BENICIA CITY COUNCIL
REGULAR MEETING AGENDA

REVISED

City Council Chambers
November 19, 2013
7:00 PM

Times set forth for the agenda items are estimates.
Items may be heard before or after the times designated.

I. CALL TO ORDER (7:00 PM):

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE 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.

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS.

1. Announcement of action taken at Closed Session, if any.

2. **Openings on Boards and Commissions:**

   Historic Preservation Review Commission
   1 unexpired term
   Open until filled

3. **Mayor's Office Hours:**
   Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

4. **Benicia Arsenal Update**

   Update from City Attorney

B. PROCLAMATIONS.

C. APPOINTMENTS.

D. PRESENTATIONS.

1. **DOWNTOWN BENICIA ALLIANCE ANNUAL PRESENTATION REGARDING THE OPERATION AND ADMINISTRATION OF THE BENICIA BUSINESS IMPROVEMENT DISTRICT**

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council 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 COMMENT.

B. PUBLIC COMMENT.

VII. CONSENT CALENDAR (7:15 PM):

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

A. APPROVAL OF THE MINUTES OF THE NOVEMBER 5, 2013 CITY COUNCIL MEETING. (City Clerk)

B. DENIAL OF CLAIM AGAINST THE CITY BY LE ROY DOSS AND REFERRAL TO INSURANCE CARRIER. (City Attorney)

The claimant alleges that he tripped and fell on the sidewalk while walking his dog along the waterfront.

Recommendation: Deny the claim against the City by Le Roy Doss.

C. PURCHASE OF REPLACEMENT VACTOR TRUCK FOR PUBLIC WORKS MAINTENANCE. (Public Works Director)

The vactor truck, which contains equipment used for cleaning and flushing sewer mains, lift stations and storm drains, as well as excavating water lines, requires replacement due to age and poor condition. A more efficient and less polluting vactor will replace the current 21-year-old vactor.

Recommendation: Adopt a resolution authorizing the purchase of a replacement vactor truck for the Public Works Maintenance Division from Owen Equipment in the amount of $369,797.35, and authorizing the City Manager to sign the purchase order on behalf of the City.

D. INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO INCORPORATE BUILDING AND FIRE CODE REVISIONS. (Fire Chief)

The State of California updates the Building Standards and Fire Code every three years. The City then adopts the codes, with certain amendments, to address specific City of Benicia needs. The updates include the addition of new Chapters 15.19 (California Administrative Code), 15.20 (California Energy Code), 15.21 (California Historical Building Code), 15.22 (California Existing Buildings Code) and 15.23 (California Referenced Standards Code) to Title 15 Buildings and Construction and amendments to the following Title 8 Health and Safety and Title 15 Buildings and Construction include the following Chapters:

Chapter 8.28 Fire Prevention and Life Safety Code
Chapter 15.02 California Residential Code
Chapter 15.04 California Building Code
Chapter 15.08 California Mechanical Code
Chapter 15.12 California Plumbing Code
Chapter 15.16 California Electrical Code
Chapter 15.18 California Green Building Standards Code
Chapter 15.26 Building Permit Fees and Other Fees

Recommendation: Conduct a public hearing and first reading of a proposed ordinance to amend the Benicia Municipal Code by amending Title15 Buildings and Construction and Title 8 Health and Safety pursuant to statewide code updates and providing for certain amendments required to address local conditions.

E. INTRODUCTION AND FIRST READING OF ORDINANCES RELATING TO A BUILDING SEWER LATERAL INSPECTION AND REPAIR PROGRAM. (Public Works Director)

In 2012 the City entered into a settlement agreement with Northern California River Watch to address alleged violations of the Clean Water Act associated with the City's operation and maintenance of its sewer system. One of the terms of the agreement is for City staff to recommend to the City Council an ordinance establishing a program for the inspection, repair, and/or replacement of building sewer laterals. The program is to be based on specific events as the basis or "trigger" for inspection, repair and/or replacement such as property transfer/sale, a significant remodel, or two or more sewer overflows within two years. Depending on the condition of the building sewer lateral, the property owner would be required, at their expense, to repair or replace the sewer lateral in an effort to help prevent sanitary sewer overflows from occurring. The purpose of this ordinance is to codify requirements for the inspection, repair and/or replacement of building sewer laterals within the city.

Recommendation: Conduct a public hearing and introduce two ordinances relating to inspection, repair and maintenance of building sewer laterals:

Introduction of an Ordinance amending Section 13.60.050 (Maintenance Generally) of Chapter 13.60 (Building Sewers and Sewer Laterals) of Title 13 (Public Services) of the Benicia Municipal Code; and
Introduction of an Ordinance adding Chapter 13.80 (Building Sewer Lateral Inspection and Repair Program) to Title 13 (Public Services) of the Benicia Municipal Code.

F. BENICIA INDUSTRIAL PARK BUS HUB PROJECT: ADOPTION OF MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE CONCEPTUAL PLAN -- TO BE CONTINUED UNTIL DECEMBER 3, 2013. (Public Works Director)

The Conceptual Plan and Draft Mitigated Negative Declaration (MND) have been prepared for the Project; however, other agreements and related studies necessary for the project to move forward will be ready for review at the December 3, 2013 meeting. Continuing this item until that time will allow all important facets of the project to be reviewed together without causing any delays.

The Notice of Intent was posted and sent to property owners indicating that the Mitigated Negative Declaration was scheduled for review at tonight's meeting. While no written comments were received, procedure necessitates the public be provided the opportunity for feedback.

Recommendation: Staff recommends a continuance of this item until the December 3, 2013 City Council Meeting.

G. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

VIII. BUSINESS ITEMS (7:30 PM):

A public hearing should not exceed one hour in length. To maximize public participation, the council requests that speakers be concise and avoid repetition of the remarks of prior speakers. Instead, please simply state whether you agree with prior speakers.

A. URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN DRAFT PREFERRED SITE ALTERNATIVE. (Parks and Community Services Director)

Following public input at two Community Advisory Committee meetings and one Community Workshop that engaged over 100 members of the public and the Community Advisory Committee, the project consultant team drafted three site alternatives for review at a series of four Review Meetings designed to progressively refine the draft site alternatives and identify a preferred site concept. The first three Review Meetings consisted of the second Community Workshop, held on September 18, the third Community Advisory Committee meeting, held on September 26, and a Parks, Recreation & Cemetery Commission meeting held on October 9. The input received at these meetings has shaped the draft Preferred Alternative that Council is being asked to review. The cumulative feedback of the four Review Meetings and City Council direction will guide development of the Draft Master Plan, which is scheduled to

be completed over a four month period.

Recommendation: Adopt a resolution approving the Draft Preferred Alternative and directing staff to proceed with development of the Draft Master Plan and concurrent Environmental Review.

B. INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE FOR UPDATES TO THE INDUSTRIAL ZONING DISTRICTS AND ADOPTION OF THE RELATED NEGATIVE DECLARATION. (Community Development Director)

Staff has been working with the Benicia Industrial Park Association (BIPA), the Chamber of Commerce and the EDB to develop zoning language as part of the City's ongoing economic development efforts to help retain and attract industrial businesses. These proposed zoning text amendments seek to balance the community's goal of preserving the integrity of the industrial base by encouraging technologically oriented industrial business opportunities for new and existing tenants. The amendments also seek to expedite any review of proposed uses or construction and create certainty for industrial property owners about what uses are allowed and what requires City review.

Recommendation: Conduct a public hearing and first reading of a proposed ordinance to amend Title 17 (Zoning Ordinance) of the Benicia Municipal Code 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; after adopting the Initial Study and Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines. A Negative Declaration was prepared 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.

C. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SAFETY EMPLOYEES TO PROVIDE SECTION 20516 (5.41% EMPLOYEES SHARING COST OF ADDITIONAL BENEFITS) APPLICABLE TO SECTION 21362.2 (3% @ 50 FULL FORMULA) AND SECTION 21363.1 (3% AT 55 FULL FORMULA) FOR LOCAL BFA FIRE MEMBERS. (Acting Assistant City Manager)

In 2012, the City concluded negotiations with the Benicia Firefighter's Association (BFA). This unit agreed as part of this employee group's reductions, to share in the City's cost of the employer's share of PERS, and contribute 5.41% towards that cost . In order to document this change with CalPERS, it is necessary for the City's contract with CalPERS to be amended to reflect the sharing of this cost by the BFA members.

Recommendation: Adopt the ordinance to amend the contract between the City and Public Employee's Retirement System (CalPERS) to provide Section 20516 (5.41% Employees Sharing Cost of Additional Benefits) applicable to Section 21362.2 (3% @ 50 full formula) and Section 21363.1 (3% @ 55 full formula) for local BFA Fire members.

D. MAYOR REQUEST TO AGENDIZE A COUNCIL STUDY SESSION REGARDING IMPLEMENTATION OF A COMMUNITY AIR MONITORING PROGRAM. (City Manager)

This is a request to seek council concurrence that such a study session presented by the consultant responsible for setting the equipment up and how it should operate among other technical details would bring us all up to speed about the workings and uses of this air monitoring equipment.

Recommendation: Consider Mayor Patterson's request to agendize this topic for a future City Council meeting.

E. Council Member Committee Reports:
(Council Member serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by the Council Members are made only by exception.)

1. **Mayor's Committee Meeting.**
   (Mayor Patterson)
   Next Meeting Date: December 18, 2013

2. **Association of Bay Area Governments (ABAG)**
   http://www.abag.ca.gov/.
   (Mayor Patterson and Council Member Strawbridge)
   Next Meeting Date: TBD

3. **Finance Committee.**
   (Vice Mayor Campbell and Council Member Strawbridge)
   Next Meeting Date: November 22, 2013

4. **League of California Cities.**
   (Mayor Patterson and Vice Mayor Campbell)
   Next Meeting Date: TBD

5. **School Liaison Committee.**
   (Council Members Strawbridge and Council Member Hughes)
   Next Meeting Date: December 5, 2013

6. **Sky Valley Open Space Committee.**
   (Vice Mayor Campbell and Council Member Schwartzman)
   Next Meeting Date: TBD

7. **Solano EDC Board of Directors.**
   (Mayor Patterson and Council Member Strawbridge)
   Next Meeting Date: TBD

8. **Solano Transportation Authority (STA).**
   http://www.sta.ca.gov/
   (Mayor Patterson and Council Member Schwartzman)
   Next Meeting Date: December 11, 2013

9. **Solano Water Authority-Solano County Water Agency and Delta Committee.**
   http://www.scwa2.com/
   (Mayor Patterson and Council Member Hughes)
   Next Meeting Date: December 12, 2013

10. **Traffic, Pedestrian and Bicycle Safety Committee.**
    (Vice Mayor Campbell and Council Member Schwartzman)
    Next Meeting Date: January 16, 2014

11. **Tri-City and County Cooperative Planning Group.**
    (Mayor Patterson and Council Member Strawbridge)
    Next Meeting Date: December 9, 2013

12. **Valero Community Advisory Panel (CAP).**
    (Mayor Patterson and Council Member Hughes)
    Next Meeting Date: TBD

13. **Youth Action Coalition.**
    (Mayor Patterson, Council Member Strawbridge and Council Member Hughes)
    Next Meeting Date: November 20, 2013

14. **ABAG-CAL FED Task Force-Bay Area Water Forum.**
http://www.baywaterforum.org/
(Mayor Patterson)Next Meeting Date: TBD

15. **SOLTRANS Joint Powers Authority**
(Mayor Patterson, Council Member Hughes and Council Member Schwartzman)
Next Meeting Date: November 21, 2013

IX. ADJOURNMENT (9:30 PM):

Public Participation

The Benicia City Council 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 City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five 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 City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access or special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, 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 the meeting.

Meeting Procedures

All items listed on this agenda are for Council 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 may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council 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 City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. 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 City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk’s Office.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
November 05, 2013

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Council Member Hughes called the meeting to order at 7:00 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

Vice Mayor Campbell and Mayor Patterson were absent.

All other Council Members were present.

B. PLEDGE OF ALLEGIANCE

Council Member Hughes led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Arts and Culture Commission
1 unexpired term
Open until filled

Historic Preservation Review Commission
1 unexpired term
Open until filled

Human Services Board
1 full term
Open until filled

Open Government Commission

1 full term
Open until filled

3. Mayor's Office Hours

4. Benicia Arsenal Update

Update from City Attorney

Status quo. Nothing new to report.

B. PROCLAMATIONS

1. IN RECOGNITION OF EPILEPSY AWARENESS MONTH - NOVEMBER 2013

C. APPOINTMENTS

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted the Agenda, as presented, on roll call by the following vote:

Ayes: Schwartzman, Strawbridge, and Hughes
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

B. PUBLIC COMMENT

1. Leanne Cawley - Ms. Cawley discussed Benicia being chosen as a site in Solano County for an upcoming cancer study. She urged the community to participate in the study.

VII. CONSENT CALENDAR:

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted the Consent Calendar, as presented, on roll call by the following vote:

Ayes: Schwartzman, Strawbridge, and Hughes
Noes: (None)

A. APPROVAL OF THE MINUTES OF THE OCTOBER 15, 2013 CITY COUNCIL MEETING. (City Clerk)

B. DENIAL OF CLAIM AGAINST THE CITY BY BILLY JEAN BULLARD AND REFERRAL TO INSURANCE CARRIER

C. DENIAL OF CLAIM AGAINST THE CITY BY SCOTT BAIRD AND REFERRAL TO INSURANCE CARRIER

D. DENIAL OF CLAIM AGAINST THE CITY BY SCOTT GROVE EATON AND REFERRAL TO INSURANCE CARRIER

E. DENIAL OF CLAIM AGAINST THE CITY BY AARON VON INNES AND REFERRAL TO INSURANCE CARRIER

F. DENIAL OF CLAIM AGAINST THE CITY BY DEMETRESS DUNSON AND REFERRAL TO INSURANCE CARRIER

G. DENIAL OF CLAIM AGAINST THE CITY BY ALLISON MCLANAHAN AND REFERRAL TO INSURANCE CARRIER

H. AWARD OF CONTRACT FOR WATER TREATMENT PLANT INFLUENT IMPROVEMENT PROJECT

RESOLUTION 13-98 - A RESOLUTION ACCEPTING BIDS FOR THE WATER TREATMENT PLANT INFLUENT IMPROVEMENT PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO SPIESS CONSTRUCTION COMPANY OF SANTA MARIA IN THE AMOUNT OF $413,350, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

I. ACCEPTANCE OF THE 2013 ASPHALT OVERLAY PROJECT

RESOLUTION 13-99 - A RESOLUTION ACCEPTING THE 2013 ASPHALT OVERLAY PROJECT AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER

J. CONFIRMATION OF THE WORDING OF THE RESOLUTION APPROVING THE AWARDING OF FISCAL YEAR 2013-2014 GRANTS TO BENICIA OLD TIME THEATRE GROUP AND BENICIA BALLET

RESOLUTION 13-100 - A RESOLUTION APPROVING THE AWARD OF ARTS AND CULTURE COMMISSION GRANT FUNDS TO THE BENICIA OLD TOWN THEATRE GROUP AND THE BENICIA BALLET

K. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

VIII. BUSINESS ITEMS:

A. RESOLUTION AUTHORIZING APPROPRIATION OF FUNDING FOR ECONOMIC DEVELOPMENT PROGRAM AND PROJECTS

RESOLUTION 13-101 - A RESOLUTION AUTHORIZING APPROPRIATION OF $100,000 FROM THE ECONOMIC DEVELOPMENT ACTIVITIES ACCOUNT FOR ECONOMIC DEVELOPMENT PROGRAM AND PROJECTS FOR FISCAL YEAR 2013-2014

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Council Member Hughes and Staff discussed what the $100,000 that is proposed for this year would be used for.

Council Member Strawbridge and Staff discussed utilizing the Economic Development web site for advertising (businesses in the Industrial Park, leasing agents, etc.).

Public Comment:

None

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 13-101, on roll call by the following vote:

Ayes: Schwartzman, Strawbridge, and Hughes
Noes: (None)

IX. ADJOURNMENT:

Council Member Schwartzman asked that the meeting be adjourned in Memory of Ms. Billie Middleton.

Council Member Hughes adjourned the meeting at 7:19 p.m.

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 19, 2013
CONSENT CALENDAR

DATE : November 4, 2013

TO : City Council

FROM : City Attorney

SUBJECT : **DENIAL OF CLAIM AGAINST THE CITY BY LE ROY DOSS AND REFERRAL TO INSURANCE CARRIER**

RECOMMENDATION:
Deny the claim against the City by Le Roy Doss.

EXECUTIVE SUMMARY:
The claimant alleges that he tripped and fell on the sidewalk while walking his dog along the waterfront.

BUDGET INFORMATION:
The amount listed for this claim is "Open ended."

GENERAL PLAN:
N/A.

STRATEGIC PLAN:
N/A- there is not a relevant Strategic Plan Goal that relates to this agenda item.

BACKGROUND:
Claimant alleges that he tripped on a crack and fell while walking his dog on the sidewalk along the waterfront on 9th Street. Mr. Doss states that he had to go to the emergency room with a hurt knee, wrist and shoulder and that his medical bills are ongoing. Upon rejection of the claim, the City Clerk should issue a rejection notice to Mr. Doss using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

Attachment:
- Copy of Claim Against the City

VII.B.2

RECEIVED
SEP 25 2013
CITY CLERK'S OFFICE
CITY OF BENICIA

CLAIM AGAINST THE CITY OF BENICIA

Please return to the City Clerk, 250 East L Street, Benicia, CA 94510

Complete the following, adding additional sheets as necessary.

1. CLAIMANT'S NAME (Print): Le Roy Doss

2. CLAIMANT'S ADDRESS: _____
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: _____ WORK PHONE: _____

3. AMOUNT OF CLAIM: $ open ended ? (Attach copies of bills/estimates) Still seeing Dr's

If amount claimed is more than $10,000, indicate where jurisdiction rests:
Limited Civil Case _____
Unlimited Civil Case _____ ? Bills are ongoing ....

4. Address to which notices are to be sent, if different from lines 1 and 2 (Print):

_____
(Name)

_____
(Street or P.O. Box Number, City, State, Zip Code)

5. DATE OF INCIDENT: Sept. 7 2013 TIME OF INCIDENT: 12:35 pm

LOCATION OF INCIDENT: 9th Street, on Sidewalk along waterfront.

6. Describe the incident or accident including your reason for believing that the City is liable for your damages: was walking dog, admireing the view, and tripped on a large crack in Sidewalk Cement. I fell hard on the cement, and needed help getting up. I believe the City is liable because it is their Duty to maintain the sidewalks with the taxpayers money.

7. Describe all damages which you believe you have incurred as a result of the incident: Had to go to emergency Rm. hurt my Knee, (Left), Rt. Wrist & my Rt. Shoulder, so along with my physical injurys, which are still bothering me, I have the medical bills to pay & ongoing medical Care, till I'm better..

8. Names of public employee(s) causing the damages you are claiming:

N.A.

LeRoy Doss
Signature of Claimant

Sept. 23, 2013
Date

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: YOU must file a claim in compliance with Government Code Section 911.2.

(revised 12/18/02)

VII.B.4

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 19, 2013
CONSENT CALENDAR

DATE : November 8, 2013

TO : City Manager

FROM : Public Works Director

SUBJECT : **PURCHASE OF REPLACEMENT VACTOR TRUCK FOR PUBLIC WORKS MAINTENANCE**

RECOMMENDATION:
Adopt a resolution authorizing the purchase of a replacement vactor truck for the Public Works Maintenance Division from Owen Equipment in the amount of $369,797.35, and authorizing the City Manager to sign the purchase order on behalf of the City.

EXECUTIVE SUMMARY:
The vactor truck, which contains equipment used for cleaning and flushing sewer mains, lift stations and storm drains, as well as excavating water lines, requires replacement due to age and poor condition. A more efficient and less polluting vactor will replace the current 21-year-old vactor.

BUDGET INFORMATION:
The total cost to purchase the vactor truck including specialized equipment essential for public works maintenance activities, is $369,797.35, which includes $343,598.00 plus tax of $26,199.35. Funding for the purchase is budgeted and will be allocated as follows:

1. 517-8356-9959: 50% or $184,898.68 (Wastewater Major Vehicle Replacement)
2. 595-8257-9959: 35% or $129,429.07 (Water Major Vehicle Replacement)
3. 114-8705-9125: 15% or $55,469.60 (Internal Service Fund Vehicle Replacement)

GENERAL PLAN:
Relevant General Plan Goal:
- Goal 2.28: Improve and maintain public facilities and services.

STRATEGIC PLAN:
Relevant Strategic Plan Issue and Strategy:
- Strategic Issue #4: Preserving and Enhancing Infrastructure
  - Strategy #4: Provide adequate funding for ongoing infrastructure needs.

BACKGROUND:
The vactor is a truck that has specialized equipment attached (called a boom) that is used to clean and flush sewer mains, lift stations and storm drains. It also has proven to be useful in excavating critical water lines within close proximity to gas and electrical utilities, where backhoe operations are risky.

The vactor truck is scheduled for replacement due to age and poor condition. The existing truck is a 1992 vactor that was purchased used in 2000. Since that time, it has required several expensive repairs and a retrofit. Further, the current vactor will be unable to operate in California after January 1, 2015 as presently equipped due to Air Resources Board regulations.

The new vactor will be more efficient and less polluting than the existing one. The fuel efficiency will double when comparing the 1992 engine with the current technology built into the new vactor. Also, the new truck will be equipped with the most current emission equipment available including a Selective Catalytic Reduction System, which is an exhaust treatment device.

The recommended vactor replacement is offered through the National Joint Powers Alliance (NJPA), which is a national public service agency that provides cooperative contract purchasing for government entities. The City's membership with NJPA provides for the opportunity to purchase off of nationally, competitively bid contracts. The City saves time by using pre-bid contracts, saves money by leveraged volume pricing, and obtains quality products from nationally acclaimed vendors.

Attachment:
- Proposed Resolution

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF A REPLACEMENT VACTOR VEHICLE FOR THE PUBLIC WORKS MAINTENANCE DIVISION FROM OWEN EQUIPMENT IN THE AMOUNT OF $369,797.35, AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDER ON BEHALF OF THE CITY

WHEREAS, the vactor vehicle, which cleans and flushes sewer mains, lift stations and storm drains, as well as excavating water lines, requires replacement due to age and poor condition; and

WHEREAS, the National Joint Powers Alliance, a national public service agency, competitively bids and makes vehicle contracts available to governmental entities; and

WHEREAS, Benicia Municipal Section 3.08.090(I) allows the City to purchase equipment from a vendor awarded by a bid by another governmental agency.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby authorizes the purchase of a replacement Vactor vehicle for the Public Works Maintenance Division from Owen Equipment in the amount of $369,797.35, and authorizing the City Manager to sign the purchase order on behalf of the City (funded 50% or $184,898.68 from Acct. No. 517-8356-9959; 35% or $129,429.07 from Acct. No. 595-8257-9959; and 15% or $55,469.60 from Acct. No. 114-8705-9125).

* * * * *

On motion of Council Member , seconded by Council Member , the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 19th day of November 2013, and adopted by the following vote:

Ayes:

Noes:

Absent:

_____
Elizabeth Patterson, Mayor

Attest:

_____
Lisa Wolfe, City Clerk

Dated: _____

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 19, 2013
CONSENT CALENDAR

DATE : October 30, 2013

TO : City Council

FROM : City Manager

SUBJECT : **INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO INCORPORATE BUILDING AND FIRE CODE REVISIONS**

RECOMMENDATION:
Conduct a public hearing and first reading of a proposed ordinance to amend the Benicia Municipal Code by amending Title15 Buildings and Construction and Title 8 Health and Safety pursuant to statewide code updates and providing for certain amendments required to address local conditions.

EXECUTIVE SUMMARY:
The State of California updates the Building Standards and Fire Code every three years. The City then adopts the codes, with certain amendments, to address specific City of Benicia needs. The updates include the addition of new Chapters 15.19 (California Administrative Code), 15.20 (California Energy Code), 15.21 (California Historical Building Code), 15.22 (California Existing Buildings Code) and 15.23 (California Referenced Standards Code) to Title 15 Buildings and Construction and amendments to the following Title 8 Health and Safety and Title 15 Buildings and Construction include the following Chapters:

Chapter 8.28 Fire Prevention and Life Safety Code
Chapter 15.02 California Residential Code
Chapter 15.04 California Building Code
Chapter 15.08 California Mechanical Code
Chapter 15.12 California Plumbing Code
Chapter 15.16 California Electrical Code
Chapter 15.18 California Green Building Standards Code
Chapter 15.26 Building Permit Fees and Other Fees

BUDGET INFORMATION:
No changes are proposed to current Permit Fee Schedule other than minor edits to facilitate a more consistent application of the permit fees and charges for services provided. No fees have been raised or changed.

GENERAL PLAN:
Relevant Goals and Policies include:

- Goal 3.27: Improve energy efficiency.
  - Policy 3.27.1: Promote energy conservation in all new development and during rehabilitation of existing homes.
  - Policy 3.27.A: Distribute information on weatherization and energy conservation.
  - Policy 3.27.B: Implement State energy conservation requirements in new housing.
- Goal 4.1: Make community health and safety a high priority for Benicia
  - Policy 4.1.1: Strive to protect and enhance the safety and health of Benicians when making planning and policy decisions.

STRATEGIC PLAN:
Relevant Strategic Plan Issues and Strategies include:

- Strategic Issue 1: Protecting Community Health and Safety
- Strategic Issue 2: Protecting and Enhancing the Environment
  - Reduce greenhouse gas emissions and energy consumption
  - Pursue and adopt sustainable practices
- Strategic Issue 5: Maintain and Enhance a High Quality of Life

BACKGROUND:
The State of California promulgates uniform construction related and fire protection codes for statewide use in order to ensure quality building construction and public safety. These codes are reviewed and updated on a three-year cycle and published by the International Code Council, the International Association of Plumbing and Mechanical Officials, and the National Fire Protection Association.

The State has adopted these codes to be effective January 1, 2014; all jurisdictions within California must use these codes as adopted by the State. However, cities may also adopt additional specific local amendments due to local climatic, geological or topographical conditions.

The State of California has recently approved the latest editions of the following codes:

California Administrative Code (2013)
California Building Code (2013)
California Electrical Code (2013)
California Existing Buildings Code (2013)
California Energy Code (2013)
California Fire Code (2013)
California Green Building Standards Code (2013)

California Historical Building Code (2013)
California Mechanical Code (2013)
California Plumbing Code (2013)
California Referenced Standards Code (2013)
California Residential Code (2013)

In addition to adoption of the tri-annual California Building Standards Code updates, the proposed ordinance will also adopt the following requirements as amendments to the California Building Code (CBC), the California Plumbing Code (CPC), and the California Residential Code (CRC). Items #1- 7 below are Benicia specific amendments to both the CBC and the CRC. Item #8 is an amendment to CPC.

There are no substantial local modifications from the last code adoption in November 2010. The requirements listed below already exist in the Benicia Municipal Code, even though they are not in the 2013 statewide codes, and should remain based upon the findings described below:

1. **Lighted street address numbers.**
   The City is geographically bordered on two sides by the Carquinez Strait. The water may cause fog to form in the city, which limits the ability of emergency personnel to quickly locate buildings during night hours without the aid of lighted street address numbers.

2. **Roof assembly.**
   The City is geographically situated in an area subject to frequent periods of strong wind conditions. Additionally, the City contains a significant amount of hilly, undeveloped acreage designated as permanent open space. These large open space areas are characterized as brush and grasslands, which during certain times of the year present extreme fire hazard. Wind conditions, combined with brush and grassland areas, result in heightened concern for fire damage and require additional constraints on the use of wood shake and shingles on roofs and siding.

3. **Wood burning fireplaces restricted.**
   This code revision is in response to the Bay Area Air Quality Management District requirement that any new fireplaces must either be pellet fueled or EPA certified. The ordinance is designed to assist the Bay Area in meeting federal standards and improve air quality.

4. **Restricted use of gypsum wallboard for lateral bracing.**
   Gypsum wall board (sheetrock) will be prohibited to be used as lateral bracing. Because Benicia is in a high seismic zone, this change is necessary to ensure adequate safety in case of seismic activity.

5. **Restricted use of paper backed gypsum board in showers and bathtub areas.**
   Paper backed gypsum board will not be permitted in showers and tub areas subject to water splash. Because of this material's lack of resistance to damage in high moisture areas, premature failure of the product frequently occurs.

6. **Concrete slabs require 4 inches minimum thickness and rebar: gravel is required between the concrete and the earth.**
   Benicia has numerous places where expansive soil is present. The rebar requirement lessens the cracking of the slab. A 4-inch slab is required to accommodate the rebar in the slab. Underground water found in the soils of Benicia by capillary action, can cause water to be pulled into the slab. The gravel base acts as a capillary break to this underground water flow.

7. **Pool and spa barriers.**
   The City's ordinance strengthens the State mandated barrier requirement by specifying that garage doors opening in the pool area meet the same self-closing requirements as gates. The City code requires all human made bodies of water over 18 inches to be protected. This requirement is in both the CBC and the CRC.

8. **Prohibit metal water pipe under concrete slabs.**
   The use or repair of metal water pipes buried under the concrete slab of a building is prohibited. Buildings have developed water leaks under the slab, and the cost of repair is considerable. In order to eliminate this problem, buried metal water pipe will remain prohibited under a building slab, as it has been since 2003.

State law requires that local agency adopt findings for any local modifications to the building standards contained in the CBSC and the Fire Code. These findings are including in the attached Ordinance.

SUMMARY OF FIRE CODE CHANGES TO CHAPTER 8.28 (FIRE PREVENTION AND LIFE SAFETY CODE) OF TITLE 8 (HEALTH AND SAFETY):
The proposed ordinance makes minor changes to Chapter 8.28 of the Benicia Municipal Code (BMC) for administrative purposes to reflect changes contained within the 2013 California Fire Code. Many of the local amendments contained within the proposed ordinance have been previously incorporated into the BMC during previous code adoption processes. The significant change contained within the current proposed amendments is standardized specifications with respect to construction of Fire Access Roads, required turnaround areas, and fire hydrant spacing. In years past the specifications for these elements was not clearly defined within the BMC or other supporting documentation.

SUMMARY OF BUILDING CODE CHANGES TO VARIOUS CHAPTERS OF TITLE 15 (BUIDLING AND CONSTRUCTION):

The proposed ordinance makes minor changes to the various applicable chapters of Title 15 of the BMC. The changes to the BMC are all administrative in nature and reflective of the change referenced 2013 California code sections. For consistency, staff is proposing that the BMC acknowledge each applicable 2013 code including those where no amendments are recommended. Several California codes including the California Administrative Code, California Energy Code, California Existing Building Codes, California Historical Building Code, and the California Referenced Standards Code were never specifically adopted as reference in the BMC. Although, they are considered to be effective January 1, 2014 regardless of adoption, they are proposed for inclusion in the BMC for consistency with state law. No modifications to these codes are proposed.

In 2010, the City adopted the California Green Building Code with amendments. Those amendments include eleven voluntary regulations that developers were *encouraged* to comply with. The 2013 California Green Building Code made two of the eleven voluntary regulations mandatory. Therefore, those two requirements were removed from the list of *encouraged* regulations and will now be adopted as part of the general update to the 2013 California Green Building Code. They are:

1. (#3) Replace existing tank or flushometer-type toilets with fixtures designed to comply with the standards referenced in Table 5.303.
2. (#4)Low-flow devices installed in all shower fixtures, sink and lavatory faucets designed to comply with the standards referenced in Table 5.303.

Attachment:

- Proposed Ordinance

VII.D.6

CITY OF BENICIA

ORDINANCE NO. 13-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING TITLE 8 (HEALTH AND SAFETY) AND DIVISION 1 OF TITLE 15 (BUILDINGS AND CONSTRUCTION) BY AMENDING CHAPTER 8.28 (FIRE PREVENTION AND LIFE SAFETY CODE) , ADDING NEW CHAPTERS 15.19 (CALIFORNIA ADMINISTRATIVE CODE), 15.20 (CALIFORNIA ENERGY CODE), 15.21 (CALIFORNIA HISTORICAL BUILDING CODE), 15.22 (CALIFORNIA EXISTING BUILDINGS CODE) AND 15.23 (CALIFORNIA REFERENCED STANDARDS CODE) AND AMENDING CHAPTERS 15.02 (CALIFORNIA RESIDENTIAL CODE, 15.04 (CALIFORNIA BUILDING CODE), 15.08 (CALIFORNIA MECHANICAL CODE), 15.12 (CALIFORNIA PLUMBING CODE), 15.16 (CALIFORNIA ELECTRICAL CODE), 15.18 (CALIFORNIA GREEN BUILDING STANDARDS CODE), AND 15.26 (BUILDING PERMIT AND OTHER FEES)

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Pursuant to Sections 17958.5 and 17958.7 of the State of California Health and Safety Code, the City Council of the City of Benicia makes the finding that changes, modifications, and amendments to the 2013 Edition of the California Building Standards Codes and the California Fire Code are needed and are reasonably necessary because of certain local climatic, geologic and topographic features and conditions as described below, and that those features and conditions, under certain circumstances, affect delivery of emergency services. The amendments to the California Building Standards Codes and the California Fire Code are enacted to mitigate the impact of those local features and conditions by (i) preventing the chance of accident or injury by requiring standards more stringent than required by the current codes; and (ii) requiring additional built-in automatic fire protection systems which will provide for early detection and initial fire control. The City of Benicia is subject to the following climatic, geological and topographical conditions:

A. Climatic Conditions

General Conditions

The seasonal climatic conditions during late summer, fall and early winter create serious difficulties regarding the control of and protection against fires in Benicia. The hot, dry weather typical of this area in the summer and fall, and the extreme dryness of fuel stands in the early winter, coupled with wind, temperature and precipitation conditions outlined below frequently cause fire events which threaten the City.

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of 18 inches per year. Ninety-five percent of all rainfall occurs during the seven months of October through April and only five percent occurs from May through September. The dry season is considered to last at least six months in this area, where typically 0.8 percent of the annual rainfall occurs in any given month during this period. In addition, the Northern California area is subject to recurrent periods of drought lasting for several years. Relative humidity remains in the middle range most of the year with 45 to 65 percent occurring during the spring, summer and fall, and a wider range of 60 to 90 percent in the winter. Occasionally, the relative humidity falls as low as 12 percent during temporary changes in climate and wind direction. Such low humidity periods can occur any time of year. Coastal fog, on the other hand, can raise humidity especially during night hours.

(b) Impact

During the dry season generally and during occasional periods of low humidity, burning conditions are worse than normal. Such weather conditions cause extreme dryness in combustible material including untreated wood shakes and shingles on buildings, wood siding, and combustible building materials. Non-irrigated grass, brush, and weeds, which are often near buildings, are also subject to extreme drying. Extremely dry, combustible materials are vulnerable to rapidly spreading exterior fires which can quickly transfer to other buildings by means of radiation or flying brands, sparks, or embers. Under such conditions, a small fire can rapidly grow in magnitude beyond the capabilities of the fire department to control. Such fires produce excessive fire loss that has a negative impact on the quality of life in the community.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 106° F. Seasonal highs over 90° can be sustained for several days in a row.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, reducing their effectiveness and ability to control large building and wildland fires. High temperatures will preheat combustible building materials and non-irrigated weeds, grass and brush causing their materials to ignite readily and burn more rapidly and intensely. In addition, a series of local ridges and valleys produce differences in solar heating of fuels which increase the probability of erratic fire behavior, including area-wide ignition and "blow-up" conditions. Higher air and fuel temperatures increase

the rate of fire spread and reduce the effectiveness of water applied to extinguish fires. Additional fire department resources and water will be required for timely and effective suppression of fires. Temperature has a direct relationship to the intensity and size of fires.

3. Winds

(a) Conditions

Prevailing winds in the area occur from the west or southwest. Off shore winds from the northeast and east, known locally as Diablo winds, frequently occur during the summer and fall and are prevalent during periods of hot, dry weather. Virtually any time during the year a climatic pattern of strong, steady, dry winds can occur for several days in succession, creating extremely dry conditions. Hillside elevation differences are ideal for the creation of localized up slope or down slope winds, which follow ridgelines or canyon valleys. Because of these topographic variables, winds can be experienced from virtually every direction depending on location and surrounding climatic conditions. Wind velocities range generally from 15 to 25 mph, with typical gusting to 35 mph. Severe storm gusts have been recorded as high as 80 mph. Westerly afternoon winds are common. Forty (40) mph winds are experienced occasionally during extreme fire weather conditions. In rare circumstances, both on shore and off shore breezes up to 55 mph have been registered locally during non-storm conditions.

(b) Impact

Local winds can cause water intrusion and structural deterioration to building components, this deterioration may facilitate a premature structural building collapse. These local winds cause interior and exterior fires to burn intensely and spread rapidly. Wind driven fires involving non-irrigated weeds, grass and brush can grow to a magnitude and intensity beyond the capabilities of the fire department to control. Even relatively moderate winds can cause extreme and erratic fire behavior. Prevailing winds generally align with local topographical features creating ideal avenues for uphill fire spread. Wind driven fires can move uphill or downhill with great speed. When wind driven fires are not controlled they can spread from property to property and threaten the entire community.

Summary

The local climatic conditions created by precipitation patterns, temperature and wind conditions combine to affect the rate of acceleration, intensity, and magnitude of fire in the community. Periods with little or no rainfall, low humidity and high temperatures create extreme fire hazard conditions. Temperature extremes can create intense and erratic fire behavior. Local winds can have a tremendous impact on fire intensity, growth, and spread. Winds can carry sparks and burning brands to other areas up to one-mile away thus spreading fire and causing conflagrations. In building

fires and fires at the bottom of canyons, winds can literally create a "blow torch" effect, which concentrates heat and resists control efforts.

B. Geologic Conditions

General Conditions

The geologic features of the local area create conditions that leave the area vulnerable to local flooding, earthquakes, land sliding, restricted access and conflagration. These events create serious difficulty regarding the control of and protection against fires in Benicia. Local flooding conditions can impede the ability of the fire department to aid or assist in fire control, evacuations, rescues and other emergency tasks. Among the potential effects of earthquake activity are isolation of neighborhoods or the entire community, loss of water sources and conflagration. Seismic events and landslides may isolate Benicia from surrounding communities and restrict or eliminate internal circulation by rendering surface travel difficult or impossible. Topographic features present multiple problems in the delivery of emergency services including fire protection.

1. Seismic

(a) Conditions

Benicia is located in a High Risk Seismic Zone, the worst risk rating in the United States. Buildings and other structures in High Risk Zones can experience major damage as the result of a seismic event. Solano County is in close proximity to the San Andreas Fault, it contains all or portions of the Concord-Green Valley and Rogers Creek faults, and is within the region of the Hayward, Calaveras, Antioch, Mt. Diablo, and other lesser faults. The Hayward and Calaveras faults have been identified as likely sites for a major seismic event in the 7 + Richter scale range within the next 25 years. Minor seismic events have been localized in this region of Northern California.

Much of the transportation infrastructure is built upon soils classified as subject to liquefaction or landslide. State Highways 780 and 680, a major east-west route through the city, are subject to liquefaction. Rose Drive, the other main east-west route, is subject to damage from landslide. Hastings Drive, Panorama Drive, and East Second Street, primary north-south routes are all subject to damage from landslide. Damage to these roadbeds would have a significant, negative impact on response times.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities which in turn, cause power failures while at the same time starting fires throughout the city. The simultaneous occurrence of multiple fires will quickly disperse available fire department resources, thereby reducing and delaying an emergency response to any additional fires. An electrical power outage would incapacitate elevators, building smoke management systems, lighting systems,

alarm systems and other electrical equipment. Since these are urgently needed to assist evacuation and fire control in large buildings there is increased expectation of life loss and major fire losses in such larger buildings.

A seismic event powerful enough to damage roadways would also damage other utility systems such as water mains, natural gas pipelines and telephone lines. The regional utility districts anticipate seismic disruption of utility systems. Damage to these systems would have a negative impact on the service delivery capabilities of local emergency services.

(b) Impact

The above listed local geologic conditions increase accessibility problems and fire hazards in the City of Benicia. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to a larger number of citizens should a leak occur during a significant seismic event. Public safety resources would have to be prioritized to meet the greatest threat and may be unavailable for smaller structure fires in dwellings or other structures. Smaller fires may grow to conflagration proportions. Other factors can intensify the situation:

1) The extent of damage to the water system;

2) The extent of isolation due to bridge or freeway overpass collapse;

3) The extent of roadway damage or amount of debris blocking the roadway;

4) Climatic conditions (hot, dry weather with high winds);

5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;

6) The availability of timely mutual aid or military assistance;

7) Dwellings with wood shingle roof coverings could burn and result in conflagrations.

Summary

The local geologic conditions leave the city vulnerable to emergency conditions created by local flooding, earthquakes, landslide, and conflagration. Local flooding from the drainages and slopes of the North Bay Hills could result in conditions

rendering the roads impassable. Earthquakes can occur at any time. Earthquakes can isolate the community or significant portions of the community, cause loss of water sources used to provide fire protection and cause injury or rescue situations, which could then overtax the available resources to respond to new fires. Land movement can impair, restrict or deny emergency access to significant portions of the city. Geologic features and conditions can make firefighting strategy and tactics difficult at best. When coupled with prevailing climatic and topographic conditions, the City is at risk to conflagration at any time and is extremely vulnerable during or after a triggering event such as earthquake, floods, landslide or fire.

C. Topographic

General Conditions

The topographic features of the city increase the difficulty of fighting fires. Steep hillsides, ridges and deep, well-defined canyons are subject to fires that, in those areas, are easily influenced by wind and weather. Steep canyons are subject to rapid-fire spread, spot fires and area ignition. Fire growth controlled by topographic features (topography-driven fires) is subject to erratic fire behavior including blowups, fire whirls, and sudden changes in fire front direction. On the other hand, certain topographic features such as moist or sparse vegetation conditions, surface features, and man-made improvements such as roads have a dampening influence on erratic fire behavior.

1. Soils

(a) Conditions

The area is replete with various soils, which are unstable: clay loam, unconsolidated fills, and alluvial fans are predominant. These soil conditions are moderately to severely prone to swelling and shrinking, and are plastic and tend to liquefy. Large hillside portions of the city are subject to landslide, slumping and collapse.

(b) Impact

Throughout Benicia the topography and the pattern of growth and development have created a network of aging, narrow roads and alleys which limit access to some neighborhoods even in the best conditions. These roads are subject to damage and closure from mud and rock slides caused by earthquakes, storms or erosion. Unstable soils can slip causing trees, power poles and lines, or other obstructions to close roadways. Any significant seismic or weather event can close roadways isolating residential subdivisions.

2. Vegetation

(a) Conditions

Highly combustible dry grass, weeds and brush are common six to eight months of each year in the hilly and open space areas adjacent to built-up locations. Many of these types of areas have experienced wildland fires, which have threatened nearby buildings; particularly those with wood roofs or siding. Many residential areas border parklands or open space, which contain vegetation fire hazards. The City Council has adopted vegetation management standards for these areas.

(b) Impact

Combustible dry grass, weeds and brush contribute to a recognized conflagration hazard. City programs like the vegetation management program and strict fire code enforcement have reduced but not eliminated the threat of conflagration due to rapid fire spread in vegetation stands. Should an active fire become established in vegetation stands, this growing fire could rapidly overcome fire department control efforts.

3. Surface Features

(a) Conditions

The arrangement and location of natural and man-made surface features, including hills, valleys, creeks, roadways, housing density, commercial areas, and fire stations combine to limit feasible emergency response routes to certain areas.

(b) Impact

The arrangement and location of natural surface features produce an area very similar to those conditions found in the Oakland-Berkeley hills prior to their conflagration of October 1991. Surface features can easily produce fires of great magnitude or with erratic fire behavior that could threaten the entire community.

4. Buildings and Landscaping

(a) Conditions

Many commercial buildings and apartment complexes have building and landscape features, which preclude or greatly limit the operational access of fire department vehicles. There are many concentrations of houses and other buildings with untreated wood shake or shingle roofs or siding in the City which are within 10 feet of each other. There are many such buildings to which access to all but

one side is virtually impossible due to landscaping, fences, electrical transmission lines, slopes or other buildings.

(b) Impact

When Fire Department vehicles cannot gain access to buildings on fire, there is a high potential for complete loss. Difficult access to a fire site often requires that personnel must carry equipment for long distances. Such operations quickly exhaust fire personnel and reduce the effective number of personnel available for suppression. Access problems often result in severe delays, the misdirection of fire and smoke control efforts, or the failure to make a timely fire attack.

Summary

The above listed local topographical conditions increase accessibility problems and fire hazards in the City of Benicia. Should a significant emergency occur, such as an area wide conflagration, public safety resources would be prioritized to mitigate the greatest threat and may likely remain unavailable for smaller single dwelling or structure fires. Other variables may intensify the situation:

1) The extent of damage to the water system;

2) The extent of isolation due to bridge and/or freeway overpass collapse;

3) The extent of roadway damage and/or amount of debris blocking the roadways;

4) Climatic conditions (hot, dry weather with high winds);

5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business and commute hours;

6) The availability of timely mutual aid or military assistance;

7) The large proportion of dwellings with wood single roof coverings could result in conflagrations.

D. Conclusion

Based on the local climatic, geologic, and topographic conditions outlined above, there is a real risk of damage to the community from a disaster. A seismic event can cause structural damage to buildings and utility infrastructure; storm flooding and high winds may increase the damages. Any of these conditions may negatively affect fire prevention efforts by increasing the frequency, spread, acceleration, intensity, and size of fires involving buildings in this community. Further, these conditions will increase the potential damage to all structures occurring from any earthquake and subsequent fire. It is found, therefore, to be reasonably necessary that the State Building Standards Code and the California Fire Code are changed or modified to mitigate the effects of the above conditions.

Section 2.

Chapter 8.28 of the Benicia Municipal Code is hereby repealed and replaced with the following:

Chapter 8.28

FIRE PREVENTION AND LIFE SAFETY CODE[1]

Sections:

8.28.010 Findings.
8.28.020 Adoption by reference.
8.28.030 Establishment and duties of the division of fire and life safety.
8.28.040 Definitions.
8.28.050 Establishment of limits within the city of Benicia where materials regulated by this code are prohibited or limited.
8.28.060 Amendments made in the California Fire Code.
8.28.070 Penalties.

8.28.010 Findings. That portion of the California Fire Code that imposes substantially the same requirements as are contained in the International Fire Code, 2012 Edition, published by the International Code Council and the California Building Standards Commission with errata, together with those portions of the International Fire Code, 2012 Edition, including Appendix Chapters 4, B, C, D, , F, K and I, as modified and amended by this chapter, are adopted by this reference into this chapter, and are hereby collectively declared to be the fire code of the city of Benicia, in the state of California, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the fire chief are hereby referred to, adopted, and made a part hereof, as is fully set out in this chapter,

with the additions, insertions, deletions and changes, if any, prescribed in BMC 8.28.060.

This code adopts changes, modifications and requirements not mandated by the California Fire Code (CFC) and International Fire Code (IFC) because of local climatic, geological or topographical conditions. The modifications are needed due to the following local conditions that exist in Benicia and on the following findings:

A. The city is geographically situated in an area subject to frequent periods of strong, gusty winds from the southwest and north. In addition, temperatures during the summer months range from 80 to 100-plus degrees. During this period, the relative humidity can fall below 20 percent. The city contains a significant amount of hilly, undeveloped acreage designated as permanent open space. This wildland/urban interface, in conjunction with the hot, dry and windy climatic conditions, creates a hazardous situation that has led to extensive grass and brush fires in recent years. With more development extending into and adjacent to the open space areas, heat- and wind-driven fires could lead to serious consequences.

B. The city is divided by several topographic features, including Interstates 680 and 780. As a result, the city is primarily divided into three parts. Traffic within and between the parts of the city is channeled onto several major thoroughfares that must cross freeways by way of underpasses and overpasses. In addition, it is bordered on two sides by the Carquinez Straits. Periodic heavy traffic congestion on the city's major streets and interstates acts as a barrier to timely response for fire and emergency service vehicles. Because of traffic or accidents, there could be times that fire equipment could be sufficiently slowed to increase the risk of substantial structural damage. With the possibility of fire services unable to guarantee rapid response to various sections of the city during these times, it is necessary to mitigate this problem by requiring adequate access, road construction allowing apparatus approach, and other features to aid mitigation efforts.

C. The city is subject to ground tremors from seismic events on the San Andreas, Concord/Green Valley, Hayward, and/or other major active faults in the greater San Francisco Bay area. The Concord/Green Valley fault is immediately adjacent to the city to the north. Seismological evidence indicates the probability of an earthquake in the region capable of doing significant damage to buildings is high. A major seismic event would create a citywide demand on fire protection services, which would be beyond the response capability of the fire department. This problem can be lessened or mitigated by requiring initial fire control through the installation of automatic fire protection systems.

8.28.020 Adoption by reference.
A. International Fire Code Adopted. That portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, 2012 Edition, published by the International Code Council and the California Building Standards Commission with errata, together with those portions

of the International Fire Code, 2012 Edition, including Appendix Chapters 4, B, C, D, F, K and I, as modified and amended by this chapter, are adopted by this reference into this chapter, and are hereby collectively declared to be the fire code of the city of Benicia for the purpose of regulating and governing the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire, hazardous materials release and explosion(s) arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, and conditions hazardous to life or property in the occupancy and use of buildings and premises, the operation, installation and maintenance of adequate means of egress not provided for by the building code, and providing for the issuance of permits and collection of fees thereof.

B. The city of Benicia adopts the 2013 Edition of the California Fire Code (2012 International Fire Code as amended by the state of California), regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city of Benicia; providing for the issuance of permits and collection of fees therefor; and repealing Chapter 8.28 BMC and all other ordinances and parts of the ordinances in conflict therewith.

8.28.030 Establishment and duties of the division of fire and life safety. The California Fire Code as adopted and amended herein shall be enforced by the fire and life safety division in the fire department of the city of Benicia which is hereby established and which shall be operated under the supervision of the fire chief of the fire department. All members of the fire department may enforce the California Fire Code as adopted and amended herein.

8.28.040 Definitions. As used in this chapter, the following terms shall have the meanings set forth herein below:

Bureau. Whenever the words “bureau of fire prevention,” or “bureau,” are used, they shall be held to mean the fire and life safety division.

Fire Code Official. Whenever the words “fire code official” are used, they shall be held to mean fire chief or designee.

Jurisdiction. Whenever the word “jurisdiction” is used in the California Fire Code, it is the city of Benicia.

8.28.050 Establishment of limits within the city of Benicia where materials regulated by this code are prohibited or limited.
A. Establishment of Limits in Which Storage of Liquefied Petroleum Gases Is to Be Restricted. The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: The bulk storage of liquefied petroleum gas is prohibited in all residentially zoned areas of the city, excluding public and public safety facilities.

B. Establishment of Limits in Which the Storage of Stationary Tanks of Flammable Cryogenic Fluids Is to Be Prohibited. The limits referred to in Section 5504.3.1.1 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows: Any area which is zoned for other than industrial use.

C. Establishment of Limits in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks; Bulk Plants or Terminals; and Bulk Transfer Operations Is to Be Prohibited. The limits referred to in Section 5704.2.9.6 of the California Fire Code in which storage of Class I and II liquids in outside aboveground tanks is prohibited are hereby established as follows:

1. Storage of flammable or combustible liquids in excess of 2,000 gallons shall be limited to refineries or bulk storage plant locations.

2. Storage shall be limited to public, limited industrial (IL), general industrial (IG), and water-related industrial (IW) zoned districts or public safety facilities.

8.28.060 Amendments made in the California Fire Code.
The California Fire Code is amended and changes in the following respects:

A. Section 101.1 – Title. Section 101.1 of Chapter 1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Benicia, hereinafter referred to as “this code.”

B. Section 103.2. is deleted in its entirety.

C. Section 104.3.2 – Fire Clearance. Section 104.3.2 of Chapter 1 is added to read:

104.3.2 Fire Clearance. It shall be unlawful for any person, firm or corporation to operate a business unless a fire clearance inspection has been made and such businesses are in compliance with all fire department requirements.

D. Section 104.10.1 – Assistance from other agencies. Section 104.10.1.1 of Chapter 1 is added to read:

104.10.1.1 Fire Prevention Bureau Personnel and Police. All sworn safety personnel assigned to the Fire and Life Safety Division, or such other full-time Fire Department officers or fire prevention personnel including the Community Preservation Officer(s), as may be authorized by the Chief, shall be peace officers as described in Section 830.37 of the California Penal Code and shall enforce the Penal Code, California Fire Code, and where necessary and appropriate, any sections of the Benicia Municipal Code, California Health and Safety Code, and any

other county or state fire-related laws or codes not specifically covered in any part of this Code. These police powers include the issuance of misdemeanor citations (Notice to Appear), and as approved by the Chief, carrying and use of firearms.

When requested to do so by the Fire Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist the Fire Department in enforcing the provisions of this Code.

E. Section 105.4.2.2 – Plan Review and Fees. Section 105.4.2.2 of Chapter 1 is added to read as follows:

1. Plan Review: The Fire Code Official may review all plans for the construction or remodeling of buildings for the purpose of ascertaining and requiring to be corrected any condition liable to cause fire, or endanger life from fire or panic, or any violation of this Code, state laws and regulations, and any other local ordinances or requirements which the Fire Code Official may deem necessary. The Chief of the Fire Department may establish a schedule of fees, as approved by resolution of the City Council; to be charged and collected for plan checking and other required inspection services.

2. Inspection and permit Fees. The Fire Chief may establish a schedule of fees, as approved by the City Council, to be charged and collected for completing required inspection services and for the issuance of permits pursuant to Section 105.7 of this Code. Fire service fees may be charged to any person, firm, corporation or business that through negligence, violation of the law or as a result of carelessness is responsible for the cause of any fire department response to the scene of such an incident. A copy of fee schedules shall be kept in the office of the City Clerk and the office of the Fire Chief, and shall be available for public inspection.

F. Section 108.1-- Board of appeals established is amended to read as follows:

Appeals of orders, decisions, interpretation or determinations made by the Fire Code Official relative to the application and interpretation of this code shall be heard by of the City of Benicia Building Board of Appeals. The Fire Code Official shall serve as an ex officio member of the board when the board is hearing matters related to the this code but shall have no vote on any matter before the board. The board shall render all decisions and findings in writing to the appellant with a copy to the Fire Code Official.

G. Section 108.3-- Qualifications is amended to read as follows:

The qualifications for the Building Board of Appeals are defined in the BMC 2.96.020

H. Section 109.4 – Violation Penalties. Section 109.4 of Chapter 1 is amended to read as follows:

> 109.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this code, shall be guilty of an Infraction or Misdemeanor as specified in the California Penal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

I. Section 110.4.1 – Abatement of Hazards. Section 110.4.1 of Chapter 1 is added to read as follows:

> 110.4.1 Abatement of Hazards. In situations where immediate abatement of a fire hazard or another potentially hazardous condition is required, the Fire Code Official shall have the authority to abate such hazard immediately. This may include, but is not limited to, confiscation of flammable liquids, fireworks, removing hazardous wiring and adapters, temporary closure of commercial occupancies, extinguishing unsafe or illegal fires and any other similar hazards, determining no smoking and ceasing operation of any type of apparatus that may be a danger to property or life. Costs of abatement may become a lien upon the property affected. Affected persons shall be notified of action taken as soon as possible.

J. Section 111.4 – Failure to Comply. Section 111.4 of Chapter 1 is amended to read as follows:

> 111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than ($500.00) dollars or more than ($1,500.00) dollars.

K. Section 202 – General Definitions Fire Watch. Section 202 is amended by adding the following:

> 202 General Definitions Fire Watch. Qualified individual(s) shall mean an employee of an acceptable security guard/patrol service or employee approved by the fire code official.

L. Section 307.6 – Open Burning. Section 307.6 of Chapter 1 is added to read as follows:

1. 307.6 Open Burning. No person may ignite, permit or maintain an open fire within the city.

2. Open Outdoor Fires – Exceptions. The following are exceptions from the prohibitions in Section 307.6:

(a) Fire for cooking of food for human consumption, where such use is accomplished in an approved barbecue pit.

(b) Fire for recreational heating, where such use is accomplished in an approved fireplace.

(c) A fire set or permitted by a public fire official in the performance of official duties.

M. Section 502.1 of Chapter 5 is amended to add the following definition:

502.1 All Weather Driving Surface. A roadway designed to carry the imposed weight loads of fire apparatus complete with all underground utilities, curbs, gutters, and a minimum surface finish of one layer of asphalt or concrete or road pavers.

N. Section 503.1.2– Additional access. Section 503.1.2 is amended to add subsection 503.1.2.1 as follows:

503.1.2.1 Access to Open Spaces. When access to open land/space or fire trail systems maintained for public or private use is obstructed by vehicles of any kind, or other obstructions both within the access or the road or street access to the open space, the vehicle or obstruction may be removed and the cost of such removal will be assessed to the responsible party or vehicle owner.

O. Section 503.2.1 – Dimensions. Section 503.2.1 is amended to add subsection 503.2.1.1 as follows:

503.2.1.1 Parking of vehicles on fire apparatus access roads. For the parking of vehicles on a fire apparatus access road, roadway widths shall be increased to accommodate the parking of vehicles as follows:

1. Roadways 20 feet (6096 mm) in width, no parking permitted,

2. Roadways 28 feet (8534 mm) in width, parking permitted on one side only. Parking is permitted on the side of the street absent fire hydrants, and

3. Roadways 36 feet (10 973 mm) in width when parking is not restricted.

P. Section 503.2.7 – Grade. Section 503.2.7 is amended in its entirety and replaced as follows:

> 503.2.7 Grade. A fire department access road having a grade of between 12% and 15% shall be designed to have a finished surface of grooved concrete to hold a 74,000-pound traction load. Design for grooved concrete shall be 1/4 inch (6 mm) wide by 1/4 inch (6 mm) deep and 3/4 inch (19 mm) on center. Grades exceeding 15% are not permitted.
>
> Exception: Other approved all weather surfaces may be used if the skid resistance is equivalent to or greater than grooved concrete as certified by a registered engineer and approved by the Fire Code Official.

Q. Section 503.2 – Specifications. Section 503.2 is further amended to add Section 503.2.9 as follows:

> 503.2.9 Roadway minimum design weight load capacity. A fire department access road shall be designed and maintained to support a minimum load of 74,000 pounds (HS-20-44 Cal-Trans Design Standard) and shall be provided with an all-weather driving surface as specified in this standard.

R. Section 503.3.1 – Access-Parking Prohibited. Section 503.3.1 is added to read:

> 503.3.1 Access-parking Prohibited. If, in the judgment of the Fire Code Official, it is necessary to prohibit vehicular parking along public or private driveways and other access ways devoted to public use in order to maintain clear and unobstructed access, the Fire Code Official may require the owner, lessee, or other person in charge of the premises to paint the curbs red, install signs, or give other appropriate notice that parking is prohibited. It shall thereafter be unlawful for any such owner, lessee, or other person in charge to fail to install and maintain in good condition the painted curbs, signs, or other appropriate notice so prescribed. When such areas are marked or signed as provided herein, it shall be unlawful for any person to park or leave standing a vehicle adjacent to any such curb marking or contrary to such sign(s).
>
> It shall be unlawful to park any vehicle or in any other way obstruct or block any “Fire Lane”, general access road to any building or complex, fire department connection, access roads or areas to any open space, no parking zones at fire stations or within 10 feet of any fire hydrant.

S. Section 505 – Premises Identification. Section 505.1 is added to read:

> 505.1 Address Identification. Any business or building that affords vehicular access to the rear through a driveway, alleyway, or parking lot,

shall also display the building identification or address numbers on the rear of the building.

At the main entrance driveway to each newly constructed multiple dwelling complex, there shall be positioned an illuminated diagram (map) of the complex, which lists all individual addresses of each unit in the complex. The design and location of the map shall be approved by the Fire Chief.

T. Section 507.5.1 – Where Required. Section 507.5.1 of Chapter 5 is amended to read:

507.5.1 Where Required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official.

Fire hydrants shall be placed as approved by the Fire Code Official within fifty (50') feet of fire department connections on new construction.

U. Section 903.2 – Where Required. Section 903.2 through Section 903.2.10 of Chapter 9 is amended to read:

Section 903.2 Where Required. An approved automatic fire sprinkler system shall be installed and maintained in each new building, with the City requiring a building permit according to the following criteria:

1. A Building occupied or used for any purpose including occupancy group A, B, F, H, I, L, M, S, and U (as defined in the California Fire Code), where the fire flow requirements for the building are fifteen hundred gallons per minute or more based on Appendix B requirements.

2. A building more than two stories or thirty-five feet in height;

V. Section 5602 – Firework Findings. Section 5602 is added to Chapter 56 to read as follows:

1. 5602 Firework Findings. The City Council finds that the sale, use and/or discharge of fireworks in the City, whether classified as "dangerous fireworks" and/or "safe and sane fireworks" pursuant to Health and Safety Code Sections 12500 et seq. will endanger life and property, and may encourage the use and/or discharge of fireworks in neighboring jurisdictions where their sale, use and/or discharge are prohibited.

2. 5602.1 Definitions. Any and all terms used in this article shall have the same meaning as defined in Health and Safety Code Sections 12500 et seq. and shall govern the construction of this article.

3. 5602.2 Applicability of State Law. This article does not supersede State law, but is intended to supplement the provisions of Division 11, Part 2, of the Health and Safety Code (Sections 12500 et seq.) and the administrative regulations adopted pursuant to law, and to prohibit and/or regulate by local authority, as authorized by Health and Safety Code Section 12541, the sale used and/or discharge of fireworks in the City.

4. 5602.3 Sale, Use, Possession and/or Discharge Prohibited. No person or organization shall sell, use, possess and/or discharge in the city any fireworks, including, but not limited to, dangerous fireworks and safe and sane fireworks, subject to the exceptions set forth in this article.

5. 5602.4 Seizure of Fireworks. The Fire Code Official is authorized to seize, take, remove or cause to be removed at the expense of the owner any and all fireworks, including, but not limited to, dangerous fireworks and safe and sane fireworks, which are possessed in violation of Chapter 56. Confiscation by any law enforcement officer and/or fire department official is subject to the exceptions set forth in this chapter.

Exceptions. This article does not prohibit, and does not authorize confiscation of fireworks possessed for, the following:

a. A public display of fireworks, including, but not limited to, dangerous fireworks and safe and sane fireworks, in the city; provided, that the person or organization is properly licensed, strictly complies with all applicable provisions of this article, all regulations adopted by the Fire Code Official, all city resolutions and ordinances, all provisions of the Health and Safety Code, and receives authorization of the Fire Code Official for the public displays of fireworks.

b. Any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction and is classified as “exempt fireworks” in the Health and Safety Code.

c. The use of torpedoes, flares, or fuses by railroads or transportation agencies for signal purposes or illumination.

d. The sale, use or discharge of blank cartridges for ceremonial purposes, athletic or sports events, or military ceremonies or demonstrations.

6.5602.5 Bond – Insurance. An applicant for a permit to make a public display of fireworks shall furnish proof of adequate compensation insurance for employees as required by State law. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the Fire Code Official for payment of damages that may result to person(s) or property caused by the public display of fireworks or negligence on the part of the applicant or his agents or employees.

W. Section 1103.5 – Sprinkler Systems Where Required. Section 1103.5.3 is added to read as follows:

An approved automatic fire sprinkler system shall be installed and maintained in each new building and addition to an existing building and in the case of the major remodeling of an existing building, with the City requiring a building permit according to the following criteria:

1. A building occupied or used for any purpose including occupancy group A, B, F, H, I, L, M, S and U (as defined in the California Fire Code), Where the fire flow requirements for the building are fifteen hundred gallons per minute or more based on Appendix B requirements;

2. Each building existing on January 1, 2014 is exempt from this section until such time as:

a. Structural changes or tenant improvements of forty percent or greater are made to the building, or

b. The building adds or changes occupancy classification as defined in the California Building Code

X. Appendix B – Fire Flow Requirements for Buildings is amended as follows:

B105.2 Exception 1. A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resultant fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.

Y. Appendix C – Fire hydrant locations and distribution is adopted in its entirety except as amended below:

Section C103 is deleted in its entirety.

Section C105.1 Hydrant spacing is amended to read:

The average spacing between fire hydrants shall not exceed 500 feet on center between hydrants in one and two family dwellings and 300 feet on center between hydrants in all other occupancies.

Table C105.1 is deleted in its entirety.

Z. Appendix D – Fire apparatus access roads is adopted in its entirety except as amended below:

Section D102.1 is amended to read:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire access road with an asphalt, concrete or other approved all-weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33 566kg) in accordance with Cal Trans Design Standard HS-20-44.

Section D103.1 is deleted in its entirety

Section D103.2 is deleted in its entirety

Section D103.2.1 is added to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is deleted in its entirety and replaced by the following to read:

D103.3 Turning radius. Based on a minimal unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716mm) outside.

Table D103.4 is amended to read:

Table D103.4

REQUIREMENTS FOR DEAD-END FIRE

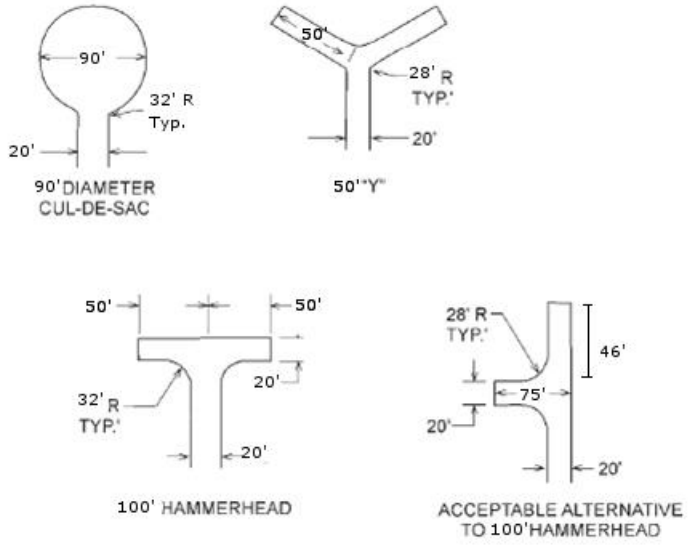
APPARATUS ACCESS ROADS

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0 – 150	20[a]	None required
151 – 750	20[a]	100-foot Hammerhead, 50-foot "Y", 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1
Over 750	Special approval required[b]	

a. A *driveway* with a minimum width of 16 feet is acceptable for access to no more than two single-family *dwellings.*

b. Any fire apparatus access roadway or *driveway* that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8 foot wide turnout that extends at least 40 feet in length.

Figure D103.1 is amended to read:



D103.5 is amended by amending criterial 1 and adding criterial 10 to read:

1. The minimum clear width shall be 20 feet (6096 mm)

Exception: For access to one and two single-family dwellings, 16 feet clear width is acceptable.

10. All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a fire lane.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a fire lane.

Section D105.3 is amended to read:

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (45 772mm) and a maximum of 30 feet (9 144 mm) from the building, and shall be positioned parallel to one entire side of the building with the largest vertical dimension while allowing access to each floor of the building.

Section D106.1 is amended to read:

Section D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3. Exception: Deleted

Section D106.2 is deleted in its entirety.

<u>8.28.070</u> <u>Penalties</u>.

A. Any person who violates any of the provisions of this code or standards hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such

an order as affirmed or modified by the fire code official or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than $50.00 nor more than $1,000 or by imprisonment for not more than six months or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or the invocation of other remedies provided in the Benicia Municipal Code or by other law.

C. Each person is guilty of a separate offense for each and every day during any portion of which the violation of this code is committed, continued, or permitted by that person.

Section 3.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.02 (California Residential Code) to read as follows:

Chapter 15.02

CALIFORNIA RESIDENTIAL CODE

15.02.010 Adoption by reference.
15.02.020 Copies on file.
15.02.030 Amendments made in the California Residential Code.

15.02.010 Adoption by reference. The California Residential Building Code, 2013 Edition, Appendix G, H, K published by the International Code Council is adopted by reference the same as though fully set forth in this chapter.

15.02.020 Copies on file. One copy of the California Residential Code and Appendices as adopted by BMC 15.02.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

15.02.030 Amendments made in the California Residential Code. The California Residential Code is amended and changed in the following respects:

A. Section R202 of Chapter 2 (Definitions) is amended to add the following definition to read as follows:

   Pool: Any outside body of water created by artificial means, any portion of which exceeds eighteen inches (18") in depth.

B. Section R319 added to read as follows:

Minimum numeral size shall be 4" high with a stroke of 1/2" and shall contrast with the background.

1. Lighting of building addresses – The building address for all new buildings constructed after the date of this ordinance shall be automatically lighted at night. Buildings under renovation which the lighted numbers can readily be added are required to add the numbers.

C. Subsection R902.1.5 is added to Chapter 9 (Roof Assemblies) of the California Residential Code to read as follows:

All new roof coverings shall be a class B or better roof covering assembly as defined by CBC 1505.

D. Subsection R506.1 (Minimum slab thickness) is amended to read as follows:

Minimum slab thickness. A minimum of four inches (4") of gravel and 4" of concrete shall be required under all non-engineered concrete floor slabs supported directly on the ground in all occupancies except "U" occupancies that are not attached to another structure. Non-engineered concrete floor slabs on grade shall be reinforced with deform reinforcing bars not less than three-eighths inch (3/8") at twenty-four inches (24") each way.

E. Subsection R1007 (Wood burning stoves) is added to Chapter 10 (Chimneys and Fireplaces) of the California Residential Code to read as follows:

Wood burning stove appliances. Any new wood-burning appliance must be one of the following:

1. A pellet-fueled wood device;

2. A U. S. EPA Phase II certified device; or

3. A low mass fireplace, masonry heater or other wood burning device of a make and model that meets EPA emission targets and has been approved in writing by the air pollution control officer of the bay area air quality management district or the designee thereof.

F. Section AG100.2 (Pools) is added to Appendix G (Special construction) of the California Residential Code to read as follows:

Pools.

1. Any body of water to which a permit issued after March 19, 1998, shall comply with the following: An outdoor swimming pool, spa, hot tub or manmade body of water such as decorative fountains or ponds over 18" deep, shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

a. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the pool. The vertical clearance between grade and the bottom of the barrier shall not be more than 2 inches measured on the side of the barrier which faces away from the swimming pool. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

b. Openings in the barrier shall not allow passage of a 4" diameter sphere.

c. Chain link fences used as the barrier shall be substantial and shall not be less than 11 gauge.

d. Access gates shall comply with the requirements of Items a. through c. Pedestrian access gates shall be self-closing and have a self-latching device with the latching service at least 60" above grade. Pedestrian gates shall swing away from the pool area. Any gates other than pedestrian access gates shall be equipped with attached lockable hardware or padlocks and shall remain locked at all times when not in use. This gate must have only occasional use.

e. All doors of a dwelling or garage providing direct access to the water area shall provide a separation fence and gate meeting the requirements of Items a, b, c ,and d.

EXCEPTION: When approved by the building official, one of the following may be used:

i. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 60 inches (1,372 mm) above the floor.

ii. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door and its screen, if present,

are opened, and be capable of providing a sound pressure level of not less than 85 dba when measured indoors at 10 feet (3,048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual device, such as a touchpad or switch to temporarily deactivate the alarm for a single opening. Such deactivations shall last no longer than 15 seconds. The deactivation switch shall be located at least 60 inches (1,524 mm) above the threshold of the door.

iii. Hot tubs or spas with locking safety covers complying with ASTM-ES 13-89 shall be considered in compliance with Pool Enclosure Requirements.

Indoor Swimming Pools. For an indoor swimming pool, protection shall comply with the requirements of Item e.

2. Any pool, spa or hot tub for which a building permit was issued prior to March 19, 1998, shall comply with the following. Every swimming pool shall be completely enclosed by a wall, fence or other substantial structure not less than four feet (4') in height measured on the outside of the enclosure. No openings other than doors and gates with any dimension greater than four inches (4") shall be permitted therein except that a picket fence may be erected or maintained having horizontal spacing between pickets not more than four inches (4"). All gates or door openings through such enclosures shall be equipped with self-closing and self-latching devices designed to keep and are capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure shall be located at least four feet (4') above the ground or otherwise equally inaccessible to small children. This requirement applies to any manmade body of water over 18" deep, including decorative fountains or ponds.

G. Section R601.3.4 (Wall construction) Wood framed and steel framed shear walls and all braved wall panels sheathed with gypsum board, lath and plaster shall not be permitted to resist wind and seismic loads.

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Section 4.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.04 (California Building Code) to read as follows:

Chapter 15.04

CALIFORNIA BUILDING CODE

Sections:

15.04.010 Adoption by reference.
15.04.020 Copies on file.
15.04.030 Amendments made in the California Building Code.

15.04.010 Adoption by reference. The California Building Code, 2013 Edition, Volumes 1 and 2, including Chapter 1, Division II, and Appendix G and I published by the International Code Council is adopted by reference the same as though fully set forth in this chapter.

15.04.020 Copies on file. One copy of the California Building Code and Appendices as adopted by BMC 15.04.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

15.04.030 Amendments made in the California Building Code. The California Building Code is amended and changed in the following respects:

A. Section 105.3.2 of Chapter 1, Division II is amended to read as follows;

An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been pursued in good faith, or a permit has been issued; except that the building official is authorized to grant one extension of six (6) months. The extension shall be requested in writing and justified cause demonstrated. Whatever the case, a permit application is valid for a maximum one (1) year after which time the application expires and a new plan review fee must be paid. The code in effect at the time the newest application is made shall be the code that is enforced.

B. Section 105.5 (Building permit) of Chapter 1 Division II is amended to read as follows:

Building Permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. The permit will remain valid for a total of

two (2) years from the date of the permit issuance. If the work becomes invalid, a new permit must be issued and the permit fees paid as per the city fee schedule for the amount of work required to finish the job.

C. Chapter 1 Division II Subsection 107.6 (Standard plans) is added to read as follows:

107.6.1 – Standard plans. The building official may approve a set of plans for a building or structure as a “standard plan,” provided the applicant has made proper application, submitted complete sets of plans, and paid the plan checking fee as required by Benicia Municipal Code Chapter 15.26. When it is desired to use an approved “standard plan” for an identical structure, three plot plans shall be submitted, and a plan-checking fee equal to one-half of the full plan-checking fee required by Benicia Municipal Code Chapter 15.26 shall be paid at the time application is made for such identical structure. Such duplicate plans shall be compared, stamped, and kept on the job as required by California Building Code section [A] 107.3.1. In case of any deviation whatsoever from this standard plan, complete plans, together with a full plan-checking fee, shall be submitted for the proposed work, as required by California Building Code-section [A] 107. Standard plans shall be valid for a period of one year from the date of approval. This period may be extended by the building official when there is evidence that the plan may be used again. The code in effect when the plan review application is submitted and the plan review fee paid shall be the governing code.

D. Chapter 1, Section [A] 114 (Unlawful act). Chapter 1, Division II Section 114.5 – Violation a Public Nuisance is added to read as follows:

It is declared that any violation of this code, the CPC, CMC, CRC, CEC or other state building codes constitutes a public nuisance. In addition to any other remedies this code provides for enforcement, the city may bring civil suit to enjoin violation of its provisions.

E. Section 202 of Chapter 2 (Definitions) is amended to add the following definition to read as follows:

Pool: Any outside body of water created by artificial means, any portion of which exceeds eighteen inches (18") in depth.

F. Section 501.2 of Chapter 5 (General building heights and areas) is amended to read as follows:

1. Address numbers. Apartment, Condominium and Townhouse Complexes – An illuminated, diagrammatic representation of the complex shall be installed at the primary vehicular and walkway entrance

to each complex. This diagram shall be of sufficient size to be easily visible from said vehicular and walkway entrance.

a. An apartment, condominium, or townhouse complex shall be defined as a group of three or more separate, non-connecting buildings, all located on common ground where each building contains two or more living units.

b. Each building shall be marked at a location clearly visible from the nearest vehicular access with the street address, building number/letter and numbers of units located in that building.

Example: 2237 Address
Bldg. “B” Building designation
Units 1 – 8 Units in building

Minimum numeral size shall be 6" high with a stroke of 1" and shall contrast with the background.

2. Commercial – Individual units shall be addressed front and back. Minimum numeral size shall be 6" high with a stroke of 1" and shall contrast with the background. Units with entrances on both the front and rear of the building shall have identical addresses at both locations.

3. Industrial – Individual units within a building shall be addressed front and back. Individual buildings shall be marked at a point clearly visible from the street. Minimum numeral size shall be 12" high with a 3" wide stroke and shall contrast with the background. Units with entrances on both the front and rear of the building shall have identical addresses at both locations.

4. Lighting of building addresses – The building address for all new buildings constructed after the date of this ordinance shall be automatically lighted at night.

G. Subsection 1505.1.5 (Shingles and shakes) is added to Chapter 15 (Roofing) of the California Building Code to read as follows:

Shingles and shakes. All new roof coverings shall be a class B or better roof covering assembly as defined by CBC 1505.

H. Subsection 1907.1.2 (Minimum slab thickness) is added to Chapter 19 (Concrete) of the California Building Code to read as follows:

Minimum slab thickness. A minimum of four inches (4") of gravel and 4" of concrete shall be required under all non-engineered concrete floor slabs supported directly on the ground in all occupancies except "M" occupancies that are not attached to another structure. Non-engineered concrete floor slabs on grade shall be reinforced with deform reinforcing bars not less than three-eighths inch (3/8") at twenty-four inches (24") each way.

I. Subsection 2111.14 (Wood burning stove appliances) is added to Chapter 21 (Masonry) of the California Building Code to read as follows:

Wood burning stove appliances. Any new wood-burning appliance must be one of the following:

1. A pellet-fueled wood device;

2. A U. S. EPA Phase II certified device; or

3. A low mass fireplace, masonry heater or other wood burning device of a make and model that meets EPA emission targets and has been approved in writing by the air pollution control officer of the bay area air quality management district or the designee thereof.

J. Section 3119.B.5 (Pools) is added to Chapter 31 (Special construction) of the California Building Code to read as follows:

Pools.

1. Any body of water to which a permit issued after March 19, 1998, shall comply with the following: An outdoor swimming pool, spa, hot tub or manmade body of water such as decorative fountains or ponds over 18" deep, shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

a. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the pool. The vertical clearance between grade and the bottom of the barrier shall not be more than 2 inches measured on the side of the barrier which faces away from the swimming pool. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

b. Openings in the barrier shall not allow passage of a 4" diameter sphere.

c. Chain link fences used as the barrier shall be substantial and shall not be less than 11 gauge.

d. Access gates shall comply with the requirements of Items a. through c. Pedestrian access gates shall be self-closing and have a self-latching device with the latching service at least 60" above grade. Pedestrian gates shall swing away from the pool area. Any gates other than pedestrian access gates shall be equipped with attached lockable hardware or padlocks and shall remain locked at all times when not in use. This gate must have only occasional use.

e. All doors of a dwelling or garage providing direct access to the water area shall provide a separation fence and gate meeting the requirements of Items a, b, c and d.

EXCEPTION: When approved by the building official, one of the following may be used:

i. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 60 inches (1,372 mm) above the floor.

ii. An alarm shall be installed on all doors with direct access from the living area of the dwelling to the pool. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dba when measured indoors at 10 feet (3,048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual device, such as a touchpad or switch to temporarily deactivate the alarm for a single opening. Such deactivations shall last no longer than 15 seconds. The deactivation switch shall be located at least 60 inches (1,524 mm) above the threshold of the door.

iii. Hot tubs or spas with locking safety covers complying with or ASTM ES 13-89 shall be considered in compliance with Pool Enclosure Requirements.

Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Item e.

2. Any pool, spa or hot tub for which a building permit was issued prior to March 19, 1998, shall comply with the following. Every swimming pool shall be completely enclosed by a wall, fence or other substantial structure not less than four feet (4') in height measured on the outside of

the enclosure. No openings other than doors and gates with any dimension greater than four inches (4") shall be permitted therein except that a picket fence may be erected or maintained having horizontal spacing between pickets not more than four inches (4"). All gates or door openings through such enclosures shall be equipped with self-closing and self-latching devices designed to keep and are capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure shall be located at least four feet (4') above the ground or otherwise equally inaccessible to small children. This requirement applies to any manmade body of water over 18" deep, including decorative fountains or ponds.

K. Section 2505 (Shear wall construction) of Chapter 25 (Gypsum board and plaster) is amended to read as follows:

Shear wall construction.

1. 2505.1 – Resistance to shear (wood framing) is amended to read as follows:

Delete the section and replace with the following: Wood framed Shear walls sheathed with gypsum board, lath and plaster are not be permitted to resist wind and seismic loads.

2. 2505.2 – Resistance to shear (steel framing) is amended to read as follows:

Delete the section and replace with the following: Steel framed shear walls sheathed with gypsum board, lath and plaster shall not be permitted to resist wind and seismic loads.

L. Subsection 2509.3 (Gypsum board in showers and water closets) of Chapter 25 (Gypsum board and plaster) is amended by adding the following:

4. Gypsum board in showers and water closets. Paper-backed gypsum board products shall not be used as a backer for tile in showers and bathtub areas.

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Section 5.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.08 (California Mechanical Code) to read as follows:

Chapter 15.08

CALIFORNIA MECHANICAL CODE

Sections:

15.08.010 Adoption by reference.
15.08.020 Copies on file.
15.08.030 Repealed.

15.08.010 Adoption by reference. The California Mechanical Code, 2013 Edition, including all Appendices, is adopted by reference the same as though fully set forth in this chapter.

15.08.020 Copies on file. One copy of the California Mechanical Code and Appendices as adopted by BMC 15.08.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

15.08.030 Repealed.

Section 6.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.12 (California Plumbing Code) to read as follows:

Chapter 15.12

CALIFORNIA PLUMBING CODE

Sections:

15.12.010 Adoption by reference.
15.12.020 Copies on file.
15.12.030 Amendments made in the California Plumbing Code.

15.12.010 Adoption by reference. The California Plumbing Code, 2013 Edition, including all Appendices is adopted by reference the same as though fully set forth in this chapter.

15.12.020 Copies on file. One copy of the California Plumbing Code and Appendices as adopted by BMC 15.12.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

15.12.030 Amendments made in the California Plumbing Code. The California Plumbing Code is amended and changed in the following respects:

A. Chapter 604 (Water supply and distribution) is amended by adding Section 604.15 (Metal water piping). Section 604.15 (Metal water piping) is added to read as follows:

   Section 604.15 – Metal water piping. Metal water piping, including any repair of any metal water piping, is not to be permitted buried under any structure except as permitted in individual circumstances and approved by the building official.

B. Chapter 710 (Sanitary drainage) is amended by adding Section 710.1 – (Sewage backwater). Section 710.1 (Sewage backwater) is added to read as follows:

   Section 710.1 – Sewage backwater. Where a fixture is installed on a floor level that is lower than the next upstream manhole cover of the public or private sewer, serving such drainage piping, such fixtures shall be protected from backflow of sewage by installing an approved type of backwater valve or mushroom type device or other fixtures approved by the Building Official. Fixtures on floor levels above such level elevation shall not be discharged through the backwater valve. Cleanouts for drains that pass through a backwater valve shall be clearly identified with a permanent label stating "Backwater Valve Downstream."

Section 7.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.16 (California Electrical Code) to read as follows:

Chapter 15.16

CALIFORNIA ELECTRICAL CODE

Sections:

15.16.010 Adoption by reference.
15.16.020 Copy on file.
15.16.030 Repealed.

15.16.010 Adoption by reference. The California Electrical Code, 2013 Edition, including all Appendices is adopted by reference the same as though fully set forth in this chapter.

15.16.020 Copy on file. One copy of the California Electrical Code and Appendices as adopted by BMC 15.16.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

15.16.030 Repealed.

Section 8.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.16 (California Green Building Standards Code) to read as follows:

Chapter 15.18

CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections:

15.18.010 Adoption by reference.
15.18.020 Copies on file.
15.18.030 Amendments made in the California Green Building Standards Code.

15.18.010 Adoption by reference. The California Green Building Standards Code, 2013 Edition, including all Appendices, is adopted by reference the same as though fully set forth in this chapter.

15.18.020 Copies on file. One copy of the California Green Building Standards Code and appendices, as adopted by BMC 15.18.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

15.18.030 Amendments made in the California Green Building Standards Code. The California Green Building Standards Code is amended and changed in the following respects:

A. Section 101.3.2 is added to California Green Building Standards Code to read as follows:

   Section 101.3.2 The provisions of this code, except 4.504.2 through and including 4.504.5.1, shall be encouraged for residential room additions of 600 square feet or more.

B. Section 101.3.3 is added to the California Green Building Standards Code to read as follows:

Section 101.3.3 When the total cost of a residential construction project exceeds a valuation threshold of 20,000 dollars or more based on the January 2011 “ENR US20 Cities “ average construction cost index, the project is encouraged to comply with one or more of the following for the existing dwelling. The item(s) must be specified on the plans prior to permit issuance, and the work shall constitute at least 2% of the construction cost. The selected item(s) must be complete prior to the final inspection of the permit.

1. Install ceiling insulation to bring thermal resistance value of ceiling insulation to R-30.

Exempt: Those buildings with no attic, or inadequate attic space between roof and ceiling below. Inadequate space is defined as that where the roof slope is less than two and one-half feet in twelve feet, and that there is less than thirty (30) inches of vertical clear height at the roof ridge, measured from the top of the bottom chord of the truss or ceiling joist to the underside of the roof structural members or rafters.

Not Exempt: Houses or units having an attic but no attic access hole. A permanent access hole must be constructed, and R30 or greater insulation installed, including on the access cover.

2. Furnace ducts are sealed at plenum and all joints in air duct system, and ducts insulated to resistance value R3 or greater.

Exempt: Ducts between floors, inside interior walls or otherwise inaccessible without alteration.

3. All exposed hot water pipes insulated to at least a thermal resistance value of R3 in pumped, recirculating domestic forced hot water heating systems.

4. Insulate to at least a thermal resistance of R3 exposed hot and cold water pipes within 5 feet of water heater.

Exempt: Hot water pipes between floors, inside interior walls, or otherwise inaccessible without alteration.

5. Incandescent light bulbs replaced with lamps of at least 25 lumens per watt.

6. Approved weather stripping installed on all exterior doors, including doors to unheated garages, basements, crawl spaces, attics and porches. Weather strip must be permanently affixed; adhesive strip insulation tape does not meet the requirements unless it is screwed or tacked in place every six inches.

7. Approved dampers, doors or other devices to block airflow and reduce heat loss through chimneys.

8. Replace existing windows not affected by the renovation with windows rated with a minimum U-factor of 0.40.

9. Considerations may be made for other energy improvements if approved by the Building Official. Items from the list performed within 6 months of the permit application may also be considered with verification.

Section 9.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.19 (California Administrative Code) to read as follows:

Chapter 15.19

CALIFORNIA ADMINISTRATIVE CODE

Sections:
15.19.010 Adoption by reference.
15.19.020 Copies on file.

15.19.010 Adoption by reference. The California Administrative Code, 2013 Edition is adopted by reference the same as though fully set forth in this chapter.

15.19.020 Copies on file. One copy of the California Administrative Code as adopted by BMC 15.19.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

Section 10.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.20 (California Energy Code) to read as follows:

Chapter 15.20

CALIFORNIA ENERGY CODE

Sections:
15.20.010 Adoption by reference.
15.20.020 Copies on file.

15.20.010 Adoption by reference. The California Energy Code, 2013 Edition is adopted by reference the same as though fully set forth in this chapter.

15.20.020 Copies on file. One copy of the California Energy Code as adopted by BMC 15.20.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

Section 11.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.21 (California Historical Building Code) to read as follows:

Chapter 15.21

CALIFORNIA HISTORICAL BUILDING CODE

Sections:

15.21.010 Adoption by reference.
15.21.020 Copies on file.

15.21.010 Adoption by reference. The California Historical Building Code, 2013 Edition is adopted by reference the same as though fully set forth in this chapter.

15.21.020 Copies on file. One copy of the California Historical Building Code as adopted by BMC 15.21.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

Section 12.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.22 (California Existing Buildings Code) to read as follows:

Chapter 15.22

CALIFORNIA EXISTING BUILDINGS CODE

Sections:

15.22.010 Adoption by reference.
15.22.020 Copies on file.

15.22.010 Adoption by reference. The California Existing Buildings Code, 2013 Edition is adopted by reference the same as though fully set forth in this chapter.

15.22.020 Copies on file. One copy of the California Existing Buildings Code as adopted by BMC 15.22.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

Section 13.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.23 (California Referenced Standards Code) to read as follows:

Chapter 15.23

CALIFORNIA REFERENCED STANDARDS CODE

Sections:

15.23.010 Adoption by reference.
15.23.020 Copies on file.

15.23.010 Adoption by reference. The California Referenced Standards Code, 2013 Edition is adopted by reference the same as though fully set forth in this chapter.

15.23.020 Copies on file. One copy of the California Referenced Standards Code as adopted by BMC 15.23.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

Section 14.

Division I (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by amending Chapter 15.26 (Building Permit Fees and Other Fees) to read as follows:

Chapter 15.26

BUILDING PERMIT FEES AND OTHER FEES

Sections:

15.26.010 General requirements and other fees.
15.26.020 Building permit fees.

15.26.010 General requirements and other fees.

A. Building permit fees charged on all building permit applications including electrical, mechanical and plumbing permits are in accordance with the fee schedules contained within this chapter.

B. Other Fees (Includes Permit Issuance Fee).

1. a. Inspection for compliance to city codes which requires a letter certifying same: $160.00.

b. Inspection for compliance to city codes without a letter: $86.00.

2. Spa permit (prefabricated): $96.75 to include installation, plumbing, mechanical and electrical.

3. a. Residential Solar Photovoltaic Systems: $125.00

b. Non-residential Solar Photovoltaic Systems:

<8 kw	$500.00
<49 kw	$1,000.00
>49 kw	$1,500.00

4. Kitchen remodel: lighting only – $106.25.

5. Kitchen remodel: plugs and lights – $118.25.

6. Kitchen remodel: complete electric and DWV with water lines – $150.50.

7. Bath/shower remodel: $129.00.

8. Pools.

a. Gunite pools plan review: $129.00.

b. Gunite pool permit issuance and inspection: $258.00.

c. Pool heater: $64.50.

9. Fireplace insert with gas and electric: $150.00.

10. Work which was begun prior to required permit issuance: $129.00. Investigation fee over one hour at $129.00 per hour *.

11. Inspections outside of normal business hours, per hour (minimum charge – two hours): $129.00 *.

12. Re-inspection fees, per inspection: $129.00*.

13. Inspections for which no fee is specifically indicated, per hour (minimum charge of one-half hour): $129.00* (plus issuance fee).

14. Plan review for which no fee is specifically indicated, or as required by changes, additions or revisions to plans, or to plans for which an initial review has been completed, per hour (minimum charge of one-half hour): $129.00*.

15. Inspections outside of normal business hours, per hour (minimum charge – two hours): $129.00*.

16. Plan and Document Retention.

a. A plan and document retention fee shall be charged at a rate of $2.25 per page for all plans, and $0.25 per eight-inch by 11-inch paper, with a $1.00 minimum charge.

b. The plan and document retention fee shall be used solely for the purpose of preserving building division plans.

c. The building official may adjust the rate charged, on July 30th of each year, to reflect an increase or decrease in cost of preserving plans.

17. Plan review is 65 percent of the building inspection fee.

18. Building inspection fees may be refunded upon written request if no work for the permit has begun. An administrative fee of up to $110.00 will be assessed for any fee request refund at the discretion of the building official. (Ord. 08-16 § 1; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

19. Copies of documents and plans provided shall be charged at a rate as per BMC section 4.12.090.

15.26.020 Building permit fees.

A. The following building permit fees are adopted:

Total Valuation	Fee
$1.00 to $500.00	$64.50
$501.00 to $2,000	$64.50 for the first $500.00 plus $2.75 for each additional $100.00 or fraction thereof, to and including $2,000
$2,001 to $25,000	$105.50 for the first $2,000 plus $12.50 for each additional $1,000 or fraction thereof, to and including $25,000
$25,001 to $50,000	$394.50 for the first $25,000 plus $9.00 for each additional $1,000 or fraction thereof, to and including $50,000
$50,001 to $100,000	$622.50 for the first $50,000 plus $6.25 for each additional $1,000 or fraction thereof, to and including $100,000
$100,001 to $500,000	$937.50 for the first $100,000 plus $5.00 for each additional $1,000 or fraction thereof, to and including $500,000
$500,001 to $1,000,000	$2,897.50 for the first $500,000 plus $4.25 for each additional $1,000 or fraction thereof, to and including $1,000,000
$1,000,001 and up	$4,997.50 for the first $1,000,000 plus $2.75 for each additional $1,000 or fraction thereof

B. Residential and Miscellaneous Electrical Permit Fees.

1. Permit Issuance.

a. For the issuance of each electrical permit: $64.50.

b. For the issuance of each supplemental permit for which the original permit has not expired, been canceled, nor finaled: $21.50.

2. System Fee Schedule. (Note: The following do not include permit-issuing fee.)

a. New Residential Buildings. The following fees shall include all wiring and electrical equipment in or on each building, or other electrical equipment on the same premises constructed at the same time: $0.06 per foot. For other types of residential occupancies and for alterations, additions and modifications to existing residential buildings, use the unit fee schedule below.

b. Temporary Power Service.

i. For a temporary service pole or pedestal including all pole or pedestal-mounted receptacle outlets and appurtenances, each: $30.00.

ii. For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative lights, Christmas tree sales lots, fireworks stands, etc., each: $53.75.

3. Unit Fee Schedule. (Note: The following do not include permit-issuing fee.)

a. Receptacle, Switch and Light Outlets. For receptacle, switch, light or other outlets at which current is used or controlled, except services, feeders and meters:

i. Up to the first 20 fixtures: $24.00.

ii. Additional fixtures, each: $0.65.

(Note: For multi-outlet assemblies, each five feet (1,524 mm) or fraction thereof may be considered as one outlet.)

b. Services.

i. For new or replacement electric service panels: $39.00.

ii. For new or replacement nonresidential single-phase electric service panels: $64.50.

iii. Three-phase 480/277 1,000 amp or more: $161.25.

c. Miscellaneous apparatus, conduits and conductors, subpanels for electrical apparatus, conduits and conductors for which a permit is required but for which no fee is herein set forth: $43.00.

Note: This fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, busways, signs or other equipment.

C. Residential and Miscellaneous Mechanical Permit Fees.

1. Permit Issuance and Heaters.

a. For the issuance of each mechanical permit: $64.50.

b. For the issuance of each supplemental permit for which the original permit has not expired, been canceled or finaled: $21.50.

2. Unit Fee Schedule. (Note: the following do not include permit-issuing fee.)

a. Furnaces.

i. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance: $43.00.

ii. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW): $16.25.

iii. For the installation or relocation of each floor furnace, including vent: $53.75.

iv. For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater: $43.00.

b. Appliance Vents. For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit: $21.50.

c. Repairs or Additions. For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the mechanical code: $42.50.

d. Air Handlers.

i. For each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4,719 L/s), including ducts attached thereto: $32.25.

Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler, or absorption unit for which a permit is required elsewhere in the mechanical code.

ii. For each air-handling unit over 10,000 cfm (4,719 L/s): $43.00.

e. Evaporative Coolers. For each evaporative cooler other than portable type: $21.50.

f. Ventilation and Exhaust.

i. For each ventilation fan (bathroom, domestic kitchen, etc.) connected to a single duct: $22.00.

ii. For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit: $43.00.

iii. For the installation of each hood which is served by mechanical

exhaust, including the ducts for such hood: $43.00.

g. Miscellaneous. For each appliance or piece of equipment regulated by the mechanical code but not classed in other appliance categories, or for which no other fee is listed in the table: $43.00.

D. Residential and Miscellaneous Plumbing Permit Fees.

1. Permit Issuance.

a. For the issuance of each plumbing permit: $64.50.

b. For the issuance of each supplemental permit for which the original permit has not expired, been canceled or finaled: $21.50.

2. Unit Fee Schedule. (Note: The following do not include permit-issuing fee.)

a. Fixtures and Vents. For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection thereof): $10.75.

b. Sewers. For each building sewer permit: $22.00.

c. Water Piping and Water Heaters.

i. For installation, alteration, or repair of water piping or water-treating equipment, or both, each: $32.25.

ii. For each water heater including vent: $32.25.

d. Gas Piping Systems.

i. For each gas piping system of one to five outlets: $53.75.

ii. For each additional outlet over five, each: $5.00.

e. Lawn Sprinklers, Vacuum Breakers and Backflow Protection Devices. For each lawn sprinkler system on any one meter, including backflow protection devices therefor: $32.25.

f. Miscellaneous. For each appliance or piece of equipment regulated by the plumbing code but not classed in other appliance categories, or for which no other fee is listed in this code: $43.00.

E. Commercial and Industrial Electrical, Mechanical and Plumbing Permit Fees. For items not specifically listed above, nonresidential electrical, mechanical and plumbing

permit fees shall be calculated at one percent of the contract price plus a permit issuance fee.

F. Code Enforcement. The following fees for code enforcement are adopted:

First notice/inspection	Courtesy (no fee)
Subsequent notice/inspection	$129.00/hr
Mileage	I.R.S. allowed
Extension fee	$96.75
Posting fee	$65.00
Administrative hearing	$390.00
Title fee search	Actual cost + 15% administrative fee
Declaration of substandard and/or public nuisance notice	$400.00
Removal of declaration	$350.00
Abatement (cleanup) cost	Actual cost + 15% administrative fee
Preparation of job specification	$400.00
City council approval of contract	$200.00
Contract performance inspection	$258.00
Billing (each instance)	$60.00
Recording special assessment	$129.00
Filing special assessment	$258.00
Code compliance inspections	$129.00/hr
Court cost and attorneys' fees	Actual cost + 15% administrative fee

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

Section 15.

Effective Date. This ordinance shall be effective January 1, 2014.

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Section 16.

Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

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On motion of Council member , seconded by Council member , the foregoing ordinance was introduced at a regular meeting of the City Council on the 19th day of November 2013, and adopted at a regular meeting of the Council held on the 3rd day of December, 2013 by the following vote:

Ayes:

Noes:

Absent:

_____
Elizabeth Patterson, Mayor

Attest:

_____
Lisa Wolfe, City Clerk

Dated: _____

VII.D.54

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 19, 2013
CONSENT CALENDAR

DATE : November 6, 2013

TO : City Manager

FROM : Public Works Director

SUBJECT : **INTRODUCTION AND FIRST READING OF ORDINANCES RELATING TO A BUILDING SEWER LATERAL INSPECTION AND REPAIR PROGRAM**

RECOMMENDATION:
Conduct a public hearing and introduce two ordinances relating to inspection, repair and maintenance of building sewer laterals:

(1) Introduction of an Ordinance amending Section 13.60.050 (Maintenance Generally) of Chapter 13.60 (Building Sewers and Sewer Laterals) of Title 13 (Public Services) of the Benicia Municipal Code; and
(2) Introduction of an Ordinance adding Chapter 13.80 (Building Sewer Lateral Inspection and Repair Program) to Title 13 (Public Services) of the Benicia Municipal Code.

EXECUTIVE SUMMARY:
In 2012 the City entered into a settlement agreement with Northern California River Watch to address alleged violations of the Clean Water Act associated with the City's operation and maintenance of its sewer system. One of the terms of the agreement is for City staff to recommend to the City Council an ordinance establishing a program for the inspection, repair, and/or replacement of building sewer laterals. The program is to be based on specific events as the basis or "trigger" for inspection, repair and/or replacement such as property transfer/sale, a significant remodel, or two or more sewer overflows within two years. Depending on the condition of the building sewer lateral, the property owner would be required, at their expense, to repair or replace the sewer lateral in an effort to help prevent sanitary sewer overflows from occurring. The purpose of this ordinance is to codify requirements for the inspection, repair and/or replacement of building sewer laterals within the city.

BUDGET INFORMATION:
When deemed necessary according to the ordinance, property owners will be

required to pay a review fee in the amount of $100 when submitting their application and inspection video to Public Works staff. This fee will recover the cost of city staff's time reviewing the inspection video and processing the resulting paperwork. All costs associated with repair or replacement of the building sewer lateral, cleanouts, and/or backflow prevention devices, including any city permits (e.g. building/plumbing permit and/or encroachment permit) will be borne by the property owner.

GENERAL PLAN:
Relevant General Plan Goal:

- Goal 2.28: Improve and maintain public facilities and services

STRATEGIC PLAN:
Relevant Strategic Plan Issues:

- Strategic Issue #1: Protecting Community Health and Safety
- Strategic Issue #2: Protecting and Enhancing the Environment
- Strategic Issue #4: Preserving and Enhancing Infrastructure

BACKGROUND:
On June 4, 2012, Northern California River Watch served the City with a Notice of Violation and Intent to File Suit under the Federal Water Pollution Control Act (Clean Water Act) with regard to alleged violations associated with the City's operation and maintenance of its sewer system with particular attention to sanitary sewer overflows (SSOs).

Through a series of negotiations the City was able to settle the matter without going to trial and ultimately resulted in the City and River Watch entering into a settlement agreement. One of the terms of the settlement agreement is for City staff to recommend to the City Council an ordinance establishing a program for the inspection, repair, and/or replacement of building sewer laterals (the sewer pipeline that runs from the house/building to the public sewer main). The program requires the inspection and verification of the condition of the building sewer lateral at the property owner's expense upon the occurrence of one of the following events or "triggers." The settlement agreement specified "triggers" one through four below and city staff recommends adding the fifth. Note: In event two below, the agreement specifies twenty (20) years, but city staff recommends five (5) years in an effort to be more proactive.

(1) Where two (2) or more sanitary sewer overflows are caused by the same building sewer lateral within two (2) years;

(2) At the point of property transfer, significant remodel or change in use that will result in an increase in flow (e.g. additional bathroom or bedroom) in the judgment of the city, except if inspection, repair or

replacement of the sewer lateral has occurred in the last five (5) years, or if lateral was installed within the last ten (10) years;

(3) Concurrently with the repair or replacement of the main line to which the lateral is connected where evidence exists of issues related to the connected lateral (e.g., roots from the lateral visible in the main line, visible offsets or damage, etc.);

(4) If a problem is identified via Closed-Circuit Television (CCTV) activities or investigation by city maintenance crews in response to any sanitary sewer overflow or multiple sewer overflows from the same lateral; or

(5) If the building sewer lateral may pose a threat to the public health, safety and welfare in the judgment of the city.

When one of the above events occurs, the property owner would need to hire a licensed contractor to perform an inspection via Closed Circuit Television (CCTV) video of their building sewer lateral. Then the DVD video along with an application and review fee are to be submitted to the public works department. City staff will review the video and if the lateral is in acceptable condition then a certificate of compliance will be issued. If the lateral is found to be in a defective condition such as having structural defects/cracks/breaks, displaced joints, root intrusion, or substantial deterioration, then city staff will issue a deficiency report. Depending on the condition of the building sewer lateral, the property owner would be required, at their expense, to repair or replace the building sewer lateral. The ordinance applies to both residential and business properties.

The purpose of this program is (i) to provide for operation and maintenance of the city's sewer system in a reliable and serviceable condition; (ii) to eliminate or minimize sewage overflows by eliminating or minimizing stoppages and reducing sources of inflow and infiltration into the city's sewer system; (iii) to comply with applicable legal requirements pertaining to the city's sewer system; and (iv) to protect the public health and safety by establishing and providing a mechanism for enforcing performance standards for private sewer laterals that connect or are connected to a city public sewer main.

Tonight is the introduction and first reading of ordinances that will create a building sewer later inspection and repair program (Chapter 13.80) and amend the maintenance section of the existing building sewers and sewer laterals chapter (Chapter 13.60) to refer to the new Chapter 13.80 for maintenance guidelines. Based on Council's direction, staff recommends returning these two ordinances to the Council for a second reading and adoption on December 3,

2013. If adopted, the ordinance would take effect 90 days thereafter, which would be on March 4, 2014.

This type of ordinance is also recommended as a "best practice" by ABAG Plan, the joint powers authority through which the City has insurance.

City staff is in the process of creating an outreach plan for the proposed building sewer lateral inspection and repair program. Staff intends to meet with local contractors/architects, title companies, Solano Association of Realtors, and Northern Solano County Association of Realtors to inform them about the ordinance and answer questions. Staff will prepare an informational brochure to hand out to interested parties. Staff will also create a webpage on the City's website and put an article in the newspaper.

Attachments:

- Proposed Ordinance Amending Section 13.60.050 (Maintenance Generally) of Chapter 13.60 (Building Sewers and Sewer Laterals)(with changes shown in redline strikeout)
- Proposed Ordinance Adding Chapter 13.80 (Building Sewer Lateral Inspection and Repair Program) to Title 13 (Public Services)

CITY OF BENICIA

ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE BY ADDING CHAPTER 13.80 (BUILDING SEWER LATERAL INSPECTION AND REPAIR PROGRAM)

THE CITY COUNCIL OF THE CITY OF BENICIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1.

Title 13 (Public Services) of the Benicia Municipal Code is amended by adding a new Chapter 13.80 (Building Sewer Lateral Inspection and Repair Program) to read as follows:

Chapter 13.80

BUILDING SEWER LATERAL INSPECTION AND REPAIR PROGRAM

Sections:

13.80.010 Purpose.
13.80.020 Definitions.
13.80.030 Requirement for Backflow Prevention Device and Sewer Lateral Cleanout.
13.80.040 Testing of Existing Building Sewer Lateral.
13.80.050 Inspection Procedures and Criteria for Existing Building Sewer/Sewer Lateral.
13.80.060 Building Sewer Lateral Compliance and Issuance of Certificate of Compliance.
13.80.070 Repair or Replacement of Building Sewer Lateral due to Failed Test or Inspection.
13.80.080 Repair or Replacement of Building Sewer Lateral upon Sale or Transfer of Property.
13.80.090 Sewer Lateral Maintenance Responsibilities.
13.80.100 Common Interest Developments
13.80.110 Hardship Deferrals for Building Sewers and Sewer Laterals Repair or Replacement.
13.80.120 Notices to Correct Violations.
13.80.130 Coordination of Lateral Repairs With City Utility and Streets Improvement Projects.
13.80.140 Regulations to Implement This Chapter.
13.80.150 Nuisance.
13.80.160 Right of Entry.

13.80.010 Purpose. The purpose of this chapter is (i) to provide for operation and maintenance of the city's sewer system in a reliable and serviceable condition; (ii) to eliminate or minimize sewage overflows by eliminating or minimizing stoppages and reducing sources of inflow and infiltration into the city's sewer system; (iii) to comply with applicable legal requirements pertaining to the city's sewer system; and (iv) to protect the public health and safety by establishing and providing a mechanism for enforcing performance standards for building sewer laterals that connect or are connected to a city public sewer main.

13.80.020 Definitions.

As used in this chapter, the following words, phrases and terms shall have the following definitions:

"Backflow Prevention Device" includes, but is not limited to, backwater overflow devices, backwater check valves, pressure relief devices, shutoff systems, and any other devices the city may approve for the purpose of preventing or minimizing the possibility that raw sewage will back up into any structure or for any similar purpose.

"Building Drain" means the part of the lowest piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes within the building or structure and conveys it to the building sewer lateral beginning two (2) feet outside the building wall.

"Building Sewer Lateral" means the part of the generally horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal. The building sewer lateral begins at the wye (material fitting) or point of connection with the public sewer, private sewer, individual sewage disposal system or other point of disposal and terminates at the point of connection to the building drain two (2) feet outside the building wall.

"Building Wall" means the exterior component part of a structure built, erected, framed and designed for the housing, shelter, enclosure or support of persons, animals, or property of any kind.

"Certificate of Compliance" is a written certificate issued to a property owner by the public works director or his/her designee certifying that a building sewer lateral is properly equipped, structurally sound and complies with all standards established by the city.

"Cleanout" means a segment of pipe connected to a building sewer lateral and rising to the surface, providing access to the building sewer lateral for purposes of inspection and removal of obstructions.

"Closed Circuit Television (CCTV)" means a process whereby a camera is placed into, run through and videotapes the inside of a building sewer lateral for the purpose of detecting leaks or other obvious defects.

"Lower Sewer Lateral" means the section of the building sewer lateral that runs from the public sewer main in the street to a cleanout at or near the property line.

"Manufactured Connection" means a commercially manufactured and available sewer "wye" or "tee" fitting of the proper size and material for the subject application.

"Property Owner" means any individual or entity owning property within the boundaries of the city that is connected to a public sewer.

"Public Sewer" means the sanitary sewers owned and maintained by the city lying within the limits of the public streets, roads, easements, reserves, non-exclusive easements or other public rights-of-way serving or intended to serve two (2) or more separate properties,

persons, or parcels. That portion of the building sewer lateral which may lie within any public street or right-of-way is not a public sewer in the city.

"Video Inspection" means a process whereby a camera is moved through the building sewer Lateral and, photographs and electronically records the inside of a building drain, building sewer lateral or public sewer for the purpose of detecting leaks or other obvious defects.

13.80.030 Requirement for Backflow Prevention Device and Sewer Lateral Cleanout.

A. New Buildings. All new building sewer laterals, including sewer lateral replacements, shall be equipped with a cleanout riser and be fitted with a backflow prevention device of type and materials approved by the city.

B. Existing Buildings. All existing buildings shall be equipped with a cleanout riser. Any existing building in which the elevation of the lowest floor is less than twelve (12) inches above the rim elevation of the nearest upstream manhole or junction structure in the reach of a City main sewer into which a building sewer lateral connects, shall also be protected from backflow of sewage by installing a backflow prevention device of a type and in the manner prescribed by the city.

C. All Buildings. Any such backflow prevention device shall be installed by the property owner of the property on which the building is constructed, and shall be located on the lateral between the building and the property line, preferably at the location of the cleanout. The backflow prevention device, if below grade, shall be enclosed in a suitable concrete utility box with removable cover and shall be readily accessible for inspection and maintenance. The installation of any such backflow prevention device shall be at the sole cost and expense of the property owner. The maintenance of the backflow prevention device shall be the sole obligation of the property owner or the property owner's successor in interest. The city shall be under no obligation to ascertain that the backflow prevention device continues in operating condition.

13.80.040 Unlawful to Maintain Defective Sewer Lateral or Improperly Connected Sewer Lateral.

A. General. It shall be unlawful for any property owner to maintain a building sewer lateral in a defective condition. As used in this chapter, "defective condition" includes, but is not limited to: (a) displaced joints, leaks or breaks; (b) root intrusion; (c) substantial deterioration; (d) damaged, uncapped or missing cleanout; (e) damaged or missing backwater prevention device; (f) in a condition that will allow infiltration and inflow of extraneous water, including, but not limited to rain, storm water or groundwater, or which allows exfiltration of sewage; (g) in a condition that will materially increase the possibility of a blockage or overflow; (h) constructed without a proper permit or with materials not approved by the city; (i) lack of a manufactured connection to the city's sewer system; (j) otherwise in violation of city requirements; or (k) in such a condition that the tests required by this chapter cannot be accomplished to the satisfaction of the city.

All sewer laterals or sewer cleanouts which contain sump pumps, down spouts or yard drains that discharge into the public sewer, and all other sources of accidental, negligent or intended introduction of storm runoff or similar waters into the public sewer are hereby declared unlawful and are a public nuisance, and shall be abated by the property owner, who is hereby required to remove or correct such improper sewer connections.

B. Conditions Requiring Cleaning and Inspection of Existing Building Sewer Lateral. All existing building sewer laterals including, but not limited to, those serving residential, multiple

residential, commercial and industrial properties connected to the city's public sewer shall be cleaned and inspected at the property owner's expense, when any of the following events occur:

(1) Where two (2) or more sanitary sewer overflows are caused by the same building sewer lateral within two (2) years;

(2) At the point of property transfer/sale or significant remodel or change in use that will result in an increase in flow (e.g. additional bathroom or bedroom) in the judgment of the city, except if inspection, repair or replacement of the sewer lateral has occurred in the last five (5) years, or if lateral was installed within the last ten (10) years;

(3) Concurrently with the repair or replacement of the main line to which the lateral is connected where evidence exists of issues related to the connected lateral (e.g., roots from the lateral visible in the main line, visible offsets or damage, etc.);

(4) If a problem is identified via Closed-Circuit Television (CCTV) activities or investigation by city maintenance crews in response to any sanitary sewer overflow or multiple sewer overflows from the same lateral; or

(5) If the building sewer lateral may pose a threat to the public health, safety and welfare in the judgment of the city.

13.80.050 Inspection Procedures and Criteria for Existing Building Sewer/Sewer Lateral.

A. Inspection Procedures.

(1) All existing building sewers/sewer laterals shall be inspected by Closed Circuit Television (CCTV) Video Inspection method in accordance with city requirements. Prior to testing, the building sewer lateral shall be thoroughly cleaned.

(2) The Video Inspection shall be conducted by a licensed contractor qualified to provide video inspections. The contractor must have both a city Business License and a State of California Contractor's License. The public works department will maintain a list of qualified contractors at City Hall, but will not recommend a particular contractor. No city permit is required to perform the CCTV inspection. The CCTV video shall meet all of the following requirements:

(a) Shall be in DVD format with the address of the inspection site and telephone number for the point of contact written on the DVD;
(b) Cloudy, fuzzy, or otherwise unclear video will be returned for resubmission;
(c) Shall show the address of the building sewer lateral;
(d) Shall show the date the video was taken;
(e) Shall clearly show the cleanout or access point used to insert the camera into the building sewer lateral;
(f) Shall have a running foot or time marker clearly visible on the screen;
(g) Where joints are present, shall briefly stop the camera for at least two (2) seconds at each to clearly indicate their integrity;
(h) Contractor shall sign an affidavit affirming that he/she conducted a CCTV video inspection stating the date and property address of the inspection site;

(i) CCTV camera shall not enter the city's sewer main. If for any reason the CCTV camera enters the sewer main and gets stuck, it is the property owner's responsibility to excavate, retrieve and repair; and
(j) At the city engineer or designee's discretion, the video may be returned for resubmission if any of the above requirements are not strictly adhered to.

(3) Video recordings of the inspection shall be submitted to the city's public works department for review of the condition of the building sewer lateral along with an Application for building sewer lateral video review and the required review fee (to be set forth in the city's Master Fee Schedule.)

(4) A video inspection shall be valid for a period of six (6) months from the date of the inspection. If a property owner fails to obtain a certificate of compliance within six (6) months after obtaining a video inspection, the city may, in its discretion, require the property owner to obtain another video inspection before issuing a certificate of compliance.

B. Inspection Criteria.

(1) A building sewer lateral will comply with the provisions of this chapter if CCTV inspection verifies all of the following conditions as approved by the city:

(A) The building sewer lateral is free of roots, grease deposits, and other solids which may impede or obstruct the transmission of sewage;
(B) There are no illicit or illegal connections to the building sewer lateral such as roof or yard drainage facilities;
(C) All joints in the building sewer lateral are tight and sufficiently sound to prevent the exfiltration of sewage or the infiltration of groundwater;
(D) The building sewer lateral is free of structural defects, cracks, breaks, or missing portions and the grade is reasonably uniform without major sags or offsets;
(E) The building sewer lateral is equipped with a least one (1) cleanout located within two (2) feet of the building footprint unless otherwise approved by the city to be placed in another location and with a backflow prevention device;
(F) The building sewer lateral is fitted with a backflow prevention device of type and materials as approved by the city; and
(G) None of the other defective conditions referred to in Section 13.80.040 exist on the property.

13.80.060 Building Sewer Lateral Compliance and Issuance of Certificate of Compliance. The city shall review the final submitted video inspection for compliance with this chapter. When all conditions are met to the satisfaction of the city, the building sewer lateral shall be certified as complying with the provisions of the Benicia Municipal Code. The city shall thereupon issue a certificate of compliance to the property owner, noting that the building sewer lateral serving the property is properly equipped, structurally sound and meets the requirements of the city. Once a certificate of compliance is issued, the city shall not require testing of the building sewer lateral for which the certificate of compliance is issued for a period of five (5) years from the date of issuance of the certificate of compliance unless the city has reason to believe the building sewer lateral is in a defective condition as specified in 13.80.040(B). The certificate of compliance shall not imply a warranty or guarantee of any kind.

13.80.070 Repair or Replacement of Building Sewer Lateral due to Failed Test or Inspection.

A. Notice and Repair/Replacement. When the city determines, in its discretion, that a building sewer lateral is in a defective condition, the city will mail the property owner a deficiecy report, which will outline the problem(s) identified and corrective action. Property owner shall make all repairs necessary to bring the building sewer lateral into compliance in accordance with all city requirements. All costs of repair or replacement of the building sewer lateral, cleanouts, and backflow prevention devices shall be borne by the property owner.

A licensed contractor shall perform repairs to the building sewer lateral behind the right-of-way line or on private property. This requires a building (plumbing) permit and the work will be inspected and accepted as complete by a building inspector. A "building cleanout," if not present, will be installed as required by the plumbing code at the location where the building sewer lateral enters the home/structure.

A licensed contractor hired by the property owner shall perform repairs to the portion of the building sewer lateral between the right-of-way line and the public sewer main, which is typically located in the street or alley. This requires an encroachment permit issued by the engineering division. The work will be inspected and accepted as complete by the public works inspector.

All work in the public right-of-way must be consistent with the city of Benicia Engineering Design Standards. The material used for repair and replacement of a gravity sewer pipe shall be SDR (standard dimension ratio) 35 PVC (polyvinyl chloride), bell and spigot with rubber gaskets, confirming to ASTM (American Society for Testing and Materials) D3034. Contact the public works engineering division for more information.

B. Additional Inspection. Upon completion of repairs to or replacement of the building sewer lateral, another video inspection shall be conducted to verify that the repairs or replacement have been properly completed.

13.80.080 Repair or Replacement of Building Sewer Lateral upon Sale or Transfer of Property. The repairs or replacement of a building sewer lateral that result from the testing required as a result of the sale or transfer of property in a non-probate transaction shall be completed prior to the close of escrow of the sale or, if there is no escrow, prior to recording the deed or other document transferring title. For properties sold or transferred in a probate or other testamentary proceeding, pursuant to the terms of a revocable living trust or similar instrument, or pursuant to the termination of a joint tenancy or similar proceeding, any repair or replacement of a building sewer lateral shall be completed within 180 days after the probate sale or other transfer.

13.80.090 Sewer Lateral Maintenance Responsibilities.

A. The city shall maintain lower sewer laterals between the city-approved cleanout and the public sewer main if all of the following conditions are met:

(1) The building sewer lateral is constructed in accordance with city requirements and is approved by the city for maintenance; and
(2) There is a city-approved cleanout ("public works cleanout") located within five (5) feet of the property boundary and the cleanout is accessible.

Where these conditions do not exist, the property owner served by the building sewer lateral shall maintain the pipe from the house/structure to the public sewer main.

B. Changing Maintenance Responsibility from Private to Public

If a property owner desires to change the lower sewer lateral maintenance responsibility from private to public, the following criteria shall be met:

(1) The city will inspect the condition of the existing building sewer lateral and determine if the building sewer lateral meets city standards. If repairs or other modifications are necessary, the property owner will make those specified repairs to the building sewer lateral.
(2) A "public works cleanout" is required to be installed within the existing sidewalk or the location of a future sidewalk. In absence plans for a future sidewalk, the "public works cleanout" shall be placed within five-feet of the property line with a one-foot square concrete pad surrounding the cleanout.
(3) An encroachment permit is required for all work.

When the above conditions are satisfied and the work is accepted by the public works inspector, the city will accept maintenance responsibility for this portion of the sewer lateral.

C. Shared Building Sewer Laterals

There may be building sewer laterals serving two or more private properties and/or buildings in the older portions of Benicia. This is an acceptable situation when there is an agreement or recorded easement between the affected properties and/or buildings. If the affected property owners cannot provide an easement or do not agree to share the building sewer lateral, it will be necessary for each property owner to install a separate sewer lateral connection to the public sewer main in accordance with BMC § 13.60.001.

(d) Water Turn-off During Sanitary Sewer Overflows

In the event of a sanitary sewer overflow, the city reserves the right to turn off water service to the customer's property. No turn off service fee will be applied. The city will turn on water service after the sanitary sewer overflow is remedied.

13.80.100 Common Interest Developments.
The homeowners association of a common interest development shall provide video inspection verification of all privately-owned building sewers laterals within the common interest areas at least once every ten (10) years for compliance with the duties and obligations imposed by the Benicia Municipal Code in relation to any building sewer lateral located within a common area of the development. If no homeowners association exists, then the individual unit owners, both jointly and individually, shall be liable for the duties and obligations with respect to building sewer lateral established by the Benicia Municipal Code.

13.80.110 Hardship Deferrals for Building Sewers and Sewer Laterals Repair or Replacement.
In the event that the property owner established to the satisfaction of the city that repair or replacement of a building sewer lateral will result in undue hardship inconsistent with the purpose or intent of this chapter, a request for hardship status may be submitted to the public works director. The public works director shall make a hardship finding only if the requesting property owner presents facts that clearly demonstrate, in the public works director's sole discretion, that the property owner's payment for and completion of a building sewer lateral

repair or replacement at the required time would result in an undue hardship. If hardship status is granted, the property owner shall have no more than 180 days to repair or replace the building sewer lateral.

(a) For purpose of this section, undue hardship shall be defined as (1) the severe illness or incapacitation of the property owner; (2) the immediate transfer or removal of the property owner from the state, thereby making the hiring of a contractor to repair or replace the building sewer lateral impractical or overly burdensome; or (3) any physical or financial situation that would render compliance with the time limits for the repair or replacement of building sewer lateral extraordinarily difficult or impractical. The property owner shall bear the burden of submitting documentation and proving the existence of such a bona fide hardship to the satisfaction of the public works director.

(b) Any property owner to whom a hardship finding is granted shall be given written notice of the finding. Said notice shall inform the property owner that the building sewer lateral repair or replacement requirement is only deferred up to 180 days-not waived entirely. In the event of sale of property, a copy of the notice shall be sent to both the property owner who is selling the property and to the purchaser of the property.

13.80.120 Notices to Correct Violations.

If the public works director receives notice that a building sewer lateral does not or may not meet the standards set forth in this chapter and the property owner does not agree in writing to perform the repairs or replacements necessary to bring the building sewer lateral into compliance, then the public works director shall give written notice of violation to the property owner of any conditions that the violate this chapter. Such notice shall be provided using first class U.S. mail and shall specify the repair or replacement necessary to correct the condition and the time in which to make the correction, and shall advise the property owner of the enforcement provisions of this chapter. If the repairs are not completed within the time allowed by the city, or if the city determines that the property may be transferred before the required testing or repairs can be completed, the city shall record a notice of violation in the official records of Solano County specifying the nature of the violation and the action needed to correct it. The notice shall only be rescinded when the building sewer lateral serving such property has been repaired or replaced to the satisfaction of the city. Recording a notice of violation is in addition to all other remedies available to the city.

13.80.130 Coordination of Lateral Repairs With City Utility and Streets Improvement Projects.

Whenever the city plans a project to maintain, repair or replace a public sewer that involves excavation of a street, the city shall notify all property owners whose building sewer laterals connect to that public sewer main where the project is to be performed. The city shall work with interested property owners to develop a comprehensive program for repair/replacement of building sewer laterals needing replacement at the same time the city's project is performed. If a building sewer lateral needs repair or replacement within five years after a public right of way is newly paved, the property owner repairing or replacing the building sewer lateral shall comply with all requirements of the chapter and any other requirements imposed by the city to repair or replace the paving on the public right of way.

13.80.140 Regulations to Implement This Chapter.

The public works director may establish rules, regulations, guidelines and policies for implementing and enforcing this chapter.

13.80.150 Nuisance.
Any building sewer lateral or appurtenance thereto that is in violation of this chapter is hereby declared to be unlawful and a public nuisance and subject to abatement pursuant to Benicia Municipal Code Title 8, chapter 8.04 as currently in effect or as hereafter amended. Such nuisance conditions include, but are not limited to, any defective sewer lateral, any building sewer lateral with or sewer cleanouts which contain leaks or breaks; any building sewer lateral to which a clean out and Backwater Prevention Device is not properly attached or properly functioning; any uncapped or improperly capped sewer cleanouts; sump pumps, down spouts or yard drains or other sources which discharge into the city's Public Sewer; and all other sources of accidental, negligent or intended introduction of storm water runoff or similar waters into the city's public sewer.

13.80.160 Failure to Comply With This Chapter
In the event of a failure to comply with any provision of this chapter within the allotted time, the city may bring an enforcement action and exercise any other remedy provided by the Benicia Municipal Code and/or applicable law against the property owner and any other responsible party including turning off water. In addition thereto, and property owner who fails to fully comply with this chapter shall be responsible for all damages that arise from or relate to such failure. For purposes of the Section, "damages" include all compensatory damages, fines, penalties, assessments and other monetary exactions that may be awarded to, levied or assessed by any person, firm, corporation, company or public entity.

13.80.170 Right of Entry.
As a condition of receipt of city sewer services and use of the Public Sewer, the city engineer, or his or her designee, may enter, inspect, collect wastewater samples, and test any buildings, structures, or premises to secure compliance or prevent a violation of the chapter. Unless there is an emergency threatening the public health, safety or welfare, the city engineer shall provide at least ten (10) business days notice to the Property Owner of intent to enter upon property. The city engineer may also request that a Property Owner provide all written records of building sewer lateral inspection, maintenance, repair and replacement at the time of inspection or within ten (10) or more business days after receipt of the request.

Section 2.

Effective Date. This Ordinance shall go into effect ninety (90) days after the date of its passage and adoption.

Section 3.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

****

On the motion of Council Member , seconded by Council Member , the foregoing ordinance was introduced at a regular meeting of the City Council on the 19th day of November, 2013, and adopted at the regular meeting of the Council on the
____ day of _____ 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Elizabeth Patterson, Mayor

ATTEST:

_____
Lisa Wolfe, City Clerk

CITY OF BENICIA

ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 13.60.050 (MAINTENANCE GENERALLY) OF CHAPTER 13.60 (BUILDING SEWERS AND SEWER LATERALS) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BENICIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1.

Section 13.60.050 (Maintenance Generally) of Chapter 13.60 (Building Sewers and Sewer Laterals) of Title 13 (Public Services) of the Benicia Municipal Code is amended as follows:

Chapter 13.80

BUILDING SEWER LATERAL INSPECTION AND REPAIR PROGRAM

Sections:
13.60.001 Connection required.
13.60.010 Permit required.
13.60.020 Design and construction requirements.
13.60.030 Connection to public sewer.
13.60.040 Testing.
13.60.050 Maintenance generally.
13.60.060 Separate side sewers.
13.60.070 Use of old building sewers.
13.60.080 Cleanouts.
13.60.090 Elevation of sewers.

13.60.001 Connection required.
A. The owner of a building within the city is required at his expense to connect the building to the proper public sewer in accordance with this division within 90 days after notice of the director to do so, if a public sewer is within 300 feet of a single building or, in the case of several buildings, within 200 additional feet distant for every additional building. Distance is measured along the route of the required sewer extension as determined by the director.

B. The owner of a berthing facility serving temporarily moored vessels containing sewage holding tanks shall, within 120 days after notice of the director to do so, provide approved sewage receiving facilities and connection to the city sewer system. (Ord. 88-13 N.S. § 1, 1988; prior code § 7-615; Ord. 1260 M.C.).

13.60.010 Permit required.
No person may construct a building sewer or lateral sewer or make a connection with a public sewer without first obtaining a written permit from the city and paying all fees and connection charges. (Prior code § 7-641; Ord. 1260 M.C.).

13.60.020 Design and construction requirements.
The design and construction of a building sewer and lateral sewer shall be in accordance with the requirements of the plumbing code in effect at the time and in accordance with city standard specifications. A lateral sewer shall be at least of four-inch diameter and shall be equal in size or larger than the connected building sewer. (Prior code § 7-642; Ord. 1260 M.C.).

13.60.030 Connection to public sewer.
The connection of the lateral sewer into the public sewer shall be made in accordance with city standard specifications and at the applicant's expense. The connection to the public sewer shall be made under the supervision, direction and control of the director. The applicant is responsible for the repair of damage to the public sewer in conformance with city standard specifications. (Prior code § 7-647; Ord. 1260 M.C.).

13.60.040 Testing.
The building sewer and lateral sewer shall be tested in accordance with city standard specifications. (Prior code § 7-648; Ord. 1260 M.C.).

13.60.050 Maintenance generally.
Refer to Section 13.80.090 (Sewer Lateral Maintenance Responsibilities) of Chapter 13.80 (Building Sewer Lateral Inspection and Repair Program) of Title 13 (Public Services)
~~A. The owner shall maintain the building sewer and all other sewage facilities located on his property. The city shall maintain lateral sewers if all of the following conditions are met:~~

~~1. The lateral is constructed in accordance with city requirements and is approved by the city for maintenance;~~

~~2. There is an approved cleanout located within five feet of the property boundary and the cleanout is accessible;~~

~~3. Normal maintenance work can be conducted without moving or damaging private property.~~

~~B. Where these conditions do not exist, the owner of the property served by the lateral sewer shall maintain it. In no event is the city responsible for damage or inconvenience resulting from stoppage or other malfunction of a side sewer. (Prior code § 7-649; Ord. 1260 M.C.).~~

13.60.060 Separate side sewers.
Separate premises shall be served by a separate side sewer. Multiple dwelling units in the same structure may be served by a single side sewer if approved by the director. Each separate multiple dwelling structure shall be served separately. The director may permit adjacent commercial and industrial structures located on a single parcel of land and served under a single account to be served by a single side sewer. Upon the subdivision and sale of a portion of the parcel, the portion not directly connected to the public sewer shall be separately connected to a public sewer. It is unlawful for the owner or occupant to continue to use or maintain the indirect connection. (Prior code § 7-643; Ord. 1260 M.C.).

13.60.070 Use of old building sewers.
An old building sewer may be used in connection with the new buildings only when the city finds upon examination and test that it meets the requirements of the city. (Prior code § 7-644; Ord. 1260 M.C.).

13.60.080 Cleanouts.
The owners shall provide a cleanout in the building sewer in accordance with the plumbing code in effect at the time and city standard specifications. The owner shall maintain the cleanouts watertight. In locations that the director designates, the owner shall install an approved pressure relief connection on each building sewer adjacent to its connection with the lateral sewer. (Prior code § 7-645; Ord. 1260 M.C.).

13.60.090 Elevation of sewers.
In a building in which the building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building sewer shall be lifted by artificial means approved by the director and then discharged to the public sewer at the expense of the owner. (Prior code § 7-646; Ord. 1260 M.C.).

Section 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

****

On the motion of Council Member , seconded by Council Member , the foregoing ordinance was introduced at a regular meeting of the City Council on the 19th day of November, 2013, and adopted at the regular meeting of the Council on the ____day of _____ 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Elizabeth Patterson, Mayor

ATTEST:

_____
Lisa Wolfe, City Clerk

VII.E.18

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 19, 2013
CONSENT CALENDAR

DATE : November 5, 2013

TO : City Manager

FROM : Public Works Director

SUBJECT : **BENICIA INDUSTRIAL PARK BUS HUB PROJECT: ADOPTION OF MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE CONCEPTUAL PLAN -- TO BE CONTINUED UNTIL DECEMBER 3, 2013**

RECOMMENDATION:
Staff recommends a continuance of this item until the December 3, 2013 City Council Meeting.

EXECUTIVE SUMMARY:

The Conceptual Plan and Draft Mitigated Negative Declaration (MND) have been prepared for the Project; however, other agreements and related studies necessary for the project to move forward will be ready for review at the December 3, 2013 meeting. Continuing this item until that time will allow all important facets of the project to be reviewed together without causing any delays.

The Notice of Intent was posted and sent to property owners indicating that the Mitigated Negative Declaration was scheduled for review at tonight's meeting. While no written comments were received, procedure necessitates the public be provided the opportunity for feedback.

VII.F.2

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 19, 2013
BUSINESS ITEMS

DATE : November 8, 2013

TO : City Manager

FROM : Parks and Community Services Director

SUBJECT : **URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN DRAFT PREFERRED SITE ALTERNATIVE**

RECOMMENDATION:
Adopt a resolution approving the Draft Preferred Alternative and directing staff to proceed with development of the Draft Master Plan and concurrent Environmental Review.

EXECUTIVE SUMMARY:
Following public input at two Community Advisory Committee meetings and one Community Workshop that engaged over 100 members of the public and the Community Advisory Committee, the project consultant team drafted three site alternatives for review at a series of four Review Meetings designed to progressively refine the draft site alternatives and identify a preferred site concept. The first three Review Meetings consisted of the second Community Workshop, held on September 18, the third Community Advisory Committee meeting, held on September 26, and a Parks, Recreation & Cemetery Commission meeting held on October 9. The input received at these meetings has shaped the draft Preferred Alternative that Council is being asked to review. The cumulative feedback of the four Review Meetings and City Council direction will guide development of the Draft Master Plan, which is scheduled to be completed over a four month period.

BUDGET INFORMATION:
The project is being completed at a cost of $160,000. The Coastal Conservancy is providing $140,000 while the City of Benicia is providing $20,000 cash, and staff time.

GENERAL PLAN:
Relevant General Plan Goals and Policy:

- Goal 2.12: Strengthen the Downtown as the City's central commercial zone
    - Policy 2.12.4: Create a social, recreational, and economic anchor at the waterfront end of First Street by establishing a waterfront park

which provides a site for community festivals, preserves open space, and allows commercial and civic uses at the Depot site.

- Goal 3.13: Improve urban design qualities of the waterfront and public access to the shoreline

STRATEGIC PLAN:
Relevant Strategic Issues and Strategies and Actions:

- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
  - Strategy 1: Implement Economic Development Strategy
    - Action 1(e): Complete master plan for Downtown Waterfront Park
- Strategic Issue 5: Maintain and Enhance a High Quality of Life
  - Strategy 2: Implement the Downtown Master Plan
    - Action 2(a): Pursue outside funds for Downtown improvements

PARKS, TRAILS AND OPEN SPACE MASTER PLAN:
Relevant Master Plan Goal and Objective:

- Goal 2: Provide a range of trail opportunities with a variety of settings in a comprehensive, City-wide trail network.
  - Objective 2.2: Seek continuous public access along the waterfront

BACKGROUND:
In June of 1977, the City received approval from BCDC to proceed with a number of projects in the Waterfront Area between the Fifth Street and First Street peninsulas, including construction of a marina, riprap, fishing pier, public boardwalks, tidal marsh, commercial and residential uses, public walkways and bikeways, parking areas, and overlooks. The permit has been amended thirty-four times since it was issued in 1977. Many of the projects were subsequently completed, including marsh restoration in the UWEMP project area.

The 1991 Benicia Urban Waterfront Restoration Plan sought to establish coordinated involvement between the City, the State, and the private sector in order to actively pursue more comprehensive use of Benicia's underutilized Waterfront. The Plan actively sought to preserve open space and important historical characteristics of the site, increase access to the Waterfront, and create opportunities for new activities and commerce. A specific implementation program was included to ensure that the goals of improved access and Waterfront utilization were achieved without compromising any of the site's vital existing views and environmental resources. The public space component was to include a major open space system "with continuous Waterfront pedestrian access linking large areas of passive and active recreation." The Urban Waterfront Restoration Plan included an array of projects

to be completed in phases. As a result of this Plan, the First Street Promenade project was designed and constructed.

The City Council adopted the Waterfront Park Initiative (Measure C) in November 2004. The purpose of the Initiative was to establish a waterfront park on the city-owned land south of B Street, between First Street and the Harbormaster's Office, and extending to the water's edge, but excluding the Southern Pacific Depot site, including property immediately north and south of the building totaling about one acre (see map in Measure C attachment). The Initiative changed the land use designation of this area from Waterfront Commercial/Downtown Commercial to Open Space and amended the General Plan to include Waterfront Park, with the following definition:

> *A waterfront park serves the entire community and accommodates activities appropriate to the characteristics of the site such as low impact recreational activities, community events and festivals, and enjoyment of the surrounding natural environment. The waterfront park south of B Street may not include any permanent sports fields, courts, or equipment. Nor may it include any permanent buildings, except for a public restroom and similar amenities. Walkways, benches, drinking fountains, and trash receptacles are permitted. The waterfront park south of B Street will preserve the marshlands within its boundaries, thereby protecting the wildlife that rely on this ecologically sensitive habitat.*

Measure C had the impact of placing limits on development of the site that in effect negated some previous planning for the area (e.g., 1991 Waterfront Restoration Plan and 1997 Mayor's Task Force Report). A group of citizens formed the Waterfront Park Committee in 2008 in an effort to develop a conceptual plan for the waterfront that expanded on the vision for the area contained in the 1997 Parks, Trails, and Open Space Master Plan within the context created by the 2004 adoption of the Waterfront Park Initiative. The group became a subcommittee of the Parks, Recreation and Cemetery Commission in March 2009.

City staff submitted a grant application to the Coastal Conservancy in October 2009 for funding to build on the subcommittee vision by producing a site master plan with significant public input. The Coastal Conservancy approved a grant award of up to $140,000 to fund the development of a site master plan in September 2011.

At Council direction, staff issued a Request for Proposals in May 2012 for development of the Benicia Urban Waterfront Enhancement and Master Plan, which would include estimates of implementation costs, a schedule for construction phasing, an adaptive management plan for sea-level rise and

completion of environmental review. The Plan will provide enough detail to guide the development of construction documents, which will be the subject of a subsequent contract.

On October 16, 2012, Council approved a contract with The Planning Center/DC&E, the lead on an interdisciplinary consultant team that was deemed to have the best mix of technical abilities and skills required to lead the project. The Planning Center/DC&E provides services in landscape architecture, urban design, environmental review, comprehensive planning, regional planning, and Geographic Information Systems. The team also includes TranSystems Corporation (civil and marine engineering), Balance Hydrologics (hydrology, wetland restoration, and sea level rise adaptation), and Environmental Collaborative (biological assessments, regulatory permitting requirements, and resource management planning).

Council directed staff to establish a Community Advisory Committee (CAC) with one representative each from Parks, Recreation, and Cemetery Commission, Planning Commission, Historic Preservation Review Commission, Arts and Culture Commission, Economic Development Board and Community Sustainability Commission, appointed by the respective boards and commissions. Council also directed that the CAC include one member of the California Native Plant Society (CNPS), Main Street and the Benicia Yacht Club, and each Benicia member of the Solano Transportation Authority (STA) Bicycle Advisory Committee (BAC) and Pedestrian Advisory Committee (PAC).

In addition to conducting two general community workshops, the alternatives development and analysis process has included three CAC meetings at which the CAC has been asked to assist the consultant team and staff in conducting the alternatives analysis and developing the Alternative Concept Plans. The CAC will also be asked to review the draft Master Plan.

PLANNING PROCESS TO DATE:
The Planning Center/DC&E team began working with City staff on the Urban Waterfront Enhancement and Master Plan (UWEMP) project in November, 2012. The major steps taken thus far include:

Baseline Reconnaissance/Existing Conditions Analysis
In coordination with staff, the consultant team completed an Existing Conditions Analysis in May that documents site history and previous site plans, site use and design analysis, biological and hydrologic assessments, and preliminary wetland and sea level rise assessments.

Alternatives Development and Analysis
The public process has included consideration of alternatives for:

- The mix and physical distribution of active and passive recreation areas.
- The type and level of urban improvements, such as plazas, parking, and landscape and streetscape improvements.
- Strategies for accommodating stormwater and drainage requirements.
- Delineation and protection of natural resources, including tidal marshland.
- Site circulation and connectivity to the adjacent commercial district and residential neighborhood.
- Responses to sea level rise and other climate adaptation strategies.

City staff and The Planning Center/DC&E met with the Community Advisory Committee (CAC) on April 18 to review the project goals, site history and existing conditions analysis, and to seek guidance from the CAC as to what alternatives they wanted to be considered in the alternatives development and analysis phase of the project.

The existing conditions analysis and the input received at the first CAC meeting was then presented at the first Community Workshop, held on June 5. Approximately 85 attendees were divided into small groups to work with a facilitator to develop alternatives and a design concept for the project area. A representative from each group then reported back to the larger group, and an end of meeting summary clarified common themes among the eight group designs. The workshop output was then summarized in a memo that reflected the alternatives developed by each of the groups, emphasizing the common themes that emerged in the workshop.

The Planning Center/DC&E then developed three alternative site plans that reflected the wishes expressed at the first Community Workshop, within the context of the project goals, CAC direction, and the existing regulatory framework.

The site alternatives were then shared with the Community Advisory Committee for review and comment at its second meeting, on July 25. The site alternatives were then refined based on CAC direction, leading to the alternatives being considered at the four Review Meetings.

Review Meetings

The second Community Workshop was held on September 18. At this workshop, participants worked in small groups to review and comment on the alternative concept plans and develop their own preferred alternatives for the study area. At the close of the workshop, a facilitated discussion resulted in a 'consensus report' on preferred options.

The third CAC meeting was held on September 26, to garner CAC input and further develop the preferred concept for presentation to the Parks, Recreation

and Cemetery Commission and City Council.

The third Review Meeting was held at the October 9 Parks, Recreation & Cemetery Commission (PRCC) meeting. The PRCC unanimously voted to accept the Draft Preferred Alternative as presented, with two changes that are included in the attached Draft Preferred Alternative.

ELEMENTS OF THE DRAFT PREFERRED ALTERNATIVE:
The three prior Review Meetings (Community Workshop #2, CAC #3, and PRCC) have led to a Draft Preferred Alternative that is a composite of the three draft site alternatives. Elements that have generated broad support include:

- Entry plaza at the corner of 1st Street and B Street with seat walls
- Expanded, raised green area next to the entry plaza
- Bioswale in the northeast along B Street
- Secondary plaza at the eastern edge with seating
- Perimeter walkway around the green and bioswale
- Boardwalks in alignment with the historic railroad, with viewing platforms
- TrainWalk Boardwalk through the tidal marsh
- Bay Trail alignment within the park parallel to B Street
- Stormwater rain gardens between B Street parking and the Bay Trail
- Widened sidewalk and palm trees on the east side of 1st Street, to mirror the promenade on the west side of 1st Street.
- Diagonal or perpendicular parking within the park on south side of B Street
- Improved parking lot along east end of B Street
- Art integrated throughout the site
- Depot plaza as included in the 2009 Depot site plan

The attached Draft Preferred Alternative provides a graphic representation of the elements above.

Key project documents developed thus far have been made available online on the Parks & Community Services pages of the City's website, and can be found by following the 'Urban Waterfront and Enhancement Master Plan' link on the PCS homepage, www.ci.benicia.ca.us/Parks.

RESIDUAL ISSUES:
The majority of elements included in the Draft Preferred Alternative received broad support in the Review Meetings held thus far. However, there are four issues that require further research and consideration:

1. **Sea-level rise**: There are three broad strategies that have been identified. The first, consolidation of the green and expansion of the tidal marshland, received broad support and is represented in the attached Draft Preferred Alternative.

The two other sea-level rise responses could be integrated into the site without significant alteration of the attached Draft Preferred Alternative.

One option is to raise the elevation of the green, an approach that is being used by the Port of San Francisco on a similar project at the Brannan Street Wharf. The current 100 year flood level is approximately 9 feet above sea level, while the mean sea level rise projected for 2050 by a 2012 National Academy of Sciences study was 11 inches. As such, it may be prudent to raise the elevation of the green to at least 10 feet above current sea level, and possibly as high as the elevation at 1st Street.

The final option that is being considered is the installation of a sheet piling wall at the interface of the green with the tidal marshland.

2. **B Street:** At its October 16, 2012 meeting, Council gave staff direction that planning should be focused within the park boundaries. However, development and evaluation of the draft alternatives has made it clear that stormwater management and sea-level rise improvements included in the Plan will need to consider B Street. Staff recommend that, as possible, improvements to B Street be designed concurrently with improvements in the UWEMP project area.

3. **Non-motorized boat launch:** The public workshops, CAC meetings, and subsequent Review Meetings drew a range of perspectives on whether and where a non-motorized boat launch should be included in the site plan. Ultimately, the inclusion and location of a possible non-motorized boat launch drew inconclusive support. It is shown at the existing beach access in the attached Draft Preferred Alternative. Staff is conducting further outreach and research on this issue. The balance of the Draft Preferred Alternative site plan will still be viable should it ultimately be decided that a location outside the project area would be more appropriate for the non-motorized boat launch.

4. **1st Street:** Consideration of Bay Trail connectivity and traffic circulation indicate a need to improve pedestrian and bicycle access to the project area across 1st Street. Specifically, there is a need for a new crosswalk on the south side of the intersection of 1st Street and B Street. It may be prudent to concurrently plan for and improve pedestrian and bicycle circulation on all sides of this intersection.

NEXT STEPS:

Wetland Delineation

A Wetland Delineation was prepared and submitted to the U.S. Army Corps of Engineers (Corps) in October by Environmental Collaborative, a sub-consultant on the project planning team. An on-site verification has been tentatively scheduled for late December.

Draft Master Plan and Environmental Analysis

Based on the direction received during the four Review Meetings, including this City Council meeting, the consultant team will work with staff to prepare a Draft Master Plan, scheduled for completion in early 2014. The Planning Center/DC&E will prepare an environmental analysis concurrently with the preparation of the Draft Master Plan.

Master Plan Adoption

Initial Review meetings with the Community Advisory Committee and Parks, Recreation and Cemetery Commission are tentatively scheduled for spring 2014. The Master Plan adoption hearing at City Council is tentatively scheduled for June 2014.

Project Implementation

City staff have been in contact with staff from partner agencies, including the Coastal Conservancy and the Association of Bay Area Governments (SF Bay Trail Project and SF Bay Water Trail Project). Additional partner and funding agencies will be engaged over the next several months as we develop the Draft Master Plan. Discussions with regulatory agencies thus far have included initial conversations with Bay Conservation and Development Commission (BCDC) staff; we anticipate beginning discussions with the U.S. Army Corps of Engineers shortly.

Attachments:

- Resolution
- Draft Preferred Alternative Site Plan Graphic
- Draft Preferred Alternative Section Graphic
- Project Schedule

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DIRECTING STAFF TO PROCEED WITH DEVELOPMENT OF THE URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN

WHEREAS, the City Council of the City of Benicia approved a grant agreement with the Coastal Conservancy for the development of a Benicia Urban Waterfront Restoration Plan on December 20, 2011; and

WHEREAS, the Coastal Conservancy grant agreement will provide the City $140,000 to develop a waterfront restoration plan, and the City's required financial match for this agreement is $20,000; and

WHEREAS, development of such a plan is consistent with the City's General Plan and with the Strategic Plan strategies of Strengthening Economic and Fiscal Conditions and Maintaining and Enhancing a High Quality of Life; and

WHEREAS, the effort will develop a master plan, an adaptive management plan for sea-level rise, estimates of implementation costs, and a schedule for construction; and

WHEREAS, principal objectives of the plan include improving waterfront access and connectivity, increasing active recreational use of the waterfront, and contributing to the economic vitality of Downtown Benicia; and

WHEREAS, an interdisciplinary consultant team led by The Planning Center/DC&E was awarded a contract for planning consulting services in October, 2012; and

WHEREAS, a Community Advisory Committee was formed to add value to the planning process guided by staff and the consultant. In order to have an efficient and cost effective process this City advisory body was formed of stakeholders and City Council advisory bodies including one member each from Parks, Recreation, and Cemetery Commission, Planning Commission, Historic Preservation Review Commission, Arts and Culture Commission, Economic Development Board and Community Sustainability Commission appointed by the respective boards and commissions and each Benicia member of the Solano Transportation Authority (STA) Bicycle Advisory Committee (BAC) and Pedestrian Advisory Committee (PAC), one member of the California Native Plant Society (CNPS), Main Street and the Benicia Yacht Club; and

WHEREAS, an Existing Conditions Analysis, completed in May 2013, provided a thorough review of City planning for this site since the City acquired the property in 1975, and site hydrology and biological resources; and

WHEREAS, two Community Advisory Committee meetings and one Community Workshop guided the development of three draft site alternatives; and

WHEREAS, three Review Meetings, consisting of one Community Workshop, one Community Advisory Committee meeting, and one Parks, Recreation & Cemetery Commission meeting, guided the refinement of the draft site alternatives and development of the Draft Preferred Alternative.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the Draft Preferred Alternative.

BE IT FURTHER RESOLVED THAT staff is directed to proceed with the development of the Draft Master Plan and concurrent Environmental Review for the Benicia Urban Waterfront Enhancement and Master Plan.

*****

On motion of Council Member , seconded by Council Member , the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 19th day of November, 2013, and adopted by the following vote.

Ayes:

Noes:

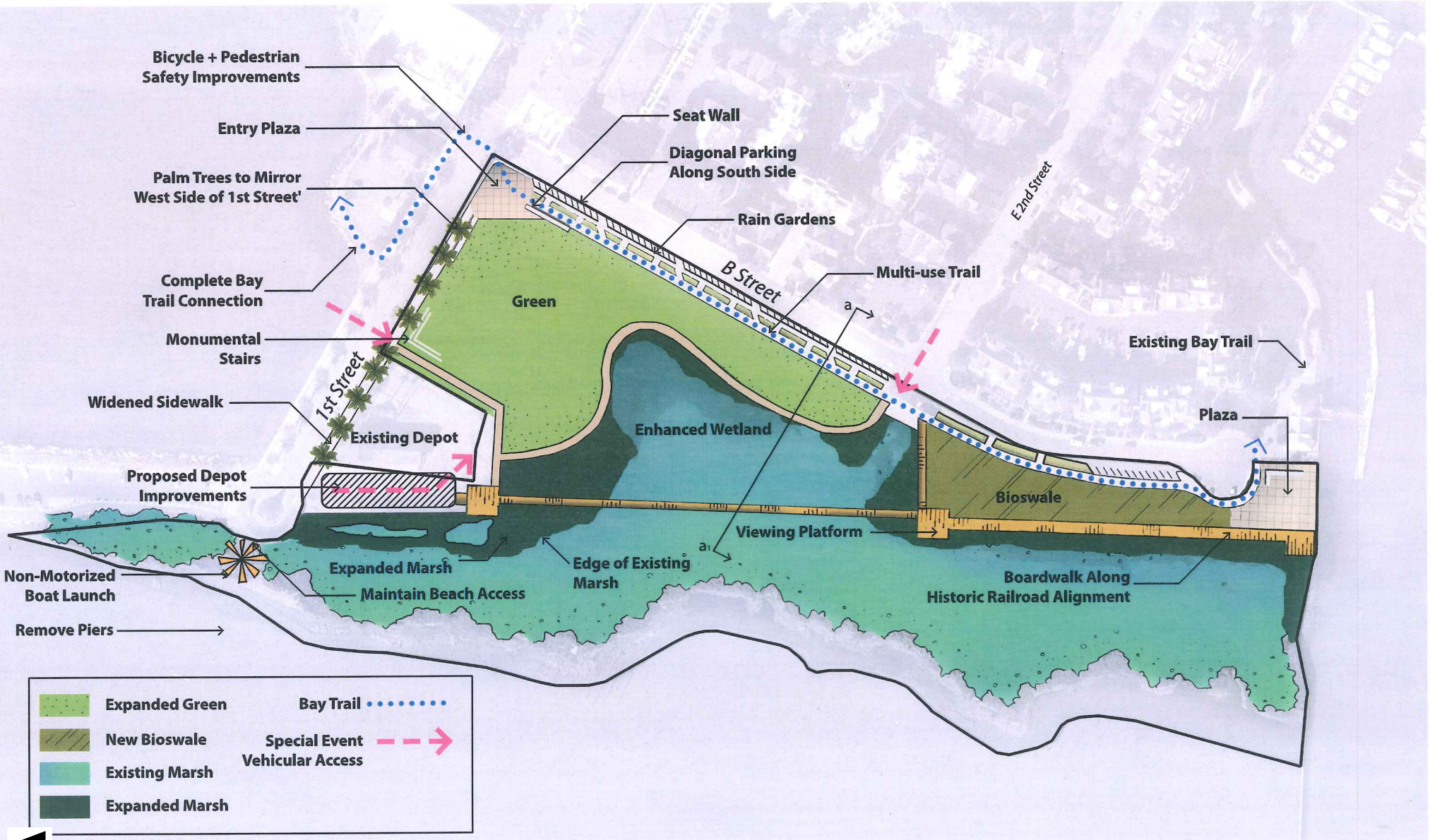
Absent:

_____
Elizabeth Patterson, Mayor

Attest:

_____
Lisa Wolfe, City Clerk

Dated: _____

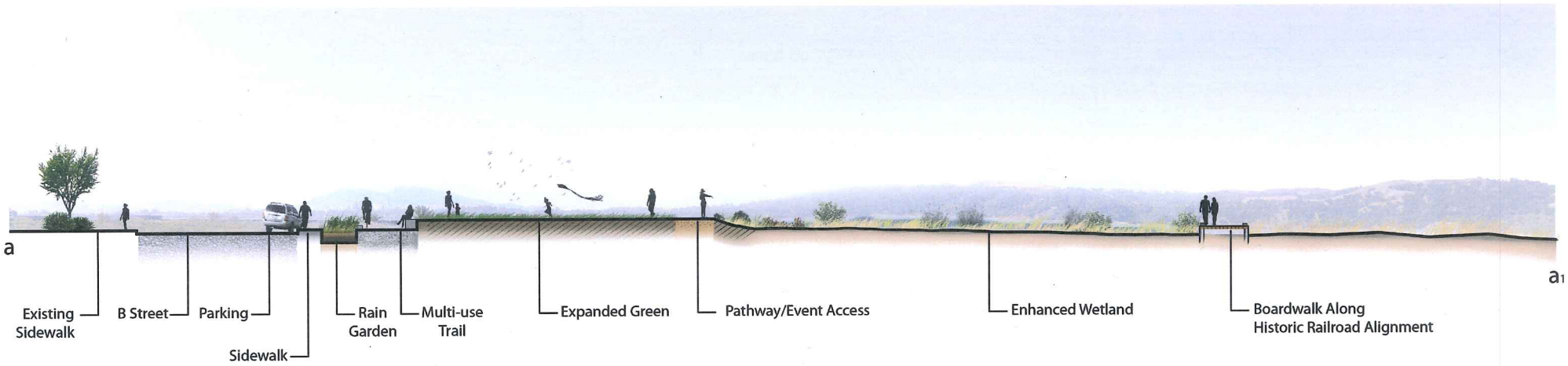


raft Preferred Alternative: Central Green with Extensive Boardwalks and Integrated Art

'05/13

VIII.A.11

VIII.A.12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Existing Sidewalk
B Street
Parking
Sidewalk
Rain Garden
Multi-use Trail
Expanded Green
Pathway/Event Access
Enhanced Wetland
Boardwalk Along Historic Railroad Alignment

VIII.A.14

Urban Waterfront Enhancement and Master Plan

Schedule for The City of Benicia

THE PLANNING CENTER DC&E

2013: DEC, JAN, FEB, MAR, APR, MAY, JUN, JUL, AUG, SEP, OCT, NOV

2014: DEC, JAN, FEB, MAR, APR, MAY, JUN

Task A
Project Initiation
1. Kick-off Meeting
2. Site Visit
3. Community Outreach and Communications Strategy
4. Base Map

Task B
Baseline Reconnaissance
1. Institutional/Policy Setting
2. Site Assessment and Environmental Baseline
3. Recreation Demand/Assessment

Task C
Alternatives Development and Analysis
1. Community Advisory Committee (CAC) Meeting #1
2. Community Workshop #1
3. Alternative Concept Plan Development
4. Alternatives Review and Revision (CAC Meeting #2)
5. Alternatives Analysis
6. Review Meetings
   - Community Workshop #2
   - CAC Meeting #3
   - Parks, Recreation & Cemetery Commission
   - City Council

Task D
Draft Master Plan

Task E
Environmental Analysis
1. Initial Study
2. Negative Declaration/Notice of Intent
3. Staff Review

Task F
Master Plan Adoption
1. Initial Review Meetings
   - CAC Meeting #4
   - Parks, Recreation & Cemetery Commission
2. Responses to Comments on the IS/MND
3. Adoption Hearing
   - City Council
4. Final Master Plan

CAC Meetings: Task C.1, Task C.4, Task C.6, Task F.1

Community Workshops: Task C.2, Task C.6

Council/Commission Meetings: Task C.6, Task C.6, Task F.1, Task F.3

Deliverables: Task A.3, Task A.4, Task B.2, Task B.3, Task D, Task E.1/E.2, Task E.3, Task F.2, Task F.4

VIII.A.16

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 19, 2013
BUSINESS ITEMS

DATE : October 28, 2013

TO : City Council

FROM : City Manager

SUBJECT : **INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE FOR UPDATES TO THE INDUSTRIAL ZONING DISTRICTS AND ADOPTION OF THE RELATED NEGATIVE DECLARATION**

RECOMMENDATION:
Conduct a public hearing and first reading of a proposed ordinance to amend Title 17 (Zoning Ordinance) of the Benicia Municipal Code 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; after adopting the Initial Study and Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines. A Negative Declaration was prepared 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.

EXECUTIVE SUMMARY:
Staff has been working with the Benicia Industrial Park Association (BIPA), the Chamber of Commerce and the EDB to develop zoning language as part of the City's ongoing economic development efforts to help retain and attract industrial businesses. These proposed zoning text amendments seek to balance the community's goal of preserving the integrity of the industrial base by encouraging technologically oriented industrial business opportunities for new and existing tenants. The amendments also seek to expedite any review of proposed uses or construction and create certainty for industrial property owners about what uses are allowed and what requires City review.

BUDGET INFORMATION:
There are no direct impacts to the budget associated with this project. However, these zoning text amendments provide the City of Benicia the opportunity to

prepare itself for new market economies and emerging business and technology sectors. Economic revitalization in the industrial park can help decrease commuting by local residents to jobs outside of Benicia. These amendments should also allow Benicia to capture revenues and jobs that would otherwise locate elsewhere.

The intent of the amendments is to:

- Promote economic revitalization of Benicia's industrial areas for enhanced/additional revenues;
- Create local employment opportunities to reduce out-commuting by Benicia residents; and,
- Capitalize on Benicia's existing industrial infrastructure and central location between the San Francisco Bay Area and the Central Valley regions.

ENVIRONMENTAL ANALYSIS:
In accordance with the California Environmental Quality Act (CEQA), an Initial Study was conducted to determine whether the zoning text amendments could have a significant adverse effect on the environment. On the basis of that study, staff is recommending adoption of a Negative Declaration. On, June 3, 2013, the Initial Study / Negative Declaration was released for public review. The 21-day public review ended on Monday, June 24, 2013. One verbal comment was provided in regard to the draft amendments to Chapter 17.16 Use Classifications, which was clarified by staff without objection.

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 allowed in the Zoning Ordinance, including Research and Development, Office, and Manufacturing uses.

GENERAL PLAN:
Relevant General Plan Goals, Policies and Programs include:

- *GOAL 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.*
- *GOAL 2.6: Attract and retain a balance of different kinds of industrial uses to Benicia.*
    - *Policy 2.6.1: Preserve industrial land for industrial purposes and certain compatible "service commercial" and ancillary on-site retail uses.*

- *Policy 2.6.3: Facilitate continued development of the Industrial Park. Especially encourage general industrial uses to locate in the basin northeast of Downtown (around Industrial Way between East Second and the freeway).*
    - *Program 2.6.C: For lands designated limited industrial, reduce the length of time and number of steps required for development proposals to proceed, consistent with CEQA, community development policies and ordinances, and the design review process for general industrial lands.*

- *GOAL 2.7: Attract and retain industrial facilities that provide fiscal and economic benefits to—and meet the present and future needs of—Benicia.*
    - *Policy 2.7.1: Attempt to attract high-wage and high-revenue producing companies to Benicia.*

SPECIFIC PLAN:
Relevant Strategic Plan Issues, Strategies and Actions include:

- *Strategic Issue 3: Strengthening Economic and Fiscal Conditions*
    - *Strategy 2: Strengthen Benicia Industrial Park competitiveness*
    - *Strategy 3: Retain and attract business*
    - *Strategy 5: Increase economic viability of industrial park and other commercial areas, while preserving existing economic strengths and historic resources*
        - *Action 5. (c) Update zoning code to encourage clean energy, high-tech R&D uses in industrial districts*

BACKGROUND:
Over the last two years, staff has worked on evaluating proposals for amending zoning text pertaining to the industrial districts and coupling them with the economic development efforts that resulted in the 2011 Benicia Development Action Plan (BDAP). These current zoning text amendments are one part of the BDAP economic development assessment of Benicia's three economic generators and employment centers, which include:

- Benicia Industrial Park;
- Commercial Centers; and
- Tourism related activities, including Downtown, Arts, History, Waterfront, and recreational activities.

Planning Commission Comments/Recommendations:
On October 10, 2013, the Planning Commission considered the proposed changes to the Industrial Zoning Districts. The Commission recommended that the City adopt the Negative Declaration and recommended the following

changes:

1. Change "live/work" to "work/live" in all sections;

2. Modify Section 17.32.020 to include additional regulation L12 "Only water-related uses allowed" for Research and Development use classifications;

3. Modify 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

Additional information on each of the above recommend changes is provided below:

1. The discussion to change "live/work" to "work/live" focused on the creation of internal consistency and the elimination of potential confusion between the Zoning Ordinance (Title 17) and Building Code (Title 15). The Zoning Ordinance defines "Live/Work Quarters" as *an area comprised of one or more rooms or floors in a building originally designed for industrial or commercial occupancy that includes cooking space and sanitary facilities and working space for artists, artisans and similarly situated individuals.* This change is reflected in the following Sections: 17.16.030 D (Residential use classifications.), 17.28.020 (CC, CO, CG, and CW districts – Land use regulations.), 17.32.020 (IL, IG, IW and IP districts – Land use regulations.), 17.46.010 (Schedule S-1), 17.48.010 (Schedule S-2), 17.74.030 (Off-street parking and loading spaces required.), all of Title 17.

   Chapter 15.24 Work/Live Occupancy Code of the Building Code (Title 15) provides the standards for occupancy of work/live uses pursuant to the California Building Code. The regulations within the Building Code for work/live occupancy are more specific and provide thresholds such as minimum floor area for the work portion (2/3) and maximum floor area for the living portion (1/3). Historically staff has considered work/live and live/work to be synonymous, and this change will provide greater certainty in application of the regulation of work/live uses in the Benicia Municipal Code for staff and the public.

2. The recommendation to modify Section 17.32.020 (IL, IG, IW and IP districts – Land use regulations.) to add the additional regulation of L12 "Only water-related uses allowed" to the research and development use categories was in an effort to capture all potential research and development activities. Research and Development (R & D) activities fall under both Commercial and Industrial Use Classifications, so the additional regulation of L12 "Only water-related uses allowed" was

added to both R & D use classifications. For consistency, any change made to Section 17.32.020 must also be reflected in the use regulations summary chapter provided in Section 17.46.010 (Schedule S-1). The additional note of L20 "Only water-related uses allowed" has been added to the R & D use classifications in Schedule S-1.

3. Modification of the definition was to provide clarification as the process. Pursuant to the California Fire Code, the storage of hazardous materials in excess of the maximum allowable quantities listed in the California Fire Code are subject to a permit issued by the Fire Chief. This was expressly stated in lieu of the former language with stated that *express permission of the Fire Chief* was required.

SUMMARY:
There are three parts to the amendments, including minimizing and eliminating design review authority, simplifying land use regulations, and adding more complete definitions of Research and Development and technology uses to the list of permitted uses. The zoning text amendments are specific to the IL (Limited Industrial), IG (General Industrial), IW (Water-Related Industrial) and IP (Industrial Park) zoning districts. The proposed amendments do not allow "new" land uses per se (i.e. ones not currently permitted). Instead, they provide for broader purpose to the industrial zoning districts currently in Section 17.32.010 and the definitions of the language currently in Section 17.16.060.D of the Zoning Ordinance.

A copy of the draft ordinance and complete redlined Chapters are attached. A full analysis of the proposed text amendment is also provided in the attached staff report to the Planning Commission, October 10, 2013 regular meeting.

CONCLUSION:
As described in the Project Description, the proposed amendments do not in general allow "new" land uses per se. Instead, they provide for broader definitions of use categories and an expanded purpose of the industrial zoning districts.

The Benicia General Plan Economic Development section (Chapter 2, Section B) states on page 38,

> The tax revenues that the BIP and other heavy industrial uses generate, allow the City to provide a relatively high level of public services, including its own library system. As a result, the Economic Development Goals, Policies, and Programs emphasize the importance of protecting existing heavy industrial uses.

Many also believe, however, that Benicia can capitalize on its central location by diversifying its economy and attracting more high-technology firms and tourists. Although a radical shift in the types of businesses that locate in the city over the next 20 years is not expected, more non-industrial activities are desired in the future. Measures to increase the diversity of industries and land uses therefore can also be found in the Economic Development Goals, Policies, and Programs.

Any proposed new development or construction remains subject to the City of Benicia's permit and environmental review processes, as modified. Each project is reviewed and analyzed pursuant to the Benicia Municipal Code, Benicia Industrial Design Guidelines, CEQA Guidelines, the City of Benicia's Environmental Review procedures and the Benicia General Plan.

ATTACHMENTS:

- Draft Ordinance – Clean Version
- Exhibit A: Zoning Text Amendments – Redlined
  - Chapter 17.16 Use Classifications
  - Chapter 17.28 C Commercial Districts
  - Chapter 17.32 Industrial Districts
  - Chapter 17.46 Use Regulations Summary
  - Chapter 17.48 Property Development Regulations Summary
  - Chapter 17.74 Off-Street Parking and Loading Regulations
  - Chapter 17.108 Design Review
- Planning Commission Resolution No. 13-10
- Planning Commission Minutes from October 10, 2013 regular meeting
- Planning Commission Staff Report
- Initial Study/Negative Declaration (without attachments)

CITY OF BENICIA

ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING VARIOUS SECTIONS OF CHAPTER 17.16 (USE CLASSIFICATIONS) AND CHAPTER 17.32 (INDUSTRIAL USES), SECTION 17.28.020 (CC, CO, CG, AND CW DISTRICTS – LAND USE REGULUATIONS) OF CHAPTER 17.28 (C COMMERCIAL DISTRICTS), SECTION 17.46.010 (SCHEDULE S-1) OF CHAPTER 17.46 (USE REGULATIONS SUMMARY), SECTION 17.48.010 (SCHEDULE S-2) OR CHAPTER 17.48 (PROPERTY DEVELOPMENT REGULATIONS SUMMARY), SECTION 17.74.030 (OFF STREET PARKING AND LOADING SPACES REQUIRED) OF CHAPTER 17.74 (OFF-STREET PARKING AND LOADING REGULATIONS) AND SECTIONS OF CHAPTER 17.108 (DESIGN REVIEW) ALL OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO UPDATE THE DEVELOPMENT STANDARDS AND REGULATIONS TO REFINE REGULATIONS IN THE INDUSTRIAL ZONING DISTRICTS

Section 1.

Subsection D of Section 17.16.030 (Residential Use Classifications) of Chapter 17.16 (Use Classifications) of Title 17 (Zoning) is amended to read as follows:

D. Work/Live Quarters. An area comprised of one or more rooms or floors in a building originally designed for industrial or commercial occupancy that includes cooking space and sanitary facilities and working space for artists, artisans and similarly situated individuals.

Section 2.

Subsection D of Section 17.16.060 (Industrial use classifications) of Chapter 17.16 (Use Classifications) of Title 17 (Zoning) is amended to read as follows:

D. Industry, Research and Development. Establishments engaged in the theoretical or applied study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development, or evaluation. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development. Research and development may include the storage or use of hazardous materials not in excess of the maximum allowable quantities listed in the California Fire Code without a permit issued by the Fire Chief.

Section 3.

A new subsection E is added to Section 17.16.060 (Industrial use classifications) of Chapter 17.16 (Use Classifications) of Title 17 (Zoning) to read as follows and previous subsections E and D are renumbered to F and G:

E. Industry, Technology. Establishments engaged in the creation, fabrication, processing, assembling, storage, manufacturing and/or service provision of products and/or processes, related to current or new technologies. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development.

F. Port Terminals. Facilities for loading, unloading, transferring and storing raw or finished materials, and incidental freight between modes of transportation. This classification includes the terminals themselves and directly related ancillary activities such as warehousing and other temporary storage, ship repairing, support transportation uses including trucking and railroad yards, freight forwarders, and government offices related to port activity.

G. Wholesaling, Distribution and Storage.

1. Wholesaling and Distribution. Facilities primarily engaged in the selling of goods, merchandise, products or materials to retailers, contractors, professional business users, other wholesalers or to agents or brokers. May include related storage, break-bulk activity, redistribution and delivery.

2. Warehousing and Transportation. Storage of products or goods, including household goods, with related local or long-distance trucking and transfer of stored items.

3. Trucking Terminal/Freight Transfer Station. A facility where goods and products are transferred, often directly, from one vehicle to another without the storage of such goods and products on a long-term basis within a warehouse building or storage yard. Includes break-bulk facilities. May include related maintenance facilities and incidental storage of trucks on-site when not in use.

4. Package Distribution. A warehousing and distribution facility used primarily to gather and distribute for delivery, packages and mail.

Section 4.

Amend Live/Work Quarters to Work/Live Quarters in the table in Section 17.28.020 (CC, CO, CG and CW districts — Land use regulations) of Chapter 17.28 (C Commercial

Uses) of Title 17 (Zoning) as follows. All other regulations remain the same.

CC, CO, CG, and CW Districts: Land Use Regulations

P --Permitted
U --Use Permit
L --Limited (See "Additional Use Regulations")
— --Not Permitted

	CC	CO	CG	CW	Additional Regulations
Residential					(A)
Group Residential	–	–	U	–	
Work/Live Quarters	P	–	P	P	
Multi-Family Residential	L1	L1	–	P	
Residential Care, Limited	–	–	–	P	
Single-Family Residential	L1	L1	–	L1	

Section 5.

Subsection A of Section 17.32.010 (Specific purposes) of Chapter 17.32 (Industrial Uses) of Title 17 (Zoning) is amended to read as follows:

A. In addition to the general purposes listed in Chapter 17.04 BMC, the specific purposes of industrial district regulations are to:

1. Provide appropriately located areas consistent with the general plan for a broad range of manufacturing and service commercial uses;

2. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;

3. Provide a suitable environment for various types of industrial uses, and protect them from the adverse impacts of inharmonious uses;

4. Reserve areas for port terminals and water-related industry;

5. Encourage technologically oriented industrial uses including biotechnology, information technology, "green" technology, clean technology, nanotechnology and laboratory uses; except vivarium, which is prohibited. Vivarium is a facility that engages in the keeping and/or raising of living animals for the purpose of observation, testing, or research;

6. Ensure that the appearance and effects of industrial uses are compatible with

the character of the area in which they are located;

7. Minimize the impact of industrial uses on adjacent residential districts;

8. Ensure the provision of adequate off-street parking and loading facilities.

Section 6.

Notes L-4 and L-4.1 and the table in Section 17.32.020 (IL, IG, IW and IP districts — Land use regulations) of Chapter 17.32 (Industrial Uses) of Title 17 (Zoning) are amended as follows. All other notes remain the same.

17.32.020 IL, IG, IW and IP districts — Land use regulations.
In the following schedule, the letter "P' designates use classifications permitted in industrial districts. The letter "L" designates use classifications subject to certain limitations described by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to the "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

IL, IG, IW, and IP Districts: Land Use Regulations

P --Permitted
U --Use Permit
L --Limited (See "Additional Use Regulations")
— --Not Permitted

	IL	IG	IW	IP	Additional Regulations
Residential					(L)
Work/Live Quarters	U	—	—	—	(A)
Public and Semipublic					
Clubs and Lodges	L18	L18	—	L18	
Cultural Institutions	U	U	—	U	
Day Care, General	U	U	—	U	(B)
Government Offices	U	U	U	U	
Heliports	L1	L1	L1	L1	
Maintenance and Service Facilities	P	P	P	—	
Public Safety Facilities	L20	L20	L20	L20	
Religious Assembly	U	U	—	U	(K)
Utilities, Major	U	U	U	U	

Waste Facility	—	U	—	—	
Utilities, Minor	P	P	P	P	
Commercial Uses					
Adult Business	P	P	—	P	(M)
Ambulance Services	P	P	—	P	
Animal Sales and Services					
Animal Boarding	L20	—	—	—	
Animal Hospitals	L20	L20	—	—	
Artists' Studios	P	—	—	L20	
Banks and Savings and Loans	L2	L2	—	L2	
Building Materials and Services	P	P	L12	L20	
Catering Services	P	P	—	P	
Commercial Filming	L20	L20	L20	L20	
Commercial Recreation and Entertainment	L4	L4	L12	L4	
Game Center	L8	L8	—	L8	
Communication Facilities	P	P	P	P	
Eating and Drinking Establishments	L4	L4	L12	L4	
With Wine and Beer Service	L4	L4	L4	L4	
With Full Alcoholic Beverage Service	U	U	U	U	
With Take-Out Service	L4	L4	L4	L4	(D)
Limited	L4	L4	L4	L4	(D)
Food and Beverage Sales	L6	L6	-	L7	
Funeral and Interment Services	L9	—	—	—	
Horticulture, Limited	P	P	—	—	
Laboratories	P	P	—	P	
Maintenance and Repair Services	P	P	L12	P	
Marine Sales and Services	—	—	P	—	
Nurseries	P	P	—	U	
Offices, Business and Professional	—	—	—	L13	
Personal Improvement Services	L14	L14	—	14	
Personal Services	L1O	L1O	—	L1O	
Research and Development Services	P	P	L12	P	
Vehicle/Equipment Sales and Services					
Automobile Washing	U	L15	—	—	(E)
Service Stations	U	L16	L12	U	
Vehicle/Equipment Repair	L17	L17	—	—	
Vehicle/Equipment Sales and Rentals	U	L11	—	—	
Vehicle Storage	P	P	L12	—	

Warehousing and Storage, Limited	P	P	L12	U	
Industrial					
Industry, Custom	P	P	L12	P	
Industry, General	—	L19	L12	U	
Industry, Limited	P	P	L12	P	
Small-Scale	P	P	L12	P	
Industry, Research and Development	P	P	L12	P	
Industry, Technology	P	P	L12	P	
Port Terminals	—	—	P	—	
Wholesaling, Distribution and Storage					
Wholesaling and Distribution	P	P	L12	U	
Warehousing and Transportation	P	P	L12	U	
Trucking Terminal/Freight Transfer Station	U	U	L12	—	
Package Distribution	P	P	L12	U	
Agricultural and Extractive Uses					(J)(L)
Mining and Processing	—	U	—	—	
Accessory Uses	P/U	P/U	P/U	P/U	(F)(G)(H)(L)
Temporary Uses					(G)(J)(L)
Animal Shows	U	U	—	—	
Christmas Tree Sales	P	P	—	—	
Circuses and Carnivals	—	U	—	—	
Retail Sales — Outdoor	U	U	U	—	
Swap Meets--Nonrecurring	U	U	--	--	
Trade Fairs	U	U	U	U	
Nonconforming					(I)
Other Uses					
Medical Marijuana Distribution Facilities	–	–	–	–	

IL, IG, IW, and IP Districts: Additional Use Regulations

L-4 Permitted as a secondary use in a building occupying no more than 2,500 square feet of the building area. A Community Development Director use permit is required for secondary uses occupying building areas greater than 2,500 square feet but not more than 5,000 square feet, or where the use is the primary use of a building. Not permitted

for uses larger than 5,000 square feet.

Section 7.
Notes L-7, L-7.1, L15, L38, L39 and L46 and table in Section 17.46.010 (Schedule S-1) of Chapter 17.46 (Use regulations summary) of Title 17 (Zoning) are amended as follows. All other notes remain the same.

17.46.010 Schedule S-1.
Schedule S-1 summarizes the use classifications contained in Chapter 17.16 BMC and the base districts in which the uses are permitted or conditional uses. This schedule is intended as a general or summary reference and does not reflect all provisions which may apply to particular uses, sites or districts. For further details the base district regulations contained in Chapters 17.24 to 17.44 BMC should be consulted.

Schedule S-1: Summary of Land Use Regulations							P – Permitted U – Use Permit L – Limited (See "Additional Regulations") – – Not Permitted						
CATEGORY	**RS**	**RM**	**RH**	**CC**	**CO**	**CG**	**CW**	**IL**	**IG**	**IW**	**IP**	**OS**	**PS**
Residential													
Family Day Care, Large	L38	L38	L38	–	–	–	–	–	–	–	–	–	–
Family Day Care, Small	P	P	P	–	–	–	–	–	–	–	–	–	–
Group Residential	–	U	U	–	–	U	–	–	–	–	–	–	–
Work/Live Quarters	–	–	–	P	–	P	P	U	–	–	–	–	–
Multifamily Residential	–	P	P	L1	L1	–	P	–	–	–	–	–	–
Residential Care, Limited	P	P	P	–	–	–	P	–	–	–	–	–	–
Single-Family Residential	P	P	P	L1	L1	–	L1	–	–	–	–	P	–
Public and Semipublic													
Adult Day Health Care	U	U	U	U	U	–	U	U	U	–	U	–	U
Cemetery	–	–	–	–	–	–	–	–	–	–	–	U	U
Clubs and Lodges	–	U	U	U	U	P	P	L36	L36	–	L36	–	U
Convalescent Facilities	–	U	U	–	–	–	–	–	–	–	–	–	U
Cultural Institutions	–	U	U	U	U	P	P	U	U	–	U	–	U

Day Care Center	U	U	U	U	U	–	U	L45	L45	–	L45	–	U
Detention Facilities	–	–	–	–	–	–	–	–	–	–	–	–	U
Government Offices	–	–	–	P	P	P	P	U	U	U	U	L3	P
Heliports	–	–	–	–	–	–	–	L17	L17	L17	L17	–	L17
Hospitals	–	–	–	–	U	U	–	–	–	–	–	–	U
Maintenance and Service Facilities	–	–	–	–	–	–	–	P	P	P	–	–	U
Park and Recreation Facilities	L5	L5	L5	–	–	–	P	–	–	–	–	P	P
Public Safety Facilities	U	U	U	U	U	U	U	L39	L39	L39	L39	P	U
Religious Assembly	U	U	U	P	U	U	U	L37	L37	L37	–	U	U
Residential Care, General	–	U	U	U	U	–	–	–	–	–	–	–	U
Schools, Public or Private	U	U	U	U	U	–	–	–	–	–	–	–	U
Utilities, Major	U	U	U	U	U	U	U	U	U	U	U	U	U
Waste Facility	–	–	–	–	–	–	–	–	U	–	–	U	U
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial Uses													
Adult Businesses	–	–	–	–	–	L4	–	–	–	–	–	–	–
Ambulance Services	–	–	–	–	–	P	–	P	P	–	P	–	–
Animal Sales and Services													
Animal Boarding	–	–	–	–	–	L39	–	L39	–	–	–	–	–
Animal Grooming	–	–	–	L15	–	P	–	–	–	–	–	–	–
Animal Hospitals	–	–	–	–	L39	L39	–	L39	L39	–	–	–	–
Animals – Retail Sales	–	–	–	–	–	P	P	–	–	–	–	–	–
Artists' Studios	–	–	–	P	P	P	P	P	–	–	L39	–	–
Banks and Savings and Loans	–	–	–	–	P	P	–	L6	L6	–	L6	–	–
With Drive-Up Service	–	–	–	–	U	U	–	–	–	–	–	–	–
Building Materials and	–	–	–	–	–	P	–	P	P	L20	L39	–	–

Services													
Catering Services	–	–	–	P	P	P	P	P	P	–	P	–	–
Commercial Filming	–	–	–	U	U	U	U	L39	L39	L39	L39	U	U
Commercial Recreation and Entertainment	–	–	–	U	L34	U	U	L28	L44	–	L28	U	U
Communication Facilities	–	–	–	–	–	P	–	P	P	–	P	–	–
Conference and Meeting Facilities	U	U	U	U	U	L41	L41	–	–	–	–	–	–
Eating and Drinking Establishments	–	–	–	P	P	P	P	L7	L7	L7	L7	–	–
With Wine and Beer Service	–	–	–	P	P	P	P	L7	L7	L7	L7	–	–
With Full Alcoholic Beverage Service	–	–	–	U	U	U	U	U	U	U	U	–	–
With Live Entertainment	–	–	–	–	–	U	U	–	–	–	–	–	–
With Take-Out Service	–	–	–	U	–	P	P	L7	L7~~.1~~	L7	L7	L21	–
Drive-Up	–	–	–	U	–	U	–	–	–	–	–	–	–
Limited	–	–	–	P	P	P	P	L7	L7~~.1~~	L7	L7	–	–
Truck Stop	–	–	–	–	–	U	–	–	–	–	–	–	–
Food and Beverage Sales	–	–	–	L8	–	L8	L8	L46	L46	–	L18	–	–
Funeral and Interment Services	–	–	–	L7	L9	L10	–	L30	–	–	–	–	–
Horticulture, Limited	L24	L24	L24	–	–	–	–	P	P	–	–	L24	–
Laboratories	–	–	–	–	P	P	–	P	P	–	P	–	–
Maintenance and Repair Services	–	–	–	–	–	P	–	P	P	L20	P	–	–
Marinas	–	–	–	–	–	–	P	–	–	–	–	–	–
Marine Sales and Services	–	–	–	–	–	–	P	–	–	P	–	–	–
Nurseries	–	–	–	U	–	P	–	P	P	–	U	–	–
Offices, Business and Professional	–	–	–	P	P	P	P	–	–	–	L22	–	–
Pawn Shops	–	–	–	–	–	P	–	–	–	–	–	–	–

Personal Improvement Services	–	–	–	L8	U	L15	–	L23	L23	–	L23	–	–
Personal Services	–	–	–	P	L35	P	P	L13	L13	–	L13	–	–
Research and Development	–	–	–	–	–	P	–	P	P	L20	P	–	–
Retail Sales	–	–	–	P	–	P	P	–	–	–	–	–	–
Secondhand Appliance/Clothing	–	–	–	–	–	P	–	–	–	–	–	–	–
Swap Meets, Recurring	–	–	–	–	–	U	–	–	–	–	–	–	–
Vehicle/Equipment Sales and Services													
Automobile Rentals	–	–	–	–	–	L32	–	–	–	–	–	–	–
Automobile Washing	–	–	–	–	–	U	–	U	L26	–	–	–	–
Service Stations	–	–	–	L27	–	U	–	U	L29	L20	U	–	–
Vehicle/Equipment Repair	–	–	–	–	–	L40	–	L31	L31	–	–	–	–
Vehicle/Equipment Sales and Rentals	–	–	–	–	–	P	–	U	L19	–	–	–	–
Vehicle Storage	–	–	–	–	–	–	–	U	U	L20	–	–	–
Visitor Accommodations													
Bed and Breakfast Inns	L40	L40	L40	L40	L40	P	P	–	–	–	–	–	–
Hotels and Motels	–	–	–	–	–	P	P	–	–	–	–	–	–
Warehousing and Storage	–	–	–	–	–	–	–	P	P	L20	U	–	–
Industrial													
Industry, Custom	–	–	–	–	–	–	–	P	P	L20	P	–	–
Industry, General	–	–	–	–	–	–	–	–	L43	L20	U	–	–
Industry, Limited	–	–	–	–	–	–	–	P	P	L20	P	–	–
Small-Scale	–	–	–	–	–	–	–	P	P	L20	P	–	–
Industry, R and D	–	–	–	–	–	–	–	P	P	L20	P	–	–
Industry, Technology	-	-	-	-	-	-	-	P	P	L20	P	-	-
Port Terminals	–	–	–	–	–	–	–	–	–	P	–	–	–

Vivarium	-	-	-	-	-	-	-	-	-	-	-	-	-
Wholesaling, Distribution and Storage													
Wholesaling and Distribution	–	–	–	–	–	–	–	P	P	L20	U	–	–
Warehousing and Transportation	–	–	–	–	–	–	–	P	P	L20	U	–	–
Trucking Terminal/Freight Transfer Station	–	–	–	–	–	–	–	U	U	L20	–	–	–
Package Distribution	–	–	–	–	–	–	–	P	P	L20	U	–	–
Agricultural and Extractive Uses													
Animal Husbandry	–	–	–	–	–	–	–	–	–	–	–	P	–
Crop Production	–	–	–	–	–	–	–	–	–	–	–	P	–
Mining and Processing	–	–	–	–	–	–	–	–	U	–	–	–	–
Accessory Uses	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U
Temporary Uses	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25

Additional Regulations for Land Use

L-7 Permitted as a secondary use in a building, occupying no more than 2,500 square feet of the building area. A Community Development Director use permit is required for secondary uses occupying building areas greater than 2,500 square feet but not more than 5,000 square feet, or where the use is the primary use of a building. Not permitted for uses larger than 5,000 square feet.

L-15 Community development director use permit required only for dance and music studios. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure which is completely enclosed and soundproofed, or is located at least 300 feet away from the property line of the nearest residential use;

2. The proposed use will not operate prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week.

L-38 Community development director may approve use permits for large family day care homes caring for nine to 14 children, as defined in Chapter 3.4 of the California Health and Safety Code.

L-39 Community development director use permit required. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

L-46 Use permit required for establishments occupying more than 1,000 square feet.

Section 8.

Subsection (O) Property Development Standards – Additional Regulations of Section 17.48.010 Schedule S-2 of Chapter 17.48 Property Development Regulations Summary is amended as follows:

(O) Courts shall be required opposite windows. The minimum width shall be 20 feet opposite a living room window and 14 feet opposite the window of any other habitable room, and the court shall extend horizontally 10 feet in both directions from the vertical centerline of the window. Where no interior side yard is required, the width of the court perpendicular to the property line need not exceed 10 feet. A required court shall be open to the sky above the sill of a window requiring the court; provided, that eaves may project up to two feet from a wall adjoining a court.

Exceptions: Courts are not required for work/live quarters or for residential units in mixed-use projects.

Section 9.

Section 17.74.030 (Off street parking and loading spaces required) of Chapter 17.74 (Off street parking and loading regulations) of Title 17 (Zoning) is amended to modify Live/Work Quarters to Work/Live Quarters and add parking regulations for Industry, Technology as follows:

Table 1: Number of Off-Street Parking Spaces Required

Use Classifications	**Off-Street Parking Spaces: Schedule A**	**Off-Street Parking Spaces: Schedule B Group Number**
Work/Live Quarters	1 per unit	
Industry, Technology	1 per 750 sq. ft.	3

Section 10.

Subsection B of Section 17.108.020 (Applicability), Section 17.108.060 (Review responsibilities), Section 17.108.070 (Review process and time limits), 17.108.090 (Effective date – Lapse and renewal – Alterations) of Chapter 17.108 (Design review) of Title 17 (Zoning) are amended to read as follows:

B. In All Other Districts. Design approval shall be required prior to issuance of a zoning permit for all projects in all other zones that involve new construction or exterior alterations and additions, except single-family residences and related accessory buildings, buildings in the IL, IG, IW, and IP districts that are less than 50,000 square feet, and signs.

17.108.060 Review responsibilities.
Except as modified by an adopted conservation plan the following review responsibilities will apply:

A. By the Community Development Director. The community development director shall be responsible for design review for projects greater than 50,000 square feet of gross floor area in the IG, IL, IW and IP districts, and for projects outside the industrial districts that involve construction of less than 2,500 square feet of floor area.

B. By the Historic Preservation Review Commission. The historic preservation review commission shall be responsible for design review in the RS (nonresidential structures only), RM, RH, C, OS, PS, PD and the H overlay districts, for projects not subject to community development director review. The historic preservation review commission shall hold a public hearing, as provided in BMC 17.108.080, and shall approve, conditionally approve, or disapprove applications for design approval. Decisions of the design review commission may be appealed to the planning commission in accordance with Chapter 1.44 BMC.

17.108.070 Review process and time limits.
A. Prerequisite for Review. Unless an applicant selects consolidated review, as provided in BMC 17.108.050(C), review of development plans shall follow design review.

B. By Community Development Director (IG, IL, IW, and IP Districts). The community development director shall review plans submitted for design approval within 30 days of receipt and shall approve, conditionally approve, or disapprove the plans. Within five working days after a decision, notice shall be mailed to the applicant.

C. By Design Review Commission (R, C,-OS, PS and PD Districts, and H Overlay District). After a duly noticed public hearing, the design review commission shall approve, conditionally approve or disapprove the plans. Within five working days of a design review commission decision, the secretary of the commission shall mail notice of the decision to the applicant.

D. Action Required. All decisions shall be based on the findings required by BMC 17.108.040. Any conditions imposed shall be reasonable and designed to assure attainment of the purposes and standards established by this title.

17.108.090 Effective date – Lapse and renewal – Alterations.
A. Effective Date. Design review decisions shall become effective unless appealed as provided in Chapter 1.44 BMC.

Section 11.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

* * * * *

On motion of Council Member , seconded by Council Member , the ordinance was introduced at a regular meeting of the City Council on the 19th day of November, 2013, and adopted at a regular meeting of the City Council held on the 3rd day of December, 2013, by the following vote:

Ayes:
Noes:
Abstain:
Absent:

_____
Elizabeth Patterson, Mayor

ATTEST:

_____
Lisa Wolfe, City Clerk

Dated: _____

Chapter 17.16
USE CLASSIFICATIONS

Sections:

1716.010	Purpose and applicability.
17.16.020	Uses not classified.
17.16.030	Residential use classifications.
17.16.040	Public and semipublic use classifications.
17.16.050	Commercial use classifications.
17.16.060	Industrial use classifications.
17.16.070	Agricultural and extractive use classifications.
17.16.080	Accessory use classifications.
17.16.090	Temporary use classifications.

17.16.010 Purpose and applicability.

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The community development director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this title. The community development director may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. (Ord. 87-4 N.S., 1987).

17.16.020 Uses not classified.

Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a zoning ordinance text amendment, as provided in Chapter 17.120 BMC. (Ord. 87-4 N.S., 1987).

17.16.030 Residential use classifications.

A. Family Day Care, Large. Licensed home that provides nonmedical care and supervision for nine to 14 children on a less than 24-hour basis.

B. Family Day Care, Small. Licensed home that provides nonmedical care and supervision for eight or fewer children on a less than 24-hour basis.

C. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, fraternities, sororities, and private residential clubs.

D. Work/Live Quarters. An area comprised of one or more rooms or floors in a building originally designed for industrial or commercial occupancy that includes cooking space and sanitary facilities and working space for artists, artisans and

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similarly situated individuals.

E. Multifamily Residential. Two or more dwelling units on a site. This classification includes mobile home and factory-built housing.

F. Residential Care, Limited. Twenty-four hour nonmedical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.

G. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes mobile home and factory-built housing. (Ord. 99-1 N.S.; Ord. 87-4 N.S., 1987).

17.16.040 Public and semipublic use classifications.

"Adult day health care" means a licensed and certified home or facility that provides therapeutic, social, and skilled nursing health activities and services to elderly persons or adults with disabilities on a less than 24-hour basis.

"Cemetery" means a place for burying the dead.

"Clubs and lodges" means meeting, recreational or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, and youth centers.

"Convalescent facilities" means establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

"Cultural institutions" means nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

"Day care center" means a licensed child day care facility other than a family day care home that provides nonmedical care to children under 18 years of age on a less than 24-hour basis, and includes infant centers, nursery schools, preschools, extended day care facilities, and school age child care centers.

"Detention facilities" means publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

"Government offices" means administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

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“Heliports” means pads and facilities enabling takeoffs and landings by helicopters.

“Hospitals” means facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.

“Maintenance and service facilities” means facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities.

“Parks and recreation facilities” means noncommercial parks, playgrounds, recreation facilities, and open spaces.

“Public safety facilities” means facilities for public safety and emergency services, including police and fire protection.

“Religious assembly” means facilities for religious worship and incidental religious education, but not including private schools as defined in this section.

“Residential care, general” means 24-hour nonmedical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.

“Schools, public and private” means educational institutions having a curriculum comparable to that required in the public schools of the state of California.

“Utilities, major” means generating plants greater than five megawatts in size, electrical substations, aboveground electrical transmission lines, refuse collection or disposal facilities, water reservoirs, water or wastewater treatment plants, and similar facilities of public agencies, public utilities or private utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

1. Waste Facility. A facility that provides for on-site waste stabilization or neutralization. This classification excludes hazardous waste disposal facilities.

“Utilities, minor” means utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines and underground water and sewer lines. (Ord. 11-04 § 2; Ord. 99-1 N.S.; Ord. 89-1 N.S. § 5, 1989; Ord. 87-4 N.S., 1987).

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17.16.050 Commercial use classifications.

A. Adult Businesses. A business based primarily upon materials or performances that depict, describe, or relate to “specified sexual activities” or “specified anatomical areas,” as defined in Chapter 1L12. BMC. This includes businesses regulated under Chapter 5.44 BMC.

B. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

C. Animal Sales and Services.

1. Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.

2. Animal Grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.

3. Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.

4. Animals — Retail Sales. Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours.

D. Artists’ Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

E. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.

1. With Drive-up Service. Institutions providing services accessible to persons who remain in automobiles.

F. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors’ yards, but excludes retail sales of paint and hardware, except as an accessory use to a lumber yard, and activities classified under “vehicle/equipment sales and services.”

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G. Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also “eating and drinking establishments.”)

H. Commercial Filming. Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year.

I. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, health/fitness clubs, pinball arcades or electronic games centers having three or more coin-operated game machines, card rooms, subject to the regulation of Chapter 5.08 BMC, and facilities used exclusively for bingo games, as regulated by Chapter 5.12 BMC.

1. Card room, game center, billiard parlor.

2. Limited. Indoor movie theaters and performing arts theaters.

J. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding “Utilities (Major).” This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

K. Conference and Meeting Facilities. Facilities providing indoor and/or outdoor event space for conferences, meetings, weddings, banquets, luncheons or similar events on a commercial basis.

L. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises.

1. With Wine and Beer Service. Alcoholic beverages served are limited to wine and beer.

2. With full alcoholic beverage service.

3. With Live Entertainment. Establishments offering live entertainment, as defined in Chapter 17.12 BMC.

4. With Take-Out Service. Establishments at which 20 percent or more of the transactions are sales for off-site consumption, and which serve or deliver prepared food to persons in vehicles or have more than two work stations at which employees package or service prepared food and receive payment.

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a. Drive-Up. Service from a building to persons in vehicles through an outdoor service window.

b. Limited. Establishments that do not serve persons in vehicles.

5. Truck Stop. A facility geared primarily to providing services for truckers, including on-site fueling, repair and servicing of freight trucks; restaurant facilities; restrooms; towing services; overnight accommodations and related services.

M. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as "catering services" or "eating and drinking establishments."

N. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries.

O. Horticulture, Limited. The raising of vegetables, flowers, ornamental trees and shrubs as a commercial enterprise; provided, that no nursery equipment or materials shall be stored and no structures erected. Commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation.

P. Laboratories. Establishments providing medical or dental laboratory services, or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as "limited industry."

Q. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, bicycle repair or building maintenance services. This classification excludes maintenance and repair of vehicles (see "vehicle/equipment repair") or boats or ships (see "marine sales and services").

R. Marinas. A boat basin with docks, mooring facilities, supplies and equipment for small boats.

S. Marine Sales and Services. Establishments providing supplies and equipment for shipping or related services, or pleasure boating. Typical uses include chandleries, yacht brokerage and sales, boat yards, boat docks, and sail-making lofts.

T.Nurseries. Establishments in which all merchandise other than plants is kept within an encased building or fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

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U. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, and pharmacies, eyeglass shops, and similar prescription-dispensing services as an accessory to a medical office complex, but excludes banks and savings and loan associations.

V. Pawn Shops. Establishments engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property.

W. Personal Improvement Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers.

X. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry cleaning agencies (excluding plants), and self-service laundries.

Y. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electron research firms or pharmaceutical research laboratories, but excludes manufacturing or medical testing and analysis.

Z. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, and furniture stores and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

AA. Secondhand Appliance and Clothing Sales. The retail sale of used appliances and clothing. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances.

BB. Swap Meets, Recurring. Retail sale or exchange of new, handcrafted, or secondhand merchandise for a maximum period of 48 hours, conducted by a sponsor on a more than twice yearly basis.

CC. Vehicle/Equipment Sales and Services.

1. Automobile Rentals. Rental of automobiles, taxicab services, and limousine

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services, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

2. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

3. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.

4. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, auto detailing shops, body and fender shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.

5. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, and similar equipment, including storage and incidental maintenance.

6. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.

DD. Visitor Accommodations.

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis typically in a converted single-family or multifamily dwelling, with incidental eating and drinking service, for lodgers only, provided from a single kitchen.

2. Hotels and Motels. Establishments offering lodging on a less than weekly basis, and having kitchens in no more than 60 percent of guest units. This classification includes eating, drinking, and banquet service.

EE. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building. This classification includes mini-storage facilities but excludes “wholesaling, distribution and storage,” and “vehicle storage.”

(Ord. 93-11 N.S. § 6, 1993; Ord. 92-15 N.S. § 5, 1992; Ord. 89-1 N.S. §~ 6— 10, 1989; Ord. 87-4 N.S., 1987).

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17.16.060 Industrial use classifications.

A. Industry, Custom. Establishments primarily engaged in off-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.

1. Limited. Includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture.

2. Boat Building.

B. Industry, General. Manufacturing of products primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, food processing and packaging, laundry and dry cleaning plants, auto dismantling within an enclosed building, oil and gas refining, stonework and concrete products manufacture (excluding concrete ready-mix plants) within an enclosed building, and accessory power generation facilities of five megawatts or less in conjunction with a permitted use.

1. Water-Related. Industrial activities that use water for transportation of raw materials or finished products, including the following:

a. Waterfront Storage Facility. Ship cargo storage and handling facility, including storage of raw materials, which is contiguous and has a functional relationship to a berthing facility.

b. Waterfront Manufacturing or Processing Facility. Manufacturing or processing operations that require frontage on navigable waters to receive raw materials or to distribute manufactured or processed materials by ship.

c. Water-Using Facilities. Power plants and desalinization plants. Other uses that demonstrate a need for substantial amounts of water may qualify if the industry can demonstrate that it cannot make use of lower-quality water; it cannot reasonably assume the costs of conveying water to an inland site; and a waterfront site would result in substantial energy saving over an alternative site.

d. Associated Manufacturing or Processing Uses. Manufacturing or processing uses that must be in close proximity to an approved water-dependent manufacturing or processing use and meet one of the following conditions:

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i. The transportation of either raw material inputs or finished product outputs to an inland site would constitute a substantial enough increase in product cost to make its production economically unfeasible; or

ii. The transport of materials from a berth to or from an inland site would produce major increases in hazardous conditions due to security problems, road or rail congestion, or spillage or explosion of hazardous materials.

e. Berthing Facility. Wharves, piers, berths, docks, and launching facilities in conjunction with any water-related use.

f. Support Facilities. Uses that are required to support the operation of a water-related use including maintenance or ancillary types of operations and offices for management and materials control.

C. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, food processing, and "vehicle/equipment sales and services."

1. Small-Scale. Limited to a maximum gross floor area of 5,000 square feet.

D. Industry, Research and Development.
Establishments engaged in the theoretical or applied study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development, or evaluation. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development. Research and development may include the storage or use of hazardous materials not in excess of the maximum allowable quantities listed in the California Fire Code without a permit issued by the Fire Chief.

E. Industry, Technology. Establishments engaged in the creation, fabrication, processing, assembling, storage, manufacturing and/or service provision of products and/or processes, related to current or new technologies. Examples of uses include, but are not limited to, computer software and hardware firms,

computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development.

F. Port Terminals. Facilities for loading, unloading, transferring and storing raw or finished materials, and incidental freight between modes of transportation. This classification includes the terminals themselves and directly related ancillary activities such as warehousing and other temporary storage, ship repairing, support transportation uses including trucking and railroad yards, freight forwarders, and government offices related to port activity.

G. Wholesaling, Distribution and Storage.

1. Wholesaling and Distribution. Facilities primarily engaged in the selling of goods, merchandise, products or materials to retailers, contractors, professional business users, other wholesalers or to agents or brokers. May include related storage, break-bulk activity, redistribution and delivery.

2. Warehousing and Transportation. Storage of products or goods, including household goods, with related local or long-distance trucking and transfer of stored items.

3. Trucking Terminal/Freight Transfer Station. A facility where goods and products are transferred, often directly, from one vehicle to another without the storage of such goods and products on a long-term basis within a warehouse building or storage yard. Includes break-bulk facilities. May include related maintenance facilities and incidental storage of trucks on-site when not in use.

4. Package Distribution. A warehousing and distribution facility used primarily to gather and distribute for delivery, packages and mail. (Ord. 93-11 N.S. § 5, 1993; Ord. 89-1 N.S. §~ 11, 12, 1989; Ord. 87-4 N.S., 1987).

17.16.070 Agricultural and extractive use classifications.

A. Animal Husbandry. Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. Typical uses including grazing, ranching, dairy farming, and poultry farming.

B. Crop Production. Raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing.

C. Mining and Processing. Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical places are borrow pits, quarries, oil and gas drilling rigs or concrete batch

plants. (Ord. 87-4 N.S., 1987).

17.16.080 Accessory use classifications.

A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units ("second units"), home occupations, and construction trailers.

1. Nonresidential Accessory Structures. Structures with no bedrooms, kitchens, or cooking facilities.

2. Accessory Dwelling Unit. An attached or detached residential dwelling unit that provides permanent, complete independent living facilities, including facilities for living, sleeping', food preparation and cooking, eating and sanitation, for one or more persons, on the same parcel as a single-family dwelling. (Ord. 04-2 § 1; Ord. 87-4 N.S., 1987).

17.16.090 Temporary use classifications.

A. Animal Shows. Exhibitions of domestic or large animals for a maximum of seven days.

B. Christmas Tree Sales. Retail sale of Christmas trees between Thanksgiving and December 26th.

C. Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.

D. Commercial Filming, Limited. Commercial motion picture or video photography at the same location six or fewer days per quarter of a calendar year.

E. Personal Property Sales. Sales of personal property.

F. Religious Assembly. Religious services conducted on a site that is not permanently occupied by a religious assembly use, for a period of not more than 30 days.

G. Retail Sales, Outdoor. Retail sales of new merchandise on the site of a legally established retail business.

H. Street Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.

I. Swap Meets, Nonrecurring. Retail sale or exchange of new, handcrafted, or

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secondhand merchandise for a maximum period of 48 hours, conducted by a sponsor no more than twice in any year.

J. Trade Fairs. Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days.

K. Other Uses. Other uses of a clearly temporary nature as determined to be appropriate by the community development director. (Ord. 89-1 N.S. § 13, 1989; Ord. 87-4 N.S., 1987).

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VIII.B.34

Chapter 17.28
C COMMERCIAL DISTRICTS

Sections:

17.28.010* Specific purposes.
17.28.020 CC, CO, CG, and CW districts – Land use regulations.
17.28.030 * CC, CO, CG, and CW districts – Property development regulations.
17.28.040 * Review of plans.

17.28.020 CC, CO, CG, and CW districts – Land use regulations.

In the following schedules, the letter "P" designates use classifications permitted in commercial districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" that follow. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter 17.104 BMC. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to the "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all classifications under the heading.

CC, CO, CG, and CW Districts: Land Use Regulations

P --Permitted
U --Use Permit
L --Limited (See "Additional Use Regulations")
— --Not Permitted

	CC	CO	CG	CW	Additional Regulations
Residential					(A)
Group Residential	–	–	U	–	
~~Live/Work~~ Work/Live Quarters	P	–	P	P	
Multi-Family Residential	L1	L1	–	P	
Residential Care, Limited	–	–	–	P	
Single-Family Residential	L1	L1	–	L1	

***SECTIONS 17.28.010, 17.28.030 AND 17.28.040 – NO CHANGES PROPOSED**

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VIII.B.36

Chapter 17.32
INDUSTRIAL DISTRICTS

Sections:

17.32.010 Specific purposes.
17.32.020 IL, IG, IW and IP districts — Land use regulations.
17.32.030 IL, IG, IW and IP districts — Property development regulations.
17.32.040 Review of plans.

17.32.010 Specific purposes.

A. In addition to the general purposes listed in Chapter 17.04 BMC, the specific purposes of industrial district regulations are to:

1. Provide appropriately located areas consistent with the general plan for a broad range of manufacturing and service commercial uses;
2. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;

3. Provide a suitable environment for various types of industrial uses, and protect them from the adverse impacts of inharmonious uses;

4. Reserve areas for port terminals and water-related industry;

5. Encourage technologically oriented industrial uses including biotechnology, information technology, "green" technology, clean technology, nanotechnology and laboratory uses; except vivarium, which is prohibited. Vivarium is a facility that engages in the keeping and/or raising of living animals for the purpose of observation, testing, or research.

6. Ensure that the appearance and effects of industrial uses are compatible with the character of the area in which they are located;

7. Minimize the impact of industrial uses on adjacent residential districts;

8. Ensure the provision of adequate off-street parking and loading facilities.

B. The additional purposes of each I district are as follows:

1. IL Limited Industrial District. To protect areas appropriate for business and commercial services and light manufacturing from adverse effects of retail uses or of general industrial uses by preventing conversion of prime sites to general office use;

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2. IG General Industrial District. To provide sites for the full range of manufacturing, industrial processing, general service, and distribution uses deemed suitable for location in Benicia; and to protect Benicia's general industrial areas, to the extent feasible, from disruption and competition for space from unrelated retail and commercial uses that could more appropriately be located elsewhere in the city. Performance standards will minimize potential environmental impacts;

3. IW Water-Related Industrial District. To protect sites for port-priority uses and to provide opportunities for water-related industry and marine services supporting the Port of Benicia. Performance standards will minimize potentially adverse environmental impacts;

4. IP Industrial Park District. To provide sites in landscaped settings for industrial office centers, research and development facilities, limited industrial activities (including production and assembly, but no raw materials processing or bulk handling), and small-scale warehousing distribution. (Ord. 01-6 N.S., 2001; Ord. 87- 4 N.S., 1987).

17.32.020 IL, IG, IW and IP districts — Land use regulations.

In the following schedule, the letter "P' designates use classifications permitted in industrial districts. The letter "L" designates use classifications subject to certain limitations described by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to the "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

IL, IG, IW, and IP Districts: Land Use Regulations

P --Permitted
U --Use Permit
L --Limited (See "Additional Use Regulations")
— --Not Permitted

	IL	IG	IW	IP	Additional Regulations
Residential					(L)
Live/Work Quarters	U	—	—	—	(A)

Public and Semipublic					
Adult Day Health Care	U	U	—	U	(B)
Clubs and Lodges	L18	L18	—	L18	
Cultural Institutions	U	U	—	U	
Day Care Center	U	U	—	U	(B)
Government Offices	U	U	U	U	
Heliports	L1	L1	L1	L1	
Maintenance and Service Facilities	P	P	P	—	
Public Safety Facilities	L20	L20	L20	L20	
Religious Assembly	U	U	—	U	(K)
Utilities, Major	U	U	U	U	
Waste Facility	—	U	—	—	
Utilities, Minor	P	P	P	P	
Commercial Uses					
Adult Business	P	P	—	P	(M)
Ambulance Services	P	P	—	P	
Animal Sales and Services					
Animal Boarding	L20	—	—	—	
Animal Hospitals	L20	L20	—	—	
Artists' Studios	P	—	—	L20	
Banks and Savings and Loans	L2	L2	—	L2	
Building Materials and Services	P	P	L12	L20	
Catering Services	P	P	—	P	
Commercial Filming	L20	L20	L20	L20	
Commercial Recreation and Entertainment	L5	L21		L5	
Game Center	L8	L8	—	L8	
Communication Facilities	P	P	P	P	
Eating and Drinking Establishments	L4	L4	L4	L4	
With Wine and Beer Service	L4	L4	L4	L4	
With Full Alcoholic Beverage Service	U	U	U	U	
With Take-Out Service	L4	L4	L4	L4	(D)
Limited	L4	L4	L4	L4	(D)
Food and Beverage Sales	L6	L6	—	L7	
Funeral and Interment Services	L9	—	—	—	
Horticulture, Limited	P	P	—	—	
Laboratories	P	P	—	P	
Maintenance and Repair Services	P	P	L12	P	
Marine Sales and Services	—	—	P	—	
Nurseries	P	P	—	U	
Offices, Business and Professional	—	—	—	L13	

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Personal Improvement Services	L14	L14	—	14	
Personal Services	L1O	L1O	—	L1O	
Research and Development Services	P	P	L12	P	
Vehicle/Equipment Sales and Services					
Automobile Washing	U	L15	—	—	(E)
Service Stations	U	L16	L12	U	
Vehicle/Equipment Repair	L17	L17	—	—	
Vehicle/Equipment Sales and Rentals	U	L11	—	—	
Vehicle Storage	U	U	L12	—	
Warehousing and Storage, Limited	P	P	L12	U	
Industrial					
Industry, Custom	P	P	L12	P	
Industry, General	—	L19	L12	U	
Industry, Limited	P	P	L12	P	
Small-Scale	P	P	L12	P	
Industry, Research and Development	P	P	L12	P	
Industry, Technology	P	P	L12	P	
Port Terminals	—	—	P	—	
Wholesaling, Distribution and Storage					
Wholesaling and Distribution	P	P	L12	U	
Warehousing and Transportation	P	P	L12	U	
Trucking Terminal/Freight Transfer Station	U	U	L12	—	
Package Distribution	P	P	L12	U	
Agricultural and Extractive Uses					(J)(L)
Mining and Processing	—	U	—	—	
Accessory Uses	P/U	P/U	P/U	P/U	(F)(G)(H)(L)
Temporary Uses					(G)(J)(L)
Animal Shows	U	U	—	—	
Christmas Tree Sales	P	P	—	—	
Circuses and Carnivals	—	U	—	—	
Retail Sales — Outdoor	U	U	U	—	
Swap Meets--Nonrecurring	U	U	--	--	
Trade Fairs	U	U	U	U	

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Nonconforming					(I)
Other Uses					
Medical Marijuana Distribution Facilities	–	–	–	–	

IL, IG, IW, and IP Districts: Additional Use Regulations
L-1 Allowed with a use permit and heliport permit from the California Department of Transportation, Division of Aeronautics if located 1,000 or more feet from a residential district.

L-2 Only automatic teller machines allowed.

L-3 Use permit required only for equipment rentals and retail sales.

L-4 Permitted as a secondary use in a building occupying no more than 2,500 square feet of the building area. A Community Development Director use permit is required for secondary uses occupying building areas greater than 2,500 square feet but not more than 5,000 square feet, or where the use is the primary use of a building. Not permitted for uses larger than 5,000 square feet.

L-5 Only health fitness clubs and tennis/racquetball clubs are permitted as the principal use in a structure, subject to a use permit. Other activities regulated under this use classification are permitted as a secondary use within a building, occupying no more than 1,000 square feet of the building floor area.

L-6 Use permit required for establishments occupying more than 1,000 square feet.

L-7 Only delicatessens and food stores occupying fewer than 1,000 square feet are permitted.

L-8 Only game centers with five or fewer games permitted; also see BMC 17.70.290, Game centers.

L-9 Only crematories, columbariums, and mausoleums allowed.

L-10 Only beauty shops and barbershops permitted.

L-11 New or used automobile, truck or motorcycle retail sales shall be permitted only as an accessory to wholesale operations.

L-12 Only water-related uses allowed.

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L-13 Medical/dental offices, insurance brokerage offices, and real estate brokerage offices not permitted.

L-14 Only business and trade schools permitted.

L-15 Only truck tractor and trailer washing permitted.

L-16 Only stations offering controlled services to individual uses within an industrial area are allowed, subject to a use permit.

L-17 Only truck and equipment repair primarily serving industrial activities are permitted by right; a community development director use permit is required for automobile repair and for repair services that cater to the general public. If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure on a major arterial or on a street which connects to a major arterial, and is readily accessible to residential and commercial areas;

2. No outdoor repair or maintenance activities are proposed in conjunction with the use;

3. No outdoor storage of vehicles or equipment will take place during non-business hours;

4. The applicant can demonstrate that the proposed site will meet zoning ordinance parking requirements.

L-18 Only trade union halls, including their accompanying business offices, are permitted.

L-19 General industrial uses are permitted by right except that a use permit is required for oil and gas refining.

L-20 Community development director use permit required. If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure which is entirely enclosed, and no outside facilities are proposed;

2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is located in a soundproofed and air-conditioned facility.

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L-21 Health fitness clubs, tennis/racquetball clubs, and recreational facilities such as batting cages, indoor golf driving ranges, and firing and archery ranges are permitted within a structure, subject to a use permit when occupying more than 1,000 square feet. All activities regulated under this use classification are permitted when occupying no more than 1,000 square feet of the building floor area.

(A) See BMC 17.70.020, Relocated buildings (use permit required).

(B) Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not exceeding 25 percent of the floor area occupied by the principal use.

(C) Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not
exceeding 25 percent of the floor area occupied by the principal use.

(D) See BMC 17.70.090, Eating and drinking establishments with take-out service.

(E) See BMC 17.70.110, Service stations, vehicle/equipment repair, and automobile washing.

(F) See BMC 17.70.050, Nonresidential accessory structures.

(G) See Chapter 17.104 BMC, Use Permits and Variances.

(H) Maximum: One dwelling unit per site as caretaker's housing.

(I) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(J) See BMC 17.70.260, Hazardous materials.

(K) No general day care facilities or schools shall be permitted as part of a religious assembly facility.

(L) Evaluate a nonindustrial or noncommercial project against the following criteria when considering findings for use permits or variances:

(1) Will the project create substantial conflicts with existing industrial and commercial traffic?

(2) Will the project be subject to excessive glare, noise or vibration from adjacent industrial/commercial uses? (refer to general plan for noise criteria, Chapter 4, p. 178)

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(3) Will the project be exposed to hazardous materials or risks that would create health and safety hazards for persons occupying or visiting the project?

(4) Will the project be located on an arterial street, or located in an area which would bring nonindustrial traffic onto local streets?

(M) An adult business offering live entertainment shall be subject to the requirements of Chapters 5.44 BMC and 17.102 BMC.

(Ord. 09-O1 § 6; Ord. 05-05 § 1; Ord. 01-6 N.S., 200i; Ord. 94-8 N.S.; Ord. 93-1l N.S. § 8, 1993; Ord. 93-3 N.S. § 5, i993; Ord. 92-18 § 8, 1992; Ord. 92-15 § 9, 1992; Ord.
92-9N.S. § 17, 1992; Ord. 90-5 N.S. § 5, 1990; Ord. 87-4 N.S., 1987).

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17.32.030 IL, IG, IW and IP districts — Property development regulations. The following schedule prescribes development regulations for the IL, IG, IW and IP districts. The first four columns prescribe basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column refer to the "Additional Development Regulations" following the schedule.

IL, IG, IW and IP Districts: Development Regulations

Use Classifications	IL	IG	IW	IP	Additional Regulations
Minimum Lot Area (sq. ft.)	20,000	20,000	40,000	20,000	(A)(B)
Minimum Lot Width (ft.)	100	100	100	100	(A)
Minimum Yards:					
Front (ft.)	See Note N			25	(C)
Side (ft.)	—	—	—	10	(C)(D)
Corner Side (ft.)	10	10	5	25	(C)
Rear (ft.)	—	—	—	10	(C)(D)
Maximum Height of Structures	50	—	—	50	(E)(F)
Maximum Lot Coverage	50%	75%	75%	50%	
Maximum FAR	0.8	1.0	1.0	0.6	
Minimum Site Landscaping	10%	10%	5%	15%	(G)(H)
Fences and Walls	—	—	—	—	(I)(J)
Off-Street Parking and Loading	—	—	—	—	(K)(L)
Signs	See Chapter 17.78 BMC				
Outdoor Facilities	See BMC 17.70.200				(M)
Screening of Mechanical Equipment	See BMC 17.70.210				(M)
Refuse Storage	See BMC				

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Areas	17.70.220				
Underground Utilities	See BMC 17.70.230				
Performance Standards	See BMC 1710.240				
Nonconforming Structures and Signs	See Chapters 17.98 and 17.78 BMC				

IL, IG, IW and IP Districts —Additional Development Regulations
(A) See BMC 17.70.130, Development on substandard lots.

(B) See BMC 17.70.140, Development on lots divided by district boundaries.

(C) See BMC 17.70.150, Building projections into yards and courts. Double-frontage lots shall provide front yards on each frontage.

(D) A 10-foot interior side or rear yard shall adjoin an R district, and structures shall not intercept a 45-degree daylight plane inclined inward from a height of 12 feet above existing grade at the R district property line.

(E) See BMC 17.70.170, Measurement of height.

(F) One foot of additional height allowed for each additional foot the building is set back from each property line beyond the minimum yard requirement may be allowed, up to a maximum height of 75 feet; see also BMC 17.70.180, Exceptions to height limits.

(G) Planting Areas.

(1) IL District. Required yards shall be planting areas except for necessary drives and walks.

(2) IG District. Required yards shall be planting areas, except for necessary drives and walks, or may be enclosed by a solid fence or wall at least three feet in height, subject to the discretion of the community development director.

(3) Exceptions. In calculating the minimum percent of the site area to be landscaped, creeks and adjacent riparian vegetation and slopes to be retained in their natural state shall qualify as planting areas.

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(H) See BMC 17.70.190, Landscaping, irrigation and hydroseeding.

(I) A six-foot solid masonry or concrete wall shall adjoin the property line of the site of a new nonresidential use abutting the site of an existing ground-floor residential use. However, no wall shall be required where the portion of the site within 10 feet of the property line is occupied by a planting area or by a building having no openings except openings opposite a street property line. A wall within 15 feet of a street property line shall not exceed three feet in height.

(J) The maximum height of a fence or wall shall be 12 feet, except adjacent to an R or
C district, where it shall be eight feet.

(K) See BMC 17.28030(0).

(L) See Chapter 17.74 BMC, Off-Street Parking and Loading Regulations.

(M) See BMC 17.70.250: Satellite antennas and microwave equipment.

(N) The required minimum front yards in the IG, IL, and IW zones shall be as follows:

Building Height Above Curb	**Required Setback**
Less than 18 feet	15 feet
18 feet to 24 feet	20 feet
Greater than 24 feet	25 feet

(Ord. 92-9 N.S. § 8, 1992; Ord. 87-4 N.S., 1987).

17.32.040 Review of plans.
Certain projects shall be subject to design review (see Chapter 17.108 BMC); all projects shall require development plan review (see Chapter 17.112 BMC). (Ord. 87-4 N.S., 1987).

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VIII.B.48

Chapter 17.46
USE REGULATIONS SUMMARY

Sections:

17.46.010 Schedule S-1.

17.46.010 Schedule S-1.

Schedule S-1 summarizes the use classifications contained in Chapter 17.16 BMC and the base districts in which the uses are permitted or conditional uses. This schedule is intended as a general or summary reference and does not reflect all provisions which may apply to particular uses, sites or districts. For further details the base district regulations contained in Chapters 17.24 to 17.44 BMC should be consulted.

Schedule S-1: Summary of Land Use Regulations							P – Permitted U – Use Permit L – Limited (See "Additional Regulations") – – Not Permitted						
CATEGORY	**RS**	**RM**	**RH**	**CC**	**CO**	**CG**	**CW**	**IL**	**IG**	**IW**	**IP**	**OS**	**PS**
Residential													
Family Day Care, Large	L38	L38	L38	–	–	–	–	–	–	–	–	–	–
Family Day Care, Small	P	P	P	–	–	–	–	–	–	–	–	–	–
Group Residential	–	U	U	–	–	U	–	–	–	–	–	–	–
Work/LiveQuarters	–	–	–	P	–	P	P	U	–	–	–	–	–
Multifamily Residential	–	P	P	L1	L1	–	P	–	–	–	–	–	–
Residential Care, Limited	P	P	P	–	–	–	P	–	–	–	–	–	–
Single-Family Residential	P	P	P	L1	L1	–	L1	–	–	–	–	P	–
Public and Semipublic													
Adult Day Health Care	U	U	U	U	U	–	U	U	U	–	U	–	U
Cemetery	–	–	–	–	–	–	–	–	–	–	–	U	U
Clubs and Lodges	–	U	U	U	U	P	P	L36	L36	–	L36	–	U
Convalescent Facilities	–	U	U	–	–	–	–	–	–	–	–	–	U
Cultural Institutions	–	U	U	U	U	P	P	U	U	–	U	–	U
Day Care Center	U	U	U	U	U	–	U	L45	L45	–	L45	–	U
Detention Facilities	–	–	–	–	–	–	–	–	–	–	–	–	U

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Government Offices	–	–	–	P	P	P	P	U	U	U	U	L3	P
Heliports	–	–	–	–	–	–	–	L17	L17	L17	L17	–	L17
Hospitals	–	–	–	–	U	U	–	–	–	–	–	–	U
Maintenance and Service Facilities	–	–	–	–	–	–	–	P	P	P	–	–	U
Park and Recreation Facilities	L5	L5	L5	–	–	–	P	–	–	–	–	P	P
Public Safety Facilities	U	U	U	U	U	U	U	L39	L39	L39	L39	P	U
Religious Assembly	U	U	U	P	U	U	U	L37	L37	L37	–	U	U
Residential Care, General	–	U	U	U	U	–	–	–	–	–	–	–	U
Schools, Public or Private	U	U	U	U	U	–	–	–	–	–	–	–	U
Utilities, Major	U	U	U	U	U	U	U	U	U	U	U	U	U
Waste Facility	–	–	–	–	–	–	–	–	U	–	–	U	U
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial Uses													
Adult Businesses	–	–	–	–	–	L4	–	–	–	–	–	–	–
Ambulance Services	–	–	–	–	–	P	–	P	P	–	P	–	–
Animal Sales and Services													
Animal Boarding	–	–	–	–	–	L39	–	L39	–	–	–	–	–
Animal Grooming	–	–	–	L15	–	P	–	–	–	–	–	–	–
Animal Hospitals	–	–	–	–	L39	L39	–	L39	L39	–	–	–	–
Animals – Retail Sales	–	–	–	–	–	P	P	–	–	–	–	–	–
Artists' Studios	–	–	–	P	P	P	P	P	–	–	L39	–	–
Banks and Savings and Loans	–	–	–	–	P	P	–	L6	L6	–	L6	–	–
With Drive-Up Service	–	–	–	–	U	U	–	–	–	–	–	–	–
Building Materials and Services	–	–	–	–	–	P	–	P	P	L20	L39	–	–
Catering Services	–	–	–	P	P	P	P	P	P	–	P	–	–
Commercial Filming	–	–	–	U	U	U	U	L39	L39	L39	L39	U	U
Commercial Recreation and Entertainment	–	–	–	U	L34	U	U	L28	L44	–	L28	U	U

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Communication Facilities	–	–	–	–	–	P	–	P	P	–	P	–	–
Conference and Meeting Facilities	U	U	U	U	U	L41	L41	–	–	–	–	–	–
Eating and Drinking Establishments	–	–	–	P	P	P	P	L7	L7	L7	L7	–	–
With Wine and Beer Service	–	–	–	P	P	P	P	L7	L7	L7	L7	–	–
With Full Alcoholic Beverage Service	–	–	–	U	U	U	U	U	U	U	U	–	–
With Live Entertainment	–	–	–	–	–	U	U	–	–	–	–	–	–
With Take-Out Service	–	–	–	U	–	P	P	L7	L7	L7	L7	L21	–
Drive-Up	–	–	–	U	–	U	–	–	–	–	–	–	–
Limited	–	–	–	P	P	P	P	L7	L7	L7	L7	–	–
Truck Stop	–	–	–	–	–	U	–	–	–	–	–	–	–
Food and Beverage Sales	–	–	–	L8	–	L8	L8	L46	L46	–	L18	–	–
Funeral and Interment Services	–	–	–	L7	L9	L10	–	L30	–	–	–	–	–
Horticulture, Limited	L24	L24	L24	–	–	–	–	P	P	–	–	L24	–
Laboratories	–	–	–	–	P	P	–	P	P	–	P	–	–
Maintenance and Repair Services	–	–	–	–	–	P	–	P	P	L20	P	–	–
Marinas	–	–	–	–	–	–	P	–	–	–	–	–	–
Marine Sales and Services	–	–	–	–	–	–	P	–	–	P	–	–	–
Nurseries	–	–	–	U	–	P	–	P	P	–	U	–	–
Offices, Business and Professional	–	–	–	P	P	P	P	–	–	–	L22	–	–
Pawn Shops	–	–	–	–	–	P	–	–	–	–	–	–	–
Personal Improvement Services	–	–	–	L8	U	L15	–	L23	L23	–	L23	–	–
Personal Services	–	–	–	P	L35	P	P	L13	L13	–	L13	–	–
Research and Development	–	–	–	–	–	P	–	P	P	L20	P	–	–
Retail Sales	–	–	–	P	–	P	P	–	–	–	–	–	–
Secondhand	–	–	–	–	–	P	–	–	–	–	–	–	–

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Appliance/Clothing													
Swap Meets, Recurring	–	–	–	–	–	U	–	–	–	–	–	–	–
Vehicle/Equipment Sales and Services													
Automobile Rentals	–	–	–	–	–	L32	–	–	–	–	–	–	–
Automobile Washing	–	–	–	–	–	U	–	U	L26	–	–	–	–
Service Stations	–	–	–	L27	–	U	–	U	L29	L20	U	–	–
Vehicle/Equipment Repair	–	–	–	–	–	L40	–	L31	L31	–	–	–	–
Vehicle/Equipment Sales and Rentals	–	–	–	–	–	P	–	U	L19	–	–	–	–
Vehicle Storage	–	–	–	–	–	–	–	U	U	L20	–	–	–
Visitor Accommodations													
Bed and Breakfast Inns	L40	L40	L40	L40	L40	P	P	–	–	–	–	–	–
Hotels and Motels	–	–	–	–	–	P	P	–	–	–	–	–	–
Warehousing and Storage	–	–	–	–	–	–	–	P	P	L20	U	–	–
Industrial													
Industry, Custom	–	–	–	–	–	–	–	P	P	L20	P	–	–
Industry, General	–	–	–	–	–	–	–	–	L43	L20	U	–	–
Industry, Limited	–	–	–	–	–	–	–	P	P	L20	P	–	–
Small-Scale	–	–	–	–	–	–	–	P	P	L20	P	–	–
Industry, R and D	–	–	–	–	–	–	–	P	P	L20	P	–	–
Industry, Technology	-	-	-	-	-	-	-	P	P	L20	P	-	-
Port Terminals	–	–	–	–	–	–	–	–	–	P	–	–	–
Vivarium	-	-	-	-	-	-	-	-	-	-	-	-	-
Wholesaling, Distribution and Storage													
Wholesaling and Distribution	–	–	–	–	–	–	–	P	P	L20	U	–	–
Warehousing and Transportation	–	–	–	–	–	–	–	P	P	L20	U	–	–

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Trucking Terminal/Freight Transfer Station	–	–	–	–	–	–	–	U	U	L20	–	–	–
Package Distribution	–	–	–	–	–	–	–	P	P	–L20	U	–	–
Agricultural and Extractive Uses													
Animal Husbandry	–	–	–	–	–	–	–	–	–	–	–	P	–
Crop Production	–	–	–	–	–	–	–	–	–	–	–	P	–
Mining and Processing	–	–	–	–	–	–	–	–	U	–	–	–	–
Accessory Uses	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U
Temporary Uses	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25

Additional Regulations for Land Use

L-1 Not permitted on ground level.

L-2 Not permitted on ground level facing First Street.

L-3 Permitted as part of a park or recreational facility, public service facility, or utility.

L-4 Allowed with use permit, subject to the requirements of BMC 5.44.010 et seq.

L-5 Use permit required for private noncommercial facilities, including swim clubs and tennis clubs.

L-6 Only automatic teller machines allowed.

L-7 Permitted as a secondary use in a building, occupying no more than 2,500 square feet of the building area. A Community Development Director use permit is required for secondary uses occupying building areas greater than 2,500 square feet but not more than 5,000 square feet, or where the use is the primary use of a building. Not permitted for uses larger than 5,000 square feet.

L-8 A use permit is required for establishments occupying more than 1,500 square feet in the CC, CG, and CW districts for convenience markets. Subject to criteria specified in BMC 17.28.020.

L-9 Only mortuaries allowed – subject to use permit.

L-10 Only mortuaries allowed.

L-11 Use permit required, only for equipment and retail sales.

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L-12 Not permitted on the ground level of buildings fronting on First Street except as a secondary use associated with food and beverage sales or eating and drinking establishments.

L-13 Only beauty shops and barbershops permitted.

L-14 (CG district) *Deleted by Ord. 99-1 N.S.*

L-15 Community development director use permit required only for dance and music studios. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure which is completely enclosed and soundproofed, or is located at least 300 feet away from the property line of the nearest residential use;

2. The proposed use will not operate prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week.

L-16 Use permit required only for body and fender shops.

L-17 Allowed with a use permit and heliport permit from the California Department of Transportation, Division of Aeronautics, if located 1,000 or more feet from a residential district.

L-18 Only delicatessens and food stores occupying fewer than 1,000 square feet are permitted.

L-19 New or used automobile, truck or motorcycle retail sales shall be permitted only as an accessory use to wholesale operations.

L-20 Only water-related uses allowed.

L-21 Only limited facilities, as defined in Chapter 17.16 BMC, allowed by use permit.

L-22 Medical/dental offices, insurance brokerage offices, and real estate brokerage offices not permitted.

L-23 Only business and trade school permitted.

L-24 Use permit required, and no on-site retail sales permitted.

L-25 See base district regulations for details.

L-26 Only truck, tractor, and trailer washing permitted.

L-27 No repair services are permitted and a use permit is required.

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L-28 Only health fitness clubs and tennis/racquetball clubs are permitted as the principal use in a structure, subject to a use permit. Other activities regulated under this use classification are permitted as a secondary use within a building, occupying no more than 1,000 square feet of the building floor area.

L-29 Only stations offering controlled services to individual uses within an industrial area are allowed, subject to use permit.

L-30 Only crematories, columbariums, and mausoleums allowed.

L-31 Only truck and equipment repair primarily serving industrial activities are permitted by right; a public works and community development director use permit is required for automobile repair and for repair services that cater to the general public. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure on a major arterial or on a street which connects to a major arterial, and is readily accessible to residential and commercial areas;

2. No outdoor repair or maintenance activities are proposed in conjunction with the use;

3. No outdoor storage of vehicles or equipment will take place during nonbusiness hours;

4. The applicant can demonstrate that the proposed site will meet zoning ordinance parking requirements.

L-32 Use permit required only for limousine and taxi service.

L-33 Only limousine or taxi service, subject to a use permit.

L-34 Health/fitness clubs allowed, subject to a use permit.

L-35 No self-service laundries permitted.

L-36 Only trade union halls, including their accompanying business offices, are permitted.

L-37 No day care centers or schools shall be permitted as part of a religious assembly facility.

L-38 Community development director may approve use permits for large family day care homes caring for nine to 14 children, as defined in Chapter 3.4 of the California Health and Safety Code.

L-39 Community development director use permit required. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure which is entirely enclosed, and no outside facilities are proposed;

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2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is located in a soundproofed and air-conditioned facility.

L-40 Community development director use permit required.

L-41 Staff use permit required for facilities holding outdoor events or activities.

L-42 Residential uses established prior to January 1, 1993, are permitted. New residential units created after that date are not permitted on ground level facing a street. New residential units are permitted on the first floor behind an allowed nonresidential use facing a street.

L-43 General industrial uses are permitted by right except that a use permit is required for oil and gas refining.

L-44 Health fitness clubs, tennis/racquetball clubs, and recreational facilities such as batting cages, indoor golf driving ranges, and firing and archery ranges are permitted within a structure, subject to a use permit when occupying more than 1,000 square feet. All activities regulated under this use classification are permitted when occupying no more than 1,000 square feet of the building floor area.

L-45 Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not exceeding 25 percent of the floor area occupied by the principal use.

L-46 Use permit required for establishments occupying more than 1,000 square feet.

(Ord. 11-04 § 8; Ord. 11-02 § 9; Ord. 07-21 § 7; Ord. 05-05 § 2; Ord. 01-6 N.S., 2001; Ord 99-1 N.S.; Ord. 94-8 N.S.; Ord. 93-11 N.S. § 9, 1993; Ord. 93-3 N.S. § 5, 1993; Ord. 92-18 N.S. § 9, 1992; Ord. 92-15 N.S. § 10, 1992; Ord. 90-17 N.S. § 4, 1990; Ord. 90-5 N.S. § 6, 1990; Ord. 89-1 N.S. § 25, 1989; Ord. 87-4 N.S., 1987).

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Chapter 17.48
PROPERTY DEVELOPMENT REGULATIONS SUMMARY

Sections:

17.48.010 Schedule S-2.

17.48.010 Schedule S-2.

Schedule S-2 summarizes the principal site development regulations applicable within each district. This schedule is intended for general or summary reference and does not contain all regulations which may apply to particular uses, sites, or districts.

Schedule S-2: Summary of Property Development Standards												
Footnotes and letters in parentheses refer to "Additional Regulations" (see following pages)												
	RS	RM	RH	CC	CO	CG	CW	IL	IG	IW	IP	Additional Regulations
Minimum Lot Area (sq. ft.)	6,000	6,000	7,500	10,000	10,000	7,500	5,000	20,000	20,000	40,000	20,000	(A)(B)
Minimum Lot Area Per Dwelling Unit (sq. ft.)	6,000	3,000c	2,000c	2,000c	2,000c	–	2,000c	–	–	–	–	
Minimum Lot Width (sq. ft.)	60	60	60	70	70	60	50	100	100	140	100	(C)(A)
Minimum Yards:												
Front (ft.)	20	20	20	15	15	10	15	10	10	5	25	(E)(F)(G)(H)
Side (ft.)	5	6;10d	6;10d	–	–	–	–	–	–	–	10	(E)(F)(G)
Corner –												
Side (ft.)	10	15	15	15	15	10	15	10	10	5	25	(F)(G)
Rear (ft.)	15	15	15	(I)	(I)	(I)	(I)	(I)	(I)	(I)	10	(E)(F)(G)
Maximum Height of Structure (ft.)	30d	30d	35d	40	40	40	40	50	–	–	50	(I)(J)
Maximum Lot Coverage	40%	45%	50%	50%	50%	75%	50%	50%	75%	75%	50%	
Maximum Nonresidential FAR	0.4	0.451	0.51	0.8	0.8	1.2	0.8	0.8	1.0	1.0	0.6	
Maximum FAR	–	–	–	1.2	1.2	1.2	1.2	0.8	1.0	1.0	0.6	
Minimum Site Landscaping	35%	30%	30%	20%	20%	10%	20%	10%	10%	5%	15%	
Outdoor Living Area	–	(M)	(M)	(N)	(N)	–	(N)	–	–	–	–	
Courts	–	(O)	(O)	(O)	(O)	–	(O)	–	–	–	–	

Property Development Standards – Additional Regulations

(A – N) NO CHANGES

(O) Courts shall be required opposite windows. The minimum width shall be 20 feet opposite a living room window and 14 feet opposite the window of any other habitable room, and the court shall extend horizontally 10 feet in both directions from the vertical centerline of the window. Where no interior side yard is required, the width of the court perpendicular to the property line need not exceed 10 feet. A required court shall be open to the sky above the sill of a window requiring the court; provided, that eaves may project up to two feet from a wall adjoining a court.

Exceptions: Courts are not required for work/live quarters or for residential units in mixed-use projects.

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Chapter 17.74
OFF-STREET PARKING AND LOADING REGULATIONS

Sections:

17.74.010 Specific purposes.
17.74.020 Basic requirements for off-street parking and loading.
17.74.030 Off-street parking and loading spaces required.
17.74.040 Collective provision of parking.
17.74.050 Increased parking in senior citizens' housing developments.
17.74.060 Reduced parking for other uses.
17.74.070 Parking spaces for the handicapped.
17.74.080 Bicycle parking.
17.74.090 Parking space dimensions.
17.74.100 Application of dimensional requirements.
17.74.110 Aisle dimensions.
17.74.120 Specific parking area design.
17.74.130 Parking access from street.
17.74.140 Driveway widths and clearances.
17.74.150 Driveways and intersections —Visibility.
17.74.160 Parking area screening — Walls and fences.
17.74.170 Lighting.
17.74.180 Parking lot landscaping.
17.74.190 Driveways and carports — Design and location in R districts.
17.74.200 Additional design standards for parking lots and structures.
17.74.210 Location and design of off-street loading spaces.

17.74.010 Specific purposes.
In addition to the general purposes listed in Chapter 17.04 BMC, the specific purposes of the off-street parking and loading regulations are to:

A. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use.

B. Establish parking standards for commercial uses consistent with need and with the feasibility of providing parking on specific commercial sites.

C. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and, where appropriate, insulate surrounding land uses from adverse impacts. (Ord. 87-4 N.S., 1987).

1774.020 Basic requirements for off-street parking and loading.

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A. When Required. At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with the regulations prescribed in this chapter, except that for the purposes of these requirements, “major alteration or enlargement” shall mean a change of use or an addition that would increase the number of parking spaces or loading berths by not less than 10 percent of the total number required prior to the alteration or enlargement.

B. Nonconforming Parking or Loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter; provided, that facilities being used for off-street parking and loading as of the date of adoption of the ordinance codified in this title shall not be reduced in number to less than that required by the provisions of this chapter.

C. Spaces Required for Alteration or Enlargement. The number of parking spaces or loading berths required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces or berths existing prior to the alteration, enlargement, or change of occupancy unless the preexisting number is greater than the number prescribed in this chapter. In this case, the number of spaces or berths in excess of the prescribed minimum shall be counted in determining the required number of spaces or berths.

D. Spaces Required for Multiple Uses. If more than one use is located on a site, the number of off-street parking spaces and loading berths to be provided shall be equal to the sum of the requirements prescribed for each use. If the gross floor area of individual uses on the same site is less than that for which a loading berth would be required by Schedule B of BMC 17.74.030, but the aggregate gross floor area of all uses is greater than the minimum for which loading berths would be required, the aggregate gross floor area shall be used in determining the required number of loading berths.

E. Joint Use. Off-street parking and loading facilities required by this chapter for any use shall not be considered as providing parking spaces or loading berths for any other use except where the provisions of BMC 17.74.040, Collective provision of parking, apply or a joint facility exists. Such a facility shall contain not less than the total number of spaces or berths as determined individually, subject to the provisions of subsection (G) of this section, or fewer spaces may be permitted where adjoining uses on the same site have different hours of operation and the same parking spaces or loading berths can serve both without conflict. A determination of the extent, if any, to which joint use will achieve the purposes of this chapter shall be made by the community development director, who may require submission of survey data necessary to reach a decision.

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F. Location and Ownership. Parking in an R district required to serve a residential use shall be on the same site as the use served. Parking required to serve a nonresidential use may be on the same or a different site under the same or different ownership as the use served; provided, that parking shall be within the following distances of the use served, measured from the near corner of the parking facility to the entrance of the use served via the shortest pedestrian route:

Customer/Visitor Spaces	Employee Spaces
200 feet	400 feet

Facilities for off-site parking shall be restricted to that use by a recorded deed, lease, or agreement for a minimum period of 10 years from the date a zoning permit requiring the parking is issued; provided, that the community development director may lift the restriction upon finding that substitute parking facilities meeting the requirements of this chapter are provided. No use may be continued if the parking is removed unless substitute parking facilities are provided.

G.R Districts. No off-site parking for a nonresidential use shall be permitted in an R district unless the nonresidential use served is permitted or conditionally permitted in the R district where the off-site facility is to be located.

H. Reserved Parking Spaces for Multifamily Residential Uses. No more than one parking space shall be reserved for the exclusive use of an individual unit unless additional parking is provided above the amount required by BMC 17.74.030. Such additional parking may be assigned for the exclusive use of an individual unit.

I. Common Loading Facilities. The off-street loading facilities requirements of this chapter may be satisfied by the permanent allocation of the prescribed number of berths for each use in a common truck loading facility; provided, that the total number of berths shall not be less than the sum of the individual requirements. As a requirement of approval, an attested copy of a contract between the parties concerned setting forth an agreement to joint use of the common truck loading facility shall be filed with the application for a zoning permit.

J. Computation of Spaces Required. If, in the application of the requirements of this chapter, a fractional number is obtained, one parking space or loading berth shall be required for a fraction of one-half or more, and no space or berth shall be required for a fraction of less than one-half.

K. Uses Smaller than 2,000 Square Feet. Deviations from regular parking standards may be approved by the community development director for uses

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smaller than 2,000 square feet. Circumstances which would warrant such consideration and possible approval include:

1. A shared parking arrangement which meets the findings in BMC 17.74.040.

2. Submission of data substantiating that a particular use meets the findings in BMC 17.74.060.

3. Ample on-street parking.

4. A reduction in the standard parking requirement would result in an on-site benefit such as preservation of heritage trees, substantial landscape screening, a unique structure, or other similar site attributes. (Ord. 01-6 N.S., 2001; Ord.87-4 N.S., 1987).

17.74.030 Off-street parking and loading spaces required.
Independently accessible off-street parking and loading spaces shall be provided in accord with the following Table 1 and Schedules A and B. For off-street loading, references in Schedule A are to Schedule B, which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of gross floor area unless
otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators. Where the use is undetermined, the community development director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the community development director may require the submission of survey data from an applicant or collected at an applicant's expense.

Table 1: Number of Off-Street Parking Spaces Required

Use Classifications	**Downtown Mixed Use Districts**	**Other Districts**
Residential	See Downtown Mixed Use Master Plan	See Schedule A
Nonresidential — First Floor — Above First Floor — Loading Spaces	See Downtown Mixed Use Master Plan	See Schedule A
Use Classifications	**Off-Street Parking Spaces: Schedule A**	**Off-Street Parking Spaces: Schedule B Group Number**

Residential		
Group Residential	1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes	1
Work/LiveQuarters	1 per unit	
Multifamily Residential Studio units One of two bedroom units Three or more bedrooms At least one space per unit shall be covered	 1.2 spaces per unit 1.5 spaces per unit 2.0 spaces per unit	
Residential Care, Limited	1 per 3 beds	
Single-Family Residential	2 including 1 covered/unit	
Senior Citizens' Housing	0.50 spaces per unit (Also see BMC 17.74.050)	
Public and Semipublic		
Cemetery	As specified by use permit	
Clubs and Lodges	1 per 100 sq. ft. used for assembly purposes	3
Conference and Meeting Facilities	1 per 100 sq. ft. used for assembly purposes or as specified by use permit	2
Convalescent Facilities	1 per 3 patient beds	3
Cultural Facilities	I per 300 sq. ft.	3
Day Care, General	1 per 7 children; maximum enrollment based on maximum occupancy load	
Detention Facilities	As specified by use permit	3
Government Offices	1 per 300 sq. ft.	2
Heliports	As specified by use permit	
Hospitals	I per 1.5 beds	3
Maintenance and Service Facilities	1 per 500 sq. ft.	1
Park and Recreation Facilities	As specified by design review and use permit for private facilities	
Public Safety Facilities	As specified by use permit	3
Religious Assembly:		
In an R District	I per 4 fixed seats, or I per 50 sq. ft. of seating area if there are no fixed seats	3
	1 per 8 fixed seats, or 1 per	

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In a C District	100 sq. ft. of seating area if there are no fixed seats	3
Residential Care, General	1 per 3 beds; plus additional specified by use permit	3
Schools, Public or Private	As specified by use permit	1
Utilities, Major	As specified by use permit	1
Commercial:		
Adult Businesses	1 per 250 sq. ft.	1
Ambulance Services	I per 500 sq. ft.; plus 2 storage spaces	1
Animal Sales and Services: Animal Boarding Animal Grooming Animal Hospitals Animals, Retail Sales	 1 per 400 sq. ft. 1 per 400 sq. ft. 1 per 400 sq. ft. 1 per 250 sq. ft.	
Artists' Studios	1 per 1,000 sq. ft.	
Banks and Savings and Loans:	1 per 250 sq. ft.	2
Drive-Up Service	Queue space for 5 cars per teller	
Building Materials and Services	1 per 1,000 sq. ft. of lot area	1
Catering Services	I per 400 sq. ft.	1
Commercial Recreation and Entertainment:		
Bowling Alleys	3 per alley; plus 1 per 250 sq. ft. of public assembly and retail areas	1
Card Rooms	I per 25 sq. ft. of card-playing floor area	
Electronic Game Centers	I per 400 sq. ft.	
Skating Rinks	1 per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus I per 250 sq. ft. of floor area not used for seating	1
Tennis and Racquetball Clubs	4 per court	
Theaters	1 per 5 fixed seats, or 1 per 35 sq. ft. of seating area if there are no fixed seats	1
Other Commercial		

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Recreation and Entertainment	As specified by use permit	
Communications	1 per 500 sq. ft.	2
Eating and Drinking Establishments	1 per 4 fixed seats, or 1 per 50 sq. ft. of seating area if there are no fixed seats	
Cocktail Lounge	1 per 3 fixed seats or 1 per 50 sq. ft. of seating area if there are no fixed seats	1
With Live Entertainment	1 per 5 fixed seats, or 1 per 35 sq. ft. of seating area if there are no fixed seats; plus I per 35 sq. ft. of dance floor	1
With Take-Out Service	3 per 100 sq. ft. of gross area; plus queue space for 5 cars for drive-up service	1
Food and Beverage Sales	1 per 200 sq. ft.	1
Funeral and Interment Services	1 per 35 sq. ft. of seating area	1
Horticulture, Limited	1 per 2 acres	
Laboratories	1 per 500 sq. ft.	1
Maintenance and Repair Services	1 per 500 sq. ft.	1
Marinas	0.8 per berth	1
Marine Sales and Services	1 per 350 sq. ft.	
Nurseries	1 per 1,000 sq. ft. of lot area for first10,000 sq. ft., 1 per5,000 sq. ft. thereafter; plus I per 250 sq. ft. of gross floor area	
Offices, Business and Professional	1 per 300 sq. ft.	
Offices, Medical and Dental	1 per 250 sq. ft.	
Pawn Shops	1 per 250 sq. ft.	1
Personal Improvement Services:	1 per 250 sq. ft.	
Dance or Music Studio	1 per 600 sq. ft.	
Personal Services	I per 250 sq. ft.	
Research and Development Services	1 per 400 sq. ft.	
Retail Sales Not Listed Under Another Use Classification	1 per 200 sq. ft. for less than 5,000 sq. ft.; I per 250 sq. ft. over 5,000 sq. ft.	

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Vehicle/Equipment Sales and Services:		
Automobile Rentals	1 per 400 sq. ft.; plus 2 storage spaces	1
Automobile Washing	I per 200 sq. ft. of sales, office, or lounge area; plus queue for cars per washing station	
Service Stations	1 per 250 sq. ft. of floor area plus 1 per service bay	
Service Station with Convenience Store	I per 250 sq. ft. of floor area plus I per service bay	
Vehicle/Equipment Repair	1 per 600 sq. ft. of service bay and storage area	1
Vehicle/Equipment Sales and Rentals	1 per 1,000 sq. ft. of lot area	1
Vehicle Storage	1 per 500 sq. ft.	
Visitor Accommodations:		
Bed and Breakfast Inns	1 per guest room; plus 2 spaces	
Hotels and Motels	1 per guest room; plus 1 per 50 sq. ft. of banquet seating area	1
Warehousing and Storage, Limited	I per 2,000 sq. ft.	
Warehousing and Storage, Mini storage	2 per office; plus 2 per caretaker's residence; plus 1 per 10,000 sq. ft. of storage	
Industrial:		
Industry, Custom	1 per 1,000 sq. ft.	3
Industry, General	1 per 1,000 sq. ft.	1
Industry, Limited	I per 750 sq. ft.	3
Industry, Research and Development	1 per 500 sq. ft.	3
Industry, Technology	1 per 750 sq. ft.	3
Port Terminals	I per 2,500 sq. ft. of lot area	
Wholesaling, Distribution and Storage	1 per 1,500 sq. ft.	1

Gross Floor Area (sq. ft.)	10' x 20' x 10 Vertical Clearance	12' x 30' x 14' Vertical Clearance
Use Classification Group I		

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0 to 3,000 3,001 to 15,000 15,001 to 50,000 50,001 and over		 1 2 3
Use Classification Group 2 O to IO,000 10,001 to 20,000 20,001 and over	 1 1	 1 1
Use Classification Group 3 O to 30,000 30,001 to 100,000 100,001 and over		 1 2 3

(Ord. 07-21 § 10; Ord. 01-6 N.S., 2001; Ord. 92-18 N.S. § 10, 1992; Ord. 92-9 N.S. § 21,
1992; Ord. 89-1 N.S. §§ 33, 34, 1989; Ord. 87-4 N.S., 1987).

17.74.040 Collective provision of parking.

A. Application. A use permit may be approved for the collective provision of parking serving more than one use of a site. The collective parking may be provided by the private acquisition and development of property or by a public agency in the manner specified by the use permit. A use permit application may include a request to waive all or some of the provisions of BMC 17.74.020(D), (E), (F) and (G). The planning commission may approve such use permit if it finds:

1. That the collective provision of parking and conditions of approval are in accord with the objectives of this title and the purposes of this chapter; and

2. That the collective provision of parking and conditions of approval are consistent with the general plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city; and

3. That the collective parking will comply with all conditions attached to the permit.

B. Reduced Parking. A use permit for collective off-street parking may reduce

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the total number of spaces required by this chapter. Any applicant shall submit data substantiating a request for reduced parking requirements. A use permit may reduce the number of collective parking spaces required if the following additional findings are made:

1. That parking demand will be less than the requirement in Table I or Schedule A in BMC 17.74.030; and

2. That the probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand.

C. Special Conditions. In lieu of or in combination with all or a part of the parking provided under subsection (A) of this section, approval of the use permit may include conditions requiring the payment of fees, the participation in a future or existing parking district, and/or other mechanisms deemed appropriate by the city to promote the collective provision of parking. The replacement of parking space requirements by such in-lieu fees shall not be considered a reduction in parking or a reduction in the number of spaces required by this chapter. (Ord. 87-26 N.S., 1987; Ord. 87-4 N.S., 1987).

17.74.050 Increased parking in senior citizens' housing developments.
The number of spaces required may be increased above the number specified in Schedule A of BMC 17.74.030; provided, that findings are made for each of the following:

A. The extent of parking problems, if any, in the neighborhood;

B. The probability that the prospective residents will have more than two vehicles per dwelling unit;

C. The age and socioeconomic characteristics of prospective tenants;

D. The ability to alleviate and correct unexpected parking problems resulting from the proposed development in the future; and

E. The proximity of public transportation or the availability of a separate transportation system for the residents of the development.

Approval of reduced parking shall require that a covenant be recorded stipulating that all parking requirements of this title will be met in the event of a change in the use of the property. (Ord. 87-4 N.S., 1987).

17.74.060 Reduced parking for other uses.
A use permit may be approved reducing the number of spaces to less than the number specified in the schedules in BMC 17.74.030 provided, that the following

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findings are made:

A. The parking demand will be less than the requirement in Schedule A or B of BMC 17.74.030 and

B. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand.

In reaching a decision, the planning commission shall consider survey data submitted by an applicant or collected at the applicant's request and expense. (Ord. 87-4 N.S., 1987).

17.74.070 Parking spaces for the handicapped.
All parking facilities shall comply with the requirements of the California Administrative
Code (Title 24, Part 2, Chapter 2-71) and with the sign requirements of the California
Vehicle Code, Section 22507.8. (Ord. 87-4 N.S., 1987).

17.74.080 Bicycle parking.
A. Where Required. Bicycle parking spaces shall be provided as required by this section; the provisions of BMC 17.74.020 shall apply.

B. Number Required.

1. Public and semipublic use classifications: as specified by use permit.

2. Commercial recreation and entertainment: as specified by use permit.

3. All other commercial use classifications: five percent of the requirement for automobile parking spaces, except for the following classifications, which are exempt:

a. Ambulance services;

b. Animal boarding;

c. Animal grooming;

d. Catering services;

e. Commercial filming;

f. Horticulture, limited;

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g. Funeral and interment services;

h. Swap meets, recurring;

i. Vehicle/equipment sales and services (all classifications).

C. Design Requirements. For each bicycle parking space required, a stationary object shall be provided to which a user can secure both wheels and the frame of a bicycle with a user-provided six-foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket. (Ord. 87-4 N.S., 1987).

17.74.090 Parking space dimensions.
Required parking spaces shall have the following minimum dimensions:

Use	Type of Space	Large Car (ft.)	Small Car (ft.)
Residential	In separate garage or carport housing 6 or fewer cars, or with door at rear of each space	9 x 19	9 x 19
Residential	In garage or carport housing more than 6 cars with access via aisle	9 x 18	7.5 x 15
Nonresidential	All spaces	9 x 18	7.5 x 15
All	Parallel spaces	8 x 22	8 x 22

(Ord. 87-4 N.S., 1987).

17.74.100 Application of dimensional requirements.
A. All reserved resident spaces shall be large-car spaces. Up to 30 percent of non-reserved resident spaces may be small-car spaces. For industrial or commercial uses, up to 30 percent of all spaces may be small-car spaces. Customers or visitors shall be deemed to occupy the following proportions of spaces serving nonresidential uses:

1. Visitor accommodations: 90 percent;

2. Manufacturing, distribution, and wholesaling: 10 percent;

3. Offices other than public, medical, banks and savings and loans; other financial services: 15 percent;

4. All other residential: 80 percent.

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The community development director shall consider evidence presented by an applicant demonstrating lower ratios of customer demand and may adjust parking space size requirements accordingly for a specific use. The community development director also may approve allowing up to half of the required resident spaces to be small-car spaces if such spaces are not assigned.

B. Relation to Aisles.

1. Each parking space adjoining a wall, column, or other obstruction higher than 0.5 feet shall be increased by one foot on each obstructed side; provided, that the increase may be reduced by 0.25 feet for each one foot of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space.

2. An aisle providing access to a parking space perpendicular to the aisle shall extend two feet beyond the required width of the parking space.

(Diagram excluded for purpose of this review. No changes proposed)

C. Vertical Clearance. Vertical clearance for parking spaces shall be seven feet, except that an entrance may be 6.67 feet and the front five feet of a parking space servicing a residential use may be 4.5 feet.

D. Wheel Stops. All spaces shall have centerline wheel stops 2.5 feet from a fence or wall. When a parking space abuts a landscaped planter, the front two feet of the required length for a parking space may overhang the planter. When a parking space abuts a walkway, the front two feet of the required length of a parking space may overhang the walkway if the walkway is at least seven feet wide; otherwise the full length shall be provided, and a wheel stop shall be installed two feet from the walkway. (Ord. 89-1 N.S.§ 35, 1989; Ord 87-4 N.S., 1987).

17.74.110 Aisle dimensions.
Aisle widths adjoining large-car spaces shall be as follows:

Increase in Parking Space Width (ft.)	Minimum Aisle Width for Specified Parking Angle (ft.)			
	90°	75°	60°	45° or less
0.00	24	22	16	12
0.25	23	21		
0.50	22	20		
0.75	21	10		
1.00 or more	20			

Aisle widths adjoining small car spaces having a base width of 7.5 feet, except

where increased by adjoining obstructions, shall be as follows:

Minimum Aisle Width for Specified Parking Angle (ft.)

90°	75°	60°	45°or less
20	17.4	14	11

(Ord. 87-4 N.S.; 1987)

17.74.120 Specific parking area design.
Where an applicant can demonstrate to the satisfaction of the community development director that variations on the dimensions otherwise required by this chapter are warranted, to accommodate tandem spaces, for example, a specific parking area design may be approved under the following limitations:

A. The area affected by the specific design shall be for parking by persons employed on the site only. Visitor parking stalls shall meet the dimensions required, with variations permitted only for a valet parking program.

B. The surface area available for parking shall not be less than would be required to accommodate the minimum required number of stalls for large and small cars, with reductions permitted only for tandem parking and valet parking programs.

No use for which a tandem or valet parking program has been approved shall be continued if such a program is abandoned unless the parking area is reconfigured to provide the number of independently accessible spaces required by this chapter. (Ord.
87-4 N.S., 1987).

17.74.130 Parking access from street.
Access to parking spaces, other than four or fewer spaces serving a residential use in an
R district, shall not require backing across a street property line. An alley may be used as
maneuvering space for access to off-street parking.

All spaces in a parking facility shall be accessible without reentering a public right-of-way unless it is physically impossible to provide for such access. (Ord. 87-4 N.S., 1987).

17.74.140 Driveway widths and clearances.
Driveways shall have the following widths plus a minimum of one foot additional clearance on each side of a vertical obstruction exceeding 0.5 foot in height.

A. Serving a residential use	6 or fewer spaces	8 ft.

	7or 25 spaces 26 or more spaces	12ff. 12ft. 1-way 20 ft. 2-way
B. Serving a nonresidential use	14 or fewer spaces 15 or more spaces	12 ft. 12 ft. 1-way 20 ft. 2-way

In addition, all driveways shall comply with the fire department's standards for access roads and fire lanes. (Ord. 87-4 N.S., 1987).

17.74.150 Driveways and intersections — Visibility.
Visibility of a driveway crossing a street property line shall not be blocked between a
height of three and one-half feet and seven feet for a depth of five feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of 50 feet or at the nearest property line intersecting the street property line, whichever is less (see Diagram 17.74.150). For intersections, no structure, including but not limited to fences and gates, shall be maintained higher than three feet above grade within a triangular area bounded by the right-of-way lines and a diagonal line joining points on the right-of-way lines 25 feet back from the point of their intersections.

(Diagram excluded for purpose of this review. No changes proposed.)

(Ord. 89-1 § 36, 1989; Ord. 87-4 N.S., 1987).

17.74.160 Parking area screening —Walls and fences.
A parking area for five or more cars serving a nonresidential use shall be screened from an adjoining R district, or a ground-floor residential use, by a solid concrete, solid wood, or masonry wall six feet in height, except that the height of a wall adjoining a required
front yard in an R district shall be three feet. A carport or open parking area for five or more cars serving a residential use shall be screened from an adjoining lot in an R district, or a ground-floor residential use, by a solid wall or fence six feet in height, except that the height of a wall or fence adjoining a required front yard in an R district shall be three feet. (Ord. 87-4 N.S., 1987).

17.74.170 Lighting.
Outdoor parking and loading area lighting shall not employ a light pole higher than 18 feet in industrial districts, nor higher than 12 feet in other districts; except

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as provided for in BMC 17.70.180(D). Parking lot light poles in industrial areas within 100 feet of residentially zoned property shall be no higher than 12 feet, unless the light source will be blocked from adjacent residentially zoned properties. No light source shall create a cone of direct illumination greater than 60 degrees from a light source higher than six feet, and shall not directly shine onto an adjacent street or an adjacent lot. Minimum illumination at ground level shall be 0.5 footcandles, and shall not exceed 0.5 footcandles in an R district. No light source within a parking structure in an R district shall be visible from a public right-of-way adjoining an R district. (Ord. 99-1 N.S.; Ord. 92-9 N.S. § 18, 1992; Ord. 87-4 N.S., 1987).

17.74.180 Parking lot landscaping.
Parking lot landscaping shall be as prescribed by BMC 17.70.190. (Ord. 87-4 N.S., 1987).

17.74.1 90 Driveways and carports — Design and location in R districts.
The following provisions shall apply to driveways, garages, and carports in R districts, whether they are accessory structures or part of a principal structure:

A. Driveways. Driveways shall be paved and shall have widths and clearances prescribed by BMC 17.74.140, subject to the visibility requirements of BMC 17.74.150.

B. Carports. Carports shall be designed and located so that parked vehicles are not visible from a street, except that not more than two vehicles in a carport in a required rear yard may be visible from a street. (Ord. 87-4 N.S., 1987).

17.74.200 Additional design standards for parking lots and structures.
Parking stalls shall be paved; parking lots shall have paving, drainage, concrete curbs, lighting, space marking, directional signs, litter collection containers, and queuing space for drive-in facilities or ticket-dispensing booths or machines. Maximum driveway grades shall be 16 percent. Wheel stops shall only be permitted where parking spaces directly about a wall or fence, with no intervening walkway or planter, or along a property line where no perimeter landscaping strip is required. (Ord. 89-1 N.S. § 37, 1989; Ord. 87-4 N.S., 1987).

17.74.210 Location and design of off-street loading spaces.
Required spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the community development director. A required loading space shall be accessible without backing a truck across a street property line unless the community development director
determines that provision of turn-around space is infeasible and approves alternative access. An occupied loading space shall not prevent access to a

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required off-street parking space. A loading area shall not be located in a required yard.

Except in a CG or I district, a loading area visible from a street shall be screened on three sides by a fence, wall, or hedge at least six feet in height. (Ord. 87-4 N.S., 1987).

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VIII.B.76

Chapter 17.108
DESIGN REVIEW

Sections:

17.108.010 Purposes.
17.108.020 Applicability.
17.108.030 Sequence of design review.
17.108.040 Scope of design review.
17.108.050 Initiation of design review.
17.108.060 Review responsibilities.
17.108.070 Review process and time limits.
17.108.080 Notice and public hearing by design review commission.
17.108.090 Effective date – Lapse and renewal – Alterations.
17.108.100 Appeals.
17.108.110 Design review guidelines.

17.108.010 Purposes.

Design review is intended to implement general plan policies. More specifically, the purposes of design review are to:

A. Ensure that the location and configuration of structures are visually harmonious with their sites and with surrounding sites and structures, and do not unnecessarily block scenic views from other buildings or public parks or dominate their surroundings to an extent inappropriate to their use;

B. Ensure that the architectural design of structures, their materials and colors are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located;

C. Ensure that plans for the landscaping of open spaces conform with the requirements of this title, and that they provide visually pleasing settings for structures on the site and on adjoining and nearby sites and blend harmoniously with the natural landscape;

D. Prevent excessive and unsightly grading of hillsides, and preserve natural landforms and existing vegetation where feasible;

E. Ensure the provision of adequate, safe and efficient parking and circulation areas, which conform to the requirements of this title;

F. Provide a functional, efficient, and attractive site design which is sensitive to existing uses in the area and to the topography and conditions of the site;

G. Ensure that new development is consistent with specific design guidelines developed for use within the community, where applicable, and to any specific plan or planned development plan. (Ord. 92-9 N.S. § 23, 1992; Ord. 87-4 N.S., 1987).

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17.108.020 Applicability.
A. In an H Historic Overlay District. Design approval shall be required prior to issuance of a zoning permit for all projects that involve demolition, construction, or changes in exterior colors or materials, except signs.

B. In All Other Districts. Design approval shall be required prior to issuance of a zoning permit for all projects in all other zones that involve new construction or exterior alterations and additions,, except single-family residences and related accessory buildings, buildings in the IL, IG, IW, and IP districts that are less than 50,000 square feet, and signs. (Ord. 07-21 § 11; Ord. 01-6 N.S., 2001; Ord. 89-1 N.S. § 49, 1989; Ord. 87-4 N.S., 1987).

17.108.030 Sequence of design review.
Design review shall consist of two steps:

A. Preliminary consultation between the project sponsor and the community development director to discuss design guidelines and establish design criteria applicable to the site and use.

B. Design review by the community development director or the design review commission, as prescribed by this chapter. Approval shall require the findings prescribed in BMC 17.108.040(A). (Ord 87-4 N.S., 1987).

17.108.040 Scope of design review.
A. Required Findings. Design approval shall require a finding that the design of a project is consistent with the purposes of this title.

B. Limits on Conditions Required. Changes in a project required as a condition of design approval shall not include use, density, FAR, private open space, parking, or loading requirements more restrictive than those prescribed by applicable district regulations or a valid use permit or variance. (Ord. 87-4 N.S., 1987).

17.108.050 Initiation of design review.
A. Preliminary Consultation. Preliminary consultation shall be initiated by requesting an appointment with the community development director or a designated representative.

B. Design Review. Design review shall be initiated by filing the following with the community development director:

1. A completed application form; and

2. Six sets of the following:

    a. A fully dimensioned site plan showing the locations of existing and proposed structures, driveways, walks, walls, fences and open spaces, property lines, right-of-way lines, dedications and easements, and the relation of the site to the surrounding area;

b. A fully dimensioned landscape plan if required by BMC 17.70.190;

c. Architectural drawings, renderings, or sketches drawn to scale showing elevations of proposed structures and describing exterior materials. Perspective drawings or scale models also may be required at the discretion of the community development director;

d. Floor plans showing the proposed use and exterior wall openings;

e. Proposed screening of all exterior equipment and electrical equipment;

f. Proposed exterior lighting fixtures using catalog cuts or sketches; and

g. Samples or descriptions of all proposed exterior materials and paint colors, including surfacing materials for paved areas.

C. Consolidated Review. An applicant may request simultaneous design review and approval of development plans under Chapter 17.112 BMC if:

1. Development plans and materials are submitted in lieu of, or in addition to, plans and materials required for design review;

2. All other requirements for a zoning permit have been met; and

3. The applicant acknowledges in writing an understanding of the risk of loss if development plans are disapproved or substantial redesign is required. (Ord. 87-4 N.S., 1987).

17.108.060 Review responsibilities.

Except as modified by an adopted conservation plan the following review responsibilities will apply:

A. By the Community Development Director. The community development director shall be responsible for design review for projects greater than 50,000 square feet of gross floor area in the IG, IL, IW and IP districts, and for projects outside the industrial districts that involve construction of less than 2,500 square feet of floor area.

B. By the Historic Preservation Review Commission. The historic preservation review commission shall be responsible for design review in the RS (nonresidential structures only), RM, RH, C, OS, PS, PD and the H overlay districts, for projects not subject to community development director review. The historic preservation review commission shall hold a public hearing, as provided in BMC 17.108.080, and shall approve, conditionally approve, or disapprove applications for design approval. Decisions of the design review commission may be appealed to the planning commission in accordance with Chapter 1.44 BMC. (Ord. 07-67 § 1; Ord. 07-21 § 12; Ord. 01-6 N.S., 2001; Ord. 99-1 N.S.; Ord. 92-15 N.S. § 20, 1992; Ord. 92-9 N.S. § 24, 1992; Ord. 89-1 N.S. § 51, 1989; Ord. 87-4 N.S., 1987).

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17.108.070 Review process and time limits.
A. Prerequisite for Review. Unless an applicant selects consolidated review, as provided in BMC 17.108.050(C), review of development plans shall follow design review.

B. By Community Development Director (IG, IL, IW, and IP Districts). The community development director shall review plans submitted for design approval within 30 days of receipt and shall approve, conditionally approve, or disapprove the plans. Within five working days after a decision, notice shall be mailed to the applicant.

C. By Design Review Commission (R, C, OS, PS and PD Districts, and H Overlay District). After a duly noticed public hearing, the design review commission shall approve, conditionally approve or disapprove the plans. Within five working days of a design review commission decision, the secretary of the commission shall mail notice of the decision to the applicant.

D. Action Required. All decisions shall be based on the findings required by BMC 17.108.040. Any conditions imposed shall be reasonable and designed to assure attainment of the purposes and standards established by this title. (Ord. 01-6 N.S., 2001; Ord. 92-9 N.S. § 24, 1992; Ord. 89-1 N.S. §§ 52, 53, 1989; Ord. 87-4 N.S., 1987).

17.108.090 Effective date – Lapse and renewal – Alterations.
A. Effective Date. Design review decisions shall become effective at the end of the appeal period, unless appealed as provided in Chapter 1.44 BMC.

B. Lapse of Approvals. Design approval shall lapse two years from its effective date unless:

1. A building permit has been issued and construction diligently pursued; or

2. An occupancy permit has been issued; or

3. The approval is renewed.

C. Renewal. The community development director or the design review commission, as the case may be, may renew design approval for a period of one year upon determining that the findings made remain valid. Application shall be made in writing prior to the lapse of the original approval, but no more than 120 days prior to that date.

D. Changed Plans. The community development director or the design review commission, as the case may be, may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and are consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications. (Ord. 07-67 § 2; Ord. 92-9 N.S. § 24, 1992; Ord 89-1 N.S. §§ 55, 56, 1989; Ord 87-4 N.S., 1987).

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17.108.090 Effective date – Lapse and renewal – Alterations.

A. Effective Date. Design review decisions shall become effective at the end of the appeal period, unless appealed as provided in Chapter 1.44 BMC.

17.108.100 Appeals.

A. Rights of Appeal and Review. Design review decisions of the community development director may be appealed by any interested party to the historic preservation review commission. Design review decisions of the historic preservation review commission may be appealed, by any interested party, to the planning commission.

B. Procedures – Public Hearings. Procedures for appeals shall be as prescribed by Chapter 1.44 BMC.

C. Limits on Appeals. Appeal decisions of the historic preservation review commission shall be final. (Ord. 07-67 § 3; Ord. 92-9 N.S. § 24, 1992; Ord. 87-4 N.S., 1987).

17.108.110 Design review guidelines.

The design review commission may adopt guidelines for design review consistent with the purposes of this chapter to facilitate the review process. (Ord. 92-9 N.S. § 24, 1992; Ord. 87-4 N.S., 1987).

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VIII.B.82

RESOLUTION NO. 13- 9 (PC)

A RESOLUTION 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

WHEREAS, General Plan Goal 2.5 is to facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life; and.

WHEREAS, the City Council Strategic Plan Strategic Issue 3: Strengthening Economic and Fiscal Conditions consists of Action 5. (c) which is to update the zoning code to encourage clean energy, high-tech R&D uses in industrial districts; and

WHEREAS, the proposed zoning text amendments , which are attached as Exhibit A, seek to balance the community's goal of preserving the integrity of the industrial base by encouraging technologically oriented industrial business opportunities for new and existing tenants; and.

WHEREAS, the Planning Commission, at a regular meeting on October 10, 2013, conducted a public hearing and reviewed the proposed project.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Benicia hereby finds that:

1. In accordance with the California Environmental Quality Act (CEQA), an Initial Study was conducted to determine whether the zoning text amendments could have a significant adverse effect on the environment. On the basis of that study, staff is recommending adoption of a Negative Declaration. The Initial Study / Negative Declaration was circulated for public comment from June 3 through June 24, 2013.

   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 allowed in the Zoning Ordinance, including Research and Development, Office, and Manufacturing uses.

2. The proposed zoning text amendment is consistent with the purposes of the Benicia Municipal Code and the following General Plan Goals, Policies and Programs:

- GOAL 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.
- *GOAL 2.6: Attract and retain a balance of different kinds of industrial uses to Benicia.*
  - *Policy 2.6.1: Preserve industrial land for industrial purposes and certain compatible "service commercial" and ancillary on-site retail uses.*
  - *Policy 2.6.3: Facilitate continued development of the Industrial Park. Especially encourage general industrial uses to locate in the basin northeast of Downtown (around Industrial Way between East Second and the freeway).*
    - *Program 2.6.C: For lands designated limited industrial, reduce the length of time and number of steps required for development proposals to proceed, consistent with CEQA, community development policies and ordinances, and the design review process for general industrial lands.*
- GOAL 2.7: Attract and retain industrial facilities that provide fiscal and economic benefits to—and meet the present and future needs of—Benicia.
  - Policy 2.7.1: Attempt to attract high-wage and high-revenue producing companies to Benicia.

BE IT FURTHER RESOLVED, that the Planning Commission hereby recommends that the City Council approve the proposed zoning text amendments set forth in Exhibit A with the following three amendments to the draft ordinance:

1) Change "live/work" to "work/live" in all sections;
2) Modify Section 17.32.20 to include additional regulation L12 for Research and Development use classifications;
3) Modify 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

* * * * *

On motion of Commissioner Young, seconded by Commissioner Dean, the above Resolution was adopted at a regular meeting of the Planning Commission on October 10, 2013, by the following vote:

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

Rod Sherry
Planning Commission Chair

VIII.B.86

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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 Deputy 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

Staff 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

Adam Petersen, Contract Associate Planner, 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

Amy Million, Principal Planner, 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 of the amendments; 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:

Kat Wellman, Contract Deputy City Attorney, 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 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.

AGENDA ITEM
PLANNING COMMISSION MEETING: OCTOBER 10, 2013
REGULAR AGENDA ITEMS

DATE: September 17, 2013

TO: Planning Commission

FROM: Amy Million, Principal Planner

SUBJECT: **ZONING ORDINANCE TEXT AMENDMENTS FOR INDUSTRIAL ZONING DISTRICTS, AFTER ADOPTION OF THE NEGATIVE DECLARATION PURSUANT TO CEQA**

RECOMMENDATION:
Adopt a resolution recommending that the City Council:

- 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.

- 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.

EXECUTIVE SUMMARY:
Staff has been working with the Benicia Industrial Park Association (BIPA), the Chamber of Commerce and the EDB to develop zoning language as part of the City's ongoing economic development efforts to help retain and attract industrial businesses. These proposed zoning text amendments seek to balance the community's goal of preserving the integrity of the industrial base by encouraging technologically oriented industrial business opportunities for new and existing tenants. The amendments also seek to expedite any review of

proposed uses or construction and create certainty for industrial property owners about what uses are allowed and what requires City review.

BUDGET INFORMATION:
There are no direct impacts to the budget associated with this project. However, these zoning text amendments provide the City of Benicia the opportunity to prepare itself for new market economies and emerging business and technology sectors. Economic revitalization in the industrial park can help decrease commuting by local residents to jobs outside of Benicia. These amendments should also allow Benicia to capture revenues and jobs that would otherwise locate elsewhere.

The intent of the amendments is to:

- Promote economic revitalization of Benicia's industrial areas for enhanced/additional revenues;
- Create local employment opportunities to reduce out-commuting by Benicia residents; and,
- Capitalize on Benicia's existing industrial infrastructure and central location between the San Francisco Bay Area and the Central Valley regions.

ENVIRONMENTAL ANALYSIS:
In accordance with the California Environmental Quality Act (CEQA), an Initial Study was conducted to determine whether the zoning text amendments could have a significant adverse effect on the environment. On the basis of that study, staff is recommending adoption of a Negative Declaration. On, June 3, 2013, the Initial Study / Negative Declaration was released for public review. The 21-day public review ended on Monday, June 24, 2013. One verbal comment was provided in regard to the draft amendments to Chapter 17.16 Use Classifications which was clarified by staff without objection.

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 allowed in the Zoning Ordinance, including Research and Development, Office, and Manufacturing uses.

GENERAL PLAN:
Relevant General Plan Goals, Policies and Programs include:

- *GOAL 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic*

benefits to the City and the community while maintaining health, safety, and quality of life.

- *GOAL 2.6: Attract and retain a balance of different kinds of industrial uses to Benicia.*
  - *Policy 2.6.1: Preserve industrial land for industrial purposes and certain compatible "service commercial" and ancillary on-site retail uses.*
  - *Policy 2.6.3: Facilitate continued development of the Industrial Park. Especially encourage general industrial uses to locate in the basin northeast of Downtown (around Industrial Way between East Second and the freeway).*
    - *Program 2.6.C: For lands designated limited industrial, reduce the length of time and number of steps required for development proposals to proceed, consistent with CEQA, community development policies and ordinances, and the design review process for general industrial lands.*

- *GOAL 2.7: Attract and retain industrial facilities that provide fiscal and economic benefits to—and meet the present and future needs of—Benicia.*
  - *Policy 2.7.1: Attempt to attract high-wage and high-revenue producing companies to Benicia.*

SPECIFIC PLAN:

Relevant Strategic Plan Issues, Strategies and Actions include:

- *Strategic Issue 3: Strengthening Economic and Fiscal Conditions*
  - *Strategy 2: Strengthen Benicia Industrial Park competitiveness*
  - *Strategy 3: Retain and attract business*
  - *Strategy 5: Increase economic viability of industrial park and other commercial areas, while preserving existing economic strengths and historic resources*
    - *Action 5. (c) Update zoning code to encourage clean energy, high-tech R&D uses in industrial districts*

BACKGROUND:

On, June 3, 2013, the Initial Study / Negative Declaration was released for public review. The 21-day public review ended on Monday, June 24, 2013. The Notice of Intent to adopt the Negative Declaration stated that this project would be considered by the Planning Commission on August 8, 2013. In response to time-sensitive projects, the August 8 Planning Commission was canceled and this item was continued to the October 10, 2013 meeting.

Over the last two years, staff has worked on evaluating proposals for amending zoning text pertaining to the industrial districts and coupling them with the

economic development efforts that resulted in the 2011 Benicia Development Action Plan (BDAP). These current zoning text amendments are one part of the BDAP economic development assessment of Benicia's three economic generators and employment centers, which include:

- Benicia Industrial Park;
- Commercial Centers; and
- Tourism related activities, including Downtown, Arts, History, Waterfront, and recreational activities.

SUMMARY:

A. Project Area Setting:

Benicia's industrial zoned lands comprise approximately 2,500+ acres generally located along the eastern portion of the city limits. They extend from the area south of the I-780/I-680 merge north along the I-680 corridor to the northern city limits. The industrial lands extend from the shoreline of the Carquinez Strait west to the lands between East 2nd Street and Southampton residential development. The industrial area abuts the Open Space zoning that buffers residential zoning to the west. West of I-680 the industrial zoning has its northerly limits at Lake Herman Road. East of I-680 the industrial zoning has its northerly limits at the city limits.

B. Project Description:

There are three parts to the amendments, including minimizing and eliminating design review authority, simplifying land use regulations, and adding more complete definitions of Research and Development and technology uses to the list of permitted uses. The zoning text amendments are specific to the IL (Limited Industrial), IG (General Industrial), IW (Water-Related Industrial) and IP (Industrial Park) zoning districts. The proposed amendments do not allow "new" land uses per se (i.e.

ones not currently permitted). Instead, they provide for broader purpose to the industrial zoning districts currently in Section 17.32.010 and the definitions of the language currently in Section 17.16.060.D of the Zoning Ordinance.

The City of Benicia has identified new and broader definitions for use categories to help position the Industrial Park as a regional leader with regard to research and development and technological industries. The new use is similar in nature to other uses already allowed in the industrial zones, including light industry, manufacturing and office uses. None of the proposed uses or categories represents an intensification of use over what is already allowed within the industrial zoning districts.

Included for the Planning Commission's review are amendments to the following Zoning Ordinance Chapters:

- 17.16 Use Classifications
- 17.32 Industrial Uses
- 17.46 Use Regulations Summary
- 17.74 Off-Street Parking and Loading Regulations
- 17.108 Design Review

Amendments to Chapter 17.16 Use Classifications

There are two amendments to Chapter 17.16 proposed to address the continuously evolving technology sector. These changes involve a new definition for the existing use category Industry, Research and Development and a new use category Industry, Technology.

New Definition of Industry, Research and Development

The modification to Section 17.16.060 D. Industry, Research and Development Use Category provides a broader definition to ensure that new high tech companies are able to location with the industrial park. The current definition is as follows:

> *Industry, Research and Development*
> *Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable, in the opinion of the community development director, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses include biotechnology, films, and nontoxic computer component manufacturers.*

The proposed **new** definition is as follows:

Industry, Research and Development
Establishments engaged in the theoretical or applied study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development, or evaluation. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development. Research and development may include the storage or use of hazardous materials not in excess of the maximum allowable quantities listed in the California Fire Code without express permission of the Fire Chief.

Addition of "Industry, Technology" Use Category
One new use category in Section 17.16.060 Use Classification is proposed to address the manufacturing component of high tech businesses. The proposed new use category is defined as follows:

Industry, Technology
Establishments engaged in the creation, fabrication, processing, assembling, storage, manufacturing and/or service provision of products and/or processes, related to current or new technologies. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development.

Amendments to Chapter 17.32 Industrial Uses
Within each zoning district are specific purposes of those district regulations in addition to the general purposes of the Zoning Ordinance listed in Chapter 17.04. As part of the proposed amendments, a new specific purpose is added to Section 17.32.010 to encourage high tech uses. The new specific purpose is described as follows:

Encourage technologically oriented industrial uses including biotechnology, information technology, "green" technology, clean technology, nanotechnology and laboratory uses; except vivarium, which is prohibited. Vivarium is a facility that engages in the keeping and/or raising of living animals for the purpose of observation, testing, or research.

During the public circulation of the Initial Study/ Negative Declaration and the draft text amendments early this year, staff received numerous comments in regard to the public's aversion for vivarium. In order to address those comments, staff is proposing an addition to the specific purposes to clarify that vivarium is not allowed. This prohibition removes the potential for future interpretation of the zoning ordinance to allow for such a use associated with research and development focused uses.

Simplification of Land Uses – Modifications to Land Use Tables
Section 17.32.020 (IL, IG, IW and IP districts – Land use regulations.) establishes the land use regulations for all industrial districts. This table designates which uses are permitted, not permitted and allowed upon approval of a use permit.

Amendments to Chapter 17.46 Use Regulations Summary
Chapter 17.46 Use Regulations Summary mirrors those regulations in a consolidated table for all zoning designations in the Zoning Ordinance.

The proposed changes to these tables would simplify review of many types of uses and reduce the time needed to obtain approval. For example, a use permit with a public hearing is currently required for plant nurseries in two of the industrial zones. The revisions would instead allow them as a permitted use without any review other than building permit. Another example would be that a Planning Commission use permit is currently required in certain zoning districts for Artist Studios, Building Materials & Services and Commercial Filming. The revisions would allow the Community Development Director to take action on the use permit. A public hearing would still be required; however, the scheduling of such a request is more flexible. A complete list of all proposed changes is attached in the draft redline for Chapters 17.32 and 17.46.

Amendments to Chapter 17.74 Off-Street Parking and Loading Requirements
Chapter 17.74 Off-Street Parking and Loading Requirements of the BMC establishes the parking standards for uses with the city. All use categories have an associated parking requirement which ensures parking and loading facilities are provided for all new land uses. For the proposed new use category of *Industry, Technology*, staff evaluated the new use in relationship to the definitions of existing industrial uses and their associated parking requirement. Per Section 17.74.030, the parking requirement for all existing industrial use classifications is as follows:

Industrial Use Classifications	Parking Requirement:
Industry, Custom	1 per 1,000 sq. ft.
Industry, General	1 per 1,000 sq. ft.
Industry, Limited	1 per 750 sq. ft.
Industry, Research and Development	1 per 500 sq. ft.
Port Terminals	1 per 2,500 sq. ft. of lot area
Wholesaling, Distribution and Storage	1 per 1,500 sq. ft.

In addition, staff evaluated the established parking requirements for industrial uses in the cities of Vallejo, Concord and Fairfield. The parking requirements for similar use categories in these jurisdictions were similar to that of the City of Benicia. For uses that require a relatively high amount of office space, the parking requirement was higher at 1 space per 250 or 300 sq. ft.; however for businesses that focused on manufacturing or the storage of goods, the parking requirement was primarily in the 1 space per 750 to 1,500 sq. ft. range.

The proposed parking requirement for *Industry, Technology* is 1 space per 750 sq. ft. *Industry, Technology* is similar to *Industry, Limited* (1 per 750 sq. ft.) which is commonly referred to as light manufacturing. It is also similar to the *Industry, Research and* Development use classification (1 per 500 sq. ft.), but is differentiated due to its focus on fabrication, assembly, storage and manufacturing of new technology opposed to the analysis and development of such technology with limited manufacturing incidental to the research and development of such devices associated with *Industry, Research and Development*. This difference creates a lesser need for office space and thus a lesser need for parking.

Amendments to Chapter 17.108 Design Review

Chapter17.108 establishes the design review procedures for all development within the city. The proposed amendments include an amendment to Chapter 17.108 by eliminating separate design review, except for the very largest buildings (50,000+ square feet), which would require notice and opportunity to comment by neighboring properties and the public. The Benicia Industrial Design Guidelines already adopted by the City have helped ensure that the Benicia Industrial Park maintains an attractive industrial setting and they will continue to apply. It has become clear that the guidelines can be consulted as part of building permit review and not require additional time and process. Accordingly, projects that are not subject to Design Review will be reviewed by staff during the building permit process. Pursuant to Chapter 1.44 BMC, staff approvals of building permits may be appealed to the Planning Commission

and ultimately to the City Council.

In addition, the proposed amendment includes minor changes to acknowledge the existing design review procedures pertaining to historic overlay districts and adopted conservation plans established by Chapter 17.54 H Historic Overlay Districts and a simplified appeal procedure consistent with other discretionary approvals in the Zoning Ordinance.

C. General Plan/Policy Consistency

The General Plan contains numerous goals and policies relevant to land use and economic development. A primary focus of the Benicia General Plan (page 41) is to encourage new uses in the Benicia Industrial Park as a means of creating greater economic sustainability for the City. Specific General Plan Goals and Policies that are germane to the proposed zoning text amendments include:

- GOAL 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.

  Sustainable development maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

  This goal is the crux of the General Plan. It is a citywide expression of urban development policy. Nearly every policy and program in the General Plan, in some manner, serves to implement this goal.

- *GOAL 2.6: Attract and retain a balance of different kinds of industrial uses to Benicia.*

  - *Policy 2.6.1: Preserve industrial land for industrial purposes and certain compatible "service commercial" and ancillary on-site retail uses.*

  - *Policy 2.6.3: Facilitate continued development of the Industrial Park. Especially encourage general industrial uses to locate in the basin northeast of Downtown (around Industrial Way between East Second and the freeway).*

    - *Program 2.6.C: For lands designated limited industrial, reduce the length of time and number of steps required*

for development proposals to proceed, consistent with CEQA, community development policies and ordinances, and the design review process for general industrial lands.

- GOAL 2.7: Attract and retain industrial facilities that provide fiscal and economic benefits to—and meet the present and future needs of—Benicia.

  - Policy 2.7.1: Attempt to attract high-wage and high-revenue producing companies to Benicia.

The overarching purpose of the proposed text amendments is to help position the Industrial Park as a regional leader with regard to research and development and technological industries. This is accomplished though the draft language that encourages new technology uses and simplifies the review process throughout the Industrial Park.

D. Benicia Development Action Plan:
In addition, the City of Benicia has completed the Benicia Development Action Plan (BDAP). The proposed language is consistent with Action Initiative 3.1: Benicia Industrial Park. The proposed industrial text amendments include greater specificity and process clarity for uses that are targeted in the BDAP. The proposed amendments provide expanded descriptions of the types of uses that are expected to make Benicia a more competitive job center location within Solano County.

CONCLUSION:
As described in the Project Description, the proposed amendments do not in general allow "new" land uses per se. Instead, they provide for broader definitions of use categories and an expanded purpose of the industrial zoning districts.

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 the 1998 General Plan Environmental Impact Report. No additional development capacity is proposed and the proposed uses are similar in nature and intensity to other uses allowed in the Zoning Ordinance, including Research and Development, Office, and Manufacturing uses.

The Benicia General Plan Economic Development section (Chapter 2, Section B) states on page 38,

The tax revenues that the BIP and other heavy industrial uses generate, allow the City to provide a relatively high level of public services, including its own library system. As a result, the Economic Development Goals, Policies, and Programs emphasize the importance of protecting existing heavy industrial uses.

Many also believe, however, that Benicia can capitalize on its central location by diversifying its economy and attracting more high-technology firms and tourists. Although a radical shift in the types of businesses that locate in the city over the next 20 years is not expected, more non-industrial activities are desired in the future. Measures to increase the diversity of industries and land uses therefore can also be found in the Economic Development Goals, Policies, and Programs.

Any proposed new development or construction remains subject to the City of Benicia's permit and environmental review processes, as modified. Each project is reviewed and analyzed pursuant to the Benicia Municipal Code, Benicia Industrial Design Guidelines, CEQA Guidelines, the City of Benicia's Environmental Review procedures and the Benicia General Plan.

FURTHER ACTION:
Planning Commission action will be a recommendation to City Council.

ATTACHMENTS:
- Draft Resolution
- Exhibit A: Redlined Zoning Text Amendments
- Draft Ordinance
- Initial Study/Negative Declaration (without attachments)

DRAFT RESOLUTION

RESOLUTION NO. 13-

A RESOLUTION 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

WHEREAS, General Plan Goal 2.5 is to facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life; and.

WHEREAS, the City Council Strategic Plan Strategic Issue 3: Strengthening Economic and Fiscal Conditions consists of Action 5. (c) which is to update the zoning code to encourage clean energy, high-tech R&D uses in industrial districts; and

WHEREAS, the proposed zoning text amendments , which are attached as Exhibit A, seek to balance the community's goal of preserving the integrity of the industrial base by encouraging technologically oriented industrial business opportunities for new and existing tenants; and.

WHEREAS, the Planning Commission, at a regular meeting on October 10, 2013, conducted a public hearing and reviewed the proposed project.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Benicia hereby finds that:

1. In accordance with the California Environmental Quality Act (CEQA), an Initial Study was conducted to determine whether the zoning text amendments could have a significant adverse effect on the environment. On the basis of that study, staff is recommending adoption of a Negative Declaration. The Initial Study / Negative Declaration was circulated for public comment from June 3 through June 24, 2013.

   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 allowed in the Zoning Ordinance, including Research and Development, Office, and Manufacturing uses.

2. The proposed zoning text amendment is consistent with the purposes of the Benicia Municipal Code and the following General Plan Goals, Policies and Programs:

- GOAL 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.
- *GOAL 2.6: Attract and retain a balance of different kinds of industrial uses to Benicia.*
  - *Policy 2.6.1: Preserve industrial land for industrial purposes and certain compatible "service commercial" and ancillary on-site retail uses.*
  - *Policy 2.6.3: Facilitate continued development of the Industrial Park. Especially encourage general industrial uses to locate in the basin northeast of Downtown (around Industrial Way between East Second and the freeway).*
    - *Program 2.6.C: For lands designated limited industrial, reduce the length of time and number of steps required for development proposals to proceed, consistent with CEQA, community development policies and ordinances, and the design review process for general industrial lands.*
- GOAL 2.7: Attract and retain industrial facilities that provide fiscal and economic benefits to—and meet the present and future needs of—Benicia.
  - Policy 2.7.1: Attempt to attract high-wage and high-revenue producing companies to Benicia.

BE IT FURTHER RESOLVED, that the Planning Commission hereby recommends that the City Council approve the proposed zoning text amendments set forth in Exhibit A .

* * * * *

On motion of Commissioner_____, seconded by Commissioner_____, the above Resolution was adopted at a regular meeting of the Planning Commission on October 10, 2013, by the following vote:

Ayes:
Noes:
Absent:
Abstain

_____
Rod Sherry
Planning Commission Chair

EXHIBIT A:
REDLINED ZONING TEXT AMENEMDNTS

Chapter 17.16
USE CLASSIFICATIONS

Sections:

1716.010	Purpose and applicability.
17.16.020	Uses not classified.
17.16.030	Residential use classifications.
17.16.040	Public and semipublic use classifications.
17.16.050	Commercial use classifications.
17.16.060	Industrial use classifications.
17.16.070	Agricultural and extractive use classifications.
17.16.080	Accessory use classifications.
17.16.090	Temporary use classifications.

17.16.010 Purpose and applicability.

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The community development director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this title. The community development director may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. (Ord. 87-4 N.S., 1987).

17.16.020 Uses not classified.

Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a zoning ordinance text amendment, as provided in Chapter 17.120 BMC. (Ord. 87-4 N.S., 1987).

17.16.030 Residential use classifications.

A. Family Day Care, Large. Licensed home that provides nonmedical care and supervision for nine to 14 children on a less than 24-hour basis.

B. Family Day Care, Small. Licensed home that provides nonmedical care and supervision for eight or fewer children on a less than 24-hour basis.

C. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, fraternities, sororities, and private residential clubs.

D. Live/Work Quarters. An area comprised of one or more rooms or floors in a building originally designed for industrial or commercial occupancy that includes cooking space and sanitary facilities and working space for artists, artisans and

similarly situated individuals.

E. Multifamily Residential. Two or more dwelling units on a site. This classification includes mobile home and factory-built housing.

F. Residential Care, Limited. Twenty-four hour nonmedical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.

G. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes mobile home and factory-built housing. (Ord. 99-1 N.S.; Ord. 87-4 N.S., 1987).

17.16.040 Public and semipublic use classifications.

"Adult day health care" means a licensed and certified home or facility that provides therapeutic, social, and skilled nursing health activities and services to elderly persons or adults with disabilities on a less than 24-hour basis.

"Cemetery" means a place for burying the dead.

"Clubs and lodges" means meeting, recreational or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, and youth centers.

"Convalescent facilities" means establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

"Cultural institutions" means nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

"Day care center" means a licensed child day care facility other than a family day care home that provides nonmedical care to children under 18 years of age on a less than 24-hour basis, and includes infant centers, nursery schools, preschools, extended day care facilities, and school age child care centers.

"Detention facilities" means publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

"Government offices" means administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

"Heliports" means pads and facilities enabling takeoffs and landings by helicopters.

"Hospitals" means facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.

"Maintenance and service facilities" means facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities.

"Parks and recreation facilities" means noncommercial parks, playgrounds, recreation facilities, and open spaces.

"Public safety facilities" means facilities for public safety and emergency services, including police and fire protection.

"Religious assembly" means facilities for religious worship and incidental religious education, but not including private schools as defined in this section.

"Residential care, general" means 24-hour nonmedical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.

"Schools, public and private" means educational institutions having a curriculum comparable to that required in the public schools of the state of California.

"Utilities, major" means generating plants greater than five megawatts in size, electrical substations, aboveground electrical transmission lines, refuse collection or disposal facilities, water reservoirs, water or wastewater treatment plants, and similar facilities of public agencies, public utilities or private utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

1. Waste Facility. A facility that provides for on-site waste stabilization or neutralization. This classification excludes hazardous waste disposal facilities.

"Utilities, minor" means utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines and underground water and sewer lines. (Ord. 11-04 § 2; Ord. 99-1 N.S.; Ord. 89-1 N.S. § 5, 1989; Ord. 87-4 N.S., 1987).

17.16.050 Commercial use classifications.

A. Adult Businesses. A business based primarily upon materials or performances that depict, describe, or relate to "specified sexual activities" or "specified anatomical areas," as defined in Chapter 1L12. BMC. This includes businesses regulated under Chapter 5.44 BMC.

B. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

C. Animal Sales and Services.

1. Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.

2. Animal Grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.

3. Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.

4. Animals — Retail Sales. Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours.

D. Artists' Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

E. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.

1. With Drive-up Service. Institutions providing services accessible to persons who remain in automobiles.

F. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes retail sales of paint and hardware, except as an accessory use to a lumber yard, and activities classified under "vehicle/equipment sales and services."

G. Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also "eating and drinking establishments.")

H. Commercial Filming. Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year.

I. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, health/fitness clubs, pinball arcades or electronic games centers having three or more coin-operated game machines, card rooms, subject to the regulation of Chapter 5.08 BMC, and facilities used exclusively for bingo games, as regulated by Chapter 5.12 BMC.

1. Card room, game center, billiard parlor.

2. Limited. Indoor movie theaters and performing arts theaters.

J. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding "Utilities (Major)." This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

K. Conference and Meeting Facilities. Facilities providing indoor and/or outdoor event space for conferences, meetings, weddings, banquets, luncheons or similar events on a commercial basis.

L. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises.

1. With Wine and Beer Service. Alcoholic beverages served are limited to wine and beer.

2. With full alcoholic beverage service.

3. With Live Entertainment. Establishments offering live entertainment, as defined in Chapter 17.12 BMC.

4. With Take-Out Service. Establishments at which 20 percent or more of the transactions are sales for off-site consumption, and which serve or deliver prepared food to persons in vehicles or have more than two work stations at which employees package or service prepared food and receive payment.

a. Drive-Up. Service from a building to persons in vehicles through an outdoor service window.

b. Limited. Establishments that do not serve persons in vehicles.

5. Truck Stop. A facility geared primarily to providing services for truckers, including on-site fueling, repair and servicing of freight trucks; restaurant facilities; restrooms; towing services; overnight accommodations and related services.

M. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as "catering services" or "eating and drinking establishments."

N. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries.

O. Horticulture, Limited. The raising of vegetables, flowers, ornamental trees and shrubs as a commercial enterprise; provided, that no nursery equipment or materials shall be stored and no structures erected. Commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation.

P. Laboratories. Establishments providing medical or dental laboratory services, or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as "limited industry."

Q. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, bicycle repair or building maintenance services. This classification excludes maintenance and repair of vehicles (see "vehicle/equipment repair") or boats or ships (see "marine sales and services").

R. Marinas. A boat basin with docks, mooring facilities, supplies and equipment for small boats.

S. Marine Sales and Services. Establishments providing supplies and equipment for shipping or related services, or pleasure boating. Typical uses include chandleries, yacht brokerage and sales, boat yards, boat docks, and sail-making lofts.

T.Nurseries. Establishments in which all merchandise other than plants is kept within an encased building or fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

U. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, and pharmacies, eyeglass shops, and similar prescription-dispensing services as an accessory to a medical office complex, but excludes banks and savings and loan associations.

V. Pawn Shops. Establishments engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property.

W. Personal Improvement Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers.

X. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry cleaning agencies (excluding plants), and self-service laundries.

Y. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electron research firms or pharmaceutical research laboratories, but excludes manufacturing or medical testing and analysis.

Z. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, and furniture stores and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

AA. Secondhand Appliance and Clothing Sales. The retail sale of used appliances and clothing. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances.

BB. Swap Meets, Recurring. Retail sale or exchange of new, handcrafted, or secondhand merchandise for a maximum period of 48 hours, conducted by a sponsor on a more than twice yearly basis.

CC. Vehicle/Equipment Sales and Services.

1. Automobile Rentals. Rental of automobiles, taxicab services, and limousine

services, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

2. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

3. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.

4. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, auto detailing shops, body and fender shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.

5. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, and similar equipment, including storage and incidental maintenance.

6. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.

DD. Visitor Accommodations.

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis typically in a converted single-family or multifamily dwelling, with incidental eating and drinking service, for lodgers only, provided from a single kitchen.

2. Hotels and Motels. Establishments offering lodging on a less than weekly basis, and having kitchens in no more than 60 percent of guest units. This classification includes eating, drinking, and banquet service.

EE. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building. This classification includes mini-storage facilities but excludes "wholesaling, distribution and storage," and "vehicle storage."

(Ord. 93-11 N.S. § 6, 1993; Ord. 92-15 N.S. § 5, 1992; Ord. 89-1 N.S. §~ 6— 10, 1989; Ord. 87-4 N.S., 1987).

17.16.060 Industrial use classifications.

A. Industry, Custom. Establishments primarily engaged in off-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.

1. Limited. Includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture.

2. Boat Building.

B. Industry, General. Manufacturing of products primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, food processing and packaging, laundry and dry cleaning plants, auto dismantling within an enclosed building, oil and gas refining, stonework and concrete products manufacture (excluding concrete ready-mix plants) within an enclosed building, and accessory power generation facilities of five megawatts or less in conjunction with a permitted use.

1. Water-Related. Industrial activities that use water for transportation of raw materials or finished products, including the following:

a. Waterfront Storage Facility. Ship cargo storage and handling facility, including storage of raw materials, which is contiguous and has a functional relationship to a berthing facility.

b. Waterfront Manufacturing or Processing Facility. Manufacturing or processing operations that require frontage on navigable waters to receive raw materials or to distribute manufactured or processed materials by ship.

c. Water-Using Facilities. Power plants and desalinization plants. Other uses that demonstrate a need for substantial amounts of water may qualify if the industry can demonstrate that it cannot make use of lower-quality water; it cannot reasonably assume the costs of conveying water to an inland site; and a waterfront site would result in substantial energy saving over an alternative site.

d. Associated Manufacturing or Processing Uses. Manufacturing or processing uses that must be in close proximity to an approved water-dependent manufacturing or processing use and meet one of the following conditions:

i. The transportation of either raw material inputs or finished product outputs to an inland site would constitute a substantial enough increase in product cost to make its production economically unfeasible; or

ii. The transport of materials from a berth to or from an inland site would produce major increases in hazardous conditions due to security problems, road or rail congestion, or spillage or explosion of hazardous materials.

e. Berthing Facility. Wharves, piers, berths, docks, and launching facilities in conjunction with any water-related use.

f. Support Facilities. Uses that are required to support the operation of a water-related use including maintenance or ancillary types of operations and offices for management and materials control.

C. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, food processing, and "vehicle/equipment sales and services."

1. Small-Scale. Limited to a maximum gross floor area of 5,000 square feet.

D. Industry, Research and Development. ~~Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable, in the opinion of the community development director, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses include biotechnology, films, and nontoxic computer component manufacturers.~~
Establishments engaged in the theoretical or applied study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development, or evaluation. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development. Research and development may include the storage or use of hazardous materials not in excess of the maximum allowable quantities listed in the California Fire Code without

express permission of the Fire Chief.

E. Industry, Technology. Establishments engaged in the creation, fabrication, processing, assembling, storage, manufacturing and/or service provision of products and/or processes, related to current or new technologies. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development.

~~E~~F. Port Terminals. Facilities for loading, unloading, transferring and storing raw or finished materials, and incidental freight between modes of transportation. This classification includes the terminals themselves and directly related ancillary activities such as warehousing and other temporary storage, ship repairing, support transportation uses including trucking and railroad yards, freight forwarders, and government offices related to port activity.

G. Wholesaling, Distribution and Storage.

1. Wholesaling and Distribution. Facilities primarily engaged in the selling of goods, merchandise, products or materials to retailers, contractors, professional business users, other wholesalers or to agents or brokers. May include related storage, break-bulk activity, redistribution and delivery.

2. Warehousing and Transportation. Storage of products or goods, including household goods, with related local or long-distance trucking and transfer of stored items.

3. Trucking Terminal/Freight Transfer Station. A facility where goods and products are transferred, often directly, from one vehicle to another without the storage of such goods and products on a long-term basis within a warehouse building or storage yard. Includes break-bulk facilities. May include related maintenance facilities and incidental storage of trucks on-site when not in use.

4. Package Distribution. A warehousing and distribution facility used primarily to gather and distribute for delivery, packages and mail. (Ord. 93-11 N.S. § 5, 1993; Ord. 89-1 N.S. §~ 11, 12, 1989; Ord. 87-4 N.S., 1987).

17.16.070 Agricultural and extractive use classifications.

A. Animal Husbandry. Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. Typical uses including grazing, ranching, dairy farming, and poultry farming.

B. Crop Production. Raising and harvesting of tree crops, row crops, or field crops

on an agricultural or commercial basis, including packing and processing.

C. Mining and Processing. Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical places are borrow pits, quarries, oil and gas drilling rigs or concrete batch plants. (Ord. 87-4 N.S., 1987).

17.16.080 Accessory use classifications.

A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units ("second units"), home occupations, and construction trailers.

1. Nonresidential Accessory Structures. Structures with no bedrooms, kitchens, or cooking facilities.

2. Accessory Dwelling Unit. An attached or detached residential dwelling unit that provides permanent, complete independent living facilities, including facilities for living, sleeping', food preparation and cooking, eating and sanitation, for one or more persons, on the same parcel as a single-family dwelling. (Ord. 04-2 § 1; Ord. 87-4 N.S., 1987).

17.16.090 Temporary use classifications.

A. Animal Shows. Exhibitions of domestic or large animals for a maximum of seven days.

B. Christmas Tree Sales. Retail sale of Christmas trees between Thanksgiving and December 26th.

C. Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.

D. Commercial Filming, Limited. Commercial motion picture or video photography at the same location six or fewer days per quarter of a calendar year.

E. Personal Property Sales. Sales of personal property.

F. Religious Assembly. Religious services conducted on a site that is not permanently occupied by a religious assembly use, for a period of not more than 30 days.

G. Retail Sales, Outdoor. Retail sales of new merchandise on the site of a legally

established retail business.

H. Street Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.

I. Swap Meets, Nonrecurring. Retail sale or exchange of new, handcrafted, or secondhand merchandise for a maximum period of 48 hours, conducted by a sponsor no more than twice in any year.

J. Trade Fairs. Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days.

K. Other Uses. Other uses of a clearly temporary nature as determined to be appropriate by the community development director. (Ord. 89-1 N.S. § 13, 1989; Ord. 87-4 N.S., 1987).

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Chapter 17.32
INDUSTRIAL DISTRICTS

Sections:

17.32.010 Specific purposes.
17.32.020 IL, IG, IW and IP districts — Land use regulations.
17.32.030 IL, IG, IW and IP districts — Property development regulations.
17.32.040 Review of plans.

17.32.010 Specific purposes.

A. In addition to the general purposes listed in Chapter 17.04 BMC, the specific purposes of industrial district regulations are to:

1. Provide appropriately located areas consistent with the general plan for a broad range of manufacturing and service commercial uses;

2. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;

3. Provide a suitable environment for various types of industrial uses, and protect them from the adverse impacts of inharmonious uses;

4. Reserve areas for port terminals and water-related industry;

5. Encourage technologically oriented industrial uses including biotechnology, information technology, "green" technology, clean technology, nanotechnology and laboratory uses; except vivarium, which is prohibited. Vivarium is a facility that engages in the keeping and/or raising of living animals for the purpose of observation, testing, or research.

~~5~~6. Ensure that the appearance and effects of industrial uses are compatible with the character of the area in which they are located;

~~6~~7. Minimize the impact of industrial uses on adjacent residential districts;

~~7~~8. Ensure the provision of adequate off-street parking and loading facilities.

B. The additional purposes of each I district are as follows:

1. IL Limited Industrial District. To protect areas appropriate for business and commercial services and light manufacturing from adverse effects of retail uses or of general industrial uses by preventing conversion of prime sites to general office use;

2. IG General Industrial District. To provide sites for the full range of manufacturing, industrial processing, general service, and distribution uses deemed suitable for location in Benicia; and to protect Benicia's general industrial areas, to the extent feasible, from disruption and competition for space from unrelated retail and commercial uses that could more appropriately be located elsewhere in the city. Performance standards will minimize potential environmental impacts;

3. IW Water-Related Industrial District. To protect sites for port-priority uses and to provide opportunities for water-related industry and marine services supporting the Port of Benicia. Performance standards will minimize potentially adverse environmental impacts;

4. IP Industrial Park District. To provide sites in landscaped settings for industrial office centers, research and development facilities, limited industrial activities (including production and assembly, but no raw materials processing or bulk handling), and small-scale warehousing distribution. (Ord. 01-6 N.S., 2001; Ord. 87- 4 N.S., 1987).

17.32.020 IL, IG, IW and IP districts — Land use regulations.
In the following schedule, the letter "P' designates use classifications permitted in industrial districts. The letter "L" designates use classifications subject to certain limitations described by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to the "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

IL, IG, IW, and IP Districts: Land Use Regulations

P --Permitted
U --Use Permit
L --Limited (See "Additional Use Regulations")
— --Not Permitted

	IL	IG	IW	IP	Additional Regulations
Residential					(L)

Live/Work Quarters	U	—	—	—	(A)
Public and Semipublic					
Adult Day Health Care	U	U	—	U	(B)
Clubs and Lodges	L18	L18	—	L18	
Cultural Institutions	U	U	—	U	
Day Care Center	U	U	—	U	(B)
Government Offices	U	U	U	U	
Heliports	L1	L1	L1	L1	
Maintenance and Service Facilities	P	P	P	—	
Public Safety Facilities	~~U~~L20	~~U~~L20	~~U~~L20	~~U~~L20	~~(C)~~
Religious Assembly	U	U	—	U	(K)
Utilities, Major	U	U	U	U	
Waste Facility	—	U	—	—	
Utilities, Minor	P	P	P	P	
Commercial Uses					
Adult Business	P	P	—	P	(M)
Ambulance Services	P	P	—	P	
Animal Sales and Services					
Animal Boarding	L20	—	—	—	
Animal Hospitals	L20	L20	—	—	
Artists' Studios	P	—	—	~~U~~L20	
Banks and Savings and Loans	L2	L2	—	L2	
Building Materials and Services	~~L3~~P	~~L3~~P	~~—~~ L12	~~—~~L20	
Catering Services	P	P	—	P	
Commercial Filming	~~U~~ L20	~~U~~ L20	~~U~~L20	~~U~~ L20	
Commercial Recreation and Entertainment	L5	L21	~~—~~	L5	
Game Center	L8	L8	—	L8	
Communication Facilities	P	P	~~—~~P	P	
Eating and Drinking Establishments	L4	L4~~.1~~	L4	L4	
With Wine and Beer Service	L4	L4~~.1~~	L4	L4	
With Full Alcoholic Beverage Service	U	U	U	U	
With Take-Out Service	L4	L4~~.1~~	L4	L4	(D)
Limited	L4	L4~~.1~~	L4	L4	(D)
Food and Beverage Sales	L6	L6	—	L7	
Funeral and Interment Services	L9	—	—	—	
Horticulture, Limited	P	P	—	—	
Laboratories	P	P	—	P	
Maintenance and Repair Services	P	P	L12	P	
Marine Sales and Services	—	—	P	—	

Nurseries	~~U~~P	~~U~~P	—	~~—~~U	
Offices, Business and Professional	—	—	—	L13	
Personal Improvement Services	L14	L14	—	14	
Personal Services	L1O	L1O	—	L1O	
Research and Development Services	P	P	—	P	
Vehicle/Equipment Sales and Services					
Automobile Washing	~~—~~U	L15	—	—	(E)
Service Stations	~~L16~~U	L16	~~—~~ L12	~~—~~U	
Vehicle/Equipment Repair	L17	L17	—	—	
Vehicle/Equipment Sales and Rentals	~~L11~~U	L11	—	—	
Vehicle Storage	U	U	L12	—	
Warehousing and Storage, Limited	~~U~~P	~~U~~P	L12	U	
Industrial					
Industry, Custom	P	P	L12	P	
Industry, General	—	L19	L12	U	
Industry, Limited	P	P	L12	P	
Small-Scale	P	P	L12	P	
Industry, Research and Development	P	P	—	P	
Industry, Technology	P	P	L12	P	
Port Terminals	—	—	P	—	
Wholesaling, Distribution and Storage					
Wholesaling and Distribution	P	P	~~—~~ L12	U	
Warehousing and Transportation	P	P	~~—~~ L12	U	
Trucking Terminal/Freight Transfer Station	U	U	~~—~~ L12	—	
Package Distribution	P	P	~~—~~ L12	U	
Agricultural and Extractive Uses					(J)(L)
Mining and Processing	—	U	—	—	
Accessory Uses	P/U	P/U	P/U	P/U	(F)(G)(H)(L)
Temporary Uses					(G)(J)(L)
Animal Shows	U	U	—	—	
Christmas Tree Sales	P	P	—	—	

Circuses and Carnivals	—	U	—	—	
Retail Sales — Outdoor	U	U	U	—	
Swap Meets--Nonrecurring	U	U	--	--	
Trade Fairs	U	U	U	U	
Nonconforming					(I)
Other Uses					
Medical Marijuana Distribution Facilities	–	–	–	–	

IL, IG, IW, and IP Districts: Additional Use Regulations
L-1 Allowed with a use permit and heliport permit from the California Department of Transportation, Division of Aeronautics if located 1,000 or more feet from a residential district.

L-2 Only automatic teller machines allowed.

L-3 Use permit required only for equipment rentals and retail sales.

L-4 ~~Permitted as a secondary use in a building, occupying no more than 2,500 square feet of the building floor area.~~

~~L-4.1~~ Permitted as a secondary use in a building occupying no more than 2,500 square feet of the building area. A Community Development Director~~Zoning Administrator level~~ use permit is required for secondary uses occupying building areas greater than ~~of~~ 2,500~~1~~ square feet but not more than~~to~~ 5,000 square feet, or where the use is the primary use of a building. Not permitted for uses larger than 5,000 square feet.

L-5 Only health fitness clubs and tennis/racquetball clubs are permitted as the principal use in a structure, subject to a use permit. Other activities regulated under this use classification are permitted as a secondary use within a building, occupying no more than 1,000 square feet of the building floor area.

L-6 Use permit required for establishments occupying more than 1,000 square feet.

L-7 Only delicatessens and food stores occupying fewer than 1,000 square feet are permitted.

L-8 Only game centers with five or fewer games permitted; also see BMC 17.70.290, Game centers.

L-9 Only crematories, columbariums, and mausoleums allowed.

L-10 Only beauty shops and barbershops permitted.

L-11 New or used automobile, truck or motorcycle retail sales shall be permitted only as an accessory to wholesale operations.

L-12 Only water-related uses allowed.

L-13 Medical/dental offices, insurance brokerage offices, and real estate brokerage offices not permitted.

L-14 Only business and trade schools permitted.

L-15 Only truck tractor and trailer washing permitted.

L-16 Only stations offering controlled services to individual uses within an industrial area are allowed, subject to a use permit.

L-17 Only truck and equipment repair primarily serving industrial activities are permitted by right; a community development director use permit is required for automobile repair and for repair services that cater to the general public. If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure on a major arterial or on a street which connects to a major arterial, and is readily accessible to residential and commercial areas;

2. No outdoor repair or maintenance activities are proposed in conjunction with the use;

3. No outdoor storage of vehicles or equipment will take place during non-business hours;

4. The applicant can demonstrate that the proposed site will meet zoning ordinance parking requirements.

L-18 Only trade union halls, including their accompanying business offices, are permitted.

L-19 General industrial uses are permitted by right except that a use permit is required for oil and gas refining.

L-20 Community development director use permit required. If the following

conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure which is entirely enclosed, and no outside facilities are proposed;

2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is located in a soundproofed and air-conditioned facility.

L-21 Health fitness clubs, tennis/racquetball clubs, and recreational facilities such as batting cages, indoor golf driving ranges, and firing and archery ranges are permitted within a structure, subject to a use permit when occupying more than 1,000 square feet. All activities regulated under this use classification are permitted when occupying no more than 1,000 square feet of the building floor area.

(A) See BMC 17.70.020, Relocated buildings (use permit required).

(B) Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not exceeding 25 percent of the floor area occupied by the principal use.

(C) Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not
exceeding 25 percent of the floor area occupied by the principal use.

(D) See BMC 17.70.090, Eating and drinking establishments with take-out service.

(E) See BMC 17.70.110, Service stations, vehicle/equipment repair, and automobile washing.

(F) See BMC 17.70.050, Nonresidential accessory structures.

(G) See Chapter 17.104 BMC, Use Permits and Variances.

(H) Maximum: One dwelling unit per site as caretaker's housing.

(I) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(J) See BMC 17.70.260, Hazardous materials.

(K) No general day care facilities or schools shall be permitted as part of a religious assembly facility.

(L) Evaluate a nonindustrial or noncommercial project against the following

criteria when considering findings for use permits or variances:

(1) Will the project create substantial conflicts with existing industrial and commercial traffic?

(2) Will the project be subject to excessive glare, noise or vibration from adjacent industrial/commercial uses? (refer to general plan for noise criteria, Chapter 4, p. 178)

(3) Will the project be exposed to hazardous materials or risks that would create health and safety hazards for persons occupying or visiting the project?

(4) Will the project be located on an arterial street, or located in an area which would bring nonindustrial traffic onto local streets?

(M) An adult business offering live entertainment shall be subject to the requirements of Chapters 5.44 BMC and 17.102 BMC.

(Ord. 09-O1 § 6; Ord. 05-05 § 1; Ord. 01-6 N.S., 200i; Ord. 94-8 N.S.; Ord. 93-1I N.S. § 8, 1993; Ord. 93-3 N.S. § 5, i993; Ord. 92-18 § 8, 1992; Ord. 92-15 § 9, 1992; Ord.
92-9N.S. § 17, 1992; Ord. 90-5 N.S. § 5, 1990; Ord. 87-4 N.S., 1987).

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17.32.030 IL, IG, IW and IP districts — Property development regulations. The following schedule prescribes development regulations for the IL, IG, IW and IP districts. The first four columns prescribe basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column refer to the "Additional Development Regulations" following the schedule.

IL, IG, IW and IP Districts: Development Regulations

Use Classifications	IL	IG	IW	IP	Additional Regulations
Minimum Lot Area (sq. ft.)	20,000	20,000	40,000	20,000	(A)(B)
Minimum Lot Width (ft.)	100	100	100	100	(A)
Minimum Yards:					
Front (ft.)	See Note N			25	(C)
Side (ft.)	—	—	—	10	(C)(D)
Corner Side (ft.)	10	10	5	25	(C)
Rear (ft.)	—	—	—	10	(C)(D)
Maximum Height of Structures	50	—	—	50	(E)(F)
Maximum Lot Coverage	50%	75%	75%	50%	
Maximum FAR	0.8	1.0	1.0	0.6	
Minimum Site Landscaping	10%	10%	5%	15%	(G)(H)
Fences and Walls	—	—	—	—	(I)(J)
Off-Street Parking and Loading	—	—	—	—	(K)(L)
Signs	See Chapter 17.78 BMC				
Outdoor Facilities	See BMC 17.70.200				(M)
Screening of Mechanical Equipment	See BMC 17.70.210				(M)
Refuse Storage	See BMC				

Areas	17.70.220				
Underground Utilities	See BMC 17.70.230				
Performance Standards	See BMC 1710.240				
Nonconforming Structures and Signs	See Chapters 17.98 and 17.78 BMC				

IL, IG, IW and IP Districts —Additional Development Regulations
(A) See BMC 17.70.130, Development on substandard lots.

(B) See BMC 17.70.140, Development on lots divided by district boundaries.

(C) See BMC 17.70.150, Building projections into yards and courts. Double-frontage lots shall provide front yards on each frontage.

(D) A 10-foot interior side or rear yard shall adjoin an R district, and structures shall not intercept a 45-degree daylight plane inclined inward from a height of 12 feet above existing grade at the R district property line.

(E) See BMC 17.70.170, Measurement of height.

(F) One foot of additional height allowed for each additional foot the building is set back from each property line beyond the minimum yard requirement may be allowed, up to a maximum height of 75 feet; see also BMC 17.70.180, Exceptions to height limits.

(G) Planting Areas.

(1) IL District. Required yards shall be planting areas except for necessary drives and walks.

(2) IG District. Required yards shall be planting areas, except for necessary drives and walks, or may be enclosed by a solid fence or wall at least three feet in height, subject to the discretion of the community development director.

(3) Exceptions. In calculating the minimum percent of the site area to be landscaped, creeks and adjacent riparian vegetation and slopes to be retained in their natural state shall qualify as planting areas.

(H) See BMC 17.70.190, Landscaping, irrigation and hydroseeding.

(I) A six-foot solid masonry or concrete wall shall adjoin the property line of the site of a new nonresidential use abutting the site of an existing ground-floor residential use. However, no wall shall be required where the portion of the site within 10 feet of the property line is occupied by a planting area or by a building having no openings except openings opposite a street property line. A wall within 15 feet of a street property line shall not exceed three feet in height.

(J) The maximum height of a fence or wall shall be 12 feet, except adjacent to an R or
C district, where it shall be eight feet.

(K) See BMC 17.28030(0).

(L) See Chapter 17.74 BMC, Off-Street Parking and Loading Regulations.

(M) See BMC 17.70.250: Satellite antennas and microwave equipment.

(N) The required minimum front yards in the IG, IL, and IW zones shall be as follows:

Building Height Above Curb	Required Setback
Less than 18 feet	15 feet
18 feet to 24 feet	20 feet
Greater than 24 feet	25 feet

(Ord. 92-9 N.S. § 8, 1992; Ord. 87-4 N.S., 1987).

17.32.040 Review of plans.
Certain projects shall be subject to design review (see Chapter 17.108 BMC); all projects shall require development plan review (see Chapter 17.112 BMC). (Ord. 87-4 N.S., 1987).

Chapter 17.46
USE REGULATIONS SUMMARY

Sections:

17.46.010 Schedule S-1.

17.46.010 Schedule S-1.

Schedule S-1 summarizes the use classifications contained in Chapter 17.16 BMC and the base districts in which the uses are permitted or conditional uses. This schedule is intended as a general or summary reference and does not reflect all provisions which may apply to particular uses, sites or districts. For further details the base district regulations contained in Chapters 17.24 to 17.44 BMC should be consulted.

Schedule S-1: Summary of Land Use Regulations							P – Permitted U – Use Permit L – Limited (See "Additional Regulations") – – Not Permitted						
CATEGORY	**RS**	**RM**	**RH**	**CC**	**CO**	**CG**	**CW**	**IL**	**IG**	**IW**	**IP**	**OS**	**PS**
Residential													
Family Day Care, Large	L38	L38	L38	–	–	–	–	–	–	–	–	–	–
Family Day Care, Small	P	P	P	–	–	–	–	–	–	–	–	–	–
Group Residential	–	U	U	–	–	U	–	–	–	–	–	–	–
Live/Work Quarters	–	–	–	P	–	P	P	U	–	–	–	–	–
Multifamily Residential	–	P	P	L1	L1	–	P	–	–	–	–	–	–
Residential Care, Limited	P	P	P	–	–	–	P	–	–	–	–	–	–
Single-Family Residential	P	P	P	L1	L1	–	L1	–	–	–	–	P	–
Public and Semipublic													
Adult Day Health Care	U	U	U	U	U	–	U	U	U	–	U	–	U
Cemetery	–	–	–	–	–	–	–	–	–	–	–	U	U
Clubs and Lodges	–	U	U	U	U	P	P	L36	L36	–	L36	–	U
Convalescent Facilities	–	U	U	–	–	–	–	–	–	–	–	–	U
Cultural Institutions	–	U	U	U	U	P	P	U	U	–	U	–	U
Day Care Center	U	U	U	U	U	–	U	L45	L45	–	L45	–	U
Detention Facilities	–	–	–	–	–	–	–	–	–	–	–	–	U

Government Offices	–	–	–	P	P	P	P	U	U	U	U	L3	P
Heliports	–	–	–	–	–	–	–	L17	L17	L17	L17	–	L17
Hospitals	–	–	–	–	U	U	–	–	–	–	–	–	U
Maintenance and Service Facilities	–	–	–	–	–	–	–	P	P	P	–	–	U
Park and Recreation Facilities	L5	L5	L5	–	–	–	P	–	–	–	–	P	P
Public Safety Facilities	U	U	U	U	U	U	U	~~U~~ L39	~~U~~L39	~~U~~ L39	~~U~~ L39	P	U
Religious Assembly	U	U	U	P	U	U	U	L37	L37	L37	–	U	U
Residential Care, General	–	U	U	U	U	–	–	–	–	–	–	–	U
Schools, Public or Private	U	U	U	U	U	–	–	–	–	–	–	–	U
Utilities, Major	U	U	U	U	U	U	U	U	U	U	U	U	U
Waste Facility	–	–	–	–	–	–	–	–	U	–	–	U	U
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial Uses													
Adult Businesses	–	–	–	–	–	L4	–	–	–	–	–	–	–
Ambulance Services	–	–	–	–	–	P	–	P	P	–	P	–	–
Animal Sales and Services													
Animal Boarding	–	–	–	–	–	L39	–	L39	–	–	–	–	–
Animal Grooming	–	–	–	L15	–	P	–	–	–	–	–	–	–
Animal Hospitals	–	–	–	–	L39	L39	–	L39	L39	–	–	–	–
Animals – Retail Sales	–	–	–	–	–	P	P	–	–	–	–	–	–
Artists' Studios	–	–	–	P	P	P	P	P	–	–	~~U~~L39	–	–
Banks and Savings and Loans	–	–	–	–	P	P	–	L6	L6	–	L6	–	–
With Drive-Up Service	–	–	–	–	U	U	–	–	–	–	–	–	–
Building Materials and Services	–	–	–	–	–	P	–	~~L11~~P	~~L11~~P	– L20	– L39	–	–
Catering Services	–	–	–	P	P	P	P	P	P	–	P	–	–
Commercial Filming	–	–	–	U	U	U	U	~~U~~L39	~~U~~L39	~~U~~L39	~~U~~L39	U	U
Commercial Recreation and Entertainment	–	–	–	U	L34	U	U	L28	L44	–	L28	U	U

Communication Facilities	–	–	–	–	–	P	–	P	P	–	P	–	–
Conference and Meeting Facilities	U	U	U	U	U	L41	L41	–	–	–	–	–	–
Eating and Drinking Establishments	–	–	–	P	P	P	P	L7	L7~~.1~~	L7	L7	–	–
With Wine and Beer Service	–	–	–	P	P	P	P	L7	L7~~.1~~	L7	L7	–	–
With Full Alcoholic Beverage Service	–	–	–	U	U	U	U	U	U	U	U	–	–
With Live Entertainment	–	–	–	–	–	U	U	–	–	–	–	–	–
With Take-Out Service	–	–	–	U	–	P	P	L7	L7~~.1~~	L7	L7	L21	–
Drive-Up	–	–	–	U	–	U	–	–	–	–	–	–	–
Limited	–	–	–	P	P	P	P	L7	L7~~.1~~	L7	L7	–	–
Truck Stop	–	–	–	–	–	U	–	–	–	–	–	–	–
Food and Beverage Sales	–	–	–	L8	–	L8	L8	~~L8~~L46	~~L8~~L46	–	L18	–	–
Funeral and Interment Services	–	–	–	L7	L9	L10	–	L30	–	–	–	–	–
Horticulture, Limited	L24	L24	L24	–	–	–	–	P	P	–	–	L24	–
Laboratories	–	–	–	–	P	P	–	P	P	–	P	–	–
Maintenance and Repair Services	–	–	–	–	–	P	–	P	P	L20	P	–	–
Marinas	–	–	–	–	–	–	P	–	–	–	–	–	–
Marine Sales and Services	–	–	–	–	–	–	P	–	–	P	–	–	–
Nurseries	–	–	–	U	–	P	–	~~U~~P	~~U~~P	–	~~–~~U	–	–
Offices, Business and Professional	–	–	–	P	P	P	P	–	–	–	L22	–	–
Pawn Shops	–	–	–	–	–	P	–	–	–	–	–	–	–
Personal Improvement Services	–	–	–	L8	U	L15	–	L23	L23	–	L23	–	–
Personal Services	–	–	–	P	L35	P	P	L13	L13	–	L13	–	–
Research and Development	–	–	–	–	–	P	–	P	P	–	P	–	–
Retail Sales	–	–	–	P	–	P	P	–	–	–	–	–	–
Secondhand	–	–	–	–	–	P	–	–	–	–	–	–	–

Trucking Terminal/Freight Transfer Station	–	–	–	–	–	–	–	U	U	–L20	–	–	–
Package Distribution	–	–	–	–	–	–	–	P	P	–L20	U	–	–
Agricultural and Extractive Uses													
Animal Husbandry	–	–	–	–	–	–	–	–	–	–	–	P	–
Crop Production	–	–	–	–	–	–	–	–	–	–	–	P	–
Mining and Processing	–	–	–	–	–	–	–	–	U	–	–	–	–
Accessory Uses	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U
Temporary Uses	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25

Additional Regulations for Land Use

L-1 Not permitted on ground level.

L-2 Not permitted on ground level facing First Street.

L-3 Permitted as part of a park or recreational facility, public service facility, or utility.

L-4 Allowed with use permit, subject to the requirements of BMC 5.44.010 et seq.

L-5 Use permit required for private noncommercial facilities, including swim clubs and tennis clubs.

L-6 Only automatic teller machines allowed.

L-7 ~~Permitted as a secondary use in a building, occupying no more than 2,500 square feet of the building floor area.~~

~~L-7.1~~ Permitted as a secondary use in a building, occupying no more than 2,500 square feet of the building area. A Community Development Director use permit is required for secondary uses occupying building areas greater than~~of~~ 2,500~~1~~ square feet but not more than ~~to~~ 5,000 square feet, or where the use is the primary use of a building. Not permitted for uses larger than 5,000 square feet.

L-8 A use permit is required for establishments occupying more than 1,500 square feet in the CC, CG, and CW districts for convenience markets. Subject to criteria specified in BMC 17.28.020.

L-9 Only mortuaries allowed – subject to use permit.

L-10 Only mortuaries allowed.

L-11 Use permit required, only for equipment and retail sales.

L-12 Not permitted on the ground level of buildings fronting on First Street except as a secondary use associated with food and beverage sales or eating and drinking establishments.

L-13 Only beauty shops and barbershops permitted.

L-14 (CG district) *Deleted by Ord. 99-1 N.S.*

L-15 ~~Public works and~~ Community development director use permit required only for dance and music studios. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure which is completely enclosed and soundproofed, or is located at least 300 feet away from the property line of the nearest residential use;

2. The proposed use will not operate prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week.

L-16 Use permit required only for body and fender shops.

L-17 Allowed with a use permit and heliport permit from the California Department of Transportation, Division of Aeronautics, if located 1,000 or more feet from a residential district.

L-18 Only delicatessens and food stores occupying fewer than 1,000 square feet are permitted.

L-19 New or used automobile, truck or motorcycle retail sales shall be permitted only as an accessory use to wholesale operations.

L-20 Only water-related uses allowed.

L-21 Only limited facilities, as defined in Chapter 17.16 BMC, allowed by use permit.

L-22 Medical/dental offices, insurance brokerage offices, and real estate brokerage offices not permitted.

L-23 Only business and trade school permitted.

L-24 Use permit required, and no on-site retail sales permitted.

L-25 See base district regulations for details.

L-26 Only truck, tractor, and trailer washing permitted.

L-27 No repair services are permitted and a use permit is required.

L-28 Only health fitness clubs and tennis/racquetball clubs are permitted as the principal use in a structure, subject to a use permit. Other activities regulated under this use classification are permitted as a secondary use within a building, occupying no more than 1,000 square feet of the building floor area.

L-29 Only stations offering controlled services to individual uses within an industrial area are allowed, subject to use permit.

L-30 Only crematories, columbariums, and mausoleums allowed.

L-31 Only truck and equipment repair primarily serving industrial activities are permitted by right; a public works and community development director use permit is required for automobile repair and for repair services that cater to the general public. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure on a major arterial or on a street which connects to a major arterial, and is readily accessible to residential and commercial areas;

2. No outdoor repair or maintenance activities are proposed in conjunction with the use;

3. No outdoor storage of vehicles or equipment will take place during nonbusiness hours;

4. The applicant can demonstrate that the proposed site will meet zoning ordinance parking requirements.

L-32 Use permit required only for limousine and taxi service.

L-33 Only limousine or taxi service, subject to a use permit.

L-34 Health/fitness clubs allowed, subject to a use permit.

L-35 No self-service laundries permitted.

L-36 Only trade union halls, including their accompanying business offices, are permitted.

L-37 No day care centers or schools shall be permitted as part of a religious assembly facility.

L-38 ~~Public works and~~ Community development director may approve use permits for large family day care homes caring for nine to 14 children, as defined in Chapter 3.4 of the California Health and Safety Code.

L-39 ~~Public works and~~ Community development director use permit required. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure which is entirely enclosed, and no outside facilities are proposed;

2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is located in a soundproofed and air-conditioned facility.

L-40 Community development director use permit required.

L-41 Staff use permit required for facilities holding outdoor events or activities.

L-42 Residential uses established prior to January 1, 1993, are permitted. New residential units created after that date are not permitted on ground level facing a street. New residential units are permitted on the first floor behind an allowed nonresidential use facing a street.

L-43 General industrial uses are permitted by right except that a use permit is required for oil and gas refining.

L-44 Health fitness clubs, tennis/racquetball clubs, and recreational facilities such as batting cages, indoor golf driving ranges, and firing and archery ranges are permitted within a structure, subject to a use permit when occupying more than 1,000 square feet. All activities regulated under this use classification are permitted when occupying no more than 1,000 square feet of the building floor area.

L-45 Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not exceeding 25 percent of the floor area occupied by the principal use.

L-46 Use permit required for establishments occupying more than 1,000 square feet.

(Ord. 11-04 § 8; Ord. 11-02 § 9; Ord. 07-21 § 7; Ord. 05-05 § 2; Ord. 01-6 N.S., 2001; Ord 99-1 N.S.; Ord. 94-8 N.S.; Ord. 93-11 N.S. § 9, 1993; Ord. 93-3 N.S. § 5, 1993; Ord. 92-18 N.S. § 9, 1992; Ord. 92-15 N.S. § 10, 1992; Ord. 90-17 N.S. § 4, 1990; Ord. 90-5 N.S. § 6, 1990; Ord. 89-1 N.S. § 25, 1989; Ord. 87-4 N.S., 1987).

DRAFT

Chapter 17.74
OFF-STREET PARKING AND LOADING REGULATIONS

Sections:

17.74.010 Specific purposes.
17.74.020 Basic requirements for off-street parking and loading.
17.74.030 Off-street parking and loading spaces required.
17.74.040 Collective provision of parking.
17.74.050 Increased parking in senior citizens' housing developments.
17.74.060 Reduced parking for other uses.
17.74.070 Parking spaces for the handicapped.
17.74.080 Bicycle parking.
17.74.090 Parking space dimensions.
17.74.100 Application of dimensional requirements.
17.74.110 Aisle dimensions.
17.74.120 Specific parking area design.
17.74.130 Parking access from street.
17.74.140 Driveway widths and clearances.
17.74.150 Driveways and intersections —Visibility.
17.74.160 Parking area screening — Walls and fences.
17.74.170 Lighting.
17.74.180 Parking lot landscaping.
17.74.190 Driveways and carports — Design and location in R districts.
17.74.200 Additional design standards for parking lots and structures.
17.74.210 Location and design of off-street loading spaces.

17.74.010 Specific purposes.
In addition to the general purposes listed in Chapter 17.04 BMC, the specific purposes of the off-street parking and loading regulations are to:

A. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use.

B. Establish parking standards for commercial uses consistent with need and with the feasibility of providing parking on specific commercial sites.

C. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and, where appropriate, insulate surrounding land uses from adverse impacts. (Ord. 87-4 N.S., 1987).

1774.020 Basic requirements for off-street parking and loading.

A. When Required. At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with the regulations prescribed in this chapter, except that for the purposes of these requirements, "major alteration or enlargement" shall mean a change of use or an addition that would increase the number of parking spaces or loading berths by not less than 10 percent of the total number required prior to the alteration or enlargement.

B. Nonconforming Parking or Loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter; provided, that facilities being used for off-street parking and loading as of the date of adoption of the ordinance codified in this title shall not be reduced in number to less than that required by the provisions of this chapter.

C. Spaces Required for Alteration or Enlargement. The number of parking spaces or loading berths required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces or berths existing prior to the alteration, enlargement, or change of occupancy unless the preexisting number is greater than the number prescribed in this chapter. In this case, the number of spaces or berths in excess of the prescribed minimum shall be counted in determining the required number of spaces or berths.

D. Spaces Required for Multiple Uses. If more than one use is located on a site, the number of off-street parking spaces and loading berths to be provided shall be equal to the sum of the requirements prescribed for each use. If the gross floor area of individual uses on the same site is less than that for which a loading berth would be required by Schedule B of BMC 17.74.030, but the aggregate gross floor area of all uses is greater than the minimum for which loading berths would be required, the aggregate gross floor area shall be used in determining the required number of loading berths.

E. Joint Use. Off-street parking and loading facilities required by this chapter for any use shall not be considered as providing parking spaces or loading berths for any other use except where the provisions of BMC 17.74.040, Collective provision of parking, apply or a joint facility exists. Such a facility shall contain not less than the total number of spaces or berths as determined individually, subject to the provisions of subsection (G) of this section, or fewer spaces may be permitted where adjoining uses on the same site have different hours of operation and the same parking spaces or loading berths can serve both without conflict. A determination of the extent, if any, to which joint use will achieve the purposes of this chapter shall be made by the community development director, who may require submission of survey data necessary to reach a decision.

F. Location and Ownership. Parking in an R district required to serve a residential use shall be on the same site as the use served. Parking required to serve a nonresidential use may be on the same or a different site under the same or different ownership as the use served; provided, that parking shall be within the following distances of the use served, measured from the near corner of the parking facility to the entrance of the use served via the shortest pedestrian route:

Customer/Visitor Spaces	Employee Spaces
200 feet	400 feet

Facilities for off-site parking shall be restricted to that use by a recorded deed, lease, or agreement for a minimum period of 10 years from the date a zoning permit requiring the parking is issued; provided, that the community development director may lift the restriction upon finding that substitute parking facilities meeting the requirements of this chapter are provided. No use may be continued if the parking is removed unless substitute parking facilities are provided.

G.R Districts. No off-site parking for a nonresidential use shall be permitted in an R district unless the nonresidential use served is permitted or conditionally permitted in the R district where the off-site facility is to be located.

H.Reserved Parking Spaces for Multifamily Residential Uses. No more than one parking space shall be reserved for the exclusive use of an individual unit unless additional parking is provided above the amount required by BMC 17.74.030. Such additional parking may be assigned for the exclusive use of an individual unit.

I. Common Loading Facilities. The off-street loading facilities requirements of this chapter may be satisfied by the permanent allocation of the prescribed number of berths for each use in a common truck loading facility; provided, that the total number of berths shall not be less than the sum of the individual requirements. As a requirement of approval, an attested copy of a contract between the parties concerned setting forth an agreement to joint use of the common truck loading facility shall be filed with the application for a zoning permit.

J. Computation of Spaces Required. If, in the application of the requirements of this chapter, a fractional number is obtained, one parking space or loading berth shall be required for a fraction of one-half or more, and no space or berth shall be required for a fraction of less than one-half.

K. Uses Smaller than 2,000 Square Feet. Deviations from regular parking standards may be approved by the community development director for uses

smaller than 2,000 square feet. Circumstances which would warrant such consideration and possible approval include:

1. A shared parking arrangement which meets the findings in BMC 17.74.040.

2. Submission of data substantiating that a particular use meets the findings in BMC 17.74.060.

3. Ample on-street parking.

4. A reduction in the standard parking requirement would result in an on-site benefit such as preservation of heritage trees, substantial landscape screening, a unique structure, or other similar site attributes. (Ord. 01-6 N.S., 2001; Ord.87-4 N.S., 1987).

17.74.030 Off-street parking and loading spaces required.
Independently accessible off-street parking and loading spaces shall be provided in accord with the following Table 1 and Schedules A and B. For off-street loading, references in Schedule A are to Schedule B, which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of gross floor area unless
otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators. Where the use is undetermined, the community development director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the community development director may require the submission of survey data from an applicant or collected at an applicant's expense.

Table 1: Number of Off-Street Parking Spaces Required

Use Classifications	**Downtown Mixed Use Districts**	**Other Districts**
Residential	See Downtown Mixed Use Master Plan	See Schedule A
Nonresidential — First Floor — Above First Floor — Loading Spaces	See Downtown Mixed Use Master Plan	See Schedule A
Use Classifications	**Off-Street Parking Spaces: Schedule A**	**Off-Street Parking Spaces: Schedule B Group Number**

Residential		
Group Residential	1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes	1
Live/Work Quarters	1 per unit	
Multifamily Residential Studio units One of two bedroom units Three or more bedrooms At least one space per unit shall be covered	 1.2 spaces per unit 1.5 spaces per unit 2.0 spaces per unit	
Residential Care, Limited	1 per 3 beds	
Single-Family Residential	2 including 1 covered/unit	
Senior Citizens' Housing	0.50 spaces per unit (Also see BMC 17.74.050)	
Public and Semipublic		
Cemetery	As specified by use permit	
Clubs and Lodges	1 per 100 sq. ft. used for assembly purposes	3
Conference and Meeting Facilities	1 per 100 sq. ft. used for assembly purposes or as specified by use permit	2
Convalescent Facilities	1 per 3 patient beds	3
Cultural Facilities	I per 300 sq. ft.	3
Day Care, General	1 per 7 children; maximum enrollment based on maximum occupancy load	
Detention Facilities	As specified by use permit	3
Government Offices	1 per 300 sq. ft.	2
Heliports	As specified by use permit	
Hospitals	I per 1.5 beds	3
Maintenance and Service Facilities	1 per 500 sq. ft.	1
Park and Recreation Facilities	As specified by design review and use permit for private facilities	
Public Safety Facilities	As specified by use permit	3
Religious Assembly:		
In an R District	I per 4 fixed seats, or I per 50 sq. ft. of seating area if there are no fixed seats	3
	1 per 8 fixed seats, or 1 per	

In a C District	100 sq. ft. of seating area if there are no fixed seats	3
Residential Care, General	1 per 3 beds; plus additional specified by use permit	3
Schools, Public or Private	As specified by use permit	1
Utilities, Major	As specified by use permit	1
Commercial:		
Adult Businesses	1 per 250 sq. ft.	1
Ambulance Services	I per 500 sq. ft.; plus 2 storage spaces	1
Animal Sales and Services: Animal Boarding Animal Grooming Animal Hospitals Animals, Retail Sales	 1 per 400 sq. ft. 1 per 400 sq. ft. 1 per 400 sq. ft. 1 per 250 sq. ft.	
Artists' Studios	1 per 1,000 sq. ft.	
Banks and Savings and Loans:	1 per 250 sq. ft.	2
Drive-Up Service	Queue space for 5 cars per teller	
Building Materials and Services	1 per 1,000 sq. ft. of lot area	1
Catering Services	I per 400 sq. ft.	1
Commercial Recreation and Entertainment:		
Bowling Alleys	3 per alley; plus 1 per 250 sq. ft. of public assembly and retail areas	1
Card Rooms	I per 25 sq. ft. of card-playing floor area	
Electronic Game Centers	I per 400 sq. ft.	
Skating Rinks	1 per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus I per 250 sq. ft. of floor area not used for seating	1
Tennis and Racquetball Clubs	4 per court	
Theaters	1 per 5 fixed seats, or 1 per 35 sq. ft. of seating area if there are no fixed seats	1
Other Commercial		

Recreation and Entertainment	As specified by use permit	
Communications	1 per 500 sq. ft.	2
Eating and Drinking Establishments	1 per 4 fixed seats, or 1 per 50 sq. ft. of seating area if there are no fixed seats	
Cocktail Lounge	1 per 3 fixed seats or 1 per 50 sq. ft. of seating area if there are no fixed seats	1
With Live Entertainment	1 per 5 fixed seats, or 1 per 35 sq. ft. of seating area if there are no fixed seats; plus I per 35 sq. ft. of dance floor	1
With Take-Out Service	3 per 100 sq. ft. of gross area; plus queue space for 5 cars for drive-up service	1
Food and Beverage Sales	1 per 200 sq. ft.	1
Funeral and Interment Services	1 per 35 sq. ft. of seating area	1
Horticulture, Limited	1 per 2 acres	
Laboratories	1 per 500 sq. ft.	1
Maintenance and Repair Services	1 per 500 sq. ft.	1
Marinas	0.8 per berth	1
Marine Sales and Services	1 per 350 sq. ft.	
Nurseries	1 per 1,000 sq. ft. of lot area for first10,000 sq. ft., 1 per5,000 sq. ft. thereafter; plus I per 250 sq. ft. of gross floor area	
Offices, Business and Professional	1 per 300 sq. ft.	
Offices, Medical and Dental	1 per 250 sq. ft.	
Pawn Shops	1 per 250 sq. ft.	1
Personal Improvement Services:	1 per 250 sq. ft.	
Dance or Music Studio	1 per 600 sq. ft.	
Personal Services	I per 250 sq. ft.	
Research and Development Services	1 per 400 sq. ft.	
Retail Sales Not Listed Under Another Use Classification	1 per 200 sq. ft. for less than 5,000 sq. ft.; I per 250 sq. ft. over 5,000 sq. ft.	

Vehicle/Equipment Sales and Services:		
Automobile Rentals	1 per 400 sq. ft.; plus 2 storage spaces	1
Automobile Washing	I per 200 sq. ft. of sales, office, or lounge area; plus queue for cars per washing station	
Service Stations	1 per 250 sq. ft. of floor area plus 1 per service bay	
Service Station with Convenience Store	I per 250 sq. ft. of floor area plus I per service bay	
Vehicle/Equipment Repair	1 per 600 sq. ft. of service bay and storage area	1
Vehicle/Equipment Sales and Rentals	1 per 1,000 sq. ft. of lot area	1
Vehicle Storage	1 per 500 sq. ft.	
Visitor Accommodations:		
Bed and Breakfast Inns	1 per guest room; plus 2 spaces	
Hotels and Motels	1 per guest room; plus 1 per 50 sq. ft. of banquet seating area	1
Warehousing and Storage, Limited	I per 2,000 sq. ft.	
Warehousing and Storage, Mini storage	2 per office; plus 2 per caretaker's residence; plus 1 per 10,000 sq. ft. of storage	
Industrial:		
Industry, Custom	1 per 1,000 sq. ft.	3
Industry, General	1 per 1,000 sq. ft.	1
Industry, Limited	I per 750 sq. ft.	3
Industry, Research and Development	1 per 500 sq. ft.	3
Industry, Technology	1 per 750 sq. ft.	3
Port Terminals	I per 2,500 sq. ft. of lot area	
Wholesaling, Distribution and Storage	1 per 1,500 sq. ft.	1

Gross Floor Area (sq. ft.)	10' x 20' x 10 Vertical Clearance	12' x 30' x 14' Vertical Clearance
Use Classification Group I		

0 to 3,000 3,001 to 15,000 15,001 to 50,000 50,001 and over		 1 2 3
Use Classification Group 2 O to IO,000 10,001 to 20,000 20,001 and over	 1 1	 1 1
Use Classification Group 3 O to 30,000 30,001 to 100,000 100,001 and over		 1 2 3

(Ord. 07-21 § 10; Ord. 01-6 N.S., 2001; Ord. 92-18 N.S. § 10, 1992; Ord. 92-9 N.S. § 21,
1992; Ord. 89-1 N.S. §§ 33, 34, 1989; Ord. 87-4 N.S., 1987).

17.74.040 Collective provision of parking.

A. Application. A use permit may be approved for the collective provision of parking serving more than one use of a site. The collective parking may be provided by the private acquisition and development of property or by a public agency in the manner specified by the use permit. A use permit application may include a request to waive all or some of the provisions of BMC 17.74.020(D), (E), (F) and (G). The planning commission may approve such use permit if it finds:

1. That the collective provision of parking and conditions of approval are in accord with the objectives of this title and the purposes of this chapter; and

2. That the collective provision of parking and conditions of approval are consistent with the general plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city; and

3. That the collective parking will comply with all conditions attached to the permit.

B. Reduced Parking. A use permit for collective off-street parking may reduce

the total number of spaces required by this chapter. Any applicant shall submit data substantiating a request for reduced parking requirements. A use permit may reduce the number of collective parking spaces required if the following additional findings are made:

1. That parking demand will be less than the requirement in Table I or Schedule A in BMC 17.74.030; and

2. That the probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand.

C. Special Conditions. In lieu of or in combination with all or a part of the parking provided under subsection (A) of this section, approval of the use permit may include conditions requiring the payment of fees, the participation in a future or existing parking district, and/or other mechanisms deemed appropriate by the city to promote the collective provision of parking. The replacement of parking space requirements by such in-lieu fees shall not be considered a reduction in parking or a reduction in the number of spaces required by this chapter. (Ord. 87-26 N.S., 1987; Ord. 87-4 N.S., 1987).

17.74.050 Increased parking in senior citizens' housing developments.
The number of spaces required may be increased above the number specified in Schedule A of BMC 17.74.030; provided, that findings are made for each of the following:

A. The extent of parking problems, if any, in the neighborhood;

B. The probability that the prospective residents will have more than two vehicles per dwelling unit;

C. The age and socioeconomic characteristics of prospective tenants;

D. The ability to alleviate and correct unexpected parking problems resulting from the proposed development in the future; and

E. The proximity of public transportation or the availability of a separate transportation system for the residents of the development.

Approval of reduced parking shall require that a covenant be recorded stipulating that all parking requirements of this title will be met in the event of a change in the use of the property. (Ord. 87-4 N.S., 1987).

17.74.060 Reduced parking for other uses.
A use permit may be approved reducing the number of spaces to less than the number specified in the schedules in BMC 17.74.030 provided, that the following

findings are made:

A. The parking demand will be less than the requirement in Schedule A or B of BMC 17.74.030 and

B. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand.

In reaching a decision, the planning commission shall consider survey data submitted by an applicant or collected at the applicant's request and expense. (Ord. 87-4 N.S., 1987).

17.74.070 Parking spaces for the handicapped.
All parking facilities shall comply with the requirements of the California Administrative
Code (Title 24, Part 2, Chapter 2-71) and with the sign requirements of the California
Vehicle Code, Section 22507.8. (Ord. 87-4 N.S., 1987).

17.74.080 Bicycle parking.
A. Where Required. Bicycle parking spaces shall be provided as required by this section; the provisions of BMC 17.74.020 shall apply.

B. Number Required.

1. Public and semipublic use classifications: as specified by use permit.

2. Commercial recreation and entertainment: as specified by use permit.

3. All other commercial use classifications: five percent of the requirement for automobile parking spaces, except for the following classifications, which are exempt:

a. Ambulance services;

b. Animal boarding;

c. Animal grooming;

d. Catering services;

e. Commercial filming;

f. Horticulture, limited;

g. Funeral and interment services;

h. Swap meets, recurring;

i. Vehicle/equipment sales and services (all classifications).

C. Design Requirements. For each bicycle parking space required, a stationary object shall be provided to which a user can secure both wheels and the frame of a bicycle with a user-provided six-foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket. (Ord. 87-4 N.S., 1987).

17.74.090 Parking space dimensions.
Required parking spaces shall have the following minimum dimensions:

Use	Type of Space	Large Car (ft.)	Small Car (ft.)
Residential	In separate garage or carport housing 6 or fewer cars, or with door at rear of each space	9 x 19	9 x 19
Residential	In garage or carport housing more than 6 cars with access via aisle	9 x 18	7.5 x 15
Nonresidential	All spaces	9 x 18	7.5 x 15
All	Parallel spaces	8 x 22	8 x 22

(Ord. 87-4 N.S., 1987).

17.74.100 Application of dimensional requirements.
A. All reserved resident spaces shall be large-car spaces. Up to 30 percent of non-reserved resident spaces may be small-car spaces. For industrial or commercial uses, up to 30 percent of all spaces may be small-car spaces. Customers or visitors shall be deemed to occupy the following proportions of spaces serving nonresidential uses:

1. Visitor accommodations: 90 percent;

2. Manufacturing, distribution, and wholesaling: 10 percent;

3. Offices other than public, medical, banks and savings and loans; other financial services: 15 percent;

4. All other residential: 80 percent.

The community development director shall consider evidence presented by an applicant demonstrating lower ratios of customer demand and may adjust parking space size requirements accordingly for a specific use. The community development director also may approve allowing up to half of the required resident spaces to be small-car spaces if such spaces are not assigned.

B. Relation to Aisles.

1. Each parking space adjoining a wall, column, or other obstruction higher than 0.5 feet shall be increased by one foot on each obstructed side; provided, that the increase may be reduced by 0.25 feet for each one foot of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space.

2. An aisle providing access to a parking space perpendicular to the aisle shall extend two feet beyond the required width of the parking space.

(Diagram excluded for purpose of this review. No changes proposed)

C. Vertical Clearance. Vertical clearance for parking spaces shall be seven feet, except that an entrance may be 6.67 feet and the front five feet of a parking space servicing a residential use may be 4.5 feet.

D. Wheel Stops. All spaces shall have centerline wheel stops 2.5 feet from a fence or wall. When a parking space abuts a landscaped planter, the front two feet of the required length for a parking space may overhang the planter. When a parking space abuts a walkway, the front two feet of the required length of a parking space may overhang the walkway if the walkway is at least seven feet wide; otherwise the full length shall be provided, and a wheel stop shall be installed two feet from the walkway. (Ord. 89-1 N.S.§ 35, 1989; Ord 87-4 N.S., 1987).

17.74.110 Aisle dimensions.
Aisle widths adjoining large-car spaces shall be as follows:

Increase in Parking Space Width (ft.)	Minimum Aisle Width for Specified Parking Angle (ft.)			
	90°	75°	60°	45° or less
0.00	24	22	16	12
0.25	23	21		
0.50	22	20		
0.75	21	10		
1.00 or more	20			

Aisle widths adjoining small car spaces having a base width of 7.5 feet, except

where increased by adjoining obstructions, shall be as follows:

Minimum Aisle Width for Specified Parking Angle (ft.)

90°	75°	60°	45°or less
20	17.4	14	11

(Ord. 87-4 N.S.; 1987)

17.74.120 Specific parking area design.
Where an applicant can demonstrate to the satisfaction of the community development director that variations on the dimensions otherwise required by this chapter are warranted, to accommodate tandem spaces, for example, a specific parking area design may be approved under the following limitations:

A. The area affected by the specific design shall be for parking by persons employed on the site only. Visitor parking stalls shall meet the dimensions required, with variations permitted only for a valet parking program.

B. The surface area available for parking shall not be less than would be required to accommodate the minimum required number of stalls for large and small cars, with reductions permitted only for tandem parking and valet parking programs.

No use for which a tandem or valet parking program has been approved shall be continued if such a program is abandoned unless the parking area is reconfigured to provide the number of independently accessible spaces required by this chapter. (Ord.
87-4 N.S., 1987).

17.74.130 Parking access from street.
Access to parking spaces, other than four or fewer spaces serving a residential use in an
R district, shall not require backing across a street property line. An alley may be used as
maneuvering space for access to off-street parking.

All spaces in a parking facility shall be accessible without reentering a public right-of-way unless it is physically impossible to provide for such access. (Ord. 87-4 N.S., 1987).

17.74.140 Driveway widths and clearances.
Driveways shall have the following widths plus a minimum of one foot additional clearance on each side of a vertical obstruction exceeding 0.5 foot in height.

A. Serving a residential use	6 or fewer spaces	8 ft.

	7or 25 spaces 26 or more spaces	12ff. 12ft. 1-way 20 ft. 2-way
B. Serving a nonresidential use	14 or fewer spaces 15 or more spaces	12 ft. 12 ft. 1-way 20 ft. 2-way

In addition, all driveways shall comply with the fire department's standards for access roads and fire lanes. (Ord. 87-4 N.S., 1987).

17.74.150 Driveways and intersections — Visibility.
Visibility of a driveway crossing a street property line shall not be blocked between a
height of three and one-half feet and seven feet for a depth of five feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of 50 feet or at the nearest property line intersecting the street property line, whichever is less (see Diagram 17.74.150). For intersections, no structure, including but not limited to fences and gates, shall be maintained higher than three feet above grade within a triangular area bounded by the right-of-way lines and a diagonal line joining points on the right-of-way lines 25 feet back from the point of their intersections.

(Diagram excluded for purpose of this review. No changes proposed.)

(Ord. 89-1 § 36, 1989; Ord. 87-4 N.S., 1987).

17.74.160 Parking area screening —Walls and fences.
A parking area for five or more cars serving a nonresidential use shall be screened from an adjoining R district, or a ground-floor residential use, by a solid concrete, solid wood, or masonry wall six feet in height, except that the height of a wall adjoining a required
front yard in an R district shall be three feet. A carport or open parking area for five or more cars serving a residential use shall be screened from an adjoining lot in an R district, or a ground-floor residential use, by a solid wall or fence six feet in height, except that the height of a wall or fence adjoining a required front yard in an R district shall be three feet. (Ord. 87-4 N.S., 1987).

17.74.170 Lighting.
Outdoor parking and loading area lighting shall not employ a light pole higher than 18 feet in industrial districts, nor higher than 12 feet in other districts; except

as provided for in BMC 17.70.180(D). Parking lot light poles in industrial areas within 100 feet of residentially zoned property shall be no higher than 12 feet, unless the light source will be blocked from adjacent residentially zoned properties. No light source shall create a cone of direct illumination greater than 60 degrees from a light source higher than six feet, and shall not directly shine onto an adjacent street or an adjacent lot. Minimum illumination at ground level shall be 0.5 footcandles, and shall not exceed 0.5 footcandles in an R district. No light source within a parking structure in an R district shall be visible from a public right-of-way adjoining an R district. (Ord. 99-1 N.S.; Ord. 92-9 N.S. § 18, 1992; Ord. 87-4 N.S., 1987).

17.74.180 Parking lot landscaping.
Parking lot landscaping shall be as prescribed by BMC 17.70.190. (Ord. 87-4 N.S., 1987).

17.74.1 90 Driveways and carports — Design and location in R districts.
The following provisions shall apply to driveways, garages, and carports in R districts, whether they are accessory structures or part of a principal structure:

A. Driveways. Driveways shall be paved and shall have widths and clearances prescribed by BMC 17.74.140, subject to the visibility requirements of BMC 17.74.150.

B. Carports. Carports shall be designed and located so that parked vehicles are not visible from a street, except that not more than two vehicles in a carport in a required rear yard may be visible from a street. (Ord. 87-4 N.S., 1987).

17.74.200 Additional design standards for parking lots and structures.
Parking stalls shall be paved; parking lots shall have paving, drainage, concrete curbs, lighting, space marking, directional signs, litter collection containers, and queuing space for drive-in facilities or ticket-dispensing booths or machines. Maximum driveway grades shall be 16 percent. Wheel stops shall only be permitted where parking spaces directly about a wall or fence, with no intervening walkway or planter, or along a property line where no perimeter landscaping strip is required. (Ord. 89-1 N.S. § 37, 1989; Ord. 87-4 N.S., 1987).

17.74.210 Location and design of off-street loading spaces.
Required spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the community development director. A required loading space shall be accessible without backing a truck across a street property line unless the community development director
determines that provision of turn-around space is infeasible and approves alternative access. An occupied loading space shall not prevent access to a

required off-street parking space. A loading area shall not be located in a required yard.

Except in a CG or I district, a loading area visible from a street shall be screened on three sides by a fence, wall, or hedge at least six feet in height. (Ord. 87-4 N.S., 1987).

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Chapter 17.108
DESIGN REVIEW

Sections:

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17.108.100 Appeals.
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17.108.010 Purposes.

Design review is intended to implement general plan policies. More specifically, the purposes of design review are to:

A. Ensure that the location and configuration of structures are visually harmonious with their sites and with surrounding sites and structures, and do not unnecessarily block scenic views from other buildings or public parks or dominate their surroundings to an extent inappropriate to their use;

B. Ensure that the architectural design of structures, their materials and colors are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located;

C. Ensure that plans for the landscaping of open spaces conform with the requirements of this title, and that they provide visually pleasing settings for structures on the site and on adjoining and nearby sites and blend harmoniously with the natural landscape;

D. Prevent excessive and unsightly grading of hillsides, and preserve natural landforms and existing vegetation where feasible;

E. Ensure the provision of adequate, safe and efficient parking and circulation areas, which conform to the requirements of this title;

F. Provide a functional, efficient, and attractive site design which is sensitive to existing uses in the area and to the topography and conditions of the site;

G. Ensure that new development is consistent with specific design guidelines developed for use within the community, where applicable, and to any specific plan or planned development plan. (Ord. 92-9 N.S. § 23, 1992; Ord. 87-4 N.S., 1987).

17.108.020 Applicability.

A. In an H Historic Overlay District. Design approval shall be required prior to issuance of a zoning permit for all projects that involve demolition, construction, or changes in exterior colors or materials, except signs.

B. In All Other Districts. Design approval shall be required prior to issuance of a zoning permit for all projects in all other zones that involve new construction or exterior alterations and additions,, except single-family residences and related accessory buildings, buildings in the IL, IG, IW, and IP districts that are less than 50,000 square feet, and ~~that involve new construction or exterior alterations and additions, except~~ signs. (Ord. 07-21 § 11; Ord. 01-6 N.S., 2001; Ord. 89-1 N.S. § 49, 1989; Ord. 87-4 N.S., 1987).

17.108.030 Sequence of design review.

Design review shall consist of two steps:

A. Preliminary consultation between the project sponsor and the community development director to discuss design guidelines and establish design criteria applicable to the site and use.

B. Design review by the community development director or the design review commission, as prescribed by this chapter. Approval shall require the findings prescribed in BMC 17.108.040(A). (Ord 87-4 N.S., 1987).

17.108.040 Scope of design review.

A. Required Findings. Design approval shall require a finding that the design of a project is consistent with the purposes of this title.

B. Limits on Conditions Required. Changes in a project required as a condition of design approval shall not include use, density, FAR, private open space, parking, or loading requirements more restrictive than those prescribed by applicable district regulations or a valid use permit or variance. (Ord. 87-4 N.S., 1987).

17.108.050 Initiation of design review.

A. Preliminary Consultation. Preliminary consultation shall be initiated by requesting an appointment with the community development director or a designated representative.

B. Design Review. Design review shall be initiated by filing the following with the community development director:

1. A completed application form; and

2. Six sets of the following:

    a. A fully dimensioned site plan showing the locations of existing and proposed structures, driveways, walks, walls, fences and open spaces, property lines, right-of-way lines, dedications and easements, and the relation of the site to the surrounding area;

b. A fully dimensioned landscape plan if required by BMC 17.70.190;

c. Architectural drawings, renderings, or sketches drawn to scale showing elevations of proposed structures and describing exterior materials. Perspective drawings or scale models also may be required at the discretion of the community development director;

d. Floor plans showing the proposed use and exterior wall openings;

e. Proposed screening of all exterior equipment and electrical equipment;

f. Proposed exterior lighting fixtures using catalog cuts or sketches; and

g. Samples or descriptions of all proposed exterior materials and paint colors, including surfacing materials for paved areas.

C. Consolidated Review. An applicant may request simultaneous design review and approval of development plans under Chapter 17.112 BMC if:

1. Development plans and materials are submitted in lieu of, or in addition to, plans and materials required for design review;

2. All other requirements for a zoning permit have been met; and

3. The applicant acknowledges in writing an understanding of the risk of loss if development plans are disapproved or substantial redesign is required. (Ord. 87-4 N.S., 1987).

17.108.060 Review responsibilities.

Except as modified by an adopted conservation plan the following review responsibilities will apply:

A. By the Community Development Director. The community development director shall be responsible for design review for projects greater than 50,000 square feet of gross floor area in the IG, IL, ~~and~~ IW and IP districts, and for projects outside the industrial districts that involve construction of less than 2,500 square feet of floor area.

B. By the Historic Preservation Review Commission. The historic preservation review commission shall be responsible for design review in the RS (nonresidential structures only), RM, RH, C, OS, PS, PD and the H overlay districts, for projects not subject to community development director review. The historic preservation review commission shall hold a public hearing, as provided in BMC 17.108.080, and shall approve, conditionally approve, or disapprove applications for design approval. Decisions of the design review commission may be appealed to the planning commission in accordance with Chapter 1.44 BMC. (Ord. 07-67 § 1; Ord. 07-21 § 12; Ord. 01-6 N.S., 2001; Ord. 99-1 N.S.; Ord. 92-15 N.S. § 20, 1992; Ord. 92-9 N.S. § 24, 1992; Ord. 89-1 N.S. § 51, 1989; Ord. 87-4 N.S., 1987).

17.108.070 Review process and time limits.

A. Prerequisite for Review. Unless an applicant selects consolidated review, as provided in BMC 17.108.050(C), review of development plans shall follow design review.

B. By Community Development Director (IG, IL, ~~and~~ IW, and IP Districts). The community development director shall review plans submitted for design approval within 30 days of receipt and shall approve, conditionally approve, or disapprove the plans. Within five working days after a decision, notice shall be mailed to the applicant.

C. By Design Review Commission (R, C, ~~IP,~~ OS, PS and PD Districts, and H Overlay District). After a duly noticed public hearing, the design review commission shall approve, conditionally approve or disapprove the plans. Within five working days of a design review commission decision, the secretary of the commission shall mail notice of the decision to the applicant.

D. Action Required. All decisions shall be based on the findings required by BMC 17.108.040. Any conditions imposed shall be reasonable and designed to assure attainment of the purposes and standards established by this title. (Ord. 01-6 N.S., 2001; Ord. 92-9 N.S. § 24, 1992; Ord. 89-1 N.S. §§ 52, 53, 1989; Ord. 87-4 N.S., 1987).

17.108.090 Effective date – Lapse and renewal – Alterations.

A. Effective Date. Design review decisions shall become effective at the end of the appeal period ~~on the tenth day after the date of the notices of decision required by this chapter~~, unless appealed as provided in Chapter 1.44 BMC.

B. Lapse of Approvals. Design approval shall lapse two years from its effective date unless:

1. A building permit has been issued and construction diligently pursued; or

2. An occupancy permit has been issued; or

3. The approval is renewed.

C. Renewal. The community development director or the design review commission, as the case may be, may renew design approval for a period of one year upon determining that the findings made remain valid. Application shall be made in writing prior to the lapse of the original approval, but no more than 120 days prior to that date.

D. Changed Plans. The community development director or the design review commission, as the case may be, may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and are consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications. (Ord. 07-67 § 2; Ord. 92-9 N.S. § 24, 1992; Ord 89-1 N.S. §§ 55, 56, 1989; Ord 87-4 N.S., 1987).

17.108.090 Effective date – Lapse and renewal – Alterations.

A. Effective Date. Design review decisions shall become effective at the end of the appeal period~~on the tenth day after the date of the notices of decision required by this chapter~~, unless appealed as provided in Chapter 1.44 BMC.

17.108.100 Appeals.

A. Rights of Appeal and Review. Design review decisions of the community development director may be appealed by any interested party to the historic preservation review commission. Design review decisions of the historic preservation review commission may be appealed, by any interested party, to the planning commission.

B. Procedures – Public Hearings. Procedures for appeals shall be as prescribed by Chapter 1.44 BMC.

C. Limits on Appeals. Appeal decisions of the historic preservation review commission shall be final. (Ord. 07-67 § 3; Ord. 92-9 N.S. § 24, 1992; Ord. 87-4 N.S., 1987).

17.108.110 Design review guidelines.

The design review commission may adopt guidelines for design review consistent with the purposes of this chapter to facilitate the review process. (Ord. 92-9 N.S. § 24, 1992; Ord. 87-4 N.S., 1987).

DRAFT

DRAFT ORDINANCE

CITY OF BENICIA

ORDINANCE NO. 13- REDLINED

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING VARIOUS SECTIONS OF CHAPTER 17.16 (USE CLASSIFICATIONS) AND CHAPTER 17.32 (INDUSTRIAL USES), SECTION 17.46.010 (SCHEDULE S-1) OF CHAPTER 17.46 (USE REGULATIONS SUMMARY), SECTION 17.74.030 (OFF STREET PARKING AND LOADING SPACES REQUIRED) OF CHAPTER 17.74 (OFF-STREET PARKING AND LOADING REGULATIONS) AND SECTIONS OF CHAPTER 17.108 (DESIGN REVIEW) ALL OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO UPDATE THE DEVELOPMENT STANDARDS AND REGULATIONS TO REFINE REGULATIONS IN THE INDUSTRIAL ZONING DISTRICTS

Section 1.

Subsection D of Section 17.16.060 (Industrial use classifications) of Chapter 17.16 (Use Classifications) of Title 17 (Zoning) is amended to read as follows:

D. Industry, Research and Development. ~~Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable, in the opinion of the community development director, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses include biotechnology, films, and nontoxic computer component manufacturers.~~ Establishments engaged in the theoretical or applied study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development, or evaluation. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development. Research and development may include the storage or use of hazardous materials not in excess of the maximum allowable quantities listed in the California Fire Code without express permission of the Fire Chief.

Section 2.

A new subsection E is added to Section 17.16.060 (Industrial use classifications) of Chapter 17.16 (Use Classifications) of Title 17 (Zoning) to read as follows and previous subsections E and D are renumbered to F and G:

E. Industry, Technology. Establishments engaged in the creation, fabrication,

processing, assembling, storage, manufacturing and/or service provision of products and/or processes, related to current or new technologies. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development.

~~E~~F. Port Terminals. Facilities for loading, unloading, transferring and storing raw or finished materials, and incidental freight between modes of transportation. This classification includes the terminals themselves and directly related ancillary activities such as warehousing and other temporary storage, ship repairing, support transportation uses including trucking and railroad yards, freight forwarders, and government offices related to port activity.

~~F~~G. Wholesaling, Distribution and Storage.

1. Wholesaling and Distribution. Facilities primarily engaged in the selling of goods, merchandise, products or materials to retailers, contractors, professional business users, other wholesalers or to agents or brokers. May include related storage, break-bulk activity, redistribution and delivery.

2. Warehousing and Transportation. Storage of products or goods, including household goods, with related local or long-distance trucking and transfer of stored items.

3. Trucking Terminal/Freight Transfer Station. A facility where goods and products are transferred, often directly, from one vehicle to another without the storage of such goods and products on a long-term basis within a warehouse building or storage yard. Includes break-bulk facilities. May include related maintenance facilities and incidental storage of trucks on-site when not in use.

4. Package Distribution. A warehousing and distribution facility used primarily to gather and distribute for delivery, packages and mail.

Section 3.

Subsection A of Section 17.32.010 (Specific purposes) of Chapter 17.32 (Industrial Uses) of Title 17 (Zoning) is amended to read as follows:

A. In addition to the general purposes listed in Chapter 17.04 BMC, the specific purposes of industrial district regulations are to:

1. Provide appropriately located areas consistent with the general plan for a broad range of manufacturing and service commercial uses;

2. Strengthen the city's economic base, and provide employment opportunities

close to home for residents of the city and surrounding communities;

3. Provide a suitable environment for various types of industrial uses, and protect them from the adverse impacts of inharmonious uses;

4. Reserve areas for port terminals and water-related industry;

5. Encourage technologically oriented industrial uses including biotechnology, information technology, "green" technology, clean technology, nanotechnology and laboratory uses; except vivarium, which is prohibited. Vivarium is a facility that engages in the keeping and/or raising of living animals for the purpose of observation, testing, or research;

~~5~~6. Ensure that the appearance and effects of industrial uses are compatible with the character of the area in which they are located;

~~6~~7. Minimize the impact of industrial uses on adjacent residential districts;

~~7~~8. Ensure the provision of adequate off-street parking and loading facilities.

Section 4.

Notes L-4 and L-4.1 and the table in Section 17.32.020 (IL, IG, IW and IP districts — Land use regulations) of Chapter 17.32 (Industrial Uses) of Title 17 (Zoning) are amended as follows. All other notes remain the same.

17.32.020 IL, IG, IW and IP districts — Land use regulations.
In the following schedule, the letter "P' designates use classifications permitted in industrial districts. The letter "L" designates use classifications subject to certain limitations described by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to the "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

IL, IG, IW, and IP Districts: Land Use Regulations

P --Permitted
U --Use Permit
L --Limited (See "Additional Use Regulations")
— --Not Permitted

	IL	IG	IW	IP	Additional Regulations

Residential					(L)
Live/Work Quarters	U	—	—	—	(A)
Public and Semipublic					
Clubs and Lodges	L18	L18	—	L18	
Cultural Institutions	U	U	—	U	
Day Care, General	U	U	—	U	(B)
Government Offices	U	U	U	U	
Heliports	L1	L1	L1	L1	
Maintenance and Service Facilities	P	P	P	—	
Public Safety Facilities	~~U~~L20	~~U~~L20	~~U~~L20	~~U~~L20	~~(C)~~
Religious Assembly	U	U	—	U	(K)
Utilities, Major	U	U	U	U	
Waste Facility	—	U	—	—	
Utilities, Minor	P	P	P	P	
Commercial Uses					
Adult Business	P	P	—	P	(M)
Ambulance Services	P	P	—	P	
Animal Sales and Services					
Animal Boarding	L20	—	—	—	
Animal Hospitals	L20	L20	—	—	
Artists' Studios	P	—	—	~~U~~L20	
Banks and Savings and Loans	L2	L2	—	L2	
Building Materials and Services	~~L3~~P	~~L3~~P	-L12	-L20	
Catering Services	P	P	—	P	
Commercial Filming	~~U~~L20	~~U~~ L20	~~U~~L20	~~U~~L20	
Commercial Recreation and Entertainment	~~L5~~L4	~~L21~~L4	-L12	~~L5~~L4	
Game Center	L8	L8	—	L8	
Communication Facilities	P	P	-P	P	
Eating and Drinking Establishments	L4	L4~~.1~~	L4~~.1~~, 12	L4	
With Wine and Beer Service	L4	L4~~.1~~	L4	L4	
With Full Alcoholic Beverage Service	U	U	U	U	
With Take-Out Service	L4	L4~~.1~~	L4	L4	(D)
Limited	L4	L4	L4	L4	(D)
Food and Beverage Sales	L6	L6	-	L7	
Funeral and Interment Services	L9	—	—	—	
Horticulture, Limited	P	P	—	—	
Laboratories	P	P	—	P	
Maintenance and Repair Services	P	P	L12	P	
Marine Sales and Services	—	—	P	—	
Nurseries	~~U~~P	~~U~~P	—	-U	

Offices, Business and Professional	—	—	—	L13	
Personal Improvement Services	L14	L14	—	14	
Personal Services	L1O	L1O	—	L1O	
Research and Development Services	P	P	—	P	
Vehicle/Equipment Sales and Services					
Automobile Washing	-U	L15	—	—	(E)
Service Stations	~~L16~~U	L16	-L12	-U	
Vehicle/Equipment Repair	L17	L17	—	—	
Vehicle/Equipment Sales and Rentals	~~L11~~U	L11	—	—	
Vehicle Storage	~~U~~P	~~U~~P	L12	—	
Warehousing and Storage, Limited	P	P	L12	U	
Industrial					
Industry, Custom	P	P	L12	P	
Industry, General	—	L19	L12	U	
Industry, Limited	P	P	L12	P	
Small-Scale	P	P	L12	P	
Industry, Research and Development	P	P	—	P	
Industry, Technology	P	P	L12	P	
Port Terminals	—	—	P	—	
Wholesaling, Distribution and Storage					
Wholesaling and Distribution	P	P	-L12	U	
Warehousing and Transportation	P	P	-L12	U	
Trucking Terminal/Freight Transfer Station	U	U	-L12	—	
Package Distribution	P	P	-L12	U	
Agricultural and Extractive Uses					(J)(L)
Mining and Processing	—	U	—	—	
Accessory Uses	P/U	P/U	P/U	P/U	(F)(G)(H)(L)
Temporary Uses					(G)(J)(L)
Animal Shows	U	U	—	—	
Christmas Tree Sales	P	P	—	—	
Circuses and Carnivals	—	U	—	—	
Retail Sales — Outdoor	U	U	U	—	
Swap Meets--Nonrecurring	U	U	--	--	

Trade Fairs	U	U	U	U	
Nonconforming					(I)
Other Uses					
Medical Marijuana Distribution Facilities	–	–	–	–	

IL, IG, IW, and IP Districts: Additional Use Regulations

L-4 ~~Permitted as a secondary use in a building, occupying no more than 2,500 square feet of the building floor area.~~ Permitted as a secondary use in a building occupying no more than 2,500 square feet of the building area. A Community Development Director use permit is required for secondary uses occupying building areas greater than 2,500 square feet but not more than 5,000 square feet, or where the use is the primary use of a building. Not permitted for uses larger than 5,000 square feet.

~~L4.1 Permitted as a secondary use in a building occupying no more than 2,500 square feet of the building area. A Community Development Director Zoning Administrator level use permit is required for secondary uses occupying building areas greater than 2,500 square feet but not more than 5,000 square feet, or where the use is the primary use of a building.~~

Section 5.
Notes L-7, L-7.1, L15, L38, L39 and L46 and table in Section 17.46.010 (Schedule S-1) of Chapter 17.46 (Use regulations summary) of Title 17 (Zoning) are amended as follows. All other notes remain the same.

17.46.010 Schedule S-1.
Schedule S-1 summarizes the use classifications contained in Chapter 17.16 BMC and the base districts in which the uses are permitted or conditional uses. This schedule is intended as a general or summary reference and does not reflect all provisions which may apply to particular uses, sites or districts. For further details the base district regulations contained in Chapters 17.24 to 17.44 BMC should be consulted.

Schedule S-1: Summary of Land Use Regulations							P – Permitted U – Use Permit L – Limited (See "Additional Regulations") – – Not Permitted						
CATEGORY	**RS**	**RM**	**RH**	**CC**	**CO**	**CG**	**CW**	**IL**	**IG**	**IW**	**IP**	**OS**	**PS**
Residential													
Family Day Care, Large	L38	L38	L38	–	–	–	–	–	–	–	–	–	–

Family Day Care, Small	P	P	P	–	–	–	–	–	–	–	–	–	–
Group Residential	–	U	U	–	–	U	–	–	–	–	–	–	–
Live/Work Quarters	–	–	–	P	–	P	P	U	–	–	–	–	–
Multifamily Residential	–	P	P	L1	L1	–	P	–	–	–	–	–	–
Residential Care, Limited	P	P	P	–	–	–	P	–	–	–	–	–	–
Single-Family Residential	P	P	P	L1	L1	–	L1	–	–	–	–	P	–
Public and Semipublic													
Adult Day Health Care	U	U	U	U	U	–	U	U	U	–	U	–	U
Cemetery	–	–	–	–	–	–	–	–	–	–	–	U	U
Clubs and Lodges	–	U	U	U	U	P	P	L36	L36	–	L36	–	U
Convalescent Facilities	–	U	U	–	–	–	–	–	–	–	–	–	U
Cultural Institutions	–	U	U	U	U	P	P	U	U	–	U	–	U
Day Care Center	U	U	U	U	U	–	U	L45	L45	–	L45	–	U
Detention Facilities	–	–	–	–	–	–	–	–	–	–	–	–	U
Government Offices	–	–	–	P	P	P	P	U	U	U	U	L3	P
Heliports	–	–	–	–	–	–	–	L17	L17	L17	L17	–	L17
Hospitals	–	–	–	–	U	U	–	–	–	–	–	–	U
Maintenance and Service Facilities	–	–	–	–	–	–	–	P	P	P	–	–	U
Park and Recreation Facilities	L5	L5	L5	–	–	–	P	–	–	–	–	P	P
Public Safety Facilities	U	U	U	U	U	U	U	~~U~~L39	~~U~~L39	~~U~~L39	~~U~~L39	P	U
Religious Assembly	U	U	U	P	U	U	U	L37	L37	L37	–	U	U
Residential Care, General	–	U	U	U	U	–	–	–	–	–	–	–	U
Schools, Public or Private	U	U	U	U	U	–	–	–	–	–	–	–	U
Utilities, Major	U	U	U	U	U	U	U	U	U	U	U	U	U
Waste Facility	–	–	–	–	–	–	–	–	U	–	–	U	U
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P

Commercial Uses													
Adult Businesses	–	–	–	–	–	L4	–	–	–	–	–	–	–
Ambulance Services	–	–	–	–	–	P	–	P	P	–	P	–	–
Animal Sales and Services													
Animal Boarding	–	–	–	–	–	L39	–	L39	–	–	–	–	–
Animal Grooming	–	–	–	L15	–	P	–	–	–	–	–	–	–
Animal Hospitals	–	–	–	–	L39	L39	–	L39	L39	–	–	–	–
Animals – Retail Sales	–	–	–	–	–	P	P	–	–	–	–	–	–
Artists' Studios	–	–	–	P	P	P	P	P	–	–	~~U~~L39	–	–
Banks and Savings and Loans	–	–	–	–	P	P	–	L6	L6	–	L6	–	–
With Drive-Up Service	–	–	–	–	U	U	–	–	–	–	–	–	–
Building Materials and Services	–	–	–	–	–	P	–	~~L11~~P	~~L11~~P	- L20	- L39	–	–
Catering Services	–	–	–	P	P	P	P	P	P	–	P	–	–
Commercial Filming	–	–	–	U	U	U	U	~~U~~L39	~~U~~L39	~~U~~L39	~~U~~L39	U	U
Commercial Recreation and Entertainment	–	–	–	U	L34	U	U	L28	L44	–	L28	U	U
Communication Facilities	–	–	–	–	–	P	–	P	P	–	P	–	–
Conference and Meeting Facilities	U	U	U	U	U	L41	L41	–	–	–	–	–	–
Eating and Drinking Establishments	–	–	–	P	P	P	P	L7	L7~~.1~~	L7	L7	–	–
With Wine and Beer Service	–	–	–	P	P	P	P	L7	L7~~.1~~	L7	L7	–	–
With Full Alcoholic Beverage Service	–	–	–	U	U	U	U	U	U	U	U	–	–
With Live Entertainment	–	–	–	–	–	U	U	–	–	–	–	–	–
With Take-Out Service	–	–	–	U	–	P	P	L7	L7~~.1~~	L7	L7	L21	–
Drive-Up	–	–	–	U	–	U	–	–	–	–	–	–	–

Limited	–	–	–	P	P	P	P	L7	L7~~.1~~	L7	L7	–	–
Truck Stop	–	–	–	–	–	U	–	–	–	–	–	–	–
Food and Beverage Sales	–	–	–	L8	–	L8	L8	~~L8~~L46	~~L8~~L46	–	L18	–	–
Funeral and Interment Services	–	–	–	L7	L9	L10	–	L30	–	–	–	–	–
Horticulture, Limited	L24	L24	L24	–	–	–	–	P	P	–	–	L24	–
Laboratories	–	–	–	–	P	P	–	P	P	–	P	–	–
Maintenance and Repair Services	–	–	–	–	–	P	–	P	P	L20	P	–	–
Marinas	–	–	–	–	–	–	P	–	–	–	–	–	–
Marine Sales and Services	–	–	–	–	–	–	P	–	–	P	–	–	–
Nurseries	–	–	–	U	–	P	–	~~U~~P	~~U~~P	–	-U	–	–
Offices, Business and Professional	–	–	–	P	P	P	P	–	–	–	L22	–	–
Pawn Shops	–	–	–	–	–	P	–	–	–	–	–	–	–
Personal Improvement Services	–	–	–	L8	U	L15	–	L23	L23	–	L23	–	–
Personal Services	–	–	–	P	L35	P	P	L13	L13	–	L13	–	–
Research and Development	–	–	–	–	–	P	–	P	P	–	P	–	–
Retail Sales	–	–	–	P	–	P	P	–	–	–	–	–	–
Secondhand Appliance/Clothing	–	–	–	–	–	P	–	–	–	–	–	–	–
Swap Meets, Recurring	–	–	–	–	–	U	–	–	–	–	–	–	–
Vehicle/Equipment Sales and Services													
Automobile Rentals	–	–	–	–	–	L32	–	–	–	–	–	–	–
Automobile Washing	–	–	–	–	–	U	–	- U	L26	–	–	–	–
Service Stations	–	–	–	L27	–	U	–	~~L29~~U	L29	-L20	- U	–	–

Vehicle/Equipment Repair	–	–	–	–	–	L40	–	L31	L31	–	–	–	–
Vehicle/Equipment Sales and Rentals	–	–	–	–	–	P	–	~~L19~~U	L19	–	–	–	–
Vehicle Storage	–	–	–	–	–	–	–	U	U	L20	–	–	–
Visitor Accommodations													
Bed and Breakfast Inns	L40	L40	L40	L40	L40	P	P	–	–	–	–	–	–
Hotels and Motels	–	–	–	–	–	P	P	–	–	–	–	–	–
Warehousing and Storage	–	–	–	–	–	–	–	~~U~~P	~~U~~P	L20	U	–	–
Industrial													
Industry, Custom	–	–	–	–	–	–	–	P	P	L20	P	–	–
Industry, General	–	–	–	–	–	–	–	–	L43	L20	U	–	–
Industry, Limited	–	–	–	–	–	–	–	P	P	L20	P	–	–
Small-Scale	–	–	–	–	–	–	–	P	P	L20	P	–	–
Industry, R and D	–	–	–	–	–	–	–	P	P	–	P	–	–
Industry, Technology	-	-	-	-	-	-	-	P	P	L20	P	-	-
Port Terminals	–	–	–	–	–	–	–	–	–	P	–	–	–
Vivarium	-	-	-	-	-	-	-	-	-	-	-	-	-
Wholesaling, Distribution and Storage													
Wholesaling and Distribution	–	–	–	–	–	–	–	P	P	-L20	U	–	–
Warehousing and Transportation	–	–	–	–	–	–	–	P	P	-L20	U	–	–
Trucking Terminal/Freight Transfer Station	–	–	–	–	–	–	–	U	U	-L20	–	–	–
Package Distribution	–	–	–	–	–	–	–	P	P	–L20	U	–	–
Agricultural and Extractive Uses													

Animal Husbandry	–	–	–	–	–	–	–	–	–	–	–	P	–
Crop Production	–	–	–	–	–	–	–	–	–	–	–	P	–
Mining and Processing	–	–	–	–	–	–	–	–	U	–	–	–	–
Accessory Uses	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U
Temporary Uses	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25	L25

Additional Regulations for Land Use

L-7 ~~Permitted as a secondary use in a building, occupying no more than 2,500 square feet of the building floor area.~~ Permitted as a secondary use in a building, occupying no more than 2,500 square feet of the building area. A Community Development Director use permit is required for secondary uses occupying building areas greater than 2,500 square feet but not more than 5,000 square feet, or where the use is the primary use of a building. Not permitted for uses larger than 5,000 square feet.

~~L-7.1 Permitted as a secondary use in a building, occupying no more than 2,500 square feet of the building area. A use permit is required for secondary uses occupying building areas of 2,501 to 5,000 square feet, or where the use is the primary use of a building.~~

L-15 ~~Public works and~~ Community development director use permit required only for dance and music studios. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure which is completely enclosed and soundproofed, or is located at least 300 feet away from the property line of the nearest residential use;

2. The proposed use will not operate prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week.

L-38 ~~Public works and c~~Community development director may approve use permits for large family day care homes caring for nine to 14 children, as defined in Chapter 3.4 of the California Health and Safety Code.

L-39 ~~Public works and c~~Community development director use permit required. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning

permit:

L-46 Use permit required for establishments occupying more than 1,000 square feet.

Section 6.

Section 17.74.030 (Off street parking and loading spaces required) of Chapter 17.74 (Off street parking and loading regulations) of Title 17 (Zoning) is amended to add parking regulations for Industry, Technology as follows:

Table 1: Number of Off-Street Parking Spaces Required

Use Classifications	Off-Street Parking Spaces: Schedule A	Off-Street Parking Spaces: Schedule B Group Number
Industry, Technology	1 per 750 sq. ft.	3

Section 7.

Subsection B of Section 17.108.020 (Applicability), Section 17.108.060 (Review responsibilities), Section 17.108.070 (Review process and time limits), 17.108.090 (Effective date – Lapse and renewal – Alterations) of Chapter 17.108 (Design review) of Title 17 (Zoning) are amended to read as follows:

B. In All Other Districts. Design approval shall be required prior to issuance of a zoning permit for all projects in all other zones that involve new construction or exterior alterations and additions, except single-family residences and related accessory buildings, buildings in the IL, IG, IW, and IP districts that are less than 50,000 square feet, and ~~that involve new construction or exterior alterations and additions, except~~ signs.

17.108.060 Review responsibilities.
Except as modified by an adopted conservation plan the following review responsibilities will apply:

A. By the Community Development Director. The community development director shall be responsible for design review for projects greater than 50,000 square feet of gross floor area in the IG, IL, ~~and~~ IW and IP districts, and for projects outside the industrial districts that involve construction of less than 2,500 square feet of floor area.

B. By the Historic Preservation Review Commission. The historic preservation review

commission shall be responsible for design review in the RS (nonresidential structures only), RM, RH, C, OS, PS, PD and the H overlay districts, for projects not subject to community development director review. The historic preservation review commission shall hold a public hearing, as provided in BMC 17.108.080, and shall approve, conditionally approve, or disapprove applications for design approval. Decisions of the design review commission may be appealed to the planning commission in accordance with Chapter 1.44 BMC.

17.108.070 Review process and time limits.
A. Prerequisite for Review. Unless an applicant selects consolidated review, as provided in BMC 17.108.050(C), review of development plans shall follow design review.

B. By Community Development Director (IG, IL, ~~and~~ IW, and IP Districts). The community development director shall review plans submitted for design approval within 30 days of receipt and shall approve, conditionally approve, or disapprove the plans. Within five working days after a decision, notice shall be mailed to the applicant.

C. By Design Review Commission (R, C, ~~IP~~, OS, PS and PD Districts, and H Overlay District). After a duly noticed public hearing, the design review commission shall approve, conditionally approve or disapprove the plans. Within five working days of a design review commission decision, the secretary of the commission shall mail notice of the decision to the applicant.

D. Action Required. All decisions shall be based on the findings required by BMC 17.108.040. Any conditions imposed shall be reasonable and designed to assure attainment of the purposes and standards established by this title.

17.108.090 Effective date – Lapse and renewal – Alterations.
A. Effective Date. Design review decisions shall become effective at the end of the appeal period ~~on the tenth day after the date of the notices of decision required by this chapter~~, unless appealed as provided in Chapter 1.44 BMC.

Section 8.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

* * * * *

On motion of Council Member _____, seconded by Council

Member _____, the ordinance was introduced at a regular meeting of the City Council on the _____day of _____, 2013, and adopted at a regular meeting of the City Council held on the _____, 2013, by the following vote:

Ayes:
Noes:
Abstain:
Absent:

_____
Elizabeth Patterson, Mayor

ATTEST:

_____
Lisa Wolfe, City Clerk

Dated: _____

INTIAL STUDY/NEGATIVE DECLARATION

THE CITY OF BENICIA CALIFORNIA

INITIAL STUDY/NEGATIVE DECLARATION

PROJECT INFORMATION

Project Title:	City of Benicia Industrial Zoning Text Amendments
Lead Agency Name and Address:	City of Benicia 250 East L Street Benicia, CA 94510
Project Location:	City of Benicia
Project Sponsor's Name and Address:	City of Benicia 250 East L Street, Benicia, Ca 94510
General Plan Designation:	Industrial (General, Limited and Waterfront)
Zoning:	IL (Limited Industrial), IG (General Industrial), IW (Water Related Industrial), IP (Industrial Park)
Assessor's Parcel No.	N/A
Contact Person:	Amy Million, Principal Planner
Phone Number:	707-746-4280
Date Prepared:	May 21, 2013

PROJECT DESCRIPTION

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. The amendments seek to balance the community's goal of preserving the integrity of the industrial base by encouraging new types of industrial business opportunities, including for existing industrial tenants. The amendments also seek to expedite project review of proposed uses and construction and create greater certainty in the process for industrial property owners relevant to uses and development standards about what is allowed and what requires City review. There are three parts to the amendments, including design review authority, simplifying land use regulations, and adding Research and Development and Technology to the list of permitted uses.

The proposed amendments do not allow "new" land uses per se (i.e. ones not currently permitted). Instead, they provide for broader definitions of the industrial use classification currently in Section 17.16.060.D of the Zoning Ordinance:

> D. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale...

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 1998 General Plan Environmental Impact Report. No additional development capacity is proposed and the proposed uses are similar in nature and intensity to other uses allowed in the Zoning Ordinance, including Research and Development, Office, and Manufacturing uses. The Benicia General Plan Economic Development section (Chapter 2, Section B) states on page 38,

> The tax revenues that the BIP and other heavy industrial uses generate allow the City to provide a relatively high level of public services, including its own library system. As a result, the Economic Development Goals, Policies, and Programs emphasize the importance of protecting existing heavy industrial uses.
>
> Many also believe, however, that Benicia can capitalize on its central location by diversifying its economy and attracting more high-technology firms and tourists. Although a radical shift in the types of businesses that locate in the city over the next 20 years is not expected, more non-industrial activities are desired in the future. Measures to increase the diversity of industries and land uses therefore can also be found in the Economic Development Goals, Policies, and Programs.

Any proposed new development or construction in the industrial zoning districts remains subject to the City of Benicia's review processes. Each project is reviewed and analyzed pursuant to the Benicia Municipal Code, Benicia Industrial Design Guidelines, CEQA Guidelines, the City of Benicia's Environmental Review procedures and the Benicia General Plan.

DESIGN REVIEW

The industrial design guidelines adopted decades ago have helped ensure that the Benicia Industrial Park maintains an industrial setting; however, it has become clear that in most cases the guidelines can be consulted as part of building permit review and not require additional time and process. Accordingly, the amendments include eliminating separate design review, except for the very largest buildings (50,000+ sq. ft.). These projects would still be reviewed only by staff, not a commission.

SIMPLIFY LAND USE REGULATIONS

The list of allowed uses in industrial zones establishes rules for a variety of business activities. The proposed changes would simplify review of many types of uses and reduce the time needed to obtain approval. For example, a use permit with a public hearing is currently required for plant nurseries in two of the industrial zones. The revisions would instead allow them as a permitted use without any review other than building permit.

"INDUSTRY, RESEARCH AND DEVELOPMENT" AND "INDUSTRY, TECHNOLOGY" USE CATEGORIES

The City of Benicia has identified new definitions for use categories to help position the Industrial Park as a regional leader with regard to research and development and technological industries. The new uses are similar in nature to other uses already allowed in the industrial zones, including light industry, manufacturing and office uses. None of the proposed uses or categories represents an intensification of use over what is already allowed within the industrial zoning districts.

The proposed new use categories are described as follows:

Industry, Research and Development
Establishments engaged in the theoretical or applied study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development, or evaluation. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development. Research and development may include the storage or use of hazardous materials not in excess of the exempt quantities listed in *Title 15* of the Municipal Code, or etiological (biological) agents up to and including Risk Group 3 or Bio Safety Level 3 classifications as defined by the National Institute of Health (NIH) or the Center for Disease Control (CDC). Higher classification levels of etiological (biological) agents are not allowed without express permission of the Fire Chief.

Industry, Technology
Establishments engaged in the creation, fabrication, processing, assembling, storage, manufacturing and/or service provision of products and/or processes, related to current or new technologies. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development.

ENVIRONMENTAL SETTING

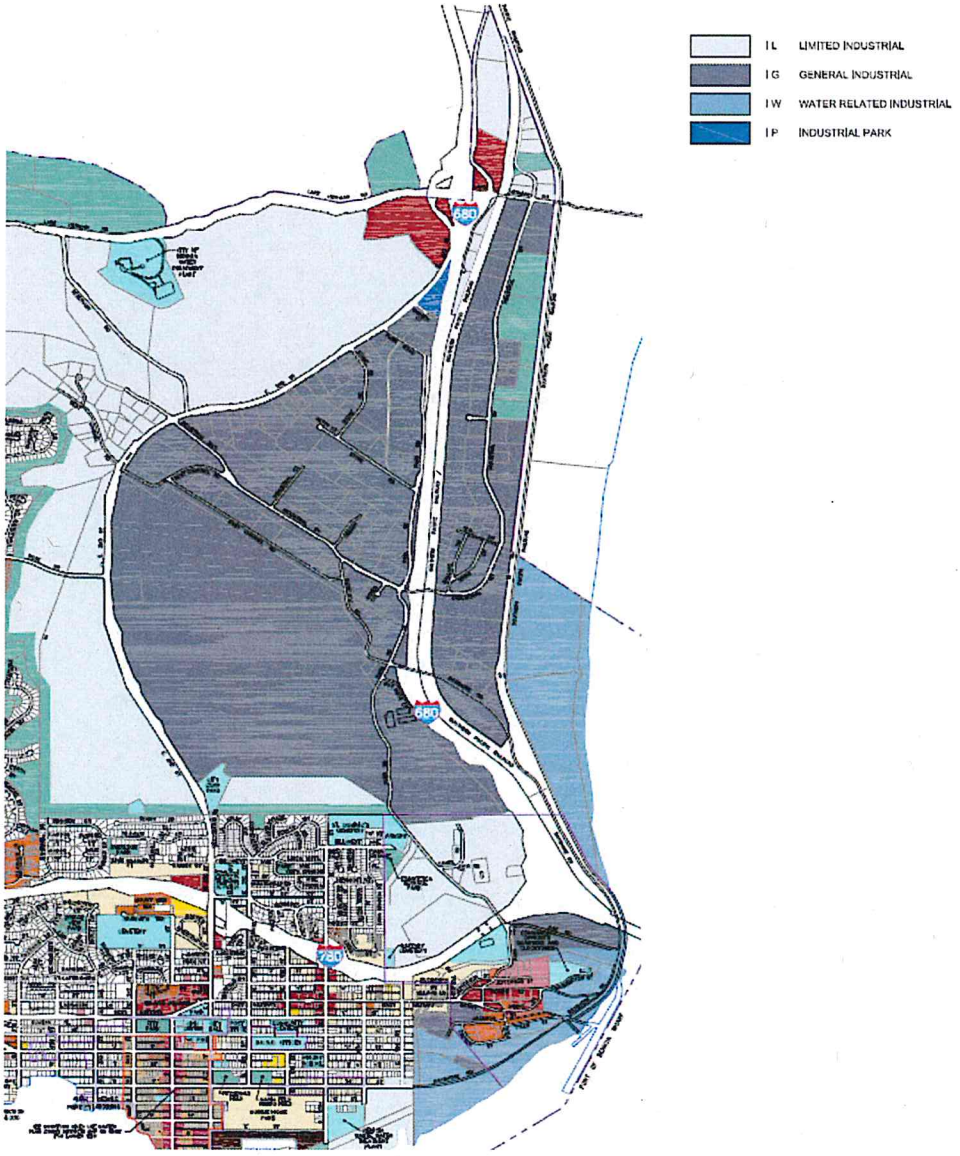
The City of Benicia is approximately 35 miles northeast of San Francisco and 57 miles southwest of Sacramento. It lies on the north shore of the Carquinez Strait, where the combined flow of the Sacramento and San Joaquin rivers have cut a deep gorge through the coast range. The City is built on a peninsula of land that reaches south from the main body of Solano County and creates a prominent bend in the Carquinez Strait. From this peninsula, highway and railroad bridges span the Strait to connect Benicia with Contra Costa County. Views from Benicia encompass the Strait, the foothills of northern Contra Costa County, and Mt. Diablo in the distance. Many Benicia residents work outside the City.

The City is made up primarily of rolling hills, rising to an elevation of 1,160 feet. On the west boundary, Sulphur Springs Mountain reaches approximately 950 feet. Two major drainages, Sulphur Springs Creek to the west, and Paddy Creek to the east, run approximately north-south through the City. The flow from Sulphur Springs Creek is contained by Lake Herman before being joined by Paddy Creek and continuing into the Benicia Industrial Park. The rolling hills reach almost to the shoreline; very little of Benicia is flat. On the southern margins of the City, the land slopes gently down to the Carquinez Strait. Most of the

older residential areas and the Downtown are here. The eastern city limits are bordered by the marshlands of Suisun Bay. Relatively flat areas adjacent to the marshes provide sites for industry. At the southwestern boundary of the City, another flat, marshy area has been preserved as the Benicia State Recreation Area.

Benicia's industrial zoned lands generally comprise approximately 2,500+ acres generally located along the eastern portion of the city limits. They extend from the area south of the I-780/I-680 merge north along the I-680 corridor to northern city limits. The industrial lands extend from the shoreline of the Carquinez Strait on the east to East Second Street and including lands west of East 2nd Street. The industrial area extends to the Open Space zoning that buffers residential zoning further west. West of I-680 the industrial zoning has its northerly limits at Lake Herman Road. See Figure 1.

Figure 1: Benicia Zoning Map



ENVIRONMENTAL FACTORS POTENTIALLY EFFECTED:

None of the environmental factors would be potentially affected by this project. The environmental factors below are discussed in this document.

☐ Aesthetics	☐ Agricultural & Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/ Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

ENVIRONMENTAL CHECKLIST

Pursuant to the CEQA Guidelines an environmental checklist has been completed for the proposed project. That checklist and the discussion of potential environmental effects for each topic area are provided below. None of the topic areas identified in the checklist would be potentially significantly affected by this project.

DETERMINATION: On the basis of this initial evaluation the City of Benicia Community Development Department finds:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Date

_____ _____

City of Benicia, Principal Planner

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a negative declaration.

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a) Earlier Analysis Used. Identify and state where they are available for review.

    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and

   b) The mitigation measure identified, if any, to reduce the impacts to a less than significance.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

1(a). Less than Significant: Adopting the proposed zoning amendments will have a less than significant effect on the scenic vistas within the City of Benicia. The City of Benicia 1999 General Plan Elements contains numerous policies regarding scenic roads and highways. The City of Benicia General Plan has named three principle scenic routes: Interstate Freeway (I) 780 between Glen Cove Road and the Benicia-Martinez Bridge; I-680 between Morrow Lane and the Benicia-Martinez Bridge; and Lake Herman Road. No impacts beyond those identified in the General Plan EIR are anticipated, and thus no mitigation measures are proposed. In addition, any new industrial development is subject to the City of Benicia Industrial Urban Design Guidelines adopted by the Planning Commission in 1989. All proposed projects are subject to the guidelines.

1(b). No Impact: Adopting the proposed zoning text amendments would not result in impacts to scenic resources. Impacts from future growth have been previously identified in the 1998 General Plan EIR. Future development would be required to be consistent with existing adopted General Plan policies that protect the scenic resources of the City of Benicia. Since no impacts to scenic resources are anticipated beyond those identified in the General Plan EIR, no mitigation measures are proposed.

1(c and d). Less than Significant: Adopting the proposed zoning amendments will have a less than significant effect in increased or new sources of light or glare that would impact nighttime views in the area. The Benicia Industrial Design Guidelines, which was adopted by the Planning Commission in 1989, provides clear standards for exterior lighting and shielding. Zoning Ordinance Sections 17.74.170 and 17.70.240(D)(2) also specify lighting standards for all new exterior lighting. Prior to approval of any new projects within the City requiring Use Permit or Design Review approval, the City shall conduct project-specific environmental review to determine whether the project would cause any significant impacts and, where possible, mitigate potential environmental impacts. In addition, any proposed project would have to

conform to any applicable design standards and any adopted local or State codes that regulate public health and safety such as the Uniform Building, Plumbing, Electrical, or Mechanical Codes. Since no new sources of light or glare are anticipated beyond those identified in the General Plan, no mitigation measures are proposed.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II.AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment, which, due to their location or nature could result in conversion of farmland, to non-agricultural use?	☐	☐	☐	☒

2(a-c). No Impact: Adopting the proposed zoning text amendments will have no impact on farmland or agricultural uses located within the City of Benicia. Sites for future development are zoned appropriately; most development will be urban infill and not on designated important farmlands. The Tri-City and County Cooperative Plan for Agriculture and Open Space Preservation has been adopted by the City and is incorporated in the General Plan by reference. In addition, the City's General Plan contains policies that protect open space and land that may be suitable for agricultural production, including a policy that preserves the rangeland north of Lake Herman Road (Policy 3.18.1). Since no impacts to agricultural resources are anticipated beyond those identified in the 1998 General Plan EIR, no mitigation measures are proposed.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Exposure of sensitive receptors to substantial pollution concentrations (emissions from direct, indirect, mobile and stationary sources)?	☐	☐	☐	☒
e) Create objectionable smoke, ash, dust or odors affecting a substantial number of people?	☐	☐	☐	☒

3(a). No Impact: The City of Benicia is located in the San Francisco Bay air basin and is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The BAAQMD is charged with implementing regulations and programs to reduce air pollution and assist the Bay Area in reaching all outdoor air quality standards. The 2005 Bay Area Ozone Strategy and the 2010 Bay Area Clean Air Plan contain district wide control measures to reduce ozone precursor and carbon monoxide emissions. The BAAQMD Compliance and Enforcement Division routinely conducts inspections and audits of potential polluting sites to ensure compliance with applicable federal, State, and BAAQMD regulations. The City's General Plan is in conformance with the Clean Air Plan. The proposed industrial zoning text amendments are consistent with the City's General Plan and as a result the project would not conflict with implementation of the Clean Air Plan.

Air quality impacts resulting from the anticipated growth and development of the City were addressed in the 1998 EIR for the Benicia General Plan. No new or increased development impacts will increase beyond what is already anticipated in the 1999 General Plan as a result of the zoning text amendments. Adopting the amendments will not conflict with or obstruct implementation of the Clean Air Plan for the Bay Area.

3(b-c). No Impact: In 1998, the Bay Area recorded excesses of the national one-hour standard on 8 days and excesses of the state standard on 29 days. In 2000, excesses of the national one-hour ozone standard were recorded on 3 days and excesses of the State standard were recorded on 12 days. To comply with state air quality standards for ozone, BAAQMD prepared the Clean Air Plan for the Bay Area in 1991 and that plan has been updated every three years since, with the latest update in 2010. The City's General Plan is in conformance with the Clean Air Plan. The proposed zoning text amendments are consistent with the City's General Plan; as a result, the project would not conflict with implementation of the Clean Air Plan. The industrial zoning text amendments do not propose any additional development not anticipated by the 1999 General Plan. Adopting the amendments will not by themselves violate any

air quality standard or result in a cumulatively considerable net increase of any criteria pollutant. Air quality impacts resulting from the anticipated growth and development of the City were addressed in the 1998 EIR for the Benicia General Plan.

3(d). No Impact: The proposed zoning amendments do not propose any site-specific new development. Adopting the industrial zoning text amendments will not by itself expose sensitive receptors to substantial pollutant concentrations. No new or increased impact as a result of the zoning text amendments will result beyond what is already anticipated in the 1999 General Plan. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to air quality, pollutant concentrations, and sensitive receptor exposure.

3(e). No Impact: Adopting the industrial zoning text amendments will not by itself create objectionable odors affecting a substantial number of people. No new or increased impact will result beyond what is already anticipated in the 1999 Benicia General Plan. New projects will be subject to the Benicia Municipal Code, California Environmental Quality Act, Benicia Industrial Design Guidelines and the Benicia General Plan.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of fish and Game or U.S. Fish and Wildlife service?	☐	☐	☐	☒
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒

4(a). No Impact: Adopting the proposed industrial zoning text amendments will not by themselves have a substantial adverse effect, either directly or indirectly through habitat modifications, on any species identified as a threatened, endangered, candidate, sensitive, or special status. The 1998 City of Benicia General Plan EIR records that occurrences of several plant and animal species with special-status have been recorded or are suspected to occur in the southern Solano County area and Benicia vicinity. Several of these have been reported in the City, and most of these are associated with tidal marshland habitat. A number of the natural communities in the City have a high inventory priority with the California Natural Diversity Database (CNDDB) due to rarity and threats, and are considered sensitive resources.

The Open Space and Conservation of Resources section in Chapter 3 (Community Identity) of the 1999 Benicia General Plan focuses on habitat protection in order to protect these species through numerous goals, policies, and programs. Impacts on such species either directly or through habitat modifications resulting from the anticipated growth and development of the City were addressed in the City of Benicia 1998 General Plan EIR. The proposed industrial zoning text amendments do not propose any activities that would adversely affect any species identified as a threatened, endangered, candidate, sensitive, or special status. No new or increased impacts as a result of the amendments will result above what is already anticipated in the General Plan. The level and significance of environmental impacts resulting from future development projects will be further assessed in accordance with CEQA. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to any biological resources identified as a candidate, sensitive, or special status species.

4(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself have a substantial effect on any riparian habitat or other sensitive natural community. The goals and policies in the Open Space and Conservation of Resources section of the 1999 Benicia General Plan would serve to protect wetlands, habitat for special-status species, native vegetation, wildlife habitat, and movement corridors. Additional biological and wetland assessments would be required as part of environmental review of proposed developments, as called for in Policy 3.19.1 and Program 3.19.A of the General Plan. Where sensitive resources are encountered, adequate mitigation would be required through avoidance, minimization, or replacement as called for in numerous policies and programs in the 1999 Benicia General Plan. Impacts to any riparian habitat or other sensitive natural communities resulting from the anticipated growth and development of the City were addressed in the EIR for the Benicia General Plan. No new or increased impacts will result from adopting the proposed industrial zoning text amendments beyond those already anticipated in the 1999 General Plan. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to any sensitive natural communities.

4(c). No Impact: The City of Benicia has numerous wetlands listed in the National Wetland inventory, which include: the intertidal and subtidal estuarine along Carquinez Strait and Suisun Bay; tidal and lower perennial riverine along the lower stretches of sulphur Springs Creek through the Valero Benicia Refinery; limnetic lacustrine and emergent, scrub-scrub, and forested palustrine associated with Lake Herman; emergent, scrub-scrub, and forested palustrine along the various streams and larger drainages; and unconsolidated bottom palustrine at the scattered stock ponds in the City. The Zoning

Ordinance and Open Space and Conservation of Resources section of the 1999 General Plan both have measures that protect waterways. Since no impacts to biological resources are anticipated beyond those identified in the Benicia 1998 General Plan EIR, no mitigation measures are proposed. Adopting the updated proposed industrial zoning text amendments will not by itself have a substantial effect on any federally protected wetlands.

4(d). No Impact: All impacts resulting from the anticipated growth and development within the City were addressed in the Benicia 1998 General Plan EIR. The General Plan EIR did not include any impacts related to substantial interference with the movement of any native resident or migratory fish or wildlife species, with established native resident or migratory wildlife corridors, or that would impede the use of native wildlife nursery sites. Adopting the proposed industrial zoning text amendments will not result in new or increased impacts beyond those already anticipated in the 1999 General Plan. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to any wildlife species.

4(e). No Impact: Adopting the proposed industrial zoning text amendments will not conflict with any local policies or ordinances protecting biological resources. Local policies and ordinances designed to protect biological resources were drafted in response to identified environmental impacts at full build-out as discussed in the 1998 EIR for the Benicia General Plan. Adopting the updated amendments will not change or conflict with any of the existing local policies or ordinances protecting biological resources.

4(f). No Impact: Adopting the proposed industrial zoning text amendments will not conflict with any approved local, regional, or state habitat conservation plan or with the Open Space and Conservation of Resources section of the City of Benicia 1999 General Plan. Open Space and Conservation of Resources section addresses development impacts to plant and animal habitat. Future development within the City will be subject to the policies of the Open Space and Conservation of Resources section and environmental review as required by CEQA.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

5(a). Less than Significant: Adopting the proposed industrial zoning text amendments will not by itself cause a substantial adverse change in the significance of a historical resource within the City of Benicia. Impacts on historical resources resulting from the anticipated growth and development of the City or from the removal, modification or demolition of existing residences were addressed in the 1998 General Plan EIR. Policies and requirements integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all significant impacts to a level of less than significant. The Zoning Ordinance protects historical resources by implementing a Historic Overlay Zone to protect historic or architecturally significant buildings within the City. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review, development standards and compliance with all applicable policies related to any historical resources.

5(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself cause a substantial adverse change in the significance of an archaeological resource. The proposed amendments do not involve revisions to the development standards that would impact cultural and historic resources. Projects will continue to be subject to review and approval by city staff, the Planning Commission and/or the City Council subject to the requirements of the Benicia Municipal Code, General Plan, Benicia Industrial Design Guidelines, CEQA, and the Benicia Environmental Review Procedures.

In addition, existing policies related to cultural resources will continue to apply to future development projects. Adopting the amendments will not result in new or increased impacts on cultural and historic resources. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to any archaeological resources.

5(c). No Impact: Adopting the proposed industrial zoning text amendments will not by itself directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. No site-specific development will occur as a result of implementation. Existing City policies related to cultural resources will continue to apply to future development projects. Adopting the amendments will not result in new or increased impacts on cultural and historic resources. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to any unique paleontological resource or site or unique geologic feature.

5(d). No Impact: Adopting the proposed industrial zoning text amendments will not by itself disturb any human remains, including those interred outside of formal cemeteries. Impact on human remains resulting from the anticipated growth and development of the City or from the removal, modification or demolition of existing residential units were addressed in the 1998 EIR for the Benicia General Plan. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to human remains or other cultural resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Within Benicia, the most significant geologic hazards are those associated with landslides, debris flows, and ground shaking during earthquakes. Other significant geologic hazards include the potential for settlement of structures constructed on filled bay land, expansive soils, cut and fill slopes, and flooding.

The City of Benicia lies within a seismically active region. The principal faults in the area are capable of generating large earthquakes that could produce strong to violent ground shaking in Benicia. The Green Valley fault is the only active fault known in the City. Fault rupture is likely to occur along the Green Valley

fault as a result of an earthquake there. The risk of fault rupture elsewhere in the City is very low.

Within Benicia, the areas most at risk from liquefaction are along the Bay margin and in the flat-lying valley bottoms, in areas underlain by Bay Mud or Alluvium. Figure 4-2 of the Benicia 1999 General Plan shows areas with potential liquefaction hazard. Although liquefaction often causes severe damage to structures, structural collapse is uncommon. The risk to public safety from liquefaction, therefore, is relatively low. Structures can be protected from liquefaction through the use of special foundations.

Landslides are significant geologic hazards in the City. Since the 1906 San Francisco earthquake, damage from landslides has far exceeded that from earthquakes. Landslides are relatively rare in the developed portions of Benicia, but are numerous in the hilly, undeveloped areas. A map of the landslides in the City is shown on the Landslide Map, Plate 2 of the Public Safety Background Report for the Benicia General Plan, February 28, 1996. Another reference is the Department of Mines and Geology Open File Report 86-17 "Landslide Hazards in the Benicia Valley Area". In addition to liquefaction hazards, Figure 4-2 of the City's General Plan also shows areas with potential landslide hazard. Landslides can cause extensive damage to buildings, roadways, or other facilities located in the path of the landslide, and often result in large property losses. Because landslides are slow moving, people are rarely injured or killed. Landslides often result from poorly placed or poorly drained fill.

6(a). Less than Significant: Adopting the proposed industrial zoning text amendments will not by itself expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction and landslides. Impacts to persons and property associated with seismic activity resulting from full build-out of the 1999 Benicia General Plan were addressed in the 1998 General Plan EIR. Standard measures integrated into the General Plan in the form of goals, policies, and implementation measures applicable to future development projects will reduce the potential for impacts to less than significant. Conformance with the California Building Code would also minimize potential impacts from seismic shaking. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and geotechnical evaluation.

6(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial soil erosion or the loss of topsoil. Impacts to soils resulting from the anticipated growth and development of the City were addressed in the 1998 Benicia General Plan EIR. No new or increased impact will result above what is already anticipated in the existing environmental documents as a result of adopting the amendments. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to erosion.

6(c). No Impact: Adopting the proposed industrial zoning text amendments itself will not cause structures to be subject to landslide, lateral spreading, subsidence, liquefaction or collapse. Geologic impacts resulting from the anticipated growth and development of the City were addressed in the 1998 Benicia General Plan EIR. Any development would be subject to all existing City development standards. Any development would be subject to the Benicia Zoning Ordinance related to grading, erosion, and sediment control. Standard measures integrated into the General Plan in the form of goals, policies, and implementation measures applicable to future development projects will reduce the severity of potential impacts. No new or increased impacts will result above what is already anticipated in the existing environmental documents as a result of adopting the amendments. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to landslides, lateral spreading, subsidence, liquefaction and collapse.

6(d). No Impact: Adopting the proposed industrial zoning text amendments itself will not cause development to occur on expansive soil creating substantial risks to life or property. Standard measures integrated into the 1999 General Plan in the form of goals, policies, and implementation measures applicable to future development projects will reduce the severity of potential impacts. No new or increased impacts will result above what is already anticipated in the 1998 Benicia General Plan EIR as a

result of adopting the amendments. Furthermore, all development is subject to all existing City development standards and will be subject to further environmental review and soils analysis.

6(e). No Impact: Adopting the proposed industrial zoning text amendments itself will not cause development to occur on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. All potential development is located within the City's Urban Growth Boundary in urbanized locations where adequate sewer facilities are available. Impacts resulting from the anticipated growth and development of the City were addressed in the Benicia 1998 General Plan EIR. Standard measures integrated into the General Plan in the form of goals, policies, and implementation measures applicable to future development projects will reduce the severity of potential impacts. No new or increased impacts will result beyond those already anticipated in the existing environmental documents as a result of adopting the amendments. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to soils incapable of supporting wastewater disposal.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

The potential effect of greenhouse gas (GHG) emissions on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed above that may have regional and/or local effects, project-generated GHG emissions do not directly produce local or regional impacts, but may contribute to an impact on global climate change. Individual projects contribute relatively small amounts of GHG that, when added to all other GHG producing activities around the world, result in global increases in these emissions. Local or regional environmental effects may occur if the climate is changed. Therefore, a project produces an indirect localized and regional environmental impact from its contribution of GHG and the subsequent change in global climate.

7(a-b). Less than Significant: The California legislature passed Assembly Bill 32 in 2006, requiring that the state reduce greenhouse gas (GHG) emissions to 1990 levels by 2020. An enforceable statewide cap on GHG emissions is being phased in starting this year. In addition, Senate Bill 375 seeks to curb GHGs by reducing urban sprawl and vehicle miles traveled. In response to these legislative actions, the City of Benicia adopted a Climate Action Plan in 2008 which incorporates strategies to reduce emissions. These strategies include education and public outreach, energy production, transportation and land use, buildings, industrial and commercial, water and wastewater, solid waste, and parks and open space.

The proposed industrial zoning text amendments include regulations that support the implementation of the Climate Action Plan and reinforces its overall mission. Although the amendments would accommodate additional land uses, that might in turn generate GHGs through employees' or users' driving and energy use, the margin of increase is lower than it might otherwise be because of the amendments' emphasis on Benicia as an infill location. Benicia currently exports a large number of professional and technology sector workers each day to employment destinations outside of the City. The proposed land uses are an effort to create employment opportunities for Benicia's current residents to reduce commuting and therefore greenhouse gases. Similarly, the City's Climate Action Plan strongly supports local job creation, recognizing the relationship between employment and vehicle miles traveled.

Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable strategies and implementation actions in Climate Action Plan. The proposed industrial zoning text amendments are consistent with the Climate Action Plan, and will help move the City toward the goals established through AB 32 and SB 375. Climate Action Plan related impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the City?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

The City's jurisdiction includes extensive open space (primarily grassland). Residential and industrial uses occur in proximity to these open space areas, posing potential fire safety problems. Figure 4-4 of the 1999 Benicia General Plan shows that a large portion of the City includes potential fire hazards. To address fire prevention in open space areas, the Fire Department administers a vegetation control program.

8(a-g) No Impact: The proposed industrial zoning text amendments by themselves will not involve any physical development activity; therefore will not result in creation or emission of hazardous materials. Regulations related to hazardous materials and waste are implemented by a number of governmental agencies that have established regulations regarding the proper transportation, handling, management, use, storage, and disposal of hazardous materials for specific operations and activities. Pursuant to CEQA, the Department of Toxic Substances Control (DTCS) maintains a hazardous-waste and substances sites list (Cortese List). No sites in Benicia are listed on the DTSC list. A search of other hazardous materials sites on the Cortese list maintained by the California Environmental Protection Agency (CalEPA Geotracker) identifies 77 sites in the City of Benicia. The type of sites included in this list are leaking underground storage tanks sites (LUST), land disposal sites, military sites, permitted underground storage tanks facilities (UST), and DTSC cleanup sites. In the 1999 General Plan only four sites were considered to be located close to sensitive receptors, none of which are located within the project area. They are as follows:

1. 1001 First Street

2. 800 First Street

3. H/ E Second / I/ First Street

4. 1 E & D Streets

Any project proposed in the City would have to conform to any applicable adopted local or State codes that regulate public health and safety, such as the Uniform Building, Plumbing, Electrical, or Mechanical Codes. In addition, any proposed project that would include "Hazardous Materials" is governed by Section 17.70.260 of the Zoning Ordinance. Therefore, adoption of the amendments is a less than significant impact. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to hazards or hazardous material. The proposed project area is not within an airport land use plan area, or within two miles of one. The proposed zoning text amendments are consistent with the 1999 Benicia General Plan and therefore will not interfere with emergency responses plans and will they do not represent any risk of wild land fire.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The Flood Insurance Study and Flood Insurance Rate Maps (FIRM) prepared in 2009 by the Federal Emergency Management Agency (FEMA) identify areas in Benicia subject to flooding during a 100-year

storm. These flood zones consist of several low-lying areas: (1) the lands flanking the shoreline surrounding Lake Herman; (2) the lower reaches of the Sulphur Springs Creek Watershed downstream of Lake Herman; (3) the lands flanking the Benicia shoreline east of East 3rd Street; and (4) the wetlands associated with Benicia State Park on Southampton Bay. A "100-year storm" means that in any year there is one chance out of 100 for a serious flood to occur.

Additionally, all development in Benicia is subject to BMC Chapters 15.48 (Flood Damage Protection) and 15.64 (Storm Water Management and Discharge Control). Compliance with the City of Benicia's existing criteria eliminates the potential for adverse environmental effects.

9(a,b and f). No Impact: Implementation of the proposed industrial zoning text amendments will not result in the depleting, degrading or altering of ground water supplies. The City has adequate water supply resources to accommodate development of the City in compliance with the build-out projection established in the Land Use Element of the 1999 City General Plan.

9(c). No Impact: Implementation of the proposed industrial zoning text amendments will not result in alteration of the existing drainage patterns as it does not call for any specific development projects. Erosion or siltation resulting from the anticipated growth and development of the City were addressed in the 1998 Benicia General Plan EIR. Standard measures integrated into the 1999 General Plan in the form of goals, policies, and implementation measures will reduce the severity of potential impacts. No new or increased impacts as a result of the amendments will result beyond what is already anticipated in the existing environmental documents. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to drainage patterns and erosion or siltation.

9(d). No Impact: Implementation of the proposed industrial zoning text amendments will not alter existing drainage patterns in a manner that would result in substantial alteration of drainage patterns or increases in the rate or amount of surface runoff in a manner that would result in flooding. Impacts on drainage patterns and surface runoff from the anticipated growth and development of the City have been addressed in the 1998 Benicia General Plan EIR and with existing Benicia Municipal Code provisions. Standard measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce the severity of potential impacts. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to drainage patterns and surface runoff.

9(e). No Impact: Implementation of the proposed industrial zoning text amendments will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Issues associated with runoff water resulting from the anticipated growth and development within the City was addressed in the 1998 Benicia General Plan EIR and subsequent environmental documents amending the 1999 General Plan. Specific development projects are subject to the provisions of the Benicia Municipal Code, Benicia Industrial Design Guidelines, CEQA, and Benicia's Environmental Review Procedures. Standard measures integrated into these sources in the form of goals, policies, and implementation will reduce the severity of potential impacts. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with applicable policies and regulations related to erosion and stormwater run-off.

9(g-j). No Impact: The 1999 Benicia General Plan indicates that the City is located within a 100-year flood hazard area. However, since adoption of the 1982 and 1989 Stormwater Master Plans, the City has completed over 40 storm drainage improvement projects. These improvements have significantly reduced the flooding that formerly occurred in Benicia. Impacts from potential flooding have been addressed in the 1998 Benicia General Plan EIR.

Implementation of the proposed industrial zoning text amendments will not involve the exposure of people or structures to a significant risk of loss, injury or death involving flooding, inundation by seiche, tsunami or mudflow. The City of Benicia 1999 General Plan has in place several policies that avoid flood hazards,

and continues to implement the floodplain management policy followed by the City. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies and regulations regarding flood protection, hydrology, and water quality.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

The General Plan contains numerous goals and policies relevant to land use and economic development. Those that are most germane to these zoning text amendments are discussed in this section. As described in the Project Description; the proposed amendments do not in general allow "new" land uses per se. Instead, the proposed amendments provide for broader definitions of the language as with Section 17.16.060.D of the Zoning Ordinance. The new use classification of Industry, Technology involves technology based land uses that are currently allowed in the Zoning Ordinance. The purpose of creating the new use classification is to provide additional clarity and eliminate the need for interpretation of a use's consistency with the Zoning Ordinance.

Section 17.16.060.D currently states:

> *D. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable, in the opinion of the community development director, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses include biotechnology, films, and nontoxic computer component manufacturers.*

The broader language is drafted as follows:

> D. Industry, Research and Development. Establishments engaged in the theoretical or applied study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development, or evaluation. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development. Research and development may include the storage or use of hazardous materials not in excess of the exempt quantities listed in *Title 15* of the Municipal Code, or etiological (biological) agents up to and including Risk Group 3 or Bio Safety Level 3 classifications as defined by the National Institute of Health (NIH) or the

Center for Disease Control (CDC). Higher classification levels of etiological (biological) agents are not allowed without express permission of the Fire Chief.

A new use category Industry, Technology is added to bridge the gap between those uses considered under the existing industrial use categories and the rapidly evolving high tech industry. This new land use category is defined as follows:

Industry, Technology. Establishments engaged in the creation, fabrication, processing, assembling, storage, manufacturing and/or service provision of products and/or processes, related to current or new technologies. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development.

The proposed amendments are also consistent with Benicia's 1999 General Plan. A primary focus of the Benicia General Plan (page 41) is to encourage new uses in the Benicia Industrial Park as a means of creating greater economic sustainability for the City. General Plan Goals and Policies that are specific to the proposed zoning text amendments include:

CITYWIDE ECONOMIC DEVELOPMENT

GOAL 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.

This goal is the heart of the entire General Plan. It is a citywide expression of urban development policy. Nearly every policy and program in the General Plan, in some manner, serves to implement this goal. Sustainable development maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

GOAL 2.6: Attract and retain a balance of different kinds of industrial uses to Benicia.

POLICY 2.6.1: Preserve industrial land for industrial purposes and certain compatible "service commercial" and ancillary on-site retail uses.

POLICY 2.6.3: Facilitate continued development of the Industrial Park. Especially encourage general industrial uses to locate in the basin northeast of Downtown (around Industrial Way between East Second and the freeway).

Program 2.6.C: For lands designated limited industrial, reduce the length of time and number of steps required for development proposals to proceed, consistent with CEQA, community development policies and ordinances, and the design review process for general industrial lands.

GOAL 2.7: Attract and retain industrial facilities that provide fiscal and economic benefits to—and meet the present and future needs of—Benicia.

POLICY 2.7.1: Attempt to attract high-wage and high-revenue producing companies to Benicia.

In addition, the City of Benicia has completed the Benicia Development Action Plan (BDAP). The proposed language is consistent with Action Initiative 3.1: Benicia Industrial Park. The proposed industrial

text amendments include greater specificity and process clarity for uses that are targeted in the BDAP. The proposed amendments provide expanded descriptions of the types of uses that are expected to make Benicia a more competitive job center location within Solano County.

No new or increased impacts as a result of the amendments will result above what is already anticipated in the existing environmental documents. Depending on the attributes of these future planning efforts, additional environmental review will be completed.

10(a). No Impact: Implementation of the proposed industrial zoning text amendments will not divide an established community.

10(b-c). No Impact: Implementation of the proposed industrial zoning text amendments is consistent with all documents and plans for the purpose of regulating land use and avoiding or mitigating environmental effects, particularly the City of Benicia 1999 General Plan and Zoning Ordinance. Impacts resulting from the anticipated growth and development of the City were addressed in the 1998 Benicia General Plan EIR. The uses are industrial in nature. Development pursuant to the amendments is governed by the Benicia Municipal Code, Benicia Industrial Design Guidelines, and the Benicia's Environmental Review Procedures, in addition to the Benicia General Plan and the California Environmental Quality Act.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

11(a-b). No Impact: Adoption of the proposed industrial zoning text amendments itself will not result in the loss of availability of a known mineral resource or of a locally important mineral resource recovery site. The 1999 Benicia General Plan identifies one mineral resource area within the City that is required to be protected and preserved for extraction, and is shown in Figure 3-4 of the General Plan. Issues associated with mineral resource loss from the anticipated growth and development within the City was addressed in the 1998 General Plan EIR. Standard measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce the severity of potential impacts. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to mineral resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?	☐	☐	☐	☒
b) Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people to excessive noise levels?	☐	☐	☐	☒

12(a). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in exposure of persons to or generation of noise levels in excess of standards established in the Benicia General Plan, Zoning or Noise Ordinances, or applicable standards of other agencies. Existing noise regulations are present and apply to all development projects in the City. Additionally, future projects would be subject to CEQA, and, if review was triggered, it would include traffic and noise analysis and, where necessary, mitigation.

Industrial and manufacturing processes in particular, can generate high levels of noise. This is accounted for in the 1999 General Plan EIR. Future projects encouraged or accommodated by the amendments are located away from noise-sensitive land uses in the developed areas of the City, but any such impacts would be addressed during the environmental review process for the specific development.

12(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in exposure of persons to or generation of excessive groundbourne noise levels. Impacts (present and future) associated with noise and vibrations were addressed in the 1998 Benicia General Plan EIR. Mitigation measures, integrated into the General Plan in the form of goals, policies, and programs, will reduce all significant impacts to a level of less than significant. All future development will be subject to site-specific environmental studies as determined appropriate by the City and will comply with all City policies and regulations related to noise.

12(c). Less than Significant: Adopting the proposed industrial zoning text amendments will not by itself result in a substantial permanent increase in ambient noise levels in the City above levels existing without the amendments. Impacts (present and future) associated with noise and vibrations were addressed in the EIR for the General Plan. Mitigation measures, integrated into the General Plan in the form of goals, policies, and programs, will reduce all significant impacts to a level of less than significant. All future development will be subject to site-specific environmental studies as determined appropriate by the City and will comply with all City policies and regulations related to noise.

12(d). No Impact: Not applicable. The project is not located within an airport plan area, nor is it within two miles of a public or public use airport.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

13(a). Less than Significant: Adopting the proposed industrial zoning text amendments will not by itself induce substantial population growth in the area. The population growth estimated by the City of Benicia's recently adopted Housing Element update is consistent with the growth estimated in the Benicia 1999 General Plan. The Benicia 1999 General Plan estimated the total population by 2015 to reach 28,600. Based on the 2010 Census average household size of 2.49, the development of 439 units would result in a total population of 28,090. Therefore the 2007-2014 Housing Element results in a population that is slightly under that estimated by the Benicia 1999 General Plan. New industrial development on existing and available vacant land and within the parameters of Zoning Ordinance requirements will not induce substantial population growth beyond that estimated by the General Plan. Therefore, the impact is less than significant.

13(b). No Impact: Adopting the proposed industrial zoning text amendments will not result in the displacement of substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere. The proposed industrial zoning text amendments are designed to address the employment and revenue needs of the City. In fact, a part of the need for the amendments is the ability to attract employers that will provide jobs for existing Benicia residents who currently commute out of the City.

13(c). No Impact: Adopting the proposed industrial zoning text amendments will not result in the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere. No aspect of the project involves the displacement of any number of people. There is no impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks or other recreational facilities?	☐	☐	☐	☒
e) Other governmental services?	☐	☐	☐	☒

A public services charge has been established and is described within the Benicia Municipal Code Chapters 13.08 and 13.52. Public facility fees, or development impact fees, have been established to mitigate the impacts caused by new development throughout Benicia. Development impact fees are necessary in order to finance required public facilities and service improvements and to pay for new development's fair share of the costs of the required public facilities and service improvements. The City is currently served by Benicia government services.

14(a). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities to maintain necessary levels of service. Impacts associated with new fire protection facilities resulting from the anticipated growth and development of the City were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures integrated into the 1999 General Plan in the form of goals, policies, and implementation measures are designed to reduce all significant impacts to levels of less than significant. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to public services.

14(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities. Impacts associated with new police protection facilities resulting from the anticipated growth and development of the City were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures integrated into the 1999 General Plan in the form of goals, policies, and implementation measures are designed to reduce all significant impacts to levels of less than significant. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to public services.

14(c). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial adverse physical impacts associated with providing new or physically altered school facilities because schools are not allowed in these zoning districts. Impacts to existing school facilities do not generally result from altering non-residential land uses. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to public services.

14(d). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities because park facilities are not allowed in these zoning districts. Impacts to existing

recreational facilities do not generally result from altering non-residential land uses. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to public services.

14(e). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial adverse physical impacts associated with providing new or physically altered public facilities. Impacts associated with new public facilities resulting from the anticipated growth and development in the City, were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to public services.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

15(a). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in an increase in use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of facilities would occur or be accelerated. Impacts to existing recreational facilities do not generally result from altering non-residential land uses. However, the City's population growth in general and the need for commensurate recreation facilities were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to less-than-significant levels. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to recreational facilities.

15(b). No impact: The proposed industrial zoning text amendments do not have provisions or requirements for the construction or expansion of recreational facilities. However, impacts associated with the construction or expansion of recreational facilities in response to population growth has been addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures were integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to levels of less than significant. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to recreational facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION AND CIRCULATION. Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				

16(a). No Impact: Adopting the proposed industrial zoning text amendments will not by itself cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. The proposed uses are consistent with already allowed or conditionally allowed uses within the industrial park. Increases in traffic resulting from the anticipated growth and development of the City have been addressed in the 1998 EIR for the Benicia General Plan. The traffic impacts of any new industrial development will be addressed in separate site-specific studies. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

16(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself cause traffic levels to exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways. Impacts resulting from the anticipated growth and development of the City on the level of service for roads or highways were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant. The traffic impacts of any new industrial development will be addressed in separate site-specific studies where required pursuant to the Benicia

Municipal Code and Zoning Ordinance, CEQA, and the Benicia Environmental review Procedures.

16(c). No Impact: Adoption of the proposed industrial zoning text amendments will not have any impact on air traffic patterns, given the nature and location of the anticipated industrial development that is located well outside of any established airport flight patterns.

16(d). No Impact: Adoption of the proposed industrial zoning text amendments, does not involve construction or physical design. Therefore, there are no anticipated impacts associated with hazards due to transportation-related design features or incompatible uses.

16(e). No Impact: Adoption of the proposed industrial zoning text amendments does not involve construction or physical design. No of the amendments could result in the construction of projects that could result in inadequate emergency access.

16(f). No Impact: Adoption of the proposed industrial zoning text amendments does not involve parking as no construction or physical design is proposed as part of the element. The amendments include specific requirements for parking that are consistent with similar uses already allowed by the zoning ordinance. The amendments could not result in the construction of projects that could negatively affect parking capacity.

16(g). No Impact: The proposed zoning text amendments do not conflict with adopted policies, plans, or programs supporting alternative modes of transportation (e.g., bus turnouts, bicycle racks).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒

17(a). No Impact: Implementation of the proposed industrial zoning text amendments will not, by itself, cause or exceed wastewater treatment requirements of the Regional Water Quality Control Board. Impact of full industrial build-out on wastewater treatment requirements was addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

17(b). No Impact: Implementation of the proposed industrial zoning text amendments will not by itself require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Issues related to environmental effects resulting from the construction of new facilities or expansion of existing facilities were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to the construction of new facilities.

17(c). No impact: Adopting the proposed industrial zoning text amendments will not by itself require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Issues related to environmental effects resulting from the construction of new facilities or expansion of existing facilities were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures were integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant. Environmental impacts related to the construction of new facilities will be addressed through CEQA analysis.

17(d). Less than Significant: Adopting the proposed industrial zoning text amendments is not a development project that requires water because the proposed project is a policy document. The continued and anticipated industrial growth of the policy language is consistent with the Land Use Element of the 1999 General Plan and all other elements. Impacts related to future water supplies were addressed in the 1998 EIR for the General Plan. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

17(e). Less than Significant: The proposed industrial zoning text amendment is not the type of project that could require a determination by the wastewater treatment provider regarding the adequate capacity of the facility to serve the projected demand of the project, as the project is a legislative action. The City's continued and anticipated industrial growth is projected in and consistent with the Land Use Element of the 1999 General Plan and all other elements. Impacts related to the adequacy or capacity of wastewater treatment providers to serve the anticipated growth was addressed in the 1998 EIR for the General Plan. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

17(f). Less than Significant: An industrial zoning text amendment is not the type of project that would generate solid waste, as the project is a legislative action. Impacts related to landfill capacity and solid waste disposal needs resulting from the anticipated population growth of the City were addressed in the

1998 EIR for the General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

17(g). No Impact: An industrial zoning text amendment is not a project subject to solid waste regulations because the project is a legislative action involving no new construction. Anticipated future residential development in the City and impacts related to solid waste were addressed in the 1998 EIR for the General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE Does the Project:				
***a) Potential to degrade*:** Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Cumulative: Does the project have impacts that are individually limited but cumulatively considerable? (i.e., incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
***c) Substantial adverse*:** Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

18 (a-c). A focused or full environmental impact report for a project may be required where the project has a significant effect on the environment in any of the above conditions. As shown in this Initial Study, the proposed industrial zoning text amendments do not present any significant impacts, or potentially significant impacts that require mitigation. The proposed amendments are consistent with the City's General Plan and in particular the Land Use Element.

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 allowed in the Zoning Ordinance, including Research and Development, Office, and Manufacturing uses.

III. INFORMATION SOURCES:

Municipal Code, General Plan and Zoning Ordinance

1999 Benicia General Plan

1998 Benicia General Plan EIR

1989 Benicia Industrial Design Guidelines

2013 Benicia Zoning Ordinance / Maps

2012 Benicia Development Action Plan

Other Sources of Information

Field Visits

Published geological maps

Topographic maps

State of California Cortese List website

Flood Control Maps

ATTACHMENTS:

Draft Industrial Zoning Text Amendments including amendments to the following Chapters of Title 17 (Zoning)

- Chapter 17.16 Use Classifications
- Chapter 17.32 Industrial Districts
- Chapter 17.46 Use Regulations Summary
- Chapter 17.74 Off-Street Parking and Loading Regulations
- Chapter 17.108 Design Review

(NOTE: The proposed amendments are shown with a strikeout through the text to be removed, and new text is underlined.)

VIII.B.210

THE CITY OF BENICIA CALIFORNIA	**INITIAL STUDY/NEGATIVE DECLARATION**

PROJECT INFORMATION

Project Title:	City of Benicia Industrial Zoning Text Amendments
Lead Agency Name and Address:	City of Benicia 250 East L Street Benicia, CA 94510
Project Location:	City of Benicia
Project Sponsor's Name and Address:	City of Benicia 250 East L Street, Benicia, Ca 94510
General Plan Designation:	Industrial (General, Limited and Waterfront)
Zoning:	IL (Limited Industrial), IG (General Industrial), IW (Water Related Industrial), IP (Industrial Park)
Assessor's Parcel No.	N/A
Contact Person:	Amy Million, Principal Planner
Phone Number:	707-746-4280
Date Prepared:	May 21, 2013

PROJECT DESCRIPTION

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. The amendments seek to balance the community's goal of preserving the integrity of the industrial base by encouraging new types of industrial business opportunities, including for existing industrial tenants. The amendments also seek to expedite project review of proposed uses and construction and create greater certainty in the process for industrial property owners relevant to uses and development standards about what is allowed and what requires City review. There are three parts to the amendments, including design review authority, simplifying land use regulations, and adding Research and Development and Technology to the list of permitted uses.

The proposed amendments do not allow "new" land uses per se (i.e. ones not currently permitted). Instead, they provide for broader definitions of the industrial use classification currently in Section 17.16.060.D of the Zoning Ordinance:

> D. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale…

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 1998 General Plan Environmental Impact Report. No additional development capacity is proposed and the proposed uses are similar in nature and intensity to other uses allowed in the Zoning Ordinance, including Research and Development, Office, and Manufacturing uses. The Benicia General Plan Economic Development section (Chapter 2, Section B) states on page 38,

> The tax revenues that the BIP and other heavy industrial uses generate allow the City to provide a relatively high level of public services, including its own library system. As a result, the Economic Development Goals, Policies, and Programs emphasize the importance of protecting existing heavy industrial uses.
>
> Many also believe, however, that Benicia can capitalize on its central location by diversifying its economy and attracting more high-technology firms and tourists. Although a radical shift in the types of businesses that locate in the city over the next 20 years is not expected, more non-industrial activities are desired in the future. Measures to increase the diversity of industries and land uses therefore can also be found in the Economic Development Goals, Policies, and Programs.

Any proposed new development or construction in the industrial zoning districts remains subject to the City of Benicia's review processes. Each project is reviewed and analyzed pursuant to the Benicia Municipal Code, Benicia Industrial Design Guidelines, CEQA Guidelines, the City of Benicia's Environmental Review procedures and the Benicia General Plan.

DESIGN REVIEW

The industrial design guidelines adopted decades ago have helped ensure that the Benicia Industrial Park maintains an industrial setting; however, it has become clear that in most cases the guidelines can be consulted as part of building permit review and not require additional time and process. Accordingly, the amendments include eliminating separate design review, except for the very largest buildings (50,000+ sq. ft.). These projects would still be reviewed only by staff, not a commission.

SIMPLIFY LAND USE REGULATIONS

The list of allowed uses in industrial zones establishes rules for a variety of business activities. The proposed changes would simplify review of many types of uses and reduce the time needed to obtain approval. For example, a use permit with a public hearing is currently required for plant nurseries in two of the industrial zones. The revisions would instead allow them as a permitted use without any review other than building permit.

"INDUSTRY, RESEARCH AND DEVELOPMENT" AND "INDUSTRY, TECHNOLOGY" USE CATEGORIES

The City of Benicia has identified new definitions for use categories to help position the Industrial Park as a regional leader with regard to research and development and technological industries. The new uses are similar in nature to other uses already allowed in the industrial zones, including light industry, manufacturing and office uses. None of the proposed uses or categories represents an intensification of use over what is already allowed within the industrial zoning districts.

The proposed new use categories are described as follows:

Industry, Research and Development
Establishments engaged in the theoretical or applied study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development, or evaluation. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development. Research and development may include the storage or use of hazardous materials not in excess of the exempt quantities listed in *Title 15* of the Municipal Code, or etiological (biological) agents up to and including Risk Group 3 or Bio Safety Level 3 classifications as defined by the National Institute of Health (NIH) or the Center for Disease Control (CDC). Higher classification levels of etiological (biological) agents are not allowed without express permission of the Fire Chief.

Industry, Technology
Establishments engaged in the creation, fabrication, processing, assembling, storage, manufacturing and/or service provision of products and/or processes, related to current or new technologies. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development.

ENVIRONMENTAL SETTING

The City of Benicia is approximately 35 miles northeast of San Francisco and 57 miles southwest of Sacramento. It lies on the north shore of the Carquinez Strait, where the combined flow of the Sacramento and San Joaquin rivers have cut a deep gorge through the coast range. The City is built on a peninsula of land that reaches south from the main body of Solano County and creates a prominent bend in the Carquinez Strait. From this peninsula, highway and railroad bridges span the Strait to connect Benicia with Contra Costa County. Views from Benicia encompass the Strait, the foothills of northern Contra Costa County, and Mt. Diablo in the distance. Many Benicia residents work outside the City.

The City is made up primarily of rolling hills, rising to an elevation of 1,160 feet. On the west boundary, Sulphur Springs Mountain reaches approximately 950 feet. Two major drainages, Sulphur Springs Creek to the west, and Paddy Creek to the east, run approximately north-south through the City. The flow from Sulphur Springs Creek is contained by Lake Herman before being joined by Paddy Creek and continuing into the Benicia Industrial Park. The rolling hills reach almost to the shoreline; very little of Benicia is flat. On the southern margins of the City, the land slopes gently down to the Carquinez Strait. Most of the

older residential areas and the Downtown are here. The eastern city limits are bordered by the marshlands of Suisun Bay. Relatively flat areas adjacent to the marshes provide sites for industry. At the southwestern boundary of the City, another flat, marshy area has been preserved as the Benicia State Recreation Area.

Benicia's industrial zoned lands generally comprise approximately 2,500+ acres generally located along the eastern portion of the city limits. They extend from the area south of the I-780/I-680 merge north along the I-680 corridor to northern city limits. The industrial lands extend from the shoreline of the Carquinez Strait on the east to East Second Street and including lands west of East 2nd Street. The industrial area extends to the Open Space zoning that buffers residential zoning further west. West of I-680 the industrial zoning has its northerly limits at Lake Herman Road. See Figure 1.

Figure 1: Benicia Zoning Map

ENVIRONMENTAL FACTORS POTENTIALLY EFFECTED:

None of the environmental factors would be potentially affected by this project. The environmental factors below are discussed in this document.

☐ Aesthetics	☐ Agricultural & Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/ Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

ENVIRONMENTAL CHECKLIST

Pursuant to the CEQA Guidelines an environmental checklist has been completed for the proposed project. That checklist and the discussion of potential environmental effects for each topic area are provided below. None of the topic areas identified in the checklist would be potentially significantly affected by this project.

DETERMINATION: On the basis of this initial evaluation the City of Benicia Community Development Department finds:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Date

City of Benicia, Principal Planner

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a negative declaration.

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a) Earlier Analysis Used. Identify and state where they are available for review.

    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and

   b) The mitigation measure identified, if any, to reduce the impacts to a less than significance.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

1(a). Less than Significant: Adopting the proposed zoning amendments will have a less than significant effect on the scenic vistas within the City of Benicia. The City of Benicia 1999 General Plan Elements contains numerous policies regarding scenic roads and highways. The City of Benicia General Plan has named three principle scenic routes: Interstate Freeway (I) 780 between Glen Cove Road and the Benicia-Martinez Bridge; I-680 between Morrow Lane and the Benicia-Martinez Bridge; and Lake Herman Road. No impacts beyond those identified in the General Plan EIR are anticipated, and thus no mitigation measures are proposed. In addition, any new industrial development is subject to the City of Benicia Industrial Urban Design Guidelines adopted by the Planning Commission in 1989. All proposed projects are subject to the guidelines.

1(b). No Impact: Adopting the proposed zoning text amendments would not result in impacts to scenic resources. Impacts from future growth have been previously identified in the 1998 General Plan EIR. Future development would be required to be consistent with existing adopted General Plan policies that protect the scenic resources of the City of Benicia. Since no impacts to scenic resources are anticipated beyond those identified in the General Plan EIR, no mitigation measures are proposed.

1(c and d). Less than Significant: Adopting the proposed zoning amendments will have a less than significant effect in increased or new sources of light or glare that would impact nighttime views in the area. The Benicia Industrial Design Guidelines, which was adopted by the Planning Commission in 1989, provides clear standards for exterior lighting and shielding. Zoning Ordinance Sections 17.74.170 and 17.70.240(D)(2) also specify lighting standards for all new exterior lighting. Prior to approval of any new projects within the City requiring Use Permit or Design Review approval, the City shall conduct project-specific environmental review to determine whether the project would cause any significant impacts and, where possible, mitigate potential environmental impacts. In addition, any proposed project would have to

conform to any applicable design standards and any adopted local or State codes that regulate public health and safety such as the Uniform Building, Plumbing, Electrical, or Mechanical Codes. Since no new sources of light or glare are anticipated beyond those identified in the General Plan, no mitigation measures are proposed.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II.AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment, which, due to their location or nature could result in conversion of farmland, to non-agricultural use?	☐	☐	☐	☒

2(a-c). No Impact: Adopting the proposed zoning text amendments will have no impact on farmland or agricultural uses located within the City of Benicia. Sites for future development are zoned appropriately; most development will be urban infill and not on designated important farmlands. The Tri-City and County Cooperative Plan for Agriculture and Open Space Preservation has been adopted by the City and is incorporated in the General Plan by reference. In addition, the City's General Plan contains policies that protect open space and land that may be suitable for agricultural production, including a policy that preserves the rangeland north of Lake Herman Road (Policy 3.18.1). Since no impacts to agricultural resources are anticipated beyond those identified in the 1998 General Plan EIR, no mitigation measures are proposed.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Exposure of sensitive receptors to substantial pollution concentrations (emissions from direct, indirect, mobile and stationary sources)?	☐	☐	☐	☒
e) Create objectionable smoke, ash, dust or odors affecting a substantial number of people?	☐	☐	☐	☒

3(a). No Impact: The City of Benicia is located in the San Francisco Bay air basin and is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The BAAQMD is charged with implementing regulations and programs to reduce air pollution and assist the Bay Area in reaching all outdoor air quality standards. The 2005 Bay Area Ozone Strategy and the 2010 Bay Area Clean Air Plan contain district wide control measures to reduce ozone precursor and carbon monoxide emissions. The BAAQMD Compliance and Enforcement Division routinely conducts inspections and audits of potential polluting sites to ensure compliance with applicable federal, State, and BAAQMD regulations. The City's General Plan is in conformance with the Clean Air Plan. The proposed industrial zoning text amendments are consistent with the City's General Plan and as a result the project would not conflict with implementation of the Clean Air Plan.

Air quality impacts resulting from the anticipated growth and development of the City were addressed in the 1998 EIR for the Benicia General Plan. No new or increased development impacts will increase beyond what is already anticipated in the 1999 General Plan as a result of the zoning text amendments. Adopting the amendments will not conflict with or obstruct implementation of the Clean Air Plan for the Bay Area.

3(b-c). No Impact: In 1998, the Bay Area recorded excesses of the national one-hour standard on 8 days and excesses of the state standard on 29 days. In 2000, excesses of the national one-hour ozone standard were recorded on 3 days and excesses of the State standard were recorded on 12 days. To comply with state air quality standards for ozone, BAAQMD prepared the Clean Air Plan for the Bay Area in 1991 and that plan has been updated every three years since, with the latest update in 2010. The City's General Plan is in conformance with the Clean Air Plan. The proposed zoning text amendments are consistent with the City's General Plan; as a result, the project would not conflict with implementation of the Clean Air Plan. The industrial zoning text amendments do not propose any additional development not anticipated by the 1999 General Plan. Adopting the amendments will not by themselves violate any

air quality standard or result in a cumulatively considerable net increase of any criteria pollutant. Air quality impacts resulting from the anticipated growth and development of the City were addressed in the 1998 EIR for the Benicia General Plan.

3(d). No Impact: The proposed zoning amendments do not propose any site-specific new development. Adopting the industrial zoning text amendments will not by itself expose sensitive receptors to substantial pollutant concentrations. No new or increased impact as a result of the zoning text amendments will result beyond what is already anticipated in the 1999 General Plan. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to air quality, pollutant concentrations, and sensitive receptor exposure.

3(e). No Impact: Adopting the industrial zoning text amendments will not by itself create objectionable odors affecting a substantial number of people. No new or increased impact will result beyond what is already anticipated in the 1999 Benicia General Plan. New projects will be subject to the Benicia Municipal Code, California Environmental Quality Act, Benicia Industrial Design Guidelines and the Benicia General Plan.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of fish and Game or U.S. Fish and Wildlife service?	☐	☐	☐	☒
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒

4(a). No Impact: Adopting the proposed industrial zoning text amendments will not by themselves have a substantial adverse effect, either directly or indirectly through habitat modifications, on any species identified as a threatened, endangered, candidate, sensitive, or special status. The 1998 City of Benicia General Plan EIR records that occurrences of several plant and animal species with special-status have been recorded or are suspected to occur in the southern Solano County area and Benicia vicinity. Several of these have been reported in the City, and most of these are associated with tidal marshland habitat. A number of the natural communities in the City have a high inventory priority with the California Natural Diversity Database (CNDDB) due to rarity and threats, and are considered sensitive resources.

The Open Space and Conservation of Resources section in Chapter 3 (Community Identity) of the 1999 Benicia General Plan focuses on habitat protection in order to protect these species through numerous goals, policies, and programs. Impacts on such species either directly or through habitat modifications resulting from the anticipated growth and development of the City were addressed in the City of Benicia 1998 General Plan EIR. The proposed industrial zoning text amendments do not propose any activities that would adversely affect any species identified as a threatened, endangered, candidate, sensitive, or special status. No new or increased impacts as a result of the amendments will result above what is already anticipated in the General Plan. The level and significance of environmental impacts resulting from future development projects will be further assessed in accordance with CEQA. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to any biological resources identified as a candidate, sensitive, or special status species.

4(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself have a substantial effect on any riparian habitat or other sensitive natural community. The goals and policies in the Open Space and Conservation of Resources section of the 1999 Benicia General Plan would serve to protect wetlands, habitat for special-status species, native vegetation, wildlife habitat, and movement corridors. Additional biological and wetland assessments would be required as part of environmental review of proposed developments, as called for in Policy 3.19.1 and Program 3.19.A of the General Plan. Where sensitive resources are encountered, adequate mitigation would be required through avoidance, minimization, or replacement as called for in numerous policies and programs in the 1999 Benicia General Plan. Impacts to any riparian habitat or other sensitive natural communities resulting from the anticipated growth and development of the City were addressed in the EIR for the Benicia General Plan. No new or increased impacts will result from adopting the proposed industrial zoning text amendments beyond those already anticipated in the 1999 General Plan. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to any sensitive natural communities.

4(c). No Impact: The City of Benicia has numerous wetlands listed in the National Wetland inventory, which include: the intertidal and subtidal estuarine along Carquinez Strait and Suisun Bay; tidal and lower perennial riverine along the lower stretches of sulphur Springs Creek through the Valero Benicia Refinery; limnetic lacustrine and emergent, scrub-scrub, and forested palustrine associated with Lake Herman; emergent, scrub-scrub, and forested palustrine along the various streams and larger drainages; and unconsolidated bottom palustrine at the scattered stock ponds in the City. The Zoning

Ordinance and Open Space and Conservation of Resources section of the 1999 General Plan both have measures that protect waterways. Since no impacts to biological resources are anticipated beyond those identified in the Benicia 1998 General Plan EIR, no mitigation measures are proposed. Adopting the updated proposed industrial zoning text amendments will not by itself have a substantial effect on any federally protected wetlands.

4(d). No Impact: All impacts resulting from the anticipated growth and development within the City were addressed in the Benicia 1998 General Plan EIR. The General Plan EIR did not include any impacts related to substantial interference with the movement of any native resident or migratory fish or wildlife species, with established native resident or migratory wildlife corridors, or that would impede the use of native wildlife nursery sites. Adopting the proposed industrial zoning text amendments will not result in new or increased impacts beyond those already anticipated in the 1999 General Plan. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to any wildlife species.

4(e). No Impact: Adopting the proposed industrial zoning text amendments will not conflict with any local policies or ordinances protecting biological resources. Local policies and ordinances designed to protect biological resources were drafted in response to identified environmental impacts at full build-out as discussed in the 1998 EIR for the Benicia General Plan. Adopting the updated amendments will not change or conflict with any of the existing local policies or ordinances protecting biological resources.

4(f). No Impact: Adopting the proposed industrial zoning text amendments will not conflict with any approved local, regional, or state habitat conservation plan or with the Open Space and Conservation of Resources section of the City of Benicia 1999 General Plan. Open Space and Conservation of Resources section addresses development impacts to plant and animal habitat. Future development within the City will be subject to the policies of the Open Space and Conservation of Resources section and environmental review as required by CEQA**.**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

5(a). Less than Significant: Adopting the proposed industrial zoning text amendments will not by itself cause a substantial adverse change in the significance of a historical resource within the City of Benicia. Impacts on historical resources resulting from the anticipated growth and development of the City or from the removal, modification or demolition of existing residences were addressed in the 1998 General Plan EIR. Policies and requirements integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all significant impacts to a level of less than significant. The Zoning Ordinance protects historical resources by implementing a Historic Overlay Zone to protect historic or architecturally significant buildings within the City. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review, development standards and compliance with all applicable policies related to any historical resources.

5(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself cause a substantial adverse change in the significance of an archaeological resource. The proposed amendments do not involve revisions to the development standards that would impact cultural and historic resources. Projects will continue to be subject to review and approval by city staff, the Planning Commission and/or the City Council subject to the requirements of the Benicia Municipal Code, General Plan, Benicia Industrial Design Guidelines, CEQA, and the Benicia Environmental Review Procedures.

In addition, existing policies related to cultural resources will continue to apply to future development projects. Adopting the amendments will not result in new or increased impacts on cultural and historic resources. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to any archaeological resources.

5(c). No Impact: Adopting the proposed industrial zoning text amendments will not by itself directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. No site-specific development will occur as a result of implementation. Existing City policies related to cultural resources will continue to apply to future development projects. Adopting the amendments will not result in new or increased impacts on cultural and historic resources. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to any unique paleontological resource or site or unique geologic feature.

5(d). No Impact: Adopting the proposed industrial zoning text amendments will not by itself disturb any human remains, including those interred outside of formal cemeteries. Impact on human remains resulting from the anticipated growth and development of the City or from the removal, modification or demolition of existing residential units were addressed in the 1998 EIR for the Benicia General Plan. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to human remains or other cultural resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Within Benicia, the most significant geologic hazards are those associated with landslides, debris flows, and ground shaking during earthquakes. Other significant geologic hazards include the potential for settlement of structures constructed on filled bay land, expansive soils, cut and fill slopes, and flooding.

The City of Benicia lies within a seismically active region. The principal faults in the area are capable of generating large earthquakes that could produce strong to violent ground shaking in Benicia. The Green Valley fault is the only active fault known in the City. Fault rupture is likely to occur along the Green Valley

fault as a result of an earthquake there. The risk of fault rupture elsewhere in the City is very low.

Within Benicia, the areas most at risk from liquefaction are along the Bay margin and in the flat-lying valley bottoms, in areas underlain by Bay Mud or Alluvium. Figure 4-2 of the Benicia 1999 General Plan shows areas with potential liquefaction hazard. Although liquefaction often causes severe damage to structures, structural collapse is uncommon. The risk to public safety from liquefaction, therefore, is relatively low. Structures can be protected from liquefaction through the use of special foundations.

Landslides are significant geologic hazards in the City. Since the 1906 San Francisco earthquake, damage from landslides has far exceeded that from earthquakes. Landslides are relatively rare in the developed portions of Benicia, but are numerous in the hilly, undeveloped areas. A map of the landslides in the City is shown on the Landslide Map, Plate 2 of the Public Safety Background Report for the Benicia General Plan, February 28, 1996. Another reference is the Department of Mines and Geology Open File Report 86-17 "Landslide Hazards in the Benicia Valley Area". In addition to liquefaction hazards, Figure 4-2 of the City's General Plan also shows areas with potential landslide hazard. Landslides can cause extensive damage to buildings, roadways, or other facilities located in the path of the landslide, and often result in large property losses. Because landslides are slow moving, people are rarely injured or killed. Landslides often result from poorly placed or poorly drained fill.

6(a). Less than Significant: Adopting the proposed industrial zoning text amendments will not by itself expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction and landslides. Impacts to persons and property associated with seismic activity resulting from full build-out of the 1999 Benicia General Plan were addressed in the 1998 General Plan EIR. Standard measures integrated into the General Plan in the form of goals, policies, and implementation measures applicable to future development projects will reduce the potential for impacts to less than significant. Conformance with the California Building Code would also minimize potential impacts from seismic shaking. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and geotechnical evaluation.

6(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial soil erosion or the loss of topsoil. Impacts to soils resulting from the anticipated growth and development of the City were addressed in the 1998 Benicia General Plan EIR. No new or increased impact will result above what is already anticipated in the existing environmental documents as a result of adopting the amendments. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to erosion.

6(c). No Impact: Adopting the proposed industrial zoning text amendments itself will not cause structures to be subject to landslide, lateral spreading, subsidence, liquefaction or collapse. Geologic impacts resulting from the anticipated growth and development of the City were addressed in the 1998 Benicia General Plan EIR. Any development would be subject to all existing City development standards. Any development would be subject to the Benicia Zoning Ordinance related to grading, erosion, and sediment control. Standard measures integrated into the General Plan in the form of goals, policies, and implementation measures applicable to future development projects will reduce the severity of potential impacts. No new or increased impacts will result above what is already anticipated in the existing environmental documents as a result of adopting the amendments. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to landslides, lateral spreading, subsidence, liquefaction and collapse.

6(d). No Impact: Adopting the proposed industrial zoning text amendments itself will not cause development to occur on expansive soil creating substantial risks to life or property. Standard measures integrated into the 1999 General Plan in the form of goals, policies, and implementation measures applicable to future development projects will reduce the severity of potential impacts. No new or increased impacts will result above what is already anticipated in the 1998 Benicia General Plan EIR as a

result of adopting the amendments. Furthermore, all development is subject to all existing City development standards and will be subject to further environmental review and soils analysis.

6(e). No Impact: Adopting the proposed industrial zoning text amendments itself will not cause development to occur on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. All potential development is located within the City's Urban Growth Boundary in urbanized locations where adequate sewer facilities are available. Impacts resulting from the anticipated growth and development of the City were addressed in the Benicia 1998 General Plan EIR. Standard measures integrated into the General Plan in the form of goals, policies, and implementation measures applicable to future development projects will reduce the severity of potential impacts. No new or increased impacts will result beyond those already anticipated in the existing environmental documents as a result of adopting the amendments. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to soils incapable of supporting wastewater disposal.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

The potential effect of greenhouse gas (GHG) emissions on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed above that may have regional and/or local effects, project-generated GHG emissions do not directly produce local or regional impacts, but may contribute to an impact on global climate change. Individual projects contribute relatively small amounts of GHG that, when added to all other GHG producing activities around the world, result in global increases in these emissions. Local or regional environmental effects may occur if the climate is changed. Therefore, a project produces an indirect localized and regional environmental impact from its contribution of GHG and the subsequent change in global climate.

7(a-b). Less than Significant: The California legislature passed Assembly Bill 32 in 2006, requiring that the state reduce greenhouse gas (GHG) emissions to 1990 levels by 2020. An enforceable statewide cap on GHG emissions is being phased in starting this year. In addition, Senate Bill 375 seeks to curb GHGs by reducing urban sprawl and vehicle miles traveled. In response to these legislative actions, the City of Benicia adopted a Climate Action Plan in 2008 which incorporates strategies to reduce emissions. These strategies include education and public outreach, energy production, transportation and land use, buildings, industrial and commercial, water and wastewater, solid waste, and parks and open space.

The proposed industrial zoning text amendments include regulations that support the implementation of the Climate Action Plan and reinforces its overall mission. Although the amendments would accommodate additional land uses, that might in turn generate GHGs through employees' or users' driving and energy use, the margin of increase is lower than it might otherwise be because of the amendments' emphasis on Benicia as an infill location. Benicia currently exports a large number of professional and technology sector workers each day to employment destinations outside of the City. The proposed land uses are an effort to create employment opportunities for Benicia's current residents to reduce commuting and therefore greenhouse gases. Similarly, the City's Climate Action Plan strongly supports local job creation, recognizing the relationship between employment and vehicle miles traveled.

Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable strategies and implementation actions in Climate Action Plan. The proposed industrial zoning text amendments are consistent with the Climate Action Plan, and will help move the City toward the goals established through AB 32 and SB 375. Climate Action Plan related impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the City?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

The City's jurisdiction includes extensive open space (primarily grassland). Residential and industrial uses occur in proximity to these open space areas, posing potential fire safety problems. Figure 4-4 of the 1999 Benicia General Plan shows that a large portion of the City includes potential fire hazards. To address fire prevention in open space areas, the Fire Department administers a vegetation control program.

8(a-g) No Impact: The proposed industrial zoning text amendments by themselves will not involve any physical development activity; therefore will not result in creation or emission of hazardous materials. Regulations related to hazardous materials and waste are implemented by a number of governmental agencies that have established regulations regarding the proper transportation, handling, management, use, storage, and disposal of hazardous materials for specific operations and activities. Pursuant to CEQA, the Department of Toxic Substances Control (DTCS) maintains a hazardous-waste and substances sites list (Cortese List). No sites in Benicia are listed on the DTSC list. A search of other hazardous materials sites on the Cortese list maintained by the California Environmental Protection Agency (CalEPA Geotracker) identifies 77 sites in the City of Benicia. The type of sites included in this list are leaking underground storage tanks sites (LUST), land disposal sites, military sites, permitted underground storage tanks facilities (UST), and DTSC cleanup sites. In the 1999 General Plan only four sites were considered to be located close to sensitive receptors, none of which are located within the project area. They are as follows:

1. 1001 First Street

2. 800 First Street

3. H/ E Second / I/ First Street

4. 1 E & D Streets

Any project proposed in the City would have to conform to any applicable adopted local or State codes that regulate public health and safety, such as the Uniform Building, Plumbing, Electrical, or Mechanical Codes. In addition, any proposed project that would include “Hazardous Materials” is governed by Section 17.70.260 of the Zoning Ordinance. Therefore, adoption of the amendments is a less than significant impact. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to hazards or hazardous material. The proposed project area is not within an airport land use plan area, or within two miles of one. The proposed zoning text amendments are consistent with the 1999 Benicia General Plan and therefore will not interfere with emergency responses plans and will they do not represent any risk of wild land fire.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern on the site or area, including through the alteration of the course of a stream or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The Flood Insurance Study and Flood Insurance Rate Maps (FIRM) prepared in 2009 by the Federal Emergency Management Agency (FEMA) identify areas in Benicia subject to flooding during a 100-year

storm. These flood zones consist of several low-lying areas: (1) the lands flanking the shoreline surrounding Lake Herman; (2) the lower reaches of the Sulphur Springs Creek Watershed downstream of Lake Herman; (3) the lands flanking the Benicia shoreline east of East 3rd Street; and (4) the wetlands associated with Benicia State Park on Southampton Bay. A "100-year storm" means that in any year there is one chance out of 100 for a serious flood to occur.

Additionally, all development in Benicia is subject to BMC Chapters 15.48 (Flood Damage Protection) and 15.64 (Storm Water Management and Discharge Control). Compliance with the City of Benicia's existing criteria eliminates the potential for adverse environmental effects.

9(a,b and f). No Impact: Implementation of the proposed industrial zoning text amendments will not result in the depleting, degrading or altering of ground water supplies. The City has adequate water supply resources to accommodate development of the City in compliance with the build-out projection established in the Land Use Element of the 1999 City General Plan.

9(c). No Impact: Implementation of the proposed industrial zoning text amendments will not result in alteration of the existing drainage patterns as it does not call for any specific development projects. Erosion or siltation resulting from the anticipated growth and development of the City were addressed in the 1998 Benicia General Plan EIR. Standard measures integrated into the 1999 General Plan in the form of goals, policies, and implementation measures will reduce the severity of potential impacts. No new or increased impacts as a result of the amendments will result beyond what is already anticipated in the existing environmental documents. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to drainage patterns and erosion or siltation.

9(d). No Impact: Implementation of the proposed industrial zoning text amendments will not alter existing drainage patterns in a manner that would result in substantial alteration of drainage patterns or increases in the rate or amount of surface runoff in a manner that would result in flooding. Impacts on drainage patterns and surface runoff from the anticipated growth and development of the City have been addressed in the 1998 Benicia General Plan EIR and with existing Benicia Municipal Code provisions. Standard measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce the severity of potential impacts. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to drainage patterns and surface runoff.

9(e). No Impact: Implementation of the proposed industrial zoning text amendments will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Issues associated with runoff water resulting from the anticipated growth and development within the City was addressed in the 1998 Benicia General Plan EIR and subsequent environmental documents amending the 1999 General Plan. Specific development projects are subject to the provisions of the Benicia Municipal Code, Benicia Industrial Design Guidelines, CEQA, and Benicia's Environmental Review Procedures. Standard measures integrated into these sources in the form of goals, policies, and implementation will reduce the severity of potential impacts. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with applicable policies and regulations related to erosion and stormwater run-off.

9(g-j). No Impact: The 1999 Benicia General Plan indicates that the City is located within a 100-year flood hazard area. However, since adoption of the 1982 and 1989 Stormwater Master Plans, the City has completed over 40 storm drainage improvement projects. These improvements have significantly reduced the flooding that formerly occurred in Benicia. Impacts from potential flooding have been addressed in the 1998 Benicia General Plan EIR.

Implementation of the proposed industrial zoning text amendments will not involve the exposure of people or structures to a significant risk of loss, injury or death involving flooding, inundation by seiche, tsunami or mudflow. The City of Benicia 1999 General Plan has in place several policies that avoid flood hazards,

and continues to implement the floodplain management policy followed by the City. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies and regulations regarding flood protection, hydrology, and water quality.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

The General Plan contains numerous goals and policies relevant to land use and economic development. Those that are most germane to these zoning text amendments are discussed in this section. As described in the Project Description; the proposed amendments do not in general allow “new” land uses per se. Instead, the proposed amendments provide for broader definitions of the language as with Section 17.16.060.D of the Zoning Ordinance. The new use classification of Industry, Technology involves technology based land uses that are currently allowed in the Zoning Ordinance. The purpose of creating the new use classification is to provide additional clarity and eliminate the need for interpretation of a use’s consistency with the Zoning Ordinance.

Section 17.16.060.D currently states:

> *D. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable, in the opinion of the community development director, by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses include biotechnology, films, and nontoxic computer component manufacturers.*

The broader language is drafted as follows:

> D. Industry, Research and Development. Establishments engaged in the theoretical or applied study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development, or evaluation. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development. Research and development may include the storage or use of hazardous materials not in excess of the exempt quantities listed in *Title 15* of the Municipal Code, or etiological (biological) agents up to and including Risk Group 3 or Bio Safety Level 3 classifications as defined by the National Institute of Health (NIH) or the

> Center for Disease Control (CDC). Higher classification levels of etiological (biological) agents are not allowed without express permission of the Fire Chief.

A new use category Industry, Technology is added to bridge the gap between those uses considered under the existing industrial use categories and the rapidly evolving high tech industry. This new land use category is defined as follows:

> Industry, Technology. Establishments engaged in the creation, fabrication, processing, assembling, storage, manufacturing and/or service provision of products and/or processes, related to current or new technologies. Examples of uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics, pharmaceuticals, and related educational development.

The proposed amendments are also consistent with Benicia's 1999 General Plan. A primary focus of the Benicia General Plan (page 41) is to encourage new uses in the Benicia Industrial Park as a means of creating greater economic sustainability for the City. General Plan Goals and Policies that are specific to the proposed zoning text amendments include:

> **CITYWIDE ECONOMIC DEVELOPMENT**
>
> **GOAL 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.**

This goal is the heart of the entire General Plan. It is a citywide expression of urban development policy. Nearly every policy and program in the General Plan, in some manner, serves to implement this goal. Sustainable development maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

> **GOAL 2.6: Attract and retain a balance of different kinds of industrial uses to Benicia.**
>
> POLICY 2.6.1: Preserve industrial land for industrial purposes and certain compatible "service commercial" and ancillary on-site retail uses.
>
> POLICY 2.6.3: Facilitate continued development of the Industrial Park. Especially encourage general industrial uses to locate in the basin northeast of Downtown (around Industrial Way between East Second and the freeway).
>
> Program 2.6.C: For lands designated limited industrial, reduce the length of time and number of steps required for development proposals to proceed, consistent with CEQA, community development policies and ordinances, and the design review process for general industrial lands.
>
> **GOAL 2.7: Attract and retain industrial facilities that provide fiscal and economic benefits to—and meet the present and future needs of—Benicia.**
>
> POLICY 2.7.1: Attempt to attract high-wage and high-revenue producing companies to Benicia.

In addition, the City of Benicia has completed the Benicia Development Action Plan (BDAP). The proposed language is consistent with Action Initiative 3.1: Benicia Industrial Park. The proposed industrial

text amendments include greater specificity and process clarity for uses that are targeted in the BDAP. The proposed amendments provide expanded descriptions of the types of uses that are expected to make Benicia a more competitive job center location within Solano County.

No new or increased impacts as a result of the amendments will result above what is already anticipated in the existing environmental documents. Depending on the attributes of these future planning efforts, additional environmental review will be completed.

10(a). No Impact: Implementation of the proposed industrial zoning text amendments will not divide an established community.

10(b-c). No Impact: Implementation of the proposed industrial zoning text amendments is consistent with all documents and plans for the purpose of regulating land use and avoiding or mitigating environmental effects, particularly the City of Benicia 1999 General Plan and Zoning Ordinance. Impacts resulting from the anticipated growth and development of the City were addressed in the 1998 Benicia General Plan EIR. The uses are industrial in nature. Development pursuant to the amendments is governed by the Benicia Municipal Code, Benicia Industrial Design Guidelines, and the Benicia's Environmental Review Procedures, in addition to the Benicia General Plan and the California Environmental Quality Act.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

11(a-b). No Impact: Adoption of the proposed industrial zoning text amendments itself will not result in the loss of availability of a known mineral resource or of a locally important mineral resource recovery site. The 1999 Benicia General Plan identifies one mineral resource area within the City that is required to be protected and preserved for extraction, and is shown in Figure 3-4 of the General Plan. Issues associated with mineral resource loss from the anticipated growth and development within the City was addressed in the 1998 General Plan EIR. Standard measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce the severity of potential impacts. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to mineral resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Expose people to, or generate, noise levels exceeding established standards in the local general plan, coastal plan, noise ordinance or other applicable standards of other agencies?	☐	☐	☐	☒
b) Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people to excessive noise levels?	☐	☐	☐	☒

12(a). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in exposure of persons to or generation of noise levels in excess of standards established in the Benicia General Plan, Zoning or Noise Ordinances, or applicable standards of other agencies. Existing noise regulations are present and apply to all development projects in the City. Additionally, future projects would be subject to CEQA, and, if review was triggered, it would include traffic and noise analysis and, where necessary, mitigation.

Industrial and manufacturing processes in particular, can generate high levels of noise. This is accounted for in the 1999 General Plan EIR. Future projects encouraged or accommodated by the amendments are located away from noise-sensitive land uses in the developed areas of the City, but any such impacts would be addressed during the environmental review process for the specific development.

12(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in exposure of persons to or generation of excessive groundbourne noise levels. Impacts (present and future) associated with noise and vibrations were addressed in the 1998 Benicia General Plan EIR. Mitigation measures, integrated into the General Plan in the form of goals, policies, and programs, will reduce all significant impacts to a level of less than significant. All future development will be subject to site-specific environmental studies as determined appropriate by the City and will comply with all City policies and regulations related to noise.

12(c). Less than Significant: Adopting the proposed industrial zoning text amendments will not by itself result in a substantial permanent increase in ambient noise levels in the City above levels existing without the amendments. Impacts (present and future) associated with noise and vibrations were addressed in the EIR for the General Plan. Mitigation measures, integrated into the General Plan in the form of goals, policies, and programs, will reduce all significant impacts to a level of less than significant. All future development will be subject to site-specific environmental studies as determined appropriate by the City and will comply with all City policies and regulations related to noise.

12(d). No Impact: Not applicable. The project is not located within an airport plan area, nor is it within two miles of a public or public use airport.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

13(a). Less than Significant: Adopting the proposed industrial zoning text amendments will not by itself induce substantial population growth in the area. The population growth estimated by the City of Benicia's recently adopted Housing Element update is consistent with the growth estimated in the Benicia 1999 General Plan. The Benicia 1999 General Plan estimated the total population by 2015 to reach 28,600. Based on the 2010 Census average household size of 2.49, the development of 439 units would result in a total population of 28,090. Therefore the 2007-2014 Housing Element results in a population that is slightly under that estimated by the Benicia 1999 General Plan. New industrial development on existing and available vacant land and within the parameters of Zoning Ordinance requirements will not induce substantial population growth beyond that estimated by the General Plan. Therefore, the impact is less than significant.

13(b). No Impact: Adopting the proposed industrial zoning text amendments will not result in the displacement of substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere. The proposed industrial zoning text amendments are designed to address the employment and revenue needs of the City. In fact, a part of the need for the amendments is the ability to attract employers that will provide jobs for existing Benicia residents who currently commute out of the City.

13(c). No Impact: Adopting the proposed industrial zoning text amendments will not result in the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere. No aspect of the project involves the displacement of any number of people. There is no impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks or other recreational facilities?	☐	☐	☐	☒
e) Other governmental services?	☐	☐	☐	☒

A public services charge has been established and is described within the Benicia Municipal Code Chapters 13.08 and 13.52. Public facility fees, or development impact fees, have been established to mitigate the impacts caused by new development throughout Benicia. Development impact fees are necessary in order to finance required public facilities and service improvements and to pay for new development's fair share of the costs of the required public facilities and service improvements. The City is currently served by Benicia government services.

14(a). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities to maintain necessary levels of service. Impacts associated with new fire protection facilities resulting from the anticipated growth and development of the City were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures integrated into the 1999 General Plan in the form of goals, policies, and implementation measures are designed to reduce all significant impacts to levels of less than significant. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to public services.

14(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities. Impacts associated with new police protection facilities resulting from the anticipated growth and development of the City were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures integrated into the 1999 General Plan in the form of goals, policies, and implementation measures are designed to reduce all significant impacts to levels of less than significant. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to public services.

14(c). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial adverse physical impacts associated with providing new or physically altered school facilities because schools are not allowed in these zoning districts. Impacts to existing school facilities do not generally result from altering non-residential land uses. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to public services.

14(d). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities because park facilities are not allowed in these zoning districts. Impacts to existing

recreational facilities do not generally result from altering non-residential land uses. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to public services.

14(e). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in substantial adverse physical impacts associated with providing new or physically altered public facilities. Impacts associated with new public facilities resulting from the anticipated growth and development in the City, were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to public services.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

15(a). No Impact: Adopting the proposed industrial zoning text amendments will not by itself result in an increase in use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of facilities would occur or be accelerated. Impacts to existing recreational facilities do not generally result from altering non-residential land uses. However, the City's population growth in general and the need for commensurate recreation facilities were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to less-than-significant levels. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to recreational facilities.

15(b). No impact: The proposed industrial zoning text amendments do not have provisions or requirements for the construction or expansion of recreational facilities. However, impacts associated with the construction or expansion of recreational facilities in response to population growth has been addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures were integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to levels of less than significant. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to recreational facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION AND CIRCULATION. Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g. limited sight visibility, sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				

16(a). No Impact: Adopting the proposed industrial zoning text amendments will not by itself cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. The proposed uses are consistent with already allowed or conditionally allowed uses within the industrial park. Increases in traffic resulting from the anticipated growth and development of the City have been addressed in the 1998 EIR for the Benicia General Plan. The traffic impacts of any new industrial development will be addressed in separate site-specific studies. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

16(b). No Impact: Adopting the proposed industrial zoning text amendments will not by itself cause traffic levels to exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways. Impacts resulting from the anticipated growth and development of the City on the level of service for roads or highways were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant. The traffic impacts of any new industrial development will be addressed in separate site-specific studies where required pursuant to the Benicia

Municipal Code and Zoning Ordinance, CEQA, and the Benicia Environmental review Procedures.

16(c). No Impact: Adoption of the proposed industrial zoning text amendments will not have any impact on air traffic patterns, given the nature and location of the anticipated industrial development that is located well outside of any established airport flight patterns.

16(d). No Impact: Adoption of the proposed industrial zoning text amendments, does not involve construction or physical design. Therefore, there are no anticipated impacts associated with hazards due to transportation-related design features or incompatible uses.

16(e). No Impact: Adoption of the proposed industrial zoning text amendments does not involve construction or physical design. No of the amendments could result in the construction of projects that could result in inadequate emergency access.

16(f). No Impact: Adoption of the proposed industrial zoning text amendments does not involve parking as no construction or physical design is proposed as part of the element. The amendments include specific requirements for parking that are consistent with similar uses already allowed by the zoning ordinance. The amendments could not result in the construction of projects that could negatively affect parking capacity.

16(g). No Impact: The proposed zoning text amendments do not conflict with adopted policies, plans, or programs supporting alternative modes of transportation (e.g., bus turnouts, bicycle racks).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒

17(a). No Impact: Implementation of the proposed industrial zoning text amendments will not, by itself, cause or exceed wastewater treatment requirements of the Regional Water Quality Control Board. Impact of full industrial build-out on wastewater treatment requirements was addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

17(b). No Impact: Implementation of the proposed industrial zoning text amendments will not by itself require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Issues related to environmental effects resulting from the construction of new facilities or expansion of existing facilities were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant. Depending on the attributes of each individual development proposal, future development will be subject to additional environmental review and compliance with all applicable policies related to the construction of new facilities.

17(c). No impact: Adopting the proposed industrial zoning text amendments will not by itself require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Issues related to environmental effects resulting from the construction of new facilities or expansion of existing facilities were addressed in the 1998 EIR for the Benicia General Plan. Mitigation measures were integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant. Environmental impacts related to the construction of new facilities will be addressed through CEQA analysis.

17(d). Less than Significant: Adopting the proposed industrial zoning text amendments is not a development project that requires water because the proposed project is a policy document. The continued and anticipated industrial growth of the policy language is consistent with the Land Use Element of the 1999 General Plan and all other elements. Impacts related to future water supplies were addressed in the 1998 EIR for the General Plan. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

17(e). Less than Significant: The proposed industrial zoning text amendment is not the type of project that could require a determination by the wastewater treatment provider regarding the adequate capacity of the facility to serve the projected demand of the project, as the project is a legislative action. The City's continued and anticipated industrial growth is projected in and consistent with the Land Use Element of the 1999 General Plan and all other elements. Impacts related to the adequacy or capacity of wastewater treatment providers to serve the anticipated growth was addressed in the 1998 EIR for the General Plan. Mitigation measures have been integrated into the General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

17(f). Less than Significant: An industrial zoning text amendment is not the type of project that would generate solid waste, as the project is a legislative action. Impacts related to landfill capacity and solid waste disposal needs resulting from the anticipated population growth of the City were addressed in the

1998 EIR for the General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

17(g). No Impact: An industrial zoning text amendment is not a project subject to solid waste regulations because the project is a legislative action involving no new construction. Anticipated future residential development in the City and impacts related to solid waste were addressed in the 1998 EIR for the General Plan. Mitigation measures have been integrated into the 1999 General Plan in the form of goals, policies, and implementation measures to reduce all significant impacts to a level of less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE Does the Project:				
***a) Potential to degrade*:** Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Cumulative: Does the project have impacts that are individually limited but cumulatively considerable? (i.e., incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
***c) Substantial adverse*:** Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

18 (a-c). A focused or full environmental impact report for a project may be required where the project has a significant effect on the environment in any of the above conditions. As shown in this Initial Study, the proposed industrial zoning text amendments do not present any significant impacts, or potentially significant impacts that require mitigation. The proposed amendments are consistent with the City's General Plan and in particular the Land Use Element.

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 allowed in the Zoning Ordinance, including Research and Development, Office, and Manufacturing uses.

III. INFORMATION SOURCES:

Municipal Code, General Plan and Zoning Ordinance

1999 Benicia General Plan

1998 Benicia General Plan EIR

1989 Benicia Industrial Design Guidelines

2013 Benicia Zoning Ordinance / Maps

2012 Benicia Development Action Plan

Other Sources of Information

Field Visits

Published geological maps

Topographic maps

State of California Cortese List website

Flood Control Maps

ATTACHMENTS:

Draft Industrial Zoning Text Amendments including amendments to the following Chapters of Title 17 (Zoning)

- Chapter 17.16 Use Classifications
- Chapter 17.32 Industrial Districts
- Chapter 17.46 Use Regulations Summary
- Chapter 17.74 Off-Street Parking and Loading Regulations
- Chapter 17.108 Design Review

(NOTE: The proposed amendments are shown with a strikeout through the text to be removed, and new text is underlined.)

VIII.B.244

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 19, 2013
BUSINESS ITEMS

DATE : November 12, 2013

TO : City Manager

FROM : Acting Assistant City Manager

SUBJECT : **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SAFETY EMPLOYEES TO PROVIDE SECTION 20516 (5.41% EMPLOYEES SHARING COST OF ADDITIONAL BENEFITS) APPLICABLE TO SECTION 21362.2 (3% @ 50 FULL FORMULA) AND SECTION 21363.1 (3% AT 55 FULL FORMULA) FOR LOCAL BFA FIRE MEMBERS**

RECOMMENDATION:
Adopt the ordinance to amend the contract between the City and Public Employee's Retirement System (CalPERS) to provide Section 20516 (5.41% Employees Sharing Cost of Additional Benefits) applicable to Section 21362.2 (3% @ 50 full formula) and Section 21363.1 (3% @ 55 full formula) for local BFA Fire members.

EXECUTIVE SUMMARY:
In 2012, the City concluded negotiations with the Benicia Firefighter's Association (BFA). This unit agreed as part of this employee group's reductions, to share in the City's cost of the employer's share of PERS, and contribute 5.41% towards that cost . In order to document this change with CalPERS, it is necessary for the City's contract with CalPERS to be amended to reflect the sharing of this cost by the BFA members.

BUDGET INFORMATION:
There is no cost associated with this action. This action amends the contract with CalPERS to finalize a cost-sharing arrangement that allows the City to recognize approximately $146,000 in cost savings.

GENERAL PLAN:
N/A

STRATEGIC PLAN:
Relevant Strategic Plan Issues and Strategies include:

Strategic Issue 3: Strengthening Economic and Fiscal Conditions.

BACKGROUND:
The salary and benefit reductions approved by the Council as part of the current MOU with BFA includes a cost sharing of the employer's share of PERS. In order to finalize this modification with CalPERS, it is necessary to pass a resolution of intention and ordinance that amends the contract.

Attachments:

- Ordinance
- Resolution No. 13-23
- PERS Contract Amendment

CITY OF BENICIA
ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY OF BENICIA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, the City of Benicia participates in the California Public Employees Retirement System (CalPERS) for the benefit of its employees and the public they serve; and

WHEREAS, implementing the amendment to the City's CalPERS contract to allow the employees to pay for a share in the employer's share of the CalPERS and will provide for cost savings in the current and future fiscal years; and

WHEREAS, Government Code Section 20471 provides that the City Council's adoption of the ordinance for the contract amendment be "not less than 20 days after the adoption of the resolution of intention…."

NOW, THEREFORE, the City Council of the City of Benicia does ordain as follows:

SECTION 1.

That the amendment to the contract between the City Council of the City of Benicia and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made part hereof as though herein set out in full.

SECTION 2.

The Mayor of the City Council of the City of Benicia is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3.

This ordinance shall become effect thirty days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in the Benicia Herald, a newspaper of general circulation, published and circulated in the City of Benicia and thenceforth and thereafter the same shall be in full force and effect.

* * * * *

On a motion of Council Member , seconded by Council Member , the foregoing Ordinance was introduced at a regular meeting of the City Council held on the 2nd day of April, 2013 and adopted at a regular meeting of said Council held on the 19th day of November, 2013 by the following vote:

Ayes:

Noes:

Absent:

_____
Elizabeth Patterson, Mayor

ATTEST:

_____
Lisa Wolfe, City Clerk

Dated: _____

RESOLUTION NO. 13-23

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF BENICIA TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF BENICIA

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Costs) 5.41% for local fire members in the Benicia Firefighters Association, LAFF Local 1186.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby give notice of intention to approve an amendment to the contract between the City of Benicia and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

* * * * *

On Motion of Council Member **Schwartzman**, seconded by Council Member **Strawbridge**, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council on the 2nd day of April 2013, and adopted by the following vote:

Ayes: **Council Members Campbell, Hughes, Schwartzman, Strawbridge and Mayor Patterson**

Noes: **None**

Absent: **None**

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Date: 4-4-13

VIII.C.6

CalPERS

EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Benicia

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 1, 1967, and witnessed September 11, 1967, and as amended effective July 1, 1971, August 1, 1973, November 1, 1974, January 1, 1977, March 1, 1981, March 1, 1982, April 1, 1986, January 1, 1987, April 17, 1987, May 1, 1992, May 1, 1993, September 18, 1993, November 6, 1998, November 18, 2000, July 1, 2002, June 1, 2011, November 1, 2011 and October 1, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 16 are hereby stricken from said contract as executed effective October 1, 2012, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to October 1, 2012, age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after October 1, 2012, age 50 for local safety members entering membership in the safety classification on or prior to June 1, 2011 and age 55 for local safety members entering membership for the first time in the safety classification after June 1, 2011.

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1967 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:

   (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

   (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas

   (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

   a. Local Fire Fighters (herein referred to as local safety members);

   b. Local Police Officers (herein referred to as local safety members);

   c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

NO ADDITIONAL EXCLUSIONS

6. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after July 1, 2002 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after July 1, 2002 and not entering membership for the first time in the miscellaneous classification after October 1, 2012 shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).

8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after October 1, 2012 shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).

9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to June 1, 2011 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

10. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after June 1, 2011 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

11. Public Agency elected and elects to be subject to the following optional provisions:

    a. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local safety members only.

    b. Section 20042 (One-Year Final Compensation) for local safety members entering membership on or prior to June 1, 2011 and for those local miscellaneous members entering membership on or prior to October 1, 2012.

c. Section 20965 (Credit for Unused Sick Leave).

d. Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members only.

e. Section 20903 (Two Years Additional Service Credit).

f. Section 20434 ("Local Fire Fighter" shall include any officer or employee of a fire department employed to perform firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as described in Government Code Section 20434).

g. Section 21024 (Military Service Credit as Public Service).

h. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.

i. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local police members only.

j. Section 20475 (Different Level of Benefits). Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local safety members entering membership for the first time in the safety classification after June 1, 2011.

   Section 21353 (2% @ 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after October 1, 2012.

k. Section 20516 (Employees Sharing Cost of Additional Benefits): Section 21362.2 (3% @ 50 Full formula) and Section 21363.1 (3% @ 55 Full formula) for local police members. From and after November 1, 2011 the police employees of Public Agency shall be assessed an additional 5.336% of their compensation for a total contribution rate of 14.336% pursuant to Government Code Section 20516.

l. Section 20516 (Employees Sharing Additional Costs):

   5.41% for local fire members in the Benicia Firefighters Association, LAFF Local 1186.

12. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on March 1, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.

13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

14. Public Agency shall also contribute to said Retirement System as follows:

    a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.

    b. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.

    c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

    d. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY_____
KAREN DE FRANK, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF BENICIA

BY_____
PRESIDING OFFICER

_____
Witness Date

Attest:

_____
Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 19, 2013
BUSINESS ITEMS

DATE : November 13, 2013

TO : City Council

FROM : City Manager

SUBJECT : **MAYOR REQUEST TO AGENDIZE A COUNCIL STUDY SESSION REGARDING IMPLEMENTATION OF A COMMUNITY AIR MONITORING PROGRAM**

RECOMMENDATION:
Consider Mayor Patterson's request to agendize this topic for a future City Council meeting.

EXECUTIVE SUMMARY:
This is a request to seek council concurrence that such a study session presented by the consultant responsible for setting the equipment up and how it should operate among other technical details would bring us all up to speed about the workings and uses of this air monitoring equipment.

Attachments:
- Appendix A: Council Member Requested Agenda Item Form
- Email from Marilyn Bardet

VIII.D.2

APPENDIX A: COUNCIL MEMBER REQUESTED AGENDA ITEM

Requested by: ___Mayor Patterson

Desired Initial Council Meeting Date: **When consultant is available**

Desired Date for Second Step or Policy Calendar Review: **immediately after approval**

Deadline for Action, if any: **Within 2 months.**

Problem/Issue/Idea Name: **Update and status of GNSC air monitoring at Valero**

Description of Problem/Issue/Idea:

Recent San Francisco Chronicle and other media news about the air monitoring program by a state agency raised a number of inquiries by council members and the public about the status of air monitoring at the Valero Refinery. Attached is an email from the GNSC that explains the purpose of an update and status of their equipment at Valero. This request is to seek council concurrence that such a study session presented by the consultant responsible for setting the equipment up and how it should operate among other technical details would bring us all up to speed about the workings and uses of this air monitoring equipment. No action is necessary as this is for information and a Q and A session.

****

COUNCIL DIRECTION

- ❑ No Further Action
- ❑ Schedule for Second Step on _____
- ❑ Schedule for Policy Calendar Review on _____
- ❑ Refer to: Staff _____
  Commission _____
  Board _____
  Committee _____

Date Due: _____

Sharon Williams - Fwd: Regarding air-monitoring session/workshop

From: Brad Kilger
To: Sharon Williams
Date: 11/13/2013 3:37 PM
Subject: Fwd: Regarding air-monitoring session/workshop

>>> Marilyn Bardet <mjbardet@comcast.net> 11/12/2013 10:24 AM >>>
Good morning, Brad and Elizabeth,

Having requested that a study session be held for council and the public next week (19th) on community air-monitoring program, I'm writing to say that my request/suggestion should be tabled for now, since there doesn't appear to be a staff/council decision whether to go forward and by now there is now enough time to plan for it.

However, I'd like to make a few points here, to allow councilmembers to consider the good reasons for hosting a study session on the subject in the future with the aim of finally getting our monitoring system, fledgling system that it is, up and running:

1) The educational virtues of implementing community-based independent real time air-monitoring system is being proved in Richmond right now: three neighborhood monitoring stations are now in place and operational in surrounding neighborhoods. An open public workshop, hosted by Chevron, will be held before the end of this year on the new community monitoring system.

2) Chevron doesn't own the stations and doesn't take responsibility for the data; a third party - Argos Scientific - was contracted not only to assemble the 3 monitoring stations, And Argos remains the third party contractor paid by Chevron to routinely maintain the monitors, perform data analysis, manage the public access website, respond to public inquiry, etc. (Argos is the company hired by Valero, with GNSC agreement, to establish our own monitoring system under the 2008-2010 GNSC/Valero Settlement Agreement.)

3) It is an undeniable reality and prospect that, one day, a major incident such as the Chevron explosion and fire that occurred Aug 6, 2012, will occur at our refinery. These events are endemic to the industry.

4) Every day that our monitoring trailer remains mothballed, local elected officials take a calculated risk: if and when there is a major accident involving the refinery, the public will certainly want to know why monitoring equipment purchased under the Settlement Agreement was not in operation. Elected officials would take the heat for that situation.

5) Given the above, it behooves city staff and elected officials to square up, get informed and be proactive for the benefit of public health and safety.

Respectfully,

Marilyn
745-9094

VIII.D.4

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 1, 2013

TO : Mayor Patterson

FROM : City Manager

SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the November 19, 2013 City Council meeting.

The Mayors' Committee meetings are held quarterly at 6:00 pm in Vallejo. The next meeting will be held on December 18, 2013 and will be held at Zio Fraedo's Restaurant. The agenda for this meeting is not yet available.

VIII.E.1.2

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 13, 2013

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Manager

SUBJECT : **ABAG COMMITTEE MEETING**

The following information is provided for your committee report at the November 19 Council meeting. There is no new information since the July report.

- The Spring General Assembly was held at Jack London Square Pavilion on Thursday, April 18, 2013.
- The draft minutes for the Spring meeting were attached previously.
- The date for the next Assembly has not been announced yet.

VIII.E.2.2

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 7, 2013

TO : Council Member Campbell
Council Member Strawbridge

FROM : Acting Assistant City Manager

SUBJECT : **FINANCE COMMITTEE REPORT**

The following information is provided for your committee report at the November 19, 2013 Council meeting.

The last Finance Committee meeting was held on October 25, 2013; draft minutes for the meeting are attached for your review. The next meeting will be held on Friday, November 22, 2013 at 8:00 a.m. A copy of the draft agenda is attached.

Attachment:

- October 25, 2013 Finance Committee Meeting Draft Minutes
- November 22, 2013 Finance Committee Draft Agenda

VIII.E.3.2

FINANCE COMMITTEE
****DRAFT** REGULAR MEETING MINUTES**
OCTOBER 25, 2013 – 8:00 AM

1. **Call to Order at 8:04 AM**

2. **Roll Call**
   Attended by Chairperson Larry Grossman, Committee Members: Chris Carvalho, Kathy Griffin; Council Members Tom Campbell, Christina Strawbridge, City Treasurer H.R. Autz. Excused absent: Committee Members Michael Clarke, Lee Wines. Staff present: City Manager Brad Kilger, Interim Finance Director Brenda Olwin, Acting Assistant City Manager Anne Cardwell.

3. **Pledge of Allegiance**

4. **Notice to the Public**

5. **Action Items**

   A. **Approval of Agenda**
   The committee approved the agenda of October 25, 2013.

   Ayes: Grossman, Carvalho, Griffin
   Noes: (None)
   Abstain: (None)

   B. **Approval of Minutes from the meeting held on September 27, 2013**
   The Committee approved the minutes of the September 27, 2013 meeting.

   Ayes: Ayes: Grossman, Carvalho, Griffin
   Noes: (None)
   Abstain: (None)

6. **Discussion Items**

   A. **Review Warrant Register for Month of September 2013**
   The Committee reviewed the warrant register for September 2013 – no questions were received prior to, or during, the meeting.

   Mr. Bell, representing the Benicia Industrial Park, inquired about a status update on questions regarding retiree health benefit premiums. At the previous meeting, Mr. Bell had asked about the City's process for ensuring that the health benefit premiums are paid by the retirees, as required. Interim Finance Director Olwin responded that she had understood that those questions were answered during the previous meeting, and after some clarification, agreed to provide more specific information requested at the next meeting.

   B. **Review All-Funds Summary report for the Month of September 2013**
   Interim Finance Director Olwin provided an overview of the report. Ms. Olwin highlighted certain pre-audit beginning reserve balances and discussed that the General Fund reserves reflect a higher pre-audit reserve balance than had been projected in the FY2013-14 Adopted Budget. For the current year, Council Member Campbell inquired about the property tax projections. Ms. Olwin discussed that the FY2013 assessed valuations are higher than projected in the budget, but that staff were extremely cautious due the unprecedented level of property tax appeals outstanding.

   Committee Member Carvalho inquired regarding cash balances and fund liquidity. Ms. Olwin responded that the estimated reserve balances for the governmental fund-types generally reflect a shorter term, more liquid (60 to 90 days) basis of net assets – also known as the modified accrual basis of accounting. Conversely, the propriety fund-types, such as Water,

Wastewater and the Internal Service Fund reserve balances reflected are based on working capital, which is the current portion of all receivables (expected to be collected in the ensuing year) offset by the current portion of liabilities (expected to be liquidated in the ensuing year). Ms. Olwin further explained that the basis of reporting is consistent with the City's historical budgeting practices.

Ms. Olwin also answered several questions from Committee Members regarding how the report is utilized internally. She explained that the report is very useful on a high-level basis due to the ease of highlighting unusual or unexpected activity; and subsequently presented some examples of how the report may be utilized.

Council Member Strawbridge commented that she finds it valuable to receive a high-level view of all fund activity, rather than a focus on the General Fund only.

C. Review FY2013-14 Q1 Reports for General Fund, Wastewater, and Water Funds

Interim Finance Director Olwin reported that, overall, no significant changes to budgeted projections for the General Fund are proposed at this time. She highlighted that current budgeted revenues are lower than prior year actuals due primarily to sales tax revenues. Ms. Olwin further mentioned that the City is experiencing a high-level of negative sales tax adjustments due to the State Board of Equalization correcting previous reporting errors. Property taxes are being monitored due to unusual appeals pending and the possibility of the County impounding for certain appeals. Also, some expenditure savings are expected due to vacant positions; however, staff will review and adjust the budget at mid-year for any significant reductions in projected expenditures.

Interim Finance Director Olwin reported that, overall, there are no changes to budgeted projections for the Water and Wastewater Funds. She noted that revenues are slightly below budget compared to last year, and that staff are watching those revenue trends. Expenditures are higher than last year primarily due to significantly increased insurance charges paid this year. Ms. Olwin explained that staff will be conducting an analysis of the liability insurance charges that may change the insurance costs allocated to those funds.

D. Update Regarding ONESolution Implementation

Interim Finance Director Olwin provided an update of the activities of the GFOA representative working with the City on the chart of accounts set-up, and also working with Sungard on a detail plan and Statement of Work for the implementation. There is progress on the changes and negotiations with Sungard. Additionally, OneSolution General Ledger training is set for November 14, 2013.

Chairperson Grossman asked for written reports on the update on OneSolution and the Long-Range Forecast. Members voiced their opinions that verbal updates will suffice.

E. Update Regarding Long-Range Financial Forecast

City Manager Kilger informed the Committee that there will be a presentation to the Council in the near future in regards to the 10-year plan.

F. Review Work Plan Revisions

Chairperson Grossman requested that he meet with City staff and finalize plan for the next month so it can be presented to the Council.

The next Finance Committee meeting will be November 22, 2013.

7. Public Comment

Mr. Bell inquired if the Committee has looked into the Sungard software contract to see what the product will be. City Manager Kilger stated that the contract is public information and he would direct staff to email a copy to all Finance Committee Members.

8. **Committee Member Comment**
   None

9. **Adjournment**
   There being no further business, the meeting was adjourned at 10:07 a.m.

VIII.E.3.6

FINANCE COMMITTEE
REGULAR MEETING AGENDA
COMMISSION ROOM
November 22, 2013 - 8:00AM

1. **Call to Order**

2. **Roll Call**

3. **Pledge of Allegiance**

4. **Notice to the Public**
   A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Commission Room per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

5. **ACTION ITEMS**

   A. **Approval of Agenda**

   B. **Approval of minutes for meeting held on October 25, 2013**

   C. **Presentation and Approval of September 30, 2013 Investment Report**

   D. **Approval of Calendar Year 2014 Meeting Schedule**

6. **DISCUSSION ITEMS**

   A. **Review Warrant Register for Month of October 2013**
   The Committee reviews a monthly audit of payments to vendors that supply services to the City of Benicia. Members of the Finance Committee review the warrant register and request that further information be provided by staff as necessary. Committee Members are encouraged to review and provide any questions specific to the warrant register to the Asst. Finance Director prior to the meeting.

   B. **Review All-Funds Summary Report for the Month of October 2013**
   The Finance Committee reviews a summary report of all City funds budgeted. Committee Members are encouraged to review and provide any questions specific to the financial report to the Asst. Finance Director prior to the meeting.

   C. **Status of ONESolution Implementation**
   Staff will provide an update of implementation progress and also present information regarding the planned Statement of Work prepared by the Government Finance Officers' Association.

   D. **Status of Long-Range Financial Forecast**
   Interim Finance Director will discuss this project in relationship to Phase 1 of the Sustainable Community Services Study (SCSS) presented to Council on October 30, 2013.

E. **Finalize Annual Work Plan**
The Finance Committee will review work plan and finalize work plan for presentation to City Council.

7. **Public Comment**

8. **Committee Member Comment**

9. **Finance Director Comments re: Previous Public Comments**

10. **Adjournment**

Public Participation

The Benicia Finance Committee 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 Finance Committee allows speakers to speak on non-agendized matters under public comment and on agendized items at the time the agenda item is addressed at the meeting. 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 Finance Committee.

Should you have material you wish to enter into the record, please submit it to the Assistant Finance Director.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, 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 Finance Committee 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 may be taken by the Finance Committee.

Pursuant to Government Code Section 65009, if you challenge a decision of the Finance Committee 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 Finance Committee at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of

Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

Public Records

The agenda packet for this meeting is available at the City Clerk's Office and the Benicia Public Library during regular working hours. 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 held at City Hall in the Commission Room. If you wish to submit written information on an agenda item, please submit to the Assistant Finance Director, as soon as possible so that it may be distributed to the Finance Committee.

VIII.E.3.10

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 1, 2013

TO : Mayor Patterson
Vice Mayor Campbell

FROM : City Manager

SUBJECT : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the November 19, 2013 City Council meeting.

The next North Bay Division General Membership Meeting is TBD.

VIII.E.4.2

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 1, 2013

TO : Council Member Hughes
Council Member Strawbridge

FROM : City Manager

SUBJECT : **CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

The following information is provided for your committee report at the November 19, 2013 City Council meeting.

This committee meets quarterly at the Benicia Unified School District Board Room located at 350 East K Street. The next scheduled meeting will be Thursday, December 5, 2013 at 8:30 am at the BUSD Board Room. The agenda for that meeting is currently unavailable.

VIII.E.5.2

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE	:	November 1, 2013
TO	:	Vice Mayor Campbell Council Member Schwartzman
FROM	:	City Manager
SUBJECT	:	**SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the November 19, 2013 Council meeting.

The meetings of the Committee are now scheduled on an as-needed basis. At this time, the next meeting date is unknown.

VIII.E.6.2

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : October 31, 2013

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the November 19, 2013 Council meeting.

The last Board of Directors meeting was on September 12, 2013. The agenda and minutes were previously issued.

The next Board of Directors meeting is scheduled for Thursday, November 14, 2013 at 9:00 a.m. at Jelly Belly Candy Company. The agenda for that meeting is not yet available.

Attachment:

VIII.E.7.2

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 1, 2013

TO : Mayor Patterson
Council Member Hughes
Council Member Schwartzman

FROM : Director of Public Works

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the November 19, 2013 City Council meeting.

The Agenda from the October 9, 2013 meeting is attached. The 16th Annual Awards were held on November 13, 2013. The next regular meeting is scheduled for December 11, 2013 at Suisun City Hall and the agenda for that meeting is unavailable.

Attachments:

- October 9, 2013 Regular Board Meeting Agenda

VIII.E.8.2

Solano Transportation Authority

STA BOARD MEETING AGENDA
5:30 p.m., Closed Session
6:00 p.m., Regular Meeting
Wednesday, October 9, 2013
Suisun City Hall Council Chambers
701 Civic Center Drive
Suisun City, CA 94585

Mission Statement: To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

Public Comment: Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 3 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency. **Speaker cards are required in order to provide public comment. Speaker cards are on the table at the entry in the meeting room and should be handed to the STA Clerk of the Board. Public comments are limited to 3 minutes or less.**

Americans with Disabilities Act (ADA): This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Johanna Masiclat, Clerk of the Board, at (707) 424-6008 during regular business hours at least 24 hours prior to the time of the meeting.

Staff Reports: Staff reports are available for inspection at the STA Offices, One Harbor Center, Suite 130, Suisun City during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at jmasiclat@sta-snci.com. **Supplemental Reports:** Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the STA Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

Agenda Times: Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

ITEM **BOARD/STAFF PERSON**

1. **CLOSED SESSION** (5:30 p.m.)

   - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
     (Gov't Code §54956.9)
     Case name unspecified (specify whether disclosure would jeopardize service of process or existing settlement negotiations): Belinda Hill v. County of Solano, et al
   - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
     (Gov't Code §54956.9)
     Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9
     Specify number of potential cases: 1

STA BOARD MEMBERS

Steve Hardy Chair	Osby Davis Vice-Chair	Elizabeth Patterson	Jack Batchelor, Jr.	Harry Price	Norman Richardson	Pete Sanchez	Jim Spering
City of Vacaville	City of Vallejo	City of Benicia	City of Dixon	City of Fairfield	City of Rio Vista	City of Suisun City	County of Solano

STA BOARD ALTERNATES

Dilenna Harris	Hermie Sunga	Alan Schwartzman	Dane Besneatte	Rick Vaccaro	Constance Boulware	Mike Hudson	Erin Hannigan

The complete STA Board Meeting Packet is available on STA's Website at www.sta.ca.gov

2. **CALL TO ORDER/PLEDGE OF ALLEGIANCE** — Chair Hardy
(6:00 – 6:05 p.m.)

3. **CONFIRM QUORUM/ STATEMENT OF CONFLICT** — Chair Hardy
An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.

4. **APPROVAL OF AGENDA**

5. **OPPORTUNITY FOR PUBLIC COMMENT**
(6:05 – 6:10 p.m.)

6. **EXECUTIVE DIRECTOR'S REPORT – Pg.** 9 — Daryl K. Halls
(6:10 – 6:15 p.m.)

7. **REPORT FROM THE METROPOLITAN TRANSPORTATION COMMISSION (MTC)** — MTC Commissioner and STA Board Member Jim Spering
(6:15 – 6:20 p.m.)

8. **REPORT FROM CALTRANS**
(6:20 – 6:25 p.m.)

9. **REPORT FROM STA**
(6:25 – 6:35 p.m.)
   A. **Announcement of Nominees for STA's 16th Annual Awards** — Jayne Bauer
   B. **Directors Report**
      1. **Planning** — Robert Macaulay
      2. **Projects** — Janet Adams
      3. **Transit/Rideshare** — Judy Leaks/ Liz Niedziela

10. **CONSENT CALENDAR**
Recommendation:
Approve the following consent items in one motion.
(Note: Items under consent calendar may be removed for separate discussion.)
(6:35 - 6:40 p.m.)

   A. **Minutes of the STA Board Meeting of September 11, 2013** — Johanna Masiclat
   Recommendation:
   Approve STA Board Meeting Minutes of September 11, 2013.
   Pg. 15

   B. **Draft Minutes of the Technical Advisory Committee (TAC) Meeting of September 25, 2013** — Johanna Masiclat
   Recommendation:
   Approve Draft TAC Meeting Minutes of September 25, 2013.
   Pg. 23

C. Mobility Management - Travel Training Scope of Work — Anthony Adams

Recommendation:

Approve the following:

1. The revised Scope of Work for Countywide Travel Training as specified in Attachment A.
2. Authorize the Executive Director to issue a Request for Proposal (RFP) and enter into an agreement for Travel Training Consultant Services for an amount not-to-exceed $130,000.

Pg. 31

D. Updated STA Human Resources Policies and Procedures Handbook — Joy Apilado

Recommendation:

Approve the October 2013 STA Revised Human Resources Policies and Procedures Handbook as provided in Attachment A.

Pg. 37

E. Transit Project Management Contract Amendments — Liz Niedziela

Recommendation:

Authorize the Executive Director to execute a contract amendment for Transit Project Management Services with the following:

1. The City of Rio Vista for an amount not-to-exceed $75,000 to provide transit and operation services for the City of Rio Vista and extend contract date to May 30, 2014; and
2. Jim McElroy for an amount not-to-exceed $60,000 to provide transit and operation services for the City of Rio Vista and extend the contract date to May 30, 2014; and
3. Nancy Whelan Consulting for an amount not-to-exceed $15,000 to cover additional services to provide transit financial services for the City of Rio Vista.

Pg. 39

F. Solano Pedestrian Advisory Committee (PAC) Member Appointment — Sofia Recalde

Recommendation:

Appoint Tamer Totah representing City of Fairfield to the PAC for a three-year term.

Pg. 41

G. Safe Routes to School (SR2S) Contract Amendment – Solano County Public Health — Judy Leaks

Recommendation:

Authorize the Executive Director to enter into an amendment to the agreement with Solano County Public Health to operate and deliver SR2S project and program tasks described in the SR2S 2-year Work Plan for an amount not to exceed $1,143,034 through Fiscal Years 2013-14 and 2014-15 as described in Attachment A.

Pg. 45

H. Safe Routes to School (SR2S) Contract Amendment – Alta Planning + Design — Judy Leaks

Recommendation:
Authorize the Executive Director to execute a contract amendment with Alta Planning + Design for an amount not-to-exceed $15,000 to cover the additional cost associated with the SR2S Plan Update and Mapping Project.
Pg. 51

I. STA's Lease Renewal and Additional Office Space — Daryl Halls and Susan Furtado

Recommendation:
Authorize the Executive Director to:
1. Amend the current lease with Wiseman Company to add 1,114 sq. ft. space for the amount of $36,877; and
2. Enter into an additional 3-year lease extension for the total 7,593 sq. ft. for a total amount not-to-exceed $725,202.

Pg. 57

J. OneBayArea Grant (OBAG) Programming for City of Vacaville Safe Routes to School (SR2S) Project — Jessica McCabe

Recommendation:
Approve the programming of $303,207 of Congestion Mitigation and Air Quality (CMAQ) funds for Vacaville's Safe Routes to Schools (SR2S) project, as described in Attachment D.
Pg. 59

K. City of Fairfield Funding Request to Conduct Feasibility Analysis of Fairfield and Suisun Transit (FAST) Service — Daryl Halls and Liz Niedziela

Recommendation:
Approve the following:
1. Authorize funding in the amount of $45,000 of State Transit Assistance Funds for the City of Fairfield to conduct a Feasibility Analysis of FAST transit service including the feasibility of combining services with SolTrans; and
2. Authorize the Executive Director to enter into a funding agreement with the City of Fairfield to conduct a Feasibility Analysis of combining FAST and SolTrans.

Pg. 67

11. ACTION FINANCIAL ITEMS

A. 2014 State Transportation Improvement Program (STIP) Programming — Jessica McCabe

Recommendation:
Approve the following:
1. Program $9.3M in available State Transportation Improvement Program (STIP) funds to the Jepson Parkway project;
2. Program $203,500 in FY 2017-18 and $203,500 in FY 2018-19 available for Planning, Programming, and Monitoring (PPM) activities; and

3. Authorize the Executive Director to pursue opportunities for Interregional Transportation Improvement Program (ITIP) funds for future phases of the I-80/I-680/SR 12 Interchange Project.

(6:40 – 6:50 p.m.)
Pg. 79

B. Benicia Park/Industrial Interchange Improvements and Park and Ride – Request for STA Right of Way Implementation — Janet Adams

Recommendation:
Approve the following:

1. Dedicate up to $500,000 of State Transit Assistance Funds (STAF) to the Benicia Park/Industrial Interchange Improvements and Park and Ride project;
2. Authorize the Executive Director to enter into a Funding Agreement with the City of Benicia for the Right-of-Way services for this Project;
3. Authorize the Executive Director to either contract with Contra Costa County or a qualified consultant for the Right-of-Way services for an amount not to exceed $50,000; and
4. Authorize the Executive Director to acquire lands necessary for this project.

(6:50 – 7:00 p.m.)
Pg. 99

C. Mobility Management One Stop Transportation Call Center — Elizabeth Richards, Consultant

Recommendation:
Approve the following:

1. Authorize the Executive Director to implement Solano's Mobility Management (MM) Call Center as a 3-year pilot program in an amount not-to-exceed $383,305; and
2. Direct STA staff to monitor and evaluate the Mobility Management Call Center Pilot Program and report on its effectiveness on an annual basis.

(7:00 – 7:05 p.m.)
Pg. 103

12. ACTION NON-FINANCIAL ITEMS

A. 2013 Safe Routes to School (SR2S) Countywide Plan — Danelle Carey

Recommendation:
Adopt the 2013 Safe Routes to School Plan as provided for in Attachment A.
(7:05 – 7:10 p.m.)
Pg. 107

B. STA Alternative Fuel and Infrastructure Plan — Robert Guerrero

Recommendation:
Authorize the Executive Director to distribute the Alternative Fuels and Infrastructure Plan for a 30-day public input as provided for in Attachment B.
(7:10 – 7:15 p.m.)
Pg. 109

C. **2013 Congestion Management Program Update** — Robert Macaulay

Recommendation:
Authorize the Executive Director to forward the Draft 2013 Solano CMP to MTC for review and comment as provided for in Attachment B.
(7:15 – 7:25 p.m.)
Pg. 113

D. **Solano County Freight Priorities - Highways** — Janet Adams

Recommendation:
Approve the following:

1. Request the I-80 and State Route 12 be designated as freight corridors in the State Freight Plan;
2. Request I-80 be designated as a freight corridor in the National Freight Network;
3. Request the I-80 Westbound Cordelia Truck Scales Relocation and the I-80/I-680/SR 12 Interchange as priority freight projects for Solano County; and
4. Authorize the STA Chair to send letters to Caltrans and the Metropolitan Transportation Commission to request these priorities are included in the State and Federal Freight Plans.

(7:25 – 7:35 p.m.)
Pg. 151

D. **Legislative Update and Water Emergency Transportation Authority (WETA) Board Representation** — Jayne Bauer

Recommendation:
Approve the following:

1. Amend the 2013 STA Legislative Platform V. Ferry #4 as follows: "Seek *Solano County representation on the WETA Board, and ultimately seek* legislation to specify that Solano County will have a statutorily-designated representative on the WETA Board;" and
2. Authorize the STA Board Executive Committee to submit candidates for consideration by the Governor for WETA appointment.

(7:35 – 7:45 p.m.)
Pg. 155

13. INFORMATIONAL ITEMS – NO DISCUSSION

A. **Transportation Fund for Clean Air (TFCA) Program Update and Summary of Regional Initiatives** — Sara Woo
Pg. 169

B. **Vine Trail Project Update** — Sara Woo
Pg. 179

C. **Status of Marketing Plan for SolanoExpress** — Jayne Bauer
Pg. 187

D. **Countywide In-Person ADA Eligibility Program and Funding Update** — Liz Niedziela and Anthony Adams
Pg. 195

The complete STA Board Meeting Packet is available on STA's Website at www.sta.ca.gov

E. **Summary of Funding Opportunities Summary** Sara Woo
Pg. 203

F. **STA Board and Advisory Committee Meeting Schedule for Calendar Year 2013** Johanna Masiclat
Pg. 207

14. BOARD MEMBERS COMMENTS

15. ADJOURNMENT

The next regularly scheduled meeting of the STA Board at **6:00 p.m., Wednesday, December 11, 2013**, Suisun Council Chambers.

VIII.E.8.10

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 7, 2013

TO : Mayor Patterson
Council Member Hughes

FROM : Director of Public Works

SUBJECT : **SOLANO COUNTY WATER AGENCY**

The following information is provided for your committee report at the November 19, 2013 City Council meeting.

The draft minutes of the October 10, 2013 meeting are attached along with the agenda for the November 14, 2013 meeting. The next regular meeting is scheduled for December 12, 2013.

Attachments:
- SCWA Draft Minutes for October 10, 2013
- SCWA Meeting Agenda for November 14, 2013

VIII.E.9.2

SOLANO COUNTY WATER AGENCY

BOARD OF DIRECTORS MEETING MINUTES

MEETING DATE: October 10, 2013

The Solano County Water Agency Board of Directors met this evening at the Solano County Water Agency. Present were:

Mayor Jack Batchelor, City of Dixon
Mayor Harry Price, City of Fairfield
Mayor Pete Sanchez, City of Suisun City
Mayor Elizabeth Patterson, City of Benicia
Mayor Norm Richardson, City of Rio Vista
Mayor Steve Hardy, City of Vacaville
Supervisor Linda Seifert, Solano County District 2
Supervisor John Vasquez, Solano County District 4
Director Bob Bishop, Solano Irrigation District
Director Dale Crossley, Reclamation District 2068
Manager Don Holdener, Maine Prairie Water District

CALL TO ORDER

The meeting was called to order at 7:26 P.M. by Vice Chair Price.

APPROVAL OF AGENDA

On a motion by Mayor Patterson and a second by Mayor Hardy the Board unanimously approved the agenda.

PUBLIC COMMENT

There were not public comments.

CONSENT ITEMS

On a motion by Supervisor Seifert and a second by Mayor Hardy the Board unanimously approved the following Consent Items.

(A) Minutes
(B) Expenditure Approvals

BOARD MEMBER REPORTS

Mayor Patterson announced that the Plenary Session for the Public Review Draft of the California Water Plan Update 2013 is October 29 – 30, 2013 at the Red Lion Hotel in Sacramento.

GENERAL MANAGER'S REPORT

There were no additions to the written report.

DELTA ISSUES AND WATER BOND LEGISLATION

Supervisor Seifert stated the Delta Water Coordination Working Group met on October 4, 2013. The Group is planning to discuss strategies on the Water Bond. Manger Okita and Patrick Leathers discussed the current status of water bond legislation. The 2014 water bond is slated to be on the ballot November 2014 unless there is intervening legislation to replace the bond with an alternate bond. Senator Wolk and Assembly Member Rendon both have bills in the legislature that would supplant the 2014 water

bond. There are three areas of interest in the water bond: Delta levees, Delta sustainability, and funding for water infrastructure projects including the public benefit portion of the North Bay Alternate Intake Project. Coordination with other Delta Counties is taking place to develop an agreed upon "ask" to be included in the water bond bill.

TIME AND PLACE OF NEXT MEETING

The next regularly scheduled meeting will be Thursday, November 14, 2013 at 6:30 P.M. at the Solano County Water Agency offices.

ADJOURNMENT

This meeting of the Solano County Water Agency Board of Directors was adjourned at 7:48 P.M.

David B. Okita, General Manager
and Secretary to the Board of Directors of the
Solano County Water Agency

SOLANO COUNTY WATER AGENCY

BOARD OF DIRECTORS:

Chair:
Supervisor Jim Spering
Solano County District 3

Vice Chair:
Mayor Harry Price
City of Fairfield

Mayor Jack Batchelor
City of Dixon

Director Bob Bishop
Solano Irrigation District

Director Dale Crossley
Reclamation District No. 2068

Mayor Osby Davis
City of Vallejo

Supervisor Erin Hannigan
Solano County District 1

Mayor Steve Hardy
City of Vacaville

Mayor Elizabeth Patterson
City of Benicia

Mayor Norm Richardson
City of Rio Vista

Director Gene Robben
Maine Prairie Water District

Mayor Pete Sanchez
City of Suisun City

Supervisor Linda Seifert
Solano County District 2

Supervisor Skip Thomson
Solano County District 5

Supervisor John Vasquez
Solano County District 4

GENERAL MANAGER:

David Okita, PE
Solano County Water Agency

BOARD OF DIRECTORS MEETING

DATE: **Thursday, November 14, 2013**

TIME: **6:30-7:00 p.m. (Note: There is a CCCC meeting this month)**

PLACE: **Berryessa Room**
Solano County Water Agency Office
810 Vaca Valley Parkway, Suite 203
Vacaville

6:30 p.m.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF AGENDA**

4. **PUBLIC COMMENT**

   Limited to 5 minutes for any one item not scheduled on the Agenda.

5. **CONSENT ITEMS**

   (A) Minutes: Approval of the Minutes of the Board of Directors meeting of October 10, 2013 is recommended.

   (B) Expenditure Approvals: Approval of the October checking account register is recommended.

   (C) Dixon SWP Participating Agency Contract: Authorize Chairman to execute a revised Participating Agency Contract for State Water Project water supply with City of Dixon.

   (D) Purchase of Global Navigation Satellite System Surveying Equipment: Approve purchase of a Global Navigation Satellite System Surveying equipment.

810 Vaca Valley Parkway, Suite 203
Vacaville, California 95688
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com

SOLANO WATER
WASTE NOT • WANT NOT

(E) Agreement with Yolo County Resource Conservation District for Assisting in Administration of the Westside Integrated Regional Water Management Plan: Authorize Chairman to execute an agreement with the Yolo County Resource Conservation District, on behalf of the Westside Integrated Regional Water Management Plan (Westside IRWMP) Coordinating Committee, to assist in the administration of the Westside IRWMP.

(F) Ulatis Project Grant Deed: Authorize General Manager to accept a grant deed for a portion of property along the Ulatis Flood Control Project.

6. BOARD MEMBER REPORTS

RECOMMENDATION: For information only.

7. GENERAL MANAGER'S REPORT

RECOMMENDATION: For information only.

8. 2014 WATER BOND LEGISLATION – SB 42 AND AB 1331

RECOMMENDATIONS:

1. Support SB 42 if amended to provide for a section for funding water infrastructure projects in Delta counties that provide public benefits.

2. Support AB 1331 if amended to provide for a section for funding water infrastructure projects in Delta counties that provide public benefits.

9. DELTA ISSUES

RECOMMENDATIONS:

3. Hear Status Report from the Delta Water Coordination Working Group.

4. Hear report from Supervisor Thomson on activities of the Delta Counties Coalition and Delta Protection Commission.

10. TIME AND PLACE OF NEXT MEETING

Thursday, December 12, 2013 at 6:30 p.m. at the SCWA offices.

The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency's website at www.scwa2.com.

Any materials related to items on this agenda distributed to the Board of Directors of Solano County Water Agency less than 72 hours before the public meeting are available for public inspection at the Agency's offices located at the following address: 810 Vaca Valley Parkway, Suite 203, Vacaville, CA 95688. Upon request, these materials may be made available in an alternative format to persons with disabilities.

Nov2013.bod.agd

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 4, 2013

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : Director of Public Works

SUBJECT : **TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE**

The following is provided as your committee report for the November 19, 2013 City Council meeting.

The last TPBS Committee meeting was held on October 17, 2013, (minutes in process). The next regularly scheduled TPBS Committee meeting is Thursday, January 16, 2014 at 7:00 p.m. in the Commission Room.

Attachments:
- October 17, 2013 Meeting Agenda
- Approved minutes of the April 25, 2013 Meeting

VIII.E.10.2

City of Benicia
TRAFFIC PEDESTRIAN &
BICYCLE SAFETY (TPBS) COMMITTEE
Regular Meeting

7:00 pm
Thursday, October 17, 2013
Commission Room
City Hall – 250 East L Street

AGENDA

I. Call To Order
- A. Roll Call
- B. Pledge of Allegiance
- C. Fundamental rights statement

II. Approval of Minutes
- A. Draft April 25, 2013 Meeting Minutes

III. Public Comments

IV. Staff Update
1. Intermodal Projects – Downtown and Western Gateway
2. Benicia Industrial Park Bus Hub Conceptual Plan
3. Devonshire Drive Traffic Calming Project
4. Rose Drive Traffic Calming Project

V. Action Item

1. Robert Semple Elementary – Safe Routes to School (SR2S) Audit Findings and Recommendations

Recommendation: The TPBS Committee will review findings from the 3:00 pm audit, receive public comments, and recommend pedestrian safety enhancements. *Handouts will be provided and the recently adopted SR2S plan, including recommendations from the last audit in March 2013, is available on the Solano Transportation Authority website at* http://www.solanosr2s.ca.gov.

VI. Adjournment

Public Participation

The Traffic Pedestrian and Bicycle Safety (TPBS) Committee 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 TPBS Committee 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 TPBS Committee.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator at (707) 746-4200. 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 the TPBS Committee 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 may be taken by the TPBS Committee.

Public Records

The agenda packet for this meeting is available at the Public Works Department, City Clerk's Office and the Benicia Public Library during regular work hours. 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." ***If you wish to provide written information on an agenda item, please submit to Kathy Trinque, Administrative Secretary, by 5:00 pm, Wednesday, October 16, 2013 for distribution to Committee Members***.

APPROVED October 17, 2013
Minutes
CITY OF BENICIA
TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE
Re-scheduled Regular Meeting
Thursday, April 25, 2013
7:00 pm

I. Call to Order.

Meeting called to order at 7:01pm

1. Roll Call:
   Committee Members Present:
   Vice-Mayor Tom Campbell, Chair
   Police Lt. Scott Przekurat
   City Engineer, Melissa Morton
   Senior Civil Engineer, Mike Roberts
   Absent: Council Member Alan Schwartzman, Vice-Chair (excused)
   Staff Present:
   Kathy Trinque, Administrative Secretary
2. Fundamental Rights Statement

II. Approval of October 18, 2012 Meeting Minutes.

The minutes were adopted by a motion made by Melissa Morton, seconded by Mike Roberts and approved by a unanimous vote.

III. Public Comment:

Nancy Lund, resident and member of the Benicia Bike Club and STA Bicycle Committee requested that the City create a bicycle map that includes how to bicycle to key places (the easiest way). She suggested that staff look at the City of Davis's city map that includes bike lanes. She would like to see maps for each school that shows the safest way to bicycle to school.

Ms. Lund further commented on the following:

- ✓ She would like staff to check out what the City of Pleasant Hill, has done on Oak Park Road; they used a rust colored glittering material on the street that improves bicycle visibility for motorists.

- ✓ She would like to see improvements made to the intersection at Military West and W 7th Streets.

- ✓ She complimented staff on the newly completed Downtown Intermodal Project at First and Military.

IV. Citizen Request:

1. Request for Marked Crosswalk on West K at West 7th Street.

Mike Roberts provided a brief review of this request, staff's research, adjacent residents' comments and decision from the October 2012 TPBS Committee meeting. At the October meeting the Committee recommended installing a new high visibility crosswalk at this intersection, but since that time City staff has received additional feedback from two adjacent residents who are concerned about their loss of on-street parking from the proposed crosswalk.

Staff recommends that the City proceed with installing the new crosswalk even though it will reduce the amount of on-street parking to one stall for each adjacent resident. Staff's recommendation takes into account the need to balance the impact to the residents with improved safety for pedestrians. Without the crosswalk pedestrians must walk between parked cars to cross at this intersection.

This all-way stop intersection is a direct route for children to walk to Mary Farmar Elementary School, Benicia Middle School and Benicia High School. An additional crosswalk could be installed on West K Street at West 6th or West 8th Streets, but those intersections are not controlled by all-way stop.

The cost to install this crosswalk is approximately $7,000 because a new depressed ramp at the sidewalk corner is needed at the south side and a retrofit of the north side for ADA standards is needed in addition to the crosswalk itself.

Public Comments:

Rene Mitchell of 640 West K Street spoke in opposition to the proposed crosswalk. He and his family have lived at this location about 13 years. He made the following comments:

- ✓ He rarely sees children crossing at this intersection – the crosswalk isn't needed.
- ✓ His next door neighbor, who would also be impacted by less on-street parking, is not in support of the crosswalk. (She was not able to attend the meeting.)
- ✓ He has an accessory dwelling unit on his property so he needs more than one on-street parking space.
- ✓ It would be more difficult for him and his neighbor to park and unload groceries if parking is reduced.
- ✓ Pedestrians have other places to cross the street nearby.
- ✓ He supports safety but in this case there is too much of an impact on adjacent residents. The neighborhood does not want the crosswalk there.

Yvette Mitchell of 640 West K Street also spoke in opposition to the proposed crosswalk. She stated that since the City changed the skate park into a

playground area, there are fewer children (and younger children usually accompanied by a parent), which has reduced traffic in this area.

No other comments were received.

The Committee held a discussion considering the following:

Lt. Przekurat noted that this has not been a problem area, from a police perspective.

Mike Roberts commented that we can't install the new crosswalk on the west side of the intersection (less impact to on-street parking) because there is a resident's driveway located on the southwest side of the intersection, creating a safety problem. This was the reason staff moved the crosswalk location to the east side of the intersection.

Melissa Morton commented that it is not reasonable to put in another all-way stop in such close proximity to this all-way stop intersection. If a crosswalk is necessary, it should be installed at this location.

Tom Campbell suggested that we continue this item to the next meeting since the resident who requested the item is not present and may not still want it.

Mike Roberts noted that he did receive a phone call from Mr. Bowman, who requested the crosswalk be installed, and unfortunately was not able to attend this meeting, but still wants the City to move forward with the new crosswalk. It is important that the Committee advocate for safe walking/biking to school.

A motion was made by Mike Roberts and seconded by Melissa Morton, that staff move forward with installation of the new crosswalk on the west side of the intersection of West K Street at West 7th Street, working closely with the affected residents to try to mitigate its impacts on their on-street parking.

The motion was adopted by a 4-0 vote.

V. <u>Action Item</u>:

1. Interim All-way Stop at Military East/Grant/Adams/Jefferson Streets.

Mike Roberts summarized the recent installation of an interim all-way stop at this location with the recommendation that the TPBS Committee consider its permanent installation or look at other alternatives if this all-way stop proves onerous to the public.

The interim all-way stop at this location was installed in early April to address multiple safety concerns for vehicles stopped at the westbound Grant Street approach to the intersection including: restricted sight distance because of the

sharp angle of Grant Street and confusion with vehicles travelling east on Military East that appear to be moving straight onto Grant Street, but instead veer left onto Adams Street without activating their turn signal.

The cost to install the interim all-way stop sign was approximately $1,000.

Mike Roberts also mentioned that he received an email from Ms. Megan Richards, who stated that she is in favor of the new all-way stop signs. Staff has not heard negative feedback from the Jefferson Street residents.

Public Comments:

An unidentified Vallejo resident spoke in favor of the all-way stop. She stated that while walking on Military East and watching for traffic from Adams Street, she was recently hit by a car travelling on Grant Street. She commented that this is the worst area in Benicia for safety and strongly stated her wish for the signs to remain in place.

Tom Campbell commented that after many years of serving on City Council and Planning Commission, this is the first time this has been brought to his attention.

Nancy Lund, a Benicia resident, spoke in favor of the stop signs remaining in place. It creates a safer intersection for bicyclists and pedestrians.

No other public comments were provided.

A motion was made by Melissa Morton and seconded by Scott Przekurat to follow staff's recommendation to monitor the success or failure of the interim all-way stop for the next 3 months and bring this item back to the TPBS Committee for a final determination at the next meeting.

The motion was adopted by a 4-0 vote.

_____

Meeting was adjourned at 7:35 pm

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 1, 2013

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP "SOLANO OPEN SPACE"**

The following information is provided for your committee report at the November 19, 2013 Council meeting.

The last Tri-City and County Cooperative Planning Group scheduled in September was canceled due to lack of a quorum. The next meeting is scheduled for December 9, 2013.

VIII.E.11.2

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 1, 2013

TO : Mayor Patterson
Council Member Hughes

FROM : City Manager

SUBJECT : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the November 1, 2013 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The next meeting is TBD.

VIII.E.12.2

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORT

DATE : October 31, 2013

TO : Mayor Elizabeth Patterson
Council Member Christina Strawbridge
Council Member Mark Hughes

FROM : Youth Action Coalition

SUBJECT : **YOUTH ACTION COALITION**

The Benicia Youth Action Coalition met on October 23, 2013.

Report was given regarding the County did not get the federal Drug Free Communities grant for the next five years. This means all City Team contracts have to be re-negotiated. For BYAC it will reduce our funding by $10,254.00. Staff will be working on proposed budget cuts and will meet with the County to discuss options.

The County announced they will now be required to develop an RFP for the ATOD county funding. Each City Team will have to submit a proposal for the 2014-15 funds.

Red Ribbon Week is October 23-31. City Proclamation will be presented; all of the schools are conducting student activities throughout the week. BYAC purchased red ribbon wrist bands to give out to the Middle and High Schools.

Prescription Drug Take Back event will be held at the Police Department on Saturday, October 26th. The City Teams and county partnered on advertising the event.

The next meeting will be on November 20th at 3:30 p.m. in the Commission Room.

VIII.E.13.2

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 1, 2013

TO : City Council

FROM : Mayor Patterson

SUBJECT : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The following information is provided for your committee report at the November 19, 2013 City Council meeting.

The Bay Area Water Forum's last meeting was held on March 26, 2012.

This was the last meeting of the Bay Area Water Forum for 2012, due to a lack of funding.

VIII.E.14.2

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 19, 2013
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 7, 2013

TO : Mayor Patterson
Council Member Hughes
Council Member Schwartzman

FROM : Acting Assistant City Manager

SUBJECT : **SOLANO COUNTY TRANSIT (SolTrans) BOARD MEETING**

The following information is provided for your committee report at the November 19, 2013 Council meeting.

The Solano County Transit (SolTrans) Joint Powers Authority's October 24, 2013 regular meeting was cancelled.

The next regular meeting of the SolTrans Board is scheduled for Thursday, November 21, 2013 at 4:00 p.m. and will be held in the City of Benicia Council Chambers. The Agenda and Executive Report for this meeting were not available as of the date of this report.

VIII.E.15.2