



## **BENICIA PLANNING COMMISSION**

### **REGULAR MEETING AGENDA**

**City Hall Council Chambers  
Thursday June 12, 2014  
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 10, 2014 REGULAR MEETING**

**V. REGULAR AGENDA ITEMS**

**A. APPEAL OF COMMUNITY DEVELOPMENT DIRECTOR'S INTERPRETATION THAT THE PROPOSED USE IS CONSIDERED TO BE WITHIN THE USE CLASSIFICATION OFFICE, BUSINESS AND PROFESSIONAL AND THEREFORE IS NOT AN ALLOWED USE IN THE GENERAL INDUSTRIAL ZONING DISTRICT**

14PLN-00031 Appeal  
3001 Bayshore Road; APN: 0080-340-020

**PROPOSAL:**

On May 29, 2014, Rita Maldonado of "3 Step Title & Reg Service" appealed an interpretation made by Planning Division Staff and the Community Development Director stating that the proposed business was not an allowable use at the subject location. The proposed business "3 Step Title and Reg Service" operations consist of processing titles and registration for cars and commercial trucks and was determined to be within the Business, Office and Professional use classification. Business, Office and Professional is not an allowed use in the General Industrial zoning district and therefore the Planning Division denied the Business License request. This interpretation was appealed per Benicia Municipal Code Section 17.08.040 C.

**Recommendation:**

Deny the appeal and confirm the Community Development Director's interpretation that the proposed use is within the Office, Business and Professional use classification and therefore the proposed use is not allowed as a primary use in the General Industrial zoning district.

**B. WORKSHOP – EMERGENCY SHELTERS, SUPPORTIVE HOUSING AND TRANSITIONAL SHELTER ORDINANCE**

**PROPOSAL:**

In 2007, the California Legislature passed Senate Bill 2 under the Housing Accountability Act to ensure that local zoning encourages and facilitates emergency shelters. The law, which took effect in January 2008, is intended to address the critical needs of homeless populations and individuals with

special needs and includes two key requirements, which are incorporated into the 2007-2014 Housing Element as Program 3.01. Planning Staff has begun to create the framework of the draft ordinance including the application process, submittal requirements and development standards and is seeking input from the Planning Commission and community on how to implement Senate Bill 2 and incorporate the regulations into the Zoning Ordinance.

**Recommendation:**

Consider public comment and provide direction to staff on the ordinance to bring back to the Commission for action.

C. **PLANNING COMMISSION WORK PRIORITIES**

**PROPOSAL:**

The Planning Commission works to complete an annual review of its priorities and submits its recommended actions for inclusion in the City of Benicia's Strategic Plan. This list includes the Commission's priorities and also serves as a compilation of ongoing topics for discussion and action by the Commission. This list is reviewed, updated, and prioritized on an annual basis by the Planning Commission. Items from the list may be reprioritized, modified, added or removed by a majority consensus of the Planning Commission. The list was not updated in 2013 and was last updated by the Commission in May 2012.

**Recommendation:**

Review, discuss and modify the Planning Commission Priority Project List and update for the 2013-2015 Fiscal Year, as desired.

VI. **COMMUNICATIONS FROM STAFF**

A. **UPDATE ON VALERO CRUDE BY RAIL DRAFT ENVIRONMENTAL IMPACT REPORT**

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](http://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.