

**BENICIA CITY COUNCIL  
CITY COUNCIL SPECIAL MEETING AGENDA**

**August 5, 2025  
6:00 PM**

**Benicia City Hall, Council Chambers  
250 East L Street, Benicia, CA 94510**

**COURTESY ZOOM PARTICIPATION**

<https://us02web.zoom.us/j/88508047557?pwd=cHRsZlBrYlphU3pkODcycytmcFR2UT09>

Meeting ID: 885 0804 7557

Password: 449303

Phone: 1 669 900 9128

**1. CALL SPECIAL MEETING TO ORDER**

**2. CONVENE OPEN SESSION**

**3. ROLL CALL**

**4. PLEDGE OF ALLEGIANCE**

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

The fundamental rights of each member of the public can be found in the municipal code posted on the City's website and on a plaque that is posted at the entrance to this meeting per section 4.04.030 of the City of Benicia's Open Government Ordinance.

**6. ADOPTION OF THE AGENDA**

**7. OPPORTUNITY FOR PUBLIC COMMENTS**

How to Submit Public Comments for this City Council meeting:

Besides appearing in person and offering public comments, members of the public may provide public comment via Zoom, or to the City Clerk by email at

lwolfe@ci.benicia.ca.us. Any comment submitted to the City Clerk should indicate to which item of the agenda the comment relates. Specific information follows:

- Comments received by 2:00 pm on the day of the meeting will be electronically forwarded to the City Council and posted on the City's website.

- Comments received after 2:00 pm, but before the start time of the meeting will be electronically forwarded to the City Council but will not be posted on the City's website.

**8. WRITTEN COMMENT**

**9. PUBLIC COMMENT**

**10. CONSENT CALENDAR**

10.A MINUTES FROM THE JULY 15, 2025 AND JULY 22, 2025 REGULAR AND

## SPECIAL MEETINGS

[July 15, 2025 Regular City Council Meeting Minutes](#)

[July 22, 2025 Special City Council Meeting Minutes](#)

### 10.B FY 2024/25 THIRD QUARTER INVESTMENT REPORT

RECOMMENDED ACTION: The Fiscal Year 2024/25 Third Quarter Investment Report for the quarter that ended March 31, 2025, follows the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. This report has been reviewed by the City Treasurer. Move to accept, by minute action, the Third Quarter Investment Report for the quarter that ended March 31, 2025 (Attachment 1).

[Staff Report - FY 2024-25 Third Quarter Investment Report](#)

[1.FY 2024-25 Third Quarter Investment Report](#)

[2.LAIF Statement Ending March 31](#)

[3.CAMP Statement Ending March 31](#)

[4. 115 Turst Statement Ending March 31](#)

### 10.C APPROVAL TO WAIVE THE READING OF ALL ORDINANCES INTRODUCED OR ADOPTED PURSUANT TO THIS AGENDA

## 11. BUSINESS ITEM

### 11.A REVIEW OF INDUSTRIAL SAFETY ORDINANCE FEE STUDY

RECOMMENDED ACTION: Receive a presentation on the Industrial Safety Ordinance (ISO) fee study (Attachment 1) and provide direction to staff on the Council's desired level of cost recovery.

[Staff Report - Review of Industrial Safety Ordinance Fee Study](#)

[1. Industrial Safety Ordinance Fee Study](#)

### 11.B COMMERCIAL REGULATION STREAMLINING AMENDMENTS

RECOMMENDED ACTION: Conduct a public hearing and take the following action: 1. Move to waive the first reading, read by title only, and introduce an Ordinance (Attachment 1) amending the Benicia Municipal Code (BMC); and 2. Adopt a resolution (Attachment 2) amending the Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan (DMUMP).

[Staff Report - Commercial Streamlining Amendments](#)

[1. Draft Ordinance amending the BMC](#)

[2. Draft Resolution amending the DMUMP](#)

[3. Planning Commission Staff Report June 26 2025](#)

[4. Planning Commission Resolution No. 25-2 with Exhibits](#)

[5. Draft Planning Commission Meeting Minutes June 26 2025](#)

[6. Zoning Map](#)

## 12. ADJOURNMENT (9:00)

### **Public Participation**

The City of Benicia welcomes your interest and involvement in the City's legislative process. Persons wishing to address the Council, Board, Commission or Committee (CBCC) are asked to voluntarily complete a speaker request form, available at the entrance of Council Chambers, and submit it to the meeting Secretary/City Clerk. Speakers, addressing the CBCC at the time the item is considered, are requested to restrict their comments to the item as it appears on the agenda and stay within the three-minute time limit. The Brown Act does not permit the CBCC to take action on items brought up during the Public Comment period.

As a courtesy, and technology permitting, members of the public may participate remotely. Please be advised that those participating in the meeting remotely via Zoom do so at their own risk. Meetings will not be cancelled due to technical difficulties. The meeting can also be observed on Cable T.V. Broadcast - Check with your cable provider for your local government broadcast channel, or livestream online at [www.ci.benicia.ca.us/agendas](http://www.ci.benicia.ca.us/agendas).

### **Americans with Disabilities Acts**

The City of Benicia is committed to providing meeting facilities that are accessible to persons with disabilities. Meeting materials in alternative formats, a sign language interpreter, real-time captioning, assistive listening devices or other accommodations can be requested by calling (707) 746-4200 or by emailing [ADACoordinator@ci.benicia.ca.us](mailto:ADACoordinator@ci.benicia.ca.us), at least four working days prior to a meeting. Assistive listening devices may be obtained at the meeting.

### **Meeting Procedures**

Pursuant to Government Code Section 65009, if you challenge a decision of the CBCC in court, you may be limited to the issues raised during the meeting or in written correspondence delivered to the CBCC by the meeting. You may also be limited to a ninety (90) day statute of limitations when challenging certain administrative decisions, including any final decisions regarding planning or zoning.

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

### **Public Records and Writings Received After Agenda Posting**

A printed version of the agenda packet for this meeting is available at the Benicia Public Library during regular working hours. To the extent feasible, the agenda packet and any writing or documents related to an agenda item for this meeting provided to the CBCC, will be made available for public inspection on the City's web page at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." A complete recording of each meeting is available online at [www.ci.benicia.ca.us/agendas](http://www.ci.benicia.ca.us/agendas).

### **Contact Your Council Members**

Voicemail for Mayor and Council Members: (707) 746-4213

Mayor Steve Young: [SYoung@ci.benicia.ca.us](mailto:SYoung@ci.benicia.ca.us)

Vice Mayor Trevor Macenski: [TMacenski@ci.benicia.ca.us](mailto:TMacenski@ci.benicia.ca.us)

Council Member Kari Birdseye: [KBirdseye@ci.benicia.ca.us](mailto:KBirdseye@ci.benicia.ca.us)

Council Member Lionel Largaespada: [LLargaespada@ci.benicia.ca.us](mailto:LLargaespada@ci.benicia.ca.us)

Council Member Terry Scott: [TScott@ci.benicia.ca.us](mailto:TScott@ci.benicia.ca.us)

# DRAFT

## MINUTES OF THE REGULAR MEETING – CITY COUNCIL JULY 15, 2025 6:00 P.M.

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded. These are action minutes; a full video is available online at [www.ci.benicia.ca.us/agendas](http://www.ci.benicia.ca.us/agendas).

### **COURTESY ZOOM PARTICIPATION**

#### **1) CALL TO ORDER (6:00 P.M.)**

Mayor Young called the meeting to order at 6:00 p.m.

#### **2) CONVENE OPEN SESSION**

#### **3) ROLL CALL**

All Council Members were present.

Vice Mayor Macenski attended remotely due to illness.

#### **4) PLEDGE OF ALLEGIANCE**

#### **5) REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC**

#### **6) ANNOUNCEMENTS**

##### **6.A MAYOR'S OFFICE HOURS**

#### **7) PROCLAMATIONS**

#### **8) APPOINTMENTS**

#### **9) PRESENTATIONS**

#### **10) ADOPTION OF AGENDA**

Mario Giuliani, City Manager, stated that Item 14.C would be pulled for a typo correction.

On motion of Council Member Birdseye, seconded by Council Member Scott, Council approved the Adoption of the Agenda, as amended, on a roll call by the following vote:



# DRAFT

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young  
Noes: (None)

## 11) OPPORTUNITY FOR PUBLIC COMMENTS

## 12) WRITTEN COMMENT

## 13) PUBLIC COMMENT

1. Anthony Mitchell - Mr. Mitchell discussed his company's interest in working with the City on energy solutions, with no budget impact to the City.
2. Hugh Marquez - Mr. Marquez discussed an event called 'The Wall that Heals' and invited the City to participate.
3. Citizen - the citizen discussed concerns regarding the City's adopted 25-26 budget.
4. Council Member Scott - Council Member Scott discussed the issue of emergency notification systems.

## 14) **CONSENT CALENDAR**

### 14.B **APPROVAL OF THE 2025 UPDATE OF THE BENICIA SEWER SYSTEM MANAGEMENT PLAN**

[Staff Report - 2025 Update of the Benicia Sewer System Management Plan](#)   
[1. Resolution - 2025 Update of the Benicia Sewer System Management Plan](#) 

**RESOLUTION NO. 25-95 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE 2025 UPDATE OF THE CITY'S SEWER SYSTEM MANAGEMENT PLAN, IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE WATER RESOURCES CONTROL BOARD AND THE SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD**

### 14.A **MINUTES FROM THE JUNE 10, 2025 AND JULY 1, 2025 SPECIAL AND REGULAR MEETINGS**

[June 10, 2025 Special City Council Meeting Minutes](#)   
[July 1, 2025 Special City Council Meeting Minutes](#)   
[July 1, 2025 Regular City Council Meeting Minutes](#) 

### 14.C **APPROVAL OF FIRST AMENDMENT TO AGREEMENT WITH UNITED GLOBAL LOGISTIC HOLDING CORPORATION FOR CITYWIDE CUSTODIAL SERVICES**

**RESOLUTION NO. 25- 96 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A FIRST AMENDMENT TO AGREEMENT**

## DRAFT

### **WITH UNITED GLOBAL LOGISTIC HOLDING CORPORATION FOR CITYWIDE CUSTODIAL SERVICES AND A BUDGET AMENDMENT**

Staff acknowledged a typo in the resolution. The dollar amount of \$458,780 needed to be changed to \$748,212 due to an additional increase in the scope of services.

#### Public Comment:

None

Council and Staff discussed the layoffs that took place, the savings from the layoffs, and the vendor responsibilities.

#### [Staff Report - United Global First Amendment to Agreement](#)

##### [1. Resolution - United Global First Amendment to Agreement](#)

##### [2. United Global First Amendment to Agreement for Custodial Services](#)

##### [3. Custodial Services Original Agreement United Global](#)

On motion of Council Member Scott, seconded by Council Member Birdseye, Council approved the adoption of Resolution 25-96, as amended, on a roll call by the following vote:

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young

Noes: (None)

### **14.D APPROVAL OF PUBLICLY AVAILABLE SALARY SCHEDULES**

#### [Staff Report - Salary Schedules](#)

##### [1. Resolution - Approval of Salary Schedules](#)

### **RESOLUTION NO. 25- 97 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING PUBLICLY AVAILABLE PAY SCHEDULES IN ACCORDANCE WITH THE REQUIREMENT OF CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5, WHICH INCLUDES REVISED SALARY SCHEDULES FOR THE CITY OF BENICIA JOB CLASSIFICATIONS**

### **14.E APPROVAL TO WAIVE THE READING OF ALL ORDINANCES INTRODUCED OR ADOPTED PURSUANT TO THIS AGENDA**

Item 14.C was pulled to correct a typo in the Resolution.

On motion of Council Member Birdseye, seconded by Council Member Scott, Council approved the adoption of the Consent Calendar, as amended, on a roll call by the following vote:

## DRAFT

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young  
Noes: (None)

### 15) BUSINESS ITEMS

#### 15.A INTENTION TO BEGIN BALLOT PROCEEDINGS AND APPROVE PRELIMINARY ENGINEER'S REPORT FOR THE FORMATION OF THE BENICIA CITYWIDE PARKS, LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT FOR FISCAL YEAR 2026/27; AND IMPLEMENT ASSESSMENT BALLOT PROCEDURES UNDER PROPOSITION 218 AND ASSEMBLY BILL 2257

**RESOLUTION NO. 25- 98 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ESTABLISHING ASSESSMENT SETTING PROCEDURES FOR THE PARKS, LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT UNDER PROPOSITION 218 AND GOVERNMENT CODE SECTIONS 53750 THROUGH 53759.2**

**RESOLUTION NO. 25- 99 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DECLARING THE INTENTION TO ORDER THE FORMATION OF THE PARKS, LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT, APPROVING THE PRELIMINARY ENGINEER'S REPORT, PROVIDING NOTICE OF PUBLIC HEARING, AND DIRECTING THE MAILING OF ASSESSMENT BALLOTS**

Mario Giuliani, City Manager, and Danielle Bonham, Public Works Director, and Edric Kwan, SCI Consulting Group, reviewed the staff report and a PowerPoint presentation.

Staff and Council discussed how the annual levy is reviewed, sunset clause, how the rates were formulated, why artificial turf is needed, lower fees for condominiums, the timeline/deadline, concern regarding the lack of specificity, why there are different tiers, and concern regarding not seeing the engineers report until tonight.

#### Public Comment:

1. Dana Jones - Mrs. Jones discussed how challenging it is for the soccer league to find space to play on. If something isn't done, they will continue to lose athletes to other clubs.
2. John McGuire - Mr. McGuire discussed concern regarding using artificial turf and lack of clarity on the numbers presented.
3. Marty Jones - Mr. Jones spoke in support of the proposed PLAAD.
4. Brandon Marshall - Mr. Marshall spoken in support of the proposed PLAAD.

## DRAFT

5. Steven Goetz - Mr. Goetz spoke in support of the PLAAD, but was concerned it would not pass, as there is not enough information available to support it.
6. Greg Gartrell - Mr. Gartrell discussed bringing this back in a year with more information available.
7. Joshua Smith - Mr. Smith discussed support for the PLAAD, and support for artificial turf fields.
8. Noelia Morales - Ms. Morales discussed the need for artificial turf and better fields for the kids to play on.
9. Lori Grundman - Ms. Grundman would like to see a sunset clause in the PLAAD. If there isn't a sunset clause, she would like a super majority vote on all future increases.
10. Jean - Jean discussed support for the PLAAD, but only if there is a sunset clause.
11. Bob Nicholson - Mr. Nicholson spoke in support of the proposed PLAAD but would like more time to get more information.
12. Toni Foster - Ms. Foster discussed support for the PLAAD but had concerns regarding artificial turf.

Staff and Council discussed the issue of artificial turf, concern regarding the engineer's report, the need for transparency and community input, the need for more information, support for the PLAAD, and whether to continue this item so another public meeting could be held. Council majority approved moving forward with the resolution.

### Staff Report - Initiate Ballot Proceedings and Approve Eng Report Citywide PLLAD

1. Resolution - Citywide PLLAD Approval Assess. Setting Proc. Prop 218
2. Resolution - Citywide PLLAD Approval of Prelim Approve ER
3. PLLAD Prelim Engineer's Report FY26-27 and Notice of Public Hearing
4. Proposed Citywide Parks Landscape and Lighting Assessment District

### Diagram

On motion of Mayor Young, seconded by Council Member Scott, Council denied the substitute motion to defer the item for 4-6 weeks (second meeting in August) to get more details on costs and project specifics, on a roll call by the following vote:

Ayes: Council Member Scott, Mayor Young

Noes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski

On motion of Vice Mayor Macenski, seconded by Council Member Largaespada, Council approved the adoption of Resolutions 25-98 and 25-99, as presented, on a roll call by the following vote:

## DRAFT

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott  
Noes: Mayor Young

### 15.B APPROVAL OF AGREEMENT WITH BC DESIGN HAUS FOR TOURISM MARKETING SERVICES

Staff Report - Agreement with BC Design Haus for Tourism Marketing Services



#### **RESOLUTION NO. 25- 100 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BC DESIGN HAUS FOR TOURISM MARKETING SERVICES FOR FISCAL YEAR 2025-2026**

Colette Schow, Economic Development Manager, and Bernadette Capulong, BC Design Haus, reviewed the staff report and a PowerPoint presentation.

Council and Staff discussed how to maximize the City's investment, media outreach, what is included in the contract, marketing strategy, consolidating event calendars, whether staff could handle the proposed work in-house, and whether any of the work would be done outside of the country.

#### **Public Comment:**

1. Mike Caplin - Mr. Caplin spoke in favor of the proposed contract.
2. Christina Strawbridge - Mrs. Strawbridge spoke in support of the proposed contract.
3. Citizen - the citizen discussed the proposed contract.

Council and Staff discussed the proposed contract.

1. Resolution - Agreement with BC Design Haus for Tourism Marketing Services



2. Agreement with BC Design Haus

3. BC Design Haus Proposal to 2025 Tourism Marketing RFP

4. 2007 Economic Development Strategy

On motion of Council Member Birdseye, seconded by Council Member Scott, Council approved the adoption of Resolution 25-100, as presented, on a roll call by the following vote:

Ayes: Council Member Birdseye, Council Member Scott, Mayor Young  
Noes: Council Member Largaespada, Vice Mayor Macenski

### 15.C DIRECTION FOR ECONOMIC DEVELOPMENT BUSINESS GRANT PROGRAM FOR FISCAL YEARS 2025-2026 AND 2026-2027

# DRAFT

## Staff Report - Economic Development Business Grant Program

Colette Schow, Economic Development Manager, reviewed the staff report and a PowerPoint presentation.

Council and Staff discussed combining options two and three, consideration of adding the Benicia Industrial Park into the grant program.

Public Comment:  
None

Council and Staff discussed the issue of mixed use development and permit fee waivers/streamlining, etc., having an ordinance that would grandfather in existing businesses on the ground floor that are not retail until their lease is up, and then have them move to the second floor or another location, adding more benches downtown, having a loan program, concerns regarding investing in facade improvements on buildings that have seismic/unreinforced masonry issues, putting together a package of incentives for developers, downtown economic zone, and the need to develop policies first.







## 1. May 20, 2025 City Council Budget Presentation

### 15.D COMMERCIAL REGULATION STREAMLINING AMENDMENTS

## Staff Report - Commercial Streamlining Amendments

Public Comment:  
None

Continued to 8/5/25

1. Draft Ordinance amending the BMC 
2. Draft Resolution amending the DMUMP 
3. Planning Commission Staff Report June 26 2025 
4. Planning Commission Resolution No. 25-2 with Exhibits 
5. Draft Planning Commission Meeting Minutes June 26 2025 
6. Zoning Map 

On motion of Mayor Young, seconded by Council Member Birdseye, Council approved continuing this item to a date certain of 8/5/25, on a roll call by the following vote:

Ayes: Council Member Birdseye, Council Member Largaespada, Vice Mayor Macenski, Council Member Scott, Mayor Young  
Noes: (None)

## **DRAFT**

### **16) CITY COUNCIL TASK FORCE GROUPS: ADVOCACY, COLLABORATION AND TRANSITION (ACT)**

#### **16.A AD HOC "ACT" TASK FORCE GROUPS UPDATES**

Ad Hoc "ACT" Task Force Groups Updates 

### **17) COUNCIL MEMBER COMMITTEE REPORTS:**

#### **17.A COUNCIL MEMBER COMMITTEE REPORTS**

Council Member Committee Reports 

### **18) ADJOURNMENT (8:30 P.M.)**

Mayor Young adjourned the meeting at 10:42 p.m.

---

City Clerk

# DRAFT

## MINUTES OF THE REGULAR MEETING – CITY COUNCIL JULY 22, 2025 5:00 P.M.

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded. These are action minutes; a full video is available online at [www.ci.benicia.ca.us/agendas](http://www.ci.benicia.ca.us/agendas).

1) **CALL SPECIAL MEETING TO ORDER (5:00 P.M.)**

Mayor Young called the Special Meeting to order at 5:00 p.m.

2) **CONVENE OPEN SESSION**

3) **ROLL CALL**

All Council Members were present.

4) **REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC**

5) **PUBLIC COMMENT FOR CLOSED SESSION**

None

6) **ADJOURN TO CLOSED SESSION**

**6.A CONFERENCE WITH LEGAL COUNSEL - anticipated litigation;  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section  
54956.9: (4 Potential Cases)**

Mayor Young adjourned the meeting to Closed Session at 5:01 p.m.

7) **RECONVENE OPEN SESSION**

Mayor Young reconvened the Open Session at 6:13 p.m.

8) **ANNOUNCEMENTS FROM CLOSED SESSION, IF ANY**

Ben Stock, City Attorney, stated that with a 5/0 vote, Council authorized the City Attorney to bring a nuisance abatement lawsuit, and the names of the parties involved will become public once the lawsuit is filed.



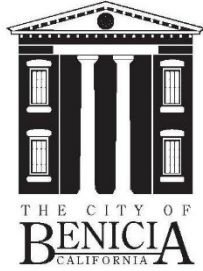
## DRAFT

9) **ADJOURNMENT (6:30 P.M.)**

Mayor Young adjourned the Special Meeting at 6:13 p.m.

---

City Clerk



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE – AUGUST 5, 2025**  
**CONSENT CALENDAR**

**TO :** City Manager

**FROM :** Finance Director

**SUBJECT :** **FY 2024/25 THIRD QUARTER INVESTMENT REPORT**

**EXECUTIVE SUMMARY:**

The Fiscal Year 2024/25 Third Quarter Investment Report for the quarter that ended March 31, 2025, follows the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. This report has been reviewed by the City Treasurer.

**RECOMMENDATION:**

Move to accept, by minute action, the Third Quarter Investment Report for the quarter that ended March 31, 2025 (Attachment 1).

**BUDGET INFORMATION:**

Staff time to prepare the report is included in the adopted FY 2024/25 General Fund budget. The interest earnings and market value of the City's portfolio have been reported in the appropriate fiscal year's budget.

**BACKGROUND:**

The Third Quarter Investment Report for the quarter that ended March 31, 2025, has been completed. The market value of the City's all funds managed investment portfolio as of March 31, 2025, was \$33,350,324.42. The portfolio's performance includes interest earnings and changes in market value, resulting in a total return rate of 1.74%. The quarterly returns were slightly below the portfolio benchmark of 1.81%. Returns for the 1-year period were 5.60%, outperforming the portfolio benchmark return of 5.43% by 0.17% after fees.

The Federal Reserve (Fed) held the target rate unchanged during the quarter consistent with statements from the prior quarter. Uncertainty remains the key market theme with significant federal policy changes relating to trade, immigration, and regulation impacting consumer sentiment and treasury yields.

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

The attached Third Quarter Investment Report identifies, but is not limited to, the City's investments by purchase date, maturity date, type of investment, issuer of investment, cost, current yield, and yield to maturity.

### **LOCAL GOVERNMENT INVESTMENT POOLS**

The City participates in two investment pools, the Local Agency Investment Fund (LAIF) and California Asset Management Trust (CAMP). Both LAIF and CAMP are compliant with California Government Code section 6509.7 and section 53601.

LAIF is a voluntary program created by statute in 1977, through the State Treasurer, in which local agencies can participate in the State's investment portfolio to achieve the benefit of the size of the State's investments and portfolio managers. The City's LAIF balance ending March 31, 2025, was \$8,218,637.72 with an interest rate of 4.48% during the quarter (Attachment 2).

CAMP was created in 1989, when two public agencies formed the California Asset Management Trust, with the objective of meeting local government investment needs at a reasonable cost. There are currently 244 California public agencies participating in the trust. The City became a shareholder in CAMP in November 2022. The cash reserve portfolio that the City participates in is a short-term portfolio which, in order of priority, seeks to preserve principal, provide daily liquidity and earn a high level of income. The City's CAMP balance, ending March 31, 2025, totals \$72,323,924.63 (Attachment 3) with an investment yield of 4.47% on Pool balance of \$47,515,782.05 and an investment yield of 4.41% on a \$20,000,000 270-day Term investment maturing on 9/2/25.

As a reminder, these are cash investments of reserves/current operating cash from all funds, including Water and Wastewater, and are a snapshot in time as the cash balances are used throughout the year to cash flow city operations including debt obligations. The investment balances are not additional funding that can be used for budgeting purposes, but rather the cash behind the budget decisions made throughout the fiscal year.

### **IRS SECTION 115 PENSION TRUST:**

On June 6, 2019, Council adopted Resolution 2019-48 authorizing the City Manager to establish an IRS Section 115 irrevocable pension trust fund with Public Agency Retirement Services (PARS) to administer a Public Agencies Post-Employment Benefits Trust as a pension rate stabilizing fund to pre-fund pension benefit obligations. The value of the Trust for the quarter ending March 31, 2025, is \$7,273,398.82 (Attachment 4). The portfolio return during the quarter was 0.23%, and the 1-year return is 5.54%.

### **NEXT STEPS:**

None.

### **ALTERNATIVE ACTIONS:**

If Council chooses not to accept the Third Quarter Investment Report, the City will be out of compliance with the City's Investment Policy.

<p><b>CEQA Analysis</b></p>	<p>The Investment Report 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 the activity in question may have a significant effect on the environment, the activity is exempt from CEQA.</p>
---------------------------------	--

**ATTACHMENTS:**

1. FY 2024-25 Third Quarter Investment Report
2. LAIF Statement Ending March 31, 2025
3. CAMP Statement Ending March 31, 2025
4. 115 Trust Statement Ending March 31, 2025

For more information contact: Jeff Tschudi, Finance Director

Phone: 707.746.4222

E-mail: [jtschudi@ci.benicia.ca.us](mailto:jtschudi@ci.benicia.ca.us)



# CITY OF BENICIA

## Investment Performance Review For the Quarter Ended March 31, 2025

Client Management Team	PFM Asset Management A division of U.S. Bancorp Asset Management, Inc	
Monique Spyke, Managing Director Justin Resuello, Institutional Sales & Relationship Manager	1 California Street Ste. 1000 San Francisco, CA 94111-5411 415-393-7270	213 Market Street Harrisburg, PA 17101-2141 717-232-2723

**NOT FDIC INSURED : NO BANK GUARANTEE : MAY LOSE VALUE**

*For Institutional Investor or Investment Professional Use Only - This material is not for inspection by, distribution to, or quotation to the general public*

---

# **Agenda**

---

- Market Update
- Portfolio Review

---

## Market Update

## Current Market Themes



- ▶ U.S. economy is clouded by tariff and policy uncertainty
  - ▶ Labor market continues to serve as backbone
  - ▶ Goods inflation weighs on progress towards Fed's 2% inflation target
  - ▶ Fiscal policy uncertainty and volatile tariff rollouts weigh on consumer sentiment



- ▶ Fed takes a pause from easing but looks to continue cutting later this year
  - ▶ The Fed kept the federal funds target rate unchanged at 4.25% - 4.50%
  - ▶ The Fed's March "dot plot" implies another 50 bps of cuts in 2025
  - ▶ Fed Chair Powell stated the administration's "significant policy changes" relating to trade, immigration, fiscal policy, and regulation is creating "considerable uncertainty"



- ▶ Treasury yields fall on growing uncertainty
  - ▶ Yields on maturities between 2 years and 10 years fell 35-43 bps during the 1<sup>st</sup> quarter
  - ▶ The yield curve reinverted on the front end while the steepness of the curve between 2 years and 10 years was unchanged
  - ▶ Yield spreads widened off their historically low levels given growing economic concerns but still remain tight

Source: Details on market themes and economic indicators provided throughout the body of the presentation. Bloomberg Finance L.P., as of March 31, 2025.

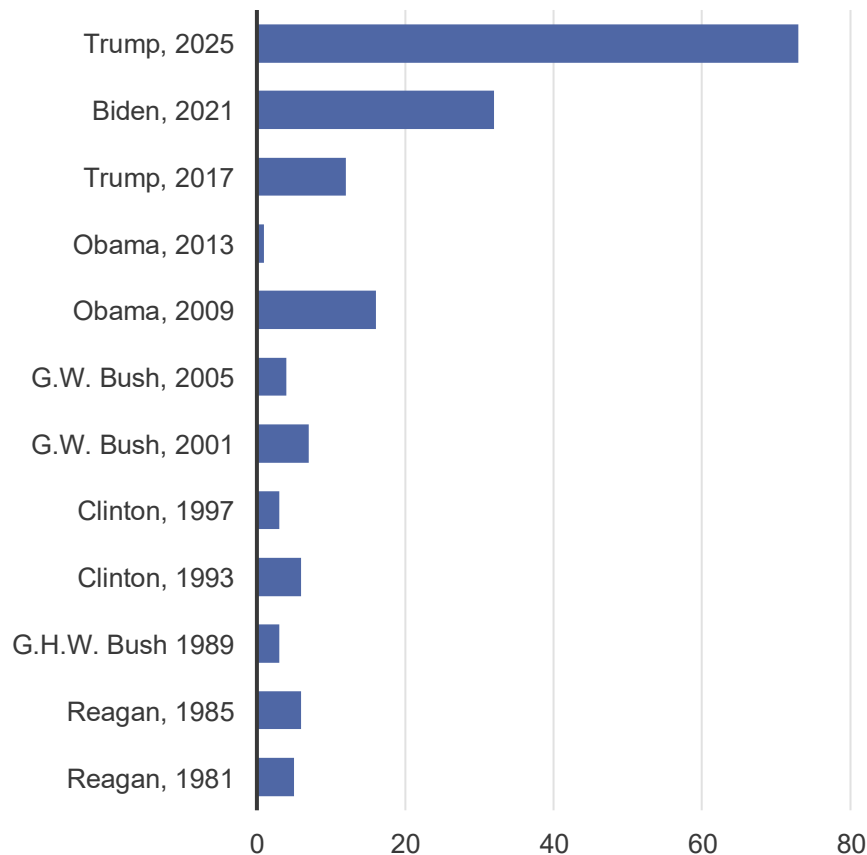


## Policy Changes Increase Consumer Uncertainty

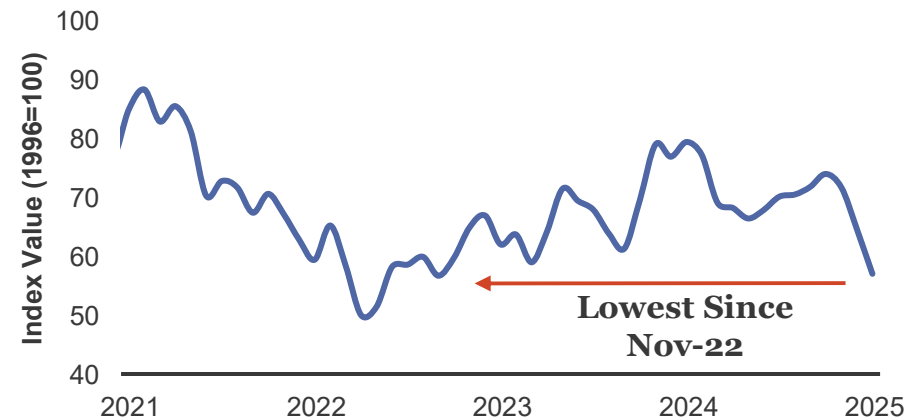
*Fed Chair Powell: "We understand that sentiment is quite negative at this time, and that probably has to do with ... turmoil at the beginning of an administration..."*

### Number of Executive Orders Signed In First Month of Term

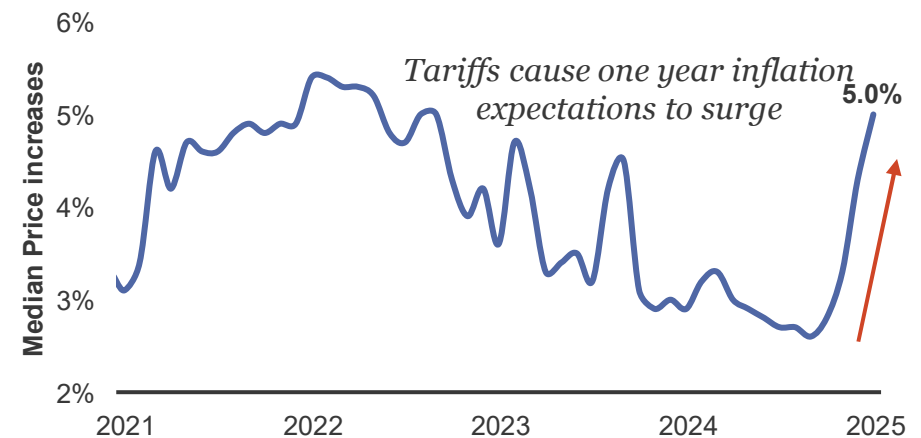
Jan 20 – Feb 20



### Consumer Sentiment Index



### Expected Change in Prices During Next Year



Source: FOMC Chair Jerome Powell Press Conference, March 19, 2025. Bloomberg Finance L.P. and [Federal Register :: Executive Orders](#), as of March 2025 (left). University of Michigan Consumer, as of March 2025 (right).

## Tariffs Have Broad Economic Implications

### Tariff Implications



#### Inflation

Fed staff research<sup>1</sup> suggests each 10% increase in the effective tariff rate leads to a 0.8% increase in inflation



#### Economic Impact

Fed staff research<sup>1</sup> suggests each 10% increase in the effective tariff rate leads to a 1.4% decrease in GDP



#### Tariff Revenues

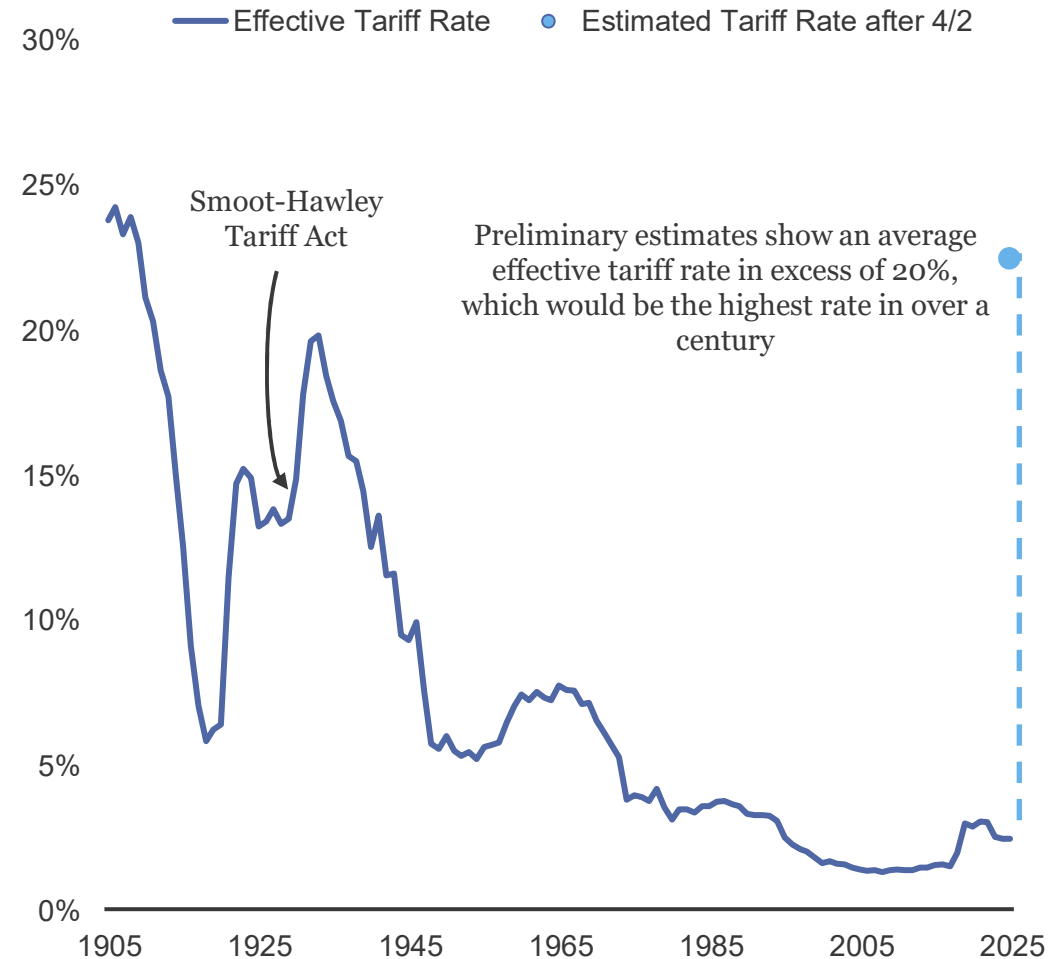
Each \$100 billion of tariffs paid by the consumer is approximately equal to a 0.4% increase in income taxes



#### Consumer Spending

Price increases and uncertainty could directly impact consumer confidence and spending habits

### Effective Tariff Rate



Source: PFAM calculations, Bloomberg Finance L.P., Bureau of Economic Analysis. As of April 2025.

<sup>1</sup>Federal Reserve: [Tealbook A, September 2018](#).

## Tariffs Drive Growth Expectations Lower

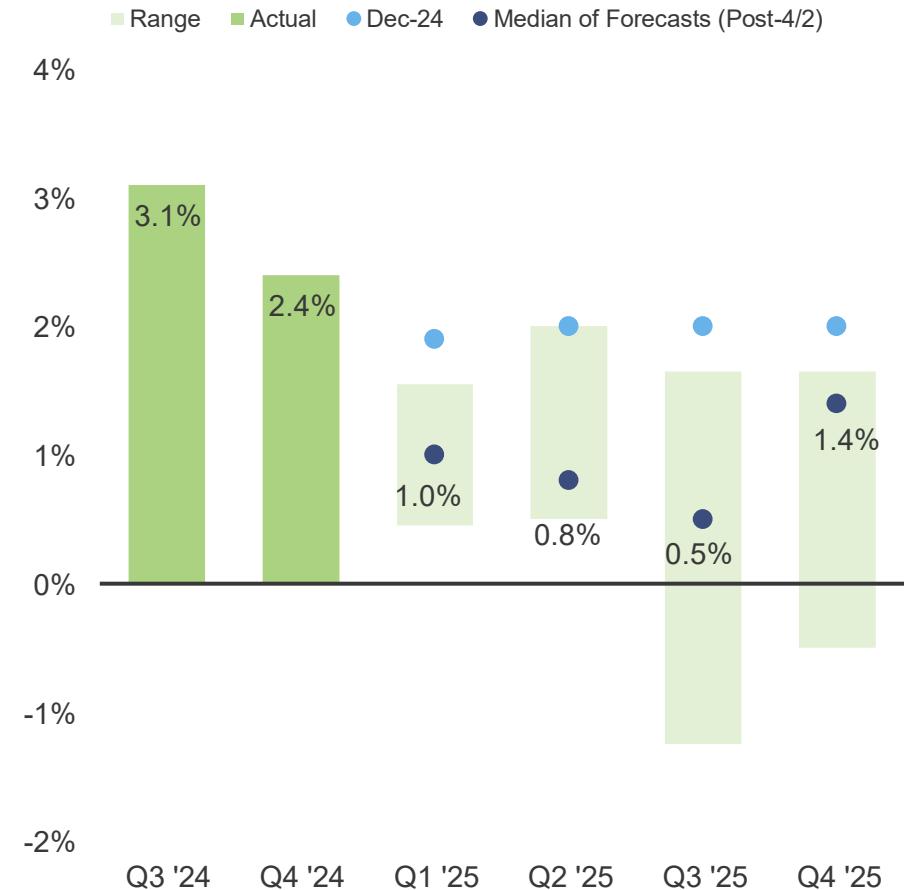
*Fed Chair Powell: "But we kind of know there are going to be tariffs and they tend to bring growth down."*

### U.S. Trade Balance



### U.S. GDP Forecasts

Annualized Rate



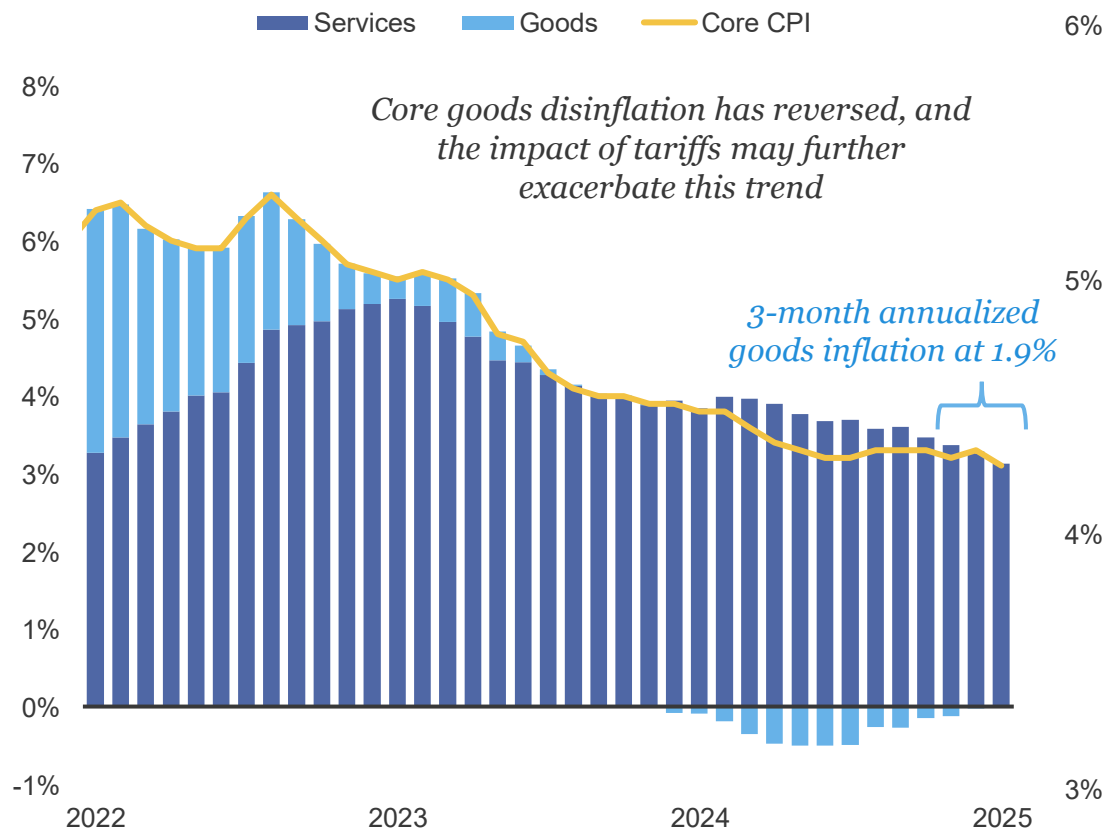
Source: FOMC Chair Jerome Powell Press Conference, March 19, 2025; Bloomberg Finance L.P. and the U.S. Census Bureau as of February 2025 (left). Bureau of Economic Analysis and Bloomberg Finance L.P., as of April 2025. Survey responses after April 2, 2025 included in median and forecast range (right).

## The Fed's Dual Mandate Gets More Complicated

*Fed Chair Powell : "...ultimately, though, it's too soon to be seeing significant effects [from tariffs] in economic data..."*

### Core CPI

Contributions to Year-Over-Year Change



### Unemployment Rate

6%

*Unemployment rate of 4.2% remains well below the 25-year average of 5.7%*

5%

4%

3%

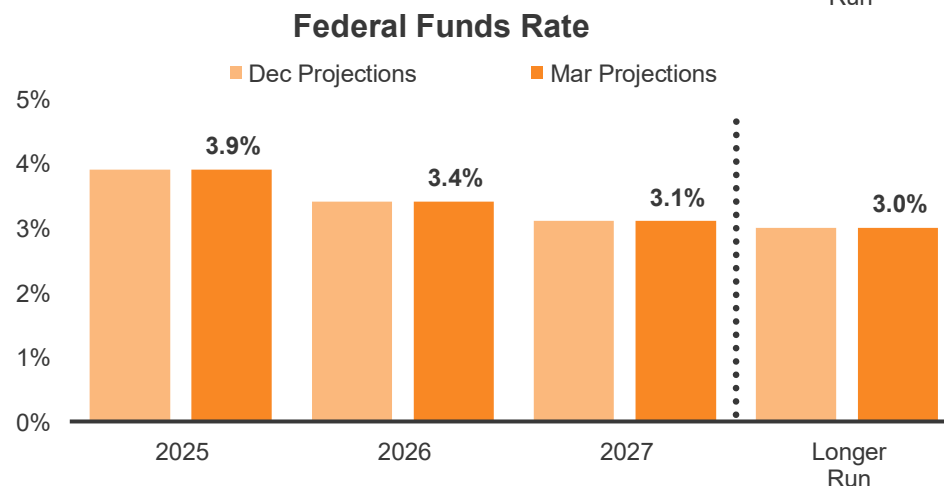
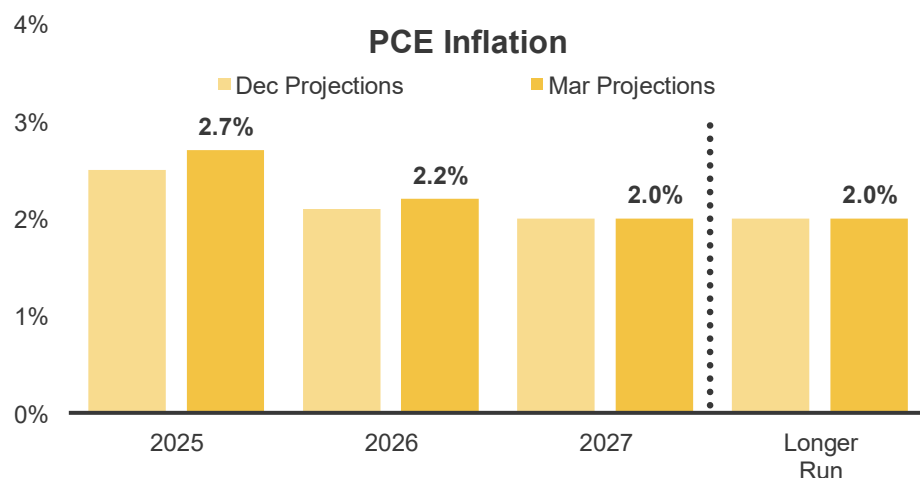
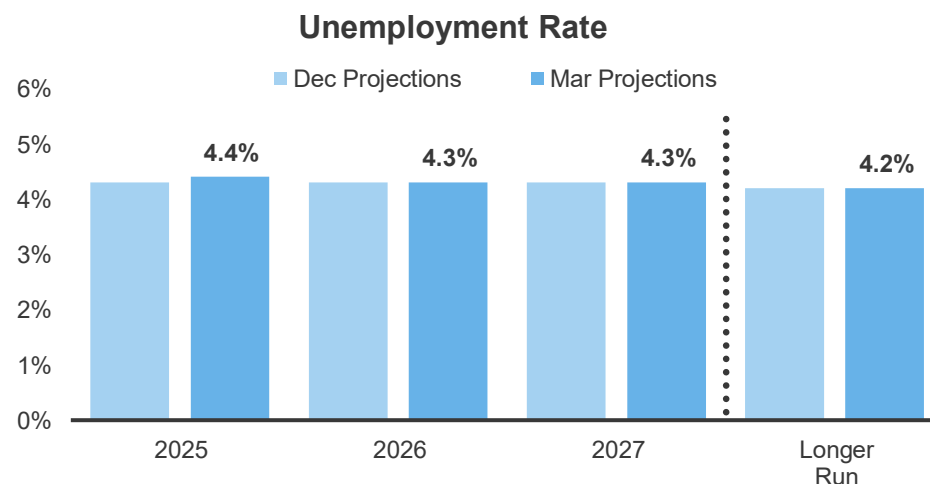
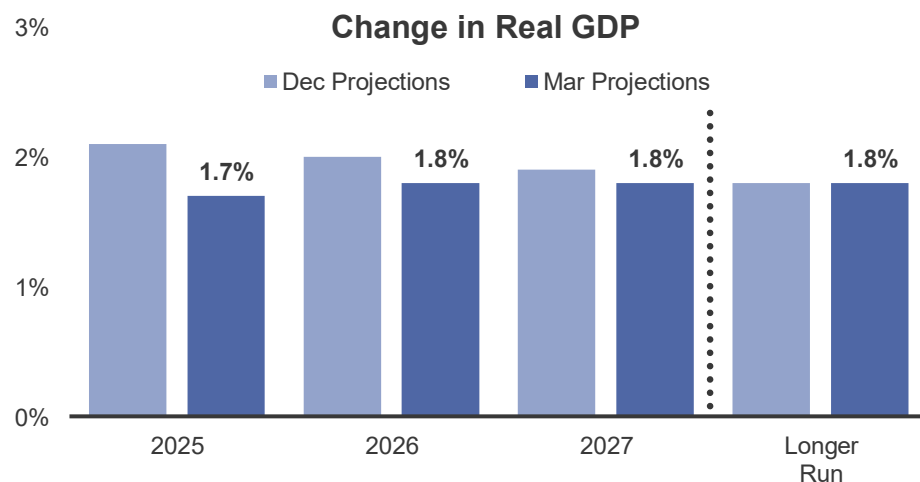
2022 2023 2024 2025

Mar-25  
4.2%

Source: FOMC Chair Jerome Powell Press Conference, March 19, 2025. Bureau of Labor Statistics, and Bloomberg Finance L.P., as of February 2025 (left). Bureau of Labor Statistics, and Bloomberg Finance L.P., as of March 2025 (right). Data is seasonally adjusted. Historical average unemployment rate calculated from March 2000 – March 2025.

## Fed's Updated Summary of Economic Projections

*Fed Chair Powell: "... you see weaker growth but higher inflation—they kind of offset—and also, frankly, a little bit of inertia. When it comes to changing something in this highly uncertain environment, you know, I think there is a level of inertia where you just say, maybe I'll stay where I am.*

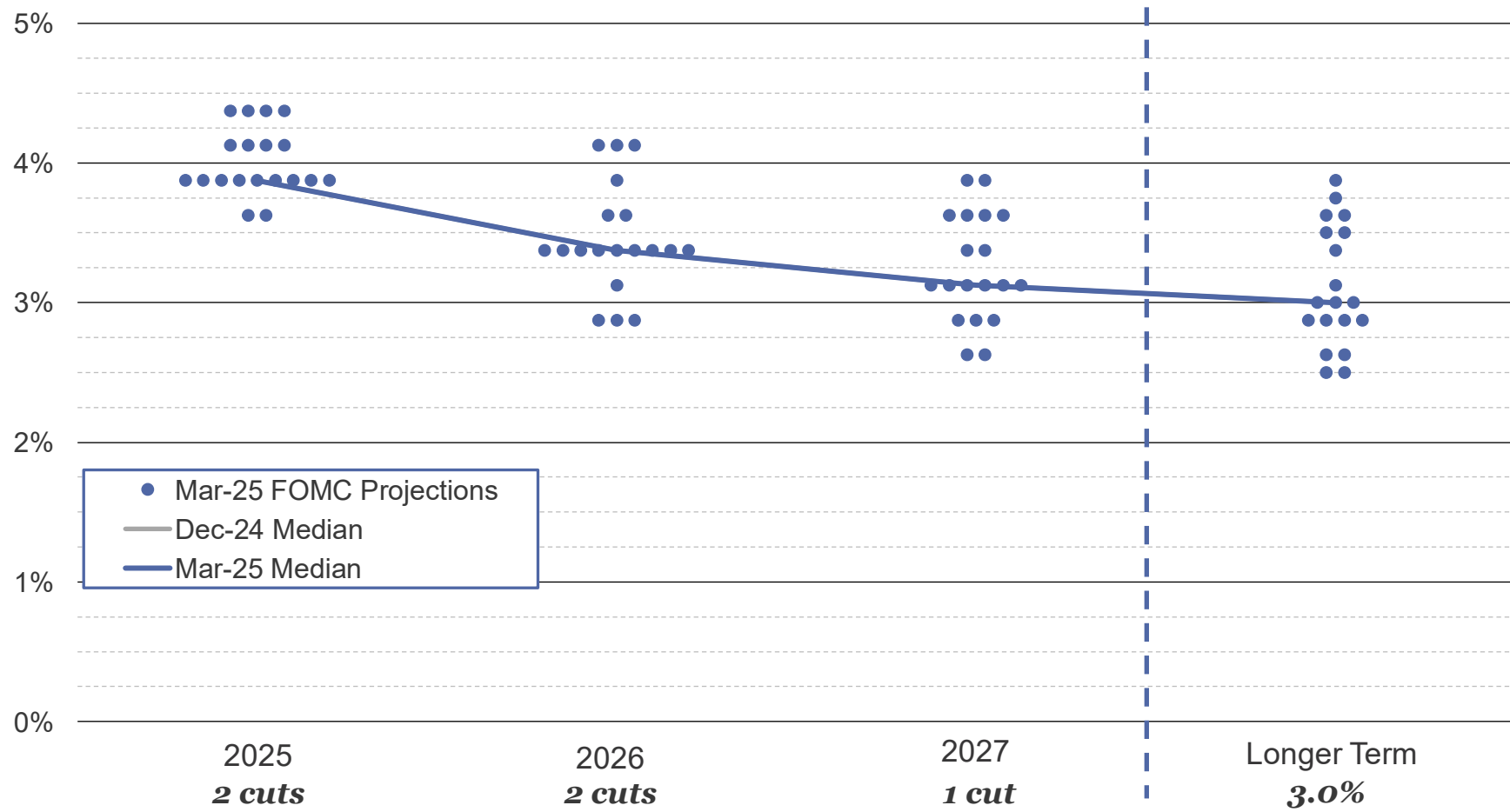


Source: FOMC Chair Jerome Powell Press Conference, March 19, 2025. Federal Reserve, latest economic projections as of March 2025.

## Fed's Latest "Dot Plot" Shows No Change to Median Projection

*Fed Chair Powell: "What would you write down? It's really hard to know how this is going to work out. And, again, we think our policy is in a good place ... where we can move in the direction where we need to."*

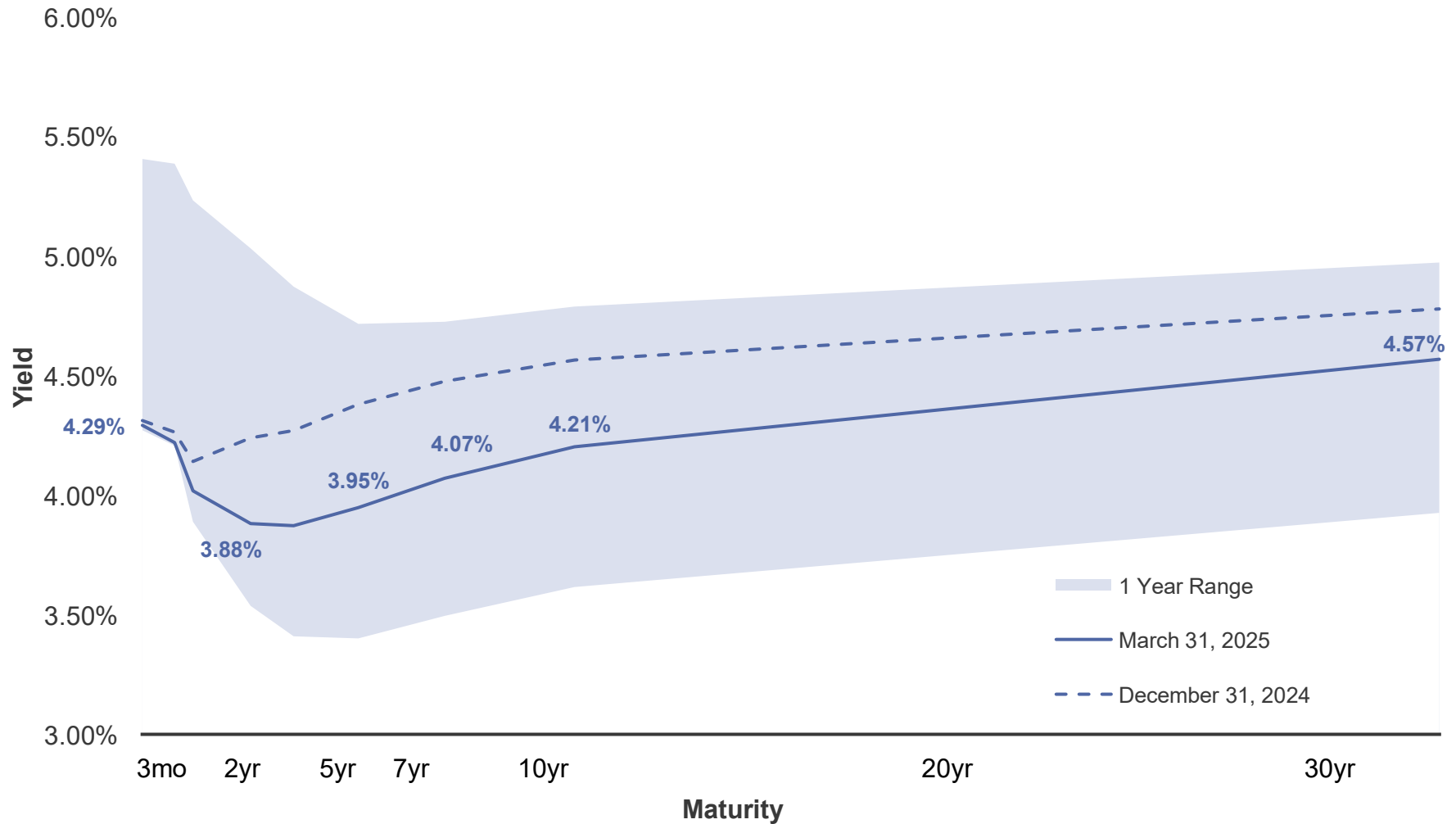
### Fed Participants' Assessments of 'Appropriate' Monetary Policy



Source: FOMC Chair Jerome Powell Press Conference, March 19, 2025. Federal Reserve; Bloomberg Finance L.P.. Individual dots represent each Fed members' judgement of the midpoint of the appropriate target range for the federal funds rate at each year-end. As of March 2025.

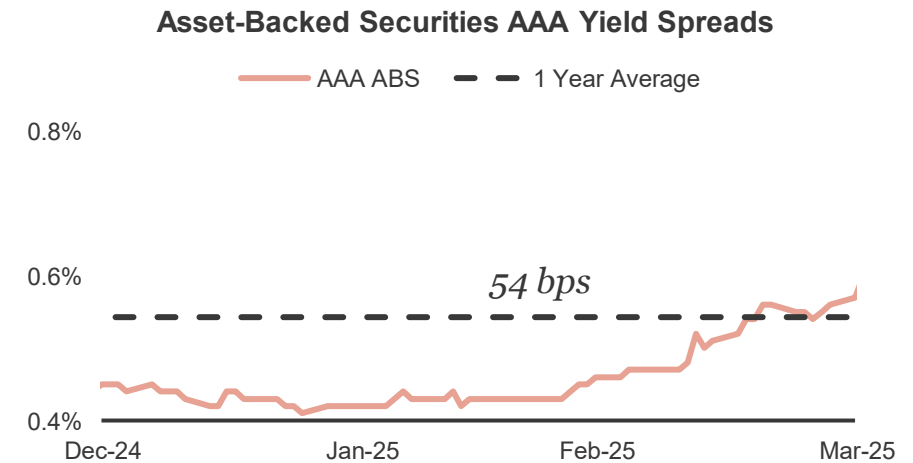
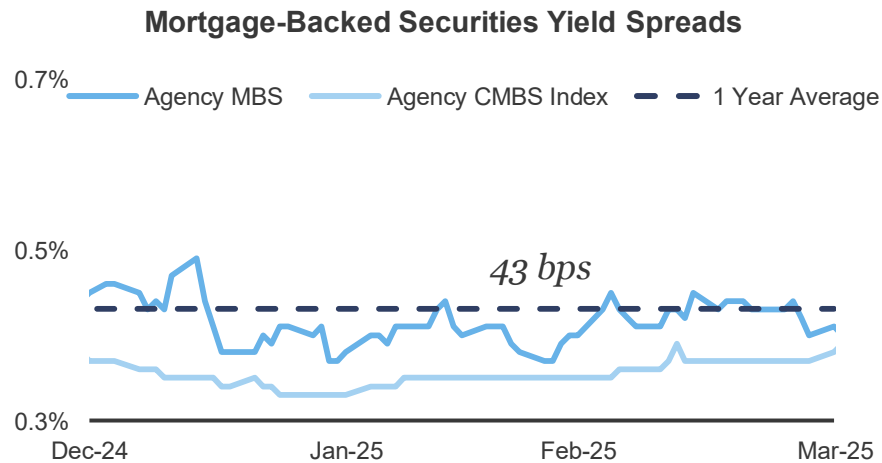
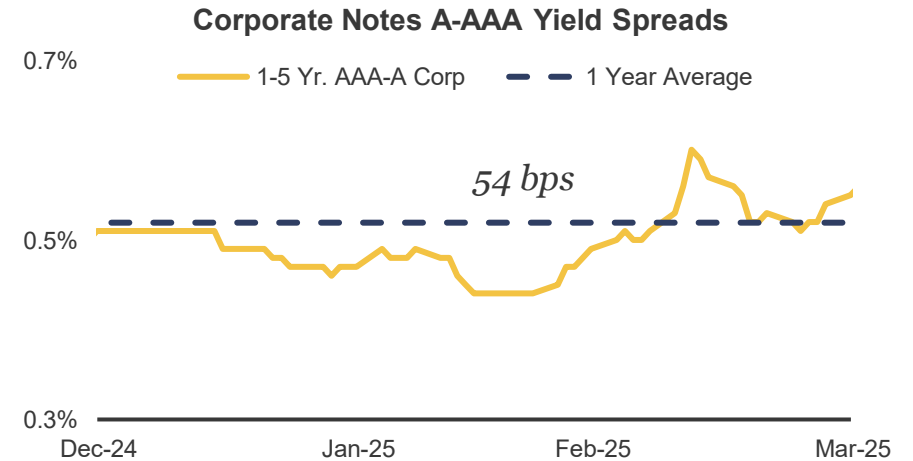
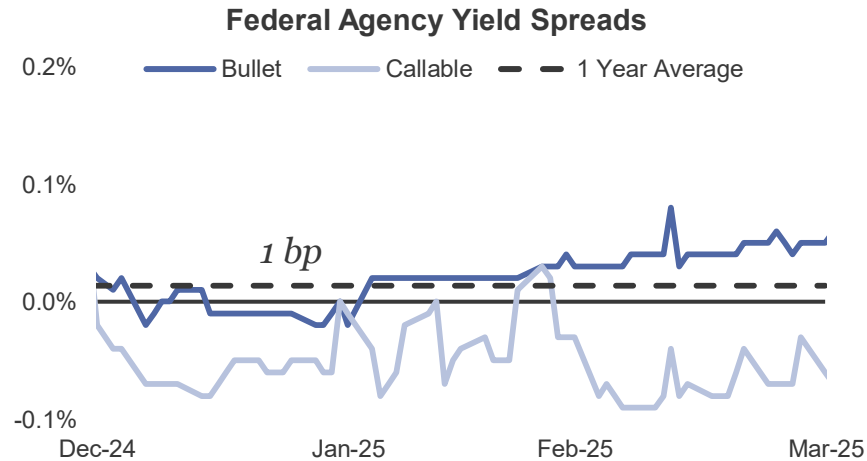
## Treasury Yields Lower Across the Curve

## U.S. Treasury Yield Curve



Source: Bloomberg Finance L.P., as of March 31, 2025.

## Sector Yield Spreads



Source: ICE BofA 1-5 year Indices via Bloomberg, MarketAxess and PFAM as of March 31, 2025. Spreads on ABS and MBS are option-adjusted spreads of 0-5 year indices based on weighted average life; spreads on agencies are relative to comparable maturity Treasuries.

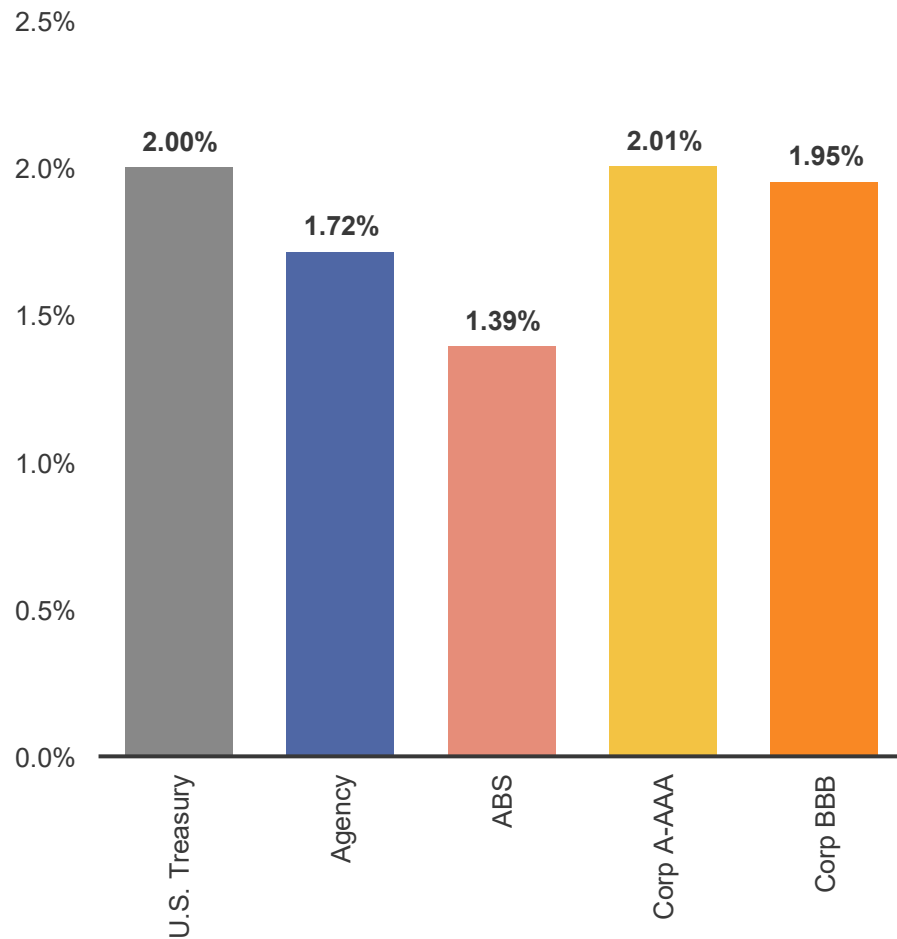
CMBS is Commercial Mortgage-Backed Securities and represented by the ICE BofA Agency CMBS Index.



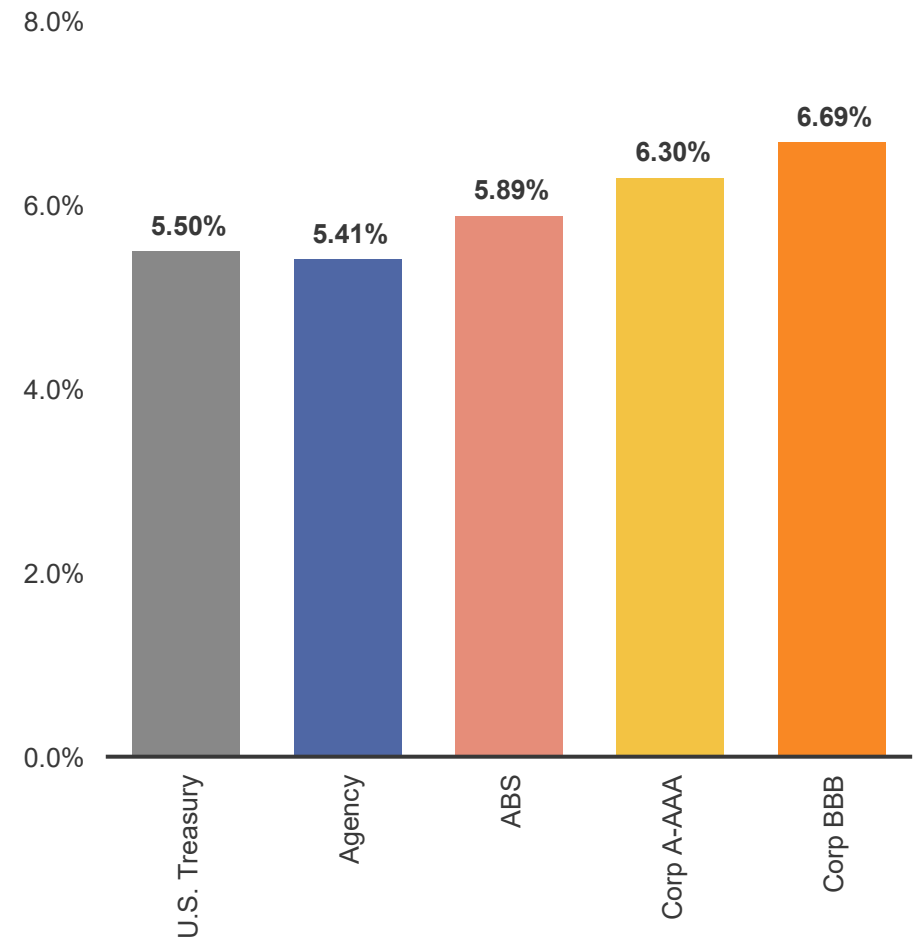
## Fixed-Income Index Total Returns in 1Q 2025

## 1-5 Year Indices

First Quarter 2025 Returns



1-Year Return



Source: ICE BofA Indices. ABS indices are 0-5 year, based on weighted average life. As of March 31, 2025.

## Fixed-Income Sector Commentary – 1Q 2025

- ▶ The **Federal Open Market Committee (FOMC)** opted to maintain the target range for the federal funds rate at 4.25-4.5% during both meetings in Q1, citing sticky inflation, a stable unemployment rate, and 'solid' labor market conditions.
- ▶ **U.S. Treasury** yields moved lower over the quarter as the 2-year Treasury yield fell 34 bps and 10-year Treasuries fell 37 bps. The change in yields reflected ongoing market sensitivity to domestic policy uncertainty, with a continued focus on the potential impacts of taxes, tariffs, immigration, and deregulation. As a result of the Treasury rally, total returns were strong for the period.
- ▶ **Federal Agency & supranational** spreads remained low and rangebound throughout Q1. Federal agencies produced modestly negative excess returns while supranationals were slightly positive. Issuance remained quite light and the incremental income from the sectors is near zero.
- ▶ **Investment-Grade (IG) corporate bonds** posted strong relative returns yet again as increased issuance levels were met with robust investor demand. Much of the spread widening seen during the second half of the quarter was offset by higher incremental income. From an excess return perspective, higher-quality and shorter-duration issuers outperformed in general in Q1. Financials and banking issuers continued to lead most other industries across the yield curve during the quarter.
- ▶ **Asset-Backed Securities** spreads widened modestly from the impact of heavy new issuance levels and a modest deterioration of credit fundamentals. ABS spreads widened more than corporate spreads, resulting in worse performance over the quarter but better relative value going forward.
- ▶ **Mortgage-Backed Securities** performance was mixed across structure and coupon during Q1 as heightened rate volatility persisted. In contrast, **Agency-backed commercial MBS (CMBS)** performed better for the quarter and saw positive excess returns across collateral and coupon structures.
- ▶ **Short-term credit** (commercial paper and negotiable bank CDs) yields on the front end fell in response to downward pressure from a paydown in the supply of U.S. Treasury Bills. Yield spreads tightened over the quarter in response to moderated issuance and strong demand.

*The views expressed within this material constitute the perspective and judgment of PFM Asset Management at the time of distribution (03/31/2025) and are subject to change. Information is obtained from sources generally believed to be reliable and available to the public; however, PFM Asset Management cannot guarantee its accuracy, completeness, or suitability.*

## Fixed-Income Sector Outlook – 2Q 2025

- ▶ **U.S. Treasury** volatility is expected to continue given both fiscal and monetary policy uncertainty. The potential impact of further policy changes on economic growth, inflation, and the labor market are unknown. We expect to see an ongoing steepening of the yield curve given the expectation for future Fed rate cuts.
- ▶ **Federal Agency & Supranational** spreads are likely to remain at tight levels. Government-heavy accounts may find occasional value on an issue-by-issue basis, particularly in supranationals as issuance increases in early Q2.
- ▶ **Taxable Municipals** continue to see little activity due to an ongoing lack of supply and strong demand which continues to suppress yields in both the new issue and secondary markets. We expect few opportunities in the near term.
- ▶ **Investment-Grade Corporate** bond fundamentals remain favorable while technicals have weakened on the margins. A protracted trade war and resulting hit to growth could weaken credit fundamentals and technicals. Valuations have repriced from narrow levels to reflect this uncertainty. We will selectively evaluate opportunities with a focus on industry and credit quality with an eye towards tactically reducing allocations in the sector to make room for future opportunities.
- ▶ **Asset-Backed Securities** fundamentals remain intact and credit metrics have normalized. Consumer credit trends will depend on the labor market and the consumer's response to monetary policy easing, which tends to work on a lag. We expect spreads to remain choppy heading into Q2 despite the stability in underlying technicals and view this as an opportunity to add allocations at more attractive levels.
- ▶ **Mortgage-Backed Securities** are expected to produce muted excess returns in Q2 as policy uncertainty may increase volatility. We may use any meaningful spread widening to add at more attractive levels.
- ▶ **Short-term credit** (commercial paper and negotiable bank CDs) spreads in Q2 will likely depend on changes to debt ceiling dynamics or the Fed's decision to slow the pace of quantitative tightening. Given the positively sloped shape of the money market yield curve, we favor a mix of floating rate in the front end with fixed rate in longer maturities.

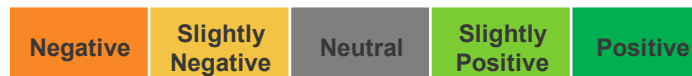
*The views expressed within this material constitute the perspective and judgment of PFM Asset Management at the time of distribution (03/31/2025) and are subject to change. Information is obtained from sources generally believed to be reliable and available to the public; however, PFM Asset Management cannot guarantee its accuracy, completeness, or suitability.*

## Fixed-Income Sector Outlook – 2Q 2025

Sector	Our Investment Preferences
COMMERCIAL PAPER / CD	
TREASURIES	
T-Bill	
T-Note	
FEDERAL AGENCIES	
Bullets	
Callables	
SUPRANATIONALS	
CORPORATES	
Financials	
Industrials	
SECURITIZED	
Asset-Backed	
Agency Mortgage-Backed	
Agency CMBS	
MUNICIPALS	

● Current outlook

○ Outlook one quarter ago



## Factors to Consider for 6-12 Months

### Monetary Policy (Global):



- The Fed paused its easing cycle in the first quarter given sticky inflation and the solid labor market. While the FOMC's "dot plot" continues to suggest 50 bps in rate cuts by the end of 2025, Fed Chair Powell indicated there is heightened risk and uncertainty due to the new administration's policies.
- Other major central banks (excluding the Bank of Japan) continued to cut rates. However, inflation remains a risk to this trend continuing, particularly in light of tariff uncertainty.

### Economic Growth (Global):



- U.S. economic growth remained steady in 2024, but worsening consumer sentiment may weigh on spending going forward.
- Pro-growth fiscal policies proposed on the campaign trail have yet to be realized, leaving rapidly changing tariff policy to weigh on growth prospects.
- Escalating trade tensions create the potential for slowing global growth.

### Inflation (U.S.):



- Progress towards the Fed's 2% target remains stalled with goods inflation moving higher even before tariff policies were enacted.
- Consumer expectations for inflation over the next 12 months have now reached their highest levels since early 2023 on tariff concerns.
- Fed Chair Powell said the data are not yet reflecting tariffs and reiterated it will be difficult to directly measure the impact of these policies on prices.

### Financial Conditions (U.S.):



- Financial conditions remained supportive in the first half of the quarter but tightened as ongoing tariff risks weighed on equity prices and credit spreads. While credit spreads widened modestly during the first quarter they remain below historic averages.
- The evolving fiscal landscape and growing uncertainty may lead to tightening financial conditions over the next 6-12 months.

### Consumer Spending (U.S.):



- Sentiment has meaningfully deteriorated as consumers expect higher prices and weaker labor market conditions as tariffs weigh on the pace of economic growth.
- A material deterioration of labor market conditions remains the biggest risk factor to consumer spending. Other headwinds may include slower real wage growth and reduced willingness to spend as prices move higher due to tariffs.

### Labor Markets:



- The labor market remains surprisingly resilient with both initial jobless claims and the unemployment rate at historically low levels. Monthly job gains continue to keep pace with labor force growth.
- With hiring and quits rates low, any acceleration in layoffs may result in job seekers remaining unemployed for longer.
- Federal job cuts and funding freezes could impact the hiring plans of sectors such as healthcare and higher education which rely on government funding. The impact of immigration policy remains unknown.

● Current outlook

○ Outlook one quarter ago

Stance Unfavorable to  
Risk Assets

Negative

Slightly  
Negative

Neutral

Slightly  
Positive

Positive

Stance Favorable to  
Risk Assets

Statements and opinions expressed about the next 6-12 months were developed based on our independent research with information obtained from Bloomberg and FactSet. The views expressed within this material constitute the perspective and judgment of PFM Asset Management at the time of distribution (3/31/2025) and are subject to change. Information is obtained from sources generally believed to be reliable and available to the public; however, PFM Asset Management cannot guarantee its accuracy, completeness, or suitability.

---

## Portfolio Review: CITY OF BENICIA RESERVES

## Certificate of Compliance

During the reporting period for the quarter ended March 31, 2025, the account(s) managed by PFM Asset Management ("PFMAM") were in compliance with the applicable investment policy and guidelines as furnished to PFMAM.

Acknowledged : *PFM Asset Management, a division of U.S. Bancorp Asset Management, Inc.*

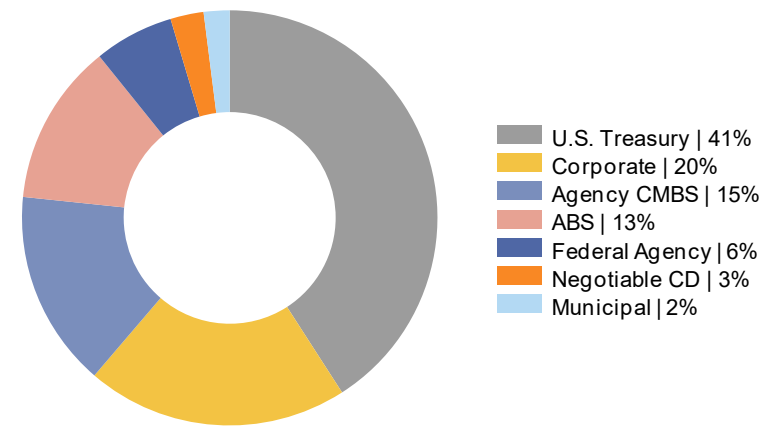
*Note: Pre- and post-trade compliance for the account(s) managed by PFM Asset Management is provided via Bloomberg Financial LP Asset and Investment Management ("AIM").*

## Portfolio Snapshot - CITY OF BENICIA RESERVES<sup>1</sup>

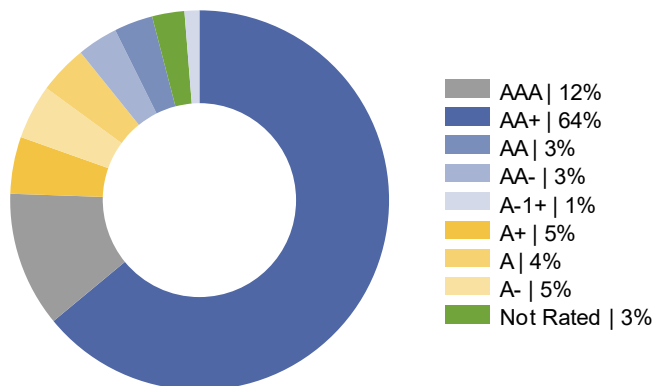
### Portfolio Statistics

<b>Total Market Value</b>	\$33,350,324.42
Securities Sub-Total	\$33,154,352.62
Accrued Interest	\$177,540.86
Cash	\$18,430.94
<b>Portfolio Effective Duration</b>	2.04 years
<b>Benchmark Effective Duration</b>	2.04 years
<b>Yield At Cost</b>	3.73%
<b>Yield At Market</b>	4.22%
<b>Portfolio Credit Quality</b>	AA

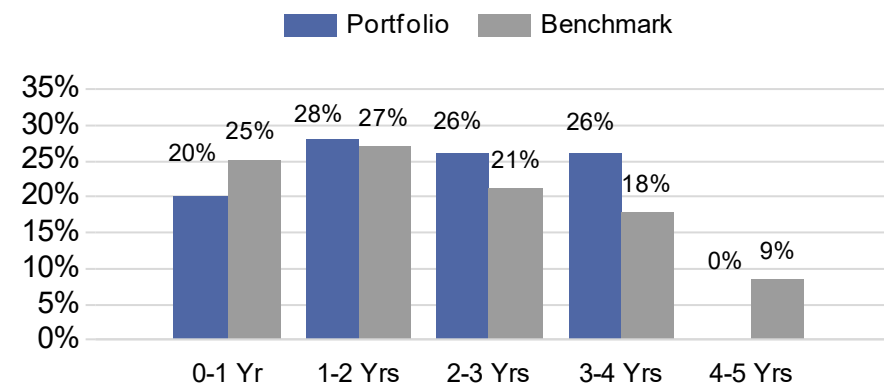
### Sector Allocation



### Credit Quality - S&P



### Duration Distribution



1. Total market value includes accrued interest and balances invested in PFM AM, as of March 31, 2025.

Yield and duration calculations exclude balances invested in PFM AM.

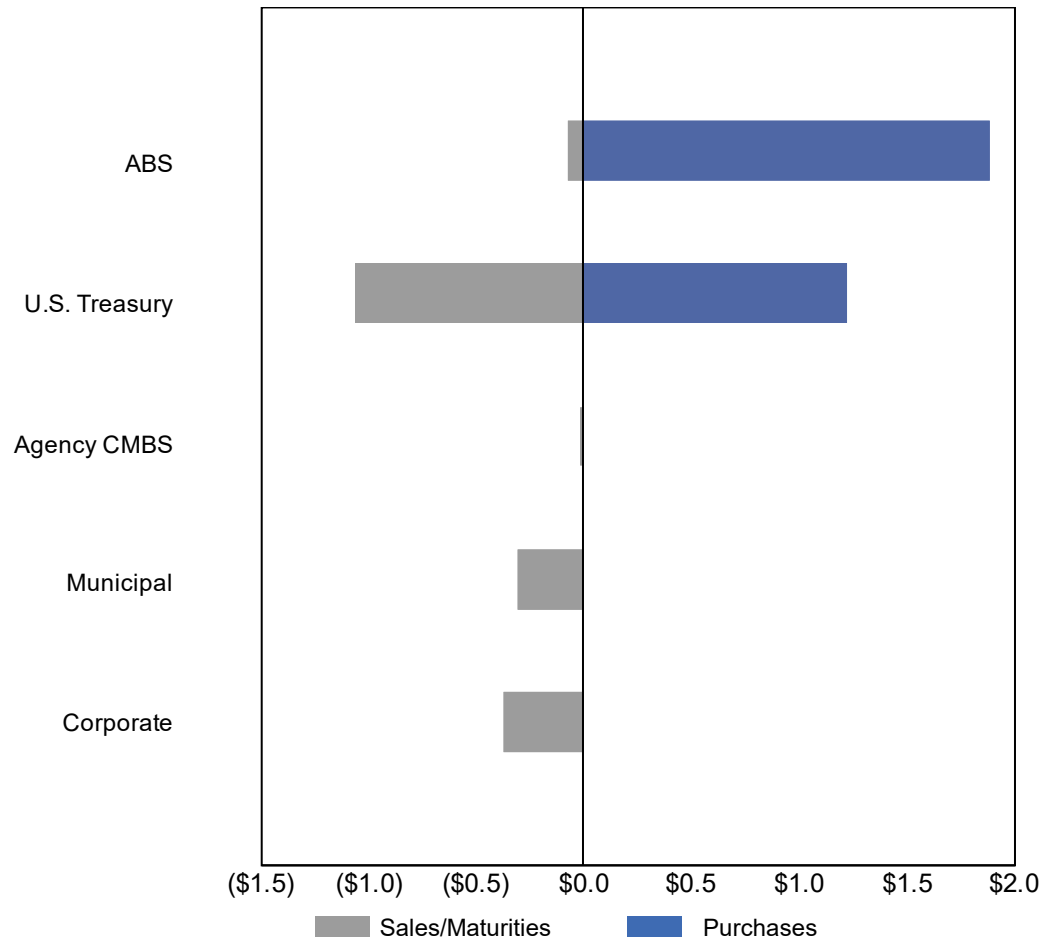
The portfolio's benchmark is currently the ICE BofA 0-5 Year U.S Treasury Index. Prior to 6/30/06 it was the ICE BofA 1-3 Year U.S Treasury Index. Source: Bloomberg Financial LP.

An average of each security's credit rating was assigned a numeric value and adjusted for its relative weighting in the portfolio.



## Portfolio Activity - CITY OF BENICIA RESERVES

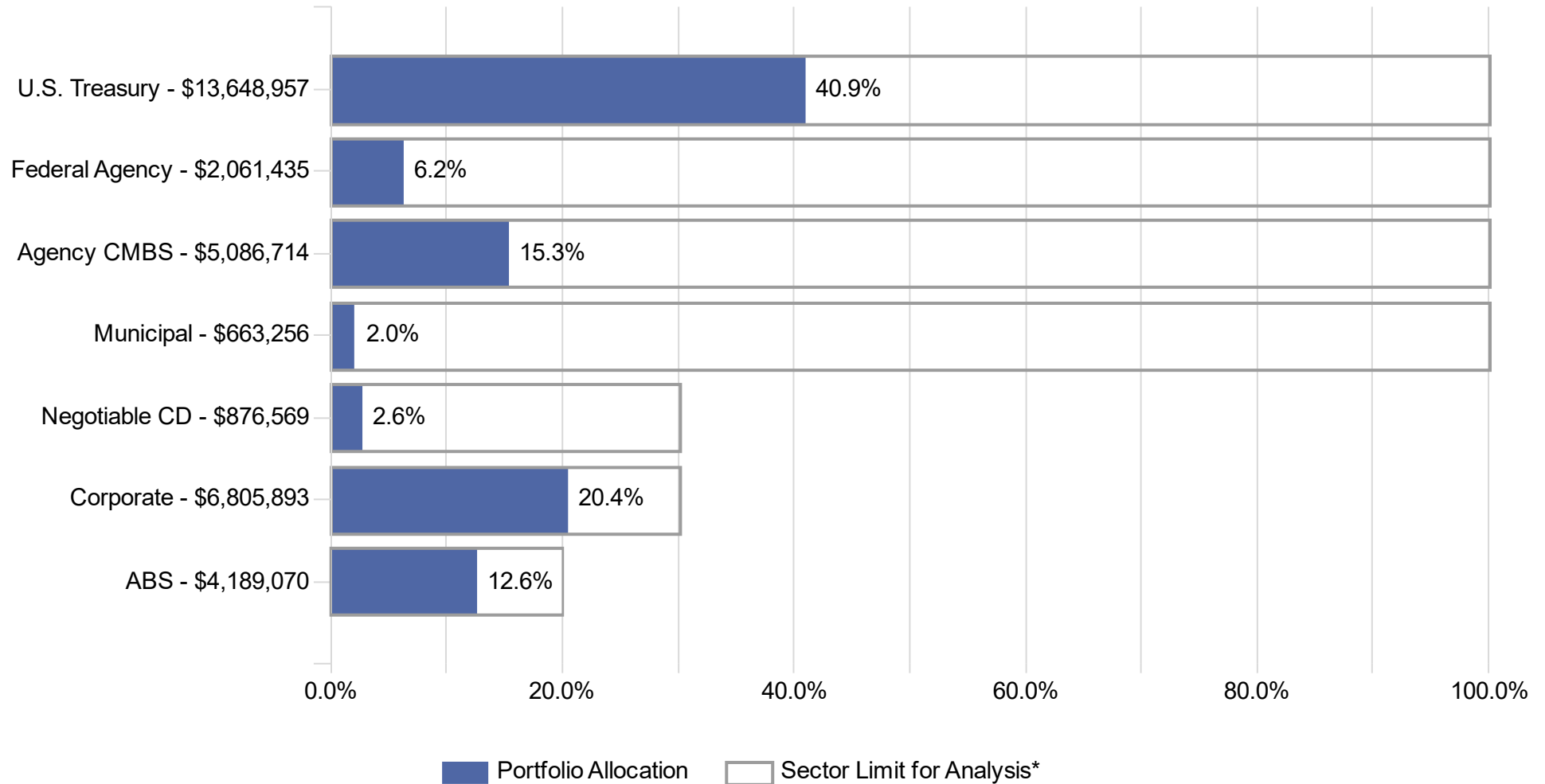
**Net Activity by Sector**  
(\$ millions)



Sector	Net Activity
ABS	\$1,809,477
U.S. Treasury	\$162,968
Agency CMBS	(\$9,240)
Municipal	(\$300,000)
Corporate	(\$370,745)
<b>Total Net Activity</b>	<b>\$1,292,461</b>

Based on total proceeds (principal and accrued interest) of buys, sells, maturities, and principal paydowns. Detail may not add to total due to rounding.

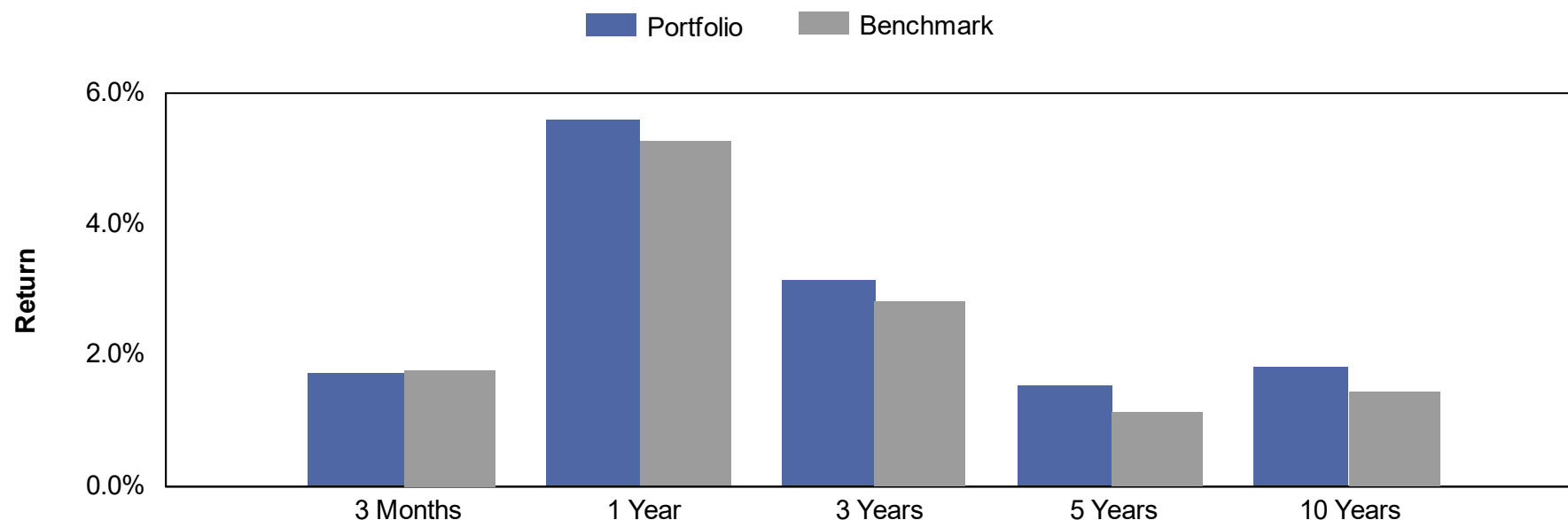
## Sector Allocation Analytics



For informational/analytical purposes only and is not provided for compliance assurance. Includes accrued interest.

\*Sector Limit for Analysis is as derived from our interpretation of your most recent Investment Policy as provided.

## Portfolio Performance



Market Value Basis Earnings	3 Months	1 Year	3 Years	5 Years	10 Years
Interest Earned <sup>2</sup>	\$244,933	\$907,209	\$1,942,590	\$2,912,732	\$5,232,505
Change in Market Value	\$325,978	\$861,179	\$1,018,449	(\$469,136)	\$234,710
<b>Total Dollar Return</b>	<b>\$570,911</b>	<b>\$1,768,388</b>	<b>\$2,961,039</b>	<b>\$2,443,596</b>	<b>\$5,467,215</b>
<b>Total Return<sup>3</sup></b>					
Portfolio	1.74%	5.60%	3.15%	1.53%	1.81%
Benchmark <sup>4</sup>	1.81%	5.43%	2.87%	1.09%	1.58%
<b>Difference</b>	<b>-0.07%</b>	<b>0.17%</b>	<b>0.28%</b>	<b>0.44%</b>	<b>0.23%</b>

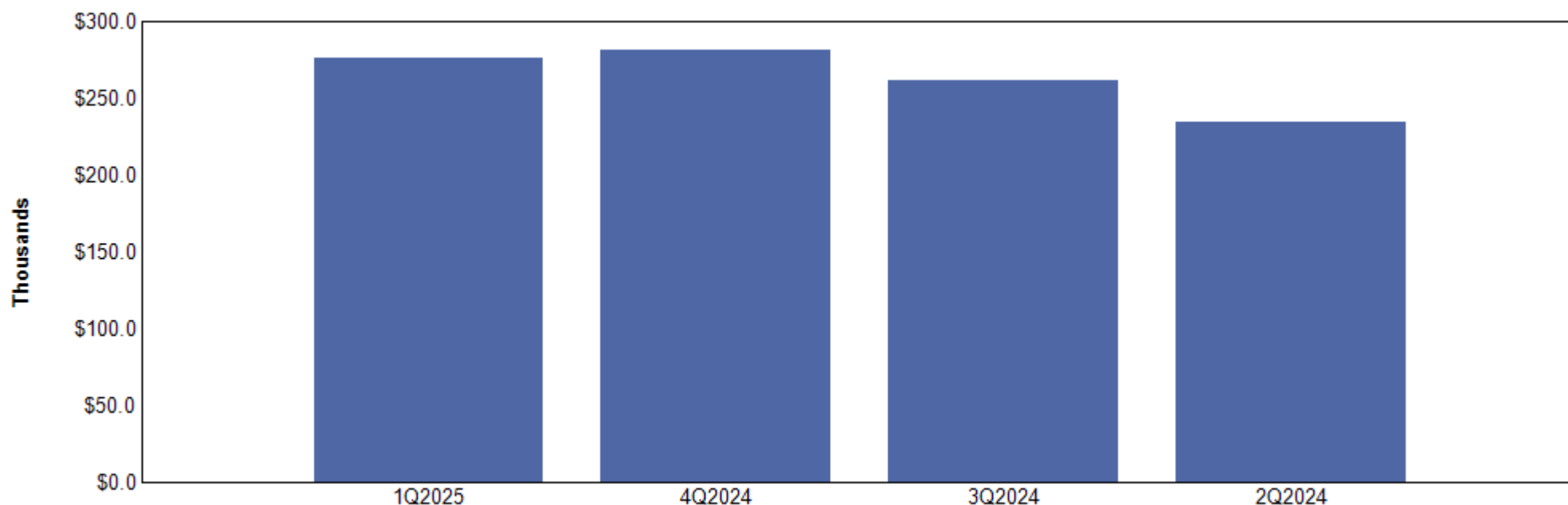
1. The lesser of 10 years or since inception is shown. Since inception returns for periods one year or less are not shown. Performance inception date is December 31, 2005.

2. Interest earned calculated as the ending accrued interest less beginning accrued interest, plus net interest activity.

3. Returns for periods one year or less are presented on a periodic basis. Returns for periods greater than one year are presented on an annualized basis.

4. The portfolio's benchmark is currently the ICE BofA 0-5 Year U.S Treasury Index. Prior to 6/30/06 it was the ICE BofA 1-3 Year U.S Treasury Index. Source: Bloomberg Financial LP.

## Accrual Basis Earnings - CITY OF BENICIA RESERVES

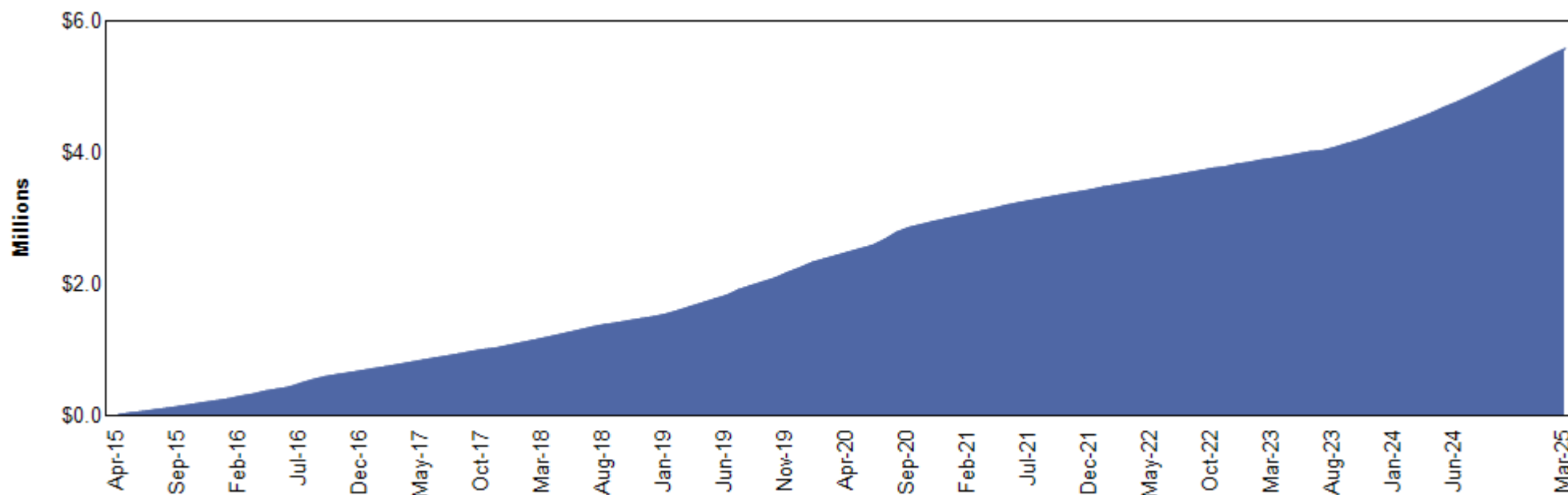


Accrual Basis Earnings	1Q2025	4Q2024	3Q2024	2Q2024
Interest Earned <sup>1</sup>	\$244,933	\$237,426	\$220,035	\$204,815
Realized Gains / (Losses) <sup>2</sup>	(\$17,217)	(\$1,019)	\$130	(\$13,738)
Change in Amortized Cost	\$48,799	\$44,539	\$41,175	\$43,766
<b>Total Earnings</b>	<b>\$276,515</b>	<b>\$280,946</b>	<b>\$261,339</b>	<b>\$234,842</b>

1. Interest earned calculated as the ending accrued interest less beginning accrued interest, plus net interest activity.

2. Realized gains / (losses) are shown on an amortized cost basis.

## Accrual Basis Earnings - CITY OF BENICIA RESERVES



Accrual Basis Earnings	3 Months	1 Year	3 Years	5 Year	10 Year <sup>1</sup>
Interest Earned <sup>2</sup>	\$244,933	\$907,209	\$1,942,590	\$2,912,732	\$5,232,505
Realized Gains / (Losses) <sup>3</sup>	(\$17,217)	(\$31,845)	(\$216,995)	(\$60,271)	\$19,041
Change in Amortized Cost	\$48,799	\$178,279	\$313,276	\$292,284	\$331,888
<b>Total Earnings</b>	<b>\$276,515</b>	<b>\$1,053,643</b>	<b>\$2,038,871</b>	<b>\$3,144,745</b>	<b>\$5,583,435</b>

1. The lesser of 10 years or since inception is shown. Performance inception date is December 31, 2005.

2. Interest earned calculated as the ending accrued interest less beginning accrued interest, plus net interest activity.

3. Realized gains / (losses) are shown on an amortized cost basis.

---

## Portfolio Holdings and Transactions

## Issuer Diversification

Security Type / Issuer	Market Value (%)	S&P / Moody's / Fitch
<b>U.S. Treasury</b>	<b>40.9%</b>	
United States Treasury	40.9%	AA / Aaa / AA
<b>Federal Agency</b>	<b>6.2%</b>	
Federal Home Loan Banks	1.3%	AA / Aaa / NR
Federal Home Loan Mortgage Corp	2.1%	AA / Aaa / AA
Federal National Mortgage Association	2.8%	AA / Aaa / AA
<b>Agency CMBS</b>	<b>15.3%</b>	
Federal Home Loan Mortgage Corp	14.4%	AA / Aaa / AA
Federal National Mortgage Association	0.9%	AA / Aaa / AA
<b>Municipal</b>	<b>2.0%</b>	
California State University	0.2%	AA / Aa / NR
State Board of Administration Finance C	0.9%	AA / Aa / AA
State of California	0.4%	AA / Aa / AA
State of Minnesota	0.3%	AAA / Aaa / AAA
University of California Board of Regen	0.2%	AA / Aa / AA
<b>Negotiable CD</b>	<b>2.6%</b>	
Nordea Bank Abp	1.3%	AA / Aa / AA
Toronto-Dominion Bank	1.3%	A / A / NR
<b>Corporate</b>	<b>20.4%</b>	
Adobe Inc	0.7%	A / A / NR
Air Products and Chemicals Inc	0.6%	A / A / NR
Amazon.com Inc	0.4%	AA / A / AA
Apple Inc	1.6%	AA / Aaa / NR
Bank of America Corp	0.9%	A / NR / NR
Bank of New York Mellon Corp	1.3%	A / Aa / AA
Berkshire Hathaway Inc	1.3%	AA / Aa / A

Security Type / Issuer	Market Value (%)	S&P / Moody's / Fitch
<b>Corporate</b>	<b>20.4%</b>	
BlackRock Inc	1.4%	AA / Aa / NR
Caterpillar Inc	0.6%	A / A / A
Cintas Corp	0.2%	A / A / NR
Cisco Systems Inc	0.8%	AA / A / NR
Citigroup Inc	1.4%	A / Aa / A
Deere & Co	0.7%	A / A / A
Home Depot Inc	0.8%	A / A / A
Honda Motor Co Ltd	0.7%	A / A / NR
International Business Machines Corp	0.7%	A / A / A
Lockheed Martin Corp	0.1%	A / A / A
Merck & Co Inc	0.3%	A / Aa / NR
Microsoft Corp	1.3%	AAA / Aaa / NR
Morgan Stanley	1.0%	A / Aa / AA
National Australia Bank Ltd	0.8%	AA / Aa / NR
National Rural Utilities Cooperative Fi	0.8%	A / A / A
Target Corp	0.1%	A / A / A
Texas Instruments Inc	0.2%	A / Aa / NR
Toyota Motor Corp	0.7%	A / A / A
UnitedHealth Group Inc	0.7%	A / A / A
Walmart Inc	0.5%	AA / Aa / AA
<b>ABS</b>	<b>12.6%</b>	
Ally Auto Receivables Trust	0.3%	AAA / NR / AAA
American Express Co	2.6%	AAA / NR / AAA
BA Credit Card Trust	0.3%	NR / Aaa / AAA
BMW Vehicle Lease Trust	0.5%	AAA / Aaa / NR
Capital One Financial Corp	0.9%	AAA / NR / AAA

Ratings shown are calculated by assigning a numeral value to each security rating, then calculating a weighted average rating for each security type / issuer category using all available security ratings, excluding Not-Rated (NR) ratings. For security type / issuer categories where a rating from the applicable NRSRO is not available, a rating of NR is assigned. Includes accrued interest and excludes balances invested in overnight funds.

## Issuer Diversification

Security Type / Issuer	Market Value (%)	S&P / Moody's / Fitch
<b>ABS</b>	<b>12.6%</b>	
CarMax Inc	0.0%	AAA / Aaa / NR
Ford Credit Auto Owner Trust	0.8%	AAA / Aaa / NR
GM Financial Consumer Automobile Receiv	0.3%	AAA / Aaa / NR
Harley-Davidson Inc	0.2%	NR / Aaa / AAA
Honda Auto Receivables Owner Trust	1.6%	AAA / Aaa / AAA
Hyundai Auto Receivables Trust	1.1%	AAA / NR / AAA
JPMorgan Chase & Co	0.8%	AAA / NR / AAA
Nissan Auto Receivables Owner Trust	0.2%	NR / Aaa / AAA
Toyota Auto Receivables Owner Trust	0.7%	AAA / Aaa / AAA
Verizon Master Trust	0.8%	NR / Aaa / AAA
Volkswagen Auto Loan Enhanced Trust	0.9%	AAA / Aaa / AAA
WF Card Issuance Trust	0.5%	AAA / Aaa / NR
<b>Total</b>	<b>100.0%</b>	

Ratings shown are calculated by assigning a numeral value to each security rating, then calculating a weighted average rating for each security type / issuer category using all available security ratings, excluding Not-Rated (NR) ratings. For security type / issuer categories where a rating from the applicable NRSRO is not available, a rating of NR is assigned. Includes accrued interest and excludes balances invested in overnight funds.



### Issuer Distribution As of March 31, 2025

Issuer	Market Value (\$)	% of Portfolio
UNITED STATES TREASURY	13,572,374	40.93 %
FEDERAL HOME LOAN MORTGAGE CORP	5,473,398	16.51 %
FEDERAL NATIONAL MORTGAGE ASSOCIATION	1,221,630	3.68 %
AMERICAN EXPRESS CO	855,187	2.58 %
HONDA AUTO RECEIVABLES OWNER TRUST	525,340	1.58 %
APPLE INC	522,985	1.58 %
CITIGROUP INC	468,419	1.41 %
BLACKROCK INC	456,448	1.38 %
MICROSOFT CORP	444,065	1.34 %
BERKSHIRE HATHAWAY INC	434,962	1.31 %
BANK OF NEW YORK MELLON CORP	432,856	1.31 %
FEDERAL HOME LOAN BANKS	432,341	1.30 %
TORONTO-DOMINION BANK	428,256	1.29 %
NORDEA BANK ABP	428,206	1.29 %
HYUNDAI AUTO RECEIVABLES TRUST	361,218	1.09 %
MORGAN STANLEY	327,677	0.99 %
VOLKSWAGEN AUTO LOAN ENHANCED TRUST	311,072	0.94 %
CAPITAL ONE FINANCIAL CORP	307,886	0.93 %
BANK OF AMERICA CORP	299,985	0.90 %
STATE BOARD OF ADMINISTRATION FINANCE C	282,656	0.85 %
NATIONAL RURAL UTILITIES COOPERATIVE FI	269,333	0.81 %
FORD CREDIT AUTO OWNER TRUST	265,609	0.80 %
VERIZON MASTER TRUST	265,083	0.80 %
JPMORGAN CHASE & CO	261,409	0.79 %

Issuer	Market Value (\$)	% of Portfolio
HOME DEPOT INC	252,505	0.76 %
NATIONAL AUSTRALIA BANK LTD	249,434	0.75 %
CISCO SYSTEMS INC	249,128	0.75 %
DEERE & CO	229,367	0.69 %
ADOBE INC	228,431	0.69 %
TOYOTA AUTO RECEIVABLES OWNER TRUST	226,307	0.68 %
TOYOTA MOTOR CORP	225,941	0.68 %
INTERNATIONAL BUSINESS MACHINES CORP	224,519	0.68 %
HONDA MOTOR CO LTD	221,644	0.67 %
UNITEDHEALTH GROUP INC	217,225	0.66 %
CATERPILLAR INC	215,424	0.65 %
AIR PRODUCTS AND CHEMICALS INC	206,504	0.62 %
BMW VEHICLE LEASE TRUST	175,751	0.53 %
WF CARD ISSUANCE TRUST	164,877	0.50 %
WALMART INC	154,219	0.47 %
AMAZON.COM INC	144,923	0.44 %
STATE OF CALIFORNIA	121,639	0.37 %
BA CREDIT CARD TRUST	106,150	0.32 %
ALLY AUTO RECEIVABLES TRUST	104,459	0.32 %
STATE OF MINNESOTA	98,812	0.30 %
GM FINANCIAL CONSUMER AUTOMOBILE RECEIV	90,088	0.27 %
MERCK & CO INC	89,752	0.27 %
HARLEY-DAVIDSON INC	80,580	0.24 %
UNIVERSITY OF CALIFORNIA BOARD OF REGEN	79,656	0.24 %
CALIFORNIA STATE UNIVERSITY	78,453	0.24 %
NISSAN AUTO RECEIVABLES OWNER TRUST	69,972	0.21 %
CINTAS CORP	64,925	0.20 %

Issuer	Market Value (\$)	% of Portfolio
TEXAS INSTRUMENTS INC	50,491	0.15 %
TARGET CORP	38,489	0.12 %
LOCKHEED MARTIN CORP	35,138	0.11 %
CARMAX INC	11,156	0.03 %
Grand Total	33,154,353	100.00 %

## Managed Account Detail of Securities Held

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>U.S. Treasury</b>											
US TREASURY N/B DTD 12/31/2020 0.375% 12/31/2025	91282CBC4	250,000.00	AA+	Aaa	12/2/2021	12/6/2021	242,480.47	1.13	235.67	248,613.49	243,154.25
US TREASURY N/B DTD 12/31/2020 0.375% 12/31/2025	91282CBC4	300,000.00	AA+	Aaa	7/1/2021	7/7/2021	294,105.47	0.82	282.80	299,013.98	291,785.10
US TREASURY N/B DTD 12/31/2020 0.375% 12/31/2025	91282CBC4	225,000.00	AA+	Aaa	5/4/2021	5/6/2021	221,194.34	0.75	212.10	224,386.62	218,838.83
US TREASURY N/B DTD 12/31/2020 0.375% 12/31/2025	91282CBC4	75,000.00	AA+	Aaa	6/2/2021	6/7/2021	73,898.44	0.70	70.70	74,819.05	72,946.28
US TREASURY N/B DTD 12/31/2020 0.375% 12/31/2025	91282CBC4	450,000.00	AA+	Aaa	8/3/2021	8/5/2021	446,167.97	0.57	424.21	449,347.44	437,677.65
US TREASURY N/B DTD 04/30/2021 0.750% 04/30/2026	91282CBW0	75,000.00	AA+	Aaa	2/10/2022	2/14/2022	71,458.01	1.92	236.19	74,091.44	72,399.60
US TREASURY N/B DTD 04/30/2021 0.750% 04/30/2026	91282CBW0	300,000.00	AA+	Aaa	1/4/2022	1/6/2022	292,687.50	1.33	944.75	298,170.71	289,598.40
US TREASURY N/B DTD 08/02/2021 0.625% 07/31/2026	91282CCP4	575,000.00	AA+	Aaa	8/1/2022	8/4/2022	529,359.38	2.74	595.65	559,776.02	550,023.73
US TREASURY N/B DTD 08/02/2021 0.625% 07/31/2026	91282CCP4	175,000.00	AA+	Aaa	6/2/2022	6/6/2022	159,256.84	2.94	181.28	169,953.05	167,398.53
US TREASURY N/B DTD 08/02/2021 0.625% 07/31/2026	91282CCP4	750,000.00	AA+	Aaa	8/8/2022	8/15/2022	682,968.75	3.04	776.93	727,470.82	717,422.25
US TREASURY N/B DTD 08/02/2021 0.625% 07/31/2026	91282CCP4	425,000.00	AA+	Aaa	7/5/2022	7/8/2022	389,057.62	2.84	440.26	413,229.11	406,539.28
US TREASURY N/B DTD 11/15/2016 2.000% 11/15/2026	912828U24	600,000.00	AA+	Aaa	12/5/2022	12/7/2022	558,304.69	3.92	4,541.44	582,817.71	581,625.00
US TREASURY N/B DTD 11/15/2016 2.000% 11/15/2026	912828U24	350,000.00	AA+	Aaa	11/1/2022	11/4/2022	319,402.34	4.39	2,649.17	337,673.63	339,281.25
US TREASURY N/B DTD 11/15/2016 2.000% 11/15/2026	912828U24	225,000.00	AA+	Aaa	10/5/2022	10/11/2022	207,369.14	4.10	1,703.04	218,011.30	218,109.38
US TREASURY N/B DTD 11/15/2016 2.000% 11/15/2026	912828U24	500,000.00	AA+	Aaa	1/4/2023	1/6/2023	465,175.78	3.96	3,784.53	485,343.67	484,687.50

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>U.S. Treasury</b>											
US TREASURY N/B DTD 05/02/2022 2.750% 04/30/2027	91282CEN7	875,000.00	AA+	Aaa	1/31/2023	2/3/2023	842,495.12	3.70	10,103.59	859,052.23	854,629.12
US TREASURY N/B DTD 08/01/2022 2.750% 07/31/2027	91282CFB2	450,000.00	AA+	Aaa	6/2/2023	6/6/2023	429,152.34	3.97	2,051.10	438,297.26	438,345.90
US TREASURY N/B DTD 08/01/2022 2.750% 07/31/2027	91282CFB2	350,000.00	AA+	Aaa	7/3/2023	7/7/2023	329,957.03	4.30	1,595.30	338,514.10	340,935.70
US TREASURY N/B DTD 08/01/2022 2.750% 07/31/2027	91282CFB2	200,000.00	AA+	Aaa	9/11/2023	9/15/2023	187,343.75	4.55	911.60	192,388.36	194,820.40
US TREASURY N/B DTD 08/01/2022 2.750% 07/31/2027	91282CFB2	575,000.00	AA+	Aaa	3/2/2023	3/6/2023	536,569.33	4.44	2,620.86	554,661.38	560,108.65
US TREASURY N/B DTD 08/01/2022 2.750% 07/31/2027	91282CFB2	700,000.00	AA+	Aaa	5/1/2023	5/5/2023	676,347.66	3.62	3,190.61	686,997.32	681,871.40
US TREASURY N/B DTD 11/30/2022 3.875% 11/30/2027	91282CFZ9	350,000.00	AA+	Aaa	1/2/2024	1/5/2024	348,660.16	3.98	4,545.67	349,085.15	349,630.75
US TREASURY N/B DTD 11/30/2022 3.875% 11/30/2027	91282CFZ9	425,000.00	AA+	Aaa	12/1/2023	12/5/2023	419,372.07	4.24	5,519.75	421,239.03	424,551.62
US TREASURY N/B DTD 02/28/2023 4.000% 02/29/2028	91282CGP0	325,000.00	AA+	Aaa	3/1/2024	3/6/2024	321,458.01	4.30	1,130.43	322,409.84	325,736.45
US TREASURY N/B DTD 02/28/2023 4.000% 02/29/2028	91282CGP0	225,000.00	AA+	Aaa	2/2/2024	2/6/2024	225,940.43	3.89	782.61	225,674.27	225,509.85
US TREASURY N/B DTD 02/28/2023 4.000% 02/29/2028	91282CGP0	275,000.00	AA+	Aaa	5/1/2024	5/6/2024	267,523.44	4.79	956.52	269,175.69	275,623.15
US TREASURY N/B DTD 06/30/2021 1.250% 06/30/2028	91282CCH2	300,000.00	AA+	Aaa	8/1/2024	8/5/2024	270,914.06	3.96	942.68	275,485.48	275,742.30
US TREASURY N/B DTD 06/30/2021 1.250% 06/30/2028	91282CCH2	400,000.00	AA+	Aaa	9/4/2024	9/6/2024	366,859.38	3.59	1,256.91	371,502.99	367,656.40
US TREASURY N/B DTD 06/30/2021 1.250% 06/30/2028	91282CCH2	300,000.00	AA+	Aaa	7/1/2024	7/3/2024	264,855.47	4.49	942.68	270,947.17	275,742.30
US TREASURY N/B DTD 06/30/2021 1.250% 06/30/2028	91282CCH2	650,000.00	AA+	Aaa	6/6/2024	6/11/2024	574,970.70	4.39	2,042.47	588,836.32	597,441.65
US TREASURY N/B DTD 01/02/2024 3.750% 12/31/2028	91282CJR3	275,000.00	AA+	Aaa	10/31/2024	11/5/2024	270,896.48	4.14	2,592.37	271,266.42	273,130.83
US TREASURY N/B DTD 01/02/2024 3.750% 12/31/2028	91282CJR3	800,000.00	AA+	Aaa	12/3/2024	12/6/2024	789,468.75	4.10	7,541.44	790,236.33	794,562.40

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>U.S. Treasury</b>											
US TREASURY N/B DTD 01/02/2024 3.750% 12/31/2028	91282CJR3	450,000.00	AA+	Aaa	1/2/2025	1/7/2025	440,068.36	4.36	4,242.06	440,605.54	446,941.35
US TREASURY N/B DTD 06/30/2022 3.250% 06/30/2029	91282CEV9	800,000.00	AA+	Aaa	3/3/2025	3/6/2025	774,375.00	4.06	6,535.91	774,766.47	777,906.40
<b>Security Type Sub-Total</b>		<b>14,000,000.00</b>					<b>13,290,114.28</b>	<b>3.55</b>	<b>76,583.28</b>	<b>13,603,859.39</b>	<b>13,572,373.65</b>
<b>Negotiable CD</b>											
TORONTO DOMINION BANK NY DTD 10/31/2022 5.600% 10/27/2025	89115B6K1	425,000.00	A-	A2	10/27/2022	10/31/2022	425,000.00	5.60	10,445.56	425,000.00	428,255.50
NORDEA BANK ABP NEW YORK DTD 11/03/2022 5.530% 11/03/2025	65558UYF3	425,000.00	A-1+	P-1	11/2/2022	11/3/2022	425,000.00	5.53	9,662.14	425,000.00	428,206.20
<b>Security Type Sub-Total</b>		<b>850,000.00</b>					<b>850,000.00</b>	<b>5.57</b>	<b>20,107.70</b>	<b>850,000.00</b>	<b>856,461.70</b>
<b>Municipal</b>											
UNIV OF CALIFORNIA-BG (CALLABLE) DTD 07/16/2020 0.883% 05/15/2025	91412HGE7	80,000.00	AA	Aa2	7/10/2020	7/16/2020	80,000.00	0.88	266.86	80,000.00	79,656.40
FLORIDA ST BRD OF ADM DTD 09/16/2020 1.258% 07/01/2025	341271AD6	80,000.00	AA	Aa2	9/3/2020	9/16/2020	80,530.40	1.12	251.60	80,027.67	79,341.92
FLORIDA ST BRD OF ADM DTD 09/16/2020 1.258% 07/01/2025	341271AD6	150,000.00	AA	Aa2	9/3/2020	9/16/2020	150,000.00	1.26	471.75	150,000.00	148,766.10
FLORIDA ST BRD OF ADM DTD 09/16/2020 1.258% 07/01/2025	341271AD6	55,000.00	AA	Aa2	9/3/2020	9/16/2020	55,388.85	1.11	172.98	55,020.29	54,547.57
MINNESOTA ST-F-UNREF DTD 08/25/2020 0.630% 08/01/2025	60412AK85	100,000.00	AAA	Aaa	5/7/2024	5/7/2024	100,000.00	0.63	105.00	100,000.00	98,812.00
CALIFORNIA ST UNIV-B DTD 07/29/2021 0.862% 11/01/2025	13077DQD7	80,000.00	AA-	Aa2	7/9/2021	7/29/2021	80,000.00	0.86	287.33	80,000.00	78,453.28
CA ST DTD 03/15/2023 4.846% 03/01/2027	13063D3N6	120,000.00	AA-	Aa2	3/9/2023	3/15/2023	120,000.00	4.85	484.60	120,000.00	121,638.72
<b>Security Type Sub-Total</b>		<b>665,000.00</b>					<b>665,919.25</b>	<b>1.70</b>	<b>2,040.12</b>	<b>665,047.96</b>	<b>661,215.99</b>

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Federal Agency</b>											
FEDERAL HOME LOAN BANK DTD 04/16/2020 0.500% 04/14/2025	3130AJHU6	300,000.00	AA+	Aaa	4/15/2020	4/16/2020	298,512.00	0.60	695.83	299,989.24	299,597.70
FANNIE MAE DTD 04/24/2020 0.625% 04/22/2025	3135G03U5	300,000.00	AA+	Aaa	4/22/2020	4/24/2020	299,382.00	0.67	828.13	299,992.78	299,319.00
FREDDIE MAC DTD 07/23/2020 0.375% 07/21/2025	3137EAEU9	375,000.00	AA+	Aaa	7/21/2020	7/23/2020	373,132.50	0.48	273.44	374,885.75	370,570.13
FANNIE MAE DTD 08/27/2020 0.375% 08/25/2025	3135G05X7	325,000.00	AA+	Aaa	8/25/2020	8/27/2020	323,479.00	0.47	121.88	324,878.18	320,001.83
FEDERAL HOME LOAN BANK DTD 09/11/2020 0.375% 09/04/2025	3130AK5E2	135,000.00	AA+	Aaa	9/10/2020	9/11/2020	134,595.00	0.44	37.97	134,965.44	132,743.61
FREDDIE MAC DTD 09/25/2020 0.375% 09/23/2025	3137EAEX3	325,000.00	AA+	Aaa	9/23/2020	9/25/2020	324,021.75	0.44	27.08	324,906.42	318,951.10
FANNIE MAE DTD 11/12/2020 0.500% 11/07/2025	3135G06G3	325,000.00	AA+	Aaa	11/9/2020	11/12/2020	323,836.50	0.57	650.00	324,859.99	317,617.63
<b>Security Type Sub-Total</b>		<b>2,085,000.00</b>					<b>2,076,958.75</b>	<b>0.53</b>	<b>2,634.33</b>	<b>2,084,477.80</b>	<b>2,058,801.00</b>
<b>Corporate</b>											
AMAZON.COM INC DTD 04/13/2022 3.000% 04/13/2025	023135CE4	145,000.00	AA	A1	4/11/2022	4/13/2022	144,769.45	3.06	2,030.00	144,997.44	144,923.44
HOME DEPOT INC (CALLABLE) DTD 03/28/2022 2.700% 04/15/2025	437076CM2	25,000.00	A	A2	3/24/2022	3/28/2022	24,956.25	2.76	311.25	24,999.44	24,981.08
CINTAS CORPORATION NO. 2 (CALLABLE) DTD 05/03/2022 3.450% 05/01/2025	17252MAP5	65,000.00	A-	A3	4/26/2022	5/3/2022	64,985.70	3.46	934.38	64,999.60	64,924.54
APPLE INC (CALLABLE) DTD 05/11/2020 1.125% 05/11/2025	037833DT4	525,000.00	AA+	Aaa	5/11/2020	5/13/2020	526,055.25	1.08	2,296.88	525,005.97	522,984.53
NATIONAL AUSTRALIA BK/NY DTD 06/09/2022 3.500% 06/09/2025	63254ABD9	250,000.00	AA-	Aa2	5/31/2022	6/9/2022	250,000.00	3.50	2,722.22	250,000.00	249,434.25
NATIONAL RURAL UTIL COOP DTD 05/04/2022 3.450% 06/15/2025	63743HFE7	40,000.00	A-	A2	4/27/2022	5/4/2022	39,989.20	3.92	406.33	39,999.29	39,893.88
IBM CORP DTD 07/27/2022 4.000% 07/27/2025	459200KS9	225,000.00	A-	A3	7/20/2022	7/27/2022	225,000.00	4.00	1,600.00	225,000.00	224,519.40

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Corporate</b>											
BANK OF AMERICA CORP (CALLABLE) DTD 03/22/2022 3.384% 04/02/2026	06051GKM0	300,000.00	A-	WR	3/17/2022	3/22/2022	300,000.00	3.38	5,047.80	300,000.00	299,984.70
UNITEDHEALTH GROUP INC (CALLABLE) DTD 05/19/2021 1.150% 05/15/2026	91324PEC2	225,000.00	A+	A2	5/17/2021	5/19/2021	224,608.50	1.19	977.50	224,911.93	217,224.90
CATERPILLAR FINL SERVICE DTD 01/10/2022 1.700% 01/08/2027	14913R2U0	225,000.00	A	A2	1/11/2022	1/13/2022	223,863.75	1.81	881.88	224,596.77	215,424.45
TARGET CORP (CALLABLE) DTD 01/24/2022 1.950% 01/15/2027	87612EBM7	40,000.00	A	A2	1/19/2022	1/24/2022	39,932.00	1.99	164.67	39,975.55	38,489.04
BANK OF NY MELLON CORP (CALLABLE) DTD 01/26/2022 2.050% 01/26/2027	06406RBA4	450,000.00	A	Aa3	1/26/2022	1/28/2022	449,001.00	2.10	1,665.63	449,636.07	432,855.90
MICROSOFT CORP (CALLABLE) DTD 02/06/2017 3.300% 02/06/2027	594918BY9	450,000.00	AAA	Aaa	3/14/2023	3/17/2023	433,165.50	4.36	2,268.75	441,997.90	444,065.40
BERKSHIRE HATHAWAY FIN (CALLABLE) DTD 03/15/2022 2.300% 03/15/2027	084664CZ2	450,000.00	AA	Aa2	3/15/2022	3/17/2022	441,558.00	2.70	460.00	446,694.57	434,962.35
TEXAS INSTRUMENTS INC (CALLABLE) DTD 11/18/2022 4.600% 02/15/2028	882508BV5	50,000.00	A+	Aa3	5/11/2023	5/18/2023	51,202.00	4.04	293.89	50,719.62	50,491.25
WALMART INC (CALLABLE) DTD 04/18/2023 3.900% 04/15/2028	931142FB4	155,000.00	AA	Aa2	4/12/2023	4/18/2023	154,714.80	3.94	2,787.42	154,826.37	154,219.42
LOCKHEED MARTIN CORP (CALLABLE) DTD 05/25/2023 4.450% 05/15/2028	539830BZ1	35,000.00	A-	A2	5/23/2023	5/25/2023	34,937.00	4.49	588.39	34,960.44	35,137.69
MERCK & CO INC (CALLABLE) DTD 05/17/2023 4.050% 05/17/2028	58933YBH7	90,000.00	A+	Aa3	5/8/2023	5/17/2023	89,927.10	4.07	1,356.75	89,954.40	89,751.60
JOHN DEERE CAPITAL CORP DTD 07/14/2023 4.950% 07/14/2028	24422EXB0	225,000.00	A	A1	7/21/2023	7/25/2023	226,719.00	4.78	2,382.19	226,136.71	229,367.03
MORGAN STANLEY BANK NA (CALLABLE) DTD 07/19/2024 4.968% 07/14/2028	61690U8E3	325,000.00	A+	Aa3	7/18/2024	7/19/2024	325,325.00	4.94	3,453.45	325,253.36	327,676.70
CITIBANK NA (CALLABLE) DTD 09/29/2023 5.803% 09/29/2028	17325FBB3	450,000.00	A+	Aa3	10/2/2023	10/4/2023	447,768.00	5.92	145.08	448,369.58	468,419.40



Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Corporate</b>											
TOYOTA MOTOR CREDIT CORP DTD 01/05/2024 4.650% 01/05/2029	89236TLL7	95,000.00	A+	A1	1/3/2024	1/5/2024	94,874.60	4.68	1,055.29	94,903.11	95,397.20
TOYOTA MOTOR CREDIT CORP DTD 01/05/2024 4.650% 01/05/2029	89236TLL7	130,000.00	A+	A1	1/2/2024	1/5/2024	129,821.90	4.68	1,444.08	129,862.53	130,543.53
AIR PRODUCTS & CHEMICALS (CALLABLE) DTD 02/08/2024 4.600% 02/08/2029	009158BH8	205,000.00	A	A2	2/6/2024	2/8/2024	204,727.35	4.63	1,388.31	204,784.59	206,503.88
CISCO SYSTEMS INC (CALLABLE) DTD 02/26/2024 4.850% 02/26/2029	17275RBR2	245,000.00	AA-	A1	2/21/2024	2/26/2024	244,914.25	4.86	1,155.24	244,931.95	249,128.25
BLACKROCK FUNDING INC (CALLABLE) DTD 03/14/2024 4.700% 03/14/2029	09290DAA9	420,000.00	AA-	Aa3	3/6/2024	3/14/2024	420,205.80	4.69	932.17	420,167.92	426,018.18
BLACKROCK FUNDING INC (CALLABLE) DTD 03/14/2024 4.700% 03/14/2029	09290DAA9	30,000.00	AA-	Aa3	3/5/2024	3/14/2024	29,945.70	4.74	66.58	29,956.14	30,429.87
ADOBE INC (CALLABLE) DTD 04/04/2024 4.800% 04/04/2029	00724PAF6	125,000.00	A+	A1	4/1/2024	4/4/2024	124,813.75	4.83	2,950.00	124,847.26	126,906.37
ADOBE INC (CALLABLE) DTD 04/04/2024 4.800% 04/04/2029	00724PAF6	100,000.00	A+	A1	4/2/2024	4/4/2024	99,868.00	4.83	2,360.00	99,891.86	101,525.10
NATIONAL RURAL UTIL COOP (CALLABLE) DTD 05/10/2024 5.150% 06/15/2029	63743HFS6	90,000.00	A-	A2	9/9/2024	9/16/2024	93,486.60	4.24	1,364.75	93,116.34	91,775.52
NATIONAL RURAL UTIL COOP (CALLABLE) DTD 05/10/2024 5.150% 06/15/2029	63743HFS6	135,000.00	A-	A2	9/9/2024	9/16/2024	140,300.10	4.23	2,047.13	139,737.49	137,663.28
HOME DEPOT INC (CALLABLE) DTD 06/25/2024 4.750% 06/25/2029	437076DC3	75,000.00	A	A2	6/17/2024	6/25/2024	74,516.25	4.90	950.00	74,583.18	75,841.28
HOME DEPOT INC (CALLABLE) DTD 06/25/2024 4.750% 06/25/2029	437076DC3	150,000.00	A	A2	6/18/2024	6/25/2024	149,176.50	4.88	1,900.00	149,290.78	151,682.55
AMERICAN HONDA FINANCE DTD 09/05/2024 4.400% 09/05/2029	02665WFQ9	225,000.00	A-	A3	9/3/2024	9/5/2024	224,730.00	4.43	715.00	224,758.18	221,643.68
<b>Security Type Sub-Total</b>		<b>6,770,000.00</b>					<b>6,749,858.30</b>	<b>3.75</b>	<b>51,103.01</b>	<b>6,763,866.34</b>	<b>6,754,789.64</b>

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Agency CMBS</b>											
FHMS K054 A2 DTD 04/01/2016 2.745% 01/01/2026	3137BNGT5	141,219.99	AA+	Aaa	4/11/2023	4/14/2023	135,372.60	4.32	323.04	139,502.57	139,299.96
FHMS K058 A2 DTD 11/01/2016 2.653% 08/01/2026	3137BSP72	325,000.00	AA+	Aaa	4/6/2023	4/12/2023	311,314.45	3.98	718.52	319,313.67	317,651.43
FHMS K061 A2 DTD 01/01/2017 3.347% 11/01/2026	3137BTUM1	198,617.30	AA+	Aaa	5/19/2023	5/24/2023	192,503.61	4.29	553.98	195,737.42	195,178.25
FHMS K064 A2 DTD 05/01/2017 3.224% 03/01/2027	3137BXQY1	300,000.00	AA+	Aaa	8/16/2023	8/18/2023	282,984.37	4.94	806.00	290,632.88	294,269.70
FHMS K065 A2 DTD 07/01/2017 3.243% 04/01/2027	3137F1G44	300,000.00	AA+	Aaa	6/8/2023	6/13/2023	287,472.66	4.42	810.75	293,304.35	294,057.60
FHMS KJ48 A1 DTD 12/01/2023 4.858% 05/01/2028	3137HBC69	232,854.99	AA+	Aaa	12/6/2023	12/14/2023	232,853.12	4.86	942.67	232,853.63	235,301.14
FHMS K505 A2 DTD 07/01/2023 4.819% 06/01/2028	3137HACX2	300,000.00	AA+	Aaa	7/13/2023	7/20/2023	302,996.40	4.59	1,204.75	301,964.96	304,044.60
FHMS KJ46 A1 DTD 07/01/2023 4.777% 06/01/2028	3137HAD45	236,881.30	AA+	Aaa	7/19/2023	7/27/2023	236,875.35	4.78	942.98	236,877.38	238,319.40
FNA 2023-M6 A2 DTD 07/01/2023 4.190% 07/01/2028	3136BQDE6	286,561.57	AA+	Aaa	7/18/2023	7/31/2023	281,703.46	4.58	1,000.58	283,328.24	284,691.76
FHMS K508 A2 DTD 10/01/2023 4.740% 08/01/2028	3137HAQ74	300,000.00	AA+	Aaa	10/11/2023	10/19/2023	293,419.20	5.25	1,185.00	295,208.27	303,552.90
FHMS K506 A2 DTD 09/01/2023 4.650% 08/01/2028	3137HAMH6	450,000.00	AA+	Aaa	9/7/2023	9/14/2023	443,343.15	4.99	1,743.75	445,245.07	454,072.05
FHMS K509 A2 DTD 10/01/2023 4.850% 09/01/2028	3137HAST4	225,000.00	AA+	Aaa	10/25/2023	10/31/2023	217,826.33	5.60	909.38	219,616.13	228,426.08
FHMS K507 A2 DTD 09/01/2023 4.800% 09/01/2028	3137HAMS2	300,000.00	AA+	Aaa	9/20/2023	9/28/2023	296,414.10	5.07	1,200.00	297,361.42	304,140.00
FHMS K511 A2 DTD 12/01/2023 4.860% 10/01/2028	3137HB3G7	165,000.00	AA+	Aaa	11/28/2023	12/7/2023	164,525.96	4.93	668.25	164,642.40	167,560.14
FHMS K510 A2 DTD 11/01/2023 5.069% 10/01/2028	3137HB3D4	110,000.00	AA+	Aaa	11/14/2023	11/21/2023	109,681.99	5.14	464.66	109,761.77	112,412.63
FHMS K514 A2 DTD 02/01/2024 4.572% 12/01/2028	3137HBLV4	185,000.00	AA+	Aaa	2/1/2024	2/8/2024	186,849.82	4.34	704.85	186,451.43	186,205.46
FHMS K520 A2 DTD 04/01/2024 5.180% 03/01/2029	3137HCKV3	185,000.00	AA+	Aaa	4/23/2024	4/30/2024	185,750.92	5.09	798.58	185,634.23	190,173.71

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Agency CMBS</b>											
FHMS K522 A2 DTD 06/01/2024 4.803% 05/01/2029	3137HDJJ0	300,000.00	AA+	Aaa	6/5/2024	6/13/2024	299,999.10	4.80	1,200.75	300,000.00	304,566.90
FHMS K524 A2 DTD 07/01/2024 4.720% 05/01/2029	3137HDV56	240,000.00	AA+	Aaa	7/16/2024	7/25/2024	241,473.84	4.58	944.00	241,306.05	243,001.92
FHMS K526 A2 DTD 08/01/2024 4.543% 07/01/2029	3137HDXL9	270,000.00	AA+	Aaa	8/7/2024	8/15/2024	272,525.58	4.33	1,022.18	272,235.38	271,643.22
<b>Security Type Sub-Total</b>		<b>5,051,135.16</b>					<b>4,975,886.01</b>	<b>4.74</b>	<b>18,144.67</b>	<b>5,010,977.25</b>	<b>5,068,568.85</b>
<b>ABS</b>											
HAROT 2021-4 A3 DTD 11/24/2021 0.880% 01/21/2026	43815GAC3	2,558.77	NR	Aaa	11/16/2021	11/24/2021	2,558.23	0.89	0.63	2,558.67	2,550.07
CARMX 2021-3 A3 DTD 07/28/2021 0.550% 06/15/2026	14317DAC4	11,190.13	AAA	Aaa	7/21/2021	7/28/2021	11,188.28	0.56	2.74	11,189.67	11,156.28
HART 2022-A A3 DTD 03/16/2022 2.220% 10/15/2026	448977AD0	31,583.13	AAA	NR	3/9/2022	3/16/2022	31,581.92	2.22	31.16	31,582.72	31,444.70
HDMOT 2023-A A3 DTD 02/23/2023 5.050% 12/15/2027	41285JAD0	80,357.83	NR	Aaa	2/13/2023	2/23/2023	80,349.74	5.05	180.36	80,353.28	80,579.61
HAROT 2024-1 A3 DTD 02/21/2024 5.210% 08/15/2028	437918AC9	180,000.00	AAA	Aaa	2/13/2024	2/21/2024	179,992.17	5.21	416.80	179,994.44	181,711.44
AMXCA 2023-3 A DTD 09/19/2023 5.230% 09/15/2028	02582JKD1	245,000.00	AAA	NR	9/12/2023	9/19/2023	244,989.05	5.23	569.49	244,992.27	247,957.40
BACCT 2023-A2 A2 DTD 12/14/2023 4.980% 11/15/2028	05522RDH8	105,000.00	NR	Aaa	12/7/2023	12/14/2023	104,985.90	4.98	232.40	104,989.58	106,150.48
CHAIT 2024-A1 A DTD 01/31/2024 4.600% 01/16/2029	161571HV9	260,000.00	AAA	NR	1/24/2024	1/31/2024	259,960.40	4.60	531.56	259,969.30	261,408.68
NAROT 2024-B A3 DTD 10/23/2024 4.340% 03/15/2029	65479WAD6	70,000.00	NR	Aaa	10/16/2024	10/23/2024	69,993.53	4.34	135.02	69,994.16	69,971.65
AMXCA 2024-1 A DTD 04/23/2024 5.230% 04/16/2029	02582JKH2	270,000.00	AAA	NR	4/16/2024	4/23/2024	269,944.65	5.23	627.60	269,944.65	274,903.20
HART 2024-C A3 DTD 10/16/2024 4.410% 05/15/2029	448976AD2	115,000.00	AAA	NR	10/8/2024	10/16/2024	114,991.58	4.41	225.40	114,992.64	115,116.84
HAROT 2024-4 A3 DTD 10/24/2024 4.330% 05/15/2029	43816DAC9	90,000.00	AAA	Aaa	10/16/2024	10/24/2024	89,987.27	4.33	173.20	89,988.47	89,899.47

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>ABS</b>											
TAOT 2024-D A3 DTD 10/17/2024 4.400% 06/15/2029	89239TAD4	65,000.00	AAA	Aaa	10/10/2024	10/17/2024	64,996.37	4.40	127.11	64,996.76	65,108.88
ALLYA 2024-2 A3 DTD 09/27/2024 4.140% 07/16/2029	02007NAC2	105,000.00	AAA	NR	9/24/2024	9/27/2024	104,989.14	4.14	193.20	104,990.52	104,458.73
VALET 2024-1 A3 DTD 11/26/2024 4.630% 07/20/2029	92868RAD0	90,000.00	AAA	Aaa	11/19/2024	11/26/2024	89,991.52	4.63	127.33	89,992.29	90,511.83
TAOT 2025-A A3 DTD 01/29/2025 4.640% 08/15/2029	89240JAD3	160,000.00	NR	Aaa	1/22/2025	1/29/2025	159,993.58	4.64	329.96	159,994.31	161,198.08
GMCAR 2024-4 A3 DTD 10/16/2024 4.400% 08/16/2029	38014AAD3	90,000.00	AAA	Aaa	10/8/2024	10/16/2024	89,982.67	4.40	165.00	89,984.27	90,087.75
VALET 2025-1 A3 DTD 03/25/2025 4.500% 08/20/2029	92868MAD1	220,000.00	NR	Aaa	3/18/2025	3/25/2025	219,992.52	4.50	165.00	219,993.01	220,559.90
COMET 2024-A1 A DTD 09/24/2024 3.920% 09/15/2029	14041NGE5	310,000.00	AAA	NR	9/17/2024	9/24/2024	309,939.49	3.92	540.09	309,945.59	307,886.11
HAROT 2025-1 A3 DTD 02/11/2025 4.570% 09/21/2029	43814VAC1	250,000.00	AAA	NR	2/4/2025	2/11/2025	249,992.30	4.57	317.36	249,992.93	251,179.00
BMWOT 2025-A A3 DTD 02/12/2025 4.560% 09/25/2029	096924AD7	175,000.00	AAA	Aaa	2/4/2025	2/12/2025	174,982.76	4.56	133.00	174,983.71	175,750.93
FORDO 2025-A A3 DTD 03/25/2025 4.450% 10/15/2029	34535KAD0	265,000.00	AAA	Aaa	3/18/2025	3/25/2025	264,974.24	4.45	196.54	264,974.99	265,608.70
WFCIT 2024-A2 A DTD 10/24/2024 4.290% 10/15/2029	92970QAE5	165,000.00	AAA	Aaa	10/17/2024	10/24/2024	164,975.48	4.29	314.60	164,977.58	164,877.08
HART 2025-A A3 DTD 03/12/2025 4.320% 10/15/2029	44935CAD3	215,000.00	AAA	NR	3/4/2025	3/12/2025	214,968.29	4.32	490.20	214,969.04	214,656.00
AMXCA 2025-1 A DTD 02/11/2025 4.560% 12/15/2029	02582JKM1	330,000.00	AAA	NR	2/4/2025	2/11/2025	329,926.71	4.57	668.80	329,928.86	332,326.17
VZMT 2025-3 A1A DTD 03/31/2025 4.510% 03/20/2030	92348KDY6	265,000.00	NR	Aaa	3/25/2025	3/31/2025	264,988.61	4.51	33.20	264,956.28	265,082.81
<b>Security Type Sub-Total</b>		<b>4,165,689.86</b>					<b>4,165,216.40</b>	<b>4.56</b>	<b>6,927.75</b>	<b>4,165,229.99</b>	<b>4,182,141.79</b>
<b>Managed Account Sub Total</b>		<b>33,586,825.01</b>					<b>32,773,952.99</b>	<b>3.73</b>	<b>177,540.86</b>	<b>33,143,458.73</b>	<b>33,154,352.62</b>
<b>Securities Sub Total</b>		<b>\$33,586,825.01</b>					<b>\$32,773,952.99</b>	<b>3.73%</b>	<b>\$177,540.86</b>	<b>\$33,143,458.73</b>	<b>\$33,154,352.62</b>
<b>Accrued Interest</b>											<b>\$177,540.86</b>

---

Total Investments	\$33,331,893.48
-------------------	-----------------

---

## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>BUY</b>									
1/2/2025	1/7/2025	450,000.00	91282CJR3	US TREASURY N/B	3.75%	12/31/2028	440,394.67	4.36%	
1/22/2025	1/29/2025	160,000.00	89240JAD3	TAOT 2025-A A3	4.64%	8/15/2029	159,993.58	4.64%	
2/4/2025	2/11/2025	250,000.00	43814VAC1	HAROT 2025-1 A3	4.57%	9/21/2029	249,992.30	4.57%	
2/4/2025	2/11/2025	330,000.00	02582JKM1	AMXCA 2025-1 A	4.56%	12/15/2029	329,926.71	4.57%	
2/4/2025	2/12/2025	175,000.00	096924AD7	BMWOT 2025-A A3	4.56%	9/25/2029	174,982.76	4.56%	
3/3/2025	3/6/2025	800,000.00	91282CEV9	US TREASURY N/B	3.25%	6/30/2029	779,043.51	4.06%	
3/4/2025	3/12/2025	215,000.00	44935CAD3	HART 2025-A A3	4.32%	10/15/2029	214,968.29	4.32%	
3/18/2025	3/25/2025	265,000.00	34535KAD0	FORDO 2025-A A3	4.45%	10/15/2029	264,974.24	4.45%	
3/18/2025	3/25/2025	220,000.00	92868MAD1	VALET 2025-1 A3	4.50%	8/20/2029	219,992.52	4.50%	
3/25/2025	3/31/2025	265,000.00	92348KDY6	VZMT 2025-3 A1A	4.51%	3/20/2030	264,988.61	4.51%	
<b>Total BUY</b>		<b>3,130,000.00</b>					<b>3,099,257.19</b>		<b>0.00</b>
<b>CALL</b>									
2/3/2025	2/3/2025	80,000.00	025816CQ0	AMERICAN EXPRESS CO (CALLABLE)	2.25%	3/4/2025	80,745.00	2.25%	
2/24/2025	2/24/2025	225,000.00	46647PCV6	JPMORGAN CHASE & CO (CALLABLE)	2.59%	2/24/2026	225,000.00	2.60%	
<b>Total CALL</b>		<b>305,000.00</b>					<b>305,745.00</b>		<b>0.00</b>
<b>INTEREST</b>									
1/1/2025	1/1/2025		341271AD6	FLORIDA ST BRD OF ADM	1.25%	7/1/2025	1,792.65		

## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
1/1/2025	1/25/2025		3137BTUM1	FHMS K061 A2	3.34%	11/1/2026	557.50		
1/1/2025	1/25/2025		3136BQDE6	FNA 2023-M6 A2	4.19%	7/1/2028	998.82		
1/1/2025	1/25/2025		3137HACX2	FHMS K505 A2	4.81%	6/1/2028	1,204.75		
1/1/2025	1/25/2025		3137F1G44	FHMS K065 A2	3.24%	4/1/2027	810.75		
1/1/2025	1/25/2025		3137HB3D4	FHMS K510 A2	5.06%	10/1/2028	464.66		
1/1/2025	1/25/2025		3137HBLV4	FHMS K514 A2	4.57%	12/1/2028	704.85		
1/1/2025	1/25/2025		3137HAMS2	FHMS K507 A2	4.80%	9/1/2028	1,200.00		
1/1/2025	1/25/2025		3137HAD45	FHMS KJ46 A1	4.77%	6/1/2028	945.55		
1/1/2025	1/25/2025		3137BXQY1	FHMS K064 A2	3.22%	3/1/2027	806.00		
1/1/2025	1/25/2025		3137HAST4	FHMS K509 A2	4.85%	9/1/2028	909.38		
1/1/2025	1/25/2025		3137HDV56	FHMS K524 A2	4.72%	5/1/2029	944.00		
1/1/2025	1/25/2025		3137BSP72	FHMS K058 A2	2.65%	8/1/2026	718.52		
1/1/2025	1/25/2025		3137HDJJ0	FHMS K522 A2	4.80%	5/1/2029	1,200.75		
1/1/2025	1/25/2025		3137HCKV3	FHMS K520 A2	5.18%	3/1/2029	798.58		
1/1/2025	1/25/2025		3137HBC69	FHMS KJ48 A1	4.85%	5/1/2028	951.25		
1/1/2025	1/25/2025		3137HAQ74	FHMS K508 A2	4.74%	8/1/2028	1,185.00		
1/1/2025	1/25/2025		3137HB3G7	FHMS K511 A2	4.86%	10/1/2028	668.25		

## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
1/1/2025	1/25/2025		3137BNGT5	FHMS K054 A2	2.74%	1/1/2026	334.74		
1/1/2025	1/25/2025		3137HDXL9	FHMS K526 A2	4.54%	7/1/2029	1,022.18		
1/1/2025	1/25/2025		3137HAMH6	FHMS K506 A2	4.65%	8/1/2028	1,743.75		
1/2/2025	1/2/2025		MONEY0002	MONEY MARKET FUND	0.00%		1,140.92		
1/5/2025	1/5/2025		89236TLL7	TOYOTA MOTOR CREDIT CORP	4.65%	1/5/2029	5,231.25		
1/8/2025	1/8/2025		14913R2U0	CATERPILLAR FINL SERVICE	1.70%	1/8/2027	1,912.50		
1/14/2025	1/14/2025		24422EXB0	JOHN DEERE CAPITAL CORP	4.95%	7/14/2028	5,568.75		
1/14/2025	1/14/2025		61690U8E3	MORGAN STANLEY BANK NA (CALLABLE)	4.96%	7/14/2028	7,848.75		
1/15/2025	1/15/2025		41285JAD0	HDMOT 2023-A A3	5.05%	12/15/2027	412.11		
1/15/2025	1/15/2025		14041NGE5	COMET 2024-A1 A	3.92%	9/15/2029	1,012.67		
1/15/2025	1/15/2025		448976AD2	HART 2024-C A3	4.41%	5/15/2029	422.63		
1/15/2025	1/15/2025		65479WAD6	NAROT 2024-B A3	4.34%	3/15/2029	253.17		
1/15/2025	1/15/2025		02007NAC2	ALLYA 2024-2 A3	4.14%	7/16/2029	362.25		
1/15/2025	1/15/2025		437918AC9	HAROT 2024-1 A3	5.21%	8/15/2028	781.50		
1/15/2025	1/15/2025		87612EBM7	TARGET CORP (CALLABLE)	1.95%	1/15/2027	390.00		
1/15/2025	1/15/2025		14317DAC4	CARMX 2021-3 A3	0.55%	6/15/2026	14.24		
1/15/2025	1/15/2025		02582JKH2	AMXCA 2024-1 A	5.23%	4/16/2029	1,176.75		



## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
1/15/2025	1/15/2025		89239TAD4	TAOT 2024-D A3	4.40%	6/15/2029	238.33		
1/15/2025	1/15/2025		161571HV9	CHAIT 2024-A1 A	4.60%	1/16/2029	996.67		
1/15/2025	1/15/2025		43816DAC9	HAROT 2024-4 A3	4.33%	5/15/2029	324.75		
1/15/2025	1/15/2025		44935FAD6	HART 2021-C A3	0.74%	5/15/2026	3.22		
1/15/2025	1/15/2025		448977AD0	HART 2022-A A3	2.22%	10/15/2026	99.83		
1/15/2025	1/15/2025		92970QAE5	WFCIT 2024-A2 A	4.29%	10/15/2029	589.88		
1/15/2025	1/15/2025		05522RDH8	BACCT 2023-A2 A2	4.98%	11/15/2028	435.75		
1/15/2025	1/15/2025		02582JKD1	AMXCA 2023-3 A	5.23%	9/15/2028	1,067.79		
1/16/2025	1/16/2025		38014AAD3	GMCAR 2024-4 A3	4.40%	8/16/2029	330.00		
1/20/2025	1/20/2025		92868RAD0	VALET 2024-1 A3	4.63%	7/20/2029	347.25		
1/21/2025	1/21/2025		3137EAEU9	FREDDIE MAC	0.37%	7/21/2025	703.13		
1/21/2025	1/21/2025		43815GAC3	HAROT 2021-4 A3	0.88%	1/21/2026	5.75		
1/26/2025	1/26/2025		06406RBA4	BANK OF NY MELLON CORP (CALLABLE)	2.05%	1/26/2027	4,612.50		
1/27/2025	1/27/2025		459200KS9	IBM CORP	4.00%	7/27/2025	4,500.00		
1/31/2025	1/31/2025		91282CFB2	US TREASURY N/B	2.75%	7/31/2027	31,281.25		
1/31/2025	1/31/2025		91282CCP4	US TREASURY N/B	0.62%	7/31/2026	6,015.63		
2/1/2025	2/1/2025		60412AK85	MINNESOTA ST-F-UNREF	0.63%	8/1/2025	315.00		

## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
2/1/2025	2/25/2025		3137HAST4	FHMS K509 A2	4.85%	9/1/2028	909.38		
2/1/2025	2/25/2025		3137HBC69	FHMS KJ48 A1	4.85%	5/1/2028	949.09		
2/1/2025	2/25/2025		3137BTUM1	FHMS K061 A2	3.34%	11/1/2026	556.40		
2/1/2025	2/25/2025		3137HAQ74	FHMS K508 A2	4.74%	8/1/2028	1,185.00		
2/1/2025	2/25/2025		3137BNGT5	FHMS K054 A2	2.74%	1/1/2026	324.38		
2/1/2025	2/25/2025		3137BSP72	FHMS K058 A2	2.65%	8/1/2026	718.52		
2/1/2025	2/25/2025		3137HAD45	FHMS KJ46 A1	4.77%	6/1/2028	944.90		
2/1/2025	2/25/2025		3137HAMS2	FHMS K507 A2	4.80%	9/1/2028	1,200.00		
2/1/2025	2/25/2025		3137HACX2	FHMS K505 A2	4.81%	6/1/2028	1,204.75		
2/1/2025	2/25/2025		3137HBLV4	FHMS K514 A2	4.57%	12/1/2028	704.85		
2/1/2025	2/25/2025		3137F1G44	FHMS K065 A2	3.24%	4/1/2027	810.75		
2/1/2025	2/25/2025		3137HB3G7	FHMS K511 A2	4.86%	10/1/2028	668.25		
2/1/2025	2/25/2025		3137HDJJ0	FHMS K522 A2	4.80%	5/1/2029	1,200.75		
2/1/2025	2/25/2025		3137HAMH6	FHMS K506 A2	4.65%	8/1/2028	1,743.75		
2/1/2025	2/25/2025		3136BQDE6	FNA 2023-M6 A2	4.19%	7/1/2028	998.68		
2/1/2025	2/25/2025		3137BXQY1	FHMS K064 A2	3.22%	3/1/2027	806.00		
2/1/2025	2/25/2025		3137HB3D4	FHMS K510 A2	5.06%	10/1/2028	464.66		

## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
2/1/2025	2/25/2025		3137HDV56	FHMS K524 A2	4.72%	5/1/2029	944.00		
2/1/2025	2/25/2025		3137HCKV3	FHMS K520 A2	5.18%	3/1/2029	798.58		
2/1/2025	2/25/2025		3137HDXL9	FHMS K526 A2	4.54%	7/1/2029	1,022.18		
2/3/2025	2/3/2025		MONEY0002	MONEY MARKET FUND	0.00%		2,696.58		
2/6/2025	2/6/2025		594918BY9	MICROSOFT CORP (CALLABLE)	3.30%	2/6/2027	7,425.00		
2/7/2025	2/7/2025		63743HFC1	NATIONAL RURAL UTIL COOP	1.87%	2/7/2025	609.38		
2/8/2025	2/8/2025		009158BH8	AIR PRODUCTS & CHEMICALS (CALLABLE)	4.60%	2/8/2029	4,715.00		
2/15/2025	2/15/2025		02582JKH2	AMXCA 2024-1 A	5.23%	4/16/2029	1,176.75		
2/15/2025	2/15/2025		14041NGE5	COMET 2024-A1 A	3.92%	9/15/2029	1,012.67		
2/15/2025	2/15/2025		882508BV5	TEXAS INSTRUMENTS INC (CALLABLE)	4.60%	2/15/2028	1,150.00		
2/15/2025	2/15/2025		89239TAD4	TAOT 2024-D A3	4.40%	6/15/2029	238.33		
2/15/2025	2/15/2025		43816DAC9	HAROT 2024-4 A3	4.33%	5/15/2029	324.75		
2/15/2025	2/15/2025		44935FAD6	HART 2021-C A3	0.74%	5/15/2026	1.94		
2/15/2025	2/15/2025		448977AD0	HART 2022-A A3	2.22%	10/15/2026	85.46		
2/15/2025	2/15/2025		02582JKD1	AMXCA 2023-3 A	5.23%	9/15/2028	1,067.79		
2/15/2025	2/15/2025		65479WAD6	NAROT 2024-B A3	4.34%	3/15/2029	253.17		
2/15/2025	2/15/2025		41285JAD0	HDMOT 2023-A A3	5.05%	12/15/2027	388.40		

## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
2/15/2025	2/15/2025		448976AD2	HART 2024-C A3	4.41%	5/15/2029	422.63		
2/15/2025	2/15/2025		14317DAC4	CARMX 2021-3 A3	0.55%	6/15/2026	11.32		
2/15/2025	2/15/2025		05522RDH8	BACCT 2023-A2 A2	4.98%	11/15/2028	435.75		
2/15/2025	2/15/2025		161571HV9	CHAIT 2024-A1 A	4.60%	1/16/2029	996.67		
2/15/2025	2/15/2025		437918AC9	HAROT 2024-1 A3	5.21%	8/15/2028	781.50		
2/15/2025	2/15/2025		02007NAC2	ALLYA 2024-2 A3	4.14%	7/16/2029	362.25		
2/15/2025	2/15/2025		89240JAD3	TAOT 2025-A A3	4.64%	8/15/2029	329.96		
2/15/2025	2/15/2025		92970QAE5	WFCIT 2024-A2 A	4.29%	10/15/2029	589.88		
2/16/2025	2/16/2025		38014AAD3	GMCAR 2024-4 A3	4.40%	8/16/2029	330.00		
2/20/2025	2/20/2025		92868RAD0	VALET 2024-1 A3	4.63%	7/20/2029	347.25		
2/21/2025	2/21/2025		43815GAC3	HAROT 2021-4 A3	0.88%	1/21/2026	4.43		
2/24/2025	2/24/2025		46647PCV6	JPMORGAN CHASE & CO (CALLABLE)	2.59%	2/24/2026	2,919.38		
2/25/2025	2/25/2025		3135G05X7	FANNIE MAE	0.37%	8/25/2025	609.38		
2/26/2025	2/26/2025		17275RBR2	CISCO SYSTEMS INC (CALLABLE)	4.85%	2/26/2029	5,941.25		
2/28/2025	2/28/2025		91282CGP0	US TREASURY N/B	4.00%	2/29/2028	16,500.00		
3/1/2025	3/1/2025		13063D3N6	CA ST	4.84%	3/1/2027	2,907.60		
3/1/2025	3/25/2025		3137HAD45	FHMS KJ46 A1	4.77%	6/1/2028	944.17		

## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
3/1/2025	3/25/2025		3137BNGT5	FHMS K054 A2	2.74%	1/1/2026	323.77		
3/1/2025	3/25/2025		3137HAMH6	FHMS K506 A2	4.65%	8/1/2028	1,743.75		
3/1/2025	3/25/2025		3137HDV56	FHMS K524 A2	4.72%	5/1/2029	944.00		
3/1/2025	3/25/2025		3137HDJJ0	FHMS K522 A2	4.80%	5/1/2029	1,200.75		
3/1/2025	3/25/2025		3137HBLV4	FHMS K514 A2	4.57%	12/1/2028	704.85		
3/1/2025	3/25/2025		3137HAQ74	FHMS K508 A2	4.74%	8/1/2028	1,185.00		
3/1/2025	3/25/2025		3137HACX2	FHMS K505 A2	4.81%	6/1/2028	1,204.75		
3/1/2025	3/25/2025		3137F1G44	FHMS K065 A2	3.24%	4/1/2027	810.75		
3/1/2025	3/25/2025		3137HB3G7	FHMS K511 A2	4.86%	10/1/2028	668.25		
3/1/2025	3/25/2025		3137BSP72	FHMS K058 A2	2.65%	8/1/2026	718.52		
3/1/2025	3/25/2025		3137BXQY1	FHMS K064 A2	3.22%	3/1/2027	806.00		
3/1/2025	3/25/2025		3137BTUM1	FHMS K061 A2	3.34%	11/1/2026	555.29		
3/1/2025	3/25/2025		3136BQDE6	FNA 2023-M6 A2	4.19%	7/1/2028	998.57		
3/1/2025	3/25/2025		3137HDXL9	FHMS K526 A2	4.54%	7/1/2029	1,022.18		
3/1/2025	3/25/2025		3137HBC69	FHMS KJ48 A1	4.85%	5/1/2028	946.92		
3/1/2025	3/25/2025		3137HAST4	FHMS K509 A2	4.85%	9/1/2028	909.38		
3/1/2025	3/25/2025		3137HCKV3	FHMS K520 A2	5.18%	3/1/2029	798.58		

## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
3/1/2025	3/25/2025		3137HB3D4	FHMS K510 A2	5.06%	10/1/2028	464.66		
3/1/2025	3/25/2025		3137HAMS2	FHMS K507 A2	4.80%	9/1/2028	1,200.00		
3/3/2025	3/3/2025		MONEY0002	MONEY MARKET FUND	0.00%		1,033.41		
3/4/2025	3/4/2025		3130AK5E2	FEDERAL HOME LOAN BANK	0.37%	9/4/2025	253.13		
3/5/2025	3/5/2025		02665WFQ9	AMERICAN HONDA FINANCE	4.40%	9/5/2029	4,950.00		
3/14/2025	3/14/2025		09290DAA9	BLACKROCK FUNDING INC (CALLABLE)	4.70%	3/14/2029	10,575.00		
3/15/2025	3/15/2025		084664CZ2	BERKSHIRE HATHAWAY FIN (CALLABLE)	2.30%	3/15/2027	5,175.00		
3/15/2025	3/15/2025		65479WAD6	NAROT 2024-B A3	4.34%	3/15/2029	253.17		
3/15/2025	3/15/2025		43816DAC9	HAROT 2024-4 A3	4.33%	5/15/2029	324.75		
3/15/2025	3/15/2025		41285JAD0	HDMOT 2023-A A3	5.05%	12/15/2027	363.06		
3/15/2025	3/15/2025		92970QAE5	WFCIT 2024-A2 A	4.29%	10/15/2029	589.88		
3/15/2025	3/15/2025		02582JKD1	AMXCA 2023-3 A	5.23%	9/15/2028	1,067.79		
3/15/2025	3/15/2025		02582JKH2	AMXCA 2024-1 A	5.23%	4/16/2029	1,176.75		
3/15/2025	3/15/2025		14041NGE5	COMET 2024-A1 A	3.92%	9/15/2029	1,012.67		
3/15/2025	3/15/2025		05522RDH8	BACCT 2023-A2 A2	4.98%	11/15/2028	435.75		
3/15/2025	3/15/2025		650036DT0	NY ST URBAN DEV-F-1	0.87%	3/15/2025	1,305.00		
3/15/2025	3/15/2025		02582JKM1	AMXCA 2025-1 A	4.56%	12/15/2029	1,421.20		

## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>INTEREST</b>									
3/15/2025	3/15/2025		44935FAD6	HART 2021-C A3	0.74%	5/15/2026	0.64		
3/15/2025	3/15/2025		89239TAD4	TAOT 2024-D A3	4.40%	6/15/2029	238.33		
3/15/2025	3/15/2025		437918AC9	HAROT 2024-1 A3	5.21%	8/15/2028	781.50		
3/15/2025	3/15/2025		89240JAD3	TAOT 2025-A A3	4.64%	8/15/2029	618.67		
3/15/2025	3/15/2025		14317DAC4	CARMX 2021-3 A3	0.55%	6/15/2026	8.17		
3/15/2025	3/15/2025		02007NAC2	ALLYA 2024-2 A3	4.14%	7/16/2029	362.25		
3/15/2025	3/15/2025		448977AD0	HART 2022-A A3	2.22%	10/15/2026	71.11		
3/15/2025	3/15/2025		448976AD2	HART 2024-C A3	4.41%	5/15/2029	422.63		
3/15/2025	3/15/2025		161571HV9	CHAIT 2024-A1 A	4.60%	1/16/2029	996.67		
3/16/2025	3/16/2025		38014AAD3	GMCAR 2024-4 A3	4.40%	8/16/2029	330.00		
3/20/2025	3/20/2025		92868RAD0	VALET 2024-1 A3	4.63%	7/20/2029	347.25		
3/21/2025	3/21/2025		43815GAC3	HAROT 2021-4 A3	0.88%	1/21/2026	3.11		
3/21/2025	3/21/2025		43814VAC1	HAROT 2025-1 A3	4.57%	9/21/2029	1,269.44		
3/23/2025	3/23/2025		3137EAEX3	FREDDIE MAC	0.37%	9/23/2025	609.38		
3/25/2025	3/25/2025		096924AD7	BMWOT 2025-A A3	4.56%	9/25/2029	953.17		
3/29/2025	3/29/2025		17325FBB3	CITIBANK NA (CALLABLE)	5.80%	9/29/2028	13,056.75		
<b>Total INTEREST</b>		<b>0.00</b>					<b>239,301.26</b>		<b>0.00</b>

## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>MATURITY</b>									
2/7/2025	2/7/2025	65,000.00	63743HFC1	NATIONAL RURAL UTIL COOP	1.87%	2/7/2025	65,000.00		
3/15/2025	3/15/2025	300,000.00	650036DT0	NY ST URBAN DEV-F-1	0.87%	3/15/2025	300,000.00		
<b>Total MATURITY</b>		<b>365,000.00</b>					<b>365,000.00</b>		<b>0.00</b>
<b>PAYDOWNS</b>									
1/1/2025	1/25/2025	396.00	3137BTUM1	FHMS K061 A2	3.34%	11/1/2026	396.00		6.62
1/1/2025	1/25/2025	533.31	3137HBC69	FHMS KJ48 A1	4.85%	5/1/2028	533.31		
1/1/2025	1/25/2025	164.58	3137HAD45	FHMS KJ46 A1	4.77%	6/1/2028	164.58		0.01
1/1/2025	1/25/2025	4,530.44	3137BNGT5	FHMS K054 A2	2.74%	1/1/2026	4,530.44		71.96
1/1/2025	1/25/2025	96.84	3136BQDE6	FNA 2023-M6 A2	4.19%	7/1/2028	96.84		1.18
1/15/2025	1/15/2025	2,083.02	44935FAD6	HART 2021-C A3	0.74%	5/15/2026	2,083.02		0.14
1/15/2025	1/15/2025	6,384.29	14317DAC4	CARMX 2021-3 A3	0.55%	6/15/2026	6,384.29		0.30
1/15/2025	1/15/2025	7,771.43	448977AD0	HART 2022-A A3	2.22%	10/15/2026	7,771.43		0.11
1/15/2025	1/15/2025	5,634.44	41285JAD0	HDMOT 2023-A A3	5.05%	12/15/2027	5,634.44		0.35
1/21/2025	1/21/2025	1,806.82	43815GAC3	HAROT 2021-4 A3	0.88%	1/21/2026	1,806.82		0.10
2/1/2025	2/25/2025	264.74	3137BNGT5	FHMS K054 A2	2.74%	1/1/2026	264.74		3.87
2/1/2025	2/25/2025	397.32	3137BTUM1	FHMS K061 A2	3.34%	11/1/2026	397.32		6.34
2/1/2025	2/25/2025	1.50	3136BQDE6	FNA 2023-M6 A2	4.19%	7/1/2028	1.50		0.02



## Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
<b>PAYDOWNS</b>									
2/1/2025	2/25/2025	182.55	3137HAD45	FHMS KJ46 A1	4.77%	6/1/2028	182.55		
2/1/2025	2/25/2025	536.61	3137HBC69	FHMS KJ48 A1	4.85%	5/1/2028	536.61		
2/15/2025	2/15/2025	7,752.42	448977AD0	HART 2022-A A3	2.22%	10/15/2026	7,752.42		0.11
2/15/2025	2/15/2025	6,870.93	14317DAC4	CARMX 2021-3 A3	0.55%	6/15/2026	6,870.93		0.31
2/15/2025	2/15/2025	2,098.08	44935FAD6	HART 2021-C A3	0.74%	5/15/2026	2,098.08		0.13
2/15/2025	2/15/2025	6,022.24	41285JAD0	HDMOT 2023-A A3	5.05%	12/15/2027	6,022.24		0.35
2/21/2025	2/21/2025	1,795.44	43815GAC3	HAROT 2021-4 A3	0.88%	1/21/2026	1,795.44		0.08
3/1/2025	3/25/2025	318.74	3137BNGT5	FHMS K054 A2	2.74%	1/1/2026	318.74		4.27
3/1/2025	3/25/2025	297.34	3137HAD45	FHMS KJ46 A1	4.77%	6/1/2028	297.34		
3/1/2025	3/25/2025	470.22	3137BTUM1	FHMS K061 A2	3.34%	11/1/2026	470.22		7.16
3/1/2025	3/25/2025	2.06	3136BQDE6	FNA 2023-M6 A2	4.19%	7/1/2028	2.06		0.02
3/1/2025	3/25/2025	1,047.99	3137HBC69	FHMS KJ48 A1	4.85%	5/1/2028	1,047.99		
3/15/2025	3/15/2025	6,856.48	448977AD0	HART 2022-A A3	2.22%	10/15/2026	6,856.48		0.09
3/15/2025	3/15/2025	6,626.68	14317DAC4	CARMX 2021-3 A3	0.55%	6/15/2026	6,626.68		0.28
3/15/2025	3/15/2025	5,913.13	41285JAD0	HDMOT 2023-A A3	5.05%	12/15/2027	5,913.13		0.34
3/15/2025	3/15/2025	1,043.60	44935FAD6	HART 2021-C A3	0.74%	5/15/2026	1,043.60		0.06

Quarterly Portfolio Transactions

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
PAYDOWNS									
3/21/2025	3/21/2025	1,682.60	43815GAC3	HAROT 2021-4 A3	0.88%	1/21/2026	1,682.60		0.07
Total PAYDOWNS		79,581.84					79,581.84		104.27
SELL									
3/3/2025	3/6/2025	400,000.00	912828ZW3	US TREASURY N/B	0.25%	6/30/2025	395,132.69		-4,632.49
3/3/2025	3/6/2025	100,000.00	912828ZW3	US TREASURY N/B	0.25%	6/30/2025	98,783.17		-1,116.44
3/4/2025	3/10/2025	200,000.00	912828ZW3	US TREASURY N/B	0.25%	6/30/2025	197,681.24		-2,133.52
3/18/2025	3/25/2025	100,000.00	91282CBC4	US TREASURY N/B	0.37%	12/31/2025	97,243.27		-2,564.17
3/25/2025	3/31/2025	275,000.00	91282CBC4	US TREASURY N/B	0.37%	12/31/2025	267,629.44		-6,874.52
Total SELL		1,075,000.00					1,056,469.81		-17,321.14

## Important Disclosures

This material is for general information purposes only and is not intended to provide specific advice or a specific recommendation, as it was prepared without regard to any specific objectives or financial circumstances.

PFMAM professionals have exercised reasonable professional care in the preparation of this performance report. Information in this report is obtained from sources external to PFMAM and is generally believed to be reliable and available to the public; however, we cannot guarantee its accuracy, completeness or suitability. We rely on the client's custodian for security holdings and market values. Transaction dates reported by the custodian may differ from money manager statements. While efforts are made to ensure the data contained herein is accurate and complete, we disclaim all responsibility for any errors that may occur. References to particular issuers are for illustrative purposes only and are not intended to be recommendations or advice regarding such issuers. Fixed income manager and index characteristics are gathered from external sources. When average credit quality is not available, it is estimated by taking the market value weights of individual credit tiers on the portion of the strategy rated by a NRSRO.

It is not possible to invest directly in an index. The index returns shown throughout this material do not represent the results of actual trading of investor assets. Third-party providers maintain the indices shown and calculate the index levels and performance shown or discussed. Index returns do not reflect payment of any sales charges or fees an investor would pay to purchase the securities they represent. The imposition of these fees and charges would cause investment performance to be lower than the performance shown.

The views expressed within this material constitute the perspective and judgment of PFMAM at the time of distribution and are subject to change. Any forecast, projection, or prediction of the market, the economy, economic trends, and equity or fixed-income markets are based upon certain assumptions and current opinion as of the date of issue and are also subject to change. Some, but not all assumptions are noted in the report. Assumptions may or may not be proven correct as actual events occur, and results may depend on events outside of your or our control. Changes in assumptions may have a material effect on results. Opinions and data presented are not necessarily indicative of future events or expected performance.

PFM Asset Management serves clients in the public sector and is a division of U.S. Bancorp Asset Management, Inc., which is the legal entity providing investment advisory services. U.S. Bancorp Asset Management, Inc. is a registered investment adviser, a direct subsidiary of U.S. Bank N.A. and an indirect subsidiary of U.S. Bancorp. U.S. Bank N.A. is not responsible for and does not guarantee the products, services, or performance of U.S. Bancorp Asset Management, Inc. The information contained is not an offer to purchase or sell any securities. Additional applicable regulatory information is available upon request.

For more information regarding PFMAM's services or entities, please visit [www.pfmam.com](http://www.pfmam.com).

Further distribution is not permitted without prior written consent.

## Important Disclosures

- Generally, PFMAM's market prices are derived from closing bid prices as of the last business day of the month as supplied by ICE Data Services. There may be differences in the values shown for investments due to accrued but uncollected income and the use of differing valuation sources and methods. Non-negotiable FDIC-insured bank certificates of deposit are priced at par. Although PFMAM believes the prices to be reliable, the values of the securities may not represent the prices at which the securities could have been bought or sold. Explanation of the valuation methods for a registered investment company or local government investment program is contained in the appropriate fund offering documentation or information statement.
- In accordance with generally accepted accounting principles, information is presented on a trade date basis; forward settling purchases are included in the monthly balances, and forward settling sales are excluded.
- Performance is presented in accordance with the CFA Institute's Global Investment Performance Standards (GIPS). Unless otherwise noted, performance is shown gross of fees. Quarterly returns are presented on an unannualized basis. Returns for periods greater than one year are presented on an annualized basis. **Past performance is not indicative of future returns.**
- ICE Bank of America Indices provided by Bloomberg Financial Markets.
- Money market fund/cash balances are included in performance and duration computations.
- Standard & Poor's is the source of the credit ratings. Distribution of credit rating is exclusive of money market fund/LGIP holdings.
- Callable securities in the portfolio are included in the maturity distribution analysis to their stated maturity date, although, they may be called prior to maturity.
- MBS maturities are represented by expected average life.

## Glossary

- **Accrued Interest:** Interest that is due on a bond or other fixed income security since the last interest payment was made.
- **Agencies:** Federal agency securities and/or Government-sponsored enterprises.
- **Amortized Cost:** The original cost of the principal of the security is adjusted for the amount of the periodic reduction of any discount or premium from the purchase date until the date of the report. Discount or premium with respect to short-term securities (those with less than one year to maturity at time of issuance) is amortized on a straight line basis. Such discount or premium with respect to longer-term securities is amortized using the constant yield basis.
- **Asset-Backed Security:** A financial instrument collateralized by an underlying pool of assets – usually ones that generate a cash flow from debt, such as loans, leases, credit card balances, and receivables.
- **Bankers' Acceptance:** A draft or bill of exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill as well as the insurer.
- **Commercial Paper:** An unsecured obligation issued by a corporation or bank to finance its short-term credit needs, such as accounts receivable and inventory.
- **Contribution to Total Return:** The weight of each individual security multiplied by its return, then summed for each sector to determine how much each sector added or subtracted from the overall portfolio performance.
- **Effective Duration:** A measure of the sensitivity of a security's price to a change in interest rates, stated in years.
- **Effective Yield:** The total yield an investor receives in relation to the nominal yield or coupon of a bond. Effective yield takes into account the power of compounding on investment returns, while nominal yield does not.
- **FDIC:** Federal Deposit Insurance Corporation. A federal agency that insures bank deposits to a specified amount.
- **Interest Rate:** Interest per year divided by principal amount and expressed as a percentage.
- **Market Value:** The value that would be received or paid for an investment in an orderly transaction between market participants at the measurement date.
- **Maturity:** The date upon which the principal or stated value of an investment becomes due and payable.
- **Negotiable Certificates of Deposit:** A CD with a very large denomination, usually \$1 million or more, that can be traded in secondary markets.
- **Par Value:** The nominal dollar face amount of a security.
- **Pass-through Security:** A security representing pooled debt obligations that passes income from debtors to its shareholders. The most common type is the mortgage-backed security.

## Glossary

- Repurchase Agreements: A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date.
- Settle Date: The date on which the transaction is settled and monies/securities are exchanged. If the settle date of the transaction (i.e., coupon payments and maturity proceeds) occurs on a non-business day, the funds are exchanged on the next business day.
- Supranational: A multinational union or association in which member countries cede authority and sovereignty on at least some internal matters to the group, whose decisions are binding on its members.
- Trade Date: The date on which the transaction occurred; however, the final consummation of the security transaction and payment has not yet taken place.
- Unsettled Trade: A trade which has been executed; however, the final consummation of the security transaction and payment has not yet taken place.
- U.S. Treasury: The department of the U.S. government that issues Treasury securities.
- Yield: The rate of return based on the current market value, the annual interest receipts, maturity value, and the time period remaining until maturity, stated as a percentage on an annualized basis.
- YTM at Cost: The yield to maturity at cost is the expected rate of return based on the original cost, the annual interest receipts, maturity value, and the time period from purchase date to maturity, stated as a percentage on an annualized basis.
- YTM at Market: The yield to maturity at market is the rate of return based on the current market value, the annual interest receipts, maturity value, and the time period remaining until maturity, stated as a percentage on an annualized basis.



MALIA M. COHEN

California State Controller

LOCAL AGENCY INVESTMENT FUND

REMITTANCE ADVICE

Agency Name	BENICIA
Account Number	98-48-074

As of 4/15/2025, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 3/31/2025.

Earnings Ratio		0.00012266258268207
Interest Rate		4.48%
Dollar Day Total	\$	726,676,493.22
Quarter End Principal Balance	\$	8,218,637.72
Quarterly Interest Earned	\$	89,136.02



Customer Service  
PO Box 11813  
Harrisburg, PA 17108-1813

## ACCOUNT STATEMENT

For the Month Ending  
**March 31, 2025**

### City of Benicia

#### Client Management Team

**Monique Spyke**

Managing Director  
1 California Street Ste. 1000  
San Francisco, CA 94111-5411  
415-393-7270  
spykem@pfmam.com

**Jeremy King**

Key Account Manager  
213 Market Street  
Harrisburg, PA 17101-2141  
1-800-729-7665  
kingj@pfmam.com

**Rachael Miller**

Client Consultant  
213 Market Street  
Harrisburg, PA 17101-2141  
1-800-729-7665  
millerr@pfmam.com

#### Contents

Cover/Disclosures  
Summary Statement  
Individual Accounts

#### Accounts included in Statement

6125-001                      City of Benicia

#### Important Messages

CAMP will be closed on 04/18/2025 for Good Friday.

CITY OF BENICIA  
PATRICIA MCKEEVER  
250 EAST L STREET  
BENICIA, CA 94510

**Online Access**    [www.camponline.com](http://www.camponline.com)

**Customer Service**    1-800-729-7665





## Account Statement

For the Month Ending **March 31, 2025**

### Important Disclosures

#### Important Disclosures

This statement is for general information purposes only and is not intended to provide specific advice or recommendations. PFM Asset Management ("PFMAM") is a division of U.S. Bancorp Asset Management, Inc. ("USBAM"), a SEC-registered investment adviser. USBAM is direct subsidiary of U.S. Bank National Association ("U.S. Bank") and an indirect subsidiary of U.S. Bancorp. U.S. Bank is not responsible for and does not guarantee the products, services or performance of PFMAM. PFMAM maintains a written disclosure statement of our background and business experience. If you would like to receive a copy of our current disclosure statement, please contact Service Operations at the address below.

**Proxy Voting** PFMAM does not normally receive proxies to vote on behalf of its clients. However, it does on occasion receive consent requests. In the event a consent request is received the portfolio manager contacts the client and then proceeds according to their instructions. PFMAM's Proxy Voting Policy is available upon request by contacting Service Operations at the address below.

**Questions About an Account** PFMAM's monthly statement is intended to detail our investment advisory activity as well as the activity of any accounts held by clients in pools that are managed by PFMAM. The custodian bank maintains the control of assets and executes (i.e., settles) all investment transactions. The custodian statement is the official record of security and cash holdings and transactions. PFMAM recognizes that clients may use these reports to facilitate record keeping and that the custodian bank statement and the PFMAM statement should be reconciled and differences resolved. Many custodians use a settlement date basis which may result in the need to reconcile due to a timing difference.

**Account Control** PFMAM does not have the authority to withdraw funds from or deposit funds to the custodian outside the scope of services provided by PFMAM. Our clients retain responsibility for their internal accounting policies; implementing and enforcing internal controls and generating ledger entries or otherwise recording transactions.

**Market Value** Generally, PFMAM's market prices are derived from closing bid prices as of the last business day of the month as supplied by ICE Data Services. There may be differences in the values shown for investments due to accrued but uncollected income and the use of differing valuation sources and methods. Non-negotiable FDIC-insured bank certificates of deposit are priced at par. Although PFMAM believes the prices to be reliable, the values of the securities may not represent the prices at which the securities could have been bought or sold. Explanation of the valuation methods for a registered investment company or local government investment program is contained in the appropriate fund offering documentation or information statement.

**Amortized Cost** The original cost of the principal of the security is adjusted for the amount of the periodic reduction of any discount or premium from the purchase date until the date of the report. Discount or premium with respect to short term securities (those with less than one year to maturity at time of issuance) is amortized on a straightline basis. Such discount or premium with respect to longer term securities is amortized using the constant yield basis.

**Tax Reporting** Cost data and realized gains / losses are provided for informational purposes only. Please review for accuracy and consult your tax advisor to determine the tax consequences of your security transactions. PFMAM does not report such information to the IRS or other taxing authorities and is not responsible for the accuracy of such information that may be required to be reported to federal, state or other taxing authorities.

**Financial Situation** In order to better serve you, PFMAM should be promptly notified of any material change in your investment objective or financial situation.

**Callable Securities** Securities subject to redemption prior to maturity may be redeemed in whole or in part before maturity, which could affect the yield represented.

**Portfolio** The securities in this portfolio, including shares of mutual funds, are not guaranteed or otherwise protected by PFMAM, the FDIC (except for certain non-negotiable certificates of deposit) or any government agency. Investment in securities involves risks, including the possible loss of the amount invested. Actual settlement values, accrued interest, and amortized cost amounts may vary for securities subject to an adjustable interest rate or subject to principal paydowns. Any changes to the values shown may be reflected within the next monthly statement's beginning values.

**Rating** Information provided for ratings is based upon a good faith inquiry of selected sources, but its accuracy and completeness cannot be guaranteed.

Shares of some local government investment programs and TERM funds are distributed by representatives of USBAM's affiliate, U.S. Bancorp Investments, Inc. which is registered with the SEC as a broker/dealer and is a member of the Financial Industry Regulatory Authority ("FINRA") and the Municipal Securities Rulemaking Board ("MSRB"). You may reach the FINRA by calling the FINRA Hotline at 1-800-289-9999 or at the FINRA website address <https://www.finra.org/investors/investor-contacts>. A brochure describing the FINRA Regulation Public Disclosure Program is also available from FINRA upon request.

#### Key Terms and Definitions

**Dividends** on local government investment program funds consist of interest earned, plus any discount ratably amortized to the date of maturity, plus all realized gains and losses on the sale of securities prior to maturity, less ratably amortization of any premium and all accrued expenses to the fund. Dividends are accrued daily and may be paid either monthly or quarterly. The monthly earnings on this statement represent the estimated dividend accrued for the month for any program that distributes earnings on a quarterly basis. There is no guarantee that the estimated amount will be paid on the actual distribution date.

**Current Yield** is the net change, exclusive of capital changes and income other than investment income, in the value of a hypothetical fund account with a balance of one share over the seven-day base period including the statement date, expressed as a percentage of the value of one share (normally \$1.00 per share) at the beginning of the seven-day period. This resulting net change in account value is then annualized by multiplying it by

365 and dividing the result by 7. The yields quoted should not be considered a representation of the yield of the fund in the future, since the yield is not fixed. **Average maturity** represents the average maturity of all securities and investments of a portfolio, determined by multiplying the par or principal value of each security or investment by its maturity (days or years), summing the products, and dividing the sum by the total principal value of the portfolio. The stated maturity date of mortgage backed or callable securities are used in this statement. However the actual maturity of these securities could vary depending on the level or prepayments on the underlying mortgages or whether a callable security has or is still able to be called.

**Monthly distribution yield** represents the net change in the value of one share (normally \$1.00 per share) resulting from all dividends declared during the month by a fund expressed as a percentage of the value of one share at the beginning of the month. This resulting net change is then annualized by multiplying it by 365 and dividing it by the number of calendar days in the month.

**YTM at Cost** The yield to maturity at cost is the expected rate of return, based on the original cost, the annual interest receipts, maturity value and the time period from purchase date to maturity, stated as a percentage, on an annualized basis.

**YTM at Market** The yield to maturity at market is the rate of return, based on the current market value, the annual interest receipts, maturity value and the time period remaining until maturity, stated as a percentage, on an annualized basis.

**Managed Account** A portfolio of investments managed discretely by PFMAM according to the client's specific investment policy and requirements. The investments are directly owned by the client and held by the client's custodian.

**Unsettled Trade** A trade which has been executed however the final consummation of the security transaction and payment has not yet taken place.

Please review the detail pages of this statement carefully. If you think your statement is wrong, missing account information, or if you need more information about a transaction, please contact PFMAM within 60 days of receipt. If you have other concerns or questions regarding your account, or to request an updated copy of PFMAM's current disclosure statement, please contact a member of your client management team at PFMAM Service Operations at the address below.

PFM Asset Management  
Attn: Service Operations  
213 Market Street  
Harrisburg, PA 17101

**NOT FDIC INSURED**

**NO BANK GUARANTEE**

**MAY LOSE VALUE**



## Account Statement - Transaction Summary

For the Month Ending **March 31, 2025**

City of Benicia - City of Benicia - 6125-001

### CAMP Pool

Opening Market Value	52,323,924.63
Purchases	191,857.42
Redemptions	(5,000,000.00)
Unsettled Trades	0.00
Change in Value	0.00

**Closing Market Value** **\$47,515,782.05**

Cash Dividends and Income 191,857.42

### CAMP TERM

Opening Market Value	20,000,000.00
Purchases	0.00
Redemptions	0.00
Unsettled Trades	0.00
Change in Value	0.00

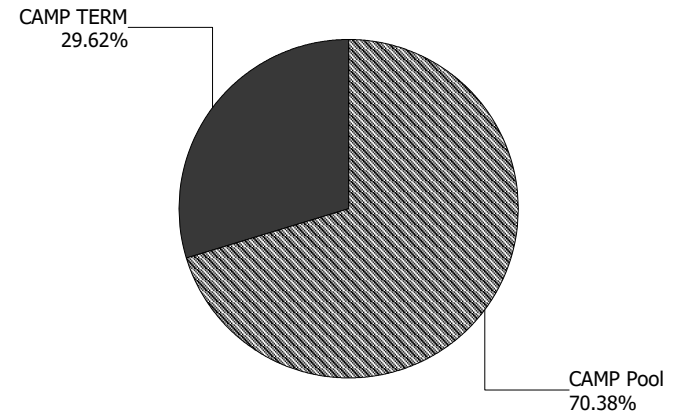
**Closing Market Value** **\$20,000,000.00**

Cash Dividends and Income 0.00

### Asset Summary

	<b>March 31, 2025</b>	<b>February 28, 2025</b>
<b>CAMP Pool</b>	47,515,782.05	52,323,924.63
<b>CAMP TERM</b>	20,000,000.00	20,000,000.00
<b>Total</b>	<b>\$67,515,782.05</b>	<b>\$72,323,924.63</b>

### Asset Allocation





## Investment Holdings

For the Month Ending **March 31, 2025**

City of Benicia - City of Benicia - 6125-001

Trade Date	Settlement Date	Security Description	Maturity Date	Rate	Investment Amount	Estimated Earnings	Est. Value at Maturity
<b>CAMP TERM</b>							
12/03/24	12/04/24	TERM - California Asset Management Program Term Dec 25	09/02/25	4.4100	20,000,000.00	285,139.72	20,657,271.23
<b>Total</b>					<b>\$20,000,000.00</b>	<b>\$285,139.72</b>	<b>\$20,657,271.23</b>



## Account Statement

For the Month Ending **March 31, 2025**

City of Benicia - City of Benicia - 6125-001

Trade Date	Settlement Date	Transaction Description	Share or Unit Price	Dollar Amount of Transaction	Total Shares Owned
<b>CAMP Pool</b>					
<b>Opening Balance</b>					<b>52,323,924.63</b>
03/21/25	03/21/25	Redemption - Outgoing Wires	1.00	(5,000,000.00)	47,323,924.63
03/31/25	04/01/25	Accrual Income Div Reinvestment - Distributions	1.00	191,857.42	47,515,782.05
<b>Closing Balance</b>					<b>47,515,782.05</b>

	Month of March	Fiscal YTD July-March		
<b>Opening Balance</b>	52,323,924.63	61,239,470.01	<b>Closing Balance</b>	47,515,782.05
<b>Purchases</b>	191,857.42	35,676,312.04	<b>Average Monthly Balance</b>	50,555,920.03
<b>Redemptions (Excl. Checks)</b>	(5,000,000.00)	(49,400,000.00)	<b>Monthly Distribution Yield</b>	4.47%
<b>Check Disbursements</b>	0.00	0.00		
<b>Closing Balance</b>	<b>47,515,782.05</b>	<b>47,515,782.05</b>		
<b>Cash Dividends and Income</b>	191,857.42	1,700,520.26		

CITY OF BENICIA  
PARS Post-Employment Benefits Trust

Account Report for the Period  
3/1/2025 to 3/31/2025

Jeff Tschudi  
Finance Director  
City of Benicia  
250 East L Street  
Benicia, CA 94510

## Account Summary

Source	Balance as of 3/1/2025	Contributions	Earnings	Expenses	Distributions	Transfers	Balance as of 3/31/2025
PENSION	\$7,443,157.59	\$0.00	-\$166,301.40	\$3,457.37	\$0.00	\$0.00	\$7,273,398.82
Totals	\$7,443,157.59	\$0.00	-\$166,301.40	\$3,457.37	\$0.00	\$0.00	\$7,273,398.82

## Investment Selection

Source	
PENSION	Moderate - Strategic Blend

## Investment Objective

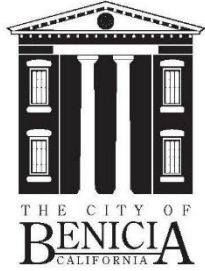
Source	
PENSION	The dual goals of the Moderate Strategy are growth of principal and income. It is expected that dividend and interest income will comprise a significant portion of total return, although growth through capital appreciation is equally important. The portfolio will be allocated between equity and fixed income investments.

## Investment Return

Source	1-Month	3-Months	1-Year	Annualized Return			Plan's Inception Date
				3-Years	5-Years	10-Years	
PENSION	-2.23%	0.23%	5.54%	4.04%	-	-	10/14/2020

Information as provided by US Bank, Trustee for PARS; Not FDIC Insured; No Bank Guarantee; May Lose Value

Past performance does not guarantee future results. Performance returns may not reflect the deduction of applicable fees, which could reduce returns. Information is deemed reliable but may be subject to change.  
Investment Return: Annualized rate of return is the return on an investment over a period other than one year multiplied or divided to give a comparable one-year return.  
Account balances are inclusive of Trust Administration, Trustee and Investment Management fees



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE – AUGUST 5, 2025**  
**BUSINESS ITEM**

**TO :** City Manager

**FROM :** Fire Chief

**SUBJECT :** **REVIEW OF INDUSTRIAL SAFETY ORDINANCE FEE STUDY**

**EXECUTIVE SUMMARY:**

The City of Benicia engaged Willdan Financial Services (Willdan) to determine the full costs incurred by the City to support the various activities required by Benicia Municipal Code (BMC) Chapter 8.55 Industrial Health and Safety Ordinance, Chapter 2.112 Industrial Safety Oversight Commission, Chapter 2.60 Advisory Bodies, and Resolution 25-33 Hazardous Materials Incident Notification Policy (collectively, ISO or Ordinance). Willdan utilized a task-based methodology to identify the full costs associated with the implementation and ongoing administration of the Ordinance. Staff now seeks direction from Council on the level of cost recovery desired.

**RECOMMENDATION:**

Receive a presentation on the Industrial Safety Ordinance (ISO) fee study (Attachment 1) and provide direction to staff on the Council's desired level of cost recovery.

**BUDGET INFORMATION:**

If Council directs the adoption of ISO fees that are 100% cost recovery, approximately \$524,878 in revenue would be recovered based on the currently known number and level of covered Facilities. Should Council choose to adopt ISO fees that are not fully cost recovery, the recovered revenue could be less. Additional cost recovery revenue could come from incident-based fees. Due to the unpredictable nature of incidents, there is no reliable way to forecast annual incident fee revenue. It should be noted that, as the ISO fees study was still in development on June 17, 2025, when the Fiscal Years 2025-2026 (FY26) and 2026-2027 (FY27) budgets were adopted, a placeholder revenue estimate of \$320,000 per year was used.

**BACKGROUND:**

In December 2023, the Benicia City Council unanimously voted to form a Council Subcommittee tasked with developing an Industrial Safety Ordinance (ISO) for the City of Benicia. At the April 1, 2025 City Council meeting, after more than a year of work, including extensive community outreach and stakeholder engagement, the City Council unanimously adopted the ISO and associated ordinances. The proposed Ordinance, which adds Chapter 8.55 – Industrial Health and Safety to the Benicia Municipal Code, aims to enhance local oversight of industrial Facilities and strengthen protections for

public health and safety. Per the adopted Ordinance, the requirements of the ISO will take effect 120 days after final adoption, July 30, 2025, except section 8.55.110 Hazardous Materials Incident Notification Policy, which became effective immediately on April 1, 2025.

During the same April 1 meeting, staff presented a preliminary draft of the proposed schedule of fees to fund the implementation of the Ordinance, along with recommendations on how those fees should be allocated amongst the High Hazard Facilities in Benicia. Council directed staff to return with a detailed, task-based approach outlining the specific costs evaluated in determining each fee. Additionally, Council requested that staff separate the regular and ongoing fees from those associated with an actual incident at a facility. Finally, Council asked staff to provide a range of fee subsidy and cost recovery options, including scenarios for an 85% subsidy and 100% full cost recovery.

### **Cost Recovery**

The Ordinance specifies that any adopted fee schedule must be limited to recovering the actual costs incurred by the City in fulfilling its obligations under the chapter. Additionally, the Ordinance expressly prohibits the City from collecting fees for activities already covered under existing regulatory programs. These programs include fees charged by the Certified Unified Program Agency (CUPA) for compliance with the California Accidental Release Prevention (CalARP) program and the Hazardous Materials Business Plan (HMBP) program, as well as fees imposed by the Bay Area Air Quality Management District (BAAQMD) and other regulatory agencies.

### **High Hazard Facility Categories**

The draft Ordinance regulates high hazard facilities (Facilities), which are industrial facilities in Benicia categorized as “Group H” by the California Fire Code. These Facilities manufacture, process, generate, or store materials that constitute a physical or health hazard in quantities in excess of limits set by California Fire Code. Currently, there are approximately thirteen (13) Facilities in Benicia that would be regulated by the Ordinance.

To allocate fees equitably among the regulated Facilities, Staff and Wildan concluded that setting the proportionate fee amount to each fee payor based on the relative risk imposed by each regulated Facility. To implement this, Facilities were categorized into five groups according to the amount of hazardous material they store on site as reported to the California Environmental Reporting System (CERS).

*Table 1*

<b>Industrial Health and Safety Ordinance Group Category Schedule</b>			
<b>Category</b>	<b>Liquid (gallons)</b>	<b>Gas (cubic feet)</b>	<b>Solids (pounds)</b>
<b>Group 0</b> Moderate Storage	<5,000	<5,000	<20,000
<b>Group 1</b> High Storage	5,000 - 49,999	5,000 - 9,999	20,000 - 99,999

<b>Group 2</b> Moderately High Storage	50,000 - 499,999	10,000 - 29,999	100,000 -299,999
<b>Group 3</b> Very High Storage	500,000 - 999,999	30,000 - 99,999	300,000 - 599,999
<b>Group 4</b> Extremely High Storage	≥ 1,000,000	≥ 100,000	≥ 600,000

In accordance with legal requirements, the fees may only recover the actual, reasonable costs associated with administering and enforcing the Ordinance. The risk-based model ensures the fee structure accurately reflects the level of regulatory effort required for each Facility while maintaining compliance with cost recovery requirements.

Utilizing this model and the draft list of Facilities, the fees would be proportionately allocated across four risk-based groups, determined by the quantity of hazardous materials stored on site, to achieve full cost recovery. The current Facility distribution is outlined in Table 2.

*Table 2*

<b>Industrial Health and Safety Ordinance Group Category Schedule</b>	
<b>Facility</b>	<b>Group</b>
Alfred Conhagen, Inc.	1
Cork Supply USA	1
Flavor Insights	1
Kaneka Aerospace, LLC	1
Amport – APS West Coast, Inc.	1
Interstate Batteries of Tri-Valley	1
City of Benicia Wastewater Treatment Plant	1
Delta Tech Corporate	1
City of Benicia Water Treatment Plant	2
Sherwin Williams Store #721046	2
Kwik Bond Polymers, LLC	2
Linde Gas & Equipment, Inc.	3
Valero Benicia Refinery	4

The list of regulated Facilities in Benicia is dynamic and subject to change over time. New businesses may establish operations within the city, existing businesses may cease operations, and Facilities may increase or decrease the quantity of hazardous materials stored on-site. Additionally, new businesses handling hazardous materials may be identified through routine fire prevention inspections.

Although there are currently no businesses identified as Group 0, there is potential that a business could fall under Group 0, and therefore be regulated by the Ordinance, while



storing a moderate amount of hazardous material with less relative risk than Facilities identified as Groups 1-4. Therefore, it is staff's recommendation that the Ordinance fee for any Group 0 Facilities be set at \$0.

### Annual Facility Fees

Implementing the Ordinance is a new undertaking for City staff, requiring the establishment of an oversight commission, increased training for City staff, and the management of new reporting, review, and evaluation processes. Before fees can be equitably distributed, the total cost of implementing and administering the program – including both startup and ongoing regulatory activities – must first be identified.

To determine the total cost of executing and sustaining the Ordinance, Staff and the City's financial consultant, Willdan, conducted an analysis of each section to identify regulatory responsibilities that will incur costs to the City in the form of staff time, materials, or services. This process involved identifying all administrative activities required, assigning responsibility to appropriate personnel, calculating fully burdened labor rates for each position, and estimating the number of hours required per task. In addition, costs for required training, materials, or additional services were identified and incorporated into the calculation. The culmination of this analysis resulted in an estimated total annual cost of \$524,878 to administer the requirements of the Ordinance. The total cost shall be shared proportionately by Facilities based on Group Category established in Table 2, under a fully-cost recovery model.

While the estimated implementation cost includes fully burdened rates for relevant City positions, predicting the time commitment of each staff member for various ordinance-related tasks remains an inexact exercise. Given that Willdan is relying on estimates at this point, and no historical data, staff recommends a reevaluation of costs after 12 months of implementation. This will allow staff to gain a clearer understanding of the actual time and resources required, allowing for any necessary adjustments to the fee schedule and budget projections.

### Results of Fee Study

After completion of the comprehensive fee study, staff was able to determine the full cost recovery amount for each Facility group. Table 3 provides full, 85%, and 50% cost recovery options.

Table 3

Industrial Health and Safety Ordinance Fee Schedule			
Description	Full Cost	85%	50%
Group 1: High Storage	\$6,014	\$5,112	\$3,007
Group 2: Moderately High Storage	\$21,648	\$18,401	\$10,824
Group 3: Very High Storage	\$79,544	\$67,612	\$39,772
Group 4: Extremely High Storage	\$332,271	\$282,430	\$166,135

### Incident Based Fees

In addition to recovering regular and ongoing costs associated with administering the ordinance, Council directed staff to separate out incident-based fees for recovering costs related to incident response. Willdan and staff conducted a similar cost analysis by identifying specific tasks, estimating staff time required for completion, and calculating fully burdened personnel costs for incident based activities.

While it is recommended that annual facility fees be charged as fixed amounts, the incident-based fees vary depending on the severity and complexity of the incident. Incident severity levels are defined in Resolution 25-33: Industrial Incident Notification Policy. Other variables that influence cost include the required level of notification, reporting, inspection, and analysis.

Responsibility for incident response may fall to either the Solano County Certified Unified Program Agency (CUPA) or the City, depending on the circumstances. This affects the City's incurred costs, and consequently, the level of cost recovery required.

Unlike annual Facility fees, which are allocated proportionally based on Facility Group Category listed in Table 2, incident-based fees are assessed per incident, with all Facilities subject to the same fee schedule outlined in Table 4.

*Table 4*

Industrial Health and Safety Ordinance Incident-Based Fee Schedule	
Incident Level	Fee Range
Level 1	\$347
Level 2	\$695 - \$9,175
Level 3	\$6,640 - \$24,939

Incident based fees will be similarly reevaluated after 12 months to reflect actual costs incurred during the first year of implementation.

### Annual Inflationary Adjustment

To ensure that the fee schedule remains aligned with changing labor and materials costs, staff recommends applying an annual inflationary adjustment. Specifically, fees would be adjusted on July 1 each year at a rate equivalent to the annual February to February change of the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers (CPI-W) for the San Francisco-Oakland-Hayward, CA area. This approach is consistent with the City's existing CPI adjustment methodology used for the master fee schedule. For administrative efficiency, staff further recommends that all annual fee adjustments be rounded to the nearest whole dollar.

### NEXT STEPS:

Staff will receive direction from Council and return with an ISO fee schedule for adoption.

**ALTERNATIVE ACTIONS:**

Council may also direct staff to evaluate alternative cost allocation methodologies and cost recovery levels.

<b>CEQA Analysis</b>	This action is Categorical Exempt per CEQA Section 21080(b)(9);15300 which applies to any project that has been determined not to have significant effect on the environment and exempt from this division.
--------------------------	---

**ATTACHMENT:**

1. Industrial Safety Ordinance Fee Study

For more information contact: Josh Chadwick, Fire Chief

Phone: 707-746-4275

E-mail: [jchadwick@ci.benicia.ca.us](mailto:jchadwick@ci.benicia.ca.us)

# City of Benicia



## Industrial Safety Ordinance Fee Study

6/12/2025



---

# TABLE OF CONTENTS

---

<b>TABLE OF CONTENTS .....</b>	<b>1</b>
<b>User Fee Background .....</b>	<b>2</b>
Background .....	2
California User Fee History .....	2
Additional Policy Considerations .....	3
<b>Study Objective .....</b>	<b>4</b>
<b>Project Approach and Methodology .....</b>	<b>5</b>
Conceptual Approach.....	5
Fully Burdened Hourly Rates.....	5
Methodology.....	6
Quality Control/Quality Assurance .....	6
City Staff Contributions.....	6
<b>Benicia User Fees .....</b>	<b>7</b>
Cost Recovery.....	7
Subsidization .....	7
Summary .....	8
<b>Appendix A – Fully Burdened Hourly Rates .....</b>	<b>9</b>
<b>Appendix B – Cost Recovery Analysis .....</b>	<b>10</b>

---

# User Fee Background

---

## Background

Local governments provide numerous programs and services targeted to specific populations such as home builders, exercise class attendees, or facility renters. To remain solvent, the government must recover the costs associated with providing these. Rather than placing the cost burden on the community as a whole by recovering costs from local taxes, the government charges user fees directly to the residents benefiting from specific programs and services. As cities struggle to maintain levels of service and variability of demand, they have become increasingly aware of subsidies provided by the General Fund and have implemented cost-recovery targets. To the extent that governments use general tax monies to provide individuals with private benefits and not require them to pay the full cost of the service (and, therefore, receive a subsidy), the government is limiting funds that may be available to provide other community-wide benefits. In effect, the government is using community funds to pay for private benefit. Unlike most revenue sources, cities have more control over the level of user fees they charge to recover costs, or the subsidies they can institute.

The Industrial Safety Ordinance (ISO) is such a program where the services provided are covering City costs that are authorized to be directly imposed as a fee on those who receive the benefit or service from the City, in accordance with Proposition 26. As such, the full cost of services can be recovered through fees that reflect the City's reasonable cost of providing services.

As defined by Proposition 26 (California Constitution Article XIII C, Section 1(e)), any charge imposed by the City is a "tax" requiring approval by voters, unless the City establishes that the charge fits within one of seven exceptions under Proposition 26. As relevant to the fees analyzed in this Study, there are three Proposition 26 exceptions that support the conclusion that the fees may be approved by the City Council without seeking voter approval since the charges do not exceed: (1) the City's costs of providing a specific benefit to the payor (where the benefit is not provided to those who do not pay the fee); (2) the City's costs of providing a service or product to the payor (where the service or product is not provided to those who do not pay the fee); and (3) the City's costs of regulation (limited to: licensing, permitting, investigating, inspecting, auditing, or enforcement). Under Proposition 26, the City bears the burden of proving that the amount of the fee is no more than necessary to cover the reasonable cost of the City's activity (under one of the exceptions), and that the manner in which those costs are allocated to a payor bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the City's activity.

## California User Fee History

Before Proposition 13, California cities had broader authority to recover the cost of their services through taxes instead of fees imposed on individual fee payers. In times of fiscal shortages, cities simply raised property taxes, which funded everything from police and recreation to development-related services. However, this situation changed with the passage of Proposition 13 in 1978 by which property taxes were limited to 1 percent of a property's value with subsequent tax increases limited to a 2 percent increase per year, and special taxes were required to obtain approval by two-thirds of the electorate.

Proposition 13 established the era of revenue limitation in California local government. In subsequent years, the state saw a series of additional limitations to local government revenues. Proposition 4 (1979) established appropriation limits for local government; and Proposition 218 (1996) established additional limitations on assessments and property related fees (such as water and sewer rates). Compounding this limitation, the State of California took a series of actions in the 1990's and 2000's to improve the State's fiscal situation-at the expense of local governments. As an example, in 2004-05, the Educational Revenue Augmentation Funds ("ERAF") take-away of property taxes and the reduction of Vehicle License Fees have severely reduced local tax revenues. Then, as summarized above, on November 2, 2010, California voters approved Proposition 26, the "Stop Hidden Taxes Initiative," which further constrained the definition of a "fee" that is authorized to be approved by the City Council without voter approval. The fees analyzed as part of this study fell under categories one through three consisting of charges for specific benefits, government service, or regulatory services.

## Additional Policy Considerations

The recent trend for municipalities is to update their fee schedules to reflect the actual costs of certain public services primarily benefitting users. User Fees recover costs associated with the provision of specific services benefiting the user, thereby reducing the use of General Fund monies for such purposes.

In addition to collecting the direct cost of labor and materials associated with processing and administering user services, it is common for local governments to recover support costs. Support costs are those costs relating to a local government's central service departments that are properly allocable to the local government's operating departments. Central services support cost allocations were incorporated using the resulting indirect overhead percentages determined through the City of Benicia Cost Allocation Plan. This plan was developed prior to the User Fee study to determine the burden placed upon central services by the operating departments in order to allocate a proportionate share of central service cost.

Since ISO is a new program with new processes and procedures, it is recommended that staff evaluate the performance of the fees on an annual basis to ensure that the assumptions within the analysis are reasonable, and to make modifications to the methodology and subsequent fees as necessary.

As labor effort and costs associated with the provision of services fluctuate over time, a significant element in the development of any fee schedule is that it has the flexibility to remain current. It is not recommended that the City include an inflationary factor in the resolution adopting the fee schedule until the City has data regarding the actual cost incurred over a period of time and better knowledge of how those costs escalate from year to year.

---

## Study Objective

---

As the City of Benicia seeks to efficiently manage limited resources and adequately respond to increased service demands, it needs a variety of tools. These tools provide assurance that the City has the best information and the best resources available to make sound decisions, fairly and legitimately set fees, maintain compliance with state law and local policies, and meet the needs of the City administration and its constituency. Given the limitations on raising revenue in local government, the City recognizes that a User Fee Study is a very cost-effective way to understand the total cost of services and identify potential fee deficiencies. Essentially, a User Fee is a payment for a requested service provided by a local government that primarily benefits an individual or group.

The total cost of each service included in this analysis is based on the full cost of providing City services within one of the Proposition 26 exceptions, including direct salaries and benefits of City staff, direct departmental costs, and indirect costs from central service support. This study determines the full cost recovery fee for the City to provide each service; however, each fee is set at the City's discretion, up to 100% of the total cost, as specified in this report.

The principal goal of the study was to help the City determine the full cost of ISO services that the City provides. In addition, Willdan established a series of additional objectives including:

- Developing a rational basis for setting fees
- Identifying subsidy amount, if applicable, of each fee in the model
- Ensuring compliance with State law
- Developing an updatable and comprehensive list of fees
- Maintaining accordance with City policies and goals

The study results will help the City better understand its true costs of providing services and may serve as a basis for making informed policy decisions regarding the most appropriate fees, if any, to collect from individuals and organizations that require individualized services from the City.



---

# Project Approach and Methodology

---

## Conceptual Approach

The basic concept of a User Fee Study is to determine the “reasonable cost” of each service provided by the City for which it charges a user fee. The full cost of providing a service may not necessarily become the City’s fee, but it serves as the objective basis as to the maximum amount that may be collected.

The standard fee limitation established in California law is that the fee may not exceed the “estimated, reasonable and proportionate cost” of providing the service to the person paying the fee. In order to maintain compliance with the letter and spirit of this standard, every component of the fee study process included a related review. The use of budget figures, time estimates, and improvement valuation clearly indicates reliance upon estimates for some data.

## Fully Burdened Hourly Rates

The total cost of each service included in this analysis is primarily based on the Fully Burdened Hourly Rates (FBHRs) that were determined for City personnel directly involved in providing services. The FBHRs include not only personnel salary and benefits, but also any costs that are reasonably ascribable to personnel. The cost elements that are included in the calculation of fully burdened rates are:

- Salaries & benefits of personnel involved
- Operating costs applicable to fee operations
- Departmental support, supervision, and administration overhead
- Indirect City-wide overhead costs calculated through the Cost Allocation Plan

The FBHRs are then used in conjunction with time estimates, when appropriate, to calculate a fee’s cost based on the personnel and the amount of their time that is involved in providing each service.

The FBHR’s utilized for this analysis were originally developed in the Citywide User Fee Study that was completed and adopted in May of 2023. In order to bring the hour rates up to date for FY 2025/26 the change in the Consumer Price Index for San Francisco / Bay Area since that period has been applied to the previously adopted rates which equates to around a 10.7% increase.

---

## Methodology

The methodology of analysis for calculating fees used in this report was the:

**Case Study Method (Standard Unit Cost Build-Up Approach):** This approach estimates the actual labor and material costs associated with providing a unit of service to a single user. This analysis is suitable when City staff time requirements do not vary dramatically for a service, or for special projects where the time and cost requirements are easy to identify at the project's outset. Further, the method is effective in instances when a staff member from one department assists on an application, service or permit for another department on an as-needed basis. Costs are estimated based upon interviews with City staff regarding the time typically spent on tasks, a review of available records, and a time and materials analysis.

## Quality Control/Quality Assurance

All study components are interrelated, thus flawed data at any step in the process will cause the ultimate results to be inconsistent and unsound. The elements of our Quality Control process for User Fee calculations include:

- Involvement of knowledgeable City staff
- Clear instructions and guidance to City staff
- Reasonableness tests and validation
- Cross-checking and verification of calculations

## City Staff Contributions

As part of the study process, Willdan received tremendous support and cooperation from City staff, who contributed and reviewed a variety of components to the study, including:

- Budget and other cost data
- Staffing structures
- Fee and service structures, organization, and descriptions
- Direct and indirect work hours (billable/non-billable)
- Time estimates to complete work tasks
- Review of draft results and other documentation

A User Fee Study requires significant involvement of the managers and line staff from the departments—on top of their existing workloads and competing priorities. The contributions from City staff were critical to this study. We would like to express our appreciation to the City and its staff for their assistance, professionalism, positive attitudes, helpful suggestions, responsiveness, and overall cooperation.

---

# Benicia User Fees

---

## Cost Recovery

The cost recovery model is presented in detail in **Appendix B**. Full cost recovery is determined by summing the estimated amount of time each position (in increments of minutes or hours) spends to render a service. Time estimates for each service rendered were predominately determined by Willdan and City Staff through a time and materials survey conducted for the ISO program. The resulting cost recovery amount represents the total cost of providing each service.

It is important to note that the time and materials survey used to determine the amount of time each employee spends assisting in the provision of the services listed on the fee schedule is essential in identifying the total cost of providing each service. Specifically, in providing services, a number of employees are often involved in various aspects of the process, spending anywhere from a few minutes to several hours on the service. In addition, shared service types have been distributed by a percentage share across the facility group types based on an estimation of the level of effort that should be borne by each group. Both the time estimates as well as the share of cost burden per facility group type should be evaluated on a periodic basis to ensure that the estimates are reasonable and result in reasonable fees.

The primary goal of this study was to identify the cost of City services, to provide information to help the City make informed decisions regarding the actual fee levels and charges. The responsibility to determine the final fee levels is a complicated and nuanced task. City staff must consider many issues in formulating recommendations, and the City Council must consider those same issues and more in making the final decisions.

City staff assumes the responsibility to develop specific fee level recommendations to present to the City Council. Unfortunately, there are no hard and fast rules to guide the City, since many of the considerations are based on the unique characteristics of the City of Benicia, and administrative and political discretion. However, in setting the level of full cost recovery for each fee, one should consider whether the service solely benefits one end user or the general community.

## Subsidization

Recalling the definition of a user fee helps guide decisions regarding subsidization. The general standard is that, as long as the costs of the fee fit within one of the Proposition 26 exceptions, individuals (or groups) who receive a wholly private benefit should pay 100% of the full cost of the services. In contrast, services that are simply public benefit should be funded entirely by the general fund's tax dollars. Unfortunately, for the decision makers, many services fall into the range between these two extremes.

Further complicating the decision, opponents of fees often assert that the activities subject to the fees provide economic, cultural, "quality of life," or other community benefits that exceed the costs to the City.

While It is recommended the City consider such factors during its deliberations regarding appropriate fee levels, under California law up to the full cost identified in the study can be charged as detailed in the study since the services are providing a compliance need to fulfill the requirements of the ISO.

It is also important for the City and public to understand that subsidies must be covered by another revenue source, such as the General Fund. Therefore, the general taxpayer would potentially help to fund private benefit services, which can reduce the City's ability to fund general benefit activities without access to those general unobligated funds used to subsidize ISO services.

## Summary

If the City's principal goal of this study were to maximize revenues from user fees, Willdan would recommend setting user fees at 100% of the full cost identified in this study. However, we understand that revenue enhancement is not the only goal of a cost of service study, and sometimes full-cost recovery is not needed, desired, or appropriate. Other City and departmental goals, City Council priorities, policy initiatives, past experience, implementation issues, and other internal and external factors may influence staff recommendations and City Council decisions. In this case, the proper identification of the full cost of ISO services and creation of a reasonable and comprehensive fee schedule was the primary objective of this study. City staff has reviewed the full costs and identified the recommended fee levels for consideration by City Council. The attached appendices exhibit these unit fees individually.

The preceding section provides the background for each department or division and the results of this study's analysis of their fees. For the full list of each fee's analysis, refer to [Appendix C](#) of this report.

## Appendix A – Fully Burdened Hourly Rates

Below are fully burdened hourly rates of staff positions that provide for the services detailed in [Appendix B](#). The FBHRs were used to determine the full cost of each service. They include the salary and benefit costs for each position as well as all applicable overhead amounts for each position. The FBHR's utilized for this analysis were originally developed in the recently adopted Citywide User Fee Study along with a Consumer Price Index increase of around 10.7% to bring them current for FY 2025/26. For any user fee service request that is outside the scope of the fees detailed in [Appendix B](#), or for services for which there is no fee currently set, the City can charge up to the full cost of the FBHR for personnel involved.

### City of Benicia - User Fee

#### Fully Burdened Hourly Rate Calculation

*3 years of CPI*

Department	Position	2022/23 Fully Burdened Hourly Rate	2025/26 Fully Burdened Hourly Rate
010: FIRE ADMIN	Fire - ADMINSECRETARY	\$83.95	\$92.93
010: FIRE ADMIN	Fire - DIVISION FIRE CHIEF	\$190.93	\$211.34
010: FIRE ADMIN	Fire - FIRE CAPTAIN	\$162.02	\$179.34
010: FIRE ADMIN	Fire - FIRE CHIEF	\$244.28	\$270.40
010: FIRE ADMIN	Fire - FIRE ENGINEER	\$147.29	\$163.03
010: FIRE ADMIN	Fire - FIRE LIEUTENANT	\$154.65	\$171.19
010: FIRE ADMIN	Fire - SENIOR MGMNT ANALYST	\$123.00	\$136.16
010: FIRE ADMIN	Fire - PARAMEDIC FIREFIGHTER	\$140.19	\$155.18
010: CITY MANAGER	CM - CITY CLERK	\$28.69	\$31.75
010: CITY MANAGER	CM - DEPUTY CITY CLERK	\$78.01	\$86.36
010: FINANCE	Finance - FINANCE DIRECTOR	\$178.74	\$197.85
010: FINANCE	Finance - BUDGET MANAGER	\$127.63	\$141.27
010: INFORMATION TECHNOLOGY	IT - INFORMATION TECHNOLOGY ASST	\$61.16	\$67.70

---

## Appendix B – Cost Recovery Analysis

---

The following tables provide the results of the analysis, resulting full cost recovery amount, and recommended fees. Included first is the full breakdown of the fee calculations, followed by the recommended fee table for adoption.

All services and fees analyzed as part of this study fall under one or multiple categories one through three of the exceptions defined in Proposition 26. As such a cost analysis was performed to calculate the estimated reasonable full cost of each service, and suggested fees are recommended at or below those amounts. Estimated reasonable full costs were calculated based on City expenditures and time estimates.

## Annual Facility Fee Detail

							Total Cost		Group 1 Facilities	Group 2 Facilities	Group 3 Facilities	Group 4 Facilities				
8.55.080	Industrial Safety Citizen Oversight Commission	Meetings per year			Rate	Total Cost	\$	178,172.65	\$	1,781.73	\$	7,126.91	\$	26,725.90	\$	115,812.22
	Commission Meetings (basic with no incidents)	6		see separate cost detail	\$	29,695.44	\$	178,172.65	Percent Share	1%		4%		15%		65%
									Number of Locations	8		3		1		1
8.55.090	Annual Industrial Health and Safety Report	Hours per report	# of Reports	Total Hours	Rate	Total Cost	\$	8,340.00	\$	347.50	\$	695.00	\$	1,390.00	\$	2,085.00
	G1 - Division Chief (collect and review reports)	1	8	8	\$	211.34	\$	1,690.72		\$	211.34					
	G1 - Fire Management Analyst (review and post reports to PIB)	1	8	8	\$	136.16	\$	1,089.28		\$	136.16					
	G2 - Division Chief (collect and review reports)	2	3	6	\$	211.34	\$	1,268.04				\$	422.68			
	G2 - Fire Management Analyst (review and post reports to PIB)	2	3	6	\$	136.16	\$	816.96				\$	272.32			
	G3 - Division Chief (collect and review reports)	4	1	4	\$	211.34	\$	845.36						\$	845.36	
	G3 - Fire Management Analyst (review and post reports to PIB)	4	1	4	\$	136.16	\$	544.64						\$	544.64	
	G4 - Division Chief (collect and review reports)	6	1	6	\$	211.34	\$	1,268.04							\$	1,268.04
	G4 - Fire Management Analyst (review and post reports to PIB)	6	1	6	\$	136.16	\$	816.96							\$	816.96
						\$	8,340.00									
8.55.140	Emergency Response Training	Hours per facility (2-4)	# of Facilities	# per rank	Rate	Total Cost	\$	66,137.76	\$	661.38	\$	2,645.51	\$	9,920.66	\$	42,989.54
	1 Division Chief	3	13	1	\$	211.34	\$	8,242.26	Percent Share	1%		4%		15%		65%
	2 Captains	3	13	2	\$	179.34	\$	13,988.52	Number of Locations	8		3		1		1
	1 Lieutenant	3	13	1	\$	171.19	\$	6,676.41								
	3 Engineers	3	13	3	\$	163.03	\$	19,074.51								
	3 Firefighter / Paramedics	3	13	3	\$	155.18	\$	18,156.06								
						\$	66,137.76									
8.55.150	Emergency Response Plans	Hours per plan	Total # of Plans	Total Hours	Rate	Total Cost	\$	11,571.08	\$	483.66	\$	695.00	\$	1,963.04	\$	3,653.76
	G1 Division Chief (Receive and Review Plan, work with facility to edit as necessary	1	8	8	\$	211.34	\$	1,690.72		\$	211.34					
	G1 Fire Management Analyst Post reports to PIB	2	8	16	\$	136.16	\$	2,178.56		\$	272.32					
	G2 Division Chief (Receive and Review Plan, work with facility to edit as necessary	2	3	6	\$	211.34	\$	1,268.04				\$	422.68			
	G2 Fire Management Analyst Post reports to PIB	2	3	6	\$	136.16	\$	816.96				\$	272.32			
	G3 Division Chief (Receive and Review Plan, work with facility to edit as necessary	8	1	8	\$	211.34	\$	1,690.72						\$	1,690.72	
	G3 Fire Management Analyst Post reports to PIB	2	1	2	\$	136.16	\$	272.32						\$	272.32	
	G4 Division Chief (Receive and Review Plan, work with facility to edit as necessary	16	1	16	\$	211.34	\$	3,381.44							\$	3,381.44
	G4 Fire Management Analyst Post reports to PIB	2	1	2	\$	136.16	\$	272.32							\$	272.32
						\$	11,571.08									
8.55.200	Hazardous Materials Technician Specialists	Add HazMat Members	Tuition / lodging	OT hours	1.5 Rate	Total Cost	\$	141,390.90	\$	1,413.91	\$	5,655.64	\$	21,208.64	\$	91,904.09
	HazMat Stipend (5% of Captain salary)	3			\$	7,594.94	\$	22,784.82	Percent Share	1%		4%		15%		65%
	Annual HazMat Physical	3			\$	1,000.00	\$	3,000.00	Number of Locations	8		3		1		1
	Annual HazMat Challenge Training (Tuition \$700, Lodging \$250 x 5 days)	3	\$	1,950.00		\$	5,850.00									
	Annual HazMat Challenge Training (OT)	3		40	\$	269.01	\$	32,281.20								
	Monthly Solano County HazMat training	3		96	\$	269.01	\$	77,474.88								
						\$	141,390.90									

## Annual Facility Fee Detail

							Total Cost	Group 1 Facilities	Group 2 Facilities	Group 3 Facilities	Group 4 Facilities
8.55.200	Hazardous Materials Technician Specialists (One time in Year #1)	Add HazMat Members	Uniforms	OT hours	Rate x 1.5	Total Cost	\$ 89,034.40	\$ 890.34	\$ 3,561.38	\$ 13,355.16	\$ 57,872.36
	Technician Class 1A	3		40	\$ 244.54	\$ 44,017.20	Percent Share	1%	4%	15%	65%
	Technician Class 1B	3		40	\$ 244.54	\$ 44,017.20	Number of Locations	8	3	1	1
	Technician Class 1C	3		40	\$ 244.54	\$ 44,017.20					
	Technician Class 1D	3		40	\$ 244.54	\$ 44,017.20					
	Specialists Class 1F	3		40	\$ 244.54	\$ 44,017.20					
	Specialists Class 1G	3		40	\$ 244.54	\$ 44,017.20					
	HazMat Uniforms	3	\$ 1,000.00			\$ 3,000.00					
						\$ 267,103.20					
	Total cost of training depreciated over 3 years					\$ 89,034.40					
8.55.210	Public Information Bank	Hours per month	# of Facilities	Total Hours	Rate	Total Cost	\$ 7,006.54	\$ 203.86	\$ 340.02	\$ 1,497.00	\$ 2,858.60
	G1 Website maintenance by IT	1	8	8	\$ 67.70	\$ 541.60		\$ 67.70			
	G1 Website maintenance by MA	1	8	8	\$ 136.16	\$ 1,089.28		\$ 136.16			
	G2 Website maintenance by IT	1	3	3	\$ 67.70	\$ 203.10			\$ 67.70		
	G2 Website maintenance by MA	2	3	6	\$ 136.16	\$ 816.96			\$ 272.32		
	G3 Website maintenance by IT	2	1	2	\$ 67.70	\$ 135.40				\$ 135.40	
	G3 Website maintenance by MA	10	1	10	\$ 136.16	\$ 1,361.60				\$ 1,361.60	
	G4 Website maintenance by IT	2	1	2	\$ 67.70	\$ 135.40					\$ 135.40
	G4 Website maintenance by MA	20	1	20	\$ 136.16	\$ 2,723.20					\$ 2,723.20
						\$ 7,006.54					
8.55.250	Annual Performance Review and Evaluation	Hours			Rate	Total Cost	\$ 23,224.90	\$ 232.25	\$ 929.00	\$ 3,483.73	\$ 15,096.18
	Division Chief (Review prior year activities / evaluate effectiveness)	16			\$ 211.34	\$ 3,381.45	Percent Share	1%	4%	15%	65%
	Division Chief (Draft Annual Performance Review and Evaluation Report)	24			\$ 211.34	\$ 5,072.17	Number of Locations	8	3	1	1
	Fire Management Analyst (Draft Annual Performance Review and Evaluation Re	24			\$ 136.16	\$ 3,267.76					
	Fire Chief (Receive and review report)	4			\$ 270.40	\$ 1,081.58					
	City Council Meeting (Annual Report (No Ordinance change)	1			\$ 10,421.94	\$ 10,421.94					
						\$ 23,224.90					
							Fee per facility	\$ 6,014.63	\$ 21,648.44	\$ 79,544.13	\$ 332,271.75
							Number of Locations	8	3	1	1
TOTAL							\$ 524,878.22	\$ 48,117.01	\$ 64,945.33	\$ 79,544.13	\$ 332,271.75

Category	Liquid (gallons)	Gas (cubic feet)	Solid (lbs)
Group 1 (High Storage)	5,000 - 49,999	5,000 - 9,999	20,000 - 99,999
Group 2 (Moderately High Storage)	50,000 - 499,999	10,000 - 29,999	100,000 - 299,999
Group 3 (Very High Storage)	500,000-999,999	30,000-99,999	300,000 - 599,999
Group 4 (Extremely High Storage)	≥ 1,000,000	≥ 100,000	≥ 600,000



## Incident Based Fees

<b>8.55.110</b>	<b>Level 1 - Incident Notification and Reporting</b>	<b>Hours</b>	<b>Rate</b>	<b>Total Cost</b>	<b>\$</b>	<b>347.50</b>
	1 Division Chief (taking call, confirming response, draft message, send to comm:	1	\$ 211.34	\$ 211.34		
	1 Fire Management Analyst (Statement from DC, Post notify, Post SM, Post to PIB	1	\$ 136.16	\$ 136.16		
<b>8.55.110</b>	<b>Level 2 - Incident Notification and Reporting</b>	<b>Hours</b>	<b>Rate</b>	<b>Total Cost</b>	<b>\$</b>	<b>695.00</b>
	2 Division Chief (taking call, confirming response, draft message, send to comm:	1	\$ 211.34	\$ 211.34		
	2 Fire Management Analyst (Statement from DC, Post notify, Post SM, Post to PIB	1	\$ 136.16	\$ 136.16		
	2 Division Chief (Review 72 hour report)	1	\$ 211.34	\$ 211.34		
	2 Fire Management Analyst Post reports to PIB	1	\$ 136.16	\$ 136.16		
<b>8.55.110</b>	<b>Level 3 - Incident Notification and Reporting</b>	<b>Hours</b>	<b>Rate</b>	<b>Total Cost</b>	<b>\$</b>	<b>1,583.30</b>
	3 Division Chief (taking call, confirming response, draft message, send to comm:	1	\$ 211.34	\$ 211.34		
	3 Fire Chief Review	1	\$ 270.40	\$ 270.40		
	3 Fire Management Analyst (Statement from DC, Post notify, Post SM, Post to PIB	2	\$ 136.16	\$ 272.32		
	3 Division Chief (Review 72 hour report)	2	\$ 211.34	\$ 422.68		
	3 Fire Chief Review	1	\$ 270.40	\$ 270.40		
	3 Fire Management Analyst Post reports to PIB	1	\$ 136.16	\$ 136.16		
<b>8.55.100</b>	<b>Level 2 w/CUPA as lead - Audit and Inspection</b>	<b>Hours</b>	<b>Rate</b>	<b>Total Cost</b>	<b>\$</b>	<b>2,656.12</b>
	Level 2 w/CUPA as lead - Division Chief	10	\$ 211.34	\$ 2,113.40		
	Level 2 w/CUPA as lead - Fire Management Analyst	2	\$ 136.16	\$ 272.32		
	Level 2 w/CUPA as lead - Fire Chief (Receive and review Inv / RCA report)	1	\$ 270.40	\$ 270.40		
<b>8.55.120</b>	<b>Level 2 w/CUPA as lead - Incident Investigation Reports and Root Cause Ar</b>	<b>Hours</b>	<b>Rate</b>	<b>Total Cost</b>	<b>\$</b>	<b>9,175.62</b>
	Division Chief (Receive and review Inv / RCA report)	2	\$ 211.34	\$ 422.68		
	Fire Chief (Receive and review Inv / RCA report)	1	\$ 270.40	\$ 270.40		
	Fire Management Analyst (noticing of meeting, Post reports to PIB	1	\$ 136.16	\$ 136.16		
	Commission Meeting (Item added to reg meeting)			\$ 8,346.39		

## Incident Based Fees

<b>8.55.100</b>	<b>Level 3 w/CUPA as lead - Audit and Inspection</b>	<b>Hours</b>		<b>Rate</b>	<b>Total Cost</b>	<b>\$</b>	<b>6,640.30</b>
	Level 3 w/CUPA as lead - Division Chief	25	\$	211.34	\$		<b>5,283.50</b>
	Level 3 w/CUPA as lead - Fire Management Analyst	5	\$	136.16	\$		<b>680.80</b>
	Level 3 w/CUPA as lead - Fire Chief (Receive and review Inv / RCA report)	2.5	\$	270.40	\$		<b>676.00</b>
<b>8.55.120</b>	<b>Level 3 w/CUPA as lead - Incident Investigation Reports and Root Cause Ar</b>	<b>Hours</b>		<b>Rate</b>	<b>Total Cost</b>	<b>\$</b>	<b>14,226.55</b>
	Division Chief (Receive and review Inv / RCA report)	4	\$	211.34	\$		<b>845.36</b>
	Fire Chief (Receive and review Inv / RCA report)	2	\$	270.40	\$		<b>540.79</b>
	Fire Management Analyst Post reports to PIB	2	\$	136.16	\$		<b>272.31</b>
	Commission Meeting (Item added to reg meeting)				\$		<b>12,568.08</b>
<b>8.55.100</b>	<b>Level 2 w/City as lead - Audit and Inspection</b>	<b>Hours</b>		<b>Rate</b>	<b>Total Cost</b>	<b>\$</b>	<b>19,920.90</b>
	Level 2 w/City as lead - Division Chief	75	\$	211.34	\$		<b>15,850.50</b>
	Level 2 w/City as lead - Fire Management Analyst	15	\$	136.16	\$		<b>2,042.40</b>
	Level 2 w/City as lead - Fire Chief (Receive and review Inv / RCA report)	7.5	\$	270.40	\$		<b>2,028.00</b>
<b>8.55.120</b>	<b>Level 2 w/City as lead - Incident Investigation Reports and Root Cause Anal</b>	<b>Hours</b>		<b>Rate</b>	<b>Total Cost</b>	<b>\$</b>	<b>19,177.41</b>
	Division Chief (Receive and review Inv / RCA report)	8	\$	211.34	\$		<b>1,690.72</b>
	Fire Chief (Receive and review Inv / RCA report)	4	\$	270.40	\$		<b>1,081.58</b>
	Fire Management Analyst Post reports to PIB	2	\$	136.16	\$		<b>272.31</b>
	Commission Meeting (Item added to reg meeting)				\$		<b>16,132.79</b>
<b>8.55.100</b>	<b>Level 3 w/City as lead - Audit and Inspection</b>	<b>Hours</b>		<b>Rate</b>	<b>Total Cost</b>	<b>\$</b>	<b>39,841.80</b>
	Level 3 w/City as lead - Division Chief	150	\$	211.34	\$		<b>31,701.00</b>
	Level 3 w/City as lead - Fire Management Analyst	30	\$	136.16	\$		<b>4,084.80</b>
	Level 3 w/City as lead - Fire Chief (Receive and review Inv / RCA report)	15	\$	270.40	\$		<b>4,056.00</b>
<b>8.55.120</b>	<b>Level 3 w/City as lead - Incident Investigation Reports and Root Cause Anal</b>	<b>Hours</b>		<b>Rate</b>	<b>Total Cost</b>	<b>\$</b>	<b>24,939.46</b>
	Division Chief (Receive and review Inv / RCA report)	12	\$	211.34	\$		<b>2,536.09</b>
	Fire Chief (Receive and review Inv / RCA report)	6	\$	270.40	\$		<b>1,622.37</b>
	Fire Management Analyst Post reports to PIB	2	\$	136.16	\$		<b>272.31</b>
	Commission Meeting (Item added to reg meeting)				\$		<b>20,508.69</b>

## Meeting Cost Calculation Detail

Position Title	Fire - SENIOR					Finance -	
	CM - ADMIN SECRETARY	MGMNT ANALYST	Fire - DIVISION FIRE CHIEF	Fire - FIRE CHIEF	IT - INFORMATION TECHNOLOGY ASST	BUDGET MANAGER	Legal
Fully Burdened Hourly Rate	\$75.09	\$136.16	\$211.34	\$270.40	\$67.70	\$141.27	\$300.00

### Industrial Safety Citizen Oversight Commision Meeting \$29,695.44

#### Overall Meeting Needs

Agendizing	2			1	1		
Posting agenda (uploading docs & public posting)	6	2					
Meeting		4	2	4	7		
Reviewing & uploading minutes	4						
Granicus video upload	1				1		

#### Agenda Item: Air Quality Management Program

Staff Report	1	12	2	6		1	1
Attachment compilation		3	2	1			
Presentation		12		6			

#### Agenda Item: Incident Notifications

Staff Report	1	12	2	6		0.5	1
Attachment compilation		3	2	1			
Presentation		12		6			

#### Agenda Item: Public Education

Staff Report	1	12	2	6		0.5	1
Attachment compilation		3	2	1			
Presentation		12		6			

Total hours per position	16	87	14	44	9	2	3
Total cost per postion	\$1,201.47	\$11,845.92	\$2,958.77	\$11,897.40	\$609.34	\$282.54	\$900.00

## Meeting Cost Calcuation Detail

Position Title	Fire - SENIOR					Finance -	
	CM - ADMIN SECRETARY	MGMNT ANALYST	Fire - DIVISION FIRE CHIEF	Fire - FIRE CHIEF	IT - INFORMATION TECHNOLOGY ASST	BUDGET MANAGER	Legal
Fully Burdened Hourly Rate	\$75.09	\$136.16	\$211.34	\$270.40	\$67.70	\$141.27	\$300.00

### Add 8.55.120 Level 2 CUPA as lead item \$8,346.39

Staff Report	1	12	2	6		0.5	1
Attachment compilation		2	2	1			
Presentation		12		6			
<b>Total hours per position</b>	<b>1</b>	<b>26</b>	<b>4</b>	<b>13</b>	<b>0</b>	<b>0.5</b>	<b>1</b>
<b>Total cost per postion</b>	<b>\$75.09</b>	<b>\$3,540.16</b>	<b>\$845.36</b>	<b>\$3,515.14</b>	<b>\$0.00</b>	<b>\$70.64</b>	<b>\$300.00</b>

### Add 8.55.120 Level 3 CUPA as lead item \$12,568.08

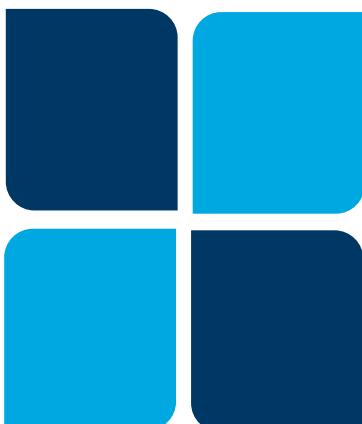
Staff Report	1	18	2	9		0.5	1
Attachment compilation		4	4	2			
Presentation		18		9			
<b>Total hours per position</b>	<b>1</b>	<b>40</b>	<b>6</b>	<b>20</b>	<b>0</b>	<b>0.5</b>	<b>1</b>
<b>Total cost per postion</b>	<b>\$75.09</b>	<b>\$5,446.40</b>	<b>\$1,268.04</b>	<b>\$5,407.91</b>	<b>\$0.00</b>	<b>\$70.64</b>	<b>\$300.00</b>

### Add 8.55.120 Level 2 City as lead item \$16,132.79

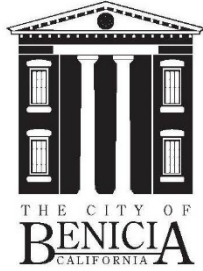
Staff Report	1	24	2	6		0.5	1
Attachment compilation		8	8	4			
Presentation		24		12			
<b>Total hours per position</b>	<b>1</b>	<b>56</b>	<b>10</b>	<b>22</b>	<b>0</b>	<b>0.5</b>	<b>1</b>
<b>Total cost per postion</b>	<b>\$75.09</b>	<b>\$7,624.96</b>	<b>\$2,113.40</b>	<b>\$5,948.70</b>	<b>\$0.00</b>	<b>\$70.64</b>	<b>\$300.00</b>

### Add 8.55.120 Level 3 City as lead item \$20,508.69

Staff Report	1	30	2	6		0.5	1
Attachment compilation		12	12	6			
Presentation		30		15			
<b>Total hours per position</b>	<b>1</b>	<b>72</b>	<b>14</b>	<b>27</b>	<b>0</b>	<b>0.5</b>	<b>1</b>
<b>Total cost per postion</b>	<b>\$75.09</b>	<b>\$9,803.52</b>	<b>\$2,958.77</b>	<b>\$7,300.68</b>	<b>\$0.00</b>	<b>\$70.64</b>	<b>\$300.00</b>



27368 Via Industria, Suite 200  
Temecula, California 92590-4856  
800.755.6864 | Fax: 888.326.6864  
951.587.3500 | Fax: 951.587.3510  
[www.willdan.com](http://www.willdan.com)



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE – AUGUST 5, 2025**  
**BUSINESS ITEM**

**TO :** City Manager

**FROM :** Assistant City Manager

**SUBJECT :** **COMMERCIAL REGULATIONS STREAMLINING AMENDMENTS**

**EXECUTIVE SUMMARY:**

The proposed amendments would update and streamline certain land use regulations, clarify land use classifications and definitions, establish consistency in land use regulations citywide, and clean up various code references for internal consistency and organization. More specifically, the amendments would address day care centers, home-based businesses, formula businesses, studios, body art and piercing, alcoholic beverage sales, bars, taverns and nightclubs, alcoholic beverage service at eating and drinking establishments, take-out service at eating establishments, live entertainment, mobile food vending, health and fitness facilities, commercial recreation facilities, and sports and entertainment assembly.

In addition, the amendments would change the name of the Community Development Department to Development Services Department to eliminate confusion related to another existing city department (Community Services Department) and clarify the function of the department.

**RECOMMENDATION:**

Conduct a public hearing and take the following action:

1. Move to waive the first reading, read by title only, and introduce an Ordinance (Attachment 1) amending the Benicia Municipal Code (BMC); and
2. Adopt a resolution (Attachment 2) amending the Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan (DMUMP).

**BUDGET INFORMATION:**

The proposed text amendments would not directly affect the City's budget. However, as the amendments directly implement the Benicia Resiliency Plan, they are intended to support existing and new business activity that may have a positive impact to additional future revenue.

**BACKGROUND:**

The City of Benicia adopted its current Zoning Ordinance in 1987. The DMUMP, which regulates land use and the form of the development in the downtown area, was adopted

in 2007. Most commercial regulations in the city are unchanged since their adoption. However, there have been various societal, technological and economic shifts since that time that necessitate updates. In addition, the City has received feedback from small business owners, the business community, and others that the current level of regulation imposes costs and delays that affect the feasibility for small businesses.

This project would support implementation of the City's Resiliency Plan, Goal 3: Expand Economic Development, by streamlining new business review and facilitating economic growth.

#### *Economic Development Board Discussion*

The Economic Development Board (EDB) received a presentation and discussed this topic on September 25, 2024.<sup>1</sup> Board members expressed appreciation for the effort to remove barriers for new businesses, where appropriate for the community, and agreed that updates would be beneficial for economic growth.

While Board members generally agreed that the regulations identified present sticking points, they expressed hesitation with easing the floor area limitation of 1,500 square feet for studios on First Street. Specifically, it was noted that studio-type uses can generate spikes in parking demand and have the potential to displace other economically beneficial uses, such as retail stores and restaurants.

#### *City Council Discussion*

The City Council received a report and overview of the project approach on October 15, 2024.<sup>2</sup> Councilmembers expressed an overall intent to streamline requirements and reduce the need for use permits where appropriate, with consideration to the need for businesses to move efficiently through the City's permit processes. In addition to the concepts presented during the meeting, the Council directed staff to review the City's formula business regulations, evaluate the concentration of alcohol sales (bottle shops), and ease use permit requirements for commercial operation on New Year's Eve and certain other holidays.

#### *Planning Commission and Economic Development Board Study Session*

The Planning Commission and EDB conducted a joint meeting and study session concerning the proposed amendments on March 27, 2025.<sup>2</sup> Following a staff presentation and clarifying questions from commissioners, one member of the public asked questions related to the downtown and expressed concern that the nightclub use type should not overlap with Outdoor Entertainment. Commissioners discussed a variety of topics including formula businesses, existing constraints within the City's development criteria and the broader business market, and sports practice and training facilities as a desired use in Benicia relative to location and industrial considerations.

#### *Planning Commission Public Hearing*

The Planning Commission conducted a public hearing to consider the proposed amendments on June 26, 2025 (see staff report, Attachment 3). Following a staff presentation, one member of the public offered comment. Clarifying information was

---

<sup>1</sup> The agenda item and minutes may be viewed at [www.ci.benicia.ca.us/agendas](http://www.ci.benicia.ca.us/agendas)

provided about the proposed definitions for “nightclub” and the proposed temporary relief provision for holidays. At the conclusion of public comment and after brief discussion, the Planning Commission adopted a resolution recommending approval of the proposed amendments (see Resolution No. 25-2, Attachment 4 and draft minutes, Attachment 5)

### *Nonconforming Uses*

The proposed amendments would reduce permitting requirements for a variety of uses, though regulation changes for some business types (i.e., liquor stores and commercial recreation uses in the Industrial Park) may result in those existing businesses becoming “nonconforming” meaning that the business was in compliance with the requirements of the Zoning Ordinance when it was established, but with the proposed amendments would no longer be in compliance. New businesses would need to obtain a use permit to operate while nonconforming businesses would be able to continue to operate.

Because the City does not maintain a comprehensive list of the location, type and size of each business, it is not feasible to prepare an analysis of potential nonconforming businesses. Zoning changes would not have an immediate impact on existing, lawful businesses because the Zoning Ordinance makes an allowance for the continued operation of “nonconforming uses” (BMC 17.98.020). If a use is no longer permitted in a zoning district, then it can continue to operate but not expand (BMC 17.98.030). A pre-existing use, for which a use permit is now required, may seek a use permit for expansion (BMC 17.98.070). In May 2025, the City conducted outreach to three known businesses in the industrial park that fall under the commercial recreation and health/fitness categories to provide a description of the existing and proposed regulations, and direct contact information for follow up questions or discussion.

### *Proposed Amendments*

The project would amend the BMC and DMUMP to reduce discretionary permitting for many commercial use types. In some cases, parameters for operational hours, square footage and location are proposed in the interest of land use compatibility. Additional changes to clean up formatting, clarify wording and update cross references will improve the usability of the City’s land use regulations and improve consistency from chapter to chapter and across documents (BMC and DMUMP). A Zoning Map is provided for reference as Attachment 6.

- **Day care centers:** would change from conditionally permitted (use permit is required) to permitted in all residential districts, as well as the Community Commercial, Open Space, and Public and Semipublic Districts.
- **Home-based business:** regulations would be fully updated, including removal of the home occupation permit. Allowed business types would be expanded to include limited at-home instruction, personal services, retail and horticulture.
- **Formula businesses:** regulations would be deleted.
- **Studios:** in the Town Core Zone, would be permitted up to 1500 square feet floor area and would be conditionally permitted if exceeding 1500 square feet



(proposed DMUMP amendments include similar square footage thresholds for health/fitness studios and commercial recreation).

- **Body art/piercing:** restrictions in the DMUMP would be deleted.
- **Alcoholic beverage sales:** would be permitted when accessory to tasting, microbrewery, neighborhood market. As primary use (bottle shop, liquor store), a use permit would be required in the General Commercial District (matching existing downtown regulations).
- **Temporary relief of noise regulations (hours only):** would be granted until 12:30 a.m. on the evening of December 31/January 1 and July 3/July 4 of each year in the Town Core Zone.
- **Bars, taverns / drinking establishments:** the 9 pm threshold for permitted use would be extended to 10 pm. A use permit would be required for operations after 10 pm.
- **Nightclubs:** would be separately defined and not permitted. (note: outdoor entertainment is separate and would not be affected by this change.)
- **Restaurants:** would no longer be required to obtain a use permit for full alcoholic beverage service (this current regulation applies outside of the downtown only). Take-out service restrictions and separate regulation would be deleted.
- **Live entertainment:** would become a permitted use in the Mixed Use-Infill, General Commercial and Waterfront Commercial districts when located indoors and accessory to an eating or drinking establishment.
- **Mobile food vending:** regulations would be updated to remove the mobile food vending permit, clarify regulations, and remove the parking requirement.
- **Health/fitness facilities:** would be a permitted use in all commercial districts, mixed use districts, and Town Core Zone. Would be a permitted use in the Limited Industrial District and would require a use permit within geographic parameters in the General Industrial District.
- **Commercial recreation:** would be a permitted use in the General Commercial and Mixed Use-Infill Districts and Town Core Zone; would be a conditional use in the Community Commercial District. In the Limited Industrial District, would be conditionally permitted for single-tenant indoor sports training, archery and shooting galleries within geographic parameters. Game center regulations would be deleted.
- **Sports and entertainment assembly:** would be conditionally permitted only in the General Commercial, Public and Semipublic and Open Space Districts.

- **Department Name:** The Community Development Department would be renamed Development Services Department. This change has already been reflected in the adopted two-year budget for FY2026 and FY2027.

**NEXT STEPS:**

A second reading and adoption of the amendment to the BMC is scheduled for August 19, 2025. If adopted at the second reading, the BMC amendments would become effective 30 days after adoption.

The proposed resolution does not require a second reading and may take effect after adoption.

**ALTERNATIVE ACTIONS:**

The Council may choose not to adopt the amendments or provide alternate direction.

<b>CEQA Analysis</b>	This project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations; the proposed amendments constitute minor changes to streamline existing regulations and processes, and on their own do not have the potential to result in significant environmental impacts.
----------------------	--

**ATTACHMENTS:**

1. Draft Ordinance amending the Benicia Municipal Code
2. Draft Resolution amending the Downtown Mixed Use Master Plan
3. Planning Commission Staff Report (without attachments), June 26, 2025
4. Planning Commission Resolution No. 25-2 with Exhibits A and B
5. Draft Planning Commission Meeting Minutes, June 26, 2025
6. Zoning Map

For more information contact: Suzanne Thorsen, AICP, Assistant City Manager

Phone: 707-746-4280

E-mail: [sthorsen@ci.benicia.ca.us](mailto:sthorsen@ci.benicia.ca.us)

**CITY OF BENICIA**

**ORDINANCE NO. 25-\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 2.32 (PLANNING DEPARTMENT) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) AND ALL REFERENCES WITHIN THE BENICIA MUNICIPAL CODE AND PERSONNEL CLASSIFICATION PLAN TO CHANGE THE NAME OF THE PLANNING DEPARTMENT TO THE DEVELOPMENT SERVICES DEPARTMENT AND TO CHANGE THE TITLE OF COMMUNITY DEVELOPMENT DIRECTOR TO DEVELOPMENT SERVICES DIRECTOR, AND AMENDING CHAPTERS 17.12 (DEFINITIONS), 17.16 (USE CLASSIFICATIONS), 17.24 (RESIDENTIAL DISTRICTS), 17.26 (MIXED USE DISTRICTS), 17.28 (COMMERCIAL DISTRICTS), 17.32 (INDUSTRIAL DISTRICTS), 17.36 (OS OPEN SPACE DISTRICT), 17.40 (PS PUBLIC AND SEMIPUBLIC DISTRICT) AND 17.70 (GENERAL REGULATIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO CLARIFY, UPDATE AND STREAMLINE COMMERCIAL REGULATIONS**

**WHEREAS**, the Community Development Department is also called the Planning Department pursuant to Chapter 2 (Administration and Enforcement) of the Benicia Municipal Code; and

**WHEREAS**, the Department's name does not clearly articulate its purpose to the general public and is easily confused with that of the Community Services Department; and

**WHEREAS**, Goal 3 of the City of Benicia Resiliency Plan is to expand economic development; and

**WHEREAS**, certain current commercial regulations impede business attraction, establishment and expansion due to permit and discretionary hearing requirements; and

**WHEREAS**, the City of Benicia recognizes the need to update regulations within its Zoning Ordinance to facilitate effective administration of its regulations and support the attraction, establishment and expansion to meet the community's needs; and

**WHEREAS**, certain clean-up amendments are warranted to improve internal consistency within the Benicia Municipal Code and to promote clarity for all users; and

**WHEREAS**, the Economic Development Board conducted a study session discussion of conceptual zoning changes, accepted public comment, and provided feedback on September 25, 2024; and

**WHEREAS**, the City Council accepted public comment and provided direction concerning the proposed amendments on October 15, 2024; and

**WHEREAS**, the Planning Commission and Economic Development Board conducted a study session and accepted public comment on March 27, 2025; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing at a special meeting on June 26, 2025, and recommended approval of the Zoning Ordinance amending Chapters of the BMC Title 17; and

**WHEREAS**, the City Council finds that amendments to the aforementioned zoning regulations would implement the City's objectives for economic resiliency; and

**WHEREAS**, pursuant to Benicia Municipal Code (BMC) section 17.120.40(Public hearing scope and notice) and California Government Code Section 65091 (Notification Procedures), notice of the public hearing for the proposed amendments was duly published in the Benicia Herald, a newspaper of general circulation, and displayed at City Hall on \_\_\_\_\_; and

**WHEREAS**, the public hearing was continued from July 15, 2025 to August 5, 2025; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the City Council find this project to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations; the proposed zoning amendments constitute minor changes to streamline existing regulations and processes, and on their own do not have the potential to result in significant environmental impacts; and

**WHEREAS**, it is clarified that while the text amendments themselves are deemed to be categorically exempt from further CEQA review, new projects or developments regulated with the updated amendments may still be subject to CEQA review on a case-by-case basis to ensure that any significant environmental impacts are adequately addressed; and

**WHEREAS**, the City Council of the City of Benicia conducted a duly and properly noticed public hearing to take public testimony and consider this Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Benicia does hereby find that the proposed zoning text amendments are consistent with the purposes of Titles 2 and 17, and the following goals and programs of the Benicia General Plan:

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life. These amendments further Goal 2.5 because it broadens the potential land uses in a

way that could encourage new development that is compatible with the existing community.

- Goal 2.13: Support the viability of existing commercial centers.

## **THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN AS FOLLOWS:**

### **Section 1.**

Chapter 2.32 (Planning Department) of Title 2 (Administration and Personnel) of The Benicia Municipal Code is hereby renamed Development Services Department.

### **Section 2.**

Section 2.32.101 (Creation – Director) of Chapter 2.32 (Planning Department) of Title 2 (Administration and Personnel) of the Benicia Municipal Code is hereby amended as follows:

#### **2.32.010 Creation – Director.**

There is in the city government a department known as the ~~planning development services~~ department. The administrative officer of the department is the ~~community development development services~~ director.

### **Section 3**

All references to the “planning department” or “community development department” within the Benicia Municipal Code or City of Benicia personnel classification plan, as established in Ordinance No. 75-16 and subsequently amended, shall be stricken and replaced with “development services department” including but not limited to such references as may be contained in Title 2 (Administration and Personnel), Title 5 (Business Taxes, Licenses and Regulations), Title 6 (Animal Control Regulations), Title 12 (Streets, Sidewalks and Public Places), Title 15 (Buildings and Construction), Title 16 (Subdivisions), Title 17 (Zoning), and Title 18 (Signs).

### **Section 4**

All references to “community development director” within the Benicia Municipal Code or personnel classification plan, as established in Ordinance No. 75-16 and subsequently amended, shall be stricken and replaced with “development services director” including but not limited to such references as may be contained in Title 1 (General Provisions), Title 2 (Administration and Personnel), Title 3 (Revenue and Finance), Title 5 (Business Taxes, Licenses and Regulations), Title 6 (Animal Control Regulations), Title 12 (Streets, Sidewalks and Public Places), Title 16 (Subdivisions), Title 17 (Zoning), and Title 18 (Signs).

### **Section 5.**

Section 17.12.030 (Definitions) of Chapter 17.12 (Definitions) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to delete the definitions of “Convenience market” and “Formula business”, and to amend the definitions of “Entertainment Live” and “Home occupations” as follows:

~~“Convenience market” means retail sales of food, beverages and small convenience items primarily for off premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This definition excludes delicatessens and other specialty food shops and establishments having a sizeable assortment of fresh fruits and vegetables, and fresh cut meat.~~

“Entertainment, live” means ~~regulations pertaining to live entertainment in this chapter apply to the following~~ activities ~~where they~~ such as comedy, musical or theatrical performances by one or more persons which occur on a scheduled basis three or more days during a calendar year on the site of a use other than a public or semipublic use.;

~~A. A comedy act, musical, theatrical, or dance recital performed by one or more persons, regardless of whether performers are compensated;~~

~~B. Any form of dancing by patrons or guests at a business establishment;~~

~~C. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing.~~

~~“Formula business” means an eating and drinking establishment that maintains any of the following features in common with more than four other establishments in the nine Bay Area counties: standardized array of services and/or merchandise, trademark, logo, service mark, symbol, sign, decor, uniform, menu, or other similar standardized feature.~~

“~~Home-based business~~ occupations” means ~~occupations an office or commercial business~~ conducted in a dwelling unit, ~~garage, or accessory building~~ that are is incidental to the principal residential use ~~of the lot or site~~. It does not include cottage food operations defined separately herein.

## **Section 6.**

Section 17.16.040 (Public and semipublic use classifications) of Chapter 17.16 (Use Classifications) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the use classification for “Day care center” as follows:

“Day care center” means a state-licensed child day care facility other than a family day care home that provides nonmedical care to children under 18 years of age on a less than 24-hour basis, and includes infant centers, nursery schools, preschools, extended day care facilities, and school age child care centers.

## **Section 7.**

Section 17.16.050 (Commercial use classifications) of Chapter 17.16 (Use Classifications) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to

delete the use classifications of “Eating and Drinking Establishments with Take-Out Service” (L.4), “Eating and Drinking Establishments – Limited” (L.4.b), “Eating and Drinking Establishments – Truck Stop” (L.5), “Commercial Recreation and Entertainment – Card room, game center, billiard parlor” (I.1) and Commercial Recreation and Entertainment – Limited (I.2); to modify the use classifications for “Commercial Recreation and Entertainment” (I), “Eating and Drinking Establishments with full alcoholic beverage service” (L.2), “Eating and Drinking Establishments – Mobile Food Vending”; to add sub-use classifications for “Eating and Drinking Establishments -Night club” (L.6), “Food and Beverage Sales – Alcoholic Beverage Sales - Off-premise” (M.1), “Food and Beverage Sales – Convenience Market” (M.2); and to add use classifications for “Health/Fitness Facilities”, “Sports and Entertainment, Assembly” and “Truck Stop” in alphabetical order and re-letter all sections accordingly as follows:

I. Commercial Recreation and Entertainment, ~~Indoor. Provision of participant or spectator Facilities providing indoor amusement, recreation or entertainment for a fee or admission charge.~~ This classification includes theaters, ~~sports stadiums and arenas, amusement parks,~~ bowling alleys, billiard parlors, ice/roller skating rinks, ~~play centers, game arcades (video games, pinball, etc.), indoor sports practice and training (e.g., batting cages), golf courses, miniature golf courses, scale model courses, indoor archery or shooting galleries, tennis/racquetball courts, health/fitness clubs, pinball arcades or electronic games centers having three or more coin-operated game machines, card rooms, subject to the regulation of Chapter 5.08 BMC, and facilities used exclusively for bingo games, as regulated by Chapter 5.12 BMC.~~ This use classification does not include adult businesses, nor any establishment engaged in gambling or betting.

~~1. Card room, game center, billiard parlor.~~

~~2. Limited. Indoor movie theaters and performing arts theaters.~~

L. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises, not including cannabis or cannabis products.

1. With Wine and Beer Service. Alcoholic beverages served are limited to wine and beer.

2. With full alcoholic beverage service. Alcoholic beverages served include distilled spirits.

3. With Live Entertainment. Establishments offering live entertainment, as defined in Chapter 17.12 BMC (Definitions).

~~4. With Take-Out Service. Establishments at which 20 percent or more of the transactions are sales for off-site consumption, and which serve or deliver~~

~~prepared food to persons in vehicles or have more than two work stations at which employees package or service prepared food and receive payment.~~

~~A4.~~ Drive-Up. Service from a building to persons in vehicles through an outdoor service window.

~~5. Limited. Establishments that do not serve persons in vehicles.~~

~~6. Truck Stop. A facility geared primarily to providing services for truckers, including on-site fueling, repair and servicing of freight trucks; restaurant facilities; restrooms; towing services; overnight accommodations and related services.~~

~~65.~~ Mobile Food Vending. The sale of ready-to-consume prepared foods from vehicles ~~located on private property or approved public property~~ on a semi-permanent basis during hours of operation. ~~Vehicular~~ Mobile food vending generally has the following characteristics:

- a. Food and beverages are ordered and served from a take-out counter that is integral to the vehicle;
- b. Food and beverages are paid for prior to consumption;
- c. Food and beverages are served in disposable wrappers, plates or containers; and
- d. Food and beverages are prepared and sold for primarily off-site consumption with limited on-site consumption.

~~6. Night Club. A facility serving alcoholic beverages for on-site consumption and providing live entertainment, examples of which include live music and/or dancing, comedy, etc. after 10:00 p.m. one or more nights per week. Does not include adult oriented businesses.~~

M. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption, not including cannabis or cannabis products. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as “catering services” or “eating and drinking establishments.”

~~1. Alcoholic Beverage Sales – Off-premise. The retail sale of beer, wine, and/or spirits in sealed containers for off-premise consumption as a primary business activity. Does not include alcohol sales that are conducted on a temporary basis pursuant to a day license or equivalent permit from the California Department of Alcoholic Beverage Control, nor sales that are accessory to and part of a beverage tasting facility, microbrewery, market or similar use.~~



2. “Convenience market.” means The retail sales of food, beverages and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This definition excludes delicatessens and other specialty food shops and establishments having a sizeable assortment of fresh fruits and vegetables, and fresh cut meat.

Health/Fitness Facilities. Establishments primarily engaged in providing physical fitness services, exercise equipment, and related activities for the improvement or maintenance of physical health and well-being. This classification includes gyms, health clubs, yoga studios, and similar establishments offering exercise classes, personal training, cardiovascular equipment, weight training equipment, and other fitness-related services.

Sports and Entertainment, Assembly. A facility that provides for indoor or outdoor spectator-oriented sports including sports stadiums, arenas, or tournament facilities; and outdoor amusement facilities such as amusement parks, mini-golf, etc.

Truck Stop. A facility geared primarily to providing services for truckers, including on-site fueling, repair and servicing of freight trucks; restaurant facilities; restrooms; towing services; overnight accommodations and related services.

## **Section 8.**

Section 17.16.050 (Accessory use classifications) of Chapter 17.16 (Use Classifications of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the use classification for Accessory Uses and Structures as follows:

- A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units, home-based businesses ~~occupations~~, and construction trailers.

## **Section 9.**

Section 17.24.020 (RS, RM, RH and HZ districts – Land use regulations) of Chapter 17.24 (Residential Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

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

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

	RS	RM	RH	HZ	Additional Regulations
<b>Residential</b>					(A)(B)(C)(N)
Family Day Care, Large	P	P	P	P	<del>(P)</del>
Family Day Care, Small	P	P	P	P	
Group Residential	–	U	U	U	<del>(D)(E)</del> L-1
Multifamily Residential	–	P	P	P	<del>(E)</del> L-1
Residential Care, Limited	P	P	P	P	L-1
Single-Family Residential	P	P	P	–	<del>(M)</del> L-1
Supportive Housing	P	P	P	P	L-1
Transitional Housing	P	P	P	P	L-1
<b>Commercial Uses</b>					
Conference and Meeting Facilities	U	U	U	–	
Eating and Drinking Establishments	–	–	–	P	<del>(S)</del> L-2
Food and Beverage Sales	–	–	–	P	<del>(S)</del> L-2
Horticulture, Limited	<del>L-1</del> U	<del>L-1</del> U	<del>L-1</del> U	<del>L-1</del> U	<del>(Q)</del> L-1 L-3
Personal Services	–	–	–	P	<del>(S)</del> L-2
<b>Public and Semipublic</b>					
Adult Day Health Care	U	U	U	U	
Bed and Breakfast Inns	<del>L-3</del> U	<del>L-3</del> U	<del>L-3</del> U	–	L-3 L-4
Clubs and Lodges	<del>L-6</del> U	U	U	U	L-5
Convalescent Facilities	–	U	U	U	
Cultural Institutions	–	U	U	U	
Day Care Center	<del>U</del> P	<del>U</del> P	P	P	<del>(S)</del> L-2, L-6
Emergency Shelter	–	<del>L-4</del> P	–	–	L-4 (B)
Park and Recreation Facilities	<del>L-2</del> P	<del>L-2</del> P	<del>L-2</del> P	<del>L-2</del> P	L-2 (F) L-7

### RS, RM, RH and HZ Districts: Land Use Regulations

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

	RS	RM	RH	HZ	Additional Regulations
Public Safety Facilities	U	U	U	U	
Religious Assembly	U	U	U	U	<del>(Q)</del>
Residential Care, General	P	P	P	P	
Schools, Public or Private	U	U	U	–	
Utilities, Major	=	=	=	=	
Waste Facility	–	–	–	–	
Utilities, Minor	P	P	P	P	
<del>Visitor Accommodation</del>	-	-	-	-	<del>(E)</del>
<b>Accessory Uses</b>	P/U	P/U	P/U	P/U	<del>(A)(G)(H)(I)(J)(K)(Q)</del>
<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<del>(H)</del> (C)
<u>Cottage Food Operations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<del>(G)</del> (D)
Donation and Collection Bins	<del>P-L</del>	<del>P-L</del>	<del>P-L</del>	<del>P-L</del>	<u>L-5</u> (R) L-8, (E)
<u>Home-Based Businesses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<del>(G)</del> (D)
<u>Short-Term Rentals</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<del>(E)</del> (F)
<b>Temporary Uses</b>					
Commercial Film ing, Limited	P	P	P	P	
Personal Property Sales	P	P	P	P	
Street Fairs	U	U	U	U	
<b>Nonconforming</b>	<u>M</u>	<u>M</u>	<u>M</u>	<u>M</u>	<del>(N)</del> (G)
<b>Other Uses</b>					
Cultivation of Cannabis for Personal Use, Indoors or Outdoors ( <u>Residential Cultivation of Cannabis</u> )	P	P	P	P	<del>(Q)</del> (H)

### RS, RM, and RH Districts: Additional Use Regulations

L-1 Residential use shall be allowed by right for housing development projects on vacant sites designated in two consecutive prior housing elements and nonvacant sites designated in one prior housing element, as described in Chapter III, Sites Inventory, and shown in Appendix D, Table A of the housing element, pursuant to Government Code Section 65583.2(i) where at least 20 percent of units are provided as affordable to extremely low-, very low- or low-income households.

L-2 In the HZ district, Uses are permitted on the ground floor of multifamily residential buildings when not exceeding 20 percent of gross floor area.

~~L-13~~ Use permit required, and no on-site retail sales permitted. Shall not include cannabis cultivation.

~~L-34 Community development~~ Development services director use permit required.

~~L-4 See BMC 17.70.390, Emergency shelter.~~

~~L-65 In the RS district,~~ Only youth centers may be permitted with approval of a use permit, if operated by a public or non-profit organization and located within a half-mile of a secondary school.

L-6 In the RS and RM districts, a day care center is a permitted use only when operated on the grounds within the facilities of a duly permitted religious assembly or school.

L-27 Limited to facilities on sites of fewer than two acres. Use permit required for private noncommercial facilities, including swim clubs and tennis clubs.

~~L-58~~ Only permitted when accessory to a duly permitted club, lodge, cultural institution, religious assembly or school.

(A) See BMC 17.70.300, Animals.

(B) See BMC 17.70.390, Emergency shelter.

(C) See BMC 17.70.060, Accessory dwelling units.

(D) See BMC 17.70.370, Cottage food operations, and BMC 17.70.070, Home occupations based businesses.

(E) See BMC 17.70.410, Donation and collection bins.

(F) See BMC 17.70.450, Short-term rentals.

(G) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(H) See Chapter 17.84 BMC, Cannabis.

~~(A) See BMC 17.70.020, Relocated buildings (use permit required).~~

~~(B) Residential use shall be allowed by right for housing development projects on vacant sites designated in two consecutive prior housing elements and nonvacant sites designated in one prior housing element, as described in Chapter III, Sites Inventory,~~

~~and shown in Appendix D, Table A of the housing element, pursuant to Government Code Section 65583.2(i) where at least 20 percent of units are provided as affordable to extremely low-, very low- or low-income households.~~

~~(C) Approval of a use permit shall require a finding that (1) the proposed use will have no significant unmitigated environmental impacts; and (2) the building design is compatible with surrounding buildings.~~

~~(D) Design review shall be required; see Chapter 17.108 BMC.~~

~~(E) For visitor accommodations accessory to a dwelling unit, see BMC 17.70.450, Short term rentals.~~

~~(F) Limited to facilities on sites of fewer than two acres.~~

~~(G) See BMC 17.70.370, Cottage food operations, and BMC 17.70.070, Home occupations.~~

~~(H) See BMC 17.70.050, Nonresidential accessory structures, and BMC 17.70.060, Accessory dwelling units.~~

~~(I) See BMC 17.74.100, Driveways and carports—Design and location in R districts.~~

~~(J) See BMC 17.70.080, Swimming pools and hot tubs.~~

~~(K) See Chapter 17.104 BMC, Use Permits and Variances.~~

~~(L) See BMC 17.70.280, Manufactured homes.~~

~~(M) See BMC 17.70.300, Animals.~~

~~(N) See Chapter 17.98 BMC, Nonconforming Uses and Structures.~~

~~(O) See BMC 17.70.040, Religious assembly yard requirements.~~

~~(P) Community development director shall issue a permit for large family day care homes caring for nine to 14 children, as defined in Chapter 3.4 of the California Health and Safety Code, upon determining that the proposed large family day care complies with the requirements below. If the proposed large family day care will not be able to conform to the following requirements, the community development director shall refer the application to the planning commission for a use permit as provided in Chapter 17.104 BMC, except that the public notification radius shall be reduced to 300 feet:~~

~~(1) A minimum 300-foot separation is required between all large family day care facilities located on the same street. The separation shall be measured from the closest property lines. For corner properties, the separation shall be measured from the property line of all street frontages.~~

~~(2) No signs, name plates or other advertising shall be affixed to the premises.~~

~~(3) The hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. Monday through Friday.~~

~~(4) The applicant shall maintain a valid state license for a large family day care.~~

~~(5) Noise. The location of the facility, including outdoor play areas, shall be sited to minimize noise impacts on neighboring properties. Noise levels shall comply with the standards identified in the general plan.~~

~~(6) Outdoor Play Areas. Outdoor play areas shall be:~~

~~a. Fully enclosed by a natural barrier, wall, solid fence, or other solid structure having a maximum height of six feet; and~~

~~b. Physically separated from driveways, streets, and parking.~~

~~(7) Adequate parking shall be provided for employees of the large family day care and for pick-up and drop-off of children at the home in accordance with the following standards:~~

~~a. Parking shall comply with BMC 17.74.030, Off-street parking and loading spaces required;~~

~~b. Adequate space shall be available for the safe pick-up and delivery of children to the day care home; and~~

~~c. Vehicles for all day care employees, visitors, and potential clients associated with the day care shall not block driveway entrances and shall park in a legal parking space along the street.~~

~~The criteria above shall be incorporated as required operational standards for all large family day care homes.~~

~~A permit for a large family day care that is not operated in compliance with these regulations or that is in violation of any law or ordinance in connection with large family day care homes or has a currently suspended or revoked state license, shall be revoked by the community development director after 30 days' written notice unless the large family day care is altered to comply.~~

~~(Q) See Chapter 9.60 BMC, Cannabis Public Safety License, and Chapter 17.84 BMC, Cannabis.~~

~~(R) See BMC 17.70.410, Donation and collection bins.~~

~~(S) Uses are permitted on the ground floor of multifamily residential buildings when not exceeding 20 percent of gross floor area.~~

## **Section 10.**

Section 17.24.030 (RS, RM, RH and HZ districts – Property development regulations) of Chapter 17.24 (Residential Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the property development regulations table and additional regulations as follows:

**RS, RM, RH and HZ Districts: Property Development Regulations**

	Districts				Additional Regulations
	RS	RM	RH	HZ	(T)
Site Area per Unit (sq. ft.)	6,000	3,000	2,000	580	
With density bonus for:					
Low- or Moderate-Income Housing	4,800	2,400	1,600	–	(A)
Elderly Housing	–	2,000	1,300	–	(A)
Low-Income Elderly Housing	–	1,500	1,000	–	(A)
Minimum Site Area (sq. ft.)	6,000	6,000	7,500	20,000	(B)(C)(D)
Minimum Site Width (ft.)	60	60	60	60	(R)(S)
Minimum Yards:					<del>(V)</del>
Front (ft.)	20	20	20	10	(E)(F)
Side (ft.)	5	6; 10	6; 10	10	(E)(G)(H)
Corner Side (ft.)	10	15	15	10	(E)
Rear (ft.)	15	15	15	15	(E)(G)
Courts					(I)
Maximum Height (ft.)	30	35	35	72	(J)(K)(U)
Maximum Coverage	40%	45%	50%	75%	
Maximum Nonresidential (FAR)	0.4	0.45	0.5	–	(L)
Open Space					(M)
Minimum Site Landscaping	35%	30%	30%	10%	(N)(O)
Fences and Walls					(P)
Off-Street Parking and Loading					(Q)
Signs	See Chapter <a href="#">17.78</a> BMC				
<del>Relocated Buildings</del>	<del>See BMC 17.70.020, Relocated buildings (use permit required).</del>				

RS, RM, RH and HZ Districts: Property Development Regulations

	Districts				Additional Regulations
	RS	RM	RH	HZ	(T)
<u>Accessory Structures</u>	<u>See BMC 17.70.050, <del>Nonresidential accessory structures</del> and 17.74.190 <del>Driveways and carports—Design and location in R-districts</del></u>				
<u>Swimming Pools and Hot Tubs</u>	<u>See BMC 17.70.080, <del>Swimming pools and hot tubs</del></u>				
Outdoor Facilities	See BMC <a href="#">17.70.200</a> , Outdoor facilities, and BMC <a href="#">17.70.250</a> , Satellite antennas and microwave equipment				
Screening of Mechanical Equipment	See BMC <a href="#">17.70.210</a> and <a href="#">17.70.250</a>				
Refuse Storage Areas	See BMC <a href="#">17.70.220</a>				
Underground Utilities	See BMC <a href="#">17.70.230</a>				
Performance Standards	See BMC <a href="#">17.70.240</a>				
Nonconforming Structures	See Chapter <a href="#">17.98</a> BMC				

RS, RM, RH and HZ Districts: Additional Development Regulations

(V) See BMC 17.70.040, Religious assembly yard requirements.

## **Section 11.**

Table 17.26-1 (MU-I Allowed Uses and Permits Required) of Section 17.26.020 (Mixed use infill (MU-I) district) of Chapter 17.26 (Mixed Use Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

**Table 17.26-1: MU-I Allowed Uses and Permits Required**

Land Use	Permit MU-I	Additional Regulations
<b>Residential Uses</b>		(A)
Family Day Care, Large	<del>L-1</del> P	
Family Day Care, Small	P	<del>L-2</del> L-1
Group Residential	<del>L-2</del> P	<del>L-2</del> L-1
Work/Live Quarters	<del>L-2</del> P	<del>L-2</del> L-1
Multifamily Residential	<del>L-2</del> P	<del>L-2</del> L-1
Residential Care, Limited	<del>L-2</del> P	<del>L-2</del> L-1
Supportive Housing	<del>L-2</del> P	<del>L-2</del> L-1



**Table 17.26-1: MU-Allowed Uses and Permits Required**

Land Use	Permit MU-ت	Additional Regulations
Transitional Housing	<del>L-2</del> P	<del>L-2</del> L-1
<b>Public and Semipublic Uses</b>		
Adult Day Health Care	U	
Clubs and Lodges	<del>L-2</del> P	<del>L-2</del> L-1
Convalescent Facilities	<del>L-2</del> P	<del>L-2</del> L-1
Cultural Institutions	P	
Day Care Center	U	
Emergency Shelter	<del>L-4</del> P	<del>L-4</del> , (B)
Government Offices	<del>L-2</del> P	<del>L-2</del> L-1
Parks and Recreation Facilities	P	
Public Safety Facilities	U	
Religious Assembly	U	
Residential Care, General	P	
Schools, Public or Private	U	
Utilities, Minor	P	
<b>Commercial Uses H</b>		<del>L-2</del>
Animal Sales and Services		
Animal Grooming	P	
Animal Hospitals	<del>L-3</del> U	<del>L-3</del>
Animal Retail Sales	<del>L-8</del> P	<del>L-8</del> L-4
Artists Studios	P	
Banks and Savings and Loans	P	
Commercial Filming	U	
Commercial Recreation and Entertainment, <del>Indoor</del>	<del>U</del> P	
Communication Facilities	U	
Conference and Meeting Facilities	U	
Eating and Drinking Establishments	P	
With Wine and Beer Service	P	
With Full Alcoholic Beverage Service	<del>L-5</del> P	<del>L-5</del>
With Live Entertainment	P	<del>L-6</del>

**Table 17.26-1: MU-Allowed Uses and Permits Required**

<b>Land Use</b>	<b>Permit MU-</b>	<b>Additional Regulations</b>
With Outdoor Entertainment	U	
<del>With Take-Out Service</del>	<del>L-6</del>	
<del>Formula Business</del>	<del>P</del>	
Food and Beverage Sales	P	
<u>Alcoholic Beverage Sales MOI -premise</u>	<u>U</u>	
<u>Health/Fitness Facility</u>	<u>P</u>	
Laboratories	<del>L-2</del> P	<del>L-2</del> L-1
Maintenance and Repair Services	U	
Nurseries	U	
Offices, Business and Professional	<del>L-2</del> P	<del>L-2</del> L-1
Outdoor Entertainment	U	
Personal Improvement Services	P	
Personal Services	P	
Research and Development Services	<del>L-2</del> P	<del>L-2</del> L-1
Retail Sales	P	
Secondhand Appliances/Clothing	P	
Vehicle/Equipment Sales and Services		
Service Stations	<del>L-7</del> =	<u>L-7</u>
Visitor Accommodations		
Bed and Breakfast Inns	<del>L-2</del> P	<del>L-2</del> L-1
Hotels and Motels	<del>L-2</del> P	<del>L-2</del> L-1
<u>Accessory Uses</u>	<u>P/U</u>	
<u>Accessory Dwelling Unit</u>	<u>P</u>	(C)
<u>Cottage Food Operations</u>	<u>P</u>	(D)
<u>Home-Based Businesses</u>	<u>P</u>	(E)
<u>Short-Term Rentals</u>	<u>P</u>	(F)
<b>Temporary Uses</b>		
Christmas Tree Sales	P	

Table 17.26-1: MU-Allowed Uses and Permits Required

Land Use	Permit MU-ت	Additional Regulations
Commercial Filming, Limited	P	
Religious Assembly	U	
Retail Sales, Outdoor	U	
<b>Nonconforming</b>	=	(G)
<b>Other Uses</b>		
<u>Cultivation of Cannabis for Personal Use, Indoors or Outdoors (Residential cultivation of cannabis)</u>	<u>P</u>	(H)
Key: P = Permitted; U = Use Permit; L = Limited (See <b>Notes Additional Regulations</b> )		

**Notes MU-I Additional Regulations:**

~~[4] See BMC 17.26.020(A)(2)(d) for additional permit requirements that apply to commercial uses greater than 3,000 square feet on certain properties fronting Military East and/or East Fifth Street.~~

**L-21** A use permit is required when the use occupies ground floor space facing the street in locations shown in Figure 17.26-1. In all other locations, the use is permitted (“P”). See BMC 17.26.020(A)(2). For residential use limitations in existing shopping centers, see BMC 17.26.020(A)(3).

**L-42** See BMC 17.26.020(A)(2)(d) for additional permit requirements that apply to commercial uses greater than 3,000 square feet on certain properties fronting Military East and/or East Fifth Street.

**L-3** Permit requirements for animal boarding and animal hospitals are the same as in the CG district. ~~See BMC 17.28.020, Note L15.~~

**L-84** Permitted use (“P”) only in a shopping center. Not allowed in all other locations.

**L-5** A bar or tavern drinking establishment which is not part of a larger restaurant and operates between ~~9:00~~ 10:00 p.m. and 7:00 a.m. requires a use permit. ~~All other eating and drinking establishments with full alcoholic beverage service are permitted (“P”).~~

**L-6** Live entertainment is permitted only when it occurs indoors, is accessory to the primary eating and drinking establishment, and is limited to the hours between 11:00 am to 10:00 pm.

**L-7** Only service stations existing in a shopping center as of December 31, 2022, are allowed. A use permit shall be required to replace or make a major alteration to an

existing service station. For the purposes of this section, “major alteration” means the construction or alteration of 2,500 square feet or more of new floor area and/or any change of use or alteration that would increase the number of parking spaces by 10 percent or more than the total number required prior to the alteration.

~~L-1 Permit requirements for large family day care homes in the mixed use districts are the same as in the residential districts. See BMC 17.24.020(P).~~

~~L-4 See BMC 17.70.390.~~

~~L-6 Only limited take-out service, as defined in Chapter 17.16 BMC, is allowed. Drive-up take-out service is not allowed.~~

~~(A) See BMC 17.70.300, Animals.~~

~~(B) See BMC 17.70.390, Emergency Shelter.~~

~~(C) See BMC 17.70.060, Accessory dwelling units.~~

~~(D) See BMC 17.70.370, Cottage food operations.~~

~~(E) See BMC 17.70.070, Home based businesses.~~

~~(F) See BMC 17.70.450, Short-term rentals.~~

~~(G) See Chapter 17.98 BMC, Nonconforming Uses and Structures.~~

~~(H) See Chapter 17.84 BMC, Cannabis.~~

## **Section 12.**

Table 17.26-3 (MU-L Allowed Uses and Permits Required) of Section 17.26.030 (Mixed use limited (MU-L) district) of Chapter 17.26 (Mixed Use Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

**Table 17.26-3: MU-L Allowed Uses and Permits Required**

Land Use	<del>Permit</del> MU-L	<u>Additional Regulations</u>
<b>Residential Uses</b>		<u>(A)</u>
Family Day Care, Large	<del>L-1</del> P	
Family Day Care, Small	P	
Group Residential	P	
Work/Live Quarters	P	
Multifamily Residential	P	
Residential Care, Limited	P	

**Table 17.26-3: MU-L Allowed Uses and Permits Required**

<b>Land Use</b>	<b>Permit MU-L</b>	<b><u>Additional Regulations</u></b>
Single-Family Residential	P	
Supportive Housing	P	
Transitional Housing	P	
<b>Public and Semipublic Uses</b>		
Adult Day Health Care	U	
Clubs and Lodges	U	
Convalescent Facilities	U	
Cultural Institutions	P	
Day Care Center	U	
Government Offices	U	
Low-Barrier Navigation Centers	P	
Parks and Recreation Facilities	P	
Residential Care, General	P	
Schools, Public or Private	U	
Utilities, Minor	P	
Public Safety Facilities	U	
<b>Commercial Uses</b>		
Artists' Studios	P	
<u>Health/Fitness Facility</u>	<u>P</u>	<u>L-1</u>
Offices, Business and Professional	<del>L-2</del> <u>U</u>	<u>L-2</u>
Personal Improvement Services	<del>L-2</del> <u>U</u>	<u>L-2</u>
Personal Services	<del>L-2</del> <u>U</u>	<u>L-2</u>
Bed and Breakfast Inns	U	
<u>Accessory Uses</u>	<u>P/U</u>	
<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>(B)</u>
<u>Cottage Food Operations</u>	<u>P</u>	<u>(C)</u>
<u>Home-Based Businesses</u>	<u>P</u>	<u>(D)</u>
<u>Short-Term Rentals</u>	<u>P</u>	<u>(E)</u>

Table 17.26-3: MU-L Allowed Uses and Permits Required

Land Use	Permit MU-L	Additional Regulations
<u>Nonconforming</u>	=	(F)
<u>Other Uses</u>		
<u>Cultivation of Cannabis for Personal Use, Indoors or Outdoors</u> <u>(Residential cultivation of cannabis.)</u>	P	(G)
Key: P = Permitted; U = Use Permit; L = Limited (See <u>Notes Additional Regulations</u> )		

Notes-MU-L Additional Regulations:

L-1: Permit requirement the same as in the residential districts. See BMC 17.24.020(E). Health/fitness facilities are permitted; except that a use permit shall be required for facilities that are open for business prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week

L-2: Community development Development services director use permit required.

(A) See BMC 17.70.300, Animals.

(B) See BMC 17.70.060, Accessory dwelling units.

(C) See BMC 17.70.370, Cottage food operations.

(D) See BMC 17.70.070, Home based businesses.

(E) See BMC 17.70.450, Short-term rentals.

(F) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(G) See Chapter 17.84 BMC, Cannabis.

**Section 13.**

Section 17.28.010 (Specific purposes) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to strike subsection A.10 as follows:

- A. In addition to the general purposes listed in Chapter 17.04 BMC, the specific purposes of commercial districts are to:
1. Provide appropriately located areas consistent with the general plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region;
  2. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;

3. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of inharmonious uses;
4. Minimize the impact of commercial development on adjacent residential districts;
5. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;
6. Provide opportunities for residential development on the site of commercial development or on separate sites in certain commercial districts;
7. Ensure the provision of adequate off-street parking and loading facilities;
8. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment;
9. Preserve a balanced mix of locally, regionally, and nationally based businesses and small and medium sized businesses to maintain and promote the long-term economic health of businesses and the community as a whole;
- ~~10. Regulate the location and operation of formula businesses in order to maintain the city's unique historic small town character, the diversity and economic vitality of the community's commercial districts and the quality of life of Benicia residents.~~

## **Section 14.**

Section 17.28.020 (CC, CO, CG and CW districts – Land use regulations) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

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

P M Permitted

U M Use Permit

L M Limited (See Additional Use Regulations)

M M Not Permitted

	CC	CO	CG	CW	Additional Regulations
<b>Residential</b>					<del>(A)</del>
Group Residential	M	M	U	M	<u>L-1</u>
Work/Live Quarters	P	M	P	P	<u>L-1</u>
Multifamily Residential	<del>L</del> <u>P</u>	<del>L</del> <u>P</u>	M	P	<u>L-1, L-2</u>
Residential Care, Limited	<del>L</del> <u>P</u>	<del>L</del> <u>P</u>	M	P	<u>L-1, L-2</u>
Single-Family Residential	<del>L</del> <u>P</u>	<del>L</del> <u>P</u>	M	<del>L</del> <u>P</u>	<u>L-1, L-2</u>
Supportive Housing	P	P	M	P	<u>L-1</u>

P	M	Permitted
U	M	Use Permit
L	M	Limited (See <del>Additional Use Regulations</del> )
M	M	Not Permitted

	CC	CO	CG	CW	Additional Regulations
Transitional Housing	<del>L-1</del> P	<del>L-1</del> P	M	<del>L-1</del> P	<u>L-1</u> , <u>L-2</u>
<b>Public and Semipublic</b>					
Adult Day Health Care	U	U	M	U	
Clubs and Lodges	U	U	P	P	
Cultural Institutions	U	U	P	P	
Day Care Center	<del>U</del> P	U	M	U	<u>L-3</u>
Emergency Shelter	M	<del>L-20</del> P	<del>L-20</del> P	M	<u>L-20</u> (A)
Government Offices	P	P	P	P	
Hospitals	M	U	U	M	
Low-Barrier Navigation Center	P	P	M	P	
Park and Recreation Facilities	M	M	M	P	(B)
Public Safety Facilities	U	U	U	U	
Religious Assembly	P	U	U	U	(C)
Residential Care, General	<del>L-1</del> P	<del>L-1</del> P	M	<del>L-1</del> P	<u>L-1</u> <u>L-2</u>
Schools, Public or Private	U	M	M	M	
Utilities, Major	U	U	U	U	
Waste Facility	M	M	M	M	
Utilities, Minor	P	P	P	P	
<b>Commercial Uses</b>					(A)
Adult Businesses	M	M	P	M	(C) (B)
Ambulance Services	M	M	P	M	
Animal Sales and Services					
Animal Boarding	M	M	<del>L-15</del> P	M	<u>L-15</u> <u>L-4</u>
Animal Grooming	<del>L-15</del> P	M	P	M	<u>L-15</u> <u>L-4</u>



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

P M Permitted

U M Use Permit

L M Limited (See YAdditional Use RegulationsX

M M Not Permitted

	CC	CO	CG	CW	Additional Regulations
Animal Hospitals	M	<del>L15</del> P	<del>L15</del> P	M	<del>L15</del> L-4
Animals MRetail Sales	M	M	P	P	
ArtistsPStudios	P	P	P	P	
Banks and Savings and Loans	M	P	P	M	
Banks and Savings and Loans with Drive-Up Service	M	U	U	M	
Building Materials and Services	M	M	P	M	
Catering Services	P	P	P	P	
Commercial Filming	U	U	U	U	
Commercial Recreation and Entertainment, <del>Indoor</del>	U	<del>L12</del> =	<del>U</del> P	<del>U</del> =	
<del>Card Room, Game Center, Billiard Parlor</del>	M	M	U	U	(D)
Communication Facilities	M	M	P	M	
Conference and Meeting Facilities	U	U	<del>L17</del> P	<del>L17</del> P	<del>L17</del> L-5
Eating and Drinking Establishments	P	P	P	P	
With Wine and Beer Service	P	P	P	P	
With Full Alcoholic Beverage Service	<del>U</del> P	<del>U</del> P	<del>U</del> P	<del>U</del> P	L-6
With Live Entertainment	M	M	<del>U</del> P	<del>U</del> P	L-7, (C)
<del>With Take-Out Service</del>	U	M	P	P	(E)
<del>With</del> Drive-Up	U	M	P	M	(Q) L-8
<del>Formula Business</del>	U	M	<del>L19</del>	M	(E)
<del>Limited</del>	P	P	P	P	
<del>Truck Stop</del>	M	M	U	M	
Food and Beverage Sales	<del>L4</del> P	M	<del>L4</del> P	<del>L4</del> P	<del>L4</del> L-9
<del>Alcoholic Beverage Sales MO1 -premise</del>	=	=	U	=	
<del>Convenience Market</del>	U	=	U	U	L-10
Funeral and <del>Interment</del> Services	<del>L7</del> P	<del>L6</del> U	<del>L7</del> P	M	<del>L7</del> L-11
<del>Health/Fitness Facility</del>	P	P	P	=	L-12

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

P M Permitted

U M Use Permit

L M Limited (See Additional Use Regulations)

M M Not Permitted

	CC	CO	CG	CW	Additional Regulations
Laboratories	M	P	P	M	
Maintenance and Repair Services	M	M	P	M	
Marinas	M	M	M	P	
Marine Sales and Services	M	M	M	P	
Nurseries	U	M	P	M	
Offices, Business and Professional	P	P	P	P	
Outdoor Entertainment	U	U	U	U	(D)
Pawn Shops	M	M	P	M	
Personal Improvement Services	<del>L</del> U	U	<del>L</del> U	M	<del>L</del> L-13
Personal Services	P	<del>L</del> P	P	P	<del>L</del> L-13 L-14
Research and Development Services	M	M	P	M	
Retail Sales	P	M	P	P	
Secondhand Appliances/Clothing	M	M	P	M	
<u>Sports and Entertainment, Assembly</u>	=	=	U	=	
Swap Meet, Recurring	M	M	U	M	
<u>Truck Stop</u>	<u>M</u>	<u>M</u>	<u>U</u>	<u>M</u>	
Vehicle/Equipment Sales and Services					
Automobile Rentals	M	M	<del>L</del> U	M	<del>L</del> L-15
Automobile Washing	M	M	U	M	
Service Stations	<del>L</del> U	M	U	M	<del>L</del> L-16, (E)
Vehicle/Equipment Repair	M	M	<del>L</del> U	M	<del>L</del> L-17
Vehicle/Equipment Sales and Rentals	M	M	P	M	
Visitor Accommodations					
Bed and Breakfast Inns	<del>L</del> U	<del>L</del> U	P	P	<del>L</del> L-17

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

P M Permitted

U M Use Permit

L M Limited (See Additional Use Regulations)

M M Not Permitted

	CC	CO	CG	CW	Additional Regulations
Hotels and Motels	M	M	P	P	
<b>Accessory Uses</b>	P/U	P/U	P/U	P/U	(H)
Donation and Collection Bins	<del>L-22</del> P	<del>L-22</del> P	P	<del>L-22</del> P	<del>L-22 (P) L-18</del> (F)
<u>Home-Based Businesses</u>	P	P		P	(G)
<b>Temporary Uses</b>					
Animal Shows	M	M	U	M	
Christmas Tree Sales	P	P	P	P	
Circuses and Carnivals	M	M	U	U	
Commercial Filming, Limited	P	P	P	P	
Religious Assembly	P	U	U	U	
Retail Sales, Outdoor	U	U	U	U	
Swap Meets					
Nonrecurring	U	U	U	U	
<b>Nonconforming</b>	M	M	M	M	(H)
<b>Other Uses</b>					
<u>Cultivation of Cannabis for Personal Use, Indoors or Outdoors</u> <u>(Residential cultivation of cannabis)</u>	P	P	P	P	(A)
Cannabis Laboratories	M	U	M	M	(A) (A)
Cannabis Retail Operation	U	M	U	U	(A) (A)

## CC, CO, CG, and CW Districts: Additional Use Regulations

**L-1** Residential use shall be allowed by right for housing development projects on vacant sites designated in two consecutive prior housing elements and nonvacant sites designated in one prior housing element, as described in Chapter III, Sites Inventory, and shown in Appendix D, Table A of the housing element, pursuant to Government

Code Section 65583.2(i) where at least 20 percent of units are provided as affordable to lower income households.

L-2 ~~Reserved.~~ Not permitted on ground level in CC and CO districts.

L-3 ~~Repealed by Ord. 09-01.~~ A designated drop-off and pick-up area shall be provided on-site, which shall be designed and constructed in concert with the improvements required to comply with Chapter 17.74 (Off-Street Parking and Loading Regulations).

L-154 ~~Community development~~ Development services director use permit required if the following conditions exist:. ~~If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:~~

1. The proposed use is not located in an existing structure which is entirely enclosed, and no outside facilities are proposed;
2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is not located in a soundproofed and air-conditioned facility.

L-5 ~~Development servuces director~~ use permit required for facilities holding outdoor events or activities. ~~Indoor-only use is permitted.~~

L-6 ~~A drinking establishment that is not part of a larger restaurant and operates between 10:00 p.m. to 7:00 a.m. requires a use permit. All other eating and drinking establishments with full alcoholic beverage service are permitted ("P").~~

L-7 ~~Live entertainment that occurs indoors, is accessory to the primary eating and drinking establishment, and is limited to the hours between 11:00 am to 10:00 pm is permitted. A use permit is required for all other live entertainment.~~

L-8 Eating and drinking establishments with drive-up facilities shall be designed to comply with the following requirements for vehicle stacking:

1. Each stacking lane shall be separated from the circulation route necessary for ingress and/or egress from the property, or access to any parking space.
2. Stacking lanes shall not cross or pass through off-street parking areas or marked pedestrian accessways.
3. Stacking lanes for drive-through facilities shall have the following minimum widths: one lane – 12 feet; two or more lanes – 10 feet per lane.
4. Stacking lanes for drive-through facilities shall not be located in the required front or corner side yard.

~~L-39~~ A use permit is required for establishments occupying more than 1,500 square feet.

~~L-410~~ ~~A use permit is required for establishments occupying more than 1,500 square feet and for convenience markets.~~ Except as provided below, convenience markets shall not be located within 500 feet of a site occupied by a public or private school, park or recreational facilities, and no exterior vending machines shall be permitted. A convenience market may be located within 500 feet of a site occupied by park or recreational facilities if the proposed convenience market is within 500 feet of an existing retail food and beverage sales establishment. Convenience markets may be operated only between the hours of 6:00 a.m. and 10:00 p.m. Longer hours are permitted only if they would not have an adverse effect on neighborhood uses.

~~L-711~~ Only mortuaries may be allowed.

~~L-12~~ Health/fitness clubs allowed, subject to a use permit. Health/fitness facilities are permitted; except that in the CC District a use permit shall be required for facilities that are open for business prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week

~~L-813~~ ~~Community development~~ Development services director use permit required only for dance and music studios if the following conditions exist ~~. If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:~~

1. The proposed use is not located in an existing structure which is completely enclosed and soundproofed, or is located at least 300 feet away from the property line of the nearest residential use;
2. The proposed use will not operate prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week.

~~L-1314~~ No self-service laundries permitted in CO district.

~~L-1015~~ ~~Use permit required~~ Only for limousine and taxi service may be allowed.

~~L-1416~~ No repair services are permitted in CC district, ~~and a use permit is required.~~

~~L-1617~~ ~~Community development~~ Development services director use permit required.

~~L-2218~~ Only permitted in CC, CO and CW districts when accessory to a duly permitted club, lodge, cultural institution, religious assembly or school.

~~L-5 Reserved.~~

~~L-6~~ ~~Only mortuaries allowed, subject to a use permit.~~

~~L-9~~ ~~Only limousine or taxi service, subject to a use permit.~~

~~L-14 Repealed by Ord. 11-04.~~

~~L-17 Staff use permit required for facilities holding outdoor events or activities.~~

~~L-18 Residential uses established prior to January 1, 1993, are permitted. New residential units created after that date are not permitted on ground level facing a street. New residential units are permitted on the first floor behind an allowed nonresidential use facing a street.~~

~~L-19 Formula businesses are a permitted use in the CG zone except for the Solano/Davies Square areas (bounded by Military, N and West and East Second Streets) where a use permit is required.~~

~~L-20 See BMC 17.70.390, Emergency shelter.~~

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

~~(A) See BMC 17.70.020, Relocated buildings (use permit required). See BMC 17.70.390, Emergency shelter.~~

~~(C)(B)~~ An adult business offering live entertainment shall be subject to the requirements of Chapters 5.44 and 17.102 BMC.

~~(C) See BMC 17.70.100, Live entertainment.~~

~~(O)(D)~~ See BMC 17.70.400, Outdoor entertainment.

~~(F)(E)~~ See BMC 17.70.110, Service stations, vehicle/equipment repair, and automobile washing.

~~(P)(F)~~ See BMC 17.70.410, Donation and collection bins.

~~(G) See BMC 17.70.070, Home based businesses.~~

~~(J)(H)~~ See Chapter 17.98 BMC, Nonconforming Uses and Structures.

~~(N)(I)~~ See Chapter 9.60 BMC, Cannabis Public Safety License, and Chapter 17.84 BMC, Cannabis.

~~(A) See BMC 17.70.020, Relocated buildings (use permit required).~~

~~(B) Residential use shall be allowed by right for housing development projects on vacant sites designated in two consecutive prior housing elements and nonvacant sites designated in one prior housing element, as described in Chapter III, Sites Inventory, and shown in Appendix D, Table A of the housing element, pursuant to Government Code Section 65583.2(i) where at least 20 percent of units are provided as affordable to lower income households.~~

~~(D) See BMC 17.70.290, Game centers.~~

~~(E) See BMC 17.70.090, Eating and drinking establishments with take-out service.~~

~~(G) See BMC 17.70.050, Nonresidential accessory structures.~~

~~(H) See BMC 17.70.080, Swimming pools and hot tubs.~~

~~(I) See Chapter 17.104 BMC, Use Permits and Variances.~~

~~(K) See BMC 17.70.040, Religious assembly yard requirements.~~

~~(L) See BMC 17.70.350, Formula businesses.~~

~~(M) Intentionally omitted.~~

~~(Q) Eating and drinking establishments with drive-up facilities shall be designed to comply with the following requirements for vehicle stacking:~~

~~(1) Each stacking lane shall be separated from the circulation route necessary for ingress and/or egress from the property, or access to any parking space.~~

~~(2) Stacking lanes shall not cross or pass through off-street parking areas or marked pedestrian accessways.~~

~~(3) Stacking lanes for drive-through facilities shall have the following minimum widths: one lane 12 feet; two or more lanes 10 feet per lane.~~

~~(4) Stacking lanes for drive-through facilities shall not be located in the required front or corner side yard.~~

## **Section 15.**

Section 17.28.030 (CC, CO, CG and CW districts – Property Development Regulations) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the property development regulations table and additional regulations as follows:

CC, CO, CG, and CW Districts: Property Development Regulations

Use Classifications	CC	CO	CG	CW	Additional
Residential development					(A)
Minimum Lot Area (sq. ft.)	10,000	10,000	7,500	5,000	(B)(C)
Minimum Lot Width (ft.)	70	70	60	50	
Minimum Yards:					<del>(I)</del>
Front (ft.)	15	15	10	15	(D)(R)
Side (ft.)	–	–	–	–	(D)(E)(F)(R)
Corner Side Rear (ft.)	–	–	–	–	(D)(E)(F)(R)
Maximum Height (ft.) of Structures	40	40	40	40	(G)(H)
Maximum Lot Coverage	50%	50%	75%	50%	

**CC, CO, CG, and CW Districts: Property Development Regulations**

<b>Use Classifications</b>	<b>CC</b>	<b>CO</b>	<b>CG</b>	<b>CW</b>	<b>Additional</b>
Maximum Nonresidential FAR	0.8	0.8	1.2	0.8	
Maximum FAR	1.2	1.2	1.2	1.2	(S)
Minimum Site Landscaping	20%	20%	10%	20%	(I)(J)
Outdoor Living Area					(K)(L)
Fences and Walls					(M)(N)
Off-Street Parking and Loading					(O)(P)
Signs	See Chapter <a href="#">17.78</a> BMC				
<del>Accessory Structures</del>	<del>See BMC 17.70.050, Nonresidential accessory structures</del>				
<del>Relocated Buildings</del>	<del>See BMC 17.70.020, Relocated buildings (use permit required).</del>				
<del>Swimming Pools and Hot Tubs</del>	<del>See BMC 17.70.080, Swimming pools and hot tubs.</del>				
Outdoor Facilities	See BMC <a href="#">17.70.200</a>				(Q)
Screening of Mechanical Equipment	See BMC <a href="#">17.70.210</a>				(Q)
Refuse Storage Areas	See BMC <a href="#">17.70.220</a>				
Underground Utilities	See BMC <a href="#">17.70.230</a>				
Performance Standards	See BMC <a href="#">17.70.240</a>				
Nonconforming Structures	See Chapter <a href="#">17.98</a> BMC				

**CC, CO, CG, or CW Districts: Additional Development Regulations**

**(T) See BMC 17.70.040, Religious assembly yard requirements.**

**Section 16.**

Section 17.32.021 (IL, IG, IW and IP districts – Land use regulations) of Chapter 17.32 (Industrial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

**~~L~~, ~~G~~, ~~W~~, and ~~P~~ Districts: Land Use Regulations**

P M Permitted

U M Use Permit

L M Limited (See ~~Y~~Additional Use Regulations~~X~~)

M M Not Permitted

	<del>L</del>	<del>G</del>	<del>W</del>	<del>P</del>	<b>Additional Regulations</b>
<b>Residential</b>					<del>(L)</del>
Work/Live Quarters	U	M	M	M	<del>L-1 (A)</del>



# **L, G, W, and P Districts: Land Use Regulations**

P M Permitted

U M Use Permit

L M Limited (See Additional Use Regulations)

M M Not Permitted

	L	G	W	P	Additional Regulations
<b>Public and Semipublic</b>					
Adult Day Health Care	U	U	M	U	<del>(B)</del> L-1, L-2
Clubs and Lodges	<del>L-18</del> P	<del>L-18</del> P	M	<del>L-18</del> P	<del>L-18</del> L-1, L-3
Cultural Institutions	U	U	M	U	L-1
Day Care, General	U	U	M	U	<del>(B)</del> L-1, L-2
Government Offices	U	U	U	U	L-1
Heliports	<del>L-1</del> U	<del>L-1</del> U	<del>L-1</del> U	<del>L-1</del> U	L-1, L-4
Maintenance and Service Facilities	P	P	P	M	L-1
Public Safety Facilities	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> L-5
Religious Assembly	U	U	M	U	<del>(A)</del> L-1 L-6
Utilities, Major	U	U	U	U	L-1
Waste Facility	M	U	M	M	L-1
Utilities, Minor	P	P	P	P	L-1
<b>Commercial Uses</b>					
Adult Business	P	P	M	P	<del>(M)</del> (A)
Ambulance Services	P	P	M	P	
Animal Sales and Services					
Animal Boarding	<del>L-20</del> P	M	M	M	<del>L-20</del> L-5
Animal Hospitals	<del>L-20</del> P	<del>L-20</del> P	M	M	<del>L-20</del> L-5
Artists Studios	P	M	M	<del>L-20</del> P	<del>L-20</del> L-5
Banks and Savings and Loans	<del>L-2</del> P	<del>L-2</del> P	M	<del>L-2</del> P	<del>L-2</del> L-7
Building Materials and Services	P	P	<del>L-12</del> P	<del>L-20</del> P	<del>L-12, L-20</del> L-5, L-8
Cannabis Retail Operation	M	M	M	M	<del>(B)</del> (B)
Catering Services	P	P	M	P	
Commercial Filming	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> L-5

# **L, G, W, and P Districts: Land Use Regulations**

P M Permitted

U M Use Permit

L M Limited (See Additional Use Regulations)

M M Not Permitted

	L	G	W	P	Additional Regulations
Commercial Recreation and Entertainment, <u>Indoor</u>	<del>L5</del> -	<del>L2</del> <u>U</u>	M	<del>L5</del> -	<u>L-9</u>
<del>Game Center</del>	<del>L8</del>	<del>L8</del>	<del>M</del>	<del>L8</del>	-
Communication Facilities	P	P	P	P	
Eating and Drinking Establishments	<del>L4</del> <u>P</u>	<del>L4</del> <u>P</u>	<del>L4</del> <u>P</u>	<del>L4</del> <u>P</u>	<u>L-4</u> <u>L-10</u>
Mobile Food Vending	P	P	P	P	<del>(A)</del> <u>(C)</u>
With Wine and Beer Service	<del>L4</del> <u>P</u>	<del>L4</del> <u>P</u>	<del>L4</del> <u>P</u>	<del>L4</del> <u>P</u>	<u>L-4</u> <u>L-10</u>
With Full Alcoholic Beverage Service	<del>U</del> <u>P</u>	<del>U</del> <u>P</u>	<del>U</del> <u>P</u>	<del>U</del> <u>P</u>	<u>L-4</u> <u>L-10</u> , <u>L-11</u>
<del>With Take-Out Service</del>	<del>L4</del>	<del>L4</del>	<del>L4</del>	<del>L4</del>	<del>(D)</del>
<del>Limited</del>	<del>L4</del>	<del>L4</del>	<del>L4</del>	<del>L4</del>	<del>(D)</del>
Food and Beverage Sales	<del>L6</del> <u>P</u>	<del>L6</del> <u>P</u>	M	<del>L7</del> <u>P</u>	<u>L-6</u> , <u>L-7</u> <u>L-12</u> , <u>L-13</u>
Funeral and <del>Interment</del> Services	<del>L9</del> <u>P</u>	M	M	M	<u>L-9</u> <u>L-14</u>
<u>Health/Fitness Facility</u>	<u>P</u>	<u>U</u>	<del>M</del>	<del>M</del>	<u>L-15</u>
Horticulture, Limited	P	P	M	M	
Laboratories	P	P	M	P	
Maintenance and Repair Services	P	P	<del>L12</del> <u>P</u>	P	<u>L-12</u> <u>L-8</u>
Marine Sales and Services	M	M	P	M	
Nurseries	P	P	M	U	
Offices, Business and Professional	M	M	M	<del>L13</del> <u>P</u>	<u>L-13</u> <u>L-16</u>
Personal <del>Improvement</del> Services	<del>L14</del> <u>P</u>	<del>L14</del> <u>P</u>	M	<del>L14</del> <u>P</u>	<u>L-14</u> <u>L-17</u>
Personal Services	<del>L10</del> <u>P</u>	<del>L10</del> <u>P</u>	M	<del>L10</del> <u>P</u>	<u>L-10</u> <u>L-18</u>
Research and Development Services	P	P	<del>L12</del> <u>P</u>	P	<u>L-12</u> <u>L-8</u>
Vehicle/Equipment Sales and Services					
Automobile Washing	U	<del>L15</del> <u>P</u>	M	M	<u>L-15</u> <del>(E)</del> <u>L-19</u> , <u>(D)</u>
Service Stations	U	<del>L16</del> <u>U</u>	<del>L12</del> <u>U</u>	U	<u>L-12</u> , <u>L-16</u> <u>L-8</u> , <u>L-20</u>
Vehicle/Equipment Repair	<del>L17</del> <u>P</u>	<del>L17</del> <u>P</u>	M	M	<u>L-17</u> <u>L-21</u>
Vehicle/Equipment Sales and Rentals	U	<del>L11</del> <u>P</u>	M	M	<u>L-11</u> <u>L-22</u>
Vehicle Storage	U	U	<del>L12</del> <u>U</u>	M	<u>L-12</u> <u>L-8</u>

**L, G, W, and P Districts: Land Use Regulations**

P M Permitted

U M Use Permit

L M Limited (See YAdditional Use RegulationsX)

M M Not Permitted

	<b>L</b>	<b>G</b>	<b>W</b>	<b>P</b>	<b>Additional Regulations</b>
Warehousing and Storage, Limited	P	P	<del>L-12</del> P	U	<del>L-12</del> L-8
<b>Industrial</b>					
Industry, Custom	P	P	<del>L-12</del> P	P	<del>L-12</del> L-8
Industry, General	M	<del>L-19</del> P	<del>L-12</del> P	U	<del>L-12</del> <del>L-19</del> L-8, L-23
Industry, Limited	P	P	<del>L-12</del> P	P	<del>L-12</del> L-8
Small-Scale	P	P	<del>L-12</del> P	P	<del>L-12</del> L-8
Industry, Research and Development	P	P	<del>L-12</del> P	P	<del>L-12</del> L-8
Industry, Technology	P	P	<del>L-12</del> P	P	<del>L-12</del> L-8
Port Terminals	M	M	P	M	
Wholesaling, Distribution and Storage					
Wholesaling and Distribution	P	P	<del>L-12</del> P	U	<del>L-12</del> L-8
Warehousing and Transportation	P	P	<del>L-12</del> P	U	<del>L-12</del> L-8
Trucking Terminal/Freight Transfer Station	U	U	<del>L-12</del> P	M	<del>L-12</del> L-8
Package Distribution	P	P	<del>L-12</del> P	U	<del>L-12</del> L-8
<b>Agricultural and Extractive Uses</b>					<del>(H)</del> (L)
Mining and Processing	M	U	M	M	L-1
<b>Accessory Uses</b>	P/U	P/U	P/U	P/U	<del>(F)</del> (G)(H)(L) L-1, (E)
<b>Temporary Uses</b>					<del>(G)</del> (H)(L)
Animal Shows	U	U	M	M	L-1
Christmas Tree Sales	P	P	M	M	L-1
Circuses and Carnivals	M	U	M	M	L-1
Retail Sales MOutdoor	U	U	U	M	L-1
Swap Meets MNonrecurring	U	U	M	M	L-1

### **L, IG, IW, and IP Districts: Land Use Regulations**

P M Permitted

U M Use Permit

L M Limited (See Additional Use Regulations)

M M Not Permitted

	<b>L</b>	<b>IG</b>	<b>IW</b>	<b>IP</b>	<b>Additional Regulations</b>
Trade Fairs	U	U	U	U	<u>L-1</u>
<b>Nonconforming</b>	=	=	=	=	<del>(E)</del>
<b>Other Uses</b>					
Cannabis Cultivation Operation	U	U	U	U	<del>(E)</del> (B)
Cannabis Delivery-Only Operation	U	U	U	U	<del>(E)</del> (B)
Cannabis Distribution	U	U	U	U	<del>(E)</del> (B)
Cannabis Manufacturing Operation	U	U	U	U	<del>(E)</del> (B)
Cannabis Microbusiness	U	U	U	U	<del>(E)</del> (B)
Cannabis Testing Laboratory	U	U	U	U	<del>(E)</del> (B)

### **IL, IG, IW, and IP Districts: Additional Use Regulations**

**L-1 Evaluate a nonindustrial or noncommercial project against the following criteria when considering findings for use permits or variances:**

1. Will the project create substantial conflicts with existing industrial and commercial traffic?
2. Will the project be subject to excessive glare, noise or vibration from adjacent industrial/commercial uses? (Refer to general plan for noise criteria, ~~Chapter 4, p. 178.~~)
3. Will the project be exposed to hazardous materials or risks that would create health and safety hazards for persons occupying or visiting the project?
4. Will the project be located on an arterial street, or located in an area which would bring nonindustrial traffic onto local streets?

**L-2 Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not exceeding 25 percent of the floor area occupied by the principal use.**

**L-483** Only trade union halls, including their accompanying business offices, are permitted.

L-14 Allowed with a use permit and heliport permit from the California Department of Transportation, Division of Aeronautics if located 1,000 or more feet from a residential district.

L-205 ~~Community development~~ Development services director use permit required if the following conditions exist. ~~If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:~~

1. The proposed use is not located in an existing structure which is entirely enclosed, and no outside facilities are proposed;
2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is not located in a soundproofed and air-conditioned facility.

L-6 No day care facilities or schools shall be permitted as part of a religious assembly facility.

L-27 Only automatic teller machines allowed.

L-128 In IW district, Only water-related uses allowed.

L-9 Only indoor sports training and practice, archery and shooting galleries in a standalone, single-tenant facility on parcels fronting along Bayshore Road or along East Second Street between Stone Road and Wanger Street.

L-410 Permitted as a secondary use in a building occupying no more than 2,500 square feet of the building area. A ~~community-development~~ services director use permit is required for secondary uses occupying building areas greater than 2,500 square feet but not more than 5,000 square feet, or where the use is the primary use of a building. Not permitted for uses larger than 5,000 square feet.

L-11 Full Alcoholic Beverage Service is permitted only as part of an eating establishment. Drinking establishments are not permitted.

L-612 Permitted up to 1,000 square feet in IL and IG districts. Use permit required for establishments occupying more than 1,000 square feet in IL and IG districts.

L-713 In IP district, Only delicatessens and food stores occupying fewer than 1,000 square feet are permitted.

L-914 Only crematories, columbariums, and mausoleums allowed.

L-15 Health/fitness facility shall not occupy more than 5,500 square feet of floor area. In the General Industrial District, health/fitness facilities are conditionally permitted only on parcels fronting along East Second Street between Industrial Way and Stone Road.

~~L-1316~~ Medical/dental offices, insurance brokerage offices, and real estate brokerage offices not permitted.

~~L-1417~~ Only business and trade schools permitted.

~~L-1018~~ Only beauty shops and barbershops permitted.

~~L-1519~~ Only truck tractor and trailer washing permitted.

~~L-1620~~ Only stations offering controlled services to individual uses within an industrial area are allowed, subject to a use permit.

~~L-1721~~ Only truck and equipment repair primarily serving industrial activities are permitted by right; a ~~community~~ development services director use permit ~~is required~~ may be granted for automobile repair and for repair services that cater to the general public if the following conditions exist. ~~If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:~~

1. The proposed use is not located in an existing structure on a major arterial or on a street which connects to a major arterial, and is readily accessible to residential and commercial areas;
2. No outdoor repair or maintenance activities are proposed in conjunction with the use;
3. No outdoor storage of vehicles or equipment will take place during nonbusiness hours;
4. The applicant can demonstrate that the proposed site will meet zoning ordinance parking requirements.

~~L-1122~~ New or used automobile, truck or motorcycle retail sales shall be permitted only as an accessory to wholesale operations.

~~L-1923~~ In IG district, ~~G~~general industrial uses are permitted by right except that a use permit is required for oil and gas refining.

~~L-3 Use permit required only for equipment rentals and retail sales.~~

~~L-5 Only health fitness clubs and tennis/racquetball clubs are permitted as the principal use in a structure, subject to a use permit. Other activities regulated under this use classification are permitted as a secondary use within a building, occupying no more than 1,000 square feet of the building floor area.~~

~~L-8 Only game centers with five or fewer games permitted; also see BMC 17.70.290, Game centers.~~

~~L-21 Health fitness clubs, tennis/racquetball clubs, and recreational facilities such as batting cages, indoor golf driving ranges, and firing and archery ranges are permitted~~

~~within a structure, subject to a use permit when occupying more than 1,000 square feet. All activities regulated under this use classification are permitted when occupying no more than 1,000 square feet of the building floor area.~~

~~(M)~~(A) An adult business offering live entertainment shall be subject to the requirements of Chapters [5.44](#) and [17.102](#) BMC.

~~(O)~~(B) See Chapter [9.60](#) BMC, Cannabis Public Safety License, and Chapter [17.84](#) BMC, Cannabis.

~~(N)~~(C) ~~Mobile food vending shall be subject to the requirements of~~ See BMC [17.70.380](#), Mobile food vendors.

~~(E)~~(D) See BMC [17.70.110](#), Service stations, vehicle/equipment repair, and automobile washing.

~~(H)~~(E) Maximum: One dwelling unit per site as caretaker's housing.

~~(I)~~(F) See Chapter [17.98](#) BMC, Nonconforming Uses and Structures.

~~(A) See BMC 17.70.020, Relocated buildings (use permit required).~~

~~(B) Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not exceeding 25 percent of the floor area occupied by the principal use.~~

~~(C) Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not exceeding 25 percent of the floor area occupied by the principal use.~~

~~(D) See BMC 17.70.090, Eating and drinking establishments with take-out service.~~

~~(F) See BMC 17.70.050, Nonresidential accessory structures.~~

~~(G) See Chapter 17.104 BMC, Use Permits and Variances.~~

~~(J) See BMC 17.70.260, Hazardous materials.~~

~~(K) No day care facilities or schools shall be permitted as part of a religious assembly facility.~~

~~(L) Evaluate a nonindustrial or noncommercial project against the following criteria when considering findings for use permits or variances:~~

~~(1) Will the project create substantial conflicts with existing industrial and commercial traffic?~~

~~(2) Will the project be subject to excessive glare, noise or vibration from adjacent industrial/commercial uses? (Refer to general plan for noise criteria, Chapter 4, p. 178.)~~

~~(3) Will the project be exposed to hazardous materials or risks that would create health and safety hazards for persons occupying or visiting the project?~~

~~(4) Will the project be located on an arterial street, or located in an area which would bring nonindustrial traffic onto local streets?~~

## **Section 17.**

Section 17.36.030 (Land use regulations) of Chapter 17.36 (OS Open Space District) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

### **OS District: Land Use Regulations**

P M Permitted

U M Use Permit

L M Limited (See Additional Use Regulations)

M M Not Permitted

	OS	Additional Regulations
<b>Residential</b>		
Employee Housing (for farmworkers)	P	<del>(K)</del> (A)
Residential Care, Limited	P	<del>(A)</del> L-1, (B)
Single-Family Residential	P	<del>(A)</del> L-1, (B)
Supportive Housing	P	<del>(A)</del> L-1
Transitional Housing	P	<del>(A)</del> L-1
<b>Public and Semipublic<sup>+</sup></b>		
Cemetery	U	<del>(F)</del> (C)
Day Care Center	<del>U</del> P	<del>(A)</del> L-2
Government Offices	<del>L</del> P	<del>L-1, (F)</del> L-3, (C)
Parks and Recreation Facilities	P	<del>(G)</del> L-4
Public Safety Facilities	P	<del>(F)</del> (C)
Religious Assembly	U	<del>(F)</del> (C)
Residential Care, General	P	<del>(A)</del> L-1, (B)
Utilities, Major	U	<del>(F)</del> (C)
Waste Facility	U	<del>(F)</del> (C)
Utilities, Minor	P	
Utilities, Solar	U	<del>(G)</del> (D)
<b>Commercial Uses</b>		
Commercial Filming	U	<del>(G)</del> L-4



## OS District: Land Use Regulations

P M Permitted

U M Use Permit

L M Limited (See Additional Use Regulations)

M M Not Permitted

	OS	Additional Regulations
Commercial Recreation and Entertainment, <del>Indoor</del>	U	(C) <del>(F)</del>
Eating and Drinking Establishments	<u>U</u>	<u>L-3</u>
<del>With Take-Out Service</del>	<del>L-2</del>	<del>(F)</del>
Horticulture, Limited	<del>L-2</del> U	<del>(G) L-3</del> L-4, L-5
<u>Sports and Entertainment, Assembly</u>	<u>U</u>	<u>(C)</u>
<b>Agricultural and Extractive Uses</b>		
Animal Husbandry	P	<del>(G)</del> L-4
Crop Production	P	<del>(G)</del> L-4
<b>Accessory Uses</b>	P/U	<del>(C)(D)</del> <del>(G)</del> L-4, L-6
Donation and Collection Bins	<del>L-4</del> U	<del>L-4</del> <del>(H)</del> L-7, (E)
<b>Temporary Uses</b>		
Animal Shows	U	<del>(G)</del> L-4
Circuses and Carnivals	U	<del>(G)</del> L-4
Commercial Filming, Limited	P	<del>(G)</del> L-4
<b>Nonconforming</b>	=	(E)
<b>Other Uses</b>		
<u>Cultivation of Cannabis for Personal Use, Indoors or Outdoors</u> <u>(Residential cultivation of cannabis)</u>	<u>M</u>	<u>Not permitted (G)</u>

1. ~~Refer to BMC 17.16.040 for use definitions.~~

## OS District: Additional Use Regulations

L-1 Not permitted on lands outside the urban growth boundary as delineated on the general plan land use diagram. On lands inside the urban growth boundary, limited to one primary dwelling unit and one accessory dwelling unit per site, subject to the requirements of BMC 17.70.060, Accessory dwelling units.

~~L-12 A day care center may be conditionally is permitted only when it would be located on the grounds and within the facilities of a duly permitted religious assembly use. Adequate off-street parking for the day care center shall be provided for per Chapter 17.74 BMC, except when the applicant demonstrates consistency with the findings for collective provision of parking pursuant to BMC 17.74.040 and the collective provision of parking is specifically authorized by the use permit for a day care facility.~~

L-3 Permitted as part of a park or recreational facility, public safety facility, or utility.

L-4 Allowed only if no urban services are provided.

~~L-35 Use permit required, and no on-site retail sales permitted.~~

L-6 Limited to facilities incidental to an open space use.

~~L-47 Only permitted when accessory to a duly permitted religious assembly.~~

~~L-2 Only "limited" facilities, as defined in Chapter 17.16 BMC, allowed by use permit.~~

(A) See BMC 17.70.460, Employee housing (for farmworkers)

(B) See BMC 17.70.300, Animals.

~~(F)(C) Not permitted on lands outside the urban growth boundary as delineated on the general plan land use diagram, amended by approval of Measure K by a vote of the people, November 4, 2003.~~

~~(H)(D) See BMC 17.70.420, Solar utilities.~~

~~(H)(E) See BMC 17.70.410, Donation and collection bins.~~

~~(E)(F) See Chapter 17.98 BMC, Nonconforming Uses and Structures.~~

~~(G) See Chapter 17.84 BMC, Cannabis~~

~~(C) See BMC 17.70.290, Game centers.~~

~~(D) Limited to facilities incidental to an open space use.~~

~~(G) Allowed only if no urban services are provided.~~

~~(A) Not permitted on lands outside the urban growth boundary as delineated on the general plan land use diagram. On lands inside the urban growth boundary, limited to one primary dwelling unit and one accessory dwelling unit per site, subject to the requirements of BMC 17.70.060, Accessory dwelling units.~~

~~(J) A day care center may be conditionally permitted only when it would be located on the grounds and within the facilities of a duly permitted religious assembly use. Adequate off-street parking for the day care center shall be provided for per Chapter 17.74 BMC, except when the applicant demonstrates consistency with the findings for collective provision of parking pursuant to BMC 17.74.040 and the collective provision of parking is specifically authorized by the use permit for a day care facility.~~

~~(K) See BMC 17.70.460, Employee housing (for farmworkers).~~

## **Section 18.**

Section 17.40.030 (Land use regulations) of Chapter 17.40 (PS Public and Semipublic District) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

### **PS District: Land Use Regulations**

P M Permitted

U M Use Permit

L M Limited (See Additional Use Regulations)

M M Not Permitted

	PS	Additional Regulations
<b>Public and Semipublic</b>		
Adult Day Health Care	U	
Cemetery	U	
Clubs and Lodges	U	
Convalescent Facilities	U	
Cultural Institutions	U	
Day Care Center	<del>U</del> P	<u>L-1</u>
Detention Facilities	U	
Emergency Shelter	<del>L-2</del> P	<u>L-2 (A)</u>
Government Offices	P	
Heliports	<del>L-1</del> U	<u>L-1 L-2</u>
Hospitals	U	
Maintenance and Service Facilities	U	
Park and Recreation Facilities	P	
Public Safety Facilities	U	
Religious Assembly	U	
Residential Care, General	U	
Schools, Public or Private	U	
Utilities, Major	U	
Waste Facility	U	
Utilities, Minor	P	
<b>Commercial Uses</b>		
Commercial Filming	U	
<del>Commercial Recreation and Entertainment</del>	<del>U</del>	<del>(A)</del>

## PS District: Land Use Regulations

P M Permitted

U M Use Permit

L M Limited (See Additional Use Regulations)

M M Not Permitted

	PS	Additional Regulations
<u>Sports and Entertainment, Assembly</u>	<u>U</u>	
<b>Accessory Uses</b>	<del>P</del> /U	
Donation and Collection Bins	<del>L-2</del> P	<u>L-3</u> <del>(C)</del> (B)
<b>Temporary Uses</b>		
Animal Shows	U	
Circuses and Carnivals	U	
Commercial Filming, Limited	P	
Trade Fairs	U	
<b>Nonconforming</b>	=	<del>(B)</del> (C)
<b>Other Uses</b>		
<del>Cannabis Related Uses</del>	M	<del>Not permitted</del>

## PS District: Additional Use Regulations

L-1 Day care center is a permitted use only when operated within the existing facilities of a religious assembly, school, park and recreation facility, or club and lodge.

~~L-12~~ Allowed with use permit and heliport permit from California Department of Transportation, Division of Aeronautics if located more than 1,000 feet from an R district.

~~L-2 See BMC 17.70.390, Emergency shelter.~~

L-3 Only permitted when accessory to a duly permitted club, lodge, cultural institution, religious assembly or school.

(A) See BMC 17.70.390, Emergency shelter.

~~(C)~~(B) See BMC 17.70.410, Donation and collection bins.

~~(B)~~(C) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

~~(A) See BMC 17.70.300, Animals.~~

~~(C)~~(D) See BMC 17.70.410, Donation and collection bins.

## **Section 19.**

Section 17.70.070 (Home Occupations) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby renamed “Home-based businesses” and the regulations are hereby repealed in their entirety and replaced with the following:

### **17.70.070 Home-based businesses ~~occupations~~.**

- A. Purpose. The purpose of this section is to allow home-based businesses on a limited basis, where such activity is incidental and subordinate to the residential use of the property. The intent of this section is to ensure that home-based businesses are compatible with, and do not change the character of, the surrounding residential area by generating more traffic, noise, odors, visual impacts, or storage of materials than would normally be expected in a residential district.
- B. Limitations.
  - 1. A home-based business shall be conducted entirely within a dwelling unit.
  - 2. A home-based business shall be incidental and subordinate to the primary residential use of the dwelling and shall occupy no more than 500 square feet of floor area.
- C. Conditions. Operation of a home-based business shall comply with the following:
  - 1. Outdoor activities are prohibited, including, but not limited to, the following:
    - a. Outdoor placement, storage, delivery or distribution of goods, equipment, debris or materials.
    - b. Conducting business activities outdoors.
    - c. Outdoor assembly of persons on or adjacent to the property.
  - 2. The existence of a home-based business shall not be apparent beyond the boundaries of the site.
  - 3. No sign, nameplate or any other form of advertising shall be displayed on the premises in connection with any home-based business. There shall be no advertising of the address of the home-based business that results in attracting persons to the premises.
  - 4. No home-based business shall permit employees who do not reside in the home to gather at, or work from, the home.
  - 5. A home-based business shall comply with the performance standards prescribed by BMC 17.70.240. No noise, dust or odors shall be perceptible at or beyond the property line.

6. A home-based business shall not be open to visitors without prior appointments.
  7. No more than two students may be given instruction in music, academics, dance, art, fitness or other subjects as determined by the Development Services Director in a dwelling at one time. No student may be given instruction between the hours of 8:00 p.m. to 9:00 a.m.
  8. Not more than one truck, with a maximum capacity of one ton, incidental to a home-based business may be kept on the premises.
  9. Deliveries shall be limited to the frequency of deliveries and types of vehicles (e.g., postal truck and parcel delivery) normally associated with residential neighborhoods.
  10. The maximum number of daily business trips generated from a home-based business shall not exceed one hundred twenty-five percent (125%) of the average number of daily trips generated from a residence in the City of Benicia, as provided herein.
    - a. For the purposes of this section, a “residence” includes “single-family residence” and “multifamily residence” as categorized by the Institute of Transportation Engineers (ITE) and defined in this Title.
    - b. A “business trip” shall be defined as either the arrival or departure of a non-resident motor vehicle from a home-based business.
    - c. For the purposes of this section, the average number of daily trips for a residence is ten (10).
- D. Permitted home-businesses. Those following uses are permitted subject to compliance with this section and in accordance with the use classifications of Chapter 17.16 BMC:
1. Artists’ Studios
  2. Catering services
  3. Communications Facilities
  4. Horticulture, Limited
  5. Industry, Custom – Limited.
  6. Offices, Businesses and Professional (excluding medical and dental offices)
  7. Personal Improvement Services
  8. Personal Services (excluding massage businesses as defined in Chapter 5.52 Massage, conducted on the premises)

9. Retail sales and secondhand sales (excluding those which attract customers to the premises for on-site transactions or delivery)

## **Section 20.**

Section 17.70.090 (Eating and drinking establishments with take-out service) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby repealed in its entirety.

## **Section 21.**

Section 17.70.100 (Live entertainment) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

### **17.70.100 Live entertainment.**

The following regulations shall apply to any use offering scheduled live entertainment, as defined in Chapter 17.12 (Definitions), ~~more than three times per calendar year:~~

- A. Exits not limited to emergency use only shall not be opposite an R district adjoining the site.
- B. An establishment offering live entertainment shall ensure that ~~use permit shall establish conditions ensuring that~~ no litter problem will exist.
- C. A use permit for live entertainment shall apply only to the type of entertainment approved, and a different type of entertainment shall require approval of a new use permit.

## **Section 22.**

Section 17.70.290 (Game centers) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby repealed in its entirety.

## **Section 23.**

Section 17.70.350 (Formula businesses) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby repealed in its entirety.

## **Section 24.**

Section 17.70.380 (Mobile food vendors) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

### **17.70.380 Mobile food vendors.**

- A. Applicability. Mobile food vending is permitted on private property Industrial Districts only, as specified in BMC 17.32.020 (IL, IG, IW and IP districts – Land use

~~regulations. ). Permit Required. A mobile food vendor shall require a mobile food vending permit obtained by filing a completed application form with the community development director. The community development director shall issue the permit upon determining that the proposed mobile food vending operation complies with the requirements of this section. Mobile food vendors shall not include the preparation or sale of food products containing cannabis.~~

~~1. The vendor shall display all current permits, licenses, and certificates on exterior of the vehicle at all times.~~

~~2. The vendor shall maintain a county health permit at all times. If the permit expires, or is suspended or revoked, then all sales shall cease until the permit is reinstated.~~

~~3. The food vending vehicle shall be entirely self-sufficient in regards to gas, water, and telecommunications and shall be a self-propelled vehicle.~~

B. Contents of Application. An application for a mobile food vending permit shall contain:

~~1. The name, address, and telephone number of the applicant.~~

~~2. A complete description of the proposed mobile food vending operation, including the hours of operation.~~

~~3. A site plan showing the proposed location of the mobile food vendor, trash receptacles, parking area, location of parcel access (ingress and egress), and location of restroom facility.~~

~~4. Written permission from the property owner (if not self) to occupy the property.~~

~~5. Proof of legal access to restroom facilities and access to hand washing facilities for the use of employees within 200 feet of site location per California Retail Food Code, Chapter 10, Section 114315.~~

~~6. A copy of the issued permit from the Solano County environmental health division for operation of the subject operation.~~

~~7. A certificate of insurance providing general liability insurance in the amount of at least \$1,000,000 listing the city as additional insured. A mobile food vending permit shall be issued only for the explicit time period covered by the effective dates of the general liability insurance policy.~~

G B. Location.

~~1. The location of the mobile food vendor shall be limited to the areas specified in BMC 17.32.020.~~



- ~~2. The maximum number of mobile food vendors located on a parcel shall not be limited except that all provisions of this section shall be met.~~
31. Mobile food vehicles shall not be parked within 200 feet of an existing brick and mortar restaurant during the hours when such restaurant is open to the public for business.
42. Mobile food vendors shall not occupy any parking space(s) required to fulfill the minimum off-street parking requirements of the principal property use. ~~A minimum of two parking spaces per food vending vehicle will be required for customer use in addition to the minimum requirement for the principal business for the overall site.~~
53. The vehicle shall not block an entrance, garage, driveway or fire lane for any business or structure, nor extend into the public right-of-way. ~~any parking required to adequately serve other businesses, driveways, or public right-of-way and shall be oriented in such a way so as the queue does not encroach upon the same.~~
4. No mobile food vendor may be parked in a manner that impairs the visibility of a driveway crossing a street property line, as provided in section 17.74.150 (Driveways and intersections – Visibility.).
5. ~~The vendor shall be located within 200 feet of a restroom facility and shall demonstrate legal access for employees.~~

#### C. General Requirements

1. The vendor shall obtain, maintain display all current permits, licenses, and certificates on exterior of the vehicle at all times including from the Department of Motor Vehicles (DMV).
2. The vendor shall maintain a County health permit at all times.
3. The food vending vehicle shall be entirely self-sufficient in regards to gas, water, and telecommunications and shall be a self-propelled vehicle.
4. The vendor shall be prepared to present evidence of the following upon request:
  - a. Written permission from the property owner to occupy the property; and
  - b. Proof of legal access to restroom facilities and access to hand washing facilities for the use of employees within 200 feet of site location per California Retail Food Code, Chapter 10, Section 114315.

#### D. Site Conditions.

1. The site shall be maintained in a safe and clean manner at all times.

2. The lot upon which the vendor is parked shall be paved. For purposes of this section, “paved” shall mean asphalt, concrete, pavers, or other permanent surfacing approved by the city engineer.
  3. Exterior storage of refuse, equipment or materials associated with the mobile food vendor is prohibited.
  4. The vendor shall not discharge items, including but not limited to waste water or other fluids, debris or food, onto the property, sidewalk, gutter, or storm inlets.
  5. The vendor shall provide a minimum of two 32-gallon litter receptacles and one 32-gallon recycling receptacle within 15 feet of the vending vehicle and shall remove all refuse from the site and surrounding property on a daily basis.
  6. No mobile food vendor shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters; ~~unless approved by the community development director.~~
- E. Alcohol. The serving or consumption of alcohol shall be prohibited at ~~vehicular~~ mobile food vending sites.
- F. Hours of Operation. The hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. every day. The mobile food vending vehicle shall not be stored on site during nonoperation hours and shall be removed daily.
- G. Noise. ~~No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise.~~ The operation of all mobile food vehicles, including generators and ancillary equipment, shall meet the city noise ordinance, Chapter 8.20 (Noise Regulations). ~~including generators. No music, other high-decibel sounds, horns, or amplified announcements are allowed to be made from the vehicle.~~
- H. Signs. Signage is only allowed when placed on the mobile food vehicle. No separate freestanding signs are permitted. No flashing or blinking lights are allowed on vehicle or related signage when the vehicle is parked.
- ~~I. The permit for mobile food vending that is not operated in compliance with these regulations and the approved application shall be revoked by the community development director after 30 days' written notice unless the mobile food vending operation is altered to comply.~~

## **Section 25.**

**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.

**Section 26.**

**Publication.** The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Benicia, California and cause the same to be published in accordance with State law.

**Section 27.**

**Effective Date.** This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by  
Council Member \_\_\_\_\_, the foregoing ordinance was  
introduced at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2025,  
and adopted at a regular meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 2025,  
by the following vote:

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
Steve Young, Mayor

Attest:

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

\_\_\_\_\_  
Date

## **RESOLUTION NO. 25-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 4 (FORM BASED CODE) OF THE DOWNTOWN MIXED USE MASTER PLAN TO MODIFY THE ALLOWED LAND USES AND PERMIT REQUIREMENTS OF THE TOWN CORE, TOWN CORE-OPEN, NEIGHBORHOOD GENERAL, AND NEIGHBORHOOD GENERAL-OPEN ZONES AND THE GLOSSARY TO CLARIFY, UPDATE AND STREAMLINE COMMERCIAL REGULATIONS**

**WHEREAS**, Goal 3 of the City of Benicia Resiliency Plan is to expand economic development; and

**WHEREAS**, certain current commercial regulations impede business attraction, establishment and expansion due to permit and discretionary hearing requirements; and

**WHEREAS**, the City of Benicia recognizes the need to update regulations within its Downtown Mixed Use Master Plan (DMUMP) to facilitate effective administration of its regulations and support the attraction, establishment and expansion to meet the community's needs; and

**WHEREAS**, certain clean-up amendments for clarity and consistency within the Form-Based Code are prudent for its effective administration; and

**WHEREAS**, the Economic Development Board conducted a study session discussion of conceptual zoning changes, accepted public comment, and provided feedback on September 25, 2024; and

**WHEREAS**, the City Council accepted public comment and provided direction concerning the proposed amendments on October 15, 2024; and

**WHEREAS**, the Planning Commission and Economic Development Board conducted a study session and accepted public comment on March 27, 2025; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing at a special meeting on June 26, 2025, and recommended approval of the proposed amendments to the DMUMP together with commercial streamlining amendments to the Benicia Municipal Code; and

**WHEREAS**, the City Council finds that the aforementioned amendments to the DMUMP would implement the City's objectives for economic resiliency; and

**WHEREAS**, pursuant to Benicia Municipal Code (BMC) section 17.120.40 (Public hearing scope and notice) and California Government Code Section 65091 (Notification Procedures), notice of the public hearing for the proposed amendments was duly published in the Benicia Herald, a newspaper of general circulation, and displayed at City Hall on \_\_\_\_\_; and

**WHEREAS**, the public hearing was continued from July 15, 2025 to August 5, 2025; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the City Council find this project to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations; the proposed amendments constitute minor changes to streamline existing regulations and processes, and on their own do not have the potential to result in significant environmental impacts; and

**WHEREAS**, it is clarified that while the text amendments themselves are deemed to be categorically exempt from further CEQA review, new projects or developments regulated with the updated amendments may still be subject to CEQA review on a case-by-case basis to ensure that any significant environmental impacts are adequately addressed; and

**WHEREAS**, the City Council of the City of Benicia conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution in concert with an Ordinance amending the Benicia Municipal Code (Title 17, Zoning).

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Benicia does hereby find that the proposed amendments to the DMUMP are consistent with the purposes of the Plan, and the following goals and programs of the Benicia General Plan:

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life. These amendments further Goal 2.5 because it broadens the potential land uses in a way that could encourage new development that is compatible with the existing community.
- Goal 2.12: Strengthen the Downtown as the City's central commercial zone.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.**

Table 4.1: Town Core (TC) Zone Allowed Land Uses and Permit Requirements of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended as follows:

Table 4.1: Town Core (TC) Zone Allowed Land Uses and Permit Requirements		
Land Use Type <sup>1</sup>	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly		
Commercial recreation facility: Indoor		
< 1500 sf	<del>MUP</del> <u>P</u>	
≥ 1500 sf	<u>MUP</u>	
Health/fitness facility		
< 1500 sf	<del>MUP</del> <u>P</u>	
≥ 1500 sf	<u>MUP</u>	
Library, museum	P	
Meeting facility, public or private	MUP	
Park, playground	MUP	
School, public or private	MUP	
Studio: art, dance, martial arts, music, etc		
< 1500 sf	P	
≥ 1500 sf	<u>MUP</u>	
Theater, cinema, or performing arts	<del>P</del>	
< 5000 sf	P	
> 5000 sf	UP	
Residential		
<del>Home-based business-occupation</del>		
< 300 sf and 2 or fewer employees	P <sup>2</sup>	
≥ 300 sf and 3 or fewer employees	P <sup>2</sup>	
<del>&gt; 300 sf and 3 or more employees</del>	<del>NA</del>	
Mixed use project residential component	P <sup>2</sup>	
Dwelling: Multi-Family-Rowhouse	P <sup>2</sup>	
Dwelling: Multi-Family-Duplex	P <sup>2</sup>	
Dwelling: Multi-Family-Triplex	P <sup>2</sup>	
Dwelling: Multi-Family-Fourplex	P <sup>2</sup>	
Accessory Dwelling Unit	P <sup>2</sup>	A
Ancillary Building	P	
Residential Care, 7 or more clients	P <sup>2</sup>	
Residential Care, 6 or fewer clients	P <sup>2</sup>	
Supportive Housing	P <sup>2</sup>	
Transitional Housing	P <sup>2</sup>	
Retail		
<u>Alcoholic Beverage Sales – Off-premise</u>	<u>UP</u>	
Artisan Shop	P	
Bar, tavern, <del>beverage tasting night club</del> , except with any of the following features	P	<u>B</u>
Operating between <del>9</del> <u>10</u> pm and 7 am	UP	<u>B</u>
General retail, except with any of the following features:	P	
<del>Alcoholic beverage sales</del>	<del>UP</del>	

Table 4.1: Town Core (TC) Zone Allowed Land Uses and Permit Requirements		
Land Use Type <sup>1</sup>	Permit Required	Specific Use Regulations
Floor area over 8000 sf	MUP	
On-site production of items sold	MUP	
Operating between 9 pm and 7 am	MUP	
Cannabis retail operation	<del>not permitted</del> NA	
Neighborhood market <10,000 sf	P	
<u>Night Club</u>	NA	
Outdoor entertainment	UP <sup>4</sup>	<u>B, C</u>
Restaurant, café, coffee shop	P	<u>B</u>
Services: Business, Financial, Professional		
<i>No amendments proposed</i>		
Services: General		
Financial Services	P <sup>2</sup>	
Bed & breakfast		
4 guest rooms or less	P <sup>2</sup>	
Greater than 4 guest rooms	P <sup>2</sup>	
Day care center: Child or adult	P <sup>2</sup>	
Day care center: Large family	P <sup>2</sup>	<del>B</del>
Day care center: Small family	P <sup>2</sup>	
Lodging	MUP	
Personal Services	P <sup>3</sup>	
Transportation, Communications, Infrastructure		
<i>No amendments proposed</i>		

#### Specific Use Regulations

A - Accessory Dwelling Units shall comply with the provisions of BMC 17.70.060.

~~B - Operation of sound amplifying equipment shall be in compliance with Chapter 8.20 Noise Regulations. A use permit shall be required for sound amplification outside the hours specified in 8.20.080.B.; except that temporary relief is granted for the evening hours of noise amplification until 12:30 a.m. on Independence Day (the night of July 3- July 4) and New Years Day (the night of December 31- January 1) of each year.~~

~~C - Outdoor entertainment uses shall be subject to the standards of BMC 17.70.400, Outdoor entertainment.~~

~~B - See BMC 17.24.020.P~~

#### 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

~~<sup>3</sup> Body art and piercing requires use permit approval and is allowed only as an ancillary use.~~

~~<sup>4</sup> Outdoor entertainment uses shall be subject to the standards of BMC 17.70.400, Outdoor entertainment.~~

## Section 2.

Table 4.2: Town Core-Open (TC-O) Zone Allowed Land Uses and Permit Requirements of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended as follows:

Table 4.2: Town Core-Open (TC-O) Zone Allowed Land Uses and Permit Requirements		
Land Use Type <sup>1</sup>	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly		
<i>No amendments proposed</i>		
Residential		
Home <del>-based business-occupation</del>		
< 300 sf and 2 or fewer employees	P	
≥ 300 sf and 3 or fewer employees	P	
Live/work unit	P	
Mixed use project residential component	P	
Dwelling: Multi-Family-Rowhouse	P	
Dwelling: Multi-Family-Duplex	P	
Dwelling: Multi-Family-Triplex	P	
Dwelling: Multi-Family-Fourplex	P	
Accessory Dwelling Unit	P	A
Ancillary Building	P	
Residential Care, 7 or more clients	UP	
Residential Care, 6 or fewer clients	MUP	
Supportive Housing	P	
Transitional Housing	P	
Retail		
<u>Alcoholic Beverage Sales – Off-premise</u>	<u>UP</u>	<u>B</u>
Artisan Shop	P	B
Bar, tavern, <u>beverage tasting</u> <del>night club</del> , except with any of the following:	UP	
Operating between <del>9</del> <u>10</u> pm and 7 am	NA	
Cannabis retail operation	<del>not permitted</del> <u>NA</u>	
General retail, except with any of the following features	P	B
<del>Alcoholic beverage sales</del>	<u>UP</u>	
Floor area over 8000 sf	NA	
On-site production of items sold	MUP	
Neighborhood market <10,000 sf	P	B
Restaurant, café, coffee shop	MUP	
Services: Business, Financial, Professional		
ATM or Bank	MUP	
Business support service	P	
Medical services: Clinic, urgent care	MUP	



Medical services: Doctor office	P	B
Medical services: Extended care	MUP	
Office: Business, service	P	B
Office: Professional, administrative	P	B
Services: General		
Financial Services	P	
Bed & Breakfast		
4 guest rooms or less	P	
Greater than 4 guest rooms	P	
Day care center: Child or adult	MUP	
Day care center: Large family	P	C
Day care center: Small family	P	
Lodging	MUP	
Personal services	P	
Transportation, Communications, Infrastructure		
<i>No amendments proposed</i>		

#### Specific Use Regulations

A - Accessory Dwelling Units shall comply with the provisions of BMC 17.70.060.

B - Use shall be limited to the hours of 8 am to ~~7~~8 pm unless a MUP has been obtained. Such businesses are required to conform to any applicable noise standards and lighting restrictions as set forth in any adopted local or State codes that regulate public health and safety

~~C - See BMC 17.24.020.P~~

#### End Notes

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

### **Section 3.**

Table 4.2: Town Core-Open (TC-O) Zone Allowed Land Uses and Permit Requirements of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended to delete duplicate regulations for Services: Business, Financial, Professional; Services: General, and Transportation, Communications, Infrastructure on page 4-15.

### **Section 4.**

Table 4.3: Neighborhood General (NG) Zone Allowed Land Uses and Permit Requirements of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended as follows:

Table 4.3: Neighborhood General (NG) Zone Allowed Land Uses and Permit Requirements		
Land Use Type <sup>1</sup>	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly		
<i>No amendments proposed</i>		

Residential		
Dwelling: Single family	P	
<del>Home-based business-occupation</del>		
< 300 sf and 2 or fewer employees	P	
≥ 300 sf and 3 or fewer employees	P	
Dwelling: Multi-Family-Duplex	P	
Accessory Dwelling Unit	P	A
Ancillary Building	P	
Supportive Housing	P	
Transitional Housing	P	
Retail		
General retail, except with any of the following features	P	B
<del>Alcoholic beverage sales</del>	<del>NA</del>	
Floor area over 8000 sf	NA	
On-site production of items sold	P <sup>2</sup>	
Cannabis retail operation	NA	
Services: Business, Financial, Professional		
Office: Professional, administrative	P <sup>2</sup>	B
Services: General		
Financial Services	P	
Bed & Breakfast		
4 guest rooms or less	P	
Greater than 4 guest rooms	MUP	
Day care center: Child or adult	MUP	
Day care center: Large family	P	<del>C</del>
Day care center: Small family	P	
Transportation, Communications, Infrastructure		
<i>No amendments proposed</i>		

#### Specific Use Regulations

A - Accessory Dwelling Units shall comply with the provisions of BMC 17.70.060.

B - Use shall be limited to the hours of 8 am to ~~7~~8 pm unless a MUP has been obtained. Such businesses are required to conform to any applicable noise standards and lighting restrictions as set forth in any adopted local or State codes that regulate public health and safety

~~C - See BMC 17.24.020.P~~

#### End Notes

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

<sup>2</sup> Allowed only in ancillary buildings.

## Section 5.

Table 4.4: Neighborhood General-Open (NG-O) Zone Allowed Land Uses and Permit Requirements of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended as follows:

Table 4.4: Neighborhood General (NG-0) Zone Allowed Land Uses and Permit Requirements		
Land Use Type	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly		
<i>No amendments proposed</i>		
Residential		
Dwelling: Single family	P	
Home <del>-based business-occupation</del>		
< 300 sf and 2 or fewer employees	P	
> 300 sf and 3 or fewer employees	P	
> 300 sf and 3 or more employees	P	
Live/work unit	P	
Mixed use project residential component	P	
Dwelling: Multi-Family-Duplex	P	
Accessory Dwelling Unit	P	A
Ancillary Building	P	
Residential Care, 7 or more clients	UP	
Residential Care, 6 or fewer clients	MUP	
Supportive Housing	P	
Transitional Housing	P	
Retail		
Artisan Shop	P	B
General retail, except with any of the following features	P	B
<del>Alcoholic beverage sales</del>	NA	
Floor area over 8000 sf	NA	
On-site production of items sold	MUP	
Restaurant, café, coffee shop	MUP	
Services: Business, Financial, Professional		
Business support service	P	B
Medical services: Doctor office	P	B
Office: Business, service	P	B
Office: Professional, administrative	P	B
Services: General		
Financial Services	P	
Bed & Breakfast		
4 guest rooms or less	P	
Greater than 4 guest rooms	MUP	
Day care center: Child or adult	MUP	
Day care center: Large family	P	€
Day care center: Small family	P	
Lodging	MUP	
Personal services	P	
Transportation, Communications, Infrastructure		

No amendments proposed		
------------------------	--	--

#### Specific Use Regulations

A - Accessory Dwelling Units shall comply with the provisions of BMC 17.70.060.

B - Use shall be limited to the hours of 8 am to 7~~8~~ pm unless a MUP has been obtained. Such businesses are required to conform to any applicable noise standards and lighting restrictions as set forth in any adopted local or State codes that regulate public health and safety

~~C - See BMC 17.24.020.P~~

#### End Notes

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

### **Section 6.**

The Glossary of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended to modify the following definitions, which are listed in alphabetical order within the Glossary:

Alcoholic Beverage Sales – On-premise: The retail sale of beer, wine, and/or spirits in sealed containers for on-site consumption, ~~either as part of another retail use, or~~ as a primary business activity. ~~Does not include alcohol sales conducted on a temporary basis pursuant to a day license or equivalent permit from the California Department of Alcoholic Beverage Control, nor sales that are accessory to and part of a beverage tasting facility, microbrewery, neighborhood market or similar use.~~

#### ~~Bar, Tavern, Night Club~~

Bar, Tavern, Tasting Facility: A business where alcoholic beverages are sold for primarily for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery (“brew pub”) and other beverage tasting facilities.

~~Night Club: A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Does not include adult-oriented businesses.~~

Commercial Recreation Facility - Indoor: An establishment providing indoor amusement, recreation and entertainment services for a fee or admission charge, including: bowling alleys, ~~coin-operated amusement arcades, electronic~~ game arcades (video games, pinball, etc.), ice skating and roller skating, play centers, pool and billiard rooms as primary uses. This use does not include ~~sex oriented- adult~~ businesses as such use is classified in BMC 17.16.050 nor any establishment engaged in gambling or betting ~~Four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) in any establishment, or a premises where 50 percent or more of the~~

~~Floor area is occupied by electronic games or amusement devices, are considered a commercial recreation facility; three or fewer machines or devices are not considered a land use separate from the primary use of the site.~~

Director: The ~~Community Development~~ Development Services Director of the City of Benicia, or ~~his~~ their duly appointed representative

Health/Fitness Facility: Establishments primarily engaged in providing physical fitness services, exercise equipment, and related activities for the improvement or maintenance of physical health and well-being. This classification includes gyms, health clubs, yoga studios, and similar establishments offering exercise classes, personal training, cardiovascular equipment, weight training equipment, and other fitness-related services. A fitness center, gymnasium, health and athletic club, which may include any of the following:

~~exercise machines, weight facilities, group exercise rooms, sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities, indoor or outdoor pools~~

~~Home-Based Business Occupation:~~ Residential premises used for the transaction of business or the supply of professional services, not including cannabis or cannabis products. Home -based businesses ~~occupation~~ shall be limited to the following: agent, architect, artist, broker, consultant, draftsman, dressmaker, engineer, interior decorator, lawyer, notary public, teacher, and other similar occupations, as determined by the Director. Such use shall not simultaneously employ more than one person in addition to residents of the dwelling. The total gross area of the home -based business ~~occupation~~ shall not exceed 25 percent of the gross square footage of the dwelling residential unit. The home -based business ~~occupation~~ shall not disrupt the generally residential character of the neighborhood. ~~The Director shall review the nature of a proposed home occupation use at the time of review of a business license for such use, and may approve, approve with conditions, continue or deny the application.~~

Night Club: A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Does not include adult oriented businesses or outdoor entertainment.

## **Section 7.**

**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, phrases or clauses be declared unconstitutional on their face or as applied.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by  
Council Member \_\_\_\_\_, the foregoing resolution was  
adopted at a regular meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 2025, by  
the following vote:

Ayes:

Noes:

Absent:

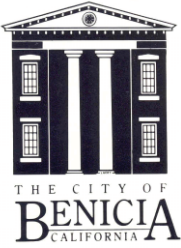
Abstain:

\_\_\_\_\_  
Steve Young, Mayor

Attest:

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

\_\_\_\_\_  
Date



## **Planning Commission Staff Report**

June 26, 2025

**Project:** Commercial Use Regulations Streamlining  
**Location:** Citywide

### **Staff Recommendation**

Conduct a public hearing and move to adopt the resolution (Attachment 1) recommending that the City Council of the City of Benicia adopt amendments to the Benicia Municipal Code (BMC) and the Downtown Mixed Use Master Plan (DMUMP) for commercial uses streamlining, clarification, consistency and formatting after finding the project is exempt from CEQA pursuant to Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations.

### **Project Description**

Consideration of amendments to Title 17 (Zoning) of the Benicia Municipal Code (BMC): Definitions (Chapter 17.12), Use Classifications (Chapter 17.16), Residential Districts (Chapter 17.24), Mixed Use Districts (Chapter 17.26), Commercial Districts (Chapter 17.28), Industrial Districts (Chapter 17.32), Open Space District (Chapter 17.36), Public and Semipublic District (Chapter 17.40) and General Regulations (Chapter 17.70) including Home Occupations (Section 17.70.070), Eating and Drinking Establishments with Take-Out Service (Section 17.70.090), Live Entertainment (Section 17.70.100), Game Centers (Section 17.70.290), Formula Businesses (Section 17.70.350), and Mobile Food Vendors (Section 17.70.380).

Consideration of amendments Chapter 4 (Form-Based Code) of the Downtown Mixed Use Master Plan (DMUMP) including the Town Core, Town Core-Open, Neighborhood General and Neighborhood General-Open zones and Glossary.

Consideration of an amendment to Chapter 2.32 and corresponding amendments throughout the BMC and DMUMP to change the name of the "Planning Department", "Community Development Department" and "Community Development Director" to "Development Services Department" and "Development Services Director".

The proposed amendments would update land use regulations, streamline certain regulations, clarify land use classifications and regulations, establish consistency in land use regulations citywide, and clean up various code references for internal consistency and organization. More specifically, the amendments would address day care centers, home-based businesses, formula businesses, studios, body art and piercing, alcoholic beverage sales, bars, taverns and nightclubs, alcoholic beverage service at eating and drinking establishments, take-out service at eating establishments, live entertainment,

mobile food vending, health and fitness facilities, commercial recreation facilities, and sports and entertainment assembly.

In addition, the amendments would change the name of the Community Development Department to Development Services Department to eliminate confusion related to another existing city department (Community Services Department) and clarify the function of the department.

## **Background**

The City of Benicia adopted its current Zoning Ordinance in 1987. The DMUMP, which regulates land use and the form of the development in the downtown area, was adopted in 2007. Most commercial regulations in the city are unchanged since their adoption. However, there have been various societal, technological and economic shifts since that time that necessitate updates. In addition, the City has received feedback from small business owners, the business community, and others that the current level of regulation imposes costs and delays that affect the feasibility for small businesses.

This project would support implementation of the City's Resiliency Plan, Goal 3: Expand Economic Development, by streamlining new business review and facilitating economic growth. The amendment would modify the regulations for specific land uses in most zoning districts of the City. For reference, a copy of the zoning map is provided as Attachment 2. This report outlines the nature of proposed amendments. For further detail, refer to Exhibits A and B of Attachment 1.<sup>1</sup>

### *Economic Development Board*

The Economic Development Board (EDB) received a presentation and discussed this topic on September 25, 2024.<sup>2</sup> Board members expressed appreciation for the effort to remove barriers for new businesses, where appropriate for the community, and agreed that updates would be beneficial for economic growth.

While Board members generally agreed that the regulations identified present sticking points, they expressed hesitation with easing the floor area limitation of 1,500 square feet for studios on First Street. Specifically, it was noted that studio-type uses can generate spikes in parking demand and have the potential to displace other economically beneficial uses, such as retail stores and restaurants.

### *City Council*

The City Council received a report and overview of this project on October 15, 2024.<sup>2</sup> The Council agreed with the recommended areas of review, which are further detailed in the body of this report. Councilmembers stated an overall intent to streamline requirements and reduce the need for use permits where appropriate, with

<sup>1</sup> Background information, including links to various reports, meeting videos, and both clean and markup public review drafts, are available at [www.ci.benicia.ca.us/streamlining](http://www.ci.benicia.ca.us/streamlining).

<sup>2</sup> The agenda item and minutes may be viewed at [www.ci.benicia.ca.us/agendas](http://www.ci.benicia.ca.us/agendas)



consideration to the need for businesses to move efficiently through the City's permit processes. In addition to the concepts presented during the meeting, the Council directed staff to review the City's formula business regulations, evaluate the concentration of alcohol sales (bottle shops), and ease use permit requirements for commercial operation on New Year's Eve and certain other holidays.

#### *Planning Commission and Economic Development Board Study Session*

The Planning Commission and EDB conducted a joint meeting and study session concerning the proposed amendments on March 27, 2025.<sup>2</sup> Following a staff presentation and clarifying questions from commissioners, one member of the public asked several questions related to the downtown and expressed concern that the nightclub use type for the downtown should not overlap with Outdoor Entertainment. Commissioners discussed a variety of topics including formula businesses, existing constraints within the City's development criteria and the broader business market, and sports practice and training facilities as a desired use in Benicia relative to location and industrial considerations.

#### *Nonconforming Uses*

The proposed amendments would reduce permitting requirements for a variety of uses, though regulation changes for some business types (i.e., liquor stores and commercial recreation uses in the Industrial Park) may result in those existing businesses becoming "nonconforming" meaning that the business was in compliance with the requirements of the Zoning Ordinance when the business was established but with the changes to the Zoning Ordinance they would no longer be in compliance. New businesses would need to obtain a use permit to operate while nonconforming businesses would be able to continue to operate.

Because the City does not maintain a comprehensive list of the location, type and size of each business, it is not feasible to prepare an analysis of potential nonconforming businesses. Zoning changes would not have an immediate impact on existing, lawful businesses because the Zoning Ordinance makes an allowance for the continued operation of "nonconforming uses" (BMC 17.98.020). If a use is no longer permitted in a zoning district, then it can continue to operate but not expand (BMC 17.98.030). A pre-existing use, for which a use permit is now required, may seek a use permit for expansion (BMC 17.98.070). In May 2025, the City conducted outreach to three businesses in the industrial park that fall under the commercial recreation and health/fitness categories to provide a description of the existing and proposed regulations, and direct contact information for follow up questions or discussion.

#### **Project Analysis**

The project would amend the BMC and DMUMP to reduce discretionary permitting for many commercial use types. In some cases, parameters for operational hours, square footage and location are proposed in the interest of land use compatibility. Additional changes to clean up formatting, clarify wording and update cross references will improve the usability of the City's land use regulations and improve consistency from

chapter to chapter and across documents (BMC and DMUMP).

- **Day care centers:** would change from conditionally permitted (use permit is required) to permitted in all residential districts, as well as the Community Commercial, Open Space, and Public and Semipublic Districts.
- **Home-based business:** regulations would be fully updated, including removal of the home occupation permit. Allowed business types would be expanded to include limited at-home instruction, personal services, retail and horticulture.
- **Formula businesses:** regulations would be deleted.
- **Studios:** in the Town Core Zone, would be permitted up to 1500 square feet floor area and would be conditionally permitted if exceeding 1500 square feet (proposed DMUMP amendments include similar square footage thresholds for health/fitness studios and commercial recreation).
- **Body art/piercing:** restrictions in the DMUMP would be deleted.
- **Alcoholic beverage sales:** would be permitted when accessory to tasting, microbrewery, neighborhood market. As primary use (bottle shop, liquor store), a use permit would be required in the General Commercial District (matching existing downtown regulations).
- **Temporary relief of noise regulations (hours only):** would be granted until 12:30 a.m. on January 1 and July 4 of each year in the Town Core Zone.
- **Bars, taverns / drinking establishments:** the 9 pm threshold for permitted use would be extended to 10 pm. A use permit would be required for operations after 10 pm.
- **Nightclubs:** would be separately defined and not permitted. (please note: outdoor entertainment is separate and would not be affected by this change.)
- **Restaurants:** would no longer be required to obtain a use permit for full alcoholic beverage service (this current regulation applies outside of the downtown only). Take-out service restrictions and separate regulation would be deleted.
- **Live entertainment:** would become a permitted use in the Mixed Use-Infill, General Commercial and Waterfront Commercial districts when located indoors and accessory to an eating or drinking establishment.
- **Mobile food vending:** regulations would be updated to remove the mobile food vending permit, clarify regulations, and remove the parking requirement.
- **Health/fitness facilities:** would be a permitted use in all commercial districts, mixed use districts, and Town Core Zone. Would be a permitted use in the Limited Industrial District and would require a use permit within geographic parameters in the General Industrial District.
- **Commercial recreation:** would be a permitted use in the General Commercial and Mixed Use-Infill Districts and Town Core Zone; would be a conditional use in the Community Commercial District. In the Limited Industrial District, would be conditionally permitted for single-tenant indoor sports training, archery and shooting galleries within geographic parameters. Game center regulations would be deleted.
- **Sports and entertainment assembly:** would be conditionally permitted only in the General Commercial, Public and Semipublic and Open Space Districts.

- **Department Name:** The Community Development Department would be renamed Development Services Department. This change has already been previewed in the two-year budget for FY2026-2027.

### *Proposed Amendments*

Proposed amendments to the BMC are depicted in markup in Exhibit A, and proposed amendments to the DMUMP are depicted in Exhibit B of Attachment 1. Public review drafts without no mark up (“clean copy”) can be viewed at [www.ci.benicia.ca.us/streamlining](http://www.ci.benicia.ca.us/streamlining).

#### 1. Department and Director Name

- a. Change the name of the Planning Department and the Community Development Department to “Development Services Department”.
- b. Change the name of the department director from Community Development Director to “Development Services Director”.
- c. Make corresponding changes to all other references within the Benicia Municipal Code and DMUMP.

#### 2. Definitions and Use Classifications

- a. Amend the Definitions of Title 17 BMC to simplify the meaning of “Live Entertainment”, to strike the definition of “Formula Business”, to relocate “Convenience Market” to Use Classifications, and to modify the definition of “Home occupations” for clarity and alignment with proposed updates (See 8.a below).
- b. Amend Use Classifications of Title 17 BMC to
  - i. Make minor updates to use classifications for “Day care center”, “Eating and Drinking Establishments - With full alcoholic beverage service”, “Eating and Drinking Establishments – Mobile Food Vending”, and “Accessory Uses and Structures”.
  - ii. Update/narrow the use classification of “Commercial Recreation” and establish new use classifications for “Health/Fitness Facilities” and “Sports and Entertainment Assembly”.
  - iii. Move Truck Stop from beneath “Eating and Drinking Establishments” and establish as an independent use classification.
  - iv. Delete sub-classifications for “Eating and Drinking Establishments – with Take Out Service” and “Eating and Drinking Establishments – Limited”
  - v. Add sub-classification of “Eating and Drinking Establishments – Night Club”.
  - vi. Modify “Food and Beverage Sales” to incorporate the relocated definition of “Convenience Market” and to add a sub-classification of “Alcoholic Beverage Sales – Off Premise.”
- c. Amend the DMUMP Glossary to:
  - i. Update “Alcoholic Beverage Sales – Off premise” to exclude sales conducted as part of a beverage tasting facility, microbrewery, neighborhood market or similar.

- ii. Change “Bar, Tavern, Night Club” to “Bar, Tavern, Tasting Facility” and make a minor clarifying update.
- iii. Move Night Club from beneath “Bar, Tavern, Night Club” to establish an independent use type. Clarify that this use type does not include Outdoor Entertainment.
- iv. Align the definition of “Commercial Recreation Facility, Indoor” to match changes made to the BMC Use Classification.
- v. Align the definition of “Health/Fitness Facility” to match changes made to the BMC Use Classification.
- vi. Modify the definition of “Home Occupations” to clarify and align with proposed updates

### 3. Residential Districts (BMC)

- a. Day Care Center - change from conditional to permitted use in all residential districts.
  - i. In the Single Family (RS) and Medium Density (RM) Residential Districts, day care center would be a permitted use only when operated on the grounds and within the facilities of a duly permitted religious assembly or school.
- b. Eliminate additional regulation for “Family Day Care, Large” which is inconsistent with State law.
- c. Move certain development standards to Section 17.24.030 so that they are more consistently referenced.
- d. Re-organize “Additional Use Regulations” for sequence and formatting, update use table accordingly.

### 4. Mixed Use Districts (BMC)

- a. Eating and Drinking Establishments (Mixed Use-Infill (MU-I) Only):
  - i. For bar (“drinking establishment”) not associated with a restaurant, change use permit threshold from 9 pm to 10 pm (i.e., use permit required for operation after 10 pm and before 7 am).
  - ii. Add Live Entertainment as a permitted use subject to location (indoors only) and hours (between 11 am to 10 pm).
  - iii. Delete Take-Out Service and Formula Business.
- b. Change Commercial Recreation and Entertainment, Indoor from a conditional use (i.e., use permit required) to a permitted use in MU-I.
- c. Health/Fitness Facility:
  - i. Add as a permitted use in MU-I.
  - ii. Add as a permitted use in the Mixed Use-Limited District (MU-L) during standard hours. A use permit would be required to operate prior to 7 am on weekdays/Saturday or prior to 8 am on Sunday).
- d. Add accessory use classifications and associated Code references to match other Chapters for consistency.
- e. Re-organize and update “Additional Use Regulations” and “Other Uses” for sequence, formatting and internal consistency with Zoning Ordinance, update use table accordingly.

## 5. Commercial Districts (BMC)

- a. Delete regulation of formula businesses from “Purposes” statement of Chapter.
- b. Day Care Center:
  - i. Change from conditional to permitted use in Community Commercial (CC) District with an additional regulation requiring a dedicated drop-off and pick-up area.
- c. Commercial Recreation, Indoor:
  - i. Change from conditional to not permitted in Office Commercial (CO) and Waterfront Commercial (CW) Districts.
  - ii. Change from conditional to permitted use in General Commercial (CG) District.
  - iii. Delete sub-regulation for card room, game center, billiard parlor and associated cross references.
- d. Eating and Drinking Establishments:
  - i. With Full Alcoholic Beverage Service – add additional regulation for drinking establishment that mirrors MU-I District (use permit required for operation between 10 pm and 7 am).
  - ii. With Live Entertainment – add additional regulation similar to MU-I (indoors only; use permit is required for live entertainment between 10 pm and 11 am).
  - iii. Delete Take-Out Service, Formula Business and Limited.
  - iv. Relocate Truck Stop to its own use classification within the table, in alphabetical order.
- e. Food and Beverage Sales:
  - i. Add Alcoholic Beverage Sales – Off-premise as a conditional use (use permit required) in CG District Only.
  - ii. Add Convenience Market as a conditional use in CC, CO and CW Districts, matching existing regulations.
- f. Health and Fitness Facility – add as a permitted use in CC, CO and CG Districts.
  - i. In the CC District, mirror requirement of MU-L District that would require a use permit to operate prior to 7 am on weekdays/Saturday or prior to 8 am on Sunday).
- g. Sports and Entertainment, Assembly:
  - i. Add as a conditional use in the CG District only.
- h. Re-organize and update “Additional Use Regulations” and “Other Uses” for sequence, formatting and internal consistency with Zoning Ordinance, update use table accordingly.

## 6. Industrial Districts (BMC)

- a. Commercial Recreation, Indoor:
  - i. Remove as a permitted or conditional use in General Industrial (IG), Waterfront Industrial (IW) and Industrial Park (IP) Districts.

- ii. Change to a conditional use in Limited Industrial (IL) District, subject to limitation on use (only indoor sports training and practice, archery and shooting galleries), building type (standalone facility) and location (along Bayshore Road or East Second Street between Stone Road and Wanger Street).
    - iii. Delete sub-regulation for game center and associated cross references.
  - b. Eating and Drinking Establishments
    - i. With Full Alcoholic Beverage Service – change to permitted use in all Industrial Districts, with the limitation that it is permitted only as part of an eating establishment. Drinking establishments are not permitted.
    - ii. Delete Take-Out Service and Limited.
  - c. Health and Fitness Facility:
    - i. Add as a conditional use in IL and IG Districts, subject to a limitation of ≤ 5,500 square feet floor area.
    - ii. In the IG District, health/fitness facilities would be conditionally permitted only on parcels fronting along East Second Street between Industrial Way and Stone Road.
  - d. Re-organize and update “Additional Use Regulations” for sequence, formatting and internal consistency with Zoning Ordinance, update use table accordingly.
- 7. Open Space (OS) and Public and Semipublic (PS) Districts (BMC)
  - a. Day Care Center
    - i. In OS District, change from conditional to permitted use with streamlined language on Additional Use Regulations to mirror Residential Districts.
    - ii. In PS District, change from conditional to permitted use only when operated within existing facilities of a religious assembly, school, park and recreation facility or club and lodge.
  - b. Commercial Recreation, Indoor:
    - i. Maintain existing regulation in OS District.
    - ii. Delete as conditional use in PS District.
  - c. Eating and Drinking Establishments:
    - i. In OS District, delete Take Out Service and additional regulation allowing only “limited” service.
  - d. Sports and Entertainment Assembly:
    - i. Add as conditional use in OS District.
    - ii. Add as conditional use in PS District.
  - e. Re-organize and update “Additional Use Regulations” and “Other Uses” for sequence, formatting and internal consistency with Zoning Ordinance, update use tables accordingly.
- 8. General Regulations (BMC)
  - a. Home Occupations (section 17.70.070):
    - i. Change name of section to Home-based businesses.



- ii. Repeal/replace regulations, eliminating permit requirement and updating conditions of operation and permitted business types.
  - b. Delete Section 17.70.090, Eating and drinking establishments with take-out service.
  - c. Update Section 17.70.100 Live entertainment to align with substantive changes in Definitions and use regulations.
  - d. Delete Section 17.70.290 Game centers.
  - e. Delete Section 17.70.350 Formula businesses.
  - f. Mobile Food Vending (section 17.70.380):
    - i. Delete mobile food vending application and permit requirements.
    - ii. Clarify and simplify location requirements to more specifically address parking, entrances, driveways, fire lanes and visibility (sight distance).
    - iii. Make minor revisions to eliminate redundancy and ensure internal consistency.
9. Downtown Zones (DMUMP)
- a. Commercial recreation facility: Indoor:
    - i. In Town Core (TC) Zone, change from minor use permit (staff level public hearing) to permitted use below 1,500 square feet floor area.
    - ii. In TC Zone, change from use permit (commission level public hearing) to minor use permit at or above 1,500 square feet floor area.
  - b. Health/fitness facility
    - i. In TC Zone, match to thresholds of Commercial recreation facility, Indoor (permitted use up to 1,500 square feet; minor use permit at or above 1,500 square feet of floor area).
  - c. Studio: art, dance, martial arts, music, etc.:
    - i. In TC Zone add as conditional use (minor use permit) at or above 1,500 square feet floor area.
  - d. Alcoholic Beverage Sales – Off-Premise
    - i. In TC Zone and Town Core Open (TC-O) Zone, reorganize within use table as a standalone use type (currently, listed as a sub-classification of General Retail).
  - e. Bar, tavern, night club:
    - i. Strike “night club” from the land use type and add “beverage tasting”.
    - ii. Change the Use Permit threshold from 9 pm to 10 pm (i.e., use permit required for operation after 10 pm and before 7 am).
    - iii. Add use regulation note “B” clarifying applicability of Noise Regulations which require a use permit from amplification after certain hours except that temporary relief would be granted until 12:30 a.m. on July 4 and New Year’s Day (January 1) of each year.
  - f. Night club:
    - i. In TC Zone, add to use table with note NA, indicating that the use is not permitted.
  - g. Personal Service:
    - i. In TC zone, delete end note 3 which requires a use permit and limits body art and piercing.

- h. Home Occupation:
  - i. Change to “Home-based business” in TC, TC-O, Neighborhood General (NG) and Neighborhood General-Open (NG-O) Zones
- i. Commercial Hours of Operation:
  - i. Change Specific Use Regulations in Tables 4.2, 4.3 and 4.4 for the TC-O, NG and NG-O Zones to change the use permit threshold for certain retail and service businesses from 7 pm to 8 pm (i.e., a minor use permit is required to operate between the hours from 8 pm to 8 am).
- j. Day care center: Large family:
  - i. Delete Use Regulation that is inconsistent with State law in TC, TC-O, NG and NG-O Zones.
- k. Make minor clarifying changes to Tables 4.1, 4.2, 4.3 and 4.4 for the DMUMP zones to ensure clarity and consistency and eliminate redundancy.

#### *Solano Airport Land Use Commission*

Pursuant to the Public Utilities Code (PUC) Section 21676, any local agency whose general plan includes areas covered by an airport land use compatibility plan shall refer a proposed zoning ordinance or building regulation to the airport land use commission for review. The airport land use commission shall determine whether the proposal is consistent with the adopted airport land use compatibility plan. Benicia falls within the jurisdiction of the Travis Air Force Base Airport Land Use Compatibility Plan; therefore, proposed zoning amendments must be reviewed by the Solano County Airport Land Use Commission (ALUC).

The proposed amendments were heard by the ALUC on May 8, 2025. The ALUC determined that the proposed amendments are consistent with the Travis Air Force Base Airport Land Use Plan.

#### **California Environmental Quality Act**

This project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations; the proposed amendments constitute minor changes to streamline existing regulations and processes, and on their own do not have the potential to result in significant environmental impacts.

#### **Public Noticing**

Public notice was published in the Benicia Herald and posted at City Hall on June 4, 2025.

#### **Next Steps**

##### *City Council Hearings*

Adoption of an ordinance amending the Benicia Municipal Code, Zoning Ordinance



requires a noticed public hearing and recommendation of the Planning Commission pursuant to Government Code Section 65854 and 65855. The Planning Commission's recommendation will be presented to City Council, and they must conduct two readings on the proposed ordinance. If adopted at the second reading, the ordinance would become effective 30 days later.

The Downtown Mixed Use Master Plan may be amended by resolution. The proposed resolution will be presented concurrently with the Municipal Code amendments as a single agenda item, but does not require a second reading.

This item is scheduled to be heard by the City Council in July/August 2025.

**Attachments:**

1. Draft Resolution with Exhibits
  - Exhibit A – Draft Ordinance amending the Benicia Municipal Code
  - Exhibit B – Draft Resolution amending the Downtown Mixed Use Master Plan
2. Zoning Map

*For more information contact: Suzanne Thorsen, Assistant City Manager*

*Phone: 707.746.4280*

*E-mail: [sthorsen@ci.benicia.ca.us](mailto:sthorsen@ci.benicia.ca.us)*

## **RESOLUTION NO. 25- 2**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE AND ADOPT A RESOLUTION AMENDING CHAPTER 4 (FORM BASED CODE) OF THE DOWNTOWN MIXED USE MASTER PLAN TO CLARIFY, UPDATE AND STREAMLINE COMMERCIAL USE REGULATIONS**

**WHEREAS**, certain current commercial regulations impede business attraction, establishment and expansion due to permit and discretionary hearing requirements; and

**WHEREAS**, the City of Benicia recognizes the need to update regulations within its Benicia Municipal Code (BMC) and Downtown Mixed Use Master Plan (DMUMP) to facilitate effective administration of its regulations and support the attraction, establishment and expansion to meet the community's needs; and

**WHEREAS**, Goal 3 of the City of Benicia Resiliency Plan is to expand economic development; and

**WHEREAS**, certain clean-up amendments for clarity and consistency within the are prudent for its effective administration; and

**WHEREAS**, the Economic Development Board conducted a study session discussion of conceptual zoning changes, accepted public comment, and provided feedback on September 25, 2024; and

**WHEREAS**, the City Council accepted public comment and provided direction concerning the proposed amendments on October 15, 2024; and

**WHEREAS**, the Planning Commission and Economic Development Board conducted a study session and accepted public comment on March 27, 2025; and

**WHEREAS**, the Planning Commission finds that the aforementioned amendments to the DMUMP would implement the City's objectives for economic resiliency; and

**WHEREAS**, pursuant to Benicia Municipal Code (BMC) section 17.120.40 (Public hearing scope and notice) and California Government Code Section 65091 (Notification Procedures), notice of the public hearing for the proposed amendments was duly published in the Benicia Herald, a newspaper of general circulation, and displayed at City Hall on June 4, 2025; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Benicia does hereby find that the proposed amendments to the DMUMP are consistent

with the purposes of the Plan, and the following goals and programs of the Benicia General Plan:

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life. These amendments further Goal 2.5 because it broadens the potential land uses in a way that could encourage new development that is compatible with the existing community.
- Goal 2.12: Strengthen the Downtown as the City's central commercial zone.
- Goal 2.13: Support the viability of existing commercial centers.

**BE IT FURTHER RESOLVED**, that the Planning Commission of the City of Benicia does hereby recommend that the City Council find this project to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations; the proposed amendments constitute minor changes to streamline existing regulations and processes, and on their own do not have the potential to result in significant environmental impacts

**BE IT FURTHER RESOLVED**, that the Planning Commission of the City of Benicia does hereby recommend that the City Council adopt the ordinance amending the BMC (Exhibit A) and resolution amending the DMUMP (Exhibit B), attached hereto and incorporated herein by reference.

\*\*\*\*\*

On motion of Commissioner Catton, seconded by Commissioner Lyle, the above Resolution is introduced and passed by the Planning Commission of the City of Benicia at a regular meeting of the Commission held on the 26<sup>th</sup> day of June 2025 and adopted by the following vote:

Ayes: Commissioners Catton, Gilpin-Hayes, Gorman, Lyle, Marshall and Vice Chair Slate

Noes: None

Absent: None

Abstain: None

Signed by:  


889640AFC3144C2...

Jarrold Slate, Vice-Chair

6/27/2025

Date

## CITY OF BENICIA

### ORDINANCE NO. 25-\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 2.32 (PLANNING DEPARTMENT) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) AND ALL REFERENCES WITHIN THE BENICIA MUNICIPAL CODE AND PERSONNEL CLASSIFICATION PLAN TO CHANGE THE NAME OF THE PLANNING DEPARTMENT TO THE DEVELOPMENT SERVICES DEPARTMENT AND TO CHANGE THE TITLE OF COMMUNITY DEVELOPMENT DIRECTOR TO DEVELOPMENT SERVICES DIRECTOR, AND AMENDING CHAPTERS 17.12 (DEFINITIONS), 17.16 (USE CLASSIFICATIONS), 17.24 (RESIDENTIAL DISTRICTS), 17.26 (MIXED USE DISTRICTS), 17.28 (COMMERCIAL DISTRICTS), 17.32 (INDUSTRIAL DISTRICTS), 17.36 (OS OPEN SPACE DISTRICT), 17.40 (PS PUBLIC AND SEMIPUBLIC DISTRICT) AND 17.70 (GENERAL REGULATIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO CLARIFY, UPDATE AND STREAMLINE COMMERCIAL REGULATIONS**

**WHEREAS**, the Community Development Department is also called the Planning Department pursuant to Chapter 2 (Administration and Enforcement) of the Benicia Municipal Code; and

**WHEREAS**, the Department's name does not clearly articulate its purpose to the general public and is easily confused with that of the Community Services Department; and

**WHEREAS**, Goal 3 of the City of Benicia Resiliency Plan is to expand economic development; and

**WHEREAS**, certain current commercial regulations impede business attraction, establishment and expansion due to permit and discretionary hearing requirements; and

**WHEREAS**, the City of Benicia recognizes the need to update regulations within its Zoning Ordinance to facilitate effective administration of its regulations and support the attraction, establishment and expansion to meet the community's needs; and

**WHEREAS**, certain clean-up amendments are warranted to improve internal consistency within the Benicia Municipal Code and to promote clarity for all users; and

**WHEREAS**, the Economic Development Board conducted a study session discussion of conceptual zoning changes, accepted public comment, and provided feedback on September 25, 2024; and

**WHEREAS**, the City Council accepted public comment and provided direction concerning the proposed amendments on October 15, 2024; and

## EXHIBIT A

**WHEREAS**, the Planning Commission and Economic Development Board conducted a study session and accepted public comment on March 27, 2025; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing at a regular meeting on \_\_\_\_\_, 2025, and recommended \_\_\_\_\_ of the Zoning Ordinance amending Chapters of the BMC Title 17; and

**WHEREAS**, the City Council finds that amendments to the aforementioned zoning regulations would implement the City's objectives for economic resiliency; and

**WHEREAS**, pursuant to Benicia Municipal Code (BMC) section 17.120.40(Public hearing scope and notice) and California Government Code Section 65091 (Notification Procedures), notice of the public hearing for the proposed amendments was duly published in the Benicia Herald, a newspaper of general circulation, and displayed at City Hall on **DATE**; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the City Council find this project to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations; the proposed zoning amendments constitute minor changes to streamline existing regulations and processes, and on their own do not have the potential to result in significant environmental impacts; and

**WHEREAS**, it is clarified that while the text amendments themselves are deemed to be categorically exempt from further CEQA review, new projects or developments regulated with the updated amendments may still be subject to CEQA review on a case-by-case basis to ensure that any significant environmental impacts are adequately addressed; and

**WHEREAS**, the City Council of the City of Benicia conducted a duly and properly noticed public hearing to take public testimony and consider this Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Benicia does hereby find that the proposed zoning text amendments are consistent with the purposes of Titles 2 and 17, and the following goals and programs of the Benicia General Plan:

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life. These amendments further Goal 2.5 because it broadens the potential land uses in a way that could encourage new development that is compatible with the existing community.
- Goal 2.13: Support the viability of existing commercial centers.

## **THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN AS FOLLOWS:**

### **Section 1.**

Chapter 2.32 (Planning Department) of Title 2 (Administration and Personnel) of The Benicia Municipal Code is hereby renamed Development Services Department.

### **Section 2.**

Section 2.32.101 (Creation – Director) of Chapter 2.32 (Planning Department) of Title 2 (Administration and Personnel) of the Benicia Municipal Code is hereby amended as follows:

#### **2.32.010 Creation – Director.**

There is in the city government a department known as the ~~planning development services~~ department. The administrative officer of the department is the ~~community development development services~~ director.

### **Section 3**

All references to the “planning department” or “community development department” within the Benicia Municipal Code or City of Benicia personnel classification plan, as established in Ordinance No. 75-16 and subsequently amended, shall be stricken and replaced with “development services department” including but not limited to such references as may be contained in Title 2 (Administration and Personnel), Title 5 (Business Taxes, Licenses and Regulations), Title 6 (Animal Control Regulations), Title 12 (Streets, Sidewalks and Public Places), Title 15 (Buildings and Construction), Title 16 (Subdivisions), Title 17 (Zoning), and Title 18 (Signs).

### **Section 4**

All references to “community development director” within the Benicia Municipal Code or personnel classification plan, as established in Ordinance No. 75-16 and subsequently amended, shall be stricken and replaced with “development services director” including but not limited to such references as may be contained in Title 1 (General Provisions), Title 2 (Administration and Personnel), Title 3 (Revenue and Finance), Title 5 (Business Taxes, Licenses and Regulations), Title 6 (Animal Control Regulations), Title 12 (Streets, Sidewalks and Public Places), Title 16 (Subdivisions), Title 17 (Zoning), and Title 18 (Signs).

### **Section 5.**

Section 17.12.030 (Definitions) of Chapter 17.12 (Definitions) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to delete the definitions of “Convenience market” and “Formula business”, and to amend the definitions of “Entertainment Live” and “Home occupations” as follows:

~~“Convenience market” means retail sales of food, beverages and small convenience items primarily for off premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This definition excludes delicatessens and other specialty food shops and establishments having a sizeable assortment of fresh fruits and vegetables, and fresh cut meat.~~

~~“Entertainment, live” means regulations pertaining to live entertainment in this chapter apply to the following activities where they such as comedy, musical or theatrical performances by one or more persons which~~ occur on a scheduled basis three or more days during a calendar year on the site of a use other than a public or semipublic use.;

~~A. A comedy act, musical, theatrical, or dance recital performed by one or more persons, regardless of whether performers are compensated;~~

~~B. Any form of dancing by patrons or guests at a business establishment;~~

~~C. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing.~~

~~“Formula business” means an eating and drinking establishment that maintains any of the following features in common with more than four other establishments in the nine Bay Area counties: standardized array of services and/or merchandise, trademark, logo, service mark, symbol, sign, decor, uniform, menu, or other similar standardized feature.~~

~~“Home-based business occupations” means occupations an office or commercial business conducted in a dwelling unit, garage, or accessory building that are is incidental to the principal residential use of the lot or site. It does not include cottage food operations defined separately herein.~~

## **Section 6.**

Section 17.16.040 (Public and semipublic use classifications) of Chapter 17.16 (Use Classifications of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the use classification for “Day care center” as follows:

“Day care center” means a state-licensed child day care facility other than a family day care home that provides nonmedical care to children under 18 years of age on a less than 24-hour basis, and includes infant centers, nursery schools, preschools, extended day care facilities, and school age child care centers.

## **Section 7.**

Section 17.16.050 (Commercial use classifications) of Chapter 17.16 (Use Classifications of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to delete the use classifications of “Eating and Drinking Establishments with Take-Out Service” (L.4), “Eating and Drinking Establishments – Limited” (L.4.b), “Eating and Drinking Establishments – Truck Stop” (L.5), “Commercial Recreation and Entertainment – Card room, game center, billiard parlor” (I.1) and Commercial



Recreation and Entertainment – Limited (I.2); to modify the use classifications for “Commercial Recreation and Entertainment” (I), “Eating and Drinking Establishments with full alcoholic beverage service” (L.2), “Eating and Drinking Establishments – Mobile Food Vending”; to add sub-use classifications for “Eating and Drinking Establishments -Night club” (L.6), “Food and Beverage Sales – Alcoholic Beverage Sales - Off-premise” (M.1), “Food and Beverage Sales – Convenience Market” (M.2); and to add use classifications for “Health/Fitness Facilities”, “Sports and Entertainment, Assembly” and “Truck Stop” in alphabetical order and re-letter all sections accordingly as follows:

I. Commercial Recreation and Entertainment, Indoor. ~~Provision of participant or spectator Facilities providing indoor amusement, recreation or entertainment for a fee or admission charge.~~ This classification includes theaters, ~~sports stadiums and arenas, amusement parks,~~ bowling alleys, billiard parlors, ice/roller skating rinks, play centers, game arcades (video games, pinball, etc.), indoor sports practice and training (e.g., batting cages), golf courses, miniature golf courses, scale model courses, indoor archery or shooting galleries, ~~tennis/racquetball courts, health/fitness clubs, pinball arcades or electronic games centers having three or more coin-operated game machines, card rooms, subject to the regulation of Chapter 5.08 BMC, and facilities used exclusively for bingo games, as regulated by Chapter 5.12 BMC.~~ This use classification does not include adult businesses, nor any establishment engaged in gambling or betting.

~~1. Card room, game center, billiard parlor.~~

~~2. Limited. Indoor movie theaters and performing arts theaters.~~

L. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises, not including cannabis or cannabis products.

1. With Wine and Beer Service. Alcoholic beverages served are limited to wine and beer.

2. With full alcoholic beverage service. Alcoholic beverages served include distilled spirits.

3. With Live Entertainment. Establishments offering live entertainment, as defined in Chapter 17.12 BMC (Definitions).

~~4. With Take-Out Service. Establishments at which 20 percent or more of the transactions are sales for off-site consumption, and which serve or deliver prepared food to persons in vehicles or have more than two work stations at which employees package or service prepared food and receive payment.~~

A4. Drive-Up. Service from a building to persons in vehicles through an outdoor service window.

~~5. Limited. Establishments that do not serve persons in vehicles.~~

~~6. Truck Stop. A facility geared primarily to providing services for truckers, including on-site fueling, repair and servicing of freight trucks; restaurant facilities; restrooms; towing services; overnight accommodations and related services.~~

65. Mobile Food Vending. The sale of ready-to-consume prepared foods from vehicles ~~located on private property or approved public property~~ on a semi-permanent basis during hours of operation. ~~Vehicular~~ Mobile food vending generally has the following characteristics:

- a. Food and beverages are ordered and served from a take-out counter that is integral to the vehicle;
- b. Food and beverages are paid for prior to consumption;
- c. Food and beverages are served in disposable wrappers, plates or containers; and
- d. Food and beverages are prepared and sold for primarily off-site consumption with limited on-site consumption.

6. Night Club. A facility serving alcoholic beverages for on-site consumption and providing live entertainment, examples of which include live music and/or dancing, comedy, etc. after 10:00 p.m. one or more nights per week. Does not include adult oriented businesses.

M. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption, not including cannabis or cannabis products. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as “catering services” or “eating and drinking establishments.”

1. Alcoholic Beverage Sales – Off-premise. The retail sale of beer, wine, and/or spirits in sealed containers for off-premise consumption as a primary business activity. Does not include alcohol sales that are conducted on a temporary basis pursuant to a day license or equivalent permit from the California Department of Alcoholic Beverage Control, nor sales that are accessory to and part of a beverage tasting facility, microbrewery, market or similar use.
2. “Convenience market.” means The retail sales of food, beverages and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This definition excludes delicatessens and other specialty food shops and establishments having a sizeable assortment of fresh fruits and vegetables, and fresh cut meat.

Health/Fitness Facilities. Establishments primarily engaged in providing physical fitness services, exercise equipment, and related activities for the improvement or maintenance of physical health and well-being. This classification includes gyms, health clubs, yoga studios, and similar establishments offering exercise classes, personal training, cardiovascular equipment, weight training equipment, and other fitness-related services.

Sports and Entertainment, Assembly. A facility that provides for indoor or outdoor spectator-oriented sports including sports stadiums, arenas, or tournament facilities; and outdoor amusement facilities such as amusement parks, mini-golf, etc.

Truck Stop. A facility geared primarily to providing services for truckers, including on-site fueling, repair and servicing of freight trucks; restaurant facilities; restrooms; towing services; overnight accommodations and related services.

## **Section 8.**

Section 17.16.050 (Accessory use classifications) of Chapter 17.16 (Use Classifications of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the use classification for Accessory Uses and Structures as follows:

- A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units, home-~~based businesses~~ ~~occupations~~, and construction trailers.

## **Section 9.**

Section 17.24.020 (RS, RM, RH and HZ districts – Land use regulations) of Chapter 17.24 (Residential Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

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

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

	RS	RM	RH	HZ	Additional Regulations
<b>Residential</b>					(A)(B)(C)(N)
Family Day Care, Large	P	P	P	P	(P)
Family Day Care, Small	P	P	P	P	
Group Residential	–	U	U	U	(D)(E) L-1
Multifamily Residential	–	P	P	P	(E) L-1

### RS, RM, RH and HZ Districts: Land Use Regulations

- P - Permitted  
U - Use Permit  
L - Limited (See "Additional Use Regulations")  
- - Not Permitted

	RS	RM	RH	HZ	Additional Regulations
Residential Care, Limited	P	P	P	P	<u>L-1</u>
Single-Family Residential	P	P	P	-	<del>(M)</del> <u>L-1</u>
Supportive Housing	P	P	P	P	<u>L-1</u>
Transitional Housing	P	P	P	P	<u>L-1</u>
<b>Commercial Uses</b>					
Conference and Meeting Facilities	U	U	U	-	
Eating and Drinking Establishments	-	-	-	P	<del>(S)</del> <u>L-2</u>
Food and Beverage Sales	-	-	-	P	<del>(S)</del> <u>L-2</u>
Horticulture, Limited	<del>L1</del> <u>U</u>	<del>L1</del> <u>U</u>	<del>L1</del> <u>U</u>	<del>L1</del> <u>U</u>	<del>(Q)</del> <u>L-1</u> <u>L-3</u>
Personal Services	-	-	-	P	<del>(S)</del> <u>L-2</u>
<b>Public and Semipublic</b>					
Adult Day Health Care	U	U	U	U	
Bed and Breakfast Inns	<del>L3</del> <u>U</u>	<del>L3</del> <u>U</u>	<del>L3</del> <u>U</u>	-	<u>L-3</u> <u>L-4</u>
Clubs and Lodges	<del>L6</del> <u>U</u>	U	U	U	<u>L-5</u>
Convalescent Facilities	-	U	U	U	
Cultural Institutions	-	U	U	U	
Day Care Center	<del>U</del> <u>P</u>	<del>U</del> <u>P</u>	<u>P</u>	P	<del>(S)</del> <u>L-2</u> , <u>L-6</u>
Emergency Shelter	-	<del>L4</del> <u>P</u>	-	-	<u>L-4</u> (B)
Park and Recreation Facilities	<del>L2</del> <u>P</u>	<del>L2</del> <u>P</u>	<del>L2</del> <u>P</u>	<del>L2</del> <u>P</u>	<u>L-2</u> (F) <u>L-7</u>
Public Safety Facilities	U	U	U	U	
Religious Assembly	U	U	U	U	<del>(O)</del>
Residential Care, General	P	P	P	P	
Schools, Public or Private	U	U	U	-	
Utilities, Major	=	=	=	=	

### RS, RM, RH and HZ Districts: Land Use Regulations

- P - Permitted
- U - Use Permit
- L - Limited (See "Additional Use Regulations")
- - Not Permitted

	RS	RM	RH	HZ	Additional Regulations
Waste Facility	-	-	-	-	
Utilities, Minor	P	P	P	P	
<del>Visitor Accommodation</del>	-	-	-	-	<del>(E)</del>
<b>Accessory Uses</b>	P/U	P/U	P/U	P/U	<del>(A)(G)(H)(I)(J)(K)(Q)</del>
<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<del>(H)</del> (C)
<u>Cottage Food Operations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<del>(G)</del> (D)
Donation and Collection Bins	<u>P-15</u>	<u>P-15</u>	<u>P-15</u>	<u>P-15</u>	<u>L-5</u> (R) L-8, (E)
<u>Home-Based Businesses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<del>(G)</del> (D)
<u>Short-Term Rentals</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<del>(E)</del> (F)
<b>Temporary Uses</b>					
Commercial Filming, Limited	P	P	P	P	
Personal Property Sales	P	P	P	P	
Street Fairs	U	U	U	U	
<b>Nonconforming</b>	=	=	=	=	<del>(N)</del> (G)
<b>Other Uses</b>					
Cultivation of Cannabis for Personal Use, Indoors or Outdoors ( <u>Residential Cultivation of Cannabis</u> )	P	P	P	P	<del>(Q)</del> (H)

### RS, RM, and RH Districts: Additional Use Regulations

L-1 Residential use shall be allowed by right for housing development projects on vacant sites designated in two consecutive prior housing elements and nonvacant sites designated in one prior housing element, as described in Chapter III, Sites Inventory, and shown in Appendix D, Table A of the housing element, pursuant to Government Code Section 65583.2(i) where at least 20 percent of units are provided as affordable to extremely low-, very low- or low-income households.

L-2 In the HZ district, Uses are permitted on the ground floor of multifamily residential buildings when not exceeding 20 percent of gross floor area.

L-43 Use permit required, and no on-site retail sales permitted. Shall not include cannabis cultivation.

L-34 ~~Community development~~ Development services director use permit required.

~~L-4 See BMC 17.70.390, Emergency shelter.~~

L-65 In the RS district, ~~O~~only youth centers may be permitted with approval of a use permit, if operated by a public or non-profit organization and located within a half-mile of a secondary school.

L-6 In the RS and RM districts, a day care center is a permitted use only when operated on the grounds within the facilities of a duly permitted religious assembly or school.

L-27 Limited to facilities on sites of fewer than two acres. Use permit required for private noncommercial facilities, including swim clubs and tennis clubs.

L-58 Only permitted when accessory to a duly permitted club, lodge, cultural institution, religious assembly or school.

(A) See BMC 17.70.300, Animals.

(B) See BMC 17.70.390, Emergency shelter.

(C) See BMC 17.70.060, Accessory dwelling units.

(D) See BMC 17.70.370, Cottage food operations, and BMC 17.70.070, Home occupations based businesses.

(E) See BMC 17.70.410, Donation and collection bins.

(F) See BMC 17.70.450, Short-term rentals.

(G) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(H) See Chapter 17.84 BMC, Cannabis.

~~(A) See BMC 17.70.020, Relocated buildings (use permit required).~~

~~(B) Residential use shall be allowed by right for housing development projects on vacant sites designated in two consecutive prior housing elements and nonvacant sites designated in one prior housing element, as described in Chapter III, Sites Inventory, and shown in Appendix D, Table A of the housing element, pursuant to Government Code Section 65583.2(i) where at least 20 percent of units are provided as affordable to extremely low-, very low- or low-income households.~~

~~(C) Approval of a use permit shall require a finding that (1) the proposed use will have no significant unmitigated environmental impacts; and (2) the building design is compatible with surrounding buildings.~~

- ~~(D) Design review shall be required; see Chapter 17.108 BMC.~~
- ~~(E) For visitor accommodations accessory to a dwelling unit, see BMC 17.70.450, Short-term rentals.~~
- ~~(F) Limited to facilities on sites of fewer than two acres.~~
- ~~(G) See BMC 17.70.370, Cottage food operations, and BMC 17.70.070, Home occupations.~~
- ~~(H) See BMC 17.70.050, Nonresidential accessory structures, and BMC 17.70.060, Accessory dwelling units.~~
- ~~(I) See BMC 17.74.190, Driveways and carports — Design and location in R districts.~~
- ~~(J) See BMC 17.70.080, Swimming pools and hot tubs.~~
- ~~(K) See Chapter 17.104 BMC, Use Permits and Variances.~~
- ~~(L) See BMC 17.70.280, Manufactured homes.~~
- ~~(M) See BMC 17.70.300, Animals.~~
- ~~(N) See Chapter 17.98 BMC, Nonconforming Uses and Structures.~~
- ~~(O) See BMC 17.70.040, Religious assembly yard requirements.~~
- (P) Community development director shall issue a permit for large family day care homes caring for nine to 14 children, as defined in Chapter 3.4 of the California Health and Safety Code, upon determining that the proposed large family day care complies with the requirements below. If the proposed large family day care will not be able to conform to the following requirements, the community development director shall refer the application to the planning commission for a use permit as provided in Chapter 17.104 BMC, except that the public notification radius shall be reduced to 300 feet:

- ~~(1) — A minimum 300-foot separation is required between all large family day care facilities located on the same street. The separation shall be measured from the closest property lines. For corner properties, the separation shall be measured from the property line of all street frontages.~~
- ~~(2) — No signs, name plates or other advertising shall be affixed to the premises.~~
- ~~(3) — The hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. Monday through Friday.~~
- ~~(4) — The applicant shall maintain a valid state license for a large family day care.~~
- ~~(5) — Noise. The location of the facility, including outdoor play areas, shall be sited to minimize noise impacts on neighboring properties. Noise levels shall comply with the standards identified in the general plan.~~

~~(6) Outdoor Play Areas. Outdoor play areas shall be:~~

- ~~a. Fully enclosed by a natural barrier, wall, solid fence, or other solid structure having a maximum height of six feet; and~~
- ~~b. Physically separated from driveways, streets, and parking.~~

~~(7) Adequate parking shall be provided for employees of the large family day care and for pick-up and drop-off of children at the home in accordance with the following standards:~~

- ~~a. Parking shall comply with BMC 17.74.030, Off-street parking and loading spaces required;~~
- ~~b. Adequate space shall be available for the safe pick-up and delivery of children to the day care home; and~~
- ~~c. Vehicles for all day care employees, visitors, and potential clients associated with the day care shall not block driveway entrances and shall park in a legal parking space along the street.~~

~~The criteria above shall be incorporated as required operational standards for all large family day care homes.~~

~~A permit for a large family day care that is not operated in compliance with these regulations or that is in violation of any law or ordinance in connection with large family day care homes or has a currently suspended or revoked state license, shall be revoked by the community development director after 30 days' written notice unless the large family day care is altered to comply.~~

~~(Q) See Chapter 9.60 BMC, Cannabis Public Safety License, and Chapter 17.84 BMC, Cannabis.~~

~~(R) See BMC 17.70.410, Donation and collection bins.~~

~~(S) Uses are permitted on the ground floor of multifamily residential buildings when not exceeding 20 percent of gross floor area.~~

## **Section 10.**

Section 17.24.030 (RS, RM, RH and HZ districts – Property development regulations) of Chapter 17.24 (Residential Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the property development regulations table and additional regulations as follows:



### RS, RM, RH and HZ Districts: Property Development Regulations

	Districts				Additional Regulations
	RS	RM	RH	HZ	(T)
Site Area per Unit (sq. ft.)	6,000	3,000	2,000	580	
With density bonus for:					
Low- or Moderate-Income Housing	4,800	2,400	1,600	–	(A)
Elderly Housing	–	2,000	1,300	–	(A)
Low-Income Elderly Housing	–	1,500	1,000	–	(A)
Minimum Site Area (sq. ft.)	6,000	6,000	7,500	20,000	(B)(C)(D)
Minimum Site Width (ft.)	60	60	60	60	(R)(S)
Minimum Yards:					<u>(V)</u>
Front (ft.)	20	20	20	10	(E)(F)
Side (ft.)	5	6; 10	6; 10	10	(E)(G)(H)
Corner Side (ft.)	10	15	15	10	(E)
Rear (ft.)	15	15	15	15	(E)(G)
Courts					(I)
Maximum Height (ft.)	30	35	35	72	(J)(K)(U)
Maximum Coverage	40%	45%	50%	75%	
Maximum Nonresidential (FAR)	0.4	0.45	0.5	–	(L)
Open Space					(M)
Minimum Site Landscaping	35%	30%	30%	10%	(N)(O)
Fences and Walls					(P)
Off-Street Parking and Loading					(Q)
Signs	See Chapter <a href="#">17.78</a> BMC				
<u>Relocated Buildings</u>	<u>See BMC 17.70.020, Relocated buildings (use permit required).</u>				
<u>Accessory Structures</u>	<u>See BMC 17.70.050, Nonresidential accessory structures and 17.74.190 Driveways and carports – Design and location in R districts</u>				
<u>Swimming Pools and Hot Tubs</u>	<u>See BMC 17.70.080, Swimming pools and hot tubs.</u>				

### RS, RM, RH and HZ Districts: Property Development Regulations

	Districts				Additional Regulations
	RS	RM	RH	HZ	(T)
Outdoor Facilities	See BMC <a href="#">17.70.200</a> , Outdoor facilities, and BMC <a href="#">17.70.250</a> , Satellite antennas and microwave equipment				
Screening of Mechanical Equipment	See BMC <a href="#">17.70.210</a> and <a href="#">17.70.250</a>				
Refuse Storage Areas	See BMC <a href="#">17.70.220</a>				
Underground Utilities	See BMC <a href="#">17.70.230</a>				
Performance Standards	See BMC <a href="#">17.70.240</a>				
Nonconforming Structures	See Chapter <a href="#">17.98</a> BMC				

### RS, RM, RH and HZ Districts: Additional Development Regulations

(V) [See BMC 17.70.040, Religious assembly yard requirements.](#)

### Section 11.

Table 17.26-1 (MU-I Allowed Uses and Permits Required) of Section 17.26.020 (Mixed use infill (MU-I) district) of Chapter 17.26 (Mixed Use Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

**Table 17.26-1: MU-I Allowed Uses and Permits Required**

Land Use	Permit MU-I	Additional Regulations
<b>Residential Uses</b>		(A)
Family Day Care, Large	<del>L-1</del> P	
Family Day Care, Small	P	<del>L-2</del> L-1
Group Residential	<del>L-2</del> P	<del>L-2</del> L-1
Work/Live Quarters	<del>L-2</del> P	<del>L-2</del> L-1
Multifamily Residential	<del>L-2</del> P	<del>L-2</del> L-1
Residential Care, Limited	<del>L-2</del> P	<del>L-2</del> L-1
Supportive Housing	<del>L-2</del> P	<del>L-2</del> L-1
Transitional Housing	<del>L-2</del> P	<del>L-2</del> L-1
<b>Public and Semipublic Uses</b>		
Adult Day Health Care	U	

**Table 17.26-1: MU-I Allowed Uses and Permits Required**

<b>Land Use</b>	<b>Permit MU-I</b>	<b>Additional Regulations</b>
Clubs and Lodges	<del>L-2</del> P	<del>L-2</del> L-1
Convalescent Facilities	<del>L-2</del> P	<del>L-2</del> L-1
Cultural Institutions	P	
Day Care Center	U	
Emergency Shelter	<del>L-4</del> P	<del>L-4</del> , (B)
Government Offices	<del>L-2</del> P	<del>L-2</del> L-1
Parks and Recreation Facilities	P	
Public Safety Facilities	U	
Religious Assembly	U	
Residential Care, General	P	
Schools, Public or Private	U	
Utilities, Minor	P	
<b>Commercial Uses <del>[1]</del></b>		<del>L-2</del>
Animal Sales and Services		
Animal Grooming	P	
Animal Hospitals	<del>L-3</del> U	<del>L-3</del>
Animals – Retail Sales	<del>L-8</del> P	<del>L-8</del> L-4
Artists’ Studios	P	
Banks and Savings and Loans	P	
Commercial Filming	U	
Commercial Recreation and Entertainment, <u>Indoor</u>	<del>U</del> P	
Communication Facilities	U	
Conference and Meeting Facilities	U	
Eating and Drinking Establishments	P	
With Wine and Beer Service	P	
With Full Alcoholic Beverage Service	<del>L-5</del> P	<del>L-5</del>
<u>With Live Entertainment</u>	P	L-6
With Outdoor Entertainment	U	
<del>With Take-Out Service</del>	<del>L-6</del>	
<del>Formula Business</del>	<del>P</del>	

**Table 17.26-1: MU-I Allowed Uses and Permits Required**

<b>Land Use</b>	<b>Permit MU-I</b>	<b>Additional Regulations</b>
Food and Beverage Sales	P	
<u>Alcoholic Beverage Sales – Off-premise</u>	<u>U</u>	
<u>Health/Fitness Facility</u>	<u>P</u>	
Laboratories	<del>L-2</del> P	<del>L-2</del> L-1
Maintenance and Repair Services	U	
Nurseries	U	
Offices, Business and Professional	<del>L-2</del> P	<del>L-2</del> L-1
Outdoor Entertainment	U	
Personal Improvement Services	P	
Personal Services	P	
Research and Development Services	<del>L-2</del> P	<del>L-2</del> L-1
Retail Sales	P	
Secondhand Appliances/Clothing	P	
Vehicle/Equipment Sales and Services		
Service Stations	<del>L-7</del> -	<u>L-7</u>
Visitor Accommodations		
Bed and Breakfast Inns	<del>L-2</del> P	<del>L-2</del> L-1
Hotels and Motels	<del>L-2</del> P	<del>L-2</del> L-1
<b><u>Accessory Uses</u></b>	<u>P/U</u>	
<u>Accessory Dwelling Unit</u>	<u>P</u>	(C)
<u>Cottage Food Operations</u>	<u>P</u>	(D)
<u>Home-Based Businesses</u>	<u>P</u>	(E)
<u>Short-Term Rentals</u>	<u>P</u>	(F)
<b>Temporary Uses</b>		
Christmas Tree Sales	P	
Commercial Filming, Limited	P	
Religious Assembly	U	
Retail Sales, Outdoor	U	

**Table 17.26-1: MU-I Allowed Uses and Permits Required**

Land Use	Permit MU-I	Additional Regulations
<b>Nonconforming</b>	=	(G)
<b>Other Uses</b>		
<u>Cultivation of Cannabis for Personal Use, Indoors or Outdoors</u> <u>(Residential cultivation of cannabis)</u>	P	(H)
Key: P = Permitted; U = Use Permit; L = Limited (See <u>Notes Additional Regulations</u> )		

**Notes MU-I Additional Regulations:**

~~[4] See BMC 17.26.020(A)(2)(d) for additional permit requirements that apply to commercial uses greater than 3,000 square feet on certain properties fronting Military East and/or East Fifth Street.~~

~~L-21~~ A use permit is required when the use occupies ground floor space facing the street in locations shown in Figure 17.26-1. In all other locations, the use is permitted (“P”). See BMC 17.26.020(A)(2). For residential use limitations in existing shopping centers, see BMC 17.26.020(A)(3).

~~L-42~~ See BMC 17.26.020(A)(2)(d) for additional permit requirements that apply to commercial uses greater than 3,000 square feet on certain properties fronting Military East and/or East Fifth Street.

~~L-3~~ Permit requirements for animal boarding and animal hospitals are the same as in the CG district. ~~See BMC 17.28.020, Note L15.~~

~~L-84~~ Permitted use (“P”) only in a shopping center. Not allowed in all other locations.

~~L-5~~ A ~~bar or tavern drinking establishment~~ which is not part of a larger restaurant and operates between ~~9:00~~ 10:00 p.m. and 7:00 a.m. requires a use permit. ~~All other eating and drinking establishments with full alcoholic beverage service are permitted (“P”).~~

~~L-6~~ Live entertainment is permitted only when it occurs indoors, is accessory to the primary eating and drinking establishment, and is limited to the hours between 11:00 am to 10:00 pm.

~~L-7~~ Only service stations existing in a shopping center as of December 31, 2022, are allowed. A use permit shall be required to replace or make a major alteration to an existing service station. For the purposes of this section, “major alteration” means the construction or alteration of 2,500 square feet or more of new floor area and/or any

change of use or alteration that would increase the number of parking spaces by 10 percent or more than the total number required prior to the alteration.

~~L-1 Permit requirements for large family day care homes in the mixed use districts are the same as in the residential districts. See BMC 17.24.020(P).~~

~~L-4 See BMC 17.70.390.~~

~~L-6 Only limited take-out service, as defined in Chapter 17.16 BMC, is allowed. Drive-up take-out service is not allowed.~~

~~(A) See BMC 17.70.300, Animals.~~

~~(B) See BMC 17.70.390, Emergency Shelter.~~

~~(C) See BMC 17.70.060, Accessory dwelling units.~~

~~(D) See BMC 17.70.370, Cottage food operations.~~

~~(E) See BMC 17.70.070, Home based businesses.~~

~~(F) See BMC 17.70.450, Short-term rentals.~~

~~(G) See Chapter 17.98 BMC, Nonconforming Uses and Structures.~~

~~(H) See Chapter 17.84 BMC, Cannabis.~~

## **Section 12.**

Table 17.26-3 (MU-L Allowed Uses and Permits Required) of Section 17.26.030 (Mixed use limited (MU-L) district) of Chapter 17.26 (Mixed Use Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

**Table 17.26-3: MU-L Allowed Uses and Permits Required**

Land Use	Permit MU-L	Additional Regulations
<b>Residential Uses</b>		<del>(A)</del>
Family Day Care, Large	<del>L-1 P</del>	
Family Day Care, Small	P	
Group Residential	P	
Work/Live Quarters	P	
Multifamily Residential	P	
Residential Care, Limited	P	
Single-Family Residential	P	
Supportive Housing	P	

**Table 17.26-3: MU-L Allowed Uses and Permits Required**

<b>Land Use</b>	<b>Permit <u>MU-L</u></b>	<b><u>Additional Regulations</u></b>
Transitional Housing	P	
<b>Public and Semipublic Uses</b>		
Adult Day Health Care	U	
Clubs and Lodges	U	
Convalescent Facilities	U	
Cultural Institutions	P	
Day Care Center	U	
Government Offices	U	
Low-Barrier Navigation Centers	P	
Parks and Recreation Facilities	P	
Residential Care, General	P	
Schools, Public or Private	U	
Utilities, Minor	P	
Public Safety Facilities	U	
<b>Commercial Uses</b>		
Artists' Studios	P	
<u>Health/Fitness Facility</u>	<u>P</u>	<u>L-1</u>
Offices, Business and Professional	<u>L-2 U</u>	<u>L-2</u>
Personal Improvement Services	<u>L-2 U</u>	<u>L-2</u>
Personal Services	<u>L-2 U</u>	<u>L-2</u>
Bed and Breakfast Inns	U	
<b><u>Accessory Uses</u></b>	<u>P/U</u>	
<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>(B)</u>
<u>Cottage Food Operations</u>	<u>P</u>	<u>(C)</u>
<u>Home-Based Businesses</u>	<u>P</u>	<u>(D)</u>
<u>Short-Term Rentals</u>	<u>P</u>	<u>(E)</u>
<b><u>Nonconforming</u></b>	<u>-</u>	<u>(F)</u>

**Table 17.26-3: MU-L Allowed Uses and Permits Required**

Land Use	Permit MU-L	Additional Regulations
<u>Other Uses</u>		
<u>Cultivation of Cannabis for Personal Use, Indoors or Outdoors</u> <u>(Residential cultivation of cannabis.)</u>	<u>P</u>	<u>(G)</u>
Key: P = Permitted; U = Use Permit; L = Limited (See <u>Notes Additional Regulations</u> )		

**Notes-MU-L Additional Regulations:**

L-1: ~~Permit requirement the same as in the residential districts. See BMC 17.24.020(E).~~ Health/fitness facilities are permitted; except that a use permit shall be required for facilities that are open for business prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week

L-2: ~~Community development~~ Development services director use permit required.

(A) See BMC 17.70.300, Animals.

(B) See BMC 17.70.060, Accessory dwelling units.

(C) See BMC 17.70.370, Cottage food operations.

(D) See BMC 17.70.070, Home based businesses.

(E) See BMC 17.70.450, Short-term rentals.

(F) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(G) See Chapter 17.84 BMC, Cannabis.

**Section 13.**

Section 17.28.010 (Specific purposes) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to strike subsection A.10 as follows:

- A. In addition to the general purposes listed in Chapter 17.04 BMC, the specific purposes of commercial districts are to:
1. Provide appropriately located areas consistent with the general plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region;
  2. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;
  3. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of inharmonious uses;



4. Minimize the impact of commercial development on adjacent residential districts;
5. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;
6. Provide opportunities for residential development on the site of commercial development or on separate sites in certain commercial districts;
7. Ensure the provision of adequate off-street parking and loading facilities;
8. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment;
9. Preserve a balanced mix of locally, regionally, and nationally based businesses and small and medium sized businesses to maintain and promote the long-term economic health of businesses and the community as a whole;
- ~~10. Regulate the location and operation of formula businesses in order to maintain the city's unique historic small town character, the diversity and economic vitality of the community's commercial districts and the quality of life of Benicia residents.~~

## **Section 14.**

Section 17.28.020 (CC, CO, CG and CW districts – Land use regulations) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations 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>					<del>(A)</del>
Group Residential	–	–	U	–	<u>L-1</u>
Work/Live Quarters	P	–	P	P	<u>L-1</u>
Multifamily Residential	<del>L-1</del> <u>P</u>	<del>L-1</del> <u>P</u>	–	P	<u>L-1, L-2</u>
Residential Care, Limited	<del>L-1</del> <u>P</u>	<del>L-1</del> <u>P</u>	–	P	<u>L-1, L-2</u>
Single-Family Residential	<del>L-1</del> <u>P</u>	<del>L-1</del> <u>P</u>	–	<del>L-1</del> <u>P</u>	<u>L-1, L-2</u>
Supportive Housing	P	P	–	P	<u>L-1</u>
Transitional Housing	<del>L-1</del> <u>P</u>	<del>L-1</del> <u>P</u>	–	<del>L-2</del> <u>P</u>	<u>L-1, L-2</u>

# 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>Public and Semipublic</b>					
Adult Day Health Care	U	U	–	U	
Clubs and Lodges	U	U	P	P	
Cultural Institutions	U	U	P	P	
Day Care Center	<del>U</del> P	U	–	U	<del>L-3</del>
Emergency Shelter	–	<del>L-20</del> P	<del>L-20</del> P	–	<del>L-20 (A)</del>
Government Offices	P	P	P	P	
Hospitals	–	U	U	–	
Low-Barrier Navigation Center	P	P	–	P	
Park and Recreation Facilities	–	–	–	P	<del>(B)</del>
Public Safety Facilities	U	U	U	U	
Religious Assembly	P	U	U	U	<del>(K)</del>
Residential Care, General	<del>L-1</del> P	<del>L-1</del> P	–	<del>L-1</del> P	<del>L-1</del> L-2
Schools, Public or Private	U	–	–	–	
Utilities, Major	U	U	U	U	
Waste Facility	–	–	–	–	
Utilities, Minor	P	P	P	P	
<b>Commercial Uses</b>					<del>(A)</del>
Adult Businesses	–	–	P	–	<del>(C)</del> (B)
Ambulance Services	–	–	P	–	
Animal Sales and Services					
Animal Boarding	–	–	<del>L-15</del> P	–	<del>L-15</del> L-4
Animal Grooming	<del>L-15</del> P	–	P	–	<del>L-15</del> L-4
Animal Hospitals	–	<del>L-15</del> P	<del>L-15</del> P	–	<del>L-15</del> L-4
Animals – Retail Sales	–	–	P	P	

# 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
Artists’ Studios	P	P	P	P	
Banks and Savings and Loans	–	P	P	–	
Banks and Savings and Loans with Drive-Up Service	–	U	U	–	
Building Materials and Services	–	–	P	–	
Catering Services	P	P	P	P	
Commercial Filming	U	U	U	U	
Commercial Recreation and Entertainment, <u>Indoor</u>	U	<del>L-12</del> <u>U</u>	<del>U</del> <u>P</u>	<del>U</del> <u>–</u>	
<del>Card Room, Game Center, Billiard Parlor</del>	<del>–</del>	<del>–</del>	<del>U</del>	<del>U</del>	(D)
Communication Facilities	–	–	P	–	
Conference and Meeting Facilities	U	U	<del>L-17</del> <u>P</u>	<del>L-17</del> <u>P</u>	<del>L-17</del> <u>L-5</u>
Eating and Drinking Establishments	P	P	P	P	
With Wine and Beer Service	P	P	P	P	
With Full Alcoholic Beverage Service	<del>U</del> <u>P</u>	<del>U</del> <u>P</u>	<del>U</del> <u>P</u>	<del>U</del> <u>P</u>	<u>L-6</u>
With Live Entertainment	–	–	<del>U</del> <u>P</u>	<del>U</del> <u>P</u>	<u>L-7, (C)</u>
<del>With Take-Out Service</del>	<del>U</del>	<del>–</del>	<del>P</del>	<del>P</del>	(E)
<u>With</u> Drive-Up	U	–	P	–	(Q) <u>L-8</u>
<del>Formula Business</del>	<del>U</del>	<del>–</del>	<del>L-19</del>	<del>–</del>	(L)
<del>Limited</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
<del>Truck Stop</del>	<del>–</del>	<del>–</del>	<del>U</del>	<del>–</del>	
Food and Beverage Sales	<del>L-4</del> <u>P</u>	–	<del>L-4</del> <u>P</u>	<del>L-4</del> <u>P</u>	<del>L-4</del> <u>L-9</u>
<u>Alcoholic Beverage Sales – Off-premise</u>	<u>–</u>	<u>–</u>	<u>U</u>	<u>–</u>	
<u>Convenience Market</u>	<u>U</u>	<u>–</u>	<u>U</u>	<u>U</u>	<u>L-10</u>
Funeral and Interment Services	<del>L-7</del> <u>P</u>	<del>L-6</del> <u>U</u>	<del>L-7</del> <u>P</u>	–	<del>L-7</del> <u>L-11</u>
<u>Health/Fitness Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>–</u>	<u>L-12</u>
Laboratories	–	P	P	–	
Maintenance and Repair Services	–	–	P	–	
Marinas	–	–	–	P	

# 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
Marine Sales and Services	–	–	–	P	
Nurseries	U	–	P	–	
Offices, Business and Professional	P	P	P	P	
Outdoor Entertainment	U	U	U	U	<del>(O)</del> (D)
Pawn Shops	–	–	P	–	
Personal Improvement Services	<del>L8</del> U	U	<del>L8</del> U	–	<del>L-8</del> L-13
Personal Services	P	<del>L13</del> P	P	P	<del>L-13</del> L-14
Research and Development Services	–	–	P	–	
Retail Sales	P	–	P	P	
Secondhand Appliances/Clothing	–	–	P	–	
<u>Sports and Entertainment, Assembly</u>	<u>–</u>	<u>–</u>	<u>U</u>	<u>–</u>	
Swap Meet, Recurring	–	–	U	–	
<u>Truck Stop</u>	<u>–</u>	<u>–</u>	<u>U</u>	<u>–</u>	
Vehicle/Equipment Sales and Services					
Automobile Rentals	–	–	<del>L10</del> U	–	<del>L-10</del> L-15
Automobile Washing	–	–	U	–	
Service Stations	<del>L11</del> U	–	U	–	<del>L-11</del> L-16, (E)
Vehicle/Equipment Repair	–	–	<del>L16</del> U	–	<del>L-16</del> L-17
Vehicle/Equipment Sales and Rentals	–	–	P	–	
Visitor Accommodations					
Bed and Breakfast Inns	<del>L16</del> U	<del>L16</del> U	P	P	<del>L-16</del> L-17
Hotels and Motels	–	–	P	P	
<b>Accessory Uses</b>	P/U	P/U	P/U	P/U	<del>(H)</del>

# 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
Donation and Collection Bins	<del>L-22</del> P	<del>L-22</del> P	P	<del>L-22</del> P	<del>L-22 (P) L-18,</del> (F)
<u>Home-Based Businesses</u>	P	P		P	(G)
<b>Temporary Uses</b>					
Animal Shows	–	–	U	–	
Christmas Tree Sales	P	P	P	P	
Circuses and Carnivals	–	–	U	U	
Commercial Filming, Limited	P	P	P	P	
Religious Assembly	P	U	U	U	
Retail Sales, Outdoor	U	U	U	U	
Swap Meets					
Nonrecurring	U	U	U	U	
<b>Nonconforming</b>	–	–	–	–	(H) (H)
<b>Other Uses</b>					
<u>Cultivation of Cannabis for Personal Use, Indoors or Outdoors</u> <u>(Residential cultivation of cannabis)</u>	P	P	P	P	(I)
Cannabis Laboratories	–	U	–	–	(N) (I)
Cannabis Retail Operation	U	–	U	U	(N) (I)

## CC, CO, CG, and CW Districts: Additional Use Regulations

L-1 Residential use shall be allowed by right for housing development projects on vacant sites designated in two consecutive prior housing elements and nonvacant sites designated in one prior housing element, as described in Chapter III, Sites Inventory, and shown in Appendix D, Table A of the housing element, pursuant to Government Code Section 65583.2(i) where at least 20 percent of units are provided as affordable to lower income households.

L-2 ~~Reserved.~~ Not permitted on ground level in CC and CO districts.

~~L-3 Repealed by Ord. 09-01. A designated drop-off and pick-up area shall be provided on-site, which shall be designed and constructed in concert with the improvements required to comply with Chapter 17.74 (Off-Street Parking and Loading Regulations).~~

~~L-154 Community development Development services~~ director use permit required if the following conditions exist: ~~– If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:~~

1. The proposed use is not located in an existing structure which is entirely enclosed, and no outside facilities are proposed;
2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is not located in a soundproofed and air-conditioned facility.

L-5 Development servuces director use permit required for facilities holding outdoor events or activities. Indoor-only use is permitted.

L-6 A drinking establishment that is not part of a larger restaurant and operates between 10:00 p.m. to 7:00 a.m. requires a use permit. All other eating and drinking establishments with full alcoholic beverage service are permitted (“P”).

L-7 Live entertainment that occurs indoors, is accessory to the primary eating and drinking establishment, and is limited to the hours between 11:00 am to 10:00 pm is permitted. A use permit is required for all other live entertainment.

L-8 Eating and drinking establishments with drive-up facilities shall be designed to comply with the following requirements for vehicle stacking:

1. Each stacking lane shall be separated from the circulation route necessary for ingress and/or egress from the property, or access to any parking space.
2. Stacking lanes shall not cross or pass through off-street parking areas or marked pedestrian accessways.
3. Stacking lanes for drive-through facilities shall have the following minimum widths: one lane – 12 feet; two or more lanes – 10 feet per lane.
4. Stacking lanes for drive-through facilities shall not be located in the required front or corner side yard.

L-39 A use permit is required for establishments occupying more than 1,500 square feet.

L-410 A use permit is required for establishments occupying more than 1,500 square feet and for convenience markets. Except as provided below, convenience markets shall not be located within 500 feet of a site occupied by a public or private school, park

or recreational facilities, and no exterior vending machines shall be permitted. A convenience market may be located within 500 feet of a site occupied by park or recreational facilities if the proposed convenience market is within 500 feet of an existing retail food and beverage sales establishment. Convenience markets may be operated only between the hours of 6:00 a.m. and 10:00 p.m. Longer hours are permitted only if they would not have an adverse effect on neighborhood uses.

~~L-711~~ Only mortuaries may be allowed.

~~L-12~~ ~~Health/fitness clubs allowed, subject to a use permit. Health/fitness facilities are permitted; except that in the CC District a use permit shall be required for facilities that are open for business prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week~~

~~L-813~~ ~~Community development Development services~~ director use permit required ~~only for dance and music studios if the following conditions exist. If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:~~

1. The proposed use is not located in an existing structure which is completely enclosed and soundproofed, or is located at least 300 feet away from the property line of the nearest residential use;
2. The proposed use will ~~not~~ operate prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week.

~~L-1314~~ No self-service laundries permitted in CO district.

~~L-1015~~ ~~Use permit required~~ Only for limousine and taxi service may be allowed.

~~L-1116~~ No repair services are permitted in CC district, ~~and a use permit is required~~.

~~L-1617~~ ~~Community development Development services~~ director use permit required.

~~L-2218~~ Only permitted in CC, CO and CW districts when accessory to a duly permitted club, lodge, cultural institution, religious assembly or school.

~~L-5 Reserved.~~

~~L-6 Only mortuaries allowed, subject to a use permit.~~

~~L-9 Only limousine or taxi service, subject to a use permit.~~

~~L-14 Repealed by Ord. 11-04.~~

~~L-17 Staff use permit required for facilities holding outdoor events or activities.~~

~~L-18 Residential uses established prior to January 1, 1993, are permitted. New residential units created after that date are not permitted on ground level facing a street.~~

~~New residential units are permitted on the first floor behind an allowed nonresidential use facing a street.~~

~~L-19 Formula businesses are a permitted use in the CG zone except for the Solano/Davies Square areas (bounded by Military, N and West and East Second Streets) where a use permit is required.~~

~~L-20 See BMC 17.70.390, Emergency shelter.~~

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

~~(A) See BMC 17.70.020, Relocated buildings (use permit required). See BMC 17.70.390, Emergency shelter.~~

~~(G)(B)~~ An adult business offering live entertainment shall be subject to the requirements of Chapters 5.44 and 17.102 BMC.

~~(C) See BMC 17.70.100, Live entertainment.~~

~~(O)(D)~~ See BMC 17.70.400, Outdoor entertainment.

~~(F)(E)~~ See BMC 17.70.110, Service stations, vehicle/equipment repair, and automobile washing.

~~(P)(F)~~ See BMC 17.70.410, Donation and collection bins.

~~(G) See BMC 17.70.070, Home based businesses.~~

~~(J)(H)~~ See Chapter 17.98 BMC, Nonconforming Uses and Structures.

~~(N)(I)~~ See Chapter 9.60 BMC, Cannabis Public Safety License, and Chapter 17.84 BMC, Cannabis.

~~(A) See BMC 17.70.020, Relocated buildings (use permit required).~~

~~(B) Residential use shall be allowed by right for housing development projects on vacant sites designated in two consecutive prior housing elements and nonvacant sites designated in one prior housing element, as described in Chapter III, Sites Inventory, and shown in Appendix D, Table A of the housing element, pursuant to Government Code Section 65583.2(i) where at least 20 percent of units are provided as affordable to lower income households.~~

~~(D) See BMC 17.70.290, Game centers.~~

~~(E) See BMC 17.70.090, Eating and drinking establishments with take-out service.~~

~~(G) See BMC 17.70.050, Nonresidential accessory structures.~~

~~(H) See BMC 17.70.080, Swimming pools and hot tubs.~~

~~(I) See Chapter 17.104 BMC, Use Permits and Variances.~~

~~(K) See BMC 17.70.040, Religious assembly yard requirements.~~



~~(L) See BMC 17.70.350, Formula businesses.~~

~~(M) Intentionally omitted.~~

~~(Q) Eating and drinking establishments with drive-up facilities shall be designed to comply with the following requirements for vehicle stacking:~~

~~(1) Each stacking lane shall be separated from the circulation route necessary for ingress and/or egress from the property, or access to any parking space.~~

~~(2) Stacking lanes shall not cross or pass through off-street parking areas or marked pedestrian accessways.~~

~~(3) Stacking lanes for drive-through facilities shall have the following minimum widths: one lane — 12 feet; two or more lanes — 10 feet per lane.~~

~~(4) Stacking lanes for drive-through facilities shall not be located in the required front or corner side yard.~~

## **Section 15.**

Section 17.28.030 (CC, CO, CG and CW districts – Property Development Regulations) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the property development regulations table and additional regulations as follows:

**CC, CO, CG, and CW Districts: Property Development Regulations**

<b>Use Classifications</b>	<b>CC</b>	<b>CO</b>	<b>CG</b>	<b>CW</b>	<b>Additional</b>
Residential development					(A)
Minimum Lot Area (sq. ft.)	10,000	10,000	7,500	5,000	(B)(C)
Minimum Lot Width (ft.)	70	70	60	50	
Minimum Yards:					<del>(I)</del>
Front (ft.)	15	15	10	15	(D)(R)
Side (ft.)	–	–	–	–	(D)(E)(F)(R)
Corner Side Rear (ft.)	–	–	–	–	(D)(E)(F)(R)
Maximum Height (ft.) of Structures	40	40	40	40	(G)(H)
Maximum Lot Coverage	50%	50%	75%	50%	
Maximum Nonresidential FAR	0.8	0.8	1.2	0.8	
Maximum FAR	1.2	1.2	1.2	1.2	(S)
Minimum Site Landscaping	20%	20%	10%	20%	(I)(J)
Outdoor Living Area					(K)(L)
Fences and Walls					(M)(N)

### CC, CO, CG, and CW Districts: Property Development Regulations

Use Classifications	CC	CO	CG	CW	Additional
Off-Street Parking and Loading					(O)(P)
Signs	See Chapter <a href="#">17.78</a> BMC				
<a href="#">Accessory Structures</a>	<a href="#">See BMC 17.70.050, <del>Nonresidential accessory structures</del></a>				
<a href="#">Relocated Buildings</a>	<a href="#">See BMC 17.70.020, <del>Relocated buildings (use permit required).</del></a>				
<a href="#">Swimming Pools and Hot Tubs</a>	<a href="#">See BMC 17.70.080, <del>Swimming pools and hot tubs.</del></a>				
Outdoor Facilities	See BMC <a href="#">17.70.200</a>				(Q)
Screening of Mechanical Equipment	See BMC <a href="#">17.70.210</a>				(Q)
Refuse Storage Areas	See BMC <a href="#">17.70.220</a>				
Underground Utilities	See BMC <a href="#">17.70.230</a>				
Performance Standards	See BMC <a href="#">17.70.240</a>				
Nonconforming Structures	See Chapter <a href="#">17.98</a> BMC				

### CC, CO, CG, or CW Districts: Additional Development Regulations

[\(T\) See BMC 17.70.040, Religious assembly yard requirements.](#)

## Section 16.

Section 17.32.021 (IL, IG, IW and IP districts – Land use regulations) of Chapter 17.32 (Industrial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

### IL, IG, IW, and IP Districts: Land Use Regulations

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

	IL	IG	IW	IP	Additional Regulations
<b>Residential</b>					<del>(L)</del>
Work/Live Quarters	U	–	–	–	<del>L-1</del> (A)
<b>Public and Semipublic</b>					
Adult Day Health Care	U	U	–	U	<del>(B)</del> L-1, L-2
Clubs and Lodges	<del>L-18</del> P	<del>L-18</del> P	–	<del>L-18</del> P	<del>L-18</del> L-1, L-3
Cultural Institutions	U	U	–	U	L-1

# IL, IG, IW, and IP Districts: Land Use Regulations

P – Permitted

U – Use Permit

L – Limited (See “Additional Use Regulations”)

– – Not Permitted

	IL	IG	IW	IP	Additional Regulations
Day Care, General	U	U	–	U	<del>(B)</del> L-1, L-2
Government Offices	U	U	U	U	L-1
Heliports	<del>L-4</del> U	<del>L-4</del> U	<del>L-4</del> U	<del>L-4</del> U	L-1, L-4
Maintenance and Service Facilities	P	P	P	–	L-1
Public Safety Facilities	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> L-5
Religious Assembly	U	U	–	U	<del>(K)</del> L-1 L-6
Utilities, Major	U	U	U	U	L-1
Waste Facility	–	U	–	–	L-1
Utilities, Minor	P	P	P	P	L-1
<b>Commercial Uses</b>					
Adult Business	P	P	–	P	<del>(M)</del> (A)
Ambulance Services	P	P	–	P	
Animal Sales and Services					
Animal Boarding	<del>L-20</del> P	–	–	–	<del>L-20</del> L-5
Animal Hospitals	<del>L-20</del> P	<del>L-20</del> P	–	–	<del>L-20</del> L-5
Artists’ Studios	P	–	–	<del>L-20</del> P	<del>L-20</del> L-5
Banks and Savings and Loans	<del>L-2</del> P	<del>L-2</del> P	–	<del>L-2</del> P	<del>L-2</del> L-7
Building Materials and Services	P	P	<del>L-12</del> P	<del>L-20</del> P	<del>L-12, L-20</del> L-5, L-8
Cannabis Retail Operation	–	–	–	–	<del>(O)</del> (B)
Catering Services	P	P	–	P	
Commercial Filming	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> P	<del>L-20</del> L-5
Commercial Recreation and Entertainment, Indoor	<del>L-5</del> –	<del>L-24</del> U	–	<del>L-5</del> –	L-9
<del>Game Center</del>	<del>L-8</del>	<del>L-8</del>	–	<del>L-8</del>	–
Communication Facilities	P	P	P	P	
Eating and Drinking Establishments	<del>L-4</del> P	<del>L-4</del> P	<del>L-4</del> P	<del>L-4</del> P	<del>L-4</del> L-10
Mobile Food Vending	P	P	P	P	<del>(N)</del> (C)

## EXHIBIT A

# IL, IG, IW, and IP Districts: Land Use Regulations

P – Permitted

U – Use Permit

L – Limited (See “Additional Use Regulations”)

– – Not Permitted

	IL	IG	IW	IP	Additional Regulations
With Wine and Beer Service	<del>L4</del> P	<del>L4</del> P	<del>L4</del> P	<del>L4</del> P	<del>L4</del> L-10
With Full Alcoholic Beverage Service	<del>U</del> P	<del>U</del> P	<del>U</del> P	<del>U</del> P	<del>L4</del> L-10, L-11
<del>With Take-Out Service</del>	<del>L4</del>	<del>L4</del>	<del>L4</del>	<del>L4</del>	(D)
<del>Limited</del>	<del>L4</del>	<del>L4</del>	<del>L4</del>	<del>L4</del>	(D)
Food and Beverage Sales	<del>L6</del> P	<del>L6</del> P	–	<del>L7</del> P	<del>L6, L7</del> L-12, L-13
Funeral and Interment Services	<del>L9</del> P	–	–	–	<del>L9</del> L-14
<del>Health/Fitness Facility</del>	<del>P</del>	<del>U</del>	<del>–</del>	<del>–</del>	<del>L-15</del>
Horticulture, Limited	P	P	–	–	
Laboratories	P	P	–	P	
Maintenance and Repair Services	P	P	<del>L12</del> P	P	<del>L-12</del> L-8
Marine Sales and Services	–	–	P	–	
Nurseries	P	P	–	U	
Offices, Business and Professional	–	–	–	<del>L13</del> P	<del>L-13</del> L-16
Personal Improvement Services	<del>L14</del> P	<del>L14</del> P	–	<del>L14</del> P	<del>L-14</del> L-17
Personal Services	<del>L10</del> P	<del>L10</del> P	–	<del>L10</del> P	<del>L-10</del> L-18
Research and Development Services	P	P	<del>L12</del> P	P	<del>L-12</del> L-8
Vehicle/Equipment Sales and Services					
Automobile Washing	U	<del>L15</del> P	–	–	<del>L-15</del> (E) L-19, (D)
Service Stations	U	<del>L16</del> U	<del>L12</del> U	U	<del>L-12, L-16</del> L-8, L-20
Vehicle/Equipment Repair	<del>L17</del> P	<del>L17</del> P	–	–	<del>L-17</del> L-21
Vehicle/Equipment Sales and Rentals	U	<del>L11</del> P	–	–	<del>L-11</del> L-22
Vehicle Storage	U	U	<del>L12</del> U	–	<del>L-12</del> L-8
Warehousing and Storage, Limited	P	P	<del>L12</del> P	U	<del>L-12</del> L-8
<b>Industrial</b>					
Industry, Custom	P	P	<del>L12</del> P	P	<del>L-12</del> L-8
Industry, General	–	<del>L19</del> P	<del>L12</del> P	U	<del>L-12</del> <del>L-19</del> L-8, L-23

## EXHIBIT A

# IL, IG, IW, and IP Districts: Land Use Regulations

P – Permitted

U – Use Permit

L – Limited (See “Additional Use Regulations”)

– – Not Permitted

	IL	IG	IW	IP	Additional Regulations
Industry, Limited	P	P	<del>L-12</del> P	P	<del>L-12</del> L-8
Small-Scale	P	P	<del>L-12</del> P	P	<del>L-12</del> L-8
Industry, Research and Development	P	P	<del>L-12</del> P	P	<del>L-12</del> L-8
Industry, Technology	P	P	<del>L-12</del> P	P	<del>L-12</del> L-8
Port Terminals	–	–	P	–	
Wholesaling, Distribution and Storage					
Wholesaling and Distribution	P	P	<del>L-12</del> P	U	<del>L-12</del> L-8
Warehousing and Transportation	P	P	<del>L-12</del> P	U	<del>L-12</del> L-8
Trucking Terminal/Freight Transfer Station	U	U	<del>L-12</del> P	–	<del>L-12</del> L-8
Package Distribution	P	P	<del>L-12</del> P	U	<del>L-12</del> L-8
<b>Agricultural and Extractive Uses</b>					(H) (L)
Mining and Processing	–	U	–	–	L-1
<b>Accessory Uses</b>	P/U	P/U	P/U	P/U	(F)(G)(H)(L) L-1, (E)
<b>Temporary Uses</b>					(G)(J)(L)
Animal Shows	U	U	–	–	L-1
Christmas Tree Sales	P	P	–	–	L-1
Circuses and Carnivals	–	U	–	–	L-1
Retail Sales – Outdoor	U	U	U	–	L-1
Swap Meets – Nonrecurring	U	U	–	–	L-1
Trade Fairs	U	U	U	U	L-1
<b>Nonconforming</b>	=	=	=	=	(H) (E)
<b>Other Uses</b>					
Cannabis Cultivation Operation	U	U	U	U	(O) (B)

### IL, IG, IW, and IP Districts: Land Use Regulations

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

	IL	IG	IW	IP	Additional Regulations
Cannabis Delivery-Only Operation	U	U	U	U	<del>(C)</del> (B)
Cannabis Distribution	U	U	U	U	<del>(C)</del> (B)
Cannabis Manufacturing Operation	U	U	U	U	<del>(C)</del> (B)
Cannabis Microbusiness	U	U	U	U	<del>(C)</del> (B)
Cannabis Testing Laboratory	U	U	U	U	<del>(C)</del> (B)

### IL, IG, IW, and IP Districts: Additional Use Regulations

**L-1** Evaluate a nonindustrial or noncommercial project against the following criteria when considering findings for use permits or variances:

1. Will the project create substantial conflicts with existing industrial and commercial traffic?
2. Will the project be subject to excessive glare, noise or vibration from adjacent industrial/commercial uses? (Refer to general plan for noise criteria, ~~Chapter 4, p. 178.~~)
3. Will the project be exposed to hazardous materials or risks that would create health and safety hazards for persons occupying or visiting the project?
4. Will the project be located on an arterial street, or located in an area which would bring nonindustrial traffic onto local streets?

**L-2** Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not exceeding 25 percent of the floor area occupied by the principal use.

**L-183** Only trade union halls, including their accompanying business offices, are permitted.

**L-14** Allowed with a use permit and heliport permit from the California Department of Transportation, Division of Aeronautics if located 1,000 or more feet from a residential district.

**L-205** ~~Community development~~ Development services director use permit required if the following conditions exist. ~~If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:~~

1. The proposed use is not located in an existing structure which is entirely enclosed, and no outside facilities are proposed;
2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is not located in a soundproofed and air-conditioned facility.

L-6 No day care facilities or schools shall be permitted as part of a religious assembly facility.

L-27 Only automatic teller machines allowed.

L-128 In IW district, Only water-related uses allowed.

L-9 Only indoor sports training and practice, archery and shooting galleries in a standalone, single-tenant facility on parcels fronting along Bayshore Road or along East Second Street between Stone Road and Wanger Street.

L-410 Permitted as a secondary use in a building occupying no more than 2,500 square feet of the building area. A ~~community~~-development services director use permit is required for secondary uses occupying building areas greater than 2,500 square feet but not more than 5,000 square feet, or where the use is the primary use of a building. Not permitted for uses larger than 5,000 square feet.

L-11 Full Alcoholic Beverage Service is permitted only as part of an eating establishment. Drinking establishments are not permitted.

L-612 Permitted up to 1,000 square feet in IL and IG districts. Use permit required for establishments occupying more than 1,000 square feet in IL and IG districts.

L-713 In IP district, Only delicatessens and food stores occupying fewer than 1,000 square feet are permitted.

L-914 Only crematories, columbariums, and mausoleums allowed.

L-15 Health/fitness facility shall not occupy more than 5,500 square feet of floor area. In the General Industrial District, health/fitness facilities are conditionally permitted only on parcels fronting along East Second Street between Industrial Way and Stone Road.

L-1316 Medical/dental offices, insurance brokerage offices, and real estate brokerage offices not permitted.

L-1417 Only business and trade schools permitted.

L-1018 Only beauty shops and barbershops permitted.

L-1519 Only truck tractor and trailer washing permitted.

L-1620 Only stations offering controlled services to individual uses within an industrial area are allowed, subject to a use permit.

~~L-1721~~ Only truck and equipment repair primarily serving industrial activities are permitted by right; a ~~community~~ development services director use permit ~~is required~~ may be granted for automobile repair and for repair services that cater to the general public if the following conditions exist. ~~If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:~~

1. The proposed use is not located in an existing structure on a major arterial or on a street which connects to a major arterial, and is readily accessible to residential and commercial areas;
2. No outdoor repair or maintenance activities are proposed in conjunction with the use;
3. No outdoor storage of vehicles or equipment will take place during nonbusiness hours;
4. The applicant can demonstrate that the proposed site will meet zoning ordinance parking requirements.

~~L-1422~~ New or used automobile, truck or motorcycle retail sales shall be permitted only as an accessory to wholesale operations.

~~L-1923~~ In IG district, ~~G~~general industrial uses are permitted by right except that a use permit is required for oil and gas refining.

~~L-3 Use permit required only for equipment rentals and retail sales.~~

~~L-5 Only health fitness clubs and tennis/racquetball clubs are permitted as the principal use in a structure, subject to a use permit. Other activities regulated under this use classification are permitted as a secondary use within a building, occupying no more than 1,000 square feet of the building floor area.~~

~~L-8 Only game centers with five or fewer games permitted; also see BMC 17.70.290, Game centers.~~

~~L-21 Health fitness clubs, tennis/racquetball clubs, and recreational facilities such as batting cages, indoor golf driving ranges, and firing and archery ranges are permitted within a structure, subject to a use permit when occupying more than 1,000 square feet. All activities regulated under this use classification are permitted when occupying no more than 1,000 square feet of the building floor area.~~

~~(M)(A)~~ An adult business offering live entertainment shall be subject to the requirements of Chapters 5.44 and 17.102 BMC.

~~(O)(B)~~ See Chapter 9.60 BMC, Cannabis Public Safety License, and Chapter 17.84 BMC, Cannabis.



~~(N)(C)~~ ~~Mobile food vending shall be subject to the requirements of~~ See BMC 17.70.380, Mobile food vendors.

~~(E)(D)~~ See BMC 17.70.110, Service stations, vehicle/equipment repair, and automobile washing.

~~(H)(E)~~ Maximum: One dwelling unit per site as caretaker's housing.

~~(H)(F)~~ See Chapter 17.98 BMC, Nonconforming Uses and Structures.

~~(A)~~ ~~See BMC 17.70.020, Relocated buildings (use permit required).~~

~~(B)~~ ~~Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not exceeding 25 percent of the floor area occupied by the principal use.~~

~~(C)~~ ~~Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not exceeding 25 percent of the floor area occupied by the principal use.~~

~~(D)~~ ~~See BMC 17.70.090, Eating and drinking establishments with take-out service.~~

~~(F)~~ ~~See BMC 17.70.050, Nonresidential accessory structures.~~

~~(G)~~ ~~See Chapter 17.104 BMC, Use Permits and Variances.~~

~~(J)~~ ~~See BMC 17.70.260, Hazardous materials.~~

~~(K)~~ ~~No day care facilities or schools shall be permitted as part of a religious assembly facility.~~

~~(L)~~ ~~Evaluate a nonindustrial or noncommercial project against the following criteria when considering findings for use permits or variances:~~

~~(1) Will the project create substantial conflicts with existing industrial and commercial traffic?~~

~~(2) Will the project be subject to excessive glare, noise or vibration from adjacent industrial/commercial uses? (Refer to general plan for noise criteria, Chapter 4, p. 178.)~~

~~(3) Will the project be exposed to hazardous materials or risks that would create health and safety hazards for persons occupying or visiting the project?~~

~~(4) Will the project be located on an arterial street, or located in an area which would bring nonindustrial traffic onto local streets?~~

## **Section 17.**

Section 17.36.030 (Land use regulations) of Chapter 17.36 (OS Open Space District) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations 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>		
Employee Housing (for farmworkers)	P	<del>(K)</del> <u>(A)</u>
Residential Care, Limited	P	<del>(A)</del> <u>L-1</u> , (B)
Single-Family Residential	P	<del>(A)</del> <u>L-1</u> , (B)
Supportive Housing	P	<del>(A)</del> <u>L-1</u>
Transitional Housing	P	<del>(A)</del> <u>L-1</u>
<b>Public and Semipublic<sup>+</sup></b>		
Cemetery	U	<del>(F)</del> <u>(C)</u>
Day Care Center	<del>U</del> <u>P</u>	<del>(H)</del> <u>L-2</u>
Government Offices	<del>L-1</del> <u>P</u>	<del>L-1</del> , <del>(F)</del> <u>L-3</u> , <u>(C)</u>
Parks and Recreation Facilities	P	<del>(G)</del> <u>L-4</u>
Public Safety Facilities	P	<del>(F)</del> <u>(C)</u>
Religious Assembly	U	<del>(F)</del> <u>(C)</u>
Residential Care, General	P	<del>(A)</del> <u>L-1</u> , (B)
Utilities, Major	U	<del>(F)</del> <u>(C)</u>
Waste Facility	U	<del>(F)</del> <u>(C)</u>
Utilities, Minor	P	
Utilities, Solar	U	<del>(H)</del> <u>(D)</u>
<b>Commercial Uses</b>		
Commercial Filming	U	<del>(G)</del> <u>L-4</u>
Commercial Recreation and Entertainment, <u>Indoor</u>	U	(C) <del>(F)</del>
Eating and Drinking Establishments	<u>U</u>	<u>L-3</u>
<del>With Take-Out Service</del>	<del>L-2</del>	<del>(F)</del>
Horticulture, Limited	<del>L-3</del> <u>U</u>	<del>(G)</del> <del>L-3</del> <u>L-4</u> , <u>L-5</u>
<u>Sports and Entertainment, Assembly</u>	<u>U</u>	<u>(C)</u>

# OS District: Land Use Regulations

- P - Permitted
- U - Use Permit
- L - Limited (See "Additional Use Regulations")
- - Not Permitted

	OS	Additional Regulations
<b>Agricultural and Extractive Uses</b>		
Animal Husbandry	P	(G) L-4
Crop Production	P	(G) L-4
<b>Accessory Uses</b>	P/U	(C)(D)(G) L-4, L-6
Donation and Collection Bins	L-4 U	L-4, (H) L-7, (E)
<b>Temporary Uses</b>		
Animal Shows	U	(G) L-4
Circuses and Carnivals	U	(G) L-4
Commercial Filming, Limited	P	(G) L-4
<b>Nonconforming</b>	-	(E)
<b>Other Uses</b>		
<u>Cultivation of Cannabis for Personal Use, Indoors or Outdoors</u> <u>(Residential cultivation of cannabis)</u>	-P	Not permitted (G)

1. ~~Refer to BMC 17.16.040 for use definitions.~~

## OS District: Additional Use Regulations

L-1 Not permitted on lands outside the urban growth boundary as delineated on the general plan land use diagram. On lands inside the urban growth boundary, limited to one primary dwelling unit and one accessory dwelling unit per site, subject to the requirements of BMC 17.70.060, Accessory dwelling units.

L-12 A day care center may be conditionally is permitted only when it would be located on the grounds and within the facilities of a duly permitted religious assembly use. Adequate off street parking for the day care center shall be provided for per Chapter 17.74 BMC, except when the applicant demonstrates consistency with the findings for collective provision of parking pursuant to BMC 17.74.040 and the collective provision of parking is specifically authorized by the use permit for a day care facility.

L-3 Permitted as part of a park or recreational facility, public safety facility, or utility.

L-4 Allowed only if no urban services are provided.

L-35 Use permit required, and no on-site retail sales permitted.

L-6 Limited to facilities incidental to an open space use.

L-47 Only permitted when accessory to a duly permitted religious assembly.

~~L-2 Only "limited" facilities, as defined in Chapter 17.16 BMC, allowed by use permit.~~

(A) See BMC 17.70.460, Employee housing (for farmworkers)

(B) See BMC 17.70.300, Animals.

~~(F)(C)~~ Not permitted on lands outside the urban growth boundary as delineated on the general plan land use diagram, amended by approval of Measure K by a vote of the people, November 4, 2003.

~~(H)(D)~~ See BMC 17.70.420, Solar utilities.

~~(H)(E)~~ See BMC 17.70.410, Donation and collection bins.

~~(E)(F)~~ See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(G) See Chapter 17.84 BMC, Cannabis

~~(C) See BMC 17.70.290, Game centers.~~

~~(D) Limited to facilities incidental to an open space use.~~

~~(G) Allowed only if no urban services are provided.~~

~~(A) Not permitted on lands outside the urban growth boundary as delineated on the general plan land use diagram. On lands inside the urban growth boundary, limited to one primary dwelling unit and one accessory dwelling unit per site, subject to the requirements of BMC 17.70.060, Accessory dwelling units.~~

~~(J) A day care center may be conditionally permitted only when it would be located on the grounds and within the facilities of a duly permitted religious assembly use. Adequate off-street parking for the day care center shall be provided for per Chapter 17.74 BMC, except when the applicant demonstrates consistency with the findings for collective provision of parking pursuant to BMC 17.74.040 and the collective provision of parking is specifically authorized by the use permit for a day care facility.~~

~~(K) See BMC 17.70.460, Employee housing (for farmworkers).~~

## **Section 18.**

Section 17.40.030 (Land use regulations) of Chapter 17.40 (PS Public and Semipublic District) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations 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>		
Adult Day Health Care	U	
Cemetery	U	
Clubs and Lodges	U	
Convalescent Facilities	U	
Cultural Institutions	U	
Day Care Center	<del>U</del> P	<u>L-1</u>
Detention Facilities	U	
Emergency Shelter	<del>L-2</del> P	<u>L-2 (A)</u>
Government Offices	P	
Heliports	<del>L-1</del> U	<u>L-1 L-2</u>
Hospitals	U	
Maintenance and Service Facilities	U	
Park and Recreation Facilities	P	
Public Safety Facilities	U	
Religious Assembly	U	
Residential Care, General	U	
Schools, Public or Private	U	
Utilities, Major	U	
Waste Facility	U	
Utilities, Minor	P	
<b>Commercial Uses</b>		
Commercial Filming	U	
<del>Commercial Recreation and Entertainment</del>	<del>U</del>	<del>(A)</del>
<del>Sports and Entertainment, Assembly</del>	<del>U</del>	
<b>Accessory Uses</b>	<del>P/U</del>	
Donation and Collection Bins	<del>L-3</del> P	<u>L-3 (C) (B)</u>
<b>Temporary Uses</b>		

## PS District: Land Use Regulations

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

	PS	Additional Regulations
Animal Shows	U	
Circuses and Carnivals	U	
Commercial Filming, Limited	P	
Trade Fairs	U	
<b>Nonconforming</b>	<b>-</b>	<b>(B) (C)</b>
<b>Other Uses</b>		
<del>Cannabis Related Uses</del>	<del>-</del>	<del>Not permitted</del>

## PS District: Additional Use Regulations

~~L-1 Day care center is a permitted use only when operated within the existing facilities of a religious assembly, school, park and recreation facility, or club and lodge.~~

~~L-12~~ Allowed with use permit and heliport permit from California Department of Transportation, Division of Aeronautics if located more than 1,000 feet from an R district.

~~L-2 See BMC 17.70.390, Emergency shelter.~~

L-3 Only permitted when accessory to a duly permitted club, lodge, cultural institution, religious assembly or school.

(A) See BMC 17.70.390, Emergency shelter.

~~(C)(B)~~ See BMC 17.70.410, Donation and collection bins.

~~(B)(C)~~ See Chapter 17.98 BMC, Nonconforming Uses and Structures.

~~(A) See BMC 17.70.300, Animals.~~

~~(C)(D)~~ See BMC 17.70.410, Donation and collection bins.

## Section 19.

Section 17.70.070 (Home Occupations) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby renamed “Home-based businesses” and the regulations are hereby repealed in their entirety and replaced with the following:

### **17.70.070 Home-based businesses occupations.**

- A. Purpose. The purpose of this section is to allow home-based businesses on a limited basis, where such activity is incidental and subordinate to the residential use of the property. The intent of this section is to ensure that home-based businesses are compatible with, and do not change the character of, the surrounding residential area by generating more traffic, noise, odors, visual impacts, or storage of materials than would normally be expected in a residential district.
- B. Limitations.
  1. A home-based business shall be conducted entirely within a dwelling unit.
  2. A home-based business shall be incidental and subordinate to the primary residential use of the dwelling and shall occupy no more than 500 square feet of floor area.
- C. Conditions. Operation of a home-based business shall comply with the following:
  1. Outdoor activities are prohibited, including, but not limited to, the following:
    - a. Outdoor placement, storage, delivery or distribution of goods, equipment, debris or materials.
    - b. Conducting business activities outdoors.
    - c. Outdoor assembly of persons on or adjacent to the property.
  2. The existence of a home-based business shall not be apparent beyond the boundaries of the site.
  3. No sign, nameplate or any other form of advertising shall be displayed on the premises in connection with any home-based business. There shall be no advertising of the address of the home-based business that results in attracting persons to the premises.
  4. No home-based business shall permit employees who do not reside in the home to gather at, or work from, the home.
  5. A home-based business shall comply with the performance standards prescribed by BMC 17.70.240. No noise, dust or odors shall be perceptible at or beyond the property line.
  6. A home-based business shall not be open to visitors without prior appointments.
  7. No more than two students may be given instruction in music, academics, dance, art, fitness or other subjects as determined by the Development Services Director in a dwelling at one time. No student may be given instruction between the hours of 8:00 p.m. to 9:00 a.m.

8. Not more than one truck, with a maximum capacity of one ton, incidental to a home-based business may be kept on the premises.
  9. Deliveries shall be limited to the frequency of deliveries and types of vehicles (e.g., postal truck and parcel delivery) normally associated with residential neighborhoods.
  10. The maximum number of daily business trips generated from a home-based business shall not exceed one hundred twenty-five percent (125%) of the average number of daily trips generated from a residence in the City of Benicia, as provided herein.
    - a. For the purposes of this section, a “residence” includes “single-family residence” and “multifamily residence” as categorized by the Institute of Transportation Engineers (ITE) and defined in this Title.
    - b. A “business trip” shall be defined as either the arrival or departure of a non-resident motor vehicle from a home-based business.
    - c. For the purposes of this section, the average number of daily trips for a residence is ten (10).
- D. Permitted home-businesses. Those following uses are permitted subject to compliance with this section and in accordance with the use classifications of Chapter 17.16 BMC:
1. Artists’ Studios
  2. Catering services
  3. Communications Facilities
  4. Horticulture, Limited
  5. Industry, Custom – Limited.
  6. Offices, Businesses and Professional (excluding medical and dental offices)
  7. Personal Improvement Services
  8. Personal Services (excluding massage businesses as defined in Chapter 5.52 Massage, conducted on the premises)
  9. Retail sales and secondhand sales (excluding those which attract customers to the premises for on-site transactions or delivery)



## **Section 20.**

Section 17.70.090 (Eating and drinking establishments with take-out service) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby repealed in its entirety.

## **Section 21.**

Section 17.70.100 (Live entertainment) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

### **17.70.100 Live entertainment.**

The following regulations shall apply to any use offering scheduled live entertainment, as defined in Chapter 17.12 (Definitions), ~~more than three times per calendar year:~~

- A. Exits not limited to emergency use only shall not be opposite an R district adjoining the site.
- B. An establishment offering live entertainment shall ensure that ~~use permit shall establish conditions ensuring that~~ no litter problem will exist.
- C. A use permit for live entertainment shall apply only to the type of entertainment approved, and a different type of entertainment shall require approval of a new use permit.

## **Section 22.**

Section 17.70.290 (Game centers) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby repealed in its entirety.

## **Section 23.**

Section 17.70.350 (Formula businesses) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby repealed in its entirety.

## **Section 24.**

Section 17.70.380 (Mobile food vendors) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

### **17.70.380 Mobile food vendors.**

- A. Applicability. Mobile food vending is permitted on private property Industrial Districts only, as specified in BMC 17.32.020 (IL, IG, IW and IP districts – Land use regulations.). ~~Permit Required. A mobile food vendor shall require a mobile food vending permit obtained by filing a completed application form with the community development director. The community development director shall issue the permit~~

~~upon determining that the proposed mobile food vending operation complies with the requirements of this section. Mobile food vendors shall not include the preparation or sale of food products containing cannabis.~~

~~1. The vendor shall display all current permits, licenses, and certificates on exterior of the vehicle at all times.~~

~~2. The vendor shall maintain a county health permit at all times. If the permit expires, or is suspended or revoked, then all sales shall cease until the permit is reinstated.~~

~~3. The food vending vehicle shall be entirely self-sufficient in regards to gas, water, and telecommunications and shall be a self-propelled vehicle.~~

B. Contents of Application. An application for a mobile food vending permit shall contain:

~~1. The name, address, and telephone number of the applicant.~~

~~2. A complete description of the proposed mobile food vending operation, including the hours of operation.~~

~~3. A site plan showing the proposed location of the mobile food vendor, trash receptacles, parking area, location of parcel access (ingress and egress), and location of restroom facility.~~

~~4. Written permission from the property owner (if not self) to occupy the property.~~

~~5. Proof of legal access to restroom facilities and access to hand washing facilities for the use of employees within 200 feet of site location per California Retail Food Code, Chapter 10, Section 114315.~~

~~6. A copy of the issued permit from the Solano County environmental health division for operation of the subject operation.~~

~~7. A certificate of insurance providing general liability insurance in the amount of at least \$1,000,000 listing the city as additional insured. A mobile food vending permit shall be issued only for the explicit time period covered by the effective dates of the general liability insurance policy.~~

C B. Location.

~~1. The location of the mobile food vendor shall be limited to the areas specified in BMC 17.32.020.~~

~~2. The maximum number of mobile food vendors located on a parcel shall not be limited except that all provisions of this section shall be met.~~

31. Mobile food vehicles shall not be parked within 200 feet of an existing brick and mortar restaurant during the hours when such restaurant is open to the public for business.
42. Mobile food vendors shall not occupy any parking space(s) required to fulfill the minimum off-street parking requirements of the principal property use. ~~A minimum of two parking spaces per food vending vehicle will be required for customer use in addition to the minimum requirement for the principal business for the overall site.~~
53. The vehicle shall not block an entrance, garage, driveway or fire lane for any business or structure, nor extend into the public right-of-way. ~~any parking required to adequately serve other businesses, driveways, or public right-of-way and shall be oriented in such a way so as the queue does not encroach upon the same.~~
4. No mobile food vendor may be parked in a manner that impairs the visibility of a driveway crossing a street property line, as provided in section 17.74.150 (Driveways and intersections – Visibility.).
5. ~~The vendor shall be located within 200 feet of a restroom facility and shall demonstrate legal access for employees.~~

C. General Requirements

1. The vendor shall obtain, maintain display all current permits, licenses, and certificates on exterior of the vehicle at all times including from the Department of Motor Vehicles (DMV).
2. The vendor shall maintain a County health permit at all times.
3. The food vending vehicle shall be entirely self-sufficient in regards to gas, water, and telecommunications and shall be a self-propelled vehicle.
4. The vendor shall be prepared to present evidence of the following upon request:
  - a. Written permission from the property owner to occupy the property; and
  - b. Proof of legal access to restroom facilities and access to hand washing facilities for the use of employees within 200 feet of site location per California Retail Food Code, Chapter 10, Section 114315.

D. Site Conditions.

1. The site shall be maintained in a safe and clean manner at all times.
2. The lot upon which the vendor is parked shall be paved. For purposes of this section, “paved” shall mean asphalt, concrete, pavers, or other permanent surfacing approved by the city engineer.

3. Exterior storage of refuse, equipment or materials associated with the mobile food vendor is prohibited.
  4. The vendor shall not discharge items, including but not limited to waste water or other fluids, debris or food, onto the property, sidewalk, gutter, or storm inlets.
  5. The vendor shall provide a minimum of two 32-gallon litter receptacles and one 32-gallon recycling receptacle within 15 feet of the vending vehicle and shall remove all refuse from the site and surrounding property on a daily basis.
  6. No mobile food vendor shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters; ~~unless approved by the community development director.~~
- E. Alcohol. The serving or consumption of alcohol shall be prohibited at ~~vehicular~~ mobile food vending sites.
- F. Hours of Operation. The hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. every day. The mobile food vending vehicle shall not be stored on site during nonoperation hours and shall be removed daily.
- G. Noise. ~~No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise.~~ The operation of all mobile food vehicles, including generators and ancillary equipment, shall meet the city noise ordinance, Chapter 8.20 (Noise Regulations). ~~including generators. No music, other high-decibel sounds, horns, or amplified announcements are allowed to be made from the vehicle.~~
- H. Signs. Signage is only allowed when placed on the mobile food vehicle. No separate freestanding signs are permitted. No flashing or blinking lights are allowed on vehicle or related signage when the vehicle is parked.
- ~~I. The permit for mobile food vending that is not operated in compliance with these regulations and the approved application shall be revoked by the community development director after 30 days' written notice unless the mobile food vending operation is altered to comply.~~

## **Section 25.**

**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.

**Section 26.**

**Publication.** The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Benicia, California and cause the same to be published in accordance with State law.

**Section 27.**

**Effective Date.** This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by  
Council Member \_\_\_\_\_, the foregoing ordinance was  
introduced at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2025,  
and adopted at a regular meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 2025,  
by the following vote:

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
Steve Young, Mayor

Attest:

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

\_\_\_\_\_  
Date

## **RESOLUTION NO. 25-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 4 (FORM BASED CODE) OF THE DOWNTOWN MIXED USE MASTER PLAN TO MODIFY THE ALLOWED LAND USES AND PERMIT REQUIREMENTS OF THE TOWN CORE, TOWN CORE-OPEN, NEIGHBORHOOD GENERAL, AND NEIGHBORHOOD GENERAL-OPEN ZONES AND THE GLOSSARY TO CLARIFY, UPDATE AND STREAMLINE COMMERCIAL REGULATIONS**

**WHEREAS**, Goal 3 of the City of Benicia Resiliency Plan is to expand economic development; and

**WHEREAS**, certain current commercial regulations impede business attraction, establishment and expansion due to permit and discretionary hearing requirements; and

**WHEREAS**, the City of Benicia recognizes the need to update regulations within its Downtown Mixed Use Master Plan (DMUMP) to facilitate effective administration of its regulations and support the attraction, establishment and expansion to meet the community's needs; and

**WHEREAS**, certain clean-up amendments for clarity and consistency within the Form-Based Code are prudent for its effective administration; and

**WHEREAS**, the Economic Development Board conducted a study session discussion of conceptual zoning changes, accepted public comment, and provided feedback on September 25, 2024; and

**WHEREAS**, the City Council accepted public comment and provided direction concerning the proposed amendments on October 15, 2024; and

**WHEREAS**, the Planning Commission and Economic Development Board conducted a study session and accepted public comment on March 27, 2025; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing at a regular meeting on \_\_\_\_\_, 2025, and recommended \_\_\_\_\_ of the proposed amendments to the DMUMP together with commercial streamlining amendments to the Benicia Municipal Code; and

**WHEREAS**, the City Council finds that the aforementioned amendments to the DMUMP would implement the City's objectives for economic resiliency; and

**WHEREAS**, pursuant to Benicia Municipal Code (BMC) section 17.120.40 (Public hearing scope and notice) and California Government Code Section 65091 (Notification Procedures), notice of the public hearing for the proposed amendments was duly published in the Benicia Herald, a newspaper of general circulation, and displayed at City Hall on **DATE**; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the City Council find this project to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations; the proposed amendments constitute minor changes to streamline existing regulations and processes, and on their own do not have the potential to result in significant environmental impacts; and

**WHEREAS**, it is clarified that while the text amendments themselves are deemed to be categorically exempt from further CEQA review, new projects or developments regulated with the updated amendments may still be subject to CEQA review on a case-by-case basis to ensure that any significant environmental impacts are adequately addressed; and

**WHEREAS**, the City Council of the City of Benicia conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution in concert with an Ordinance amending the Benicia Municipal Code (Title 17, Zoning).

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Benicia does hereby find that the proposed amendments to the DMUMP are consistent with the purposes of the Plan, and the following goals and programs of the Benicia General Plan:

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life. These amendments further Goal 2.5 because it broadens the potential land uses in a way that could encourage new development that is compatible with the existing community.
- Goal 2.12: Strengthen the Downtown as the City’s central commercial zone.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.**

Table 4.1: Town Core (TC) Zone Allowed Land Uses and Permit Requirements of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended as follows:

Table 4.1: Town Core (TC) Zone Allowed Land Uses and Permit Requirements		
Land Use Type <sup>1</sup>	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly		

Table 4.1: Town Core (TC) Zone Allowed Land Uses and Permit Requirements		
Land Use Type <sup>1</sup>	Permit Required	Specific Use Regulations
Commercial recreation facility: Indoor		
< 1500 sf	<del>MUP</del> <u>P</u>	
≥ 1500 sf	<del>MUP</del>	
Health/fitness facility		
< 1500 sf	<del>MUP</del> <u>P</u>	
≥ 1500 sf	<del>MUP</del>	
Library, museum	P	
Meeting facility, public or private	MUP	
Park, playground	MUP	
School, public or private	MUP	
Studio: art, dance, martial arts, music, etc		
< 1500 sf	P	
<u>&gt; 1500 sf</u>	<u>MUP</u>	
Theater, cinema, or performing arts	<del>P</del>	
< 5000 sf	P	
> 5000 sf	UP	
Residential		
<del>Home-based business-occupation</del>		
< 300 sf and 2 or fewer employees	P <sup>2</sup>	
≥ 300 sf and 3 or fewer employees	P <sup>2</sup>	
<del>&gt; 300 sf and 3 or more employees</del>	<del>NA</del>	
Mixed use project residential component	P <sup>2</sup>	
Dwelling: Multi-Family-Rowhouse	P <sup>2</sup>	
Dwelling: Multi-Family-Duplex	P <sup>2</sup>	
Dwelling: Multi-Family-Triplex	P <sup>2</sup>	
Dwelling: Multi-Family-Fourplex	P <sup>2</sup>	
Accessory Dwelling Unit	P <sup>2</sup>	A
Ancillary Building	P	
Residential Care, 7 or more clients	P <sup>2</sup>	
Residential Care, 6 or fewer clients	P <sup>2</sup>	
Supportive Housing	P <sup>2</sup>	
Transitional Housing	P <sup>2</sup>	
Retail		
<u>Alcoholic Beverage Sales – Off-premise</u>	<u>UP</u>	
Artisan Shop	P	
Bar, tavern, <del>beverage tasting night club</del> , except with any of the following features	P	<u>B</u>
Operating between <del>9</del> <u>10</u> pm and 7 am	UP	<u>B</u>
General retail, except with any of the following features:	P	
<del>Alcoholic beverage sales</del>	<del>UP</del>	
Floor area over 8000 sf	MUP	



Table 4.1: Town Core (TC) Zone Allowed Land Uses and Permit Requirements		
Land Use Type <sup>1</sup>	Permit Required	Specific Use Regulations
On-site production of items sold	MUP	
Operating between 9 pm and 7 am	MUP	
Cannabis retail operation	<del>not permitted</del> NA	
Neighborhood market <10,000 sf	P	
<del>Night Club</del>	<del>NA</del>	
Outdoor entertainment	UP <sup>4</sup>	<u>B, C</u>
Restaurant, café, coffee shop	P	<u>B</u>
Services: Business, Financial, Professional		
<i>No amendments proposed</i>		
Services: General		
Financial Services	P <sup>2</sup>	
Bed & breakfast		
4 guest rooms or less	P <sup>2</sup>	
Greater than 4 guest rooms	P <sup>2</sup>	
Day care center: Child or adult	P <sup>2</sup>	
Day care center: Large family	P <sup>2</sup>	<u>B</u>
Day care center: Small family	P <sup>2</sup>	
Lodging	MUP	
Personal Services	P <sup>3</sup>	
Transportation, Communications, Infrastructure		
<i>No amendments proposed</i>		

#### Specific Use Regulations

A - Accessory Dwelling Units shall comply with the provisions of BMC 17.70.060.

B - Operation of sound amplifying equipment shall be in compliance with Chapter 8.20 Noise Regulations. A use permit shall be required for sound amplification outside the hours specified in 8.20.080.B.; except that temporary relief is granted for the evening hours of noise amplification until 12:30 a.m. on July 4 and New Years Day (January 1) of each year.

C - Outdoor entertainment uses shall be subject to the standards of BMC 17.70.400, Outdoor entertainment.

~~B - See BMC 17.24.020.P~~

#### 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

~~<sup>3</sup> Body art and piercing requires use permit approval and is allowed only as an ancillary use.~~

~~<sup>4</sup> Outdoor entertainment uses shall be subject to the standards of BMC 17.70.400, Outdoor entertainment.~~

## Section 2.

Table 4.2: Town Core-Open (TC-O) Zone Allowed Land Uses and Permit Requirements of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended as follows:

Table 4.2: Town Core-Open (TC-O) Zone Allowed Land Uses and Permit Requirements		
Land Use Type <sup>1</sup>	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly		
<i>No amendments proposed</i>		
Residential		
Home-based business-occupation		
< 300 sf and 2 or fewer employees	P	
≥ 300 sf and 3 or fewer employees	P	
Live/work unit	P	
Mixed use project residential component	P	
Dwelling: Multi-Family-Rowhouse	P	
Dwelling: Multi-Family-Duplex	P	
Dwelling: Multi-Family-Triplex	P	
Dwelling: Multi-Family-Fourplex	P	
Accessory Dwelling Unit	P	A
Ancillary Building	P	
Residential Care, 7 or more clients	UP	
Residential Care, 6 or fewer clients	MUP	
Supportive Housing	P	
Transitional Housing	P	
Retail		
Alcoholic Beverage Sales – Off-premise	UP	B
Artisan Shop	P	B
Bar, tavern, beverage tasting night club, except with any of the following:	UP	
Operating between 9 10 pm and 7 am	NA	
Cannabis retail operation	not permitted NA	
General retail, except with any of the following features	P	B
Alcoholic beverage sales	UP	
Floor area over 8000 sf	NA	
On-site production of items sold	MUP	
Neighborhood market <10,000 sf	P	B
Restaurant, café, coffee shop	MUP	
Services: Business, Financial, Professional		
ATM or Bank	MUP	
Business support service	P	
Medical services: Clinic, urgent care	MUP	

Medical services: Doctor office	P	B
Medical services: Extended care	MUP	
Office: Business, service	P	B
Office: Professional, administrative	P	B
Services: General		
Financial Services	P	
Bed & Breakfast		
4 guest rooms or less	P	
Greater than 4 guest rooms	P	
Day care center: Child or adult	MUP	
Day care center: Large family	P	€
Day care center: Small family	P	
Lodging	MUP	
Personal services	P	
Transportation, Communications, Infrastructure		
<i>No amendments proposed</i>		

#### Specific Use Regulations

A - Accessory Dwelling Units shall comply with the provisions of BMC 17.70.060.

B - Use shall be limited to the hours of 8 am to ~~7~~8 pm unless a MUP has been obtained. Such businesses are required to conform to any applicable noise standards and lighting restrictions as set forth in any adopted local or State codes that regulate public health and safety

~~C- See BMC 17.24.020.P~~

#### End Notes

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

### **Section 3.**

Table 4.2: Town Core-Open (TC-O) Zone Allowed Land Uses and Permit Requirements of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended to delete duplicate regulations for Services: Business, Financial, Professional; Services: General, and Transportation, Communications, Infrastructure on page 4-15.

### **Section 4.**

Table 4.3: Neighborhood General (NG) Zone Allowed Land Uses and Permit Requirements of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended as follows:

Table 4.3: Neighborhood General (NG) Zone Allowed Land Uses and Permit Requirements		
Land Use Type <sup>1</sup>	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly		
<i>No amendments proposed</i>		

Residential		
Dwelling: Single family	P	
<del>Home-based business occupation</del>		
< 300 sf and 2 or fewer employees	P	
≥ 300 sf and 3 or fewer employees	P	
Dwelling: Multi-Family-Duplex	P	
Accessory Dwelling Unit	P	A
Ancillary Building	P	
Supportive Housing	P	
Transitional Housing	P	
Retail		
General retail, except with any of the following features	P	B
<del>Alcoholic beverage sales</del>	<del>NA</del>	
Floor area over 8000 sf	NA	
On-site production of items sold	P <sup>2</sup>	
Cannabis retail operation	NA	
Services: Business, Financial, Professional		
Office: Professional, administrative	P <sup>2</sup>	B
Services: General		
Financial Services	P	
Bed & Breakfast		
4 guest rooms or less	P	
Greater than 4 guest rooms	MUP	
Day care center: Child or adult	MUP	
Day care center: Large family	P	<del>€</del>
Day care center: Small family	P	
Transportation, Communications, Infrastructure		
<i>No amendments proposed</i>		

#### Specific Use Regulations

A - Accessory Dwelling Units shall comply with the provisions of BMC 17.70.060.

B - Use shall be limited to the hours of 8 am to ~~7~~8 pm unless a MUP has been obtained. Such businesses are required to conform to any applicable noise standards and lighting restrictions as set forth in any adopted local or State codes that regulate public health and safety

~~€ See BMC 17.24.020.P~~

#### End Notes

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

<sup>2</sup> Allowed only in ancillary buildings.

### **Section 5.**

Table 4.4: Neighborhood General-Open (NG-O) Zone Allowed Land Uses and Permit Requirements of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended as follows:

Table 4.4: Neighborhood General (NG-0) Zone Allowed Land Uses and Permit Requirements		
Land Use Type	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly		
<i>No amendments proposed</i>		
Residential		
Dwelling: Single family	P	
Home-based business-occupation		
< 300 sf and 2 or fewer employees	P	
> 300 sf and 3 or fewer employees	P	
> 300 sf and 3 or more employees	P	
Live/work unit	P	
Mixed use project residential component	P	
Dwelling: Multi-Family-Duplex	P	
Accessory Dwelling Unit	P	A
Ancillary Building	P	
Residential Care, 7 or more clients	UP	
Residential Care, 6 or fewer clients	MUP	
Supportive Housing	P	
Transitional Housing	P	
Retail		
Artisan Shop	P	B
General retail, except with any of the following features	P	B
Alcoholic beverage sales	NA	
Floor area over 8000 sf	NA	
On-site production of items sold	MUP	
Restaurant, café, coffee shop	MUP	
Services: Business, Financial, Professional		
Business support service	P	B
Medical services: Doctor office	P	B
Office: Business, service	P	B
Office: Professional, administrative	P	B
Services: General		
Financial Services	P	
Bed & Breakfast		
4 guest rooms or less	P	
Greater than 4 guest rooms	MUP	
Day care center: Child or adult	MUP	
Day care center: Large family	P	€
Day care center: Small family	P	
Lodging	MUP	
Personal services	P	
Transportation, Communications, Infrastructure		

No amendments proposed		
------------------------	--	--

## Specific Use Regulations

A - Accessory Dwelling Units shall comply with the provisions of BMC 17.70.060.

B - Use shall be limited to the hours of 8 am to ~~7~~8 pm unless a MUP has been obtained. Such businesses are required to conform to any applicable noise standards and lighting restrictions as set forth in any adopted local or State codes that regulate public health and safety

~~C - See BMC 17.24.020.P~~

## End Notes

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

## Section 6.

The Glossary of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is amended to modify the following definitions, which are listed in alphabetical order within the Glossary:

Alcoholic Beverage Sales – Off-premise: The retail sale of beer, wine, and/or spirits in sealed containers for off-~~site premise~~ consumption, ~~either as part of another retail use, or~~ as a primary business activity. ~~Does not include alcohol sales conducted on a temporary basis pursuant to a day license or equivalent permit from the California Department of Alcoholic Beverage Control, nor sales that are accessory to and part of a beverage tasting facility, microbrewery, neighborhood market or similar use.~~

### ~~Bar, Tavern, Night Club~~

Bar, Tavern, Tasting Facility: A business where alcoholic beverages are sold for primarily for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery (“brew pub”) and other beverage tasting facilities.

~~Night Club: A facility serving alcoholic beverages for on site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Does not include adult oriented businesses.~~

Commercial Recreation Facility - Indoor: An establishment providing indoor amusement, recreation and entertainment services for a fee or admission charge, including: bowling alleys, ~~coin-operated amusement arcades, electronic~~ game arcades (video games, pinball, etc.), ice skating and roller skating, play centers, pool and billiard rooms as primary uses. This use does not include ~~sex oriented- adult~~ businesses as such use is classified in BMC 17.16.050 nor any establishment engaged in gambling or betting ~~Four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) in any establishment, or a premises where 50 percent or more of the~~

~~floor area is occupied by electronic games or amusement devices, are considered a commercial recreation facility; three or fewer machines or devices are not considered a land use separate from the primary use of the site.~~

Director: The ~~Community Development~~ Development Services Director of the City of Benicia, or ~~his~~ their duly appointed representative

Health/Fitness Facility: Establishments primarily engaged in providing physical fitness services, exercise equipment, and related activities for the improvement or maintenance of physical health and well-being. This classification includes gyms, health clubs, yoga studios, and similar establishments offering exercise classes, personal training, cardiovascular equipment, weight training equipment, and other fitness-related services. A fitness center, gymnasium, health and athletic club, which may include any of the following:

~~exercise machines, weight facilities, group exercise rooms, sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities, indoor or outdoor pools~~

~~Home-Based Business Occupation:~~ Residential premises used for the transaction of business or the supply of professional services, not including cannabis or cannabis products. Home-based businesses occupation shall be limited to the following: agent, architect, artist, broker, consultant, draftsman, dressmaker, engineer, interior decorator, lawyer, notary public, teacher, and other similar occupations, as determined by the Director. Such use shall not simultaneously employ more than 4one person in addition to residents of the dwelling. The total gross area of the home-based business occupation shall not exceed 25 percent of the gross square footage of the dwelling residential unit. The home-based business occupation shall not disrupt the generally residential character of the neighborhood. ~~The Director shall review the nature of a proposed home occupation use at the time of review of a business license for such use, and may approve, approve with conditions, continue or deny the application.~~

Night Club: A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Does not include adult oriented businesses or outdoor entertainment.

## **Section 7.**

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, phrases or clauses be declared unconstitutional on their face or as applied.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by  
Council Member \_\_\_\_\_, the foregoing resolution was  
adopted at a regular meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 2025, by  
the following vote:

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
Steve Young, Mayor

Attest:

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

\_\_\_\_\_  
Date



## **MINUTES OF THE BENICIA PLANNING COMMISSION**

**Benicia Community Center Multipurpose Room  
370 East L Street, Benicia, CA 94510**

**June 26, 2025  
6:00 PM**

Complete proceedings are recorded. These are action minutes; a full video is available online at [www.ci.benicia.ca.us/agendas](http://www.ci.benicia.ca.us/agendas).

### **Accessing The Meeting**

#### **1. Call To Order**

Acting Chair Slate called the meeting to order at 6:02 p.m.

#### **2. Roll Call Of Commissioners**

Present: Commissioner Catton, Commissioner Gilpin-Hayes, Commissioner Gorman, Commissioner Lyle, Commissioner Marshall, and Acting Chair Slate

Absent: (None)

Staff: Suzanne Thorsen, Assistant City Manager/Community Development Director  
Jason Hade, Planning Manager  
Vivien Togonon, Associate Planner  
Terri Asano, Community Development Coordinator  
Mary Wagner, Assistant City Attorney  
Ben Noble, Consultant

#### **3. Reference To Fundamental Rights Of Public**

#### **4. Adoption Of Agenda**

On a motion of Commissioner Lyle, seconded by Commissioner Gilpin-Hayes, the Commission approved the Adoption of the Agenda, as presented, by the following vote:

Ayes: Commissioner Catton, Commissioner Gilpin-Hayes, Commissioner Gorman, Commissioner Lyle, Commissioner Marshall, and Acting Chair Slate

Noes: (None)

#### **5. Opportunity For Public Comments**

## **6. Information And Presentations**

## **7. Consent Calendar**

### **7.A APPROVAL OF MINUTES FROM FEBRUARY 13, 2025** [02-13-25 DRAFT MINUTES](#)

### **7.B APPROVAL OF MINUTES FROM MARCH 27, 2025** [03-27-25 DRAFT MINUTES](#)

On a motion of Commissioner Lyle, seconded by Commissioner Gilpin-Hayes, the Commission approved the adoption of the Consent Calendar, as presented, by the following vote:

Ayes: Commissioner Catton, Commissioner Gilpin-Hayes, Commissioner Gorman, Commissioner Lyle, Commissioner Marshall, and Acting Chair Slate

Noes: (None)

## **8. Regular Agenda Items**

### **8.A 2025 HOUSING ELEMENT IMPLEMENTATION UPDATE**

RECOMMENDED ACTION: This agenda item outlines the City's approach and timeline for implementation of key Housing Element programs in 2025.

RECOMMENDATION: Accept the report and public comment. No action is requested.

[Staff Report - Housing Element Update](#)

Ben Noble, consultant, gave a presentation.

#### **PUBLIC COMMENTS**

1. Citizen – The citizen inquired about the process for prioritizing views to be protected.

Staff replied.

### **8.B STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT PROHOUSING DESIGNATION APPLICATION**

RECOMMENDED ACTION: HCD operates a Prohousing Designation certification program. The City is sharing the application with the Planning

Commission and will provide an opportunity for public comments prior to submission to HCD. Receiving a Prohousing Designation documents a jurisdiction's commitment to implementing local policies that remove obstacles to new housing and recognizes the work that has already been done by a jurisdiction to address California's severe housing shortage and affordability crisis. The designation also benefits applicants seeking to build affordable housing projects, within the Prohousing jurisdiction, when applying for funding. HCD began accepting applications on March 2, 2024.

RECOMMENDATION: Accept public comments on the City's draft Prohousing Designation application to the State Department of Housing and Community Development (HCD). No formal action is required.

[Staff Report - Prohousing Designation Application](#)

[Attachment 1 - City of Benicia HCD PHD Comprehensive Application Draft 5.30.25](#)

Vivien Togonon, Associate Planner, gave a presentation.

## **8.C COMMERCIAL USE REGULATIONS STREAMLINING AMENDMENTS**

RECOMMENDED ACTION: Consideration of amendments to Title 17 (Zoning) of the Benicia Municipal Code (BMC): Definitions (Chapter 17.12), Use Classifications (Chapter 17.16), Residential Districts (Chapter 17.24), Mixed Use Districts (Chapter 17.26), Commercial Districts (Chapter 17.28), Industrial Districts (Chapter 17.32), Open Space District (Chapter 17.36), Public and Semipublic District (Chapter 17.40) and General Regulations (Chapter 17.70) including Home Occupations (Section 17.70.070), Eating and Drinking Establishments with Take- Out Service (Section 17.70.090), Live Entertainment (Section 17.70.100), Game Centers (Section 17.70.290), Formula Businesses (Section 17.70.350), and Mobile Food Vendors (Section 17.70.380). Consideration of amendments Chapter 4 (Form-Based Code) of the Downtown Mixed Use Master Plan (DMUMP) including the Town Core, Town Core-Open, Neighborhood General and Neighborhood General-Open zones and Glossary. Consideration of an amendment to Chapter 2.32 and corresponding amendments throughout the BMC and DMUMP to change the name of the "Planning Department", "Community Development Department", and "Community Development Director" to "Development Services Department" and "Development Services Director". RECOMMENDATION: Conduct a public hearing and move to adopt the resolution (Attachment 1) recommending that the City Council of the City of Benicia adopt amendments to the Benicia Municipal Code (BMC) and the Downtown Mixed Use Master Plan (DMUMP) for commercial uses streamlining, clarification, consistency and formatting after finding the project is exempt from CEQA pursuant to Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations.

[Staff Report- Commercial Uses Streamlining](#)

[Attachment 1 - Draft Resolution with Exhibits A and](#)

[B](#)

[Exhibit A - Draft Ordinance amending the Benicia Municipal Code](#)

Exhibit B - Draft Resolution amending the Downtown Mixed Use Master Plan  
Attachment 2 - Zoning Map

Commissioners asked clarifying questions regarding the hours of operation for businesses and restrictions in the downtown area.

Staff clarified.

PUBLIC COMMENTS

1. Citizen – The citizen requested clarification about the definition of nightclubs versus bars and temporary relief requests.

Staff replied.

Acting Chair Slate expressed appreciation for the staff's work on the item.

On a motion of Commissioner Catton, seconded by Commissioner Lyle, the Commission approved Item 8.C, as presented, by the following vote:

Ayes: Commissioner Catton, Commissioner Gilpin-Hayes, Commissioner Gorman, Commissioner Lyle, Commissioner Marshall, and Acting Chair Slate

Noes: (None)

**9. Communication From Staff**

Jason Hade, Planning Manager, thanked IT and Community Services staff for their help with the meeting.

**10. Communication From Commissioners**

**11. Adjournment**

Acting Chair Slate adjourned the meeting at 7:21 p.m.

**12. Next Meeting**

Acting Chair Slate announced that the next regular meeting will be scheduled for July 10.





# Zoning Map

## February 2025



**Legend**

ARSENAL HISTORIC DISTRICT BOUNDARY  
DMLMP BOUNDARY  
HISTORIC DISTRICT BOUNDARY  
HOUSING OPPORTUNITY SITE OVERLAY  
CITY BOUNDARY

**ZONING**

COMMUNITY COMMERCIAL  
GENERAL COMMERCIAL  
GENERAL INDUSTRIAL  
HIGH DENSITY RESIDENTIAL  
INDUSTRIAL PARK  
LIMITED INDUSTRIAL  
MEDIUM DENSITY RESIDENTIAL  
MIXED USE INFILL  
MIXED USE LIMITED  
NEIGHBORHOOD GENERAL  
NEIGHBORHOOD GENERAL OPEN  
OFFICE COMMERCIAL  
OPEN SPACE  
PLANNED DEVELOPMENT  
PUBLIC & SEMI PUBLIC  
SINGLE FAMILY RESIDENTIAL  
TOWN CORE  
TOWN CORE OPEN  
WATER RELATED INDUSTRIAL  
WATERFRONT

**249**

NO.	REVISION DESCRIPTION	DATE
1	Parcel added north of Lake Harrison Road and west of crossing with Highway 680.	1/5/2004
2	Updated parcel and zoning changes as per department markings.	4/28/2005
3	Updated parcel and zoning changes as per department markings.	8/3/2005
4	Updated street names and zoning changes as per department markings.	5/18/2006
5	Deleted or changed APT, reservoir, and Church labels, as per department markings.	7/13/2006
6	Added DMLMP inset, boundary, and legend entry. Changed Historic Overlay District line, removed CD Zone, changed various labels, and altered color scheme.	2/10/2012
7	Updated Parcel Zoning Changes for Eastern Outwayway (effective 2-17-22); Housing Opportunity Sites (effective 5-2-23); updated legend, changed various labels, and altered legend color scheme per department markings.	9/10/2024
8	Picture of 2270 Columbus Parkway to Housing Opportunity Zone (HZ), effective 3-6-25	3/6/2025

