

**BENICIA CITY COUNCIL  
REGULAR MEETING AGENDA**

**City Council Chambers  
December 02, 2014  
7:00 PM**

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

*Please Note:  
Regardless of whether there is a Closed Session scheduled, the open session will begin  
at 7:00 PM*

**I. CALL TO ORDER (6:00 PM):**

**II. CLOSED SESSION (6:00 PM):**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9  
Number of potential cases: One (1)
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
(Subdivision (b) of Government Code Section 54957)  
Title: City Attorney

**III. CONVENE OPEN SESSION (7:00 PM):**

- A. ROLL CALL.**
- B. PLEDGE OF ALLEGIANCE.**
- C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.**

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's

Open Government Ordinance.

**IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:**

**A. ANNOUNCEMENTS.**

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

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

Arts and Culture Commission  
1 unexpired term  
open until filled

Human Services Board  
1 unexpired term  
open until filled

**3. Boards & Commissions - Council Subcommittee  
Recommendations: Subcommittee recommendation to Mayor of  
Margaret (Maggie) Kolk to the Human Services Board for an  
unexpired term ending January 31, 2017**

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

**5. Benicia Arsenal Update**

Verbal update from City Attorney

**B. PROCLAMATIONS.**

**C. APPOINTMENTS.**

**D. PRESENTATIONS.**

**V. ADOPTION OF AGENDA:**

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

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

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

**A. WRITTEN COMMENT.**

**B. PUBLIC COMMENT.**

**VII. CONSENT CALENDAR (7:15 PM):**

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

**A. APPROVAL OF THE MINUTES OF THE NOVEMBER 18, 2014 CITY COUNCIL MEETING. (City Clerk)**

**B. SECOND READING AND ADOPTION OF AN ORDINANCE FOR REASONABLE ACCOMMODATION. (City Manager)**

The State and federal Fair Housing Laws require that local jurisdictions take action to make reasonable accommodation (modifications or exceptions) in their land use regulations and practices when such accommodation may be necessary to afford disabled persons an equal opportunity to housing. The draft ordinance has been prepared to add Chapter 17.132 Reasonable Accommodation to the Zoning Ordinance to implement California Government Code Section 65583 (c) (3) and the City's Housing Element by establishing procedures and regulations for the granting of reasonable accommodation for housing.

**Recommendation: Adopt an ordinance to amend Benicia Municipal Code Title 17 (Zoning Ordinance) and the Downtown Mixed Use Master Plan (Chapter 4 - Form Based Code) pertaining to reasonable accommodation.**

**C. SECOND READING AND ADOPTION OF AN ORDINANCE FOR TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND EMERGENCY HOMELESS SHELTER. (City Manager)**

The California Housing Accountability Act requires that local jurisdictions provide zoning that encourages and facilitates emergency shelters and limits the denial of transitional housing, supportive housing and emergency shelters

in order to address the critical housing needs of homeless populations and individuals with special needs. The draft ordinance has been prepared in order to implement Government Code Section 65583 and Program 3.01 of the City's Housing Element by amending the Title 17 Zoning and Downtown Mixed Use Master Plan to permit transitional housing and supportive housing, and to amend the zoning ordinance to permit emergency homeless shelters, including addition of Chapter 17.70.390 Emergency Shelter.

**Recommendation: Conduct a second reading and adopt the ordinance to amend the Benicia Municipal Code Title 17 (Zoning Ordinance) and the Downtown Mixed Use Master Plan (Chapter 4 - Form Based Code) pertaining to transitional housing, supportive housing and emergency homeless shelters.**

**D. ACCEPTANCE OF THE BENICIA SAFE ROUTES TO SCHOOL PROJECT.  
(Public Works Director)**

This grant-funded project eliminated gaps in the sidewalk network on pedestrian routes to Robert Semple Elementary School; installed pedestrian safety improvements on Dempsey Drive for school children crossing from Mathew Turner Elementary School to the Community Park parking lot and Southampton area beyond; and installed flashing beacons on Southampton Road for students from the Benicia Middle School. Acceptance of the project is necessary to make final payment to the contractor.

**Recommendation: Adopt a resolution accepting the Benicia Safe Routes to School Project as complete, including staff approved Contract Change Order Nos. 1 - 3, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.**

**E. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE  
QUARTERS ENDED JUNE 2014 AND SEPTEMBER 2014. (Finance  
Director)**

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Finance Committee has reviewed these reports and recommends acceptance.

**Recommendation: Accept, by motion, the Investment Reports for the quarters ended June 30, 2014 and September 30, 2014.**

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

**VIII. BUSINESS ITEMS (7:30 PM):**

**A. PUBLIC NOTICING REQUIREMENTS. (Interim Community Development Director)**

As requested by Council, staff researched ways of providing notice to tenants (commercial and residential) for land use matters. Staff found that jurisdictions that provide such mailed notice generally do so with the help of an in-house GIS program. Staff has been unable to identify another means of providing direct-notice to tenants that would not pose an exceptional cost burden on the City or the applicant. Staff believes that a poster-size notice placed on a proposed project site is a cost-effective means to inform residents and businesses in the vicinity of a proposed land use entitlement that a project is proposed.

**Recommendation: Direct staff to draft an ordinance modifying public noticing requirements for land use entitlement applications to require on-site posters and eliminate the requirement for paper posting. All other noticing requirements would not change.**

**B. APPROVING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 4, 2014. (City Clerk)**

This is a procedural item certifying the election results, number of votes cast by precinct, and the percentage of voter turnout. Certification of these results by the Registrar of Voters was completed on November 24, 2014, and is scheduled to be approved by the Solano County Board of Supervisors on November 25, 2014.

**Recommendation: Adopt the resolution approving the results of the General Municipal Election held November 4, 2014.**

**IX. ADJOURNMENT (8:00 PM):**

**Public Participation**

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item

raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

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

**Disabled Access or Special Needs**

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

**Meeting Procedures**

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

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

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

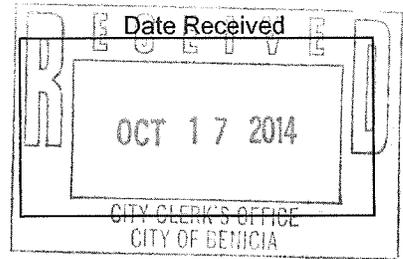
**Public Records**

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in

the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.



New!



### City of Benicia Board/Commission/Committee Application

It is the intent of the City Council to have Boards, Commissions or Committees composed of people from all geographical, social, environmental and economic sectors of the community and to avoid potential conflicts of interest.

Please check the board, commission, or committee you wish to apply for:

- Arts and Culture Commission
- Benicia Housing Authority Board of Commissioners
- Board of Library Trustees
- Civil Service Commission
- Economic Development Board
- Finance, Audit & Budget Committee
- Historic Preservation Review Commission
- Human Services Board
- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sustainability Commission
- Sky Valley Open Space Committee
- Uniform Code Board of Appeals

11/3/14

Name: MARGARET (MAGGIE) KOLIC KOLK

Address: [REDACTED] Benicia, CA 94510

Phone: (Work) [REDACTED] (Home) [REDACTED]

(Cell) [REDACTED] Fax: [REDACTED]

Email: [REDACTED] Years as Benicia resident: 6 mos.

Occupation/Employer: Food Scientist, Public Health NSF International

Please note your most recent community or civic volunteer experience: \_\_\_\_\_

Global Growers, Decatur, GA, Developed food SAFETY TRAINING for refugee farmers, City of Decatur - Wine/Fest, Beer Fest, Book Faire

Founding member of No. Gwinnett Education Fdn - Fund local schools

All applications are considered public records and will be retained in an active file for at least one year from date of receipt.

Signature: Margaret Kolk Date: 9/12/14

**Question 1. What interests you about this Board?** My past community volunteer efforts focused on schools, community health, nutrition and food security. I would like to be able to continue my involvement in these areas and expand my knowledge and experience in other areas.

Also, I believe my experience as a member of the North Gwinnett Education Foundation in Suwanee, GA (my previous home), where I participated on a team responsible for reviewing grant applications, making site visits to schools and working with the other foundation members to determine the grant recipients may have helped prepared me for the Benicia Human Services Board work.

I have not attended a Board meeting.

**Question 2. Time commitment?** I will have the time and will be committed to attending meetings and outreach events. I work for an international public health and safety company based in Ann Arbor, MI. I work out of my home office in Benicia and have control over my travel schedule.

**Question 3. Particular segment of human services?** Community health, nutrition and food security for underserved populations have been a life-long interest, starting with volunteering at the Berkeley Free Clinic while in college up to my most recent volunteer experience with Global Growers (a farm education/outreach program for recently arrived refugees in Clarkston, GA).

**Question 4. Why do you think human services needs to play a lead role in fortifying the quality of life in Benicia?**

Healthy, vital communities thrive by offering support and protection to their vulnerable and at risk populations. This support often must be delivered through the volunteer efforts of community members who can offer the time, commitment as well as the emotional and intellectual resources. Supporting community outreach programs benefits the entire city of Benicia and its residents enhancing the quality of all who live, work and play here.

Thanks for your consideration.

Submitted by,

Maggie Kolk  
September 30, 2014

██████████  
██████████

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
November 18, 2014

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

**I. CALL TO ORDER:**

**II. CLOSED SESSION:**

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Subdivision (b) of Government Code Section 54947)  
Title: City Attorney**

**III. CONVENE OPEN SESSION:**

Mayor Patterson called the meeting to order at 7:01 p.m.

**A. ROLL CALL**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Ernie Gutierrez led the Pledge of Allegiance.

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**

**IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:**

**A. ANNOUNCEMENTS**

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

The Closed Session was cancelled and continued to the 12/2/14 Council Meeting.

- 2. Openings on Boards and Commissions:**

Arts and Culture Commission  
1 unexpired term  
open until filled

Human Services Board  
1 unexpired term  
open until filled

**3. Mayor's Office Hours:**

**4. Benicia Arsenal Update**

Update from City Attorney

Staff has been meeting with the property owner's representatives, and they have been working hard on the project. The subcommittee was updated today, and Staff was given more work to do to come up with a plan for addressing the orders.

**B. PROCLAMATIONS**

**1. IN RECOGNITION OF CITY OF BENICIA - A PURPLE HEART CITY**

**C. APPOINTMENTS**

**D. PRESENTATIONS**

**1. PRESENTATION OF A PLAQUE HONORING FORMER BENICIA HIGH SCHOOL TEACHERS/COACHES BARNEY CORRIGAN, GEORGE DROLETTE AND PHIL GOETTEL**

**V. ADOPTION OF AGENDA:**

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

Nine items were received (copies on file).

**B. PUBLIC COMMENT**

1. Michael Escibosa - Mr. Escibosa discussed the issue of homelessness and homeless veterans.

2. Leah Shellhorn, Chair, Downtown Business Alliance (DBA) - Ms. Shellhorn discussed the DBA's recognition of veterans last Sunday.
3. Mary Theresa Matthews - Ms. Matthews encouraged people to purchase tickets to the upcoming raffle being hosted by the Soroptimists.

**VII. CONSENT CALENDAR:**

Council pulled items VII.E and VII.I for discussion.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

- A. APPROVAL OF THE MINUTES OF THE NOVEMBER 4, 2014 CITY COUNCIL MEETING**
- B. AWARD OF PLC REPLACEMENT PROJECT AND SCADA UPGRADES FOR WATER TREATMENT PLANT**

**RESOLUTION 14-130 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BID FOR THE WATER TREATMENT PLANT PROGRAMMABLE LOGIC CONTROLLER (PLC) REPLACEMENT PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO TELSTAR INSTRUMENTS, INC. OF CONCORD IN THE AMOUNT OF \$101,721, AWARDING A PROFESSIONAL SERVICE CONTRACT WITH DST CONTROLS OF BENICIA IN THE AMOUNT OF \$148,331 FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM UPGRADES, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACTS ON BEHALF OF THE CITY**

- C. REVIEW OF OCTOBER WATER REPORT**
- D. ACCEPTANCE OF WATER TREATMENT PLANT INFLUENT IMPROVEMENT PROJECT**

**RESOLUTION 14-131 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE WATER TREATMENT PLANT INFLUENT IMPROVEMENT PROJECT AS COMPLETE, INCLUDING CHANGE ORDER NOS. 1 THROUGH 4, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER**

**E. MILLS ACT CONTRACTS FOR PROPERTIES AT 153 WEST G STREET AND 180 WEST H STREET**

**RESOLUTION 14-134 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 153 WEST G STREET IN THE CITY OF BENICIA (14PLN-00033)**

**RESOLUTION 14-135 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 180 WEST H STREET IN THE CITY OF BENICIA (14PLN-00040)**

Council Member Schwartzman and Staff discussed how the properties were assessed, whether the properties had to be owner-occupied, and the annual \$35,000 threshold limit.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 14-134, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 14-135, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**F. PURCHASE AND PLACEMENT OF RESTROOM FACILITY FOR THE DOWNTOWN LITTLE LEAGUE FIELDS**

**RESOLUTION 14-132 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE AND PLACEMENT OF NEW RESTROOM FACILITY FOR THE DOWNTOWN LITTLE LEAGUE FIELDS IN THE AMOUNT OF \$76,792.98 ALLOCATED FROM THE BUILDING MAINTENANCE FUND**

**G. APPROVE THE AGREEMENT BETWEEN THE CITY OF BENICIA AND POLICE MID MANAGERS**

**RESOLUTION 14-133 - A RESOLUTION OF THE CITY COUNCIL OF THE**

**CITY OF BENICIA APPROVING THE AGREEMENT BETWEEN THE CITY OF BENICIA AND POLICE MID MANAGERS**

**H. INTRODUCTION AND FIRST READING OF AN ORDINANCE FOR REASONABLE ACCOMMODATION**

**ORDINANCE 14- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE BY ADDING CHAPTER 17.132 (REASONABLE ACCOMMODATION) AND AMENDING THE DOWNTOWN MIXED USE MASTER PLAN TO REFERENCE CHAPTER 17.132 (REASONABLE ACCOMMODATION)**

**I. ADOPTING THE ORDINANCE TO JOIN COMMUNITY CHOICE AGGREGATION (CCA) - MARIN CLEAN ENERGY**

**ORDINANCE 14-9 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE MARIN CLEAN ENERGY JOINT POWERS AGREEMENT AND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM**

Council Member Hughes recused himself from the discussion on this item.

**Public Comment:**

1. Michael Escibosa - Mr. Escibosa spoke in opposition to the proposed ordinance.

Council Member Schwartzman and Staff discussed how businesses and residents could access rebate programs through PG&E and MCE, the HERO program, and how loans through Fannie Mae and Freddie Mac would work with the HERO or California First programs.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Ordinance 14-9, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Strawbridge  
Noes: (None)

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

**VIII. BUSINESS ITEMS:**

**A. ADOPT THE 2015-2023 DRAFT HOUSING ELEMENT AND INITIAL STUDY/NEGATIVE DECLARATION**

**RESOLUTION 14-136 - A RESOLUTION OF THE BENICIA CITY COUNCIL  
APPROVING THE ADOPTION OF AN INITIAL STUDY/NEGATIVE  
DECLARATION FOR THE 2015-2023 HOUSING ELEMENT AND THE 2015-  
2023 HOUSING ELEMENT**

Amy Million, Principal Planner, introduced the agenda item.

Lisa Wise, Lisa Wise Consulting, reviewed the staff report.

Initial Study and Negative Declaration:

Public Comment:

None

Mayor Patterson and Staff discussed how the City is using existing California State Law and CEQA, and the issue of noise.

Housing Element:

Council Member Hughes and Staff discussed the City's allocation, allocations within the Lower Arsenal and Industrial Park, and how to avoid the "airport syndrome".

Public Comment:

None

Amy Million, Principal Planner, discussed the written comments received from Dana Dean (copies on file).

Mayor Patterson and Staff discussed the possibility of removing the four parcels for transitional housing.

Council Member Hughes requested Ms. Dean's comments regarding the DTSC be incorporated in the document.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 14-136, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**B. INTRODUCTION AND FIRST READING OF AN ORDINANCE FOR TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND EMERGENCY HOMELESS SHELTERS**

**ORDINANCE 14- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING TITLE 17 (ZONING) BY ADDING A DEFINITION (TARGET POPULATIONS) TO SECTION 17.12.030 (DEFINITIONS) OF CHAPTER 17.12, ADDING NEW USE CLASSIFICATIONS TO SECTIONS 17.16.030 AND 17.16.040 (SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, AND EMERGENCY SHELTER, RESPECTIVELY) OF CHAPTER 17.16, AMENDING SECTION 17.24.020 (RS, RM, AND RH DISTRICTS-LAND USE REGULATIONS) OF CHAPTER 17.24 (RESIDENTIAL DISTRICTS) TO ADD THE NEW LAND USE CLASSIFICATIONS (EMERGENCY SHELTER, SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING), AMENDING SECTION 17.28.020 (CC, CO, CG, AND CW DISTRICTS – LAND USE REGULATIONS) OF CHAPTER 17.28 TO ADD A NEW LAND USE CLASSIFICATION (EMERGENCY SHELTER), AMENDING SECTION 17.36.030 (LAND USE REGULATIONS) OF CHAPTER 17.36 TO ADD NEW LAND USE CLASSIFICATIONS (SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING), AMENDING SECTION 17.40.030 (LAND USE REGULATIONS) OF CHAPTER 17.40 TO ADD NEW LAND USE CLASSIFICATION (EMERGENCY SHELTER), ADDING SECTION 17.70.390 (EMERGENCY SHELTER) TO CHAPTER 17.70 (SITE REGULATIONS), AMENDING SECTION 17.46.010 (SCHEDULE S-1, SUMMARY OF LAND USE REGULATIONS), AMENDING SECTION 17.74.030 (OFF-STREET PARKING AND LOADING REGULATIONS) TO ESTABLISH PARKING STANDARDS FOR SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, AND EMERGENCY SHELTERS, AMENDING SECTION 17.108.020 REGARDING DESIGN REVIEW FOR EMERGENCY SHELTERS, AND AMENDING THE DOWNTOWN MIXED USE MASTER PLAN, CHAPTER 4: FORM BASED CODES, TO DEFINE AND ADD SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING AS PERMITTED USE CLASSIFICATIONS IN ALL DOWNTOWN DISTRICTS**

Suzanne Thorsen, Associate Planner, reviewed the staff report.

Council Member Hughes and Staff discussed whether the City needs to include the sites in the Lower Arsenal (it does not), and the issue of transitional and supportive housing.

Council took a 5-minute break to clarify whether any Council Members had a conflict of interest. Heather McLaughlin, City Attorney confirmed all Council Members could participate in the discussion.

Public Comment:

1. Marilyn Bardet - Ms. Bardet discussed concerns regarding the issue of 'housing' in the Arsenal, as it is a public safety issue.
2. Jim Triplett - Mr. Triplett asked for clarification on the issue of residential housing in the Lower Arsenal within the premise of tonight's conversation.

Council Member Hughes and Staff discussed letters sent in by the Benicia Industrial Park Association (BIPA) regarding the propriety of housing in the Benicia Industrial Park, Ms. Dean's proposed language amendments regarding design review exemption as it relates to a historic district, and Ms. Bardet's comments regarding Department of Toxic Substance Control (DTSC).

Council Member Hughes made a motion to introduce the Ordinance including the clarification language on design review as suggested by Ms. Dean.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the Introduction and First Reading of the above Ordinance, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**C. APPROVAL OF THE UPDATED TRAFFIC IMPACT FEE PROGRAM**

**RESOLUTION 14-137 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE UPDATE TO THE TRAFFIC IMPACT FEE PROGRAM AND AUTHORIZING ASSOCIATED FEE ADJUSTMENTS**

Mike Roberts, Principal Civil Engineer, reviewed the staff report.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 14-137, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**D. CONSIDERATION OF WAIVING THE ATTORNEY-CLIENT PRIVILEGE FOR THE OPINION REGARDING MAYOR PATTERSON AND THE CRUDE BY RAIL PROJECT**

Heather McLaughlin, City Attorney, briefly reviewed the staff report.

Mayor Patterson read a prepared statement regarding her position on this item.

Vice Mayor Campbell discussed his and Mayor Patterson's similar voting styles. He addressed the negative comments that were made regarding the City Attorney. He was disgusted with the way Ms. McLaughlin has been treated over this issue.

Council Member Hughes discussed the overall issue of someone recusing themselves from an issue. He discussed his recent recusal from the MCE issue. He echoed Vice Mayor Campbell's comments regarding Ms. McLaughlin's performance.

Public Comment:

1. Michael Escibosa - Mr. Escibosa discussed the need for the Federal Government to make the decision on the Valero Crude by Rail issue, not the City Council.
2. Roger Straw - Mr. Straw read a letter written by Bob Berman (copy on file), supporting waiving the attorney-client privilege in this matter.
3. Andres Soto - Mr. Soto spoke in support of waiving the attorney-client privilege in this matter.
4. Marilyn Bardet - Ms. Bardet spoke in support of waiving the attorney-client privilege in this matter.

Council Member Hughes discussed his reasons for seeking an opinion from the City Attorney on whether Mayor Patterson had a conflict of interest.

Council Member Strawbridge discussed her reasons for seeking an opinion from the City Attorney on whether Mayor Patterson had a conflict of interest.

Council Member Schwartzman discussed support for waiving the attorney-client privilege.

Mayor Patterson discussed the issue of a material conflict of interest, the fact that there is not codification of bias, and her duty as mayor.

Council Member Schwartzman asked for a point of order. He asked the City Attorney if the Mayor's comments were off topic. Ms. McLaughlin clarified that the discussion should stay on the topic of waiving attorney-client privilege.

Mayor Patterson clarified that she was discussing the definition of conflict of interest.

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council approved waiving the attorney-client privilege for the opinion regarding Mayor Patterson and the Crude by Rail Project, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

**E. Council Member Committee Reports:**

- 1. Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: December 17, 2014**
- 2. Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: TBD**
- 3. Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge)Next Meeting Date: November 20, 2014**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: TBD**
- 5. School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: December 4, 2014**
- 6. Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: December 11, 2014**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: December 10, 2014**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson and Council Member Hughes) Next Meeting Date: December 11, 2014**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: January 15, 2015**

11. **Tri-City and County Cooperative Planning Group. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: December 8, 2014**
12. **Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: TBD**
13. **Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: December 5, 2014**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. <http://www.baywaterforum.org/> (Mayor Patterson) Next Meeting Date: TBD**
15. **SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member Mark Hughes and Council Member Schwartzman) Next Meeting Date: November 20, 2014**

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 9:46 p.m.



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 2, 2014**  
**CONSENT CALENDAR**

**DATE** : November 19, 2014

**TO** : City Council

**FROM** : City Manager

**SUBJECT** : **SECOND READING AND ADOPTION OF AN ORDINANCE FOR REASONABLE ACCOMMODATION**

**RECOMMENDATION:**

Adopt an ordinance to amend Benicia Municipal Code Title 17 (Zoning Ordinance) and the Downtown Mixed Use Master Plan (Chapter 4 - Form Based Code) pertaining to reasonable accommodation.

**EXECUTIVE SUMMARY:**

The State and federal Fair Housing Laws require that local jurisdictions take action to make reasonable accommodation (modifications or exceptions) in their land use regulations and practices when such accommodation may be necessary to afford disabled persons an equal opportunity to housing. The draft ordinance has been prepared to add Chapter 17.132 Reasonable Accommodation to the Zoning Ordinance to implement California Government Code Section 65583 (c) (3) and the City's Housing Element by establishing procedures and regulations for the granting of reasonable accommodation for housing.

**BUDGET INFORMATION:**

No fee to process an application is proposed at this time. Staff will monitor applications and report back if it is determined that the applications substantially impact staff time.

**GENERAL PLAN:**

Relevant General Plan Goals and Policies include:

- GOAL 3: Accommodate the housing needs to special population groups.
  - Policy 3.01 Facilitate the development of shelters for the homeless, transitional and supportive housing, housing for seniors, and housing for persons with physical, developmental, or mental disabilities.

## **STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Issue #5: Maintain and Enhance a High Quality of Life
  - Strategy: Provide support to disadvantaged segments of the community.

## **ENVIRONMENTAL ANALYSIS:**

The proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the “general rule” exemption that states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. The City has determined that the draft amendments to the Benicia Municipal Code and Downtown Mixed Use Master Plan establishing a procedure for persons with disabilities seeking equal access to housing to request reasonable accommodation in the application of land use regulations, will not have an impact on the environment and therefore is exempt from CEQA under the general rule.

## **BACKGROUND:**

Both the Federal Fair Housing Act and the Housing Act (Fair Housing Laws) prohibit discrimination in housing against individuals with disabilities. The laws require that cities take affirmative action to make reasonable accommodation (modifications or exceptions) in their land use regulations and practices when such accommodation may be necessary to afford disabled persons an equal opportunity to housing. State law (Government Code Section 65583) and the City’s current and draft Housing Element require a review of City procedures and regulations for this purpose.

### **California Government Code Section 65583 (c)(3) states:**

*The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing...In order to make adequate provision for the housing needs of all economic segments of the community, the program shall... Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.*

### City Council First Reading

The City Council introduced the ordinance and conducted a first reading on November 18, 2014. No changes to the draft ordinance were proposed. A copy of the final draft is attached for review and adoption.

### **SUMMARY:**

The intent of the proposed ordinance is to establish a formal procedure for persons with disabilities seeking equal access to housing to request reasonable accommodation in the application of the City's land use regulations and to establish criteria to be used when considering such requests. The City adopted this policy in the current Housing Element 2007-2014 Program 3.03 which states:

#### **Program 3.03**

*Pursuant to the Fair Housing Amendments Act of 1988 and the requirements of Chapter 671, Statutes of 2001 (Senate Bill 520), the City will adopt a reasonable accommodation ordinance addressing rules, policies, practices, and procedures that may be necessary to ensure equal access to housing for those with disabilities. The City will promote its reasonable accommodations procedures on its web site and with handouts at City Hall.*

This Program is also carried forward into the draft 2015-2023 Housing Element as Program 3.02.

Many jurisdictions in California have relied upon existing variance and/or conditional use permit procedures to handle requests for reasonable accommodation in place of establishing a specific review procedure. However, the criteria for granting or denying requests for reasonable accommodation made through a variance or conditional use permit process may be insufficient to justify the decision when judged in the light of the fair housing laws reasonable accommodation mandate.

The proposed ordinance addresses this concern by establishing an administrative procedure for persons with disabilities to request reasonable accommodation in the application of the City's land use regulations and relevant criteria. The proposed ordinance has been modeled from the State Department of Housing and Community Development's "model ordinance", other reasonable accommodation ordinances that have been adopted by other communities in California and the City's existing regulations. Provisions of the proposed ordinance are summarized below.

### Request for Accommodation

A request for reasonable accommodation may be made by any person with a disability, or an authorized representative of a disabled person or a developer of

disabled housing, when a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of choice.

The types of reasonable accommodation requests that would be appropriate under the proposed ordinance could range from modifications or exceptions from site development standards such as yard setbacks or parking requirements. Examples of the types of requests that may be made are provided below.

- **Example No. 1: Yard Setbacks**  
Wheelchair ramps are classified as a structure under the California Building Code and must comply with applicable setback requirements. Under the proposed ordinance, a request could be made to allow for a modification or exception to the setback requirement to allow for construction of ramp.
- **Example No. 2: Parking**  
In the residential zoning districts required off-street parking cannot be located in the front or side yard setback areas. Under the proposed ordinance, a request could be made to allow for parking improvements to be made within the front or side yard setback area to accommodate access to and use of a wheelchair ramp.
- **Example No. 3: Lot Coverage**  
In the single family zoning district the lot coverage for all structures over 30" in height is 40% of the lot area. Under the proposed ordinance, a request could be made to allow for an exception to the lot coverage to allow for the expansion of a home to accommodate a wheelchair ramp or elevator.

#### Review Procedure

Applications requesting reasonable accommodation will be reviewed by the Community Development Director (or designee). The applicant would submit the required application and provide the standard Planning Application information (name, number, address, etc.) as well as more detailed information on the requested accommodation such as the basis for the claim and the use of the property. The submittal requirements are set forth in Section 17.132.050 of the draft ordinance. Upon submittal of a complete application, the director or designee would issue a written decision documenting how the request does or does not meet the findings for approval provided in Section 17.132.070 listed below.

### Approval Criteria (Section 17.132.070)

The proposed ordinance sets forth the following list of findings to be considered when reviewing a request for reasonable accommodation, all of which shall be required for approval:

A. The housing which is the subject of the request for reasonable accommodation will be used for an individual(s) with a disability protected under the Act.

B. The request for reasonable accommodation is necessary to make specific housing available to an individual(s) with a disability protected under the Act.

C. The requested reasonable accommodation does not impose an undue financial or administrative burden on the city.

D. The requested accommodation will not require a fundamental alteration of the zoning and building laws, policies and/or procedures of the City.

E. There are no other reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.

F. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

### Fee

The process to grant a reasonable accommodation is proposed to be a staff-level review by the Community Development Department. Section 17.132.100 of the Draft Ordinance states that *there shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this Chapter*. In keeping with the spirit of Fair Housing laws (to remove barriers to the enjoyment of housing by disabled persons), some cities do not assess an application fee to reasonable accommodation requests, as the fee itself may be a barrier to the applicant.

The fees charged by other cities throughout California for the processing of a request for reasonable accommodation varies. Examples are provided in Table 1 Reasonable Accommodation Fees.

**Table 1 Reasonable Accommodation Fees**

<b>City</b>	<b>Fee</b>
City of San Jose	\$695
City of Pleasant Hill	\$137 (Over the Counter)
	\$274 (Public Hearing)
Rio Vista	Varies – the applicant is responsible for the billable rate of the review (contract City Attorney)
Concord	\$146
San Rafael	\$964
Larkspur	No fee
Oxnard	\$789.60
Santa Ana	No fee
Glendale	\$50

Staff recommends that Council not adopt an application fee until such a time when the City has processed enough applications to determine whether the process substantially impacts staff resources.

Attachment:

- Draft Ordinance

**CITY OF BENICIA**

**ORDINANCE NO. 14-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE BY ADDING CHAPTER 17.132 (REASONABLE ACCOMMODATION) AND AMENDING THE DOWNTOWN MIXED USE MASTER PLAN TO REFERENCE CHAPTER 17.132 (REASONABLE ACCOMMODATION)**

**WHEREAS**, the Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act prohibit discrimination against individuals with disabilities in housing and require cities and counties take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities; and

**WHEREAS**, more specifically, fair housing laws require that cities and counties provide individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, practices and procedures; and

**WHEREAS**, the State Attorney General urges that all California cities and counties implement a fair housing reasonable accommodation procedure for their land use and zoning activities; and

**WHEREAS**, the proposed ordinance would not have a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) by the General Rule, CEQA Guidelines Section 15061(b)(3), that CEQA applies only to projects which have the potential for a causing a significant effect on the environment.

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

**Section 1.**

Title 17 (Zoning) of the Benicia Municipal Code is amended by adding Chapter 17.132 (Reasonable Accommodation) to read as follows:

**Chapter 17.132  
REASONABLE ACCOMMODATION**

Sections:

- 17.132.010 Purpose and intent.
- 17.132.020 Applicability.
- 17.132.030 Definitions.
- 17.132.040 Requesting reasonable accommodation.

- 17.132.050 Required information.
- 17.132.060 Reviewing authority; decision.
- 17.132.070 Required findings for reasonable accommodation.
- 17.132.080 Effective date; appeals.
- 17.132.090 Fee.

**17.132.010. Purpose and intent.**

The purpose of this Chapter is to provide a process for individuals with disabilities to make requests for reasonable accommodation in zoning and other land use regulations or rules, policies, practices, and/or procedures of the City. It is the intent of the City, pursuant to the Federal Fair Housing Act of 1988 and the California Fair Employment and Housing Act, to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities.

**17.132.020 Applicability.**

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. The provisions of this chapter apply to all zoning districts including overlay districts and all adopted local area and specific plans, and to Title 15, Building and Construction, regulations.

A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter applies only to those persons who are disabled as defined herein.

**17.132.030 Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as hereafter set out, unless it shall be apparent from the context that they have a different meaning.

“Act” means the Fair Housing Amendments Act of 1988.

“Applicant” means an individual making a request for reasonable accommodation pursuant to this Chapter.

“Disability” means, with respect to an individual, a medical, physical or mental impairment that limits one or more major life activities, as those terms are defined in California Government Code Section 12926; anyone who is regarded as having such a

condition or anyone who has a record of having such a condition. The term “disabled person” does not include a person who is currently using illegal substances, unless he or she has a separate disability.

**17.132.040. Requesting reasonable accommodation.**

A. In order to make specific housing available to an individual with a disability, applicant may request reasonable accommodation relating to the various land use, zoning, or rules, policies, practices, and/or procedures of the City. Such a request may include a modification or exception to the requirements for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers. A reasonable accommodation cannot waive a requirement for a use permit when otherwise required or result in approval of uses otherwise prohibited by the City’s land use and zoning regulations.

B. If an applicant needs assistance in making the request for reasonable accommodation or appealing a determination regarding reasonable accommodation, the community development director will provide the assistance necessary to ensure that the process is accessible to the applicant.

C. A request for reasonable accommodation in laws, rules, policies, practices and/or procedures may be filed on an application form provided by the Department at any time that the accommodation may be necessary to ensure equal access to housing.

D. A reasonable accommodation does not affect an applicant’s obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.

E. If the project for which the reasonable accommodation is being requested also requires some other discretionary approval (such as conditional use permit, architectural review, general plan amendment, zoning amendment, subdivision map), then the applicant shall submit the reasonable accommodation application first for a determination by the community development director, before proceeding with the other applications.

**17.132.050. Required information.**

A. The applicant shall submit a request for reasonable accommodation on a form provided by the planning division. The application shall include the following information:

1. The applicant’s name, address, telephone number, and e-mail address, if available;
2. Address of the property for which the request is being made;
3. The name and address of the property owner, and the owner’s written consent to the application;

4. The current and proposed use of the property;
5. The basis for the claim under the Act, that the fair housing laws apply to the individual(s) with a disability and evidence supporting the claim, including the effects on the person's limitations as it relates to the request, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, handicapped license, or other appropriate evidence.
6. Description of the requested accommodation, and the rule, policy, practice and/or procedure of the City for which the request for accommodation is being made;
7. Copies of memoranda, correspondence, pictures, site plans, floor plans, or background information reasonably necessary to reach a decision regarding the need for the accommodation; and
8. Such other relevant information as may be requested by the community development director as determined necessary to makes the findings required by BMC 17.132.070, so long as any request for information regarding the disability of the individuals benefited complies with the Act and the privacy rights of the individual(s) affected.

B. Any information identified by the applicant as confidential shall be retained by the City in a manner that respects the privacy rights of the individual with a disability and shall not be made available for public inspection.

**17.132.060. Reviewing authority; decision.**

A. Requests for reasonable accommodation shall be reviewed by the community development director or their designee.

B. The community development director or their designee shall issue a written decision on a request for reasonable accommodation and may either grant, grant with modification, or deny a request for reasonable accommodation in accordance with the required findings set forth in BMC Section 17.132.070.

**17.132.070 Required findings for reasonable accommodation.**

In making a determination regarding the reasonableness of a requested reasonable accommodation, the approving authority shall make the following findings:

A. The housing which is the subject of the request for reasonable accommodation will be used for an individual(s) with a disability protected under the Act.

B. The request for reasonable accommodation is necessary to make specific housing available to an individual(s) with a disability protected under the Act.

- C. The requested reasonable accommodation does not impose an undue financial or administrative burden on the City.
- D. The requested accommodation will not require a fundamental alteration of the zoning and building laws, policies and/or procedures of the City.
- E. There are no other reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city’s applicable rules, standards and practices.
- F. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

**17.132.080 Effective date; appeals.**

- A. All written decisions shall give notice of the applicant’s right to appeal and to request reasonable accommodation in the appeals process as set forth in BMC Chapter 1.44.
- B. If an individual(s) needs assistance in filing an appeal on an adverse decision, the city will provide assistance to ensure that the appeals process is accessible.
- C. The written decision of the community development director or their designee shall be final unless appealed.
- D. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

**17.132.090 Fee.**

There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this Chapter.

**Section 2.**

Downtown Mixed Use Master Plan, Chapter 4: Form Based Bodes is amended to add reference to Chapter 17.132 (Reasonable Accommodation) to read as follows:

Additional Standards for FBC Zones (page 4-25)

Other Requirements:
<b>Reasonable Accommodation</b>
Requests for Reasonable Accommodation shall be subject to Benicia Municipal Code Chapter 17.132

**Section 3.**

Severability. If any section, subsection, phrase or clause of this ordinance is for any

reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

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

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing Ordinance was introduced at a regular meeting of the City Council on the 18<sup>th</sup> day of November, 2014, and adopted at a regular meeting of the Council held on the 2<sup>nd</sup> day of December 2014, by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

\_\_\_\_\_  
Date

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 2, 2014**  
**CONSENT CALENDAR**

**DATE** : November 20, 2014

**TO** : City Council

**FROM** : City Manager

**SUBJECT** : **SECOND READING AND ADOPTION OF AN ORDINANCE FOR TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND EMERGENCY HOMELESS SHELTER**

**RECOMMENDATION:**

Conduct a second reading and adopt the ordinance to amend the Benicia Municipal Code Title 17 (Zoning Ordinance) and the Downtown Mixed Use Master Plan (Chapter 4 - Form Based Code) pertaining to transitional housing, supportive housing and emergency homeless shelters.

**EXECUTIVE SUMMARY:**

The California Housing Accountability Act requires that local jurisdictions provide zoning that encourages and facilitates emergency shelters and limits the denial of transitional housing, supportive housing and emergency shelters in order to address the critical housing needs of homeless populations and individuals with special needs. The draft ordinance has been prepared in order to implement Government Code Section 65583 and Program 3.01 of the City's Housing Element by amending the Title 17 Zoning and Downtown Mixed Use Master Plan to permit transitional housing and supportive housing, and to amend the zoning ordinance to permit emergency homeless shelters, including addition of Chapter 17.70.390 Emergency Shelter.

**BUDGET INFORMATION:**

There are no direct impacts to the budget associated with this project. The costs to the City to implement the zoning text amendments would be minimal. For projects which involve a discretionary approval, such as Design Review or Use Permit, process and fees are already established and will be assessed accordingly.

**GENERAL PLAN:**

Relevant General Plan Goals and Policies include:

- GOAL 3: Accommodate the housing needs of special population groups

- Policy 3.01 Facilitate the development of shelters for the homeless, transitional and supportive housing, housing for seniors, and housing for persons with physical, developmental, or mental disabilities.

**STRATEGIC PLAN:**

- Issue #5: Maintain and Enhance a High Quality of Life
  - Strategy: Provide support to disadvantaged segments of the community.

**ENVIRONMENTAL ANALYSIS:**

The Benicia Municipal Code (BMC) provides that the City shall comply with state and federal law “in administration of zoning and land use policies regarding homeless shelters, transitional housing, supportive housing or other housing designed to assist homeless persons or persons with special needs” (BMC Section 17.08.020.M). Transitional and supportive housing are not currently distinguished in the zoning ordinance from other types of housing. The proposed ordinance provides additional regulations and operational requirements that are not currently specified within the BMC, in accordance with and in order to implement state law. There are no unusual circumstances surrounding the proposed regulations, or the properties to which they would apply, which would result in the possibility that the activity would have a significant effect on the environment.

The proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3), the “general rule” exemption, which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. The City has determined that the project, which amends the Benicia Municipal Code and Downtown Mixed Use Master Plan to establish transitional housing and supportive housing as residential use permitted in zoning districts which presently allow similar uses, and to establish emergency shelter as a public and semipublic use permitted within ¼ mile of Military East and Military West excluding open space, single-family and downtown zones, and within the areas zoned General Commercial and Office Commercial that lie within ¼ mile of Adams Street in the Arsenal District, will not have a significant effect on the environment. The zoning amendment merely provides clarification of where the subject uses are permitted. Further, implementation of the proposed ordinance was evaluated in the course of environmental review for the 2007-2014 Housing Element and the 2015-2023 Housing Element and was found to have no significant impact.

The proposed amendments are additionally exempt pursuant to the CEQA Guidelines Section 15301, Existing Facilities. Given the limited supply of vacant

land within the city, emergency shelters, transitional housing and supportive housing are generally expected to utilize existing facilities or to be constructed in areas where necessary public services and facilities are provided and the surrounding area is not environmentally sensitive. Any new construction would be subject to standard building and zoning regulations applicable to other structures in the same zoning district and of the same size, except that emergency shelters would be subject to standards set forth in the zoning ordinance amendments that are designed to prevent impacts to surrounding properties. The proposed regulations would not modify requirements for compliance with the Downtown or Arsenal Historic Conservation Plans. No project is proposed for a site subject to listing in accordance with Section 65962.5 of the California Government Code, located within a flood plain, or along a state scenic highway.

**BACKGROUND:**

In 2007, the California Legislature passed Senate Bill (SB) 2 under the Housing Accountability Act to ensure that local zoning encourages and facilitates emergency shelters and limits the denial of transitional housing, supportive housing and emergency shelters in order to address critical housing needs. The Act, which is incorporated into Government Code Sections 65583 and 65589.5, is intended to address the critical needs of homeless populations and individuals with special needs and includes two key requirements which are incorporated into the 2007-2014 Housing Element as Program 3.01, and are the subject the proposed zoning text amendment:

1. Transitional housing and supportive housing
2. Emergency Shelters

State law does not require the City to construct an emergency shelter and no shelter is currently proposed.

The Draft 2015-2023 Housing Element carries forward Program 3.01 from the 2007-2014 Housing Element. Adoption of the zoning amendments is required prior to receiving State certification of the 2015-2023 draft Housing Element.

City Council First Reading

The City Council introduced the ordinance and conducted a first reading on November 18, 2014. At the conclusion of the hearing, the Council directed staff to incorporate suggested revisions provided in a public comment letter from Dana Dean of behalf of Amports dated November 18, 2014. The direction was to clarify the applicability of Design Review for emergency shelters in historic districts. A final draft ordinance, which includes the requested revisions, is attached for review and adoption.

## **SUMMARY:**

### Transitional and Supportive Housing

To comply with state law, transitional and supportive housing must be permitted in all districts that allow residential uses and shall be subject only to those restrictions that apply to residential dwellings of the same type in the same zone. The proposed zoning amendment authorizes transitional and supportive housing to the extent that other residential uses are permitted within the same district.

### Emergency Shelters

In order to comply with SB2, the City is required to modify the Zoning Ordinance to identify at least one zone to permit emergency shelters without a conditional use permit or other discretionary action.

The proposed ordinance designates "Emergency Shelter" as a new land use classification in Chapter 17.16 of the Zoning Ordinance and would be permitted in the following areas or districts:

- Within ¼ mile of East Military Street and West Military Street, between West K Street and East 7<sup>th</sup> Street, excluding the RS Single Family Residential District, the OS Open Space District, and lands within the Downtown Mixed Use Master Plan Zoning Districts.
- Within ¼ mile of Adams Street, excluding all districts except the CO Office Commercial and CG General Commercial Districts.

Emergency shelters outside of the Arsenal Historic District would be exempt from Design Review. Once the City's local need for emergency shelters is met, additional beds or emergency shelters would be permitted subject to Design Review as applicable (e.g., new construction or exterior alteration) and only upon approval of a Use Permit.

The proposed text amendment would designate adequate land for construction of a new shelter while also allowing for existing facilities to be converted or adapted to emergency shelter.

Attachment:

- Draft Ordinance

CITY OF BENICIA

ORDINANCE NO. 14-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING TITLE 17 (ZONING) BY ADDING A DEFINITION (TARGET POPULATIONS) TO SECTION 17.12.030 (DEFINITIONS) OF CHAPTER 17.12, ADDING NEW USE CLASSIFICATIONS TO SECTIONS 17.16.030 AND 17.16.040 (SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, AND EMERGENCY SHELTER, RESPECTIVELY) OF CHAPTER 17.16, AMENDING SECTION 17.24.020 (RS, RM, AND RH DISTRICTS-LAND USE REGULATIONS) OF CHAPTER 17.24 (RESIDENTIAL DISTRICTS) TO ADD THE NEW LAND USE CLASSIFICATIONS (EMERGENCY SHELTER, SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING), AMENDING SECTION 17.28.020 (CC, CO, CG, AND CW DISTRICTS – LAND USE REGULATIONS) OF CHAPTER 17.28 TO ADD A NEW LAND USE CLASSIFICATION (EMERGENCY SHELTER), AMENDING SECTION 17.36.030 (LAND USE REGULATIONS) OF CHAPTER 17.36 TO ADD NEW LAND USE CLASSIFICATIONS (SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING), AMENDING SECTION 17.40.030 (LAND USE REGULATIONS) OF CHAPTER 17.40 TO ADD NEW LAND USE CLASSIFICATION (EMERGENCY SHELTER), ADDING SECTION 17.70.390 (EMERGENCY SHELTER) TO CHAPTER 17.70 (SITE REGULATIONS), AMENDING SECTION 17.46.010 (SCHEDULE S-1, SUMMARY OF LAND USE REGULATIONS), AMENDING SECTION 17.74.030 (OFF-STREET PARKING AND LOADING REGULATIONS) TO ESTABLISH PARKING STANDARDS FOR SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, AND EMERGENCY SHELTERS, AMENDING SECTION 17.108.020 REGARDING DESIGN REVIEW FOR EMERGENCY SHELTERS, AND AMENDING THE DOWNTOWN MIXED USE MASTER PLAN, CHAPTER 4: FORM BASED CODES, TO DEFINE AND ADD SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING AS PERMITTED USE CLASSIFICATIONS IN ALL DOWNTOWN DISTRICTS**

**WHEREAS**, State Senate Bill 2, the California Housing Accountability Act, was enacted by the State of California in 2007 to clarify and strengthen housing element law to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing in order to address critical housing needs; and

**WHEREAS**, pursuant to Senate Bill 2, local jurisdictions must amend zoning as necessary to establish a ministerial process for approving emergency shelters and transitional and supportive housing; and

**WHEREAS**, Benicia Municipal Code (BMC) Section 17.08.020.M provides that the City of Benicia will comply with all applicable state and federal laws in administration of its zoning and land use policies for homeless shelters, transitional housing,

supportive housing, and other housing designed to assist homeless persons or persons with special needs; and

**WHEREAS**, according to the Benicia Community Action Council (CAC), there are at least 43 homeless persons in the City as of April 2014, including 7 individuals and 21 families, as stated in the draft 2015-2023 Housing Element, Appendix B; and

**WHEREAS**, the proposed ordinance provides zoning adequate to meet or exceed the needs for emergency shelter as demonstrated in the draft 2015-2023 Housing Element; and

**WHEREAS**, adoption of an ordinance for transitional housing, supportive housing and emergency shelters, identified as Program 3.01 in the 2007-2014 Housing Element and the draft 2015-2023 Housing Element, has been included in environmental review for the housing element. A Negative Declaration was adopted for the 2007-2014 Housing Element and 2015-2023 Housing Element; and

**WHEREAS**, the ordinance would allow transitional housing, supportive housing and emergency shelters as required by State law, but does not designate specific sites for such uses; therefore, any evaluation of environmental effects would be speculative and premature; and

**WHEREAS**, the proposed amendments to Title 17 of the BMC are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Sections 15061(b)(3) and 15301 because:

- The proposed ordinance establishes regulations for emergency shelters and transitional and supportive housing in accordance with and to implement the requirements of state law; and
- Emergency shelters would generally be expected to utilize existing facilities with no new construction likely to occur. Any new construction would be subject to the standard building and zoning applicable to other structures in the same zoning district and of the same size. Further, all emergency shelters would be subject to standards set forth in the zoning ordinance amendments, which are designed to prevent impacts to surrounding properties; and
- Transitional housing and supportive housing, although permitted, are not currently distinguished in the zoning ordinance from other types of housing and the proposed zoning amendment merely provides clarification of that fact. It can therefore be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment.

**WHEREAS**, on October 9, 2014, the Planning Commission conducted a duly noticed public hearing on the draft ordinance, received public testimony, and recommended City Council approval of the zoning text amendments; and

**WHEREAS**, on November 18, 2014, the City Council conducted a duly noticed public hearing on the draft ordinance, received public testimony, and provided comments on the proposed amendments.

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

**Section 1.**

The definition “Target population” is added to Section 17.12.030 (Definitions) of Title 17 (Zoning) to read as follows:

“Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals existing from institutional settings, veterans, and homeless people.

**Section 2.**

Section 17.16.030 (Residential use classifications) of Chapter 17.16 (Use Classification) of Title 17 (Zoning) is amended to add the following use classifications:

H. Supportive housing. Housing with no limit on length of stay that is occupied by the target population and is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. The dwelling type is of the same type as that found within the zoning district.

I. Transitional housing. Buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. The dwelling type is of the same type as that found within the zoning district.

**Section 3.**

Section 17.16.040 (Public and semipublic use classifications) of Chapter 17.16 (Use Classifications) of Title 17 (Zoning) is amended to add the following use classification in alphabetical order:

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Such a facility may have individual rooms, but does not have individual dwelling units.

**Section 4.**

Section 17.24.020 (RS, RM and RH districts – Land use regulations) of Chapter 17.24 (Residential Districts) of Title 17 (Zoning) is amended to add the Supportive Housing, Transitional Housing, Emergency Shelter and note L-4 as follows:

**RS, RM and RH Districts: Land Use Regulations**

- P – Permitted
- U – Use Permit
- L – Limited (See “Additional Use Regulations”)
- – Not Permitted

	RS	RM	RH	Additional Regulations
<b>Residential</b>				
Supportive Housing	P	P	P	
Transitional Housing	P	P	P	
<b>Public and Semipublic</b>				
Emergency Shelter	-	L4	-	

L-4 See BMC 17.70.390, Emergency Shelter.

**Section 5.**

Section 17.28.020 (CC, CO, CG, and CW districts – Land use regulations) of Chapter 17.28 (C Commercial Districts) of Title 17 (Zoning) is amended to add Supportive Housing and Transitional Housing, Emergency Shelter and notes L-20 and L-21 as follows:

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

- P – Permitted
- U – Use Permit
- L – Limited (See “Additional Use Regulations”)
- – Not Permitted

	CC	CO	CG	CW	Additional Regulations
<b>Residential</b>					
Supportive Housing	L1	L1	-	L21	
Transitional Housing	L1	L1	-	L21	
<b>Public and Semipublic</b>					
Emergency Shelter	-	L20	L20	-	

L-20 See BMC 17.70.390, Emergency Shelter.

L-21 Not permitted on ground level for a single dwelling unit.

**Section 6.**

Section 17.36.030 (Land use regulations) of Chapter 17.36 (OS Open Space) of Title 17 (Zoning) is amended to add Transitional and Supportive Housing as follows:

**OS District: Land Use Regulations**

- P – Permitted
- U – Use Permit
- L – Limited (See “Additional Use Regulations”)
- – Not Permitted

	OS	Additional Regulations
<b>Residential</b>		
Supportive Housing	P	(A)
Transitional Housing	P	(A)

**Section 7.**

Section 17.40.030 (Land use regulations) of Chapter 17.40 (PS Public and Semipublic District) of Title 17 (Zoning) is amended to add Emergency and note L-2 as follows:

## PS District: Land Use Regulations

- P – Permitted
- U – Use Permit
- L – Limited (See “Additional Use Regulations”)
- – Not Permitted

	PS	Additional Regulations
<b>Public and Semipublic</b>		
Emergency Shelter	L2	

L-2 See BMC 17.70.390, Emergency Shelter.

### **Section 8.**

Section 17.46.010 (Schedule S-1) of Chapter 17.46 (Use Regulations Summary) of Title 17 (Zoning) is amended to add Supportive Housing, Transitional Housing, Emergency Shelter and notes L-48 and L-49 as follows:

<b>Schedule S-1: Summary of Land Use Regulations</b>								P – Permitted U – Use Permit L – Limited (See “Additional Use Regulations”) – – Not Permitted					
	RS	RM	RH	CC	CO	CG	CW	IL	IG	IW	IP	OS	PS
<b>Residential</b>													
Supportive Housing	P	P	P	L1	L1	-	L49	-	-	-	-	P	-
Transitional Housing	P	P	P	L1	L1	-	L49	-	-	-	-	P	-
<b>Public and Semipublic</b>													
Emergency Shelter	-	L48	-	-	L48	L48	-	-	-	-	-	-	L48

L-48 See BMC 17.70.390, Emergency Shelter

L-49 Not permitted on ground level for a single dwelling unit.

## **Section 9.**

Chapter 17.70 (Site Regulations) of Title 17 (Zoning) is amended to add Section 17.70.390 (Emergency Shelter) as follows:

### **17.70.390 Emergency shelter.**

A. Purpose. This section is intended to implement California Government Code Section 65583 by establishing standards to permit emergency shelter facilities for homeless persons or families.

B. Zoning. An emergency shelter is a permitted use in the following areas and districts, except as provided in subsection (C) of this section:

1. Within  $\frac{1}{4}$  mile of East Military Street and West Military Street, between West K Street and East 7<sup>th</sup> Street, excluding the RS Single Family Residential District, the OS Open Space District, and lands within the Downtown Mixed Use Master Plan Zoning Districts;
2. Within  $\frac{1}{4}$  mile of Adams Street, excluding all districts except CO Office Commercial and CG General Commercial Districts; and

C. Use Permit. Once the City's local need for emergency shelter is provided through capacity in existing local facilities and/or multi-jurisdictional agreements in accordance with Government Code Section 65583, any additional beds or emergency shelters will be permitted only on approval of a use permit. The local need for emergency shelters shall be determined based upon the most recently adopted Housing Element or in accordance with Government Code Section 65583.

D. Design Review. Emergency shelters permitted in accordance with BMC 17.70.390 (B) are exempt from the Design Review requirements as provided in Chapter 17.108 BMC, if such facilities are not located or proposed within an Historic Overlay District. However, once the City's local need for emergency shelter is provided through capacity in existing local facilities and/or multi-jurisdictional agreements in accordance with Government Code Section 65583, the Design Review exemption provided in BMC 17.108.020 (B) is no longer applicable.

E. Administrative Review. Except as provided in subsections (C) and (D) of this section, emergency shelters shall be reviewed by the community development director or designee as follows:

1. An emergency shelter shall be approved upon finding that the proposed project conforms to the requirements of this title, including Design Review as required by Chapter 17.108 BMC, as well as the standards of subsection (F) of this section.

2. Approval or denial of an emergency shelter shall be noticed to the applicant in a “letter of action.” If the application is denied, the letter shall state wherein the project did not meet the standards of this section.
3. Approval of an emergency shelter shall expire two years from the date of approval unless made valid by construction or occupancy of the facility. The director may grant a maximum one-year extension of the two-year approval period.

F. Standards.

1. Proximity to other emergency shelters. Emergency shelters shall be located at least 300 feet apart as measured from closest property lines.
2. Site Improvements. Site landscaping, exterior lighting and parking facilities shall comply with the provisions of Chapters 17.70 and 17.74 BMC.
3. Outdoor facilities. Outdoor recreational facilities shall be enclosed by a fence or a natural barrier (e.g., hedge). If smoking is allowed on-site, there shall be a designated outside smoking area and the facility shall conform to the provisions of Chapter 9.06 BMC. Outdoor telephone facilities are not permitted.
4. Length of stay. The length of stay per individual shall not exceed six (6) months.
5. Shelter capacity. The maximum permitted capacity of an emergency shelter shall be equivalent to the homeless census identified in the most recent adopted Housing Element, less any emergency shelter capacity currently provided within the City. However, the Community Development Director may increase the permitted capacity to serve homeless individuals based upon updated data that is compiled or verified by a qualified individual or community organization, if the data demonstrates an increase in the City’s homeless population. Any proposed shelter that exceeds the permitted capacity shall require a Use Permit in accordance with BMC 17.70.390 (C).
6. On-site waiting and intake areas. Client waiting and intake areas shall be screened or enclosed, and clients shall not be allowed to form a queue outside the facility. Hours of client intake shall be posted.
7. Support facilities. The following facilities shall be provided for the exclusive use of residents and staff:
  - a. Shower and restroom facilities.
  - b. Food preparation and/or dining.
  - c. Laundry.

- d. Secure storage for personal belongings.

The facility may also provide recreation, computer, counseling, child day care or other support facilities as appropriate based upon the demonstrated need of the client population.

- 8. Management plan. The applicant shall provide a management plan that includes the following components:
  - a. Homeless outreach plan.
  - b. Client intake and check-out procedures.
  - c. Description of supportive services that will be provided.
  - d. Identification of management personnel and designation of a 24-hour contact person. Facility management and security must be provided on-site during hours of operation. Contact information for manager and/or a designated contact person authorized to act on behalf of the manager shall be posted both inside and outside the facility for emergency purposes.
  - e. Description of neighborhood outreach and communication strategies.
  - f. Staff training program.
  - g. Clear operational standards and rules (e.g., standards governing expulsions, designated meal times, and lights-out) necessary to ensure compatibility with surrounding uses, including those applicable to use or possession of controlled substances, the use or possession of alcohol, and loitering.
  - h. Site upkeep and maintenance, including provisions to ensure that the site is maintained free of litter and debris.
  - i. A statement that the provider will not require participation by clients in any religious or philosophical ritual, service meeting or rite as a condition of eligibility.

## **Section 10.**

Section 17.74.030 (Off-street parking and loading required) of Chapter 17.74 (Off-Street Parking and Loading Regulations) of Title 17 (Zoning) is amended to add the following parking standards:

Use Classifications	Off-Street Parking Spaces: Schedule A
<b>Residential</b>	
Supportive Housing	Single-Family Residential Projects are subject to Single Family Residential Use parking requirements  Multi-Family Residential Projects are subject to Multi-Family Residential Use parking requirements
Transitional Housing	Single-Family Residential Projects are subject to Single Family Residential Use parking requirements  Multi-Family Residential Projects are subject to Multi-Family Residential Use parking requirements
<b>Public and Semipublic</b>	
Emergency Shelters	1 per 5 beds

**Section 11.**

Section 17.108.020 (Applicability) of Chapter 17.108 (Design Review) of Title 17 (Zoning) is amended to address Design Review for emergency shelter:

A. In an H Historic Overlay District. Design approval shall be required prior to issuance of a zoning permit for all projects that involve demolition, construction, or changes in exterior colors or materials, except signs.

B. In All Other Districts. Design approval shall be required prior to issuance of a zoning permit for all projects in all other zones that involve new construction or exterior alterations and additions, except single-family residences and related accessory buildings, buildings in the IL, IG, IW, and IP districts that are less than 50,000 square feet, emergency shelters subject to BMC 17.70.390 (D), and signs.

## **Section 12.**

The Downtown Mixed Use Master Plan, Chapter 4: Form Based Codes, is amended to add the following paragraph:

Administration (page 4-2)

In administration of this Form-Based Code, the City shall comply with all applicable state and federal fair housing laws, including, but not limited to, applicable provisions of the Federal Fair Housing Act, 42 U.S.C. Section 3601, et seq. as amended by the Fair Housing Amendments Act, the Americans with Disabilities Act, 42 U.S.C. Section 12117, the California Fair Employment and Housing Act, Government Code Section 12950 et seq., the Unruh Act, Civil Code Section 51 and Government Code Sections 65008 and 65589.5.

## **Section 13.**

The Downtown Mixed Use Master Plan, Chapter 4: Form Based Codes, Town Core Standards, is amended to add Supportive and Transitional Housing as follows:

Table 4.1: Town Core (TC) Zone Allowed Land Uses and Permit Requirements (page 4-8)

Land Use Type <sup>1</sup>	Permit Required
Residential	
Supportive Housing	P <sup>2</sup>
Transitional Housing	P <sup>2</sup>

End Notes

<sup>1</sup> A definition of each listed use type is in the Glossary.

<sup>2</sup> Allowed only on upper floors or behind ground floor use.

## **Section 14.**

The Downtown Mixed Use Master Plan, Chapter 4: Form Based Codes, Town Core-Open Standards, is amended to add Supportive and Transitional Housing as follows:

Table 4.2: Town Core-Open (TC-O) Zone Allowed Land Uses and Permit Requirements (page 4-14)

Land Use Type <sup>1</sup>	Permit Required
Residential	
Supportive Housing	P
Transitional Housing	P

## **Section 15.**

The Downtown Mixed Use Master Plan, Chapter 4: Form Based Codes, Neighborhood General Standards, is amended to add Supportive and Transitional Housing as follows:

Table 4.4: Neighborhood General (NG) Zone Allowed Land Uses and Permit Requirements (page 4-20)

Land Use Type <sup>1</sup>	Permit Required
Residential	
Supportive Housing	P
Transitional Housing	P

**Section 16.**

The Downtown Mixed Use Master Plan, Chapter 4: Form Based Codes, Neighborhood General-Open Standards, is amended to add Supportive and Transitional Housing as follows:

Table 4.5: Neighborhood General (NG-O) Zone Allowed Land Uses and Permit Requirements (page 4-24)

Land Use Type <sup>1</sup>	Permit Required
Residential	
Supportive Housing	P
Transitional Housing	P

**Section 17.**

Downtown Mixed Use Master Plan, Chapter 4: Form Based Codes, Glossary, is amended to add the following definitions:

**Supportive Housing:** Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. The dwelling type is of the same type as that found within the zoning district.

**Transitional Housing:** Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. The dwelling type is of the same type as that found within the zoning district.

**Section 18.**

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

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

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing Ordinance was introduced at a regular meeting of the City Council on the 18<sup>th</sup> day of November, 2014, and adopted at a regular meeting of the Council held on the 2<sup>nd</sup> day of December, 2014, by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

\_\_\_\_\_  
Date



**AGENDA ITEM  
CITY COUNCIL MEETING DATE - DECEMBER 2, 2014  
CONSENT CALENDAR**

**DATE** : November 20, 2014  
**TO** : City Manager  
**FROM** : Public Works Director  
**SUBJECT** : **ACCEPTANCE OF THE BENICIA SAFE ROUTES TO SCHOOL PROJECT**

**RECOMMENDATION:**

Adopt a resolution accepting the Benicia Safe Routes to School Project as complete, including staff approved Contract Change Order Nos. 1 - 3, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

**EXECUTIVE SUMMARY:**

This grant-funded project eliminated gaps in the sidewalk network on pedestrian routes to Robert Semple Elementary School; installed pedestrian safety improvements on Dempsey Drive for school children crossing from Mathew Turner Elementary School to the Community Park parking lot and Southampton area beyond; and installed flashing beacons on Southampton Road for students from the Benicia Middle School. Acceptance of the project is necessary to make final payment to the contractor.

**BUDGET INFORMATION:**

The final construction project funding and expenditures are outlined below:

**Project Budget**

Approved Budget	
One Bay Area SR2S Grant Fund (Acct. #048-7035-9768) .....	\$99,701.42
Gas Tax—SR2S (Acct. #017-8705-9768) .....	\$12,917.38
Total Project Budget .....	<b>\$112,618.80</b>

**Final Project Expenditures**

Original Construction Contract .....	\$123,910.00
Change Order Nos. 1-3 (Staff Approved) .....	<u>(\$11,291.00)</u>
Final Construction Contract .....	<b>\$112,618.80</b>

Change Order No. 1 was to add Caltrans language to the contract while Change Order No. 2 was to add 10 working days to the contract. Both of these

change orders added no cost to the construction contract. Change Order No. 3 for a credit of (\$11,291.20) was for quantity adjustment for actual materials used on the project.

The final project expenditure total of \$112,618.80 is fully funded from the Safe Route to School grant and Gas Tax.

**GENERAL PLAN:**

Relevant General Plan Goal:

- Goal 2.28: Improve and maintain public facilities and services

**STRATEGIC PLAN:**

Relevant Strategic Plan Issue and Strategies include:

- Strategic Issue #4: Preserving and Enhancing Infrastructure
  - Strategy #4: Provide adequate funding for ongoing infrastructure needs
- Strategic Issue #1: Provide safe, functional and complete streets
  - Strategy #1: Fund street maintenance at a level that will improve pavement management index rating.

**BACKGROUND:**

On July 1, 2014, City Council awarded a construction contract to JJR Construction, Inc. of San Mateo, California, for the Benicia Safe Route to School Project. JJR Construction, Inc. has now completed the project to the satisfaction of the Engineering Division at a final construction cost of \$112,618.80; of which \$99,701.42 is funded from a Safe Route to School Grant and the remaining \$12,917.38 is funded with Gas Tax Fund. It is recommended that the City Council accept the Project as complete at this time so that final payment can be made to JJR Construction, Inc.

The Benicia Safe Route to School Project included the following:

- Eliminated gaps in the sidewalk network on routes to Robert Semple Elementary School;
- Installed pedestrian safety improvements on Dempsey Drive for school children crossing from Mathew Turner Elementary School to the Community Park parking lot and Southampton area beyond; and
- Installed flashing beacons on Southampton Road for students from Benicia Middle School.

Attachments:

- Proposed Resolution
- Notice of Completion
- Location Map
- Project Photographs

**RESOLUTION NO. 14-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BENICIA SAFE ROUTE TO SCHOOL PROJECT AS COMPLETE INCLUDING STAFF APPROVED CONTRACT CHANGE ORDER NOS. 1 - 3, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER**

**WHEREAS**, by Resolution No. 14-64, the City Council awarded the contract for the Benicia Safe Route to School Project to JJR Construction, Inc. of San Mateo, California; and

**WHEREAS**, JJR Construction, Inc. has completed the work in accordance with the plans and specifications and to the satisfaction of the City Engineer for a final construction cost of \$112,618.80, including CCO Nos. 1 – 3; and

**WHEREAS**, the Benicia Safe Route to School Project is funded with a Safe Route to School Grant from the Metropolitan Transportation Commission; and

**WHEREAS**, formal acceptance of the work by the City Council is now required to allow final payment to be made to the contractor.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby accepts the Benicia Safe Route to School Project as complete including CCO Nos. 1 - 3 for a final construction cost of \$112,618.80.

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to sign the Notice of Completion and the City Clerk is authorized to file said Notice with the Solano County Recorder.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 2<sup>nd</sup> day of December, 2014, and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

\_\_\_\_\_  
Date

Recorded at the request of:

CITY OF BENICIA

After recording return to:

CITY OF BENICIA  
ATTN: CITY ENGINEER  
250 EAST 'L' STREET  
BENICIA, CA 94510

### NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Benicia, 250 East "L" Street, Benicia, CA, 94510, is the owner of the property described as:

**Various public sidewalk, accessible curb ramps & pedestrian flashing signs**, located in the City of Benicia, County of Solano, State of California.  
**Nature of title as stated owner: In Fee.**

2. A work of improvement known as the **Benicia Safe Route to School Project** within the property described was completed and accepted by the City Council of the City of Benicia on December 2, 2014.
3. The name of the contractor for such improvement was **JJR Construction, Inc. of San Mateo, CA.**

CITY OF BENICIA

Dated: \_\_\_\_\_

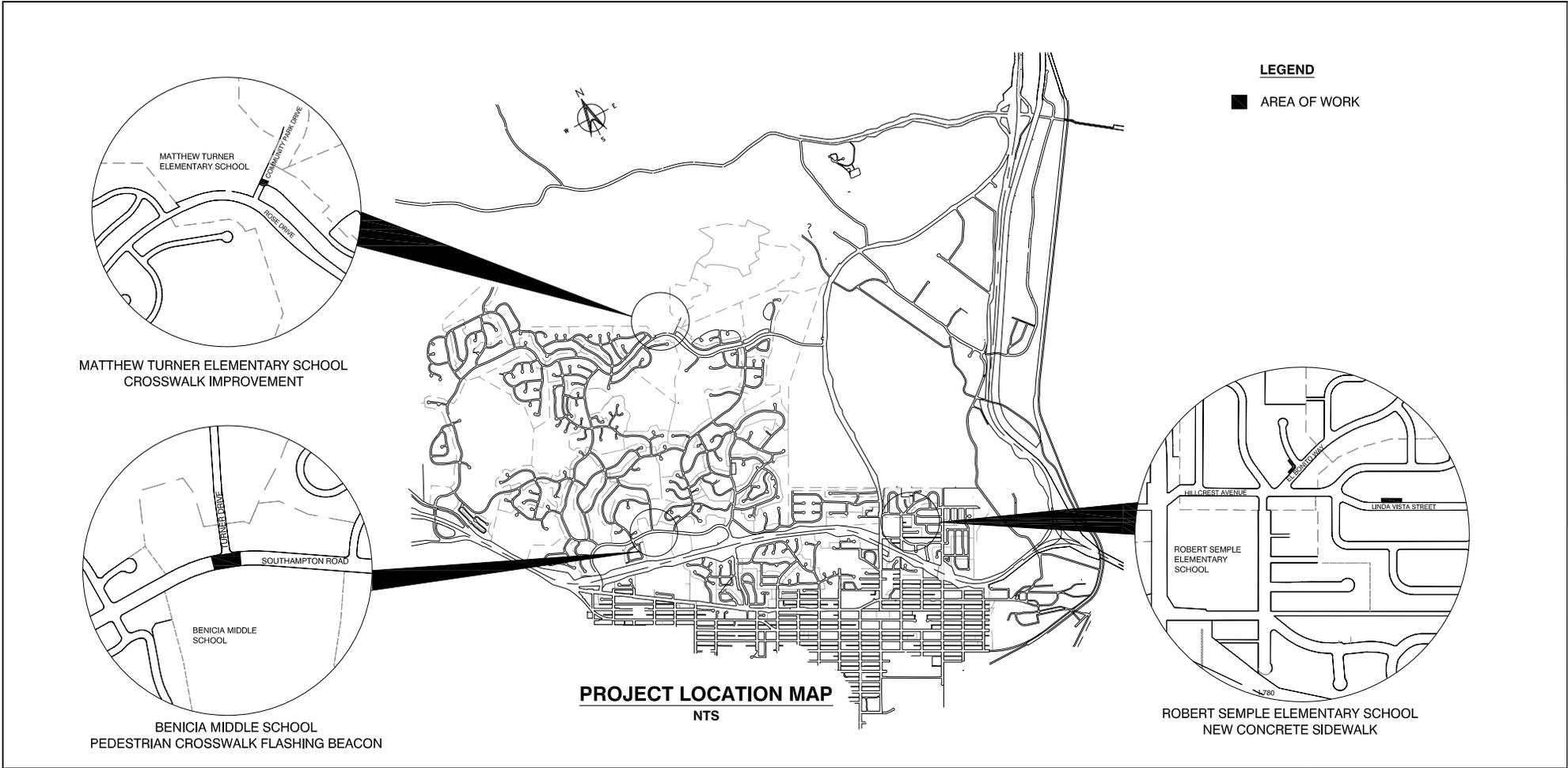
By: \_\_\_\_\_  
Brad Kilger, City Manager

Attest: \_\_\_\_\_  
Lisa Wolfe, City Clerk

The undersigned, being duly sworn, says: that she is the person signing the above document; that she has read the same and knows the contents thereof, and that the facts stated therein are true, under penalty of perjury.

\_\_\_\_\_  
Lisa Wolfe, City Clerk





# BENICIA SAFE TO SCHOOL PROJECT



## LOCATION MAP



# PROJECT PHOTOGRAPHS

## BENICIA SAFE ROUTE TO SCHOOL PROJECT



**ROBERT SEMPLE ELEMENTARY SCHOOL**

**BEFORE PHOTO: EL BONITO WAY**



**AFTER PHOTO: EL BONITO WAY**



**ROBERT SEMPLE ELEMENTARY SCHOOL**

**BEFORE PHOTO: LINDA VISTA**



**AFTER PHOTO: LINDA VISTA**



# MATHEW TURNER ELEMENTARY SCHOOL

## BEFORE PHOTO



## AFTER PHOTO



3 of 3

# BENICIA MIDDLE SCHOOL

## BEFORE PHOTO



## AFTER PHOTO





**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 2, 2014**  
**CONSENT CALENDAR**

**DATE** : November 7, 2014

**TO** : City Manager

**FROM** : Finance Director

**SUBJECT** : **REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTERS ENDED JUNE 2014 AND SEPTEMBER 2014**

**RECOMMENDATION:**

Accept, by motion, the Investment Reports for the quarters ended June 30, 2014 and September 30, 2014.

**EXECUTIVE SUMMARY:**

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Finance Committee has reviewed these reports and recommends acceptance.

**BUDGET INFORMATION:**

The interest earnings from Investment Report have been reported in the appropriate fiscal years' budgets.

**GENERAL PLAN:**

There is no effect on the City's General Plan.

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #3: Strengthening Economic and Fiscal Conditions
  - Strategy #4: Manage City finances prudently

**BACKGROUND:**

The City's investment portfolio consists of cash balances in checking accounts (less outstanding checks), Local Agency Investment Fund, treasury bills, federal agency notes, corporate notes, certificates of deposits and trustee accounts, which manage the installment payments and reserves for bonds issued by the City.

The City has adequate investments to meet its expenditure requirements for the next six months. In addition, the City's investment portfolio is in compliance with Government Code Sections 53600 et seq. and the City's Investment Policy. The

Finance Committee reviewed and accepted the Investment Reports, as well as PFM Asset Management's quarterly review of the portfolio, at its August and October meetings. The attached report summarizes the City's investments by purchase date, maturity date, investment type, issuer of investment, cost, current yield and yield to maturity.

Please note that the report also lists the cash investment balances by major fund group as of June 30, 2014 and September 30, 2014.

Attachments:

- Investment Report for the quarter ended June 30, 2014
- Investment Report for the quarter ended September 30, 2014

City of Benicia  
Investment Report  
As of June 30, 2014

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Yield to Maturity	Par Value	Cost of Investment	Current Market Value
L.A.I.F.	L.A.I.F.			0.220%		\$ 13,182,549.34	\$ 13,182,549.34	\$ 13,186,487.63
Checking	Bank of America			0.600%		3,021,811.47	3,021,811.47	3,021,811.47
Money Market	PFM Funds - Prime			0.000%		109,326.53	109,326.53	109,326.53
Subtotal						16,313,687.34	16,313,687.34	16,317,625.63
<b>6 Months to 1 Year</b>								
US Obligation	US Treasury	28-Dec-12	31-Oct-14	0.238%	0.260%	600,000.00	623,273.44	604,546.80
Commercial Paper	BNP Paribas Finance Inc	7-Feb-14	3-Nov-14	0.000%	0.450%	550,000.00	548,150.63	549,545.70
US Obligation	US Treasury	11-Jan-12	15-Dec-14	0.250%	0.350%	750,000.00	747,802.73	750,585.75
US Obligation	US Treasury	29-Feb-12	28-Feb-15	2.350%	0.430%	585,000.00	618,843.16	593,843.45
Subtotal						2,485,000.00	2,538,069.96	2,498,521.70
<b>1 Year to 2 Years</b>								
Corporate Note	JP Morgan Chase Bank	26-Dec-13	30-Jul-15	0.475%	0.430%	550,000.00	550,566.50	550,897.60
US Obligation	Fed Farm Credit Bank	14-Feb-14	14-Aug-15	0.200%	0.280%	700,000.00	699,162.35	700,074.20
US Obligation	FNMA	15-Sep-11	26-Oct-15	1.625%	0.930%	700,000.00	719,719.00	711,984.40
US Obligation	US Treasury	2-May-14	30-Nov-15	0.250%	0.280%	575,000.00	574,730.47	575,247.25
US Obligation	FHLB Global Notes	30-Dec-13	30-Dec-15	0.375%	0.390%	550,000.00	549,835.00	550,069.30
Corporate Note	General Electric	8-Jan-13	8-Jan-16	1.005%	1.110%	275,000.00	274,117.25	278,973.13
Corporate Note	Bank of New York	20-Dec-12	15-Jan-16	2.500%	0.830%	500,000.00	525,250.00	514,814.00
US Obligation	US Treasury	7-Feb-14	31-Jan-16	0.375%	0.310%	1,575,000.00	1,577,030.27	1,577,275.88
Corporate Note	Cisco Systems	20-Dec-13	31-Jan-16	5.500%	0.620%	550,000.00	607,860.00	594,406.45
US Obligation	FNMA	15-Feb-13	30-Mar-16	0.500%	0.540%	465,000.00	464,469.90	465,792.36
US Obligation	FNMA	30-Jul-12	11-Apr-16	2.375%	0.590%	750,000.00	798,960.00	777,301.50
Cert of Deposit	Westpac Banking Corp	17-Apr-14	15-Apr-16	0.405%	0.410%	575,000.00	575,000.00	575,816.50
Cert of Deposit	Rabobank Nederland	13-May-14	6-May-16	0.716%	0.710%	675,000.00	675,000.00	672,242.63
Corporate Note	Toyota Motor	17-May-13	17-May-16	0.800%	0.810%	290,000.00	289,881.10	281,597.32
Cert of Deposit	Bank of Nova Scotia	13-Jun-14	10-Jun-16	0.410%	0.280%	550,000.00	549,667.80	550,181.50
Cert of Deposit	Nordea Bank Finland	13-Jun-14	13-Jun-16	0.410%	0.310%	550,000.00	550,000.00	549,782.75
Subtotal						9,830,000.00	9,981,249.64	9,934,436.77
<b>2 Years to 3 Years</b>								
Corporate Note	GE Cap Corp	12-Jul-13	12-Jul-16	0.877%	0.930%	350,000.00	350,000.00	353,176.95
Corporate Note	Wells Fargo & Co	29-Jul-13	20-Jul-16	1.250%	1.280%	410,000.00	409,606.40	413,539.53
Corporate Note	IBM Corp	26-Dec-12	22-Jul-16	1.950%	0.850%	650,000.00	675,129.00	667,044.30
Corporate Note	Procter & Gamble	9-Jan-13	15-Aug-16	1.450%	0.840%	650,000.00	663,981.50	660,658.70
US Obligation	US Treasury	30-Aug-13	31-Aug-16	1.000%	0.820%	475,000.00	477,597.66	479,898.20
US Obligation	FNMA	5-Oct-12	28-Sep-16	1.250%	0.560%	900,000.00	924,264.00	913,203.00
US Obligation	FHLMC	3-Oct-13	14-Oct-16	0.875%	0.770%	550,000.00	551,672.00	553,577.20
US Obligation	US Treasury	24-Feb-14	28-Feb-17	0.875%	0.750%	700,000.00	702,652.34	702,570.31
Corporate Note	Exxon	20-Mar-14	15-Mar-17	0.921%	0.920%	735,000.00	735,000.00	735,770.28
US Obligation	FHLB	4-Apr-14	27-Mar-17	1.625%	1.250%	540,000.00	545,934.60	545,661.36
US Obligation	US Treasury	21-Mar-14	31-Mar-17	1.000%	0.920%	350,000.00	350,806.64	352,078.30
US Obligation	FNMA	30-Jul-12	27-Apr-17	1.125%	0.840%	750,000.00	760,080.00	763,777.00
Corporate Note	Apple	6-May-14	5-May-17	1.050%	1.070%	550,000.00	549,708.50	550,742.50

City of Benicia  
Investment Report  
As of June 30, 2014

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Yield to Maturity	Par Value	Cost of Investment	Current Market Value
Corporate Note	Berkshire Hathaway	15-Jan-13	15-May-17	1.600%	1.260%	275,000.00	278,918.75	279,325.20
US Obligation	FHLMC	1-Nov-13	29-Jun-17	1.000%	0.960%	950,000.00	951,330.00	952,055.80
Subtotal								
<b>3 Years to 5 Years</b>								
US Obligation	FHLMC	31-Jul-12	28-Jul-17	1.000%	0.860%	750,000.00	755,017.50	750,460.50
US Obligation	FNMA	10-Sep-12	28-Aug-17	0.875%	0.820%	700,000.00	701,736.00	696,115.70
US Obligation	FNMA	3-Dec-13	26-Oct-17	0.875%	1.060%	700,000.00	694,589.00	694,863.40
US Obligation	US Treasury	5-Nov-12	31-Oct-17	0.750%	0.740%	150,000.00	150,087.89	148,546.80
US Obligation	US Treasury	9-May-14	30-Nov-17	0.625%	1.180%	425,000.00	416,832.03	418,492.40
Corporate Note	Chevron	5-Dec-12	5-Dec-17	1.104%	0.990%	85,000.00	85,459.85	84,609.26
Corporate Note	Chevron	5-Dec-12	5-Dec-17	1.104%	1.100%	145,000.00	145,000.00	144,333.44
Corporate Note	Berkshire Hathaway	11-Feb-13	9-Feb-18	1.500%	1.560%	350,000.00	349,513.50	350,920.15
Corporate Note	Wal-Mart Stores	11-Apr-13	11-Apr-18	1.125%	1.140%	255,000.00	254,765.40	251,597.54
Corporate Note	Microsoft Corp	2-May-13	1-May-18	1.000%	1.010%	160,000.00	159,899.20	157,888.16
Corporate Note	Apple	3-May-13	3-May-18	1.000%	1.080%	300,000.00	298,893.00	293,386.80
US Obligation	FNMA	31-May-13	21-May-18	0.875%	1.190%	250,000.00	246,212.50	245,804.00
US Obligation	FNMA	24-May-13	21-May-18	0.875%	1.050%	550,000.00	545,352.50	540,768.80
Corporate Note	Chevron	24-Jun-13	24-Jun-18	1.718%	1.720%	425,000.00	425,000.00	428,337.95
US Obligation	FNMA	19-Jun-14	27-Nov-18	1.625%	1.620%	350,000.00	350,010.50	351,873.55
US Obligation	US Treasury	3-Jun-14	30-Nov-18	1.250%	1.410%	500,000.00	496,503.91	495,469.00
Subtotal								
						6,095,000.00	6,074,872.78	6,053,467.45

Total (before fiscal agent accounts)	\$	43,558,687.34	\$	43,834,561.11	\$	43,717,130.18
Fiscal Agent Accounts				658,549.88		658,549.88
<b>TOTAL INVESTMENT PORTFOLIO</b>	\$	44,493,110.99	\$	44,493,110.99	\$	44,375,680.06

**WEIGHTED AVERAGE MATURITY OF THE INVESTMENT PORTFOLIO**

1.51 Years

Mark to Market \$ (117,430.93)

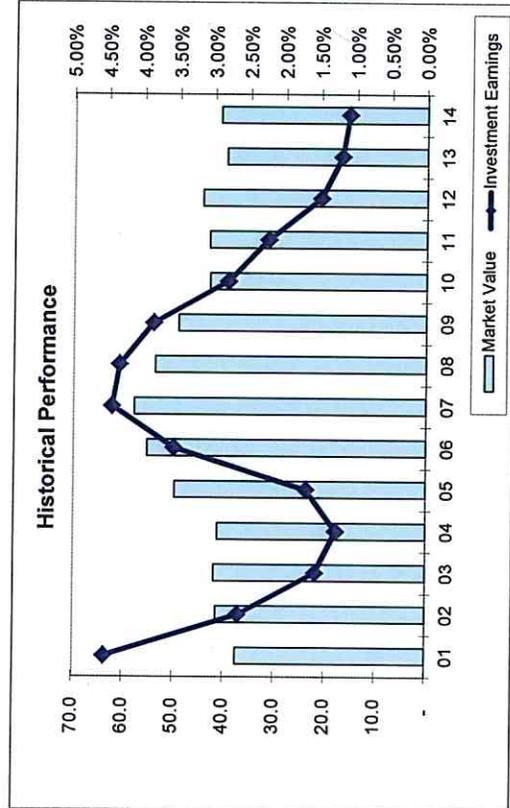
The City of Benicia complies with Government Code Sections 53600 et seq. and the City's Investment Policy. The source of market value is US Bank. The City has the ability to meet expenditure requirements for the next six months. This report to the best of my knowledge, is accurate representation of the City of Benicia's investments.

  
Brenda Olwin, Interim Finance Director

**City of Benicia  
Historical Portfolio Comparison**

Market Value (Millions)					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2001	33.0	36.7	37.7	42.8	37.5
2002	39.3	41.5	40.3	44.6	41.4
2003	39.7	43.4	39.5	44.8	41.8
2004	39.3	42.8	41.1	41.8	41.3
2005	38.7	53.8	50.0	56.6	49.8
2006	46.9	54.9	55.1	64.3	55.3
2007	57.4	59.3	54.4	60.1	57.8
2008	51.9	54.7	51.4	56.8	53.7
2009	48.1	52.1	47.3	48.7	49.1
2010	42.6	43.7	39.4	45.7	42.9
2011	37.6	46.2	35.7	52.6	43.0
2012	46.6	45.7	40.2	45.0	44.4
2013	39.2	41.3	36.1	42.4	39.8
2014	38.5	41.8	39.0	44.4	40.9

Investment Earnings					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
01	4.76%	4.82%	4.58%	4.07%	4.55%
02	3.62%	2.72%	2.27%	2.01%	2.66%
03	1.90%	1.61%	1.41%	1.34%	1.57%
04	1.38%	1.28%	1.24%	1.20%	1.28%
05	1.31%	1.43%	1.74%	2.33%	1.70%
06	2.52%	3.76%	3.84%	4.16%	3.57%
07	4.34%	4.44%	4.46%	4.57%	4.45%
08	4.56%	4.48%	4.20%	4.15%	4.35%
09	4.01%	4.07%	4.03%	3.36%	3.87%
10	3.17%	2.83%	2.65%	2.60%	2.81%
11	2.51%	2.38%	2.15%	1.95%	2.25%
12	1.76%	1.64%	1.43%	1.21%	1.51%
13	1.22%	1.26%	1.20%	1.18%	1.21%
14	1.15%	1.17%	1.09%	1.05%	1.12%



Investment Earnings - Dollars						
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Mark to Market *	Annual Average
2008	319,769	789,398	474,720	327,578	403,879	578,836
2009	275,114	580,504	577,776	469,555	267,309	542,565
2010	299,040	294,913	226,519	289,374	(196,842)	228,251
2011	267,030	235,311	165,343	162,677	(352,938)	119,356
2012	46,173	132,626	130,494	131,294	(47,338)	98,312
2013	88,542	100,933	79,202	89,351	(327,648)	7,594.69
2014	99,460	45,980	55,704	66,838	122,842	97,705.85

\* Mark to market is the difference between current year minus prior years mark to market gain or loss.

City of Benicia  
Investment Report - Balance by Fund Type  
Pre-Audit - June 30, 2014

Fund Type	Cost Balance	Market Value Balance
General Fund	10,376,153.36	10,348,767.52
Special Revenue Funds	5,029,416.81	5,016,142.64
Debt Service Funds	729,112.68	727,188.33
Capital Project Funds	1,487,754.69	1,483,828.05
Enterprise Funds	20,539,936.87	20,485,725.69
Internal Service Funds	3,688,303.55	3,678,568.99
Fiduciary Funds	20,355.65	20,301.93
Agency Funds	2,622,077.38	2,615,156.91
	<u>44,493,110.99</u>	<u>44,375,680.06</u>

City of Benicia  
Investment Report Totals - June 30, 2014  
Reconciliation - PFM and City Reports

	Amount
Total Market Value Balance - City report	44,375,680
Less: LAIF	(13,186,488)
B of A Checking account	(3,021,811)
Fiscal Agent accounts	(658,550)
Total Market Value	27,508,831

Total Market Value - PFM Report	27,585,914
Less: Accrued Interest	(77,083)
Total Market Value	27,508,831

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**City of Benicia  
Investment Report  
As of September 30, 2014**

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Yield to Maturity	Par Value	Cost of Investment	Current Market Value
L.A.I.F.	L.A.I.F.			0.240%		\$ 5,689,422.66	\$ 5,689,422.66	\$ 5,690,454.08
Checking	Bank of America			0.600%		3,471,519.10	3,471,519.10	3,471,519.10
Money Market	PFM Funds - Prime			0.000%		95,806.40	95,806.40	95,806.40
Subtotal						9,256,748.16	9,256,748.16	9,257,779.58
<b>6 Months to 1 Year</b>								
Commercial Paper	BNP Paribas Finance Inc	7-Feb-14	3-Nov-14	0.000%	0.450%	550,000.00	548,150.83	549,930.15
US Obligation	US Treasury	29-Feb-12	28-Feb-15	2.370%	0.430%	375,000.00	396,694.33	378,588.75
Corporate Note	JP Morgan Chase Bank	26-Dec-13	30-Jul-15	0.490%	0.430%	550,000.00	550,588.50	550,691.35
US Obligation	Fed Farm Credit Bank	14-Feb-14	14-Aug-15	0.280%	0.280%	700,000.00	699,162.35	699,939.10
Subtotal						2,175,000.00	2,194,573.81	2,179,149.35
<b>1 Year to 2 Years</b>								
US Obligation	FNMA	15-Sep-11	26-Oct-15	1.570%	0.930%	700,000.00	719,719.00	710,535.00
US Obligation	US Treasury	2-May-14	30-Nov-15	0.190%	0.280%	575,000.00	574,730.47	575,359.38
US Obligation	FHLB Global Notes	30-Dec-13	30-Dec-15	0.390%	0.380%	550,000.00	549,835.00	550,501.60
Corporate Note	General Electric	8-Jan-13	8-Jan-16	0.990%	1.110%	275,000.00	274,117.25	276,043.63
Corporate Note	Bank of New York	20-Dec-12	15-Jan-16	2.440%	0.830%	500,000.00	525,250.00	512,050.50
US Obligation	US Treasury	7-Feb-14	31-Jan-16	0.390%	0.310%	1,025,000.00	1,026,321.29	1,026,481.13
Corporate Note	Cisco Systems	20-Dec-13	22-Feb-16	5.160%	0.620%	550,000.00	607,860.00	585,683.35
US Obligation	FNMA	15-Feb-13	30-Mar-16	0.490%	0.540%	465,000.00	464,469.90	465,355.73
US Obligation	FNMA	30-Jul-12	11-Apr-16	2.330%	0.590%	750,000.00	798,960.00	772,053.75
Cert of Deposit	Westpac Banking Corp	17-Apr-14	15-Apr-16	0.390%	0.410%	575,000.00	575,000.00	575,702.08
Cert of Deposit	Rabobank Nederland	13-May-14	6-May-16	0.700%	0.710%	675,000.00	675,000.00	671,878.13
Corporate Note	Toyota Motor	17-May-13	17-May-16	0.790%	0.810%	290,000.00	288,881.10	290,676.28
Cert of Deposit	Bank of Nova Scotia	13-Jun-14	10-Jun-16	0.000%	0.280%	550,000.00	548,667.80	550,011.00
Cert of Deposit	Norddea Bank Finland	13-Jun-14	13-Jun-16	0.400%	0.310%	550,000.00	550,000.00	549,809.15
Corporate Note	GE Cap Corp	12-Jul-13	12-Jul-16	0.890%	0.930%	350,000.00	350,000.00	353,034.85
Corporate Note	Wells Fargo & Co	29-Jul-13	20-Jul-16	1.190%	1.280%	410,000.00	409,606.40	412,384.56
Corporate Note	IBM Corp	26-Dec-12	22-Jul-16	1.860%	0.850%	650,000.00	675,129.00	663,434.85
Corporate Note	Procter & Gamble	9-Jan-13	15-Aug-16	1.380%	0.840%	650,000.00	683,981.50	658,141.25
US Obligation	US Treasury	30-Aug-13	31-Aug-16	0.980%	0.820%	75,000.00	75,410.16	75,609.38
Cert of Deposit	Toronto Dominion Bank	29-Sep-14	29-Sep-16	0.800%	0.900%	550,000.00	550,000.00	550,000.00
Subtotal						10,715,000.00	10,904,938.97	10,824,755.60
<b>2 Years to 3 Years</b>								
US Obligation	FNMA	5-Oct-12	28-Sep-16	1.180%	0.560%	900,000.00	924,264.00	910,644.30
US Obligation	FHLB Notes	7-Aug-14	28-Sep-16	0.500%	0.610%	400,000.00	399,100.00	398,828.40
US Obligation	FHLMC	3-Oct-13	14-Oct-16	0.890%	0.770%	550,000.00	581,672.00	552,313.30
US Obligation	US Treasury	24-Feb-14	28-Feb-17	0.890%	0.750%	450,000.00	451,705.08	450,457.20
Corporate Note	Exxon	20-Mar-14	15-Mar-17	0.900%	0.920%	735,000.00	735,000.00	733,593.95
US Obligation	FHLB	4-Apr-14	27-Mar-17	1.580%	1.250%	540,000.00	545,934.60	543,600.18
US Obligation	FNMA	30-Jul-12	27-Apr-17	1.090%	0.840%	750,000.00	760,080.00	753,767.25
Corporate Note	Apple	6-May-14	5-May-17	1.000%	1.070%	550,000.00	549,708.50	548,127.80

**City of Benicia  
Investment Report  
As of September 30, 2014**

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Yield to Maturity	Par Value	Cost of Investment	Current Market Value
Corporate Note	Berkshire Hathaway	15-Jan-13	15-May-17	1.580%	1.260%	275,000.00	278,918.75	278,010.43
US Obligation	FHLMC	1-Nov-13	28-Jun-17	1.000%	0.960%	950,000.00	951,330.00	948,560.75
US Obligation	FHLMC	31-Jul-12	28-Jul-17	1.000%	0.860%	750,000.00	755,017.50	746,916.75
US Obligation	FNMA	10-Sep-12	28-Aug-17	0.900%	0.820%	700,000.00	701,736.00	695,293.20
Cert. of Deposit	US Bank NA Cincinnati	11-Sep-14	11-Sep-17	1.410%	1.410%	550,000.00	549,114.50	545,524.65
<b>Subtotal</b>						<b>8,100,000.00</b>	<b>8,153,580.93</b>	<b>8,105,638.16</b>
<b>3 Years to 5 Years</b>								
US Obligation	FNMA	3-Dec-13	28-Oct-17	0.900%	1.080%	700,000.00	694,589.00	693,358.40
US Obligation	US Treasury	5-Nov-12	31-Oct-17	0.700%	0.740%	150,000.00	150,087.89	148,101.60
US Obligation	US Treasury	9-May-14	30-Nov-17	0.610%	1.180%	425,000.00	416,832.03	417,330.03
Corporate Note	Chevron	5-Dec-12	5-Dec-17	1.110%	0.990%	85,000.00	85,459.85	84,185.53
Corporate Note	Chevron	5-Dec-12	5-Dec-17	1.110%	1.100%	145,000.00	145,000.00	143,610.61
Corporate Note	Berkshire Hathaway	11-Feb-13	9-Feb-18	1.500%	1.580%	350,000.00	349,513.50	349,294.40
Corporate Note	Wal-Mart Stores	11-Apr-13	11-Apr-18	1.110%	1.140%	255,000.00	254,765.40	251,539.65
Corporate Note	Microsoft Corp	2-May-13	1-May-18	1.010%	1.010%	160,000.00	159,899.20	156,963.52
Corporate Note	Apple	3-May-13	3-May-18	1.020%	1.080%	300,000.00	298,893.00	292,596.60
US Obligation	FNMA	31-May-13	21-May-18	0.910%	1.190%	250,000.00	246,212.50	244,840.50
US Obligation	FNMA	24-May-13	21-May-18	0.910%	1.050%	550,000.00	545,352.50	538,649.10
Corporate Note	Chevron	24-Jun-13	24-Jun-18	1.690%	1.720%	425,000.00	425,000.00	425,149.18
US Obligation	US Treasury	4-Sep-14	31-Aug-18	1.500%	1.430%	925,000.00	927,420.90	924,566.18
US Obligation	US Treasury	7-Jul-14	31-Oct-18	1.210%	1.470%	200,000.00	198,171.88	197,500.00
US Obligation	FNMA	19-Jun-14	27-Nov-18	1.600%	1.620%	350,000.00	350,010.50	349,276.90
US Obligation	US Treasury	3-Jun-14	30-Nov-18	1.210%	1.410%	500,000.00	496,503.91	493,125.00
US Obligation	US Treasury	31-Jul-14	31-Jan-19	1.500%	1.610%	600,000.00	597,210.94	586,250.00
<b>Subtotal</b>						<b>6,370,000.00</b>	<b>6,340,923.00</b>	<b>6,306,337.20</b>
<b>Total (before fiscal agent accounts)</b>								
						<b>\$ 36,616,748.16</b>	<b>\$ 36,850,764.77</b>	<b>\$ 36,673,659.87</b>
<b>Fiscal Agent Accounts</b>								
							<b>1,841,908.83</b>	<b>1,841,908.83</b>
<b>TOTAL INVESTMENT PORTFOLIO</b>								
						<b>\$</b>	<b>\$ 38,692,673.60</b>	<b>\$ 38,515,568.70</b>

**WEIGHTED AVERAGE MATURITY OF THE INVESTMENT PORTFOLIO**

1.84 Years  
Mark to Market \$ (177,104.90)

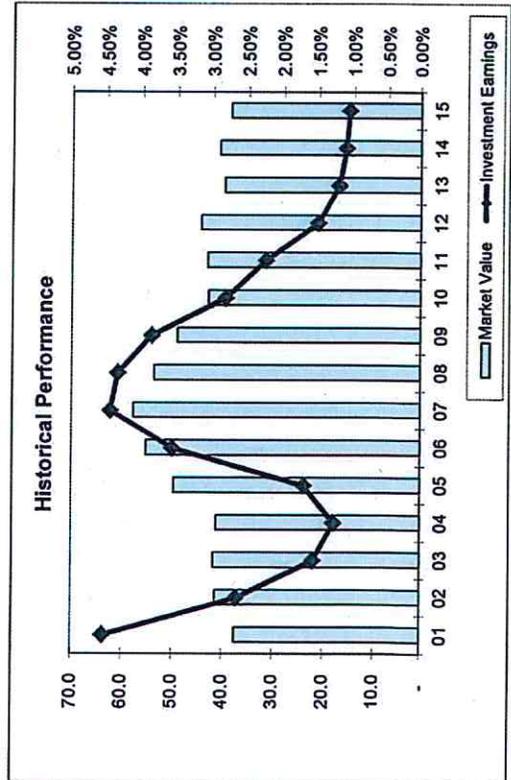
The City of Benicia complies with Government Code Sections 53600 et seq. and the City's Investment Policy. The source of market value is US Bank. The City has the ability to meet expenditure requirements for the next six months. This report to the best of my knowledge, is accurate representation of the City of Benicia's investments.

  
 Karin Schnaider, Finance Director

**City of Benicia  
Historical Portfolio Comparison**

Market Value (Millions)					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2001	33.0	36.7	37.7	42.8	37.5
2002	39.3	41.5	40.3	44.6	41.4
2003	39.7	43.4	39.5	44.8	41.8
2004	39.3	42.8	41.1	41.8	41.3
2005	38.7	53.8	50.0	56.6	49.8
2006	46.9	54.9	55.1	64.3	55.3
2007	57.4	59.3	54.4	60.1	57.8
2008	51.9	54.7	51.4	56.8	53.7
2009	48.1	52.1	47.3	48.7	49.1
2010	42.6	43.7	39.4	45.7	42.9
2011	37.6	46.2	35.7	52.6	43.0
2012	46.6	45.7	40.2	45.0	44.4
2013	39.2	41.3	36.1	42.4	39.8
2014	37.9	41.8	39.0	44.4	40.8
2015	38.5				38.5

Investment Earnings					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
01	4.76%	4.82%	4.58%	4.07%	4.55%
02	3.62%	2.72%		2.01%	2.66%
03	1.90%	1.61%	1.41%	1.34%	1.57%
04	1.38%	1.28%	1.24%	1.20%	1.28%
05	1.31%	1.43%	1.74%	2.33%	1.70%
06	2.52%	3.76%	3.84%	4.16%	3.57%
07	4.34%	4.44%	4.46%	4.57%	4.45%
08	4.56%	4.48%	4.20%	4.15%	4.35%
09	4.01%	4.07%	4.03%	3.36%	3.87%
10	3.17%	2.83%	2.65%	2.60%	2.81%
11	2.51%	2.38%	2.15%	1.95%	2.25%
12	1.76%	1.84%	1.43%	1.21%	1.51%
13	1.22%	1.26%	1.20%	1.18%	1.21%
14	1.15%	1.17%	1.09%	1.05%	1.12%
15	1.07%				1.07%



Investment Earnings - Dollars						
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Mark to Market*	Annual Average
2008	319,769	789,398	474,720	327,578	403,879	578,836
2009	275,114	580,504	577,776	489,555	267,309	542,565
2010	298,040	284,913	226,519	289,374	(196,842)	228,251
2011	287,030	235,311	165,343	162,677	(352,938)	119,356
2012	46,173	132,626	130,484	131,294	(47,338)	98,312
2013	88,542	100,933	79,202	89,351	(327,648)	7,595
2014	99,460	45,980	55,704	66,838	122,842	97,706
2015	not available					

\* Mark to market is the difference between current year minus prior year's mark to market gain or loss.

City of Benicia  
Investment Report - Balance by Fund Type  
September 30, 2014

Fund Type	Cost Balance	Market Value Balance
General Fund	4,004,075.84	3,985,748.30
Special Revenue Funds	4,698,848.64	4,677,340.97
Debt Service Funds	52,071.26	51,832.92
Capital Project Funds	1,413,407.31	1,406,937.83
Enterprise Funds	21,760,636.57	21,661,033.34
Internal Service Funds	5,023,595.50	5,000,601.40
Fiduciary Funds	20,355.65	20,262.48
Agency Funds	1,719,682.83	1,711,811.46
	<u>38,692,673.60</u>	<u>38,515,568.70</u>

City of Benicia  
Investment Report Totals -September 30, 2014  
Reconciliation - PFM and City Reports

	Amount
Total Market Value Balance - City report	38,515,569
Less: LAIF	(5,690,454)
B of A Checking account	(3,471,519)
Fiscal Agent accounts	(1,841,909)
Total Market Value	27,511,687
Total Market Value - PFM Report	27,580,059
Less: Accrued Interest	(68,372)
Total Market Value	27,511,687

F:\finance\Investments\InvestmentReports\FY14-15\2014.15 Investment Reports.xlsx\Recon



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 2, 2014**  
**BUSINESS ITEMS**

**DATE** : November 24, 2014

**TO** : City Manager

**FROM** : Interim Community Development Director

**SUBJECT** : **PUBLIC NOTICING REQUIREMENTS**

**RECOMMENDATION:**

Direct staff to draft an ordinance modifying public noticing requirements for land use entitlement applications to require on-site posters and eliminate the requirement for paper posting. All other noticing requirements would not change.

**EXECUTIVE SUMMARY:**

As requested by Council, staff researched ways of providing notice to tenants (commercial and residential) for land use matters. Staff found that jurisdictions that provide such mailed notice generally do so with the help of an in-house GIS program. Staff has been unable to identify another means of providing direct-notice to tenants that would not pose an exceptional cost burden on the City or the applicant. Staff believes that a poster-size notice placed on a proposed project site is a cost-effective means to inform residents and businesses in the vicinity of a proposed land use entitlement that a project is proposed.

**BUDGET INFORMATION:**

If the staff recommendation is approved, there should be substantial savings in staff costs associated with posting properties. It is estimated that staff currently spends approximately three hours per month posting properties.

**GENERAL PLAN:**

Although there are no explicit policies, an overarching goal of the General Plan is to encourage public engagement so that citizens can participate in the land use decisions that affect them.

**STRATEGIC PLAN:**

Relevant Strategic Plan Goals and Strategies:

- Strategy Issue #3: Strengthening Economic and Fiscal Conditions
  - Strategy #4: Manage City finances prudently

**ENVIRONMENTAL REVIEW:**

Pursuant to Section 15378 (b)(5), noticing procedures are not a project subject to the California Environmental Quality Act (CEQA).

**BACKGROUND:**

On June 3, 2014, City Council conducted a first reading of an ordinance to increase the public notification from 300 feet to 500 feet. The ordinance was adopted on June 17 and became effective on July 18, 2014. During the first reading, Council directed staff to research and evaluate best practices of other jurisdictions for notification of commercial and residential occupants.

Specifically, staff was directed to:

1. Query other jurisdictions on how they reach out to tenants
2. Identify creative ways to notify tenants
3. Identify cost recovery practices
4. Involve the Benicia Chamber in future discussions regarding public notice

Staff's response to the Council's direction is provided below.

**1. Query other jurisdictions on how they reach out to tenants**

Staff requested input from jurisdictions throughout California through the League of California Cities list-serve. Staff received responses from 19 agencies. Attached is a summary of the results of that query.

Jurisdictions that are able to notice occupants of commercial centers and residential apartment complexes generally have in-house GIS staff who gather owner and occupant data from the County Assessor's Office and supplement it with in-field survey work.

Benicia does not have in-house GIS capabilities and relies on the mailing labels provided by the applicant, typically prepared by a title company. Staff contacted a local title company for its input on providing a mailing list of occupants. The title company confirmed that it is unable to provide information on apartment complexes (each unit) or shopping centers (each unit) because they can only obtain owner information. The title company referred staff to a private company (Data Pro) that specializes in radius mapping and is capable of obtaining occupant data. A representative of the company confirmed that he uses the same methodology as a GIS department would. His process will typically start by gathering all the property ownership information and then field-verify individual unit addresses for commercial and residential complexes. The cost associated with this work varies, but it was estimated to be approximately 3-4 times more than obtaining a list of property owners.

## **2. Identify creative ways to address the issue of notifying tenants**

### Large On-Site-Posters

The City's currently posts 8.5" x 11" paper notices on and around the property. They are typically placed on fences or the wood utility poles around the property. Most cities have abandoned this practice as it is time consuming for staff and not very effective in providing notice to the public. Rather than paper-posting, some cities have moved to requiring that applicants place large "posters" on the subject property. Poster-size notifications range in size from 2' x 2' to 4' x 4' or larger (some jurisdictions modify the required size based on the nature of the project), often on some bright color poster-board (e.g., bright yellow in Oakland), with large print size so that key information can be readily read from the sidewalk or street. At least one city provides posters and requires applicants to place them on the property, while another sets forth posting requirements that the applicant implements, documented by photographs and/or affidavits.

### Neighbor Outreach

The City of Saratoga requires the applicant to personally contact adjacent neighbors (e.g., left, right, behind, across street), showing them a copy of the site plan and elevations. Saratoga requests that the neighbor sign a form saying they have seen the plans. There is a blank area on the forms for neighbor comments. Occasionally a neighbor refuses to participate or sign and that is acceptable so long as the applicant makes the attempt. Saratoga has few apartments and its procedure does not directly address the issue of "tenant" notification.

### Story Poles

Story poles are a rough frame mock-up of a development project (new construction or addition). The City of Benicia requires them for projects located within the Downtown Mixed Use Master Plan area only. Ensuring that story-poles are safely secured can be costly for applicants but are effective in "noticing" neighbors that something is proposed. The City may want to consider expanding this requirement to other parts of the City, or formally giving staff discretion to require them in other parts of the City when staff considers it appropriate (e.g., significantly increased height/bulk of a building). However, story poles do not provide information on how neighbors can register their concerns.

### Email Lists:

Staff currently maintains a list of individuals who have requested email notification of Planning Commission meetings and other land use applications and provides notification through GovDelivery. Because tenants have less of a vested interest in land use matters than owners, relatively few have requested

such notice, and voluntary sign-up for email notification is therefore unlikely to be an effective means of notifying tenants. Some cities with GIS systems have the capability of establishing email notification by neighborhood or other geographically defined areas for those requesting such notification. As noted earlier, Benicia does not have that capacity at this time.

### **3. Cost recovery practices**

Of the 19 agencies responding, 11 include the cost of the public notification in their application fees. The remaining agencies charge either an additional flat rate fee or charge the applicant on a time and materials basis. Some jurisdictions create a different fee structure for large or controversial projects and may grant authority to the department's director to make a determination on what is required.

Benicia exercises the same noticing procedures for all projects that require a public hearing and does not charge an additional fee to the applicant for noticing. The land use application fee structure in Benicia captures a fraction of the costs of processing applications. As a fee study has not been conducted in some years, staff does not know whether the costs of notification were considered when fees were established.

### **4. Include the Benicia Chamber in future discussions**

Once Council has provided some initial direction and before staff begins preparation of a draft ordinance, staff will reach out to the Chamber of Commerce for discussion and comment.

## **Analysis of Options**

### *Direct Notice to Tenants*

Staff does not currently have the tools in-house or available to provide a mailed notice to tenants. At some point in the future, the City may wish to invest in and maintain a GIS program that has that capability. A GIS program would likely have other benefits, but evaluating the costs and benefits of a GIS program for the City is beyond the scope of this report.

Alternatively, staff could distribute notice by hand to tenants in a prescribed area or require an applicant to do so. This would have a substantial impact on limited staff resources, even if applicants paid the significant staff-costs associated with undertaking this activity. Should the applicant be required to undertake this work, it is unlikely that staff could confirm that an applicant had complied, and there would likely be a high cost to applicants.

### *Mailing Labels from Applicant*

The City could require the applicant to supply additional mailing labels for

tenants in the vicinity of the project as with the current practice. The applicant could create the mailing labels themselves or obtain a list from a mapping company. As noted earlier, the cost is anticipated to be three to four times the current cost (currently around \$150, projected to be \$400-600) should the applicant use the services of a private service. Should applicants elect to try and undertake identifying all addresses and tenants in the vicinity of a project themselves; staff would be unable to verify that the applicant has successfully complied.

#### Tenant Notification only for Shopping Centers

The City could limit the tenant notification requirement to the 3 major shopping centers within the City (Rose Center, Southampton Center and Solano Square). Maintaining a limited list of tenants could be undertaken by staff or the City could require applicants for activities in these shopping centers to provide the information

#### On-site Posters

On-site posters have been a cost-effective means for communicating that a development is proposed. From staff experience, even in cities where mailed notice to tenants is required (and the city maintains a GIS system), staff continued to receive complaints about neighbors not being noticed in regard to land use decisions until on-site posters were required and such complaints were reduced to almost none.

#### **Recommendation**

Staff is recommending that the Council direct staff to prepare an ordinance modifying current noticing procedures to eliminate on-site 8 ½ X 11 noticing, and require posters. Should the Council concur with the staff recommendation, staff will then begin to work on the implementation details such as what information to place on the posters, poster size, location, period of posting-time, who posts and how it is verified, estimated costs, how they are produced, etc. Staff will also conduct outreach to the Chamber of Commerce to discuss the proposal and its implementation.

#### **Other Noticing Improvements Instituted by City Staff**

In consideration of limited staff resources with a focus on process improvement, staff has recently modified the type of notice mailed. Rather than a letter, folded and placed in an envelope, staff is now using a post-card format that provides all legally required information (sample attached).

Staff estimates the direct cost savings from this format to be roughly 21 cents per mailer, or, assuming an average mailing of 250 pieces, 52.50 per mailing. Staff estimates that it undertakes 40 to 50 notices per year, so the total savings is \$2100 – 2625 per year in direct costs. In addition, staff estimates that the new

format will save two hours of staff time per mailing, or 80-100 hours of staff time per year.

In addition to substantial direct and indirect cost savings, staff believes the new postcard format is an improvement on the folded notice in envelopes because the information is readily visible with a map of the project site and “Notice of Public Hearing” in bold on one side, with the required information regarding the project available on the opposite side.

Attachments:

- City survey summary
- Sample of new mailer

## Public Notification - Planning Applications

Jurisdiction	Preparer	Radius (feet)	Occupants / Tenants	Newspaper	Posting	Fees	Additional Notes
City of Benicia	Applicant	500	No	No	2-3 locations on and around the property, City Hall and Library	Included in Application Fees	
City of Pinole	Applicant	1000	No	Yes	Applicant pay for a sign that is posted at the site. The sign is 24" x 36"	\$100	
City of Novato	Applicant	600	No	Yes	No	Included in Application Fees (which is a deposit: refunded if all funds not used; replenished if more is needed)	The Director may provide any additional notice with content or using a distribution method as the Director determines is necessary or desirable.
City of Encinitas	City - GIS Dept	500	yes	Yes	Yes. On property, clear view from front of property	Charges the applicant for the postage	The GIS team physically goes out and writes down addresses. They personally walked around parcels writing addresses and Unit numbers. From time to time they change and they go out and make corrections accordingly.
City of Carson	City - GIS Dept	500	No	Yes, when required	Yes	\$350	notices in the paper when necessary (e.g., when more than 1,000 properties are affected, for legislative matters)
City of Emeryville	City	300 plus 10% margin of error OR 500 plus 10% margin of error for projects that are politically sensitive or potentially controversial	Yes	Yes	The applicant erects a poster on the site, readily visible to the public	Large Projects: Time and Materials. For small projects: \$91 flat fee	

## Public Notification - Planning Applications

Jurisdiction	Preparer	Radius (feet)	Occupants / Tenants	Newspaper	Posting	Fees	Additional Notes
City of Culver City	City	300	Yes	Yes	The City posts a large sign or two on the site	\$25 per 50 post cards/mailling. If published in the paper the fee is Actual Cost Charged by newspaper	The City maintains several e-mail distribution lists that are categorized by subject matter and members of the public may voluntarily sign up to receive notices via e-mail based on those subject matters.
City of San Carlos	City	300	occupant of subject property only	Yes	The applicant posts on the site in a "prominent place"	The fee is \$342. If it goes to both PC and CC then the fee doubles.	
City of Capitola	City	300	No	No	No	\$173 Public Notice (without newspaper published notice) \$376 Public Notice (with newspaper published notice)	Follows the minimum State requiremnts
City of Placerville		500	No		Applicant posts. For Zone Changes, Subdivisions and General Plan Amendments the sign is 4' x 4'. For all other applications the sign is 2' x 2'.	Included in Application Fees	
Town of Ross	Town (using County Assessor's Data)	500	No		City posts an 8 ½ x 11 notice at the site, town hall and post office	Included in Application Fees	For onsite posting: The City posts on the nearest telephone pole or tree.
City of Mill Valley		300	No	No	large posters	Included in Application Fees	
City of Wildomar	Applicant	300	No	Yes	No	Included in Application Fees. The applicant is responsible for all information including stamped envelopes.	Director has flexibility to increase the notice

\*Assumes typical planning application for site specific projects i.e Design Review, Use Permit, Variance etc.

**Public Notification - Planning Applications**

Jurisdiction	Preparer	Radius (feet)	Occupants / Tenants	Newspaper	Posting	Fees	Additional Notes
City of Long Beach		750	No	No	The applicant post a sign of at least 30" by 40" on each street face of property	Included in Application Fees	
City of San Ramon	Either	300	No			\$0.50 for postage in addition to \$200 notice fee	
City of Lompoc	City	300	shopping centers only		City posts a Real Estate type sign to post a project site and post notices to City's website.	Time and material and the cost of notice is included in the billing.	
National City	Applicant	300	No	No		Included in Application Fees	
City of Davis	City	500 for small projects; LARGER AREA for large or controversial projects	Yes	Yes	Sometimes	Included in Application Fees except for Large Projects which are Time and Materials	
City of Saratoga	City	300 for small projects 500 for large projects	No	Yes		Included in Application Fees	In addition to the mailed notice (from city),the applicant must personally contact adjacent neighbors (e.g., left, right, behind, across street), showing them a copy of the site plan and elevations. The City requests that the neighbor sign a form saying they have seen the plans. There is a blank area on the forms for neighbor comments. Occasionally a neighbor refuses to sign and that is OK so long as the applicant makes the attempt. The City also requires story poles.



**SIDE A:**



## NOTICE OF PUBLIC HEARING

The City of Benicia Planning Commission will hold a public hearing to consider the following application:

Hearing Date	Thursday, September 11, 2014 <b>6:00 p.m.*</b> City Hall Council Chambers 250 East L Street, Benicia <i>*Please note the special meeting time</i>
Project Name & Application	Starlight Preschool Use Permit 14PLN-00045
Project Location & APN	835 East Second Street APN: 0089-052-100
Project Description	The applicant requests two use permits: 1) to establish a preschool for up to 15 children ages 2.9-6 years old and 2) reduction in the on-street parking requirement. The proposed hours of operation for the school are Monday - Friday 8:00 a.m. to 5:00 p.m. The outdoor play area will occupy the existing driveway/courtyard on the north side of the building. As part of this project, staff is also requesting that the Planning Commission make a formal determination on how the parking requirement is determined and what the parking requirement is for uses greater than 3,000 square feet in floor area in the Neighborhood General zoning district).
California Environmental Quality Act (CEQA)	The proposed project is Categorically Exempt per CEQA Section 15301 where the project involves limited alterations involving such things as interior partitions and plumbing and involves negligible expansion of the existing use. The subject parcel is developed with a mixed of commercial and residential uses. The proposed preschool is considered to be a continuation of the previously established commercial uses on the property.
Staff Contact	Amy Million, 707-746-4372, amillion@ci.benicia.ca.us

The application materials and files are available for public review in the Community Development Department and on the City's website ([www.ci.benicia.ca.us](http://www.ci.benicia.ca.us)). 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.

**SIDE B:**

**City of Benicia**  
Community Development Department  
250 East L Street  
Benicia, CA 94510



**Project Site**

You are receiving this notice because you are a property owner within 500 feet of the project below.





**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 2, 2014**  
**BUSINESS ITEMS**

**DATE** : November 25, 2014

**TO** : City Council

**FROM** : City Clerk

**SUBJECT** : **APPROVING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 4, 2014**

**RECOMMENDATION:**

Adopt the resolution approving the results of the General Municipal Election held November 4, 2014.

**EXECUTIVE SUMMARY:**

This is a procedural item certifying the election results, number of votes cast by precinct, and the percentage of voter turnout. Certification of these results by the Registrar of Voters was completed on November 24, 2014, and is scheduled to be approved by the Solano County Board of Supervisors on November 25, 2014.

**BUDGET INFORMATION:**

There is no immediate budget impact.

Attachments:

- Proposed Resolution
- Election Certification & Official Results – Summary

**RESOLUTION NO. 14-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 4, 2014**

**WHEREAS**, on November 4, 2014, a General Municipal Election was held to elect one two Council Members, Measure B, and Measure C; and

**WHEREAS**, notice of the election was given in the time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in the time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BENICIA** that the results of the **GENERAL MUNICIPAL ELECTION** held in the City of Benicia on November 4, 2014 to two Council Members, Measure B, and Measure C:

**TOTAL BALLOTS CAST AT PRECINCTS** **3064**

<b>ABSENTEE/PROVISIONAL BALLOTS</b>	<b>6369</b>
<b>TOTAL BALLOTS CAST</b>	<b>9433</b>
<b>TOTAL REGISTERED VOTERS</b>	<b>17,352</b>
<b>PERCENT TURNOUT</b>	<b>54.36%</b>

**City Council**

<b>Candidate's Name</b>	<b>Mark Hughes</b>	<b>Alan Schwartzman</b>
<b>Office sought</b>	<b>City Council</b>	<b>City Council</b>
<b>Votes per precinct #:</b>		
21005	689	667
21007	761	704
21020	498	516
21035	586	547
21090	394	407
21095	712	691
21115	722	705
21125	721	683
21130	709	687
<b>Total Number of Votes:</b>	<b>5792</b>	<b>5607</b>

**Measure B – Shall the City Treasurer be Appointive?**

Measure B	Yes Votes	No Votes
<b>Votes per precinct #:</b>		
21005	521	580
21007	557	591
21020	332	426
21035	441	461
21090	313	287
21095	451	595
21115	515	585
21125	502	577
21130	505	531
<b>Total Number of Votes:</b>	<b>4137</b>	<b>4633</b>

**Measure C – Quality of Life Measure**

Measure C	Yes Votes	No Votes
<b>Votes per precinct #:</b>		
21005	752	414
21007	757	447
21020	519	293
21035	588	359
21090	444	185
21095	692	416
21115	741	419
21125	682	444
21130	652	430
<b>Total Number of Votes:</b>	<b>5827</b>	<b>3407</b>

**BE IT FURTHER RESOLVED** that Mark Hughes and Alan Schwartzman are declared as Council Members, Measure B confirmed the City Treasurer would remain an elected position, and Measure C passed, and that the results of the General Municipal Election are declared final.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 2<sup>nd</sup> day of December, 2014 and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

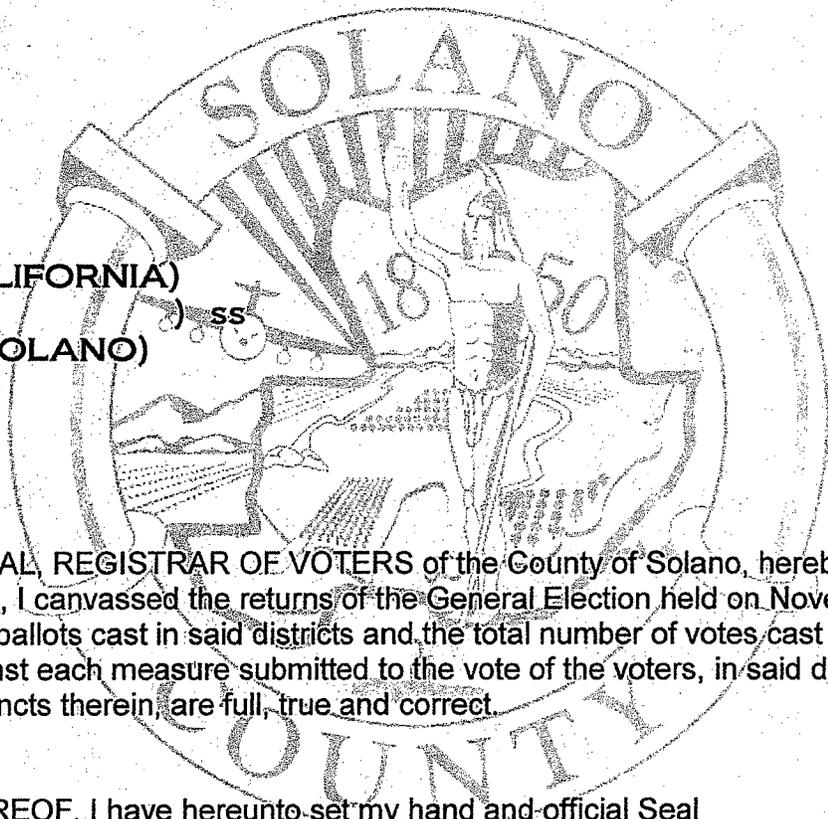
\_\_\_\_\_  
Lisa Wolfe, City Clerk

\_\_\_\_\_  
Date

**CERTIFIED STATEMENT OF ELECTION  
RESULTS**

**STATEWIDE GENERAL ELECTION**

**NOVEMBER 4, 2014**



STATE OF CALIFORNIA)

COUNTY OF SOLANO)

) ss

I, IRA J. ROSENTHAL, REGISTRAR OF VOTERS of the County of Solano, hereby certify that on November 24, 2014, I canvassed the returns of the General Election held on November 4, 2014 and the total number of ballots cast in said districts and the total number of votes cast for each candidate and/or for and against each measure submitted to the vote of the voters, in said districts and each of the respective precincts therein, are full, true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and official Seal  
this 24<sup>th</sup> day of November, 2014.

  
IRA J. ROSENTHAL, REGISTRAR OF VOTERS

				Governor				Lieutenant Governor			
	R V	T P	E G B	D . R	M O N K			R N	G N		
	E O	U E	D . R	M O	N K			O E	G N		
	G T	R R	U " W	E A				N H	A E		
	I E	B C	N C	N J N	E S			R	V W	O V	U V
	S R	A A	O E	D E	L H	O V	U V	I	I S	V O	N O
	T S	L S	U N	R	K	V O	N O	N	N O	E T	D T
	E	L T	T T	R	A	E T	D T	G	M	R E	E E
	R	O	A	Y	R	R E	E E	(NON)	(NON)	S	R S
	E	T	G	"	I	S	R S				
179 PRECINCTS	D	S	E	(NON)	(NON)						
COUNTY TOTAL	200740	91319	45.49	57874	31754	25	1666	34578	54497	20	2224
VOTING PRECINCTS	200740	91319	45.49	57874	31754	25	1666	34578	54497	20	2224
CONGRESSIONAL 3	127285	59372	46.64	33981	24288	18	1085	26280	31629	14	1449
CONGRESSIONAL 5	73455	31947	43.49	23893	7466	7	581	8298	22868	6	775
CONGRESSIONAL TOTAL	200740	91319	45.49	57874	31754	25	1666	34578	54497	20	2224
STATE SENATE 3	200740	91319	45.49	57874	31754	25	1666	34578	54497	20	2224
STATE SENATE TOTAL	200740	91319	45.49	57874	31754	25	1666	34578	54497	20	2224
STATE ASSEMBLY 4	16087	8270	51.41	3813	4325	2	130	4615	3459	4	192
STATE ASSEMBLY 11	111191	51098	45.96	30164	19963	16	955	21665	28166	10	1257
STATE ASSEMBLY 14	73462	31951	43.49	23897	7466	7	581	8298	22872	6	775
STATE ASSEMBLY TOTAL	200740	91319	45.49	57874	31754	25	1666	34578	54497	20	2224
BD OF EQUALIZATION 2	200740	91319	45.49	57874	31754	25	1666	34578	54497	20	2224
SUPERVISORIAL 1	38752	15501	40.00	12170	3041	3	287	3447	11690	3	361
SUPERVISORIAL 2	45005	20858	46.35	14417	6068	5	368	6675	13680	3	500
SUPERVISORIAL 3	36423	15645	42.95	9930	5428	7	280	5907	9370	3	365
SUPERVISORIAL 4	37827	18625	49.24	9701	8602	6	316	9313	8829	9	474
SUPERVISORIAL 5	42733	20690	48.42	11656	8615	4	415	9236	10928	2	524
SUPERVISORIAL TOTAL	200740	91319	45.49	57874	31754	25	1666	34578	54497	20	2224
CITY OF BENICIA	17352	9433	54.36	6372	2882	1	178	3197	5975	1	260
CITY OF DIXON	8805	4180	47.47	2146	1974	1	59	2149	1922	3	106
CITY OF FAIRFIELD	47248	20402	43.18	12895	7155	6	346	7867	12055	3	477
CITY OF RIO VISTA	5204	3480	66.87	1788	1595	1	96	1507	1874	2	97
CITY OF SUISUN	13223	5122	38.74	3467	1549	3	103	1664	3351	0	107
CITY OF VACAVILLE	43600	21114	48.43	11577	9139	6	392	10054	10504	5	551
CITY OF VALLEJO	56073	22494	40.12	17512	4573	6	403	5090	16884	5	515
CITY TOTAL	191505	86225	45.02	55757	28867	24	1577	31528	52565	19	2113
UNINCORPORATED AREA	9235	5094	55.16	2117	2887	1	89	3050	1932	1	111

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	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL	PROVISIONAL
PRECINCTS COUNTED (OF 179) . . . . .	179	100.00			
REGISTERED VOTERS - TOTAL . . . . .	200,740				
BALLOTS CAST - TOTAL . . . . .	91,319		26,318	61,381	3,620
VOTER TURNOUT - TOTAL . . . . .		45.49			
<b>Governor</b>					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
EDMUND G. "JERRY" BROWN. . . . .	57,874	64.57	16,486	38,956	2,432
NEEL KASHKARI . . . . .	31,754	35.43	9,336	21,337	1,081
Over Votes . . . . .	25		15	10	0
Under Votes . . . . .	1,666		481	1,078	107
<b>Lieutenant Governor</b>					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
GAVIN NEWSOM . . . . .	54,497	61.18	15,593	36,610	2,294
RON NEHRING. . . . .	34,578	38.82	10,085	23,312	1,181
Over Votes . . . . .	20		9	9	2
Under Votes . . . . .	2,224		631	1,450	143
<b>Secretary Of State</b>					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
ALEX PADILLA . . . . .	50,195	57.56	14,595	33,436	2,164
PETE PETERSON . . . . .	37,016	42.44	10,730	25,040	1,246
Over Votes . . . . .	15		9	6	0
Under Votes . . . . .	4,093		984	2,899	210
<b>Controller</b>					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
BETTY T. YEE . . . . .	51,733	59.38	14,892	34,685	2,156
ASHLEY SWEARENGIN. . . . .	35,393	40.62	10,327	23,839	1,227
Over Votes . . . . .	11		6	4	1
Under Votes . . . . .	4,182		1,093	2,853	236
<b>Treasurer</b>					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
JOHN CHIANG. . . . .	54,685	62.52	15,660	36,792	2,233
GREG CONLON. . . . .	32,790	37.48	9,627	22,008	1,155
Over Votes . . . . .	11		7	4	0
Under Votes . . . . .	3,833		1,024	2,577	232
<b>Attorney General</b>					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
KAMALA D. HARRIS . . . . .	52,596	59.84	15,049	35,337	2,210
RONALD GOLD. . . . .	35,298	40.16	10,314	23,778	1,206
Over Votes . . . . .	10		4	5	1
Under Votes . . . . .	3,415		951	2,261	203

	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL	PROVISIONAL
Insurance Commissioner					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
DAVE JONES . . . . .	52,882	60.86	15,181	35,530	2,171
TED GAINES . . . . .	34,005	39.14	9,933	22,892	1,180
Over Votes . . . . .	6		3	3	0
Under Votes . . . . .	4,426		1,201	2,956	269

Member, State Board Of Equalization 2nd District					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
FIONA MA. . . . .	51,770	60.56	14,755	34,890	2,125
JAMES E. THEIS. . . . .	33,720	39.44	10,013	22,509	1,198
Over Votes . . . . .	14		8	5	1
Under Votes . . . . .	5,815		1,542	3,977	296

United States Representative 3rd Congressional District					
Vote for 1					
(WITH 130 OF 130 PRECINCTS COUNTED)					
JOHN GARAMENDI. . . . .	31,791	54.97	8,939	21,594	1,258
DAN LOGUE . . . . .	26,039	45.03	7,479	17,732	828
Over Votes . . . . .	11		4	6	1
Under Votes . . . . .	1,531		405	1,005	121

United States Representative 5th Congressional District					
Vote for 1					
(WITH 49 OF 49 PRECINCTS COUNTED)					
MIKE THOMPSON . . . . .	23,916	79.74	7,014	15,856	1,046
JAMES HINTON . . . . .	6,076	20.26	1,925	3,890	261
Over Votes . . . . .	3		1	2	0
Under Votes . . . . .	1,952		551	1,296	105

Member Of State Assembly 4th Assembly District					
Vote for 1					
(WITH 29 OF 29 PRECINCTS COUNTED)					
CHARLIE SCHAUPP . . . . .	4,657	59.30	1,213	3,329	115
BILL DODD . . . . .	3,196	40.70	850	2,271	75
Over Votes . . . . .	1		1	0	0
Under Votes . . . . .	416		104	254	58

Member Of State Assembly 11th Assembly District					
Vote for 1					
(WITH 100 OF 100 PRECINCTS COUNTED)					
JIM FRAZIER. . . . .	28,478	58.44	8,111	19,226	1,141
ALEX HENTHORN . . . . .	20,255	41.56	5,963	13,619	673
Over Votes . . . . .	5		3	2	0
Under Votes . . . . .	2,360		582	1,632	146

	TOTAL VOTES	%	ELECTION DAY	VOTE BY MAIL	PROVISIONAL
Member Of State Assembly 14th Assembly District					
Vote for 1					
(WITH 50 OF 50 PRECINCTS COUNTED)					
SUSAN A. BONILLA . . . . .	21,953	73.29	6,540	14,404	1,009
JOY D. DELEPINE . . . . .	7,999	26.71	2,418	5,280	301
Over Votes . . . . .	3		1	2	0
Under Votes . . . . .	1,996		532	1,362	102

For Associate Justice of the Supreme Court Goodwin Liu					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
YES . . . . .	47,113	67.13	13,362	31,930	1,821
NO. . . . .	23,073	32.87	7,145	14,976	952
Over Votes . . . . .	36		11	25	0
Under Votes . . . . .	21,097		5,800	14,450	847

For Associate Justice of the Supreme Court					
Mariano-Florentino Cuellar					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
YES . . . . .	47,849	68.17	13,540	32,420	1,889
NO. . . . .	22,340	31.83	6,938	14,512	890
Over Votes . . . . .	35		12	23	0
Under Votes . . . . .	21,095		5,828	14,426	841

For Associate Justice of the Supreme Court					
Kathryn Mickle Werdegarr					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
YES . . . . .	50,303	72.08	14,233	34,153	1,917
NO. . . . .	19,484	27.92	6,064	12,578	842
Over Votes . . . . .	27		13	14	0
Under Votes . . . . .	21,505		6,008	14,636	861

For Presiding Justice, Court of Appeal, 1st Dist.					
Division One - Jim Humes					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
YES . . . . .	46,035	67.97	12,921	31,390	1,724
NO. . . . .	21,694	32.03	6,853	13,891	950
Over Votes . . . . .	49		18	29	2
Under Votes . . . . .	23,541		6,526	16,071	944

For Associate Justice, Court of Appeal, 1st Dist.					
Division One - Kathleen M. Banke					
Vote for 1					
(WITH 179 OF 179 PRECINCTS COUNTED)					
YES . . . . .	50,169	74.03	14,309	33,926	1,934
NO. . . . .	17,600	25.97	5,461	11,369	770
Over Votes . . . . .	30		12	18	0
Under Votes . . . . .	23,520		6,536	16,068	916

TOTAL VOTES    %    ELECTION DAY    VOTE BY MAIL    PROVISIONAL

For Presiding Justice, Court of Appeal, 1st Dist.

Division Two - J. Anthony Kline

Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

YES . . . . .	45,566	67.86	12,785	31,073	1,708
NO. . . . .	21,579	32.14	6,824	13,815	940
Over Votes . . . . .	35		14	17	4
Under Votes . . . . .	24,139		6,695	16,476	968

For Associate Justice, Court of Appeal, 1st Dist.

Division Two - Therese M. Stewart

Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

YES . . . . .	46,834	69.53	13,249	31,741	1,844
NO. . . . .	20,525	30.47	6,424	13,272	829
Over Votes . . . . .	37		15	22	0
Under Votes . . . . .	23,923		6,630	16,346	947

For Associate Justice, Court of Appeal, 1st Dist.

Division Three - Stuart R. Pollak

Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

YES . . . . .	44,526	66.65	12,346	30,538	1,642
NO. . . . .	22,279	33.35	7,124	14,156	999
Over Votes . . . . .	42		17	25	0
Under Votes . . . . .	24,472		6,831	16,662	979

For Associate Justice, Court of Appeal, 1st Dist.

Division 3 - Martin J. Jenkins

Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

YES . . . . .	49,184	73.43	13,905	33,482	1,797
NO. . . . .	17,797	26.57	5,600	11,366	831
Over Votes . . . . .	51		23	27	1
Under Votes . . . . .	24,287		6,790	16,506	991

For Presiding Justice, Court of Appeal, 1st Dist.

Division 4 - Ignazio John Ruvo

Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

YES . . . . .	46,478	69.11	13,212	31,528	1,738
NO. . . . .	20,772	30.89	6,384	13,479	909
Over Votes . . . . .	20		4	16	0
Under Votes . . . . .	24,049		6,718	16,358	973

For Associate Justice, Court of Appeal, 1st Dist.

Division Five - Mark B. Simons

Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

YES . . . . .	48,469	73.30	13,630	33,055	1,784
NO. . . . .	17,654	26.70	5,685	11,146	823
Over Votes . . . . .	76		35	36	5
Under Votes . . . . .	25,120		6,968	17,144	1,008

TOTAL VOTES % ELECTION DAY VOTE BY MAIL PROVISIONAL

For Associate Justice, Court of Appeal, 1st Dist.  
 Division Five - Terence L. Bruiniers  
 Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

YES . . . . .	46,048	70.35	12,979	31,395	1,674
NO. . . . .	19,408	29.65	6,148	12,395	865
Over Votes . . . . .	16		4	12	0
Under Votes . . . . .	25,847		7,187	17,579	1,081

Superintendent Of Public Instruction  
 Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

TOM TORLAKSON . . . . .	45,070	57.44	12,337	31,125	1,608
MARSHALL TUCK . . . . .	32,713	41.69	10,407	20,952	1,354
WRITE-IN. . . . .	681	.87	261	383	37
Over Votes . . . . .	36		10	24	2
Under Votes . . . . .	12,819		3,303	8,897	619

Solano Community College  
 Vote for 1

(WITH 18 OF 18 PRECINCTS COUNTED)

PAM KEITH . . . . .	5,106	62.21	1,436	3,436	234
JOE RAMOS . . . . .	3,059	37.27	989	1,877	193
WRITE-IN. . . . .	43	.52	16	25	2
Over Votes . . . . .	4		0	4	0
Under Votes . . . . .	1,582		447	978	157

San Joaquin Delta Community College  
 Member, Governing Board, Trustee Area No. 4  
 Vote for 1

(WITH 5 OF 5 PRECINCTS COUNTED)

TAJ KHAN. . . . .	1,333	51.89	286	1,027	20
RICHARD VASQUEZ . . . . .	1,215	47.29	298	877	40
WRITE-IN. . . . .	21	.82	7	11	3
Over Votes . . . . .	2		1	1	0
Under Votes . . . . .	967		229	716	22

San Joaquin Delta Community College  
 Member, Governing Board, Trustee Area No. 7  
 Vote for 1

(WITH 5 OF 5 PRECINCTS COUNTED)

CATHERINE MATHIS . . . . .	1,574	60.47	344	1,195	35
WILLIE ANDERSON . . . . .	1,017	39.07	252	741	24
WRITE-IN. . . . .	12	.46	4	5	3
Over Votes . . . . .	2		1	1	0
Under Votes . . . . .	933		220	690	23

TOTAL VOTES    %    ELECTION DAY    VOTE BY MAIL    PROVISIONAL

Benicia Unified School District Member, Governing Board  
 Vote for 3

(WITH 11 OF 11 PRECINCTS COUNTED)

ROSIE SWITZER . . . . .	5,450	27.84	1,700	3,614	136
DIANE B. FERRUCCI . . . . .	5,411	27.64	1,718	3,535	158
PETER J. MORGAN III . . . . .	4,382	22.38	1,334	2,951	97
STEVE MESSINA . . . . .	4,175	21.32	1,282	2,790	103
WRITE-IN. . . . .	160	.82	72	85	3
Over Votes . . . . .	9		6	3	0
Under Votes . . . . .	8,784		3,080	5,304	400

Davis Joint Unified School District  
 Member, Governing Board, Full Term - Four Year Term  
 Vote for 3

(WITH 1 OF 1 PRECINCTS COUNTED)

MADHAVI SUNDER. . . . .	13	28.26	0	13	0
BARBARA ARCHER. . . . .	11	23.91	0	11	0
BOB POPPENG . . . . .	10	21.74	0	10	0
JOSE J. GRANDA. . . . .	4	8.70	0	4	0
MICHAEL NOLAN . . . . .	3	6.52	0	3	0
THOMAS ADAMS . . . . .	3	6.52	0	3	0
CHUCK RAIRDAN . . . . .	1	2.17	0	1	0
WRITE-IN. . . . .	1	2.17	0	1	0
Over Votes . . . . .	0		0	0	0
Under Votes . . . . .	23		0	23	0

Fairfield-Suisun Unified School District  
 Member, Governing Board, Trustee Area No. 4  
 Vote for 1

(WITH 4 OF 4 PRECINCTS COUNTED)

CHRIS L. WILSON . . . . .	1,064	66.17	308	705	51
ROBERT LUCKY . . . . .	525	32.65	161	350	14
WRITE-IN. . . . .	19	1.18	12	7	0
Over Votes . . . . .	0		0	0	0
Under Votes . . . . .	369		100	230	39

Vacaville Unified School District  
 Member, Governing Board, Full Term - 4 Year Term  
 Vote for 3

(WITH 39 OF 39 PRECINCTS COUNTED)

WHIT WHITMAN . . . . .	7,238	16.38	2,044	5,015	179
JEREMY JEFFREYS . . . . .	6,838	15.48	1,990	4,606	242
MICHELE "SHELLEY" DALLY. . . . .	6,712	15.19	1,841	4,684	187
TRACEE STACY . . . . .	6,067	13.73	1,784	4,061	222
DAVID MC CALLUM . . . . .	5,717	12.94	1,632	3,942	143
DELORIS ROACH . . . . .	5,709	12.92	1,704	3,830	175
JUDI RUGGIERO . . . . .	5,704	12.91	1,636	3,848	220
WRITE-IN. . . . .	195	.44	70	122	3
Over Votes . . . . .	555		108	432	15
Under Votes . . . . .	15,799		4,780	10,149	870

TOTAL VOTES    %    ELECTION DAY    VOTE BY MAIL    PROVISIONAL

Vacaville Unified School District  
 Member, Governing Board, Short Term - 2 Year Term  
 Vote for 1

(WITH 39 OF 39 PRECINCTS COUNTED)

SHAWN WINDHAM . . . . .	10,377	61.29	3,159	6,834	384
CHRIS FLASK. . . . .	6,479	38.27	1,796	4,510	173
WRITE-IN. . . . .	74	.44	26	44	4
Over Votes . . . . .	10		4	6	0
Under Votes . . . . .	3,238		878	2,169	191

Vallejo City Unified School District  
 Member, Governing Board  
 Vote for 3

(WITH 39 OF 39 PRECINCTS COUNTED)

TONY UBALDE. . . . .	8,132	15.79	2,248	5,480	404
RICHARD PORTER. . . . .	7,534	14.63	2,147	5,008	379
BURKY H. WOREL. . . . .	6,934	13.47	1,853	4,874	207
RUSCAL CAYANGYANG. . . . .	6,536	12.69	1,733	4,559	244
HAZEL A. WILSON . . . . .	6,534	12.69	1,953	4,254	327
BRISBAIN R. PUCAN. . . . .	5,632	10.94	1,609	3,829	194
SHELEE LOUGHMILLER . . . . .	5,317	10.33	1,492	3,642	183
JOHN LEWIS . . . . .	4,637	9.01	1,230	3,209	198
WRITE-IN. . . . .	229	.44	80	139	10
Over Votes . . . . .	168		42	114	12
Under Votes . . . . .	15,829		4,894	9,754	1,181

Supervisor 3rd Supervisorial District  
 Vote for 1

(WITH 29 OF 29 PRECINCTS COUNTED)

JIM SPERING. . . . .	8,530	57.72	2,381	5,935	214
PAM BERTANI. . . . .	6,160	41.69	1,917	3,927	316
WRITE-IN. . . . .	87	.59	28	58	1
Over Votes . . . . .	9		6	2	1
Under Votes . . . . .	859		189	566	104

City of Benicia Member, City Council  
 Vote for 2

(WITH 9 OF 9 PRECINCTS COUNTED)

MARK C. HUGHES. . . . .	5,792	49.65	1,796	3,842	154
ALAN M. SCHWARTZMAN . . . . .	5,607	48.06	1,760	3,702	145
WRITE-IN. . . . .	267	2.29	103	159	5
Over Votes . . . . .	10		4	6	0
Under Votes . . . . .	7,190		2,465	4,431	294

TOTAL VOTES    %    ELECTION DAY    VOTE BY MAIL    PROVISIONAL

City of Dixon Member, City Council

Vote for 2

(WITH 7 OF 7 PRECINCTS COUNTED)

SCOTT PEDERSON. . . . .	1,634	22.33	523	1,065	46
TED HICKMAN. . . . .	1,432	19.57	411	991	30
MICHAEL J. CEREMELLO, JR. . . . .	1,372	18.75	377	973	22
DEVON MINNEMA . . . . .	1,053	14.39	330	692	31
THOM BOGUE . . . . .	1,007	13.76	324	655	28
DANE A. BESNEATTE. . . . .	788	10.77	266	496	26
WRITE-IN. . . . .	33	.45	11	22	0
Over Votes . . . . .	18		10	8	0
Under Votes . . . . .	1,023		352	602	69

City of Fairfield Mayor

Vote for 1

(WITH 34 OF 34 PRECINCTS COUNTED)

HARRY T. PRICE. . . . .	15,693	94.97	4,468	10,620	605
WRITE-IN. . . . .	831	5.03	248	557	26
Over Votes . . . . .	3		3	0	0
Under Votes . . . . .	3,875		1,075	2,594	206

City of Fairfield Member, City Council

Vote for 2

(WITH 34 OF 34 PRECINCTS COUNTED)

CATHERINE "CAT" MOY . . . . .	6,628	18.60	1,774	4,631	223
CHUCK TIMM . . . . .	5,425	15.23	1,467	3,799	159
JOHN MRAZ . . . . .	5,070	14.23	1,238	3,718	114
JOSEPH "JOE" MARTINEZ . . . . .	3,890	10.92	1,177	2,525	188
PERRY W. POLK . . . . .	3,614	10.14	999	2,495	120
SCOTT TONNESEN. . . . .	3,039	8.53	845	2,101	93
RANDY BLANKENCHIP. . . . .	2,293	6.44	723	1,482	88
BEN AFISIVALU . . . . .	1,652	4.64	581	957	114
SCOTT MULVEY . . . . .	1,400	3.93	438	888	74
THOMAS L. BAILEY . . . . .	1,274	3.58	388	824	62
BRIAN C. THIEMER . . . . .	1,224	3.44	373	824	27
WRITE-IN. . . . .	120	.34	35	77	8
Over Votes . . . . .	270		100	152	18
Under Votes . . . . .	4,905		1,450	3,069	386

City of Suisun City Mayor

Vote for 1

(WITH 8 OF 8 PRECINCTS COUNTED)

PETE SANCHEZ . . . . .	4,049	93.90	1,279	2,614	156
WRITE-IN. . . . .	263	6.10	97	158	8
Over Votes . . . . .	1		0	1	0
Under Votes . . . . .	809		252	504	53

TOTAL VOTES    %    ELECTION DAY    VOTE BY MAIL    PROVISIONAL

City of Suisun City Member, City Council  
 Vote for 2

(WITH 8 OF 8 PRECINCTS COUNTED)

JANE DAY. . . . .	2,069	23.85	667	1,340	62
MIKE HUDSON. . . . .	2,004	23.10	642	1,297	65
JAN DAVENPORT . . . . .	1,744	20.10	539	1,142	63
AMIT PAL. . . . .	1,551	17.88	528	973	50
ALICIA HAWKINS. . . . .	634	7.31	182	425	27
SEAN STRICKLAND . . . . .	541	6.24	173	346	22
NABIL K. LOTHAE . . . . .	81	.93	27	49	5
WRITE-IN. . . . .	51	.59	20	28	3
Over Votes . . . . .	76		24	50	2
Under Votes . . . . .	1,493		454	904	135

City of Vacaville Mayor  
 Vote for 1

(WITH 34 OF 34 PRECINCTS COUNTED)

LEN AUGUSTINE . . . . .	10,476	52.79	3,147	6,988	341
RON ROWLETT. . . . .	7,986	40.24	2,285	5,409	292
RODNEY LEON HARRISON II. . . . .	1,298	6.54	434	794	70
WRITE-IN. . . . .	86	.43	36	49	1
Over Votes . . . . .	10		1	9	0
Under Votes . . . . .	1,258		339	823	96

City of Vacaville Member, City Council  
 Vote for 2

(WITH 34 OF 34 PRECINCTS COUNTED)

MITCH MASHBURN. . . . .	10,289	34.85	2,910	7,070	309
CURTIS HUNT. . . . .	9,604	32.53	2,686	6,657	261
CARA FOX. . . . .	9,430	31.94	2,838	6,245	347
WRITE-IN. . . . .	200	.68	73	120	7
Over Votes . . . . .	26		4	20	2
Under Votes . . . . .	12,679		3,973	8,032	674

Proposition 1  
 Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

YES . . . . .	56,551	64.69	15,801	38,542	2,208
NO. . . . .	30,872	35.31	9,549	20,105	1,218
Over Votes . . . . .	29		16	12	1
Under Votes . . . . .	3,867		952	2,722	193

Proposition 2  
 Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

YES . . . . .	57,968	67.28	16,035	39,807	2,126
NO. . . . .	28,185	32.72	8,897	18,078	1,210
Over Votes . . . . .	21		12	6	3
Under Votes . . . . .	5,145		1,374	3,490	281

TOTAL VOTES    %    ELECTION DAY    VOTE BY MAIL    PROVISIONAL

Proposition 45

Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

NO. . . . .	53,144	60.63	15,640	35,686	1,818
YES . . . . .	34,512	39.37	9,679	23,212	1,621
Over Votes . . . . .	37		15	21	1
Under Votes . . . . .	3,626		984	2,462	180

Proposition 46

Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

NO. . . . .	55,303	62.61	16,112	37,536	1,655
YES . . . . .	33,031	37.39	9,383	21,834	1,814
Over Votes . . . . .	39		22	15	2
Under Votes . . . . .	2,946		801	1,996	149

Proposition 47

Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

YES . . . . .	52,480	59.75	15,051	35,128	2,301
NO. . . . .	35,351	40.25	10,416	23,759	1,176
Over Votes . . . . .	24		13	7	4
Under Votes . . . . .	3,464		838	2,487	139

Proposition 48

Vote for 1

(WITH 179 OF 179 PRECINCTS COUNTED)

NO. . . . .	52,164	60.46	16,197	33,944	2,023
YES . . . . .	34,114	39.54	8,737	24,032	1,345
Over Votes . . . . .	20		10	9	1
Under Votes . . . . .	5,021		1,374	3,396	251

Vacaville Unified School District Measure A

Vote for 1

(WITH 39 OF 39 PRECINCTS COUNTED)

BONDS - YES. . . . .	12,095	61.95	3,554	8,041	500
BONDS - NO . . . . .	7,429	38.05	2,173	5,072	184
Over Votes . . . . .	1		1	0	0
Under Votes . . . . .	653		135	450	68

City of Benicia Measure B

Vote for 1

(WITH 9 OF 9 PRECINCTS COUNTED)

NO. . . . .	4,633	52.83	1,606	2,892	135
YES . . . . .	4,137	47.17	1,218	2,792	127
Over Votes . . . . .	8		8	0	0
Under Votes . . . . .	655		232	386	37

TOTAL VOTES    %    ELECTION DAY    VOTE BY MAIL    PROVISIONAL

City of Benicia Measure C

Vote for 1

(WITH 9 OF 9 PRECINCTS COUNTED)

YES . . . . .	5,827	63.10	1,829	3,815	183
NO. . . . .	3,407	36.90	1,172	2,138	97
Over Votes . . . . .	1		1	0	0
Under Votes . . . . .	198		62	117	19

Vallejo City Unified School District Measure E

Vote for 1

(WITH 39 OF 39 PRECINCTS COUNTED)

BONDS - YES. . . . .	13,392	61.50	3,870	8,718	804
BONDS - NO . . . . .	8,384	38.50	2,356	5,777	251
Over Votes . . . . .	5		2	3	0
Under Votes . . . . .	713		199	456	58

