



**BENICIA PLANNING COMMISSION
SPECIAL MEETING MINUTES**

**CITY HALL COUNCIL CHAMBERS
Thursday, November 29, 2012
7:00 p.m.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Cohen-Grossman, Dean, Oakes, Smith
(arrived 7:15 p.m.), Sprague, Chair Sherry

Absent: Commissioner Syracuse (excused)

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

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA

On motion of Commissioner Oakes to move item VI.C to VI.A, seconded by Commissioner Dean, the agenda was adopted by the following vote:

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

Noes: None

Absent: Commissioners Smith and Syracuse

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

Mr. Knox noted that we did receive one comment letter from Bob Berman in regard to Items VI. B and VI. C in addition to those comments already included in the staff report.

B. PUBLIC COMMENT

None.

IV. CONSENT CALENDAR

On motion of Commissioner Oakes, seconded by Commissioner Dean, noting the correction of the typo of love/work in item IV. A, the consent calendar was approved by the following vote:

Ayes: Commissioners Cohen-Grossman, Dean, Oakes, Sprague, Chair Sherry
Noes: None
Absent: Commissioners Smith and Syracuse
Abstain: Commissioner Cohen-Grossman (Items IV. A. and B)

- A. Approval of minutes from Joint PC/HPRC Workshop, September 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

Ms. Porras gave a presentation on Benicia's two Priority Development Areas as they relate to the goals of SB375 and as preferred areas for transportation funding.

The Commissions and staff discussed the difference between Employment Investment Area vs. the Downtown PDA and the location of the 12 PDAs in Solano County and potential funding sources for PDAs.

Mr. Knox replied that employment investment areas focus on job retention and creation with an emphasis on transit-based mobility (housing is typically found outside the area, but in close proximity) whereas traditional PDAs are those with an emphasis on infill housing development with connectivity to transit. Ms. Porras responded that the majority of PDAs in Solano County are found in Fairfield, but that there are PDAs in other smaller jurisdictions within the County such as Suisun, Dixon, and Rio Vista.

VI. REGULAR AGENDA ITEMS

- A. WATERFRONT PARK MASTER PLAN – SELECT ONE MEMBER OF THE PLANNING**

COMMISSION TO SERVE AS A REPRESENTATIVE ON THE COMMUNITY ADVISORY COMMITTEE

Ms. Porras provided an overview of the item and described the number of workshops and meeting that would be required of the Planning Commission's representative.

Public comment opened.

Jon Van Landschoot asked that the representative please commit to the 6 required meetings.

Public comment closed.

Commissioner Cohen-Grossman stated that she would serve as the Commission's representative.

On motion of Commissioner Dean, seconded by Commissioner Oakes, the appointment of Commissioner Cohen-Grossman to the Waterfront Enhancement and Master Plan Committee was adopted by the following vote:

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

**B. 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**

Ms. Million presented the project, which was followed by a supplemental presentation given by Economic Development Manager Mario Guiliani.

Commissioner Cohen-Grossman asked why the Economic Development Board (EDB) recommended approval poste-haste. Mr. Guiliani responded that the EDB wanted to add emphasis to their recommendation, expressing their belief of project readiness.

The Commission directed several comments and questions to staff in regard to the sign ordinance committee, CEQA and the original use permit. Commissioner Cohen-Grossman questioned the proposed design. Mr. Guiliani replied that it was for aesthetic reasons and structural concerns – the existing structure cannot support the CBS proposal.

In response to a question a question from Commissioner Oakes, Mr. Knox clarified that Commission's approval for the two proposed signs would not commit the Commission to approving other signs in the future (3 others would be possible).

The Commissioners and staff briefly discussed the preliminary lease terms.

Public comment opened.

Kimball Goodman, chair of the EDB stated the recommendation from the EDB was unanimous. Mr. Goodman noted the EBD's position that the billboards will boost tourism, address the city's budget shortfalls with added revenues, and increase community involvement with public and non-profit signage.

Ed Ruszel, property owner on Bayshore Road, questioned the original use permit, mitigation of visual impacts and the process for how the City decides what public messages are displayed on the billboards.

Eric Hoagland, resident and business owner, stated that EDBs mission is to encourage business to come to Benicia. If if these signs are not approved it sends a wrong message – a message not to do business in Benicia.

Craig Andres, co-owner of Insight Glass (adjacent to the billboard), stated he has been in business in Benicia for 26 years and has produced economic benefits to the City. Mr. Andres stated that he recommended that Nationwide sign be removed when it became inoperable and believed that the City previously told him it would be removed. He further stated that his employees are there from 6 am until 6 pm, Insight Glass is home to his employees and their view of the straight.

Chris Terry stated he requested a sign on his East 2nd Street business and that all of his proposals were denied. Only one sign was approved and it is not noticeable.

Jon Van Landschoot, resident, stated he concurs with Commissioner Smith that the approval would set a precedent. People on the Sign Ordinance Committee are concerned about these types of signs, which he believes signs cause accidents. Billboards may soon be outdated with new technology able to cut in on radio and make an announcement based on location. This technology can replace electronic billboards. If the City goes forward they should limit it to just 1 LED sign. The lease agreement should be for 3 to 5 years because technology will change.

Donnell Rubay, resident, pointed out that the sign proposed is not the same as the one that is there and if we approve these the City should forget about the Sign Ordinance Committee since its purpose would be moot. She doubts that signs will benefit tourism. There should be more outreach and more discussion at the very least.

Public Comment closed.

Commissioner Dean asked Ms. Million and Mr. Guiliani to respond to the questions that were raised. Ms. Million replied that:

- use permits rest with the land (property) not the applicant
- the existing size of the sign area is 700 sq. ft. and the proposed sign area is less than that (Ms. Million referred to page A-1 of the application).
- the City notified all property owners within 300 ft. on Nov. 19, 2012 when the notices were sent out.

Mr. Guiliani replied that:

- because the billboard would be on City property, the City can regulate content beyond First Amendment rights. City and Community oriented content can be managed through Economic Development; all requests that would promote a city purpose or goal would be accepted.
- There is no contract between the City and Insight Glass with respect to the Nationwide sign.

The Commission and staff discussed what latitude the City has on signs on private property versus City property.

Commissioner Dean asked Commissioner Smith if she had a sense on where the Sign Ordinance Committee stood on this issue. Ms. Smith replied that she did not because it will continue to be discussed at the next meeting. Commissioner Dean requested more information on the original use permit. Mr. Guiliani replied that the sign was just for Nationwide, but that 30% of content for the proposed CBS billboard would be for community-based notices.

Commissioner Smith stated her position that the proposal is for a different use and should be subject to CEQA. Commissioner Smith referred the Commission to Gateways as defined in the General Plan and expressed that the viewsheds had not been analyzed.

Commissioners stated concerns about the CEQA exemption and the project conflicting with General Plan gateway policies.

The Commission asked Ms. Wellman to clarify the action. Ms. Wellman explained that the Planning Commission approves the Use Permit and the Council addresses the lease agreement.

Commissioner Oakes made a motion to approve the resolution with direction to staff to present the increased review of CEQA, general plan objectives as outlined by Commissioner Smith to the City Council.

The Commissioners discussed the CEQA exemption, general plan objectives and findings necessary for approval of a use permit.

Commissioner Smith asked Mr. Andres, the owner of Insight Glass, if he would be opposed to the billboard if it were moved. Mr. Andres expressed that he would still be opposed.

Commissioner Oakes withdrew his motion.

Commissioners expressed that they were dissatisfied with findings 1, 3, and 4.

RESOLUTION NO 12-8 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A USE PERMIT TO MODIFY AN EXISTING BILLBOARD AT 4850 PARK ROAD (12PLN-00013)

On another motion of Commissioner Oakes, seconded by Commissioner Smith, noting the changes to the conditions of approval to reference the lease agreement as recommended by staff, the above resolution was approved by the following vote:

Ayes: Commissioners Cohen-Grossman, Oakes, Sprague
Noes: Commissioners Smith and Dean
Abstain: Chair Sherry
Absent: Commissioner Syracuse

C. 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

Ms. Million provided an overview of the project.

Dana Dean, on behalf of applicant presented the project and showed a video of LED examples next to lighted vinyl billboards in various cities.

Ms. Dean stated the signs are not flashing or blinking, instead they are sliding images and static in appearance. They are regulated to be moved at a

minimum of 8 second intervals. Ms. Dean cited the benefits, emergency signage and public notification opportunities. She referred to General Plan Goals 2.5, 2.7, 2.1.3, 3.3, 3.5, and 3.6, which in her view support the proposed project.

Commissioner Smith asked what the distance was between the two billboards. Ms. Dean responded that the minimum distance per Caltrans is 1,000 ft. (on the same side of the freeway) and the actual distance is 1,300 ft.

Public comment opened.

Kimball Goodman, EDB chair, stated that the EDB recommends approval of the Clear Channel billboards.

Ed Ruszel, owner of property on Bayshore Road, stated this approval would consist of two signs approved at the same time. They are very close to the freeway, opposes these signs, not aesthetic.

Public comment closed.

Commissioner Smith asked staff about the project phasing and the Sign Ordinance modification. She questioned the particulars of the community benefits package.

Staff stated that the details of the benefits are in the lease agreement.

Commissioner Smith stated she had ex-parte communications with Dana Dean on this project. She further asked staff if this was a gateway. Mr. Knox replied that where a gateway begins and where it ends is not defined in the General Plan. Commissioner Smith further asked if the City could establish standards for increased distance between billboards. Staff replied yes.

RESOLUTION NO 12-9 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)

On a motion of Commissioner Oakes, seconded by Commissioner Smith, noting the amendments for lease agreement and references to the Mitigation Monitoring Reporting Program recommended by staff, the above resolution was approved by the following vote:

Ayes:	Commissioners Cohen-Grossman, Oakes, Smith, Sprague
Noes:	Commissioner Dean
Abstain:	Chair Sherry
Absent:	Commissioner Syracuse

VII. COMMUNICATIONS FROM STAFF

Ms. Porras announced that the regular Commission hearing of December 13, 2012 would be canceled.

VIII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Smith provided an update on the Sign Committee's recommendation to allow A-Frame signs with the requirement that the business owners assume the liability for it. She also noted her appreciation in regard to the Department's efforts to engage the commissioners to attend the Annual Planning Commissioners Seminar, but requested that earlier notice be provided, if possible.

IX. ADJOURNMENT

Vice-Chair Dean adjourned the meeting at 10:48 PM.