



**BENICIA PLANNING COMMISSION  
CITY HALL COUNCIL CHAMBERS  
REGULAR MEETING MINUTES**

**Thursday, October 11, 2012  
7:00 p.m.**

**I. OPENING OF MEETING**

**A. Pledge of Allegiance**

**B. Roll Call of Commissioners**

**Present:** Commissioner Dean, Oakes, Smith and Chair Sherry.

**Absent:** Commissioners Cohen-Grossman (excused, previous commitment), Syracuse (excused, not well), and Thomas (excused)

**Staff Present:** Charlie Knox, Community Development Director  
Lisa Porras, Senior Planner/Recording Secretary  
Kat Wellman, Contract Attorney

**C. Reference to Fundamental Rights of Public**

**II. ADOPTION OF AGENDA**

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

Ayes: Commissioners Dean, Oakes, Smith and Chair Sherry

Noes: None

Absent: Commissioners Cohen-Grossman, Syracuse, and Thomas

Abstain: None

**III. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN**

None.

**B. PUBLIC COMMENT**

None.

#### **IV. CONSENT CALENDAR**

##### **A. APPROVAL OF MINUTES FROM JULY 12, 2012**

On motion of Commissioner Oakes and seconded by Commissioner Dean the July 12, 2012 meeting minutes were approved by the following vote:

Ayes: Commissioners Dean, Oakes, and Chair Sherry  
Noes: None  
Absent: Commissioners Grossman, Syracuse, and Thomas  
Abstain: Commissioner Smith

#### **V. REGULAR AGENDA ITEMS**

##### **A. 2007-2014 HOUSING ELEMENT**

Lisa Porras, Senior Planner, presented information on the process and timing, content, Regional Housing Needs Allocation (RHNA), vacant land inventory, new housing programs, highlighted changes from the 2009, and reviewed the final steps to adopt the Housing Element. She noted that both she, Charlie Knox, and Lisa Wise (Housing Element consultant) were present and available for questions.

##### Questions from Commissioners

Commissioner Oakes asked staff to clarify whether the remaining RHNA allocation would impact single family zoning. Charlie Knox stated that the very low and low income category allocations could be met on vacant land that allows for a high density, and confirmed that no impacts to vacant single family zoning districts would occur, and further that no rezoning is necessary to meet the RHNA.

Commissioner Oakes noted that the inventory of vacant land is shrinking; is there any legal requirement to comply with RHNA? Charlie Knox stated there was not.

The Commission agreed to open it up to public comment and then direct the discussion back to the Commission for any additional questions.

##### Public Comment

Dana Dean on behalf of Amports requested that the Housing Element include a statement that vacant land in the lower Arsenal area is constrained due to historic resources and compatibility with industrial land uses. She believes that residential use in the Lower Arsenal is not consistent with the General Plan's support for Port operations. She questioned how environmental review would occur for projects in the Lower Arsenal.

### Questions from Commissioners

Commissioner Dean questioned and Mr. Knox confirmed that potential impacts from new projects would be assessed at the time of proposal.

Commissioner Sherry asked what happens if the City doesn't meet the RHNA. Mr. Knox clarified that there's no consequence to the City.

Commissioner Smith asked why the Commission is being asked to forward a recommendation to Council when the comment period for the Negative Declaration is still open. Mr. Knox responded that the City Council will have any and all public comment prior to final consideration.

Commissioner Sherry noted that the documents have been made available to the public for an extra week prior to the meeting.

Commissioner Smith requested that all comments from the Planning Commission be forwarded to Council and reflected in the staff report to Council. She suggested that the Housing Element note that the Lower Arsenal is listed as a National Historic District. She further noted that the Arsenal Historic Conservation Plan is 30 years old and not up to date with current standards.

Commissioner Smith asked if the City had a Housing Trust Fund. Mr. Knox responded that one has not yet been established since no in-lieu payments for inclusionary housing have been proposed nor received. She requested clarification of the completion date of Program 2.04, that Table A.18 expiration date for Capitol Heights could be confusing, asked how many 2<sup>nd</sup> units have been built since 2007, and what parameters if any are there for the Director to reduce fees – there should be some parameters, asked if the City had a mixed-use zoning designation, and referred to page 98 and asked where the last four CO sites were located. Mr. Knox clarified that program 2.04 would remain ongoing; that staff would clarify that the 20 year at-risk "expiration date" for Capitol Heights is from the present date, or to the year 2032; that a total of 3 2<sup>nd</sup> units had been built since January 2007; and that a majority of fee waivers or reductions were from property owners in the historic district which eventually led to Council reducing fees for projects in the H Districts. Mr. Knox further stated that additional parameters for reducing or waiving fees by the Director could be established at a future date.

Commissioner Dean asked why the 2014-2022 RHNA numbers dropped. Mr. Knox stated there are multiple reasons: (1) placing housing and jobs closer to public transit facilities as called for under SB375/Sustainable Communities

Strategy, 2) this regional recognition has led to a decrease in allocation assignments to the North Bay overall, 3) self-assignment of the Solano County RHNA through a "Subregion " committee resulted in Fairfield receiving a larger proportion due to their transit-oriented-development plans at the train station, and 4) a complex housing methodology established by ABAG.

Commissioner Dean went on to say that he was in agreement with Commissioners comments regarding the Lower Arsenal; possible constraints should be acknowledged. He also asked that staff reflect that we are in the middle of the environmental review process. He asked that staff forward these comments to Council.

Chair Sherry expressed his agreement with Commissioners Dean and Smith.

Commissioner Smith asked that the language in the Resolution be amended to reflect that the Negative Declaration was still in circulation.

Kat Wellman, Contract Attorney, stated that the language would be change to reflect that the environmental review "will continue to October 29<sup>th</sup>."

Commissioner Dean stated he was comfortable with moving forward with a recommendation to Council in light of the fact that individual projects would be subject to CEQA when and if they are proposed on any of the vacant sites, and also because there are no changes being made to the zoning; we are moving forward with current regulations, or the status quo.

Chair Sherry stated that for the record, parcels in the Lower Arsenal do require a use permit for residential.

Commissioner Smith asked staff to clarify if the correct terminology was work/live or live/work.

**RESOLUTION NO. 12-7 OF THE BENICIA PLANNING COMMISSION  
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN INITIAL  
STUDY/NEGATIVE DECLARATION FOR THE 2007-2014 HOUSING ELEMENT  
AND THE 2007-2014 HOUSING ELEMENT**

On a motion of Commissioner Dean and seconded by Commissioner Oakes, the above resolution was adopted by the following vote:

Ayes: Commissioners Dean, Oakes, Smith, and Chair Sherry  
Noes: None  
Absent: Commissioners Cohen-Grossman, Syracuse, and Thomas

Abstain: Chair Sherry

**VI. COMMUNICATIONS FROM STAFF**

None.

**VII. COMMUNICATIONS FROM COMMISSIONERS**

Commissioner Dean requested that staff present an informative overview of Priority Development Areas in Benicia.

Commissioner Oakes, Planning Commission representative on the Sign Ordinance Review Committee, updated the Commission on the progress of the Sign Ordinance Update. There have been two meetings held thus far, and the next scheduled meeting is on November 14<sup>th</sup>. The Committee is making progress.

**VIII ADJOURNMENT**

The meeting was adjourned at 8:15 pm.