



BENICIA PLANNING COMMISSION REGULAR MEETING MINUTES

**City Hall Council Chambers
Thursday December 11, 2014
7:00 P.M.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Cohen-Grossman, Oakes, Sherry, Smith,
Sprague, Young and Chair Dean

Absent: None

Staff Present: Amy Million, Principal Planner/Recording Secretary
Suzanne Thorsen, Associate Planner
Kat Wellman, Contract Attorney

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA

On motion of Commissioner Sherry, seconded by Commissioner Oakes, the agenda was adopted moving Item VB (1035 West K Street – Appeal) to the end of the regular calendar, by the following vote:

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

Noes: None

Absent: None

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN – None.

B. PUBLIC COMMENT

Rebecca Ramos, requested an update on the Valero Crude by Rail Project. Staff provided a brief update.

Commissioner Young commented on an article regarding the potential relocation of Ace Hardware to an existing mobile home park.

Chair Dean spoke with regard to the passing of Lee Syracuse, former City Planner and Benicia community member. He opened the meeting to anyone who wished to speak about him.

Commissioner Sherry spoke about his personal and professional experience with Mr. Syracuse.

Commissioner Smith spoke about the many contributions made to this community by Mr. Syracuse.

Commissioner Cohen-Grossman provided a personal memory of Mr. Syracuse.

IV. CONSENT CALENDAR

On motion of Commissioner Young, seconded by Commissioner Cohen-Grossman, the consent calendar was approved with a minor change to the minutes and a correction of the May meeting date, by the following vote:

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

A. APPROVAL OF MINUTES OF OCTOBER 9, 2014 REGULAR MEETING

B. PLANNING COMMISSION HEARING CALENDAR FOR 2015

V. REGULAR AGENDA ITEMS

A. REQUEST FOR A USE PERMIT TO ESTABLISH A DAY CARE AT 1305 WEST SECOND STREET IN THE SINGLE FAMILY RESIDENTIAL (RS) DISTRICT, AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA

14PLN-00064 Use Permit

Address: 1305 West Second Street; APN: 0087-121-23

Ms. Thorsen gave a presentation on the project.

Commissioner Sprague recused herself due to her firm representing the property owner.

The Commission requested clarification on the basis for the new use

permit, the condition of approval related to noise, parking and circulation.

No public comment.

The Commission discussed limiting the time of outdoor play to address potential noise impacts.

RESOLUTION NO. 14-17 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A DAY CARE CENTER AT 1305 WEST SECOND STREET (14PLN-00064)

On motion of Commissioner Sherry, seconded by Commissioner Young, the above Resolution was adopted, with the following changes:

1. Change to condition of approval #7 to limit outdoor activities to after to 9:00 a.m.
2. Change to Finding #3 to state "The establishment of a day care will promote the quality of life in Benicia by providing...."

by the following vote,

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

B. NORTHGATE CHRISTIAN FELLOWSHIP CHURCH, AFTER DETERMINATION THAT ADDITIONAL ENVIRONMENTAL REVIEW IS NOT REQUIRED

14PLN-00007 Use Permit
2201 Lake Herman Road
APN: 0181-26-0090

Ms. Thorsen gave a presentation on the project.

The Commission requested clarification on the parking, phasing and the proposed changes to the buildings.

Pastor Ken Jensen gave an overview of the church's operations and history.

Dave McMurtry, project manager, gave a presentation on the project highlighting the changes.

Dan Kinnoin, project architect, provided an overview of the project's history and additional detail on the changes in the development of the church's

campus.

The Commission asked various questions on the phasing of the parking construction, stormwater management, changes to building elevations for Phase 2, visual impacts, design of the plaza area, and the City's water line.

Public comment was opened.

Karen Eddleman, 1531 East 3rd Street, expressed her support of the project.

Renee Marie Jordan, 1038 First Street, expressed her support of the project.

Carol Abreu, 187 Incline Place, requested that the Commission approve the Use Permit request

Guy Benjamin, 310 Drake Court, expressed his support for the project.

Joseph Abreu, 187 Incline Place, requested that the Commission approve the project.

Lisa Santini, 126 East I Street, expressed her support for the project.

Jennifer Everhart, 389 Piercy Drive, requested the Commission's support of the project.

Larry Davis, Executive Pastor for Northgate, requested that the Commission approve the project and spoke of the importance of the church to the community.

John Everhart, 389 Piercy Drive, expressed support for the project.

Betty Jensen, 711 Larkspur Court, spoke regarding the history of the church, the church's benefits to the community, and requests that the Commission approve the project.

Sallie Parkin spoke in support of Northgate Church.

Jeffery Parkin requested the Commission to support the project.

Vanessa Zimmerman spoke in favor of the church and requested the Commission support the project.

Christopher Stewart spoke in support of the church and requested the Commission approved the project.

Diane Henry, 521 Lori Drive, spoke in support of staff and the Commission and requested the Commission approve the project.

Public comment was closed.

The Commission requested additional clarification and discussed the following: construction over the water line and water line easement, parking, valet parking, condition of approval #12, condition of approval #20, 2004 Planning Commission Resolution, storage containers, and lighting.

RESOLUTION NO. 14-18 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A CONDITIONAL USE PERMIT FOR NORTHGATE CHRISTIAN FELLOWSHIP, 2201 LAKE HERMAN ROAD (14PLN-00007)

On motion of Commissioner Young, seconded by Commissioner Sprague, the above Resolution was adopted, with the following changes:

1. Modify condition of approval #12 to be clear that the Community Development Director has the discretion to make the determination on whether or not the Developer is required to hire an independent qualified parking consultant.
2. Eliminate the repetitive WHEREAS, #5 and #6
3. Relocated condition of approval #8 to the end of the resolution to #24.
4. Modify condition of approval #10 to add an introductory sentence to state that parking shall be provided consistent with Sheet A-1.

by the following vote:

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

Noes: None

Absent: None

Abstain: None

The Commission took a 10 minute recess. Commission Young noted his need to recuse himself for the next item and left the meeting.

C. APPEAL OF TENTATIVE PARCEL MAP AT 1035 WEST K STREET, AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA

14PLN-00072 Appeal

Address: 1035 West K Street; APN: 0086-101-040

Ms. Thorsen gave a presentation on the project.

Richard Runquist, appellant, stated that the packet was missing a third page to his original letter dated December 19, 2013 (He provided a copy of the third page for the Commission). He provided background information on the property's history, expressed concerns about soil contamination, and stated that a visual inspection of the soil is insufficient. He requested that the Commission uphold the appeal and require that the developer complete deep soil testing.

Tim Steele spoke on behalf of David Steele as the appellant. He expressed concern about the development of the parcel in a responsible manner with regard to hazardous materials following environmental review.

Jeff Page, contractor for 1035 West K Street, noted that the project architect and soils engineer were in attendance and available to provide information. He also provided clarification on the reason for the current flooding on the parcel, as a result of not being able to grade the whole property ahead of current rainy weather conditions. He spoke in regard to his research on the potential for hazardous materials on the property based upon the state environmental database.

Steve McKee, architect for 1035 West K Street, spoke regarding the history of the neighbor's complaints on the property and the additional condition on the building permit for the current single family dwelling (currently under construction on Parcel 1) to monitor the soils.

Mr. Page provided a diagram of the borings that were completed for the property.

David Cymanski, geotechnical engineer for the project, provided information on the soil bores completed for the property. Spoke on his personal experience with walking the property and conducting a visual inspection on the property.

Mr. Page spoke regarding remediation that was completed for buried concrete on a portion of the site.

Public comment was opened.

Ricki Steele showed the Commission a photograph of the visual impacts of the development to her property. She spoke with regard to the visual impacts and noise impacts of the project.

Public comment was closed.

The Commission requested clarification on the soils testing and made comments on the evidence presented, the issue on impacting views, the process, and the drainage system.

Josh Elson, civil engineer for the project, provided an overview of the site's drainage system.

The Commission discussed parking, development standards and the findings in the draft Resolution.

RESOLUTION NO.14-19 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA DENYING THE APPEAL AND UPHOLDING DECISION OF RECORD NO. 14-18 (CDD) REGARDING APPROVAL OF THE TENTATIVE PARCEL MAP FOR 1035 WEST K STREET (14PLN-00072)

On motion of Commissioner Oakes, seconded by Commissioner Cohen-Grossman, the above Resolution was adopted, with the following changes:

1. Modify WHEREAS #3 to add the word "potential" before site contamination.
2. Modify finding #6 to reflect "all parcels", not just parcel B.

by the following vote:

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

Noes: None

Absent: None

Abstain: Commissioner Young

VI. COMMUNICATIONS FROM STAFF

Ms. Million announced that the City Hall will be closed December 22-26.

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Oakes stated that this may be his last meeting and he has enjoyed serving on the Commission.

VIII. ADJOURNMENT

Chair Dean adjourned the meeting in honor of Lee Syracuse at 10:24 p.m.