



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

**Thursday, December 9, 2010
7:00 p.m.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Don Dean, Rick Ernst, Rod Sherry, Lee Syracuse, and Chair Dan Healy

Absent: Commissioners Bortolazzo and Brad Thomas

Staff Present: Lisa Porras, Senior Planner
Doug Vu, Associate Planner
Melissa Morton, Land Use and Engineering Manager
Heather McLaughlin, City Attorney
Kathy Trinique, Administrative Secretary

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

II. ADOPTION OF AGENDA

On motion of Commissioner Syracuse, seconded by Commissioner Ernst, the agenda was adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Sherry, Syracuse and Chair Healy

Noes: None

Absent: Commissioners Bortolazzo and Thomas

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

Dana Dean of 835 First Street, congratulated Chair Healy on his election to District Court Judge and thanked him for his years of service and contribution to the community.

Kimball Goodman, resident, congratulated Chair Healy on his new election to District Court Judge and thanked him for his years of service on the Planning Commission.

IV. PRESENTATION

A. PROCLAMATION OF COMMENDATION FOR DAN HEALY

Lisa Porras, Senior Planner, read and presented the proclamation to Chair Dan Healy for his service on the Planning Commission and most recently as Planning Commission Chair.

Chair Healy thanked his former and current Planning Commissioners and staff for their professionalism and hard work and Benicia residents for their involvement in this community.

V. CONSENT CALENDAR

A. Approval of Amended Minutes of September 8, 2010

B. Approval of Minutes of October 14, 2010

On motion of Commissioner Dean, seconded by Commissioner Ernst, the Consent Calendar was adopted by the following vote:

- Ayes: Commissioners Dean, Ernst, (on Item V.A.) Sherry, Syracuse and Chair Healy
- Noes: None
- Absent: Commissioners Bortolazzo and Thomas
- Abstain: (on Item V.B. only) Commissioner Sherry

VI. REGULAR AGENDA ITEMS

A. REVIEW OF PROPOSED ZONING TEXT AMENDMENT TO MODIFY REGULATIONS THAT ALLOW LARGE FAMILY DAYCARES IN THE SINGLE FAMILY RESIDENTIAL (RS) ZONING DISTRICT AND REPLACE EXISTING DAY CARE USE CLASSIFICATIONS WITH DEFINITIONS CONSISTENT WITH THE CALIFORNIA HEALTH AND SAFETY CODE

PROPOSAL:

Staff requested that Planning Commission recommend approval of a zoning text amendment to various sections in Title 17 to allow large family day care homes within the Single Family Residential zoning district without a minimum parcel size requirement and replace two existing day care use classifications with three separate use classifications and definitions that are consistent with the California Healthy and Safety Code.

Recommendation:

Adopt a resolution recommending the City Council adopt an ordinance to amend various sections in Title 17 (Zoning Ordinance) to allow large family day care homes within the Single Family Residential zoning district without a minimum parcel size requirement

and replace existing day care use classification with definitions consistent with the California Health and Safety Code, based on the findings set forth in the attached resolution.

Doug Vu, Associate Planner, gave a brief review of his staff report on the proposed ordinance amendment.

Questions from Commissioner Dean included duplicate paragraphs on page 2 of the draft ordinance; whether childcare facilities were allowed in the industrial park and why childcare facilities are allowed in industrial zones and not in commercial. He stated that he would like to see daycare facilities allowed in more areas and asked for consistency with existing State and Health codes.

Questions from Commissioner Ernst included why the State code does not specifically reference lot size requirements for daycare; concern about owners of a smaller residence and smaller lots wanting to provide daycare for a large number of children resulting in noise issues with neighbors.

Commissioner Sherry supports large daycare use in Commercial zones. He asked if the ordinance amendment would change from a use permit process to Community Development Director approval. Mr. Vu responded that within the Commercial zoning districts, the Community Development Department could approve the Use Permit. However, large day cares within the Industrial districts would require a Planning Commission Use Permit.

Chair Healy asked how many requests staff has had for large family daycare use in a single family residential zone.

Mr. Vu responded that we have had several applications and they have been waiting for the ordinance amendment to be approved. Regarding concern expressed about noise and traffic impacts to the neighborhood, the staff level Use Permit process will allow staff discretion to notify and work with affected neighbors.

Commissioner Dean asked if the Zoning Administrator's decisions are appealable. Mr. Vu responded that yes, they are.

Opened for public comment.

Gerry Raycraft with the Children's Network, 2320 Courage Drive, Fairfield, spoke in favor of the ordinance amendment and in support of more inclusive language in the code. He commended staff for their work to bring the City's ordinance into compliance with the State law. He stated that there is a difference between a large family daycare (14 children) and a daycare center.

Public comment closed (no further comments).

Commissioner Dean made a motion to forward the resolution and the ordinance amendments to the City Council for their action. Commissioner Syracuse seconded the motion.

Commission discussed recommending allowing daycare use in Commercial Districts.

Heather McLaughlin, City Attorney, advised the Commission that daycare is already permitted in Commercial Districts with the exception of Commercial General District.

Lisa Porras, Senior Planner, provided examples of Commercial General District as retail shopping centers (Southampton, Solano Square, etc.)

Commission Dean asked about the process to add this use in the 2 other districts.

Mr. Vu stated that staff will do some research on that question and if no discrepancies are found it may be included in the resolution. If not, staff can return to the Planning Commission with a recommendation.

Gerry Raycroft commented that a family day care is not a daycare center. Residential use doesn't usually exist in a Commercial zone, so this should not be an issue.

The Commission continued their discussion of family daycare being allowed in a mixed-use zone.

Commissioner Dean stated that he is keeping his motion as originally stated and asked staff to make sure that family daycare is allowed and that the City Council adopt a ordinance as broadly as possible to maximize daycare facilities in Benicia.

On motion of Commissioner Dean, seconded by Commissioner Ernst, the Planning Commission approved the resolution recommending the City Council to adopt an ordinance to amend various sections in Title 17 (Zoning Ordinance) to allow large family day care homes within the Single Family Residential Zoning District by the following vote:

Ayes:	Commissioners Dean, Ernst, Sherry, Syracuse and Chair Healy
Noes:	None
Absent:	Commissioners Bortolazzo and Thomas
Abstain:	None

VII. COMMUNICATION FROM STAFF

Status Update Regarding 10 Solano Square (Chevron)

Melissa Morton, Land Use and Engineering Manager provided an update to the Planning Commission regarding condition of approval compliance for 10 Solano Square (Chevron). On December 10, 2009 the Commission adopted four (4) conditions of approval regarding landscape and refuse maintenance, monthly inspections, and reporting.

In August, the City received a complaint about the lack of landscaping and refuse maintenance on West 2nd Street. Staff contacted the manager and cleanup of the pine needles littering the sidewalk was completed the same day. The manager was reminded of the conditions of approval and asked that they remain in compliance with these requirements.

Regular inspections have occurred since that time and Chevron has stayed in compliance with their conditions of approval.

Chair Healy asked staff to turn the routine inspections over to code compliance for future enforcement.

VIII. COMMUNICATION FROM COMMISSIONERS

None.

IX. ADJOURNMENT

Meeting was adjourned at 7:45 pm.