

November 29, 2012

**SPECIAL MEETING
BENICIA PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
AGENDA**

**Thursday, November 29, 2012
7:00 P.M.**

I. OPENING OF MEETING

- A. Pledge of Allegiance
- B. Roll Call of Commissioners
- C. Reference to Fundamental Rights of Public - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

II. ADOPTION OF AGENDA

III. OPPORTUNITY FOR PUBLIC COMMENT

This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on the agenda that is within the subject jurisdiction of the Planning Commission. State law prohibits the Commission from responding to or acting upon matters not listed on the agenda.

Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

- A. WRITTEN
- B. PUBLIC COMMENT

IV. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker slip for that item.

*Any Item identified as a Public Hearing has been placed on the Consent Calendar because it has not generated any public interest or dissent. However, if any member of the public wishes to comment on a Public Hearing item, or would like the item placed on the regular agenda, please notify the Community Development Staff either prior to, or at the Planning Commission meeting, prior to the reading of the Consent Calendar.

- A. [APPROVAL OF MINUTES FROM JOINT PC/HPRC WORKSHOP SEPT.13, 2012](#)
- B. [APPROVAL OF MINUTES FROM OCTOBER 11, 2012](#)
- C. [257 ESSEX WAY - ANNUAL BIRD DEATH REPORT](#)
- D. [PLANNING COMMISSION HEARING CALENDAR FOR 2013](#)

V. PRESENTATION

At the request of Commissioner Dean and supported by the Commission, staff will give a presentation on Benicia's two Priority Development Areas as they relate to the goals of SB375 and as preferred areas for transportation funding.

VI. REGULAR AGENDA ITEMS

A. USE PERMIT – REQUEST TO MODIFY THE EXISTING BILLBOARD SIGN (CBS)

12PLN-13 – Use Permit

4850 Park Road, Public Right-of-Way adjacent to APN 080-060-360

PROPOSAL:

CBS Outdoor proposes to lease the former "Nationwide" I-680 freeway-oriented electronic billboard sign that is located on City property adjacent Park Road and I-680. The modified sign will have the same overall sign area and height as the existing sign. The electronic reader board will be upgraded to digital LED technology.

Recommendation:

Approve Use Permit 12PLN-00013 to allow the modification of the existing billboard at 4850 Park Road, based on the findings and subject to the conditions of approval set forth in the draft resolution; and, determine that the project is Categorically Exempt per California Environmental Quality Act (CEQA) Guidelines.

B. USE PERMIT – REQUEST TO MODIFY TWO EXISTING BILLBOARD SIGNS (CLEAR CHANNEL)

12PLN-35 – Use Permit

3300 Park Road and 3190 Bayshore Road, APNs: 080-080-530, 200, 710

Clear Channel Billboard Comparison Video

PROPOSAL:

Clear Channel Outdoor proposes to renew its lease with the City of Benicia for the two freeway oriented billboard signs located on the property at 3190 Bayshore Road and 3300 Park Road, on the east side of I-680 and east of the Benicia Industrial Park. The existing illuminated static message signs will be altered and upgraded to include state of the art digital LED technology that incorporates all state and federal standards for safety, display and illumination.

Recommendation:

Approve Use Permit 12PLN-00035 to allow the alteration and upgrading of the two existing billboard signs at 3190 Bayshore Road and 3300 Park Road, based on the findings and subject to the conditions of approval set forth in the draft resolution; and, adopt the Initial Study and Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines because although implementation of the proposed projects may have a significant effect on the environment, mitigations measures have been incorporated into the project that reduce any potential impacts to less than significant levels.

C. WATERFRONT PARK MASTER PLAN – SELECT ONE MEMBER OF THE PLANNING COMMISSION TO SERVE AS A REPRESENTATIVE ON THE COMMUNITY ADVISORY COMMITTEE

PROPOSAL:

The City is beginning a 16 month process to develop the *Benicia Urban Waterfront Enhancement and Master Plan*, which will develop a site Master Plan for the First Street Green and adjacent tidal marshland. At its October 16 meeting, City Council directed staff to establish a Community Advisory Committee (CAC) to add value to the development of the plan. The CAC will assist the consultant and staff in conducting alternatives analysis and developing the Alternative Concept Plans and the draft Master Plan.

Recommendation:

Staff is requesting that the Commission designate a representative to participate in the CAC.

VII. COMMUNICATIONS FROM STAFF

VIII. COMMUNICATIONS FROM COMMISSIONERS

IX. ADJOURNMENT

Public Participation

The Benicia Planning Commission welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The Planning Commission allows speakers to speak on agendized and non-agendized matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Planning Commission.

Should you have material you wish to enter into the record, please submit it to the Commission Secretary.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the ADA Coordinator, at (707) 746-4211.

Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for Commission discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action the Commission may take.

The Planning Commission may not begin new public hearing items after 11 p.m. Public hearing items, which remain on the agenda, may be continued to the next regular meeting of

the Commission, or to a special meeting.

Pursuant to Government Code Section 65009; if you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing. You may also be limited by the ninety (90) day statute of limitations in which to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

Appeals of Planning Commission decisions that are final actions, not recommendations, are considered by the City Council. Appeals must be filed in the Community Development Department in writing, stating the basis of appeal with the appeal fee within 10 business days of the date of action.

Public Records

The agenda packet for this meeting is available at the City Clerk's Office, the Benicia Public Library and the Community Development Department during regular working hours. The Community Development Department is open Monday through Friday (except legal holidays), 8:30 a.m. to 5 p.m. (closed from noon to 1 p.m.). Technical staff is available from 8:30 - 9:30 a.m. and 1:00 - 2:00 p.m. only. If you have questions/comments outside of those hours, please call 746-4280 to make an appointment. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the Community Development Department's office located at 250 East L Street, Benicia, or at the meeting held in the City Hall Council Chambers. If you wish to submit written information on an agenda item, please submit to Lisa Porras, Senior Planner, as soon as possible so that it may be distributed to the Planning Commission.

 [Approval of Minutes from Joint PC/HPRC Workshop Sept.13, 2012](#)

 [Approval of Minutes from October 11, 2012](#)

 [257 Essex Way - Annual Bird Death Report](#)

 [Planning Commission Hearing Calender for 2013](#)

 [Presentation - Priority Development Areas](#)

 [Use Permit - 4850 Park Road 12PLN-00013](#)

 [Use Permit - 3300 Park Road 12PLN-00035](#)

 [Waterfront Park Master Plan](#)

 [Clear Channel Billboard Comparison Video](#)



DRAFT

**SPECIAL MEETING
Joint Workshop with the
BENICIA PLANNING COMMISSION AND
BENICIA HISTORIC PRESERVATION REVIEW COMMISSION
MINUTES**

**CITY HALL COUNCIL CHAMBERS
Thursday, September 13, 2012
7:00 P.M.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners:

Planning Commission:

Present: Commissioners Dean, Oakes, Smith, Syracuse, and Thomas

Absent: Commissioner Cohen-Grossman and Chair Sherry

Historic Preservation Review Commission:

Present: Commissioners Delgado, McKee, Trumbly, VanLandschoot and Chair Haughey

Absent: Commissioners Crompton and Taagepera

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

C. Reference to Fundamental Rights of Public

II. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

Charlie Knox informed the Commissioners of 3 written comments received: (1) Valero, (2) Rod Herman, and (3) memo from Mr. Knox.

B. PUBLIC COMMENT

None.

III. SPECIAL MEETING AGENDA ITEM

A. WORKSHOP – JEFFERSON RIDGE RESIDENTIAL CARE FACILITY

Amy Million gave an overview of the project. Ms. Million introduced the project's representative Stephen Gizzi, who then provided the Commissioners with a presentation of the project.

The Commissioners agreed to postpone their questions until after hearing from the Public.

Public comment was opened.

Mittie Railsback stated her support of the project and that it is a good opportunity to bring youth and seniors together.

Larry Miller concurred with Ms. Railsback and supports the project.

Bill Whitney stated two reasons to support the project: (1) it's a moral imperative to look after our senior citizens; (2) it's an economic imperative.

Doug Robertson stated that the project is too close to the Valero refinery.

Bob Tokrow stated his support for the project as a great idea for seniors.

Debbie Souza supports the project so that Benicians can stay in their community.

Mitchell Churnok stated his overall support for the project, but the design is bland. He expressed concerns in regard to driving and traffic jams.

Christine Page stated that we should think of the native Benician's desire to stay in their town and recommended approval of the project.

Jim Trimble spoke in support of the project stating that if it meets the zoning then let it be built.

Dana Dean spoke as a representative of Ampports. Ms. Dean stated that she supports the project, but she objects to the location; it is inconsistent with the General Plan on the grounds of compatibility. Consider the impacts of the project to the historic district as a whole.

Stephen David spoke in support of the project, but has some concerns regarding view corridors and not being engaged by the project applicants.

Donnell Rubay stated that a project like this would be better placed downtown. She questioned the project's impact on existing businesses such as the Jefferson Street Mansion.

Sue Fisher Jones stated she is the public relations representative for the Valero refinery. She has provided a written letter to the Commission. Valero has concerns about compatibility.

Lash Alshore is a merchant on First Street and supports the project.

Public comment was closed.

Commissioners provided comments on the existing development of the arsenal and ADA accessibility. They commented on the operations of the project such as group events/gathers, nursing staff, transportation services, direct and indirect jobs, and overall project compatibility.

Commissioners commented on the project's design including the building's scale, massing. They encouraged variation in fenestration, variation in roof design, addition of decks, use of additional materials. They requested that the applicant include some cross sections with the drawings. It is important to see all these details, including retaining walls. A project in this location needs to be carefully designed so that the national historic district is protected.

Commissioners encouraged the applicant to involve the community and work with the neighboring property owners on their expressed concerns such as view corridors.

Commissioners discussed the requirements related to parking, height, and emergency access. They recommended that the applicants consider the noise and safety issues surrounding the project area, consulting an architectural historian, public amenities and the necessity of a traffic study.

Stephen Gizzi informed the Commissions that the applicants had completed a traffic study; it will be part of the complete application.

Charlie Knox informed the Commissions that the timing of the project will depend on the applicants time needed to respond to comments from this workshop. Mr. Knox further stated that the project will go before the Historic Preservation Review Commission first for Design Review, and then followed by Planning Commission for Use Permit consideration. An Initial Study will be prepared to determine if a Negative Declaration or EIR will be necessary.

IV. COMMUNICATIONS FROM STAFF

A. Update on 2007-2014 Housing Element

Lisa Porras provided an update on the final draft of the Housing Element with changes requested by the Department of Housing and Community Development. The Housing Element will be presented to the Planning Commission on October 11, followed by a City Council hearing on November 20.

V. COMMUNICATIONS FOR COMMISSIONERS

Commissioner Belinda Smith asked what the status is regarding her request for a description of the legal tools used to make decisions. Kat Wellman replied she is working on a more comprehensive report that can be used to present to all Commissions. Most likely this can be brought before the Planning Commission in October.

Commissioner George Oaks noted his appreciation for the 11 x 17 sized plan sets.

VI. ADJOURNMENT

Vice-Chair Dean adjourned the meeting at 9:07 PM.



DRAFT

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

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

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

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

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

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

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA

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

Ayes: Commissioners Dean, Oakes, Smith and Chair Sherry

Noes: None

Absent: Commissioners Cohen-Grossman, Syracuse, and Thomas

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

None.

IV. CONSENT CALENDAR

A. APPROVAL OF MINUTES FROM JULY 12, 2012

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

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

V. REGULAR AGENDA ITEMS

A. 2007-2014 HOUSING ELEMENT

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

Questions from Commissioners

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

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

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

Public Comment

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

Questions from Commissioners

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

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

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

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

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

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

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

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

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

Chair Sherry expressed his agreement with Commissioners Dean and Smith.

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

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

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

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

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

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

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

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

Abstain: Chair Sherry

VI. COMMUNICATIONS FROM STAFF

None.

VII. COMMUNICATIONS FROM COMMISSIONERS

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

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

VIII ADJOURNMENT

The meeting was adjourned at 8:15 pm.



Community Development Department
MEMORANDUM

Date: November 29, 2012
To: Planning Commission
From: Lisa Porras, Senior Planner – Community Development Department
Re: 257 Essex Way, Resolution No. 10-5, Condition # 10 Implementation,
Bird Death Reporting

On September 8, 2010, the Planning Commission approved a Use Permit to install and operate a Wind Energy operated Wireless Facility, otherwise known as iSystems Technology, LLC at 257 Essex Way.

A condition of approval (Resolution No. 10-5 attached) required the operator to provide the city with an annual report on the number of bird deaths in the vicinity of the wind turbine. The facility began operating in July, 2011. Beginning in August, 2011 and up until November, 2012 the reports indicate that there have been no bird deaths (see attached reports from August 2011 to November 2012).



Community Development Department
MEMORANDUM

Date: November 5, 2012
To: Planning Commission
From: Lisa Porras, Secretary
Re: 2013 Planning Commission Meeting Schedule

The Planning Commission meeting schedule is listed below for your reference and approval.

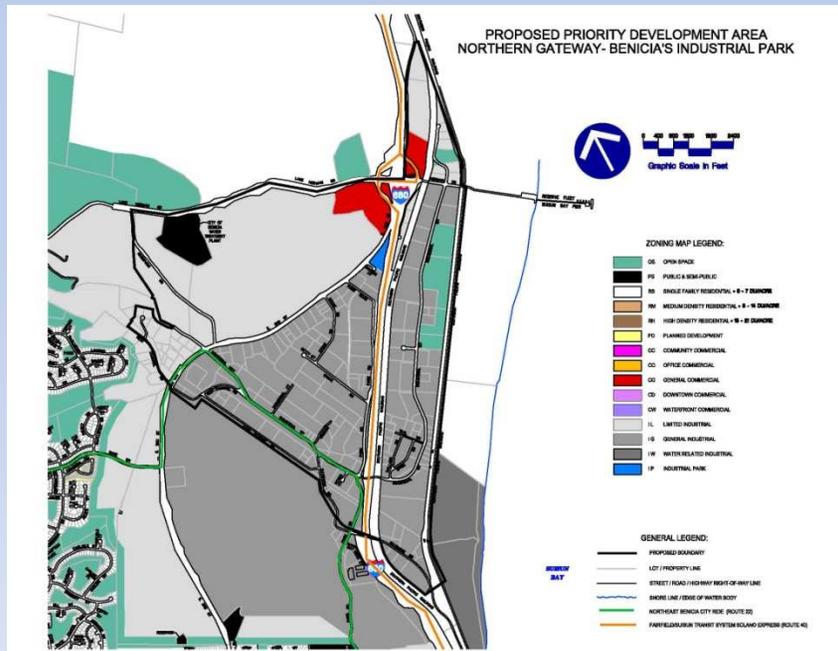
January 10, 2013
February 14, 2013
March 14, 2013
April 11, 2013
May 9, 2013
June 13, 2013

July 11, 2013
August 8, 2013
September 12, 2013
October 10, 2013
November 14, 2013
December 12, 2013

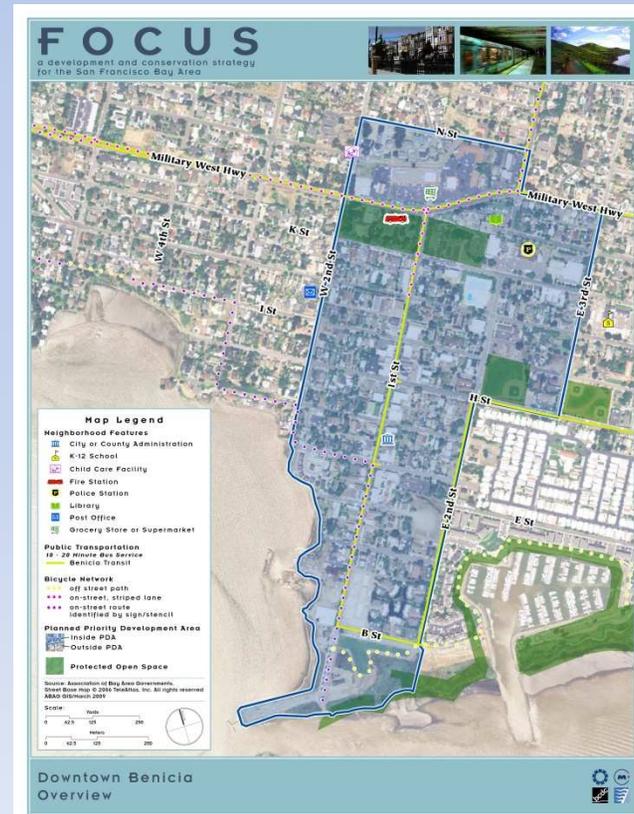
Priority Development Areas

Investing in Downtown and the Industrial Park for improved public health, quality of life, and better access to jobs and a healthier economy.

Benicia Industrial Park



Downtown Benicia



Background

- PDAs are part of a regional effort to direct investment into specific areas through incentives.
- Originally part of “FOCUS” – led by ABAG and MTC, with support from BAAQMD and BCDC.
- Though FOCUS was a voluntary, incentive-based program, PDAs are now tied to regional planning and transportation funding

PDA Goals

- Strengthen / support existing communities.
- Increase accessibility from home to work, school, market, daily activities, services.
- Make transportation efficient; allow for more travel choices (bus, rail, walk, bike, car).
- Protect and preserve habitat, open space, agricultural land.
- Promote economic and fiscal health.

How it works

- Encourage and invest in “infill” (developing on vacant lots in existing urbanized areas, or redeveloping older/outdated structures with projects that add value to existing neighborhoods) – in areas served by transit.
- Allow for reduced/ shorter / improved commutes.
- Encourage / allow for a mix of uses in close proximity.

PDA Approval Process

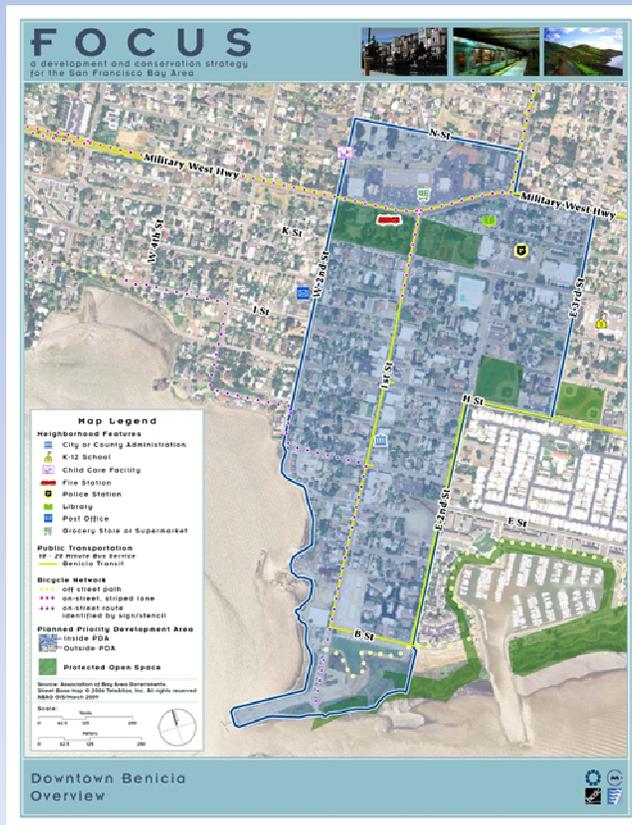
- Applications submitted to ABAG for approval
- If approved, City becomes eligible for:
 - Technical assistance
 - Planning grants
 - Capital infrastructure funding

Financial Incentives

- One Bay Area Grant – 2035 Regional Transportation Plan funding goes primarily to PDAs to comply with SB 375
- \$19 million for Solano County through 2016; 50% to PDAs for:
 - Planning assistance
 - Transportation Project funding

Benicia PDAs

Downtown Benicia



PDA Characteristics

- Council authorized PDA designation Sept. 2008
- Approved by ABAG Board Nov. 2008
- 145 acres
- Generally N Street to the Pier between West 2nd and East 2nd/3rd Streets

AGENDA ITEM
PLANNING COMMISSION MEETING: NOVEMBER 29, 2012
REGULAR AGENDA ITEMS

DATE: November 6, 2012

TO: Planning Commission

FROM : Mark Rhoades, Consultant

SUBJECT: Use Permit request to Modify an Existing Billboard Sign Located at 4850 Park Road (12PLN-00013)

RECOMMENDATION:

Approve Use Permit 12PLN-00013 to allow the modification of the existing billboard at 4850 Park Road, based on the findings and subject to the conditions of approval set forth in the draft resolution; and, determine that the project is Categorically Exempt per California Environmental Quality Act (CEQA) Guidelines.

EXECUTIVE SUMMARY:

CBS Outdoor proposes to lease the former "Nationwide" I-680 freeway-oriented electronic billboard sign that is located on City property adjacent to Park Road and Interstate-680. The modified sign will have the same overall sign area and height as the existing sign. The electronic reader board will be upgraded to digital LED technology.

New billboard signs are no longer allowed within the City of Benicia. However, Section 18.24.040 of the City of Benicia Sign Ordinance allows for the modification of existing billboard signs with approval from the City Council. Because the City of Benicia previously issued a use permit for the existing sign, the proposed use permit modification is consistent with the process required by the Zoning Ordinance.

BUDGET INFORMATION:

The proposed project is expected to provide the City of Benicia with a strong revenue stream for a number of years. In addition, the lease agreement provides the City with advertising time and space. The upgraded sign will be able to advertise City events and promote the City's economic and other benefits.

ENVIRONMENTAL ANALYSIS:

Staff has determined that the proposed project is Categorically Exempt per CEQA Guidelines Section 15302, which applies to replacement or reconstruction of existing structures and facilities where the new structure will be located on the

same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The existing sign has a height of 42' 9". The modified sign will have the same height. The sign area will actually decrease, from the existing 719 square feet to 672 square feet. Because the existing sign is an illuminated electronic readerboard sign with changing messages, the modified sign is not a change in purpose or capacity.

LED Illumination

The existing conventional billboards reflect light into the surrounding area. The anticipated ambient light projected within the viewing angle of a billboard is similar for conventional and digital billboards. Because LED technology has a focused beam and therefore an inherently more constrained viewing angle (spanning 120° or 60° on each side of center) in comparison to a conventional billboard (approaching 180° or 90° on each side of center), the anticipated light illuminated from the sides of the upgraded LED billboards is less than a conventional billboard. Thus, the proposed digital LED billboards would have less overall visible luminance than the existing conventional billboard.

The brightness of the LED display is subject to adjustment based on ambient conditions monitored by multiple light sensors. The display, for example, is brighter in the daytime than in darkness, and responds to changes in the ambient light conditions. Restrictions on digital billboards, imposed and enforced by Caltrans, preclude lighting that would be directed at motorists that is so directed or intense that it could blind or confuse drivers, or create conditions that make recognition of the roadway or official signage difficult.

These restrictions have been imposed for traffic safety reasons; however, they effectively regulate operation of any digital billboard to ensure it does not create a substantial new source of light or glare.

Additionally, there are no residences within 500 feet of the proposed billboards, at which distance any increases in luminance would be negligible.

On September 25, 2007 the Federal Highway Administration (FHWA) issued a Memorandum on the subject of off-premises Changeable Electronic Variable Message Signs (CEVMS). The Memorandum stated that proposed laws, regulations and procedures that allowed CEVMS subject to acceptable criteria would not violate the prohibition on "intermittent" or "flashing" or "moving" signs as used in the State agreements. The Memorandum identified "ranges of acceptability" relating to such signage, as follows:

- Duration of message: Duration of display is generally between 4 and 10 seconds; 8 seconds is recommended;
- Transition time: Transition between messages is generally between 1 and 4 seconds; 1 to 2 seconds is recommended;

- Brightness: The sign brightness should be adjusted to respond to changes in light levels;
- Spacing: Spacing between the signs should be not less than the minimum specified for other billboards, or greater if deemed required for safety;
- Locations: Location criteria are the same as for other signage; unless it is determined that specific locations are inappropriate.

The Project as proposed is required to comply with these existing criteria.

These provisions of law and regulation effectively regulate sign location and brightness to ensure that digital billboards will not be located in such a manner as to create hazards due to lighting conditions themselves. Restrictions on digital billboards contained within the Outdoor Advertising Act and enforced by Caltrans regulate the conditions that have been identified as relevant to traffic safety. Caltrans regulates the location and size of each proposed digital billboard through its application process as well as the distance between such signs. California statutory provisions regulate brightness of displays. Through State law and the Vehicle Code, such signage would be prohibited from displaying flashing lights or images.

The project includes conditions of approval that require compliance with all State and federal laws relevant to display and illumination.

Because construction is of minimal duration (7-21 days) and the site is an already disturbed section of roadway shoulder adjacent to I-680, there is no potential for any other environmental effects.

BACKGROUND:

In 1999, the City Council approved the installation of the existing electronic sign. City staff followed an extensive RFP (request for proposal) process to lease the sign and site, and CBS Outdoor is the preferred candidate. The project is located between Park Road and the southbound lanes of I-680. The site is located within Benicia's industrial zoning district.

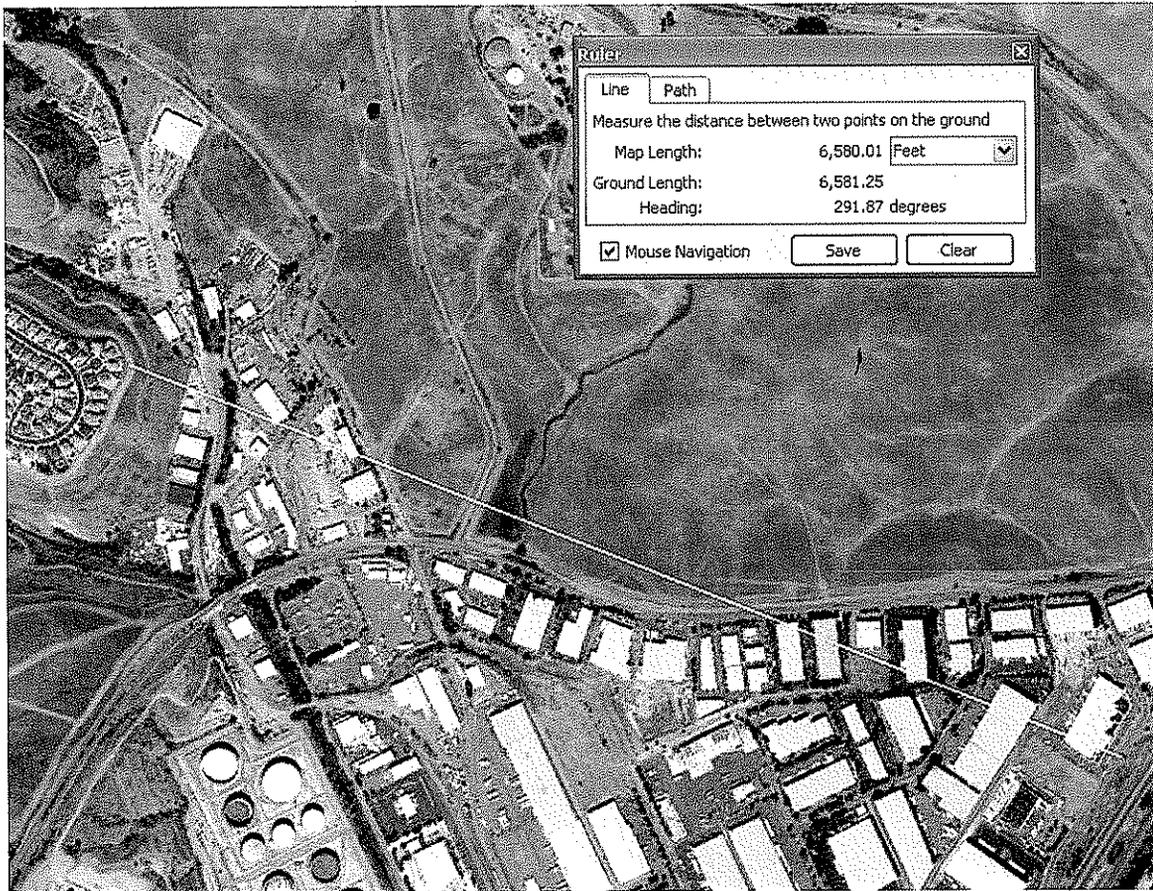


SUMMARY:

A. Project Description:

CBS Outdoor proposes to relocate and modify the existing billboard sign that is located on City of Benicia property at approximately 4850 Park Road in the IG (Industrial, General) zoning district. The site is the location of the former "Nationwide" electronic billboard sign located across Park Road from Insight Glass. The existing sign is 42'9" high as measured from its slab and the proposed modified sign is the same. The existing sign's area is 719 square feet in total, while the proposed new sign will be 672 square feet.

The site is entirely surrounded by intense urban and industrial uses, and a major freeway corridor. Lands on each side of the structure are composed of disturbed fill soils along the embankment between Park Road and the I-680 right-of-way. There are existing utilities already conveyed to the site for the existing billboard sign. The total construction period, which involves removing the existing sign, pouring a new sign footing, erection of the single pole, and placement of the modified sign, will take approximately seven to twenty-one (7- 21) days and will be conducted during the dry season (generally April to October).

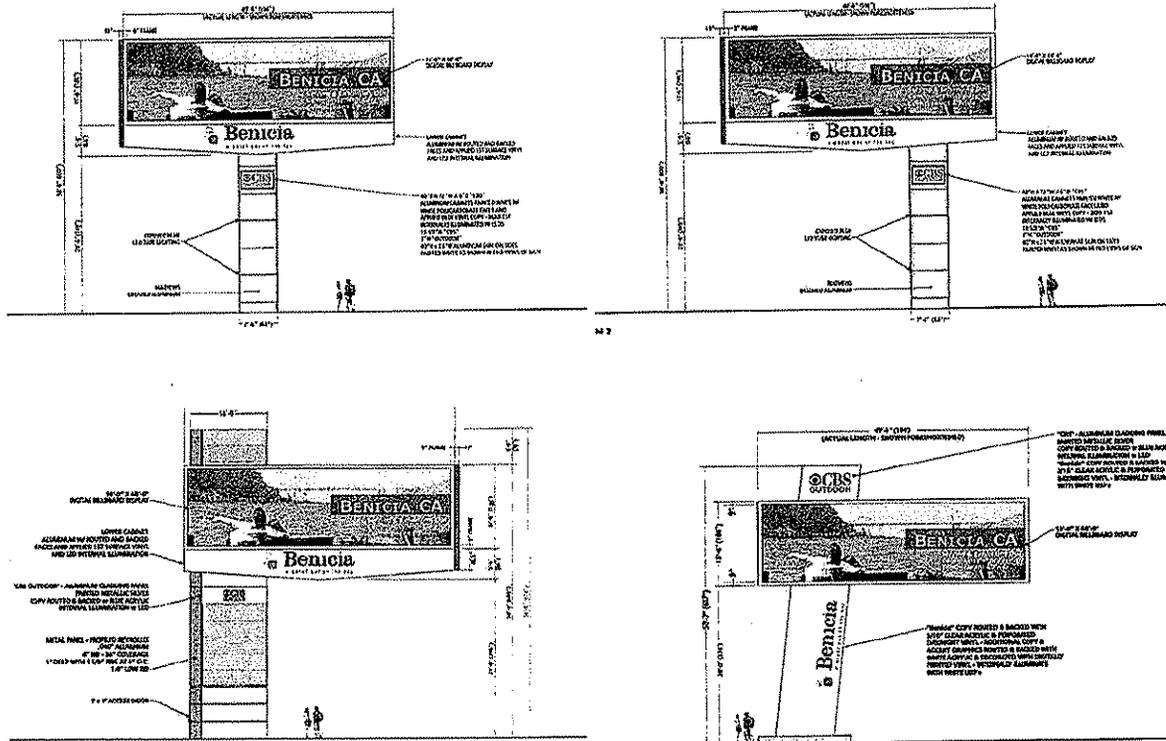


The project site is well removed from any residential or commercial areas and is not visible in staff's review from any residential area in Benicia. In fact, the location

is more than one mile from the nearest residential use and located on the far side of industrial uses that separate I-680 from any residential neighborhood. The sign is approximately the same height as the adjacent Insight Glass industrial building, which acts as a solid visual barrier from residential uses and even from most of the rest of the industrial park. The sign is not visible from East 2nd Street.

The site's freeway and industrial surroundings already provide a very high level of ambient nighttime light, rendering the sign obscure when viewed from more than a few hundred feet from the freeway.

The applicant has proposed four designs for the proposed modified sign as shown below and in more detail in the attached drawings. These include a center pole mounting option, an offset pole mounted option, and two options that provide for a more contemporary appearance. All of the designs are similar in size and height and will contain Benicia's tourism logo, "Benicia - a great day by the bay." Staff recommends approval of either of the two top options, below (and attached in more detail). They represent the cleanest and most simple designs.



Consistent with federal and State requirements (discussed below) and the requirements for the billboard modifications proposed further to the north, the proposed sign shall adhere to the following operational standards:

- Brightness of digital display: Lighting levels on the digital billboards will not exceed 0.3 foot candles over ambient levels, as measured using a foot

candle meter at a 250' distance according to the guidelines of the Outdoor Advertising Association of America (OAAA).

- Power: Central breaker panel with a primary feed of 200 amps at 120/240 single phase or 200 amps at 208Y/120 three phase primary feed; electrical connections would be UL and IEC-approved.
- Signage would be controlled remotely and would have remote maintenance software.
- Multiple light sensors would be installed with each sign to measure ambient light levels and to adjust light intensity to respond to such conditions.
- The billboards will be programmed for nighttime reduced (4 percent of peak power) power operation.
- LED lighting has a directional nature and the projected viewing angle values for the proposed billboards are $\pm 30^\circ$ vertically and $\pm 60^\circ$ horizontally. Shaders will be located above each row of lights to prevent light from projecting upward into the sky.

The primary differences from the existing sign to the proposed modification are as follows:

- CBS sign will have a single pole and more sleek/low profile design
- CBS sign will incorporate an LED display as opposed to the existing light-bulb style display
- CBS sign upgrade will have the same overall advertising area as the existing sign but with more area devoted to the electronic display.
- Message time will be reserved for the City of Benicia

B. Zoning Ordinance and Municipal Code Consistency

The sign ordinance allows for the alteration of existing permitted billboard signs. Neither the Zoning Ordinance nor the Municipal Code (Chapter 18, Sign Ordinance) allow for the placement of new billboard signs. However, as noted above, the existing "Nationwide" billboard sign was constructed with benefit of a use permit that does not expire until 2014.

Benicia Municipal Code, Title 18, Signs

Signs are specifically regulated by Title 18 of the Municipal Code and as such are not subject to the Zoning Ordinance except as necessary to modify the use permit that is still valid. (*emphasis added*):

18.24.040 Billboards/nonaccessory signs.

The city completely prohibits the construction, erection or use of any billboards or nonaccessory signs other than those which legally exist in the city, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the city will take immediate abatement action against any billboard

or nonaccessory sign constructed or maintained in violation of this policy. In adopting this provision, the city council affirmatively declares that it would have adopted this billboard/nonaccessory sign policy even if it were the only provision in this chapter. The city council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter or title may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate, remodel or enhance presently existing, legal billboards or nonaccessory signs. (Ord. 07-25 § 6).

And because a use permit was previously approved for the sign, a new use permit (modification of the previous) is a part of the consideration for the proposed modification.

17.104.100 Changed plans – New application.

A. Changed Plans. A request for changes in the conditions of approval of a use permit or variance, or a change to development plans that would affect a condition of approval, shall be treated as a new application.

Therefore, the billboard sign may be altered if the Planning Commission approves the modification pursuant to the use permit provision of the Zoning Ordinance, and the City Council approves the agreement pursuant to the Sign Ordinance.

C. General Plan/Policy Consistency

Applicable General Plan goals and policies include the following.

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 3.9: Protect and enhance scenic roads and highways.

POLICY 3.9.1: Preserve vistas along I-780 and I-680.

Program 3.9.A: Inventory scenic resources along I-780 and I-680.

Program 3.9.B: Investigate and apply for State Scenic highway designation of Interstate Highways I-780 and I-680.

Program 3.9.C: Develop a sign enforcement program along the freeways. The State scenic highway law calls for careful coordination in planning, design, construction, and regulation of land use and development on the band of land "generally adjacent" to the freeway. The

benefits of the designation to the community are that the State will officially refer to the freeways as scenic highways in its publications; the freeways will be eligible for "special scenic conservation treatment" and will receive special signage; and the law will prevent the placement of Caltrans facilities in the right-of-way without City approval.

The proposed billboard modification is consistent with both of these broad goals. First, the proposed lease will provide substantial economic benefit to the City of Benicia over a number of years. Second, the signs modify and improve an existing sign that is not visible from any scenic vistas or residential areas. Because the sign already exists, the ability to designate the I-680 corridor as a scenic highway is not compromised. The designation potential may in fact be improved by the design of the proposed modification. The proposed modifications do not further deteriorate the vista along I-680.

D. Federal and State Regulations

The following regulations are applicable to installation of billboards and compliance has been assumed in analysis of this Project as reflected in the findings and the conditions of approval.

Federal

The federal Highway Beautification Act of 1965 (23 U.S.C. 131) provides for control of outdoor advertising, including removal of certain types of signs, along the interstate highway system. The Act is enforced by the Federal Highway Administration (FHWA). As part of its enforcement effort, FHWA has entered into agreements regarding the Act with State departments of transportation. The agreements with California are described under the State provisions, below.

State

The California Department of Transportation (Caltrans) is involved in the control of "off-premise" displays along State highways. Such displays advertise products or services of businesses located on property other than the display. California has entered into two agreements with FHWA as part of the implementation of the Highway Beautification Act: one dated May 29, 1965, and a subsequent agreement dated February 15, 1968. The agreements generally provide that the State will control the construction of all outdoor advertising signs, displays and devices within 660 feet of the interstate highway right-of-way. The agreements provide that such signs shall be erected only in commercial or industrial zones and are subject to the following restrictions that are outlined in the Environmental Analysis section above and include those listed below:

- No signs shall imitate or resemble any official traffic sign, signal or device, nor shall signs obstruct or interfere with official signs;

- No signs shall be erected on rocks or other natural features;
- Signs shall be no larger than 25 feet in height and 60 feet in width, excluding border, trim and supports;
- Signs on the same side of the freeway must be separated by at least 500 feet; and
- Signs shall not include flashing, intermittent or moving lights, and shall not emit light that could obstruct or impair the vision of any driver.

Caltrans enforces these laws and regulations. Caltrans requires applicants for new outdoor lighting to demonstrate that the owner of the parcel consents to the placement of the sign, that the parcel on which the sign would be located is zoned commercial or industrial, and that local building permits are obtained and complied with. Most importantly as a result of FHWA recommendations, to ensure driver safety, no billboard manufacturers presently use moving displays, and they employ an approximately 8 second duration time between messages.

Some freeways are classified as "landscaped freeways." A landscaped freeway is defined as one that is now, or may in the future be, improved by the planting of lawns, trees, shrubs, flowers or other ornamental vegetation requiring reasonable maintenance on one or both sides of the freeway (Government Code §5216). Off-premise displays are not allowed along landscaped freeways except when approved as part of relocation agreements pursuant to §5412 of the Outdoor Advertising Act. This segment of I-680 is not classified as a landscaped freeway, though such a determination would be made during the approval process with Caltrans.¹ The Outdoor Advertising Act contains a number of provisions relating to the construction and operation of billboards:

- The sign must be constructed to withstand a wind pressure of 20 pounds per square feet of exposed surface (§5401);
- No sign shall display any statements or words of an obscene, indecent or immoral character (§5402);
- No sign shall display flashing, intermittent or moving light or lights (§5403(h));
- Signs are restricted from areas within 300 feet of an intersection of highways or of highway and railroad right-of-ways, but a sign may be located at the point of interception, as long as a clear view is allowed for 300 feet, and no sign shall be installed that would prevent a traveler from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway (§5404); and
- Message center signs may not include any illumination or message change that is in motion or appears to be in motion or that change or expose a message for less than four seconds. No message center

¹ California Department of Transportation, July 13, 2011, *Classified "Landscape Freeways"*, available at http://www.dot.ca.gov/hq/LandArch/lsfwy/pdf/class_ls_fwvy.pdf.

sign may be located within 500 feet of an existing billboard, or 1,000 feet of another message center display, on the same side of the highway (§5405).

Additional restrictions on outdoor signage are found in the California Vehicle Code. Section 21466.5, prohibits the placing of any light source "...of any color of such brilliance as to impair the vision of drivers upon the highway." Specific standards for measuring light sources are provided. The restrictions may be enforced by Caltrans, the California Highway Patrol or local authorities.

E. Findings

1. The proposed project is a Class 2 Categorical Exemption from the California Environmental Quality Act because it can be seen with certainty that the proposed project does not have the potential to have any effects on the environment. The project is required to comply with all State and federal requirements and permitting for traffic safety and luminance. The site is not located near any sensitive habitat or archeological areas. The project area is located on previously disturbed fill soil between an existing industrial development project and the northbound lanes of I-680.
2. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located because a use permit was previously approved for the existing billboard sign and Title 18 of the Municipal Code (Sign Ordinance) allows for its modification.
3. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be 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 as demonstrated in the staff report because the sign alteration is required to be approved by CalTrans and subject to CalTrans permitting enforcement consistent with State and national regulations for placement, luminance, and safety.
4. The proposed conditional use will comply with the provisions of this title as they apply, and consistent with Title 18, the Sign Ordinance.

CONCLUSION:

The proposed billboard modification has no potential for adverse environmental effects as described in the Environmental Analysis, above, because it is not

proximal to any residential use and is conditioned to comply with all State and federal regulations for illumination and display. The height and location of the sign adjacent to the freeway and on the east side of the industrial park preclude its visibility from any prominent Benicia locations (with the exception of I-680), or residential areas as noted above, so therefore is not inconsistent with the Municipal Code, General Plan, or other policy documents. The sign may be altered pursuant to the Sign Ordinance, subject to Planning Commission and City Council approval.

FURTHER ACTION:

The decision of the Planning Commission may be appealed to the City Council within ten (10) business days. The City Council must approve the lease agreement with CBS Outdoor before this permit may be acted on.

ATTACHMENTS:

- Draft Resolution
- Applicant's Statement
- Sign Design Alternatives
- Project Plans*

**If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the November 29, 2012 Planning Commission packet.*

DRAFT RESOLUTION

RESOLUTION NO. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A USE PERMIT TO MODIFY AN EXISTING BILLBOARD AT 4850 PARK ROAD (12PLN-00013)

WHEREAS, On April 5, 2012, Robert Harbin on behalf of CBS Outdoor requested use permit approval to modify the existing billboard at 4850 Park Road; and

WHEREAS, the Planning Commission, at a special meeting on November 29 2012, 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. The proposed project is a Class 2 Categorical Exemption from the California Environmental Quality Act because it can be seen with certainty that the proposed project does not have the potential to have any effects on the environment. The project is required to comply with all State and federal requirements and permitting for traffic safety and luminance. The site is not located near any sensitive habitat or archeological areas. The project area is located on previously disturbed fill soil between an existing industrial development project and the northbound lanes of I-680.
2. The proposed location of the use is in accord with the objectives of Title 17 and the purposes of the district in which the site is located because a use permit was previously approved for the existing billboard sign and Title 18 of the Municipal Code (Sign Ordinance) allows for its modification.
3. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be 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 as demonstrated in the staff report because the sign alteration is required to be approved by CalTrans and subject to CalTrans permitting enforcement consistent with State and national regulations for placement, luminance, and safety.
4. The proposed conditional use will comply with the provisions of Title 17 as they apply, and consistent with Title 18, the Sign Ordinance.
5. The proposed project is consistent with the purpose of the Benicia Municipal Code title 17.108 Design Review.

BE IT FURTHER RESOLVED THAT the Planning Commission of the City of Benicia hereby approves the proposed project subject to the following conditions:

1. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Community Development Director, if the application for time extension is received prior to the end of the initial two year deadline and there has been no change in the City's development policies which affect the site, and there has been no change in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.
2. Prior to the issuance of any building permit the applicant must demonstrate compliance with all State and federal requirements for the alteration and operation of the billboard and including the FHWA agreements with CalTrans of February 15, 1968, the Highway Beautification Act, the Outdoor Advertising Act, California Vehicle Code and FHWA Memoranda of July 17, 1996 and September 25, 2007. This requirement includes obtaining a permit from Cal Trans, which requires consistency with the aforementioned.
3. The plans submitted for the building permit and construction shall substantially comply with the sample board date stamped received April 5, 2012, except as modified by the following conditions. Any change from the this approval including substitution of materials, shall be requested in writing and approved by the Community Development Director, or designee, prior to changes being made in the field.
4. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
5. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director's, Historic Preservation Review Commission or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

* * * * *

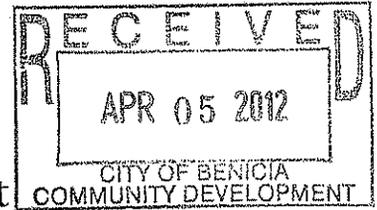
On motion of Commissioner _____, seconded by Commissioner _____, the above Resolution was adopted at a regular meeting of the Planning Commission on November 29, 2012, by the following vote:

Ayes:
Noes:
Absent:
Abstain

Rod Sherry
Planning Commission Chair

APPLICANT'S STATEMENT

City of Benicia
Existing Sign Refurbishment Project



The City of Benicia owns land at 4850 Park Road (south of Lake Herman Road adjacent to interstate 680).

In 1999, the city council approved the installation of the existing electronic sign, which maintains a valid Caltrans permit (number 41548). The project simply seeks to modernize the current display.

This application before you is the result of an exhaustive RFP process that has been thoroughly vetted by all the appropriate city departments.

The project consists of the refurbishment of the existing sign currently located at the site. Unfortunately, the existing sign structure and electronics have been broken and are in disrepair, and the sign has been out of service for quite some time.

The existing two-post sign will be removed and a single-post display will be installed in its place using the existing graded pad area.

A few of the highlights of the project are:

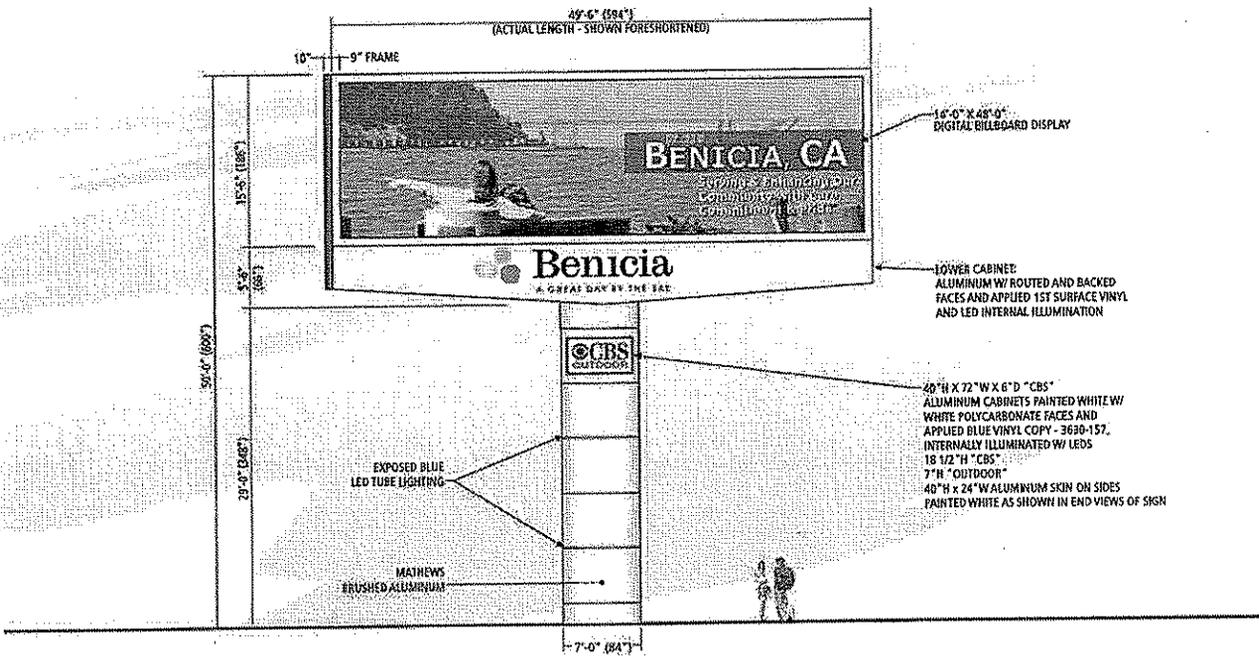
- Upgrading and reuse of existing facilities at pre-approved site
- Modern technology that is upgradable over time to ensure reliable performance
- Community service advertising to support important local programs and community events throughout the year
- Reliable source of revenue for the city
- Construction/project financing provided by CBS

This project directly supports and meets the city's stated goals of creating an attractive gateway display promoting community events that attract visitors, generating revenue, and other benefits for the city. The project also provides advertising opportunities for local businesses.

CBS Outdoor is looking forward to working with the City of Benicia to create a custom, state-of-the-art advertising program that will not only provide Benicia with flexible leading-edge signage but will greatly enhance visibility and awareness in the community.



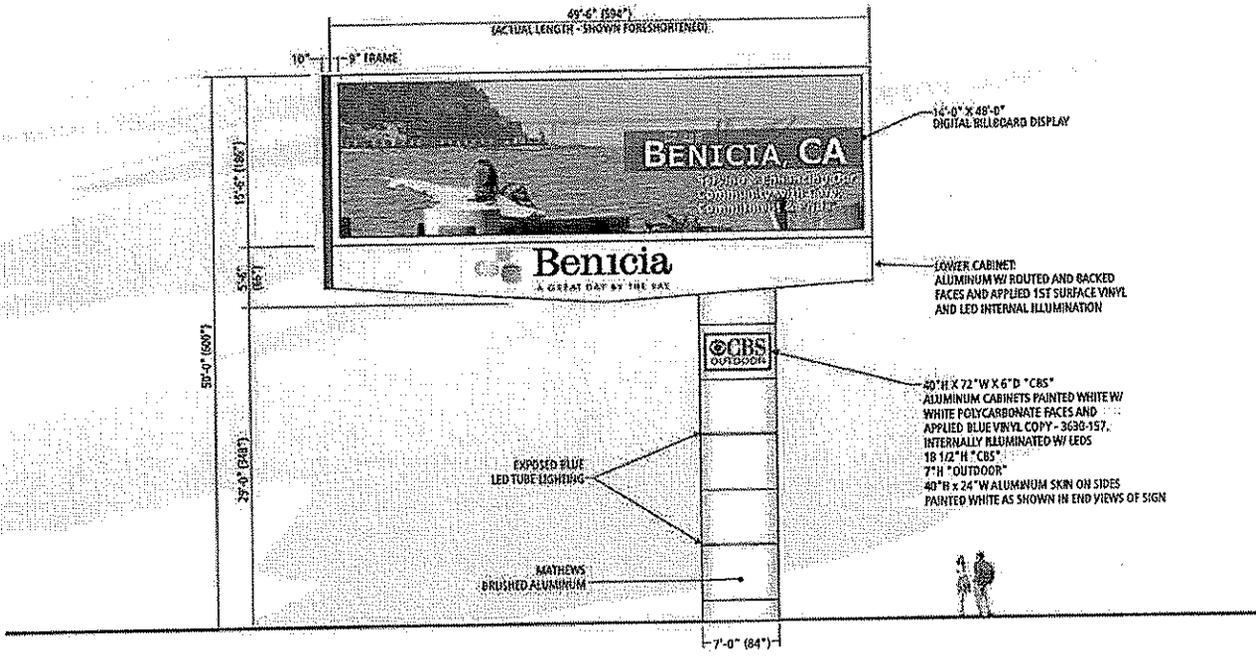
SIGN DESIGN ALTERNATIVES



OPTION 1 (NO LADDER)

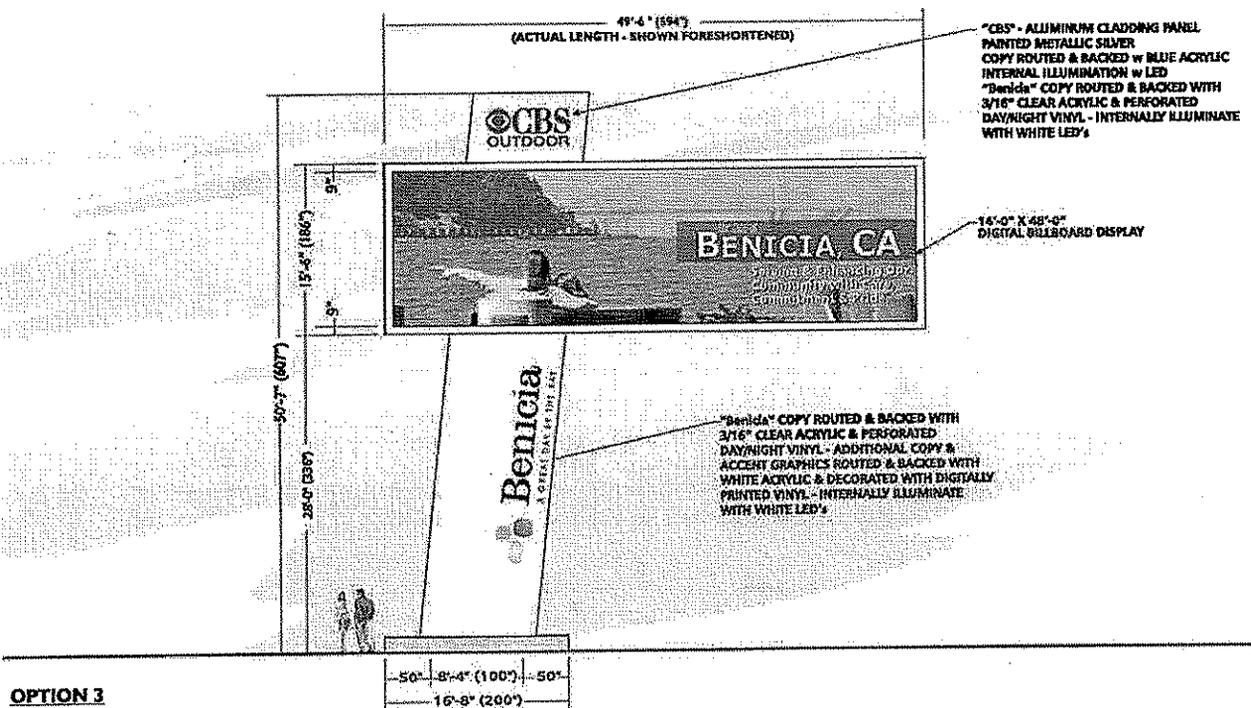
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



OPTION 2

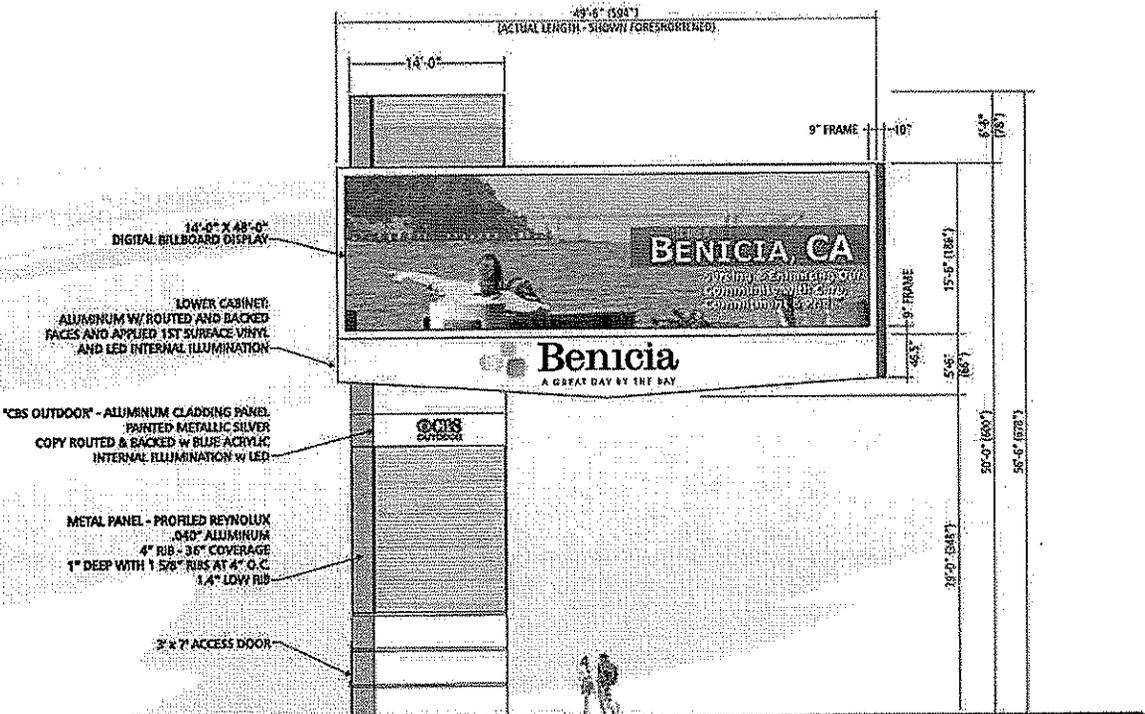
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



OPTION 3

FRONT ELEVATION

SCALE: 1/8" = 1'-0"



OPTION 4

FRONT ELEVATION

SCALE: 1/8" = 1'-0"

PROJECT PLANS

**If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the November 29, 2012 Historic Preservation Review Commission packet.*

AGENDA ITEM
PLANNING COMMISSION MEETING: NOVEMBER 29, 2012
REGULAR AGENDA ITEMS

DATE: November 6, 2012

TO: Planning Commission

FROM : Mark Rhoades, Consultant

SUBJECT: Use permit request to Modify Existing Billboard Signs Located at 3190 Bayshore Road and 3300 Park Road

RECOMMENDATION:

Approve Use Permit 12PLN-00035 to allow the alteration and upgrading of the two existing billboard signs at 3190 Bayshore Road and 3300 Park Road, based on the findings and subject to the conditions of approval set forth in the draft resolution; and, adopt the Initial Study and Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines because although implementation of the proposed projects may have a significant effect on the environment, mitigations measures have been incorporated into the project that reduce any potential impacts to less than significant levels.

EXECUTIVE SUMMARY:

Clear Channel Outdoor proposes to renew its lease with the City of Benicia for the two freeway oriented billboard signs located on the property at 3190 Bayshore Road and 3300 Park Road, on the east side of the I-680 and east of the Benicia Industrial Park. The existing illuminated static message signs will be altered and upgraded to include state of the art digital LED technology that incorporates all State and federal standards for safety, display and illumination.

New billboard signs are no longer allowed within the City of Benicia. However, Section 18.24.040 of the City of Benicia Sign Ordinance allows for the modification of existing billboard signs with approval from the City Council. Because the City of Benicia previously issued a use permit for the existing sign, the proposed use permit modification is consistent with the process required by the Zoning Ordinance.

BUDGET INFORMATION:

The proposed project is expected to provide the City of Benicia with a strong revenue stream for a number of years. In addition, the lease agreement provides the City with advertising time and space. The upgraded sign will be able to advertise City events and promote the City's economic and other benefits.

ENVIRONMENTAL ANALYSIS:

(Note: Information for this section, and for subsequent sections, is taken directly from the attached Initial Study/Mitigated Negative Declaration that was prepared for this project.)

The proposed project is not exempt from the California Environmental Quality Act because the existing signs have static displays. The alteration will upgrade the signs to digital LED displays (as distinguished from the Nationwide sign, which already has an electronic readerboard) and therefore an Initial Study was conducted. The Initial Study found that, although construction duration is very short (less than two weeks in total) there may be the potential for significant environmental effects based on the location of the project site near wetland areas.

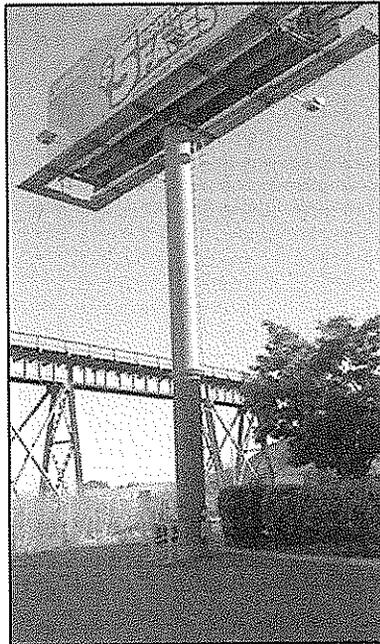


Figure 6: Existing Bayshore Road Site Conditions

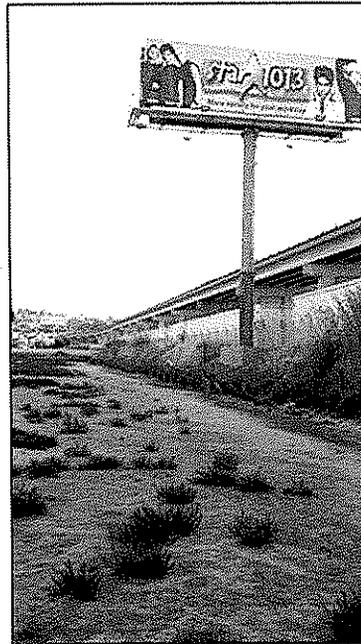


Figure 7: Existing Park Road Site Conditions

The Initial Study found that although the proposed project has a very short-term construction period (less than 10 days), there is potential that impacts to biological and cultural resources may occur. However, the Mitigated Negative Declaration identifies mitigations for both issues that have been accepted by the applicant and have been incorporated into the project's conditions of approval, that reduced the potential for impacts to less than significant levels.

The following is a list of potential Project impacts and the mitigation measures recommended to reduce these impacts to a less-than-significant level. Refer to the Initial Study Checklist for a more detailed discussion.

Potential Impact – Biological Resources

If modification of the billboards were to occur during the avian breeding season, it is possible that birds nesting in the nearby marsh may be disturbed by construction activities. Native birds are protected from take by the federal Migratory Bird Treaty Act and the California Fish and Game Code, and the abandonment of even one active nest as a result of Project construction activities could be considered "take" under the Fish and Game Code. Mitigation Measure Biology-1 would ensure nesting birds will not be disturbed and that the impact in this regard would be less than significant.

Mitigation Measure Biology-1: Nesting Birds.

If construction occurs during the breeding season (February through August), the construction site and a surrounding radius of not less than 0.5 miles shall be surveyed by a qualified biologist to verify the presence or absence of nesting birds protected under the federal Migratory Bird Treaty Act and the California Fish and Game code. Pre-construction surveys shall be conducted within 15 days prior to start of work and shall be submitted to the Community Development Department. If the survey indicates the potential presences of nesting birds, the applicant shall comply with recommendations of the biologist regarding an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be based to a large extent on the nesting species and its sensitivity to disturbance.

Potential Impact – Cultural Resources

Given the site characteristics, coupled with the regional archaeological sensitivity, there is a moderate potential of unrecorded Native American resources (especially buried deposits with no surface indications) within the proposed Project area. However, the locations have already been disturbed and previous cultural resource surveys that covered these areas failed to identify any cultural resources. As outlined in Mitigation Measure Cultural-1, compliance with cultural resource protection procedures during ground disturbance would assure that discovery of any unknown cultural resources or remains would be treated appropriately and therefore that any impact in this regard would be less than significant.

Mitigation Measure - Cultural-1: Cultural Resource Protection Procedures.

The Project sponsor or the contractor shall provide in the construction contracts that crews involved in ground disturbance shall be required to implement the following procedures in the event that archaeological/ paleontological/historic resources or human remains are encountered during ground disturbance activities. Cultural resources in this area could include but are not limited to Native American resources including chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials; or Historic-period resources including stone or

adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

- Immediately halt or relocate excavations and contact a qualified archaeologist/ paleontologist to inspect the site as appropriate. If the qualified expert determines that potentially significant archaeological/paleontological materials or human remains are encountered, a qualified expert must record, recover, retrieve, and/or remove any archaeological/paleontological materials;
- The qualified expert must study any archaeological/paleontological/historic resources found onsite and publish data concerning these resources;
- If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place;
- The qualified expert shall provide a copy of documentation of all recovered data and materials found on-site to the regional information center of the California Archaeological Inventory (CAI) for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological/paleontological materials and data.
- If any historic or pre-historic artifacts are exposed, the qualified expert shall record the data and prepare a report to be submitted to the local historical society.
- Monitoring for these measures must be performed by Applicant on a continual basis during construction. At the completion of work, Applicant will submit a summary of findings to the Planning Director for review and for the final record.

Other potential environmental effects that were discussed in the Initial Study but found not to be potentially significant include:

- Aesthetics (Visual Issues)
- Air Quality (Construction Activity)
- Transportation/Traffic (Visual/Safety Issues)

The summary of each is provided below.

Aesthetics

The existing conventional billboards reflect light into the surrounding area. The Project proposes upgrading of existing conventional billboards with digital billboards of the same size, height, location and orientation. Other than potential changes to light, discussed separately below, the modifications would not change scenic vistas, resources, or visual quality.

I-680 is not a designated State Scenic Highway corridor in the vicinity of the Project.¹ The City of Benicia General Plan identifies I-680 as a scenic corridor, specifically as it relates to views of rolling hills and grassy slopes to the west and views of Suisun Marsh on the east.² The signs are located on the east side of I-680, opposite from the hills and slopes and in a location where views toward Suisun Marsh from I-680 are already largely obstructed by the raised Union Pacific Railroad line.

The applicant has indicated that the back-to-back orientation of the signs, as opposed to V-shaped signs, were chosen originally to minimize the signs' visibility in long-range views across the site, such as from E. 2nd Street or the neighborhoods in the hills beyond.

Light and Glare

The existing conventional billboards reflect light into the surrounding area. Additionally, there are no residences within 500 feet of the proposed billboards, at which point any increases in luminance would be negligible.

Digital billboards rely on LED technology to display messages on a lit screen. The lighting is designed to make the message displays visible to passing motorists. The brightness of the LED display is subject to adjustment based on ambient conditions monitored by multiple light sensors. The display, for example, is brighter in the daytime than in darkness, and responds to changes in the ambient light conditions. Restrictions on digital billboards, imposed and enforced by Caltrans, preclude lighting that would be directed at motorists that is so directed or intense that it could blind or confuse drivers, or create conditions that make recognition of the roadway or official signage difficult.

The signs have also been designed to comply with guidelines of the Outdoor Advertising Association of America (OAAA). These guidelines specify that lighting levels from a digital billboard will not exceed 0.3 footcandles over ambient levels, as measured using a footcandle meter at a pre-set distance based on the size of

¹ California Department of Transportation, State Scenic Highway Mapping System, http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm

² City of Benicia, 1999, *Benicia General Plan*, p. 114.

the sign. For the 14' by 48' billboards, this would be 250 feet.³ It is anticipated that the illuminance would be negligible beyond 500 feet.⁴

Air Quality

As stated at the beginning of this section, the total period of construction is expected to last for not more than 10 days total. The Initial Study provides a significantly detailed overview of the BAAQMD standards that have been the subject of discussion and implementation over the last several years. Because of the short construction duration of the project the potential for impacts is less than significant.

Transportation

Anticipated ambient light increases within the viewing angle of a billboard are similar for conventional and digital billboards. Because LED technology has a focused beam and therefore an inherently more constrained viewing angle (spanning 120° or 60° on each side of center) than a conventional billboard (approaching 180° or 90° on each side of center), light trespass to the sides of the upgraded billboards would be expected to be reduced from that existing. Thus, the digital LED billboards would have less overall visible luminance than current conventional billboards do.

The brightness of the LED display is subject to adjustment based on ambient conditions monitored by multiple light sensors. The display, for example, is brighter in the daytime than in darkness, and responds to changes in the ambient light conditions. Restrictions on digital billboards, imposed and enforced by Caltrans, preclude lighting that would be directed at motorists that is so directed or intense that it could blind or confuse drivers, or create conditions that make recognition of the roadway or official signage difficult.

These restrictions have been imposed for traffic safety reasons; however, they effectively regulate operation of any digital billboard to ensure it does not create a substantial new source of light or glare.

Additionally, there are no residences within 500 feet of the proposed billboards, at which distance any increases in luminance would be negligible.

On September 25, 2007 the Federal Highway Administration (FHWA) issued a Memorandum on the subject of off-premises Changeable Electronic Variable Message Signs (CEVMS). The Memorandum stated that proposed laws, regulations and procedures that allowed CEVMS subject to acceptable criteria would not violate the prohibition on "intermittent" or "flashing" or "moving" signs

³ According to *OAAA Methodology to Determine Billboard Luminance Levels*, provided by Clear Channel.

⁴ OAAA prepared by Light Sciences Inc., November 29, 2006, *Comparison of Digital and Conventional Billboards*.

as used in the State agreements. The Memorandum identified “ranges of acceptability” relating to such signage, as follows:

- Duration of message: Duration of display is generally between 4 and 10 seconds; 8 seconds is recommended;
- Transition time: Transition between messages is generally between 1 and 4 seconds; 1 to 2 seconds is recommended;
- Brightness: The sign brightness should be adjusted to respond to changes in light levels;
- Spacing: Spacing between the signs should be not less than the minimum specified for other billboards, or greater if deemed required for safety;
- Locations: Location criteria are the same as for other signage; unless it is determined that specific locations are inappropriate.

The Project as proposed is required to comply with these existing criteria.

These provisions of law and regulation effectively regulate sign location and brightness to ensure that digital billboards will not be located in such a manner as to create hazards due to lighting conditions themselves. Restrictions on digital billboards contained within the Outdoor Advertising Act and enforced by Caltrans regulate the conditions that have been identified as relevant to traffic safety. Caltrans regulates the location and size of each proposed digital billboard through its application process as well as the distance between such signs. California statutory provisions regulate brightness of displays. Through State law and the Vehicle Code, such signage would be prohibited from displaying flashing lights or images.

BACKGROUND:

Clear Channel Outdoor is proposing to amend its lease with the City of Benicia, which owns the land, to allow upgrading and alteration of the two existing, illuminated billboard signs. The amended lease would include a number of benefits to the City, but the City must balance these benefits against land use policy and Municipal Code requirements. This application requires an approval by the Planning Commission to modify the use permit for the existing signs. It also requires approval of the amended lease by the City Council.

The Benicia Economic Development Board was provided an overview of the project on November 15, 2012.

SUMMARY:

A. Project Description:

The Project involves modification of two existing illuminated double-sided conventional outdoor advertising billboards with digital LED billboards of the same

height and size in the same locations and orientation along and east of I-680 and east of the Benicia industrial Park.



EXISTING SIGN WEST ELEVATION
5900 PARK ROAD



EXISTING SIGN SOUTH ELEVATION
5140 BAYSHORE ROAD



EXISTING SIGN EAST ELEVATION



EXISTING SIGN NORTH ELEVATION

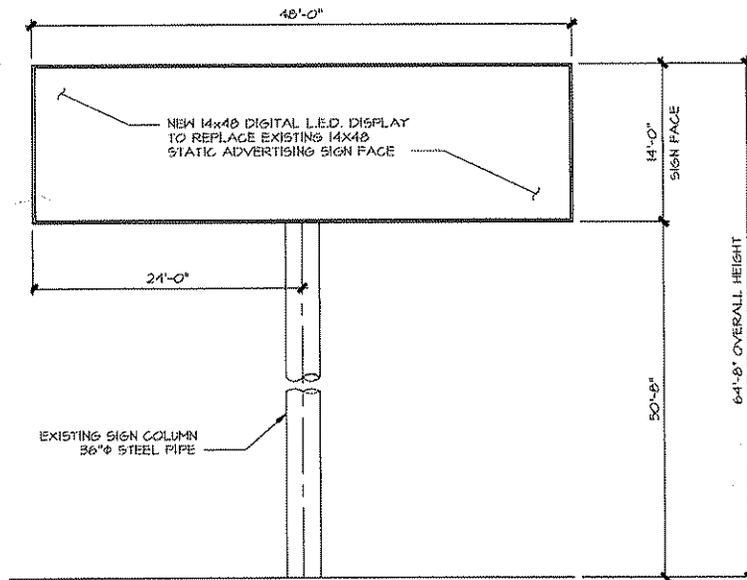
A conventional billboard is a printed surface lit by external lights aimed to bounce off the surface. Advertisements are generally changed approximately monthly by workers traveling to the site.

A digital LED billboard consists of a display surface that supports an image generated by light emitting diodes (LED). The image on the sign is static for a period of time, usually eight seconds, before cycling to the next image. Operational details provided by the applicant include the following:

- Brightness of digital display: Lighting levels on the digital billboards will not exceed 0.3 foot candles over ambient levels, as measured using a foot candle meter at a 250' distance according to the guidelines of the Outdoor Advertising Association of America (OAAA).
- Power: Central breaker panel with a primary feed of 200 amps at 120/240 single phase or 200 amps at 208Y/120 three phase primary feed; electrical connections would be UL and IEC-approved.
- Signage would be controlled remotely and would have remote maintenance software.

- Multiple light sensors would be installed with each sign to measure ambient light levels and to adjust light intensity to respond to such conditions.
- The billboards will be programmed for nighttime reduced (4 percent of peak power) power operation.
- LED lighting has a directional nature and the projected viewing angle values for the proposed billboards are $\pm 30^\circ$ vertically and $\pm 60^\circ$ horizontally. Shaders will be located above each row of lights to prevent light from projecting upward into the sky.

The LED displays would be 48 feet wide by 14 feet tall mounted on a sign column. The two display faces on each column will be oriented back-to-back to face the two directions of highway traffic. The design of the billboards is shown in Figures 4. With the column, the 3300 Park Road billboard overall height is 64' 8" and the 3190 Bayshore Road billboard overall height is 66' 6".



Construction and Timing

The billboard at 3300 Park Road has an existing column that can support the digital displays. The only work required would be to remove the upper portion of the existing structure and replace it with the LED panels. It is anticipated that this work will proceed immediately following approval by the City of Benicia and could be completed in one or two days.

The billboard at 3190 Bayshore Road will need an upgrade to the existing column to allow for the LED panels. It is anticipated this billboard will be converted to digital in approximately 2015. Construction activities would involve a day or two for removal of the existing structure, another two days to prepare the hole and place the column, then following a few days of inactivity for the concrete to cure, an additional day to remove temporary supports and place the signs on the column.

Electrical service: Arrangements to extend electrical service to the billboards are made in advance of the construction activities. If the electrical service is underground, a sleeve that will accommodate the electrical service is placed in the concrete foundation. The typical electrical service is 200 amps for single phase, and 100 amps for 3-phase. 3-phase service is typically available only in

areas in close proximity to commercial development and may require some trenching to bring the appropriate service line to the signs. It is assumed for this Project that any trenching would be minimal and would occur on paved or otherwise disturbed areas adjacent to the sign locations.

Consistent with federal and State requirements (discussed below) and the requirements for the billboard modifications proposed further to the north, the proposed sign shall adhere to the following operational standards:

- Brightness of digital display: Lighting levels on the digital billboards will not exceed 0.3 foot candles over ambient levels, as measured using a foot candle meter at a 250' distance according to the guidelines of the Outdoor Advertising Association of America (OAAA).
- Power: Central breaker panel with a primary feed of 200 amps at 120/240 single phase or 200 amps at 208Y/120 three phase primary feed; electrical connections would be UL and IEC-approved.
- Signage would be controlled remotely and would have remote maintenance software.
- Multiple light sensors would be installed with each sign to measure ambient light levels and to adjust light intensity to respond to such conditions.
- The billboards will be programmed for nighttime reduced (4 percent of peak power) power operation.
- LED lighting has a directional nature and the projected viewing angle values for the proposed billboards are $\pm 30^\circ$ vertically and $\pm 60^\circ$ horizontally. Shaders will be located above each row of lights to prevent light from projecting upward into the sky.

B. Zoning Ordinance and Municipal Code Consistency

The sign ordinance allows for the alteration of existing permitted billboard signs. Neither the Zoning Ordinance nor the Municipal Code (Chapter 18, Sign Ordinance) allow for the placement of new billboard signs. However, as identified above, the existing billboard signs were constructed with benefit of a use permit that does not expire until 2014.

Benicia Municipal Code, Title 18, Signs

Signs are specifically regulated by Title 18 of the Municipal Code and as such are not subject to the Zoning Ordinance except as necessary to modify the use permit that is still valid. (*emphasis added*):

18.24.040 Billboards/nonaccessory signs.

The city completely prohibits the construction, erection or use of any billboards or nonaccessory signs other than those which legally exist in the city, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and

the city will take immediate abatement action against any billboard or nonaccessory sign constructed or maintained in violation of this policy. In adopting this provision, the city council affirmatively declares that it would have adopted this billboard/nonaccessory sign policy even if it were the only provision in this chapter. The city council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter or title may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate, remodel or enhance presently existing, legal billboards or nonaccessory signs. (Ord. 07-25 § 6).

And because a use permit was previously approved for the sign, a new use permit (modification of the previous) is a part of the consideration for the proposed modification.

17.104.100 Changed plans – New application.

A. Changed Plans. A request for changes in the conditions of approval of a use permit or variance, or a change to development plans that would affect a condition of approval, shall be treated as a new application.

Therefore, the billboard sign may be altered if the Planning Commission approves the modification pursuant to the use permit provision of the Zoning Ordinance and the City Council approves the agreement pursuant to the Sign Ordinance.

C. General Plan/Policy Consistency

Applicable General Plan goals and policies include the following.

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 3.9: Protect and enhance scenic roads and highways.

POLICY 3.9.1: Preserve vistas along I-780 and I-680.

Program 3.9.A: Inventory scenic resources along I-780 and I-680.

Program 3.9.B: Investigate and apply for State Scenic highway designation of Interstate Highways I-780 and I-680.

Program 3.9.C: Develop a sign enforcement program along the freeways. The State scenic highway law calls for careful coordination in planning, design, construction, and regulation of land use and development on the

band of land "generally adjacent" to the freeway. The benefits of the designation to the community are that the State will officially refer to the freeways as scenic highways in its publications; the freeways will be eligible for "special scenic conservation treatment" and will receive special signage; and the law will prevent the placement of Caltrans facilities in the right-of-way without City approval.

The proposed billboard modification is consistent with both of these broad goals. First, the proposed lease will provide substantial economic benefit to the City of Benicia over a number of years. Second, the signs modify, and improve, an existing sign that is not visible from any scenic vistas or residential areas. Because the sign already exists, the ability to designate the I-680 corridor as a scenic highway is not compromised. The designation potential may in fact be improved by the design of the proposed modification. The proposed modifications do not further deteriorate the vista along I-680.

D. Federal and State Regulations

The following regulations are applicable to installation of billboards and compliance has been assumed in analysis of this Project as reflected in the findings and the conditions of approval.

Federal

The federal Highway Beautification Act of 1965 (23 U.S.C. 131) provides for control of outdoor advertising, including removal of certain types of signs, along the interstate highway system. The Act is enforced by the Federal Highway Administration (FHWA). As part of its enforcement effort, FHWA has entered into agreements regarding the Act with State departments of transportation. As described in the Initial Study the project is required to comply with those requirements.

State

The California Department of Transportation (Caltrans) is involved in the control of "off-premise" displays along State highways. Such displays advertise products or services of businesses located on property other than the display. Caltrans does not regulate on-premise displays (Caltrans Landscape Architecture Program, 2008). California has entered into two agreements with FHWA as part of the implementation of the Highway Beautification Act: one dated May 29, 1965, and a subsequent agreement dated February 15, 1968. The agreements generally provide that the State will control the construction of all outdoor advertising signs, displays and devices within 660 feet of the interstate highway right-of-way. The agreements provide that such signs shall be erected only in commercial or industrial zones and are subject to certain restrictions that are described in the Environmental Analysis section, above.

Most importantly as a result of FHWA recommendations, to ensure driver safety, no billboard manufacturers presently use moving displays, and they do use approximately an 8 second duration time between messages.

Some freeways are classified as "landscaped freeways." A landscaped freeway is defined as one that is now, or may in the future be, improved by the planting of lawns, trees, shrubs, flowers or other ornamental vegetation requiring reasonable maintenance on one or both sides of the freeway (Government Code §5216). Off-premise displays are not allowed along landscaped freeways except when approved as part of relocation agreements pursuant to §5412 of the Outdoor Advertising Act. It appears this segment is not classified as a landscaped freeway, though such a determination would be made during the approval process with Caltrans.⁵ The Outdoor Advertising Act contains a number of provisions relating to the construction and operation of billboards:

- The sign must be constructed to withstand a wind pressure of 20 pounds per square feet of exposed surface (§5401);
- No sign shall display any statements or words of an obscene, indecent or immoral character (§5402);
- No sign shall display flashing, intermittent or moving light or lights (§5403(h));
- Signs are restricted from areas within 300 feet of an intersection of highways or of highway and railroad right-of-ways, but a sign may be located at the point of interception, as long as a clear view is allowed for 300 feet, and no sign shall be installed that would prevent a traveler from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway (§5404); and
- Message center signs may not include any illumination or message change that is in motion or appears to be in motion or that change or expose a message for less than four seconds. No message center sign may be located within 500 feet of an existing billboard, or 1,000 feet of another message center display, on the same side of the highway (§5405).

Additional restrictions on outdoor signage are found in the California Vehicle Code. Section 21466.5 prohibits the placing of any light source "...of any color of such brilliance as to impair the vision of drivers upon the highway." Specific standards for measuring light sources are provided. The restrictions may be enforced by Caltrans, the California Highway Patrol or local authorities.

⁵ California Department of Transportation, July 13, 2011, *Classified "Landscape Freeways"*, available at http://www.dot.ca.gov/hq/LandArch/lstfwy/pdf/class_ls_twy.pdf.

E. Findings

1. City of Benicia staff has determined that with the implementation of mitigation measures identified in this Mitigated Negative Declaration, the proposed Project will not have a significant effect on the environment. If this Mitigated Negative Declaration is adopted by the City of Benicia, the requirements of CEQA will be met by the preparation of this Mitigated Negative Declaration and the Project will not require the preparation of an Environmental Impact Report. This decision is supported by the following findings:

- a. The Project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels or threaten to eliminate a plant or animal community. It does not reduce the number or restrict the range of a rare or endangered plant or animal. It does not eliminate important examples of the major periods of California history or pre-history, since there are no identified areas at the Project site that are habitat for rare or endangered species, or which represents unique examples of California history or prehistory. The Project does not have any significant, unavoidable adverse impacts. Implementation of specified mitigation measures will avoid or reduce the effects of the Project on the environment and thereby avoid any significant impacts.
- b. The Project does not involve impacts which are individually limited but cumulatively considerable, because the described Project will incorporate mitigation measures to avoid significant impacts of the Project in the context of continued growth and development in the City of Benicia.
- c. The Project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, because all adverse effects of the Project will be mitigated to less than significant levels.

2. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located because a use permit was previously approved for the existing billboard sign and Title 18 of the Municipal Code (Sign Ordinance) allows for its modification.

3. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be 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 as demonstrated in the staff report because the sign alteration is required to be approved by CalTrans and subject to CalTrans permitting

enforcement consistent with State and national regulations for placement, luminance, and safety.

4. The proposed conditional use will comply with the provisions of this title as they apply, and consistent with Title 18, the Sign Ordinance.

CONCLUSION:

The proposed billboard modifications and upgrades has no potential for adverse environmental effects as described in the attached Initial Study/Negative Declaration because it is not proximal to any residential use and is conditioned to comply with all State and federal regulations for illumination and display. The height and location of the sign adjacent to the freeway and on the east side of the industrial park preclude its general visibility from any prominent Benicia locations (with the exception of I-680), or residential areas as noted above, so therefore is not inconsistent with the Municipal Code, General Plan, or other policy documents. The signs may be altered pursuant to the Sign Ordinance and subject to Planning Commission and City Council approval. The Planning Commission and City Council could deny the application in which case the current lease with still apply and the signs would remain as they are through its term.

FURTHER ACTION:

The decision of the Planning Commission may be appealed to the City Council within ten (10) business days.

The City Council must approve the lease agreement with Clear Channel Outdoor before this permit may be acted on.

ATTACHMENTS:

- Draft Resolution
- Applicant's Statement
- Project Plans
- Initial Study / Mitigated Negative Declaration *
- Public Comments on Initial Study / Mitigated Negative Declaration

**If viewing online, these attachments are available to view in the Community Development Department or in the Benicia Public Library in the November 29, 2012 Planning Commission packet.*

DRAFT RESOLUTION

RESOLUTION NO. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A USE PERMIT TO MODIFY AN EXISTING BILLBOARD AT 3300 PARK ROAD AND 3190 BAYSHORE ROAD (12PLN-00035)

WHEREAS, On September 9, 2012, Bruce Qualls on behalf of Clear Channel Outdoor requested use permit approval to modify the existing billboards at 3300 Park Road and 3190 Bayshore Road; and

WHEREAS, the Planning Commission, at a special meeting on November 29, 2012, 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 state and local procedures regarding the California Environmental Quality Act (CEQA), Lamphier Gregory, consultant in collaboration with the Community Development Department has conducted an Initial Study. The 21-day comment period ending on November 19, 2012. The report preparers, in consultation with City of Benicia staff, have determined that with the implementation of mitigation measures identified in this Mitigated Negative Declaration, the proposed Project will not have a significant effect on the environment. If this Mitigated Negative Declaration is adopted by the City of Benicia, the requirements of CEQA will be met by the preparation of this Mitigated Negative Declaration and the Project will not require the preparation of an Environmental Impact Report. This decision is supported by the following findings:
 - a. The Project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels or threaten to eliminate a plant or animal community. It does not reduce the number or restrict the range of a rare or endangered plant or animal. It does not eliminate important examples of the major periods of California history or pre-history, since there are no identified areas at the Project site that are habitat for rare or endangered species, or which represents unique examples of California history or prehistory. The Project does not have any significant, unavoidable adverse impacts. Implementation of specified mitigation measures will avoid or reduce the effects of the Project on the environment and thereby avoid any significant impacts.
 - b. The Project does not involve impacts which are individually limited but cumulatively considerable, because the described Project will incorporate mitigation measures to avoid significant impacts of the Project in the context of continued growth and development in the City of Benicia.

- c. The Project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, because all adverse effects of the Project will be mitigated to less than significant levels.
2. The proposed location of the use is in accord with the objectives of Title 17 and the purposes of the district in which the site is located because a use permit was previously approved for the existing billboard sign and Title 18 of the Municipal Code (Sign Ordinance) allows for its modification.
3. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be 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 as demonstrated in the staff report because the sign alteration is required to be approved by CalTrans and subject to CalTrans permitting enforcement consistent with state and national regulations for placement, luminance, and safety.
4. The proposed conditional use will comply with the provisions of Title 17 as they apply, and are consistent with Title 18, the Sign Ordinance.
5. The proposed project is consistent with the purpose of the Benicia Municipal Code title 17.108 Design Review.

BE IT FURTHER RESOLVED THAT the Planning Commission of the City of Benicia hereby approves the proposed project subject to the following conditions:

1. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Community Development Director, if the application for time extension is received prior to the end of the initial two year deadline and there has been no change in the City's development policies which affect the site, and there has been no change in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.
2. Mitigation Measure Biology-1: Nesting Birds.
If construction occurs during the breeding season (February through August), the construction site and a surrounding radius of not less than 0.5 miles shall be surveyed by a qualified biologist to verify the presence or absence of nesting birds protected under the federal Migratory Bird Treaty Act and the California Fish and Game code. Pre-construction surveys shall be conducted within 15 days prior to start of work and shall be submitted to the Community Development Department. If the survey indicates the potential presences of nesting birds, the

applicant shall comply with recommendations of the biologist regarding an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be based to a large extent on the nesting species and its sensitivity to disturbance.

3. Mitigation Measure - Cultural-1: Cultural Resource Protection Procedures.

The Project sponsor or the contractor shall provide in the construction contracts that crews involved in ground disturbance shall be required to implement the following procedures in the event that archaeological/ paleontological/historic resources or human remains are encountered during ground disturbance activities. Cultural resources in this area could include but are not limited to Native American resources including chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials; or Historic-period resources including stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

- a. Immediately halt or relocate excavations and contact a qualified archaeologist/ paleontologist to inspect the site as appropriate. If the qualified expert determines that potentially significant archaeological/paleontological materials or human remains are encountered, a qualified expert must record, recover, retrieve, and/or remove any archaeological/paleontological materials;
- b. The qualified expert must study any archaeological/paleontological/historic resources found onsite and publish data concerning these resources;
- c. If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place;
- d. The qualified expert shall provide a copy of documentation of all recovered data and materials found on-site to the regional information center of the California Archaeological Inventory (CAI) for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological/paleontological materials and data.
- e. If any historic or pre-historic artifacts are exposed, the qualified expert shall record the data and prepare a report to be submitted to the local historical society.
- f. Monitoring for these measures must be performed by Applicant on a continual basis during construction. At the completion of work, Applicant

will submit a summary of findings to the Planning Director for review and for the final record.

4. The plans submitted for the building permit and construction shall substantially comply with the sample board date stamped received September 9, 2012, except as modified by the following conditions. Any change from the this approval including substitution of materials, shall be requested in writing and approved by the Community Development Director, or designee, prior to changes being made in the field.
5. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
6. Prior to the issuance of any building permit the applicant must demonstrate compliance with all state and federal requirements for the alteration and operation of the billboard and including the FHWA agreements with CalTrans of February 15, 1968, the Highway Beautification Act, the Outdoor Advertising Act, California Vehicle Code and FHWA Memoranda of July 17, 1996 and September 25, 2007. This requirement includes obtaining a permit from Cal Trans, which requires consistency with the aforementioned.
7. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director's, Historic Preservation Review Commission or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

* * * * *

On motion of Commissioner _____, seconded by Commissioner _____, the above Resolution was adopted at a special meeting of the Planning Commission on November 29, 2012, by the following vote:

Ayes:

Noes:

Absent:

Abstain

Rod Sherry
Planning Commission Chair

APPLICANT'S STATEMENT

CLEAR CHANNEL OUTDOORS, INC.
DIGITAL BILLBOARDS PROJECT

The Clear Channel Outdoor Inc. Digital Billboards Project ["Digital Billboards Project"] involves the upgrade of two existing billboard signs, each with back-to-back billboards that are west/east facing and oriented to I-680 traffic. The billboards are located on a City-owned easement at Highway I-680 and Industrial Way (north of Benicia Bridge) in Benicia, California.

The application before the City of Benicia is for a modification to the existing conditional use permit to allow for physical upgrades to the existing signs in order to accommodate state-of-the-art digital (LED) signs. In addition, as detailed below, commensurate with the modification of the use permit, Clear Channel Outdoor, Inc. ["Clear Channel"] would amend its current lease agreement with the City of Benicia (as owner of the easement) in order to reflect the changes resulting from the sign upgrades.

The two traditional 14-foot by 48-foot billboard signs that currently occupy the project location are used for general advertising, accomplished by use of single image vinyl signs that are rotated from time to time (usually in 30-day cycles.) The billboards are, and with the proposed upgrades would be, considered "off-premise" signs by Caltrans and permitted accordingly.¹

The Digital Billboards Project includes the upgrade and operation of the same 14-foot by 48-foot space for digital billboards (also know as electronic reader boards), with no change to the height or width of the signs. The digital billboards will display interchangeable single images, with each image usually lasting about eight seconds before a new image appears.

Because of recent advances in digital technology, as well as advancements in regulation, some of the concerns historically raised about early model digital signs have been successfully addressed in recent years. By way of example, no animation (moving images) will be allowed on these digital billboards. Also, there will be no other signs stacked on the posts below the billboards. In addition, state of the art technology now allows for sign brightness to adjust to ambient light, so as to avoid some of the over-brightness observed in earlier electronic sign models. Finally, in the specific case of the Digital Billboards Project, the signs themselves are particularly oriented such that visibility from the residential areas in Benicia is extremely limited.²

Because of the technological advance the digital signs represent over traditional vinyl signage, the City of Benicia is poised to enjoy an exponential increase in marketing opportunities for City programs and community events. More specifically, under the

¹ Caltrans requires an off-premise LED sign permit, which carries with it its own set of conditions..

² As shown in the photos and simulations included with application, the signs are just visible in the distance from 3 or 4 homes on Tennys Drive, as well as, to an even lesser extent, from a few homes in Southampton. However, as shown, the signs are quite distant from the residences and are virtually indistinguishable, both in daylight and at night, from other lights from the industrial park.

existing lease agreement, the City has been afforded a certain number of single image vinyl panels- *a single image with a single message*- which are placed by hand and remain static for the placement period. In contrast, the digital signs involve computer controlled digital graphics, which can be frequently changed and rotated with ease.³

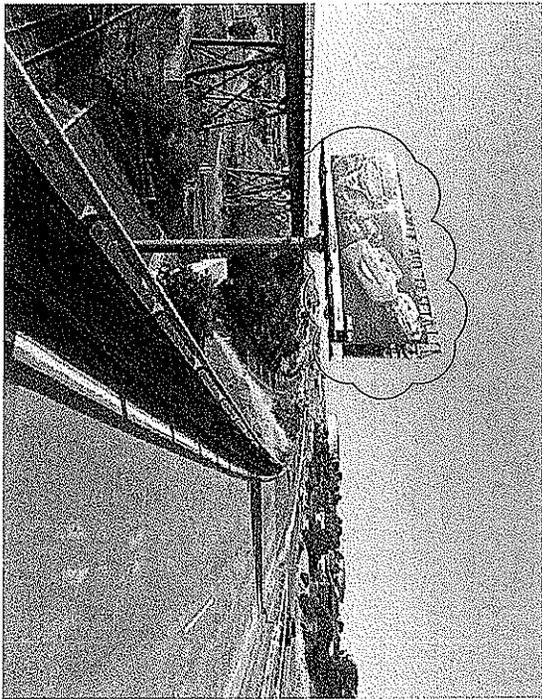
As such, the City has an opportunity to market multiple aspects of the community, including business development for the Benicia Industrial Park, local artists' events, historic features, First Street merchant events, school programs, etc. This improvement in marketing opportunities is particular timely given the City's increased focus on promotion, including the recent adoption of the Business Development Action Plan (BDAP). With the upgrades to the billboards, Clear Channel looks forward to contributing to that increased focus and to a successful long-term marketing program for the City.

As final note, the Digital Billboards Project just looks good for the City of Benicia. As vinyl sign use becomes more and more reflective of old methodologies, and with the particular aspects of this project as noted above, Clear Channel is very pleased to offer a project that will enhance the City's on-going efforts to present as a modern city with 21st century capabilities and sensibilities.

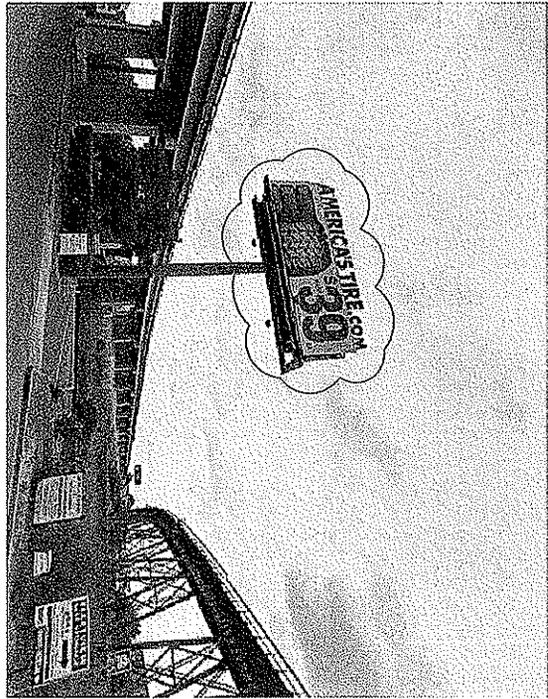
³ Though not detailed here, an increased revenue stream to the City is also anticipated to be a part of the amended lease agreement.

PROJECT PLANS

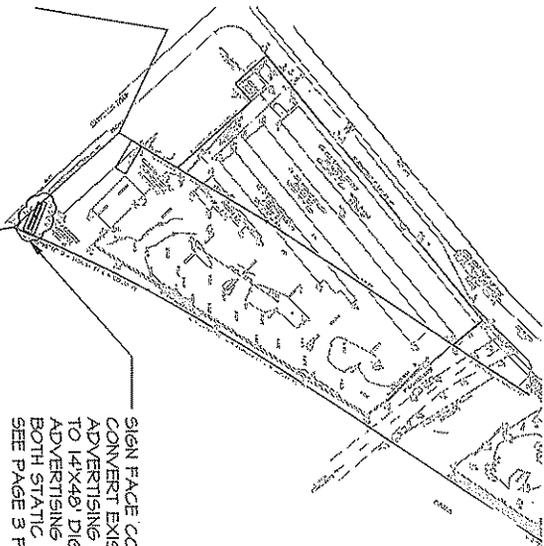
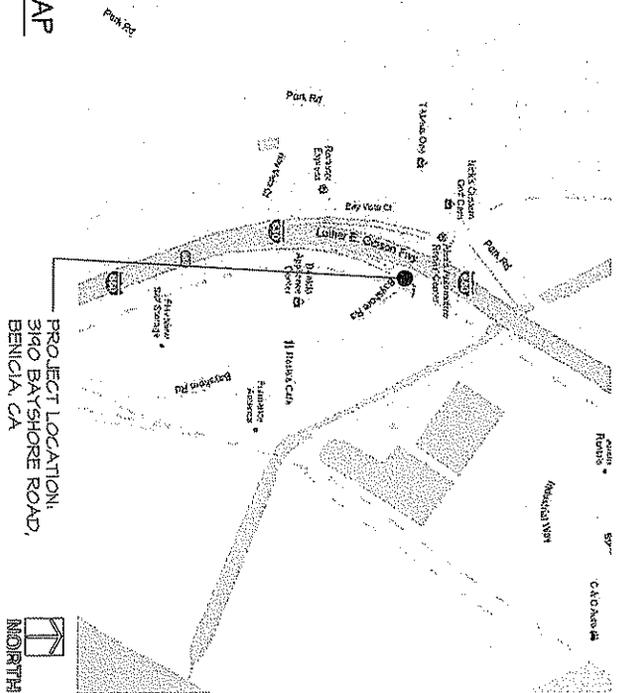
EXISTING SIGN NORTH ELEVATION



EXISTING SIGN SOUTH ELEVATION



VICINITY MAP



Vincent Kevin Kelly & Assoc., Inc.
structural engineering consultants

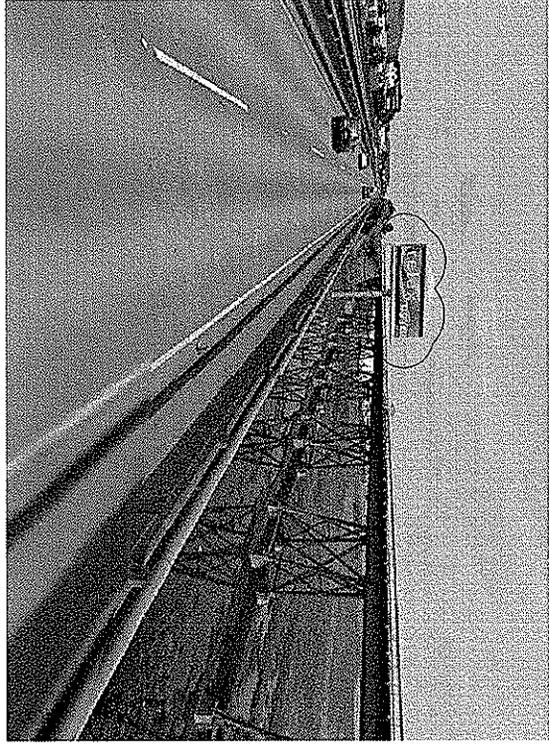
3400 Airport Ave., Suite #99
Santa Monica, CA 90405
Web: www.vkkengineering.com
Email: vkk@vkkengineering.com
Tel: 310.397.3700 Fax: 310.397.8797

Client CLEAR CHANNEL OUTDOOR
Project 14'X48' DIGITAL ADVERTISING SIGN CONVERSION
3190 BAYSHORE ROAD, BENICIA, CA

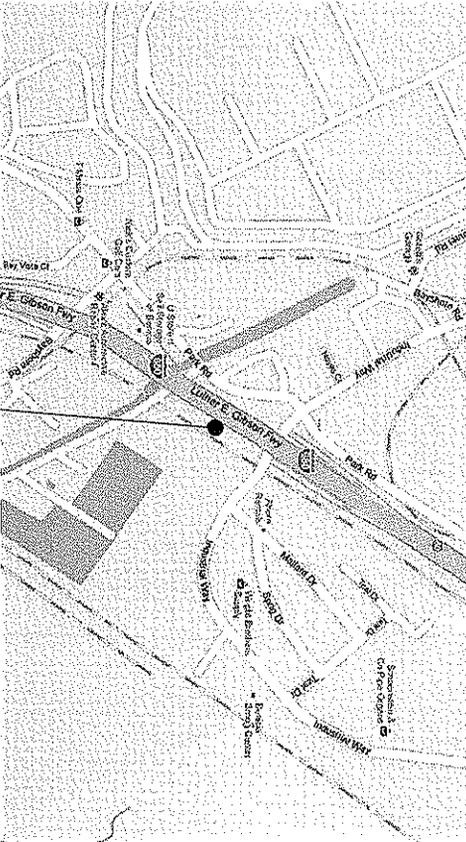
Date 05/29/2012 Job # 11061
Engr. YKK
Sheet 1 of 5



EXISTING SIGN EAST ELEVATION

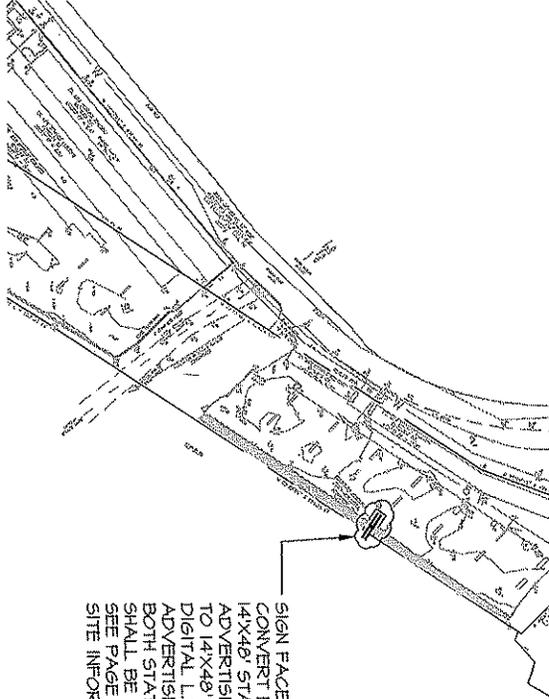


EXISTING SIGN WEST ELEVATION



VICINITY MAP

PROJECT LOCATION:
3300 PARK ROAD,
BENICIA, CA



SIGN FACE CONVERSION:
CONVERT EXISTING
14'x48' STATIC
ADVERTISING SIGN FACE
TO 14'x48'
DIGITAL LED DISPLAY
ADVERTISING SIGN FACE.
BOTH STATIC FACES
SHALL BE CONVERTED.
SEE PAGE 3 FOR DETAILED
SITE INFORMATION.



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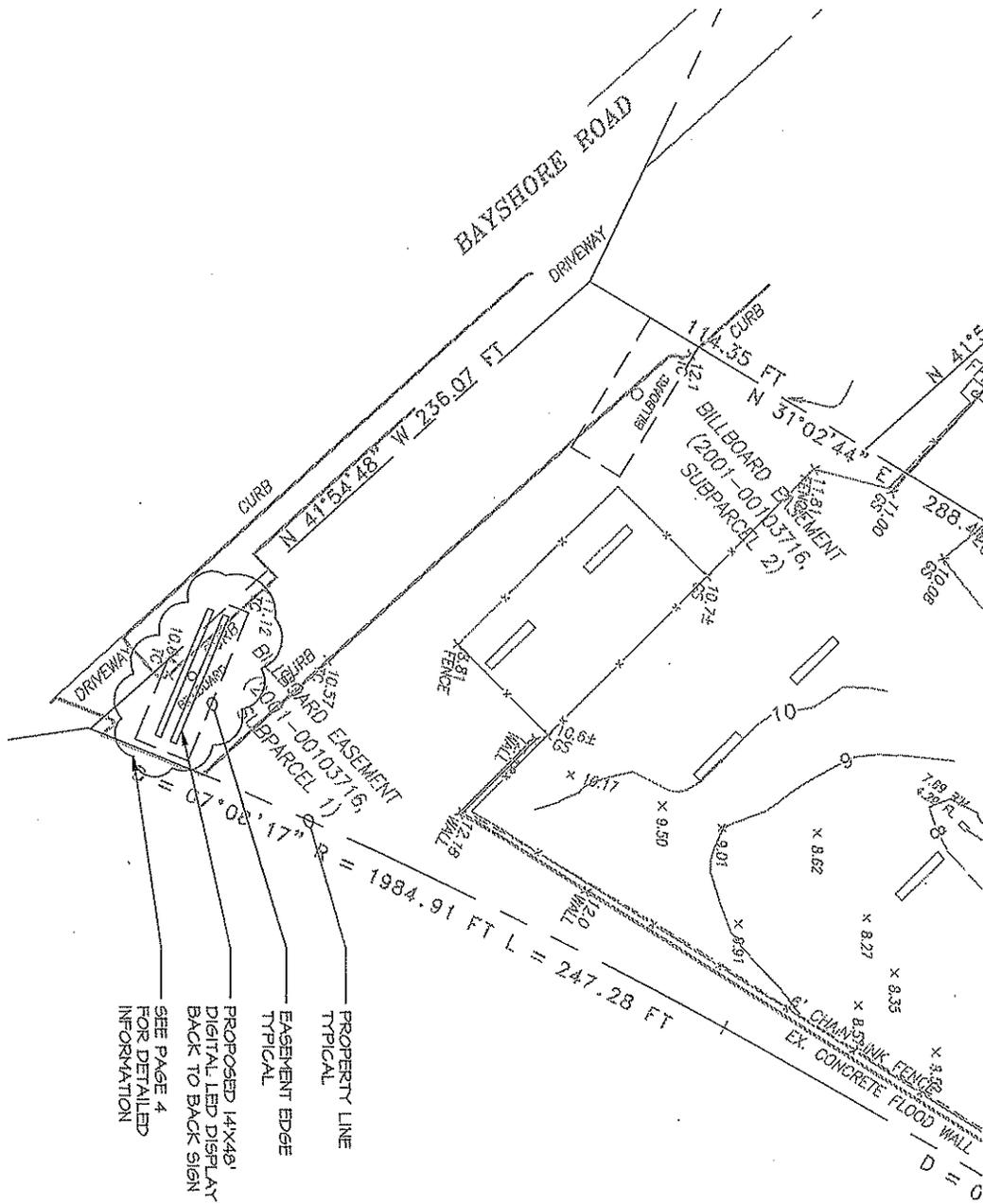
Client CLEAR CHANNEL OUTDOOR
Project 14'x48' DIGITAL ADVERTISING SIGN CONVERSION
3300 PARK ROAD, BENICIA, CA

Date 05/29/2012 Job # 11C10
Engr. YKK
Sheet 1 of 5

SITE PLAN
SCALE: 1" = 40'

3190 BAYSHORE ROAD

SITE AND SURVEY INFORMATION
PROVIDED BY CSA, INC.
PROJECT# 04112, DATED MAY 16, 2012



PROPERTY LINE
TYPICAL
EASEMENT EDGE
TYPICAL
PROPOSED 14X48'
DIGITAL LED DISPLAY
BACK TO BACK SIGN
SEE PAGE 4
FOR DETAILED
INFORMATION



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structural engineering consultants

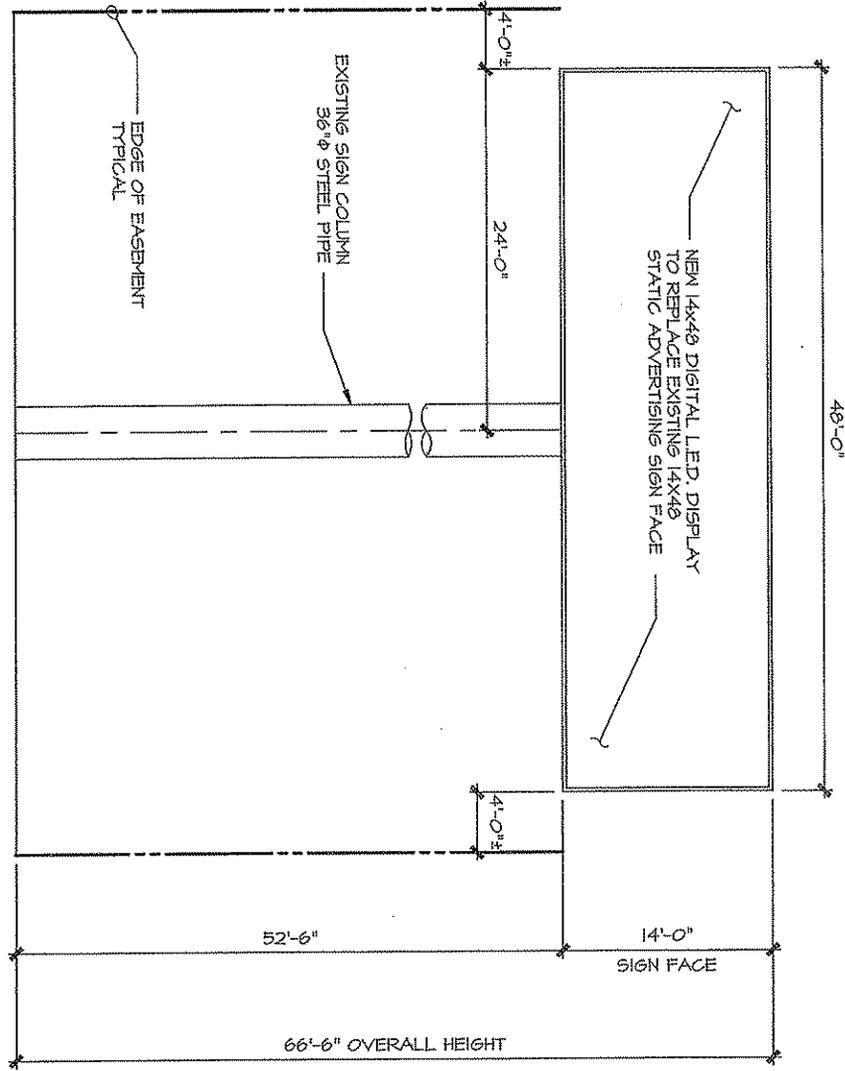
3400 Airport Ave., Suite #99
Santa Monica, CA 90405
Web: www.vkkengineering.com
Email: vkk@vkkengineering.com
Tel: 310.397.3700 Fax: 310.397.8797

Client: CLEAR CHANNEL OUTDOOR
Project: 14x48' DIGITAL ADVERTISING SIGN CONVERSION
3190 BAYSHORE ROAD, BENICIA, CA & 3300 PARK ROAD, BENICIA, CA

Date: 06/12/2012 Job #: 11C61 & 11C10
Engr.: VKK
Sheet: 3 of 10

SOUTH ELEVATION
3190 BAYSHORE ROAD

SCALE: $\frac{1}{2}'' = 1'-0''$



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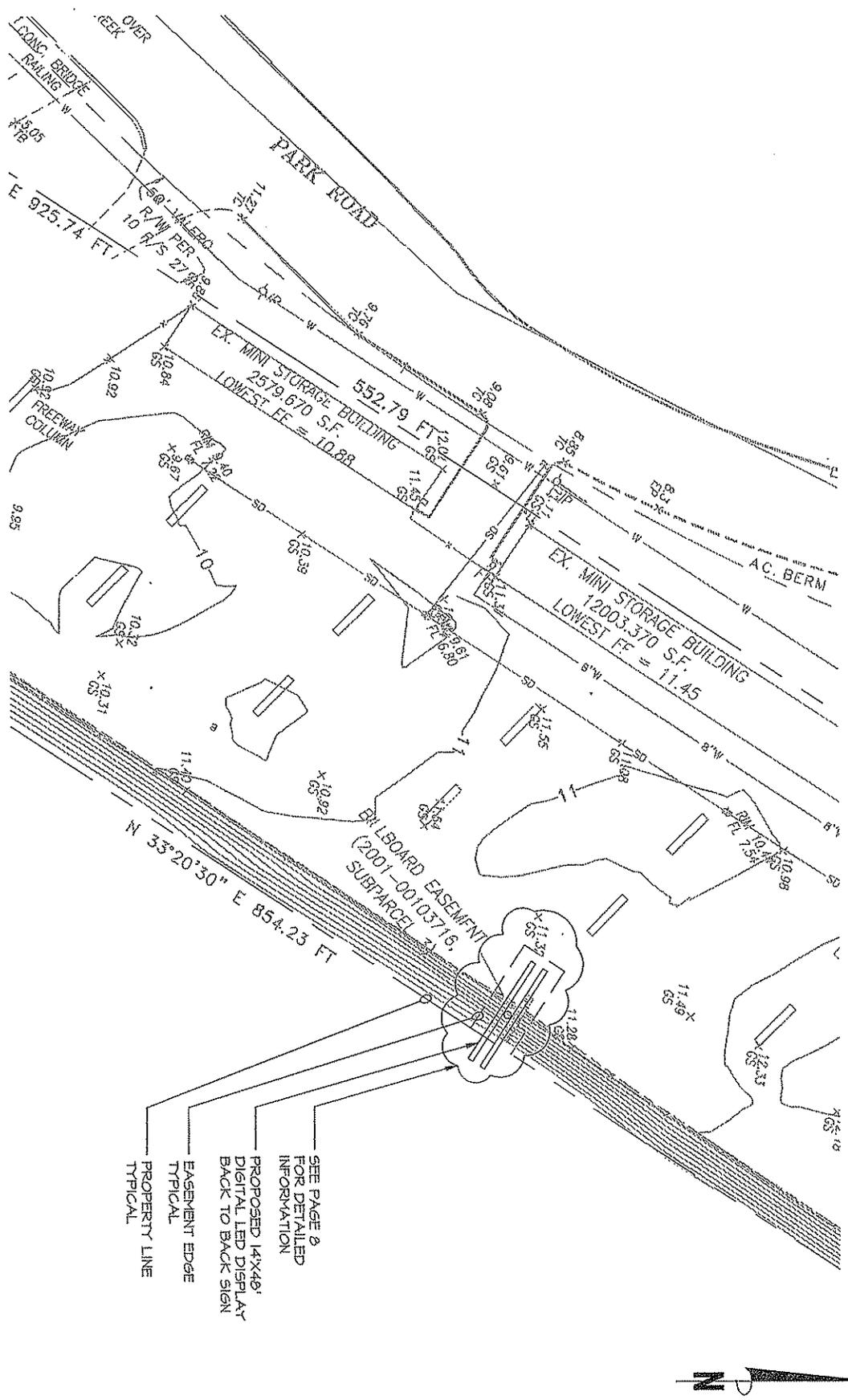
Client CLEAR CHANNEL OUTDOOR
Project 14'x48' DIGITAL ADVERTISING SIGN CONVERSION
3190 BAYSHORE ROAD, BENICIA, CA & 3300 PARK ROAD, BENICIA, CA

Date 06/12/2012 Job # 11C61
Engr. VKK # 11C10
Sheet 5 of 10

SITE PLAN
SCALE: 1" = 40'

3300 PARK ROAD

SITE AND SURVEY INFORMATION
PROVIDED BY CSA, INC.
PROJECT# 04112, DATED MAY 16, 2012



SEE PAGE 8
FOR DETAILED
INFORMATION
PROPOSED 14'X48'
DIGITAL LED DISPLAY
BACK TO BACK SIGN
EASEMENT EDGE
TYPICAL
PROPERTY LINE
TYPICAL



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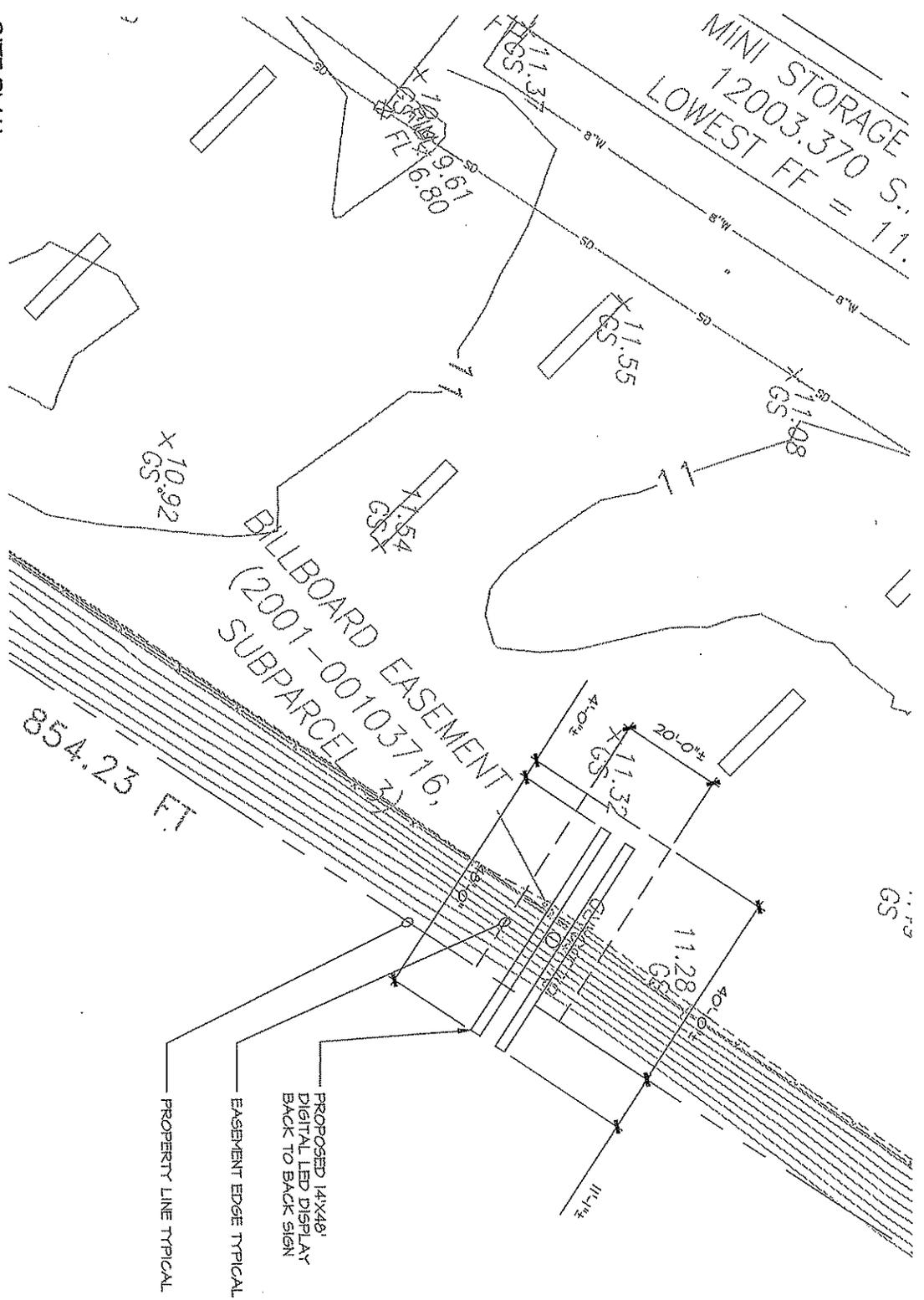
Client CLEAR CHANNEL OUTDOOR
Project 14'X48' DIGITAL ADVERTISING SIGN CONVERSION
3190 BAYSHORE ROAD, BENICIA, CA & 3300 PARK ROAD, BENICIA, CA

Date 06/12/2012 Job # 11C61
Engr. VKK & 11C10
Sheet 1 of 10

SITE PLAN
SCALE: 1" = 20'

3300 PARK ROAD

SITE AND SURVEY INFORMATION
PROVIDED BY CSA, INC.
PROJECT# 04112 DATED MAY 16, 2012



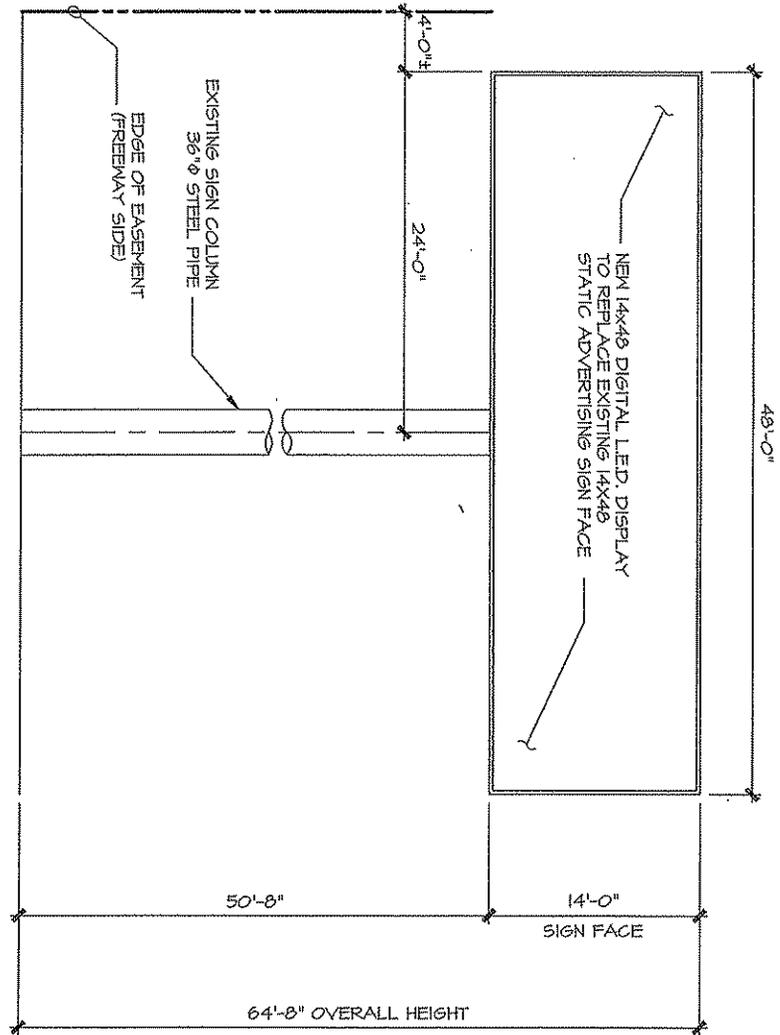
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Client CLEAR CHANNEL OUTDOOR
Project 14x48' DIGITAL ADVERTISING SIGN CONVERSION
3190 BAYSHORE ROAD, BENICIA, CA / 3300 PARK ROAD, BENICIA, CA

Date 06/12/2012 Job # 11C61
Engr. VKK # 11C10
Sheet 8 of 10

WEST ELEVATION
 3300 PARK ROAD
 SCALE: 1/8" = 1'-0"

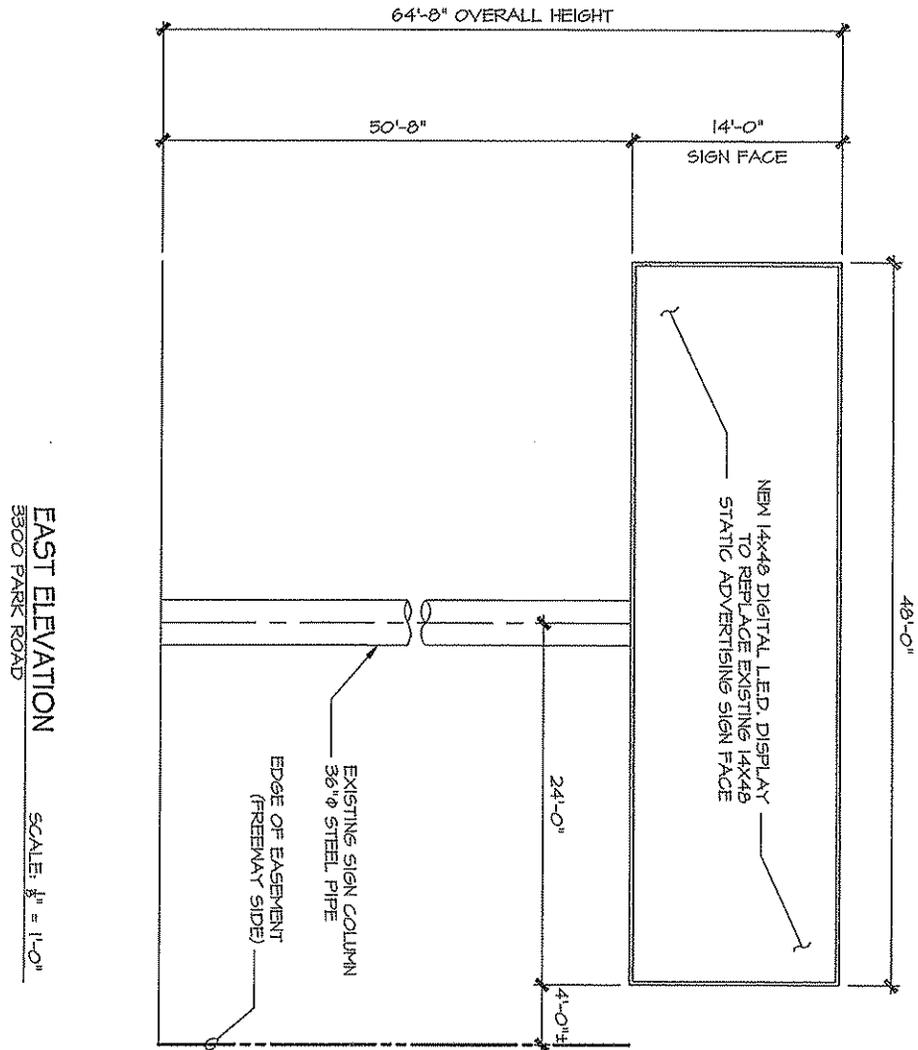


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 3190 BAYSHORE ROAD, BENICIA, CA & 3300 PARK ROAD, BENICIA, CA

Date 06/12/2012 Job # 11C61
 Engr. VKK # 11C10
 Sheet 9 of 10




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& Assoc., Inc.**
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3190 BAYSHORE ROAD, BENICIA, CA # 3800 PARK ROAD, BENICIA, CA

Date 06/12/2012 Job # 11C61
 Engr. VKK # 11C10
 Sheet 10 of 10

**INITIAL STUDY / MITIGATED NEGATIVE
DECLARATION**

**PUBLIC COMMENTS ON INITIAL STUDY /
MITIGATED NEGATIVE DECLARATION**

City of Benicia Community Development Department
Attn: Amy Million
250 East L Street
Benicia CA 94510

November 19, 2012

Re: Clear Channel Billboard Upgrade Project
Notice Of Intent To Adopt A Mitigated Negative Declaration

Ms Million,

I am submitting comments formally on the above project because I am concerned with the aesthetics, and visual annoyance of these signs and the short time for public comment.

I have the following specific issues;

The first public announcement that I saw was the Benicia Herald's article on Nov. 13 2012.

The 21 day review period began on the 30th of October. How was the public informed on this matter?

The Initial Study And Mitigated Negative Declaration follows a predictable form, with more than 30 pages of environmental impacts but concluded in a very few pages that Aesthetics would have "less than significant impact".
Transportation was noted as being affected by creating an increased hazard although this was also deemed "less than significant"

LED billboards use significantly more electricity than static lit signs.

There will be higher light and glare from these signs. Exactly how much brighter will not be known until they are in place and will change with the specific message and ambient light and weather conditions. Imaging a foggy morning at dawn and the refracted light changing every 8 or 10 seconds.

This section of the freeway has no road lighting and is basically lit with the glare from Valero.

How does this project meet with the Cities Climate and Sustainability goals and with the Arts and Culture Commissions mission?

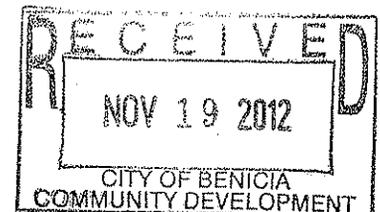
Have these groups been contacted and or provided input?

I am concerned with the lack of details on the pending agreements. I have heard some potential revenue numbers at the EDB meeting and some enticing possibilities of restricting content and gaining ad "space or time", for community interests. Will the public and the City Council get these specific contract details before further discussion and final approval?

Sincerely,
Ed Ruszel



2980 Bayshore Rd, Benicia

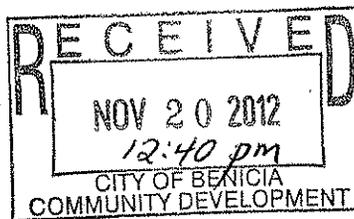


STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
 P. O. BOX 23660
 OAKLAND, CA 94623-0660
 PHONE (510) 286-6053
 FAX (510) 286-5559
 TTY 711



*Flex your power!
 Be energy efficient!*

November 20, 2012

SOL680058
 SOL-680-0.83

Ms. Amy E. Million
 Community Development Department
 City of Benicia
 250 East L Street
 Benicia, CA 94510

Dear Ms. Million:

Benicia Clear Channel Billboard Upgrade Project – Mitigated Negative Declaration (MND)

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. Caltrans has reviewed the MND and have the following comments to offer.

Lead Agency

Since the project involves potential impacts and the mitigation thereof to environmental resources, this project should be circulated by the City of Benicia (City) for review and comments through the Office of Planning and Research's California Environmental Quality Act (CEQA) State Clearinghouse. Also, as the lead agency, the City is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Mitigation Reporting Guidelines

The California Environmental Quality Act requires the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with mitigation adopted during the CEQA review process.

Some of the information requirements detailed in the attached Guidelines for Submitting Transportation Information from a Reporting Program include the following:

- Name, address, and telephone number of the CEQA lead agency contact responsible for mitigation reporting.
- Type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure, and
- Certification section to be signed and dated by the lead agency certifying that the mitigation measures agreed upon and identified in the checklist have been implemented, and all other reporting requirements have been adhered to, in accordance with Public Resources Code Sections 21081.6 and 21081.7.

Ms. Amy Million/City of Benicia
November 20, 2012
Page 2

Further information is available on the following website:
http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ccqa.html.

Transportation Management Plan (TMP)

If it is determined that traffic restrictions and detours are needed on or affecting State highways, a TMP or construction Traffic Impact Study may be required of the developer for approval by Caltrans prior to construction. TMPs must be prepared in accordance with Caltrans' *Manual on Uniform Traffic Control Devices*. Further information is available for download at the following web address: <http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/pdf/camutcd2012/Part6.pdf>. Please ensure that such plans are also prepared in accordance with the transportation management plan requirements of the corresponding jurisdictions.

Transportation Permit

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to: Caltrans Transportation Permits Office, 1823 14th Street, Sacramento, CA 95811-7119. See the following website for more information:
<http://www.dot.ca.gov/hq/traffops/permits>.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information.
<http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Outdoor Advertising Act

Caltrans is required by law to enforce the Outdoor Advertising Act and Regulations regarding the placement of advertising along the highways. That document is available on the internet at:
http://www.dot.ca.gov/hq/oda/download/ODA_Act_&_Regulations.pdf.

Storm Water

All discharges, construction as well as permanent runoff, originating from within the project's limits, entering into the State ROW must comply with Caltrans' statewide National Pollutant Discharge System (NPDES) permit. In order to ensure water quality standards are being met prior to discharge into the State ROW, the project also needs to be compliant with the City's NPDES permit. Please forward documentation that demonstrates the project will meet compliance criteria for both Caltrans' and the City's NPDES permits.

Ms. Amy Million/City of Benicia
November 20, 2012
Page 3

Should you have any questions regarding this letter, please call Brian Brandert of my staff at (510) 286-5505.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan (State Clearinghouse)



Community Development Department MEMORANDUM

Date: November 19, 2012
To: Planning Commission
From: Vic Randall, Management Analyst – Parks & Community Services
Department
Lisa Porras, Senior Planner – Community Development Department
Re: Benicia Urban Waterfront Enhancement and Master Plan
Community Advisory Committee Appointment

The City is beginning a 16 month process to develop the *Benicia Urban Waterfront Enhancement and Master Plan*, which will develop a site Master Plan for the First Street Green and adjacent tidal marshland. At its October 16 meeting, City Council directed staff to establish a Community Advisory Committee (CAC) to add value to the development of the plan. The CAC will assist the consultant and staff in conducting alternatives analysis and developing the Alternative Concept Plans and the draft Master Plan.

The plan process will also involve two Community Workshops that will be open to the whole community. At the first, tentatively scheduled for winter 2013, participants will work in teams to develop design and open space concepts for the project area. At the second workshop, tentatively planned for fall 2013, participants will work in small groups to review and comment on the alternative concept plans and develop their own preferred alternatives for the study area. CAC member attendance at these workshops is preferred, though not required.

CAC members will be asked to attend four meetings with City staff and the project consultant during the course of development of the plan:

- CAC Meeting # 1 will be held when we begin Alternatives Development and Analysis, and is tentatively planned for late January, 2013. CAC members will be asked to provide input on program needs to be considered during the conceptual design phase.
- CAC Meeting # 2 will be held in conjunction with Alternatives Review and Revision, tentatively planned for early summer, 2013. CAC members and City staff will review the alternatives to ensure that they adequately cover the range of possibilities that we want to see assessed.
- CAC Meeting # 3 will be a Review Meeting to review the alternative concept plans prior to development of a Draft Master Plan, tentatively planned for late summer, 2013. This meeting will follow the second Community Workshop, and the CAC will help develop a preferred

concept, based on the products of that workshop, for presentation to the Parks, Recreation and Cemetery Commission and City Council.

- CAC Meeting #4 will be a Review Meeting in the early stages of Master Plan Adoption, tentatively planned for late fall, 2013. The project consultant will present the Draft Master Plan to the CAC during the required 30 day public comment period on the Initial Study/Negative Declaration.

Per Council's direction, the CAC will include one representative from the following Commissions, Committees, and organizations:

- Planning Commission
- Historic Preservation Review Commission
- Arts and Culture Commission
- Economic Development Board
- Community Sustainability Commission
- Parks, Recreation and Cemetery Commission
- Benicia Main Street
- Benicia Yacht Club
- California Native Plant Society
- Solano Transportation Authority Bicycle Advisory Committee
- Solano Transportation Authority Pedestrian Advisory Committee

The attached staff report from the October 16th City Council meeting provides additional background information regarding the Waterfront Master Plan.

Staff is requesting that the Commission designate a representative to participate in the CAC.