



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

**Wednesday, September 8, 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  
Brad Thomas and Chair Dan Healy

**Absent:** Lee Syracuse (excused)

**Staff Present:** Lisa Porras, Senior Planner  
Heather McLaughlin, City 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 Dean, seconded by Commissioner Bortolazzo, the agenda was adopted by the following vote:

Ayes: Commissioners Bortolazzo, Dean, Sherry, Thomas and Chair Healy

Noes: None

Absent: Commissioners Ernst (arrived late) and Syracuse

Abstain: None

**III. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN**

**None.**

**B. PUBLIC COMMENT**

**None.**

#### **IV. CONSENT CALENDAR**

On motion of Commissioner Sherry, seconded by Commissioner Dean, the consent calendar was adopted by the following vote:

Ayes: Commissioners Bortolazzo, Dean, Sherry, and Chair Healy  
Noes: None  
Absent: Commissioners Ernst and Syracuse  
Abstain: Commissioner Thomas

#### **A. Approval of Minutes of August 12, 2010**

#### **V. REGULAR AGENDA ITEMS**

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

##### **PROPOSAL:**

Isystems Technology's proposal is to install 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 and 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.

Lisa Porras, Senior Planner reviewed the details of the proposed project. As a condition of approval, the City will also require a noise study be completed before the Use Permit is issued.

##### **Recommendation:**

Staff recommended that the Planning Commission approve the Use Permit to install a new wind energy/wireless communication facility consisting of: (a) one wind turbine attached to a ground-mounted pole measuring 21 feet 8 inches from grade to top of blade in vertical position, and (b) one antenna mast attached 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 discussed during the public hearing.

##### **Planning Commission Questions:**

Commissioner Bortolazzo questioned whether a noise study was performed from the backyards of the adjacent residences. He also asked if the wind turbines could be turned off.

Ms. Porras explained that the noise ordinance does require that measurements take place at the property line, either the resident's or the City's. The ordinance sets forth standards for ambient noise levels by day, evening and sleeping hours and allows equipment to be a maximum of 5 decibels above these standards. The applicant can respond to the question about turning the turbines off.

Commissioner Thomas asked how the turbines will look in relation to the existing water tanks. What is the height of the water tanks?

Ms. Porras responded that the water tank height measurements are not listed in the staff report but possibly the applicant has that information.

Commissioner Dean asked, regarding the noise levels, is the limit 60 db at the source and no more than 5 additional db at the property line

Ms. Porras stated that was correct.

**Applicant's Statement:**

Mark Thieme, architect for the applicant stated that the project is not a cell facility, but a wireless internet facility designed to meet the needs of the industrial park. This location will provide internet service to businesses that currently do not have this service available. The site is contained on a very small footprint and its energy source uses a green approach. The FCC does not regulate this type of antenna. This project uses the same technology as a wireless router. The height of the wind turbine is lower than the existing water tanks and the turbine is a residential type wind turbine. It is safe, small and all components will be painted to blend in with the existing water tanks. The nearest property line is 700+ feet away from the site. Any sound from the turbine should dissipate and not negatively impact adjacent residents. Regarding safety concerns, the turbine is high enough from the ground to accommodate a truck driving under it. It is in a secured facility. Regarding bird safety, the applicant will paint the blades in a black and white checkerboard pattern which research shows allows the birds to see the blades. Regarding City staff's requirement for fencing around this site, the applicant requests that he not be required to fence the site because the entire City site is already fenced and it seems redundant to be required to do so. The applicant is proud to present a "green" project to the City.

**Additional Questions from Commissioners:**

Commissioner Sherry asked if the frequency would interfere with the City's existing communication tower.

Dean Richards, applicant, responded it would not. It is different technology.

Commissioner Thomas asked if the project includes a mechanism to store energy.

Dean Richards responded that the turbine is hooked up to two batteries – the wind turbine charges the batteries that transmit the signal.

Commissioner Bortolazzo asked if there is a back-up power source for the service.

Dean Richards responded that the batteries provide enough power for up to 10 days without any wind.

**Public Comments:**

Sue Wickam, of 411 Duvall Court, spoke in opposition of the project. Her concerns included: the project needs CEQA review; large raptor birds inhabit this area and could be in danger from the wind turbine; the project is precedent setting, so a study should be completed first; a better location for this facility would be in the industrial park; would rather see solar or PG&E power used because batteries require maintenance; security is questionable – routinely sees teenagers up on the water tank.

Marilyn Larkin, of 301 Durham Court, spoke in opposition of the project. Her concerns included: the project is not consistent with goal 3.02 of the General Plan; will not be with other towers, but located in a separate place; sound and vibrations will be a nuisance to residents; site is less than 600 ft from Durham Court; suggested re-locating it at the Water Treatment Plant site; suggested the power source be changed to solar; needs further study; safety of the large raptor birds.

Don Larkin, of 301 Durham Court, spoke in opposition of the project. His concerns included: harmful to wildlife; will change the environment; fire hazard caused by wind turbines; noise nuisance to residents; reduce property values and cause health problems for residents.

Rich Kauzer of 520 McCall Drive spoke in opposition of the project. His concerns included: that the use permit is in violation of the General Plan (visual clutter); may need a sound wall to mitigate the noise; bird kills for federally protected birds of prey; turbine is not required for the project; there are other options without visual clutter.

Dan Swienton, of 271 Carlisle Way, spoke in opposition of the project. His concerns included: the categorical exemption 15303 is not applicable – wireless internet service is not a utility; is this a commercial use; doesn't like to see cell towers; noise; footprint is smaller than the turbine airspace; battery disposal; bird safety; move it to the industrial park; are generators going to be added.

Mike Park of 311 Durham Court, expressed support for the project but also stated his concerns: in addition to sound decibels, he is also concerned about sound frequency; this is a much needed service for the industrial park; he agrees that there are lots of birds that inhabit this area.

Chair Healy asked if the bird research provided by members of the public took into account that this is a small wind turbine rather than a larger commercial type.

Marilyn Larkin responded that her research did take into account the size of this turbine.

### **Commission Discussion:**

Commissioner Bortolazzo asked the City Attorney if a categorical exemption from CEQA is appropriate.

Heather McLaughlin, City Attorney, responded that yes, this section is appropriate for this type of utility.

Commissioner Sherry expressed concern about the visual impact. He would like to see a view study for this project to see if it is visible or blends in with the background of the tank. He requested more information on the batteries. He asked if the internet service would be available for residents as well as the industrial park. He asked staff if they received comments from the Fire Department on this proposal.

Dean Richards responded that the batteries are mounted in steel boxes on a concrete pad. The boxes are locked. The batteries are a gel-type, containing no acid. They are weatherproof and tamper proof. The internet service will only be provided to the industrial park.

Ms. Porras responded that the Planning Division did not receive comments from the Fire Department.

The Commission and staff continued discussing the following items: choice of site location, option of using solar power, visual impact from the surrounding areas, protection of the residents, City's promotion of green projects, and by issuance of a use permit if conditions are not met or problems occur, the use permit may be reviewed or revoked as necessary by the City.

In addition to the conditions included in the proposed resolution, the following conditions were added:

1. The areas around the antenna, support structures, wind turbine will be free of brush and overgrowth.
2. The wind turbine blades will be painted in black and white to deter birds.
3. A six-foot-high safety fence, with locked gate, to enclose the base of the wind turbine and antenna will be required to prevent unauthorized access to the facility.
4. A noise assessment, will be completed prior to final inspection of the facility. In addition, at least 3 locations evaluated, including a location downwind.
5. A annual review/report of impacts to birds will be required.

On motion made by Commissioner Dean, and seconded by Commissioner Sherry, the Resolution was adopted with the above listed conditions added and by the following vote:

Ayes: Commissioners Bortolazzo, Dean, Sherry, Thomas and Chair Healy  
Noes: Commissioner Ernst  
Absent: Commissioner Syracuse  
Abstain: None

**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**

Commissioner Sherry recused himself.

**PROPOSAL:**

The City of Benicia proposes to make modifications to the former Mills Elementary School for a new community center. This includes 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.

Lisa Porras, Senior Planner, presented illustrations of the overall project, its landscape area and the proposed variance that would include the existing 20' landscaped public right-of-way at the Mills Elementary project site.

**Recommendation:**

Staff recommended 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 discussed during the public hearing.

Commissioner Ernst asked staff about maintenance of the 20' wide landscape strip.

Ms. Porras responded that the City would be responsible for maintenance of the landscape strip for the life of the project.

**Public Comment.**

No comments received.

No further Commission discussion.

On motion of Commissioner Ernst, seconded by Commissioner Thomas, the Resolution was adopted by the following vote:

Ayes: Commissioners Bortolazzo, Dean, Ernst, Thomas and Chair Healy  
Noes: None  
Absent: Commissioner Syracuse  
Abstain: Commissioner Sherry

**VII. ANNOUNCEMENT FROM STAFF**

Lisa Porras, Senior Planner, invited Commissioners and members of the public to a facilitated community workshop for the Intermodal Facilities Project, scheduled on Saturday, September 18<sup>th</sup> from 8:30 am to 12:30 pm at Benicia Veterans Memorial Hall at 1150 First Street.

**VIII. COMMUNICATION FROM COMMISSIONERS**

Commissioner Ernst stated his desire for the City to agendaize for a public hearing the concerns recently expressed by members of the public about animal testing businesses being allowed in Benicia.

Ms. Porras stated that she will confer with the Amalia Lorentz, Economic Development Manager, since the Commission had, at a previous meeting, requested additional research before bringing the Zoning Amendment back before the Planning Commission.

**IX. ADJOURNMENT**

Meeting was adjourned at 8:45 pm.