



BENICIA PLANNING COMMISSION REGULAR MEETING MINUTES

**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

Present: Commissioners Cohen-Grossman, Dean, Oakes, Sprague,
Young, and Chair Sherry

Absent: Commissioner Smith

Staff Present: Amy Million, Principal Planner
Mario Giuliani, Economic Development Manager
Kat Wellman, Contract City Attorney
Stacy Hatfield, Recording Secretary

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA

On motion of Commissioner Dean, seconded by Commissioner Young, the agenda was adopted by the following vote:

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

Noes: None

Absent: Commissioner Smith

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

None.

IV. CONSENT CALENDAR

Item B was moved to the regular calendar.

On motion of Commissioner Young, seconded by Commissioner Dean, the Consent Calendar was adopted by the following vote:

Ayes: Commissioners Dean, Oakes, Sprague, and Young

Noes: None

Absent: Commissioner Smith

Abstain: Commissioner Cohen-Grossman and Chair Sherry

A. APPROVAL OF MINUTES OF SEPTEMBER 12, 2013 REGULAR MEETING

V. REGULAR AGENDA ITEMS

A. 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

Ms. Million introduced the item and noted two recommended changes to the draft resolution to clarify minor typos: 1) Change the reference to Condition of Approval #7, not #5 and 2) Change the reference to August 2011, not 2010.

Commissioners discussed the fourth whereas in the draft resolution.

The public hearing was opened.

Sue Wickham, stated that she protested the process that allowed the wind turbine to go forward originally due to the impact to migratory birds.

Commissioners asked Ms. Wickham additional questions for clarification of her opinion.

The public hearing was closed.

The Commission with comments from staff, discussed the elimination of bird death reporting and possible alternatives.

Commissioner Dean suggested a modification to Condition of Approval No. 10 in lieu of elimination as follows: Owner/applicant shall report any bird deaths, take a photograph and, if possible, identify species and report back to the planning division annually.

RESOLUTION NO. 13- 7 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA AMENDING THE USE PERMIT CONDITIONS FOR THE WIND ENERGY/WIRELESS COMMUNICATION FACILITY AT 257 ESSEX WAY TO ELIMINATE MONTHLY INSPECTIONS AND ANNUAL REPORTS TO PLANNING COMMISSION (10PLN-00042)

On motion of Commissioner Dean, seconded by Commissioner Young, the above Resolution, noting the change to Condition of Approval No. 10 was approved by the following vote:

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

B. 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

Mr. Petersen gave a brief report and suggested adding the following language to the end of Finding #2 (correction Finding #3) in the draft resolution: “Additionally, the fitness studio’s operation would not conflict with church uses for adult classes on Monday evenings and teen classes on Tuesday evenings, because the church use for parking on Monday evenings is minimal, and the fitness studio uses end prior to the end of the Tuesday evening class when adults would be picking up their children.”

The public hearing was opened.

Applicant Nicole Core spoke about her business.

The public hearing was closed.

The Commission discussed parking concerns and building permit requirements.

The Commission revised Condition of Approval No. 5 to read, "As part of issuance of the building permit, the Building Official shall make a site visit and determine if engineered plans are needed. The applicant shall submit the plans if required.

RESOLUTION NO. 13-8 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APROVING A CONDITIONAL USE PERMIT FOR A HEALTH/FITNESS STUDIO AT 4864 EAST SECOND STREET (13PLN-00041; APN: 0080-510-320)

On motion of Commissioner Dean, seconded by Commissioner Cohen-Grossman, the above Resolution noting the additional language to Finding No. 3 and the change to Condition of Approval No. 5, was adopted by the following vote:

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

The meeting was recessed at 8:05 p.m.

The meeting reconvened at 8:12 p.m.

C. 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

Ms. Million gave an overview.

Commissioners requested clarification on design review process, use classifications and CEQA document.

The public hearing was opened.

Dana Dean spoke on behalf of Amports. She requested two modifications to the draft ordinance: 1) change live/work to work/live and add L12 under IP for Research and Development Services use

classification stating that Research and Development could include water related industrial uses.

The public hearing was closed.

Commissioners discussed three amendments to the draft ordinance: 1) change “live/work” to “work/live” in all sections; 2) addition of L12 to Research and Development use classifications in Section 17.32.020; 3) modification to the last sentence of the definition of Industry, Research and Development to state “ ...without a permit issued by the Fire Chief in conjunction with the County Health approval.

RESOLUTION NO. 13-9 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING THE CITY COUNCIL ADOPT THE NEGATIVE DECLARATION AND APPROVE A ZONING TEXT AMENDMENT FOR THE INDUSTRIAL ZONING DISTRICTS

On motion of Commissioner Young, and seconded by Commissioner Dean, the above Resolution noting the three amendments as described, was adopted by the following vote:

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

VI. PRESENTATION:

Ms. Wellman provided 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.

The Commission asked various questions of clarification of staff.

VII. COMMUNICATIONS FROM STAFF

Ms. Million announced that the City is hiring a new Associate Planner.

VIII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Cohen-Grossman announced that the Urban Waterfront Enhancement and Master Plan was presented to the Parks, Recreations and Cemetery Commission, and will be going to the City Council in November.

Commissioner Dean requested an update on projects, specifically when the Draft Environmental Impact Report may be released. Staff stated that they are still working on it, no date has been set and it will be before the Planning Commission for comment during the 60-day public review period.

Chair Sherry invited anyone who may be interested to participate in the Chamber of Commerce Halloween dinner at the Clock Tower on October 25, 2013.

IX. ADJOURNMENT

Chair Sherry adjourned the meeting at 9:46 p.m.