



BENICIA PLANNING COMMISSION REGULAR MEETING AGENDA

**City Hall Council Chambers
Thursday, December 10, 2015
7:00 P.M.**

I. OPENING OF MEETING

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

II. ADOPTION OF AGENDA

III. OPPORTUNITY FOR PUBLIC COMMENT

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

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

A. WRITTEN

B. PUBLIC COMMENT

IV. CONSENT CALENDAR

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

speaker slip for that item.

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

A. APPROVAL OF MINUTES OF NOVEMBER 12, 2015 REGULAR MEETING

V. REGULAR AGENDA ITEMS

A. TEXT AMENDMENTS TO THE BENICIA MUNICIPAL CODE TO REGULATE THE CULTIVATION, DELIVERY AND USE OF MARIJUANA, AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA

PROPOSAL:

This year, the Legislature introduced three bills comprising the Medical Marijuana Regulation and Safety Act (MMRSA). The legislation allows cities to continue to ban marijuana related land use activities and establishes a dual licensing structure which requires a state and local license or permit in order to cultivate, dispense or transport medical marijuana. The legislation requires the City Council to take action soon to in order to preserve the ability for local regulation. A draft ordinance has been prepared to amend Benicia Municipal Code Chapter 9.60 (Medical Marijuana Distribution Facilities) and adding a new Chapter, 9.64 (Consumption of Marijuana) to Title 9 (Public Peace, Morals and Welfare) and by replacing Chapter 17.84, (Medical Marijuana Distribution Facilities) and other minor modifications to Title 17 (Zoning). The Planning Commission's action will be in the form a recommendation to City Council.

Recommendation:

Discuss the proposed draft ordinance, accept public comments, and recommend approval to the City Council, after a determination that the project is exempt from CEQA.

B. GENERAL PLAN AMENDMENT FOR THE TRAVIS AIR FORCE BASE LAND USE COMPATIBILITY PLAN, AFTER DETERMINING THAT THE PROJECT IS EXEMPT FROM CEQA

PROPOSAL:

An amendment to the Benicia General Plan is proposed in order to comply with California Government Code Section 65302.3, which requires that the General Plan be consistent with an adopted airport land use plan. On October 8, 2015 the Solano County Airport Land Use Commission approved an update to the Travis Air Force Base Land Use Compatibility Plan (ALUCP)

(Resolution No. 15-17). The proposed General Plan amendment provides reference to the ALUCP and establishes a policy that the City will comply with the Travis ALUCP. The Planning Commission's action will be in the form of a recommendation to the City Council.

Recommendation:

Review the proposed General Plan amendment, accept public comments, and adopt a resolution recommending approval to the City Council, after determining that the project is exempt from CEQA.

C. CITY OF BENICIA ADOPTION OF A COMPLETE STREETS POLICY

PROPOSAL:

The Metropolitan Transportation Commission (MTC) requires jurisdictions who wish to access OneBayArea Grant Program (OBAG 2) funds to adopt a Complete Streets Resolution incorporating MTC's nine required Complete Streets principles. The resolution must be adopted by January 31, 2016.

Recommendation:

Review the information, accept public comments, and adopt a resolution recommending approval of a Complete Streets policy to the City Council.

VI. COMMUNICATIONS FROM STAFF

VII. COMMUNICATIONS FROM COMMISSIONERS

VIII. ADJOURNMENT

Public Participation

The Benicia Planning Commission welcomes public participation.

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

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

Disabled Access

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

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

Meeting Procedures

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

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

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

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

Public Records

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