



BENICIA PLANNING COMMISSION

REGULAR MEETING AGENDA

**City Hall Council Chambers
Thursday October 9, 2014
7:00 P.M.**

I. OPENING OF MEETING

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

II. ADOPTION OF AGENDA

III. OPPORTUNITY FOR PUBLIC COMMENT

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

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

A. WRITTEN

B. PUBLIC COMMENT

IV. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is

received from the Planning Commission or a member of the public by submitting a speaker slip for that item.

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

A. [APPROVAL OF MINUTES OF SEPTEMBER 11, 2014 REGULAR MEETING](#)

V. REGULAR AGENDA ITEMS

A. [REQUEST FOR A USE PERMIT TO ESTABLISH A PRESCHOOL AT 1175 CHURCH STREET IN THE SINGLE FAMILY RESIDENTIAL \(RS\) DISTRICT, AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA](#)

14PLN-00053 Use Permit

Project Address: 1175 Church Street; APN: 0086-055-16

PROPOSAL:

The applicant requests approval of a Use Permit to establish a preschool within the existing church (Lighthouse Covenant Fellowship) at 1175 Church Street. The preschool will occupy approximately 1,540 square feet of classroom space plus ancillary office and restroom facilities within the existing building. A grass area of approximately 3,400 square feet will be fenced and designated for outdoor play adjacent to the building. The preschool will accommodate up to 35 students per session during weekday morning and afternoon sessions, with total enrollment of up to 100 students. The proposed hours of operation for the school are Monday through Friday from 8:00 a.m. to 5:00 p.m.

Recommendation: Approve the Use Permit for a preschool at 1175 Church Street based on the findings and conditions of approval set forth in the draft Resolution, after a determination that the project is exempt from CEQA.

B. [PUBLIC HEARING FOR REVIEW AND RECOMMENDATION FOR CITY COUNCIL APPROVAL OF THE INITIAL STUDY/NEGATIVE DECLARATION ON THE 2015-2023 DRAFT HOUSING ELEMENT AND ADOPTION OF THE 2015-2023 DRAFT HOUSING ELEMENT](#)

PROPOSAL:

One of the seven State-mandated General Plan elements, the Housing Element describes housing needs in Benicia and how the City plans and regulations facilitate the development, improvement and preservation of housing for all economic segments of the community. The City adopted its first Housing Element in 1979 and has updated it periodically per State

requirements. The Draft 2015-2023 Housing Element has been reviewed and “pre-certified” as being in conformance with the requirements of State law by the State Department of Housing and Community Development (HCD) subject to implementation of Senate Bill 2 (SB2). Implementation of SB2 requires an amendment to the Benicia Municipal Code to allow emergency shelters without any discretionary action which staff is now bringing to the Planning Commission for a recommendation to City Council.

Recommendation: Adopt a resolution recommending that the City Council adopt the 2015-2023 Housing Element and the accompanying Initial Study/Negative Declaration.

C. **A ZONING TEXT AMENDMENT TO INCORPORATE REGULATIONS PERTAINING TO TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND EMERGENCY HOMELESS SHELTERS; AFTER A DETERMINATION THAT THE TEXT AMENDMENT IS EXEMPT FROM CEQA**

PROPOSAL:

The California Housing Accountability Act requires that local jurisdictions provide zoning that encourages and facilitates emergency shelters and limits the denial of transitional housing, supportive housing and emergency shelters in order to address the critical housing needs of homeless populations and individuals with special needs. The draft ordinance implements Government Code Section 65583 and Program 3.01 of the City’s Housing Element by establishing transitional housing and supportive housing as a permitted use in a manner consistent with other residential uses that are permitted within a zoning district.

The Planning Commission’s decision will be in the form of a recommendation to the City Council.

Recommendation: Discuss the draft ordinance, accept public comments, and adopt a resolution recommending the City Council approve the amendments to the Benicia Municipal Code Title 17 pertaining to emergency homeless shelters; and amendments to Benicia Municipal Code Title 17 and Downtown Mixed Use Master Plan Chapter 4 pertaining to transitional and supportive housing.

D. **A TEXT AMENDMENT TO THE BENICIA MUNICIPAL CODE AND DOWNTOWN MIXED USE MASTER PLAN TO ESTABLISH REGULATIONS PERTAINING TO REASONABLE ACCOMMODATION, AFTER RECOMMENDING THAT THE PROJECT IS EXEMPT FROM CEQA**

PROPOSAL:

The State and federal Fair Housing Laws require that local jurisdictions take

action to make reasonable accommodation (modifications or exceptions) in their land use regulations and practices when such accommodation may be necessary to afford disabled persons an equal opportunity to housing. The draft ordinance has been prepared to add Chapter 17.132 Reasonable Accommodation to the Zoning Ordinance to implement California Government Code Section 65583(c)(3) and the City's Housing Element Program 3.02 by establishing procedures and regulations for the granting of reasonable accommodation for housing.

The Planning Commission's decision will be in the form of a recommendation to the City Council.

Recommendation: Discuss the proposed draft ordinance, accept public comments, and then adopt a resolution recommending that the City Council approve amendments to Benicia Municipal Code Title 17 and Downtown Mixed Use Master Plan (Chapter 4 – Form Based Code) pertaining to reasonable accommodation for housing, after recommending that the project is exempt from CEQA.

VI. COMMUNICATIONS FROM STAFF

VII. COMMUNICATIONS FROM COMMISSIONERS

VIII. ADJOURNMENT

Public Participation

The Benicia Planning Commission welcomes public participation.

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