



BENICIA PLANNING COMMISSION SPECIAL MEETING AGENDA

**City Hall Council Chambers
Thursday September 11, 2014
6:00 P.M.***

**Please note the early start time*

****A REGULAR PLANNING COMMISSION MEETING AT 7:00 P.M. WILL FOLLOW THE
SPECIAL PLANNING COMMISSION MEETING ****

I. OPENING OF THE BENICIA PLANNING COMMISSION SPECIAL MEETING

- A. Pledge of Allegiance**
- B. Roll Call of Commissioners**
- C. Reference to Fundamental Rights of Public** - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

II. ADOPTION OF AGENDA

III. OPPORTUNITY FOR PUBLIC COMMENT

This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on the agenda that is within the subject jurisdiction of the Planning Commission. State law prohibits the Commission from responding to or acting upon matters not listed on the agenda.

Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT

B. PUBLIC COMMENT

IV. REGULAR AGENDA ITEMS

A. REQUEST FOR TWO USE PERMITS 1) TO ESTABLISH A PRESCHOOL FOR A MAXIMUM OF 15 CHILDREN AGES 2.9 - 6 YEARS OLD; AND 2) TO REDUCE THE PARKING REQUIREMENT FOR THE SUBJECT PROPERTY, AFTER MAKING A DETERMINATION ON THE APPLICABILITY OF USE PERMIT FOR A REDUCTION IN PARKING IN THE DOWNTOWN MIXED USE MASTER PLAN DISTRICT AND THAT THE PROJECT IS EXEMPT FROM CEQA

Application No. 14PLN-00045 Use Permit

Project Address: 835 East Second Street; APN: 0089-052-100

PROPOSAL:

The applicant requests two use permits: 1) to establish a preschool for up to 15 children ages 2.9-6 years old and 2) reduction in the off-street parking requirement. The proposed hours of operation for the school are Monday - Friday 8:00 a.m. to 5:00 p.m. The outdoor play area will occupy the existing driveway on the north side of the building. As part of this project, staff is also requesting that the Planning Commission make a formal determination on the ability to grant a use permit for a reduction in the parking requirement in the Downtown Mixed Use Master Plan (DMUMP).

Recommendation:

Approve each use permit request 1) a use permit to allow the establishment of a preschool and 2) to reduce the parking requirement at 835 East Second Street, based on the findings and conditions of approval set forth in the draft Resolution, after determination that the project is Exempt from CEQA. In addition, staff recommends that the Planning Commission make a formal determination on the ability to grant a use permit for a reduction in the parking requirement in the DMUMP.

**BENICIA PLANNING COMMISSION
REGULAR MEETING AGENDA**

**City Hall Council Chambers
Thursday September 11, 2014
7:00 P.M.**

V. OPENING OF BENICIA PLANNING COMMISSION REGULAR MEETING

VI. OPPORTUNITY FOR PUBLIC COMMENT

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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 COMMENT

B. PUBLIC COMMENT

VII. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker slip for that item.

*Any Item identified as a Public Hearing has been placed on the Consent Calendar because it has not generated any public interest or dissent. However, if any member of the public wishes to comment on a Public Hearing item, or would like the item placed on the regular agenda, please notify the Community Development Staff either prior to, or at the Planning Commission meeting, prior to the reading of the Consent Calendar.

A. [APPROVAL OF MINUTES OF AUGUST 14, 2014 REGULAR MEETING](#)

VIII. REGULAR AGENDA ITEMS

A. [CONTINUED PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT REPORT \(DEIR\) FOR THE VALERO CRUDE BY RAIL PROJECT](#)

Application No. 12PLN-00063 Use Permit

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

**This item is continued from the August 14th meeting*

Valero Refining Company has filed a use permit application for the Crude by Rail (CBR) project. The proposed Valero Crude by Rail Project would allow the Valero Benicia Refinery (Refinery) access to additional North American-sourced crude oil for delivery to the Refinery by railroad. The proposed Project would involve the installation and modification of Refinery non-process equipment that would allow the Refinery to receive a portion of its crude oil deliveries by railcar replacing equal quantities of crude currently being delivered to the Refinery by marine vessel. Valero intends to

replace up to 70,000 barrels per day of the crude oil currently supplied to the Refinery by marine vessel with an equivalent amount of crude oil transported by railcars. The crude oil to be transported by railcars is expected to be of similar quality compared to existing crude oil imported by marine vessels. Crude delivered by rail would not displace crude delivered to the Refinery by pipeline.

The City of Benicia requires that a public hearing be conducted by the Planning Commission to receive comments on the DEIR. The City held a public hearing to receive public comments on the DEIR on July 10, 2014. Due to the number of speakers, the hearing was continued to August 14 where 74 speakers provided comments. Due to the number of speakers, the hearing was again continued to this meeting date of September 11, 2014. Only individuals who have not spoken at either of the two previous public hearing meetings will be allowed to provide public comments at this meeting. All public comments received during the three hearing dates will become part of the public record and included as part of the Final EIR. Written comments will continue to be received and included as part of the Final EIR through the public comment period ending on September 15, 2014.

Recommended Action: Take public comments on the DEIR.

NOTE: If you submitted a speaker card at the July 10, 2014 or August 14, 2014 meeting and did not speak, your card has been retained and you have been added to list of speakers for the September 11, 2014 meeting. If you spoke at the July 10, 2014 or the August 14, 2014 meeting, your name is on the speakers list and you will not be allowed to speak again on September 11, 2014. Please see attached memo for that list. If your name is not on either list at all, please fill out a speaker card at the meeting if you wish to speak on September 11, 2014.

- IX. **COMMUNICATIONS FROM STAFF**
- X. **COMMUNICATIONS FROM COMMISSIONERS**
- X. **ADJOURNMENT**

Public Participation

The Benicia Planning Commission welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The Planning Commission

allows speakers to speak on agendized and non-agendized matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Planning Commission.

Should you have material you wish to enter into the record, please submit it to the Commission Secretary.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for Commission discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action the Commission may take.

The Planning Commission may not begin new public hearing items after 11 p.m. Public hearing items, which remain on the agenda, may be continued to the next regular meeting of the Commission, or to a special meeting.

Pursuant to Government Code Section 65009; if you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing. You may also be limited by the ninety (90) day statute of limitations in which to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

Appeals of Planning Commission decisions that are final actions, not recommendations, are considered by the City Council. Appeals must be filed in the Community Development Department in writing, stating the basis of appeal with the appeal fee within 10 business days of the date of action.

Public Records

The agenda packet for this meeting is available at the City Clerk's Office, the Benicia Public Library and the Community Development Department during regular working hours. The Community Development Department is open Monday through Friday (except legal holidays), 8:30 a.m. to 5 p.m. (closed from noon to 1 p.m.). Technical staff is available from 8:30 - 9:30 a.m. and 1:00 - 2:00 p.m. only. If you have questions/comments outside of those hours, please call 746-4280 to make an appointment. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the

Community Development Department's office located at 250 East L Street, Benicia, or at the meeting held in the City Hall Council Chambers. If you wish to submit written information on an agenda item, please submit to Amy Million, Commission Secretary, as soon as possible so that it may be distributed to the Planning Commission.