

BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

CITY HALL COMMISSION ROOM

REGULAR MEETING AGENDA

Thursday, February 25, 2010

6:30 P.M.

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

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

II. ADOPTION OF AGENDA

III. OPPORTUNITY FOR PUBLIC COMMENT

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

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

A. WRITTEN

B. PUBLIC COMMENT

IV. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Historic Preservation Review Commission or a member of the public by submitting a speaker slip for that item.

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

A. Approval of Minutes of January 28, 2010

V. REGULAR AGENDA ITEMS

A. LOWER ARSENAL MIXED USE SPECIFIC PLAN AND EIR - WORKSHOP

Workshop to provide an overview of the project and direction to the Historic Preservation Review Commission and their required action.

LOCATION:

The Lower Arsenal is generally bounded by lands adjoining I-780 on the north, lands adjoining I-680 on the east, Port of Benicia land and the Carquinez Strait on the south, and residential neighborhoods extending into downtown Benicia on the west.

PROPOSAL:

The subject of the workshop is a Specific Plan for the Lower Arsenal site, which is designated for mixed uses in the Benicia General Plan. The Specific Plan covers four distinct zones, each of which exhibits a unique physical character. The Specific Plan includes a form-based code to shape future development on the project site, with primary emphasis on the physical form and character of new development. After build-out of the Specific Plan, the area should contain approximately 741,865 square feet of mixed uses, 22 residential units, and 6.39 acres of open space. The Specific Plan area currently contains approximately 525,000 square feet of mixed uses. The Draft Specific Plan is available for public review at the City's Public Works & Community Development Department or on the City's website at www.ci.benicia.ca.us.

Recommendation:

Hold a workshop to review the project history and provide direction to the Historic Preservation Review Commission regarding action to be taken at its March 25, 2010 meeting.

At the March 25, 2010 meeting, the Commission will be tasked to make a recommendation to the Planning Commission and the City Council regarding certification of the Environmental Impact Report and adoption of the Lower Arsenal Mixed Use Specific Plan, including modification of Specific Plan Action 4.6.2 to prohibit granting of City permit for alteration of any structure in the Plan area more than 50 years old until the Lower Arsenal historic resource inventory has been updated.

VI. COMMUNICATIONS FROM STAFF

VII. COMMUNICATIONS FROM COMMISSIONERS

VIII. ADJOURNMENT

Public Participation

The Benicia Historic Preservation Review Commission welcomes public participation.

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

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

Disabled Access

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

Meeting Procedures

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

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

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

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

Public Records

The agenda packet for this meeting is available at the City Clerk's Office, the Benicia Public Library and the Community Development Department during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the Community Development Department's office located at 250 East L Street, Benicia, or at the meeting held in the City Hall Council Chambers. If you wish to submit written information on an agenda item, please submit to Gina Eleccion, Management Analyst, as soon as possible so that it may be distributed to the Historic Preservation Review Commission.



BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

CITY HALL COMMISSION ROOM

REGULAR MEETING MINUTES

**Thursday, January 28, 2010
6:30 P.M.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Crompton, Donaghue, Mang, McKee, Taagepera, White and
Chair Haughey
Absent: None

Staff Present:

Gina Eleccion, Management Analyst
Amy Million, Consulting Planner
Raquel Walsh, Recording Secretary

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

II. AGENDA CHANGES AND DISCUSSION

None.

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

None.

IV. CONSENT CALENDAR

On motion of Commissioner White, seconded by Commissioner Donaghue, the Consent Calendar was approved by the following vote:

Ayes: Commissioners Crompton, Donaghue, McKee, Taagepera, White and Chair Haughey
Noes: None
Absent: None
Abstain: Commissioner Mang

- A. Approval of Agenda**
- B. Approval of Minutes of December 17, 2009**

V. REGULAR AGENDA ITEMS

- A. DESIGN REVIEW - NEW DETACHED GARAGE
09PLN-00097
255 West K Street, APN: 0087-161-160**

PROPOSAL:

The applicant requests design review approval to construct a one-story, 875 square foot garage in the rear yard of an existing single-family residence. The existing residential building is designated as a contributing building to the Downtown Historic District.

Recommendation: Approve the design review request to construct a one-story, 875 square foot garage in the rear yard of an existing single-family residence, based on the findings and conditions of approval set forth in the proposed resolution.

Chair Haughey and Commissioner Taagepera recused themselves from the discussion. Amy Million gave a brief statement regarding the proposal and presented a color board.

Commissioner Mang inquired about the pitch of the house and wanted to make sure it matched the addition. Jim Ponder, homeowner, explained that the garage was to be 16 feet high. Commissioner Donaghue noted that he wished to give the applicant flexibility with regard to the siding and suggested pine rather than redwood siding. The project contractor, John Laverty, was not aware that he could use another wood and indicated that he would like the choice of pine.

Commissioner Mang noted that the door of the garage would not need to be aluminum and also suggested that the door could be 7' 6" rather than 7' for easier accessibility. Commissioner Crompton inquired if the detached accessory structure height should be explained. Amy Million noted that structures in the RS district can have a super pitched roof to match the house. From this initial suggestion, Commissioners and Amy Million, Consulting Planner, discussed wall height, plate height and siding. Amy Million recommended to commissioners that if they approve, they should consider making a recommendation to raise the height of the wall and craft a condition of approval.

The Commissioners requested the following modifications:

1. Item No. 5 will state “wood siding with 8” exposure
2. Item No. 7 will state that the door appearance will need to match the windows and the use of divided lights must be true divided on doors and windows
3. Item No. 10 will allow garage door height to be 7’ 6” and if necessary, the plate height will be increased to 9’
4. Item No. 11 will indicate the installation of an aluminum clad *or* wood door

On motion of Commissioner Donaghue, seconded by Commissioner Crompton, the above resolution was approved by the following vote:

Ayes: Commissioners Crompton, Donaghue, Mang, McKee and White

Noes: None

Absent: None

Abstain: Commissioner Taagepera and Chair Haughey

- B. MILLS ACT INSPECTIONS – Continued from December 17, 2009** – At the October 22nd meeting, Commissioner Mang requested that the Commission be involved in the Mills Act inspection process. Staff and the Commission will discuss this request.

Gina Eleccion gave an introduction to the discussion item and asked Commissioner Mang for his comments on the request to discuss this. Commissioner Mang expressed his concerns about the process and noted that staff, with the assistance of the Commission, could give applicants better direction. Gina Eleccion explained that the Commission could review the guidelines to ensure the process is clear, and demonstrate that the application does not lead to just a tax break but also benefits the community. She indicated that the Commission look at program guidelines and make a recommendation to City Council with additions or changes.

Chair Haughey indicated that a big issue is that the work plans are not consistent. She suggested a worksheet be made available that is not so open ended and suggested that applicants have a required start date for their projects. She felt this would be difficult as the Commission did not have a way to enforce. Gina Eleccion explained the application is a binding contract and referred to exhibit B, property maintenance.

Commissioner White stressed the importance of photographic documentation of ongoing projects and inquired if a work plan and schedule is required to address any issues. Gina Eleccion explained that there is correspondence between the applicant and staff. Commissioner White suggested that an applicant submit a work plan and schedule to keep on file.

Commissioner Taagepera felt that the letters to applicants come across brusque and cold. Gina Eleccion indicated that the tone of the letters could be tempered if they seemed offensive.

Commissioner Crompton indicated that applicants require direction as he observed compliance issues and difficulty with people understanding the contract.

Gina Eleccion explained to the Commission that the Council is seeking an overall report with financial aspects and financial ramifications with amendments to the guidelines. She noted that the approximate \$36,000 in lost revenue is worth it for the city to protect 30 historical properties. The discussion concluded with a brief debate about actual loss to the county and state and assessed values of historical properties vs. Prop 13 values.

C. CERTIFIED LOCAL GOVERNMENT (CLG) ANNUAL REPORT

Staff will present the CLG Annual Report to the Commission for review and discussion.

Gina Eleccion gave an overview of the Certified Local Government annual report and highlighted specific areas. She noted that the three goals set by the Commission have been met, and looking forward, staff is mindful of the Commissions objectives while balancing budgetary constraints.

Chair Haughey questioned if the Community Development Director is required to go to additional training with regard to the CLG Program. Gina Eleccion answered no. She added that the Commission is way ahead of the curve over other jurisdictions.

Commissioners discussed certain sections of the report. Gina Eleccion noted that the Commission will have input on next year's report.

D. LISTING PROCESS FOR HISTORIC RESOURCES TO REGAIN HISTORIC STATUS

PROPOSAL:

Per City Council direction, the Commission will discuss a process that allows an eligible property to gain historic status. This discussion includes suggestions made by Commissioner Taagepera in a memo dated March 25, 2009, and comments made by the Commission at the September 24, 2009 meeting.

Recommendation: Continue this discussion, review draft policy, and direct staff to prepare a zoning text amendment for the Commission to make a recommendation to the Planning Commission and the City Council.

Gina Eleccion referred to the existing process listed in the Municipal Code Section 17.54 for initiating and designating historic properties. She explained that amendments could be made to the section to create a clearer process, so that a property that has not been eligible or previously de-listed could gain historic status. She directed the Commission to review the Historic Designation Application Checklist and create a red line version for recommendation to Council.

Commissioners discussed the process at length, each having specific questions with regard to the section and checklist. Gina Eleccion fielded questions pertaining to program

guidelines, authority to preserve historic properties without forcing property owners to become historic, and the criteria necessary for designation.

Commissioner McKee questioned if the section pertains to properties inside the historic district. Gina Eleccion responded yes and explained that landmarks would also be included. Other subjects discussed were reasons why a property would be removed from the designation, who can initiate the process, and staff assistance to applicants.

Commissioner White suggested segregating property owners and government entities on the application. He also stressed the importance of the revisions having longevity and significance 20 – 25 years into the future.

Commissioner McKee felt the process should be more casual. He felt a color board was not necessary and the filing fee could be lowered as well.

Commissioner Donahue suggested the sentence “can be *initiated* by City Council, etc.” be removed.

Chair Haughey asked why a title report is required. Gina Eleccion informed the Commission that it does not have to be a requirement. She added that the fee is a suggestion and it is within the purview of the Commission to alter certain requirements.

Commissioner Taagepera explained that her original intent of the March 2009 memo was specific to the re-designation of properties through this process. She expressed concern that the application requires professional review and an architectural historian report. The Commission then discussed the differences between an architectural historian and a historic architect. A majority of the Commission agreed that professional review was necessary to facilitate accurate reports, repairs and upgrades to historic properties.

The discussion concluded with Gina Eleccion reiterating the importance of updating Section 17.54 along with the Historic Designation Application, amending items that impede the process and taking the opportunity to reconstruct a comprehensive document that will have longevity well into the future.

E. PRIORITY LIST OF DISCUSSION ITEMS

Staff and Commission will discuss and review the Commission’s discussion items, including ranking of topics.

Gina Eleccion reviewed the list of priorities with the Commission. She advised them to add any items they wanted and then to re-prioritize the list. With current staff resources, it is not realistic to accomplish all of these items. Staff will work with Chair Haughey to manage this.

Commissioners discussed the position of certain topics high on the priority list. Commissioner White indicated that staff is working extremely hard on current projects and that the Commission should “hold fast for the time being” with current priorities. Gina

Eleccion noted the Commissioners suggestions and will remove priority five (CLG Requirements) and priority six (Standing Historic Subcommittee), as well as the SHPO notes in the completed section.

Items to be moved up or added to the list of priority topics include:

1. Definitions of “repair”, “emergency”, “minor” moved up
2. Commanding Officer’s Quarters - Standards of Use added as top priority
3. Mills Act Program Guidelines
4. Add protection of historic resources, as outlined in a memo submitted by Commissioner White
5. Remove Administrative Certificates of Appropriateness

VI. COMMUNICATIONS FROM STAFF

Gina Eleccion noted that she and Commissioner Donaghue attended a training session on windows and weatherization of historic resources. She noted that she is looking for other local training opportunities, including holding either CPF or SHPO workshops in Benicia. This would allow all Commissioners to meet with CLG training requirement without any expense to the City. With the current economic conditions and budget constraints, there are no additional funds for training or work plan items.

Gina Eleccion informed the Commission that there has been some staff transition with the departure of Mike Marcus. She explained that the Climate Action Plan he had a hand in creating will be utilized and in the forefront of decision making in terms of climate change.

Gina Eleccion also updated the Commission that there will be an Arsenal Plan Workshop scheduled in February. Staff is looking for direction on the Plan from the Commission by March for a final recommendation to Council in June.

Gina Eleccion concluded communications by informing the Commission on the status of the Historic Context Committee. She indicated that the Committee is continuing to reach out to the community for pertinent information and oral histories of residents.

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Taagepera invited the Commission to a Historical Society Program about Native American History. The event will be held on February 11, 2010 at 7pm in the Camilla Tea Room.

Chair Haughey announced that the Boy Scout Exhibition at the Historic Museum will continue through January 31, 2010 from 1pm to 4pm.

VIII. ADJOURNMENT

Chair Haughey adjourned the meeting at 9:35pm

AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION
FEBRUARY 25, 2010
REGULAR AGENDA ITEM

DATE : February 5, 2010
TO : Historic Preservation Review Commission
FROM : Charlie Knox, Public Works & Community Development Director
SUBJECT : **LOWER ARSENAL MIXED USE SPECIFIC PLAN AND EIR -
WORKSHOP**

RECOMMENDATION:

Hold a workshop to review the project history and provide direction to the Historic Preservation Review Commission regarding action to be taken at its March 25, 2010 meeting.

At the March 25, 2010 meeting, the Commission will be tasked to make a recommendation to the Planning Commission and the City Council regarding certification of the Environmental Impact Report and adoption of the Lower Arsenal Mixed Use Specific Plan, including modification of Specific Plan Action 4.6.2 to prohibit granting of City permit for alteration of any structure in the Plan area more than 50 years old until the Lower Arsenal historic resource inventory has been updated.

EXECUTIVE SUMMARY:

The Draft Environmental Impact Report (EIR) for the Draft Lower Arsenal Mixed Use Specific Plan has been completed. Public comment on the Plan and EIR has focused on whether historic resources will be adequately protected, and whether residential uses should be included in the Plan, given potential hazards in the area and compatibility issues with nearby industrial operations.

At its regular meeting of August 14, 2008, the Planning Commission recommended certification of the EIR and approval of the Specific Plan, with modification of Specific Plan Action 4.6.2 to ensure preservation of historic resources, including the Plan area as a whole and the National Register Historic Districts within it. The Historic Preservation Review Commission (along with the Planning Commission and Economic Development Board) recommended approval of the Draft Plan for Environmental Review on January 11, 2007, but has not yet commented on the Draft EIR.

The only single-family component of the Specific Plan is a 22-home proposal at 1025 Grant Street, but the overall appropriateness of multifamily, live/work and mixed-use residences has

also been a topic of commenter concern. Accordingly, the commissions may wish to make specific recommendations to Council regarding the appropriateness of various types of residential uses in the Plan area. (Work/live units have not been identified by commenters as potentially incompatible with existing nearby uses.)

Per the direction of the Historic Preservation Review Commission at its joint meeting with the Planning Commission on October 22, 2009, this matter was continued to a future meeting of each Commission separately. The City Council also previously directed the Historic Preservation Review Commission to review the EIR document for the Lower Arsenal Mixed Use Specific Plan with regard to historic context issues. At its December 17, 2009, the Historic Preservation Review Commission requested a workshop to review the entire project prior to taking action on the Plan.

GENERAL PLAN:

Relevant General Plan Goals and Policies include:

- 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.
- Goal 2.8: Maintain the viability of the Port now and in the future to benefit the City of Benicia.
- Goal 2.11: Encourage the retention and continued evolution of the lower Arsenal into a historic/cultural/commercial/industrial center of mutually compatible uses.
 - Policy 2.11.1: Retain and expand the mix of compatible and balanced uses in the lower Arsenal area.
 - Policy 2.11.2: Continue to allow live/work uses in the lower Arsenal where it can be demonstrated that adequate buffers exist, including noise buffers, and that the presence of residents would not significantly constrain industrial operations, including the flow of goods and materials.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue #3: Strengthening Economic and Fiscal Conditions
 - Strategy #5: Increase economic viability of industrial park and other commercial areas, while preserving economic strengths and historic resources.

BUDGET INFORMATION:

Preparation of the Plan and EIR has been fully funded with \$440,000 from the General Fund.

ENVIRONMENTAL ANALYSIS:

The Draft EIR was released for public review from July 19, 2007 to September 6, 2007. In response to public comment, a first partial recirculation document was distributed from April 22, 2008 to July 22, 2008. It contained “significant new information” per California Environmental Quality Act Guidelines 15088.5, including hazards and cultural resource impacts not previously identified in the Draft EIR.

In addition to the two original mitigation measures for the Hazards and Hazardous Materials section of the EIR that dealt with what must occur when hazardous materials are uncovered, another measure was included that acknowledges the potential presence of hazardous materials throughout the lower Arsenal area and directs property owners to investigate and remediate contaminated areas if discovered, in conjunction with any potentially responsible parties such as prior owners and regulatory agencies. (A more comprehensive hazard mitigation strategy involving the State Department of Toxic Substances Control and the Department of Defense would be preferable but as yet has not been attainable through discussions with these parties.)

The Cultural and Paleontological Resources section retained eight of the original 13 mitigation measures pertaining to cultural resources and added a mitigation measure to address construction of new buildings that could adversely affect National Historic Register District D in the South of Grant Street Zone.

A Response to Comments (RTC) Document was prepared and circulated in August 2008 that addresses all comments received on the Draft EIR to that date, including the first set of recirculated sections.

A second partial recirculation of the DEIR occurred from August 21, 2009 through October 22, 2009, which includes the Global Climate Change, Energy Use, and Sustainability (formerly Sustainability and Energy) section and the Noise section. This recirculation was not required pursuant to CEQA; instead, it was intended to comply with Assembly Bill 32 directives to reduce greenhouse gas emissions, reduce energy consumption and increase energy efficiency, as well as to satisfy a request from the Port of Benicia for analysis of a noise study it submitted. No new mitigation measures were added as a result of this second recirculation. The Mitigation Monitoring and Reporting Program for the Draft EIR is attached to this report.

BACKGROUND:

The Benicia General Plan establishes a Lower Arsenal Mixed Use designation for approximately 50 acres generally bounded by I-780, the Port of Benicia, and residences east of East 7th Street. “This category includes residential, live/work, office, retail, public and quasi-public, and limited industrial uses” (General Plan page 28). (Work/live use was not contemplated at the time of the 1999 General Plan update but is included in the Draft Specific Plan and could be determined by the City Council to fit within this range of allowed uses without amendment to the General Plan.)

In August 2006, the City began a process (see attached Timeline) to involve citizens in planning for preservation and change in the lower Arsenal with a community workshop and stakeholder interviews, followed by a multi-day charrette in September 2006. In January 2007, the Planning

Commission and Historic Preservation Review Commission recommended the Draft Lower Arsenal Mixed Use Specific Plan to the City Council, and Council approved a Draft Plan for Environmental Review in February 2007 (published March 30, 2007).

The Planning Commission held an EIR scoping hearing in April 2007, and the Draft EIR was published in July 2007. The first Draft EIR recirculation was published in April 2008, and the Planning Commission held a public hearing on the recirculated section in June 2008, and another to recommend Council approval of the Draft Plan and Draft EIR in August 2008.

After considering the Draft Plan and Draft EIR at its October 21, 2008 regular meeting, the City Council directed that an additional public workshop be held, primarily to provide Council with additional information regarding the historic preservation and residential/industrial compatibility issues. The results of that workshop, held April 6, 2009, are attached to this report.

Following the April 2009 workshop, staff requested Council direction to revise the Sustainability and Energy section of the EIR to become the Global Climate Change, Energy Use, and Sustainability section in compliance with AB 32. In addition, staff agreed to the Port's request to analyze the noise report submitted on the Port's behalf (rather than merely respond to it as a comment on the Draft EIR).

The public comment for the second recirculation concluded with the October 22, 2009 joint meeting of the Planning Commission and Historic Preservation Review Commission. As the second recirculation has not (at least yet) resulted in additional proposed Draft EIR mitigation measures, the Mitigation Monitoring and Reporting Program presented to the City Council in October 2008 remains valid and is attached to this report. With any additional recommendations of the Planning Commission and Historic Preservation Review Commission, plus public comments received and additional responses to those comments, the City Council can act on the Plan and EIR, including the Mitigation Monitoring and Reporting Program.

SUMMARY:

The Draft Plan includes a different set of development and land use standards for the Lower Arsenal area than are presently established by the zoning ordinance. The Plan includes standards for building form, architecture, open space, and circulation. These standards would replace current zoning provisions for allowable uses, permit requirements and site development; however, the Arsenal Historic Conservation Plan would continue to provide additional design guidelines that will supersede the Specific Plan provisions in the event of any conflict. (Specific Plan Appendix B compares Specific Plan provisions to those of the Conservation Plan.)

The Specific Plan would allow approximately 215,000 square feet of new development in the plan area in the form of a mixture of uses, which is roughly one-third the additional amount of office, commercial and live-work square footage that could be allowed under current zoning. The majority of new development would occur at the Jefferson Ridge, which is the only area for which the Plan considers more than one development pattern, based on public input. Put simply, these alternatives are preservation of the ridge largely as open space versus significant development of large-scale buildings to match the mass and scale of existing historic structures.

The land use plan that would be adopted if the Specific Plan is approved by Council as recommended by the Planning Commission in August 2008 is the one titled "Option 2" on page 2-8 of the March 30, 2007 Lower Arsenal Mixed Use Specific Plan Draft for Environmental Review. The significant development alternative, it would allow (and accordingly, the Draft EIR describes "the project" as):

- 185,000 sq. ft. of new mixed-use development on the Jefferson Ridge in seven major buildings designed to complement the existing formal military architectural and spatial arrangement of the site. This alternative includes several new streets.

The preservation-oriented option (which the Draft Plan and Draft EIR call "Option 1") would preserve and rehabilitate existing structures on the ridge without the addition of new ones. This scenario, identified in the Draft EIR as the "environmentally superior" alternative, would require financial control of the ridge area by an entity able to afford the conservation effort without additional development. Possibilities include purchase, conservation easement, and/or transfer of development rights. It should be noted that advocates of preservation have expressed concern that this alternative (shown on page 2-7 of the March 30, 2007 Lower Arsenal Mixed Use Specific Plan Draft for Environmental Review) inappropriately includes a new building at the corner of Park Road and Jefferson Street, as well as new vehicle access east of the Jefferson Street Mansion and West of the Commanding Officer's Quarters. (Representatives of Opticos Design, the firm that prepared the Plan, have responded that they believe the vehicle access accurately reflects consensus from the charrette.)

The Draft EIR also considers two additional land use alternatives for the Jefferson Ridge suggested by public commenters:

- another preservation-oriented scenario, called "Option 1.5," which would allow two new commercial buildings approximately 35,000 sq. ft. each and devote most of the existing open space to a memorial park; and
- a proposal for a senior housing development that would include 50 below-market-rate apartments in one new building above Jefferson Street and 30 market-rate townhouses in nine structures below Jefferson Street.

At its August 14, 2008 regular meeting, the Planning Commission recommended approval of the Plan, and therefore, the Jefferson Ridge development alternative, or "Option 2," (by a vote of 3-to-1 with one abstention) and certification of the EIR (by a vote of 4-to-1), with modification of Specific Plan Action 4.6.2 to prohibit Historic Preservation Review Commission consideration of alteration any structure in the Plan area more than 50 years old until the Lower Arsenal historic resource inventory has been updated.

The question of whether residential use beyond work/live is appropriate in the Arsenal is a matter of City Council policy. Although the simplest way to protect public health would be to prohibit residences, and although individual parcel analysis (and cleanup as necessary) involves uncertainty regarding the level of investment needed to obtain State or County approval for

housing, the Draft EIR includes the necessary required mitigation from each property owner desiring to develop in the Lower Arsenal. A detailed, comprehensive characterization of potential hazards would be preferable, and the City Council has requested that the State Department of Toxic Substances Control (DTSC) lead a comprehensive hazards investigation for the area.

As stated in the April 2009 workshop summary, the workshop did not yield consensus but did identify “conditions” that might lead to resolution of the residential/industrial compatibility issues, such as restricting sensitive populations from inhabiting work-live units close to industrial uses and adding buffers to separate residential and industrial uses. (The other conditions listed on page 3 of the summary are covered by Plan actions and/or EIR mitigation measures.)

Attachments:

- Project Timeline
- December 17, 2009 Historic Preservation Review Commission minutes
- October 22, 2009 Joint Planning and Historic Preservation Review Commission minutes
- April 2009 Workshop Report
- Mitigation Monitoring and Reporting Program
- August 14, 2008 Planning Commission minutes
- August 2009 Draft EIR Recirculation **
- Lower Arsenal Mixed Use Specific Plan **
- Draft Environmental Impact Report (including July 2007 Recirculation and Responses to Comments) **

*** Available online, these attachments are available to view in the Public Works & Community Development Department or the Benicia Public Library. In addition, all documents are available on the City's website (www.ci.benicia.ca.us) under Public Works & Community Development/Planning/Current Projects/Arsenal Plan.*

PROJECT TIMELINE

Timeline – Lower Arsenal Mixed Use Specific Plan

DATE	TYPE OF MEETING OR HEARING	ACTION OR RECOMMENDATION	NOTES
August 2006	Public meetings	Community Workshop and Stakeholder Interviews	
September 2006	Multi-Day Public Charrette	Input from community on Plan	
January 2007	Planning Commission Historic Preservation Review Commission	Recommended Draft LAMUSP to City Council	
February 2007	City Council	Approved a Draft Plan for Environmental Review	
April 2007	Planning Commission	EIR Scoping Session	
July 2007		Draft EIR published	
April 2008		First Draft EIR recirculation	
June 2008	Planning Commission	Public hearing on recirculated sections	
August 2008	Planning Commission	Recommended Council approval of the Draft Plan and Draft EIR	
October 2008	City Council	Considered Draft Plan and Draft EIR	Directed staff to hold additional public workshop, primarily to provide Council with additional information regarding the historic preservation and residential/industrial compatibility issues
April 2009	Public Workshop	Information session per City Council direction of October 2008	
August 2009		Second Draft EIR recirculated. Sustainability and Energy section of the EIR was revised per AB 32.	Noise section modified per Port's request to analyze the noise report submitted on the Port's behalf (rather than respond to it as a comment on the DEIR
October 2009	Planning Commission Historic Preservation Review Commission	Hearing continued to December 2009	
December 2009	Historic Preservation Review Commission	Continued for a workshop	

Timeline – Lower Arsenal Mixed Use Specific Plan

DATE	TYPE OF MEETING OR HEARING	ACTION OR RECOMMENDATION	NOTES
February 2010	Historic Preservation Review Commission	Workshop to review project and EIR and provide direction to Commission	
March 2010 (tentative)	Historic Preservation Review Commission	Recommend to Council whether the LAMUSP and project EIR adequately address historic resources in the lower Arsenal area	
April or May 2010 (tentative)	Planning Commission	Final recommendation on LAMUSP and certification of the EIR	
June 2010 (tentative)	City Council	Consideration of the LAMUSP and certification of the EIR	

DECEMBER 17, 2009
HISTORIC PRESERVATION REVIEW
COMMISSION MINUTES

Gene Doherty, 580 Willow Court - Works in the Arsenal, and expressed support of the project and noted that he did not see any problems with the new lighting as long as it is pointing down. He added that he hoped the lights could be shut off when not in use to reduce greenhouse gases. Mr. Zucker explained they were looking into technology that would put the lights on timers and he recommended a four-hour time frame.

Randy Scott, Amports - He indicated that the new project would save 200,000 emission miles and supports the project.

Commissioner Donaghue made a motion to adopt resolution as presented, seconded by Commissioner Taagepera. Commissioners discussed the motion and Commissioner Crompton requested to add a finding specific to the project that states an exception to the max height requirements given the characteristics of the area.

RESOLUTION NO. 09-19 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING UNION PACIFIC AUTO LOADING FACILITY

On motion of Commissioner Crompton, seconded by Commissioner White, with an additional finding related to the specific project site, the above Resolution was adopted by the following vote:

Ayes: Commissioners Crompton, Donaghue, McKee, Taagepera, White and Chair Haughey
Noes: None
Absent: Commissioner Mang
Abstain: None

C. LOWER ARSENAL MIXED USE SPECIFIC PLAN - DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

PROJECT LOCATION: The project site is located in the City of Benicia in Solano County. The project site consists of approximately 50 acres east of Downtown Benicia, and is a portion of Benicia's former Arsenal known as the Lower Arsenal. The site is generally bounded by lands adjoining I-780 on the north, lands adjoining I-680 on the east, Port of Benicia land and the Carquinez Strait on the south, and residential neighborhoods extending into downtown Benicia on the west.

BRIEF DESCRIPTION OF PROJECT: The proposed project includes implementation of a Specific Plan for the Lower Arsenal site, which is designated for mixed uses in the Benicia General Plan. The Specific Plan covers four distinct zones, each of which exhibits a unique physical character. The Specific Plan would implement a form-based code to shape future development on the project site, with primary emphasis on the physical form and character of new development. After build-out of the Specific Plan, the area would contain approximately 741,865 square feet of mixed uses, 22 residential units, and 6.39 acres of open space. The Specific Plan area currently contains approximately 525,000 square feet of mixed uses. The Draft Specific Plan is available for

public review at the City's Public Works & Community Development Department or on the City's website (www.ci.benicia.ca.us).

Recommended Action: Confirm, modify, and/or augment the August 2008 Planning Commission recommendation that the City Council certify the Environmental Impact Report and adopt the Lower Arsenal Mixed Use Specific Plan, including modification of Specific Plan Action 4.6.2 to prohibit granting of City permit for alteration of any structure in the Plan area more than 50 years old until the Lower Arsenal historic resource inventory has been updated.

Damon Golubics asked the Commissioners to indicate what specific documents they would like to review, pose questions to staff and decide on a cut-off date for response. He added that including LSA and Opticos in the workshop would require a mid-year budget adjustment and there would only be enough funds for one visit. Commissioner Taagepera indicated that she did not need those companies to come back. After a brief discussion, Damon Golubics suggested there be a staff overview and education of the plan, after which the plan can be formally agendaized for action in March or April. Commissioner Donaghue added that he would like a special meeting with no other agenda items.

Although slated for future review, Chair Haughey invited the public to discuss the Lower Arsenal Plan.

Belinda Smith, resident - spoke in detail about the report and noted that the back of the document provides guidance for review. Her points included how the City is defining the historic district, compliance to the national registry of the district and that the Secretary of Interior Standards apply to the application. She asked that the Commission reference the Secretary of Interior Standards with regards to the Conservation Plan. Ms. Smith added that the analysis should define the district as a whole as the four districts are intertwined and dependent on each other. Together they tell a national story.

Steve Goetz, resident - spoke about impacts of sub-district setting of buildings, open views and landscape features. He indicated that the EIR relies on inadequate mitigation measures. He indicated the building of an 185,000 sq. ft. building would be not less than a significant impact without an open space percentage allotted. He added that there are no performance standards. He proposed options to the Commission and indicated that the EIR needs work.

John Van Landschoot, resident - He agreed with Commissioner Donaghue's request to create a "roadmap" for Commissioners and the public to follow with points covered in a general way. He felt the plan review should be done in a bigger venue at either the Dona Benicia Room or Council Chambers. He added that the Planning Commission should be invited to meeting.

Kathleen Olson, realtor - She read a letter submitted and on behalf of Dennis Owens.

A representative for the Law Offices of Dana Dean noted that she was available to answer any questions regarding the package submitted at the October 22nd meeting.

OCTOBER 22, 2009
JOINT PLANNING & HISTORIC PRESERVATION
REVIEW COMMISSION MINUTES

Commissioner Donaghue nominated Commissioner Haughey as Chair and Commissioner Crompton as Vice Chair. Commissioner Crompton stated he would do it. Commissioner McKee reconsidered and stated that he would serve as Vice Chair.

Item VI (B) amended to reflect the following addition:
Staff noted that it did not find evidence of a wood porch originally, but made a recommendation based on other properties in town. Staff recommended adding language to indicate no evidence of porch.

On motion of Commissioner Donaghue, seconded by Commissioner Mang, the Historic Preservation Review Commission Consent Calendar with the above changes was approved by the following vote:

Ayes: Commissioners Donaghue, Mang, McKee, Taagepera and Chair Haughey
Noes:
Absent: Commissioners Crompton and White (excused)
Abstain:

- A. Approval of Historic Preservation Review Commission Minutes of September 24, 2009
- B. Approval of 2010 Meeting Schedule

VII. REGULAR AGENDA ITEMS

- A. **LOWER ARSENAL MIXED USE SPECIFIC PLAN - DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)**
City of Benicia

PROJECT LOCATION: The project site is located in the City of Benicia in Solano County. The project site consists of approximately 50 acres east of Downtown Benicia, and is a portion of Benicia's former Arsenal known as the Lower Arsenal. The site is generally bounded by lands adjoining I-780 on the north, lands adjoining I-680 on the east, Port of Benicia land and the Carquinez Strait on the south, and residential neighborhoods extending into downtown Benicia on the west.

BRIEF DESCRIPTION OF PROJECT: The proposed project includes implementation of a Specific Plan for the Lower Arsenal site, which is designated for mixed uses in the Benicia General Plan. The Specific Plan covers four distinct zones, each of which exhibits a unique physical character. The Specific Plan would implement a form-based code to shape future development on the project site, with primary emphasis on the physical form and character of new development. After build-out of the Specific Plan, the area would contain approximately 741,865 square feet of mixed uses, 22 residential units, and 6.39 acres of open space. The Specific Plan area currently contains approximately 525,000 square feet of mixed uses. The Draft Specific Plan is available for public review at the City's Public Works & Community Development Department or on the City's website (www.ci.benicia.ca.us).

Recommended Action: Confirm, modify, and/or augment the August 2008 Planning Commission recommendation that the City Council certify the Environmental Impact

Report and adopt the Lower Arsenal Mixed Use Specific Plan, including modification of Specific Plan Action 4.6.2 to prohibit granting of City permit for alteration of any structure in the Plan area more than 50 years old until the Lower Arsenal historic resource inventory has been updated.

Adam Weinstein from LSA gave a presentation regarding the Draft EIR for the Lower Arsenal Mixed Use Specific Plan.

Commissioner Syracuse expressed concern about pollution and the Ozone Layer. Adam Weinstein stated that toxic air contaminants are an issue addressed in the EIR.

Commissioner Taagepera questioned how noise is measured. Adam Weinstein advised that the Leq Standard is used in the EIR in accordance with City regulations.

Charlie Knox gave an overview of the Lower Arsenal Mixed Use Specific Plan process.

He advised commissioners that there are two reasons for recirculating the noise and greenhouse gas sections of the EIR. The Port wants its noise study analyzed in the EIR and the City needs to follow direction from the Attorney General's Office to meet greenhouse gas emission reduction targets per Senate Bill AB32.

Staff believes the document is ready for approval by both Commissions. Residential / industrial compatibility remains the primary issue. The Planning Commission already recommended approval to City Council in August 2008. The City Council directed that another public workshop be held and a recommendation on the EIR be obtained from HPRC.

Commissioners had questions regarding the following issues: What considerations do developer applicants face in regard to zoning? Are permits going to be required? Are interior alterations subject to CEQA review? What is the current zoning for 1025 Grant Street and how long has the current zoning classification been in affect? For housing uses, is it currently zoned work/live? Could a deed restriction be put in place so tenants or residents could not complain about the Port operations? How will cross-contamination issues be addressed?

Charlie Knox addressed these questions. The top third of the Arsenal is zoned office, the middle third is general commercial, except for the 1025 Grant Street property. The area south of Grant Street is zoned planned development. Minor interior alterations are allowed without HPRC or CEQA review as long as the structural integrity of the building is not compromised the work complies with the Secretary of the Interior's Standards. Two options exist regarding housing and contamination issues: - a comprehensive characterization of the Plan area, or site-by-site analysis. The Army Corps of Engineers and DTSC have not yet been able to agree on a comprehensive process. The only feasible mitigation measure for the Environmental Impact Report is to allow individual property owners to perform their own analyses of issues of contamination and pay for any necessary

clean up. Charlie Knox agreed with HPRC Commissioner Taagepera's idea of requiring HPRC review for exterior alteration of all structures, instead of what she called a moratorium on alteration of all structures more than 50 years old.

The public hearing was opened.

Marilyn Bardet- 333 East K- Expressed concern regarding the hazards section. Asked where the record is to substantiate the claim by DTSC regarding full disclosure adequacy. She stated that the public has not been made aware of the details. She feels the DTSC and the Army Corps of Engineers need to get together and coordinate a clean up similar to the Tourtelot site clean up. Feels public health and safety are at risk and understands that funding is a problem. She stated that lead hazards, oil and ordinance will be a problem. Requests that the commissions recommended that Council ask that the Army be determined the primary responsible party. If others are determined to be responsible, maybe funding for clean up could be paid for by subsequent property owners. If the Department of Defense is the primary responsible party, the City of Benicia needs to solicit political support for DTSC to come in and fix the problem.

Robert Whitehead- 755 West 6th- Stated he is 50% owner of the "8-acre" vacant lot on the ridge of the Lower Arsenal area. Stated that regarding the issue of contamination, \$80,000 has already been spent on that site with a report finding the area clean with exception of one small area near the tennis court. Supports approval of the EIR. Said it is about time to act on this plan, develop the area and stop putting it off. Feels that a handful of people continue to delay the project. Recommends City approval for housing purposes.

Andy Siri- 716 West H- Stated he owns 2 developed properties in the Industrial Park and is a member of the Benicia Industrial Park Association. Feels that the lower area of the Arsenal needs something but is not convinced that housing is the answer. His main concern is the Port as it is vital to the Industrial Park and feels no restrictions should be placed on the Industrial Park. Believes noise should not be a concern as it is a pre-existing condition. Prospective buyers should be asked to sign a waiver preventing them from filing complaints

Dana Dean- 835 First- She stated that her submittal of written comment was not intended to be "new" information. Noise measurement is still an issue. The fact that noise averaging was not used, does not mean the conclusions are invalid. She asked that the Commission not recommend adoption of the Plan. She stated that housing might run businesses out. Mere disclosure of potential noise issues is not sufficient as it only protects the seller, not the City.

If Commissioners recommend adoption of the plan, she requested:

- Limit residential to work/live
- Require deed restrictions and nonsuit waiver
- Include an ordinance requiring real estate disclosures

Belinda Smith- In regard to the response to comments in the Draft EIR she believes it is not thorough enough as there would be significant impact to air quality. She is concerned

about design standards not being in line with the Secretary of Interior's standards. Requested that the district be evaluated as a whole. Would like to see an analysis of the impact the historic areas may have on each other which is not included in the plan. Asked that a response to comments be done on the re-circulated sections. Charlie Knox advised her that it was already done on July 22, 2008.

Bonnie Silveria- 641 West I- Stated that when it was first called the Lower Arsenal there was no industry there. Officers' residences were above Adams Street. When she was on the Planning Commission she asked that residences not be built to the West side of Polk Street south of Grant Street, as reflected in the Draft Plan. She thinks industry can be compatible with housing above Grant Street. Stated the lower area is of concern due to weaponry and industry that previously existed.

Mark Hajjar- 1025 Grant Street- Stated that the Commission can provide a vision of the area. The property he owns used to have barracks and he doesn't think that anyone would have been so careless as to leave munitions behind. A Phase One Study found nothing to indicate that a Phase Two Study would be required. The current zoning on Grant Street allows work-live and commercial businesses. He stated this part of the city is not operating at full capacity. Looking at the big picture, there is not much of a difference between work-live and live-work. Housing units would bring vitality to the area. Requests that the EIR and the Lower Arsenal Specific Plan be approved.

Jon Van Landschoot-175 West H- Feels the Plan is incomplete and there are a lot of incompatibilities with the General Plan. Stated that the historic context needs to be preserved. Questioned whether or not there will be full disclosure regarding toxics. Stated that the City of Benicia is financially solvent because of the Industrial Park and the Port. Feels houses don't create value. Factories do and warehousing slightly. Said that in the downtown area we do not have to be worried about toxics. In his opinion, it would be unfair to approve the plan due to incompleteness. Suggested following the clean up procedure used for Tourtelot.

The public hearing was closed.

Commissioner Comments:

Commissioner Ernst questioned whether or not there might be more retail opportunities in the area. Doesn't see any need to raise rents on Tyler Street. Feels there is not sufficient economics to promote a thriving artist community but would like to see it. Had questions about DTSC being the lead agency. Envisions the area becoming similar to Cannery Row in Monterey. Is it possible for the plan to be broken down into smaller pieces to consider individually? Historic integrity needs to be a priority.

Commissioner Dean stated that when the Army was there it was industrial land. Historically, it was not typically residential family units. Feels the push for more residential development is financially driven. Would not want to jeopardize the Port. Culturally, an artist community is important. Integrity of the Historic District needs to be

preserved and the number one priority. Feels the plan overshadows that. If developed, it could be detrimental to cultural and artist community as well as historic integrity in the district as a whole. Feels the City and the community have neglected the area. The area needs revitalization but not by the current plan. Parts of the original EIR need to address mitigation measures for land use, cultural, biology prior to an application instead of on a case-by-case basis. Criteria needs to already be in place.

Commissioner Thomas stated that the clean up issue is important but the historic uses are most important. Feels work/live needs to be supported.

Commissioner Syracuse feels the plan needs to include specific criteria with regard to historic integrity for the future. How it looked in the past and how it will look in the future.

Planning Commission Chair Healy expressed the desire for Valero representatives to show up to the meetings instead of sending comments in letterform. Rejects the idea that commenters are anti-development or anti-City. Has concerns about “developer roulette” and believes that the City owes the community a better plan than that. Expressed concern that there may be a big price tag for clean up by the Army as it is unknown what is hidden underneath the ground. Questioned whether or not we should incorporate additional measures into the EIR in regard to contaminants.

Commissioner Donaghue expressed concern about residential uses not being compatible with the General Plan and that the General Plan is inconsistent by allowing residential in industry’s back yard. Said that artists need to put up with noise from the Port. There is too much uncertainty regarding residential housing that the General Plan does not adequately address. Would like to exclude interior changes in HPRC’s purview. The Plan needs to simplify things and doesn’t in its current form.

Commissioner Taagepera feels that the Historic Preservation Review Commission is at a disadvantage due to not being consulted on the original EIR. She would have preferred a workshop on the issue. She stated that there are too many outstanding issues and more specific mitigation measures need to be developed and asked if this is a program level EIR which Charlie Knox confirmed). She also questioned whether there would be design standards, to which Charlie Knox responded the Specific Plan, includes architectural design standards. She also questioned if the EIR addresses the ratio of historic to non-historic buildings. Charlie Knox stated that the plan did not specifically control the ratio, but the vision was for several large buildings on the Ridge.

Commissioner Healy asked if the Arsenal Historic Conservation Plan could be included in the Arsenal Specific Plan. Charlie Knox advised that unfortunately they needed to be separate due to State requirements for conservation plans.

City Attorney Heather McLaughlin asked Commissioners if they have all received the full EIR. Charlie Knox responded that they should have all received the document. Commissioner Taagepera stated that she believed she had not received a hard copy and had only reviewed it online. Commissioner Donaghue stated that he borrowed a copy from

Gina Eleccion. Heather McLaughlin advised Commissioners that they could not make a decision on a document that they have not adequately reviewed. If not, the item needs to be continued. Commissioner Donaghue stated that he has adequately reviewed the document. Commissioner Mang did review the document and feels comfortable making a decision. HPRC Chair Haughey stated that she is not comfortable with a decision due to lack of adequate review of the document.

Commissioner Mang asked when DTSC would get involved. Charlie Knox advised the earliest would be July. Commissioner Mang expressed interest in knowing more about the difference between Phase I and Phase 2 studies.

HPRC Chair Haughey stated that contamination needs to be addressed before housing issues. Agrees with other Commissioners that the site needs to have a clean up procedure similar to the Tourtelot clean up. Feels historic review is inadequate. Stated that previously only three Planning Commissioners supported the plan.

Commissioner Donaghue stated that ceiling heights listed in the plan need adjustments.

Planning Commission Motion

On motion of Commissioner Ernst, seconded by Commissioner Syracuse the item was continued to the next meeting of each Commission separately to recommend to the City Council to have DTSC become lead agency on clean up and to clarify the historic integrity of the area by the following vote:

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

HPRC Motion

There was no motion or second recorded and the item was continued to the next meeting of each Commission separately to recommend to the City Council to have DTSC become lead agency on clean up and to clarify the historic integrity of the area by the following vote:

Ayes: Commissioners Donaghue, Mang, Taagepera and Chair Haughey.
Noes: None
Absent: Commissioners Crompton and White
Abstain: Commissioner McKee

Planning Commission adjourned their portion of the meeting at 9:55 pm

Recess at 9:55 pm. Reconvened at 10:01 pm.

APRIL 2009 WORKSHOP REPORT

Community Workshop Summary – April 6, 2009

On April 6, 2009, the City of Benicia hosted a workshop at the Benicia Library to get community input on the Lower Arsenal Mixed Use Specific Plan. Specifically, participants discussed issues and opportunities related to the following two topics:

- Historical and cultural resources
- Residential / industrial use compatibility

Mayor Elizabeth Patterson opened the meeting and welcomed the participants. Planning Director Charlie Knox provided background information on the Lower Arsenal Mixed Use Specific Plan and an overview of the meeting agenda.

Daniel Iacofano and Vikrant Sood from MIG, Inc., facilitated the meeting and recorded comments.

Meeting handouts included an agenda and a comment card (see Appendix A). A total of 17 comment cards and three letters were submitted as written comments (see Appendix B).

Summary of Comments

This report summarizes comments received at the workshop and from comment cards.

A. Historical and Cultural Resources

Many participants consider the Lower Arsenal area as a unique resource similar in some ways to the Presidio in San Francisco and the Gas Light District in Grand Rapids. Most participants agreed that the City should protect historic structures as well as the public and open spaces around buildings that define this area's character.

Participants identified the following historic resources that should be protected:

- **Commanding Officer's Building.** The building is a major landmark in the Lower Arsenal. A number of social and cultural events took place in this building when the base was active including the Sunday Afternoon Tea for example.
- **View Corridors and Access-Ways.** The placement of buildings in the Lower Arsenal defines view corridors that symbolize the character of this area. In addition, the Lower Arsenal stairway and other access-ways are part of the landscape that contributes to a sense of place and ambience.
- **Character of the District.** The scale and layout of buildings and public spaces on Jefferson Ridge, especially the parade grounds and overall layout of buildings and structures are integral components of the historic sub-districts C and D. Historic buildings, structures, sites and landscapes in the Lower Arsenal maintain its sense of time and place.

Participants identified the following issues and challenges as barriers to resource protection:

- Maintaining economic viability of the Lower Arsenal through revitalization and reuse.
- Integrating new development in the historic districts. The type of use, character and scale of new buildings and placement on the site should be consistent with existing buildings and landscape.
- Maintaining the historic character of this area as the City develops the Lower Arsenal for cultural-heritage tourism and economic development.

- Supporting private property owners in meeting both economic development and historic preservation goals. Unlike the Presidio, this area is privately owned. Low rents in the area often make renovations economically infeasible.
- Addressing structural defects in the foundations of many historic buildings. For example, the price tag for retrofitting the foundations of four buildings may exceed \$1 million.
- Identifying an appropriate and economically viable use for the Commanding Officer's Building.

To address these issues and challenges, participants identified the following strategies:

- Purchase the property and create a natural heritage area to protect the Lower Arsenal. The Carquinez Strait Preservation Trust (CSPT) is currently reviewing the feasibility of this option.
- Provide incentives to private owners to rehabilitate and reuse historic buildings. Funding sources may include tax credits, Mills Act funds, bonds and improvement districts.
- Seek external funds and grants for preservation.
- Allow economic activity in the Lower Arsenal including artist work-live units and retail mixed use to activate the area and generate revenue.
- Create a marketing program for the rehabilitated Commanding Officer's Building.
- Conduct a survey of properties that may be 50 years or older for potential designation as historic resources on the National Register.
- Explore the feasibility of a land-swap to protect the hillsides.
- Pursue partnerships with organizations and agencies that share similar goals for preservation.
- Identify appropriate models and best practices that are applicable to the Lower Arsenal. Examples may include the Presidio, Cannery Row, etc.
- Other strategies to revitalize the Lower Arsenal suggested by community members include:
 - Publishing a book on 'The Arsenal' to attract tourists;
 - Dramatizing the late-1800's era setting with costumes on weekends; and
 - Building an aquarium on the fringe of the historic area.

B. Residential / Industrial Use Compatibility

Many participants expressed concern for public health and safety of residents who may live close to industries if residential uses were allowed on the Lower Arsenal. Other participants, many of whom rent or own residential units in the area highlighted current and future demand for affordable and flexible living space for artists and entrepreneurs.

Participants identified the following challenges associated with residential and industrial use compatibility:

- Polluting industrial uses in the area pose significant risk to public health and safety especially for children. Hazards include coke dust, unexploded military ordinance, diesel emissions, soil contamination, odors and noise, among others.
- Residential uses are inconsistent with the General Plan description for this area and will affect the viability of adjacent industrial operations over time.
- Buildings in the Lower Arsenal were never intended to be used for residential purposes.

Other participants identified the following benefits of including residential uses in the Lower Arsenal:

- Work-live units provide an affordable and flexible space that allows residents to live next to where they work. Demand for these units is high as evidenced by low vacancy rates in existing units. The Housing Element identifies this area for additional housing development.
- These units provide space that supports non-traditional lifestyles that suit many households and individuals. No other area in the City provides such space. The space is compatible with the type of uses that attract artists and entrepreneurs.
- People living in the historic district can bring life to the area and contribute to the economic vitality of all uses on the Lower Arsenal. Market trends suggest that this area is difficult to develop profitably for any one use.
- Residents living in the Lower Arsenal are likely to become active in improving the quality of the area over time.

While there was no consensus on whether residential uses would be appropriate in the area, participants identified the following conditions that may lead to a working arrangement on this issue:

- **Define work-live.** Define what percentage of work and live space constitutes each category. While live-work is more suitable for commercial areas, work-live may be suitable in industrial areas. In the Lower Arsenal, work-live units that exclude families and sensitive populations may be appropriate south of Adam Street.
- **Restrict sensitive populations.** To the extent feasible and practical, restrict sensitive and vulnerable populations from inhabiting work-live units close to industrial uses such as young children and the elderly.
- **Include buffers and open space.** Physical separation, landscaping and transitional uses can mitigate the impacts of locating residential units close to industrial uses in the Lower Arsenal.
- **Ensure full disclosure and transparency.** The City should require developers and owners to provide full disclosure of potential health impacts of environmental toxins and contaminants in the area, and full disclosure of information with respect to the nature of ongoing industrial operations.
- **Include protections for existing industry.** Allowing new residential uses in the area should not threaten or undermine the viability of existing industrial uses.
- **Ensure toxic remediation.** Buildings and sites must be remediated to appropriate levels for residential use.
- **Provide alternative access to site.** Providing alternative emergency access routes to the site will improve safety conditions.

Participants provided the following observations regarding residential and industrial use compatibility:

- The City of Benicia General Plan identifies the Lower Arsenal as a target area for economic development opportunities.
- Some industrial uses in the area are 24-hour operations that may have significant impacts on adjacent residential uses.
- The cost of remediating sites to Environmental Protection Agency (EPA) standards may be prohibitive to residential development in rehabilitated buildings.
- Level of concern for public health should be balanced with the need to provide affordable and flexible living options.
- High density residential uses already exist on the Lower Arsenal.

- Existing residents have not complained about environmental quality. In addition, workers in the Lower Arsenal are exposed to environmental contaminants as well.
- Pollution is not restricted to the Lower Arsenal.
- This is a great opportunity to develop non-industrial uses on the Lower Arsenal.
- Projects in the Lower Arsenal should promote social, economic and environmental sustainability.
- The Final Environmental Impact Report (FEIR) does not address AB 32 and SB 375 and the potential cumulative impacts of environmental hazards.
- Work-live should emphasize green businesses.

Next Steps

Mayor Patterson and Mr. Knox thanked the participants for attending the workshop and closed the meeting. Mr. Knox outlined the following next steps:

- Community input from this workshop will be recorded in a meeting summary.
- The summary will be presented to the City Council for review and further discussion.

Appendix

The following materials are attached to the meeting summary:

- Meeting Agenda
- Wall-Graphic
- Comment Cards, Letters and Emails

**MITIGATION MONITORING
AND REPORTING PROGRAM**

EXHIBIT “D”

MITIGATION MONITORING AND REPORTING PROGRAM

Introduction

This document describes the mitigation monitoring and reporting program (MMRP) for ensuring the effective implementation of the mitigation measures required for City of Benicia approval of the Lower Arsenal Mixed Use Specific Plan (project). The Plan Area comprises approximately 50 acres and is generally bounded by lands adjoining I-780 on the north, lands adjoining I-680 on the east, Port of Benicia land and the Carquinez Strait on the south, and residential neighborhoods extending into Downtown Benicia on the west.

City of Benicia

When a lead agency approves findings pursuant to §15074 of the *CEQA Guidelines* upon completion of an Environmental Impact Report (EIR), it is required to adopt a reporting and monitoring program. The purpose of the reporting and monitoring program is to ensure that measures adopted to mitigate or avoid significant environmental impacts are implemented. A mitigation monitoring and reporting program does not need to be included with the EIR, as at times the findings which trigger the program are made after considering the EIR. Note that mitigation measures are enforced through permit conditions, agreements, or other measures. The reporting and monitoring program will not only direct the implementation of mitigation measures by the City, but also facilitate the monitoring, compliance and reporting activities of the City and any monitors it may designate.

Project Background

The City is considering approval of the proposed project, which would result in adoption of the Lower Arsenal Mixed Use Specific Plan, adoption of a form-based code for the Plan Area to replace the City’s zoning ordinance, and amendments to the General Plan and Zoning Ordinance to reflect adoption of the Specific Plan.

The Final EIR for the Lower Arsenal Mixed Use Specific Plan project found that the resulting actions would have potentially significant impacts in the areas of:

- Land Use and Planning Policy
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials

- Biological Resources
- Transportation and Circulation
- Air Quality
- Noise
- Visual Resources
- Cultural and Paleontological Resources

In addition, no mitigation measures were identified for the following areas as all potential project impacts were determined to be either not significant or less than significant:

- Population, Employment and Housing
- Hydrology and Water Quality
- Public Services
- Utilities and Infrastructure
- Sustainability and Energy

Roles and Responsibilities

As the lead agency under CEQA, the City of Benicia will be responsible for ensuring full compliance with the provisions of this monitoring program and has primary responsibility for implementation of the monitoring program. The City of Benicia has the authority to halt any activity associated with the Lower Arsenal Mixed Use Specific Plan projects if the activity is determined to be a deviation from the approved project or the adopted mitigation measures. The City of Benicia will act as the mitigation monitor and will designate to the applicant how to contact the monitor.

Mitigation Monitoring and Reporting Program

The attached table presents a compilation of the mitigation measures in the EIR, together with the required monitoring and reporting actions, effectiveness criteria, and timing.

The attached table includes columns identifying: (1) each impact identified in the Final EIR; (2) each mitigation measure included in the Final EIR; (3) the procedure for implementing each mitigation measure; (4) the party responsible for implementing each mitigation measure and any related requirements with respect to the timing of implementation; (5) the procedure for monitoring and reporting implementation of each mitigation measure; (6) the sanction for non-compliance with the provisions of each mitigation measure; (7) the criteria to determine whether each mitigation measure has been effective; and (8) the timing of the monitoring procedure. These checklist categories are discussed in more detail below.

Identified Impact

This column includes each identified significant adverse impact as it is described in the Final EIR summary table.

Mitigation Measure (Performance Criteria)

This column includes each mitigation measure as it is described in the Final EIR summary table, including associated performance criteria.

Implementation Procedure

This column describes the specific actions associated with each mitigation measure that must be implemented.

Implementing Entity

This column describes the “implementing entity” responsible for carrying out each mitigation measure (e.g., a City department, another public agency).

Monitoring/Reporting Action

This column describes the “type of monitoring action” required (e.g., condition of project approval, established plan check and/or inspection procedures or, if these are not sufficient, specialized monitoring procedures).

Non-Compliance Sanction

This column describes the consequences of not implementing the action outlined in the previous columns.

Effectiveness Criteria

This column sets forth standards for determining if the monitoring action is succeeding.

Timing

This column describes specific implementation timing requirements (e.g., at the completion of a particular development review or construction phase, prior to occupancy, or when some specific threshold is reached).

Table 1: Mitigation Monitoring and Reporting Program

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
A. LAND USE AND PLANNING POLICY							
LU-1: Residential uses developed within the Plan Area may be incompatible with existing industrial uses.	LU-1: The following changes shall be made to Action 1.5.3: <u>Action 1.5.3: Allow residential uses, including artist live/work and work/live units, where it can be demonstrated that adequate buffers exist, including noise buffers, and that the presence of residents will not significantly constrain industrial operations, including the flow of goods and materials. Proposed residential uses located in areas where industrial uses can be seen or heard shall be evaluated to determine whether they would be incompatible with industrial uses. Site specific evaluation may include acoustical or air quality analysis as determined by the City. New work/live uses shall not be permitted along those portions of Jackson Street that are south of Grant Street and west of Park Street.</u>	The City shall revise the language of Action 1.5.3 in the Final Lower Arsenal Mixed Use Specific Plan.	City of Benicia	City of Benicia Planning and Building Department to ensure that the text of Action 1.5.3 is revised.	No approval of the Final Lower Arsenal Mixed Use Specific Plan.	Revised text of Action 1.5.3 that is consistent with Mitigation Measure LU-1.	Prior to approval of the Final Lower Arsenal Mixed Use Specific Plan.
LU-2: Implementation of the Draft Specific Plan could result in conflicts between residential uses and industrial uses.	LU-2: Implement Mitigation Measure LU-1.	Refer to Mitigation Measure LU-1.	Refer to Mitigation Measure LU-1	Refer to Mitigation Measure LU-1	Refer to Mitigation Measure LU-1	Refer to Mitigation Measure LU-1	Refer to Mitigation Measure LU-1
B. POPULATION, EMPLOYMENT AND HOUSING							
There are no significant <i>Population, Employment and Housing</i> impacts.							

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
C. GEOLOGY, SOILS AND SEISMICITY							
<p>GEO-1 (All Zones): Seismically-induced ground shaking in the Specific Plan Area could result in damage to life and/or property at new development sites.</p>	<p>GEO-1a (All Zones): Prior to the issuance of any site-specific grading or building permit in the Specific Plan Area, a final design-level geotechnical investigation report shall be prepared and submitted to the City of Benicia Planning and Building Department for review and confirmation that the proposed project fully complies with the California Building Code (Seismic Zone 4). The report shall determine the project site's geotechnical conditions and address potential seismic hazards such as seismic shaking. The report shall recommend foundation techniques appropriate to minimize seismic damage. In addition, the geotechnical investigation shall conform to the California Division of Mines and Geology (CDMG) recommendations presented in the <i>Guidelines for Evaluating Seismic Hazards in California</i>, CDMG Special Publication 117.</p> <p>All subsequent parcel-specific development and building plans shall comply with the California Building Code (Seismic Zone 4) requirements, or requirements superseding California Building Code requirements. In addition, future development plans shall comply with the requirements of the final design-level geotechnical investigation report unless superseded by a parcel-specific design-level geotechnical investigation report.</p> <p>All mitigation measures, design criteria, and specifications set forth in the geotechnical reports shall be fully implemented.</p>	<p>1) Individual project sponsors shall retain a licensed professional to prepare a final design-level geotechnical investigation for individual projects proposed in the Specific Plan Area. The report shall meet the requirements of Mitigation Measure GEO-1.</p> <p>2) Future development plans shall comply with the final design-level geotechnical investigation unless superseded by a parcel-specific design-level report.</p>	Project sponsor	City of Benicia Planning and Building Department to ensure that the design-level geotechnical investigation complies with the requirements of Mitigation Measure GEO-1 and all applicable regional, State, and federal regulations.	No issuance of site-specific building or grading permits.	A final design-level geotechnical investigation that meets the requirements of Mitigation Measure GEO-1.	Prior to the issuance of any site specific grading or building permits for individual projects in the Specific Plan Area.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>GEO-2 (All Zones): Seismically-induced ground shaking in the Specific Plan Area could result in damage to life and/or property in adaptively reused buildings.</p>	<p>GEO-2 (All Zones): Prior to approval of an occupancy permit for redeveloped buildings in the Specific Plan Area, a design-level seismic upgrade report shall be prepared, submitted to the City for review and approval, and the upgrade recommendation(s) shall be fully implemented. Prior to approving the design-level report, the City shall independently review the seismic upgrade report to determine the adequacy of the hazards evaluation and proposed mitigation measures. Such reviews shall be conducted by a structural engineer or registered civil engineer who has competence in the field of seismic hazard evaluation and mitigation.</p>	<p>1) Individual project sponsors for re-used buildings in the Specific Plan Area shall retain a licensed professional to prepare a design-level seismic upgrade report. The report shall meet the requirements of Mitigation Measure GEO-2.</p> <p>2) The project sponsor shall incorporate all recommendations of the final design-level seismic upgrade report regarding mitigation of potential effects associated with seismic hazards.</p>	Project sponsor	City of Benicia Planning and Building Department to ensure that the design-level seismic upgrade report is independently reviewed by the appropriate professional and that it complies with the requirements of Mitigation Measure GEO-2.	No issuance of an occupancy permit for redeveloped buildings in the Specific Plan Area.	A design-level seismic upgrade report that meets the requirements of Mitigation Measure GEO-2.	Prior to approval of an occupancy permit for redeveloped buildings in the Specific Plan Area.

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>GEO-3 (All Zones): Damage to structures or property related to shrink-swell potential of project soils and/or settlements of non-engineered fill could occur.</p>	<p>GEO-3a (All Zones): Prior to the issuance of a site-specific grading permit or the construction of new roadways, sidewalks, and utility lines, a design-level geotechnical investigation shall be prepared by licensed professionals and approved by the City of Benicia Planning and Building Department. The design-level geotechnical investigation shall include measures to ensure potential damages related to expansive soils and differential settlement are minimized. Mitigation options for expansive soils may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. Recommendations for specific foundation designs which minimize the potential for damage related to settlement shall be presented in the report.</p>	<p>1) Individual project sponsors shall retain a licensed professional to prepare a final design-level geotechnical investigation for individual projects proposed in the Specific Plan Area. The report shall meet the requirements of Mitigation Measure GEO-3a.</p> <p>2) The project sponsor shall incorporate all recommendations of the final geotechnical report regarding mitigation of potential effects associated with expansive soils and differential settlement.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to:</p> <p>1) Ensure that the design-level geotechnical investigation complies with the requirements of Mitigation Measure GEO-3a.</p> <p>2) Ensure that final design plans incorporate the recommendations of the final geotechnical report regarding mitigation of potential effects associated with expansive soils and differential settlement.</p>	No issuance of a site-specific grading permit or construction of new roadways, sidewalks, and utility lines.	A design-level geotechnical investigation that meets the requirements of Mitigation Measure GEO-3a.	Prior to the issuance of a site-specific grading permit or the construction of new roadways, sidewalks, and utility lines.
	<p>GEO-3b (All Zones): Designs of all open space and park areas shall be reviewed and approved by the City of Benicia Planning and Building Department. The designs of all open space and park areas shall incorporate low water-need plantings to minimize the potential for damage to pavements, utilities, and structures from expansive soils. The use of similar landscaping shall be encouraged at private development parcels by providing information to new tenants regarding the relationship between irrigation and subsequent property damage. A document which describes the potential for damage from expansive soils from over-irrigation and includes solutions such as drought-tolerant plant material and drip irrigation systems shall be prepared by the applicant and provided to all occupants of the Plan Area.</p>	<p>1) Individual project sponsors shall submit design plans for open space and park areas to the City. These design plans shall meet the requirements of Mitigation Measure GEO-3b.</p> <p>2) The project sponsor shall prepare a document that meets the requirements of Mitigation Measure GEO-3b and provide this to all occupants of the Plan Area.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to:</p> <p>1) Ensure that the final design of open space and park areas complies with the requirements of Mitigation Measure GEO-3b.</p> <p>2) Ensure that new tenants and occupants of the Plan Area are provided with the information required by Mitigation Measure GEO-3b.</p>	No approval of final design plans for open space and park areas.	Open space and park design plans that incorporate low water-need plantings.	Prior to approval of final design plans for open space and park areas.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><u>GEO-4 (Adams Street Zone, Grant Street Zone, and South of Grant Street Zone):</u> Damage to structures or property related to liquefaction, ground displacement, and ground failure could occur.</p>	<p><u>GEO-4 (Adams Street Zone, Grant Street Zone, and South of Grant Street Zone):</u> Prior to the issuance of a site-specific grading permit or the construction of new roadways, sidewalks, and utility lines, a design-level geotechnical investigation shall be prepared by licensed professionals and approved by the City of Benicia Planning and Building Department. The design-level geotechnical investigation shall include measures to ensure potential damages related to liquefaction, ground displacement, and ground failure are minimized.</p>	<p>1) Individual project sponsors shall retain a licensed professional to prepare a final design-level geotechnical investigation for individual projects proposed in the Adams Street, Grants Street, and South of Grant Street Zones. The report shall meet the requirements of Mitigation Measure GEO-4.</p> <p>2) The project sponsor shall incorporate all recommendations of the final design-level geotechnical report regarding mitigation of potential effects associated with liquefaction, ground displacement, and ground failure.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to:</p> <p>1) Ensure that the design-level geotechnical investigation complies with the requirements of Mitigation Measure GEO-4.</p> <p>2) Ensure that final design plans incorporate the recommendations of the final geotechnical report regarding mitigation of potential effects associated with liquefaction, ground displacement, and ground failure.</p>	No issuance of a site-specific grading permit or construction of new roadways, sidewalks, and utility lines within the Adams Street, Grant Street, or South of Grant Street Zones.	A design-level geotechnical investigation that meets the requirements of Mitigation Measure GEO-4.	Prior to issuance of a site-specific grading permit or the construction of new roadways, sidewalks, and utility lines within the Adams Street, Grant Street, and South of Grant Street Zones.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>GEO-5 (Jefferson Ridge Zone): Damage to structures or property could occur at the Jefferson Ridge Zone due to existing or induced slope instability resulting in landsliding.</p>	<p>GEO-5a (Jefferson Ridge Zone): Prior to the issuance of any site-specific grading or building permit, a design-level geotechnical investigation report shall be prepared and submitted to the City of Benicia Planning and Building Department for review and confirmation that the proposed project fully complies with the California Building Code (Seismic Zone 4). The applicant shall incorporate all recommendations of the final geotechnical investigation report regarding mitigation of slope instability into the project design.</p>	<p>1) Individual project sponsors shall retain a licensed professional to prepare a final design-level geotechnical investigation for individual projects proposed in the Jefferson Ridge Zone. The report shall meet the requirements of Mitigation Measure GEO-5a.</p> <p>2) The project sponsor shall incorporate all recommendations of the final design-level geotechnical report regarding mitigation of potential effects associated with slope instability.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to:</p> <p>1) Ensure that the design-level geotechnical investigation complies with the requirements of Mitigation Measure GEO-5a.</p> <p>2) Ensure that final design plans incorporate the recommendations of the final geotechnical report regarding mitigation of potential effects associated with slope instability.</p>	No issuance of site-specific grading or building permits for development in the Jefferson Ridge Zone.	A design-level geotechnical investigation that meets the requirements of Mitigation Measure GEO-5a.	Prior to the issuance of a site-specific grading or building permit in the Jefferson Ridge Zone.
	<p>GEO-5b (Jefferson Ridge Zone): All grading plans, cut and fill slopes, compaction procedures, and retaining structures shall be designed by a licensed professional engineer and inspected during construction by a licensed professional engineer (or representative) or Certified Engineering Geologist (or representative). All designs shall be submitted to, and approved by, the City of Benicia prior to implementation.</p>	<p>1) Individual project sponsors shall retain a licensed professional to design all grading plans, cut and fill slopes, compaction procedures, and retaining structures for development in the Jefferson Ridge Zone.</p> <p>2) Individual project sponsors shall retain a licensed professional to inspect grading activities for compliance with approved grading and design plans.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to:</p> <p>1) Review and approve all grading plans, cut and fill slopes, compaction procedures, and retaining structures for development in the Jefferson Ridge Zone.</p> <p>2) Ensure that grading activities occurring within the Jefferson Ridge zone comply with approved design plans.</p>	No approval of final design plans for development in the Jefferson Ridge Zone.	Final design plans that meet the requirements of Mitigation Measure GEO-5b.	<p>1) Prior to the issuance of a site-specific grading or building permit in the Jefferson Ridge Zone.</p> <p>2) Inspections to occur during the construction period.</p>
<p>D. HYDROLOGY AND WATER QUALITY</p> <p>There are no significant <i>Hydrology and Water Quality</i> impacts.</p>							

Table I Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
E. HAZARDS AND HAZARDOUS MATERIALS							
HAZ-1: Site development would occur in areas with documented and/or partly characterized environmental releases associated with historical site uses.	HAZ-1: Existing contamination shall be remediated, or engineering controls (engineered caps, vapor barriers, or other appropriate technologies) and administrative controls (withholding of building permits) shall be implemented, to ensure that potential future occupants of the Plan Area are not exposed to site-related contamination that exceeds acceptable health standards. The parties responsible for implementing site clean-up actions may include the USACE, other historical owners/operators of properties within the Plan Area, current owners of properties within the Plan Area, future developers of the properties within the Plan Area, or the City of Benicia. Acceptable health standards for the purpose of site clean-up shall mean an incremental lifetime cancer risk within the U.S. EPA's risk management range of one in ten thousand to one in a million (10^{-4} to 10^{-6}) or less and a non-cancer health hazard index of less than one based on the results of site-specific multimedia human health risk assessment(s). Groundwater health standards shall meet CalEPA requirements for the designated beneficial use(s) of groundwater in the Plan Area. CalEPA and the City shall certify that these requirements have been met before the City issues a Certificate of Occupancy for buildings constructed as part of redevelopment projects within the Plan Area. The nature and extent of contamination at the site is not fully characterized. In accordance with the requirements of the DTSC's	The appropriate parties shall characterize soil and groundwater contamination in accordance with the DTSC's Preliminary Endangerment Assessment process or other acceptable regulatory guidance. Collected environmental data shall be used to conduct a human health risk assessment to determine whether additional remediation is required.	Owners of properties within the Plan Area, future developers of the properties within the Plan Area, and/or the City of Benicia.	The City of Benicia Planning and Building Department, in conjunction with the appropriate oversight agency to ensure that future occupants of Specific Plan Area are not exposed to contamination that exceeds acceptable health standards and that the measures listed in Mitigation Measure HAZ-1 are implemented.	No issuance of occupancy permits.	Verification that applicable health standards are met.	Prior to issuance of occupancy permits.

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-1 <i>Continued</i>	<p>Preliminary Endangerment Assessment process or other acceptable EPA or CalEPA regulatory guidance for site investigations, soil and groundwater samples shall be collected and analyzed in areas with inadequate historical information to determine whether chemicals in the soil and groundwater are present at concentrations that exceed acceptable health standards. To ensure that future site occupants are not exposed to site-related contamination that exceeds acceptable health standards the following shall activities shall be conducted:</p> <ul style="list-style-type: none"> • The nature and extent of chemicals in soil and groundwater shall be investigated and described for each parcel or group of parcels to be redeveloped, with oversight by the appropriate regulatory agency, such as the DTSC, RWQCB, or SCEHS. • The environmental data collected as part of the site investigation shall be used as input for human health risk assessment(s) to determine whether any chemicals in soil or groundwater will present an unacceptable risk to site occupants (i.e., exceed acceptable health standards as described above) given the site uses proposed in the Specific Plan and any subsequent redevelopment plans proposed for the parcel(s). 						

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-1 <i>Continued</i>	<ul style="list-style-type: none"> • The results of the human health risk assessment shall be used to determine whether no further action is required prior to redevelopment or that remediation of contamination or implementation of engineering or administrative controls is required to ensure that potential future occupants of the Plan Area are not exposed to site-related contamination that exceeds acceptable health standards. • If remediation, engineering controls, or administrative controls are required to ensure that human health risk does not exceed acceptable health standards, these actions shall be completed before the site is occupied. <p>Monitoring and compliance shall consist of the following:</p> <ul style="list-style-type: none"> • Before the City issues building permits for a site within the Plan Area, it shall confirm that: a finding of No Further Action has been made by the overseeing regulatory agency with regard to site contamination and clean-up, or that a Remedial Action Plan or equivalent and a site health and safety plan are complete and incorporated as part of the redevelopment construction plans for the site; and that engineering controls are in place and functioning or included in the project design plans, and/or that land use covenants are in place for the property that will ensure future occupants of the site are not exposed to contamination that exceeds acceptable health standards. 						

Table I Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>HAZ-2: Construction activities may unexpectedly encounter hazardous materials or hazardous waste in soil and groundwater.</p>	<p>HAZ-2a: If soil, groundwater or other environmental media with suspected contamination (e.g., identified by odor or visual staining) is encountered unexpectedly during construction activities for individual development projects or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered, the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the SCEHS and implementing actions to determine the nature and extent of any observed contamination. An environmental professional shall oversee the subsequent assessment of the site (including the collection, analysis and interpretation of any samples of soil, groundwater or other environmental media) in accordance with local, State and federal hazardous materials and hazardous waste laws and regulations. The professional shall provide recommendations, as applicable, regarding soil/waste management, worker health and safety training, and regulatory agency notifications. General construction work shall not resume in the area(s) affected until the recommendations have been implemented under the oversight of the SCEHS or other regulatory agency, as appropriate.</p>	<ol style="list-style-type: none"> 1) The project sponsor shall ensure that the construction contractor implements the measures listed in Mitigation Measure HAZ-2a in the event that contaminated materials are encountered. 2) The project sponsor shall notify the SCEHS and retain a qualified environmental professional to oversee assessment of the site 3) Recommendations of the SCEHS and environmental professional shall be implemented. 	<p>Project sponsor</p>	<p>The City of Benicia Planning and Building Department and Solano County Environmental Health Services to ensure that the measures listed in Mitigation Measure HAZ-2a are implemented, as applicable.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Adherence to the recommendations of SCEHS or other regulatory agency.</p>	<p>In the event that hazardous materials are encountered during the construction period.</p>

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-2 Continued	HAZ-2b: The contractor involved in site grading and site development activities for an individual development project shall ensure that underground pipelines or other underground or aboveground utilities within the project site are identified and clearly marked prior to earthworking activities to avoid unexpected contact with these utilities. Emergency procedures shall be developed by the contractor that can be implemented in the event utilities are ruptured; these procedures shall be reviewed and approved by the City of Benicia Planning and Building Department, prior to the issuance of a grading or building permit. On-site workers shall be trained in how to implement these procedures.	The project sponsor shall ensure that the construction contractor identifies underground pipelines or other underground or aboveground utilities and implements appropriate emergency procedures in the event that utilities are ruptured.	Project sponsor	The City of Benicia Planning and Building Department shall review and approve the construction contractor's procedures for avoiding utility lines.	No issuance of any site-specific tree, grading, or building permits.	Appropriate procedures for prevention of and response to potential rupture of underground and aboveground utilities.	Prior to issuance of a site-specific tree, grading or building permit.
F. BIOLOGICAL RESOURCES							
BIO-1: Mature trees that are protected under the City's Tree Ordinance may be removed as part of the development on the project site.	BIO-1: Prior to development of individual projects, a tree report shall be prepared by an arborist or biologist to identify the location, size, and health of trees on the site, and to map and identify the trees that would be preserved and removed during construction of the project. The report shall also specify measures to protect all preserved trees during construction, including creation of Tree Protection Zones. The project sponsor shall apply for a Tree Permit for the removal of all protected trees. As part of the Tree Permit, an arborist or biologist shall develop a tree replacement program in accordance with the City's tree ordinance. Two 15-gallon trees are generally required for the replacement of each mature tree that is removed. In some cases, one or two 24-inch box trees, or a mature tree shall be required for the replacement of one mature tree.	1) The project sponsor shall retain an arborist or biologist to prepare a Tree Report and a Tree Replacement Program in accordance with the requirements of Mitigation Measure BIO-1. 2) The project sponsor shall apply for a Tree Permit for the removal of protected trees.	Project sponsor	The City of Benicia Planning and Building Department to review the Tree Report, Tree Replacement Program, and Tree Permit application for adequacy.	No issuance of any site-specific tree, grading, or building permits.	Tree Report and Tree Replacement Program in accordance with the requirements of Mitigation Measure BIO-1.	Prior to issuance of a site-specific tree, grading or building permit.

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-2 (Jefferson Ridge/Officers' Row Zone): Development in the Jefferson Ridge/Officers' Row Zone (including the Clocktower Area) may result in the fill of jurisdictional wetlands that are subject to jurisdiction as waters of the United States under Section 404 of the Clean Water Act and/or are waters of the State subject to jurisdiction under the Porter-Cologne Act.</p>	<p>BIO-2a (Jefferson Street/Officers' Row Zone): Prior to approving any development project in the Jefferson Ridge/Officers' Row Zone, a formal wetland delineation will be conducted to determine the extent of jurisdictional waters of the United States and waters of the State on the site. Potential impacts to jurisdictional waters will be avoided where feasible, and unavoidable impacts shall be minimized to the extent that is feasible.</p>	<p>1) The project sponsor shall retain a qualified professional to conduct a formal wetland delineation for projects in the Jefferson Street Zone.</p> <p>2) The project sponsor shall avoid impacts to jurisdictional waters where feasible, and unavoidable impacts shall be minimized to the extent feasible.</p>	Project sponsor	The City of Benicia Planning and Building Department to review the wetland delineation and verify that impacts to jurisdictional waters are avoided to the extent feasible.	No approval of final development plans within the Jefferson Street Zone.	Jurisdictional wetland delineation in accordance with standards of U.S. Core of Engineers and State natural resources agencies.	Prior to approval of final development plans for the Jefferson Street Zone.
	<p>BIO-2b (Jefferson Street/Officers' Row Zone): Applicants for individual development projects on the site of any delineated wetlands shall obtain the appropriate federal and State permits authorizing the fill of jurisdictional wetlands and other waters, including waters of the State. The applicant shall provide proof to the City of Benicia Planning and Building Department of compliance with the terms and conditions of the permits prior to issuance of the grading permit. All work in jurisdictional areas shall be in compliance with the terms and conditions of the federal and State permits.</p>	<p>1) The project sponsor shall obtain all appropriate federal and State permits for the fill of wetlands and waters of the United States.</p> <p>2) The project sponsor shall ensure that the construction contractor undertakes work on the site in compliance with the permits.</p>	Project sponsor	The City of Benicia Planning and Building Department to: 1) Verify that the project sponsor has obtained any necessary permits. 2) Visit the site periodically to ensure that site development is being undertaken in accordance with the permits.	No issuance of any site-specific grading or building permits.	Appropriate federal and State permits authorizing fill of wetlands or jurisdictional waters.	Prior to issuance of any site-specific grading or building permit, and periodically during the project construction period, at the discretion of the Planning and Building Department.
	<p>BIO-2c (Jefferson Street/Officers' Row Zone): All waters of the United States or waters of the State that are filled as a result of project development will be mitigated at a minimum 1:1 ratio or the higher of the ratios stipulated in the federal or state permit authorizing fill of the wetlands or non-wetland waters. Mitigation for impacts to wetlands or other waters may be accomplished by 1) on- or off-site creation of wetlands or non-wetland waters at an appropriate mitigation site, or 2) by purchasing credit at an approved off-site mitigation bank.</p>	A project sponsor that will fill waters of the U.S. or waters of the State in the Jefferson Street Zone shall mitigate these impacts as specified in Mitigation Measure BIO-2c.	Project sponsor	The City of Benicia Planning and Building Department to verify that wetland mitigation is adequate.	No issuance of any site-specific grading or building permits in the Jefferson Street Zone.	Mitigation for the fill of waters of the U.S. or waters of the State in accordance with Mitigation Measure BIO-2c.	Prior to issuance of any site-specific grading or building permits in the Jefferson Street Zone.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-2 <i>Continued</i>	BIO-2d (Jefferson Street/Officers' Row Zone): The project sponsor will implement a wetland mitigation and monitoring plan as mitigation for impacts to jurisdictional wetlands and waters. The plan will detail the mitigation design, wetland planting design, maintenance and monitoring requirements, reporting requirements, and success criteria. The mitigation wetlands shall be monitored for a minimum of 5 years. This plan shall be approved by the Corps and the City prior to implementation.	1) A project sponsors shall retain a qualified professional to develop and implement a wetland mitigation and monitoring plan to mitigate impacts to jurisdictional wetlands and waters, as specified in Mitigation Measure BIO-2d. 2) The project sponsor shall monitor mitigation wetlands for a minimum of 5 years.	Project sponsor	The City of Benicia Planning and Building Department and U.S. Army Corps of Engineers to: 1) Review the wetland mitigation and monitoring plan to ensure consistency with Mitigation Measure BIO-2d. 2) Perform annual reviews of mitigation wetlands for 5 years, adhering to the protocol outlined in the monitoring reports.	No issuance of any site-specific grading or building permits in the Jefferson Street Zone.	Implementation of a wetland mitigation and monitoring plan for impacts to jurisdictional waters.	1) Prior to issuance of any site-specific building or grading permits in the Jefferson Street Zone. 2) Annually for 5 years.
	BIO-2e (Jefferson Street/Officers' Row Zone): During construction of individual development projects, no material shall be allowed to enter or be stored in any wetlands that are to be preserved. Project-related dirt and other material shall be kept sufficiently far away from preserved wetlands and drainages to prevent material from entering these features. If earthmoving activities or material stockpiling occurs upslope from a preserved wetland or drainage, silt fencing	The project sponsor shall ensure that the construction contractor implements the wetland protection provisions of Mitigation Measure BIO-2e.	Project sponsor	City of Benicia Planning and Building Department to visit the site to ensure that no material is being allowed to enter wetlands, and that adequate protection (e.g., silt fencing) exists around wetlands.	Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.	Implementation of wetland protection provisions of Mitigation Measure BIO-2e.	Periodically throughout the development phase of the project, at the discretion of the Planning and Building Department.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-2 Continued	shall be installed around the preserved feature to prevent soil from entering the wetland or drainage. Silt fencing shall be installed at the least 5 feet from the edges of preserved wetlands and drainages. Silt fencing shall also be installed around preserved features whenever earthmoving activities or material stockpiling occurs within 20 feet of a preserved feature. All equipment washing shall occur down slope from preserved wetlands to prevent the runoff from entering the preserved wetlands. Berms or other barriers shall be constructed outside of preserved wetlands or drainages to prevent wash water runoff from entering the preserved wetlands.						
	<u>BIO-2f (Jefferson Street/Officers' Row Zone):</u> A conservation easement shall be established over the mitigation wetlands to preserve these wetlands in perpetuity. The City of Benicia or other public resource agency shall hold the easement to ensure retention of this land in perpetuity.	The project sponsor shall place a development restriction on areas containing existing and/or created wetlands to ensure that wetlands will be preserved in perpetuity.	Project sponsor	City of Benicia Office of the Attorney to review project title documents to ensure that wetlands will be preserved in perpetuity.	No issuance of any site-specific grading or building permit.	Development restriction on created or existing wetlands.	Prior to issuance of any site-specific grading or building permit.
	<u>BIO-2g (Jefferson Street/Officers' Row Zone):</u> Applicants for individual development projects on the site of any delineated wetlands shall provide financial assurances of a type (i.e., bond, letter of credit) and amount to be determined by the Corps and the City to ensure successful implementation of the wetland mitigation and monitoring plan. The project sponsor shall also provide a long-term funding mechanism for the maintenance of the mitigation wetlands in the conservation easements in perpetuity.	The project sponsor shall provide financial assurances to ensure successful implementation of the wetland mitigation and monitoring plan.	Project sponsor	City of Benicia Planning and Building Department to verify that adequate financial assurances for wetland protection and restoration have been provided (particularly that financial assurances meet Corps requirements).	No issuance of any site-specific grading or building permit.	Financial payment to ensure the implementation of the wetland mitigation and monitoring plan.	Prior to issuance of any site-specific grading or building permit.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-3: Development on the project site may impact special-status plants.	BIO-3a: Prior to construction of the project, a rare plant survey according to CNPS, CDFG, and USFWS protocols will be conducted in all potential habitat areas of the site. The survey should be conducted by a qualified botanist familiar with the flora of the Benicia area and with expertise in the identification of the special-status species potentially occurring onsite. Surveys will be conducted as appropriate throughout the growing season to ensure that all target species are observed.	The project sponsor shall retain a qualified botanist to conduct a rare plant survey in any potential habitat areas.	Project sponsor	City of Benicia Planning and Building Department to ensure that rare plant surveys are conducted according to appropriate protocol (including that of the California Native Plant Society, California Department of Fish and Game, and U.S. Fish and Wildlife Service).	No issuance of any site-specific grading or building permit.	Rare plant surveys for potential habitat areas.	Prior to issuance of any site-specific grading or building permit.
	BIO-3b: If no special-status plant populations are identified, the botanist shall prepare and submit a report to the City documenting the negative findings of the survey. At a minimum, the report shall include a list of the target species for which surveys were conducted, dates of surveys, names of surveyors, and a list of all plants observed. No additional mitigation shall be required if special-status plants are not found during the protocol-level surveys.	If special-status plant populations are not identified, the project sponsor's qualified botanist shall document the negative findings in accordance with Mitigation Measure BIO-3b.	Project sponsor	City of Benicia Planning and Building Department to verify that negative rare plant survey findings are appropriately documented.	No issuance of any site-specific grading or building permit.	Documentation of negative findings for rare plant surveys.	Prior to issuance of any site-specific grading or building permit.
	BIO-3c: If special-status plant populations are observed, a mitigation and monitoring plan shall be developed by the applicant of individual development projects to avoid and/or compensate for the loss of special-status plant populations. Plants designated as endangered, threatened, candidate, or rare under the federal or State Endangered Species Acts, or listed on the CNPS List 1B or CNPS List 2 shall be mitigated either by avoidance or through compensatory mitigation. The mitigation monitoring and reporting plan shall be prepared in accordance with the following guidelines:	The project sponsor shall work with the botanist to develop and implement a mitigation and monitoring plan for special-status plant populations observed within the development site, as specified in Mitigation Measure BIO-3c.	Project sponsor	City of Benicia Planning and Building Department to review and approve the mitigation monitoring and reporting plan for impacts to special-status plant species.	No issuance of any site-specific grading or building permit.	Mitigation and monitoring plan for impacts to special-status plant species.	Prior to issuance of any site-specific grading or building permit.

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-3 <i>Continued</i>	<ul style="list-style-type: none"> • Whenever feasible, special-status plant populations should be avoided and the populations protected in place. Avoidance measures may include fencing the existing plants with Environmentally Sensitive Area (ESA) fencing prior to construction, establishing a buffer zone of at least 20 feet around rare plant populations, and implementing a training program for construction personnel to ensure avoidance of the preserved plant populations. • If impacts to special-status plant populations are unavoidable, the project sponsor shall mitigate for the impact by preserving existing plant populations of the same species at an offsite mitigation site at a minimum 2:1 ratio (2 acres of occupied habitat preserved for each acre of occupied habitat impacted). • The project sponsor shall develop a mitigation and monitoring plan for the plants that are impacted and submit the plan to the City and the appropriate resource agency (CDFG, USFWS) for approval. • A conservation easement shall be established over the mitigation site to preserve it in perpetuity as rare plant habitat. The City of Benicia or other public resource agency shall hold the easement to ensure retention of this land in perpetuity. • The project sponsor shall provide financial assurances of a type (i.e., bond, letter of credit) and amount to be determined by the City and CDFG to ensure successful implementation of the rare plant mitigation plan. The project sponsor shall also provide a long-term funding mechanism for the maintenance of the mitigation site in the conservation easements in perpetuity. 						

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-4: Development on the project site may result in the loss of nesting habitat for breeding birds, and may result in direct take of special-status bird species through injury or mortality.</p>	<p>BIO-4a: Prior to tree pruning, tree removal, ground disturbing activities, or construction activities associated with individual development projects, a qualified biologist shall conduct raptor and passerine nest surveys to locate any active nests on or immediately adjacent to the site. Preconstruction surveys shall be conducted no more than 14 days prior to the start of pruning, construction, or ground disturbing activities if the activities occur during the nesting season (February 1 and August 31). Preconstruction surveys shall be repeated at 30-day intervals until construction has been initiated in the area. Locations of active nests shall be described and protective measures implemented. Protective measures shall include establishment of clearly delineated (i.e., orange construction fencing) avoidance areas around each nest site that are a minimum of 300 feet from the dripline of the nest tree or nest for raptors and 50 feet for passerines. The active nest sites within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance. These protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. A report shall be submitted to the City at the end of the construction season documenting the observations made during monitoring.</p>	<p>1) The project sponsor shall retain a qualified biologist to conduct raptor and passerine nest surveys prior to tree disturbance activities, in accordance with Mitigation Measure BIO-4a. 2) The project sponsor shall ensure that the construction contractor implements nest protection measures, including the establishment of exclusion zones, and shall retain a wildlife biologist to monitor nests during construction.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to: 1) Review and approve the raptor and passerine nest surveys. 2) Visit the site to ensure that nest protection measures have been established. 3) Review and approve the nest monitoring report.</p>	<p>1) No issuance of any site-specific grading or building permit 2) Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.</p>	<p>Raptor and passerine nest surveys and protection measures in accordance with Mitigation Measure BIO-4a, as applicable.</p>	<p>1) Prior to issuance of any site-specific grading or building permit. 2) Periodically during the construction period, at the discretion of the Planning and Building Department. 3) After report is submitted.</p>

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-4 <i>Continued</i>	<p>BIO-4b: A preconstruction survey shall be conducted no more than 30 days prior to modification, demolition, or removal of buildings. If no owls are observed, then demolition or removal may proceed. If owls are observed during the preconstruction survey, a determination shall be made on whether birds are roosting or nesting. If a single owl is roosting, demolition or removal of the structure can proceed after the owl has been persuaded to move from the roost area. Non-invasive techniques include light shining into the roost space for one or two nights and days. If barn owls (or other owls species) are found to be actively nesting in the barn, work on or demolition of the structure shall be postponed until one of the following conditions have been met: 1) a qualified biologist monitoring the nest determines that the owls have abandoned the nest without any outside interference or 2) a qualified biologist monitoring the nest has determined that the young have fledged and are capable of relocating and using another roost site. Under either scenario, the monitor shall ensure that all owls have left the building prior to construction or demolition activities. Once the young have fledged, non-invasive techniques may be used to encourage the owls to leave the barn. The barn owl nesting period is typically between February 15 and July 15. Buildings being used by nesting owls shall be fenced and designated off-limits to prevent entry into the buildings.</p>	<p>1) The project sponsor shall retain a wildlife biologist to conduct a pre-construction survey no more than 30 days prior to the modification, demolition, or removal of buildings and to make a determination on whether owls present are roosting or nesting.</p> <p>2) If owls are observed, the project sponsor shall ensure the biologist persuades the owls to leave the barn (as appropriate), or halts all demolition activity until the criteria outlined in Mitigation Measure BIO-4b have been met.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to:</p> <p>1) Review and approve the pre-construction survey.</p> <p>2) Verify that all owl protection measures are in place, and that owls leave any occupied buildings prior to demolition.</p>	No issuance of demolition permit.	Owl survey and compliance with Mitigation Measure BIO-4b.	Prior to issuance of demolition permit.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-5: Development on the project site may result in the loss of western burrowing owl habitat and direct take of this species through injury or mortality.</p>	<p>BIO-5a: Preconstruction surveys shall be conducted for burrowing owls in all potential habitat areas of the site (i.e., all areas shown as containing seasonal wetlands, ruderal/non-native grasslands, or native and non-native trees on Figure IV.F-1 of the Draft EIR) prior to preparation, grading, and construction of sites for individual development projects. These surveys shall conform to the survey protocol established by the California Burrowing Owl Consortium. Preconstruction surveys shall be conducted no more than 30 days prior to the initiation of construction activities and at 30-day intervals if construction activities have not been initiated in an area. The following measures shall also apply:</p> <p>a) If burrowing owls are found onsite, they shall be avoided to the extent practicable. A clearly defined area (i.e., an area demarcated by orange construction fencing) shall be established around each burrowing owl burrow to be avoided. No disturbance shall occur within 160 feet (50 meters) of occupied burrows during the non-breeding season (September 1 through January 31) or within 250 feet (75 meters) of an occupied burrow during the breeding season (February 1 through August 31).</p> <p>b) If burrowing owls occur at the development site and construction would begin before February or after the end of August, and the burrows cannot be avoided, then passive relocation techniques may be used to relocate owls from the site. These passive relocation techniques would include excavating all potential burrows after excluding owls from the burrow for the required length of time. Passive relocation shall be undertaken according to the current protocol established by the CDFG.</p>	<p>1) The project sponsor shall retain a wildlife biologist to conduct pre-construction surveys for burrowing owls, in all potential habitat areas, that conform to the protocol established by the California Burrowing Owl Consortium.</p> <p>2) If burrowing owls are identified on the site, the project sponsor shall ensure that construction avoids all owls, or that removal/relocation of owls (and associated mitigation) occurs in accordance with Mitigation Measure BIO-5a and the requirements of CDFG.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to:</p> <p>1) Review and approve the burrowing owl surveys.</p> <p>2) Verify that burrowing owls have been treated in compliance with the requirements of CDFG, and/or that mitigation has been provided as required by CDFG.</p>	<p>1) No issuance of any site-specific grading or building permit.</p> <p>2) Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.</p>	<p>Burrowing owl survey and removal/ relocation plan in accordance with Mitigation Measure BIO-5a and the requirements of CDFG.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-5 <i>Continued</i>	<p>Artificial burrows shall be provided on the mitigation site for each occupied burrow destroyed at the project site at a ratio of 2:1 (two artificial burrows created for each occupied burrow destroyed).</p> <p>c) If western burrowing owl occurs at the development site and construction would begin during the breeding season (February through August), then a buffer of a radius of 250 feet (75 meters) shall be established around any burrows containing owls.</p> <p>d) Removal of burrowing owls at development site shall conform to the requirements of CDFG's <i>Staff Report on Burrowing Owl Mitigation</i>. This shall entail establishing 6.5 acres of suitable habitat for each pair of burrowing owls displaced from the project site. These 6.5 acres shall be adjacent to an area already used by burrowing owls. The replacement mitigation site shall be preserved in perpetuity for use as burrowing owl and wildlife habitat through a conservation easement. The project sponsor shall develop a management plan for the mitigation site and submit the plan to the City and CDFG for approval. An endowment in an amount determined by the City and CDFG for management and monitoring the mitigation site shall also be established by the project sponsor.</p>						

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-5 <i>Continued</i>	BIO-5b: As an alternative to purchasing land as mitigation for burrowing owls, the project sponsor may purchase credits at a CDFG-approved mitigation bank authorized to sell credits for burrowing owl mitigation. The City of Benicia shall be included in the service area of the mitigation bank. The number of credits to be purchased shall be equivalent to purchasing 6.5 acres per pair or single bird observed on the site. The final mitigation requirement shall be determined following the completion of the protocol-level survey. The sponsor shall provide the City with evidence of completion of the mitigation or purchase of mitigation credits at least 60 days prior to the initiation of construction activities.	The project sponsor shall purchase credits at a CDFG-approved mitigation bank if off-site burrowing owl mitigation is required, but off-site habitat is not purchased and preserved.	Project sponsor	City of Benicia Planning and Building Department to verify that mitigation land or credits at a burrowing owl mitigation bank have been purchased.	No issuance of any site-specific grading or building permit.	Purchase of credits at CDFG-approved mitigation bank.	Prior to issuance of any site-specific grading or building permit and at least 60 days prior to issuance of construction activities.
BIO-6: Development on the project site may result in the loss of foraging and roosting habitat for the pallid bat, Townsend's western big-eared bat, and other bat species, and may result in direct take of these species through injury or mortality.	BIO-6a: Preconstruction surveys for bat roosts shall be conducted in all buildings or trees that will be removed or modified. The survey shall take place no more than 30 days prior to construction/ demolition/removal activities. Preconstruction surveys shall be repeated if demolition or construction activities are delayed more than 30 days.	The project sponsor shall retain a qualified wildlife biologist to conduct preconstruction bat roost surveys.	Project sponsor	City of Benicia Planning and Building Department to review and approve the bat roost survey.	No issuance of any site-specific grading or building permit.	Bat roost surveys.	Prior to issuance of any site-specific grading or building permit.
	BIO-6b: If a bat roost is found in a building or tree cavity, the species of bat using the roost shall be identified and methods to encourage the bats to leave the roost or to prevent them from returning to the roost shall be implemented prior to roost removal. A mitigation plan shall be developed to specify the methods to be used and the timing of the activities, and this mitigation plan shall be submitted to the City for review and approval.	The project sponsor shall retain a biologist to develop a mitigation plan to encourage bats to leave roosts or to prevent them from returning to roosts.	Project sponsor	City of Benicia Planning and Building Department to review and approve the bat removal mitigation plan.	No issuance of any site-specific grading or building permit.	Mitigation plan for bat roosts, if applicable.	Prior to issuance of any site-specific grading or building permit.
	BIO-6c: Materials from roost sites shall be salvaged, when feasible, to be used in the construction of artificial roosts.	The project sponsor shall salvage materials from roost sites and use the materials to construct artificial roosts.	Project sponsor	City of Benicia Planning and Building Department to verify that native roost materials are used to construct artificial roosts.	No issuance of any site-specific grading or building permit.	Artificial roosts, which incorporate materials from roost sites, if applicable.	Prior to issuance of any site-specific grading or building permit.

Table I Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-6 Continued	<u>BIO-6d</u> : If special-status bats (i.e., pallid bat, Townsend's western big-eared bat) are found onsite, and the roost would be destroyed during development, an artificial roost shall be provided for the bats. The roost shall be constructed and placed onsite prior to removal of the original roost. A mitigation plan specifying the construction details and siting of the structure shall be prepared and approved by the City and CDFG prior to removal of the existing roost. The project sponsor shall provide a secure source of funding for the monitoring of the artificial roost for a period of at least 5 years. A report documenting the implementation of the plan shall be provided to the City within 1 month of completion of the artificial roost. The plan shall be completed and implemented prior to the issuance of the grading permit.	1) The project sponsor shall retain a wildlife biologist to prepare a mitigation plan that includes construction details of artificial roosts if special-status bats are present on the project site. 2) The project sponsor shall provide a secure source of funding for monitoring the mitigation plan and shall provide a report documenting implementation of the plan.	Project sponsor	City of Benicia Planning and Building Department to review and approve mitigation/implementation plan and verify CDFG approval.	No issuance of any site-specific grading or building permit.	Bat roost mitigation plan that meets the requirements of Mitigation Measure BIO-6d.	Prior to issuance of any site-specific grading or building permit.
	<u>BIO-6e</u> : Removal of maternity roosts for special-status bats shall be coordinated with CDFG prior to removal. Maternity roosts for any species of bat, either common or special-status, shall not be demolished until the young are able to fly independently of their mothers.	The project sponsor shall coordinate with CDFG regarding removal of maternity roosts for special-status bats.	Project sponsor	City of Benicia Planning and Building Department to verify that project sponsor has undertaken and completed coordination with CDFG regarding removal of maternity roosts.	No issuance of any site-specific grading or building permit.	Verification of successful coordination with CDFG.	Prior to issuance of any site-specific grading or building permit.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
G. TRANSPORTATION AND CIRCULATION							
TRANS-1: Unacceptable LOS at the intersection of East 5th Street / I-780 Westbound Ramps . The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.	TRANS-1: The project sponsor of an individual development project shall contribute a pro-rata share to the following improvement: Signalize intersection as it meets the Peak Hour Volume Signal Warrant for the AM and PM peak hours. This intersection operates at unacceptable conditions and meets signal warrants prior to the addition of project-related traffic. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B with delays of 11.7 and 12.5 seconds for the AM and PM peak hours, respectively.	The project sponsor shall contribute the pro-rata fair-share for improvements to the East 5th Street/I-780 Westbound Ramps intersection.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has paid the pro-rata fair share for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-1.	Prior to issuance of an occupancy permit.
TRANS-2: Unacceptable LOS at the intersection of East 5th Street / I-780 Eastbound Ramps . The effect of project traffic would result in the intersection operating at LOS E with a delay of 44.6 seconds during the PM peak hour.	TRANS-2: The project sponsor of an individual development project shall contribute a pro-rata share to the following improvement (sponsors of development associated with buildout of the Draft Specific Plan shall together fund the entirety of this improvement): Signalize intersection as it meets the Peak Hour Volume Signal Warrant for the PM peak hour. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B with 14.5 seconds of delay during the PM peak hour.	The project sponsor shall contribute the pro-rata fair-share for improvements to the East 5th Street/I-780 Eastbound Ramps intersection.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has paid the pro-rata fair share for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-2.	Prior to issuance of an occupancy permit.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>TRANS-3: Unacceptable LOS at the intersection of <u>East 5th Street / I-780 Westbound Ramps</u>. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.</p>	<p>TRANS-3: The project sponsor of an individual development project shall contribute a pro-rata share to the following improvement: Signalize intersection as it meets the Peak Hour Volume Signal Warrant for the AM and PM peak hours. This intersection operates at unacceptable conditions and meets signal warrants prior to the addition of project-related traffic. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B with delays of 12.1 and 16.6 seconds for the AM and PM peak hours, respectively.</p>	<p>The project sponsor shall contribute the pro-rata fair-share for improvements to the East 5th Street/I-780 Westbound Ramps intersection.</p>	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has paid the pro-rata fair share for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-3.	Prior to issuance of an occupancy permit.
<p>TRANS-4: Unacceptable LOS at the intersection of <u>East 5th Street / I-780 Eastbound Ramps</u>. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.</p>	<p>TRANS-4: The project sponsor of an individual development project shall contribute a pro-rata share to the following improvement: Signalize intersection as it meets the Peak Hour Volume Signal Warrant for the AM and PM peak hours. Reconfigure the northbound approach to provide one left-turn lane, one through lane, and one right-turn lane. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B with delays of 15.5 and 14.9 seconds for the AM and PM peak hours, respectively.</p>	<p>The project sponsor shall contribute the pro-rata fair-share for improvements to the East 5th Street/I-780 Eastbound Ramps intersection.</p>	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has paid the pro-rata fair share for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-4.	Prior to issuance of an occupancy permit.
<p>TRANS-5: Unacceptable LOS at the intersection of <u>East 2nd Street / Military East</u>. The effect of project traffic would result in the intersection operating at LOS E with a delay of 57.1 seconds during the PM peak hour.</p>	<p>TRANS-5: The project sponsor of an individual development project shall contribute a pro-rata share to the following improvement: Overlap the southbound right turn with the eastbound left turn phase, and re-time the signal. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS D with 42.5 seconds of delay during the PM peak hour.</p>	<p>The project sponsor shall contribute the pro-rata fair-share for improvements to the East 2nd Street/Military East intersection.</p>	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has paid the pro-rata fair share for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-5.	Prior to issuance of an occupancy permit.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>TRANS-6: Unacceptable LOS at the intersection of Park Road / Industrial Way. The effect of project traffic would result in the intersection operating at LOS E with delays of 41.3 and 43.6 seconds during the AM and PM peak hours, respectively.</p>	<p>TRANS-6: The project sponsor of an individual development project shall contribute a pro-rata share to the following improvement: Signalize intersection as it meets the Peak Hour Volume Signal Warrant for the AM and PM peak hours. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B with delays of 14.5 and 13.8 seconds for the AM and PM peak hours, respectively.</p>	<p>The project sponsor shall contribute the pro-rata fair-share for improvements to the Park Road/Industrial Way intersection.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to ensure that the project sponsor has paid the pro-rata fair share for the improvement.</p>	<p>No issuance of an occupancy permit.</p>	<p>Improvements in accordance with Mitigation Measure TRANS-6.</p>	<p>Prior to issuance of an occupancy permit.</p>
<p>TRANS-7: Unacceptable LOS at the intersection of Park Road / Bayshore Road. The effect of project traffic would result in the intersection operating at LOS F with delays of over 50.0 seconds during both the AM and PM peak hours.</p>	<p>TRANS-7: The project sponsor of an individual development project shall contribute a pro-rata share to the following improvement: Reconfigure the southbound approach to provide two exclusive left-turn lanes, and one shared through-right lane. Reconfigure the westbound approach to provide one shared through-left lane, and two exclusive right-turn lanes. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B and LOS C with delays of 14.5 and 17.6 seconds for the AM and PM peak hours, respectively.</p>	<p>The project sponsor shall contribute the pro-rata fair-share for improvements to the Park Road/Bayshore Road intersection.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to ensure that the project sponsor has paid the pro-rata fair share for the improvement.</p>	<p>No issuance of an occupancy permit.</p>	<p>Improvements in accordance with Mitigation Measure TRANS-7.</p>	<p>Prior to issuance of an occupancy permit.</p>

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>TRANS-8: Temporary transportation impacts would result from truck movements and construction worker vehicles traveling to and from the project site.</p>	<p>TRANS-8: Prior to the issuance of each building permit, the project sponsor of an individual development project and construction contractor shall meet with the Benicia Public Works Department and other appropriate City of Benicia agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of the project. The project sponsor shall develop a construction management plan for review and approval by the City Public Works Department. The plan shall include at least the following items and requirements:</p> <ul style="list-style-type: none"> • A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, provisions for truck queuing, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. • Identification of any transit stop relocations. • Provisions for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces. • Identification of parking space removal and any relocation of parking for employees, and public parking during construction. • Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur. 	<p>The project sponsor and construction contractor shall meet with the City of Benicia Public Works Department and other City agencies prior to the issuance of building or grading permits for individual development projects to prepare traffic management strategies which incorporate the performance standards listed in Mitigation Measure TRANS-8.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to ensure that traffic management measures are established and that construction personnel are in compliance with these measures.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Traffic management strategies which comply with the requirements of Mitigation Measure TRANS-8.</p>	<p>Prior to issuance of a site-specific grading or building permit.</p>

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-8 Continued	<ul style="list-style-type: none"> Provisions for accommodation of pedestrian flow. No construction traffic shall be allowed on East 5th Street south of Military East. Location of construction staging areas for materials, equipment, and vehicles. Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project sponsor. A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. 						
TRANS-9: High volumes of heavily laden trucks have an incremental impact on the condition of streets and highways.	TRANS-9: The project sponsor of an individual development project shall prepare an overall construction traffic management plan to limit the effects of trucks and other construction traffic on surface conditions of area roads and intersections. This plan shall be prepared in coordination with the City of Benicia, and shall include the following provisions:	<ol style="list-style-type: none"> The project sponsor, working with City staff, shall prepare a construction traffic management plan and an existing conditions report of truck access route roadways. The project sponsor shall make improvements to area roadways damaged by construction-related traffic throughout the construction phase of the project. 	Project sponsor	City of Benicia Public Works Department to: <ol style="list-style-type: none"> Review and approve the construction traffic management plan and truck route existing conditions report. Examine roadways around the project site the project site to assess damage to the street surface pavement incidental to the construction activities. 	<ol style="list-style-type: none"> No issuance of any site-specific grading or building permit. Non-compliance sanctions which may include citations or revocation of occupancy permits. 	Construction traffic management plan and improvements in accordance with Mitigation Measure TRANS-9.	<ol style="list-style-type: none"> Prior to issuance of any site-specific grading or building permit. Periodically throughout the project construction period. Following the end of the construction period.

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-9 <i>Continued</i>	<ul style="list-style-type: none"> • Prior to implementation of the proposed project, the project sponsor shall survey the condition of truck access route roadways and prepare an existing conditions report to document roadway baseline conditions. • During the construction of the project, or periodically throughout the project's construction period, the project sponsor shall make periodic improvements to area roadways to maintain minimum standards, including clean-up of construction debris (e.g., sand and gravel) and spot repaving of potholes or other severe pavement section damage. • Upon completion of all or most project construction activities, the project sponsor shall identify any impacts to roadway conditions. The project sponsor will install improvements and/or pay an impact fee to mitigate any damages to the existing street pavements on Military East and East 5th Street to/from the project site caused by heavy construction traffic accessing the project site. 	<p>3) Upon completion of project construction the project sponsor shall repair or pay mitigation fees for any damage to existing street surfaces caused by construction equipment or vehicles during the construction phase of the project.</p>		<p>3) Provide a cost estimate for roadway damages to the project sponsor, and ensure that the project sponsor installs or funds needed repairs.</p>	<p>3) Non-compliance sanctions which may include citations or revocation of occupancy permits.</p>		

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
H. AIR QUALITY							
AIR-1: Demolition and construction period activities could generate significant dust, exhaust, and organic emissions.	<p>AIR-1: Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and specifications for individual development projects:</p> <p><i>Demolition.</i> The following controls shall be implemented during demolition:</p> <ol style="list-style-type: none"> 1) Water during demolition of structures and break-up of pavement to control dust generation; 2) Cover all trucks hauling demolition debris from the site; and 3) Use dust-proof chutes to load debris into trucks whenever feasible. <p><i>Construction.</i> The following controls shall be implemented at all construction sites:</p> <ol style="list-style-type: none"> 1) Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust; 2) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; 3) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; 4) Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; 	The project sponsor shall ensure that the construction contractor fully implements all air quality dust control measures as required by the BAAQMD and Mitigation Measure AIR-1.	Project sponsor	City of Benicia Planning and Building Department to conduct regular site inspections throughout the construction period to ensure that construction period air pollution control measures are being implemented on the site.	Non-compliance sanctions which may include citations or revocation of permits.	Construction period air pollution controls.	Regularly throughout the construction period at the discretion of the Planning and Building Department.

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
AIR-1 <i>Continued</i>	5) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; 6) Apply non-toxic soil stabilizers to inactive construction areas; 7) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); 8) Limit traffic speeds on unpaved roads to 15 mph; 9) Install sandbags or other erosion control measures to prevent silt runoff to public roadways; 10) Replant vegetation in disturbed areas as quickly as possible. 11) Install base rock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and 12) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. 13) Implementation of this mitigation measure would reduce construction period air quality impacts to a less-than-significant level.						

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
AIR-2: The proposed project could expose future residents within the Lower Arsenal Specific Plan to potentially high cancer risks from exposure to diesel emissions from the adjacent port operations.	AIR-2: To determine if a specific development proposal would expose sensitive receptors to toxic air contaminants in excess of the BAAQMD significance criteria, the project proponent of a residential project shall coordinate with the BAAQMD to prepare a health risk assessment specific to the development parcel proposed for residential use. The assessment shall incorporate emissions sources from activities associated with the Port of Benicia. Residential sites that are determined to exceed a probability of contracting cancer for the Maximally Exposed Individual (MEI) of 10 in 1 million or have ground-level concentrations of non-carcinogenic toxic air contaminants that would result in a Hazard Index greater than 1 for the MEI shall incorporate interior air filtration systems that would reduce the cancer risk or hazard index to below the BAAQMD significance criteria.	1) Project sponsors for residential projects shall coordinate with the BAAQMD to prepare a health risk assessment in accordance with Mitigation Measure AIR-2. 2) The recommendations of the health risk assessment shall be implemented for sites that exceed the residential threshold for cancer risk.	Project sponsor	The City of Benicia Planning and Building Department to verify completion and implementation of the recommendations of a health risk assessment for residential sites.	No issuance of a grading or building permit.	Health risk assessment for residential sites.	Prior to issuance of a grading or building permit.
I. NOISE							
NOI-1: Construction period activities could create significant short-term noise impacts on adjacent residential properties and on buildings that are currently or would become occupied within the Plan Area before completion of Specific Plan buildout.	NOI-1a: During all on-site excavation and grading, the project contractors for individual development projects shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. All heavy construction equipment used on project sites within the Plan Area shall be maintained in good operating condition, with all internal combustion, engine-driven equipment equipped with intake and exhaust mufflers that are in good condition. "Quiet" models of air compressors and other stationary noise sources shall be utilized where such technology exists.	The project sponsor shall ensure that the construction contractor's equipment is equipped with functional mufflers and maintained in good operating condition in accordance with Mitigation Measure NOI-1a.	Project sponsor	City of Benicia Planning and Building Department to verify that all construction equipment is equipped with adequate mufflers and maintained in good operating condition	Non-compliance sanctions which may include citations or revocation of permits.	Functional mufflers and other "quiet" measures for all contractor equipment.	Ongoing throughout the construction period.

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
NOI-1 <i>Continued</i>	NOI-1b: The project contractors for individual development projects shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the construction site.	The project sponsor shall ensure that the construction contractor places all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.	Project sponsor	City of Benicia Planning and Building Department to verify that all construction equipment is appropriately sited.	Non-compliance sanctions which may include citations or revocation of permits.	Verification that all construction equipment is directed away from sensitive receptors.	Ongoing throughout the construction period.
	NOI-1e: The construction contractors for individual development projects shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the construction site during all project construction. The construction contractors shall post signs prohibiting unnecessary idling of internal combustion engines.	The project sponsor shall ensure that the construction contractor locates equipment staging in areas such that emitted noise is directed away from sensitive receptors nearest the construction site, and posts signs prohibiting the unnecessary idling of engines.	Project sponsor	City of Benicia Planning and Building Department to verify that all equipment staging is appropriately sited and that appropriate signs are posted.	Non-compliance sanctions which may include citations or revocation of permits.	Verification that all equipment staging is appropriately sited and appropriate signs are posted.	Ongoing throughout the construction period.
	NOI-1d: The contractors for individual development projects shall further designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g. beginning work too early, bad muffler) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at all construction sites within the Plan Area.	The project sponsor shall ensure that the construction contractor designates a "noise disturbance coordinator" in accordance with Mitigation Measure NOI-1d.	Project sponsor	City of Benicia Planning and Building Department to verify designation of a noise disturbance coordinator.	Non-compliance sanctions which may include citations or revocation of permits.	Verification of a designated noise disturbance coordinator.	Ongoing throughout the construction period.

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
NOI-1 <i>Continued</i>	NOI-1e: The construction contractor shall ensure that all noise producing construction-related activities within 500 feet of any residential land uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m.; all excavating, grading, and filling activity, including, but not limited to, warming of equipment motors, shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday.	The project sponsor shall ensure that the construction contractor restricts construction-period activities to the hours specified in Mitigation Measure NOI-1e.	Project sponsor	City of Benicia Planning and Building Department to verify that construction activities are occurring only during permitted hours.	Non-compliance sanctions which may include citations or revocation of permits.	Construction activities occur during permitted hours.	Ongoing throughout the construction period.
NOI-2: Implementation of the proposed Specific Plan would increase traffic noise levels within the Plan Area and in surrounding areas.	NOI-2: A project-specific acoustical analysis report shall be completed which shall include measures that would reduce traffic noise impacts to below the maximum allowable noise exposure standard of 60 dBA CNEL. These measures shall be incorporated into the project. This analysis shall be performed for all proposed noise sensitive land use development projects in the following areas: <ul style="list-style-type: none"> • Within 60 feet of the centerline of Adams Street; • Within 55 feet of the centerline of Grant Street; and • Within 53 feet of the centerline of Park Road. 	The project sponsor shall complete an acoustical analysis and incorporate the recommendations of the report into the project in accordance with Mitigation Measure NOI-2.	Project sponsor	City of Benicia Planning and Building Department to verify completion and implementation of a project-specific acoustical analysis.	No issuance of a grading or building permit.	Project-specific acoustical analysis.	Prior to issuance of a grading or building permit.
NOI-3: Implementation of the proposed Specific Plan would expose sensitive land uses to significant operational noise impacts.	NOI-3a: Project-specific acoustical studies shall be performed for all proposed noise-sensitive development within the Plan Area. The acoustical studies shall describe how the City's exterior and interior performance standards (shown in Table 4-4 [see Table IV.1-8 above] of the Noise Element of the General Plan) for proposed noise sensitive land uses which may be affected by stationary noise sources will be achieved. These acoustical studies must satisfy the requirements set forth in Title 24, Part 2, of the California Administrative Code, Noise Insulation Standards, for multiple-family attached residential units, hotels and motels.	The project sponsor shall complete acoustical studies for noise-sensitive land uses within the Plan Area in accordance with Mitigation Measure NOI-3a.	Project sponsor	City of Benicia Planning and Building Department to verify completion of acoustical studies for noise-sensitive land uses in accordance with Mitigation Measure NOI-3a.	No issuance of a grading or building permit.	Project-specific acoustical studies for noise-sensitive uses.	Prior to issuance of a grading or building permit.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
NOI-3 Continued	NOI-3b: Project-specific acoustical studies shall be performed for all proposed projects within the Plan Area located adjacent to noise sensitive land uses, and that would include the operation of any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device that would generate noise levels in excess of the City's exterior noise standards. These studies shall include mitigation that would reduce these stationary noise impacts to comply with the City's standards set forth in the City's Municipal Code section 8.20.140.	The project sponsor shall complete acoustical studies for all projects that would include noise generating uses located adjacent to noise sensitive land uses in accordance with Mitigation Measure NOI-3b.	Project sponsor	City of Benicia Planning and Building Department to verify completion of acoustical studies for noise generating uses adjacent to noise-sensitive land uses in accordance with Mitigation Measure NOI-3b.	No issuance of a grading or building permit.	Project-specific acoustical studies for noise-generating uses adjacent to noise-sensitive uses.	Prior to issuance of a grading or building permit.
J. VISUAL RESOURCES							
VIS-1: Development projects built as part of the Draft Specific Plan could block scenic views.	VIS-1: The following changes shall be made to Action 4.5.2 of the Draft Specific Plan: Action 4.5.2. Require visual impact studies, such as computer simulation, photo montage, on-site story poles, and rear streetscape frontage perspectives of all proposed development projects that are located within view corridors as identified on the "Historic Guidelines Overlay Plan" figure in the Draft Specific Plan. These studies shall document the impacts of proposed development or alteration of existing structures on views or view corridors. If these studies show that new development would diminish view corridors, the project design shall be altered so that views are not diminished.	The City shall revise the language of Action 4.5.2 in the Final Lower Arsenal Mixed Use Specific Plan.	City of Benicia	City of Benicia Planning and Building Department to ensure that the text of Action 4.5.2 is revised.	No approval of the Final Lower Arsenal Mixed Use Specific Plan.	Revised text of Action 1.5.3 that meets the requirements of Mitigation Measure VIS-1.	Prior to approval of the Final Lower Arsenal Mixed Use Specific Plan.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
K. CULTURAL AND PALEONTOLOGICAL RESOURCES							
CULT-1: Ground disturbance in the form of building construction parking lot construction, street construction, street tree planting, building demolition, the redevelopment of open spaces, or other ground disturbance may result in a significant impact to unrecorded cultural resources, including human remains.	CULT-1a: Prior to implementation of individual development projects, a qualified archaeologist shall: (1) assess the potential for subsurface archaeological remains that may meet the definition of historical or archaeological resources and may be adversely affected by project activities; and (2) make project-specific recommendations, as warranted, about the treatment of such resources such that the eligibility of significant resources is maintained, or, if this is not feasible, the resource's loss of eligibility is offset by appropriate mitigation (e.g., data recovery excavation). The City shall ensure that the treatment recommendations of the consulting archaeologist are implemented prior to project construction, or any actions that could adversely affect the resource in question. A report of the results of this archaeological assessment shall be submitted to the project proponent, the City and the Northwest Information Center (NWIC).	The project sponsor shall retain a qualified archaeologist to: 1) Assess the potential for subsurface archaeological remains. 2) Make project-specific recommendations, as warranted. 3) Prepare a report of the results and submit to the City and the NWIC.	Project sponsor	City of Benicia Planning and Building Department to ensure that the treatment recommendations of the consulting archaeologist are implemented.	No issuance of a grading or building permit.	Identification of and recommendations for the treatment of subsurface archeological deposits.	Prior to issuance of a grading or building permit.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>CUL:T-1 Continued</p>	<p>CULT-1b: If unidentified archaeological deposits are discovered during construction activities associated with individual development projects, all work within 25 feet of the find shall be redirected. A qualified archaeologist shall: 1) evaluate the finds to determine if they meet the definition of a historical or archaeological resource; and 2) make recommendations regarding the treatment of such finds. If the finds do not meet the definition of a historical or archaeological resource, then no further study or protection is necessary prior to project implementation. If the finds do meet the definition of a historical or archaeological resource, then they shall be avoided by project activities. If avoidance is not feasible, impacts to such resources shall be mitigated in accordance with the recommendations of the evaluating archaeologist. The City shall ensure that the treatment recommendations of the consulting archaeologist are implemented prior to project construction or actions that could adversely affect the resource in question.</p> <p>Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological materials. Upon completion of the archaeological evaluation, a report documenting the methods, results, and recommendations of the archaeologist shall be prepared and submitted to the project proponent, the City and the NWIC.</p>	<ol style="list-style-type: none"> 1) In the event that unidentified archaeological deposits are discovered during construction activities the project sponsor shall ensure that the construction contractor halts all activity within 25 feet of the discovery. 2) The project sponsor shall retain a qualified archeologist to evaluate the finds and make recommendations. 3) The qualified archeologist shall complete a report documenting the methods, results, and recommendations, and submit this report to the City and NWIC. 	<p>Project sponsor</p>	<p>The City of Benicia Planning and Building Department to:</p> <ol style="list-style-type: none"> 1) Verify that, in the event an unidentified archaeological deposit is discovered, all work within 25 feet of the find is redirected. 2) Verify that an archaeologist is retained to evaluate the materials. 3) Review and approve the archaeological report as adequate. 	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Archaeological report and appropriate treatment of archaeological resources, if applicable.</p>	<p>During the construction period.</p>

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
CULT-1 Continued	<p>CULT-1c: If human remains are encountered by project activities, construction activities shall be halted and the County Coroner shall be notified immediately. If the remains are of Native American origin, the Coroner shall notify the NAHC within 24 hours of this identification, and a qualified archaeologist shall be contacted to assess the situation. The NAHC shall identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The City shall ensure that the treatment recommendations of the consulting archaeologist and MLD are implemented prior to project construction or actions that could adversely affect the remains in question.</p> <p>Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. This report shall be submitted to the project proponent, the City, and the NWIC.</p>	<ol style="list-style-type: none"> 1) If human remains are encountered by project activities the project sponsor shall ensure that the construction contractor notifies the City of Benicia and the County Coroner promptly. 2) The project sponsor shall retain a qualified professional archaeologist to recover scientifically valuable data if the remains are of Native American origin. If the remains are of Native American origin, the Coroner shall notify the NAHC promptly. 	Project sponsor	<p>City of Benicia Planning and Building Department to:</p> <ol style="list-style-type: none"> 1) Verify that, in the event human remains are discovered, the appropriate agencies are contacted, and an archaeologist is retained to evaluate the materials. 2) Review and approve the archaeological report as adequate. 	Non-compliance sanctions which may include citations or revocation of permits.	Archaeological report and appropriate treatment of human remains, if applicable.	During the construction period.
CULT-2: The construction of new buildings and roads could adversely affect the setting of Historic District C.	<p>CULT-2a: The Draft Specific Plan contains several policies and design approaches that would avoid or lessen the severity of impact CULT-2. The form, materials, and massing of new construction shall be designed to complement the architectural style and setting of the zone, as well as provide sight lines and view corridors to retain the visual character of the Arsenal as a whole. The City shall ensure that the guidance provided in the Draft Specific Plan is followed with respect to new construction. Once formal plans for the new buildings proposed at the southern and northern boundaries of Officers' Square are prepared, these shall be reviewed by a qualified architectural historian or</p>	<ol style="list-style-type: none"> 1) The project sponsor shall retain a qualified architectural historian or preservation architect to ensure that design plans for new construction are in accordance with Mitigation Measure CULT-2a. 2) The architectural historian or preservation architect shall prepare a report documenting 	Project sponsor	The City of Benicia Planning and Building Department and the Benicia Historic Preservation Review Commission to review and approve the report and final design plans for compliance with Mitigation Measure CULT-2a.	No approval of final design plans	New building design to comply with Draft Specific Plan and recommendations of the qualified architectural historian as specified in Mitigation Measure CULT-2a.	Prior to approval of final design plans.

Table 1 *Continued*

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
CULT-2 <i>Continued</i>	<p>preservation architect to ensure that the designs do not result in a "substantial adverse change" to the historical resources of the Jefferson Ridge/Officers' Row Zone and the Benicia Arsenal Historic District. The architectural historian or preservation architect shall prepare a report that includes recommendations, as warranted, for design changes to the new buildings so as to avoid or mitigate impacts to historical resources. The report recommendations shall be incorporated in the final design of the new buildings, which must be approved by the Benicia Historic Preservation Review Commission prior to construction.</p> <p>In addition, the pre-project conditions of the new construction locations shall be documented through landscape photography to document the setting prior to alteration. A report shall also be prepared that documents the history and setting of Jefferson Ridge prior to alteration. The photographs may vary in format and perspective, but shall at a minimum document important sight lines and visual axes that may be impaired by the introduction of new buildings. The photographic documentation shall be prepared in accordance with the <i>HABS/HAER Photographs: Specifications and Guidelines</i> (2001) and shall supplement the existing Historic American Building Survey documentation of the Arsenal, and shall be included in the report and in an update of the DPR 523 record of National Register District C. A copy of the report and photodocumentation shall be submitted to the City, the Benicia Museum, the Benicia Public Library, and the Northwest Information Center.</p>	<p>3) Findings of the report shall be incorporated into the final design of new buildings.</p> <p>4) Pre-project conditions shall be documented in accordance with Mitigation Measure CULT-2a.</p>					

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
CULT-2 Continued	CULT-2b: Historical photographs and/or maps, accompanied by text, shall be presented as part of an interpretive display describing the original configuration of Jefferson Ridge as well as the area's historical significance. This interpretive display shall be developed in consultation with the Benicia Historical Museum and the Benicia Historical Society.	The City of Benicia, in consultation with the Benicia Historical Museum and the Benicia Historical Society shall develop an interpretive display in accordance with Mitigation Measure CULT-2b.	City of Benicia	The Benicia Historical Museum and the Benicia Historical Society to review the interpretive display.	No approval of final design plans.	interpretive display for Jefferson Ridge.	Prior to approval of final design plans.
CULT-3: The creation of open spaces such as the Clocktower Green and Cork Oak Ridge Park could result in significant impacts to cultural resources.	CULT-3: Implement Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.
CULT-4: The creation of new roads and the extension of existing roads could result in a significant impact to cultural resources.	CULT-4: Implement Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.
CULT-5: The development of the Adams Street Zone could adversely affect cultural resources.	CULT-5: Implement Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.
CULT-6: The development of the Grant Street Zone could disturb intact archaeological deposits.	CULT-6: Implement Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
CULT-7: The construction of new buildings could adversely affect the setting of Historic District D.	CULT-7a: The Draft Specific Plan contains several policies and design approaches that would avoid or lessen the severity of impact CULT-7. The form, materials, and massing of new construction shall be designed to complement the architectural style and setting of the zone, as well as maintain sight lines and view corridors identified in the Conservation Plan to retain the visual character of the Arsenal as a whole. The City shall ensure that the guidance provided in the Draft Specific Plan is followed with respect to new construction. Once formal plans for new buildings proposed for the South of Grant Street Zone are prepared, these shall be reviewed by a qualified architectural historian or preservation architect to ensure that the designs do not result in a "substantial adverse change" to the historical resources of District D and the Benicia Arsenal Historic District. The architectural historian or preservation architect shall prepare a report that includes recommendations, as warranted, for design changes to the new buildings so as to avoid or mitigate impacts to historical resources. The report recommendations shall be incorporated in the final design of the new buildings, which must be approved by the Benicia Historic Preservation Review Commission prior to construction.	<ol style="list-style-type: none"> 1) The project sponsor shall retain a qualified architectural historian or preservation architect to ensure that design plans for new construction are in accordance with Mitigation Measure CULT-7a. 2) The architectural historian or preservation architect shall prepare a report documenting recommendations. 3) Findings of the report shall be incorporated into the final design of new buildings. 4) Pre-project conditions shall be documented in accordance with Mitigation Measure CULT-7a. 	Project sponsor	The City of Benicia Planning and Building Department and the Benicia Historic Preservation Review Commission to review and approve the report and final design plans for compliance with Mitigation Measure CULT-7a.	No approval of final design plans	New building design to comply with Draft Specific Plan and recommendations of the qualified architectural historian as specified in Mitigation Measure CULT-7a.	Prior to approval of final design plans.
	CULT-7b: Historical photographs and/or maps, accompanied by text, shall be presented as part of an interpretative display describing the configuration of historical buildings in District D as well as their historical significance. This interpretative display shall be developed in consultation with the Benicia Historical Museum and the Benicia Historical Society.	The City of Benicia, in consultation with the Benicia Historical Museum and the Benicia Historical Society shall develop an interpretive display in accordance with Mitigation Measure CULT-7b.	City of Benicia	The City of Benicia Planning and Building Department to review the interpretive display.	No approval of final design plans.	Interpretive display for District D.	Prior to approval of final design plans.
CULT-8: The development of the South of Grant Street Regulatory Zone could disturb intact archaeological deposits.	CULT-8: Implement Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.	Refer to Mitigation Measures CULT-1a, -1b, and -1c.

Table 1 Continued

Identified Impact	Mitigation Measures	Implementation Procedure	Implementing Entity	Monitoring and Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
PALEO-1: Project ground disturbance could result in significant impacts to paleontological resources.	PALEO-1: If paleontological resources are discovered during activities associated with individual development projects, all work within 25 feet of the discovery shall be redirected and a qualified paleontologist contacted to assess the finds. The paleontologist shall make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any paleontological resources. It is recommended that adverse impacts to such paleontological resources be avoided by project activities. If such resources cannot be avoided, they shall be assessed to determine their paleontological significance. If the paleontological resources are not significant, then avoidance is not necessary. If the paleontological resources are significant, they shall be avoided or adverse impacts shall be mitigated. Upon completion of the assessment, the paleontologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the paleontological resources. The City shall ensure that the recommendations of the consulting paleontologist are implemented prior to actions that could adversely affect the resource in question.	<ol style="list-style-type: none"> 1) In the event that unidentified paleontological deposits are discovered during construction activities the project sponsor shall ensure that the construction contractor halts all activity within 25 feet of the discovery. 2) The project sponsor shall retain a qualified paleontologist to evaluate the finds and make recommendations. 3) The qualified paleontologist shall complete a report documenting the methods, results, and recommendations, and shall submit the report to the City. 	Project sponsor	The City of Benicia Planning and Building Department to: <ol style="list-style-type: none"> 1) Verify that, in the event unidentified paleontological deposits are discovered, all work within 25 feet of the find is redirected. 2) Verify that a paleontologist is retained to evaluate the materials. 3) Review and approve the paleontological report as adequate. 	Non-compliance sanctions which may include citations or revocation of permits.	Paleontological report and appropriate treatment of paleontological resources, if applicable.	During the construction period.
L. PUBLIC SERVICES							
There are no significant <i>Public Services</i> impacts.							
M. UTILITIES AND INFRASTRUCTURE							
There are no significant <i>Utilities and Infrastructure</i> impacts.							
N. SUSTAINABILITY AND ENERGY							
There are no significant <i>Sustainability and Energy</i> impacts.							

AUGUST 14, 2008
PLANNING COMMISSION MINUTES

Commissioner Ernst stated he had a conversation in September 2007 with the applicant. Chair Railsback and Commissioner Sherry stated they had ex-parte communication with the applicant.

RESOLUTION NO. 08-6 (PC) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A USE PERMIT (08PLN-34) FOR AN ANCILLARY BODY ART USE AT 120 EAST G STREET

On motion of Commissioner Healy, seconded by Commissioner Sherry, the above Resolution was adopted by the following vote:

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

A recess was called at 8:15. The meeting was reconvened at 8:23.

B. RECOMMENDATION TO CITY COUNCIL ON THE LOWER ARSENAL MIXED USE SPECIFIC PLAN AND EIR

The project site consists of approximately 50 acres in southeastern Benicia, and is a portion of Benicia's former Arsenal known as the Lower Arsenal. The site is generally bounded by lands adjoining I-780 on the north, lands adjoining I-680 on the east, Port of Benicia land and the Carquinez Strait on the south, and residential neighborhoods extending into downtown Benicia on the west.

PROPOSAL:

The proposal is implementation of a Specific Plan for the Lower Arsenal site, which is designated for mixed uses in the Benicia General Plan. The Specific Plan covers four distinct zones, each of which exhibits a unique physical character. The Specific Plan would implement a form-based code to shape future development on the project site, with primary emphasis on the physical form and character of new development. After build-out of the Specific Plan, the area would contain approximately 741,865 square feet of mixed uses, 22 residential units, and 6.39 acres of open space. The Specific Plan area currently contains approximately 525,000 square feet of mixed uses.

Recommendation: Recommend City Council certification of the Environmental Impact Report and adoption of the Lower Arsenal Mixed Use Specific Plan, with modification of Action 4.6.2 to prohibit granting of City permit for alteration of any structure in the Plan area more than 50 years old until the Lower Arsenal historic resource inventory has been updated.

Commissioner Sherry stated a conflict of interest on this item due to business interests and recused himself.

Charlie Knox introduced this item. He noted that the recommendation on the content of the Plan was forwarded to the City Council last year. The City Council directed staff to prepare the environmental documents. Charlie Knox noted that there would need to be an update of the Arsenal Historic Resource Inventory. He noted that the Arsenal Historic Conservation Plan protects the integrity of the historic structures in the Arsenal Historic District. He commented on the 1025 Grant Street project and the property owners' involvement in the public charrette process. A number of comments have been submitted in relation to this project being included in the Plan. The Jefferson Ridge is the only parcel subject to EIR alternatives. The senior housing alternative was highlighted. The General Plan allows consideration of live/work uses.

Adam Weinstein, LSA, gave a brief presentation. He introduced David Clore and Theresa Bravo, colleagues from LSA. An overview of the CEQA process was given. He highlighted Mitigation Measure HAZ-1. He noted that LSA met with City staff, the Army Corps of Engineers, and the Department of Toxic Substances Control. EIR adequacy was highlighted.

The public hearing was opened.

Robert Whitehead, property owner – He stated his support of the senior housing project. He commented on the different options proposed. He believes it is time to develop in the Arsenal.

Dennis McCray, SAHF – He submitted a letter to the Commission. He would like the senior housing option to be labeled as the “preferred alternative.” He stated his disagreement with Opticos' recommendations in the Plan.

Marilyn Bardet – She does not believe the Plan should be adopted at this time. She disagrees with staff's recommendation of approval. She highlighted disagreements that have not been resolved. There are contradictions in the Response to Comments. She is concerned with safety and health issues. The City has a responsibility to investigate and clean up the area.

Claudia Keppelyuhas, resident – She commented on the eclectic nature of the community. She has been waiting for the Arsenal to be restored. The General Plan intends mixed use and residential living has been happening. She commented on the 22-unit project at 1025 Grant Street and their contribution to the tax base. She referenced the tax contribution of Amports.

Dana Dean, representing Amports – She alleged missteps in the process. There was not sufficient time to review this Plan. She referred to page 291 of the Response to Comments and the City's communication with DTSC and the Army Corps of Engineers. She alleged that DTSC was not involved in developing mitigation measures. In addition, she believes the Plan is complicated for property owners to follow.

Belinda Smith, resident – She referenced the cultural resources. She commented on a letter from Knox Mellon, State Office of Historic Preservation, and believes that the Arsenal was designated as a historic district after this letter was written. She commented

on potential substantial adverse impacts. She stated the importance of the setting. There are issues regarding the Secretary of the Interior Standards. She believes the hearing should be continued.

Donald Dean, 257 West I Street – He commented on the cultural resources section of the EIR. He questioned how this plan would affect the historic integrity of the district as a whole. He does not believe this question was sufficiently answered. There needs to be a balance in developing the Arsenal and retaining its historic integrity. He would like this item continued.

Bill Simpkins, Simpkins Auto – Spoke on behalf of the owner of Star Motors and himself. He doesn't believe residential is a compatible use. There are hazards in commercial and industrial uses.

Mark Hajjar, property owner – He commented on his project at 1025 Grant Street. He submitted design items related to his project. He noted that the General Plan calls for mixed use.

A resident at 940 Grant Street – She stated that the Arsenal has a sense of community. There is a thriving artist community. She supports development, but thinks work/live is the solution. She would like development compatible with existing uses. She would like to see this move forward.

Kathleen Olson, 920 First Street – She noted that the General Plan drives this process. She reminded the Commission that there are over 190 acres in the Lower Arsenal. There are very few undeveloped properties. Individual property owners assume risk of developing. The property owner met with Amports, who stated they would be neutral on this project with proper deed notification.

Norm Koerner, 1150 West 7th Street – He commented that other residents are not here. He supports the Plan.

The public hearing was closed.

Commissioner Ernst stated he had ex-parte communications with a number of the speakers. Commissioner Healy stated he had ex-parte communications with Dana Dean and Kathleen Olson. Chair Railsback stated he had ex-parte communications with many of the speakers, as did Commissioner Thomas.

Commissioners discussed the EIR. There should be more certainty in the process. There are questions that need to be answered. The difference because Phase 1 and Phase 2 analysis was discussed. There is a risk that developers take, but they are aware of that risk.

Commissioners commented on the need to protect the historic integrity of the Arsenal. The Commandant's restoration has cost a significant amount of money.

Charlie Knox noted that Option 3 is now referred to as Option 1.5. In addition, he noted that any applicant coming forward would be required to perform environmental analysis of their site. The City would like to see the Army Corps continue its cleanup, but has no confidence that will happen.

Charlie Knox noted that if the Plan is not adopted, developers can come forward with proposals.

Charlie Knox noted that there had been a lot of agreement at the end of the charrette process, some of which has now been lost. Opticos prepared the Plan based on the feedback from the charrette. In addition, he noted that the 1025 Grant Street project came before the Commission and was received favorably prior to the Specific Plan process.

Charlie Knox noted that the hazards section of the EIR addresses those hazards that are known. There is no mechanism to have the environmental information available to property owners prior to purchase. The Army Corps has identified some areas of contamination.

Charlie Knox noted that the Commission can recommend certification of the EIR without an option recommended. A recommendation would be forwarded to the City Council no earlier than September 16th.

There is a discussion on the small percentage of developable land. The senior housing proposal was discussed. The cork oak grove is important to preserve.

Kat Wellman reminded the Commission that a Specific Plan can be amended as many times as needed. In addition, projects proposed will come before the Commission for review and environmental analysis.

Commissioner Thomas moved to recommend approval of both EIR and Plan. The motion died for lack of a second.

RESOLUTION NO. 08-7 (PC) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL CERTIFICATION THE ENVIRONMENTAL IMPACT REPORT FOR THE LOWER ARSENAL MIXED USE SPECIFIC PLAN

On motion of Commissioner Thomas, seconded by Chair Railsback, the above Resolution (DEIR) was adopted by the following vote:

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

RESOLUTION NO. 08-8 (PC) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL ADOPTION OF THE LOWER ARSENAL MIXED USE SPECIFIC PLAN

On motion of Commissioner Thomas, seconded by Commissioner Syracuse, the above Resolution (LAMUSP), with City Council determination of appropriate option, was adopted by the following vote:

Ayes: Commissioners Syracuse, Thomas and Chair Railsback
Noes: Commissioner Ernst
Absent: Commissioner Bortolazzo
Abstain: Commissioner Healy

VI. COMMUNICATIONS FROM STAFF

Charlie Knox noted that the Climate Action Plan will be coming before the Commission in October. In addition, he noted that the Housing Element update will begin with public workshops on October 3rd and 4th.

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Ernst stated his concern with potential future tattoo issues. He would like City Council to place a moratorium on this use until an ordinance can be drafted. Kat Wellman stated that a request of staff can be made. Charlie Knox noted that City Council members can be petitioned to request this item be agendaized.

VIII. ADJOURNMENT

Chair Railsback adjourned the meeting at 10:50 p.m.

AUGUST 2009 DRAFT EIR RECIRCULATION

*** Available online, this attachment is available to view in the Public Works & Community Development Department or the Benicia Public Library. In addition, all documents are available on the City's website (www.ci.benicia.ca.us) under Public Works & Community Development/Planning/Current Projects/Arsenal Plan.*

LOWER ARSENAL MIXED USE SPECIFIC PLAN

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DRAFT ENVIRONMENTAL IMPACT REPORT

(Including July 2007 Recirculation and Responses to Comments)

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