

**AGENDA ITEM**  
**CITY COUNCIL MEETING: OCTOBER 21, 2008**  
**ACTION ITEM**

**DATE** : October 10, 2008

**TO** : City Council

**FROM** : City Manager  
City Attorney  
Community Development Director

**SUBJECT** : **BENICIA BUSINESS PARK REZONING, MASTER PLAN  
OVERLAY, VESTING TENTATIVE MAP AND ADDENDUM**

**RECOMMENDATION:**

Staff recommends continuing the item to November 18, with the applicant's concurrence, to allow participation by the full Council and to allow time for additional public review of proposed project mitigation measures and conditions (including items in the Supplemental Transportation Assessment) and to allow the applicant to consider and agree to additional requirements of the Council to allow the project to be approved.

An alternative is to adopt the resolution to reject the project per staff's understanding of the Council's direction at the October 7, 2008 meeting to prepare such resolution.  
(Resolution #1)

A second alternative is to approve the project by adopting resolutions presented at the October 7, 2008 meeting:

- (1) adopting the EIR Addendum, Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations (for a significant and unavoidable air quality impact), and associated Findings pursuant to the California Environmental Quality Act (CEQA); (Resolution #2) and
- (2) approving the proposed Rezoning, Master Plan Overlay and Vesting Tentative Map, with conditions (as may be modified by the City Council). (Resolution #3)

A third alternative is to adopt a resolution to reject the addendum and the project.  
(Resolution #4)

**EXECUTIVE SUMMARY:**

At the October 7, 2008 City Council meeting the Council considered the additional traffic analysis. After considering the testimony and deliberating, the Council did not adopt the

resolution to adopt the addendum. Without the addendum, action on the project is not possible so staff was directed to bring appropriate resolutions to Council. Staff believes it would be appropriated to continue consideration of this matter to the November 18, 2008 meeting to allow further discussion and possible resolution of outstanding issues because: (1) the number of unresolved project issues appear to be few, (2) the project promises substantial local and regional economic and other benefits, (3) there has been a substantial investment of time and money by the developer and the City in project development and review. In addition to finalizing the details of the community advisory panel to provide citizen oversight of the project, the remaining major issues are traffic and air quality. These traffic/air quality issues discussed by Council include:

- air quality mitigation for Semple School;
- clean transit fleet;
- converting the city fleet to clean fuels;
- funding a city-wide transit study;
- paying current traffic fees;
- further reduction of vehicle miles traveled;
- the proposed traffic signal at Lake Herman Road; and
- a bike pool.

At the October 7, 2008 meeting, the applicant agreed to provide the following items in conjunction with the proposed project:

- air filtration improvements at Robert Semple;
- a soundwall adjacent to Robert Semple;
- lighting at the I-780 pedestrian tunnel;
- clean-fuel vehicles for the shuttle to downtown;
- assistance for City fleet conversion to cleaner fuels; and
- a citizen panel to advise Council and the applicant regarding ongoing development of the project.

These are in addition to the listed conditions of approval.

If the Council does not think resolution can be achieved, the resolution to reject the project should be adopted to complete the planning process for the project.

#### **STRATEGIC PLAN:**

Relevant Strategic Plan Goals and Strategies:

- Goal 1.00 Protect Community and Environmental Health and Safety
- Goal 2.00 Strengthen the Economy
  - Strategy 2.30 Facilitate and encourage sustainable development
- Goal 4.00 Preserve and Enhance City Assets and Infrastructure
  - Strategy 4.10 Provide a balanced street system to serve automobiles, pedestrians, bicycles and transit
  - Strategy 4.40 Improve and maintain facilities and infrastructures
- Goal 5.00 Enhance Community Appearance
  - Strategy 5.10 Promote quality design in new construction and remodeling

This project will increase the City's tax base, provide new jobs and develop the area consistent with the General Plan.

#### **BUDGET INFORMATION:**

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

To ensure zero cost to the City for providing services related to the development, Project Condition 199 requires the development to:

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

#### **ENVIRONMENTAL REVIEW:**

The City Council certified the project Environmental Impact Report ("EIR") on February 19, 2008. Resolution No. 08-13 certifying the EIR directs that:

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

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

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

Following receipt of the applicant's revised project and addendum, staff directed LSA Associates, the City's environmental consultant, to prepare an addendum or other appropriate environmental documentation. The April 29, 2008 Draft EIR Addendum prepared by LSA Associates finds that the revisions to the project do not create new significant environmental impacts or increase the severity of impacts identified in the EIR, and, therefore, a supplemental EIR is not required per CEQA Guidelines Section

15164. According to the Draft Addendum, project revisions have eliminated the following formerly significant impacts:

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

The Draft Addendum indicates that additional transportation impact mitigation measures might be able to be eliminated if updated traffic data is provided by the applicant. A previous version of Condition 11 required such analysis prior to the approval of the first final map for the project. Council at the June 3, 2008 meeting directed that a supplemental traffic assessment be prepared early this September (rather than later at the first final map stage) to consider school related traffic issues and midday traffic patterns along the East 2<sup>nd</sup> Street corridor from the project. The supplement traffic assessment provides solutions to two midday traffic congestion issues along the East 2<sup>nd</sup> Street corridor. The assessment is discussed in more detail below. The Draft Addendum also calls for reducing the scope of wetland protection measure BIO-2b to reflect increased protection of drainages.

The Draft Addendum includes a discussion and analysis concluding that the revised project would be partially consistent with most of the measures identified by the California Environmental Protection Agency to reduce greenhouse gas emissions in commercial and industrial development in compliance with AB 32 (whereas the prior project was found to be generally inconsistent with the Cal EPA measures). The Draft Addendum recommends an additional mitigation measure GREEN-1 requiring trails in the project open space connecting the site to surrounding areas, which is required by Condition 90. EIR mitigation measure TRANS-23 and Condition 171 require the project to extend Benicia Transit (Benicia Breeze) to the project site, and Condition 171 further requires provision of transit within the site.

Staff believes that the Draft Addendum adequately analyzes the environmental impacts of the project, meets the requirements of CEQA and that a subsequent or supplemental EIR cannot be required because: (1) the project does not have substantial changes that require major revisions to the previously certified EIR to address new significant environmental effects; (2) there are not substantial changes in the circumstances under which the project will be done; and (3) there is no new information indicating new or more severe effects. The standard for determining whether to prepare a subsequent or supplemental EIR is the "substantial evidence in the record" standard. CEQA Guidelines 15162. For the purposes of considering the environmental documentation for the project the Draft Addendum must be considered along with the certified EIR; the Draft Addendum is not a "stand alone" document. CEQA Guidelines 15164.

It should be noted that the EIR and the Draft Addendum find that the modified project still has the significant and unavoidable impact to regional air pollution.<sup>1</sup> This impact requires the City to balance the benefits of the project as a whole against this environmental impact.<sup>2</sup> Factors for the City Council to consider include economic, legal, social, technological, or other benefits of the project. If these considerations outweigh the environmental impact, the City Council is required to adopt findings. The proposed findings are set forth in Exhibit A "BENICIA BUSINESS PARK ENVIRONMENTAL IMPACT REPORT CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS" to the resolution accepting the Draft Addendum. As set forth in the Draft Addendum and EIR, the long-term project-related regional emissions would exceed the Bay Area Air Quality Management District "BAAQMD" thresholds of significance for ozone precursors and particulate matter. The BAAQMD has set the significance threshold at 80 pounds per day for these pollutants. Based on a computer model program based on trip generation, the revised project will still exceed the significance thresholds. Because of the size of this project it is impossible to mitigate the impacts to less than significant. Although there is this significant unavoidable impact, there are specific overriding economic, legal, social, and other reasons for approving this project. The reasons include increasing the City's job supply, increasing the City's tax base and allowing for the provision of public services, developing the area consistent with the General Plan, preserving visually important hillsides, and preserving existing creeks, wetlands, and drainages. These reasons outweigh the project's impact on regional emissions. Please note that the six<sup>3</sup> mitigation measures will be implemented even though they will not reduce the impact to less than significant.

At the City Council meeting on October 7, 2008, the City Council did not have enough affirmative votes to adopt the resolution adopting the addendum. Thus, no action could be taken to approve the project.

#### **SUMMARY:**

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

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<sup>1</sup> The project evaluated by the EIR had significant and unavoidable impacts related to wetlands/creek channels/associated habitat and potential habitat for the Pacific pond turtle and California red-legged frog. Although the revised project preserves more of the habitat area and preserves 100-200 foot buffers around the stream areas, the impact to habitat is still present and would be considered significant. However, implementation of Mitigation Measure BIO-4 would reduce this impact to a less-than-significant level.

<sup>2</sup> *CEQA Guidelines*, Section 15093.

<sup>3</sup> Five measures were proposed in the EIR. See pages 268-269 of the EIR. A sixth measure, a transit center, was added by the Council at a previous meeting. See Condition 176.

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

The Planning Commission also recommended that the applicant work with staff to refine the project into one that could gain community support, and indicated that a Development Agreement would be an appropriate tool to achieve this objective. Benicia Municipal Code Section 17.116.020 provides the option of a Development Agreement at the request of a project applicant. Since the applicant has not requested a Development Agreement, staff and the applicant instead met regarding project conditions. Staff-recommended changes since April 10, 2008, are shown in the attached list of conditions. (See Resolution #3, Exhibit B.)

#### Project Description

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

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

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

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

An EIR was prepared for a subsequent industrial park proposal in 2001. After the Draft EIR was circulated for public review, the applicant made changes to the project but did

not pursue the project. In 2004, Discovery Builders assumed the role of applicant and submitted the current project application. On April 27, 2005 the City deemed the project application complete. The project analyzed in the EIR included approximately 60 percent of the land area for development and 40 percent for open space. The EIR for the project was certified in February 2008. At the time of certification, the City Council requested that the Hillside/Uplands preservation alternative be evaluated further.

The project applicant then submitted a revised project. The revised project reverses the prior open space/development ratio; with approximately 60 percent open space. The application seeks City Council approval of a Vesting Tentative Map, Master Plan, and Rezoning to subdivide the site. The applicant has characterized the project revision as a combination of the Waterway Preservation and Hillside/Upland Preservation EIR alternatives. The project is proposed to be built in five phases, starting with the 35-acre (14-lot) commercial area (based on assumed tenant/buyer interest).

Differences from the project analyzed in the EIR include:

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

As noted above, the project approvals required for this project include approving the vesting tentative map, the Master Plan Overlay and the rezoning. A vesting tentative map basically gives the developer the right to develop the project in accordance with the rules in effect at the time the application for the vesting tentative map is deemed complete. Vesting tentative maps are processed like tentative maps. The Council must make certain findings to approve a vesting tentative map or tentative map.<sup>4</sup> The required findings are included in Exhibit A of Resolution #3

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<sup>4</sup> Benicia Municipal Code Section 16.16.080 "...A. Factors to Be Considered. In reaching a decision upon the tentative map, the city council shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

B. Approval. The tentative map may be approved or conditionally approved by the city council if it makes the following findings:

1. That the proposed map is consistent with the general plan or any applicable specific plan, or other applicable provisions of this code;
2. That the site is physically suitable for the type of development;
3. That the site is physically suitable for the proposed density of development;

Benicia Municipal Code Section 16.28.030 requires a master plan to be submitted along with a vesting tentative map. The master plan must be in accordance with Benicia Municipal Code Section 17.68.060. Subsection C of Benicia Municipal Code Section 17.68.060<sup>5</sup> requires the "Guidelines" for development, which have been included as part of the revised application and as modified by the conditions of approval in Exhibit B to Resolution #2. Section 16.28.080 of the City's vesting tentative map ordinance also requires the development to be consistent with the City's zoning. A rezoning is required to approve the project since the existing zoning map line between the commercial and industrial designations must be adjusted to conform to the General Plan.

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4. That the design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. (Notwithstanding the foregoing, the city council may approve such a tentative map if an environmental impact report was prepared with respect to the project and finding was made that specific economic, social or other considerations make infeasible the mitigation measures or project alternative identified in the environmental impact report);
  5. That the design of the subdivision or the type of improvements will not cause serious public health problems; and
  6. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. (In this connection the city council may approve a map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the city council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.)
- The city council may modify or delete any of the conditions of approval recommended in the planning commission's report, except conditions required by this code or by the city engineer related to public health and safety or by the city-approved policies and standards. The city council may add additional requirements as a condition of its approval. ..."

<sup>5</sup> Benicia Municipal Code Section 17.68.060 Required plan and materials.

"Each master plan shall set forth for a specific area of land a land use and circulation system concept that is consistent with the goals and policies of the general plan, compatible with the environment, and capable of being served by existing and planned public facilities and utilities.

A. The following plans and materials shall be submitted; provided, that the community development director may waive submission of items deemed unnecessary:

1. A map showing proposed master plan boundaries and the relationship of the area to uses and structures within a 300-foot radius of the plan area boundaries;
2. A map of the master plan area showing sufficient topographical data to indicate clearly the character of the terrain and the type, location, and condition of mature trees and other natural vegetation;
3. A site plan indicating the existing and proposed uses, gross floor area, lot coverage, height, parking and density, and a circulation plan; and
4. A preliminary development schedule indicating sequence and timing of development.

B. Guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, and landscape concepts shall be submitted.

C. On slopes over 10 percent, single line sections showing the relationship of the building to the topography. "

### Planning Commission Issues

In recommending denial of the project, the Planning Commission found that the applicant failed to provide sufficient information to demonstrate consistency with the General Plan regarding impacts on geologic resources, urban decay downtown, overall health of the city, and bicycle and pedestrian circulation. The Draft EIR Addendum finds that the revised project "would not result in a significant unavoidable impact in regard to consistency with the General Plan," but "the City Council is the proper decision-making body to make an overall finding on the consistency of the project with the General Plan."

The geologic impact discussed at the April 10, 2008 Planning Commission meeting was proposed grading of the western hillside in Phase 1, which would reduce the hill by about 45 feet and create a 3:1 slope rising more than 80 feet directly above East 2<sup>nd</sup> Street. Project Condition 98.b requires the applicant to redesign this area prior to consideration of the first final map application by the City Council.

Condition 11 requires the applicant to update the analysis of potential for urban decay that was included in the EIR prior to approval of the first final map. EIR mitigation measure DECA-1 and Project Condition 205 require updating that analysis if the amount of retail development is proposed to increase beyond 100,000 sq. ft. and/or if a single retail use larger than 20,000 sq. ft. is proposed.

Community health issues discussed by the Planning Commission focused on pedestrian and child safety and air quality, especially in proximity to East 2<sup>nd</sup> Street and Robert Semple Elementary School. Senate Bill 352 establishes findings that school districts must make when siting or building new schools within 500 feet of major roadways. Although these requirements do not apply to existing school facilities, they highlight the need to evaluate air quality, noise and safety impacts associated with high traffic volumes near or adjacent to existing school sites. Condition 99.e.xii requires the applicant to install a new high-visibility crosswalk at the intersection of East 2<sup>nd</sup> Street and Hillcrest Avenue, and mitigation measure NOI-2c and Condition 183 require either soundwalls or rubberized asphalt along East 2<sup>nd</sup> Street (Condition 99.e.xii has since been modified to incorporate additional traffic measures along the East 2<sup>nd</sup> Street corridor.) Other options include traffic calming measures, vehicle weight restrictions, speed limit measures, and directional signage/way finding program. Traffic impacts are discussed in more detail below.

Bicycle and pedestrian circulation issues discussed by the Commission included walkability within development areas, amenities for bicyclists such as storage and showers, and public access trails in project open space, which are required by Condition 172.

### Sky Valley Committee Recommendation

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

identify cumulative impacts related to the development that would be mitigated by the purchase of the land. This proposed condition is not recommended by staff and is not included in the draft resolution.

#### Design Guidelines

The proposed master plan includes guidelines for commercial and industrial uses intended to ensure quality development and promote sustainable practices. The guidelines encourage LEED strategies for green building, as well as low-impact development through bio-swale drainages and bio-retention basins, reduced paving, and use of recycled products for parking lot materials. Prescribed design elements include wall articulation, multi-planed pitched roofs, window rhythm, variety of massing, and landscaping. City review is required for design of all buildings on-site: staff-level for industrial and commission-level for commercial structures. As proposed by the applicant, the design guidelines are not strict requirements. Staff, however, has proposed that all buildings are required to be LEED certified. See Condition 79 of Exhibit B of Resolution #3. The "whenever possible" subcategories of Condition 79 are some of the items that lead a project to LEED certification. Staff does not recommend making the subcategories strict requirements because this allows flexibility for future users of the project and will allow more innovation in the future.

#### Public Facilities Sites

The revised project includes two lots (45 and 46) totaling 4.5 acres set aside for a fire station to satisfy the requirement of EIR mitigation measure PUB-1a (though the site needs to be developed as part of the first phase). The applicant also has proposed a 7.4-acre site for a City corporation yard at the southeast corner of Industrial Way and A Boulevard to satisfy EIR mitigation measure PUB-1b. Because it is expected that a majority of the calls for police service will be generated by the commercial activities on the project site, the Police Department office identified in EIR mitigation measure PUB-1a would need to be provided on the commercial portion of the property as part of Phase 1. These facilities would include five police officers, two patrol cars, twelve fire fighters, a fire engine, a brush truck, and administrative support.

#### AB 32

AB 32, the California Global Warming Solutions Act of 2006, provides for greenhouse gas emissions reporting and greenhouse gas emissions reductions, among other things. As part of the greenhouse gas reductions AB 32 contemplates that the State Air Resources Board will develop regulations to assist in the reductions of greenhouse gases. The goal is to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gases. Staff has provided the following analysis of the project with respect to AB 32. The applicant has also provided their assessment of the project as requested by staff. Please see the attached correspondence from the applicant.

Green Buildings: As noted in the state's Climate Change Draft Scoping Plan, buildings are the second largest contributor of greenhouse gases<sup>6</sup>. Significant reductions of greenhouse gases can be achieved through the design of buildings. Green buildings

<sup>6</sup> *Climate Change Draft Scoping Plan*, June 2008 Discussion Draft by the California Air Resources Board.

reduce greenhouse gas emissions related to energy, water, waste and transportation. The draft Addendum discusses on page 48 that the project includes “non-binding Master Plan Overlay Design Guidelines that would encourage energy efficiency and sustainable design.” Although not required as an environmental mitigation, staff has recommended that a binding condition be added to the project approval to require all buildings for this project to be LEED certified. See Condition 79. In addition, the project applicant is required to design each phase of the project to conform to LEED-ND guidelines, low-impact development standards and a campus design. See Condition 23. This phased approach will help ensure that the project design conforms with or exceeds current green building guidelines. With these two conditions, the project will set a good example for the future.

**Transportation:** Transportation is the largest source of greenhouse gases in California.<sup>7</sup> The draft Addendum states that the proposed project does not encourage alternative modes of transportation. The project, however, does provide for a transit center to serve the project (Condition 176 and also Condition 98.k), and through the use of LEED-ND also helps to reduce the traffic impacts by designing for walkability and providing services for the occupants on site so vehicle miles are reduced. It may also reduce vehicle miles by providing shorter commutes to people who will work in the project. By requiring bike paths, sidewalks and connected trails, Conditions 89 and 90 are also designed to encourage alternative modes of transportation such as walking and biking. It should be noted that many of the proposed ways identified by Cal/EPA to reduce greenhouse gases such as vehicle efficiency or changing the gasoline formula are not really relevant for this project.

**Materials Recycling:** The City does not have minimum recycling standards. Several of the proposed conditions, however, require recycling whenever possible. Condition 26 provides for “Recycled products for driveway and parking lot base material must be used, whenever possible.” The City has also added Condition 79.l, “Use recycled and recycled-content building materials; post consumer and post-industrial.” Similarly, Condition 79.n, “Divert and recycle construction waste from going to the landfill,” does not provide a guarantee that material will be diverted or recycled.

**Increase water use efficiency:** Several conditions are designed to increase water use efficiency to the extent possible: Condition 79.e, “Provide waterless urinals,” Condition 79.i, “Capture and filter gray water for irrigation purposes,” and Condition 79.o, “Capture and direct stormwater to landscape areas prior to release.” Condition 23 requires site plans to conform with Low-impact Development standards. Condition 44 requires landscaping to comply with the Benicia Municipal Code Section 17.70.190. This requires plant materials to be selected based on energy efficiency and drought tolerance among other things.

**Increase energy efficiency by 20% beyond Title 24 Requirements:** LEED certification will exceed Title 24 Requirements since the LEED design concept is to increase energy

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<sup>7</sup> *Climate Action Team Report to Governor Schwarzenegger and Legislature*, March 2006.

efficiency. It is not clear if that efficiency will be 20% beyond Title 24 Requirements. In addition, Condition 79.b, "Design building orientation and shading to minimize solar gain and maximize daylight harvesting" is to improve upon energy efficiency.

Encourage high-density mixed use projects: The revised project does not change the EIR's conclusion that this greenhouse gas reduction strategy is not met. This project, by design, is not high density and has the range of uses does not include residential uses. The project does, however, have a mix of commercial and industrial uses proposed.

Encourage green construction: This is what Condition 79 and Condition 23 (Low-impact Development) are intended to do.

Encourage the use of solar energy: Conditions 79.b and 79.m are designed to improve energy efficiency. Condition 79.b promotes "daylight harvesting" and Condition 79.m requires photovoltaic cells for a portion of the energy needs of the project.

Implement measures to reduce emissions from Transportation Refrigerator Units (TRUs): It is unclear at this stage of the project whether many TRUs will visit the project. State law (13 Cal. Code of Regulations 2477) is designed to reduce diesel particulate matter from TRUs. TRUs at the project site are required to comply with the state regulations.

#### Supplemental Transportation Assessment

The Council at the June 3, 2008 meeting directed that a comprehensive traffic assessment (including below I-780) be prepared starting the week of August 25<sup>th</sup> when school was back in session and to bring back the updated traffic assessment to the October 7, 2008 City Council meeting. This assessment has been done now rather than later at the first final map stage as listed in a prior version of Condition 11. This assessment includes an analysis of the impacted intersections for the revised project (which will generate less traffic than the original project as stipulated in the EIR Addendum); an analysis of the midday traffic impacts along East 2<sup>nd</sup> Street from the project site to Downtown Benicia; and an analysis of the traffic and safety issues near Semple School along East 2<sup>nd</sup> Street.

The assessment is attached as a memo dated September 30, 2008 from Bill Burton and Ryan Niblock of DMJM Harris (formerly Korve Engineering), the subconsultant for LSA Associates, that worked on the original traffic study for the Benicia Business Park project. The data collection was done during the week of August 25<sup>th</sup>, which was one week after the Benicia schools opened for the 2008/09 school year. The original 20 intersections were again evaluated and 4 new intersections were studied in response to the traffic concerns along the East 2<sup>nd</sup> Street corridor from the project site to downtown Benicia. Traffic counts were again taken during the AM and PM peak hours and new traffic counts were taken during the midday peak period.

It was discovered that the traffic count data was taken on a Spare the Air Day, so subsequent traffic counts were taken on September 18<sup>th</sup> at four (4) locations to determine if there would be a significant difference in numbers. The subsequent counts revealed there was actually a 2%-to-12% increase on the Spare the Air Day, which is comparable

to a typical fluctuation in traffic from one weekday to another weekday. So no adjustment in traffic counts was necessary.

The new traffic counts and resultant analysis concludes that there are some reduced impacts for the AM and PM peak hours at selected intersections, which is consistent with the transportation and circulation section of the EIR Addendum presented to the City Council at its meeting on June 3, 2008. At the East 2nd Street/Rose Drive intersection, the future operations remain at LOS D or better, so mitigation measures TRANS-3 and TRANS-13 (Condition 162) are no longer necessary. *So Condition 162 will be deleted and Condition 100.f.i will be revised to delete the East 2<sup>nd</sup> Street/Rose Drive intersection.* At the Park Rd./Industrial Way intersection, the future operations remain at LOS D or better, so mitigation measure TRANS-20 is no longer necessary. However, Condition 169 will remain, but will be modified as follows:

*169: The project sponsor must pay for their fair share of the costs (in the form of traffic impact fees) for the installation of traffic signalization at the intersection of Park Road and Industrial Way.*

The remaining mitigation measures included within the EIR will still be applicable, but will be modified for the revised project traffic as listed in Table 9 of the updated traffic assessment. *Therefore, Conditions 160, 161, 163, 164, 166, 167, 168, and 170 will be modified to reflect the revised wording in these associated mitigation measures.*

Traffic congestion problems were identified at E 2<sup>nd</sup>/Riverhill Drive and E 2<sup>nd</sup>/Seaview Drive. Both are unsignalized intersections where the assessment concludes that the side street traffic will experience delays during the AM and PM peak periods. To maintain the overall efficiency at these two intersections, the assessment and city staff recommend the installation of left turn prohibitions and/or median modifications that would better address this issue. Therefore a new Condition will be added as follows:

*99.e.xiii: New improvements for the intersections of East 2<sup>nd</sup>/Seaview and East 2<sup>nd</sup>/Riverhill as approved by the Director of Public Works/City Engineer to include the installation of left turn prohibitions and/or median modifications to properly manage side street traffic congestion during the peak AM, PM and midday hours of traffic.*

The midday traffic counts also identified some traffic congestion problems exceeding LOS D in the future at the intersections of E 2<sup>nd</sup>/Military East and E 2<sup>nd</sup>/Riverhill Drive. The traffic congestion problems at E 2<sup>nd</sup>/Riverhill will be addressed as outlined above. The traffic congestion at E 2<sup>nd</sup>/Military East will require improvements to improve future operations to LOS D or better. Therefore a new Condition will be added as follows:

*99.e.xiv: New improvements for the intersection of East 2<sup>nd</sup>/Military East as approved by the Director of Public Works/City Engineer to include updates to the signal timing and phasing to accommodate eastbound and westbound split phasing, lead/lag eastbound left turn operation, and lead/lag southbound right turn overlap operation.*

Another new Condition will be necessary to impose a new requirement to conduct an updated traffic assessment to evaluate the intersection of East 2<sup>nd</sup> Street/Military East to determine if/when additional improvements would be required for this intersection. As part of the fourth phase of this project, the Condition would require the project applicant to install these improvements if service levels are worse than LOS D as described below:

*100.f.vii: As part of the improvement plan submittals, an updated traffic study shall be prepared to evaluate the service levels at the intersection of East 2ndSt./Military East and if operating at a level worse than LOS D, then new improvements will be required to reconfigure the intersection to include two exclusive eastbound left-turn lanes with widening of the north leg to accommodate two receiving lanes.*

The potential impacts to segments along the I-780 freeway were re-evaluated for the revised project and the analysis was included in the EIR Addendum presented to the City Council at their June 3, 2008 meeting. The resultant analysis concluded that auxiliary lanes or any widening on the I-780 freeway would no longer be required and *therefore mitigation measure TRANS-22 was deleted.*

To further reduce the severity of the revised project's traffic on these intersections and the traffic operations of the overall city street network, the updated traffic assessment concludes that the revised project must include a Transportation Demand Management (TDM) plan. Therefore a new Condition will be added as follows to air quality related measures per the EIR:

*98.k The project applicant shall submit a Transportation Demand Management (TDM) plan to reduce the amount of vehicle use (especially single-occupant vehicle); to encourage the use of alternative modes of travel such as transit, walking and bicycling; and to reduce the demand for travel during the AM, PM and midday peak periods of traffic. The TDM plan shall include at a minimum the following programs that must be implemented and funded by the project applicant prior to the recordation of the final map for the second phase of the proposed project:*

- *Shared-use parking program.*
- *Carpool and vanpool ride match program.*
- *Free shuttle service established to serve the project site, the Benicia Industrial Park and Downtown Benicia.*
- *Transit center constructed on the project site with bus/shuttle transit stops provided with shelters, bus bulbs, info kiosks, bike racks, park-and-ride facilities and other transit support facilities.*
- *Traffic calming measures employed throughout the project site.*
- *Employee financial incentive program to NOT drive.*

The concerns regarding safety along East 2<sup>nd</sup> Street near Semple School were also analyzed in the updated traffic assessment. The accident history for East 2<sup>nd</sup> Street between Riverhill Drive and Tennys Drive was provided by the City, which revealed only one accident involving a pedestrian or bicycle in this corridor during the most recent 3-

year study period. During this same time period, there were a total of 22 bike and pedestrian accidents at other locations citywide. The data indicates that there is not a safety problem in the East 2<sup>nd</sup> Street corridor. The existing Condition 99.e.xii requires the project applicant to install new pedestrian/school crossing safety enhancements for the intersection of East 2<sup>nd</sup> Street/Hillcrest Avenue prior to the recordation of the final map for the second phase of the proposed project. However, to further enhance the safety of this corridor, this Condition shall be revised to include additional safety improvements as follows:

*99.e.xii: New pedestrian, school crossing and traffic safety improvements for East 2<sup>nd</sup> St. between Riverhill Drive and Seaview Drive as approved by the Director of Public Works/City Engineer to include (1) installation of high visibility crosswalks at East 2<sup>nd</sup>/Riverhill Drive and East 2<sup>nd</sup>/Hillcrest Ave.; (2) installation of radar speed signs coupled with school-zone signage to alert drivers of their speed as they approach a school zone; (3) installation of dual alternating-flash yellow "wig-wag" warning lights to alert drivers to slow down before entering the school zone; (4) ensure the continued presence of the crossing guards at E. 2<sup>nd</sup>/Riverhill Drive and E. 2<sup>nd</sup>/Hillcrest Ave. through a secure funding arrangement with the school district; and (5) installation of raised landscaped/irrigated median islands along this corridor as a traffic calming measure to reduce vehicle speeds and increase safety.*

#### Land Use

The City Council adopted a moratorium on adult entertainment in May of 2007. Staff included a provision to prohibit adult entertainment uses for this project. In the meantime, staff has been working on the adult entertainment ordinance revisions and researching zoning districts that would be more suitable for this use. It is staff's recommendation that the General Commercial zoning district is the most appropriate place for this use. The commercial area of the project is General Commercial and should not be excluded from the ability to place adult uses there. Condition 6 of the project conditions has been modified to delete the prohibition.

#### Additional Conditions

In response to Council comments at the May 20, 2008 meeting, to the adult entertainment moratorium and to the Supplemental Transportation Assessment, staff has modified the project conditions as summarized in the following matrix. The traffic conditions do not show the redline/strikeout format where the condition is marked revised. Only the new proposed language is shown.

<b>Subject</b>	<b>Condition</b>	<b>Modification</b>
<b><i>Project Compliance</i></b>		
During all site work Around-the-clock	103f	The contract employee position must be full-time. The applicant also must provide 24-hour security personnel at the site, who must inform the City immediately of any work activity occurring outside hours allowed by City regulations.
<b><i>Greenhouse Gas Reduction</i></b>		
21st-century businesses	13	The applicant must work with the Economic Development Manager to attract high quality business including cleantech and

		zero waste/emission companies.
Additional transit components	176	The project must provide as many of the following measures as practicable:... <ul style="list-style-type: none"> <li>• <u>A transit center as needed to serve the project.</u></li> </ul>
<b>Grading</b>		
Western commercial area	98b	Prior to grading, the applicant must obtain approval from the City Council of a new grading plan that better conforms to existing topography and minimizes cuts and fills.
<b>Semple School</b>		
Child safety	99e xii	The applicant must install a high-visibility crosswalk treatment with flashing lights at East 2 <sup>nd</sup> St./Hillcrest Ave.
<b>Sustainable Design</b>		
Green Building	79	All buildings must be LEED certified.
Development Agreement Form-based Code Specific Plan	23	Prior to the first building permit in each phase, the applicant must provide a site-specific plan in conformance with LEED-ND guidelines, Low-impact Development standards, and campus design.
<b>Financing</b>		
Zero cost to City	207	Prior to the first final map, a revenue sharing agreement must be established that ensures no cost to the City for providing services to the project.
<b>Traffic</b>		
	98k	<u>The project applicant shall submit a Transportation Demand Management (TDM) plan to reduce the amount of vehicle use (especially single-occupant vehicle); to encourage the use of alternative modes of travel such as transit, walking and bicycling; and to reduce the demand for travel during the AM, PM and midday peak periods of traffic. The TDM plan shall include at a minimum the following programs that must be implemented and funded by the project applicant prior to the recordation of the final map for the second phase of the proposed project:</u> <ul style="list-style-type: none"> <li>- <u>Shared-use parking program.</u></li> <li>- <u>Carpool and vanpool ride match program.</u></li> <li>- <u>Free shuttle service established to serve the project site, the Benicia Industrial Park and Downtown Benicia.</u></li> <li>- <u>Transit center constructed on the project site with bus/shuttle transit stops provided with shelters, bus bulbs, info kiosks, bike racks, park-and-ride facilities and other transit support facilities.</u></li> <li>- <u>Traffic calming measures employed throughout the project site.</u></li> <li>- <u>Employee financial incentive program to NOT drive.</u></li> </ul>
	99.e.xii	<u>New pedestrian, school crossing and traffic safety improvements for East 2<sup>nd</sup> St. between Riverhill Drive and Seaview Drive as</u>

		<u>approved by the Director of Public Works/City Engineer to include (1) installation of high visibility crosswalks at East 2<sup>nd</sup>/Riverhill Dr. and East 2<sup>nd</sup>/Hillcrest Ave.; (2) installation of radar speed signs coupled with school-zone signage to alert drivers of their speed as they approach a school zone; (3) installation of dual alternating-flash yellow “wig-wag” warning lights to alert drivers to slow down before entering the school zone; (4) ensure the continued presence of the crossing guards at E. 2<sup>nd</sup>/Riverhill Dr. and E. 2<sup>nd</sup>/Hillcrest Ave. through a secure funding arrangement with the school district; and (5) installation of raised landscaped/irrigated median islands along this corridor as a traffic calming measure to reduce vehicle speeds and increase safety. (revised)</u>
	99.e.xiii	<u>New improvements for the intersections of East 2<sup>nd</sup>/Seaview and East 2<sup>nd</sup>/Riverhill as approved by the Director of Public Works/City Engineer to include the installation of left turn prohibitions and/or median modifications to properly manage side street traffic congestion during the peak AM, PM and midday hours of traffic.</u>
	99.e.xiv	<u>New improvements for the intersection of East 2<sup>nd</sup>/Military East as approved by the Director of Public Works/City Engineer to include updates to the signal timing and phasing to accommodate eastbound and westbound split phasing, lead/lag eastbound left turn operation, and lead/lag southbound right turn overlap operation.</u>
	100.f.i	<u>New traffic signal and intersection modifications at the intersections of East 2<sup>nd</sup> St./Rose Dr. and East 2<sup>nd</sup> St./780 freeway eastbound and westbound ramps in accordance with the mitigation measures in the EIR.</u>
	100.f.vii	<u>As part of the improvement plan submittals, an updated traffic study shall be prepared to evaluate the service levels at the intersection of East 2<sup>nd</sup> St./Military East and if operating at a level worse than LOS D, then new improvements will be required to reconfigure the intersection to include two exclusive eastbound left-turn lanes with widening of the north leg to accommodate two receiving lanes.</u>
	160	<u>The project sponsor must install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection of East 2<sup>nd</sup> Street, Park Road and the new access road. This intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure SB approach to provide one exclusive left-turn lane and one through-right lane. Reconfigure EB approach to provide one exclusive left-turn lane and one through-right lane. Reconfigure WB approach to provide one shared through-left lane, and one exclusive right-turn lane. (revised)</u>
	161	<u>The Project sponsor shall install and pay for the following improvement to East 2<sup>nd</sup> Street and Industrial Way without Transportation Impact Fee credits. Reconfigure WB approach to provide one exclusive left-turn lane, two through lanes, and</u>

		<u>one exclusive right-turn lane. Overlap the SB right-turn movement with the protected EB left-turn movement. (revised)</u>
	162	<u>The project sponsor must install and pay for the following improvement to East 2<sup>nd</sup> Street and the I-780 Westbound Ramps without Transportation Impact Fee credits: Reconfigure NB approach to provide one exclusive left-turn lane, one through lane, and one exclusive through-right lane. Reconfigure SB approach to provide one exclusive left-turn lane, one shared through-right lane, and one exclusive right-turn lane.</u>
	163	<u>The project sponsor shall install and pay for the following improvement to East 2<sup>nd</sup> St. and the I-780 WB ramps without Transportation Impact Fee credits. Reconfigure NB approach to provide one exclusive left-turn lane, one through lane, and one through-right lane. (revised)</u>
	164	<u>The project sponsor shall install and pay for the following improvement to East 2<sup>nd</sup> Street and the I-780 EB ramps without Transportation Impact Fee credits. Reconfigure WB approach to provide one shared left-right lane, and one free right-turn lane. (revised)</u>
	166	<u>The project sponsor shall install and pay for the following improvement to Lake Herman Rd. and the extension of Industrial Way without Transportation Impact Fee credits. Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. Reconfigure the EB approach to provide one exclusive left-turn lane and one through-right lane. Reconfigure the WB approach to provide two exclusive left-turn lanes and one through-right lane. Protect the EB and WB left-turn movements. Reconfigure the NB approach to provide one shared through-left lane, and two right-turn lanes. Overlap the two NB right-turn lanes with the WB left-turn movement. (revised)</u>
	167	<u>The project sponsor shall install and pay for the following improvement to Lake Herman Rd. and the I-680 SB ramps without Transportation Impact Fee credits. Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. Widen Lake Herman Road per the discussion on page 171 of the DEIR. Reconfigure WB approach to provide one exclusive left-turn lane, and one through lane. Reconfigure SB approach to include one all-movement lane, and one right-turn lane. This improvement shall be included in a comprehensive plan to improve the operation of I-680 between Industrial Way and Lake Herman Road. (revised)</u>
	168	<u>The project sponsor shall install and pay for the following improvement to Lake Herman Rd., I-680 NB ramps and Goodyear Rd. without Transportation Impact Fee credits. Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. This improvement shall be included in a comprehensive plan to improve the operation of I-680 between Industrial Way and Lake Herman</u>

		Road. (revised)
	169	<u>The project sponsor must pay for their fair share of the costs (in the form of traffic impact fees) for the installation of traffic signalization at the intersection of Park Road and Industrial Way. (revised)</u>
	170	<u>The project sponsor shall install and pay for the following improvement to Park Road and Bayshore Road without Transportation Impact Fee credits. Signalize the intersection. Though the intersection would not meet signal warrants, the only other possible improvements would require extensive widening, including dual left-turns and dual right-turns. Typically, dual turn lanes are not recommended at stop controlled intersections for driver confusion and safety reasons. (revised)</u>
<b>Land Uses</b>		
Adult entertainment	6	The prohibition on adult entertainment has been removed.
<b>Green Strategy</b>		
Trails and open space	90	Connect public trails to surrounding area.

In response to a Council concern regarding scheduling of project improvements, Condition 91 allows the applicant to provide data analyses with quantified thresholds that could convince the City Council to allow adjustments to phasing and timing of project infrastructure. Additional oversight could be achieved through a committee to make recommendations to Council regarding project compliance. (A committee is not included in the conditions of approval.)

#### Number of Conditions

Members of the public have suggested that the number of conditions is an indication that the project does not comply with the City's rules. It is not unusual for a project of this size and duration to have a large number of conditions. Staff does not believe the number of conditions is an indication that the project lacks merit. Rather the number of conditions is an attempt to set forth all of the project requirements in one place. For example, conditions such as 23, 29, 44, 51-55, 61, 62, 80, 112, and 114 are restatements that the project must comply with the applicable law. Many of the mitigation measure conditions (Conditions 116-205) could have been incorporated into other conditions of approval, but were left as stand alone conditions so that it was easier to track that the mitigation measures were incorporated into the project. See, for example, the grading conditions. Finally, some of the conditions of approval require work to be done that will only apply to that phase of the project, i.e. some of the traffic improvements. These conditions have been specifically spelled out to avoid confusion in the future.

#### Process

Members of the public should be requested to avoid repeating the comments of other speakers but instead note that they were going to say the same thing. If there are multiple "spokespersons" as seems likely for this project, our past practice has been to allow the spokespersons to have 15 minutes per spokesperson for their presentation. Spokespersons other than the spokesperson for the project applicant do not get rebuttal time. The project applicant's spokesperson has 5 minutes of rebuttal time.

Council members should also disclose at the start of the hearing substantive information they have received outside of a council meeting. While the project approvals include legislative acts such as the rezoning which are not subject to strict ex parte rules, this project has a mix of approvals including the approval of the map which is a quasi-judicial act. Quasi-judicial acts as well as the City's own rules require the disclosure of substantive outside contacts.

#### **CONCLUSION:**

Considering the comments received on the project, it seems that the project is not that far off from being a project the Council could approve. If that is the case, it may be worthwhile to explore with the applicant and the public ways to make the project supportable by at least a majority of the Council. This would hopefully prevent any lawsuits or a referendum or initiative<sup>8</sup> and allow a better use of City resources. The major issues with the project are air quality and traffic. These issues are intertwined because traffic related to the project will use East 2<sup>nd</sup> Street which is adjacent to Robert Semple School. Traffic, of course, is the reason for the air quality issue. A project of this size simply cannot comply with the BAAQMD threshold of significance for air quality impacts. A redesign of the project to make it "self-contained" so little project related traffic would pass by the school would create other impacts on the city such as urban decay of the downtown area. Staff is in the process of implementing measures to mitigate traffic issues such as preparing an anti-idling ordinance and implementing a "no trucks on East Second." In addition, the applicant has agreed to the following measures to mitigate air quality issues related to the school: (1) provide HVAC/air filtration improvements at Semple, (2) install a soundwall along East 2<sup>nd</sup> at the Semple, and (3) light the I-780 pedestrian tunnel so that children have an alternate way to get to school. The applicant has also agreed to provide a clean-fuel shuttle to downtown including at midday, to assist the city with conversion of its fleet to cleaner fuels and to pay the staffing costs for a citizens' advisory panel to monitor the project. While staff believes that the impacts of the project have been mitigated, there may be other legally supportable mitigation measures including those noted under the Executive Summary portion of this report that could address the project impacts. Additional time could help facilitate the development of mitigation measures that are reasonably related to the project's impacts. To continue the item, the concurrence of the developer would be required. A letter from the developer agreeing to a continuance to November 18, 2008 has been received and is attached.

Finally, although staff believes that the project is ready for Council approval, a resolution to deny the project has been prepared based upon comments during the various council meetings.

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<sup>8</sup> A referendum of the Council's action to approve the project will only apply to the legislative decisions, i.e. the rezoning and master plan overlay. The subdivision approval is an adjudicatory act and not subject to referendum. An initiative, like a referendum, can only apply to the legislative decisions. Of course, without the rezoning, the subdivision approval cannot be completed because of the zoning inconsistency.

Attachments:

- To Deny the Project: A Draft Resolution of Denial of the Project
- To Approve the Project:
  - 1) Draft Resolution of Approval of CEQA Documentation, with (A) CEQA Findings and Statement of Overriding Considerations, (B) Mitigation Monitoring and Reporting Program, and (C) EIR Addendum (by reference) AND
  - 2) Draft Resolution of Project Approval, with (A) Project Findings and (B) Conditions of Project Approval
- To Reject the Addendum and the Project: A Draft Resolution of Denial
- Correspondence from the Applicant

*The project revisions and Draft Addendum, which were included in the May 6, 2008 City Council packet, the September 30, 2008 Benicia Business Park- Supplemental Transportation Assessment Memorandum from Bill Burton and Ryan Niblock to Adam Weinstein, and public comment from the May 6, 2008, May 20, 2008, June 3, 2008, and October 7, 2008 City Council hearings are available via the City website or the Community Development Department*

**RESOLUTION #1  
TO DENY THE PROJECT**

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

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

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

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

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

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

**WHEREAS**, the revised project includes:

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

**WHEREAS**, the Planning Commission at a regular meeting held on April 10, 2008, conducted a public hearing, and considered testimony and documents regarding the revised project, and recommended denial of the project based on insufficient information to eliminate inconsistencies with the General Plan regarding impacts on geologic resources, urban decay downtown, overall community health, and bicycle and pedestrian circulation; and

**WHEREAS**, a majority of Planning Commissioners expressed a desire for more time to review the project, in part because environmental documentation for the revised project was not yet available; and

**WHEREAS**, the Draft EIR Addendum, published April 29, 2008, concludes that the revisions to the project have resolved the prior General Plan inconsistencies that created a significant impact per CEQA; and

**WHEREAS**, at the June 3, 2008 City Council meeting the City Council directed that a comprehensive traffic study be conducted between the August 25 and the October 7, 2008 Council meeting to consider review traffic on East 2<sup>nd</sup> Street including south of I-780 and Robert Semple School; and

**WHEREAS**, at its regular meetings of May 6, 2008, May 20, 2008, June 3, 2008, and October 7, 2008 the City Council conducted a public hearing, and considered testimony and documents regarding the revised project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Benicia hereby finds, based upon the evidence presented to it both orally and in writing, at the hearings that:

1. Public comments and the traffic study raised issues that should have been further evaluated in the proposed addendum.
2. The proposed addendum does not adequately analyze the proposed project because the proposed project is substantially changed from the project and alternatives evaluated in the EIR. The proposed project was not evaluated in the EIR either as the project or as one of the alternatives. Combining several of the alternatives and reducing the industrial portion of the project has resulted in a project whose impacts were not evaluated in sufficient detail including traffic impacts and the economic and urban decay issues that may result from the reduced industrial portion of the project.
3. Substantial changes have been made to the proposed project from the original project which involve new significant environmental effects as noted in these findings or a substantial increase in the severity of the previously identified effects such as impacts to animals and their habitat corridors.
4. The City Council has not been presented with a draft revenue sharing agreement and so cannot determine if the proposed condition #207 adequately addresses the fiscal impacts of the project or if it implements the mitigation measures regarding the provision of police and fire facilities and services. The fiscal impacts of the project have not been studied and it is unclear whether the reduced development on the project site will still allow the project to be "cost neutral."
5. The proposed addendum improperly relied on studies not yet been completed such as the updated traffic analysis and urban decay analysis. The City

Council cannot evaluate the impacts of the proposed project, which are different than the project analyzed in the EIR, without these two studies. Although the supplemental traffic study has been completed, it has shown there are impacts that must be mitigated from the CEQA standpoint that were not addressed in the certified EIR or the addendum. Failure to provide the updated traffic analysis could result in building oversized traffic mitigations that would have a negative impact on the environment or could result in inadequate measures for new and increased traffic impacts at some intersections. Similarly and especially since the economic analysis of the project was completed in 2006, the urban decay analysis could result in mitigation measures that should be included in the mitigation monitoring program and conditions of approval for the proposed project.

6. An analysis of the reduction of industrial uses needs to be done to see if the reduction results in changes to the economic impact of the project and the sizing of public facilities, such as water and sewer, needed to serve the project.

7. The modification of the industrial areas from the original project may result in more intrusion of humans and domesticated animals into the wildlife areas in the new habitat corridors.

8. The project remains inconsistent with the General Plan in grading and traffic impacts. Delaying the revision of the grading plan until the first phase of the project does not allow potential impacts from grading such as reduced building sites or increased proximity to, or intrusion into, habitat corridors to be evaluated. General Plan Policy 2.20.1 states "Maintain at least Level of Service D on all city roads, street segments, and intersections." The supplemental traffic study indicates a Level of Service F at some times.

9. The proposed project because of its size and location near a school would create a significant, unmitigable air quality impact that cannot be outweighed by any benefit to the City and its citizens from development of the proposed project.

10. Proposed Vesting Tentative Map

The proposed map is not consistent with the applicable provisions of Benicia Municipal Code Title 16 (Subdivisions) and City of Benicia General Plan goals, policies and programs; and

a. The site is not physically suitable for the type of development, as the majority of the site terrain will be severely graded, and the site terrain constrains development of the proposed project; and

b. The site is not physically suitable for the proposed density of development, as the proposed development does not conform to the existing topography of the site; and

c. The design of the subdivision and proposed improvements will cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, as the revised project plans would create a substantial or potentially substantial adverse change in any of the physical conditions within the area of the project and there are insufficient mitigation measures prescribed in the project EIR and addendum that when implemented will reduce such impacts to less-than-significant levels.

11. Rezoning/Master Plan Overlay

The proposed Master Plan Overlay does not conform to the General Plan, as the revised development plan remains inconsistent with multiple applicable General Plan goals, policies and programs, as enumerated in the EIR, the record and this resolution, especially as it pertains to protection of hillsides and wildlife habitat, and as the project can not be adequately, reasonably and conveniently served by public services, utilities and public facilities.

**BE IT FURTHER RESOLVED** that because of the findings made above, the City Council takes no action on the addendum to the Benicia Business Park Final EIR, proposed findings related to the project, the statement of overriding considerations and the mitigation monitoring and reporting program.

**BE IT FURTHER RESOLVED** that because of the findings made above, the City Council denies the vesting tentative map, master plan overlay and rezoning for the project.

\* \* \* \* \*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 21<sup>st</sup> day of October, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

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

ATTEST:

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

**RESOLUTION #2**  
**TO APPROVE THE CEQA DOCUMENTATION**

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

RESOLUTION NO. 08-\_\_

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

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

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

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

**WHEREAS**, the City Council held a public hearing on May 6, 2008, May 20, 2008, and June 3, 2008 to review and consider the public comments and testimony on the EIR and Addendum; and

**WHEREAS**, the public hearing was closed on June 3, 2008 except for traffic issues; and

**WHEREAS**, the City Council held the continued public hearing on October 7, 2008 to consider the updated traffic study and related public comment; and

**WHEREAS**, the City Council has considered the staff reports and public comment both oral and written from the May 6, 2008, May 20, 2008, June 3, 2008 and October 7, 2008 City Council meetings.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Benicia finds that the Addendum along with the certified EIR has been prepared in accordance with all applicable provisions of CEQA, including *CEQA Guidelines* Sections 15162 and 15164 and reflects the independent judgment and analysis of the City.

**BE IT FURTHER RESOLVED** that the City Council hereby adopts the Addendum.

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

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

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

\* \* \* \* \*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 21<sup>st</sup> day of October, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

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

ATTEST:

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

## EXHIBIT "A"

### BENICIA BUSINESS PARK ENVIRONMENTAL IMPACT REPORT CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

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

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

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

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

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

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## SECTION 1: INTRODUCTION

### 1.1 Statutory Requirements for Findings

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

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

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

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

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

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

### 1.2 Record of Proceedings

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

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

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

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

### 1.3 Organization/Format of Findings

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

## SECTION 2: THE BENICIA BUSINESS PARK MITIGATED PROJECT

### 2.1 Project Objectives

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

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

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

## 2.2 Project Description

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

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

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

## 2.3 Alternatives

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

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

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

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

## 2.4 Addendum

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

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

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

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

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

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

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

#### 3.1 Land Use and Planning Policy

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

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

#### 3.2 Geology, Soils and Seismicity

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

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

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

minimize seismic damage. In addition, the geotechnical investigation shall conform to the California Division of Mines and Geology (CDMG) recommendations presented in the *Guidelines for Evaluating Seismic Hazards in California*, CDMG Special Publication 117.

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

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

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

**Mitigation Measure GEO-2a:** Prior to the issuance of a site-specific grading permit, a final design-level geotechnical investigation, to be prepared by licensed professionals and approved by the City of Benicia Planning and Building Department, shall include measures to ensure potential damages related to expansive soils are minimized. Mitigation options may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.

**Mitigation Measure GEO-2b:** Prior to the issuance of any site-specific building permit, designs of all common landscaped areas shall be reviewed and approved by the City of Benicia Community Development Department. The designs of all common landscaped areas shall incorporate low water-need plantings to minimize the potential for damage to pavements, utilities, and structures from expansive soils. The use of similar landscaping shall be encouraged at individual parcels by providing information to new tenants regarding the relationship between irrigation and subsequent property damage. A document which describes the potential for damage from expansive soils from over-irrigation and includes solutions such as drought-tolerant plant material and drip irrigation systems shall be prepared by the applicant and provided to all occupants of the proposed commercial and industrial facilities.

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

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

Mitigation Measure GEO-3a: Prior to the issuance of any site-specific grading or building permit, a final design-level geotechnical investigation, to be prepared by licensed professionals, and approved by the City of Benicia Public Works Department, shall include measures to ensure potential damages related to long-term deformation and deep cuts and fills are minimized or eliminated by adoption of best industry practices as related to these conditions. In addition, the geotechnical investigation shall make a determination as to the effect such work may have on the stability of materials underlying the proposed 1,000,000- gallon water tanks and the offsite water tank and other facilities of the City of Benicia Water Treatment Plant. The applicant shall incorporate all recommendations of the final geotechnical investigation report regarding mitigation of potential effects associated with cut and fill into the project design.

Mitigation Measure GEO-3b: Prior to the issuance of any site-specific grading or building permit, the applicant shall establish a self-perpetuating slope maintenance program (to be managed by a project site business owners association or similar entity), to be reviewed and approved by the City of Benicia Public Works Department. The self-perpetuating slope maintenance program shall include annual inspections of slopes, debris benches, and v-ditches. Any accumulation of slope detritus on the benches or in the v-ditches shall be promptly removed. The association would also be responsible for repair of any slope failures that may occur on the cut slopes of the project site. An annual report documenting the inspection and any remedial action conducted shall be submitted to the Planning and Building Divisions of the Community Development Department and the Engineering Division of the Public Works Department for review and approval. Approval by the City of Benicia City Engineer is required with respect to the Grading and Erosion control requirements of the City of Benicia Municipal Code Section 15.28.040 – Hazards (or its successor).

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

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

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

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

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

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

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

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

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

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

### 3.3 Hydrology and Water Quality

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

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

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

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

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

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

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

- 1) *Specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants.* These controls shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g. fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

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

If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (keeping sediment on the site). End-of-pipe sediment control measures (e.g. basins and traps) shall be used only as secondary measures. If hydro-seeding is selected as the primary soil stabilization method, then hydroseeded areas shall be seeded by September 1 and irrigated to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully

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

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

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

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

### 3.4 Hazards and Hazardous Materials

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

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

entation and include types and quantities of hazardous materials, anticipated equipment needs and maintenance, temporary hazardous materials storage areas, emergency response procedures for hazardous materials releases (including the provision for spill kits), and procedures for contacting regulatory agencies in the event of a hazardous materials release. The plan shall specify that all equipment be inspected for leaks immediately prior to construction and regularly inspected thereafter, and shall prohibit equipment cleaning and repair (other than emergency repairs) within the project site. The spill prevention plan may be included as part of a Storm Water Pollution Prevention Plan and implementation of Best Management Practices (see Mitigation Measure HYDRO-2).

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

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

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

Mitigation Measure HAZ-2b: The project sponsor shall ensure that a health and safety plan is prepared and implemented by a qualified environmental professional for all workers involved in building removal or demolition activities. The purpose of the health and safety plan shall be to mitigate potential exposure of workers to asbestos, lead-based paint, or other hazardous building materials, if present. The plan shall specify training and certification requirements, air monitoring requirements, personal protective equipment for workers, engineering controls and work practices, housekeeping procedures, hygiene facilities, medical surveillance requirements, project monitoring/supervision, required permits, and other items for protection of workers involved in demolition activities, and public health protection as required by local, State, and

federal requirements. The health and safety plan shall be included in the demolition specifications prepared as part of Mitigation Measure HAZ-2a.

Mitigation Measure HAZ-2c: Containers of potentially hazardous materials identified during the site reconnaissance visits shall be removed prior to site development activities. Prior to removal, the containers shall be examined by a qualified environmental professional, and if the containers are found to contain material, samples of the material shall be collected by environmental personnel for the purpose of profiling the material prior to transport. Analysis of samples shall be conducted by a California-certified laboratory, under chain-of-custody procedures. Once the contents of the containers have been profiled, the container with its contents shall be removed from the site by an environmental professional and transported to an appropriate facility for recycling or disposal, as appropriate, in accordance with local, State, and federal requirements for hazardous waste management. The project sponsor shall ensure that documentation regarding the removal of any containers of hazardous materials from the project site is reviewed by the City of Benicia Planning and Building Department, prior to issuance of a grading permit.

Mitigation Measure HAZ-2d: Other hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes and computer displays, shall be managed and disposed of by the demolition contractor in accordance with the applicable hazardous waste regulations. The demolition specifications (see Mitigation Measure HAZ-2a) shall include provisions for appropriate off-site disposal of these materials in accordance with applicable regulations.

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

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

Mitigation Measure HAZ-3a: The contractor shall prepare and implement a fire prevention and preparedness plan during site development activities. The plan shall be prepared prior to the start of earth working activities at the site and shall be reviewed and approved by the City of Benicia Fire Department prior to issuance of a building permit. The plan shall designate an on-site employee responsible for plan implementation and include potential fire hazards, on-site fire prevention measures during construction (e.g., parking of vehicles away from flammable

materials, availability of fire extinguishers, preventing idling of vehicles, use of spark arrestors on heavy equipment), emergency response procedures for fires, including evacuation routes and places of safe refuge, and procedures for contacting emergency responders in the event of a fire. Workers involved in site development activities shall receive training in these procedures at the start of site development activities. The fire prevention and preparedness plan may be prepared as part of other required plans.

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

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

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

**Mitigation Measure HAZ-4a:** The project sponsor shall ensure that the entire project site has been fully characterized for the presence of OE and hazardous materials prior to the start of earthwork activities and site development activities (in accordance with General Plan policies 4.7.3 and 4.7.5). The site characterization may be based on previous investigations completed and/or new investigations completed by a qualified environmental professional. Past land uses of the property with potential hazardous materials or OE uses shall be considered in characterizing the site. The site characterization shall occur under the oversight of a regulatory agency (e.g., SCEHS or DTSC), and shall demonstrate that the site will not pose an unacceptable human health or safety risk to construction workers or future site occupants based on the proposed land use (e.g., Cal/EPA California Human Health Screening Levels for hazardous materials for commercial/industrial uses,<sup>6</sup> or risk-based Benicia Screening Levels for soil).<sup>7</sup> Criteria for determining whether the site poses an unacceptable human health or safety risk shall be approved by the regulatory oversight agency. A report documenting characterization of

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

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

the site shall be prepared by a qualified environmental professional and submitted to the regulatory oversight agency and City prior to acquiring a site grading permit.

Any remediation actions required to achieve the health and safety criteria above shall also be overseen by the selected agency, and shall be completed prior to site development by a qualified environmental professional. Specific remedies would depend on the extent and magnitude of contamination and requirements of the regulatory agency. Requirements of the regulatory oversight agency for site remediation shall also be adhered to, including preparation of a health and safety plan, an assessment of health impacts associated with excavation activities, identification of standards that may be exceeded by any remedial actions (including dust levels), management of wastes removed, and risk of public upset should there be an accident during site remediation activities. Site remediation activities shall be completed and certified by the regulatory oversight agency prior to application for a site grading permit (in accordance with General Plan Policy 4.7.7).

Mitigation Measure HAZ-4b: If any known or suspected ordnance or explosives are encountered during earthwork activities on-site, construction in that area shall be immediately halted and all personnel shall vacate the area. The contractor shall then contact the 911 emergency system to report the emergency and request assistance. Ordnance and explosives discovery procedures shall be documented by the contractor prior to the start of earthwork activities, posted in the work area, and discussed with all on-site personnel prior to work on the site. (These procedures may be developed as part of other required plans, see mitigation measures discussed above).

The local responding agency (e.g., Benicia Police Department or Fire Department) shall contact the Sacramento District of the Army Corps of Engineers and Department of Toxic Substances Control, to assist in removal of any identified OE, and to determine if further action is needed prior to the time that site development work resumes in the area. Work shall not resume in the affected area until the area it is deemed safe to do so by the local responding agency, and/or the Sacramento District of the Army Corps of Engineers and Department of Toxic Substances Control.

Mitigation Measure HAZ-4c: If contaminated soil is encountered or suspected during site development activities (through soil discoloration or odor), all work shall halt in the immediate area and personnel shall immediately vacate the area and notify Solano County Environmental Health Services (SCEHS). Soil samples shall be collected by a qualified environmental professional (e.g., registered geologist, professional engineer) prior to further work in the area. The samples shall be submitted for laboratory analysis by a State-certified laboratory under chain-of-custody procedures. The analytical methods shall be selected by the environmental professional based on the suspected contamination and consideration of historical land uses of the site and any previous analyses completed for soil samples collected in the areas, if applicable. The analytical results shall be provided to SCEHS and reviewed by a qualified environmental professional. The professional shall provide recommendations, as applicable, regarding soil management, worker health and safety training, and regulatory agency notifications, in accordance with local, State, and Federal requirements. Work shall not resume in this area(s) until these recommendations have been implemented under the oversight of SCEHS.

Mitigation Measure HAZ-4d: The contractor involved in site grading and site development activities shall ensure that underground pipelines (e.g., the water pipelines associated with the Benicia Water Treatment Plant) or other underground or aboveground utilities within the project site are identified and clearly marked prior to earthworking activities to avoid unexpected contact with these utilities. Emergency procedures shall be developed by the contractor that can be implemented in the event utilities are ruptured; these procedures shall be reviewed and approved by the City of Benicia Planning and Building Department, prior to implementation. On-site workers shall be trained in how to implement these procedures. (These procedures may be developed as part of other plans required by the mitigation measures discussed above).

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

### 3.5 Biological Resources

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

Mitigation Measure BIO-1: Prior to site development, a tree report shall be prepared by an arborist or biologist to identify the location, size, and health of trees on the site, and the trees that would be preserved and removed during construction of the project. The report shall also specify measures to protect all preserved trees during construction, including through the creation of Tree Protection Zones. The sponsor shall apply for a Tree Permit for the removal of all protected trees.

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

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

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

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

Mitigation Measure BIO-2a: The project sponsor shall obtain the appropriate federal and State permits authorizing fill of wetlands or waters and shall provide copies of the permits to the City prior to issuance of a grading permit. All work in jurisdictional areas and non-jurisdictional waters of the State shall be in compliance with all terms and conditions of the permits.

Mitigation Measure BIO-2b: The project sponsor shall implement the wetland mitigation and monitoring plan prepared by Sycamore Associates,<sup>8</sup> as modified to reflect wetland impacts that would occur as part of the mitigated project. The revised wetland mitigation and monitoring plan shall be implemented as mitigation for impacts to jurisdictional wetlands and waters of the United States, and shall implement the recommendations and revisions to the original mitigation plan in the subsequent mitigation feasibility report prepared by WRA (as modified to reflect the mitigated project).<sup>9</sup> The mitigation plan and recommendations of the feasibility report are incorporated into this mitigation measure by reference and together are referred to as the mitigation plans. The plan details the mitigation design, wetland planting design, maintenance and monitoring requirements, reporting requirements, and success criteria. This plan shall be approved by the U.S. Army Corps of Engineers (Corps) and the City prior to implementation.

As detailed in the mitigation plans, created wetlands shall be monitored for a minimum of 5 years. Annual monitoring of each site shall include: 1) observation of existing and developing problems and recommendations for remedial actions; 2) an assessment of creation of wetland habitats; 3) a formal wetland delineation in year 5; 4) notation of invasive exotic species; 5) measurement of willow survival; and 6) photo-documentation. Monitoring visits shall be made in the winter and spring of each year and quantitative data shall be collected in the spring. Annual reports shall be submitted each fall to the Corps and the City for review. At the end of the 5-year monitoring period, the Corps and the City shall review the reports and determine if the success criteria have been met. If the success criteria have not been achieved at the end of the 5-year monitoring period, remedial measures shall be identified in consultation with the City and Corps. Remedial measures could include grading, planting, seeding, exotic/invasive vegetation control, and/or an extension of the maintenance or monitoring period. Remedial measures shall be implemented by the project sponsor.

Mitigation Measure BIO-2c: A contractor education program shall be created and initiated by the project restoration specialist prior to the initiation of ground disturbing activities. The

<sup>8</sup> Sycamore Associates LLC and Kamman Hydrology and Engineering, 2000. Wetland Mitigation and Monitoring Plan, Benicia Business Park, Solano County, California (ACOE File No. 18366E). January.

<sup>9</sup> Wetland Research Associates (WRA), 2004. Feasibility Analysis for Mitigation Wetlands. February 13.

purpose of this program shall be to inform the contractors about the mitigation measures being implemented onsite, the biology and life history of special-status species that may be present, the areas to be preserved and avoided during construction, and the measures being implemented to avoid the impacts to these species during construction. During construction, wetlands to be preserved shall be clearly marked with flagging and or construction fencing. During construction in the vicinity of jurisdictional wetlands and non-wetland waters of the United States, the project restoration specialist shall conduct periodic site visits (once every week or once every two weeks, depending on the level of activity) to provide direction and ensure protection of sensitive resources and permit compliance.

Mitigation Measure BIO-2d: During project construction, no material shall be allowed to enter or be stored in any wetlands that are to be preserved. Project related dirt and other material shall be kept sufficiently far away from preserved wetlands and drainages to prevent material from entering these features. If earthmoving activities or material stockpiling occurs upslope from a preserved wetland or drainage, silt fencing shall be installed around the preserved feature to prevent soil from entering the wetland or drainage. Silt fencing shall be installed at least 5 feet from the edges of preserved wetlands and drainages. Silt fencing shall also be installed around preserved features whenever earthmoving activities or material stockpiling occurs within 20 feet of a preserved feature. All equipment washing shall occur downslope from preserved wetlands to prevent the runoff from entering the preserved wetlands. Berms or other barriers shall be constructed outside of preserved wetlands or drainages to prevent wash water runoff from entering the preserved wetlands.

Mitigation Measure BIO-2e: A conservation easement (or similar restriction) shall be established over the preserved and created wetlands to preserve these wetlands in perpetuity. A designated agency, conservation group, or open space organization shall hold the easement to ensure retention of the wetland mitigation site (including the mitigation wetlands and the associated uplands) in perpetuity as wetland habitat.

Mitigation Measure BIO-2f: The project sponsor shall provide financial assurances of a type (i.e., bond, letter of credit) and amount to be determined by the Corps and the City to ensure successful implementation of the mitigation and monitoring plan. The project sponsor shall also provide a long-term funding mechanism for the maintenance of the wetlands in the conservation easements in perpetuity.

Findings for Impact BIO-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-2, as identified in the Final EIR. The City finds that the implementation of the wetland mitigation and monitoring plan prepared by Sycamore Associates (as modified to reflect the mitigated project), the creation of a contractor education program, a prohibition on placing or storing soil in the preserved wetlands, the establishment of a conservation easement over the wetlands, and the provision of a long-term funding mechanism for wetland maintenance are feasible measures, and will ensure the protection of existing and created wetlands, creek channels, and associated habitat on the site. These measures will ensure that wetlands on the site are protected to the extent feasible and replaced in accordance with the requirements of government agencies with jurisdiction over wetlands. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation

Measures BIO-2a through BIO-2f will be incorporated into the project via conditions of approval, and will reduce Impact BIO-2 to a less-than-significant level.

**Impact BIO-3:** Construction of the proposed project could cause indirect impacts to special-status plants.

**Mitigation Measure BIO-3:** Prior to construction of the project, a survey shall be conducted for pappose tarplant, to locate and map any individuals of this species on the site and to estimate the population size. If pappose tarplant is found on the site, then the following standards and procedures shall be implemented.

- If feasible, impacts to these plants shall be avoided completely. If complete avoidance is not possible, the extent of impact will be minimized to the extent possible by the proposed development project. The project sponsor and City, in consultation with a qualified botanist, shall determine the feasibility of implementing avoidance measures and shall develop and implement those measures based on the botanist's recommendations and field assistance. Avoidance measures include redesigning the project footprint, avoiding changes in the hydrology of the plants' habitat, fencing the existing plants with ESA fencing prior to construction and establishing a buffer zone, and training construction personnel to identify this species. Long-term avoidance measures shall also be developed to ensure the long-term stability of the population.
- If impacts to pappose tarplant are unavoidable, the project sponsor shall develop and implement a salvage and recovery plan for individuals prior to initiation of construction activities on the site. The mitigation plan, which shall be prepared by a qualified botanist experienced in the development and implementation of native plant restoration, mitigation, and management plans, shall include the following:
  - Salvage and/or recovery requirements, including clearly defined goals focusing on plant establishment (stability, succession, reproduction) and non-native species control measures.
  - Locations and procedures for restoration/replanting of salvaged plant material including seeds. Onsite relocation in the undeveloped areas of the site shall be considered if suitable habitat for this species is present.
  - Specification of a 5-year post-construction maintenance and monitoring program by a qualified restoration team to ensure that the project goals and performance standards are being met. The monitoring program shall include provision for remedial actions to correct deficiencies, as needed. After 5 years, the species relocation shall be considered successful if the number of plants that were removed on the site is successfully established at the mitigation site at a minimum of a 1:1 ratio. Annual reports and a final report prepared by the project sponsor and subject to approval by CDFG shall document the progress/success of the revegetation effort. If the revegetation is not successful, an additional period of correction and monitoring shall be specified.
- The project sponsor shall provide and secure a source of funding for this salvage and monitoring operation.
- The mitigation shall be considered a success if for the last 3 years of the 5-year monitoring program, the numbers of pappose tarplants have remained above the number of individuals that were adversely affected by the project (1:1 mitigation). The populations should show

no sign of decline during this period. In addition, for at least the last 4 of 5 monitoring years, the growth of grass, presence of thatch, and growth of weeds should not hinder tarplant plants. Grazing is a potential management tool to reduce competition from non-native grasses and weeds. If the mitigation is unsuccessful after 5 years because the number of tarplants is less than a 1:1 ratio during the last 3 monitoring years (Years 3, 4 and 5), then monitoring could be continued for a 6th year if it is feasible that a 1:1 ratio could be achieved for Years 4, 5, and 6. If the lack of success after 5 years suggests that a 6th year of monitoring is not warranted, off-site mitigation land that supports this species shall be purchased. The purchase of these lands shall be approved by the City or CDFG.

**Finding for Impact BIO-3:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-3, as identified in the Final EIR. The City finds that a study to locate and map individual species of pappose tarplant, and the implementation of protective standards and procedures if any species are discovered on the project site, are feasible measures that are endorsed by CDFG, and will reduce indirect impacts to pappose tarplant. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure BIO-3 will be incorporated into the project via conditions of approval, and will reduce Impact BIO-3 to a less-than-significant level.

**Impact BIO-4:** The proposed project may result in the loss of aquatic and terrestrial habitat for the Pacific pond turtle and California red-legged frog and may result in direct take of these species through injury or mortality.

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

**Mitigation Measure BIO-4b:** Protocol-level surveys for California red-legged frogs shall be conducted according to the August 2005 protocol<sup>10</sup> in all areas of the site that provide suitable habitat for this species. The results of the surveys shall be provided to the City at the same time that the survey results are provided to the USFWS and CDFG. Surveys for Pacific pond turtles may be conducted at the same time as the surveys for red-legged frogs. If no red-legged frogs are observed during the survey, no additional mitigation beyond the protection and avoidance

<sup>10</sup> U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), 2005. Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog.

measures stipulated below and those stipulated in permits issued by the USACE, USFWS, and CDFG shall be required.

If California red-legged frogs are observed on the site during the surveys, the project sponsor shall develop and implement a USFWS-approved mitigation plan to compensate for the loss of red-legged frog habitat on the site. The mitigation plan shall provide mitigation at a ratio of 3:1 for all adversely affected habitat (either direct or indirect) and shall provide a buffer of 300 feet around all preserved aquatic habitats onsite. Detailed protection measures shall be included in the plan. The plan shall also identify a secure funding source to provide for the maintenance of mitigation sites in perpetuity. All mitigation sites shall be placed in a conservation easement to preserve the sites as wildlife and plant habitat in perpetuity. The easements shall be held by CDFG, or the City of Benicia. The sponsor shall provide evidence of compliance with the mitigation requirements of the USACE, USFWS, and CDFG prior to issuance of a grading permit.

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

- A qualified biologist shall monitor all construction or ground disturbing activities within 300 feet of suitable red-legged frog aquatic habitat.
- Immediately prior to ground disturbance or construction activities in areas with aquatic habitats or within 300 feet of aquatic habitats, a qualified biologist shall survey the work area for California red-legged frogs.
- If red-legged frogs are found within the work area, all work shall cease and the occurrence shall be reported immediately to the City, USFWS and CDFG. Work onsite shall resume only when authorized by the USFWS. If red-legged frogs are found, a report shall be prepared at the end of each construction season detailing the results of the monitoring effort. The report shall be submitted to the City by November 30 of each year.

Findings for Impact BIO-4: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-4, as identified in the Final EIR. The City finds that the requirement to conduct a survey to determine the presence of Pacific pond turtles and Californian red-legged frog, and the implementation of protective measures and monitoring required by the USACE, USFWS or CDFG, are feasible measures that are supported by State and federal natural resources agencies and would ensure that Pacific pond turtle and California red-legged frog would not be lost due to project implementation. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures BIO-4a through BIO-4c will be incorporated into the project via conditions of approval, and will reduce Impact BIO-4 to a less-than-significant level.

**Impact BIO-5**: The proposed project may result in the loss of nesting habitat for the white-tailed kite, Cooper's hawk, loggerhead shrike, saltmarsh common yellowthroat, and other breeding birds, and may result in direct take of these species through injury or mortality.

**Mitigation Measure BIO-5a:** A qualified biologist shall conduct raptor and passerine nest surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities on the site to locate any active nests on or immediately adjacent to the site. Preconstruction surveys shall be conducted no more than 14 days prior to the start of pruning, construction, or ground disturbing activities if the activities occur during the nesting season (February 1 and August 31). Preconstruction surveys for nesting raptors shall be conducted on a minimum of 3 separate days during the 14 days prior to disturbance. Preconstruction surveys shall be repeated at 30-day intervals until construction has been initiated in the area. Locations of active nests shall be described and protective measures implemented. Protective measures shall include establishment of clearly delineated (i.e., orange construction fencing) avoidance areas around each nest site that are a minimum of 500 feet from the dripline of the nest tree or nest for raptors and 50 feet for passerines. The active nest sites within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance. These protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. A report shall be submitted to the City at the end of the construction season documenting the observations made during monitoring.

**Mitigation Measure BIO-5b:** A preconstruction survey shall be conducted no more than 30 days prior to demolition or removal of the abandoned barn. If no owls are observed, then demolition or removal may proceed. If owls are observed during the preconstruction survey, a determination shall be made on whether birds are roosting or nesting. If a single owl is roosting, demolition or removal of the structure can proceed after the owl has been persuaded to move from the roost area. Non-invasive techniques include light shining into the roost space for one or two nights and days. If barn owls (or other owls species) are found to be actively nesting in the barn, any work on or demolition of the structure shall be postponed until one of the following conditions have been met: 1) a qualified biologist monitoring the nest determines that the owls have abandoned the nest without any outside interference or 2) a qualified biologist monitoring the nest has determined that the young have fledged and are capable of relocating and using another roost site. Under either scenario, the monitor shall ensure that all owls have left the building prior to demolition activities. Once the young have fledged, non-invasive techniques may be used to encourage the owls to leave the barn. The barn owl nesting period is typically between February 15 and July 15. Buildings being used by nesting owls shall be fenced and designated off-limits to prevent entry into the buildings.

**Findings for Impact BIO-5:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-5, as identified in the Final EIR. The City finds that conducting surveys for the species listed in Impact BIO-5, and adhering to the species protection protocol set forth in Mitigation Measures BIO-5a and BIO-5b are feasible measures and will adequately protect white-tailed kite, Cooper's hawk, loggerhead shrike, saltmarsh common yellowthroat, and other breeding birds that may occur on the site. This protocol is consistent with that recommended by CDFG for the protection of breeding birds of special concern. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures BIO-5a and BIO-5b will be incorporated into the project via conditions of approval, and will reduce Impact BIO-5 to a less-than-significant level.

**Impact BIO-6:** The proposed project may result in the loss of western burrowing owl habitat and direct take of this species through injury or mortality.

Mitigation Measure BIO-6a: Preconstruction surveys shall be conducted for burrowing owls prior to site preparation, grading and construction. These surveys shall conform to the survey protocol established by the California Burrowing Owl Consortium.<sup>11</sup> Preconstruction surveys shall be conducted no more than 30 days prior to the initiation of construction activities and at 30-day intervals if construction activities have not been initiated in an area. The following measures shall also apply:

- a) If burrowing owls are found onsite, they shall be avoided to the extent practicable, as determined by the City in consultation with the California Department of Fish and Game. A clearly defined area (i.e., an area demarcated by orange construction fencing) shall be established around each burrowing owl burrow to be avoided. No disturbance shall occur within 50 meters (approx. 160 feet) of occupied burrows during the non-breeding season of September 1 through January 31 or within 75 meters (approximately 250 feet) during the breeding season of February 1 through August 31.
- b) If burrowing owls occur at the project site and construction would begin before February or after the end of August, and the burrows cannot be avoided, then passive relocation techniques may be used to relocate owls from the site. These passive relocation techniques would include excavating all potential burrows after excluding owls from the burrow for the required length of time. Passive relocation shall be undertaken according to the current protocol established by the CDFG. Artificial burrows shall be provided on the mitigation site for each occupied burrow destroyed at the project site at a ratio of 2:1 (two artificial burrows created for each occupied burrow destroyed).
- c) If western burrowing owl occurs at the project site and construction would begin during the breeding season (February through August), then a buffer of a radius of 75 meters (approximately 250 feet) shall be established around any burrows containing owls.
- d) Removal of burrowing owls at the project site shall conform to the requirements of CDFG's *Staff Report on Burrowing Owl Mitigation*.<sup>12</sup> This shall entail establishing 6.5 acres of suitable habitat for each pair of burrowing owls displaced from the project site. These 6.5 acres shall be adjacent to an area already used by burrowing owls. The replacement mitigation site shall be preserved in perpetuity for use as burrowing owl and wildlife habitat. An endowment for management and monitoring the site shall also be established.

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

<sup>11</sup> California Burrowing Owl Consortium, 1997. Burrowing Owl Survey Protocol and Mitigation Guidelines. Appendix B, pp. 171-177 in Lincer, J.L. and K. Steenhof, eds. *The Burrowing Owl, Its Biology and Management; Including the Proceedings of the First International Burrowing Owl Symposium*. Raptor Research Report No. 9.

<sup>12</sup> California Department of Fish and Game (CDFG), 1995. *Staff Report on Burrowing Owl Mitigation*. California Department of Fish and Game. Sacramento, CA. 8 pp. October 17.

Findings for Impact BIO-6: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-6, as identified in the Final EIR. The City finds that conducting surveys for the burrowing owl, and adhering to the protocol set forth in Mitigation Measures BIO-6a and BIO-6b are feasible measures and will adequately protect any burrowing owls that may occur within the project site. This protocol is consistent with that recommended by CDFG for the protection of burrowing owl. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures BIO-6a and BIO-6b will be incorporated into the project via conditions of approval, and will reduce Impact BIO-6 to a less-than-significant level.

**Impact BIO-7:** The proposed project may result in direct take of the American badger through injury or mortality.

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

Findings for Impact BIO-7: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-7, as identified in the Final EIR. The City finds that conducting surveys for the American badger, establishing exclusion zones around any identified burrows, and monitoring dens are feasible measures and will adequately protect any American badgers that may occur within the project site. This protocol is consistent with that recommended by CDFG for the protection of American badger. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure BIO-7 will be incorporated into the project via conditions of approval, and will reduce Impact BIO-7 to a less-than-significant level.

**Impact BIO-8:** The proposed project may result in the loss of foraging and roosting habitat for the pallid bat, pale Townsend's big-eared bat, and other special-status bat species, and may result in direct take of these species through injury or mortality.

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

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

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

Mitigation Measure BIO-8d: If special-status bats (i.e., pallid bat, pale Townsend's big-eared bat) are found onsite, and the roost would be destroyed during development, an artificial roost shall be provided for the bats. The roost shall be constructed and placed onsite prior to removal of the original roost. A mitigation plan specifying the construction details and siting of the structure shall be prepared and approved by the City and CDFG prior to removal of the existing roost. The sponsor shall provide a secure source of funding for the monitoring of the artificial roost for a period of at least 5 years. A report documenting the implementation of the plan shall be provided to the City within 1 month of completion of the artificial roost. The plan shall be completed and implemented prior to the issuance of the grading permit.

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

Findings for Impact BIO-8: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact BIO-8, as identified in the Final EIR. The City finds that conducting surveys for bat roosts, and adhering to the protocol set forth in Mitigation Measures BIO-8a through BIO-8e are feasible measures and will adequately protect special-status bat species that may occur within the project site. This protocol is consistent with that recommended by CDFG for the protection of special status bats. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures BIO-8a through BIO-8e will be incorporated into the project via conditions of approval, and will reduce Impact BIO-8 to a less-than-significant level.

### 3.6 Transportation and Circulation

Impact TRANS-1: Unacceptable LOS at the intersection of East 2nd Street / Park Road / New Access. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

Mitigation Measure TRANS-1: The project sponsor shall install and pay for the following improvement. Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure NB approach to provide one shared through-left lane, and one exclusive right-turn lane. Configure SB approach to provide one shared through-right lane and one exclusive left-turn lane. Reconfigure EB approach to provide one shared through-right lane, and one exclusive left-turn lane. Reconfigure WB approach to provide one exclusive right-turn lane, and one shared through-right lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS C and LOS D with delays of 26.4 and 39.5 seconds for the AM and PM peak hours, respectively.

Findings for Impact TRANS-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-1, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for signalization and

significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-3 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-3 to a less-than-significant level.

**Impact TRANS-4:** Unacceptable LOS at the intersection of East 2nd Street/1-780 Westbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-4:** The project sponsor shall install and pay for the following improvement. Reconfigure NB approach to provide one exclusive left-turn lane, one through lane, and one exclusive through-right lane. Reconfigure SB approach to provide one exclusive left-turn lane, one shared through-right lane, and one exclusive right-turn lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS C and LOS D with delays of 30.2 and 36.5 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-4:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-4, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes in the East 2nd Street/1-780 Westbound Ramps intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/1-780 Westbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-4 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-4 to a less-than-significant level.

**Impact TRANS-5:** Unacceptable LOS at the intersection of East 2nd Street/1-780 Eastbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for AM peak hour.

**Mitigation Measure TRANS-5:** The project sponsor shall install and pay for the following improvement. Reconfigure WB approach to provide one left-turn lane, and one free right-turn lanes. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS C and LOS B for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-5:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-5, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes in the East 2nd Street/1-780 Eastbound Ramps intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/1-780 Eastbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-5 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-5 to a less-than-significant level.

reconfiguration of the lanes in the East 2nd Street/Park Road/New Access intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/Park Road/New Access intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-1 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-1 to a less-than-significant level.

**Impact TRANS-2:** Unacceptable LOS at the intersection of East 2nd Street/Industrial Way. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-2:** The project sponsor shall install and pay for the following improvement. Reconfigure SB approach to provide one exclusive left-turn lane, one through lane, and two exclusive right-turn lanes. Reconfigure EB approach to provide two exclusive left-turn lanes, one through lane, and one exclusive right-turn lane. Reconfigure WB approach to provide one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS C and LOS D with delays of 31.6 and 43.5 seconds for the AM and PM peak hour, respectively.

**Findings for Impact TRANS-2:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-2, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes in the East 2nd Street/ Industrial Way intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street / Industrial Way intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-2 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-2 to a less-than-significant level.

**Impact TRANS-3:** Unacceptable LOS at the intersection of East 2nd Street/Rose Drive. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-3:** The project sponsor shall install and pay for the following improvement. Reconfigure SB approach to provide two through lanes, and one exclusive right-turn lane. Reconfigure EB approach to provide one exclusive left-turn lane, one shared left-right turn lane, and one exclusive right-turn lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS B and LOS C with a delay of 14.8 and 34.6 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-3:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-3, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes in the East 2nd Street/Rose Drive intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/Rose Drive intersection to a less-than-

**Impact TRANS-6:** Unacceptable LOS at the intersection of Lake Herman Road/extension of Industrial Way. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for the PM peak hour.

**Mitigation Measure TRANS-6:** The project sponsor shall install and pay for the following improvement. Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS C with delays of 28.1 seconds for the PM peak hour.

**Findings for Impact TRANS-6:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-6, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for a signalized intersection at the Lake Herman Road/extension of Industrial Way intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/extension of Industrial Way intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-6 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-6 to a less-than-significant level.

**Impact TRANS-7:** Unacceptable LOS at the intersection of Lake Herman Road/East 2nd Street. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-7:** The project sponsor shall install and pay for the following improvement. Widen Lake Herman Road from the intersection of A Street/Lake Herman Road to the intersection of Lake Herman Road/I-680. Reconfigure the NB approach to provide one shared through-left lane, and two right-turn lanes. Reconfigure the EB approach to provide one exclusive left-turn lane, one through lane, and one through-right lane. Reconfigure the WB approach to provide two exclusive left-turn lanes, one through lane, and one through-right lane. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B and LOS C with delays of 16.6 and 34.4 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-7:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-7, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the widening and reconfiguration of lanes at the Lake Herman Road/East 2nd Street intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/East 2nd Street intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-7 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-7 to a less-than-significant level.

**Impact TRANS-8:** Unacceptable LOS at the intersection of Lake Herman Road/I-680 Southbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

Mitigation Measure TRANS-8: The project sponsor shall install and pay for the following improvement. Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure WB approach to provide one exclusive left-turn lane, and one through lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS B with delays of 11.9 and 13.1 seconds for the AM and PM peak hours, respectively. This improvement shall be included in a comprehensive plan to improve the operation of I-680 between Industrial Way and East 2nd Street.

Findings for Impact TRANS-8: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-8, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization and reconfiguration of lanes at the Lake Herman Road/I-680 Southbound Ramps intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/I-680 Southbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-8 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-8 to a less-than-significant level.

**Impact TRANS-9:** Unacceptable LOS at the intersection of Lake Herman Road/I-680 Northbound Ramps/Goodyear Road. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

Mitigation Measure TRANS-9: The project sponsor shall install and pay for the following improvement. Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure NB approach to provide one exclusive left-turn lane, and one shared through-right lane. Reconfigure EB approach to provide one exclusive left-turn lane, one shared through-right lane, and one exclusive right-turn lane. Reconfigure WB approach to provide one exclusive left-turn lane, and one shared through-right lane. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS D and LOS C with delays of 42.2 and 28.4 seconds for the AM and PM peak hours, respectively. This improvement shall be included in a comprehensive plan to improve the operation of I-680 between Industrial Way and East 2nd Street.

Findings for Impact TRANS-9: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-9, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization and reconfiguration of lanes at the Lake Herman Road/I-680 Northbound Ramps/Goodyear Road intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/I-680 Northbound Ramps/Goodyear Road intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation

Measure TRANS-9 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-9 to a less-than-significant level.

**Impact TRANS-10:** Unacceptable LOS at the intersection of Park Road/Bayshore Road. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-10:** The project sponsor shall install and pay for the following improvement. Reconfigure SB approach to provide two exclusive left-turn lanes, and one shared through-right lane. Reconfigure WB approach to provide one shared through-left lane, and two exclusive right-turn lanes. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS B with delays of 12.4 and 14.4 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-10:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-10, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes at the Park Road/Bayshore Road intersection is feasible, and will reduce the project's contribution to congestion at the Park Road/Bayshore Road intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-10 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-10 to a less-than-significant level.

**Impact TRANS-11:** Unacceptable LOS at the intersection of East 2nd Street/Park Road/New Access. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-11:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure NB approach to provide two exclusive left-turn lanes, and one through-right lane. Reconfigure SB approach to provide two exclusive left-turn lanes and one through-right lane. Reconfigure EB approach to provide one shared through-right lane, and one exclusive left-turn lane. Reconfigure WB approach to provide one shared through-left lane, and one exclusive right-turn lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS C with delays of 26.4 and 36.2 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-11:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-11, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization and reconfiguration of the East 2nd Street/Park Road/New Access intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/Park Road/New Access intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-11 will be incorporated

into the project via conditions of approval, and will reduce Impact TRANS-11 to a less-than-significant level.

**Impact TRANS-12:** Unacceptable LOS at the intersection of East 2nd Street/Industrial Way. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-12:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Reconfigure SB approach to provide one exclusive left-turn lane, one through lane, and two exclusive right-turn lanes. Reconfigure EB approach to provide two exclusive left-turn lanes, one through lane, and one exclusive right-turn lane. Reconfigure WB approach to provide one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS C and LOS D with delays of 31.7 and 45.2 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-12:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-12, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for reconfiguration of the lanes in the East 2nd Street/Industrial Way intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/Industrial Way intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-12 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-12 to a less-than-significant level.

**Impact TRANS-13:** Unacceptable LOS at the intersection of East 2nd Street/Rose Drive. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-13:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Reconfigure SB approach to provide two through lanes, and one exclusive right-turn lane. Reconfigure NB approach to provide two exclusive left-turn lanes, and two through lanes. Reconfigure EB approach to provide one exclusive left-turn lane, one shared left-right lane, and one exclusive right-turn lane. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B and LOS D with delays of 16.6 and 43.1 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-13:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-13, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for reconfiguration of the lanes in the East 2nd Street/Rose Drive intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/Rose Drive intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that

Mitigation Measure TRANS-13 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-13 to a less-than-significant level.

**Impact TRANS-14:** Unacceptable LOS at the intersection of East 2nd Street/1-780 Westbound Ramps. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-14:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Reconfigure NB approach to provide one exclusive left-turn lane, one through lane, and one exclusive through-right lane. Reconfigure SB approach to provide one exclusive left-turn lane, one shared through-right lane, and one exclusive right-turn lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS D with delays of 40.7 and 35.8 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-14:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-14, as identified in the Final EIR. The City finds that requiring the applicant to pay for and implement the reconfiguration of lanes in the East 2nd Street/1-780 Westbound Ramps is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/1-780 Westbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-14 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-14 to a less-than-significant level.

**Impact TRANS-15:** Unacceptable LOS at the intersection of East 2nd Street/1-780 Eastbound Ramps. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-15:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Reconfigure WB approach to provide one left-turn lane, and one free right-turn lanes. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS and LOS the AM and PM peak hours, respectively.

**Findings for Impact TRANS-15:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-15, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for reconfiguration of the lanes in the East 2nd Street/1-780 Eastbound Ramps intersection is feasible, and will reduce the project's contribution to congestion at the East 2nd Street/1-780 Eastbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-15 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-15 to a less-than-significant level.

**Impact TRANS-16:** Unacceptable LOS at the intersection of Lake Herman Road/extension of Industrial Way. The effect of cumulative growth and project traffic would result in the intersection operating at LOS E and LOS F with delays of 38.7 and over 50.0 seconds for the AM and PM peak hours, respectively.

**Mitigation Measure TRANS-16:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B and LOS C with delays of 13.8 and 39.3 seconds for the AM and PM peak hours, respectively.

**Findings for Impact TRANS-16:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-16, as identified in the Final EIR. The City finds that requiring the applicant to install and pay for signalization of the Lake Herman Road/extension of Industrial Way intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/extension of Industrial Way intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-16 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-16 to a less-than-significant level.

**Impact TRANS-17:** Unacceptable LOS at the intersection of Lake Herman Road/East 2nd Street. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-17:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits (although signalization improvements may be eligible for a Transportation Impact Fee credit): The following improvement was recommended for Cumulative Conditions: Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. In addition, the following improvement is recommended for Cumulative Plus Project Conditions: Widen Lake Herman Road from the intersection of A Street/Lake Herman Road to the intersection of Lake Herman Road/I-680. Reconfigure the NB approach to provide one shared through-left lane, and two right-turn lanes. Reconfigure the EB approach to provide one exclusive left-turn lane, one through lane, and one through-right lane. Reconfigure the WB approach to provide two exclusive left-turn lanes, one through lane, and one through-right lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS B and LOS D with delays of 19.3 and 36.4 seconds for the AM and PM peak hours, respectively. This improvement shall be included in a comprehensive plan to improve the operation of the I-680/Industrial Way/Lake Herman Road interchange complex, consistent with the goals and policies of the City's General Plan.

**Findings for Impact TRANS-17:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-17, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes and signalization at the Lake Herman Road/East 2nd Street intersection is

feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/East 2nd Street intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-17 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-17 to a less-than-significant level.

**Impact TRANS-18:** Unacceptable LOS at the intersection of Lake Herman Road/I-680 Southbound Ramps. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-18:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. Widen Lake Herman Road from the intersection of A Street/Lake Herman Road to the intersection of Lake Herman Road/I-680. Reconfigure WB approach to provide one exclusive left-turn lane, and one through lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS B and LOS C with delays of 17.2 and 25.9 seconds for the AM and PM peak hours, respectively. This improvement shall be included in a comprehensive plan to improve the operation of the I-680/Industrial Way/Lake Herman Road interchange complex, consistent with the goals and policies of the City's General Plan.

**Findings for Impact TRANS-18:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-18, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization and reconfiguration of lanes at the Lake Herman Road/I-680 Southbound Ramps intersection is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road/I-680 Southbound Ramps intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-18 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-18 to a less-than-significant level.

**Impact TRANS-19:** Unacceptable LOS at the intersection of Lake Herman Road/I-680 Northbound Ramps / Goodyear Road. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.

**Mitigation Measure TRANS-19:** The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. Widen Lake Herman Road from the intersection of A Street/Lake Herman Road to the intersection of Lake Herman Road/I-680. Reconfigure NB approach to provide one exclusive left-turn lane, and one shared through-right lane. Reconfigure EB approach to provide one exclusive left-turn lane, one shared through-right lane, and one exclusive right-turn lane. Reconfigure WB approach to provide one exclusive left-turn lane, and one shared through-right lane. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS D with delays of

52.0 and 35.3 seconds for the AM and PM peak hours, respectively. This improvement shall be included in a comprehensive plan to improve the operation of the I-680/Industrial Way/Lake Herman Road interchange complex, consistent with the goals and policies of the City's General Plan.

Findings for Impact TRANS-9: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-19, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization and reconfiguration of lanes at the Lake Herman Road/I-680 Northbound Ramps / Goodyear Road intersection, and the widening of Lake Herman Road, is feasible, and will reduce the project's contribution to congestion at the Lake Herman Road / I-680 Northbound Ramps/Goodyear Road intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-19 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-19 to a less-than-significant level.

**Impact TRANS-20:** Unacceptable LOS at the intersection of Park Road/Industrial Way. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with delays of over 50.0 seconds for the AM and PM peak hours.

Mitigation Measure TRANS-20: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B with delays of 13.0 and 12.8 seconds for the AM and PM peak hours, respectively.

Findings for Impact TRANS-20: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-20, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the signalization of the Park Road/Industrial Way intersection is feasible, and will reduce the project's contribution to congestion at the Park Road/Industrial Way intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-20 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-20 to a less-than-significant level.

**Impact TRANS-21:** Unacceptable LOS at the intersection of Park Road/Bayshore Road. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.

Mitigation Measure TRANS-21: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Reconfigure SB approach to provide two exclusive left-turn lanes, and one shared through-right lane. Reconfigure WB approach to provide one shared through-left lane, and two exclusive right-turn lanes. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS B and LOS C with delays of 14.4 and 17.3 seconds for the AM and PM peak hours, respectively.

Findings for Impact TRANS-21: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-21, as identified in the Final EIR. The City finds that requiring the applicant to implement and pay for the reconfiguration of lanes at the Park Road/Bayshore Road intersection is feasible, and will reduce the project's contribution to congestion at the Park Road/Bayshore Road intersection to a less-than-significant level. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-21 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-21 to a less-than-significant level.

**Impact Trans-22:** Unacceptable LOS at the freeway segment of Westbound I-780, West of East 2nd Street. The effect of project traffic would result in the freeway segment operating at LOS F with a volume to capacity ratio of 1.029 for PM peak hour.

Findings for Impact TRANS-22: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-22, as identified in the Final EIR. The City finds that traffic volumes at the westbound I-780 segment west of East 2nd Street are expected to decrease with implementation of the mitigated project, compared to the 2007 project. As a result, the mitigated project would no longer result in a potentially significant impact at this location, and Impact TRANS-22 would be avoided. This finding is supported by the traffic modeling conducted as part of the analysis in the Addendum. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that the changes incorporated into the mitigated project will reduce Impact TRANS-22 to a less-than-significant level.

**Impact TRANS-23:** The project would be inadequately served by transit facilities.

Mitigation Measure TRANS-23: The project sponsor shall be responsible for the cost to extend Benicia Transit (Benicia Breeze) to the project site. Current routes which connect Benicia with Pleasant Hill BART Station, Baylink Ferry Terminal, and other destinations in Solano County do not currently serve the project site. These costs shall include all capital costs (i.e., buses, transit shelters, and signage) associated with build-out of the Benicia Business Park. In addition, the project sponsor shall provide transit stops with covered shelters at multiple locations throughout the project site, at all major retail and employment areas, as identified by the City's Public Works Department.

Findings for Impact TRANS-23: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-23, as identified in the Final EIR. The City finds that requiring the applicant to pay for the extension of Benicia Transit to the project site and related capital costs is feasible, and will provide an adequate level of transit service to the site. This finding is supported by the traffic modeling conducted as part of the analysis in the Final EIR. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-23 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-23 to a less-than-significant level.

**Impact TRANS-24:** The project would not include bicycle and pedestrian facilities.

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

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

**Findings for Impact TRANS-24:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-24, as identified in the Final EIR. The City finds that requiring the applicant to incorporate pedestrian and bicycle design features and services into the project is feasible, and will adequately reduce potential pedestrian and bicycle facility impacts to a less-than-significant level. The required pedestrian and bicycle features will enhance connectivity to surrounding neighborhoods and may reduce reliance on private motor vehicles. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-24 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-24 to a less-than-significant level.

**Impact TRANS-25:** Temporary transportation impacts would result from truck movements and construction worker vehicles traveling to and from the project site.

**Mitigation Measure TRANS-25:** Prior to the issuance of each building permit, the project sponsor and construction contractor shall meet with the Benicia Public Works Department and other appropriate City of Benicia agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of the project. The project sponsor shall develop a

construction management plan for review and approval by the City Public Works Department. The plan shall include at least the following items and requirements:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, provisions for truck queuing, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- Identification of any transit stop relocations.
- Provisions for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- Identification of parking space removal and any relocation of parking for employees, and public parking during construction.
- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- Provisions for accommodation of pedestrian flow.
- No construction traffic shall be allowed on East 2nd Street south of Industrial Way, and on Lake Herman Road and Reservoir Road.
- Location of construction staging areas for materials, equipment, and vehicles.
- Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project sponsor.
- A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager.

Findings for Impact TRANS-25: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-25, as identified in the Final EIR. The City finds that requiring the applicant to prepare traffic management strategies to reduce traffic congestion and the adverse effects of parking demand by construction workers during construction of the project is feasible, and will adequately reduce temporary construction-related transportation impacts to a less-than-significant level. The required measures will ensure that project construction will not substantially disrupt circulation patterns in the vicinity of the project site. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-25 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-25 to a less-than-significant level.

Impact TRANS-26: High volumes of heavily laden trucks have an incremental impact on the condition of streets and highways

Mitigation Measure TRANS-26: The project sponsor shall prepare an overall construction traffic management plan to limit the effects of trucks and other construction traffic on surface conditions of area roads and intersections. This plan shall be prepared in coordination with the City of Benicia, and shall include the following provisions:

- Prior to implementation of the proposed project, the project sponsor shall survey the condition of truck access route roadways and prepare an existing conditions report to document roadway baseline conditions.
- During the construction of the project, or periodically throughout the project's construction period, the project sponsor shall make periodic improvements to area roadways to maintain minimum standards, including clean-up of construction debris (e.g., sand and gravel) and spot repaving of potholes or other pavement section damage.
- Upon completion of all or most of project construction activities, the project sponsor shall identify any impacts to roadway conditions. The project sponsor shall install improvements and/or pay an impact fee to mitigate any damage to the existing street pavements on East 2nd Street, Industrial Way, and Lake Herman Road to/from the project site caused by heavy construction traffic accessing the project site, as determined by the City Engineer.

Findings for Impact TRANS-26: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact TRANS-26, as identified in the Final EIR. The City finds that requiring the applicant to prepare an overall construction traffic management plan is feasible, and will adequately reduce impacts related to roadway damage to a less-than-significant level. The measures listed above will require the project sponsor to fix damage to roadways resulting from use by project-related construction vehicles. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-26 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-26 to a less-than-significant level.

### 3.7 Air Quality

Impact AIR-1: Demolition and construction period activities could generate significant dust, exhaust, and organic emissions.

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

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;

- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Apply non-toxic soil stabilizers to inactive construction areas;
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- Install baserock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

Findings for Impact AIR-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact AIR-1, as identified in the Final EIR. The City finds that requiring the construction contractor to implement the construction period dust and emission-control measures outlined in Mitigation Measure AIR-1 is feasible, and will reduce the project's construction period air quality impacts to a less-than-significant level. These construction-period air pollution reduction measures are considered to be effective by the Bay Area Air Quality Management District. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure AIR-1 will be incorporated into the project via conditions of approval, and will reduce Impact AIR-1 to a less-than-significant level.

### 3.8 Noise

Impact NOI-1: Construction period activities could create significant short-term noise impacts on adjacent industrial/commercial properties and on buildings that would become occupied within the project site before completion of the entire project.

Mitigation Measure NOI-1a: During all project site excavation and on-site grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

Mitigation Measure NOI-1b: The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.

Mitigation Measure NOI-1c: The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

Mitigation Measure NOI-1d: The construction contractor shall ensure that all general construction related activities are restricted to the hours of 7:00 a.m. and 10:00 p.m., with the

exception of all excavating, grading, and filling activity, which shall be restricted to the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.

Findings for Impact NOI-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact NOI-1, as identified in the Final EIR. The City finds that requiring the contractor to: equip all equipment with mufflers, keep stationary equipment away from sensitive receptors, locate equipment staging away from sensitive receptors, and limit the hours that construction related activities can take place are feasible, and will reduce the project's construction period noise impacts to a less-than-significant level. These measures are considered by acoustical experts to be effective in reducing noise associated with construction activity and are standard conditions of approval employed by municipalities throughout the Bay Area. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures NOI-1a through NOI-1d will be incorporated into the project via conditions of approval, and will reduce Impact NOI-1 to a less-than-significant level.

Impact NOI-2: Implementation of the proposed project would increase traffic noise levels at the project site and surrounding areas.

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

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

Mitigation Measure NOI-2b: For all hotels built at the project site that include outdoor activity areas, **one** (or more) of the following measures shall be implemented:

- All hotel outdoor activity areas shall be located so that they are completely sheltered by the hotel building from direct exposure to both Lake Herman Road and East 2nd Street; or
- All hotel outdoor activity areas shall be located at a distance greater than 93 feet from the centerline of the outermost travel lane of Lake Herman Road and also at a distance greater than 122 feet from the centerline of the outermost travel lane of East 2nd Street; or
- A sound barrier at least 8-feet-high shall be constructed around all outdoor hotel activity areas that are located within 57 feet of the centerline of the outermost travel lane of the East 2nd Street roadway segment; a 6-foot-high sound barrier shall be constructed around all outdoor activity areas located between 57 feet and 122 feet from the centerline of the outermost travel lane of the East 2nd Street roadway segment.

Mitigation Measure NOI-2c: If a sound study confirms that the interior noise level without sound-attenuated ventilation systems would exceed the City's standards, sound-attenuated ventilation systems, such as air conditioning, shall be installed in all buildings that require good speech intelligibility (as outlined in sub-note 5 of Table IV.I-4 of the Final EIR) for buildings located as follows:

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

Findings for Impact NOI-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact NOI-2, as identified in the Final EIR. The City finds that requiring sound barriers to be constructed along the property/right-of way line of sensitive receptors or using rubberized asphalt, and implementing the sound-reduction provisions at outdoor hotel uses and in buildings that require good speech intelligibility are feasible measures, and will reduce noise levels on the project site to acceptable levels. These measures are considered by acoustical experts to be effective in reducing noise associated with roadway traffic and have been employed successfully throughout the Bay Area. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures NOI-2a through NOI-2c will be incorporated into the project via conditions of approval, and will reduce Impact NOI-2 to a less-than-significant level.

### 3.9 Visual Resources

Impact VIS-1: The proposed project would adversely affect scenic vistas from several public roadways.

Findings for Impact VIS-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact VIS-1, as identified in the Final EIR. The City finds that the grading proposed as part of the mitigated project is approximately 44 percent of the grading proposed as part of the 2007 project. Therefore, compared to the 2007 project, the mitigated project would preserve the prominent hillsides in the northern portion of the project site, near Lake Herman Road. In addition, other scenic features on the site, including wetlands and creeks, would be preserved as part of the mitigated project. The conceptual landscape plan prepared for the mitigated project includes provisions to buffer proposed development on the project site with trees, berms, and low fences. In addition, the proposed water tanks would also be screened with berms so as not to be visible from Lake Herman Road. All roadway frontages within the site would be planted with street trees, and trees would be expected to partially screen buildings from off-site viewpoints within 5 years of planting. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that the changes incorporated into the mitigated project will reduce Impact VIS-1 to a less-than-significant level.

Impact VIS-2: The proposed project could adversely affect the visual character of the project site, as observed from public vantage points surrounding the site.

Findings for Impact VIS-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact VIS-2, as identified in the Final EIR. The City finds that the mitigated project would preserve significant hillsides, along with 100- to 200-foot buffers on each side of the creeks, drainages, swales, and other wetlands found within the project site. While the preservation of these drainages would protect the existing hydrology of the project site, it would also preserve important components of the visual character of the site. The "reaches" of open space within the site would also break up the visual

bulk of development on the site, and would reduce the intrusion of the project into the rural character of the project site. The mitigated project would convert a rural landscape into a partially-developed one, but would retain the key visual features of the site in such a way that the character of the site would not be substantially adversely altered. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that the changes incorporated into the mitigated project will reduce Impact VIS-2 to a less-than-significant level.

**Impact VIS-3:** The water tanks would be visible from several public viewpoints and would be out of scale and character with the adjacent open space.

**Findings for Impact VIS-3:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact VIS-3, as identified in the Final EIR. The City finds that the proposed water tanks would be screened with berms so as not to be visible from Lake Herman Road. In addition, based on the conceptual landscape plan for the mitigated project, the water tanks would be surrounded with plantings that would ultimately screen views of the tanks from public viewpoints. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that the changes incorporated into the mitigated project will reduce Impact VIS-3 to a less-than-significant level.

**Impact VIS-4:** The proposed project could increase the amount of light and glare in Benicia adversely affecting day or nighttime views of the area.

**Mitigation Measure VIS-4a:** Prior to the approval of the first Development Plan for the site subsequent to the approval of the Master Plan, the project sponsor shall submit for City staff review the proposed lighting fixtures that will be used for security lighting, street lighting, lighting in parking lots and along sidewalks or paths throughout the project site. The fixtures shall be selected to minimize light and glare spillover into areas outside of the project site and shall be to the satisfaction of City staff. The detailed manufacturer's specifications shall be provided for the proposed fixtures. A variety of fixture types may be used, provided that each is approved by City staff. Additionally, the project sponsor shall submit the proposed maximum height of any poles to be used for security, street or parking lot lighting. City staff may require photometric analysis if necessary to properly evaluate the proposed lighting.

**Mitigation Measure VIS-4b:** All exterior lighting fixtures mounted on buildings shall be hooded and downward-directed to minimize spillover light and glare onto adjacent properties.

**Mitigation Measure VIS-4c:** No flood lighting of buildings, landscaping or signs shall be permitted unless expressly approved as part of a Development Plan or Design Review approval in which City staff has made a determination that such lighting can occur without adverse light and glare impacts.

**Findings for Impact VIS-4:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact VIS-4, as identified in the Final EIR. The City finds that the uses of low-glare/light spillover lighting fixtures and approval of lighting fixtures and plans by City staff are feasible measures, and will ensure the amount of light and glare generated by the mitigated project is adequately controlled. Light fixtures that minimize light spillover and glare are widely available and are effective in ensuring that nighttime views

are not degraded. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures VIS-4a through VIS-4c will be incorporated into the project via conditions of approval, and will reduce Impact VIS-4 to a less-than-significant level.

### 3.10 Cultural and Paleontological Resources

**Impact CULT-1:** Ground-disturbing project construction could result in adverse impacts to cultural resource BBP-2 in the project area.

Findings for Impact CULT-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact CULT-1, as identified in the Final EIR. The City finds that, unlike the 2007 project, the mitigated project would avoid adverse impacts to cultural resource BBP-2 during ground-disturbing activities. The mitigated project would preserve the site of BBP-2 as open space (the site is located within one of the creek buffers), and therefore would not adversely affect the potential resource. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that the changes incorporated into the mitigated project will reduce Impact CULT-1 to a less-than-significant level.

**Impact CULT-2:** Ground-disturbing project construction could disturb human remains, including those interred outside of formal cemeteries.

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

Findings for Impact CULT-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact CULT-2, as identified in the Final EIR. The City finds that requiring adherence to established protocol regarding the treatment of identified human remains is feasible, and will adequately protect such remains. Mitigation Measure CULT-2 represents standard protocol for minimizing potential impacts to human remains and allows for consultation with Native American groups to determine the need for additional protection resources. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure CULT-2 will be incorporated into the project via conditions of approval, and will reduce Impact CULT-2 to a less-than-significant level.

**Impact CULT-3:** Ground-disturbing project construction could result in significant impacts to paleontological resources.

**Mitigation Measure CULT-3:** A qualified paleontologist shall monitor initial project ground-disturbing construction below the soil layer (i.e., below the bottom of the soil layer, which is approximately 2.5-3.5 feet below the original ground surface). The paleontologist shall then determine the appropriate level of monitoring needed based on the sensitivity of the area in which construction is occurring. Appropriate levels of monitoring may include continuous monitoring, periodic spot checks, or no further monitoring. Monitoring shall continue in accordance with the recommendations of the paleontologist. The paleontological monitor must be empowered to halt construction activities at the location of a discovery to protect the find while it is being evaluated. If significant fossil resources are recovered, they shall be curated at an appropriate facility (e.g., University of California Museum of Paleontology). Upon completion of paleontological monitoring, a report shall be prepared documenting the methods and results of the monitoring. The report shall be submitted to the project proponent and appropriate City agencies.

**Findings for Impact CULT-3:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact CULT-3, as identified in the Final EIR. The City finds that requiring a qualified paleontologist to monitor ground disturbing construction activities is feasible, and will adequately protect fossils. The evaluation of identified fossils will ensure that significant resources are adequately protected. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure CULT-3 will be incorporated into the project via conditions of approval, and will reduce Impact CULT-3 to a less-than-significant level.

**Impact CULT-4:** Ground-disturbing project construction could result in significant impacts to accidentally discovered cultural and paleontological resources.

**Mitigation Measure CULT-4a:** If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the find, record the find on Department of Parks and Recreation (DPR) Form 523 (at the discretion of the archaeologist), and make recommendations for the find's treatment. If feasible, such deposits shall be avoided by project activities. If avoidance is not feasible, the find shall be evaluated for its California Register eligibility. If the deposits are not eligible, avoidance is not necessary and work may continue in the area of the find. If the find is eligible, impacts to the find shall be mitigated. Mitigation may include, but is not limited to, data recovery excavation, artifact curation, report preparation, and information dissemination to the public. Upon completion of the assessment and/or evaluation, the archaeologist shall prepare a report documenting the methods and results of the archaeological assessment/evaluation, and provide recommendations for the treatment of the find. The report should be submitted to the project sponsor, appropriate City agencies, and the Northwest Information Center (NWIC).

**Mitigation Measure CULT-4b:** If paleontological resources are discovered during project activities, all work within 25 feet of the discoveries shall be redirected until a paleontological monitor has assessed the situation and made recommendations for their treatment. If feasible, each find shall be avoided by project activities. If avoidance is not feasible, the paleontological find shall be evaluated for its significance. If the find is not significant, avoidance is not necessary and work may continue in the area of the find. If the find is significant, impacts to the

find shall be mitigated. Paleontological mitigation may include, but is not limited to, data recovery, fossil curation, and information dissemination to the public. Upon completion of evaluation, as well as mitigation (if necessary), a report shall be prepared documenting the methods and results of the paleontological investigation. The report shall be submitted to the project sponsor and appropriate City agencies.

Findings for CULT-4: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact CULT-4, as identified in the Final EIR. The City finds that requiring work to stop around identified historical, cultural, and paleontological resources, and the evaluation of these resources are feasible measures, and will adequately protect these resources. Mitigation Measure CULT-4 represents standard protocol for minimizing potential impacts to previously unidentified archaeological materials and fossils and will allow for the development of resource protection measures, if warranted. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures CULT-4a and CULT-4b will be incorporated into the project via conditions of approval, and will reduce Impact CULT-4 to a less-than-significant level.

### 3.11 Public Services

Impact PUB-1: The project would increase demand for fire protection and emergency medical services, police services, and Public Works maintenance and operation services.

Mitigation Measure PUB-1a: The project sponsor shall set aside an appropriately-sized and located parcel within the project site to accommodate new public services facilities required to serve the project. The parcel shall be large enough to include the facilities listed below:

- A new Fire Department sub-station facility, totaling a minimum of 2.5 acres, shall be located along the Industrial Way extension, near the East 2nd Street intersection. The new sub-station shall be constructed and made operational prior to the occupation of Phase 1. A total of 12 full-time firefighters would be required to staff the new sub-station. One fire engine and one brush truck would be required to equip the facility. Due to the life-hazard nature of the commercial components at the first phase of the project, fire and emergency medical services shall be provided at the sub-station prior to occupation of project facilities. Funding for this facility shall be provided by fees imposed on the proposed project. Funding for additional personnel and equipment shall be provided by the City.
- The new Fire Department sub-station shall include 200 to 400 square feet of office space for use by the Police Department, a multi-purpose room for community meetings, and training grounds. Funding for the additional officers and equipment shall be provided by the City. The Police Department office space shall be constructed and made operational prior to occupancy of Phase 1.

The parcel shall include approximately 7 to 15 acres of land for the development of an auxiliary corporation yard. The corporation yard shall include the types of facilities currently located in the existing corporation yard, as determined to be required by the Public Works Department, and shall be funded via fees imposed on the proposed project.<sup>13</sup>

<sup>13</sup> According to the Public Works Department, the existing corporation yard includes the following facilities, some or all of which may be required in the auxiliary corporation yard: woodworking shop; eight bay vehicle equipment shop;

Funding for additional personnel and equipment shall be provided by the City.

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

- During the development review process, the Fire Department shall be responsible for ensuring that the proposed project and subsequent individual site proposals are in conformance with locally-defined performance standards, including the Uniform Fire Code as adopted by the Benicia Fire Department, and California Building Code standards.
- The Fire Department shall review detailed site plans for site access, road widths and turning radii, road grades, surfacing, load bearing capability, sprinkler systems, stand pipes, smoke detectors, and fire alarms, and resistant landscaping in open areas adjacent to buildings within the project site.
- The City's Engineering Division and Fire Department shall review the project during the development review process to ensure that adequate water supply is available to meet the minimum fire flow requirements for fire suppression.

Findings for PUB-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact PUB-1, as identified in the Final EIR. The City finds that requiring the applicant to set aside land for public facilities and to construct or pay for construction of new facilities, and requiring the Fire Department and Engineering Division to review project plans to ensure that required fire protection measures and facilities are in place are feasible measures and will ensure the City is able to provide adequate public services to the site. These measures will ensure that the project includes adequate fire protection features. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures PUB-1a and PUB-1b will be incorporated into the project via conditions of approval, and will reduce Impact PUB-1 to a less-than-significant level.

### 3.12 Utilities and Infrastructure

Impact UTIL-1: Implementation of the proposed project would require the extension of water supply distribution facilities to service proposed uses.

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

- The main water storage and pumping facilities as required by the Benicia Public Works Department to provide domestic and fire service shall be constructed and operational before the first phase of development begins. The main connections shall be sized to serve the whole development and not upsized with each phase.

office space; conference room; kitchen for each department; vehicle paint booth; metalworking shop; street sign shop; training room; vehicle parts store room; water meter shop; utility parts store room; crew room for 50 employees (Parks and Public Works Departments); foul weather gear room; locker space for 50 employees; household hazardous waste and cardboard recycling area; fuel island with gasoline and diesel fuel tanks (above- and underground); outdoor covered material storage; outdoor open material storage/material bins; 30-vehicle covered parking; 50-vehicle uncovered parking; 100-space employee parking; visitor parking; dog kennel; wash down rack with vacuum area; six-bin trash container area; pesticide area; transit bus area; utility map room; and long-term engineering archives.

- All on-site water infrastructure improvements required to serve each phase of development shall be constructed in the initial year of development of that phase.
- The sponsor shall obtain City approval for each phase of development, including development of individual projects. Development plans for individual projects shall only be approved when a dependable and adequate water supply is available to serve new development.
- The two new tanks shown on the project plans are located at different elevations, which would require two separate pressure zones. Pressure-reducing valve stations and zone valves shall be required to allow the new zones to connect to the City's existing Zone 1 system in an emergency.

Findings for Impact UTIL-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact UTIL-1, as identified in the Final EIR. The City finds that requiring: domestic and fire service water service to be provided before the first phase of development begins, on-site water infrastructure improvements to serve each phase of development, and pressure-reducing valve stations is feasible, and will reduce impacts associated with the extension of water distribution facilities. These measures will ensure that demand for water on the project site (including for emergency uses) does not outpace supply and distribution facilities. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTIL-1 will be incorporated into the project via conditions of approval, and will reduce Impact UTIL-1 to a less-than-significant level.

Impact UTIL-2: Implementation of the proposed project would result in construction activities with the potential to adversely affect the City's water supply transmission line and reservoir.

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

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

Findings for Impact UTIL-2: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact UTIL-2, as identified in the Final EIR.

The City finds that the requirements to reroute water lines, to prohibit work within 30 feet of the centerline of the City's water line, to submit contingency plans is feasible, and to take other precautions to avoid disrupting the City's water distribution infrastructure are feasible and will ensure impacts to the City's water distribution system are avoided. These measures will provide adequate oversight to ensure that the City's water facilities will not be damaged during the construction period. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTIL-2 will be incorporated into the project via conditions of approval, and will reduce Impact UTIL-2 to a less-than-significant level.

**Impact UTIL-3:** Implementation of the proposed project would require extension of wastewater collection lines to serve the project.

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

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

**Findings for Impact UTIL-3:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact UTIL-3, as identified in the Final EIR. The City finds that the requirements for designing and constructing the sewer infrastructure improvements are feasible and will ensure that the impacts from the extension of wastewater collection lines are less than significant. These measures will ensure that adequate wastewater conveyance capacity is present on the project site during all development phases. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTIL-3 will be incorporated into the project via conditions of approval, and will reduce Impact UTIL-3 to a less-than-significant level.

**Impact UTIL-4:** Implementation of the proposed project would exceed the capacity of the existing wastewater collection system during peak wet weather periods.

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

- Replace the existing 8-inch west fork of the Industrial Park gravity sewer system with a new 18-inch sewer line.
- Replace the existing 8-inch force main with a new 16-inch force main that is cross-connected to the existing force main.

- Replace the existing PILS to operate at a new higher pressure to maximize capacity in both pipelines. Upgrade the PILS to meet the design criteria of the two pipelines.
- Increase maintenance of eastern fork of gravity sewer to reduce root intrusion and the long-term settlement of debris.
- A force main surge analysis shall be performed prior to approval of final project design. Proposed improvements to the force main shall be reviewed and approved by the City prior to installation.

Findings for Impact UTIL-4: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact UTIL-4, as identified in the Final EIR. The City finds that requiring the project sponsor to pay for and install all required off-site wastewater collection improvements to serve the project, in accordance with all the requirements listed in Impact UTIL-4, is feasible and will ensure that the wastewater collection system is adequate to serve the project during peak wet weather periods. The recommended improvements were deemed adequate to serve the project in the 2006 Benicia Business Park Sewer System Collection Analysis prepared by Brown and Caldwell. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTIL-4 will be incorporated into the project via conditions of approval, and will reduce Impact UTIL-4 to a less-than-significant level.

### 3.13 Urban Decay

Impact DECAY-1: If the land uses of the project change, the project could result in urban decay.

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

If no effective and feasible mitigation measures are identified to reduce the potential urban decay impacts to a less-than-significant level, the City shall conduct environmental review for the project changes that would allow for the adoption of a statement of overriding considerations and appropriate findings (e.g., a supplemental or subsequent EIR).

A revised economic analysis shall be similarly completed in conjunction with subsequent CEQA review of any changes to the project, if deemed necessary by the City.

Findings for Impact DECAY-1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen Impact DECAY-1, as identified in the Final EIR. The City finds that the requirement that the project sponsor provide an updated economic analysis if the amount of proposed retail space exceeds 100,000 square feet and the creation of a mitigation measure to reduce anticipated urban decay impacts (if warranted) are feasible measures, and will ensure that the mitigated project does not result in urban decay. These measures will ensure that substantial changes to the commercial component of the project are evaluated for urban decay. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure DECAY-1 will be incorporated into the project via conditions of approval, and will reduce Impact DECAY-1 to a less-than-significant level.

#### **SECTION 4: SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL**

The Final EIR identifies one impact that cannot be mitigated to a less-than-significant level. This significant unavoidable impact is discussed below.

##### **4.1 Air Quality**

Impact AIR-2: Long-term project-related regional emissions would exceed the BAAQMD thresholds of significance for ozone precursors.

Mitigation Measure AIR-2: The *BAAQMD CEQA Guidelines* identifies potential mitigation measures for various types of projects. The following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the project. The project sponsor shall incorporate all of the following measures into the project:

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

Findings for Impact AIR-2: The implementation of an aggressive trip reduction program with the appropriate incentives for non-auto travel can reduce project-related vehicle emissions impacts by approximately 10 to 15 percent. However, a reduction of this magnitude will not reduce ozone precursor emissions to levels below the BAAQMD significance threshold. There is no mitigation available with currently feasible technology to reduce the project's regional air quality impacts to a less-than-significant level. Therefore, the project's regional air quality impacts will remain significant and unavoidable. However, pursuant to Section 21091(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable based on specific overriding considerations set forth herein in Section 8 below.

## **SECTION 5: EFFECTS DETERMINED NOT TO BE SIGNIFICANT**

The environmental topics analyzed in Chapter IV of the Final EIR and Addendum represent those topics which generated the greatest potential controversy and expectation of adverse impacts among the project team and members of the public. Only impacts associated with mineral resources were determined to be less-than-significant during the scoping phase of the EIR. Based on visits to the project site and preliminary research, the project site does not contain significant mineral resources, and as such, the mitigated project is not expected to result in significant impacts related to mineral resources.

## **SECTION 6: SIGNIFICANT CUMULATIVE EFFECTS**

The cumulative analysis in the Final EIR utilized the development assumptions in the City's General Plan to determine the cumulative effects of the project. The following discussion describes potential cumulative impacts associated with the mitigated project and the City's findings regarding these impacts. No significant cumulative impacts will occur in association with the environmental topics not discussed below.

### **6.1 Land Use and Planning Policy**

Planned development in Benicia will generally occur on infill parcels in Downtown and on smaller to medium-size parcels of land near the City's outer edges. This development, like the mitigated project, is anticipated to be compatible with surrounding land uses and will not create barriers that will divide established neighborhoods. Unlike the 2007 project, the mitigated project will not result in a substantial conflict with General Plan policies that promote the protection of existing creek channels, viewsheds, and wetlands, and that encourage the development of neighborhoods that promote the use of alternate forms of transportation. Therefore, the City finds that the mitigated project will not make a considerable contribution to a significant cumulative impact associated with land use and planning policy.

### **6.2 Population, Employment, and Housing**

Cumulative projects in the City would increase Benicia's employment and housing base. The employment growth that will result from implementation of the mitigated project is generally consistent with growth planned in the City's General Plan. The project will not substantially induce population growth, result in the removal of existing housing, or result in the displacement of people. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative population, employment, or housing impact.

### **6.3 Geology, Soils and Seismicity**

Geology-related impacts of the mitigated project are typical of development sites in the Bay Area with steep slopes. Implementation of the mitigated project will result in impacts associated with earthshaking, expansive soils, soil deformation, and landslides. These impacts will be confined to the project site and will be reduced to a less-than-significant level with implementation of the mitigation measures recommended in Section IV.C, Geology, Soils and Seismicity, of the Final EIR, and adherence to the construction standards in the applicable Uniform Building Code. The geologic

impacts of other planned projects in Benicia will also be reduced with similar mitigation measures. Therefore, the City finds that the mitigated project will not make a considerable contribution to a significant cumulative impact associated with geology, soils, and seismicity.

#### **6.4 Hydrology and Water Quality**

The mitigated project, like some of the other planned projects in Benicia, will increase impervious surfaces and increase downstream flood hazards. Construction activities (particularly 4,000,000 cubic yards of grading proposed as part of the project) and operation of the project also have the potential to degrade the quality of surface water and creeks in Benicia. The implementation of mitigation measures outlined in Section IV.D, Hydrology and Water Quality, of the Final EIR, will reduce the project's hydrology and water quality impacts to a less-than-significant level. Other planned projects in the City will likely be required to implement similar measures. While the mitigated project could affect the natural drainage pattern on the site through grading activities, preservation of existing drainages and water features, along with new storm water features and new storm drain infrastructure will reduce the direct flooding and water quality impacts of the project. Therefore, the City finds that the mitigated project will not make a considerable contribution to a significant cumulative impact associated with hydrology and water quality.

#### **6.5 Hazards and Hazardous Materials**

Implementation of the mitigated project could result in the release of hazardous materials used during development activities, in addition to lead and asbestos associated with the demolition of buildings on the site. The project could also expose persons to wildfire hazards and hazardous materials at the project site, including explosives. Planned projects in Benicia could also release hazardous materials associated with construction activities. Foreseeable projects built on the outskirts of Benicia could also result in wildfire hazards. However, the hazards impacts of the mitigated project and planned projects in Benicia will be reduced to a less-than-significant level through adherence to federal, State, and local hazardous materials regulations, and through the implementation of standard mitigation measures and conditions of approval. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative hazards impact.

#### **6.6 Biological Resources**

Implementation of the mitigated project will preserve existing wetlands, riparian zones, creek channels. However, construction activities could diminish the habitat and population of a variety of protected plant and animal species ranging from pappose tarplant, to California red-legged frog, to American badger. Projects in Benicia planned for previously undeveloped sites will be expected to result in similar impacts. The project's impacts to these resources will be reduced to a less-than-significant level with implementation of the mitigation measures in Section IV.F, Biological Resources, of the Final EIR. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative biological resources impact.

#### **6.7 Transportation and Circulation**

The Benicia Business Park is projected to cause 11 out of the 20 study intersections to operate at unacceptable LOS E or worse under Cumulative Plus Project Conditions. The project, which includes no transit or pedestrian facilities, will also discourage the use of alternate modes of transportation. The project's congestion-related impacts and lack of facilities to encourage alternative transportation

will result in a significant transportation impact in the cumulative condition. However, all significant cumulative impacts will be reduced to a less-than-significant level with implementation of recommended mitigation measures. As such, the City finds that that implementation of the project will not make a considerable contribution to a significant transportation impact.

### **6.8 Air Quality**

The mitigated project will result in significant emissions of regional air contaminants, particularly reactive organic gases, nitrogen oxides, and particulate matter. These emissions will not be reduced to a less-than-significant level. As such, the City finds that these impacts are significant and unavoidable, but are acceptable based on the specific overriding considerations found herein in Section 8.

### **6.9 Noise**

Implementation of the mitigated project and cumulative projects will increase noise levels in Benicia and surrounding areas due to construction-period activity and increased traffic on City streets. Other foreseeable projects in Benicia will have similar impacts. However, noise increases associated with the project will occur along major roadways and in areas primarily used for industrial uses, and (with implementation of recommended mitigation measures) will not adversely affect sensitive receptors. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative noise impact.

### **6.10 Visual Resources**

The mitigated project will substantially alter the visual character of the project site through the conversion of land recently used for grazing into a business park and the substantial redesign of the site topography through grading. Other foreseeable projects could result in similar landscape changes in Benicia, including the development of hillsides, drainages, and wetlands. However, since the mitigated project will preserve significant hillsides, creeks, and wetlands, the mitigated project, in conjunction with other cumulative development, will not substantially change views from public viewpoints in Benicia and will not impact the overall visual character of the City. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative visual resources impact.

### **6.11 Cultural and Paleontological Resources**

Construction activities associated with the mitigated project could result in significant impacts to archaeological resources and human remains. However, the mitigated project will be subject to measures that protect identified and previously unidentified archeological resources. Other foreseeable projects in the City will be subject to similar measures. Therefore, the City finds that the mitigated project, in conjunction with nearby cumulative projects, will not contribute to cumulative impacts on cultural or paleontological resources.

### **6.12 Public Services**

The mitigated project, along with other planned projects in Benicia, will increase demand for police and fire services. This increased demand could compromise the emergency response times of the police and fire departments. The mitigated project, like other foreseeable projects, will be required to

contribute a pro-rata share or other funding to the construction of new police and fire facilities in the City. The alternative will also be required to set aside an appropriately-sized parcel for public facilities. These new facilities will allow emergency responders to maintain adequate emergency response times. Therefore, the City finds that no significant unmitigable cumulative impacts to public services will result from the project.

### **6.13 Utilities**

Implementation of the mitigated project will require the extension of water supply and wastewater conveyance infrastructure into the project site. In addition, the project will increase demand for water, wastewater treatment, solid waste disposal, energy, and telecommunications. The City currently has adequate water supply and wastewater treatment capacity to accommodate planned development. Although on-site infrastructure improvements will be required to provide a range of utilities to the mitigated project and cumulative projects, associated impacts will generally be site-specific. Therefore, the City finds that the mitigated project will not contribute to a cumulative impact related to utilities or local infrastructure.

### **6.14 Urban Decay**

The retail/commercial uses proposed as part of the project will be absorbed into Benicia's existing retail market without significant adverse impacts to existing businesses, including businesses in Downtown Benicia. The mitigated project is anticipated to enhance the economy of the area and will not result in cumulative urban decay impacts. Therefore, the City finds that implementation of the project will not make a considerable contribution to a significant cumulative impact related to urban decay.

## **SECTION 7: FEASIBILITY OF PROJECT ALTERNATIVES**

### **7.1 Project Alternatives**

CEQA requires that an EIR's analysis of alternatives include: 1) findings as to whether each alternative can feasibly achieve the project's objectives; and 2) identification of the "environmentally superior" alternative. Chapter V, Alternatives, of the Final EIR contains an analysis of the alternatives to the project, including the "No Project" alternative.

**7.1.1 2007 Project.** The project analyzed in the certified Final EIR proposed the subdivision of the site into 80 lots to allow for the development of approximately 280 acres of limited industrial uses and 35 acres of commercial uses. The project would result in the construction of 857,000 square feet of commercial building space and 4,443,440 square feet of industrial building space (for a total of 5,300,440 square feet of building space).

The 2007 project would result in approximately 9,000,000 cubic yards of grading on the site. Cut and fill would be balanced on the site by placing fill in portions of the site that are currently low-lying, such as the locations of intermittent streams and swales. The 2007 project also includes approximately 180 acres of open space, concentrated mostly in the northern and central portions of the site. A 54-acre reach surrounding a major drainage on the site would be included as part of the proposed open space. In addition, the 2007 project would entail the removal of 5.26 acres of on-site wetlands,

and 1,201 linear feet of creeks. Approximately 7.28 acres of mitigation wetlands are proposed as part of the 2007 project.

Findings. The 2007 project would have resulted in significant unavoidable impacts related to land use and planning policy, air quality, and visual resources. The City rejected the 2007 project because of these significant environmental impacts, and requested that the project sponsor revise the project to reflect the environmentally superior alternative that was consistent with the City's General Plan.

**7.1.2 No Project Alternative.** The No Project alternative assumes that the project site would not be subject to immediate development, and would remain generally in its existing condition. No grading, road building, or construction would take place on the site. In addition, the drainages, wetlands, trees, and abandoned ranch complex on the site would remain. The No Project alternative would also result in the short-term preservation of the site's topography. It is possible that grazing activities could continue in the area.

The General Plan designation of the site would remain as General Commercial and Limited Industrial under the alternative. These designations would allow for future development on the project site, potentially in the form of a project similar to the one currently proposed. The No Project alternative would achieve none of the desired objectives of the project. The project site would not be subdivided into lots to permit the development of business park uses, no employment and revenue-generating uses would be built on the site, no permanent open space buffer would be designated adjacent to Lake Herman Road, and the site would remain open space, which would be inconsistent over the long run with the current General Plan designation of the site for general commercial and limited industrial uses.

Findings. The No Project alternative would maximize the preservation of site features, including all existing hillsides, creeks, wetlands, and drainages. However, the No Project alternative would not realize the land uses for the site planned in the General Plan (General Commercial and Limited Industrial), and as such it would not achieve the key objectives of the mitigated project. Therefore, the City rejects the No Project Alternative.

**7.1.2 Waterway Preservation Alternative.** Many of the impacts associated with the 2007 project would be caused by the culverting or filling-in of existing waterways on the project site. The Waterway Preservation alternative would address these issues by preserving existing creeks, wetlands, and drainages on the project site with 100 to 200 foot buffers around each waterway. However, due to the grading proposed as part of the alternative, some impacts to waterways are still expected to occur. In particular, the increase in impervious surfaces associated with the mitigated project would increase the amount of stormwater runoff generated by the site, and construction activities and post-construction site uses could result in degradation of water quality in creeks and the Carquinez Strait by reducing the quality of storm water runoff.

The Waterway Preservation alternative would preserve a 200-foot buffer on each side of the creeks, drainages, swales, and other wetlands within the project site, and would substantially reduce impacts associated with hydrology, water quality, flooding, and biological resources, similar to the mitigated project. Drainage buffers would also encompass the remnant farm buildings on-site, allowing them to be preserved if they contain significant bat or owl habitat.

The configuration of commercial and industrial land uses that would be developed as part of the alternative would be similar to the configuration proposed as part of the mitigated project: commercial uses would be clustered on the eastern end of the site near I-680 and industrial uses would stretch to the west. However, the Waterway Preservation alternative would include a longer frontage of commercial uses along East 2nd Street, and would require a General Plan amendment. Both commercial and industrial uses would be bisected by bands of open space, which could be used as part of a trail network if desired by the project sponsor. This mixture of commercial, industrial, and open space lands would also require creative lot configuration, and street patterns. The alternative would also include an approximately 10-acre parcel of land designated for public facilities (e.g., fire station, police station, and public works facilities).

The alternative includes the following land uses (land used for roads and infrastructure would be incorporated into the listed acreages for the various land uses):

- 34 acres of commercial uses
- 170 acres of industrial uses
- 10 acres of public facilities
- 313 acres of open space/landscaped area

Findings. The Waterway Preservation alternative generally would meet all the same project objectives as the mitigated project. The Waterway Preservation alternative would result in the development of business park uses on the project site, similar to the mitigated project. The alternative would be generally consistent with the General Plan and Zoning designations of the project site, although additional land along East 2nd Street would need to be designated for commercial uses. In addition, the Waterway Preservation alternative would reduce Impact PUB-1, because it would include an approximately 10-acre parcel to accommodate new a fire station, police, and public works facilities on the site. Therefore, this alternative would substantially reduce the impacts on public services. However, the Waterway Preservation alternative would result in the same significant unavoidable long-term air quality impact as the mitigated project. The mitigated project includes environmentally superior characteristics of this alternative (wide buffers around wetlands and creeks) and environmentally superior characteristics of the Hillside/Upland Preservation alternative (substantially reduced grading; see below), resulting in a project that is environmentally superior to all alternatives analyzed in the Final EIR. Therefore, the City rejects the Waterway Preservation alternative because it is not environmentally superior to the mitigated project.

**7.1.3 Hillside/Upland Preservation Alternative.** Like the mitigated project, the Hillside/Upland Preservation alternative would preserve most of the larger hills within the project site, including the prominent hilltops south of Lake Herman Road. The preservation of most steep slopes within the project site would reduce grading by approximately 70 percent. Additional earthmoving savings could occur if development were to occur along hill contours, rather than perpendicular to contours.

The alternative would also preserve existing drainages and wetlands on the project site. Drainages would be protected with 100-foot buffers. Although these buffers would be approximately half the size of the riparian buffers outlined in the Waterway Preservation alternative and the mitigated project, they would be wide enough to protect water quality, slow the speed of runoff from adjacent slopes, and could accommodate hiking or walking paths without intruding on jurisdictional wetlands.

Open space lands would include the abandoned farm buildings on the site, allowing them to be retained (and avoiding impacts on significant bat and owl habitat).

The configuration of commercial and industrial land uses that would be developed as part of this alternative would be similar to the configuration proposed as part of the mitigated project: commercial uses would be clustered on the eastern end of the site near I-680 and industrial uses would stretch to the west. Similar to the Waterway Preservation alternative, the industrial and commercial uses developed in this alternative would be bisected by bands of open space (including hilly areas and drainages), which could be used as part of a trail network. This mixture of commercial, industrial, and open space lands would require creative lot configuration, and street patterns.

The Hillside/Upland Preservation alternative includes the following land uses (land used for roads and infrastructure would be incorporated into the listed acreages for the various land uses):

- 33 acres of commercial uses
- 167 acres of industrial uses
- 10 acres of public facilities
- 317 acres of open space/landscaped area

Findings. The Hillside/Upland alternative would meet the objectives of the mitigated project, and would result in significant impacts similar to those that would result from the mitigated project. Like the mitigated project, this alternative would result in a significant unavoidable impact associated with generation of vehicle-related air pollution. The mitigated project includes environmentally superior characteristics of this alternative (substantially reduced grading) and environmentally superior characteristics of the Waterway Preservation alternative (wide buffers around creeks and wetlands), resulting in a project that is environmentally superior to all alternatives analyzed in the Final EIR. Therefore, the City rejects the Hillside/Upland alternative because it is not environmentally superior to the mitigated project.

**7.1.4 Mixed Use Alternative.** The Mixed Use alternative includes a diversity of land uses that would encourage transportation alternatives and preserve the site's key natural features. The alternative includes significant acreage for residential uses: 63 acres, in the western portion of the site for high-density housing and 16 acres, in the central portion of the site, for medium-density housing. All housing on the site would be within walking distance of the commercial and industrial uses; residents of the project with jobs in the business park would not need to drive to work. However, all residential uses would be separated from commercial and industrial uses by riparian buffers and open space. The purpose of these buffers is to protect residents from adverse impacts, like noise and truck traffic, that could result from light manufacturing plants and shopping centers. These open space areas could also be an amenity for homeowners and renters, and would be easily accessible for walking to work or shopping and recreational use. Open space in the site would be linked, allowing for future trail connections to Lake Herman Park to the west of the business park, and would encompass the existing farm buildings, which provide habitat for bats and owls. The alternative also protects existing creeks and drainages with buffers ranging from 50 feet to 100 feet.

The following set of bullets summarizes land uses that are proposed as part of the Mixed Use alternative (land used for roads and infrastructure would be incorporated into the listed acreages for the various land uses):

- 63 acres of high density (up to 21 homes/acre) residential uses
- 16 acres of medium density (up to 14 units/acre) residential uses
- 27 acres of commercial uses
- 171 acres of industrial uses
- 10 acres of public facilities
- 240 acres of open space

Findings. The Mixed Use alternative would not meet as many project objectives as the mitigated project because it would not develop the site in the way designated by the General Plan. The Mixed Use alternative would create significant new policy inconsistency related impacts because of the proposed residential land uses. In addition, this alternative would still expose people to geologic and hydrologic hazards, while the air quality, noise, and traffic impacts would be expected to be far worse than the mitigated project (because residential uses typically generate more vehicle trips than commercial or industrial uses per unit area, even taking into account increased reliance on public transit). Therefore, the City rejects the Mixed Use alternative because it would result in more significant environmental impacts than the mitigated project.

## 7.2 Environmentally Superior Alternative

Section 15126.6(e)(2) of the *CEQA Guidelines* requires that an environmentally superior alternative be identified among the selected alternatives. The environmentally superior alternative identified in the Final EIR is the Hillside/Upland Preservation alternative.

Findings. Because the Hillside/Upland Preservation alternative could meet the goals and objectives for developing and implementing the project, and would reduce or eliminate some of the significant adverse effects of the project, the City found it to be the environmentally superior alternative at the time of the Final EIR. However, the mitigated project, which would preserve creeks and wetlands within 100- to 200-foot buffers and would reduce total site grading to 4,000,000 cubic yards, would be environmentally superior to the Hillside/Upland preservation alternative.

## SECTION 8: STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable.<sup>14</sup> CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons

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<sup>14</sup> *CEQA Guidelines*, Section 15093(a)

must be based on substantial evidence in the Final EIR or elsewhere in the administrative record.<sup>15</sup> In accordance with the requirements of CEQA and the state *CEQA Guidelines*, the City finds that the mitigation measures identified in the Draft and Final EIR and the Mitigation Monitoring and Reporting Program, when implemented, avoid or substantially lessen virtually all of the significant effects identified in the Draft and Final EIRs. Nonetheless, the mitigated project would make a significant and unavoidable contribution to regional air pollution. This significant unavoidable impact is identified and discussed in Sections 4 and 6 of these Findings. The City further specifically finds that notwithstanding the disclosure of this significant unavoidable impact, there are specific overriding economic, legal, social, and other reasons for approving this project. Those reasons are as follows:

- a. The project will increase the City's job supply. The Addendum estimates 500 new jobs (see page 47). These jobs will reduce commutes and provide higher quality jobs with the green/clean tech emphasis.
- b. The project will develop the site in a way that is consistent with the City's General Plan which is the City's guide to how development should occur. See especially Table 4 of the addendum.
- c. The project will add to the City's tax base, allowing for the provision of public services. Previously the EIR and economic study estimated \$40 million additional funds to the City over 25 years. This dollar amount will probably be less due to the reduced size of the industrial area but will still be significant. Perhaps more importantly, the City will receive a corporation yard, police and fire facilities and other public improvements.
- d. The project will preserve visually-important hillsides.
- e. The project will preserve existing creeks, wetlands, and drainages.
- f. Conditions imposed on the project make the project on the cutting edge of what a green commercial/industrial mixed use project can be. It will be a "how to" example for others to follow.
- g. The project provides trails and open space recreational opportunities for the public that are not currently available on the land.
- h. The project preserves 60% of the land as open space and buffers development from the Lake Herman views.
- i. The project promotes alternate modes of travel including public transit and bicycles.
- j. The retail leakage noted in the EIR of \$28 million (page 348 of the EIR) will be captured and will result in sales tax revenue, jobs and reduced vehicle miles traveled.

On balance, the City finds that there are specific considerations associated with the project that serve to outweigh the project's significant unavoidable regional air quality effects. Therefore, pursuant to *CEQA Guidelines* Section 15093(b), the adverse effects are considered acceptable.

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<sup>15</sup> *CEQA Guidelines*, Section 15093(b)

**EXHIBIT "B"**  
**BENICIA BUSINESS PARK ENVIRONMENTAL IMPACT REPORT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

**Introduction**

This document describes the mitigation monitoring and reporting program (MMRP) for ensuring the effective implementation of the mitigation measures required for City of Benicia approval of the Benicia Business Park (mitigated project), located on a 527.8-acre site bounded on the south and east by East 2<sup>nd</sup> Street; on the west by an irregular property line that generally parallels the alignments of West Channel Road and Industrial Way; and on the north by the City of Benicia Water Treatment Plant and Lake Herman Road.

**City of Benicia**

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

**Project Background**

The applicant is requesting approval of the proposed mitigated project, which would include the development of 80 lots on the site, with commercial development on the eastern end of the project site and industrial development in the central and western portions of the site. The mitigated project would also preserve 100- to 200-foot buffers on each side of all creeks, drainages, swales, and other wetlands within the project site.

The Final EIR and Addendum for the Benicia Business Park project found that the resulting actions would have potentially significant impacts in the areas of:

- Geology, Soils, and Seismicity
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Biological Resources
- Transportation and Circulation
- Air Quality

- Noise
- Visual Resources
- Cultural and Paleontological Resources
- Public Services
- Utilities and Infrastructure
- Urban Decay

In addition, no mitigation measures were identified for the following areas as all potential project impacts were determined to be either no impact or less than significant:

- Land Use and Planning Policy
- Population, Employment and Housing

### **Roles and Responsibilities**

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

### **Mitigation Monitoring and Reporting Program**

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

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

Identified Impact

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

Mitigation Measure (Performance Criteria)

This column includes each mitigation measure as it is described in the Final EIR summary table and Addendum. The description could be supplemented by any applicable performance criteria (i.e., the measure by which the success of the mitigation can be gauged) associated with each measure.

Implementation Procedure

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

Implementing Entity

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

Monitoring/Reporting Action

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

Non-Compliance Sanction

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

Effectiveness Criteria

This column describes if the monitoring action is succeeding.

Timing

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

**Table 1: Mitigation Monitoring and Reporting Program**

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><b>A. LAND USE AND PLANNING POLICY</b>  <i>There are no significant Land Use and Planning Policy impacts.</i></p>							
<p><b>B. POPULATION, EMPLOYMENT AND HOUSING</b>  <i>There are no significant Population, Employment and Housing impacts.</i></p>							
<p><b>C. GEOLOGY, SOILS AND SEISMICITY</b></p>							
<p><b>GEO-1:</b> Seismically-induced ground shaking at the project could result in damage to life and/or property</p>	<p>Prior to the issuance of any site-specific grading or building permit a final design-level geotechnical investigation report shall be prepared and submitted to the City of Benicia Planning and Building Department for review and confirmation that the proposed project fully complies with the California Building Code (Seismic Zone 4). The report shall determine the project site's geotechnical conditions and address potential seismic hazards such as seismic shaking. The report shall recommend foundation techniques appropriate to minimize seismic damage. In addition, the geotechnical investigation shall conform to the California Division of Mines and Geology (CDMG) recommendations presented in the Guidelines for Evaluating Seismic Hazards in California, CDMG Special Publication 117.</p>	<p>1) The project sponsor shall retain a licensed professional to prepare a final design-level geotechnical investigation for the proposed project. The report shall meet the requirements of Mitigation Measure GEO-1.  2) Future development plans shall comply with the final design-level geotechnical investigation unless superseded by a parcel-specific design-level report.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to ensure that the design-level geotechnical investigation complies with the requirements of Mitigation Measure GEO-1 and all applicable regional, state, and federal regulations</p>	<p>No issuance of site-specific grading or building permits.</p>	<p>A geotechnical investigation that meets the requirements of Mitigation Measure GEO-1.</p>	<p>Prior to the issuance of any site-specific grading or building permits.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
GEO-2. Damage to structures or property related to the shrink-swell potential of project soils could occur at the project site.	GEO-2a: Prior to the issuance of a site-specific grading permit, a final design-level geotechnical investigation, to be prepared by licensed professionals and approved by the City of Benicia Planning and Building Department, shall include measures to ensure potential damages related to expansive soils are minimized. Mitigation options may range from removal of the problematic soils and replacement, as needed, with properly conditioned and compacted fill, to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements.	The project sponsor shall retain a licensed professional to ensure that the final design-level geotechnical investigation includes the appropriate measures to minimize potential damage from expansive soils.	Project sponsor	City of Benicia Planning and Building Department to ensure that the design-level geotechnical investigation includes measures to minimize potential damages from expansive soils.	No issuance of site-specific grading permits.	Final design-level geotechnical investigation that includes measures to ensure potential damages related to expansive soils are minimized.	Prior to the issuance of any site-specific grading permits.
GEO-2b: Prior to the issuance of any site-specific building permit, designs of all common landscaped areas shall be reviewed and approved by the City of Benicia Community Development Department. The designs of all common landscaped areas shall incorporate low water-need plantings to minimize the potential for damage associated to pavements, utilities, and structures from expansive soils. The use of similar landscaping shall be encouraged at individual parcels by providing information to new tenants regarding the relationship between irrigation and subsequent property damage. A document which describes the potential for damage from expansive soils from over-irrigation and includes solutions such as drought-tolerant plant material and drip irrigation systems shall be prepared by the applicant and provided to all occupants of the proposed commercial and industrial facilities.	1) The project sponsor shall prepare a landscape plan for all project common areas. The landscape plan shall meet the requirements of Mitigation Measure GEO-2b. 2) The project sponsor shall prepare a document that describes problems associated with over-watering and that meets the requirements of Mitigation Measure GEO-2b and shall provide copies to all occupants of the proposed commercial and industrial facilities.	Project sponsor	City of Benicia Planning and Building Department to: 1) Review and approve the landscape plan for consistency with Mitigation Measure GEO-2b. 2) Ensure the project sponsor prepares a document that meets the requirements of Mitigation Measure GEO-2b.	No issuance of site-specific grading or building permits.	A landscape plan that meets the requirements of Mitigation Measure GEO-2b.	Prior to the issuance of any site-specific grading or building permits.	

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>GEO-3: Potential long-term deformation related to construction of deep fills and cut slopes could occur as a result of proposed development.</p>	<p>GEO-3a: Prior to the issuance of any site-specific grading or building permit, a final design-level geotechnical investigation, to be prepared by licensed professionals, and approved by the City of Benicia Public Works Department, shall include measures to ensure potential damages related to long-term deformation and deep cuts and fills are minimized or eliminated by adoption of best industry practices as related to these conditions. In addition, the geotechnical investigation shall make a determination as to the effect such work may have on the stability of materials underlying the proposed 1,000,000- gallon water tanks and the offsite water tank and other facilities of the City of Benicia Water Treatment Plant. The applicant shall incorporate all recommendations of the final geotechnical investigation report regarding mitigation of potential effects associated with cut and fill into the project design.</p>	<p>1) The project sponsor shall ensure that the final design-level geotechnical investigation includes measures to ensure potential damage from long-term deformation and deep cuts and fills is minimized, and a determination regarding the stability of materials underlying the water tanks and City of Benicia water facilities.  2) The project sponsor shall incorporate all recommendations of the final geotechnical report regarding mitigation of potential effects associated with cut and fill into the project design.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to: 1) Review the final design-level geotechnical report for consistency with Mitigation Measure GEO-3a.  2) Ensure that final project design plans incorporate the recommendations of the final geotechnical report regarding mitigation of potential effects associated with cut and fill.</p>	<p>No issuance of site-specific grading or building permits.</p>	<p>A geotechnical investigation that meets Mitigation Measure GEO-3a.</p>	<p>Prior to the issuance of any site-specific grading or building permits.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
	<p>GEO-3b: Prior to the issuance of any site-specific grading or building permit, the applicant shall establish a self-perpetuating slope maintenance program (to be managed by a project site business owners association or similar entity), to be reviewed and approved by the City of Benicia Public Works Department. The self-perpetuating slope maintenance program shall include annual inspections of slopes, debris benches, and v-ditches. Any accumulation of slope detritus on the benches or in the v-ditches shall be promptly removed. The association would also be responsible for repair of any slope failures that may occur on the cut slopes of the project site. An annual report documenting the inspection and any remedial action conducted shall be submitted to the Planning and Building Divisions of the Community Development Department and the Engineering Division of the Public Works Department for review and approval. Approval by the City of Benicia City Engineer is required with respect to the Grading and Erosion control requirements of the City of Benicia Municipal Code Section 15.28.040 – Hazards (or its successor).</p>	<p>1) The project sponsor shall retain a licensed professional to prepare a self-perpetuating slope maintenance program which meets the requirements of Mitigation Measure GEO-3b.</p> <p>2) The project sponsor shall submit an annual report documenting the inspection and any remedial action activities to the City of Benicia Planning and Building Department.</p>	Project sponsor	<p>City of Benicia Community Development Department and City of Benicia Public Works Department to:</p> <p>1) Review and approve the self-perpetuating slope maintenance program.</p> <p>2) Review and approve the annual report. Verify that the grading and erosion control requirements are addressed.</p>	<p>1) No issuance of site-specific grading or building permits.</p> <p>2) Non-compliance citations or revocation of Conditional Use Permits</p>	<p>A self-perpetuating slope maintenance program that meets the requirements of Mitigation Measure GEO-3b.</p>	<p>1) Prior to the issuance of any site-specific grading or building permits.</p> <p>2) On an annual basis</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
GEO-4: Damage to structures or property could occur at the project site due to existing or induced slope instability resulting in landsliding.	GEO-4a: Prior to the issuance of any site-specific grading or building permit, a final design-level geotechnical investigation report shall be prepared and submitted to the City of Benicia Planning and Building Department for review and confirmation that the proposed project fully complies with the California Building Code (Seismic Zone 4). The applicant shall incorporate all recommendations of the final geotechnical investigation report regarding mitigation of slope instability into the project design.	1) The project sponsor shall ensure that the final design-level geotechnical investigation for the proposed project complies with the California Building Code. 2) The project sponsor shall ensure that all of the final geotechnical investigation report regarding mitigation of slope instability are incorporated into the project design.	Project sponsor	City of Benicia Planning and Building Department to: 1) Review the final design-level geotechnical report for compliance with the California Building Code. 2) Review final design plans for compliance with the slope instability mitigation recommendations	No issuance of site specific grading or building permits.	A geotechnical investigation that complies with the California Building Code and a project design that incorporates slope instability recommendations.	Prior to the issuance of any site-specific grading or building permits.
	GEO-4b: All grading plans, cut and fill retaining structures shall be designed by a licensed professional engineer and inspected during construction by a licensed professional engineer (or representative) or Certified Engineering Geologist (or representative). All designs shall be submitted to, and approved by, the City of Benicia prior to implementation.	The project sponsor shall retain a licensed professional engineer to design all grading plans, cut and fill slopes, compaction procedures, and retaining structures. All designs shall be submitted to the City.	Project sponsor	City of Benicia Planning and Building Department to Review the final design and grading plans for compliance with Mitigation Measure GEO-4b.	No issuance of site-specific grading or building permits.	Grading plans, cut and fill slopes, compaction procedures, and retaining structures designed by a licensed professional engineer.	Prior to issuance of any site-specific grading or building permit.
	GEO-4c: The 40-scale grading plans, when prepared, shall be reviewed by a registered professional engineer, to ensure that the detailed plans conform to the intent of the preliminary geotechnical report.	The project applicant shall retain a registered professional engineer to ensure the 40-scale grading plans conform to the provisions of the preliminary geotechnical report.	Project sponsor	City of Benicia Planning and Building Department to review the final 40-scale grading plans for compliance with the preliminary geotechnical report.	No issuance of site-specific grading permits.	Grading plans that conform to the geotechnical report.	Prior to issuance of site-specific grading permits.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<u>GEO-5:</u> Accidental or earthquake-induced overflows from the Water Treatment Plant and proposed water tank reservoirs could result in flooding hazards on the project site.	<u>GEO-5:</u> The project shall be designed so that the proposed development will accommodate the potential flooding associated with accidental or earthquake-induced release of water from the Water Treatment Plant or water tank reservoirs. Prior to issuance of a building or grading permit, the project sponsor shall retain a hydrologist to review final project grading and drainage plans to ensure that flooding associated with release of water from the Water Treatment Tank or water tank reservoirs, and shall prepare a report of findings for review by City agencies.	The project sponsor shall retain a licensed hydrologist to review final project grading and drainage plans to ensure that the project would accommodate potential flooding associated with release of water from the Water Treatment Tank or water tank reservoirs, and shall prepare a report of findings for review by City agencies.	Project sponsor	City of Benicia Public Works Department to review final drainage and grading plans and verify that the project would accommodate potential flooding associated with rupture of the Water Treatment Plant or water tank reservoirs.	No issuance of submitted plans or any site-specific grading or building permit.	Final project grading and drainage plans to accommodate water released from the Water Treatment Tank.	Prior to issuance of any site-specific grading or building permit.
<b>D. HYDROLOGY AND WATER QUALITY</b>							
<u>HYDRO-1:</u> Increased runoff volume resulting from creation of new impervious surfaces could cause downstream flooding.	<u>HYDRO-1:</u> As a condition of approval of the final grading and drainage plans for the project, a final detailed design-level hydraulic analysis shall be submitted to the City of Benicia detailing that implementation of the proposed drainage plans will conform to the following standards or include the following components: 1) The project sponsor shall pay the cost of the City to hire a professional engineer with expertise in flood control and stormwater quality/management techniques to review the significant grading and drainage plans, the SWPPP, and proposed post construction BMPs and implementation, and to perform inspections.	1) The project sponsor shall pay the City of Benicia to retain a professional engineer with expertise in flood control and stormwater/management techniques to review the project's proposed grading and drainage features, and perform inspections of built features.	Project sponsor	City of Benicia Public Works Department to: 1) Monitor the engineering consultant's reviews, reports, and inspections to ensure that the project would not increase peak runoff rates or increase combined peak runoff volumes.	1) Termination of engineer services. 2) No issuance of the final drainage plan and no issuance of any site-specific grading or building permit.	Final drainage plans and a self-perpetuating maintenance program that meets the requirements of Mitigation Measure HYDRO-1.	1) Prior to the approval of any site-specific final grading and drainage plans.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>HYDRO-1 Continued</p> <p>2) The project shall result in no increase peak in runoff rates from any subareas and no increase in combined peak runoff volumes from subareas draining to the same downstream conveyance component (i.e. reductions in one subarea can offset increases in another subarea, if they drain to the same downstream conveyance, so long as total peak flows are not in excess of current flow levels). The final drainage plan for the project shall be prepared by a licensed professional engineer</p> <p>3) Include drainage components that are designed in compliance with City of Benicia standards. The grading and drainage plans shall be reviewed for compliance with these requirements by the City of Benicia Department of Public Works. Any improvements deemed necessary by the City shall be part of the conditions of approval.</p> <p>4) The sponsor shall establish a self-perpetuating drainage system maintenance program (to be managed by a project site Business Owners Association or similar entity), that includes annual inspections of sedimentation basins, drainage ditches, and drainage inlets. Any accumulation of sediment or other debris shall be promptly removed. An annual report documenting the inspection and any remedial action conducted shall be submitted to the City of Benicia Department of Public Works for review.</p>	<p>2) The project sponsor shall retain a licensed professional engineer to prepare the final drainage plan for the project. The project engineer shall include drainage components designed in compliance with City of Benicia standards in the final drainage plan.</p> <p>3) The project sponsor shall establish a self-perpetuating drainage system maintenance program to be managed by an on-site Business Owners Association or a similar entity. This program shall meet the requirements of Mitigation Measure HYDRO-1(4).</p>			<p>2) Perform consistency checks on the final drainage plan to ensure it is consistent with City standards and other applicable standards.</p> <p>3) Review the reports submitted by the on-site Business Owners Association or similar entity and ensure that the drainage system is functioning properly and that remedial activities are being undertaken as needed. Occasionally visit the site to verify that the drainage system is being maintained properly.</p>	<p>3) Non-compliance sanctions may be applied by City agencies which may include citations or the revocation of permits.</p>		<p>2) Review reports annually, visit the site through-out the year, at the discretion of the Public Works Department.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>HYDRO-2: Construction activities and post-construction site uses could result in degradation of water quality in creeks and the Carquinez Strait by reducing the quality of storm water runoff.</p>	<p>HYDRO-2: The sponsor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the proposed project. The SWPPP shall include:</p> <p>1) <i>Specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants.</i> These controls shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g. fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.</p> <p>The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. City of Benicia personnel shall conduct regular inspections to ensure compliance with the SWPPP.</p> <p>If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (keeping sediment on the site). End-of-pipe sediment control measures (e.g. basins and traps) shall be used only as secondary measures. If hydro-seeding is selected as the primary soil stabilization method, then hydroseeded areas shall be seeded by September 1 and irrigated to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional both during dry and wet conditions.</p>	<p>1) The project sponsor shall prepare a SWPPP which includes specific and detailed BMPs, measures designed to mitigate post-construction pollutants, and adheres to the requirements of Mitigation Measure HYDRO-2.</p> <p>2) The Construction Site Supervisor shall conduct regular meetings of site personnel to ensure SWPPP guidelines are observed by on-site personnel. In addition the Construction Site Supervisor is responsible for managing a monitoring program as designated by the SWPPP.</p>	<p>Project sponsor and Construction Site Supervisor</p>	<p>City of Benicia Public Works Department to:</p> <p>1) Review the SWPPP for consistency with the requirements of Mitigation Measure HYDRO-2 prior to approval.</p> <p>2) Conduct regular inspections of the project site during wet and dry days to ensure compliance with the SWPPP, including implementation of the post-construction measures.</p>	<p>1) No issuance of any site-specific grading or building permit.</p> <p>2) Non-compliance sanctions may be applied by City agencies which may include citations or the revocation of permits.</p>	<p>A SWPPP that meets the requirements of Mitigation Measure HYDRO-2.</p>	<p>1) Prior to issuance of any site-specific grading or building permit.</p> <p>2) Regularly through the construction and post-construction period, at the discretion of the Public Works Department.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HYDRO-2 Continued	<p>2) Measures designed to mitigate post construction-related pollutants. The SWPPP shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. The specific BMPs that would be required of a project can be found in San Francisco Bay Regional Water Quality Control Board Staff Recommendations for New and Redevelopment Controls for Storm Water Programs. The selection of required BMPs for a specific project is based on the size of the development and the sensitivity of the area. In general, areas near surface waters (i.e. creeks, lakes, or the Bay) are considered sensitive areas by the RWQCB. Passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred over higher maintenance BMPs (e.g. sedimentation basins, fossil filters). The funding for long-term maintenance needs shall be provided by the project sponsor (the City will not assume maintenance responsibilities for these features). Design of stormwater management features in open space areas shall also incorporate recommendations in Start at the Source: Design Guidance Manual for Stormwater Quality Protection (Bay Area Stormwater Management Agencies Association, 1999). In addition, some of the individual industrial businesses (depending on the type of activity) that operate within the project site may be subject to regulation under the General Industrial Activities Storm Water Permit administered by the RWQCB. These businesses would be required to file a Notice of Intent (NOI) to comply with General Permit, conduct site inspections, collect runoff samples, and file annual reports.</p>						

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><b>E. HAZARDS AND HAZARDOUS MATERIALS</b> HAZ-1: Transport, storage, or handling of fuels, lubricants, and other chemicals for heavy machinery operation/maintenance during site development activities could result in hazardous materials releases.</p>	<p><b>HAZ-1: The contractor overseeing grading and project site development shall prepare and implement a spill prevention plan for potentially hazardous materials to be used during site development activities. The plan shall be prepared and submitted to the City for review and approval by the Planning and Building Divisions of the Community Development Department and the Engineering Division of the Public Works Department prior to the issuance of a grading permit. The plan shall designate an on-site employee responsible for plan implementation and include types and quantities of hazardous materials, anticipated equipment needs and maintenance, temporary hazardous materials storage areas, emergency response procedures for hazardous materials releases (including the provision for spill kits), and procedures for contacting regulatory agencies in the event of a hazardous materials release. The plan shall specify that all equipment be inspected for leaks immediately prior to construction and regularly inspected thereafter, and shall prohibit equipment cleaning and repair (other than emergency repairs) within the project site. The spill prevention plan may be included as part of a Storm Water Pollution Prevention Plan and implementation of Best Management Practices (see Mitigation Measure HYDRO-2).</b></p>	<p>The project sponsor shall prepare and implement a spill prevention plan which meets the requirements of Mitigation Measure HAZ-1.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department and City of Benicia Public Works Department to:</p> <ol style="list-style-type: none"> <li>1) Review the spill prevention plan for consistency with Mitigation Measure HAZ-1 prior to approval.</li> <li>2) Verify that there is an on-site coordinator that is in charge of spill response and that the coordinator is inspecting equipment for leaks, and is complying with the other provisions of Mitigation Measure HAZ-1.</li> </ol>	<ol style="list-style-type: none"> <li>1) No issuance of any site-specific grading or building permit.</li> <li>2) Temporary suspension of grading/building permits.</li> </ol>	<p>Spill prevention plan that meets the requirements of Mitigation Measure HAZ-1.</p>	<ol style="list-style-type: none"> <li>1) Prior to issuance of any site-specific grading or building permit.</li> <li>2) During grading and construction.</li> </ol>

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>HAZ-2: Site workers involved in demolition activities within the project site could be exposed to lead-based paint and asbestos-containing building materials, or other hazardous materials.</p>	<p>HAZ-2a: The project sponsor shall ensure that a lead-based paint and asbestos survey (including the analysis of suspect materials, as appropriate) is prepared by a qualified environmental professional for all buildings to be demolished. This survey shall be submitted to the City prior to the issuance of any demolition permit. If asbestos-containing materials are determined to be present, the materials shall be abated prior to demolition by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District (BAAQMD). If lead-based paint is identified, the paint shall be removed by a qualified lead abatement contractor. Specifications developed for the demolition activities shall include the proper packaging, manifesting, and transport of demolition wastes by trained workers to a permitted facility for disposal, in accordance with local, State, and federal requirements.</p>	<p>The project sponsor shall retain a qualified environmental professional to conduct a lead-based paint and asbestos survey. The project sponsor shall be responsible for removing lead-based paint and/or asbestos on the site, if they occur on the site, in accordance with applicable hazardous materials regulations.</p>	<p>Project sponsor and qualified environmental professional</p>	<p>City of Benicia Planning and Building Department to review the lead-based paint and asbestos survey to ensure consistency with local, State, and federal requirements, and verify that all identified lead and asbestos materials have been removed from the site (if present).</p>	<p>No issuance of any site-specific demolition permit.</p>	<p>A lead-based paint and asbestos survey and removal plan in accordance with Mitigation Measure HAZ-2a.</p>	<p>Prior to issuance of any site-specific demolition permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-2 Continued	<p>HAZ-2b: The project sponsor shall ensure that a health and safety plan is prepared and implemented by a qualified environmental professional for all workers involved in building removal or demolition activities. The purpose of the health and safety plan shall be to mitigate potential exposure of workers to asbestos, lead-based paint, or other hazardous building materials, if present. The plan shall specify training and certification requirements, air monitoring requirements, personal protective equipment for workers, engineering controls and work practices, housekeeping procedures, hygiene facilities, medical surveillance requirements, project monitoring/supervision, required permits, and other items for protection of workers involved in demolition activities, and public health protection as required by local, State, and federal requirements. The health and safety plan shall be included in the demolition specifications prepared as part of Mitigation Measure HAZ-2a.</p>	<p>The project sponsor shall retain a qualified environmental professional to prepare and implement a health and safety plan which meets the requirements of Mitigation Measure HAZ-2b.</p>	<p>Project sponsor and qualified environmental professional</p>	<p>City of Benicia Planning and Building Department to review the health and safety plan to ensure consistency with Mitigation Measure HAZ-2b.</p>	<p>No issuance of any site-specific demolition permit.</p>	<p>Health and safety plan which meets the requirements of Mitigation Measure HAZ-2b.</p>	<p>Prior to issuance of any site-specific demolition permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/ Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-2 Continued	HAZ-2c: Containers of potentially hazardous materials identified during the site reconnaissance visits shall be removed prior to site development activities. Prior to removal, the containers shall be examined by a qualified environmental professional, and if the containers are found to contain material, samples of the material shall be collected by environmental personnel for purpose of profiling the material prior to transport. Analysis of samples shall be conducted by a California-certified laboratory, under chain-of-custody procedures. Once the contents of the containers have been profiled, the container with its contents shall be removed from the site by an environmental professional and transported to an appropriate facility for recycling or disposal, as appropriate, in accordance with local, State, and federal requirements for hazardous waste management. The project sponsor shall ensure that documentation regarding the removal of any containers of hazardous materials from the project site is reviewed by the City of Benicia Planning and Building Department, prior to issuance of a grading permit.	The project sponsor shall be responsible for removing all 55-gallon drums from the project site, including the ones located in the northern part of the site. The project sponsor shall retain a qualified environmental professional who shall comply with the requirements of Mitigation Measure HAZ-2c as well as all local, State, and federal regulations.	Project sponsor	City of Benicia Planning and Building Department to review documentation of all hazardous materials located on the project site and disposal methods, and ensure that the project sponsor has complied with local, State, and federal procedures.	No issuance of any site-specific grading permit.	Removal of 55-gallon drums in compliance with the requirements of Mitigation Measure HAZ-2c as well as all local, State, and federal regulations.	Prior to issuance of any site-specific grading permit.
	HAZ-2d: Other hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes and computer displays, shall be managed and disposed of by the demolition contractor in accordance with the applicable hazardous waste regulations. The demolition specifications (see Mitigation Measure HAZ-2a) shall include provisions for appropriate off-site disposal of these materials in accordance with applicable regulations.	The project sponsor shall ensure that provisions for handling demolition waste are incorporated into the demolition specifications. The demolition contractor shall manage hazardous waste generated during demolition activities in accordance with applicable hazardous waste regulations.	Project sponsor	City of Benicia Planning and Building Department to review the demolition specifications to ensure that protocols have been established for the handling and disposal of hazardous construction waste.	No issuance of any site-specific demolition permit.	Handling of demolition waste in accordance with Mitigation Measure HAZ-2d.	Prior to issuance of any site-specific demolition permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-3: Proposed development within the project site would attract additional people to light industrial/commercial areas located near grassland areas, potentially contributing to an increased fire hazard.	HAZ-3a: The contractor shall prepare and implement a fire prevention and preparedness plan during site development activities. The plan shall be prepared prior to the start of earth working activities at the site and shall be reviewed and approved by the City of Benicia Fire Department prior to issuance of a building permit. The plan shall designate an on-site employee responsible for plan implementation and include potential fire hazards, on-site fire prevention measures during construction (e.g., parking of vehicles away from flammable materials, availability of fire extinguishers, preventing idling of vehicles, use of spark arrestors on heavy equipment), emergency response procedures for fires, including evacuation routes and places of safe refuge, and procedures for contacting emergency responders in the event of a fire. Workers involved in site development activities shall receive training in these procedures at the start of site development activities. The fire prevention and preparedness plan may be prepared as part of other required plans.	The project sponsor and construction contractor shall prepare and implement a fire prevention and preparedness plan during site development activities.	Project sponsor and construction contractor	City of Benicia Fire Department to review and approve the fire prevention and preparedness plan.	No issuance of any site-specific grading permit.	Preparation of a fire prevention and preparedness plan that conforms to the requirements of Mitigation Measure HAZ-3a.	Prior to issuance of any site-specific grading permit.
	HAZ-3b: The project sponsor shall comply with requirements for maintaining fire breaks, and other fire protection regulations of the Uniform Fire Code.	The project sponsor shall comply with requirements for maintaining fire breaks, and other fire protection regulations of the Uniform Fire Code.	Project sponsor	City of Benicia Fire Department to ensure that fire protection requirements are met.	No issuance of any site-specific building permit.	Compliance with fire protection requirements outlined in the Uniform Fire Code.	Prior to issuance of any site-specific building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-4: Workers involved in site grading, earthwork or demolition activities could encounter hazardous materials within the project site, including ordnance, explosives, or other chemicals or safety hazards that could cause physical injuries, death, or other adverse health effects.	HAZ-4a: The project sponsor shall ensure that the entire project site has been fully characterized for the presence of ordnance and explosives (OE) and hazardous materials prior to the start of earthwork activities and site development activities (in accordance with General Plan policies 4.7.3 and 4.7.5). The site characterization may be based on previous investigations completed and/or new investigations completed by a qualified environmental professional. Past land uses of the property with potential hazardous materials or OE uses shall be considered in characterizing the site. The site characterization shall occur under the oversight of a regulatory agency (e.g., SCEHS or DTSC), and shall demonstrate that the site will not pose an unacceptable human health or safety risk to construction workers or future site occupants based on the proposed land use (e.g., Cal/EPA California Human Health Screening Levels for hazardous materials for commercial/industrial uses, or risk-based Benicia Screening Levels for soil). Criteria for determining whether the site poses an unacceptable human health or safety risk shall be approved by the regulatory oversight agency. A report documenting characterization of the site shall be prepared by a qualified environmental professional and submitted to the regulatory oversight agency and City prior to acquiring a site grading permit.	The project sponsor shall provide documentation prepared by a qualified environmental professional that details the hazardous characteristics of the project site - including the presence of OE - and shows that the site has been remediated in accordance with applicable health and safety criteria and the requirements of Mitigation Measure HAZ-4a.	Project sponsor	City of Benicia Planning and Building Department and Appropriate regulatory oversight agency (e.g., SCEHS or DTSC) to review reports provided by a qualified environmental professional and appropriate regulatory oversight agency to determine if OE and other hazards have been adequately characterized, and, if necessary remediated. Verify that the documentation and any remediation plans have been approved by the appropriate regulatory agency.	No issuance of any site-specific grading or building permit.	Documentation of hazardous characteristics of the site in accordance with the requirements of Mitigation Measure HAZ-4a.	Prior to issuance of any site-specific grading or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-4 Continued	<p>Any remediation actions required to achieve the health and safety criteria above shall also be overseen by the selected agency, and shall be completed prior to site development by a qualified environmental professional. Specific remedies would depend on the extent and magnitude of contamination and requirements of the regulatory agency. Requirements of the regulatory oversight agency for site remediation shall also be adhered to, including preparation of a health and safety plan, an assessment of health impacts associated with excavation activities, identification of standards that may be exceeded by any remedial actions (including dust levels), management of wastes removed, and risk of public upset should there be an accident during site remediation activities. Site remediation activities shall be completed and certified by the regulatory oversight agency prior to application for a site grading permit (in accordance with General Plan Policy 4.7.7).</p>						

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-4 Continued	<p>HAZ-4b: if any known or suspected ordnance or explosives are encountered during earthwork activities on-site, construction in that area shall be immediately halted and all personnel shall vacate the area. The contractor shall then contact the 911 emergency system to report the emergency and request assistance. Ordnance and explosives discovery procedures shall be documented by the contractor prior to the start of earthwork activities, posted in the work area, and discussed with all on-site personnel prior to work on the site. (These procedures may be developed as part of other required plans, see mitigation measures discussed above). The local responding agency (e.g., Benicia Police Department or Fire Department) shall contact the Sacramento District of the Army Corps of Engineers and Department of Toxic Substances Control to assist in removal of any identified OE, and to determine if further action is needed prior to the time that site development work resumes in the area. Work shall not resume in the affected area until the area it is deemed safe to do so by the local responding agency, and/or the Sacramento District of the Army Corps of Engineers and Department of Toxic Substances Control.</p>	<p>1) The project sponsor shall ensure that the construction contractor has an established protocol for responding to the discovery of potential ordnance or explosives at the project site.</p> <p>2) The construction contractor shall contact the 911 emergency system if suspected ordnance or explosives are encountered on the site.</p>	Project sponsor	<p>City of Benicia Police and Fire Departments to review the ordinance and explosives discovery procedures provided by the project sponsor for adequacy. Verify that these procedures have been posted on-site. If ordnance or explosives are reported, work with the appropriate agencies and the project sponsor to ensure that the risk has been remediated.</p>	No issuance of any site-specific grading or building permit.	Protocol for the discovery of potential ordnance or explosives at the project site in accordance with Mitigation Measure HAZ-4b.	Prior to issuance of any site-specific grading or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-4 Continued	<p>HAZ-4c: If contaminated soil is encountered or suspected during site development activities (through soil discoloration or odor), all work shall halt in the immediate area and personnel shall immediately vacate the area and notify Solano County Environmental Health Services (SCEHS). Soil samples shall be collected by a qualified environmental professional (e.g., registered geologist, professional engineer) prior to further work in the area. The samples shall be submitted for laboratory analysis by a State-certified laboratory under chain-of-custody procedures. The analytical methods shall be selected by the environmental professional based on the suspected contamination and consideration of historical land uses of the site and any previous analyses completed for soil samples collected in the areas, if applicable. The analytical results shall be provided to SCEHS and reviewed by a qualified environmental professional. The professional shall provide recommendations, as applicable, regarding soil management, worker health and safety training, and regulatory agency notifications, in accordance with local, State, and Federal requirements. Work shall not resume in this area(s) until these recommendations have been implemented under the oversight of SCEHS.</p>	<p>The project sponsor shall ensure that the construction contractor stops work if potentially contaminated soil is discovered, and that soil samples are collected and analyzed (and remediation is conducted, if necessary).</p>	<p>Project sponsor</p>	<p>Solano County Environmental Health Services to provide site decontamination or mitigation recommendations and oversight to ensure that local, State, and federal regulations and the requirements of Mitigation Measure HAZ-4c are being met before allowing further development to continue on site.</p>	<p>Non-compliance sanctions, including fines and revocation of permits, are at the discretion of the review agency.</p>	<p>Contaminated soil analysis report, if applicable.</p>	<p>After contaminated soil or soil suspected to be contaminated is encountered.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
HAZ-4 Continued	HAZ-4d: The contractor involved in site grading and site development activities shall ensure that underground pipelines (e.g., the water pipelines associated with the Benicia Water Treatment Plant) or other underground or aboveground utilities within the project site are identified and clearly marked prior to earthworking activities to avoid unexpected contact with these utilities. Emergency procedures that can be implemented in the event utilities are ruptured shall be developed by the contractor; these procedures shall be reviewed and approved by the City Engineering Division of the Public Works Department, prior to implementation. On-site workers shall be trained in how to implement these procedures. (These procedures may be developed as part of other plans required by the mitigation measures discussed above).	The project sponsor shall ensure that the construction contractor identifies and clearly marks any underground or aboveground utility lines within the project area and develops emergency procedures for on-site personnel in the event of a utilities rupture.	Project sponsor	City of Benicia Public Works Department to review the emergency procedures for adequacy.	No issuance of any site-specific grading or building permit.	Identification of any underground utility lines in accordance with Mitigation Measure HAZ-4d.	Prior to issuance of any site-specific grading or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<b>F. BIOLOGICAL RESOURCES</b>							
BIO-1: Mature trees that are protected under the City's Tree Ordinance would be removed as part of the proposed project.	BIO-1: Prior to site development, a tree report shall be prepared by an arborist or biologist to identify the location, size, and health of trees on the site, and the trees that would be preserved and removed during construction of the project. The report shall also specify measures to protect all preserved trees during construction, including through the creation of Tree Protection Zones. The sponsor shall apply for a Tree Permit for the removal of all protected trees.  As part of the Tree Permit, an arborist or biologist shall develop a tree replacement program in accordance with the City's tree ordinance. Two 15 gallon trees are generally required for the replacement of each mature tree that is removed. In some cases, one or two 24-inch box trees, or a mature tree is required for the replacement of one mature tree. Mitigation for the removal of protected red willow trees along the stream channels and wetlands shall be implemented in conjunction with the wetland mitigation measures as described in Mitigation Measure BIO-2a.	1) The project sponsor shall retain an arborist or biologist to prepare a Tree Report and a Tree Replacement Program in accordance with the requirements of Mitigation Measures BIO-1 and BIO-2a.  2) The project sponsor shall apply for a Tree Permit for the removal of all protected trees.	Project sponsor	The City of Benicia Planning and Building Department to review the Tree Report, Tree Replacement Program, and Tree Permit application for adequacy.	No issuance of any site-specific tree, grading, or building permit.	Tree Report and Tree Replacement Program in accordance with the requirements of Mitigation Measures BIO-1 and BIO-2a.	Prior to issuance of any site-specific tree, grading, or building permit.

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/ Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-2: The project would adversely affect wetlands, creek channels, and associated habitat.	BIO-2a: The project sponsor shall obtain the appropriate federal and State permits authorizing fill of wetlands or waters and shall provide copies of the permits to the City prior to issuance of a grading permit. All work in jurisdictional areas and non-jurisdictional waters of the State shall be in compliance with all terms and conditions of the permits.	The project sponsor shall obtain all appropriate federal and State permits for the fill of wetlands and waters of the United States, and shall ensure the construction contractor undertakes work on the site in compliance with all permit requirements.	Project sponsor	City of Benicia Planning and Building Department to verify that the project sponsor has obtained necessary permits, and visit the site periodically to ensure that site development in being undertaken in accordance with the permits.	No issuance of any site-specific grading or building permit.	Appropriate federal and State permits authorizing fill of wetlands or water.	Prior to issuance of any site-specific grading or building permit, and periodically during the project construction period, at the discretion of the Planning and Building Department.
	BIO-2b: The project sponsor shall implement the wetland mitigation and monitoring plan prepared by Sycamore Associates, as modified to reflect wetland impacts that would occur as part of the mitigated project. The revised wetland mitigation and monitoring plan shall be implemented as mitigation for impacts to jurisdictional wetlands and waters of the United States, and shall implement the recommendations and revisions to the original mitigation plan in the subsequent mitigation feasibility report prepared by WRA (as modified to reflect the mitigated project). <sup>2</sup> The mitigation plan and recommendations of the feasibility report are incorporated into this mitigation measure by reference and together are referred to as the mitigation plans. The plan details the mitigation design, wetland planting design, maintenance and	The project sponsor shall implement all applicable provisions of the Sycamore Associates wetland mitigation and monitoring plan and the recommendations/revisions to the original mitigation plan made by WRA. The project sponsor shall submit verification of Corps approval of the final plan to the City.	Project sponsor	The City of Benicia and US Army Corps of Engineers to review the final wetland mitigation and monitoring plan to ensure consistency with local, State, and federal guidelines and the requirements of Mitigation Measure BIO-2b, and perform annual reviews of the project site for 5 years, adhering to the protocol outlined in the monitoring reports.	1) No issuance of any site-specific grading or building plan. 2) Implementation measures designed by the City and US Army Corps of Engineers.	Verification of implementation of the Sycamore Associates wetland mitigation and monitoring plan.	1) Prior to issuance of any site-specific grading or building permit. 2) Annually for 5 years.

<sup>1</sup> Sycamore Associates LLC and Kamman Hydrology and Engineering, 2000. Wetland Mitigation and Monitoring Plan, Benicia Business Park, Solano County, California (ACOE File No. 18366E), January.

<sup>2</sup> Wetland Research Associates (WRA), 2004. Feasibility Analysis for Mitigation Wetlands. February 13.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-2 Continued</p>	<p>monitoring requirements, reporting requirements, and success criteria. This plan shall be approved by the U.S. Army Corps of Engineers (Corps) and the City prior to implementation. As detailed in the mitigation plans, created wetlands shall be monitored for a minimum of 5 years. Annual monitoring of each site shall include: 1) observation of existing and developing problems and recommendations for remedial actions; 2) an assessment of creation of wetland habitats; 3) a formal wetland delineation in year 5; 4) notation of invasive exotic species; 5) measurement of willow survival; and 6) photo-documentation. Monitoring visits shall be made in the winter and spring of each year and quantitative data shall be collected in the spring. Annual reports shall be submitted each fall to the Corps and the City for review. At the end of the 5-year monitoring period, the Corps and the City shall review the reports and determine if the success criteria have been met. If the success criteria have not been achieved at the end of the 5-year monitoring period, remedial measures shall be identified in consultation with the City and Corps. Remedial measures could include grading, planting, seeding, exotic/invasive vegetation control, and/or an extension of the maintenance or monitoring period. Remedial measures shall be implemented by the project sponsor.</p>						

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-2 Continued	<p>BIO-2c: A contractor education program shall be created and initiated by the project restoration specialist prior to the initiation of ground disturbing activities. The purpose of this program shall be to inform the contractors about the mitigation measures being implemented onsite, the biology and life history of special-status species that may be present, the areas to be preserved and avoided during construction, and the measures being implemented to avoid the impacts to these species during construction. During construction, wetlands to be preserved shall be clearly marked with flagging and or construction fencing. During construction in the vicinity of jurisdictional wetlands and non-wetland waters of the United States, the project restoration specialist shall conduct periodic site visits (once every week or once every two weeks, depending on the level of activity) to provide direction and ensure protection of sensitive resources and permit compliance.</p>	<p>The project sponsor shall ensure that the project restoration specialist develops an adequate contractor education program and site guidelines for preservation, and conducts periodic site visits.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to:</p> <ol style="list-style-type: none"> <li>1) Verify that the contractor education program has been implemented.</li> <li>2) Visit the site to ensure that to-be-preserved wetlands are marked with flagging and are being avoided by construction activities.</li> </ol>	<ol style="list-style-type: none"> <li>1) No issuance of any site-specific grading or building permit.</li> <li>2) Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.</li> </ol>	<p>Contractor education program in accordance with the requirements in Mitigation Measure BIO-2c.</p>	<ol style="list-style-type: none"> <li>1) Prior to approval of any site-specific grading or building permit.</li> <li>2) Periodically throughout the development phase of the project, at the discretion of the Planning and Building Department.</li> </ol>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-2 Continued	BIO-2d: During project construction, no material shall be allowed to enter or be stored in any wetlands that are to be preserved. Project related dirt and other material shall be kept sufficiently far away from preserved wetlands and drainages to prevent material from entering these features. If earthmoving activities or material stockpiling occurs upslope from a preserved wetland or drainage, silt fencing shall be installed around the preserved feature to prevent soil from entering the wetland or drainage. Silt fencing shall be installed at the least 5 feet from the edges of preserved wetlands and drainages. Silt fencing shall also be installed around preserved features whenever earthmoving activities or material stockpiling occurs within 20 feet of a preserved feature. All equipment washing shall occur downslope from preserved wetlands to prevent the runoff from entering the preserved wetlands. Berms or other barriers shall be constructed outside of preserved wetlands or drainages to prevent wash water runoff from entering the preserved wetlands.	The project sponsor shall ensure that the Construction Contractor implements the wetland protection provisions of Mitigation Measure BIO-2d.	Project sponsor	City of Benicia Planning and Building Department to visit the site to ensure that no material is being allowed to enter wetlands, and that adequate protection (e.g., silt fencing) exists around wetlands.	Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.	Implementation of wetland protection provisions of Mitigation Measure BIO-2d.	Periodically throughout the development phase of the project, at the discretion of the Planning and Building Department.
	BIO-2e: A conservation easement (or similar restriction) shall be established over the preserved and created wetlands to preserve these wetlands in perpetuity. A designated public agency, conservation group, or open space organization shall hold the easement to ensure retention of the wetland mitigation site (including the mitigation wetlands and the associated uplands) in perpetuity as wetland habitat.	The project sponsor shall place a development restriction on areas containing existing and/or created wetlands to ensure that wetlands will be preserved in perpetuity.	Project sponsor	City of Benicia Office of the City Attorney to review project title documents to ensure that wetlands will be preserved in perpetuity.	No issuance of any site-specific grading or building permit.	Development restriction on created or existing wetlands.	Prior to issuance of any site-specific grading or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-2 Continued	BIO-2f: The project sponsor shall provide financial assurances of a type (i.e., bond, letter of credit) and amount to be determined by the Corps and the City to ensure successful implementation of the mitigation and monitoring plan. The project sponsor shall also provide a long-term funding mechanism for the maintenance of the wetlands in the conservation easements in perpetuity.	The project sponsor shall provide financial assurances to ensure successful implementation of the wetland mitigation and monitoring plan.	Project sponsor	City of Benicia Planning and Building Department to verify that adequate financial assurances for wetland protection and restoration have been provided (particularly that financial assurances meet Corps requirements).	No issuance of any site-specific grading or building permit.	Financial payment to ensure the implementation of the wetland mitigation and monitoring plan.	Prior to issuance of any site-specific grading or building permit.
BIO-3: Construction of the proposed project could cause indirect impacts to special-status plants.	BIO-3: Prior to construction of the project, a survey shall be conducted for pappose tarplant, to locate and map any individuals of this species on the site and to estimate the population size. If pappose tarplant is found on the site, then the following standards and procedures shall be implemented. If feasible, impacts to these plants shall be avoided completely. If complete avoidance is not possible, the extent of impact will be minimized to the extent possible by the proposed development project. The project sponsor and City, in consultation with a qualified botanist, shall determine the feasibility of implementing avoidance measures and shall develop and implement those measures based on the botanist's	The project sponsor shall work with a botanist and the City of Benicia to: 1) conduct a survey for pappose tarplant; 2) avoid impacts to any identified pappose tarplant populations; and 3) if avoidance is not feasible, develop and implement a salvage and recovery plan in accordance with the provisions outlined in Mitigation Measure BIO-3.	Project sponsor	City of Benicia Planning and Building Department to: 1) Review and approve the pappose tarplant survey. 2) Verify that all pappose tarplant individuals would be avoided by project construction activities.	No issuance of any site-specific grading or building permit.	Pappose tarplant survey, and salvage and recovery plan, if applicable.	Prior to issuance of any site-specific grading or building permit.

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-3 <i>Continued</i></p>	<p>recommendations and field assistance. Avoidance measures include redesigning the project footprint, avoiding changes in the hydrology of the plants' habitat, fencing the existing plants with ESA fencing prior to construction and establishing a buffer zone, and training construction personnel to identify this species. Long-term avoidance measures shall also be developed to ensure the long-term stability of the population.</p> <p>If impacts to pappose tarplant are unavoidable, the project sponsor shall develop and implement a salvage and recovery plan for individuals prior to initiation of construction activities on the site. The mitigation, which shall be prepared by a qualified botanist experienced in the development and implementation of native plant restoration, mitigation, and management plans, shall include the following:</p> <ul style="list-style-type: none"> <li>• Salvage and/or recovery requirements, including clearly defined goals focusing on plant establishment (stability, succession, reproduction) and non-native species control measures.</li> <li>• Locations and procedures for restoration/replanting of salvaged plant material including seeds. Onsite relocation in the undeveloped areas of the site shall be considered if suitable habitat for this species is present.</li> <li>• The project sponsor shall provide and secure a source of funding for this salvage and monitoring operation.</li> </ul>			<p>3) If avoidance is not feasible, review the salvage and recovery plan, and ensure it meets the requirements outlined in Mitigation Measure BIO-3. Verify that CDFG has approved the plan and that sufficient funding assurances exist for its implementation.</p>			

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-3 <i>Continued</i>	<ul style="list-style-type: none"> <li>The project sponsor shall document the progress/success of the revegetation effort, subject to approval by CDFG. If the revegetation is not successful, an additional period of correction and monitoring shall be specified.</li> <li>Specification of a 5-year post-construction maintenance and monitoring program by a qualified restoration team to ensure that the project goals and performance standards are being met. The monitoring program shall include provision for remedial actions to correct deficiencies, as needed. After 5 years, the species relocation shall be considered successful if the number of plants that were removed on the site is successfully established at the mitigation site at a minimum of a 1:1 ratio. Annual reports and a final report prepared by the project sponsor and subject to approval by CDFG shall document the progress/success of the revegetation effort. If the revegetation is not successful, an additional period of correction and monitoring shall be specified.</li> </ul>						

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-3 <i>Continued</i>	<p>The mitigation shall be considered a success if for the last 3 years of the 5-year monitoring program, the numbers of pappose tarplants has remained above the number of individuals that were adversely affected by the project (1:1 mitigation). The populations should show no sign of decline during this period. In addition, for at least the last 4 of 5 monitoring years, the growth of grass, presence of thatch, and growth of weeds should not hinder tarplant plants. Grazing is a potential management tool to reduce competition from non-native grasses and weeds. If the mitigation is unsuccessful after 5 years because the number of tarplants is less than a 1:1 ratio during the last 3 monitoring years (Years 3, 4 and 5), then monitoring could be continued for a 6th year if it is feasible that a 1:1 ratio could be achieved for Years 4, 5, and 6. If the lack of success after 5 years suggests that a 6th year of monitoring is not warranted, off-site mitigation land that supports this species shall be purchased. The purchase of these lands shall be approved by the City or CDFG.</p>						

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-4: The proposed project may result in the loss of aquatic and terrestrial habitat for the Pacific pond turtle and California red-legged frog and may result in direct take of these species through injury or mortality.</p>	<p>BIO-4a: Surveys to assess the presence of Pacific pond turtles shall be conducted in the vicinity of the onsite stream channels. The surveys shall be conducted to identify basking sites and potential nesting areas and shall occur during the spring or summer when the turtles are active and observable. Surveys shall be conducted in the spring or summer prior to the start of construction and the issuance of a building or grading permit. If pond turtles are present, measures shall be implemented to relocate any turtles found in work areas. A pre-construction survey shall be conducted no more than 48 hours prior to ground disturbing activities within areas inhabited by turtles. Areas inhabited by turtles shall be fenced and avoided during construction activities. If pond turtles are observed within the construction area at any time, a qualified biologist shall move the turtles to a safe location at least 500 feet from the construction zone. Turtle relocations shall be approved by CDFG and carried out by a qualified biologist.</p>	<p>The project sponsor shall retain a wildlife biologist to: 1) conduct a survey for Pacific pond turtles; 2) develop a turtle protection plan, if turtles are present; and 3) if avoidance is not feasible, relocate turtles under a plan approved by CDFG.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to: 1) Review and approve the Pacific pond turtle survey. 2) Verify that all Pacific pond turtles would be avoided by project construction activities. 2) If avoidance is not feasible, review the turtle relocation plan, and verify it has been approved by CDFG.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Pacific pond turtle survey, and a turtle protection plan that meets the requirements of Mitigation Measure BIO-4a, if applicable.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-4 Continued</p>	<p>BIO-4b: Protocol-level surveys for California red-legged frogs shall be conducted according to the August 2005 protocol in all areas of the site that provide suitable habitat for this species. The results of the surveys shall be provided to the City at the same time that the survey results are provided to the USFWS and CDFG. Surveys for Pacific pond turtles may be conducted at the same time as the surveys for red-legged frogs. If no red-legged frogs are observed during the survey, no additional mitigation beyond the protection and avoidance measures stipulated below and those stipulated in permits issued by the USACE, USFWS, and CDFG shall be required.</p> <p>If California red-legged frogs are observed on the site during the surveys, the project sponsor shall develop and implement a USFWS-approved mitigation plan to compensate for the loss of red-legged frog habitat on the site. The mitigation plan shall provide mitigation at a ratio of 3:1 for all adversely affected habitat (either direct or indirect) and shall provide a buffer of 300 feet around all preserved aquatic habitats onsite. Detailed protection measures shall be included in the plan. The plan shall also identify a secure funding source to provide for the maintenance of mitigation sites in perpetuity. All mitigation sites shall be placed in a conservation easement to preserve the sites as wildlife and plant habitat in perpetuity. The easements shall be held by CDFG, or the City of Benicia. The sponsor shall provide evidence of compliance with the mitigation requirements of the USACE, USFWS, and CDFG prior to issuance of a grading permit.</p>	<p>The project sponsor shall retain a wildlife biologist to: 1) conduct protocol-level surveys for California red-legged frog; 2) provide survey results to the USFWS and CDFG; 3) and, if frogs are present, develop and implement a mitigation plan (along with a funding source) in accordance with Mitigation Measure BIO-4b.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to:</p> <ol style="list-style-type: none"> <li>1) Review the California red-legged frog survey and verify that it has been provided to appropriate natural resources agencies.</li> <li>2) If frogs are present on the site, verify that the project sponsor has complied with the protection and avoidance measures stipulated in permits issued by the appropriate natural resources agencies.</li> </ol>	<p>No issuance of any site-specific grading or building permit.</p>	<p>California red-legged frog survey and a mitigation plan in accordance with Mitigation Measure BIO-4b, if applicable.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-4 Continued	<p>BIO-4c: If no California red-legged frogs are observed during the surveys, and the USFWS and CDFG concur with the findings of the surveys, then the sponsor shall comply with protection measures required by the USACE, USFWS or CDFG. At a minimum, the following protection measures shall be implemented.</p> <ul style="list-style-type: none"> <li>A qualified biologist shall monitor all construction or ground disturbing activities within 300 feet of suitable red-legged frog aquatic habitat.</li> <li>Immediately prior to ground disturbance or construction activities in areas with aquatic habitats or within 300 feet of aquatic habitats, a qualified biologist shall survey the work area for California red-legged frogs.</li> </ul> <p>If red-legged frogs are found within the work area, all work shall cease and the occurrence shall be reported immediately to the City, USFWS and CDFG. Work onsite shall resume only when authorized by the USFWS. If red-legged frogs are found, a report shall be prepared at the end of each construction season detailing the results of the monitoring effort. The report shall be submitted to the City by November 30 of each year.</p>	<p>1) The project sponsor shall comply with the California red-legged frog avoidance and protection measures required by natural resources agencies if frogs are present on the project site.</p> <p>2) If frogs are identified on the site, the project sponsor shall ensure the construction contractor ceases all work, and reports the occurrence to the City, USFWS, and CDFG.</p> <p>3) If frogs are identified on the site, the project sponsor shall retain a wildlife biologist to prepare a monitoring plan which shall be submitted by Nov. 30 of each year of construction.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to:</p> <ol style="list-style-type: none"> <li>1) Visit the site to verify that frog avoidance and protection measures are in place.</li> <li>2) Verify that, if frogs are identified on the site, the occurrence is reported to the appropriate natural resources agencies.</li> <li>3) Review and approve the monitoring report.</li> </ol>	Monitoring plan for California red-legged frogs, if applicable.	Non-compliance sanctions imposed by City include citations or revocation of permits	<ol style="list-style-type: none"> <li>1) Periodically throughout the construction period, at the discretion of the Planning and Building Department.</li> <li>2) When California red-legged frogs are identified.</li> <li>3) After submittal of report on November 30 of every year of construction.</li> </ol>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-5: The proposed project may result in the loss of nesting habitat for the white-tailed kite, Cooper's hawk, loggerhead shrike, saltmarsh common yellowthroat, and other breeding birds, and may result in direct take of these species through injury or mortality.</p>	<p>BIO-5a: A qualified biologist shall conduct raptor and passerine nest surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities on the site to locate any active nests on or immediately adjacent to the site. Preconstruction surveys shall be conducted no more than 14 days prior to the start of pruning, construction, or ground disturbing activities if the activities occur during the nesting season (February 1 and August 31). Preconstruction surveys for nesting raptors shall be conducted on a minimum of 3 separate days during the 14 days prior to disturbance. Preconstruction surveys shall be repeated at 30-day intervals until construction has been initiated in the area. Locations of active nests shall be described and protective measures implemented. Protective measures shall include establishment of clearly delineated (i.e., orange construction fencing) avoidance areas around each nest site that are a minimum of 500 feet from the dripline of the nest tree or nest for raptors and 50 feet for passerines. The active nest sites within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance. These protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. A report shall be submitted to the City at the end of the construction season documenting the observations made during monitoring.</p>	<p>1) The project sponsor shall retain a qualified biologist to conduct raptor and passerine nest surveys prior to tree disturbance or construction activities, in accordance with Mitigation Measure BIO-5a. 2) The project sponsor shall ensure the construction contractor implements nest protection measures, including the establishment of exclusion zones, and shall retain a wildlife biologist to monitor nests during construction.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to: 1) Review and approve the raptor and passerine nest surveys. 2) Visit the site to ensure that nest protection measures have been established. 3) Review and approve the nest monitoring report.</p>	<p>1) No issuance of any site-specific grading or building permit. 2) Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.</p>	<p>Raptor and passerine nest surveys and protection measures in accordance with Mitigation Measure BIO-5a, if applicable.</p>	<p>1) Prior to issuance of any site-specific grading or building permit. 2) Periodically during the construction period, at the discretion of the Planning and Building Department. 3) After report is submitted</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-5 Continued</p>	<p>BIO-5b: A preconstruction survey shall be conducted no more than 30 days prior to demolition or removal of the abandoned barn. If no owls are observed, then demolition or removal may proceed. If owls are observed during the preconstruction survey, a determination shall be made on whether birds are roosting or nesting. If a single owl is roosting, demolition or removal of the structure can proceed after the owl has been persuaded to move from the roost area. Non-invasive techniques include light shining into the roost space for one or two nights and days. If barn owls (or other owl species) are found to be actively nesting in the barn, any work on or demolition of the structure shall be postponed until one of the following conditions have been met: 1) a qualified biologist monitoring the nest determines that the owls have abandoned the nest without any outside interference or 2) a qualified biologist monitoring the nest has determined that the young have fledged and are capable of relocating and using another roost site. Under either scenario, the monitor shall ensure that all owls have left the building prior to demolition activities. Once the young have fledged, non-invasive techniques may be used to encourage the owls to leave the barn. The barn owl nesting period is typically between February 15 and July 15. Buildings being used by nesting owls shall be fenced and designated off-limits to prevent entry into the buildings.</p>	<p>1) The project sponsor shall retain a wildlife biologist to conduct a pre-construction survey of the abandoned barn and to make a determination on whether owls present are roosting or nesting. 2) If owls are observed, the project sponsor shall ensure the biologist persuades the owl to leave the barn (as appropriate), or halts all demolition activity until the criteria outlined in Mitigation Measure BIO-5b have been met.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to: 1) Review and approve the pre-construction survey. 2) Verify that all owl protection measures are in place, and that owls have left the barn prior to demolition.</p>	<p>No issuance of demolition permit.</p>	<p>Owl survey and compliance with Mitigation Measure BIO-5b.</p>	<p>Prior to issuance of demolition permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-6: The proposed project may result in the loss of western burrowing owl habitat and direct take of this species through injury or mortality.</p>	<p>BIO-6a: Preconstruction surveys shall be conducted for burrowing owls prior to site preparation, grading and construction. These surveys shall conform to the survey protocol established by the California Burrowing Owl Consortium. Preconstruction surveys shall be conducted no more than 30 days prior to the initiation of construction activities and at 30-day intervals if construction activities have not been initiated in an area. The following measures shall also apply:                      a) If burrowing owls are found onsite, they shall be avoided to the extent practicable, as determined by the City in consultation with the California Department of Fish and Game. A clearly defined area (i.e., an area demarcated by orange construction fencing) shall be established around each burrowing owl burrow to be avoided. No disturbance shall occur within 50 meters (approx. 160 feet) of occupied burrows during the non-breeding season of September 1 through January 31 or within 75 meters (approximately 250 feet) during the breeding season of February 1 through August 31.</p>	<p>1) The project sponsor shall retain a wildlife biologist to conduct pre-construction surveys for burrowing owls that conform to the protocol established by the California Burrowing Owl Consortium.                      2) If burrowing owls are identified on the site, the project sponsor shall ensure that construction avoids all owls, or that removal/relocation of owls (and associated mitigation) occurs in accordance with Mitigation Measure BIO-6a and the requirements of CDFG.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to:                      1) Review and approve the burrowing owl surveys.                      2) Verify that burrowing owls have been treated in compliance with the requirements of CDFG, and that mitigation has been provided as required by CDFG.</p>	<p>1) No issuance of any site-specific grading or building permit.                      2) Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.</p>	<p>Burrowing owl survey and removal/relocation plan in accordance with Mitigation Measure BIO-6a and the requirements of CDFG.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-6 Continued	<p>b) If burrowing owls occur at the project site and construction would begin before February or after the end of August, and the burrows cannot be avoided, then passive relocation techniques may be used to relocate owls from the site. These passive relocation techniques would include excavating all potential burrows after excluding owls from the burrow for the required length of time. Passive relocation shall be undertaken according to the current protocol established by the CDFG. Artificial burrows shall be provided on the mitigation site for each occupied burrow destroyed at the project site at a ratio of 2:1 (two artificial burrows created for each occupied burrow destroyed).</p> <p>c) If western burrowing owl occurs at the project site and construction would begin during the breeding season (February through August), then a buffer of a radius of 75 meters (approximately 250 feet) shall be established around any burrows containing owls.</p> <p>d) Removal of burrowing owls at the project site shall conform to the requirements of CDFG's Staff Report on Burrowing Owl Mitigation. This shall entail establishing 6.5 acres of suitable habitat for each pair of burrowing owls displaced from the project site. These 6.5 acres shall be adjacent to an area already used by burrowing owls. The replacement mitigation site shall be preserved in perpetuity for use as burrowing owl and wildlife habitat. An endowment for management and monitoring the site shall also be established.</p>						

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>BIO-6 Continued</p>	<p>BIO-6b: As an alternative to purchasing land as mitigation for burrowing owls, the sponsor may purchase credits at a CDFG-approved mitigation bank authorized to sell credits for burrowing owl mitigation. The number of credits to be purchased shall be equivalent to purchasing 6.5 acres per pair or single bird observed on the site. The final mitigation requirement shall be determined following the completion of the protocol-level survey. The sponsor shall provide the City with evidence of completion of the mitigation or purchase of mitigation credits prior to the issuance of a grading permit.</p>	<p>The project sponsor shall purchase credits at a CDFG-approved mitigation bank if off-site burrowing owl mitigation is required, but off-site habitat is not purchased and preserved.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to verify that mitigation land or credits at a burrowing owl mitigation bank have been purchased.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Purchase of credits at CDFG-approved mitigation bank.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>
<p>BIO-7: The proposed project may result in direct take of the American badger through injury or mortality.</p>	<p>BIO-7: A qualified biologist shall conduct surveys of the grassland habitat onsite to identify any badger burrows. These surveys shall be conducted no sooner than 2 weeks prior to the start of construction. Impacts to active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning is complete or the den is abandoned. A qualified biologist shall monitor each den once per week in order to track the status and inform the project sponsor of when a den area has been cleared for construction. Surveys for badger dens may be conducted at the same time as burrowing owl surveys.</p>	<p>1) The project sponsor shall retain a qualified wildlife biologist to conduct preconstruction badger burrow surveys. 2) The project sponsor shall ensure that adequate exclusion zones are established around active dens, and that a wildlife biologist monitors each den once a week until the den is abandoned.</p>		<p>City of Benicia Planning and Building Department to: 1) Review and approve badger burrow survey. 2) Visit the project site to ensure that exclusion zones are established around active dens.</p>	<p>1) No issuance of any site-specific grading or building permit. 2) Non-compliance sanctions imposed by City agencies may include citations or revocation of permits.</p>	<p>Badger surveys and protection plan in accordance with Mitigation Measure BIO-7.</p>	<p>1) Prior to issuance of any site-specific grading or building permit. 2) Periodically throughout the construction period, at the discretion of the Planning and Building Department.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-8: The proposed project may result in the loss of foraging and roosting habitat for the pallid bat, pale Townsend's big-eared bat, and other special-status bat species, and may result in direct take of these species through injury or mortality.	BIO-8a: Preconstruction surveys for bat roosts shall be conducted in all buildings or trees that will be removed or modified. The survey shall take place no more than 30 days prior to construction/demolition/removal activities. Preconstruction surveys shall be repeated if demolition or construction activities are delayed more than 30 days.	The project sponsor shall retain a qualified wildlife biologist to conduct preconstruction bat roost surveys.	Project sponsor and qualified wildlife biologist	City of Benicia Planning and Building Department to review and approve the bat roost survey.	No issuance of any site-specific grading or building permit.	Bat roost surveys.	Prior to issuance of any site-specific grading or building permit.
	BIO-8b: If a bat roost is found in a building or tree cavity, the species of bat using the roost shall be identified and methods to encourage the bats to leave the roost or to prevent them from returning to the roost shall be implemented prior to roost removal. A mitigation plan shall be developed to specify the methods to be used and the timing of the activities, and this mitigation plan shall be submitted to the City for review and approval.	The project sponsor shall retain a biologist to develop a mitigation plan to encourage bats to leave roosts or to prevent them from returning to roosts.	Project sponsor and biologist	City of Benicia Planning and Building Department to review and approve the bat removal mitigation plan.	No issuance of any site-specific grading or building permit.	Mitigation plan for bat roosts, if applicable.	Prior to issuance of any site-specific grading or building permit.
	BIO-8c: Materials from roost sites shall be salvaged, when feasible, to be used in the construction of artificial roosts.	The project sponsor shall salvage materials from roost sites and use the materials to construct artificial roosts.	Project sponsor	City of Benicia Planning and Building Department to verify that native roost materials are used to construct artificial roosts.	No issuance of any site-specific grading or building permit.	Artificial roosts, which incorporate materials from roost sites, if applicable.	Prior to issuance of any site-specific grading or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
BIO-8 Continued	BIO-8d: If special-status bats (i.e., pallid bat, pale Townsend's big-eared bat) are found onsite, and the roost would be destroyed during development, an artificial roost shall be provided for the bats. The roost shall be constructed and placed onsite prior to removal of the original roost. A mitigation plan specifying the construction details and siting of the structure shall be prepared and approved by the City and CDFG prior to removal of the existing roost. The sponsor shall provide a secure source of funding for the monitoring of the artificial roost for a period of at least 5 years. A report documenting the implementation of the plan shall be provided to the City within 1 month of completion of the artificial roost. The plan shall be completed and implemented prior to the issuance of the grading permit.	<p>1) The project sponsor shall retain a wildlife biologist to prepare a mitigation plan that includes construction details of artificial roosts if special-status bats are present on the project site.</p> <p>2) The project sponsor shall provide a secure source of funding for monitoring the mitigation plan and shall provide a report documenting implementation of the plan.</p>	Project sponsor	City of Benicia Planning and Building Department to review and approve mitigation/implementation plan and verify CDFG approval.	No issuance of any site-specific grading or building permit.	Bat roost mitigation plan that meets the requirements of Mitigation Measure BIO-8d.	Prior to issuance of any site-specific grading or building permit.
	BIO-8e: Removal of maternity roosts for special-status bats shall be coordinated with CDFG prior to removal. Maternity roosts for any species of bat, either common or special-status, shall not be demolished until the young are able to fly independently of their mothers.	The project sponsor shall coordinate with CDFG regarding removal of maternity roosts for special-status bats.	Project sponsor	City of Benicia Planning and Building Department to verify that project sponsor has undertaken and completed coordination with CDFG regarding removal of maternity roosts.	No issuance of any site-specific grading or building permit.	Verification of successful coordination with CDFG.	Prior to issuance of any site-specific grading or building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<b>G. TRANSPORTATION AND CIRCULATION</b> (Note: Where mitigation measures for project-specific and cumulative impacts are identical, they have been combined.)							
TRANS-1: Unacceptable LOS at the intersection of East 2nd Street / Park Road / New Access. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.	TRANS-1: The project sponsor shall install and pay for the following improvement: Signalize intersection; this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure NB approach to provide one shared through-left lane, and one exclusive right-turn lane. Configure SB approach to provide one shared through-right lane and one exclusive left-turn lane. Reconfigure EB approach to provide one shared through-right lane, and one exclusive left-turn lane. Reconfigure WB approach to provide one exclusive right-turn lane, and one shared through-right lane.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/Park Road/New Access as detailed in Mitigation Measure TRANS-1.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-1.	Prior to issuance of an occupancy permit.
TRANS-2 and TRANS-12: Unacceptable LOS at the intersection of East 2nd Street/Industrial Way. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-2 and TRANS-12: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits. Reconfigure SB approach to provide one exclusive left-turn lane, one through lane, and two exclusive right-turn lanes. Reconfigure EB approach to provide two exclusive left-turn lanes, one through lane, and one exclusive right-turn lane. Reconfigure WB approach to provide one exclusive left-turn lane, two through lanes, and one exclusive right-turn lane.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/Industrial Way as detailed in Mitigation Measures TRANS-2 and TRANS-12.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-2 and TRANS-12.	Prior to issuance of an occupancy permit.
TRANS-3: Unacceptable LOS at the intersection of East 2nd Street/Rose Drive. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-3: The project sponsor shall install and pay for the following improvement. Reconfigure SB approach to provide two through lanes, and one exclusive right-turn lane. Reconfigure EB approach to provide one exclusive left-turn lane, one shared left-right turn lane, and one exclusive right-turn lane.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/Rose Drive as detailed in Mitigation Measure TRANS-3.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-3.	Prior to issuance of an occupancy permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/ Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-4 and TRANS-14: Unacceptable LOS at the intersection of East 2nd Street/I-780 Westbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-4 and TRANS-14: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee Credits: Reconfigure NB approach to provide one exclusive left-turn lane, one through lane, and one exclusive through-right lane. Reconfigure SB approach to provide one exclusive left-turn lane, one shared through-right lane, and one exclusive right-turn lane.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/I-780 Westbound Ramps as detailed in Mitigation Measures TRANS-4 and TRANS-14.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-4 and TRANS-14.	Prior to issuance of an occupancy permit.
TRANS-5: Unacceptable LOS at the intersection of East 2nd Street/I-780 Eastbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for AM peak hour.	TRANS-5: The project sponsor shall install and pay for the following improvement. Reconfigure WB approach to provide one left-turn-lane, and one free right-turn lane.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/I-780 Eastbound Ramps as detailed in Mitigation Measure TRANS-5.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-5.	Prior to issuance of an occupancy permit.
TRANS-6 and TRANS-16: Unacceptable LOS at the intersection of Lake Herman Road/extension of Industrial Way. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for the PM peak hour.	TRANS-6 and TRANS-16: The project sponsor shall install and pay for the following improvement. Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours.	The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/extension of Industrial Way as detailed in Mitigation Measures TRANS-6 and TRANS-16.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-6 and TRANS-16.	Prior to issuance of an occupancy permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-7: Unacceptable LOS at the intersection of Lake Herman Road/East 2nd Street. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-7: The project sponsor shall install and pay for the following improvement: Widen Lake Herman Road from the intersection of A Street/Lake Herman Road to the intersection of Lake Herman Road/I-680. Reconfigure the NB approach to provide one shared through-left lane, and two right-turn lanes. Reconfigure the EB approach to provide one exclusive left-turn lane, one through lane, and one through-right lane. Reconfigure the WB approach to provide two exclusive left-turn lanes, one through lane, and one through-right lane.	The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/East 2nd Street as detailed in Mitigation Measure TRANS-7.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-7.	Prior to issuance of an occupancy permit.
TRANS-8: Unacceptable LOS at the intersection of Lake Herman Road/I-680 Southbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.	TRANS-8: The project sponsor shall install and pay for the following improvement: Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure WB approach to provide one exclusive left-turn lane, and one through lane. This improvement shall be included in a comprehensive plan to improve the operation of I-680 between Industrial Way and East 2nd Street.	The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/I-680 Southbound Ramps as detailed in Mitigation Measure TRANS-8.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-8.	Prior to issuance of an occupancy permit.
TRANS-9: Unacceptable LOS at the intersection of Lake Herman Road/I-680 Northbound Ramps/Goodyear Road. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.	TRANS-9: The project sponsor shall install and pay for the following improvement: Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure NB approach to provide one exclusive left-turn lane, and one shared through-right lane. Reconfigure EB approach to provide one exclusive left-turn lane, one shared through-right lane, and one exclusive right-turn lane. Reconfigure WB approach to provide one exclusive left-turn lane, and one shared through-right lane.	The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/I-680 Southbound Ramps as detailed in Mitigation Measure TRANS-9.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-9.	Prior to issuance of an occupancy permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-10: Unacceptable LOS at the intersection of Park Road/Bayshore Road. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-10: The project sponsor shall install and pay for the following improvement. Reconfigure SB approach to provide two exclusive left-turn lanes, and one shared through-right lane. Reconfigure WB approach to provide one shared through-left lane, and two exclusive right-turn lanes.	The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/J-680 Northbound Ramps/Goodyear Road as detailed in Mitigation Measure TRAN-10.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-10.	Prior to issuance of an occupancy permit.
TRANS-11: Unacceptable LOS at the intersection of East 2nd Street/Park Road/New Access. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.	TRANS-11: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection: this intersection meets Signal Warrant 11, Peak Hour Volumes for both the AM and PM peak hours. Reconfigure NB approach to provide two exclusive left-turn lanes, and one through-right lane. Reconfigure SB approach to provide two exclusive left-turn lanes and one through-right lane. Reconfigure EB approach to provide one shared through-right lane, and one exclusive right-turn lane.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/Park Road/New Access as detailed in Mitigation Measure TRAN-11 without Transportation Impact Fee credits.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-11.	Prior to issuance of an occupancy permit.
TRANS-13: Unacceptable LOS at the intersection of East 2nd Street/Rose Drive. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-13: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Reconfigure SB approach to provide two through lanes, and one exclusive right-turn lane. Reconfigure NB approach to provide two exclusive left-turn lanes, and two through lanes. Reconfigure EB approach to provide one exclusive left-turn lane, one shared left-right lane, and one exclusive right-turn lane.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/Rose Drive as detailed in Mitigation Measure TRAN-13 without Transportation Impact Fee credits.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-13.	Prior to issuance of an occupancy permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-15: Unacceptable LOS at the intersection of East 2nd Street/1-780 Eastbound Ramps. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-15: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee Credits. Reconfigure WB approach to provide one left-turn-lane, and two exclusive right-turn lanes.	The project sponsor shall install and pay for the improvement to the intersection of East 2nd Street/1-780 Eastbound Ramps as detailed in Mitigation Measure TRANS-15.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-15.	Prior to issuance of an occupancy permit.
TRANS-17: Unacceptable LOS at the intersection of Lake Herman Road/East 2nd Street. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.	TRANS-17: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits (although signalization improvements may be eligible for a Transportation Impact Fee credit): The following improvement was recommended for Cumulative Conditions: Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. In addition, the following improvement is recommended for Cumulative Plus Project Conditions: <ul style="list-style-type: none"> <li>Widen Lake Herman Road from the intersection of A Street/Lake Herman Road to the intersection of Lake Herman Road/1-680. Reconfigure the NB approach to provide one shared through-left lane, and two right-turn lanes. Reconfigure the EB approach to provide one exclusive left-turn lane, one through lane, and one through-right lane. Reconfigure the WB approach to provide two exclusive left-turn lanes, one through lane, and one through-right lane.</li> </ul>	The project sponsor shall install and pay for the improvements to the intersection of Lake Herman Road/East 2nd Street and the Lake Herman Road segment as detailed in Mitigation Measure TRANS-17 without Transportation Impact Fee credits.	Project sponsor	Ensure that the project sponsor has installed and paid for the improvements, and that the improvement to Lake Herman Road is included in a comprehensive plan to improve the operation of the I-680/ Industrial Way/Lake Herman Road interchange complex, consistent with the goals and policies of the City's General Plan.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-17.	Prior to issuance of an occupancy permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>TRANS-18: Unacceptable LOS at the intersection of Lake Herman Road/I-680 Southbound Ramps. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.</p>	<p>TRANS-18: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits:</p> <p>Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. Widen Lake Herman Road from the intersection of A Street/Lake Herman Road to the intersection of Lake Herman Road/I-680. Reconfigure WB approach to provide one exclusive left-turn lane, and one through lane. This improvement shall be included in a comprehensive plan to improve the operation of the I-680/Industrial Way/Lake Herman Road interchange complex, consistent with the goals and policies of the City's General Plan.</p>	<p>The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/I-680 Southbound Ramp as detailed in Mitigation Measure TRAN-18 without Transportation Impact Fee credits.</p>	<p>Project sponsor</p>	<p>Ensure that the project sponsor has installed and paid for the improvement, and that the improvement is included in a comprehensive plan to improve the operation of the I-680/ Industrial Way/Lake Herman Road interchange complex, consistent with the goals and policies of the City's General Plan.</p>	<p>No issuance of an occupancy permit.</p>	<p>Improvements in accordance with Mitigation Measure TRANS-18.</p>	<p>Prior to issuance of an occupancy permit.</p>
<p>TRANS-19: Unacceptable LOS at the intersection of Lake Herman Road/I-680 Northbound Ramps / Goodyear Road. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 50.0 seconds for both the AM and PM peak hours.</p>	<p>TRANS-19: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits:</p> <p>Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours. Widen Lake Herman Road from the intersection of A Street/Lake Herman Road to the intersection of Lake Herman Road/I-680. Reconfigure NB approach to provide one exclusive left-turn lane, and one shared through-right lane. Reconfigure EB approach to provide one exclusive left-turn lane, one shared through-right lane, and one exclusive right-turn lane. Reconfigure WB approach to provide one exclusive left-turn lane, and one shared through-right lane. This improvement shall be included in a comprehensive plan to improve the operation of the I-680/Industrial Way/Lake Herman Road interchange complex, consistent with the goals and policies of the City's General Plan.</p>	<p>The project sponsor shall install and pay for the improvement to the intersection of Lake Herman Road/I-680 Northbound Ramps/Goodyear Road as detailed in Mitigation Measure TRAN-19 without Transportation Impact Fee credits.</p>	<p>Project sponsor</p>	<p>Ensure that the project sponsor has installed and paid for the improvement, and that the improvement is included in a comprehensive plan to improve the operation of the I-680/ Industrial Way/Lake Herman Road interchange complex, consistent with the goals and policies of the City's General Plan.</p>	<p>No issuance of an occupancy permit.</p>	<p>Improvements in accordance with Mitigation Measure TRANS-19.</p>	<p>Prior to issuance of an occupancy permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-20: Unacceptable LOS at the intersection of Park Road/Industrial Way. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with delays of over 50.0 seconds for the AM and PM peak hours.	TRANS-20: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM and PM peak hours.	The project sponsor shall install and pay for the improvement to the intersection of Park Road/Industrial Way as detailed in Mitigation Measure TRAN-20 without Transportation Impact Fee credits.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-20.	Prior to issuance of an occupancy permit.
TRANS-21: Unacceptable LOS at the intersection of Park Road/Bayshore Road. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.	TRANS-21: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Reconfigure SB approach to provide two exclusive left-turn lanes, and one shared through-right lane. Reconfigure WB approach to provide one shared through-left lane, and two exclusive right-turn lanes.	The project sponsor shall install and pay for the improvement to the intersection of Park Road/Bayshore Road as detailed in Mitigation Measure TRAN-21 without Transportation Impact Fee credits.	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Improvements in accordance with Mitigation Measure TRANS-21.	Prior to issuance of an occupancy permit.
TRANS-23: The project would be inadequately served by transit facilities.	TRANS-23: The project sponsor shall be responsible for the cost to extend Benicia Transit (Benicia Breeze) to the project site. Current routes which connect Benicia with Pleasant Hill BART Station, Baylink Ferry Terminal, and other destinations in Solano County do not currently serve the project site. These costs shall include all capital costs (i.e., buses, transit shelters, and signage) associated with build-out of the Benicia Business Park.	The project sponsor shall be responsible for the cost to extend Benicia Transit (Benicia Breeze) to the project site	Project sponsor	City of Benicia Public Works Department to ensure that the project sponsor has installed and paid for the improvement.	No issuance of an occupancy permit.	Extension of Benicia Transit to the project site.	Prior to issuance of an occupancy permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>TRANS-24: The project would not include bicycle and pedestrian facilities.</p>	<p>TRANS-24: The project sponsor shall incorporate the following design elements and services into the proposed development plans to minimize potential pedestrian and bicycle facility impacts. Bicycle facilities would be developed along East 2nd Street and Industrial Way as part of the project.</p> <ul style="list-style-type: none"> <li>• Pedestrian sidewalks connecting all major buildings and parking areas within the project site;</li> <li>• Pedestrian routes between cul-de-sacs and adjacent parcels;</li> <li>• Crosswalks at all areas where there may be potential pedestrian/vehicular conflicts;</li> <li>• Bicycle racks at all building entrances; and</li> <li>• Incentives for individual buildings to contain showers and lockers, and secure indoor bicycle lockers;</li> <li>• Sidewalks along East 2nd Street, A Street, and Industrial Way;</li> <li>• Sidewalks along Lake Herman Road (between A Street and East 2nd Street); and</li> <li>• Class I/II Bikeway along Lake Herman Road (between A Street and I-680)</li> <li>• Class IV/III Bikeway along Lake Herman Road (between Industrial Way and A Street);</li> <li>• Class I Bikeway between East 2nd Street and Lake Herman Road in the project site;</li> <li>• Class I Bikeway between Channel Road and East 2nd Street; and.</li> </ul>	<p>The project sponsor shall prepare development plans incorporating the design elements and services required by Mitigation Measure TRANS-24.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to ensure that the development plans include the design elements and services required by Mitigation Measure TRANS-24.</p>	<p>No issuance of an occupancy permit.</p>	<p>Development plans prepared in accordance with Mitigation Measure TRANS-24.</p>	<p>Prior to issuance of an occupancy permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-24 Continued	<ul style="list-style-type: none"> <li>Parking and building leases at the Business Park shall be "unbundled" (i.e., rents for building space and parking lots shall be separate). Businesses at the Business Park that have 50 or more employees and provide employee parking on a free or subsidized basis shall provide financial compensation to those employees who commute by means other than private automobile, in accordance with C.A. Health and Safety Code 43845.</li> </ul>						
TRANS-25: Temporary transportation impacts would result from truck movements and construction worker vehicles traveling to and from the project site.	<p>TRANS-25: Prior to the issuance of each building permit, the project sponsor and construction contractor shall meet with the Benicia Public Works Department and other appropriate City of Benicia agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of the project. The project sponsor shall develop a construction management plan for review and approval by the City Public Works Department. The plan shall include at least the following items and requirements:</p>	<p>The project sponsor and construction contractor shall meet with the City of Benicia Public Works Department and other City agencies prior to each building permit to prepare traffic management strategies which comply with the requirements of Mitigation Measure TRANS-25.</p>	<p>Project sponsor and construction contractor</p>	<p>City of Benicia Public Works Department to ensure that traffic management measures are established and that construction personnel are in compliance.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Traffic management strategies which comply with the requirements of Mitigation Measure TRANS-25.</p>	<p>Prior to issuance of a site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-25 Continued	<ul style="list-style-type: none"> <li>• A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, provisions for truck queuing, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.</li> <li>• Identification of any transit stop relocations.</li> <li>• Provisions for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.</li> <li>• Identification of parking space removal and any relocation of parking for employees, and public parking during construction.</li> <li>• Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.</li> <li>• Provisions for accommodation of pedestrian flow.</li> </ul>						

Table 1 *continued*

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-2.5 <i>Continued</i>	<ul style="list-style-type: none"> <li>No construction traffic shall be allowed on East 2nd Street south of Industrial Way, and on Lake Herman Road and Reservoir Road.</li> <li>Location of construction staging areas for materials, equipment, and vehicles.</li> <li>Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project sponsor.</li> <li>A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager.</li> </ul>						

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
TRANS-26: High volumes of heavily laden trucks have an incremental impact on the condition of streets and highways	<p>TRANS-26: The project sponsor shall prepare an overall construction traffic management plan to limit the effects of trucks and other construction traffic on surface conditions of area roads and intersections. This plan shall be prepared in coordination with the City of Benicia, and shall include the following provisions:</p> <ul style="list-style-type: none"> <li>• Prior to implementation of the proposed project, the project sponsor shall survey the condition of truck access route roadways and prepare an existing conditions report to document roadway baseline conditions.</li> <li>• During the construction of the project, or periodically throughout the project's construction period, the project sponsor shall make periodic improvements to area roadways to maintain minimum standards, including clean-up of construction debris (e.g., sand and gravel) and spot repaving of potholes or other pavement section damage.</li> <li>• Upon completion of all or most of project construction activities, the project sponsor shall identify any impacts to roadway conditions. The project sponsor shall install improvements and/or pay an impact fee to mitigate any damage to the existing street pavements on East 2nd Street, Industrial Way, and Lake Herman Road to/from the project site caused by heavy construction traffic accessing the project site, as determined by the City Engineer.</li> </ul>	<p>1) The project sponsor, working with City staff, shall prepare a construction traffic management plan and an existing conditions report of truck access route roadways.</p> <p>2) The project sponsor shall make improvements to area roadways damaged by construction-related traffic throughout the construction phase of the project.</p> <p>3) Upon completion of project construction the project sponsor shall repair or pay mitigation fees for any damage to existing street surfaces caused by construction equipment or vehicles during the construction phase of the project.</p>	Project sponsor	<p>City of Benicia Public Works Department to:</p> <p>1) Review and approve the construction traffic management plan and truck route existing conditions report.</p> <p>2) Examine roadways around the project site to assess damage to the street surface pavement incidental to the construction activities.</p> <p>3) Provide a cost estimate roadway damages to the project sponsor, and ensure that the project sponsor installs or funds needed repairs.</p>	<p>1) No issuance of any site-specific grading or building permit.</p> <p>2) Non-compliance sanctions which may include citations or revocation of occupancy permits.</p> <p>3) Non-compliance sanctions which may include citations or revocation of occupancy permits.</p>	<p>Construction traffic management plan and improvements in accordance with Mitigation Measure TRANS-26.</p>	<p>1) Prior to issuance of any site-specific grading or building permit.</p> <p>2) Periodically throughout the project construction period.</p> <p>3) Following the end of the construction period.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><b>H. AIR QUALITY</b>  <b>AIR-1:</b> Demolition and construction period activities could generate significant dust, exhaust, and organic emissions.</p>	<p><b>AIR-1:</b> Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and specifications for the project.                      The following controls shall be implemented at all construction sites:</p>	<p>The project sponsor shall ensure that the construction contractor fully implements all air quality dust control measures as required by the BAAQMD and Mitigation Measure AIR-1.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to conduct regular site inspections throughout the construction period to ensure that construction period air pollution</p>	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Construction period air pollution controls.</p>	<p>Regularly throughout the construction period at the discretion of the Planning and Building Department.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
AIR-1 Continued	<ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust;</li> <li>• Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;</li> <li>• Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;</li> <li>• Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;</li> <li>• Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;</li> <li>• Apply non-toxic soil stabilizers to inactive construction areas;</li> <li>• Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);</li> <li>• Limit traffic speeds on unpaved roads to 15 mph;</li> <li>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways;</li> <li>• Replant vegetation in disturbed areas as quickly as possible;</li> <li>• Install baserock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and</li> <li>• Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</li> </ul>			control measures are being implemented on the site.			

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>AIR-2: Long-term project-related regional emissions would exceed the BAAQMD thresholds of significance for ozone precursors.</p>	<p>AIR-2: The BAAQMD CEQA Guidelines identifies potential mitigation measures for various types of projects. The following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the project. The project shall provide as many of the following measures as practicable:</p> <ul style="list-style-type: none"> <li>• Provide transit facilities (e.g., bus bulbs/turnouts, benches, shelters).</li> <li>• Provide bicycle lanes and/or paths, connected to a community-wide network.</li> <li>• Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network.</li> <li>• Provide secure and conveniently located bicycle storage.</li> <li>• Implement feasible Trip Demand Management (TDM) measures, including a ride-matching program, coordination with regional ridesharing organizations and provision of transit information.</li> </ul> <p>The implementation of an aggressive trip reduction program with the appropriate incentives for non-auto travel can reduce project impacts by approximately 10 to 15 percent. A reduction of this magnitude would not reduce PM<sub>10</sub> or ozone precursor emissions to levels below the BAAQMD significance threshold. There is no mitigation available with currently feasible technology to reduce the project's regional air quality impact to a less-than-significant level.</p>	<p>The project sponsor shall work with the City to develop a trip reduction program which the provisions listed in Mitigation Measure AIR-2.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to review the trip reduction program and ensure that it includes all feasible and effective trip and emissions reduction measures.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Trip reduction program in accordance with the provisions listed in Mitigation Measure AIR-2.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><b>I. NOISE</b></p> <p><b>NOI-1:</b> Construction period activities could create significant short-term noise impacts on adjacent industrial/commercial properties and on buildings that would become occupied within the project site before completion of the entire project.</p>	<p><b>NOI-1a:</b> During all project site excavation and on-site grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards</p>	<p>The project sponsor shall ensure that the construction contractor's equipment is equipped with functional mufflers.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to verify that all construction equipment is equipped with adequate mufflers.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Functional mufflers on all contractor equipment.</p>	<p>Ongoing throughout the construction period.</p>
	<p><b>NOI-1b:</b> The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</p>	<p>The project sponsor shall ensure that the construction contractor places all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to verify that all construction equipment is appropriately sited.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Verification that all construction equipment is directed away from sensitive receptors.</p>	<p>Ongoing throughout the construction period.</p>
	<p><b>NOI-1c:</b> The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</p>	<p>The project sponsor shall ensure that the construction contractor locates equipment staging in areas such that emitted noise is directed away from sensitive receptors nearest the project site.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to verify that all equipment staging is appropriately sited.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Verification that all equipment staging is appropriately sited.</p>	<p>Ongoing throughout the construction period.</p>
	<p><b>NOI-1d:</b> The construction contractor shall ensure that all general construction related activities are restricted to the hours of 7:00 a.m. and 10:00 p.m.; with the exception of all excavating, grading, and filling activity, which shall be restricted to the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.</p>	<p>The project sponsor shall ensure that the construction contractor restricts construction-period activities to the hours specified in Mitigation Measure NOISE-1d.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to verify that construction activities are occurring only during permitted hours.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Construction activities occur during permitted hours.</p>	<p>Ongoing throughout the construction period.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
NOI-2: Implementation of the proposed project would increase traffic noise levels at the project site and surrounding areas.	<p><b>NOI-2a:</b> Mitigation Measure NOI-2a: For existing unprotected residential and school land uses along East 2nd Street from I-780 to Rose Drive, one (or more) of the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>A sound barrier at least 8 feet high shall be constructed along the property/right-of-way line of sensitive receptors along this roadway segment; or</li> <li>Rubberized asphalt shall be used to resurface the entire identified roadway segment.</li> </ul> <p><b>NOI-2b:</b> For all hotels built at the project site that include outdoor activity areas, one (or more) of the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>All hotel outdoor activity areas shall be located so that they are completely sheltered by the hotel building from direct exposure to both Lake Herman Road and East 2nd Street; or</li> <li>All hotel outdoor activity areas shall be located at a distance greater than 93 feet from the centerline of the outermost travel lane of Lake Herman Road and also at a distance greater than 122 feet from the centerline of the outermost travel lane of East 2nd Street; or</li> <li>A sound barrier at least 8-feet-high shall be constructed around all outdoor hotel activity areas that are located within 57 feet of the centerline of the outermost travel lane of the East 2nd Street roadway segment; a 6-foot-high sound barrier shall be constructed around all outdoor activity areas located between 57 feet and 122 feet from the centerline of the outermost travel lane of the East 2nd Street roadway segment.</li> </ul>	<p>The project sponsor shall install a sound barrier or rubberized asphalt along East 2nd Street from I-780 to Rose Drive.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to verify that appropriate noise attenuation measures for sensitive uses along East 2nd Street are shown in project plans.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>A sound barrier along East 2nd Street or installation of rubberized asphalt that meets the requirements of Mitigation Measure NOI-2a.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>
		<p>The project sponsor shall ensure that the one or more measures listed in Mitigation Measure NOI-2b is incorporated into the project.</p>	Project sponsor	<p>City of Benicia Planning and Building Department to verify that one or more of the measures listed in Mitigation Measure NOI-2a have been incorporated into the project plans.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits for hotel development.</p>	<p>Effective noise-reducing measures that meet the requirements of Mitigation Measure NOI-2b.</p>	<p>Prior to issuance of any site-specific building permit for a hotel development.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/ Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
NOI-2 Continued	NOI-2c: If a sound study confirms that the interior noise level without sound-attenuated ventilation systems would exceed the City's standards, sound-attenuated ventilation systems, such as air conditioning, shall be installed in all buildings that require good speech intelligibility (as outlined in sub-note 5 of Table IV.1-4) for buildings located as follows: <ul style="list-style-type: none"> <li>• Within 199 feet from the centerline of the outermost travel lane of Lake Herman Road; and</li> <li>• Within 263 feet from the centerline of the outermost travel lane of East 2nd Street</li> </ul>	If required by an acoustical study, the project sponsor shall install sound ventilation systems in buildings located along Lake Herman Road and East 2nd Street in areas exposed to high noise levels, as identified in Mitigation Measure NOI-2c.	Project sponsor	City of Benicia Planning and Building Department to verify in building plans that required ventilation systems are included in on-site buildings near Lake Herman Road and East 2nd Street.	No issuance of any site-specific building permit.	Ventilation systems installed in buildings along Lake Herman Road, if applicable.	Prior to issuance of any site-specific building permit.
<b>J. VISUAL RESOURCES</b>	<b>VIS-4:</b> The proposed project could increase the amount of light and glare in Benicia adversely affecting day or nighttime views of the area.	<b>VIS-4a:</b> Prior to the approval of the first Development Plan for the site subsequent to the approval of the Master Plan, the project sponsor shall submit for City staff review the proposed lighting fixtures that will be used for security lighting, street lighting, lighting in parking lots and along sidewalks or paths throughout the project site. The fixtures shall be selected to minimize light and glare spillover into areas outside of the project site and shall be to the satisfaction of City staff. The detailed manufacturer's specifications shall be provided for the proposed fixtures. A variety of fixture types may be used, provided that each is approved by City staff. Additionally, the project sponsor shall submit the proposed maximum height of any poles to be used for security, street or parking lot lighting. City staff may require photometric analysis if necessary to properly evaluate the proposed lighting.	Project sponsor	City of Benicia Planning and Building Department to review the exterior lighting proposed by the project sponsor to ensure that it would minimize light and glare spillover into areas outside the project site.	No issuance of any site-specific building permit.	Exterior lighting plan that meets the requirements of Mitigation Measure VIS-4a.	Prior to issuance of any site-specific building permit.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
VIS-4 Continued	<p>VIS-4b: All exterior lighting fixtures mounted on buildings shall be hooded and downward-directed to minimize spillover light and glare onto adjacent properties.</p> <p>VIS-4c: No flood lighting of buildings, landscaping or signs shall be permitted unless expressly approved as part of a Development Plan or Design Review approval in which City staff has made a determination that such lighting can occur without adverse light and glare impacts.</p>	<p>The project sponsor shall ensure that all exterior lighting fixtures mounted on buildings are hooded and downward-directed to minimize spillover light and glare onto adjacent properties.</p> <p>The project sponsor shall ensure that no flood lights are placed on the project site without City approvals.</p>	<p>Project sponsor</p> <p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to review the exterior lighting proposed by the project sponsor to ensure they would be hooded and downward-directed, and would minimize light and glare spillover into areas adjacent to the project site.</p> <p>City of Benicia Planning and Building Department to review all proposals for flood lights and recommend approval only if such lighting can occur without adverse light and glare impacts.</p>	<p>No issuance of any site-specific building permit.</p> <p>No issuance of a design review permit or development plan.</p>	<p>Exterior lighting fixtures are hooded and downward-directed.</p> <p>Floodlights are installed only if the lighting plan has been approved.</p>	<p>Prior to issuance of any site-specific building permit.</p> <p>Prior to issuance of a design review permit or development plan with flood lights.</p>
<p><b>K. CULTURAL AND PALEONTOLOGICAL RESOURCES</b></p>							
CULT-2: Ground-disturbing project construction could disturb human remains, including those interred outside of formal cemeteries.	<p>CULT-2: Should human remains be encountered by project activities, construction activities shall be halted and the County Coroner notified immediately. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist shall be contacted to evaluate the situation. The NAHC will identify a Native</p>	<p>If human remains are encountered by project activities the project sponsor shall ensure that the construction contractor notifies the City of Benicia and the County Coroner promptly.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to: 1) Verify that, in the event human remains are discovered, the appropriate agencies are undertaken, and an archaeologist is retained to evaluate the materials. 2) Review and approve the archaeological report as adequate.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Archaeological report and appropriate treatment of human remains, if applicable.</p>	<p>During the construction period.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
CULT-2 Continued	<p>American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. As part of the archaeological assessment, immediate consultation shall be undertaken with the City. The archaeologist shall recover scientifically-valuable information, as appropriate, and in accordance with the recommendations of the MLD.</p> <p>Upon completion of such analysis and/or recovery, the archaeologist shall prepare a report documenting the methods and results of the investigation. This report shall be submitted to the City, the project applicant, and the NWIC.</p>	<p>2) The project sponsor shall retain a qualified professional archaeologist to recover scientifically valuable data if the remains are of Native American origin. If the remains are of Native American origin, the Coroner shall notify the NAHC promptly.</p>					

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>CULT-3: Ground-disturbing project construction could result in significant impacts to paleontological resources.</p>	<p>CULT-3: A qualified paleontologist shall monitor initial project ground-disturbing construction below the soil layer (i.e., below the bottom of the soil layer approximately, which is approximately 2.5-3.5 feet below the original ground surface). The paleontologist shall then determine the appropriate level of monitoring needed based on the sensitivity of the area in which construction is occurring. Appropriate levels of monitoring may include continuous monitoring, periodic spot checks, or no further monitoring. Monitoring shall continue in accordance with the recommendations of the paleontologist. The paleontological monitor must be empowered to halt construction activities at the location of a discovery to protect the find while it is being evaluated. If significant fossil resources are recovered, they shall be curated at an appropriate facility (e.g., University of California Museum of Paleontology). Upon completion of paleontological monitoring, a report shall be prepared documenting the methods and results of the monitoring. The report shall be submitted to the project proponent and appropriate City agencies.</p>	<p>The project sponsor shall retain a qualified professional paleontologist to monitor initial ground-disturbing activity, and to determine the appropriate level of future monitoring. The project sponsor shall comply with the recommendations of the paleontologist.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to: 1) Verify that a paleontologist has been retained to monitor initial ground disturbing activities. 2) Review the report of methods and results, and verify that the paleontologist's recommendations are implemented.</p>	<p>Non-compliance sanctions which may include citations or revocation of permits.</p>	<p>Ground-disturbing activities have been monitored and a monitoring report prepared, if applicable.</p>	<p>During initial ground-breaking activities.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/ Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
CULT-4: Ground-disturbing project construction could result in significant impacts to accidentally discovered cultural and paleontological resources.	CULT-4a: If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the find, record the find on Department of Parks and Recreation (DPR) Form 523 (at the discretion of the archaeologist), and make recommendations for the find's treatment. If feasible, such deposits shall be avoided by project activities. If avoidance is not feasible, the find shall be evaluated for its California Register eligibility. If the deposits are not eligible, avoidance is not necessary and work may continue in the area of the find. If the find is eligible, impacts to the find shall be mitigated. Mitigation may include, but is not limited to, data recovery excavation, artifact curation, report preparation, and information dissemination to the public. Upon completion of evaluation, as well as mitigation (if necessary), a report shall be prepared documenting the methods and results of the paleontological investigation. The report shall be submitted to the project sponsor and appropriate City agencies.	1) If prehistoric or historical archaeological materials are encountered during project activities the project sponsor shall halt work within 25 feet of the find and retain a qualified archaeologist to assess the finds. 2) The project sponsor shall comply with the recommendations of the archaeologist.	Project sponsor	City of Benicia Planning and Building Department to: 1) Verify that construction activities halt in the event archaeological materials are discovered. 2) Review the archaeology report and verify that the recommended measures – if warranted – are undertaken.	Non-compliance sanctions which may include citations or revocation of permits.	Compliance with requirements in Mitigation Measure CULT-4a.	Throughout ground-disturbing activities.
	CULT-4b: If paleontological resources are discovered during project activities, all work within 25 feet of the discovery shall be redirected until a paleontological monitor has assessed the situation and made recommendations for their treatment. If feasible, the find shall be avoided by project activities. If avoidance is not feasible, the paleontological find shall be evaluated for its significance. If the find is not significant, avoidance is not necessary and work may continue in the area of the find. If the find is significant, impacts to the find shall be mitigated. Paleontological mitigation may include, but is not limited to, data recovery, fossil curation, and information dissemination to the public.	1) If fossils are encountered during project activities the project sponsor shall halt work within 25 feet of the find and retain a qualified paleontologist to assess the finds. 2) The project sponsor shall comply with the recommendations of the paleontologist.	City of Benicia Planning and Building Department	1) Verify that construction activities halt in the event fossils are discovered. 2) Review the paleontology report and verify that the recommended measures – if warranted – are undertaken.	Non-compliance sanctions which may include citations or revocation of permits.	Recommendations from paleontology report have been implemented in accordance with Mitigation Measure CULT-4b.	Throughout ground-disturbing activities.

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><b>L. PUBLIC SERVICES</b></p> <p><b>PUB-1:</b> The project would increase demand for fire protection and emergency medical services, police services, and Public Works maintenance and operation services.</p>	<p><b>PUB-1a:</b> The project sponsor shall set aside an appropriately-sized and located parcel within the project site to accommodate new public services facilities required to serve the project. The parcel shall be large enough to include the facilities listed below:</p> <ul style="list-style-type: none"> <li>A new Fire Department sub-station facility, totaling a minimum of 2.5 acres, shall be located along the Industrial Way extension, near the East 2nd Street intersection. The new sub-station shall be constructed and made operational prior to the occupation of Phase 1. A total of 12 full-time firefighters would be required to staff the new sub-station. One fire engine and one brush truck would be required to equip the facility. Due to the fire-hazard nature of the commercial components at the first phase of the project, fire and emergency medical services shall be provided at the sub-station prior to occupation of project facilities. Funding for this facility shall be provided by fees imposed on the proposed project. Funding for additional personnel and equipment shall be provided by the City.</li> </ul>	<p>The project sponsor shall set aside an appropriately-sized parcel of land within the project site and shall fund associated improvements, consistent with the requirements of Mitigation Measure PUB-1a.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department, City of Benicia Public Works Department, and City of Benicia Fire Department to review the final project development plans to ensure the requirements of Mitigation Measure PUB-1a are met prior to the approval of a grading or building permit.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Final development plans that include a parcel set aside for public services, in accordance with the requirements of Mitigation Measure PUB-1a.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
PUB-1 Continued	<ul style="list-style-type: none"> <li>The new Fire Department sub-station shall include 200 to 400 square feet of office space for use by the Police Department, a multi-purpose room for community meetings, and training grounds. Funding for the additional officers and equipment shall be provided by the City. The Police Department office space shall be constructed and made operational prior to occupancy of Phase 1.</li> <li>The parcel shall include approximately 7 to 15 acres of land for the development of an auxiliary corporation yard. The corporation yard shall include the types of facilities currently located in the existing corporation yard, as determined to be required by the Public Works Department, and shall be funded via fees imposed on the proposed project. Funding for additional personnel and equipment shall be provided by the City.</li> </ul>						

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
PUB-1 Continued	<p>PUB-1b: Development plans for the proposed project shall be subject to the following review:</p> <ul style="list-style-type: none"> <li>During the development review process, the Fire Department shall be responsible for ensuring that the proposed project and subsequent individual site proposals are in conformance with locally-defined performance standards, including the Uniform Fire Code as adopted by the Benicia Fire Department, and California Building Code standards.</li> <li>The Fire Department shall review detailed site plans for site access, road widths and turning radii, road grades, surfacing, load bearing capability, sprinkler systems, stand pipes, smoke detectors, and fire alarms, and resistant landscaping in open areas adjacent to buildings within the project site.</li> <li>The City's Engineering Division and Fire Department shall review the project during the development review process to ensure that adequate water supply is available to meet the minimum fire flow requirements for fire suppression.</li> </ul>	<p>Project applicant to ensure that development plans and subsequent individual site proposals comply with applicable fire and emergency access regulations.</p>	<p>Project applicant</p>	<p>The City of Benicia Fire Department shall perform consistent plan checks and site inspections to ensure compliance with Mitigation Measure PUB-1b.</p>	<p>No issuance of any site-specific building permit.</p>	<p>Development plans that comply with fire and emergency access regulations.</p>	<p>Prior to issuance of any site-specific building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><b>M. UTILITIES AND INFRASTRUCTURE</b>                      UTIL-1: Implementation of the proposed project would require the extension of water supply distribution facilities to service proposed uses.</p>	<p><b>Mitigation Measure</b>                      UTIL-1: Construction of water supply infrastructure shall be subject to the following measures:</p> <ul style="list-style-type: none"> <li>The main water storage and pumping facilities as required by the Benicia Public Works Department to provide domestic and fire service shall be constructed and operational before the first phase of development begins. The main connections shall be sized to serve the whole development and not upsized with each phase.</li> <li>All on-site water infrastructure improvements required to serve each phase of development shall be constructed in the initial year of development of that phase.</li> <li>The sponsor shall obtain City approval for each phase of development, including development of individual projects. Development plans for individual projects shall only be approved when a dependable and adequate water supply is available to serve new development.</li> </ul> <p>The two new tanks shown on the project plan are located at different elevations, which would require two separate pressure zones. Pressure-reducing valve stations and zone valves shall be required to allow the new zones to connect to the City's existing Zone 1 system in an emergency.</p>	<p><b>Implementation Procedure</b></p> <ol style="list-style-type: none"> <li>The project sponsor shall ensure that all pumping facilities and on-site water infrastructure improvements adhere to the requirements of Mitigation Measure UTIL-1, including timing requirements.</li> <li>The project sponsor shall obtain City approvals for each phase of development.</li> <li>The project sponsor shall construct/install pressure-reducing valve stations and zone valves to allow the new pressure zones to connect to the City's existing Zone 1 system in an emergency.</li> </ol>	<p><b>Implementing Entity</b></p> <p>Project sponsor</p>	<p><b>Monitoring/Reporting Action</b></p> <p>City of Benicia Public Works Department to ensure that all development plans include the water facilities and capabilities outlined in Mitigation Measure UTIL-1.</p>	<p><b>Non-Compliance Sanction</b></p> <p>No issuance of any site-specific grading or building permit.</p>	<p><b>Effectiveness Criteria</b></p> <p>Development plans include water facilities in accordance with Mitigation Measure UTIL-1.</p>	<p><b>Timing</b></p> <p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>UTIL-2: Implementation of the proposed project would result in construction activities with the potential to adversely affect the City's water supply transmission line and reservoir.</p>	<p>UTIL-2: Construction activities for the proposed project shall be subject to the following measures:</p> <ul style="list-style-type: none"> <li>Final design of the proposed project shall specify the appropriate depths at which grading and construction activities would be allowed in order to ensure the safety of the City's water supply and distribution system.</li> <li>Water lines shall be rerouted or redundant lines installed by the sponsor if necessary to avoid impacts to the City's water supply distribution system.</li> <li>No work shall be performed within 30 feet of the centerline of the City's water line until after improvement plans prepared by a registered engineer are submitted for review and approval by the City and a permit is issued by the City.</li> <li>Prior to issuance of a City permit, contingency plans shall be submitted for review and approval by the City to address a potential accident during construction resulting in damage to the line.</li> <li>The sponsor shall require that all construction activities are undertaken with the necessary precautions to avoid impacts to the City's water distribution system.</li> </ul>	<p>The project sponsor shall prepare all final design plans so that they avoid impacts to the City's water supply system, as required by Mitigation Measure UTIL-2.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to ensure that all development plans include provisions to protect the City's water supply system, as required by Mitigation Measure UTIL-2.</p>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Development plans that include provisions to protect the water supply system, in accordance with Mitigation Measure UTIL-2.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>UTIL-3: Implementation of the proposed project would require extension of wastewater collection lines to serve the project.</p>	<p>UTIL-3: Construction of sewer infrastructure improvements for the proposed project shall be subject to the following measures:</p> <ul style="list-style-type: none"> <li>All on-site sewer infrastructure improvements required to serve each phase of development shall be constructed in the initial year of development of that phase.</li> <li>Since the ultimate commercial and industrial users of the proposed project are unknown, the City shall review each building permit application for information regarding flows and loads to ensure that wastewater flows do not exceed capacity, and to allow for the phasing of improvements.</li> </ul>	<p>The project sponsor shall ensure that all on-site sewer infrastructure improvements are constructed in the initial year of development of each phase, and that wastewater flows do not exceed available capacity for any phase of development.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department</p> <ol style="list-style-type: none"> <li>Ensure that the development of on-site sewer infrastructure is installed in the initial year of each development phase.</li> <li>Review each building permit application for information regarding flows and loads to ensure that wastewater flows do not exceed capacity, and to allow for the phasing of improvements.</li> </ol>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Sewer infrastructure is constructed in the initial year of development of each phase, and meets the requirements of Mitigation Measure UTIL-3.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p>UTIL-4: Implementation of the proposed project would exceed the capacity of the existing wastewater collection system during peak wet weather periods.</p>	<p>UTIL-4: Prior to the issuance of building permits for Phase 1 of the proposed project, the project sponsor shall fully fund and install all the required wastewater collection improvements to serve the project. Required improvements shall consist of one of the stand-alone alternatives listed in the Benicia Business Park Sewer System Collection Analysis (October 16, 2006) prepared by Brown and Caldwell that solely serves the proposed project. Required improvements include the following:</p> <ul style="list-style-type: none"> <li>• Replace the existing 8-inch west fork of the Industrial Park gravity sewer system with a new 18-inch sewer line.</li> <li>• Replace the existing 8-inch force main with a new 16-inch force main that is cross-connected to the existing force main.</li> <li>• Replace the existing PILS to operate at a new higher pressure to maximize capacity in both pipelines. Upgrade the PILS to meet the design criteria of the two pipelines.</li> <li>• Increase maintenance of eastern fork of gravity sewer to reduce root intrusion and the long-term settlement of debris.</li> <li>• A force main surge analysis shall be performed prior to approval of final project design. Proposed improvements to the force main shall be reviewed and approved by the City prior to installation.</li> </ul>	<p>1) The project sponsor shall fully fund and install all required on-site and off-site wastewater collection infrastructure specified in Mitigation UTIL-4 prior to the initiation of Phase 1.</p> <p>2) The project sponsor shall conduct a force main surge analysis and improve the force main if recommended in the analysis.</p>	<p>Project sponsor</p>	<p>City of Benicia Public Works Department to:</p> <ol style="list-style-type: none"> <li>1) Ensure that all required wastewater infrastructure is installed.</li> <li>2) Review the force main surge analysis to verify that needed improvements to the force main are undertaken.</li> </ol>	<p>No issuance of any site-specific grading or building permit.</p>	<p>Force main surge analysis is conducted and wastewater collection infrastructure is installed.</p>	<p>Prior to issuance of any site-specific grading or building permit.</p>

Table 1 continued

Identified Impact	Mitigation Measure	Implementation Procedure	Implementing Entity	Monitoring/Reporting Action	Non-Compliance Sanction	Effectiveness Criteria	Timing
<p><b>N. URBAN DECAY</b>                      DECA-1: If the land uses of the project change, the project could result in urban decay.</p>	<p>DECA-1: The land uses proposed for the Benicia Business Park and analyzed in this EIR include a maximum of 100,000 square feet of retail uses. This limitation on commercial development would preclude the establishment of big box retail uses on the project site without additional evaluation. As identified in the EIR, a substantial increase in the amount of retail uses could increase the potential for urban decay in Benicia or other local commercial centers. If the project sponsor proposes to increase the amount of retail uses beyond 100,000 square feet, the project sponsor shall provide the City with an updated economic analysis. The adequacy of the economic analysis shall be subject to review and approval by the City's Director of Community Development, who may require revisions and additional analysis if he or she deems it appropriate. If the Director finds, based upon the economic analysis, that the additional retail uses could contribute to urban decay, the City and project sponsor shall develop a mitigation measure to reduce this impact to a less-than-significant level. If no effective and feasible mitigation measures are identified to reduce the potential urban decay impacts to a less-than-significant level, the City shall conduct environmental review for the project changes that would allow for the adoption of a statement of overriding considerations and appropriate findings (e.g., a supplemental or subsequent EIR).                      A revised economic analysis shall be similarly completed in conjunction with subsequent CEQA review of any changes to the project, if deemed necessary by the City.</p>	<p>1) If the amount of proposed retail uses on the project site would increase beyond 100,000 square feet, the project sponsor shall provide a new economic analysis that discusses the potential for urban decay.                      2) If the economic analysis identifies a new urban decay impact, the project sponsor shall collaborate with City staff to develop an effective and feasible mitigation measure to reduce the potential for urban decay to a less-than-significant level.                      3) If no effective and feasible mitigation measure is available, the City shall undertake supplemental CEQA analysis of the changes to the project.</p>	<p>Project sponsor</p>	<p>City of Benicia Planning and Building Department to:                      1) Review the economic analysis for the project and verify that the changes to the project would not result in new urban decay impacts, or, if impacts would result, ensure that mitigation measures are implemented that would reduce decay-related impacts.                      2) Require the project sponsor to fund additional CEQA review if the urban decay impact would be significant and unavoidable.</p>	<p>No issuance of a site-specific building permit for retail uses that would exceed 100,000 square feet.</p>	<p>Economic analysis that meets the requirements of Mitigation Measure DECA-1.</p>	<p>Prior to issuance of a site-specific building permit when total retail uses exceed 100,000 square feet.</p>

LSA ASSOCIATES, INC.  
OCTOBER 2008

Table 1 *continued*