



## **BENICIA PLANNING COMMISSION REGULAR MEETING AGENDA**

**City Hall Council Chambers  
Thursday, October 10, 2013  
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 12, 2013 REGULAR MEETING**

**B. APPROVAL TO AMEND CONDITIONAL USE PERMIT APPROVAL TO INSTALL ISYSTEMS TECHNOLOGY WIND ENERGY/WIRELESS TELECOMMUNICATION FACILITY, AFTER A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA**

10PLN-00042 Use Permit  
257 Essex Way; APN: 0083-210-210

**PROPOSAL:**

On September 8, 2010, the Planning Commission approved the request of iSystems to install a wind energy and wireless telecommunication facility subject to 13 conditions of approval. The subject request is for consideration of the elimination of Condition of Approval #10 which is for monthly reporting of bird deaths. Based on the last two years of bird death reports submitted by the applicant stating there have been no bird deaths, staff finds that the requirement to document the monthly bird deaths and subsequent reporting to the Planning Commission has served its purpose.

**Recommendation:**

Adopt a resolution approving an amendment to the use permit to eliminate the requirement to report bird deaths associated within the wind turbine, after a determination that the project is categorically exempt from CEQA.

**V. REGULAR AGENDA ITEMS**

**A. USE PERMIT TO OPERATE A 2,660 SQUARE FOOT PERSONAL TRAINING STUDIO AT 4864 EAST SECOND STREET, AFTER THE DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA**

13PLN-00041 – Use Permit  
4864 East Second Street, APN: 0080-510-320

**PROPOSAL:**

The applicant requests approval of a use permit to operate a 2,660 sq. ft. personal training studio, consisting of group exercise classes in gymnastics, aerobics, yoga, and dance and ballet located within an existing building at 4864 East Second Street. The studio will offer classes:

- Monday from 3:45 p.m. to 7:15 p.m.

- Tuesday from 3:40 p.m. to 7:15 p.m.
- Wednesday 10:00 am to 10:30 a.m. and 3:40 p.m. to 7:35 p.m.
- Thursdays, 5:30 p.m. until 7:35 p.m.

There will be no classes Friday, Saturday, and/or Sunday. Class sizes are limited to 10 to 12 persons per class. The use includes a retail area, only operational during class hours.

**Recommendation:**

Adopt a resolution approving a use permit to allow the operation of a 2,660 square foot personal training studio located at 4864 East Second Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution, after a determination that the project is categorically exempt from CEQA

**B. PROPOSED ZONING ORDINANCE TEXT AMENDMENT PERTAINING TO THE IL (LIMITED INDUSTRIAL), IG (GENERAL INDUSTRIAL), IW (WATER RELATED INDUSTRIAL), IP (INDUSTRIAL PARK) ZONING DISTRICTS, AFTER ADOPTION OF THE MITIGATED NEGATIVE DECLARATION IN CONFORMANCE WITH CEQA**

**PROPOSAL:**

The City of Benicia has developed Zoning Text Amendments (ZTAs) as a part of the City's ongoing economic development efforts to help retain and attract industrial businesses. There are three parts to the amendments, including minimizing or eliminating design review authority, simplifying land use regulations, and adding Research and Development and Technology to the list of permitted uses. The proposed Zoning Text Amendments do not by themselves result in any new development or construction. The development potential of the Benicia Industrial Park (BIP) was examined in the 1999 General Plan and General Plan Environmental Impact Report. No additional development capacity is proposed and the proposed uses are similar in nature and intensity to other uses currently allowed in the Zoning Ordinance, including Research and Development, Office, and Manufacturing uses.

**Recommendation:**

Adopt a resolution recommending that the City Council:

1. Adopt the Initial Study and Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines because the proposed zoning text amendments do not have the potential to create potentially significant environmental effects. No changes to the development standards established with the Zoning Ordinance are proposed. No development projects are approved as a part of this request and any future development projects proposed subject to the amendments will be subject to environmental review and approval by the City of Benicia.

2. Adopt modifications to Title 17 of the Benicia Municipal Code (Zoning Ordinance) to broaden “Industry, Research and Development” use category, add “Industry, Technology” use category to industrial zoning districts, and minimize land use controls and the design review process for all industrial zoning districts.

**VI. PRESENTATION:**

Deputy City Attorney, Kat Wellman will provide a brief training on the Brown Act including guidance on the role of the commissioners with respect to public comments on projects that are coming up or are pending before the Commission and the difference between quasi-legislative and quasi-judicial hearings and their roles in each.

**VII. COMMUNICATIONS FROM STAFF**

**VIII. COMMUNICATIONS FROM COMMISSIONERS**

**IX. 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](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 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.