



**BENICIA PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
REGULAR MEETING MINUTES**

**Thursday, August 12, 2010
7:00 P.M.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Richard Bortolazzo, Don Dean, Rick Ernst, Rod Sherry, Lee Syracuse, and Chair Dan Healy

Absent: Commissioner Thomas

Staff Present: Melissa Morton, Land Use and Engineering Manager
Lisa Porras, Senior Planner
Amalia Lorentz, Economic Development Manager
Kat Wellman, Contract Attorney
Kathy Trinique, Administrative Secretary

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

On motion of Commissioner Ernst, seconded by Commissioner Sherry, the agenda was adopted by the following vote:

Ayes: Commissioners Bortolazzo, Dean, Ernst, Sherry, Syracuse, and Chair Healy

Noes: None

Absent: Commissioner Thomas

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

B. PUBLIC COMMENT

Gerry Raycraft of 3250 Mustang Circle, Fairfield, representing the Solano County Children's Network, stated that he wants to encourage staff and the Planning Commission to look at Zoning Ordinance revisions that would allow childcare facilities in all areas, through the permit process. He stated that in order to serve workers and employers, more child care facilities are needed. He further stated that the City should be proactive and allow flexibility within our ordinance.

IV. CONSENT CALENDAR

On motion of Commissioner Ernst, seconded by Commissioner Dean, this items was adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Syracuse and Chair Healy

Noes: None

Absent: Commissioner Thomas

Abstain: Commissioners Bortolazzo and Sherry

A. Approval of Minutes of July 8, 2010 (as amended by Chair Healy)

V. REGULAR AGENDA ITEMS

A. ADDING NEW INDUSTRIAL USES TO THE ZONING ORDINANCE

PROPOSAL:

This item was a follow up to staff's June presentation of consideration of land use changes to allow opportunities for high-tech and clean-tech businesses in the City's industrial zoning districts. The proposed zoning amendments and land use changes will effect approximately one-third of the City's overall incorporated land area. At the June meeting, staff presented a first round of information that included specific recommendations on potential land use changes.

Amalia Lorentz, Economic Development Manager and Lisa Porras, Senior Planner presented a power-point slide show that illustrated the background and purpose, types of uses targeted by the proposal, scope of the proposed amendment and additional areas likely to be affected. The presentation included examples of high tech and biotech buildings and campuses located in other jurisdictions. The proposed work program, including requires analyses, were described and the presentation concluded with Staff's recommendation outlined for the Commission's consideration as follows:

Recommendation:

Confirm policy direction to allow more research, technology and lab uses in the industrial zones.

Review and comment on:

- The process
- Changes to the zoning code/recommended amendments
- Potential environmental concerns

- Work plan outline
- and provide staff with informational requests (if any).

Commissioners and staff discussed questions:

Commissioner Ernst asked about Benicia's Port; would these amendments include regulations to prohibit certain materials coming in by ship? Staff responded that the proposed ordinance would not affect or regulate materials on ships.

Commissioner Dean stated that he would like to see an outline of the area where these changes would take place, i.e., which zone districts would undergo changes. Staff explained that the proposed ordinance would only affect the industrial zones districts.

Public Comment:

Julie Pratt, a member of the public, spoke about her concern with allowing animal testing businesses. She is in support of green technology but is opposed to animal testing.

Chair Healy noted that the Planning Commissioners received a letter from People for the Ethical Treatment of Animals (PETA) against uses that include or incorporate onsite animal testing (vivaria).

Dana Dean, 835 First Street, representing Amports, asked that the City expand its definition of manufacturing under B. Industrial, General, to use language such as "manufacturing, compounding, processing, assembling, packaging or treatment of components or products primarily from extracted, raw, recycled or secondary materials." Ms. Dean suggested an alternative would be to expand the definition of the term manufacturing to include these items.

The Public Comment period was closed.

Planning Commission discussion followed:

Commissioner Dean's stated his concern about storage and use of hazardous materials whose definitions include "for which there is no known antidote." Mr. Dean suggested that the City keep its options open so that some businesses could go in without a use permit.

Regarding biotesting/animal testing, Mr. Dean stated that some categories should require a use permit. The City needs to be clear about which types of vivaria require a use permit and which types do not.

Information technology, multi-media, computer internet services – there are other business categories to add or remove.

Commissioner Ernst recommends the City should consider allowing more uses so Benicia will become more attractive to green technology, clean technology, information technology, high technology, child care, health clinics, restaurants, hotels. But the City also needs to make sure it has the infrastructure in place first to accommodate the needs of these industries.

Mr. Ernst also stated that a public hearing needs to occur.

Mr. Ernst summarized by saying he is against vivaria and bio-technology uses.

Commissioner Sherry asked if there are thresholds that could be set, for example, in permit requirements for vivaria over a certain size? Regarding toxic materials, there are classes that are set below the need for a use permit.

Ms. Lorentz responded that biosafety is regulated for worker safety, requiring a sealed site. She explained that staff identified vivaria in the list of uses in order to be upfront and recognize that bio-technology has some unpleasant aspects. The point of the ordinance amendment is to create more certainty in the process and less cost for new businesses.

Commissioner Dean stated that the purpose is also to make sure the process is set in place, is followed and that the business community understands what is or is not allowed in the City. He would like to see expanded definitions so everyone knows all the details before sending this forward to Council for action.

Commissioner Bortolazzo suggested that staff look at Vacaville's ordinance. If Benicia ends up having more restrictions, then it will discourage businesses from locating here. Both Richmond and Vacaville have successful business parks. We could model ours after their zoning ordinances. We should not throw roadblocks in front of new businesses.

Commissioner Sherry suggested that staff research other ordinances and provide recommendations for the next discussion on this topic. Include definitions of Federal, State and County regulations on bio-tech, hazards and vivaria.

Commissioner Syracuse stated his concern about allowing any type of business that would be a danger to the community. It is critical that we protect the health and safety of our citizens.

Chair Healy summarized direction to staff as follows:

He stated that it is useful to discuss ordinance changes within the framework of what our current ordinance contains. The Commission is asking staff to come back with experiences and ordinances from other cities. Staff should also provide research on what the State and Federal laws require of these industries. Identify what range/size of animals that we are considering – are they rodents or single cell animals? We need to address all safety issues with bio-technology, biohazards, etc., for the community. Also there is the philosophical issue with allowing animal testing labs.

VI. COMMUNICATIONS FROM STAFF

A. Review City Policies and Regulations on electronic billboard signs.

Lisa Porras, Senior Planner, reviewed the materials for this item included in the agenda packet. She read the regulations from Benicia Municipal Code Section 18.24.040. Once this code section was adopted in 2007, the City prohibits construction of any new billboards in Benicia.

Commissioner Syracuse asked if the language is adequate or specific enough to guarantee that an applicant cannot get approval for a new sign.

Ms. Porras responded that it is very clearly stated in the Benicia Municipal Code, Section 18.24.040 that a billboard sign application would not be approved.

Commissioner Syracuse stated his satisfaction with the staff report and back-up information provided.

VII. COMMUNICATIONS FROM COMMISSIONERS

None.

VIII. ADJOURNMENT

Meeting was adjourned at 8:24 pm.