



BENICIA PLANNING COMMISSION REGULAR MEETING MINUTES

**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

Present: Commissioners Cohen-Grossman, Oakes, Sherry, Smith,
Sprague, Young (arrived late) and Chair Dean

Absent: None

Staff Present: Amy Million, Principal Planner
Suzanne Thorsen, Associate Planner
Kat Wellman, Contract Attorney
Gina Eleccion, Recording Secretary

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA

On motion of Commissioner Sherry, seconded by Commissioner Cohen-Grossman, the agenda was adopted by the following vote:

Ayes: Commissioners Cohen-Grossman, Oakes, Sherry, Smith, Sprague, and
Chair Dean

Noes: None

Absent: Commissioner Young

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

None.

IV. CONSENT CALENDAR

On motion of Commissioner Oakes, seconded by Commissioner Smith, the consent calendar was adopted, with modification to Minutes of September 11, 2014, by the following vote:

Ayes: Commissioners Cohen-Grossman, Oakes, Sherry, Smith, Sprague, and Chair Dean
Noes: None
Absent: Commissioner Young
Abstain: None

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

Suzanne Thorsen, Associate Planner, gave a presentation on the project.

The public hearing was opened.

Pastor Phil Green and Jackie Mullikin, Applicants – gave an overview of the preschool and the hours of operation. They commented on the speed of high school traffic on the street. They noted that they are relocating from another church.

Paul Costa, Neighbor – He opposes project since this will create additional traffic. He is concerned with noise levels, traffic, and safety of the children. Property values could be affected.

Gina Cuyler, 1212 Church Street – She questioned if the other preschools referenced are near a high school. Staff confirmed they are not near a high school. She commented on an addition that the church would like to construct and how the congregation would grow. She does not think substantial analysis has been done.

Bill Wedel, 1212 Church Street – Has asked for more analysis of the traffic.

Staff noted that the Public Works Department was consulted regarding traffic.

Pastor Green stated that the hours of the preschool are different than those of the high school. He believes there will be a minimal affect.

The public hearing was closed.

Commissioners discussed the traffic concerns, class size, and potential impacts. Staff noted that the traffic count data is maintained for larger streets. It was noted that the drop-off is in the eastern parking lot. All school parking can be accommodated within the parking lot. There was a suggestion to have the City coordinate with the high school in relation to traffic and parking concerns.

Chair Dean commented on the resolution. He requested to strike the sentence related to a nursery school, given the lapse of 30 years. He also requested to remove language regarding economic vitality.

RESOLUTION NO. 14-13 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A DAY CARE CENTER AT 1175 CHURCH STREET (14PLN-00053)

On motion of Commissioner Smith, seconded by Commissioner Sherry, the above resolution, as revised, was adopted by the following vote:

Ayes:	Commissioners Cohen-Grossman, Oakes, Sherry, Smith, Sprague and Chair Dean
Noes:	None
Absent:	Commissioner Young
Abstain:	None

Commissioner Young joined the meeting.

B. PUBLIC HEARING FOR REVIEW AND RECOMMEDATION 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

Amy Million, Principal Planner, introduced Lisa Wise, Consultant, who gave a presentation. She reviewed the following:

- Housing Element Requirements
- Regional Housing Needs Allocation (RHNA)
- Response to HCD Review
- Response to Public Input
- Overview of Housing Element and Key Programs

- Next Steps

Amy Million, Principal Planner, noted that two letters were received after the meeting packets were distributed. The letters, along with staff responses and recommendations were reviewed.

Commissioners discussed current affordable housing programs with staff. There are currently 8 properties either owned or managed by the Benicia Housing Authority. It was noted that the numbering of the report was confusing. Comments were made regarding the Community Action Council and the Benicia Housing Authority, and their ability to provide assistance.

There was a question regarding recommending changes to the Housing Element. Staff stated that the document could be revised prior to sending to City Council.

The public hearing was opened.

Ron Miska, All-Points Petroleum – He questioned if SB2 is the primary driver of this. It was confirmed that the update to the Housing Element is to comply with State Law. SB2 is just one part of that, which requires identifying a site. He does not believe there's enough information to make a decision on this.

Dana Dean, representing Amports - She would like the City to respect the General Plan with respect to buffers between residential and industrial uses. The Arsenal sites are an issue. She does not think that the Negative Declaration is appropriate.

Jasmin Powell, Business Owner – Does not agree with residential in the Arsenal or the Industrial Park.

Phil Garrett, BIPA – Does not support residential in the Industrial Park.

The public hearing was closed.

Commissioners discussed the issue of constraints and the feasibility of constructing on identified sites. Staff noted that if the City could not accommodate the RHNA numbers, the City would have to rezone properties to accommodate additional units. Staff noted that the Lower Arsenal is designated for Mixed-Use Commercial, Industrial, and Residential in the General Plan. The mobile home parks were not considered. A comment was made that the Arsenal Historic Conservation Plan is outdated and should not be used as guidance.

Word changes suggested were as follows:

1. Pg. 95 – Physical Constraints. Strike “aesthetic” from list of impacts
2. Pg. 107 – Issue re: DTSC site. Replace “environmental constraints” with “hazardous materials”. Amy noted memo, dated October 8, 2014, outlined changes to Pg. 107.
3. Pg. 107 - Remove “Arsenal Historic Conservation Plan” and replace with “Secretary of the Interior Standards”. Staff suggested using both wording.
4. Pg. 109 – Add information on wastewater capacity similar to the data provided for the “Water System”
5. Add Policy 3.05 and Program 3.08 regarding North Bay Housing Coalition request.
6. New Policy 3.05 - Remove “all new”.

Commissioner Smith stated that she does not think residential is appropriate in the Lower Arsenal, and if included, she will vote no. Commissioner Sherry also noted he did not think this was appropriate. Staff noted that single-family and multi-family are currently allowed.

**RESOLUTION NO. 14-14 OF THE BENICIA PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN INITIAL
STUDY/NEGATIVE DECLARATION FOR THE 2015-2023 HOUSING ELEMENT AND
THE 2015-2023 HOUSING ELEMENT**

On motion of Commissioner Oakes, seconded by Commissioner Cohen-Grossman, the above resolution was adopted, as amended, by the following vote:

Ayes:	Commissioners Cohen-Grossman, Oakes, Sherry, Sprague, and Chair Dean
Noes:	Commissioners Smith and Young
Absent:	None
Abstain:	None

A recess was called at 9:20 p.m. The meeting was reconvened at 9:30 p.m.

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

Suzanne Thorsen, Associate Planner, gave an overview of the proposed text amendment. This text amendment complies with Housing Element Program 3.01 and Senate Bill 2, the Housing Accountability Act.

Commissioner Sherry noted ex-parte communication with the Benicia Industrial Park Association and City staff.

Staff noted that outside of the Industrial Park, development of an emergency shelter would require design review, which is a discretionary action. State law requires that adequate zones be designated to permit an emergency shelter without any discretionary approval.

Parking was discussed. Staff proposes a parking standard of 1 per 5 beds, which is consistent with the standard adopted by many jurisdictions in the region. The size of the parcels was discussed, as well as re-use or conversion of existing buildings. The size of shelters in other jurisdictions was discussed.

The public hearing was opened.

Jasmin Powell, BIPA – As President of BIPA, she does not support residential use in the Industrial Park. Cited concerns about safety, land use compatibility and the appropriate location for emergency shelters in relation to the downtown. Would like to see residential and industrial uses kept separate.

Phil Garrett, BIPA – Cited concerns about compatibility of residential uses in the Industrial Park and expressed opposition to proposed zoning for emergency shelters in the Limited Industrial District. He would like to protect the Industrial Park as an asset.

Dana Dean, representing Amports – She commented on the CEQA exemption. She believes traffic, noise, and the inconsistency with the General Plan will create significant impacts. She noted this differs from other jurisdictions because our General Plan requires buffers from incompatible uses.

Kat Wellman, Contract Attorney, noted that CEQA requires the City to evaluate the impact of the project on the environment, not the environment on the project. She noted that the General Plan designates the Lower Arsenal as mixed-use, which allows residential.

Ron Miska, All-Points Petroleum – He has fought to protect the Industrial Park and does not want to see residential uses allowed.

The public hearing was closed.

Kat Wellman, Contract Attorney, noted that the compatibility of industrial uses and emergency shelters is a land use issue, not a CEQA issue.

Commissioners discussed the text amendment. The requirement for design review outside of the Limited Industrial District was discussed. Use of federal funds for shelters was discussed, as this may affect the likelihood of a shelter being constructed in the Industrial Park.

A suggestion was made to exempt design review until the need for emergency shelter has been met and to remove Limited Industrial (IL) from the text amendment. Commission would like to consider making emergency shelters permitted on city-owned property. There was a comment about existing churches in the Industrial Park providing shelter for the homeless. There was discussion on eliminating the Lower Arsenal. Recommended changes to the text amendment were as follows:

1. Eliminate Limited Industrial (IL) as a site for Emergency Shelters
2. Remove Design Review requirement for Emergency Shelters in otherwise eligible zones, except historic district
3. Include City-owned property

RESOLUTION NO. 14-15 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS TO THE BENICIA MUNICIPAL CODE AND DOWNTOWN MIXED USE MASTER PLAN TO INCORPORATE REGULATIONS PERTAINING TO TRANSITIONAL HOUSING, SUPPORTIVE HOUSING, AND EMERGENCY HOMELESS SHELTERS

On motion of Commissioner Young, seconded by Commissioner Oakes, the above resolution was adopted, with amendments noted above, by the following vote:

Ayes:	Commissioners Oakes, Sherry, Sprague, and Young
Noes:	Commissioners Cohen-Grossman, Smith, and Chair Dean
Absent:	None
Abstain:	None

Commissioners discussed beginning the hearing on Item D or continuing to the next meeting. Consensus of the Commission was to hear the item.

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

Amy Million, Principal Planner, gave an overview of the proposed text amendment.

Commissioners discussed the text amendment.

Commissioner Oakes suggested clarifying in the ordinance that the appeal of a reasonable accommodation decision is to the Planning Commission.

The public hearing was opened. There was no public hearing on this item. The public hearing was closed.

RESOLUTION NO. 14-16 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS TO THE BENICIA MUNICIPAL CODE AND DOWNTOWN MIXED USE MASTER PLAN TO INCORPORATE REGULATIONS PERTAINING TO REASONABLE ACCOMMODATION

On motion of Commissioner Young, seconded by Commissioner Cohen-Grossman, the above resolution was adopted by the following vote:

Ayes:	Commissioners Cohen-Grossman, Oakes, Sherry, Smith, Sprague, Young and Chair Dean
Noes:	None
Absent:	None
Abstain:	None

VI. COMMUNICATIONS FROM STAFF

Amy Million stated that staff will have an update on the Valero Crude by Rail EIR project timing by the November Planning Commission meeting.

VII. COMMUNICATIONS FROM COMMISSIONERS

Chair Dean commented that the Commission would like to get full presentations on significant projects. He recommended that commissioners update their contact information so that staff can reach them for any last minute notifications. He further recommended strategizing on the timing of multiple meetings to review the Final EIR on the Valero Crude by Rail project.

Commissioner Young suggested holding the Crude by Rail hearing in a larger venue. Staff advised that they are looking into that.

Commissioner Young stated that he had ex-parte communication with NRDC regarding railroad operations. Ms. Wellman advised Commission Young to disclose ex-parte communication when the Valero Crude by Rail project is before the Commission for action.

VIII. ADJOURNMENT

Chair Dean adjourned the meeting at 11:25 pm.