



BENICIA PLANNING COMMISSION

REGULAR MEETING MINUTES

**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

Present: Commissioners Cohen-Grossman, Oakes, Sherry, Smith,
Sprague, Young and Chair Dean

Absent: None

Staff Present: Amy Million, Principal Planner
Nancy Kaufman, Interim Land Use Manager
Kat Wellman, Contract Attorney
Teresa Olson, Recording Secretary

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 Cohen-Grossman, Oakes, Sherry, Smith, Sprague,
Young and Chair Dean

Noes: None

Absent: None

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

Constance Buetel resident at 1501 Shannon Court, requested an extension for the public review period for the Draft EIR Valero Crude By Rail project due to the estimated length of the document.

James Lambden resident at 350 St. Catherines Square, requested an extension for the public review period for the Draft EIR for Valero Crude By Rail project.

Mr. Soto, resident of Benicia, requested an extension for the public review period for the Draft EIR for Valero Crude By Rail project and spoke about the project. He referred to a rail project in Vancouver, Washington that was denied because hazards could not be mitigated. Mr. Soto advised that a local community group "Benicians for a Healthy Community" is hosting a public information session on Saturday June 28 from 1p.m. to 4 p.m. at the Benicia Public Library.

Marilyn Bardet, resident of Benicia encouraged the City to support a request to have the Bay Area Air Quality Management District (BAAQMD) comment on the Draft EIR for Valero Crude By Rail project. She stated that the public needs to know how the BAAQMD will evaluate the cumulative impacts of the Bay Area refinery projects.

Kathy Kerridge, resident of Benicia, requested an extension for the public review period for the Draft EIR for Valero Crude By Rail project from 45 days to 90 days due to the review period conflicting with summer vacation schedules. Ms. Kerridge also announced a Public Workshop scheduled for Saturday June 28th at the Benicia Public Library about the Valero Crude By Rail project.

IV. COMMUNICATIONS FROM STAFF

The Commission requested that staff provide their update on this Communication early.

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

Ms. Million provided an update on the Draft EIR which is now scheduled for a June 17, 2014 release date with a 45 day public review period to end on August 1st, 2014.

The July 10th Planning Commission meeting agenda will include the public hearing on the Draft EIR, public comment both orally and in writing will be accepted during the meeting. Ms. Million advised that the Commission can direct staff to extend the public review period once the DEIR is released.

The Commission asked various clarifying questions such as how to extend the public comment period, dates mentioned in the memo and the significance of the 30-day time period. Ms. Million clarified the dates and public review period.

Members of the Commission requested a special meeting for training on reviewing a Draft EIR.

The Commission and staff clarified the format and process for public comments on the DEIR during the July 10th meeting, the DEIR and Final EIR process. Staff confirmed the DEIR will be available on Tuesday, June 17th and hard copies will be available that day for pick up or delivery.

V. CONSENT CALENDAR

A. APPROVAL OF MINUTES OF APRIL 10, 2014 REGULAR MEETING

On motion of Commissioner Young, seconded by Commissioner Smith, the consent calendar was adopted by the following vote:

Commissioner Cohen-Grossman requested minor grammatical edits to the minutes. Commissioner Smith requested an addition and correction to the Communications from Commissioners section to reflect her request for CEQA training for commissioners. Chair Dean requested an addition on page 2, item A, to have Steve McKee listed as “architect for the applicant.”

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

VI. 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

Ms. Million gave an overview of the project and the appeal.

Appellant Rita Maldonado explained her business operations and explained her position on the issue and her reason for appealing the interpretation.

The Commission asked various questions of the applicant regarding other potential business locations and state licensing requirements for her business.

Norman Koerner, owner of the subject property, spoke in support of the applicant.

Ed Ruszel, 2980 Bayshore Road, spoke in support of the applicant stating that the proposed office use was more consistent with the district than some of the recreation and service uses that have been allowed.

The Commission discussed the appeal and asked various questions of staff including the location of the various industrial zoning districts, use classification and additional regulations in the Zoning Ordinance.

RESOLUTION NO. 14-11 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA CONFIRMING THE 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

On motion of Commissioner Smith, seconded by Commissioner Young, the above resolution was adopted by the following vote:

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

Chair Dean called for a recess at 8:15 p.m.

The meeting resumed at 8:22 p.m.

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

Ms. Million gave a Power Point presentation on the draft ordinance, outlined next steps, tentative schedule, and tasks for the Planning Commission.

The Commission discussed the location of the existing transitional and supportive housing facilities in the City. They made comment with regard to the proposed Military East overlay and noted the East 6th Street park, the child care center and the number of liquor stores in that corridor. They also commented on the proposed parking requirement, the contents of the management plan and the approach of other communities.

Dana Dean 283 East H Street, representing AMPORTS, spoke on General Plan inconsistencies with locating residential uses in industrial zones and the need for CEQA review.

The public comment was closed.

The Commission asked staff questions regarding the needs and resources assessment and provided comments on transportation.

Ms. Million and Ms. Kaufman responded to inquiries from the Commission on various topics including potential locations, zoning districts, overlay districts, homeless population census information, proximity to transportation locations, affordable housing requirements in relation to emergency shelters, and defining shelters as a residential use.

Commission provided direction to staff to focus on areas of existing transportation (bus routes) with a new overlay district.

C. PLANNING COMMISSION WORK PRIORITIES

Ms. Million gave a brief presentation on the Commission's priorities.

The Commission discussed the list of priority projects and requested clarification from staff on the scheduling of future work on the priority list.

Public comment was opened, there was no public comment.

No changes were made to the list.

VII. COMMUNICATIONS FROM STAFF

B. UPDATE ON THE 2015-2023 HOUSING ELEMENT

Ms. Million provided an update on the status of the Draft 2015-2023 Housing Element.

VIII. COMMUNICATIONS FROM COMMISSIONERS

None.

VIII. ADJOURNMENT

Chair Dean adjourned the meeting at 9:27 pm.