July 11, 2013
BENICIA PLANNING COMMISSION

REGULAR MEETING AGENDA

City Hall Council Chambers

Thursday, July 11, 2013

7:00 P.M.

I. OPENING OF MEETING
A. Pledge of Allegiance
B. Roll Call of Commissioners
C. Reference to Fundamental Rights of Public - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

II. ADOPTION OF AGENDA

III. OPPORTUNITY FOR PUBLIC COMMENT
This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on the agenda that is within the subject jurisdiction of the Planning Commission. State law prohibits the Commission from responding to or acting upon matters not listed on the agenda.

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

A. WRITTEN
B. PUBLIC COMMENT

IV. CONSENT CALENDAR
Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker slip for that item. *Any Item identified as a Public Hearing has been placed on the Consent Calendar because it has not generated any public interest or dissent. However, if any member of the public wishes to comment on a Public Hearing item, or would like the item placed on the regular agenda, please notify the Community Development Staff either prior to, or at the Planning Commission meeting, prior to the reading of the Consent Calendar.

A. APPROVAL OF MINUTES OF APRIL 11, 2013 SPECIAL MEETING WITH THE HISTORIC PRESERVATION REVIEW COMMISSION

B. APPROVAL OF MINUTES OF MAY 9, 2013

C. USE PERMIT REQUEST TO MODIFY AN EXISTING SPRINT PCS WIRELESS TELECOMMUNICATIONS FACILITY AT 1100 SOUTHAMPTON ROAD

13-PLN-00005 (Use Permit)
1100 Southampton Road, APN: 0086-151-190

PROPOSAL:
The applicant requests a Use Permit to upgrade an existing Sprint PCS wireless telecommunication facility at 1100 Southampton Road (Benicia Middle School). The project consists of upgrading 3 existing panel antennas mounted on an existing 52 foot tall light standard located on the southern edge of the school's athletic fields adjacent to I-780. The existing panel antennas would be replaced with three new panel antennas and six remote radio units (RRUs) mounted behind the antennas. One new 15.3 inch diameter microwave dish would be mounted at 40 feet on the light standard. Additional modifications to the associated ground equipment consist of a new GPS antenna and one new equipment cabinet located inside an existing 200 square foot equipment enclosure.

RECOMMENDATION:
Approve the Use Permit request (13PLN-00005) to upgrade an existing Sprint PCS wireless telecommunication facility based on the findings and conditions of approval set forth in the draft Resolution.

V. REGULAR AGENDA ITEMS

A. USE PERMIT REQUEST - VALERO CRUDE BY RAIL PROJECT (staff report/attachments posted below)

12PLN-00063 (Use Permit)
3400 East Second Street, APN: 0080-110-480

PROPOSAL:
The proposed Valero Crude by Rail Project would allow the Valero Benicia Refinery (Refinery) access to additional North American-sourced crude oil for delivery to the Refinery by railroad. The proposed Project would involve the installation and modification of Refinery non-process equipment that would allow the Refinery to receive a portion of its crude oil deliveries by railcar replacing equal quantities of crude currently being delivered to the Refinery by marine vessel. Valero intends to replace up to 70,000 barrels per day of the crude oil currently supplied to the Refinery by marine vessel with an equivalent amount of crude oil transported by railcars. The crude oil to be transported by railcars is expected to be of similar quality compared to existing crude oil imported by marine vessels. Crude delivered by rail would not displace crude delivered to the Refinery by pipeline.

RECOMMENDATION:
1. Approve the Use Permit request (12PLN-00063) for the installation and modification of Refinery non-process equipment that would allow the Refinery to receive a portion of its crude oil delivers by railcar replacing equal quantities of crude oil currently being delivered by marine vessel based on the finding and conditions of approval set forth in the draft Resolution.
2. Adopt the Mitigated Negative Declaration in conformance with CEQA guidelines.

Staff Report

Project Description

Project Plans

Initial Study/Mitigated Negative Declaration

Noise Study

Draft Transportation Impact Analysis

Public Comments

VI. COMMUNICATIONS FROM STAFF

VII. COMMUNICATIONS FROM COMMISSIONERS

VIII. ADJOURNMENT

Public Participation

The Benicia Planning Commission welcomes public participation.
Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The Planning Commission allows speakers to speak on agendized and non-agendized matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Planning Commission.
Should you have material you wish to enter into the record, please submit it to the Commission Secretary.

Disabled Access

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

Meeting Procedures
All items listed on this agenda are for Commission discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action the Commission may take.
The Planning Commission may not begin new public hearing items after 11 p.m. Public hearing items, which remain on the agenda, may be continued to the next regular meeting of the Commission, or to a special meeting.
Pursuant to Government Code Section 65009; if you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing. You may also be limited by the ninety (90) day statute of limitations in which to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.
Appeals of Planning Commission decisions that are final actions, not recommendations, are considered by the City Council. Appeals must be filed in the Community Development Department in writing, stating the basis of appeal with the appeal fee within 10 business days of the date of action.

Public Records
The agenda packet for this meeting is available at the City Clerk's Office, the Benicia Public Library and the Community Development Department during regular working hours. The Community Development Department is open Monday through Friday (except legal holidays), 8:30 a.m. to 5 p.m. (closed from noon to 1 p.m.). Technical staff is available from 8:30 - 9:30 a.m. and 1:00 - 2:00 p.m. only. If you have questions/comments outside of those hours, please call 746-4280 to make an appointment. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us
under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the Community Development Department's office located at 250 East L Street, Benicia, or at the meeting held in the City Hall Council Chambers. If you wish to submit written information on an agenda item, please submit to Amy Million, Commission Secretary, as soon as possible so that it may be distributed to the Planning Commission.

April 11, 2013 Draft Minutes
May 9, 2013 Draft Minutes
Use Permit - 1100 Southampton Road
Valero_CBR_PC_Staff_Report_Final.pdf

DRAFT

BENICIA PLANNING COMMISSION

JOINT MEETING WITH
THE HISTORIC PRESERVATION REVIEW COMMISSION
SPECIAL MEETING MINUTES

City Hall Council Chambers
Thursday, April 11, 2013
6:00 P.M.*
***SPECIAL TIME**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Planning Commission:

Present: Commissioners Cohen-Grossman (arrived 6:10 p.m.), Dean, Oakes, Smith, Sprague and Chair Sherry (arrived 6:15 p.m.)

Absent: Commissioners Smith and Young

Historic Preservation Review Commission:

Present: Commissioners Berry, Delgado, McKee, Trumbly, Van Landschoot, and Chair Haughey

Absent: Commissioner vonStudnitz

Staff Present: Charlie Knox, Community Development Director
Amy Million, Principal Planner / Recording Secretary
Heather McLaughlin, City Attorney

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA

On a motion of Commissioner Van Landschoot seconded by Commissioner Delgado, the agenda was adopted by the following vote:

Ayes: Commissioners Berry, Cohen-Grossman, Delgado, McKee, Oakes, Sprague, Trumbly, Chair Haughey and Vice –Chair Dean

Noes: None

Absent: Commissioners Cohen-Grossman, Sherry, Smith, vonStudnitz and Young
Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN
None.

B. PUBLIC COMMENT
None.

IV. WOOD WINDOW WORKSHOP
Ms. Million provided an overview of the workshop and introduced the presenters.

Nancy Goldenberg, Carey and Company, gave a presentation on the Secretary of the Interior Standards and the guidelines associated with windows.

Bill Essert, Wooden Windows, Inc., gave a presentation on wood windows including the different types, window composition, methodology for repair and the benefits of retaining existing wood windows.

Phil Joy, Joy Housemoving, gave a presentation on how to repair wood windows.

Chris Bowen, Foster Lumber, gave a presentation on the available alternative materials for replacement windows such as vinyl, aluminum and fiberglass.

The presentations were followed by a Q&A session with the Commissions, audience and presenters.

V. PRESENTATION:

A. OPEN GOVERNMENT PRINCIPLES
The City Attorney gave a presentation to the Commissions on the Open Government ordinance, Brown Act, the City's Code of Conducts and other related documents.

VI. ADJOURNMENT OF JOINT MEETING WITH THE HISTORIC PRESERVATION REVIEW COMMISSION; CONTINUATION OF REGULAR MEETING OF PLANNING COMMISSION
Vice-Chair Dean adjourned the joint meeting at 7:45 p.m.

The Commission took a 15 minute recess.

The regular Planning Commission meeting reconvened at 7:57 p.m.

VII. ELECTION OF OFFICERS (CHAIR AND VICE CHAIR)

Commissioner Oakes nominated Sherry/Dean as Chair/Vice-Chair. On a motion by Commissioner Oakes, seconded by Commissioner Cohen-Grossman, the motion was carried by the Commission.

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

VIII. CONSENT CALENDAR

On a motion of Commissioner Cohen-Grossman, seconded by Commissioner Dean, the consent calendar was approved by the following vote:

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

A. APPROVAL OF MINUTES OF FEBRUARY 14, 2013 REGULAR MEETING

IX. REGULAR AGENDA ITEMS

A. ZONING ORDINANCE TEXT AMENDMENT TO INCORPORATE REGULATIONS PERTAINING TO COTTAGE FOOD OPERATIONS

Ms. Million gave an overview of the draft zoning text amendment.

The Commission requested clarification on the proposed fees, regulations for employees versus working family members, the Zoning Administrator's role and the permitting process.

Public comment was opened.

Krizy Osada, owner of Whipt Bakery in Benicia spoke as the first Cottage Food Operator in Solano County. Ms. Osada requested clarification on the proposed process and provided the Commission with insight on the permitting process through the County's health agency.

Public comment was closed.

RESOLUTION NO. 13-2 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF THE

ZONING ORDINANCE TEXT AMENDMENT TO INCORPORATE REGULATIONS PERTAINING TO COTTAGE FOOD OPERATIONS

On a motion of Commissioner Cohen-Grossman, seconded by Commissioner Dean, with a minor change to subsection C.4. to change Zoning Administrator to Community Development Director, the above resolution was approved by the following vote:

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

B. GENERAL PLAN IMPLEMENTATION REPORT

Ms. Million provided an overview of the General Plan implementation report.

The Commission requested clarification on the report process, coordination with City departments and the status of program 2.33. C.

No public comment.

On a motion of Commissioner Dean, seconded by Commissioner Oakes, the Commission received and filed the General Plan Implementation report and recommended approval by the City Council by the following vote:

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

X. COMMUNICATIONS FROM STAFF

None.

XI. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Cohen-Grossman provided an update on the APA workshop she attended on April 6, 2013 and announced that the CAC meeting for the Urban Waterfront Enhancement and Master Plan would be held on April 18, 2013.

Commissioner Oakes provided an update on the sign ordinance and the committee's progress

XII. ADJOURNMENT

Chair Sherry adjourned the meeting at 8:55 p.m.

DRAFT

BENICIA PLANNING COMMISSION
REGULAR MEETING MINUTES

City Hall Council Chambers
Thursday, May 9, 2013
7:00 P.M.

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Cohen-Grossman (arrived 8:55 p.m.)** Dean, Oakes, Smith, Sprague (arrived 8:50 p.m.)**, and Young

Absent: Chair Sherry (excused)

**NOTE: Commissioners Cohen-Grossman and Sprague arrived after agenda item V.A due to conflicts of interest as noted:
Commissioner Cohen-Grossman: Interest in real property within 500 feet
Commissioner Sprague: Employed by proponent

Staff Present: Charlie Knox, Community Development Director
Amy Million, Principal Planner/Recording Secretary
Adam Petersen, Contract Associate Planner
Mark Boehme, Contract City Attorney

C. Reference to Fundamental Rights of Public

II. ADOPTION OF AGENDA

On a motion of Commissioner Young seconded by Commissioner Oakes, the agenda was adopted by the following vote:

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

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN
None.

B. PUBLIC COMMENT
None.

IV. CONSENT CALENDAR

Item IV.A was continued to the next meeting due to lack of quorum of participants from the April 11th meeting.

On a motion of Commissioner Young seconded by Commissioner Oakes, noting the continuance of Item IV.A, the consent calendar was adopted by the following vote:

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

A. APPROVAL OF MINUTES OF APRIL 11, 2013 SPECIAL MEETING WITH THE HISTORIC PRESERVATION REVIEW COMMISSION

B. AMENDMENT TO SIGN PROGRAM FOR SOUTHAMPTON SHOPPING CENTER

RESOLUTION NO. 13-3 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO THE SIGN PROGRAM AT 800-892 SOUTHAMPTON ROAD (13PLN-00012; APN: 0086-151-110)

V. REGULAR AGENDA ITEMS

A. APPEAL OF STAFF GENERAL PLAN CONSISTENCY DETERMINATION – ASSISTED LIVING USE IN LOWER ARSENAL

Mr. Knox provided an overview of the item.

The Commission requested clarification from staff on the appeal process and next steps.

Dana Dean, representing appellant Amports, provided an overview of the allegations for the appeal including burden of proof per BMC 1.44.040, circumventing procedures, General Plan consistency, inadequate CEQA review, violation of due process and lack of noticing. She also clarified statements in regard to Amports economically

contributing to Benicia and Amports' concerns with the projects and potential nuisance claims primarily related to noise from port operations.

Commissioner Young requested confirmation from the City Attorney on the process and the Community Development Director's purview. Mr. Boehme confirmed the Director's authority to make a determination regarding the General Plan as well as the zoning ordinance.

The Commission questioned whether or not existing residents in the area have complained about the noise from Amports in the past.

Stephen Gizzi, Gizzi & Reep, LLC, representing the proponents stated reasons why he believed Amports is opposing the project and clarified the types of care the envisioned use would provide.

The Commission and staff discussed the process regarding zoning ordinance and General Plan consistency determinations.

Public comment was opened.

Nyles Gregory, representing Jefferson Street Mansion stated that he believed there was a violation of due process due to the lack of noticing.

Richard Bortolazzo, property owner, stated that Amports completed a noise study for a previous project and it concluded no noise impact on Jefferson Street. The Housing Element includes this parcel for potential housing.

Leah Shelhorn, 700 First Street, supports the projects and feels that noise is not an issue.

Public comment was closed.

Ms. Dean stated that in her research of adjacent jurisdictions, they do not call for the Community Development Director to make a consistency determination in regard to the General Plan. Ms. Dean stated she is concerned with the location of the project restating that nuisance claims can cause a company such as Amports to be relocated. Ms. Dean restated the appellant's position that this use is not consistent with the General Plan

Mr. Gizzi addressed the issue of compatible uses. He stated that the subject determination was a first step in the process and specific issues regarding a project can be addressed during project review.

The Commission requested clarification from staff and discussed the noticing requirements, definition of Lower Arsenal Mixed Use in the General Plan, consistency with the General Plan, and whether the Community Development Director decision affects how review of the future project would be conducted.

RESOLUTION NO. 13-4 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA DENYING AN APPEAL AND CONFIRMING THE COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION FOR ZONING AND GENERAL PLAN CONSISTENCY FOR A RESIDENTIAL CARE, GENERAL FACILITY USE ON JEFFERSON STREET, LOWER ARSENAL

On a motion of Young seconded by Commissioner Oakes, the above resolution was approved by the following vote:

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

Vice-Chair Dean recessed the meeting at 8:50 p.m. for a 10-minute break.

B. USE PERMIT APPLICATION FOR AN OUTDOOR EXERCISE AREA AT 608 FIRST STREET (BENICIA FITNESS)
13PLN-00016
608 FIRST STREET; APN: 0089-342-230

Ms. Million introduced Adam Petersen, new Contract Associate Planner for the Planning Division.

Mr. Petersen provided an overview of the project, noting a few changes to the draft conditions of approval including the removal of the amplified music and relocating the speed bag and punching bag to the southern area of the courtyard to accommodate the adjacent residence.

Lori Bishop, owner of Benicia Fitness provided additional detail on how the outdoor patio space would be used. Ms. Bishop stated that she opted to not have amplified music in the patio area in order to accommodate the adjacent residence and the existing fitness classes at the gym. She also stated that she takes safety seriously and would not allow customers to use the patio area in the dark or during inclement weather.

Public comment was opened.

A resident of East F Street stated that his original concern about the noise was no longer an issue with the removal of the amplified music. He also stated that parking was not an issue. He expressed concern that he was not provided notice of the public meeting.

Public comment was closed.

The Commission discussed several ways to mitigate the impacts of the outdoor patio area on the residential uses including a sign to customers limiting noise, limiting the hours of operation to daylight hours only and limiting the amount of outdoor lighting.

RESOLUTION NO. 13-5 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APROVING A CONDITIONAL USE PERMIT FOR AN OUTDOOR FITNESS AREA AT 608 FIRST STREET, BENICIA FITNESS (13PLN-00016; APN: 0089-342-230)

On a motion of Commissioner Young seconded by Commissioner Smith, the above resolution was adopted by the following vote:

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

VI. COMMUNICATIONS FROM STAFF

A. THE NOTICE OF INTENT TO ADOPT THE INITIAL STUDY FOR INDUSTRIAL ZONING TEXT AMENDMENTS ISSUED ON APRIL 19, 2013 HAS BEEN RETRACTED. THIS ITEM IS NOT SCHEDULED FOR PLANNING COMMISSION REVIEW ON MAY 9, 2013 AND WILL BE SCHEDULED FOR A FUTURE MEETING.

Ms. Million informed the Commission that the Initial Study for the zoning text amendments for the industrial zoning districts was issued prematurely with a noted Planning Commission review date of May 9. It will be scheduled and noticed at a future date.

B. UPDATE ON PLAN BAY AREA AND PRIORITY DEVELOPMENT AREA READINESS ASSESSMENT

Ms. Million provided an updated on the Plan Bay Area and Priority Development Readiness Assessment.

VII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Cohen-Grossman announced the first community workshop for the Urban Waterfront Enhancement and Master Plan is on June 5, 2013 at the Community Center at 370 East L Street.

Commissioner Smith announced that she was absent during last month's Planning Commission meeting because she was in Chicago attending the American Planning Association (APA) conference. She attended a workshop on promoting community health in planning decisions and suggested that staff provide a presentation to the Commission on Health Impact Assessments.

Commissioner Dean inquired about obtaining an updated hardcopy of the Zoning Ordinance. Staff confirmed that it will be provided.

VIII. ADJOURNMENT

Vice-Chair Dean adjourned the meeting at 9:59 p.m.

AGENDA ITEM
PLANNING COMMISSION MEETING: JULY 11, 2013
CONSENT CALENDAR

DATE : June 20, 2013

TO : Planning Commission

FROM : Adam Petersen, Contract Associate Planner

SUBJECT : **USE PERMIT REQUEST TO MODIFY AN EXISTING SPRINT PCS WIRELESS TELECOMMUNICATION FACILITY AT 1100 SOUTHAMPTON ROAD**

PROJECT : 13PLN-00005 Use Permit
1100 Southampton Road – Benicia Middle School
APN: 0086-151-190

RECOMMENDATION:
Approve a Use Permit request (13PLN-00005) to upgrade an existing Sprint PCS wireless telecommunication facility based on the findings and conditions of approval set forth in the draft Resolution.

EXECUTIVE SUMMARY:
The applicant requests a Use Permit to upgrade an existing Sprint PCS wireless telecommunication facility at 1100 Southampton Road (Benicia Middle School). The project consists of upgrading 3 existing panel antennas mounted on an existing 52 foot tall light standard located on the southern edge of the school's athletic fields adjacent to I-780. The existing panel antennas would be replaced with three new panel antennas and six remote radio units (RRUs) mounted behind the antennas. One new 15.3 inch diameter microwave dish would be mounted at 40 feet on the light standard. Additional modifications to the associated ground-mounted equipment consist of a new GPS antenna and one new equipment cabinet located inside the existing 200 square foot equipment enclosure.

ENVIRONMENTAL ANALYSIS:
Staff has determined that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section15301, which exempts additions to existing facilities. The proposed project would modify an existing wireless telecommunication facility on an existing light standard. No change in use is proposed and the new equipment is similar in size resulting in minimal change.

BACKGROUND:
Applicant: Misako Hill, Sprint PCS
Property Owner: City of Benicia (long-term lease) / Benicia Unified School District
General Plan Designation and Zoning: Public / Quasi-Public and Public and Semi-Public
Existing use: Benicia Middle School
Adjacent uses and zoning:

	Existing Use	Zoning
Subject Site	Middle School / athletic fields	Public & Semi-Public
North	Single Family Residential	Single Family Residential (RS)
South	Benicia High School	Public & Semi-Public
East	Multi-Family Residential	Medium Density Residential (RM)
West	Multi-Family Residential	Medium Density Residential (RM)

In 1997, the Planning Commission approved a Use Permit (UP 97-2) for Sprint PCS to install six panel antennas (6-inches wide, 1.5 inches deep, and 64-inches tall) at a center line height of 45 feet and 36 feet above grade on an upgraded light pole. The project also included a 200 square foot concrete pad enclosed by a concrete wall to house equipment cabinets for the facility.

Conditions of approval at that time stated that any alteration shall be requested in writing and "approved by the Planning Department" and also stated that the use permit was specifically for the installation of six antennas. The proposed changes to the facility exceed that of the original entitlements.

The subject property is also occupied by two additional wireless telecommunication facility operated by T-Mobile and Verizon Wireless. Verizon Wireless is located on the light standard to the east of the subject Sprint PCS light standard. T-Mobile's facility is mounted to the gymnasium of the middle school. No changes to those facilities are requested as part of this project.

SUMMARY:
A. Site Description:
The project is located on the athletic fields of Benicia Middle School. The light standard is located in the southeastern portion of the property, at the edge of the baseball field. Specifically, the light standard is located behind the right field fence of the baseball diamond. I-780 borders the property to the south, and while the site is level, it is elevated from I-780. See Figure 1.

Figure 1: Aerial Photograph

The existing light standard contains two arrays of three panel antennas, mounted at 45 feet and 36 feet respectively. The existing panels measure 6 inches wide, 1.5 inches deep, and 64 inches tall. Lights to illuminate the baseball field are located at the top of the light standard at a height of 52 feet. The light standard is over 850 feet from the closest point along Southampton Road and is 115 linear feet from I-780.

The associated Sprint PCS equipment enclosure is located south of the light standard, adjacent to the chain link fence, enclosing the middle school. The existing enclosure consists of a concrete pad surrounded by a concrete masonry unit (CMU) wall measuring 5 feet 8 inches tall with a metal access gate. Sprint PCS has an existing transformer and a "Sprint Equipment Rubix" inside the equipment enclosure. The equipment rubix is a self-contained equipment cabinet, approximately ten-feet tall and extends beyond the top of the equipment enclosure for a length of approximately ten feet. The transformer is concealed entirely by the walls of the equipment enclosure.

B. Project Description:

Sprint PCS proposes to upgrade the 3 existing panel antennas on an existing light standard at Benicia Middle School. The existing panels are located at a centerline height of 45 feet on the light standard. The existing panels measure 6 inches wide, 1.5 inches deep, and 64 inches tall. The proposed panels measure 12 inches wide, 6 inches deep and 72 inches tall. They would be placed at the same height. Behind each panel antenna would be two Remote Radio Units (RRUs), for a total of 6 RRUs. The antennas and RRUs will be painted to match the existing gray light standard. No changes to the second array located at 36 feet are proposed.

The applicant also proposes to install a 15.3 inch diameter microwave dish at a height of 40 feet on the light standard.

Additionally, the project includes an equipment cabinet measuring 6 feet 2 inches tall and a GPS antenna mounted to the equipment cabinet. The equipment cabinet and GPS antenna would be placed inside the equipment enclosure.

The applicant is requesting the use permit in order to upgrade its wireless service in the area surrounding the subject location. See attached coverage maps. The upgrade is part of a larger effort to upgrade service throughout the City of Benicia. The upgrade will add LTE or long-term evolution/4G capabilities to the Sprint PCS facility which currently does not have LTE service. As stated in the applicant's statement attached, the purpose of adding LTE technology is to increase the capacity and speed of Sprint PCS's wireless data network.

C. Zoning Ordinance Consistency:

The subject property is located within the Public and Semi-Public (PS) Zoning District. Pursuant to Section 17.70.250, all wireless communication facilities shall employ a design that minimizes the visual impact.

Design and Materials

Section 17.70.250D of the Benicia Municipal Code requires design review approval prior to the installation of any wireless communication facility, which is not exempt. The Community Development Director approved the staff level design review on June 20, 2013. The subject facility is located on an existing light standard above a second array of panel antennas located at 36 feet in height and adjacent to another wireless telecommunication facility on a separate light standard. The proposed facility will be far enough away from the adjacent residential area and roadways to blend in with the existing utilities and other wireless communication facilities, when viewed from adjacent roadways and properties.

The proposed antennas and support poles will be painted to match the existing light standard (non-reflective light gray color) and the equipment cabinet will be a similar color to match the existing enclosure.

Noise and Lighting
The associated equipment cabinet emits a minimal amount of noise. The noise associated with the equipment enclosure is similar to a standard residential air conditioning unit. Similar to air conditioning equipment, the equipment shelter only emits a noise when the cooling unit is active. This is an automatic system to cool the equipment cabinets as needed. Based on the distance of the nearest residence, located approximately 550 feet from the proposed facility, the noise level would clearly meet the City's established noise standards set forth in the City's General Plan.

Maintenance of the equipment cabinets require that field technicians have access to the facility during all times of the day, including the evening, especially during an emergency situation. The plans do not include lighting. If lighting is proposed at a later time, a draft condition of approval requires that any exterior lighting will be manually operated by a switch and used only when necessary (see condition of approval 8).

D. General Plan Consistency:
The subject property has a General Plan designation of Public / Quasi-Public. General Plan Goal 2.43 is to "*allow installation of telecommunications equipment and distribution networks that maintain and protect health, safety, and quality of life and avoid visual clutter.*" The installation of the proposed antennas will be consistent with that goal because the cellular service that Sprint PCS customers receive will be expanded and strengthened. In addition, the facility is located on a developed parcel with existing light standards that have a similar design as the antennas and equipment. The facility is also located adjacent to several wireless facilities to consolidate the visual clutter.

E. Public Health and Safety:
Pursuant to federal law, the Federal Communication Commission (FCC) has sole jurisdiction in determining the potential significant impacts on the environment caused by telecommunications signals. This includes establishing the guidelines for compliance of human exposure to radio frequency electromagnetic fields for the subject wireless telecommunication facility. According to the report dated May 21, 2013 provided by EBI Consulting, the maximum calculated field strength in publicly accessible areas of the proposed project will be less than 4.6% of the applicable public limit for unlimited exposure. Therefore, the facility as proposed meets the

established guidelines and will not create any nuisance or be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

F. Findings:

Pursuant to Section 17.104.060, all use permits shall require the following findings:

a) *The Planning Commission finds that the proposed development is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purposes of the Public and Semi-Public (PS) zoning district.*

Wireless telecommunication facilities are allowed upon approval of a Use Permit in the Public and Semi-Public zoning district. The purpose of the Public and Semi-Public zoning district is to allow consideration of a large public or semipublic use separately from regulations for an underlying base zoning district that may or may not be appropriate in combination with the public or semipublic use. The subject property is occupied by a middle school, baseball fields, light standards and other wireless communication facilities. The proposed facility will use an existing light standard with telecommunication equipment and will not expand into other areas of the school.

b) *The proposed location of the wireless communications facility and the proposed conditions of approval will be consistent with the General Plan and with Title 17 of the Benicia Municipal Code and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.*

The proposed facility will provide enhanced communication services for the subscribers. In addition, all wireless facilities are required to comply with the Federal Communications Commission (FCC) on radio frequency and electromagnetic fields exposure. Based on the study submitted, the radio frequency will be at 4.6% of the maximum permissible exposure (MPE) limits set by the FCC. The proposed facility is in compliance with all FCC regulations and is consistent with the Benicia Municipal Code and the General Plan.

c) *The proposed use will comply with the provisions of Title 17 [Benicia Zoning Ordinance], including specific conditions required for use in the district in which it will be located.*

Based on the foregoing findings of approval, as well as the required findings for design review approval per BMC Section 17. 70.250 H, the project complies with the Benicia Municipal Code and all applicable conditions required in the Public and Semi-Public (PS) zoning district.

In addition to the findings listed above, the following five additional wireless communication facility findings are required pursuant to 17.70.250 (H):

a) *The proposed location of the project and the conditions under which it would be operated and maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.*

The proposed wireless communications facility will be installed at a site that currently consists of existing light standards and wireless telecommunication facilities. All wireless facilities are required to produce a Federal Communications Commission (FCC) compliance study on radio frequency and electromagnetic fields exposure. Based on the study submitted, the radio frequency will be at 4.6% of the maximum permissible exposure (MPE) limits set by the FCC.

b) *Development of the proposed facility as conditioned will not significantly affect any designated visual resources, environmentally sensitive resources, community character resources; or, that there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed wireless communications facility as conditioned.*

The design, location and maintenance of the proposed installation will be consistent with the several existing wireless facilities on the subject property. The proposed facility is required to be reviewed for Design Review approval. As part of that Design Review approval, the visual impacts of the proposed impact on the surrounding properties are evaluated. The applicant has demonstrated that the subject proposal is designed with the least visual impact that is technically feasible. As such, the proposed facility would not pose any significant impact to surrounding parcels.

c) *The proposed facility is in compliance with all FCC regulations.*

Based on the EMF Study performed by EBI Consulting dated May 21, 2013, the proposed wireless facility complies with the prevailing FCC

standards and regulations for limiting public exposure to radio frequency energy.

d) *The proposed location and design of the project and the conditions under which it would be operated or maintained will be consistent with all elements of the Benicia General Plan.*

The subject property is designated as Public / Quasi-Public in the General Plan. The proposed facility is consistent with the General Plan designation because the intent of the Land Use designation is to provide a variety of uses serving the public including, but not limited to, public utilities, education, police, fire, water, sewer and other quasi-public facilities.

e) *The proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be visually compatible with the physical design aspects.*

The design of the facility is such that it is the least visually intrusive taking into consideration all technically feasible alternatives. The height and location of the proposed facility is consistent with the other communication facilities at this site that use the existing development as a backdrop. In addition, the proposed antennas would incorporate into the existing light standards to minimize any visual impacts.

CONCLUSION:
Staff recommends approval of the proposed installation of the wireless communication facility subject to the conditions of approval in the draft Resolution.

FURTHER ACTION:
The Planning Commission's decision will be final unless appealed to the City Council within ten (10) business days.

Attachment:
- Draft Resolution
- Radio Frequency Report
- Photo simulations
- Applicant statement
- Coverage Maps
- Project Plans

DRAFT RESOLUTION

RESOLUTION NO. 13- (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A USE PERMIT FOR SPRINT PCS TO MODIFY AN EXISTING WIRELESS TELECOMMUNICATION FACILITY AT 1100 SOUTHAMPTON ROAD, APN: 0086-151-190 (USE PERMIT 13PLN-00005)

WHEREAS, on May 8, 1997, Sprint PCS received use permit approval by the Planning Commission (UP 97-2) to install a wireless telecommunication facility on an existing light standard at 1100 Southampton Road; and

WHEREAS, on January 25, 2013, Michelle Weller on behalf of Sprint PCS submitted an application for a design review to upgrade and modify an existing wireless communication facility consisting of replacing three (3) panel antennas, and installing six (6) new remote radio units, a new 15.3-inch diameter microwave dish on an existing light standard and installing one equipment cabinet with a GPS antenna within the existing equipment enclosure at 1100 Southampton Road; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Benicia hereby approves Use Permit 13PLN-00005 based on the following findings:

a) *The proposed location of the project and the conditions under which it would be operated and maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.*

The proposed wireless communications facility will be installed at a site that currently consists of existing light standards and wireless telecommunication facilities. All wireless facilities are required to produce a Federal Communications Commission (FCC) compliance study on radio frequency and electromagnetic fields exposure. Based on the study submitted, the radio frequency will be at 4.6% of the maximum permissible exposure (MPE) limits set by the FCC.

b) *Development of the proposed facility as conditioned will not significantly affect any designated visual resources, environmentally sensitive resources, community character resources; or, that there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed wireless communications facility as conditioned.*

The design, location and maintenance of the proposed installation will be consistent with the several existing wireless facilities on the subject property. The proposed facility is required to be reviewed for Design Review approval. As part of that Design Review approval, the visual impacts of the proposed

impact on the surrounding properties are evaluated. The applicant has demonstrated that the subject proposal is designed with the least visual impact that is technically feasible. As such, the proposed facility would not pose any significant impact to surrounding parcels.

c) *The proposed facility is in compliance with all FCC regulations.*

Based on the EMF Study performed by EBI Consulting dated May 21, 2013, the proposed wireless facility complies with the prevailing FCC standards and regulations for limiting public exposure to radio frequency energy.

d) *The proposed location and design of the project and the conditions under which it would be operated or maintained will be consistent with all elements of the Benicia General Plan.*

The subject property is designated as Public / Quasi-Public in the General Plan. The proposed facility is consistent with the General Plan designation because the intent of the Land Use designation is to provide a variety of uses serving the public including, but not limited to, public utilities, education, police, fire, water, sewer and other quasi-public facilities.

e) *The proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be visually compatible with the physical design aspects.*

The design of the facility is such that it is the least visually intrusive taking into consideration all technically feasible alternatives. The height and location of the proposed facility is consistent with the other communication facilities at this site that use the existing development as a backdrop. In addition, the proposed antennas would incorporate into the existing light standards to minimize any visual impacts.

f) *The Planning Commission finds that the proposed development is consistent with the objectives and provisions of Title 17 of the Benicia Municipal Code and the purposes of the Public and Semi-Public (PS) zoning district.*

Wireless telecommunication facilities are allowed upon approval of a Use Permit in the Public and Semi-Public zoning district. The purpose of the Public and Semi-Public zoning district is to allow consideration of a large public or semipublic use separately from regulations for an underlying base zoning district that may or may not be appropriate in combination with the public or semipublic use. The subject property is occupied by a middle school, baseball fields, light standards and other wireless communication facilities. The proposed facility will use an existing light standard with telecommunication equipment and will not expand into other areas of the school.

g) *The proposed location of the wireless communications facility and the proposed conditions of approval will be consistent with the General Plan and with Title 17 of the Benicia Municipal Code and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the proposed use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city.*

The proposed facility will provide enhanced communication services for the subscribers. In addition, all wireless facilities are required to comply with the Federal Communications Commission (FCC) on radio frequency and electromagnetic fields exposure. Based on the study submitted, the radio frequency will be at 4.6% of the maximum permissible exposure (MPE) limits set by the FCC. The proposed facility is in compliance with all FCC regulations and is consistent with the Benicia Municipal Code and the General Plan.

h) *The proposed use will comply with the provisions of Title 17 [Benicia Zoning Ordinance], including specific conditions required for use in the district in which it will be located.*

Based on the foregoing findings of approval, as well as the required findings codified in BMC Section 17. 70.250 H, the project complies with the Benicia Municipal Code and all applicable conditions required in the Public and Semi-Public (PS) zoning district.

i) This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 which exempts additions to existing facilities. The proposed project would modify an existing wireless telecommunication facility on an existing light standard. No change in use is proposed and the new equipment is similar in size resulting in minimal change.

BE IT FURTHER RESOLVED the Benicia Planning Commission hereby approves the proposed project subject to the following conditions:

1. The plans and maps submitted for approval and development of the site shall be in substantial compliance with the plans dated received January 25, 2013 and marked Exhibit A prepared by Sprint PCS consisting of seven sheets on file in the Community Development Department.

2. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Community Development Director, if the application for time extension is received

prior to the end of the initial two year deadline and there has been no change in the City's development policies which affect the site, and there is no change in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.

3. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.

4. Unless modified by these conditions of approval, any alteration of the approved plans shall be requested in writing for approval by the Community Development Director or designee prior to changes being made in the field.

5. Prior to issuance of a building permit, the applicant shall demonstrate to the satisfaction of the Community Development Director that they have permission from Benicia Unified School District to access the subject facility in order to complete the work associated with the proposed project.

6. Within 10 days of installation of the facility, a certification (er/emf report) by a licensed engineer expert in the field of radio frequency (rf) / electromagnetic frequency (emf) emissions shall be submitted to the Community Development Department, attesting that the facility is and has been operating within the current applicable FCC standards for frequency emissions.

7. Any exterior lighting shall be manually operated and used only during night maintenance or emergencies. The lighting shall be constructed, located, and oriented so that only the intended area is illuminated and off-site glare is eliminated.

8. Antennas, support structures and related equipment shall be removed within 90 calendar days of the discontinuation of the use of a wireless communication facility and the site shall be restored to its previous condition. The applicant shall notify the Community Development Department in writing of the intent to remove the facility at least 30 days prior to discontinuance.

9. All wireless communication facilities and associated equipment must be regularly maintained including but not limited to the painting and the removal of graffiti and debris.

10. The applicant or permittee shall 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 Planning

Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, 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 shall 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.

* * * * *

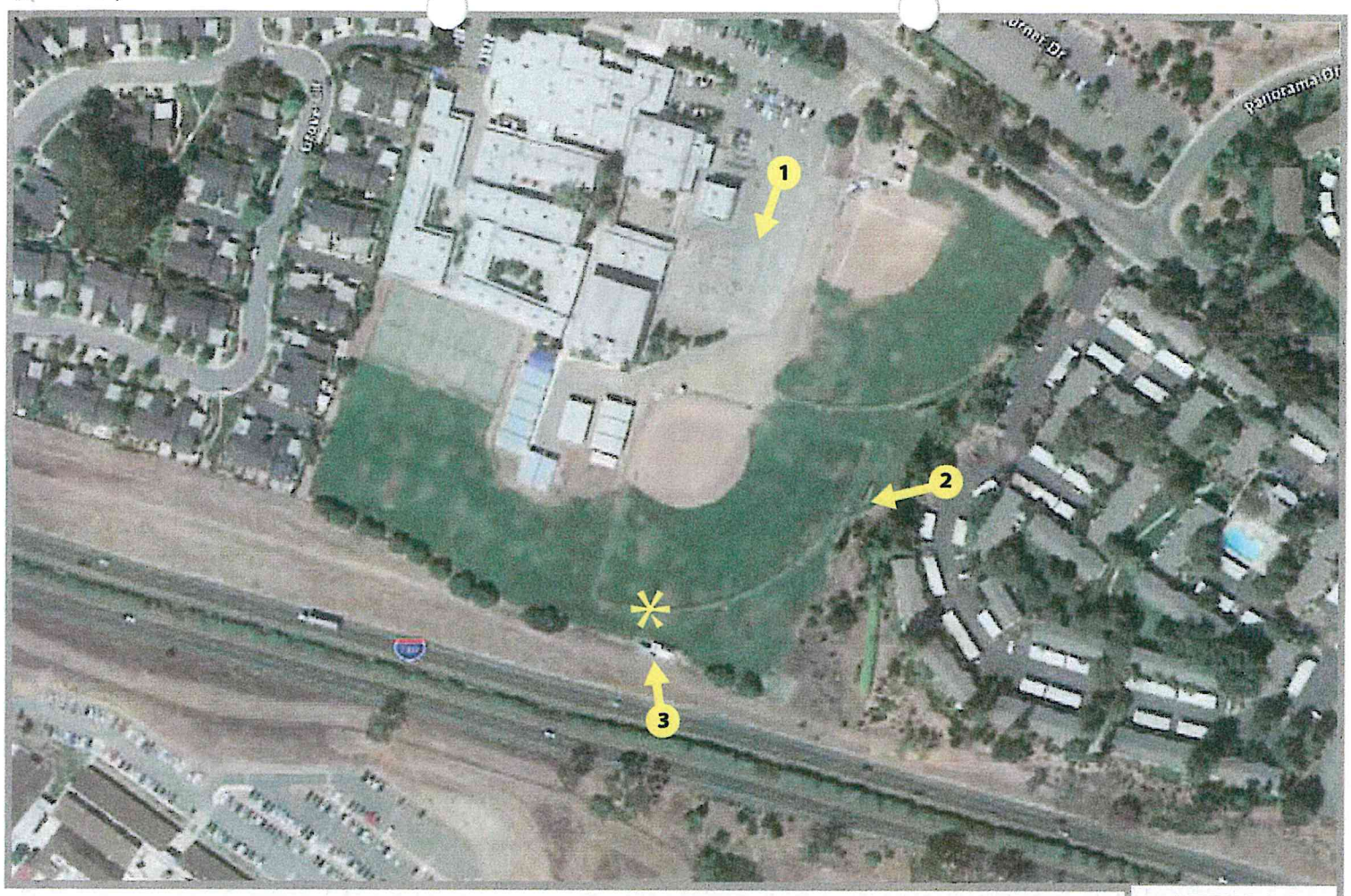
On motion of Commissioner , seconded by Commissioner , the above Resolution was adopted by the Planning Commission of the City of Benicia at a regular meeting of said Commission held on July 11, 2013 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

_____

Rod Sherry
Planning Commission Chair

PHOTO SIMULATIONS



CYPRESS LAB
350 Wayne Place #3
Oakland, CA 94606
www.thecypresslab.com
info@thecypresslab.com

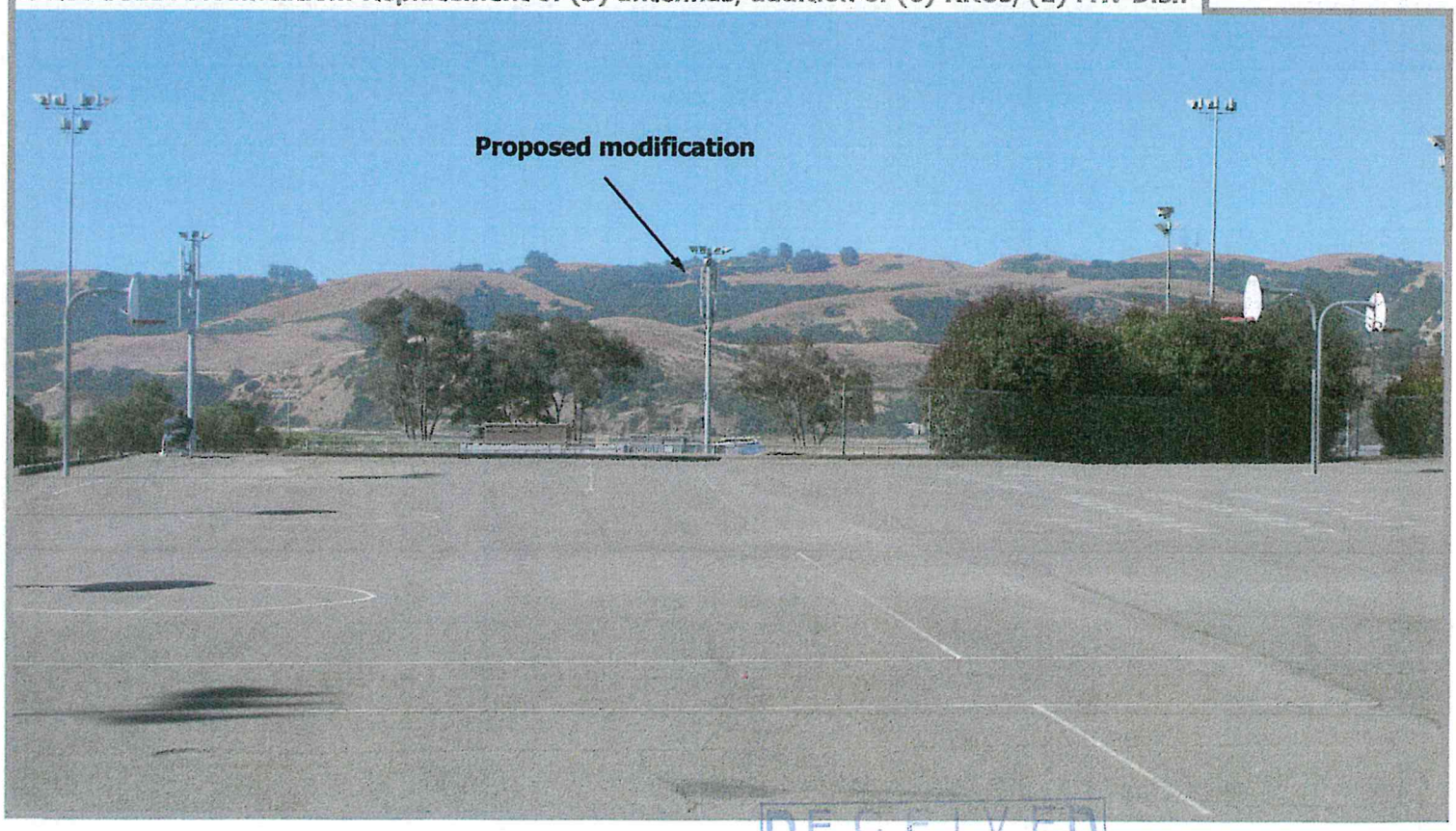
View Chart

Sprint

FN04XC106
1100 Southampton Road
Benicia, CA 94510

EXISTING

PROPOSED: Modification: Replacement of (3) antennas, addition of (6) RRUs, (1) MW Dish



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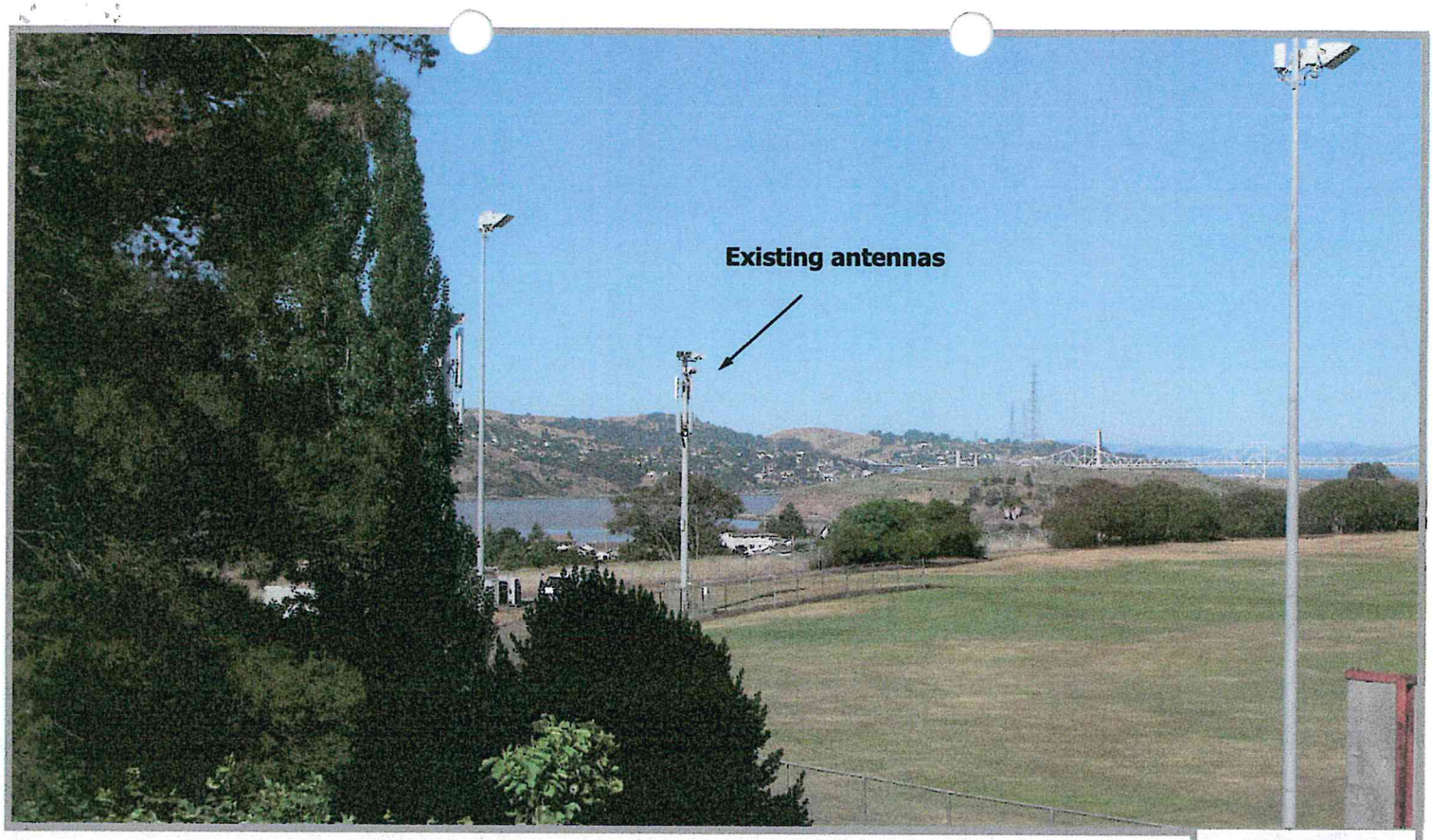
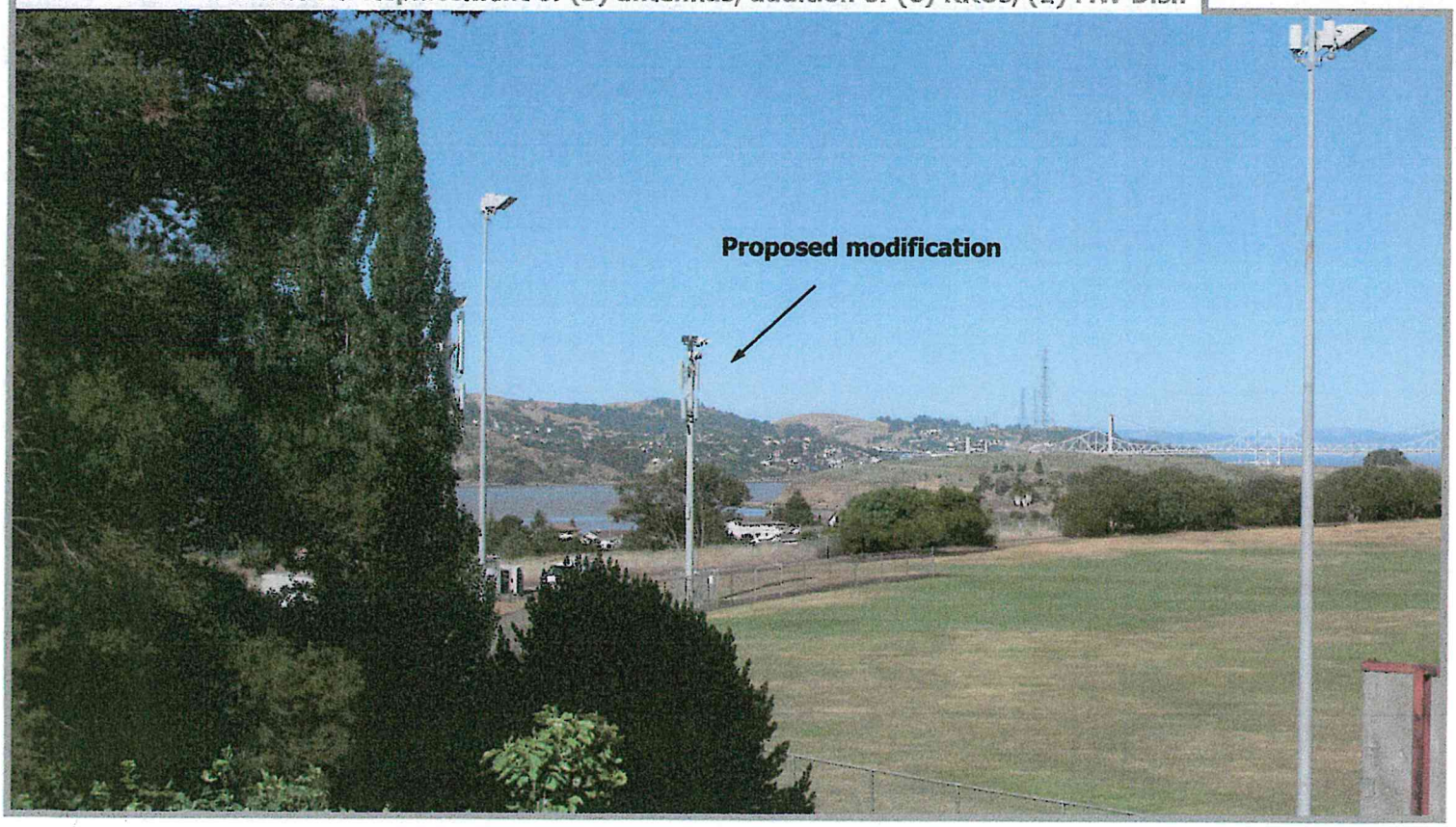
View 1 of 3

FN04XC106
1100 Southampton Road
Benicia, CA 94510



EXISTING

PROPOSED: Modification: Replacement of (3) antennas, addition of (6) RRUs, (1) MW Dish



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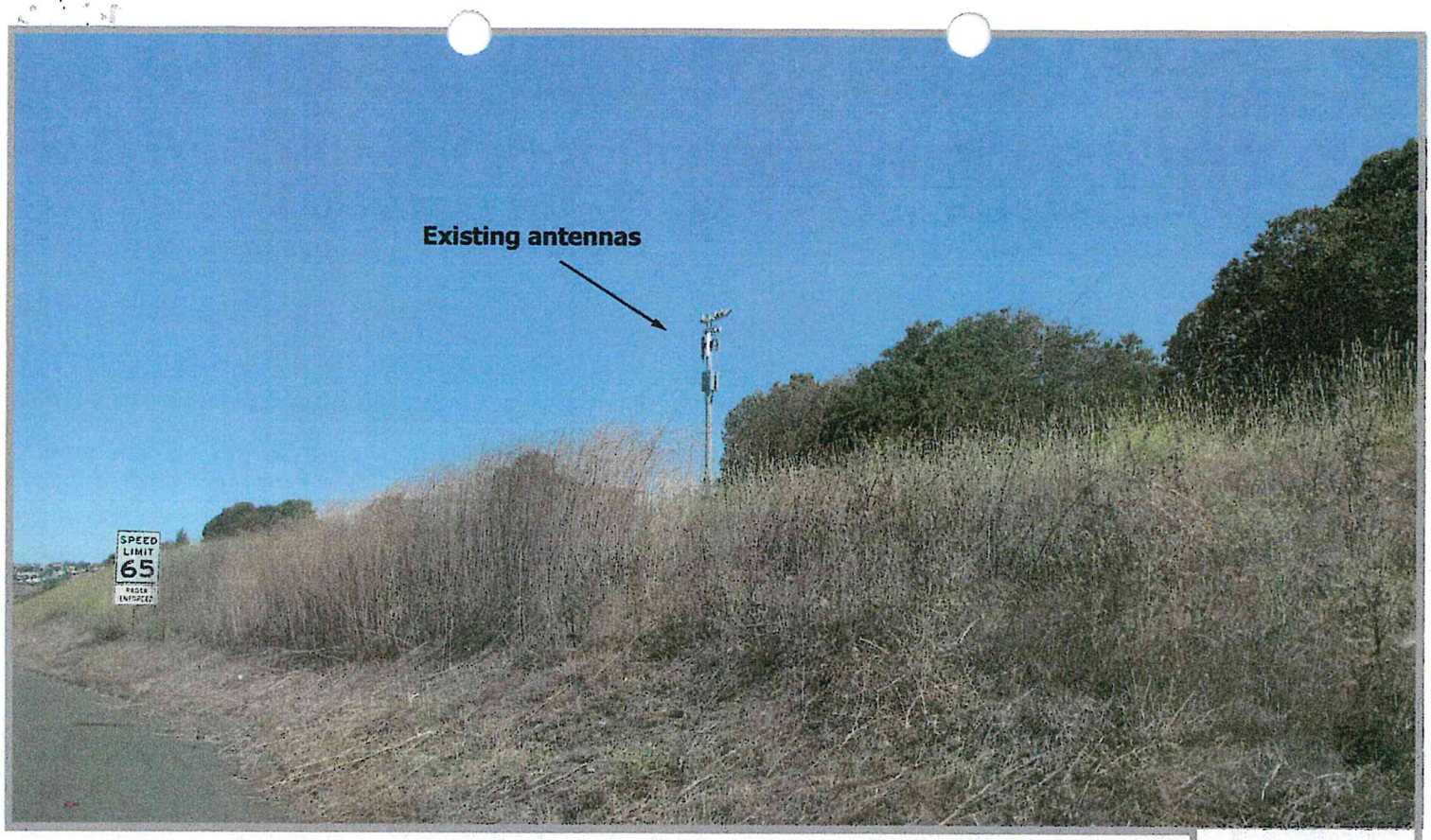
View 2 of 3

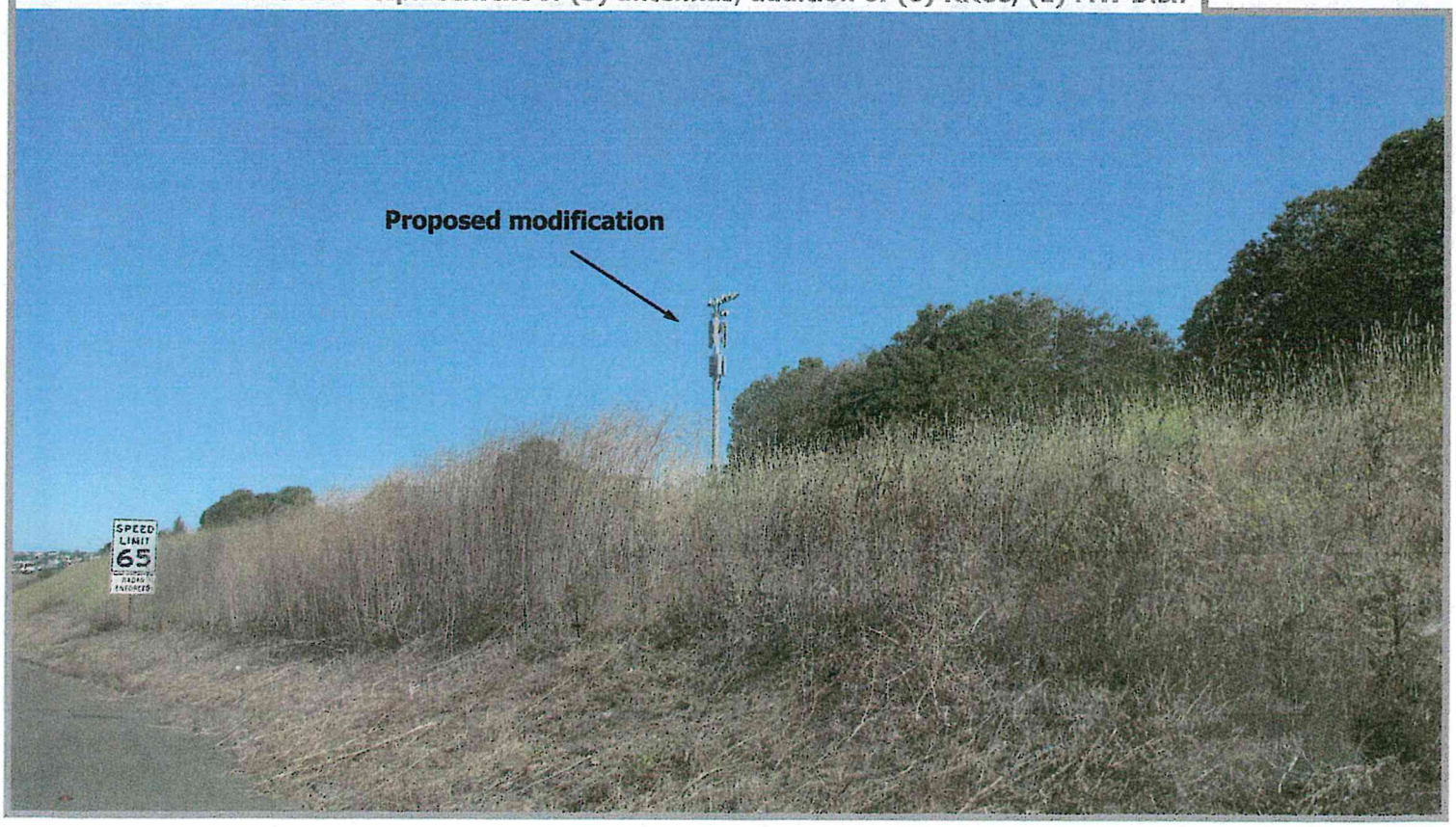
Sprint

FN04XC106
1100 Southampton Road
Benicia, CA 94510



EXISTING

PROPOSED: Modification: Replacement of (3) antennas, addition of (6) RRUs, (1) MW Dish



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View 3 of 3

Sprint

FN04XC106
1100 Southampton Road
Benicia, CA 94510

APPLICANT'S STATEMENT

Cortel

May 21, 2013

Adam Petersen
City of Benicia
Community Development
Planning Division
250 East L Street
Benicia, CA 94510

RE: Sprint Cell Site Modification
Site Number: FN04XC106
Application No.: 13PLN-0009 (Design Review) and 13PLN-00005 (Use Permit)
Project Location: 1100 Southampton Road, Benicia

Dear Planning Division:

Sprint is upgrading its wireless network to LTE service throughout the City of Benicia. The new antenna and equipment configuration will provide improved phone and data service for existing Sprint customers.

Applicant Statement

1. Description of Coverage Area
The existing CDMA (1900 MHz) service coverage area extends approximately 0.47 miles north to Larkin Drive, 0.70 miles south to W H Street, 0.10 west to Grove Circle, and 0.10 miles east to Southampton Road. The proposed LTE (1900 MHz and 1600 MHz) and CDMA (1900 MHz) service coverage areas will cover the same geographic area.

2. Statements Related to Needs
Sprint is upgrading its wireless network to LTE service throughout the City of Benicia. Currently, there is no LTE service in this area of Benicia. The proposed antenna and equipment modification will provide new LTE service to the area of Benicia surrounding 1100 Southampton Road. The service coverage area extends approximately 0.47 miles north to Larkin Drive, 0.70 miles south to W H Street, 0.10 west to Grove Circle, and 0.10 miles east to Southampton Road.

The new antenna and equipment configuration is required to provide improved phone and data service for Sprint customers. The goal of new LTE network is to increase the capacity and speed of Sprint's wireless data network.

Cortel

3. Description of Services

Sprint proposes to remove 3 panel antenna and 1 GPS antenna. Install 3 new panel antennas, 6 remote radio units (RRUs), 1 microwave dish, 1 GPS antenna, and 2 new equipment cabinets on an existing light pole at 1100 Southampton Road. Benicia, California. There are three Sectors (A, B, and C) proposed to be modified at the site, with one (1) antenna that may be installed per sector. Additionally, there is proposed to be three (3) existing Sprint antennas to remain on-site. In each sector, there is proposed to be one antenna transmitting in the 800 MHz and the 1900 MHz frequency ranges, and one iDEN antenna assumed to be transmitting in the 1900 MHz frequency range. The Sector A antennas will be oriented 0° from true north. The Sector B antennas will be oriented 120° from true north. The Sector C antennas will be oriented 300° from true north. The bottoms of the proposed antennas will be 42 feet above ground level. Additionally, there is proposed to be one (1) microwave dish on the light pole. The microwave dish will be 40 feet above ground level and oriented 163° from true north.

4. Visibility

All antennas will be painted to the color of the light pole.

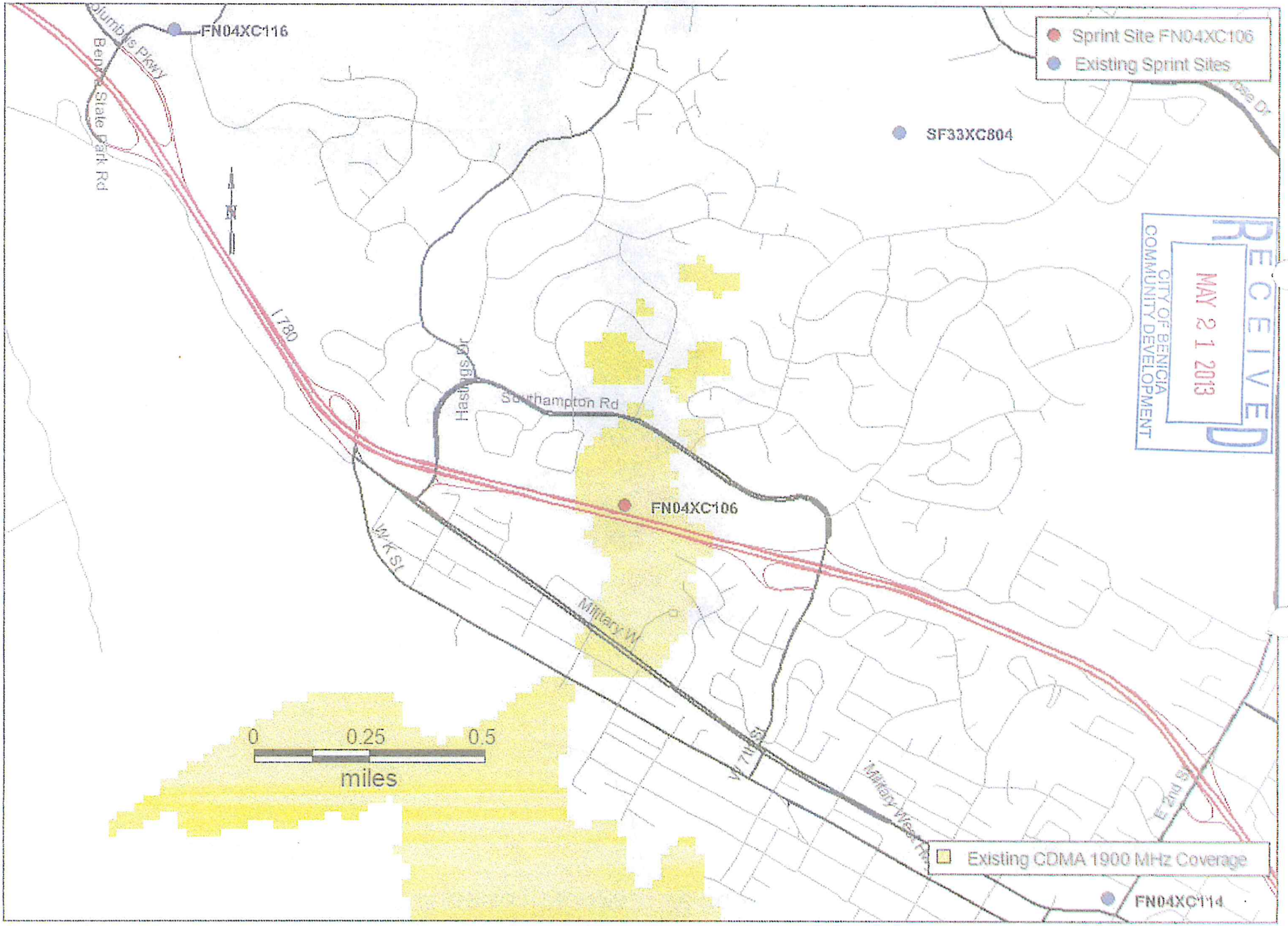
Please let me know if you have any questions or need additional information.

Thank you,

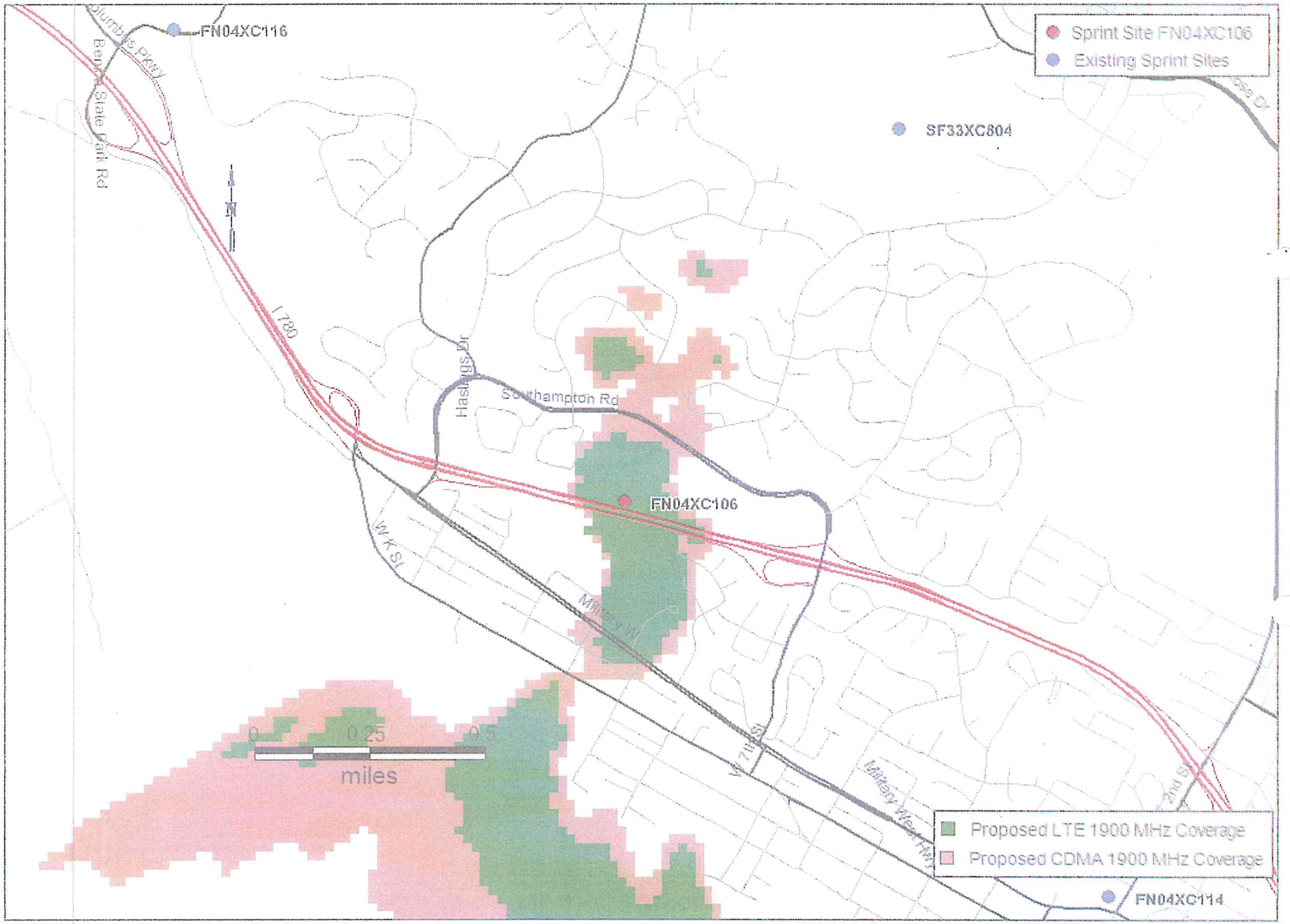
Misako Hill, Cortel, LLC
Agent for Sprint
Mobile: 415-533-2540
Fax: 510-350-7289
Email: misako.hill@cortel-llc.com

COVERAGE MAPS

Existing FN04XC106 coverage



Proposed FN04XC106 coverage



RADIO FREQUENCY REPORT

Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report

Prepared for:
Sprint Nextel
c/o Black & Veatch Corporation
2999 Oak Rd. Suite 910
Walnut Creek, CA 94597

Site No. FN04XC106
Benicia Middle School
1100 Southampton Road
Benicia, California 94510
Solano County
38.066875; -122.171831 NAD83
Light Pole

EBI Project No. 62123213
May 21, 2013

EBI CONSULTING
Creating Value for Your Business

EXECUTIVE SUMMARY

Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by Sprint Nextel to conduct radio frequency electromagnetic (RF-EME) modeling for Sprint Site FN04XC106 located at 1100 Southampton Road in Benicia, California to determine RF-EME exposure levels from existing and proposed Sprint wireless communications equipment at this site. As described in greater detail in Section 11.0 of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

This report contains a detailed summary of the RF EME analysis for the site.

This document addresses the compliance of Sprint's proposed transmitting facilities at the site.

1.0 Location of all Existing Antennas and Facilities and Existing RF Levels

This project involves the removal of three (3) existing antennas and replacement with three (3) proposed Sprint wireless telecommunication antennas on a light pole located at 1100 Southampton Road in Benicia, California. There are three Sectors (A, B, and C) proposed to be modified at the site, with one (1) antenna that may be installed per sector. There is proposed to be three (3) existing Sprint antennas to remain on-site. Additionally, there is proposed to be one (1) microwave dish on the light pole.

Based on drawings and aerial photography review, there appears to be no collocated carriers on the light pole.

2.0 Location or all approved (but not installed) antennas and facilities and Expected RF Levels from the Approved Facilities

There are no antennas or facilities that are approved and not installed based on information provided to EBI and Sprint at the time of this report.

3.0 Number and Types of WTS within 100 Feet of the Proposed Site and Estimates of Cumulative EMR Emissions at the Proposed Site

In addition to the antennas mentioned in Section 1.0, there are antennas mounted on a light pole approximately 125 feet to the east of the proposed site.

4.0 Location and Number of the Sprint Antennas and Back-up Facilities per Building and Number and Location of Other Telecommunication Facilities on the Property

Sprint proposes the removal of three (3) existing antennas and replacement with three (3) proposed Sprint wireless telecommunication antennas on a light pole located at 1100 Southampton Road in Benicia, California. There are three Sectors (A, B, and C) proposed to be modified at the site, with one (1) antenna that may be installed per sector. Additionally, there is proposed to be three (3) existing Sprint antennas to remain on-site. In each sector, there is proposed to be one antenna transmitting in the 800 MHz and the 1900 MHz frequency ranges, and one iDEN antenna assumed to be transmitting in the 1900 MHz frequency range. The Sector A antennas will be oriented 0° from true north. The Sector B antennas will be oriented 120° from true north. The Sector C antennas will be oriented 300° from true north. The bottoms of the proposed antennas will be 42 feet above ground level.

Additionally, there is proposed to be one (1) microwave dish on the light pole. The microwave dish will be 40 feet above ground level and oriented 163° from true north.

Based on drawings and aerial photography review, there appears to be no collocated carriers on the light pole.

5.0 Power Rating for all Existing and Proposed Backup Equipment Subject to the Application

The operating power for modeling purposes was assumed to be 20 Watts per transmitter for the 800 MHz antennas and there will be one (1) transmitter operating at this frequency. Additionally, for modeling purposes it was assumed to be 20 Watts per transmitter and five (5) transmitters operating at the 1900 MHz frequency for the proposed antennas.

6.0 Total Number of Watts per Installation and the Total Number of Watts for All Installations on the Building

The effective radiated power (ERP) for the 800 MHz transmitters combined on-site is 576 Watts. The ERP for the 1900 MHz transmitters combined on-site is 5,722 Watts.

7.0 Preferred Method of Attachment of Proposed Antenna with Plot or Roof Plan including: Directionality of Antennas, Height of Antennas above Nearest Walking Surface, Discuss Nearby Inhabited Buildings

Based on the information provided to EBI, the information indicates that the proposed antennas are to be flush-mounted to the existing light pole and operating in the directions, frequencies, and heights mentioned in section 4.0 above. Surrounding properties to the west, north and east consist of open areas and an athletic field associated with Benicia Middle School. California Route 780 is to the south of the proposed site.

8.0 Estimated Ambient Radio Frequency Fields for the Proposed Site

Based on worst-case predictive modeling, there are no predicted areas on any accessible ground-level walking/working surface related to the proposed Sprint antennas that exceed the FCC's occupational or general public exposure limits at this site. The existing maximum power density is 1.1 percent of the FCC's general public limit (0.22 percent of the FCC's occupational limit).

At the nearest walking/working surfaces to the proposed Sprint panel antennas and microwave dish, the maximum power density is 4.6 percent of the FCC's general public limit (0.92 percent of the FCC's occupational limit). The inputs used in the modeling are summarized in the RoofView® export file presented in Appendix B.

9.0 Signage at the Facility Identifying all WTS Equipment and Safety Precautions for People Nearing the Equipment as may be Required by the Applicable FCC Adopted Standards (Discuss Signage for Those who Speak Languages Other than English)

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. It is recommended that additional signage be installed for the new antennas making people aware of the antennas locations. There are no fields in front of the proposed Sprint antennas and therefore barriers are not recommended.

Additionally, there are areas where workers elevated above the ground may be exposed to power densities greater than the general population and occupational limits. Workers and the general public should be informed about the presence and locations of antennas and their associated fields.

Additionally, access to this site is accomplished via a gate in the fence surrounding the light pole. Access to the facility is monitored and as such, the general public is not able to access the light pole.

10.0 Statement on Who Produced This Report and Qualifications

Please see the certifications attached in Appendix A below.

11.0 Federal Communications Commission (FCC) Requirements

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/ controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General public/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Table 1 and Figure 1 (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm^2). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm^2) and an uncontrolled MPE of 1 mW/cm2 for equipment operating in the 1900 MHz frequency range. For the Sprint equipment operating at 800 MHz, the FCC's occupational MPE is 2.66 mW/cm^2 and an uncontrolled MPE of 0.53 mW/cm^2. These limits are considered protective of these populations.

Table 1: Limits for Maximum Permissible Exposure (MPE)

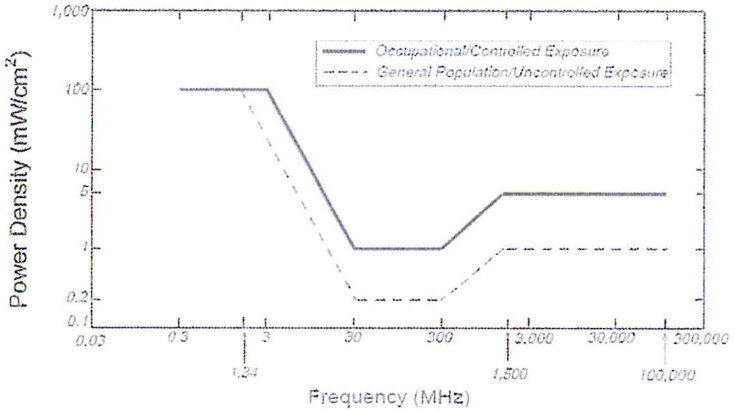
(A) Limits for Occupational/Controlled Exposure

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm^2)	Averaging Time $[E]^2$, $[H]^2$, or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	($900/f^2$)*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6

(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm^2)	Averaging Time $[E]^2$, $[H]^2$, or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	($180/f^2$)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)
* Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)
Plane-wave Equivalent Power Density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm^2	1.00 mW/cm^2
Cellular Telephone	870 MHz	2.90 mW/cm^2	0.58 mW/cm^2
Specialized Mobile Radio	855 MHz	2.85 mW/cm^2	0.57 mW/cm^2
Most Restrictive Freq, Range	30-300 MHz	1.00 mW/cm^2	0.20 mW/cm^2

MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by Sprint in this area operate within a frequency range of 800-1900 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky.

This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

12.0 LIMITATIONS

This report was prepared for the use of Sprint Nextel. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

13.0 SUMMARY AND CONCLUSIONS

EBI has prepared this Radiofrequency Emissions Compliance Report for the proposed Sprint telecommunications equipment at the site located at 1100 Southampton Road in Benicia, California.

EBI has conducted theoretical modeling to estimate the worst-case power density from Sprint antennas to document potential MPE levels at this location and ensure that site control measures are adequate to meet FCC and OSHA requirements. As presented in the preceding sections, based on worst-case predictive modeling, there are no modeled exposures on any accessible ground-level walking/working surface related to proposed equipment in the area that exceed the FCC's occupational and general public exposure limits at this site. As such, the proposed Sprint project is in compliance with FCC rules and regulations.

Signage is recommended at the site as presented in Section 9.0. Posting of the signage brings the site into compliance with FCC rules and regulations.

Appendix A

Certifications

Preparer Certification

I, Shaun Sagan, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified "occupational" under the FCC regulations.
- I am familiar with the FCC rules and regulations as well as OSHA regulations both in general and as they apply to RF-EME exposure.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.

Appendix B

Roofview® Export File

Map, Settings, Antenna, and Symbol Data Table .. Exported from workbook: -> Roof View RF Template_Sprint Composite.xlsx
Done on 5/21/2013 at 11:09:50 AM.
Use this format to prepare other data sets for the RoofView workbook file.
You may use as many rows in this TOP header as you wish.
The critical point are the cells in COLUMN ONE that read 'Start...' (eg. StartMapDefinition)
If used, these (4) headers are required to be spelled exactly, as one word (eg. StartMapDefinition)
The very next row will be considered the start of that data block.
The first row of the data block can be a header (as shown below), but this is optional.
When building a text file for import, Add the Map info first, then the Antenna data, followed by the symbol data.
All rows above the first marker line 'Start...' will be ignored, no matter how many there are.
This area is for you use for documentation.
End of help comments.

You can place as much text here as you wish as long as you don't place it below
the Start Map Definition row below the blue line.
You may insert more rows using the Insert menu.
Should you need additional lines to document your project, simply insert additional rows
by highlighting the row number adjacent to the blue line below and then clicking on the Insert menu
and selecting rows.

StartMapDefinition

Roof Max X	Roof Max Y	Map Max X	Map Max Y	Y Offset	X Offset	Number of envelope	List Of Area
170	160	180	170	10	10	1 $U$41:$FX $U$41:$FX$210	$U$41:$FX

StartSettingsData

Standard	Method	Uptime	Scale Facte	Low Thr	Low Color	Mid Thr	Mid Color	Hi Thr	Hi Color	Over Color	Ap Ht Mult	Ap Ht Method
4	2	3	1	100	1	500	4	5000	2	3	1.5	1

StartAntennaData It is advisable to provide an ID (ant 1) for all antennas

ID	Name	(MHz) Freq	Trans Power	Trans Count	Coax Len	Coax Type	Other Loss	Input Power	Calc Power	Mfg	Model	(ft) X	(ft) Y	(ft) Z	Type	(ft) Aper	dBd Gain	BWdth Pt Dir	Uptime Profile	ON flag
SPT A2	Sprint	1900	20	1			3		10.02374	Unknown	Unknown	11	11	42		6	16	65;70		ON
SPT B2	Sprint	1900	20	1			3		10.02374	Unknown	Unknown	12	7	42		6	16	65;160		ON
SPT C2	Sprint	1900	20	1			3		10.02374	Unknown	Unknown	8	10	42		6	16	65;330		ON
SPR A1	Sprint iDEN	1900	20	1			3		10.02374	Unknown	Unknown	11	11	33		6	16	65;70		ON
SPR B1	Sprint iDEN	1900	20	1			3		10.02374	Unknown	Unknown	12	7	33		6	16	65;160		ON
SPR C1	Sprint iDEN	1900	20	1			3		10.02374	Unknown	Unknown	8	10	33		6	16	65;330		ON

StartSymbolData

Sym	Map Mark	Roof X	Roof Y	Map Label	Description (notes for this table only)
Sym		5	35	AC Unit	Sample symbols
Sym		14	5	Roof Access	
Sym		45	5	AC Unit	
Sym		45	20	Ladder	

Map, Settings, Antenna, and Symbol Data Table .. Exported from workbook -> RoofView 4.15.xls
Done on 8/8/2012 at 9:56:21 PM.
Use this format to prepare other data sets for the RoofView workbook file.
You may use as many rows in this TOP header as you wish.
The critical point are the cells in COLUMN ONE that read 'Start...' (eg. StartMapDefinition)
If used, these (4) headers are required to be spelled exactly, as one word (eg. StartMapDefinition)
The very next row will be considered the start of that data block.
The first row of the data block can be a header (as shown below), but this is optional.
When building a text file for import, Add the Map info first, then the Antenna data, followed by the symbol data.
All rows above the first marker line 'Start...' will be ignored, no matter how many there are.
This area is for you use for documentation.
End of help comments.

You can place as much text here as you wish as long as you don't place it below
the Start Map Definition row below the blue line.
You may insert more rows using the Insert menu.
Should you need additional lines to document your project, simply insert additional rows
by highlighting the row number adjacent to the blue line below and then clicking on the Insert menu
and selecting rows.

StartMapDefinition

Roof Max Y	Roof Max X	Map Max Y	Map Max X	Y Offset	X Offset	Number of envelope	List Of Area
170	160	180	170	10	10	1	$U$41:$FX$210

StartSettingsData

Standard	Method	Uptime	Scale Facto	Low Thr	Low Color	Mid Thr	Mid Color	Hi Thr	Hi Color	Over Color	Ap Ht Mult	Ap Ht Method
4	2	3	1	100	1	500	4	5000	2	3	1.5	1

StartAntennaData It is advisable to provide an ID (ant 1) for all antennas

ID	Name	(MHz) Freq	Trans Power	Trans Count	Coax Len	Coax Type	Other Loss	Input Power	Calc Power	Mfg	Model	(ft) X	(ft) Y	(ft) Z	Type	(ft) Aper	dBd Gain	BWdth Pt Dir	Uptime Profile	ON flag
SPT A1	Sprint	800	20	1	10	1/2 LDF	0.5		16.8667	Powerwave	P65-16-XLPP-RR	11	11	42		6	12.7	66;0		ON
SPT A1	Sprint	1900	20	2	10	1/2 LDF	0.5		33.73339	Powerwave	P65-16-XLPP-RR	11	11	42		6	15.1	63;0		ON
SPT A1	Sprint	1900	20	3	10	1/2 LDF	0.5		50.60009	Powerwave	P65-16-XLPP-RR	11	11	42		6	15.1	63;0		ON
SPT B1	Sprint	800	20	1	10	1/2 LDF	0.5		16.8667	Powerwave	P65-16-XLPP-RR	12	7	42		6	12.7	66;120		ON
SPT B1	Sprint	1900	20	2	10	1/2 LDF	0.5		33.73339	Powerwave	P65-16-XLPP-RR	12	7	42		6	15.1	63;120		ON
SPT B1	Sprint	1900	20	3	10	1/2 LDF	0.5		50.60009	Powerwave	P65-16-XLPP-RR	12	7	42		6	15.1	63;120		ON
SPT C1	Sprint	800	20	1	10	1/2 LDF	0.5		16.8667	Powerwave	P65-16-XLPP-RR	8	10	42		6	12.7	66;300		ON
SPT C1	Sprint	1900	20	2	10	1/2 LDF	0.5		33.73339	Powerwave	P65-16-XLPP-RR	8	10	42		6	15.1	63;300		ON
SPT C1	Sprint	1900	20	3	10	1/2 LDF	0.5		50.60009	Powerwave	P65-16-XLPP-RR	8	10	42		6	15.1	63;300		ON
SPR A1	Sprint iDEN	1900	20	1			3		10.02374	Unknown	Unknown	11	11	33		6	16	65;70		ON
SPR B1	Sprint iDEN	1900	20	1			3		10.02374	Unknown	Unknown	12	7	33		6	16	65;160		ON
SPR C1	Sprint iDEN	1900	20	1			3		10.02374	Unknown	Unknown	8	10	33		6	16	65;330		ON

StartSymbolData

Sym	Map Marke	Roof X	Roof Y	Map Label	Description (notes for this table only)
Sym		5	35	AC Unit	Sample symbols
Sym		14	5	Roof Access	
Sym		45	5	AC Unit	
Sym		45	20	Ladder	

PROJECT PLANS

Sprint

SITE NAME:	BENICIA MIDDLE SCHOOL
SITE NUMBER:	FN04XC106-A
SITE ADDRESS:	1100 SOUTHAMPTON RD. BENICIA, CA 94510
SITE TYPE:	GROUND EQUIPMENT LIGHTPOLE
PROJECT:	NETWORK VISIONS MM
MARKET:	SAN FRANCISCO BAY
CROWN SITE ID:	877153

SITE INFORMATION

SITE ADDRESS:
1100 SOUTHAMPTON RD.
BENICIA, CA 94510
SOLANO COUNTY

APN:
0086-151-190

PROPERTY OWNER:
BENICIA UNIFIED SCHOOL DISTRICT
350 EAST K ST.
BENICIA, CA 94510
CONTACT: DAVE CAPPUCCINI

EQUIPMENT SUPPLIER:
SAMSUNG TELECOMMUNICATIONS AMERICA (STA)
1301 EAST LOOKOUT DRIVE
RICHARDSON, TX 75082-4124
(972) 761-7000

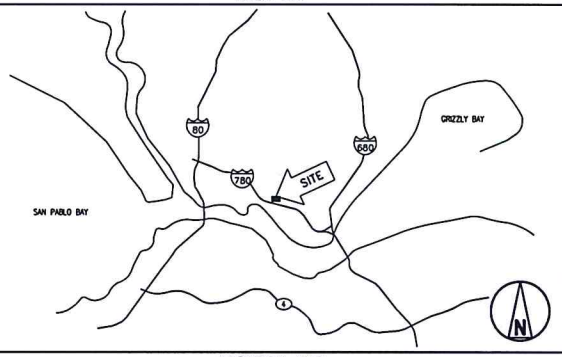
CONSULTANT:
BLACK & VEATCH CORPORATION
2999 OAK ROAD, SUITE 490
WALNUT CREEK, CA 94597
PHONE: (925) 949-5916

ZONING MANAGER:
CORTEL, LLC
CONTACT: MICHELLE WELLER
EMAIL: michelle.weller@cortel-llc.com
PHONE: (925) 997-1312

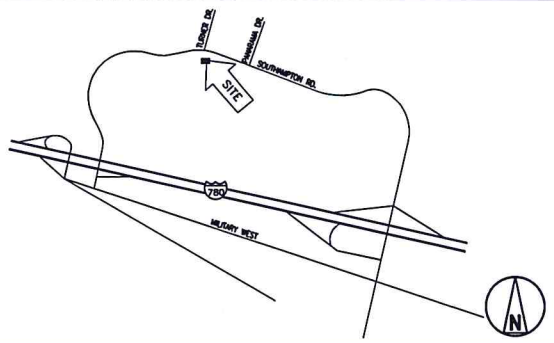
LEASING MANAGER:
CORTEL, LLC
CONTACT: JEROME MARCUS
EMAIL: jerome.marcus@cortel-llc.com
PHONE: (415) 713-4862

TELCO COMPANY:	POWER COMPANY:
AT&T	PG&E
LATITUDE (NAD83):	**LONGITUDE (NAD83):**
38.066846° N	-122.172233° W

AREA MAP



LOCATION MAP



APPLICABLE CODES

ALL WORK SHALL COMPLY WITH THE FOLLOWING APPLICABLE CODES:

2010 CALIFORNIA BUILDING CODE

2010 CALIFORNIA MECHANICAL CODE

2010 CALIFORNIA PLUMBING CODE

2010 CALIFORNIA ELECTRICAL CODE

IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL

PROJECT DESCRIPTION

PERFORM SITE MODIFICATIONS TO AN EXISTING WIRELESS COMMUNICATIONS FACILITY, INCLUDING

- THE REPLACEMENT OF (3) PANEL ANTENNAS
- THE INSTALLATION OF (6) RRUS
- THE INSTALLATION OF (1) MW DISH
- THE REPLACEMENT OF (1) GPS ANTENNA
- THE INSTALLATION OF (1) NEW EQUIPMENT CABINET INSIDE TO THE (E) LEASE AREA.

ANTENNA COUNT PRE UPGRADE: (6)
ANTENNA COUNT POST UPGRADE: (6)

EQUIPMENT CABINET COUNT POST UPGRADE: (1) NEW CABINET + (E) RUBIX EQUIPMENT ENCLOSURE

ADDITIONAL EQUIPMENT: (6) RRUS
(1) MW DISH

DRAWING INDEX

ENGINEER OF RECORD

DANIEL M CONNELL
PE # 62543

DRIVING DIRECTIONS FROM NEAREST AIRPORT

FROM OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CA:

1. TAKE AIRPORT DR. TO 98TH AVE.
2. MERGE ONTO THE I-880 N. VIA THE RAMP TO DOWNTOWN/OAKLAND.
3. MERGE ONTO I-80 E.
4. TAKE EXIT 30A TOWARD BENICIA/MARTINEZ.
5. MERGE ONTO I-780 E.
6. TAKE EXIT 3B TO MERGE ONTO MILITARY W.
7. TURN LEFT ONTO SOUTHAMPTON RD., ARRIVE AT SITE LOCATION ON THE RIGHT HAND SIDE.

Sprint
6580 SPRINT PARKWAY
OVERLAND PARK, KANSAS 66251

SAMSUNG

BLACK & VEATCH

CONNELL DESIGN GROUP, LLC
ENGINEERING AND DESIGN
76455 RANCHO PARKWAY SOUTH, LAKE FOREST, CA 92630
(949) 753-8007 OFFICE - (949) 753-8033 FAX

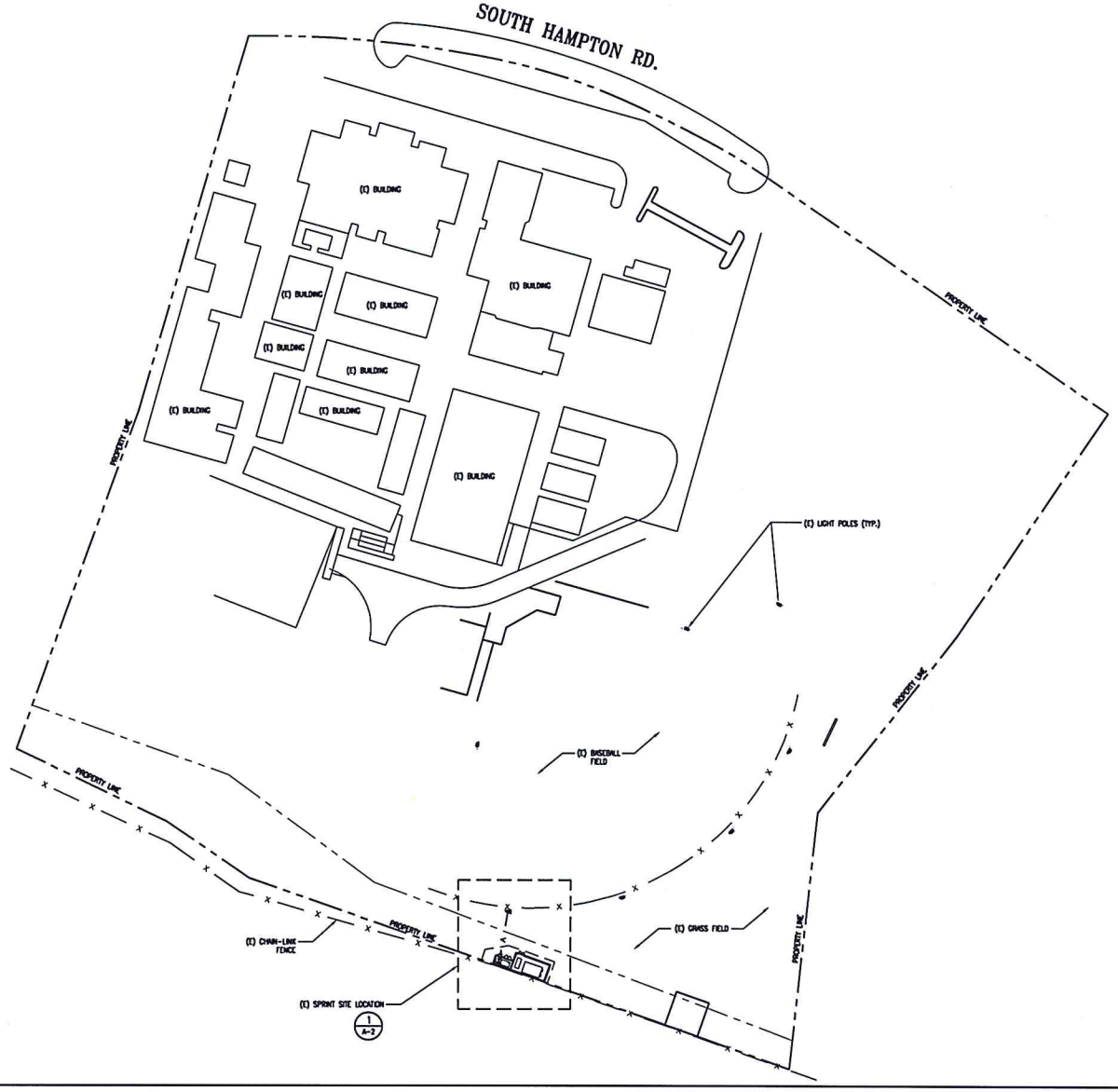
PROJECT NO:	FN04XC106-A
DRAWN BY:	EN
CHECKED BY:	DMC

REV	DATE	DESCRIPTION
6	01/04/2013	ISSUED FOR 100% ZD FOR ZAP
5	12/14/2012	ISSUED FOR 100% ZD FOR ZAP
4	11/28/2012	ISSUED FOR 100% ZD APPROVAL
3	11/14/2012	ADDED INTERIM EQUIPMENT
2	11/05/2012	ISSUED FOR 100% CD FOR BAP
1	10/11/2012	ISSUED FOR 100% CD APPROVAL
0	08/21/2012	ISSUED FOR 90% CD REVIEW

BENICIA MIDDLE SCHOOL
FN04XC106-A
1100 SOUTHAMPTON RD.
BENICIA, CA 94510

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1



HYBRID CABLE LENGTHS TABLE:

SECTOR A: 110'-0" LINEAR FEET
SECTOR B: 110'-0" LINEAR FEET
SECTOR C: 110'-0" LINEAR FEET

SITE PLAN

SCALE: 1"=60'-0"

0 30' 60'

1

Sprint
6580 SPRINT PARKWAY
OVERLAND PARK, KANSAS 66251

SAMSUNG

BLACK & VEATCH

CONNELL DESIGN GROUP, LLC
ENGINEERING AND DESIGN
26455 RANCHO PARKWAY SOUTH, LAKE FOREST, CA 92630
(949) 753-8807 OFFICE - (949) 753-8833 FAX

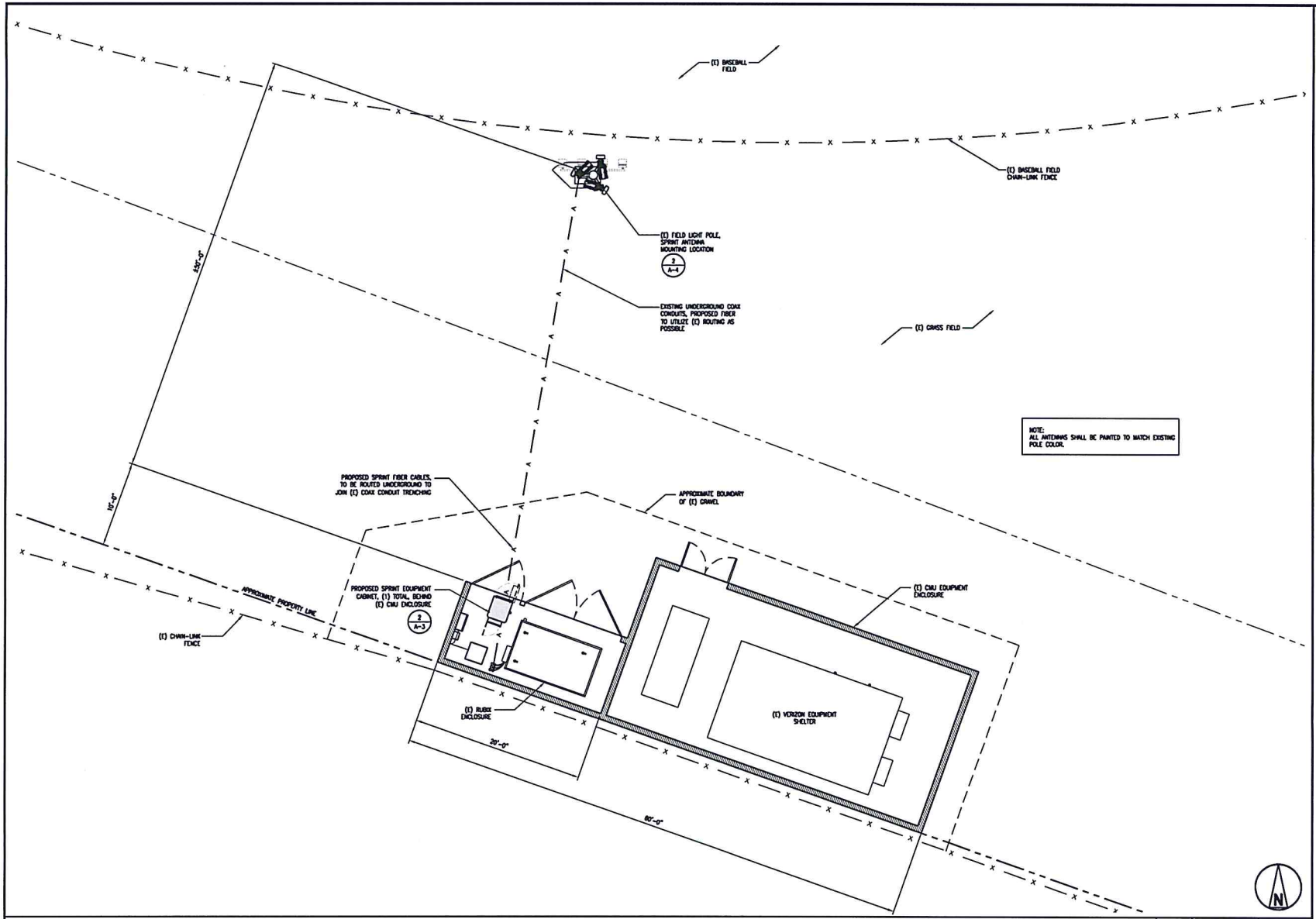
PROJECT NO:	FN04XC106-A
DRAWN BY:	EN
CHECKED BY:	DMC

REV	DATE	DESCRIPTION
6	01/04/2013	ISSUED FOR 100% ZD FOR ZAP
5	12/14/2012	ISSUED FOR 100% ZD FOR ZAP
4	11/26/2012	ISSUED FOR 100% ZD APPROVAL
3	11/14/2012	ADDED INTERIM EQUIPMENT
2	11/05/2012	ISSUED FOR 100% CD FOR BAP
1	10/11/2012	ISSUED FOR 100% CD APPROVAL
0	08/21/2012	ISSUED FOR 90% CD REVIEW

BENICIA MIDDLE SCHOOL
FN04XC106-A
1100 SOUTHAMPTON RD.
BENICIA, CA 94510

SHEET TITLE
SITE PLAN

SHEET NUMBER
A-1



PROPOSED ENLARGED SITE PLAN

SCALE: 3/16"=1'-0"

0 2 4 6

1

Sprint
6580 SPRINT PARKWAY
OVERLAND PARK, KANSAS 66251

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ENGINEERING AND DESIGN
26455 RANCHO PARKWAY SOUTH, LAKE FOREST, CA 92630
(949) 753-8007 OFFICE - (949) 753-8033 FAX

PROJECT NO:	FN04XC106-A
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REV	DATE	DESCRIPTION
6	01/04/2013	ISSUED FOR 100% ZD FOR ZAP
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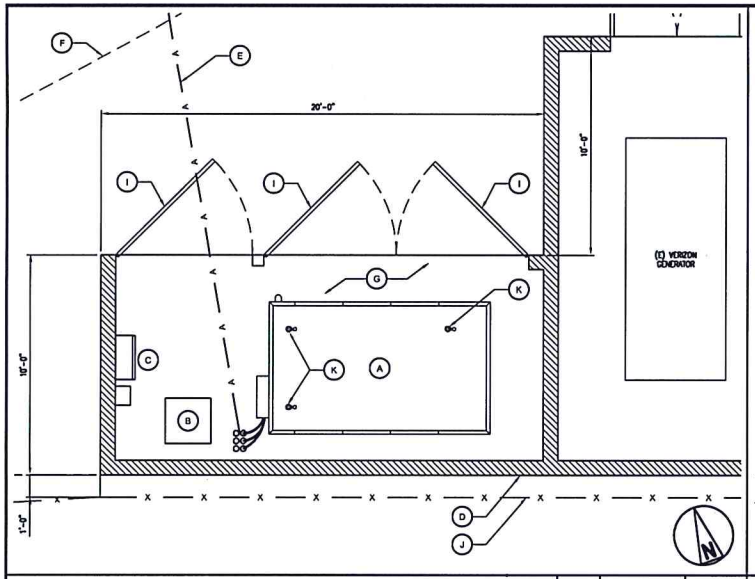
0	08/21/2012	ISSUED FOR 90% CD REVIEW

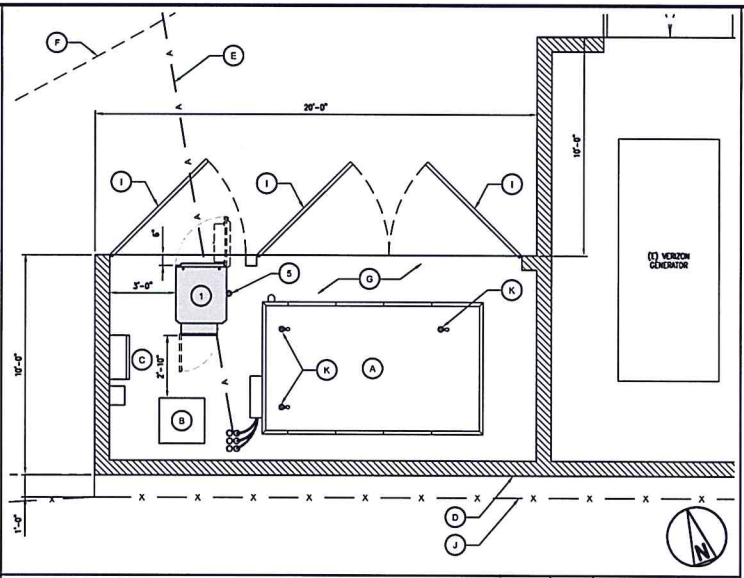
BENICIA MIDDLE SCHOOL
FN04XC106-A
1100 SOUTHAMPTON RD.
BENICIA, CA 94510

SHEET TITLE
ENLARGED SITE PLAN

SHEET NUMBER
A-2



EXISTING EQUIPMENT LAYOUT | SCALE: 3/8"=1'-0" | 0 1 2 3 | 1



FINAL EQUIPMENT LAYOUT | SCALE: 3/8"=1'-0" | 0 1 2 3 | 2

UN-USED | 3

LEGEND (EXISTING)

- (A) EXISTING SPRINT EQUIPMENT RUBIX EQUIPMENT ENCLOSURE TO REMAIN
- (B) EXISTING TRANSFORMER
- (C) EXISTING SPRINT TELCO PANEL
- (D) EXISTING CMU WALL
- (E) EXISTING UNDERGROUND COAX CONDUITS, PROPOSED FIBER TO UTILIZE (E) ROUTING AS POSSIBLE
- (F) EDGE OF (E) GRAVEL
- (G) EXISTING CONC. SLAB
- (H) EXISTING VERIZON EQUIPMENT SHELTER
- (I) EXISTING ACCESS GATE
- (J) EXISTING CHAIN LINK FENCE
- (K) EXISTING GPS ANTENNAS MOUNTED ON RUBIX ENCLOSURE, TO REMAIN

LEGEND (PROPOSED)

- (1) PROPOSED SPRINT NNOS COMBO CABINET
- (2) UN-USED
- (3) PROPOSED POWER AND TELCO CONDUIT FROM NEW NNOS TO (E) TELCO CABINET & POWER SOURCE
- (4) PROPOSED SPRINT FIBER CABLES, TO BE ROUTED UNDERGROUND TO JOIN (E) COAX CONDUIT TRENCHING
- (5) PROPOSED SPRINT GPS ANTENNA MOUNTED ON NEW EQUIPMENT CABINET

Sprint
6580 SPRINT PARKWAY
OVERLAND PARK, KANSAS 66251

SAMSUNG

BLACK & VEATCH

CONNELL DESIGN GROUP, LLC
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26455 RANCHO PARKWAY SOUTH, LAKE FOREST, CA 92630
(949) 753-8607 OFFICE - (949) 753-8433 FAX

PROJECT NO:	FN04XC106-A
DRAWN BY:	EN
CHECKED BY:	DMC

REV	DATE	DESCRIPTION
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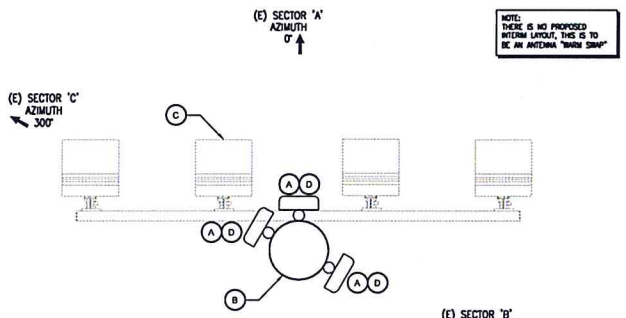
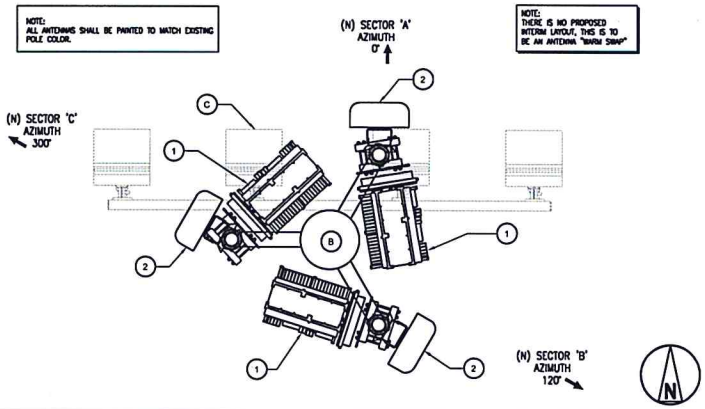
BENICIA MIDDLE SCHOOL
FN04XC106-A
1100 SOUTHAMPTON RD.
BENICIA, CA 94510

SHEET TITLE
EQUIPMENT LAYOUT

SHEET NUMBER
A-3



EXISTING ANTENNA LAYOUT | SCALE: 1"=1'-0" | 1



PROPOSED ANTENNA LAYOUT | SCALE: 1"=1'-0" | 2

LEGEND (EXISTING)

- (A) EXISTING SPRINT CDMA PANEL ANTENNAS (UPPER), TO BE RELOCATED TO (N) T-ARMS FOR INTERIM, REMOVED FOR FINAL, STACKED ABOVE (C) IDEN PANEL ANTENNAS
- (B) EXISTING LIGHTPOLE TO REMAIN
- (C) EXISTING FIELD LIGHTS ON TOP OF (E) LIGHTPOLE, TO REMAIN
- (D) EXISTING IDEN ANTENNAS @ 36', TO REMAIN

LEGEND (PROPOSED)

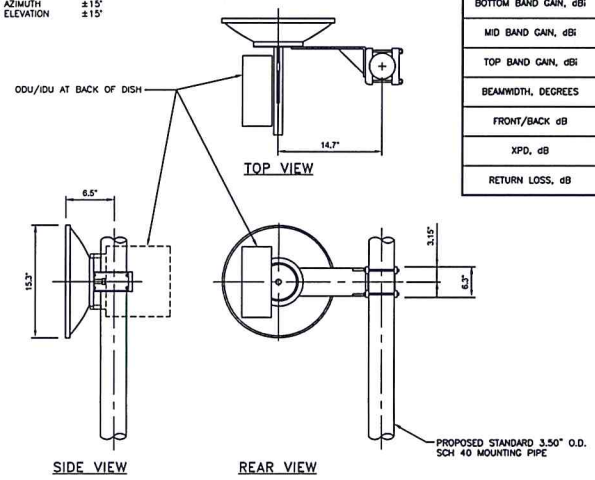
- (1) PROPOSED SPRINT RRUS, (2) PER SECTOR, (6) TOTAL — (4 A-7) (5 A-7) (6 A-7) (7 A-7) (5 A-8)
- (2) PROPOSED SPRINT PANEL ANTENNAS, FLUSH MOUNTED ON (E) LIGHTPOLE, (1) PER SECTOR, (3) TOTAL — (1 A-7) (5 A-8)
- (3) PROPOSED SPRINT MW DISH — (1 A-10)

NOTE:
ALL ANTENNAS SHALL BE PAINTED TO MATCH EXISTING
POLE COLOR.

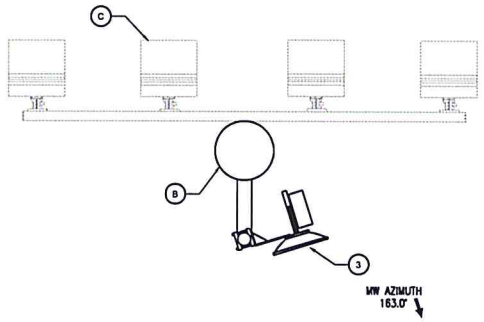
ANDREW ANTENNA VHLP1-23

DIAMETER, NOMINAL: 0.3m (1ft)
NET WEIGHT: 7kg (14lb)

ANTENNA FINE ADJUSTMENT
FINE AZIMUTH ±15°
FINE ELEVATION ±15°



ELECTRICAL SPECIFICATIONS	
FREQUENCY BAND, GHz	21.2–23.6
BOTTOM BAND GAIN, dBi	34.7
MID BAND GAIN, dBi	35.3
TOP BAND GAIN, dBi	35.9
BEAMWIDTH, DEGREES	3.0
FRONT/BACK dB	62
XPD, dB	30
RETURN LOSS, dB	17.7



NOTE:
SEE SHEET A-10 FOR
ADDITIONAL MW DISH INFORMATION /
SPECIFICATIONS

PROPOSED MW DISH SCHEDULE

SECTOR	DISH MODEL	LINK ID	MW MODEL	MW CONFIG.	ODU MODEL	AZIMUTH	RAD CENTER	DIAMETER	CABLES
1A	VHPL1-23 (TR)	sf01138	23HC50HFC215v03	1+0	HORIZON COMPACT	163	40'	18.0"	(1) CAT5E
2A									
3A									

PROPOSED MW DISH LAYOUT AND SPECIFICATIONS | 3

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(949) 753-8007 OFFICE - (949) 753-8533 FAX

PROJECT NO:	FN04XC106-A
DRAWN BY:	EN
CHECKED BY:	DMC

REV	DATE	DESCRIPTION
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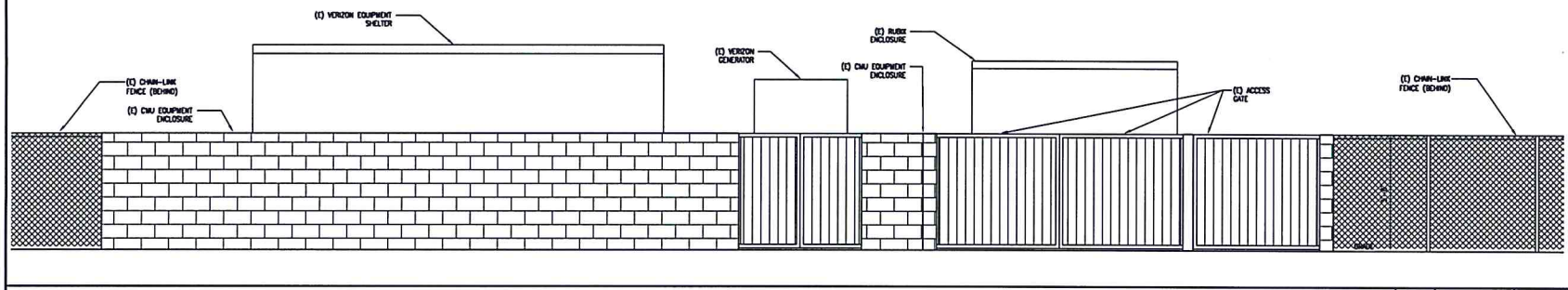
5	12/14/2012	ISSUED FOR 100% ZD FOR ZAP
4	11/28/2012	ISSUED FOR 100% ZD APPROVAL
3	11/14/2012	ADDED INTERIM EQUIPMENT
2	11/05/2012	ISSUED FOR 100% CD FOR BAP
1	10/11/2012	ISSUED FOR 100% CD APPROVAL
0	08/21/2012	ISSUED FOR 90% CD REVIEW

BENICIA MIDDLE SCHOOL
FN04XC106-A
1100 SOUTHAMPTON RD.
BENICIA, CA 94510

SHEET TITLE
ANTENNA LAYOUTS/
MW DISH LAYOUT

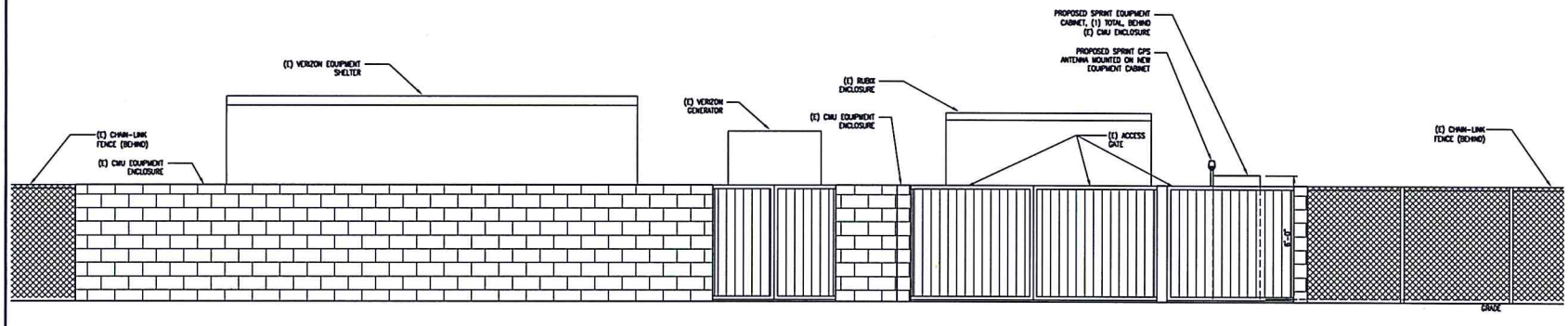
SHEET NUMBER
A-4



EXISTING NORTHEAST ELEVATION

SCALE: 3/8"=1'-0" 0 1 2 3

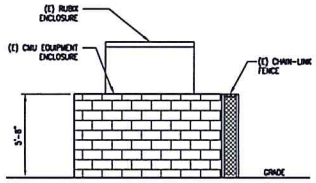
1



PROPOSED NORTHEAST ELEVATION

SCALE: 3/8"=1'-0" 0 1 2 3

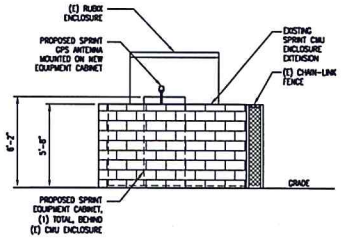
2



(E) NORTHWEST ELEVATION

SCALE: 1/4"=1'-0" 0 2 4

4



(P) NORTHWEST ELEVATION

SCALE: 1/4"=1'-0" 0 2 4

3

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0	08/21/2012	ISSUED FOR 90% CD REVIEW

BENICIA MIDDLE SCHOOL
FN04XC106-A
1100 SOUTHAMPTON RD.
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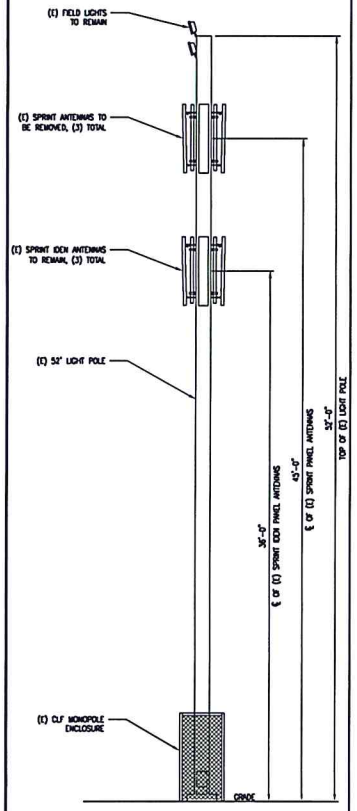
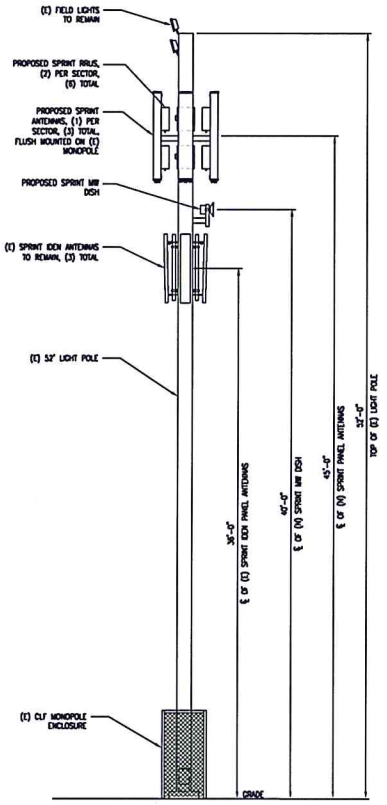
SHEET TITLE
ELEVATIONS

SHEET NUMBER
A-5

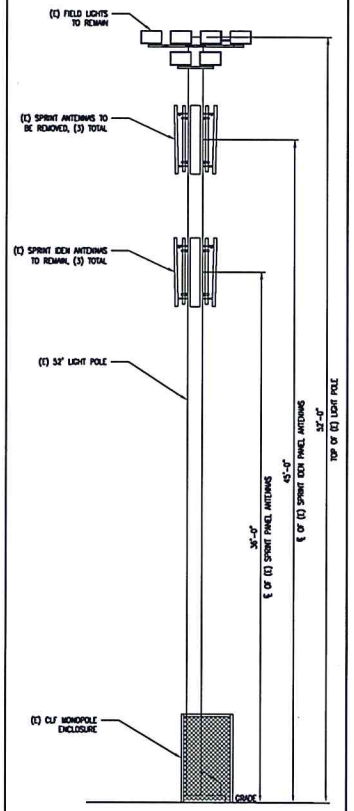


(E) NORTHWEST ELEVATION | SCALE: 1/4"=1'-0" | 0 2 4' | 1

NOTE:
THERE IS NO PROPOSED INTERIM LAYOUT, THIS IS TO BE AN ANTENNA "WARM SWAP"



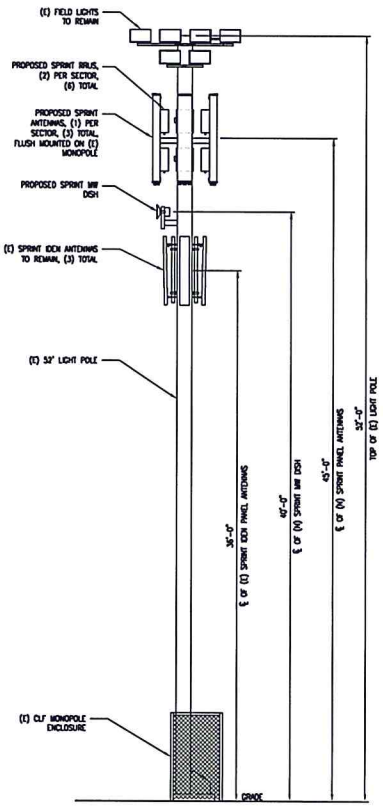
(P) NORTHWEST ELEVATION | SCALE: 1/4"=1'-0" | 0 2 4' | 2



(E) NORTHEAST ELEVATION | SCALE: 1/4"=1'-0" | 0 2 4' | 3

NOTE:
ALL ANTENNAS SHALL BE PAINTED TO MATCH EXISTING POLE COLOR.

NOTE:
THERE IS NO PROPOSED INTERIM LAYOUT, THIS IS TO BE AN ANTENNA "WARM SWAP"



(P) NORTHEAST ELEVATION | SCALE: 1/4"=1'-0" | 0 2 4' | 4

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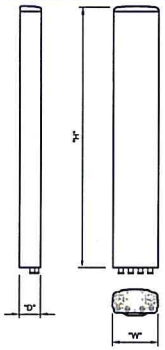
BENICIA MIDDLE SCHOOL
FN04XC106-A
1100 SOUTHAMPTON RD.
BENICIA, CA 94510

SHEET TITLE
ELEVATIONS

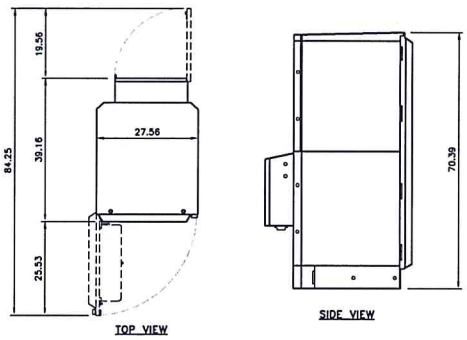
SHEET NUMBER
A-6

PROPOSED ANTENNA

MANUFACTURER:	POWERWAVE
MODEL:	P65-16-XLPP-RR
RADOME COLOR:	LIGHT GRAY
DIMENSIONS, HxWxD:	(72"x12"x6")
WEIGHT, WITH PRE-MOUNTED BRACKETS:	56 lbs

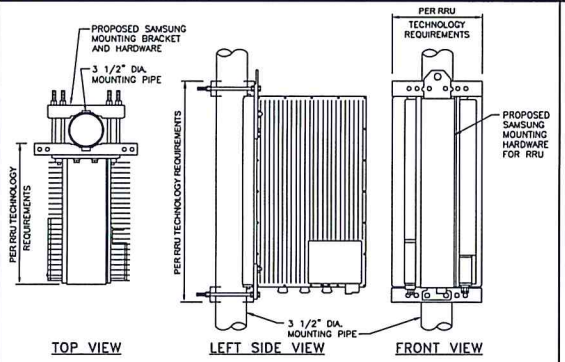


PROPOSED ANTENNA SPECIFICATIONS | NO SCALE | 1

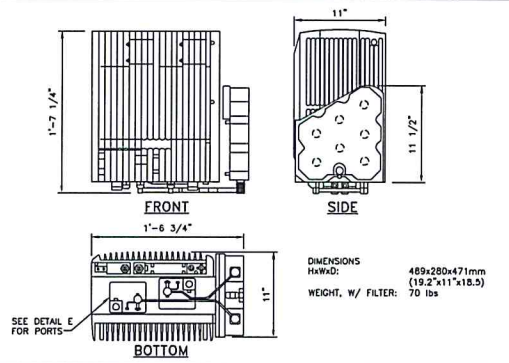


MMBS SPECIFICATIONS | NO SCALE | 2

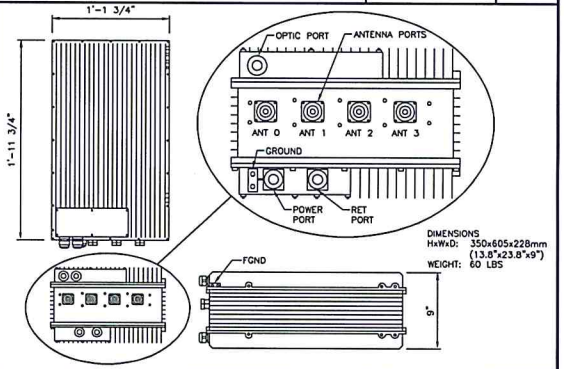
NOT USED | NO SCALE | 3



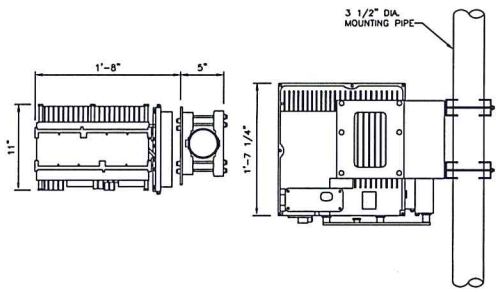
1900 MHz RRU POLE MOUNT INSTALLATION DETAIL | NO SCALE | 4



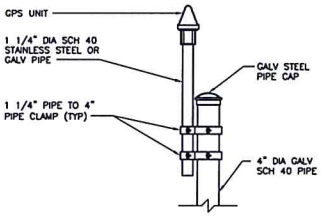
800MHZ RRU MECHANICAL SPECIFICATIONS | NO SCALE | 5



1.9MHZ RRU MECHANICAL SPECIFICATIONS | NO SCALE | 6



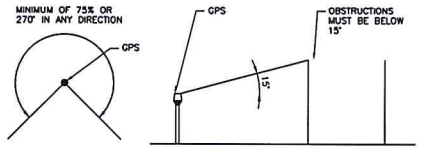
800 MHz RRU POLE MOUNT INSTALLATION DETAIL | NO SCALE | 7



NOTES:

1. THE GPS ANTENNA MOUNT IS DESIGNED TO FASTEN TO A STANDARD 1-1/4" DIAMETER, SCHEDULE 40, GALVANIZED STEEL OR STAINLESS STEEL PIPE. THE PIPE MUST NOT BE THREADED AT THE ANTENNA MOUNT END. THE PIPE SHALL BE CUT TO THE REQUIRED LENGTH (MINIMUM OF 18 INCHES) USING A HAND OR ROTARY PIPE CUTTER TO ASSURE A SMOOTH AND PERPENDICULAR CUT. A HACK SAW SHALL NOT BE USED. THE CUT PIPE END SHALL BE DEBURRED AND SMOOTH IN ORDER TO SEAL AGAINST THE NEOPRENE GASKET ATTACHED TO THE ANTENNA MOUNT.
2. IT IS CRITICAL THAT THE GPS ANTENNA IS MOUNTED SUCH THAT IT IS WITHIN 2 DEGREES OF VERTICAL AND THE BASE OF THE ANTENNA IS WITHIN 2 DEGREES OF LEVEL.
3. DO NOT SWEEP TEST GPS ANTENNA.

GPS UNIT PIPE MOUNT | NO SCALE | 8



GPS MINIMUM SKY VIEW REQUIREMENTS | NO SCALE | 9

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BENICIA MIDDLE SCHOOL
FN04XC106-A
1100 SOUTHAMPTON RD.
BENICIA, CA 94510

SHEET TITLE
EQUIPMENT DETAILS

SHEET NUMBER
A-7

AGENDA ITEM
PLANNING COMMISSION MEETING: JULY 11, 2013
REGULAR AGENDA ITEMS

DATE : July 5, 2013

TO : Planning Commission

FROM : Amy Million, Principal Planner

SUBJECT : **VALERO CRUDE BY RAIL PROJECT**

PROJECT : 12PLN-00063 Use Permit
3400 East Second Street
APN: 0080-110-480

RECOMMENDATION:
Due to the number of comments received in response to the Initial Study/ Mitigated Negative Declaration issued for the proposed project, staff will need additional time to prepare the responses to these comments. Therefore, staff is recommending that the Planning Commission open the public hearing on this item, hear all public comments and then continue the item to August 1. The next regular meeting of the Planning Commission is scheduled for August 8, 2013; however the applicant has requested that the Planning Commission hold a special meeting on August 1, 2013. The applicant has made this request to minimize the delay in completing the project. Staff is able to accommodate this timeframe.

EXECUTIVE SUMMARY:
The proposed Valero Crude by Rail Project (CBR) would allow the Valero Benicia Refinery (Refinery) access to additional North American-sourced crude oil for delivery to the Refinery by railroad. The proposed Project would involve the installation and modification of Refinery non-process equipment that would allow the Refinery to receive a portion of its crude oil deliveries by rail car, replacing equal quantities of crude currently being delivered to the Refinery by marine vessel. Valero intends to replace up to 70,000 barrels per day of the crude oil currently supplied to the Refinery by marine vessel with an equivalent amount of crude oil transported by railcars. The crude oil to be transported by railcars is expected to be of similar quality compared to existing crude oil imported by marine vessels. Crude delivered by rail would not displace crude delivered to the Refinery by pipeline.

BUDGET INFORMATION:
Valero is a large source of revenue for the City and the single largest private employer, employing more than 500 employees. The combined property, sales and utility user tax represent more than 20% of the City's general fund revenue. The proposed project will allow the refinery to remain competitive in the marketplace. In addition, the proposed project will generate an estimated $180,000 in building permit fees as part of the construction plan review and inspection process. Furthermore, upon completion of the project, Valero will hire thirty (30) additional full time employees.

ENVIRONMENTAL ANALYSIS:
A Mitigated Negative Declaration (MND) is recommended for this project to comply with the California Environmental Quality Act (CEQA), which is based on an Initial Study. The MND was circulated for a 30-day public review period between May 31, 2013 and July 1, 2013. A brief analysis of this document is provided below. Please refer to the Initial Study/Mitigated Negative Declaration for the full environmental analysis.

GENERAL PLAN:
Relevant General Plan Goals and Policies:

- **GOAL 2.5:** Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.

- **GOAL 2.6:** Attract and retain a balance of different kinds of industrial uses to Benicia.
  - **Policy 2.6.4:** Link any expansion of Industrial land use to the provision of infrastructure and public services that are to be developed and in place prior to the expansion.
  - **Policy 2.6.5:** Establish and maintain a land buffer between industrial/commercial uses and existing and future residential uses for reasons of health, safety, and quality of life.

- **GOAL 2.7:** Attract and retain industrial facilities that provide fiscal and economic benefits to—and meet the present and future needs of—Benicia.

- **GOAL 2.20:** Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit, balancing vehicle-flow improvements with multi-modal considerations.
  - **Policy 2.20.1:** Maintain at least Level of Service D ("LOS D") on all city roads, street segments, and intersections. *Exceptions may be allowed

where measures required to achieve LOS D are infeasible because of right-of-way needs, impact on neighboring properties, aesthetics, or community character.

- ❑ **GOAL 3.9** Protect and enhance scenic roads and highways.
  - ➢ **Policy 3.9.1** Preserve vistas along I-780 and I-680

- ☐ **GOAL 4.1:** Make community health and safety a high priority for Benicia.
  - ➢ **Policy 4.1.1:** Strive to protect and enhance the safety and health of Benicians when making planning and policy decisions.

- ☐ **GOAL 4.7:** Ensure that existing and future neighborhoods are safe from risks to public health that could result from exposure to hazardous materials.

- ☐ **GOAL 4.8:** Protect sensitive receptors from hazards.
  - ➢ **Policy 4.8.1:** Evaluate potential hazards and environmental risks to sensitive receptors before approving development.

- ☐ **GOAL 4.9:** Ensure clean air for Benicia residents.

- ☐ **GOAL 4.22:** Update and maintain the City's Emergency Response Plan.

- ☐ **GOAL 4.23:** Reduce or eliminate the effects of excessive noise.

STRATEGIC PLAN:
Relevant Strategic Issues and Strategies and Actions:

- ❑ **Strategic Issue 2:** Protecting and Enhancing the Environment
  - ➢ **Strategy 2.1** Reduce greenhouse gas emissions and energy consumption

- ❑ **Strategic Issue 3:** Strengthening Economic and Fiscal Conditions
  - ➢ **Strategy 3.2** Strengthen Benicia Industrial Park competitiveness
  - ➢ **Strategy 3.3**: Retain and attract business

BACKGROUND:
Applicant/Owner: Valero Refining Company - California
General Plan designation\Zoning: IG (General Industrial), IW (Waterfront Industrial)
Existing use: existing refinery and associated shipping operations
Adjacent zoning and uses:
North: IG, IP and IW; industrial uses; undeveloped industrial property
East: IG; industrial uses

South: IG; industrial uses; Carquinez Strait
West: IG; undeveloped refinery property

The refinery was constructed by Humble Oil in 1969, and it has undergone a number of changes over the years. Many of the changes were in response to new regulations limiting emissions from refinery process units and requiring reformulation of gasoline to produce cleaner-burning fuels. In 2000, Exxon sold the refinery to Valero, an independent refining company that does not have oil reserves of its own. In 2003, Valero received Use Permit approval for the Valero Improvement Project (VIP) to modify existing refinery equipment and install new equipment to allow the refinery to process lower grades of raw materials (crude oil and gas oil) and to increase overall production by about 10%. The proposed Crude by Rail (CBR) project would change the shipment method of up to 70,000 barrels per day of crude oil to be delivered by railcar rather than by marine vessel. The refinery is limited by its permits from the Bay Area Air Quality Management District (BAAQMD) to 180,000 barrels per day on a maximum daily basis and 165,000 barrels per day on an annual average. This limit would not change.

SUMMARY:

A. Project Description:

The Valero Crude by Rail (CBR) project would consist of the installation and modification of Refinery non-process equipment that would allow the Refinery to receive a portion of its crude oil deliveries by railcar replacing equal quantities of crude currently being delivered to the Refinery by marine vessel. These changes would include the installation of new facilities as well as the modification to existing facilities. The components of the project include the following:

1. Change the shipment method of up to 70,000 barrels per day of crude oil to be delivered by rail cars rather than by marine vessel
2. Installation of a new 1,500-foot-long unloading rack capable of offloading two rows of 25 crude oil rail cars
3. Construction of two parallel, rail spurs to access the unloading rack
4. Installation of approximately 4,000 linear feet of 16-inch diameter crude oil pipeline (above ground)
5. Change in service for Tank 1776 from Jet "A", mogas and diesel service to also allow crude oil service
6. Replacement and relocation of approximately 1,800 feet of tank farm dikes with a new 8-foot-tall concrete berm
7. Relocation of an existing firewater pipeline, compressor station and associated underground infrastructure
8. Relocation or removal of existing groundwater wells along Avenue "A"

9. Construction of a new 20-foot-wide service road along the western side of the new unloading rail spurs
10. Installation of three new pumps located on the western side of the new service road

B. Analysis

The IG district requires a Use Permit for oil and gas refining. The Valero refinery was constructed prior to the adoption of that requirement and, therefore, the existing refinery is a legal nonconforming use. The nonconforming use regulations require a Use Permit for "alteration" or "expansion", as defined, of a legal nonconforming use. The CBR project constitutes an "alteration" of the existing use, in accordance with Benicia Municipal Code Section 17.98.070, because its cost, estimated at $50 million, exceeds $20 million, in 1994 dollars, adjusted for inflation. Because the proposed project will be constructed within the existing developed area of the refinery, the project will meet setback, lot coverage and landscaping requirements in the Zoning Ordinance. The height of the new loading racks and walkways measure a maximum of 23 feet above grade, which is well below the 75 foot height limit for the IG zoning district. The proposed project does not require additional parking requirements of the Zoning Ordinance and the refinery has ample parking to accommodate both permanent employees and contractors. The addition of up to 30 permanent workers as part of the CBR project will not change those determinations.

The proposed project would add new safety lighting on and around the proposed rail car unloading racks. Lighting standards provided in BMC Section 17.70.250 D2, require that *site lighting shall be designed and installed to confine direct light rays to the site. Minimum illumination at ground level shall be 0.5 footcandles. Security lighting in any district may be indirect or diffused, or shall be shielded or directed away from adjoining properties and public rights-of-way.*

The unloading rack platform walkway would be approximately 13 feet above grade and is located near the northeastern parcel line adjacent to Sulphur Springs Creek. The 1,500-foot-long unloading rack would consist of 25, 60-foot-long segments. Each segment would include an aluminum pole with four LED lights mounted 12 feet above the unloading rack platform walkway and two LED pendant fixtures mounted underneath the platform, eight feet above grade. In addition, two pole-mounted LED lights would be located 18 inches above grade. Walkways extending over the rail spurs would include six stanchion-mounted LED fixtures along the walkway and stairs and four at stairway landings at each end of the unloading rack. Eleven stanchion-mounted LED fixtures would be mounted eight feet above eleven monitoring stations that would be evenly spaced along the length of the unloading rack. Eight

stanchion mounted fixtures at eight feet above grade would be installed in the pumping station.

As shown on the attached lighting plans, all proposed lighting is shielded downward toward the platform, walkways, loading rack and adjacent service road.

Noise levels associated with the proposed project would be related to the movement of rail cars and operation of the unloading rack pumps. Chapter 8.20 BMC provides the noise regulations. Section 8.20.140 addresses noise from the operation of machinery, equipment, fans, and air conditioning units. This section limits noise increases from such mechanical devices to a maximum of 5 dBA over ambient base noise levels at the property line of any property generating the noise. A noise assessment was prepared by Wilson Ihrig &Associates to evaluate noise level increases due to the implementation of the proposed Project. A copy of this report is attached. The noise assessment found that under worst-case conditions, noise from the unloading rack pumps and the rail car movements would be up to 21 dBA and 58 dBA, respectively, at the nearest residence at Lansing Circle, approximately 2,700 feet northwest of the northern end of the Project site (Wilson, Ihrig &Associates, 2013). Existing average hourly L_{eq} noise levels for day, evening, and nighttime hours at the nearest residences to the proposed Project site were measured to range between 52 dBA and 55 dBA. Therefore, the noise generated by the project once operational would be similar to existing noise generated by the Refinery.

Section 8.20.150 prohibits construction activities within any residential zoning district, or within a radius of 500 feet from a residential zone between the hours of 10:00 p.m. and 7:00 a.m. The project area is more than 2,000 feet from the nearest residential zoning district and therefore the standard related to construction noise does not apply to this project.

Emergency Access

Valero maintains an onsite Fire Department that regularly coordinates with the City of Benicia Fire Department. The Benicia Fire Department has a response time goal of 7 minutes for all emergency calls. In 2012, the average response time was 5.2 minutes (2,099 total incidents) and the average response time to the Park Road/Bayshore Road area was about 6.6 minutes (27 total incidents). An average of about two emergency incidents a month occurred along the industrial areas of Park Road and Bayshore Road. Although, the probability of an emergency at the same time as a train crossing is low, the existing at-grade train crossing at Park Road can potentially delay response times by the City of Benicia's emergency response vehicles in the area. If an emergency incident were to happen during those times, the City emergency respondents would be required to use East 2nd Street to Industrial Way in order to access areas that

normally would be accessed via Park Road. The additional rail crossings proposed by the CBR project increases the number of potential times where an alternative response route to the industrial area will need to be used. This alternative route of travel increases the response time to areas of the industrial park by slightly over two (2) minutes. This is based on an average travel speed of 30 mph. However, the city has a mutual aid agreement with the Refinery to address emergency response. Pursuant to the existing mutual aid agreement, the Refinery's onsite emergency response team will assist Benicia Fire Department by responding to off-site emergencies within the Park Road and Bayshore Road industrial areas if an emergency occurs during the event of a train crossing on Park Road.

Additionally, Benicia Fire Department uses Opticom transmitters which are placed on stoplights and on emergency response vehicles as a form of communication so that the stop light is changed to green for their direction of travel and a red light for cross traffic. There are many locations throughout the City where this is available. Since the alternative route to the Park Road/Bayshore Road area is longer and designated for emergency response, it is important to have the equipment in place. Draft condition of approval #10 requires that Valero insures that Opticom (3m) receivers along the entire alternate route of travel from Fire Station 11 (150 Military West) along Military West, East 2nd Street and Industrial Way to Park Road are installed and functional. In addition, Opticom transmitters shall be provided on all fire suppression units, including incident command vehicles.

The Park Road at-grade train crossing is also used by Union Pacific Railroad (UPRR) for deliveries to other parts of the industrial park. Some of these deliveries can cause extensive delays at the intersection due to the dividing of the train cars by UPRR. This activity is not associated within the CBR project. It is understood that Valero does not oversee the operation of UPRR; however it is important that the City's emergency responses are kept apprised of any blockage. Staff is recommending as a condition of approval that Valero coordinate with UPRR to the greatest extent feasible to provide a notification of all planned train crossings and blockage (stopped trains) at the Park Road at-grade train crossing. Any information provided to Valero by UPRR regarding known potential delays at railway crossings must be communicated to Benicia dispatch promptly.

Environmental Analysis

The key issues that must be considered in deciding whether the requested Use Permit should be granted are whether the potential environmental issues are addressed with the proposed mitigated negative declaration and whether the findings can be made for the Use Permit. Those issues are discussed below:

Because the proposed Project was estimated to be greater than $20 million in value (1994 dollars, adjusted for inflation) the City of Benicia environmental rules require project review under the California Environmental Quality Act (CEQA). An Initial Study was conducted which found that, while there would be potentially significant impacts from both construction and operation of the proposed Project, these impacts would be reduced to less than significant by incorporation of specific mitigation measures. Consequently a MND was prepared which identifies mitigations for all potentially significant impacts and these mitigation measures have been accepted by the Applicant. Furthermore, these mitigation measures have been incorporated into the Project's conditions of approval and the City will monitor the Applicant's compliance with them as the Project is constructed and operated.

The environmental effects of the project are discussed in detail in the Initial Study Checklist and the MND for the CBR project. However, the following is a summarized list of potential Project impacts and the mitigation measures recommended by the MND to reduce these impacts to a less-than-significant level.

Potential Impact – Air Quality

The air quality analysis takes into consideration both the construction phase and the operation of the project. As explained in the MND operation of the proposed project would result in reduced air emissions relative to the baseline. Meaning that the annual net operations exhaust emissions from the shipment by rail is less than that for marine vessel (baseline). No mitigation measure is required.

The majority of proposed Project-related exhaust emissions would be generated on-site due to the use of heavy-duty off-road equipment (such as excavators, graders, front loaders, dump trucks, cranes, and paving equipment). Construction activities would occur each day with two 10 hours shifts, 7 days a week, for 25 weeks. Exhaust emissions would also be generated by construction worker daily commutes and by heavy-duty diesel tractor trailer truck trips. It is assumed that up to 11,380 light-duty auto roundtrips would be required to transport workers to and from the site and up to 437 truck roundtrips to haul materials (e.g., concrete, asphalt) and debris to and from the site.

Air pollutant emissions were estimated by ERM, a consultant to the Applicant. The Initial Study evaluated these emissions and found that the total average daily construction exhaust emissions would not exceed the BAAQMD's significance thresholds. Therefore, impacts that would be associated with construction-related exhaust emissions would be less than significant.

In addition to exhaust emissions, emissions of fugitive dust would also be generated by project construction activities associated with earth disturbance, travel on paved and unpaved roads, etc. BAAQMD basic control measures, which are recommended for every construction project and contained in Mitigation Measure AIR-1, would be implemented to ensure that impacts associated with fugitive dust emissions would be reduced to a less-than-significant level.

Mitigation Measure AIR-1: Implement BAAQMD Basic Mitigation Measures. Valero and/or its construction contractors shall comply with the following applicable BAAQMD basic control measures during Project construction:

- All exposed dirt non-work surfaces (e.g., parking areas, staging areas, soil piles, and graded areas, and unpaved access roads) shall be watered two times a day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Tile 13, Section 2485 of California of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign with the telephone number and person to contact at the City of Benicia regarding dust complaints shall be posted throughout construction. Valero and/or contractor shall respond and take corrective action within 8 hours of notification by the City. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Potential Impact – Biological Resources

The MND determined that the proposed Project could have a substantial adverse indirect effect on nesting birds. While other special-status species occur in the vicinity, they are unlikely to be impacted by the Project due to lack of

habitat at the Project site. California red-legged frog and western pond turtle are unlikely to occur in the proposed Project area, which is defined for this analysis as the construction footprint where direct impacts to species could occur. Although the chain link fence is permeable to these species, there is no habitat in the proposed Project area and no protective cover. Nesting birds are also unlikely to occur in the proposed Project area, but could occur in the adjacent Sulphur Springs Creek corridor and could experience adverse indirect effects resulting from construction activities. The noise, vibrations, visual disturbance, and increased human activity associated with project construction could result in nest failure (disturbance, avoidance, or abandonment that leads to unsuccessful reproduction), or cause flight behavior that exposes an adult or its young to predators such as Cooper's hawks (Accipiter cooperii). Nest failure is a possible but unlikely outcome of construction activities, since the baseline noise and activity levels at the Refinery would not be significantly increased by construction activities. However, if it were to occur, nest failure would be a significant effect under CEQA and a violation of California Fish and Game Code Sections 3503- 3513 and the federal Migratory Bird Treaty Act. Implementation of the following mitigation measure would reduce potentially significant project effects on nesting birds to a less-than-significant level.

Mitigation Measure BIO-1: Nesting Birds.
Project construction activities should avoid the nesting season of February 15 through August 31, if feasible. If seasonal avoidance is not possible then no sooner than 30 days prior to the start of any Project activity a biologist experienced in conducting nesting bird surveys shall survey the Project area and all accessible areas within 500 feet. If nesting birds are identified, the biologist shall implement a suitable protective buffer around the nest and no activities shall occur within this buffered area. Typical buffers are 250 feet for songbirds and 500 feet for raptors, but may be increased or decreased according to site-specific, Project-specific, activity-specific considerations such as visual barriers between the nest and the activity, decibel levels associated with the activity, and the species of nesting bird and its tolerance of the activity. Construction activities that are conducted within a reduced buffer shall be conducted in the presence of a qualified full-time biological monitor.

Potential Impact – Cultural Resources
The records search at the North West Information Center indicates that no previously recorded archaeological resources are located within the project area of potential effect or within the ½-mile records search radius. Qualified archaeologists conducted a pedestrian survey of the Refinery in 2001. The surveyors noted that the extent of soil disturbance due to grading and identified no prehistoric archaeological resources within the boundaries of the Refinery.

As outlined in Mitigation Measures CUL-1, CUL-2, and CUL-3, compliance with cultural resource protection procedures during ground disturbance would assure that discovery of any unknown cultural/paleontological resources or human remains would be treated appropriately and therefore that any impact in this regard would be less than significant.

Mitigation Measure - CUL-1: Inadvertent Discover of Cultural Resources.
If prehistoric or historic-period archaeological resources are encountered, all construction activities within 50 feet shall halt and Valero shall be notified. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery. If it is determined that the Project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), preservation in place may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with Valero and the affiliated Native American tribe(s), if applicable. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the Project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.

Mitigation Measure - CUL-2: Inadvertent Discover of Paleontological Resources.
In the event of an unanticipated discovery of a fossil or fossilized deposit during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until a qualified paleontologist examines the discovery. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. The paleontologist shall oversee implementation of these procedures once they have been determined.

Mitigation Measure - CUL-3: Inadvertent Discover of Human Remains.
In the event of discovery or recognition of any human remains during construction activities, such activities within 50 feet of the find shall cease until the Solano County Coroner has been contacted to determine that no

investigation of the cause of death is required. The Native American Heritage Commission (NAHC) will be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to Valero for the appropriate means of treating the human remains and any grave goods.

Potential Impact – Geology and Soils

With foundation and structural design in accordance with the current California Building Code (CBC) standards, seismic shaking should not result in significant structural damage to proposed Project components. Seismic design consistent with current professional engineering and Refinery industry standards would be employed in the proposed construction for resistance to strong ground shaking, especially for lateral forces. At a minimum, the CBC requirements would be followed during design and construction of all elements of the proposed Project. Additionally, the Applicant would be required to submit geotechnical engineering reports to the City that address site stability and foundation integrity for projects involving substantial grading in order to obtain grading or construction permits. The following mitigation measure would ensure that the level of risk from ground shaking would be less than significant.

Mitigation Measure - GEO-1: Identification of Geologic Hazards.

A site-specific, design level geotechnical investigation shall be required as part of this Project to identify geologic hazards and provide recommendations to mitigate any such hazards in the final design of the proposed Project. The analyses would be completed in accordance with applicable City ordinances and policies and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from known active faults. The geotechnical investigation report shall evaluate the potential for ground shaking, liquefaction, and landslide hazards and shall include recommendations to ensure slope stability. The investigation shall be conducted by a California registered engineer or certified engineering geologist and all recommendations made in the investigation report shall be incorporated into the proposed Project design specifications.

Potential Impact – Hydrology and Water Quality

Construction activities associated with the proposed Project would require land disturbing activities such as grading, earthmoving, backfilling, and compaction. Additionally, proposed Project construction would involve use of chemicals and solvents such as fuel and lubricating grease for motorized heavy equipment. Such construction activities could cause dislodging of soil and erosion or inadvertent spills of construction related chemicals into waterways resulting in adverse water quality impacts. Sulphur Springs Creek is directly adjacent to the

proposed Project and these impacts could be significant in the immediate vicinity of construction activities as well as further downstream. Construction or grading activities occurring on land parcels of one acre or more in size are subject to a General Construction Permit under the National Pollutant Discharge Elimination System permit program under section 402(p) of the federal Clean Water Act. However, the San Francisco Bay Regional Water Quality Control Board confirmed that stormwater runoff generated during Project construction activities would not require coverage under the General Permit for Construction Activities based on measures described in Valero's SWPPP. Implementation of a storm water management plan (SWMP) as described below in Mitigation Measure HYD-1 would ensure that the Project would not substantially degrade water quality. Implementation of standard construction procedures and precautions would also ensure that the water quality impacts related to the handling of chemicals from Project construction would be less than significant.

Mitigation Measure - HYD-1: Preparation of a Storm Water Management Plan. The Applicant and/or its contractor shall prepare and implement a storm water management plan (SWMP) for construction of the proposed Project. The proposed project is covered under the Applicant's National Pollutant Discharge Elimination System permit and storm water pollution prevention plan (SWPPP). A notice of intent application and notice of termination application are not required. Implementation of the SWMP shall start with the commencement of construction and continue through the completion of the proposed Project. The SWMP shall identify pollutant sources (such as sediment) that may affect the quality of stormwater discharge and implement best management practices (BMPs) consistent with the California Stormwater Quality Association's BMP Handbook for Construction to reduce pollutants in stormwater. The Applicant or the construction contractor shall install erosion and stormwater control measures on the construction site such as installation of a silt fence and other BMPs, particularly at locations close to storm drains and water bodies. The BMPs shall also include practices for proper handling of chemicals such as avoiding fueling at the construction site and overtopping during fueling and installing spill containment pans.

Potential Impact – Transportation and Traffic

The proposed Project would increase the frequency of 8-minute crossings that occur in the area, but the increased crossing frequency is within the current range of crossing variability. Although the proposed Project would increase the train frequency on Park Road by four train crossings per day (two trips into the Refinery and two trips out of the Refinery), the proposed crossing duration of each proposed Project train trip is lower than train crossing durations that already exist today without the proposed Project. Train crossings that currently occur between 12:00 PM and 1:00 PM tend to produce more vehicle stacking

than at other times during which train crossings related to the Project would occur; the following measure would minimize potential Project impacts.

Mitigation Measure - TRAN-1: Limit Train Scheduling During Lunch Hour.
Prohibit scheduling crude train crossings during the weekday lunch hour (12:00 – 1:00 PM).

Potential Impact – Transportation and Traffic
The proposed increased crossing frequency is within the current range of crossing variability. According to the 2012 emergency response data provided by the fire department, an average of about two emergency incidents a month occurred along the industrial areas of Park Road and Bayshore Road. Based on the infrequency of incidents, the probability of an emergency incident occurring at the same time as a proposed Project train crossing is low. It is unlikely that the Project would cause the average emergency vehicle response time to increase to over 7 minutes for the Park Road and Bayshore Road industrial areas. However, the following measures would minimize potential Project impacts in regards to emergency vehicle access.

Mitigation Measure - TRAN-2: Coordination of Emergency Response.
Coordinate with the City of Benicia Fire Department to prepare an action plan in the event that an emergency occurs during a Project train crossing. The action plan would provide methods of adequately informing the Fire Department of the expected train crossing schedule and alternate routes to access the Park Road and Bayshore Road industrial areas during the event that a train crosses Park Road. Utilize the Refinery's existing onsite emergency response team to assist with responding to off-site emergencies within the Park Road and Bayshore Road industrial areas as requested by the City of Benicia Fire Department under the existing mutual aid agreement, if an emergency occurs during the event of a train crossing on Park Road.

Other potential environmental effects that were discussed in the Initial Study but found not to be potentially significant include:

- Aesthetics/Light and Glare
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use and Land Use Planning
- Noise

- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems
- Mandatory Findings of Significance

The summary of each is provided below.

Aesthetics
The proposed facilities would be much shorter than the existing tanks in the lower tank farm area and views of the unloading rack would be blocked from most off-site viewpoints due its location within the Refinery, the surrounding topography, and the low height of the proposed structure. The proposed Project would generally blend in with the existing facilities in the Refinery and would not obstruct predominant visual elements of the area that include the nearby hills, Suisun Bay, and expanses of adjacent open space or lightly developed areas. Impacts to scenic vistas would be less than significant.

Light and Glare
All lighting would be directional to illuminate rail car connecting points beneath the cars, walkways, access platforms, and the service road. A majority of the lighting and rail car access walkways would be mounted to the unloading rack structure.

The Refinery currently illuminates facilities in order for operations to continue throughout the night. Lighting within the Refinery would increase as a result of the proposed Project, but would not exceed the performance standards specified in Section 17.240.D.2 of the Zoning Ordinance. Structures that would be illuminated would be constructed within existing areas of the Refinery and would be directed appropriately to avoid disturbance to motorists or adjacent residential areas (the nearest residential neighborhood is located approximately 0.4-mile to the northwest of the terminus of the proposed rail spurs). The Project would not include structures that are constructed of highly reflective material, such as glass or mirror that would produce glare. The increased lighting resulting from the Project would not be substantial and would not adversely affect day or nighttime views in the area; the impact would be less than significant.

Greenhouse Gas Emissions
The majority of proposed Project-related greenhouse gas (GHG) construction emissions would be generated on-site due to the use of heavy-duty off-road

equipment that would include excavators, graders, front loaders, dump trucks, cranes, paving equipment, etc. GHG emissions would also be generated by construction worker daily commutes and by heavy-duty diesel tractor trailer trucks that would be required to haul materials and debris to/from the Project site. Project construction-related GHG emissions would be approximately 601 metric tons CO_2e per year, which is considerably lower than BAAQMD's quantitative threshold of 1,100 metric tons CO_2e per year for non-stationary sources. Therefore, GHG emissions that would be associated with construction of the proposed Project would represent a less than significant impact.

Project operations would result in a net reduction of GHG emissions over existing conditions as the overall capacity of the Refinery would be unchanged, but there would be less crude oil deliveries by marine vessels that have higher emissions compared to deliveries of crude oil by rail transit. The proposed Project would reduce GHG emissions by up to approximately 3,543 metric tons of CO_2e per year compared to existing conditions. Therefore, implementation of the project would represent a beneficial impact.

The City of Benicia Climate Action Plan (CAP) would apply to the proposed Project, specifically Policy IC-3.2, Decrease Transportation Source Emissions, and Objective IC-4, Encourage the Refinery to Continue to Reduce Emissions (City of Benicia, 2009). The proposed Project would not conflict with the CAP because it would support both of these initiatives as it would result in reduced net emissions in the BAAQMD from transportation sources.

Hazards and Hazardous Materials

While the proposed Project clearly involves the transportation of crude oil – a hazardous material – by rail, it also results in a reduction of the transportation of crude oil by marine vessel. As the quantities of crude delivered by rail and marine vessel offset each other, it is, at a minimum, expected that the relative risks offset each other and that rail transport would present no new significant hazard above the current Refinery baseline risk for marine transport of crude oil to the Refinery.

There are established laws, regulations and emergency response plans for the transport of hazardous materials to address any possible spill. According to the U.S. Department of Transportation Railroad Administration, "rail transportation of hazardous materials in the United States is recognized to be the safest method of moving large quantities of chemicals over long distances. Recent statistics show that the rail industry's safety performance, as a whole, is improving. In particular, the vast majority of hazardous materials shipped by rail tank car every year arrive safely and without incident, and railroads generally have an outstanding record in moving shipments of hazardous materials safely". (www.fra.dot.gov).

Therefore, the potential risk for the routine transport of crude oil by rail for the proposed Project is considered less than significant.

Land Use and Land Use Planning

The proposed Project site is designated General Industrial by the Benicia General Plan and General Industrial (IG) by the Benicia Zoning Ordinance. General Industrial uses are permitted by right under Benicia's Zoning Ordinance, except that a use permit is required for all oil and gas refining. The entire Refinery is located in an area designated by the San Francisco Bay Plan for water-related industry. The proposed Project site is not located within the boundaries of the Benicia Waterfront Special Area Plan or the Bay Area Seaport Plan (Benicia Port Plan). The proposed Project would not conflict with any applicable land use plan or policy.

The proposed Project is located outside the Marsh Protection Area identified in the Suisun Marsh Local Protection Program of the Suisun Marsh Protection Plan. Therefore, the Project would not conflict with this conservation plan; no impact would result.

Noise

Noise generated by the proposed Project is similar to existing noise generated by the Refinery. The proposed Project would result in a change in the method of delivering crude oil to the Project site from marine vessel to railcar. Overall, long-term noise levels that would be associated with the proposed Project would be similar to baseline conditions. A noise assessment conducted for the Applicant determined that the expected maximum noise levels from the two pump motors and train movements would be up to approximately 21 dBA and 58 dBA, respectively. These noise levels are comparable to existing noise in the area generated at the Refinery and therefore the proposed Project would not result in substantial permanent increases in ambient noise levels. Noise impacts would be less than significant.

Population and Housing

The Project would temporarily result in the presence of approximately 121 construction workers through the approximately 25-week construction period. This temporary addition of construction worker would not be considered a significant impact, nor would the addition of approximately 30 full-time-equivalent permanent employees. The Project would tap an available construction labor pool. Adequate labor exists in the Bay Area to fill the number of jobs the Project would create. The Project would not, directly or indirectly, induce population growth; the impact would be less than significant.

Public Services

The Refinery has its own security personnel and security procedures, which restrict access to the site and thereby reduce dependence on local law enforcement. The Refinery also has its own fire brigade for emergencies occurring within the Refinery, which is licensed by the State Fire Marshall, and utilizes the services of the Benicia Fire Department for response to emergencies occurring outside of the Refinery boundaries. Valero is also a participating member of the Bay Area Petrochemical Mutual Aid Organization, which is composed of more than half a dozen refineries and chemical plants whose operators have agreed to provide one another with emergency response resources in the event of a major emergency. The Project would not increase the demand for fire protection or police protection services. Therefore, it is not expected that the Project would affect service ratios or response times or increase the use of existing fire protection or police facilities such that substantial physical deterioration, alteration, or expansion of these facilities would occur.

Any short-term increase in population due to construction activities or long-term increase during operation would be considered minimal, as the majority of the anticipated workforce most likely currently resides within commuting distance of the project site. The number of potential school-age children of these construction workers would similarly be minimal. No new school facilities would be necessary to serve the project, so no adverse environmental impacts from facility construction and operation would occur.

Consequently, the Project would not require the construction of new or altered governmental facilities to maintain adequate service levels, response times, or performance objectives; impacts would be less than significant.

Recreation

There are six parks within about 1.5-mile of the proposed Project site: Waters End Park, Frank Skillman Park, Southampton Park, Francesca Terrace, Duncan Graham Park, and Overlook Park. Approximately 121 workers would be necessary during the 25-week construction period. Thirty full-time-equivalent workers are anticipated during project operation. Due to the relatively short construction period and the available experienced labor pool, it is anticipated that the construction workforce would likely already reside in the City of Benicia, Solano County, or in other nearby Bay Area communities. These workers would be expected to use recreational facilities nearest their places of residency. Therefore, the Project's anticipated construction workforce is not likely to use existing Benicia neighborhood and regional parks or recreational facilities proximate to the Refinery at levels greater than normal use. Even if all 30 anticipated permanent workers moved into the City of Benicia from elsewhere, the resulting population increase would be minor in relation to the overall population of the City. Thus, the actual increase in users at each park or recreational facility would be insignificant in relation to the design capacity.

Therefore, any increases in usage associated with the project would not result in substantial or accelerated physical deterioration of parks; the impact would be less than significant.

Utilities and Service Systems

The proposed Project would be constructed and its operations conducted entirely within those areas of the Refinery that are already served by the existing utilities and services systems. No new impacts are expected from the proposed Project.

Mandatory Findings of Significance

All potential impacts for biological and cultural resources are either reduced to less than significant with mitigation or less than significant with implementation of proposed mitigation measures BIO-1 and CUL-1. There are no currently known projects within the Refinery area or near the Refinery potentially affected by the proposed Project which could be considered cumulatively considerable. While the potential for the proposed Project to have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly, cannot be fully determined, it is clear that the primary project-related risk would be a spill of crude oil during transportation. In this case, the relative risk of an area potentially affected by a spill of crude oil from the proposed Project over the baseline case where crude is shipped by marine vessel is very likely much smaller and much less environmentally impacting. Consequently, when compared to the Project baseline risk conditions, this potential impact was considered less than significant.

Other potential environmental effects that were discussed in the Initial Study but found to have no significant impacts include:

- Agricultural and Forest Resources
- Mineral Resources

C. Use Permit Findings

Under the Zoning Ordinance, the following three findings are required to be made in order to approve a Use Permit:

1. *That the proposed location of the use is in accord with the objectives of the City of Benicia Zoning Ordinance set forth as Title 17 of the Municipal Code, and the purposes of the district in which the site is located.*

   The proposed project meets those purposes as outlined in Sections 17.04.030 and 17.32.010 of the Zoning Ordinance as follows:

The refinery, as a use that manufactures products (fuels) by processing raw materials (crude oil and gas oil), is consistent with the purpose of the IG district and the CBR project would enhance the refinery's ability to fulfill that purpose. The CBR project would consist of changes and improvements to an existing industrial use in an existing industrial district. The project's improvements would be constructed within the existing refinery footprint, and would, as mitigated, not have any significant environmental impacts on other land uses. The identified offsite project-related impacts of additional railcar crossings, as mitigated, would not create a conflict with other land uses.

The CBR project as mitigated and conditioned would meet performance standards set forth in Section 17.70.240 of the Zoning Ordinance to ensure that development projects conform with all applicable air and water quality regulations and do not create hazards or problems related to noise, glare, hazardous materials, heat and humidity or electromagnetic interference. The refinery has sufficient parking to accommodate the use.

The CBR project would not have service demands that exceed the capacities of existing streets, utilities or public services. The CBR project would not have an effect on views of the shoreline and undeveloped hillsides and ridgelines as the new rail car unloading rack would be much shorter than the adjacent development blocking their visibility from most of the off-site viewpoints. The project would have no effect on the City's architectural and cultural resources. The project would not affect existing open space nor would it interfere with future open space plans of the City.

The project would support the refinery in its ability to remain competitive in the marketplace and into the future. It would also provide an estimated 121 temporary construction jobs and up to 30 permanent full-time jobs, thereby strengthening the City's economic base. The addition of no more than 30 new employees would not cause or make a significant contribution to excessive population densities.

2. *That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the use, nor detrimental to the properties or improvements in the vicinity or to the general welfare of the city.*

The IS/MND analysis, together with the conditions of approval set forth herein and discussed in the staff report, show that the CBR project, as

mitigated and conditioned, would be consistent with all applicable goals and policies of the General Plan. The CBR project would not be detrimental to public health, safety, and welfare because the impacts of the project that might affect those impact areas would be mitigated by measures that are incorporated into the project or that are required by the conditions of approval, and also because the proposed change of shipment from marine vessel to rail car for up to 70,000 barrels per day result in a net decrease in the amount of greenhouse gas emissions. The MMRP will ensure that the project is consistent with implementing Program 2.36.A of the General Plan and enhancing the public health, safety, and welfare.

3. *That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.*

   As shown by Findings 2 and 3 and the discussion in the staff report, the CBR project as mitigated and conditioned would comply with the provisions of the Zoning Ordinance. There are no specific conditions required for oil and gas refining in the IG district except that a use permit is required.

As set forth above, the findings can be made for the CBR project, as mitigated and with the proposed conditions of approval.

D. General Plan Consistency

An analysis of how the project is consistent with the applicable General Plan goals and policies are as follows

- ***GOAL 2.5:*** *Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.*

  The CBR project would consist of changes and improvements to an existing industrial use in an existing industrial district. The proposed project would allow the refinery access to additional North-American sourced crudes thus allowing the refinery to remain competitive in the marketplace into the future.

  The proposed change of shipment methods of up to 70,000 barrels per day from marine vessel to railcar would result in a net reduction of GHG (greenhouse gas) emissions, therefore benefiting the community while maintaining health, safety, and quality of life.

- ***GOAL 2.6:*** *Attract and retain a balance of different kinds of industrial uses to Benicia.*
  - ***Policy 2.6.4:*** *Link any expansion of Industrial land use to the provision of infrastructure and public services that are to be developed and in place prior to the expansion.*
  - ***Policy 2.6.5:*** *Establish and maintain a land buffer between industrial/commercial uses and existing and future residential uses for reasons of health, safety, and quality of life.*

  The project's proposed improvements are located within a development area of the refinery in the northeast area of the parcel. The proposed project does not expand the refinery itself. The closest residential areas are approximately 3,000 feet from the proposed project site. The project does not alter or impact the existing land buffer between the refinery and the residential uses to the south, west and northwest.

- ***GOAL 2.7:*** *Attract and retain industrial facilities that provide fiscal and economic benefits to—and meet the present and future needs of—Benicia.*

  Valero is a large source of revenue for the City and the single largest private employer, employing more than 500 employees. The combined property, sales and utility user tax represent more than 20% of the City's general fund revenue. The proposed project would allow the refinery access to additional North-American sourced crudes, thus allowing the refinery to remain competitive in the marketplace into the future. Furthermore, upon completion of the project Valero will hire thirty (30) additional full time employees.

- ***GOAL 2.20:*** *Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit, balancing vehicle-flow improvements with multi-modal considerations.*
  - ***Policy 2.20.1:*** *Maintain at least Level of Service D ("LOS D") on all city roads, street segments, and intersections. *Exceptions may be allowed where measures required to achieve LOS D are infeasible because of right-of-way needs, impact on neighboring properties, aesthetics, or community character.*

  An excerpt from the Transportation and Traffic section of the Initial Study/Mitigated Negative Declaration:

  > "[The LOS D] criterion is typically used to assess impact of development projects that would generate

> increased vehicle trips at area intersections, something that this project would not do (except for temporary and intermittent traffic generated during project construction). However, intersection level of service is not the only or most applicable metric that can be used to evaluate impacts of increased rail activity on the surrounding transportation network…Generally, people who drive through industrial areas served by at-grade railroad crossings have a higher tolerance of delay associated within daily at-grade rail actively that is not on a set schedule compared to delays that are not in the vicinity of an at-grade railroad crossing…
>
> Even though delay experienced by drivers in the queue might be high during a long train crossing, it is not a foregone conclusion that the at-grade train crossing would adversely affect the surrounding transportation network. According to Union Pacific Railroad, trains that regularly cross Park Road currently cause traffic delays of up to 10 minutes at a time…Those daily traffic delays at the Park Road/ Bayshore Road intersection (i.e., with LOS worse than the City's LOS D standard) are part of the existing work environment that drivers expect and deal with as they choose.
>
> Therefore, LOS is not relevant to the more-important potential impacts – queues, delays and emergency access – of the proposed Project's rail car movements. Intersection LOS is inadequate to assess these potential impacts and is therefore not a suitable significance criterion for this analysis."

As part of the Draft Transportation Impact Analysis Report prepared by Fehr & Peers Transportation Consultants, vehicular and train crossing studies were conducted in the area of proposed increased railcar activity (Park Road rail crossing at Valero) as follows:

1) An automatic traffic count was conducted on Park road;
2) A train crossings count was collected at the Park Road at-grade crossing; and
3) A train crossing count at the Iron Workers Union Driveway 700 feet southeast of Park Road, each study conducted for seven days.

These studies show that the proposed project would increase the frequency of the number of crossings (four crossings per day), but the increased crossing frequency is within the current range of crossing variability (length the time). The proposed crossing duration of 8-minutes is lower than train crossing durations that already exist today without the proposed project. The CBR project as mitigated and conditioned would not further decrease the LOS beyond what current exists and therefore would be consistent with the City's LOS standards.

- ❑ ***GOAL 3.9*** *Protect and enhance scenic roads and highways.*
  - ➢ ***Policy 3.9.1*** *Preserve vistas along I-780 and I-680*

The most visible physical changes at the site would be the replacement portions of the farm dikes with the 8-foot tall retaining wall and the rail car unloading rack. Views of these changes would be blocked from most offsite viewpoints due to their location within the refinery and surrounding topography. The proposed facilities would be much shorter than the existing tanks in the immediate area. The proposed project would blend in with the existing facilities in the refinery and would not obstruct predominant visual elements of the area including the nearby hills, Suisun Bay and adjacent open space; all of which are visible from I-680.

Furthermore, according to the Scenic Highway Guidelines (California Department of Transportation), freeways are evaluated on the merits of how much natural landscape a traveler sees and the extent of visual intrusions. Visual intrusion may be natural or constructed and the less effected the scenic corridor is by the intrusion; the more likely it is to be nominated [for designation]. Based on the requirements and the existing extent of visual intrusions, designation of I-680 as a scenic highway is unlikely.

- ☐ ***GOAL 4.1:*** *Make community health and safety a high priority for Benicia.*
  - ➢ ***Policy 4.1.1:*** *Strive to protect and enhance the safety and health of Benicians when making planning and policy decisions.*

- ☐ ***GOAL 4.7:*** *Ensure that existing and future neighborhoods are safe from risks to public health that could result from exposure to hazardous materials.*

- ☐ ***GOAL 4.8:*** *Protect sensitive receptors from hazards.*
  - ➢ ***Policy 4.8.1:*** *Evaluate potential hazards and environmental risks to sensitive receptors before approving development.*

The environmental review associated with the proposed project addressed several different factors relating to community health and safety including, air quality, hazardous materials, water quality, transportation, etc. The determination was that the effects of the project on the environment including the safety and health of the community were to be less than significant. The change of shipment of up to 70,000 barrels of crude oil per day by marine vessel to shipment by rail car results in a net decrease of air pollutants and greenhouse gas emissions. The project area is located on the northeast portion of the refinery. The closest sensitive receptors to the proposed project would be residencies approximately 2,700 feet northwest of the project site. The potential impacts to these receptors were evaluated in the Initial Study/Mitigated Negative Declaration and it was determined that the impact would be less than significant.

☐ ***GOAL 4.9:*** *Ensure clean air for Benicia residents.*

The General Plan requires that projects with identified significant air quality impacts include all feasible mitigation measures needed to reduce impacts to less than significant levels. The Initial Study / Mitigated Negative Declaration prepared for the proposed project identified mitigation measures during project construction. Those mitigation measures were an implementation of the basic Bay Area Air Quality Management District (BAAQMD) control measure for project construction.

The emissions by marine vessel are higher than the emissions by rail car; therefore, the operation of the proposed project results in proportionately less emission reduction. By reducing the air pollutants, the proposed project is consistent with the goal of having clean air for Benicia residents.

☐ ***GOAL 4.22:*** *Update and maintain the City's Emergency Response Plan.*

Valero maintains an onsite Fire Department that regularly coordinates with the City of Benicia Fire Department. An average of about two emergency incidents a month occurred along the industrial areas of Park Road and Bayshore Road. Although, the probability of an emergency at the same time as a train crossing is low, the existing at-grade train crossing at Park Road can potentially delay response times by the City of Benicia's emergency response vehicles in the area. If an emergency incident were to happen during those times, the City emergency respondents would be required to use East 2nd Street to Industrial Way in order to access areas that normally would be accessed via Park Road.

As a condition of approval for the project, Valero will continue to work with the Benicia Fire Department on coordination efforts and specifically will insure that Opticom (3m) receivers along the entire alternate route of travel from Fire Station 11 (150 Military West) along Military West, East 2nd Street and Industrial Way to Park Road are installed and functional. In addition, Opticom transmitters will be provided on all fire suppression units, including incident command vehicles.

Pursuant to the existing mutual aid agreement, the Refinery's onsite emergency response team will continue to assist Benicia Fire Department by responding to off-site emergencies within the Park Road and Bayshore Road industrial areas if an emergency occurs during the event of a train crossing on Park Road (see also, Mitigation Measure – TRAN-2)

☐ ***GOAL 4.23:*** *Reduce or eliminate the effects of excessive noise.*

The proposed project does not create excessive noise; therefore no effects need to be reduced or eliminated. Noise levels associated with the proposed project would be related to the movement of rail cars and operation of the unloading rack pumps. A noise assessment was prepared by Wilson Ihrig &Associates to evaluate noise level increases due to the implementation of the proposed Project. The noise assessment found that under worst-case conditions, noise generated by the project once operational would be similar to existing noise generated by the Refinery.

CONCLUSION:
Written comments received within the Initial Study / Mitigated Negative Declaration 30-day public review period (May 30 – July 1, 2013) as well as those provided by responsible agencies will be included as part of a written response to comments document and provided for review and comment at the next Planning Commission meeting. All other comments received will be included as part of the public record and also provided to the Planning Commission. As of the writing of this report, staff received 29 written comments during the 30-day review period and 3 additional comments. All written comments are attached to this report.

The Initial Study/Mitigated Negative Declaration has been completed in accord with CEQA requirements and accurately describes the potential impacts of the CBR and the necessary mitigations. The proposed CBR project, with the mitigations proposed in the IS/MND, and with the proposed conditions of approval, is consistent with the purposes of the IG district and will not have significant adverse impacts on surrounding land uses, the public, or the environment. The project will lower greenhouse gas emissions and will allow the refinery to remain competitive in the marketplace into the future.

FURTHER ACTION:

Staff recommends that the Planning Commission open the item, hear all public comments and then continue the item to August. The next regular meeting of the Planning Commission is scheduled for August 8, 2013. The applicant is requesting that the Planning Commission hold a special meeting on August 1, 2013 in an effort to not further delay the project. Staff is able to accommodate this timeframe.

ATTACHMENTS:

- Draft Resolution
- Project Description
- Project Plans
- Initial Study / Mitigated Negative Declaration
- Draft Transportation Impact Analysis, Fehr & Peers, May 2013
- Noise Study, Wilson, Ihrig &Associates, March 8, 2013
- Public Comments

DRAFT RESOLUTION

RESOLUTION NO. 13- (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING A USE PERMIT FOR THE VALERO CRUDE BY RAIL PROJECT AT 3400 EAST SECOND STREET (12PLN-00063)

WHEREAS, on December 21, 2012, Don Cuffel on behalf of Valero Refinery, requested use permit approval for the Valero Crude by Rail (CBR) Project at 3400 East Second Street; and

WHEREAS, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the CBR project and circulated for a 30-day comment period between May 30, 2013- July 1, 2013; and

WHEREAS, the Planning Commission, at their regular meeting of July 11, 2013, held a public hearing and heard testimony from members of the public regarding the proposed use permit for the Valero CBR project and documentation including, the IS/MND, the Mitigation Monitoring and Reporting Program, the staff report, and the proposed conditions of approval; and

WHEREAS, the Planning Commission, at their meeting of August "___" , 2013, conducted a public hearing and considered and discussed the IS/MND, the Mitigation Monitoring and Reporting Program, the staff report, and the proposed use permit with conditions of approval for the Valero CBR project, and heard testimony from members of the public regarding the documents and the proposed use permit.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Benicia hereby adopts the Mitigated Negative Declaration and approves the Use Permit for the Valero Crude by Rail Project based on the following findings:

1. In accordance with state and local procedures regarding the California Environmental Quality Act (CEQA), ESA, consultant in collaboration with the Community Development Department conducted an Initial Study. The report preparers, in consultation with City of Benicia staff, have determined that with the implementation of mitigation measures identified in this Mitigated Negative Declaration, the proposed Project will not have a significant effect on the environment. The requirements of CEQA will be met by the preparation of this Mitigated Negative Declaration and the Project does not require the preparation of an Environmental Impact Report.

2. *The proposed location of the use is in accord with the objectives of the City of Benicia Zoning Ordinance set forth as Title 17 of the Municipal Code, and the purposes of the district in which the site is located.*

The proposed project meets those purposes as outlined in Sections 17.04.030 and 17.32.010 of the Zoning Ordinance as follows:

The refinery, as a use that manufactures products (fuels) by processing raw materials (crude oil and gas oil), is consistent with the purpose of the IG district and the CBR project would enhance the refinery's ability to fulfill that purpose. The CBR project would consist of changes and improvements to an existing industrial use in an existing industrial district. The project's improvements would be constructed within the existing refinery footprint, and would, as mitigated, not have any significant environmental impacts on other land uses. The identified offsite project-related impacts of additional railcar crossings, as mitigated, would not create a conflict with other land uses.

The CBR project as mitigated and conditioned would meet performance standards set forth in Section 17.70.240 of the Zoning Ordinance to ensure that development projects conform with all applicable air and water quality regulations and do not create hazards or problems related to noise, glare, hazardous materials, heat and humidity or electromagnetic interference. The refinery has sufficient parking to accommodate the use.

The CBR project would not have service demands that exceed the capacities of existing streets, utilities or public services. The CBR project would not have an effect on views of the shoreline and undeveloped hillsides and ridgelines as the new rail car unloading rack would be much shorter than the adjacent development blocking their visibility from most of the off-site viewpoints. The project would have no effect on the City's architectural and cultural resources. The project would not affect existing open space nor would it interfere with future open space plans of the City.

The project would support the refinery in its ability to remain competitive in the marketplace and into the future. It would also provide an estimated 121 temporary construction jobs and up to 30 permanent full-time jobs, thereby strengthening the City's economic base. The addition of no more than 30 new employees would not cause or make a significant contribution to excessive population densities.

3. *The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the use, nor detrimental to the properties or improvements in the vicinity or to the general welfare of the city.*

The IS/MND analysis, together with the conditions of approval set forth herein and discussed in the staff report, show that the CBR project, as mitigated and conditioned, would be consistent with all applicable goals and policies of the General Plan. The CBR project would not be detrimental to public health, safety,

and welfare because the impacts of the project that might affect those impact areas would be mitigated by measures that are incorporated into the project or that are required by the conditions of approval, and also because the proposed change of shipment from marine vessel to rail car for up to 70,000 barrels per day result in a net decrease in the amount of greenhouse gas emissions. The MMRP will ensure that the project is consistent with implementing Program 2.36.A of the General Plan and enhancing the public health, safety, and welfare.

4. *The proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.*

   As shown by Findings 2 and 3 and the discussion in the staff report, the CBR project as mitigated and conditioned would comply with the provisions of the Zoning Ordinance. There are no specific conditions required for oil and gas refining in the IG district except that a use permit is required.

BE IT FURTHER RESOLVED THAT the Planning Commission of the City of Benicia hereby approves the proposed project subject to the following conditions:

1. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a building permit and the commencement of work that is diligently pursued to completion. Alternatively, the time period may be extended, by the Community Development Director, if the application for time extension is received prior to the end of the initial two year deadline and there has been no change in the City's development policies which affect the site, and there has been no change in the physical circumstances nor new information about the project site which would warrant reconsideration of the approval.

2. The scope of approval is limited to the Crude by Rail Project as described in the Use Permit Application (12PLN-00063), submitted by Valero to the City of Benicia and including the following documents:

   a. Application for Use Permit submitted December 21, 2012
   b. Initial Study/Mitigated Negative Declaration prepared by ESA, May 2013
   c. Mitigation Monitoring Reporting Program prepared by ESA, July 2013
   d. Valero Crude by Rail Project Description prepared by ERM, March 2013
   e. Draft Transportation Impact Analysis Report prepared by Fehr and Peers, May 2003
   f. Noise Study prepared by Wilson Ihrig & Associates, March 8, 2013

3. This approval is based in part on the assumption, consistent with any conditions of approval imposed by the BAAQMD, that there will be no increase in overall refinery emissions as a result of the CBR project. A change in the project that would result in such an emission increase shall require a use permit amendment with associated CEQA review.

4. Valero shall provide the City with copies of any application to the BAAQMD for a new Authority to Construct or any amendment to an existing Authority to Construct for any part of the CBR project, so that the City may evaluate the proposals for consistency with the scope of the use permit approval and the CBR environmental analysis.

5. All of the mitigation measures set forth in the adopted Mitigated Negative Declaration are hereby incorporated by reference as conditions of approval of the use permit. The Mitigation Monitoring and Reporting Program, adopted by the Planning Commission on July 11, 2013, and attached hereto as Exhibit A, is hereby incorporated and included as a condition of the use permit approval to ensure that the mitigation measures identified in the Mitigated Negative Declaration are complied with during project implementation.

6. The design of proposed exterior lighting fixtures and drawings showing the plans for installation shall comply with requirements of the Zoning Ordinance and shall be submitted to the Community Development Department in advance for approval.

7. The plans submitted for the building permit and construction shall substantially comply with the plans stamped received December 21, 2012 except as modified by the following conditions. Any change from this approval including substitution of materials, shall be requested in writing and approved by the Community Development Director, or designee, prior to changes being made in the field.

8. Valero shall submit Stormwater Pollution Prevention Plans to the City of Benicia when required under the City's Grading Ordinance.

9. As part of the coordination with the Benicia Fire Department, the following shall be provided:

    a. Confirmation of existence and functionality of Opticom (3m) transmitters at all stoplights along the entire route of travel from Fire Station 11 (150 Military West) along Military West, East 2nd Street, and Industrial Way to Park Road. Where Opticom receivers on the route previously described do not exist, Valero shall be responsible for providing them to the City of Benicia Fire Department for installation. Valero shall be responsible for any labor and equipment costs associated with the maintenance or installation of any upgraded or new transmitters required at these locations.

    b. Provide Opticom transmitters on all fire suppression units, including incident command vehicles. Where Opticom transmitters on the emergency vehicles do not exist, Valero shall be responsible for providing them to the City of Benicia Fire Department for installation. Valero shall be

responsible for any labor and equipment costs associated with the maintenance or installation of any upgraded or new transmitters required.

c. To the greatest extent possible, Valero shall coordinate with Union Pacific railroad to provide notification outlining all planned train blockings (stopped trains) at the Park Road at-grade crossing prior to each week. Valero will communicate these notifications promptly (same day) to Benicia dispatch.

d. Pursuant to the existing mutual aid agreement, the Refinery's onsite emergency response team will assist Benicia Fire Department by responding to off-site emergencies within the Park Road and Bayshore Road industrial areas if an emergency occurs during the event of a train crossing on Park Road (see also, Mitigation Measure – TRAN-2)

10. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.

11. The applicant or permittee shall 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 Planning Commission, City Council, Community Development Director's, Historic Preservation Review Commission or any other department, committee, or agency of the City concerning a development, 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 shall 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.

* * * * *

On motion of Commissioner , seconded by Commissioner , the above Resolution was adopted at a " ___" meeting of the Planning Commission on August " __" 2013, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

_____
Don Dean
Planning Commission Vice-Chair