B. ORGANIZATIONS

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Law Offices of
DANA DEAN

Dana Dean
Amber Vierling *Of Counsel*
Lindsey Stern *Associate*

835 First Street
Benicia, California 94510
p 707.747-5206 ▪ f 707.747-5209

August 9, 2007

Planning Commission
City of Benicia
250 East L Street
Benicia California 94510

Re: Lower Arsenal Mixed Use Specific Plan
Draft Environmental Impact Report

Dear Planning Commissioners:

Thank you for the opportunity to submit comments regarding the Lower Arsenal Mixed Use Specific Plan Draft Environmental Impact Report ("DEIR") Please accept the following comments, which are submitted on behalf of my client, Amports.[1] Comments submitted here are intended as a preliminary overview of the DEIR and its deficiencies.

At the outset, I would like to convey my client's general support for a specific plan for the Lower Arsenal. We are glad to see this much-needed policy document finally get the attention it deserves. After initial review, it is particularly heartening to see a new recognition within the DEIR that a general plan amendment and attendant rezoning are required in order to give effect to the Lower Arsenal Mixed Use Specific Plan ("LAMUSP" or the "Project").[2] 1

However, as indicated in previous correspondence,[3] the Draft LAMUSP raises real concerns in several distinct areas. Our most fundamental concern remains the encroachment of residential units into an area that serves long-standing, relatively unique *water-related* industrial uses. Though the DEIR purports to acknowledge the existence of the issues we have raised related to this concern, the document fails to meet CEQA standards. This is so because the document 2

[1] This office has previously submitted comments on the LAMUSP, both oral and written, which are incorporated by reference here.
[2] DEIR, p. 41.
[3] For reasons that are unclear, my correspondence of May 3, 2007 was not included in Appendix A Public Scoping Comments and Letters. It appears from my own records that other letters and comments from various community members were similarly omitted. Though CEQA does not require a scoping session, once undertaken, a complete and unredacted record is crucial to a fair determination of whether the document is adequate for its purpose.

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fails to properly describe the project, fails to fully identify potential impacts, and fails to articulate and require appropriate mitigations for such impacts. Moreover, as detailed below, the document falls short in the execution of these fundamental tasks in many different areas of review.

Thus, the purpose of this letter is to provide *initial* documentation as to the deficiencies of the DEIR. In order to facilitate review of our preliminary concerns, we first address the most basic flaws and overarching concerns about the DEIR. Individual discussions devoted to identifying the deficiencies in the individual resource sections will follow.[4]

INTRODUCTION

In its current form, the EIR for the Project does not comply with the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq., "CEQA"). Accordingly, the City may not certify the EIR or grant any entitlements derived from the Project until the City prepares and circulates a revised DEIR that properly describes the project, and discloses and mitigates all of the potentially significant environmental impacts associated with the Project.

2 cont.

EIRs are intended to serve a number of complementary public policy objectives. "The purpose of an [EIR] is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."[5] An EIR serves as an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[6] In addition, an EIR "serves not only to protect the environment but also to demonstrate to the public that it is being protected."[7]

The DEIR fails to satisfy the basic purposes of CEQA. Among other deficiencies, the DEIR (1) fails to correctly describe the Project; (2) fails to disclose all potentially significant environmental impacts of the Project; (3) fails to provide adequate mitigation measures to avoid impacts; (4) fails to disclose and analyze cumulative impacts; and (5) ignores important land use planning considerations. As a result, the City must correct these shortcomings and recirculate a revised DEIR for public review and comment.

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[4] As the comment period has just begun, our goal here is it to identify deficiencies. In weeks to come, we will present additional information and analysis regarding how these deficiencies can be properly addressed in a revised EIR and project approvals.
[5] Pub. Resources Code, §§ 21061, 21002.1.
[6] *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.
[7] CEQA Guidelines, § 15003, subd. (b).

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THE DEIR FAILS TO CORRECTLY DESCRIBE THE PROJECT

For an EIR to be legally sufficient, the Project Description must be accurate and consistent.[8] Here, the EIR fails this basic test in two ways.

Allowed Uses

First, fundamental to the analysis of proposed uses within the plan area is an *accurate* understanding of what each use means. However, the Project Description repeatedly misidentifies the allowed uses within the proposed zones of the LAMUSP, in part, by erroneously using the terms "live-work" and "work-live" as if they are interchangeable. As *plainly* indicated in the definitions included in the LAMUSP itself, they are not. The distinction is noted in the LAMUSP as follows:

> The difference between live-work and work-live units is that the "work" component of a live-work unit is secondary to its residential use and may include only commercial activities and pursuits that are *compatible with the character of a quiet neighborhood;* while the work component of a work live unit is the primary use to which the residential component is secondary. (LAMUSP at p 7-4.)[9]

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The DEIR does not recognize the distinction. Instead, the document routinely *reverses* the terms when describing not only existing conditions, but most significantly, those uses proposed under the Specific Plan.

Specifically, the DEIR describes the project area as currently containing "live-work studios", "artisan live-work" and home occupations.[10] That is not correct. Current artist housing is in no way restricted to that which respects "quiet residential character."[11] This is a problem because the inaccurate description of current conditions tends to diminish the reader's view of potential impacts, as a reader would not know of the more drastic change that will occur if "live-work" or pure residential is allowed where only "work-live" currently exists.

Additionally, the DEIR repeatedly misstates the uses to be allowed in the various zones.[12]

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[8] *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 at p. 199 ["An accurate, stable, and finite project description is the *sine qua non* of an informative and legally sufficient EIR."]
[9] "Home Occupation" is similarly protective of "residential character." "The home occupation use shall not disrupt the generally residential character of the neighborhood." (LAMUSP at p. 7-4.)
[10] LAMUSP p. 37.
[11] Under the current law, Benicia's General Plan, the only relevant definition is "live/ work quarters: "... used jointly for commercial and residential where the residential use is secondary or accessory to the primary use as a work place." (General Plan at p. 198.)
[12] LAMUSP p. 44, p. 47, p. 48, p. 55.

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By way of example, at page 44 the DEIR states "Residential uses in the Adams Street zone are all work/live." In reality, the Draft LAMUSP allows for Home Occupation, *Live/work*, Work/live, *and* mixed use residential in the Adams Street zone.

The DEIR goes on "...in the Grant Street Zone [residential uses] are half work/live half condo apartment." In reality, the zone as proposed allows for Home Occupation, *Live/work*, Work/live, *mixed use residential*, and multifamily residential, with no particular proportions assigned.[13]

South of Grant ("SOG") is described as "half work/live, half home occupation/condo/apartment." In reality, SOG's residential uses are limited to Work/live, mixed use residential, and residential care. No condos or apartments are allowed except with commercial.[14]

In describing the net change in plan area development the DEIR indicates "the 215,050 square feet of mixed uses would include a mixture of work/live, retail and office space and light industrial uses. In reality, the plan *plainly* contemplates the addition of residential and Live/work to the plan area.[15]

4 cont.

These recurring errors cannot simply be dismissed as typos or of no import. Where the term live-work is misapplied, a reader would assume from the description that a quiet residential character is expected and appropriate when it is not. Where the term work-live is misapplied, the reader would be misled to believe that non residential uses are somewhat protected from "residential character" expectations. Moreover, where allowed uses are simply left off of the description, the reader is not informed of the true range of possible impacts.

Given the well documented concern, repeatedly expressed by this writer and several others, about the incompatibility of existing uses with proposed residential where the expectation associated with live-work uses would be appropriate, the distinction between live-work and work-live is considerable. (The LAMUSP simply cannot set out to be protective of the "residential character" of the neighborhood and simultaneously protect the existing industrial uses as required by the general plan.) As a result, the DEIR fails in its first, most basic, mission – accurately identifying what decision makers would be approving if the Project moved forward.

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[13] The percentages make no sense in any case, because they presuppose the ultimate uses of the property even as the plan purports to encourage changes over time.

[14] As above, no percentages are considered, because to do so would make no sense.

[15] LAMUSP p. 44.

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Erroneous and misleading assumptions

A second defect in the Project Description is the inclusion of erroneous and misleading assumptions that tend to minimize the potential impacts of the changes in use that would result from the project.

In particular, in describing existing conditions the DEIR states, "Some of the arsenal buildings have been converted to *residential*, commercial and industrial uses including live-work studios."[16] While it is true that two residential projects are currently *under review* by the City, no "conversion" to residential has actually occurred.[17]

Similarly, at page 43 the DEIR declares "*residential*, office, and artist related uses are replacing civilian industrial uses developed within the arsenal since its decommissioning." Again, this is an inaccurate and misleading statement. Residential development has yet to replace any industrial uses within the Arsenal.[18] **5**

These repeated misleading statements are problematic because they lead one to believe that the ship already sailed on residential conversion. It has not. Thus, again here, the project description fails to give an accurate picture of conditions present and leads one to believe the potential impacts, especially in the area of land use regulation, would be less significant than they truly would be the given the real site conditions.

Finally, and most notably, the DEIR, in a precise and matter of a fact manner, repeatedly describes the project after buildout as including "741,865 square feet of new and mixed uses and [exactly] 22 residential units."[19] Given that the Specific Plan and its form based code are largely intended to allow for flexibility in use while maintaining consistency in form, it is hard to imagine how the drafters know already exactly what the amount of any given use will be. Furthermore, because a stated purpose is to allow for changes over time, a static account of buildout cannot be accurate. This is a big problem under CEQA because once again the reader is misled, in this case into believing that the sum total residential impact will be 22 units. In reality, the plan allows for ongoing conversions to residential including pure residential in the Jefferson Ridge and Grant Street zones, as well as Live/work of "residential character" throughout. The project description therefore fails to meet CEQA standards because it is inaccurate and misleading. As a result the DEIR must be corrected and recirculated in order for the project to move forward under CEQA. **6**

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[16] DEIR p. 37.
[17] The various officers' quarters are residential, but they always have been. No conversion from industrial use occurred.
[18] Moreover, in part because a general plan amendment is contemplated in order to implement the specific plan, now is the time to determine if it ever should.
[19] See e.g. DEIR at p.44.

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THE DEIR FAILS TO DISCLOSE ADEQUATE INFORMATION REGARDING THE PROJECT'S POTENTIALLY SIGNIFICANT IMPACTS.

One of the basic objectives of CEQA is "to inform governmental decision makers and the public about potentially significant environmental effects of proposed activities."[20] In several critical areas, the DEIR fails to meet this objective because it fails to provide information sufficient to enable decision-makers to meaningfully analyze the proposed project.[21] 7

Noise

The Project DEIR describes the Port's operational noises to "include loading and unloading operations of ships, trains and trucks, as well as light industrial noise sources..."[22] and further mentions that the Port "primarily functions as an automotive distribution facility," with operational noises of moving, parking and storage of up to 42,000 at one time." [23] Additionally, the record plainly spells out the need for detailed analysis of noise impacts during the hours when these activities occur. Scoping comments also plainly indicate that these activities frequently occur late at night. Moreover, the record clearly points to a tension between proposed residential development and the noises generated by adjacent industrial entities late at night. Inexplicably, the noise studies for the EIR were conducted to measure the decibel levels of these operational noises exclusively during workday hours.

The DEIR indicates that acoustical studies were only done to measure the ambient noise between 11:30 a.m. and 4:15 p.m.[24] Attention should be focused on the ambient noise *at night*, with specific attention directed towards the L_{max} that is registered randomly throughout the night when, for example, large cargo ships enter the Port. The DEIR mentions that the Port operates 24 hours per day, and that "such operational noise from the Port *could* exceed the nighttime noise level performance standards..."[25] This relevant information is not provided. 8

While the Noise Performance Standards for Noise Sensitive Land Uses Which May Be Affected by Stationary Noise Sources (Table IV.I-8) references limits for the Nighttime hourly L_{eq}, (and does not include provisions for maximum L_{max}), no information was provided for the nighttime hourly L_{eq} or L_{max} for the Port's operational noises. These are and should be of great concern where the LAMUSP

[20] Guidelines 15002(a)(1).
[21] Inadequate baseline information is a problem throughout the document. Sections discussed here are representative. Further discussion other resource section will follow during the comment period.
[22] DEIR p. 252
[23] DEIR p. 264
[24] DEIR p. 252
[25] DEIR p. 264

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proposes to allow individuals to live, and presumably sleep, within the immediate areas.

As set forth in the City of Benicia General Plan, "People are most sensitive to noise levels which disturb their comfort at home."[26] It is quite foreseeable that, in the event standard residential uses were allowed in the Lower Arsenal, residents would be highly sensitive to the effects of the Port's operational noises occurring at night. **8 cont.**

In order to meet CEQA requirements to provide adequate information for the decision makers and public regarding project impacts, sufficient noise studies must be included in the DEIR and the DEIR must be circulated once that occurs.

Land Use and Planning Policy

CEQA requires that an EIR must not only identify the impacts, but must also provide "information about how adverse the impacts will be."[27] The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding.[28]

The DEIR states that Action 1.1.10 requires new development within the Plan Area to notify future owners of the industrial nature of the area and of the 24-hour operation of the Port and other industrial activities. However, it does not set forth the material provisions of such notice, and does not describe the form of the notification. Moreover, the language of "notification" does not equate to "ensuring" or "supporting" the industrial uses of the Port as suggested in the Draft. [29] Though specifically requested at scoping and required by CEQA, the DEIR provides no analysis to indicate how this action can be reconciled against general plan requirements to preserve and protect existing uses. **9**

Rather, the DEIR simply states that "new residential and live/work uses within the Plan area *could be incompatible* with surrounding industrial and Port uses *if not appropriately sited and designed*. The Draft Specific Plan contains several actions that would *reduce* land use conflicts..."[30] It then recognizes that "even with implementation of the protective Draft Specific Plan actions outlined above, residential land uses could still be exposed..."[31] Again the document leaps to the conclusion that certain actions are sufficient without analysis.

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[26] City of Benicia General Plan, Ch. 4 Noise, P. 170
[27] *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831.
[28] *Kings County* Farm, *supra*, 221 Cal.App.3d at p. 728; see also CEQA Guidelines, § 15151.
[29] DEIR, p. 88
[30] DEIR, p. 84, emphasis added
[31] DEIR, p. 85

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Of separate concern is the DEIR's bald declaration that no testing or remediation of toxics or unexploded ordnance will be required because none is known.[32] Given the history of the Lower Arsenal, including its well documented inclusion in a FUDS clean up to which the City is a party, it is strange and improper that no meaningful discussion exists on this topic. CEQA requires more. The relevant history must be discussed and some measures developed in the event that toxics or ordnance are discovered in the anticipated development process. **10**

THE EIR FAILS PROVIDE ADEQUATE MITIGATIONS BECAUSE IT RELIES ON MITIGATIONS THAT WILL NOT YIELD TANGIBLE AND EFFECTIVE RESULTS THAT *ACTUALLY* MITGATE IMPACTS

CEQA requires that an EIR identify all potentially significant impacts and identify and impose feasible mitigation measures to reduce those impacts to less than significant.[33] CEQA also requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project's potentially significant environmental impacts and describe those mitigation measures in the DEIR.[34] Mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact.[35] Additionally, where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified.[36] **11**

The basic concept is that mitigations have to yield a tangible and effective result that mitigates the potential impacts of the project. The DEIR fails in this basic step in two ways. First it defers mitigations to some unknown future event and secondly the DEIR articulates phantom "mitigations" that do not result in a lessening of impacts.

<u>The DEIR Relies on Phantom Mitigations – Impermissibly Deferred Paper Mitigations That Do Not Actually Mitigate Impacts</u>

Deferral of the formulation of mitigation measures to post-approval studies is generally impermissible.[37] An agency may only defer the formulation of mitigation measures when it "recognizes the significance of the potential environmental effect, commits itself to mitigating its impact, and articulates *specific performance criteria* for the future mitigation."[38] **12**

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[32] DEIR p. 95
[33] See *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal.App.4th 1344, 1354 (*Berkeley Keep Jets Over the Bay*).)
[34] Pub. Resources Code, §§ 21002, 21081, subd. (a), Pub. Resources Code, § 21100, subd. (b)(3), CEQA Guidelines, § 15126.4.
[35] CEQA Guidelines, § 15370.
[36] CEQA Guidelines, § 5126.4, subd. (a)(1)(B).
[37] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309.
[38] *Gentry, supra*, 36 Cal.App.4th at p. 1411, citing *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029. [Deferral of mitigation is impermissible if it removes the

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The DEIR includes deferred mitigations, requirements that some things be studied at some later date with no particular criteria for how the study will be accomplished and no criteria regarding what will result from the study.

By way of example, LU-1 requires that proposed residential uses "...shall be evaluated to determine that they would not be incompatible with industrial uses. Site specific evaluation *may* include acoustical or air quality analysis..." This mitigation fails to set out performance standards - concrete requirements for what will or will not be required for the study or as a result of the study. The mitigation gives not even a hint of what will be done with the information derived from such study. CEQA and common sense require more. **12 cont.**

Another example of deferred mitigation is found in the Noise section, which does not include actual measures to mitigate these effects, but instead repeatedly suggests that studies "should be performed".[39] In fact, the proposed "mitigation measures" are simply further indication that studies should be performed. In particular, Mitigation Measures NOI-3a & 3b, go no further than to recommend "project specific acoustical standards".[40] As noted, such are not mitigations.[41] **13**

A REVISED DRAFT EIR MUST BE PREPARED AND RECIRCULATED

CEQA requires a lead agency to re-circulate an EIR when significant new information is added to the EIR following public review but before certification.[42] The CEQA Guidelines clarify that new information is significant if "the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project" including, for example, "a disclosure showing that ... [a] new significant environmental impact would result from the project."[43] As explained by a recent CEQA decision: **14**

> The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context. We interpret this Guideline broadly in order to "afford the fullest possible protection to the environment." In so doing, we ensure that the EIR's analysis

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agency from it decision-making role.]; See also, *Sundstrom v. County of Mendocino*, *supra*, 202 Cal.App.3d at 302-308 [mitigation scheme improper because applicant, subject only to planning staff approval, would conduct the analysis and to formulate the mitigation measures.] The EIR must also analyze any potential impacts caused by the mitigation measures themselves. (*Ocean View Estates v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396.)

[39] DEIR Paragraph 2 of Pg 264.

[40] DEIR, p. 265 Mitigation Measures NOI-3a & 3b

[41] Similar deferrals are found in other resource section and will be discussed in subsequent comments.

[42] Pub. Resources Code § 21092.1.

[43] CEQA Guidelines § 15088.5.

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of significant effects, which is generated from this description of the environmental context, is as accurate as possible.[44]

14 cont.

As detailed above, the DEIR fails to satisfy the basic purposes of CEQA. It fails to correctly describe the Project. It fails to disclose all potentially significant environmental impacts of the Project. It fails to provide adequate mitigation measures to avoid impacts and it ignores important land use planning considerations. As a result, the City must correct these shortcomings and recirculate a revised DEIR for public review and comment before certification of the EIR or approval of the project as a whole.

Respectfully Submitted,

Dana Dean

[44] *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 874.(Citations Omitted.)

COMMENTOR B1
Law Offices of Dana Dean
Dana Dean
August 9, 2007

B1-1: This introductory comment, which expresses general support for the Draft Specific Plan, is noted. No further response is required.

B1-2: This introductory comment suggests that the Draft EIR is inadequate because it fails to properly describe the project, identify potential impacts (including cumulative impacts), and require appropriate mitigation measures for identified impacts, and because it ignores issues of land use compatibility. In addition, the comment states concern about "the encroachment of residential uses into an area that serves long-standing, relatively unique *water-related* industrial uses." Detailed responses to these points are provided below.

B1-3: This comment suggests that the Draft EIR uses the terms "live-work" and "work-live" interchangeably in describing existing and proposed uses in the Plan Area, and that this usage obscures an adequate understanding of the project. "Live/work" and "work/live," as used in the Draft EIR, utilize the definition on page 7-4 of Chapter 7 (Glossary) of the Draft Specific Plan. For purposes of the environmental analysis, both "live/work" and "work/live" uses are considered sensitive land uses that must meet the same environmental standards (e.g., noise limits) as residential uses. In the Form Based Code of the Draft Specific Plan (Chapter 3), both live/work and work/live units are considered "residential" uses and are treated as such in the Draft EIR. The definition from the Draft Specific Plan of "live-work" or "work-live" units is excerpted below:

> **Live-Work or Work-Live Unit.** An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:
>
> 1. Complete kitchen space and sanitary facilities in compliance with the Building Code; and
>
> 2. Working space reserved for and regularly used by one or more occupants of the unit.
>
> The difference between live-work and work-live units is that the "work" component of a live-work unit is secondary to its residential use, and may include only commercial activities and pursuits that are compatible with the character of a quiet residential environment; while the work component of a work-live unit is the primary use, to which the residential component is secondary.

To clarify, both live/work and work/live uses would be allowed in the Jefferson Ridge (Use Permit required), Adams Street (Minor Use Permit required), and Grant Street zones. Only work/live uses would be permitted in the South of Grant zone, with no residential uses, including live/work, allowed on Jackson Street west of Polk Street and south of Grant Street. This is detailed in the Draft Specific Plan and summarized in the Draft EIR.

The following minor modifications are made to the Draft EIR to better clarify the live/work and work/live uses that are proposed as part of the Draft Specific Plan. These changes do not alter the analysis (including the conclusions of the analysis) in the Draft EIR.

Page 2 of the Draft EIR is modified as follows:

> The 215,050 square feet of mixed uses would include a mixture of live/work, work/live units, retail and office space, and light industrial uses.

Page 5 of the Draft EIR is modified as follows:

- **Adams Street Zone:** Approximately 1.30 acres of open space and 200,100 square feet of new and redeveloped mixed uses, including office, commercial, light industrial, live/work, work/live, and limited residential uses;
- **Grant Street Zone:** Approximately 0.92 acres of open space and 32,775 square feet of redeveloped mixed uses, including office, commercial, light industrial, live/work, work/live, and limited industrial uses; and

Page 44 of the Draft EIR is modified as follows:

> The Draft Specific Plan proposes to redevelop the existing 526,815 square feet of mixed uses currently occupying the Plan Area with approximately 741,865 square feet of new and redeveloped mixed uses, 22 residential units, and 6.39 acres of open space. Table III-1 shows total land uses by type that would be located within each zone. To acknowledge that existing uses may be used more efficiently during and after buildout of the Draft Specific Plan, the analysis in this Draft EIR is based on the assumption that the 526,815 square feet of redeveloped mixed uses could intensify by approximately 20 percent, resulting in an *effective* net increase of 105,363 square feet of mixed uses. The 105,363 square feet of redeveloped uses would not represent actual physical development on the site; instead, this number would represent an intensification of existing uses. Therefore, *for purposes of the environmental review in this Draft EIR*, net change in development on the site would include 215,050 square feet of new mixed uses, 105,363 square feet of redeveloped uses, 22 residential units, and 6.39 acres of open space. The 215,050 square feet of mixed uses would include a mixture of live/work, work/live units, retail and office space, and light industrial uses. Refer to the Draft Specific Plan for a detailed description of the proposed vision. Figure III-4 depicts the illustrative vision

for the Plan Area. As the plan is visionary in nature, the Vision Plan also depicts areas outside the immediate Plan Area that will have a key role in the revitalization of the Lower Arsenal (e.g., the Clocktower area). For purposes of environmental review, this entire area is considered as the Plan Area and is included in the analysis provided in this EIR.

Table III-1 on page 44 of the Draft EIR is modified as follows:

Table III-1: Total Uses after Buildout of Specific Plan

Land Use Type	Land Use by Zone (square feet)				Total
	Jefferson Ridge	Adams Street	Grant Street	South of Grant Street	
Recreation, Education, Public Assembly	103,759	8,004	4,916	52,899	169,578
Business, Financial, Professional Services	73,784	70,035	2,622	41,762	188,203
General Services	34,586	18,009	4,916	19,489	77,000
Retail	18,446	26,013	7,538	97,445	85,407
Industry, Manufacturing, Processing	---	64,032	2,622	33,410	164,099
Residential[a]	---	8,004	10,160	---	51,574
Transportation, Communication, Infrastructure	---	6,003	---	---	6,003
Total[b]	230,575	*200,100*	*32,775*	*278,415*	*741,865*

[a] Residential uses in the Adams Street Zone are all live/work or work/live; in the Grant Street Zone, they are half live/work or work/live and half condo/apartment; in the South of Grant Zone they are half work/live and half home-occupation/condo/apartment.
[b] Land use totals may vary from noted square footage due to rounding.
Note: This table shows the total square footage of each use within the Plan Area after full implementation of the Draft Specific Plan. This includes existing, new, and redeveloped uses within the Plan Area.
Source: City of Benicia, 2007.

Page 47 of the Draft EIR is modified as follows:

(2) Adams Street Zone. The Draft Specific Plan envisions that Adams Street would continue to support a mix of industrial and industrial-compatible uses that can effectively "showcase" the area's historic buildings. Approximately 1.30 acres of open space and 200,100 square feet of redeveloped mixed uses, including office, commercial, light industrial, live/work, work/live, and limited residential uses would be located within this zone after full implementation of the Draft Specific Plan.

(3) Grant Street Zone. The Draft Specific Plan envisions that Grant Street would develop as an enclave that can support a mix of uses, with an emphasis on residential uses. Artist/live work space at the western terminus of Grant Street would be considered in order to minimize conflicts with surrounding uses. Approximately 0.92 acres of open space and 18,975 square feet of new and 13,800 square feet of redeveloped and mixed uses, including office, commercial, light industrial, live/work, and work/live uses would be located within this zone after full implementation of the Draft Specific Plan.

Page 55 of the Draft EIR is modified as follows:

(2) Adams Street Zone. Form-based standards for this zone are intended to promote compatible building forms that can contribute to the continued, diverse combination of office, retail, light industrial, live/work, and work/live uses in the area. This main objective of the standards for this zone is that Adams Street continue to provide primary access to the Port for trucks and function as a "buffer zone" between the northern and southern districts of the Plan Area. The standards also seek to maximize the internalization of potentially conflicting land uses through the regulation of internal courtyards, and encourage the development of consistent background buildings that enhance the Plan Area's historic buildings, which include the Guard House and the Arsenal Administration Building.

(3) Grant Street Zone. The Grant Street Zone is depicted in Figure III-8. The form-based code standards for this zone are intended to promote a building form that can assist in the continued, diverse combination of office, retail, light industrial, live/work, work/live, artisan, and residential uses in the area. Improvements in this zone are intended to minimize potential conflicts with neighboring industrial uses, resulting in a walkable, pedestrian-oriented, vertically-oriented, mixed-use district that can evolve over time.

Page 84 of the Draft EIR is modified as follows:

(1) Potential Conflicts with External Land Uses. Existing land uses within and in the vicinity of the Plan Area are shown in Figure IV.A-1. As previously described, the Plan Area is surrounded by medium to high-density residential uses and general industrial uses to the north, Port uses to the east and south, and single-family residential uses to the west. New residential, work/live, and live/work uses within the Plan Area could be incompatible with surrounding industrial and Port uses if not appropriately sited and designed. The Draft Specific Plan contains several actions that would reduce land use conflicts with surrounding Port and industrial uses, including:

Page 85 of the Draft EIR is modified as follows:

Impact LU-1: Residential uses developed within the Plan Area may be incompatible with existing industrial uses. (S)

In particular, non-live/work or work/live residential uses could be exposed to nuisances associated with industrial uses. Implementation of the following mitigation measure would reduce this potential impact to a less-than-significant level:

Mitigation Measure LU-1: The following changes shall be made to Action 1.5.3:

Action 1.5.3: Allow residential uses, including artist live/work and work/live units, where it can be demonstrated that adequate buffers exist, including noise buffers, and that the presence of residents will

not significantly constrain industrial operations, including the flow of goods and materials. Proposed residential uses located in areas where industrial uses can be seen or heard shall be evaluated to determine whether ~~that~~ they would ~~not~~ be incompatible with industrial uses. Site specific evaluation may include acoustical or air quality analysis as determined by the City. New work/live uses shall not be permitted along those portions of Jackson Street that are south of Grant Street and west of Park Street. (LTS)

Page 86 of the Draft EIR is modified as follows:

- *Adams Street Zone.* The Draft Specific Plan envisions that Adams Street would continue to support a mix of industrial and industrial-compatible uses. Permitted uses within this zone would include office, commercial, light industrial, live/work, work/live, and limited residential uses. The Draft Specific Plan includes two actions which would reduce the potential conflicts between uses within the Adams Street zone through the use of internal courtyards. Actions 1.3.3 and 1.3.5 require regulation to reduce land use incompatibility impacts, and creation of internal courtyards within new buildings in the Adams Street zone. These courtyards would be designed to internalize light industrial activities that could be potentially disruptive, noisy, or visually intrusive to surrounding uses. It is envisioned that internal courtyards would create a "safe haven" to minimize conflicts between adjacent uses. These courtyards would reduce potential land use conflicts; however, some residential uses could still be affected by industrial activities.
- *Grant Street Zone*. The Draft Specific Plan envisions that Grant Street would develop as an enclave that can support a mix of uses, with an emphasis on residential uses, in order to reduce conflicts with neighboring industrial uses. Action 1.4.4 seeks to improve Grant Street in a way that minimizes potential conflicts with neighboring industrial uses. Artist/live work or work/live space at the western terminus of Grant Street would be considered in order to minimize conflicts with surrounding uses. As in the Adams Street Zone, certain proposed residential uses could still be affected by industrial activities.

Page 111 of the Draft EIR is modified as follows:

(1) Displacement of Housing or People. Implementation of the policies and actions of the Draft Specific Plan would not directly displace existing housing. New development within the Plan Area would include up to 22 new residential units. While existing housing or informal live/work and work/live units could be converted to other uses with implementation of the Draft Specific Plan, the net result of development (including the 22 residential units and new and redeveloped live/work units) would be an increase in the number of housing units within the Plan Area. In addition, the Draft Specific Plan includes policies and actions to preserve the artists' community within the

Plan Area, and would do so by permitting live/work and work/live uses, which are currently a conditional use, within the Grant Street, Adams Street, and South of Grant Street zones. The Draft Specific Plan also includes policies and actions that would encourage the development of live/work and work/live uses, including inclusionary units for lower-income households. Therefore, implementation of the Draft Specific Plan would not displace existing housing or people within the Plan Area.

(2) Induce Substantial Population Growth. Based on the buildout assumptions discussed in Chapter III, it is expected that existing uses within the Plan Area would intensify by 20 percent resulting in a net increase of 320,413 square feet of new and redeveloped mixed uses (existing uses are also expected to increase by 20 percent without implementation of the Draft Specific Plan). These uses would include 22 new residential units and a mixture of live/work and work/live units, recreation and community center uses (66,044 square feet), retail and shopping center uses (63,252 square feet), office space (73,298 square feet), and light industrial/infrastructure uses (66,248 square feet).

Based on the average household size of 2.6 persons, the addition of 22 residential units would result in an increase of approximately 57 new residents within the Plan Area. This population growth would represent a substantial increase in the residential population within the Plan Area itself; however, this increase would only represent less than 0.25 percent of the City's current (2005) and projected (2035) population. Although live/work and work/live uses would be permitted within the Plan Area, the exact number of units is not known at this time. As more of these types of uses are developed within the Plan Area, the residential population would increase. It is expected that uses such as live/work or work/live would result in smaller household sizes and would thus not generate a substantial number of new residents within the Plan Area. Therefore, the implementation of the Draft Specific Plan would not result in substantial direct population growth beyond that planned for the City.

Population growth can also be induced by development of land uses which would generate new employment opportunities, thus increasing the demand for housing within the community. Although the development of new and redeveloped recreation and community center, retail, office, and light industrial uses within the Plan Area would stimulate economic growth within the Plan Area, these uses would not be expected to indirectly induce substantial residential growth beyond the 22 units of residential and live/work and work/live space discussed above, or beyond that planned for the City. In addition, the opportunity for further residential development within the Plan Area, beyond that envisioned by the Draft Specific Plan, does not exist due to the limited amount of land available for large-scale residential development and the limited number of buildings available for live/work and work/live conversion. Jobs created within the Plan Area may also be filled by residents

who already live in the area, reducing the demand for additional housing that would otherwise develop if all employees originated outside of the Plan Area.

Page 304 of the Draft EIR is modified as follows:

New development is required to provide necessary funding and/or capital facilities for the school system, as determined by applicable State-mandated development impact fees. The proposed development would be subject to a developer mitigation fee of $2.63 per residential unit[1] and $0.42 per square foot for commercial development; no development fee is required for industrial or live/work and work/live development.

Page 308 of the Draft EIR is modified as follows:

(3) Public Schools. As discussed in Section IV.B, Population, Employment and Housing, the addition of 22 residential units would result in an increase of approximately 57 new residents within the Plan Area. Additional increases in the residential population would occur due to the development of live/work and work/live units, although the exact number of units or square footage of this type of development is not available at this time. Although the development of new and redeveloped recreation and community center, retail, office, and light industrial uses within the Plan Area would stimulate economic growth within the Plan Area, these uses would not be expected to indirectly induce substantial residential growth beyond the 22 residential and live/work and work/live uses anticipated as part of the Draft Specific Plan, or beyond that planned for the City. The additional residential population that would occur through buildout of the Draft Specific Plan would not substantially increase the demand for school facilities.

(4) Libraries. As discussed above, under Public Schools, and in Section IV.B, Population, Employment, and Housing, the proposed project would add approximately 57 new residents (not including residents generated by live/work and work/live uses) to the Plan Area, thereby increasing the demand for library services. Although the project would increase the demand for library services, the demand for these services would be met by existing library facilities. In addition, individual residential developers would pay the required $213 library book fee to the City of Benicia. Implementation of the Draft Specific Plan would not require the construction of new library facilities and would not cause or accelerate the physical deterioration of existing library facilities.

(5) Parks. The Benicia General Plan and the Parks, Trails, and Open Space Master Plan establish park standards that call for 2.5 acres of community parks per 1,000 residents and 3.5 acres of neighborhood parks per 1,000 residents. The Master Plan identifies a citywide parks deficiency of approximately

[1] Benicia, City of, 2007. Building Inspection Division: Residential Development Fees. May.

35 acres of neighborhood parks and 18 acres of community parks. Implementation of the Draft Specific Plan would increase the demand for neighborhood and community parks due to the increase in the residential population generated by new development (57 new residents plus additional live/work and work/live residents). An incremental increase in the weekday demand for parks and recreational facilities resulting from the presence of new employees and visitors to the Plan Area would also occur.

Page 324 of the Draft EIR is modified as follows:

As shown in Table IV.N-1, the Draft Specific Plan scores a relatively high sustainability rating. Specifically, the Draft Specific Plan would result in a land use pattern and circulation system that would promote alternative transportation, including walking and bicycling. The viability of alternative transportation is one of the foundations of sustainability in that it has the potential to substantially reduce the use of non-renewable energy sources. The use of alternative transportation would be supported by a land use pattern of moderately dense mixed-use development, with identifiable neighborhoods, interesting historic buildings, and safe pedestrian paths. The Draft Specific Plan would encourage the development of multiple kinds of housing, ranging from live/work and work/live units for artists, to apartments over ground-floor retail spaces, to townhomes and condominiums. A diverse range of housing types would increase habitation options for Benicia residents and should accommodate a broad range of income groups.

Page 333 of the Draft EIR is modified as follows:

b. Population, Employment and Housing. The alternative would likely result in a slightly lower population growth rates compared to the proposed project, as residential projects are constructed on buildable parcels and live/work and work/live uses occupy former manufacturing spaces. However, without a comprehensive plan for the area, the mix of housing and jobs may not be as balanced as it would be under the Draft Specific Plan (i.e., under market conditions, and taking into account unceasing demand in the Bay Area for housing, residential uses could predominate across the Plan Area).

Page 347 of the Draft EIR is modified as follows:

The primary purpose of the Draft Specific Plan is to guide investment and future development projects in order to realize the community's goals for the Plan Area. As discussed in Chapter III, after implementation of the Draft Specific Plan there would be a net increase of 320,413 square feet of new and redeveloped mixed uses in the Plan Area. These uses would include 22 new residential units and a mixture of live/work and work/live units, retail and office space, and light industrial uses. The addition of 22 residential units would result in an increase of approximately 57 new residents within the Plan Area (not including additional residents generated by new live/work uses). This

represents less than 0.25 percent of the City's projected population at buildout of the Draft Specific Plan; additional live/work and work/live residents are not expected to generate a substantial number of new residents. In addition, although the development of new and redeveloped recreation and community center, retail, office, and light industrial uses within the Plan Area would stimulate economic growth within the Plan Area and Benicia as a whole, these uses would not be expected to indirectly induce substantial residential growth beyond the 22 residential units and the live/work and work/live space that would result from implementation of the Draft Specific Plan. This growth would not exceed that planned to occur in the City under the existing General Plan. Therefore, the proposed project would not directly induce substantial population growth.

The statement that the Draft EIR describes the project area as "currently containing live-work studios, artisan live-work and home occupations" is incorrect. The Draft EIR states on page 37 that, "some of the Arsenal buildings have been converted to residential, commercial, and industrial uses, including live-work studios." The term "studios" was used to denote the fact that live-work uses are currently primarily artist related. No mention of existing home occupations occurs in the Draft EIR. The Draft EIR also does not state or imply that current artist housing is restricted to that which respects "quiet residential character."

B1-4: Refer to Response to Comment B1-3 for a clarification of uses proposed in the Draft Specific Plan and evaluated in the Draft EIR. As noted in this response, both work/live and live/work uses are treated as sensitive receptors for the purpose of the environmental analysis. Also refer to Master Response #6 with regard to potential land use conflicts and issues of compatibility within the Plan Area.

B1-5: To clarify the nature of existing non-residential buildings occupied as residences in the Plan Area, page 37 of the Draft EIR is modified as follows:

> **(2) Existing Conditions.** Since the Arsenal's decommissioning and further development of the industrial port, the area has continued to undergo significant changes. The presence of I-680 and I-780 have diminished the significance of the railroad as primary access to the site, and much of the built fabric of the former Arsenal that related directly to military-industrial activities has either been demolished or converted to a mix of uses. As previously noted, the Arsenal area includes four distinct historic districts listed on the National Register of Historic Places. Some of the Arsenal buildings have been converted to ~~residential,~~ commercial, ~~and~~ industrial ~~uses, including~~, and live-work artist studios.

On page 43 of the Draft EIR, the term "residential" is used to convey the fact that some non-residential buildings are occupied by residents. While not formally converted to residential uses, some buildings do provide existing housing opportunities within the Plan Area, which may function as residential uses. "Residential" is thus used in a generic sense in this case.

The Draft EIR repeatedly acknowledges that the Plan Area is an industrial area that is in the process of transitioning to a variety of uses. The Draft Specific Plan is intended to provide for the full integration of a mix of uses in the area, while retaining and protecting the historic integrity and industrial uses within the Plan Area. The Draft EIR does not suggest that existing residential uses within the Plan Area would lessen the potential land use conflicts that may arise due to the development of new residential uses in the area. The Draft Specific Plan contains a number of Land Use policies and actions that are intended to provide a tool for City decision-makers to determine how to address potential land use conflicts that may arise as new development is proposed within the Plan Area.

B1-6: Refer to Master Response #4 regarding the assumptions for residential development that were used in the Draft EIR. The Draft EIR establishes a maximum envelope of development, which would encompass all individual development projects that would occur in the Plan Area. This maximum development envelope, organized by specific land use types, is found on page 44 of the Draft EIR (see Table III-1). This maximum development envelope (including preexisting development in the Plan Area) includes 51,574 square feet of residential uses (including work/live, live/work, condominium, apartment, and home occupation) in mixed-use settings, in addition to 22 strictly residential units. Thus more than 22 residential units could be developed in the Plan Area, taking into account various types of residential uses that would be permitted under the Draft Specific Plan. The mix of land uses anticipated for the purpose of the environmental review does not preclude other mixes of land uses (including additional residential uses) from being developed in the Plan Area; however, different mixes would need to undergo preliminary analysis to determine whether they would result in impacts that exceed those identified in the Draft EIR. If more substantial impacts (or new impacts) would occur, additional CEQA review of a specific project would be required.

B1-7: This comment, which claims that the Draft EIR fails to provide sufficient information to inform decision-makers about the proposed project, is noted. Detailed responses to the points specified in this comment are provided below.

B1-8: It is expected that ambient noise levels during nighttime hours would be lower than ambient noise levels during daytime hours, even taking into account nighttime Port activities. This conclusion is supported by a noise study conducted by Rosen Goldberg Der and Lewitz and submitted by the commentor as part of Letter B8. The noise standards in the City of Benicia General Plan (which would be used to determine whether an individual development project would be exposed to unacceptable noise levels) are based on time-averaged noise levels, and not on single-event noises, even during the night. Land Use Action 1.1.10 in the Draft Specific Plan would address nuisance issues associated with single-event noises during the night by requiring notification of future owners that Port-related uses occur 24 hours a day, and may result in high noise levels during nighttime hours. Regardless of this provision, nighttime ambient noise levels in the project site are generally lower than daytime ambient noise levels.

As discussed on pages 264 and 265 of the Draft EIR, noise impacts (associated with industrial uses in the vicinity of the Plan Area) on proposed sensitive land uses within the Plan Area would be reduced to less-than-significant levels with implementation of Mitigation Measures NOI-3a and NOI-3b. These mitigation measures require the preparation of a detailed final acoustical analysis to determine building design noise reduction requirements to maintain acceptable interior noise levels, including appropriate noise insulation features in the proposed design. Until proposed building designs have been completed and locations of proposed residential land uses within the Plan Area have been determined, final acoustical analysis cannot be performed, including determination of noise impacts from nighttime operations in the Plan Area. To comply with the mitigation measure, the acoustical analysis must demonstrate how the standard would be achieved. Issues such as the amount of glazing to be used in a proposed structure, final location of the structure, the types of rooms in the façades facing operational noise sources, and their subsequent cumulative effect on exterior-to-interior noise transmission would be addressed during final project design, with implementation of Mitigation Measures NOI-3a and NOI-3b. The reduction in noise achieved by various insulation techniques or ventilation systems would vary, but it would be feasible to achieve the stated interior noise standard (including during nighttime hours) by meeting standard residential building code requirements. Based on the EPA's Protective Noise Levels (EPA 550/9-79-100, November 1978), with a combination of walls, doors, and windows, standard construction for northern California residential buildings would provide more than 25 dBA in exterior to interior noise reduction with windows closed and 15 dBA or more with windows open. As correctly stated in the comment, the City's interior noise level standards for residential land uses is stated in terms of L_{dn} and L_{eq}, both of which are average noise level metrics and not maximum noise level metrics. Therefore, interior noise level standards can still be maintained even if operational noise levels in the Plan Area result in interior maximum noise levels greater than 45 dBA L_{max}.

B1-9: As noted on page 76 of the Draft EIR and page 6-11 of the Draft Specific Plan, Action 1.1.10 states, "Require new development to notify future owners, record a deed restriction, and include in required Covenants, Conditions, and Restrictions that the LAMUSP area is a heavy industrial and manufacturing area with uses such as the nearby water treatment plant and port related uses that operate 24 hours a day and that are dependent on tides and the Strait." This action is not required to reduce impacts associated with potential residential use/Port incompatibilities to a less-than-significant level.

Mitigation Measure LU-1 requires that proposed residential uses be evaluated on a case-by-case basis to determine that they would not be incompatible with industrial uses. Also refer to Master Response #6 concerning potential conflicts between residential and Port uses.

B1-10: The EIR was revised to provide additional detail about past investigation and clean-up activities in the Plan Area., including the FUDS program referenced in the

comment. Refer to Master Response #2 and revised Section IV.E (Appendix A) for additional detail.

B1-11: This comment, which suggests that the Draft EIR inappropriately defers mitigation measures to a later date and recommends mitigations measures that do not adequately reduce the significance of potential impacts, is noted. Refer to Master Response #3.

B1-12: Refer to Master Response #3 concerning the deferral of mitigation measures.

B1-13: Refer to Master Response #3 and Response to Comment B8-4 concerning the deferral of mitigation measures (including as deferral pertains to Mitigation Measures NOI-3a and NOI-3b).

B1-14: Refer to Master Response #5 concerning recirculation of the Draft EIR. None of the comments in Letter B1 require the introduction of significant new information into the Land Use or Noise sections of the Draft EIR such that recirculation of these sections would be required pursuant to *CEQA Guidelines* section 15088.5.

Letter
B2

Law Offices of
DANA DEAN

Dana Dean
Amber Vierling *Of Counsel*
Lindsey Stern *Associate*

835 First Street
Benicia, California 94510
p 707.747-5206 ▪ f 707.747-5209

September 6, 2007

Charlie Knox
Community Development Director
City of Benicia
250 East L Street
Benicia, California 94510

RE: Lower Arsenal Mixed Use Specific Plan
Draft Environmental Impact Report

Dear Charlie:

Please accept this correspondence as confirmation of our recent conversation regarding comments on the DEIR for the Lower Arsenal Mixed Use Specific Plan.

As we discussed, my client, AMPORTS, has commissioned a study to measure and report on noise levels in the plan area. The study is intended to consider and evaluate noises related to the port operations, that I had requested for the EIR in the scoping comments I had previously submitted. As you know, the EIR did not include noise studies of the area during times of significant port activity.

When we spoke, I indicated that because the study is time and tide sensitive, it is not complete. We are hopeful that we will have sufficient data by the end of September and a report to follow shortly thereafter. I appreciate your gracious response wherein you indicated my comments and data will be responded to if they are received during that general time period. While substantial comments on other areas are now forthcoming, my comments regarding noise impacts and the EIR's consideration of such will not be complete until the noise study is. 1

I thank you again for your graciousness. Please feel free to contact me immediately if you feel my understanding is in error or if you need further information.

Best Regards,

Dana Dean

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COMMENTOR B2
Law Offices of Dana Dean
Dana Dean
September 6, 2007

B2-1: The noise study referenced in this comment is addressed in the responses to Letter B8.

Letter
B3

MILLER STARR REGALIA

1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

T 925 935 9400
F 925 933 4126
www.msrlegal.com

September 6, 2007

Wilson F. Wendt
WFW@MSandR.com
925 941 3217

VIA E-MAIL DAMON.GOLUBICS@CI.BENICIA.CA.US AND MAIL

Damon Golubics
Senior Planner
City of Benicia
250 East "L" Street
Benicia, CA 94510

Re: Lower Arsenal Mixed Use Specific Plan Draft Environmental Impact Report

Dear Mr. Golubics:

Our firm represents Mark Hajjar and Kathleen Olson, the owners of property located at 1025 Grant Street in the City of Benicia, in connection with the Lower Arsenal Mixed Use Specific Plan ("LAMUSP") and our clients' related 22-Unit Row House Project concurrently being processed by the City. On behalf of our clients, we reviewed July 2007 Public Review Draft LAMUSP Environmental Impact Report ("DEIR") prepared by LSA Associates, Inc., and are writing to provide comments to supplement those submitted by our clients' by letter dated August 9, 2007, a copy of which is attached hereto. 1

1. **CHAPTER III PROJECT DESCRIPTION**

In the description of the Proposed Project and throughout the document, the DEIR should clarify that the term "residential" has the same meaning as it is defined in the General Plan. The term "Residential" is defined as describing "buildings consisting only of dwelling units." [General Plan p. 204.] The General Plan provides for the following uses within the Lower Arsenal Mixed Use designation:

> This category includes residential, live/work, office, retail, public and quasi public, and limited industrial uses. The purpose of this category is to continue to encourage a mix of compatible uses in areas of the Lower Arsenal; to promote the upgrading of existing buildings, and the preservation and adaptive reuse of historic buildings; and to allow new, compatible buildings to house mixed use. The lower Arsenal Mixed Use category permits a maximum FAR of 2.0.

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[General Plan p. 28.] The General Plan defines "Mixed-use" as "[p]roperties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. **A 'single site' may include contiguous properties**." [General Plan p. 199, emph. Added.] "Residential" is defined in the General Plan as "Land designated in the City of County General Plan and zoning ordinance for buildings consisting only of dwelling units." [General Plan p. 204.] Therefore, "Residential" use is not limited to

certain types of residential use and "live/work" or "work/live" units, which allow residential occupancy and work activity, are separately defined, and where allowed, are separately listed. Consistent with the General Plan, the LAMUSP indicates that the area's "mixed use" designation allows "residential, live/work, office, retail, public, and limited industrial uses." [LAMUSP, p. 1-10.] "Mixed use" is defined as "[m]ultiple functions within the same building or the same general area through superimposition or within the same area through adjacency." [LAMUSP, p. 7-6.]

For purposes of consistency, we request the DEIR be revised to clarify that the term "residential" has the same meaning as the term is used in the General Plan by incorporating the definition of the General Plan and making the following changes to the Project Description:

- DEIR Page 37: The last sentence of the last paragraph, which describes existing conditions should be revised as follows: "Some of the Arsenal buildings have been converted to residential, commercial, ~~and~~ industrial, ~~uses, including~~ and live-work uses ~~studios~~."

- DEIR Page 44: The sixth sentence of the first full paragraph should be revised as follows: "The 215,050 square feet of mixed uses would include a mixture of residential, live/work, office, retail, public and quasi public, and limited industrial uses ~~work/live units, retail and office space and light industrial uses~~."

- DEIR Page 44: Table III-1, Total Uses after Buildout of Specific Plan, footnote "a" should be revised as follows: "Residential occupancy uses in the Adams Street Zone are all work/live; in the Grant Street Zone, they are ~~half~~ work/live and residential ~~and half condo/apartment~~; in the South of Grant Zone they are half work/live and half home-occupation/condo/apartment." **2 cont.**

- DEIR Page 47: The last sentence in the fifth paragraph, which describes the Grant Street Zone should be revised as follows: "Approximately 0.92 acres of open space and 18,975 square feet of new and 13,800 square feet of redeveloped and mixed uses, including residential, live/work, office, retail, public and quasi public, and limited industrial ~~office, commercial, light industrial and work/live~~ uses would be located within this zone after full implementation of the Draft Specific Plan."

- DEIR Page 55: The second sentence of the last paragraph, describing the Grant Street Zone should be revised as follows: "The form-based code standards for this zone are intended to promote a building form that can assist in the continued, diverse combination of residential, live/work, office, retail, public and quasi public, and limited industrial ~~office, retail, light industrial, work/live, artisan and residential~~ uses in the area."

2. **CHAPTER IV SETTING, IMPACTS AND MITIGATION MEASURES** **3**

Letter
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cont.

Land Use and Planning

Mitigation Measure LU-1 establishes the following action to mitigate potential impacts of residential uses on compatibility with existing surrounding industrial uses:

> Action 1.5.3: Allow residential uses, including artist live/work units, where it can be demonstrated that adequate buffers exist, including noise buffers, and that the presence of residents will not significantly constrain industrial operations, including the flow of goods and materials. Proposed residential uses located in areas where industrial uses can be seen or heard shall be evaluated to determine that they would not be incompatible with industrial uses. Site specific evaluation may include acoustical or air quality analysis as determined by the City. New work/live uses shall not be permitted along those portions of Jackson Street that are south of Grant Street and west of Park Street.

[DEIR Page 85.] We assume that since residential uses are expressly allowed in the LAMUSP area, this mitigation measure would only apply if a site specific evaluation undertaken pursuant to mitigation measures relating to other impacts such as noise, air quality, and visual resources indicates that a proposed residential use is incompatible with surrounding industrial uses and unable to be mitigated.

3 cont.

There is no inherent incompatibility between the residential uses allowed under the General Plan and LAMUSP, and existing industrial uses. As accurately stated on page 86 of the DEIR, "[f]rom a land use perspective, mixed industrial, residential, and commercial land uses are not intrinsically incompatible." The LAMUSP specifically contemplates that the Grant Street Zone be developed as "an enclave that can support a mix of uses," and that "residential uses may be more heavily encouraged in a manner that will be less prone to conflicts with neighboring industrial uses." [LAMUSP, p. 2-17.] The intent of the standards for the Grant Street Zone is to "promote a building form that can assist in the continued, diverse combination of office, retail, light industrial, work/live, artisan, and residential uses in the area." [LAMUSP, p. 3.1-29.]

As currently drafted Action 1.5.3 appears to require any proposed development project to demonstrate compatibility before residential use will be allowed. We request that Action 1.5.3 be revised to make clear that it applies only to proposed residential uses located in areas where a site specific evaluation is required **and** where such site specific evaluation demonstrates that a proposed use would exceed established thresholds of criteria and cannot be mitigated, such that they be incompatible with industrial uses.

3. **ADDITIONAL COMMENTS**

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cont.

The following comments summarize those previously provided by our clients by letter dated August 9, 2007:

- DEIR Page 237: Action 1.1.10 summarizes the LAMUSP policies and states, "[a]ll development in the Lower Arsenal Mixed Use Area shall be required to "record a deed restriction and include provision in any required Covenants, Conditions and Restrictions to notify future owners that this is a heavy industrial and manufacturing area..." The term "deed restriction" should be replaced with the word "notice" because there are no restrictions on the property. The industrial uses in the area are either light or limited and, therefore, the word "heavy" should be deleted. **4**

- DEIR Page 258: The third bullet point under Section 3 describes Land Use Actions applicable to noise and Action 1.1.10 states, "[a]ll development in the Lower Arsenal Mixed Use Area shall be required to "record a deed restriction and include provision in any required Covenants, Conditions and Restrictions to notify future owners that this is a heavy industrial and manufacturing area..." For the same reasons stated above, the term "deed restriction" should be replaced with the word "notice" and the word "heavy" should be deleted. **5**

- DEIR Pages 263-264: Beginning with the last two lines on page 263, Impact NOI-3 states that the implementation of the proposed Specific Plan would expose sensitive land uses to significant operational noise impacts. The first sentence of the fourth paragraph on page 264 provides that "[n]oise sensitive residential land uses would be permitted (typically with a use permit) in every zone of the Specific Plan except for a portion of the south Grant Street zone: along Jackson Street west of Polk Street and south of Grant Street." We request that the DEIR be revised to reflect that a use permit is not required for the proposed 22-unit project at 1025 Grant Street. **6**

- DEIR Page 270 and Figures III-6 and III-8: A new site line that is not indicated in the Arsenal Historic Conservation Plan dated November 1993 ("AHCP") is added on Grant St. Paragraph (2) describes key sight lines and identifies a sight line from the Duplex Officers' Quarters to 960 Grant St. This new sight line added in the draft LAMUSP and DEIR is not included in the AHCP, which serves as the basis for identifying view corridors and sight lines. [See generally, AHCP Figures 3 and 6.] Based on the following reasons, the new sight line should be deleted from page 270 of the DEIR, Figure III-6 on page 57, and Figure III-8 on page 59, and should be removed from the LAMUSP: **7**

  (a) Duplex Officers Quarters and 960 Grant St. are not designated buildings under the AHCP;

  (b) This view corridor is not in the Arsenal Historic Conservation Plan;

  (c) Neither building was designed in recognition of the other;

Letter
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cont.

(d) These two buildings never had a visual connection;

(e) These two buildings were built nearly 50 years apart;

(f) The view corridor does not exist due to topography, trees and existing building.(See attached sight line & photos of existing condition); and **7 cont.**

(g) The proposed sight line is not recognized in the AHCP.

(See sight line & photos of existing condition presented to the Planning Commission on August 9, 2007)

- DEIR Page 221: Table IV.G-19 requires as Mitigation Measure TRANS-7, that the project sponsor of an individual development project shall contribute a pro-rata share to the following improvement: "Signalize intersection as it meets Signal Warrant 11, Peak Hour Volumes for the AM peak hour." We request that the DEIR be revised to quantify the pro-rata share or provide the method by which the pro-rata share will be determined. **8**

We appreciate your consideration of these comments and look forward to reviewing the Final Environmental Impact Report and Response to Comments. If you have any questions regarding these comments, or if we can be of any assistance, please do not hesitate to contact me. **9**

Very truly yours,

Wilson F. Wendt

WFW:rsc

cc: Mark Hajjar
Kathleen Olson

COMMENTOR B3
Miller Starr Regalia
Wilson Wendt
September 6, 2007

B3-1: This introductory comment is noted. The attachment of Mark Hajjar's and Kathleen Olson's August 9, 2007 letter in response to the Draft EIR is also noted. This letter is reproduced as Letter B4 in this Response to Comments document and the comments are individually responded to in the same manner as all comment letters that were submitted.

B3-2: The word "residential," as used in the Draft EIR, indicates "premises used primarily for habitation," as defined on page 7-7 of the Draft Specific Plan. Refer to Response to Comment B1-3 regarding the meaning of "studio," as used on page 37 of the Draft EIR, and the definition of "work/live" on pages 47 and 55 of the Draft EIR. The types of residential uses permitted in the various Specific Plan development zones derive from the Draft Specific Plan itself (and amendments to these uses would need to be made by the City). Therefore, the changes to the description of permitted residential uses in the various zones suggested in the comment are otherwise rejected.

B3-3: Because the potential for land use incompatibilities exists throughout the Plan Area, Mitigation Measure LU-1 (which modifies Action 1.5.3 in the Draft Specific Plan) applies to all residential uses proposed in all development zones. The intent of the mitigation measure is to ensure that adequate design strategies are employed to ensure that proposed residential uses are not substantially adversely affected by their close proximity to non-residential uses (and that these same residential uses do not constrain the viability of local industrial uses). The intent is not to prohibit residential uses, with the exception of residential uses in portions of Jackson Street south of Grant Street and west of Park Street.

B3-4: The suggested revision to Action 1.1.10 as it appears in the Draft Specific Plan relates to the merits of the Draft Specific Plan as proposed and not to the adequacy of the Draft EIR. These amendments to the Draft Specific Plan may be considered by the City when it decides whether to approve the Draft Specific Plan.

B3-5: Refer to Response to Comment B3-4.

B3-6: According to Chapter 3 (Form Based Code) of the Draft Specific Plan, Multi-Family Residential Uses (defined as "A residential structure containing two or more dwelling units") proposed for the Grant Street Zone would require a Use Permit.

B3-7: This comment, which pertains to the merits of the Draft Specific Plan and not the adequacy of the Draft EIR, is noted. The Draft EIR evaluates the Draft Specific Plan as proposed, which establishes eight new site lines, including the site line between the Duplex Officers' Quarters and 960 Grant Street. As stated on page 3.1-5 of the Draft Specific Plan, "these regulations seek to ensure the preservation of views between historic buildings and to promote visual connectivity and access between the upper and lower portions of the project area." The Draft Specific Plan is in no way prohibited from establishing new site lines beyond those depicted in the Arsenal Historic Conservation Plan, which more generally seeks to preserve essential relationships between historic buildings, landscape features, and the natural environment. However, the City may consider removal of the sight line, as requested in the comment, when it makes a decision about whether to approve the Draft Specific Plan.

B3-8: The method for determining the pro rata share of specific development projects will be identified in the Mitigation Monitoring and Reporting Program (MMRP) prepared prior to certification of the EIR.

B3-9: This concluding comment is noted. No further response is required.

Letter
B4

MARK HAJJAR ARCHITECT
mark-itect, inc.

August 9, 2007

To: City of Benicia Planning Commission

Re: Draft Environmental Impact Report for the Lower Arsenal Specific Plan

To All Commissioners and Board Members,

Kathleen Olson and I are the property owners of the 1025 Grant Street property. We are in process with the City for Plan approval of our 22 unit Row House project at 1025 Grant Street. We have reviewed the DEIR and find it to be a very comprehensive document. We would like to thank the City Planning Department and it's consultants for their commitment to creating such a comprehensive document. We believe that this EIR provides the community with the direction it needs to create a viable future for the Arsenal. We thank you, the Planning Commission and the City Council for setting us on this path and hope you will approve this document. 1

In our review of the document we would request that the DEIR be revised to address the following.

ITEM A

Section IV:

H. Air Quality:

1. Setting

c. Air Quality Issues

(3) City of Benicia Lower Arsenal Mixed Use Specific Policies

• *ACTION 1.1.10* (see page 237) 2

Ref. "All development in the Lower Arsenal Use Specific Plan shall be required to record a deed *restriction* and include provisions in any required Covenants, and Restrictions to notify future owners that this is a *heavy* industrial and manufacturing area with uses such as the nearby waste treatment plant and port related uses that operate 24 hours a day and that are uses dependent on tide and Strait."

836 B-Southampton Road #352 • Benicia, CA 94510
Off: 707 • 751 • 1869 • Cell: 925 • 683 • 7645 • email: markhajjar@sbcglobal.net

Letter
B4
cont.

We request that you make the following changes:

1. Remove the word *restriction* and replace it with the word *notice* since there is no restriction on the property but rather a notice of conditions in the area which the owner need to be apprised of.
2. Remove the word *heavy* since there is no heavy industry located in the lower arsenal.

We believe that these changes will provide a more realistic description of the conditions, which the notice is intended to address. **2 cont.**

ITEM B

Section IV

I. Noise

3. Draft Specific Plan

• *Land Use Action 1.1.1:* (see page 258)

Ref. "All development in the Lower Arsenal Use Specific Plan shall be required to record a deed *restriction* and include provisions in any required *Covenants*, Conditions and Restrictions to notify future owners that *heavy* industrial and manufacturing area with uses such as the nearby waste treatment plant and port related uses that operate 24 hours a day and that are uses dependent on tide and Strait."

We request that you make the following changes: **3**

1. Remove the word *restriction* and replace it with the word *notice* since there is no restriction on the property but rather a notice of conditions in the area which the owner need to be apprised of.
2. Remove the word *Covenants* to be consistent.
3. Remove the word *heavy* since there is no heavy industry located in the lower arsenal.

ITEM C

Section IV

I. Noise

4. Impacts and Mitigation Measures

c. Significant Noise Impacts

(2) Operational Period Impacts. **4**

Impact NOI-3 Implementation of the proposed Specific Plan would expose sensitive land uses to significant operational noise impacts. (S) (See page 263, paragraph four)

836 B-Southampton Road #352 • Benicia, CA 94510
Off: 707 • 751 • 1869 • Cell: 925 • 683 • 7645 • email: markhajjar@sbcglobal.net

Ref. "Noise sensitive residential land uses would be permitted *(typically with use permits)* in every zone of the Specific Plan except for a portion of the south portion of Grant Street:"

We request that you make the following changes:

1. Identify in the DEIR that there is not a requirement of a "use permit" for the 22 unit single-family residential project at 1025 Grant Street since the Specific Plan in the Grant Street Zone requires none.
2. We have noted in appendix D that the noise study on Grant Street used a vehicle speed of 35 mph. The current speed limit is 30 mph and given the perpendicular parking, curving narrow street and number of intersecting driveways it should be 25 mph. Therefore we request that the Grant street portion of the roadway noise analysis be recalculated using 25 mph.

4 cont.

ITEM D

Section IV

J. Visual Resources

1. Setting

b. Views and View sheds in the Project Site

(1) View Corridors & (2) Sight Lines. As covered on page 270 & Figure III-6 & Figure III-8 after page 56

Ref. The reference is to the "New Sight Line" from the Duplex Officers' Quarters on Jefferson Ct to the office/deli building on Grant street as shown on Figure III-6 & Figure III-8 of the Specific plan and again in the DEIR.
• (See attached plan & photos of proposed New Sight Line)

We request that you make the following changes:

That this "New Site Line" be removed form the Specific Plan and therefore from the DEIR for the following reasons:

1. This view corridor is not in the Arsenal Historic Conservation Plan.
2. Neither building was designed in recognition of the other.
3. These two buildings never had a visual connection.
4. These two buildings were built nearly 50 years apart.
5. The view corridor does not exist due to topography, trees and existing building.
   (See attached sight line & photos of existing condition)

5

836 B-Southampton Road #352 • Benicia, CA 94510
Off: 707 • 751 • 1869 • Cell: 925 • 683 • 7645 • email: markhajjar@sbcglobal.net

Letter
B4
cont.

6. The Specific Plan created this site line to reinforce the author's concepts of relocating Cleveland Street to a new location between Jefferson and Adams Streets as a support for their proposed creation of a public plaza on the Bachelor Officer's Quarters parking lot. The creation of this "New Sight Line" depends on too many unrealistic changes such as:
   (a) The implementation of a new road from Jefferson Ct. to Adams Street requires a massive amount of grading.
   (b) Removal of trees in the sloped open space between Jefferson Ct. and Adams St.
   (c) Demolition of the commercial building housing Simpken's Auto/Body shop.
   (d) The conversion of the private property parking lot belonging to the B.O.Q. property to a public space which requires a taking.
7. The benefit for the creation of such a view corridor is negligible. The cost for the creation of this unneeded view corridor is large and unduly placed upon both public and private entities.

5 cont.

ITEM E

Section IV

G. Transportation and Circulation

1. Setting

Table IV.G-19: Cumulative Plus Project Conditions Intersection Impacts and Mitigations Measures. PAGE #221

Ref. It stated in this table as well as and in other locations in the DEIR, which these improvements and other mitigations shall be paid for as a pro-rata share of each individual development project.

We request that the DEIR define the "Pro-Rata Contribution" for suggested projects and how that is to be determined, i.e. the Grant St. Project.

6

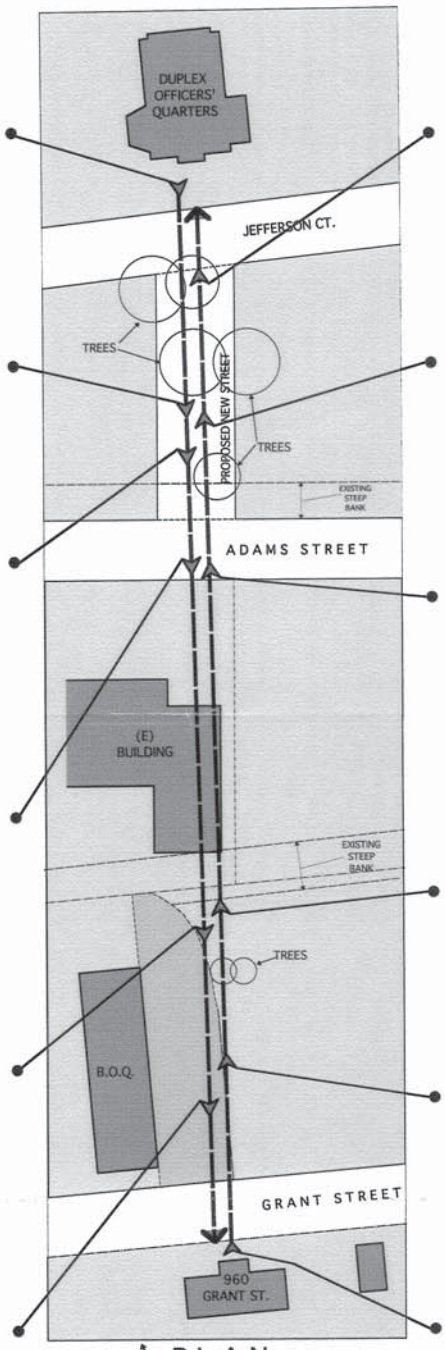
Thank you for your consideration.

Mark Hajjar & Kathleen Olson

836 B-Southampton Road #352 • Benicia, CA 94510
Off: 707 • 751 • 1869 • Cell: 925 • 683 • 7645 • email: markhajjar@sbcglobal.net

Letter
B4
Attach

LOOKING SOUTH



N PLAN
NOT TO SCALE

This is the protion of the site plan shown in FIGUREs III-6 & 7 of the DEIR showing the "New Site Line" proposed in the Specific Plan between the officers' Quarters and 960 Grant St. 8/9/07

LOOKING NORTH

COMMENTOR B4
Mark Hajjar Architect
Mark Hajjar and Kathleen Olson
August 9, 2007

B4-1: This introductory comment is noted. No further response is required.

B4-2: Refer to Response to Comment B3-4.

B4-3: Refer to Response to Comment B3-4.

B4-4: Refer to Response to Comment B3-6.

The modeled vehicle speed for the Grant Street roadway segment of 35 miles per hour considers the roadway design speed and not the posted speed. This analysis provides a protective prediction of future traffic noise levels along this and other modeled roadway segments; the intention of this analysis is to ensure that occupants of the Plan Area are not exposed to unacceptable noise levels associated with vehicle traffic.

B4-5: This comment, which pertains to the merits and feasibility of a component of the proposed project and not the adequacy of the Draft EIR, is noted. Refer to response to comment B3-7.

B4-6: Refer to Response to Comment B3-8 for an explanation of how a project's pro-rata fair share towards intersection improvements is calculated.

Letter
B5

Katherine Austin, AIA, Architect, Licence C22389
524 South Main Street, Sebastopol, CA 95472
707-829-8257 Fax 707-823-8509
katherineaustin@comcast.net www.austinaia.com

August 1, 2007

Chair Railsback and Planning Commissioners
Of the City of Benicia

Re: Public Review Draft, Lower Arsenal Mixed Use Specific Plan
Environmental Impact Report by LSA, July 2007
Comments Regarding the Adequacy of the Senior Housing Alternative Review

Dear Chair Railsback and Commissioners:

On behalf of my client, Solano Affordable Housing Foundation, I have reviewed this Draft EIR and note some deficiencies with regard to the review of our proposal for Senior Housing on this site. It is our intention to provide the consultant, LSA, with additional information so that they have a more complete picture with which to review our proposal. We believe that after that review it is likely that LSA will revise most of their conclusions stated in section V. Alternatives, D. Senior Housing Alternative on pages 341-346.

The purpose of this letter is to inform you of the areas in which we feel there are deficiencies and what exhibits we propose to provide. It was not feasible to assemble all the documents in the short time between when the Draft EIR was made available and the time your packets are to be assembled for the August 9th Planning Commission Hearing. Therefore, in order for you to understand our concerns, we felt it was necessary to brief you in this way. We will be providing all documentation to LSA before the deadline of September 9th 2007. Our comments below are organized as printed in the Draft EIR. **1**

Summary of Issues Concerning Section V. Alternatives
D. Senior Housing Alternative

1. **Principal Characteristics –** We agree with the majority of the verbiage in this section, however, the characterization of the senior residential building as "residential style" is an assumption on LSA's part without the benefit of any plans or elevations. We propose to provide scaled schematic elevations of both the Senior Building and the Town Houses for the consultant to review. We intend to design the Senior Building in keeping with the larger historic structures in the Lower Arsenal such as the Bachelor Officer's Quarters. It is not our intention that this building appear out of character with the site, nor overly "residential." **2**
2. **Analysis of Senior Housing Alternative**
   a. **Land Use and Planning Policy –** We agree with the consultant that the senior housing will not result in an incompatible land use. We do take issue with the assumption that the design would require the removal of trees from the open space and compromise the character of the area. We will be providing the existing arborist report with new scale tree plans that show the trees we propose to retain and those we propose to remove. We will be preparing a **3**

Letter
B5
cont.

similar scale tree plan for the Specific Plan. We believe that the Specific Plan proposes a greater impact both in removal of trees and prominence on the ridge. We will prepare a scale cross section of the site showing the relative heights and mass of our proposed town houses and the Specific Plan buildings for comparison. Note that the Specific Plan calls for 185,000 SF of development where we propose only 106,000 SF, which is considerably less. **3 cont.**

b. **Population, Employment and Housing –** We agree that our alternative will substantially increase the City's supply of affordable housing, which would benefit Benicia. We will provide LSA with the portion of the Housing Element of the General Plan that identifies the Lower Arsenal as one of the only large areas available in the city for affordable housing. We will also provide some additional information on the numbers of seniors that can be expected to live in the affordable building on the site. It will be considerably less than the 2.6 persons per unit as stated in this section. **4**

c. **Biological Resources –** We take extreme exception to the assumptions made in this section. In fact we feel confident that our proposal is far more sensitive to the trees and existing topography of the site than the Specific Plan. The tree report and diagrams that we will provide should put this issue to rest. Our design from the beginning took into account the protection of the Cork Oak Grove in the southeastern portion of Jefferson Ridge. That grove is a beautiful amenity and all care will be taken to preserve it. **5**

d. **Transportation and Circulation –**We will provide information on typical traffic generation from a Seniors Only development. We believe that no additional streets are necessary connecting Jefferson Street and Adams Street. The Specific Plan proposes to close and fill the existing street and replace it with three new streets that will cause extremely significant grading and filling of the site as well as tree removal. Additionally, information will be provided on the services provided to seniors in the Senior Building which will reduce dependence on cars, and car ownership which is significantly less than in family housing. **6**

e. **Visual Resources –** We agree that our proposal will preserve the scenic viewsheds. This was a very important part of our design. We take very strong exception to the characterization that our proposal will result in a significant adverse effect on the visual character of the site.

   i. The distribution of the town houses is characterized as not following the formal existing organization of the historic buildings in Jefferson Ridge. It should be pointed out that this organization is an exception to the rule of most army posts around the nation. It is the peculiar fate of Benicia Arsenal that led to the abandonment of additional building on the ridge. Having grown up in army officer's quarters my entire childhood, I can personally attest to this. The building designs in the Specific Plan for the ridge look nothing like any building found in officer's section on any historic post I have ever seen. One only need go to the Presidio or Angel Island to see this locally. Our design will provide a respectful presence in scale with more typical officer housing and relate to the height and massing of the existing buildings. **7**

The elevations we provide of the proposed town homes will demonstrate this. 7 cont.

ii. LSA states that our alternative will require removal of trees in the southeastern portion of the ridge. This is simply not true. The tree plan we provide should show just the opposite. 8

iii. Similarly they state that the town houses would encroach on the historic heritage oaks. Again, not true. 9

iv. LSA states that we will be requiring extensive grading for the building footprints and driveways south of Jefferson Street. Just the opposite is true. The buildings and driveway are designed to follow the existing natural grade and work with it not against it. We will prepare a grading analysis done by our Civil Engineer and compare it with the proposed Specific Plan which requires extensive grading for new roads, fill for the existing road and extensive foundation work for the building on the northern side of the site. Once this has been done, it should be clear that our plan proposes far less grading and fill than the Specific Plan. 10

f. Cultural and Paleontological Resources – With the grading analysis, site sections, tree plans and elevations we will provide, it should be clear that our proposal is significantly less of an impact on Jefferson Ridge in comparison to the Specific Plan.

i. We cannot understand the characterization of "suburban-style" configuration to the townhouse buildings. The documents we provide will clarify our design and demonstrate our intention to respect the historical character of the site. 11

ii. The location of the senior building may partially obscure the far wing of the Commanding Officer's Quarters from the west; however, its placement will remain completely on the flat portion of the ridge and minimize any grading or fill. The position of the Specific Plan building is actually situated off the cliff in the rear and over 30' in the air. Either an enormous foundation or immense fill will be necessary to make sitting a building in that location a reality. Anyone walking in the square will have a complete and full view of the CO' Quarters in our proposal. The road shown in the Specific Plan accessing the lower northern portion of the site from the "parade ground" cannot physically be built as shown because of the change in grade. 12

iii. The issue of grading should be clear by the documents we provide. By working with the grade instead of against it, we will be minimizing our impacts significantly. 13

iv. We have no intention of removing historic trees from the southeastern portion of the ridge. The tree maps should clarify this issue. 14

g. Sustainability and Energy – The documents we present will clearly demonstrate and quantify the fact that we will be **more** sensitive towards protected trees, visual resources and historic resources than the Specific Plan. In addition, it is our intention to utilize the "Build it Green" program for both the town houses and the senior building. We will provide LSA with sample check lists of the Green Building components we will be integrating into the 15

design. This will show not only our environmentally sensitive approach to the site but the energy savings will be quantified as well. As a side note, I have lectured around the country on Green Affordable Housing and will be speaking at this year's *West Coast Green* held in San Francisco on this very subject. It is a subject in which I am well versed and will be happy to share that knowledge with the Commission at any time. **15 cont.**

In conclusion – We believe that once we provide LSA with our documentation, they will no doubt revise their analysis of our proposal. It is our hope, that they will find our proposal to be the most environmentally sustainable and esthetically appropriate of any of the project alternatives. **16**

List of Proposed Documents to be Provided to LSA **17**

1. Scaled schematic elevations of Town Houses and Senior Building
2. Existing Arborist report with new scaled tree plan showing trees proposed to remain and trees proposed to be removed
3. Scale tree plan as above for the site plan in the Specific Plan
4. Scale cross section of the site showing the relative heights and mass of our proposed buildings and the Specific Plan buildings for comparison
5. Housing Element section relating to Affordable Housing and the Lower Arsenal
6. Information on the numbers of seniors that can be expected to live in the Senior Building and their typical car ownership.
7. Information on typical traffic generation from a Seniors Only development
8. Services typically provided on site to seniors by Solano Affordable Housing Foundation
9. Grading analysis done by our Civil Engineer comparing our proposal with the Specific Plan
10. Sample check lists of the Green Building components we propose to integrate into our design.

Respectfully Submitted by:

Katherine Austin, AIA
Project Architect
For
Solano Affordable Housing Foundation

Letter
B5
Attach.

September 5, 2007

RECEIVED
SEP - 6 2007
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Katherine Austin, AIA, Architect, Licence C22389
524 South Main Street, Sebastopol, CA 95472
707-829-8257 Fax 707-823-8509
katherineaustin@comcast.net www.austinaia.com

Charlie Knox
Community Development Director
City of Benicia

Re: Public Review Draft, Lower Arsenal Mixed Use Specific Plan
Environmental Impact Report by LSA, July 2007

Comments Regarding the Adequacy of the Senior Housing Alternative Review And Additional Information Provided for Further Review

Dear Mr. Knox:

Thank you for giving us this opportunity to provide additional information to LSA Associates, Inc. for their further review of our proposed Senior Housing Alternative in the EIR for the *Lower Arsenal Mixed Use Specific Plan.* On behalf of my client, Solano Affordable Housing Foundation, I reviewed the Draft EIR and noted areas where we believed LSA lacked sufficient information to form an accurate assessment. In the interim we have prepared a number of documents that address this lack of information. We believe that after further review it is likely that LSA will revise most of their conclusions stated in section V. Alternatives, D. Senior Housing Alternative on pages 341-346.

On August 1, 2007 we provided a letter for consideration by the Planning Commission that stated our concerns and information we proposed to provide. Our response today closely follows that previous letter. Each one of the sections of the EIR that we identified in our previous letter is included in its own section with our response and supporting documentation. We hope that this format allows for the easiest review of the information. If you or the consultant has any questions, we invite you to contact us. I can be reached by phone (707) 829-8257 or email at katherineaustin@comcast.net and my client Dennis McCray can be reached by phone at (707) 422-5919 or by email at dam@surewest.net .

Sincerely,

Katherine Austin, AIA
Project Architect

Cc: Dennis McCray, SAHF

Section V. Alternatives
D. Senior Housing Alternative (Page 341 of the Draft EIR)

1. **Principal Characteristics** – We agree with the majority of the verbiage in this section, however, the characterization of the senior residential building as "residential style" is an assumption without the benefit any information from SAHF. Our intention from the beginning was to design the Senior Building in keeping with the larger historic structures in the Lower Arsenal such as the Bachelor Officer's Quarters. It is not our intention that this building appear out of character with the site, nor overly "residential." In order to help explain the kind of architecture we propose we have attached the following four pages. These images were taken from *Live Search* which provides aerial photographs from around the world. These images are all taken from the Presidio in San Francisco. The Presidio has been chosen because of its wealth of building types and similar architecture to the Lower Arsenal as well as its close proximity to Benicia.

    1. Images of a building in the Presidio that closely resembles the look we want to design for the 50 unit Senior Apartment Building

    2. An image of residential units that is very similar to the groups of three and four town houses we propose to design.

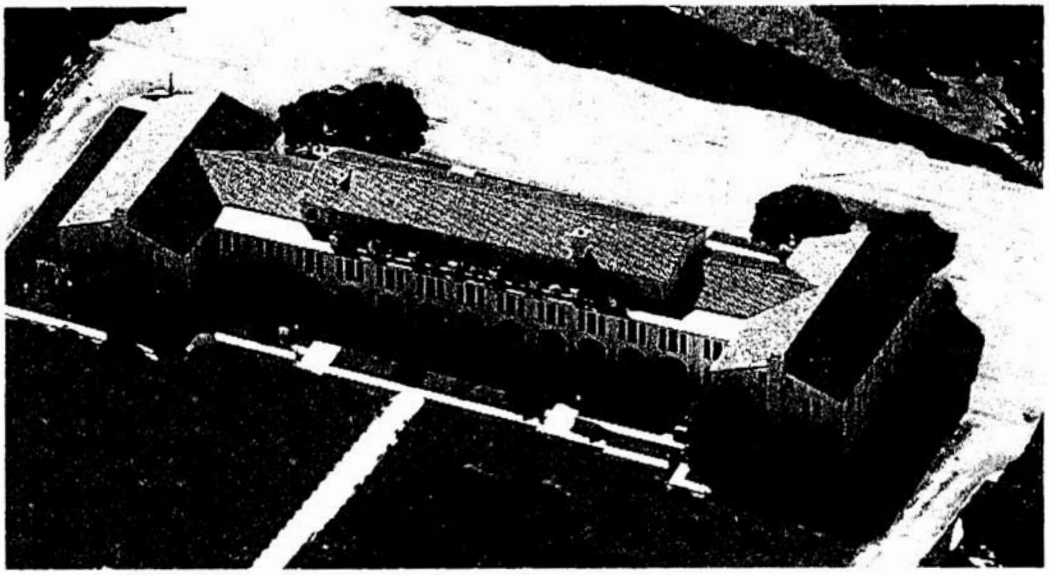
    3. Officer's housing at the Presidio that shows sloped driveways to garages located under the homes. This is very similar to our approach to working with the slope of the site.

    4. An image of a grouping of officers quarters showing the mix of brick and stucco, and duplex with single family homes. Note the stairs leading up to the homes on the hill and the fairly tight cluster of homes. This is very typical of officer housing in Army Posts across the nation.

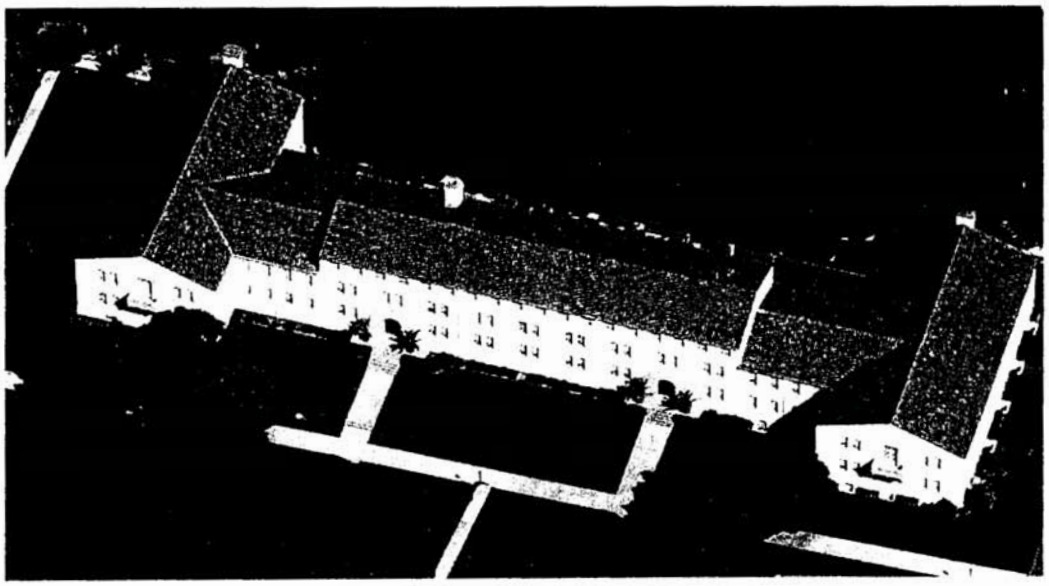
Letter
B5
Attach.

Conceptual Images of the Proposed Senior Housing for
Jefferson Ridge
Inspired by the Presidio, San Francisco, CA
Solano Affordable Housing Foundation

Below are images taken from aerial photographs of the Presidio in San Francisco. This building is our inspiration for the 50 unit Senior Apartment Building. The upper photo is similar to the front which would face the park to the south. There will be shaded open walkways and balconies on the limited third floor.



The lower photo is the reverse side, which would face the parking lot to the north. It is anticipated that most of the residents will enjoy the open park in front of the building as their outdoor space.



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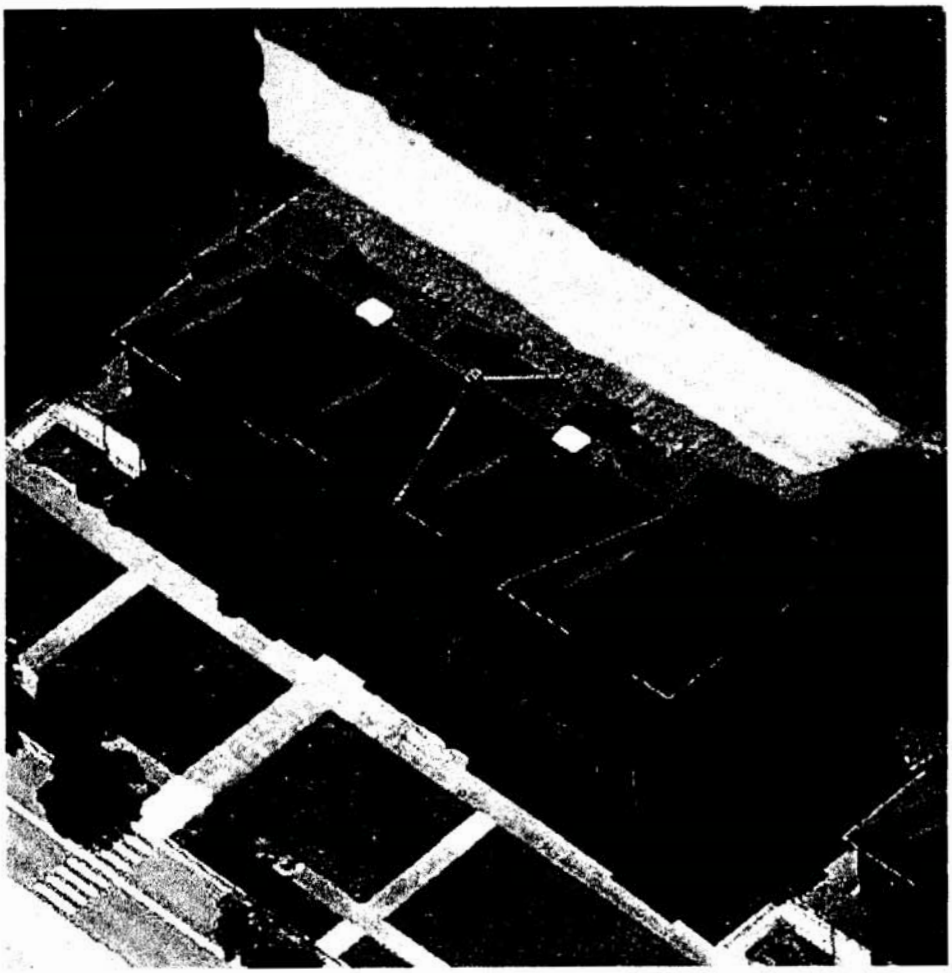
Attach.

Conceptual Images of the Proposed Senior Housing for
Jefferson Ridge
Inspired by the Presidio, San Francisco, CA
Solano Affordable Housing Foundation

The image below is also taken from an aerial photograph of the Presidio. This image is similar to our proposed town houses. Each unit would have a front porch and articulated roofs and detailing similar to the design guidelines in the Form Based Code prepared by Opticos for the City of Benicia.

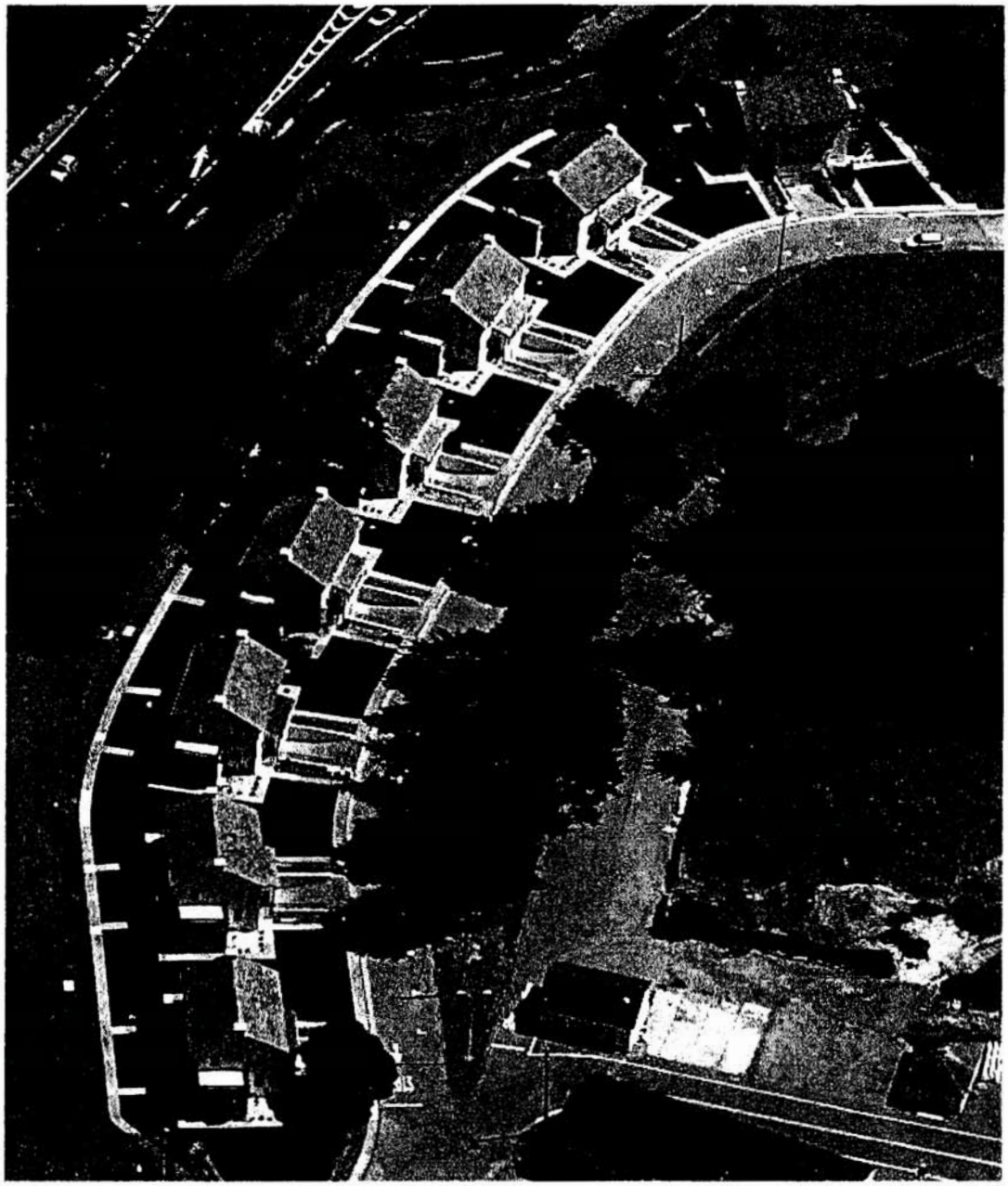


We intend to design formal looking homes similar to the officer' quarters at the Presidio. However, we will take car not to create exact copies. We have chosen the Presidio for inspiration because of its extensive collection of building types and it's proximity to Benicia. The architectural style is of the same period and climate type as the Arsenal in Benicia. We do not intend to design homes that have a suburban feel. We want to emulate the best of military architecture.

Letter
B5
Attach.

Conceptual Images of the Proposed Senior Housing for
Jefferson Ridge
Inspired by the Presidio, San Francisco, CA
Solano Affordable Housing Foundation

It is interesting to note that in the Presidio there are homes that have parking located underneath, in much the same way as we have proposed. The units below are duplexes and are in white stucco. Homes at the Presidio are both stucco and brick with red roofs. We propose a similar mix of materials and colors.



Conceptual Images of the Proposed Senior Housing
Jefferson Ridge
Solano Affordable Housing Foundation

The senior officer's quarters have a mix of not only stucco and brick homes side by side but a mix of duplexes and single family homes next to each other in a fairly tight pattern. This is typical of Army Posts across the country. A similar pattern can be seen for instance in Ft. Leavenworth, KS, Fort Belvoire, VA and Fort Benning, GA. I have lived in officers quarters in all three of these Army Posts and can personally attest to this.

It was most common to have detached garages located in the rear of homes and no private outdoor fenced spaces. In order to minimize our impact on the site, we have chosen to locate parking underneath the homes, which also takes advantage of the natural slope of the site. Only at a couple of the buildings do we propose to have surface parking. We are not proposing any fenced yards in keeping with the military post look. By clustering our town houses in groups of three and four, we also reduce the overall footprint of the units.

While most Army Posts have dense residential areas separated by expanses of open space, Benicia was unique in that only a few homes were ever built on Jefferson Ridge. The historical documents mention that the need for the Post began to diminish before it was fully built. In addition, with so many munitions stored close by, it's understandable for safety reasons that no more homes were built. However, it should be recognized that this was not the norm.

Section V. Alternatives
D. Senior Housing Alternative (Page 342 of the Draft EIR)

2. Analysis of Senior Housing Alternative

There are many statements in this section with which we disagree. In response we have prepared a significant number of documents for review. I will first list the comments with which we disagree and then respond in bold or refer to the documents we are including that contradict these assumptions.

a. **Land Use and Planning Policy –** We agree with the consultant that the senior housing will not result in an incompatible land use and that the Senior housing and town house uses would be generally compatible with the existing uses on Jefferson Ridge. We take issue with the following comments:

1. *"The senior residential uses would not be well served by existing services: most trips – to a grocery store or medical services – would require a bus or car ride, at least in the near-term."* We do agree that this would not result in significant impact.
    1. **Several services are located within a half mile which is a reasonable walking distance for many seniors. These include: Hair Care, Public Park. Commercial Offices, Places of Worship and a Convenience store.**
    2. **Van transportation will be made available by SAHF for the Apartment Building weekly for shopping trips, cultural events and other communal outings.**
    3. **Arts, crafts and educational activities will be provided on site.**
2. *"The placement of the five town house buildings would be placed conspicuously on Jefferson Ridge and would likely detract from the character of existing open space. The alternative would require the removal of trees from the open space and would compromise the land use character of the site."*
    1. **The architecture we propose will complement the military history of the site. The buildings will be placed to honor the open space between the Existing Buildings and view corridors.**
    2. **We propose to remove far fewer trees than the Specific Plan, refer to the attached Arborist Report and Tree Maps.**

b. **Population, Employment and Housing –** We agree that our alternative will substantially increase the City's supply of affordable housing, which would benefit Benicia. We disagree on the typical household size of 2.6 persons. We do agree that the impacts would not be considered significant.

1. **The EIR did not mention the following important portion of the approved City of Benicia 1999-1006 Housing Element: *policies 1.01, program 1.02 (page 7) and policy 1.02 (page 10) make reference to maintaining an adequate supply of land available to meet housing needs. Appendix F. Vacant Land Inventory includes this site on page F-3, site map, number 29, as a site meeting the goals of policies 1.01 and 2.02.***

2. **Many residents of Benicia are or in several years will be senior citizens, yet there are few residential alternatives within the city to provide for their needs. Seniors choosing to forego the burdens of owning a home have few options to stay in the community, to be close to friends, to shop at their local stores and go to their community churches. It is important for the City to consider living options for all residents, especially those who require senior care and services.**
3. **The American Association of Homes and Services for the Aging, 2519 Connecticut Ave., NW, Washington, D.C. 20008 states:**

    a. **By 2026, the population of Americans ages 65 and older will double to 71.5 million.**
    b. **Between 2007 and 2015, the number of Americans ages 85 and older is expected to increase by 40 percent.**
    c. **For each Section 202 affordable senior housing unit that is available, there are ten eligible seniors on waiting lists for it. The average time an eligible senior is on the waiting list is 13.4 months.**

c. **Biological Resources** – We take extreme exception to the following statement: *"However, compared to the proposed project, the alternative would have more widespread impact on the grove of trees in the southeastern portion of Jefferson Ridge (and would result in more vegetation removal overall)."*

In fact we feel confident that our proposal is far more sensitive to the trees and existing topography of the site than the Specific Plan. See the Grading Plans and Tree Maps and Building Sections.

d. **Transportation and Circulation** –We agree that our alternative would be expected to result in fewer vehicle trips than the proposed project. *We question the assumption that the "Senior Housing alternative would result in significant congestion impacts." "The alternative would also not increase connectivity between Jefferson Street and Adams Street, as would the proposed project."*

- **Typically senior living generates one quarter of the trips than that of standard multi family residential units and substantially less than other uses permitted in the Specific Plan. Most of the trips senior living generates are at off-peak hours.**
- **The Senior Apartments are limited to 2 individuals maximum per unit and typically an average is 1.5 for a total of 70 individuals in the 50 units.**
- **We also question the need for additional vehicle connections between Jefferson and Adams Streets. See the Grading Plans for the impact this additional connectivity will cause.**

e. **Visual Resources** – We agree that our proposal will preserve the scenic view sheds. This was a very important part of our design. We take very strong exception to the characterization that our proposal will result in a significant adverse effect on the visual character of the site. We disagree with all of the comments in this section and have documentation that answers each one.

- *"The distribution of town house buildings along the ridge does not reflect the formal organization of the existing historic buildings in Jefferson Ridge;*
  Please see Page 6 for a discussion on the unusual organization for an Army Post that the Arsenal represents. Also, please see the cross sections. The Specific Plan proposes much more massive buildings.
- *The alternative would require the removal of trees in the southeastern portion of the ridge, some of which are likely heritage trees and are important components of the Lower Arsenal's history;*
  Not true, see the Tree Maps.
- *Townhouses would encroach on the historic heritage oaks; and*
  Not true, see the Tree Maps
- *The alternative would require extensive grading for building footprints and driveways south of Jefferson Street.*
  The Specific Plan requires at least 50% MORE earth moving than the Senior Housing proposal. See Grading Studies.

"Compared to the proposed project, the Senior Housing alternative would be substantially less protective of visual resources on the site."

All of the documents show this is incorrect and that the Senior Housing alternative would be substantially MORE protective of the visual resources on the site.

f. Cultural and Paleontological Resources –

1. We cannot understand the characterization of "suburban-style" configuration to the townhouse buildings.
   The photographs provided in section 1. Principle Characteristics, should clarify that we are NOT proposing any architecture that could be characterized as "suburban-style."
2. *"The location of the seniors apartment building, which would partially obscure views of the Commanding Officer's Quarters from the west:"*
   This comment is really ignores the real world of perspective. The Commanding Officer's Quarters will be visible from almost all of the park area in front of the Senior Apartments. The location of the Apartments requires much less fill on the north part of the site and therefore less impact than the proposed Specific Plan. See the Grading Studies.
3. *"The need for substantial Grading which would result in significant changes to the topography of Jefferson Ridge;*
   The grading studies will clearly show that the Specific Plan results in at least 50% increase in soil disturbance than our proposal.
4. *"And the removal of historic trees from the southeastern portion of the ridge. This impact would be significant and adverse. Compared to the proposed project, the senior housing alternative would be substantially less protective of historic resources on the site".*
   Just the opposite is true and our tree location maps and grading studies will show this clearly.

g. Sustainability and Energy – *"Because the Senior Housing alternative would be less sensitive toward protected trees, visual resources, and historic*

resources, it would not meet as many sustainability principles as the proposed project."

After reviewing the documents we are attaching, it will be very clear that this statement is completely incorrect. We are protecting a significantly greater number of trees, retaining the visual resources and enhancing the historic resources. Additionally we have proposed to include historic interpretive kiosks at key view corridors of our plan to inform visitors of the history of the Arsenal.

It is our intention to utilize the "Build it Green" program for both the town houses and the senior building. Attached are sample check lists that show our intention to build in a sustainable manner.

Note that the Specific Plan calls for 185,000 SF of development and the Senior Housing Alternative proposes only 106,000 SF, which is considerably less.

THE FOLLOWING ITEMS ARE INCLUDED FOR YOUR REVIEW.

1. **Color aerial photographs of Presidio Buildings -** that are the type of building we propose for both the Senior Apartments and Town Houses.
2. **Tree Report -** That was prepared by HORTSCIENCE Inc. for Pacific Bay Homes, LLC in January of 2001. This report noted all the trees on the subject property and their health. A site plan was prepared locating all the trees and their canopies. The notes on development impacts are no longer valid as this was prepared for a previous proposal for a subdivision. However, the tree location and type information is still valid.
3. **Tree Plan Overlays** - In order to compare the impact of the two projects on the trees, we have overlaid our plan and the Specific Plan onto the maps prepared by HORTSCIENCE. Note: In order to obtain an overlay of the Specific Plan, the plan was enlarged from the printed version available in pdf form from the City of Benicia website. There is one fixed dimension available on that plan, the distance between two existing homes on the site. That distance was available to us from a previous topographic map. This allowed us to enlarge the Specific Plan to scale.
4. **Table of Saved Trees** – This table will show that the Senior Housing Alternative saves significantly more trees than the Specific Plan.
5. **Site Plan Overlays** – For both the Specific Plan and Senior Housing Alternative
6. **Site Cross Sections** – For both the Specific Plan and Senior Housing Alternative. Cross Sections for the Specific Plan are based on sections provided in the Draft Form Based Code dated 12-22-06, Chapter 3.1. (Figures 1-9,1-12,1-13,1-15)
7. **Executive Summary** letter and **Memo of Observations** on the Specific Plan by Hugh J. Miles, P.E. Project Manager at Creegan and D'Angelo, Infrastructure Engineers. These documents refer to the Grading Analysis done by EARTHCALC Inc.
8. **Grading Reports** on both the Specific Plan and Senior Housing Alternative prepared by EARTHCALC Inc. that show the gross earth moving estimates for each design.
9. **Build it Green, Green Points Checklists** – these are the forms that are filled out to participate in this well respected local Green Building program

Letter
B5
Attach.

In conclusion – We believe that once LSA Associates, Inc. reviews the enclosed documents we feel certain that they will revise their analysis of our proposal. It is our firm belief that our Senior Housing Alternative has been designed in a significantly more sustainable and site sensitive way than the Specific Plan. We hope, that LSA will find our proposal to be the most environmentally sustainable and esthetically appropriate of any of the project alternatives.

Respectfully Submitted by:

Katherine Austin, AIA
Project Architect
For
Solano Affordable Housing Foundation

COMMENTOR B5
Solano Affordable Housing Foundation
Katherine Austin, Project Architect
August 1, 2007

B5-1: This introductory comment is noted. Additional information on the Solano Affordable Housing Foundation project (analyzed as the Senior Housing alternative in the Draft EIR) was submitted to the City on September 5, 2007 and is available for review at the Community Development Department. It should also be noted that the alternatives analysis in the Draft EIR evaluates project alternatives at a "program" level (similar to the level of detail of the Specific Plan analysis). The alternatives analysis does not comprise adequate project-specific review for individual development projects. Therefore, if proposed for the Plan Area, the Senior Housing project referenced in the comment would be required to undergo additional CEQA review, similar to other future development proposals in the Plan Area. At that time, the environmental impacts associated with building design, grading, and tree removal would be more fully evaluated.

B5-2: This comment, which contends that the Senior Housing alternative would not be built in a "residential style," is noted. The schematics of the Presidio buildings included in the attachment to Letter B5 represent the project sponsor's design model for development of senior housing in the Lower Arsenal. While perhaps typical of military style housing in general, the proposed schematics submitted by the project sponsor are not consistent in organization, style, or character with the existing residences present on the Jefferson Ridge, which are unique to the Lower Arsenal. The proposed 50-unit apartment complex and 30 townhomes would differ from the architectural style and character present in existing residences within the Lower Arsenal.

B5-3: The supplemental materials submitted as part of the comment letter show that the Senior Housing alternative would result in the removal of fewer trees than the Draft Specific Plan. However, the materials also show that, compared to the Draft Specific Pan, the alternative would result in more substantial impacts to the (visually and historically) important cork oak tree grove in the southeast corner of Jefferson Ridge. The tree report submitted by the commentor shows that at least three of these prominent cork oaks (with a trunk diameter ranging from 26 to 33 inches) would be transplanted. The tree report suggests that these trees could be feasibly transplanted; however, LSA arborists question the feasibility of successfully transplanting trees of this size and age (the success of transplants may not be known for 10 years after transplanting has taken place). Regardless of the outcome, the transplant of these trees would physically change an identified cultural resource (the prominent grove of heritage cork oak trees). In addition, plans submitted by the commentor show that, although other cork oak trees in the heritage grove would be preserved in-place, the alternative would result in the

development of paved driveways under tree canopies. LSA arborists believe that such development could compact root growth and damage the health of the heritage trees compared to the Draft Specific Plan. Basic standards for protecting trees typically require that no development occurs within the dripline of the tree canopy.

Although the building footprints of the structures that would be developed as part of the alternative may be cumulatively smaller than the footprint of Draft Specific Plan buildings, they would be spread out across Jefferson Ridge, and, more importantly, would adversely affect the visually-prominent heritage cork oak grove.

Page 342 of the Draft EIR is revised as follows to clarify the points discussed above:

> **a. Land Use and Planning Policy**. The Senior Housing alternative would not result in the construction of incompatible land uses. Senior housing and townhouse uses would be generally compatible with the existing uses on Jefferson Ridge, which is quiet and relatively isolated from existing industrial uses compared to the other zones. The senior residential uses would not be well-served by existing services; most trips – to a grocery store or medical services – would require a bus or car ride, at least in the near-term. However, this lack of access would not result in significant environmental impacts. The location of the senior apartment building appears compatible with the Commanding Officer's Quarters, although its position would result in an Officers' Square that is smaller than the one proposed as part of the Draft Specific Plan. The five townhouse buildings would be placed conspicuously on Jefferson Ridge, and would likely detract from the character of existing open space. Compared to the Draft Specific Plan, the alternative would likely result in more damage to the heritage cork oak trees in the southeastern corner of the ridge. The alternative would require the removal or transplant of certain cork oak trees from the open space, has a greater potential to damage remaining heritage cork oak trees on Jefferson Ridge through root compaction, and thus would compromise the land use character of the area.

B5-4: To clarify that the site is identified in the General Plan Housing Element as a potential location for development of senior housing, page 342 of the Draft EIR is modified as follows:

> **b. Population, Employment and Housing**. Compared to the proposed project, the Senior Housing alternative would increase housing on the site by approximately 80 units, and would reduce commercial space on the site by approximately 185,000 square feet. Like the proposed project, the alternative would not displace housing or divide an established community. The alternative would substantially increase the City's supply of affordable housing, which would benefit Benicia. In addition, the City's General Plan Housing Element identifies the Jefferson Ridge/Officer's Row Zone as a potential location for the development of senior housing within the City. Based

on an average household size of 2.6 persons, the alternative would increase the population of the site by approximately 208 persons (although a population increase of this magnitude would probably not be realized since the average household size of senior units would be below the City's average). This population increase would not be considered substantial. The alternative would contribute to the City's existing jobs/housing imbalance, and would reduce the potential for the Lower Arsenal to be a truly mixed use environment. However, these impacts would not be considered significant.

As discussed on page 342 of the Draft EIR, based on the number of market-rate and affordable units that would be developed as part of the alternative (and average household size in Benicia), the alternative would increase the population of the site by 208 persons. However, "a population increase of this magnitude would probably not be realized since the average household size of senior units would be below the City's average." No additional changes to the text of the Draft EIR are required.

B5-5: Refer to Response to Comment B5-3 regarding impacts to the heritage cork oaks on Jefferson Ridge. However, based on the materials submitted by the commentor, the Senior Housing alternative may result in less (overall) vegetation removal (based on square feet of area) than the proposed project (although the alternative would result in increased impacts to the grove of heritage oak trees).

Page 345 of the Draft EIR is revised as follows:

c. Biological Resources. The Senior Housing alternative would result in the removal of protected trees (possibly including heritage cork oaks), and direct impacts to seasonal wetlands, sensitive plant species which may occur on the site, and breeding bird and bat habitat. Because the senior apartment building would not be built to the northern boundary of the site, some impacts to seasonal wetlands may be avoided compared to the proposed project. However, compared to the proposed project, the alternative would have more widespread impacts on the grove of trees in the southeastern portion of Jefferson Ridge ~~(and would result in more vegetation removal overall)~~.

B5-6: This comment, which partially pertains to the merits of the proposed project, is noted. As stated on page 50 of the Draft EIR, new streets are proposed within the Plan Area to fill in an incomplete grid and to distribute vehicle, bike, and pedestrian trips. Currently, the Jefferson Ridge is largely isolated from the other zones within the Lower Arsenal. The Draft Specific Plan proposes new streets to increase connectivity between new and existing uses within the Jefferson Ridge and elsewhere within the Plan Area. As noted on page 345 of the Draft EIR, the Senior Housing alternative would not achieve this objective to the same extent as the proposed project.

The commentor also states that the Senior Housing alternative would reduce dependence on cars and car ownership and that traffic generation would be reduced compared to the proposed project. Page 345 of the Draft EIR acknowledges that

this alternative would result in fewer vehicle trips than the proposed project. However, as discussed on page 342 of the Draft EIR, most trips – such as to the grocery store or for medical services – would require a bus or a car trip. In the attachment to Letter B5, the commentor notes that hair care, parks, commercial offices, places of worship, and a convenience store are located within walking distance (approximately ½ mile) of the project site. Van service would also be made available once per week for major trips and various activities would be provided on site. Page 342 of the Draft EIR acknowledges that access to major services may be an issue in the short-term, and identifies this as a less-than-significant impact. This comment does not pertain to the adequacy of the Draft EIR and no further response is required.

B5-7: This comment, which maintains that the Senior Housing alternative is consistent with the organization and character of other military posts both locally and throughout the nation, is noted. The Draft EIR uses the existing conditions of the project area as a baseline to determine potential impacts that may result from implementation of the Draft Specific Plan, and it is the development of the Benicia Arsenal (listed on both State and national registers) that is of concern, not the development of other military installations. The "peculiar fate" of the Benicia Arsenal is an integral aspect of its history that resulted in its current spatial organization. As such, this pattern of development is part of those qualities that were considered when the Arsenal was found eligible for the National Register. As proposed, the proposed distribution of townhomes does not reflect the formal organization of existing historic buildings in Jefferson Ridge, and compared to the proposed project, the Senior Housing alternative would substantially deviate from the historic and visual integrity of the area.

B5-8: Refer to Response to Comment B5-3 concerning tree removal.

B5-9: Refer to Response to Comment B5-3 concerning tree removal.

B5-10: Grading plans submitted as part of the comment letter suggest that grading on Jefferson Ridge that would occur as part of the Senior Housing alternative would be reduced compared to the Draft Specific Plan (134,000 cubic yards of grading compared to 207,000 cubic yards of grading). However, the appropriateness of such a comparison is open to question considering that the Jefferson Ridge development in the Draft Specific Plan is presented at a conceptual level (making it difficult to deduce required volumes of cut and fill). In addition, it appears that grading activities associated with the alternative would be increased in the vicinity of the heritage cork oak grove, and therefore could be more visually intrusive. Therefore, the conclusion on page 345 of the Draft Specific Plan, that "the alternative would require extensive grading for building footprints and driveways south of Jefferson Street," remains.

B5-11: Refer to Response to Comment B5-2 with respect to the "suburban" style character of the proposed Senior Housing alternative. The strips of residential housing proposed along Jefferson Street as part of the alternative evoke a more suburban

aesthetic compared with the formal geometry of existing Jefferson Ridge development or development proposed as part of the Draft Specific Plan. As noted in Response to Comment B5-7, this style of development would be substantially inconsistent with the unique spatial organization of Jefferson Ridge. The unique characteristics of the existing development pattern on Jefferson Ridge (i.e., the fact that it deviates from development patterns at other military installations cited by the commentor, including Fort Leavenworth, Kansas and Fort Benning, Georgia) are the very characteristics that add to the historic significance of Jefferson Ridge and warrant particular sensitivity in regard to new development.

B5-12: The comment noting that the "location of the senior building may partially obscure the far wing of the Commanding Officer's Quarters from the west" is noted. Refer to Response to Comment B5-10 regarding grading impacts. The supplemental materials submitted with Letter B5 indicate that the two streets proposed in the Draft Specific Plan that would connect Jefferson and Adams Street would have grades that "exceed the generally accepted design standards for fire, garbage, and delivery vehicles." However, the supplemental materials do not indicate that these streets "cannot physically be built" (see September 5, 2007 letter from Creegan and D'Angelo).

B5-13: Refer to Response to Comment B5-10.

B5-14: Refer to Response to Comment B5-3.

B5-15: The submitted materials do not change the conclusion in the Draft EIR that the Senior Housing alternative "would be less sensitive toward protected trees, visual resources, and historic resources." Incorporating green design features into the buildings would be beneficial from a sustainability standpoint, but would not compensate for more substantial impacts to visual and cultural resources compared to the Draft Specific Plan.

B5-16: This concluding comment is noted. No further response is required.

B5-17: The documents cited in this comment are available for review at the City of Benicia Community Development Department.