



## **BENICIA PLANNING COMMISSION REGULAR MEETING AGENDA**

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

**B. PLANNING COMMISSION MEETING SCHEDULE – AUGUST MEETING DATE CORRECTION**

The Planning Commission adopted its 2014 meeting schedule on November 14, 2013. The meeting date for August was listed as August 7<sup>th</sup>, however, the correct date should be August 14<sup>th</sup>, which is the 2<sup>nd</sup> Thursday of the month.

**Recommended Action:** Approve a revision to the adopted 2014 Planning Commission meeting schedule confirming August 14<sup>th</sup>. All other meeting dates to remain the same.

**V. REGULAR AGENDA ITEMS**

**A. CONSIDERATION OF EXTENDING THE PUBLIC COMMENT PERIOD ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE VALERO CRUDE BY RAIL PROJECT**

Application No. 12PLN-00063 Use Permit  
3400 East Second Street; APN: 0080-110-480

The DEIR for the Valero Crude by Rail Project was released for public review on Tuesday, June 17, 2014. The 45-day public review period ends on Friday, August 1, 2014. The Notice of Availability and Notice of Public Hearing circulated on June 17<sup>th</sup> announced that the Planning Commission would hear public comment on the DEIR at their July 10<sup>th</sup> meeting. The City has received requests to extend the public review period beyond the 45-days, including a request for an additional 30-days and a request for an additional 45-days. If the Planning Commission believes that a longer review period is needed because of articulated unusual circumstances, it may decide to extend the comment period.

**Recommended Action:** Take public comment and consider the public's request to extend the comment period.

*Note: No other action will be taken on the DEIR or Use Permit by the Planning Commission at this meeting. However, public comments on the DEIR will be received.*

**B. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE VALERO CRUDE BY RAIL PROJECT**

Application No. 12PLN-00063 Use Permit

Project Address: 3400 East Second Street; APN: 0080-110-480

Valero Refining Company has filed a use permit application for the Crude by Rail (CBR) project. The proposed Valero Crude by Rail Project would allow the Valero Benicia Refinery (Refinery) access to additional North American-sourced crude oil for delivery to the Refinery by railroad. The proposed Project would involve the installation and modification of Refinery non-process equipment that would allow the Refinery to receive a portion of its crude oil deliveries by railcar replacing equal quantities of crude currently being delivered to the Refinery by marine vessel. Valero intends to replace up to 70,000 barrels per day of the crude oil currently supplied to the Refinery by marine vessel with an equivalent amount of crude oil transported by railcars. The crude oil to be transported by railcars is expected to be of similar quality compared to existing crude oil imported by marine vessels. Crude delivered by rail would not displace crude delivered to the Refinery by pipeline.

The City of Benicia requires that a public hearing be conducted by the Planning Commission to receive comments on the DEIR. Public comments received will become part of the public record and included as part of the Final EIR.

**Recommended Action:** Take public comments on the DEIR.

**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](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.