

September 8, 2010

**BENICIA PLANNING COMMISSION**

**CITY HALL COUNCIL CHAMBERS**

**REGULAR MEETING AGENDA**

**Wednesday, September 8, 2010**

*(Note alternate meeting day)*

**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**

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**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

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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.

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A. Approval of Minutes of August 12, 2010

V. REGULAR AGENDA ITEMS

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[A. USE PERMIT FOR WIND ENERGY/ WIRELESS COMMUNICATION FACILITY PROVIDED BY ISYSTEMS TECHNOLOGY AND LOCATED AT 257 ESSEX WAY](#)

PROPOSAL:

Isystems Technology is proposing to provide a wind energy powered wireless communication facility at 257 Essex Way. This facility would provide wireless service to customers within the Industrial Park where it is currently not available. The wind energy component generates electricity for the antenna mast that distributes Internet signals to a number of locations throughout the Industrial Park. This project will not be on PG&E's power grid. The Benicia Municipal Code requires a Use Permit for installation of all wireless communication facilities in all zoning districts. In addition, the installation of a wind energy conversion system requires a Use Permit in every zoning district.

**Recommendation:**

Staff recommends that the Planning Commission approve the Use Permit to install a new wind energy/wireless communication facility consisting of: (a) one wind turbine mounted to a ground-mounted pole measuring 21 feet 8 inches from grade to top of blade in vertical position, and (b) one antenna mast mounted to a ground-mounted pole measuring 15 feet total in height and associated equipment located near the water tanks at 257 Essex Way, based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

**B. VARIANCE TO ALLOW AN EXISTING 20 FT WIDE LANDSCAPE STRIP TO SATISFY THE DESIGN STANDARDS FOR PARKING LOTS IN RESIDENTIAL ZONE DISTRICTS AT 370 EAST L STREET, BENICIA COMMUNITY CENTER**

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**PROPOSAL:**

The City of Benicia proposes to make modifications to the former Mills Elementary School for a new community center. This includes the creation of a new parking lot. The Benicia Municipal Code Section 17.70.190(E) requires the parking lot to include a 10-foot wide perimeter planting area alongside East L Street. Immediately north of the site's proposed parking lot is an existing 20 ft. wide landscape strip along East L Street located in the public right-of-way. The objective is to utilize a pre-existing site feature and existing surroundings to meet the intent of the City's requirement for a 10 ft. wide landscaped area.

**Recommendation:**

Staff recommends that the Planning Commission hold a public hearing, consider testimony and other relevant documents and approve a Variance from the 10 ft. wide onsite perimeter planting strip requirement at the new Benicia Community Center located at 370 East "L" Street based on the findings, and subject to the conditions listed in the proposed Record of Decision and as discussed during the public hearing.

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**VI. COMMUNICATIONS FROM STAFF**

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**VII. COMMUNICATIONS FROM COMMISSIONERS**

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**VIII. ADJOURNMENT**

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**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 Valerie Ruxton, 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 Public Works & 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 Public Works & Community Development Department during regular working hours. 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 Public Works & 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 Gina Eleccion, Management Analyst, as soon as possible so that it may be distributed to the Planning Commission.

 [August 12, 2010](#)

 [Use Permit for 257 Essex ISystems Wind Energy/Wireless Communication Facility](#)

 [Landscape Variance 370 East L Benicia Community Center](#)



**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 Trinque, 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 discouraging 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 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.

**AGENDA ITEM  
PLANNING COMMISSION MEETING: SEPTEMBER 8, 2010  
REGULAR AGENDA ITEMS**

**DATE** : August 30, 2010  
**TO** : Planning Commission  
**FROM** : Sharon Williams, Development Services Technician  
**SUBJECT** : **USE PERMIT FOR 257 ESSEX WAY, ISYSTEMS WIND ENERGY/  
WIRELESS COMMUNICATION FACILITY**

**RECOMMENDATION:**

Approve the Use Permit (10PLN-00042) to install a new wind energy/wireless communication facility consisting of one wind turbine mounted to a ground-mounted pole measuring 21 feet 8 inches from grade to top of blade in vertical position, one antenna mast mounted to a ground-mounted pole measuring 15 feet total in height, and associated equipment, located near the water tanks at 257 Essex Way, based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

**EXECUTIVE SUMMARY:**

The proposed wind energy/wireless communication facility will provide high-speed wireless service to customers within the Industrial Park where it is currently not available or affordable. The wind energy component generates electricity for the antenna mast that distributes Internet signals to a number of locations throughout the Industrial Park. This project will not be on PG&E's power grid.

The Benicia Municipal Code requires a Use Permit for installation of all wireless communication facilities in all zoning districts. In addition, the installation of a wind energy conversion system requires a Use Permit in every zoning district.

**GENERAL PLAN:**

Relevant General Plan Policies and Programs:

- Goal 2.43: allow installation of telecommunications equipment and distribution networks that maintain and protect health, safety, and quality of life and avoid visual clutter
  - Program 2.43.1: Minimize the visual impacts of siting exposed commercial antenna structures in scenic corridors and residential and historic districts.

## **STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #4: Preserving and Enhancing Infrastructure
  - Strategy #3: Address technology needs

## **BUDGET INFORMATION:**

As a City-owned property, the proposed facility requires a lease between the City of Benicia and iSystems Technology, which is in the process of being drafted by the City Attorney's Office.

## **ENVIRONMENTAL ANALYSIS:**

Staff has determined that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 that exempts new construction of small facilities or structures.

## **BACKGROUND:**

Applicant/Owner: Dean Richards, iSystems Technology/ City of Benicia

General Plan designation/Zoning: OS, Open Space

Existing use: Public, City of Benicia treated drinking water tanks

Adjacent zoning and uses:

North: OS, Open Space / RS, Single Family Residential

South: OS, Open Space / RS, Single Family Residential

East: OS, Open Space / RS, Single Family Residential

West: OS, Open Space / RM, Medium Density Residential

The proposed project also requires Staff-Level Design Review approval, which was approved on August 30, 2010.

## **SUMMARY:**

### **A. Project Description**

iSystems Technology proposes to install one wind turbine mounted to a ground-mounted pole measuring 21 feet 8 inches from grade to the top of blade in a vertical position, one antenna mast mounted to a ground-mounted pole measuring a total of 15 feet in height, and associated equipment. Both ground-mounted poles will be supported by piers and bolted to a concrete pad measuring two by ten feet. The proposed facility will be located adjacent to the existing water tanks at 257 Essex Way near Panorama Drive.

The associated equipment will consist of a battery bank, transfer switch, and control panel mounted to the concrete pad.

Access to the facility is via an existing road with two secured gates at the northern terminus of Essex Way.

## B. Project Analysis

### Zoning Ordinance Consistency:

The site has a Zoning and General Plan designation of Open Space. Per Section 17.36.040 of the Benicia Municipal Code, the regulations of the nearest base district shall apply to the use; Thus, Single-Family Residential (RS) shall be used as the base district.

Wireless communication facilities are regulated under Section 17.70.250, which establish development standards, in accordance with federal law and state rules and regulations, for antenna and wireless communication transmission. Wind energy conversion systems are regulated under Chapter 17.86 of the Benicia Municipal Code, which establishes regulations and standards as long as certain standards for design, construction, and performance are met.

### General Plan Consistency:

General Plan Goal 2.43 is to “*allow installation of telecommunications equipment and distribution networks that maintain and protect health, safety, and quality of life and avoid visual clutter.*” The installation of the proposed antenna mast will be consistent with that goal because it will provide high-speed Internet service to customers in the Industrial Park area. In addition, the facility is located adjacent to existing water tanks, which give the pole-mounted facility a backdrop. The facility is also on a site with several other wireless facilities to consolidate any visual clutter.

### Public Health and Safety:

The Federal Communication Commission (FCC) sets the limits for human exposure to radio frequency electromagnetic fields. According to the attached Electromagnetic Field (EMF) Study submitted by Broadcast Engineering Services, the proposed facility will generate less than one half percent of the allowable limit set by the FCC. Therefore, the proposed facility installation will not create any nuisance or be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

### Findings:

Pursuant to Section 17.104.060, all use permits shall require the following findings:

- a) The Planning Commission finds that the proposed development is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purposes of the Open Space (OS) zoning district. *The purpose of Open Space is to provide a suitable classification for large public or private sites permanently designated for park or open space use. Minor utilities are a permitted use in the Open Space zoning district and this site currently houses City water tanks and other wireless communication facilities.*
- b) The proposed location of the wireless communications facility and the proposed conditions of approval will be consistent with the General Plan and with Title 17 of the Benicia Municipal Code and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the

general welfare of the city. *The proposed facility is in compliance with all FCC regulations and is consistent with the Benicia Municipal Code and the General Plan.*

- c) The proposed use will comply with the provisions of Title 17 (Benicia Zoning Ordinance), including specific conditions required for use in the district in which it will be located. *The proposed wind energy/wireless communications facility complies with the Benicia Municipal Code, Title 17 and all applicable conditions required in the Open Space (OS) zoning district.*

In addition to the findings listed above, the following five additional wireless communication facility findings are required pursuant to Benicia Municipal Code, Section 17.70.250 (H):

- a) The proposed location of the project and the conditions under which it would be operated and maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity *because the proposed wind energy/wireless communications facility will be installed at a secured site that houses City water tanks and several wireless facilities that is not accessible to the general public.*
- b) Development of the proposed facility as conditioned will not significantly affect any designated visual resources, environmentally sensitive resources, community character resources; or, that there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed wireless communications facility as conditioned *because this site is consistent with Benicia Municipal Code Section 17.70.250(E)(5), which strongly encourages collocation whenever feasible. This site currently has several existing wireless facilities and the proposed facility would not pose any significant impact to surrounding parcels.*
- c) The proposed facility is in compliance with all FCC regulations *because based on the EMF Study performed by Broadcast Engineering Services dated August 16, 2010, the proposed wind energy/wireless facility complies with the prevailing FCC standards and regulations for limiting public exposure to radio frequency energy.*
- d) The proposed location and design of the project and the conditions under which it would be operated or maintained will be consistent with all elements of the Benicia General Plan *because the use is allowed in the Open Space zoning district and is consistent with all requirements in the zoning ordinance and meets the goals of the General Plan.*
- e) The proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be visually compatible with the physical design aspects *because it is consistent with the design criteria located in section 17.70.250(F) and there are several other communication facilities at this site, so it will not add to any visual clutter.*

### C. Conclusion

Based on the foregoing analysis, staff recommends that the Planning Commission approve the Use Permit to install a new wind energy/wireless communication facility consisting of one wind turbine mounted to a ground-mounted pole measuring 21 feet 8 inches from grade to the top of blade in a vertical position, one antenna mast mounted to a ground-mounted pole measuring a total of 15 feet in height, and associated equipment located near the water tanks at 257 Essex Way, based on the findings, and subject to the conditions listed in the attached resolution and as discussed during the public hearing.

### **FURTHER ACTION:**

The Planning Commission's action will be final unless appealed to the City Council within ten business days.

### Attachments:

- Draft Resolution
- Project Plans
- Photographs
- EMF Study
- Wind Turbine Data

**DRAFT RESOLUTION**

**RESOLUTION NO. 10-\_\_ (PC)**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF BENICIA APPROVING A USE PERMIT FOR INSTALLATION OF  
A WIND ENERGY/WIRELESS COMMUNICATION FACILITY AT 257 ESSEX WAY,  
APN: 083-210-210  
(USE PERMIT 10PLN-00042)**

**WHEREAS**, iSystems Technology has requested Use Permit approval for a wind energy/wireless communications facility at 257 Essex Way; and

**WHEREAS**, the Planning Commission at a regular meeting on September 8, 2010, conducted a public hearing and reviewed the proposed project;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Planning Commission of the City of Benicia hereby approves the wind energy/wireless communications facility based on the following findings;

- a) That the proposed development is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purposes of the Open Space (OS) zoning district. *The purpose of Open Space is to provide a suitable classification for large public or private sites permanently designated for park or open space use. Minor utilities are a permitted use in the Open Space zoning district and this site currently houses City water tanks and other wireless communication facilities.*
- b) The proposed location of the wireless communications facility and the proposed conditions of approval will be consistent with the General Plan and with Title 17 of the Benicia Municipal Code and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city. *The proposed facility is in compliance with all FCC regulations and is consistent with the Benicia Municipal Code and the General Plan.*
- c) The proposed use will comply with the provisions of Title 17 (Benicia Zoning Ordinance), including specific conditions required for use in the district in which it will be located. *The proposed wind energy/wireless communications facility complies with the Benicia Municipal Code, Title 17 and all applicable conditions required in the Open Space (OS) zoning district.*
- d) Pursuant to Benicia Municipal Code, Section 17.70.250(H), the proposed location of the project and the conditions under which it would be operated and maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity *because the proposed wind energy/wireless communications facility will be installed at a secured site that houses City water tanks and several wireless facilities that is not accessible to the general public.*

- e) Development of the proposed facility as conditioned will not significantly affect any designated visual resources, environmentally sensitive resources, community character resources; or, that there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed wireless communications facility as conditioned *because this site is consistent with Benicia Municipal Code Section 17.70.250(E)(5), which strongly encourages collocation whenever feasible. This site currently has several existing wireless facilities and the proposed facility would not pose any significant impact to surrounding parcels.*
- f) The proposed facility is in compliance with all FCC regulations *because based on the EMF Study performed by Broadcast Engineering Services dated August 16, 2010, the proposed wind energy/wireless facility complies with the prevailing FCC standards and regulations for limiting public exposure to radio frequency energy.*
- g) The proposed location and design of the project and the conditions under which it would be operated or maintained will be consistent with all elements of the Benicia General Plan *because the use is allowed in the Open Space zoning district and is consistent with all requirements in the zoning ordinance and meets the goals of the General Plan.*
- h) The proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be visually compatible with the physical design aspects *because it is consistent with the design criteria located in section 17.70.250(F) and there are several other communication facilities at this site, so it will not add to the visual clutter.*

**BE IT FURTHER RESOLVED THAT** the Benicia Planning Commission hereby approves the proposed project subject to the following conditions:

1. The plans and maps submitted for approval and development of the site shall be in substantial compliance with the plans dated August 30, 2010 prepared by Mark Thieme Architect consisting of four sheets on file in the Public Works & Community Development Department.
2. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Public Works & Community Development Director, if the application for time extension is received prior to the end of the initial two year deadline and there has been no change in the City's development policies which affect the site and there is no change in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.
3. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.

4. Applicant must finalize lease agreement between iSystems and City of Benicia before obtaining a building permit and an encroachment permit.
5. Existing water facilities and appurtenances shall be protected in place. Any damages incurred as a result of this project to City facilities and appurtenances will be immediately repaired at the sole cost and expense of iSystems Technology.
6. Antennas, support structures and related equipment shall be removed within 90 calendar days of the discontinuation of the use of a wireless communication facility and the site shall be restored to its previous condition. The applicant shall notify the Public Works & Community Development Department in writing of the intent to remove the facility within 30 days prior to discontinuance.
7. The operator of a wireless communication facility must correct interference problems experienced by any person or entity with respect to equipment such as television, radio, computer, and telephone reception or transmission that are caused by the facility. The operator shall be responsible for all labor and equipment costs for determining the source of the interference and all costs associated with eliminating the interference.
8. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Public Works & Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

\* \* \* \* \*

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the above Resolution was adopted by the Planning Commission of the City of Benicia at a regular meeting of said Commission held on September 8, 2010 by the following vote:

Ayes:  
Noes:  
Absent:

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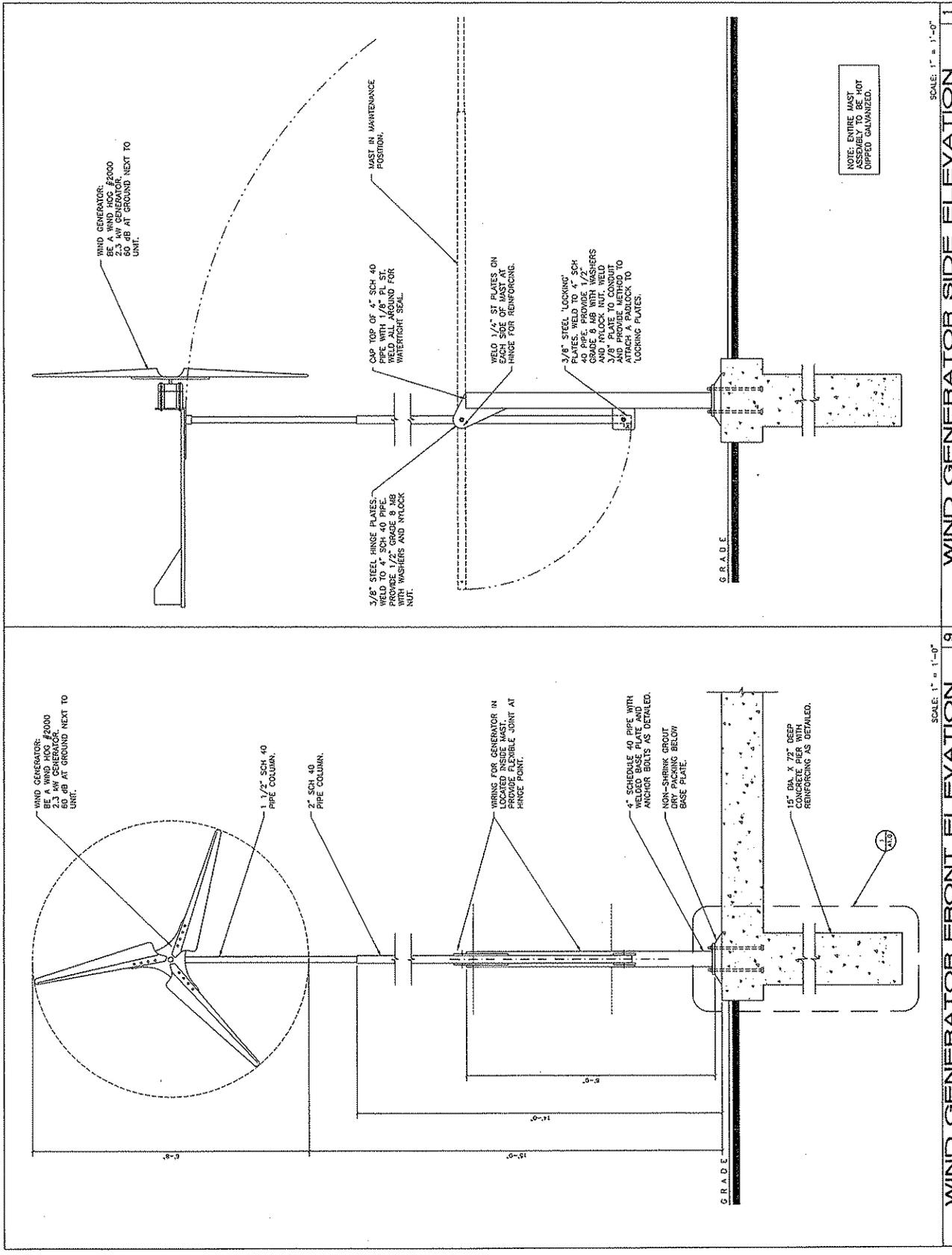
Dan Healy  
Planning Commission Chair

# **PROJECT PLANS**









**M. A. R. K. ARCHITECTS**  
 77 Sheep Scure  
 Suite 104  
 Berkeley, CA 94710  
 Fax: 707.748.7150  
 Fax: 707.841.0102

**iSystems Technology**  
**Benicia Industrial Park**  
 Wireless Internet Mast + Wind Generator  
 257 Essex Way  
 Benicia, CA 94510  
 CONTRACTOR:



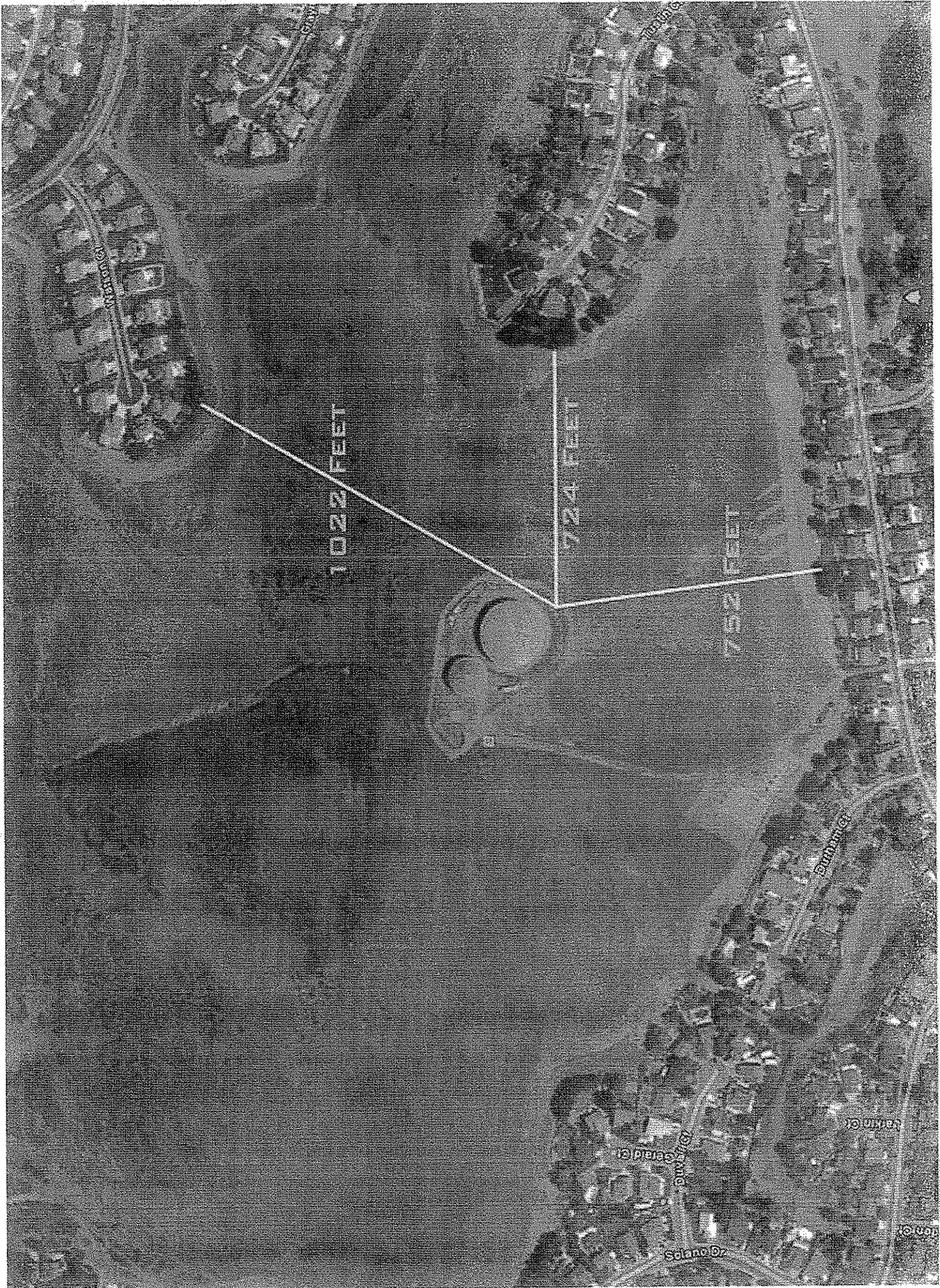
NO.	DATE	BY	REVISION
1	10/15/00	MARK	ISSUE FOR PERMITS
2	11/15/00	MARK	REVISED FOR CONSTRUCTION
3	12/15/00	MARK	REVISED FOR CONSTRUCTION
4	01/15/01	MARK	REVISED FOR CONSTRUCTION
5	02/15/01	MARK	REVISED FOR CONSTRUCTION
6	03/15/01	MARK	REVISED FOR CONSTRUCTION
7	04/15/01	MARK	REVISED FOR CONSTRUCTION
8	05/15/01	MARK	REVISED FOR CONSTRUCTION
9	06/15/01	MARK	REVISED FOR CONSTRUCTION
10	07/15/01	MARK	REVISED FOR CONSTRUCTION
11	08/15/01	MARK	REVISED FOR CONSTRUCTION
12	09/15/01	MARK	REVISED FOR CONSTRUCTION
13	10/15/01	MARK	REVISED FOR CONSTRUCTION
14	11/15/01	MARK	REVISED FOR CONSTRUCTION
15	12/15/01	MARK	REVISED FOR CONSTRUCTION
16	01/15/02	MARK	REVISED FOR CONSTRUCTION
17	02/15/02	MARK	REVISED FOR CONSTRUCTION
18	03/15/02	MARK	REVISED FOR CONSTRUCTION
19	04/15/02	MARK	REVISED FOR CONSTRUCTION
20	05/15/02	MARK	REVISED FOR CONSTRUCTION
21	06/15/02	MARK	REVISED FOR CONSTRUCTION
22	07/15/02	MARK	REVISED FOR CONSTRUCTION
23	08/15/02	MARK	REVISED FOR CONSTRUCTION
24	09/15/02	MARK	REVISED FOR CONSTRUCTION
25	10/15/02	MARK	REVISED FOR CONSTRUCTION
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98	11/15/08	MARK	REVISED FOR CONSTRUCTION
99	12/15/08	MARK	REVISED FOR CONSTRUCTION
100	01/15/09	MARK	REVISED FOR CONSTRUCTION

# **PHOTOGRAPHS**

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CITY OF BENICIA  
COMMUNITY DEVELOPMENT



iSystems Technology Wireless Coverage Map  
Benicia Industrial Park  
R-3 Repeater Coverage



1022 FEET

724 FEET

752 FEET

Weston Ct

Thorne

Sciano Dr

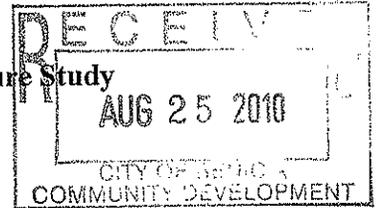
Summit Ct

Summit Ct

Summit Ct

**ELECTRO MAGNETIC FIELD (EMF)  
RADIO FREQUENCY HUMAN EXPOSURE STUDY**

**Electro Magnetic Field (EMF) Radio Frequency Human Exposure Study**  
**R3-Reservoir Site, Benicia, CA 94510**  
**August 16, 2010**



## **Introduction**

This report is a study of Electro Magnetic Field (EMF) / Radio Frequency Radiation from the proposed location R3-Reservoir Site, Benicia, California 94510 operating WiMAX radio links. This report has been prepared to address Human RF Radiation exposure to workers and the general public. This report addresses RF exposure at the Occupational/Controlled Exposure and General Population/Uncontrolled Exposure levels.

## **Recommendations**

Calculations show there will be no impact to public health due to Electro Magnetic Field (EMF)/ Radio Frequency Radiation from the proposed construction and operation of these WiMAX radio links to the General Public or Workers. The total EMF generated will be less than one half percent of the allowable limit set by the FCC.

## **Definitions**

Radio Frequency exposure limits are as defined in the Federal Communications Commission OET Bulletin No. 65, August 1997, page 67.

For exposure in an Occupational/Controlled environment situation the ANSI Limit is defined as 5 mw/cm squared, in the band of frequencies under investigation.

For exposure in a General Population/Uncontrolled environment situation, the ANSI Limit defined is 1 mw/cm squared, in the band of frequencies under investigation.

For more detailed technical explanations and definitions, the reader should consult Bulletin OET-65, 1997.

## **Calculations and Findings**

All calculations are made under the following assumptions

- 1- The transmit antennas to be used are one Model WLAN-A0043 and one WLAN-A0044 with a maximum gain of 20 dBi in the major beam lobe (Gain Factor of 100) at a center of radiation 396 centimeters above ground level (196 centimeters above head level of a person standing below the antennas). Also, two antennas Model S49016120PNF with a maximum gain of 15.5 dBi (Gain Factor of 35.5) at a center of radiation 335 centimeters above ground level (135 centimeters above head level of a person standing below the antennas).

- 2- Input power maximum to any antenna will be 300 milliwatts.
- 3- Calculations are based on a worse-case scenario where any antenna may be improperly installed or in the instance of coming loose from the mounting causing the antenna to point straight down thereby radiating all signals towards the ground.

Antenna Gain Factors are not provided by the manufacturer so must be calculated before we can calculate Power Density. (db = the db gain of the antenna in question provided by the manufacturer)

$$G=10 \text{ db}/10$$

For the Model WLAN-A0043 and WLAN-A0044 antennas

$$10^{20/10} = 100$$

For the Model S49016120PNF antennas

$$10^{15.5/10} = 35.5$$

Power Density is calculated by the following formula (OET 65 page 19):

$$S=PG/4\pi R^2$$

S= Power Density expressed as milliwatts per centimeter squared.

P= Power input to the antenna in milliwatts.

G= Power gain of the antenna in the direction of interest relative to an isotropic radiator

R= Distance to the center of radiation of the antenna in centimeters to a person's head level standing below the antenna.

Therefore Power Density-

For the Model WLAN-A0043 and WLAN-A0044 antennas

$$S = 300 \times 100 / 4\pi 196^2 = .062$$

From this calculation we can conclude exposure at any persons head-level will be 0.062 percent of the allowable Public Exposure Limit and 0.012 percent of the allowable Occupational / Controlled Environment Exposure Limit for workers.

For the Model S49016120PNF antennas

$$S = 300 \times 100 / 4\pi 135^2 = .13$$

From this calculation we can conclude exposure at any persons head-level will be 0.13 percent of the allowable Public Exposure Limit and 0.026 percent of the allowable Occupational / Controlled Environment Exposure Limit for workers.

### **Final Power Density Calculation Results**

So, the combined worse case Power Density of all antennas will be:

$$\text{Public Exposure Limit percentage} = .062 + .062 + .13 + .13 = \mathbf{0.384}$$

$$\text{Occupational/Controlled Environment Exposure Limit} = .012 + .012 + .026 + .026 = \mathbf{0.076}$$

### **Statement**

I have over 30 years of experience in broadcast related engineering practices, including but not limited to RF exposure safety and am licensed by the Federal Communications Commission, License Number PG-12-26765. I certify that I have personally prepared this report and that the information contained herein is accurate to the best of my knowledge.



Thomas Driggers 8/16/2010

# **WIND TURBINE DATA**

## Wind Turbine Data – Be A Wind Hog Series 225 Wind Turbine

Overall Length of item fully assembled = 48"

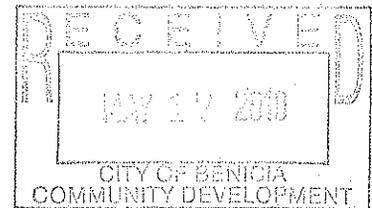
Width of chassis = 6"

Tail: 34"

12" x 12" x 1/8" Thick Tail Fin Plate

Tail stem: 3/4"x3/4"x1/8" Chromoly Tubing

Chassis "L" bracket: 6"x13"x 3/16" Mild Steel



Alternator is affixed on front with oversized 3/4"x3/4" alternator spacers.

6" grade 5 bolts affix alternator to chassis.

Alternator shaft is 17mm with dual stainless alternator bearings.

Hub is 1/4" 3 prong Stainless 304L Plate.

Hub will be impacted on with locking washer.

Blades are 6061 1/8" thick with 1/4" 304L stainless bolts for fasteners with locking washers.

Wire exiting Alternator is 14 gauge extreme wire for flexibility up to 80 below zero without cracking. Wire is pretinned for use in marine environments.

Slip ring is 4" long by 1.12" wide with 14 gauge extreme wire exiting both ends. Inside connections are welded to stainless bearings for longevity in high moisture environments.

Slip ring is encased in 1/8" thick pvc.

Wires from top of slip ring will solder and be heat shrunk with polyolefin tubing to ensure no corrosion will occur.

The same for the bottom of the slip ring to the transport wire.

Voltage exiting the alternator will be 0 - 160 volts AC per phase. Frequency is 1hz per rpm.

Supplied wire is 12/3 direct burial wire 100'

Controller is built in a UL certified Thomas and Betts Electrical junction box. 6x6x4

4 1/4" zinc plated studs will attach 6 gauge or larger ring terminals with 6 gauge or larger wire to the battery {s} and the controllers' battery output and dumpload output to a dumpload

3 1/4" zinc plated studs will attach 10 gauge or larger ring terminals to the 3 phase input of the controller from the transport 12/3 of the turbine.

This turbine is ROHS compliant. Strict electrical topology fits into the UL Wind turbine topology guidelines.

Blade diameter is 80" - Each blade is 35" long - Hub is 14" in diameter.

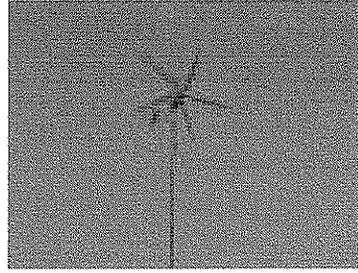
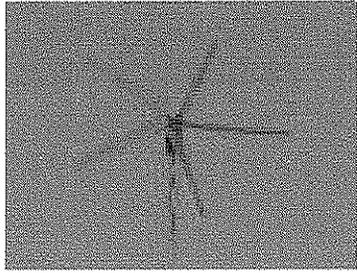
total weight of turbine is 49lbs

total weight of package for shipping is 68lbs.

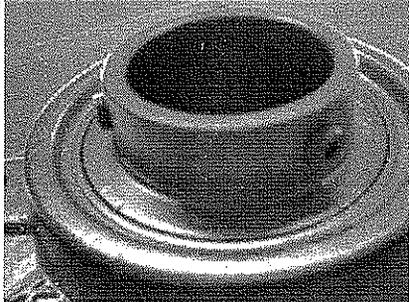
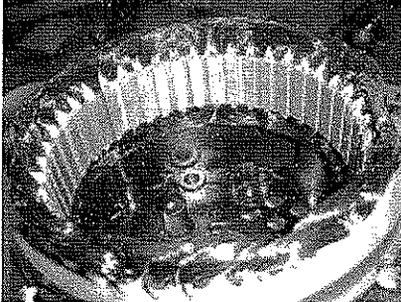
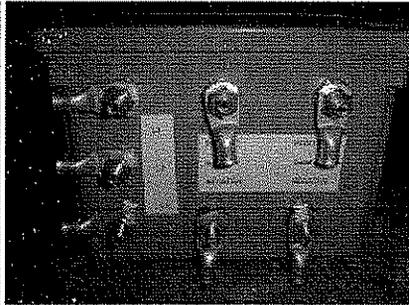
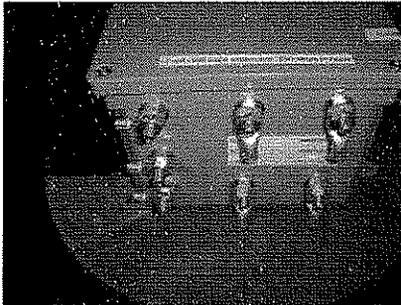
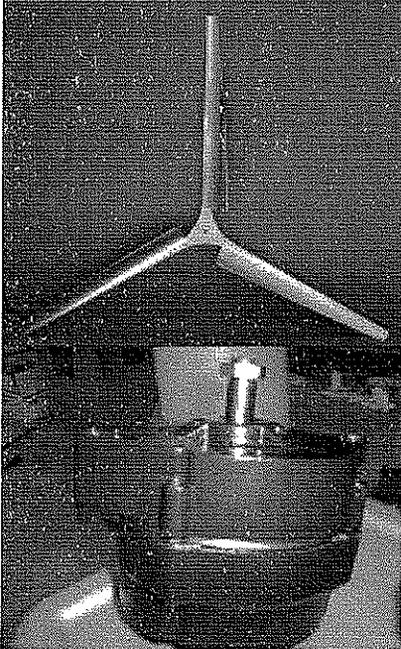
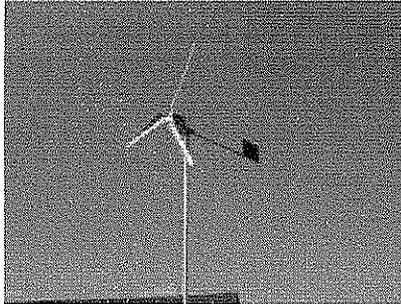
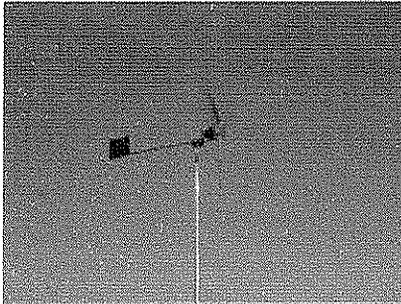
Survival wind speed is 118mph

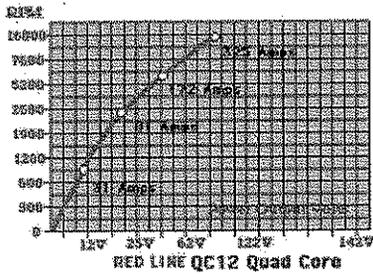
Noise Generation – 60 dB at base of tower

Output is dependent on wind consistency therefore a RPM chart has been used to show output curve.



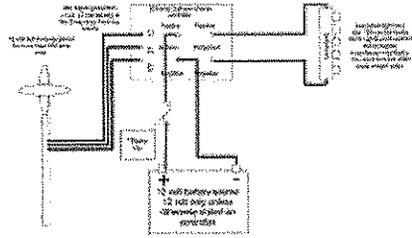
**Wind Turbine Photos**





Output Power Curve 48 volt model

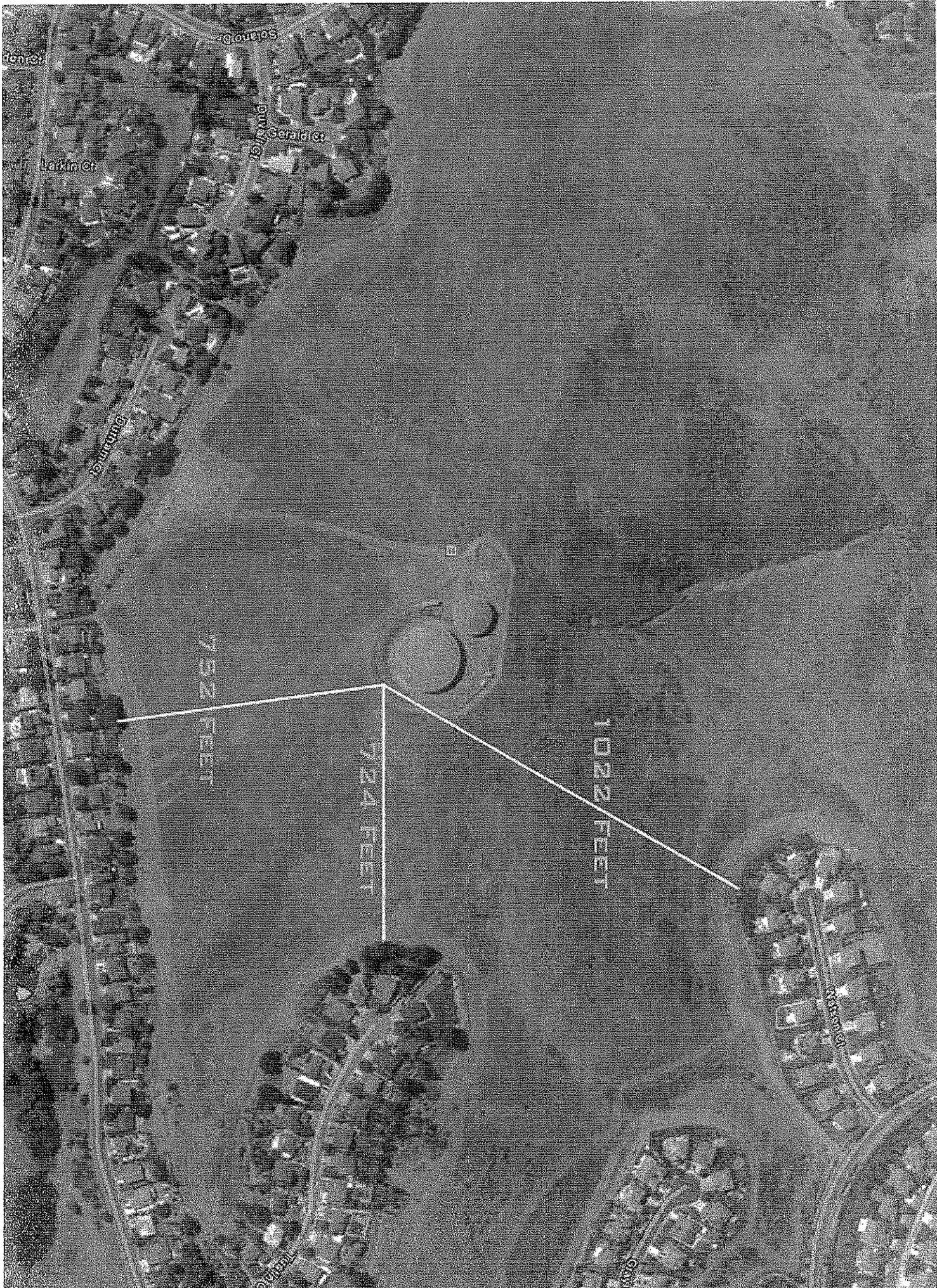
0	0
200	2
500	8
1000	14
1500	20
2000	25
2500	28
3000	30
3500	35
4000	40
4500	42
5000	45
rpm's	amps



A 12V plug-in control system provides simple one-step operation with a single wire at the standard 12V output.



The 12V plug-in control system provides simple one-step operation with a single wire at the standard 12V output. The 12V plug-in control system provides simple one-step operation with a single wire at the standard 12V output.



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CITY OF BENICIA  
COMMUNITY DEVELOPMENT



iSystems Technology Wireless Coverage Map  
Benicia Industrial Park  
R-3 Repeater Coverage

**AGENDA ITEM**  
**PLANNING COMMISSION MEETING: SEPTEMBER 8, 2010**  
**REGULAR AGENDA ITEMS**

**DATE** : August 9, 2010

**TO** : Planning Commission

**FROM** : Lisa Porras, Senior Planner

**SUBJECT** : **VARIANCE TO ALLOW AN EXISTING 20 FT WIDE LANDSCAPE STRIP TO SATISFY THE DESIGN STANDARDS FOR PARKING LOTS IN RESIDENTIAL ZONE DISTRICTS AT 370 EAST L STREET, BENICIA COMMUNITY CENTER**

**PROJECT** : 10PLN-66 (Variance)  
370 East "L" Street  
APNs: 088-151-150 & 088-153-150

**RECOMMENDATION:**

Staff recommends that the Planning Commission hold a public hearing, consider public testimony and other relevant documents and approve a Variance from the 10 ft. wide onsite perimeter planting strip requirement at the new Benicia Community Center located at 370 East "L" Street based on the findings, and subject to conditions listed in the attached Record of Decision and as discussed during the public hearing.

**EXECUTIVE SUMMARY:**

The City of Benicia proposes to make modifications to the former Mills Elementary School. Under a lease agreement for forty (40) years with two ten (10) year options, the Parks and Community Services Department will occupy the existing structures for office space, programs, conference rooms, arts and crafts, and classrooms as part of their regular program of community services. Exterior modifications include removing the existing asphalt playground and replacing it with a new low-impact development oriented parking lot. Benicia Municipal Code Section 17.70.190 (E) requires the parking lot to include a 10-foot wide perimeter planting area alongside East "L" Street. Immediately north of the site's proposed parking lot is an existing 20 ft. wide landscape strip along East "L" Street located in the public right-of-way. The objective is to utilize a pre-existing site feature and existing surroundings to meet the intent of the City's requirement for a 10 ft. wide landscaped area.

**ENVIRONMENTAL ANALYSIS:**

This project is exempt from the California Environmental Quality Act under Article 19, Categorical Exemptions, Section 15301, Existing Facilities, and 15302, Replacement or Reconstruction.

**BACKGROUND:**

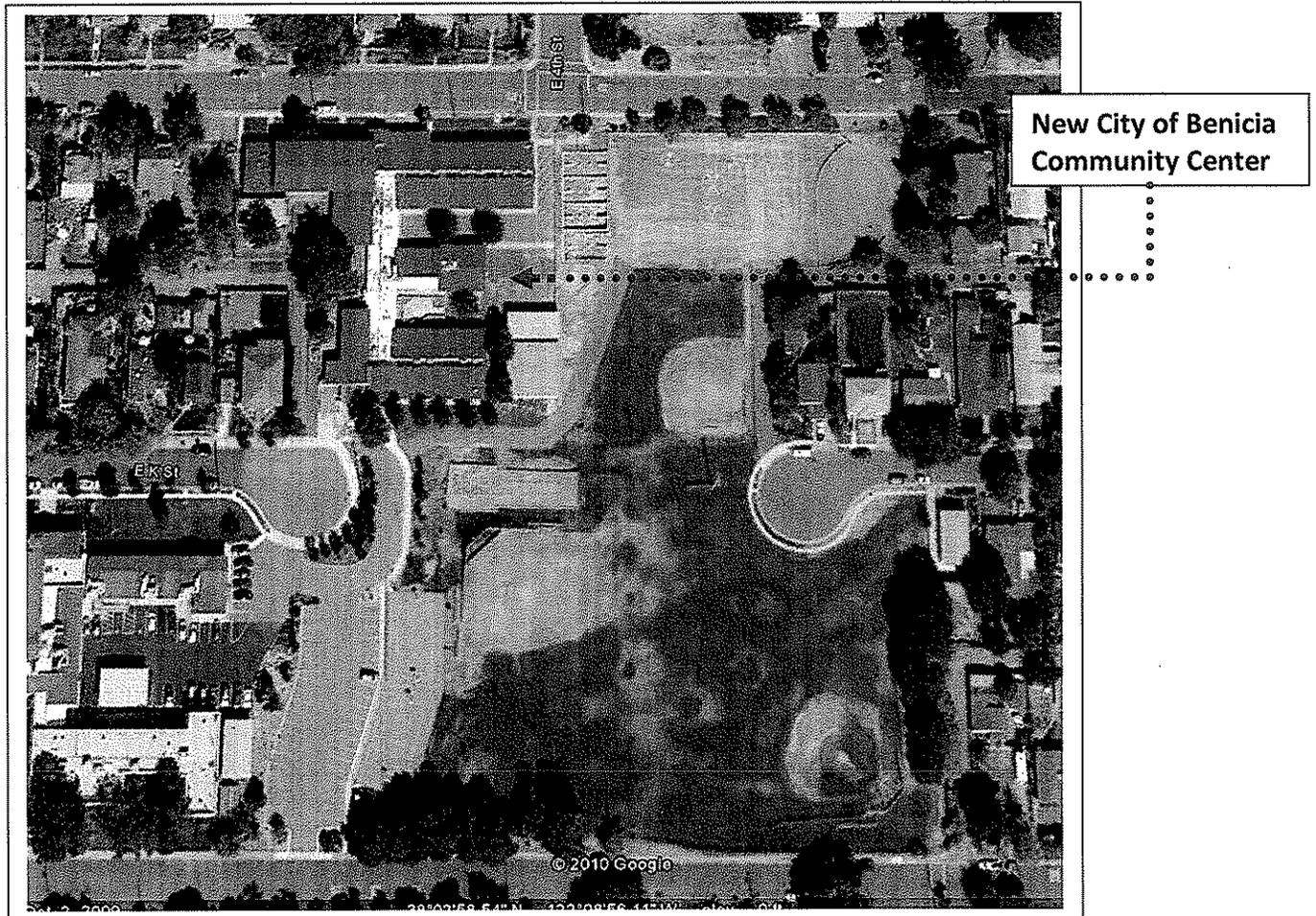
Applicant:	City of Benicia Parks and Community Services Department
Owner:	Benicia Unified School District
General Plan designation:	Public and QuasiPublic
Zoning Designation:	Public and Semi-Public (PS); With applied development standards using Single Family Residential (RS)
Existing Use:	Vacant Buildings (formerly an elementary school)
Adjacent zoning:	
North:	RS, RM, and RH
East:	RS
South:	PS
West:	RS

**SUMMARY:**

Project Description

The project is bound by East “L” Street to the north and East “K” Street to the South.

Figure 1. Site Location



New Parking Lot

A new parking lot of approximately 46,170 square feet consisting of 49 parking stalls (including four handicapped spaces) will be provided and designed with low-impact development techniques. The parking spaces are the standard size and will be constructed with permeable pavers. Drive aisles are asphalt. The proposed lighting plan is likely to include installation of photovoltaic solar panel carports, which would be located over the parking stalls. However, if and when this occurs, a separate design review process would need to be initiated. Designated areas set aside for future landscaping are also proposed as part of the overall site design. The overall landscape design, including plant materials, will be designed by high school students and will be submitted for approval to the Public Works and Community Development Director at a future date.

To the north of the parking lot is an existing 20 ft. wide landscape strip located in the public-right-of-way. The Variance request is to eliminate the Code’s requirement of a 10 ft. wide landscape strip along the south side of the property line due to the presence of an existing 20 ft. wide landscape strip along East L Street.

Figure 2. Existing 20-ft. wide landscape strip along East L Street.



Development Regulations, Benicia Municipal Code 17.40.040

For uses that do not require a Use Permit in the PS Zone District, the development regulations of the nearest base district shall apply to the use. Staff has determined that the nearest base district is Single Family Residential (RS).

<b>DEVELOPMENT REGULATIONS</b>	<b>BMC STANDARDS</b>	<b>PROPOSED PROJECT</b>
Minimum Landscaping (sq. ft.)	35%	52,993 (38.8%)
Off-Street Parking and Loading	Cultural, Government Offices, and Offices: 1 space per 300 sq. ft.	94 spaces required 0 existing on parcel, but 45 on adjacent lot to the south. Proposing 49 new spaces
Parking Dimensions (ft.)	9 x 18	9.1 x 18.5

DEVELOPMENT REGULATIONS	BMC STANDARDS	PROPOSED PROJECT
Parking Lot Landscaping	<p>-Parking lots shall have perimeter planting areas of 10 ft. wide along street, and 5 ft. wide along R district properties.</p> <p>-The end of each row of parking stalls shall be separated from driveways by a landscaped planter, sidewalk, or other means</p> <p>-A minimum of one tree per six spaces shall be distributed throughout the parking lot.</p>	<p>-The project will seek a Variance from this requirement due to an existing 20 ft wide landscaped right-of-way along L Street that will serve to meet the intent of this requirement.</p> <p>-Bollards to allow for infiltration will serve to meet this requirement.</p> <p>-A requirement to plant at least 8 trees to meet this requirement will be conditioned into project approval.</p>
Minimum Drive Aisle Width (ft)	If 90 degrees, then 24	25.5 and 25.75
Driveway Width	20 ft. 2-way	26 ft.
Screening of Mechanical Equipment	All exterior mechanical equipment shall be screened from view on all sides. Equipment includes such as , heating, air conditioning,refrigeration equipment, plumbing lines, ductwork, and transformers.	Added as a condition of approval.

Variance Findings, Benicia Municipal Code 17.108.040 and 17.108.010

Variance approval requires that projects meet three (3) criteria:

*That because of special circumstances or conditions applicable to the development site, including size, shape, topography, location or surroundings, strict application of the requirements of this title deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

An existing 20 ft. landscape strip in the public-right-of-way along East L Street is located immediately adjacent to the site and runs parallel to the northern property line. The intent of the Zoning Ordinance’s 10 ft. wide landscape strip to be placed along a street frontage in an R Zone District is to allow for a buffer between a between a vehicle-oriented parking lot and a pedestrian-oriented sidewalk. The existing 20 ft. wide landscape strip already provides a buffer in excess of the 10 ft. requirement, and strict application of the Code to require an additional 10

ft. wide strip would not only be moot, but also remove parking spaces that are needed to comply with the parking requirements and serve to provide adequate parking access to highly used public facility.

*That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.*

Allowing the existing 20 ft. wide landscape strip along East L to serve as the site's buffer between parking and pedestrian activity would not create a detriment to the surrounding area. Moreover, the existing landscape strip is 10 ft. wider than what the Code would otherwise require in this situation. Granting the Variance would allow other sections of the Code to be met, and overall the site's design and configuration results in a project that meets the intent of the Zoning Ordinance's development regulations.

*That granting the application is consistent with the purposes of this title and will not constitute a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.*

Granting Variance approval will not result in a project design that falls short of the intent of the Zoning Ordinance regulations. Allowing the existing context to serve to meet development regulations would result in a better designed project that maximizes onsite landscaping and provides the required parking. Allowing this Variance would not constitute a special privilege that the City could not otherwise support in a similar situation.

**FURTHER ACTION:**

The Planning Commission's action will be final unless appealed to the City Council within ten (10) business days from the date of approval.

**ATTACHMENTS:**

- Proposed Resolution
- Exhibit A – Project Plans

## **PROPOSED RESOLUTION**

**RESOLUTION NO. 10-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA  
APPROVING A VARIANCE TO ALLOW AN EXISTING 20 FT WIDE LANDSCAPE  
STRIP TO SATISFY THE DESIGN STANDARDS FOR PARKING LOTS IN  
RESIDENTIAL ZONE DISTRICTS AT  
370 EAST L STREET, BENICIA COMMUNITY CENTER**

**WHEREAS**, the City of Benicia has requested variance approval for the design of a parking lot at the new Benicia Community Center at 370 East L Street (APN 088-151-150 & 088-153-150); and

**WHEREAS**, on September 8, 2010 the Planning Commission conducted a public hearing, considered public testimony, information and materials and reviewed the proposed project;

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Benicia hereby finds that:

- A. That because of special circumstances or conditions applicable to the development site, including size, shape, topography, location or surroundings, strict application of the requirements of this title deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

An existing 20 ft. landscape strip in the public-right-of-way along East L Street is located immediately adjacent to the site and runs parallel to the northern property line. The intent of the Zoning Ordinance's 10 ft. wide landscape strip to be placed along a street frontage in an R Zone District is to allow for a buffer between a vehicle-oriented parking lot and a pedestrian-oriented sidewalk. The existing 20 ft. wide landscape strip already provides a buffer in excess of the 10 ft. requirement, and strict application of the Code to require an additional 10 ft. wide strip would not only be moot, but also remove parking spaces that are needed to comply with the parking requirements and serve to provide adequate parking access to a highly used public facility.

- B. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

Allowing the existing 20 ft. wide landscape strip along East L to serve as the site's buffer between parking and pedestrian activity would not create a detriment to the surrounding area. Moreover, the existing landscape strip is 10 ft. wider than what the Code would otherwise require in this situation. Granting the Variance would allow other sections of the Code to be met, and overall the site's design and configuration results in a project that meets the intent of the Zoning Ordinance's development regulations.

- C. That granting the application is consistent with the purposes of this title and will not constitute a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

Granting Variance approval will not result in a project design that falls short of the intent of the Zoning Ordinance regulations. Allowing the existing context to meet development regulations would result in a better designed project that maximizes onsite landscaping and provides the required parking. Allowing this Variance would not constitute a special privilege that the City could not otherwise support in a similar situation.

**BE IT FURTHER RESOLVED**, that the Planning Commission hereby approves the variance subject to the following conditions:

1. The plans submitted for the building permit and development and construction shall substantially comply with the submitted plans dated May 17, 2010 prepared by Cullen-Sherry & Associates, Inc. (sheets C1-C10) marked Exhibit A attached to this decision of record on file with the Public Works and Community Development Department, except as modified by the following conditions.
2. This approval shall expire two years from the date of approval, unless made permanent by the issuance of building permits and the commencement of construction.
3. Any change from the approved plans shall be submitted in writing to the Public Works and Community Development Director for review and consideration of approval prior to changes being made in the field.
4. This project shall adhere to all applicable ordinances, plans, and specifications of the City of Benicia.
5. The parking lot design and adjoining landscape areas must be designed to allow for safe pedestrian travel from the parking lot and connect to pedestrian pathways that lead to the Community Center. This design shall be submitted for review and consideration of approval by the Public Works and Community Development Director prior to seeking a building permit.
6. All rooftop equipment and ground-level mechanical equipment shall be fully screened from public view pursuant to Benicia Municipal Code 17.70.210. Screening positioning and materials shall be subject to the approval of the Community Development Director prior to the placement of the equipment.
7. A landscape plan, consistent with the requirements under BMC Section 17.70.190, including all design standards contained therein, must be submitted for review and

consideration of approval by the Public Works and Community Development Director prior to and installed before the issuance of a certificate of occupancy.

8. Applicant shall obtain coverage under the State Water Board's General Construction Permit as required by State law for projects that disturb more than 1 acre of land.
9. Applicant shall submit a Storm Water Control Plan that meets the City's Stormwater Control Plan Application Guidance in accordance with 15.64.040 of the Benicia Municipal Code.
10. Applicant shall obtain a "no fee" encroachment permit for work performed in street right-of-way and on City-owned easements.
11. Applicant shall maintain the landscape strip in the public right-of-way along East L Street for the life of the project.
12. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia and/or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, Historic Preservation Review Commission or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee or any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

\* \* \* \* \*

The foregoing decision was made by the Planning Commission on September 8, 2010.

Signed,

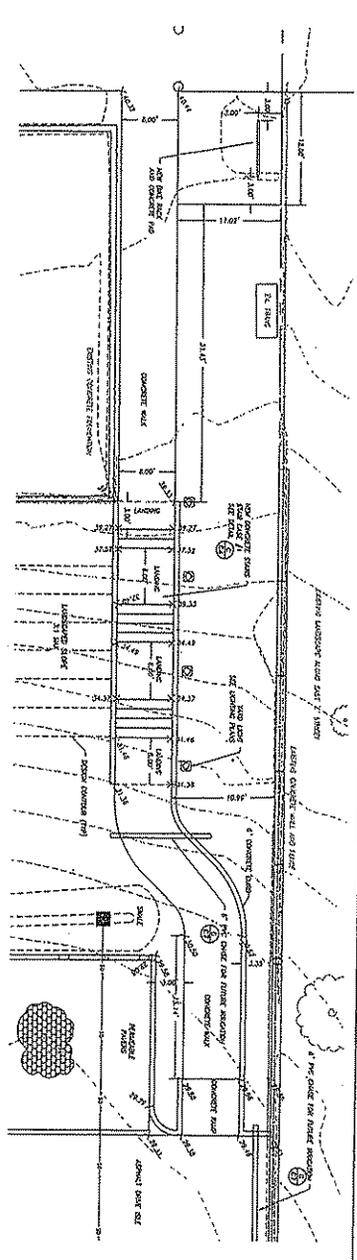
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Dan Healy  
Planning Commission Chair





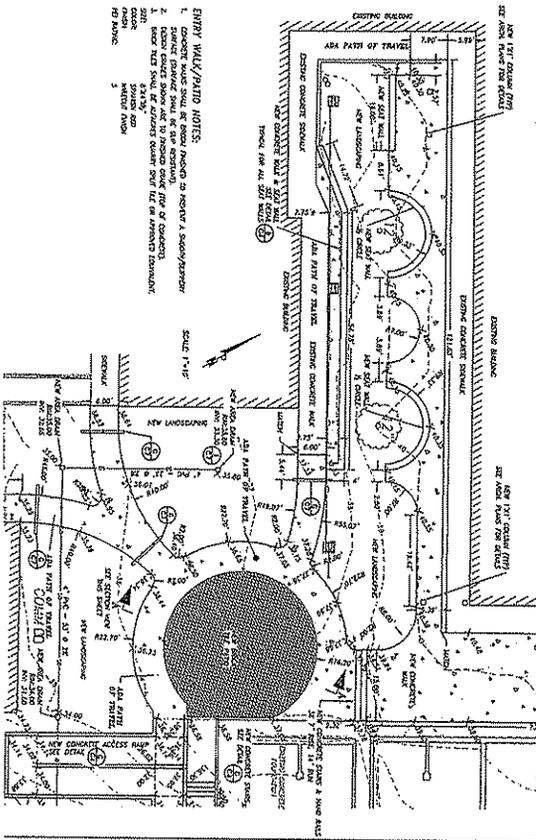
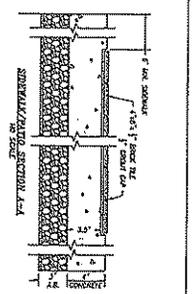




**NOTES**

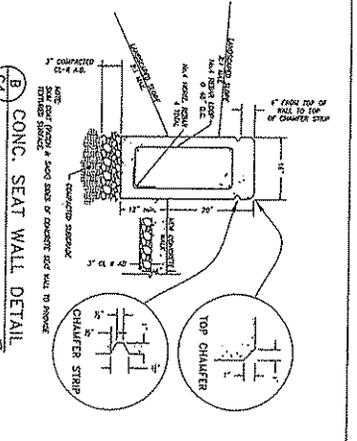
- CONCRETE SHALL BE 4000 PSI STRENGTH.
- REINFORCING SHALL BE #4 BARS.
- ALL REINFORCING SHALL BE WELDED TOGETHER AT JOINTS.
- ALL REINFORCING SHALL BE TIED TOGETHER AT JOINTS.
- ALL REINFORCING SHALL BE TIED TOGETHER AT JOINTS.

**D STAIR CASE #1 DETAIL**



**ENTRY WALKWAY/PAVING NOTES**

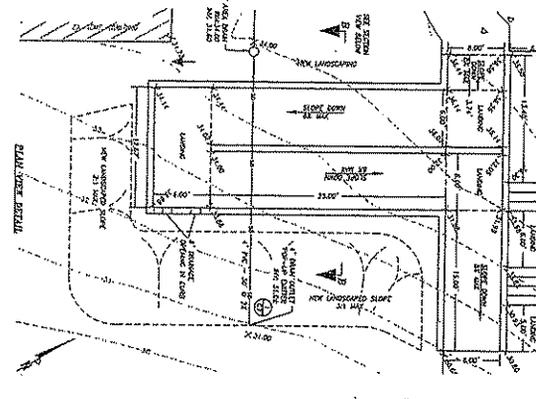
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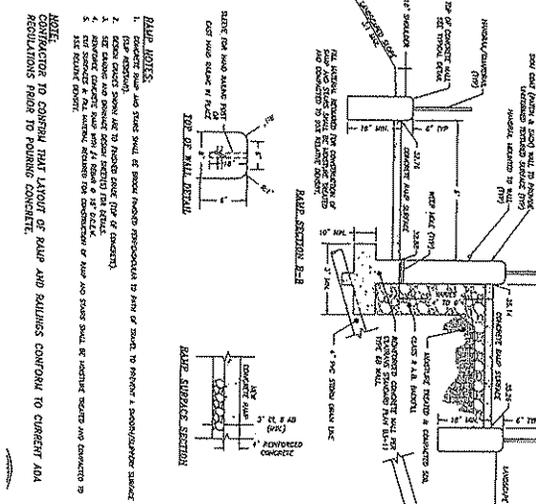
**B CONC. SEAT WALL DETAIL**

**REBAR NOTES**

- REBAR SHALL BE #4 BARS.

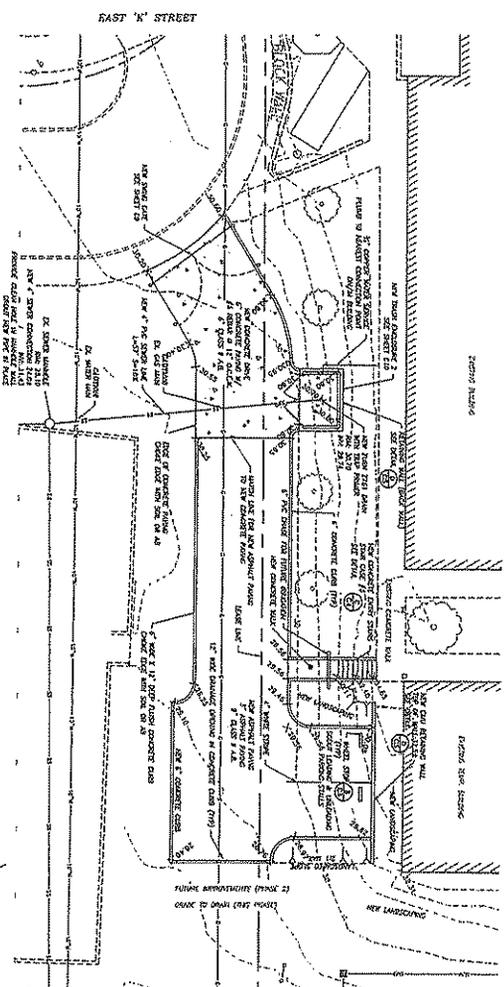


**TYPICAL CONCRETE STAIR SECTION**



**REBAR NOTES**

- REBAR SHALL BE #4 BARS.



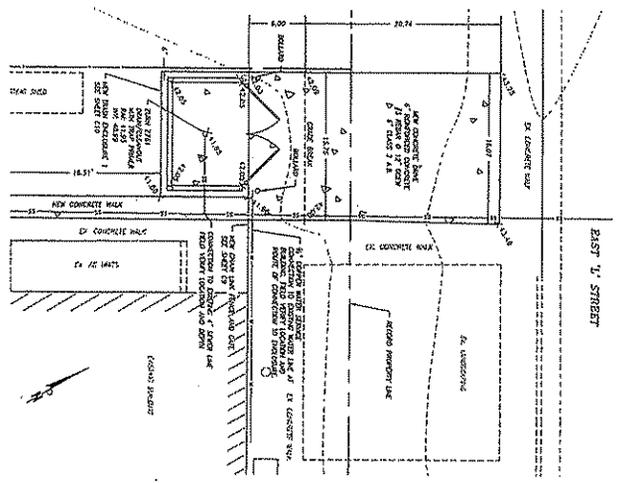
**SCOUT ENTRY DETAIL**

7-9



**NOTES:**

1. FOR NEW CONCRETE DETAILS AND WALLS, SEE DETAIL 10.
2. CONCRETE WALLS AND STEEL SHALL BE REINFORCED TO MATCH A SCHEDULED REINFORCEMENT (CONCRETE WALLS, SEE DETAIL 10).
3. REINFORCEMENT SHALL BE REINFORCED TO MATCH A SCHEDULED REINFORCEMENT (CONCRETE WALLS, SEE DETAIL 10).

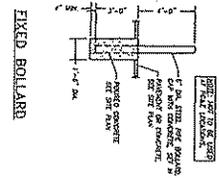
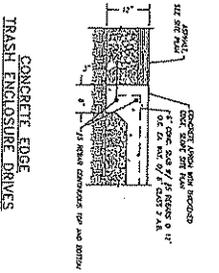
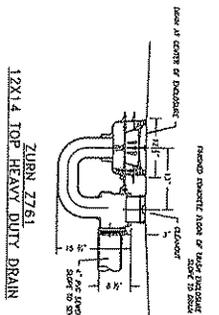
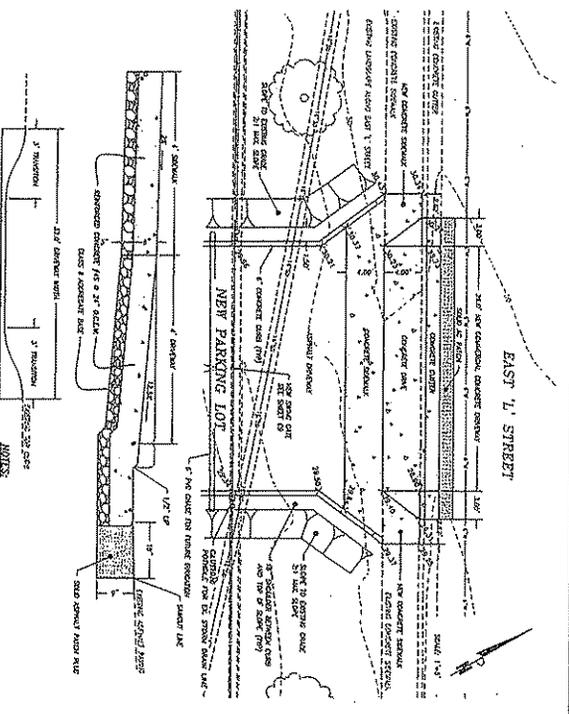


**DRIVEWAY DETAIL**

7-10

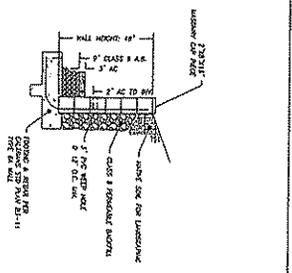
**NOTES:**

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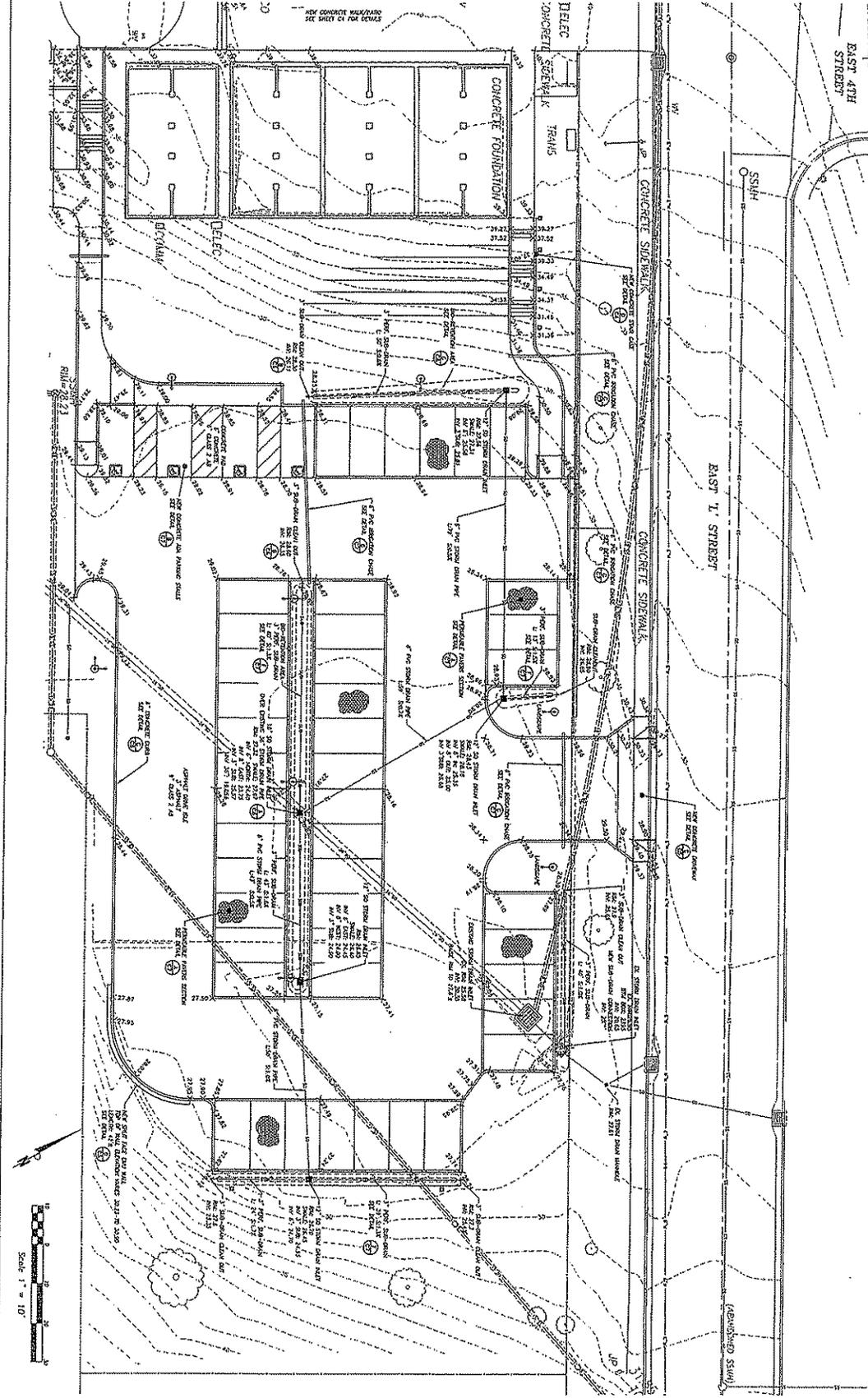
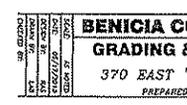
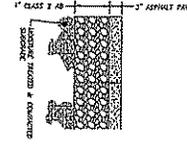
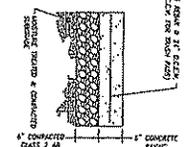
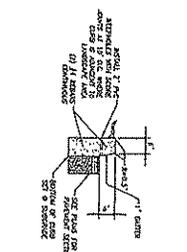
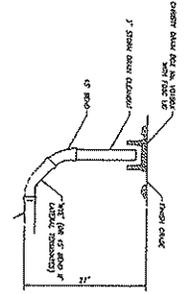
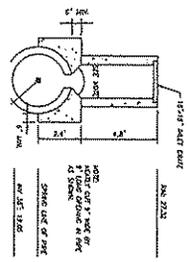


**CMU WALL DETAIL**

7-11



DATE	NO.	DESCRIPTION
08/11/2011	1	ISSUED FOR BIDDING
08/11/2011	2	REVISED PER CITY COMMENTS
08/11/2011	3	REVISED PER CITY COMMENTS
08/11/2011	4	REVISED PER CITY COMMENTS
08/11/2011	5	REVISED PER CITY COMMENTS
08/11/2011	6	REVISED PER CITY COMMENTS
08/11/2011	7	REVISED PER CITY COMMENTS
08/11/2011	8	REVISED PER CITY COMMENTS
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08/11/2011	48	REVISED PER CITY COMMENTS
08/11/2011	49	REVISED PER CITY COMMENTS
08/11/2011	50	REVISED PER CITY COMMENTS



**BID SET**

**BENICIA COMMUNITY CNTR  
GRADING & DRAINAGE PLAN**  
370 EAST 'L' STREET, BENICIA  
PREPARED FOR: CITY OF BENICIA



Cullen-Sherry & Associates, Inc.  
Civil Engineering - Surveying  
1000 Alameda Street, Suite A - P.O. Box 891  
Berkeley, California 94710  
(707) 842-9000 Fax (707) 745-9400 csa@csn-engineers.com

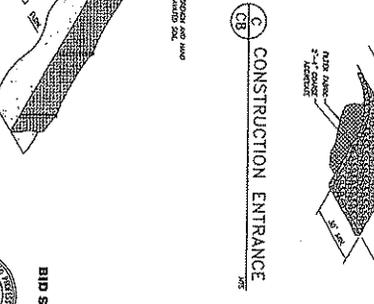
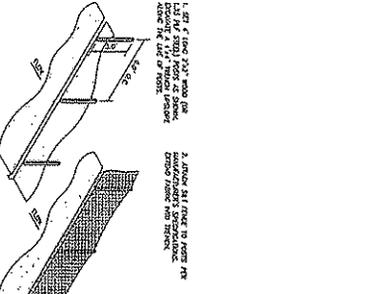
NO.	DESCRIPTION
1	CONCRETE SIDEWALK
2	CONCRETE FOUNDATION
3	ELECTRICAL TRAYS
4	GRADING & DRAINAGE
5	UTILITY LINES

NO.	DESCRIPTION
6	CONCRETE SIDEWALK
7	CONCRETE FOUNDATION
8	ELECTRICAL TRAYS
9	GRADING & DRAINAGE
10	UTILITY LINES



- GENERAL NOTES:**
1. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE REMOVED OR MODIFIED AS NECESSARY TO PROTECT THE SOIL SURFACE FROM EROSION AND TO MAINTAIN THE DESIRED GRADING AND DRAINAGE PATTERN.
  2. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE REMOVED OR MODIFIED AS NECESSARY TO PROTECT THE SOIL SURFACE FROM EROSION AND TO MAINTAIN THE DESIRED GRADING AND DRAINAGE PATTERN.
  3. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE REMOVED OR MODIFIED AS NECESSARY TO PROTECT THE SOIL SURFACE FROM EROSION AND TO MAINTAIN THE DESIRED GRADING AND DRAINAGE PATTERN.
  4. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE REMOVED OR MODIFIED AS NECESSARY TO PROTECT THE SOIL SURFACE FROM EROSION AND TO MAINTAIN THE DESIRED GRADING AND DRAINAGE PATTERN.
  5. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE REMOVED OR MODIFIED AS NECESSARY TO PROTECT THE SOIL SURFACE FROM EROSION AND TO MAINTAIN THE DESIRED GRADING AND DRAINAGE PATTERN.
  6. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE REMOVED OR MODIFIED AS NECESSARY TO PROTECT THE SOIL SURFACE FROM EROSION AND TO MAINTAIN THE DESIRED GRADING AND DRAINAGE PATTERN.
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  10. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE REMOVED OR MODIFIED AS NECESSARY TO PROTECT THE SOIL SURFACE FROM EROSION AND TO MAINTAIN THE DESIRED GRADING AND DRAINAGE PATTERN.

- GENERAL NOTES CONT.**
11. THE DESIGN AND CONSTRUCTION OF EROSION CONTROL MEASURES SHALL BE APPROVED BY THE LOCAL SOIL CONSERVATION DISTRICT.
  12. THE DESIGN AND CONSTRUCTION OF EROSION CONTROL MEASURES SHALL BE APPROVED BY THE LOCAL SOIL CONSERVATION DISTRICT.
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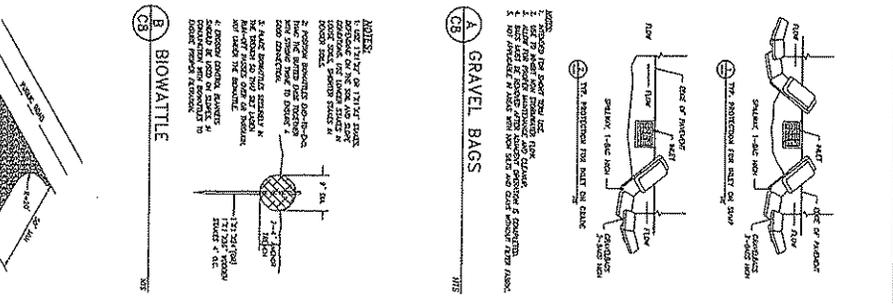
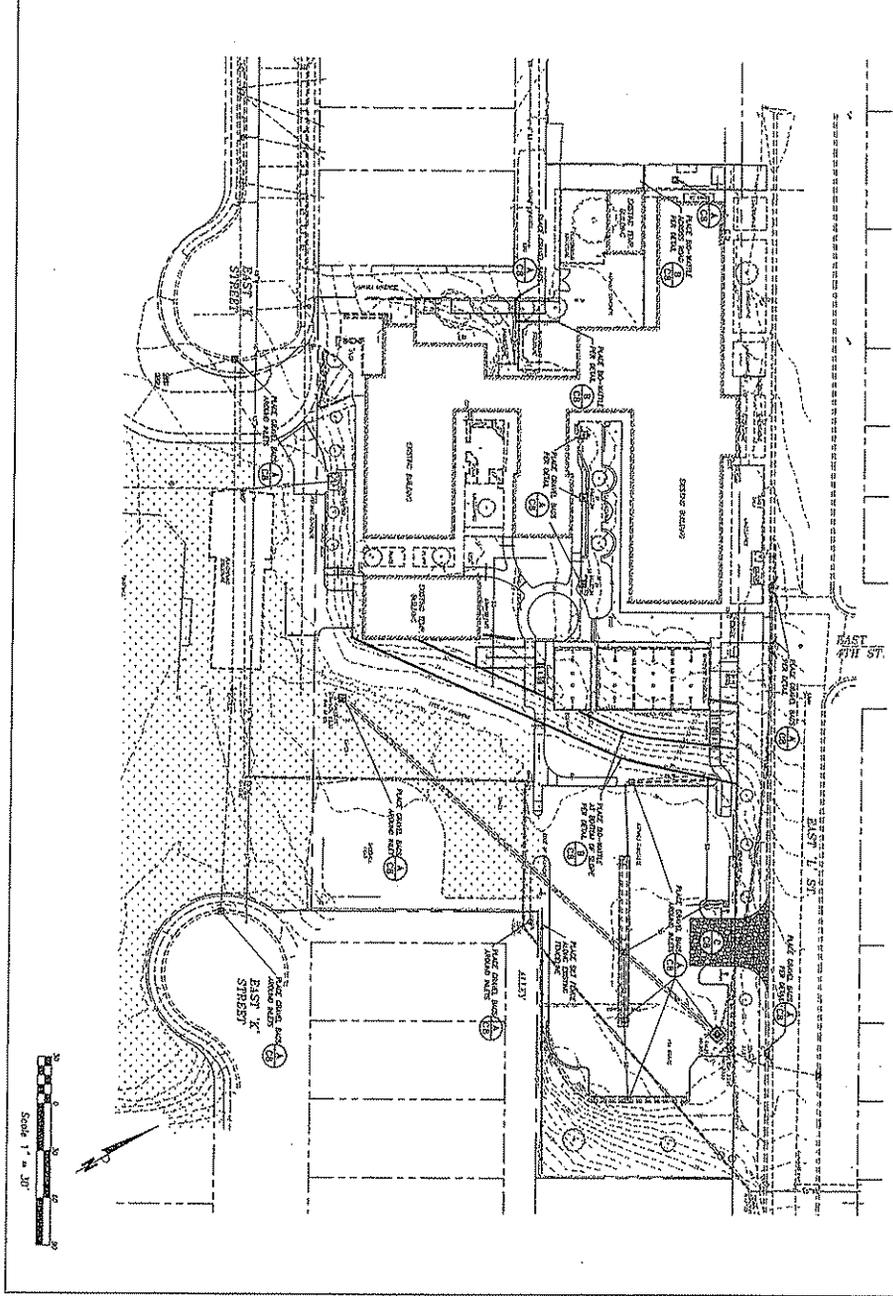


**BID SET**

1. SET 1 (SEE PLAN) FOR THE CONSTRUCTION OF THE EROSION CONTROL MEASURES.

2. OTHER SET (SEE PLAN) FOR THE CONSTRUCTION OF THE EROSION CONTROL MEASURES.

3. OTHER SET (SEE PLAN) FOR THE CONSTRUCTION OF THE EROSION CONTROL MEASURES.



**CSA** Cullen-Sherry & Associates, Inc.  
Civil Engineering - Surveying

1000 Adams Street, Suite A - P.O. Box 201  
Benicia, California 94510  
(707) 745-2219 Fax (707) 740-9100 csa-eng@earthlink.net



