

May 20, 2008 Regular Council Meeting

BENICIA CITY COUNCIL MEETING

REGULAR AGENDA

City Council Chambers

May 20, 2008

7:00 P.M.

I. CALL TO ORDER:

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO FUNDAMENTAL RIGHTS OF THE PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/ PROCLAMATIONS:

A. ANNOUNCEMENTS:

1. Announcement of Closed Session, if any.

2. Openings on Boards and Commissions:

Sky Valley Open Space Committee:

One unexpired term to September 30, 2010

Human Services and Arts Board:

Two unexpired terms - one to June 30, 2009 and one to June 30, 2010

Three full terms to June 30, 2012

Benicia Housing Authority Board of Commissioners:

One unexpired term to June 30, 2009

One full term to June 30, 2012

Economic Development Board:

Two full terms to June 30, 2012

Library Board of Trustees – Poet Laureate:

One full term to June 30, 2010

3. Mayor’s Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor’s

Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting

times may be scheduled through the City Hall office at 746-4210 or by

email acardwell@ci.benicia.ca.us.

B. APPOINTMENTS:

C. PRESENTATIONS:

D. PROCLAMATIONS:

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN

B. PUBLIC COMMENT

VII. CONSENT CALENDAR:

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council

Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

A. [Approval of Minutes of May 6, 2008.](#) (City Clerk)

B. [Acceptance of the Benicia High School Irrigation Project at Benicia High School, including change orders.](#) (Parks & Community Services Director)

This Benicia High School Irrigation Project, located at 1100 Military West, consisted of the installation of new irrigation lines and system that is compatible with the City's current Rain Master Evolution 2000 System. The project has been completed for a total construction cost of \$256,790.85. Formal acceptance of the work by the City Council is now required to allow the final payment to be made to the contractor. Contract change orders represented a cost increase of \$14,124.85 in the Benicia High School Irrigation Project at Benicia High School. The remaining contingency balance from the project will be used for future improvements to the BUSD fields.

Recommendation: Adopt the resolution accepting the Benicia High School Irrigation Project at Benicia High School, including final change orders, as complete, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file said notice with the Solano County Recorder.

C. [Acceptance of the West 7th Street Storm Drain Project, including change orders.](#) (Public Works Director)

This flood relief project constructed a new 54-inch storm drain pipe in the former West 7th Street right-of-way from West "J" Street southerly to the Carquinez Straight. The storm drain pipeline will effectively convey runoff from larger storm events underground, thereby reducing the risk of flooding in the 700 blocks of West "I" and West "J" Streets. Formal acceptance of the work by the City Council is now required to allow final payment to be made to the contractor. Adequate funds are available from the Storm Water Improvements Fund. Recommendation: Adopt the resolution accepting the West 7th Street Storm Drain Project as complete, including Change Order Nos.1 through 5, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

D. [Acceptance of the City Hall Bathroom Renovation Project, including change orders.](#) (Public Works Director and Parks & Community Services Director)

The City Hall Bathroom Renovation Project installed new facilities for the existing upstairs and downstairs bathrooms at City Hall to bring them into compliance with ADA standards and installed upgraded facilities to the employee breakroom. The project was completed on time and the final construction cost of \$245,396.01 is within budget. Formal acceptance of the work by the City Council is now required to allow final payment to be made to the contractor. Recommendation: Adopt the resolution accepting the City Hall Bathroom Renovation Project as complete, including Change Order Nos.1 through 3, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

E. [Approval of a contract amendment for plan review and building inspection services.](#) (Community Development Director)

On April 13, 2007, the City entered into Agreement #1 with Bureau Veritas for professional services for plan review and building inspection for the Building Division, primarily for review

of ongoing major construction at the Valero Refinery. To ensure the permits are processed in a timely manner, complex plans may be sent to an outside consultant, to perform architectural, structural, energy and/or accessibility review. Bureau Veritas is currently reviewing and inspecting construction of two crude tanks at the Valero Refinery. The City collected approximately \$97,000 in plan review and inspection fees for this project.

Recommendation: Adopt the resolution approving a contract agreement with Bureau Veritas for professional services for plan review and building inspection services, and authorizing the City Manager to execute the contract on behalf of the City.

F. [Review and acceptance of the investment report for the quarter ended March 2008.](#) (Finance Director)

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Audit and Finance Committee has reviewed these reports and recommends acceptance.

Recommendation: Accept, by motion, the investment report for the quarter ended March 2008.

H. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

VIII. PUBLIC HEARINGS:

A. Public Hearing for Benicia Business Park Vesting Tentative Map, Master Plan Overlay and Rezoning (Continued from May 6, 2008 City Council Meeting). (Community Development Director) Attachments: [Staff Report](#), [Council Member Comments](#), [Draft Conditions](#), [Public Comments](#) For additional comments to the Community Development Department, [click here](#).

The City Council continued this public hearing from May 6, 2008, to allow opportunity for additional public comment and staff responses to issues raised by Council members. Per Subdivision Map Act Section 66452.2, the City Council must act on the application at its June 3, 2008 meeting unless the applicant and Council agree to an extension.

Recommendation: Receive additional public comment, and continue consideration of the proposed Vesting Tentative Map, Master Plan Overlay and Rezoning to June 3, 2008, with direction to staff to finalize conditions necessary to allow project approval.

IX. ACTION ITEMS:

A. [Acceptance of the annual report of the Open Government Commission.](#) (City Attorney)

In accordance with Benicia Municipal Code 4.20.010.D, the Open Government Commission is required to provide an annual report to the City Council on the implementation and compliance of Title 4 (Open Government) of the Benicia Municipal Code. There is no fiscal impact from these changes.

Recommendation: Accept the annual report of the Open Government Commission.

B. [Approval of a Tourism Plan.](#) (Economic Development Manager)

Consultants Placemaking Group have developed a communitywide tourism marketing plan, including a branding recommendation, to unify the City's future tourism efforts and ultimately attract more visitor dollars to Benicia. The Economic Development Board recommends the Council approve the plan and start implementation.

Recommendation: Approve, by motion, the completed communitywide tourism plan and direct staff to start implementing it.

C. Award of construction contract for Commandant's Residence Rehabilitation Project and declare intention to issue tax-exempt obligations. (Parks & Community Services Director)

On March 10, 2008 construction plans and specifications were made available for public bidding. Forty-five days later, on April 22, 2008 the bidding period closed and the City received and opened two bids from PCRB and Reymond Bros. The contractor, PCRB, is well received in the area for their work and has successfully completed similar projects, including the Don Pacheco Adobe built in 1860, Old Oakland Courthouse and Highland Hospital, all on the State Historic Register. The Finance Director also requests that the City Council reserve the right to finance the project by passing a resolution of intention to issue tax-exempt obligations in the future. The City currently has \$900,000 in State Grants and \$2.1 million in dedicated reserves that would be transferred to a debt service reserve fund or used to fund other capital projects. It is expected that interest earnings would equal interest expense over the life of the debt obligation.

Recommendation:

- 1) Adopt the resolution accepting the bid for the Commandant's Residence Rehabilitation Project, awarding the construction contract, to Pacific Coast Reconstruction and Building, Inc. (PCRB) of Concord, California, in the amount of \$2,914,687; and authorizing the City Manager to sign the contract on behalf of the City.
- 2) Adopt the resolution declaring the intention to issue tax-exempt obligations to be used to reimburse the City for expenditures prior to the issuance of such tax-exempt obligations.

X. INFORMATIONAL ITEMS:

A. Reports from City Manager:

1. [Mayor's State of the City presentation](#)
2. [HPRC designation of Residential Property Owner and Residential or Business Property Owner positions](#)

B. None

C. None

D. [Council Member Committee Reports:](#)

(Council Members serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by Council Members are made only by exception.)

1. Mayor's Committee Meeting. (Mayor Patterson)

Next Meeting Date: May 21, 2008

2. Association of Bay Area Governments (ABAG). (Mayor Patterson & Vice Mayor Campbell)

Next Meeting Date: To be determined

3. Audit & Finance Committee. (Vice Mayor Campbell & Council Member Schwartzman)

Next Meeting Date: June 6, 2008

4. League of California Cities. (Mayor Patterson & Council Member Schwartzman)

Next Meeting Date: May 21, 2008 – Budget Action Day

5. School Liaison Committee. (Council Members Ioakimedes & Hughes)

Next Meeting Date: June 12, 2008

6. Sky Valley Open Space Committee. (Vice Mayor Campbell & Council Member Ioakimedes)

Next Meeting Date: July 16, 2008

7. Solano EDC Board of Directors (Mayor Patterson & Council Member Ioakimedes)
Next Meeting Date: May 30, 2008
8. Solano Transportation Authority (STA) (Mayor Patterson & Council Member Schwartzman)
Next Meeting Date: June 11, 2008
9. Solano Water Authority/Solano County Water Agency (Mayor Patterson & Vice Mayor Campbell)
Next Meeting Date: June 12, 2008
10. Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Campbell & Council Member Hughes)
Next Meeting Date: July 17, 2008
11. Tri-City and County Regional Parks and Open Space (Vice Mayor Campbell & Council Member Hughes)
Next Meeting Date: CAC – August 20, 2008; Governing Board – September 8, 2008
12. Valero Community Advisory Panel (CAP) (Council Member Hughes)
Next Meeting Date: July 23, 2008
13. Youth Action Task Force (Council Members Ioakimedes & Schwartzman)
Next Meeting Date: May 28, 2008
14. ABAG/CAL FED Task Force/Bay Area Water Forum (Mayor Patterson)
Next Meeting Date: To be determined

XI. COUNCIL MEMBER REPORTS:

XII. ADJOURNMENT:

Public Participation

The Benicia City Council 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 City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five 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 City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Dan Pincetich, 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 Council 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 may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council 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 City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

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

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library 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 City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council.

 [VII-A Minutes.pdf](#)

 [VII-B BHS Irrigation Project.pdf](#)

 [VII-C West 7th Storm Drain.pdf](#)

 [VII-D Bathroom Renovation Acceptance.pdf](#)

 [VII-E Plan Review-Building Inspection Contract.pdf](#)

 [VII-F Investment Report.pdf](#)

 [VIII-A BBP Staff Report.pdf](#)

 [VIII-A BBP Council Comments.pdf](#)

 [VIII-A BBP Draft Conditions.pdf](#)

 [VIII-A BBP Public Comment.pdf](#)

 [IX-A Open Government Report.pdf](#)

 [IX-B Tourism Plan.pdf](#)

 [IX-C Commandant's Rehab.pdf](#)

 [X-A-1 State of the City.pdf](#)

 [X-A-2 HPRC.pdf](#)

 [X-D Committee Reports.pdf](#)

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
MAY 6, 2008

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:02 p.m. on Tuesday, May 6, 2008 in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: None

PLEDGE OF ALLEGIANCE:

Council Member Hughes led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
One unexpired term to September 30, 2010
- Human Services and Arts Board:
One unexpired term to June 30, 2009
Three full terms to June 30, 2012
- Benicia Housing Authority Board of Commissioners:
One unexpired term to June 30, 2009
One full term to June 30, 2012
- Economic Development Board:
Two full terms to June 30, 2012
- Library Board of Trustees – Poet Laureate:
One full term to June 30, 2010

Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4210 or by email acardwell@ci.benicia.ca.us.

APPOINTMENTS:

None

PRESENTATIONS:

None

PROCLAMATIONS:

1. Recognition of Anthony J. Horner, City of Benicia Firefighter/Paramedic
2. National Public Works Week – May 18 – 24, 2008
3. Water Awareness Month – May 2008
4. Recognition of Police Officer's Memorial Dates in May 2008
5. National Safe Boating Week – May 17 – 23, 2008

ADOPTION OF AGENDA:

On motion of Council Member Schwartzman, seconded by Council Member Hughes, the Agenda was adopted as presented, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items submitted (hard copies on file).

PUBLIC COMMENT:

1. Anne Hansen - Ms. Hansen discussed her appreciation for the City's Safety Officers, she was glad the belfry was brought home, and the Benicia Historical Museum's Founder's Day Celebration which will be held on May 17, 2008.
2. Gene Daugherty - Mr. Daugherty discussed the upcoming community rally to raise awareness to keep the State Parks from being closed.
3. Kimble Goodman– Mr. Goodman discussed the need to keep our State Parks open. He encouraged citizens to write to Sacramento.

CONSENT CALENDAR:

Council pulled items VII-D and VII-E.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, the Consent Calendar was adopted as amended, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None

The Minutes of April 15, 2008 were approved.

Council approved the denial of the claim against the City by Jolee Tacheny.

RESOLUTION 08-40 - A RESOLUTION APPROVING UPDATES TO THE JOB DESCRIPTIONS FOR SENIOR ADMINISTRATIVE CLERK AND WATER QUALITY SUPERVISOR

RESOLUTION 08-41 - A RESOLUTION APPROVING THE JOB DESCRIPTION FOR ASSOCIATE ENGINEER AND ESTABLISHING THE SALARY RANGE

Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

(END OF CONSENT CALENDAR)

Council took the following actions:

Approval of consultant agreement for engineering services for the chemical trench replacement at the Water Treatment Plant:

Mayor Patterson pulled this item to inquire why the City is using an outside consultant for these services. Mr. Erickson and Mr. Schiada stated that outside consultants were being used because the City did not have staff with the level of expertise needed for the project.

Council and Staff discussed the leak that was discovered and instrumentation to detect future leaks.

RESOLUTION 08-42 - A RESOLUTION APPROVING THE CONSULTANT AGREEMENT FOR ENGINEERING SERVICES FOR THE CHEMICAL TRENCH REPLACEMENT AT THE WATER TREATMENT PLANT WITH CAMP DRESSER & MCKEE, INC. FOR A NOT-TO-EXCEED COST OF \$89,765, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

On motion of Council Member Schwartzman, seconded by Council Member Campbell, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson

Noes: None

Consideration of City of Benicia Landscaping and Lighting District Fiscal Year 2008-09. Mayor Patterson pulled this item to inquire about District II, which has a small amount of reserves.

Council and Staff discussed three parcels purchased by Caltrans, ongoing negotiations with Caltrans and property owners, investigating the cost for having certain portions of the district conducted by private businesses, billing each of the property owners individually, the district was balanced and will continue for the next year, staff reporting back to Council several times in the next few months, Staff level meetings with Caltrans and the property owners, past discussions on this issue at three Audit and Finance Committee meetings, Caltrans' request to make payments in a 'lump sum' style, as opposed to regular payments, confirmation that Caltrans was currently paying regular fees, low reserves in Zone I, approaching property owners in the winter to discuss increasing fees, hiring high school kids at lower rates to take care of the grounds (like what is done at the James Lemos Pool), the need for this to go back to the Audit and Finance Committee to look into other creative solutions, educating the property owners

on what they are getting for their money, and conducting outreach to educate the property owners.

Mayor Patterson stated that pending the motion to pass the resolution, the direction to Staff would be to have the Audit and Finance Committee take a look at this, make its strong recommendations with a particular emphasis on outreach efforts.

RESOLUTION 08-43 - A RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2008-2009

On motion of Council Member Schwartzman, seconded by Council Member Hughes, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson

Noes: None

RESOLUTION 08-44 - A RESOLUTION PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2008-09

On motion of Council Member Schwartzman, seconded by Council Member Hughes, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson

Noes: None

RESOLUTION 08-45 - A RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND THEREFORE SETTING A PUBLIC HEARING ON JUNE 3, 2008 FISCAL YEAR 2008-09 CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT

On motion of Council Member Schwartzman, seconded by Council Member Hughes, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson

Noes: None

PUBLIC HEARINGS:

Initial hearing for Benicia Business Park Vesting Tentative Map and Rezoning:

Jim Erickson, City Manager, set parameters for this portion of the meeting. It was not scheduled for action tonight. There could potentially be three meetings, with potential action being taken on the project on June 3, 2008. Staff continues to work with the developer to discuss the 216 proposed conditions. The General Plan vision for this parcel is Industrial. This could be a big part of the City's economic well-being. The project has been sized down since the last proposal, nevertheless, it is still a very big project – with a

potential of 5,000+ jobs, approximately \$500,000 of annual net revenue for the City at full build out, and substantial changes to the environmental conditions in the area. The mitigated project before Council is substantially different, mostly in a positive way – the developed land has been reduced from 60% to 40%, the industrial lands have been reduced from 280 acres to 150 acres, wetlands and creeks have been preserved, and significant hilltops and hillsides have been preserved in this proposal. LSA has indicated that the proposed mitigated project would be substantially consistent with the policies, programs, and goals in the adopted General Plan for the purposed of environmental protection. On April 10, the Planning Commission recommended denial of the project. Following all of the hearings, comments, subject to the 216 recommended conditions, subject to the unnecessary grading on the westerly commercial parcel, subject to achieving additional greenhouse gas emission reduction components as noted in the staff report – with those conditions and changes, Staff feels the project can and should be approved.

Charlie Knox, Community Development Director, reviewed staff report.

Council and Staff discussed traffic reduction, traffic analysis, commercial hill being level – softening that feature, reaction of applicant on the 216 conditions, opportunities for the Planning Commission to review the proposed addendum by LSA, CEQA checklist, and design issues, next Planning Commission meeting date (6/12/08) is after the 6/3/08 Council meeting, gaming of the process, not allowing the gaming to win, organization of the conditions, getting a written design of how the conditions will be managed, confusion in language ‘continue consideration’, public’s access to DVD’s of tonight’s meeting.

Council and Mr. Clore discussed the mitigated proposed project, wetlands and riparian areas and drainages, previously approved DEIR, supplemental EIR, traffic issues, noise impacts, sound walls, rubberized asphalt, and deferring to the independent experts (such as LSA) when it comes to real technical issues.

Proponent:

Mr. Carl Campos, Loving and Campos Architects, Inc., presented Seeno’s significantly revised project via a PowerPoint Presentation titled ‘Benicia Business Park’ (hard copy on file).

Council and Mr. Campos discussed pervious vs. impervious, whether the revised project avoids any unavoidable significant impacts, previous Council request for examples of projects that the proponent had built that had the same amount of high quality Seeno has mentioned – the request was not met – Council would still like the list of examples, and why 12 firefighters would be needed for the area.

Mayor Patterson called for a 5 minute break at 9:17 p.m.
The meeting resumed at 9:25 p.m.

Public Hearing Opened

Public Comment:

1. Jerome Page, Benicia First - Mr. Page stated that Benicia First was under the impression there would not be a presentation by Seeno tonight. Benicia First was not prepared to give an organized presentation. Benicia First will have a formal presentation at next meeting.

Mayor Patterson confirmed that as the organized opponent of the project, Benicia First would be given the same amount of time as the proponent had tonight at the next Council meeting.

Council Member Schwartzman asked if the proponent would get an additional 15 minutes at the next Council meeting as well. Mayor Patterson confirmed they were done. Ms. McLaughlin confirmed that the applicant would be provided time for rebuttal at the May 20, 2008 meeting.

Mr. Page spoke in opposition of the proposed project.

2. Rod Cameron - Mr. Cameron stated that he would return on May 20, 2008 to speak on this issue.
3. Bill Cawley - Mr. Cawley spoke in support of the proposed project.
4. Janice Adams, Superintendent, Benicia Unified School District - Ms. Adams expressed BUSD's concerns regarding the impacts of the project on the health and safety of its students, concerns regarding traffic issues, air quality and noise. The District's concerns were previously submitted in writing to the City.
5. Norma Fox – Ms. Fox requested the email she sent Council be copied and placed on the back table at the May 20, 2008 Council meeting. She spoke in opposition to the proposed project.
6. Marilyn Bardet - Ms. Bardet spoke in opposition of the proposed project. She submitted information to Council (copy on file).
7. Scott Strawbridge - Mr. Strawbridge spoke in support of the proposed project.
8. Sabina Yates - Ms. Yates spoke in opposition of the proposed project. She read a prepared statement (hard copy on file).
9. Susan Street – Ms. Street read an article regarding green programming. She spoke in opposition to the proposed project.
10. Barbara Bosworth - Ms. Bosworth stated she would not speak at this time.
11. Dana Dean - Ms. Dean spoke on behalf of Citizens Considering the Consequences. She stated she would speak again at the May 20, 2008 meeting. She expressed concern regarding the agenda language being misleading, the Planning Commission's findings were not included in the agenda packet, she requested the Planning Commission's findings be included in the May 20, 2008 Council agenda packet, the issue of relying on independent experts in a CEQA setting, and the issue of a development agreement.
12. Joel Fallon - Mr. Fallon read a poem. He spoke in opposition of the proposed project.
13. Dan Smith - Mr. Smith spoke in opposition of the proposed project.
14. Keith Dias - Mr. Dias spoke in favor of the proposed project.

15. Bob Mutch - Mr. Mutch spoke in favor of the proposed project.
16. Steve Goetz - Mr. Goetz spoke in opposition of the proposed project. He read a prepared statement (hard copy on file).
17. J.B. Davis - Mr. Davis spoke in opposition of the proposed project.
18. Bob Craft - Mr. Craft spoke in opposition to the proposed project. He discussed the need for proactive leadership.
19. Dan Jensen - Mr. Jensen discussed past experience in looking for commercial space for technology companies.
20. John Van Landschoot – Mr. Van Landschoot spoke in opposition to the proposed project. He discussed concerns regarding the developer and campaign contributions.

Council Member Schwartzman stated that no money was given to him by the developer.

Council Member Hughes stated that he did not take a penny from Seeno during his campaign.

Public Hearing Closed

Council Members Schwartzman and Hughes stated for the record that they did not accept campaign contributions from Seeno.

Council gave direction to Staff to continue this Public Hearing to the May 20, 2008 Council meeting.

Council disclosed ex-parte communications with regards to this item.

Mayor Patterson stated that there seemed to be three themes that have come out of the testimony heard, as well as her own ideas. If Council could capture and have agreement on the three themes and get Staff to come back to Council at the May 20, 2008 meeting with further reporting. She suggested Council put their individual comments in writing. The three themes are the use of the development agreement, not only for certainty in giving us third party rights on the conditions of approval, but also on funding mechanisms that will be discussed, and the sense of phasing and the kinds of uses. There were issues in terms of further written description on the distinction of a new project, particularly based on case law.

Council discussed getting written comments to staff by Monday, April 12, 2008, lack of time for Staff to respond to the comments in time for the next agenda, concerns of budget impacts regarding Fire and Police, how to avoid Brown Act violations, and the issue of including a development agreement in the conditions of approval.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council agreed to hear item IX-B prior to item IX-A, on roll call by the following vote:
Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson

Noes: None

ACTION ITEMS:

Approval of reimbursement agreement for roadway improvements to Columbus Parkway related to the Rose Center Project:

Dan Schiada, Public Works Director, reviewed staff report.

Council and Staff discussed the consequences of Council not approving the agreement, timing of the reimbursement, cost of improvement (roughly \$300,000), the development of the three parcels between Vallejo and Benicia, and clarification on the issue of waiving the plan check fees (\$15,000 total), and confirmation that it was a realistic timeframe to get work done.

RESOLUTION 08-46 - A RESOLUTION APPROVING THE REIMBURSEMENT TO DEVELOPER AGREEMENT ON ROSE CENTER PROJECT FOR COLUMBUS PARKWAY WIDENING IMPROVEMENTS AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON BEHALF OF THE CITY

On motion of Council Member Hughes, seconded by Council Member Campbell, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson

Noes: None

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, at 11:00 p.m., Council approved continuing the meeting past 11:00 p.m., on roll call by the following vote:

Ayes: Council Members Campbell, Ioakimedes and Schwartzman

Noes: Council Member Hughes and Mayor Patterson

Update on Intermodal Transportation Station:

Dan Schiada, Public Works Director, reviewed staff report.

Council and Staff discussed funding, what the money in the funds could and could not be used for, being proactive and aggressive in terms of ferry service, bus service, train station, etc., a letter staff previously sent to STA, park and ride areas, clarification on what the City would be giving up moving forward with a short-term solution.

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council gave direction to Staff on pursuing Regional Measure 2 funding for regional bus stop(s) with park-and-ride facilities as short-term improvements to improve regional transit connections in Benicia and for a feasibility study on a long-term intermodal facility, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson

Noes: None

INFORMATIONAL ITEMS:

Reports from City Manager:

Summary of League of California Cities Legislative Action Days:

Jim Erickson, City Manager, reported on The League of California Cities Legislative Action Days.

COUNCIL MEMBER REPORTS:

Consideration of potential AT&T Cable Service for Benicia. (Vice Mayor Campbell):

Council and Staff discussed concerns regarding placing boxes above ground and possible problems with noise. This item will be placed on a Council agenda sometime in October or November.

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 11:17 p.m.

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
CONSENT CALENDAR**

DATE : April 21, 2008
TO : City Manager
FROM : Director of Parks and Community Services
SUBJECT : **ACCEPTANCE OF THE BENICIA HIGH SCHOOL IRRIGATION PROJECT AT BENICIA HIGH SCHOOL, INCLUDING CHANGE ORDERS**

RECOMMENDATION:

Adopt the resolution accepting the Benicia High School Irrigation Project at Benicia High School, including final change orders, as complete, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file said notice with the Solano County Recorder.

EXECUTIVE SUMMARY:

This Benicia High School Irrigation Project, located at 1100 Military West, consisted of the installation of new irrigation lines and system that is compatible with the City's current Rain Master Evolution 2000 System. The project has been completed for a total construction cost of \$256,790.85. Formal acceptance of the work by the City Council is now required to allow the final payment to be made to the contractor.

BUDGET INFORMATION:

The Benicia High School Irrigation Project has a budget comprised of the following work items:

Project Budget (Field Improvement Account No.: 047-9047-9624)

Engineering Design.....	\$9,363.00
Cleary Bros. Landscape, Inc. [Base Bid].....	\$233,300.00
Contingency.....	\$23,330.00
Total Project Budget.....	\$265,993.00

A summary of the final expenditures made to date is outlined below:

Project Expenditures

Engineering Design.....	\$9,363.00
<u>Cleary Bros. Landscape, Inc.</u>	
Original Construction Contract (Resolution No. 07-76).....	\$233,300.00
Change Order 1: Additional sleeves for BUSD use.....	\$2,887.85
Change Order 2: Additional 4" pressure regulator.....	\$2,540.00

Change Order 3: Movement of backflow.....	\$312.00
Change Order 4: Relocate extra lateral lines.....	\$5,900.00
Change Order 5: Relocate sprinkler heads.....	\$400.00
Change Order 6: Time and materials repair and meter connection.....	\$2,088.00
Total Contract Change Orders	\$14,127.85
Final Contract Amount.....	\$247,427.85
Final Project Expenditures.....	\$256,790.85
Contingency (Remaining Balance).....	\$9,202.15
Total Project Budget.....	\$265,993.00

Contract change orders represented a cost increase of \$14,124.85 in the Benicia High School Irrigation Project at Benicia High School. The remaining contingency balance from the project will be used for future improvements to BUSD fields.

BACKGROUND:

In May of 2006 the City Council executed an agreement with the Benicia Unified School District entering into a Joint Use Agreement. The agreement established the initiative for the City to make substantial turf and irrigation improvements to the lower fields at Benicia High School.

The irrigation portion of the project replaced the current irrigation system at various areas of the field. The project consisted of new irrigation lines and sprinklers in the entire varsity field and the junior varsity infield. Prior to this project the junior varsity infield was hand watered. The new irrigation system is a satellite Rain Master Evolution 2000 system. This system allows for efficient water irrigation that can be monitored and controlled at the Corporation Yard.

On May 23, 2007 a total of zero (0) responsive bids were received for the Benicia High School Irrigation Project. This project was advertised for thirty days prior to closing. Since no bids were received, State law provides that the Council may determine that the work should be done by City employees or by negotiated contract. Following the bid closing date, Staff initiated negotiations with contractors.

Cleary Bros. was the only company that offered a proposal to do the irrigation work of the project. On June 19, 2007, the Benicia City Council awarded Cleary Bros. Landscape Inc. a construction contract for the Benicia High School Irrigation Project at Benicia High School in the amount of \$233,300.

The work on the Benicia High School Irrigation Project at Benicia High School was completed to the satisfaction of the City Engineer and the Parks Superintendent and it is recommended to accept the construction contract and the final change orders in the amounts shown on the resolution.

The completion of the varsity field and improvements to the junior varsity field follows the improvements to the Benicia High School Football Field. These enhancements provide the community a safe recreation location which promotes healthy and leisurely physical activity.

Attachments:

- Proposed Resolution
- Notice of Completion
- Project Diagram 1
- Project Diagram 2

Proposed Resolution

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BENICIA HIGH SCHOOL IRRIGATION PROJECT AT BENICIA HIGH SCHOOL, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

WHEREAS, by Resolution No. 07-76 the City Council awarded the contract for the Benicia High School Irrigation Project in accordance with plans and specifications; and

WHEREAS, said work was completed to the satisfaction of City staff.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia hereby accepts the Benicia High School Irrigation Project at Benicia High School as complete for final construction cost of \$247,427.85.

BE IT FURTHER RESOLVED that the City Council of the City of Benicia hereby authorizes the City Manager to sign the Notice of Completion and the City Clerk is authorized to file the same with the Solano County Recorder.

On motion of Council Member _____, seconded by _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 20th day of May, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Notice of Completion

Recorded at the request of:

CITY OF BENICIA

After recording return to:

CITY OF BENICIA
PARKS & COMMUNITY SERVICES
250 EAST "L" STREET
BENICIA, CA 94510

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Benicia, 250 East "L" Street, Benicia, CA, 94510, is the athletic field custodian of the property described as:

BENICIA HIGH SCHOOL ATHLETIC FIELDS
2. The nature of City's relationship to the property is custodian of turf management under a Joint Use Agreement.
3. A work of improvement known as BENICIA HIGH SCHOOL IRRIGATION PROJECT AT BENICIA HIGH SCHOOL on the property herein above described was completed and accepted by the City Council of the City of Benicia at a regular meeting thereof on May 20, 2008.
4. The name of the contractor for such improvements was Cleary Bros. Landscape, Inc.

CITY OF BENICIA

Dated: _____

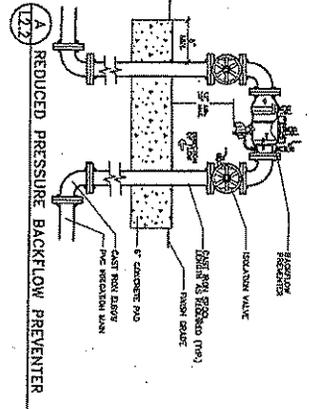
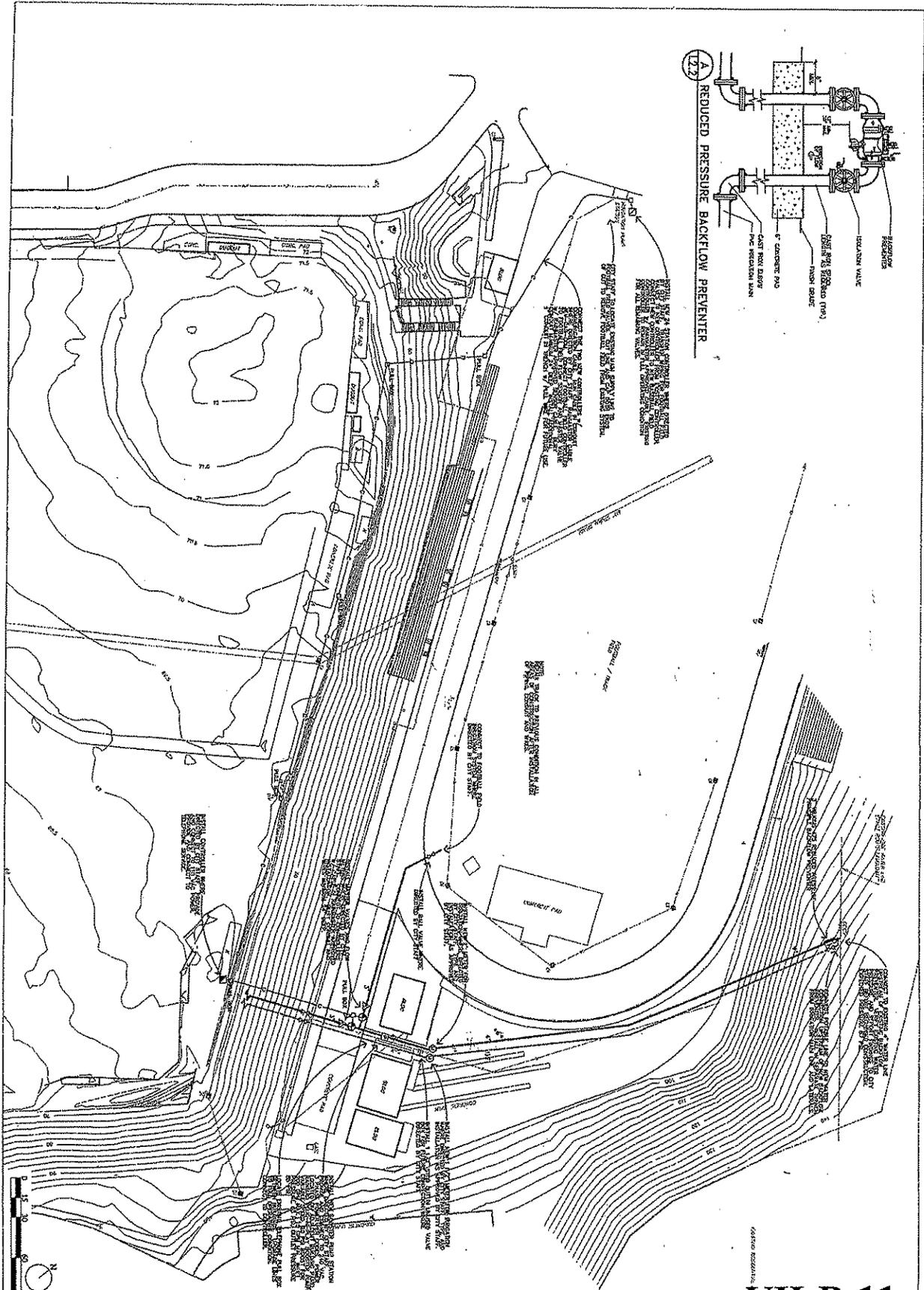
By: _____
Jim Erickson, City Manager

The undersigned, being duly sworn, says: that she is the person signing the above document; that she has read the same and knows the contents thereof, and that the facts stated therein are true, under penalty of perjury.

Attest: _____
Lisa Wolfe, City Clerk

Project Diagram 1

Project Diagram 2



VII-B-11

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
CONSENT CALENDAR**

DATE : April 30, 2008
TO : City Manager
FROM : Director of Public Works
SUBJECT : **ACCEPTANCE OF THE WEST 7th STREET STORM DRAIN PROJECT INCLUDING CHANGE ORDERS**

RECOMMENDATION:

Adopt the resolution accepting the West 7th Street Storm Drain Project as complete, including Change Order Nos.1 through 5, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

EXECUTIVE SUMMARY:

This flood relief project constructed a new 54-inch storm drain pipe in the former West 7th Street right-of-way from West "J" Street southerly to the Carquinez Straight. The storm drain pipeline will effectively convey runoff from larger storm events underground, thereby reducing the risk of flooding in the 700 blocks of West "I" and West "J" Streets. Formal acceptance of the work by the City Council is now required to allow final payment to be made to the contractor. Adequate funds are available from the Storm Water Improvements Fund.

BUDGET INFORMATION:

The West 7th Street Storm Drain Project has a budget comprised of the following work items:

Summary of Revenues and Expenditures

Project Revenue

Developer Contribution	\$58,100
Storm Water Improvements Fund (Acct. No. 080-8080-9755)	\$400,000
Total Project Budget	\$458,100

Project Expenditures

Preliminary Engineering (Includes Environmental, Right-Of-Way, Design)	\$56,700.00
Hudson Excavating Inc.	
From the Original Construction Contract Per Resolution No. 07-100	\$316,950.00
Contract Change Orders	
No. 1 Construct Sanitary Sewer Main Crossing (<i>Staff Approved</i>).....	\$1,627.84
No. 2 Locate Unmarked Underground Utilities (<i>Staff Approved</i>)	\$1,449.17
No. 3 Relocate Existing Sanitary Sewer Lateral (<i>Staff Approved</i>)	\$925.37
No. 4 Adjust 2 Manholes to Finish Grade (<i>Staff Approved</i>).....	\$1,054.40
<u>No. 5 Construct Vehicle Barrier at Alley Terminus (<i>Staff Approved</i>).....</u>	<u>\$1,925.00</u>

Change Order Sub-total	\$6,981.78
Technical Support Services, Construction Staking.....	\$2,000.00
Total Project Expenditures	\$382,631.78
Remaining Project Balance.....	\$75,468.22

Five staff-approved change orders totaling \$6,981.78 raised the construction contact from the original amount of \$316,950.00 to the final amount of \$323,931.78. A memo summarizing the change orders was submitted to the City Manager on May 6, 2008. The additional expenses represent a 2% cost increase, which is under the contingency amount of 10% budgeted and within the normal range for projects of this magnitude and complexity. The remaining balance of \$75,468.22 will be returned to the Storm Water Improvements Fund.

BACKGROUND:

On September 4, 2007, the City Council awarded a construction contract to Hudson Excavation for the West 7th Street Storm Drain Project.

This project installed a new 54-inch storm drain pipe along the former West 7th Street right-of-way from West “J” Street southerly to the Carquinez Strait. The storm drain pipeline will effectively convey runoff from larger storm events underground, thereby reducing the risk of future flooding in the 700 blocks of West “I” and West “J” Street.

The West 7th Street Storm Drain Project was completed as scheduled, within budget, and to the satisfaction of the City Engineer. It is therefore recommended that Council accept the West 7th Street Storm Drain Project as complete, including Change Order Nos.1 through 5.

Attachments:

- Proposed Resolution
- Notice of Completion
- Location Map

Proposed Resolution

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE WEST 7th STREET STORM DRAIN PROJECT AS COMPLETE, INCLUDING CHANGE ORDER NOS. 1 THROUGH 5, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

WHEREAS, by Resolution No. 07-100, City Council awarded the contract for the West 7th Street Storm Drain Project to Hudson Excavation of Fairfield, CA; and

WHEREAS, Hudson Excavation has completed the work in accordance with the plans and specifications and to the satisfaction of the City Engineer for a final construction cost of \$323,931.78, including Change Order Nos.1 through 5.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby accepts the West 7th Street Storm Drain Project as complete for a final construction cost of \$323,931.78.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign the Notice of Completion and the City Clerk is authorized to file said Notice with the Solano County Recorder.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 20th day of May, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Notice of Completion

Recorded at the request of:

CITY OF BENICIA

After recording return to:

CITY OF BENICIA
ATTN: CITY ENGINEER
250 EAST L STREET
BENICIA, CA 94510

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Benicia, 250 East L Street, Benicia, CA, 94510, is the owner of the property described as:

An easement within the former West 7th Street right-of-way and a portion of the West I Street right-of-way located in the City of Benicia, County of Solano, State of California.

Nature of title as stated owner: In Fee.

2. A work of improvement known as the **West 7th Street Storm Drain Project** at the property described was completed and accepted by the City Council of the City of Benicia on May 20, 2008.
3. The name of the contractor for the improvement is **Hudson Excavation of Fairfield, California.**

CITY OF BENICIA

Dated: _____

By: _____
James R. Erickson, City Manager

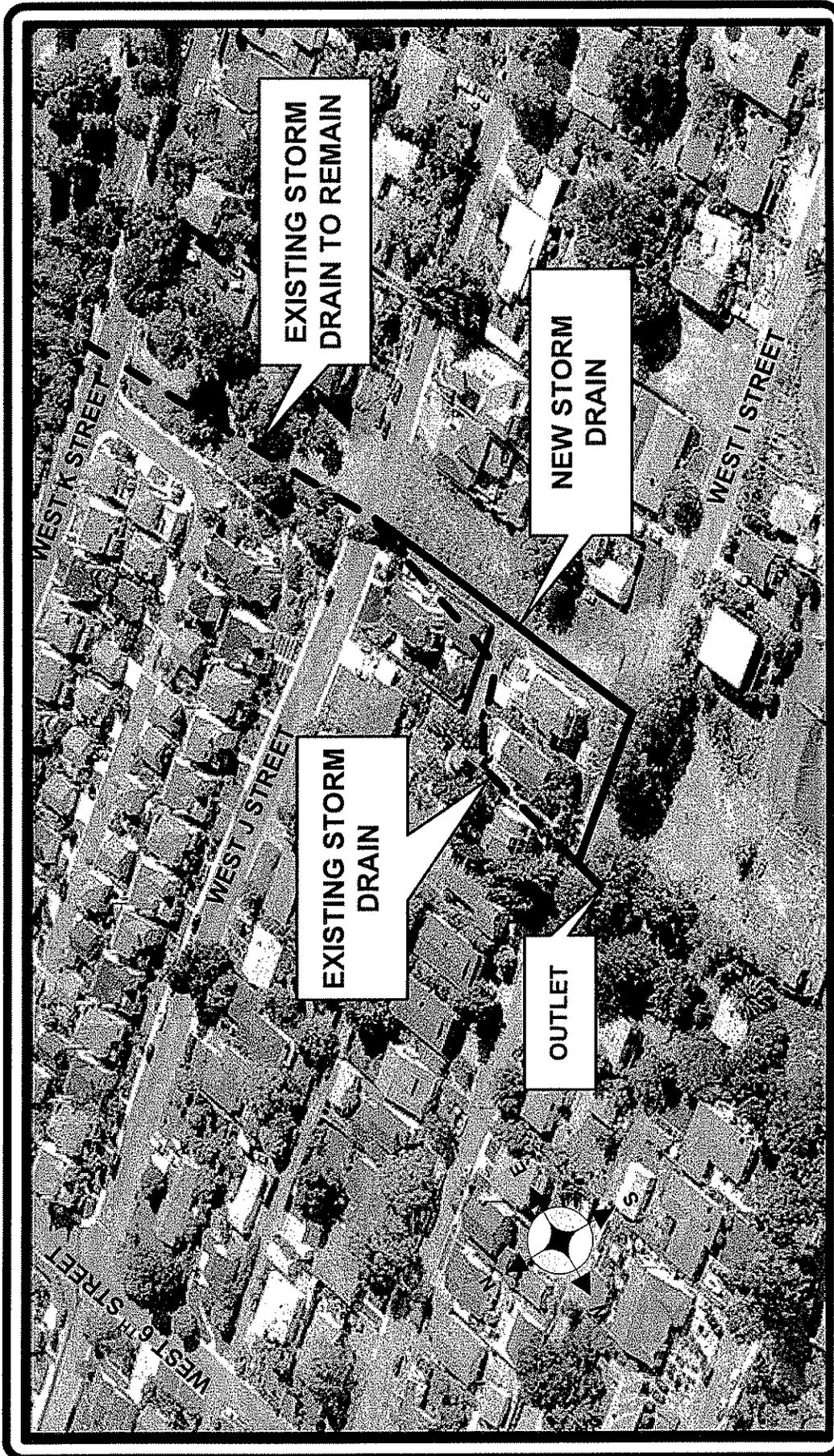
Attest: _____
Lisa Wolfe, City Clerk

The undersigned, being duly sworn, says: that she is the person signing the above document; that she has read the same and knows the contents thereof, and that the facts stated therein are true, under penalty of perjury.

Lisa Wolfe, City Clerk

VII-C-6

LOCATION MAP



PUBLIC WORKS
DEPARTMENT

CITY OF BENICIA

WEST 7TH STREET STORM DRAIN PROJECT

PROJECT DATE **September 2007**

SHEET



R E V I S I O N S			
NO.	DESCRIPTION	BY	DATE

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
CONSENT CALENDAR**

DATE : May 8, 2008

TO : City Manager

FROM : Director of Public Works
Director of Parks and Community Services

SUBJECT : **ACCEPTANCE OF THE CITY HALL BATHROOM
RENOVATION PROJECT - INCLUDING CHANGE ORDERS**

RECOMMENDATION:

Adopt the resolution accepting the City Hall Bathroom Renovation Project as complete, including Change Order Nos. 1 through 3, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

EXECUTIVE SUMMARY:

The City Hall Bathroom Renovation Project installed new facilities for the existing upstairs and downstairs bathrooms at City Hall to bring them into compliance with ADA standards and installed upgraded facilities to the employee breakroom. The project was completed on time and the final construction cost of \$245,396.01 is within budget. Formal acceptance of the work by the City Council is now required to allow final payment to be made to the contractor.

BUDGET INFORMATION:

The City Hall Bathroom Renovation Project has a budget comprised of the following work items:

Summary of Revenues and Expenditures

Project Revenue

FY 2007/08 Adopted Budget

Capital License Fund (Combine Accts. 9210, 9211, 9523).....	\$156,000
Facilities Maintenance Fund (Appropriated from Reserves).....	<u>\$100,000</u>
Total Project Budget	\$256,000

Project Expenditures

Original Construction Contract (By Resolution No. 07-06).....	\$233,445.00
Change Order No. 1 Upgrade water line	\$4,340.00
Change Order No. 2 Upgrade electrical panel	\$2,250.00
Change Order No. 3 Extend A/C to breakroom.....	\$1,503.00
Total Project Expenditures	\$245,396.01
Remaining Project Balance	\$10,603.99

BACKGROUND:

On February 6, 2007, City Council awarded a construction contract in the amount of \$233,445 to Gilbert-Morad Engineering and Construction of Fairfield for the City Hall Bathroom Renovation Project. A total of \$256,000 in funding was approved for this project, which included a \$22,555 contingency to accommodate potential change order work. The project included the installation of new improvements to bring the upstairs and downstairs bathrooms into compliance with the American with Disabilities Act (ADA) requirements. The project also included upgrades to the employee breakroom to provide for additional space and amenities.

The final construction cost for this project is \$245,396.01 of which a total of \$8,093.00 was required to pay for Contract Change Orders No. 1 through 3. Change Order No. 1 included work to replace 140 lineal feet of galvanized pipe with copper. Change Order No. 2 included work to upgrade electrical panel in break room. Change order No.3 included work to extend the HVAC system into the breakroom

The City Hall Bathroom Renovation Project was completed on schedule, within budget, and to the satisfaction of the City staff that provided project oversight on this project. It is therefore recommended that Council accept this project as complete, including Change Order No.1 through 3.

Attachments:

- Proposed Resolution
- Notice of Completion

Proposed Resolution

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE CITY HALL BATHROOM RENOVATION PROJECT AS COMPLETE, INCLUDING CHANGE ORDER NOS. 1 THROUGH 3, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

WHEREAS, by Resolution No. 07-06, City Council awarded the contract for the City Hall Bathroom Renovation Project to Gilbert-Morad Engineering and Construction of Fairfield, CA in the amount of \$233,445 and authorized a total of \$256,000 in funding for this project; and

WHEREAS, Gilbert-Morad Engineering and Construction has completed the work in accordance with the plans and specifications and to the satisfaction of the City staff for a final construction cost of \$245,396.01, including Change Order Nos.1 through 3.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby accepts the City Hall Bathroom Renovation Project as complete for a final construction cost of \$245,396.01.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign the Notice of Completion and the City Clerk is authorized to file said Notice with the Solano County Recorder.

* * * * *

On motion of _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 20th day of May, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Notice of Completion

Recorded at the request of:

CITY OF BENICIA

After recording return to:

CITY OF BENICIA
ATTN: DIRECTOR OF PARKS & COMMUNITY SERVICES
250 EAST L STREET
BENICIA, CA 94510

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Benicia, 250 East L Street, Benicia, CA, 94510, is the owner of the property described as:

City Hall, 250 East L Street located in the City of Benicia, County of Solano, State of California.

Nature of title as stated owner: In Fee.

2. A work of improvement known as the **City Hall Bathroom Renovation Project** at the property described was completed and accepted by the City Council of the City of Benicia on **May 20, 2008**.
3. The name of the contractor for the improvement is **Gilbert-Morad Engineering and Construction of Fairfield, California**.

CITY OF BENICIA

Dated: _____

By: _____
James R. Erickson, City Manager

Attest: _____
Lisa Wolfe, City Clerk

The undersigned, being duly sworn, says: that she is the person signing the above document; that she has read the same and knows the contents thereof, and that the facts stated therein are true, under penalty of perjury.

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
CONSENT CALENDAR**

DATE : April 30, 2008
TO : City Manager
FROM : Community Development Director
SUBJECT : **APPROVAL OF A CONTRACT AMENDMENT FOR PLAN REVIEW AND BUILDING INSPECTION SERVICES**

RECOMMENDATION:

Adopt the resolution approving a contract agreement with Bureau Veritas for professional services for plan review and building inspection services, and authorizing the City Manager to execute the contract on behalf of the City.

EXECUTIVE SUMMARY:

On April 13, 2007, the City entered into Agreement #1 with Bureau Veritas for professional services for plan review and building inspection for the Building Division, primarily for review of ongoing major construction at the Valero Refinery. To ensure that permits are processed in a timely manner, complex plans may be sent to an outside consultant, to perform architectural, structural, energy and/or accessibility review.

Bureau Veritas is currently reviewing and inspecting construction of two crude tanks at the Valero Refinery. The City collected approximately \$97,000 in plan review and inspection fees for this project.

BUDGET INFORMATION:

The crude tank project is not reflected in the contract services budget. Because of this, the contract for Bureau Veritas needs to be increased. The overall budget will not be affected because the plan review and inspection fees collected will cover all expenses.

Agreement #1 was in the amount of \$20,000. On February 26, 2008, Agreement #2 was executed for an additional \$20,000. The City has expended \$39,818.00 for services under these agreements. This amendment provides for an additional \$75,000 for planning services through the end of fiscal year 2008-2009. This amendment increases the not-to-exceed amount to \$115,000.

There are adequate funds in Building Division Professional Services Account No. 010-4205-8106. The Building Division anticipates spending approximately an additional \$75,000 for professional services provided by Bureau Veritas.

SUMMARY:

Bureau Veritas (previously known as Berryman & Henigar) has been providing professional plan check services for the Building Division since September 2006. The work performed by Bureau Veritas to date has demonstrated the expertise necessary to provide the required professional services for the division.

Attachments:

- Proposed Resolution
- Contract Amendment

RESOLUTION

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE CONTRACT AMENDMENT IN THE AMOUNT OF \$75,000 WITH BUREAU VERITAS FOR PROFESSIONAL SERVICES FOR PLAN REVIEW AND BUILDING INSPECTION SERVICES AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, a professional consulting firm is needed for building functions including architectural, structural, energy and accessibility plan review services as assigned by the Building Official; and

WHEREAS, Bureau Veritas has demonstrated the expertise necessary to provide the required professional services for the division, primarily for review of ongoing major construction at the Valero Refinery; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves the contract amendment in the amount of \$75,000 with Bureau Veritas for professional services for the Building Division, Community Development Department and authorizes the City Manager to execute the agreement on behalf of the City, subject to approval by the City Attorney.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 20th Day of May, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

CONTRACT AGREEMENT

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this ____ day of May, 2008, by and between the City of Benicia, a municipal corporation ("CITY") and Bureau Veritas, a Delaware Corporation with its primary office located at 6150 Stoneridge Mall Road, Suite 370, Pleasanton, CA 94588-3241 herein called "CONSULTANT", is made with reference to the following:

RECITALS:

A. On April 13, 2007, an agreement was entered into by and between CITY and Bureau Veritas ("Agreement").

B. CITY and CONSULTANT desire to modify the Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, it is mutually agreed by and between and undersigned parties as follows:

1. Paragraph 3 (a) of the Agreement is modified to read as follows: Compensation. The total cost for services provided by CONSULTANT shall not exceed \$115,000.00 at the rates set forth in Exhibit A.
2. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this modification of Agreement to be executed on the day and year first above written.

Bureau Veritas

City of Benicia,
A Municipal Corporation

By _____

By _____ Date: _____
Jim Erickson, City Manager

RECOMMENDED FOR APPROVAL:

Charlie Knox, Community Development Director

APPROVED AS TO FORM:

Heather McLaughlin, City Attorney

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
CONSENT CALENDAR**

DATE : May 1, 2008
TO : City Manager
FROM : Finance Director
SUBJECT : **REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT
FOR THE QUARTER ENDED MARCH 2008**

RECOMMENDATION:

Accept, by motion, the investment report for the quarter ended March 2008.

EXECUTIVE SUMMARY:

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Audit and Finance Committee has reviewed these reports and recommends acceptance.

BUDGET INFORMATION:

There is no effect on the City's budget.

BACKGROUND:

The City's investment portfolio consists of cash balances in checking accounts (less outstanding checks), Local Agency Investment Fund, treasury bills, federal agency notes and trustee accounts which manage the installment payments and reserves for bonds issued by the City.

The City has adequate investments to meet its expenditure requirements for the next six months. In addition, the City's investment portfolio is in compliance with Government Code Sections 53600 et seq. and the City's Investment Policy. The Audit and Finance Committee has reviewed these reports and recommends acceptance.

The attached schedules identify the City's investments by maturity date, investment type, custodian of investment and cost. The market value information is provided by Union Bank and California State Controller's Office for the LAIF investments.

Attachment:

- Investment Report for March 2008.

**INVESTMENT REPORT FOR
THE QUARTER ENDED MARCH 2008**

**City of Benicia
Investment Report
As of March 31, 2008**

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Par Value	Cost of Investment	Current Market Value
On Demand							
L.A.I.F.	L.A.I.F.			4.180%	\$ 16,470,056.67	\$ 16,470,056.67	\$ 16,499,309.88
L.A.I.F.	L.A.I.F.			4.180%			
Checking	Bank of America			0.750%	707,531.63	707,531.63	707,531.63
Money Market	WestAmerica Bank			0.150%	2,950.52	2,950.52	2,950.52
Money Market	Union Bank			2.070%	1,096,289.58	1,096,289.58	1,096,289.58
Money Market	Union Bank			2.070%	46,466.32	46,466.32	46,466.32
Subtotal					18,323,294.72	18,323,294.72	18,352,547.93
Up to 6 Months							
US Obligation	FHLMC	10-May-06	18-Apr-08	5.120%	1,000,000.00	998,173.00	1,001,250.00
US Obligation	FHLB	9-May-06	15-May-08	3.990%	2,000,000.00	1,955,409.00	2,003,760.00
US Obligation	FHLB	11-Jan-06	15-May-08	3.990%	1,000,000.00	984,620.00	1,001,880.00
US Obligation	FHLMC	20-Jun-07	15-Jun-08	3.860%	500,000.00	493,143.00	501,405.00
US Obligation	FHLB	2-Feb-06	12-Sep-08	4.580%	500,000.00	497,300.00	505,000.00
Subtotal					5,000,000.00	4,928,645.00	5,013,295.00
9 Months to 1 Year							
US Obligation	FFCB	27-Feb-06	10-Oct-08	4.210%	1,000,000.00	983,240.00	1,010,310.00
US Obligation	FNMA	31-Jan-06	15-Oct-08	4.450%	1,500,000.00	1,490,478.00	1,518,285.00
US Obligation	U.S. Treasury	31-Jan-07	30-Nov-08	4.530%	1,000,000.00	993,906.25	1,021,410.00
US Obligation	FHLMC	29-Mar-06	12-Jan-09	3.830%	1,250,000.00	1,212,975.00	1,265,237.50
US Obligation	FNMA	31-Jan-06	15-Feb-09	3.220%	1,500,000.00	1,436,589.00	1,512,195.00
US Obligation	FHLMC	17-Apr-07	5-Mar-09	4.650%	750,000.00	746,885.25	766,875.00
US Obligation	FNMA	17-Apr-07	9-Mar-09	4.220%	750,000.00	740,331.75	764,062.50
Subtotal					7,750,000.00	7,604,405.25	7,858,375.00
1 Year to 2 Years							
US Obligation	FHLMC	5-Jun-07	24-Apr-09	4.630%	1,000,000.00	991,952.00	1,025,940.00
US Obligation	FHLB	8-Dec-06	15-May-09	5.200%	1,000,000.00	1,013,980.00	1,034,060.00
US Obligation	FHLMC	9-Aug-06	21-May-09	5.080%	980,000.00	981,991.36	1,012,768.75
US Obligation	FHLMC	18-Mar-08	21-May-09	5.080%	750,000.00	778,139.25	775,082.45
US Obligation	FNMA	20-Jun-07	15-Jun-09	6.070%	550,000.00	561,569.80	577,670.50
US Obligation	U.S. Treasury	23-Aug-06	15-Aug-09	4.670%	500,000.00	501,210.94	522,420.00
US Obligation	FFCB	6-Oct-06	21-Sep-09	4.810%	1,000,000.00	1,003,740.00	1,040,000.00
US Obligation	U.S. Treasury	30-Nov-06	15-Nov-09	4.410%	500,000.00	500,781.25	524,295.00
US Obligation	FNMA	27-Mar-08	15-Dec-09	4.450%	1,250,000.00	1,298,675.00	1,298,825.00
US Obligation	U.S. Treasury	3-Apr-07	15-Feb-10	4.490%	500,000.00	502,812.50	528,905.00
Subtotal					8,030,000.00	8,134,852.10	8,339,966.70

**City of Benicia
Investment Report
As of March 31, 2008**

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Par Value	Cost of Investment	Current Market Value	
2 Years to 3 Years								
US Obligation	FHLB	23-Aug-06	11-Jun-10	4.940%	500,000.00	502,590.00	530,940.00	
US Obligation	FHLB	29-Aug-07	11-Jun-10	4.940%	1,250,000.00	1,267,018.00	1,327,350.00	
US Obligation	FHLMC	16-Jan-07	16-Aug-10	4.620%	500,000.00	497,190.00	528,085.00	
US Obligation	FHLB	11-Mar-08	1-Sep-10	4.720%	1,000,000.00	1,059,102.00	1,060,310.00	
US Obligation	FHLMC	30-Nov-06	8-Dec-10	4.500%	500,000.00	499,370.00	527,500.00	
US Obligation	FFCB	18-Jan-08	18-Jan-11	3.420%	1,000,000.00	1,009,340.00	1,022,810.00	
US Obligation	FHLMC	17-Dec-07	24-Feb-11	3.970%	750,000.00	752,227.50	779,062.50	
US Obligation	FNMA	25-Mar-08	25-Feb-11	3.230%	1,250,000.00	1,250,000.00	1,257,812.50	
	Subtotal				6,750,000.00	6,896,837.50	7,033,870.00	
3 Years to 5 Years								
US Obligation	FFCB	11-May-07	25-Apr-11	4.530%	500,000.00	498,780.00	529,530.00	
US Obligation	FNMA	25-Jul-06	19-May-11	5.440%	500,000.00	499,218.75	517,345.00	
US Obligation	FFCB	3-Apr-07	8-Dec-11	4.390%	500,000.00	495,205.00	526,405.00	
US Obligation	FHLMC	17-Sep-07	5-Mar-12	4.460%	1,000,000.00	1,003,890.00	1,064,690.00	
US Obligation	FHLMC	11-May-07	3-Apr-12	5.110%	500,000.00	499,820.00	513,335.00	
US Obligation	FNMA	4-Oct-07	18-May-12	4.550%	750,000.00	756,780.00	802,732.50	
US Obligation	FFCB	25-Sep-07	1-Aug-12	4.840%	500,000.00	509,923.50	542,815.00	
	Subtotal				4,250,000.00	4,263,617.25	4,496,852.50	
Total (before fiscal agent accounts)							\$ 50,103,294.72	\$ 51,094,907.13
Fiscal Agent Accounts							263,419.19	263,419.19
TOTAL INVESTMENT PORTFOLIO							\$ 50,355,071.01	\$ 51,358,326.32

VII-F-4

WEIGHTED AVERAGE MATURITY OF THE INVESTMENT PORTFOLIO

1.47 Years

The City of Benicia complies with Government Code Sections 53600 et seq. and the City's Investment Policy. The source of market value is Union Bank of California. The City has the ability to meet expenditure requirements for the next six months. This report, to the best of my knowledge, is accurate representation of the City of Benicia's investments.

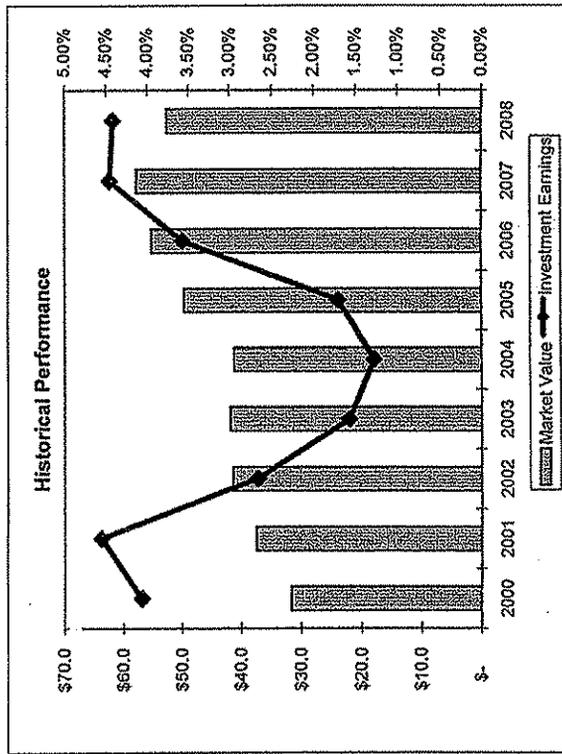
 _____ Date 4-30-08

Robert Sousa, Director of Finance

**City of Benicia
Historical Portfolio Comparison**

Market Value (Millions)					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2000	\$ 28.4	\$ 31.2	\$ 31.8	\$ 35.1	\$ 31.6
2001	33.0	38.7	37.7	42.8	37.5
2002	39.3	41.5	40.3	44.6	41.4
2003	39.7	43.4	39.5	44.8	41.8
2004	39.3	42.8	41.1	41.8	41.3
2005	38.7	53.8	50.0	56.6	49.8
2006	46.9	54.9	55.1	64.3	55.3
2007	57.4	59.3	54.4	60.1	57.8
2008	51.9	54.7	51.4		52.7

Investment Earnings					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2000	3.53%	4.17%	4.15%	4.41%	4.06%
2001	4.76%	4.82%	4.58%	4.07%	4.55%
2002	3.62%	2.72%	2.27%	2.01%	2.66%
2003	1.90%	1.61%	1.41%	1.34%	1.57%
2004	1.38%	1.28%	1.24%	1.20%	1.28%
2005	1.31%	1.43%	1.74%	2.33%	1.70%
2006	2.52%	3.76%	3.84%	4.16%	3.57%
2007	4.34%	4.44%	4.46%	4.57%	4.45%
2008	4.56%	4.48%	4.20%		4.41%



Investment Earnings - Dollars					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2008	\$ 319,769	\$ 789,398	\$ 474,720		\$ 527,982.31

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
PUBLIC HEARING**

DATE : May 13, 2008
TO : City Manager
FROM : Community Development Director
SUBJECT : **BENICIA BUSINESS PARK VESTING TENTATIVE MAP,
MASTER PLAN OVERLAY AND REZONING (CONTINUED)**

RECOMMENDATION:

Receive additional public comment, and continue consideration of the proposed Vesting Tentative Map, Master Plan Overlay and Rezoning to June 3, 2008, with direction to staff to finalize conditions necessary to allow project approval.

EXECUTIVE SUMMARY:

The City Council continued this public hearing from May 6, 2008, to allow opportunity for additional public comment and staff responses to issues raised by Council members. Per Subdivision Map Act Section 66452.2, the City Council must act on the application at its June 3, 2008 meeting unless the applicant and Council agree to an extension.

BUDGET INFORMATION:

The project would be required to contribute its fair share for City services, including funding and installing all on-site infrastructure and necessary off-site utility connections, paying development and traffic impact fees, and providing sites and funding for fire, police and public works facilities.

To ensure zero cost to the City for providing services related to the project, a proposed condition requires the development to:

- Construct a police substation in the commercial area and pay all police costs (because the project would account for all of the demand for new police service in the area); and
- Construct a fire station and fund 50% of ongoing operations (the level of demand for fire service identified by the fiscal analysis submitted by the applicant as attributable to the project).

ENVIRONMENTAL REVIEW:

The City Council certified the project EIR on February 19, 2008. Resolution No. 08-13 certifying the EIR directs that:

the Hillside/Upland Preservation alternative be evaluated in an Initial Study that conforms to the law; analyzes, in particular, the following issues: Leadership Energy and Environmental Design (LEED), AB 32, I-780 traffic, sustainability and urban decay; and considers appropriate mitigations for the environmental impacts.

Counsel for the applicant submitted a March 26, 2008 proposed addendum to the EIR that states:

Where an EIR has been prepared and certified for a project, and a further discretionary approval is required for the project, the “initial study” consists of determining whether a subsequent or supplemental EIR should be required.

The April 29, 2008 Draft EIR Addendum prepared by LSA Associates finds that the revisions to the project do not create new significant environmental impacts or increase the severity of impacts identified in the EIR, and, therefore, a supplemental EIR is not required per California Environmental Quality Act (CEQA) Guidelines Section 15164. According to the Draft Addendum, project revisions have eliminated the following formerly significant impacts:

- LU-1, which indicated the project would substantially conflict with General Plan environmental protection policies;
- TRANS-22, which would have required a project contribution to widening I-780;
- VIS-1, 2 and 3, which described adverse affects on scenic vistas; and
- CULT-1, which described an impact to cultural resources on-site.

The Draft Addendum indicates that additional transportation impact mitigation measures might be able to be eliminated if updated traffic data is provided by the applicant. A proposed condition requires such analysis prior to the approval of the first final map for the project. The Draft Addendum also calls for reducing the scope of wetland protection measure BIO-2b to reflect increased protection of drainages.

The Draft Addendum includes a discussion and analysis concluding that the revised project would be partially consistent with most of the measures identified by California Environmental Protection Agency to reduce greenhouse gas emissions in commercial and industrial development in compliance with AB 32 (whereas the prior project was found to be generally inconsistent with the Cal EPA measures). The Draft Addendum recommends an additional mitigation measure requiring trails in the project open space connecting the site to surrounding areas, which is reflected in a draft project condition.

Another EIR mitigation measure and draft condition requires the project to extend Benicia Transit (Benicia Breeze) to the project site, and the condition further requires provision of transit within the site. An additional condition to address Council direction regarding sustainability and AB 32 initiatives could involve provision of a transit facility.

SUMMARY:

On February 19, 2008, the City Council certified the Benicia Business Park EIR but determined that the project as proposed could not be approved due to inconsistency with the City's General Plan. Revisions to the project were submitted on March 20, 2008. On April 10, 2008, the Planning Commission recommended denial based on insufficient information to eliminate inconsistencies with the General Plan regarding impacts on geologic resources, urban decay downtown, overall community health, and bicycle and pedestrian circulation.

A majority of Planning Commissioners expressed a desire for more time to review the project, in part because environmental documentation for the revised project was not yet available. The Draft EIR Addendum, published April 29, 2008, concludes that the revisions to the project have resolved the prior General Plan inconsistencies that created a significant impact per CEQA.

The Planning Commission also recommended that the applicant work with staff to refine the project into one that could gain community support, and indicated that a Development Agreement would be an appropriate tool to achieve this objective. Benicia Municipal Code Section 17.116.020 provides the option of a Development Agreement at the request of a project applicant. Since the applicant has not requested a Development Agreement, staff and the applicant have instead been meeting to discuss conditions for the project. The majority of staff-recommended changes shown in the draft conditions pertain to public works requirements to ensure adequate infrastructure provision.

Project Description

The proposed project is located in northeastern Benicia. The project site consists of 527.8 acres of undeveloped land bounded on the south and east by East 2nd Street. The western boundary is an irregular property line that generally parallels the alignments of West Channel Road and Industrial Way. The northern property line is also irregular and is bounded in part by the City of Benicia Water Treatment Plant and Lake Herman Road.

The project as revised per the March 20, 2008 submittal includes:

- Rezoning of the site to apply the Master Plan Overlay designation and adjust the General Commercial and Limited Industrial zoning district boundaries;
- Subdivision of the site into 80 lots ranging from 1.5 to 5.4 acres;
- Development of approximately 150 acres of limited industrial and 35 acres of commercial land uses, with approximately 2.35 million square feet of industrial building space and 857,000 square feet of commercial uses – projected to result in the direct creation of 4,535 jobs;

- Open space totaling 312 acres, including buffers to preserve drainages, topographic features and the rural character of Lake Herman Road;
- Utilities and infrastructure, including 30 acres of roads; and
- Two 1,000,000-gallon tanks to supply water for the project.

The project has been conceived in various forms since the early 1980s. In 1981 an EIR was prepared for a mixed-use development proposal that included the project site. At that time, the site was part of unincorporated Solano County, and annexation to the City of Benicia was evaluated in the EIR. In 1983, the City Council approved a General Plan amendment, pre-zoning, and annexation of the site and certified the EIR. The Local Agency Formation Commission approved the annexation in 1985. In 1988, a site plan was developed for an industrial park with 115 lots on 319 acres of the property. The sponsor withdrew the application prior to environmental review.

An EIR was prepared for a subsequent industrial park proposal in 2001. After the Draft EIR was circulated for public review, the applicant made changes to the project. In 2004, Discovery Builders assumed the role of applicant and submitted the current project application, with EIR certification in February 2008. The project analyzed in the EIR included approximately 60 percent of the land area for development and 40 percent for open space.

The revised project reverses the prior open space/development ratio, with approximately 60 percent open space. The application seeks City Council approval of a Vesting Tentative Map, Master Plan, and Rezoning to subdivide the site. The applicant has characterized the project revision as a combination of the Waterway Preservation and Hillside/Upland Preservation EIR alternatives. The project is proposed to be built in five phases, with the first comprising the 35-acre (14-lot) commercial area. If the project is approved, conditions will be necessary to ensure that necessary infrastructure is installed prior to construction of buildings in each phase.

Differences from the project analyzed in the EIR include:

- Distribution of development into separated areas of the site.
- Reduction of industrial development from 4.44 million to 2.35 million sq. ft.
- Increased preservation of slopes and hilltops.
- Inclusion of 100-to-200-foot buffers along drainages, swales and other wetlands.
- Reduction of grading from roughly 9 million to 4 million cubic yards.
- Reconfiguring of the commercial area to be consistent with the General Plan and preserve a waterway.
- Separated bike/pedestrian paths along through roads.
- Bio-swales in parking lots and along roads.
- LEED design guidelines.

Planning Commission Issues

In recommending denial of the project, the Planning Commission found that the applicant failed to provide sufficient information to demonstrate consistency with the General Plan regarding impacts on geologic resources, urban decay downtown, overall health of the

city, and bicycle and pedestrian circulation. The Draft EIR Addendum finds that the revised project “would not result in a significant unavoidable impact in regard to consistency with the General Plan,” but “the City Council is the proper decision-making body to make an overall finding on the consistency of the project with the General Plan.”

The geologic impact discussed at the April 10, 2008 Planning Commission meeting was proposed grading of the western hillside in Phase 1, which would reduce the hill by about 45 feet and create a 3:1 slope rising more than 80 feet directly above East Second Street. Staff believes the grading plan for this area is a project design issue that needs to be modified. The applicant has not revised the analysis of potential for urban decay that was included in the EIR. An EIR mitigation measure and draft project condition require updating that analysis if the amount of retail development is proposed to be increased beyond the present 100,000 sq. ft. and/or if a single retail use larger than 20,000 sq. ft. is proposed.

Community health issues discussed by the Planning Commission focused on pedestrian and child safety and air quality, especially in proximity to East Second Street and Robert Semple Elementary School. Senate Bill 352 establishes findings that school districts must make when siting or building new schools within 500 feet of major roadways. Although these requirements do not apply to existing school facilities, they highlight the need to protect children from air quality, noise and safety impacts associated with high traffic volumes. Proposed project conditions call for impact fees on the project to apply to new pedestrian/school crossing safety enhancements at the intersection of East 2nd St. and Hillcrest Ave, and for either soundwalls or rubberized asphalt along East 2nd St. Other options include traffic calming and vehicle weight and speed limits.

Bicycle and pedestrian circulation issues discussed by the Commission included walkability within development areas, amenities for bicyclists such as storage and showers, and a public access trails in project open space, which are addressed in draft project conditions.

Design Guidelines

The proposed master plan includes guidelines for commercial and industrial uses intended to ensure quality development and promote sustainable practices. The guidelines encourage LEED strategies for green building, as well as low-impact development through bio-swale drainages and bio-retention basins, reduced paving, and use of recycled products for parking lot materials. Prescribed design elements include wall articulation, multi-planed pitched roofs, window rhythm, variety of massing, and landscaping. City review is required for design of all buildings on-site: staff-level for industrial and commission-level for commercial structures.

Public Facilities Sites

The revised project includes two lots (45 and 46) totaling 4.5 acres set aside for a fire station to satisfy the requirement of EIR mitigation measure PUB-1a (though the site needs to be developed as part of the first phase). The applicant also has proposed a 7.4-acre site for a City corporation yard at the southeast corner of Industrial Way and A

Boulevard to satisfy EIR mitigation measure PUB-1b. The Police Department office identified in EIR mitigation measure PUB-1a would need to be provided on the commercial portion of the property as part of Phase 1. These facilities would include five police officers, two patrol cars, 12 fire fighters, a fire engine, a brush truck, and administrative support.

Sky Valley Committee Recommendation

During its May 7, 2008 review of a proposed eight-lot subdivision outside the City near Lake Herman, the Sky Valley Open Space Committee recommended a condition of approval encouraging Discovery Builders to purchase the Signature Properties site to mitigate cumulative impacts related to the Business Park development. The EIR did not identify cumulative impacts related to the development of 20-acre parcels in the County.

CONCLUSION:

Staff believes the grading plan for the western portion of the commercial area needs to be revised to better conform to the existing topography. If this design issue can be resolved, staff recommends that Council consider approval of the project with the attached draft project conditions, which include applicant funding of both a new contract City employee and a third party monitor to ensure compliance with all conditions and mitigation measures. Necessary findings and a Mitigation Monitoring and Reporting Program for the project can be finalized upon Council direction.

Attachments:

- Planning Commission Resolution No. 08-04
- Issues raised by Council members following the May 6, 2008 hearing
- Draft Conditions
- Public comment since May 6 Council packet (Full copies of those items that are referenced solely with the cover page are available in the City Clerk's Office)
- LSA response to Steve Goetz comments at the May 6, 2008 hearing

The project revisions and Draft Addendum, which were included in the May 6, 2008 City Council packet, are available via the City website or the Community Development Department.

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 08-4 (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL DENIAL OF VESTING TENTATIVE MAP, MASTER PLAN OVERLAY, AND REZONING FOR THE BENICIA BUSINESS PARK PROJECT

WHEREAS, On October 6, 2004, Discovery Builders submitted an application for Vesting Tentative Map, Master Plan Overlay and Rezoning for the Benicia Business Park project; and

WHEREAS, the proposed project is located in northeastern Benicia and consists of 527.8 acres of undeveloped land bounded on the south and east by East 2nd Street. The western boundary is an irregular property line that generally parallels the alignments of West Channel Road and Industrial Way. The northern property line is also irregular and is bounded in part by the City of Benicia Water Treatment Plant and Lake Herman Road; and

WHEREAS, the City Council certified the Environmental Impact Report (EIR) for the project on February 19, 2008; however, Council also determined that the project as proposed could not be approved due to inconsistency with the City's General Plan; and

WHEREAS, the applicant submitted a revised Vesting Tentative Map, Master Plan Overlay and Rezoning application March 20, 2008, and a proposed EIR Addendum and letter regarding traffic impacts on March 26, 2008; and

WHEREAS, the revised project includes:

- Rezoning of the site to apply the Master Plan Overlay designation and adjust the General Commercial and Limited Industrial zoning district boundaries;
- Subdivision of the site into 80 lots ranging from 1.5 to 5.4 acres;
- Development of approximately 150 acres of limited industrial and 35 acres of commercial land uses, with approximately 2.35 million square feet of industrial building space and 857,000 square feet of commercial uses -- projected to result in the direct creation of 4,535 jobs;
- Open space totaling 312 acres, including buffers to preserve drainages, topographic features and the rural character of Lake Herman Road;
- Utilities and infrastructure, including 30 acres of roads; and
- Two 1,000,000-gallon tanks to supply water for the project.

WHEREAS, the Planning Commission at a regular meeting on April 10, 2008, conducted a public hearing, and considered testimony and documents regarding the revised project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Benicia hereby recommends denial of the project, finding that the applicant has failed to provide sufficient information to confirm that inconsistencies with the

General Plan have been eliminated regarding impacts on geological resources, urban decay downtown, overall health of the city, and bicycle and pedestrian circulation.

BE IT FURTHER RESOLVED THAT the remaining geologic impact includes the grading of the western hillside in Phase 1, which would reduce a hill by about 45 feet and create a 3:1 slope rising approximately 80 feet directly above East Second Street.

BE IT FURTHER RESOLVED THAT the applicant has not revised the analysis of potential for urban decay that was included in the EIR.

BE IT FURTHER RESOLVED THAT health issues of concern include pedestrian safety and air quality, especially in proximity to East Second Street and Robert Semple Elementary School.

BE IT FURTHER RESOLVED THAT project bicycle and pedestrian circulation does not adequately include walkability within development areas, amenities for bicyclists such as storage and showers, public access in project open space.

* * * * *

On a motion of Commissioner Healy, seconded by Commissioner Thomas, the above Resolution was adopted by the Planning Commission of the City of Benicia at the regular meeting of said Commission held on the 10th day of April, 2008, and adopted by the following vote:

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

Charlie Knox
Planning Commission Secretary

May 7, 2008

Charlie- here you go

The following are questions and comments I have regarding the Benicia Business Park:

1. Actions at Planning Commission show lack of respect. Timeframe to study revisions and conditions was not adequate.
2. Western Commercial hill needs redesign to minimize grading and 80 foot slope.
3. Revised Urban Decay study to look at what kinds of business would affect the downtown and other commercial areas.
4. All AB 32, GHG suggestions agreed to and implemented.
5. Condition for Benicia Breeze to project. Connection with the express route. Transit station.
6. What, if any measures can be instituted to enforce CC and R's regarding maintenance of landscaping, etc.
7. Condition for no retail use over 50,000 square feet and use permit required for over 20,000 square feet.
8. Gas station configured to discourage/eliminate semi's (truck stop).
9. Pursue development agreement.
10. Traffic study to verify necessity of current mitigations. Include East 2nd below #780. Possible "what ifs" e.g. Flex becomes campus/office.
11. Condition to pay for police operations.
12. Phasing - what if campus/office/light industrial demand is high now. Can phase 2 come first? Or simultaneously?
13. 24 hour on-site monitoring of construction. Paid for by developer.
14. Contact information for public complaints to include the City.
15. What methods can be used to enforce conditions of approval in the event of a violation?
16. Posting of a large bond to assure adherence to conditions?
17. Formation of committee to go after Biotech, Greentech, etc.

That's all for now.

Alan Schwartzman

MEMO: Comments on Conditions of Approval
TO: Charlie Knox, Director of Community Development
FROM: Elizabeth Patterson
DATE: May 13, 2008

For a comprehensive understanding of the potential impacts to downtown, it is necessary to see a comparison of the existing retail commercial square footage in downtown and all other locations and compare to potential Seeno 850,000 square feet. Please provide table.

The conditions of approval for the Seeno Business Park Vested Tentative Map need to be put into context of the planning process.

The City Council is review a new plan without the benefit of a detailed assessment at a level consistent with a CEQA initial study. The standard of review for such a plan would be to determine the potential impacts of the parcels sizes, intensity of use, road alignment for determining grading, air, water and environmental impacts.

The planning process would normally develop a master plan with the overall objective of land uses and activities and provide a roadmap for achieving these. The only plan before the Council is the parcel map with development phasing.

Therefore, the following conditions not only address some of the physical impact issues, but also the need for an actual economic development plan associated with sustainable development including a climate action plan.

1. Prior to filing the vested tentative map, there shall be a Specific Plan development pursuant to Government Code Section 65450 et seq. See Attachment 1 for an explanation and description of the purposes of the Plan. Clearly this is the proper approach to provide assurances that the project will be developed according to many of the principles of the draft conditions of approval. Having the plan in place is the one document that summarizes the conditions of approval and mitigation monitoring plan as well as the financing agreements. The specific plan will reference the EDB economic development strategy and use as objectives of the Plan and phasing will be the implementation strategy for the Plan.

2. Prior to filing the vested tentative map develop and adopt Form Base Code for the entire project. See Attachment 2. This has been successfully done for Benicia Downtown and is proposed for the Arsenal. Again, adopting the FBC is the most certain way to achieve design goals as well as green building guidelines (standards).

3. Prior to filing the vested tentative map develop and enter into a Development Agreement. Cities use Development Agreements, among other

reasons, for dealing with tricky problems involved with timing and sequencing, to lock in assurance that a particular mix of development will occur. For instance in a high profile development agreement case, the City of Irvine and the Irvine Company used a development agreement to work out a problem over the timing of a mixed commercial/residential development. Company officials wanted to build the residential portion of the project first but city officials wanted to get the sales tax flowing from the commercial portions. In a development agreement, the company agreed to make payments to the city if residential construction ran ahead of commercial development. As a result of the agreement, The Company paid the city an average of \$1 million per year. See Guide to California Planning, Fulton.

Another primary reason a city considers a development agreement is that the agreement may be the only legal vehicle available to achieve a certain amenity or public benefit that otherwise exceeds the agency's ability to demand in conjunction with a development approval. As an example, a particular need may exist for child care, transit, or recreation facilities. The voluntary contractual nature of development agreements takes them outside the traditional and legally constrained (Nollan and AB 1600) context. In other words, a tentative map conditions may be challenged AFTER the map is approved and the court may decide the condition of approval fails to meet the nexus requirements. The map then remains, but the condition is removed. The public and city have no recourse.

4. There shall be an initial study for the new project, Specific Plan, FBC and Development Agreement.
5. Benicia Planning Commission shall review and comment on new project and draft conditions of approval prior to Council action on vested tentative map.
6. Pg. 79 of the Draft Addendum uses non binding words such as "encourage, recommendations, intended, seek and identified" without being binding. The analysis in the Addendum reveals that site design is essentially up to the future studies and review without standards. See requirement for Form Based Code.
7. Pg. 79 of the Draft Addendum notes that the streets "would not be connected as through streets until the final phase of the development. The addendum fails to provide a measurable assessment of the walkability of the project and the phasing of the street will contravene successful walkability. Studies demonstrate that people will choose job locations, in part, based on walkability and thus it is important to provide the proper street alignment and design in the beginning to attract people with this interest and to develop the habit of walking. This also tied to the need for phasing the project to avoid freeway retail commercial and to site retail and services throughout the project rather than clustered in one freeway oriented location. Phasing bicycle trails and

interconnecting trails at the first phase is necessary to establish this pattern of getting around. To measure walkability the Addendum should apply LEED-ND grid pattern of streets. Depending on the density of the grid pattern the site plan is determined to be walkable.

8. At Addendum page 80 and 81 reference is made to “native grasses”, but the listed grasses are not native. Furthermore, the palette of plants has a few native plants, but the majority are not. Therefore, the Addendum fails to identify this as inconsistent with the General Plan policies of drought tolerant and native plants. This is particularly important in light of the proximity to the Suisun Marsh Preserve and the Sky Valley open space areas.

9. At Addendum page 81, there is reference to “wetlands fill” with potential and expected grading in streams. There is no assessment of the specific potential impacts to each of the wetland areas. CEQA does not recognize generic impacts. Each stream and wetland area must be described and specific mitigation measures identified.

10. Addendum page 84 “negligible wetlands” is used at Table 3 with reference to activities such as grading and road construction whose disturbance would likely be “minimized through compliance with standard wetland avoidance measures, which would likely be required by agencies permitting wetland fill”. CEQA does not support non specific assessment of wetlands and potential impacts and future “studies” and remedies.

ADD condition: Full delineation of wetlands, construction and fill potential shall be assessed and responsible agency requirement provided prior to filing vested tentative map.

11. Addendum page 86 notes that the mitigated project “would marginally promote alternative modes of transportation . . . and therefore . . . represents a slight improvement”.

ADD condition: designate site for Intermodal Transportation Station (consistent with Resolution adopted in 2004) and determine funding needs and Seeno contribution prior to filing tentative map.

12. Addendum admits own shortcomings with statement at page 107: “. . . based on the analysis conducted as part of this Addendum, it cannot be determined whether the mitigated project would avoid any other significant transportation and circulation impacts besides Impact TRANS-22”. Thus a supplement EIR is required.

ADD condition: there shall be a climate action plan prepared to adopt a VMT reduction program based on alignment of streets, transit and other methodology to reduce or avoid projects greenhouse gas emissions to a level and rate

consistent with goals of AB 32. Annual reporting and threshold triggers necessary to achieve AB 32 goals shall be part of the climate action plan. Plan to be submitted and approved prior to filing tentative map.

13. Addendum page 114 discussion of water makes no mention of the impacts of the Wanger decision on state water supplies.

14. Addendum page 118, refers to Master Plan that "would encourage energy efficiency and sustainable design . . . [and] would not achieve all of the feasible State strategies to reduce greenhouse gas emissions." For instance, state strategies include water conservation since water supply and treatment are some of the biggest energy consumers. Water conservation would also save energy thus reduce greenhouse gases.

ADD condition: Use alternative energy, such as solar or windmills for water supply. Establish 20% water conservation for project demands. See plant material, recycling and grey water strategies. Develop a comprehensive Low Impact Development plan that incorporates LID in building design and function for interior and exterior water use and runoff.

15. **ADD** condition: This project is subject to city's public art ordinance. Develop public art program for project as part of the Specific Plan prior to filing of tentative map.

16. Addendum page 118-119 statement about recommended measure, ". . . is not required to reduce the significant environmental impacts of the project . . ." is made to avoid the obvious need for a supplement EIR. Such avoidance does not make is correct.

17. **ADD** condition: Adoption of Specific Plan and Form Based Code will provide office and commercial uses by right without a use permit as long as such uses are consistent with Specific Plan and form based code.

18. **ADD** condition: Future permits shall affirm that the application is consistent with applicable CC&Rs prior to approval.

DRAFT CONDITIONS OF APPROVAL (following numbers refer to condition number)

13. **EXPAND**: Condition 13 to state that a single document shall be created and posted electronically for public review and monitoring. Routine reports determined by an adopted schedule shall be made to the Planning Commission and City Council on all conditions of approval.

14. Change Condition 14 to read, "Prior to issuance of a grading permit . . .".

16. Add "prior" to filing tentative map.
19. Add conservation easement overlay to open space. Easement to be held by city for specific purposes.
21. Add, prior to filing tentative map there shall be an open space management plan reviewed and approved by PC/CC and subsequent annual review by Parks and Recreation Commission.
25. Use metrics for condition. City of Emeryville LID program should be model.
28. Add "Building must be located and oriented for energy efficiency and alternative energy siting . . ."
36. Avoid curbs in order to capture street runoff into swales. Alternatively design "pipes" to capture water through curb and convey to landscaped area.
- 42 and 43 – these actually deter walkability.
49. Automatic irrigation may need to be used during severe droughts to avoid large plants dying.
52. spell out requirements for placing in vaults or extensive screening.
60. establish lumens standard to avoid night light pollution.

new section: Form Based Code to incorporate or replace all Architecture conditions.

Sustainable Design – amend to include metrics (see LEED-ND or comparable programs)

Public Works Conditions – prior to filing tentative map, develop LID program to avoid parking lot, building and street runoff; include metrics.

98 (h) – ensure construction of all trails and bikeways (in new realignment pursuant to specific plan) in first phase.

103 (g) – must pay for 24-hour watch person (may be same as (f) and (g) but must be around the clock.

103 last paragraph – are impact fees new rates or 2002 rates?

126 (1) who pays for regular inspections – develop assessed fee for routine and annual inspections with enforcement provision.

141 – establish conservation easement maintenance district and after 5-year establishment, report annually as describe above.

186 – Add ITS as discussed above.

205 – typo, should be “most”

ATTACHMENT 1

SPECIFIC PLANS

A specific plan is a regulatory tool that local governments use to guide development in a localized area and to systematically implement the general plan. A specific plan is intended as a more detailed development plan than is a general plan.

WHAT DOES A SPECIFIC PLAN LOOK LIKE?

According to state law, a specific plan must be in the form of a map and a written text.

WHAT INFORMATION DOES IT CONTAIN?

State law (Government Code Section 65450 et seq.) states that a specific plan must include the following information: (1) the distribution, location, and extent of land uses, including open space, within the area covered by the plan; (2) the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan; (3) standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable; (4) a program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out 1, 2, and 3, above; and (5) a statement of the relationship of the specific plan to the adopted general plan.

In simple terms, a specific plan will set forth goals, objectives, policies, and programs for development for the area within which they apply.

WHAT DETERMINES IF DEVELOPMENT IS SUBJECT TO A SPECIFIC PLAN?

In some instances, a developer may choose to prepare a specific plan simply because it is found to be desirable to have the development subject to a specific plan because of some practical reason, such as financing, marketing, or administration.

In other instances, the authority to require the preparation of a specific plan was delegated to local governments by the state legislature.

ATTACHMENT 2

Definition of a Form-Based Code

Draft Date: January 29, 2008

A method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm primarily by controlling physical form, with a lesser focus on land use, through city or county regulations. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in Form-based codes, presented in both diagrams and words, are keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. This is in contrast to conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., FAR, dwellings per acre, setbacks, parking ratios, traffic LOS) to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, Form-based codes are regulatory, not advisory.

Form-based codes are drafted to achieve a community vision based on time-tested forms of urbanism. Ultimately, a Form-based code is a tool; the quality of development outcomes is dependent on the quality and objectives of the community plan that a code implements. □□ Form-based codes commonly include the following elements:

- *Regulating Plan.* A plan or map of the regulated area designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being code.
- *Public Space Standards.* Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).
- *Building Form Standards.* Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.
- *Administration.* A clearly defined application and project review process.
- *Definitions.* A glossary to ensure the precise use of technical terms.

Form-based codes also sometimes include:

- *Architectural Standards.* Regulations controlling external architectural materials and quality.
- *Landscaping Standards.* Regulations controlling landscape design and plant materials on private property as they impact public spaces (e.g. regulations about parking lot screening and shading, maintaining sight lines, insuring unobstructed pedestrian movements, etc.).
- *Signage Standards.* Regulations controlling allowable signage sizes, materials, illumination, and placement.
- *Environmental Resource Standards.* Regulations controlling issues such as storm water drainage and infiltration, development on slopes, tree protection, solar access, etc.
- *Annotation.* Text and illustrations explaining the intentions of specific code provisions.

**BENICIA BUSINESS PARK
QUESTIONS, ISSUES, CONCERNS
MARK HUGHES**

- My understanding is that the Planning Commission recommended denial of the project by a vote of 6 to 1, not because they didn't like the project, but because they didn't have enough time to review the Mitigated Project and the 216 Project Conditions, and they didn't have the Addendum to review? Have all of the issues surfaced by the Planning Commissioners now been addressed and resolved?
- LSA and City Staff have indicated with confidence that the Mitigated Plan complies with our General Plan, yet there are some citizens that believe otherwise. What is our confidence level that there are no conflicts with the General Plan?
- Where are we with respect to the possibility of a Development Agreement? My understanding is that the time for a Development Agreement is well behind us, and even then, it is the option of the applicant, not the City. Can we address the conditions of the development just as effectively with the Project Conditions? Once agreed on, is the applicant legally obligated to comply with the Project Conditions?
- Many of the conditions on the list of 216 Project Conditions appear to be "boiler plate" conditions. For example, Condition #107 requires fire extinguishers be provided for each structure; isn't this rather routine for any project? Can't we separate out the "boiler plate" conditions from the conditions very unique to this project (i.e. requirement for land for Corporation Yard)?
- Does the applicant object to many of the Project Conditions? If so, which ones? Which ones are causing the most heartburn? Do any of them appear to be deal breakers?
- Some citizens have expressed an interest in the land being developed to attract high tech companies; a "campus type" development. What is the definition of "campus type development"? Does the Mitigated Project lend itself to this type of development? If not, can relatively minor modifications be made to accomplish this?
- Any development on the East Second Street property is going to increase traffic. What options should be considered to address the pedestrian safety issues in the area, particularly with the Semple Elementary students?

- With respect to Urban Decay, what are the potential impacts the commercial development of the Business Park could have on downtown businesses? What type of businesses (or specific business) would have the greatest impact on downtown businesses, if any?
- There are a number of Project Conditions that use words like “encourage” and “voluntary” and “must adhere whenever possible” versus “shall, must or required”. What’s the thinking behind this? Is this wording typical in projects like this?
- Has the applicant indicated any willingness to rethink and redesign the western portion of the commercial property? If yes, what does the redesign look like? If no, why not? Why is it important for the applicant (from their point of view) to develop the commercial property in Phase 1?
- Based on staff’s experience or knowledge of other large projects, is the applicant providing the City more than applicants typically give cities (i.e. Fire Station, land for Corp. Yard, 60% Open Space, etc.)?
- Is more analysis needed on the Economic Analysis of this project? For example, if the applicant pays for the cost of a new fire station and we staff it with up to 12 employees, how does the City pay for the on-going and long-term labor related costs and facility related costs?
- Is it realistic or typical for a developer to recruit businesses (commercial or otherwise) prior to having an approved project? Is it reasonable for us to think that the applicant can give us a better idea of what specific businesses will lease space prior to the project being approved? What can we reasonably expect?

Draft Conditions for the Benicia Business Park Project

General

1. This approval is of no force and effect unless and until the City Council adopts a Mitigation Monitoring and Reporting Program and EIR Addendum for the project.
2. The plans and maps submitted for approval and development of the site must substantially comply with the plans prepared by Gates and Associates Landscape Architects and Morton and Pitalo, Inc., dated March 27, 2008 on file in the Community Development Department consisting of Sheets L-1, L-2, L-3 and Sheets labeled "Vesting Tentative Map," "Preliminary Drainage Plan," "Preliminary Sewer and Water Plan," "Phasing Plan," "Master Plan," subject to the conditions contained in this resolution.
3. This approval expires two years from the effective date of adoption of a City Council Resolution of approval of the Vesting Tentative Map and Rezoning, unless made permanent by the issuance of building permits for the first phase and recordation of a final map that includes all necessary improvements for the first phase and parcel extents for subsequent phases, or unless an extension of time is requested and approved by the City Council prior to the expiration of the two years.
4. This project must adhere to all applicable ordinances, plans, and specifications of the City of Benicia in effect at the time the Vesting Tentative Map was submitted and must obtain any and all permits required by other government agencies having jurisdiction over the project. Any alteration of the approved plans, including substitution of materials, must be requested in writing and approved by the Community Development Department prior to changes being made in the field. Depending on the degree of the any proposed alteration of the approved plans, the Community Development Director must determine whether such change must be reviewed by the Planning Commission. Minor changes must be reviewed and approved by the Community Development Director, and substantial and significant changes to the project must be reviewed and approved by the Planning Commission. Minor changes are defined as technical errors or minor omissions that do not significantly change the original project approval. Substantial and significant changes to the project involve relocation of roads, sidewalks, buildings, changes in landscaping design and materials, changes in the proposed grading of the site, proposed changes in public services to the site, and any changes to the commercial or industrial design guidelines applicable to the project.
5. Prior to filing of a Final Map, the applicant must submit draft Covenants, Conditions and Restrictions (CC&Rs) for the project, which are subject to the approval by the Community Development Director and the City Attorney. The CC&Rs must address landscape maintenance of each newly created lot,

maintenance of the proposed open space areas, and all other areas of concern as it pertains to this development as directed by the City of Benicia. The CC&Rs must be recorded with the final subdivision map.

6. No Adult Business as defined by the Benicia Municipal Code is allowed in the Benicia Business Park project. Any non-flex use office use proposed in the Limited Industrial - IL portion of the project site may be permitted with Use Permit reviewed and approval by the Planning Commission. The Use Permit request must include detailed parking data and analysis that clearly shows that the proposed development will have adequate on-site parking and traffic impacts associated with the office development will be mitigated and not substantially or significantly impact surrounding development sites or existing businesses.
7. All mitigations measures set forth in the Environmental Impact Report are hereby incorporated by reference and made conditions of this approval.
8. American with Disabilities Act (ADA) disabled access must be provided throughout all areas of the project. This includes public and private areas of the Benicia Business Park.
9. Thirty (30) days prior to any grading or demolition onsite, the applicant must notify all tenants and property owners within a 300' radius of any particular project phase the intended date of construction. The notice must contain a contact number and contact person at Discovery Builders or its agent, and a contact number and contact person with the construction company or its agent for the public to contact with complaints or concerns. The notice must include allowed construction hours. The notice must include the contact number for the Solano County Environmental Health Department vector control and the appropriate City representative. The notice must remind the public to patrol their foundations and foundation vents and openings to secure them against vectors.
10. A 4' x 8' painted sign must be posted onsite prior to initiation of any onsite work, including clearing and grubbing, and must remain onsite through the duration of such work. This sign must contain the contact number and contact person at the Discovery Builders or its agent, and ~~a contact number and contact person with the construction company~~ and the City for the public to contact with complaints or concerns.
11. ~~Prior to acceptance by the City, the proposed EIR Addendum will require analysis of data regarding changes to the project to support its conclusions. The applicant must also provide an updated traffic and Urban Decay analysis for review and consideration by the City prior to approval of any Final Map for the project.~~
12. No more than 10% of the area zoned General Commercial – CG shall be used for Eating and Drinking Establishment use unless a Planning Commission Use Permit is first obtained. Pedestrian access through the commercial area to the Eating and Drinking Establishments must be maintained.

13. ~~The project, if approved, includes all written commitments made by the applicant as specified in all written documents submitted as part of the application as contained in the project file.~~
14. Prior to issuance of a building permit, the applicant must file a Final Map in conformance with the Subdivision Map Act and local ordinances that covers all lots in ~~each~~ that phase of the project.
15. Prior to issuance of a building permit, the applicant must enter into a bonded subdivision improvement agreement for the installation of the public improvements and grading necessary to accommodate the related portion of this the project. Plans for these improvements must be designed by a Registered Civil Engineer and in conformance with the City's Engineering Design Standards. Improvements must include ~~brick patterned sidewalk~~, a looped water system, public sewer extension, and storm drainage improvements incorporating storm water run-off best management practices and conforming to the Hydrology Report prepared for this project dated February 18, 2004 on file with the Community Development Department. The applicant must complete all work encompassed by the subdivision improvement agreement for that phase prior to issuance of a Certificate of Occupancy.
16. The grading plan must be prepared by a registered civil engineer and comply with the requirements of a soils report prepared for this project and the City's Grading Ordinance. An erosion control plan must be incorporated into the grading plan. Also included must be a Storm Water Pollution Prevention Plan incorporating best management practices and complying with the City's Storm Water Ordinance.
17. Prior to issuance of a building permit for a particular phase of the project or individual building to be constructed within the project site, the applicant must pay all school, traffic impact and other applicable development fees for that phase.
18. Prior to final map approval, a geotechnical report must be prepared by a registered geotechnical engineer, and all recommendations of the report must be incorporated into the final engineering design for each structure onsite to avoid potential geologic impacts.
19. Prior to issuance of a building permit, the applicant must grant to the City easements on the Final Map necessary to accommodate this project, including water, sewer, and access easements.
20. The site must be provided with Fire apparatus access roads and water/hydrants to meet California Fire Code Article 9. All improvement or development plans require Fire Department approval.

21. A Property Owner Association must be established by the developer to install and maintain private and public access, and storm water drainage, and open space and common areas. The documents governing the Property Owner Association must be approved by the City Attorney prior to recordation of the first Final Map.
22. The applicant or permittee must defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City Council, Planning Commission, Historic Preservation Review Commission, Community Development Director or any other committee, agency, or department of the City concerning a development, CEQA approval, subdivision map, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless must be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

Site Plans

23. Site plans within the Benicia Business Park must be coordinated with adjoining projects to take advantage of similar perimeter landscape themes, common access, or similar features. Particular care and coordination must be considered as it pertains to bioswale features, LEED standards and other design guidelines for a particular project.
24. Water quality features such as bioswales and bio-retention basins must be integrated in a cohesive and logical manner and take advantage of site topography, orientation and visibility.
25. Pervious paving must be used in-lieu of impervious paving wherever possible. Paving must be reduced to the minimum necessary to accomplish site circulation and parking needs.
26. Recycled products for driveway and parking lot base material must be used.
27. Building setbacks and coverage must comply with the limitations specified in Benicia Municipal Code Section 17.32.030.
28. Buildings must be located and oriented to provide a strong visual and functional relationship with the site, adjacent sites, and nearby thoroughfares whenever feasible. Where feasible, accessory facilities such as mechanical equipment, trash collection, storage areas, and vehicle service areas must be located away from portions of the site visible from public roadways or adjacent properties with dissimilar improvements.

29. Underground utilities must be installed in accordance with Benicia Municipal Code Section 17.70.230.
30. ~~An ultra-high bandwidth broadband fiber network~~ Telecommunications infrastructure using best-available technology must be installed ~~that serves all lots and businesses for each phase of the project.~~

Circulation, Parking and Loading

31. Pedestrian access to primary building entrances must be separated from auto access by walkways to the extent possible. Visitor parking must be located near the entrance of the building and must be removed from loading areas and truck parking areas to the extent feasible.
32. ~~Driveway access along streets must be kept to the minimum width essential for proper industrial traffic circulation. Driveways must be aligned with existing or planned driveways on the opposite side of the street or oriented to existing or future street median breaks. Where possible, driveways must be located to avoid arterial streets, close proximity to street corners or adjacent driveways and areas with restricted visibility.~~
33. In order to minimize interference with street circulation, a minimum driveway length of twenty feet ~~must be~~ required between the property line and the first parking stall.
34. Parking lots or stalls that require backing directly into public streets are prohibited by Benicia Municipal Code Section 17.74.130. All new parking areas must facilitate forward movement into public streets unless a variance is granted by the Planning Commission.
35. Parking and loading facilities must be sufficient to serve each business without the need to park on adjacent streets. Each project must comply with the number and configuration of spaces required by Benicia Municipal Code Chapter 17.74.
36. Per Benicia Municipal Code Section 17.70.190 E., parking lot design must include landscape planters, sidewalks, or other separators at the end of parking bays. All parking, loading and driveway areas must be separated from landscaped areas by concrete curbs.
37. Parking and loading areas must be designed so that they do not interfere with each other or with other site activities.
38. Access to loading facilities must eliminate the need for trucks to back into or out of street rights-of-way.
39. Provision must be made for adequate access and circulation of emergency vehicles.

40. Pursuant to Benicia Municipal Code Section 17.74.020 K., a deviation from parking standards may be approved by the Planning Commission if there will be ample on-street parking. The deviation may be sought if any site within the industrial-zoned portion of the Benicia Business Park is used for offices. Conflict with BMC 17.74.130 must be resolved either by public dedication of the parking elsewhere within the development site or other means approved by the City Attorney prior to issuance of building permits.

Landscape Design

41. Trees, shrubs and groundcover, including native species to the maximum extent possible, must be used to provide variety and to reduce the apparent mass of large, blank facades. Earth berms may be used to reduce the apparent mass and height of a building.
42. Landscaping and berms must reinforce circulation patterns and screen and shade large visible paved surfaces such as loading areas.
43. The visual impact of parking lots and other large circulation areas must be minimized through the use of planting, earth mounds, and/or low fencing along the street frontage. Views through the site must be maintained for orientation and security.
44. Project landscape design, materials and treatment must comply with specifications of Benicia Zoning Ordinance Section 17.70.190 and the Benicia Business Park Master Landscape Plan. In the event of a conflict Benicia Zoning Ordinance Section 17.70.190 must prevail.
45. Street trees must be provided along all public and private streets with a minimum of one tree installed for each thirty feet of frontage. One dominant tree must be selected for each street. The final landscape plan for the Benicia Business Park project must reflect this requirement.
46. Plant, shrub and tree species must be appropriate to Benicia's climate and must require minimal water and care. New trees must be uniform in appearance and wind tolerant.
47. Disturbed slopes must be hydroseeded with native vegetation.
48. Live plant material must be used for all ground cover areas. Wood chip mulch must be used for weed retardation.
49. Automatic irrigation must be provided. Where drought-resistant landscape materials are planted, only temporary irrigation is required until landscaping is established.

50. Landscaping must be provided around the perimeter of each building lot.

Fencing and Screening

51. All exterior mechanical equipment, utility meters and valves, refuse storage and containers, and above ground storage tanks must be located and screened in a manner compatible with the design of the project and nearby development, in accordance with Benicia Municipal Code Sections 17.70.210 and 17.70.220.
52. Telecommunications equipment must be installed in conformance with Benicia Municipal Code Section 17.70.250.
53. Outdoor storage and display of merchandise, materials or equipment must be located and screened in accordance with Benicia Municipal Code Section 17.70.200.
54. In accordance with Benicia Municipal Code Section 17.28.030 M., the maximum height of a commercial fence or wall ~~must be~~ is 8 feet.
55. In accordance with Section 17.32.030 J., the maximum height of an industrial fence or wall must be 12 feet.
56. New fencing along public rights-of-way must be softened with landscaping.
57. Fencing must not impair traffic safety by obscuring views.
58. Fencing must be designed for compatibility with nearby building and landscape materials. It must have a high design quality and must be constructed of highly durable materials. Use of wood and masonry is encouraged. Chain link and barb-wire fencing must not be installed along street frontages.

Exterior Lighting

59. Exterior lighting type, brightness, height and fixture design must be appropriate to the building design, its function and location. ~~Lighting must be adequate but not overly bright.~~ Lighting fixtures must be properly scaled to the pedestrians, and automobiles and trucks.
60. Light bulbs or tubes must not be exposed. Generally, exterior lighting must shine downwards and be non-glare. Lights must not glare into adjacent streets or neighboring properties.
61. Security lighting must be indirect or diffused and shielded or directed away from a residential district, in accordance with Benicia Municipal Code Section 17.70.240 D.

62. Outdoor parking area lighting must comply with Benicia Municipal Code Section 17.74.170.

Architecture

63. The architectural design of new buildings and major exterior additions must be compatible with neighboring buildings. Size, bulk, materials and colors must have a complementary relationship to other buildings in the vicinity. Primary buildings in close proximity on the same property must have harmonious proportions and similar architectural styles. Nearby accessory buildings must be of compatible design and treatment.
64. Due to their potential impact upon the character of Benicia as a whole, particular attention must be given to the architectural design quality of buildings that will be highly visible from entry gateways to the city: I-680, East Second Street and Lake Herman Road.
65. Variety in roof shapes and form is encouraged to add diversity, enhance scale, and complement the features of nearby buildings. Where parapet walls are used, they must be treated as an integral part of the building design.
66. Exterior design features including materials, texture, color and trim detailing must be included on all building elevations to an extent that maintains overall design continuity.
67. The apparent mass of large buildings must be reduced by introducing variations in wall setbacks and heights, additions of windows and other openings, variety in materials or finishes, and similar methods. Monotonous building forms must be avoided by using various methods to help create interest and reduce scale. Examples include the staggering of vertical walls, recessing openings, providing upper-level roof overhangs, using deep score lines at construction joints, contrasting compatible building materials, and using horizontal bands of compatible colors.
68. The appearance of large structures must be reduced in following ways:
- a. Vary the planes of the exterior walls in depth and/or direction. Wall planes must not run in one continuous direction without an offset.
 - b. Vary the height of the buildings so that it appears to be divided into distinct massing elements.
 - c. Articulate the different parts of a building's facade by use of color, arrangement of facade elements, or change of materials.
 - d. Create horizontal emphasis through the use of trim.

- e. Use landscaping and architectural detailing at the ground level to lessen the impact of an otherwise bulky building.
69. Mixing of unrelated architectural styles, materials and details must be avoided.
70. All roof-mounted equipment, including air-conditioners, large vents, blowers or any other mechanical device, must be screened from public view by roof elements, an outside parapet wall, an equipment well, or alternate architectural screening and devices that fit the building design.
71. Mirrors or highly reflective glass must not cover more than 20 percent of a building surface visible from a street, unless it meets the glare performance requirement specified in Benicia Municipal Code Section 17.70.240 D.
72. Exterior siding materials must be masonry, plaster, wood, metal, or an approved alternate material. Metal clad buildings must have baked-on enamel exterior finishes or equal.
73. The size of windows and doors must relate to the size of the wall in which they appear. Monotonous repetition must be avoided in the location, size and shape of windows and small doors. Variety must be provided to large, flat, uninterrupted expanses of exterior walls by the variety, size, proportions, and rhythm of window and door openings. Recessed openings help provide contrast by creating shade patterns and by adding depth to flat planes.
74. Mixed-use buildings containing non-industrial uses must highlight the public entry to the structure to create a sense of human scale and to emphasize a primary entry feature.
75. Exterior walls must incorporate compatible finishes and colors. Very bright, very light and very dark colors must be limited to accents rather than occur as primary wall colors.
76. Utility doors, fire doors, loading docks and other potentially unsightly service features must be designed to blend with the building's architecture.
77. Commercial structures must include significant wall articulation, multi-plane and treated pitched roofs, and regular or traditional window rhythm.
78. Large blank and/or flat wall surfaces, unpainted concrete block walls, highly reflective surfaces, metal or plastic siding on the main façade, square "boxlike" appearance, mixtures of unrelated styles must be prohibited.

Sustainable Design

79. All construction must adhere whenever possible to the following guidelines established in the project application:

- a. Design efficient use of space and air distribution with the goal of minimizing conditioned areas.
- b. Design building orientation and shading to minimize solar gain and maximize daylight harvesting.
- c. Provide high efficiency HVAC systems with non-HCFC refrigerants.
- d. Provide natural ventilation.
- e. Provide waterless urinals.
- f. Include materials which minimize embodied energy.
- g. Design efficient detailing to minimize the amount of waste material.
- h. Include low VOC, low CPC and formaldehyde free materials, finishes, paints and materials.
- i. Capture and filter gray water for irrigation purposes.
- j. Include photo-sensors and localized lighting controls to reduce the amount of artificial light needed within indoor spaces.
- k. Provide motion detectors in accessory function areas.
- l. Use recycled and recycled-content building materials; post consumer and post-industrial.
- m. Provide photovoltaic cells to produce a portion of the electrical needs.
- n. Divert and recycle construction waste from going to the landfill.
- o. Capture and direct stormwater to landscape areas prior to release.
- p. Secure purchase agreements with serving utility for green power sources.
- q. Utilize sustainable harvested lumber per the Forest Stewardship Council (FSC Label).
- r. Utilize fly ash or slag concrete mix design.
- s. Minimize light trespass and reduce sky glow to increase night sky access.

Signs

80. All signs must comply with Benicia Municipal Code Section 17.78.
81. Every structure and commercial complex proposal must include a signage plan that includes provisions for sign placement, sign scale in relationship with the building, and sign readability. All signs must be compatible with building and site design relative to color, material, and placement.
82. Monument signs are the preferred alternative for business identification whenever possible. Where several tenants occupy the same site, individual wall mounted signs may be allowed in combination with a monument sign identifying the development and address.
83. Backlit individually cut letter signs must be utilized wherever feasible.
84. Each development site must be appropriately signed to provide directions to loading and receiving areas, visitor parking and other special areas.

Specific Landscaping and Open Space Requirements

85. A licensed landscape architect must prepare landscape and irrigation plans for all landscaped areas including designated open space areas and the public service facilities. The Community Development Department must review and approve landscape and irrigation plans prior to issuance of any site-specific building permit. The final landscape plans must include:
 - A plant legend including common and botanical plant name, quantity, size, spacing, method of planting, and similar landscape design information.
 - Shrubs at least five (5) gallons and trees (exclusive of specimen trees) fifteen (15) gallon (3/4" to 1" trunk caliper) in size; approximately one third of all trees planted on the site must be specimen size (minimum 2" trunk caliper) located at all major focal points.
 - Deep root barriers for all trees within eight (8) feet of pavement. Trees must not be planted within 10 feet of sewer or water lines.

The final landscape plan must be approved by Community Development staff prior to issuance of a building permit for this site.

86. All required landscaping and related improvements must be completed prior to the issuance of a Certificate of Occupancy for each lot.
87. Appropriate care and maintenance of all required landscaping on-site including open space areas and public areas such as the Police/Fire facility and in the adjacent right-of-way is the responsibility of the project sponsor to maintain in perpetuity. The landscape improvements required by the City to be installed by

the project sponsor must be maintained through a private maintenance association or similar entity. The City Attorney, the Director of Public Works City Engineer and the Community Development Director prior to acceptance of any final map must approve the funding mechanism for maintenance of the required landscape improvements. The mechanism must be in place prior to or concurrently with acceptance of any final map. Standard of maintenance must be determined by the City and included in the Covenants, Conditions and Restrictions for the project.

88. Prior to site development, a tree report prepared by a consulting arborist must identify trees that will be preserved. The report must include measures to protect the preserved trees, and identify the location, size, and health of these trees. The project sponsor must apply for a Tree Permit for the removal of any protected trees that includes a tree replacement program.
89. The project sponsor must provide the following within and adjacent to each phase of the project:
- A 10' wide concrete Bikeway/Sidewalk along Lake Herman Rd between A Blvd. and I-680.
 - A 10' wide concrete Bikeway/Sidewalk between East 2nd St and Lake Herman Road in the project site.
 - A 10' wide concrete Bikeway/Sidewalk along A Blvd. from Industrial to Lake Herman Road.
 - A 10' wide concrete Bikeway/Sidewalk along Park Rd. from A Blvd. to East 2nd Street.
 - A 10' wide concrete Bikeway/Sidewalk along East 2nd St. from Industrial Way to Lake Herman Road.
 - A Class II Bikeway along Lake Herman Rd. between Industrial Way and A Blvd.
90. The project sponsor must install and maintain public access trails in the project open space and connecting to surrounding areas (per EIR Addendum Mitigation Measure GREEN-1) to meet the recreation demands of site employees and visitors and/or contribute an amount commensurate to installation and maintenance of such amenities to the City for provision of recreational opportunities.

Public Works

91. The project applicant must comply with all the mitigation measures listed in the certified EIR and they must be considered as Conditions of Approval for this project. Prior to approval of final map, phasing of the project and timing of project improvements may be modified by the City Council at the request of the applicant based on the recommendation of the Director of Public Works/City Engineer. The project applicant must provide to the Director of Public Works/City Engineer the necessary documentation in the form of updates to the traffic studies; updates to the sewer, water, drainage master plans; and/or other information as required by the Director of Public Works/City Engineer to make

their recommendation to the City Council on the affected Conditions of Approval and/or mitigation measures for this project.

92. The project applicant must comply with all the applicable provisions of the Benicia Municipal Code (BMC), the Benicia General Plan, the 1992 Benicia Engineering Standard Plans and Design Criteria and any recent updates relating to public health and safety issues, any applicable policy or specific plan, and these Conditions of Approval. Any failure by the applicant to comply with all applicable provisions of the Benicia General Plan, any applicable City policy or specific plan, and these Conditions of Approval may result in the revocation of the project approval permits (including but not limited to encroachment, grading, building, zoning).
93. The project applicant must comply with all regulatory and resource agency requirements imposed upon this project. Any requirements that require substantial or material amendments or deviations from the approved project or these Conditions of Approval as determined by the City may require the project applicant to resubmit the project (or affected portions) to the City Council for consideration at a duly noticed public hearing with the applicant responsible for paying new application fees in accordance with the BMC.
94. The project applicant must obtain the necessary permits from all applicable State and Federal regulatory and resource agencies prior to receiving approval from the City on any grading, encroachment or building permit within that certain phase on this project and prior to commencement of any work on that certain phase on this project.
95. No work must commence on this project until the project applicant receives a grading, encroachment, and/or building permit from the City and pays all applicable fees, bonds, security deposits, charges, assessments, and development impact fees in accordance with the BMC. This project will not receive any fee credits on sewer, water and traffic impact fees for improvements required by EIR mitigation measures and/or project conditions.
96. The project applicant must ~~apply for and procure~~ obtain approval from the ~~Benicia City Council~~ to form a new Property Owner Association, backed by a financial instrument to be described in the subdivision improvement agreement for each phase, for the purpose of providing and guaranteeing a funding mechanism to pay for the full costs of ongoing maintenance for improvements located within and adjacent to this project, including but not limited to:
- a. Landscaping/irrigation improvements within the common lot parcels, along both sides and within the medians of each public street (including East 2nd St., Lake Herman Road & Industrial Way), around the perimeter of the fire substation and corporation yard lots and within other areas to be landscaped as required by the City.
 - b. Drainage system improvements within the common lot parcels including the detention basins, inlet/outlet facilities, open swales and other drainage

features. This does not include the underground drainage pipeline systems located within the street rights-of-way.

- c. Open space areas within the common lot parcels, ~~street rights-of-way, and public conservation easements for areas and other locations~~ to be left in a natural state as required by the City.
- d. Ongoing inspection and maintenance of sedimentation basins, detention basins, drainage swales, inlets/outlets, slopes, debris benches and v-ditches.
- e. Ongoing weed abatement program.

It is the responsibility of the project applicant to complete the necessary reports and legal documentation to establish the Property Owners Association or other mechanism with approval required by the City Attorney and Community Development Director prior to the filing of the first final map for this project. The standards for ongoing maintenance levels must be determined by the City and included in the CC&R's for this project and this maintenance district.

97. The project applicant must ~~only~~ submit final map applications for each phase defined on the phasing plan for this project. No final map applications will be allowed to create partially phased areas or establish parcels in a later phase that would be out of sequence with the phasing plan submitted with this project. If the applicant wishes to create parcels for a later phase, then all the conditions triggered by that phase must be implemented.

98. Prior to approval and recordation of the final map for the *first phase* of this project, the applicant must:

- a. Submit ~~specific~~ updated master plan studies regarding sewer (~~updated~~), water, and drainage systems to serve *all phases* of this project showing proposed onsite and offsite improvements necessary to mitigate the impacts (additional flows, runoff, etc.) from this project. Approval of these ~~specific~~ updated master plans is required as part of this *first phase* and before submittal of the specific improvement plans for each system.
- b. Submit a complete set of overall "rough" grading plans accompanied by a soils/geotechnical report and a storm water pollution prevention program (SWPPP) utilizing best management practices (BMP's) for the "rough" grading work required for *all phases* of this project. The applicant City must ~~complete~~ require the "rough" grading work for the *first phase* and the drainage area to the north of A Blvd. ~~to be completed with the first phase.~~ The applicant must also submit a complete set of "finish" grading plans (as necessary) accompanied by a soils/geotechnical report, erosion control plans and SWPPP for the grading required for the *first phase* of this project.
- c. Submit a complete water system analysis plan for *all phases* of this project to establish the operational and design parameters to create a separate zoned water system required for *all phases* of this project including, but not limited to, determining the number, size and elevation requirements for the new reservoirs and pump stations; developing the overall looped

- layout of the distribution system; establishing the appropriate water pressures; and accommodating the water quality issues. Approval of this system analysis is required as part of the *first phase*. Once approved, submit water system improvement plans for improvements required for the *first phase* of this project, which includes the installation of the distribution system, onsite storage and pumping facilities, and the connection to the main service line from the city water treatment plant. The City ~~must require the applicant~~ must to fully fund and install these water system improvements prior to the issuance of the first building permit for this project.
- d. Submit a complete set of improvement plans for the offsite stand-alone sewer system improvements required for *all phases* of this project including, but not limited to the connection points, gravity lines, offsite lift station and offsite force main as referenced in the EIR mitigation measures, ~~shown on the mitigated Preliminary Sewer and Water Plan dated March 20, 2008, included in the Brown and Caldwell Benicia Business Park Sewer Collection System Analysis dated October 16, 2006 and shown as Alternate Route B (Bayshore Road) in the Stetson Engineers Analysis dated September 27, 2006,~~ as stipulated in Mitigation Measure UTIL-4. The City ~~must require the applicant~~ must to fully fund and install all of these offsite improvements designed for cumulative development in the Benicia Business Park and *all phases* of this development and to complete them with this *first phase*. Also submit a complete set of sewer system improvement plans for the onsite collection system and the connections to offsite lines required within the *first phase* of this project and sized to accommodate all other development in the Benicia Business Park that will utilize this portion of the collection system in the future.
- e. Submit a complete set of drainage system improvement plans accompanied by a hydraulic study for the improvements required on *all phases* of this project to ensure that no increased and/or new concentrated stormwater runoff will be present downstream of any portion of this project. The plan needs to clearly show the proposed drainage system improvements including, but not limited to, detention basins, swales, pipeline systems, and their relationship to existing upstream and downstream systems and the flow rates and capacities given for pre and post project conditions. The plan must show how drainage from the City's Water Treatment Plant site and proposed water storage reservoirs are addressed ~~in the event of an overflow or catastrophic event per Mitigation Measures GEO-3a and GEO 5~~. Approval of this design will be required as part of this *first phase*. Once approved, the applicant must submit drainage system improvement plans for the site-specific pipeline and bio-swale improvements required for the *first phase* of this project. All detention facilities, improvements within the common lot areas, and offsite improvements required to mitigate the overall stormwater flows for *the phase* must be installed as part of the "rough" grading improvements.

The site-specific pipeline and bio-swale systems to serve each phase must be installed as part of the “finish” grading for that phase.

- f. Submit a complete set of street improvement plans for the improvements required to be completed for the *first phase* of this project which must include:
- i. East 2nd Street widening improvements from Lake Herman Road to the Channel Road Bridge to provide for a minimum 70-foot curb-to-curb width with 4-thru lanes, separate left and right turn lanes, raised median islands, paved shoulders, ~~4-foot wide concrete sidewalk on the north side~~ and 10-foot wide concrete bike/ped path on the north south side (each separated from the curb by a 6-foot minimum width parkway), transit facilities and access connections to internal bikeway and public accessways.
 - ii. Lake Herman Road improvements between A Boulevard and the northbound 680 freeway ramps including modifications to the intersections to mitigate the additional traffic to be generated by *all phases* of this project. Improvements must include 2 to 4 thru lanes, separate left and right turn lanes, raised median islands, striped bike lanes, sidewalks on both sides (separated by a 6-foot minimum width parkway) and access connections to internal bikeway and public accessways.
 - iii. New internal street improvements (A Blvd. and the extension of Park Rd.) for the *first phase* of this project to provide for a minimum 48-foot curb-to-curb width with 2-thru lanes, striped two-way turn medians, 10-foot wide concrete bike/ped paths on both sides (separated by a 6-foot minimum width parkway) and transit facilities.
 - iv. New street lighting with decorative pole standards (as specified in Mitigation Measure VIS-4a) along both sides of each new internal street (*first phase*), within the raised median along both sides of E. 2nd St, and along both sides of Lake Herman Road (between A Boulevard and the northbound 680 freeway ramps).
 - v. New traffic signal installations and intersection modifications at East 2nd St./Park Rd., East 2nd St./Lake Herman Rd., and Lake Herman Rd./680 freeway northbound and southbound ramps in accordance with the mitigation measures in the EIR.
 - vi. New intersection improvements incorporating a roundabout design or other alternate traffic control design as approved by the Director of Public Works/City Engineer for Lake Herman Rd./A Blvd and A Blvd./Park Rd. internal road extension.
- g. Submit a complete set of landscape/irrigation plans for those improvements required for the first phase of this project which must include:
- i. Landscaped medians along East 2nd St. (between Channel Road Bridge and Lake Herman Road).
 - ii. Landscaped parkway strips along both the north sides of East 2nd St. (same limits between Industrial Way and Lake Herman Road).

- iii. Perimeter landscaped areas along edges of new onsite roadways and along East 2nd St. (same limits between Industrial Way and Lake Herman Road).
 - iv. Landscaped areas within common areas, bike paths, accessways as approved by the Community Development Director.
 - h. Submit a complete set of bikeway and public accessways plans for those improvements required for the first phase of this project which must include:
 - i. Class I bikeway (10-foot wide concrete bike/ped path) bikelanes along the north both sides of East 2nd St. (between the Channel Road Bridge and Lake Herman Road.
 - ii. Class II bikelanes along both sides of Lake Herman Road (between Reservoir Road and East 2nd St.).
 - iii. Class I bikeways and offstreet accessways within the *first phase* showing connections to the surrounding sidewalks, pathways and accessways.
 - i. Include all necessary easements and dedications on the final map to accommodate the onsite public improvements necessary for this project and provide all necessary easement/right-of-way documents to accommodate the offsite public improvements necessary for this project including, but not limited to, street, utilities, water, sewer, drainage, public accessways (bikes, peds, etc.), open space, and landscape/irrigation improvements.
 - j. Enter into a subdivision improvement agreement with the City incorporating the requirements for the *first phase* of this project including the installation of the public improvements outlined above; payment of all necessary plan check and inspection fees; payment of a \$10,000 non-refundable cleanup deposit; posting all necessary bonds and securities; and providing the proper indemnification and hold harmless guarantees.
99. Prior to approval and recordation of the final map for the *second phase* of this project, the applicant must:
- a. Submit a complete set of overall "rough" grading plans accompanied by a soils/geotechnical report and a storm water pollution prevention program (SWPPP) utilizing best management practices (BMP's) for the "rough" grading work required for *second and third phases* of this project. The applicant City must complete require the "rough" grading work for the *second and third phases* and the drainage area to the north of A Blvd. ~~to be completed with the second phase.~~ The applicant must also a complete set of "finish" grading plans (as necessary) accompanied by a soils/geotechnical report, erosion control plans and storm water pollution prevention plans for the grading required for the *second phase* of this project.
 - b. Submit a complete set of water system improvement plans for the onsite distribution system improvements required for the *second phase* of this project.

- c. Submit a complete set of sewer system improvement plans for the onsite collection system and the connections to offsite lines required for the *second phase* of this project.
- d. Submit drainage system improvement plans for the site-specific pipeline and bio-swale improvements required for the *second and third phases* of this project. All detention facilities, improvements within the common lot areas, and off-site improvements required to mitigate the overall stormwater flows for the *second and third phases* must be installed as part of the “rough” grading improvements *second phase*. The site specific pipeline and bio-swale systems to serve each phase must be installed as part of the “finish” grading for that phase *second and third phases*.
- e. Submit a complete set of street improvement plans for the improvements required for the *second phase* of this project which must include:
 - i. Construction of the new Industrial Way connection (East 2nd St. to A Blvd.) to provide for a minimum 70-foot wide curb-to-curb width with 2- 4-thru lanes and raised median islands, separate left and right turn lanes, 10-foot wide concrete bike/ped paths on the west both sides and 4-foot wide concrete sidewalk on the east side (each separated from the curb by a 6-foot minimum width parkway), transit facilities and access connections to internal bikeway and public accessways.
 - ii. ~~Construction of the new Industrial Way connection (A Blvd. to Lake Herman Rd.) to provide for a minimum 48-foot wide curb to curb width with 2 thru lanes, striped two-way turn medians, 4-foot wide concrete sidewalks on the east side and 10-foot wide concrete bike/ped path on the west side (each separated by a 6-foot minimum width parkway) and access connections to internal bikeway and public accessways.~~
 - iii. Demolition of the ~~entire necessary~~ length of Reservoir Road including but not limited to the removal of all pavement, structures, drainage facilities, and base material to return the roadway area to a natural condition in accordance with the approved “rough” grading plan for this project.
 - iv. ~~Lake Herman Road widening improvements between Reservoir Road and the westerly city limits to provide for safe shoulders and new Class II striped bikelanes while maintaining the roadway’s 2-lane rural curvilinear alignment.~~
 - v. The applicant may ~~choose to defer~~ the installation of items 99(e)ii, 99(e) iii and 99(e)iv, until the *fourth phase* of this project by repaving (including necessary reconstruction of all substandard roadbase) shall repave the entire length of Reservoir Road between A Blvd. and Lake Herman Road (including necessary reconstruction of all substandard road base) to the satisfaction of the Director of Public Works/City Engineer so that the roadway to remains in operation until the new Industrial Way connection is completed before the first certificate of occupancy on the fourth phase of this project.

- vi. Provisions for a 60-foot right-of-way with grading improvements to accommodate a future roadway and bikeway connection to Channel Road (12% maximum grade) near the vicinity of Lot 64.
- vii. Construction of remaining portions of A Blvd., to provide for a minimum 48-foot curb-to-curb width with 2-thru lanes, striped two-way turn median, 10-foot wide concrete bike/ped paths on both sides (separated from the curb by a 6-foot minimum width parkway) and transit facilities.
- viii. New internal street improvements for the *second phase* of this project to provide for a minimum 48-foot curb-to-curb width with 2-thru lanes, a striped two-way turn median, sidewalks on both sides (separated from the curb by a 6-foot minimum width parkway) and transit facilities.
- ix. New street lighting with decorative-pole standards as specified in Mitigation Measure VIS-4a along both sides of each new internal street (*second phase*) and along both sides of the new Industrial Way connection (between E. 2nd St. and Lake Herman Road).
- x. New traffic signal and intersection installations and/or modifications at East 2nd St./Industrial Way, East 2nd St./Rose Dr., Park Rd./Industrial Way, Park Rd./Bayshore Rd., Industrial Way/680 freeway northbound and southbound ramps, and Bayshore Rd./680 freeway northbound and southbound ramps in accordance with the mitigation measures in the EIR.
- xi. New intersection improvements incorporating a roundabout design or other alternate traffic control design as approved by the Director of Public Works/City Engineer for Lake Herman Rd./Industrial Way and at A Blvd./Industrial Way.
- xii. New pedestrian/school crossing safety enhancements for the intersection of East 2nd St./Hillcrest Ave. as approved by the Director of Public Works/City Engineer.
- f. Submit a complete set of landscape/irrigation plans for those improvements required for the *second phase* of this project which must include:
 - i. Landscaped medians along the new Industrial Way connection (East 2nd St. to A Blvd.): to provide additional landscaping in compliance with Mitigation Measure VIS-1.
 - ii. Landscaped parkway strips along both sides of the new Industrial Way connection (East 2nd St. to Lake Herman Rd.).
 - iii. Perimeter landscape areas along edges of new onsite roadways and along the new Industrial Way connection between East 2nd St. and Lake Herman Rd.
 - iv. Landscaped areas within common areas, bike paths, accessways as approved Community Development Director.
- g. Submit a complete set of bikeway and public accessways plans for those improvements required for the *second phase* of this project which must include:

- i. ~~Class I bikeway (10-foot wide concrete bike/ped path) alongside the new Industrial Way connection between East 2nd St. and Lake Herman Rd. located a minimum distance of six (6') ten (10) feet behind the new Industrial Way west curb line. May defer the installation of this bikeway until fourth phase of this project if Reservoir Road is repaved per Condition No. 99(e)v.~~
 - ii. Class I bikeway and offstreet accessway connections between the existing sewer access roadway westerly of Channel Rd. to connect with the new sidewalks and bikelanes on East 2nd St. and to Channel Rd.
 - iii. Class I bikeways and offstreet accessways within the *second phase* showing connections to the surrounding sidewalks, pathways and accessways.
- h. Include all necessary easements and dedications on the final map to accommodate the onsite public improvements necessary for this project and provide all necessary easement/right-of-way documents to accommodate the offsite public improvements necessary for this project including, but not limited to, street, utilities, water, sewer, drainage, public accessways (bikes, peds, etc.), open space, and landscape/irrigation improvements.
- i. Enter into a subdivision improvement agreement with the City incorporating the requirements for the *second phase* of this project including the installation of the public improvements outlined above; payment of all necessary plan check and inspection fees; payment of a \$10,000 non-refundable cleanup deposit; posting all necessary bonds and securities; and providing the proper indemnification and hold harmless guarantees.

100. Prior to approval and recordation of the final map for the each *succeeding phase* of the project, the applicant must:

- a) Submit a complete set of "rough" and "finish" grading plans (as necessary) accompanied by a soils/geotechnical report, erosion control plans and storm water pollution prevention plans for that phase.
- b) Submit a complete set of water and sewer system improvement plans for that phase.
- c) Submit a complete set of drainage system plans accompanied by a hydraulic study for that phase.
- d) Submit a complete set of street improvement plans including, but not limited to, street pavement, sidewalks, bikeways, street lights, traffic signals, median islands, transit facilities and landscape/irrigation improvements for that phase.
- e) Enter into a subdivision improvement agreement with the City incorporating the requirements for that phase including the installation of the necessary public improvements; payment of all necessary plan check and inspection fees; payment of a \$10,000 non-refundable cleanup deposit; posting all necessary bonds and securities; and providing the proper indemnification and hold harmless guarantees.

- f) Submit a set of improvement plans for the following improvements that must be required as part of the *fourth phase* of this project:
- i. New traffic signal and intersection modifications at the intersections of East 2nd St./Rose Dr. and East 2nd St./780 freeway eastbound and westbound ramps in accordance with the mitigation measures in the EIR.
 - ii. Installation of additional onsite storage and pumping facilities and connection to the main service line from the city water treatment plant with connections to the distribution systems required for the remaining phases of this project.
 - iii. Construction of the new Industrial Way connection (A Blvd. to Lake Herman Rd.) to provide for a minimum 48-foot wide curb-to-curb width with 2-thru lanes, striped two-way turn medians, 4-foot wide concrete sidewalk on the west-east side and 10-foot wide concrete bike/ped path on the east-west side (each concrete separated from the curb by a 6-foot minimum width parkway) and access connections to internal bikeway and public accessways.
 - iv. Demolition of the entire remaining length of Reservoir Road including, but not limited to, the removal of all pavement, structures, drainage facilities, and base material to return the roadway area to a natural condition in accordance with the approved "rough" grading plan for this project. ~~Lake Herman Road widening improvements between Reservoir Road and the westerly city limits to provide for safe musters and new Class II striped bikelanes while maintaining the roadway's 2-lane rural curvilinear alignment.~~
 - v. Lake Herman Road widening improvements between Reservoir Road and the westerly city limits to provide for safe shoulders and new Class II striped bikelanes while maintaining the roadway's 2-lane rural curvilinear alignment.
 - vi. ~~Class I bikeway alongside the new Industrial Way connection between East 2nd St. and Lake Herman Rd. located a minimum distance of ten (10) feet behind the new Industrial Way curb line.~~

101. Prior to the issuance of a grading, encroachment and/or building permit for the applicable phase of the project:

- a) The grading, erosion control and storm water pollution prevention plans must have been reviewed and approved by the Director of Public Works/City Engineer.
- b) The water and sewer system improvement plans must have been reviewed and approved by the Director of Public Works/City Engineer.
- c) The drainage system plans and hydraulic study must have been reviewed and approved by the Director of Public Works/City Engineer.
- d) The street improvement plans must have been reviewed and approved by the Director of Public Works/City Engineer.
- e) The landscape/irrigation plans must have been reviewed and approved by the Community Development Director.

- f) The project applicant must file a "Notice of Intent" with the Regional Water Quality Control Board and must prepare a Storm Water Pollution Prevention Plan with Monitoring Program for review and approval by the Director of Public Works/City Engineer.
- g) All water system improvements for the first initial phase (reservoir, pump station, distribution system with hydrants) must be completed, tested and operational prior to the issuance of the first building permit so that adequate water supply with minimum fire flow requirements is provided before any structure is under construction. All water system improvements for each subsequent phase must be completed prior to the issuance of the first building permit for that phase.

102. Prior to the issuance of a certificate of occupancy for the first building on the applicable phase of the project (per BMC Section 16.36.100):

- a) All public improvements (except for water system improvements with earlier completion times per Condition #101g) required for that phase must be completed and accepted by the City Council.
- b) The "as built" plans and final soils/geotechnical reports must be submitted and approved by the Director of Public Works/City Engineer for all improvements and grading required for that phase.
- c) All landscape/irrigation improvements must be completed and accepted by the Community Development Director.
- d) All damaged pavement, sidewalk, curb, landscaping, utilities or other public improvements within, ~~or~~ adjacent to or serving that phase of the project must be repaired by the applicant to the satisfaction of the Director of Public Works/City Engineer
- e) All necessary easement/right-of-way documents required for that phase must be executed and recorded at the County.
- f) All necessary legal documentation establishing the Property Owner Association for ongoing maintenance of all open space, drainage systems and landscape/irrigation improvements must be executed and recorded at the County.
- g) All building improvements must be completed and accepted by the Building Official on the initial building permit.

103. Other Public Works Conditions also required for this project: ~~must include:~~

- a) Connections to any existing public storm drain, sewer or water line will must require prior approval by the Director of Public Works/City Engineer and will only be considered after the project applicant provides an engineering analysis for the City's review on both the capacity and condition of the existing public system to accept the impacts from the system proposed for this project. Any deficiencies or capacity constraints must be corrected by the project applicant before any connection is approved.
- b) Project applicant must be required to underground all existing overhead utilities along the frontages of the project limits including East 2nd St., Reservoir Rd. and Lake Herman Road in accordance with the

- requirements of the Benicia Municipal Code BMC Section 16.36.020 (G). The timing of the undergrounding of overhead utilities must be in conjunction with the street improvements required for each phase of this project.
- c) Sight distances at all street intersections and at the driveways intersecting public streets must conform to the standards established by the Institute of Transportation Engineers and as approved by the Director of Public Works and City Engineer.
 - d) Project applicant must obtain written approval from all applicable agencies or utility companies before any existing easement or right-of-way may be considered for vacation abandonment.
 - e) All water, sewer, drainage, street and other public infrastructure required to serve each phase of development must be completed by no later than 24 months from the approval of the final map for the initial year of development of that phase (per BMC Section 16.36.100) and prior to the issuance of the first certificate occupancy for that phase except when earlier completion times are required by applicable provisions of the Benicia Municipal Code (BMC), Benicia Engineering Standard Plans and Design Criteria, any City policy or specific plan, mitigation measures for this project and these Conditions of Approval.
 - f) The project applicant must pay the City for the cost to hire a professional engineer selected by the City with expertise in flood control and stormwater quality/management techniques to review the significant grading and drainage plans, the SWPPP, the proposed pre- and post-construction best management practices (BMP's) and to perform inspections during implementation. The project may receive a credit toward a portion of the inspection fees beyond the cost for standard City inspection as approved by the Director of Public Works/City Engineer.
 - g) The project applicant must assign a project construction manager and prepare a construction management plan for review and approval by the Director of Public Works/City Engineer prior to the issuance of any permit for this project. This plan must include, but not be limited to, truck route requirements, scheduling/time restrictions for trucks and construction traffic, working hour restrictions, noise mitigation measures, street sweeping, provisions for worker parking, staging areas, storage areas and a process for responding to and tracking complaints.
 - h) All construction traffic for this project must access the site from the 680 freeway at the Lake Herman Road or Bayshore/Industrial Road interchanges and must only travel along Bayshore Road, Park Road, Industrial Way, East 2nd St. (north of Industrial Way) and Lake Herman Road (east of A Boulevard) to the project site. Any violations of this restriction must be cause for the issuance of a stop work order on applicable permits issued for this project.
 - h)i) During construction of the project, the applicant must make periodic improvements to area roadways impacted by the construction traffic including pothole repairs, street section repairs, cleanup of debris and other street section damages as determined by the Director of Public

Works/City Engineer. Upon completion of each phase of construction, the project applicant must pay the City for the cost to hire a street pavement expert selected by the City to assess the condition of the area streets impacted by construction and to determine the appropriate mitigation measures and/or impact fee to be assessed to the project applicant with the final determination to be made by the Director of Public Works/City Engineer in accordance the mitigation measures included in the EIR.

- ~~h)j)~~ During construction of the project, the applicant must implement the necessary controls to minimize the air quality impacts including, but not limited to, dust control/watering all active areas twice a day (minimum), covering all dirt/rock hauling trucks, sweep area streets twice a day (minimum), covering dirt/rock stockpiles, installing erosion control measures and other mitigation measures as stipulated in the EIR.
- ~~h)k)~~ The project applicant must ensure that the entire project site has been fully characterized by the appropriate regulatory agencies for the presence of military ordnance and hazardous materials prior to the start of any earthwork and site development activities. The project applicant will must be responsible for any remediation action required in accordance with the mitigation measures included in the EIR.
- ~~h)l)~~ The project applicant must ensure that the City's existing water main transmission pipelines within and adjacent to the site are properly located and clearly marked prior to the start of any earthwork and site development activities in accordance with the mitigation measures included in the EIR.
- ~~l)~~ The project applicant must be responsible for the cost to extend Benicia Transit to the project site including all capital costs (buses, shelters, turnouts, signage, etc.) and one year in operating costs with the timing for implementation as determined by the City.
- m) The project applicant must provide a 7-acre minimum site for a future City corporation yard in Phase 2 of the project at the southeast corner of Industrial Way and A Boulevard in accordance with the mitigation measures included in the EIR, and graded with a slope greater than 1% and no more than 5% must be designed so that existing water transmission mains are not impacted and will not require relocation.

~~The project applicant must receive no credits on the required city impact fees (including traffic, sewer, water) for this project on improvements the project applicant is required to install to mitigate the impacts from this project as identified in the mitigation measures in the EIR and listed in these Conditions of Approval. The city impact fees are required to pay for those additional citywide improvements required to mitigate the impacts from cumulative development, including this project.~~

Fire Requirements

- 104. Additional fire protection requirements may be indicated on the final building plans when submitted.

105. No portion of any structures shall be more than 150 feet from an approved access roadway. Where a fire apparatus access roadway is required, a minimum of 20'-0" clear width and 13'-6" vertical clearance must be provided. All private access roadways in excess of 150 feet in length must be constructed with a maximum grade of 16% with a traffic index of 4, and provide an approved turn around area.
106. Unless otherwise waived by the Fire Marshall, a fire alarm system installed in accordance with the Uniform Fire Code, Section 1007, will be required for each structure. A permit for the installation of the system must be secured from the Fire and Life Safety Division prior to work commencing.
107. Portable fire extinguishers must be provided for each structure. Fire Extinguisher size and locations to be approved by the Fire Department.
108. The water system for fire protection must provide a minimum of ~~1,750~~ 5000 gallons per minute or more (as determined by the Fire Marshall) with a minimum residual main pressure of 20 psi for a two-hour duration. Fire flow test data must be provided by the Fire Department, at the expense of the developer, prior to the issuance of a building permits. Additional fire flow test data reports may be required during the course of construction and/or prior to final acceptance of the project.
109. Standard fire hydrants must be installed for this project. All fire hydrants must be operable and accessible by means of an approved paved road per Uniform Fire Code, Sections 901 and 902, prior to any combustible construction occurring on site. Hydrants must be installed in accordance with City Engineering Standards. All fire hydrants must be located as approved by the Fire Department.
110. Structures must be equipped with an automatic fire sprinkler system in accordance with the Benicia Municipal Code and the Uniform Building Code. A permit for the installation of the system must be obtained from the Fire and Life Safety Division prior to work commencing. Private fire protection water systems must be supplied through an approved back flow device per City Engineering Standards. The location of the back flow device and the fire department connections must be approved by Community Development, Public Works and the Fire Department.
111. Structures must be provided with a non-combustible or fire retardant roof in accordance with Benicia Municipal Code.
112. Smoke detectors must be installed in accordance with City Ordinance and the Uniform Building Code.
113. Tenant improvement plans must be submitted to the Fire and Life Safety Division for approval prior to construction.
114. Structures must be in compliance with the applicable sections of the California Fire Code and California Building Code, Titles 19 and 24.

115. Water plans for any water system supplying fire protection must be attached with the building plans for review and must include the location of all appliances, components and layout of the system prior to the issuance of a building permit. Private fire protection water systems must be supplied through an approved back flow device per City Engineering Standards. The location of the back flow device and the fire department connections must be approved by Community Development, Public Works and the Fire Departments.

EIR Mitigation Measures

116. Mitigation Measure GEO-1: Prior to the issuance of any site-specific grading or building permit a final design-level geotechnical investigation report must 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 must determine the project site's geotechnical conditions and address potential seismic hazards such as seismic shaking. The report must recommend foundation techniques appropriate to minimize seismic damage. In addition, the geotechnical investigation must conform to the California Division of Mines and Geology (CDMG) recommendations presented in the Guidelines for Evaluating Seismic Hazards in California, CDMG Special Publication 117. All subsequent parcel-specific development and building plans must comply with the California Building Code (Seismic Zone 4) requirements, or requirements superseding California Building Code requirements. In addition, future development plans must comply with the requirements of the final design-level geotechnical investigation report unless superseded by a parcel-specific design-level geotechnical investigation report. All mitigation measures, design criteria, and specifications set forth in the geotechnical reports must be followed.

117. Mitigation Measure GEO-2a: Prior to the issuance of a site-specific grading permit, a final design-level geotechnical investigation, to be prepared by licensed professionals and approved by the City of Benicia Planning and Building divisions, must include measures to ensure potential damages related to expansive soils are minimized. Mitigation options 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.

118. Mitigation Measure GEO-2b: Prior to the issuance of any site-specific building permit, designs of all common landscaped areas must be reviewed and approved by the City of Benicia Community Development Department. The designs of all common landscaped areas must incorporate low water-need plantings to minimize the potential for damage associated to pavements, utilities, and structures from expansive soils. The use of similar landscaping must be encouraged at individual 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 must be prepared by the applicant and provided to all occupants of the proposed commercial and industrial facilities.

119. Mitigation Measure GEO-3a: Prior to the issuance of any site-specific grading or building permit, a final design-level geotechnical investigation, to be prepared by licensed professionals, and approved by the City of Benicia Public Works Department, must include measures to ensure potential damages related to long-term deformation and deep cuts and fills are minimized or eliminated by adoption of best industry practices as related to these conditions. In addition, the geotechnical investigation must make a determination as to the effect such work may have on the stability of materials underlying the proposed 1,000,000-gallon water tanks and the offsite water tank and other facilities of the City of Benicia Water Treatment Plant. The applicant must incorporate all recommendations of the final geotechnical investigation report regarding mitigation of potential effects associated with cut and fill into the project design.
120. Mitigation Measure GEO-3b: Prior to the issuance of any site-specific grading or building permit, the applicant must establish a self-perpetuating slope maintenance program (to be managed by a project site Business Owners Association or similar entity), to be reviewed and approved by the City of Benicia Public Works Department. The self-perpetuating slope maintenance program must include annual inspections of slopes, debris benches, and v-ditches. Any accumulation of slope detritus on the benches or in the v-ditches must be promptly removed. The association would also be responsible for repair of any slope failures that may occur on the cut slopes of the project site. An annual report documenting the inspection and any remedial action conducted must be submitted to the Planning and Building Divisions of the Community Development Department and the Engineering Division of the Public Works Department for review and approval. Approval by the City of Benicia City Engineer is required with respect to the Grading and Erosion control requirements of the City of Benicia Municipal Code Section 15.28.040 – Hazards (or its successor).
121. Mitigation Measure GEO-4a: Prior to the issuance of any site-specific grading or building permit, a final design-level geotechnical investigation report must be prepared and submitted to the City of Benicia Planning and Building divisions for review and confirmation that the proposed project fully complies with the California Building Code (Seismic Zone 4). The applicant must incorporate all recommendations of the final geotechnical investigation report regarding mitigation of slope instability into the project design.
122. Mitigation Measure GEO-4b: All grading plans, cut and fill slopes, compaction procedures, and retaining structures must 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

must be submitted to, and approved by, the City of Benicia prior to implementation.

123. Mitigation Measure GEO-4c: The 40-scale grading plans, when prepared, must be reviewed by a registered professional engineer, to ensure that the detailed plans conform to the intent of the preliminary geotechnical report.

124. Mitigation Measure GEO-5: The project must be designed so that the proposed development will accommodate the potential flooding associated with accidental or earthquake-induced release of water from the Water Treatment Plant or water tank reservoirs. Prior to issuance of a building or grading permit, the project sponsor must retain a hydrologist to review final project grading and drainage plans to ensure that flooding would not endanger human health or property on the project site. The hydrologist's findings must be reviewed and approved by the City of Benicia Public Works Department.

125. Mitigation Measure HYDRO-1: As a condition of approval of the final grading and drainage plans for the project, a final detailed design-level hydraulic analysis must be submitted to the City of Benicia detailing that implementation of the proposed drainage plans will conform to the following standards or include the following components:

- 1) The project sponsor must pay the cost of the City to hire a professional engineer with expertise in flood control and stormwater quality/management techniques to review the significant grading and drainage plans, the SWPPP, and proposed post construction BMPs and implementation, and to perform inspections.
- 2) The project must result in no increase peak in runoff rates from any subareas and no increase in combined peak runoff volumes from subareas draining to the same downstream conveyance component (i.e. reductions in one subarea can offset increases in another subarea, if they drain to the same downstream conveyance, so long as total peak flows are not in excess of current flow levels). The final drainage plan for the project must be prepared by a licensed professional engineer.
- 3) Include drainage components that are designed in compliance with City of Benicia standards. The grading and drainage plans must be reviewed for compliance with these requirements by the City of Benicia Department of Public Works. Any improvements deemed necessary by the City must be part of the conditions of approval.
 - i. The sponsor must establish a self-perpetuating drainage system maintenance program (to be managed by a project site Business Owners Association or similar entity), that includes annual inspections of sedimentation basins, drainage ditches, and drainage inlets. Any accumulation of sediment or other debris must be promptly removed. An annual report documenting the inspection and any remedial action conducted must be submitted to the City of Benicia Department of Public Works for review.

126. Mitigation Measure HYDRO-2: The sponsor must prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the proposed project. The SWPPP must include:

- 1) *Specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants.* These controls must include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g. fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP must specify properly designed centralized storage areas that keep these materials out of the rain. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors must conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list must be specified in the SWPPP.

The SWPPP must specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. City of Benicia personnel must conduct regular inspections to ensure compliance with the SWPPP. If grading must be conducted during the rainy season, the primary BMPs selected must focus on erosion control (keeping sediment on the site). End-of-pipe sediment control measures (e.g. basins and traps) must be used only as secondary measures. If hydro-seeding is selected as the primary soil stabilization method, then hydroseeded areas must be seeded by September 1 and irrigated to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site must be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities must be designed to be accessible and functional both during dry and wet conditions.

- 2) *Measures designed to mitigate post construction-related pollutants.* The SWPPP must include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. The specific BMPs that would be required of a project can be found in San Francisco Bay Regional Water Quality Control Board Staff Recommendations for New and Redevelopment Controls for Storm Water Programs. The selection of required BMPs for a specific project is based on the size of the development and the sensitivity of the area. In general, areas near surface waters (i.e. creeks, lakes, or the Bay) are considered sensitive areas by the RWQCB. Passive, low-maintenance BMPs (e.g. grassy swales, porous pavements) are preferred over higher maintenance BMPs (e.g. sedimentation basins, fossil filters). The funding for long-term maintenance needs must be provided by the project sponsor (the City will not assume maintenance responsibilities for these features). Design of stormwater management features in open space areas must also incorporate recommendations in *Start at the Source: Design Guidance Manual for Stormwater Quality Protection* (Bay Area Stormwater Management Agencies Association, 1999).

In addition, some of the individual industrial businesses (depending on the type of activity) that operate within the project site may be subject to regulation under the General Industrial Activities Storm Water Permit administered by the RWQCB. These businesses would be required to file a Notice of Intent (NOI) to comply with General Permit, conduct site inspections, collect runoff samples, and file annual reports.

127. Mitigation Measure HYDRO-3: Implement Mitigation Measures HYDRO-1 and HYDRO-2.

128. Mitigation Measure HAZ-1: The contractor overseeing grading and project site development must prepare and implement a spill prevention plan for potentially hazardous materials to be used during site development activities. The plan must be prepared and submitted to the City for review and approval by the Planning and Building Divisions of the Community Development Department and the Engineering Division of the Public Works Department prior to the issuance of a grading permit. The plan must designate an on-site employee responsible for plan implementation and include types and quantities of hazardous materials, anticipated equipment needs and maintenance, temporary hazardous materials storage areas, emergency response procedures for hazardous materials releases (including the provision for spill kits), and procedures for contacting regulatory agencies in the event of a hazardous materials release. The plan must specify that all equipment be inspected for leaks immediately prior to construction and regularly inspected thereafter, and must prohibit equipment cleaning and repair (other than emergency repairs) within the project site. The spill prevention plan may be included as part of a Storm Water Pollution Prevention Plan and implementation of Best Management Practices (see Mitigation Measure HYDRO-2).

129. Mitigation Measure HAZ-2a: The project sponsor must ensure that a lead-based paint and asbestos survey (including the analysis of suspect materials, as appropriate) is prepared by a qualified environmental professional for all buildings to be demolished. This survey must be submitted to the City prior to the issuance of any demolition permit. If asbestos-containing materials are determined to be present, the materials must be abated prior to demolition by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District (BAAQMD). If lead-based paint is identified, the paint must be removed by a qualified lead abatement contractor. Specifications developed for the demolition activities must include the proper packaging, manifesting, and transport of demolition wastes by trained workers to a permitted facility for disposal, in accordance with local, State, and Federal requirements.

130. Mitigation Measure HAZ-2b: The project sponsor must ensure that a health and safety plan is prepared and implemented by a qualified environmental professional for all workers involved in building removal or demolition

activities. The purpose of the health and safety plan must be to mitigate potential exposure of workers to asbestos, lead-based paint, or other hazardous building materials, if present. The plan must specify training and certification requirements, air monitoring requirements, personal protective equipment for workers, engineering controls and work practices, housekeeping procedures, hygiene facilities, medical surveillance requirements, project monitoring/supervision, required permits, and other items for protection of workers involved in demolition activities, and public health protection as required by local, State, and Federal requirements. The health and safety plan must be included in the demolition specifications prepared as part of Mitigation Measure HAZ-2a.

131. Mitigation Measure HAZ-2c: Containers of potentially hazardous materials identified during the site reconnaissance visits must be removed prior to site development activities. Prior to removal, the containers must be examined by a qualified environmental professional, and if the containers are found to contain material, samples of the material must be collected by environmental personnel for purpose of profiling the material prior to transport. Analysis of samples must be conducted by a California-certified laboratory, under chain-of-custody procedures. Once the contents of the containers have been profiled, the container with its contents must be removed from the site by an environmental professional and transported to an appropriate facility for recycling or disposal, as appropriate, in accordance with local, State, and Federal requirements for hazardous waste management. The project sponsor must ensure that documentation regarding the removal of any containers of hazardous materials from the project site is reviewed by the City of Benicia Planning and Building divisions, prior to issuance of a grading permit.
132. Mitigation Measure HAZ-2d: Other hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes and computer displays, must be managed and disposed of by the demolition contractor in accordance with the applicable hazardous waste regulations. The demolition specifications (see Mitigation Measure HAZ-2a) must include provisions for appropriate off-site disposal of these materials in accordance with applicable regulations.
133. Mitigation Measure HAZ-3a: The contractor must prepare and implement a fire prevention and preparedness plan during site development activities. The plan must be prepared prior to the start of earth working activities at the site and must be reviewed and approved by the City of Benicia Fire Department prior to issuance of a building permit. The plan must designate an on-site employee responsible for plan implementation and include potential fire hazards; on-site fire prevention measures during construction (e.g. parking of vehicles away from flammable materials, availability of fire extinguishers, preventing idling of vehicles, use of spark arrestors on heavy equipment); emergency response procedures for fires, including evacuation routes and places of safe refuge; and, procedures for contacting emergency responders in

the event of a fire. Workers involved in site development activities must receive training in these procedures at the start of site development activities. The fire prevention and preparedness plan may be prepared as part of other required plans.

134. Mitigation Measure HAZ-3b: The project sponsor must comply with requirements for maintaining fire breaks, and other fire protection regulations of the Uniform Fire Code.
135. Mitigation Measure HAZ-4a: The project sponsor must ensure that the entire project site has been fully characterized for the presence of ordnance and explosives (OE) and hazardous materials prior to the start of earthwork activities and site development activities (in accordance with General Plan policies 4.7.3 and 4.7.5). The site characterization may be based on previous investigations completed and/or new investigations completed by a qualified environmental professional. Past land uses of the property with potential hazardous materials or OE uses must be considered in characterizing the site. The site characterization must occur under the oversight of a regulatory agency (e.g. SCEHS or DTSC), and must demonstrate that the site will not pose an unacceptable human health or safety risk to construction workers or future site occupants based on the proposed land use (e.g., Cal/EPA California Human Health Screening Levels for hazardous materials for commercial/industrial uses, or risk-based Benicia Screening Levels for soil). Criteria for determining whether the site poses an unacceptable human health or safety risk must be approved by the regulatory oversight agency. A report documenting characterization of the site must be prepared by a qualified environmental professional and submitted to the regulatory oversight agency and City prior to acquiring a site grading permit. Any remediation actions required to achieve the health and safety criteria above must also be overseen by the selected agency, and must be completed prior to site development by a qualified environmental professional. Specific remedies would depend on the extent and magnitude of contamination and requirements of the regulatory agency. Requirements of the regulatory oversight agency for site remediation must also be adhered to, including preparation of a health and safety plan, an assessment of health impacts associated with excavation activities, identification of standards that may be exceeded by any remedial actions (including dust levels), management of wastes removed, and risk of public upset must there be an accident during site remediation activities. Site remediation activities must be completed and certified by the regulatory oversight agency prior to application for a site grading permit (in accordance with General Plan Policy 4.7.7).
136. Mitigation Measure HAZ-4b: If any known or suspected ordnance or explosives are encountered during earthwork activities on-site, construction in that area must be immediately halted and all personnel must vacate the area. The contractor must then contact the 911 emergency system to report the emergency and request assistance. Ordnance and explosives discovery

procedures must be documented by the contractor prior to the start of earthwork activities, posted in the work area, and discussed with all on-site personnel prior to work on the site. (These procedures may be developed as part of other required plans, see mitigation measures discussed above). The local responding agency (e.g. Benicia Police Department or Fire Department) must contact the Sacramento District of the Army Corps of Engineers and Department of Toxic Substances Control to assist in removal of any identified OE, and to determine if further action is needed prior to the time that site development work resumes in the area. Work must not resume in the affected area until the area it is deemed safe to do so by the local responding agency, and/or the Sacramento District of the Army Corps of Engineers and Department of Toxic Substances Control.

137. Mitigation Measure HAZ-4c: If contaminated soil is encountered or suspected during site development activities (through soil discoloration or odor), all work must halt in the immediate area and personnel must immediately vacate the area and notify Solano County Environmental Health Services (SCEHS). Soil samples must be collected by a qualified environmental professional (e.g. registered geologist, professional engineer) prior to further work in the area. The samples must be submitted for laboratory analysis by a State-certified laboratory under chain-of-custody procedures. The analytical methods must be selected by the environmental professional based on the suspected contamination and consideration of historical land uses of the site and any previous analyses completed for soil samples collected in the areas, if applicable. The analytical results must be provided to SCEHS and reviewed by a qualified environmental professional. The professional must provide recommendations, as applicable, regarding soil management, worker health and safety training, and regulatory agency notifications, in accordance with local, State, and Federal requirements. Work must not resume in this area(s) until these recommendations have been implemented under the oversight of SCEHS.
138. Mitigation Measure HAZ-4d: The contractor involved in site grading and site development activities must ensure that underground pipelines (e.g. the water pipelines associated with the Benicia Water Treatment Plant) 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 that can be implemented in the event utilities are ruptured must be developed by the contractor; these procedures must be reviewed and approved by the City Engineering Division of the Public Works Department, prior to implementation. On-site workers must be trained in how to implement these procedures. (These procedures may be developed as part of other plans required by the mitigation measures discussed above).
139. Mitigation Measure BIO-1: Prior to site development, a tree report must be prepared by an arborist or biologist to identify the location, size, and health of

trees on the site, and the trees that would be preserved and removed during construction of the project. The report must also specify measures to protect all preserved trees during construction, including through the creation of Tree Protection Zones. The sponsor must apply for a Tree Permit for the removal of all protected trees. As part of the Tree Permit, an arborist or biologist must 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 is required for the replacement of one mature tree. Mitigation for the removal of protected red willow trees along the stream channels and wetlands must be implemented in conjunction with the wetland mitigation measures as described in Mitigation Measure BIO-2a.

140. Mitigation Measure BIO-2a: The project sponsor must obtain the appropriate Federal and State permits authorizing fill of wetlands or waters and must provide copies of the permits to the City prior to issuance of a grading permit. All work in jurisdictional areas and non-jurisdictional waters of the State must be in compliance with all terms and conditions of the permits.
141. Mitigation Measure BIO-2b: The project sponsor must implement the wetland mitigation and monitoring plan prepared by Sycamore Associates as mitigation for impacts to jurisdictional wetlands and waters of the United States, and implement the recommendations and revisions to the original mitigation plan in the subsequent mitigation feasibility report prepared by WRA. The mitigation plan and recommendations of the feasibility report are incorporated into this mitigation measure by reference and together are referred to as the mitigation plans. The plan details the mitigation design, wetland planting design, maintenance and monitoring requirements, reporting requirements, and success criteria. This plan must be approved by the U.S. Army Corps of Engineers (USACE) and the City prior to implementation. As detailed in the mitigation plans, created wetlands must be monitored for a minimum of 5 years. Annual monitoring of each site must include: 1) observation of existing and developing problems and recommendations for remedial actions; 2) an assessment of creation of wetland habitats; 3) a formal wetland delineation in year 5; 4) notation of invasive exotic species; 5) measurement of willow survival; and 6) photo-documentation. Monitoring visits must be made in the winter and spring of each year and quantitative data must be collected in the spring. Annual reports must be submitted each fall to the Corps and the City for review. At the end of the 5-year monitoring period, the Corps and the City must review the reports and determine if the success criteria have been met. If the success criteria have not been achieved at the end of the 5-year monitoring period, remedial measures must be identified in consultation with the City and USACE. Remedial measures could include grading, planting, seeding, exotic/invasive vegetation control, and/or an extension of the maintenance or monitoring period. Remedial measures must be implemented by the project sponsor.

142. Mitigation Measure BIO-2c: A contractor education program must be created and initiated by the project restoration specialist prior to the initiation of ground disturbing activities. The purpose of this program must be to inform the contractors about the mitigation measures being implemented onsite, the biology and life history of special-status species that may be present, the areas to be preserved and avoided during construction, and the measures being implemented to avoid the impacts to these species during construction. During construction, wetlands to be preserved must be clearly marked with flagging and/or construction fencing. During construction in the vicinity of jurisdictional wetlands and non-wetland waters of the United States, the project restoration specialist must conduct periodic site visits (once every week or once every two weeks, depending on the level of activity) to provide direction and ensure protection of sensitive resources and permit compliance.
143. Mitigation Measure BIO-2d: During project construction, no material must be allowed to enter or be stored in any wetlands that are to be preserved. Project related dirt and other material must 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 must be installed around the preserved feature to prevent soil from entering the wetland or drainage. Silt fencing must be installed at the least 5 feet from the edges of preserved wetlands and drainages. Silt fencing must also be installed around preserved features whenever earthmoving activities or material stockpiling occurs within 20 feet of a preserved feature. All equipment washing must occur downslope from preserved wetlands to prevent the runoff from entering the preserved wetlands. Berms or other barriers must be constructed outside of preserved wetlands or drainages to prevent wash water runoff from entering the preserved wetlands.
144. Mitigation Measure BIO-2e: A conservation easement (or similar restriction) must be established over the preserved and created wetlands to preserve these wetlands in perpetuity. A designated public agency, conservation group, or open space organization must hold the easement to ensure retention of the wetland mitigation site (including the mitigation wetlands and the associated uplands) in perpetuity as wetland habitat.
145. Mitigation Measure BIO-2f: The project sponsor must 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 mitigation and monitoring plan. The project sponsor must also provide a long-term funding mechanism for the maintenance of the wetlands in the conservation easements in perpetuity.
146. Mitigation Measure BIO-3: Prior to construction of the project, a survey must be conducted for pappose tarplant, to locate and map any individuals of

this species on the site and to estimate the population size. If pappose tarplant is found on the site, then the following standards and procedures must be implemented. If feasible, impacts to these plants must be avoided completely. If complete avoidance is not possible, the extent of impact will be minimized to the extent possible by the proposed development project. The project sponsor and City, in consultation with a qualified botanist, must determine the feasibility of implementing avoidance measures and must develop and implement those measures based on the botanist's recommendations and field assistance. Avoidance measures include redesigning the project footprint, avoiding changes in the hydrology of the plants' habitat, fencing the existing plants with ESA fencing prior to construction and establishing a buffer zone, and training construction personnel to identify this species. Long-term avoidance measures must also be developed to ensure the long-term stability of the population. If impacts to pappose tarplant are unavoidable, the project sponsor must develop and implement a salvage and recovery plan for individuals prior to initiation of construction activities on the site. The mitigation, which must be prepared by a qualified botanist experienced in the development and implementation of native plant restoration, mitigation, and management plans, must include the following:

- Salvage and/or recovery requirements, including clearly defined goals focusing on plant establishment (stability, succession, reproduction) and non-native species control measures.
- Locations and procedures for restoration/replanting of salvaged plant material including seeds. Onsite relocation in the undeveloped areas of the site must be considered if suitable habitat for this species is present.
- The project sponsor must document the progress/success of the revegetation effort, subject to approval by CDFG. If the revegetation is not successful, an additional period of correction and monitoring must be specified.
- Specification of a 5-year post-construction maintenance and monitoring program by a qualified restoration team to ensure that the project goals and performance standards are being met. The monitoring program must include provision for remedial actions to correct deficiencies, as needed. After 5 years, the species relocation must be considered successful if the number of plants that were removed on the site is successfully established at the mitigation site at a minimum of a 1:1 ratio. Annual reports and a final report prepared by the project sponsor and subject to approval by CDFG must document the progress/success of the revegetation effort. If the revegetation is not successful, an additional period of correction and monitoring must be specified.
- The project sponsor must provide and secure a source of funding for this salvage and monitoring operation.
- The mitigation must be considered a success if for the last 3 years of the 5-year monitoring program, the numbers of pappose tarplants has remained above the number of individuals that were adversely affected by the project (1:1 mitigation). The populations must show no sign of

decline during this period. In addition, for at least the last 4 out of 5 monitoring years, the growth of grass, presence of thatch, and growth of weeds must not hinder tarplant plants. Grazing is a potential management tool to reduce competition from non-native grasses and weeds. If the mitigation is unsuccessful after 5 years because the number of tarplants is less than a 1:1 ratio during the last 3 monitoring years (Years 3, 4 and 5), then monitoring could be continued for a 6th year if it is feasible that a 1:1 ratio could be achieved for Years 4, 5, and 6. If the lack of success after 5 years suggests that a 6th year of monitoring is not warranted, off-site mitigation land that supports this species must be purchased. The purchase of these lands must be approved by the City or CDFG.

147. Mitigation Measure BIO-4a: Surveys to assess the presence of Pacific Pond Turtles must be conducted in the vicinity of the onsite stream channels. The surveys must be conducted to identify basking sites and potential nesting areas and must occur during the spring or summer when the turtles are active and observable. Surveys must be conducted in the spring or summer prior to the start of construction and the issuance of a building or grading permit. If pond turtles are present, measures must be implemented to avoid turtles during construction and relocate any turtles found in work areas. A pre-construction survey must be conducted no more than 48 hours prior to ground disturbing activities within areas inhabited by turtles. Areas inhabited by turtles must be fenced and avoided during construction activities. If pond turtles are observed within the construction area at any time, a qualified biologist must move the turtles to a safe location at least 500 feet from the construction zone. Turtle relocations must be approved by CDFG and carried out by a qualified biologist.

148. Mitigation Measure BIO-4b: Protocol-level surveys for California Red-Legged Frogs must be conducted according to the August 2005 protocol in all areas of the site that provide suitable habitat for this species. The results of the surveys must be provided to the City at the same time that the survey results are provided to the USFWS and CDFG. Surveys for Pacific Pond Turtles may be conducted at the same time as the surveys for Red-Legged Frogs. If no Red-Legged Frogs are observed during the survey, no additional mitigation beyond the protection and avoidance measures stipulated below and those stipulated in permits issued by the USACE, USFWS, and CDFG must be required. If California Red-Legged Frogs are observed on the site during the surveys, the project sponsor must develop and implement a USFWS-approved mitigation plan to compensate for the loss of red-legged frog habitat on the site. The mitigation plan must provide mitigation at a ratio of 3:1 for all adversely affected habitat (either direct or indirect) and must provide a buffer of 300 feet around all preserved aquatic habitats onsite. Detailed protection measures must be included in the plan. The plan must also identify a secure funding source to provide for the maintenance of mitigation sites in perpetuity. All mitigation sites must be placed in a conservation easement to

preserve the sites as wildlife and plant habitat in perpetuity. The easements must be held by CDFG, or the City of Benicia. The sponsor must provide evidence of compliance with the mitigation requirements of the USACE, USFWS, and CDFG prior to issuance of a grading permit.

149. Mitigation Measure BIO-4c: If no California Red-Legged Frogs are observed during the surveys, and the USFWS and CDFG concur with the findings of the surveys, then the sponsor must comply with protection measures required by the USACE, USFWS or CDFG. At a minimum, the following protection measures must be implemented.

- A qualified biologist must monitor all construction or ground disturbing activities within 300 feet of suitable red-legged frog aquatic habitat.
- Immediately prior to ground disturbance or construction activities in areas with aquatic habitats or within 300 feet of aquatic habitats, a qualified biologist must survey the work area for California Red-Legged Frogs.

If Red-Legged Frogs are found within the work area, all work must cease and the occurrence must be reported immediately to the City, USFWS and CDFG. Work onsite must resume only when authorized by the USFWS. If Red-Legged Frogs are found, a report must be prepared at the end of each construction season detailing the results of the monitoring effort. The report must be submitted to the City by November 30 of each year.

150. Mitigation Measure BIO-5a: A qualified biologist must conduct raptor and passerine nest surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities on the site to locate any active nests on or immediately adjacent to the site. Preconstruction surveys must 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 for nesting raptors must be conducted on a minimum of 3 separate days during the 14 days prior to disturbance. Preconstruction surveys must be repeated at 30-day intervals until construction has been initiated in the area. Locations of active nests must be described and protective measures implemented. Protective measures must include establishment of clearly delineated (i.e. orange construction fencing) avoidance areas around each nest site that are a minimum of 500 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 must be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance. These protection measures must remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. A report must be submitted to the City at the end of the construction season documenting the observations made during monitoring.

151. Mitigation Measure BIO-5b: A preconstruction survey must be conducted no more than 30 days prior to demolition or removal of the abandoned barn. If no owls are observed, then demolition or removal may proceed. If Barn Owls (or

other owls species) are observed during the preconstruction survey, a determination must 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, any work on or demolition of the structure must 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 must ensure that all owls have left the building prior to 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 must be fenced and designated off-limits to prevent entry into the buildings.

152. Mitigation Measure BIO-6a: Preconstruction surveys must be conducted for Burrowing Owls prior to site preparation, grading and construction. These surveys must conform to the survey protocol established by the California Burrowing Owl Consortium. Preconstruction surveys must 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 must also apply:

- a) If Burrowing Owls are found onsite, they must be avoided to the extent practicable, as determined by the City in consultation with the California Department of Fish and Game. A clearly defined area (i.e. an area demarcated by orange construction fencing) must be established around each Burrowing Owl burrow to be avoided. No disturbance must occur within 50 meters (approx. 160 feet) of occupied burrows during the non-breeding season of September 1 through January 31 or within 75 meters (approximately 250 feet) during the breeding season of February 1 through August 31.
- b) If Burrowing Owls occur at the project 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 must be undertaken according to the current protocol established by the CDFG. Artificial burrows must 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).
- c) If Western Burrowing Owl occurs at the project site and construction would begin during the breeding season (February through August), then

a buffer of a radius of 75 meters (approximately 250 feet) must be established around any burrows containing owls.

- d) Removal of Burrowing Owls at the project site must conform to the requirements of CDFG's Staff Report on Burrowing Owl Mitigation. This must entail establishing 6.5 acres of suitable habitat for each pair of Burrowing Owls displaced from the project site. These 6.5 acres must be adjacent to an area already used by Burrowing Owls. The replacement mitigation site must be preserved in perpetuity for use as Burrowing Owl and wildlife habitat. An endowment for management and monitoring the site must also be established.

153. Mitigation Measure BIO-6b: As an alternative to purchasing land as mitigation for Burrowing Owls, the sponsor may purchase credits at a CDFG-approved mitigation bank authorized to sell credits for Burrowing Owl mitigation. The number of credits to be purchased must be equivalent to purchasing 6.5 acres per pair or single bird observed on the site. The final mitigation requirement must be determined following the completion of the protocol-level survey. The sponsor must provide the City with evidence of completion of the mitigation or purchase of mitigation credits prior to the issuance of a grading permit.

154. Mitigation Measure BIO-7: A qualified biologist must conduct surveys of the grassland habitat onsite to identify any badger burrows. These surveys must be conducted no sooner than 2 weeks prior to the start of construction. Impacts to active badger dens must be avoided by establishing exclusion zones around all active badger dens, within which construction related activities must be prohibited until denning is complete or the den is abandoned. A qualified biologist must monitor each den once per week in order to track the status and inform the project sponsor of when a den area has been cleared for construction. Surveys for badger dens may be conducted at the same time as Burrowing Owl surveys.

155. Mitigation Measure BIO-8a: Preconstruction surveys for bat roosts must be conducted in all buildings or trees that will be removed or modified. The survey must take place no more than 30 days prior to construction/demolition/removal activities. Preconstruction surveys must be repeated if demolition or construction activities are delayed more than 30 days.

156. Mitigation Measure BIO-8b: If a bat roost is found in a building or tree cavity, the species of bat using the roost must be identified and methods to encourage the bats to leave the roost or to prevent them from returning to the roost must be implemented prior to roost removal. A mitigation plan must be developed to specify the methods to be used and the timing of the activities, and this mitigation plan must be submitted to the City for review and approval.

157. Mitigation Measure BIO-8c: Materials from roost sites must be salvaged, when feasible, to be used in the construction of artificial roosts.

158. Mitigation Measure BIO-8d: If special-status bats (i.e. Pallid Bat, Pale Townsend's Big-Eared Bat) are found onsite, and the roost would be destroyed during development, an artificial roost must be provided for the bats. The roost must be constructed and placed onsite prior to removal of the original roost. A mitigation plan specifying the construction details and siting of the structure must be prepared and approved by the City and CDFG prior to removal of the existing roost. The sponsor must 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 must be provided to the City within 1 month of completion of the artificial roost. The plan must be completed and implemented prior to the issuance of the grading permit.

159. Mitigation Measure BIO-8e: Removal of maternity roosts for special-status bats must be coordinated with CDFG prior to removal. Maternity roosts for any species of bat, either common or special-status, must not be demolished until the young are able to fly independently of their mothers.

Note: prior conditions 160-169 were deleted for redundancy with renumbered 160-169

160. Mitigation Measure TRANS-11: The project sponsor must install and pay for the following improvement without Transportation Impact Fee credits: Signalize the intersection of East 2nd Street, Park Road and the new access road: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure NB approach to provide two exclusive left-turn lanes, and one through-right lane. Reconfigure SB approach to provide two exclusive left-turn lanes and one through-right lane. Reconfigure EB approach to provide one shared through-right lane, and one exclusive left-turn lane. Reconfigure WB approach to provide one shared through-left lane, and one exclusive right-turn lane.

161. Mitigation Measure TRANS-12: The project sponsor must install and pay for the following improvement to East 2nd Street and Industrial Way without Transportation Impact Fee credits: Reconfigure SB approach to provide one exclusive left-turn lane, one through lane, and two exclusive right-turn lanes. Reconfigure EB approach to provide two exclusive left-turn lanes, one through lane, and one exclusive right-turn lane. Reconfigure WB approach to provide one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.

162. Mitigation Measure TRANS-13: The project sponsor must install and pay for the following improvement to East 2nd Street and Rose Drive without Transportation Impact Fee credits: Reconfigure SB approach to provide two through lanes, and one exclusive right-turn lane. Reconfigure NB approach to

provide two exclusive left-turn lanes, and two through lanes. Reconfigure EB approach to provide one exclusive left-turn lane, one shared left-right lane, and one exclusive right-turn lane.

163. Mitigation Measure TRANS-14: The project sponsor must install and pay for the following improvement to East 2nd Street and the I-780 Westbound Ramps without Transportation Impact Fee credits: Reconfigure NB approach to provide one exclusive left-turn lane, one through lane, and one exclusive through-right lane. Reconfigure SB approach to provide one exclusive left-turn lane, one shared through-right lane, and one exclusive right-turn lane.

164. Mitigation Measure TRANS-15: The project sponsor must install and pay for the following improvement to East 2nd Street and the I-780 Eastbound Ramps without Transportation Impact Fee credits: Reconfigure WB approach to provide one left-turn lane, and one free right-turn lane.

165. Mitigation Measure TRANS-16: The project sponsor must install and pay for the following improvement to Lake Herman Road and the extension of Industrial Way without Transportation Impact Fee credits: Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours.

166. Mitigation Measure TRANS-17: The project sponsor must install and pay for the following improvement to Lake Herman Road and East 2nd Street without Transportation Impact Fee credits (although signalization improvements may be eligible for a Transportation Impact Fee credit):

The following improvement was recommended for Cumulative Conditions:

Signalize the intersection of Lake Herman Road and East 2nd Street as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours.

In addition, the following improvement is recommended for Cumulative Plus Project Conditions:

- Widen Lake Herman Road from the intersection of A Street/Lake Herman Road to the intersection of Lake Herman Road/I-680. Reconfigure the NB approach to provide one shared through-left lane, and two right-turn lanes. Reconfigure the EB approach to provide one exclusive left-turn lane, one through lane, and one through-right lane. Reconfigure the WB approach to provide two exclusive left-turn lanes, one through lane, and one through-right lane.
- Implementation of the identified improvements would result in this intersection operating at an acceptable LOS B and LOS D with delays of 19.3 and 36.4 seconds for the AM and PM peak hours, respectively. This improvement must be included in a comprehensive plan to improve the operation of the I-680/ Industrial Way/Lake Herman Road interchange complex, consistent with the goals and policies of the City's General Plan.

167. Mitigation Measure TRANS-18: The project sponsor must install and pay for the following improvement to Lake Herman Road and the I-680 Southbound Ramps without Transportation Impact Fee credits: Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. Widen Lake Herman Road from the intersection of A Street/Lake Herman Road to the intersection of Lake Herman Road/I-680. Reconfigure WB approach to provide one exclusive left-turn lane, and one through lane. This improvement must be included in a comprehensive plan to improve the operation of the I-680/Industrial Way/Lake Herman Road interchange complex, consistent with the goals and policies of the City's General Plan.
168. Mitigation Measure TRANS-19: The project sponsor must install and pay for the following improvement to Lake Herman Road, the I-680 Northbound Ramps and Goodyear Road without Transportation Impact Fee credits: Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. Widen Lake Herman Road from the intersection of A Street/Lake Herman Road to the intersection of Lake Herman Road/I-680. Reconfigure NB approach to provide one exclusive left-turn lane, and one shared through-right lane. Reconfigure EB approach to provide one exclusive left-turn lane, one shared through-right lane, and one exclusive right-turn lane. Reconfigure WB approach to provide one exclusive left-turn lane, and one shared through-right lane. This improvement must be included in a comprehensive plan to improve the operation of the I-680/Industrial Way/Lake Herman Road interchange complex, consistent with the goals and policies of the City's General Plan.
169. Mitigation Measure TRANS-20: The project sponsor must install and pay for the following improvement to Park Road and Industrial Way without Transportation Impact Fee credits: Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours.
170. Mitigation Measure TRANS-21: The project sponsor must install and pay for the following improvement to Park Road and Bayshore Road without Transportation Impact Fee credits: Reconfigure SB approach to provide two exclusive left-turn lanes, and one shared through-right lane. Reconfigure WB approach to provide one shared through-left lane, and two exclusive right-turn lanes.
171. Mitigation Measure TRANS-23 (as modified by the City Council): The project sponsor must be responsible for the cost to extend Benicia Transit (Benicia Breeze) to and within the project site. Current routes which connect Benicia with Pleasant Hill BART Station, Baylink Ferry Terminal, and other destinations in Solano County do not currently serve the project site. These costs must include all capital costs (i.e. buses, transit shelters, and signage) associated with build-out of the Benicia Business Park.

172. Mitigation Measure TRANS-24 (as modified by the City Council): The project sponsor must incorporate the following design elements and services into the proposed development plans to minimize potential pedestrian and bicycle facility impacts. Bicycle facilities would be developed along East 2nd Street and Industrial Way as part of the project.

- Pedestrian sidewalks connecting all major buildings and parking areas within the project site;
- Pedestrian routes between cul-de-sacs and adjacent parcels;
- Crosswalks at all areas where there may be potential pedestrian/vehicular conflicts;
- Bicycle racks at all building entrances, and shower facilities for bicyclists; and
- Incentives for individual buildings to contain showers and lockers, and secure indoor bicycle lockers;
- Sidewalks along East 2nd Street, A Street, and Industrial Way;
- Sidewalks along Lake Herman Road (between A Street and East 2nd Street); and
- Class I/II Bikeway along Lake Herman Road (between A Street and I-680);
- Class II/III Bikeway along Lake Herman Road (between Industrial Way and A Street);
- Class I Bikeway between East 2nd Street and Lake Herman Road in the project site;
- Class I Bikeway between Channel Road and East 2nd Street; and
- Parking and building leases at the Business Park must be “unbundled” (i.e. rents for building space and parking lots must be separate). Businesses at the Business Park that have 50 or more employees and provide employee parking on a free or subsidized basis must provide financial compensation to those employees who commute by means other than private automobile, in accordance with CA Health and Safety Code 43845.

173. Mitigation Measure TRANS-25: Prior to the issuance of each building permit, the project sponsor and construction contractor must 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 must develop a construction management plan for review and approval by the City Public Works Department. The plan must include at least the following items and requirements:

- 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.
- Provisions for accommodation of pedestrian flow.
- No construction traffic must be allowed on East 2nd Street south of Industrial Way, and on Lake Herman Road and Reservoir Road.
- 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.

174. Mitigation Measure TRANS-26: The project sponsor must 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 must be prepared in coordination with the City of Benicia, and must include the following provisions:

- Prior to implementation of the proposed project, the project sponsor must 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 must 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 pavement section damage.
- Upon completion of all or most of project construction activities, the project sponsor must identify any impacts to roadway conditions. The project sponsor must install improvements and/or pay an impact fee to mitigate any damage to the existing street pavements on East 2nd Street, Industrial Way, and Lake Herman Road to/from the project site caused by heavy construction traffic accessing the project site, as determined by the City Engineer.

175. Mitigation Measure AIR-1: Consistent with guidance from the BAAQMD, the following actions must be required of construction contracts and specifications for the project. The following controls must be implemented at all construction sites:

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses must be kept damp at all times, or must be treated with non-toxic stabilizers to control dust;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- 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;
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers must vacuum up excess water to avoid runoff-related impacts to water quality;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Apply non-toxic soil stabilizers to inactive construction areas;
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- Install baserock 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
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

176. Mitigation Measure AIR-2: The *BAAQMD CEQA Guidelines* identifies potential mitigation measures for various types of projects. The following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the project. The project must provide as many of the following measures as practicable:

- Provide transit facilities (e.g. bus bulbs/turnouts, benches, shelters).
- Provide bicycle lanes and/or paths, connected to a community-wide network.
- Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network.
- Provide secure and conveniently located bicycle storage.
- Implement feasible Trip Demand Management (TDM) measures, including a ride-matching program, coordination with regional ridesharing organizations and provision of transit information.

The implementation of an aggressive trip reduction program with the appropriate incentives for non-auto travel can reduce project impacts by approximately 10 to 15 percent. A reduction of this magnitude would not

reduce PM₁₀ or ozone precursor emissions to levels below the BAAQMD significance threshold. There is no mitigation available with currently feasible technology to reduce the project's regional air quality impact to a less-than-significant level.

177. Mitigation Measure NOI-1a: During all project site excavation and on-site grading, the project contractors must equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
178. Mitigation Measure NOI-1b: The project contractor must place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
179. Mitigation Measure NOI-1c: The construction contractor must locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
180. Mitigation Measure NOI-1d: The construction contractor must ensure that all general construction related activities are restricted to the hours of 7:00 a.m. and 10:00 p.m.; with the exception of all excavating, grading, and filling activity, which must be restricted to the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.
181. Mitigation Measure NOI-2a: For all hotels built at the project site that include outdoor activity areas, **one** (or more) of the following measures must be implemented:
- All hotel outdoor activity areas must be located so that they are completely sheltered by the hotel building from direct exposure to both Lake Herman Road and East 2nd Street; or
 - All hotel outdoor activity areas must be located at a distance greater than 93 feet from the centerline of the outermost travel lane of Lake Herman Road and also at a distance greater than 122 feet from the centerline of the outermost travel lane of East 2nd Street; or
 - A sound barrier at least 8-foot-high must be constructed around all outdoor hotel activity areas that are located within 57 feet of the centerline of the outermost travel lane of the East 2nd Street roadway segment; a 6-foot-high sound barrier must be constructed around all outdoor activity areas located between 57 feet and 122 feet from the centerline of the outermost travel lane of the East 2nd Street roadway segment.
182. Mitigation Measure NOI-2b: If a sound study confirms that the interior noise level without sound-attenuated ventilation systems would exceed the City's standards, sound-attenuated ventilation systems, such as air conditioning,

must be installed in all buildings that require good speech intelligibility (as outlined in sub-note 5 of Table IV.I-4) for buildings located as follows:

- Within 199 feet from the centerline of the outermost travel lane of Lake Herman Road; and
- Within 263 feet from the centerline of the outermost travel lane of East 2nd Street.

183. Mitigation Measure NOI-2c: For existing unprotected residential and school land uses along East 2nd Street from I-780 to Rose Drive, **one** (or more) of the following measures must be implemented:

- A sound barrier at least 8-feet high must be constructed along the property/right-of-way line of sensitive receptors along this roadway segment; or
- Rubberized asphalt must be used to resurface the entire identified roadway segment.

184. Mitigation Measure VIS-1: The sponsor must develop a detailed landscape plan that includes landscape screening designed to protect views from public roadways, including Lake Herman Road and I-680. The landscape plan must also address the project's effect on views from the residential neighborhood to the southwest of the project site. Final landscaping plans must include provisions for street and site tree plantings that would be designed to at least partially screen views of the buildings from off-site viewpoints within 5 years of planting. The final landscaping plan must be reviewed and approved by City staff.

185. Mitigation Measure VIS-2a: Implement Mitigation Measure VIS-1.

186. Mitigation Measure VIS-2b: The final building designs must include wall articulation and varied rooflines. Prior to the approval of a building permit for an individual building at the project site, the City of Benicia Planning Department must ensure that building plans include variations in exterior wall depth, varied rooflines, appropriate buildings materials and colors and the use of landscaping to break up continuous walls through the City's Design Review process.

187. Mitigation Measure VIS-3a: Both water tanks must be set on graded pads set 30 feet into the hillsides so that the tops of the water tanks are not visible from Lake Herman Road.

188. Mitigation Measure VIS-3b: The proposed water tanks must be painted an earth tone color, such as clay or sienna, that blends into the adjacent landscape. The color must be subject to approval by City staff prior to the issuance of building permits for the tanks.

189. Mitigation Measure VIS-3c: The water storage tanks must be screened by native vegetation. Trees must be planted to obscure at least 50 percent of the water tanks within 10 years of final project build out. A 20-foot buffer between the vegetation and tanks would be required to maintain access to the tanks. The trees must be properly planted and maintained by the project sponsor or its successor-in-interest.
190. Mitigation Measure VIS-4a: Prior to the approval of the first Development Plan for the site subsequent to the approval of the Master Plan, the project sponsor must submit for City staff review the proposed lighting fixtures that will be used for security lighting, street lighting, lighting in parking lots and along sidewalks or paths throughout the project site. The fixtures must be selected to minimize light and glare spillover into areas outside of the project site and must be to the satisfaction of City staff. The detailed manufacturer's specifications must be provided for the proposed fixtures. A variety of fixture types may be used, provided that each is approved by City staff. Additionally, the project sponsor must submit the proposed maximum height of any poles to be used for security, street or parking lot lighting. City staff may require photometric analysis if necessary to properly evaluate the proposed lighting.
191. Mitigation Measure VIS-4b: All exterior lighting fixtures mounted on buildings must be hooded and downward-directed to minimize spillover light and glare onto adjacent properties.
192. Mitigation Measure VIS-4c: No flood lighting of buildings, landscaping or signs must be permitted unless expressly approved as part of a Development Plan or Design Review approval in which City staff has made a determination that such lighting can occur without adverse light and glare impacts.
193. Mitigation Measure CULT-1a: Lot plans for the project site must be designed to avoid impacts to BBP-2. The design must employ impact avoidance strategies as described in 14 CCR §15126.4(b)(3)(B)(2-3) by either: (1) incorporating BBP-2 and a 25-foot buffer around its known boundary in project area open space, thus providing for its protection from future ground disturbance; or (2) capping BBP-2 and a 25-foot buffer around its known boundary with at least two feet of chemically neutral fill devoid of cultural debris and a layer of geofabric between the fill and the surface of the site and buffer zone area. Prior to placing BBP-2 in open space or capping the deposit, archaeological boundary definition excavation must be conducted to identify the limits of subsurface deposits and features and assist in establishing protective measures. If option #2 (capping) is selected, the location of BBP-2 and the 25-foot buffer must be recorded on the tentative map prior to final permit approval, and no ground-disturbing construction must occur below the depth at which the fill meets the original ground surface.
194. Mitigation Measure CULT-1b: In accordance with the recommendations presented the *Benicia Business Park Cultural Resources Assessment* (prepared

by Ric Windmiller in November 2006), the following actions must be taken prior to project construction if avoidance or capping as described in Mitigation Measure CULT-1a is not feasible. The applicant must undertake archaeological excavation to document and analyze BBP-2. Must significant subsurface architectural features or archaeological deposits be encountered during the exploratory excavation, the applicant must document such finds as necessary to recover a representative sample of the data that justify the California Register eligibility of BBP-2. The level of documentation necessary must be determined in the field depending on the results of the initial exploratory excavation and based on the professional judgment of the archaeologist conducting the work. Documentation may include, but is not limited to: a detailed recording on California Department of Parks and Recreation Form 523 Records and/or data recovery excavation. If data recovery excavation is the selected approach, the work must satisfy the requirements and objectives of a research design prepared for the data recovery pursuant to 14 CCR §15126.4(b)(3)(C). Any mitigation documentation must be conducted by, or under the direction of, an archaeologist listed in the Register of Professional Archaeologists.

Note: Either Measure CULT-1a or Measure CULT-1b must be implemented.

195. Mitigation Measure CULT-2: If human remains are encountered by project activities, construction activities must be halted and the County Coroner notified immediately. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist must be contacted to evaluate the situation. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. As part of the archaeological assessment, immediate consultation must be undertaken with the City. The archaeologist must recover scientifically-valuable information, as appropriate, and in accordance with the recommendations of the MLD. Upon completion of such analysis and/or recovery, the archaeologist must prepare a report documenting the methods and results of the investigation. This report must be submitted to the City, the project applicant, and the NWIC.

196. Mitigation Measure CULT-3: A qualified paleontologist must monitor initial project ground-disturbing construction below the soil layer (i.e., below the bottom of the soil layer approximately, which is approximately 2.5-3.5 feet below the original ground surface). The paleontologist must then determine the appropriate level of monitoring needed based on the sensitivity of the area in which construction is occurring. Appropriate levels of monitoring may include continuous monitoring, periodic spot checks, or no further monitoring. Monitoring must continue in accordance with the recommendations of the paleontologist. The paleontological monitor must be empowered to halt construction activities at the location of a discovery to

protect the find while it is being evaluated. If significant fossil resources are recovered, they must be curated at an appropriate facility (e.g., University of California Museum of Paleontology). Upon completion of paleontological monitoring, a report must be prepared documenting the methods and results of the monitoring. The report must be submitted to the project proponent and appropriate City agencies.

197. Mitigation Measure CULT-4a: If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery must be redirected and a qualified archaeologist contacted to assess the find, record the find on Department of Parks and Recreation (DPR) Form 523 (at the discretion of the archaeologist), and make recommendations for the find's treatment. If feasible, such deposits must be avoided by project activities. If avoidance is not feasible, the find must be evaluated for its California Register eligibility. If the deposits are not eligible, avoidance is not necessary and work may continue in the area of the find. If the find is eligible, impacts to the find must be mitigated. Mitigation may include, but is not limited to, data recovery excavation, artifact curation, report preparation, and information dissemination to the public. Upon completion of the assessment and/or evaluation, the archaeologist must prepare a report documenting the methods and results of the archaeological assessment/evaluation, and provide recommendations for the treatment of the find. The report must be submitted to the project sponsor, appropriate City agencies, and the Northwest Information Center (NWIC).
198. Mitigation Measure CULT-4b: If paleontological resources are discovered during project activities, all work within 25 feet of the discovery must be redirected until a paleontological monitor has assessed the situation and made recommendations for their treatment. If feasible, the find must be avoided by project activities. If avoidance is not feasible, the paleontological find must be evaluated for its significance. If the find is not significant, avoidance is not necessary and work may continue in the area of the find. If the find is significant, impacts to the find must be mitigated. Paleontological mitigation may include, but is not limited to, data recovery, fossil curation, and information dissemination to the public. Upon completion of evaluation, as well as mitigation (if necessary), a report must be prepared documenting the methods and results of the paleontological investigation. The report must be submitted to the project sponsor and appropriate City agencies. For additional personnel and equipment must be provided by the City.
199. Mitigation Measure PUB-1a (as modified by the City Council): The project sponsor must set aside an appropriately-sized and located parcel and building space within the project site to accommodate new public services facilities required to serve the project. The parcel and building space must be large enough to include the facilities listed below:
- A new Fire Department sub-station facility, totaling a minimum of 2.5 acres, must be located along the Industrial Way extension, near the East

2nd Street intersection. The new sub-station must be constructed and made operational prior to the occupation of the first Pphase 1 and include a multi-purpose room for community meetings and training grounds. A total of 12 full-time firefighters would be required to staff the new sub-station. One fire engine and one brush truck would be required to equip the facility. Due to the life-hazard nature of the commercial components at the first phase of the project, fire and emergency medical services must be provided at the sub-station prior to occupation of project facilities. Funding for this facility must be provided by fees imposed on the proposed project. Funding for 50% of fire additional personnel and equipment must be provided each by the project and the City.

- ~~The A new Fire Police Department sub-sStation must include of 200- 800 to 400- 1000 square feet of office space for use by the Police Department, a multi-purpose room for community meetings, and training grounds. Funding for the five additional officers and administrative support and equipment must required to serve the commercial area of the project shall be provided by fees imposed on the proposed project the City. The Police Department office space must be constructed on the ground floor of a prominent building in the commercial area of the project and made operational prior to occupancy of the first Pphase-1.~~
- The project parcel must include a parcel of approximately 7 to 15 acres of land for the development of an auxiliary corporation yard. The corporation yard must include the types of facilities currently located in the existing corporation yard, as determined to be required by the Public Works Department, and must be funded via fees imposed on the proposed project. Funding for additional personnel and equipment must be provided by the City.

These facilities would include five police officers, two patrol cars, 12 fire fighters, a fire engine, a brush truck, and administrative support.

~~A Police Department office of 800-1,000 square feet on the ground floor of a structure within the commercial area of the project is preferred to location within the fire sub-station and is hereby recommended as condition of any project approval.~~

200. Mitigation Measure PUB-1b: Development plans for the proposed project must be subject to the following review:

- During the development review process, the Fire Department must be responsible for ensuring that the proposed project and subsequent individual site proposals are in conformance with locally-defined performance standards, including the Uniform Fire Code as adopted by the Benicia Fire Department, and California Building Code standards.
- The Fire Department must review detailed site plans for site access, road widths and turning radii, road grades, surfacing, load bearing capability, sprinkler systems, stand pipes, smoke detectors, and fire alarms, and

resistant landscaping in open areas adjacent to buildings within the project site.

- The City's Engineering Division and Fire Department must review the project during the development review process to ensure that adequate water supply is available to meet the minimum fire flow requirements for fire suppression.

201. Mitigation Measure UTIL-1: Construction of water supply infrastructure must be subject to the following measures:

- The main water storage and pumping facilities as required by the Benicia Public Works Department to provide domestic and fire service must be constructed and operational before the first phase of development begins. The main connections must be sized to serve the whole development and not upsized with each phase.
- All on-site water infrastructure improvements required to serve each phase of development must be constructed in the initial year of development of that phase.
- The sponsor must obtain City approval for each phase of development, including development of individual projects. Development plans for individual projects must only be approved when a dependable and adequate water supply is available to serve new development.
- The two new tanks shown on the project plans are located at different elevations, which would require two separate pressure zones. Pressure-reducing valve stations and zone valves must be required to allow the new zones to connect to the City's existing Zone 1 system in an emergency.

202. Mitigation Measure UTIL-2: Construction activities for the proposed project must be subject to the following measures:

- Final design of the proposed project must specify the appropriate depths at which grading and construction activities would be allowed in order to ensure the safety of the City's water supply and distribution system.
- Water lines must be rerouted or redundant lines installed by the sponsor if necessary to avoid impacts to the City's water supply distribution system.
- No work must be performed within 30 feet of the centerline of the City's water line until after improvement plans prepared by a registered engineer are submitted for review and approval by the City and a permit is issued by the City.
- Prior to issuance of a City permit, contingency plans must be submitted for review and approval by the City to address a potential accident during construction resulting in damage to the line.
- The sponsor must require that all construction activities are undertaken with the necessary precautions to avoid impacts to the City's water distribution system.

203. Mitigation Measure UTIL-3: Construction of sewer infrastructure improvements for the proposed project must be subject to the following measures:

- All on-site sewer infrastructure improvements required to serve each phase of development must be constructed in the initial year of development of that phase.
- Since the ultimate commercial and industrial users of the proposed project are unknown, the City must review each building permit application for information regarding flows and loads to ensure that wastewater flows do not exceed capacity, and to allow for the phasing of improvements.

204. Mitigation Measure UTIL-4: Prior to the issuance of building permits for Phase 1 of the proposed project, the project sponsor must fully fund and install all the required wastewater collection improvements to serve the project. Required improvements must consist of one of the stand-alone alternatives listed in the Benicia Business Park Sewer System Collection Analysis (October 16, 2006) prepared by Brown and Caldwell that solely serves the proposed project. Required improvements include the following:

- Replace the existing 8-inch west fork of the Industrial Park gravity sewer system with a new 18-inch sewer line.
- Replace the existing 8-inch force main with a new 16-inch force main that is cross-connected to the existing force main.
- Replace the existing PILS to operate at a new higher pressure to maximize capacity in both pipelines. Upgrade the PILS to meet the design criteria of the two pipelines.
- Increase maintenance of eastern fork of gravity sewer to reduce root intrusion and the long-term settlement of debris.
- A force main surge analysis must be performed prior to approval of final project design. Proposed improvements to the force main must be reviewed and approved by the City prior to installation.

205. Mitigation Measure DECAY-1: The land uses proposed for the Benicia Business Park and analyzed in this EIR include a maximum of 100,000 square feet of retail uses. This limitation on commercial development would preclude the establishment of big box retail uses (larger than 20,000 square feet per BMC 17.70.360) on the project site without additional evaluation. As identified in the EIR, a substantial increase in the amount of retail uses could increase the potential for urban decay in Benicia or other local commercial centers. If the project sponsor proposes to increase the amount of retail uses beyond 100,000 square feet, the project sponsor must provide the City with an updated economic analysis. The adequacy of the economic analysis must be subject to review and approval by the City's Director of Community Development, who may require revisions and additional analysis if he or she deems it appropriate. If the Director finds, based upon the economic analysis, that the additional retail uses could contribute to urban decay, the City and

project sponsor must develop a mitigation measure to reduce this impact to a less-than-significant level. If no effective and feasible mitigation measures are identified to reduce the potential urban decay impacts to a less-than-significant level, the City must conduct environmental review for the project changes that would allow for the adoption of a statement of overriding considerations and appropriate findings (e.g., a supplemental or subsequent EIR). A revised economic analysis must be similarly completed in conjunction with subsequent CEQA review of any changes to the project, if deemed necessary by the City.

206. Project Condition Oversight. The project applicant must pay the City for the cost to hire an independent third party to ensure compliance with all project conditions and all requirements of the project Mitigation Monitoring and Reporting Program.

**PUBLIC COMMENT SINCE
MAY 6, 2008 COUNCIL PACKET**

From: Anne Cardwell
To: Amalia Lorentz; Charlie Knox; Council; Jim Erickson
Date: 5/2/2008 5:20:31 PM
Subject: Fwd: FW: Important reports on economic potential of cleantech industry in Bay Area

Hi,

It looks like some of you already received this, but just in case...

thanks,
Anne

>>> Norma Fox <normafox@hotmail.com> 5/2/2008 4:46 PM >>>

Hi Anne,
Can you check and make sure that this email did get to the Council members.
Also, please forward it to any other interested persons, such as Jim Erickson, Amalia Lorentz, Charlie Knox, etc.
thanks very much,
Norma Fox

From: normafox@hotmail.com
To: epatterson@ci.benicia.ca.us; tcampbell@ci.benicia.ca.us; mhughes@ci.benicia.ca.us; mioakimedes@ci.benicia.ca.us; aschwartzman@ci.benicia.ca.us
Subject: Important reports on economic potential of cleantech industry in Bay Area
Date: Fri, 2 May 2008 16:41:01 -0700

.ExternalClass .EC_hmmessage P{padding:0px;} .ExternalClass body.EC_hmmessage{font-size:10pt;font-family:Tahoma;} Dear City Council members,

I've been doing some research on the economic potential of the emerging cleantech industry in the Bay Area and I've found some reports that I beg you to read.

(I'm just providing links to the reports rather than attached files. The link should open up the report (pdf) and you can either read it online or print it out. If the link doesn't work, let me know and I'll send the file itself or hand deliver it.) After reading these reports I'm convinced that it's imperative, for the healthy economic future of Benicia, that the Seeno project must begin with the industrial zone as Phase I (with a specific cleantech R&D focus), and not with the commercial zone.

After a 7-8 year build out of the commercial zone as Phase I, we will have missed out on our golden window of economic opportunity! It's all happening now, not 8 years from now (explosion of University R&D, spin off cleantech businesses, govt. initiatives and grants, venture capital, etc.). And we are perfectly situated, 40 min. from UC Davis and 40 min. from UCB, with acres of vacant land already zoned industrial, and a well matched employment pool, and relatively low cost housing, and good schools. (It might also give us a better shot at getting a ferry stop here.) This could be Benicia's golden egg. But only if we act now.

Remember that our 10-year Economic Development Strategy--adopted by Council last fall--does call for 'clean energy high-tech R&D uses in our industrial districts' in the next ten years (not commercial development there).

I really believe if we require Seeno to pay for a thorough and up to date economic analysis (such as this example of what Oakland did for their Gateway Development Area) comparing the projected economic viability of his current development scenario with the projected economic viability of a cleantech industrial/R&D campus (assuming Phase I begins with industrial/R&D), it would clearly show the later to be far more likely to be economically successful -given the context of today's current and future economic

pressures, constraints and opportunities.

The General Plan Policies on Sustainable Economy (Prog.2.5.c) calls for evaluating future uses on a cost/revenue basis for the long term. Apparently Seeno produced some sort of rosy economic analysis in 2006, based on old data, (which no one has ever seen) but it was never reviewed and vetted for accuracy by any independent financial expert or economist.

Would it be possible for the Council to require an up to date and professional economic analysis, with independent audit and verification, comparing the above Cleantech scenario to Seeno's proposed plan, before any project can be approved?

Anyway, here are the links to the reports. Think about what this could mean for Benicia's future and jobs for Benicians. Thanks for your time!

--Norma Fox

- 1) Clean Technology And the Green Economy, March 2008
http://www.labor.ca.gov/panel/pdf/DRAFT_Green_Economy_031708.pdf
- 2) Clean Energy Trends 2008 ,
March 2008
<http://www.cleantech.com/reports/pdf/Trends2008.pdf>
- 3) Innovative Energy Solutions from the SF Bay Area: Fueling a Clean Energy Future, June 2007
<http://www.bayeconfor.org/media/files/pdf/FuelingACleanEnergyFuture.pdf>
- 4) The Economic Development Potential of the Green Sector, June 2006
<http://repositories.cdlib.org/cgi/viewcontent.cgi?article=1086&context=lewis>

Windows Live SkyDrive lets you share files with faraway friends. Start sharing.
Stay in touch when you're away with Windows Live Messenger. IM anytime you're online.

Anne Cardwell - Signature Properties comment

From: Charlie Knox
To: Marilyn Bardet
Date: 5/6/2008 2:05 PM
Subject: Signature Properties comment
CC: Alan Schwartzman; Anne Cardwell; beniciafirst@googlegroups.com; Dan Healy; Elizabeth Patterson; Fred Railsback; Jim Erickson; Mark Hughes; Mike Ioakimedes; Tom Campbell

The item is scheduled for Sky Valley tomorrow night, and the committee's comments will be forwarded to the County.

If we did not have Sky Valley, staff would comment on environmental review for proposals in neighboring jurisdictions that comply with zoning.

The public is encouraged to participate at the Wednesday Sky Valley meeting; comments can also be made to the Planning Commission on Thursday at the start of the meeting.

Environmental analysis of the Business Park did not identify County ranchette development as a growth-inducing impact due to the zoning already allowing 1 unit/20 acres.

Had Signature required an EIR, Business Park buildout would have to be figured into the cumulative conditions analyses.

>>> Marilyn Bardet <mjbardet@sbcglobal.net> 5/5/2008 3:42 PM >>>

Dear Charlie,

Having just rec'd copies from Bob Berman and Sue Wickham of the recently issued initial study on the Signature Properties proposal for 8 ranchette estates on 170 acres north of Lake Herman: the project description does not discuss the fact that a new business park is planned by Seeno for land within a mile or so of the proposed rural residential site. Since we're in the midst of final council discussions on whether to accept or deny the current version of the Seeno project, and because we are just learning of the Signature Properties proposal-and public comment is due on the intial study by May 22-I can't imagine how this issue is not agendized as a subject affecting council's understanding of ALL the ramifications of the Seeno project.

The fact is, residents of "ranchettes", isolated out in the hills, would have to access Benicia for amenities, including the basics (groceries, services, etc.) So, the extension of Industrial Way that would intersect with Lake Herman Rd. would be the nearest way into our city... thus, the nexus with the Seeno project development, among other connections.

It's appalling to me that once again, LSA has been hired to do another environmental review whose analyses and recommendations shape our staff's thinking and what council hears, YET: there is no mention in the intial study for the Signatures Property of the plan for Seeno property, AND, there is no mention in the Seeno EIR of any planning for

VIII-A-79

residential on AG land north of Lake Herman Rd, within a mile of the Seeno project site. How can this be??

I can think of numbers of ways that this lack of basic cross referencing and cross-accounting for impacts would skew cumulative impact analyses by isolating discussion of each project. One example: the increased pressure on "uses" of Lake Herman recreation area and more loss of wildlife and habitat cumulatively. And since public concerns about the potential "growth-inducing" impacts of the Seeno project were virtually dismissed in the EIR, it is more than a little disturbing to discover that LSA itself would have known about the Signature Properties development, since they were hired to do the initial study.

Please enter these comments into the continuing record on file on Seeno project.

I would like to understand, from staff point of view, what's going on here with LSA, with the lack of comment on Sig Properties development, and the issue of cumulative impacts.

Thanks, as always,

Marilyn

VIII-A-80

Anne Cardwell - Fwd: Planning Commission Agenda 5/8/08

From: Charlie Knox
To: Anne Cardwell
Date: 5/5/2008 3:53 PM
Subject: Fwd: Planning Commission Agenda 5/8/08

>>> Marilyn Bardet <mjbardet@sbcglobal.net> 5/5/2008 1:48 PM >>>
Hello Charlie,
Could you please tell me why the "Signatures Property" proposal for 8 estate homes to be developed north of Lake Herman Rd.--on 170 acres across from Lake Herman, is not being agendaized for Planning Commission discussion on May 8, considering that a county-generated "neg dec" has been circulated (almost clandestinely?), and that few of us had heard about it until now, and the public comments are due May 22nd?

Also, I can't imagine that this housing proposal shouldn't have been evaluated as part of concurrent development project with Seeno project, in evaluating all sources of potential cumulative impacts (subject areas: water supply, growth-inducing development, urban sprawl, habitat loss, etc etc.)

I'm very alarmed. Could you please submit these comments into the record on the Seeno project for me?

Thank you,

--Marilyn

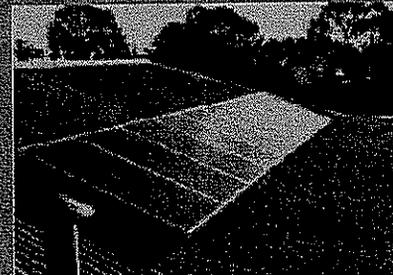
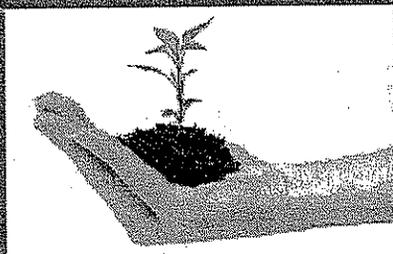
Begin forwarded message:

VIII-A-81

March 6, 2008 City Council Meeting

CLEAN TECHNOLOGY AND THE GREEN ECONOMY

Growing Products, Services, Businesses and Jobs in California's Value Network



DRAFT

MARCH 2008

Prepared for



Prepared by

COLLABORATIVE ECONOMICS

Doug Henton John Melville Tracey Grose Gabrielle Maor

From: Marilyn Bardet <mjbardet@sbcglobal.net>
To: Charlie Knox <Charlie.Knox@ci.benicia.ca.us>
Date: 5/7/2008 10:45:01 AM
Subject: For the Seeno official record, for council : Draft LUSCAT Report on transportation and landuse planning to meet AB32 requirements

Good morning Charlie,

This morning I've read several pdf files related to an upcoming special meeting to be held in Sacramento, May 14th, sponsored by the The Land Use Subgroup of the Climate Action Team (LUSCAT) to discuss ways in which land use planning and transportation strategies can address the problem of green house gas reductions required by AB32. This meeting will incorporate proceedings and findings of the Haagen Smit Symposium held in April, which dealt similarly with meeting AB32 requirements. Interestingly, one of the presenters at the symposium discussed the weaknesses in CEQA at getting at the problem of reducing greenhouse gas emissions.

I would like the full "Draft LUSCAT Report" entered into the record and distributed to Council members for discussion on May 20th. This report is available right now, (Acrobatg PDF, 83 pages, 857kb).

I also think it would be wise to send a staff member to this meeting, to bring back information to the city as to how AB32 can be best addressed with specific regard to the masterplan for the new version of the business park project.

Here's the link where you can find the LUSCAT Report:

CC: Tom Campbell <Tom.Campbell@ci.benicia.ca.us>, Alan Schwartzman <ams@advancedmtg.com>, Anne Cardwell <Anne.Cardwell@ci.benicia.ca.us>, Mark Hughes <MxH3@pge.com>, Mike Ioakimedes <Shoreline127@aol.com>, Dana Dean <dana@danadean.com>, <Beniciafirst@googlegroups.com>, Elizabeth Patterson <elopato@comcast.net>

<http://www.climatechange.ca.gov/luscat/meetings.html>

It's imperative that the masterplan reflect our General Plan's goal for sustainability in the context of AB32; and so, we must be able to establish through this review process those criteria that can best reduce the project's carbon footprint, especially with regard energy efficiencies and reduction in commute traffic overall. Obviously, we believe that it's imperative to recruit clean tech businesses that will take advantage of our educated community as an employment pool as one way to address the traffic problem.

--Marilyn

DRAFT

**LUSCAT Submission to
CARB Scoping Plan on
Local Government,
Land Use and
Transportation**

May 5, 2008

From: Marilyn Bardet <mjbardet@sbcglobal.net>
To: Charlie Knox <Charlie.Knox@ci.benicia.ca.us>
Date: 5/8/2008 11:08:44 AM
Subject: Rohnert Park offers model on sustainable development goals and strategy for city

Good morning, Charlie,

I've continued my research, looking for model examples of how to help our city attain criteria and standards for sustainable development, with regard to new development, especially Seeno business park and the approach of attaching conditions for approval.

Yesterday, I sent you a pdf that I wanted on record, the draft Land Use Subcommittee of Climate Action Team (LUSCAT)), which is the draft paper reviewing and recommending land use planning and transportation strategies for meeting AB32 greenhouse gas emissions reductions target. This particular paper is currently under review, and the public and all stakeholders are invited to the upcoming meeting in Sacramento, May 14th, to discuss further ideas, for final presentation to the Air Resources Board, (with comments due on the paper by May 21).

It so happens that one of the presenters at a previous Haagen Smit Symposium held in April, which supports the draft LUSCAT paper, was Jake Mackenzie, Mayor of the City of Rohnert Park. His powerpoint presentation, available on pdf (attached below) I would like entered into the official record on Seeno, and for Council's information on the use of development agreements to pin down strategies for assuring that greenhouse gas reductions called for by AB32 can be met by the Seeno project.

Rohnert Park has established a comprehensive set of goals and policies for achieving sustainability that I think offer the best model to follow, especially for new development: ("Applying sustainability to a major development", especially pages 18 - 45, on "Sonoma Mountain Village" project.) In this presentation is described how a development agreement can address sustainability goals for AB32.

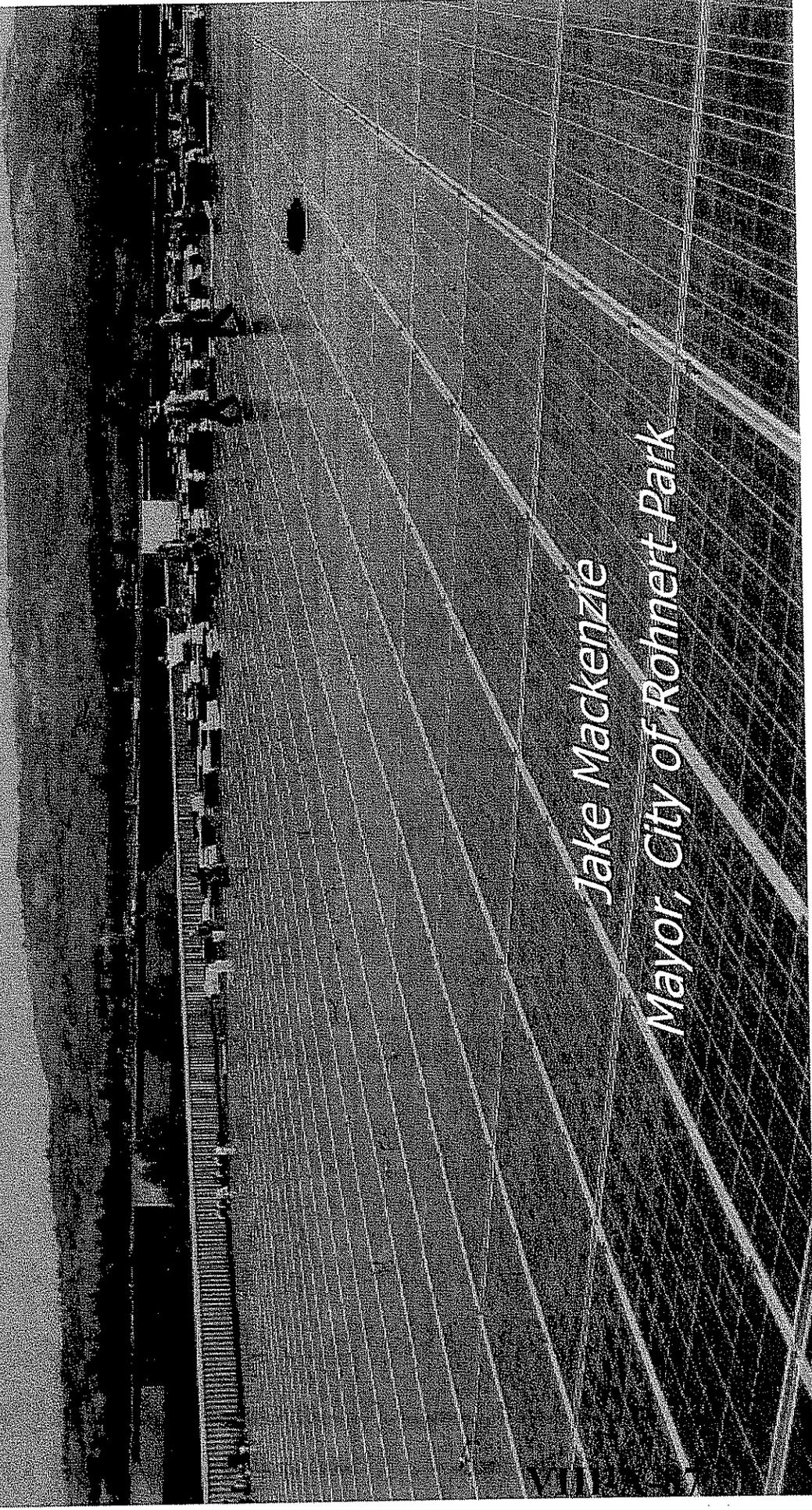
Please take a moment to review this slide presentation, which reads easily. Rohnert Park's plan is a great road map to follow for Benicia, for Seeno project and for all other development. I think it would be of great interest to invite Mayor MacKenzie to Benicia, for a public presentation at Council to explain his city's sustainability plan.

--Marilyn

CC: Elizabeth Patterson <elopato@elizabethpatterson.com>, Alan Schwartzman <ams@advancedmtg.com>, Mike Ioakimedes <Shoreline127@aol.com>, Tom Campbell <Bullwinkle94510@aol.com>, Anne Cardwell <Anne.Cardwell@ci.benicia.ca.us>, Jim Erikson <Jim.Erikson@ci.benicia.ca.us>, Amalia Lorentz <Amalia.Lorentz@ci.benicia.ca.us>, <beniciafirst@googlegroups.com>, Mark Hughes <MxH3@pge.com>

Toward Sustainability: The Rohnert Park Story

*Jake Mackenzie
Mayor, City of Rohnert Park*



MARILYN BARDET
333 East K St. Benicia, CA 94510
(707) 745-9094 mjbardet@sbcglobal.net

May 8, 2008

Charlie Knox, Development Director
Mayor Elizabeth Patterson and Councilmembers Tom Campbell, Mark Hughs, Mike Ioakimedes and Alan Schwartzman
250 East L Street
Benicia, CA 94510

**COMMENTS AND "CONDITIONS",
REGARDING CURRENTLY PROPOSED BENICIA BUSINESS PARK ALTERNATIVE
VESTING TENTATIVE MAP, MASTER PLAN AND REZONING**

To begin, please incorporate by reference all comments submitted by members of Benicia First, as well as all comments submitted by myself and others on the DEIR and Supplement to Response to Comments, and all comments subsequently presented to the City Council and Planning Commission, in person and by written submittals.

It is my assumption that the following comments and "conditions" will be incorporated in the staff recommended list of conditions for Council consideration on May 20th. If this is not the case, then please advise.

The first set of conditions (listed below "General Comments") specifically address the aim to get a new masterplan whose primary aim shall be clearly expressed throughout the layout and phasing, for a campus-style R&D "low impact" green business park designed to attract and keep "clean tech" businesses. The second set of conditions listed comment and ammend the *existing* conditions recommended by staff, and thus assume that the phasing plan is not changed, as my first set of conditions calls for. Therefore, there is some conflict, we acknowledge; but our aim overall is to get a completely new masterplan for a "best project" that complies with the expressed intent of AB32, the "Climate Change Act" and which captures the best "green" economic opportunities for Benicia and Benicians.

The following commentary explains the reasoning behind setting new and "Conditions of Approval" submitted by me and also revisions submitted by others, to existing conditions already proposed by staff.

GENERAL COMMENTS, REGARDING AIMS OF THE BUSINESS PARK MASTERPLAN:

The goal of Benicia First and many in our community is to ensure that we get an alternative project whose design would best reflect the goals of California's "Climate Change Act", AB32, which is implicitly embraced by our general plan's goal for ecological and economic sustainability in the 21st century: to conserve existing natural resources, create energy efficiencies and balance the needs of all living things for the sake of future generations.

Designing a new business park requires that all aspects of the project address AB32 near-term greenhouse gas emissions reduction targets for 2020, especially through smart land use planning and alternative transportation strategies, in accordance with principles discussed at the Haagen-Smit Symposium, April 2008, held to support the work of the state's Landuse Subcommittee of the Climate Action Team. (LUSCAT).

While the principle of SUSTAINABILITY has been held in highest regard globally for decades now, land use, urban design (including construction and engineering) and transportation policies and guidelines now exist to address AB 32 requirements for greenhouse gas reductions. Standards and precedents set under the LEED-Neighborhood Development certification program for building and also for large developments, and also, other comparable standards for reducing energy consumption and "per capita vehicle miles traveled", represent the essential guidance to assist achievement toward a truly "carbon neutral", "zero waste" development.

Our aim is to ensure that the highest quality development be achieved, in accordance with ecological principles of sustainable design, to produce reliable revenue over time for the city, with reasonable servicing costs and with employment and income for Benicians.

A "green" business park must recruit and showcase "clean tech" and the new "green economy". "Clean Tech" industries across many sectors are now leading the way in California with a vision—an alternative business model—that offers a way to for a local and regional economy to remain healthy and survive ahead, in an era of depleting resources and international competition for declining oil supplies, with fiscal constraints on regional transportation and distribution of goods. Aims of the green economy support climate protection, the reduction of a city's carbon footprint, reduced percapita "vehicle miles traveled", preservation of natural resources, conservation of water and watershed protection, and "zero waste".

PROBLEM OF THE CURRENT ADDENDUM, SUBMITTED BY LSA, APRIL 29, 2008:

The new alternative project reviewed by FEIR Addendum (which was hastily put together in one month, and submitted to the city April 29th), is not supported by adequate data and analyses. Assertions about impact reductions have not been tested with best principles of analysis based on fact and on recognized criteria of evaluation, such as the LEED-Neighborhood Development rating system provides. Right now, the proposed new project does not accurately report cumulative traffic and air quality impacts nor does it satisfy basic goals of AB32 to reduce greenhouse gas emissions. The latest proposed project retains *basic design features of the original project*: for example, out-moded cul-du-sac suburban style road layout and location of primary commercial zone near the freeway, both concepts encouraging auto transit as a commuter-oriented park.

Further, the all-important growth-inducing cumulative impacts have not been identified or discussed; the proposal to develop 8 rural estate homes on a 170 acre parcel of county land opposite Lake Herman, north of Lake Herman Rd. in Benicia's "sphere of influence" [Signature Properties development proposal, April 2008, now under the county's CEQA initial study review] could and should have been anticipated, since the owner of that property, Mr. McKeenan (sp?), served on the city's Sky Valley Committee until recently. The problem of sharing responsibility with the county for police and fire services to that project would most likely point to use of the extra police and fire supplied by the proposed business park. Those economic factors have not been discussed.

WHAT IS THE BEST, MOST RESPONSIBLE WAY FORWARD, THAT PROVIDES ECONOMIC

ADVANTAGE FOR BENICIA AND BENICIANS, AND IS ACHIEVABLE?

The best way to achieve a reduced carbon footprint and ecologically superior project is to design the entire project site as a comprehensive, coherent “whole” with an economic aim to recruit and design for “clean tech”. Therefore, we must NOT accept a passive, “market driven” “piece by piece” patchwork masterplan strategy that equally weights phases, starting with conventional “freeway-oriented” commercial. The core of the project—for light industrial clean tech, and business office, must be developed as a priority, with commercial interspersed through the project, NOT isolated in a “phase I” by the I-680 interchange.

A new comprehensive masterplan must pass the LEED-ND certification criteria test for “platinum” standard, wherever possible, thus to meet the test of AB32.

It's difficult to imagine how we will achieve a campus-like development with a key “clean tech” tenant or tenants, without having the involvement of such potential tenants in the design and layout of the site. An example of the type of aggregate business concept would be Oyster Point in South San Francisco where biotech companies located around a key tenant, Genentech. Oyster Point offers many recreational amenities including a marina, restaurants and hotel and transport hub near freeway as well as ferry transit. To my knowledge, Oyster Point is not a LEED certified development, but it was designed to attract certain kinds of tenants at the time the plan for the park was initiated .

The obvious location for such a consolidated campus-style design concept is in the area centrally located, on the north side of East 2nd St., in the currently designated Phase II area of the project. This area is prime for an office park development that would draw interest in the Bay Area from “clean tech” businesses seeking to escape the higher prices of the South Bay, Silicon Valley and San Mateo County. To appeal to “green” industries, and to be part of the “green economic revolution”, the park must be designed to LEED-Neighborhood Development rating system criteria and standards, at platinum, gold and silver rating levels. Preserving as much as possible the natural terrain and topography within the buildable site area, eliminating as much as possible the current level of grading, would further enhance the park, and provide the kind of visual and aesthetic and ecological benefits now expected of “green” sustainable development.

We don't want our city to be left behind with a 20th century business park plan that doesn't offer the kind of 21st century design innovations that “clean tech” businesses would see as a major compelling region to locate here.

IF WE GET IT RIGHT:

Our city has so much to offer potential “clean tech” businesses of the future, on which Bay Area venture capitalists and innovators are betting on. We offer attractive “natural capital” (hills, waterfront, views); our prime location between the Bay Area and Sacramento along I-680 corridor; our historic downtown; all our family-centered community amenities and good schools; and especially, a well-educated citizenry—our local “employment pool” for types of 21st century green businesses that would locate here, *if* . . .

To squander the opportunity now to make the best, most sustainable, attractive green business park in Solano County would be a colossal, costly error—a significant loss of inherent value in our resources, natural beauty and location. To do it “wrong”, would represent a “mark down” against the welfare and well-being of our community. Cumulative traffic impacts and air pollution can be further reduced by a well-designed project.

FURTHER CONDITIONS OF APPROVAL:

(note: these further explain and amplify "conditions" submitted to Planning Commission. They aim to replace the existing "masterplan", to create a new one in accordance with established principles of sustainable design for large scale projects.)

1. Incorporate, as a separate guidance document, "sustainability guidelines" to be followed for designing a new comprehensive masterplan for the business park site. The aim of the guidelines shall be to support climate protection goals of AB32, e.g., to achieve near term target set for 2020 (within the buildout time of the project) for greenhouse gas emissions reductions and to maximize ecological protection of natural resources. The AB32 goal shall primarily be achieved through innovative land-use and transportation strategies to (1) reduce per capita "vehicle miles traveled"; and (2) reduce buildings' energy consumption, through following LEED Neighborhood Development Rating System criteria for the entire buildable site area. For development of this guidance document, use the model established by the City of Rohnert Park. [An example of the kind of plan seeking to meet sustainability criteria under AB32 is the Rohnert Park "Sonoma Mountain Village" development. See pdf previously submitted, "Toward Sustainability: The Rohnert Park Story", the presentation by Jake Mackenzie, Mayor, City of Rohnert Park, to the Haagen-Smit Symposium, April 2008.]. As part of the "sustainability guidelines", the council shall adopt the "Ahwahnee Principles for Resource-Efficient Communities" (see Rohnert Park, pdf.), as well as the "Ahwahnee Water Principles" for best conservation of water resources and watershed protection and management.
2. In accordance with sustainability guidelines (see above), a new masterplan shall aim for highest possible compliance with standards for LEED-Neighborhood Development. LEED-ND criteria under "platinum", "gold" and "silver" ratings, shall be adopted as "sustainability criteria" for guiding design of the new masterplan and all subsequent development.
3. To maximize protection of native habitat and natural topography, geotechnical studies shall be required immediately, BEFORE a new masterplan is drawn up, in order to guide development of a new grading plan. Grading plans shall be consistent with campus-style development strategies: e.g., natural topographical variation shall be accommodated, as much as possible, in road layout and design of building footprints and elevations. This means, architects working to design WITH the topography, avoiding wherever possible the leveling of hills for flat pads.
4. Grading shall be kept to a minimum, avoiding steep cuts that are "unusable" and unsightly. "Cuts" shall not be counted as "natural open space" for habitat, in accounting the total amount of open space allotted by the new business park plan.
5. JETTISON the currently proposed, piecemealed "5-Phase Plan" and permitting process "by phase". INSTEAD: a preferred new masterplan shall be created, designed to accommodate the requirements of a 21st Century sustainable "green" "clean tech" business park. The new masterplan shall be designed from the start, as a new "Phase I" to be coherent, comprehensive and customized to form a core, compact, "low impact", campus-style R & D area of the park along East Second Street, from Industrial Way to the I-680 interchange, with business office/commercial and retail wisely dispersed through the campus area, such as an hotel and several restaurants that could serve the park and nearby residences. [Example: Oyster Point business park in South San Francisco, which has Genentech as its central tenant, with other bio-tech firms, restaurants, hotel, marina and ferry transit.]

6. The primary intent of the new business park shall be expressed through compliance, as much as is possible, with LEED-ND "Platinum" standards to address AB32 greenhouse gas reduction targets for 2020, and to create a sustainable, "green" economic foundation for Benicia in this new century. The core of the park shall be designed to attract green "clean tech" industries, and those industries shall be actively recruited to be part of the masterplanning design process with architects, even with regard to lot distribution and secondary road layout, so that the park is designed to accommodate the requirements of "clean tech".
7. Clean tech industries shall be recruited to draw employees from Benicia's well-educated community that live "5 minutes away" from the site, to greatly reduce commute traffic and per capita vehicle miles traveled.
8. Companies shall be recruited from the "alternative clean tech sector" that are committed as part of the new green economy in California, and especially the Bay Area: (see pdf. "Clean Technology and the Green Economy" , a draft prepared by Collaborative Economics for the California Economic Strategy Panel.] T3.
9. The masterplan for the new Phase I must provide ease of accessibility and safety, for walking and biking and recreational opportunity, to create obvious connectivity among all points within the park, joining public outdoor spaces among buildings, but also, beyond the park and especially to the easternmost parcels overlooking the scenic expanse of Suisun Bay.
10. The "gateway site", the easternmost corner of the park overlooking Suisun Bay shall allow for a restaurant or two, to take advantage of the scenic overlook, (distinguished from Carl Junior's and gas station) to complement the business park. Do not allow "truck service center" or "auto sales" or any other similar business that does not contribute to the central "green core" of the park. Especially do not allow fast food or other venues that are solely oriented to catch I-680 commute traffic. Consider best location for a hotel, within the campus development of Phase I.
11. Public transit facilities shall include bus stops with adequate, covered and wind-protected waiting areas. Express buses to and from BART and to Benicia's downtown and residential areas shall be required as daily part of Benicia Breeze service.
12. Follow LEED-ND criteria to reduce energy consumption throughout the park: alternative energy sourcing shall be required, such as solar panels or equivalent technology for all buildings. Energy consumption for water heating shall be reduced through alternative methods such as solar water heating systems and/or hot water "on demand". Need for air-conditioning shall be reduced through innovative ventilation and insulation, including creation of green roofs. Use passive solar principles in building design, and, where possible, the use of the topography to "build into" hills, to moderate indoor temperatures through earth insulation. Plant groves of trees to shade buildings south-facing walls to lower buildings' inside temperatures. Avoid large parking lots: asphalt "islands" create extra heat. Plant trees around small parking areas to reduce radiating heat effects.
7. Capture rainwater in cisterns for reuse, and establish grey water recycling system for irrigating landscaping throughout the project site.
8. Do not allow "lawns" and other water-demanding landscaping; preserve or restore native grasses and California native shrubs, as part of landscaping around buildings.

The following text provides revisions to currently recommended Conditions of Approval (in redline/strikeout format) and new Conditions of Approval to impose on any project developed on the Benicia Business Park parcel. The numbers shown refer to the numbers used for the conditions included in the May 6th report to the City Council. These proposals are intended meet the following City objectives for the project:

- Promote sustainability through a design that is more pedestrian oriented;
- Limit package distribution or warehousing, auto sales and transportation uses;
- Reduce urban decay by limiting commercial uses that would compete with the Downtown area;
- Ensure applicant submittals are subject to City approval;
- Limit impervious surfaces, especially for off-street parking areas;
- Ensure development regulations provide a campus environment;
- Ensure adequate maintenance of landscaping;
- Provide street designs and are more bicycle and pedestrian oriented;
- Ensure the extension of Industrial Way does not provide a shortcut to Vallejo from I-680;
- Avoid transportation mitigations that could provide excess capacity for motor vehicles; and
- Provide adequate transit services to/from the project.

As a new condition, prior to final map approval, the applicant shall submit a revised Vesting Tentative Map to the Planning Commission for approval. The revisions shall include altering the road and lot configuration to provide an average block size of a quarter-mile perimeter and to minimize cul-de-sacs.

6. No Adult Business as defined by the Benicia Municipal Code shall be allowed in the Benicia Business Park project. Any office, package distribution, or warehousing and transportation use proposed in the Limited Industrial (IL) portion of the project site shall only be permitted with Use Permit reviewed and approved by the Planning Commission. Part of the Planning Commission's review of a Use Permit request shall include detailed parking data and analysis that clearly shows that the proposed development will have adequate parking and that traffic impacts associated with the office development will be mitigated and therefore will not substantially or significantly impact surrounding development sites or existing businesses.

No more than 5% of the area zoned General Commercial – CG shall be used for Eating and Drinking Establishment use unless a Planning Commission Use Permit is first obtained. Pedestrian access through the commercial area to the eating and Drinking Establishments shall be created and maintained.

Prior to final map approval, a geotechnical report shall be prepared by a registered geotechnical engineer and approved by the City, and all recommendations of the report must be incorporated into the final engineering design for each structure onsite to avoid potential geologic impacts.

25. Pervious paving shall be used in-lieu of impervious paving whenever possible. Paving must be reduced to the minimum necessary to accomplish site circulation and parking needs.

In lieu of # 27 and 28, adopt a Planned Development District that will specify all development regulations for

the Master Plan area and result in a unified campus environment. Characteristics defining a campus environment include: use of natural topography in site design for layout of roads, interconnecting pathways and buildings; buildings designed and located to provide clearly defined edges, entrances, views and outdoor spaces for interaction; integrated parking facilities; continuous and functional pedestrian and bicycle pathways linking buildings, outdoor spaces and surrounding areas; unified landscaping that preserves and enhances the natural topography and drainages. The Planned Development District shall include design guidelines and a Master Landscape Plan.

35. Each project shall comply with the number and configuration of spaces required by Benicia Municipal Code Chapter 17.74.

The visual impact of parking lots and other large circulation areas shall be minimized through the use of building placement, planting, earth mounds, and/or low fencing along the street frontage. Views throughout the site, from buildings to other buildings and to open spaces must be maintained for orientation and security.

48: Live plant material shall be used for all ground cover areas. Wood chip mulch shall be used for weed retardation and water conservation.

49: Automatic irrigation shall be provided. Landscaping, kept as natural as possible, with restoration of native grasses, drought-tolerant native shrubs and trees shall be provided around the perimeter of each building. Where no building setback is provided along street frontages, appropriate street trees can meet the landscaping requirement.

For #89, the Class II Bikeway along Lake Herman Road shall be located between the Industrial Way extension and A Boulevard.

98.F.iii. New internal street improvements (A St, and the extension of Park Rd.) for the first phase of this project shall provide for a minimum 50-foot curb-to-curb width with 2-thru lanes, on-street parking, Class II bike lanes, 10-foot wide concrete bike/ped paths on both sides (separated by a 6-foot minimum width parkway) and transit facilities.

98.h.i. Class II bikelanes shall be provided along both sides of East 2nd Street (between Channel Road Bridge and Lake Herman Road).

99.e.i. Construction of the new Industrial Way connection (East 2nd St. to A Blvd.) shall provide a minimum 70-foot wide curb-to-curb width with 4-thru lanes and raised median islands, separate left and right turn lanes, 10-foot wide concrete bike/ped paths on both sides (separated by a 6-foot minimum width parkway), transit facilities and access connections to internal bikeway and public accessways.

99.e.ii: Construction of the new Industrial Way connection (A Blvd. to Lake Herman Road.) via the Reservoir Road alignment shall provide for a minimum for a minimum 50-foot curb-to-curb width with 2-thru lanes, on-street parking, Class II bike lanes, 5-foot wide concrete sidewalk on the west side and 10-foot wide concrete bike/ped path on the east side (each separated by a 6-foot minimum width parkway) and access connections to internal bikeway and public accessways.

99.e.iii: Demolition of the remainder of Reservoir Road including but not limited to the removal of all pavement,

structures, drainage facilities, and base material shall return the roadway areas to natural conditions in accordance with approved 'rough' grading plan for the project.

99.e.vii: Construction of remaining portions of A Blvd., shall provide for a minimum 50-foot curb-to-curb width with 2-thru lanes, on-street parking, Class II bike lanes, 5-foot minimum sidewalks on both sides (separated by a 6-foot minimum width parkway) and transit facilities.

99.e.viii: New internal street improvements for the second phase of this project [as currently proposed] shall provide for a minimum 50-foot curb-to-curb width with 2-thru lanes, on-street parking, Class II bike lanes, 10-foot wide concrete bike/ped paths on both sides (separated by a 6-foot minimum width parkway) and transit facilities. [However, this condition must relate to new "further conditions" cited above, which eliminate the current phasing plan, in favor of a "Phase I" than encompasses the entire area from Industrial Way to I-680 interchange.].

100.e.iii: Construction of the new Industrial Way connection (A blvd. to Lake Herman Road.) via the Reservoir Road alignment shall provide for a minimum 50-foot curb-to-curb width with 2-thru lanes, on-street parking, Class II bike lanes, 5-foot wide concrete sidewalk on the west side, and 10-foot wide concrete bike/ped path on the east side (each separated by a 6-foot minimum width parkway), with access connections to internal bikeway and public accessways.

100.e.iv: Demolition of the remainder of Reservoir Road including but not limited to the removal of all pavement, structures, drainage facilities, and base material shall return the roadway areas to a natural conditions in accordance with approved 'rough' grading plan for the project. [this repeats 99.e.viii.] Lake Herman Road widening improvements between Reservoir Road and the westerly city limits to provide for safe musters and new Class II striped bikeways when maintaining the roadway's 2-lane rural curvilinear alignment.

103.i. The project applicant shall be responsible for the cost to extend Benicia Transit to the project site including all capital costs (buses, shelters, turnouts, signage, etc.) and all operating costs with the timing for implementation as determined by the City.

In lieu of #160 to 180, prior to filing of a Final Map, the applicant shall submit a traffic study, subject to the approval of the Zoning Administrator, which verifies the need for TRANS-1 through TRANS-21 and ensures existing pedestrian and bicycle access on E. 2nd Street at I-780 interchange area is maintained. The traffic study shall also include signal warrant calculations for the intersections of Seaview / East 2nd Street and East Tennys / East 2nd Street to determine if the project should fund the installation of traffic signals at these locations.

181. The project sponsor shall be responsible for the cost to extend Benicia Transit (Benicia Breeze) to the project site. Current routes which connect Benicia with Pleasant Hill BART Station, Baylink Ferry Terminal, and other destinations in Solano County do not currently serve the project site. These costs shall include all operating costs and capital costs (i.e. buses, transit shelters, and signage) associated with build-out of the Benicia Business Park.

The introduction to #186 should be revised as follows:

The BAAQMD CEQA Guidelines identifies potential mitigation measures for various types of projects. The

following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the project. The project shall incorporate all of the following into the project:

The following measure should be added to #186:

The project applicant shall provide a 7-acre minimum site for a future City Intermodal Transit Facility in Phase 2 of the project at a location subject to the approval of the City to help reduce significant and unavoidable regional air quality impacts. Funding for this facility shall be provided by fees imposed on the proposed project.

* * * *

Thank you for your considerable time and consideration in reviewing these comments and conditions, all aimed to get the best possible sustainable business park project for Benicia that will fulfill the aims of AB32 to reduce our carbon footprint and also, to protect and sustain our local economy through decades ahead.

Sincerely,

Marilyn Bardet
member of Benicia First

* * * * *

For your convenience, below you'll find the conditions I submitted to Planning Commission, without any revision. However, the comments I've submitted today for Council on May 20th, reinforce and clarify main objectives for a new masterplan.

FURTHER REQUIREMENTS for CONDITIONS of APPROVAL: (submitted to Planning Commission)

I understand that LSA and the applicant have agreed to do an official independent Addendum that would include additional analysis with regard to traffic analysis, AB32, and grading. It is imperative to REQUIRE rather than suggest conditions:

1. REQUIRE LEED-Neighborhood Development as a rating system and seek to achieve highest certification rating possible: silver, gold, platinum. [See LEED-ND Pilot rating system, pdf file, Introduction, "LEED Neighborhood Development Pilot Program, Certification Process, page2. Also US Green Building Council website.]
2. REQUIRE campus style development of East 2nd corridor in Phase II.
Further reduce grading, to avoid destruction of hills along East 2nd in the Phase I and II areas, to provide opportunity for more aesthetic and conservation-oriented "campus-like" design features in the layout.
3. REQUIRE that the 15 acre parcel zoned commercial, in Phase I, be first considered for office development, with active recruiting of such potential tenants, to encourage "campus-style" office development along East 2nd.

4. REQUIRE further geotechnical studies that would analyze the newly revised, reduced project footprint with regard to the specific location of cuts and fills and projected engineered slopes, etc., to determine the safety and stability of all proposed changes and to avoid any possibility of future "on site" remedies that could include further grading. [Example: the current ridgeline grading violation problem at Seeno's San Marco development contested by Save Mt. Diablo and other groups. See CC Times reports, week of April 7th.]
5. REQUIRE that traffic impacts be further reduced by consideration of reduction of project scope in Phases III, IV and V, with aim to concentrate office park development and density of use along East 2nd.
6. REQUIRE analysis of air pollution impacts at Semple School, with current monitoring equipment available through community air monitor (UV Hound) at locations within the school buildings and also on the playing field, to identify current contaminant levels of ambient air attributable to cumulative daily traffic at I-780 and East 2nd intersection and along East 2nd corridor. So-called "unavoidable" air pollution attributable to increased traffic from the project area means increases in greenhouse gases, as well as, locally, threats to the health and safety for Semple School children and neighborhoods surrounding East Second Street.
7. REQUIRE provision and facility for more alternative public transport.
8. REQUIRE recreational bike and walking trails through the project area open spaces, connecting to Bay Trail and leading out of the park to Southampton residential neighborhoods.
9. REQUIRE that road layout be revised for all phases of the project, to ensure best accessibility and "walkability", according to LEED-ND criteria.
10. REQUIRE that commercial development be limited to tenants that would be compatible and contributive to the highest quality business office park along East 2nd, and serve the community.
11. REQUIRE a "resource manager" be assigned and paid for, to assure the proper management and maintenance of the open space within the project footprint, including the open drainages, riparian corridors and seasonal wetlands as well as field habitat for special species.

Thank you for consideration of my recommendations,
Sincerely,

Marilyn Bardet
member of Benicia First

Anne Cardwell - Further comments on Benicia Business Park

From: "bob craft" <bob.craft@comcast.net>
To: <epatterson@ci.benicia.ca.us>, <eschwartzman@ci.benicia.ca.us>, <mioakimedes@ci.benicia.ca.us>, "Mark Hughes" <mhughes@ci.benicia.ca.us>, <tcampbell@ci.benicia.ca.us>
Date: 5/7/2008 8:41 AM
Subject: Further comments on Benicia Business Park
CC: "Charlie Knox" <cknox@ci.benicia.ca.us>, <jerickson@ci.benicia.ca.us>, <Heather.McLaughlin@ci.benicia.ca.us>, "Anne Cardwell" <Anne.Cardwell@ci.benicia.ca.us>

Mayor and Council Members,

As I will be unable to attend the next meetings on the Business Park, I would like to add a couple of comments to what I said last night at the Hearing.

1. Justified or not, there is a level of concern among many re the reliability of the developer. Therefore, I suggest the following:
 - a. As a condition of approval (and in a badly needed developer agreement if that can be struck), an independent level of oversight by a professional engineering firm should be funded by the developer through the city. (Funds passed to the city which hires the independent firm and pays them using the developer funds.) The firm should issue a written report on their letterhead to the city each month and this posted on city website. It is important that an outside firm be used for this; their professional reputation will be on the line and this will be obvious to the citizenry.
 - b. This will not/should not preclude direct city oversight as well and additional qualified employee(s) should be funded by the developer for this purpose. This city employee(s) should be on site daily for whatever amount of time is necessary.
 - c. Consider and implement some form of a community or citizen advisory panel to work with the city and developer during the course of the project. Terms of reference for the group will obviously be important and would have to be negotiated but, at a minimum, the group should meet monthly and report in writing to the council following each meeting. Reports should be posted on the city website.
 - d. the combination of a, b & c above will enable a "trust but verify" approach which should assuage many concerns of the public.

2. I hope you folks are able to get out in front of this and project an aura of proactive leadership re this project. From my perspective - fair or not, that is not yet the case. In one fell swoop, the planning commission did project leadership. There is absolutely no question in my mind that all of you are more than capable of doing this. But, if not now, when?

Respectfully submitted,

Bob Craft
745-3956

VIII-A-98

Anne Cardwell - Articles for Council Packet

From: Norma Fox <normafox@hotmail.com>
To: Anne Cardwell <acardwell@ci.benicia.ca.us>
Date: 5/13/2008 3:05:53 PM
Subject: Articles for Council Packet

Anne,
Sorry so late! Had hard time relocating these articles.

Please print out the attached three articles and include them in the Council Packet that you are preparing today.

I would greatly appreciate it if you would also make extra copies available for the side table.

Thank you!
Norma Fox

P.S.
I am just finishing up a short important letter to the Council. I hope you will hold the door open just a little bit longer and allow me to submit it [in 15 minutes!] so that it can be included in the Council packet also (with copies for the side table).

Thank you for your patience!

Get Free (PRODUCT) RED™ Emoticons, Winks and Display Pics. [Check it out!](#)

VIII-A-99

SAN FRANCISCO Business Times

Friday, December 14, 2007

Hopeful cleantech hubs proliferate around the bay

San Francisco Business Times - by Lizette Wilson San Francisco Business Times Contributor



Spencer Brown

Cleantech is the Bay Area's future, says Scharfman.

With more brains and bucks devoted to the topic than any other region, the Bay Area emerged this year as the nation's stickiest cleantech cluster.

California's cleantech companies, the lion's share located in the Bay Area, scored \$726 million in venture capital investment during the first nine months of 2007. That's more than double what Massachusetts companies received and nearly five times that of Texas, which ranked No. 3 in cleantech investments, according to the National Venture Capital Association.

The roster of Bay Area startups focused on solar power, alternative fuel, water purification and other clean technologies is growing quickly while homegrown big boys like **SunPower Corp.** and Amyris Biotechnologies continue to expand -- a trend area policymakers are trying to encourage.

From land-use policies in Brisbane and payroll tax exemptions in San Francisco to political pacts in the East Bay, players across the Bay Area are benefiting from policies that help plant the seeds to grow a green economy.

"We believe that cleantech is the future of the tech economy in the Bay Area," said Jonathan Scharfman, development director for **Universal Paragon Corp.**, which hopes to transform the Brisbane Baylands from a backwater brownfield to a cleantech hub. "We see global, environmental and political forces merging to drive this next generation of innovation and technology."

Universal Paragon decided last year to make clean technology the centerpiece of its proposed development at Baylands -- a 660-acre swath between San Bruno Mountain and Highway 101 bordering San Francisco.

It's a massive undertaking.

Universal Paragon has owned the site since 1989 and is spending \$220 million to install infrastructure and clean up toxics left from the area's days as a Southern Pacific railyard and a city landfill. Scharfman expects the development agreement with Brisbane will be in place by the end of 2008 with construction beginning in early 2009. The first building should be ready for users by late 2011.

Plans call for 2 million square feet of office space and 650,000 square feet for research and development labs, along with hotel, international exposition space and other uses.

"The Baylands will be a part of the Bay Area cleantech cluster. It's a many-spoked wheel," said Scharfman.

Located four miles south of downtown San Francisco and four miles north of San Francisco International Airport, the Baylands development is a short ride from the cleantech cluster San Francisco hopes to create in the Hunter's Point area.

Already offering payroll tax exemptions and other financial incentives to qualifying companies, San Francisco aims to create a cleantech zone similar to clusters for biotech in Mission Bay and digital entertainment in the Presidio.

And efforts to create a similar cleantech center in the East Bay are accelerating.

Earlier this month, the mayors of Oakland, Berkeley, Emeryville and Richmond said they would work together -- along with officials from **Lawrence Berkeley National Laboratory** and the **University of California, Berkeley** -- to build a regional green economy.

Each city is already pushing its own green agenda

Berkeley officials last month agreed to finance the upfront costs for home and business owners to install solar panels and make other energy efficiency improvements. Zoning changes in West Berkeley and in Oakland at the former Army base and on other industrial lands are also under consideration.

"We want to make this area the Silicon Valley of the green industry," said Paul Rose, spokesman for Oakland Mayor Ron Dellums. "The mayor believes it's imperative to explore public-private partnerships to make this happen."

Bay Area officials aren't the only ones looking for green-collar jobs, Cleantech clusters are developing, albeit more slowly, in Boston, New Mexico, Texas and the Midwest's corn belt.

"I'm getting contacted by state-level government officials every month or so asking me about cleantech -- trying to create a cluster," said Rob Day, a principal with VC firm @Ventures who also writes the cleantechvc.com site.

"They don't want to be left behind or beat out. There's room for multiple winners, but in the end it is a competition."

SAN FRANCISCO Business Times

Friday, January 4, 2008

Bay Area in a league of its own

Tech, finance, weak dollar help region sidestep ills suffered elsewhere

San Francisco Business Times - by Mark Calvey

New game: "Cleantech didn't even have a name just five years ago," says IBM's Clark.

The Bay Area is proving to be an economic oasis amid bleaker state and national landscapes, with technology's strong momentum and the dollar's weakness protecting the region from many of the forces ravaging other locales.

A turbulent 2007 has given way to an unsettled 2008, but signs of the Bay Area's relative strength abound. Exports, retail sales and employment continue to grow, emerging sectors like cleantech attract increased interest and venture financing still flows freely.

Are there reasons to worry? Absolutely: virtually everything's growing more slowly than it was a year ago, and the verdict is still out whether the Bay Area can continue to be insulated from the worst of the nation's housing meltdown and economic slowdown. But the region enters a new year with reasons for confidence.

"Job growth in most regions within the state has slowed since 2006 -- the only exception is the San Francisco Bay Area," said Keitaro Matsuda, senior economist with **Union Bank of California** in San Francisco. He cited the tech sector's strength as a key factor contributing to the Bay Area's 1.9 percent payroll employment growth, based on figures from the Bureau of Labor Statistics that have not been seasonally adjusted. That pace of payroll growth in 2007 was flat from the previous year -- but not getting worse now constitutes the state's best showing. The Central Valley, Los Angeles and San Diego regions saw dramatic declines from 2006 levels.

State figures show that the greater Bay Area comprises eight of the state's 12 counties with unemployment rates below 5 percent as of November, with the local counties of Marin (3.8 percent) and San Mateo (4.0 percent) posting California's lowest jobless rates. San Francisco (at 4.4 percent) wasn't far behind.

Bay Area cash registers ring up further evidence of the region's strength.

While year-over-year sales tax revenues fell 2.2 percent in the third quarter statewide, sales tax collections rose 1.1 percent in the Bay Area, with San Francisco posting a 4.5 percent gain and Santa Clara County jumping 5.2 percent from a year ago, according to figures from the HdL Cos., a consulting firm that analyzes sales tax data for local governments.

The weaker dollar is one factor contributing to the region's rise in sales tax collections. The greenback's loss of value compared to the euro and other currencies is luring more international visitors to the Bay Area -- evident in the recent proliferation of European accents in San Francisco's financial district and tourist hot spots. The number of international travelers arriving at **San Francisco International Airport** rose 7.1 percent in October 2007 from a year earlier, the airport's latest figures available. Total airport arrivals jumped 10.3 percent during the same period as a weaker dollar also prompted more Americans to stay closer to home, opting for San Francisco over a European destination.



And while market strategists might wring their hands over the long-term effects of the dollar's fall, exporters see rising demand for the technology, wine and other local goods that make the Bay Area the state's most active exporting region.

Other promising signs for the Bay Area's outlook in the year ahead include the region's juggernauts of growth hitting all-time highs. **Apple**, for instance, crossed the \$200-per-share mark for the first time last week as bullish investors bid up stock on the prospects of growth for the company's iPods and iPhones. **Google** shares recently hit an all-time high of almost \$750 a share; investors found the Internet company's stellar growth all the more appealing amid a credit crunch that shut off the tap of easy money that financed huge buyouts of lackluster stocks in recent years. Both companies were significant contributors to the Nasdaq's 10 percent gain last year, its best showing since 2003.

The strong performance of these stellar growth companies helps create substantial wealth among employees and investors that gets spread across the region. It also builds a cadre of wealthy investors eager to seed the next crop of promising growth companies -- many of them centered around cleantech. Google founders Larry Page and Sergey Brin and Pay Pal founder Elon Musk have been among those pouring millions in tech-generated wealth into environmentally grounded new ventures.

No wonder the Bay Area's investment banks, such as **ThinkEquity Partners** and Merriman Curhan Ford, attract standing-room-only crowds at conferences focused on cleantech and other green sectors. Cleantech venture investments hit a record last year. During the first nine months of 2007, VCs poured \$2.6 billion into 168 deals nationwide, according to figures from Thomson Financial and the **National Venture Capital Association**. That pace of investment exceeded all the money invested in the sector in 2006, when \$1.8 billion was invested in 180 deals.

"Cleantech didn't even have a name just five years ago," said Drew Clark, co-founder and director of the **IBM Venture Capital Group**, which works closely with VCs and their portfolio companies as a strategic partner.

The majority of cleantech investments in the United States went to California companies, with VCs investing \$726.2 million in 68 deals. Solar energy was cleantech's biggest subsector during the first three quarters of 2007.

"There are major opportunities for venture capitalists to totally reshape the energy market throughout the world," said Mark Heesen, president of the National Venture Capital Association.

Beyond cleantech, the pace of venture investments in 2007 was shaping up to make it the most active year since 2001, with VCs putting to work an estimated \$30 billion last year. That's particularly good news for the Bay Area, which typically receives a third of all venture dollars invested. The money fuels innovation and new jobs at promising young companies as well as creating business for the region's investment banks that are these companies' lifeline to the global capital markets.

As in the last economic boom, national media are rife with stories on Bay Area stock-option millionaires (like Google's former in-house masseuse, now running a charitable foundation) and the fantastic valuations put on local tech companies, such as Facebook's \$15 billion.

Of course, the last boom proved ephemeral, and Bay Area bankers and economists are quick to caution that the region's economy is not completely insulated from the housing woes and related turmoil sweeping through the state and national economies.

Union Bank's Matsuda points to the relative strength of the "coastal Bay Area" with its strong showing in technology and venture capital while Alameda and Contra Costa counties face higher levels of home foreclosures. That's a point echoed by community bankers; where they stand depends on where they sit. John Conover, president and CEO of **Borel Private Bank & Trust** in San Mateo said he's not seeing trouble in the bank's home loan portfolio, reflecting his affluent customer base primarily on the Peninsula. But Steve Buster,

president and CEO of the **Mechanics Bank** in Richmond sees a different picture from his East Bay vantage point.

"The Bay Area will not escape the pain of foreclosures," Buster said. It's a point that already hits home for troubled borrowers in Oakland, Antioch and Brentwood.

And the jury is still out on whether the credit crunch will spread into other areas of lending -- such as business loans and commercial real estate mortgages, which would have a far greater impact on banks across the region and the nation.

If so, the Bay Area's oasis of prosperity could turn out to be simply a mirage.

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East Bay mayors, UC chancellor unite for 'Green Wave'

Carolyn Jones, Chronicle Staff Writer

Tuesday, December 4, 2007



East Bay leaders, hoping to capitalize on the energy research emerging from UC Berkeley and the Lawrence Berkeley lab, vowed Monday to create a regional environmental hub that would mirror the success of Silicon Valley.

The mayors of Oakland, Berkeley, Richmond and Emeryville, along with UC Berkeley Chancellor Robert Birgeneau and Lawrence Berkeley National Laboratory director Steven Chu, announced an agreement to promote the East Bay as the nucleus of a "green wave" of research and manufacturing.

"The Silicon Valley of the green economy is going to be here in the East Bay," Berkeley Mayor Tom Bates said at Monday's event, held at a solar power equipment factory in Richmond. "We're putting our cities' chauvinism aside and working together. We're stronger when we unite."

The East Bay is already home to many environmental firms and factories, many of which began as spin-offs from UC Berkeley and Lawrence Lab. But as the companies grow, they've tended to relocate to the South Bay, where lab space, technological support and high-tech employees are more plentiful, or to places with more vacant land.

The East Bay Green Corridor Partnership would create a variety of incentives for green businesses to stay put. Among the proposals: a job-training program for the less-skilled members of the workforce, such as a certification program at local community colleges in solar installation or biotechnology lab work.

Green business executives in the East Bay said they are thrilled with the move.

"For us, we see great opportunities in the East Bay because it's so close to the university and lab," said Ilan Gur, corporate development director of Seeo, a Berkeley startup that is studying ways to increase energy storage. "A lot of people don't want to commute to the South Bay, but the South Bay has a very well-established infrastructure to help young businesses," he said. "We'd like to create something similar here."

Oakland Mayor Ron Dellums and Richmond Mayor Gayle McLaughlin said the plan would be a boon to their cities because it could provide training and entry-level jobs, possibly reducing crime in the process. Oakland and Richmond also have ample space and industrial zones for companies that want to expand.

"This is a magnificent opportunity for us to simultaneously address the issues of pollution and poverty," Dellums said. "This kind of economic development can help a generation of people who've been left behind."

Birgeneau said that keeping energy startups close to UC Berkeley and the Lawrence lab will help further the university's goal of studying alternative energy and ultimately reducing global warming.

If the East Bay becomes fertile ground for green businesses to prosper, UC Berkeley would be a more attractive choice for "the best minds in the world" to study global energy production, he said.

In the past few months, UC Berkeley has been showered with funding for energy research.

In February, UC Berkeley and the Lawrence lab finalized plans for the Energy Biosciences Institute, funded with a \$500 million gift from the energy giant BP. In June, the university and lab, among other agencies, announced a \$125 million grant from the U.S. Department of Energy to create the Joint Bio Energy Institute, which will focus on biofuel research.

In October, the university announced a \$10 million gift from Dow Chemical to study sustainability.

Berkeley, Oakland, Emeryville and Richmond have also taken aggressive steps to combat global warming, ranging from Oakland's goal to be independent of oil by 2020 to Berkeley's plan to reduce greenhouse gas emissions by 80 percent by 2050.

So far, economic directors of the four cities, UC Berkeley and the Lawrence lab have agreed to meet quarterly to study regional labor needs and come up with solutions to business problems such as lack of space or workforce shortages. They're also planning to apply for federal money to fund job-training programs.

The East Bay Green Corridor eventually hopes to create a permanent council to study and promote the East Bay's green businesses.

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<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/12/04/BA9CTNJ5V.DTL>

347 Goldenslopes Court
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Members, City Council
City of Benicia
250 East L Street
Benicia, CA 94510

May 6, 2008

Honorable Council Members:

This letter addresses the public hearing item on the May 6th City Council agenda for the review of the Benicia Business Park project. When this item was last reviewed by the Council on February 19th a majority seemed prepared to deny this development application. This letter describes some of the information available on this project that continues to support denial of this development application.

The developer has not shown an interest in supporting the city's vision for developing the largest remaining parcel of land in the city. The developer has ignored the results of the community outreach effort that occurred when review of the development application was initiated. The developer ignored requests by Council members in May 2007 to submit a new project that would avoid adverse impacts identified in the Environmental Impact Report (EIR). The review process was further manipulated to force action on the EIR separate from review of the project. After certifying the EIR and as you approach the end of the review period for this application, the developer has now chosen to submit a "Mitigated Project". This revised project includes Master Plan guidelines that are non-binding and that would allow construction of a project that is no different from what the developer has built previously in other communities. The developer has also been publicly silent on whether they support any of the Conditions of Approval proposed by staff.

The remainder of this letter reviews information related to the Addendum to the EIR that was prepared for the Mitigated Project.

The Addendum fails to adequately demonstrate consistency of the Mitigated Project with the General Plan. On this point, the Addendum claims:

"The mitigated project would be substantially more consistent with the General Plan goals, policies, and programs adopted for the purposes of environmental protection than the 2007 project".

This finding is not a rousing endorsement considering how far off the mark the 2007 project landed. The EIR found *"policy inconsistencies would remain associated with substantial adverse changes to the physical landscape and use of land in Benicia and would represent a significant deviation from the overarching goals and policies of the General Plan..."*

The Addendum supports its finding based on an evaluation of the relationship of the Mitigated Project to relevant General Plan goals, policies and programs as shown in Table 4 of the Addendum. This table contains 72 goals, policies and programs. A review of this table can show the Mitigated Project to be consistent with 44 goals, policies and programs. What about the remaining 28? The table enclosed with this letter ("Table A") reviews the text in Table 4 for its description of the relationship of the Mitigated Project for consistency with the 28 goals, policies and programs in question. The enclosed table shows the Mitigated Project:

- inconsistent with 9;
- failed to provide sufficient information to evaluate 4;
- consistent with 4 by assuming outcomes that were possible but were not proposed as part of the project;
- consistent with 6 by assuming outcomes that were possible if the proponent honored guidelines that were non-binding; and
- consistent with 5 based on outcomes not as bad as those created by the 2007 project.

The City Council has wide discretion to evaluate the consistency of a project with its General Plan. An argument can be made that Table 4 is making unreasonable assumptions for outcomes with the Mitigated Project and that sufficient inconsistencies remain to support the same conclusion that was reached in the EIR for the 2007 project. The City Council should direct that the Addendum be revised to find the Mitigated Project to present policy inconsistencies associated with substantial adverse changes to the physical landscape and use of land in Benicia and would represent a significant deviation from the overarching goals and policies of the General Plan.

The Addendum contains unsubstantiated claims on the impact of project-related vehicle emissions on Sempé Elementary School. Comments were submitted to the Planning Commission regarding the likelihood that future traffic volumes with the project will violate state standards that prohibit locating schools adjacent to heavily traveled roads. A copy of that correspondence is enclosed with this letter. Neither the EIR nor the Addendum provides facts to the contrary. Concern over the health impacts of vehicle emissions on school children has been emphasized recently with the introduction of SB 1507 in the State Legislature which proposes to prohibit the state from expanding a highway within one-quarter mile of a school boundary. Why would the City Council want to create a health hazard for our school children by approving the Mitigated Project?

The Addendum underestimates traffic congestion on I-780 by assuming freeway capacities that are not achievable. Comments were submitted to the Planning Commission meeting describing how the EIR does not account for the grade on I-780 between East 2nd Street and Southampton interchanges, or for truck traffic generated by the project. This omission leads to a significant underestimate of congestion in the future. The Addendum does not respond to these comments. If the City Council agrees

with the Addendum, the City Council is saying it does not care if future freeway congestion is underestimated with this project.

The proposed action leaves the city responsible for off-site upgrades to Lake Herman Road. Comments were submitted to the Planning Commission describing how the proposed Conditions of Approval leave a two-mile stretch of Lake Herman Road west of the city limit without shoulders or curve corrections. The Addendum does not address this comment. Failure to upgrade this rural road for commute traffic as part of the project approval will result in the City being responsible for funding upgrades to this stretch of Lake Herman Road to mitigate a physical impact created by this project.

The Addendum fails to ensure adequate funding for the mitigation measure to extend bus service to the project. Comments were submitted to the Planning Commission describing how the Conditions of Approval fail to require the developer to contribute to the annual cost of operating transit buses to and from the project, even though the EIR states that providing such service is necessary to mitigate the project's impacts. As a result, annual operating costs for providing transit service to the project will become a financial burden of the City.

The Addendum fails to consider the need to integrate the Intermodal Transit Center into the design of this major employment center. Comments were submitted to the Planning Commission describing the feasibility of using the Intermodal Transit Center to help reduce air pollution and traffic congestion generated by the project. It was pointed out that the EIR provides the opportunity for the city to require the developer to provide a graded site for the transit center within the project, to pay fees to fund construction of the facility, and to maintain any on-site landscaping in perpetuity. The Addendum concedes that the Mitigated Project will result in significant unavoidable emissions of ozone precursors. Such conditions require the city to consider all feasible mitigation measures to help reduce such impacts. However, no such mitigation is evaluated. The city will be ignoring an opportunity to provide a transit facility that can effectively serve this new employment center and instead will require taxpayers or commuters who pay bridge tolls to fund this facility if constructed in the future.

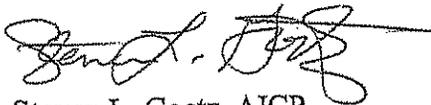
The Addendum fails to evaluate the consistency of Condition of Approval 186 with Mitigation Measure AIR-2 as described in the EIR. Comments to the Planning Commission described how the proposed Conditions of Approval fail to require the developer to implement all mitigation measures contained in the certified EIR to reduce the project's air pollution. No response has been provided to this comment. The Addendum does not acknowledge this inconsistency. As a result, air pollution from the project will needlessly increase or the city will assume responsibility for these mitigation measures.

The Addendum fails to address the adverse impacts of noise mitigation required of the project. Comments to the Planning Commission described how the proposed noise

mitigation options were either inconsistent with the General Plan or would create a long-term maintenance liability for the city. These comments continue to be ignored. Neither the EIR nor the Addendum provides any facts to the contrary. Why would the City Council want to approve a project that would reduce the livability of the neighborhoods along East 2nd Street or impose an ongoing burden for future taxpayers?

There is not sufficient time to provide further comments prior to the scheduled public hearing. I hope the concerns raised on the review process for this application and the Addendum are sufficient for the City Council to conclude its review and deny the project on May 6. The City Council should also consider taking an action similar to the Planning Commission, by requesting the developer to submit a new application for a project that will be a legacy for Benicia and not a liability.

Sincerely,



Steven L. Goetz, AICP

Cc: C. Knox, City of Benicia

Enclosures

Table A: Potential Inconsistencies between the Mitigated Project and the General Plan
Letter to the Planning Commission, April 9, 2008

TABLE A: Potential Inconsistencies Between the Mitigated Project and the General Plan – Page 1 of 3

Goal Policy or Program Language	Conclusions based on the Addendum
<p>Goal 2.3 Ensure orderly and sensitive site planning and design for large undeveloped areas of the city, consistent with land use designation and other policies of the General Plan.</p>	<p>The Addendum fails to evaluate this goal. The EIR found the 2007 project would be consistent with the land use designations for the site, but would be inconsistent with “numerous” other General Plan goals, policies or programs. This table is provided to show that the Addendum fails to adequately demonstrate the Mitigated Project to be consistent with 28 out of 72 goals, policies and programs included in the General Plan for the purpose of environmental protection (nearly 40% of the total).</p>
<p>Program 2.5.C Evaluate future uses on a cost/revenue basis, taking into account economic diversity for the long term and environmental and community costs and benefits.</p>	<p>The EIR failed to evaluate this program. The Addendum does not estimate the cost/revenue for the Mitigated Project, and does not evaluate economic diversity or environmental and community costs and benefits.</p>
<p>Goal 2.20 Provide a balanced street system to serve automobiles, pedestrians, bicycles and transit, balancing vehicle flow improvements with multi-modal considerations.</p>	<p>The Addendum fails to evaluate this goal. The EIR referred to Policy 2.14.1.</p>
<p>Policy 2.14.1 Give priority to pedestrian safety, access, and transit over automobile speed and volume.</p>	<p>Addendum justifies finding of inconsistency with this General Plan policy.</p>
<p>Goal 2.15 Provide a comprehensive system of pedestrian and bicycle routes which link the various components of the community: employment centers, residential areas, commercial areas, schools, parks, and open space.</p>	<p>Addendum justifies finding of inconsistency with this General Plan goal.</p>
<p>Goal 2.21 Encourage Benicia residents and employees to use alternatives to the single occupant automobile.</p>	<p>Addendum justifies finding of inconsistency with this General Plan goal.</p>
<p>Policy 2.15.2 Encourage the development of pedestrian paths in hill areas as a way to link neighborhoods to schools, parks, employment centers, and convenience commercial destinations.</p>	<p>Addendum assumes this outcome is possible but such features are not proposed as part of the project.</p>
<p>Policy 2.21.1 Provide and promote a range of travel alternatives to the use of the private automobile.</p>	<p>Addendum justifies finding of inconsistency with this General Plan policy.</p>

TABLE A: Potential Inconsistencies Between the Mitigated Project and the General Plan – Page 2 of 3

Goal Policy or Program Language	Conclusions based on the Addendum
Policy 2.23.2 Reduce the visibility of parking lots.	Addendum assumes adherence to non-binding design guidelines.
Program 2.23.D Update parking requirements based on actual local parking generation studies wherever appropriate, and consider parking proximity to transit corridors.	No data provided by Mitigated Project to evaluate its consistency.
Program 2.23.E Allow future parking to be divided into smaller lots with generous internal and perimeter landscaping.	Addendum assumes adherence to non-binding parking plans.
Program 2.23.F Recommend parking to be located behind or alongside (but not in front of) buildings, where possible.	No data provided by Mitigated Project to evaluate its consistency.
Program 2.24.A Investigate establishment of Industrial Park bus service.	Addendum justifies finding of inconsistency with this General Plan program.
Policy 2.38.1 Continue to require the use of feasible and practical Best Management Practices to protect receiving waters from adverse effects of construction and urban runoff.	Addendum assumes adherence to non-binding design guidelines.
Program 2.36.C Continue to implement City-adopted water conservation Best Management Practices (BMP).	Addendum assumes adherence to non-binding design guidelines.
Goal 3.9.1 Preserve vistas along I-780 and I-680.	Mitigated Project's inconsistency with this goal would be reduced compared to the 2007 project.
Policy 3.15.2 Preserve public views of open space and maintain existing vistas (including the Northern Area vistas) wherever possible.	Mitigated Project's inconsistency with this policy would be reduced compared to the 2007 project.
Policy 3.15.D Where applicable, require that new developments include view corridors that allow viewing open space from public roadways and public use areas.	Mitigated Project's inconsistency with this policy would be reduced compared to the 2007 project.
Policy 3.15.6 Restore and maintain natural landscapes in a natural manner.	Mitigated Project's inconsistency with this policy would be reduced compared to the 2007 project.
Goal 3.17 Link regional and local open spaces.	Addendum justifies finding of inconsistency with this General Plan goal.
Policy 3.17.1 Attempt to link existing regional and local open spaces using trails and open space corridors.	See Goal 3.17

TABLE A: Potential Inconsistencies Between the Mitigated Project and the General Plan – Page 3 of 3

Goal Policy or Program Language	Conclusions based on the Addendum
Program 3.17.B Construct trails in open space corridors that link existing regional and local open spaces, where feasible.	See Goal 3.17
Policy 3.19.1 Protect essential habitat of special-status plant and animal species.	Addendum assumes this outcome is possible but such features are not proposed as part of the project.
Policy 3.20.2 Restore native vegetation, such as birch grasses and oaks, wherever possible for open spaces of existing developed areas.	Addendum assumes this outcome is possible but such features are not proposed as part of the project.
Policy 3.20.4 Require protection of movement corridors.	No data provided by Mitigated Project to evaluate its consistency.
Policy 3.22.1 Avoid development that will degrade existing lakes and streams.	Addendum assumes adherence to non-binding design guidelines.
Program 3.22.A Require that all development in watersheds flowing into lakes and unchannelized streams include features to preserve run-off water quality.	Addendum assumes adherence to non-binding design guidelines.
Policy 4.10.2 Encourage designs and land use strategies that reduce automobile use and promote mixed use, jobs/housing balance, telecommuting, bicycle and pedestrian facilities, and transit.	Addendum assumes this outcome is possible but such features are not proposed as part of the project.

347 Goldenropes Court
Benicia, CA 94510

April 9, 2008

Members, Planning Commission
City of Benicia
250 East L Street
Benicia, CA 94510

Dear Commissioners:

This letter addresses the public hearing item on the April 10th Planning Commission meeting for the review of the Benicia Business Park project. I have had an opportunity to review the information provided for this item. While I live several miles from the proposed project, its density is so great that it will overwhelm my neighborhood with traffic, noise and air pollution. The available information justifies rejecting the resolution proposed by staff and denying this project. The remainder of this letter will highlight some of this information for the Planning Commission.

1. The Addendum to the Environmental Impact Report (EIR) is inadequate and incomplete. The staff report concedes that the conclusory statements of the Addendum need to be supported by data and analysis. Without additional study, the Addendum cannot be used to determine whether the project will involve new significant environmental impacts or substantially increase the severity of previously identified impacts in the EIR. The staff report indicates the Addendum reflects the judgment of the developer. The determination of facts regarding the ecological impacts of the project is vested with the City, not the developer. The Planning Commission should recommend denial of the revised project because its approval is not adequately supported by the EIR.

2. Traffic congestion is worse than forecasted because the EIR assumes freeway capacities for I-780 that are not achievable. This issue was raised after reading EIR Response B 2-2 which addresses a question from Caltrans about the freeway capacities assumed in the EIR. A capacity of 2,200 vehicles per hour per lane is assumed for freeways with two lanes in each direction. This assumption overestimates capacity because it does not acknowledge conditions on I-780 that can reduce freeway capacity.

This freeway traverses a significant grade between East 2nd Street and Southampton Road, which carries the highest volumes on I-780 attributed to the project. This grade reduces the capacity of this freeway compared to other freeways on flat land. The project includes limited industrial uses that generate truck traffic. Trucks move slower than passenger vehicles, particularly when on grades. No response was provided in the EIR to these comments. The EIR should demonstrate that the condition prevailing on this section of I-780 (e.g. vertical grade and vehicle mix) is consistent with the freeway capacity assumed in the EIR. If the prevailing condition on I-780 is not consistent with the freeway capacity assumed in the EIR, then its findings on freeway congestion at this location would be underestimated.

3. The proposed resolution leaves the City solely responsible for ensuring that residents of Seaview and East Tennys can safely enter East 2nd Street under traffic conditions created by the project. The EIR forecasts that traffic on East 2nd Street north of I-780 will increase from 11,000 vehicles per day to 37,900 vehicles per day by the year 2030. Using the methodology of the developer's consultant, the revised project will reduce this forecast to about 34,000 vehicles per day. With such traffic volumes on East 2nd Street, it is reasonable to expect that traffic from the unsignalized intersections at Seaview and East Tennys may not be able to safely enter this street without signal controls or other mitigation. The EIR could easily determine if traffic signals would be warranted at these locations under Year 2030 conditions, yet it failed to provide such an analysis when requested to do so. Failure to address this issue in the Conditions of Approval will result in the City being solely responsible for funding corrective measures in the future for a traffic condition created by this project.

5. The proposed resolution provides inadequate mitigation for impacts to Lake Herman Road. Prior comments were made about the need to upgrade Lake Herman Road in order to safely accommodate the commute traffic generated by the project. Response E 7-7 in the EIR claims that the additional traffic generated by the project on Lake Herman Road will not alter the safety of a roadway such that a physical impact would result.

The EIR should acknowledge that it is required by state law to examine and analyze the effects of the physical change in the environment after the project is commenced and completed. The existing setting for Lake Herman Road as described in the EIR shows that it carries about 300 vehicles in the AM peak hour and 400 vehicles in the PM peak hour. The EIR shows the project will expand the use of Lake Herman Road by adding 1,200 more cars in each peak hour. Using the methodology of the developer's consultant, the revised project would contribute between 800 and 900 more cars in each peak hour. This is a physical impact on the environment that would result from the project. This project impact generates a commute load on Lake Herman Road that is incompatible with its current design as described in prior comments on the EIR. The consequence of this physical impact will be a greater number of collisions and increased pressure by the driving public to upgrade Lake Herman Road to serve the commute load generated by the project. Examples of upgrades typically sought for rural roads experiencing commuter traffic include shoulder widening, curve realignment, and median barrier construction.

Condition 89 requires the applicant to provide Class II bike lanes (e.g. widen shoulders) along Lake Herman Road between Industrial Way (presumably its extension) and A Boulevard. Condition 98fii requires the applicant to widen Lake Herman Road from A Boulevard to I-680. Condition 99iv requires the applicant to provide shoulders and Class II bike lanes on Lake Herman Road from Reservoir Rd (which presumably will be removed by the project) to the westerly city limit. These conditions leave a three-mile stretch of Lake Herman Road west of the city limit without any upgrades to accommodate this project's commute traffic. Failure to address this impact in the project

approval will shift to future taxpayers the burden of mitigating a significant physical impact on Lake Herman Road created by this project.

6. Approval of this project will blight the major entrance to downtown Benicia.

Conditions 164 and 174 propose to add an additional lane to East 2nd Street under the freeway and modify the eastbound (EB) offramp to allow right turning vehicles to exit the freeway without stopping. Prior comments were made about the feasibility and effectiveness of this mitigation measure. Response E 7-10 relies on the 48-foot width of East 2nd Street under the freeway to demonstrate the feasibility of the proposed lane configuration. This response is inadequate for the following reasons:

- Four twelve-foot lanes will use all available roadway width, including the shoulder areas currently available to bicyclists as a bike route. Bicyclists will no longer have space available on East 2nd Street as they pass under the freeway. This mitigation measure works against Mitigation Measures TRANS-24 and AIR-2 which attempt to encourage more bicycle use.
- Northbound bicyclist traveling through the interchange area will become trapped between two lanes of traffic as vehicles enter East 2nd Street using the new northbound lane that will serve vehicles turning right from the EB offramp. Such a condition also seems counterproductive to Mitigation Measures TRANS-24 and AIR-2.
- This section of East 2nd Street is constrained by two intersections that are less than 500-feet apart. The left turn lanes cannot be extended so vehicles waiting to turn left onto the freeway could easily back up into the adjacent through lane.
- Installing signal controls on the EB offramp's "free right-turn lane" to accommodate pedestrians will reduce the ability of the free right turn lane to serve Cumulative Plus Project traffic volumes without causing backups onto the freeway.
- Caltrans controls the signals at the freeway ramps and will require that Conditions 164 and 174 meet Caltrans standards. Before the Planning Commission suggests Conditions 164 and 174, the City should identify the Caltrans standards that apply to this improvement and show that these standards can be met.

Given the above circumstances, the EIR does not provide a reasonable basis for finding that the proposed lane configurations and signal controls will reduce impacts to a less than significant level at the I-780/East 2nd Street interchange area. A feasible and effective mitigation measure needs to show that:

- a shoulder area for the bike route can be provided in each direction pursuant to the General Plan;
- the length of the northbound and southbound left-turn lanes between the ramp terminals will be sufficient to accommodate Cumulative Plus Project traffic volumes;
- the proposed signal control for the EB offramp's "free right-turn lane" will not cause vehicle queues to extend onto the freeway under Cumulative Plus Project conditions; and
- Caltrans design standards for this location can be met.

7. Conditions 164 and 174 do not assure impacts at the I-780/East 2nd St. interchange will be fully mitigated. These proposed Conditions of Approval fail to include installation of signal controls for the "free right turn lane" as referenced in Response E 7-10. Without this new signal, pedestrians on the east side of East 2nd Street would be unable to cross the "free-right turn lane" and proceed from one side of the freeway to the other side. No information has been provided to substantiate the claim that Condition 164 and 174 will result in acceptable levels of service by Year 2030, assuming signal controls for the "free right turn lane" and assuming the conditions Caltrans would impose.

8. The Commission's resolution leaves the City responsible for funding the operating costs for extending bus service to the project. Under Condition 1031, the project is only responsible for the capital costs for extending bus service to the project and for operating costs for one-year. Response E 7-13 claims that requiring the project to provide additional funds to Benicia Transit "*would likely exceed constitutional nexus requirements*" and would be inconsistent with past approaches in Benicia to transit. The EIR provides no explanation of these constitutional nexus requirements to support this conclusion. Furthermore, these claims are puzzling given the EIR's description of the transit impact on page 247 which states:

"The project includes no provision for transit and would conflict with City and regional policies supporting alternative transportation. Transit routes connecting the project site and Benicia with regional transportation centers are required to ensure adequate transit service for commuters to and from the proposed project."

Providing bus stops and buses will not ensure adequate transit service if additional drivers are not available to drive the additional buses. The EIR's unsubstantiated claim that tax revenue will be sufficient to operate these additional buses could also be used to claim that tax revenue will be sufficient to purchase the additional buses.

Response E-13 should have explained the constitutional nexus requirements for mitigation measures. Under these requirements the City must show that (1) the mitigation is directly related to the impacts of the development giving rise to the mitigation, and (2) the nature of the mitigation is roughly proportional to the impacts of the project. Operating funds are needed in addition to capital funds to provide adequate transit service, thus the mitigation is related to the project's impact. The project's contribution to operating funds would be limited to the amount necessary to provide the expanded service, thus the mitigation is roughly proportional to the impact of the project.

Finally, the need for this mitigation measure (TRANS-23) to be consistent with past approaches in Benicia to transit mitigation is irrelevant to determining the adequacy of a mitigation measure. Even if the City's prior approach to mitigating transit impacts was limited to capital funding, this does not mean that such an approach was adequate then, or that it is adequate now given the facts as presented in the EIR for this project.

9. The City fails to meet its obligation to consider including the Intermodal Transit Facility as a condition of approval to help offset significant and unavoidable air quality impacts. The EIR has identified regional air pollution as a significant unavoidable impact of the project. The developer's addendum provides no evaluation of whether the revised project reduces the significant air quality impact to a less than significant level.

The purpose of Condition 186, as described in Mitigation Measure AIR-2, is to implement feasible and effective measures in further reducing vehicle trip generation and resulting emissions from the project. Response E 7-14 concedes that an intermodal transit facility within the project could increase transit use, much in the same way as providing bus turnouts, benches and shelters, which are already part of Mitigation Measure AIR-2. The EIR's conclusion that this additional mitigation measure would not reduce air quality impacts to a less than significant level does not deny the City's obligation to include in Condition 186 all feasible and effective mitigation measures that will help offset significant unavoidable impacts.

Alternatively, the City could have included the Intermodal Transit Facility as a project requirement similar to Condition 1031, which requires the applicant to provide a graded 7-acre minimum site for a future City corporation yard in Phase 2 of the project at the southeast corner of Industrial Way and A Boulevard. The EIR analysis supports a Condition of Approval that would require the applicant to provide a graded site for a future City Intermodal Transit Facility integrated into the development of Phase 1 of the project, to pay fees to fund construction of the facility, and to maintain any on-site landscaping in perpetuity. Unfortunately, no such condition is proposed by staff.

10. The City fails to mandate implementation of all measures from Mitigation Measure AIR-2 in Condition 186 to help offset significant and unavoidable air quality impacts. In reference to Mitigation Measure AIR-2, Condition 186 proposes that *"the project shall provide as many of the following measures as practicable"*. There is no evidence in the record of this project to suggest that any of these measures are not practicable in this circumstance. On the contrary, the EIR states that these measures *"are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the project. The project sponsor shall incorporate all of the following measures into the project."* Failure of the City to mandate implementation of Mitigation Measure AIR-2 as described in the Final EIR violates state law which requires the city to adopt all feasible and effective mitigation measures that will help offset significant unavoidable impacts.

11. Approval of this project could expose school children at Semple Elementary School to unhealthy air quality by causing a violation of state standards of protection. The EIR states that future traffic will comply with the state law that prohibits elementary schools to be located within 500 feet of roads carrying up to 100,000 vehicles per day. Response A 7-1 states that *"the modeled future plus project*

Average Daily Trips (ADT) would be 37,900 along East 2nd Street and 55,000 ADT on I-780".

During review of the EIR it was pointed out that the future freeway volume referenced in Response A 7-1 represents existing traffic, not future traffic. It was argued that future ADT on the roads within 500 feet of Semple Elementary School could be as high as 130,900. Using the methodology of the developer's consultant, the ADT on these roads under the revised project would be reduced to perhaps 127,200.

At the February 19th City Council meeting, the EIR consultant claimed the application of the state standard on school siting requires the 100,000 vehicle threshold to be measured on one road only. This claim was without substantiation and is comparable to assuming one cup of poison won't be harmful if taken in two ½ cup containers.

This future volume significantly exceeds the state standard of 100,000 ADT. Why would the City want to create such a condition for our school children by approving this project?

12. The proposed conditions for noise impacts would create a visual blight or a long term maintenance liability for the City. In response to the concern about noise impacts on East 2nd Street from I-780 to East Temmys, the Final EIR proposed construction of soundwalls (at least eight feet high) along this prominent roadway or "rubberized asphalt" as a mitigation measure. This measure is incorporated into Condition 193.

Response E 7-19 concedes that soundwalls would not be desirable but it does not address the concern that rubberized asphalt would wear out and eventually become ineffective. If rubberized asphalt is pursued, should the project be required to maintain this measure in perpetuity in order to ensure its effectiveness over the long term? Unfortunately, Condition 193 leaves future taxpayers with the responsibility of repaving this road as the rubberized asphalt wears out.

In closing, I would like to convey my frustration in monitoring the City's review of this important project. Despite significant concerns about the project's potential impacts on adjacent neighborhoods, a majority of the City Council voted on February 19th to advance this application for a decision. The developer now comes forward with a revised project with very little substantive information and analysis to address the impacts raised during review of the initial project.

Furthermore, the developer is using the Subdivision Map Act to force the Planning Commission to make a report on the Vesting Tentative Map and a recommendation on the rezoning proposal within 50 days of the City Council action on February 19th. The applicant could request the City to waive the 50-day review period to provide time for a more thorough review and analysis of the revised project. Apparently the applicant has chosen not to give the Planning Commission that opportunity.

Members, Planning Commission
April 9, 2008
Page 7 of 7

The revised project still represents one of the largest development proposals in the city's history. It will establish the land use policy for a parcel of land that is of a size, location and development potential that is unmatched anywhere else in Solano County. If you are considering approving the proposed resolution, I would hope that you would ask questions of City staff about the issues described in this letter.

The applicant may have a right to expect the Planning Commission to act within 50 days of the City Council's action, but the applicant does not have a right to expect the Planning Commission to approve the proposed resolution. As the staff report says: "*The Planning Commission may also make a more definitive recommendation regarding approval or denial of the proposed project.*" I hope you believe the information developed so far on this revised project (or lack thereof) supports denial of it.

Sincerely,



Steven Goetz, AICP

Cc: C. Knox, City of Benicia

VIII-A-120

**LSA RESPONSE TO STEVE GOETZ
COMMENT AT THE MAY 6 COUNCIL
MEETING**

Anne Cardwell - Fwd: Benicia Business Park GP Policy Consistency

From: Charlie Knox
To: Anne Cardwell
Date: 5/8/2008 11:14 AM
Subject: Fwd: Benicia Business Park GP Policy Consistency

>>> "Adam Weinstein" <Adam.Weinstein@lsa-assoc.com> 5/8/2008 10:25 AM >>>
 Charlie,

We agree with Mr. Goetz that the revised project would be consistent with some of the General Plan goals, policies, and programs only if the non-binding components of the project (e.g., Master Plan Overlay Design Guidelines) were to be implemented. Indeed, throughout the Addendum (including in Table 4, Relationship of the Mitigated Project to Relevant City of Benicia General Plan Policies) we deliberately note that certain provisions of the revised project are non-binding. In doing so, we implicitly suggest that the revised project may not achieve all potential environmental gains that are listed in the revised application.

Our primary point of disagreement with Mr. Goetz is his expressed notion that the revised project must be consistent with every General Plan policy adopted for environmental protection in order to reach a finding that the revised project would not result in a significant impact associated with conflicts with General Plan policies adopted for environmental protection. We believe that this approach is unreasonably rigid and probably isn't supported by the CEQA Guidelines or case law, which urge that policy-related impacts be treated somewhat cautiously, with an emphasis on physical environmental impacts rather than the policy inconsistency itself. Policy impacts should also be examined in light of the General Plan's designation of the project site for business park uses.

What we found in preparing the Addendum was not that the project was consistent with every General Plan policy adopted for environmental protection, but that the project was substantially compliant with such policies -- that is, compliant enough for the revised project not to result in the significant unavoidable physical impact associated with massive grading and removal of creeks/wetlands. The finding that the earlier project would result in a significant policy-related impact was based on substantial inconsistency with four key policy themes: preservation of hillsides; preservation of creeks and wetlands; protection of visual resources; and promotion of alternative transportation.

The revised project, even analyzed on its own (and not in comparison to the earlier project), does fairly well in the first three categories. The prominent hillsides in the site would be preserved; all creeks and wetlands would be preserved within buffers; and the protection of these resources would retain much of the visual character of the site. As we point out throughout the document, including in Table 4, the revised project would not promote (or only marginally promote) alternative transportation. However, we stand by our point that the connected open space provides a framework for the development of pedestrian/bike trails in the project site --- and that this feature of the project represents a slight improvement in the context of alternative transportation compared to the earlier project. The earlier project would have largely precluded the development of such a trail system - and that fact that the revised project would allow for alternative transportation features in the future is important.

Although the revised project is inconsistent with the alternative transportation policies, we don't think this pushes it into the realm of a significant policy impact because the traffic (the significant physical impact) that would result from the revised project is more a function of the type (business/industrial park), size (large), and location (surrounded by industrial uses and open space, and near the freeway) of the project than the fact that the project doesn't comply with alternative transportation policies. Therefore, we based our "substantially consistent" finding on the consistency of the project with hillside preservation, wetland protection, and visual character preservation policies. The revised project isn't 100 percent compliant with every environmental policy, but it is consistent with the spirit of most of the policies, particularly as they pertain to a site that is designated in the General Plan for business park development.

VIII-A-122

Let me know if you want to discuss further.

Adam Weinstein
Associate

LSA Associates, Inc.
2215 Fifth Street
Berkeley, CA 94710

VIII-A-123

**AGENDA ITEM
CITY COUNCIL: MAY 20, 2008
ACTION ITEM**

DATE : April 30, 2008
TO : City Council
FROM : City Attorney
SUBJECT : **ACCEPTANCE OF THE ANNUAL REPORT OF THE OPEN GOVERNMENT COMMISSION**

RECOMMENDATION:

Accept the annual report of the Open Government Commission.

EXECUTIVE SUMMARY:

In accordance with Benicia Municipal Code 4.20.010.D, the Open Government Commission is required to provide an annual report to the City Council on the implementation and compliance of Title 4 (Open Government) of the Benicia Municipal Code.

BUDGET INFORMATION:

There is no fiscal impact from these changes.

BACKGROUND:

The commission spent time discussing what areas the open government commission should focus on. The overall goal is to have a user friendly, proactive approach for citizens to get information. One of the ways they felt this could be accomplished was the continual training of staff. They also felt that there should be continual improvement of the city's web site. They will work with the city attorney in updating the "How To" pamphlets to make them as user friendly as possible. They will also continue to brainstorm ideas on the best approach for public outreach direction to try to engage more citizens in the government process.

The following is a summary of what the Open Government Commission accomplished during 2007. In addition, a table is included showing the Commission's Action Items that were completed in 2007.

- Personnel: At the first meeting of the Commission held on January 23, 2007, Commissioner Woods was elected to serve a second term as Chair, Commissioner

Requist was elected Vice Chair and Commissioner Whitehead was elected Sergeant at Arms.

- Training: The city attorney completed Open Government Training for the Council and all Boards and Commissions. An open government commissioner attended the March 2007 AB 1234 training given by the city attorney.
- Extra Commission Activities: In February, the Commission visited the Fair Political Practices Commission ("FPPC") offices in Sacramento to hear an overview of what the FPPC does and to learn more about their hearing procedures.
- Presentations: The assistant to the city manager gave a presentation on the Strategic Plan Update.

A presentation was given by the city manager and the IT manager on the new city web page.

- The city attorney prepared a Code of Conduct for Council and all Boards and Commissions and reviewed it with members.
- The administrative review and appeal process was adopted.
- The city attorney revised the City Council agenda.
- The following "How To Tips" were prepared by the city attorney and reviewed with the commission:
 - Disclosure of Ex Parte Communications.
 - Disclose A Conflict of Interest.
 - How to appeal the denial of a request for records or a meeting held without proper notice.

Attachment:

- Action Item List

cc: Open Government Commission

ACTION ITEM LIST

OPEN GOVERNMENT COMMISSION
ACTION ITEMS COMPLETED IN 2007

Item	Who Requested/Suggested	In Meeting Minutes	Priority	Date Requested	Item Completed
Review section of sunshine ordinance regarding additional information presented at a meeting and when agenda item has to be held over	John Woods	Yes	1	1/24/06	1/22/08
Chapter 4.08.050B. Supplemental agenda in particular sub-para 5 and 6 may need to be clarified	City Attorney	Yes	1	3/28/06	9/25/07
Chapter 4.08.050C. May conflict with Brown Act. Set subcommittee to review (should be "D")	City Attorney	Yes	1	3/28/06	1/07
Section 4.16.030. May need to expand open government training down to the level of those employees who are required to come in contact with public as a regular course of business	Janet Grothe	Yes	2	3/28/06	10/07
Chapter 4.04.030. Right to interrupt meetings by the general public with a point of order or point of information	John Woods	Yes	4	3/28/06	10/07
Chapter 4.08.040B3. Review and make clearer	City Attorney	Yes	4	3/28/06	10/07

Invalid criticism. What constitutes an invalid criticism and how should it be handled	John Woods	No	4	3/28/06	10/07
Section 4.16.110. Gifts may need to be reevaluated	City Attorney	Yes	5	3/28/06	10/07

Additional open government items the city attorney worked on in 2007 included:

1. Revising the city council agenda
2. Open Government Training for Council and all Boards and Commissions
3. Prepare Code of Conduct for Council and all Boards and Commissions
4. Preparation of Open Government Meeting "How To" Tips:
 - a. Disclosure of Ex Parte Communications
 - b. Disclose A Conflict of Interest
 - c. How to appeal the denial of a request for records or a meeting held without proper notice

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
ACTION ITEM

DATE : April 24, 2008
TO : City Manager
FROM : Economic Development Manager
SUBJECT : **APPROVAL OF A TOURISM PLAN**

RECOMMENDATION:

Approve, by motion, the completed communitywide tourism plan and direct staff to start implementing it.

EXECUTIVE SUMMARY:

Consultants Placemaking Group have developed a communitywide tourism marketing plan, including a branding recommendation, to unify the City's future tourism efforts and ultimately attract more visitor dollars to Benicia. The Economic Development Board recommends the Council approve the plan and start implementation.

BUDGET INFORMATION:

Approval of the marketing plan itself does not have a cost; however, many of its recommendations carry cost implications that will be funded from the tourism allocation in the 2007-09 Budget or return to the Council for approval. There is currently about \$30,000 remaining this fiscal year, and \$55,000 allocated next fiscal year.

BACKGROUND:

Tourism is a 2007-09 Top 10 Priority of the City Council. Development of a branding plan was included as a 2007-09 Budget item.

DISCUSSION:

Developing a tourism brand for Benicia surfaced as an idea in a February 2007 workshop organized by Economic Development on tourism. Since then, that concept has been discussed at the Economic Development Board (EDB), and was included in the City Council's approved Strategic Plan as a Top Priority. Funds were allocated in the 2007-09 Budget, and after the budget was approved, staff issued a RFP inviting qualified marketing/branding/tourism firms to respond. The Placemaking Group, based in Oakland, was awarded the contract for \$40,000.

The contractual work included stakeholder input, a Strengths-Weaknesses-Opportunities-Threats analysis, and a marketing plan including implementation strategies, logo, and slogan. The public

input process encompassed a public meeting in November and subsequent presentations and discussions at the regular Economic Development Board meetings.

The marketing plan's (attached) target audience is women and families, from within about a 40-minute drive. It identifies the brand statement (the summary of the tourism message) as "Benicia is a focal point for art, shopping, dining, and California history, set in a beautiful waterfront location." The plan's short-term recommendations include establishing a coalition of tourist-oriented organizations and businesses, improving public signage, and encouraging better coordination of tourist-serving businesses' open hours. The plan also recommends designating lower First Street as the "waterfront district" to highlight this asset.

Medium-term recommendations include bolstering the business mix downtown to increase water-oriented uses and more art galleries and studios. Longer-term recommendations cover "densifying" the business community in both the Arsenal and downtown, improving historic preservation efforts for public buildings, and increasing streetscape improvements and beautification. The recommended tagline for the branding effort is "Benicia – A Great Day by the Bay". This emphasizes the waterfront and being a great day trip destination. The accompanying logo is abstract, using color blocks evocative of watercolor paints or glass art.

The plan covers but does not recommend funding mechanisms, such as transient occupancy tax or sales increases, business improvement districts, or continuing on with General Fund dollars.

Tourism brand development will create the "hook" for future marketing campaigns by the City and its partner organizations, as well as for individual businesses looking for tie-ins and promotional opportunities. Once this plan is approved, staff will proceed with the Budget's funded elements of a tourism program - advertising, wayfinding signage design, and small downtown streetscape projects, as well as tackling the lower cost recommendations for short term priorities, such as establishing a stakeholders' coalition. An example from Durham, NC of how a tourism brand and logo are deployed as a unifying visual element for stakeholders' own marketing is attached.

The Economic Development Board recommended approval of the marketing plan at its meeting of March 26.

Attachments:

- Draft Tourism Marketing Plan
- Proposed Logo and Slogan
- "More Examples" from Durham, NC

ATTACHMENTS

THE
placemaking
GROUP

position
communicate
inspire

CITY OF BENICIA
Strategic Tourism Marketing Plan
April 2, 2008

TABLE OF CONTENTS

Executive Summary	2
Introduction and Purpose of Project	2
Market Position	4
Market Analysis (SWOT)	6
Destination Branding Blueprint	7
Planning	8
Recommended Marketing Implementation	15
Measurement	19
Appendix	20

EXECUTIVE SUMMARY

This plan begins by reviewing the current position of Benicia in the market as a day-trip destination. The primary target audiences are within a 40-minute drive-time radius, skewed towards women in order of priority: 1) 35+, upscale couples and women, 2) Families. It is clear from the SWOT summary that the key strengths are a quaint atmosphere, history, art, appealing retail stores and restaurants, and the waterfront area.

Investment is needed to move Benicia to the next level to attract tourists and take advantage of the opportunities in these areas. There is a good deal of tourist interest in California history (especially living-history experiences), waterfront areas, and art. We recommend designating 1st Street up to H Street and the waterfront promenade as a focal point for tourists to Benicia and incorporate art, history, restaurants and specialty shops as part of the promenade.

We recommend improving the infrastructure by increasing the hours that shops and attractions are open, improving directional and interpretive signage and dealing with the marketing, funding and organizational needs. To market the current attractions we recommend increasing the quality and quantity of the web presence; developing effective marketing materials; generating media exposure and creating events that highlight the key strengths.

Benicia is a focal point for art, shopping, dining and California history set in a beautiful waterfront location.

INTRODUCTION AND PURPOSE OF PROJECT

Tourism Defined: For cities large and small, economic-development programs are initiated to attract new businesses. Successful economic-development efforts generate tax revenues, support local businesses, create new jobs, and fund public services and programs. Tourism ranks high among the industries that offer the potential for economic benefits to the communities that support such activity.

Tourism Development: When carefully planned and implemented, tourism can be a major contributor to the economic health of a community. Furthermore, by enhancing the community's image, tourism can build pride among the people who live and work there.

For some communities, tourism is easily developed, utilizing assets that can be made into attractions with little effort. In contrast, other communities must work hard at attracting tourists.

Fortunately for Benicia, it has many attributes and assets that can be marketed to attract tourists. The city offers a charming environment that makes it an appealing place to visit and it is easily accessible. Benicia also has a rich history and artists have found it to be a good place to create and showcase their work.

Even with diverse assets, tourism development is an intensely competitive activity. Within the Bay Area there is no shortage of attractions and events vying for the attention of local residents and tourists from around the region, the state, and the rest of the world. Benicia is just one of a very long list of places to visit, and things to do. Despite its attractions, it is easy for travelers to bypass Benicia while en route to other more well-known destinations.

Prudently, local government, business people and residents have chosen to pro-actively market Benicia as a tourist destination. The City seems very interested in making change happen. They have recently completed a Downtown Mixed-Use Master Plan, and now this branding report. Also, the City's latest Economic Development Strategy supports tourism growth.

Benicia's assets and liabilities have been cataloged and evaluated. The community's strengths have been identified, and weaknesses have been candidly acknowledged. Opportunities were analyzed, and threats were recognized.

The result was a clear picture of how this historic and appealing community could be presented to the marketplace as a destination that presents opportunities for pleasant, informative, relaxing, and memorable experiences. To do so requires skillful branding, defining the product – Benicia – in ways that encourage tourists to take part in its many offerings.

The key to successful branding is the creation of a marketing plan that will inform travelers, and motivate the target audiences to give priority to visiting Benicia. In this process, target audiences are defined, key messages are created, and the vehicles best suited to inform the marketplace are chosen.

It is important to make certain such an effort is looking ahead, not lingering in the past. What opportunities can be developed? How can existing resources be used in new and imaginative ways?

This document summarizes the plan that has been created to accomplish these important elements and market Benicia as an appealing tourist destination.

MARKET POSITION

Current/Near Future Positioning

Today, Benicia has interesting attractions that draw day trip travelers, particularly within a 20 – 40-minute travel radius. The key attractions include: the waterfront glass art studios, historical structures, the Benicia Historical Museum, shops, stores, and restaurants. Special events also serve as tourist attractions.

The quaint atmosphere, waterfront location, retail businesses and charming appeal all make Benicia an interesting destination. The character and atmosphere of Benicia make it an attractive destination for market segments that are looking for interesting day-trip destinations.

There is much that can be done to increase the appeal of Benicia as it currently stands today, thus adding tourists. While Benicia has many essential elements necessary to being an important tourist destination, it has not been adequately packaged to effectively attract those tourists.

Future Positioning

If Benicia wishes to become a regional draw to tourists from within the regional market, then substantial development in the areas of accommodations and attractions would need to occur. Benicia will need to increase its critical mass of shops, restaurants and waterfront destinations. The waterfront – a term which generally refers to First Street south of B Street, the fishing pier and the Marina Green -- could be a large draw for tourists if it was developed with restaurants with views, activities such as windsurfing, walking areas that connect with the shoreline park, and a venue for entertainment, either indoor or outdoor.

The glass blowers and other artists could be promoted to attract additional tourists from the region. At present, however, many galleries and studios are not open on a consistent basis. There are opportunities to utilize art as a significant attraction – such as the establishment of an artists' cooperative downtown, which was previously recommended by the Downtown Market Study (2002).

There is also significant history in Benicia to promote. But it is currently not presented in ways to make it a strong regional draw. Other historical attractions could include additional refurbished historical structures, expanded museum offerings, and costumed re-enactments to bring Benicia's history to life.

Benicia has a quaint and comfortable small town appeal. This leads Benicia to be viewed not as an intensely active destination such as Sausalito, but more relaxed and accommodating like Half Moon Bay, Pacific Grove, Capitola, Petaluma or Pt. Reyes Station. With new development, the waterfront could become an even more appealing attraction.

By increasing the quaint atmosphere, adding shops and restaurants, and by preserving the history, Benicia's overall appeal will also increase.

Over the long term, changes will occur that will affect the diversity of business activity in Benicia. For example, a proposal is being considered for a 528-acre business park that could include hotels, restaurants and other retail businesses.

As Benicia becomes better known and as the visitor infrastructure is enhanced, businesses throughout the city will benefit from the spillover effects and additional customers.

MARKET ANALYSIS (SWOT)

A complete list of strengths, weaknesses, opportunities and threats was developed with the Economic Development Board and public input on November 28, 2007. This list is found in the Appendix along with the comparison analysis.

After gathering input and reviewing the market demands, we selected those attributes we felt were most relevant to the task of generating an increase in tourism in Benicia.

The key strengths were identified as:

- 1st Street and waterfront area: shops, stores and restaurants
- History (museum, capitol building)
- Art (glass art studios and other art galleries)

Major weaknesses are:

- Lack of funding for development, infrastructure and marketing
- Scattered attractions
- Inadequate directional and interpretive signage
- Absence of image marketing
- No dedicated tourism staff

The most prominent opportunities are:

- Expanded waterfront attractions. Tourists like waterfronts
- Commandant's Mansion and other historic structures could add to the strengths
- Market for day trips in the Bay Area is strong
- Interest in historical experiences is high
- Capitol building and other historic structures are underutilized
- Market for art and decorator items such as paintings, ceramics and sculptures in the Bay Area is excellent
- Hotel opening provides promotional opportunities, and more accommodations

Threats from the outside that may need to be addressed:

- Competition from other local destinations (particularly nearby cities that might enhance their waterfront along the Bay)
- Degradation of historic buildings
- Public opposition

DESTINATION BRANDING BLUEPRINT
City of Benicia

Brand Elements	Strategies, Descriptions, Comments
Brand Destination	California history and glass art; focus day trip; local hometown; shops and restaurants
Brand Vision	"Must See" regional art, history and shopping destination
Brand Positioning (Current)	Currently not well known, generally. Known to select enthusiasts. 20-40 mile radius.
Brand Target	History - 35+, school children and families Art - adults; special interest in buying, viewing, learning about art Shopping – women 35+
Brand Name	Benicia, California
Brand Identity	TBD in phase 4; limited established identity
Brand Promise	A unique experience; once capital of California; Needs to be developed – currently not well known and passive. Assets need more development: signage, walking tours, larger focus on events.
Brand Personality	Charming, welcoming, quaint
Brand Emotion	Easy to get here. Easy to be here. Comfortable. Warm. Happy and lucky to have discovered a hidden gem.
Brand Experience	Welcoming combination; unique attractions and home-town atmosphere (not stand-off and elitist)
Brand Quality	High-quality glass art. Significant historic buildings. Specialty shopping. Waterfront. Less expensive than many touristy destinations.
Brand Pricing	Moderate
Brand Packaging	Charming and quaint; need signage; better utilization of waterfront; marketing material. Unified images.
Brand Distribution	Very limited exposure at this time; billboards and some advertising.
Brand Association	Solano county; Historical society.
Brand Credentials	Buildings on Historical register
Brand Message	Benicia is a focal point for art, shopping, dining and California history set in a beautiful waterfront location.

PLANNING

OBJECTIVES

Following are four broad objectives, along with marketing and non-marketing goals that support the overall objectives. The intent is to use the character of the community and its assets to attract tourists to the destination.

City of Benicia Tourism Marketing Program Objectives

- Increase day trips to the city
- Increase overall sales-tax collections from retail and restaurants
- Increase utilization of tourism assets including the Benicia Historical Museum and the Capitol Building
- Increase community pride in Benicia's assets

Marketing Goals

To accomplish these objectives, the marketing program would work toward the following:

- Increase positive image of the city of Benicia among locals and tourists
- Increase awareness of the city of Benicia's offerings among locals and target audiences within the 40-minute travel radius
- Use the current destination offerings to lure tourists to make the trip

Non-Marketing Goals

- Add new tourism offerings to the city
- Increase the appeal of the current tourism product
- Promote and fund improvements
- Provide an enjoyable tourist experience

STRATEGIES FOR REACHING GOALS AND OBJECTIVES

As stated in the market position, there is much that can be done to increase tourists and the appeal of Benicia as it stands today. The strategy utilized in this plan is to optimize the current state of the destination by:

- Increasing awareness of the destination
- Targeting niche markets that would have an interest in Benicia's art, history, shops and restaurants.
- Making the most of the assets currently in Benicia by increasing the visitation by the targeted market segments.

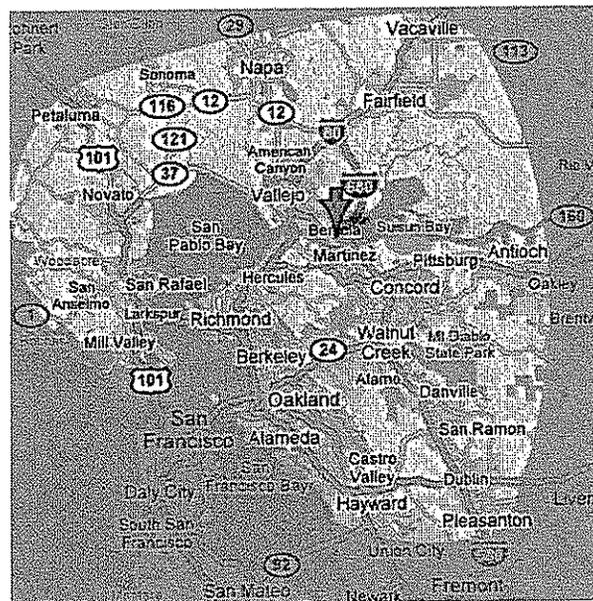
Additionally, plans should be started to encourage development of new assets that fit with the newly established brand:

Benicia is a focal point for art, shopping, dining and California history set in a beautiful waterfront location.

TARGET AUDIENCE

With the key destination attractions being its charm, waterfront location, art and history, we feel that the target audiences are primarily tourists 35 and up, living within a 40-minute driving distance. Their income and education level should represent up-scale, active audience segments. Generally tourists with an interest in these elements will be college educated and have an above average household income. A secondary audience is families with young children who have an interest in many of the events, historical attractions, the Shoreline Park and outdoor facilities.

A 40-minute driving radius includes Contra Costa, Napa, Marin, Alameda, Solano and San Francisco Counties. The following map shows the approximate area of the target audience, with the exception of San Francisco, which is not within the 40-minute drive range due to traffic. The 40-minute radius includes: Davis to the northeast, Napa to the north, Petaluma and San Rafael to the west, Pleasanton to the south and Hayward to the southwest.



As Benicia's critical mass increases, the target audience will expand to include tourists from up to 1½ hours driving distance. This covers most of the Bay Area including Gilroy to the south, Cloverdale to the north and Stockton to the east, which are all 90-minutes away. Sacramento, San Jose and San Francisco are within a 1-hour drive during normal driving conditions.

KEY MESSAGES

The following key messages convey the diverse attractions that make Benicia a pleasant place and appealing to visit.

- Benicia offers a glimpse of California history through the Benicia Historical Museum and restored Capitol Building
- Benicia has a thriving glass arts community that is accessible and presents high-quality glass art
- Benicia puts on an array of fun events downtown
- The waterfront is a beautiful and relaxing spot to get away
- Benicia is a charming and quaint shopping experience, with a diverse array of locally owned stores offering unique and appealing merchandise
- There is a variety of interesting, locally owned restaurants
- Benicia is safe and tourist friendly
- There are a number of parks and outdoor recreational areas for tourists to use

ORGANIZATIONAL AND INFRASTRUCTURE RECOMMENDATIONS

Short Term Priorities (up to 18 months)

Internal Communication: Benicia is a conservative community that embraces change slowly. There has been limited interest in redevelopment and Business Improvement Districts (BIDs) as funding mechanisms in the past. There may be some fear in the community that increased tourism could lead to loss of community character, increased crime and traffic congestion. We recommend:

- Implementing a tourism-education program to inform Benicia residents of the program and to ease community fears about negative impacts of increased tourism
- Continuing the encouragement of community participation in the tourism program; e.g. meetings and volunteer opportunities

Designate a Manager: This could be a new city position or a paid executive director type who can pull together the various entities in the coalition and conduct outreach to attract developers who would expand Benicia's critical mass. Having a manager will help in the coordination of efforts by various participants, and identify and pursue opportunities.

Organize a Tourism Marketing Coalition: Once a manager is designated then it would be important to create a team to support the expansion of tourism in Benicia. Members of the team could include: the Chamber of Commerce; Main Street Program; Arts Benicia; Benicia Historical Museum; Fire Museum; State Capitol and other entities that could contribute to – and benefit from

– expanded tourism to Benicia.

The group would represent stakeholders with an interest in tourism development. They would be encouraged to look for ways of initiating new co-op marketing efforts. Such cooperation is already being utilized in downtown events that Benicia Main Street helps coordinate such as the “Holiday Gift Guide”, “Benicia in Bloom” and the “November Stroll.” Other possibilities could be an on-line mall on the Internet and other promotions that allow merchants to cooperate and work with community groups and organizations.

The groups could also share resources such as volunteers, customer lists, survey results and other feedback to help each other’s success.

Form a Marketing or Business Association in the Arsenal: This group could contribute dues, and both fund and guide implementation of marketing the Arsenal—primarily the arts uses and other tourism related activities. This group could be part of the above-mentioned Tourism Marketing Coalition and also explore the idea of a BID in the Arsenal (see long-term recommendations) and be the pre-cursor to such an entity.

Hours of Operation: To increase the number of tourists visiting Benicia, there needs to be expanded access to the key tourist attractions at times when visitors want them to be available. For example, it is essential to increase the number of days that galleries and museums are open to the public, and to increase the number of special art showings and “Open Studio” events.

It is also important for visitor information to be available (at the Chamber of Commerce, Depot or other locations) on a consistent basis. Extended hours for 1st Street businesses to stay open late on at least one common day per week will be beneficial to build recognition of Benicia as a shopping destination.

Improve Directional Signage: Improve access route signage, paying special attention to any point where the tourists might ask, “where do I go now?” Create graphic continuity for signage so that tourists know what to look for. Ensure that the size, colors and typefaces are selected for maximum visibility and readability.

Waterfront District: Designate 1st Street up to H Street, and the waterfront promenade area as the Waterfront District to highlight this very attractive part of Benicia. This will provide a focal point for those visiting Benicia. The main reason to do this is because the waterfront is a key

differentiator and giving it a name will bring focus to this area. Additionally, there is a need for “one more thing to do” after dinner. Including a bookstore or music venue on the waterfront would provide that added incentive to go to Benicia for dinner. The Railroad Depot is an ideal place for this type of use.

Improve Interpretive Signage: Improve signage at key historical locations by detailing the histories of each landmark rather than simply identifying them.

Mid-Term Priorities (18 months to 5 years)

- Attract bicyclists from new Bay Trail and bike path on Benicia Bridge (see Downtown Mixed Use Master Plan page 3-15)

Work to expand the appeal of the waterfront area. Attract windsurfing/boat/kayak rental companies to provide activities at the waterfront

Cross-Promote Benicia with other regional tourism facilities and destinations such as, Mare Island Historic District and other historic military sites, and Jelly Belly in Fairfield, and nearby hotels to expand the availability of accommodations. Cross promotions could range from funding the placement of brochures for Benicia attractions at these destinations to more extensive involvement such as co-op advertising.

Call the Waterfront District the Waterfront Arts District when two more galleries or outdoor art join the art gallery, the crafts store and the existing theater. Encourage merchants to partner with arts entities to benefit from such events.

Longer-Term Priorities (over five years)

The Arsenal needs to increase its concentration of activity to create and enhance a regional image. Doing so will make it a community and regional resource, rather than just a loose collection of historic sites, buildings, studios and a gallery. It needs to be presented as a consolidated destination, similar to Fort Mason, the former military terminal facility on the San Francisco Bay waterfront. Abandoned by the military, it is now an active center for entertainment, history and cultural activities.

As stated in the Downtown Mixed Use Plan, downtown needs to increase its critical mass and image with a denser (and less linear) concentration of retail, restaurants and waterfront amenities (especially south of E Street).

Possibly a performing arts center or group visual arts gallery could be added. There should be fewer office spaces on ground floor. Streetscape, historic preservation and beautification improvements – such as street furniture and flowers – would be desirable along with entertainment attractions.

- Make sure there is citywide initiative to encourage the maintenance and restoration of historic buildings, especially those open to the public. Consider other buildings that may be used to house community services organizations, arts and performing arts groups, and cultural programs. Doing so will help retain the historic character of Benicia which can be a tourist attraction.
- Adopt a city policy to address traffic and parking issues proactively before they become public concerns.
- Establish a mechanism to fund gateway enhancement.
- Find a non-profit group to restore the Commandant's Mansion at the Arsenal and other historic properties – such as old homes and commercial buildings and promote their use.

Funding Possibilities

Following are possible options for generating needed funds to implement the marketing communications program. Further exploration and discussion would be needed with a specialized consultant to provide the city with the best alternative.

Public Sector-Driven Options:

- City of Benicia General Fund
- Redevelopment tax increment (although downtown is not likely to meet criteria for a redevelopment area)
- Explore an increase in the city TOT tax to fund tourism promotion, in addition to the TOT revenue increases generated by new hotels
- Explore a city sales tax increase to fund tourism promotion
- Foundation grants

Private Sector-Driven Options:

- Formation of a Tourism Marketing Coalition within the Chamber of Commerce could generate additional revenue through chamber memberships, providing funds that could be spent on tourism promotions
- Form a voluntary marketing or business association among businesses in the Arsenal

and collect dues to pay for promotions

- Explore an Arsenal BID or TBID. This could be a marketing BID, or also fund cleanliness and maintenance and other physical improvements. If new residential is going to be built there, consider the CBD version that includes residential owners in the assessment. Develop a plan of activities first and then sell it to those to be assessed
- Consider a downtown BID. Develop a plan of activities first and then sell it to those who would be assessed. This could fund and be based in the Benicia Main Street Program (which makes most of its money from special event income now - very time consuming) or be a separate entity that funds multiple types of downtown improvements
- Consider one large BID that combines downtown and the Arsenal
- Consider other events that could raise funds through admissions or sponsorships
- Corporate funding and foundation grants

RECOMMENDED MARKETING IMPLEMENTATION

Tagline: A tag line would be developed for the purpose of reinforcing the branding process. The tagline is generally a sentence or phrase that summarizes the essence of the brand. It can be used in many ways. Following are a few examples:

The line can be presented in an ad, adjacent to a logo or elsewhere on the space.

A tag line can be incorporated into media materials developed for the press.

It can be used on letterheads, brochures, other printed materials, or the Web.

A tag line can be used, with or without the logo, on promotional materials such as t-shirts or computer mouse pads.

Marketing Materials: Review and upgrade existing materials to more effectively communicate the brand message; cross-promote its current destination with other regional destinations such as Mare Island historical sites and Jelly Belly in Fairfield.

Review existing collateral and develop graphic continuity. Develop new materials – for hard copy and on-line applications -- as follows:

- Produce an arts/gallery brochure/guide
- Produce a detailed historical-sites map with photos and descriptive narrative
- Consider need for a detailed restaurant guide

- Identify and promote business clusters/niches/nodes among downtown businesses using a Boutique Directory, a co-operatively produced art and home décor catalog (hard copy and on-line), signage, or advertising/PR campaign

Web Site Presence: Information about Benicia is available through many sites presently on the Web. However there is no consolidated source of information about the community, attractions, accommodations, restaurants, and other tourist services. There needs to be one central site with information and links to other sources of information of interest to tourists.

Following are suggestions for ways to improve information access through existing sites:

- Make the city's Web site more appealing to tourists or create a separate tourism Benicia site
 - Include a link to shopping, the Chamber, Main Street, etc.
 - Include more attractive photos
 - There needs to be a complete calendar for all Benicia tourism related events and activities
- Make the Chamber Web site more appealing to tourists
 - Create a downloadable PDF printable Tourists Guide on the Chamber Web site
 - Sell ad space to raise revenue for tourism promotions
 - Include more photos in the Chamber Web site's Tourists section
 - Include a shopping section in the Tourists Guide area
 - Make certain open studios links work
 - Include a link to Benicia Main Street's Web site
- Make the Benicia Main Street Web site more interesting to tourists
 - Call it the Benicia Waterfront Art District Web site
 - Include more photos of the buildings, shops and businesses on the Home Page
 - Put a short and current calendar of events clearly on the Home Page
 - Include text geared to tourists on the Home Page
 - Update the Main Street Downtown events guide and business listing annually
 - Include event dates and times (not done currently)
 - Make it easier to find on the Main Street Web site
- Upgrade the Benicia Arsenal Web site
- Initiate a Web site search optimization program to ensure Benicia's site shows up when people are searching for something to do in the Bay Area

Publicity Program:

The publicity program would be directed at all media that reach the target audiences.

- Develop an on-going media outreach program to place stories about the unique things to do in Benicia
- Generate and place feature-stories about Benicia
- Use publicity to promote selected events to Bay Area audience
- Write and distribute media releases about various subjects such as development activity in Benicia to encourage other developers to consider Benicia, upgrades in tourism facilities, and events and evergreen stories such as history and arts
- Outreach to local lifestyle writers to encourage them to visit Benicia and write about it
- Tour-bus operator familiarization trips

Target publications – travel and lifestyle sections in:

- Contra Costa Times
- Napa Register
- Marin Independent Journal
- Oakland Tribune
- Tri-Valley Herald (Pleasanton, Dublin, Livermore)
- Hayward Daily Review
- Fairfield Daily Republic
- Via Magazine (AAA)
- Diablo Magazine
- San Francisco Chronicle
- Also: Radio travel shows (such as “On The Go” with John Hamilton on KGO radio); and TV destination programs (such as “Bay Area Back Roads” on KRON)

Advertising:

- Selected image advertising in local travel sections
- Use advertising in weekend sections of local newspapers (such as Contra Costa Times' entertainment section and “96” hours in the San Francisco Chronicle) to promote major events

Events:

- Select 4-5 events during the year to make into major attractions. This would require bringing on a professional event promoter to obtain sponsorships and create events large enough for wide appeal

- Work with volunteer groups to develop historical re-enactment events

Direct Mail/Email Marketing:

- Mailings to clubs and organizations that have field trips
- Mailings to schools to encourage field trips to the Capitol Building and the Arsenal
- Link up with Contra Costa Times and purchase email distribution to their members about events
- Work with specialty travel e-newsletters to advertise Benicia events

Program costs would depend on how much is handled by dedicated tourism staff and how much is outsourced to a marketing agency or freelance communication specialists.

MEASUREMENT

Tracking the program's results can take many forms. The most comprehensive documentation would be detailed surveys conducted before the program begins and at various milestones as the program is implemented.

However, such research is costly and time consuming, and we recommend that data related to the program be gathered through the use of less expensive means.

Following is a list of measurement tools:

- Museum attendance
- Restaurant revenue figures
- Retail sales figures
- Sales tax figures
- Tourism entity inquiry figures
- Hotel, motel and B&B occupancy rates
- Publicity value
- Publicity column inch tracking and message tracking
- Event attendance

Some of this data will be easy to obtain, while other data will be more difficult to procure. The most important factor in this data gathering will be to obtain base-line information prior to the initiation of program activity, and then follow up with timely updating of the information.

APPENDIX

BACKGROUND

The Outlook for Tourism

Travel ranks high among the activities undertaken by residents of developed countries. Americans are no exception. We love to travel, whether visiting an interesting place a short drive from home or flying to a more distant destination. The Travel Industry Association reports that more than 80 percent of the trips taken by Americans are for leisure travel.

American travelers spent more than \$600 billion on travel (domestic and international) in 2006. That figure is projected to increase to \$725 billion in 2010.

International tourists spent \$85 billion on travel in the U.S. in 2006. That market is expected to grow to \$112 billion by 2010. The decline in the value of the dollar has made travel to the U.S. a bargain for foreign tourists.

The relevance to Benicia is stated in the adage "a rising tide lifts all ships." Properly marketed, Benicia can benefit from the overall growth of tourism. The result will be more diners, more shoppers, more event participants and more tourists simply enjoying Benicia's charm and beauty.

Changing Travel Conditions

Like any major industry, tourism is a dynamic activity. It is constantly changing. Those changes can work to a destination's benefit or diminish a destination's appeal. Events of the past few years have resulted in changing travel conditions that present opportunities for Benicia.

Among these changes are:

- Growing interest in short-haul travel (less than 6 hours drive) and day trips, particularly in the heritage-travel segment of the market
- The Travel Industry Association's 2005 report on domestic travel - the most recent study they have done - reports that Americans took nearly 2 billion person trips. Of those trips, 85 percent of the travel used cars, truck, or RVs. This represents a massive amount of travel activity, including day trips and other short-haul travel done by vehicle and not using long-haul air transportation
- National pride is sparking increased interest in U.S. historic sites

- Increased air-travel costs coupled with a decline in the value of the dollar against many other foreign currencies, makes long-haul travel less attractive. Although air travel has been able to maintain good safety records, there is increased news coverage about the inadequacy of current air-traffic control systems, raising concerns about the safety of air travel. In addition, terrorism concerns and airport security line delays make car travel even more appealing

Input report and interview intake sheets are on file with City Economic Development office.

COMPLETE SWOT LIST

Strengths

- History and art are major attractions
- Location/Access - geographically convenient
- Quaint, friendly, charming, authentic atmosphere
- Clean, safe environment
- Attractive spaces and buildings
- Local's pride in Benicia
- Waterfront location of downtown
- Walkable; bikeable
- State recreational area
- Sense of community
- Good weather
- Strong, unique shops; good retail mix
- Specific events - Peddler's Fair and Farmer's Market
- Restaurants with diverse cuisine

Weaknesses

- Limited overnight accommodations
- Lack of tourism support staff
- Limited public transportation
- Tourist attractions scattered around city
- Directional signage is limited
- Interpretive signage needed
- Parking is adequate now, not for future
- Inadequately communicated images
- Fragmented marketing
- Skateboarding on sidewalks
- Problem and dangerous sidewalks
- Inadequate performing arts venues
- Lack of funding stream
- Need for cleaning and maintenance
- Lack of ADA compliance
- Need unified image
- Historic buildings need repair
- No pianos in public performing facilities
- No easily found information office

Opportunities

- Waterfront
- Increased market for artists and art experience
- Holiday Inn opening
- Historic reenactment/living history is under-represented in Northern California
- 88 percent of Californians travel by car
- \$506 million is being spent in Solano County by tourists
- 80 percent of travelers have an interest in heritage and history
- Public interest for a downtown with many unique, non-chain, quality retail stores
- Promote skate park
- Need improved streetscape on 1st Street
- Use sports venues for events; e.g. X-Games

Threats

- Competition
- Crisis: local, regional, national
- Potential public opposition
- Need reliable funding source

SWOT ANALYSIS – INVEST:

We compared internal strengths with external opportunities to determine what areas would be most effective to invest marketing money and effort. This is where the largest pay-off will happen and where your effort will have the most impact.

Opportunities	Strengths		
	History	Art	1 st Street / Waterfront
People like waterfronts		X	X
Commandant's Mansion and other historical structures	X		
Market for day trips in the Bay Area is good	X	X	X
Interest in historical experiences is high	X		
Underutilized Capitol Building	X		X
Market for art in the Bay Area is excellent		X	X

History: The combination of a Bay Area location and the quantity of historical buildings and

events makes history a key strength for Benicia to attract new tourists. Benicia's primary competitors are the cities of Sacramento, Monterey, and San Francisco. Based on this chart, the history strength can be paired with a number of opportunities to increase tourists. The upgrading of the Capitol Building as a destination by adding interpretative signage and reenactments and the restoration of the other historic structures such as the Commandant's Mansion, are two opportunities that should be pursued. Historical reenactment by volunteer groups also provides excellent opportunities to highlight Benicia's role in California history.

Art: The existing artist studios and the quality and uniqueness of the art being produced makes Benicia very competitive in attracting tourists interested in viewing and purchasing art. The key art niche Benicia has developed is glass art blowing, display and sale. The primary Northern California destinations that Benicia will compete with in attracting art tourists are Santa Cruz, Carmel, Mendocino and Sausalito. However, Benicia's art offerings are sufficiently unique to make these other destinations essentially not direct competitors. Additionally, there is an opportunity to combine the art with the waterfront in the form of public art or shows.

1st Street and the Waterfront Area: Benicia has a very attractive commercial corridor. There are opportunities to make the 1st Street and the waterfront even more attractive and to compete with many of the other "quaint and charming" downtowns in the area. To do so, Benicia will need to increase its appeal to the target market segments. One asset that Benicia has over many other downtowns is the proximity to the waterfront. This opportunity should be invested in to increase Benicia's tourist appeal.

SWOT ANALYSIS - DECIDE:

Compare areas of external opportunities with areas of internal weakness. This will assist in helping to decide which resources should be allocated to overcome the weaknesses and to take advantage of the opportunities.

Opportunities	Weaknesses				
	Funding / Money	Scattered Attractions	Signage Needs	Image / Marketing	Dedicated Tourism Staff
People like waterfronts	X			X	X
Commandant's Mansion and other historical structures	X	X	X	X	X
Market for day trips in the Bay Area is good	X	X	X	X	X
Interest in historical experiences is high	X		X	X	X
Underutilized Capitol Building	X		X		
Market for art in the Bay Area is excellent	X	X	X	X	
Hotel Opening			X	X	X

Funding/Money: The need for funding to take advantage of opportunities affects all aspects of developing the tourism market. There is a need to find developers who will use the waterfront location for tourist amenities, find a group to restore historic structures, take advantage of the Capitol Building, and communicate the art offerings to people in the Bay Area.

Scattered Attractions/Signage: We combined these two weaknesses because one of the most practical solutions to the scattered sites is installing signage that directs tourists to the attractions.

Image and Marketing: There is a need to communicate the brand to potential tourists, which affects nearly all opportunities.

Dedicated Tourism Staff: There is currently a tourist center run by the Chamber of Commerce open during the week and on the weekend from 11 am – 3 pm. The Benicia Historical Museum

and the Capitol Building are staffed. To effectively take advantage of all opportunities, there needs to be a professional person focused on projects that will increase tourism.

SWOT ANALYSIS - DEFEND:

We matched internal strengths with outside threats to determine which strengths need to be defended.

Threats	Strengths		
	History	Art	1 st Street
Competition	X	X	X
Degradation of historic buildings	X		
Public opposition	X	X	X

Competition: There is competition for all three strengths, but there are also strategies that would take advantage of and expand on what is already in Benicia. Some possible changes might include: History – signage and establishment of an active reenactment group; Art – focus on glass; 1st Street – upgrade the physical appearance, increase number of stores and restaurants and add public waterfront attractions.

Degradation of Historic Buildings: This is a threat to increasing the history-related tourists and overall appeal of Benicia. This will need to be addressed in the strategic plan.

Public Opposition: A lack of support for the plan would affect all activities. The community input meeting was a good start to addressing this threat by building community support. The strategic plan will include recommended communication to gain support going forward.

BENA7002_MarketingPlan.doc

GLASS ART CONCEPT

Tagline 1

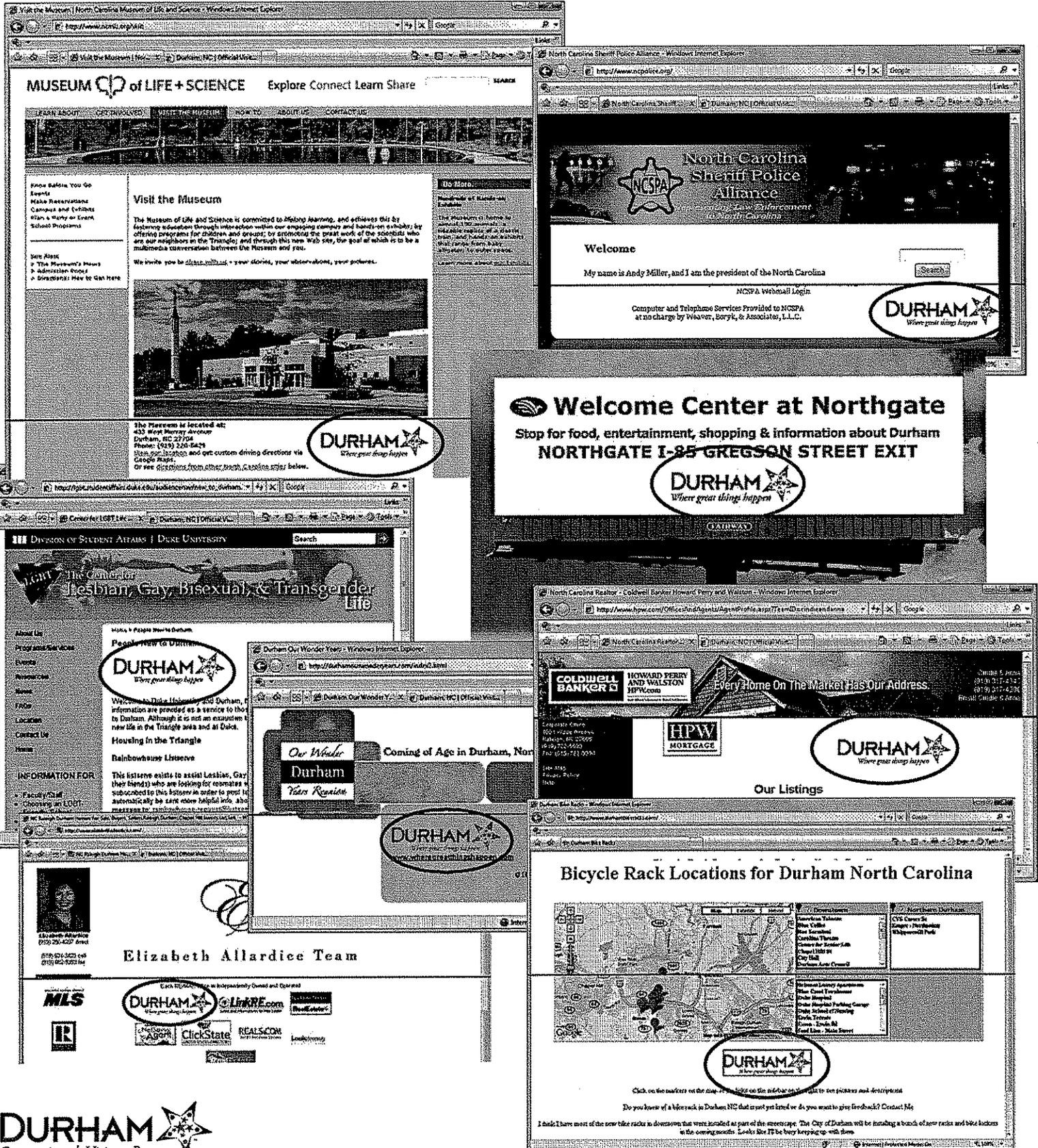


Benicia

A GREAT DAY BY THE BAY

More Examples of the Hundreds of Organizations Working Collectively to Promote Durham's Overarching Brand

For instructions on how to add the Durham brand "bug" to your website, go to: www.durhambrandbug.com



DURHAM
Convention & Visitors Bureau
AN ACCREDITED DESTINATION MARKETING ORGANIZATION

101 E Morgan St, Durham, NC 27701 USA
(919) 687-0288 | (800) 446-8604
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www.durham-nc.com

As Durham's marketing agency, DCVB facilitates the overarching brand on behalf of all Durham messengers.

To see other ways you can promote Durham's brand, go to www.durhambrand.com **IX-B-30**

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
ACTIONS ITEMS**

DATE : April 28, 2008

TO : City Manager

FROM : Director of Parks and Community Services

SUBJECT : **AWARD OF CONSTRUCTION CONTRACT FOR
COMMANDANT'S RESIDENCE REHABILITATION PROJECT
AND DECLARE INTENTION TO ISSUE TAX-EXEMPT
OBLIGATIONS**

RECOMMENDATION:

Adopt the resolution accepting the bid for the Commandant's Residence Rehabilitation Project, awarding the construction contract, to Pacific Coast Reconstruction and Building, Inc. (PCRB) of Concord, California, in the amount of \$2,914,687, and authorizing the City Manager to sign the contract on behalf of the City.

Adopt the resolution declaring the intention to issue tax-exempt obligations to be used to reimburse the City for expenditures prior to the issuance of such tax-exempt obligations.

EXECUTIVE SUMMARY:

On March 10, 2008 construction plans and specifications were made available for public bidding. Forty-five days later, on April 22, 2008 the bidding period closed and the City received and opened two bids from PCRB and Reymond Bros.

The contractor, PCRB, is well received in the area for their work and has successfully completed similar projects, including the Don Pacheco Adobe built in 1860, Old Oakland Courthouse and Highland Hospital, all on the State Historic Register.

The Finance Director also requests that the City Council reserve the right to finance the project by passing a resolution of intention to issue tax-exempt obligations in the future. The City currently has \$900,000 in State Grants and \$2.1 million in dedicated reserves that would be transferred to a debt service reserve fund or used to fund other capital projects. It is expected that interest earnings would equal interest expense over the life of the debt obligation.

BUDGET INFORMATION:

Staff has identified a combined fund balance of \$3,206,155 for this project. This combined fund balance consists of the following accounts and revenues:

Account No.	Account Name	Fund Balance
085-9020	Mayor’s Fund	0
011-9205	General Fund	\$2,042,545
047-9047	Park In Lieu	\$62,334
047-9047	State Grants (2)	\$900,000
113-9255	Facility Maint. IS	\$84,000
Additional funding to be	determined June 3, 2008	\$117,276
Total		\$3,206,155

To date, the City has expended \$283,944 on design. It was during the construction preparation phase that funds in the Mayor’s fund were exhausted. The total construction cost of the Commandant’s Residence Rehabilitation Project is \$3,206,155. This total consists of the base bid of \$2,687,687, an add alternate of \$227,000 and a 10% construction contingency of \$291,468. The add alternate of this project is the construction on an A.D.A. accessible elevator. Worth noting is that construction of this elevator is a condition for one of the State grants, valued at \$400,000.

The Community Center and the Library projects will be presented at a future Council meeting once staff determines a funding mechanism to make up the budget shortfalls for those projects.

BACKGROUND:

The scope of the proposed Commandant’s Residence Rehabilitation Project includes:

- Seismic Reinforcement
- Architectural rehabilitation of exterior finishes
- Interior Repairs
- New roof
- Elevator
- Installation of Fire Sprinklers
- Repair/rehabilitation of porches
- Accessible ramp and entry
- New heating and ventilation system
- Window restoration
- New and Repaired Flooring

Last year the City went out to bid for phase I of the project which consisted of seismic reinforcement and porch repair. Unfortunately, at the time, only one bid was received in the amount of \$2,466,020. This greatly exceeded the budgeted amount and as a result the City Council, on November 14, 2007, rejected the bid and directed staff to re-scope the project to include both phase I and phase II. The hope was to achieve economic efficiency by combining the phases.

While project delays are never desired, in the case at hand the Commandant’s Residence Rehabilitation Project seems poised to benefit from the delay as the re-scope and the sluggish

California economy have resulted in lower construction costs. The cost of the new scope, with the combined two phases, is only \$448,667 more than the single bid received last year for just phase I. This second attempt in bidding the project produced better results.

On April 22, 2008 a total of two (2) bids were properly received and opened for the Commandant's Residence Rehabilitation Project. The bid results are summarized in the table below:

Bid Results:

<i>RANK</i>	<i>BIDDER'S NAME AND ADDRESS</i>	<i>Total BASE BID</i>
1	Pacific Coast Reconstruction and Building Inc. (PCRB), Concord, California	\$2,687,687.00
2	Reymond Bros., Sparks, Nevada	\$2,792,533.80

The bid is based on the quantities estimated by Carey & Co. Inc. Architecture and the Superintendent of Parks and Community Services. In accordance with the contract specifications, the construction contract should be awarded to the bidder submitting the lowest responsive responsible total base bid which is Pacific Coast Reconstruction and Building Inc. (PCRB) of Concord, California.

Time is of the essence for the project as the State grants are scheduled to expire late this year and early next year. In fact, if a construction contract is not award within the next few weeks it is highly probable that the State grants could be permanently lost.

In light of this time constraint and that the bid is within the project budget, staff recommends that the construction contract be awarded to PCRB in the amount of \$2,914,687 and establish a 10% contingency of \$291,468.

If the City Council awards the constructions contract, construction should begin by July and be completed by August 2009. Upon completion of this scope of the project the Commandant's Residence will be ready for the third and fourth phases of the project, tenant improvements, necessary for use and occupancy, and landscaping, respectively.

Consideration of Debt Issuance

City Staff and the Audit and Finance Committee are examining several options for funding capital projects on the City's Project Priority List. The outcome of the research has been delayed due to pending outcome of the State Budget process and the possible influence of the Valero Improvement Projects, now valued at \$1.0 billion. It is expected that more information will be available during the June 3, 2008 Budget Update and staff is requesting the City Council reserve the ability to issue date at some point in the future, should financing of the capital projects prove to be the best alternative.

Attachments:

- Proposed Resolution 1: Award Construction Contract
- Proposed Resolution 2: Intent to Issue Tax-Exempt Obligations

Proposed Resolution 1:
Award Construction Contract

RESOLUTION NO. 08-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BIDS FOR THE COMMANDANT'S RESIDENCE REHABILITATION PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO PACIFIC COAST RECONSTRUCTION AND BUILDING INC. (PCRB) OF CONCORD CALIFORNIA IN THE AMOUNT OF \$2,914,687, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

WHEREAS, the City of Benicia's Commandant's Residence Rehabilitation Project was advertised for construction bids and 2 sealed bid was properly received and opened on April 22, 2008; and

WHEREAS, PCRB of Concord, California was the lowest, responsive, responsible bidder; and

WHEREAS, sufficient funds are available in the project budget.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby accepts the bid and awards the construction contract in the amount of \$2,914,687 to PCRB of Concord, California for the Commandant's Residence Rehabilitation Project; and establish a contingency in the amount of \$291,468.

BE IT FURTHER RESOLVED THAT the City Manager is hereby authorized to sign the construction contract on behalf of the City, subject to approval by the City Attorney.

On motion of Council Member _____ and seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 20th day of May, 2008, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**Proposed Resolution 2:
Intent to Issue Tax-Exempt Obligations**

RESOLUTION NO. 08-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DECLARING ITS INTENT TO ISSUE TAX-EXEMPT OBLIGATIONS TO BE USED TO REIMBURSE THE CITY FOR EXPENDITURES PRIOR TO THE ISSUANCE OF SUCH TAX-EXEMPT OBLIGATIONS

WHEREAS, the City of Benicia (the "City") desires and intends to finance the construction of improvements to the historic Commandant's Residence (the "Property"); and

WHEREAS, the City expects to cause the issuance of tax-exempt obligations for the purpose of providing financing for all or a portion of the Property in a principal amount of approximately \$2.1 million (the "Obligations"); and

WHEREAS, the City expects to incur certain Property expenditures and to pay for such expenditures from the City's money on hand prior to the execution and delivery of the Obligations (the "Reimbursement Expenditures"); and

WHEREAS, the City reasonably expects to use all or a portion of the proceeds of the Obligations to reimburse the City for expenditures made prior to the date the Obligations are entered into.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia resolve, determine and order as follows:

Section 1. Declaration of Official Intent. The City hereby declares its official intent, subject to the further approval of this City Council, to use approximately \$2.1 million of the proceeds of the Obligations to reimburse itself for the Reimbursement Expenditures. It is intended that this Resolution shall constitute a declaration of "official intent" within the meaning of Section 1.150-2 of the Treasury Regulations promulgated under Section 150 of the Internal Revenue Code of 1986, as amended.

Section 2. Other Approvals. The adoption of this Resolution shall not bind the City to proceed with execution and delivery of the Obligations until and unless all other necessary actions and approvals have been taken.

On motion of Council Member _____ and seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 20th day of May, 2008, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
REPORTS FROM CITY MANAGER**

DATE : May 14, 2008
TO : Mayor and City Council
FROM : City Manager
SUBJECT : **MAYOR'S STATE OF THE CITY PRESENTATION**

RECOMMENDATION:

For information only.

EXECUTIVE SUMMARY:

The Mayor intends to make a speech to the community on the State of the City. The presentation is planned to occur on Wednesday, May 29, 2008 and last about 30 minutes. The Mayor's intent is to work collaboratively with the City Manager's office in preparation of the statement.

The message will be similar to the presentation made earlier this year to the Benicia Industrial Park Association at a lunchtime meeting. The intent is to share information with the broader community about issues facing the City and current conditions in the City such as the City's favorable financial condition.

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
REPORTS FROM CITY MANAGER**

DATE : May 14, 2008
TO : Mayor and City Council
FROM : City Manager
SUBJECT : **HPRC DESIGNATION OF RESIDENTIAL PROPERTY OWNER
AND RESIDENTIAL OR BUSINESS PROPERTY OWNER
POSITIONS**

RECOMMENDATION:

For information only.

EXECUTIVE SUMMARY:

A report has been prepared regarding the designation of positions on the Historic Preservation Review Commission (HPRC), specifically, calling out which of the current members are to be considered as filling the Owner of Residential Property position and the Owner of Residential or Business Property position. If Council makes it clear as to these designations, it may be possible for members who would be otherwise precluded from voting on matters within 500 feet of their property to vote on certain items. This would help avoid the process of drawing cards to determine who may vote on items where a majority of the members have a conflict.

In deference to the current hiatus on voting on matters of appointment to City commissions, I have placed this as an item for consideration at the study session of May 22, 2008.

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : May 13, 2008
TO : Mayor Patterson
FROM : City Manager
SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the May 20, 2008 City Council meeting.

The Mayors' Committee meetings are held on the third Wednesday of each month at 6:00 pm. The next meeting is May 21, 2008. The agenda packet for this meeting has not yet been distributed as of the date of this memo. The agenda packet from the March meeting follows.

SOLANO COUNTY
CITY SELECTION COMMITTEE MEETING

REMINDER: NEW LOCATION

**Carino's Italian Grill Restaurant
1640 Gateway Boulevard
Fairfield, CA**

Wednesday
April 16, 2008
6:00 p.m.

AGENDA

1. Roll Call / Call to Order
2. Introductions by Mayor Mary Ann Courville
3. Public Comment
(Members of the public may address the Committee on matters not listed on the agenda, but within the jurisdiction of the Committee.)
4. Business:
 - A. Approval of Minutes for the February 20, 2008, Meeting.
 - B. Consider membership to the Airport Land Use Commission/Solano County Aviation Advisory Committee.
5. Adjournment to the Mayors' Committee meeting.

SOLANO COUNTY CITY SELECTION COMMITTEE MEETING

Carino's Italian Grill
1640 Gateway Boulevard
Fairfield, California

Wednesday, February 20, 2008

MINUTES

1. Roll Call/Call to Order

Mayor Mary Ann Courville called the meeting to order at 6:15 p.m. Present were Mayor of Rio Vista Eddie Woodruff, Suisun City Council Member Jane Day, Mayor of Benicia Elizabeth Patterson, Vice-Mayor of Fairfield John Mraz, Mayor of Dixon Mary Ann Courville, and Mayor of Vacaville Len Augustine. Also present was City of Dixon Interim City Manager Belinda Espinosa, Danny Bernardini, Vacaville Reporter and Barry Eberling, Daily Republic. Mayor of Vallejo Osby Davis was absent.

2. Introductions by Mayor Mary Ann Courville

All attendees were acquainted and a quorum was present.

3. Public Comment

Mr. Raymond Demos, representative on the Airport Land Use Commission (ALUC) presented the City Selection Committee with a copy of procedures followed by the ALUC during their meetings. Mr. Demos noted that they made every effort to follow the procedures and did not feel that they had violated any protocols set in place.

4. Business

MINUTES FOR THE CITY SELECTION COMMITTEE MEETING OF January 16, 2008 APPROVED

On motion of Mayor Woodruff and seconded by Mayor Augustine, the Committee acted to approve the minutes of the meeting of January 16, 2008. So ordered by unanimous vote.

DISCUSSION REGARDING APPOINTMENTS TO THE AIRPORT LAND USE COMMISSION/SOLANO COUNTY AVIATION ADVISORY COMMITTEE

Mayor Augustine provided the Committee with a historical overview of the Airport Land Use Commission/Solano County Aviation Advisory Committee which is a nine-member board created by the County to provide orderly development of airports in Solano County, as well as areas surrounding airports, to prevent new noise and safety problems.

It was noted that on January 16, 2008, discussion and concern was expressed regarding the manner in which a recent public hearing of the Airport Land Use Commission/Solano County Aviation Advisory Committee was conducted in which an applicant, Walmart, requested permission to build a facility at the intersection of Highway 12 and Walters Road, 2.5 miles northwest of the nearest runway at Travis Air Force Base. Concern was expressed that the Airport Land Use Commission/Solano County Aviation Advisory Committee ignored reports and input from Suisun City staff, provided irresponsible comments, and that the Committee was not objective. The City Selection Committee deferred this matter to February 20, 2008 to allow time for Suisun City to provide copies of the video to the individual mayors for review.

The mayors reported that they did review the video presented by Suisun City and observed that the meeting in question was a long meeting with a lot of public comment, the public hearing was closed after everyone had an opportunity to speak, there was a motion and a second on the floor and Chair Foster turned to Counsel when Suisun City requested to speak. Counsel noted that the Commission had a motion and a second on the floor and that it was the discretion of the Commission to allow additional comments.

City of Fairfield Vice-Mayor John Mraz noted that he felt that Chair Foster represented the City of Fairfield in an inappropriate manner by making bold statements that were embarrassing to the City of Fairfield and to Travis Air Force Base. Mr. Mraz noted that Mr. Foster had been appointed to the ALUC by a mayor and vice-mayor who were no longer on the City Council.

City of Vacaville Mayor Len Augustine noted that he reviewed the video of the meeting and felt that the meeting followed the correct process.

City of Benicia Mayor Elizabeth Patterson noted that the removal of a citizen from any advisory board or commission was a serious event and that it was good government to allow citizens to provide comments.

City of Dixon Mayor Mary Ann Courville expressed her concern that the original request to remove Mr. Foster from the ALUC was made by Suisun City and not from the City of Fairfield.

City of Rio Vista Mayor Eddie Woodruff noted that he was respectful of a request by another mayor to remove a representative but not to include any other issue.

It was moved by Vice-Mayor Mraz and seconded by Vice-Mayor Day, to remove John Foster as the City of Fairfield's representative on the ALUC and that a replacement be made by a selected nomination of Mayor Price. Motion failed by the following roll call vote:

YES: Day, Mraz, and Woodruff.

NOES: Patterson, Augustine, and Courville.

Secretary Crittenden reported that Solano County Board of Supervisors did not adopt an ordinance on January 22, 2008 amending the city representation on the ALUC as requested by the City Selection Committee and that appointment/reappointment of the City of Vallejo's representative be considered at the next meeting.

This meeting of the City Selection Committee adjourned at 7:00 p.m.

Respectfully submitted,

Patricia J. Crittenden
City Selection Committee Secretary
Clerk of the Board of Supervisors

SOLANO COUNTY
MAYORS' COMMITTEE MEETING

REMINDER: NEW LOCATION

**Carino's Italian Grill
1640 Gateway Boulevard
Fairfield, CA**

Wednesday
April 16, 2008
6:30 p.m.

AGENDA

1. Roll Call / Call to Order
2. Introductions by Mayor Mary Ann Courville
3. Business:
 - a. Approval of Minutes for the February 20, 2008, meeting.
 - b. Discussion and consideration of a joint response to the Solano County General Plan Environmental Impact Report (EIR).
 - c. Status report relating to State park closures.
 - d. Roundtable discussion of mutual City issues.
4. Adjournment

**Solano County
Mayors' Committee Meeting**

**Carinos Italian Grill
1640 Gateway Boulevard
Fairfield, California**

Wednesday February 20, 2008

MINUTES

1. Roll Call/Call to Order

Chairperson/Mayor Mary Ann Courville called the meeting to order at 7:00 PM.

Mayors present:

Mayor Elizabeth Patterson	City of Benicia
Mayor Mary Ann Courville	City of Dixon
Mayor Eddie Woodruff	City of Rio Vista
Vice Mayor John Mraz	City of Fairfield
Vice Mayor Jane Day	City of Suisun City
Mayor Len Augustine	Mayor of Vacaville
Mayor Osby Davis	City of Vallejo

Mayors Absent

Mayor Pete Sanchez	City of Suisun City
Mayor Harry Price	City of Fairfield

Others Present

Belinda B. Espinosa, Interim City Manager	City of Dixon
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2. Introductions by Mayor Mary Ann Courville

All were acquainted and a quorum was present.

3. Business

- A. A motion to approve the January 16, 2008 meeting was made by Mayor Woodruff and seconded by Mayor Patterson. The minutes were unanimously approved.
- B. Mayor Patterson spoke regarding the proposed state park closures. She mentioned that there are two groups that have now formed in Benicia who are working towards saving the parks from closure. The Mayors began a discussion regarding a draft letter to the Governor requesting reconsideration of the park closures. Mayor Patterson noted that the City of Benicia went to Sacramento and met with the State Park staff to determine why the two parks in Benicia were on the list. The primary reason was that the Governor asked all departments to reduce their budgets by 10% across the board.

Mayor Courville inquired about whether or not Benicia considered taking over the maintenance of the parks or purchasing them outright from the State.

Mayor Patterson indicated that purchasing was not an option since the State felt strongly that the properties are not for sale. She also mentioned that the City of Benicia could not take on the responsibility for the maintenance due to budgetary constraints. Mayor Patterson presented several alternatives including, partnering with the City of Vallejo or taking a regional approach involving the entire county. Mayor Courville stated that she thought a regional approach was a great alternative. Mayor Patterson indicated that the State Capitol building is an historic site and one that should be preserved for all Californians. She also mentioned that the Board of Supervisors would be discussing the park closures at their next meeting.

Mayor Osby Davis from the City of Vallejo joined the meeting at 7:10 PM.

It was decided that staff would email the draft letter requesting reconsideration of the park closures to the City Manager of each city so that the letter could be signed by each respective Mayor and be sent to the Governor's office.

- C. Mayor Courville indicated that she received a request to place the topic of the Amicus Brief in California v. Environmental Protection Agency on the agenda for discussion should the Mayors wish to do so. The Mayors concurred that this is a Federal issue and not one which the group should take a position on. Vice Mayor Day suggested that each city could take up the matter individually should they choose.
- D. A discussion regarding the Solano County General Plan process ensued. Mayor Courville began with a brief background of the general concerns for the County's process thus far. She indicated that she would be meeting with County staff next week to discuss the issues related to the City of Dixon.

The Mayors noted that it was possible that the County had made some changes to the General Plan without notifying the cities. Mayor Augustine stated that the general plan did not contain any restrictions on dairy operations. Mayor Courville stated that she had met with Supervisor Reagan and that she believed that the County wanted to take issues back to the Citizens Advisory Committee. She also stated that Supervisor Reagan indicated that he was in favor of County staff meeting with the cities.

Everyone agreed that the County was rushing through the process and not giving cities enough time for input and resolving issues before the November election. It was also a consensus that the County should be focused on city centered growth. Mayor Courville echoed this concern and stated that the County should be concerned about growth in the cities and land use.

Several Mayors gave examples of County projects that had been approved outside of city limits and sphere of influence boundaries that have adversely affected the cities. The Mayors also were concerned about how the County had a citizen advisory committee that was reflective of representatives from every city and that the committee was abolished after some time. The County then established a new advisory committee without input from the cities.

It was decided that the Mayors would send a letter to the County Board of Supervisors indicating that the cities believe that 1) it is essential that the County conduct a General Plan workshop in order to provide a forum for open dialogue with the cities and 2) that the cities still embrace and confirm their commitment to city centered growth and would like to see that the County is as committed to these principals.

E. Mayor Davis of Vallejo provided the group with a brief update of the City's financial situation.

- *Follow Up Actions:*

1. *Interim City Manager of Dixon will email the draft letter to Governor on park closures to all City Managers in the County so that each Mayor can sign and send to the Governor's office.*
2. *Mayor Courville will draft a letter to the County regarding the General Plan process, the need for a public workshop with the cities, and reconfirmation of city centered growth principals.*

4. Adjournment

The meeting was adjourned to a location to be determined at 8:20 PM. The next meeting is scheduled for March 19, 2008.

**SOLANO COUNTY MAYORS' CONFERENCE/COMMITTEE
CONTACT LIST**

<u>NAME/CITY</u>	<u>ADDRESS/E-MAIL</u>	<u>PHONE/FAX</u>
Elizabeth Patterson Benicia	City Hall 250 East "L" Street Benicia, CA 94510-3239 epatterson@ci.benicia.ca.us elopato@comcast.net	Office: 707-746-4210 Home: 707-746-5668 Fax: 707-746-0749 Cell: 707-590-3536
Mary Ann Courville Dixon	City Hall 600 East "A" Street Dixon, CA 95620-3697 citycouncil@ci.dixon.ca.us mary1615@aol.com	Office: 707-678-7000 Home: 707-678-6445 Fax: 707-678-1489 Cell: 707-689-3573
Harry T. Price Fairfield	Civic Center 1000 Webster Street Fairfield, CA 94533-4883 harryp00@earthlink.net	Office: 707-428-7395 Home: 707-422-4455 Fax: 707-428-2609 Cell: 707-249-7215
Eddie Woodruff Rio Vista	City Hall One Main Street Rio Vista, CA 94571-1842 woodruff@ci.rio-vista.ca.us windycityeddie@frontiernet.net	Office: 707-374-6451 Home: 707-374-6749 Fax: 707-374-5063 Cell: 707-249-7503
Pedro (Pete) Sanchez Suisun City	City Hall 701 Civic Center Blvd. Suisun City, CA 94585-2617 psanchez@suisun.com Psanchez3128@aol.com	Office: 707-421-7300 Business: 707-421-7356 Home: 707-426-1652 Fax: 707-421-4875 Cell: 707-290-7039
Len Augustine Vacaville	City Hall 650 Merchant Street Vacaville, CA 95688-6992 laugustine@cityofvacaville.com linaug@pacbell.net	Office: 707-449-5100 Home: 707-446-0986 Fax: 707-449-5149 Cell: 707-290-7746
Osby Davis Vallejo	City Hall 555 Santa Clara Street Vallejo, CA 94590-5934 mayor@ci.vallejo.ca.us otdavis@pacbell.net	Office: 707-648-4377 Home: 707-645-1367 Fax: 707-649-3479 Cell: 707-590-3608



City Attorney's Office
MEMORANDUM

Date: May 9, 2008
To: Mayor Patterson
Vice Mayor Campbell
From: Heather Mc Laughlin, City Attorney
Re: Current ABAG Information

The following information is provided for your committee report at the May 20, 2008 council meeting:

- The ABAG Spring General Assembly was held on April 24, 2008 at the Palace Hotel in San Francisco. The topic was Focused Growth.
- To view the keynote speaker presentations and the 2008 Growing Smarter Together Award Winners, go the ABAG's web site, <http://www.abag.ca.gov/planning/>.

Please let me know if you have any questions.

cc: Assistant to the City Manager

X-D-2-1

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 13, 2008

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : Finance Director

SUBJECT : **AUDIT AND FINANCE COMMITTEE**

The following information is provided for your committee report at the May 20, 2008 Council meeting.

The committee met on April 11, 2008 and the *Approved* Minutes are attached. Another meeting was held May 9, 2008 and the *Draft* Minutes are attached. The next meeting will be held on June 6, 2008 at 8am in the Commission Room. An Agenda for that meeting will be available on May 30, 2008.

Attachments:

- Approved Minutes for April 11, 2008
- Draft Minutes for May 9, 2008

AUDIT & FINANCE COMMITTEE
SPECIAL MEETING - APPROVED MINUTES
APRIL 11, 2008
8:00 AM

1. **Call to Order 8:05 A.M.**
2. **Notice to the Public**
3. **Approval of Minutes from the Regular Meeting held on March 7, 2008.**
 - a. Approved by Consensus

4. **Previous Month Warrant Register Review for March 2008.**

Director Sousa reviewed copies of invoices requested at the last Council meeting. Afterwards, committee members asked questions regarding the following invoices:

1. Member Schwartzman asked why invoices for a coffee brewer and chairs were assigned to the Police Remodel. Director Sousa indicated the charges were part of the remodeling project. Typically, these types of charges would have been paid directly from a department's expense budget.
2. Member Schwartzman asked why an invoice to "The Detail Shop" was charged to inventory. Director Sousa will investigate.
3. Member Schwartzman asked why late charges were assessed to the Hertz Corp. billing for \$33. Director Sousa will review the invoice.
4. Member Schwartzman asked about the Mediation Service charge in Comm. Dev. Director Sousa will review.
5. Chair DeJesu inquired about a Specialty Products charge of \$107 for one mop. Director Sousa will review.

Recommendation: Approved by consensus.

5. **Review Mission, Goals and Structure of the AFC**

Director reviewed the recommendations from the last meeting and asked the AFC to reconsider a couple changes. The name of the committee is hereby recommended as the "Audit, Budget and Finance Committee." The committee shall be comprised of 4 members of the public, 2 council members and the City Treasurer, totaling 7 members.

Recommendation: Motion to approve by Member Bidou and Seconded by Member Schwartzman.

6. **Review the California Public Employee's Retirement System (PERS) Rate History**

Director Sousa provided a briefing on the history and expected future of PERS rates. An analysis of the Retirement Stabilization Fund was also provided, along with a recommendation by Director Sousa to consider reducing the reserve balance to \$0 and idling the fund until needed in the future. The committee inquired about the state of the City and considered the health of the State and local economy prior to recommending the Retirement Stabilization Fund be maintained and not idled. The committee will review from time to time to ensure its usefulness.

Recommendation: Continue utilizing the Retirement Stabilization Fund.

7. **Review Long Range Calendar**

Director Sousa reviewed the Long Range Calendar and mentioned the possible need to review Transit Fund issues in the near future. He will place on a future agenda as needed.

8. **No Public Comment**

9. **Adjournment at 9:45am**

X-D-3-2

AUDIT & FINANCE COMMITTEE
REGULAR MEETING - DRAFT MINUTES
MAY 9, 2008
8:00 AM

1. Call to Order 8:05 A.M.

Excused Absence – Teddie Bidou

2. Notice to the Public

3. Approval of Minutes from the Regular Meeting held on April 11, 2008.

a. Approved by Consensus

4. Investment Advisor Presentation.

Carlos Oblites from PFM reviewed the health of the investment market, presented the quarterly report stating that the city's portfolio is conservative with indirect exposure because of the bond market. He reviewed the historical interest rates and maturity distribution. He noted that they are currently monitoring Fannie Mae as this is 37% of the city's portfolios with PFM. Discussion was held that 4.25% should be used for budget projections.

5. Quarterly Review of Investment Report for 3rd Quarter FY 2007-08

Director Sousa reviewed the 3rd quarter report. He will further review interest reported.

a. Approved by Consensus

6. Previous Month Warrant Register Review for March 2008.

Director Sousa reviewed copies of invoices requested at the last AFC meeting.

Afterwards committee members asked questions regarding the following invoices:

1. Member Schwartzman questioned the invoice for polygraphs. Director Sousa noted that all police officers and public safety dispatchers are required to take a polygraph as a part of the hiring process.
2. Member Schwartzman questioned the reimbursement to Susan Street for Mayor's office décor. Director Sousa will review the invoice.
3. Member Schwartzman questioned the use of Operating Supplies and Contract Services for the purchase of memorial flowers. Director Sousa explained that some divisions do not have the appropriate line item for these types of purchases.
4. Member Schwartzman questioned the allocation to Mulch Madness (pg 57) to contract services and landscaping activity. Director Sousa will review the invoice.
5. Member Campbell questioned payment to Ameritas Dental. Director Sousa explained that the City is self-funded for dental insurance and claims are paid on a month to month basis.
6. Member Campbell questioned payments to the Arts and Human Services grantees. Director Sousa explained that when a grantee submits it 3rd quarter report, they receive their 4th quarter funding.

Recommendation: Approved by consensus.

7. Review Current Budget Issues and the Long Range Budget Model.

Director Sousa presented a number of scenarios and explained the process used to determine the 10 year model. Discussion was held and it was determined the current projections need to be updated due to the following:

- a. Interest rate adjustment
- b. State Budget impact
- c. Valero Improvement Project and related Sales Tax Schedule

X-D-3-3

8. Review Long Range Calendar.

Discussion of Landscaping and Lighting districts need to be discussed at next meeting on June 6, 2008.

9. No Public Comment

10. Adjournment at 10:13am

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : May 12, 2008

TO : Mayor Patterson
Council Member Schwartzman

FROM : City Manager

SUBJECT : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the May 20, 2008 City Council meeting.

The League of California Cities will be holding Budget Action Day in Sacramento on May 21, 2008. Please see the following page for additional information.

2008-05-13

Budget Action Day Scheduled for Wednesday, May 21

The League is holding a special one day event on May 21, following the release of the May Budget Revise, to bring city officials to Sacramento to lobby their legislators and administration officials on the impact of the budget on cities. The session is designed so city officials can come just for the day.

With California's fiscal crisis, the FY 2008-09 budget negotiations are predicted to be extremely difficult. The final signed budget will likely include a combination of significant cuts and revenue-generating solutions, and the May Revise (scheduled to be released May 15) will set the tone for the coming weeks of negotiations. California cities need to join forces to respond to any relevant May Revise proposals to ensure cities' needs are heard and understood in the Capitol.

Schedule of Events

10 - 11:30 a.m., May Revise Budget Briefing

Sheraton Grand Hotel Sacramento, Bataglieri Room

1230 J Street

Sacramento , CA 95814

11:30 a.m. - 3:30 p.m., Time for Scheduling Lunch and Lobbying Appointments with Legislators

3:30 - 4:30 p.m., Post-Lobbying Debrief (*Stop by the League offices for light snacks and refreshments*)

League of California Cities offices

1400 K Street , 4th floor conference room

Sacramento , CA 95814

R.S.V.P.

Please R.S.V.P to League Staff Meghan McKelvey by Wednesday, May 14 or by phone at (916) 658-8253.

District Budget Meetings

City officials who are unable to make the trip to Sacramento May 21, are encouraged to contact their League Public Affairs manager to schedule a district meeting with their legislator.

last updated : 5/2/2008

X-D-4-2

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 13, 2008

TO : Council Member Ioakimedes
Council Member Hughes

FROM : City Manager

SUBJECT : **CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

The following information is provided for your committee report at the May 20, 2008 City Council meeting.

This committee meets quarterly in the Benicia Unified School District meeting room. The next meeting date is set for June 12, 2008 at 8:30 a.m. The agenda packet for that meeting is not yet available.

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : May 12, 2008

TO : Vice Mayor Campbell
Council Member Ioakimedes

FROM : City Manager

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the May 20, 2008 Council meeting.

A regular scheduled meeting of the Sky Valley Open Space Committee was held on Wednesday May 7, 2008. An agenda from the May 7th meeting has been included with this staff report for review.

The next regular scheduled meeting of the Sky Valley Open Space will be July 16th. A final meeting agenda for that meeting is unavailable at this time.



**BENICIA SKY VALLEY OPEN SPACE COMMITTEE
COMMISSION ROOM
MEETING AGENDA**

**Wednesday, May 7, 2008
7:00 P.M.**

I. CALL TO ORDER

A. Roll Call of Committee Members

Chair Scott Shepard, Vice Chair Jon Kennedy, Tom Campbell, John Furtado, Mike Ioakimedes, Craig Snider

- B. 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. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

III. CONSENT CALENDAR

- A. Approval of Minutes of February 6, 2008**
- B. Approval of Minutes of March 5, 2008**

IV. REGULAR AGENDA ITEMS

A. REVISED FINAL WORK PROGRAM FOR A POSSIBLE SKY VALLEY WATERSHED AND RECREATION MANAGEMENT PLAN (Action Item)

The Committee will approve a final draft work program for a future Sky Valley/Sulfur Springs Watershed Management Plan. The committee's consultant, Mr. Frank Kennedy, revised the final draft after taking into account comments heard at the previous meeting and comments that were submitted via email.

B. COMMITTEE'S SCOPE AND GOALS (Action Item)

Pursuant to the City Council's draft policy calendar, the Sky Valley Open Space Committee is scheduled to formally present its scope at a City Council meeting scheduled for August 2008. Staff respectfully requests that the committee formally adopt a scope and set of goals to present to Council.

C. **SIGNATURE PROPERTIES DEVELOPMENT: COMMENT SOLICITATION FOR NEGATIVE DECLARATION (Discussion Item)**

The Solano County Department of Resource Management is soliciting comments for a Mitigated Negative Declaration from interested agencies and parties for a subdivision application submitted by Signature Properties. The application is to subdivide a 170.92 acre parcel into eight parcels of approximately 20 acres each located on Lake Herman Road in an "A-20" Exclusive Agricultural Zoning District, less than 1 mile north of the City of Benicia. City staff is interested in incorporating the Sky Valley committee comments with the City's formal staff response.

D. **SKY VALLEY MEETING SCHEDULE FOR 2008 (Action Item)**

From the direction that staff received from the Committee at the previous meeting, staff has prepared a draft quarterly meeting schedule for the committee to consider. This requires formal action by the Committee.

IV. **COMMUNICATIONS FROM COMMITTEE MEMBERS**

V. **STAFF COMMUNICATIONS**

A. **UPDATE ON LETTERS OF SUPPORT FROM THE COUNTY AND FROM SOLANO LAND TRUST**

At the Committee's request, staff worked with Chair Shepard to author draft letters of support for a Watershed Management Plan to be presented to the County as well as the Solano Land Trust.

B. **UPDATE ON LETTER FROM THE COMMITTEE TO OUTSIDE ORGANIZATIONS AND AGENCIES**

At the Committee's request, staff worked with Chair Shepard on authoring a letter from the committee notifying outside organizations and agencies of the committee's intent and vision for Sky Valley Open Space area. In consultation with Chair Shepard, staff has postponed the letter pending the Committee's adoption of a set of goals.

VI. **ADJOURNMENT**

Chair Shepard will adjourn the meeting to Wednesday, July 2, 2008, the next regularly scheduled meeting of the Sky Valley Committee.

Public Participation

The Benicia Sky Valley Open Space Committee 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 Sky Valley Open Space Committee allows speakers to speak on agenda and non-agenda matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Sky Valley Open Space Committee.

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

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Diane O'Connell, 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.

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : April 30, 2008

TO : Mayor Patterson
Council Member Ioakimedes

FROM : Jim Erickson, City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the May 20, 2008 Council meeting:

The last Solano Economic Development Corporation Board of Directors meeting was held on Thursday, March 27, 2008. The agenda for that meeting was previously issued. The minutes are attached.

The next Board of Directors meeting is scheduled for Friday, May 30, 2008 at 8:30 am at Travis Credit Union. The agenda for that meeting is not yet available.



**SOLANO EDC BOARD OF DIRECTORS MEETING
MARCH 27, 2008, 8:00 AM**

CALL TO ORDER

Chairman Reynolds called the meeting to order at 9:00 am at the Jelly Belly Candy Company.

Attending were:

Dee Alarcon	Michael Ammann	Robert Bloom	Rebecca Brandt	Kevin English
Joanie Erickson	Gerry Fisher	Bruce Gondry	Daryl Halls	Mike Ioakmedes
Steve Lessler	Gregg McConnell	Amy O'Gorman	John Onsum	Brooks Pedder
Sandy Person	Sean Quinn	Mike Reagan	Tom Recknagel	Scott Reynolds
Michael Segala	Mike Smith	Sue Vaccaro	David VanKirk	Patsy VanOuwerkerk
Michael Wilson				

Absent were:

Len Augustine	Barry Cavanna	Elaine Crombie	Kay Draisin	Bill Eisenhardt
Kevin Finger	Mark Fischer	David Garland	Dick Hassel	Norm Hattich
Steve Huddleston	Bill James	Bill Kelly	Curt Johansen	Albert Lavezzo
John Mraz	E. Patterson	Mary Post	John Ray	Ron Rhea
Debra Russo	Robert Simpson	Jim Sperring		

APPROVAL OF MINUTES

Chairman Reynolds called for approval of minutes of the January 19, 2008 meeting.

Upon motion duly made (Alarcon) and seconded (Quinn) it was

RESOLVED, that the minutes of the January 2008 meeting of the Solano EDC Board of Directors be accepted as submitted.

TREASURERS REPORT

Treasurer Onsum presented the financial report for the month of February 2008.

Upon motion duly made (Segala) and seconded (Reagan) it was

RESOLVED, that the Treasurer's Report be accepted.

INFORMATION ON PROPOSITIONS 98 & 99

Amy O'Gorman with the League of California Cities provided information on Propositions 98 and 99 which are slated for the June 3rd ballot. The League of California Cities is opposed to Proposition 98 and supports Proposition 99. Director English would like to hear the other side of the issue. It was recommended the Chambers of Commerce address both sides of Propositions 98 and 99.

MEMBERSHIP COMMITTEE

Committee Chair Pedder strongly encouraged Board members to bring in new members. The Board was also given a list of member prospects.

Michael S. Ammann
President
mike@solanoedc.org

Sandy Person
Vice-President
sandy@solanoedc.org

Patricia Uhrich
Office Manager
pat@solanoedc.org

Andy Turba
Special Projects
andy@solanoedc.org

Address:
360 Campus Lane, Suite 102
Fairfield, CA 94534

Phone:
707.864.1855

Fax:
707.864.6621

Toll Free:
888.864.1855

Website:
www.solanoedc.org

X-D-7-2

MARKETING TASK FORCE

President Ammann noted Earl Parker, Solano EDC's Public Relations representative recently attended a Comstock's editorial board with him. The Marketing Task Force provided Earl with a list of story ideas and received an update of the Marketing Plan.

TRANSPORTATION UPDATE

Director Halls provided an update on transportation activities which include a grant for the safe route to schools program, resurfacing I-80 project, truck climbing lane, Highway 12 safety improvements, North Connector and Jamison Canyon MOU. The STA is planning a legislative trip to Washington DC next week. Mike Ammann will be joining the STA on that trip.

TRAVIS COMMUNITY CONSORTIUM

Director Quinn noted representatives from the City of Fairfield and Solano County recently went on a lobbying trip to Washington DC to discuss Travis Air Force Base.

PRESIDENT'S UPDATE

President Ammann reviewed the prospect report. He also noted he was selected to serve on a site selection panel at BayBio's 4th Annual Best Practices conference. Upcoming conferences Mike will be attending are Industrial Bio, CoreNet Global and BIO2008. President Ammann also noted the Solano EDC is in the process of upgrading its website to include the Plant Your Business theme.

Calendar items were discussed. The meeting was adjourned at 10:35 am.

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 13, 2008

TO : Mayor Patterson
Council Member Schwartzman

FROM : Dan Schiada, Director of Public Works

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the May 20, 2008 City Council meeting.

The agenda for the Solano Transportation Authority (STA) Board Meeting of May 14, 2008 follows, along with the minutes of the April meeting. The next STA Board meeting is scheduled for June 11, 2008. An agenda for that meeting is not yet available.



Solano Transportation Authority

One Harbor Center, Suite 130
Suisun City, California 94585

Area Code 707
424-6075 • Fax 424-6074

Members:

- Benicia
- Dixon
- Fairfield
- Rio Vista
- Solano County
- Suisun City
- Vacaville
- Vallejo

MEETING NOTICE

Wednesday, May 14, 2008

STA Board Meeting
Suisun City Hall Council Chambers
701 Civic Center Drive
Suisun City, CA 94585

6:00 p.m. Regular Meeting

MISSION STATEMENT – SOLANO TRANSPORTATION AUTHORITY
To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

Times set forth on agenda is an estimate. Items may be heard before or after the times designated.

ITEM	BOARD/STAFF PERSON
I. CALL TO ORDER – CONFIRM QUORUM (6:00 p.m.)	Chair Woodruff
II. PLEDGE OF ALLEGIANCE	
III. APPROVAL OF AGENDA	
IV. OPPORTUNITY FOR PUBLIC COMMENT (6:05– 6:10 p.m.)	

Pursuant to the Brown Act, public agencies 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. Comments are limited to no more than 3 minutes per speaker. Gov't Code §54954.3(a). 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 agency.

This agenda is available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability-related modification or accommodation should contact Johanna Masielat, Clerk of the Board, at (707) 424-6008 during regular business hours, at least 24 hours prior to the time of the meeting.

STA BOARD MEMBERS

Ed Woodruff Chair City of Rio Vista	Jim Spering Vice Chair County of Solano	Elizabeth Patterson City of Benicia	Mary Ann Courville City of Dixon	Harry Price City of Fairfield	Pete Sanchez City of Suisun City	Len Augustine City of Vacaville	Osby Davis City of Vallejo
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STA BOARD ALTERNATES

Jan Vick	Mike Reagan	Alan Schwartzman	Jack Batchelor, Jr.	Chuck Timm	Mike Segala	Steve Wilkins	Tom Bartee
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V. EXECUTIVE DIRECTOR'S REPORT
(6:10 – 6:15 p.m.)
Pg. 1

VI. COMMENTS FROM CALTRANS, THE METROPOLITAN TRANSPORTATION
COMMISSION (MTC), AND STA
(6:15 – 6:40 p.m.)

A. MTC Report

B. Caltrans Report

1. I-80 Public Information

2. I-80 Construction Update

Lauren Wonder, Caltrans
Janet Adams

C. STA Report

1. STA Bicycle Advisory Committee (BAC)
Presentation

2. State Route (SR) 12 Update

Sara Woo and
Barbara Wood, BAC Chair
Robert Macaulay

VII. CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(6:40 – 6:45 p.m.)

A. STA Board Meeting Minutes of April 9, 2008

Recommendation:

Approve STA Board Meeting Minutes of April 9, 2008.

Pg. 5

Johanna Masiclat

B. Review TAC Draft Minutes for the Meeting of
April 30, 2008

Recommendation:

Receive and file.

Pg. 13

Johanna Masiclat

C. Fiscal Year (FY) 2007-08 3rd Quarter Budget Report

Recommendation:

Receive and file.

Pg. 19

Susan Furtado

D. Paratransit Coordinating Council (PCC) Appointment

Recommendation:

*Appoint Cathy Cooper as a Transit User representative to
the PCC for a 3-year term.*

Pg. 23

Liz Niedziela

E. Napa-Solano Traffic Demand Model – Land Use
Assumptions

Recommendation:

*Approve the land use assumptions of the Napa-Solano
Travel Demand Model as specified in Attachment A.*

Pg. 29

Robert Macaulay

F. **Contract Amendment for Project Delivery Management (PDM) Group Inc. for Project Management Services for the I-80/I-680/State Route (SR) 12 Interchange Complex** Janet Adams
Recommendation:
Approve a contract amendment for PDMG in the amount of \$570,000 for project management services through June 30, 2010 for the I-80/I-680/SR12 Interchange Complex projects.
Pg. 35

G. **Contract Amendment for the State Route (SR) 12 Realignment/Rio Vista Bridge Preliminary Study and the SR 12/Church Road Improvements Project Study Report (PSR)** Janet Adams
Recommendation:
Approve the following:

- 1. Contract amendment for the Project Study Report for the SR 12/Church Road Improvements contract for a total not to exceed a contract amount of \$155,000 through June 30, 2009; and*
- 2. Contract amendment for the SR 12 Re-Alignment/Rio Vista Preliminary Bridge Study contract for a total not to exceed a contract amount of \$380,000 through December 31, 2009.*

Pg. 37

H. **Transit Facilities of Regional Significance Criteria** Robert Macaulay
Recommendation:
Approve the draft criteria as shown in Attachment A for the Transit Facilities of Regional Significance and forward them to the Transit Committee for implementation for use in identifying Transit Facilities of Regional Significance.
Pg. 43

VIII. ACTION –NON - FINANCIAL ITEMS

A. **North Connector Project, Final Environmental Impact Report (FEIR)** Janet Adams
Recommendation:
CONDUCT a public hearing to consider:

- 1. CERTIFICATION of the Final Environmental Impact Report (FEIR) for the North Connector Project;*

Then:

- 2. APPROVE Resolution No. 2008-03, including certification of the Environmental Impact Report for the North Connector Project, Exhibit A: Findings of Fact and Exhibit B: Mitigation Monitoring Reporting Program; and*

3. **DIRECT** that upon approval of Financial Item Action IX. A (approval of the North Connector Project), that the Executive Director File a Notice of Determination with the County Clerk of Solano County and with the State Office of Planning and Research and Authorize payment of the filing fees.

(6:45 – 7:00 p.m.)

Pg. 47

**B. Comprehensive Transportation Plan (CTP) Update –
Subsidiary Studies**

Robert Macaulay

Recommendation:

Approve the list of CTP Subsidiary Studies to the STA Arterials, Highways and Freeways Committee, Transit Committee, and Alternate Modes Committee for use in updating the respective CTP Elements.

(7:05 – 7:10 p.m.)

Pg. 157

C. Sacramento/San Joaquin Delta Transportation Issues

Robert Macaulay

Recommendation:

Authorize the STA Chair send a letter to Caltrans Director Will Kempton and Governor Arnold Schwarzenegger regarding the potential impact to SR 12 future improvements response to a letter from the Delta Vision Blue Ribbon Task Force.

(7:10 – 7:20 p.m.)

Pg. 161

D. Legislative Update

Jayne Bauer

Recommendation:

Approve the following positions:

1. *Support with amendments SB 1093 (Wiggins)*
2. *Oppose SB 1507 (Oropeza)*

(7:20 – 7:25 p.m.)

Pg. 179

IX. ACTION – FINANCIAL ITEMS

**A. Approve Final Project Technical Report and North
Connector Project**

Janet Adams

Recommendation:

Approve the following:

1. *Project Technical Report for the North Connector Project;*
2. *The North Connector Project; and*
3. *Authorize the Executive Director to advertise one or more construction contracts for the North Connector Project for a total amount not to exceed \$23.3 million, including construction management services.*

(7:25 – 7:35 p.m.)

Pg. 233

**B. North Connector Project Regional Measure 2 (RM 2)
Allocation Request**

Janet Adams

Recommendation:

Approve the following:

1. Allocation request from Metropolitan Transportation Commission (MTC) for \$10.3 million for final design and right-of-way acquisition for the North Connector Project and the construction of improvements at Abernathy Road and Chadbourne Road interchanges; and
2. Resolution No. 2008-04.

(7:35 – 7:40 p.m.)

Pg. 235

C. Contract Amendment for the Mark Thomas & Company/Nolte (MT&Co/Nolte) Joint Venture for Environmental Document for the I-80 Eastbound Cordelia Truck Scales Relocation Project

Janet Adams

Recommendation:

Approve a contract amendment for MT & Co/Nolte in the amount of \$1,200,000 for preparation of the environmental document for the I-80 Eastbound Cordelia Truck Scales Relocation Project.

(7:00 – 7:05 p.m.)

Pg. 255

D. Contract Amendment for the Mark Thomas & Company/Nolte (MT&Co./Nolte) Joint Venture for the I-80/I-680/State Route (SR) 12 Interchange Environmental Document

Janet Adams

Recommendation:

Approve the following:

1. A contract amendment for I-80/I-680/SR12 Interchange Project MT & Co/Nolte contract for the following:
 - A. \$210,000 for the exploratory drilling and trench excavations for seismic analysis; and
 - B. \$100,000 for the subconsultant services of Gray-Bowen.
2. Modification the I-80/I-680/SR 12 Interchange Project environmental document and studies to account for the I-80 Eastbound Cordelia Truck Scales Relocation Project being cleared under a separate environmental document and thereby removed from the I-80/I-680/SR 12 Interchange Project environmental document.

(7:40 – 7:45 p.m.)

Pg. 275

- E. **Contract Amendment for Mark Thomas & Company/Nolte (MT&Co./Nolte) Joint Venture for Design Services of Suisun Valley Road/I-80 Eastbound On-Ramp Improvements**

Janet Adams

Recommendation:

Approve a contract amendment for MT & Co/Nolte in the amount of \$100,000 for the design of the additional second left turn lane at the intersection of Suisun Valley Road and the I-80 Eastbound on-ramp for the North Connector Project.

(7:45 – 7:50 p.m.)

Pg. 291

- F. **Approval of Fiscal Year (FY) 2008-09 Transportation Funds for Clean Air (TFCA) Regional Fund Submittal**

Robert Guerrero

Recommendation:

Authorize the STA Executive Director to submit a BAAQMD Regional TFCA application for \$1 million to implement STA's Safe Routes to School Program

(7:50 – 7:55 p.m.)

Pg. 295

X. **INFORMATIONAL ITEMS**

- A. **STA Draft Overall Work Plan for Fiscal Year (FY) 2008-09 and FY 2009-10**

Daryl Halls

Informational

Pg. 301

NO DISCUSSION

- B. **Regional Measure 2 (RM 2) Implementation**

Janet Adams

Informational

Pg. 327

- C. **I-80 Construction Schedule Update**

Janet Adams

Informational

Pg. 349

- D. **Regional Transportation Plan (RTP) Status**

Robert Macaulay

Informational

Pg. 355

- E. **I-80 Public Information**

Jayne Bauer

Informational

Pg. 357

- F. **Routes of Regional Significance Revised Criteria**

Robert Guerrero

Informational

Pg. 377

- G. **State Route (SR) 12 Status Update** Robert Macaulay
Informational
Pg. 387
- H. **Project Delivery Update** Sam Shelton
Informational
Pg. 389
- I. **STA Bicycle Advisory Committee Update** Sara Woo
Informational
Pg. 393
- J. **Funding Opportunities** Sara Woo
Informational
Pg. 395
- K. **STA Board Meeting Schedule for 2008** Johanna Masiclat
Informational
Pg. 401

XI. BOARD MEMBERS COMMENTS

XII. ADJOURNMENT

The next regular meeting of the STA Board is scheduled for
Wednesday, June 11, 2008, 6:00 p.m., Suisun City Hall Council Chambers.



SOLANO TRANSPORTATION AUTHORITY
Board Minutes for Meeting of
April 9, 2008

I. CALL TO ORDER

Chair Woodruff called the regular meeting to order at 6:00 p.m. A quorum was confirmed.

**MEMBERS
PRESENT:**

Eddie Woodruff (Chair)	City of Rio Vista
Jim Spering (Vice Chair)	County of Solano
Elizabeth Patterson	City of Benicia
Mary Ann Courville	City of Dixon
Harry Price	City of Fairfield
Pete Sanchez	City of Suisun City
Len Augustine	City of Vacaville
Osby Davis	City of Vallejo

**STAFF
PRESENT:**

Daryl K. Halls	Executive Director
Charles Lamoree	Legal Counsel
Johanna Masiclat	Clerk of the Board
Janet Adams	Director of Projects
Robert Macaulay	Director of Planning
Elizabeth Richards	Director of Transit and Rideshare Services
Liz Niedziela	Transit Manager/Analyst
Judy Leaks	Program Manager/Analyst
Susan Furtado	Financial Analyst/Accountant
Jayne Bauer	Marketing and Legislative Program Manager
Robert Guerrero	Senior Planner
Sam Shelton	Assistant Project Manager
Sara Woo	Planning Assistant
Nancy Abruzzo	Administrative Assistant I

ALSO

PRESENT: *In Alphabetical Order by Last Name:*

Fernando Bravo	City of Suisun City
Birgitta Corsello	County of Solano
Gene Cortright	City of Fairfield
Allan Deal	Member, Pedestrian Advisory Committee (PAC)
Mike Hudson	Member, PAC
Frank Kitchens	Solano Community College
Jeff Knowles	City of Vacaville
Gary Leach	City of Vallejo
Rod McMillan	BATA
Pat Moran	Member, PAC
Sid Pawar	Caltrans District 4
Dan Schiada	City of Benicia
Michael Segala	Councilmember, City of Suisun City
Brian Travis	Member, PAC
Jan Vick	Councilmember, City of Rio Vista
Brandon Whitehurst	DMJM Harris Co.
Lynne Williams	Chair, PAC

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

On a motion by Board Member Price, and a second by Board Member Augustine, the STA Board approved the agenda.

IV. OPPORTUNITY FOR PUBLIC COMMENT

None presented.

V. EXECUTIVE DIRECTOR'S REPORT

Daryl Halls provided an update on the following topics:

- STA Travels to Washington, D.C.
- Regional Transportation Plan Moves to Trade Off Discussion Phase
- Recommended Postponement of SolanoExpress Route 70
- BATA/Caltrans to Provide Status of Benicia Bridge Rehabilitation Project
- Overview of SR 12 Jameson Canyon Project
- Status of STA's Overall Work Program (OWP)

VI. COMMENTS FROM METROPOLITAN TRANSPORTATION COMMISSION (MTC), CALTRANS, AND STAFF:

A. MTC Report:

MTC Commissioner and STA Board Vice Chair Spering announced that he and Mayor and Board Member Harry Price will be attending the Interregional Summit tomorrow at UC Davis. He encouraged other Board members to attend. He also introduced Rod McMillan with the Bay Area Toll Authority (BATA).

B. Caltrans Report:

Sid Pawar, Caltrans' District 4 Project Manager provided a status report on the Benicia Martinez Bridge Retrofit Project.

C. STA Report :

1. STA Pedestrian Advisory Committee (PAC) Presentation by Sara Woollyne Williams, Chair of the PAC, was formally introduced.
2. Federal Legislative Update presented by Jayne Bauer.
3. SR 12 Jameson Canyon Project by Janet Adams
4. California High Speed Rail Status Report by Robert Macaulay

VII. CONSENT CALENDAR

On a motion by Board Member Patterson, and a second by Board Member Sanchez, the STA Board approved Consent Calendar Items A thru G. Board Member Price abstained from the vote.

A. STA Board Meeting Minutes of March 12, 2008

Recommendation:

Approve STA Board Meeting Minutes of March 12, 2008.

B. Review TAC Draft Minutes for the Meeting of March 26, 2008

Recommendation:

Receive and file.

C. Additional Geographic Information System (GIS) Funding for the I-80/I-680/I-780 Corridors Highway Operations Implementation Study

Recommendation:

Authorize the Executive Director to execute a consultant contract for an amount not to exceed \$312,346 for the I-80/I-680/I-780 Corridors Highway Operations Implementation Study.

D. Comprehensive Transportation Plan (CTP) Update

Recommendation:

Adopt the updated Draft CTP Update Schedule as shown on Attachment A.

E. Bicycle Advisory Committee (BAC)/Pedestrian Advisory Committee (PAC) Letter Opposing the Proposed Benicia State Recreation Area Closure

Recommendation:

Approve authorizing the STA Board Chair to forward a letter to the Governor opposing the proposed Benicia State Recreation Area closure.

F. MTC 2008 Transportation Awards Nomination for Solano Countywide Safe Routes to School Plan

Recommendation:

Approve authorizing the Executive Director to submit a MTC 2008 Transportation Awards nomination from the STA Board for the Solano Countywide Safe Routes to School Plan.

G. Fiscal Year (FY) 2008-09 Transportation Fund for Clean Air (TFCA) 40% Program Manager Funds Allocation

Recommendation:

Approve the following:

1. FY 2008-09 TFCA 40% Program Manager allocation of \$116,262.83 for the Solano County Safe Routes to School Program; and
2. Resolution No. 2008-02 confirming the approved TFCA 40% Program Manager Funds for FY 2008-09.

VIII. ACTION – FINANCIAL ITEMS

A. I-80 Eastbound Cordelia Truck Scales Relocation Project – Proposition 1B Trade Corridor Improvement Fund

Janet Adams reviewed the project delivery process of the I-80 Eastbound (EB) Cordelia Truck Scales Relocation Project. She stated that the CTC is expected to take action on the funding recommendations either April 9th or 10th, 2008. She also indicated that staff is recommending issuing a RFP on April 11, 2008 to retain a consultant firm/team to provide final design services for the relocation project.

Board Member Augustine stated that he heard rumors that there would be a political push to bring more money down to Southern California currently proposed. Daryl Halls responded that there is always a possibility however, Northern California has formed a strong coalition to prevent this from happening.

Public Comments:

None presented.

Recommendation:

Authorize the Executive Director to:

1. Issue a Request for Proposals to retain a consultant firm/team to provide final design services for the I-80 EB Cordelia Truck Scales Relocation Project; and
2. To enter into an agreement with the selected consultant firm/team for an amount not to exceed \$13,000,000.

On a motion by Vice Chair Spring, and a second by Board Member Price, the STA Board unanimously approved the recommendation.

IX. ACTION – NON-FINANCIAL ITEMS

A. Regional Transportation Plan (RTP) T 2035 Policy Priorities

Robert Macaulay reviewed and identified the principles for guiding the STA's input and discussion of MTC's RTP Investment Trade Offs. He stated that MTC staff is planning to discuss options for investment of the projected available federal and state discretionary funds expected to be available in the Bay Area over the next 25 years. He also indicated that the STA TAC recommended at their March 26, 2008 meeting to send a separate letter to MTC requesting preservation of the P-TAP and StreetSaver programs.

Public Comments:

Board Member Augustine commented on the idea of extending BART all the way to Vacaville. He suggested rather than using a T2035 horizon utilize T2075 and think in terms of not 10 years, but rather 50 years. Director Halls stated this could be looked at as the Solano Rail Plan is updated with the Comprehensive Transportation Plan (CTP).

Board Member Patterson commented on the outstanding priorities and capital planning for this regional; she stated she would like to see STA expand on the clean air strategy. She noted that CO2 is the only greenhouse gas listed, and asked how MTC addressed other greenhouse gasses in the RTP. Planning Director Macaulay stated that MTC is aware AB32 regulates a variety of greenhouse gases, but that MTC uses CO2 as the best indicator, and believes that in reducing transportation-produced CO2, other transportation-related greenhouse gas production will also be reduced.

Several Board Members commented that rail is an efficient system but expensive.

Public Comments:

None presented.

Recommendation:

Authorize the Executive Director to:

1. Adopt the principles as specified in Attachment A for guiding STA's input and discussion of MTC's RTP Investment Trade Offs; and
2. Authorize the STA Chair to forward a letter to MTC requesting preservation of the Pavement Management and Technical Assistance Program (PTAP) and StreetSaver Programs.

On a motion by Board Member Patterson, and a second by Board Member Augustine, the STA Board unanimously approved the recommendation.

B. Postponement of Initiation of SolanoExpress Route 70 Service

Elizabeth Richards provided a status report on the SolanoExpress Route (Rte.) 70. She cited that at the March 26th meeting of the Consortium and TAC, staff's recommendation had changed from approving the initiation of Rt. 70 to postponing the initiation of Rte. 70. She summarized a letter that was received from the City of Benicia concerning Rt. 70 and highlighted their concerns with the implementation of Route 70 as proposed.

Daryl Halls summarized the events that took place resulting in a postponement of MTC action in allocating RM 2 funds. He noted that Benicia's issues had MTC staff concerned resulting in a delay in the process of allocating the RM2 funds for the operation and marketing of Rt. 70. Daryl Halls continued and explained that the recommendation to not move forward will result in the loss of an estimated \$400,000 of RM2 funds to Solano County. He thanked Vallejo Transit staff for working hard over the past several months to try to implement this service.

Board Comments:

Vice Chair Spering expressed disappointment in having lost the RM2 funds, requested more information on why the implementation of Rt. 70 did not occur to ensure it would not happen again. He also directed staff to not only provide an update of the status of Rt. 70, but to develop a plan to implement Rt. 70.

Board Member Patterson explained some of Benicia's concern and the City's interest in resolving the issues so that Rt. 70 can move forward. She concurred that STA has provided funding and transit consultants to work with Benicia staff to help resolve the City's outstanding concerns.

Board Member Davis stated that Vallejo is prepared to move forward with the service and looks forward to Benicia resolving their issues.

Board Member Courville commented and addressed concerns about "hiring consultants" – Transit Consolidation Consultant to perform Benicia's Transit Assessment Study. Daryl Halls clarified that the STA Board had approved this allocation of funds earlier this year and that the City of Benicia will use their study money to use STA's Transit Consultants to quickly analyze the local Benicia issues associated with implementing Rt. 70.

Board Member Price commented that there should be a full accounting of funds that were lost to Vallejo and also expressed that he would like to avoid getting into this situation of losing regional funds again.

Vice Chair Spering requested to bring back this item and have the STA resolve this issue by June 2008.

Public Comments:

None presented.

Recommendation:

Approve the following:

1. Postpone the initiation of the operation of SolanoExpress Route 70 for FY 2007-08;
2. Authorize the Executive Director to develop a funding plan to offset any costs to Vallejo Transit for costs incurred in FY 2007-08 due to developing implementation of Route 70; and
3. Direct staff to *develop a plan to implement* Route 70 and I-780 corridor transit service prior to adoption of the FY 2008-09 Intercity Transit Funding and RM 2 funding agreements.

On a motion by Vice Chair Spering, and a second by Board Member Price, the STA Board unanimously approved the recommendation as amended shown above in *bold italics*.

X. INFORMATIONAL ITEMS – DISCUSSION

A. STA Priority Projects/Status of Overall Work Plan for Fiscal Year (FY 2007-08 and FY 2008-09

Daryl Halls provided a status report of STA's Priority Projects of Overall Work Plan (OWP) for FY 2007-08 in preparation for developing an update for FY 2008-09 and FY 2009-10.

Board Comment:

None presented.

NO DISCUSSION

B. Highway Projects Status Report:

- 1.) I-80/I-680/SR 12 Interchange
- 2.) I-80 EB Cordelia Truck Scales Relocation
- 3.) North Connector
- 4.) I-80 HOV Lanes: Red Top Road to Air Base Parkway
- 5.) I-80 HOV/Turner Overcrossing
- 6.) Jepson Parkway
- 7.) State Route 12 (Jameson Canyon)
- 8.) State Route 12 East SHOPP Projects
- 9.) I-80 SHOPP Rehabilitation Projects

C. Bike to Work Week May 12-16, 2008

D. California High Speed Rail Status Report

E. Regional Smart Growth Projects

F. State Route (SR) 12 Status Update

G. Legislative Update

H. Local Transportation Development Act (TDA) and Members Contribution for Fiscal Year (FY) 2008-09

I. Project Delivery Update

J. STA Pedestrian Advisory Committee Update

K. Funding Opportunities Summary

L. STA Board Meeting Schedule for 2008

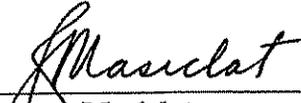
XI. BOARD MEMBER COMMENTS

Board Member Augustine commended staff for a job well done.

XII. ADJOURNMENT

The STA Board meeting was adjourned at 8:00 p.m. The next regular meeting of the STA Board is scheduled for Wednesday, May 14, 2008 6:00 p.m., Suisun City Hall Council Chambers.

Attested By:



Johanna Masiclat / Date
Clerk of the Board

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : May 13, 2008

TO : Mayor Patterson
Vice Mayor Campbell

FROM : Dan Schiada, Director of Public Works

SUBJECT : **SOLANO WATER AUTHORITY**

The following information is provided for your committee report at the May 20, 2008 City Council meeting.

The agenda for the Solano Water Authority (SWA) Board of Directors meeting of May 8, 2008 follows. The April meeting minutes are also attached. The next SWA meeting is on June 12, 2008. An agenda for that meeting is not yet available.

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS MEETING

DATE: Thursday, May 8, 2008

TIME: 6:30 p.m.

NOTE: Earlier starting time - The City County Coordinating Council meeting is at 7:00 p.m.

PLACE: Solano Irrigation District
508 Elmira Road
Vacaville

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. PUBLIC COMMENT

Limited to 5 minutes for any one item not scheduled on the Agenda.

5. CONSENT ITEMS

- (A) Minutes: Approval of the Minutes of the Board of Directors meeting of April 10, 2008 is recommended.
- (B) Expenditure Approvals: Approval of the April checking account register and list of checks \$500 and over to be paid is recommended.
- (C) Amendment to Agreement with Electric & Gas Industries Association: Authorization of Chairman to Execute Amendment No. 2 to the Agreement with the Electric & Gas Industries Association (EGIA) for the Bay Area High-Efficiency Washer Rebate Program is recommended. Cost is \$5,000, an increase from \$60,000 to \$65,000.

P.O. Box 349 • 6040 Vaca Station Road, Building 84
Elmira, California 95625-0349
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www.scwa2.com



X-D-9-2

- (D) Amendment to Agreement with Winzler & Kelly Consulting Engineers: Authorization of Chairman to Execute Amendment No. 2 to the Agreement with Winzler & Kelly Consulting Engineers for implementing a Commercial, Industrial and Institutional (CII) Water Conservation Program is recommended. Cost is \$10,500, an increase from \$117,500 to \$128,000.
- (E) Support for AB 2537 – Public Works: Exemption: Volunteers: Support of AB 2537 (February 21, 2008) which extends for three years to 2012 the exemption from the definition of “public works” for any work performed by volunteer, the California Conservation Corps. or Community Conservation Corps. is recommended.
- (F) Amendment No. 4 to the Agreement with Southwest Environmental Incorporated for the Installation of High-Efficiency Toilets at Commercial, Industrial and Institutional locations: Authorization of Chairman to execute Amendment No. 4 to the Agreement with Southwest Environmental Incorporated (SWE) for the installation of High-Efficiency Toilets (HETs) at Commercial, Industrial and Institutional (CII) locations is recommended. Cost is \$5,500, an increase from \$70,000 to \$75,500.

6. **BOARD MEMBER REPORTS**

RECOMMENDATION: For information only.

7. **GENERAL MANAGER’S REPORT**

RECOMMENDATION: For information only.

8. **NORTH BAY AQUEDUCT WATER QUALITY RESEARCH GRANT**

RECOMMENDATION: Authorize Chairman to execute a letter of commitment between the State of California and the Solano County Water Agency for \$1,560,000 in grant funding for development of a North Bay Aqueduct Water Quality Research Facility.

9. **UPDATE OF NORTH BAY AQUEDUCT FEASIBILITY STUDY**

RECOMMENDATION: Authorize Chairman to execute an agreement with CDM, Consultants, for engineering assistance in planning for an Alternative Intake Project for the North Bay Aqueduct. Cost of agreement is \$223,000.

10. **UPDATE ON DELTA ISSUES**

RECOMMENDATION: Hear report from General Manager of status of development of specific positions on Delta issues. Provide policy guidance as needed.

11. **APPOINT BUDGET REVIEW COMMITTEE**

RECOMMENDATION: Chairman appoint a Committee of the Board to review the draft Fiscal Year 2008-2009 SCWA budget and develop a recommendation to the Board of Directors for the June Board meeting.

13. **TIME AND PLACE OF NEXT MEETING**

Thursday, June 12, 2008 at 7:00 pm at the Solano Irrigation District offices.

The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency's website at www.scwa2.com.

May.2008.bod.agd.doc

**SOLANO COUNTY WATER AGENCY
BOARD OF DIRECTORS MEETING MINUTES**

MEETING DATE: April 10, 2008

The Solano County Water Agency Board of Directors met this evening at the Solano Irrigation District. Present were:

Mayor Elizabeth Patterson, City of Benicia
Mayor Mary Ann Courville, City of Dixon
Mayor Harry Price, City of Fairfield
Mayor Pete Sanchez, City of Suisun City
Mayor Len Augustine, City of Vacaville
Mayor Eddie Woodruff, City of Rio Vista
Supervisor Barbara Kondylis, Solano County District 1
Supervisor John Silva, Solano County District 2
Supervisor Jim Spering, Solano County District 3
Supervisor Mike Reagan, Solano County District 5
Director Everett Whiting, Reclamation District 2068
Manager David Mansfield, Solano Irrigation District
Manager Don Holdener, Maine Prairie Water District

CALL TO ORDER

The meeting was called to order at 7:00 pm by Chair Eddie Woodruff.

APPROVAL OF AGENDA

On a motion by Mayor Price and a second by Mayor Courville the Board unanimously approved the agenda.

PUBLIC COMMENT

No public comment was received.

CONSENT ITEMS

On a motion by Mayor Patterson and a second by Supervisor Spering the Board unanimously approved the following consent items, including the addendum to agenda item (B), Additional Expenditure Approvals:

- (A) Minutes
- (B) Expenditure Approvals:
- (C) Suisun Creek Detention Basin Study
- (D) Amendment to agreement with Wood Rodgers for Gibson Canyon Creek Flood Control Study
- (E) Amendment No. 1 to the Agreement with Electric and Gas Industries Associate (EGIA)
- (F) Amendment No. 3 to the Agreement with Southwest Environmental Incorporated

- (G) Appropriation Adjustment
- (H) Solano Project: Putah Diversion Office Complex Renovation

BOARD MEMBER REPORTS

No reports were given.

GENERAL MANAGERS REPORT

No additional report was given.

SUPPLY/DEMAND STUDY

General Manager Okita demonstrated a new modeling tool to assist the Agency with long range water supply planning. The tool is a melding of the major Solano water purveyors' data and assumptions to gain an Agency-wide perspective on future water needs. This task had a high importance rating in the Water Agency's Integrated Regional Water Management Plan.

YUBA COUNTY WATER AGENCY DRY YEAR WATER PURCHASE PROGRAM

General Manager Okita outlined the Yuba County Water Agency Dry Year Water Purchase Program for the Board to consider. The program would allow the Agency options to purchase modest amounts of water during times of need.

On a motion by Mayor Sanchez and a second by Supervisor Spering, the Board unanimously approved to authorize General Manager to execute an agreement with the California Department of Water Resources for the supply and conveyance of water to the participating State Water Project Contractors under the Dry Year Water Purchase Program from the Yuba County Water Agency.

DELTA POLICY

General Manager Okita informed the Board on the County's adoption of "Guiding Principles for use in Delta and Statewide Water Policy Development". The principles are consistent with those adopted by the Water Agency.

Manager Okita also updated the Board on recent developments of the Bay-Delta Conservation Plan. The Governor has authorized the initiation of the EIR/EIS process in parallel with the plan development. The process is being fast tracked on a very ambitious schedule.

Staff is participating in discussions in preparation for negotiations to preserve the Water Agency's policies and positions on various matters affected by potential Delta solutions. Staff will present some detailed negotiating positions for the Board to consider at future Board meetings.

AB 2501- WATER: PLANNING

General Manager Okita outlined AB 2501. Manager Okita and Manager Hardesty, RD 2068, discussed recommendations to amend some of the language of the bill. Manager Okita confirmed that Assembly Member Wolk's office has accepted the proposed language regarding Proposition 84 funding of Delta alternate intake projects and Delta levee funding, but that the amendments had not appeared in the official text yet. Manager Hardesty said he was working on further amendments to the bill. The Board directed staff to bring back the bill for consideration once the bill language is published.

TIME AND PLACE OF NEXT MEETING

Thursday, May 8, 2008 at 6:00 or 6:30 pm at the Solano Irrigation District offices,
preceding the City-County Coordinating Council meeting.

ADJOURNMENT

This meeting of the Solano County Water Agency Board of Directors was adjourned at 8:28
pm.

David B. Okita, General Manager
and Secretary to the Board of Directors of the
Solano County Water Agency

Traffic, Pedestrian and Bicycle Safety (TPBS) Committee

The agenda for the July 17, 2008 Meeting is in process, the minutes from the April 17, 2008 are not yet finalized.

Meetings begin at 7:00 pm and the meeting schedule for 2008 is listed below:

January 17, 2008

April 17, 2008

July 17, 2008

October 16, 2008

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 12, 2008

TO : Vice Mayor Campbell
Council Member Hughes

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING
GROUP**

The following information is provided for your committee report at the May 20, 2008 Council meeting.

A joint meeting of the Governing Board and the Citizens Advisory Committee (CAC) was scheduled to occur on Monday, May 5, 2008 at 7:00 at the Solano County Government Center in Fairfield. The meeting was cancelled due to lack of a quorum of both Governing Board and CAC members. The main agenda topic of the joint meeting, a discussion of the Solano County General Plan update, will not occur at a future joint meeting and members of both the Governing Board and CAC are encouraged to send comment to the County regarding the draft plan.

The next meeting of the Governing Board will be September 8, 2008 while the next meeting of the CAC will be August 20, 2008. A final meeting agenda for these meetings is unavailable at this time.

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : May 13, 2008
TO : Council Member Hughes
FROM : Ken Hanley, Fire Chief
SUBJECT : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the May 20, 2008 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The next CAP meeting is scheduled for July 23, 2008.

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : May 13, 2008

TO : Mayor Patterson
Vice Mayor Campbell
Council Member Schwartzman

FROM : Youth Action Task Force

SUBJECT : **YOUTH ACTION TASK FORCE**

The following information is provided for your committee report at the May 20, 2008 City Council meeting.

The next meeting of the Youth Action Task Force is Wednesday, May 28, 2008 at 3:30 pm in the Commission Room at City Hall. The agenda for that meeting is not yet available.

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2008
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 13, 2008
TO : City Council
FROM : Mayor Patterson
SUBJECT : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The next meeting date of the Water Forum is not yet available. I can provide an update on recent activities of the Forum for the City Council, if desired.

