

June 3, 2008 Regular Council Meeting  
BENICIA CITY COUNCIL  
ADJOURNED REGULAR MEETING AGENDA FROM MAY 20, 2008  
- AND -  
REGULAR MEETING AGENDA FOR JUNE 3, 2008  
*NOTE EARLIER START TIME: 6:00 P.M.*  
CITY COUNCIL CHAMBERS

I. CALL TO ORDER:

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/ PROCLAMATIONS:

A. ANNOUNCEMENTS:

1. Announcement of action taken at 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:

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

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](mailto:acardwell@ci.benicia.ca.us).

B. APPOINTMENTS:

C. PRESENTATIONS:

Annual Presentation by the Benicia Tula Sister Cities Association

D. PROCLAMATIONS:

[Recognizing the Reopening of the Benicia State Capitol Building](#)

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 20, 2008](#). (City Clerk)

B. [Award of contracts for construction and construction management/engineering support services for the Civic Center Water Distribution System Upgrade Project](#). (Public Works Director)

The Civic Center Water Distribution System Upgrade Project will replace aging, undersized water lines in busy streets in the City Hall/Police Headquarters/Senior Center area. In addition to the award of a construction contract, staff recommends using a full-time construction manager to ensure minimal disruption to the area during construction. Sufficient funding is available in the Water Line Replacement Fund per the adopted FY 2007/2008 budget to cover the cost of this work.

Recommendation: Adopt the resolutions:

- 1) Accepting the bids for the Civic Center Water Distribution System Upgrade Project, awarding the construction contract including bid alternate to Hudson Excavation, Inc. of Fairfield in the amount of \$282,976.25 and authorizing the City Manager to sign the contract on behalf of the City; and
- 2) Approving Task Order No. 2 in the amount of \$69,020 for the Pakpour Consulting Group to provide construction management/engineering support services for the Civic Center Water Distribution System Upgrade Project, and authorizing the City Manager to sign said task order on behalf of the City.

C. [Acceptance of the West 2nd Street Sewer Improvement Project including change orders](#). (Public Works Director)

This project replaced an old, dilapidated, undersized sewer main and resurfaced West 2nd Street between West "H" Street and West "J" Street. This project was completed at a total construction cost of \$407,572.03, which is the total amount available in the project 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 a resolution accepting the West 2nd Street Sewer Improvement Project as complete, including Change Order Nos. 1 through 11, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

D. [Denial of the claim against the City by Travelers Insurance and referral to insurance carrier](#). (City Attorney)

Mr. Keenan submitted a claim for a damaged cottonwood tree and problems with a city sewer line in an easement located west of his driveway. He also submitted a claim to his insurance company for the damage to the tree. Travelers Insurance Company submitted a claim against the city for subrogation of the tree damage settlement. An arborist has determined that the tree in question is healthy. Denial of both claims is recommended.

Recommendation: Deny the claim against the City by Travelers Insurance and refer to insurance carrier.

**E. Denial of the claim against the City by Terance Keenan and referral to insurance carrier.** (City Attorney)

Mr. Keenan submitted a claim for a damaged cottonwood tree and problems with a city sewer line in an easement located west of his driveway. An arborist has determined that the tree in question is healthy. Public Works Department staff have reviewed the documentation submitted with the claim and determined that all necessary improvements were made to the city line and there are no issues with this line. The City Attorney has also recommended denial of the claim submitted by Mr. Keenan's insurance company, Travelers, for subrogation of a \$500 tree damage settlement. The amount of the claim is \$65,000.

Recommendation: Deny the claim against the City by Terence Keenan and refer to insurance carrier.

**F. Denial of the claim against the City by Lois Gallo and referral to insurance carrier.** (City Attorney)

This claim involves an incident that occurred on a transit bus. Ms. Gallo allegedly fell from the wheelchair lift. This claim has been tendered to the transit contractor MV Transportation. The amount of the claim is for \$2,000,000.

Recommendation: Deny the claim against the City by Lois Gallo and refer to insurance carrier.

**G. Approval of job descriptions for Police Lieutenant and Police Sergeant.** (Interim Human Resources Manager)

This action approves recent updates to two job descriptions, Police Lieutenant and Police Sergeant. The Civil Service Commission has approved both job descriptions. There is no budget impact associated with this action.

Recommendation: Adopt the resolution approving the job descriptions for Police Lieutenant and Police Sergeant.

**H. Acceptance of the annual report of the Open Government Commission.** (City Attorney) – Continued from the May 20, 2008 City Council Meeting

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, by motion, the annual report of the Open Government Commission.

**I. Comment on the Draft Environmental Impact Report for the Solano County General Plan.** (Community Development Director)

Solano County has invited comment on the Draft EIR for the County General Plan. A comment from the City Council may be appropriate regarding impacts related to loss of agricultural lands, and Council may wish to comment on additional subjects.

Recommendation: Direct staff to draft a letter for the Mayor's signature commenting on the Draft Environmental Impact Report (EIR) for the 2008 Solano County General Plan.

**J. Adoption of a resolution reappointing certain Historic Preservation Review Commission ("HPRC") members to acknowledge that at least two members are the owners of historic property within the historic district.** (City Attorney)

Benicia Municipal Code Section 2.56.030 sets forth the qualifications to be an HPRC member. Subsection C states: "At least two members shall be owners of a historic property within the

historic district. One of these members shall be the owner of a residence in the historic district. The other member shall be the owner of either a residence or business property in the historic district." Currently, there are no HPRC members appointed specifically as historic property owners. If a member were appointed to fill the specific group per BMC 2.56.030, the appointment would allow that member to vote on an issue even though they would ordinarily be precluded from voting because of a conflict of interest. With at least two members appointed because of their property interests, a conflict of interest may be avoided on issues of general historical interest. A conflict will still exist if there is a different financial impact on the member's property. The members acknowledged as owners of historic property will be able to act on projects that impact the historic district and will be allowed to participate in most discussions where there would otherwise be a conflict of interest because of the location of their property.

**Recommendation:** Adopt the resolution reappointing members of the Historic Preservation Review Commission ("HPRC") to designate the two owners of historic property in the historic district in accordance with Benicia Municipal Code Section 2.56.030.

**K. [Delay of the Biennial Mid-Cycle Budget Adjustments pending State Budget outcome.](#) (Finance Director)**

On April 15, 2008, the City Council approved budget adjustments for all City Funds. During the presentation, staff was directed to return as quickly as possible with a report recommending adjustments to accommodate the changing local and regional economy, the State Budget Crisis, and the need for capital project financing. Staff reviewed the City's budget situation with the Audit and Finance Committee on May 9, 2008 and received additional direction in pursuing information that would assist the City Council in determining the health of the City's General Fund. Unfortunately, due to the State's extended budget process, there is very little information available at this time in which to base any fiscal predications. For this reason, staff is recommending the City Council postpone the Mid-Cycle Budget Review and consideration of capital project financing until July 1, 2008. The attached report provides a brief update of both the Benicia and State Budget status.

**Recommendation:** This is an informational report.

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

**VIII. PUBLIC HEARINGS:**

**A. [Public Hearing for City of Benicia Landscaping & Lighting District Fiscal Year 2008-09.](#) (Finance Director)**

The items scheduled for consideration at this meeting will complete the process for levying assessments for fiscal year 2008-09 through the Solano County Auditor-Controller's Office and to collect assessments with property tax bills. Should the City Council conclude, after receiving comments from interested parties during the public hearing, that any assessment should be amended, no action should be taken on the resolution ordering the maintenance of existing improvements. Staff will then modify the report as directed and bring the matter back for final approval on July 1, 2008. However, this matter must be concluded prior to August 5, 2008 to meet filing deadlines with the Solano County Assessor/Recorder's Office.

**Recommendation:**

- 1) City Council conduct the public hearing as set by Resolution No. 08-45 to receive oral statements or written comments concerning the subject district for fiscal year 2008-09 and ordering the levy and collection of assessments for fiscal year 2008-09; and
- 2) At the conclusion of the public hearing, adopt the attached resolution ordering the maintenance of existing improvements in all five zones of the District, confirming the Assessment Diagram, approving the Engineer's Report, and ordering the levy and collection of certain assessments for the City of Benicia Landscaping and Lighting District, fiscal year 2008-09.

**B. Public Hearing for Benicia Business Park Vesting Tentative Map, Master Plan Overlay and Rezoning. (Community Development Director) – Continued from the May 20, 2008 City Council Meeting Attachments: [Staff Report](#), [Project Approval Reso](#), [Approval of CEQA Reso](#), [Public Comment](#)**

The City Council continued this public hearing from May 20, 2008 to allow opportunity for additional public comment. Per Subdivision Map Act Section 66452.2, the City Council must act on the application at the June 3, 2008 meeting unless the applicant and Council agree to an extension. Staff has provided project conditions intended to allow approval of the project. Recommendation: Adopt resolutions (1) approving the proposed Vesting Tentative Map, Master Plan Overlay and Rezoning, with conditions (as may be modified by the City Council); and (2) adopting the accompanying EIR Addendum, Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations for a significant and unavoidable air quality impact due to ozone precursors, and associated Findings pursuant to the California Environmental Quality Act (CEQA).

**IX. ACTION ITEMS:**

**X. INFORMATIONAL ITEMS:**

**A. Reports from City Manager.**

1. [Proposed Mayor's State of the City Presentation on June 10, 2008](#)

**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](http://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.

-  [IV-D Proclamation.pdf](#)
-  [VI-A Written Public Comment.pdf](#)
-  [VII-A Minutes.pdf](#)
-  [VII-B Civic Center Water System.pdf](#)
-  [VII-C West 2nd Street Sewer.pdf](#)
-  [VII-D Denial of Claim Travelers.pdf](#)
-  [VII-E Denial of Claim Keenan.pdf](#)
-  [VII-F Denial of Claim Gallo.pdf](#)
-  [VII-G Police Lieutenant, Sergeant.pdf](#)
-  [VII-H Open Govt Report.pdf](#)
-  [VII-I Draft EIR Solano Co General Plan.pdf](#)
-  [VII-J HPRC.pdf](#)
-  [VII-K Budget.pdf](#)
-  [VIII-A Landscaping & Lighting .pdf](#)
-  [VIII-B BBP Staff Report.pdf](#)

 [VIII-B BBP Reso 1.pdf](#)

 [VIII-B BBP Reso 2.pdf](#)

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

 [X-A-1 Rpt from City Manager.pdf](#)



## **P R O C L A M A T I O N**

### **Recognizing the Reopening of the Benicia State Capitol Building**

**WHEREAS**, a joint partnership of the Department of Parks and Recreation Northern Service Center, the Department of General Services Direct Construction Unit and, the Department of Parks and Recreation Diablo Vista District was created in order to make needed repairs to the Benicia State Capitol Building; and

**WHEREAS**, this project has been in progress since 2002; and

**WHEREAS**, specific repairs included removal of lead paint from the exterior, removal and replacement of damaged and missing brick, and the removal and repoint of some areas where the mortar was missing and degraded; and

**WHEREAS**, additional work included removal and replacement of damaged and degraded window glazing, application of a sealer to the brick exterior, repair of the sandstone window sills, painting of the wood exterior, columns and front doors; and

**WHEREAS**, due to water damage to the front steps from last year, the repair of the steps was added to this project; and

**WHEREAS**, the repairs to the capitol building were very significant, and even though the project has been ongoing for several years, the results are quite impressive.

**NOW, THEREFORE, BE IT RESOLVED THAT I**, Elizabeth Patterson, Mayor of the City of Benicia, do hereby thank the State Departments involved for their commitment to completion of this important project and recognize the reopening of a significant historical landmark in Benicia.

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Elizabeth Patterson, Mayor  
June 3, 2008

# **WRITTEN PUBLIC COMMENT**

**Anne Cardwell - For June 3 Council packet -- reponse to Councilmember Schwartzman**

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**From:** Norma Fox <normafox@hotmail.com>  
**To:** Anne Cardwell <acardwell@ci.benicia.ca.us>  
**Date:** 5/27/2008 4:56 PM  
**Subject:** For June 3 Council packet -- reponse to Councilmember Schwartzman

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Dear Mr. Schwartzman,

I just watched the video of the May 20 City Council meeting and I was hurt and shocked to hear you accuse me (verbally in public, and also in the letter that you were reading from, which is now included in the public record) of being guilty of saying that you and/or Mr. Hughes received money directly from Seeno for your 2005 election campaign, or that your voting choice will be influenced by the money that Seeno independently spent in that election campaign, or that your ethics or integrity are in question.

I am very well aware of the distinction and separation between independent PAC committees and a candidate's own campaign committee, and I have always been meticulously careful never to say that you or your campaign committee ever received money from Seeno for your election campaign. I have also been careful not to say that your vote would be influenced or controlled by money that was contributed to you or indirectly in support of you.

If you can find an example in writing, or on a Council video, where I made the mistake of saying that, please show it to me. If you cannot, I consider your public statements about me to be a very serious error and personally harmful, and I am respectfully requesting that you publicly set the record straight by making a correction to your misstatements about me at the next City Council meeting, and please include that correction in the written record.

My concerns about excessively large contributions and high levels of spending in our campaigns have always been about the unbalanced influence that the flood of literature can have on the minds of voters, NOT the influence it will have on the elected official. That influence on the voters is especially disturbing when that literature is funded by out-of-town sources rather than by other voters in the election. Further, large contributions and unbalanced levels of spending create an extremely uneven playing field which gives unfair advantage to candidates who are well known or well connected. It discourages less known and less connected candidates from entering the race, and if they do, it reduces their likelihood of raising as much money or winning.

These are the concerns that I have expressed repeatedly, and as you can see, these are concerns about threats to the democratic process, and local control of our elections, not concerns about the integrity of the candidate who is elected through this process.

In your public statements on May 20, you said, "Now I have come to expect the attacks on my ethics, integrity, and ability to remain independent and uninfluenced by people such as ... Ms. Fox." You made six reference to "attacks" on you, characterizing them as "ongoing" and "continued."

My public statements on campaign finance have not been ongoing and continuous, nor have they have not made personal attacks. I don't believe I have written or spoken up about Benicia's campaign finance issues since June 2007, other than a brief article in the Benicia Herald on 4/15/08, which merely catalogued the post-election contributions that all candidates had received. It didn't single you out or attack you in any way.

**VI-A-2**

None of my previous articles (from June 2007 and before) have contained personal attacks on you or Mr. Hughes, quite the contrary in fact. For example, see this quote from my June 26, 2007 article in the Benicia Herald:

"Let me be clear. I do not mean to imply the Mr. Hughes, or any other council members, have been "bought" by their large contributors. I believe Mr. Hughes' vote is not for sale; he clearly votes according to his own philosophy and beliefs."

That same article, and others I have written, emphasized that the issue I am concerned with is the corruption of the democratic electoral process, and threats to local control of our elections, not the corruption of candidates. This is the truth I would like you to point out in your correction of your misstatements.

Sincerely,  
Norma Fox

P.S.

Unfortunately, the average citizen, who has not studied the intricacies of campaign finance, tends to assume a false connection between large contributions, whether to a PAC or to the candidate's own committee, and undue influence or control over how the candidate will vote. Because of that false perception, they make the kind of misstatements that have hounded you since your election and which you understandably resent.

This false perception among the general public of a quid pro quo relationship is very corrosive to the democratic process, and to citizen engagement in civic affairs, and public trust in government. (That is one of the reasons stated by the Supreme Court for their approval of laws that mandate contribution size limits.)

It is because of this problem of perception and distrust that I was so encouraged when Council member Campbell, at a recent city council meeting, suggested scheduling a Council discussion on whether to formulate an ordinance requiring a Council member to recuse themselves from voting on a matter that might benefit an individual who had contributed money above a certain threshold directly to that Council member's election committee.

The purpose of that measure would not be to call into question the integrity of that Council member (in fact it would help to protect their image), but it would at least partially demolish that corrosive false perception of quid pro quo and help to create higher levels of public confidence in our elections and our government. It is true it wouldn't solve the problem of large contributions to the independent PACs in support of a candidate (which can be addressed through other measures), but it would be an important first step toward a perception of clean elections.

I'm sure we share a desire to strengthen confidence in government, and with that goal in mind, I do hope you and Mr. Hughes will reconsider your opposition to Council member Campbell's suggestion.

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Make every e-mail and IM count. [Join the I'm Initiative from Microsoft.](#)

**VI-A-3**



MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
MAY 20, 2008

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:00 p.m. on Tuesday, May 20, 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:

Mayor Patterson 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:  
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

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](mailto:acardwell@ci.benicia.ca.us).

APPOINTMENTS:

None

PRESENTATIONS:

None

PROCLAMATIONS:

None

ADOPTION OF AGENDA:

Jim Erickson, City Manager, suggested setting and ending time of 10:00 p.m. for item VIII-A so that items IX-B and IX-C could be discussed, as they are time sensitive items.

Council Member Hughes suggested moving IX-C to the consent calendar as another option. Mayor Patterson confirmed there was a citizen who wished to comment on item IX-C. Vice Mayor Campbell suggested moving item IX-C to the consent calendar and pulling it for discussion.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved moving item IX-C to the consent calendar, on roll call by the following vote:

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

Noes: None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, the Agenda was adopted as amended, 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. Jon Van Landschoot – Mr. Van Landschoot apologized for comments he made regarding Seeno donating money directly to candidates during the last election. However, Seeno did spend a lot of money in the last two elections. He believes and trusts that Seeno bought nothing.

- Council Member Schwartzman read a prepared statement regarding his 2005 campaign and expenditures made by Seeno, undue influence, and integrity.
2. Steve Goetz – Mr. Goetz discussed concerns regarding the Solano County General Plan.

Council and Staff discussed concerns raised by Mr. Goetz.

3. Rick Ernst – Mr. Ernst congratulated Mr. Schiada for the successful Public Works Week events last weekend. He inquired about the process for having a consent calendar item pulled for discussion. Mayor Patterson explained the process for having a consent calendar item pulled for discussion. Mr. Ernst requested that item IX-C be pulled for discussion.

CONSENT CALENDAR:

Council pulled items C, D, and IX-C.

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, 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 May 6, 2008 were approved.

RESOLUTION 08-47 - A RESOLUTION 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

RESOLUTION 08-48 - A RESOLUTION 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

Council accepted the investment report for the quarter ending March 2008.

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Award of construction contract for Commandant's Residence Rehabilitation Project and declare intention to issue tax-exempt obligations:

Mike Alvarez, Parks and Community Services Director, reviewed the staff report.

Public Comment:

1. Rick Ernst – Mr. Ernst discussed concerns regarding the City going into debt to finance the project.

Council and Staff clarified that tonight's actions were simply to award the construction contract. There would be a financing workshop on July 1, 2008 where various funding options would be discussed. The reason the second

resolution was attached to this item was that it was necessary to qualify for funding in the future.

2. Marilyn Bardet – Ms. Bardet spoke in support of the project.
3. Jon Van Landschoot – Mr. Van Landschoot inquired if the scope of work and project description were the same as they were in January. Staff confirmed that was correct.

RESOLUTION 08-49 - A RESOLUTION 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

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

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

Noes: None

RESOLUTION 08-50 - RESOLUTION 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

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

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

Noes: None

Acceptance of the West 7<sup>th</sup> Street Storm Drain Project, including change orders:  
Council and Staff discussed high and low flow drains, meandered low flow riparian planted flow area, surface channels open swale, and surface precipitation.

RESOLUTION 08-51 - A RESOLUTION ACCEPTING THE WEST 7<sup>th</sup> 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

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

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

Noes: None

Acceptance of the City Hall Bathroom Renovation Project, including change orders:  
Council and Staff discussed where the leftover funds would be going. Staff confirmed the funds were committed to the additional work at the Benicia Community Center.

RESOLUTION 08-52 - A 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

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

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

Noes: None

PUBLIC HEARINGS:

Public Hearing for Benicia Business Park Vesting Tentative Map, Master Plan Overlay and Rezoning (Continued from May 6, 2008 City Council Meeting):

Mayor Patterson requested speakers not repeat comments that have already been made, as there were many citizens who wished to speak on this item.

Ms. McLaughlin explained that after additional testimony was heard tonight, the public hearing would be continued to June 3, 2008 and tonight's meeting would be adjourned to June 3, 2008 as well. At that time, Council would combine them together and have a regular meeting as well.

Charlie Knox, Community Development Director, reviewed the staff report.

Council and Staff discussed how to approach its response to comments and various mitigation measures.

Mayor Patterson clarified that the opponent to the project would be allowed the same amount of time (22 minutes) as the proponent was afforded at the last Council meeting.

Opponent:

Jerome Page, Chair, Benicia First, stated that Mr. Donald Dean would present a PowerPoint presentation. Mr. Page reviewed Mr. Dean's professional qualifications.

Donald Dean reviewed a PowerPoint presentation (hard copy on file).

After 22 minutes had passed, Mayor Patterson informed Mr. Dean that his time was up. Mr. Dean stated that the applicant indicated to him that they did not have a problem with Benicia First taking as much time as it needed to get through its presentation. He asked for additional time to finish the presentation. Mayor Patterson indicated that would be

acceptable as long as there were no objections. Hearing no objections, Mayor Patterson allowed Mr. Dean to finish the PowerPoint presentation.

Council and Mr. Dean discussed organizing the conditions of approval and the difference between an applicant volunteering to do something vs. it being required under the project conditions.

Applicant:

Mr. Sal Evola, Discovery Builders, stated that he wished to reserve his rebuttal until after the public had a chance to comment. Ms. McLaughlin confirmed that was acceptable.

Public Hearing Opened

Public Comment:

1. Marilyn Bardet - Ms. Bardet spoke in opposition of the proposed project. Ms. Bardet submitted comments (hard copy on file).
2. Norma Fox - Ms. Fox spoke in opposition of the proposed project. Ms. Fox submitted comments (hard copy on file).
3. Sue Johnson - Ms. Johnson spoke in opposition of the proposed project.
4. Sabina Yates - Ms. Yates spoke in opposition of the proposed project. Ms. Yates submitted comments (hard copy on file).
5. David Dias - Mr. Dias stated that he was in favor of the proposed project, but would save his comments for the June 3, 2008 meeting.
6. Susan Street - Ms. Street spoke in opposition of the proposed project.
7. Dana Dean - Ms. Dean spoke in opposition of the proposed project.
8. Laurie Key - Ms. Key spoke in opposition of the proposed project.
9. Steve Goetz - Mr. Goetz spoke in opposition of the proposed project. Mr. Goetz submitted comments (hard copy on file).
10. Ramon Castellblanch - Mr. Castellblanch spoke in opposition of the proposed project.
11. Kathy Kerridge - Ms. Kerridge spoke in opposition of the proposed project.
12. Paula Schwartz - Ms. Schwartz spoke in opposition of the proposed project.

Mayor Patterson called for a 5-minute break at 9:23 p.m.

The meeting resumed at 9:30 p.m.

13. Nancy Lund - Ms. Lund spoke in opposition of the proposed project.
14. Carl Campos, Loving & Campos Architects - Mr. Campos reviewed the chain of events regarding its involvement in the project up to this point. He spoke in favor of the proposed project.
15. Kristina Lawson, Miller Starr Regalia - Ms. Lawson, attorney for Discovery Builders Inc., discussed the chain of events up to this point, her opinion that the addendum was adequate, the urban decay and economic analysis of the project, the legal standard being misquoted earlier this evening, applicant agreed to all mitigation measures when the EIR was certified, the applicant has not requested that those mitigation measures be changed, and the issue of a development agreement.

16. Lewis Parsons, Discovery Builders, Inc. - Mr. Parsons discussed Discovery Builders' interactions with City Staff, the City's recommendation to redesign the western portion of the project, and incorporating flexibility into the projects timing and phasing.
17. Dan Smith - Mr. Smith spoke in opposition of the proposed project.
18. Jon Van Landschoot - Mr. Van Landschoot spoke in opposition of the proposed project.
19. Albert Seeno Jr., Discovery Builders, Inc. - Mr. Seeno discussed the EIR process, conditions of approval, the time Discovery Builders, Inc. has spent trying to get this project going, and his family's reputation and desire to build on their land.
20. Christina Strawbridge - Ms. Strawbridge spoke in favor of the proposed project.

Applicant:

Sal Evola, Discovery Builders, Inc. - Mr. Evola discussed the costs to the City for this project, police and fire, community facility districts (CFD's), his commitment to work with the Economic Development Department to go after users, phasing of the project, Discovery Builder's commitment to deliver a vision for Benicia (R/D, high tech, clean tech, etc.), his meeting with Benicia First, and the three-step process.

Mayor Patterson stated that she appreciated the applicant's comments about flexibility and working with City Staff, etc. She would like to have the Planning Commission review the conditions. Sixty days is very fast to process a project of this size. She asked if there were any objections to having the Planning Commission review the conditions.

Mr. Evola stated that when it was presented to the Planning Commission, he asked them to comment on the conditions. The Planning Commission was there to make recommendations to Council. Staff has had the opportunity to take this back during this timeframe. Nothing has precluded the Planning Commission from submitting comments. When the EIR was certified, he could not commit to the Upland Preservation Alternative because he felt he could come up with a better alternative, which he did – within the timeframe he was tasked with. City Staff has worked diligently on the conditions. He was not amenable to send this back to the Planning Commission. This has been a long process. They look forward to continue working with Staff.

Council Member Schwartzman asked Mr. Evola to look at this from Council's perspective. He discussed the Touro University project on Mare Island, Seeno's reputation, trust, and the issue of a development agreement.

Vice Mayor Campbell and Mr. Evola discussed conditions 98-99, standards for flexibility.

Council Member Hughes asked Mr. Evola which conditions he considered deal breakers. Mr. Evola discussed flexibility to phasing, grading and infrastructure, cost sharing on the CFD (police and fire), and the issue of a revenue sharing agreement being brought forward prior to the recording of the first final map.

Council, Staff, and Mr. Evola discussed the City's position with having a development agreement vs. having agreement on the 200+ project conditions, assurances, clarity, standards of criteria and enforcement, strengthening the assurances portion of this with specific references to standards and criteria in the next staff report, section 91 – page 12 – reference to unfair conditions, how future council's might handle the conditions, how costs for additional police and fire would be handled, community facilities district, the trust factor with regards to Seeno, third party monitor, Seeno paying for a compliance person, reaching a compromise, Council's comfort zone, development agreement, extension of time, circumventing the process, allowing the Planning Commission to weigh in on the process, moving people not automobiles, air quality, climate control, and the need for the project to meet the mandates of AB 32.

Public Comment:

1. Albert Seeno Jr. – Mr. Seeno discussed the issue of his family's reputation and trustworthiness.

Mayor Patterson stated that there would be one more meeting on this issue and it would start at 6:00 p.m. on June 3, 2008. She asked Staff to explain how it would look at each condition that was submitted, how it would be looked at in terms of the subject it relates to, and how it will be dealt with on June 3, 2008.

Staff indicated that it wanted to respond to all comments in an organized fashion. That did not necessarily mean that there would be a written response to every comment made. Staff would rather identify the comments that Council and Staff indicated were very important to address. Many of the comments were satisfied by conditions that already exist.

Mayor Patterson clarified that all she wanted was for the material to be organized. She thought a matrix would work. There needs to be an organized staff report for the June 3, 2008 Council meeting that enables Council and the public to see all of the suggestions. She recognized it was a lot of work. She regrets Council did not have the cooperation of Seeno and Discovery Builders, Inc. in order for it to do what it needs to do to get things done. She requested that outside counsel be present at the June 3, 2008 Council meeting as well as prepare a response in advance regarding the need for a supplemental EIR (as suggested by Benicia First, various Council Members, etc). Ms. McLaughlin suggested it would not be cost effective to have outside counsel sit through another public hearing and she did not think there was sufficient time for them to review tonight's comments before the next agenda was run. Mayor Patterson asked that the question marks about the proposed addendum be summarized.

Council Member Hughes stated that he did not think Council had issues with the majority of the 200+ conditions. He suggested dealing with this on an exception basis.

Mayor Patterson requested having a consideration of condition of approval that the grading be limited to 20% slope as determined by the methodology that was proposed on the zoning discussion that took place a couple of years ago. She heard references to the

great vision of a campus-like idea, but she did not see any reference to campus design elements. She would like to have a condition of approval that actually spells that out i.e. public area, common interconnections, topographical relief elements, and fairly extensive detail for what a campus design is.

Vice Mayor Campbell and Staff discussed putting a penalty in condition 95, condition 216 – he would like it worded differently to deal with monitoring the project before, during and after, conditions 146 and 147 - penalties would be better than assurances or bonds, concerns regarding sufficient water sources for the project, the enforceability of the conditions, coming up with appropriate penalties, and having an oversight committee (as previously suggested by Mr. Craft).

Council Member Ioakimedes disclosed ex-parte communications he had with regards to this item. He discussed concerns he had with conditions 63-78, the language in conditions 172-176 needs to be tightened up, and the language in condition 11 is adequate – although he would like to see it sooner than later.

Mayor Patterson asked Ms. McLaughlin to prepare a summary of the issues that were raised regarding the adequacy of the initial study and the addendum.

Ms. McLaughlin advised all Council Members to disclose any contacts they had during the break or in between Council meetings, in accordance with the rules.

Mayor Patterson clarified that tonight's public hearing would be continued to June 3, 2008. When tonight's meeting is adjourned, it would be adjourned to the June 3, 2008 Council meeting – starting at 6:00 p.m.

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, at 11:15 p.m., Council approved hearing item IX-B, and continuing item IX-A to a future meeting, on roll call by the following vote:

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

Noes: Vice Mayor Campbell

#### ACTION ITEMS:

Acceptance of the annual report of the Open Government Commission:

Continued

#### Approval of a Tourism Plan:

Amalia Lorentz, Economic Development Manager, reviewed the staff report.

Dennis Erokan and Irv Hamilton, Placemaking Group, reviewed a presentation on the proposed Tourism Plan (hard copy on file).

Council, Staff, Mr. Erokan, and Mr. Hamilton discussed concerns regarding the logo, having a more traditional waterfront scene logo, coordination and cooperation between the Chamber of Commerce and the City, Waterfront District - reasons for having H Street

being the cutoff, the City of San Clemente, culture commission, music, and a Business Improvement District.

Public Comment:

1. Laurie Key – Ms. Key spoke in favor of the proposed plan. She discussed the green aspect of tourism.
2. Christina Strawbridge – Ms. Strawbridge spoke, in favor of the proposed plan.
3. J.B. Davis – Mr. Davis spoke in favor of the proposed plan.

Council and Staff discussed using the language ‘bay’ vs. ‘strait’, and the cost to implement the plan,

4. Susan Street – Ms. Street discussed the Waterfront Committee and her support for the language ‘a great date on the strait.’
5. Sue Johnson – Ms. Johnson discussed her preference for using language referencing ‘strait’ as opposed to ‘bay.’
6. Marilyn Bardet – Ms. Bardet discussed her preference for using language referencing ‘strait’ as opposed to ‘bay.’
7. Rick Ernst – Mr. Ernst discussed using ‘estuary’, continued emphasis on using locally owned and operated businesses, and his desire for the plan to be dynamic, not static.

Council, Staff, and the consultants discussed spending all the money Council allocated for the budget cycle, website redesign, advertising campaign, designing way-finding signage, having a regular monthly meeting for interested parties, moving towards a new revenue stream or cost sharing where the City is not bearing all the costs for this effort, possibly moving into a convention and visitors bureau model where there could be a third party coordinator, current adequate staffing level, tag line – bay vs. strait, the tagline being a targeted tourism brand – not a new Citywide branding effort, marketing the City’s signature events, and not micromanaging the EDB.

On motion of Council Member Ioakimedes, seconded by Council Member Schwartzman, Council approved the Tourism Branding Plan, on roll call by the following vote:

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

Noes: None

INFORMATIONAL ITEMS:

Reports from the City Manager:

Continued

Mayor’s State of the City Presentation:

Continued

HPRC designation of Residential Property Owner and Residential or Business Property

Owner positions:

Continued

# DRAFT

## Council Member Committee Reports:

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

## COUNCIL MEMBER REPORTS:

None

## ADJOURNMENT:

Mayor Patterson adjourned the meeting to the June 3, 2008 at 12:17 a.m.

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Lisa Wolfe, City Clerk



**AGENDA ITEM  
CITY COUNCIL MEETING: JUNE 3, 2008  
CONSENT CALENDAR**

**DATE** : May 14, 2008

**TO** : City Manager

**FROM** : Director of Public Works

**SUBJECT** : **AWARD OF CONTRACTS FOR CONSTRUCTION AND  
CONSTRUCTION MANAGEMENT/ENGINEERING SUPPORT  
SERVICES FOR THE CIVIC CENTER WATER DISTRIBUTION  
SYSTEM UPGRADE PROJECT**

**RECOMMENDATION:**

Adopt the following two resolutions:

- 1) Accepting the bids for the Civic Center Water Distribution System Upgrade Project, awarding the construction contract including bid alternate to Hudson Excavation, Inc. of Fairfield in the amount of \$282,976.25, and authorizing the City Manager to sign the contract on behalf of the City.
- 2) Approving Task Order No. 2 in the amount of \$69,020 for the Pakpour Consulting Group to provide construction management/engineering support services for the Civic Center Water Distribution System Upgrade Project, and authorizing the City Manager to sign said task order on behalf of the City.

**EXECUTIVE SUMMARY:**

The Civic Center Water Distribution System Upgrade Project will replace aging, undersized water lines in busy streets in the City Hall/Police Headquarters/Senior Center area. In addition to the award of a construction contract, staff recommends using a full-time construction manager to ensure minimal disruption to the area during construction. Sufficient funding is available in the Water Line Replacement Funds per the adopted FY 2007/2008 budget to cover the cost of this work.

**BUDGET INFORMATION:**

The proposed project budget is outlined below:

**Project Budget**

Water Line Replacement Funds	(Acct. No. 090-8215-9851)	.....\$353,051
System Capacity Improvements	(Acct. No. 045-8045-9896)	.....\$20,549
Citywide Street Resurfacing Program	(Acct. No. 017-8705-9711)	..... <u>\$68,400</u>
<b>Total Project Budget</b>		<b>.....\$442,000</b>

A summary of the anticipated project expenditures is outlined below:

**Project Expenditures**

Engineering Design (Pakpour Consulting)	.....\$41,700
Construction Mgt/Engineering Support Services (Pakpour Consulting) <i>This Request</i>	.....\$69,000
Construction Technical Support Services (Materials Testing, Surveying)	.....\$20,000
Construction Contract (Hudson Excavation) <i>This Request</i>	.....\$283,000
Construction Contingency (10%)	..... <u>\$28,300</u>
<b>Estimated Total Project Expenditures</b>	<b>.....\$442,000</b>

**BACKGROUND:**

Civic Center Water Distribution System Upgrade Project - Construction Contract

The Civic Center Water Distribution Upgrade Project will replace water mains and services at three locations near the Civic Center: East 2<sup>nd</sup> Street from Military East to East "L" Street; East 3<sup>rd</sup> Street from East "L" Street to East "J" Street; and East "K" Street from East 3<sup>rd</sup> Street to 500 feet easterly (See Attached Location Map).

The existing mains to be replaced are at the end of their useful life. City maintenance crews recently have had to make unscheduled, costly repairs to these mains, disrupting water service to customers. While these 4-inch and 6-inch diameter water mains were constructed to the standards in effect at the time, they are now considered undersized and obsolete.

The new water mains to be installed will be 10-inches in diameter and improve circulation and flow in the lower east part of town, ensuring the delivery of high quality water and increased flow during peak use such as fire suppression. The new mains will restore reliability and require minimal scheduled maintenance, allowing the City's distribution system to be operated effectively.

Installing the water mains and services entails cutting through and then patching the street surfacing. Based upon the existing condition of the streets, East 3<sup>rd</sup> Street and East K Street should be resurfaced with asphalt concrete following the water line installation.

On March 20, 2008, the Public Works Department made the Civic Center Water Distribution Upgrade Project construction plans and specifications prepared by the Pakpour Consulting Group available for public bidding. On April 24, 2008, a total of sixteen bids were received and opened. The results are summarized below:

***Bid Results:***

	<b><i>BIDDER'S NAME AND ADDRESS</i></b>	<b><i>BASE BID</i></b>	<b><i>ALTERNATE</i></b>	<b><i>TOTAL</i></b>
1	Hudson Excavating, Inc.	\$232,365.00	\$50,611.25	\$282,976.25
2	D&D Pipelines, San Francisco	\$241,422.00	\$68,905.00	\$310,327.00
3	William McCullough, Antioch	\$270,430.00	\$83,162.50	\$353,592.50
4	TerraCon Pipelines, Healdsburg	\$286,167.00	\$73,655.00	\$359,822.00
5	Delta Excavation, Antioch	\$323,045.00	\$79,465.00	\$402,510.00
6	W.R. Forde, Richmond	\$324,262.00	\$97,422.50	\$421,684.50
7	Hess Construction, American Canyon	\$326,328.00	\$78,475.00	\$404,803.00
8	Con-Quest Contractors, San Francisco	\$333,175.00	\$69,080.00	\$402,255.00
9	J & M, Livermore	\$333,706.00	\$75,600.00	\$409,306.00
10	WestValley Construction, San Jose	\$343,885.64	\$71,038.75	\$414,924.39
11	Carone & Company, Concord	\$348,875.00	\$72,800.00	\$421,675.00
12	Argonaut Constructors, Santa Rosa	\$362,370.00	\$68,505.00	\$430,875.00
13	Soares Pipeline, Hayward	\$364,500.00	\$57,500.00	\$422,000.00
14	Pfister Excavating, Vallejo	\$367,467.00	\$62,730.00	\$430,197.00
15	Atlas Peak, Napa	\$370,989.00	\$52,286.00	\$422,725.00
16	D.R. Lemings, Concord	\$400,706.00	\$54,426.50	\$455,132.50
--	Engineer's Estimate	\$421,310.00	\$72,200.00	\$421,310.00

The bids are based on the quantities estimated by the Pakpour Consulting Group and are awarded on the value of the base bid only. The final contract amount may be adjusted once final material quantities are determined upon completion of the work.

The low base bid, submitted by Hudson Excavating, Inc. of Fairfield, California, was reviewed and determined to be responsive and responsible. Hudson Excavating, Inc. has over 20 years experience constructing underground utility projects and recently successfully completed the City's West 7<sup>th</sup> Street Storm Drain Project.

Based upon Hudson's favorable base bid amount of \$232,365.00 to install the water mains and laterals, staff is recommending award of the bid alternate in the amount of \$50,611.25 to overlay East 3<sup>rd</sup> Street and East "K" Street within the project limits for a total contract award amount of \$282,976.25.

Construction is anticipated to begin early July and be completed at the end of September.

Civic Center Water Distribution System Upgrade Project – Construction Management/Engineering Support Services Contract

Constructing this project entails trenching in busy streets leading to the Civic Center. Full-time construction management is necessary to minimize impacts to City Hall, the Police Department, Library, Senior Center and Post Office.

Staff is recommending approval of Task Order No. 2 in the amount of \$69,020 for the Pakpour Consulting Group to provide full-time construction management on this project as they are fully equipped and ready to provide the service. Pakpour was selected through an RFP process for the design of this project and based on their intimate knowledge and experience with the project, they are the most suitable consultant to perform the required construction management, inspection, and support services. Additionally, Pakpour serves as the district engineer for several water districts and has extensive experience managing water distribution improvement projects. There is sufficient funding in the Water Line Replacement Funds and Street Resurfacing Fund for the inspection (construction management services).

Attachments:

- Proposed Resolutions
- Location Map
- Exhibit A - Task Order No. 2

# Proposed Resolutions

**RESOLUTION NO. 08-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BIDS FOR THE CIVIC CENTER WATER DISTRIBUTION SYSTEM UPGRADE PROJECT, AWARDING THE CONSTRUCTION CONTRACT INCLUDING BID ALTERNATE TO HUDSON EXCAVATING, INC. IN THE AMOUNT OF \$282,976.25, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

**WHEREAS**, improvements are needed to the water distribution system in the vicinity of the Civic Center to replace aging, undersized water mains; and

**WHEREAS**, on March 20, 2008, the Public Works Department made the construction plans and specifications for the Civic Center Water Distribution Upgrade Project prepared by Pakapour Consulting Group available for public bidding; and

**WHEREAS**, on April 24, 2008, sixteen bids were received and opened; and

**WHEREAS**, Hudson Excavating, Inc., of Fairfield, California was the lowest responsive, responsible bidder; and

**WHEREAS**, due to Hudson's favorable base bid amount of \$232,365.00 to install the water mains, there is sufficient funding to award the bid alternate in the amount of \$50,611.25 to overlay East 3<sup>rd</sup> Street and East "K" Street within the project limits.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves the construction plans and specifications, accepts the bids for the Civic Center Water Distribution System Upgrade Project, and awards the construction contract including the bid alternate in the amount of \$282,976.25 to Hudson Excavating, Inc., of Fairfield.

**BE IT FURTHER RESOLVED THAT** the City Manager is hereby authorized to sign the contract 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 3<sup>rd</sup> day of June, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**RESOLUTION NO. 08-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING TASK ORDER NO. 2 IN THE AMOUNT OF \$69,020 WITH PAKPOUR CONSULTING GROUP TO PROVIDE CONSTRUCTION MANAGEMENT/ENGINEERING SERVICES ON THE CIVIC CENTER WATER DISTRIBUTION SYSTEM UPGRADE PROJECT, AND AUTHORIZING THE CITY MANAGER TO SIGN SAID TASK ORDER ON BEHALF OF THE CITY**

**WHEREAS**, the Civic Center Water Distribution System Upgrade Project is being constructed to replace aging, undersized water mains; and

**WHEREAS**, full-time construction management, inspection, and engineering support services during construction of the Civic Center Water Distribution System Upgrade Project are essential to minimize the impacts to the Civic Center area; and

**WHEREAS**, Pakpour Consulting Group of Pleasanton satisfactorily completed the final design work for this project and based on their intimate knowledge and experience with the project, they are the most suitable consultant to perform the required construction management, inspection, and support services.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves Task Order No. 2 in the amount of \$69,020 with Pakpour Consulting Group to provide construction management/engineering support services on the Civic Center Water Distribution System Upgrade Project, and authorizes the City Manager to sign the contract on behalf of the City, subject to review and 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 3<sup>rd</sup> day of June, 2008, and adopted by the following vote:

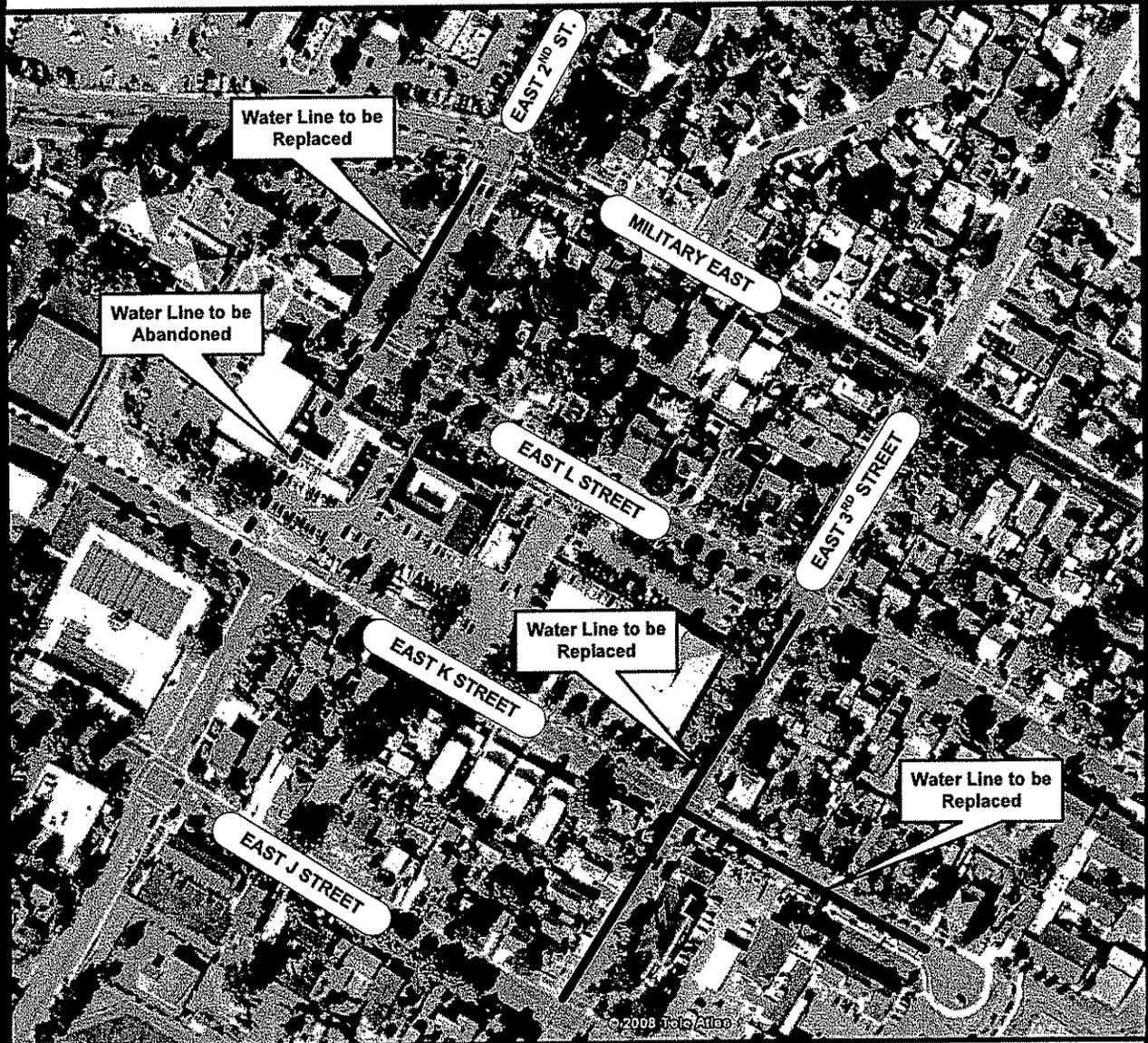
Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

# Location Map



**CITY OF BENICIA**

DEPARTMENT OF  
PUBLIC WORKS

**Civic Center Water System Distribution Upgrade Project**

DATE: *May 2008*

**VII-B-10**

## Exhibit A -- Task Order No. 2

**EXHIBIT A**

**WATER MAIN REPLACEMENT AND INSTALLATION PROJECT  
TASK ORDER NO. 2  
PAKPOUR CONSULTING GROUP**

**PROFESSIONAL ENGINEERING SERVICES**

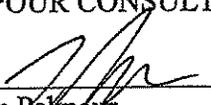
1. Purpose:  
The purpose of this TASK ORDER is to authorize and direct the CONSULTANT to proceed with the work specified in Item 2 of this TASK ORDER, in accordance with the provisions of Paragraph 2 of that AGREEMENT between the parties hereto dated, May 17, 2007.
2. Scope of Work:  
The work authorized by this TASK ORDER is outlined in the "Scope of Work" attached hereto.
3. Time of Performance:  
The work authorized by this TASK ORDER shall commence upon execution by both parties and shall be prosecuted diligently to completion.
4. Compensation and Payment:  
Compensation shall be on a time and materials basis as provided in Section 3 of the AGREEMENT dated May 17, 2007 between the parties hereto. The total cost for this Task Order shall not exceed \$69,020. Payment shall be in accordance with Section 3 of the aforementioned AGREEMENT.
5. Effective Date:  
This TASK ORDER shall become effective immediately upon its execution by both parties.
6. Items and Conditions:  
All items and conditions contained in the AGREEMENT for consultant services dated May 17, 2007 between the City of Benicia and Pakpour Consulting Group are incorporated herein by reference.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF BENICIA

PAKPOUR CONSULTING GROUP

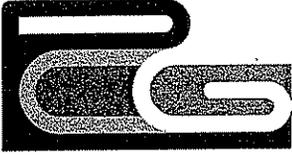
\_\_\_\_\_  
James R. Erickson  
City Manager

  
\_\_\_\_\_  
Joubin Pakpour  
President

APPROVED AS TO FORM

\_\_\_\_\_  
Heather McLaughlin  
City Attorney

**VII-B-12**



Pakpour Consulting Group, Inc.

April 1, 2008

10006.08

Mike Roberts  
Senior Engineer  
City of Benicia – Public Works Department  
250 East L Street  
Benicia, CA 94510

**Subject:** Proposal to Provide Construction Management Services for  
Civic Center Water Distribution Upgrade Project  
City of Benicia, California

Dear Mike,

*Pakpour Consulting Group (PCG)* is pleased to present the following proposal to provide construction management services for the Civic Center Water Distribution Upgrade project. Based on our understanding of the project and your email request dated March 10, 2008, we have expanded our original scope of work to include construction management services. PCG will team with the Hanna Group which successfully provided construction management services to the Marina Area Storm Drain Project.

Our team will provide the following construction management services:

- Organize, attend, and record one (1) pre-construction meeting with City representatives, Contractor and other stakeholders as necessary to discuss the approved plans and applicable standards and specifications.
- Organize, attend, and record progress meetings, safety meetings, and issue resolution meetings.
- Provide technical submittal review, processing, and control. Review shop drawings and requests for information.
- Inspection – Provide construction civil inspection services.
- Perform material and equipment product verification and installation verification.
- Schedule – Review and track project schedule from inception through construction closeout. Ensure that schedule is maintained throughout project from “cradle to grave.”
- Costs - Track project costs from inception through construction closeout. Ensure that costs are within set budget. Complete progress payment forms and submit to the City for processing.
- Change Orders and Claims – Evaluate potential changes and bring said changes to the City’s attention. Monitor progress of Change Order work and track time and materials costs. Provide and implement general cost control measures.
- Reports – Prepare daily Resident Engineer’s inspection reports, and submit said reports to the City Engineer.
- Photographs – Provide documentation of the project site before, during, and after construction.

**VII-B-13**



- Labor Compliance, Equal Opportunity, and DBE Requirements – Monitor the contractor's efforts in relation to EO, Labor Compliance, and DBE goals. Track Labor Compliance in the field through the interview process.
- Punch list and Final Inspection - Prepare punch list items and perform final inspections.
- Coordinate the construction of all City and other utilities to minimize interferences with project items.
- Monitor the contractor's work and minimize the impacts upon public safety and convenience.
- Review traffic control measures on a daily basis. Verify the placement of warning signs and other safety devices to meet City standards and approved traffic control plans.
- When it is required, assure that advanced written notice is given to the residents of nearby property or the general public informing them of the work to take place that might affect them.
- Close-out Construction Contract.
- As-Built Drawings – Maintain one set of red-lined as-built drawings with all changes. Adequate records will be kept during the course of the work of the ongoing construction to verify the as-built drawings are complete. This set is submitted to the City Designer at the end of the project.

We propose two options for staffing the construction management phase of this project based on a 10 week (50 day) construction schedule:

Option One – As Needed Resident Engineer / As Needed Project Engineer

Option one we propose using Art Berg, P.E. as the resident engineer (RE) for this project on an as needed basis. Art served as RE for the Marina Area Storm Drain Project and is familiar with City procedures and policies. This option assumes that the contractor would approach this project in an intermittent manner that would allow for "as-needed" inspection. Brandon Laurie, P.E. would serve as project engineer assisting the RE during construction.

PCG estimates the cost of this option to be \$47,550.00

Option Two – Full Time Inspector / As Needed Project Engineer

Option two we propose using a full-time public works inspector and a part-time project engineer. Resumes for several public works inspectors are attached. Brandon Laurie, P.E. would serve as the project engineer and would have an expanded role during the construction phase than option one. Brandon would be responsible for preparing change orders and progress payments along with meeting minutes.

PCG estimates the cost of this option to be \$69,020.00



Should you have any questions regarding this proposal, please do not hesitate to contact me at (925) 224-7717.

Very truly yours,

*Pakpour Consulting Group, Inc.*



Joubin Pakpour, P.E.  
Principal Engineer

J:\\$Projects\Benicia - 10006.00\Contract\08-Watermain Project\CM\04-Ben-Roberts-08.04.01-Watermain CM.doc

Enclosure

**VII-B-15**



Option 1 - As Needed Resident Engineer / As Needed Project Engineer  
 Civic Center Water System Distribution Upgrade Project  
 City of Benicia Department of Public Works  
 April 1, 2008

Week #	Pre Con		Construction - 50 Working Days										Post Con	Total Hours
	1	1	2	3	4	5	6	7	8	9	10	1		
Resident Engineer	24	24	24	24	24	24	24	24	24	24	24	24	24	288
Project Engineer	20	10	10	5	5	5	5	5	5	5	10	10	20	110
<b>Total</b>	<b>44</b>	<b>34</b>	<b>34</b>	<b>29</b>	<b>34</b>	<b>34</b>	<b>44</b>	<b>398</b>						

Cost Breakdown:

	Total Hours		Rate/Hr	=	Total
Resident Engineer/Inspector (HG)	288	x	\$ 125.00	=	\$ 36,000.00
Project Engineer (PCG)	110	x	\$ 105.00	=	\$ 11,550.00
<b>Total Labor</b>					<b>\$ 47,550.00</b>

Note: No overtime was factored into this cost proposal. Any overtime necessary would be charged as straight time and is contingent on the contractor's schedule.  
 Hourly rate includes construction vehicle, cell phone, laptop computer, and inspection equipment.  
 Pre and Post Construction Durations Estimated



Pakpour Consulting Group, Inc.

Option 2 - Full Time Inspector / As Needed Project Engineer  
 Civic Center Water System Distribution Upgrade Project  
 City of Benicia Department of Public Works  
 April 1, 2008

Week #	Pre Con		Construction - 50 Working Days										Post Con	Total Hours
	1	1	2	3	4	5	6	7	8	9	10	1		
PW Inspector	24	40	40	40	40	40	40	40	40	40	40	40	24	448
Project Engineer	24	20	20	10	10	10	10	10	10	10	20	20	24	188
<b>Total</b>	<b>48</b>	<b>60</b>	<b>60</b>	<b>50</b>	<b>60</b>	<b>60</b>	<b>48</b>	<b>636</b>						

Cost Breakdown:

	Total Hours		Rate/Hr	=	Total
Public Works Inspector (HG)	448	x	\$ 110.00	=	\$ 49,280.00
Project Engineer (PCG)	188	x	\$ 105.00	=	\$ 19,740.00
<b>Total Labor</b>					<b>\$ 69,020.00</b>

Note: No overtime was factored into this cost proposal. Any overtime necessary would be charged as straight time and is contingent on the contractor's schedule.  
 Hourly rate includes construction vehicle, cell phone, laptop computer, and inspection equipment.  
 Pre and Post Construction Durations Estimated



Halpern Consulting Group, Inc.





No. 6	Install New Lateral at 822 West 2 <sup>nd</sup> Street (Staff Approved)	\$6,230.00
No. 7	Install New 6-Inch Main on "T" Street (Staff Approved)	\$3,495.00
No. 8	Relocate 6-Inch Main in Alley (Staff Approved)	\$9,960.00
No. 9	Install Manhole on West "H" Street (Staff Approved)	\$8,000.00
No. 10	Adjustment to Quantities – Misc. (Staff Approved)	\$10,709.00
No. 11	Adjustment to Quantities – Asphalt Conc. (This Request)	\$15,872.03
	Change Order Sub-total	\$65,372.03

**Total Project Expenditures** .....\$407,572.03  
**Remaining Project Balance**.....\$0

Eleven staff-approved change orders were issued on this project, which was communicated to the City Manager in the memorandum dated May 14, 2008. The majority of the change orders addressed two main issues. Change Order Nos. 3, 4, 6, 7, 8, 9 corrected deficiencies in the old sewer laterals and mains that were uncovered during excavation and if unaddressed would have likely caused sewer back-ups and overflows. Changes Order Nos.10 & 11 covered the cost for the final material quantities installed by the contractor that were greater than the original amount estimated in the bid by Camp, Dresser, and McKee, the project designer. In total, the contract change orders amounted to a 19% cost increase from the original construction contract amount.

**BACKGROUND:**

On December 18, 2007, the City Council awarded a construction contract to Hess Concrete Construction for the West 2<sup>nd</sup> Street Sewer Improvement Project in the amount of \$342,200.

The project installed a new 8-inch sewer main and laterals in West 2<sup>nd</sup> Street between West "H" and West "T" Streets, replacing an old, undersized, 4-inch sewer main that frequently needed to be unplugged by City maintenance crews. During excavation for the new main, old sewer main and lateral piping was uncovered that required corrective active to prevent future back-ups and overflows.

After the installation of the sewer main, concrete repairs were made to the curb, gutter, and sidewalk, three new handicap ramps were installed, and West 2<sup>nd</sup> Street was resurfaced with asphalt concrete within the project limits.

With the completion of this project, reliability has been restored to the sewer collection system, costly claims from overflows/back-ups have been avoided, and West 2<sup>nd</sup> Street has been upgraded with new asphalt concrete surfacing.

The West 2<sup>nd</sup> Street Sewer Improvement Project has been completed to the satisfaction of the City Engineer and it is recommended that Council accept this project as complete for a total cost of \$407,572.03, including Change Order Nos. 1-11.

Attachments:

- Proposed Resolution
- Notice of Completion
- Project Photograph
- Project Correspondence

# Proposed Resolution

**RESOLUTION NO. 08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE WEST 2<sup>ND</sup> STREET SEWER IMPROVEMENT PROJECT AS COMPLETE, INCLUDING CHANGE ORDER NOS. 1 THROUGH 11, 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. 07-148, City Council awarded the contract for the West 2<sup>nd</sup> Street Sewer Improvement Project to Hess Concrete Construction; and

**WHEREAS**, during the course of construction Contract Change Orders 1 through 11 in the combined amount of \$65,372 were necessary to address unforeseen additional work and properly construct the project; and

**WHEREAS**, Hess Concrete Construction 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 \$407,572.03, including Change Order Nos.1 through 11, listed in Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby accepts the West 2<sup>nd</sup> Street Improvement Project as complete for a final construction cost of \$407,572.03.

**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 3<sup>rd</sup> day of June, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

## EXHIBIT A

### SUMMARY OF CONTRACT CHANGE ORDERS (CCO'S)

REFERENCE	DESCRIPTION	AMOUNT
<b>CONTRACT CHANGE ORDERS</b>		
CCO #1	Credit for asphalt concrete sawcutting deleted from the contract.	(\$924.00)
CCO #2	Credit for pipe materials deleted from the contract and supplied by the City.	(\$2,815.00)
CCO #3	Extend sewer main to provide service to 935 West 2 <sup>nd</sup> Street .	\$4,925.00
CCO #4	Connect existing lateral found at 901 West 2 <sup>nd</sup> Street.	\$5,920.00
CCO #5	Correct water ponding at the intersection of West 2 <sup>nd</sup> /West "I".	\$4,000.00
CCO #6	Install new lateral at 822 West 2 <sup>nd</sup> Street and abandon shared lateral with poor alignment.	\$6,230.00
CCO #7	Install new 6-inch sewer main on West "I" Street to replace existing, failing main.	\$3,495.00
CCO #8	Relocate 6-inch sewer main from located on private property under a garage into alley between West "H" & West "I" Streets.	\$9,960.00
CCO #9	Install sanitary sewer manhole on West "H" Street to prevent back-ups into 205 West H Street.	\$8,000.00
CCO #10	Adjustment to contract quantities (Miscellaneous Items)	\$10,709.00
CCO #11	Adjustment to contract quantities (Asphalt Concrete)	\$15,872.03
<b>TOTAL CONTRACT CHANGE ORDERS</b>		<b>\$65,372.03</b>

# 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:  
  
**West 2<sup>nd</sup> 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 **West 2<sup>nd</sup> Street Sewer Improvement Project** at the property described was completed and accepted by the City Council of the City of Benicia on June 3, 2008.
3. The name of the contractor for the improvement is **Hess Concrete Construction of American Canyon, California.**

CITY OF BENICIA

Dated: \_\_\_\_\_

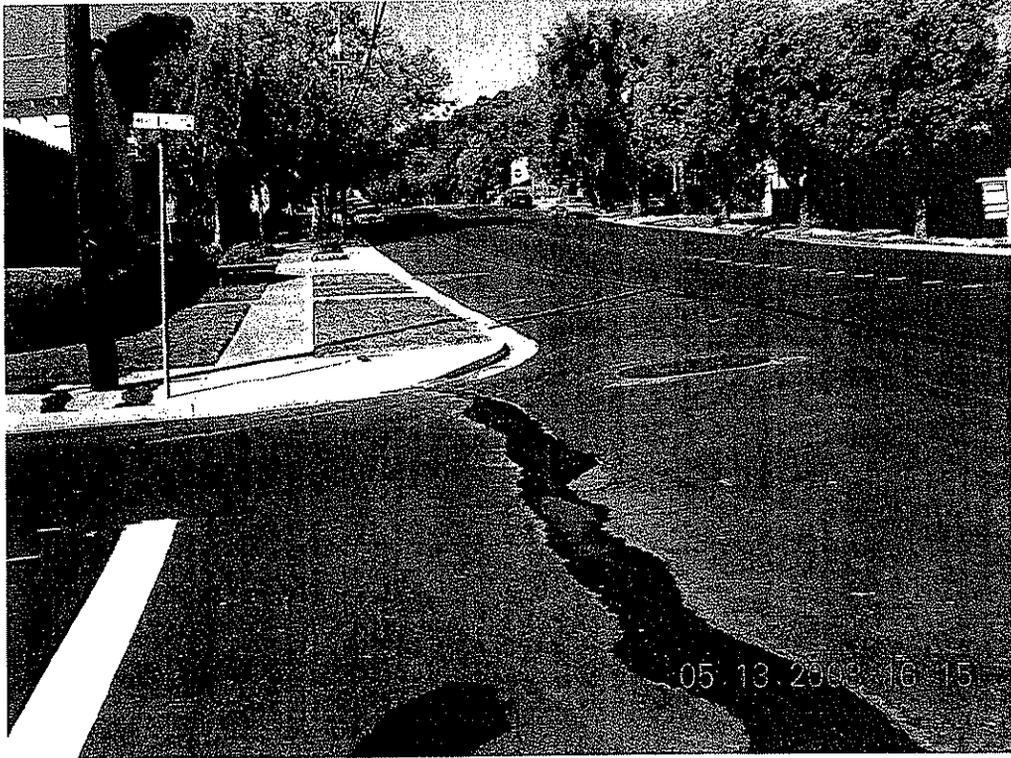
By: \_\_\_\_\_  
James R. Erickson, City Manager

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

# Project Photographs



**West 2<sup>nd</sup> Street Looking Northerly from West "I" Street**



**West 2<sup>nd</sup> Street Looking Northerly from the Intersection with West "H" Street**

# Project Correspondence

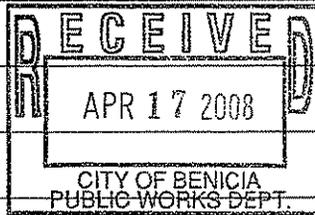
APRIL 16, 2008

MIKE ROBERTS

CITY OF BENICIA

250 EAST L STREET

BENICIA, CALIFORNIA



DEAR MR ROBERTS:

A VISIT TO MY LOT ON WEST 2<sup>ND</sup> STREET YESTERDAY, REVEALED THAT IT HAD BEEN CLEANED UP NICELY. I WAS TOLD THAT HESS CONSTRUCTION DID THE WORK NOT THE FIRST GUY THAT I HAD THE AGREEMENT WITH, BUT IN ANY CASE IT SURE LOOKS GOOD.

I WANT TO THANK YOU AGAIN FOR YOUR HELP IN MAKING IT POSSIBLE.

SINCERELY,

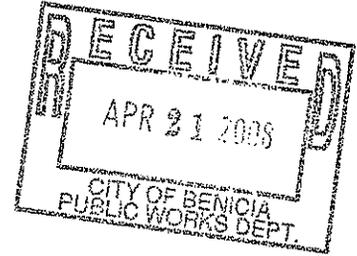
Duane J. Zeman

# Benicia Fellowship Church

935 West Second Street

Benicia, California 94510

707.746.5673



April 18, 2008

City of Benicia.  
Public Works Department  
250 E L Street  
Benicia, California 94510

Re: Sewer Extension At 935 West Second Street

Thank you for not overlooking us during the course of the sewer line extension at West Second Street in downtown Benicia.

Over the past decade since we have owned and occupied the building located at 935 West Second Street, we have experienced ongoing problems with our sewer system. The old lateral went directly under a very large pepper tree that has continually crushed the old line and caused ongoing backups in the sewer system in our building which required numerous calls to the plumbing company over the years.

Your consideration in including us in the sewer extension project is most graciously appreciated. Please note that Mr. Mike Roberts was extremely helpful in guiding us through this process. Once again, thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Mau". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Mau

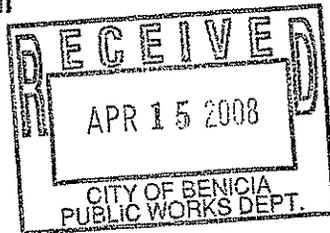
Pastor of Benicia Fellowship Church

VII-C-12



Kristine Passalacqua  
STUDIO OF INTERIOR DESIGN

Mr. Mike Roberts  
City of Benicia  
Public Works Department  
Engineering Division  
250 East L Street  
Benicia, Ca. 94510



April 14, 2008

Re: West 2<sup>nd</sup> street repairs

Dear Mr. Roberts,

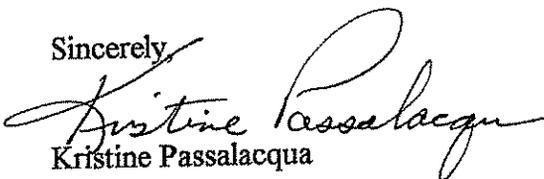
I would like to thank you and your staff for the long awaited new sewer main and street repairs that have been completed down West 2<sup>nd</sup> street. The process was long and very messy, but the Hess crew worked very hard and cleaned up everyday. Mr. Dave Core was great at keeping us informed as to what to expect with the street closures and the process of the work being done. We have had problems in the past with drainage and I feel the new main, curbs, gutters and street will solve our problems, and we love the new beautiful street.

It seemed both your staff and the Hess crew worked together to make it all work so well. The improvements are great for everyone. I have received calls from clients telling me how great it is to "go down West 2<sup>nd</sup> street now"

Thank you and your staff for making Benicia a wonderful place to live and work. I would also like to say thank you to the Hess crew. They were very thoughtful in trying to keep our office as "accessible" as possible when they could and minimize our inconvenience.

A lot of hard work, I know, but it is appreciated.

Sincerely,

  
Kristine Passalacqua

VII-C-13



**AGENDA ITEM**  
**CITY COUNCIL MEETING: JUNE 3, 2008**  
**CONSENT CALENDAR**

**DATE** : May 12, 2008

**TO** : City Council

**FROM** : City Attorney

**SUBJECT** : **DENIAL OF THE CLAIM AGAINST THE CITY BY TRAVELERS INSURANCE COMPANY AND REFERRAL TO INSURANCE CARRIER**

**RECOMMENDATION:**

Deny the claim against the City by Travelers Insurance Company and refer to insurance carrier.

**EXECUTIVE SUMMARY:**

Mr. Keenan submitted a claim for a damaged cottonwood tree and problems with a city sewer line in an easement located west of his driveway. He also submitted a claim to his insurance company for the damage to the tree. Travelers Insurance Company submitted a claim against the city for subrogation of the tree damage settlement. An arborist has determined that the tree in question is healthy. I recommend denial of both claims.

**BUDGET INFORMATION:**

The amount of the claim is \$500.

**BACKGROUND:**

Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

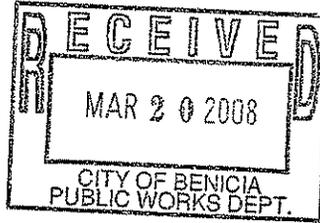
**Attachment:**

- Copy of Claim Filed Against the City

# **ATTACHMENT**



Travelers Property Casualty Insurance Company  
P.O. Box 2954  
Milwaukee, WI 53201-2954  
(800)624-6007

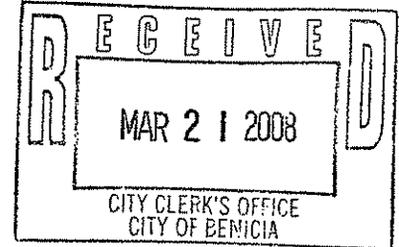


To City Clerk  
Forward to  
City Attorney  
as necessary.  
Michael T. 3-20-08



03/14/2008

City Of Benecia-Public Works Department  
250 E. L Street  
Benecia, CA 94510



**Our Client:** Terence Keenan  
**Claim/File #:** 260 FR UHK2406 T  
**Date of Loss:** 10/03/2007  
**Reference:** Subrogation Claim

Dear City Of Benecia-Public Works Department:

We are investigating a claim for Terence Keenan who sustained a loss on 10/03/2007.

Our investigation reveals that you may be responsible for this loss. If you have insurance, please complete the attached form and return it to me. Please refer this letter to your insurance carrier immediately, requesting that they contact our office. Should you not have insurance, please contact me to discuss this loss.

Please call me with any questions.

Sincerely,  
Adam Kufel  
CI Rep  
(262)787-4727  
Fax: (866)280-7367  
Email: AKUFEL@travelers.com

Nothing in this letter is intended or should be construed as an admission or denial of coverage to our insured.

Enclosure: Insurance Questionnaire

**VII-D-3**



**AGENDA ITEM  
CITY COUNCIL MEETING: JUNE 3, 2008  
CONSENT CALENDAR**

**DATE** : May 12, 2008  
**TO** : City Council  
**FROM** : City Attorney  
**SUBJECT** : **DENIAL OF THE CLAIM AGAINST THE CITY BY TERENCE KEENAN AND REFERRAL TO INSURANCE CARRIER**

**RECOMMENDATION:**

Deny the claim against the City by Terence Keenan and refer to insurance carrier.

**EXECUTIVE SUMMARY:**

Mr. Keenan submitted a claim for a damaged cottonwood tree and problems with a city sewer line in an easement located west of his driveway. An arborist has determined that the tree in question is healthy. Public works department staff have reviewed the documentation submitted with the claim and determined that all necessary improvements were made to the city line and there are no issues with this line. I have also recommended denial of the claim submitted by Mr. Keenan's insurance company, Travelers, for subrogation of a \$500 tree damage settlement.

**BUDGET INFORMATION:**

The amount of the claim is \$65,000.

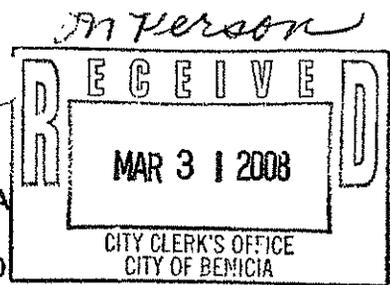
**BACKGROUND:**

Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

**Attachment:**

- Copy of Claim Filed Against the City

# **ATTACHMENT**



**CLAIM AGAINST THE CITY OF BENICIA**

Please return to the City Clerk, 250 East L Street, Benicia, CA 94510

Complete the following, adding additional sheets as necessary.

1. CLAIMANT'S NAME (Print): TERENCE C. KEENAN
2. CLAIMANT'S ADDRESS: 773 LA SALLE WAY NAPA, CALIF.  
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: 707 226 9510 WORK PHONE: \_\_\_\_\_

3. AMOUNT OF CLAIM: \$ 65,000<sup>00</sup> (Attach copies of bills/estimates)

If amount claimed is more than \$10,000, indicate where jurisdiction rests:

Limited Civil Case \_\_\_\_\_  
Unlimited Civil Case \_\_\_\_\_

4. Address to which notices are to be sent, if different from lines 1 and 2 (Print):

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Street or P.O. Box Number, City, State, Zip Code)

5. DATE OF INCIDENT: October 3 2007 TIME OF INCIDENT: \_\_\_\_\_

LOCATION OF INCIDENT: 720 West 5<sup>th</sup> St Benicia Calif.

6. Describe the incident or accident including your reason for believing that the City is liable for your damages:

7. Describe all damages which you believe you have incurred as a result of the incident:  
*Survey marker missing, Poplar tree damaged insurer - needs to be cut down  
rip up drainage ditch following larger culvert replacement!  
Raw sewage - recurring problem 770 West 5<sup>th</sup> St, Benicia*
8. Names of public employee(s) causing the damages you are claiming:

Terence C. Keenan  
Signature of Claimant

March 31, 2008  
Date

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: YOU must file a claim in compliance with Government Code Section 911.2.



**AGENDA ITEM  
CITY COUNCIL MEETING: JUNE 3, 2008  
CONSENT CALENDAR**

**DATE** : May 14, 2008  
**TO** : City Council  
**FROM** : City Attorney  
**SUBJECT** : **DENIAL OF THE CLAIM AGAINST THE CITY BY LOIS GALLO  
AND REFERRAL TO INSURANCE CARRIER**

**RECOMMENDATION:**

Deny the claim against the City by Lois Gallo and refer to insurance carrier.

**EXECUTIVE SUMMARY:**

This claim involves an incident that occurred on a transit bus. Ms Gallo allegedly fell from the wheelchair lift. This claim has been tendered to the transit contractor MV Transportation.

**BUDGET INFORMATION:**

The amount of the claim is for \$2,000,000.

**BACKGROUND:**

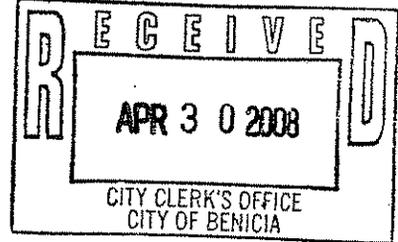
Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

**Attachment:**

- Copy of Claim Filed Against the City

# **ATTACHMENT**

Hand Delivered



CLAIM AGAINST THE CITY OF BENICIA

Please return to the City Clerk, 250 East L Street, Benicia, CA 94510

Complete the following, adding additional sheets as necessary.

1. CLAIMANT'S NAME (Print): LOIS GALLO  
c/o ARA JABAGCHOURIAN, Attorney

2. CLAIMANT'S ADDRESS: SEE ADDRESS BELOW  
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: N/A WORK PHONE: (650) 697-6000 - Ara Jabagchouria

3. AMOUNT OF CLAIM: \$ 2 million (Attach copies of bills/estimates)

If amount claimed is more than \$10,000, indicate where jurisdiction rests:

Limited Civil Case \_\_\_\_\_  
Unlimited Civil Case X

4. Address to which notices are to be sent, if different from lines 1 and 2 (Print):  
ARA JABAGCHOURIAN  
COTCHETT, PITRE & MCCARTHY  
(Name)  
840 Malcolm Road, Burlingame, CA 94010  
(Street or P.O. Box Number, City, State, Zip Code)

5. DATE OF INCIDENT: 12/21/07 TIME OF INCIDENT: approx. 18:30

LOCATION OF INCIDENT: 100 Block of Military West

6. Describe the incident or accident including your reason for believing that the City is liable for your damages: Benicia Transit caused Ms. Gallo to be dropped from a wheelchair lift as she was being lowered. Bus driver left her on the ground as he continued on his route.

7. Describe all damages which you believe you have incurred as a result of the incident: Fracture, Right Femur; Pain and Suffering; Emotional Distress

8. Names of public employee(s) causing the damages you are claiming:

CALVIN WAYNE CRAFT

 April 30, 2008  
Signature of Claimant Date

ARA JABAGCHOURIAN, Attorney Representing LOIS GALLO  
Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: YOU must file a claim in compliance with Government Code Section 911.2.

(revised 12/18/02)



**AGENDA ITEM  
CITY COUNCIL MEETING: JUNE 3, 2008  
CONSENT CALENDAR**

**DATE** : May 23, 2008  
**TO** : City Manager  
**FROM** : Interim Human Resources Manager  
**SUBJECT** : **APPROVAL OF JOB DESCRIPTIONS FOR POLICE  
LIEUTENANT AND POLICE SERGEANT**

**RECOMMENDATION:**

Adopt the resolution approving the job descriptions for Police Lieutenant and Police Sergeant.

**EXECUTIVE SUMMARY:**

This action approves recent updates to two job descriptions, Police Lieutenant and Police Sergeant. The Civil Service Commission has approved both job descriptions.

**BUDGET INFORMATION:**

There is no budget impact associated with this action.

**BACKGROUND:**

The Police Lieutenant job description has been updated to better reflect current job duties and the recent organizational changes in the police department, i.e., the addition of the Deputy Chief position and removal of the Captain positions. The Police Sergeant job description has also been updated to incorporate the recent departmental changes, as well as revisions to the educational requirements, which are intended to increase the applicant pool for this position. (Attached is a memo from Chief Spagnoli to the Civil Service Commission providing additional information regarding the revised educational requirements.)

Both job descriptions were reviewed and approved by the Civil Service Commission.

**Attachments:**

- Resolution
- Job Descriptions
- Memo from Chief Spagnoli regarding Police Sergeant job description

## **RESOLUTION**

**RESOLUTION NO. 08-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE JOB DESCRIPTIONS FOR POLICE LIEUTENANT AND POLICE SERGEANT**

**WHEREAS**, revisions have been made to the job descriptions for Police Lieutenant and Police Sergeant; and

**WHEREAS**, revisions include incorporation of updated language regarding current job requirements and duties; and

**WHEREAS**, revisions also reflect recent changes to the organizational structure of the Police Department, which established a Deputy Chief position and eliminated the Captain positions; and

**WHEREAS**, the proposed job descriptions have been approved by the Civil Service Commission.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves of the updates to the job descriptions for Police Lieutenant and Police Sergeant.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council on the 3rd day of June, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

# **JOB DESCRIPTIONS**



## CITY OF BENICIA POLICE LIEUTENANT

### **DEFINITION:**

Under direction of the Deputy Police Chief, the Police Lieutenant serves as a member of the department's management team, in addition to the following: administers, directs and reviews the work of sworn and non-sworn personnel; performs law enforcement and support activities in the Police Department; and supervises an assigned division of the Police Department, exercising broad discretion and possessing technical and practical abilities in management/leadership. Assignments are rotated between the Services and Operations Divisions.

### **DISTINGUISHING CHARACTERISTICS:**

This is a multiple position class with accountability for police activities during an assigned shift or one of the two Police Department divisions. The lieutenant is responsible for overseeing the development of Division policy and procedures, the implementation of department policy and procedures, and the attainment of department values, mission and goals. Lieutenants personally participate in the more difficult police and investigative work and instruct subordinate officers in methods to be followed. Supervision is exercised over the work of Police Sergeants, Dispatch Supervisor, Police Officers and civilian employees. Work is performed in accordance with department policies, procedures, and general orders received from the Deputy Chief. Lieutenants perform work having department-wide impact and/or handle special projects.

### **REPRESENTATIVE DUTIES OF THE POSITION:**

The representative duties listed include essential and non-essential functions that vary by position. Individuals with disabilities will be considered for placement into positions in this class based upon an assessment of the essential functions of the particular position.

- Administers, directs and reviews the work of sworn and non-sworn personnel.
- Works towards the improvement of police-community relations to solve identifiable problems.
- Prepares, contributes to and approves annual employee evaluation reports.
- Plans the utilization of personnel to meet normal and emergency conditions; coordinates staffing with other units or divisions and approves leave requests.
- Coordinates problem-solving efforts with civic groups, private enterprise and other city, state and federal agencies.
- Markets and develops team policing and team building strategies.
- Responds to calls for services as needed.
- Assists in the preparation and administration of the division budget and participates in developing the departmental budget and departmental rules.

- Participates in the investigation of citizen complaints and policy violations against department personnel, and may recommend and implement discipline.
- Identifies training needs and assists in the development and delivery of training programs according to the needs of personnel and the Police Department.
- Oversee the investigation of crimes.
- Reviews administrative and operational reports for accuracy and conformance with policies, procedures and laws.
- Reads, interprets and disseminates information contained in rules and procedures, police bulletins, staff reports, budget documents and new laws.
- Conducts research and analysis for staff reports.
- Develops and implements special projects.
- Makes oral presentations; testifies in court and at departmental hearings.
- Participates in special programs with citizens groups, students, community organizations and City Council.
- Conducts periodic inspections of officers during their tour of duty.
- Prepares and supervises the preparation of necessary records and reports relating to activities undertaken and reviews reports prepared and submitted by subordinates.
- Rotate on-call assignments and responds when needed during off hours.
- Participates in the recruitment and hiring process.
- Develops major event and tactical planning. Responds to and provides necessary coordination and direction at major incidents.
- Mentor subordinates and is a role model for the department core values.

### **QUALIFICATIONS:**

#### **Knowledge of:**

Federal, state and local laws; departmental policies and procedures; theory and practice of community oriented policing; techniques used in problem solving policing; patrol, crime prevention, traffic enforcement, investigation and identification. Modern methods of management in a police department, including problem solving and principals/techniques of organizational effectiveness; principles of effective supervision and training, budget and personnel management; recent court decisions and how they affect department operations.

#### **Skill in:**

The use of firearms, force options and driving.

#### **Ability to:**

Analyze situations; direct personnel and oversee problem solving efforts; develop effective team strategies; work effectively in physically, psychologically and emotionally stressful situations; effectively manage emergency or life threatening situations; communicate effectively, both orally and in writing; provide resourcefulness in all facets of modern and progressive law enforcement management; coach, motivate and lead employees; operate police vehicles in a safe

and appropriate manner; work effectively with other City employees, supervisors, elected officials, other law enforcement agencies and the general public; maintain physical condition appropriate to the performance of assigned duties; maintain firearm proficiency levels.

Must possess the physical and mental capacity to work under the conditions described in this document and to perform the duties required by their assigned position.

**EDUCATION AND EXPERIENCE:**

Any combination equivalent to the education and experience likely to provide the required knowledge and abilities would be qualifying. A typical way to gain the knowledge and abilities would be:

Education:

An Associate's degree or completion of 60 college/university semester units or 90 quarter units, equivalent to an Associate of Science or Arts. A Bachelor's or Master's Degree is highly desirable.

Experience:

Law Enforcement experience comparable to that of the rank of a Benicia Police Sergeant. Candidates must be off-probation as a Sergeant at the time of application.

Certificates/Licenses:

Possession of a valid California Class C driver's license  
Possession of a P.O.S.T Advanced Certificate  
Possession of a P.O.S.T Supervisory Certificate is highly desirable

**POSITION INFORMATION:**

Revised: May 2004  
Approved Civil Service: May 20, 2008  
Approved City Council:  
FLSA: Exempt  
Bargaining Unit: Police Management



## CITY OF BENICIA POLICE SERGEANT

### **DEFINITION:**

Under the direction of a Police Lieutenant, the Police Sergeant supervises and participates in station, field operations, or criminal investigation units involving law enforcement, traffic control and crime prevention on an assigned shift; serves as a Watch Commander; serves as a line supervisor and performs related work as required.

### **DISTINGUISHING CHARACTERISTICS:**

The Police Sergeant is a line level supervisory classification within the sworn officer series. The position is distinguished from the Police Lieutenant by the level and scope of responsibilities assigned. The Police Lieutenant is responsible for all assigned personnel within a specific division while the Police Sergeant is responsible for supervision of assigned personnel on a specific shift.

### **REPRESENTATIVE DUTIES OF THE POSITION:**

The representative duties listed include essential and non-essential functions that vary by position. Individuals with disabilities will be considered for placement into positions in this class based upon an assessment of the essential functions of the particular position.

Maintains law and order, responds to emergencies as directed by radio, telephone or other type of communication.

Administers first aid, gives assistance to the injured.

Makes arrests, serves subpoenas and warrants, guard prisoners, interviews suspects.

Notes and reports unsafe conditions, prepares evidence and appears in court to give testimony, searches for stolen property and lost persons.

Gives information to the public regarding laws, ordinances, traffic safety, directions and available public services.

Issues citations to traffic violators, writes reports of daily activities and action taken, investigates vice conditions, analyzes facts, clues and evidence and makes investigations to determine law violators and their whereabouts.

Protects the life, property, public order and constitutional rights of all citizens. Adheres to the

California Peace Officers Standards and Training, police code of ethics and the Benicia Police Department core values.

Supervises, trains, evaluates, consults, controls, plans and assists police personnel and investigators engaged in patrolling or investigating by automobile or on foot for the general enforcement of law and prevention of crime and disorder; controls officer safety.

Directs the protection of life, property, public peace, police services and constitutional rights.

Investigates and takes charge of the more difficult criminal cases; investigates complaints and crime reports to determine if a crime has been committed; interviews involved persons.

Writes, receives and approves a variety of reports in paper as well as computer form.

Be proficient in the use of computers commensurate with the current standards of the profession.

Prepares and submits investigative reports; confers with the District Attorney, and presents findings in court.

Directs activities of officers at crime scenes and may gather, preserve and analyze facts and evidence by searching and photographing crime scenes, dusting and casting latent prints.

Develops operational plans; plans for major events and tactical situations; conducts patrols and stakeouts.

Supervises and assists in the seizure, search, booking and fingerprinting of violators of the law.

May supervise or assist public safety dispatchers.

Carry and use a firearm and other appropriate defensive and offensive weaponry.

Assist in the maintenance of the City holding facility and the security of prisoners.

Establishes and maintains contacts and effective working relationships with other law enforcement agencies; conducts public presentations; leads in community policing efforts.

Performs other duties as required.

### **QUALIFICATIONS:**

#### **Knowledge of:**

Modern and progressive police methods and procedures, community policing, problem solving, safety techniques, policing, including patrol, investigation, crime prevention, traffic control, crime detection, rules of evidence, and interrogation.

Applicable Federal, State, and local laws and current legal decisions.

Modern line supervisory and personnel practices, including training, supervision, performance evaluation and behavior modification techniques.

Community, County, State, and Federal resources.

Departmental missions, goals, priorities and objectives.

Computer applications including word processing, scheduling, and other related programs.

City and Police Department policies.

Ability to:

Accurately and quickly analyze situations; exercise sound judgment under pressure; identify and adeptly resolve problems; Interpret and apply laws and regulations.

Direct crime scene investigations, evaluate investigation results and prepare reports.

Plan, organize and supervisor the work of subordinates and effectively handle personnel problems and apply behavior modification techniques.

Read and write at an above average level and communicate effectively both orally and in writing.

Establish and maintain an effective working relationship with those contacted in the course of work.

Work with minimal supervision and be self-motivated.

Drive an automobile safely, under stressful and non-stressful situations.

Prepare and write accurate and factual reports. Reports may be written by hand, use of typewriter or computer in a proficient manner.

**EDUCATION AND EXPERIENCE:**

Education:

Equivalent to graduation from high school, and

Units equivalent to qualifying for an Associate of Arts Degree (60 units), or possession of a P.O.S.T. Intermediate Certificate.

Experience:

A minimum of three (3) years experience as a full-time paid police officer with a California law enforcement agency, and the successful completion of a probationary period with the City of Benicia.

**SPECIAL REQUIREMENTS:**

Must possess and maintain a valid and appropriate driver's license as issued by the State of California Department of Motor Vehicles.

Must be able to sit and/or stand for long periods of time and have the ability to meet the standards of stature, endurance, agility and general physical requirements as outlined in the P.O.S.T. Medical Screening Manual.

Must have the ability to work any shift, holidays, weekends, scheduled and emergency overtime; be available on call as required, work under potentially hazardous conditions, taking all necessary safety precautions.

Must adhere to Police Code of Ethics, display loyalty to the department, City government and the community.

**POSITION INFORMATION:**

Revised: May 15, 2001

Approved Civil Service: May 20, 2008

Approved City Council:

FLSA: Non-Exempt

Bargaining Unit: Police Management

**MEMO**



Police Department  
**MEMORANDUM**

**Date:** December 29, 2007  
**To:** Civil Service Commission  
**From:** Sandra Spagnoli, Chief of Police  
**Subject:** Sergeants Education Requirements

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**Recommendations:**

Approval to reduce the educational entry requirements for Police Sergeant in an effort to increase the applicant pool. Add an additional grading system to the Sergeants testing process to give recognition for college credits and/or degrees.

**Background:**

Within the next 2 years the sergeant's rank will experience at least a 50 percent turnover. Moreover, in the next 5-6 years the turnover is expected to be nearly 100 percent. This turnover is likely to produce many challenges; however, the greatest challenge of all will be filling these supervisor openings with well-trained and qualified internal candidates.

The Department has established educational requirements for Sergeant applicants possess an AA Degree or 60 college units. Aside from its intrinsic value, the educational requirement was designed to encourage supervisor candidates to pursue a college education in order to broaden their perspective and knowledge in many subjects, develop skills in writing and speech, in addition to exposing students to theory in the specific subjects. Currently, the department has a group of experienced officers ineligible to apply for Sergeant due to the fact that they do not possess the minimum college requirements.

Although education has a value added benefit to supervisor candidates, the emphasis on this value could be best placed as part of the testing process, rather than as a minimum qualification to apply for the position of Sergeant. Sergeant candidates must possess leadership and management traits, the ability to make good decisions, have a solid foundation as a police officer, be a mentor and role model consistent with the Law Enforcement Code of Ethics and Benicia Police

Department Core Values. The current education requirement excludes otherwise qualified candidates to apply since they do not possess adequate college credits.

Expanding the applicant pool for Sergeant will also contribute to succession planning, which is a process that ensures employees are recruited and developed to fill each key role within our organization. Through the succession planning process, we need to prepare and recruit the most qualified employees, develop their knowledge, skills, and abilities to prepare them for advancement or promotion into ever more challenging roles of responsibility. We must ensure that there are highly qualified people in supervisor positions, and the reality is that the applicant pool for Sergeant contain both college educated officers and those with some college education and an Intermediate POST Certificate\*.

\* Intermediate POST Certificates are issued after 8 years Full time service as a Police Officer and 15 college credits.

**Current Educational Requirements for Sergeant:**

Equivalent to graduation from high school and units equivalent to qualifying for an Associate of Arts Degree.

Possession of a P.O.S.T. Intermediate Certificate is required. Possession of a P.O.S.T Advanced Certificate is preferred.

**Recommended Educational Requirements for Sergeant:**

Equivalent to graduation from high school, and

Units equivalent to qualifying for an Associate of Arts Degree (60 units), or Possession of a P.O.S.T. Intermediate Certificate.

**AGENDA ITEM  
CITY COUNCIL MEETING: JUNE 3, 2008  
CONSENT CALENDAR**

**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: JUNE 3, 2008  
CONSENT CALENDAR**

**DATE** : May 20, 2008  
**TO** : City Council  
**FROM** : Community Development Director  
**SUBJECT** : **COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SOLANO COUNTY GENERAL PLAN**

**RECOMMENDATION:**

Direct staff to draft a letter for the Mayor's signature commenting on the Draft Environmental Impact Report (EIR) for the 2008 Solano County General Plan.

**EXECUTIVE SUMMARY:**

Solano County has invited comment on the Draft EIR for the County General Plan. A comment from the City Council may be appropriate regarding impacts related to loss of agricultural lands, and Council may wish to comment on additional subjects.

**BUDGET INFORMATION:**

There would be no fiscal impact from this request.

**SUMMARY:**

Both the County Planning Commission and General Plan Citizens Advisory Committee recommended changing the land use designation of certain agricultural areas – including the lands that comprise almost all of Benicia's Sphere of Influence – from the current A-20 (20-acre minimum parcel size) to A-160 (160-acre minimum parcel size). This change would have reflected (1) the multiple General Plan goals and policies to preserve agricultural lands, and (2) the need for larger parcels to support grazing (which is by far the most viable agricultural operation within the Benicia Sphere of Influence); however, it did not remain in the Draft Plan.

The Draft EIR identifies significant and unavoidable impacts countywide for (1) growth inducement and (2) loss of agricultural land, both of which are directly related to subdivision of agricultural lands. Staff recommends that any comment letter from the City Council request the addition of an EIR mitigation measure designating agricultural land in the Benicia Sphere of Influence as A-160 to reduce these impacts to less-than-significant levels locally.

**AGENDA ITEM  
CITY COUNCIL MEETING: JUNE 3, 2008  
CONSENT CALENDAR**

**DATE** : April 30, 2008

**TO** : City Council

**FROM** : City Attorney

**SUBJECT** : **ADOPTION OF A RESOLUTION REAPPOINTING CERTAIN HISTORIC PRESERVATION REVIEW COMMISSION (“HPRC”) MEMBERS TO ACKNOWLEDGE THAT AT LEAST TWO MEMBERS ARE THE OWNERS OF HISTORIC PROPERTY WITHIN THE HISTORIC DISTRICT**

**RECOMMENDATION:**

Adopt the resolution reappointing members of the Historic Preservation Review Commission (“HPRC”) to designate the two owners of historic property in the historic district in accordance with Benicia Municipal Code section 2.56.030.

**BUDGET INFORMATION:**

There is no budget implication.

**SUMMARY:**

Benicia Municipal Code Section 2.56.030 sets forth the qualifications to be an HPRC member. Subsection C states: “At least two members shall be owners of a historic property within the historic district. One of these members shall be the owner of a residence in the historic district. The other member shall be the owner of either a residence or business property in the historic district.” Currently, there are no HPRC members appointed specifically as historic property owners. If a member were appointed to fill the specific group per BMC 2.56.030, the appointment would allow that member to vote on an issue even though they would ordinarily be precluded from voting because of a conflict of interest. With at least two members appointed because of their property interests, a conflict of interest may be avoided on issues of general historical interest. A conflict will still exist if there is a different financial impact on the member’s property. A copy of the Fair Political Practice Commission’s regulation on this is attached.

The members acknowledged as owners of historic property will be able to act on projects that impact the historic district and will be allowed to participate in most discussions where there would otherwise be a conflict of interest because of the location of their property.

Attachments:

- Resolution No. 08-
- FPPC Regulation, Title 2, Division 6, California Code of Regulations §18707.4

# **RESOLUTION**

RESOLUTION NO. 08-\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
REAPPOINTING TONI HAUGHEY AND LEANN TAAGEPERA TO THE HISTORIC  
PRESERVATION REVIEW COMMITTEE AS OWNERS OF HISTORIC PROPERTY**

**WHEREAS**, the goals of the Historic Preservation Review Commission (“HPRC”) are to:

1. Protect and preserve structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Benicia.
2. To foster civic pride in the beauty and accomplishments of the past.
3. To stabilize and improve the economic value of certain historic structures, districts and neighborhoods.
4. To promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used.
5. To conduct design review in historic overlay (H) districts as provided for in Chapter 17.108 BMC.
6. To advise and assist the city council in implementing the goals, policies and programs set forth in the city’s general plan relating to preservation and enhancement of the city’s historic character and protection of the city’s archeological sites and resources;  
and

**WHEREAS**, Benicia Municipal Code section 2.56.030 provides the appointments to HPRC shall include seven Benicia residents, at least two of which shall be owners of historic property within the historic district. One of these members shall be the owner of a residence in the historic district. The other member shall be the owner of either a residence or business property in the historic district.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that the appointments of Toni Haughey, to a full term ending March 31, 2009, and Leann Taagepera, to a full term ending February 28, 2012, to the Historic Preservation Review Commission (“HPRC”) as the historic property owner representatives by Mayor Patterson are hereby confirmed.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of June, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**FAIR POLITICAL PRACTICE COMMISSION'S  
REGULATION**

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18707.4. Public Generally: Appointed Members of Boards and Commissions.**

(a) For the purposes of Government Code section 87103, the "public generally" exception applies to appointed members of boards and commissions who are appointed to represent a specific economic interest, as specified in section 87103(a) through (d), if all of the following apply:

(1) The statute, ordinance, or other provision of law which creates or authorizes the creation of the board or commission contains a finding and declaration that the persons appointed to the board or commission are appointed to represent and further the interests of the specific economic interest.

(2) The member is required to have the economic interest the member represents.

(3) The board's or commission's decision does not have a reasonably foreseeable material financial effect on any other economic interest held by the member, other than the economic interest the member was appointed to represent.

(4) The decision of the board or commission will financially affect the member's economic interest in a manner that is substantially the same or proportionately the same as the decision will financially affect a significant segment of the persons the member was appointed to represent. For purposes of this regulation, a significant segment constitutes fifty percent of the persons the member was appointed to represent.

(b) In the absence of an express finding and declaration or requirement of the types described in 2 Cal. Code Regs. section 18707.4(a)(1) and (2), the "public generally" exception only applies if such a finding and declaration or requirement is implicit, taking into account the

language of the statute, ordinance, or other provision of law creating or authorizing the creation of the board or commission, the nature and purposes of the program, any applicable legislative history, and any other relevant circumstance.

Note: Authority cited: Section 83112, Government Code. Reference: Section 87103, Government Code.

#### HISTORY

1. New section filed 11-23-98; operative 11-23-98 pursuant to the 1974 version of Government Code section 11380.2 and title 2, California Code of Regulations, section 18312(d) and (e) (Register 98, No. 48).
2. Editorial correction of 1 (Register 2000, No. 25).
3. Amendment of subsections (a)(3)-(b) filed 7-11-2002; operative 8-10-2002 (Register 2002, No. 28).

**AGENDA ITEM**  
**CITY COUNCIL MEETING: JUNE 03, 2008**  
**CONSENT CALENDAR**

**DATE** : May 27, 2008  
**TO** : City Manager  
**FROM** : Finance Director  
**SUBJECT** : **DELAY OF BIENNIAL MID-CYCLE BUDGET**  
**ADJUSTMENTS PENDING STATE BUDGET OUTCOME**

**RECOMMENDATION:**

This is an informational report.

**EXECUTIVE SUMMARY:**

On April 15, 2008, the City Council approved budget adjustments for all City Funds. During the presentation, staff was directed to return as quickly as possible with a report recommending adjustments to accommodate the changing local and regional economy, the State Budget Crisis, and the need for capital project financing. Staff reviewed the City's budget situation with the Audit and Finance Committee on May 9, 2008 and received additional direction in pursuing information that would assist the City Council in determining the health of the City's General Fund. Unfortunately, due to the State's extended budget process, there is very little information available at this time in which to base any fiscal predictions. For this reason, staff is recommending the City Council postpone the Mid-Cycle Budget Review and consideration of capital project financing until July 1, 2008. The attached report provides a brief update of both the Benicia and State Budget status.

**BUDGET INFORMATION:**

There is no budget impact at this time. Currently, the Amended Budget for the General Fund forecasts the Undesignated Fund Balance at the end of FY 2007-08 to be \$6,472,495 or 20.4% and FY 2008-09 to be \$6,705,915 or 20.3%.

**BACKGROUND:**

Prior Budget Actions and Overall Budget Condition

The biennial Municipal Budgets for Fiscal Years 2007-09 were approved by the City Council on June 19, 2007. The Budgets were subsequently reviewed and updated on December 4, 2007 and April 15, 2008. The current General Fund budget is balanced and the Undesignated Reserves are above the mandated 20% reserve level. Revenues have held a steady course during the past several months, even as the economy has continued to decline due to the local residential housing market and foreclosure crisis. Many cities in California that rely on residential building growth

and retail sales tax have suffered huge losses, while Benicia has enjoyed offsetting impacts due to the diversity in the Benicia Industrial Park and continued Valero Improvement Projects (VIP).

During the April 15, 2008 Council meeting, staff outlined the stabilizing features of the local economy and the resulting Sales Tax and Property Tax receipts. While they were falling short of our predictions made in June 2007, they have been adjusted and appear to be holding steady. At this time, we are projecting that Sales Tax and Property Tax will finish the year at \$4.5 million and \$13.9 million, respectively. Together, these comprise over 60% of General Fund revenues.

The Audit and Finance Committee (AFC) discussed these two important revenues at the May 9, 2008 meeting and asked that staff investigate the impact of the expanded VIP list, now estimated to be an additional \$1 billion. Staff contacted Chris Howe, Manager of Community Relations and Governmental Affairs, regarding the sales and property tax impacts and he offered to assemble a schedule of the VIP impacts. It is hoped the information will be available in early June.

A great deal of importance has been placed on analyzing current economic conditions due to the poor fiscal conditions in Vallejo. Staff has been reviewing each of the City's major revenue and expenditure elements for any evidence of deterioration or rapid change. At this point in time, there is no evidence of any measurable fiscal decline, other than the possibility of major State takeaways similar to those experienced at the turn of the century. Any large taking by the State could lead to an unbalanced or deficit budget condition. A discussion of the California State Budget Update is attached to this report.

Capital Project Funding. There are several important projects on the City Council priority list that are in need of funding. The four pending immediate consideration are the Commandant's Restoration Project, the Mills Community Center Conversion, the Library Basement Conversion, and the Police Station Remedial Improvements. Staff has been investigating several options for funding these projects, estimated to be in excess of \$6 million, and will have recommendations for the City Council's consideration as soon as the State budget impacts are known.

On May 9, 2008, the AFC also reviewed the City's ability to fund the Capital Projects through the use of debt financing or public funding. Utilizing the recently-updated Long Range Budget Model, the AFC reviewed the "balanced" revenue and expenditure 10-year trends and requested that staff continue investigations into the VIP and the State Budget situation.

Unfortunately, without significant improvements in the budget picture, the ability of the General Fund to either use internal funds or external borrowed funds for the Capital Projects is extremely difficult to manage and could lead to future program cutbacks should the economy continue to decline or state takeaway's be implemented.

Valero Improvement Projects. There are several unknown financial events that could occur in the near future that will have a major impact on the City's ability to fund these four capital projects, among others. One example is the planned expansion of the Valero Refinery, which could approach \$1 billion over the course of a 5-year period. One of the difficulties in projecting the economic benefits for sales tax and property tax from the VIP is the exclusion of "environmental or regulatory mandated" purchases from taxation. Staff will continue to

communicate with Valero staff to determine the outcome of these important considerations, including an estimate of the resulting sales tax and property tax collections.

Next Steps. Staff is working with finance industry professionals to develop funding options for each of the capital projects. There are several options available to the City and each of them has different interest rate structures, amortization periods, issuance costs and debt service requirements. The City has issued several different types of debt in the past for capital projects, including General Obligation Bonds, Revenue Bonds, Certificates of Participation, and Capital Leases. The General Obligation Bonds are paid directly by property owners, while the others are paid with City funds.

It is hoped that by delaying the discussion of the capital project financing until July 1, 2008, staff will have a very good picture of the final outcome of the operations budget for FY 2007-08 and have some additional clues relating to the State budget and possible takeaways. With these in hand, it should make the discussions relating to capital project funding more predictable.

Attachment:

- California State Budget Update

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## **CALIFORNIA STATE BUDGET UPDATE**

### Discussion of State Budget Crisis.

(From California Budget Project Website: [www.cbp.org](http://www.cbp.org))

Governor Arnold Schwarzenegger released the May Revision to his 2008-09 Proposed Budget on May 14, 2008. The May Revision updates policy proposals, revenue projections, and estimated expenditures for both the current and upcoming budget years. Relative to the Governor's January Proposed Budget, the May Revision projects a widening of the budget gap. The May Revision assumes a shortfall of \$15.2 billion, up from the approximately \$8 billion gap remaining after the mid-year actions approved by the Legislature in February. The Governor outlines \$17.2 billion of "solutions," leaving the state with a \$2 billion reserve. With the exception of relatively modest fee proposals, the May Revision continues the Governor's "all cuts" approach to balancing the budget.

#### May Revision Assumes Big Drop in 2008-09 Revenues.

The May Revision assumes that 2007-08 and 2008-09 combined tax collections will be \$5.4 billion lower than was forecast by the Governor's January budget. The drop is attributable to the continued weakness in the state and national economies. The magnitude of the reduction, however, is somewhat significant. As of the end of April, year-to-date collections were \$738 million above the January forecast, according to reports issued by the State Controller's Office. While year-to-date sales and corporate income tax receipts lag amounts projected in January, stronger than anticipated personal income tax collections have more than made up the difference.

Other major revenue proposals include changes to the lottery (see below) and postponement of the sale of EdFund, which guarantees student loans, until 2009-10. The 2007-08 Budget assumed that the state would receive \$1 billion from the privatization of EdFund. The Governor proposes establishing a Tax Modernization Commission via executive order to "make recommendations to assist the state in becoming less susceptible to revenue swings in the future." The Legislature and the Governor would appoint commission members. New Assembly Speaker Karen Bass has also announced that she plans to appoint a commission to review the state's tax system.

The Governor also borrows from a number of special funds – funds that are earmarked for specific programs and purposes – to help fill the state's General Fund shortfall. Significant loans include \$238 million in loans from transportation funds; \$126.4 million from a variety of regulatory boards and bureaus under the State and Consumer Services Agency; \$50 million from the Restitution Fund, which provides assistance to crime victims; \$17.6 million from several housing-related funds; \$30.4 million from four funds in the Resources Agency; and \$25.7 million from funds in the Health and Human Services Agency, including the Hospital Building Fund.

#### Deep Human Services and Health Cuts, Borrowing Against Future Lottery Proceeds.

The May Revision includes a number of major policy proposals, most aimed at generating savings to close the budget gap. One exception is the Governor's withdrawal of his proposed early release program that would have released 22,000 "low-risk" inmates prior to the completion of their prison terms. The Governor's January budget scored \$256.4 million in 2008-09 savings from this proposal. The May Revision proposes to:

- Make deep cuts in health and human services programs, including the In-Home Supportive Services (IHSS) Program, eliminating cash assistance and health benefits for certain legal immigrants, and limiting health coverage for low-income working parents. The additional reductions, which would total \$627 million, are in addition to the cuts proposed by the Governor in January. Of the \$11.4 billion in 2008-09 cuts proposed by the Governor, \$2.9 billion would come from health and human service programs.

- “Modernize” the lottery and provide it with “operational flexibility” as part of a proposal to borrow \$15 billion using bonds that would be repaid from future lottery sales. The Governor proposes to use bond proceeds to allocate \$1.2 billion per year to education, rather than the 34 percent of lottery sales guaranteed under current law; \$5.1 billion to help close the 2008-09 budget gap; and the remainder to a new reserve. The Governor would ask the voters to approve his proposed changes to lottery operations and the allocation of lottery proceeds in a measure that would appear on the November 2008 ballot. *In the event voters reject the proposed change or the state is otherwise unable to issue bonds backed by lottery proceeds, the Governor proposes to trigger a one-cent sales tax increase.* The sales tax increase would remain in effect for three years or until the balance in a new reserve reached a specified level.

- Restore \$1.1 billion of the Governor’s proposed \$4.8 billion January reduction to K-14 education programs covered by the Proposition 98 guarantee. Under the Governor’s May Revision proposal, 2008-09 funding for K-14 education would be cut by \$3.9 billion. However, the revised funding level would meet the minimum required by the Proposition 98 guarantee.

#### Adding Up the Numbers.

The May Revision identifies a \$22.3 billion gap between revenues and expenditures in the current (2007-08) and budget (2008-09) years. The Governor increases the identified shortfall by \$2 billion in order to provide a modest budget reserve and proposes \$24.3 billion of “solutions” to fill the gap. The Governor proposes to cut spending by \$12.6 billion and proposes \$11.7 billion in other solutions, including \$3.3 billion from the sale of additional deficit financing bonds, \$1.9 billion from an accounting shift, \$5.1 billion from the sale of bonds backed by lottery proceeds, and \$1.4 billion from “other initiatives.”

#### Medi-Cal

The May Revision makes deep cuts to the Medi-Cal Program in addition to the Governor’s January proposals, including substantial cuts in eligibility and services. Specifically, the May Revision:

- Maintains the Governor’s January proposals to require enrollees to submit paperwork four times annually to retain eligibility for Medi-Cal services, eliminate dental and other benefits for adult Medi-Cal beneficiaries, and reduce payments to most Medi-Cal providers by 10 percent. The Administration estimated in January that half a million Californians would lose coverage if the paperwork proposal were fully implemented.

## Other Health Programs

- Maintains the Governor's January proposals to reduce state support for the Healthy Families Program by reducing payments to the managed care plans that enroll Healthy Families children, placing a \$1,000 annual limit on dental services, increasing the family contributions for certain children, and increasing copayments for nonpreventive services from \$5 per visit to \$7.50 per visit for families with incomes above 150 percent of the poverty line.
- Maintains the Governor's January proposals to reduce state support for a variety of health-related programs, including Regional Centers, which purchase and coordinate services for people with developmental disabilities; the Early and Periodic Screening, Diagnosis, and Treatment Program, which provides periodic health exams, screening, and treatment to certain children; and substance abuse treatment services for nonviolent offenders eligible under Proposition 36, the Substance Abuse and Crime Prevention Act.

## K-12 Education

- Reflects an increase in 2008-09 spending covered by the Proposition 98 guarantee relative to 2007-08, from \$56.6 billion to \$56.8 billion. This results in a \$101 increase in 2008-09 proposition 98 K-12 per pupil spending, from \$8,509 to \$8,610.
- Reflects a net increase in 2008-09 revenue limit funding of \$85.3 million due to an increase in projected enrollment above the Governor's January budget estimate. The May Revision also increases 2007-08 revenue limit funding by \$50.5 million due to an increase in estimated enrollment relative to the Governor's January budget. Revenue limits provide general purpose funds for schools.
- Reflects a decrease in local property tax revenues. The May Revision increases funding for revenue limits and special education apportionments by \$179.1 million in 2007-08 and \$521.3 million in 2008-09 to backfill for the loss of local revenues.
- Maintains the Governor's January budget proposal to eliminate 2008-09 COLAs for school districts and county offices of education. The May Revision also maintains the Governor's proposal to change the formula used to calculate COLAs for K-12 education programs.
- Maintains the Governor's January budget proposal to reduce funding for a number of categorical programs. In order to achieve these savings, the Governor proposes to eliminate COLAs and reduce rate allocations. Categorical programs include class size reduction, instructional materials, home-to-school transportation, and various career technical education programs.
- Proposes to use Public Transportation Account dollars to pay for up to \$592.9 million in 2008-09 home-to-school transportation costs.
- Reduces deferred maintenance funds by \$222.6 million and eliminates the local matching requirement for the deferred maintenance program in 2008-09. School districts are required to develop a maintenance plan and allocate local funds to receive matching funds from the state.

- Restores \$234.1 million of the reduction in special education funding proposed in the Governor's January budget. The revised funding level would meet the federal maintenance-of-effort requirement for special education programs.
- Provides \$100 million to fund school facility emergency repairs as required by the settlement agreement in *Williams vs. California*.
- Modifies the Governor's January budget proposal that reduces the state's contribution to the State Teachers' Retirement System (STRS) for retiree purchasing power protection. In January, the Governor proposed reducing the state's contribution from 2.5 percent to 2.2 percent of payroll. The May Revision modifies the proposed state contribution to 2.25 percent
- Proposes to delay and reduce yearly payments toward the \$210 million in interest owed as a result of a 2007 court decision in the STRS lawsuit. The Governor's January budget allocated \$80 million in 2008-09 as the first of three payments toward interest owed. The May Revision allocates \$52.6 million in 2009-10 as the first of four equal payments. The court awarded STRS interest payments based on \$500 million the state withheld from the STRS inflation protection program in 2003-04.
- Proposes to reauthorize provisions adopted in 2003-04 that provide flexibility to school districts with regard to how they use their funds. These provisions include allowing school districts to reduce a variety of required reserves to allow districts to use more funds for general purposes.

#### Community Colleges

- Increases 2008-09 Proposition 98 funding for California Community Colleges by \$167.2 million, including \$138.7 million to backfill for lower than previously anticipated local property tax revenues and \$35.5 million for growth in apportionments. The May Revision also provides \$69 million in 2007-08 funding to backfill an anticipated decline in local property tax revenues.
- Provides community colleges flexibility to transfer funds among categorical programs "to allow local priority needs to be better addressed."

#### Higher Education

The May Revision restores \$98.5 million in funding for the University of California (UC) and \$97.6 million for the California State University (CSU). The proposed augmentation would result in a \$233.4 million proposed 2008-09 reduction for the UC and a \$215.3 million proposed reduction for the CSU when combined with the cuts in the Governor's January budget.

#### Student Aid Commission

The May Revision uses \$223 million in federal TANF block grant funds to replace state funds to pay for financial aid for TANF-eligible students, resulting in an equal amount of state savings.

## Resources

The May Revision reverses the Governor's January budget proposal to cut funding for the Department of Parks and Recreation by \$13.3 million, which would have resulted in the closure of 48 state parks and reduced the number of lifeguards at a number of state beaches. The May Revision includes an increase in state park fees that is projected to raise \$1.5 million to partially offset the lost savings.

## Corrections

- Drops the Governor's January budget proposal to release 22,159 non-violent inmates before their scheduled release dates. The Governor states that his early release proposal is no longer necessary due to approximately \$300 million in Department of Corrections and Rehabilitation savings attributable to a lower than previously anticipated inmate population, "the effectiveness of parole reforms and rehabilitative efforts to date," and other measures.
- Increases funding for medical care for inmates by \$8.6 million in order to comply with the *Plata* lawsuit, which challenged the quality of medical care in state correctional facilities. The Governor also proposes legislation that would allocate \$6 billion in lease revenue bond authority for projects proposed by the federal court-appointed receiver, including the construction of new medical facilities to serve up to 10,000 inmates, and provide \$100 million from the state's General Fund and \$900 million in lease revenue bond authority to improve health care facilities at existing correctional facilities.
- Maintains the Governor's January budget proposal to place certain inmates and parolees on "summary parole" for savings of \$173.6 million. Summary parolees would have no active supervision, but would be subject to searches and drug testing.
- Scores total savings of \$421 million in 2007-08 and 2008-09 because the Legislature has not approved key elements of the "last, best, and final" contract offer to correctional peace officers. The Administration indicates it would implement the offer once the Legislature approves the changes.

## Transportation

The May Revision proposes to use \$828 million in public transportation funds to support \$593 million in K-12 home-to-school transportation costs and \$235 million in debt service on transportation bonds. Both of these costs traditionally have been paid from the state's General Fund. These funds would come from increased "spillover" gas sales tax revenue, higher than anticipated diesel tax collections, and maintaining funding for the State Transit Assistance (STA) Program at 2007-08 levels. Spillover funds are generated when gas prices rise at a faster rate than prices for other goods. The Governor plans to seek legislation to maintain STA funding at its 2007-08 level.

Emergency Response Initiative

The May Revision continues the Governor's January budget proposal to establish the Emergency Response Initiative, formerly named the Wildland Firefighting Initiative, to respond to emergencies and disasters. The Governor proposes to fund this initiative through a surcharge imposed on all residential and commercial property insurance policies based on the likelihood of risk due to earthquakes, fires, or floods. A 1.40 percent surcharge would be assessed on structures in high-risk areas and a 0.75 percent surcharge would be assessed on structures in low-risk areas. The May Revision projects fee receipts of \$69.3 million in 2008-09, \$35.6 million less than the savings assumed in the Governor's January budget due to the delayed implementation of this proposal.

**AGENDA ITEM  
CITY COUNCIL MEETING: JUNE 3, 2008  
PUBLIC HEARING**

**DATE** : May 27, 2008

**TO** : City Manager

**FROM** : Finance Director  
Parks and Community Services Director  
Public Works Director

**SUBJECT** : **PUBLIC HEARING FOR CITY OF BENICIA LANDSCAPING  
AND LIGHTING DISTRICT FISCAL YEAR 2008-09**

**RECOMMENDATION:**

1. City Council conduct the public hearing as set by Resolution No. 08-45 to receive oral statements or written comments concerning the subject district for fiscal year 2008-09 and ordering the levy and collection of assessments for fiscal year 2008-09.
2. At the conclusion of the public hearing, adopt the attached resolution ordering the maintenance of existing improvements in all five zones of the District, confirming the Assessment Diagram, approving the Engineer's Report, and ordering the levy and collection of certain assessments for the City of Benicia Landscaping and Lighting District, fiscal year 2008-09.

**EXECUTIVE SUMMARY:**

The items scheduled for consideration at this meeting will complete the process for levying assessments for fiscal year 2008-09 through the Solano County Auditor-Controller's Office and to collect assessments with property tax bills. Should the City Council conclude, after receiving comments from interested parties during the public hearing, that any assessment should be amended, no action should be taken on the resolution ordering the maintenance of existing improvements. Staff will then modify the report as directed and bring the matter back for final approval on July 1, 2008. However, this matter must be concluded prior to August 5, 2008 to meet filing deadlines with the Solano County Assessor/Recorder's Office.

**BUDGET INFORMATION:**

The total budget for fiscal year 2008-09 for all five zones of the District is \$572,215, or a lesser amount as otherwise amended by the City Council. After the Reserve Fund credits are applied to the budgets the balance to levy is \$442,712. All costs for street lighting and for costs of maintaining landscaping and irrigation systems, including administrative expenses and incidental expenses associated with preparation of the annual report, are funded by assessments levied against parcels within the District. Therefore, there are no budget impacts to the General Fund of the City.

No additional or increased assessments will be levied within the District to fund improvements installed and maintained in fiscal year 2008-09.

cc: City Attorney

Attachments:

- Proposed Resolution
- Resolution Nos. 08-43, 08-44, 08-45
- Preliminary Engineer's Report

# **RESOLUTION**

**RESOLUTION NO. 08-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ORDERING THE MAINTENANCE OF EXISTING IMPROVEMENTS IN ALL FIVE ZONES OF THE DISTRICT, CONFIRMING THE ASSESSMENT DIAGRAM, APPROVING THE ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF CERTAIN ASSESSMENTS FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2008-09**

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Benicia, California, as follows:

**WHEREAS**, on the 6<sup>th</sup> day of May, 2008, the City Council adopted its Resolution No. 08-43, Describing Improvements and Directing Preparation of Engineer's Report for Fiscal Year 2008-09 for the City of Benicia Landscaping and Lighting District ("District") pursuant to the Landscaping and Lighting Act of 1972, and directed the Engineer of Work to prepare and file with the Clerk of this City a written report called for under said Act and by said Resolution No. 08-44; and

**WHEREAS**, said report was duly made and filed with the Clerk of said City, whereupon said Clerk presented it to the City Council for its consideration; and

**WHEREAS**, said Council thereupon duly considered said report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act and said Resolution No. 08-43, including (1) plans and specifications of the existing improvements; (2) estimate of costs for maintenance and servicing said improvements for Fiscal Year 2008-09; (3) diagram of the District; and (4) an assessment according to benefits; all of which were done in the form and manner required by said Act; and

**WHEREAS**, the City Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act, whereupon the City Council, pursuant to the requirements of said Act, appointed Tuesday, the 3rd day of June, 2008, at 7:00 p.m. of said day in the regular meeting place of said Council, City Hall, 250 East "L" Street, Benicia, California, as the time and place for hearing comments in relation to any proposed assessment upon an assessable lot or parcel of land within the District for maintenance or servicing of existing improvements for Fiscal Year 2008-09, and directing said Clerk to give notice of said hearing as required by said Act; and

**WHEREAS**, notices of said hearing were duly and regularly published and posted in the time, form and manner required by said Act, as evidenced by the Affidavits and Certificates on file with said Clerk, whereupon said hearing was duly and regularly held at the time and place stated in said notice; and

**WHEREAS**, persons interested in commenting on any proposed assessment upon an assessable lot or parcel of land within District filed written protests with the Clerk of said City at or before the conclusion of said hearing, and all interested persons desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy and collection of the assessments for the maintenance or servicing of said improvements were fully heard and considered by the City Council.

**NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED**, as follows:

1. That protests against the proposed assessment upon any assessable lot or parcel of land within District for Fiscal Year 2008-09 be, and each of them, are hereby overruled.

2. That the public interest, convenience and necessity require and the City Council does hereby order the levy and collection of assessments pursuant to said Act, for the maintenance or servicing of improvements, more particularly described in said Engineer's Report and made a part hereof by reference thereto.

3. That the City of Benicia Landscaping and Lighting District and the properties thereof benefited and to be assessed for said costs for the maintenance and servicing of existing improvements are situated in Benicia, California, and are more particularly described by reference to a map thereof on file in the office of the Director of Public Works of said City. Said map indicates by a boundary line the extent of the territory included in District and of any zone thereof and the general location of District.

4. That the public interest and convenience require, and the City Council does hereby order the improvements to be serviced and maintained as described in and in accordance with said Engineer's Report, reference to which is hereby made for a more particular description of said improvements.

5. That the diagram showing the exterior boundaries of District and described in said Resolution No. 08-44, and also the boundaries of any zones therein and the lines and dimensions of each lot or parcel of land within District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which it applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed.

6. That the assessment of the total amount of the costs and expenses for the maintenance or servicing of existing improvements upon the several lots or parcels of land in District in proportion to the estimated benefits to be received by such lots or parcels, and of the expenses incidental thereto contained in said report be, and the same is hereby, finally approved and confirmed.

7. That said Engineer's Report for Fiscal Year 2008-09, be, and the same is hereby, finally adopted and approved as a whole.

8. Immediately upon the adoption of this Resolution, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Solano. Upon such filing, the County Auditor shall enter on the

County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessment shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Treasurer of the City.

9. That the order for the levy and collection of assessments for the improvements and the final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in said Report, as hereinabove determined and ordered, is intended to and shall refer and apply to said Report, or any portion thereof, as amended, modified, revised or corrected by, or pursuant to and in accordance with any resolution or order, if any, heretofore duly adopted or made by the City Council.

\* \* \* \* \*

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 3rd day of June, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**RESOLUTIONS 08-43, 08-44, 08-45**

**RESOLUTION NO. 08-43**

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

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Benicia, California, as follows:

1. Previously, the City Council did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15, of the Streets and Highways Code of the State of California, conduct the proceedings for and did form the City of Benicia Landscaping and Lighting District ("District").

2. The public interest, convenience and necessity require, and it is the intention of this Council to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for Fiscal Year 2008-2009.

3. The improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are:

a) The maintenance or servicing of public landscaping including, but not limited to, trees, shrubs, grass, or other vegetation in curbed median islands of public streets, in landscaped strips or areas along and adjacent to public street areas, in public open space areas retained in their natural state, or in areas developed as public parks.

b) The maintenance or servicing, or both, thereof public lighting facilities and improvements including, but not limited to, standards, poles and luminaries and the cost of electric current or energy.

4. The costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on a map thereof on file in the office of the Director of Public Works of the City of Benicia to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district.

5. The Engineer of Work shall be MuniFinancial and is hereby directed to prepare and file with the City Clerk a report, in writing, referring to the assessment district by its

distinctive designation, specifying the fiscal year to which the report applies, and, with respect to that year, presenting the following:

- a) Plans and specifications of the existing improvements and for proposed new improvements, if any, to be made within the district or within any zone thereof; and
- b) An estimate of the costs of said proposed new improvements, if any, to be made, the costs of maintenance or servicing, or both, thereof, and of any existing improvements, together with the incidental expenses in connection therewith; and
- c) A diagram showing the exterior boundaries of the district and of any zones within said district and the lines and dimensions of each lot or parcel of land within the district as such lot or parcel of land is shown on the County Assessor's map for the fiscal year to which the report applies, each of which lots or parcels of land shall be identified by a distinctive number or letter on said diagram; and
- d) A proposed assessment of the total amount of the estimated costs and expenses of the proposed new improvements, including the maintenance or servicing, or both, thereof, and of any existing improvements upon the several lots or parcels of land in said district in proportion to the estimated benefits to be received by such lots or parcels of land respectively from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto.

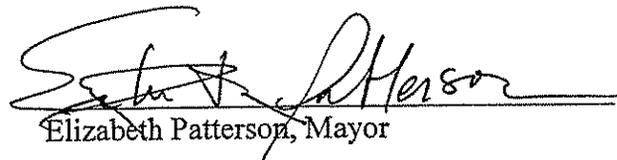
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On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 6<sup>th</sup> day of May, 2008, and adopted by the following vote:

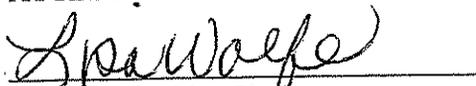
**Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson**

Noes: **None**

Absent: **None**

  
Elizabeth Patterson, Mayor

ATTEST:

  
Lisa Wolfe, City Clerk

**RESOLUTION NO. 08-44**

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

**WHEREAS**, by previous Resolution, the City Council did adopt the Resolution describing improvements and directing preparation of Engineer's Report for Fiscal Year 2008-09 pursuant to the Landscaping and Lighting Act of 1972 for the City of Benicia Landscaping and Lighting District ("District") in said City and did refer the proposed improvements to the Engineer of Work, and did therein direct said Engineer of Work to prepare and file with the Clerk of said City a report, in writing, all as therein more particularly described, under and pursuant to the Landscaping and Lighting Act of 1972; and

**WHEREAS**, said Engineer of Work prepared and filed with the Clerk of said City a report in writing as called for in previous resolution and under and pursuant to said Act, which report has been presented to this Council for consideration; and

**WHEREAS**, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that neither said report nor any part thereof should be modified in any respect.

**NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED**, as follows:

1. That the Engineer's estimate of the itemized and total costs and expenses of maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be, and each of them are hereby preliminarily approved.
2. That the diagram showing the exterior boundaries of the District referred to and described in previous Resolution and also the boundaries of any zones therein and the lines and dimensions of each lot or parcel of land within District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which the report applies, each of which lot or parcel of land has been given a separate number upon said diagram as contained in said report, be, and it is hereby, preliminarily approved.
3. That the proposed assessment of the total amount of the estimated costs and expenses of the proposed improvements upon the several lots or parcels of land in District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto, as contained in said report, be, and they are hereby, preliminarily approved.
4. That said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings to be had pursuant to the previous Resolution.

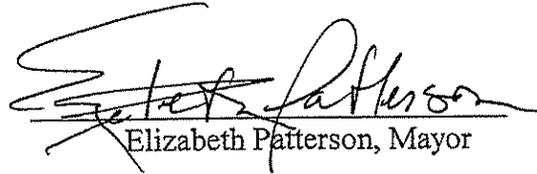
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On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 6<sup>th</sup> day of May, 2008 and adopted by the following vote:

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

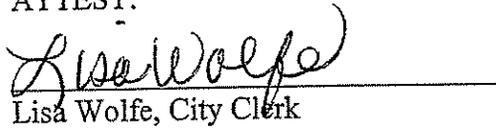
Noes: **None**

Absent: **None**



Elizabeth Patterson, Mayor

ATTEST:



Lisa Wolfe, City Clerk

**RESOLUTION NO. 08-45**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA 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**

WHEREAS, pursuant to the previous Resolution, describing improvements and directing preparation of Engineer's Report for Fiscal Year 2008-09 for City of Benicia Landscaping and Lighting District ("District"), adopted on May 6, 2008, by the City Council of said City pursuant to the Landscaping and Lighting Act of 1972, the City Engineer of said City has prepared and filed with the Clerk of this City the written report called for under said Act and by previous Resolution, which said report has been submitted and preliminarily approved by this Council in accordance with said Act.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED, as follows:

1. In its opinion the public interest and convenience require, and it is the intention of the City Council to order, the levy and collection of assessments for fiscal year 2008-09 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15, of the Streets and Highways Code of the State of California, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are:

- a) The maintenance or servicing of public landscaping including, but not limited to, trees, shrubs, grass, or other vegetation in curbed median islands of public streets, in landscaped strips or areas along and adjacent to public street areas, in public open space areas retained in their natural state, or in areas developed as public parks.
- b) The maintenance or servicing, or both, thereof public lighting facilities and improvements including, but not limited to, standards, poles and luminaries and the cost of electric current or energy.

2. The cost and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon the District, the exterior boundaries of which District are the composite and consolidated area as more particularly described on a map thereof on file in the office of the Director of Public Works of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the district and of any zone thereof and the general location of said District.

3. Said Engineer's Report prepared by the City Engineer of said City, preliminarily approved by the City Council by previous Resolution and on file with the Clerk of this City, is hereby referred to for a full and detailed description of the improvements, the boundaries of the

assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within District.

4. Notice is hereby given that Tuesday, the 3rd day of June 2008, at 7:30 p.m. in the regular meeting place of the City Council, City Hall, 250 East "L" Street, Benicia, California, be and the same is hereby appointed and fixed as the time and place for a hearing by the City Council on the question of the levy and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written comments made or filed by any interested person at or before the conclusion of said hearing against any proposed assessment upon an assessable lot or parcel of land within the District, and when and where it will consider and finally act upon the Engineer's Report.

5. Prior to the conclusion of the hearing, any interested person may file a written protest with the Clerk, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by such owner.

6. The Clerk of said City is hereby directed to give notice of said hearing by causing a copy of this Resolution to be published once in the Benicia Herald, a newspaper published and circulated in said City, and by conspicuously posting a copy thereof upon the official bulletin board customarily used by the City for the posting of notices, said posting and publication to be had and completed at least ten (10) days prior to the date of hearing specified herein.

7. The Public Works Department is hereby designated as the office to answer inquiries regarding any proceedings to be had herein, and may be contacted during regular office hours at City Hall, 250 East "L" Street, Benicia, California 94510, or by calling (707) 746-4240.

\*\*\*\*\*

On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, the above Resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 6<sup>th</sup> day of May, 2008 and adopted by the following vote:

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

Noes: **None**

Absent: **None**

  
Elizabeth Patterson, Mayor

ATTEST:

  
Lisa Wolfe, City Clerk

# **ENGINEERS REPORT**

**CITY OF BENICIA  
LANDSCAPING AND LIGHTING DISTRICT**

**ENGINEER'S REPORT  
FISCAL YEAR 2008/2009**



**INTENT MEETING: May 6, 2008  
PUBLIC HEARING: June 3, 2008**



<b>Corporate Office:</b>	<b>Office Locations:</b>	
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## I. OVERVIEW

### A. Introduction

The City of Benicia ("City") annually levies and collects special assessments in order to maintain the improvements within the City of Benicia Landscaping and Lighting District ("District"). The District was formed in the late 1970's and annual assessments are levied pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* ("1972 Act").

This Engineer's Report ("Report") describes the District, any annexations, or changes to the District including substantial changes to the District improvements, and the proposed assessments for fiscal year 2008/2009. The proposed assessments are based on the estimated cost to maintain the improvements that provide special benefits to properties within the District. The costs of improvements and the annual levy include all expenditures, deficits, surpluses, revenues, and reserves. Each parcel is assessed proportionately for only those improvements provided and for which the parcel receives special benefit based on an established method of apportionment.

The word "parcel," for the purposes of this Report, refers to an individual property assigned its own Assessment Number by the County of Solano ("County") Assessor's Office. The County Auditor/Controller uses Assessment Numbers and specific Fund Numbers to identify on the tax roll, properties assessed for special district benefit assessments. The District also has a unique Assessment Number ("District Assessment No") used to identify each District parcel on the District Diagram.

Following consideration of public comments and written protests at a noticed public hearing, and review of the Report, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report, and confirmation of the assessments, the Council may order the levy and collection of assessments for fiscal year 2008/2009 pursuant to the 1972 Act. In such case, the assessment information will be submitted to the County Auditor/Controller, and included on the property tax roll for each benefiting parcel for fiscal year 2008/2009.

### B. Applicable Legislation

The District has been formed and is annually levied pursuant to the 1972 Act, beginning with Section 22500. The assessments and methods of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received.

#### *Compliance with the California Constitution*

All assessments described in this Report and approved by the City Council are prepared in accordance with the 1972 Act and are in compliance with the provisions of the California Constitution Article XIID ("Article XIID"), which was enacted with the passage of Proposition 218 in November 1996.

Pursuant to the Article XIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIID Section 4 and property owner balloting for the assessments is not required until such time that the assessments are increased. Specifically, Article XIID Section 5 (b) exempts:

*“Any assessment imposed pursuant to a petition signed by the person owning all of the parcels subject to the assessment at the time the assessment is initially imposed.”*

The City has determined that all improvements and the annual assessments originally established for the District were part of the conditions of property development and approved by the original property owner (developer at the time of the District formation late 1970's). As such, pursuant to Article XIID Section 5(b), all the property owners approved the existing District assessments at the time the assessments were created (originally imposed pursuant to a 100% landowner petition). Therefore, the pre-existing assessment amount (the maximum assessment rate identified in this Report) is exempt from the procedural requirements of Article XIID Section 4.

#### ***Provisions of the 1972 Act (Improvements and Services)***

As generally defined, the improvements and the associated assessments for any district formed pursuant to the 1972 Act may include one or any combination of the following:

- 1) The installation or planting of landscaping.
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- 3) The installation or construction of public lighting facilities, including, but not limited to streetlights and traffic signals.
- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof; including but not limited to, grading, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- 5) The installation of park or recreational improvements including, but not limited to the following:
  - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
  - b) Lights, playground equipment, play courts and public restrooms.
- 6) The maintenance or servicing, or both, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including, but not limited to:
  - a) Repair, removal, or replacement of all or any part of any improvements;
  - b) Grading, clearing, removal of debris, the installation, repair or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;

- c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;
  - d) The removal of trimmings, rubbish, debris, and other solid waste;
  - e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.
  - f) Electric current or energy, gas, or other agent for the lighting or operation of any other improvements.
  - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 7) The acquisition of land for park, recreational or open-space purposes, or the acquisition of any existing improvement otherwise authorized by the 1972 Act.
- 8) Incidental expenses associated with the improvements including, but not limited to:
- a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;
  - b) The costs of printing, advertising, and the publishing, posting and mailing of notices;
  - c) Compensation payable to the County for collection of assessments;
  - d) Compensation of any engineer or attorney employed to render services;
  - e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements; and,
  - f) Costs associated with any elections held for the approval of a new or increased assessment.

## II. PLANS AND SPECIFICATIONS

The District provides for the continued installation, maintenance and servicing of landscaping within public parks and street landscaping and lighting improvements within the public right-of-ways which provide special benefit to parcels and properties within the District.

All improvements within the District are maintained and serviced on a regular basis. City staff will determine the frequency and specific maintenance operations required. The District assessments may fund all necessary utilities, operations, services, administration and maintenance costs associated with the improvements. The annual cost of providing the improvements within the District are spread among all benefiting parcels in proportion to the benefits received. The expenditures and assessments set forth in this report are based upon the City's estimate of the costs associated with the improvements including all labor, personnel, equipment, materials and administrative expenses. The park sites within the District are clearly a special benefit to the properties and property owners within the District. Because of the Park's size and location it provides no benefit to parcels outside the District or to the public at large and therefore, the entire cost of maintaining this park could be assessed to parcels within the District.

### A. Description of the District Zones and Improvements

The District is comprised of five benefit zones each receiving different degrees of benefit from the District improvements: Zone 1 - Residential; Zone 2 - Fleetside Industrial Park; Zone 3 - Goodyear Road; Zone 4 - East 2nd Street; and Zone 5 - Columbus Parkway.

The location, boundaries and general description of the improvements provided within the District are described below. The detail specifications and location of the improvements are on plans and maps on file with the Public Works department and by reference are made part of this Report.

#### Zone 1 - Residential

Zone 1 - Residential ("Zone 1") is comprised of 2,196 single-family residential parcels. Within this zone is a large portion of the Southamptton area plus the areas known by their subdivision name including Hamann Hills, Benicia Terrace, Olive Branch Estates, Harbor View Knolls and Clos Duvall. It also includes the Southamptton D-6 and D-7 subdivisions. Also within the boundaries of Zone 1 are parcels identified as publicly owned open space and parks and privately owned open space and sliver parcels that are deemed to be not assessable.

The Zone 1 improvements shall consist of: 1) maintenance and servicing of open space areas including discing, mowing and trash removal; 2) within public park sites with established landscaping, maintenance and servicing improvements including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement, and other necessary maintenance programs; and 3) the servicing of electrical power for 304 streetlights for this zone.

### **Zone 2 -Fleetside Industrial Park**

Zone 2 -Fleetside Industrial Park ("Zone 2") is comprised of two industrial park subdivisions east of Interstate 680 in the eastern portion of the City. The two subdivisions are Fleetside Industrial Park and Drake Industrial Park. Also within the boundaries of Zone 2 are parcels identified as publicly owned wetland parcels that are deemed to be not assessable.

The Zone 2 improvements shall consist of: 1) the maintenance and servicing of landscaped strip areas along and adjacent to the public street areas including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement, and other necessary maintenance programs; and 2) the servicing of electrical power for 33 streetlights for this zone.

### **Zone 3 -Goodyear Road**

Zone 3-Goodyear Road ("Zone 3") is comprised of four parcels totaling 37.01 acres in area located between Goodyear Road and Interstate 680 in the northeasterly corner of the City. The most southerly of the four parcels is 10.94 acres in area and is zoned "General Commercial". The three northerly parcels totaling 26.07 acres in area are zoned "Industrial Park."

The Zone 3 improvements shall consist of: 1) the maintenance and servicing of landscaped strip areas along and adjacent to the public street areas including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement and other necessary maintenance programs; and 2) the servicing of electrical power for 10 streetlights for this zone.

### **Zone 4 -East 2<sup>nd</sup> Street**

Zone 4-East 2nd Street ("Zone 4") is comprised of five assessed parcels totaling 276.36 acres. The two southernmost parcels adjacent to East 2nd Street total 200.04 acres in area and are zoned "General Industrial." The two northernmost parcels totaling 76.32 acres are zoned "Industrial Park". Within the boundaries of this Zone are also three small City-owned parcels used for water system distribution and storage purposes. Also within the boundaries of Zone 4 are parcels identified as publicly owned reservoir/pump station parcels that are deemed to be not assessable.

The Zone 4 improvements shall consist of: 1) the maintenance and servicing of landscaped median areas in Rose Drive from East 2nd Street to 1,800 feet (0.34 miles), more or less, northwesterly of East 2nd Street, and in East 2nd Street from 4,800 feet (0.91 miles), more or less, southerly of Rose Drive to 1,950 feet (0.37 miles), more or less, northeasterly of Rose Drive, include trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement and other necessary maintenance programs; and 2) the servicing of electrical power for 78 streetlights for this zone.

### **Zone 5 -Columbus Parkway**

Zone 5-Columbus Parkway ("Zone 5") is comprised of both commercial parcels, residential parcels and privately owned open space parcels. There are five assessed commercial parcels totaling 9.28 acres; there are 188 residential condominiums at the Cambridge Apartments and there are 50 new units on Assessment Parcel #1327. Also within the boundaries of Zone 5 are parcels identified as privately owned open space parcels that are deemed to be not assessable.

Zone 5 improvements shall consist of: 1) the maintenance and servicing of landscaped median areas along the public street areas and for a landscaped, Caltrans-owned parcel lying between Columbus Parkway and Interstate 780 southerly of Rose Drive, including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement and other necessary maintenance programs; and 2) the servicing of electrical power for 15 streetlights for this zone.

### **B. Changes or Modifications to the District**

Modifications to the District structure could include but are not limited to:

- Substantial changes or expansion of the improvements provided;
- Substantial changes in the service provided;
- Modifications or restructuring of the District or Zones including annexation or detachment of Zones or specific parcels;
- Revisions in the method of apportionment;
- Proposed new or increased assessments.

Some changes or modifications to the District would require the approval of the property owners within the District. No other changes or modifications to the District are proposed for fiscal year 2008/2009.

### III. METHOD OF APPORTIONMENT

#### A. General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."*

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, pursuant to Article XIIID Section 4:

*"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable and an agency shall separate the general benefits from the special benefits conferred on a parcel."*

#### B. Benefit Analysis

Each of the improvements and the associated costs have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements and approval of an annual assessment were part of the conditions of property development and approved by the original property owner (developer). As such, pursuant to Article XIIID Section 5(b), all the property owners approved the maximum assessment amount identified in this Report at the time the assessment was created (originally imposed pursuant to a 100% landowner petition). Therefore the existing maximum assessment amount per Zone is not subject to the procedural requirements of Article XIIID Section 4 (property owner ballot proceedings). Although the current assessment does not require additional property owner approval (unless increased), the improvements within the District clearly provide a special benefit to the parcels assessed and therefore, the existing assessments are in compliance with the substantive requirements of Article XIIID Section 4.

**Special Benefits** — The method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels within the District receives benefit from the improvements maintained and financed by annual assessments. Specifically, the assessments are for the maintenance of local street lighting and landscaped improvements installed as part of the original improvement. The desirability and security of properties within the District are enhanced by the presence of street lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, and dust and debris control.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and the aid to police protection.
- Increased nighttime safety on roads and highways.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal acts and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.
- Increased promotion of business during nighttime hours in the case of commercial properties.

All of the preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the District.

**General Benefits** — The improvements associated with each Zone are a direct result of property development within the Zone and would otherwise not be required or necessary. Developers typically install landscape improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties.

Although many landscape improvements (by virtue of their location), may be visible to surrounding properties or to the public at large, any benefit to surrounding properties is incidental and cannot be considered a direct and special benefit to those properties. Therefore, it

has been determined that the improvements within these Zones and the ongoing operation and maintenance of those improvements are clearly a direct and special benefit to properties within each respective District. Unless otherwise noted, these improvements provide no measurable general benefit to properties outside the Zone or to the public at large.

**Non-Assessable Properties** — Within the boundaries of Zones 1, 2, 4 and 5, there are several types of properties that are considered to receive no special benefit from the District improvements and are therefore not assessed. These parcels include: 1) Publicly owned parcels that are reserved as Public Open Space or are developed as City Parks for active recreation and are maintained and serviced by the District; 2) Publicly owned wetland parcels; 3) Certain Public Utility parcels; 4) Privately owned open space parcels; 5) Privately owned "sliver" parcels that have resulted from a lot line adjustment with an adjacent larger parcel. The adjacent larger parcel, of which these "sliver" parcels are a part, are assessed at the Residential Zone rate.

### C. Assessment Methodology

The special benefits received by each parcel within the Zone and each parcel's proportional annual assessment is calculated on the basis of a formula known as Equivalent Benefit Units. The Equivalent Benefit Unit (EBU) method of apportionment establishes a proportional benefit relationship between the various parcels within the District and the improvements provided by the District. The EBU assigned to each parcel utilizes a set formula and proportional weighting factors based on the land use and size of each parcel within the District as compared to other parcels within the District. The number of EBU's assigned to each parcel is calculated by multiplying an assigned benefit unit factor (based on land use) by the dwelling units for residential parcels and acreage for commercial parcels.

The benefit unit factors (proportional special benefit) to be applied to the various land use classifications are listed below.

<b>Single Family Residence</b>	<b>One (1.0) Benefit Unit Per Unit</b>
<b>Commercial Use</b>	<b>One (1.0) Benefit Unit Per Acre</b>

The annual cost of the Zone improvements to be levied (Balance to Levy) is divided by the total number of EBU's calculated for each Zone to establish the annual assessment rate (Levy per EBU) for the fiscal year. This formula is represented as follows:

$$\text{Balance to Levy} / \text{Total Number of EBU} = \text{Levy Per EBU}$$

The levy amount for each parcel is then calculated by multiplying the Levy per EBU (assessment rate) by the parcel's individual EBU calculated. The formula is represented as follows:

$$\text{Levy Per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

**Zone 1 -Residential**

District Assessment No. 214 is owned by PacBell and is used for telephone switching facilities. This parcel is considered to receive no special benefit and is not assessed.

**Zone 2 -Fleetside Industrial Park**

District Assessment Nos. 1153 through 1159, were purchased by Caltrans to be converted to wetlands as mitigation for the Benicia-Martinez Bridge project. These parcels are not assessed per the County Secured Roll however, Caltrans has entered into an agreement with the City stating their intent to pay annual assessments on these parcels as a separate payment to the City.

**Zone 5 -Columbus Parkway**

Since the residential units also pay annual costs for maintenance of privately owned open space and for on-site lighting, costs were allocated at 47.6% for residential parcels and 52.4% for commercial parcels.

District Assessment Nos. 1329A, 1329B and 1329C totaling 3.67 acres are governed by Conditions, Covenants and Restrictions (CC&R's). Individual assessments were apportioned by allocating a portion of the total assessment for the total area of the three parcels by building square footage in accordance with provisions of said CC&R's.

#### IV. DISTRICT BUDGET

<b>City of Benicia</b>			
<b>Landscaping and Lighting District</b>			
<b>ZONE 1--RESIDENTIAL</b>			
			<b>2008/09</b>
			<b>Budget</b>
<b>Levy Components</b>			
<b>DIRECT COSTS</b>			
	Maintenance and Servicing		\$262,170.00
	Utilities (Electric Power for Street Lighting; Water for Irrigation)		88,200.00
	Engineering and Incidental Expenses		15,500.00
	Capital Outlay		1,000.00
	<b>TOTAL DIRECT</b>		<b>\$366,870.00</b>
<b>ADMINISTRATION COSTS</b>			
	Direct Administration		\$8,246.86
	<b>TOTAL ADMIN</b>		<b>\$8,246.86</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>			
	<b>TOTAL DIRECT AND ADMIN COSTS</b>		<b>\$375,116.86</b>
	Estimated Interest Earnings		(2,500.00)
	Reserve Collection/(Transfer)		(72,731.10)
	<b>TOTAL ADJUSTMENTS</b>		<b>(75,231.10)</b>
	<b>Balance to Levy (Budgeted)</b>		<b>\$299,885.76</b>
<b>DISTRICT STATISTICS</b>			
	Total Parcels		2,269
	Total Parcels Levied		2,196
	Total Residential Units		2,196.00
	Proposed Levy per Benefit Unit		<b>\$136.56</b>
<b>FUND BALANCE INFORMATION</b>			
	Reserve Fund Balance as of February 29, 2008		\$145,405.00
	Estimated Reserve Fund Adjustments		(72,731.10)
	Estimated Interest Income 2008-09		2,500.00
	<b>Projected Reserve Fund Balance as of June 30, 2009</b>		<b>\$75,173.90</b>

<b>City of Benicia Landscape and Lighting District ZONE 2--FLEETSIDE INDUSTRIAL PARK</b>	
	<b>2008/09</b>
<b>Levy Components</b>	<b>Budget</b>
<b>DIRECT COSTS</b>	
Maintenance and Servicing	\$102,540.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	22,050.00
Engineering and Incidental Expenses	4,000.00
Capital Outlay	1,765.00
<b>TOTAL DIRECT</b>	<b>\$130,355.00</b>
<b>ADMINISTRATION COSTS</b>	
Direct Administration	\$2,613.21
<b>TOTAL ADMIN</b>	<b>\$2,613.21</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>	
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$132,968.21</b>
Estimated Income	(1,200.00)
Reserve Collection/(Transfer)	(36,742.49)
<b>TOTAL ADJUSTMENTS</b>	<b>(37,942.49)</b>
<b>Balance to Levy (Budgeted)</b>	<b>\$95,025.72</b>
<b>DISTRICT STATISTICS</b>	
Total Parcels	44
Total Parcels Levied	35
Total Acreage (includes 7 Caltrans parcels)	147.38
<b>Proposed Levy per Acre</b>	<b>\$644.767</b>
<b>FUND BALANCE INFORMATION</b>	
Reserve Fund Balance as of February 29, 2008	\$47,565.00
Estimated Reserve Fund Adjustments	(36,742.49)
Estimated Interest Income 2008-09	1,200.00
<b>Projected Reserve Fund Balance as of June 30, 2009</b>	<b>\$12,022.51</b>

<b>City of Benicia Landscape and Lighting District ZONE 3--GOODYEAR ROAD</b>	
	<b>2008/09</b>
<b>Levy Components</b>	<b>Budget</b>
<b>DIRECT COSTS</b>	
Maintenance and Servicing	\$3,120.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	2,980.00
Engineering and Incidental Expenses	830.00
Capital Outlay	2,000.00
<b>TOTAL DIRECT</b>	<b>\$8,930.00</b>
<b>ADMINISTRATION COSTS</b>	
Direct Administration	\$110.00
<b>TOTAL ADMIN</b>	<b>\$110.00</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>	
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$9,040.00</b>
Estimated Income	(500.00)
Reserve Collection/(Transfer)	(4,539.94)
<b>TOTAL ADJUSTMENTS</b>	<b>(5,039.94)</b>
<b>Balance to Levy (Budgeted)</b>	<b>\$4,000.06</b>
<b>DISTRICT STATISTICS</b>	
Total Parcels	4
Total Parcels Levied	4
Total Acreage	37.01
Proposed Levy per Acre	<b>\$108.08</b>
<b>FUND BALANCE INFORMATION</b>	
Reserve Fund Balance as of February 29, 2008	\$34,245.00
Estimated Reserve Fund Adjustments	(4,539.94)
Estimated Interest Income 2008-09	500.00
<b>Projected Reserve Fund Balance as of June 30, 2009</b>	<b>\$30,205.06</b>

<b>City of Benicia Landscape and Lighting District ZONE 4--EAST 2ND STREET</b>	
	<b>2008/09</b>
<b>Levy Components</b>	<b>Budget</b>
<b>DIRECT COSTS</b>	
Maintenance and Servicing	\$14,605.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	2,870.00
Engineering and Incidental Expenses	1,660.00
Capital Outlay	1,000.00
<b>TOTAL DIRECT</b>	<b>\$20,135.00</b>
<b>ADMINISTRATION COSTS</b>	
Direct Administration	\$770.02
<b>TOTAL ADMIN</b>	<b>\$770.02</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>	
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$20,905.02</b>
Estimated Income	(500.00)
Reserve Collection/(Transfer)	7,595.80
<b>TOTAL ADJUSTMENTS</b>	<b>7,095.80</b>
<b>Balance to Levy (Budgeted)</b>	<b>\$28,000.82</b>
<b>DISTRICT STATISTICS</b>	
Total Parcels	7
Total Parcels Levied	5
Total Acreage	276.36
Proposed Levy per Acre	<b>\$101.32</b>
<b>FUND BALANCE INFORMATION</b>	
Reserve Fund Balance as of February 29, 2008	\$33,970.00
Estimated Reserve Fund Adjustments	7,595.80
Estimated Interest Income 2008-09	500.00
Projected Reserve Fund Balance as of June 30, 2009	<b>\$42,065.80</b>

<b>City of Benicia Landscape and Lighting District ZONE 5--COLUMBUS PARKWAY</b>	
	<b>2008/09</b>
<b>Levy Components</b>	<b>Budget</b>
<b>DIRECT COSTS</b>	
Maintenance and Servicing	\$14,605.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	2,870.00
Engineering and Incidental Expenses	1,660.00
Capital Outlay	1,000.00
<b>TOTAL DIRECT</b>	<b>\$20,135.00</b>
<b>ADMINISTRATION COSTS</b>	
Direct Administration	\$434.50
<b>TOTAL ADMIN</b>	<b>\$434.50</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>	
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$20,569.50</b>
Estimated Income	(700.00)
Reserve Collection/(Transfer)	(4,069.60)
<b>TOTAL ADJUSTMENTS</b>	<b>(4,769.60)</b>
<b>Balance to Levy (Budgeted)</b>	<b>\$15,799.90</b>
<b>DISTRICT STATISTICS</b>	
Total Parcels	209
Total Parcels Levied	196
<b>Commercial: (52.4%)</b>	
Total Acreage	9.29
Proposed Levy per Acre	<b>\$645.00</b>
<b>Residential: (47.6%)</b>	
Total Equivalent Benefit Units	188.00
Proposed Levy per Benefit Unit	<b>\$40.00</b>
<b>FUND BALANCE INFORMATION</b>	
Reserve Fund Balance as of February 29, 2008	\$71,445.00
Estimated Reserve Fund Adjustments	(4,069.60)
Estimated Interest Income 2008-09	700.00
<b>Projected Reserve Fund Balance as of June 30, 2009</b>	<b>\$68,075.40</b>

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	TOTAL
	Residential	Fleetside Ind. Park	Goodyear Road	E. Second Street	Columbus Parkway	
<b>DIRECT COSTS</b>						
Cost of Maint. and Services	\$262,170	\$102,540	\$3,120	\$14,605	\$14,605	\$397,040
Cost of Utilities	88,200	22,050	2,980	2,870	2,870	118,970
Engr/Incidental Expenses	15,500	4,000	830	1,660	1,660	23,650
Capital Outlay	1,000	1,765	2,000	1,000	1,000	6,765
Administrative Exp. (Calculated at 2.75% of annual assessment)	8,247	2,613	110	770	434	12,175
<b>TOTAL DIRECT COSTS</b>	<b>\$375,117</b>	<b>\$132,968</b>	<b>\$9,040</b>	<b>\$20,905</b>	<b>\$20,569</b>	<b>\$558,600</b>
<b>FUND BALANCE INFORMATION</b>						
Reserve Fund						
Balance 02/29/2008	\$145,405	\$47,565	\$34,245	\$33,970	\$71,445	\$332,630
Estimated Reserve Fund						
Adjustments	(72,731)	(36,742)	(4,540)	7,596	(4,070)	(110,487)
Estimated Income 2008-09	2,500	1,200	500	500	700	5,400
Projected Reserve Fund						
Balance 6/30/2009	\$75,174	\$12,023	\$30,205	\$42,066	\$68,075	\$227,543
<b>BALANCE TO LEVY</b>	<b>\$299,885.76</b>	<b>\$95,025.72</b>	<b>\$4,000.06</b>	<b>\$28,000.82</b>	<b>\$15,799.90</b>	<b>\$442,712.26</b>

## Appendix A - DISTRICT ASSESSMENT DIAGRAM

An Assessment District Diagram has been prepared for the District in the format required by the 1972 Act, and is on file with the City Clerk, and by reference is made part of this Report. The Assessment Diagram is available for inspection at the Office of the City Clerk, during normal business hours.

## Appendix B - 2008/2009 ASSESSMENT ROLL

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the County Assessor's Map for the year in which this Report is prepared.

Non-assessable lots or parcels include land principally encumbered by public or utility rights-of-way and common areas. These parcels will not be assessed.

A listing of parcels assessed within the District, along with the proposed assessment amounts, is included on the following pages and has been identified as "Fiscal Year 2008/2009 Levy Roll".

**City of Benicia  
Landscape and Lighting District  
Fiscal Year 2008-09 - Assessment Roll  
Zone 1**

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0088-230-140	2186	1	136.56
0088-230-130	2185	1	136.56
0088-230-120	2184	1	136.56
0088-230-110	2173	1	136.56
0088-230-100	2174	1	136.56
0088-230-090	2175	1	136.56
0088-230-080	2176	1	136.56
0088-230-070	2177	1	136.56
0088-230-060	2178	1	136.56
0088-230-050	2179	1	136.56
0088-230-040	2180	1	136.56
0088-230-030	2181	1	136.56
0088-230-020	2183	1	136.56
0088-230-010	2182	1	136.56
0088-070-490	1576	1	136.56
0088-070-480	1575	1	136.56
0088-070-470	1574	1	136.56
0088-070-460	1573	1	136.56
0088-070-450	1572	1	136.56
0088-070-440	1571	1	136.56
0088-070-430	1570	1	136.56
0088-070-420	1569	1	136.56
0088-070-410	1568	1	136.56
0088-070-400	1567	1	136.56
0088-070-390	1566	1	136.56
0088-070-380	1565	1	136.56
0088-070-370	1564	1	136.56
0088-070-360	1563	1	136.56
0088-070-350	1562	1	136.56
0088-070-340	1561	1	136.56
0088-070-330	1560	1	136.56
0088-070-320	1559	1	136.56
0088-070-310	1558	1	136.56
0088-070-300	1557	1	136.56
0088-070-290	1556	1	136.56
0088-070-280	1555	1	136.56
0088-070-270	1554	1	136.56
0088-070-260	1553	1	136.56
0088-070-250	1552	1	136.56
0087-553-220	1594	1	136.56
0087-553-210	1595	1	136.56
0087-553-200	1596	1	136.56
0087-553-190	1597	1	136.56
0087-553-180	1598	1	136.56
0087-553-170	1599	1	136.56
0087-553-160	1600	1	136.56
0087-553-150	1610	1	136.56
0087-553-140	1611	1	136.56
0087-553-130	1612	1	136.56
0087-553-120	1613	1	136.56
0087-553-110	1614	1	136.56
0087-553-100	1615	1	136.56
0087-553-090	1616	1	136.56
0087-552-190	1593	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0087-552-180	1592	1	136.56
0087-552-170	1591	1	136.56
0087-552-140	1590	1	136.56
0087-552-130	1589	1	136.56
0087-552-120	1588	1	136.56
0087-552-110	1587	1	136.56
0087-552-100	1586	1	136.56
0087-552-090	1585	1	136.56
0087-552-080	1584	1	136.56
0087-552-070	1583	1	136.56
0087-552-060	1582	1	136.56
0087-552-050	1581	1	136.56
0087-552-040	1580	1	136.56
0087-552-030	1579	1	136.56
0087-552-020	1578	1	136.56
0087-552-010	1577	1	136.56
0087-551-090	1602	1	136.56
0087-551-080	1603	1	136.56
0087-551-070	1604	1	136.56
0087-551-060	1605	1	136.56
0087-551-050	1606	1	136.56
0087-551-040	1607	1	136.56
0087-551-030	1608	1	136.56
0087-551-020	1609	1	136.56
0087-551-010	1601	1	136.56
0087-540-100	1542	1	136.56
0087-540-090	1543	1	136.56
0087-540-080	1544	1	136.56
0087-540-070	1545	1	136.56
0087-540-060	1546	1	136.56
0087-540-050	1547	1	136.56
0087-540-040	1548	1	136.56
0087-540-030	1549	1	136.56
0087-540-020	1550	1	136.56
0087-540-010	1551	1	136.56
0087-531-560	1133	1	136.56
0087-531-550	1132	1	136.56
0087-531-540	1131	1	136.56
0087-531-530	1130	1	136.56
0087-531-520	1129	1	136.56
0087-531-510	1128	1	136.56
0087-531-500	1127	1	136.56
0087-531-490	1126	1	136.56
0087-531-480	1125	1	136.56
0087-531-470	1124	1	136.56
0087-531-460	1123	1	136.56
0087-531-450	1122	1	136.56
0087-531-440	1121	1	136.56
0087-531-430	1120	1	136.56
0087-531-420	1119	1	136.56
0087-531-410	1095	1	136.56
0087-531-400	1094	1	136.56
0087-531-390	1093	1	136.56
0087-531-380	1092	1	136.56
0087-531-370	1118	1	136.56
0087-531-360	1117	1	136.56
0087-531-350	1116	1	136.56
0087-531-340	1115	1	136.56
0087-531-330	1114	1	136.56
0087-531-320	1113	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0087-531-310	1112	1	136.56
0087-531-300	1111	1	136.56
0087-531-290	1110	1	136.56
0087-531-280	1109	1	136.56
0087-531-270	1108	1	136.56
0087-531-260	1107	1	136.56
0087-531-250	1106	1	136.56
0087-531-240	1105	1	136.56
0087-531-230	1104	1	136.56
0087-531-220	1103	1	136.56
0087-531-210	1102	1	136.56
0087-531-200	1101	1	136.56
0087-531-190	1100	1	136.56
0087-531-180	1099	1	136.56
0087-531-170	1098	1	136.56
0087-531-160	1097	1	136.56
0087-531-150	1096	1	136.56
0087-531-140	1091	1	136.56
0087-531-130	1090	1	136.56
0087-531-120	1089	1	136.56
0087-531-110	1088	1	136.56
0087-531-100	1087	1	136.56
0087-531-090	1086	1	136.56
0087-531-080	1085	1	136.56
0087-531-070	1084	1	136.56
0087-531-060	1083	1	136.56
0087-531-050	1082	1	136.56
0087-531-040	1081	1	136.56
0087-531-030	1080	1	136.56
0087-531-020	1079	1	136.56
0087-531-010	1078	1	136.56
0087-521-150	1134	1	136.56
0087-521-140	1135	1	136.56
0087-521-130	1136	1	136.56
0087-521-120	1137	1	136.56
0087-521-110	1138	1	136.56
0087-521-100	1139	1	136.56
0087-521-090	1140	1	136.56
0087-521-080	1141	1	136.56
0087-521-070	1142	1	136.56
0087-521-060	1143	1	136.56
0087-521-050	1144	1	136.56
0087-521-040	1145	1	136.56
0087-521-030	1146	1	136.56
0087-521-020	1147	1	136.56
0087-521-010	1148	1	136.56
0083-582-180	2505	1	136.56
0083-582-170	2504	1	136.56
0083-582-160	2503	1	136.56
0083-582-150	2502	1	136.56
0083-582-140	2501	1	136.56
0083-582-130	2500	1	136.56
0083-582-120	2499	1	136.56
0083-582-110	2498	1	136.56
0083-582-100	2497	1	136.56
0083-582-090	2496	1	136.56
0083-582-080	2495	1	136.56
0083-582-070	2494	1	136.56
0083-582-060	2493	1	136.56
0083-582-050	2492	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-582-040	2491	1	136.56
0083-582-030	2490	1	136.56
0083-582-020	2489	1	136.56
0083-582-010	2488	1	136.56
0083-581-270	2534	1	136.56
0083-581-260	2533	1	136.56
0083-581-250	2532	1	136.56
0083-581-240	2531	1	136.56
0083-581-230	2530	1	136.56
0083-581-220	2529	1	136.56
0083-581-210	2528	1	136.56
0083-581-200	2527	1	136.56
0083-581-190	2526	1	136.56
0083-581-180	2525	1	136.56
0083-581-170	2524	1	136.56
0083-581-160	2523	1	136.56
0083-581-150	2522	1	136.56
0083-581-140	2521	1	136.56
0083-581-130	2520	1	136.56
0083-581-120	2519	1	136.56
0083-581-110	2518	1	136.56
0083-581-100	2517	1	136.56
0083-581-090	2516	1	136.56
0083-581-080	2515	1	136.56
0083-581-070	2514	1	136.56
0083-581-060	2513	1	136.56
0083-581-050	2512	1	136.56
0083-581-040	2511	1	136.56
0083-581-030	2510	1	136.56
0083-581-020	2509	1	136.56
0083-581-010	2508	1	136.56
0083-572-240	2463	1	136.56
0083-572-230	2462	1	136.56
0083-572-220	2461	1	136.56
0083-572-210	2460	1	136.56
0083-572-200	2459	1	136.56
0083-572-190	2458	1	136.56
0083-572-180	2457	1	136.56
0083-572-170	2456	1	136.56
0083-572-160	2455	1	136.56
0083-572-150	2454	1	136.56
0083-572-140	2453	1	136.56
0083-572-130	2452	1	136.56
0083-572-120	2451	1	136.56
0083-572-110	2450	1	136.56
0083-572-100	2449	1	136.56
0083-572-090	2448	1	136.56
0083-572-080	2447	1	136.56
0083-572-070	2446	1	136.56
0083-572-060	2445	1	136.56
0083-572-050	2444	1	136.56
0083-572-040	2443	1	136.56
0083-572-030	2442	1	136.56
0083-572-020	2441	1	136.56
0083-572-010	2440	1	136.56
0083-571-230	2486	1	136.56
0083-571-220	2485	1	136.56
0083-571-210	2484	1	136.56
0083-571-200	2483	1	136.56
0083-571-190	2482	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-571-180	2481	1	136.56
0083-571-170	2480	1	136.56
0083-571-160	2479	1	136.56
0083-571-150	2478	1	136.56
0083-571-140	2477	1	136.56
0083-571-130	2476	1	136.56
0083-571-120	2475	1	136.56
0083-571-110	2474	1	136.56
0083-571-100	2473	1	136.56
0083-571-090	2472	1	136.56
0083-571-080	2471	1	136.56
0083-571-070	2470	1	136.56
0083-571-060	2469	1	136.56
0083-571-050	2468	1	136.56
0083-571-040	2467	1	136.56
0083-571-030	2466	1	136.56
0083-571-020	2465	1	136.56
0083-571-010	2464	1	136.56
0083-562-090	2439	1	136.56
0083-562-080	2438	1	136.56
0083-562-070	2437	1	136.56
0083-562-060	2436	1	136.56
0083-562-050	2435	1	136.56
0083-562-040	2434	1	136.56
0083-562-030	2433	1	136.56
0083-562-020	2432	1	136.56
0083-562-010	2431	1	136.56
0083-561-360	2418	1	136.56
0083-561-350	2417	1	136.56
0083-561-340	2416	1	136.56
0083-561-330	2415	1	136.56
0083-561-320	2414	1	136.56
0083-561-310	2413	1	136.56
0083-561-300	2412	1	136.56
0083-561-290	2411	1	136.56
0083-561-280	2410	1	136.56
0083-561-270	2409	1	136.56
0083-561-260	2408	1	136.56
0083-561-250	2407	1	136.56
0083-561-240	2406	1	136.56
0083-561-230	2402	1	136.56
0083-561-220	2401	1	136.56
0083-561-210	2400	1	136.56
0083-561-200	2399	1	136.56
0083-561-190	2398	1	136.56
0083-561-180	2397	1	136.56
0083-561-170	2396	1	136.56
0083-561-160	2395	1	136.56
0083-561-150	2537	1	136.56
0083-561-140	2536	1	136.56
0083-561-130	2535	1	136.56
0083-561-120	2430	1	136.56
0083-561-110	2429	1	136.56
0083-561-100	2428	1	136.56
0083-561-090	2427	1	136.56
0083-561-080	2426	1	136.56
0083-561-070	2425	1	136.56
0083-561-060	2424	1	136.56
0083-561-050	2423	1	136.56
0083-561-040	2422	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-561-030	2421	1	136.56
0083-561-020	2420	1	136.56
0083-561-010	2419	1	136.56
0083-553-190	2373	1	136.56
0083-553-180	2372	1	136.56
0083-553-170	2371	1	136.56
0083-553-160	2370	1	136.56
0083-553-150	2369	1	136.56
0083-553-140	2368	1	136.56
0083-553-130	2367	1	136.56
0083-553-120	2366	1	136.56
0083-553-110	2365	1	136.56
0083-553-100	2364	1	136.56
0083-553-090	2363	1	136.56
0083-553-080	2362	1	136.56
0083-553-070	2361	1	136.56
0083-553-060	2360	1	136.56
0083-553-050	2359	1	136.56
0083-553-040	2358	1	136.56
0083-553-030	2357	1	136.56
0083-553-020	2356	1	136.56
0083-553-010	2355	1	136.56
0083-552-060	2379	1	136.56
0083-552-050	2378	1	136.56
0083-552-040	2377	1	136.56
0083-552-030	2376	1	136.56
0083-552-020	2375	1	136.56
0083-552-010	2374	1	136.56
0083-551-150	2394	1	136.56
0083-551-140	2393	1	136.56
0083-551-130	2392	1	136.56
0083-551-120	2391	1	136.56
0083-551-110	2390	1	136.56
0083-551-100	2389	1	136.56
0083-551-090	2388	1	136.56
0083-551-080	2387	1	136.56
0083-551-070	2386	1	136.56
0083-551-060	2385	1	136.56
0083-551-050	2384	1	136.56
0083-551-040	2383	1	136.56
0083-551-030	2382	1	136.56
0083-551-020	2381	1	136.56
0083-551-010	2380	1	136.56
0083-542-120	2318	1	136.56
0083-542-110	2317	1	136.56
0083-542-100	2316	1	136.56
0083-542-090	2315	1	136.56
0083-542-080	2314	1	136.56
0083-542-070	2313	1	136.56
0083-542-060	2312	1	136.56
0083-542-050	2311	1	136.56
0083-542-040	2310	1	136.56
0083-542-030	2309	1	136.56
0083-542-020	2308	1	136.56
0083-542-010	2307	1	136.56
0083-541-330	2354	1	136.56
0083-541-320	2353	1	136.56
0083-541-310	2352	1	136.56
0083-541-300	2351	1	136.56
0083-541-290	2350	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-541-280	2349	1	136.56
0083-541-270	2348	1	136.56
0083-541-260	2347	1	136.56
0083-541-250	2346	1	136.56
0083-541-240	2345	1	136.56
0083-541-230	2344	1	136.56
0083-541-220	2343	1	136.56
0083-541-210	2342	1	136.56
0083-541-200	2341	1	136.56
0083-541-190	2340	1	136.56
0083-541-180	2339	1	136.56
0083-541-170	2338	1	136.56
0083-541-160	2337	1	136.56
0083-541-150	2336	1	136.56
0083-541-140	2335	1	136.56
0083-541-130	2334	1	136.56
0083-541-120	2333	1	136.56
0083-541-110	2332	1	136.56
0083-541-100	2331	1	136.56
0083-541-090	2330	1	136.56
0083-541-080	2329	1	136.56
0083-541-070	2328	1	136.56
0083-541-060	2327	1	136.56
0083-541-050	2326	1	136.56
0083-541-040	2325	1	136.56
0083-541-030	2324	1	136.56
0083-541-020	2323	1	136.56
0083-535-100	2290	1	136.56
0083-535-090	2289	1	136.56
0083-535-080	2288	1	136.56
0083-535-070	2287	1	136.56
0083-535-060	2286	1	136.56
0083-535-050	2285	1	136.56
0083-535-040	2284	1	136.56
0083-535-030	2283	1	136.56
0083-535-020	2282	1	136.56
0083-535-010	2281	1	136.56
0083-534-180	2280	1	136.56
0083-534-170	2279	1	136.56
0083-534-160	2278	1	136.56
0083-534-150	2277	1	136.56
0083-534-140	2276	1	136.56
0083-534-130	2275	1	136.56
0083-534-120	2274	1	136.56
0083-534-110	2273	1	136.56
0083-534-100	2272	1	136.56
0083-534-090	2271	1	136.56
0083-534-080	2270	1	136.56
0083-534-070	2269	1	136.56
0083-534-060	2268	1	136.56
0083-534-050	2267	1	136.56
0083-534-040	2266	1	136.56
0083-534-030	2265	1	136.56
0083-534-020	2264	1	136.56
0083-534-010	2263	1	136.56
0083-533-170	2262	1	136.56
0083-533-160	2261	1	136.56
0083-533-150	2260	1	136.56
0083-533-140	2259	1	136.56
0083-533-130	2258	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-533-120	2257	1	136.56
0083-533-110	2256	1	136.56
0083-533-100	2255	1	136.56
0083-533-090	2254	1	136.56
0083-533-080	2253	1	136.56
0083-533-070	2252	1	136.56
0083-533-060	2251	1	136.56
0083-533-050	2250	1	136.56
0083-533-040	2249	1	136.56
0083-533-030	2248	1	136.56
0083-533-020	2247	1	136.56
0083-533-010	2246	1	136.56
0083-532-030	2245	1	136.56
0083-532-020	2244	1	136.56
0083-532-010	2243	1	136.56
0083-531-160	2306	1	136.56
0083-531-150	2305	1	136.56
0083-531-140	2304	1	136.56
0083-531-130	2303	1	136.56
0083-531-120	2302	1	136.56
0083-531-110	2301	1	136.56
0083-531-100	2300	1	136.56
0083-531-090	2299	1	136.56
0083-531-080	2298	1	136.56
0083-531-070	2297	1	136.56
0083-531-060	2296	1	136.56
0083-531-050	2295	1	136.56
0083-531-040	2294	1	136.56
0083-531-030	2293	1	136.56
0083-531-020	2292	1	136.56
0083-531-010	2291	1	136.56
0083-522-070	2226	1	136.56
0083-522-060	2225	1	136.56
0083-522-050	2224	1	136.56
0083-522-040	2223	1	136.56
0083-522-030	2222	1	136.56
0083-522-020	2221	1	136.56
0083-522-010	2220	1	136.56
0083-521-150	2241	1	136.56
0083-521-140	2240	1	136.56
0083-521-130	2239	1	136.56
0083-521-120	2238	1	136.56
0083-521-110	2237	1	136.56
0083-521-100	2236	1	136.56
0083-521-090	2235	1	136.56
0083-521-080	2234	1	136.56
0083-521-070	2233	1	136.56
0083-521-060	2232	1	136.56
0083-521-050	2231	1	136.56
0083-521-040	2230	1	136.56
0083-521-030	2229	1	136.56
0083-521-020	2228	1	136.56
0083-521-010	2227	1	136.56
0083-512-050	2197	1	136.56
0083-512-040	2196	1	136.56
0083-512-030	2195	1	136.56
0083-512-020	2194	1	136.56
0083-512-010	2193	1	136.56
0083-511-210	2218	1	136.56
0083-511-200	2217	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-511-190	2216	1	136.56
0083-511-180	2215	1	136.56
0083-511-170	2214	1	136.56
0083-511-160	2213	1	136.56
0083-511-150	2212	1	136.56
0083-511-140	2211	1	136.56
0083-511-130	2210	1	136.56
0083-511-120	2209	1	136.56
0083-511-110	2208	1	136.56
0083-511-100	2207	1	136.56
0083-511-090	2206	1	136.56
0083-511-080	2205	1	136.56
0083-511-070	2204	1	136.56
0083-511-060	2203	1	136.56
0083-511-050	2202	1	136.56
0083-511-040	2201	1	136.56
0083-511-030	2200	1	136.56
0083-511-020	2199	1	136.56
0083-511-010	2198	1	136.56
0083-503-200	2122	1	136.56
0083-503-190	2121	1	136.56
0083-503-180	2120	1	136.56
0083-503-170	2119	1	136.56
0083-503-160	2118	1	136.56
0083-503-150	2117	1	136.56
0083-503-140	2116	1	136.56
0083-503-130	2115	1	136.56
0083-503-120	2114	1	136.56
0083-503-110	2113	1	136.56
0083-503-100	2112	1	136.56
0083-503-090	2111	1	136.56
0083-503-080	2110	1	136.56
0083-503-070	2109	1	136.56
0083-503-060	2108	1	136.56
0083-503-050	2107	1	136.56
0083-503-040	2106	1	136.56
0083-503-030	2105	1	136.56
0083-503-020	2104	1	136.56
0083-503-010	2103	1	136.56
0083-502-090	2167	1	136.56
0083-502-080	2166	1	136.56
0083-502-070	2165	1	136.56
0083-502-060	2164	1	136.56
0083-502-050	2163	1	136.56
0083-502-040	2162	1	136.56
0083-502-030	2161	1	136.56
0083-502-020	2160	1	136.56
0083-502-010	2159	1	136.56
0083-501-200	2142	1	136.56
0083-501-190	2141	1	136.56
0083-501-180	2140	1	136.56
0083-501-170	2139	1	136.56
0083-501-160	2138	1	136.56
0083-501-150	2137	1	136.56
0083-501-140	2136	1	136.56
0083-501-130	2135	1	136.56
0083-501-120	2134	1	136.56
0083-501-110	2133	1	136.56
0083-501-100	2132	1	136.56
0083-501-090	2131	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-501-080	2130	1	136.56
0083-501-070	2129	1	136.56
0083-501-060	2128	1	136.56
0083-501-050	2127	1	136.56
0083-501-040	2126	1	136.56
0083-501-030	2125	1	136.56
0083-501-020	2124	1	136.56
0083-501-010	2123	1	136.56
0083-493-180	2102	1	136.56
0083-493-170	2101	1	136.56
0083-493-160	2100	1	136.56
0083-493-150	2099	1	136.56
0083-493-140	2098	1	136.56
0083-493-130	2097	1	136.56
0083-493-120	2096	1	136.56
0083-493-110	2095	1	136.56
0083-493-100	2094	1	136.56
0083-493-090	2093	1	136.56
0083-493-080	2092	1	136.56
0083-493-070	2091	1	136.56
0083-493-060	2090	1	136.56
0083-493-050	2089	1	136.56
0083-493-040	2088	1	136.56
0083-493-030	2087	1	136.56
0083-493-020	2086	1	136.56
0083-492-120	2158	1	136.56
0083-492-110	2157	1	136.56
0083-492-100	2156	1	136.56
0083-492-090	2155	1	136.56
0083-492-080	2154	1	136.56
0083-492-070	2153	1	136.56
0083-492-060	2152	1	136.56
0083-492-050	2172	1	136.56
0083-492-040	2171	1	136.56
0083-492-030	2170	1	136.56
0083-492-020	2169	1	136.56
0083-492-010	2168	1	136.56
0083-491-090	2151	1	136.56
0083-491-080	2150	1	136.56
0083-491-070	2149	1	136.56
0083-491-060	2148	1	136.56
0083-491-050	2147	1	136.56
0083-491-040	2146	1	136.56
0083-491-030	2145	1	136.56
0083-491-020	2144	1	136.56
0083-491-010	2143	1	136.56
0083-482-270	2045	1	136.56
0083-482-260	2046	1	136.56
0083-482-250	2047	1	136.56
0083-482-240	2048	1	136.56
0083-482-230	2049	1	136.56
0083-482-220	2050	1	136.56
0083-482-210	2051	1	136.56
0083-482-200	2052	1	136.56
0083-482-190	2053	1	136.56
0083-482-180	2054	1	136.56
0083-482-170	2055	1	136.56
0083-482-160	2056	1	136.56
0083-482-150	2057	1	136.56
0083-482-140	2058	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-482-130	2059	1	136.56
0083-482-120	2060	1	136.56
0083-482-110	2061	1	136.56
0083-482-100	2062	1	136.56
0083-482-090	2063	1	136.56
0083-482-080	2064	1	136.56
0083-482-070	2065	1	136.56
0083-482-060	2066	1	136.56
0083-482-050	2067	1	136.56
0083-482-040	2068	1	136.56
0083-482-030	2069	1	136.56
0083-482-020	2070	1	136.56
0083-482-010	2071	1	136.56
0083-481-150	1995	1	136.56
0083-481-140	1996	1	136.56
0083-481-130	1997	1	136.56
0083-481-120	1998	1	136.56
0083-481-110	1999	1	136.56
0083-481-100	2000	1	136.56
0083-481-090	2001	1	136.56
0083-481-080	2002	1	136.56
0083-481-070	2003	1	136.56
0083-481-060	2004	1	136.56
0083-481-050	2005	1	136.56
0083-481-040	2006	1	136.56
0083-481-030	2007	1	136.56
0083-481-020	2008	1	136.56
0083-481-010	2009	1	136.56
0083-472-140	2031	1	136.56
0083-472-130	2032	1	136.56
0083-472-120	2033	1	136.56
0083-472-110	2034	1	136.56
0083-472-100	2035	1	136.56
0083-472-090	2036	1	136.56
0083-472-080	2037	1	136.56
0083-472-070	2038	1	136.56
0083-472-060	2039	1	136.56
0083-472-050	2040	1	136.56
0083-472-040	2041	1	136.56
0083-472-030	2042	1	136.56
0083-472-020	2043	1	136.56
0083-472-010	2044	1	136.56
0083-471-210	2010	1	136.56
0083-471-200	2011	1	136.56
0083-471-190	2012	1	136.56
0083-471-180	2013	1	136.56
0083-471-170	2014	1	136.56
0083-471-160	2015	1	136.56
0083-471-150	2016	1	136.56
0083-471-140	2017	1	136.56
0083-471-130	2018	1	136.56
0083-471-120	2019	1	136.56
0083-471-110	2020	1	136.56
0083-471-100	2021	1	136.56
0083-471-090	2022	1	136.56
0083-471-080	2023	1	136.56
0083-471-070	2024	1	136.56
0083-471-060	2025	1	136.56
0083-471-050	2026	1	136.56
0083-471-040	2027	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-471-030	2028	1	136.56
0083-471-020	2029	1	136.56
0083-471-010	2030	1	136.56
0083-463-200	1971	1	136.56
0083-463-190	1970	1	136.56
0083-463-180	1969	1	136.56
0083-463-170	1968	1	136.56
0083-463-160	1967	1	136.56
0083-463-150	1966	1	136.56
0083-463-140	1965	1	136.56
0083-463-130	1964	1	136.56
0083-463-120	1963	1	136.56
0083-463-110	1962	1	136.56
0083-463-100	1961	1	136.56
0083-463-090	1960	1	136.56
0083-463-080	1959	1	136.56
0083-463-070	1958	1	136.56
0083-463-060	1957	1	136.56
0083-463-050	1956	1	136.56
0083-463-040	1955	1	136.56
0083-463-030	1954	1	136.56
0083-463-020	1953	1	136.56
0083-463-010	1952	1	136.56
0083-462-090	1951	1	136.56
0083-462-080	1950	1	136.56
0083-462-070	1949	1	136.56
0083-462-060	1948	1	136.56
0083-462-050	1947	1	136.56
0083-462-040	1946	1	136.56
0083-462-030	1945	1	136.56
0083-462-020	1944	1	136.56
0083-462-010	1943	1	136.56
0083-461-240	1994	1	136.56
0083-461-230	1993	1	136.56
0083-461-220	1992	1	136.56
0083-461-210	1991	1	136.56
0083-461-200	1990	1	136.56
0083-461-190	1989	1	136.56
0083-461-180	1988	1	136.56
0083-461-170	1987	1	136.56
0083-461-160	1986	1	136.56
0083-461-150	1985	1	136.56
0083-461-140	1984	1	136.56
0083-461-130	1983	1	136.56
0083-461-120	1982	1	136.56
0083-461-110	1981	1	136.56
0083-461-100	1980	1	136.56
0083-461-090	1979	1	136.56
0083-461-080	1978	1	136.56
0083-461-070	1977	1	136.56
0083-461-060	1976	1	136.56
0083-461-050	1975	1	136.56
0083-461-040	1974	1	136.56
0083-461-030	1973	1	136.56
0083-461-020	1972	1	136.56
0083-453-070	1918	1	136.56
0083-453-060	1919	1	136.56
0083-453-050	1920	1	136.56
0083-453-040	1921	1	136.56
0083-453-030	1922	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-453-020	1923	1	136.56
0083-453-010	1924	1	136.56
0083-451-070	1864	1	136.56
0083-451-060	1865	1	136.56
0083-451-050	1866	1	136.56
0083-451-040	1867	1	136.56
0083-451-030	1868	1	136.56
0083-451-020	1869	1	136.56
0083-451-010	1870	1	136.56
0083-443-180	1942	1	136.56
0083-443-170	1941	1	136.56
0083-443-160	1940	1	136.56
0083-443-150	1939	1	136.56
0083-443-140	1938	1	136.56
0083-443-130	1937	1	136.56
0083-443-120	1936	1	136.56
0083-443-110	1935	1	136.56
0083-443-100	1934	1	136.56
0083-443-090	1933	1	136.56
0083-443-080	1932	1	136.56
0083-443-070	1931	1	136.56
0083-443-060	1930	1	136.56
0083-443-050	1929	1	136.56
0083-443-040	1928	1	136.56
0083-443-030	1927	1	136.56
0083-443-020	1926	1	136.56
0083-443-010	1925	1	136.56
0083-442-090	1909	1	136.56
0083-442-080	1910	1	136.56
0083-442-070	1911	1	136.56
0083-442-060	1912	1	136.56
0083-442-050	1913	1	136.56
0083-442-040	1914	1	136.56
0083-442-030	1915	1	136.56
0083-442-020	1916	1	136.56
0083-442-010	1917	1	136.56
0083-441-060	1871	1	136.56
0083-441-050	1872	1	136.56
0083-441-040	1873	1	136.56
0083-441-030	1874	1	136.56
0083-441-020	1875	1	136.56
0083-441-010	1876	1	136.56
0083-434-160	1893	1	136.56
0083-434-150	1894	1	136.56
0083-434-140	1895	1	136.56
0083-434-130	1896	1	136.56
0083-434-120	1897	1	136.56
0083-434-110	1898	1	136.56
0083-434-100	1899	1	136.56
0083-434-090	1900	1	136.56
0083-434-080	1901	1	136.56
0083-434-070	1902	1	136.56
0083-434-060	1903	1	136.56
0083-434-050	1904	1	136.56
0083-434-040	1905	1	136.56
0083-434-030	1906	1	136.56
0083-434-020	1907	1	136.56
0083-434-010	1908	1	136.56
0083-433-060	1877	1	136.56
0083-433-050	1878	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-433-040	1879	1	136.56
0083-433-030	1880	1	136.56
0083-433-020	1881	1	136.56
0083-433-010	1882	1	136.56
0083-432-090	1883	1	136.56
0083-432-080	1884	1	136.56
0083-432-070	1885	1	136.56
0083-432-060	1886	1	136.56
0083-432-050	1887	1	136.56
0083-432-040	1888	1	136.56
0083-432-030	1889	1	136.56
0083-432-020	1890	1	136.56
0083-432-010	1891	1	136.56
0083-431-010	1892	1	136.56
0083-420-230	1786	1	136.56
0083-420-220	1787	1	136.56
0083-420-210	1788	1	136.56
0083-420-200	1789	1	136.56
0083-420-190	1790	1	136.56
0083-420-180	1791	1	136.56
0083-420-170	1792	1	136.56
0083-420-160	1793	1	136.56
0083-420-150	1794	1	136.56
0083-420-140	1795	1	136.56
0083-420-130	1796	1	136.56
0083-420-120	1797	1	136.56
0083-420-110	1798	1	136.56
0083-420-100	1799	1	136.56
0083-420-090	1800	1	136.56
0083-420-080	1808	1	136.56
0083-420-070	1809	1	136.56
0083-420-060	1810	1	136.56
0083-420-050	1811	1	136.56
0083-420-040	1812	1	136.56
0083-420-020	1813	1	136.56
0083-410-340	1814	1	136.56
0083-410-330	1815	1	136.56
0083-410-320	1816	1	136.56
0083-410-300	1817	1	136.56
0083-410-290	1818	1	136.56
0083-410-280	1819	1	136.56
0083-410-270	1820	1	136.56
0083-410-260	1805	1	136.56
0083-410-250	1806	1	136.56
0083-410-240	1807	1	136.56
0083-410-230	1801	1	136.56
0083-410-220	1802	1	136.56
0083-410-210	1803	1	136.56
0083-410-200	1804	1	136.56
0083-410-180	1821	1	136.56
0083-410-170	1822	1	136.56
0083-410-160	1823	1	136.56
0083-410-150	1824	1	136.56
0083-410-140	1825	1	136.56
0083-410-130	1826	1	136.56
0083-410-120	1827	1	136.56
0083-410-110	1828	1	136.56
0083-410-100	1829	1	136.56
0083-410-090	1830	1	136.56
0083-410-080	1831	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-410-070	1832	1	136.56
0083-410-060	1833	1	136.56
0083-410-050	1834	1	136.56
0083-410-040	1835	1	136.56
0083-410-030	1836	1	136.56
0083-410-020	1837	1	136.56
0083-400-190	1838	1	136.56
0083-400-180	1839	1	136.56
0083-400-170	1840	1	136.56
0083-400-150	1841	1	136.56
0083-400-140	1842	1	136.56
0083-400-130	1843	1	136.56
0083-400-120	1844	1	136.56
0083-400-110	1845	1	136.56
0083-400-100	1846	1	136.56
0083-400-090	1847	1	136.56
0083-400-080	1848	1	136.56
0083-400-070	1849	1	136.56
0083-400-060	1850	1	136.56
0083-400-050	1851	1	136.56
0083-400-040	1852	1	136.56
0083-400-030	1853	1	136.56
0083-400-020	1854	1	136.56
0083-390-210	1781	1	136.56
0083-390-200	1780	1	136.56
0083-390-190	1779	1	136.56
0083-390-180	1778	1	136.56
0083-390-160	1782	1	136.56
0083-390-150	1783	1	136.56
0083-390-140	1784	1	136.56
0083-390-130	1785	1	136.56
0083-390-120	1855	1	136.56
0083-390-110	1856	1	136.56
0083-390-100	1857	1	136.56
0083-390-090	1858	1	136.56
0083-390-080	1859	1	136.56
0083-390-060	1860	1	136.56
0083-390-050	1861	1	136.56
0083-390-040	1862	1	136.56
0083-390-030	1863	1	136.56
0083-383-120	1673	1	136.56
0083-383-110	1672	1	136.56
0083-383-100	1671	1	136.56
0083-383-090	1670	1	136.56
0083-383-080	1669	1	136.56
0083-383-070	1668	1	136.56
0083-383-060	1667	1	136.56
0083-383-050	1678	1	136.56
0083-383-040	1677	1	136.56
0083-383-030	1676	1	136.56
0083-383-020	1675	1	136.56
0083-383-010	1674	1	136.56
0083-382-080	1686	1	136.56
0083-382-070	1685	1	136.56
0083-382-060	1684	1	136.56
0083-382-050	1683	1	136.56
0083-382-040	1682	1	136.56
0083-382-030	1681	1	136.56
0083-382-020	1680	1	136.56
0083-382-010	1679	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-381-160	1666	1	136.56
0083-381-150	1665	1	136.56
0083-381-140	1664	1	136.56
0083-381-130	1663	1	136.56
0083-381-120	1662	1	136.56
0083-381-110	1661	1	136.56
0083-381-100	1660	1	136.56
0083-381-090	1659	1	136.56
0083-381-080	1658	1	136.56
0083-381-070	1657	1	136.56
0083-381-060	1656	1	136.56
0083-381-050	1655	1	136.56
0083-381-040	1654	1	136.56
0083-381-030	1653	1	136.56
0083-381-020	1652	1	136.56
0083-381-010	1651	1	136.56
0083-373-270	1713	1	136.56
0083-373-260	1712	1	136.56
0083-373-250	1711	1	136.56
0083-373-240	1710	1	136.56
0083-373-230	1709	1	136.56
0083-373-220	1708	1	136.56
0083-373-210	1707	1	136.56
0083-373-200	1706	1	136.56
0083-373-190	1705	1	136.56
0083-373-180	1704	1	136.56
0083-373-170	1703	1	136.56
0083-373-160	1702	1	136.56
0083-373-150	1701	1	136.56
0083-373-140	1700	1	136.56
0083-373-130	1699	1	136.56
0083-373-120	1698	1	136.56
0083-373-110	1697	1	136.56
0083-373-100	1696	1	136.56
0083-373-090	1695	1	136.56
0083-373-080	1694	1	136.56
0083-373-070	1693	1	136.56
0083-373-060	1692	1	136.56
0083-373-050	1691	1	136.56
0083-373-040	1690	1	136.56
0083-373-030	1689	1	136.56
0083-373-020	1688	1	136.56
0083-373-010	1687	1	136.56
0083-372-050	1650	1	136.56
0083-372-040	1649	1	136.56
0083-372-030	1648	1	136.56
0083-372-020	1647	1	136.56
0083-372-010	1646	1	136.56
0083-371-130	1645	1	136.56
0083-371-120	1644	1	136.56
0083-371-110	1643	1	136.56
0083-371-100	1642	1	136.56
0083-371-090	1641	1	136.56
0083-371-080	1640	1	136.56
0083-371-070	1639	1	136.56
0083-371-060	1638	1	136.56
0083-371-050	1637	1	136.56
0083-371-040	1636	1	136.56
0083-371-030	1635	1	136.56
0083-371-020	1634	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-371-010	1633	1	136.56
0083-364-260	1714	1	136.56
0083-364-250	1715	1	136.56
0083-364-240	1716	1	136.56
0083-364-230	1717	1	136.56
0083-364-220	1718	1	136.56
0083-364-210	1719	1	136.56
0083-364-200	1720	1	136.56
0083-364-190	1721	1	136.56
0083-364-180	1722	1	136.56
0083-364-170	1723	1	136.56
0083-364-160	1724	1	136.56
0083-364-150	1725	1	136.56
0083-364-140	1726	1	136.56
0083-364-130	1727	1	136.56
0083-364-120	1728	1	136.56
0083-364-110	1729	1	136.56
0083-364-100	1730	1	136.56
0083-364-090	1731	1	136.56
0083-364-080	1732	1	136.56
0083-364-070	1733	1	136.56
0083-364-060	1734	1	136.56
0083-364-050	1735	1	136.56
0083-364-040	1736	1	136.56
0083-364-030	1737	1	136.56
0083-364-020	1738	1	136.56
0083-364-010	1739	1	136.56
0083-363-060	1767	1	136.56
0083-363-050	1768	1	136.56
0083-363-040	1769	1	136.56
0083-363-030	1770	1	136.56
0083-363-020	1771	1	136.56
0083-363-010	1772	1	136.56
0083-362-010	1624	1	136.56
0083-361-080	1625	1	136.56
0083-361-070	1626	1	136.56
0083-361-060	1627	1	136.56
0083-361-050	1628	1	136.56
0083-361-040	1629	1	136.56
0083-361-030	1630	1	136.56
0083-361-020	1631	1	136.56
0083-361-010	1632	1	136.56
0083-353-070	1617	1	136.56
0083-353-060	1618	1	136.56
0083-353-050	1619	1	136.56
0083-353-040	1620	1	136.56
0083-353-030	1621	1	136.56
0083-353-020	1622	1	136.56
0083-353-010	1623	1	136.56
0083-352-180	1773	1	136.56
0083-352-170	1774	1	136.56
0083-352-160	1775	1	136.56
0083-352-150	1776	1	136.56
0083-352-140	1777	1	136.56
0083-352-130	1754	1	136.56
0083-352-120	1755	1	136.56
0083-352-110	1756	1	136.56
0083-352-100	1757	1	136.56
0083-352-090	1758	1	136.56
0083-352-080	1759	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-352-070	1760	1	136.56
0083-352-060	1761	1	136.56
0083-352-050	1762	1	136.56
0083-352-040	1763	1	136.56
0083-352-030	1764	1	136.56
0083-352-020	1765	1	136.56
0083-352-010	1766	1	136.56
0083-351-140	1740	1	136.56
0083-351-130	1741	1	136.56
0083-351-120	1742	1	136.56
0083-351-110	1743	1	136.56
0083-351-100	1744	1	136.56
0083-351-090	1745	1	136.56
0083-351-080	1746	1	136.56
0083-351-070	1747	1	136.56
0083-351-060	1748	1	136.56
0083-351-050	1749	1	136.56
0083-351-040	1750	1	136.56
0083-351-030	1751	1	136.56
0083-351-020	1753	1	136.56
0083-351-010	1752	1	136.56
0083-342-320	1287	1	136.56
0083-342-310	1288	1	136.56
0083-342-300	1289	1	136.56
0083-342-290	1290	1	136.56
0083-342-280	1291	1	136.56
0083-342-270	1292	1	136.56
0083-342-260	1293	1	136.56
0083-342-250	1294	1	136.56
0083-342-240	1295	1	136.56
0083-342-230	1296	1	136.56
0083-342-220	1297	1	136.56
0083-342-210	1298	1	136.56
0083-342-200	1299	1	136.56
0083-342-190	1300	1	136.56
0083-342-180	1301	1	136.56
0083-342-170	1302	1	136.56
0083-342-160	1303	1	136.56
0083-342-150	1304	1	136.56
0083-342-140	1305	1	136.56
0083-342-130	1306	1	136.56
0083-342-120	1307	1	136.56
0083-342-110	1308	1	136.56
0083-342-100	1309	1	136.56
0083-342-090	1310	1	136.56
0083-342-080	1311	1	136.56
0083-342-070	1312	1	136.56
0083-342-060	1313	1	136.56
0083-342-050	1314	1	136.56
0083-342-040	1315	1	136.56
0083-342-030	1316	1	136.56
0083-342-020	1317	1	136.56
0083-342-010	1318	1	136.56
0083-341-080	1273	1	136.56
0083-341-070	1272	1	136.56
0083-341-060	1271	1	136.56
0083-341-050	1270	1	136.56
0083-341-040	1269	1	136.56
0083-341-030	1268	1	136.56
0083-341-020	1267	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-341-010	1266	1	136.56
0083-333-060	1226	1	136.56
0083-333-050	1227	1	136.56
0083-333-040	1228	1	136.56
0083-333-030	1229	1	136.56
0083-333-020	1230	1	136.56
0083-333-010	1231	1	136.56
0083-332-130	1251	1	136.56
0083-332-120	1252	1	136.56
0083-332-110	1253	1	136.56
0083-332-100	1254	1	136.56
0083-332-090	1255	1	136.56
0083-332-080	1225	1	136.56
0083-332-070	1224	1	136.56
0083-332-060	1223	1	136.56
0083-332-050	1222	1	136.56
0083-332-040	1203	1	136.56
0083-332-030	1204	1	136.56
0083-332-020	1205	1	136.56
0083-332-010	1206	1	136.56
0083-331-190	1195	1	136.56
0083-331-180	1196	1	136.56
0083-331-170	1197	1	136.56
0083-331-160	1198	1	136.56
0083-331-150	1199	1	136.56
0083-331-140	1200	1	136.56
0083-331-130	1201	1	136.56
0083-331-120	1202	1	136.56
0083-331-110	1212	1	136.56
0083-331-100	1213	1	136.56
0083-331-090	1214	1	136.56
0083-331-080	1215	1	136.56
0083-331-070	1216	1	136.56
0083-331-060	1217	1	136.56
0083-331-050	1218	1	136.56
0083-331-040	1219	1	136.56
0083-331-030	1220	1	136.56
0083-331-020	1221	1	136.56
0083-322-370	989	1	136.56
0083-322-360	990	1	136.56
0083-322-350	991	1	136.56
0083-322-340	992	1	136.56
0083-322-330	993	1	136.56
0083-322-320	994	1	136.56
0083-322-310	995	1	136.56
0083-322-300	1001	1	136.56
0083-322-290	1002	1	136.56
0083-322-280	1003	1	136.56
0083-322-270	1004	1	136.56
0083-322-260	1005	1	136.56
0083-322-250	1006	1	136.56
0083-322-240	1007	1	136.56
0083-322-230	1008	1	136.56
0083-322-220	1009	1	136.56
0083-322-210	1010	1	136.56
0083-322-200	1011	1	136.56
0083-322-190	1012	1	136.56
0083-322-180	1013	1	136.56
0083-322-170	1014	1	136.56
0083-322-160	1021	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-322-150	1022	1	136.56
0083-322-140	1023	1	136.56
0083-322-130	1024	1	136.56
0083-322-120	1025	1	136.56
0083-322-110	1026	1	136.56
0083-322-100	1027	1	136.56
0083-322-090	1028	1	136.56
0083-322-080	1029	1	136.56
0083-322-070	1030	1	136.56
0083-322-060	1031	1	136.56
0083-322-050	1032	1	136.56
0083-322-040	1033	1	136.56
0083-322-030	1034	1	136.56
0083-322-020	1035	1	136.56
0083-322-010	1036	1	136.56
0083-321-080	1018	1	136.56
0083-321-070	1019	1	136.56
0083-321-060	1020	1	136.56
0083-321-050	996	1	136.56
0083-321-040	997	1	136.56
0083-321-030	998	1	136.56
0083-321-020	999	1	136.56
0083-321-010	1000	1	136.56
0083-313-180	905	1	136.56
0083-313-170	904	1	136.56
0083-313-160	903	1	136.56
0083-313-150	902	1	136.56
0083-313-140	901	1	136.56
0083-313-130	900	1	136.56
0083-313-120	899	1	136.56
0083-313-110	897	1	136.56
0083-313-090	896	1	136.56
0083-313-080	895	1	136.56
0083-313-070	894	1	136.56
0083-313-060	893	1	136.56
0083-313-050	892	1	136.56
0083-313-040	891	1	136.56
0083-313-030	890	1	136.56
0083-312-050	910	1	136.56
0083-312-040	909	1	136.56
0083-312-030	908	1	136.56
0083-312-020	907	1	136.56
0083-312-010	906	1	136.56
0083-311-050	967	1	136.56
0083-311-040	966	1	136.56
0083-311-030	965	1	136.56
0083-311-020	964	1	136.56
0083-311-010	963	1	136.56
0083-307-120	1319	1	136.56
0083-307-110	1320	1	136.56
0083-307-100	1321	1	136.56
0083-307-090	935	1	136.56
0083-307-080	934	1	136.56
0083-307-070	933	1	136.56
0083-307-060	932	1	136.56
0083-307-050	931	1	136.56
0083-307-040	930	1	136.56
0083-307-030	929	1	136.56
0083-307-020	928	1	136.56
0083-307-010	927	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-306-360	1285	1	136.56
0083-306-350	1284	1	136.56
0083-306-340	1283	1	136.56
0083-306-330	1282	1	136.56
0083-306-320	1281	1	136.56
0083-306-310	1280	1	136.56
0083-306-300	1279	1	136.56
0083-306-290	1278	1	136.56
0083-306-280	1277	1	136.56
0083-306-270	1276	1	136.56
0083-306-260	1275	1	136.56
0083-306-250	1274	1	136.56
0083-306-240	1265	1	136.56
0083-306-230	1264	1	136.56
0083-306-220	1263	1	136.56
0083-306-210	1262	1	136.56
0083-306-200	1261	1	136.56
0083-306-190	1260	1	136.56
0083-306-180	1259	1	136.56
0083-306-170	1258	1	136.56
0083-306-160	918	1	136.56
0083-306-150	917	1	136.56
0083-306-140	916	1	136.56
0083-306-130	915	1	136.56
0083-306-120	914	1	136.56
0083-306-110	913	1	136.56
0083-306-100	912	1	136.56
0083-306-090	911	1	136.56
0083-306-080	926	1	136.56
0083-306-070	925	1	136.56
0083-306-060	924	1	136.56
0083-306-050	923	1	136.56
0083-306-040	922	1	136.56
0083-306-030	921	1	136.56
0083-306-020	920	1	136.56
0083-306-010	919	1	136.56
0083-305-170	1232	1	136.56
0083-305-160	1233	1	136.56
0083-305-150	1234	1	136.56
0083-305-140	1235	1	136.56
0083-305-130	1236	1	136.56
0083-305-120	1237	1	136.56
0083-305-110	1238	1	136.56
0083-305-100	1239	1	136.56
0083-305-090	944	1	136.56
0083-305-080	943	1	136.56
0083-305-070	942	1	136.56
0083-305-060	941	1	136.56
0083-305-050	940	1	136.56
0083-305-040	939	1	136.56
0083-305-030	938	1	136.56
0083-305-020	937	1	136.56
0083-304-020	1240	1	136.56
0083-304-010	945	1	136.56
0083-303-040	949	1	136.56
0083-303-030	948	1	136.56
0083-303-020	947	1	136.56
0083-303-010	946	1	136.56
0083-302-010	950	1	136.56
0083-301-040	962	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-301-030	961	1	136.56
0083-301-020	960	1	136.56
0083-301-010	959	1	136.56
0083-294-220	1207	1	136.56
0083-294-210	1208	1	136.56
0083-294-200	1209	1	136.56
0083-294-190	1210	1	136.56
0083-294-180	1069	1	136.56
0083-294-170	1068	1	136.56
0083-294-160	1067	1	136.56
0083-294-150	1066	1	136.56
0083-294-140	1065	1	136.56
0083-294-130	1064	1	136.56
0083-294-120	1063	1	136.56
0083-294-110	1062	1	136.56
0083-294-100	1241	1	136.56
0083-294-090	1242	1	136.56
0083-294-080	1243	1	136.56
0083-294-070	1244	1	136.56
0083-294-060	1245	1	136.56
0083-294-050	1246	1	136.56
0083-294-040	1247	1	136.56
0083-294-030	1248	1	136.56
0083-294-020	1249	1	136.56
0083-294-010	1250	1	136.56
0083-293-170	1061	1	136.56
0083-293-160	1060	1	136.56
0083-293-150	1059	1	136.56
0083-293-140	1058	1	136.56
0083-293-130	1057	1	136.56
0083-293-120	1056	1	136.56
0083-293-110	1055	1	136.56
0083-293-100	1054	1	136.56
0083-293-090	1053	1	136.56
0083-293-080	1037	1	136.56
0083-293-070	1052	1	136.56
0083-293-060	1051	1	136.56
0083-293-050	1050	1	136.56
0083-293-040	1049	1	136.56
0083-293-030	1048	1	136.56
0083-293-020	1047	1	136.56
0083-293-010	1046	1	136.56
0083-292-240	1045	1	136.56
0083-292-230	1044	1	136.56
0083-292-220	1043	1	136.56
0083-292-210	1042	1	136.56
0083-292-200	1041	1	136.56
0083-292-190	1040	1	136.56
0083-292-180	1039	1	136.56
0083-292-170	1038	1	136.56
0083-292-160	1015	1	136.56
0083-292-150	1016	1	136.56
0083-292-140	1017	1	136.56
0083-292-130	985	1	136.56
0083-292-120	984	1	136.56
0083-292-110	983	1	136.56
0083-292-100	982	1	136.56
0083-292-090	981	1	136.56
0083-292-080	980	1	136.56
0083-292-070	979	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-292-060	978	1	136.56
0083-292-050	977	1	136.56
0083-292-040	954	1	136.56
0083-292-030	953	1	136.56
0083-292-020	952	1	136.56
0083-292-010	951	1	136.56
0083-291-130	958	1	136.56
0083-291-120	957	1	136.56
0083-291-110	956	1	136.56
0083-291-100	955	1	136.56
0083-291-090	976	1	136.56
0083-291-080	975	1	136.56
0083-291-070	974	1	136.56
0083-291-060	973	1	136.56
0083-291-050	972	1	136.56
0083-291-040	971	1	136.56
0083-291-030	970	1	136.56
0083-291-020	969	1	136.56
0083-291-010	968	1	136.56
0083-283-050	776	1	136.56
0083-283-040	777	1	136.56
0083-283-030	778	1	136.56
0083-283-020	779	1	136.56
0083-283-010	780	1	136.56
0083-282-360	781	1	136.56
0083-282-350	782	1	136.56
0083-282-340	783	1	136.56
0083-282-330	784	1	136.56
0083-282-320	785	1	136.56
0083-282-310	786	1	136.56
0083-282-300	807	1	136.56
0083-282-290	808	1	136.56
0083-282-280	809	1	136.56
0083-282-270	810	1	136.56
0083-282-260	811	1	136.56
0083-282-250	812	1	136.56
0083-282-240	813	1	136.56
0083-282-230	814	1	136.56
0083-282-220	815	1	136.56
0083-282-210	816	1	136.56
0083-282-200	817	1	136.56
0083-282-190	818	1	136.56
0083-282-180	819	1	136.56
0083-282-170	820	1	136.56
0083-282-160	821	1	136.56
0083-282-150	822	1	136.56
0083-282-140	823	1	136.56
0083-282-130	824	1	136.56
0083-282-120	800	1	136.56
0083-282-110	801	1	136.56
0083-282-100	802	1	136.56
0083-282-090	803	1	136.56
0083-282-080	804	1	136.56
0083-282-070	805	1	136.56
0083-282-060	806	1	136.56
0083-282-050	787	1	136.56
0083-282-040	788	1	136.56
0083-282-030	789	1	136.56
0083-282-020	790	1	136.56
0083-282-010	791	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-281-190	792	1	136.56
0083-281-180	793	1	136.56
0083-281-170	794	1	136.56
0083-281-160	795	1	136.56
0083-281-150	796	1	136.56
0083-281-140	797	1	136.56
0083-281-130	798	1	136.56
0083-281-120	799	1	136.56
0083-281-110	825	1	136.56
0083-281-100	826	1	136.56
0083-281-090	827	1	136.56
0083-281-080	828	1	136.56
0083-281-070	829	1	136.56
0083-281-060	830	1	136.56
0083-281-050	831	1	136.56
0083-281-040	832	1	136.56
0083-281-030	833	1	136.56
0083-281-020	834	1	136.56
0083-281-010	835	1	136.56
0083-272-430	850	1	136.56
0083-272-420	849	1	136.56
0083-272-410	860	1	136.56
0083-272-400	861	1	136.56
0083-272-390	862	1	136.56
0083-272-380	863	1	136.56
0083-272-370	864	1	136.56
0083-272-360	865	1	136.56
0083-272-350	866	1	136.56
0083-272-340	867	1	136.56
0083-272-330	868	1	136.56
0083-272-320	869	1	136.56
0083-272-310	870	1	136.56
0083-272-300	871	1	136.56
0083-272-290	848	1	136.56
0083-272-280	847	1	136.56
0083-272-270	846	1	136.56
0083-272-260	845	1	136.56
0083-272-250	844	1	136.56
0083-272-240	838	1	136.56
0083-272-230	839	1	136.56
0083-272-220	840	1	136.56
0083-272-210	841	1	136.56
0083-272-200	842	1	136.56
0083-272-190	843	1	136.56
0083-272-180	873	1	136.56
0083-272-170	874	1	136.56
0083-272-160	875	1	136.56
0083-272-150	876	1	136.56
0083-272-140	877	1	136.56
0083-272-130	878	1	136.56
0083-272-120	879	1	136.56
0083-272-110	880	1	136.56
0083-272-100	881	1	136.56
0083-272-090	882	1	136.56
0083-272-080	883	1	136.56
0083-272-070	884	1	136.56
0083-272-060	885	1	136.56
0083-272-050	886	1	136.56
0083-272-040	887	1	136.56
0083-272-030	888	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-272-020	775	1	136.56
0083-272-010	774	1	136.56
0083-271-100	836	1	136.56
0083-271-090	837	1	136.56
0083-271-080	859	1	136.56
0083-271-070	858	1	136.56
0083-271-060	857	1	136.56
0083-271-050	856	1	136.56
0083-271-040	855	1	136.56
0083-271-030	854	1	136.56
0083-271-020	853	1	136.56
0083-271-010	852	1	136.56
0083-261-340	708	1	136.56
0083-261-330	709	1	136.56
0083-261-320	710	1	136.56
0083-261-310	711	1	136.56
0083-261-300	712	1	136.56
0083-261-290	713	1	136.56
0083-261-270	703	1	136.56
0083-261-260	704	1	136.56
0083-261-250	705	1	136.56
0083-261-240	706	1	136.56
0083-261-230	707	1	136.56
0083-261-150	715	1	136.56
0083-261-140	716	1	136.56
0083-261-130	717	1	136.56
0083-261-120	718	1	136.56
0083-261-110	719	1	136.56
0083-261-100	720	1	136.56
0083-261-090	721	1	136.56
0083-261-080	722	1	136.56
0083-261-070	723	1	136.56
0083-261-060	724	1	136.56
0083-261-050	725	1	136.56
0083-261-040	726	1	136.56
0083-261-030	727	1	136.56
0083-261-020	728	1	136.56
0083-261-010	729	1	136.56
0083-254-140	689	1	136.56
0083-254-130	690	1	136.56
0083-254-120	691	1	136.56
0083-254-110	692	1	136.56
0083-254-100	693	1	136.56
0083-254-090	694	1	136.56
0083-254-080	695	1	136.56
0083-254-070	696	1	136.56
0083-254-060	697	1	136.56
0083-254-050	698	1	136.56
0083-254-040	699	1	136.56
0083-254-030	700	1	136.56
0083-254-020	701	1	136.56
0083-254-010	702	1	136.56
0083-253-430	741	1	136.56
0083-253-420	742	1	136.56
0083-253-410	743	1	136.56
0083-253-400	744	1	136.56
0083-253-390	745	1	136.56
0083-253-380	746	1	136.56
0083-253-370	747	1	136.56
0083-253-360	748	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-253-350	749	1	136.56
0083-253-340	750	1	136.56
0083-253-330	751	1	136.56
0083-253-320	752	1	136.56
0083-253-310	753	1	136.56
0083-253-300	754	1	136.56
0083-253-290	755	1	136.56
0083-253-280	756	1	136.56
0083-253-270	757	1	136.56
0083-253-260	758	1	136.56
0083-253-250	759	1	136.56
0083-253-240	760	1	136.56
0083-253-230	761	1	136.56
0083-253-220	762	1	136.56
0083-253-210	763	1	136.56
0083-253-200	764	1	136.56
0083-253-190	635	1	136.56
0083-253-180	634	1	136.56
0083-253-170	633	1	136.56
0083-253-160	632	1	136.56
0083-253-150	631	1	136.56
0083-253-140	630	1	136.56
0083-253-130	629	1	136.56
0083-253-120	628	1	136.56
0083-253-110	627	1	136.56
0083-253-100	626	1	136.56
0083-253-090	625	1	136.56
0083-253-080	624	1	136.56
0083-253-070	623	1	136.56
0083-253-060	622	1	136.56
0083-253-050	621	1	136.56
0083-253-040	620	1	136.56
0083-253-030	619	1	136.56
0083-253-020	618	1	136.56
0083-253-010	617	1	136.56
0083-252-120	730	1	136.56
0083-252-110	731	1	136.56
0083-252-100	732	1	136.56
0083-252-090	733	1	136.56
0083-252-080	734	1	136.56
0083-252-070	735	1	136.56
0083-252-060	736	1	136.56
0083-252-050	737	1	136.56
0083-252-040	738	1	136.56
0083-252-030	739	1	136.56
0083-252-020	740	1	136.56
0083-252-010	616	1	136.56
0083-251-030	636	1	136.56
0083-251-020	765	1	136.56
0083-251-010	766	1	136.56
0083-242-370	642	1	136.56
0083-242-360	641	1	136.56
0083-242-350	640	1	136.56
0083-242-340	639	1	136.56
0083-242-330	638	1	136.56
0083-242-320	637	1	136.56
0083-242-310	767	1	136.56
0083-242-300	768	1	136.56
0083-242-290	769	1	136.56
0083-242-280	688	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-242-270	687	1	136.56
0083-242-260	686	1	136.56
0083-242-250	685	1	136.56
0083-242-240	684	1	136.56
0083-242-230	683	1	136.56
0083-242-220	682	1	136.56
0083-242-210	681	1	136.56
0083-242-200	680	1	136.56
0083-242-190	679	1	136.56
0083-242-180	678	1	136.56
0083-242-170	677	1	136.56
0083-242-160	676	1	136.56
0083-242-150	675	1	136.56
0083-242-140	674	1	136.56
0083-242-130	673	1	136.56
0083-242-120	672	1	136.56
0083-242-110	671	1	136.56
0083-242-100	670	1	136.56
0083-242-090	669	1	136.56
0083-242-080	668	1	136.56
0083-242-070	667	1	136.56
0083-242-060	666	1	136.56
0083-242-050	665	1	136.56
0083-242-040	664	1	136.56
0083-242-030	663	1	136.56
0083-242-020	662	1	136.56
0083-242-010	661	1	136.56
0083-241-110	601	1	136.56
0083-241-100	600	1	136.56
0083-241-090	599	1	136.56
0083-241-080	598	1	136.56
0083-241-070	597	1	136.56
0083-241-060	596	1	136.56
0083-241-050	595	1	136.56
0083-241-040	594	1	136.56
0083-241-030	593	1	136.56
0083-241-020	592	1	136.56
0083-241-010	591	1	136.56
0083-232-180	660	1	136.56
0083-232-170	659	1	136.56
0083-232-160	658	1	136.56
0083-232-150	657	1	136.56
0083-232-140	656	1	136.56
0083-232-130	655	1	136.56
0083-232-120	654	1	136.56
0083-232-110	653	1	136.56
0083-232-100	652	1	136.56
0083-232-090	651	1	136.56
0083-232-080	650	1	136.56
0083-232-070	649	1	136.56
0083-232-060	648	1	136.56
0083-232-050	647	1	136.56
0083-232-040	646	1	136.56
0083-232-030	645	1	136.56
0083-232-020	644	1	136.56
0083-232-010	643	1	136.56
0083-231-140	615	1	136.56
0083-231-130	614	1	136.56
0083-231-120	613	1	136.56
0083-231-110	612	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-231-100	611	1	136.56
0083-231-090	610	1	136.56
0083-231-080	609	1	136.56
0083-231-070	608	1	136.56
0083-231-050	606	1	136.56
0083-231-040	605	1	136.56
0083-231-030	604	1	136.56
0083-231-020	603	1	136.56
0083-231-010	602	1	136.56
0083-153-170	151	1	136.56
0083-153-160	152	1	136.56
0083-153-150	153	1	136.56
0083-153-140	154	1	136.56
0083-153-130	155	1	136.56
0083-153-120	156	1	136.56
0083-153-110	157	1	136.56
0083-153-100	158	1	136.56
0083-153-090	159	1	136.56
0083-153-080	160	1	136.56
0083-153-070	161	1	136.56
0083-153-060	162	1	136.56
0083-153-050	163	1	136.56
0083-153-040	164	1	136.56
0083-153-030	165	1	136.56
0083-153-020	166	1	136.56
0083-153-010	167	1	136.56
0083-152-150	206	1	136.56
0083-152-140	207	1	136.56
0083-152-130	208	1	136.56
0083-152-120	209	1	136.56
0083-152-110	210	1	136.56
0083-152-100	211	1	136.56
0083-152-090	212	1	136.56
0083-152-080	213	1	136.56
0083-152-060	215	1	136.56
0083-152-050	216	1	136.56
0083-152-040	217	1	136.56
0083-152-030	218	1	136.56
0083-152-020	219	1	136.56
0083-152-010	220	1	136.56
0083-151-230	181	1	136.56
0083-151-210	183	1	136.56
0083-151-200	169	1	136.56
0083-151-190	170	1	136.56
0083-151-180	171	1	136.56
0083-151-170	172	1	136.56
0083-151-160	173	1	136.56
0083-151-150	174	1	136.56
0083-151-140	175	1	136.56
0083-151-130	176	1	136.56
0083-151-120	177	1	136.56
0083-151-110	178	1	136.56
0083-151-100	179	1	136.56
0083-151-090	180	1	136.56
0083-151-050	184	1	136.56
0083-151-040	185	1	136.56
0083-151-030	186	1	136.56
0083-151-020	187	1	136.56
0083-151-010	188	1	136.56
0083-143-270	343	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-143-260	344	1	136.56
0083-143-250	345	1	136.56
0083-143-240	302	1	136.56
0083-143-230	301	1	136.56
0083-143-220	300	1	136.56
0083-143-210	299	1	136.56
0083-143-200	298	1	136.56
0083-143-190	297	1	136.56
0083-143-180	296	1	136.56
0083-143-170	295	1	136.56
0083-143-160	294	1	136.56
0083-143-150	293	1	136.56
0083-143-140	292	1	136.56
0083-143-130	291	1	136.56
0083-143-120	290	1	136.56
0083-143-110	289	1	136.56
0083-143-100	288	1	136.56
0083-143-090	287	1	136.56
0083-143-080	286	1	136.56
0083-143-070	285	1	136.56
0083-143-060	284	1	136.56
0083-143-050	283	1	136.56
0083-143-040	282	1	136.56
0083-143-030	281	1	136.56
0083-143-020	280	1	136.56
0083-143-010	279	1	136.56
0083-142-160	277	1	136.56
0083-142-150	276	1	136.56
0083-142-140	275	1	136.56
0083-142-130	274	1	136.56
0083-142-120	273	1	136.56
0083-142-110	272	1	136.56
0083-142-100	271	1	136.56
0083-142-090	270	1	136.56
0083-142-080	269	1	136.56
0083-142-070	268	1	136.56
0083-142-060	267	1	136.56
0083-142-050	266	1	136.56
0083-142-040	265	1	136.56
0083-142-030	264	1	136.56
0083-142-020	263	1	136.56
0083-142-010	262	1	136.56
0083-141-100	261	1	136.56
0083-141-090	260	1	136.56
0083-141-080	259	1	136.56
0083-141-070	258	1	136.56
0083-141-060	257	1	136.56
0083-141-050	256	1	136.56
0083-141-040	255	1	136.56
0083-141-030	254	1	136.56
0083-141-020	253	1	136.56
0083-141-010	304	1	136.56
0083-132-070	305	1	136.56
0083-132-060	306	1	136.56
0083-132-050	307	1	136.56
0083-132-040	308	1	136.56
0083-132-030	309	1	136.56
0083-132-020	310	1	136.56
0083-132-010	311	1	136.56
0083-131-090	312	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-131-080	313	1	136.56
0083-131-070	314	1	136.56
0083-131-060	315	1	136.56
0083-131-050	316	1	136.56
0083-131-040	317	1	136.56
0083-131-030	318	1	136.56
0083-131-020	319	1	136.56
0083-131-010	320	1	136.56
0083-122-100	333	1	136.56
0083-122-090	334	1	136.56
0083-122-080	335	1	136.56
0083-122-070	336	1	136.56
0083-122-060	337	1	136.56
0083-122-050	338	1	136.56
0083-122-040	339	1	136.56
0083-122-030	340	1	136.56
0083-122-020	341	1	136.56
0083-122-010	342	1	136.56
0083-121-110	321	1	136.56
0083-121-100	322	1	136.56
0083-121-090	323	1	136.56
0083-121-080	324	1	136.56
0083-121-070	325	1	136.56
0083-121-060	326	1	136.56
0083-121-050	327	1	136.56
0083-121-040	328	1	136.56
0083-121-030	329	1	136.56
0083-121-020	330	1	136.56
0083-113-160	346	1	136.56
0083-113-150	347	1	136.56
0083-113-140	348	1	136.56
0083-113-130	349	1	136.56
0083-113-120	350	1	136.56
0083-113-110	351	1	136.56
0083-113-100	352	1	136.56
0083-113-090	353	1	136.56
0083-113-080	354	1	136.56
0083-113-070	355	1	136.56
0083-113-060	356	1	136.56
0083-113-050	357	1	136.56
0083-113-040	358	1	136.56
0083-113-030	359	1	136.56
0083-113-020	360	1	136.56
0083-113-010	432	1	136.56
0083-112-120	378	1	136.56
0083-112-110	361	1	136.56
0083-112-100	362	1	136.56
0083-112-090	363	1	136.56
0083-112-080	364	1	136.56
0083-112-070	365	1	136.56
0083-112-060	366	1	136.56
0083-112-050	367	1	136.56
0083-112-040	368	1	136.56
0083-112-030	369	1	136.56
0083-112-020	370	1	136.56
0083-112-010	394	1	136.56
0083-111-060	371	1	136.56
0083-111-050	372	1	136.56
0083-111-040	373	1	136.56
0083-111-030	374	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-111-020	375	1	136.56
0083-111-010	376	1	136.56
0083-104-130	419	1	136.56
0083-104-120	418	1	136.56
0083-104-110	417	1	136.56
0083-104-100	416	1	136.56
0083-104-090	415	1	136.56
0083-104-080	414	1	136.56
0083-104-070	413	1	136.56
0083-104-060	412	1	136.56
0083-104-050	411	1	136.56
0083-104-040	410	1	136.56
0083-104-030	409	1	136.56
0083-104-020	408	1	136.56
0083-104-010	407	1	136.56
0083-103-120	431	1	136.56
0083-103-110	430	1	136.56
0083-103-100	429	1	136.56
0083-103-090	428	1	136.56
0083-103-080	427	1	136.56
0083-103-070	426	1	136.56
0083-103-060	425	1	136.56
0083-103-050	424	1	136.56
0083-103-040	423	1	136.56
0083-103-030	422	1	136.56
0083-103-020	421	1	136.56
0083-103-010	420	1	136.56
0083-102-150	386	1	136.56
0083-102-140	385	1	136.56
0083-102-130	384	1	136.56
0083-102-120	383	1	136.56
0083-102-110	382	1	136.56
0083-102-100	381	1	136.56
0083-102-090	380	1	136.56
0083-102-080	379	1	136.56
0083-102-070	393	1	136.56
0083-102-060	392	1	136.56
0083-102-050	391	1	136.56
0083-102-040	390	1	136.56
0083-102-030	389	1	136.56
0083-102-020	388	1	136.56
0083-102-010	387	1	136.56
0083-101-120	406	1	136.56
0083-101-110	405	1	136.56
0083-101-100	404	1	136.56
0083-101-090	403	1	136.56
0083-101-080	402	1	136.56
0083-101-070	401	1	136.56
0083-101-060	400	1	136.56
0083-101-050	399	1	136.56
0083-101-040	398	1	136.56
0083-101-030	397	1	136.56
0083-101-020	396	1	136.56
0083-101-010	395	1	136.56
0083-093-150	136	1	136.56
0083-093-140	137	1	136.56
0083-093-130	138	1	136.56
0083-093-120	139	1	136.56
0083-093-110	140	1	136.56
0083-093-100	141	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-093-090	142	1	136.56
0083-093-080	143	1	136.56
0083-093-070	144	1	136.56
0083-093-060	145	1	136.56
0083-093-050	146	1	136.56
0083-093-040	147	1	136.56
0083-093-030	148	1	136.56
0083-093-020	149	1	136.56
0083-093-010	150	1	136.56
0083-092-100	230	1	136.56
0083-092-090	231	1	136.56
0083-092-080	232	1	136.56
0083-092-070	233	1	136.56
0083-092-060	234	1	136.56
0083-092-050	235	1	136.56
0083-092-040	236	1	136.56
0083-092-030	237	1	136.56
0083-092-020	238	1	136.56
0083-092-010	239	1	136.56
0083-091-260	189	1	136.56
0083-091-240	191	1	136.56
0083-091-230	192	1	136.56
0083-091-220	193	1	136.56
0083-091-210	194	1	136.56
0083-091-200	195	1	136.56
0083-091-190	196	1	136.56
0083-091-180	197	1	136.56
0083-091-170	198	1	136.56
0083-091-160	199	1	136.56
0083-091-150	200	1	136.56
0083-091-140	201	1	136.56
0083-091-130	202	1	136.56
0083-091-120	203	1	136.56
0083-091-110	204	1	136.56
0083-091-090	221	1	136.56
0083-091-080	222	1	136.56
0083-091-070	223	1	136.56
0083-091-060	224	1	136.56
0083-091-050	225	1	136.56
0083-091-040	226	1	136.56
0083-091-030	227	1	136.56
0083-091-020	228	1	136.56
0083-091-010	229	1	136.56
0083-084-010	126	1	136.56
0083-083-200	249	1	136.56
0083-083-190	248	1	136.56
0083-083-100	240	1	136.56
0083-083-090	241	1	136.56
0083-083-080	242	1	136.56
0083-083-070	243	1	136.56
0083-083-060	244	1	136.56
0083-083-050	245	1	136.56
0083-083-040	246	1	136.56
0083-083-030	247	1	136.56
0083-082-030	128	1	136.56
0083-082-020	129	1	136.56
0083-082-010	130	1	136.56
0083-081-050	131	1	136.56
0083-081-040	132	1	136.56
0083-081-030	133	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-081-020	134	1	136.56
0083-081-010	135	1	136.56
0083-074-090	449	1	136.56
0083-074-080	451	1	136.56
0083-074-070	452	1	136.56
0083-074-060	450	1	136.56
0083-074-050	448	1	136.56
0083-073-260	469	1	136.56
0083-073-250	470	1	136.56
0083-073-240	471	1	136.56
0083-073-230	472	1	136.56
0083-073-220	473	1	136.56
0083-073-210	474	1	136.56
0083-073-200	475	1	136.56
0083-073-190	476	1	136.56
0083-073-180	477	1	136.56
0083-073-170	478	1	136.56
0083-073-160	479	1	136.56
0083-073-150	507	1	136.56
0083-073-140	506	1	136.56
0083-073-130	505	1	136.56
0083-073-120	504	1	136.56
0083-073-110	503	1	136.56
0083-073-100	508	1	136.56
0083-073-090	509	1	136.56
0083-073-080	510	1	136.56
0083-073-070	511	1	136.56
0083-073-060	512	1	136.56
0083-073-050	513	1	136.56
0083-073-040	514	1	136.56
0083-073-030	515	1	136.56
0083-073-020	516	1	136.56
0083-073-010	517	1	136.56
0083-072-150	433	1	136.56
0083-072-140	434	1	136.56
0083-072-130	435	1	136.56
0083-072-120	436	1	136.56
0083-072-110	437	1	136.56
0083-072-100	438	1	136.56
0083-072-090	439	1	136.56
0083-072-080	440	1	136.56
0083-072-070	441	1	136.56
0083-072-060	442	1	136.56
0083-072-050	443	1	136.56
0083-072-040	444	1	136.56
0083-072-030	445	1	136.56
0083-072-020	446	1	136.56
0083-072-010	447	1	136.56
0083-071-210	500	1	136.56
0083-071-200	499	1	136.56
0083-071-190	498	1	136.56
0083-071-180	497	1	136.56
0083-071-170	496	1	136.56
0083-071-160	495	1	136.56
0083-071-150	494	1	136.56
0083-071-140	493	1	136.56
0083-071-130	492	1	136.56
0083-071-120	491	1	136.56
0083-071-110	490	1	136.56
0083-071-100	489	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-071-090	488	1	136.56
0083-071-080	487	1	136.56
0083-071-070	486	1	136.56
0083-071-060	480	1	136.56
0083-071-050	481	1	136.56
0083-071-040	482	1	136.56
0083-071-030	483	1	136.56
0083-071-020	484	1	136.56
0083-071-010	485	1	136.56
0083-063-160	453	1	136.56
0083-063-150	455	1	136.56
0083-063-140	457	1	136.56
0083-063-130	458	1	136.56
0083-063-120	459	1	136.56
0083-063-110	460	1	136.56
0083-063-070	454	1	136.56
0083-063-050	456	1	136.56
0083-062-360	540	1	136.56
0083-062-350	541	1	136.56
0083-062-340	518	1	136.56
0083-062-330	519	1	136.56
0083-062-320	520	1	136.56
0083-062-310	521	1	136.56
0083-062-300	522	1	136.56
0083-062-290	523	1	136.56
0083-062-280	524	1	136.56
0083-062-270	525	1	136.56
0083-062-260	526	1	136.56
0083-062-250	527	1	136.56
0083-062-240	528	1	136.56
0083-062-230	529	1	136.56
0083-062-220	530	1	136.56
0083-062-210	531	1	136.56
0083-062-200	532	1	136.56
0083-062-190	533	1	136.56
0083-062-180	534	1	136.56
0083-062-170	535	1	136.56
0083-062-160	536	1	136.56
0083-062-150	537	1	136.56
0083-062-140	538	1	136.56
0083-062-130	539	1	136.56
0083-062-100	542	1	136.56
0083-062-090	543	1	136.56
0083-062-080	461	1	136.56
0083-062-070	462	1	136.56
0083-062-060	463	1	136.56
0083-062-050	464	1	136.56
0083-062-040	465	1	136.56
0083-062-030	466	1	136.56
0083-062-020	467	1	136.56
0083-062-010	468	1	136.56
0083-061-300	544	1	136.56
0083-061-290	545	1	136.56
0083-061-280	546	1	136.56
0083-061-270	547	1	136.56
0083-061-260	548	1	136.56
0083-061-250	549	1	136.56
0083-061-240	550	1	136.56
0083-061-230	551	1	136.56
0083-061-220	552	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-061-210	553	1	136.56
0083-061-200	554	1	136.56
0083-061-190	555	1	136.56
0083-061-180	556	1	136.56
0083-061-170	557	1	136.56
0083-061-160	558	1	136.56
0083-061-150	559	1	136.56
0083-061-140	560	1	136.56
0083-061-130	561	1	136.56
0083-061-120	562	1	136.56
0083-061-110	563	1	136.56
0083-061-100	564	1	136.56
0083-061-090	565	1	136.56
0083-061-080	566	1	136.56
0083-061-070	567	1	136.56
0083-061-060	568	1	136.56
0083-061-050	569	1	136.56
0083-061-040	570	1	136.56
0083-061-030	571	1	136.56
0083-061-020	502	1	136.56
0083-061-010	501	1	136.56
0083-055-080	95	1	136.56
0083-055-070	96	1	136.56
0083-055-060	97	1	136.56
0083-055-050	98	1	136.56
0083-055-040	99	1	136.56
0083-055-030	100	1	136.56
0083-055-020	101	1	136.56
0083-055-010	102	1	136.56
0083-054-130	116	1	136.56
0083-054-110	122	1	136.56
0083-054-100	121	1	136.56
0083-054-090	117	1	136.56
0083-054-050	120	1	136.56
0083-054-040	119	1	136.56
0083-054-030	118	1	136.56
0083-053-070	109	1	136.56
0083-053-060	108	1	136.56
0083-053-050	107	1	136.56
0083-053-040	106	1	136.56
0083-053-030	105	1	136.56
0083-053-020	104	1	136.56
0083-053-010	103	1	136.56
0083-052-350	92	1	136.56
0083-052-340	93	1	136.56
0083-052-330	62	1	136.56
0083-052-320	63	1	136.56
0083-052-310	64	1	136.56
0083-052-300	65	1	136.56
0083-052-290	66	1	136.56
0083-052-280	67	1	136.56
0083-052-270	68	1	136.56
0083-052-260	69	1	136.56
0083-052-250	70	1	136.56
0083-052-240	71	1	136.56
0083-052-230	72	1	136.56
0083-052-220	73	1	136.56
0083-052-210	74	1	136.56
0083-052-200	75	1	136.56
0083-052-190	76	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-052-180	77	1	136.56
0083-052-170	78	1	136.56
0083-052-160	79	1	136.56
0083-052-150	80	1	136.56
0083-052-140	81	1	136.56
0083-052-130	82	1	136.56
0083-052-120	83	1	136.56
0083-052-110	84	1	136.56
0083-052-100	85	1	136.56
0083-052-090	86	1	136.56
0083-052-080	87	1	136.56
0083-052-070	88	1	136.56
0083-052-060	89	1	136.56
0083-052-050	90	1	136.56
0083-052-040	91	1	136.56
0083-052-010	94	1	136.56
0083-051-230	39	1	136.56
0083-051-220	40	1	136.56
0083-051-210	41	1	136.56
0083-051-200	42	1	136.56
0083-051-190	43	1	136.56
0083-051-180	44	1	136.56
0083-051-170	45	1	136.56
0083-051-160	46	1	136.56
0083-051-150	47	1	136.56
0083-051-140	48	1	136.56
0083-051-130	49	1	136.56
0083-051-120	50	1	136.56
0083-051-110	51	1	136.56
0083-051-100	52	1	136.56
0083-051-090	53	1	136.56
0083-051-080	54	1	136.56
0083-051-070	55	1	136.56
0083-051-060	56	1	136.56
0083-051-050	57	1	136.56
0083-051-040	58	1	136.56
0083-051-030	59	1	136.56
0083-051-020	60	1	136.56
0083-051-010	61	1	136.56
0083-042-380	1	1	136.56
0083-042-370	2	1	136.56
0083-042-360	3	1	136.56
0083-042-350	4	1	136.56
0083-042-340	5	1	136.56
0083-042-330	6	1	136.56
0083-042-320	7	1	136.56
0083-042-310	8	1	136.56
0083-042-300	9	1	136.56
0083-042-290	10	1	136.56
0083-042-280	11	1	136.56
0083-042-270	12	1	136.56
0083-042-260	13	1	136.56
0083-042-250	14	1	136.56
0083-042-240	15	1	136.56
0083-042-230	16	1	136.56
0083-042-220	17	1	136.56
0083-042-210	18	1	136.56
0083-042-200	19	1	136.56
0083-042-190	20	1	136.56
0083-042-180	21	1	136.56

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	UNITS	CHARGE
0083-042-170	22	1	136.56
0083-042-160	23	1	136.56
0083-042-150	24	1	136.56
0083-042-140	25	1	136.56
0083-042-130	26	1	136.56
0083-042-120	27	1	136.56
0083-042-110	28	1	136.56
0083-042-100	29	1	136.56
0083-042-090	30	1	136.56
0083-042-080	31	1	136.56
0083-042-070	32	1	136.56
0083-042-060	33	1	136.56
0083-042-050	34	1	136.56
0083-042-040	35	1	136.56
0083-042-030	36	1	136.56
0083-042-020	37	1	136.56
0083-042-010	38	1	136.56
0083-041-080	115	1	136.56
0083-041-050	114	1	136.56
0083-041-040	113	1	136.56
0083-041-030	112	1	136.56
0083-041-020	111	1	136.56
0083-041-010	110	1	136.56
0083-021-200	573	1	136.56
0083-021-190	574	1	136.56
0083-021-180	575	1	136.56
0083-021-170	576	1	136.56
0083-021-150	578	1	136.56
0083-021-140	579	1	136.56
0083-021-130	580	1	136.56
0083-021-120	581	1	136.56
0083-021-110	582	1	136.56
0083-021-100	583	1	136.56
0083-021-090	584	1	136.56
0083-021-080	585	1	136.56
0083-021-070	586	1	136.56
0083-021-060	587	1	136.56
0083-021-050	588	1	136.56
0083-021-040	589	1	136.56
0081-543-030	2540	1	136.56
0081-543-020	2539	1	136.56
0081-543-010	2538	1	136.56
<b>Total</b>			<b>\$299,885.76</b>

**City of Benicia  
Landscape and Lighting District  
Fiscal Year 2008-09 - Assessment Roll  
Zone 2**

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	ACREAGE	CHARGE
0080-291-090	1168	1.56	1,005.84
0080-291-100	1166	8.03	5,177.48
0080-291-110	1167	5.17	3,333.44
0080-291-120	1162	12.62	8,136.96
0080-291-130	1164 & 1165	12.63	8,143.40
0080-292-040	1155	3.54	2,282.48
0080-292-050	1156	2.79	1,798.90
0080-292-060	1157	2.93	1,889.16
0080-292-070	1158	2.15	1,386.24
0080-292-080	1159	1.76	1,134.78
0080-292-110	1152	1.5	967.16
0080-292-120	1153	3.5	2,256.68
0080-292-130	1154	6.11	3,939.52
0080-301-160	1174	9.88	6,370.30
0080-301-180	1182	7	4,513.36
0080-301-190	1182	2.89	1,863.38
0080-301-200	1170	3.73	2,404.98
0080-301-210	1172	9.6	6,189.76
0080-302-040	1176	4.08	2,630.64
0080-302-060	1179	2.15	1,386.24
0080-302-080	1178	0.78	502.92
0080-302-090	1177	0.97	625.42
0080-311-060	1183	4	2,579.06
0080-311-090	1184	7.58	4,887.34
0080-311-100	1325	3.8	2,450.12
0080-312-020	1186	6	3,868.60
0080-312-030	1185	4.83	3,114.22
0080-330-010	1151	2.7	1,740.88
0080-330-020	1150	2.05	1,321.78
0080-330-040	1194	2.51	1,618.36
0080-330-050	1193	1.4	902.68
0080-330-060	1192	1.11	715.70
0080-330-070	1191	2.28	1,470.06
0080-330-090	1189	1.72	1,109.00
0080-330-100	1188	2.03	1,308.88
<b>Total</b>			<b>\$95,025.72</b>

City of Benicia  
Landscape and Lighting District  
Fiscal Year 2008-09 - Assessment Roll  
Zone 3

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	ACREAGE	CHARGE
0080-320-380	1536	5.98	646.32
0080-320-390	1537	8.93	965.16
0080-320-400	1538	11.16	1,206.18
0080-320-410	1539	10.94	1,182.40
<b>Total</b>			<b>\$4,000.06</b>

**City of Benicia  
Landscape and Lighting District  
Fiscal Year 2008-09 - Assessment Roll  
Zone 4**

<b>ASSESSORS PARCEL NUMBER</b>	<b>DIAGRAM ASSESSMENT NUMBER</b>	<b>ACREAGE</b>	<b>CHARGE</b>
0087-230-140	1532	3.89	394.14
0083-210-230	1532	32.39	3,281.76
0083-210-220	1532	40.04	4,056.86
0080-110-470	1533	16.54	1,675.84
0080-110-460	1533	183.5	18,592.22
<b>Total</b>			<b>\$28,000.82</b>

**City of Benicia  
Landscape and Lighting District  
Fiscal Year 2008-09 - Assessment Roll  
Zone 5**

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	ACREAGE	CHARGE
0086-410-210	1327	3.74	2,409.86
0079-020-600	1329B	2.80	1,805.30
0086-410-200	1328	2.13	1,372.46
0086-410-260	1330	2.11	1,359.58
0079-020-400	1540	0.71	457.48
0079-020-580	1541	0.60	386.62
0079-020-590	1329A	0.40	256.92
0079-020-610	1329C	0.36	231.68
0095-301-010	1332	-	40.00
0095-301-020	1334	-	40.00
0095-301-030	1336	-	40.00
0095-301-040	1338	-	40.00
0095-301-050	1340	-	40.00
0095-301-060	1342	-	40.00
0095-301-070	1344	-	40.00
0095-301-080	1346	-	40.00
0095-301-090	1348	-	40.00
0095-301-100	1350	-	40.00
0095-301-110	1352	-	40.00
0095-301-120	1354	-	40.00
0095-301-130	1356	-	40.00
0095-301-140	1358	-	40.00
0095-301-150	1360	-	40.00
0095-301-160	1362	-	40.00
0095-301-170	1364	-	40.00
0095-301-180	1366	-	40.00
0095-301-190	1368	-	40.00
0095-301-200	1370	-	40.00
0095-301-210	1372	-	40.00
0095-301-220	1374	-	40.00
0095-301-230	1376	-	40.00
0095-301-240	1378	-	40.00
0095-301-250	1380	-	40.00
0095-301-260	1382	-	40.00
0095-301-300	1481	-	40.00
0095-301-310	1483	-	40.00
0095-301-320	1485	-	40.00
0095-301-330	1487	-	40.00
0095-301-340	1489	-	40.00
0095-301-350	1491	-	40.00
0095-301-360	1493	-	40.00
0095-301-370	1495	-	40.00
0095-301-380	1497	-	40.00
0095-301-390	1499	-	40.00
0095-301-400	1501	-	40.00
0095-301-410	1503	-	40.00
0095-301-420	1505	-	40.00
0095-301-430	1507	-	40.00
0095-301-440	1509	-	40.00
0095-301-450	1511	-	40.00
0095-301-460	1513	-	40.00
0095-301-470	1515	-	40.00
0095-301-480	1517	-	40.00
0095-301-490	1519	-	40.00
0095-301-500	1521	-	40.00

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	ACREAGE	CHARGE
0095-301-510	1523	-	40.00
0095-301-520	1525	-	40.00
0095-301-530	1527	-	40.00
0095-302-010	1333	-	40.00
0095-302-020	1335	-	40.00
0095-302-030	1337	-	40.00
0095-302-040	1339	-	40.00
0095-302-050	1341	-	40.00
0095-302-060	1343	-	40.00
0095-302-070	1345	-	40.00
0095-302-080	1347	-	40.00
0095-302-090	1349	-	40.00
0095-302-100	1351	-	40.00
0095-302-110	1353	-	40.00
0095-302-120	1355	-	40.00
0095-302-130	1357	-	40.00
0095-302-140	1359	-	40.00
0095-302-150	1361	-	40.00
0095-302-160	1363	-	40.00
0095-302-170	1365	-	40.00
0095-302-180	1367	-	40.00
0095-302-190	1369	-	40.00
0095-302-200	1371	-	40.00
0095-302-210	1373	-	40.00
0095-302-220	1375	-	40.00
0095-302-230	1377	-	40.00
0095-302-240	1379	-	40.00
0095-302-250	1381	-	40.00
0095-302-260	1383	-	40.00
0095-302-270	1482	-	40.00
0095-302-280	1484	-	40.00
0095-302-290	1486	-	40.00
0095-302-300	1488	-	40.00
0095-302-310	1490	-	40.00
0095-302-320	1492	-	40.00
0095-302-330	1494	-	40.00
0095-302-340	1496	-	40.00
0095-302-350	1498	-	40.00
0095-302-360	1500	-	40.00
0095-302-370	1502	-	40.00
0095-302-380	1504	-	40.00
0095-302-390	1506	-	40.00
0095-302-400	1508	-	40.00
0095-302-410	1510	-	40.00
0095-302-420	1512	-	40.00
0095-302-430	1514	-	40.00
0095-302-440	1516	-	40.00
0095-302-450	1518	-	40.00
0095-302-460	1520	-	40.00
0095-302-470	1522	-	40.00
0095-302-480	1524	-	40.00
0095-302-490	1526	-	40.00
0095-302-500	1528	-	40.00
0095-311-010	1387	-	40.00
0095-311-020	1389	-	40.00
0095-311-030	1391	-	40.00
0095-311-040	1393	-	40.00
0095-311-050	1395	-	40.00
0095-311-060	1397	-	40.00
0095-311-070	1399	-	40.00

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	ACREAGE	CHARGE
0095-311-080	1401	-	40.00
0095-311-090	1403	-	40.00
0095-311-100	1405	-	40.00
0095-311-110	1407	-	40.00
0095-311-120	1409	-	40.00
0095-311-130	1411	-	40.00
0095-311-140	1413	-	40.00
0095-311-150	1415	-	40.00
0095-311-160	1417	-	40.00
0095-311-170	1419	-	40.00
0095-311-180	1421	-	40.00
0095-311-190	1423	-	40.00
0095-311-200	1425	-	40.00
0095-312-010	1388	-	40.00
0095-312-020	1390	-	40.00
0095-312-030	1392	-	40.00
0095-312-040	1394	-	40.00
0095-312-050	1396	-	40.00
0095-312-060	1398	-	40.00
0095-312-070	1400	-	40.00
0095-312-080	1402	-	40.00
0095-312-090	1404	-	40.00
0095-312-100	1406	-	40.00
0095-312-110	1408	-	40.00
0095-312-120	1410	-	40.00
0095-312-130	1412	-	40.00
0095-312-140	1414	-	40.00
0095-312-150	1416	-	40.00
0095-312-160	1418	-	40.00
0095-312-170	1420	-	40.00
0095-312-180	1422	-	40.00
0095-312-190	1424	-	40.00
0095-312-200	1426	-	40.00
0095-321-010	1430	-	40.00
0095-321-020	1432	-	40.00
0095-321-030	1434	-	40.00
0095-321-040	1436	-	40.00
0095-321-050	1438	-	40.00
0095-321-060	1440	-	40.00
0095-321-070	1442	-	40.00
0095-321-080	1444	-	40.00
0095-321-090	1446	-	40.00
0095-321-100	1448	-	40.00
0095-321-110	1450	-	40.00
0095-321-120	1452	-	40.00
0095-321-130	1454	-	40.00
0095-321-140	1456	-	40.00
0095-321-150	1458	-	40.00
0095-321-160	1460	-	40.00
0095-321-170	1462	-	40.00
0095-321-180	1464	-	40.00
0095-321-190	1466	-	40.00
0095-321-200	1468	-	40.00
0095-321-210	1470	-	40.00
0095-321-220	1472	-	40.00
0095-321-230	1474	-	40.00
0095-321-240	1476	-	40.00
0095-322-010	1431	-	40.00
0095-322-020	1433	-	40.00
0095-322-030	1435	-	40.00

ASSESSORS PARCEL NUMBER	DIAGRAM ASSESSMENT NUMBER	ACREAGE	CHARGE
0095-322-040	1437	-	40.00
0095-322-050	1439	-	40.00
0095-322-060	1441	-	40.00
0095-322-070	1443	-	40.00
0095-322-080	1445	-	40.00
0095-322-090	1447	-	40.00
0095-322-100	1449	-	40.00
0095-322-110	1451	-	40.00
0095-322-120	1453	-	40.00
0095-322-130	1455	-	40.00
0095-322-140	1457	-	40.00
0095-322-150	1459	-	40.00
0095-322-160	1461	-	40.00
0095-322-170	1463	-	40.00
0095-322-180	1465	-	40.00
0095-322-190	1467	-	40.00
0095-322-200	1469	-	40.00
0095-322-210	1471	-	40.00
0095-322-220	1473	-	40.00
0095-322-230	1475	-	40.00
0095-322-240	1477	-	40.00
<b>Total</b>			<b>\$15,799.90</b>

**AGENDA ITEM  
CITY COUNCIL MEETING: JUNE 3, 2008  
PUBLIC HEARING**

**DATE** : May 27, 2008  
**TO** : City Manager  
**FROM** : Community Development Director  
**SUBJECT** : **BENICIA BUSINESS PARK VESTING TENTATIVE MAP,  
MASTER PLAN OVERLAY AND REZONING (CONTINUED)**

**RECOMMENDATION:**

Adopt resolutions (1) approving the proposed Vesting Tentative Map, Master Plan Overlay and Rezoning, with conditions (as may be modified by the City Council); and (2) adopting the accompanying EIR Addendum, Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations for a significant and unavoidable air quality impact due to ozone precursors, and associated Findings pursuant to the California Environmental Quality Act (CEQA).

**EXECUTIVE SUMMARY:**

The City Council continued this public hearing from May 20, 2008 to allow opportunity for additional public comment. Per Subdivision Map Act Section 66452.2, the City Council must act on the application at the June 3, 2008 meeting unless the applicant and Council agree to an extension. Staff has provided project conditions intended to allow approval of the project.

**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 development, project condition 199 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 (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. Condition 11 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 GREEN-1 requiring trails in the project open space connecting the site to surrounding areas, which is required by condition 90.

EIR mitigation measure TRANS-23 and condition 171 require the project to extend Benicia Transit (Benicia Breeze) to the project site, and condition 171 further requires provision of transit within the site.

### **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 regarding project conditions. Staff-recommended changes since April 10, 2008, are shown in the attached list of conditions.

### 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, starting with the 35-acre (14-lot) commercial area (based on assumed tenant/buyer interest).

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. Project condition 98b requires the applicant to redesign this area prior to consideration of the first final map application by the City Council.

Condition 11 requires the applicant to update the analysis of potential for urban decay that was included in the EIR prior to approval of the first final map. EIR mitigation measure DECAF-1 and project condition 205 require updating that analysis if the amount of retail development is proposed to increase beyond 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. Condition 99e (xii) requires the applicant to install a new high-visibility crosswalk at the intersection of East 2nd St. and Hillcrest Ave, and mitigation measure NOI-2c and condition 183 require 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 required by condition 172.

#### 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.

Additional Conditions

In response to Council comments at the May 20, 2008 meeting, staff has modified the project conditions as summarized in the following matrix:

<b>Subject</b>	<b>Condition</b>	<b>Modification</b>
<b><i>Project Compliance</i></b>		
During all site work Around-the-clock	103f	The contract employee position must be full-time. The applicant also must provide 24-hour security personnel at the site, who must inform the City immediately of any work activity occurring outside hours allowed by City regulations.
<b><i>Greenhouse Gas Reduction</i></b>		
21st-century businesses	13	The applicant must work with the Economic Development Manager to attract high quality business including cleantech and zero waste/emission companies.
Additional transit components	176	The project must provide as many of the following measures as practicable: <ul style="list-style-type: none"> <li>• A park-and-ride site as needed to serve the project.</li> </ul>
<b><i>Grading</i></b>		
Western commercial area	98b	Prior to grading, the applicant must obtain approval from the City Council of a new grading plan that better conforms to existing topography and minimizes cuts and fills.
<b><i>Semple School</i></b>		
Child safety	99e xii	The applicant must install a high-visibility crosswalk treatment with flashing lights at East 2 <sup>nd</sup> St./Hillcrest Ave.
<b><i>Sustainable Design</i></b>		
Green Building	79	All buildings must be LEED certified.
Development Agreement Form-based Code Specific Plan	23	Prior to the first building permit in each phase, the applicant must provide a site-specific plan in conformance with LEED-ND guidelines, Low-impact Development standards, and campus design.
<b><i>Financing</i></b>		
Zero cost to City	207	Prior to the first final map, a revenue sharing agreement must be established that ensures no cost to the City for providing services to the project.

In response to a Council concern regarding scheduling of project improvements, condition 91 allows the applicant to provide data analyses with quantified thresholds that could convince the City Council to allow adjustments to phasing and timing of project infrastructure. Additional oversight could be achieved through a committee to make recommendations to Council regarding project compliance.

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 that the project is ready for Council approval with the attached list of project conditions, which include around-the-clock oversight to ensure compliance with all conditions and mitigation measures.

**Attachments:**

- Draft Resolution of Project Approval, with (A) Project Findings and (B) Conditions of Project Approval
- Draft Resolution of Approval of CEQA Documentation, with (A) CEQA Findings and Statement of Overriding Considerations, (B) Mitigation Monitoring and Reporting Program, and (C) EIR Addendum (by reference)
- Public comment received since the May 20, 2008 City Council meeting packet

*The project revisions and Draft Addendum, which were included in the May 6, 2008 City Council packet, and public comment from the May 6, 2008, and May 20, 2008 City Council hearings are available via the City website or the Community Development Department.*

# **DRAFT RESOLUTION OF PROJECT APPROVAL**

- (A) Project Findings**
- (B) Conditions of Project Approval**

**RESOLUTION NO. 08-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
APPROVING A VESTING TENTATIVE MAP, MASTER PLAN OVERLAY,  
AND REZONING FOR THE BENICIA BUSINESS PARK PROJECT, WITH  
CONDITIONS**

**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 2<sup>nd</sup> 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; and

**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, and recommended denial of the project 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; and

**WHEREAS**, 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; and

**WHEREAS**, 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; and

**WHEREAS**, at its regular meetings of May 6, 2008, May 20, 2008, and June 3, 2008, the City Council conducted a public hearing, and considered testimony and documents regarding the revised project; and

**WHEREAS**, at the public hearing on June 3, 2008, the City Council approved the Project Conditions recommended by staff with modifications, and based on those conditions adopted Findings determining that the project complies with the City of Benicia General Plan and Zoning Ordinance; and

**WHEREAS**, at the public hearing on June 3, 2008, the City Council approved by separated resolution the requisite CEQA Documentation for the project, consisting of: (A) EIR Addendum (by reference), (B) CEQA-required Findings, (C) Statement of Overriding Considerations for Air Quality Impact due to Ozone Precursors, and (D) Mitigation Monitoring and Reporting Program.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Benicia hereby approves the Vesting Tentative Map, Master Plan Overlay and Rezoning for the Benicia Business Park project, based on the attached Findings (Exhibit "A") and subject to the attached Project Conditions (Exhibit "B").

\* \* \* \* \*

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 3<sup>rd</sup> Day of June, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**EXHIBIT "A"**  
**FINDINGS IN SUPPORT OF APPROVAL**  
**FOR THE BENICIA BUSINESS PARK PROJECT**

**Vesting Tentative Map**

- a) The proposed map is consistent with the applicable provisions of Benicia Municipal Code Title 16 (Subdivisions) and City of Benicia General Plan goals, policies and programs; and
- b) The site is physically suitable for the type of development, as the majority of the site terrain will be maintained in its current state, and the site contains no known constraints to development of the proposed project; and
- c) The site is physically suitable for the proposed density of development, as the proposed development generally conforms to the existing topography of the site, contains no known easements that would constrain the proposed development and can therefore support the proposed density of development; and
- d) The design of the subdivision and proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, as the revised project plans would not create a substantial or potentially substantial adverse change in any of the physical conditions within the area of the project due to March 2008 revisions to project design and mitigation measures prescribed in the project Environmental Impact Report (EIR) that when implemented will reduce such impacts to less-than-significant levels; and
- e) The design of the subdivision and the type of improvements will not cause serious public health problems since all building, fire and engineering codes and standards enforced by the City of Benicia can and will be met as part of the proposed project; and
- f) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, since no known easements traverse the project site.

**Rezoning/Master Plan Overlay**

- g) The proposed Master Plan conforms to the General Plan, as the revised development plan is now consistent with applicable General Plan goals, policies and programs; and
- h) The proposed Master Plan complies with the land use and development regulations of the base zoning districts and does not significantly alter the regulations since specific design guidelines are prescribed for all future

commercial and industrial projects to be constructed within the development site;  
and

- i) The project can be adequately, reasonably and conveniently served by public services, utilities and public facilities, as new public services, utilities and public facilities will be required and constructed as part any development of the phased project.

**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**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 any additional 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. Americans with Disabilities Act (ADA) compliant 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 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 analyses 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. The applicant must work with the Economic Development Manager to attract high quality business including cleantech and zero waste/emission companies.~~
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 building within a 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 permit.
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~~that phase of the 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 and/or Community Facilities District 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 and/or Community Facilities District 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 within the Benicia Business Park 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~~. Prior to the first building permit in each phase, the applicant must provide a site-specific plan with building footprints, landscaping, and architectural design that conforms with applicable LEED-ND guidelines, Low-impact Development standards, and campus design (open spaces between buildings, shaded outdoor gathering spaces, and paths that connect buildings, open space and trails).
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, whenever possible.
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 buildinglot.

### **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 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 outside the Benicia Business Park.
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 within the Benicia Business Park. 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 within a single building.
  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 buildings must be LEED certified and construction must adhere whenever possible to the following LEED guidelines, as 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 onsite including open space areas and public areas such as the Police/Fire facility and in the adjacent right-of-way ~~are shall be the responsibility of the project sponsor~~ Property Owner

Association/Community Facilities District to maintain in perpetuity. The landscape improvements required by the City to be installed by the project sponsor must be maintained through a Property Owner Association/Community Facilities District 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 or Class II bike lanes along Lake Herman Rd between A Blvd. and I-680.
  - A 10' wide concrete Bikeway/Sidewalk between East 2<sup>nd</sup> 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 2<sup>nd</sup> 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.
96. The project applicant must ~~apply for and procure~~obtain approval from the Benicia City Council to form a new Property Owner Association/Community Facilities District, 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 2<sup>nd</sup> 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. Prior to approval of "rough" grading plans for the western portion of the commercial area, the applicant must obtain approval from the City Council, upon the recommendation of the Community Development Director, of a redesigned grading plan for this area that better conforms to the existing topography and minimizes cuts and fills.
- 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 2<sup>nd</sup> 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. 2<sup>nd</sup> 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 2<sup>nd</sup> St./Park Rd., East 2<sup>nd</sup> 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 2<sup>nd</sup> St. (between Channel Road Bridge and Lake Herman Road).
  - ii. Landscaped parkway strips along ~~both the north~~ sides of East 2<sup>nd</sup> St. (same limits between Industrial Way and Lake Herman Road).
  - iii. Perimeter landscaped areas along edges of new onsite roadways and along East 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> St. I-680 and the westerly limits of the commercial area).
    - 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 aAlso 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 2<sup>nd</sup> 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 chose 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 in Lot A.
  - 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. 2<sup>nd</sup> St. and Lake Herman Road).
  - x. New traffic signal and intersection installations and/or modifications at East 2<sup>nd</sup> St./Industrial Way, East 2<sup>nd</sup> 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 2<sup>nd</sup> St./Hillcrest Ave. as approved by the Director of Public Works/City Engineer, including a high-visibility crosswalk treatment with flashing lights.
- 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 2<sup>nd</sup> 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 2<sup>nd</sup> St. to Lake Herman Rd.).
  - iii. Perimeter landscape areas along edges of new onsite roadways and along the new Industrial Way connection between East 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> St./Rose Dr. and East 2<sup>nd</sup> 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 the westerly limits of the commercial area and the westerly city project 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 full-time 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. The applicant also must provide 24-hour security personnel at the site, who must inform the Public Works Department immediately of any activity occurring outside hours allowed by City regulations.
- 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 2<sup>nd</sup> 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.
- ~~i~~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.

j)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.

k)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 gallons per minute~~ flow 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.
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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 (as modified by the City Council): 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.
- A park-and-ride site as needed to serve the project.

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 PM<sub>10</sub> 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 2<sup>nd</sup> 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 in 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. If significant subsurface architectural features or archaeological deposits are 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 activ-

ities. 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 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 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.
- A new Police subStation of 200- 800 to 400- 1000 square feet. Funding for the five additional officers and administrative support and equipment required to serve the commercial area of the project shall be provided by fees imposed on the proposed project. The Police Department 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 Phase 1.

- The project 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 include five police officers, two patrol cars, 12 fire fighters, a fire engine, a brush truck, and administrative support.*

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.

207. Revenue Sharing Agreement. Prior to the first final map, a Revenue Sharing Agreement shall be established by the City and the project sponsor that includes only property, sales and transient occupancy taxes and business license fees. The agreement shall provide means for property owners to recoup costs of: (1) construction, operation and maintenance of police facilities and services; (2) operation and maintenance of fire facilities and services; (3) transit capital and operation; (iv) maintenance of public landscaping and lighting; and (v) maintenance of public access trails. The agreement shall provide for reimbursement only beyond the project's fair-share and for zero cost to the City for the services set forth herein. The project's obligation to pay operational costs specified herein shall cease only upon termination of a Community Facilities District for the project. The agreement must accommodate project conditions 21, 87, 90, 96, 171, and 199.

# **DRAFT RESOLUTION OF APPROVAL OF CEQA DOCUMENTATION**

- (A) CEQA-required Findings and Statement of Overriding Considerations**
- (B) Mitigation Monitoring and Reporting Program**
- (C) EIR Addendum (*by reference*)**

**RESOLUTION NO. 08-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE ADDENDUM TO THE BENICIA BUSINESS PARK FINAL ENVIRONMENTAL IMPACT REPORT (EIR), ADOPTING FINDINGS RELATED TO THE PROJECT, AND A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT**

**WHEREAS**, on February 19, 2008 the City Council adopted Resolution No. 08-13, certifying that: the Final EIR for the Benicia Business Park Project was completed in compliance with the California Environmental Quality Act (CEQA), the *CEQA Guidelines*, and the City of Benicia Environmental Review Guidelines; that the Final EIR identified and adequately evaluated all potentially significant environmental effects and identified all appropriate mitigation measures needed to address identified environmental impacts; that the Final EIR adequately addressed all agency, organization, and public comments received on the Draft EIR; and that the Final EIR reflected the City's independent judgment and analysis; and

**WHEREAS**, Discovery Builders, the sponsor of the Benicia Business Park Project, revised the project analyzed in the Final EIR after certification of the Final EIR; and

**WHEREAS**, in compliance with *CEQA Guidelines* Sections 15164 and 15162, an Addendum to the Final EIR (incorporated herein by reference as Exhibit "C") was published on April 29, 2008, for the revised project, which found that: changes were made to the project analyzed in the certified Final EIR but that these changes did not involve new significant environmental effects or a substantial increase in severity of previously identified significant effects; that substantial changes did not occur with respect to the circumstances under which the project will be undertaken; and that new information of substantial importance was not introduced.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Benicia has accepts the EIR Addendum and finds that it was prepared in accordance with all applicable provisions of CEQA, including *CEQA Guidelines* Sections 15162 and 15164.

**BE IT FURTHER RESOLVED** that the City Council of the City of Benicia hereby adopts the written findings and statements of fact set forth in Exhibit "A" attached hereto for each of the potentially significant effects identified in the EIR, and that based on those findings and facts, the City Council hereby determines that potentially significant environmental effects related to the Benicia Business Park project have been eliminated or reduced to a level of insignificance, with the exception of the significant unavoidable impact to regional air quality associated with emission of ozone precursors.

**BE IT FURTHER RESOLVED** that the City Council finds that the impact to regional air quality associated with emission of ozone precursors is a significant and unavoidable impact which, despite implementation of all available and reasonable mitigation measures, cannot be mitigated to a level less than significant, and therefore, the City Council adopts a Statement of Overriding Considerations, as set forth in Exhibit "A" attached hereto.

**BE IT FURTHER RESOLVED** that the City Council approves and adopts the EIR Mitigation Monitoring and Reporting Program, set forth in Exhibit "B" attached hereto for the purpose of ensuring that all potentially significant impacts identified in the EIR are mitigated to less than significant levels.

\* \* \* \* \*

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 3<sup>rd</sup> Day of June, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**EXHIBIT "A"**  
**BENICIA BUSINESS PARK ENVIRONMENTAL IMPACT REPORT**  
**CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to Sections 15091 and 15093 of the State *CEQA Guidelines* (California Code of Regulations, Title 14) and Section 21081 of the California Environmental Quality Act (Public Resources Code, Division 13)

SUMMARY: The Final Environmental Impact Report (EIR), which consists of the Draft EIR (January 2007), Response to Comments Document (July 2007), and Supplemental Response to Comments Document (November 2007) for the 2007 Benicia Business Park project (2007 project) prepared by the City of Benicia (City) identified significant environmental impacts that would result from implementation of the 2007 project. While the City Council certified the Final EIR for the 2007 project on February 19, 2008, it determined that the 2007 project conflicted with certain provisions of the City's General Plan, and required these conflicts to be resolved before the project could be approved. To resolve these conflicts, the City Council directed the project sponsor, Discovery Builders, to revise the project to reflect the environmentally superior alternative identified in the Final EIR (the Hillside/Upland Preservation alternative), and to analyze the revised project's environmental effects, and appropriate mitigation measures, including as they relate to Leadership in Energy and Environmental Design (LEED) criteria; California State Assembly Bill (AB) 32<sup>1</sup>; traffic on Interstate 780 and Interstate 680 (I-780 and I-680); sustainability; and urban decay.

On March 20, 2008, the project sponsor submitted revised project materials, including a mitigated vesting tentative map, mitigated master plan, mitigated phasing plan, mitigated preliminary drainage plan, mitigated preliminary sewer and water plan, master plan overlay design guidelines for the limited industrial zoning designation and the commercial zoning designation, conceptual landscape plan, letter from Abrams & Associates (describing purported changes to the project's impacts on I-780), and a description of the mitigated Benicia Business Park project (mitigated project).

An Addendum to the Final EIR was prepared in April 2008 to determine whether new or more severe environmental impacts not previously identified in the Final EIR would result from the mitigated project. The analysis in the Addendum found that the mitigated project would not result in new environmental impacts beyond those identified in the Final EIR, and would reduce or eliminate several of the significant impacts that were expected to result from the 2007 project. The City finds that the inclusion of certain mitigation measures, as part of project approval, will reduce all but one of the remaining potential significant impacts (including cumulative impacts) to a less-than-significant level. Specific overriding economic, legal, social, technological, or other benefits of the project that outweigh the significant unavoidable impact on the environment are described below.

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<sup>1</sup> AB 32, the California Global Warming Solutions Act of 2006, requires the California Environmental Protection Agency to lead the evaluation of California's impacts on climate change and identify mitigation strategies to reduce emissions and minimize the adverse effects of climate change.

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## SECTION 1: INTRODUCTION

### 1.1 Statutory Requirements for Findings

Section 15091 of the *California Environmental Quality Act (CEQA) Guidelines* states that:

*(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.<sup>2</sup>

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.<sup>3</sup> The *CEQA Guidelines* state in section 15093 that:

*If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*

### 1.2 Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's decision on the project consists of: a) matters of common knowledge to the City, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the City:

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<sup>2</sup> *CEQA Guidelines*, Section 15091 (a), (b).

<sup>3</sup> Public Resources Code Section 21081(b).

- The Notice of Preparation and other public notices issued by the City in conjunction with the project;
- The Public Review Draft EIR, dated January 2007 (State Clearinghouse Number 2001022079);
- All written comments submitted by agencies and members of the public during the public comment period on the Draft EIR and all oral comments submitted at the public hearings held during the EIR public comment period, and responses to those comments (see *Benicia Business Park EIR Response to Comments Document* (July 2007) and *Supplemental Response to Comments Document* (November 2007)) which together with the Draft EIR constitute the Final EIR for the project;
- The Mitigation Monitoring and Reporting Program;
- Benicia Business Park EIR Addendum (April 2008);
- All findings, statements of overriding consideration, and resolutions adopted by the City in connection with the project, and all documents cited or referred to therein;
- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the City, project sponsor, or the consultants, or responsible or trustee agencies with respect to: a) the City's compliance with CEQA; b) development of the project site; or c) the City's action on the project; and
- All documents submitted to the City by agencies or members of the public in connection with development of the project.

### 1.3 Organization/Format of Findings

Section 2 of these findings contains a summary description of the project, sets forth the objectives of the project, and provides related background facts. Section 3 identifies the potentially significant effects of the project which were determined to be mitigated to a less-than-significant level. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the Draft EIR, as modified in the Final EIR. Section 4 identifies the significant impacts that cannot be mitigated to a less-than-significant level even though all feasible mitigation measures have been identified and incorporated into the project. Section 5 identifies the project's potential environmental effects that were determined not to be significant, and do not require mitigation. Cumulative effects are discussed in Section 6. Section 7 discusses the feasibility of project alternatives, and Section 8 includes the City's Statement of Overriding Considerations.

## SECTION 2: THE BENICIA BUSINESS PARK MITIGATED PROJECT

### 2.1 Project Objectives

The project sponsor has identified the following objectives for the proposed development of the Benicia Business Park:

- To subdivide the project site into 80 developable lots;
- To develop the site for limited industrial, commercial, and open space uses;
- To provide employment and revenue opportunities for Benicia;

- To preserve significant hillsides, existing creeks, wetlands, and ponds; and
- To develop the site in a manner consistent with the City General Plan and Zoning Ordinance.

## 2.2 Project Description

The mitigated project would include commercial development on the eastern end of the project site, with industrial development in the central and western portions of the site. A total of 80 lots would be developed on the project site. Clusters of commercial and industrial land uses would be bisected by bands of open space. The mitigated project would preserve four significant hillsides within the project site, including three prominent hilltops south of Lake Herman Road. Approximately 4,000,000 cubic yards of grading would occur. The mitigated project would also preserve 100- to 200-foot buffers on each side of all creeks, drainages, swales, and other wetlands within the project site. The land uses proposed as part of the mitigated project are summarized below:

- 35 acres of commercial land uses;
- 150 acres of industrial land uses;
- 30 acres of roadways and infrastructure; and
- 313 acres of open space.

Refer to the Benicia Business Park EIR Addendum (April 2008) for additional detail.

## 2.3 Alternatives

The Final EIR evaluated a project that would result in the development of 280 acres of industrial space (4,443,440 square feet of industrial building space) and 35 acres of commercial space (857,000 square feet of commercial building space), movement of approximately 9 million cubic yards of soil, and the removal of 5.26 acres of on-site wetlands and 1,201 linear feet of creeks. Based on the project objectives and anticipated environmental consequences, and pursuant to Section 15126.6 of the *CEQA Guidelines*, the following project alternatives were analyzed in the Final EIR:

- The **No Project alternative**, under which the project would not be developed within the short term, and the project site would remain under its existing General Plan designations (General Commercial and Limited Industrial), which would allow for future development.
- The **Waterway Preservation alternative**, which would preserve a 200-foot buffer on each side of the creeks and drainages within the project site, and would include approximately 34 acres of commercial uses, 180 acres of industrial uses, and 313 acres of open space.
- The **Hillside/Upland Preservation alternative**, which would reduce grading on the site by up to 70 percent by preserving the prominent hilltops adjacent to Lake Herman Road. In addition, 100-foot buffer zones would be set aside along all drainages within the site. Development as part of this alternative would include 33 acres of commercial uses; 177 acres of industrial uses; and 317 acres of open space.
- The **Mixed-Use alternative**, which would result in the development of housing on the site, in addition to commercial and industrial uses. Housing would be located within walking distance of the commercial and industrial uses in the site. This alternative, which would require General Plan and Zoning Ordinance amendments, would include: approximately 63 acres of high density

residential uses; 16 acres of medium density residential uses; 27 acres of commercial uses; 171 acres of industrial uses; and 240 acres of open space.

A more detailed description of these alternatives, and required findings, are set forth in Section 7: Feasibility of Project Alternatives and Mitigation Measures.

## 2.4 Addendum

The City Council certified the Final EIR for the 2007 project on February 19, 2008, but at the same time determined that the 2007 project conflicted with certain provisions of the City's General Plan, and required these conflicts to be resolved before the project could be approved. To resolve these conflicts, the City Council directed the project sponsor, Discovery Builders, to revise the project to reflect the environmentally superior alternative identified in the Final EIR (the Hillside/Upland Preservation alternative), and to analyze the revised project's environmental effects, and appropriate mitigation measures, including as they relate to Leadership in Energy and Environmental Design (LEED) criteria; California State Assembly Bill (AB) 32<sup>4</sup>; traffic on Interstate 780 and Interstate 680 (I-780 and I-680); sustainability; and urban decay.

On March 20, 2008, the project sponsor submitted revised project materials, including a mitigated vesting tentative map, mitigated master plan, mitigated phasing plan, mitigated preliminary drainage plan, mitigated preliminary sewer and water plan, master plan overlay design guidelines for the limited industrial zoning designation and the commercial zoning designation, conceptual landscape plan, letter from Abrams & Associates (describing purported changes to the project's impacts on I-780), and a description of the mitigated project.

An Addendum to the Final EIR was prepared in April 2008 to determine whether new or more severe environmental impacts not previously identified in the Final EIR would result from the mitigated project. *CEQA Guidelines* Section 15164 states: "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Section 15162 specifies that no subsequent EIR shall be prepared for the project unless the project or the project's circumstances change such that the project would result in new or more significant impacts beyond those identified in the Final EIR, or new information is introduced that indicates the project would result in new or more substantial impacts or would require new mitigation measures that the project sponsor declines to adopt.

The analysis in the Addendum found that the mitigated project would not result in new environmental impacts beyond those identified in the Final EIR, would reduce or eliminate several of the significant impacts that were expected to result from the 2007 project, and would not require new mitigation measures that the project sponsor declines to adopt.

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<sup>4</sup> AB 32, the California Global Warming Solutions Act of 2006, requires the California Environmental Protection Agency to lead the evaluation of California's impacts on climate change and identify mitigation strategies to reduce emissions and minimize the adverse effects of climate change.

## SECTION 3: EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS

The Final EIR for the 2007 project and the Addendum for the 2008 mitigated project identified certain potentially significant effects that could result from the project. However, the City finds for each of the significant or potentially significant impacts identified in the Final EIR and restated in this section, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the Final EIR<sup>5</sup> and, thus, that adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. The mitigation measures discussed in this section will be incorporated into the conditions of approval for the project. As a result, these mitigation measures will become part of the project. The City will require the project applicant to comply with all aspects of CEQA, including mitigation monitoring, as part of project approval.

### 3.1 Land Use and Planning Policy

**Impact LU-1:** The proposed project would substantially conflict with policies in the General Plan adopted for the purposes of environmental protection.

Findings for Impact LU-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact LU-1, as identified in the Final EIR. The City finds that, although the site would still be developed with industrial and commercial uses as part of the mitigated project, the mitigated project would be implemented in a way that would preserve much of the rural character and many of the environmental features of the site. Because existing wetlands and creeks would be preserved, the mitigated project would substantially protect the quality of local water bodies compared to the 2007 project. The substantially reduced grading proposed as part of the mitigated project would preserve the hilly, rural visual integrity of the site. Therefore, the mitigated project would be substantially consistent with the policies, programs, and goals in the General Plan adopted for the purposes of environmental protection, particularly compared to the 2007 project. As such, the mitigated project would not result in a significant unavoidable impact in regard to consistency with the General Plan. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that the changes incorporated into the mitigated project will reduce Impact LU-1 to a less-than-significant level.

### 3.2 Geology, Soils and Seismicity

**Impact GEO-1:** Seismically-induced ground shaking at the project could result in damage to life and/or property.

Mitigation Measure GEO-1: Prior to the issuance of any site-specific grading or building permit, a final design-level geotechnical investigation report shall be prepared and submitted to the City of Benicia Planning and Building Department for review and confirmation that the proposed project fully complies with the California Building Code (Seismic Zone 4). The report shall determine the project site's geotechnical conditions and address potential seismic hazards such as seismic shaking. The report shall recommend foundation techniques appropriate to

<sup>5</sup> *CEQA Guidelines*, Section 15091.

minimize seismic damage. In addition, the geotechnical investigation shall 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 shall comply with the California Building Code (Seismic Zone 4) requirements, or requirements superceding California Building Code requirements. In addition, future development plans shall comply with the requirements of the final design-level geotechnical investigation report unless superseded by a parcel-specific design-level geotechnical investigation report. All mitigation measures, design criteria, and specifications set forth in the geotechnical reports shall be followed.

**Findings for Impact GEO-1:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact GEO-1, as identified in the Final EIR. The City finds that requiring the completion of a design-level geotechnical investigation report and incorporation of the recommendations, design criteria, and specifications from this report into the project design, along with requiring the project to be designed in accordance with the applicable Uniform Building Code and all applicable local codes are feasible, and will minimize hazards associated with ground shaking within the project site to a less-than-significant level. Preparation of a geotechnical report, and the implementation of recommendations in the report, are considered standard measures to reduce safety risks associated with groundshaking. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure GEO-1 will be incorporated into the project via conditions of approval, and will reduce Impact GEO-1 to a less-than-significant level.

**Impact GEO-2:** Damage to structures or property related to the shrink-swell potential of project soils could occur at the project site.

**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 Department, shall 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.

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

Findings for Impact GEO-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact GEO-2, as identified in the Final EIR. The City finds that requiring the preparation of a geotechnical investigation, adherence to recommendations in the investigation, and incorporation of low water-need plantings in the design of all common landscaped areas are feasible, and will reduce the hazards associated with shrink-swell conditions and soil settlement within the project site to a less-than-significant level. The implementation of recommendations in the geotechnical investigation will ensure that proposed building foundations will be able to withstand expected soil movement within the project site associated with shrink-swell conditions and settlement. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures GEO-2a and GEO-2b will be incorporated into the project via conditions of approval, and will reduce Impact GEO-2 to a less-than-significant level.

Impact GEO-3: Potential long-term deformation related to construction of deep fills and cut slopes could occur as a result of proposed development.

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, shall 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 shall 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 shall incorporate all recommendations of the final geotechnical investigation report regarding mitigation of potential effects associated with cut and fill into the project design.

Mitigation Measure GEO-3b: Prior to the issuance of any site-specific grading or building permit, the applicant shall 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 shall include annual inspections of slopes, debris benches, and v-ditches. Any accumulation of slope detritus on the benches or in the v-ditches shall 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 shall 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).

Findings for Impact GEO-3: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact GEO-3, as identified in the Final EIR. The City finds that requiring the preparation of a geotechnical investigation, adherence to recommendations in the investigation, and establishment of a self-perpetuating slope maintenance program are feasible, and will reduce the hazards associated with long-term deformation of slopes to a less-than-significant level. Mitigation Measures GEO-3a and GEO-3b will

require the implementation of best practices on the site to ensure that slopes and areas of fill are stable throughout the project construction and operation periods. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures GEO-3a and GEO-3b will be incorporated into the project via conditions of approval, and will reduce Impact GEO-3 to a less-than-significant level.

**Impact GEO-4:** Damage to structures or property could occur at the project site due to existing or induced slope instability resulting in landsliding.

**Mitigation Measure GEO-4a:** Prior to the issuance of any site-specific grading or building permit, a final design-level geotechnical investigation report shall be prepared and submitted to the City of Benicia Planning and Building Department for review and confirmation that the proposed project fully complies with the California Building Code (Seismic Zone 4). The applicant shall incorporate all recommendations of the final geotechnical investigation report regarding mitigation of slope instability into the project design.

**Mitigation Measure GEO-4b:** All grading plans, cut and fill slopes, compaction procedures, and retaining structures shall be designed by a licensed professional engineer and inspected during construction by a licensed professional engineer (or representative) or Certified Engineering Geologist (or representative). All designs shall be submitted to, and approved by, the City of Benicia prior to implementation.

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

**Findings for Impact GEO-4:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact GEO-4, as identified in the Final EIR. The City finds that requiring the preparation of a geotechnical investigation, adherence to recommendations in the investigation, and all preparation of all grading plans, cut and fill slopes, compaction procedures, and retaining structures by a licensed professional engineer are feasible, and will reduce hazards associated with slope instability to a less-than-significant level. These measures will ensure that the site will be prepared in a way that will minimize the potential for landslides. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures GEO-4a through GEO-4c will be incorporated into the project via conditions of approval, and will reduce Impact GEO-4 to a less-than-significant level.

**Impact GEO-5:** Accidental or earthquake-induced overflows from the Water Treatment Plant and proposed water tank reservoirs could result in flooding hazards on the project site.

**Mitigation Measure GEO-5:** The project shall 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 shall 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 shall be reviewed and approved by the City of Benicia Public Works Department.

Findings for Impact GEO-5: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact GEO-5, as identified in the Final EIR. The City finds that requiring the project to be modified to accommodate accidental or earthquake-induced flooding, and requiring the project sponsor to retain a hydrologist to review final project grading and drainage plans are feasible, and will ensure that flooding hazards associated with overflows from the Water Treatment Plant and proposed water tank reservoirs are reduced to a less-than-significant level. These measures will require that, in the event of accidental or earthquake-induced overflows from the Water Treatment Plant and water tank reservoirs, all flooding will be accommodated on site and will not substantially damage on-site structures or off-site property. Such measures comprise standard protocol for minimizing risks associated with flooding due to rupture of water storage facilities. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure GEO-5 will be incorporated into the project via conditions of approval, and will reduce Impact GEO-5 to a less-than-significant level.

### 3.3 Hydrology and Water Quality

Impact HYDRO-1: Increased runoff volume resulting from creation of new impervious surfaces could cause downstream flooding.

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 shall 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 shall 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 shall 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 shall 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 shall be reviewed for compliance with these requirements by the City of Benicia Department of Public Works. Any improvements deemed necessary by the City shall be part of the conditions of approval; and
- 4) The sponsor shall 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 shall be promptly removed. An annual report

documenting the inspection and any remedial action conducted shall be submitted to the City of Benicia Department of Public Works Department for review.

**Findings for Impact HYDRO-1:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact HYDRO-1, as identified in the Final EIR. The City finds that requiring the project sponsor to pay for the City to hire a professional engineer to review the grading and drainage plans, the SWPPP, and BMPs; requiring the preparation of a drainage plan that is designed in compliance with the City of Benicia standards; and requiring the establishment of a self-perpetuating drainage system maintenance program are feasible measures, and will ensure that flood hazards related to the increase in impervious surfaces on the project site are reduced to a less-than-significant level. These measures represent standard protocol to reduce downstream flooding, and are supported by State and regional hydrology/water quality agencies such as the Regional Water Quality Control Board. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure HYDRO-1 will be incorporated into the project via conditions of approval, and will reduce Impact HYDRO-1 to a less-than-significant level.

**Impact HYDRO-2:** Construction activities and post-construction site uses could result in degradation of water quality in creeks and the Carquinez Strait by reducing the quality of storm water runoff.

**Mitigation Measure HYDRO-2:** The sponsor shall 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 shall include:

- 1) *Specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants.* These controls shall 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 shall 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 shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. City of Benicia personnel shall conduct regular inspections to ensure compliance with the SWPPP.

If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (keeping sediment on the site). End-of-pipe sediment control measures (e.g. basins and traps) shall be used only as secondary measures. If hydro-seeding is selected as the primary soil stabilization method, then hydroseeded areas shall 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 shall be carefully

controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional both during dry and wet conditions.

- 2) *Measures designed to mitigate post construction-related pollutants.* The SWPPP shall 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). If the SWPPP includes higher maintenance BMPs, then funding for long-term maintenance needs shall 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 shall 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.

Findings for Impact HYDRO-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact HYDRO-2, as identified in the Final EIR. The City finds that requiring the preparation and implementation of a SWPPP, and requiring adherence to all Regional Water Quality Control Board requirements, are feasible measures, and will adequately protect the water quality of the Carquinez Strait and other surface waters during the project construction and operation period. The SWPPP will include measures to mitigate potential water quality degradation associated with runoff from all portions of the completed development. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure HYDRO-2 will be incorporated into the project via conditions of approval, and will reduce Impact HYDRO-2 to a less-than-significant level.

### 3.4 Hazards and Hazardous Materials

Impact HAZ-1: Transport, storage, or handling of fuels, lubricants, and other chemicals for heavy machinery operation/maintenance during site development activities could result in hazardous materials releases.

Mitigation Measure HAZ-1: The contractor overseeing grading and project site development shall prepare and implement a spill prevention plan for potentially hazardous materials to be used during site development activities. The plan shall be prepared and submitted to the City of Benicia Planning and Building Department for review and approval prior to the issuance of a grading permit. The plan shall designate an on-site employee responsible for plan implem-

entation 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 shall specify that all equipment be inspected for leaks immediately prior to construction and regularly inspected thereafter, and shall 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).

Findings for Impact HAZ-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact HAZ-1, as identified in the Final EIR. The City finds that requiring the preparation and implementation of a spill prevention plan for potentially hazardous materials is feasible and will reduce the hazards associated with the transport, storage, and handling of hazardous materials during the project construction period. A spill prevention plan will be effective in reducing hazardous materials risks during the construction period because it will establish protocol for using, transporting, and disposing of hazardous materials while minimizing the risk of unplanned releases into the environment. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure HAZ-1 will be incorporated into the project via conditions of approval, and will reduce Impact HAZ-1 to a less-than-significant level.

Impact HAZ-2: Site workers involved in demolition activities within the project site could be exposed to lead-based paint and asbestos-containing building materials, or other hazardous materials.

Mitigation Measure HAZ-2a: The project sponsor shall 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 shall be submitted to the City prior to the issuance of any demolition permit. If asbestos-containing materials are determined to be present, the materials shall 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 shall be removed by a qualified lead abatement contractor. Specifications developed for the demolition activities shall 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.

Mitigation Measure HAZ-2b: The project sponsor shall 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 shall be to mitigate potential exposure of workers to asbestos, lead-based paint, or other hazardous building materials, if present. The plan shall 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 shall be included in the demolition specifications prepared as part of Mitigation Measure HAZ-2a.

Mitigation Measure HAZ-2c: Containers of potentially hazardous materials identified during the site reconnaissance visits shall be removed prior to site development activities. Prior to removal, the containers shall be examined by a qualified environmental professional, and if the containers are found to contain material, samples of the material shall be collected by environmental personnel for the purpose of profiling the material prior to transport. Analysis of samples shall 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 shall 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 shall 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 Department, prior to issuance of a grading permit.

Mitigation Measure HAZ-2d: Other hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes and computer displays, shall 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) shall include provisions for appropriate off-site disposal of these materials in accordance with applicable regulations.

Findings for Impact HAZ-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact HAZ-2, as identified in the Final EIR. The City finds that requiring: a lead-based paint and asbestos survey, removal of any hazardous materials on the site by qualified personnel, and the disposal of hazardous materials generated during demolition activities in accordance with hazardous waste regulations are feasible measures and will reduce health risks associated with lead and asbestos to a less-than-significant level. These measures constitute standard protocol for reducing human health risks associated with lead-based paint, asbestos, and other hazardous materials that may be present on the site (including in buildings that will be demolished). Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures HAZ-2a through HAZ-2d will be incorporated into the project via conditions of approval, and will reduce Impact HAZ-2 to a less-than-significant level.

**Impact HAZ-3:** Proposed development within the project site would attract additional people to light industrial/commercial areas located near grassland areas, potentially contributing to an increased fire hazard.

Mitigation Measure HAZ-3a: The contractor shall prepare and implement a fire prevention and preparedness plan during site development activities. The plan shall be prepared prior to the start of earth working activities at the site and shall be reviewed and approved by the City of Benicia Fire Department prior to issuance of a building permit. The plan shall 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 shall 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.

**Mitigation Measure HAZ-3b:** The project sponsor shall comply with requirements for maintaining fire breaks, and other fire protection regulations of the Uniform Fire Code.

**Findings for Impact HAZ-3:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact HAZ-3, as identified in the Final EIR. The City finds that the preparation and implementation of a fire prevention and preparedness plan during site development activities, and compliance with the fire protection regulations of the Uniform Fire Code are feasible measures and will ensure that wildfire hazards are reduced to a less-than-significant level. The fire prevention and preparedness plan will ensure that on-site fire risks are reduced and that procedures are in place to evacuate the site safely during a fire and to notify appropriate fire fighting authorities. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures HAZ-3a and HAZ-3b will be incorporated into the project via conditions of approval, and will reduce Impact HAZ-3 to a less-than-significant level.

**Impact HAZ-4:** Workers involved in site grading, earthwork or demolition activities could encounter hazardous materials within the project site, including ordnance, explosives, or other chemicals or safety hazards that could cause physical injuries, death, or other adverse health effects.

**Mitigation Measure HAZ-4a:** The project sponsor shall ensure that the entire project site has been fully characterized for the presence of 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 shall be considered in characterizing the site. The site characterization shall occur under the oversight of a regulatory agency (e.g., SCEHS or DTSC), and shall 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,<sup>6</sup> or risk-based Benicia Screening Levels for soil).<sup>7</sup> Criteria for determining whether the site poses an unacceptable human health or safety risk shall be approved by the regulatory oversight agency. A report documenting characterization of

<sup>6</sup> Cal/EPA, 2005. California Human Health Screening Levels for Hazardous Materials for Commercial/Industrial Uses. Website: [www.calepa.ca.gov/Brownfields/documents/2005/CHHSLsGuide.pdf](http://www.calepa.ca.gov/Brownfields/documents/2005/CHHSLsGuide.pdf). January.

<sup>7</sup> Fosgren Associates/Brown and Caldwell, 2002, *Soil Assessment Criteria for the Former Benicia Arsenal, Benicia, California, Final*, FUDS Site Number: J09CA075600, prepared for Department of Defense, U.S. Army Engineer District, Sacramento Corps of Engineers, Contract Number DACW05-97-D-0038, March. Similar screening levels are not available for OE, and appropriate cleanup actions must be evaluated by the regulatory oversight agency based on available land use controls (including deed restriction), access controls available, extent of nature and extent of contamination, ability for treatment, cost effectiveness of actions, and proposed land use, among other considerations.

the site shall 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 shall also be overseen by the selected agency, and shall 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 shall 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 should there be an accident during site remediation activities. Site remediation activities shall 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).

Mitigation Measure HAZ-4b: If any known or suspected ordnance or explosives are encountered during earthwork activities on-site, construction in that area shall be immediately halted and all personnel shall vacate the area. The contractor shall then contact the 911 emergency system to report the emergency and request assistance. Ordnance and explosives discovery procedures shall 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) shall 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 shall not resume in the affected area until the area 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.

Mitigation Measure HAZ-4c: If contaminated soil is encountered or suspected during site development activities (through soil discoloration or odor), all work shall halt in the immediate area and personnel shall immediately vacate the area and notify Solano County Environmental Health Services (SCEHS). Soil samples shall be collected by a qualified environmental professional (e.g., registered geologist, professional engineer) prior to further work in the area. The samples shall be submitted for laboratory analysis by a State-certified laboratory under chain-of-custody procedures. The analytical methods shall 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 shall be provided to SCEHS and reviewed by a qualified environmental professional. The professional shall 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 shall not resume in this area(s) until these recommendations have been implemented under the oversight of SCEHS.

Mitigation Measure HAZ-4d: The contractor involved in site grading and site development activities shall 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 shall be developed by the contractor that can be implemented in the event utilities are ruptured; these procedures shall be reviewed and approved by the City of Benicia Planning and Building Department, prior to implementation. On-site workers shall 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).

Findings for Impact HAZ-4: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact HAZ-4, as identified in the Final EIR. The City finds that requiring: the potential presence of OE and other hazardous materials to be fully characterized prior to the start of earthwork activities and site development activities, preparation and implementation of a health and safety plan, an assessment of health impacts associated with excavation activities, and the development of emergency procedures in the event of the discovery of OE, hazardous materials, or utility rupture are feasible measures, and will ensure that safety hazards on the site are reduced to a less-than-significant level. These measures will ensure that the spatial distribution of OE (if present) is known, and that procedures are in place to ensure safety in the event that previously unidentified explosives are encountered on the site. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures HAZ-4a through HAZ-4d will be incorporated into the project via conditions of approval, and will reduce Impact HAZ-4 to a less-than-significant level.

### 3.5 Biological Resources

Impact BIO-1: Mature trees that are protected under the City's Tree Ordinance would be removed as part of the proposed project.

Mitigation Measure BIO-1: Prior to site development, a tree report shall 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 shall also specify measures to protect all preserved trees during construction, including through the creation of Tree Protection Zones. The sponsor shall apply for a Tree Permit for the removal of all protected trees.

As part of the Tree Permit, an arborist or biologist shall develop a tree replacement program in accordance with the City's tree ordinance. Two 15 gallon trees are generally required for the replacement of each mature tree that is removed. In some cases, one or two 24-inch box trees, or a mature tree is required for the replacement of one mature tree. Mitigation for the removal of protected red willow trees along the stream channels and wetlands shall be implemented in conjunction with the wetland mitigation measures as described in Mitigation Measure BIO-2a.

Findings for Impact BIO-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-1, as identified in the Final EIR. The City finds that preparation of a tree report that identifies specific trees for preservation, and the development of a tree replacement program in accordance with the City's tree ordinance is

feasible, and will reduce the impacts of removing mature trees from the project site. This measure will ensure that all trees (and associated habitat value) are replaced on the site. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure BIO-1 will be incorporated into the project via conditions of approval, and will reduce Impact BIO-1 to a less-than-significant level.

**Impact BIO-2: The project would adversely affect wetlands, creek channels, and associated habitat.**

Mitigation Measure BIO-2a: The project sponsor shall obtain the appropriate federal and State permits authorizing fill of wetlands or waters and shall 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 shall be in compliance with all terms and conditions of the permits.

Mitigation Measure BIO-2b: The project sponsor shall implement the wetland mitigation and monitoring plan prepared by Sycamore Associates,<sup>8</sup> as modified to reflect wetland impacts that would occur as part of the mitigated project. The revised wetland mitigation and monitoring plan shall be implemented as mitigation for impacts to jurisdictional wetlands and waters of the United States, and shall implement the recommendations and revisions to the original mitigation plan in the subsequent mitigation feasibility report prepared by WRA (as modified to reflect the mitigated project).<sup>9</sup> 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 shall be approved by the U.S. Army Corps of Engineers (Corps) and the City prior to implementation.

As detailed in the mitigation plans, created wetlands shall be monitored for a minimum of 5 years. Annual monitoring of each site shall 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 shall be made in the winter and spring of each year and quantitative data shall be collected in the spring. Annual reports shall 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 shall 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 shall be identified in consultation with the City and Corps. Remedial measures could include grading, planting, seeding, exotic/invasive vegetation control, and/or an extension of the maintenance or monitoring period. Remedial measures shall be implemented by the project sponsor.

Mitigation Measure BIO-2c: A contractor education program shall be created and initiated by the project restoration specialist prior to the initiation of ground disturbing activities. The

<sup>8</sup> Sycamore Associates LLC and Kamman Hydrology and Engineering, 2000. Wetland Mitigation and Monitoring Plan, Benicia Business Park, Solano County, California (ACOE File No. 18366E). January.

<sup>9</sup> Wetland Research Associates (WRA), 2004. Feasibility Analysis for Mitigation Wetlands. February 13.

purpose of this program shall 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 shall 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 shall 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.

Mitigation Measure BIO-2d: During project construction, no material shall be allowed to enter or be stored in any wetlands that are to be preserved. Project related dirt and other material shall be kept sufficiently far away from preserved wetlands and drainages to prevent material from entering these features. If earthmoving activities or material stockpiling occurs upslope from a preserved wetland or drainage, silt fencing shall be installed around the preserved feature to prevent soil from entering the wetland or drainage. Silt fencing shall be installed at least 5 feet from the edges of preserved wetlands and drainages. Silt fencing shall also be installed around preserved features whenever earthmoving activities or material stockpiling occurs within 20 feet of a preserved feature. All equipment washing shall occur downslope from preserved wetlands to prevent the runoff from entering the preserved wetlands. Berms or other barriers shall be constructed outside of preserved wetlands or drainages to prevent wash water runoff from entering the preserved wetlands.

Mitigation Measure BIO-2e: A conservation easement (or similar restriction) shall be established over the preserved and created wetlands to preserve these wetlands in perpetuity. A designated agency, conservation group, or open space organization shall hold the easement to ensure retention of the wetland mitigation site (including the mitigation wetlands and the associated uplands) in perpetuity as wetland habitat.

Mitigation Measure BIO-2f: The project sponsor shall provide financial assurances of a type (i.e., bond, letter of credit) and amount to be determined by the Corps and the City to ensure successful implementation of the mitigation and monitoring plan. The project sponsor shall also provide a long-term funding mechanism for the maintenance of the wetlands in the conservation easements in perpetuity.

Findings for Impact BIO-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-2, as identified in the Final EIR. The City finds that the implementation of the wetland mitigation and monitoring plan prepared by Sycamore Associates (as modified to reflect the mitigated project), the creation of a contractor education program, a prohibition on placing or storing soil in the preserved wetlands, the establishment of a conservation easement over the wetlands, and the provision of a long-term funding mechanism for wetland maintenance are feasible measures, and will ensure the protection of existing and created wetlands, creek channels, and associated habitat on the site. These measures will ensure that wetlands on the site are protected to the extent feasible and replaced in accordance with the requirements of government agencies with jurisdiction over wetlands. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation

Measures BIO-2a through BIO-2f will be incorporated into the project via conditions of approval, and will reduce Impact BIO-2 to a less-than-significant level.

**Impact BIO-3:** Construction of the proposed project could cause indirect impacts to special-status plants.

**Mitigation Measure BIO-3:** Prior to construction of the project, a survey shall 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 shall be implemented.

- If feasible, impacts to these plants shall 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, shall determine the feasibility of implementing avoidance measures and shall 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 shall also be developed to ensure the long-term stability of the population.
- If impacts to pappose tarplant are unavoidable, the project sponsor shall develop and implement a salvage and recovery plan for individuals prior to initiation of construction activities on the site. The mitigation plan, which shall be prepared by a qualified botanist experienced in the development and implementation of native plant restoration, mitigation, and management plans, shall 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 shall be considered if suitable habitat for this species is present.
  - 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 shall include provision for remedial actions to correct deficiencies, as needed. After 5 years, the species relocation shall 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 shall document the progress/success of the revegetation effort. If the revegetation is not successful, an additional period of correction and monitoring shall be specified.
- The project sponsor shall provide and secure a source of funding for this salvage and monitoring operation.
- The mitigation shall be considered a success if for the last 3 years of the 5-year monitoring program, the numbers of pappose tarplants have remained above the number of individuals that were adversely affected by the project (1:1 mitigation). The populations should show

no sign of decline during this period. In addition, for at least the last 4 of 5 monitoring years, the growth of grass, presence of thatch, and growth of weeds should 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 shall be purchased. The purchase of these lands shall be approved by the City or CDFG.

Finding for Impact BIO-3: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-3, as identified in the Final EIR. The City finds that a study to locate and map individual species of pappose tarplant, and the implementation of protective standards and procedures if any species are discovered on the project site, are feasible measures that are endorsed by CDFG, and will reduce indirect impacts to pappose tarplant. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure BIO-3 will be incorporated into the project via conditions of approval, and will reduce Impact BIO-3 to a less-than-significant level.

Impact BIO-4: The proposed project may result in the loss of aquatic and terrestrial habitat for the Pacific pond turtle and California red-legged frog and may result in direct take of these species through injury or mortality.

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

Mitigation Measure BIO-4b: Protocol-level surveys for California red-legged frogs shall be conducted according to the August 2005 protocol<sup>10</sup> in all areas of the site that provide suitable habitat for this species. The results of the surveys shall 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

<sup>10</sup> U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), 2005. Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog.

measures stipulated below and those stipulated in permits issued by the UCACE, USFWS, and CDFG shall be required.

If California red-legged frogs are observed on the site during the surveys, the project sponsor shall develop and implement a USFWS-approved mitigation plan to compensate for the loss of red-legged frog habitat on the site. The mitigation plan shall provide mitigation at a ratio of 3:1 for all adversely affected habitat (either direct or indirect) and shall provide a buffer of 300 feet around all preserved aquatic habitats onsite. Detailed protection measures shall be included in the plan. The plan shall also identify a secure funding source to provide for the maintenance of mitigation sites in perpetuity. All mitigation sites shall be placed in a conservation easement to preserve the sites as wildlife and plant habitat in perpetuity. The easements shall be held by CDFG, or the City of Benicia. The sponsor shall provide evidence of compliance with the mitigation requirements of the USACE, USFWS, and CDFG prior to issuance of a grading permit.

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 shall comply with protection measures required by the USACE, USFWS or CDFG. At a minimum, the following protection measures shall be implemented.

- A qualified biologist shall 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 shall survey the work area for California red-legged frogs.
- If red-legged frogs are found within the work area, all work shall cease and the occurrence shall be reported immediately to the City, USFWS and CDFG. Work onsite shall resume only when authorized by the USFWS. If red-legged frogs are found, a report shall be prepared at the end of each construction season detailing the results of the monitoring effort. The report shall be submitted to the City by November 30 of each year.

Findings for Impact BIO-4: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-4, as identified in the Final EIR. The City finds that the requirement to conduct a survey to determine the presence of Pacific pond turtles and Californian red-legged frog, and the implementation of protective measures and monitoring required by the USACE, USFWS or CDFG, are feasible measures that are supported by State and federal natural resources agencies and would ensure that Pacific pond turtle and California red-legged frog would not be lost due to project implementation. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures BIO-4a through BIO-4c will be incorporated into the project via conditions of approval, and will reduce Impact BIO-4 to a less-than-significant level.

Impact BIO-5: The proposed project may result in the loss of nesting habitat for the white-tailed kite, Cooper's hawk, loggerhead shrike, saltmarsh common yellowthroat, and other breeding birds, and may result in direct take of these species through injury or mortality.

Mitigation Measure BIO-5a: A qualified biologist shall 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 shall be conducted no more than 14 days prior to the start of pruning, construction, or ground disturbing activities if the activities occur during the nesting season (February 1 and August 31). Preconstruction surveys for nesting raptors shall be conducted on a minimum of 3 separate days during the 14 days prior to disturbance. Preconstruction surveys shall be repeated at 30-day intervals until construction has been initiated in the area. Locations of active nests shall be described and protective measures implemented. Protective measures shall include establishment of clearly delineated (i.e., orange construction fencing) avoidance areas around each nest site that are a minimum of 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 shall be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance. These protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. A report shall be submitted to the City at the end of the construction season documenting the observations made during monitoring.

Mitigation Measure BIO-5b: A preconstruction survey shall 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 owls are observed during the preconstruction survey, a determination shall be made on whether birds are roosting or nesting. If a single owl is roosting, demolition or removal of the structure can proceed after the owl has been persuaded to move from the roost area. Non-invasive techniques include light shining into the roost space for one or two nights and days. If barn owls (or other owls species) are found to be actively nesting in the barn, any work on or demolition of the structure shall be postponed until one of the following conditions have been met: 1) a qualified biologist monitoring the nest determines that the owls have abandoned the nest without any outside interference or 2) a qualified biologist monitoring the nest has determined that the young have fledged and are capable of relocating and using another roost site. Under either scenario, the monitor shall ensure that all owls have left the building prior to demolition activities. Once the young have fledged, non-invasive techniques may be used to encourage the owls to leave the barn. The barn owl nesting period is typically between February 15 and July 15. Buildings being used by nesting owls shall be fenced and designated off-limits to prevent entry into the buildings.

Findings for Impact BIO-5: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-5, as identified in the Final EIR. The City finds that conducting surveys for the species listed in Impact BIO-5, and adhering to the species protection protocol set forth in Mitigation Measures BIO-5a and BIO-5b are feasible measures and will adequately protect white-tailed kite, Cooper's hawk, loggerhead shrike, saltmarsh common yellowthroat, and other breeding birds that may occur on the site. This protocol is consistent with that recommended by CDFG for the protection of breeding birds of special concern. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures BIO-5a and BIO-5b will be incorporated into the project via conditions of approval, and will reduce Impact BIO-5 to a less-than-significant level.

Impact BIO-6: The proposed project may result in the loss of western burrowing owl habitat and direct take of this species through injury or mortality.

Mitigation Measure BIO-6a: Preconstruction surveys shall be conducted for burrowing owls prior to site preparation, grading and construction. These surveys shall conform to the survey protocol established by the California Burrowing Owl Consortium.<sup>11</sup> Preconstruction surveys shall be conducted no more than 30 days prior to the initiation of construction activities and at 30-day intervals if construction activities have not been initiated in an area. The following measures shall also apply:

- a) If burrowing owls are found onsite, they shall 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) shall be established around each burrowing owl burrow to be avoided. No disturbance shall 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 shall be undertaken according to the current protocol established by the CDFG. Artificial burrows shall be provided on the mitigation site for each occupied burrow destroyed at the project site at a ratio of 2:1 (two artificial burrows created for each occupied burrow destroyed).
- 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) shall be established around any burrows containing owls.
- d) Removal of burrowing owls at the project site shall conform to the requirements of CDFG's *Staff Report on Burrowing Owl Mitigation*.<sup>12</sup> This shall entail establishing 6.5 acres of suitable habitat for each pair of burrowing owls displaced from the project site. These 6.5 acres shall be adjacent to an area already used by burrowing owls. The replacement mitigation site shall be preserved in perpetuity for use as burrowing owl and wildlife habitat. An endowment for management and monitoring the site shall also be established.

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 shall be equivalent to purchasing 6.5 acres per pair or single bird observed on the site. The final mitigation requirement shall be determined following the completion of the protocol-level survey. The sponsor shall provide the City with evidence of completion of the mitigation or purchase of mitigation credits prior to the issuance of a grading permit.

<sup>11</sup> California Burrowing Owl Consortium, 1997. Burrowing Owl Survey Protocol and Mitigation Guidelines. Appendix B, pp. 171-177 in Lincer, J.L. and K. Steenhof, eds. *The Burrowing Owl, Its Biology and Management; Including the Proceedings of the First International Burrowing Owl Symposium*. Raptor Research Report No. 9.

<sup>12</sup> California Department of Fish and Game (CDFG), 1995. *Staff Report on Burrowing Owl Mitigation*. California Department of Fish and Game. Sacramento, CA. 8 pp. October 17.

Findings for Impact BIO-6: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-6, as identified in the Final EIR. The City finds that conducting surveys for the burrowing owl, and adhering to the protocol set forth in Mitigation Measures BIO-6a and BIO-6b are feasible measures and will adequately protect any burrowing owls that may occur within the project site. This protocol is consistent with that recommended by CDFG for the protection of burrowing owl. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures BIO-6a and BIO-6b will be incorporated into the project via conditions of approval, and will reduce Impact BIO-6 to a less-than-significant level.

**Impact BIO-7:** The proposed project may result in direct take of the American badger through injury or mortality.

Mitigation Measure BIO-7: A qualified biologist shall conduct surveys of the grassland habitat onsite to identify any badger burrows. These surveys shall be conducted no sooner than 2 weeks prior to the start of construction. Impacts to active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning is complete or the den is abandoned. A qualified biologist shall 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.

Findings for Impact BIO-7: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-7, as identified in the Final EIR. The City finds that conducting surveys for the American badger, establishing exclusion zones around any identified burrows, and monitoring dens are feasible measures and will adequately protect any American badgers that may occur within the project site. This protocol is consistent with that recommended by CDFG for the protection of American badger. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure BIO-7 will be incorporated into the project via conditions of approval, and will reduce Impact BIO-7 to a less-than-significant level.

**Impact BIO-8:** The proposed project may result in the loss of foraging and roosting habitat for the pallid bat, pale Townsend's big-eared bat, and other special-status bat species, and may result in direct take of these species through injury or mortality.

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

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

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

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 shall be provided for the bats. The roost shall be constructed and placed onsite prior to removal of the original roost. A mitigation plan specifying the construction details and siting of the structure shall be prepared and approved by the City and CDFG prior to removal of the existing roost. The sponsor shall provide a secure source of funding for the monitoring of the artificial roost for a period of at least 5 years. A report documenting the implementation of the plan shall be provided to the City within 1 month of completion of the artificial roost. The plan shall be completed and implemented prior to the issuance of the grading permit.

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

Findings for Impact BIO-8: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-8, as identified in the Final EIR. The City finds that conducting surveys for bat roosts, and adhering to the protocol set forth in Mitigation Measures BIO-8a through BIO-8e are feasible measures and will adequately protect special-status bat species that may occur within the project site. This protocol is consistent with that recommended by CDFG for the protection of special status bats. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures BIO-8a through BIO-8e will be incorporated into the project via conditions of approval, and will reduce Impact BIO-8 to a less-than-significant level.

### 3.6 Transportation and Circulation

Impact TRANS-1: Unacceptable LOS at the intersection of East 2nd Street / Park Road / New Access. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

Mitigation Measure TRANS-1: The project sponsor shall install and pay for the following improvement. Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure NB approach to provide one shared through-left lane, and one exclusive right-turn lane. Reconfigure SB approach to provide one shared through-right lane and one exclusive left-turn lane. Reconfigure EB approach to provide one shared through-right lane, and one exclusive left-turn lane. Reconfigure WB approach to provide one exclusive right-turn lane, and one shared through-right lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS, C and LOS D with delays of 26.4 and 39.5 seconds for the AM and PM peak hours, respectively.

Findings for Impact TRANS-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-1, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for signalization and

reconfiguration of the lanes in the East 2nd Street/Park Road/New Access intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/Park Road/New Access intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-1 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-1 to a less-than-significant level.

**Impact TRANS-2:** Unacceptable LOS at the intersection of East 2nd Street/Industrial Way. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-2:** The project sponsor shall install and pay for the following improvement. 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. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS C and LOS D with delays of 31.6 and 43.5 seconds for the AM and PM peak hour, respectively.

**Findings for Impact TRANS-2:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-2, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes in the East 2nd Street/ Industrial Way intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street / Industrial Way intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-2 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-2 to a less-than-significant level.

**Impact TRANS-3:** Unacceptable LOS at the intersection of East 2nd Street/Rose Drive. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-3:** The project sponsor shall install and pay for the following improvement. Reconfigure SB approach to provide two through lanes, and one exclusive right-turn lane. Reconfigure EB approach to provide one exclusive left-turn lane, one shared left-right turn lane, and one exclusive right-turn lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS B and LOS C with a delay of 14.8 and 34.6 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-3:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-3, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes in the East 2nd Street/Rose Drive intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/Rose Drive intersection to a less-than-

significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-3 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-3 to a less-than-significant level.

**Impact TRANS-4:** Unacceptable LOS at the intersection of East 2nd Street/1-780 Westbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-4:** The project sponsor shall install and pay for the following improvement. 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. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS C and LOS D with delays of 30.2 and 36.5 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-4:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-4, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes in the East 2nd Street/1-780 Westbound Ramps intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/1-780 Westbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-4 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-4 to a less-than-significant level.

**Impact TRANS-5:** Unacceptable LOS at the intersection of East 2nd Street/1-780 Eastbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for AM peak hour.

**Mitigation Measure TRANS-5:** The project sponsor shall install and pay for the following improvement. Reconfigure WB approach to provide one left-turn lane, and one free right-turn lanes. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS C and LOS B for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-5:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-5, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes in the East 2nd Street/1-780 Eastbound Ramps intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/1-780 Eastbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-5 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-5 to a less-than-significant level.

**Impact TRANS-6:** Unacceptable LOS at the intersection of Lake Herman Road/extension of Industrial Way. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for the PM peak hour.

**Mitigation Measure TRANS-6:** The project sponsor shall install and pay for the following improvement. Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS C with delays of 28.1 seconds for the PM peak hour.

**Findings for Impact TRANS-6:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-6, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for a signalized intersection at the Lake Herman Road/extension of Industrial Way intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/extension of Industrial Way intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-6 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-6 to a less-than-significant level.

**Impact TRANS-7:** Unacceptable LOS at the intersection of Lake Herman Road/East 2nd Street. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-7:** The project sponsor shall install and pay for the following improvement. 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 improvement would result in this intersection operating at an acceptable LOS B and LOS C with delays of 16.6 and 34.4 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-7:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-7, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the widening and reconfiguration of lanes at the Lake Herman Road/East 2nd Street intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/East 2nd Street intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-7 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-7 to a less-than-significant level.

**Impact TRANS-8:** Unacceptable LOS at the intersection of Lake Herman Road/I-680 Southbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-8:** The project sponsor shall install and pay for the following improvement. Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure WB approach to provide one exclusive left-turn lane, and one through lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS B with delays of 11.9 and 13.1 seconds for the AM and PM peak hours, respectively. This improvement shall be included in a comprehensive plan to improve the operation of I-680 between Industrial Way and East 2nd Street.

**Findings for Impact TRANS-8:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-8, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization and reconfiguration of lanes at the Lake Herman Road/I-680 Southbound Ramps intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/I-680 Southbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-8 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-8 to a less-than-significant level.

**Impact TRANS-9:** Unacceptable LOS at the intersection of Lake Herman Road/I-680 Northbound Ramps/Goodyear Road. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-9:** The project sponsor shall install and pay for the following improvement. Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. 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. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS D and LOS C with delays of 42.2 and 28.4 seconds for the AM and PM peak hours, respectively. This improvement shall be included in a comprehensive plan to improve the operation of I-680 between Industrial Way and East 2nd Street.

**Findings for Impact TRANS-9:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-9, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization and reconfiguration of lanes at the Lake Herman Road/I-680 Northbound Ramps/Goodyear Road intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/I-680 Northbound Ramps/Goodyear Road intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation

Measure TRANS-9 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-9 to a less-than-significant level.

**Impact TRANS-10:** Unacceptable LOS at the intersection of Park Road/Bayshore Road. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-10:** The project sponsor shall install and pay for the following improvement. 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. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS B with delays of 12.4 and 14.4 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-10:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-10, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes at the Park Road/Bayshore Road intersection is feasible, and will reduce the project's contribution to congestion at the Park Road/Bayshore Road intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-10 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-10 to a less-than-significant level.

**Impact TRANS-11:** Unacceptable LOS at the intersection of East 2nd Street/Park Road/New Access. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-11:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection: 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. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS C with delays of 26.4 and 36.2 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-11:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-11, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization and reconfiguration of the East 2nd Street/Park Road/New Access intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/Park Road/New Access intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-11 will be incorporated

into the project via conditions of approval, and will reduce Impact TRANS-11 to a less-than-significant level.

**Impact TRANS-12:** Unacceptable LOS at the intersection of East 2nd Street/Industrial Way. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-12:** The project sponsor shall install and pay for the following improvement 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. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS C and LOS D with delays of 31.7 and 45.2 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-12:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-12, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for reconfiguration of the lanes in the East 2nd Street/Industrial Way intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/Industrial Way intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-12 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-12 to a less-than-significant level.

**Impact TRANS-13:** Unacceptable LOS at the intersection of East 2nd Street/Rose Drive. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-13:** The project sponsor shall install and pay for the following improvement 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. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B and LOS D with delays of 16.6 and 43.1 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-13:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-13, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for reconfiguration of the lanes in the East 2nd Street/Rose Drive intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/Rose Drive intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that

Mitigation Measure TRANS-13 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-13 to a less-than-significant level.

**Impact TRANS-14:** Unacceptable LOS at the intersection of East 2nd Street/1-780 Westbound Ramps. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-14:** The project sponsor shall install and pay for the following improvement 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. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS D with delays of 40.7 and 35.8 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-14:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-14, as identified in the Final EIR. The City finds that requiring the applicant to pay for and implement the reconfiguration of lanes in the East 2nd Street/1-780 Westbound Ramps is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/1-780 Westbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-14 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-14 to a less-than-significant level.

**Impact TRANS-15:** Unacceptable LOS at the intersection of East 2nd Street/1-780 Eastbound Ramps. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-15:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Reconfigure WB approach to provide one left-turn lane, and one free right-turn lanes. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS and LOS the AM and PM peak hours, respectively.

**Findings for Impact TRANS-15:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-15, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for reconfiguration of the lanes in the East 2nd Street/1-780 Eastbound Ramps intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/1-780 Eastbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-15 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-15 to a less-than-significant level.

**Impact TRANS-16:** Unacceptable LOS at the intersection of Lake Herman Road/extension of Industrial Way. The effect of cumulative growth and project traffic would result in the intersection operating at LOS E and LOS F with delays of 38.7 and over 50.0 seconds for the AM and PM peak hours, respectively.

**Mitigation Measure TRANS-16:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B and LOS C with delays of 13.8 and 39.3 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-16:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-16, as identified in the Final EIR. The City finds that requiring the applicant to install and pay for signalization of the Lake Herman Road/extension of Industrial Way intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/extension of Industrial Way intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-16 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-16 to a less-than-significant level.

**Impact TRANS-17:** Unacceptable LOS at the intersection of Lake Herman Road/East 2nd Street. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-17:** The project sponsor shall install and pay for the following improvement 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 intersection 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 shall 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.

**Findings for Impact TRANS-17:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-17, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes and signalization at the Lake Herman Road/East 2nd Street intersection is

feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/East 2nd Street intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-17 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-17 to a less-than-significant level.

**Impact TRANS-18:** Unacceptable LOS at the intersection of Lake Herman Road/I-680 Southbound Ramps. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-18:** The project sponsor shall install and pay for the following improvement 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. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS B and LOS C with delays of 17.2 and 25.9 seconds for the AM and PM peak hours, respectively. This improvement shall 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.

**Findings for Impact TRANS-18:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-18, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization and reconfiguration of lanes at the Lake Herman Road/I-680 Southbound Ramps intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/I-680 Southbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-18 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-18 to a less-than-significant level.

**Impact TRANS-19:** Unacceptable LOS at the intersection of Lake Herman Road/I-680 Northbound Ramps / Goodyear Road. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-19:** The project sponsor shall install and pay for the following improvement 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. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS D with delays of

52.0 and 35.3 seconds for the AM and PM peak hours, respectively. This improvement shall 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.

Findings for Impact TRANS-9: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-19, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization and reconfiguration of lanes at the Lake Herman Road/I-680 Northbound Ramps / Goodyear Road intersection, and the widening of lake Herman Road, is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road / I-680 Northbound Ramps/Goodyear Road intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-19 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-19 to a less-than-significant level.

**Impact TRANS-20:** Unacceptable LOS at the intersection of Park Road/Industrial Way. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with delays of over 50.0 seconds for the AM and PM peak hours.

Mitigation Measure TRANS-20: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B with delays of 13.0 and 12.8 seconds for the AM and PM peak hours, respectively.

Findings for Impact TRANS-20: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-20, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization of the Park Road/Industrial Way intersection is feasible, and will reduce the project's contribution to congestion at the Park Road/Industrial Way intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-20 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-20 to a less-than-significant level.

**Impact TRANS-21:** Unacceptable LOS at the intersection of Park Road/Bayshore Road. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

Mitigation Measure TRANS-21: The project sponsor shall install and pay for the following improvement 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. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B and LOS C with delays of 14.4 and 17.3 seconds for the AM and PM peak hours, respectively.

Findings for Impact TRANS-21: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-21, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes at the Park Road/Bayshore Road intersection is feasible, and will reduce the project's contribution to congestion at the Park Road/Bayshore Road intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-21 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-21 to a less-than-significant level.

Impact Trans-22: Unacceptable LOS at the freeway segment of Westbound I-780, West of East 2nd Street. The effect of project traffic would result in the freeway segment operating at LOS F with a volume to capacity ratio of 1.029 for PM peak hour.

Findings for Impact TRANS-22: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-22, as identified in the Final EIR. The City finds that traffic volumes at the westbound I-780 segment west of East 2nd Street are expected to decrease with implementation of the mitigated project, compared to the 2007 project. As a result, the mitigated project would no longer result in a potentially significant impact at this location, and Impact TRANS-22 would be avoided. This finding is supported by the traffic modeling conducted as part of the analysis in the Addendum. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that the changes incorporated into the mitigated project will reduce Impact TRANS-22 to a less-than-significant level.

Impact TRANS-23: The project would be inadequately served by transit facilities.

Mitigation Measure TRANS-23: 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 capital costs (i.e., buses, transit shelters, and signage) associated with build-out of the Benicia Business Park. In addition, the project sponsor shall provide transit stops with covered shelters at multiple locations throughout the project site, at all major retail and employment areas, as identified by the City's Public Works Department.

Findings for Impact TRANS-23: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-23, as identified in the Final EIR. The City finds that requiring the applicant to pay for the extension of Benicia Transit to the project site and related capital costs is feasible, and will provide an adequate level of transit service to the site. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-23 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-23 to a less-than-significant level.

Impact TRANS-24: The project would not include bicycle and pedestrian facilities.

**Mitigation Measure TRANS-24:** The project sponsor shall 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;
- 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);
- 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 shall be “unbundled” (i.e., rents for building space and parking lots shall be separate). Businesses at the Business Park that have 50 or more employees and provide employee parking on a free or subsidized basis shall provide financial compensation to those employees who commute by means other than private automobile, in accordance with CA Health and Safety Code §43845.

**Findings for Impact TRANS-24:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-24, as identified in the Final EIR. The City finds that requiring the applicant to incorporate pedestrian and bicycle design features and services into the project is feasible, and will adequately reduce potential pedestrian and bicycle facility impacts to a less-than-significant level. The required pedestrian and bicycle features will enhance connectivity to surrounding neighborhoods and may reduce reliance on private motor vehicles. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-24 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-24 to a less-than-significant level.

**Impact TRANS-25:** Temporary transportation impacts would result from truck movements and construction worker vehicles traveling to and from the project site.

**Mitigation Measure TRANS-25:** Prior to the issuance of each building permit, the project sponsor and construction contractor shall meet with the Benicia Public Works Department and other appropriate City of Benicia agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of the project. The project sponsor shall develop a

construction management plan for review and approval by the City Public Works Department. The plan shall include at least the following items and requirements:

- 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 shall 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.

Findings for Impact TRANS-25: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-25, as identified in the Final EIR. The City finds that requiring the applicant to prepare traffic management strategies to reduce traffic congestion and the adverse effects of parking demand by construction workers during construction of the project is feasible, and will adequately reduce temporary construction-related transportation impacts to a less-than-significant level. The required measures will ensure that project construction will not substantially disrupt circulation patterns in the vicinity of the project site. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-25 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-25 to a less-than-significant level.

Impact TRANS-26: High volumes of heavily laden trucks have an incremental impact on the condition of streets and highways

**Mitigation Measure TRANS-26:** The project sponsor shall prepare an overall construction traffic management plan to limit the effects of trucks and other construction traffic on surface conditions of area roads and intersections. This plan shall be prepared in coordination with the City of Benicia, and shall include the following provisions:

- Prior to implementation of the proposed project, the project sponsor shall survey the condition of truck access route roadways and prepare an existing conditions report to document roadway baseline conditions.
- During the construction of the project, or periodically throughout the project's construction period, the project sponsor shall make periodic improvements to area roadways to maintain minimum standards, including clean-up of construction debris (e.g., sand and gravel) and spot repaving of potholes or other pavement section damage.
- Upon completion of all or most of project construction activities, the project sponsor shall identify any impacts to roadway conditions. The project sponsor shall 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.

**Findings for Impact TRANS-26:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-26, as identified in the Final EIR. The City finds that requiring the applicant to prepare an overall construction traffic management plan is feasible, and will adequately reduce impacts related to roadway damage to a less-than-significant level. The measures listed above will require the project sponsor to fix damage to roadways resulting from use by project-related construction vehicles. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-26 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-26 to a less-than-significant level.

### 3.7 Air Quality

**Impact AIR-1:** Demolition and construction period activities could generate significant dust, exhaust, and organic emissions.

**Mitigation Measure AIR-1:** Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and specifications for the project. The following controls shall 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 shall be kept damp at all times, or shall 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 shall 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.

Findings for Impact AIR-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact AIR-1, as identified in the Final EIR. The City finds that requiring the construction contractor to implement the construction period dust and emission-control measures outlined in Mitigation Measure AIR-1 is feasible, and will reduce the project's construction period air quality impacts to a less-than-significant level. These construction-period air pollution reduction measures are considered to be effective by the Bay Area Air Quality Management District. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure AIR-1 will be incorporated into the project via conditions of approval, and will reduce Impact AIR-1 to a less-than-significant level.

### 3.8 Noise

**Impact NOI-1:** Construction period activities could create significant short-term noise impacts on adjacent industrial/commercial properties and on buildings that would become occupied within the project site before completion of the entire project.

Mitigation Measure NOI-1a: During all project site excavation and on-site grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

Mitigation Measure NOI-1b: The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.

Mitigation Measure NOI-1c: The construction contractor shall 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.

Mitigation Measure NOI-1d: The construction contractor shall 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 shall be restricted to the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.

**Findings for Impact NOI-1:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact NOI-1, as identified in the Final EIR. The City finds that requiring the contractor to: equip all equipment with mufflers, keep stationary equipment away from sensitive receptors, locate equipment staging away from sensitive receptors, and limit the hours that construction related activities can take place are feasible, and will reduce the project's construction period noise impacts to a less-than-significant level. These measures are considered by acoustical experts to be effective in reducing noise associated with construction activity and are standard conditions of approval employed by municipalities throughout the Bay Area. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures NOI-1a through NOI-1d will be incorporated into the project via conditions of approval, and will reduce Impact NOI-1 to a less-than-significant level.

**Impact NOI-2:** Implementation of the proposed project would increase traffic noise levels at the project site and surrounding areas.

**Mitigation Measure NOI-2a:** 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 shall be implemented:

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

**Mitigation Measure NOI-2b:** For all hotels built at the project site that include outdoor activity areas, **one** (or more) of the following measures shall be implemented:

- All hotel outdoor activity areas shall 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 shall 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-feet-high shall 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 shall 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.

**Mitigation Measure NOI-2c:** 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, shall be installed in all buildings that require good speech intelligibility (as outlined in sub-note 5 of Table IV.I-4 of the Final EIR) for buildings located as follows:

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

Findings for Impact NOI-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact NOI-2, as identified in the Final EIR. The City finds that requiring sound barriers to be constructed along the property/right-of way line of sensitive receptors or using rubberized asphalt, and implementing the sound-reduction provisions at outdoor hotel uses and in buildings that require good speech intelligibility are feasible measures, and will reduce noise levels on the project site to acceptable levels. These measures are considered by acoustical experts to be effective in reducing noise associated with roadway traffic and have been employed successfully throughout the Bay Area. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures NOI-2a through NOI-2c will be incorporated into the project via conditions of approval, and will reduce Impact NOI-2 to a less-than-significant level.

### 3.9 Visual Resources

Impact VIS-1: The proposed project would adversely affect scenic vistas from several public roadways.

Findings for Impact VIS-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact VIS-1, as identified in the Final EIR. The City finds that the grading proposed as part of the mitigated project is approximately 44 percent of the grading proposed as part of the 2007 project. Therefore, compared to the 2007 project, the mitigated project would preserve the prominent hillsides in the northern portion of the project site, near Lake Herman Road. In addition, other scenic features on the site, including wetlands and creeks, would be preserved as part of the mitigated project. The conceptual landscape plan prepared for the mitigated project includes provisions to buffer proposed development on the project site with trees, berms, and low fences. In addition, the proposed water tanks would also be screened with berms so as not to be visible from Lake Herman Road. All roadway frontages within the site would be planted with street trees, and trees would be expected to partially screen buildings from off-site viewpoints within 5 years of planting. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that the changes incorporated into the mitigated project will reduce Impact VIS-1 to a less-than-significant level.

Impact VIS-2: The proposed project could adversely affect the visual character of the project site, as observed from public vantage points surrounding the site.

Findings for Impact VIS-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact VIS-2, as identified in the Final EIR. The City finds that the mitigated project would preserve significant hillsides, along with 100- to 200-foot buffers on each side of the creeks, drainages, swales, and other wetlands found within the project site. While the preservation of these drainages would protect the existing hydrology of the project site, it would also preserve important components of the visual character of the site. The “reaches” of open space within the site would also break up the visual

bulk of development on the site, and would reduce the intrusion of the project into the rural character of the project site. The mitigated project would convert a rural landscape into a partially-developed one, but would retain the key visual features of the site in such a way that the character of the site would not be substantially adversely altered. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that the changes incorporated into the mitigated project will reduce Impact VIS-2 to a less-than-significant level.

**Impact VIS-3:** The water tanks would be visible from several public viewpoints and would be out of scale and character with the adjacent open space.

**Findings for Impact VIS-3:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact VIS-3, as identified in the Final EIR. The City finds that the proposed water tanks would be screened with berms so as not to be visible from Lake Herman Road. In addition, based on the conceptual landscape plan for the mitigated project, the water tanks would be surrounded with plantings that would ultimately screen views of the tanks from public viewpoints. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that the changes incorporated into the mitigated project will reduce Impact VIS-3 to a less-than-significant level.

**Impact VIS-4:** The proposed project could increase the amount of light and glare in Benicia adversely affecting day or nighttime views of the area.

**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 shall 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 shall be selected to minimize light and glare spillover into areas outside of the project site and shall be to the satisfaction of City staff. The detailed manufacturer's specifications shall 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 shall 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.

**Mitigation Measure VIS-4b:** All exterior lighting fixtures mounted on buildings shall be hooded and downward-directed to minimize spillover light and glare onto adjacent properties.

**Mitigation Measure VIS-4c:** No flood lighting of buildings, landscaping or signs shall 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.

**Findings for Impact VIS-4:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact VIS-4, as identified in the Final EIR. The City finds that the uses of low-glare/light spillover lighting fixtures and approval of lighting fixtures and plans by City staff are feasible measures, and will ensure the amount of light and glare generated by the mitigated project is adequately controlled. Light fixtures that minimize light spillover and glare are widely available and are effective in ensuring that nighttime views

are not degraded. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures VIS-4a through VIS-4c will be incorporated into the project via conditions of approval, and will reduce Impact VIS-4 to a less-than-significant level.

### 3.10 Cultural and Paleontological Resources

**Impact CULT-1:** Ground-disturbing project construction could result in adverse impacts to cultural resource BBP-2 in the project area.

Findings for Impact CULT-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact CULT-1, as identified in the Final EIR. The City finds that, unlike the 2007 project, the mitigated project would avoid adverse impacts to cultural resource BBP-2 during ground-disturbing activities. The mitigated project would preserve the site of BBP-2 as open space (the site is located within one of the creek buffers), and therefore would not adversely affect the potential resource. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that the changes incorporated into the mitigated project will reduce Impact CULT-1 to a less-than-significant level.

**Impact CULT-2:** Ground-disturbing project construction could disturb human remains, including those interred outside of formal cemeteries.

Mitigation Measure CULT-2: Should human remains be encountered by project activities, construction activities shall be halted and the County Coroner notified immediately. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist shall 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 shall be undertaken with the City. The archaeologist shall 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 shall prepare a report documenting the methods and results of the investigation. This report shall be submitted to the City, the project applicant, and the NWIC.

Findings for Impact CULT-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact CULT-2, as identified in the Final EIR. The City finds that requiring adherence to established protocol regarding the treatment of identified human remains is feasible, and will adequately protect such remains. Mitigation Measure CULT-2 represents standard protocol for minimizing potential impacts to human remains and allows for consultation with Native American groups to determine the need for additional protection resources. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure CULT-2 will be incorporated into the project via conditions of approval, and will reduce Impact CULT-2 to a less-than-significant level.

**Impact CULT-3:** Ground-disturbing project construction could result in significant impacts to paleontological resources.

**Mitigation Measure CULT-3:** A qualified paleontologist shall monitor initial project ground-disturbing construction below the soil layer (i.e., below the bottom of the soil layer, which is approximately 2.5-3.5 feet below the original ground surface). The paleontologist shall 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 shall 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 shall be curated at an appropriate facility (e.g., University of California Museum of Paleontology). Upon completion of paleontological monitoring, a report shall be prepared documenting the methods and results of the monitoring. The report shall be submitted to the project proponent and appropriate City agencies.

**Findings for Impact CULT-3:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact CULT-3, as identified in the Final EIR. The City finds that requiring a qualified paleontologist to monitor ground disturbing construction activities is feasible, and will adequately protect fossils. The evaluation of identified fossils will ensure that significant resources are adequately protected. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure CULT-3 will be incorporated into the project via conditions of approval, and will reduce Impact CULT-3 to a less-than-significant level.

**Impact CULT-4:** Ground-disturbing project construction could result in significant impacts to accidentally discovered cultural and paleontological resources.

**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 shall 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 shall be avoided by project activities. If avoidance is not feasible, the find shall 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 shall 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 shall prepare a report documenting the methods and results of the archaeological assessment/evaluation, and provide recommendations for the treatment of the find. The report should be submitted to the project sponsor, appropriate City agencies, and the Northwest Information Center (NWIC).

**Mitigation Measure CULT-4b:** If paleontological resources are discovered during project activities, all work within 25 feet of the discoveries shall be redirected until a paleontological monitor has assessed the situation and made recommendations for their treatment. If feasible, each find shall be avoided by project activities. If avoidance is not feasible, the paleontological find shall 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 shall 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 shall be prepared documenting the methods and results of the paleontological investigation. The report shall be submitted to the project sponsor and appropriate City agencies.

Findings for CULT-4: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact CULT-4, as identified in the Final EIR. The City finds that requiring work to stop around identified historical, cultural, and paleontological resources, and the evaluation of these resources are feasible measures, and will adequately protect these resources. Mitigation Measure CULT-4 represents standard protocol for minimizing potential impacts to previously unidentified archaeological materials and fossils and will allow for the development of resource protection measures, if warranted. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures CULT-4a and CULT-4b will be incorporated into the project via conditions of approval, and will reduce Impact CULT-4 to a less-than-significant level.

### 3.11 Public Services

Impact PUB-1: The project would increase demand for fire protection and emergency medical services, police services, and Public Works maintenance and operation services.

Mitigation Measure PUB-1a: The project sponsor shall set aside an appropriately-sized and located parcel within the project site to accommodate new public services facilities required to serve the project. The parcel shall be large enough to include the facilities listed below:

- A new Fire Department sub-station facility, totaling a minimum of 2.5 acres, shall be located along the Industrial Way extension, near the East 2nd Street intersection. The new sub-station shall be constructed and made operational prior to the occupation of Phase 1. 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 shall be provided at the sub-station prior to occupation of project facilities. Funding for this facility shall be provided by fees imposed on the proposed project. Funding for additional personnel and equipment shall be provided by the City.
- The new Fire Department sub-station shall include 200 to 400 square feet of office space for use by the Police Department, a multi-purpose room for community meetings, and training grounds. Funding for the additional officers and equipment shall be provided by the City. The Police Department office space shall be constructed and made operational prior to occupancy of Phase 1.

The parcel shall include approximately 7 to 15 acres of land for the development of an auxiliary corporation yard. The corporation yard shall include the types of facilities currently located in the existing corporation yard, as determined to be required by the Public Works Department, and shall be funded via fees imposed on the proposed project.<sup>13</sup>

<sup>13</sup> According to the Public Works Department, the existing corporation yard includes the following facilities, some or all of which may be required in the auxiliary corporation yard: woodworking shop; eight bay vehicle equipment shop;

Funding for additional personnel and equipment shall be provided by the City.

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

- During the development review process, the Fire Department shall 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 shall 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 shall 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.

Findings for PUB-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact PUB-1, as identified in the Final EIR. The City finds that requiring the applicant to set aside land for public facilities and to construct or pay for construction of new facilities, and requiring the Fire Department and Engineering Division to review project plans to ensure that required fire protection measures and facilities are in place are feasible measures and will ensure the City is able to provide adequate public services to the site. These measures will ensure that the project includes adequate fire protection features. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures PUB-1a and PUB-1b will be incorporated into the project via conditions of approval, and will reduce Impact PUB-1 to a less-than-significant level.

### 3.12 Utilities and Infrastructure

Impact UTIL-1: Implementation of the proposed project would require the extension of water supply distribution facilities to service proposed uses.

Mitigation Measure UTIL-1: Construction of water supply infrastructure shall 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 shall be constructed and operational before the first phase of development begins. The main connections shall be sized to serve the whole development and not upsized with each phase.

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office space; conference room; kitchen for each department; vehicle paint booth; metalworking shop; street sign shop; training room; vehicle parts store room; water meter shop; utility parts store room; crew room for 50 employees (Parks and Public Works Departments); foul weather gear room; locker space for 50 employees; household hazardous waste and cardboard recycling area; fuel island with gasoline and diesel fuel tanks (above- and underground); outdoor covered material storage; outdoor open material storage/material bins; 30-vehicle covered parking; 50-vehicle uncovered parking; 100-space employee parking; visitor parking; dog kennel; wash down rack with vacuum area; six-bin trash container area; pesticide area; transit bus area; utility map room; and long-term engineering archives.

- All on-site water infrastructure improvements required to serve each phase of development shall be constructed in the initial year of development of that phase.
- The sponsor shall obtain City approval for each phase of development, including development of individual projects. Development plans for individual projects shall 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 shall be required to allow the new zones to connect to the City's existing Zone 1 system in an emergency.

Findings for Impact UTIL-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact UTIL-1, as identified in the Final EIR. The City finds that requiring: domestic and fire service water service to be provided before the first phase of development begins, on-site water infrastructure improvements to serve each phase of development, and pressure-reducing valve stations is feasible, and will reduce impacts associated with the extension of water distribution facilities. These measures will ensure that demand for water on the project site (including for emergency uses) does not outpace supply and distribution facilities. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTIL-1 will be incorporated into the project via conditions of approval, and will reduce Impact UTIL-1 to a less-than-significant level.

**Impact UTIL-2:** Implementation of the proposed project would result in construction activities with the potential to adversely affect the City's water supply transmission line and reservoir.

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

- Final design of the proposed project shall 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 shall be rerouted or redundant lines installed by the sponsor if necessary to avoid impacts to the City's water supply distribution system.
- No work shall 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 shall be submitted for review and approval by the City to address a potential accident during construction resulting in damage to the line.
- The sponsor shall require that all construction activities are undertaken with the necessary precautions to avoid impacts to the City's water distribution system.

Findings for Impact UTIL-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact UTIL-2, as identified in the Final EIR.

The City finds that the requirements to reroute water lines, to prohibit work within 30 feet of the centerline of the City's water line, to submit contingency plans is feasible, and to take other precautions to avoid disrupting the City's water distribution infrastructure are feasible and will ensure impacts to the City's water distribution system are avoided. These measures will provide adequate oversight to ensure that the City's water facilities will not be damaged during the construction period. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTIL-2 will be incorporated into the project via conditions of approval, and will reduce Impact UTIL-2 to a less-than-significant level.

**Impact UTIL-3:** Implementation of the proposed project would require extension of wastewater collection lines to serve the project.

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

- All on-site sewer infrastructure improvements required to serve each phase of development shall 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 shall 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.

**Findings for Impact UTIL-3:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact UTIL-3, as identified in the Final EIR. The City finds that the requirements for designing and constructing the sewer infrastructure improvements are feasible and will ensure that the impacts from the extension of wastewater collection lines are less than significant. These measures will ensure that adequate wastewater conveyance capacity is present on the project site during all development phases. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTIL-3 will be incorporated into the project via conditions of approval, and will reduce Impact UTIL-3 to a less-than-significant level.

**Impact UTIL-4:** Implementation of the proposed project would exceed the capacity of the existing wastewater collection system during peak wet weather periods.

**Mitigation Measure UTIL-4:** Prior to the issuance of building permits for Phase 1 of the proposed project, the project sponsor shall fully fund and install all the required off-site wastewater collection improvements to serve the project. Required improvements shall 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 shall be performed prior to approval of final project design. Proposed improvements to the force main shall be reviewed and approved by the City prior to installation.

Findings for Impact UTIL-4: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact UTIL-4, as identified in the Final EIR. The City finds that requiring the project sponsor to pay for and install all required off-site wastewater collection improvements to serve the project, in accordance with all the requirements listed in Impact UTIL-4, is feasible and will ensure that the wastewater collection system is adequate to serve the project during peak wet weather periods. The recommended improvements were deemed adequate to serve the project in the 2006 Benicia Business Park Sewer System Collection Analysis prepared by Brown and Caldwell. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTIL-4 will be incorporated into the project via conditions of approval, and will reduce Impact UTIL-4 to a less-than-significant level.

### 3.13 Urban Decay

Impact DECAY-1: If the land uses of the project change, the project could result in urban decay.

Mitigation Measure DECAY-1: The land uses proposed for the Benicia Business Park and analyzed in the Final 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 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 shall provide the City with an updated economic analysis. The adequacy of the economic analysis shall 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 shall 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 shall 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 shall be similarly completed in conjunction with subsequent CEQA review of any changes to the project, if deemed necessary by the City.

Findings for Impact DECAY-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact DECAY-1, as identified in the Final EIR. The City finds that the requirement that the project sponsor provide an updated economic analysis if the amount of proposed retail space exceeds 100,000 square feet and the creation of a mitigation measure to reduce anticipated urban decay impacts (if warranted) are feasible measures, and will ensure that the mitigated project does not result in urban decay. These measures will ensure that substantial changes to the commercial component of the project are evaluated for urban decay. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure DECAY-1 will be incorporated into the project via conditions of approval, and will reduce Impact DECAY-1 to a less-than-significant level.

## **SECTION 4: SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL**

The Final EIR identifies one impact that cannot be mitigated to a less-than-significant level. This significant unavoidable impact is discussed below.

### **4.1 Air Quality**

Impact AIR-2: Long-term project-related regional emissions would exceed the BAAQMD thresholds of significance for ozone precursors.

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 sponsor shall incorporate all of the following measures into the project:

- 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.

Findings for Impact AIR-2: The implementation of an aggressive trip reduction program with the appropriate incentives for non-auto travel can reduce project-related vehicle emissions impacts by approximately 10 to 15 percent. However, a reduction of this magnitude will not reduce 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 impacts to a less-than-significant level. Therefore, the project's regional air quality impacts will remain significant and unavoidable. However, pursuant to Section 21091(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable based on specific overriding considerations set forth herein in Section 8 below.

## **SECTION 5: EFFECTS DETERMINED NOT TO BE SIGNIFICANT**

The environmental topics analyzed in Chapter IV of the Final EIR and Addendum represent those topics which generated the greatest potential controversy and expectation of adverse impacts among the project team and members of the public. Only impacts associated with mineral resources were determined to be less-than-significant during the scoping phase of the EIR. Based on visits to the project site and preliminary research, the project site does not contain significant mineral resources, and as such, the mitigated project is not expected to result in significant impacts related to mineral resources.

## **SECTION 6: SIGNIFICANT CUMULATIVE EFFECTS**

The cumulative analysis in the Final EIR utilized the development assumptions in the City's General Plan to determine the cumulative effects of the project. The following discussion describes potential cumulative impacts associated with the mitigated project and the City's findings regarding these impacts. No significant cumulative impacts will occur in association with the environmental topics not discussed below.

### **6.1 Land Use and Planning Policy**

Planned development in Benicia will generally occur on infill parcels in Downtown and on smaller to medium-size parcels of land near the City's outer edges. This development, like the mitigated project, is anticipated to be compatible with surrounding land uses and will not create barriers that will divide established neighborhoods. Unlike the 2007 project, the mitigated project will not result in a substantial conflict with General Plan policies that promote the protection of existing creek channels, viewsheds, and wetlands, and that encourage the development of neighborhoods that promote the use of alternate forms of transportation. Therefore, the City finds that the mitigated project will not make a considerable contribution to a significant cumulative impact associated with land use and planning policy.

### **6.2 Population, Employment, and Housing**

Cumulative projects in the City would increase Benicia's employment and housing base. The employment growth that will result from implementation of the mitigated project is generally consistent with growth planned in the City's General Plan. The project will not substantially induce population growth, result in the removal of existing housing, or result in the displacement of people. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative population, employment, or housing impact.

### **6.3 Geology, Soils and Seismicity**

Geology-related impacts of the mitigated project are typical of development sites in the Bay Area with steep slopes. Implementation of the mitigated project will result in impacts associated with earthshaking, expansive soils, soil deformation, and landslides. These impacts will be confined to the project site and will be reduced to a less-than-significant level with implementation of the mitigation measures recommended in Section IV.C, Geology, Soils and Seismicity, of the Final EIR, and adherence to the construction standards in the applicable Uniform Building Code. The geologic

impacts of other planned projects in Benicia will also be reduced with similar mitigation measures. Therefore, the City finds that the mitigated project will not make a considerable contribution to a significant cumulative impact associated with geology, soils, and seismicity.

#### **6.4 Hydrology and Water Quality**

The mitigated project, like some of the other planned projects in Benicia, will increase impervious surfaces and increase downstream flood hazards. Construction activities (particularly 4,000,000 cubic yards of grading proposed as part of the project) and operation of the project also have the potential to degrade the quality of surface water and creeks in Benicia. The implementation of mitigation measures outlined in Section IV.D, Hydrology and Water Quality, of the Final EIR, will reduce the project's hydrology and water quality impacts to a less-than-significant level. Other planned projects in the City will likely be required to implement similar measures. While the mitigated project could affect the natural drainage pattern on the site through grading activities, preservation of existing drainages and water features, along with new storm water features and new storm drain infrastructure will reduce the direct flooding and water quality impacts of the project. Therefore, the City finds that the mitigated project will not make a considerable contribution to a significant cumulative impact associated with hydrology and water quality.

#### **6.5 Hazards and Hazardous Materials**

Implementation of the mitigated project could result in the release of hazardous materials used during development activities, in addition to lead and asbestos associated with the demolition of buildings on the site. The project could also expose persons to wildfire hazards and hazardous materials at the project site, including explosives. Planned projects in Benicia could also release hazardous materials associated with construction activities. Foreseeable projects built on the outskirts of Benicia could also result in wildfire hazards. However, the hazards impacts of the mitigated project and planned projects in Benicia will be reduced to a less-than-significant level through adherence to federal, State, and local hazardous materials regulations, and through the implementation of standard mitigation measures and conditions of approval. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative hazards impact.

#### **6.6 Biological Resources**

Implementation of the mitigated project will preserve existing wetlands, riparian zones, creek channels. However, construction activities could diminish the habitat and population of a variety of protected plant and animal species ranging from pappose tarplant, to California red-legged frog, to American badger. Projects in Benicia planned for previously undeveloped sites will be expected to result in similar impacts. The project's impacts to these resources will be reduced to a less-than-significant level with implementation of the mitigation measures in Section IV.F, Biological Resources, of the Final EIR. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative biological resources impact.

#### **6.7 Transportation and Circulation**

The Benicia Business Park is projected to cause 11 out of the 20 study intersections to operate at unacceptable LOS E or worse under Cumulative Plus Project Conditions. The project, which includes no transit or pedestrian facilities, will also discourage the use of alternate modes of transportation. The project's congestion-related impacts and lack of facilities to encourage alternative transportation

will result in a significant transportation impact in the cumulative condition. However, all significant cumulative impacts will be reduced to a less-than-significant level with implementation of recommended mitigation measures. As such, the City finds that that implementation of the project will not make a considerable contribution to a significant transportation impact.

### **6.8 Air Quality**

The mitigated project will result in significant emissions of regional air contaminants, particularly reactive organic gases, nitrogen oxides, and particulate matter. These emissions will not be reduced to a less-than-significant level. As such, the City finds that these impacts are significant and unavoidable, but are acceptable based on the specific overriding considerations found herein in Section 8.

### **6.9 Noise**

Implementation of the mitigated project and cumulative projects will increase noise levels in Benicia and surrounding areas due to construction-period activity and increased traffic on City streets. Other foreseeable projects in Benicia will have similar impacts. However, noise increases associated with the project will occur along major roadways and in areas primarily used for industrial uses, and (with implementation of recommended mitigation measures) will not adversely affect sensitive receptors. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative noise impact.

### **6.10 Visual Resources**

The mitigated project will substantially alter the visual character of the project site through the conversion of land recently used for grazing into a business park and the substantial redesign of the site topography through grading. Other foreseeable projects could result in similar landscape changes in Benicia, including the development of hillsides, drainages, and wetlands. However, since the mitigated project will preserve significant hillsides, creeks, and wetlands, the mitigated project, in conjunction with other cumulative development, will not substantially change views from public viewpoints in Benicia and will not impact the overall visual character of the City. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative visual resources impact.

### **6.11 Cultural and Paleontological Resources**

Construction activities associated with the mitigated project could result in significant impacts to archaeological resources and human remains. However, the mitigated project will be subject to measures that protect identified and previously unidentified archeological resources. Other foreseeable projects in the City will be subject to similar measures. Therefore, the City finds that the mitigated project, in conjunction with nearby cumulative projects, will not contribute to cumulative impacts on cultural or paleontological resources.

### **6.12 Public Services**

The mitigated project, along with other planned projects in Benicia, will increase demand for police and fire services. This increased demand could compromise the emergency response times of the police and fire departments. The mitigated project, like other foreseeable projects, will be required to

contribute a pro-rata share or other funding to the construction of new police and fire facilities in the City. The alternative will also be required to set aside an appropriately-sized parcel for public facilities. These new facilities will allow emergency responders to maintain adequate emergency response times. Therefore, the City finds that no significant unmitigable cumulative impacts to public services will result from the project.

### **6.13 Utilities**

Implementation of the mitigated project will require the extension of water supply and wastewater conveyance infrastructure into the project site. In addition, the project will increase demand for water, wastewater treatment, solid waste disposal, energy, and telecommunications. The City currently has adequate water supply and wastewater treatment capacity to accommodate planned development. Although on-site infrastructure improvements will be required to provide a range of utilities to the mitigated project and cumulative projects, associated impacts will generally be site-specific. Therefore, the City finds that the mitigated project will not contribute to a cumulative impact related to utilities or local infrastructure.

### **6.14 Urban Decay**

The retail/commercial uses proposed as part of the project will be absorbed into Benicia's existing retail market without significant adverse impacts to existing businesses, including businesses in Downtown Benicia. The mitigated project is anticipated to enhance the economy of the area and will not result in cumulative urban decay impacts. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative impact related to urban decay.

## **SECTION 7: FEASIBILITY OF PROJECT ALTERNATIVES**

### **7.1 Project Alternatives**

CEQA requires that an EIR's analysis of alternatives include: 1) findings as to whether each alternative can feasibly achieve the project's objectives; and 2) identification of the "environmentally superior" alternative. Chapter V, Alternatives, of the Final EIR contains an analysis of the alternatives to the project, including the "No Project" alternative.

**7.1.1 2007 Project.** The project analyzed in the certified Final EIR proposed the subdivision of the site into 80 lots to allow for the development of approximately 280 acres of limited industrial uses and 35 acres of commercial uses. The project would result in the construction of 857,000 square feet of commercial building space and 4,443,440 square feet of industrial building space (for a total of 5,300,440 square feet of building space).

The 2007 project would result in approximately 9,000,000 cubic yards of grading on the site. Cut and fill would be balanced on the site by placing fill in portions of the site that are currently low-lying, such as the locations of intermittent streams and swales. The 2007 project also includes approximately 180 acres of open space, concentrated mostly in the northern and central portions of the site. A 54-acre reach surrounding a major drainage on the site would be included as part of the proposed open space. In addition, the 2007 project would entail the removal of 5.26 acres of on-site wetlands,

and 1,201 linear feet of creeks. Approximately 7.28 acres of mitigation wetlands are proposed as part of the 2007 project.

Findings. The 2007 project would have resulted in significant unavoidable impacts related to land use and planning policy, air quality, and visual resources. The City rejected the 2007 project because of these significant environmental impacts, and requested that the project sponsor revise the project to reflect the environmentally superior alternative that was consistent with the City's General Plan.

**7.1.2 No Project Alternative.** The No Project alternative assumes that the project site would not be subject to immediate development, and would remain generally in its existing condition. No grading, road building, or construction would take place on the site. In addition, the drainages, wetlands, trees, and abandoned ranch complex on the site would remain. The No Project alternative would also result in the short-term preservation of the site's topography. It is possible that grazing activities could continue in the area.

The General Plan designation of the site would remain as General Commercial and Limited Industrial under the alternative. These designations would allow for future development on the project site, potentially in the form of a project similar to the one currently proposed. The No Project alternative would achieve none of the desired objectives of the project. The project site would not be subdivided into lots to permit the development of business park uses, no employment and revenue-generating uses would be built on the site, no permanent open space buffer would be designated adjacent to Lake Herman Road, and the site would remain open space, which would be inconsistent over the long run with the current General Plan designation of the site for general commercial and limited industrial uses.

Findings. The No Project alternative would maximize the preservation of site features, including all existing hillsides, creeks, wetlands, and drainages. However, the No Project alternative would not realize the land uses for the site planned in the General Plan (General Commercial and Limited Industrial), and as such it would not achieve the key objectives of the mitigated project. Therefore, the City rejects the No Project Alternative.

**7.1.2 Waterway Preservation Alternative.** Many of the impacts associated with the 2007 project would be caused by the culverting or filling-in of existing waterways on the project site. The Waterway Preservation alternative would address these issues by preserving existing creeks, wetlands, and drainages on the project site with 100 to 200 foot buffers around each waterway. However, due to the grading proposed as part of the alternative, some impacts to waterways are still expected to occur. In particular, the increase in impervious surfaces associated with the mitigated project would increase the amount of stormwater runoff generated by the site, and construction activities and post-construction site uses could result in degradation of water quality in creeks and the Carquinez Strait by reducing the quality of storm water runoff.

The Waterway Preservation alternative would preserve a 200-foot buffer on each side of the creeks, drainages, swales, and other wetlands within the project site, and would substantially reduce impacts associated with hydrology, water quality, flooding, and biological resources, similar to the mitigated project. Drainage buffers would also encompass the remnant farm buildings on-site, allowing them to be preserved if they contain significant bat or owl habitat.

The configuration of commercial and industrial land uses that would be developed as part of the alternative would be similar to the configuration proposed as part of the mitigated project: commercial uses would be clustered on the eastern end of the site near I-680 and industrial uses would stretch to the west. However, the Waterway Preservation alternative would include a longer frontage of commercial uses along East 2nd Street, and would require a General Plan amendment. Both commercial and industrial uses would be bisected by bands of open space, which could be used as part of a trail network if desired by the project sponsor. This mixture of commercial, industrial, and open space lands would also require creative lot configuration, and street patterns. The alternative would also include an approximately 10-acre parcel of land designated for public facilities (e.g., fire station, police station, and public works facilities).

The alternative includes the following land uses (land used for roads and infrastructure would be incorporated into the listed acreages for the various land uses):

- 34 acres of commercial uses
- 170 acres of industrial uses
- 10 acres of public facilities
- 313 acres of open space/landscaped area

Findings. The Waterway Preservation alternative generally would meet all the same project objectives as the mitigated project. The Waterway Preservation alternative would result in the development of business park uses on the project site, similar to the mitigated project. The alternative would be generally consistent with the General Plan and Zoning designations of the project site, although additional land along East 2nd Street would need to be designated for commercial uses. In addition, the Waterway Preservation alternative would reduce Impact PUB-1, because it would include an approximately 10-acre parcel to accommodate new a fire station, police, and public works facilities on the site. Therefore, this alternative would substantially reduce the impacts on public services. However, the Waterway Preservation alternative would result in the same significant unavoidable long-term air quality impact as the mitigated project. The mitigated project includes environmentally superior characteristics of this alternative (wide buffers around wetlands and creeks) and environmentally superior characteristics of the Hillside/Upland Preservation alternative (substantially reduced grading; see below), resulting in a project that is environmentally superior to all alternatives analyzed in the Final EIR. Therefore, the City rejects the Waterway Preservation alternative because it is not environmentally superior to the mitigated project.

**7.1.3 Hillside/Upland Preservation Alternative.** Like the mitigated project, the Hillside/Upland Preservation alternative would preserve most of the larger hills within the project site, including the prominent hilltops south of Lake Herman Road. The preservation of most steep slopes within the project site would reduce grading by approximately 70 percent. Additional earthmoving savings could occur if development were to occur along hill contours, rather than perpendicular to contours.

The alternative would also preserve existing drainages and wetlands on the project site. Drainages would be protected with 100-foot buffers. Although these buffers would be approximately half the size of the riparian buffers outlined in the Waterway Preservation alternative and the mitigated project, they would be wide enough to protect water quality, slow the speed of runoff from adjacent slopes, and could accommodate hiking or walking paths without intruding on jurisdictional wetlands.

Open space lands would include the abandoned farm buildings on the site, allowing them to be retained (and avoiding impacts on significant bat and owl habitat).

The configuration of commercial and industrial land uses that would be developed as part of this alternative would be similar to the configuration proposed as part of the mitigated project: commercial uses would be clustered on the eastern end of the site near I-680 and industrial uses would stretch to the west. Similar to the Waterway Preservation alternative, the industrial and commercial uses developed in this alternative would be bisected by bands of open space (including hilly areas and drainages), which could be used as part of a trail network. This mixture of commercial, industrial, and open space lands would require creative lot configuration, and street patterns.

The Hillside/Upland Preservation alternative includes the following land uses (land used for roads and infrastructure would be incorporated into the listed acreages for the various land uses):

- 33 acres of commercial uses
- 167 acres of industrial uses
- 10 acres of public facilities
- 317 acres of open space/landscaped area

Findings. The Hillside/Upland alternative would meet the objectives of the mitigated project, and would result in significant impacts similar to those that would result from the mitigated project. Like the mitigated project, this alternative would result in a significant unavoidable impact associated with generation of vehicle-related air pollution. The mitigated project includes environmentally superior characteristics of this alternative (substantially reduced grading) and environmentally superior characteristics of the Waterway Preservation alternative (wide buffers around creeks and wetlands), resulting in a project that is environmentally superior to all alternatives analyzed in the Final EIR. Therefore, the City rejects the Hillside/Upland alternative because it is not environmentally superior to the mitigated project.

**7.1.4 Mixed Use Alternative.** The Mixed Use alternative includes a diversity of land uses that would encourage transportation alternatives and preserve the site's key natural features. The alternative includes significant acreage for residential uses: 63 acres, in the western portion of the site for high-density housing and 16 acres, in the central portion of the site, for medium-density housing. All housing on the site would be within walking distance of the commercial and industrial uses; residents of the project with jobs in the business park would not need to drive to work. However, all residential uses would be separated from commercial and industrial uses by riparian buffers and open space. The purpose of these buffers is to protect residents from adverse impacts, like noise and truck traffic, that could result from light manufacturing plants and shopping centers. These open space areas could also be an amenity for homeowners and renters, and would be easily accessible for walking to work or shopping and recreational use. Open space in the site would be linked, allowing for future trail connections to Lake Herman Park to the west of the business park, and would encompass the existing farm buildings, which provide habitat for bats and owls. The alternative also protects existing creeks and drainages with buffers ranging from 50 feet to 100 feet.

The following set of bullets summarizes land uses that are proposed as part of the Mixed Use alternative (land used for roads and infrastructure would be incorporated into the listed acreages for the various land uses):

- 63 acres of high density (up to 21 homes/acre) residential uses
- 16 acres of medium density (up to 14 units/acre) residential uses
- 27 acres of commercial uses
- 171 acres of industrial uses
- 10 acres of public facilities
- 240 acres of open space

Findings. The Mixed Use alternative would not meet as many project objectives as the mitigated project because it would not develop the site in the way designated by the General Plan. The Mixed Use alternative would create significant new policy inconsistency related impacts because of the proposed residential land uses. In addition, this alternative would still expose people to geologic and hydrologic hazards, while the air quality, noise, and traffic impacts would be expected to be far worse than the mitigated project (because residential uses typically generate more vehicle trips than commercial or industrial uses per unit area, even taking into account increased reliance on public transit). Therefore, the City rejects the Mixed Use alternative because it would result in more significant environmental impacts than the mitigated project.

## 7.2 Environmentally Superior Alternative

Section 15126.6(e)(2) of the *CEQA Guidelines* requires that an environmentally superior alternative be identified among the selected alternatives. The environmentally superior alternative identified in the Final EIR is the Hillside/Upland Preservation alternative.

Findings. Because the Hillside/Upland Preservation alternative could meet the goals and objectives for developing and implementing the project, and would reduce or eliminate some of the significant adverse effects of the project, the City found it to be the environmentally superior alternative at the time of the Final EIR. However, the mitigated project, which would preserve creeks and wetlands within 100- to 200-foot buffers and would reduce total site grading to 4,000,000 cubic yards, would be environmentally superior to the Hillside/Upland preservation alternative.

## SECTION 8: STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable.<sup>14</sup> CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons

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<sup>14</sup> *CEQA Guidelines*, Section 15093(a)

must be based on substantial evidence in the Final EIR or elsewhere in the administrative record.<sup>15</sup> In accordance with the requirements of CEQA and the state *CEQA Guidelines*, the City finds that the mitigation measures identified in the Draft and Final EIR and the Mitigation Monitoring and Reporting Program, when implemented, avoid or substantially lessen virtually all of the significant effects identified in the Draft and Final EIRs. Nonetheless, the mitigated project would make a significant and unavoidable contribution to regional air pollution. This significant unavoidable impact is identified and discussed in Sections 4 and 6 of these Findings. The City further specifically finds that notwithstanding the disclosure of this significant unavoidable impact, there are specific overriding economic, legal, social, and other reasons for approving this project. Those reasons are as follows:

- a. The project will increase the City's job supply.
- b. The project will develop the site in a way that is consistent with the City's General Plan.
- c. The project will add to the City's tax base, allowing for the provision of public services.
- d. The project will preserve visually-important hillsides.
- e. The project will preserve existing creeks, wetlands, and drainages.

On balance, the City finds that there are specific considerations associated with the project that serve to outweigh the project's significant unavoidable regional air quality effects. Therefore, pursuant to *CEQA Guidelines* Section 15093(b), the adverse effects are considered acceptable.

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<sup>15</sup> *CEQA Guidelines*, Section 15093(b)

**EXHIBIT "B"**  
**BENICIA BUSINESS PARK ENVIRONMENTAL IMPACT REPORT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

**Introduction**

This document describes the mitigation monitoring and reporting program (MMRP) for ensuring the effective implementation of the mitigation measures required for City of Benicia approval of the Benicia Business Park (mitigated project), located on a 527.8-acre site bounded on the south and east by East 2<sup>nd</sup> Street; on the west by an irregular property line that generally parallels the alignments of West Channel Road and Industrial Way; and on the north by the City of Benicia Water Treatment Plant and Lake Herman Road.

**City of Benicia**

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

**Project Background**

The applicant is requesting approval of the proposed mitigated project, which would include the development of 80 lots on the site, with commercial development on the eastern end of the project site and industrial development in the central and western portions of the site. The mitigated project would also preserve 100- to 200-foot buffers on each side of all creeks, drainages, swales, and other wetlands within the project site.

The Final EIR and Addendum for the Benicia Business Park project found that the resulting actions would have potentially significant impacts in the areas of:

- Geology, Soils, and Seismicity
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Biological Resources
- Transportation and Circulation
- Air Quality

- Noise
- Visual Resources
- Cultural and Paleontological Resources
- Public Services
- Utilities and Infrastructure
- Urban Decay

In addition, no mitigation measures were identified for the following areas as all potential project impacts were determined to be either no impact or less than significant:

- Land Use and Planning Policy
- Population, Employment and Housing

### **Roles and Responsibilities**

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

### **Mitigation Monitoring and Reporting Program**

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

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

Identified Impact

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

Mitigation Measure (Performance Criteria)

This column includes each mitigation measure as it is described in the Final EIR summary table and Addendum. The description could be supplemented by any applicable performance criteria (i.e., the measure by which the success of the mitigation can be gauged) associated with each measure.

Implementation Procedure

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

Implementing Entity

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

Monitoring/Reporting Action

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

Non-Compliance Sanction

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

Effectiveness Criteria

This column describes if the monitoring action is succeeding.

Timing

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

**Table 1: Mitigation Monitoring and Reporting Program**

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

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
GEO-2: Damage to structures or property related to the shrink-swell potential of project soils could occur at the project site.	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 Department, shall 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 property conditioned and compacted fill, to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.	The project sponsor shall retain a licensed professional to ensure that the final design-level geotechnical investigation includes the appropriate measures to minimize potential damage from expansive soils.	Project sponsor	City of Benicia Planning and Building Department to ensure that the design-level geotechnical investigation includes measures to minimize potential damages from expansive soils.	No issuance of site-specific grading permits.	Final design-level geotechnical investigation that includes measures to ensure potential damages related to expansive soils are minimized.	Prior to the issuance of any site-specific grading permits.
	GEO-2b. Prior to the issuance of any site-specific building permit, designs of all common landscaped areas shall be reviewed and approved by the City of Benicia Community Development Department. The designs of all common landscaped areas shall 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 shall 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 shall be prepared by the applicant and provided to all occupants of the proposed commercial and industrial facilities.	1) The project sponsor shall prepare a landscape plan for all project common areas. The landscape plan shall meet the requirements of Mitigation Measure Geo-2b. 2) The project sponsor shall prepare a document that describes problems associated with over-watering and that meets the requirements of Mitigation Measure GEO-2b and shall provide copies to all occupants of the proposed commercial and industrial facilities.	Project sponsor	City of Benicia Planning and Building Department to: 1) Review and approve the landscape plan for consistency with Mitigation Measure GEO-2b. 2) Ensure the project sponsor prepares a document that meets the requirements of Mitigation Measure GEO-2b.	No issuance of site-specific grading or building permits.	A landscape plan that meets the requirements of Mitigation Measure GEO-2b.	Prior to the issuance of any site-specific grading or building permits.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>GEO-3: Potential long-term deformation related to construction of deep fills and cut slopes could occur as a result of proposed development.</p>	<p>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, shall 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 shall 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 shall incorporate all recommendations of the final geotechnical investigation report regarding mitigation of potential effects associated with cut and fill into the project design.</p>	<p>1) The project sponsor shall ensure that the final design-level geotechnical investigation includes measures to ensure potential damage from long-term deformation and deep cuts and fills is minimized, and a determination regarding the stability of materials underlying the water tanks and City of Benicia water facilities.  2) The project sponsor shall incorporate all recommendations of the final geotechnical report regarding mitigation of potential effects associated with cut and fill into the project design.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to: 1) Review the final design-level geotechnical report for consistency with Mitigation Measure GEO-3a.  2) Ensure that final project design plans incorporate the recommendations of the final geotechnical report regarding mitigation of potential effects associated with cut and fill.</p>	<p>No issuance of site-specific grading or building permits.</p>	<p>A geotechnical investigation that meets Mitigation Measure GEO-3a.</p>	<p>Prior to the issuance of any site-specific grading or building permits.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
	<p>GEO-3b: Prior to the issuance of any site-specific grading or building permit, the applicant shall 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 shall include annual inspections of slopes, debris benches, and v-ditches. Any accumulation of slope detritus on the benches or in the v-ditches shall 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 shall 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).</p>	<p>1) The project sponsor shall retain a licensed professional to prepare a self-perpetuating slope maintenance program which meets the requirements of Mitigation Measure GEO-3b.</p> <p>2) The project sponsor shall submit an annual report documenting the inspection and any remedial action activities to the City of Benicia Planning and Building Department.</p>	Project sponsor	<p>City of Benicia Community Development Department and City of Benicia Public Works Department to:</p> <p>1) Review and approve the self-perpetuating slope maintenance program.</p> <p>2) Review and approve the annual report. Verify that the grading and erosion control requirements are addressed</p>	<p>1) No issuance of site-specific grading or building permits.</p> <p>2) Non-compliance citations or revocation of Conditional Use Permits</p>	<p>A self-perpetuating slope maintenance program that meets the requirements of Mitigation Measure GEO-3b.</p>	<p>1) Prior to the issuance of any site-specific grading or building permits.</p> <p>2) On an annual basis</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
GEO-4: Damage to structures or property could occur at the project site due to existing or induced slope instability resulting in landsliding.	GEO-4a: Prior to the issuance of any site-specific grading or building permit, a final design-level geotechnical investigation report shall be prepared and submitted to the City of Benicia Planning and Building Department for review and confirmation that the proposed project fully complies with the California Building Code (Seismic Zone 4). The applicant shall incorporate all recommendations of the final geotechnical investigation report regarding mitigation of slope instability into the project design.	1) The project sponsor shall ensure that the final design-level geotechnical investigation for the proposed project complies with the California Building Code. 2) The project sponsor shall ensure that all of the final geotechnical investigation report recommendations regarding mitigation of slope instability are incorporated into the project design.	Project sponsor	City of Benicia Planning and Building Department to: 1) Review the final design-level geotechnical report for compliance with the California Building Code. 2) Review final design plans for compliance with the slope instability mitigation recommendations	No issuance of site specific grading or building permits.	A geotechnical investigation that complies with the California Building Code and a project design that incorporates slope instability recommendations.	Prior to the issuance of any site-specific grading or building permits.
	GEO-4b: All grading plans, cut and fill slopes, compaction procedures, and retaining structures shall be designed by a licensed professional engineer and inspected during construction by a licensed professional engineer (or representative) or Certified Engineering Geologist (or representative). All designs shall be submitted to, and approved by, the City of Benicia prior to implementation.	The project sponsor shall retain a licensed professional engineer to design all grading plans, cut and fill slopes, compaction procedures, and retaining structures. All designs shall be submitted to the City.	Project sponsor	City of Benicia Planning and Building Department to Review the final design and grading plans for compliance with Mitigation Measure GEO-4b.	No issuance of site-specific grading or building permits.	Grading plans, cut and fill slopes, compaction procedures, and retaining structures designed by a licensed professional engineer.	Prior to issuance of any site-specific grading or building permit.
	GEO-4c: The 40-scale grading plans, when prepared, shall be reviewed by a registered professional engineer, to ensure that the detailed plans conform to the intent of the preliminary geotechnical report.	The project applicant shall retain a registered professional engineer to ensure the 40-scale grading plans conform to the provisions of the preliminary geotechnical report.	Project sponsor	City of Benicia Planning and Building Department to review the final 40-scale grading plans for compliance with the preliminary geotechnical report.	No issuance of site-specific grading permits.	Grading plans that conform to the geotechnical report.	Prior to issuance of site-specific grading permits.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
GEO-5: Accidental or earthquake-induced overflows from the Water Treatment Plant and proposed water tank reservoirs could result in flooding hazards on the project site.	GEO-5: The project shall 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 shall 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 shall be reviewed and approved by the City of Benicia Public Works Department.	The project sponsor shall retain a licensed hydrologist to review final project grading and drainage plans to ensure that the project would accommodate potential flooding associated with release of water from the Water Treatment Tank or water tank reservoirs, and shall prepare a report of findings for review by City agencies.	Project sponsor	City of Benicia Public Works Department to review final drainage and grading plans and verify that the project would accommodate potential flooding associated with rupture of the Water Treatment Plant or water tank reservoirs.	No issuance of submitted plans or any site-specific grading or building permit.	Final project grading and drainage plans to accommodate water released from the Water Treatment Tank.	Prior to issuance of any site-specific grading or building permit.
<b>D. HYDROLOGY AND WATER QUALITY</b>							
HYDRO-1: Increased runoff volume resulting from creation of new impervious surfaces could cause downstream flooding.	HYDRO-1: As a condition of approval of the final grading and drainage plans for the project, a final detailed design-level hydraulic analysis shall 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 shall 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.	1) The project sponsor shall pay the City of Benicia to retain a professional engineer with expertise in flood control and stormwater/management techniques to review the project's proposed grading and drainage features, and perform inspections of built features.	Project sponsor	City of Benicia Public Works Department to:  1) Monitor the engineering consultant's reviews, reports, and inspections to ensure that the project would not increase peak runoff rates or increase combined peak runoff volumes.	1) Termination of engineer services.  2) No issuance of the final drainage plan and no issuance of any site-specific grading or building permit.	Final drainage plans and a self-perpetuating maintenance program that meets the requirements of Mitigation Measure HYDRO-1.	1) Prior to the approval of any site-specific final grading and drainage plans.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>2) The project shall 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 shall be prepared by a licensed professional engineer</p> <p>3) Include drainage components that are designed in compliance with City of Benicia standards. The grading and drainage plans shall be reviewed for compliance with these requirements by the City of Benicia Department of Public Works. Any improvements deemed necessary by the City shall be part of the conditions of approval.</p> <p>4) The sponsor shall 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 shall be promptly removed. An annual report documenting the inspection and any remedial action conducted shall be submitted to the City of Benicia Department of Public Works for review.</p>	<p>2) The project sponsor shall retain a licensed professional engineer to prepare the final drainage plan for the project. The project engineer shall include drainage components designed in compliance with City of Benicia standards in the final drainage plan.</p> <p>3) The project sponsor shall establish a self-perpetuating drainage system maintenance program to be managed by an on-site Business Owners Association or a similar entity. This program shall meet the requirements of Mitigation Measure HYDRO-1(4).</p>		<p>2) Perform consistency checks on the final drainage plan to ensure it is consistent with City standards and other applicable standards.</p> <p>3) Review the reports submitted by the on-site Business Owners Association or similar entity and ensure that the drainage system is functioning properly and that remedial activities are being undertaken as needed.</p> <p>Occasionally visit the site to verify that the drainage system is being maintained properly.</p>	<p>3) Non-compliance sanctions may be applied by City agencies which may include citations or the revocation of permits.</p>		<p>2) Review reports annually, visit the site throughout the year, at the discretion of the Public Works Department.</p>	

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>HYDRO-2: Construction activities and post-construction site uses could result in degradation of water quality in creeks and the Carquinez Strait by reducing the quality of storm water runoff.</p>	<p>HYDRO-2: The sponsor shall 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 shall include:</p> <p>1) <i>Specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants.</i> These controls shall 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 shall specify properly designed centralized storage areas that keep these materials out of the rain.</p> <p>To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.</p> <p>The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. City of Benicia personnel shall conduct regular inspections to ensure compliance with the SWPPP.</p> <p>If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (keeping sediment on the site). End-of-pipe sediment control measures (e.g. basins and traps) shall be used only as secondary measures. If hydro-seeding is selected as the primary soil stabilization method, then hydroseded areas shall 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 shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional both during dry and wet conditions.</p>	<p>1) The project sponsor shall prepare a SWPPP which includes specific and detailed BMPs, measures designed to mitigate post-construction pollutants, and adheres to the requirements of Mitigation Measure HYDRO-2.</p> <p>2) The Construction Site Supervisor shall conduct regular meetings of site personnel to ensure SWPPP guidelines are observed by on-site personnel. In addition the Construction Site Supervisor is responsible for managing a monitoring program as designated by the SWPPP.</p>	<p>Project sponsor and Construction Site Supervisor</p>	<p>City of Benicia Public Works Department to:</p> <p>1) Review the SWPPP for consistency with the requirements of Mitigation Measure HYDRO-2 prior to approval.</p> <p>2) Conduct regular inspections of the project site during wet and dry days to ensure compliance with the SWPPP, including implementation of the post-construction measures.</p>	<p>1) No issuance of any site-specific grading or building permit.</p> <p>2) Non-compliance sanctions may be applied by City agencies which may include citations or the revocation of permits.</p>	<p>A SWPPP that meets the requirements of Mitigation Measure HYDRO-2.</p>	<p>1) Prior to issuance of any site-specific grading or building permit.</p> <p>2) Regularly through the construction and post-construction period, at the discretion of the Public Works Department.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HYDRO-2 Continued	<p>2) Measures designed to mitigate post construction-related pollutants. The SWPPP shall 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 shall 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 shall 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.</p>						

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><b>E. HAZARDS AND HAZARDOUS MATERIALS</b></p> <p>HAZ-1: Transport, storage, or handling of fuels, lubricants, and other chemicals for heavy machinery operation/maintenance during site development activities could result in hazardous materials releases.</p>	<p><b>HAZ-1:</b> The contractor overseeing grading and project site development shall prepare and implement a spill prevention plan for potentially hazardous materials to be used during site development activities. The plan shall 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 shall 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 shall specify that all equipment be inspected for leaks immediately prior to construction and regularly inspected thereafter, and shall 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).</p>	<p>The project sponsor shall prepare and implement a spill prevention plan which meets the requirements of Mitigation Measure HAZ-1.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department and City of Benicia Public Works Department to:</p> <ol style="list-style-type: none"> <li>1) Review the spill prevention plan for consistency with Mitigation Measure HAZ-1 prior to approval.</li> <li>2) Verify that there is an on-site coordinator that is in charge of spill response and that the coordinator is inspecting equipment for leaks, and is complying with the other provisions of Mitigation Measure HAZ-1.</li> </ol>	<ol style="list-style-type: none"> <li>1) No issuance of any site-specific grading or building permit.</li> <li>2) Temporary suspension of grading/building permits.</li> </ol>	<p>Spill prevention plan that meets the requirements of Mitigation Measure HAZ-1.</p>	<ol style="list-style-type: none"> <li>1) Prior to issuance of any site-specific grading or building permit.</li> <li>2) During grading and construction.</li> </ol>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>HAZ-2: Site workers involved in demolition activities within the project site could be exposed to lead-based paint and asbestos-containing building materials, or other hazardous materials.</p>	<p>HAZ-2a: The project sponsor shall 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 shall be submitted to the City prior to the issuance of any demolition permit. If asbestos-containing materials are determined to be present, the materials shall 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 shall be removed by a qualified lead abatement contractor. Specifications developed for the demolition activities shall 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.</p>	<p>The project sponsor shall retain a qualified environmental professional to conduct a lead-based paint and asbestos survey. The project sponsor shall be responsible for removing lead-based paint and/or asbestos on the site, if they occur on the site, in accordance with applicable hazardous materials regulations.</p>	<p>Project sponsor and qualified environmental professional</p>	<p>City of Benicia Planning and Building Department to review the lead-based paint and asbestos survey to ensure consistency with local, State, and federal requirements, and verify that all identified lead and asbestos materials have been removed from the site (if present).</p>	<p>No issuance of any site-specific demolition permit.</p>	<p>A lead-based paint and asbestos survey and removal plan in accordance with Mitigation Measure HAZ-2a.</p>	<p>Prior to issuance of any site-specific demolition permit.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-2 <i>Continued</i>	HAZ-2b: The project sponsor shall 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 shall be to mitigate potential exposure of workers to asbestos, lead-based paint, or other hazardous building materials, if present. The plan shall 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 shall be included in the demolition specifications prepared as part of Mitigation Measure HAZ-2a.	The project sponsor shall retain a qualified environmental professional to prepare and implement a health and safety plan which meets the requirements of Mitigation Measure HAZ-2b.	Project sponsor and qualified environmental professional	City of Benicia Planning and Building Department to review the health and safety plan to ensure consistency with Mitigation Measure HAZ-2b.	No issuance of any site-specific demolition permit.	Health and safety plan which meets the requirements of Mitigation Measure HAZ-2b.	Prior to issuance of any site-specific demolition permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/ Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-2 Continued	HAZ-2c: Containers of potentially hazardous materials identified during the site reconnaissance visits shall be removed prior to site development activities. Prior to removal, the containers shall be examined by a qualified environmental professional, and if the containers are found to contain material, samples of the material shall be collected by environmental personnel for purpose of profiling the material prior to transport. Analysis of samples shall 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 shall 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 shall 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 Department, prior to issuance of a grading permit.	The project sponsor shall be responsible for removing all 55-gallon drums from the project site, including the ones located in the northern part of the site. The project sponsor shall retain a qualified environmental professional who shall comply with the requirements of Mitigation Measure HAZ-2c as well as all local, State, and federal regulations.	Project sponsor	City of Benicia Planning and Building Department to review documentation of all hazardous materials located on the project site and disposal methods, and ensure that the project sponsor has complied with local, State, and federal procedures.	No issuance of any site-specific grading permit.	Removal of 55-gallon drums in compliance with the requirements of Mitigation Measure HAZ-2c as well as all local, State, and federal regulations.	Prior to issuance of any site-specific grading permit.
	HAZ-2d: Other hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes and computer displays, shall 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) shall include provisions for appropriate off-site disposal of these materials in accordance with applicable regulations.	The project sponsor shall ensure that provisions for handling demolition waste are incorporated into the demolition specifications. The demolition contractor shall manage hazardous waste generated during demolition activities in accordance with applicable hazardous waste regulations.	Project sponsor	City of Benicia Planning and Building Department to review the demolition specifications to ensure that protocols have been established for the handling and disposal of hazardous construction waste.	No issuance of any site-specific demolition permit.	Handling of demolition waste in accordance with Mitigation Measure HAZ-2d.	Prior to issuance of any site-specific demolition permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>HAZ-3: Proposed development within the project site would attract additional people to light industrial/commercial areas located near grassland areas, potentially contributing to an increased fire hazard.</p>	<p>HAZ-3a: The contractor shall prepare and implement a fire prevention and preparedness plan during site development activities. The plan shall be prepared prior to the start of earth working activities at the site and shall be reviewed and approved by the City of Benicia Fire Department prior to issuance of a building permit. The plan shall 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 shall 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.</p>	<p>The project sponsor and construction contractor shall prepare and implement a fire prevention and preparedness plan during site development activities.</p>	<p>Project sponsor and construction contractor</p>	<p>City of Benicia Fire Department to review and approve the fire prevention and preparedness plan.</p>	<p>No issuance of any site-specific grading permit.</p>	<p>Preparation of a fire prevention and preparedness plan that conforms to the requirements of Mitigation Measure HAZ-3a.</p>	<p>Prior to issuance of any site-specific grading permit.</p>
	<p>HAZ-3b: The project sponsor shall comply with requirements for maintaining fire breaks, and other fire protection regulations of the Uniform Fire Code.</p>	<p>The project sponsor shall comply with requirements for maintaining fire breaks, and other fire protection regulations of the Uniform Fire Code.</p>	<p>Project sponsor</p>	<p>City of Benicia Fire Department to ensure that fire protection requirements are met.</p>	<p>No issuance of any site-specific building permit.</p>	<p>Compliance with fire protection requirements outlined in the Uniform Fire Code.</p>	<p>Prior to issuance of any site-specific building permit.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>HAZ-4: Workers involved in site grading, earthwork or demolition activities could encounter hazardous materials within the project site, including ordnance, explosives, or other chemicals or safety hazards that could cause physical injuries, death, or other adverse health effects.</p>	<p>HAZ-4a: The project sponsor shall 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 shall be considered in characterizing the site. The site characterization shall occur under the oversight of a regulatory agency (e.g., SCEHS or DTSC), and shall 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 shall be approved by the regulatory oversight agency. A report documenting characterization of the site shall be prepared by a qualified environmental professional and submitted to the regulatory oversight agency and City prior to acquiring a site grading permit.</p>	<p>The project sponsor shall provide documentation prepared by a qualified environmental professional that details the hazardous characteristics of the project site - including the presence of OE - and shows that the site has been remediated in accordance with applicable health and safety criteria and the requirements of Mitigation Measure HAZ-4a.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department and Appropriate regulatory oversight agency (e.g., SCEHS or DTSC) to review reports provided by a qualified environmental professional and appropriate regulatory oversight agency to determine if OE and other hazards have been adequately characterized, and, if necessary remediated. Verify that the documentation and any remediation plans have been approved by the appropriate regulatory agency.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Documentation of hazardous characteristics of the site in accordance with the requirements of Mitigation Measure HAZ-4a.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-4 <i>Continued</i>	<p>Any remediation actions required to achieve the health and safety criteria above shall also be overseen by the selected agency, and shall 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 shall 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 should there be an accident during site remediation activities. Site remediation activities shall 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).</p>						

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-4 <i>Continued</i>	HAZ-4b: If any known or suspected ordinance or explosives are encountered during earthwork activities on-site, construction in that area shall be immediately halted and all personnel shall vacate the area. The contractor shall then contact the 911 emergency system to report the emergency and request assistance. Ordinance and explosives discovery procedures shall 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) shall 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 shall 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.	1) The project sponsor shall ensure that the contractor has an established protocol for responding to the discovery of potential ordinance or explosives at the project site. 2) The construction contractor shall contact the 911 emergency system if suspected ordinance or explosives are encountered on the site.	Project sponsor	City of Benicia Police and Fire Departments are to review the ordinance and explosives discovery procedures provided by the project sponsor for adequacy. Verify that these procedures have been posted on-site. If ordinance or explosives are reported, work with the appropriate agencies and the project sponsor to ensure that the risk has been remediated.	No issuance of any site-specific grading or building permit.	Protocol for the discovery of potential ordinance or explosives at the project site in accordance with Mitigation Measure HAZ-4b.	Prior to issuance of any site-specific grading or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-4 Continued	HAZ-4c: If contaminated soil is encountered or suspected during site development activities (through soil discoloration or odor), all work shall halt in the immediate area and personnel shall immediately vacate the area and notify Solano County Environmental Health Services (SCEHS). Soil samples shall be collected by a qualified environmental professional (e.g., registered geologist, professional engineer) prior to further work in the area. The samples shall be submitted for laboratory analysis by a State-certified laboratory under chain-of-custody procedures. The analytical methods shall 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 shall be provided to SCEHS and reviewed by a qualified environmental professional. The professional shall 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 shall not resume in this area(s) until these recommendations have been implemented under the oversight of SCEHS.	The project sponsor shall ensure that the construction contractor stops work if potentially contaminated soil is discovered, and that soil samples are collected and analyzed (and remediation is conducted, if necessary).	Project sponsor	Solano County Environmental Health Services to provide site decontamination or mitigation recommendations and oversight to ensure that local, State, and federal regulations and the requirements of Mitigation Measure HAZ-4c are being met before allowing further development to continue on site.	Non-compliance sanctions, including fines and revocation of permits, are at the discretion of the review agency.	Contaminated soil analysis report, if applicable.	After contaminated soil or soil suspected to be contaminated is encountered.

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-4 <i>Continued</i>	HAZ-4d: The contractor involved in site grading and site development activities shall 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 shall be developed by the contractor; these procedures shall be reviewed and approved by the City Engineering Division of the Public Works Department, prior to implementation. On-site workers shall 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).	The project sponsor shall ensure that the construction contractor identifies and clearly marks any underground or aboveground utility lines within the project area and develops emergency procedures for on-site personnel in the event of a utilities rupture.	Project sponsor	City of Benicia Public Works Department to review the emergency procedures for adequacy.	No issuance of any site-specific grading or building permit.	Identification of any underground utility lines in accordance with Mitigation Measure HAZ-4d.	Prior to issuance of any site-specific grading or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/ Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<b>F. BIOLOGICAL RESOURCES</b>							
BIO-1: Mature trees that are protected under the City's Tree Ordinance would be removed as part of the proposed project.	BIO-1: Prior to site development, a tree report shall 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 shall also specify measures to protect all preserved trees during construction, including through the creation of Tree Protection Zones. The sponsor shall apply for a Tree Permit for the removal of all protected trees.  As part of the Tree Permit, an arborist or biologist shall develop a tree replacement program in accordance with the City's tree ordinance. Two 15 gallon trees are generally required for the replacement of each mature tree that is removed. In some cases, one or two 24-inch box trees, or a mature tree is required for the replacement of one mature tree. Mitigation for the removal of protected red willow trees along the stream channels and wetlands shall be implemented in conjunction with the wetland mitigation measures as described in Mitigation Measure BIO-2a.	1) The project sponsor shall retain an arborist or biologist to prepare a Tree Report and a Tree Replacement Program in accordance with the requirements of Mitigation Measures BIO-1 and BIO-2a.  2) The project sponsor shall apply for a Tree Permit for the removal of all protected trees.	Project sponsor	The City of Benicia Planning and Building Department to review the Tree Report, Tree Replacement Program, and Tree Permit application for adequacy.	No issuance of any site-specific tree, grading, or building permit.	Tree Report and Tree Replacement Program in accordance with the requirements of Mitigation Measures BIO-1 and BIO-2a.	Prior to issuance of any site-specific tree, grading, or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-2: The project would adversely affect wetlands, creek channels, and associated habitat.	BIO-2a: The project sponsor shall obtain the appropriate federal and State permits authorizing fill of wetlands and waters and shall 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 shall be in compliance with all terms and conditions of the permits.	The project sponsor shall obtain all appropriate federal and State permits for the fill of wetlands and waters of the United States, and shall ensure the construction contractor undertakes work on the site in compliance with all permit requirements.	Project sponsor	City of Benicia Planning and Building Department to verify that the project sponsor has obtained necessary permits, and visit the site periodically to ensure that site development in being undertaken in accordance with the permits.	No issuance of any site-specific grading or building permit.	Appropriate federal and State permits authorizing fill of wetlands or water.	Prior to issuance of any site-specific grading or building permit, and periodically during the project construction period, at the discretion of the Planning and Building Department.
	BIO-2b: The project sponsor shall implement the wetland mitigation and monitoring plan prepared by Sycamore Associates, as modified to reflect wetland impacts that would occur as part of the mitigated project. The revised wetland mitigation and monitoring plan shall be implemented as mitigation for impacts to jurisdictional wetlands and waters of the United States, and shall implement the recommendations and revisions to the original mitigation plan in the subsequent mitigation feasibility report prepared by WRA (as modified to reflect the mitigated project). <sup>2</sup> 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	The project sponsor shall implement all applicable provisions of the Sycamore Associates wetland mitigation and monitoring plan and the recommendations/revisions to the original mitigation plan made by WRA. The project sponsor shall submit verification of Corps approval of the final plan to the City.	Project sponsor	The City of Benicia and US Army Corps of Engineers to review the final wetland mitigation and monitoring plan to ensure consistency with local, State, and federal guidelines and the requirements of Mitigation Measure BIO-2b, and perform annual reviews of the project site for 5 years, adhering to the protocol outlined in the monitoring reports.	1) No issuance of any site-specific grading or building plan. 2) Implementation measures designed by the City and US Army Corps of Engineers.	Verification of implementation of the Sycamore Associates wetland mitigation and monitoring plan.	1) Prior to issuance of any site-specific grading or building permit. 2) Annually for 5 years.

<sup>1</sup> Sycamore Associates LLC and Kamman Hydrology and Engineering, 2000. Wetland Mitigation and Monitoring Plan, Benicia Business Park, Solano County, California (ACOE File No. 18366E). January.

<sup>2</sup> Wetland Research Associates (WRA), 2004. Feasibility Analysis for Mitigation Wetlands. February 13.

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-2 <i>Continued</i>	<p>monitoring requirements, reporting requirements, and success criteria. This plan shall be approved by the U.S. Army Corps of Engineers (Corps) and the City prior to implementation. As detailed in the mitigation plans, created wetlands shall be monitored for a minimum of 5 years. Annual monitoring of each site shall 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 shall be made in the winter and spring of each year and quantitative data shall be collected in the spring.</p> <p>Annual reports shall 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 shall 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 shall be identified in consultation with the City and Corps. Remedial measures could include grading, planting, seeding, exotic/invasive vegetation control, and/or an extension of the maintenance or monitoring period. Remedial measures shall be implemented by the project sponsor.</p>						

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-2 Continued	BIO-2c: A contractor education program shall be created and initiated by the project restoration specialist prior to the initiation of ground disturbing activities. The purpose of this program shall 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 shall 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 shall 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.	The project sponsor shall ensure that the project restoration specialist develops an adequate contractor education program and site guidelines for preservation, and conducts periodic site visits.	Project sponsor	City of Benicia Planning and Building Department to: 1) Verify that the contractor education program has been implemented. 2) Visit the site to ensure that to-be-preserved wetlands are marked with flagging and are being avoided by construction activities.	1) No issuance of any site-specific grading or building permit. 2) Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.	Contractor education program in accordance with the requirements in Mitigation Measure BIO-2c.	1) Prior to approval of any site-specific grading or building permit. 2) Periodically throughout the development phase of the project, at the discretion of the Planning and Building Department.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-2 Continued	BIO-2d: During project construction, no material shall be allowed to enter or be stored in any wetlands that are to be preserved. Project related dirt and other material shall be kept sufficiently far away from preserved wetlands and drainages to prevent material from entering these features. If earthmoving activities or material stockpiling occurs upslope from a preserved wetland or drainage, silt fencing shall be installed around the preserved feature to prevent soil from entering the wetland or drainage. Silt fencing shall be installed at the least 5 feet from the edges of preserved wetlands and drainages. Silt fencing shall also be installed around preserved features whenever earthmoving activities or material stockpiling occurs within 20 feet of a preserved feature. All equipment washing shall occur downslope from preserved wetlands to prevent the runoff from entering the preserved wetlands. Berms or other barriers shall be constructed outside of preserved wetlands or drainages to prevent wash water runoff from entering the preserved wetlands.	The project sponsor shall ensure that the Construction Contractor implements the wetland protection provisions of Mitigation Measure BIO-2d.	Project sponsor	City of Benicia Planning and Building Department to visit the site to ensure that no material is being allowed to enter wetlands, and that adequate protection (e.g., silt fencing) exists around wetlands.	Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.	Implementation of wetland protection provisions of Mitigation Measure BIO-2d.	Periodically throughout the development phase of the project, at the discretion of the Planning and Building Department.
	BIO-2e: A conservation easement (or similar restriction) shall be established over the preserved and created wetlands to preserve these wetlands in perpetuity. A designated public agency, conservation group, or open space organization shall hold the easement to ensure retention of the wetland mitigation site (including the mitigation wetlands and the associated uplands) in perpetuity as wetland habitat.	The project sponsor shall place a development restriction on areas containing existing and/or created wetlands to ensure that wetlands will be preserved in perpetuity.	Project sponsor	City of Benicia Office of the City Attorney to review project title documents to ensure that wetlands will be preserved in perpetuity.	No issuance of any site-specific grading or building permit.	Development restriction on created or existing wetlands.	Prior to issuance of any site-specific grading or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-2 Continued	BIO-2f. The project sponsor shall provide financial assurances of a type (i.e., bond, letter of credit) and amount to be determined by the Corps and the City to ensure successful implementation of the mitigation and monitoring plan. The project sponsor shall also provide a long-term funding mechanism for the maintenance of the wetlands in the conservation easements in perpetuity.	The project sponsor shall provide financial assurances to ensure successful implementation of the wetland mitigation and monitoring plan.	Project sponsor	City of Benicia Planning and Building Department to verify that adequate financial assurances for wetland protection and restoration have been provided (particularly that financial assurances meet Corps requirements).	No issuance of any site-specific grading or building permit.	Financial payment to ensure the implementation of the wetland mitigation and monitoring plan.	Prior to issuance of any site-specific grading or building permit.
BIO-3: Construction of the proposed project could cause indirect impacts to special-status plants.	BIO-3: Prior to construction of the project, a survey shall 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 shall be implemented. If feasible, impacts to these plants shall 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, shall determine the feasibility of implementing avoidance measures and shall develop and implement those measures based on the botanist's	The project sponsor shall work with a botanist and the City of Benicia to: 1) conduct a survey for pappose tarplant; 2) avoid impacts to any identified pappose tarplant populations; and 3) if avoidance is not feasible, develop and implement a salvage and recovery plan in accordance with the provisions outlined in Mitigation Measure BIO-3.	Project sponsor	City of Benicia Planning and Building Department to: 1) Review and approve the pappose tarplant survey. 2) Verify that all pappose tarplant individuals would be avoided by project construction activities.	No issuance of any site-specific grading or building permit.	Pappose tarplant salvage and recovery plan, if applicable.	Prior to issuance of any site-specific grading or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-3 Continued	<p>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 shall also be developed to ensure the long-term stability of the population.</p> <p>If impacts to papoose tarplant are unavoidable, the project sponsor shall develop and implement a salvage and recovery plan for individuals prior to initiation of construction activities on the site. The mitigation, which shall be prepared by a qualified botanist experienced in the development and implementation of native plant restoration, mitigation, and management plans, shall include the following:</p> <ul style="list-style-type: none"> <li>• Salvage and/or recovery requirements, including clearly defined goals focusing on plant establishment (stability, succession, reproduction) and non-native species control measures.</li> <li>• Locations and procedures for restoration/replanting of salvaged plant material including seeds. Onsite relocation in the undeveloped areas of the site shall be considered if suitable habitat for this species is present.</li> <li>• The project sponsor shall provide and secure a source of funding for this salvage and monitoring operation.</li> </ul>			<p>3) If avoidance is not feasible, review the salvage and recovery plan, and ensure it meets the requirements outlined in Mitigation Measure BIO-3. Verify that CDFG has approved the plan and that sufficient funding assurances exist for its implementation.</p>			

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-3 <i>Continued</i>	<ul style="list-style-type: none"> <li>The project sponsor shall 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 shall be specified.</li> <li>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 shall include provision for remedial actions to correct deficiencies, as needed. After 5 years, the species relocation shall 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 shall document the progress/success of the revegetation effort. If the revegetation is not successful, an additional period of correction and monitoring shall be specified.</li> </ul>						

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-3 <i>Continued</i>	<p>The mitigation shall be considered a success if for the last 3 years of the 5-year monitoring program, the numbers of papoose tarplants has remained above the number of individuals that were adversely affected by the project (1:1 mitigation). The populations should show no sign of decline during this period. In addition, for at least the last 4 of 5 monitoring years, the growth of grass, presence of thatch, and growth of weeds should 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 shall be purchased. The purchase of these lands shall be approved by the City or CDFG.</p>						

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-4: The proposed project may result in the loss of aquatic and terrestrial habitat for the Pacific pond turtle and California red-legged frog and may result in direct take of these species through injury or mortality.</p>	<p>BIO-4a: Surveys to assess the presence of Pacific pond turtles shall be conducted in the vicinity of the onsite stream channels. The surveys shall be conducted to identify basking sites and potential nesting areas and shall occur during the spring or summer when the turtles are active and observable. Surveys shall 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 shall be implemented to avoid turtles during construction and relocate any turtles found in work areas. A pre-construction survey shall be conducted no more than 48 hours prior to ground disturbing activities within areas inhabited by turtles. Areas inhabited by turtles shall be fenced and avoided during construction activities. If pond turtles are observed within the construction area at any time, a qualified biologist shall move the turtles to a safe location at least 500 feet from the construction zone. Turtle relocations shall be approved by CDFG and carried out by a qualified biologist.</p>	<p>The project sponsor shall retain a wildlife biologist to: 1) conduct a survey for Pacific pond turtles; 2) develop a turtle protection plan, if turtles are present; and 3) if avoidance is not feasible, relocate turtles under a plan approved by CDFG.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to: 1) Review and approve the Pacific pond turtle survey. 2) Verify that all Pacific pond turtles would be avoided by project construction activities. 2) If avoidance is not feasible, review the turtle relocation plan, and verify it has been approved by CDFG.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Pacific pond turtle survey, and a turtle protection plan that meets the requirements of Mitigation Measure BIO-4a, if applicable.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-4 <i>Continued</i></p>	<p>BIO-4b: Protocol-level surveys for California red-legged frogs shall 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 shall 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 shall be required.</p> <p>If California red-legged frogs are observed on the site during the surveys, the project sponsor shall develop and implement a USFWS-approved mitigation plan to compensate for the loss of red-legged frog habitat on the site. The mitigation plan shall provide mitigation at a ratio of 3:1 for all adversely affected habitat (either direct or indirect) and shall provide a buffer of 300 feet around all preserved aquatic habitats onsite. Detailed protection measures shall be included in the plan. The plan shall also identify a secure funding source to provide for the maintenance of mitigation sites in perpetuity. All mitigation sites shall be placed in a conservation easement to preserve the sites as wildlife and plant habitat in perpetuity. The easements shall be held by CDFG, or the City of Benicia. The sponsor shall provide evidence of compliance with the mitigation requirements of the USACE, USFWS, and CDFG prior to issuance of a grading permit.</p>	<p>The project sponsor shall retain a wildlife biologist to: 1) conduct protocol-level surveys for California red-legged frogs; 2) provide survey results to the USFWS and CDFG; 3) and, if frogs are present, develop and implement a mitigation plan (along with a funding source) in accordance with Mitigation Measure BIO-4b.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to:</p> <ol style="list-style-type: none"> <li>1) Review the California red-legged frog survey and verify that it has been provided to appropriate natural resources agencies.</li> <li>2) If frogs are present on the site, verify that the project sponsor has complied with the protection and avoidance measures stipulated in permits issued by the appropriate natural resources agencies.</li> </ol>	<p>No issuance of any site-specific grading or building permit.</p>	<p>California red-legged frog survey and a mitigation plan in accordance with Mitigation Measure BIO-4b, if applicable.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-4 Continued	<p>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 shall comply with protection measures required by the USACE, USFWS or CDFG. At a minimum, the following protection measures shall be implemented.</p> <ul style="list-style-type: none"> <li>A qualified biologist shall monitor all construction or ground disturbing activities within 300 feet of suitable red-legged frog aquatic habitat.</li> <li>Immediately prior to ground disturbance or construction activities in areas with aquatic habitats or within 300 feet of aquatic habitats, a qualified biologist shall survey the work area for California red-legged frogs.</li> </ul> <p>If red-legged frogs are found within the work area, all work shall cease and the occurrence shall be reported immediately to the City, USFWS and CDFG. Work onsite shall resume only when authorized by the USFWS. If red-legged frogs are found, a report shall be prepared at the end of each construction season detailing the results of the monitoring effort. The report shall be submitted to the City by November 30 of each year.</p>	<p>1) The project sponsor shall comply with the California red-legged frog avoidance and protection measures required by natural resources agencies if frogs are present on the project site.</p> <p>2) If frogs are identified on the site, the project sponsor shall ensure the construction contractor ceases all work, and reports the occurrence to the City, USFWS, and CDFG.</p> <p>3) If frogs are identified on the site, the project sponsor shall retain a wildlife biologist to prepare a monitoring plan which shall be submitted by Nov. 30 of each year of construction.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to:</p> <ol style="list-style-type: none"> <li>1) Visit the site to verify that frog avoidance and protection measures are in place.</li> <li>2) Verify that, if frogs are identified on the site, the occurrence is reported to the appropriate natural resources agencies.</li> <li>3) Review and approve the monitoring report.</li> </ol>	Monitoring plan for California red-legged frogs, if applicable.	Non-compliance sanctions imposed by City agencies may include citations or revocation of permits	<ol style="list-style-type: none"> <li>1) Periodically throughout the construction period, at the discretion of the Planning and Building Department.</li> <li>2) When California red-legged frogs are identified.</li> <li>3) After submittal of report on November 30 of every year of construction.</li> </ol>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-5: The proposed project may result in the loss of nesting habitat for the white-tailed kite, Cooper's hawk, loggerhead shrike, saltmarsh common yellowthroat, and other breeding birds, and may result in direct take of these species through injury or mortality.</p>	<p>BIO-5a: A qualified biologist shall 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 shall be conducted no more than 14 days prior to the start of pruning, construction, or ground disturbing activities if the activities occur during the nesting season (February 1 and August 31). Preconstruction surveys for nesting raptors shall be conducted on a minimum of 3 separate days during the 14 days prior to disturbance. Preconstruction surveys shall be repeated at 30-day intervals until construction has been initiated in the area. Locations of active nests shall be described and protective measures implemented. Protective measures shall include establishment of clearly delineated (i.e., orange construction fencing) avoidance areas around each nest site that are a minimum of 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 shall be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance. These protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. A report shall be submitted to the City at the end of the construction season documenting the observations made during monitoring.</p>	<p>1) The project sponsor shall retain a qualified biologist to conduct raptor and passerine nest surveys prior to tree disturbance or construction activities, in accordance with Mitigation Measure BIO-5a. 2) The project sponsor shall ensure the construction contractor implements nest protection measures, including the establishment of exclusion zones, and shall retain a wildlife biologist to monitor nests during construction.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to: 1) Review and approve the raptor and passerine nest surveys. 2) Visit the site to ensure that nest protection measures have been established. 3) Review and approve the nest monitoring report.</p>	<p>1) No issuance of any site-specific grading or building permit. 2) Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.</p>	<p>Raptor and passerine nest surveys and protection measures in accordance with Mitigation Measure BIO-5a, if applicable.</p>	<p>1) Prior to issuance of any site-specific grading or building permit. 2) Periodically during the construction period, at the discretion of the Planning and Building Department. 3) After report is submitted</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-5 <i>Continued</i></p>	<p><u>BIO-5b</u>: A preconstruction survey shall 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 owls are observed during the preconstruction survey, a determination shall be made on whether birds are roosting or nesting. If a single owl is roosting, demolition or removal of the structure can proceed after the owl has been persuaded to move from the roost area. Non-invasive techniques include light shining into the roost space for one or two nights and days. If barn owls (or other owl species) are found to be actively nesting in the barn, any work on or demolition of the structure shall be postponed until one of the following conditions have been met: 1) a qualified biologist monitoring the nest determines that the owls have abandoned the nest without any outside interference or 2) a qualified biologist monitoring the nest has determined that the young have fledged and are capable of relocating and using another roost site. Under either scenario, the monitor shall ensure that all owls have left the building prior to demolition activities. Once the young have fledged, non-invasive techniques may be used to encourage the owls to leave the barn. The barn owl nesting period is typically between February 15 and July 15. Buildings being used by nesting owls shall be fenced and designated off-limits to prevent entry into the buildings.</p>	<p>1) The project sponsor shall retain a wildlife biologist to conduct a pre-construction survey of the abandoned barn and to make a determination on whether owls present are roosting or nesting. 2) If owls are observed, the project sponsor shall ensure the biologist persuades the owl to leave the barn (as appropriate), or halts all demolition activity until the criteria outlined in Mitigation Measure BIO-5b have been met.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to: 1) Review and approve the pre-construction survey. 2) Verify that all owl protection measures are in place, and that owls have left the barn prior to demolition.</p>	<p>No issuance of demolition permit.</p>	<p>Owl survey and compliance with Mitigation Measure BIO-5b.</p>	<p>Prior to issuance of demolition permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><u>BIO-6:</u> The proposed project may result in the loss of western burrowing owl habitat and direct take of this species through injury or mortality.</p>	<p><u>BIO-6g:</u> Preconstruction surveys shall be conducted for burrowing owls prior to site preparation, grading and construction. These surveys shall conform to the survey protocol established by the California Burrowing Owl Consortium. Preconstruction surveys shall be conducted no more than 30 days prior to the initiation of construction activities and at 30-day intervals if construction activities have not been initiated in an area. The following measures shall also apply:</p> <p>a) If burrowing owls are found onsite, they shall be avoided to the extent practicable, 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) shall be established around each burrowing owl burrow to be avoided. No disturbance shall 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.</p>	<p>1) The project sponsor shall retain a wildlife biologist to conduct pre-construction surveys for burrowing owls that conform to the protocol established by the California Burrowing Owl Consortium.</p> <p>2) If burrowing owls are identified on the site, the project sponsor shall ensure that construction avoids all owls, or that removal/relocation of owls (and associated mitigation) occurs in accordance with Mitigation Measure BIO-6a and the requirements of CDFG.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to:</p> <p>1) Review and approve the burrowing owl surveys.</p> <p>2) Verify that burrowing owls have been treated in compliance with the requirements of CDFG, and that mitigation has been provided as required by CDFG.</p>	<p>1) No issuance of any site-specific grading or building permit.</p> <p>2) Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.</p>	<p>Burrowing owl removal/relocation plan in accordance with Mitigation Measure BIO-6a and the requirements of CDFG.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-6 <i>Continued</i>	<p>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 shall be undertaken according to the current protocol established by the CDFG. Artificial burrows shall be provided on the mitigation site for each occupied burrow destroyed at the project site at a ratio of 2:1 (two artificial burrows created for each occupied burrow destroyed).</p> <p>c) If western burrowing owl occurs at the 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) shall be established around any burrows containing owls.</p> <p>d) Removal of burrowing owls at the project site shall conform to the requirements of CDFG's Staff Report on Burrowing Owl Mitigation. This shall entail establishing 6.5 acres of suitable habitat for each pair of burrowing owls displaced from the project site. These 6.5 acres shall be adjacent to an area already used by burrowing owls. The replacement mitigation site shall be preserved in perpetuity for use as burrowing owl and wildlife habitat. An endowment for management and monitoring the site shall also be established.</p>						

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-6 Continued	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 shall be equivalent to purchasing 6.5 acres per pair or single bird observed on the site. The final mitigation requirement shall be determined following the completion of the protocol-level survey. The sponsor shall provide the City with evidence of completion of the mitigation or purchase of mitigation credits prior to the issuance of a grading permit.	The project sponsor shall purchase credits at a CDFG-approved mitigation bank if off-site burrowing owl mitigation is required, but off-site habitat is not purchased and preserved.	Project sponsor	City of Benicia Planning and Building Department to verify that mitigation land or credits at a burrowing owl mitigation bank have been purchased.	No issuance of any site-specific grading or building permit.	Purchase of credits at CDFG-approved mitigation bank.	Prior to issuance of any site-specific grading or building permit.
BIO-7: The proposed project may result in direct take of the American badger through injury or mortality.	BIO-7: A qualified biologist shall conduct surveys of the grassland habitat onsite to identify any badger burrows. These surveys shall be conducted no sooner than 2 weeks prior to the start of construction. Impacts to active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning is complete or the den is abandoned. A qualified biologist shall 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.	1) The project sponsor shall retain a qualified wildlife biologist to conduct preconstruction badger burrow surveys. 2) The project sponsor shall ensure that adequate exclusion zones are established around active dens, and that a wildlife biologist monitors each den once a week until the den is abandoned.		City of Benicia Planning and Building Department to: 1) Review and approve badger burrow survey. 2) Visit the project site to ensure that exclusion zones are established around active dens.	1) No issuance of any site-specific grading or building permit. 2) Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.	Badger surveys and protection plan in accordance with Mitigation Measure BIO-7.	1) Prior to issuance of any site-specific grading or building permit. 2) Periodically throughout the construction period, at the discretion of the Planning and Building Department.

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-8: The proposed project may result in the loss of foraging and roosting habitat for the pallid bat, pale Townsend's big-eared bat, and other special-status bat species, and may result in direct take of these species through injury or mortality.	BIO-8a: Preconstruction surveys for bat roosts shall be conducted in all buildings or trees that will be removed or modified. The survey shall take place no more than 30 days prior to construction/demolition/removal activities. Preconstruction surveys shall be repeated if demolition or construction activities are delayed more than 30 days.	The project sponsor shall retain a qualified wildlife biologist to conduct preconstruction bat roost surveys.	Project sponsor and qualified wildlife biologist	City of Benicia Planning and Building Department to review and approve the bat roost survey.	No issuance of any site-specific grading or building permit.	Bat roost surveys.	Prior to issuance of any site-specific grading or building permit.
	BIO-8b: If a bat roost is found in a building or tree cavity, the species of bat using the roost shall be identified and methods to encourage the bats to leave the roost or to prevent them from returning to the roost shall be implemented prior to roost removal. A mitigation plan shall be developed to specify the methods to be used and the timing of the activities, and this mitigation plan shall be submitted to the City for review and approval.	The project sponsor shall retain a biologist to develop a mitigation plan to encourage bats to leave roosts or to prevent them from returning to roosts.	Project sponsor and biologist	City of Benicia Planning and Building Department to review and approve the bat removal mitigation plan.	No issuance of any site-specific grading or building permit.	Mitigation plan for bat roosts, if applicable.	Prior to issuance of any site-specific grading or building permit.
	BIO-8c: Materials from roost sites shall be salvaged, when feasible, to be used in the construction of artificial roosts.	The project sponsor shall salvage materials from roost sites and use the materials to construct artificial roosts.	Project sponsor	City of Benicia Planning and Building Department to verify that native roost materials are used to construct artificial roosts.	No issuance of any site-specific grading or building permit.	Artificial roosts, which incorporate materials from roost sites, if applicable.	Prior to issuance of any site-specific grading or building permit.

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-8 <i>Continued</i>	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 shall be provided for the bats. The roost shall be constructed and placed onsite prior to removal of the original roost. A mitigation plan specifying the construction details and siting of the structure shall be prepared and approved by the City and CDFG prior to removal of the existing roost. The sponsor shall provide a secure source of funding for the monitoring of the artificial roost for a period of at least 5 years. A report documenting the implementation of the plan shall be provided to the City within 1 month of completion of the artificial roost. The plan shall be completed and implemented prior to the issuance of the grading permit.	<p>1) The project sponsor shall retain a wildlife biologist to prepare a mitigation plan that includes construction details of artificial roosts if special-status bats are present on the project site.</p> <p>2) The project sponsor shall provide a secure source of funding for monitoring the mitigation plan and shall provide a report documenting implementation of the plan.</p>	Project sponsor	City of Benicia Planning and Building Department to review and approve mitigation/implementation plan and verify CDFG approval.	No issuance of any site-specific grading or building permit.	Bat roost mitigation plan that meets the requirements of Mitigation Measure BIO-8d.	Prior to issuance of any site-specific grading or building permit.
	BIO-8e: Removal of maternity roosts for special-status bats shall be coordinated with CDFG prior to removal. Maternity roosts for any species of bat, either common or special-status, shall not be demolished until the young are able to fly independently of their mothers.	The project sponsor shall coordinate with CDFG regarding removal of maternity roosts for special-status bats.	Project sponsor	City of Benicia Planning and Building Department to verify that project sponsor has undertaken and completed coordination with CDFG regarding removal of maternity roosts.	No issuance of any site-specific grading or building permit.	Verification of successful coordination with CDFG.	Prior to issuance of any site-specific grading or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<b>G. TRANSPORTATION AND CIRCULATION</b> (Note: Where mitigation measures for project-specific and cumulative impacts are identical, they have been combined.)							
TRANS-1: Unacceptable LOS at the intersection of East 2nd Street / Park Road / New Access. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.	TRANS-1: The project sponsor shall install and pay for the following improvement. Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure NB approach to provide one shared through-left lane, and one exclusive right-turn lane. Configure SB approach to provide one shared through-right lane and one exclusive left-turn lane. Reconfigure EB approach to provide one shared through-right lane, and one exclusive left-turn lane. Reconfigure WB approach to provide one exclusive right-turn lane, and one shared through-right lane.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/Park Road/New Access as detailed in Mitigation Measure TRANS-1.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-1.	Prior to issuance of an occupancy permit.
TRANS-2 and TRANS-12: Unacceptable LOS at the intersection of East 2nd Street/Industrial Way. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-2 and TRANS-12: The project sponsor shall install and pay for the following improvement 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.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/Industrial Way as detailed in Mitigation Measures TRANS-2 and TRANS-12.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-2 and TRANS-12.	Prior to issuance of an occupancy permit.
TRANS-3: Unacceptable LOS at the intersection of East 2nd Street/Rose Drive. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-3: The project sponsor shall install and pay for the following improvement. Reconfigure SB approach to provide two through lanes, and one exclusive right-turn lane. Reconfigure EB approach to provide one exclusive left-turn lane, one shared left-right turn lane, and one exclusive right-turn lane.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/Rose Drive as detailed in Mitigation Measure TRANS-3.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-3.	Prior to issuance of an occupancy permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-4 and TRANS-14: Unacceptable LOS at the intersection of East 2nd Street/1-780 Westbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-4 and TRANS-14: The project sponsor shall install and pay for the following improvement 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.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/1-780 Westbound Ramps as detailed in Mitigation Measures TRANS-4 and TRANS-14.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-4 and TRANS-14.	Prior to issuance of an occupancy permit.
TRANS-5: Unacceptable LOS at the intersection of East 2nd Street/1-780 Eastbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for AM peak hour.	TRANS-5: The project sponsor shall install and pay for the following improvement. Reconfigure WB approach to provide one left-turn-lane, and one free right-turn lane.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/1-780 Eastbound Ramps as detailed in Mitigation Measure TRANS-5.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-5.	Prior to issuance of an occupancy permit.
TRANS-6 and TRANS-16: Unacceptable LOS at the intersection of Lake Herman Road/extension of Industrial Way. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for the PM peak hour.	TRANS-6 and TRANS-16: The project sponsor shall install and pay for the following improvement. Signalize intersection. this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours.	The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/extension of Industrial Way as detailed in Mitigation Measures TRANS-6 and TRANS-16.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-6 and TRANS-16.	Prior to issuance of an occupancy permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-7: Unacceptable LOS at the intersection of Lake Herman Road/East 2nd Street. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-7: The project sponsor shall install and pay for the following improvement: 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.	The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/East 2nd Street as detailed in Mitigation Measure TRANS-7.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-7.	Prior to issuance of an occupancy permit.
TRANS-8: Unacceptable LOS at the intersection of Lake Herman Road/I-680 Southbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.	TRANS-8: The project sponsor shall install and pay for the following improvement: Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak provide one exclusive left-turn lane, and one through lane. This improvement shall be included in a comprehensive plan to improve the operation of I-680 between Industrial Way and East 2nd Street.	The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/I-680 Southbound Ramps as detailed in Mitigation Measure TRANS-8.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-8.	Prior to issuance of an occupancy permit.
TRANS-9: Unacceptable LOS at the intersection of Lake Herman Road/I-680 Northbound Ramps/Goodyear Road. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.	TRANS-9: The project sponsor shall install and pay for the following improvement: Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. 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.	The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/I-680 Southbound Ramps as detailed in Mitigation Measure TRANS-9.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-9.	Prior to issuance of an occupancy permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-10: Unacceptable LOS at the intersection of Park Road/Bayshore Road. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-10: The project sponsor shall install and pay for the following improvement. 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.	The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/I-680 Northbound Ramps/Goodyear Road as detailed in Mitigation Measure TRAN-10.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-10.	Prior to issuance of an occupancy permit.
TRANS-11: Unacceptable LOS at the intersection of East 2nd Street/Park Road/New Access. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.	TRANS-11: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection: 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.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/Park Road/New Access as detailed in Mitigation Measure TRAN-11 without Transportation Impact Fee credits.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-11.	Prior to issuance of an occupancy permit.
TRANS-13: Unacceptable LOS at the intersection of East 2nd Street/Rose Drive. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-13: The project sponsor shall install and pay for the following improvement 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.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/Rose Drive as detailed in Mitigation Measure TRAN-13 without Transportation Impact Fee credits.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-13.	Prior to issuance of an occupancy permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>TRANS-15: Unacceptable LOS at the intersection of East 2nd Street/I-780 Eastbound Ramps. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.</p>	<p>TRANS-15: The project sponsor shall install and pay for the improvement without Transportation Impact Fee Credits. Reconfigure WB approach to provide one left-turn-lane, and two exclusive right-turn lanes.</p>	<p>The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/I-780 Eastbound Ramps as detailed in Mitigation Measure TRANS-15.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.</p>	<p>No issuance of an occupancy permit.</p>	<p>Improvements in accordance with Mitigation Measure TRANS-15.</p>	<p>Prior to issuance of an occupancy permit.</p>
<p>TRANS-17: Unacceptable LOS at the intersection of Lake Herman Road/East 2nd Street. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 30.0 seconds for both the AM and PM peak hours.</p>	<p>TRANS-17: The project sponsor shall install and pay for the following improvement 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 intersection 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:  <ul style="list-style-type: none"> <li>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.</li> <li>This improvement shall 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.</li> </ul> </p>	<p>The project sponsor shall install and pay for the improvements to the intersection of Lake Herman Road/East 2nd Street and the Lake Herman Road segment as detailed in Mitigation Measure TRANS-17 without Transportation Impact Fee credits.</p>	<p>Project sponsor</p>	<p>Ensure that the project sponsor has installed improvements, and that the improvement to Lake Herman Road is 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.</p>	<p>No issuance of an occupancy permit.</p>	<p>Improvements in accordance with Mitigation Measure TRANS-17.</p>	<p>Prior to issuance of an occupancy permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>TRANS-18: Unacceptable LOS at the intersection of Lake Herman Road/I-680 Southbound Ramps. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.</p>	<p>TRANS-18: The project sponsor shall install and pay for the following improvement 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 shall 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.</p>	<p>The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/I-680 Southbound Ramp as detailed in Mitigation Measure TRAN-18 without Transportation Impact Fee credits.</p>	<p>Project sponsor</p>	<p>Ensure that the project sponsor has installed and paid for the improvement, and that the improvement is 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.</p>	<p>No issuance of an occupancy permit.</p>	<p>Improvements in accordance with Mitigation Measure TRANS-18.</p>	<p>Prior to issuance of an occupancy permit.</p>
<p>TRANS-19: Unacceptable LOS at the intersection of Lake Herman Road/I-680 Northbound Ramps / Goodyear Road. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.</p>	<p>TRANS-19: The project sponsor shall install and pay for the following improvement 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 shall 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.</p>	<p>The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/I-680 Northbound Ramps/Goodyear Road as detailed in Mitigation Measure TRAN-19 without Transportation Impact Fee credits.</p>	<p>Project sponsor</p>	<p>Ensure that the project sponsor has installed and paid for the improvement, and that the improvement is 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.</p>	<p>No issuance of an occupancy permit.</p>	<p>Improvements in accordance with Mitigation Measure TRANS-19.</p>	<p>Prior to issuance of an occupancy permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-20: Unacceptable LOS at the intersection of Park Road/Industrial Way. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with delays of over 50.0 seconds for the AM and PM peak hours.	TRANS-20: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours.	The project sponsor shall install and pay for the improvement to the intersection of Park Road/Industrial Way as detailed in Mitigation Measure TRAN-20 without Transportation Impact Fee credits.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-20.	Prior to issuance of an occupancy permit.
TRANS-21: Unacceptable LOS at the intersection of Park Road/Bayshore Road. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-21: The project sponsor shall install and pay for the following improvement 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.	The project sponsor shall install and pay for the improvement to the intersection of Park Road/Bayshore Road as detailed in Mitigation Measure TRAN-21 without Transportation Impact Fee credits.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-21.	Prior to issuance of an occupancy permit.
TRANS-23: The project would be inadequately served by transit facilities.	TRANS-23: 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 capital costs (i.e., buses, transit shelters, and signage) associated with build-out of the Benicia Business Park.	The project sponsor shall be responsible for the cost to extend Benicia Transit (Benicia Breeze) to the project site	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Extension of Benicia Transit to the project site.	Prior to issuance of an occupancy permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>TRANS-24: The project would not include bicycle and pedestrian facilities.</p>	<p>TRANS-24: The project sponsor shall 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.</p> <ul style="list-style-type: none"> <li>• Pedestrian sidewalks connecting all major buildings and parking areas within the project site;</li> <li>• Pedestrian routes between cul-de-sacs and adjacent parcels;</li> <li>• Crosswalks at all areas where there may be potential pedestrian/vehicular conflicts;</li> <li>• Bicycle racks at all building entrances; and</li> <li>• Incentives for individual buildings to contain showers and lockers, and secure indoor bicycle lockers;</li> <li>• Sidewalks along East 2nd Street, A Street, and Industrial Way;</li> <li>• Sidewalks along Lake Herman Road (between A Street and East 2nd Street); and</li> <li>• Class I/II Bikeway along Lake Herman Road (between A Street and I-680)</li> <li>• Class II/III Bikeway along Lake Herman Road (between Industrial Way and A Street);</li> <li>• Class I Bikeway between East 2nd Street and Lake Herman Road in the project site;</li> <li>• Class I Bikeway between Channel Road and East 2nd Street; and</li> </ul>	<p>The project sponsor shall prepare development plans incorporating the design elements and services required by Mitigation Measure TRANS-24.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to ensure that the development plans include the design elements and services required by Mitigation Measure TRANS-24.</p>	<p>No issuance of an occupancy permit.</p>	<p>Development plans prepared in accordance with Mitigation Measure TRANS-24.</p>	<p>Prior to issuance of an occupancy permit.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-24 <i>Continued</i>	<ul style="list-style-type: none"> <li>Parking and building leases at the Business Park shall be "unbundled" (i.e., rents for building space and parking lots shall be separate). Businesses at the Business Park that have 50 or more employees and provide employee parking on a free or subsidized basis shall provide financial compensation to those employees who commute by means other than private automobile, in accordance with CA Health and Safety Code 43845.</li> </ul>						
TRANS-25: Temporary transportation impacts would result from truck movements and construction worker vehicles traveling to and from the project site.	<p>TRANS-25: Prior to the issuance of each building permit, the project sponsor and construction contractor shall meet with the Benicia Public Works Department and other appropriate City of Benicia agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of the project. The project sponsor shall develop a construction management plan for review and approval by the City Public Works Department. The plan shall include at least the following items and requirements:</p>	<p>The project sponsor and construction contractor shall meet with the City of Benicia Public Works Department and other City agencies prior to each building permit to prepare traffic management strategies which comply with the requirements of Mitigation Measure TRANS-25.</p>	<p>Project sponsor and construction contractor</p>	<p>City of Benicia Public Works Department to ensure that traffic management measures are established and that construction personnel are in compliance.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Traffic management strategies which comply with the requirements of Mitigation Measure TRANS-25.</p>	<p>Prior to issuance of a site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-25 Continued	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Identification of any transit stop relocations.</li> <li>• Provisions for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.</li> <li>• Identification of parking space removal and any relocation of parking for employees, and public parking during construction.</li> <li>• Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.</li> <li>• Provisions for accommodation of pedestrian flow.</li> </ul>						

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-25 <i>Continued</i>	<ul style="list-style-type: none"> <li>No construction traffic shall be allowed on East 2nd Street south of Industrial Way, and on Lake Herman Road and Reservoir Road.</li> <li>Location of construction staging areas for materials, equipment, and vehicles.</li> <li>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.</li> <li>A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager.</li> </ul>						

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>TRANS-26: High volumes of heavily laden trucks have an incremental impact on the condition of streets and highways</p>	<p>TRANS-26: The project sponsor shall prepare an overall construction traffic management plan to limit the effects of trucks and other construction traffic on surface conditions of area roads and intersections. This plan shall be prepared in coordination with the City of Benicia, and shall include the following provisions:</p> <ul style="list-style-type: none"> <li>• Prior to implementation of the proposed project, the project sponsor shall survey the condition of truck access route roadways and prepare an existing conditions report to document roadway baseline conditions.</li> <li>• During the construction of the project, or periodically throughout the project's construction period, the project sponsor shall make periodic improvements to area roadways to maintain minimum standards, including clean-up of construction debris (e.g., sand and gravel) and spot repaving of potholes or other pavement section damage.</li> <li>• Upon completion of all or most of project construction activities, the project sponsor shall identify any impacts to roadway conditions. The project sponsor shall 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.</li> </ul>	<p>1) The project sponsor, working with City staff, shall prepare a construction traffic management plan and an existing conditions report of truck access route roadways.</p> <p>2) The project sponsor shall make improvements to area roadways damaged by construction-related traffic throughout the construction phase of the project.</p> <p>3) Upon completion of project construction the project sponsor shall repair or pay mitigation fees for any damage to existing street surfaces caused by construction equipment or vehicles during the construction phase of the project.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to:</p> <p>1) Review and approve the construction traffic management plan and truck route existing conditions report.</p> <p>2) Examine roadways around the project site to assess damage to the street surface pavement incidental to the construction activities.</p> <p>3) Provide a cost estimate roadway damages to the project sponsor, and ensure that the project sponsor installs or funds needed repairs.</p>	<p>1) No issuance of any site-specific grading or building permit.</p> <p>2) Non-compliance sanctions which may include citations or revocation of occupancy permits.</p> <p>3) Non-compliance sanctions which may include citations or revocation of occupancy permits.</p>	<p>Construction traffic management plan and improvements in accordance with Mitigation Measure TRANS-26.</p>	<p>1) Prior to issuance of any site-specific grading or building permit.</p> <p>2) Periodically throughout the project construction period.</p> <p>3) Following the end of the construction period.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<b>H. AIR QUALITY</b> AIR-1: Demolition and construction period activities could generate significant dust, exhaust, and organic emissions.	AIR-1: Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and specifications for the project. The following controls shall be implemented at all construction sites:	The project sponsor shall ensure that the construction contractor fully implements all air quality dust control measures as required by the BAAQMD and Mitigation Measure AIR-1.	Project sponsor	City of Benicia Planning and Building Department to conduct regular site inspections throughout the construction period to ensure that construction period air pollution	Non-compliance sanctions which may include citations or revocation of permits.	Construction period air pollution controls.	Regularly throughout the construction period at the discretion of the Planning and Building Department.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
AIR-1 Continued	<ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust;</li> <li>• Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;</li> <li>• 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;</li> <li>• Sweep daily (with water sweepers) all staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;</li> <li>• Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;</li> <li>• Apply non-toxic soil stabilizers to inactive construction areas;</li> <li>• Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);</li> <li>• Limit traffic speeds on unpaved roads to 15 mph;</li> <li>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways;</li> <li>• Replant vegetation in disturbed areas as quickly as possible;</li> <li>• 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</li> <li>• Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</li> </ul>			control measures are being implemented on the site.			

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>AIR-2: Long-term project-related regional emissions would exceed the BAAQMD thresholds of significance for ozone precursors.</p>	<p>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 shall provide as many of the following measures as practicable:</p> <ul style="list-style-type: none"> <li>• Provide transit facilities (e.g., bus bulbs/turnouts, benches, shelters).</li> <li>• Provide bicycle lanes and/or paths, connected to a community-wide network.</li> <li>• Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network.</li> <li>• Provide secure and conveniently located bicycle storage.</li> <li>• Implement feasible Trip Demand Management (TDM) measures, including a ride-matching program, coordination with regional ridesharing organizations and provision of transit information.</li> </ul> <p>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 PM<sub>10</sub> 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.</p>	<p>The project sponsor shall work with the City to develop a trip reduction program which the provisions listed in Mitigation Measure AIR-2.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to review the trip reduction program and ensure that it includes all feasible and effective trip and emissions reduction measures.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Trip reduction program in accordance with the provisions listed in Mitigation Measure AIR-2.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/ Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<b>I. NOISE</b> NOI-1: Construction period activities could create significant short-term noise impacts on adjacent industrial/commercial properties and on buildings that would become occupied within the project site before completion of the entire project.	NOI-1a: During all project site excavation and on-site grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards	The project sponsor shall ensure that the construction contractor's equipment is equipped with functional mufflers.	Project sponsor	City of Benicia Planning and Building Department to verify that all construction equipment is equipped with adequate mufflers.	Non-compliance sanctions which may include citations or revocation of permits.	Functional mufflers on all contractor equipment.	Ongoing throughout the construction period.
	NOI-1b: The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.	The project sponsor shall ensure that the construction contractor places all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.	Project sponsor	City of Benicia Planning and Building Department to verify that all construction equipment is appropriately sited.	Non-compliance sanctions which may include citations or revocation of permits.	Verification that all construction equipment is directed away from sensitive receptors.	Ongoing throughout the construction period.
	NOI-1c: The construction contractor shall 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.	The project sponsor shall ensure that the construction contractor locates equipment staging in areas such that emitted noise is directed away from sensitive receptors nearest the project site.	Project sponsor	City of Benicia Planning and Building Department to verify that all equipment staging is appropriately sited.	Non-compliance sanctions which may include citations or revocation of permits.	Verification that all equipment staging is appropriately sited.	Ongoing throughout the construction period.
	NOI-1d: The construction contractor shall 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 shall be restricted to the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.	The project sponsor shall ensure that the construction contractor restricts construction-period activities to the hours specified in Mitigation Measure NOISE-1d.	Project sponsor	City of Benicia Planning and Building Department to verify that construction activities are occurring only during permitted hours.	Non-compliance sanctions which may include citations or revocation of permits.	Construction activities occur during permitted hours.	Ongoing throughout the construction period.

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>NOI-2: Implementation of the proposed project would increase traffic noise levels at the project site and surrounding areas.</p>	<p>NOI-2a: Mitigation Measure NOI-2a: 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 shall be implemented:</p> <ul style="list-style-type: none"> <li>• A sound barrier at least 8 feet high shall be constructed along the property/right-of-way line of sensitive receptors along this roadway segment; or</li> <li>• Rubberized asphalt shall be used to resurface the entire identified roadway segment.</li> </ul>	<p>The project sponsor shall install a sound barrier or rubberized asphalt along East 2nd Street from I-780 to Rose Drive.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to verify that appropriate noise attenuation measures for sensitive uses along East 2<sup>nd</sup> Street are shown in project plans.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>A sound barrier along East 2<sup>nd</sup> Street or installation of rubberized asphalt that meets the requirements of Mitigation Measure NOI-2a.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>
<p>NOI-2b: For all hotels built at the project site that include outdoor activity areas, one (or more) of the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>• All hotel outdoor activity areas shall 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</li> <li>• All hotel outdoor activity areas shall 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</li> <li>• A sound barrier at least 8-foot-high shall 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 shall 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.</li> </ul>	<p>NOI-2b: For all hotels built at the project site that include outdoor activity areas, one (or more) of the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>• All hotel outdoor activity areas shall 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</li> <li>• All hotel outdoor activity areas shall 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</li> <li>• A sound barrier at least 8-foot-high shall 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 shall 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.</li> </ul>	<p>The project sponsor shall ensure that the one or more the measures listed in Mitigation Measure NOI-2b is incorporated into the project.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to verify that one or more of the measures listed in Mitigation Measure NOI-2a have been incorporated into the project plans.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits for hotel development.</p>	<p>Effective noise-reducing measures that meet the requirements of Mitigation Measure NOI-2b.</p>	<p>Prior to issuance of any site-specific building permit for a hotel development.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>NOI-2 Continued</p>	<p>NOI-2a: 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, shall be installed in all buildings that require good speech intelligibility (as outlined in sub-note 5 of Table IV.1-4) for buildings located as follows:</p> <ul style="list-style-type: none"> <li>• Within 199 feet from the centerline of the outermost travel lane of Lake Herman Road; and</li> <li>• Within 263 feet from the centerline of the outermost travel lane of East 2nd Street</li> </ul>	<p>If required by an acoustical study, the project sponsor shall install sound ventilation systems in buildings located along Lake Herman Road and East 2nd Street in areas exposed to high noise levels, as identified in Mitigation Measure NOI-2c.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to verify in building plans that required ventilation systems are included in on-site buildings near Lake Herman Road and East 2nd Street.</p>	<p>No issuance of any site-specific building permit.</p>	<p>Ventilation systems installed in buildings along Lake Herman Road, if applicable.</p>	<p>Prior to issuance of any site-specific building permit.</p>
<p><b>J. VISUAL RESOURCES</b> VIS-4: The proposed project could increase the amount of light and glare in Benicia adversely affecting day or nighttime views of the area.</p>	<p>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 shall 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 shall be selected to minimize light and glare spillover into areas outside of the project site and shall be to the satisfaction of City staff. The detailed manufacturer's specifications shall 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 shall 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.</p>	<p>The project sponsor shall provide the City of Benicia Planning and Building Department the specifications, height and placement, and design of proposed exterior lighting fixtures.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to review the exterior lighting proposed by the project sponsor to ensure that it would minimize light and glare spillover into areas outside the project site.</p>	<p>No issuance of any site-specific building permit.</p>	<p>Exterior lighting plan that meets the requirements of Mitigation Measure VIS-4a.</p>	<p>Prior to issuance of any site-specific building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
VIS-4 Continued	VIS-4b: All exterior lighting fixtures mounted on buildings shall be hooded and downward-directed to minimize spillover light and glare onto adjacent properties.	The project sponsor shall ensure that all exterior lighting fixtures mounted on buildings are hooded and downward-directed to minimize spillover light and glare onto adjacent properties.	Project sponsor	City of Benicia Planning and Building Department to review the exterior lighting proposed by the project sponsor to ensure they would be hooded and downward-directed, and would minimize light and glare spillover into areas adjacent to the project site.	No issuance of any site-specific building permit.	Exterior lighting fixtures are hooded and downward-directed.	Prior to issuance of any site-specific building permit.
	VIS-4c: No flood lighting of buildings, landscaping or signs shall 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.	The project sponsor shall ensure that no flood lights are placed on the project site without City approvals.	Project sponsor	City of Benicia Planning and Building Department to review all proposals for flood lights and recommend approval only if such lighting can occur without adverse light and glare impacts.	No issuance of a design review permit or development plan.	Floodlights are installed only if the lighting plan has been approved.	Prior to issuance of a design review permit or development plan with flood lights.
<b>K. CULTURAL AND PALEONTOLOGICAL RESOURCES</b>							
CULT-2: Ground-disturbing project construction could disturb human remains, including those interred outside of formal cemeteries.	CULT-2: Should human remains be encountered by project activities, construction activities shall be halted and the County Coroner notified immediately. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist shall be contacted to evaluate the situation. The NAHC will identify a Native	1) If human remains are encountered by project activities the project sponsor shall ensure that the contractor notifies the City of Benicia and the County Coroner promptly.	Project sponsor	City of Benicia Planning and Building Department to: 1) Verify that, in the event human remains are discovered, the appropriate agencies are undertaken, and an archaeologist is retained to evaluate the materials. 2) Review and approve the archaeological report as adequate.	Non-compliance sanctions which may include citations or revocation of permits.	Archeological report and appropriate treatment of human remains, if applicable.	During the construction period.

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
CULT-2 <i>Continued</i>	<p>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 shall be undertaken with the City. The archaeologist shall recover scientifically-valuable information, as appropriate, and in accordance with the recommendations of the MLD.</p> <p>Upon completion of such analysis and/or recovery, the archaeologist shall prepare a report documenting the methods and results of the investigation. This report shall be submitted to the City, the project applicant, and the NWIC.</p>	<p>2) The project sponsor shall retain a qualified professional archaeologist to recover scientifically valuable data if the remains are of Native American origin. If the remains are of Native American origin, the Coroner shall notify the NAHC promptly.</p>					

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>CULT-3: Ground-disturbing project construction could result in significant impacts to paleontological resources.</p>	<p>CULT-3: A qualified paleontologist shall 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 shall 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 shall 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 shall be curated at an appropriate facility (e.g., University of California Museum of Paleontology). Upon completion of paleontological monitoring, a report shall be prepared documenting the methods and results of the monitoring. The report shall be submitted to the project proponent and appropriate City agencies.</p>	<p>The project sponsor shall retain a qualified professional paleontologist to monitor initial ground-disturbing activity, and to determine the appropriate level of future monitoring. The project sponsor shall comply with the recommendations of the paleontologist.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to: 1) Verify that a paleontologist has been retained to monitor initial ground disturbing activities. 2) Review the report of methods and results, and verify that the paleontologist's recommendations are implemented.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Ground-disturbing activities have been monitored and a monitoring report prepared, if applicable.</p>	<p>During initial ground-breaking activities.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>CULT-4: Ground-disturbing project construction could result in significant impacts to accidentally discovered cultural and paleontological resources.</p>	<p>CULT-4a: If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall 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 shall be avoided by project activities. If avoidance is not feasible, the find shall 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 shall 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 evaluation, as well as mitigation (if necessary), a report shall be prepared documenting the methods and results of the paleontological investigation. The report shall be submitted to the project sponsor and appropriate City agencies.</p>	<p>1) If prehistoric or historical archaeological materials are encountered during project activities the project sponsor shall halt work within 25 feet of the find and retain a qualified archaeologist to assess the finds.  2) The project sponsor shall comply with the recommendations of the archaeologist.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to: 1) Verify that construction activities halt in the event archaeological materials are discovered.  2) Review the archaeology report and verify that the recommended measures -- if warranted -- are undertaken.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Compliance with requirements in Mitigation Measure CULT-4a.</p>	<p>Throughout ground-disturbing activities.</p>
	<p>CULT-4b: If paleontological resources are discovered during project activities, all work within 25 feet of the discovery shall be redirected until a paleontological monitor has assessed the situation and made recommendations for their treatment. If feasible, the find shall be avoided by project activities. If avoidance is not feasible, the paleontological find shall 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 shall be mitigated. Paleontological mitigation may include, but is not limited to, data recovery, fossil curation, and information dissemination to the public.</p>	<p>1) If fossils are encountered during project activities the project sponsor shall halt work within 25 feet of the find and retain a qualified paleontologist to assess the finds.  2) The project sponsor shall comply with the recommendations of the paleontologist.</p>	<p>City of Benicia Planning and Building Department</p>	<p>1) Verify that construction activities halt in the event fossils are discovered.  2) Review the paleontology report and verify that the recommended measures -- if warranted -- are undertaken.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Recommendations from paleontology report have been implemented in accordance with Mitigation Measure CULT-4b.</p>	<p>Throughout ground-disturbing activities.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><b>L. PUBLIC SERVICES</b>  <b>PUB-1:</b> The project would increase demand for fire protection and emergency medical services, police services, and Public Works maintenance and operation services.</p>	<p><b>PUB-1a:</b> The project sponsor shall set aside an appropriately-sized and located parcel within the project site to accommodate new public services facilities required to serve the project. The parcel shall be large enough to include the facilities listed below:</p> <ul style="list-style-type: none"> <li>A new Fire Department sub-station facility, totaling a minimum of 2.5 acres, shall be located along the Industrial Way extension, near the East 2nd Street intersection. The new sub-station shall be constructed and made operational prior to the occupation of Phase 1. 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 shall be provided at the sub-station prior to occupation of project facilities. Funding for this facility shall be provided by fees imposed on the proposed project. Funding for additional personnel and equipment shall be provided by the City.</li> </ul>	<p>The project sponsor shall set aside an appropriately-sized parcel of land within the project site and shall fund associated improvements, consistent with the requirements of Mitigation Measure PUB-1a.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department, City of Benicia Public Works Department, and City of Benicia Fire Department to review the final project development plans to ensure the requirements of Mitigation Measure PUB-1a are met prior to the approval of a grading or building permit.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Final development plans that include a parcel set aside for public services, in accordance with the requirements of Mitigation Measure PUB-1a.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>PUB-1 <i>Continued</i></p>	<ul style="list-style-type: none"> <li>The new Fire Department sub-station shall include 200 to 400 square feet of office space for use by the Police Department, a multi-purpose room for community meetings, and training grounds. Funding for the additional officers and equipment shall be provided by the City. The Police Department office space shall be constructed and made operational prior to occupancy of Phase 1.</li> <li>The parcel shall include approximately 7 to 15 acres of land for the development of an auxiliary corporation yard. The corporation yard shall include the types of facilities currently located in the existing corporation yard, as determined to be required by the Public Works Department, and shall be funded via fees imposed on the proposed project. Funding for additional personnel and equipment shall be provided by the City.</li> </ul>						

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>PUB-1 Continued</p>	<p><u>PUB-1b</u>: Development plans for the proposed project shall be subject to the following review:</p> <ul style="list-style-type: none"> <li>• During the development review process, the Fire Department shall 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.</li> <li>• The Fire Department shall 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.</li> <li>• The City's Engineering Division and Fire Department shall 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.</li> </ul>	<p>Project applicant to ensure that development plans and subsequent individual site proposals comply with applicable fire and emergency access regulations.</p>	<p>Project applicant</p>	<p>The City of Benicia Fire Department shall perform consistent plan checks and site inspections to ensure compliance with Mitigation Measure PUB-1b.</p>	<p>No issuance of any site-specific building permit.</p>	<p>Development plans that comply with fire and emergency access regulations.</p>	<p>Prior to issuance of any site-specific building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><b>M. UTILITIES AND INFRASTRUCTURE</b></p> <p>UTIL-1: Implementation of the proposed project would require the extension of water supply distribution facilities to service proposed uses.</p>	<p><b>UTIL-1: CONSTRUCTION OF WATER SUPPLY INFRASTRUCTURE</b></p> <p>UTIL-1: Construction of water supply infrastructure shall be subject to the following measures:</p> <ul style="list-style-type: none"> <li>The main water storage and pumping facilities as required by the Benicia Public Works Department to provide domestic and fire service shall be constructed and operational before the first phase of development begins. The main connections shall be sized to serve the whole development and not upsized with each phase.</li> <li>All on-site water infrastructure improvements required to serve each phase of development shall be constructed in the initial year of development of that phase.</li> <li>The sponsor shall obtain City approval for each phase of development, including development of individual projects. Development plans for individual projects shall only be approved when a dependable and adequate water supply is available to serve new development.</li> </ul> <p>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 shall be required to allow the new zones to connect to the City's existing Zone 1 system in an emergency.</p>	<p>1) The project sponsor shall ensure that all pumping facilities and on-site water infrastructure improvements adhere to the requirements of Mitigation Measure UTIL-1, including timing requirements.</p> <p>2) The project sponsor shall obtain City approvals for each phase of development.</p> <p>3) The project sponsor shall construct/install pressure-reducing valve stations and zone valves to allow the new pressure zones to connect to the City's existing Zone 1 system in an emergency.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to ensure that all development plans include the water facilities and capabilities outlined in Mitigation Measure UTIL-1.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Development plans include water facilities in accordance with Mitigation Measure UTIL-1.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>UTIL-2: Implementation of the proposed project would result in construction activities with the potential to adversely affect the City's water supply transmission line and reservoir.</p>	<p>UTIL-2: Construction activities for the proposed project shall be subject to the following measures:</p> <ul style="list-style-type: none"> <li>Final design of the proposed project shall 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.</li> <li>Water lines shall be rerouted or redundant lines installed by the sponsor if necessary to avoid impacts to the City's water supply distribution system.</li> <li>No work shall 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.</li> <li>Prior to issuance of a City permit, contingency plans shall be submitted for review and approval by the City to address a potential accident during construction resulting in damage to the line.</li> <li>The sponsor shall require that all construction activities are undertaken with the necessary precautions to avoid impacts to the City's water distribution system.</li> </ul>	<p>The project sponsor shall prepare all final design plans so that they avoid impacts to the City's water supply system, as required by Mitigation Measure UTIL-2.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to ensure that all development plans include provisions to protect the City's water supply system, as required by Mitigation Measure UTIL-2.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Development plans that include provisions to protect the water supply system, in accordance with Mitigation Measure UTIL-2.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>UTIL-3: Implementation of the proposed project would require extension of wastewater collection lines to serve the project.</p>	<p>UTIL-3: Construction of sewer infrastructure improvements for the proposed project shall be subject to the following measures:</p> <ul style="list-style-type: none"> <li>All on-site sewer infrastructure improvements required to serve each phase of development shall be constructed in the initial year of development of that phase.</li> <li>Since the ultimate commercial and industrial users of the proposed project are unknown, the City shall 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.</li> </ul>	<p>The project sponsor shall ensure that all on-site sewer infrastructure improvements are constructed in the initial year of development of each phase, and that wastewater flows do not exceed available capacity for any phase of development.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department</p> <ol style="list-style-type: none"> <li>Ensure that the development of on-site sewer infrastructure is installed in the initial year of each development phase.</li> <li>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.</li> </ol>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Sewer infrastructure is constructed in the initial year of development of each phase, and meets the requirements of Mitigation Measure UTIL-3.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>UTIL-4: Implementation of the proposed project would exceed the capacity of the existing wastewater collection system during peak wet weather periods.</p>	<p>UTIL-4: Prior to the issuance of building permits for Phase 1 of the proposed project, the project sponsor shall fully fund and install all the required wastewater collection improvements to serve the project. Required improvements shall 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:</p> <ul style="list-style-type: none"> <li>• Replace the existing 8-inch west fork of the Industrial Park gravity sewer system with a new 18-inch sewer line.</li> <li>• Replace the existing 8-inch force main with a new 16-inch force main that is cross-connected to the existing force main.</li> <li>• Replace the existing PLS to operate at a new higher pressure to maximize capacity in both pipelines. Upgrade the PLS to meet the design criteria of the two pipelines.</li> <li>• Increase maintenance of eastern fork of gravity sewer to reduce root intrusion and the long-term settlement of debris.</li> <li>• A force main surge analysis shall be performed prior to approval of final project design. Proposed improvements to the force main shall be reviewed and approved by the City prior to installation.</li> </ul>	<p>1) The project sponsor shall fully fund and install all required on-site and off-site wastewater collection infrastructure specified in Mitigation UTIL-4 prior to the initiation of Phase 1.</p> <p>2) The project sponsor shall conduct a force main surge analysis and improve the force main if recommended in the analysis.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to:</p> <ol style="list-style-type: none"> <li>1) Ensure that all required wastewater infrastructure is installed.</li> <li>2) Review the force main surge analysis to verify that needed improvements to the force main are undertaken.</li> </ol>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Force main surge analysis is conducted and wastewater collection infrastructure is installed.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>N. URBAN DECAY</p> <p>DECAY-1: If the land uses of the project change, the project could result in urban decay.</p>	<p>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 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 shall provide the City with an updated economic analysis. The adequacy of the economic analysis shall 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 shall 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 shall 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).</p> <p>A revised economic analysis shall be similarly completed in conjunction with subsequent CEQA review of any changes to the project, if deemed necessary by the City.</p>	<p>1) If the amount of proposed retail uses on the project site would increase beyond 100,000 square feet, the project sponsor shall provide a new economic analysis that discusses the potential for urban decay.</p> <p>2) If the economic analysis identifies a new urban decay impact, the project sponsor shall collaborate with City staff to develop an effective and feasible mitigation measure to reduce the potential for urban decay to a less-than-significant level.</p> <p>3) If no effective and feasible mitigation measure is available, the City shall undertake supplemental CEQA analysis of the changes to the project.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to:</p> <p>1) Review the economic analysis for the project and verify that the changes to the project would not result in new urban decay impacts, or, if impacts would result, ensure that mitigation measures are implemented that would reduce decay-related impacts.</p> <p>2) Require the project sponsor to fund additional CEQA review if the urban decay impact would be significant and unavoidable.</p>	<p>No issuance of a site-specific building permit for retail space that would exceed 100,000 square feet.</p>	<p>Economic analysis that meets the requirements of Mitigation Measure DECAY-1.</p>	<p>Prior to issuance of a site-specific building permit when total retail uses exceed 100,000 square feet.</p>

Table 1 *continued*

**PUBLIC COMMENT  
SINCE MAY 20, 2008 COUNCIL MEETING  
PACKET**

Anne Cardwell - Seeno

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**From:** Luis Delgado <lfdarchitect@sbcglobal.net>  
**To:** Anne Cardwell <Anne.Cardwell@ci.benicia.ca.us>  
**Date:** 5/16/2008 11:20 AM  
**Subject:** Seeno

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Anne,

Could you please forward this link about Seeno to all the of the Council and Planning Commission. I think it is worth reading.

[http://www.insidebayarea.com/ci\\_9210458](http://www.insidebayarea.com/ci_9210458)

Thanks,  
Luis Delgado

**VIII-B-205**



## Pittsburg work begins without approval

By Paul Bugarino  
East County Times

Article Created: 05/09/2008 05:28:12 PM PDT  
PITTSBURG — Hillside work by a Contra Costa County developer with a history of environmental violations appears to have proceeded without approval from the city and the Department of Fish and Game.

Since January, the California Department of Fish and Game and Pittsburg have been investigating the reshaping of the hills on the western portion of the San Marco subdivision last year by Albert Seeno III's Discovery Builders, including the possible destruction of a seasonal stream.

An inspection by the Times of all Pittsburg grading permits pertaining to San Marco's buildout found no current documentation of approval by city engineers for work on the western part of the development. The search found grading permits from completed sections of the subdivision, the last one expiring in 2003.

The search also found a 1997 agreement between Albert Seeno Jr.'s West Coast Home Builders and the Department of Fish and Game that allowed some fill work on wetlands provided that a new, larger wetlands be created. However, that permit expired in December 2005.

Seeno officials contend they followed the law in their grading. Last month, a Seeno spokesman said the grading was in accordance with permits issued by Pittsburg and all appropriate regulatory agencies. Seeno attorney Bill Goodman echoed that sentiment

this week.

In a voice message, Goodman said the Seeno companies "believe that they have been in compliance with all applicable laws. We are not going to provide any comment beyond that." Calls to his office were not returned Friday.

Inquiries to obtain permit information from Discovery Builders went unanswered.

Pittsburg City Engineer Joe Sbranti said that no significant new details have emerged since staff started looking into the matter. There is "no record of any valid permit" under which Seeno was operating, Sbranti said.

Sbranti said city engineers, in conjunction with the Fish and Game investigation, are examining the original development agreement to see whether the language gives Seeno the right to grade the hillside, adding he doesn't believe it does.

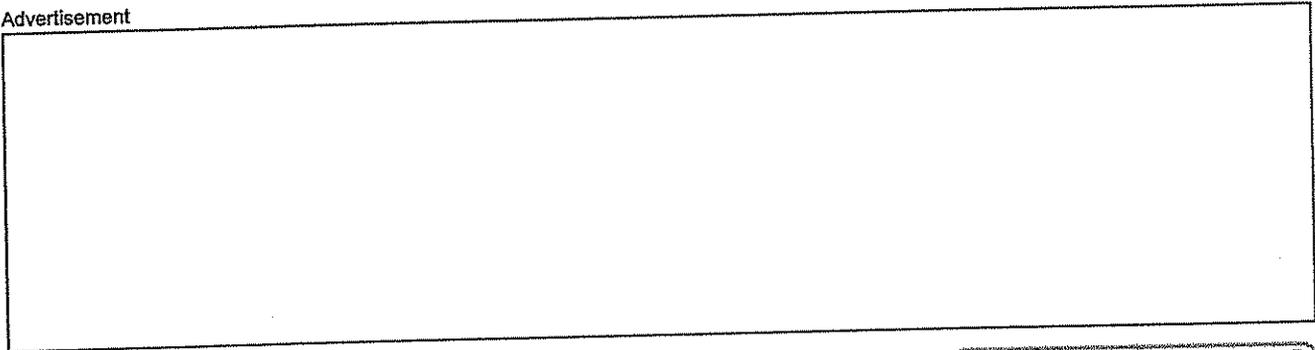
Language in the March 1990 development agreement between Pittsburg and Seeno's Seecon Financial Construction Co. allows for some permitted grading but says the project would require grading in excess of what is permitted under applicable hillside regulations.

In the agreement, the city said additional grading would be handled through its "normal property development process."

A 2001 amendment to the agreement extended the contract's duration to Oct. 1, 2020, but no additional language in that or subsequent amendments pertaining to permits was specifically mentioned.

Nicole Kozicki, a warden with the Department of Fish and Game, said the investigation includes not

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# VIII-B-206



only permit violations but whether Seeno improperly altered the streambed and caused erosion with the grading.

The 1997 agreement said work was to be confined between April 15 and Oct. 1. However, Kozicki said she discovered the fresh grading last winter while driving on Highway 4.

Other permits for grading the streambed are issued by the Army Corps of Engineers and state Department of Water Resources. Thus far, those agencies have found the permits to be expired as well, Kozicki said.

Kozicki said Fish and Game has discussed the case with both the state Attorney General's office and county District Attorney's office, and hopes to have the majority of the investigation completed by the end of this month.

The penalty for depositing soil into waters of the state and/or altering a streambed without permits is \$25,000 per civil violation and \$1,000 and/or one year in jail per criminal misdemeanor, according to Kozicki.

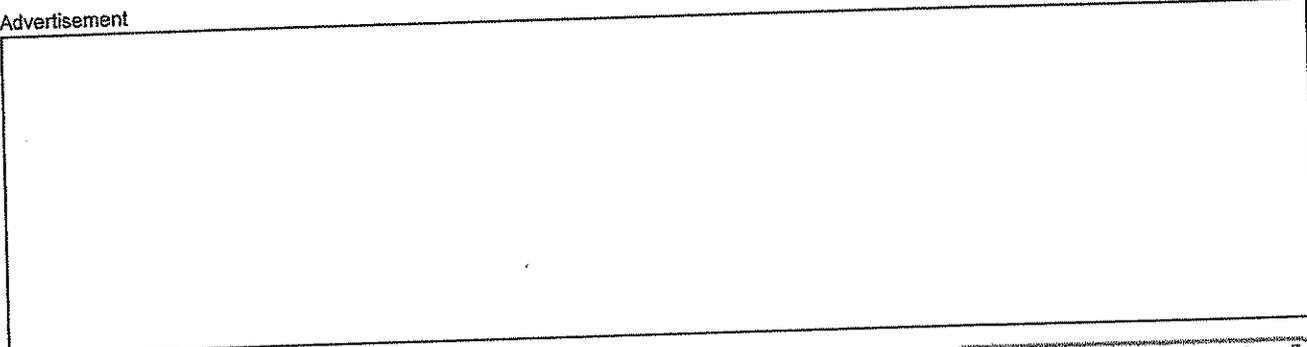
The Seeno family of homebuilders has been investigated and fined multiple times over the past several years for environmental violations from its developments, including a \$3 million settlement earlier this year concerning grading work at an Antioch subdivision.

In 2002, Albert Seeno Jr.'s West Coast Home Builders agreed to pay \$1 million in fines and restitution for violating the federal Endangered Species Act for its 2001 killing of threatened red-legged frogs and deliberate destruction of frog habitat at San Marco.

**Paul Burgarino covers Pittsburg and Bay**

Point. Reach him at 925-779-7164 or [pburgarino@bayareanewsgroup.com](mailto:pburgarino@bayareanewsgroup.com).

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**VIII-B-207**

**From:** <PetrBray@aol.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>  
**Date:** 5/19/2008 9:29:02 AM  
**Subject:** Lake Herman/Seeno Project Blues...

Dear members of the Benicia City Council....

There's not a puppy's chance in a goldfish pond that I can think of the Seeno Project's becoming viable in Benicia, so I wrote the

Lake Herman/Seeno Project Blues

"The sweet pretty things are in bed now of course,  
the city fathers are trying to endorse  
the reincarnation of Paul Revere's horse,  
but the town has no need to be nervous..."  
©Bob Dylan, The Tombstone Blues

Used to be Lake Herman was a good place for a walk,  
now all I hear downtown is developer's hill-leveling talk.  
They've got one eye on their bottom lines, and one eye in the hills,  
seems like they just can't get enough of carving up the hills...

I've got the Lake Herman/Seeno Project Blues,  
got the Lake Herman/Seeno Project Blues,  
nothing I can't use like the Lake Herman/Seeno Project Blues.

They say that Mr. Seeno has extravagant taste,  
seems like Permit Violations follows him like a paste.  
Oh, Boy who was it that opened up our City's doors to him?  
"Environmental Violations" must be a new kind of Developer's HYMN.

'Got the Lake Herman/Seeno Project Blues,  
got the Lake Herman/Seeno Project Blues,  
nothing I can't use like the Lake Herman/Seeno Project Blues.

We used to have a General Plan, was good for the common man,  
good for the ladies and children too and organizing our developmental stand.  
But Seeno figures he doesn't have to comply and prefers it was up in smoke,  
how many counties away is he from seein' that his is the saddest joke?

'Got the Lake Herman/Seeno Project Blues,  
got the Lake Herman/Seeno Project Blues,  
nothing I can't use like the Lake Herman/Seeno Project Blues.

Gonna go downtown, and stand at the podium,  
some will swear it's just another Mad Cow Disease Project  
and they've all lost it on their sodium.  
But I'd rather stand in an empty room  
than sing to a stagnant lake,  
sitting across from The Lake Herman Highway,  
(humongous residential lots also on the county side of the lake?)!

'Got the Lake Herman/Seeno Project Blues,  
got the Lake Herman/Seeno Project Blues,

nothing I can't use like the Lake Herman/Seeno Project Blues.

East Second Street will become an artery just like the Gran Prix.  
 Better wear your crash helmet if you attend Semple Elementary.  
 Downtown becomes a ghost town, just like it was in Ghost Town 3.  
 Better get us a BIG box store, a couple dozen with wall-to-wall perfume,  
 transfer our downtown culture to the  
 Made-from-China-&-Brought-Into-The-Hills-&-the-Walmart-BOOM-BOOM-BOOM!

Oh, Boy, Oh, Boy, I just can't wait, watching the ships go by from the Lake  
 Herman  
 Walmart/Costco/Home Depot/18-wheeler Freightliner Parking Lot Gate!!  
 Who did we elect to figure out that THIS was to be our NO LONGER LITTLE TOWN  
 fate?

Adios Little Town, once more we've got monumental CRAP on our plate!  
 Call us Dublin/San Ramon/Fremont/San Jose/Wall-to-Wall Peninsula,  
 who needs greener grasses and an environmental buffer zone?  
 Is our own General Plan dying out on The Lake Herman Highway?  
 Urban Decay downtown?? Count on it! A ghost town!  
 Widening of 780? 280% traffic increase on East 2nd Street?? NO THANKS!!  
 Whoopee, another Century Plaza Vallejo Mega Mall!! Will New and Used Car lots  
 be next?? Oh, Boy, we can have our own Vallejo PLAZA in the hills!?!? NO!!!

'Got the Lake Herman/Seeno Project Blues,  
 got the Lake Herman/Seeno Project Blues,  
 nothing I can't use like the Lake Herman/Seeno Project Blues.

(New verses to come as this charade deepens.)

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 303 Warwick Dr.  
 Benicia, CA 94510  
 Cell: 707-246-8082

<A HREF="http://www.peterbray.org">www.peterbray.org</A>  
 <A HREF="http://www.poetrymatters.150m.com/index\_files/pages\_files/bray.html">  
 http://www.poetrymatters.150m.com/index\_files/pages\_files/bray.html</A>  
 <A HREF="http://www.sonador.com/pedro">www.sonador.com/pedro</A>

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 twists on family favorites at AOL Food.<BR>  
 (http://food.aol.com/dinner-tonight?NCID=aolfod00030000000001)</HTML>

**From:** <PetrBray@aol.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>  
**Date:** 5/19/2008 10:09:35 AM  
**Subject:** Lake Herman Highway & Urban Decay...

The Lake Herman Highway & Urban Decay...

Lake Herman Highway, Lake Herman Highway,  
I see Seeno comin' and he's comin' down the skyway.  
He's got Permit Violations following him like a storm,  
some are ice-cold dead and some are pretty warm.

You can cover up a creek, cover it up for a week,  
but sooner or later even the toads, they all come back to speak.  
Gonna get my Braito Landfill coupons, all my old tokens in reverse,  
if you thought the Rose Drive Fiasco was a mess, this could be even worse.

Don't need a General Plan, don't even need a trickle,  
we can buy half of China, put in a WalMart, and sell it for a nickel.  
All we need is 500 plus acres, carve it out the hills,  
we can move dirt all day, and still have money for the bills.

Out on The Lake Herman Highway, The Lake Herman Highway,  
don't need a cell phone or a pony, just send up a dirt cloud,  
it's that easy to call Homey.

Bring us your extra trash, your extra stash and hash,  
we'll just Land Rover the City Council and never have to worry about cash.  
Out on the Lake Herman Highway, the Lake Herman Highway,  
Oh, the Lake Herman Highway, all lanes leading out of town and gone...  
Where DID the town go? Urban decay, man, Urban decay.  
The banners and balloons are all still rising  
out on The Lake Herman Highway...  
©Peter Bray, 5/19/08 All rights reserved

<BR><BR><BR>\*\*\*\*\*<BR>Wondering what's for Dinner Tonight? Get new  
twists on family favorites at AOL Food.<BR>  
(<http://food.aol.com/dinner-tonight?NCID=aolfod00030000000001>)</HTML>

**Anne Cardwell - Seeno Project**

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**From:** <priswhite@aol.com>  
**To:** <acardwell@ci.benicia.ca.us>  
**Date:** 5/20/2008 10:14 AM  
**Subject:** Seeno Project

---

Dear Members of the City Council

As a resident of Benicia I am asking you to deny the Seeno Project and send it back requesting a new project. I know all of you have the best interests of Benicia at heart and I, as a resident, can only ask for what I believe is the right thing to do. I also know all of you are aware of the difficulties with the proposed project so I won't make a list.

Sincerely

Priscilla Whitehead  
288 W J St  
Benicia, Ca

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Plan your next roadtrip with [MapQuest.com](http://MapQuest.com): America's #1 Mapping Site.

**VIII-B-211**

May 20, 2008

To the Members of the Benicia City Council

Benicians need certainty about the Seeno/Discovery Builders Project. In Phase I – the 35 acre commercial development Benicians are being asked to “buy a pig in a poke”.

The Seeno Project – The 35 acre commercial development is their first priority – Phase I. The additional 490+ acre development was casually reduced from 9M cubic yards to 4+cubic yards displacement. The reduction came only as a reluctant, superficial, acquiescence at the very last minute allowing only a minimum of time for study and deliberation by both the Planning Commission and the City Council. Seeno/Discovery Builders were unable, or unwilling, to grant a time extension.

Three possibilities for Business Development of Phase I:

- ***Business supported and sustained by the freeway.*** The 35 acres could be a Big Box/ Wal-Mart development. Benicia has not been offered a list of possible tenants – only a collage of corporate logos comparable and similar to those in Fairfield, Suisun, Rio Vista, and Vacaville. Who has Seeno/Discovery Builders confirmed as the tenant mix?

The tenant mix analyzed in the Benicia Business Park DEIR are: Hotel, Family Clothing, Drug, Office Supplies/Computer Equipment, Sporting Goods, Music/Electronic Media, and Household Appliances & Electronics.

In the DEIR, (p.349): “However, if the tenant mix changes (specifically if big box tenants are incorporated into the project), the project could result in urban decay in Downtown Benicia and other local retail –serving districts and centers.”

In *Bakersfield Citizens for Local Control v. City of Bakersfield (December 2004)* the court determined that the *CEQA Guidelines* (Section 15064) require urban decay research and analysis: “when the economic or social effects of a project cause a physical change, this change is to be regarded as a significant effect in the same manner as any other physical change resulting from the project.”

Benicia has not been offered a tangible list of the anticipated tenant mix for the 35 acre Business Park. It has only been offered a visual collage of corporate logos in a Power Point presentation.

- ***Business which supports the Business Park.*** If the commercial development was integrated into the whole 527 acres of development it could be designed to serve the tenants of the development.
- ***Business which is unique to the character and charm of Benicia and would enhance and attract tourism to the downtown and historic district.***

What are the intentions and objectives of Seeno/Discovery Builders in asking Benicia to support their 527 acre Development Project? The proposed 35 acre commercial development could be just another quick stop along I 680 and useful for Seeno/Discovery Builders to earn revenue for the additional Phases of development – whatever they might be in the next 20-25 years. Or could we persuade Seeno/Discovery Builders to consider other possibilities which would enhance the unique charm and character of Benicia – a very special place to explore and enjoy.

Benicians, The Planning Commission, and the City Council must demand some certainty from Seeno/Discovery Builders as to the tenant mix for the 35 acre Phase I Commercial Development.

Sincerely,

Sabina Yates  
302 Bridgeview Ct.  
Benicia CA 94510  
707.746.6428 [redfoxred@earthlink.net](mailto:redfoxred@earthlink.net)

# CONTRA COSTA TIMES

ContraCostaTimes.com

## Sunday Times letters

Letters from our readers

Article Launched: 05/24/2008 11:02:49 PM PDT

Finally, all California couples will be able to experience the benefits of legal marriage regardless of who they love.

The time is long overdue for members of the lesbian, gay, bisexual, transexual community to stop being treated like second-class citizens under a system that was frighteningly similar to the "separate but equal" policies of which we are now completely ashamed as a society.

I am especially excited because my partner and I have been busily planning our own wedding for this summer. We were overjoyed enough with the blessing we would be celebrating in our church ceremony, but knowing that the state of California will now fully recognize our union is even more of a thrill.

Anyone who has any doubts about same-sex marriage should look at Massachusetts. The legality of marriage has not harmed a soul and has only allowed love to flow more freely. The same will be true in our great state. Isn't love what life is all about? Why stifle it?

Peter Delfino

Pleasant Hill

### Seeno gets his way

Why bother? It's Al Seeno — again.

All you people are ganging up on of' Al again. —

the city of Pittsburg (yeah right), the Department of Fish and Game, the state Attorney General's Office and the county District Attorney's Office.

Do you really expect him to abide by the laws? Why should he? He's Seeno!

He has not in the past. There was the \$3 million settlement in Antioch, the \$1 million in 2002 for killing and destroying the red-legged frogs and their habitat. Don't you understand, he's Seeno!

These "fines" are chump change to him, a mere pittance to what is saved by not having to worry about the laws and real punishments.

Seeno officials contend that they followed the law, again, it's Seeno's law.

Seeno's attorney says they "believe that they have been in compliance with all the applicable laws. We are not going to provide any comments beyond that." Why should they?

Why waste time investigating here? Another slap on the hand will not make any difference. Just look at the past. He'll settle and write a check. He's Seeno!

Mark Hertstein

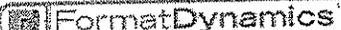
Pittsburg

### No on Prop. 99

I received some propaganda that didn't match the voter information book. The lies were promoting Prop. 99 and opposing Prop. 98.

In reality, Prop. 99 leaves renters, businesses and mobile home residents subject to eviction. I have seen mobile home parks beside hotels. It's a dream for developers to have their corrupt government

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## VIII-B-214

## Anne Cardwell - For June 3 Agenda packet -- re: Seeno projectp

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**From:** Norma Fox <normafox@hotmail.com>  
**To:** Anne Cardwell <acardwell@ci.benicia.ca.us>  
**Date:** 5/27/2008 3:36 PM  
**Subject:** For June 3 Agenda packet -- re: Seeno projectp

---

Dear City Council Members,

The EIR Addendum for the revised Benicia Business Park makes economic claims of positive net revenue flow that are unsubstantiated by quantitative up-to-date financial data. They are basing those claims on their 2006 Economic Study which was based on financial data from 2005 and which utilized economic outlook assumptions and projections that were considered valid in 2006. Furthermore, it is an analysis of a former version of the project, one that contained 50% more revenue-producing industrial components that the current version. Since the US economy is currently sliding into a severe and long lasting economic downturn, the out-dated financial data and economic assumptions and projections from 2006 are no longer reliable or valid.

Benicia's General Plan Policies on Sustainable Economy (Prog.2.5.c) requires future development uses to be evaluated on a cost/revenue basis for the long term. Obviously, this requirement intends that evaluation to be based on reliable up-to-date financial data. Thus the applicant's revised project is out of compliance with this General Plan requirement for a reliable up-to-date cost/revenue evaluation of the project.

For the same reason, they are out of compliance with the CEQA requirement for a reliable urban decay analysis (again, one based on up-to-date financial data). Their original, and still unchanged, urban decay analysis was based on the same data in the 2006 Economic Study.

The City Council itself, in your condition of approval of the FEIR, stipulated that when the applicant brought forward the revised project proposal, it should contain an urban decay analysis. I'm sure you intended it to be based on current economic conditions and data, not that they should provide you with the same out-dated urban decay analysis that they had already provided to you in 2006!

The recent severe economic downturn constitutes "new information of substantial importance which was not known at the time of the original EIR and which will cause significant effects that were previously examined" [i.e., economic and fiscal projections; urban decay] "to be substantially more severe than shown in the previous EIR."

Furthermore the booming and promising cleantech industry that has very recently emerged both nationally, and particularly in the Bay Area, constitutes additional "new information of substantial importance which was not known at the time of the EIR." Because of this new information, the project" [as currently proposed and designed] "will have a significant effect not discussed in the previous EIR."

That significant effect is a huge lost economic opportunity to the City if we proceed with the current project's plan of Phase I freeway oriented commercial development, followed 5-8 years later by a gradual build out of mixed bag industrial uses (poorly matched to our employment demographics), instead of redesigning and refocusing the entire project concept to one focused on a cleantech R&D theme, and beginning with that immediately in Phase I.

CEQA law requires a Subsequent EIR if "new information of substantial importance, causing significant

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effects" was not covered in the previous EIR. For all of the above reasons, the applicant should have provided a Subsequent EIR with a new cost/revenue Economic Impact Analysis and Urban Decay Analysis and they were negligent in not doing so.

Thus the City Council has every legal right, because of CEQA and General Plan noncompliance, to deny the current project based on their provision of inadequate, unreliable and unquantified data to support their claims..

**Your vote on a project of this magnitude (which could pull down the entire town's economy for years to come if we don't get it right) requires that your decision must be based on a careful economic review** of quantifiable and reliable financial data that has been thoroughly vetted and approved by independent financial experts. **No such review has ever been done by the Council, and there is now no reliable Economic Impact Analysis to base it on.**

**Please do not request or grant an extension of time to the applicant** to come back with all the missing data and analyses that they should have provided! The gaming of this city must end. They set the statutory clock ticking with the approval of the EIR, and they were negligent in providing the documentation that you specifically required of them when you approved the EIR. You are required by law to approve or deny the project by June 3. Please simply deny it. Do not allow the applicant to drag this game out any longer.!

**With a denial of the project we can clear the decks of this complicated mess** of conditions of approval and unmitigatable environmental effects. **The applicant and the city can collaborate together, utilizing the copious material produced by our EIR review process, to quickly pull together a brand new project based on a 21<sup>st</sup> Century business and environmental vision, and one that capitalizes and focuses on the tremendous cleantech economic goldmine that is within our reach.**

The new project should be legally codified by a Development Agreement. It must also strictly conform to our many General Plan sustainability requirements, including our *economic* sustainability goals such as encouraging new development that provides substantial and sustainable fiscal and economic benefits; targeting firms that pay high wages and jobs that relate to the skills and education levels of Benicia residents; protecting and preserving our downtown business district as our central business core; and conducting thorough evaluation of future uses on a cost/revenue basis for the long term.

These General Plan economic goals were spelled out more specifically and concretely in our 10-year Economic Development Strategy, that was approved and adopted by the City Council in September of 2007, and which calls for a strategy of attracting "clean energy, high tech, research and development businesses to our industrial areas, and developing them in a campus-like setting." The stated reason for focusing on this type of business development was that it would provide jobs that more closely match our well educated and skilled Benicia employment pool.

**You now have the opportunity to realize these goals for Benicia IF you deny the project before you by June 3, and you have every legal right to do so. Please don't miss this opportunity!** Benicia is counting on you to guide us forward into a prosperous and sustainable 21<sup>st</sup> Century, not backwards with a business model that fits the economic conditions of the 20<sup>th</sup> Century. Your vote on June 3 will set the direction and trajectory for our economic future. Which way will it go?

Norma Fox  
May 27, 2008

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**VIII-B-216**

**Anne Cardwell - For June 3 Agenda packet -- re: Seeno project**

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**From:** Norma Fox <normafox@hotmail.com>  
**To:** Anne Cardwell <acardwell@ci.benicia.ca.us>  
**Date:** 5/27/2008 3:17 PM  
**Subject:** For June 3 Agenda packet -- re: Seeno project

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Dear Anne,

I sent this last time, but I'm sending again so that it can be included in the official City Council Agenda packet for the June 3 Council meeting.

It is a 1-page doc that give a short definition of what is meant by the Cleantech/Green Industry and also provides a summary list of the broad spectrum of California industry segments that are involved in developing cleantech products, services and processes.

I think this helps to dispel the myth that focusing on Cleantech for our Business Park would be putting all our eggs in one basket and not allowing for enough diversification.

Please also put extra copies of the document on the side table.

Thanks,  
Norma

P.S. Here is a short list, but the attached doc goes into more detail.

Source doc is **Clean Technology & the Green Economy, March 2008**

[http://www.labor.ca.gov/panel/pdf/DRAFT\\_Green\\_Economy\\_031708.pdf](http://www.labor.ca.gov/panel/pdf/DRAFT_Green_Economy_031708.pdf)

**GREEN INDUSTRY SEGMENTS** (adapted from Cleantech™ )

Energy Generation; Energy Efficiency; Transportation; Green Building; Energy Storage; Environmental Consulting;  
Water & Wastewater; Finance/Investment; Environmental Remediation; Air & Environment; Business Services;  
Research & Alliances; Agriculture; Recycling & Waste; Materials; Manufacturing/Industrial

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**INVENTORY OF CALIFORNIA'S GREEN INDUSTRY FIRMS: How Large is the Industry?**  
 Establishing a clear accounting of the growing number of businesses with primary activities in providing environmentally sustainable products and services is challenging. Exactly what types of businesses are meant when referring to this new and growing industry can vary widely.

**What is a "Green" Business?**

The scope of businesses examined for this study is based roughly on the definition of Cleantech established by the Cleantech Group, LLC™.

**Cleantech is new technology that spans a broad range of products, services and processes that lower performance costs, reduce or eliminate negative ecological impact, and improve the productive and responsible use of natural resources.**<sup>10</sup>

In addition to new technology firms, this analysis aims to capture other related business activities that either support the wide-spread application of new technologies such as solar system installations or apply new technologies as service providers for instance in emissions monitoring. In addition, specialized business services are developing with a focus on serving the particular needs of green businesses. Complicating the categorization, the activities of a business often blur across categories.

Typically, industry analyses examine a sample of business establishments defined by a select set of industry codes such as the North American Industry Classification System (NAICS). For indentifying green businesses; however, these codes do not provide sufficient detail.

<p><b>GREEN INDUSTRY SEGMENTS</b>                  adapted from Cleantech™ *</p> <ul style="list-style-type: none"> <li>Energy Generation</li> <li>Energy Efficiency</li> <li>Transportation</li> <li>Green Building</li> <li>Energy Storage</li> <li>Environmental Consulting</li> <li>Water &amp; Wastewater</li> <li>Finance/Investment</li> <li>Environmental Remediation</li> <li>Air &amp; Environment</li> <li>Business Services</li> <li>Research &amp; Alliances</li> <li>Agriculture</li> <li>Recycling &amp; Waste</li> <li>Materials</li> <li>Manufacturing/Industrial</li> </ul>
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**Cleantech Industry Segments**

Source: Cleantech Group, LLC™

<p><b>Energy Generation</b>                  Wind                  Solar                  Hydro/Marine                  Biofuels                  Geothermal                  Other</p> <p><b>Energy Storage</b>                  Fuel Cells                  Advanced Batteries                  Hybrid Systems</p> <p><b>Energy Infrastructure</b>                  Management                  Transmission</p> <p><b>Energy Efficiency</b>                  Lighting                  Buildings                  Glass                  Other</p> <p><b>Transportation</b>                  Vehicles                  Logistics                  Structures                  Fuels</p>	<p><b>Water &amp; Wastewater</b>                  Water Treatment                  Water Conservation                  Wastewater Treatment</p> <p><b>Air &amp; Environment</b>                  Cleanup/Safety                  Emissions Control                  Monitoring/Compliance                  Trading &amp; Offsets</p> <p><b>Materials</b>                  Nano                  Bio                  Chemical                  Other</p> <p><b>Manufacturing/Industrial</b>                  Advanced Packaging                  Monitoring &amp; Control                  Smart Production</p> <p><b>Agriculture</b>                  Natural Pesticides                  Land Management                  Aquaculture</p> <p><b>Recycling &amp; Waste</b>                  Recycling                  Waste Treatment</p>
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This data taken from Report: **Clean Technology & the Green Economy, March 2008**  
[http://www.labor.ca.gov/panel/pdf/DRAFT\\_Green\\_Economy\\_031708.pdf](http://www.labor.ca.gov/panel/pdf/DRAFT_Green_Economy_031708.pdf)

**Anne Cardwell - USFWS: Proposed Benecia Business Park**

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**From:** Charlie Knox  
**To:** Anne Cardwell  
**Date:** 5/27/2008 4:24 PM  
**Subject:** USFWS: Proposed Benecia Business Park  
**CC:** Adam Weinstein

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>>> <Chris\_Nagano@fws.gov> 5/27/2008 3:47 PM >>>

Dear Mr. Knox:

This electronic mail message concerns the proposed Benecia Business Park in the City of Benecia. It is our understanding that the City of Benecia may approve the project in June 2008. The U.S. Fish and Wildlife Service is concerned the potential adverse effects of this project on the endangered callippe silverspot butterfly (*Speyeria callippe callippe*), threatened California red-legged frog (*Rana aurora draytonii*), and wildlife were not adequately addressed in the City's environmental documents. The two listed species are protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). We will be sending you a hardcopy letter in the near future that provides specifics on our concerns.

Please contact me via electronic mail or at telephone 916/414-6600 if you have any questions.

s/Chris Nagano

Deputy Assistant Field Supervisor  
Endangered Species Program  
Sacramento Fish and Wildlife Office  
U.S. Fish and Wildlife Service  
2800 Cottage Way Room W-2605  
Sacramento, California 95825

**VIII-B-219**

**AGENDA ITEM  
CITY COUNCIL MEETING: JUNE 3, 2008  
REPORTS FROM CITY MANAGER**

**DATE** : May 28, 2008  
**TO** : Mayor and City Council  
**FROM** : City Manager  
**SUBJECT** : **PROPOSED MAYOR'S STATE OF THE CITY PRESENTATION**

**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 Tuesday, June 10, 2008 and last about 30 minutes. It will be televised on cable channel 27.

The message will be similar to the presentation made earlier this year to the Benicia Industrial Park Association at a lunchtime meeting. The Mayor's intent is to work collaboratively with the City Manager's office in preparation of the statement. The purpose 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.

Any comments or questions that City Council members may have regarding the State of the City presentation are welcomed.