsenal DEIR 61208.pdf](#) \_



**BENICIA PLANNING COMMISSION  
CITY COUNCIL CHAMBERS**

**REGULAR MEETING MINUTES**

**Thursday, May 8, 2008**

**7:00 P.M.**

**I. OPENING OF MEETING**

- A. Pledge of Allegiance**
- B. Roll Call of Commissioners**

Present: Commissioners Richard Bortolazzo, Rick Ernst, Dan Healy, Rod Sherry,  
Lee Syracuse, Brad Thomas and Chair Fred Railsback

Absent: None

Staff Present: Damon Golubics, Principal Planner  
Terry Baldwin, Senior Administrative Clerk

- 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. AGENDA CHANGES AND DISCUSSION**

No agenda changes.

**III. OPPORTUNITY FOR PUBLIC COMMENT**

- A. WRITTEN**

None.

- B. PUBLIC COMMENT**

Marilyn Bardet addressed concerns about a Signature Properties application for 8 ranchettes being built north of Lake Herman Road within the county jurisdiction. The project probably will not come before the commission; however, she would like the commission to review the initial study that is available through the county. The Seeno EIR did not discuss this project.

Mr. Golubics explained that this would be discussed during communications from staff. Staff will comment and solicit the comments of the commission.

Chair Railsback closed the public comment period.

**IV. CONSENT CALENDAR**

On motion of Commissioner Ernst, seconded by Commissioner Sherry, the Consent Calendar was approved by the following vote:

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

- A. Approval of Agenda**
- B. Planning Commission Minutes of April 10, 2008**

**V. REGULAR AGENDA ITEMS**

**A. UPDATE ON MAJOR COMMUNITY DEVELOPMENT PROJECTS - Discussion**

The Planning Commission Chair requested an update from staff on the following projects:

- 1. Benicia Business Park
- 2. Arsenal Specific Plan
- 3. Valero Improvement Project

Staff provided an update on current status and next steps for the above projects.

Commissioners discussed projects and Damon Golubics addressed general comments.

**VI. COMMUNICATIONS FROM STAFF**

Damon Golubics discussed the county area project north of Lake Herman Road. The project is not within City limits but is in our sphere of influence. Staff will do an informal review of the project. The City would like to see this property remain as open space.

**VII. COMMUNICATIONS FROM COMMISSIONERS**

Chair Railsback thanked the commissioners for their time.

**VIII. ADJOURNMENT**

Chair Railsback adjourned the meeting at 7:40

**AGENDA ITEM**  
**PLANNING COMMISSION MEETING: JUNE 12, 2008**  
**PUBLIC HEARING ITEM**

**DATE** : May 29, 2008

**TO** : Planning Commission

**FROM** : Damon Golubics, Principal Planner

**SUBJECT** : **COMMENT ON RECIRCULATED SECTIONS OF THE DRAFT EIR FOR THE LOWER ARSENAL MIXED USE SPECIFIC PLAN**

**RECOMMENDATION:**

Receive public comment on the recirculated hazards and cultural resources sections of the Draft Environmental Impact Report (DEIR) for the Lower Arsenal Mixed Use Specific Plan.

**EXECUTIVE SUMMARY:**

The hazards and cultural resources sections of the DEIR for the Lower Arsenal Mixed Use Specific Plan have been revised to include additional analysis. Pursuant to California Environmental Quality Act (CEQA) Guidelines, these sections have been recirculated for public comment because they contain significant new information in the form of impacts not identified in the DEIR. Planning Commission recommendation on the Final EIR is expected in August, followed by Council consideration of EIR certification and Plan adoption.

**BUDGET INFORMATION:**

There is no budgetary impact due to the recirculation.

**ENVIRONMENTAL ANALYSIS:**

The comment period for the recirculation closes at this Planning Commission hearing. A Final EIR will be prepared that will consist of the Draft EIR and a Response to Comments document that includes comments (1) on the DEIR received during the prior DEIR public comment period and (2) on the recirculated sections received during the current comment period.

**SUMMARY:**

The DEIR was released for public comment on July 19, 2007, and the required Notice of Availability appears at the beginning of the recirculation document. At the close of the comment period on September 6, 2007, 19 written comments had been submitted, and oral comments were received at the August 9, 2007 Planning Commission meeting.

The recirculated sections of the DEIR have been available for public review and comment for a period of 45 days. In accordance with CEQA Guidelines Section 15088.5(f)(2), the City will respond to comments made during the recirculation comment period that relate to the recirculated sections.

Mitigation measures for the two recirculated sections have been expanded. Previously, there were two mitigation measures for the Hazards and Hazardous Materials section of the EIR. The original mitigation measures dealt with construction activities and what a contractor must do when hazardous materials are uncovered. An additional mitigation measure has been added that acknowledges hazardous materials throughout the lower Arsenal area and directs property owners to remediate contaminated areas if discovered.

The Cultural and Paleontological Resources section of the DEIR retains 8 of the 13 mitigation measures as it pertains to cultural resources and an additional mitigation measure has been added that deals with the construction of new buildings that could adversely affect National Register District D in the South of Grant Street Zone. Minor clarification of one cultural resource mitigation measure has also been made. The only paleontological resources mitigation measure remains the same with no changes.

*The Recirculation of Select Sections of the Lower Arsenal Mixed Use Specific Plan EIR is available on the City website and at the Community Development Department and was distributed in hardcopy to the Planning Commission at its May 8, 2008 regular meeting.*