

**MEMORANDUM**

**TO:** Damon Golubics, Senior Planner, City of Benicia  
**FROM:** Donald Dean, MCP  
**RE:** COMMENTS ON BENICIA BUSINESS PARK EIR  
**DATE:** March 13, 2007

The proposed project is a large and complex project with extensive grading, drainage, and biological issues. This EIR is woefully short on specific information regarding existing on-site conditions. The EIR also lacks an adequate evaluation of these fundamental aspects of the project and how the project will be implemented. This lack of relevant analysis deprives Benicia's decision makers, other public agencies, and the public of sufficient information to confidently assess the project and project alternatives. Many of the EIR's mitigation measures relate to providing additional information and analysis at a future date. The information called for in these mitigations should be provided as part of the current environmental document so it can be used to evaluate the current project.

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Additional comments on individual EIR sections is presented below.

**GEOLOGY, SOILS, AND SEISMICITY**

Cut and fill on the site is extensive (100 foot cuts, 50-foot fills), yet the EIR does not include any maps illustrating on-site geologic and soil conditions, a standard illustration in most EIRs. A plan view of proposed cut and fill also should be provided. Cross sections of existing slopes and proposed slopes through the site should be provided for a variety of locations, including the deepest cut and fill locations.

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Page 117 states that the Lake Herman Fault is just to the west of the project site and the Sky Valley Fault is immediately to the east of the project site. A map illustrating these faults in relation to the project site should be provided.

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Page 119 states that "The City of Benicia General Plan indicates that the areas in the southwestern corner of the site, the southeastern margin of the site, and a portion of the western quarter of the site (west of Reservoir Road) may be prone to liquefaction, lateral spreading and/or settlement hazards. However, the liquefaction hazard at the project site is rated as 'very low' by the Association of Bay Area Governments (ABAG)." The site specific Preliminary Geotechnical Report also rates the risk from lateral spreading to be low (page 120). The EIR should clarify this apparent discrepancy.

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Material cited in the EIR from the ENGEO geotechnical report (1998) should be summarized and incorporated into EIR's geology section.

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Community Hazards Goal 4.11.C of Benicia's General Plan requires a peer review of geotechnical engineering reports if it is determined that the City staff does not have the technical expertise to review such reports. It is not clear if a peer review of the project's geotechnical report was conducted, and if so, by whom. The EIR should clarify this point and a peer review of the geotechnical report conducted if necessary.

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A thorough geotechnical evaluation is essential in determining the fundamental feasibility of the proposed project and should be included in the EIR. Analysis of the project's potential impacts related to seismic issues, shrink-swell potential, long-term deformation of deep cuts and fills, land sliding, and accidental or earthquake-induced overflows from the city's water treatment plant are all deferred to a future time. The impact discussion in the EIR (Impacts GEO-1, GEO-2, GEO-3, GEO-4, and GEO-5) defer substantial project analysis (and potential mitigation) to a time just prior to issuance of a site-specific grading permit--a point too late to affect any fundamental redesign (or mitigation) of the project. CEQA does not allow mitigation measures to be deferred. Deferring these analyses to a later time does not ensure a quality analysis and effective mitigation measures, which need to be both feasible and enforceable.

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HYDROLOGY AND WATER QUALITY

Effective drainage is crucial to maintaining the integrity of the proposed grading and on-site fill. With the exception of Figure III-7 and a single paragraph of text on page 70, there is no substantive description of the proposed drainage plan. The site is more than 500 acres in size, but there is no discussion of the regional watershed and related issues. A regional watershed map should be provided. No numbers describing the amount of new impervious surface and attendant increases in runoff are provided. The only discussion of the drainage plans in the Hydrology section (page 138-139) are that the project proposes to use upstream detention basins, downstream detention basins, and a stormwater drainage network. There is no discussion or evaluation of the feasibility of the proposed drainage plan in the EIR.

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The EIR cites a technical memorandum prepared by Stetson Engineers (2004) to demonstrate that the proposed drainage system will accommodate 10-year and 100-year peak flows. No supporting documentation was provided in the EIR. There is no indication in the EIR that the drainage study was peer reviewed either by the environmental consultant or the city. The drainage report should be peer reviewed as part of the EIR.

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Mitigation Measure HYDRO-1 states that the final grading and drainage plans shall be submitted to the city as a condition of approval. However, a preliminary drainage plan of sufficient detail to be evaluated should be provided in the EIR. Mitigation Measure HYDRO-1 is a deferred mitigation and postpones a critical evaluation of the project until after project approval.

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BIOLOGICAL RESOURCES

Surveys for sensitive species are time limited; some species that once were present on-site may no longer be present, and new species may have moved onto the site in the intervening years. The California Department of Fish and Game generally considers surveys outdated after 5 years; some species require new surveys at shorter intervals. Many of the biological surveys conducted for the project site were made prior to 2000 (page 167) and should be updated. Any discussion of sensitive species on-site and biological impacts is seriously impaired without accurate survey information.

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Sixteen special status animal species have been observed in the project vicinity and/or potentially would be affected by the project. However, no recent focused biological surveys have been conducted. For example, page 179 of the EIR notes that 15 of 26 special status plant species have the potential to occur on the site, and that one of these species (pappose tarplant) was observed on the site in during previous surveys in 1997 or 1998. The document goes on to note that although the tarplant was not observed during a 2006 site reconnaissance, the plant could still be present on the site. No indication of where the plant was previously found were included in the EIR.

The proposed mitigation measures defer mitigation to a future date. Mitigation Measures BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, all require surveys at some point prior to construction, but following project approval. This approach seriously restricts an effective analysis of biological impacts in this EIR. The presence of special status species on-site could significantly alter the proposed project. If on-site mitigation areas are required, the project plan will need to be revised to accommodate them.

Many of the biological mitigation measures contain language that biological resources will be "avoided or minimized to the extent possible." For example, Mitigation Measure B IO-3 states that the project sponsor and the city, in consultation with a qualified biologist, shall determine the feasibility of employing avoidance measures. This proposed discussion would occur following project approval and would deny decision makers any serious discussion of project options during environmental review or the approval process. It's unclear how final decisions would be made if the city and applicant disagree on the feasibility of avoidance measures.

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TRANSPORTATION

The projected buildout for the Benicia Business Park is 20 years. Transportation conditions may be substantially different at that time than they are today. Commuter rail may play an important role in Benicia's future transportation network. The City of Benicia invested approximately \$400,000 preparing an unfinished EIR/EIS on the proposed rail station located on Goodyear Road. At the public scoping meeting on July 14, 2005 (see Appendix A), I asked that the transportation analysis include a discussion of potential commuter rail and other transit opportunities related to the project. There is a limited discussion of transit in the EIR, but no reference to the train station or commuter rail. Even though the Benicia rail station has not come to fruition, and therefore cannot

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be included in existing conditions, some discussion of it under future conditions may be appropriate.

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cont.

The discussion of cumulative traffic conditions in 2030 is presented beginning on page 219 of the EIR. Page 220 notes that the cumulative conditions were calculated by adding the appropriate growth rates from the Solano/Napa County demand model to existing conditions. It is unclear whether the cumulative transportation analysis includes traffic volumes generated by potential development from the Arsenal Specific Plan area as outlined in the Draft *Lower Arsenal Mixed Use Specific Plan* (December, 2006). Please clarify.

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#### VISUAL QUALITY

The proposed project would implement extensive grading over most of the site. The EIR states on page 291 that "However, the proposed project would maintain the existing topography in the upland portions of the site (Lot A) that contain characteristic grass-covered rolling hills. These preserved upland areas, which would be seen from Lake Herman Road and I-680, would ensure that some of the site's hilly, undeveloped character is maintained in existing views." This statement is not accurate. A review of the grading plan (Figure III-9) indicates that the site will be modified to the degree that not one hill or ridgeline will remain unmodified.

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Page 288 of the EIR notes that the project site is visible from several locations along East 2<sup>nd</sup> Street. This statement should be corrected to say that East 2<sup>nd</sup> street is adjacent to the project site along the entire southern and eastern perimeter the site and offers continuous views of the site along this frontage. Figure IV.J-2 illustrates existing views of the site from East 2<sup>nd</sup> Street, but no visual simulations are presented for these same viewpoints. Many of the selected viewpoints for the photo simulations are distant views of limited value. The single visual simulation with a viewpoint from the I-680 corridor (Figure IV.J-11) is so distant from the site that it is useless in terms of analysis.

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For other closer viewpoints, the camera locations are not particularly instructive. For example, one visual simulation viewpoint is from the Caltrans scenic overlook on I-680 at Lake Herman Road (Figure IV.J-8). However, the photo simulation is taken from inside the parking area, and is not close to the Lake Herman Road/East 2<sup>nd</sup> Street intersection adjacent to the project site, where most vehicles enter and exit the scenic overlook.

Additional photo simulations should be provided that illustrate the project's visual impacts from along East 2<sup>nd</sup> Street and Reservoir Road. Simulations from East 2<sup>nd</sup> Street where it parallels I-680 along the east side of the project would also replicate visual impacts from I-680. Additional viewpoints for simulations should include viewpoints at the following locations on East 2<sup>nd</sup> Street:

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- A viewpoint several hundred feet east of Industrial Way looking north that would illustrate the changes at the drainage swale to be retained. (Lot C on the Master Plan).

- A viewpoint at Park Road looking north that would illustrate one of the entrances to the business park.
- A viewpoint along east side of the project site where East 2<sup>nd</sup> Street is parallel to I-680.

Reservoir Road will be removed as part of the project, but a vantage from within the 528-acre site along the current alignment of Reservoir Road itself would be instructive in terms of understanding the overall project concept and related visual changes.

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cont.**

#### GLOBAL CLIMATE CHANGE

In 2006, the California Legislature passed AB 32 and Governor Schwarzenegger signed Executive Order S-3-05. AB 32 contains language that states that global warming poses a serious threat to the economic and environmental wellbeing of the state. The Governor's order established targets for greenhouse gas reductions and provided oversight by the Secretary of the California EPA. Both actions indicate that a serious analysis of greenhouse gases now needs to be included in EIRs. An appropriate analysis should be included in this EIR.

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## COMMENTOR C7

Donald Dean  
March 13, 2007

- C7-1: See Response to Comment A8-3.
- C7-2: The background information requested by the commenter can be found in: ENGeo Incorporated, 1998. *Preliminary Geotechnical Exploration, Lake Herman Road Industrial Park, Benicia, California*, submitted to West Coast Home Builders, Inc., Concord Ca., Project # 1708-V3. June 18. This report is on file with the City and is available for public review.
- C7-3: Please see the referenced map (California Division of Mines and Geology (CDMG), 1993. *State of California Special Studies Zones, Vine Hill Quadrangle Map*) and Figure 4.2 of the Benicia General Plan for most precise Alquist-Priolo Earthquake Fault Zone (A-PEFZA) fault location.
- C7-4: The City General Plan maps and ABAG planning maps are intended to show geologic trends in the region; they are not suitable for evaluation of site-specific development proposals. The information provided by a site-specific Geotechnical Investigation describes conditions at the project site and supersedes more general studies.
- C7-5: The comment requests that the entire geotechnical report be summarized in the Draft EIR. The purpose of the Draft EIR is to identify the potential impacts of the project and provide mitigation measures for those impacts, as appropriate. Only the information that is directly relevant to providing support for the impact analysis is required to be included in an EIR. Other extraneous information is not included in an effort to make the document more concise and accessible to the public. Therefore, only that information from the geotechnical report that relates to identified impacts is presented in the Draft EIR. It should be noted that all referenced materials in the Draft EIR are readily available to the public via the Internet, library or City Planning Department.
- C7-6: Mitigation Measure GEO-1 requires the preparation of a final design-level geotechnical investigation report prior to the issuance of a site-specific grading or building permit. Geotechnical investigations prepared pursuant to this mitigation measure would be peer reviewed, in accordance with the Benicia General Plan. The preliminary geotechnical investigation prepared for the project site was reviewed by Baseline Environmental Consulting.
- C7-7: See Response to Comment C4-2.

C7-8: See Response to Comment A4-1. The proposed project would not include alterations to lands outside the project site (except possibly for limited areas adjacent to the site for infrastructure improvements). The Draft EIR includes discussions of watershed and regional hydrology issues related to storm water runoff and hydromodification. The proposed project, with required mitigation, would not result in increases in peak storm water runoff over current peak runoff levels or hydromodification of downstream channels.

Impervious surface calculations can only be approximated for the project, as final configuration of structures, parking and other impervious areas are not yet designed. Final design level drainage, storm water and development plans would provide data on impervious surface coverage. Calculations for storm water runoff hydrology were based on the Solano County Water Agency Hydrology Manual, which allows analysis to be completed based on estimated runoff characteristics.

The drainage plan was prepared by a licensed engineering firm with experience in infrastructure design and sizing. The preparers of the Draft EIR have reviewed the drainage plan and determined that it provides adequate information to evaluate the potential impacts associated with the project on hydrology and flooding. Prior to final approval of the site grading and drainage plan, the City of Benicia Planning Department would review and, if necessary, require modifications to the plans to ensure that they comply with City drainage requirements and specifications, including evaluating whether detention basins and conveyances are adequately sized.

C7-9: See Response to Comment A4-5. Prior to final approval of the drainage plan, the City of Benicia Planning Department would review and, if necessary, require modifications to the plan to ensure that it complies with City drainage requirements and specifications, including evaluating whether detention basins and conveyances are adequately sized.

C7-10: See Response to Comment C4-2.

C7-11: Habitat conditions on the project site have not changed since the last focused field surveys were conducted. Therefore, the previously-conducted focused surveys are adequate. In the case of California red-legged frog, new protocol-level surveys have been adopted since the time of the last survey and would be used during the next focused red-legged frog survey, required as part of Mitigation Measure BIO-4b.

Pappose tarplant was observed in 1997 and 1998; however, because the plant was not listed as a special-status species at that time, the location of plant populations was not mapped. Focused surveys for pappose tarplant would be conducted as part of Mitigation Measure BIO-3. See also Response to Comment C6-68.

C7-12: See Response to Comment C4-2 regarding deferred mitigation. The City, as the lead agency, and with the direction of the permitting agencies, would have the

authority on decisions regarding the feasibility of avoidance measures for CEQA purposes. Permitting agencies would make their own feasibility determinations for resources under their jurisdiction.

See also Response to Comment B1-2.

C7-13: Currently, the Solano Transportation Authority (STA) is exploring the possibility of developing an Intermodal Transit Facility east of I-680 at Lake Herman Road. Since the funding, size, and timing of this transit station is not known, potential ridership was not considered in the Draft EIR. If implemented, the Intermodal Transit Facility would help to serve the project's transit needs. However, location of the transit facility within the project site would not be necessary to reduce the project's impacts on transit service to a less-than-significant level.

C7-14: Review of the land uses included in the Solano / Napa County travel demand model indicates that a small amount of growth is projected for the Arsenal Specific Plan area, consistent with anticipated development at the time the Notice of Preparation for the Draft EIR was released.

C7-15: The grading plan would retain some – but not most – of the hilly topography of the project site. Visual effects associated with proposed grading are identified in the Draft EIR as a significant unavoidable impact.

C7-16: Page 288 of the Draft EIR is revised as follows:

- *Views From East 2nd Street.* ~~The project site is visible from several locations along East 2nd Street, which follows the southern and eastern boundary of the project site, offers continuous views of the site.~~ These views are dominated by the rolling grass-covered hills, with occasional views into the open drainage swales and some riparian vegetation visible from various vantage points, as shown in Figure IV.J-2.

See Response to Comment C1-8 regarding the adequacy of the visual resources analysis.

C7-17: See Response to Comment C1-8.

C7-18: See Response to Comment C1-18.



March 9, 2007

City of Benicia  
Community Development Department  
250 East L St.  
Benicia, CA 94510

Attn: Ms. Cindy Gnos, Contract Planner

Subject: Comments on Draft Environmental Impact Report, dated January 9, 2007, for the Benicia Business Park Project (aka Seeno Project)

The following comments are intended to amplify and supplement those made verbally before the Planning Commission on February 8, 2007. I appreciate the opportunity to offer these additional comments re the sufficiency of the DEIR.

I begin by acknowledging that much work went into the document; it is better than the 2001 version, but still falls short in many areas with regard to describing impacts in a way that can be easily interpreted by citizens. Previous court cases have held that it is the government's responsibility to identify environmental impacts and relate these to the citizenry in a meaningful fashion. **The DEIR fails to do this in some significant ways.**

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Many of the shortfalls deal with the grading concept outlined in the report. While the document -in some instances- identifies impacts resulting from the **massive grading (nine million cubic yards)** and characterizes the consequences as "significant and unavoidable," it fails to describe in **understandable** terms how much earth movement this really is and what the final result will look like. Thus, it is extremely difficult to conceptualize what this amount of grading will really do to the land form. The grading plan in figure III-9 is simply inadequate with respect to comprehending the impact of this much grading. Thus, we are forced to come up with the best analogies we can. To wit: equivalent to 600,000 dump trucks (a lineup of which would stretch from the west to east coast and back or one quarter of the way around the equator); enough to fill Oakland Coliseum 160 times, etc). Mind boggling numbers. A model would be much more useful in terms of understanding what is involved with this grading. I, and others, have previously asked that **a scale model of the project in three dimensions** be provided. This would allow laymen to look at the result and form non-abstract fact based opinions. **The model has not been provided. It should be required prior to acceptance of the DEIR.**

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The **extraordinary number of conflicts with the general plan** are enumerated, but the report is deficient in that it does not adequately describe the overall effects of the **general plan trashing**, either to the project location specifically or this area of Benicia generally (see LU-1, page 9 and Table IV.A-1, page 96). The report on page 105 sums up the problem thusly, "...the total combined effect of the various policy inconsistencies would be significant." It goes on to say, "These policy inconsistencies would remain associated with substantial adverse changes to the physical landscape and use of land in

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Benicia and would represent a significant deviation from the overarching goals and policies of the General Plan.”

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Clearly, allowing **wholesale deviations from the general plan will inevitably serve as precedent** for other projects. From an environmental standpoint at least, this approach - if approved - will serve to enable the loss of our city's character - **one rubber stamp at a time.**

Further, while the report acknowledges cumulative impacts of “significant and unavoidable” for five individual categories (see page 377), it fails to provide detailed information on the total or synergistic impact on Benicia life and surroundings when these five categories are considered collectively. This lack of attention as to specificity of total cumulative impact simply **precludes meaningful analysis as to the ultimate effects**, especially when there is no attempt to identify any overall mitigations. We need to be able to evaluate and understand the **total** picture.

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*A better discussion and identification of the total/combined cumulative impact of the project, especially as it pertains to the general plan should be included and made available in a timely manner for public evaluation/comment.*

On page 10, (also page 125) GEO-3a: The mitigation measure is too lenient as stated. It is not enough to state that deformation problems should be “minimized.” The word is too non-specific. The report on pg 125 states, ...investigation of settlement of old deep fills has raised concern amongst geotechnical professionals regarding the long term performance of these features.”

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If these extraordinarily large cuts and fills are permitted, *best industry practices in this category -as defined by outside experts- should be mandated and evaluations/mitigations discussed in those terms.*

Page 11, GEO-3b: Mitigation measures managed by **a business owners association that will undoubtedly be controlled for many years by the developer** are suspect at best. Related is a concern as to whether the city has the expertise to evaluate this and other highly technical geology mitigation measures before their final approval. We need to be assured these measures will receive **the most expert review possible**. This kind of review is mandated for HYDRO-1 (page 12). **Why not for GEO as well?**  
*Please respond with appropriate action or meaningful rationale.*

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Page 11, GEO-4c: To facilitate a full understanding on the scope, *the specific grading plans should be made available for public review and comment prior to any permits being issued; this should be included in the mitigation.* Only in that way can we fully understand what is planned. *Again, a scale model should be required to facilitate understanding the plan.*

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Page 79: The report notes the possibility of **but fails to justify cuts and fills in open space areas** during project construction. *This defiling of the open space should be prohibited.*

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Page 19, HAZ-4a: The report documenting characterization of the site should be **submitted for public review and comment** prior to acceptance by the city.  
Please include this in the mitigation. | 9

Page 21, HAZ-4c. The mitigation should require **prompt and widely disseminated public notification** if contamination of any kind is detected.  
Please modify the report accordingly. | 10

Page 48, VIS-1: The public should have the opportunity to comment on the landscape plan prior to approval and **all comments should receive a response**. After all, **Benicia will be visually changed forever**.  
This public comment/response requirement should be included in the mitigation. | 11

Page 53, PUB-1: The mitigation is too lenient as written. For at least the first year or two, **the developer by way of special assessments should be required to pay for any additional personnel and equipment** needed to enable operations of the referenced public services facility. Operations of this facility will be required at project onset, but meaningful tax revenues to the city will take some time to accrue. Citizens should **not** have to pay for the public services in BBP **until tax receipts justify**.  
At a minimum, this mitigation should define the costs for the additional public safety personnel and equipment required to operate the added facility for the first two years. Subsequent to the provision of this additional cost information, the public should be permitted to provide comment. | 12

Figure III.5 (Master Plan for Commercial Lot Development). It is not enough to casually provide us a conceptual illustration of a “maybe” master plan. **We must have substantive data if we are to meaningfully consider the plan’s impact. The DEIR is fundamentally deficient in this regard.** Further, if an auto/truck center is to be permitted, a mitigation should mandate that the center be tasteful; overhead large balloons should be prohibited as well as numerous oversize United States flags. In my view, such flag displays flown in a pure sales mode profane our national flag and should not be permitted. Moreover, the rather off-hand references to “big box” retailers leave too much room for future manipulation. | 13

Contingencies wherein big boxes are included should be examined fully or they should be definitively excluded using unambiguous, authoritative and legally binding language. | 14

**Transportation and Circulation:**

The project will generate extraordinary amounts of traffic on E. 2d Street. The DEIR does not do an adequate job analyzing the effects of this traffic especially as it pertains to Robert Semple Elementary School. In addition to the obvious air quality impacts in the Semple neighborhood, young children must cross E. 2d Street to get to school. | 15

In view of the dramatically increased traffic volume, *this is potentially a very dangerous situation and should be examined closely. Moreover, specific mitigations should be identified and included in a final DEIR.*

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cont.

Additionally, the traffic impact on Lake Herman Road appears to have received short shrift in the DEIR. *This should be examined more fully, both in terms of traffic volume and its total impact on the rural nature of this road.*

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#### Air Quality

Table IV.H-4 and H-5 (page 258): The DEIR apparently uses the Vallejo Tuolumne Street Air Quality Monitoring Station to establish a Benicia base. In this category, the report is again deficient. *An exhaustive series of readings over time should be taken in Benicia to establish ground truth.* It seems like fiction to use a Vallejo base and utilize that set of figures to arrive at either the current norm or the project (existing plus) forecasts. This is a health and welfare issue and murky forecasts based on foreign data should not be tolerated. If **actual concentrations in Benicia** exceed those projected from the Vallejo monitoring station data, then at least some of the existing plus/cumulative conditions **will almost certainly exceed state standards**. More work needs to be done in **this category if we are to have data that inspires confidence as to its accuracy/relevance. This additional work should be mandated.**

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#### Visual Resources:

The effect on visual resources is significant, yet we are provided inadequate data to properly assess the impact. Given the data provided, my mind's eye is not up to the task. *Again, we need a scale model.* Final landscape plans are not provided; therefore, we cannot realistically visualize the final result of the project **after the site has essentially been flattened.** Nor are we provided enough information to tell us how the two large reservoir tanks will blend. The photo simulations are inadequate in most other ways and do not even show the tanks since **no plans have been developed** for them to this point. *Please provide more substantive information on the effects of the project in this category.*

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#### Utilities and Infrastructure:

Water (page 335): I see no consumption figures for the project in the report. There are a number of assumptions made with respect to future water supply. The water recycling project output is included in the future "buildout" supply. **This water recycle project is not likely to reach fruition.** The absence of this source and possible significant curtailment from other sources *should be examined in detail and the results provided for consideration.* In a multiple dry year (Table IV.M-3, page 336) there seems little room for error. In such a year, Benicia's sources may be curtailed or rationed due to needs elsewhere. **Water supply in California is simply too scarce to be assumed, no matter what the extant contracts/agreements are.** Such factors as the current near crisis in delta water management may well come into play. Since the primary source(s) are not local, the water can always be diverted by higher authority given perceived higher

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priority needs whether they are real or simply politically expedient. The city’s water supply assessment notwithstanding, ***the DEIR should not be deemed to be complete until projected consumption figures are provided and unless such possibilities as the water recycle project and supply curtailment are examined and mitigations identified.***

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**Wastewater:**

Page 336 – “Under peak conditions, the 24 inch gravity sewer line would be **slightly overloaded**, but this **would not warrant** a pipeline replacement or relief sewer.” This seems to assume a best case scenario. If it is understood at the outset that there will be overload, **why are possible worst case scenarios/mitigations not examined? Operations failure in this category is a clear health and safety issue.**  
*Please explain/justify further why we should accept a known overload situation without mitigation or a plan B.*

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**Energy:**

Page 337: ***At a minimum, energy usage figures for each phase of the project should be developed and provided for examination and comment. The notion that energy supply in California can be assumed seems foolhardy.*** Only 3-4 years ago we had an energy supply crisis and significant brownouts. While there has been some relief, I am not aware of such increased capacity that we need not have concerns for the future. In fact, state authorities have recently warned of the possibility of rolling blackouts during the summer of 2007.  
*Please provide the usage forecasts and examine 21<sup>st</sup> century ways in which the total usage can be mitigated as to conventional energy sources.*

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**Urban Decay:**

Page 349: Since retail “big boxes” are not absolutely foreclosed in the commercial mix, the effect of such establishments ***should be examined in detail in the DEIR, not later.*** It is not enough to simply state the project **could** result in *urban decay*. **Southampton Shopping Center and Solano Square should also be part of this examination re impact of “big boxes.”**

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**Alternatives:**

Except for alternative 1 (the status quo), the DEIR does not provide enough information on the alternatives to permit detailed study; only superficial impressions are possible. **Based on the limited info in the report, the Hillside/Upland Preservation Alternative is attractive, but without more data a firm conclusion is not possible.**  
*More data and information on at least this alternative should be provided.*

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In summary, the project - as proposed – is “over the top” and will lay waste to the natural landform. The DEIR, *as currently presented*, **fails to adequately describe the total**

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**cumulative impacts** of the project on Benicia. None of the adverse impacts – many of which are in very important categories - occur in a vacuum and the synergistic effect(s) must be considered and included if the DEIR is to present a true environmental picture. *Therefore, the report is incomplete at this point and the situation re the total cumulative effects should be described and analyzed before the report is accepted as adequate.*

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cont.

Please advise as to when the project will next come before the Planning Commission and/or City Council.

Respectfully submitted,  
  
Robert Craft  
323 Columbia Circle  
Benicia, CA 94510

## COMMENTOR C8

Robert Craft  
March 9, 2007

- C8-1: This is an introductory comment.
- C8-2: See Response to Comment A8-3.
- C8-3: The Draft EIR identifies the project's conflicts with the Benicia General Plan as a significant unavoidable environmental impact – meaning that the impacts associated with these General Plan conflicts are so substantial and widespread that no mitigation is possible. The commenter does not specifically list deficiencies of the Draft EIR in regard to its identification of this impact besides that the “Draft EIR does not adequately describe the overall effects of the general plan trashing.”
- C8-4: Impacts associated with “the total or synergistic impact on Benicia life and surroundings” are addressed in all topical sections of the Draft EIR. Impacts to human health are specifically addressed in Section IV.E, Hazards and Hazardous Materials; Section IV.H, Air Quality; and Section IV.I, Noise. The commenter does not list specific reasons why the cumulative analysis is inadequate; in the absence of specific reasons, the preparers of the Draft EIR believe that the cumulative analysis enables decisionmakers and public to understand the significant effects of the project in conjunction with other planned and foreseeable projects.
- C8-5: Use of “best industry practice” is an expected standard of care and the mitigation measure has been modified to include this phrase. Mitigation Measure GEO-3a is revised as follows (revisions are also made in Response to Comment C10-12):
- Mitigation Measure GEO-3a: Prior to the issuance of any site-specific grading or building permit, a final design-level geotechnical investigation, to be prepared by licensed professionals, and approved by the City of Benicia ~~Planning and Building~~ Public Works Department, shall include measures to ensure potential damages related to long-term deformation and deep cuts and fills are minimized or eliminated by adoption of best industry practices as related to these conditions. In addition, the geotechnical investigation shall make a determination as to the effect such work may have on the stability of materials underlying the proposed 1,000,000- gallon water tanks and the offsite water tank and other facilities of the City of Benicia Water Treatment Plant. The applicant shall incorporate all recommendations of the final geotechnical investigation report regarding mitigation of potential effects associated with cut and fill into the project design.

- C8-6: The mitigation measures included in the Geology, Soils, and Seismicity section of the Draft EIR would be monitored by the Community Development Department and/or Public Works Department, to ensure that they would be adequately implemented. Mitigation Measure GEO-3b requires that the property owner (or entity comprised of a group of owners) implement a slope management program that is overseen by the City. This measure is enforceable and a standard approach for proposed developments in areas with potential ongoing geotechnical issues.
- The City of Benicia Community Development Department is responsible for review and enforcement under the terms of the mitigation. The City is empowered to make a determination as to the level of technical knowledge required for responsible review, and whether that level of expertise is available in-house (i.e., City staff) or whether an outside consultant is needed.
- C8-7: See Response to Comment A8-3.
- C8-8: The purpose of the Draft EIR is to disclose the environmental effects of the proposed project – not to “justify” any aspect of the project.
- C8-9: The hazardous materials report that would be prepared as part of Mitigation Measure HAZ-4a is not required to be released for public review.
- C8-10: Public notification of contamination on the project site is not required.
- C8-11: Public comment on the landscape plan would not be required to reduce the significance of Impact VIS-1.
- C8-12: Tax revenues generated by the project would contribute to the operating costs of the public services facilities that would be constructed as part of Mitigation Measure PUB-1. Requiring the project sponsor to pay additional funds towards operating costs of the facilities would not be necessary in order to reduce impacts associated with the project to less-than-significant levels.
- C8-13: See Responses to Comments C4-2 and C4-3.
- C8-14: See Response to Comment C1-11.
- C8-15: Robert Semple Elementary School students would be able to safely cross East 2nd Street. The two intersections bordering Robert Semple Elementary School (East 2nd Street / Rankin Way, and East 2nd Street / East S Street) are signalized with crosswalks. The signals at these intersections have been built to modern engineering standards, and allow pedestrians sufficient time to cross the street. Sidewalks are provided along East 2nd Street throughout the residential area, and Class II bike lanes are provided north of Hillcrest Avenue. The Draft EIR assumes that all project trips would obey the law and travel at the posted speed limit of 25 miles per hour through the school zone.

- C8-16: Potential impacts to the rural character of Lake Herman Road are discussed on pages 290 and 291 of the Draft EIR. Traffic volumes on Lake Herman Road are discussed in numerous places throughout Section IV.G, Transportation and Circulation.
- C8-17: The air quality analysis in the Draft EIR follows the standards set forth by the U.S. EPA and the BAAQMD for establishing existing air quality conditions; it follows the standards set forth by the U.S. EPA and the California Department of Transportation for establishing background CO concentrations.
- The air quality monitoring station locations are chosen by the State to adequately represent regional air quality conditions. Air quality conditions within an air basin are generally similar. The air quality monitoring data is used to establish the general regional air quality conditions. The monitoring station located in Vallejo is the closest air quality monitoring station to the project site with monitored data for the majority of regulated air pollutants, including CO concentrations, and is considered representative of the project site because it is located in the same air basin as Benicia. Small differences in existing air quality between Benicia and the Vallejo monitoring station would not change the findings of the Draft EIR in regard to the project's air quality impacts.
- C8-18: See Response to Comment C1-8.
- C8-19: See Response to Comment C8-19.
- C8-20: See Response to Comment C6-14 regarding analysis of the worst case scenario. Brown and Caldwell, in a 2006 analysis of the sewer collection system proposed for the project (Brown and Caldwell, 2006. *Benicia Business Park Sewer Collection System Analysis*. October 16) concluded that the 24-inch pipeline would not be replaced despite small and occasional surcharges.
- C8-21: See Response to Comment C6-14.
- C8-22: See Response to Comment C1-11.
- C8-23: See Response to Comment C1-15.
- C8-24: This concluding comment has been addressed in responses to several comments in letter C8, above.

**David R. Lockwood**  
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February 21, 2007

**Comments on the Benicia Business Park Draft Environmental Impact Report**

**Preamble/Background**

As a homeowner in the Southampton Hills I have serious concerns about the draft report as submitted on January 9<sup>th</sup>, 2007, proposing to build an Industrial Park very close to the Southampton Hills residential area. This area which includes approx. 10% of Benicia's population and nearly 20% of Benicia's assessed residential property value will suffer if this project, as proposed, is allowed to proceed.

My concerns are supported by numerous persons who live in Southampton Hills area who also fear the negative environmental impact which would devalue their property and in addition would harm their overall quality of life. Also persons in other parts of the city are concerned that this project would not only be detrimental to Southampton Hills but would have a ripple effect on the entire town.

When the property in this project was originally zoned to be Light Industrial in the General Plan there was no residential development in the area that was within view of the property related to this DEIR let alone be impacted by its environment.

Now with the area of Southampton Hills is clearly established as a residential area it is obvious to even the most casual observer that the entire bowl area whether they be people on Lansing Circle who live less than a 1,000 feet from the project to those on Tustin Court several miles away who will someday find their view of the hills from their backyards to be dominated by industrial rubbish and diesel smoke belching from semi's backing/beeping and honking all hours of the day and night like one sees in our current "light industrial" developments. This area must not be the start of an environmental disaster defined by the State of California as "Urban Decay" in the city of Benicia because people put tax dollars before the lives of over 2,500 people in the Southampton Hills area.

Recently, to preserve the residential and rural atmosphere of the area, a measure was passed to dedicate all space North of Lake Herman Road as Open Space. Now we have a proposal to build a high visibility Industrial development right in front of the Open Space between the residences and their view of the open space. Even townspeople driving up East 2<sup>nd</sup> will see an industrial area dominating their view; not the beautiful rolling hills leading the eye up the hills to the Open Space we fought to have.

The area in this DEIR should have been included in the open space proposal. It would have provided the visual continuity and preserved the beauty of the hills in the project area.

### Specific Point of Disagreement with the DEIR

There is very little said about the environmental impact and the subsequent loss of property values to the Southampton Hills residents. As a matter of fact there is more in the report about the visual impact on the people driving on I-680 who will get a 10 second glimpse of this area than the impact on the people that will have to live every day with the consequences of this project for as long as they will live there. On pages 290 to 305 there is not one view from the Lansing Circle homes, Tustin Court homes, Primrose Lane, or McAllister Drive near Lynch Drive, etc. (the later stares right at this project area -- all residents who enter the Waters Edge development would have this view at least once a day. Many of the people including those on Lansing Drive and McAllister Drive will be impacted not only by the environmental esthetics, but also by the air quality, the disturbing sounds and the reflected light at night which could result in health issues, especially for the very young and the more senior people.

2

In addition to the environmental negatives there are resulting strong economic negatives:

Tax losses to the city from the diminished property value each time ownership of a home turns over in the area. And the potential of a ripple effect on the entire city when such a large area loses property value.

Most of the Southampton Hills residents would loose *some or all of the equity* in their homes. It is not out of the realm of thinking that some homeowners would suffer losses of as much as 20% of their home value if this project proceeds. Since today many people buy with less than 20% equity in their home some homeowners could be forced into bankruptcy, because they would have negative equity in their home.

3

### Points to Consider

It is my understanding the Residential Requirements of the General Plan must be reviewed within the next year or two. Since Benicia now out of any large developable residential space, an objective view of the property under discussion in the DEIR is that it would probably better serve the city if the area of the project currently designated as “Light Industrial” were to be rezoned as “Residential” or a combination of “Residential” and “Designated Office Park”. (More about this in the discussion on Alternatives.)

This would serve the needs of the city as a “higher and better” use of the property in view of the character of the city as a residential community.

The developer of this property would probably find this change to be a winner for them as their primary business is residential development, and the fact that our other “Light Industry” areas in the city are not fully developed, thus would be competitive to the Benicia Business Park area.

The city would also be a winner as it is likely that this property would be developed more quickly as a residential area than as a light industrial area. Thus property taxes would start flowing into the city more quickly and with less expense to both infrastructure and safety and security manpower.

4

In short - rezoning the “Light Industrial” portion of this project as “Residential” or a combination of “Residential” and “Designated Office Park” means we all win.

**Comments on Alternatives**

First I believe all 4 alternatives are better than the proposed use by the developer. Comments on each are as follows:

**No Project Alternative** – That should mean NO DEVELOPMENT of the “Light Industrial” area, not just putting it off for the future development. The General Plan must be redrawn and a full review of the suitability of this as industrial land in view of the dominant position within the Southampton Hills.

Further consideration might also need to be given to preserving this land as agricultural/ranch land. California is currently losing too much of this land to development. **Maybe we need to stop now and preserve its present use as ranch land.**

I would however agree that the Commercial space could be developed, but not as A.J. Seeno has proposed that includes a major truckstop replete with a trucker’s hotel. That is not acceptable.

5

My objection to the Truck Stop comes from observed experiences of the safety and wellbeing of the community and its children, along with diminishing property values. They are typically not good neighbors as they attract undesirable activities such as prostitution and drug dealing. Most cities decline their development thus relegating them to areas far from populated areas. We certainly don’t want that here.

The Commercial area should be a Retail only site. It would be much better suited for the area even if it were to include a large retail store that would generate the sales tax revenues some in the city seem to feel is so important.

**Waterway Preservation Alternative** – I would agree with the resetting of the Commercial areas along 2<sup>nd</sup> Street, ***but would still oppose all the Industrial sites.***

How about taking the area your alternative shows as industrial between Reach A and Reach C and building the golf course that was originally promised in the Tourtelot area, but the Council allowed the developer to not build. This could be a “make good” on the promises made in conjunction with the development of the Tourtelot property. And think of the quality of life value that a golf course would mean to the city of Benicia.

6

**Hillside/Upland Preservation Alternative** -- Again this puts industrial properties on high ground making them highly visible to the Southampton Hills residential area. All prior comments apply.

7

**Mixed Use Alternative** -- While this alternative appears to be a step in the right direction there is no definition of what High Density Residential means. Is it Quadplex units or multi-story apartment buildings or row houses or what? Only a number is given as to density. Since a preponderance of the project is still Industrial, this alternative is also not acceptable for the concerns mentioned before.

8

**A New Alternative**

**Mixed Use Alternative -Expanded Commercial & Retail area with an Active Adult Community --**

This proposal envisions having a *Retail/Commercial zone fronting East Second street from Lake Herman Road to Reach C, essentially as shown in the Waterway Preservation Alternative, but extended to the Reach C easement.* All accesses would be from Second Street, so as to not burden Lake Herman Road with commercial traffic.

*Open Space areas would be essentially as in the aforementioned Mixed Use Alternative. All designated Reach areas would be preserved.*

*Between Reach C and the Commercial zone would be either:*

*Medium density housing (Duplex or Quadplex units) which could be a part of the Active Adult Community*

*Or*

*An OFFICE Park (No Industry) limited to 1 or 2 story structures.* This would help to reduce Valero's concerns about a Residential development too close to the refinery (a situation that only applies to the Eastern portion of the property anyways).

All rezoned industrial to residential area *development should preserve the hills terrain to the greatest extent possible.*

*All development to the west of Reach C would be an Active Adult Community with Single unit or Duplex unit houses.* Streets within the complex would allow both autos and motorized carts. The Community would be restricted per the Federal requirements for Active Adult Communities. This area could be much like Trilogy in Rio Vista or Brentwood, but with hills.

9

**Summary**

It is my sincere hope that my concerns and suggestions are worthy of serious consideration. I want Benicia to be the best community it can be for all its citizens. I am pro business but feel it needs to be in harmony with the community. In this case I believe that Industrial is definitely not the right answer for the area under review in this DEIR. Benicia should not become Industry City of Northern California.

We must protect the property values and the quality of life for the citizens of Southampton Hills. We must also consider the value of changing this project from Light Industrial to a multiple zoned land area.

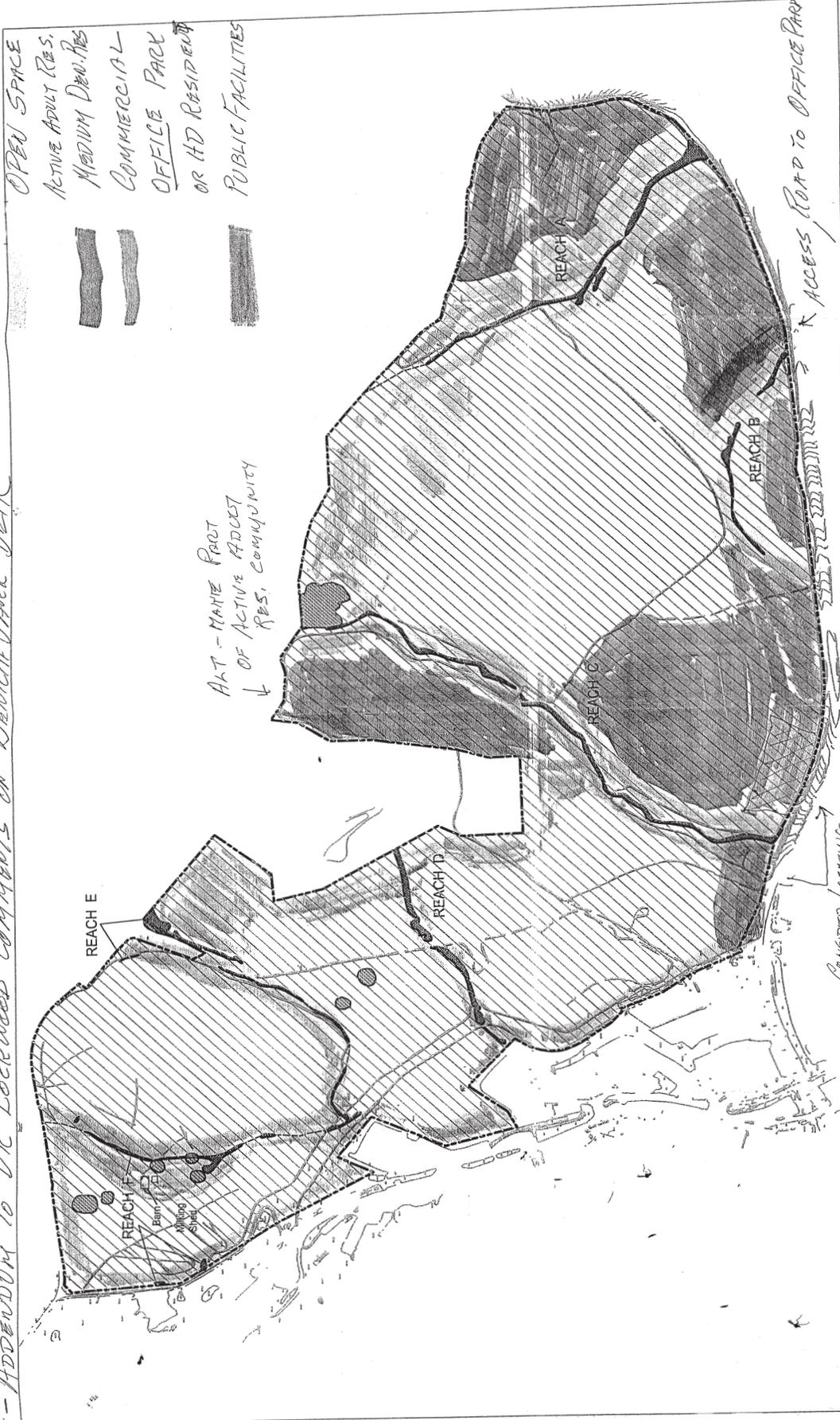
I further believe no development should take place until the Residential Review of the General Plan is completed in 2008 as I believe it will show the **higher and better use** of this area is a combination of commercial, office park, and residence as outlined. If so, our Senior Citizens would have a place in Benicia to call home, the developer could build or subcontract the residential community (something they do best), and the Southampton Hills residents quality of life and home values would be preserved.

10

  
David R. Lockwood

Man addendums A & B attached

A - ADDENDUM TO DR LOCKWOOD COMMENTS ON BENICIA PARK DEIR



OPEN SPACE  
ACTIVE ADJAC. RES.  
MEDIUM DENSITY RES.  
COMMERCIAL  
OFFICE PARK  
OR HD RESIDENTIAL  
PUBLIC FACILITIES

FIGURE IV.F-1

LSA

Jurisdictional Waters of the United States (Corps Verified on 3-5-2003)

Project Site

- Non-wetland Waters
- Coastal Valley Freshwater Marsh
- Eucalyptus (*Eucalyptus globulus*)
- Non-native Grasslands

Benicia Business Park EIR

Vegetation Communities and Habitats and Jurisdictional Waters of the United States

SOURCE: WETLAND RESEARCH ASSOCIATES, 2003 (CORP'S JURISDICTIONAL WATERS OF THE UNITED STATES); MORTON & PITALCO, INC., 2000 (BASE MAP)



FIGURE IV.F-1 Benicia Bus Park Figures (Fig. IV.F.1) (10/7/06)

B - ADDENDUM TO DR LOCKWOOD COMMENTS ON BENICIA BUSINESS PARK EIR



LSA

FIGURE IV.F-1

Jurisdictional Waters of the United States (Comps. Verified on 3-5-2003)

LEGEND:

- Project Site
- Eucalyptus (*Eucalyptus globulus*)
- Non-native Grasslands
- Non-wetland Waters
- Coastal Valley Freshwater Marsh

SOURCE: WETLAND RESEARCH ASSOCIATES, 2003 (CORPS VERIFIED JURISDICTIONAL WATERS OF THE UNITED STATES) MORTON & PITALO, INC., 2003 (BASE MAP)

Benicia Business Park EIR  
Vegetation Communities and Habitats  
and Jurisdictional Waters of the United States

FIGURE IV.F-1 Benicia Business Park (10/12/06)

Letter  
C9  
cont.

## COMMENTOR C9

David Lockwood

February 21, 2007

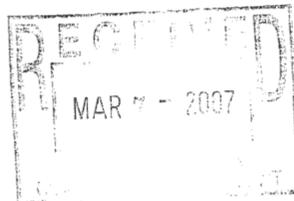
- C9-1: The Draft EIR does not propose to construct a business park; instead, the Draft EIR discloses the environmental effects of the project as proposed by Discovery Builders (the project sponsor). The No Project alternative, discussed in Section V of the Draft EIR, would retain the project site as grazing land (at least for the short term).
- C9-2: *CEQA Guidelines* Section 15382 states: “An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to the physical change may be considered in determining whether the physical change is significant.”
- No evidence has been identified that would suggest that property values in Benicia would decline as a result of implementation of the proposed project. The Draft EIR identifies several significant environmental impacts that would result from the project; however, there is not a clear cause and effect relationship between the generation of environmental impacts (some of which are mitigable) and a decline in property values. Based on information considered as part of the environmental review, it is not anticipated that the project would cause property values in the City to diminish, resulting in related physical environmental effects. See Response to Comment C1-8 regarding the provision of an exhaustive analysis of visual resources in the Draft EIR.
- C9-3: See Response to Comment C9-2.
- C9-4: This comment, which does not pertain to the adequacy of the Draft EIR, is noted. The Mixed Use alternative discussed in Chapter V of the Draft EIR includes residential uses (in addition to limited industrial, commercial, and public services uses).
- C9-5: The recommended changes to the No Project alternative are noted. Preserving the project site in perpetuity as open space would reduce the impacts of the proposed project but would be inconsistent with the City of Benicia General Plan, which designates the site for commercial and industrial uses.
- C9-6: The recommended changes to the Waterway Preservation alternative are noted. Industrial uses were included in all three development alternatives to be consistent with both the project sponsor’s objectives and the General Plan designation of the site. Designed properly, the industrial uses could be built on the site with substantially reduced environmental impacts compared to the proposed project. The alternatives presented in Chapter V of the Draft EIR comprise a reasonable

range of alternatives to the proposed project, as required by CEQA. See Response to Comment C1-15.

- C9-7: See Responses to Comments C9-6 and C1-15.
- C9-8: The high density uses envisioned in the Mixed Use alternative would likely be clustered townhomes or condominiums (but could also be a mixture of single-family homes, duplexes, townhomes, and condominiums).
- C9-9: The commenter's recommended alternative, which would feature approximately the same open space configuration as the Mixed Use alternative and approximately the same commercial use configuration as the Waterway Preservation alternative, is noted. This alternative would achieve many of the same environmental benefits as the three development alternatives outlined in Chapter V of the Draft EIR, including the preservation of drainages and reduction in grading. This alternative would enhance housing opportunities in Benicia, including housing for senior citizens. However, because housing uses have a higher trip generation rate than most industrial uses, this alternative would generate a far greater number of overall vehicle trips than the proposed project (although some trips could be reduced if the active adult community is largely self-contained). The environmental impacts of this alternative would be very similar to the Mixed Use alternative presented in the Draft EIR. A No Industrial alternative was considered by the Draft EIR preparers but ultimately rejected because such an alternative: 1) would be inconsistent with the Limited Industrial General Plan designation for a portion of the project site; 2) would conflict with the project sponsor's objectives; and 3) could reduce the potential for the provision of jobs in Benicia.
- C9-10: This comment, which pertains to the merits of the project, is noted.

March 4, 2007

Ms. Cindy Gnos  
Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510



Subject: Comments on the Draft "Benicia Business Park Environmental Impact Report"

Dear Ms. Gnos:

Thank you for the opportunity to comment on the Draft " Benicia Business Park Environmental Impact Report"(DEIR) dated January 2007 . This project does not appear to have changed significantly since 2001 when the public was allowed to review and comment on a DEIR. Despite extensive public comment in 2001 and workshops in the following years, it appears that few public comments were incorporated into this document and the general plan was not used as a guiding document. I am very disappointed that the public must yet again expend countless hours commenting on a project that clearly does not meet the goals and expectations of the citizens of Benicia.

1

Despite the project itself being poorly thought out, LSA did an admirable job of putting together this DEIR and the public appreciates the tables and other analysis.

The following comments concern the inadequacies of this DEIR:

My two largest concerns are that this DEIR does address impacts to the watershed as a whole. Only a small portion of the area surrounding the project is evaluated when the whole watershed needs to be included in the analysis. This type of analysis is in keeping with Regional Board emphasis on watershed health. The types of impacts that should be included in the larger analysis are water quality, flooding, pollution and wildlife. More detailed comments on this subject are outlined below.

2

Secondly, energy conservation is not mentioned in the project description nor the analysis. To be a project that is part of this century, energy conservation must be analyzed.

3

#### Land Use and Policy

- Impacts to Lake Herman Road beyond the project boundary to the west were not evaluated. Closing reservoir road and making a new through-road from Industrial will have huge impacts on existing Industrial Rd businesses ( from I-680 onward) and on Lake Herman Road itself. General Plan Policy 2.2.1 requires that Lake Herman Road remains rural. No mitigation measures were suggested for mitigating the impacts to Lake Herman Road. Please add this to your analysis.

4

Economic Development

- There is no mention of economic, traffic and congestion impacts to businesses existing on E. Second Street now and on Industrial Road. What will be the impacts to the local businesses? 5

Circulation

- Bike and pedestrian linkage to outside the project area was not evaluated. (General plan goal-policies 2.15.2, 2.21.1). Impacts to potential future connections from E. Second to Lake Herman and to open space to the north are not considered. The GP goal of 3.17 requires linkages . It is missed opportunity not to allow room for future bike/walking paths along Sulphur Springs Creek. Please include more analysis about how these linkages could be added to the project. 6

Community Services

- There is no mention of impacts to Lake Herman Regional Park by the many employees of this new park that might use it for lunch and before and after work. (Check out the park currently on the sunny warm day- it's full at noon). The developer should be tasked with improving Lake Herman Regional Park as part of the development agreement because the employees of that development will be impacting the park with heavy use. Composting toilets (see east coast national parks), more picnic areas, a walking path around the lake and to the project are just a few possibilities. This project should not degrade existing community services (GP goal). Please use an estimate of at least 24% of the workers using Lake Herman park during the week for your impact study. Please include mitigation measures such as adding amenities and trails to Lake Herman Park. 7

- Water conservation should be a part of this document and it is not. Valero's water recycling project appears to be on hold. The community has an active water conservation program, why should this new project be exempt? Please evaluate the need to establish better water conservation practices in this development. 8

- No mitigation was analyzed in the DEIR to use mostly non-native plants, especially with respect to water conservation and natural habitat. 9

- The main water line from the water treatment plant into the city is buried under lot 32. What are the consequences for the city if something happens during construction or later, by settling of heavy buildings on top, etc. No analysis of these scenarios was found in the document. 10

Geology and Soil

- The document is inadequate with respect to analyzing the huge amount of cut and fill proposed (9 million cubic yards). For mitigation, the document says that in the future geotechnical and hydrologic work will be done. How can this be an adequate DEIR without data? 11

- The project has not changed significantly on the west side of the Water Treatment Plant from prior proposals in 2001. There is no analysis of how the cut slope will impact the very heavy water treatment plant tanks above. The analysis should be completed at this stage and not a future phase after approvals are given. 12

- Impacts of topographic changes and new soil types are not considered on a watershed scale. This project puts impervious surface and re-engineered soils on 13

over 250 acres of land. Impacts across Lake Herman Road to the north, and downstream into Sulphur Springs Creek and out the Strait are not analyzed and should be with a numeric analysis.

**13**

Hydrology

- As noted in the geology and soils section, the hydrology section also relies on future studies to provide data. The flooding issues on Industrial Road downstream are huge now. In the general plan, figure 4-3, the FEMA map shows this area of Sulphur Springs Creek in the 100-year flood zone. General Plan goal requires all potential developers in the Sulphur Springs Creek floodplain to provide flood hazard mitigation measures. There is no analysis of the impacts of this project on that whole area. BMPs are mentioned as possible measures, but how many, where, etc are not spelled out. Please add more flood analysis and include impacts to the existing creek.
- There is an inadequate analysis of the post-construction related pollutants from industrial sources, roads, and impervious surfaces.(Goal 4.14) To push this issue off on future SWPPs is inadequate. This project must have the basic features spelled out such that they can be analyzed in the DEIR.
- Impact Hydro 3 p 141. Extensive grading and hydrologic impact of culverts for creeks are mitigatable with reduction in the size of the project. The project sponsor seems to believe nothing can be done for mitigation of this impact. The alternative projects have designed avoidance measures that will work and those designs should be in this project. Please add avoidance measures to this DEIR.
- Any wetlands mitigation measures should preserve equal to or better habitat at a ratio of at least 3:1 (this is core recovery frog habitat). I don't see an analysis of the reality of the preservation. Mitigation should include preservation of equal or better habitat. Wetlands within an industrial park are not equivalent habitat.
- Not analyzed are the impacts to the watershed hydrology, particularly Sulphur Springs Creek. The plan calls for removing Reservoir Road and adding a new through street. Hydrologic impacts from the altered landscape of cut and fill, culvert and drainage, flooding on this and other streets are not analyzed. It is likely that increased flooding will occur and impact Industrial Way businesses. Can this area be preserved as floodplain with appropriate created hydrologic features to prevent downstream flooding? Can a mitigation measure include moving these businesses out of the floodplain and into the new industrial area? These impacts may be better handled in the waterway preservation or hillside preservation alternatives. The project should incorporate these alternative designs as mitigation/avoidance of the watershed impacts.
- Buffers to riparian corridors were not mentioned ( the Sulphur Springs Creek riparian zone is perfect for preservation for future walking and bike paths). While existing urban buffer rules are at 25 feet here in Benicia, I don't think that small a buffer should apply to Sulphur Springs Creek. The buffer should be more specific and be at least 50 feet from the floodplain edge (see 2007 draft of the Solano Habitat Conservation Plan with respect to riparian buffers).

**14**

**15**

**16**

**17**

**18**

**19**

Biological Resources

- |  |                  |
|--|------------------|
| <ul style="list-style-type: none"> <li>• p. 193- Wildlife movement corridors are not even considered in this analysis. Sulphur Springs Creek, being a perennial water source, will be visited by most of the wildlife in the area, including those present on the property or migrating through. With connections to this water source destroyed by the project- what is the impact? This can be significant. Another impact not evaluated is the barrier this project presents to wildlife from uphill and across E. Second. This project brings thousands more vehicles into the area day and night. The impact to wildlife crossing roads is potentially huge and should be evaluated and mitigated for.</li> </ul> | <p><b>20</b></p> |
| <ul style="list-style-type: none"> <li>• Bio-2 p 194 The filling of creeks and waterways deserves more analysis than provided. Seeps and springs mentioned in the 2001 DEIR are not mentioned in this one, but are potentially very important for the wildlife, especially birds. No mitigation measures are mentioned for springs and seeps and water sources destroyed. Mitigation measures should include preservation of the seeps and springs in open space areas connected to open drainages. Please include a map of seeps and springs and the impacts of filling these important wildlife water sources.</li> </ul>  | <p><b>21</b></p> |
| <ul style="list-style-type: none"> <li>• P. 195-The proposed mitigation ratio for wetlands of 2:1 assumes that the red-legged frog survey they will do in the future will not reveal good frog habitat. This assumption may be incorrect. Since this area is in the core recovery area for this species, a better job should be done to evaluate this habitat on the project area and immediately downstream. The mitigation ratio should be at least 3:1 with habitat preserved that is equal to or better than that destroyed.</li> </ul>  | <p><b>22</b></p> |
| <ul style="list-style-type: none"> <li>• The reader is told in this DEIR that a wetland mitigation and monitoring plan was prepared in 2000 (for 400 acres and the older project footprint) and will be followed by this project. However, a new wetland evaluation was completed in 2003 presumably on 537 acres. Are they implementing a mitigation plan on old data? We have really no idea what this plan entails. This must be clarified and the mitigation plan spelled out in this document. The public should not have to go hunt these prior documents down.</li> </ul>   | <p><b>23</b></p> |
| <ul style="list-style-type: none"> <li>• p. 198 states that the surveys for the endangered California red-legged frog are inadequate for what the USFWS wants now. How can this be a DEIR with proposed mitigation if the surveys are not adequate? This project is within the core recovery area for this species and should be thoroughly surveyed, including Sulphur Springs Creek which may have a population impacted by this project's storm water and pollution and loss of upland habitat. Performing the surveys after the project is approved is inadequate.</li> </ul>  | <p><b>24</b></p> |
| <ul style="list-style-type: none"> <li>• Raptors- p. 200. Raptors, such as golden eagles, are documented in this area. They are known to nest every other year. One survey in 2006 is not adequate to know if this nest is occupied. Surveys in consecutive years are warranted. One of</li> </ul>   | <p><b>25</b></p> |

the mitigation measures should be to protect the area around the raptor nests by preservation of this area and a 500 foot buffer around it. If not, mitigation should include offsite preservation of equal to or higher habitat and planting nesting trees. The DEIR should also incorporate measure specified by the federal eagle protection acts.

25  
cont.

- P. 190 Burrowing owls are special raptors that used to be prevalent in the Arsenal area and are found in surrounding grazing lands. They may stay year round and breed or just over-winter (Nov-March). It is not clear from this DEIR what time of year the survey for burrowing owl was done. Please clarify how and when these owls were surveyed for.

26

Visual character.

- None of the goals of the general plan are met in the visual character category with the existing project. The DEIR says the impact is significant and unavoidable. The proposed alternatives do meet the visual goals and should be seriously considered. This is a huge issue. To mitigate, the project proponent should incorporate the alternatives into this project and design a project consistent with the general plan.

27

Cumulative Impacts

- In the cumulative analysis the report states that there are significant conflicts with the Benicia General Plan. The Benicia General Plan cannot so blatantly be ignored. I ask the planning commission to use the general plan as a guide and not allow this project, as proposed to go through based on inconsistencies with the general plan.
- The above comments, particularly with regard to the impacts to the watershed as a whole pertain to the need for better evaluation of the cumulative impacts. A table of cumulative impacts would be helpful.

28

29

Alternatives

While the Hillside and Upland preservation alternative may be viewed as environmentally preferred by the DEIR analysis, the Waterways Preservation alternative avoids biological impacts. As presented, these alternatives have no "meat". Where are the roads? What grading and drainage is proposed? The proposed industrial developments are still within 500 feet of Sulphur Springs Creek and perhaps its floodplain. The Water Treatment Plant is surrounded by development, any increased cut and fill in this area? We really need better information to understand what these alternatives are proposing.

30

Page 6 of 6

It is my hope that the project will be re-structured using one the more environmentally appropriate alternatives and re-evaluated with a new DEIR. The EIR must evaluate the impacts and avoid or mitigate for these impacts appropriately. The Benicia General Plan goals and policies must be used as a guiding document for this large and significant project.

Thank you



Susan Wickham  
411 Duvall Court  
Benicia, CA 94510

**30  
cont.**

**COMMENTOR C10**

**Susan Wickham**

**March 4, 2007**

- C10-1: This comment, which pertains to the merits of the project, is noted.
- C10-2: The proposed project does not include alterations to land outside the project site boundary (except possibly for limited areas adjacent to the site for infrastructure improvements). Watershed and regional hydrology issues related to storm water runoff and hydromodification are discussed on pages 138 to 142 of the Draft EIR. The proposed project, after implementation of mitigation measures outlined in Section IV.D, Hydrology and Water Quality, would not result in increases in peak storm water runoff over current peak runoff levels or hydromodification of downstream channels. Therefore, the project would not result in watershed-wide impacts.
- C10-3: See Response to Comment C1-18 regarding global warming and energy conservation. The three development alternatives outlined in Chapter V would increase the potential for energy efficiency on the project site.
- C10-4: After implementation of recommended mitigation measures, Lake Herman Road would be widened only from "A Street" to I-680. Widening this relatively short segment of Lake Herman Road would not substantially detract from the rural quality of the road. Implementation of the project – including the extension of Industrial Way – would result in additional traffic on Lake Herman Road, but increased traffic volumes in and of themselves would not result in a substantial adverse effect on the visual quality of Lake Herman Road. The road would still be two lanes and surrounded by rural uses for most of its length. Refer to page 219 of the Draft EIR for a discussion of the various General Plan policies that pertain to Lake Herman Road.
- C10-5: See Response to Comment C2-39.
- C10-6: The Hillside/Upland Preservation alternative, which is the environmentally superior alternative, would include interconnected open space organized around drainages on the site and steep hillsides. This alternative would allow for trail connections to be made between the project site and open space to the north and west.
- C10-7: See Response to Comment C6-99.
- C10-8: See Response to Comment C6-30. Adequate water supplies are available to serve the proposed project. Therefore – even if the project would not maximize water conservation on the site – the project would not result in significant impacts

associated with water supply. Therefore, no mitigation is required (although the project would be required to be constructed and operated in accordance with local policies that require water conservation).

- C10-9: See Responses to Comments C10-8 and C10-9. The project would not result in significant impacts to the existing water supply. Therefore, a mitigation measure requiring use of native plants on the site would not be appropriate. In addition, requiring that the site be landscaped with native plants would not reduce any of the significant effects of the project to a less-than-significant level. Therefore, such a mitigation measure was not included in the Draft EIR.
- C10-10: In accordance with standard City of Benicia protocol, the construction contractor would be required to coordinate with the City Public Works Department to ensure that construction activities would not adversely affect buried pipelines. If pipelines are damaged as a result of project construction or building settlement, the project sponsor would be responsible for full repair costs. The analysis of the Master Plan in the Draft EIR is based on the assumption that eventual construction of specific development projects would proceed with appropriate diligence in regard to locating and avoiding underground utility lines; therefore, no direct impacts to the water line under the project site are expected.
- C10-11: See Response to Comment A8-3.
- C10-12: The language of Mitigation Measure GEO-3A has been revised to specifically address the issue of slope stability around the proposed water tanks in the final design-level geotechnical investigation. See Response to Comment C8-5.
- C10-13: See Response to Comment C10-2.
- C10-14: See Response to Comment A4-5.
- C10-15: See Response to Comment C4-2 regarding deferred mitigation.

A SWPPP is a requirement under the RWQCB general construction permit and includes BMPs designed to reduce potential impacts to surface water during the construction of the project.

Post-construction impacts related to “industrial sources, roads and impervious surfaces” are a function of design related to drainage plans and are regulated by the City of Benicia Stormwater and Discharge Control Ordinance. This ordinance requires the implementation of appropriate source control and site design measures. Adequate information is available in the submitted materials (see Response to A4-1) to determine that compliance with regulatory requirements and implementation of the recommended mitigation measures would result in a less- than-significant impact to water quality.

- C10-16: This comment expressing support for the development alternatives outlined in Chapter V of the Draft EIR is noted. See Response to Comment C2-36, which outlines the differences between project alternatives and mitigation measures.
- C10-17: The Draft EIR includes analysis by professional biologists and wetlands specialists who have many years of experience throughout Northern California. Their conclusions are that as long as the proposed mitigation is consistent with the requirements of the regulatory agencies, the mitigation would adequately mitigate impacts to habitat. This is a generally-accepted approach to mitigating impacts to habitat.
- A 2:1 ratio for wetland mitigation is used (see page 195 of the Draft EIR) because California red-legged frogs are unlikely to occur on the project site. If California red-legged frogs are observed on the site, wetland mitigation ratios for the inhabited areas would be changed to 3:1 (per Mitigation Measure BIO-4b).
- C10-18: See Response to Comment C10-2 regarding analysis of watershed-wide impacts. See Response to Comment C2-36 regarding the use of project alternatives as mitigation measures.
- C10-19: Buffers to creeks are discussed on page 141 and in Chapter V, Alternatives, of the Draft EIR (the three development alternatives would include buffers around each of the drainages on the site ranging from 50 feet to 200 feet). A 50-foot riparian buffer around Sulphur Springs Creek would be located outside of the project site, on land that is not controlled by the project sponsor. Therefore, the establishment of a riparian buffer around the creek as a mitigation measure would not be appropriate.
- C10-20: Although the on-site drainages and intermittent streams may drain into Sulphur Springs Creek, these drainages provide marginal habitat as wildlife movement corridors. The area immediately south of East 2nd Street is largely developed, does not provide suitable habitat for native, special-status wildlife species, and, along with Interstate 680, creates a barrier to movement of wildlife to the Suisun Marsh. The project site is already isolated from Suisun Marsh and therefore no wildlife movement corridors to Suisun Marsh would be adversely affected. An open space corridor would be preserved across the project site, connecting to the open space to the north.
- C10-21: Figure IV.F-1 shows the location of the unvegetated drainages (non-wetland waters) and coastal valley freshwater marshes in the project area. No special-status species have been observed at these water sources, and therefore impacts to wildlife by filling these water sources are not considered significant. Field surveys for creeks, waterways, seeps, and springs have either already been conducted, or new surveys have been proposed in areas where the old surveys are outdated. Existing surveys provide adequate information to identify impacts to biological resources associated with the proposed filling-in of waterways in the project site.

- C10-22: See Response to Comment C10-17.
- C10-23: A formal wetland delineation was conducted at the site by Sycamore Associates in 1997. The purpose of the delineation was to determine the extent of wetland and other unvegetated waters onsite that are regulated by the Corps. This delineation was verified by the Corps in 1997 and was re-verified in 2003 because the earlier verification had expired. Two separate reports were prepared regarding the proposed wetland mitigation that would compensate for impacts to jurisdictional wetlands and unvegetated waters. Sycamore Associates and Kamman Hydrology and Engineering prepared the Wetland Mitigation and Monitoring Plan in 2000 and WRA prepared a Feasibility Analysis for Mitigation Wetlands in 2004. These reports are available at the City Planning Department for review. See Response to Comment B1-6 for more details on wetland impacts, mitigation, preservation and enhancement.
- C10-24: Habitat conditions on the project site have not changed since the last focused field surveys were conducted. Therefore, the previously-conducted focused surveys are adequate. In the case of California red-legged frog, new protocols for surveys have been adopted since the time of the last survey and would be followed during the next focused red-legged frog survey, required as part of Mitigation Measure BIO-4b.
- C10-25: See Response to Comment A5-3.
- C10-26: No protocol-level burrowing owl surveys have been conducted on the project site. Pre-construction surveys for burrowing owls would be conducted prior to habitat disturbance in accordance with the survey protocol established by the California Burrowing Owl Consortium.
- C10-27: This comment, which expresses support for the project alternatives outlined in the Draft EIR, is noted. Refer to Response to Comment C2-36 regarding the use of project alternatives as mitigation measures.
- C10-28: This comment, which pertains to the merits of the project, is noted.
- C10-29: See Response to Comment C10-2 regarding the impacts of the project on the watershed. The anticipated cumulative impacts of the project are summarized in pages 374 to 377 of the Draft EIR. Because the discussion is largely qualitative, the information is best presented in discussion format, and not in a table.
- C10-30: See Response to Comment C1-15.

March 12, 2007

To:  
Ms. Cindy Gnos, Contract Planner  
City of Benicia  
250 L Street  
Benicia, CA 94510

Regarding: Benicia Business Park Draft Environmental Impact Report, Jan. 2007

From:  
Norma Fox  
362 Columbia Circle  
Benicia, CA 94510

I am very concerned about many of the impacts described in the DEIR. This plan does not meet the goals and expectations of the Benicia citizenry as described in our General Plan. Many of the claims and assumptions appear to be unsubstantiated by reliable quantitative data. The alternative plans are not filled out with adequate details.

It is my request that this DEIR should NOT be approved.  
This entire project should be re-structured according to more environmentally appropriate alternatives and then re-evaluated with a new DEIR.

1

Below I have listed only a few of my comments and questions regarding the inadequacy of the current DEIR. Because of poor publicity, I only heard about this project recently. Due to the size of this report, my comments at this time only touch the surface, but I am turning them in today because March 12 is listed as the deadline for public comments. I intend to submit addendums to these comments at a later date, and I hope that they will be included as part of my official March 12 public comment document.

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AIR QUALITY: The DEIR admits in chap. IV and VI that air quality will be significantly impacted and unavoidable. This is a fatal and unacceptable flaw with this project. The National Citizen Survey has already documented that Benicia citizens consider our air quality to rate at a level 42% (and 82% of citizens consider it essential to add more resources for protecting the environment). If the impact on air quality cannot be prevented, the project should not go ahead.

2

TRAFFIC-JOBS: Presumably the air quality impact is due to the increased traffic from the projected 7,600 jobs. Why doesn't the project suggest restrictions on the type of uses such that most of the jobs created might be filled by Benicia residents rather than workers driving in from outside of Benicia. (A large proportion of Benicia's workforce is educated, skilled, professional/managerial.)

3

TRAFFIC-LOCAL ROADS: The DEIR doesn't analyze the traffic impact on various internal Benicia roads and intersections, as workers try to find alternative routes through town. For example: E. 2<sup>nd</sup> St. to Rose Drive to Columbus Parkway; and E. 2<sup>nd</sup> St. to Rose Drive to Panorama/Chelsea. What air quality, noise, safety and access impact will this have on homes adjacent to these roads and intersections? Especially the short section of Rose Drive between E.2<sup>nd</sup> St. (stop light) and Panorama (stop sign) – seems likely to be a constant backup bottleneck here. 4

TRAFFIC-JOBS-URBAN GROWTH EXPANSION PRESSURES: A high priority in our General Plan is to preserve our open space buffer zones around our town, especially in the sensitive watershed area of Sky Valley which is directly north of the proposed Business Park development (just north of Lake Herman Road). Since our current urban growth boundary limit at Lake Herman Road is going to expire in a few years, what guarantees can this project propose to ensure that the increased traffic from over 7000 non-local jobs will not put unbearable pressure on expanded housing development in Sky Valley? 5

IMPACT OF GRADING-FLOODING: Benicia is already seriously impacted by flooding. With such massive grading and destruction of natural watershed and increased stormwater runoff, how can you guarantee that this project won't vastly increase the dangers of flooding in Benicia? 6

ECONOMIC IMPACT ON DOWNTOWN BUSINESS: The DEIR mentions possible commercial businesses such as a hotel, full service restaurant, and fitness center. Where is your quantifiable data to support the claim that these uses will not draw off customers from similar businesses downtown. You also mention a movie theater. Although we don't currently have an operating movie theater, many citizens wish we could attract one to our old movie building on First Street. Bringing a movie theater to the Business Park would prevent that from ever happening. There are many other POTENTIAL SHOPPING outlets that we would like to attract to our downtown area, how can you guarantee that the retail outlets that you will bring to the Business Park won't deter those potential shopping outlets from locating in downtown. 7

ECONOMIC IMPACT-INCREASED INFRASTRUCTURE COSTS: The potential economic impact to the city is not just the impact on downtown businesses. What about the economic impact of increase police and fire services, water treatment services, etc. 8

CLIMATE CHANGE-WATER: We can expect the impact of climate change to impact us in many diverse ways, yet you have not addressed it at all. For instance it may have an impact on the supply and cost of water. Why have you not mentioned water conservation measures? 9

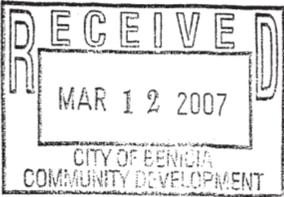
PEAK OIL-ENERGY SHORTAGE: : We can expect the impact of shrinking oil and gas supply to impact us in many diverse ways, yet you have not addressed it at all. Why have you not addressed energy conservation measures. Why have you not suggested ways to obtain energy from renewable sources. 10

## COMMENTOR C11

Norma Fox

March 12, 2007

- C11-1: This comment regarding the merits of the project and the inconsistency of the project with the General Plan is noted. See Response to Comment C1-15 regarding the level of detail of the alternatives analysis.
- C11-2: This comment regarding the merits of the project is noted.
- C11-3: This comment regarding the merits of the project is noted.
- C11-4: The trip distribution of project traffic was determined based on a select link analysis using the latest available Solano/Napa County Travel Demand Model. According to the select link analysis, project trips would not use Rose Drive to access the project site. The hilly terrain and winding nature of Rose Drive make it a highly unlikely exit route for project vehicles. Therefore, residential uses along Rose Drive would not be exposed to high levels of noise and air pollution associated with increased traffic.
- C11-5: See Response to Comment B5-2.
- C11-6: See Response to Comment A4-5.
- C11-7: Urban decay is a specific phenomenon associated with the cumulative effects of extended vacancy, deferred maintenance, and abandonment of buildings in commercial areas. The effects of the project on businesses that *may* relocate to Benicia in the future would be considered speculative and are not addressed in the Draft EIR, consistent with the requirements of CEQA.
- C11-8: See Response to Comment C6-48 regarding the analysis of the economic implications of projects under CEQA.
- C11-9: See Response to Comment C1-18 regarding climate change. See Response to Comment C11-9 regarding the need for a mitigation measure requiring water conservation.
- C11-10: See Response to Comment C11-10.



March 6, 2007

To:

Cindy Gnos, Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510

Regarding:

Comments regarding Benicia Business Park Draft EIR, January 2007

From:

William E. Putnam  
P.O. Box 6446  
Vallejo, CA 94591-1446  
707-644-6997

Following are my comments, questions, and concerns about the Benicia Business Park Draft EIR, January 2007. I wish to retain my right to revise and extend my remarks until a final decision has been made as to the implementation of this project.

1

I.

Since 1970, I have been periodically gathering live organisms for use in bioassays, which are tests used to evaluate the toxicity of various substances. One of the main test animals has been the stickleback fish, which abounds in the greater San Francisco Bay area.

A good source of sticklebacks has been Sulfer Springs Creek, and portions of the Suisun Marsh in Benicia. I began trapping sticklebacks in this area in the late 1970's, and have supplied them to Exxon and the City of Benicia, as well as many other customers.

As I look back in my memory, the huge volume of wildlife I have seen in this area greatly impresses me. A list of many of the life forms I observed there follows:

2

1. Skunks
2. Deer
3. Beaver
4. Muskrats, or mink, or both
5. Otters
6. Ducks
7. Herons

8. Egrets
9. Hawks
10. Vultures
11. Mice
12. Jackrabbits
14. Ground Squirrels
15. Bats
16. Raccoons
18. Opossum
19. Owls
20. Red Winged Blackbirds

1. Sticklebacks
2. Steelhead
3. Shiners
4. Mosquitofish
5. Striped Bass
6. Bullheads
7. Mudsuckers
8. Bluegill, or crappie, or both
9. Crabs
10. Smelt

1. Lizards
2. Spiders
3. Salamanders
4. Snakes
5. Insects of all sorts

There also was a plethora of various native plants in the area. Not being a botanist, and being unfamiliar with California plant life, I hesitate to try to list these.

The area surrounding, and on, the proposed Seeno project was, and is, the home for an extraordinary amount of wildlife and plant life of all descriptions. The wetlands exist as a nursery for many species of plant and animal. The draft EIR lists many more species of plants and animals on and around the project site than I recall seeing.

As I understand it, our planet is losing thousands and thousands of species every year. One report in the news said that we might completely lose our ocean fisheries within 40 years. Our planet's glaciers are rapidly disappearing due to global warming. We have lost as much as 90% of the krill in Antarctica. The list goes on.

In the past 37 years, I have seen a drastic loss of wildlife due to construction in areas that were rife with plants and animals. For instance, the area right next to the proposed project, which is located within the boundaries of Bayshore Road to the north, Industrial Way to the east, Park Road to the south, and Sulpher Springs Creek and the

Exxon/Valero refinery to the west, had an amazing amount of wildlife both in the fields to the east of the creek, and in and around the creek proper. When construction was placed in the field to the east of Sulfer Springs Creek, and the creek was dredged in portions, and a culvert was placed in a section of the creek just to the south of Park Road, the amount and variety of wildlife took a drastic plunge. Also, at sometime when this was going on, the beaver dam above Bayshore Road was removed, and the beaver relocated. All of this was done, I believe, to prevent flooding. It may have worked, but it surely devastated the biological diversity of the area.

2

Please specify how much of the wildlife on and near the proposed Seeno project will be affected by the changes in this portion of our biosphere from the intrusion of the project into the existing environment.

On page 5 of the DEIR under Open Space, it is stated that:

**Open space would be concentrated mainly in the northern and central portions of the site, and would include a 54-acre open space area with a major existing drainage and proposed wetland mitigation areas, a 50 foot buffer along Lake Herman Road, and additional landscaped space. Proposed open space would contain approximately 7.28 acres of wetlands intended as onsite mitigation.**

On page 70:

3

**Open Space and Landscaping. The project would include approximately 180 acres of open space, located in the northern and central portions of the project site and around most of its perimeter (see Figure III-3). Areas designated for open space generally comprise the highest hillsides within the site. However, a 54-acre "reach" of an existing creek and adjacent wetlands would also be preserved; this reach would extend from the northern portion of the project site along Lake Herman Road to the southern boundary of the site, adjacent to East 2nd Street. Preservation of this reach, Reach C, was recommended by State of California natural resource agencies during consultation following release of the 2001 EIR. Another key component of open space on the site is a buffer on the south side of Lake Herman Road. This buffer, which would range from approximately 50 feet to 150 feet, is intended to mitigate the effect of the project on the rural visual character of Lake Herman Road. However, portions of the site preserved as open space would be subject to cut and fill during the project construction period. These preserved areas would be re-**

**vegetated with grasses similar to those that currently exist within the site. No trails would be built within the open space and recreational use is not proposed. The 180 acres of open space proposed in the site would also be used to enhance existing wetlands and riparian zones, and build new wetlands to mitigate adverse effects to and removal of existing wetlands.**

3  
cont.

What will be the overall affect of making these changes to the existing environment? Please quantify the gain, or loss, of existing numbers of animals and plants projected to occur from these mitigation attempts. Will existing wildlife have the same, or better, access to other regions of the area, such as the Suisun Marsh to the east? Will there be equal, or more habitat provided for the upland wildlife in the area, such as deer, rodents, birds, etc.?

On page 80 under Grading:

**Approximately 9,000,000 cubic yards of soil would be excavated at the project site, resulting in substantial removal of the hillsides in the southern portion of the site. Cut and fill would be balanced on site by placing fill in portions of the site that are currently low-lying, such as the locations of intermittent creek channels and swales.**

4

9,000,000 cubic yards of soil is quite a bit. What is the composition of the soil? Will it all be used on the project site, or will some or most of it be removed and placed elsewhere? Syar Industries of Napa is in the business of selling various types of construction materials mined from the earth, as are many companies worldwide. What is the monetary value, if any, of the fill located at the Seeno project site? What would Syar Industries charge for similar fill? If the soil from the project is to be moved offsite, where is it to be placed? Should the City of Benicia be compensated for the value of this soil?

**The DEIR on P. 62 says that: The site contains four intermittent streams (generally crossing the site from north to south), several sweeps and swales, and isolated seasonal wetlands. In addition, there are small and scattered stands of eucalyptus trees near Reservoir Road and Lake Herman Road.**

5

**The intermittent streams originate north of Lake Herman Road, and continue through the site to the south of the project site. The plant communities associated with these creeks include coastal**

**and freshwater marsh, characterized on the site by iris leaved rush, creeping spike rush, three square bulrush, narrowleaf cattail, and water cress (sic). Mature red willow, which is characteristic of central coast riparian scrub, lines the banks of some of the creeks.**

**Seeps and swales, generally in the southern portion of the site, are characterized by iris-leaved rush, creeping spike rush, curly dock, perennial ryegrass, water buttercup, and other species. In addition, two isolated seasonal wetlands, consisting of shallow depressions, occur in the western portion of the site.**

Has a thorough canvass been made of these intermittent creeks and swales to determine what wildlife depends upon them, and for what purpose, at various times of the year? If so, how often were they checked, and how thoroughly? Can it safely be said that all possible utilization of these areas by wildlife, particularly endangered or threatened species, has been noted and thoroughly mitigated? Is it certain that the effects of filling these areas will not impact any plants or creatures negatively more than the proposed mitigation areas will offset?

On page 97, under Goal 2.38 of the Benicia General Plan, which is to Protect water quality, it is stated:

**The project could result in degradation of water quality due to: the removal of existing riparian areas and wetlands (that naturally treat stormwater); grading involving 9 million cubic yards of soil; and the development of impervious surfaces on the site.**

Wouldn't it be prudent to establish enough wetlands areas both onsite, and offsite, to completely mitigate the negative affects of storm water runoff? What is the value of the existing wildlife at and around the site, and how much would it cost to fully preserve or enhance the conditions necessary to support or increase the value of the biota in the area?

II.

On pages 104 and 105:

**c. Significant Land Use Impacts. This section addresses one significant land use impact.**

5  
cont.

6

7

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

Although the project is generally consistent with the General Plan designations for the project site (General Commercial and Limited Industrial), it would be inconsistent with numerous General Plan **Policy 2.2.1** (protect rural land uses, hillsides, watersheds, riparian corridors);

**Policy 2.21.1** (promote alternatives to the private automobile);

**Policy 3.21.E** (protect small wetlands);

**Policy 3.22.1** (protect water bodies, specifically lakes and streams);

and

The majority of applicable policies in the Open Space and Conservation of Resources section (which require the preservation of usable open space in ways that are protective of natural resources, including creeks and drainages, wetlands, and scenic views), namely Policies 3.15.2, 3.15.D, 3.15.3, 3.15.4, 3.15.5, 3.15.6, 3.17.1, 3.19.1, 3.20.1, 3.21.1, and 3.22.1.

As currently designed, the project would result in substantial changes in land use, form and activities at the project site, which has remained in essentially its natural form and in grazing use for decades.

Proposed changes include the substantial grading of hillsides and the replacement of grazing lands with industrial and commercial uses, and surface parking lots. These land use changes would result in numerous significant impacts, ranging from the filling of drainages, to the degradation of scenic views, to increases in regional air pollution. The City for the purpose of protecting the environment adopted the policy statements in the General Plan listed in Table IV.A-1. Although many of the environmental impacts resulting from these policy inconsistencies would be reduced to a less than-significant level with implementation of the mitigation measures recommended in this EIR, the total combined effect of the various policy inconsistencies would be significant. These policy inconsistencies would remain associated with substantial adverse changes to the physical landscape and use of land in Benicia and would represent a significant deviation from the overarching goals and policies of the General Plan, which seek on-site conservation of natural resources, including important landscape features. Reducing the net effect of these policy inconsistencies would require a substantial reconfiguration of proposed land uses at the project site. Therefore this impact is considered significant and unavoidable. (SU)

Why can't the project be redesigned to totally avoid this impact? One of the alternatives to the proposed project is listed on page 369:

7  
cont.

**F. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

**CEQA requires that the EIR identify the environmentally superior alternative. The No Project alternative would eliminate most of the significant impacts associated with the proposed project. The alternative would not result in ground-disturbing activities, new construction, and the development of new commercial and industrial uses in the site (and the generation of associated new vehicle trips and air pollution). In addition, the No Project alternative would maintain all drainages, wetlands, sensitive habitat, and hillsides on the project site, which would avoid the project's significant biology, hydrology, land use, and aesthetic impacts. However, while the No Project alternative would be the environmentally superior alternative in the context of impact reduction, it would not meet the primary objectives of the project.**

**CEQA Guidelines section 15126(e)(2) requires that an additional alternative be designated as the environmentally superior alternative, if the No Project alternative is identified as the environmentally superior alternative.**

8

**That secondary environmentally superior alternative, the Hillside/Upland Preservation alternative, which would preserve creeks and wetlands within 100-foot buffers, would leave steep slopes undeveloped, and would reduce many of the significant impacts of the project while still meeting many of the project sponsor's objectives. Preservation of drainage and wetland features on the site would eliminate many of the significant impacts to biological resources of the project, including the development of sensitive habitat and impacts to protected animal species. The protection of waterways would also reduce impacts to storm water quality, and mitigate the effects of increased impervious surfaces on downstream flooding. Preservation of steep slopes on the site would retain some of the rural aesthetic character of the area, and would reduce adverse impacts to views from public viewpoints. In addition, the alternative would include space for new public facilities on the site, substantially reducing impacts associated with the provision of new public services. Although this alternative would result in significant unavoidable traffic and air**

**quality impacts (similar to the proposed project), it would be environmentally superior to the proposed project.**

This alternative is far superior to the proposed project, but it still has many environmental concerns. Wouldn't it be much better for the City of Benicia to turn this area into a nature preserve? The wetlands could be greatly enhanced, providing much needed habitat for our rapidly declining wildlife populations. The ambience of Benicia would also be preserved, or actually vastly improved, with the beauty of the area left intact and/or greatly increased. Everyone in the Bay Area would realize the benefit of having this preserve biologically clean the water and air in the area, rather than having the negative affects of pollution created by the proposed project.

Please compare the projected monetary value of an enhanced nature preserve against the value of the proposed project with its many negative impacts to the area.

8

Sincerely,



William E. Putnam

## COMMENTOR C12

**William E. Putnam**

**March 6, 2007**

C12-1: This introductory comment is noted.

C12-2: The potential impacts of the project on wildlife are discussed on the following pages of the Draft EIR: pages 193, 198, 199, 200, 201, 202, and 203.

C12-3: The Draft EIR includes analysis by professional biologists and wetlands specialists who have many years of experience throughout Northern California. Their conclusions are that as long as the proposed mitigation is consistent with the requirements of the regulatory agencies, the mitigation would adequately mitigate impacts to habitat. This is a generally-accepted approach to mitigating impacts to habitat. The loss of habitat used by common animal species is generally considered to be less-than-significant.

Although the on-site drainages and intermittent streams may drain into Sulphur Springs Creek, these drainages provide marginal habitat as movement corridors. The area immediately south of East 2nd Street is largely developed, does not provide suitable habitat for native, special-status wildlife species, and, along with Interstate 680, creates a barrier to movement of wildlife to the Suisun Marsh. The project site is already isolated from Suisun Marsh and therefore no wildlife movement corridors to Suisun Marsh would be adversely affected. An open space corridor would be preserved across the project site, connecting to the open space to the north.

C12-4: The soils throughout the project site are discussed on pages 114 and 115 of the Draft EIR. These soils would be moved as a result of proposed grading operations on the project site. All soil moved by grading operations would be deposited within the project site (i.e., cut and fill would be balanced on the site).

C12-5: Field surveys for creeks, waterways, seeps, and springs have either already been conducted, or new surveys have been proposed in areas where the old surveys are outdated. Existing surveys provide adequate information to identify impacts to biological resources associated with the proposed filling-in of waterways in the project site.

Impacts associated with possible utilization of intermittent creeks and swales by special-status wildlife species has been noted and addressed in the Draft EIR's mitigation measures, specifically mitigation measures for Impact BIO-4 (which identifies impacts to red-legged frogs and pond turtles). Although an extensive, multiyear inventory of all species actually using the site has not been conducted, such an analysis is not necessary under CEQA. With the exception of pappose

tarplant, plants occurring on the site have been thoroughly documented in appropriately-timed rare plant surveys. Wildlife known to occur in the region and the presence of special-status wildlife species have been adequately assessed based on the presence of habitat and habitat conditions. Impacts to plants and wildlife from filling on-site creeks and swales is not considered significant. As mentioned in Response to Comment C12-3, proposed mitigation, including wetlands and riparian restoration areas, would provide wildlife habitat onsite.

C12-6: Wetlands would be constructed on the site for habitat purposes and to treat storm water. However, the creation of wetlands would not be adequate to fully reduce the impacts of the project on storm water volume and quality. The Draft EIR is required to disclose the impacts of the project on wildlife, but is not required to assign a monetary value to existing wildlife (or estimate the cost of preserving or enhancing habitat on the site).

C12-7: The environmentally superior alternative, as noted by the commenter, would avoid Impact LU-1 identified in the Draft EIR.

C12-8: As noted on page 369 of the Draft EIR, an alternative that would preserve the project site as open space in perpetuity was rejected from detailed consideration because it would be infeasible, inconsistent with the objectives of the project sponsor, and inconsistent with the land use designations of the project site in the Benicia General Plan.



March 9, 2007

Ms. Cindy Gnos  
Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510

Subject: Comments on the Benicia Business Park Environmental Impact Report

DEIR COMMENTS

On page 217, the DEIR refers to bike lanes in the vicinity of the BBP. However, the descriptions are inaccurate. There is a class II bike lane on E 2nd from Hwy 780 north to Rose Drive. There is a class II bike lane from Rose Drive beginning at East 2nd that ends at the intersection of Panorama Drive. There are no other designated bike lanes in the vicinity. Although there is a partially paved trail to Lake Herman, it is NOT a designated bikeway nor is it intended for use by street bicycles. Please correct this in the DEIR.

1

How would cyclists get from Rose Drive to Industrial Way and how would they be directed to another route assuming a Class I bikeway at that point? Where would this bikeway be located, how wide would it be and how would it be designed to accommodate bicycle AND foot traffic? How would cyclists and pedestrians using this bikeway cross Industrial Way, Boulevard A, and Lake Herman Road? Who would be responsible for the maintenance of the class I bikeways proposed?

2

What other types of bikeways would be available within the BBP that encourage the use of bicycles as an alternative mode of transportation? How would the grading mentioned be made bike and pedestrian friendly? Although the DEIR mentions that businesses would be encouraged to provide for bicycle-friendly facilities (including indoor storage and showers), what financial incentives would be available to businesses who chose to do so?

3

With regards to public transportation who would be responsible for the additional cost of extending bus service and routes for Benicia Breeze to serve the area? Would there be bus transportation available from points North and West (i.e. Vacaville and Vallejo) and how would they be funded? Where would the bus stops be located in the BIP and how far would they be from each of the building sites? Where would bus shelters be built and who would maintain them?

4

Although DEIR mentions how many acres of roadway would be needed in the project, no mention is made about how large an area the parking lots would be. If car sales lots were to be included in the area, how much area would be covered with asphalt for those types of businesses? Please include these projections in the DEIR stated in terms of asphalt and acreage to be used both in the commercial and industrial areas.

5

In the commercial area, many types of businesses are proposed. What studies have been done or are planning to be done that would determine the justification for building a sports facility, a movie complex, a 3 story hotel, 2 large office buildings, 2 restaurants and possibly a few "big box" retail establishments? Where would the patrons of these establishments come from and what kind of tax revenue is expected to be generated? What would the complex look like and how would it be reflective of the "small town feel" that Benicia advertises to its constituents?

6

What would a 40 foot wall on East 2nd street look like from Hwy 680, E 2nd and points North as well as Southwest (Water's End). How would erosion be contained on slopes of 30% that would result in the leveling of the hills above E 2nd? If one looks at the view from Water's End housing complex, how would the project impact that view? Would it look similar to what we see going to the Gateway Center in Vallejo which has flat roofs, large parking areas with acres of asphalt? Please provide pictures of the final project as seen when fully developed WITHOUT including landscaping (which will take 10-20 years to buffer some of the area) from a hilltop view as well as from Lake Herman Road, Hwy 680, and East 2nd Street starting at Industrial Way and going to Lake Herman Road.

7

The mitigation in Chapter IV Section D calls for relocation of wetlands above the seasonal wetlands that currently exist in the project area. Where would these wetlands be relocated and how can this relocation be justified since the current wetlands provide filtration of water runoff into the Suisun Bay and ultimately the Carquinez Strait? Although detention basins would be required to offset the wetlands no information is given as to their location. Where would these basins be located and how large would they have to be to reduce potential flooding, erosion, and toxic chemicals which would occur from increased automobile and truck usage on current and new roads in the area? How would this project impact the water quality of the surrounding area- not only the Suisun Bay and Carquinez Strait but also the groundwater under the proposed basins?

8

Where would the measurement of the air quality be taken? Where is the nearest station for this type of measurement located? If no station exists downwind from the project assuming that 80% of the winds come from the Southwest to measure air quality, who would purchase one, where would it be located, and who would be responsible for its maintenance and monitoring?

9

The project states that Industrial Way would be extended from E 2nd to Lake Herman Road. How would this impact traffic coming to and from Vallejo to the project and elsewhere on Lake Herman Road and what would the environmental impact be with regards to wildlife in the area? Also, who would be responsible for the maintenance of the newly widened part of Lake Herman Road as well as Industrial Way and the proposed Boulevard A?

10

Some older buildings that currently sit on the site are mentioned in the project. No mention is made as to their historical value. Please require that a local historian research the building site to determine if these buildings should be saved and if they should be relocated where and how that would occur as well as who would finance their relocation.

11

Although the DEIR has included a traffic study which accounts for increased traffic by employees entering and leaving the project from the surrounding areas, no study has been included to account for the increased traffic generated by the project itself including the retail area. What are the projections of traffic during and after business hours at each of the intersections studied? In other words, instead of the projected 7,000 cars per day in and out of the project, the impact of more automobile and truck traffic could actually increase to 10,000 + cars per day that would be travelling to and from this project. Please include these vehicles in the traffic projections so that a full view of the impact can be determined.

12

The DEIR states that E 2nd and Industrial Way would be widened as well as many of the intersections coming from the freeways onto these roads. How would land be acquired for these roads to be widened? How much land would need to be cut into the hills on the west side of East 2nd to make that road into a 4 lane road with a median in the middle? Also how would the overpass on Lake Herman Road (which is currently 2 lanes wide) be improved to accommodate the widened sections on the east and west sides of Hwy 680?

13

Although the DEIR states that acreage would be set aside for fire and police protection, no mention is made of who will fund the construction of these facilities. Is it assumed that the city of Benicia will construct the stations and how much would it cost not only to construct them but also to maintain them? Why aren't the proposed tenants of the BBP mentioned as possible sources of revenue to construct and maintain these facilities?

14

Unfortunately the proposed alternatives to this DEIR are not clear as to what the impact would be if one of them were chosen over the original plan. In addition, none of these EIRs conform to the General Plan. To ignore this, is to ignore the intentions of the citizens of Benicia who worked many years in workshops and meetings to develop a plan that would be in the best interests of all.

15

I endorse and include by reference as part of my own comments those submitted by Bob Berman, Sue Wickham, Jan Cox-Golovich, Susan Street, Sabina Yates, Norma Fox, Marilyn Bardet, Steve Goetz, Robert Craft, and Barbara Wood.

16

Thank you,



Nancy Lund  
200 Marina Village Way  
Benicia, CA 94510

### COMMENTOR C13

Nancy Lund  
March 9, 2007

C13-1: The Draft EIR has been revised to accurately describe existing bicycle facilities along Rose Drive and East 2nd Street. Any improvements to bicycle facilities implemented by the project sponsor would be built to modern engineering standards. The project would not create design features dangerous to pedestrians, bicyclists, or motorists. Beyond Industrial Way there is a partially paved trail which reaches Lake Herman Road.

Page 217 of the Draft EIR is revised as follows:

**g. Bicycle and Pedestrian Facilities.** In the study area, designated Class I Bikeways (paved path separated from automobile traffic) are provided at the following locations:

1. Along Rose Drive, extending through west Benicia;
2. North of Rose Drive, connecting Channel Road with Rose Drive; and
3. North of Rose Drive, connecting Rose Drive with Lake Herman Road.

Class II Bikeways (paved extension of a roadway designated exclusively for bicyclists) are provided at the following locations:

1. Along East 2nd Street between Industrial Way ~~Lake Herman Road~~ and Hillcrest Avenue (just north of I-780);
2. Along Southampton Road;
3. Along Military West Street (entire length);
4. Along Rose Drive, (East 2nd Street to Panorama Drive) ~~extending east from the existing Class I Bikeway to East 2nd Street~~; and
5. Along West 7th Street between Southampton Road and Military West Street.

Class III Bikeways (signed routes where bicycles share roadways with vehicular traffic; no separate right-of-way is provided) exist at the following locations:

1. Along Rose Drive, extending south from the existing Class I Bikeway; and
2. Along East 2nd Street between Hillcrest Avenue and Military East Street.

C13-2: See Response to Comment C13-1.

- C13-3: These questions pertain to the merits of the project and not to the adequacy of the Draft EIR; therefore, no additional response is required.
- C13-4: These questions pertain to the merits of the project and not to the adequacy of the Draft EIR; therefore, no additional response is required.
- C13-5: The project sponsor has not provided details on the design and distribution of parking facilities on the project site. Therefore, no estimate of parking lot coverage has been included in the Draft EIR.
- C13-6: These questions pertain to the merits of the project and not to the adequacy of the Draft EIR; therefore, no additional response is required.
- C13-7: See Response to Comment C1-8 regarding the need for an exhaustive analysis of the visual effects of the proposed project. Visual simulations of the project from East 2<sup>nd</sup> Street are shown in Figure IV.J-5. Anticipated erosion from the project site is discussed on pages 141 and 142 of the Draft EIR. The visual simulations included in the Draft EIR show anticipated views of the project site shortly after buildout (when vegetation is not yet mature). These visual simulations adequately illustrate the expected appearance of the project before vegetation matures.
- C13-8: See Responses to Comment B1-6 and C6-36.
- C13-9: No air quality measurements are required as part of mitigation measures recommended in the Draft EIR.
- C13-10: The (extended) Industrial Way would be located approximately 1,600 feet west of Reservoir Road and would replace access between East 2<sup>nd</sup> Street and Lake Herman Road currently provided by Reservoir Road. Therefore, the extension of Industrial Way (combined with the removal of Reservoir Road) would have minimal effect on traffic patterns in the area. The potential impacts of the project on wildlife (including those that might result from the extension of Industrial Way) are discussed on the following pages of the Draft EIR: pages 193, 198, 199, 200, 201, 202, and 203. The City would be responsible for the maintenance of all existing and proposed streets in and around the project site.
- C13-11: The historical value of the buildings on the project site is discussed on pages 310 and 311 of the Draft EIR (see in particular Table IV.K-1, Cultural Resources at the Project Site). Based on an evaluation conducted by Ric Windmiller, a historian, the buildings on the project site are not considered historic resources pursuant to CEQA. Therefore, mitigation of impacts to these structures is not warranted (although mitigation would be required to reduce impacts to potential bat habitat).
- C13-12: Section IV.G, Transportation and Circulation, details the trips generated by all components of the project (including retail/commercial and industrial uses), and associated impacts. Please refer to this section of the Draft EIR for more detail.

The impact analysis is focused on peak traffic hours, consistent with standard City of Benicia and CEQA protocol. After-hour traffic volumes would be less than the volumes presented in the Draft EIR for peak periods.

- C13-13: Land for road construction would be acquired by the City. Specific design details for road widening projects would be developed by the City of Benicia Public Works Department.
- C13-14: As indicated in Mitigation Measure PUB-1a on page 327, construction of the required public facilities would be funded by fees imposed on the proposed project. Funding for personnel, equipment, and maintenance would be provided by the City.
- C13-15: See Response to Comment C1-15.
- C13-16: This comment, which endorses other comments submitted on the Draft EIR (that are included in this Response to Comments Document), is noted.

**Cindy Gnos**

**From:** Kittysmail@aol.com  
**Sent:** Friday, March 09, 2007 9:57 PM  
**To:** Cindy Gnos  
**Cc:** cknox@ci.benicia.ca.us; geleccion@ci.benicia.ca.us  
**Subject:** Kitty's Draft EIR Comments

Dear Ms. Gnos,

I mistakenly sent my comments to Charlie Knox and also delivered my hard copy of the same to the Planning Department at City Hall this morning, when I should have addressed it to you. The hard copy was stamped "March 9th" at the desk this morning and I assume it will find its way to you. Below is the e-mailed copy I sent to Charlie:

**COMMENTS ON THE DRAFT EIR FOR THE BENICIA BUSINESS PARK**  
Submitted Friday, March 9, 2007 by Kitty Griffin, 236 Baker Street, Benicia

1. I request that the final EIR revise its conclusion that the proposed plan is not growth-inducing, and that it state instead that the plan is growth-inducing.

The DEIR says that the project offers no direct or indirect impact on future unintended growth because the adjacent land north of Lake Herman Road is protected by an urban growth boundary. I would argue that it the UGB is threatened by the business park plan.

The UGB has a lifetime, and unless the land is permanently protected within that lifetime, it must be renewed when its time runs out in 2023. If at that time there is a massive development running half the length of the UGB on the south side of Lake Herman Road, the land opposite it on the north side of Lake Herman Road will be perceived as less rural and less worthy of being saved. Hence the plan can clearly be called indirectly growth-inducing under the example of growth-inducing on p. 371: "...development of new....industrial parks in areas that are currently only sparsely developed or are undeveloped."

In addition, the project will put five to ten times as much traffic on Lake Herman Road as there is now.

1

2. I request that the final EIR discuss increased traffic on Lake Herman Road in the main body of the document, in all of the places where traffic impact is discussed, using the data in Appendix D.

The DEIR describes the plan's impact on various intersections, but it does not mention the increased traffic along Lake Herman Road, a point of major community concern and an issue named in the city's General Plan.

It is only in the noise appendix at the very back of the document that we learn that daily traffic on Lake Herman Road will increase

- from 1300 to 13,800 between East 2nd Street and Reservoir Road
- from 3000 to 15,900 between Reservoir Road and Sky Valley Road, and
- from 3200 to 16,000 between Sky Valley Road and Columbus Parkway.

Please bring this data up from the appendix to the main body of the report and discuss its environmental impacts, in all of the places where traffic is discussed.

2

3. I request that the final EIR revise its mixed-use alternative to show much less residential housing.

While I appreciate the fact that there IS a mixed-use alternative, it is unclear why Figure V-3 shows nearly 80 acres of housing, or why much of it is set right on Lake Herman Road.

Surely housing can be introduced into the project without its taking up half as much space as industrial uses. I would suggest that the mixed-use alternative include only one of the four proposed residential areas--just the one shown next to the larger of the two small commercial areas on the south side of the property. I also suggest that the residential area include low-income home ownership units like Hearthstone on Military West as part of the high density units.

I suggest that the other three patches designated for residential use in Figure V-3 be designated open space.

3

4. I request that the final EIR designate either the Mixed-Use alternative revised as suggested above, (Figure V-3 revised), OR the Waterway Preservation alternative (Figure V-1) be designated the environmentally superior alternative instead of the Hillside/Upland preservation alternative (Figure V-2).

4

It is interesting that all three alternatives show the industrial use areas reduced from 280 acres of industrial development to roughly 170 acres. In that sense, the city gains no more industrial space from any one of the three over the other two.

5

My own primary environmental concern, notwithstanding the importance of other environmental concerns, is in preserving the rural ambiance of Lake Herman Road so as to protect the intent of the UGB, which commanded the support of 70 percent of Benicia voters. The Hillside/Uplands alternative is the worst of the three in this respect, and the Waterway Preservation alternative is the best. The Mixed-Use alternative would also be protective of Lake Herman Road if it is revised as I suggested above; if, on the other hand, the Mixed-Use alternative is NOT revised as suggested, then my request is that the EIR designate the Waterway Preservation alternative as the choice for the environmentally superior version.

6

5. I request that the final EIR point out more forcefully and conspicuously throughout the document the statements made in its admirable Table IV.A-1, starting on p. 96, which reveals discrepancies between the project and Benicia's General Plan.

7

That table includes very candid statements of the problems the project poses for the General Plan, but too little is made of it. The only problem that is repeatedly pointed out is the project's inconsistency with the General Plan's many calls for pedestrian and bike-riding features, which are missing inside this project. I think more of these discrepancies might be pointed out throughout the document, to keep them in the forefront for decision-makers.

6. I request that the final EIR greatly tighten the descriptions of the proposed mitigations, which are extremely unpecific. I think CEQA frowns on lack of specificity regarding mitigations and of leaving the details for later.

8

7. I request that the final EIR explicitly address the potential negative impact of new commercial businesses that compete with current commercial businesses in Benicia, and that it include the policy which presumably the City will adopt regarding this issue.

9

I think it can be argued that some form of "urban decay" might result if healthy aspects of Benicia's current commercial mix are undermined by competition offered by large new businesses. Not all new businesses would be destructively competitive.

8. I request that the final EIR discuss the current negative impacts on the Suisun Marsh coming from outside Benicia, which we are reading about these days, and evaluate the project in the light of cumulative impacts to the marsh.

10

I apologize for not being more specific about this. I just have a feeling that this issue might be more important than we think, and request that those who know a lot about the Marsh's declining health give enough attention to this topic in the final EIR.

Thank you.

\*\*\*\*\*

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## COMMENTOR C14

**Kitty Griffin**  
**March 9, 2007**

C14-1: See Response to Comment B5-2.

C14-2: See Response to Comment C6-88.

C14-3: The Mixed-Use alternative would result in the construction of approximately 1,500 housing units on the project site. The designation of housing uses on the site as part of this alternative is intended to allow for some degree of internal containment of the local business park population (i.e., to allow for the development of services within walking range of the local population). The residential population of 1,500 housing units would help support at least a small amount of local-serving retail uses such as a grocery store or coffee shop and, in conjunction with other nearby residential uses, an elementary school. Some minimal amount of residential population on the site (this alternative designates 1,500 units) would be required to allow for a truly mixed-use neighborhood (with its associated environmental benefits, including the reduction of per capita driving distances). While eliminating three of the four residential areas in the alternative (as suggested by the comment) would reduce expected peak hour traffic volumes, it would substantially reduce the benefits of the alternative that are associated with a mixture of uses (including the potential for reduced or shortened per capita automobile trips). Even though the conceptual diagram of the Mixed-Use alternative shows that residential uses would extend up to Lake Herman Road, impacts to the visual character of Lake Herman Road could be substantially reduced through innovative design, residential clustering, or screening (which is more possible with residential uses than commercial or industrial land uses). Therefore, the relative environmental benefits of the variation in the mixed use alternative proposed by the commenter would be marginal.

C14-4: Even though the Mixed-Use alternative as revised by the commenter could reduce trips generated on the project site compared to the Mixed-Use alternative presented in the Draft EIR, this alternative would still fall short of the environmentally superior alternative. Compared to the Mixed-Use alternative and the Waterway Preservation alternative, the Hillside/Upland Preservation alternative would result in reduced vehicle trips and grading (resulting in reduced particulate emissions and changes to the topography of the site), while preserving drainages and wetlands on the site. Therefore, it would remain the environmentally superior development alternative.

- C14-5: Industrial uses comprise approximately 170 acres of each development alternative in order to meet the objectives of the project sponsor for development of the site.
- C14-6: See Responses to Comments C14-3 and C14-4.
- C14-7: This comment is noted. The project's inconsistency with General Plan policies adopted for the purposes of environmental protection (and the associated significant and unavoidable impact) is referenced numerous times in the Draft EIR, including on pages 104 and 105, 141, 352, 357, 360, 367, 369, 373, and 374.
- C14-8: See Response to Comment C4-2.
- C14-9: As indicated on pages 347 to 350 of the Draft EIR, the proposed project in its current form would not be expected to result in urban decay impacts (although urban decay could occur if the project's retail mix changes). This finding is supported by substantial evidence, including a fiscal analysis prepared by Applied Development Economics that took into account local and area-wide retail demand, retail leakage, the character and location of existing businesses, and other variables.
- C14-10: It is unclear how adverse effects to Suisun Marsh from outlying areas would affect the proposed project. After implementation of the mitigation measures recommended in the Draft EIR, the project would have minimal effect on the water quality of Suisun Marsh. Suisun Marsh is separated from the project site by East 2<sup>nd</sup> Street and I-680; these barriers substantially hinder wildlife movement between the marsh and the project site. Therefore, the proposed project would not result in a significant cumulative effect on wildlife associated with Suisun Marsh.



Cindy Gnos, Contract Planner  
City of Benicia Planning Department  
250 East "L" Street  
Benicia CA 94510

Geologic Hazards of Benicia Business Park Development Site

The 9M cubic yards of excavation from 527 acres of the project site has a history of quarry operations. This area has also been identified in the Benicia Business Park Draft Environmental Impact report (p. 114) as being susceptible to landslide and debris flow in a report submitted by ENGEO to West Coast Builders in 1998. | 1

The ENGEO report mapped eight landslides at the project site. The depth of past movement associated with these landslides is 10 to 30 feet below the ground surface. |

What are the long-term effects of this geologic history upon the potential for new landslides and other slope failure in this project area with cuts of 100 ft deep? | 2

Considering that the historic landslides are 10 to 30 feet below the ground surface, what will occur if this level is exposed to the deformation of deep fills and cuts? | 3

What is the probability of a major earthquake occurring in the project site area? | 4

Is it correct to assume that all grading will be done before project development – there are no suggestions of Phased Operations in Figure III-9 as in Figure III-10? | 5

What is the danger of erosion degradation if Phase 2 is not deemed viable? | 6

What will be the impact of longer delays between later Phases on stormwater runoff? | 7

Sincerely,

Arloine E. Stoner, 480 West J Street, Benicia  
Ronald E. Stoner, 480 West J. St., Benicia

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\_\_\_\_\_  
\_\_\_\_\_

## COMMENTOR C15

**Arloine E. Stoner and Donald E. Stoner**

**March 12, 2007**

- C15-1: These introductory comments are noted.
- C15-2: The history of landslides on the project site is discussed on page 120 and 121. Impacts associated with potential landsliding are discussed on pages 126 and 127 of the Draft EIR.
- C15-3: The final design level geotechnical investigation, required as part of Mitigation Measure GEO-3a for city review and approval before permits are issued, would evaluate slope stability as related to proposed cuts and fills. Many of the specific measures that would be implemented would be included in the design-level geotechnical report; these measures would be modified based on observed conditions during grading. The preliminary geotechnical investigation recommends that the steepest proposed manmade slopes for the new project greater than 15 feet in height not exceed a 3:1 slope, or 2:1 for slopes less than 15 feet in height. Slopes greater than 30 feet in height should have benches (steps) at heights no greater than every 30 vertical feet. In the event of a slope cut intersecting a historic landslide, engineering methods, such as over-excavation and replacing unstable materials with engineered fill, or strengthening a slide area by cutting a "keyway" into the hillside and filling with compacted engineered fill may also be recommended. These measures would reduce this impact to a less-than-significant level.
- C15-4: This question is addressed on page 115 of the Draft EIR: there is a 96 percent chance that a major earthquake affecting the project site will occur in the next 100 years.
- C15-5: Site preparation, including grading, would occur in five phases (see page 80 of the Draft EIR).
- C15-6: Implementation of Mitigation Measure HYDRO-3 would reduce the potential for erosion on the project site to a less-than-significant level, regardless of the feasibility of specific project phases.
- C15-7: Longer delays between phases would have no adverse impact on storm water volume or quality because a Storm Water Pollution Prevention Plan would be required prior to the issuance of a grading permit for specific development sites.

**Adam Weinstein**

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**From:** Arthur Spacher [arthurspacher@yahoo.com]  
**Sent:** Saturday, February 17, 2007 8:02 AM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** new business park

Charlie

Enough is enough. The city has already turned Seaview Drive into a bus route. The traffic on East Second Street is already like a highway. Why can't the city plan a way to keep the dangerous traffic out of the neighborhoods and on the freeway where it belongs?

1

Just look at the Traffic on East 2nd street now. Ask yourself what will it be like in 15 years. I moved to 173 E Seaview Drive 15 years ago and I didn't have buses traveling through the neighborhood and bus stops in front of my house, the cars on East 2nd street were far fewer, and the speeders were less.

Have you tried to turn on to East 2nd from East Tennys with the speeding traffic? It is dangerous. The police are fighting a losing battle trying to enforce the speed limit now. Imagine the speeds and type of vehicles using East 2nd with the proposed plan. There are no changes or improvements to the intersections at Rankin, Hillcrest, Seaview, and East Tennys in the proposed plan. Certainly there must be safety concerns as East 2nd street is already unsafe for neighborhood foot traffic. Isn't that why a fence is along the sidewalk between Seaview and Rankin to protect the children walking to school from the speeding cars..

2

What about the noise? I have often wondered why a sound wall is not on the West side of East 2nd like on the East side. I guess because there isn't enough room so we just don't worry about protecting the people on the West side from the high levels of traffic noise. Instead the city is going to increase the traffic, make no improvements to the intersections, and let the residents grin and bear it.

3

Come on folks Benicians are better than this. I know the planning commission and the city council can find a way to have the new business park and keep the traffic on the freeway and not endanger the citizens living off of East 2nd street. Try having more or larger overpasses at Lake Herman Road just a thought. You have already turned East 2nd Street into a highway lets not turn it into a freeway.  
THINK CITIZENS FIRST.

4

Thank You

Arthur Spacher  
173 E Seaview Drive  
Benicia, Ca.

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It's here! Your new message!  
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**COMMENTOR C16**  
**Arthur Spacher**  
**February 17, 2007**

C16-1: This comment, which pertains to the merits of the project, is noted.

C16-2: This comment, which pertains to the merits of the project, is noted.

C16-3: This comment, which pertains to the merits of the project, is noted.

C16-4: This comment, which pertains to the merits of the project, is noted.

City of Benicia Website Contact Form Submission

**Adam Weinstein**

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**From:** khornwat@sonic.net  
**Sent:** Saturday, February 17, 2007 8:41 AM  
**To:** info@ci.benicia.ca.us  
**Subject:** City of Benicia Website Contact Form Submission

UserName : Krista Horn-Watkins  
Regarding : City Council  
Comments : Feb 17 2007

Dear City Counsel, I have reviewed the draft EIR for the proposed Benicia Business Park. As both a resident of Benicia (homeowner of a house on E. Seaview) and a parent of a second grader at Robert Semple, I am very disturbed by the results of the report. The report clearly concludes that traffic and noise levels will be unacceptable as well as taxing on our environment and resources. This proposal in its current form must be rejected. Thank you for your time and consideration.

Krista Horn-Watkins  
166 E. Seaview Dr

1

**COMMENTOR C17**  
**Krista Horn-Watkins**  
**February 17, 2007**

C17-1:            This comment, which pertains to the merits of the project, is noted.

**Adam Weinstein**

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**From:** E Kolowich [edkbenicia@yahoo.com]  
**Sent:** Friday, February 16, 2007 5:19 AM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** Seeno Project

Hi,

I've lived in Benicia over 27 years and feel very strongly about the Seeno project. I hate to see our beautiful hills destroyed by uncontrolled growth.

The reason I moved to Benicia all those years ago was because of its beautiful location on the straits surrounded by open hills. I've seen those hills become over populated over the years with Vallejo's uncontrolled growth from the west and attempts to shrink the hillside to the north (e.g. Sky Valley) and Cordelia's march south.

I've seen the draft EIR on Seeno and feel it represents an environmentally superior alternative with at least alternatives to limit the destruction to the hills and with plans to reduce the traffic that is sure to become a major problem.

Please give strong consideration to this alternative and attempt to keep Benicia the bucolic gem it is.

Sincerely,

Ellen Kolowich  
514 Cooper Drive

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It's here! Your new message!  
Get new email alerts with the free Yahoo! Toolbar.  
<http://tools.search.yahoo.com/toolbar/features/mail/>

**COMMENTOR C18**  
**Ellen Kolowich**  
**February 16, 2007**

C18-1:           This comment, which supports the environmentally superior alternative identified in the Draft EIR, is noted.

**Adam Weinstein**

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**From:** n. zakar [n.bz@sbcglobal.net]  
**Sent:** Friday, February 23, 2007 10:26 AM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** Benicia Business Park

Dear Charlie:

Nancy and I wanted to register our concern regarding the proposed Benicia Business Park at the North end of East Second Street. While we have no problem with the building of the park and its location, we have a big problem with the potential impact on traffic in and around our neighborhood.

For a small town, there is already an astonishing level of traffic on East Second Street and on West Seaview, where we live. A significant increase would be unsafe and most unwelcome.

There is a freeway exit off I680 at the site of the proposed park which should be used for the business park traffic, keeping it off the surface streets and out of our neighborhoods. Please do everything possible to see that approval for the park is attached to addressing the legitimate traffic concerns of Benicia residents. The I680 exit at Lake Herman road is a clear and obvious way to meet the needs of all concerned.

Thank you,

Barry and Nancy Zakar

**COMMENTOR C19**  
**Barry and Nancy Zakar**  
**February 23, 2007**

C19-1:            This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** nikkibdavis@sbcglobal.net  
**Sent:** Wednesday, March 07, 2007 1:07 PM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** RE: SEENO PROJECT AT LAKE HERMAN

TO WHOM IT MAY CONCERN,

AS AN ARTIST IN THIS COMMUNITY I AM VERY SAD AT THE POSSIBILITY OF THE LAKE HERMAN AREA'S NATURAL BEAUTY BEING DESTROYED BY GRADING FILLING AND DEVELOPING. WE HAVE ENOUGH STRIP MALLS, NOT ENOUGH OPEN SPACES WHERE WE CAN GET IN TOUCH WITH NATURE'S BEAUTY AND OUR OWN INNER PEACE.

I HAVE PAINTED THIS AREA MANY TIMES AND TOOK GROUPS ON WORKSHOPS. I SINCERELY HOPE THAT THE CITY WILL SEE THE VALUE OF OUR OPEN SPACES AND REJECT THIS IDEA.

SINCERELY

NIKKI BASCH-DAVIS

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**COMMENTOR C20**  
**Nikki Basch-Davis**  
**March 7, 2007**

C20-1:            This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** nikkintilly@comcast.net  
**Sent:** Monday, March 12, 2007 9:36 AM  
**To:** charlie  
**Cc:** Cindy Gnos

As an active member of our community and resident of Benicia for over fifteen years now, I am deeply saddened by the news that the greed of land developers (especially developers with so terrible a reputation as Seeno), has poisoned what many consider the "shining star" of Solano county. Since when does "respect for life" mean only human life? My children and I have observed an incredible variety of wildlife in this area. We have seen deer, elk, beaver, pheasant, and many birds of prey to name a few. Am I to tell them these creatures are a thing of the past? Why does every square inch of hillside have to be covered with asphalt and fast food? In a county so stricken with obesity, the last thing we need are more drive thru windows. The times are changing quickly. Our earth is changing quickly. Environmental awareness and education are no longer considered just a niche for some. These things are being taught in our schools. How long will our youth respect their leaders if they lack the same moral ideology? (yes, this is a question of moral value) Please, I urge you to take a stand against the power of big money, and those council members whom it has already corrupted. Take a stand for our future.

Sincerely,  
Nichole Clark-Tillotson  
Concerned Benicia resident

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**COMMENTOR C21**  
**Nichole Clark-Tillotson**  
**March 12, 2007**

C21-1:            This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** straitvue@webtv.net  
**Sent:** Friday, March 09, 2007 9:53 AM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** DSeeno Proct

Dear Cindy,

I urge you to take the time to consider carefully a complete environmental impact of this project. We have a precious place here in Benicia and hope to leave the legacy of the same to our children.

This is an enormous project with a huge impact. Please consider ALL aspects carefully.

Thank you,  
Barbara Engdahl

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**COMMENTOR C22**  
**Barbara Engdahl**  
**March 9, 2007**

C22-1:            This comment, which pertains to the merits of the project, is noted.

Cindy Gnos

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**From:** alicia [zichau@sbcglobal.net]  
**Sent:** Wednesday, March 07, 2007 7:47 PM  
**To:** cknox@ci.benicia.ca.us  
**Cc:** Susan Street  
**Subject:** seeNO Project

I would like to cast my vote against re-sculpting the landscape adjacent to E. 2nd St. to accommodate an enormous shopping area that is not in keeping with the reason we all (the present residents) moved to charming Benicia . Of course, there needs to be economic development in our small town, but for god sake, can we PLEASE have some vision. It is an ongoing battle across this country to keep communities intact in such a manner as to preserve the friendly, family-oriented life we have chosen. Flattening out our beautiful hills overlooking the Carquinez Straits is counterproductive to the unique nature of Benicia that draws tourists and future homeowners to our sweet town.

One of the sad things about the SeeNO project is that the average working person who is busy raising kids has no clue that the small town they love is planning to destroy a large open area to bring yet another charming strip mall-like monstrosity to Benicia.

Thank you.

Alicia A. Gallagher  
314 E. 2nd St.  
Benicia

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**Commenter C23**  
**Alicia A. Gallagher**  
**March 7, 2007**

C23-1:            This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** Wendi Glaser [wendra@pacbell.net]  
**Sent:** Wednesday, March 07, 2007 5:10 PM  
**To:** Cindy Gnos; charlie.knox@ci.benicia.ca.us  
**Subject:** Seeno Project

As a mother of two young children with a traveling husband, going to City Council meetings is not something I can easily do. However, I care deeply about the town that I call home, and I am dismayed to think that our beautiful hills could be replaced with suburban sprawl. Why, oh why, would anyone want to do this? I realize that there are developers who will obviously benefit, but, at what cost to our beautiful little idyllic town?

Is there anything a concerned citizen can do to stop this?

I look forward to hearing from you.

Wendi Glaser

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**Commenter C24**  
**Wendi Glaser**  
**March 7, 2007**

C24-1:            This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** dana green [pomponette@netvista.net]  
**Sent:** Wednesday, March 07, 2007 2:08 PM  
**To:** Cindy Gnos; Charlie.Knox@ci.benicia.ca.us  
**Subject:** Seeno Project

Ms. Gnos and Mr. Knox,  
I am appalled that Benicia would even consider a project like Seeno Project. This business park sounds awful from the get-go and I am frightened about the impact to our town and quality of life. I don't want more traffic, more offices, and an East Second Street "freeway thoroughfare" busy all the live long day and night. I don't want the hills dug, moved, or carved in any way, shape or form. I absolutely oppose every aspect of this project . I will do everything I can to speak out against this plan.

Sincerely,  
Dana Green

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**Commenter C25**  
**Dana Green**  
**March 7, 2007**

C25-1:            This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** Diane Hill [dhill@berkeley.edu]  
**Sent:** Wednesday, March 07, 2007 1:35 PM  
**To:** Cindy Gnos  
**Subject:** Seeno Project

Cindy Gnos  
Project Planner

Dear Ms. Gnos,

As a resident of Benicia, I am utterly appalled at the prospect of the Albert Seeno development plan for an industrial park. Allowing 9 million cubic yards to be removed, flattening the landscape by grading the hills is astonishingly and disturbingly narrow-sighted and will impact the environment in the worst of ways. I cannot emphasize enough the tremendous reservations I have about this entire project. Having been a resident of the Bay Area for fifty years, I have seen the shocking deterioration of the landscape from natural beauty into a mere platform for immensely ugly commercial properties that spread like cancer, have little character, and, in the end, little intrinsic benefit except for the developers who live elsewhere. If this area is not preserved appropriately, which the Seeno project will clearly not do, it is mortgaging the future of Benicia, one of the last great places to live in the Bay Area.

Sincerely,

Diane E. Hill  
278 East 2nd St.  
Benicia, CA 94510

*Diane E. Hill, Ph.D.  
Director of Academic Affairs, Graduate Division  
University of California at Berkeley  
424 Sproul Hall, Berkeley, CA 94720-5900  
(510) 643-7412 (office)  
(510) 642-6366 (fax)*

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**Commenter C26**  
**Diane E. Hill**  
**March 7, 2007**

C26-1:            This comment, which pertains to the merits of the project, is noted.

City of Benicia Website Contact Form Submission

**Adam Weinstein**

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**From:** khornwat@sonic.net  
**Sent:** Saturday, February 17, 2007 8:41 AM  
**To:** info@ci.benicia.ca.us  
**Subject:** City of Benicia Website Contact Form Submission

UserName : Krista Horn-Watkins  
Regarding : City Council  
Comments : Feb 17 2007

Dear City Counsel, I have reviewed the draft EIR for the proposed Benicia Business Park. As both a resident of Benicia (homeowner of a house on E. Seaview) and a parent of a second grader at Robert Semple, I am very disturbed by the results of the report. The report clearly concludes that traffic and noise levels will be unacceptable as well as taxing on our environment and resources. This proposal in its current form must be rejected. Thank you for your time and consideration.

Krista Horn-Watkins  
166 E. Seaview Dr

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**Commenter C27**  
**Krista Horn-Watkins**  
**February 17, 2007**

C27-1:           This comment, which pertains to the merits of the project, is noted. (Note: This letter is a repeat of C17)

**Cindy Gnos**

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**From:** Bryan Irving [birving@DSTControls.com]  
**Sent:** Thursday, March 08, 2007 9:22 AM  
**To:** comdev@ci.benicia.ca.us  
**Cc:** Marshall, Kerri  
**Subject:** Seeno Project - East 2nd Street

This email is directed to the City Council and the City Planning Department including Cindy Gnos.

Thank you very much for the flyer that arrived at my home yesterday that was titled Benicia Environmental Alert!

It is with dismay that I read of the plans to turn another part of rural Benicia into a developers money grabbing dream in the proposed Seeno Project along East 2<sup>nd</sup> Street.

Please be advised that I oppose development that is handled in this manner for a number of reasons. The first is the manner in which the developer is attempting to implement this in a below the radar fashion. I have only learned of this through here say, comments made at City Council meetings, editorials in the Benicia Herald and finally the flyer sent out by the planning department. This demonstrates a complete lack of concern for the community on the part of the developer. This would make me suspicious of any proposals offered by such an organization and immediately makes me question why Benicia would have anything to do with such an organization.

Secondly... Benicia is and always has been a rural community with a downtown area that has struggled for both an identity and sufficient commercial traffic to support its businesses. It is over-populated with Real Estate Companies, Title Insurance Companies and antique shops (though not so much anymore). Though the mix of businesses is improving I believe the last thing that Benicia needs is a "strip mall" located away from the downtown area. If this development is allowed to rape the land and plunder our pockets, the vision of Benicia being a rural community will change. Lake Herman road will start to morph as this development will put pressure to upgrade that pleasant country road feeling. The hillsides will be leveled for the sake of profit, not community. East 2<sup>nd</sup> Street in that area will become just another Cordelia type corridor with no historical substance and definitely will not reflect what we the people of Benicia consider to be the character of our small town.

As an example of what could be done here...consider the town of Freeport, Maine, home of L.L.Bean company. This was a very rural community that was not much different than other New England towns back in the 70's & 80's. LLBean then decided to grow at an amazing rate. What was a small business housed in an antique farm house then turned into a \$MM business. The town could very easily have succumbed to the leveling of homes and age old businesses and become just another huge mall type shopping area. But that did not happen. Though the typical shopping outlet stores did arrive...they were forced to put in their stores in such a fashion as to not completely obliterate the small town feeling of Freeport. Though some would argue the old town of Freeport disappeared, I submit that the town did a decent job of dictating how the developers could alter their town...not the other way around. I believe this is Benicia's duty and as members of the planning committee it is your duty to help make that happen.

I am not opposed to development...it is what drives our economy and sustains our standard of living. But let's be smart about what we allow into our community. Let's make sure developers provide something that we as a community want and can live with for the years to come. Not everything is about the almighty dollar.

Sincerely,

***Bryan Irving***  
Quality Director/Project Manager

3/8/2007

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**Commenter C28**  
**Brian Irving**  
**March 8, 2007**

C28-1: As a point of clarification, the “Benicia Environmental Alert” was distributed by a private group unaffiliated with the City of Benicia staff.

C28-2: This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** pacrail@comcast.net  
**Sent:** Saturday, March 10, 2007 11:13 AM  
**To:** pacrail@comcast.net; Cindy Gnos; charlie.knox@ci.benicia.ca.us  
**Cc:** benheral@pacbell.net  
**Subject:** letters to the editor

Benicia Herald and Cindy Gnos,  
How can this large of a development be approved without any knowledge or participation of this cities occupants input? Also I see The Draft Environmental Impact study has been released. How many were done to get this one? Did they publish any previous Environmental Impact Studies? I can tell you as a very concerned citizen, there is more wild life in this area then on the report. I have seen and photographed a Roosevelt Elk in this area, and I am attaching pictureess of this same Elk across the road from this area. I did not want to publicize this information for fear of running off this amazing animal that has found our town.

This elk was on this same area they want to develop last Friday 3/9/2007.

Now they want to flatten the whole area? I truly believe if this town new this information, it would stop development. The current Business park has plenty of room and vacancies.

I look forward to your response on this urgent manner. Feel free to contact me and publish the pictures if it helps stop this development.

How long has it been since Elk were in Benicia?

Very Concerned Citizen of Benicia,

Robert Kirchgessner  
542 Solano Drive  
Benicia Cal.94510  
707-747-9104  
pacrail@comcast.net

**Commenter C29**  
**Robert Kirchgessner**  
**March 10, 2007**

C29-1:            See Response to Comment C12-3 regarding animal species that are not specifically protected by State and federal environmental laws. Elk are not subject to such protections.

**Cindy Gnos**

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**From:** Charles Maddux [camnsam@att.net]  
**Sent:** Saturday, March 10, 2007 10:54 AM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** Seeno Project

Cindy, As long time area residents in both Contra Costa and Benicia we are well aware of Steno's past problems with his developments. Tigers don't change their spots and we need the tightest scrutiny of the project. He is known to have little care for the environment, trees, drainage streams etc. in other counties. Please keep his Bull in the China Shop tactics from changing the character of our little city. Chuck and Suzanne Maddux, Benicia

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**Commenter C30**  
**Chuck and Suzanne Maddux**  
**March 10, 2007**

C30-1:            This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** Mary Magill [ynotvote@mac.com]  
**Sent:** Monday, March 12, 2007 2:14 PM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** Benicia Business Park

To: Cindy Gnos  
City of Benicia Planner  
March 12, 2007

Re:  
Seeno Project

What assurance has the city been given as regards the widening of 780?

Does the city have a Cal Trans pledge to do this work?

Who PAYS FOR THE WIDENING? THE DEVELOPER ?

Mary Magill  
654 East L. St.  
Benicia, Ca. 94510

E-mail  
ynotvote@mac.com  
798-0721

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**Commenter C31**  
**Mary Magill**  
**March 12, 2007**

C31-1:           The project sponsor would contribute a pro-rata share to fund required changes to I-780 that are recommended as mitigation measures in the Draft EIR.

**Cindy Gnos**

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**From:** Marshall, Kerri [kerrimarshall@remingtonhotels.com]  
**Sent:** Thursday, March 08, 2007 9:47 AM  
**To:** comdev@ci.benicia.ca.us  
**Subject:** RE: Seeno Project - East 2nd Street

Cindy,

I totally agree with the below. I am strongly against this project.

**Kerri Marshall**

---

**From:** Bryan Irving [mailto:birving@DSTControls.com]  
**Sent:** Thursday, March 08, 2007 9:22 AM  
**To:** comdev@ci.benicia.ca.us  
**Cc:** Marshall, Kerri  
**Subject:** Seeno Project - East 2nd Street

This email is directed to the City Council and the City Planning Department including Cindy Gnos.

Thank you very much for the flyer that arrived at my home yesterday that was titled Benicia Environmental Alert!

It is with dismay that I read of the plans to turn another part of rural Benicia into a developers money grabbing dream in the proposed Seeno Project along East 2<sup>nd</sup> Street.

Please be advised that I oppose development that is handled in this manner for a number of reasons. The first is the manner in which the developer is attempting to implement this in a below the radar fashion. I have only learned of this through here say, comments made at City Council meetings, editorials in the Benicia Herald and finally the flyer sent out by the planning department. This demonstrates a complete lack of concern for the community on the part of the developer. This would make me suspicious of any proposals offered by such an organization and immediately makes me question why Benicia would have anything to do with such an organization.

Secondly... Benicia is and always has been a rural community with a downtown area that has struggled for both an identity and sufficient commercial traffic to support its businesses. It is over-populated with Real Estate Companies, Title Insurance Companies and antique shops (though not so much anymore). Though the mix of businesses is improving I believe the last thing that Benicia needs is a "strip mall" located away from the downtown area. If this development is allowed to rape the land and plunder our pockets, the vision of Benicia being a rural community will change. Lake Herman road will start to morph as this development will put pressure to upgrade that pleasant country road feeling. The hillsides will be leveled for the sake of profit, not community. East 2<sup>nd</sup> Street in that area will become just another Cordelia type corridor with no historical substance and definitely will not reflect what we the people of Benicia consider to be the character of our small town.

As an example of what could be done here... consider the town of Freeport, Maine, home of L.L.Bean company. This was a very rural community that was not much different than other New England towns back in the 70's & 80's. LLBean then decided to grow at an amazing rate. What was a small business housed in an antique farm house then turned into a \$MM business. The town could very easily have succumbed to the leveling of homes and age old businesses and become just another huge mall type shopping area. But that did not happen. Though the typical shopping outlet stores did arrive... they were forced to put in their stores in such a fashion as to not completely obliterate the small town feeling of Freeport. Though some would argue the old town of Freeport disappeared, I submit that the town did a decent job of dictating how the developers could alter their

town...not the other way around. I believe this is Benicia's duty and as members of the planning committee it is your duty to help make that happen.

I am not opposed to development...it is what drives our economy and sustains our standard of living. But let's be smart about what we allow into our community. Let's make sure developers provide something that we as a community want and can live with for the years to come. Not everything is about the almighty dollar.

Sincerely,

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**cont.**

***Bryan Irving***  
Quality Director/Project Manager



(707)748-5513 BUSN  
(707)980-0919 CELL  
(707)745-8952 FAX

**Commenter C32**  
**Kerri Marshall**  
**March 8, 2007**

C32-1:            This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** Rosemary Matossian [rosemat@sbcglobal.net]  
**Sent:** Monday, March 12, 2007 10:14 AM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** Seeno EIR

Dear Ms. Gnos,

I have some serious concerns and reservations about the Seeno project.

-rosemary matossian  
rosemat@sbcglobal.net

| 1

3/12/2007

**Commenter C33**  
**Rosemary Matossian**  
**March 12, 2007**

C33-1:            This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** Harriet Stanley [hmurphystanley@hotmail.com]  
**Sent:** Sunday, March 11, 2007 8:37 PM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** Benicia Business Park

Ms. Gnos,

I would like to express my concern over the current proposal for the Seeno plan for the Benicia Business Park. I think there is a serious possibility that the charm of Benicia could be irreparably harmed if this project goes through.

Sincerely,

Harriet Murphy

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With tax season right around the corner, make sure to follow these few simple tips.

1

**Commenter C34**  
**Harriet Murphy**  
**March 11, 2007**

C34-1:            This comment, which pertains to the merits of the project, is noted.

March 11, 2007

Cindy Gnos, Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510

Myra Nissen  
454 East E Street  
Benicia, CA 94510

Dear Ms. Gnos:

The DEIR for the Benicia Business Park is way too vague. It's impact on downtown businesses is undefined. I have a number of questions about how it will affect downtown, East 2<sup>nd</sup> Street and Lake Herman Road:

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The DEIR doesn't mention what will happen to Lake Herman Road towards the West. Will the road have to be expanded to accommodate construction activities? How long will it take to do that? What will the effect be on the lake itself? Will traffic be directed to the east or the west? What is the impact of truck traffic?

2

I am very uncomfortable with knowing so little about what Seeno actually plans to do in terms of the retail commercial. The DEIR says that there will be no "Urban Decay". How is "Urban Decay" defined and how do they know that there will be no urban decay when it is not known what Seeno plans to put in there? There is no description in the plan. If so much is not known about the plan, there is no way to know how it will affect downtown Benicia. Could we require some sort of economic impact analysis?

3

The future of Benicia in downtown and in the Arsenal is unclear. So how can we know what impact the retail commercial in the Seeno project will have? The EIR does not provide adequate evidence to support the conclusion that the downtown will not be affected. Please provide that evidence.

4

The commercial part of the project is in all the alternatives. Since there is difficulty in describing the impact on downtown, where is an alternative with no commercial aspect? If the retail commercial parts are built first, I see no explanation of how the remaining parts of the project will be affected by that commercial design.

5

Thank you for your time.

Sincerely,



Myra Nissen, CHom  
(small business owner)  
454 East E Street  
Benicia, CA 94510

**Commenter C35**  
**Myra Nissen**  
**March 11, 2007**

- C35-1: As indicated on page 347 of the Draft EIR: “ADE determined that the proposed project ‘has a strong potential to enhance commercial businesses throughout the City,’ including those in Downtown Benicia.” The project as currently proposed would not cause urban decay in Benicia. Urban decay could occur if the retail mix of the project changes, although this impact would be reduced to a less-than-significant level with implementation of Mitigation Measure DECAY-1.
- C35-2: See Response to Comment C8-16.
- C35-3: A fiscal impact analysis was conducted in 2006 by Applied Development Economics (2006). The report concluded that the project as currently proposed would not cause urban decay. Refer to pages 343 and 344 of the Draft EIR for a definition of urban decay.
- C35-4: The fiscal impact analysis prepared by ADE, which is available for review at the City Planning Department, provides substantial evidence that the project as currently proposed would not result in urban decay.
- C35-5: As noted in the responses above, the project as currently proposed would result in no urban decay impacts. Therefore, an alternative without commercial uses was not considered.

**Cindy Gnos**

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**From:** Anne Petty [annelinpet@msn.com]  
**Sent:** Wednesday, March 07, 2007 6:41 PM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** Seeno Project

Dear Cindy,

As a Benicia resident, I am very concerned about the plans to make a huge business park in The Lake Herman Area. From what I hear, which are only whispers, this will involve flattening down the hills in the area over a huge expanse and I presume pave them over. What really concerns me is that I see nothing about this in the newspaper, I haven't heard of any meetings to explain the project and get input. Yet I gather from those who have read the EIP report that this is a stunningly large project. It sounds ill advised and not at all green. Will the citizens of Benicia have an opportunity to view the plans and raise concerns before it goes ahead?

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3/8/2007

**Committer C36**  
**Anne Petty**  
**March 7, 2007**

C36-1:            This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** ruth pierce [rufuspool@hotmail.com]  
**Sent:** Saturday, March 10, 2007 10:08 AM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** Re: Seeno Project

Dear Mr. Knox:

As a member of the community I haven't been able to participate in some of the recent workshops about the future of our town, but I care deeply about what seems to be on the drawing board for the Seeno area. Those rolling hills are so spectacular - never more so than at this time of year - whereas sprawl, construction, acreage of concrete and asphalt are readily visible in just about every direction, all the way across the country. Rural areas are disappearing with such dispatch that it is frightening.

Please consider what we have there already to be part of the rich and breath-taking heritage of this area, that it is highly valued by the community - and I'm sure by the many travelers passing through - and that it would be unconscienable to compromise it for commercial purposes.

Thank you for your efforts to keep Benicia charming and unique.

Ruth Pierce  
202 East Second

Rates near 39yr lows! \$430K Loan for \$1,399/mo - Paying Too Much? Calculate new payment  
<http://www.lowermybills.com/lre/index.jsp?sourceid=lmb-9632-18226&moid=7581>

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**Committer C37**  
**Ruth Pierce**  
**March 10, 2007**

C37-1:            This comment, which pertains to the merits of the project, is noted.

**Cindy Gnos**

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**From:** Charlie Knox [Charlie.Knox@ci.benicia.ca.us]  
**Sent:** Thursday, March 08, 2007 9:59 AM  
**To:** Cindy Gnos

Dear Ms. Gnos,

I know that very often when we look out into our open spaces in Benicia it appears as if nothing lives there. It is easy to see how these incredible places can be lost so easily.

Yet it doesn't take much to get out of our cars and observe the abundance of creatures living in our open spaces. I often tell people of the many sightings of animals we have here in Benicia from the bird life, to the beavers and bobcats, and never has anyone ever said I'd rather live next to Wal-Mart.

I feel we are losing what makes Benicia special. We have lost so much of what appears to be nothing already, from our wetlands to our fields. I can only hope that we will have the eyes to observe and the heart to care, before it's all gone.

Kary Stickney

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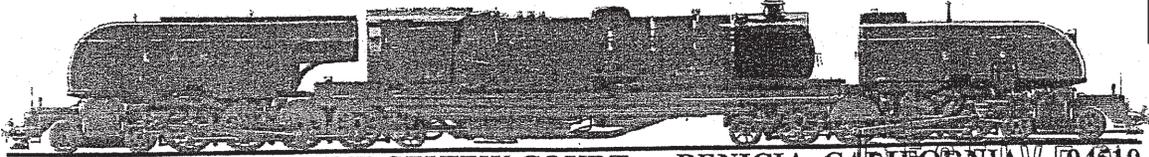
**Commenter C38**  
**Kary Stickney**  
**March 8, 2007**

C38-1:            This comment, which pertains to the merits of the project, is noted.



**Commenter C39**  
**Bonnie Weidel**  
**March 12, 2007**

- C39-1: This comment, which pertains to the merits of the project, is noted.
- C39-2: Refer to Table II-2 of the Draft EIR for a complete list of mitigation measure recommended in the Draft EIR.



JEAN YATES — 302 BRIDGEVIEW COURT — BENICIA, CALIFORNIA 94510

FEB 26 2007  
CITY OF BENICIA  
COMMUNITY DEVELOPMENT

**To:** Ms. Cindy Gnos, Contract Planner  
City of Benicia  
250 East "L" St.  
Benicia, CA 94510

24 February 2007

**Subject:** Seeno Project

The Seeno Project on the northern side of Benicia and along 2<sup>nd</sup> Street East raises some very important concerns.

1

No. 1. If Sulphur Springs Creek is diverted into a culvert or concrete water way, how will this affect the riparian corridors and animal life in the area?

2

No. 2. How will the watershed and the natural drainage of the land be affected by the leveling and removal of so much earth?

3

No. 3. In addition, how will the need for fire protection of this project impact the Benicia fire department and its current facilities?

4

No. 4. With the expected increase of traffic on East 2<sup>nd</sup> Street, what will be the effect of the added air pollution at Robert Semple Elementary School where I pick up my grandchild?

5

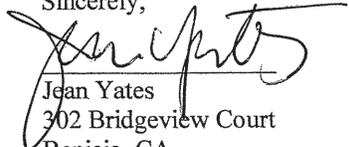
No. 5. What will be the impact of the added sewer and waste water requirements of this project?

6

And there are other concerns, as great if not greater, of a more general nature. How will such a large project impact the character and charm of our small town which is valued by so many Benicians? It is possible now to point out many specific concerns, but what are the unknown impacts hidden in the shadows of such a large additional industrial and business enterprise to our community? Are we willing to change the magic and more intimate character of our community for one more like Sacramento or some other large metropolis? I think the answer should be no!

7

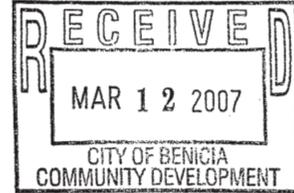
FEB 24 2007

Sincerely,  
  
Jean Yates  
302 Bridgeview Court  
Benicia, CA

**Commenter C40**  
**Jean Yates**  
**February 24, 2007**

- C40-1: This introductory comment is noted.
- C40-2: Sulphur Springs Creek, which is not located within the project site, would not be diverted as part of the proposed project.
- C40-3: See Section IV.D, Hydrology and Water Quality, of the Draft EIR.
- C40-4: See pages 326 to 328 of the Draft EIR.
- C40-5: See Response to Comment A7-1.
- C40-6: See pages 339 to 341 of the Draft EIR.
- C40-7: This comment, which pertains to the merits of the project, is noted.
- .

JB Davis  
385 West K Street  
Benicia, CA 94510  
(707) 745-4150 Studio  
(707) 315-1313 Mobile  
jb\_davis@pacbell.net



February 26, 2007

The Honorable Steve Messina and Members of the Benicia City Council  
250 East L Street  
Benicia, CA 94510

Dear Mayor Messina and Council Members:

I'm writing to you today to let you know of some concerns I have regarding the EIR for the proposed Benicia Business Park. The good news is that the EIR calls for adding sidewalks from buildings to parking areas and sidewalks along the major streets in the project.

1

However there should also be a requirement for sidewalks on the south side of Lake Herman Road from the intersection of Industrial Way and Lake Herman Road to the intersection of East 2<sup>nd</sup> Street and Lake Herman Road. A sidewalk along Lake Herman Road would serve to enhance the experience of walking and would therefore entice more people to walk to and from work. Also, sidewalks along the south side of Lake Herman Road would create a safe way for pedestrians to access transit stops in the area of East 2<sup>nd</sup> Street and Lake Herman Road and the Benicia Business Park.

2

Another concern has to do with the lack of safe bicycle facilities in the project area and on the approaches. While the plan calls for bike racks at all buildings and incentives for showers, lockers and secure indoor bicycle parking it fails to give bicyclists a safe way to get to the buildings. The developer should be required to construct Class II bike lanes on A Street, Industrial Way, East 2<sup>nd</sup> Street and on Lake Herman Road from the intersection of East 2<sup>nd</sup> Street and Lake Herman Road to the Benicia City line.

3

These improvements along with the requirements already in the EIR will give future workers the opportunity to go to and from work utilizing a clean alternative transportation method. With the opening of the bike and pedestrian lane on the Benicia Bridge we can anticipate many more people utilizing bicycles to get to work at the Benicia Business Park. The Class II lanes on Lake Herman road will give workers coming from Vallejo the opportunity to ride to work in relative comfort and safety and workers coming from East 2<sup>nd</sup> Street can use the Lake Herman approach as well. Also, the more people utilizing bicycles to get to work the fewer cars will be on the roads.

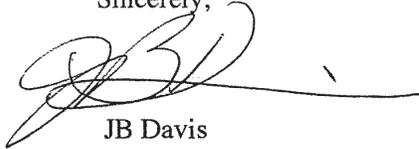
4

It is important to have the Class II facility run on Lake Herman Road run the entire length of the project so that bicyclists can enter and exit the Benicia Business Park at the point of entry closest to their work place. This will lower the number of negative interactions between bicyclists, automobiles and larger vehicles.

**4**  
**cont.**

Thank you fro your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'JB Davis', with a long horizontal line extending to the right.

JB Davis

**Commenter C41**  
**JB Davis**  
**February 26, 2007**

C41-1: This comment, which pertains to the merits of the project, is noted.

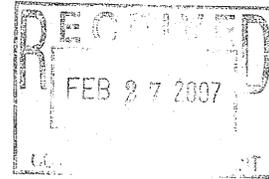
C41-2: This comment, which pertains to the merits of the project, is noted.

C41-3: This comment, which pertains to the merits of the project, is noted.

C41-4: This comment, which pertains to the merits of the project, is noted.

.

Ms. Cindy Gnos  
Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510



Dear Ms. Gnos:

I am writing to urge you not to allow the Benicia Business Park project to be approved as presented in the draft Environmental Impact Report (DEIR) dated January 2007. The human health issues have not been evaluated for this project. Walkable and bikable industrial and commercial areas are foremost in the mind of today's residents. People realize that if they can leave their car at home and walk to work, bike to work or take a bus, they are improving their health and that of the environment. Employers see this as a positive alternative for their employees-healthy employees means less sick time. The proposed development has no bike lands within the complex, a bike lane on a new four-lane Industrial Way, no bike paths without traffic, no sidewalks. Most of all, no real connections to the existing bike/walk paths in the Tourelot area that enter onto channel Road. This proposed development does not provide adequate alternatives for healthy Benicians. Some of these features were discussed as mitigation measures. They should be part of the project to begin with and not mitigation.

For out-of-town employees a bus stop with a route connected to the existing Fairfield-Pleasant Hill route is needed. I'd like to see a safe bus route in this proposal.

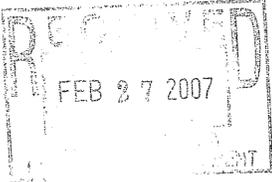
Please keep the health of employees in mind in your decisions.

Sincerely,

Kirsten Jarno  
633 Battledil dr  
Benicia CA 94510

**Commenter C42**  
**Kristen Journo**  
**February 27, 2007**

C42-1:            This comment, which pertains to the merits of the project, is noted.



Ms. Cindy Gnos  
Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510

Subject: Comments on the Benicia Business Park draft Environmental Impact Report (DEIR) dated January 2007

Dear Ms. Gnos:

I am concerned about the cumulative impacts of the proposed Benicia Business Park as shown in the draft Environmental Impact Report (DEIR) dated January 2007. The cumulative impacts of traffic, noise, air and water quality and energy use are not addressed. Visual impacts are ignored.

1

The document, on p 374, states the proposed project has numerous significant conflicts with the General Plan Goals and Policies adopted by the City of Benicia for the purpose of protecting the environment. The document also states many of the impacts are significant but unavoidable.

I agree the impacts are significant, but they are not unavoidable. These impacts can be avoided with a project that meets the goals and policies of the Benicia General Plan. Two alternatives suggested in the plan may be the better project. However details of these projects such as the amount of grading, roads and layouts are not shown. Energy conservation is not addressed.

2

I recommend that the planning commission reject this DEIR as inadequate and the project itself rejected for too many impacts. Request a project be brought forth that meets Benicia's general plan goals and policies.

Sincerely,

*Antley J. Genuis*  
633 Daffodil Dr.  
Benicia, CA 94510

**Commenter C43**  
**Cathy Janis**  
**February 27, 2007**

C43-1:           The cumulative impacts of the project re discussed on pages 374 to 377 of the Draft EIR.

C43-2:           See Response to Comment C2-36.

Ms. Cindy Gnos  
Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510



Subject: Comments on the Benicia Business Park draft Environmental Impact Report (DEIR) dated January 2007

Dear Ms. Gnos:

I am concerned about the cumulative impacts of the proposed Benicia Business Park as shown in the draft Environmental Impact Report (DEIR) dated January 2007. The cumulative impacts of traffic, noise, air and water quality and energy use are not addressed. Visual impacts are ignored.

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2

I recommend that the planning commission reject this DEIR as inadequate and the project itself rejected for too many impacts. Request a project be brought forth that meets Benicia's general plan goals and policies.

Sincerely,

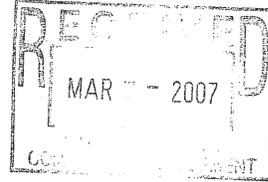
**Commenter C44**  
**Mel Megs**  
**February 27, 2007**

C44-1:           The cumulative impacts of the project re discussed on pages 374 to 377 of the Draft EIR.

C44-2:           See Response to Comment C2-36.

March 4, 2007

Ms. Cindy Gnos  
Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510



SUBJECT: Benicia Business Park Draft EIR comments

Dear Ms. Gnos:

I did not have time to read the entire DEIR, but I have one comment on the with regards to bicycle traffic. Although the EIR discusses encouraging the use of bicycles by claiming that the project will include showers in an unspecified number of buildings, the EIR is inadequate with regard to actually encouraging the use of bicycles. It has been my experience as a bicyclist in the Bay Area that safety of the bicycle routes is an overriding concern that determines whether you can actually reach a destination. While the EIR analyzes automobile traffic flow in detail, there is no discussion of how you would actually reach any of the project buildings on a bicycle. If you don't have bicycle routes that are actually safe to ride and connect with other bicycle routes that are safe to ride, you have no bicycle transportation plan. What you have is an excuse for a bicycle plan that leaves bicyclists to decide whether to risk an unsafe route or drive their car. Lake Herman Road is a good example of an unsafe bicycle route because it has no bicycle lane and no shoulder. Auto traffic on Lake Herman Road travels at a high rate of speed and veers around bike traffic to pass; obviously bicyclists take a risk to ride Lake Herman Road. I would hope that the EIR would be revised to actually address bicycle traffic in a meaningful way by discussing safe bicycle routes within the project that actually connect with other safe bicycle routes leading to the project.

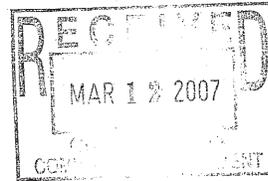
Sincerely,

A handwritten signature in cursive script that reads "Jerry T. Wickham".

Jerry T. Wickham  
411 Duvall Court  
Benicia, CA 94510

**Commenter C45**  
**Jerry T. Wickham**  
**March 4, 2007**

C45-1:           Mitigation Measure TRANS-24 would reduce the project's impacts to bike facilities to a less-than-significant level.



March 7, 2007

Cindy Gnos, Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510

Dear Cindy,

I have some concerns about the DEIR for the Benicia Business Project and about all the grading that is going to be done. Is it true that there will be 9 million cubic yards taken away? Where will they put it all? How will they move it? Over what roads? How long will that take? Will they keep the dirt from blowing into Southamton and Waters End? Won't it affect the traffic that already uses the roads up there? How will they monitor when the trucks move and don't move?

I am also concerned that they might start the project, remove all the dirt and create the "pads" for the buildings and then what if no one wants to build on those sights? Will Mr. Seeno then build what he wants? Or, what if he doesn't build anything AND no one else wants to either...then what happens. Benicia will be left with no hills, lots of ugly pads and nothing to show for it.

I hope that the City of Benicia does not let this DEIR stand. I don't think enough questions have been answered.

Thank you for your time.

Sincerely,

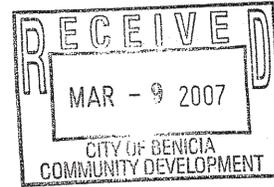
  
Dale and Rosemary Moore  
1421 O'Hare Drive  
Benicia, CA 94510

1

**Commenter C46**  
**Dale and Rosemary Moore**  
**March 7, 2007**

C46-1:           This comment is noted.

DATE: March 7, 2007  
TO: Cindy Gnos, Contract Planner  
From: Susan Street, Citizen  
RE: DEIR, Benicia Business Park



I have grave concerns regarding the DEIR for the Seeno Project. They are as follows:

Urban Decay

How do we know the impact on downtown unless we know what is going into the commercial part of the Seeno Project? The plans are inadequate in describing the commercial aspect. | 1

I see no commitments on Seeno's part regarding the commercial areas, but the project is already in progress so how can we actually evaluate the merits of the retail element when we don't even know what the developer intends? | 2

How can we (and they) know what the downtown is going to be like in 5, 10, 15 20 years and so how can the project avoid causing damage to an unknown? | 3

First Street commercial has been deemed "inadequate". If we fill it in, how will we know what effect Seeno will have on any new businesses? | 4

The commercial part of the project is too vague. How can we know that it will reflect the "community identity" of Benicia? | 5

It seems that regarding downtown and the impact on it is difficult to describe. Could we require some sort of economic impact analysis? | 6

Since all the retail commercial aspects are preserved in all the alternatives, where is the possibility of no retail commercial as an alternative? | 7

If the retail commercial parts are built first (all retail commercial elements are in all mitigations), I see no explanation of how the rest of the project will be impacted in terms of feeling and design. | 8

Grading

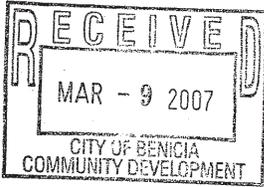
The grading plan seems incomplete. What is the actual plan? How will they get 9 million cubic yards out of Benicia? What will happen to the roads? The traffic? | 9

Please discuss further what will happen if all the hills get graded, the pads created and no one wants to buy or build on the sights. Is there an alternative plan? | 10

A handwritten signature in cursive script that reads "Susan".

**Commenter C47**  
**Susan Street**  
**March 7, 2007**

- C47-1: See Response to Comment C1-11.
- C47-2: See Response to Comment C1-11.
- C47-3: See Response to Comment C6-13.
- C47-4: This comment pertains to the merits of the project and not to the adequacy of the Draft EIR; no further response is required.
- C47-5: This comment pertains to the merits of the project and not to the adequacy of the Draft EIR; no further response is required.
- C47-6: A fiscal analysis, which was prepared by Applied Development Economics (ADE) in 2006, analyzes the potential impacts of the project on businesses in Downtown Benicia. This report is available for public review at the City Planning Department.
- C47-7: Eliminating retail land uses from the various alternatives in and of itself would not substantially reduce the environmental impacts of the alternatives. Therefore, such an alternative was rejected from detailed consideration in the Draft EIR.
- C47-8: See Response to Comment C6-24 regarding impacts associated with an interruption in the phasing of the proposed project.
- C47-9: See Response to Comment A8-3. All cut and fill would be balanced on the site. Therefore, no soil would be exported from Benicia
- C47-10: The potential for urban decay – including decay on the site itself – was analyzed in the Draft EIR. As indicated in Section IV.N, the project as currently proposed would not result in urban decay.



March 7, 2007

Cindy Gnos, Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510

Dear Ms. Gnos,

I have recently become informed regarding planned extensive development along East 2<sup>nd</sup> Street. I am very concerned regarding the effect that this development will have upon quality of life in Benicia, and would like to know the following:

- 1) Will the amount of wetlands in this area be reduced? If so, how will this be compensated for?
- 2) Will a 'big box' store be allowed in the new development? I do not think such a store is necessary in Benicia, nor will it add to the attractiveness of Benicia. Should such a store be planned, I will vociferously oppose it, boycott it, and will encourage my neighbors to do so as well.
- 3) What is the status of this project? What are the next steps that will be taken to determine if the project will be approved? What is the timeline for the development of this project?

1  
2  
3  
4

Thanking you and awaiting your answers,

A handwritten signature in cursive script, appearing to read "Silvia Teran".

Silvia Teran, M.D.  
632 Robinson Way  
Benicia CA 94510

**Commenter C48**  
**Silvia Teran**  
**March 7, 2007**

- C48-1: This comment, which pertains to the merits of the project, is noted.
- C48-2: See pages 194 to 197 of the Draft EIR.
- C48-3: See Response to Comment C1-11.
- C48-4: The project is currently in the environmental review stage. Approval of the project is likely to be considered in summer/fall 2007.



March 7, 2007

Dear Ms. Gnos:

I am writing because I am very concerned about the Benicia Business Park and the effect that it will have on how Benicia looks. I have tried to read some of the draft environmental review and must admit that I find it difficult to understand. What I do understand is that this DEIR doesn't seem to go far enough in explaining how they are going to keep the small town character of Benicia, preserve the open views and protect the downtown.

1

The best alternative for the views is obviously the Hillside/Upland alternative, but even that requires enough grading to interrupt the views. And they have not explained how they will retain the small town character. I cannot find any relationship to the "feeling" of the town.

2

And since it also has retail commercial like all the other alternatives, how will they protect downtown from losing its retail customers? What are the plans for the retail commercial sites? How can we protect downtown if we don't even know what is projected for the Seeno site?

3

My other concern is the emotional cost to the citizens. First with trucks and traffic while this is being built...do I understand that this could take twenty years? Second by changing the character of the town....we are one of the few towns left that has open space and hills as a huge buffer. The DEIR doesn't seem to have covered the effect on the people of 500 plus acres of development, even though some of it will be open space. The face of the town will be changed forever in all of the plans. How would this be mitigated?

4

There seem to be so many unanswered questions in this draft EIR. What happens if we ask for one that addresses our concerns better?

Sincerely,

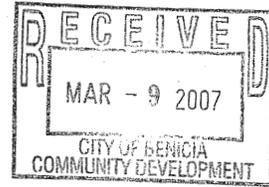
Lene Wolken  
915 West 8<sup>th</sup>  
Benicia, CA 94510

**Committer C49**  
**Lene Wolken**  
**March 7, 2007**

- C49-1:           The purpose of the Draft EIR is to disclose the environmental impacts of the project, not to justify or “explain” the project.
- C49-2:           See Response to Comment C49-1.
- C49-3:           See Response to Comment C1-11.
- C49-4:           This comment pertains to the merits of the project, not the project’s anticipated environmental impacts; therefore, additional response is not required.

Kathy Kerridge  
771 West I Street  
Benicia, CA 94510

Cindy Gnos, Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510



March 8, 2007

Re: Seeno Project

Dear Ms. Gnos:

According to the Draft EIR this project will "substantially conflict with the General Plan adopted for the purposes of environmental protection." These impacts according to the EIR **cannot** be mitigated to less than significant levels. It seems to me that the people of Benicia have already decided in the General Plan that this project is not appropriate. Why is it even being considered? It will destroy the views and the feeling of being near the country that is one of the best things about the Community Park. I love looking at the hills from that park. I think removing all of them will be tremendously destructive. I don't want to look at a huge water tank. It will increase traffic and air pollution. It will destroy watersheds, riparian corridors, small wetlands and streams. It will do nothing to provide housing whether affordable or not. If big box stores are developed they have the potential to negatively impact downtown. In short there is nothing in this project that to my mind outweighs the disadvantages.

If the city decides to go ahead with this ill conceived project than some of the alternatives should be considered. Indeed one wonders whether the scope of this project is deliberately made so big that we will look with great favor on the less horrendous alternatives. Limited growth has its advantages. We have had enough of the unlimited destructive growth that this project represents.

In looking at alternatives we should be protected our environment in more ways than one. If this area is developed than it should be done in a green way. There should be buildings designed to maximize passive solar energy. Maybe they should have grass roofs and permeable paving. There should be a requirement that they generate 25 or 30 percent of their own electricity. If there is going to be new construction do it in a 21<sup>st</sup> century way, a smart way, and not the same old energy eating, environmentally degrading manner. For the sake of our grandchildren we cannot do otherwise.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Kerridge".

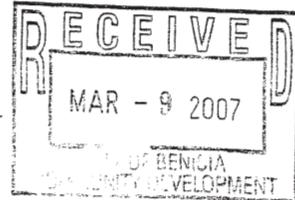
Kathy Kerridge

**Commenter C50**  
**Kathy Kerridge**  
**March 8, 2007**

C50-1:           This comment, which pertains to the merits of the project, is noted.

Questions regarding the Seeno Benicia  
Business Park Project:

TO: Cindy Gnos, Contract Planner



From: Lori Bateman - 17 year resident  
434 McKenna Ct.  
Benicia, CA 94510  
(707) 745-4454

- ① Is there a website with more details of this project, including a map to help visualize the changes? | 1
- ② What does widening of I-780 W. of east second have to do with the project on the northeastern portion of Benicia? | 2
- ③ What kind of Industry will be using the new facilities? | 3
- ④ What kind of retail is intended for the "giant strip mall complex"? | 4
- ⑤ How many jobs will the finished project bring to Benicia? | 5

- ⑥ Are the slopes and embankments going to be engineered to prevent landslides and slope failure? 6
- ⑦ Will there be any changes to East 2nd Street between Industrial and Lake Herman Rd (i.e. between Dolans and Carl's Jr)? 7
- I have several more questions that can probably be answered with a map indicating the leveling, fills, wetlands, etc. 8
- ⑧ How soon can a map be available? 9
- ⑨ What are the water tanks for? My recollection is that there's already one that we drive by when we use Reservoir Road. Are there going to be two more? 10
- ⑩ What is the city or Seeno proposing to mitigate the environmental concerns? 11
- ⑪ What will the net effect be on the ridgeline as seen from Lake Herman? 12

(12) Will the partial widening of I-780 cause a backup of traffic approaching the bridge?

13

(13) What businesses (existing) will be affected by the widening of I-780 due to encroachment? How about residents (homes)?

14

I support growth where growth makes sense. I can't imagine the City of Benicia giving carte blanche to any developer to level the landscape without regard to the environment. My instincts tell me that Seeno is probably willing to work with the city to ensure concerns are being met. There are lots of opportunities to develop the north end of East 2nd St., and it's just a matter of time. There are plenty of residents that can support new retail in Benicia without taking away business from Downtown; Hell, we have four Starbucks now! (I want Blockbuster back!)

15

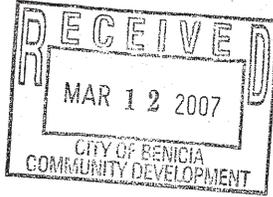
Thank for listening,

*Liz Bateman*

**Commenter C51**  
**Lori Bateman**  
**March 9, 2007**

- C51-1: No website has been established for the proposed project. However, project materials, including site plans, conceptual lot layouts, the grading plan, and visual simulations, are included in the Draft EIR.
- C51-2: Refer to Section IV.G, Transportation and Circulation, of the Draft EIR.
- C51-3: Permitted industrial uses would include wholesale, distribution, and storage facilities; research and development facilities; and related industrial services. Other uses, including auto sales and services, mini-storage, eating and drinking, and churches may also be permitted with a conditional use permit.
- C51-4: Commercial uses proposed for the project include those listed in Table IV.G-9 of the Draft EIR.
- C51-5: The project is expected to result in the generation of 7,680 jobs.
- C51-6: Implementation of Mitigation Measures GEO-4a, GEO-4b, and GEO-4c of the Draft EIR would reduce potential landslide risks on the project site to a less-than-significant level.
- C51-7: This portion of East 2<sup>nd</sup> Street would be lined with commercial, industrial, and open space uses (in addition to a berm) after implementation of the proposed project.
- C51-8: The grading plan is included in the Draft EIR as Figure III-9. The wetland mitigation and riparian restoration areas are illustrated in Figure III-8.
- C51-9: See Response to Comment C51-8.
- C51-10: Two new tank reservoirs would be constructed on the project site to supply water to the site.
- C51-11: Refer to Table II-2 for a list of mitigation measures that would be required to be implemented if the project is approved.
- C51-12: Refer to Figure IV.J-10, which shows simulated views of the project site (after implementation of the project) from Lake Herman Road.

- C51-13: The partial widening of I-780, as recommended in various mitigation measures in the Draft EIR, would improve operation of I-780 compared to existing conditions.
- C51-14: See Response to Comment C2-31.
- C51-15: This comment, which pertains to the merits of the project, is noted.



10 MAR 2007

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Cindy Gnos  
250 East L Street  
Benicia, CA 94510

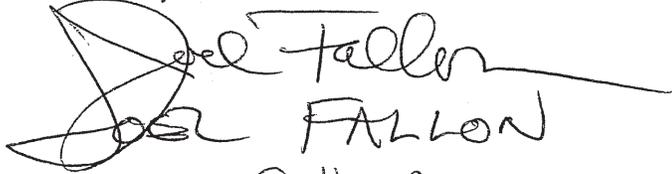
Dear Ms. Gnos –

In regards to the Benicia Business Park, I'm concerned about water runoff from parking lots damaging the open space in the area. How will this proposal protect the open space from this kind of pollution hazard?

To avoid future lawsuits, these issues should be addressed in the EIR.

1

Sincerely,

  
JOEL FALLON  
327 Gull Point CT  
BENICIA, CA 94510

**Committer C52**  
**Joel Fallon**  
**March 10, 2007**

C52-1:           This potential impact is discussed on pages 139 to 141 of the Draft EIR.



March 10, 2007

Cindy Gnos  
City of Benicia  
250 East L  
Benicia, CA 94510

Dear Cindy:

I have some concerns about the project in the north part of Benicia called the Seeno project. I have heard that many types of businesses are suggested in the commercial part. And I heard that there is a possibility of a "big box" facility like Wal-Mart or Target. How can this be possible in our small town? Have there been any studies done (or are they planning to do one) to justify building a sports facility, a movie complex, a 3 story hotel, 2 large office buildings, 2 restaurants and possibly a few "big box" retail establishments? I am opposed to a big box because it will ruin our small town atmosphere and it would hurt the downtown. What would the complex look like and what kind of tax revenue is expected to be generated? Where would the customers come from? How do you determine that?

I don't think that this is a good plan.

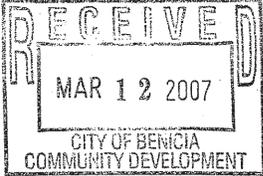
Sincerely,

*Carol Ann Henry*  
130 East L  
Benicia  
CA 94510

1

**Commenter C53**  
**Carol Ann Gentry**  
**March 10, 2007**

C53-1:           See Response to Comment C1-11. No big box retail establishments are proposed as part of the project. A fiscal analysis was prepared by Applied Development Economics (ADE) in 2006 that evaluated the effects of the proposed project on businesses in Benicia and surrounding communities.



March 10, 2007

Dear Cindy Gnos:

I can't believe that the City of Benicia would allow a 40 foot wall on East 2nd street in the Benicia Business Park. What would it look like from Hwy 680, E 2nd Street, from the North and from Water's End?

Water's End will be looking right at the whole project. Please provide pictures of the final project as seen when fully developed WITHOUT including landscaping (which will take 10-20 years to buffer some of the area) from a hilltop view as well as from Lake Herman Road, Hwy 680, and East 2nd Street starting at Industrial Way and going to Lake Herman Road.

What about erosion? How would it be contained on slopes of 30%? There are so many other environmental problems with this project. How are they going to make sure that the rest of it doesn't erode into itself? What about drainage?

Sincerely,

  
Jason Gentry  
122 East I  
Benicia CA 94510

1

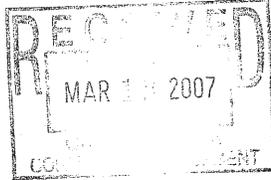
2

**Commenter C54**  
**Jason Gentry**  
**March 10, 2007**

C54-1: See Response to Comment C1-8.

C54-2: Refer to pages 141 and 142 of the Draft EIR for a discussion of the project's effects on erosion. Refer to pages 138 and 139 for a discussion of the project's effects on drainage.

Steven Tremain  
367 Silas Ct  
Benicia, CA



March 10, 2007

Cindy Gnos  
Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510

Dear Ms. Gnos,

I am writing to express deep concern about the proposal from the builder for the development of the Benicia Business Park". I was present at the public meeting where this plan was first unveiled.

I recognize the right of a land owner to develop his/her property. But that development must be consistent with current zoning (which I understand it is) and with the General Plan (which it is not). While I understand that certain conflicts with the General Plan can be mitigated, some clearly cannot be.

Of the various options, the only two that even come close to being acceptable are :

- No development, or
- The "Hillside/ Upland Preservation Alternative"

However, even the "Hillside/ Upland Preservation Alternative" does not comply with General Plan, but appears to minimize conflict with it. The General Plan should be sacred. A proposed development should either comply with it or it should be denied. The General Plan should not be compromised.

The specific concerns that I have relate to:

- any change in the hill structure of the area
- dust and noise
- traffic on East Second between Industrial Way and I-780
- environmental impact.

In particular, no change should be allowed in the hill structure. Even the "Hillside/ Upland Preservation Alternative" changes the structure, altho it minimizes the impact. I have been a resident of Benicia since 1982. The northern and northeastern hills of Benicia are a sacred part of our environment which contribute to the general ambiance and quality of living in this city. Any change to the hill structure will permanently and irreparably damage this important asset.

*I recommend sending the Draft EIR back to develop options that have even less impact.*

Thank you for your attention . I can be reached at 925-586-0946 (cell) if you have questions or want more information.

Respectfully,

Steven Tremain

1  
2  
3

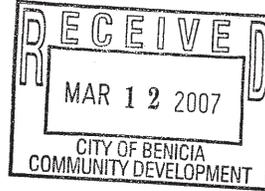
**Commenter C55**  
**Steven Tremain**  
**March 10, 2007**

C55-1: This comment is noted.

C55-2: The Hillside/Upland Preservation alternative would be generally consistent with the General Plan (although a small amount of land along East 2<sup>nd</sup> Street would need to be redesignated to commercial uses).

C55-3: The development alternatives in the Draft EIR would substantially reduce the environmental effects of the project and represent a reasonable range of alternatives, as required by CEQA.

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



Ms. Gnos,

It is known that many big-boxes, are open 24 hours a day, will generate an excessive amount of crime. How the EIR address how to protect the nearby homes from crime spilling over? How will the City pay for more police having to respond to this development?

It is documented from [www.walmartcrimereport.com](http://www.walmartcrimereport.com) that the Tracy and Manteca big-boxes have an excessive amount of crime. How will the police monitor the shopping center and neighborhood at night when crime happens most?

The report should measure how the crime will impact our community in Benicia Business Park before approving the project.

Regards,

A handwritten signature in black ink, appearing to read "J. Bruce Barrow".

J. BRUCE BARROW

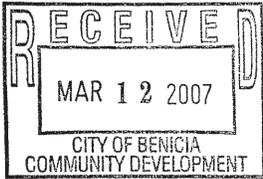
478 CASEY CT.

BENICIA, CA 94510

1

**Commenter C56**  
**J. Bruce Barrow**  
**March 12, 2007**

C56-1:           See Response to Comment C1-11. The proposed project does not include big box retail uses. The physical impacts associated with an incremental increase in crime on the site are discussed on pages 326 and 327 of the Draft EIR.



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

Dear Ms. Gnos

Big boxes record of providing healthcare to its employees is horrible. The EIR for the proposed Benicia Business Park should look into how many big-box employees will receive healthcare at an affordable rate and how many will rely on state-funded healthcare.

How many employees will lose their healthcare when the big-box puts other retailers out of business and they lose their jobs?

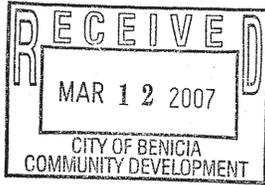
1

Sincerely,

  
MALOU J. BERDAN  
390 McCALL DR.  
BENICIA, CA . 94510

**Commenter C57**  
**Malou J. Berdan**  
**March 12, 2007**

C57-1:            See Response to Comment C1-11. The proposed project does not include big box retail uses.



March 12<sup>th</sup> 2007,

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

Benicia City Council,

Given that the Benicia Business Park EIR is expected to cut and fill nine million cubic yards of dirt in the project area, what protections – financial and public safety resources, will the City have from the potential geological disasters that could come from so much soil disruption.

The amount of earth that will be moved means that it will be very vulnerable to landslides and slope failures, and in the event of an earthquake the damage could be very severe. Are our police and fire services equipped to handle such a potential disaster? What is the estimated cost to the city if the soil area is unable to handle the project impacts?

Sincerely,

*D. Larry Benati*  
*Catherine C. Benati*  

---

*Larry Benati*  

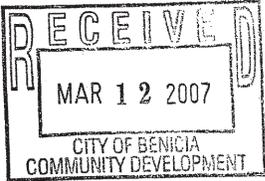
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*Catherine Benati*

1

**Commenter C58**  
**Larry and Catherine Bienati**  
**March 12, 2007**

C58-1: All geology-related hazards associated with project implementation would be reduced to a less-than-significant level with implementation of the mitigation measures in the Draft EIR. Refer to pages 123 to 128 of the Draft EIR for more detail.



March 12<sup>th</sup> 2007,

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

City Council and Mayor,

The Benicia Business Park EIR seems to offer four different alternatives for development; however I would like to know what the process will be for choosing between the alternatives. Who makes that decision, the developer or the City?

1

Also, why do all of the alternatives preserve the commercial element on the eastern edge of the site but offer no specifics about what will actually be built? I don't understand how any of the environmental and city services impacts can be assessed when the public isn't being told the details of the project.

2

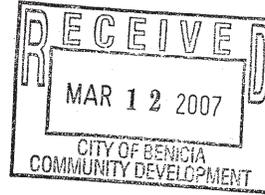
Cliff Brone  
376 McCarr DE  
Benicia, Ca  
94510

**Commenter C59**  
**Cliff Broone**  
**March 12, 2007**

C59-1:           The City, as the lead agency, has ultimate authority to approve or reject the project and the various alternatives discussed in Chapter V of the Draft EIR.

C59-2:           See Response to Comment C1-15.

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



**Re: Benicia Business Park (big box tenant)**

Dear Ms. Gnos,

A huge regional shopping center is not what we need here in Benicia. We already have a shop that serves our community. Has the tenant for the large commercial building in the park been identified? It is my understanding this is required for an EIR.

If the Safeway goes out of business, what will happen to the other stores there? Has an economic impact study on retail been conducted in the EIR?

1

Sincerely,

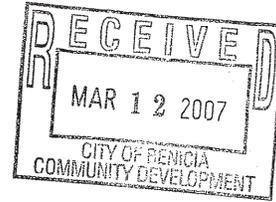
*We would like to know  
what is being  
proposed to go  
in.*

*Sukhdeep Brar  
376 McCann Dr  
Benicia, Ca  
94510*

**Commenter C60**  
**S. Broone**  
**March 12, 2007**

C60-1:           See Response to Comment C1-11. No specific tenants have yet been identified for the proposed project. A fiscal analysis analyzing the economic and urban decay effects of the project was prepared by Applied Development Economics (ADE) in 2006.

City of Benicia  
Planning Department  
Cindy Gnos  
250 East L Street  
Benicia, CA 94510



Dear Ms. Gnos,

Regarding the Benicia Business Park, I'm concerned that the EIR does not fully explain the impact of the project to the River Otters. Planning Commissioner Railsback pointed this out at a recent public hearing and I think his point is a valid one. It appears that the EIR has potentially failed to identify a number of native animal species that need to be considered before moving forward.

1

If the animal species issue isn't resolved, I cannot support Seeno's plan's in the area.

2

Sincerely,

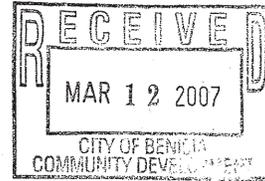
*Aleekah Burnham*

802 W. 6<sup>th</sup>  
Benicia 94510

**Commenter C61**  
**Rebekah Burnham**  
**March 12, 2007**

- C61-1:           The Draft EIR does not include an exhaustive list of species that could use the site, and instead lists representative species that are likely to occur based on the presence of suitable habitat on the site. Species that were observed onsite are included in the list, but every common species that could occur is not required to be listed. If surveys for special-status species have been conducted, then the results of those surveys are referenced in the document. No suitable habitat occurs on the site for river otters or beavers, although these species are known to occur in the project vicinity and could occur incidentally on the site. Deer likely use the site but were not observed during the reconnaissance survey. Other small mammals, birds, reptiles, amphibians, insects, and invertebrates also occur on the site, but surveys for these common species are not required and were not conducted as part of the environmental review. The fauna of the site include a variety of such species and the conversion of the site will result in a loss of habitat for these species. However, this is not considered a significant impact based on the criteria of significance used in the Draft EIR.
- C61-2:           See Response to Comment C61-1.

City of Benicia  
Planning Department  
Ms. Cindy Gnos  
250 East L Street  
Benicia, CA 94510



Ms. Gnos,

I'm concerned about more big boxes coming into the area. Everyone knows that many big boxes operate 24 hours a day and draw serious crime. Does the Business Park EIR contemplate the crime impacts on our city and nearby neighborhoods? Who will pay for increased police and emergency service costs? Will any new police substations or fire stations be included in the project area?

I believe a thorough crime impact report needs to be included in this study before it can ever be certified. The resident of Benicia need to know what to expect from crime impacts.

Regards,

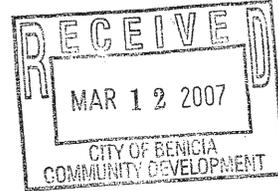
 802 W. L. St. 94510

1

**Commenter C62**  
**Seth Burnham**  
**March 12, 2007**

C62-1:           See Response to Comment C1-11. No big box retail establishments are proposed as part of the project. Physical impacts associated with crime that could result from the project are discussed on pages 326 to 328 of the Draft EIR.

Ms. Cindy Gnos  
City of Benicia Planning Department  
250 East L Street  
Benicia, CA 94510



Re: Noise Pollution

Dear Ms. Gnos

Everyone in town expects that the Benicia Business Park Town Center will have one or more big box stores and I am concerned that this will hurt out quality of life. One aspect of this is the noise pollution. What steps will the developer and the City take to protect against the 24-hour noise pollution we can expect from the project?

1

The trucks that big box stores use will be running constantly. Can you please include in the EIR how much noise these trucks will add to Benicia's roads and neighborhoods?

Regards,

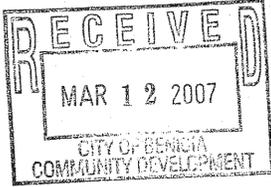
JEREMY CANTOR  
560 ROSE DRIVE  
BENICIA

Don't ruin our town, no matter what they offer you. we vote, and you'll be out of office!

~~Jeremy Cantor~~  
Marsha Fabian

**Commenter C63**  
**Jeremy Cantor**  
**March 12, 2007**

C63-1:           See Response to Comment C1-11. No big box retail uses are proposed as part of the project. Refer to Mitigation Measures NOI-1a through NOI-1d and NOI-2a through NOI-2c (see Response to Comment A7-3) for recommended ways to reduce the impacts of the project on noise to a less-than-significant level.



Cindy Gnos, Contract Planner  
City of Benicia Planning Department  
250 East "L" Street  
Benicia CA 94510

Re: Stormwater Drainage

This project of 527 acres of cut and fill – (9M cubic yards of soil would be excavated from the site, fills, mostly in swales, would be 30 to 50 feet deep – will alter the existing drainage pattern of the site. This alteration of creek and stream drainage patterns could result in substantial erosion or siltation on-or-off-site.

1

Why hasn't a Storm Water Pollution Prevention Plan (SWPPP) been submitted by the developer?

2

Where is the final detailed design-level hydraulic analysis?

3

If there is any long-term delay in developing each additional phase of the proposed project, will there be further degradation of the site drainage pattern?

4

"Portions of the existing storm water conveyance system downstream of the project site are already at capacity, and any increase in peak runoff volumes to these conveyances associated with new development would be considered a significant impact" stated by Michael Roberts, 2006. Senior Civil Engineer, Public Works Dept., City of Benicia. DEIR p.138

5

Is it possible that increased runoff volume resulting from creation of new impervious surfaces, could cause downstream flooding or additional sources of polluted runoff?

Wouldn't the four new proposed "upland" wetlands ("designed as stormwater retention basins") be swampy, mosquito breeding habitat without any outlet?

6

How can small artificial wetlands that are isolated in four different locations compare in value to the loss of natural wetlands?

7

Increased runoff volume resulting from creation of new impervious surfaces, could cause downstream flooding or additional sources of polluted runoff.

8

Sincerely,

Coleen Cole

[Signature]

242 West K Street

Benicia CA 94510

\_\_\_\_\_

**Committer C64**  
**Coleen Cole**  
**March 12, 2007**

- C64-1: This comment, which suggests that the project could result in substantial erosion and siltation, is noted.
- C64-2: The preparation of a SWPPP, which would be required as part of Mitigation Measure HYDRO-2, is typically prepared prior to the finalization of project plans.
- C64-3: The final design-level hydraulic analysis has not yet been prepared; it would be required as part of Mitigation Measure HYDRO-1.
- C64-4: See Response to Comment C6-24.
- C64-5: Impacts to downstream flooding and runoff quality would be reduced to a less-than-significant level with implementation of Mitigation Measures HYDRO-1 and HYDRO-2.
- C64-6: Mosquitoes could breed in the proposed wetlands/storm water detention basins. However, if mosquitoes become a problem, the ponds could be stocked with mosquito-eating fish.
- C64-7: This comment, which pertains to the merits of the project, is noted.
- C64-8: This comment is noted.



Ms. Cindy Gnos  
City of Benicia  
c/o Community Development Department  
Planning Department  
250 East L Street  
Benicia, CA 94510

Dear Ms. Gnos,

The Benicia Business Park project will bring a significant amount of new traffic into the area and the EIR says that the impacts to Highway 680 are significant and unavoidable. As a resident who uses the ramps on and off highway 680 very frequently, how much increased backup time can I expect during peak hours – particularly at Lake Herman Road.

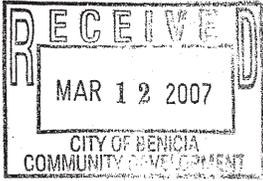
1

Thank you for your coming response.

*Genevieve Gubler*  
*P.O. Box 2356*  
*Benicia, Ca*

**Commenter C65**  
**Gemevieve Giblin**  
**March 12, 2007**

C65-1: Under existing conditions, the Lake Herman Road/I-680 ramps operate at level of service “B” during the peak morning and evening commute hours, with delays ranging from 10.7 seconds to 13.7 seconds. After implementation of the proposed project, operation of the Lake Herman Road/I-680 northbound and southbound ramps would degrade to level of service “F,” with delays of over 50 seconds. Refer to Table IV.G-12, Existing Plus Project Conditions Level of Service.



Cindy Gnos, Contract Planner  
City of Benicia, Planning Department  
250 East "L" St. Benicia, CA 94510

Please include the following comments to the Draft Environmental EIR for the Benicia Business Park.

1

Why is the project called a "Business" park when it is zoned limited industrial and commercial?

This project will change Benicia's small town ambiance forever. Why is so little known about the project to the average citizen in town? What is the responsibility of the City and the sponsor under CEQA to ensure that people are well-informed about this project? What are the consequences of failing this responsibility?

2

The Mayor stated at a public meeting, "We have an applicant ready to go," when considering an extension to the public comment period for the DEIR. Two council members were beneficiaries of large campaign contributions by Seeno, the sponsor. Please explain the legitimacy of this document when the City and City Council is clearly compromised and predisposed to support the sponsor's project.

3

Stan Golovich  
179 Harbor Vista Ct.  
Benicia, CA 94150

**Commenter C66**  
**Stan Golovich**  
**March 12, 2007**

- C66-1: “Benicia Business Park” was the name chosen for the project by the project sponsor.
- C66-2: See Response to Comment C4-7 regarding CEQA’s requirements for public involvement.
- C66-3: The Draft EIR is the result of environmental review of the project conducted by an independent environmental consultant and City staff. The Draft EIR preparers were not influenced by the project sponsor or the decisionmakers.

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



Dear Ms. Gnos

Big box stores have a terrible record when it comes to providing health care benefits to their employees. Before this project is approved, we need to know who the tenants will be so that the EIR can evaluate how many employees will be receiving affordable health care – and we should also examine how many people will be losing their health care altogether when this development puts other local retailers out of business. Is there an estimate on how many existing jobs will be lost if this project is approved?

1

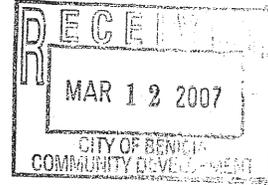
Sincerely,

*Anthony C. Hamilton*  
237 E. L St.  
Benicia, Ca. 94510

**Commenter C67**  
**Dorothy Hamlin**  
**March 12, 2007**

C67-1:            See Response to Comment C1-11. The proposed project would not include big box retail tenants.

City of Benicia  
Planning Department  
Ms. Cindy Gnos  
250 East L Street  
Benicia, CA 94510



**Re: The Benicia Business Park**

Dear Ms. Gnos,

I don't believe we need a regional shopping center in Benicia. My understanding is that no tenant has yet been identified for the Benicia Business Park. Shouldn't the specific uses of the land be included in the EIR? My understanding is that it is required.

1

We also should have a complete economic impact study -- that can't truly be done until the tenants are ID-ed -- as a part of any EIR for this project.

2

Sincerely,

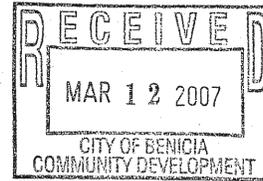
*Pamela Hartbag*  
496 Mills Dr  
Benicia CA 94510

**Committer C68**  
**Brenda Hartobagy**  
**March 12, 2007**

C68-1:            See Responses to Comments C1-11 and C60-1.

C68-2:            See Response to Comment C1-11.

Cindy Gnos, Contract Planner  
City of Benicia Planning Department  
250 East "L" Street  
Benicia CA 94510



Dear Ms Gnos;

The developers of the Benicia Business Park have made no commitment to what kind of commercial development is intended. The proposed project (and all of the alternatives) include from 27-35 acres with a General Commercial (CG) zoning. *General Commercial* is defined in the City of Benicia Zoning Ordinance: allows for most business and retail uses, including restaurants; maintenance and repair services; offices; hotels and motels; and retail sales. (p.95)

**c. Retail Demand.** . . .no specific retail tenants have been identified by the project sponsor for the proposed business park. . . This retail mix is based on the stated objectives of the project sponsor, proposed land uses, and the location of the project site (including the site's proximity to regional freeways).. . No big box retail establishments are anticipated. (p.345)

In Chapter II **Summary N. Urban Decay: The Environmental Impact is listed.**

**DECAY-1:** If the tenant mix of the project changes, the project could result in urban decay. . **No level of Significance is listed. Mitigation Measures: DECAY-1:**

Prior to issuance of an occupancy permit for the proposed project, the City shall review the anticipated tenant mix of the Business Park and determine whether the mix has substantially changed from the tenant mix analyzed in this EIR. A substantial change in the tenant mix would be a change that increases the *potential* for urban decay in Downtown Benicia or other local commercial centers, **and could include (but would not be limited to) the addition of a big box retail tenant.** If the City determines that the new tenant mix has substantially changed, the project sponsor shall update the economic analysis prepared for the project. . . If the economic analysis shows that the new tenant mix could contribute to urban decay, the City and project sponsor shall develop a mitigation measure to reduce this impact to less-than-significant level. Please explain how this mitigation measure would be implemented. **In the recent Benicia controversy about the possibility of five Starbucks stores in town, the City Council and the Planning Department did not feel that they had the authority to withhold permits.**

1

Why do all of the proposed alternatives preserve the commercial element on the eastern edge of the site but offer no specifics about what will actually be built? I don't understand how any of the environmental and city services impacts can be assessed when the public isn't being told the details of the project. I would like to see a specific plan for the eastern commercial (CG) portion of the site offered as a part of this EIR. The people of Benicia can hardly judge the merits of this project if we are not told specifically what we are judging.

2

Sincerely,

Terry Hays  
150 West G' Street  
Benicia

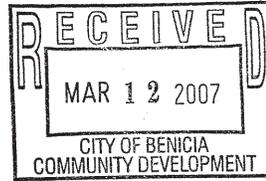
**Commenter C69**  
**Jerry Hayes**  
**March 12, 2007**

C69-1: Page 55 of the Draft EIR is revised as follows:

<b>N. URBAN DECAY</b>			
<u>DECAY-1</u> : If the tenant mix of the project changes, the project could result in urban decay.	<u>S</u>	<u>DECAY-1</u> : Prior to issuance of an <del>use occupancy</del> permit for the proposed project, the City shall review the anticipated tenant mix of the Business Park and determine whether the mix has substantially changed from the <u>anticipated tenant retail</u> mix analyzed in this EIR. A substantial change in <u>the anticipated retail tenant</u> mix would be a change that increases the <i>potential</i> for urban decay in Downtown Benicia or other local commercial centers, and could include (but would not be limited to) the addition of a big box retail tenant. If the City determines that the new tenant mix has substantially changed, the project sponsor shall update the economic analysis prepared for the project, or provide a letter prepared by an economic analyst that discusses changes to the previous analysis. If the economic analysis shows that the new tenant mix could contribute to urban decay, the City and project sponsor shall develop a mitigation measure to reduce this impact to a less-than-significant level. Following implementation of this mitigation measure, an <del>use occupancy</del> permit could be issued. If the economic analysis shows that the new tenant mix would not result in significant urban decay impacts, the <del>use occupancy</del> permit could be issued without further analysis or mitigation.	<u>LTS</u>

The mitigation would be implemented through review (by City staff) of the anticipated tenant mix of the business park prior to issuance of an occupancy permit. If City staff determine that any proposed tenants have the potential to result in urban decay in Benicia or surrounding areas, the economic analysis prepared for the project would be updated in a way that indicates whether the new tenant mix would result in urban decay. If the analysis suggests that urban decay would occur, changes to the project would be required such that urban decay would not occur.

C69-2: See Response to Comment C1-15.



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

RE: Impacts to special-status species

Ms. Gnos,

As someone who is deeply concerned about the impacts of sprawl on the environment, I am concerned that the draft EIR states the Benicia Business Park could “result in adverse impacts to special-status species.”

This list includes:

- Swainson’s hawks
- Burrowing Owls
- Greater western mastiff-bat

How will the city determine if these species exist on the property? What are the migratory patterns and nesting patterns for each of the animals identified in the EIR? Do they migrate and nest at different times of the year? If so, has this been evaluated in person by a professional in this field? With noise levels and air pollution created by this retail project, what impact will it have on neighboring areas where special-status species nest or use for breeding purposes?

Thank you,

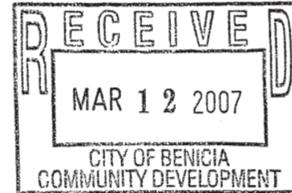
Winnifred Javik  
Winnifred Javik  
359 Columbia Circle  
Benicia

**Commenter C70**  
**Winnifred Javik**  
**March 12, 2007**

C70-1: Swainson's hawks are not likely to occur on the site due to the lack of suitable habitat. Mitigation Measure BIO-5 addresses impacts to nesting birds, which would include Swainson's hawk nests. Although less likely to occur due to the lack of numerous California ground squirrel burrows onsite, protection measures for burrowing owls are listed under Mitigation Measure BIO-6. No suitable habitat exists onsite for western mastiff bats. Mitigation Measure BIO-8 addresses mitigation measures for special-status bat species. The Draft EIR does not include the migratory and nesting patterns for all the wildlife species addressed in the environmental analysis because this information is not necessary to understand the impacts of the project. Regardless of their migration and nesting patterns, mitigation measures, including the protection of active nests, are described in the Draft EIR. As part of Mitigation Measures BIO-5, BIO-6a, and BIO-7, exclusion zones would be established around active nests or burrows that are observed during the preconstruction surveys. With the establishment of these exclusion zones, impacts to nesting or breeding special-status species associated with high noise levels and air pollution would not be significant.

March 12, 2007

Ms. Cindy Gnos  
City of Benicia - Community Development Dept.  
250 East L st.  
Benicia, CA 94510



REF: Benicia Business Park (Seeno) Draft EIR, January 2007

Ms. Gnos,

I would like the Council to consider the aesthetic and psychological impact the property under consideration has currently on the population and the permanent ramifications to our community of the proposed change.

From an artist's viewpoint – and there are many artists in town – scenery plays a large part in our soul (mind, will and emotions). It captivates us and effects our moods, thinking and ultimate decisions for our lives.

A panoramic view without a building (or two or three or four) in sight that reminds us of our responsibilities at home or at work gives us a feeling of escape, peace of mind and a chance to rest from those duties. Rest – even mental rest from time to time – is important. Ruining the beauty that exists now where the proposed “development” is to occur would destroy that feeling of rest and solitude we all need.

This is especially true for the youth whose decisions of what college to attend, career to pursue and relationships to hold onto can “stem” from either a chaotic atmosphere of noise and pollution from which they will want to flee anytime, anywhere or a serene place conducive for peace of mind and decisions that will meet their needs and that of the community. One can guarantee decisions made from the latter scene will lead to successful planning for the individual and, ultimately, the community.

We have in Benicia what most other towns – even Main St. USA towns - don't have. Anyone can currently wander through the Irish green hills on its current rural roads, alone, feeling the mist over our face on a winter's morn or enjoy the gentle display of cows grazing, calming us down from life's worries. It's a place conducive for creativity and “escape” and it's good we don't have to drive far to experience such healing “properties” -

Those valuable “properties” will be destroyed upon any development there that adds buildings in the peripheral vision. My suggestion, therefore, is to leave this valuable property alone and share it with visitors. By keeping the roads rural, perhaps Benicia could be known as “Little Ireland”, a true vacation spot. If the Council is so concerned about making more revenue for the town, then convert Bed and Breakfasts from existing houses in town and bring in revenue that way.

Keep Benicia as one of the few towns left that is surrounded by wildlife and beauty – not cement and noise! Perhaps outsiders can come here to relax, reset their priorities and perspectives on their lives and, with plenty of shopping places on First Street, desire the

beauty and quaintness of our town. Let visitors come and remember it as a peaceful place to be, as well as historical –attractions that will encourage their return more than it would if they spent their time shopping until they are dropping or viewing the great industrial “look” of which there is plenty.

If the Council doesn’t “buy” this truth of the psychological impact scenery has on a town, then let me appeal to their common sense. We have enough “For Lease” signs as it is on existing buildings in the Industrial Park and downtown to warrant no more... until we are bursting at the seams. It’s sad enough to consider all the money that went into the building of those facilities that are unoccupied.

I propose we are healthier human beings basking in the beautiful scenery of Benicia, taking in the gifts of God ... than to shop until we drop. For reasons explained above, I firmly believe that sparing our scenery is contributing to the mental and emotional health of the community.

Concerned citizen and artist,

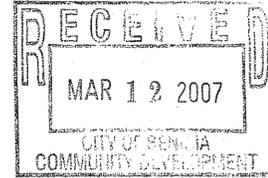
  
Kasma Kelley  
222 E. K St.  
Benicia, CA 94510

1  
cont.



**Commenter C71**  
**Kasma Kelley**  
**March 12, 2007**

C71-1:            This comment, which pertains to the merits of the proposed project, is noted.



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

Dear Ms. Gnos

Big box stores have a terrible record when it comes to providing health care benefits to their employees. Before this project is approved, we need to know who the tenants will be so that the EIR can evaluate how many employees will be receiving affordable health care – and we should also examine how many people will be losing their health care altogether when this development puts other local retailers out of business. Is there an estimate on how many existing jobs will be lost if this project is approved?

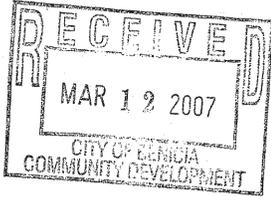
1

Sincerely,

  
EMANUEL MOLLO JR  
476 Lori Dr  
Benicia, CA

**Commenter C72**  
**Emanuel Mallo Jr.**  
**March 12, 2007**

C72-1:            See Response to Comment C1-11. The proposed project would not include big box retail establishments.



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

Dear Ms. Gnos –

In regards to the Benicia Business Park, I'm concerned about water runoff from parking lots damaging the open space in the area. How will this proposal protect the open space from this kind of pollution hazard?

1

To avoid future lawsuits, these issues should be addressed in the EIR.

Sincerely,

*Vanessa Mallo Benicia Resident*

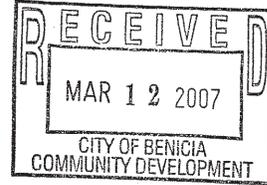
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\_\_\_\_\_

**Commenter C73**  
**Vanessa Mallo**  
**March 12, 2007**

C73-1:            See Response to Comment C52-1.

March 12<sup>th</sup> 2007,

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



City Councilors,

I have serious concerns about the inadequacy of the Benicia Business Park Plan proposed by Seeno. Each of the alternatives presented in the EIR includes a huge commercial retail element at Lake Herman Road and Second Street, but the developer has made no commitment to what kind of development he intends.

1

It seems to me that leaving the question so open-ended is contrary to the spirit of our city and is certainly leaving the door open to a number of possible projects that may or may not be suitable for Benicia. I would like to see a specific plan for the eastern commercial portion of the site offered as a part of this EIR. The people of Benicia can hardly judge the merits of this project if we are not told specifically what we are judging.

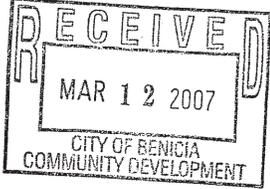
2

*Mary Magill*  
Mary Magill  
654 East L St  
Benicia, Ca, 94510-3513

**Commenter C74**  
**Mary Magill**  
**March 12, 2007**

C74-1:            See Response to Comment C1-11.

C74-2:            See Response to Comment C1-11.



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

Ms. Gnos

Air quality in the central valley, especially in Benicia, is already horrible. The EIR admits that the impact from this project will be "significant".

How will the increase of traffic because of this project impact the air around the public schools?

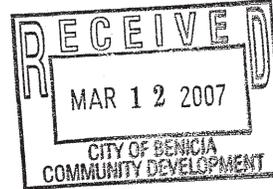
Thank you,

  
\_\_\_\_\_  
CARLA M. MARQUEZ  
\_\_\_\_\_  
364 McCALL DR.  
\_\_\_\_\_  
BENICIA, CA 94516  
\_\_\_\_\_

**Commenter C75**  
**Carla Marquez**  
**March 12, 2007**

C75-1:            See Response to Comment A7-1.

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



Ms. Gnos:

My understanding is that the Seeno Project asks that I-780 be widened to three lanes west of East Second Street. If this is the case, what is the finance plan for making these changes? What percentage of these improvements will be paid for by Seeno? How much will be paid by Benicia residents? What is the timetable for making these improvements?

1

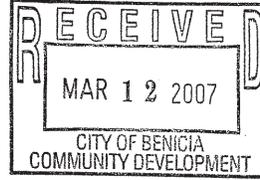
*Jennifer Moore*  
Jennifer Moore  
476 Casey Ct  
Benicia, Ca.  
94510

**Commenter C76**  
**Jennifer Moore**  
**March 12, 2007**

C76-1:           The project sponsor would pay a pro rata share of required improvements to I-780. Payment of the pro rata share would be required prior to the issuance of project-specific permits (e.g., an occupancy permit).

March 12<sup>th</sup> 2007,

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

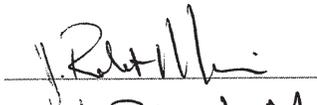


Benicia City Council,

The Benicia Business Park Environmental Impact Report does not include any plans for incorporating mass transit solutions into the project. If this project is to be a regional commercial destination, shouldn't mass transit and mass transit impacts be a part of the project plan? I believe it should and needs to be added. Until that aspect is studied and planned for, I cannot support the proposal.

1

Sincerely,

  
\_\_\_\_\_  
J. Robert Morrison  
242 West K St  
Benicia, CA 94510

**Commenter C77**  
**J. Robert Morrison**  
**March 12, 2007**

C77-1: Mitigation Measure TRANS-23 would require the project sponsor to pay the cost of extending Benicia Breeze transit service to the project site.

March 12<sup>th</sup> 2007,

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



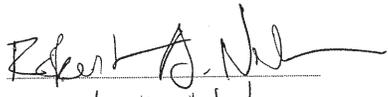
Dear City Council,

I'm writing in regard to the current DEIR regarding the Seeno Benicia Business Park. I have a number of concerns about this project as presented by the DEIR, and it seems to me that this document points out how deeply incompatible this proposal is for Benicia.

I object strongly to any proposal that says it is wholly incompatible with our General Plan. The General Plan exists for very good reason – to guide our city into the future. Approving development that flatly admits that it doesn't comply with the general plan is a dangerous precedent.

Can the developer revise this plan to make his ambitions compatible with our General Plan? If not, I'm personally not able to support the project.

Sincerely,

  
Robert A. Nelson  
1720 Shirley Dr.  
Benicia CA 94510

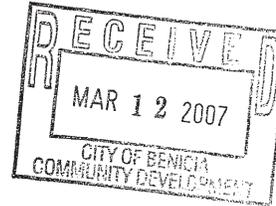
1

**Commenter C78**  
**Robert A. Nelson**  
**March 12, 2007**

C78-1:            This comment, which pertains to the merits of the project, is noted.

March 12<sup>th</sup> 2007,

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



Dear City Council,

As a taxpayer, I don't want to see our city services stretched thin by massive development we can't sustain. In reference to the Seeno DEIR, I want to know: will Seeno guarantee that they, not taxpayers, will pay for the road and infrastructure improvements along Second Street and Lake Herman Road that must be done to make this project feasible?

I also want a guarantee that city service impacts, like Police and Fire, will be contemplated as a part of the DEIR – and that Benicia residents will not be responsible for paying the bills.



RYAN NISHIMOTO

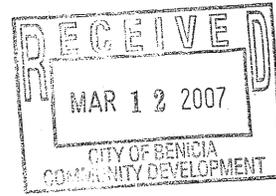
388 Wool Ct.

BENICIA, CA 94510

1

**Commenter C79**  
**Ryan Nishimoto**  
**March 12, 2007**

C79-1:                   The project sponsor would pay the complete costs (or pro rata shares) of roadway improvements recommended as Mitigation Measures in the Draft EIR. Refer to pages 326 to 328 of the Draft EIR for a discussion of the project's impacts on public services, and funding responsibilities for mitigating these impacts.



Ms. Gnos  
City of Benicia  
c/o Community Development Department  
250 East L Street  
Benicia, CA 94510

Dear Ms. Gnos –

The Benicia Business Park EIR needs to address in depth how traffic influxes will affect nearby school, not only in regard to congestion, but also air quality impacts to our kids. Please ensure that this issue is fully examined by the EIR before it comes before the City Council.

1

Thank you.

Sincerely,

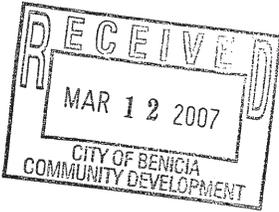
*Alina Nunes*  
39 LA CRUZ

*This would totally change  
Benicia for the worst!*

*This CAN NOT be allowed!!!*

**Commenter C80**  
**Aline Nunes**  
**March 12, 2007**

C80-1:            See Responses to Comment A6-1 and A7-1.



City of Benicia  
c/o Community Development Department  
Planning Department  
Mr., Planner  
250 East L Street  
Benicia, CA 94510

Ms. Gnos,

The Benicia Business Park project, will include a regional shopping center, will draw major traffic into the project area, and the EIR even admits that the project will result in "significant and unavoidable impacts" to I-680.

How will this impact residents who use these ramps on a daily basis? What impact will backups on these ramps have on I-680 during peak times? Will this route residential traffic to I-680 and increase traffic at these points as well?

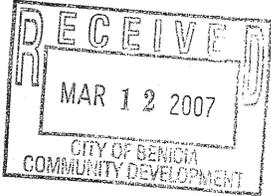
It is erroneous for the City to approve any project that inconveniences the residents of Benicia.

Regards,

Kathy Oja  
1720 Shitley Dr.  
Benicia, CA 94510  
KATHY OJA

**Commenter C81**  
**Kathy Oja**  
**March 12, 2007**

C81-1:            See Response to Comment C65-1. Refer to Table IV.G-13 of the Draft EIR for a discussion of the project's impacts to area roadways (under existing conditions), including I-680.



City of Benicia  
c/o Community Development Department  
Planning Department  
Mr., Planner  
250 East L Street  
Benicia, CA 94510

Dear Ms. Gnos,

Many people, including a member of the City Council, have expressed concern about the impact to the River Otter. Does the EIR for the Benicia Business Park address this issue.

What will the damage be? Is there any identified habitats of the River Otter on the site?

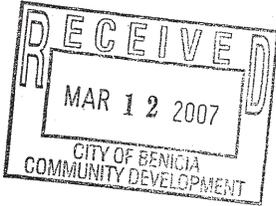
Sincerely,

Michael Passaris  
Michael Passaris  
314 Bridgeview Ct.  
\_\_\_\_\_

1

**Commenter C82**  
**Michael Passarit**  
**March 12, 2007**

C82-1:           See Response to Comment C61-1. No suitable habitat occurs on the site for river otters or beavers, although these species are known to occur in the project vicinity and could occur incidentally on the site.



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

Dear Ms. Gnos –

The EIR should address the following issue:

- How will the traffic affect the nearby schools?
- How will the construction of this project during construction effect current traffic patterns?

1

If the EIR finds that this development is, among other things, more detrimental to the local traffic patterns than beneficial, the city should then explore its authority of eminent domain. A store of this magnitude should benefit the community and not endanger our children and increase our traffic.

2

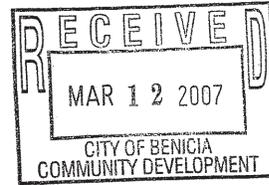
Sincerely,

Meredith A. Passaris  
Meredith A. Passaris  
314 Bridgeview Ct.  
Benicia

**Commenter C83**  
**Meredith A. Passaris**  
**March 12, 2007**

- C83-1:            See Responses to Comment A6-1 and A7-1 regarding traffic and air quality-related impacts to Robert Semple Elementary School. Refer to page 248 of the Draft for a discussion of the effects of project construction on traffic congestion and roadway wear-and-tear.
- C83-2:            This comment, which pertains to the merits of the project, is noted.

March 12<sup>th</sup> 2007,



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

City Council and Mayor,

The Seeno EIR lacks a comprehensive crime impact study, which is something my family and I are very concerned about. How many new officers and firefighters will the city have to hire if new homes and businesses are built? How much money will that cost the city – including training, salaries and any new facilities or infrastructure that will require? Who will pay for those costs?

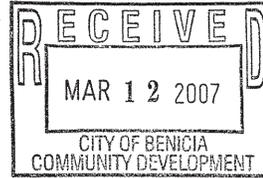
1

Frank J. Reyes  
435 Park Blvd R  
Benicia CA 94510

**Commenter C84**  
**Resident, 435 Panorama Drive**  
**March 12, 2007**

C84-1: Potential impacts of the project on public services (including impacts associated with increased crime rates) are discussed on pages 326 to 328 of the Draft EIR.

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



Ms. Gnos,

Regarding the Seeno Business Park Plan, what is the developer/city doing to mitigate the loss of watersheds if this plan is built successfully?

1

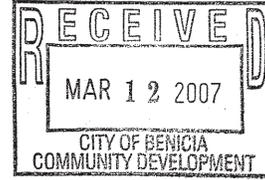
James Robinson  
JAMES Robinson  
358 McCall Dr.  
Benicia Ca 94510

**Commenter C85**  
**James Robinson**  
**March 12, 2007**

C85-1: Proposed mitigation to reduce flooding impacts associated with the project at the sub-watershed level are addressed in Response to Comment A4-5.

820 First St.  
Benicia, CA 94510

March 12, 2007



Ms. Cindy Gnos  
Contract Planner  
City of Benicia  
250 East L St.  
Benicia, CA 94510

Dear Ms. Gnos,

This letter is to express concern about issues raised in the Draft Environmental Impact Report for the proposed Benicia Business Park development.

1

The EIR's study of possible urban decay impacts in downtown Benicia assumes that the mix of tenants currently envisioned will not include a big-box retailer. The city does not know if this is true, but makes this assumption based, apparently, on representations by the developer.

This seems to me to be a dangerous assumption, because the impact of a big-box retailer could be devastating on downtown retailers and to the small-town atmosphere of the city. What guarantees does the city have that a big-box retailer is not planned for this site, and won't be advocated in the future? Businesses will certainly come and go, and the commercial zoning of the site would not prevent such a retailer from opening.

2

The city's economic analysis "Final Report – Economic Impact Analysis of the Proposed Benicia Business Park" also makes the same assumption and does not analyze the possible impact of such a retailer on downtown.

Word in the community is that Walmart wants to come in to the business park. Would it not be advisable to anticipate this possibility and study the effects of such an eventuality? Perhaps it would be prudent to change the area zoning to eliminate this possibility. This would probably have to be done now, prior to the developer and potential tenants making contractual commitments to each other.

Thank you for considering my comments.

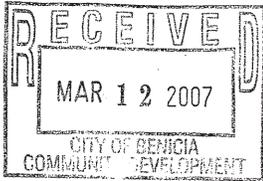
Sincerely,  
  
Nathan Salant

CC: Jan Cox-Golovich

**Commenter C86**  
**Nathan Salant**  
**March 12, 2007**

C86-1: This introductory comment is noted.

C86-2: See Response to Comment C1-11.



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

Re: Noise Pollution

Dear Ms. Gnos

Everyone in town expects that the Benicia Business Park Town Center will have one or more big box stores and I am concerned that this will hurt out quality of life. One aspect of this is the noise pollution. What steps will the developer and the City take to protect against the 24-hour noise pollution we can expect from the project?

1

The trucks that big box stores use will be running constantly. Can you please include in the EIR how much noise these trucks will add to Benicia's roads and neighborhoods?

2

Regards,

*Janine M. Seeds, Benicia, Voter*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

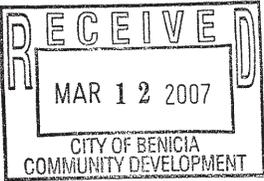
**Commenter C87**  
**Jeanine M. Reeds**  
**March 12, 2007**

C87-1: See Response to Comment C1-11. The proposed project would not include a big box retail establishment. Refer to Mitigation Measures NOI-1a through NOI-1d and Mitigation Measure NOI-2a through NOI-2c for recommended measures to reduce the significant effects of the project on noise.

C87-2: The noise impact analysis in the Draft EIR was based on total vehicle traffic on area roads (including truck trips generated by the project). Refer to pages 279 to 283 for a discussion of this impact.

March 12<sup>th</sup> 2007,

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



City Council and Mayor,

During the recent Planning Commission hearing regarding the Seeno Project, one Commissioner said that he was concerned that the economic impacts studied used statewide averages as a benchmark.

1

Why wasn't more localized data used?

Based on what assumptions is it appropriate to compare Benicia with statewide figures?

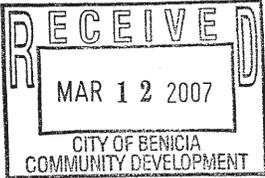
*Craig L. Smith*  
Craig L. Smith  
370 Silas Court  
Benicia, CA 94510

P.S.  
Isn't a Wal-Mart superstore TOTALLY out of character for our community? Why doesn't ~~the~~ the public get to vote on this huge development?

2

**Commenter C88**  
**Craig L. Smith**  
**March 12, 2007**

- C88-1: The fiscal analysis in the Draft EIR used local data when such data were available. Local data used in the fiscal analysis includes City of Benicia service costs and revenue; City of Benicia General Fund budget; City of Benicia personnel salaries/costs; Solano County tax allocation factors; City of Benicia transient occupancy tax rate; City of Benicia utility users tax; City of Benicia Fire Department call rates; vacant industrial land in City of Benicia; City of Benicia development fee schedule; retail spending in City of Benicia; City of Benicia household income (and income distribution); City of Benicia retail spending demand; City of Benicia jobs; and visitor spending in Solano County and City of Benicia.
- C88-2: See Response to Comment C1-11. The proposed project would not include a Wal-Mart or other big box retail tenant.



City of Benicia  
Economic Development Department  
Planning Department  
Mr., Planner  
250 East L Street  
Benicia, CA 94510

Ms. Gnos,

I can only imagine the amount of water that will be needed for this huge regional shopping center, Benicia Business ParkTown Center. How many gallons a day will be used to mist and wash the produce and the houseplants? How many gallons of water a day to utilize the air conditioning system and the urinals in the men's restroom? How many gallons of water a day for the toilets in both the men and women's restrooms? What are all the various uses for water at a 24-hour Wal-Mart Supercenter and the rest of the shopping center of this size? What demands from the City can be made to mitigate the huge amount of water consumption used per day? We deserve to know the specific impacts a Supercenter and this shopping center will have on our water supply. How much will it use and what impacts will that have on us now and in twenty years?

1

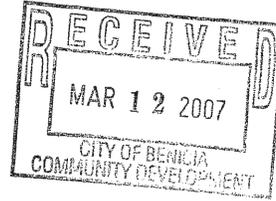
Thanks,

*Mary E. Smith*  
Mary E. Smith  
370 Silas Ct  
Benicia, CA 94510

**Commenter C89**  
**Mary E. Smith**  
**March 12, 2007**

C89-1: Refer to pages 335 and 336 of the Draft EIR for a discussion of the City's water supply, and whether this water supply would be adequate to serve the proposed project.

Ms. Cindy Gnos  
City of Benicia  
Planning Department  
250 East L Street  
Benicia, CA 94510



RE: Benicia Business Park

Ms. Gnos

The amount of land grading this project proposes is incredible. I'm concerned that the soil in the area will become unstable and that water runoff after grading will create drainage problems, increased water pollution and potentially unsafe conditions in the case of an earthquake. How can these concerns be mitigated?

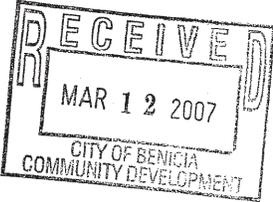
1

Thank you,

Margo Guilding  
212 E 2<sup>nd</sup> St  
Benicia, CA

**Commenter C90**  
**Margo Spaulding**  
**March 12, 2007**

C90-1: Refer to Mitigation Measures HYDRO-1 (regarding drainage); HYDRO-2 (regarding water pollution); and GEO-1 (regarding seismic shaking).



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

**Re: Noise Pollution**

Dear Ms. Gnos

The Benicia Business Park Town Center will have a big box retailer and I am concerned that this will impede the quality of life that we enjoy. This development will reach all the way out to existing communities where people live. Many people work over night, and sleep during the day, what will the impacts of noise be on me and others during the day and night?

How will big-box trucks, even those with refrigeration units on them that have to run constantly, add to the noise? How will the vendor trucks that deliver to the store add to this noise?

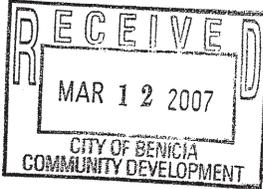
Regards,

*Renee Stewart*  
*Renee Stewart*  
*472 Casey Ct.*  
*Benicia, CA 94510*

1

**Commenter C91**  
**Renee Stewart**  
**March 12, 2007**

C91-1:            See Responses to Comments C87-1 and C87-2.



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

Dear Ms. Gnos –

In regards to the Benicia Business Park, how will this development impact the open space around it? Will the run-off water from the parking lots impact the surrounding open land?

Office parks have been sued by the EPA for runoff from it damaged the ground water. This should be addressed in the EIR, especially with so much open space near the site.

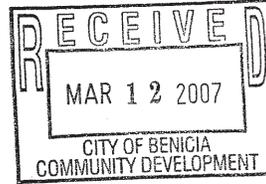
Sincerely,

*Leslie Stross*  
385 Wool Ct  
Benicia CA  
Leslie Stross

**Commenter C92**  
**Leslie Stries**  
**March 12, 2007**

C92-1:            See Response to Comment C52-1.

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



Ms. Gnos:

At a recent Planning Commission meeting, Commissioner Railsback stated that the Seeno EIR does not include mention of deer, river otters and beavers he's seen in the area. I would like to know if the analyst who put the report together are going to go back and investigate Commissioner Railsback's concerns about the animal species the EIR has forgotten. It seems clear to me that there is much more wildlife on the site that Seeno has yet to identify.

1

*Deborah Sugiyama*  
*Deborah Sugiyama*  
*475 Casey Ct.*  
*Benicia, CA 94510*

**Commenter C93**  
**Deborah Sugiyama**  
**March 12, 2007**

C93-1:            See Response to Comment C61-1.

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



Ms. Gnos,

Has the EIR addressed the impact the Benicia Business Park will have on the local bird population in Benicia?

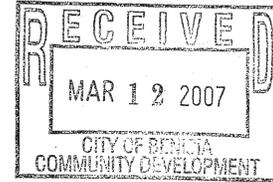
Have any nests, habitats or breeding grounds been identified? Will they be protected?

Thank you,

Brad S. Thomas  
480 Casey Ct,  
Benicia, CA 94510

**Commenter C94**  
**Brad S. Thomas**  
**March 12, 2007**

C94-1:           See Response to Comment C61-1. Active bird nests would be protected as part of the mitigation measures for Impacts BIO-5 and BIO-6.



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

**Re: The Benicia Business Park**

Dear Ms. Gnos,

I don't believe we need a regional shopping center in Benicia. My understanding is that no tenant has yet been identified for the Benicia Business Park. Shouldn't the specific uses of the land be included in the EIR? My understanding is that it is required.

We also should have a complete economic impact study -- that can't truly be done until the tenants are ID-ed -- as a part of any EIR for this project.

Sincerely,

*Debbie Teller Benicia resident, VOTER*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Commenter C95**  
**Debbie Foth**  
**March 12, 2007**

C95-1:            See Response to Comment C1-11.

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510



RE: Benicia Business Park

Ms. Gnos

I am alarmed to hear how much grading this project proposes to do.

With environmental impact to Benicia already at an all time high, has the EIR addressed the runoff issues from grading? Also has been done to look at the toxins in the soil and how they will be contained? It is a known fact that the pollution caused from the Valero refinery has effected the soil and there are many contaminates in it.

1

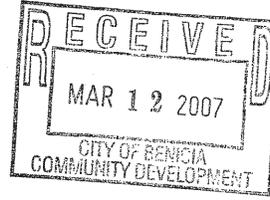
Thank you,

*Steve Treman*  
Steven Treman  
367 Silas Ct  
707-745-9150

**Commenter C96**  
**Steven Tremain**  
**March 12, 2007**

C96-1:           Runoff issues are addressed on pages 138 to 141 of the Draft EIR. Soil  
contamination on the site is addressed on pages 147 to 151 of the Draft EIR.

Cindy Gnos, Contract Planner  
City of Benicia Planning Department  
250 East "L" Street  
Benicia CA 94510



Construction Activity Degradation of Water Quality in Creeks and Carquinez Strait

Because of the approximately 9 million cubic yards of cut and fill on the site, construction of the project may result in degradation of the quality of surface water, including downstream creeks in Benicia, Carquinez Strait, and ultimately San Francisco Bay.

1

It states in the Benicia General Plan Policy 3.22.1: Avoid development that will degrade existing lakes and streams. This project would conflict with General Plan policies that encourage the use of landscape storm water management features in lieu of underground pipelines. (p.141).

How does this project incorporate recommendations in Start at the Source: Design Guidance Manual for Stormwater Quality Protection during the construction period?

2

Best Management Practices (BMPs) must be specified to protect water quality during construction of the business park. When and where will these be specified?

What if hazardous waste sites are found?

3

What is proposed to mitigate erosion, stormwater runoff, and protection of water quality in creeks and Carquinez Strait if there are significant time delays in the completion of this project?

4

What are the potential impacts on degradation of water quality in creeks and Carquinez Strait if the construction period is phased through many years?

5

Sincerely,

JOHN WILLIAMS

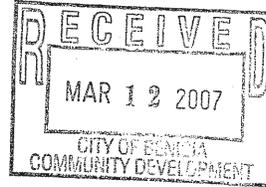
451 MILLS DR.

BENICIA, CA. 94510

**Commenter C97**  
**John Williams**  
**March 12, 2007**

- C97-1: This comment, which pertains to the merits of the project, is noted.
- C97-2: Mitigation Measure HYDRO-2 in the Draft EIR would require storm water management features on the site to incorporate recommendations from the “Start at the Source” manual. BMPs would be specified in the SWPPP prepared as part of Mitigation Measure HYDRO-2. The SWPPP would be prepared prior to the issuance of site-specific grading or building permits.
- C97-3: Refer to Mitigation Measures HAZ-2a through HAZ-2d and HAZ-4a through HAZ-4d.
- C97-4: See Response to Comment C6-24.
- C97-5: See Response to Comment C6-24.

City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Cindy Gnos  
250 East L Street  
Benicia, CA 94510



Ms. Gnos

We already have awful area quality in the Carquinez Straits with will so many oil refineries nearby, but the Seeno EIR admits it will get even worse with his project. I want to know what mitigations are possible to protect against this problem from affecting Benicia's schoolyards.

1

Thank you,

*Budget Winkler  
701 West I St  
Benicia, Ca  
94510*

**Commenter C98**  
**Bridget Winkley**  
**March 12, 2007**

C98-1:            See Response to Comment A7-1.

400 Reed Court  
Benicia, Ca 94510

March 12, 2007

Ms. Cindy Gnos  
Contract Planner  
City of Benicia  
250 East L St  
Benicia, Ca, 94510

Subject: Comments on the Benicia Business Park Environmental Impact Report

While I share the comments submitted by Nancy Lund in her letter to you dated March 9, I would like to add the following:

Page 217, *No pedestrian facilities, such as sidewalks or off street paths, are currently provided in the project site vicinity.* This is **disappointing**. This is also inconsistent with Circulation Policy 2.15.2 in the general plan. Why would you NOT want to provide a place for employees to walk? Why not encourage a walk break instead of a cigarette break? It would improve the health as well as the morale. **Sidewalks** can't be all that expensive and **should be required**.

Note: I worked in the Industrial Park for 9 years. My non-smoking staff was allowed to take walk breaks. (Country road, face traffic) Yes, it did improve morale. I often rode my bicycle to work. The only scary part was the need to cross the path of the remotely controlled locomotives at Industrial Way and Bayshore. Patience!!!

Page 223, *f. Planned Transit Facility Improvements.* Please keep in mind that the Industrial Park is big and has **no sidewalks**. It is also very desolate after 5:30-6:00 PM, particularly in the winter. I would like to see extra bike racks and a bus stop near a place of continuous activity, like a hotel, which is open and staffed 24 hours.

I'm sure there is a lot more to be said, particularly about sound walls and destroyed hills.

Sincerely

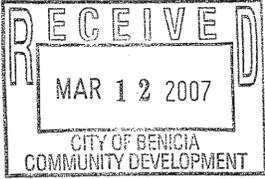


Barbara J Wood

**Commenter C99**  
**Barbara J. Wood**  
**March 12, 2007**

C99-1:            This comment, which pertains to the merits of the project, is noted.

*Letter  
C100*



Cindy Gnos  
Contract Planner  
C/O City of Benicia Planning Department  
250 East L Street  
Benicia CA 94510

I wanted to tell you that I walked in the Waters End neighborhood in Benicia, trying to acquaint people with the Seeno Project on Saturday, March 10, 2007.

Nobody knew about the project and they all thanked me for the information.

Sincerely,

A handwritten signature in cursive script that reads "Sabina Yates".

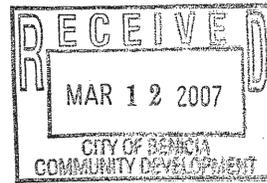
Sabina Yates  
302 Bridgeview Ct.  
Benicia CA 94510

1

**Commenter C100**  
**Sabina Yates**  
**March 12, 2007**

C100-1:           This comment is noted.

Cindy Gnos, Contract Planner  
City of Benicia Planning Department  
250 East "L" Street  
Benicia CA 94510



Dear Ms Gnos;

The project proposed by The Benicia Business Park is wholly incompatible with our Benicia General Plan. The General Plan exists for very good reasons – to guide our city into the future.

On p.105 in the DEIR, "the total combined effect of the various policy inconsistencies would be significant (with the General Plan). These policy inconsistencies would remain associated with substantial adverse changes to the physical landscape and use of land in Benicia and would represent a significant deviation from the overarching goals and policies of the General Plan, which seek on-site conservation of natural resources, including important landscape features. Reducing the net effect of these policy inconsistencies would require a substantial reconfiguration of proposed land uses at the project site. Therefore this impact is considered **significant and unavoidable. (SU)**"

This project would not protect hillsides, watersheds and riparian corridors. It would not preserve public views of open space and would not maintain existing vistas of the hillsides that surround Benicia.

1

The proposed project would adversely affect scenic vistas from 2<sup>nd</sup> Street East by creating an embankment with a slope of approx. 30 percent and ranging from 16 to 40 feet in height. This embankment would have a significant impact the whole length of 2<sup>nd</sup> Street East – from Industrial Way to Lake Herman Road - **the Gateway to Benicia.**

Two 1M gallon water tanks would be placed near the tops of the only two hills left within the project. Their visibility would be screened from Lake Herman Road, but would be out of scale and character with vistas from Waters End and the Community Park neighborhood.

Can the amount of light and glare in adjacent neighborhoods be mitigated to a greater level?

2

Isn't it possible for the developer to accommodate his plans to be compatible with our Benicia General Plan and to satisfy its' goals? If not, I am personally unable to support this project.

3

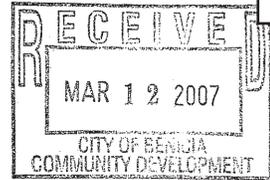
Sincerely,

*Sabrina E. Yates*  
\_\_\_\_\_  
SABINA E. YATES  
302 Budgetview Ct. Benicia

**Commenter C101**  
**Sabina Yates**  
**March 12, 2007**

- C101-1: This comment, which pertains to the merits of the project, is noted.
- C101-2: Mitigation Measures VIS-4a through VIS-4c would reduce impacts associated with increased light and glare to a less-than-significant level.
- C101-3: This comment, which pertains to the merits of the project, is noted.

Letter  
C102



City of Benicia  
c/o Community Development Department  
Planning Department  
Ms. Gnos  
250 East L Street  
Benicia, CA 94510

Dear Ms. Gnos –

The Benicia Business Park EIR needs to address in depth how traffic influxes will affect nearby school, not only in regard to congestion, but also air quality impacts to our kids. Please ensure that this issue is fully examined by the EIR before it comes before the City Council.

1

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "J. REED ROBBINS".

J. REED ROBBINS

**Commenter C102**  
**J. Reed Robbins**  
**March 12, 2007**

C102-1:            See Responses to Comments A6-1 and A7-1.

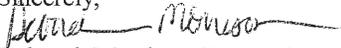
Cindy Gnos  
Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510

February 26, 2007

I am writing in response to the recently released Environmental Impact Report regarding the Seeno project in Benicia. As a teacher at Robert Semple Elementary and a Benicia resident, I have grave concerns about the safety of our children with the added traffic anticipated if the proposed development is approved. With the current traffic patterns and usage of East Second Street, at 8:30 am, 12:00 pm, and again at 3:00 pm, there are at least 12-15 cars lined up at Viewmont and at Hillcrest waiting to cross East Second Street at the lights. There is one crossing guard at Hillcrest to help the children cross, but none at Viewmont. Semple now has an increased walking population of students since the closure of Mills Elementary. The added numbers of cars that would use East Second Street to get to the Seeno development would absolutely create a more dangerous situation for our children.

I urge you to carefully consider the full implications of the changes to the General Plan that this development will bring. I refer to the added burden of traffic and income diversion from downtown businesses. You have in your hands the power to protect or to change forever, the green hills which add to Benicia's unique flavor and charm and distinguish it from the sprawl of our neighboring communities. Please think of the long-term face of our town.

Sincerely,



Deborah Morrison, Room 12  
Robert Semple Elementary  
2015 East Third Street  
Benicia, CA 94510  
707-751-2545

**Commenter C103**  
**Deborah Morrison**  
**February 26, 2007**

C103-1:        See Response to Comment A6-1.

**Adam Weinstein**

---

**From:** Dan Dixon [dandixon@pacbell.net]  
**Sent:** Wednesday, March 14, 2007 9:49 AM  
**To:** cknox@ci.benicia.ca.us  
**Subject:** Seeno DEIR

Dan & Kathy Dixon  
206 Marina Village Way  
Benicia CA 94510

March 13, 2007

Ms. Cindy Gnos  
Contract Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510

Re: Benicia Business Park Environmental Impact Report

Dear Ms. Gnos:

The DEIR stipulates that acreage will be set aside for fire and police protection but no where does it specify who will pay for the construction of these new facilities. Will it be the citizens of Benicia? If so, precisely what is the anticipated cost of constructing, maintaining, and staffing these new facilities? Should not the proposed tenants of the BBP be designated as possible sources of revenue to construct and maintain these facilities?

1

Does this document conform to the City of Benicia General Plan? Since the General Plan represents the intent of the citizens of Benicia, who worked for years in workshops and meetings to develop a document that would represent the best interests of all Benicians, the acceptance of a document that does not conform to the General Plan would certainly repudiate citizen efforts and might even result in unintended political consequences and perhaps invite unwanted litigation.

2

We endorse and include by reference as part of my own comments the remarks submitted by Bob Berman, Sue Wickham, Jan Cox-Golovich, Susan Street, Sabina Yates, Norma Fox, Marilyn Bardet, Steve Goetz, Robert Craft, and Barbara Wood.

Sincerely yours,

Dan & Kathy Dixon

3/19/2007

**Commenter C104**  
**Dan & Kathy Dixon**  
**March 13, 2007**

- C104-1: As indicated on page 327 of the Draft EIR, the fire and police facility would be funded by fees imposed on the proposed project. The cost for the facility has not yet been determined. Funding for operation/maintenance would be provided by the City of Benicia (project tenants would contribute tax revenues to this source).
- C104-2: This comment, which pertains to the merits of the project, is noted.

## **D. PLANNING COMMISSION HEARING**

DRAFT



**BENICIA PLANNING COMMISSION  
CITY COUNCIL CHAMBERS**

**REGULAR MEETING MINUTES**

**February 8, 2007  
7:00 P.M.**

**I. OPENING OF MEETING**

- A. Pledge of Allegiance**
- B. Roll Call of Commissioners**

**PLANNING COMMISSION**

Present: Chair Fred Railsback, Commissioners Richard Bortolazzo, Kyle Daley, Dan Healy, Mike Ioakimedes, Bonnie Silveria and Scott Strawbridge

Absent: None

Staff Present: Community Development Director Charlie Knox  
Contract Attorney Kat Wellman  
Administrative Secretary Gina Eleccion

- C. Reference to Fundamental Rights of Public** - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

**II. AGENDA CHANGES AND DISCUSSION**

Gina Eleccion noted that revised minutes of January 17<sup>th</sup> were submitted to Commissioners. The original minutes included errors regarding Commissioner Bortolazzo's attendance, as well as an omission of Commissioner names in one of the votes. Those errors have been fixed in the revised minutes.

**III. COMMUNICATIONS FROM AUDIENCE**

None.

**IV. CONSENT CALENDAR**

**A. Approval of Agenda**

On motion of Commissioner Silveria, seconded by Commissioner Bortolazzo, the agenda was approved by the following vote:

Ayes: Commissioners Bortolazzo, Daley, Healy, Ioakimedes, Silveria, Strawbridge and Chair Railsback  
Noes: None  
Absent: None  
Abstain: None

**B. Planning Commission Minutes of January 11, 2007**

On motion of Commissioner Silveria, seconded by Commissioner Healy, the Minutes of January 11, 2007 were approved by the following vote:

Ayes: Commissioner Daley, Healy, Silveria, Strawbridge and Chair Railsback  
Noes: None  
Absent: None  
Abstain: Commissioners Bortolazzo and Ioakimedes

**C. Planning Commission Minutes of January 17, 2007**

On motion of Commissioner Silveria, seconded by Commissioner Healy, the Minutes of January 11, 2007 were approved by the following vote:

Ayes: Commissioner Daley, Healy, Silveria and Chair Railsback  
Noes: None  
Absent: None  
Abstain: Commissioners Bortolazzo, Ioakimedes and Strawbridge

**V. REGULAR AGENDA ITEMS**

**A. GENERAL PLAN CONSISTENCY REVIEW FOR BENICIA'S 2007-2009 CAPITAL IMPROVEMENT PROGRAM (CIP)**

**PROPOSAL**

The Planning Commission will review the Capital Improvement Program (CIP) and determine if it is consistent with the Goals, Policies and Programs of the Benicia General Plan.

**Recommendation: Planning Commission review the Capital Improvement Program and determine consistency with the Goals, Policies and Programs of the Benicia General Plan.**

Dan Schiada gave a brief overview.

The public hearing was opened. There was no public comment. The public hearing was closed.

The Commissioners commented on the timelines for some of the project. Dan Schiada noted that a lot of those decisions are part of the budget process.

On motion of Commissioner Strawbridge, seconded by Commissioner Strawbridge, the above item was determined to be consistent with the General Plan by the following vote:

- Ayes: Commissioner Bortolazzo, Daley, Healy, Ioakimedes, Silveria, Strawbridge and Chair Railsback
- Noes: None
- Absent: None

**B. BENICIA BUSINESS PARK – DRAFT ENVIRONMENTAL IMPACT REPORT**  
Discovery Builders, Inc.

**PROJECT LOCATION**

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

**BRIEF DESCRIPTION OF PROJECT:** The proposed project would locate commercial development at the eastern end of the project site and industrial development in the central and western portions of the project site. An open space buffer area consisting of primarily undeveloped land is proposed along the south side of Lake Herman Road. In addition, an approximately 54-acre open space “reach” would extend from Lake Herman Road to the southern boundary of the project site. The purpose of the reach is to preserve a key drainage and associated wetlands at the project site. The project sponsor, Discovery Builders, proposes the following actions as part of the project:

- Subdivision of the 527.8-acre site into 80 lots (ranging in size from approximately 2.5 acres to 9 acres);
- Development of approximately 280 acres of limited industrial uses (with approximately 4,443,000 square feet of building space) and development of 35 acres of commercial uses (with 857,000 square feet of building space);
- Provision of approximately 180 acres of open space, including a buffer strip to preserve the rural character of Lake Herman Road, and a “reach” extending from Lake Herman Road to East 2nd Street;
- Installation of necessary infrastructure including 10 acres of roadways, water, sewer and utilities;
- Installation of two 1,000,000-gallon water tanks that would provide water supply for the proposed development; and

- Rezoning of the site to apply a Master Plan overlay and to adjust commercial and industrial zoning designation boundaries to conform to the Master Plan.

**Recommendation: Planning Commission hold a public hearing to review the sufficiency of the DEIR in discussing possible impacts on the environment, ways in which adverse effects might be minimized, and alternatives to the project.**

Charlie Knox, Community Development Director, gave a brief report on the project. He noted that the purpose of the hearing is to discuss and to comment to City Council on the adequacy of the Draft EIR. The City Council will make the finding of adequacy of the document. The public comment period for the Draft EIR is still open until February 26<sup>th</sup>. All comments made will be responded to in the Final EIR. City Staff had no input into the content or substance of the document. Charlie Knox noted that at this point, only comments regarding the adequacy of the document will be forwarded to the City Council at this time. Comments regarding the project itself will be addressed during project review.

Adam Weinstein, Consultant, introduced his associates from LSA. He noted that his presentation is focused on significant environmental impacts only. An overview of the project and the EIR process was given. A PowerPoint presentation was given. Significant impacts and project alternatives were identified.

Commissioners questioned the economics of the proposal and what assumptions were made to determine the impacts. Adam Weinstein noted that the fiscal analysis was done by a Consultant based on acreage and floor area ratios. The consultant worked with the project sponsor. Charlie Knox noted that the property owner has the right to propose uses to be included in the analysis.

1

Commissioners questioned the soil stability based on cut and fill. There is some concern over what is reasonable and safe. Adam Weinstein noted that there are background documents with more information. This will be further addressed in the Response to Comments in the Final EIR.

2

Regarding traffic and accidents, there are conflicting recommendations. Adam Weinstein noted that there are mitigation measures to reduce the impacts of the project.

3

The public hearing was opened.

Bob Craft, 323 Columbia Circle – He is concerned with cumulative impacts. Land use, hydrology, biology, air quality and visual impacts are not appropriately mitigated. He believes there are at least 21 conflicts with the General Plan. He is concerned with the grading plan. He would like a 3-dimensional model of the project. He is concerned with energy uses.

4

Sue Wickham, 411 Duvall Court – She will be submitting written comments on the project. She questioned why public comments from earlier meetings weren't included in this Draft EIR. She does not believe all of the mitigation measures are detailed enough. She commented on culverting and bike lanes. She encouraged the Commission to look

5

at the alternatives to the project. There are significant impacts to Lake Herman Regional Park. The development should help pay for improvements to this park. She noted concerns from Marilyn Bardet over cumulative air quality concerns and water.

**5  
cont.**

Steve Goetz, 347 Goldenslopes – He commented on traffic, air quality and noise. He would like to see I-780 remain 4 lanes and this General Plan policy should be included. He discussed turn lanes and trip generation. There should be air quality receptors. He is concerned with excessive noise. The alternatives need to be seriously looked at.

**6**

Dan Smith, 365 Military East – He thanked LSA for their work on this project. He believes the applicant has ignored previous comments and the City’s General Plan. He is happy that all of the alternatives include space for public service. There need to be additional mitigations for transportation. He stated his concern for public safety response time. The project sponsor should be responsible for constructing a public safety facility.

**7**

Jan Cox-Golovich, League of Women Voters – She commented on a study of the East 2<sup>nd</sup> Street Corridor. This should be an official comment to the Draft EIR. She is concerned with safety and air quality since the uses are based on assumptions. She would like Lake Herman to remain a rural area and the impact to this area is significant. There are no guidelines for big box stores. The zoning regulations should be amended. The City should consider the record of this developer.

**8**

Dana Dean, Attorney – She spoke on urban decay. CEQA requires mitigations to be real and not deferred. She believes a “worse-case scenario” should be analyzed and mitigated. Charlie Knox noted that if the tenant mix changes significantly, there would likely be a supplement to the EIR. He further noted that a Master Plan requirement will ensure that significant changes will trigger additional review.

**9**

The public hearing was closed.

Commissioners discussed the adequacy of the document.

There are concerns with impacts to Downtown and measuring to standards, which are below State average. Marketing and advertising were mentioned. Diversification, air quality and traffic were mentioned.

**10**

Urban decay was discussed. There is an opportunity to bring people downtown with the addition of this project.

**11**

Commissioners commented on the thorough work that went into the Draft EIR. There are some questions over assessing economic impacts. There are other regional industrial areas that should be looked at. The aesthetic value of creeks was commented on. Green building codes were suggested.

**12**

A question was asked about a vesting tentative map. Charlie Knox noted that a vesting tentative map creates a right to go forward with a project. Specific uses and density proposed are all taken into consideration.

**13**

A comment was made that an Industrial Park was needed when the Arsenal closed. There will be impacts similar to developing Sky Valley. Bike lanes need to be added to this project. | 14

Air quality concerns were mentioned. With the Water’s End development, there are still dust problems. Grading will create a lot of air quality issues. | 15

There was a suggestion to look into energy-efficient building codes. | 16

Public safety is going to be significantly impacted. The City should not bear the financial burden of this impact. | 17

Runoff mitigations were mentioned. Sulphur Springs has been an issue. The cumulative impact of water flow downstream needs to be looked at. | 18

River otters, beaver, deer, mountain lions and other small mammals should be identified in the EIR. | 19

A comment was made that when the entire parcel was segmented, it looked like Lot 34 (see page 69 of Draft EIR) was left out and should be included. | 20

Bike lanes and walking trails should be included. | 21

With the amount of cut and fill, the landslide issue should be looked at further. | 22

Impacts on page 237 show 2 right-turn lanes. Charlie Knox noted that there is a center left/right turn lane. | 23

Regarding recycled water, it doesn’t appear that this will happen, so this should not be counted on. | 24

Overloading of a 24” sewer line at peak times is not an acceptable situation. This sewer line should be upgraded. | 25

Commissioners appreciated the amount of work that went into preparing the Draft EIR.

C. **GENERAL PLAN CONSISTENCY DETERMINATION FOR THE MILLS ELEMENTARY SCHOOL REUSE PLAN**

**PROPOSAL:**

The City is proposing to sign a lease with the Benicia Unified School District to use the former Mills Elementary School as a renovated City Community Center.

**Recommendation: Planning Commission review the proposal for consistency with the City’s General Plan and formally make a finding of this General Plan consistency by adoption of the proposed resolution.**

Charlie Knox gave a brief overview of this item. He referenced a memo by Mike Alvarez on the proposed operating parameters of the site.

Commissioners questioned if gym space will be available. Additionally, there was a question as to whether this site was considered for a new police station. Charlie Knox noted that there is no intent to do significant work to the building other than for safety and maintenance purposes. If it is determined that this is a better long-term facility than the current police facility, there is still potential in the future.

Commissioners questioned if citizens are aware of this item. Staff noted that citizens will be noticed when the lease goes to Council for action.

The public hearing was opened.

The public hearing was closed.

**RESOLUTION NO. 07-4 (PC) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA ESTABLISHING CONSISTENCY WITH THE GENERAL PLAN FOR THE MILLS ELEMENTARY SCHOOL REUSE PLAN AT 380 EAST "L" STREET**

On motion of Commissioner Healy, seconded by Commissioner Daley, the above Resolution was approved by the following vote:

- Ayes: Commissioner Bortolazzo, Daley, Healy, Ioakimedes, Silveria, Strawbridge and Chair Railsback
- Noes: None
- Absent: None
- Abstain: None

**VI. COMMUNICATIONS FROM STAFF**

Charlie Knox noted that we need Strategic Plan feedback from the Commissioners to provide to the City Manager.

Commissioners discussed suggested items and provided direction to staff.

Code enforcement expansion was added. Financial provision for implementation of Downtown and Arsenal plans should be added. Story poles citywide should be added to the list.

**VII. COMMUNICATIONS FROM COMMISSIONERS**

None.

**VIII. ADJOURNMENT**

Chair Railsback adjourned the meeting at 9:11 p.m.

## City of Benicia Planning Commission Minutes - February 8, 2007

- D1-1: No additional response is required.
- D1-2: According to the EIR team's technical specialists on matters of geology, soils and seismicity, Baseline Environmental Consulting, the cut and fill proposed by the project would be safe after implementation of recommended mitigation measures. With proper engineering and design, safety can be assured, even on construction projects involving large amounts of cut and/or fill.
- D1-3: No additional response is required.
- D1-4: See Responses to Comments C8-1 through C8-24.
- D1-5: See Responses to Comments C10-1 through C10-30.
- D1-6: See Responses to Comment C2-1 through C2-45.
- D1-7: The project sponsor would be required to construct a public facility to be used by the Fire Department and Police Department as part of Mitigation Measure PUB-1a. The mitigation measure would also require the project sponsor to set aside a 7- to 15-acre parcel for development of an auxiliary corporation yard.
- D1-8: The referenced letter from the League of Women Voters is included as Letter B2 in the Responses to Comments Document. See Responses to Comments C4-1 through C4-16.
- D1-9: See Responses to Comments C1-11, C6-13, and C6-14.
- D1-10: See Response to Comment C88-1.
- D1-11: No additional response is required.
- D1-12: These comments on the merits of the project are noted.
- D1-13: No additional comment is required in response to this procedural question.
- D1-14: Mitigation Measure TRANS-24 would require additional bike and pedestrian facilities to be developed as part of the project.
- D1-15: This comment is noted.

- D1-16: See Response to Comment C1-18. Recommended Measure GREEN-1 would ensure that 20 percent of the energy needs of the business park are met with renewable sources.
- D1-17: This comment is noted.
- D1-18: The cumulative hydrology impacts of the proposed project are discussed on page 375 of the Draft EIR.
- D1-19: See Response to Comment C61-1 and C82-1.
- D1-20: Parcel 34 is located just south of “J” Court.
- D1-21: See Response to Comment D1-14.
- D1-22: Landslide risks associated with proposed project are addressed in pages 126 through 127 of the Draft EIR.
- D1-23: See Response to Comment A8-8.
- D1-24: See Response to Comment C6-30.
- D1-25: See Response to Comment C8-20.

