

IV. DRAFT EIR TEXT REVISIONS

Chapter IV presents specific changes to the text of the Draft EIR that are being made to clarify any errors, omissions, or misinterpretation of materials in the Draft EIR, in response to comments received during the public review period. In no case do these revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Text deleted from the Draft EIR is shown in ~~strikeout~~. Pages numbers correspond to the page numbers of the Draft EIR.

These revisions to the Draft EIR derive from comments raised in one or more of the comment letters received by the City of Benicia on the Draft EIR

Pages 9 through 58 of the Draft EIR are revised as follows:

Table II-2: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
C. GEOLOGY, SOILS AND SEISMICITY			
<p><u>GEO-2:</u> Damage to structures or property related shrink-swell potential of project soils could occur at the project site.</p>	S	<p><u>GEO-2b</u> Prior to the issuance of any site-specific grading or building permit, designs of all common landscaped areas shall be reviewed and approved by the City of Benicia Planning and Building <u>Community Development</u>. The designs of all common landscaped areas shall incorporate low water-need plantings to minimize the potential for damage associated to pavements, utilities, and structures from expansive soils. The use of similar landscaping shall be encouraged at individual parcels by providing information to new tenants regarding the relationship between irrigation and subsequent property damage. A document which describes the potential for damage from expansive soils from over-irrigation and includes solutions such as drought-tolerant plant material and drip irrigation systems shall be prepared by the applicant and provided to all occupants of the proposed commercial and industrial facilities.</p>	LTS
<p><u>GEO-3:</u> Potential long-term deformation related to construction of deep fills and cut slopes could occur as a result of proposed development.</p>	S	<p><u>GEO-3a:</u> 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 <u>Public Works</u> Department, shall include measures to ensure potential damages related to long-term deformation and deep cuts and fills are minimized or eliminated by adoption <u>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.</u> The applicant shall incorporate all recommendations of the final geotechnical investigation report regarding mitigation of potential effects associated with cut and fill into the project design.</p>	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
GEO-3 <i>Continued</i>		<p><u>GEO-3b:</u> Prior to the issuance of any site-specific grading or building permit, the applicant shall establish a self-perpetuating slope maintenance program (to be managed by a project site business owners association or similar entity), to be reviewed and approved by the City of Benicia Planning and Building Public Works Department. The self-perpetuating slope maintenance program shall include annual inspections of slopes, debris benches, and v-ditches. Any accumulation of slope detritus on the benches or in the v-ditches shall be promptly removed. The association would also be responsible for repair of any slope failures that may occur on the cut slopes along the northern portion of the project site. An annual report documenting the inspection and any remedial action conducted shall be submitted to the Planning and Building Divisions of the Community Development Department and the Engineering Division of the Public Works Department for review and approval. <u>Approval by the City of Benicia City Engineer is required with respect to the Grading and Erosion control requirements of the City of Benicia Municipal Code Section 15.28.040 – Hazards (or its successor). (LTS)</u></p>	
E. HAZARDS AND HAZARDOUS MATERIALS			
<p><u>HAZ-4:</u> Workers involved in site grading, earthwork or demolition activities could encounter hazardous materials within the project site, including ordnance, explosives, or other chemicals or safety hazards that could cause physical injuries, death, or other adverse health effects.</p>	S	<p><u>HAZ-4b:</u> If any known or suspected ordnance or explosives are encountered during earthwork activities on-site, construction in that area shall be immediately halted and all personnel shall vacate the area. The contractor shall then contact the 911 emergency system to report the emergency and request assistance. Ordnance and explosives discovery procedures shall be documented by the contractor prior to the start of earthwork activities, posted in the work area, and discussed with all on-site personnel prior to work on the site. (These procedures may be developed as part of other required plans, see mitigation measures discussed above).</p>	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
HAZ-4 <i>Continued</i>		The local responding agency (e.g., Benicia Police Department or Fire Department) shall contact the Sacramento District of the Army Corps of Engineers <u>and Department of Toxic Substances Control</u> , as needed , to assist in removal of any identified OE, and to determine if further action is needed prior to the time that site development work resumes in the area. Work shall not resume in the affected area until the area it is deemed safe to do so by the local responding agency, and/or the Sacramento District of the Army Corps of Engineers <u>and Department of Toxic Substances Control</u> .	
F. BIOLOGICAL RESOURCES			
BIO-2: The project would adversely affect wetlands, creek channels, and associated habitat.	S	<u>BIO-2c: Mitigation Measure BIO-2c:</u> A contractor education program shall be created and initiated by the project restoration specialist prior to the initiation of ground disturbing activities. The purpose of this program shall be to inform the contractors about the mitigation measures being implemented onsite, <u>the biology and life history of special-status species that may be present, and the areas to be preserved and avoided during construction, and the measures being implemented to avoid the impacts to these species during construction.</u> During construction, wetlands to be preserved shall be clearly marked with flagging and or construction fencing. <u>During construction in the vicinity of jurisdictional wetlands and non-wetland waters of the United States,</u> The project restoration specialist shall conduct periodic site visits (once every week or once every two weeks, depending on the level of activity) during the construction period to provide direction and ensure protection of sensitive resources and permit compliance.	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
BIO-2 <i>Continued</i>		<p><u>BIO-2e: A conservation easement (or similar restriction) shall be established over the preserved and created wetlands to preserve these wetlands in perpetuity. A designated public The City of Benicia or other public resource agency, conservation group, or open space organization shall hold the easement to ensure retention of the wetland mitigation site (including the mitigation wetlands and the associated uplands) is land-in perpetuity as wetland habitat.</u></p>	
<p><u>BIO-3: Construction of the proposed project could cause indirect impacts to special-status plants.</u></p>	S	<p><u>BIO-3: Prior to construction of the project, a survey shall be conducted for papoose tarplant, to locate and map any individuals of this species on the site and to estimate the population size. If papoose tarplant is found on the site, then the following standards and procedures shall be implemented.</u></p> <ul style="list-style-type: none"> • If feasible, impacts to these plants shall be avoided completely. <u>If complete avoidance is not possible, the extent of impact will be minimized to the extent possible by the proposed development project.</u> The project sponsor and City, in consultation with a qualified botanist, shall determine the feasibility of implementing avoidance measures and shall develop and implement those measures based on the botanist's recommendations and field assistance. Avoidance measures include redesigning the project footprint, avoiding changes in the hydrology of the plants' habitat, fencing the existing plants with ESA fencing prior to construction and establishing a buffer zone, and training construction personnel to identify this species. Long-term avoidance measures shall also be developed to ensure the long-term stability of the population. 	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
BIO-3 <i>Continued</i>		<ul style="list-style-type: none"> • If impacts to pappose tarplant are unavoidable, the project sponsor shall develop and implement a salvage and recovery plan for individuals prior to initiation of construction activities on the site. The mitigation <u>plan</u>, which shall be prepared by a qualified botanist experienced in the development and implementation of native plant restoration, mitigation, and management plans, shall include the following: <ul style="list-style-type: none"> • Salvage and/or recovery requirements, including clearly defined goals focusing on plant establishment (stability, succession, reproduction) and non-native species control measures. • Locations and procedures for restoration/replanting of salvaged plant material including seeds. Onsite relocation in the undeveloped areas of the site shall be considered if suitable habitat for this species is present. • Specification of a 5-year post-construction maintenance and monitoring program by a qualified restoration team to ensure that the project goals and performance standards are being met. The monitoring program shall include provision for remedial actions to correct deficiencies, as needed. After 5 years, the species relocation shall be considered successful if the number of plants that were removed on the site is successfully established at the mitigation site at a minimum of a 1:1 ratio. Annual reports and a final report prepared by the project sponsor and subject to approval by CDFG shall document the progress/success of the revegetation effort. If the revegetation is not successful, an additional period of correction and monitoring shall be specified. • The project sponsor shall provide and secure a source of funding for this salvage and monitoring operation. 	

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
BIO-3 <i>Continued</i>		<ul style="list-style-type: none"> The mitigation shall be considered a success if for the last 3 years of the 5-year monitoring program, the numbers of pappose tarplants has remained above the number of individuals that were adversely affected by the project (1:1 mitigation). The populations should show no sign of decline during this period. In addition, for at least the last 4 of 5 monitoring years, the growth of grass, presence of thatch, and growth of weeds should not hinder tarplant plants. Grazing is a potential management tool to reduce competition from non-native grasses and weeds. If the mitigation is unsuccessful after 5 years <u>because the number of tarplants is less than a 1:1 ratio during the last 3 monitoring years (Years 3, 4 and 5), then monitoring could</u> shall be continued for a 6th year if <u>it is feasible that a 1:1 ratio could be achieved for Years 4, 5, and 6</u> it is warranted. If the lack of success after 5 years suggests that a 6th year of monitoring is not warranted, off-site mitigation land that supports this species shall be purchased. The purchase of these lands shall be approved by the City or CDFG. 	
<p><u>BIO-4:</u> The proposed project may result in the loss of aquatic and terrestrial habitat for the Pacific pond turtle and California red-legged frog and may result in direct take of these species through injury or mortality.</p>	S	<p><u>BIO-4c:</u> If no California red-legged frogs are observed during the surveys, and the USFWS and CDFG concur with the findings of the surveys, then the sponsor shall comply with protection measures required by the USACE, USFWS or CDFG. At a minimum, the following protection measures shall be implemented.</p> <ul style="list-style-type: none"> A qualified biologist shall monitor all construction or ground disturbing activities within 300 feet of suitable red-legged frog aquatic habitat. Immediately prior to ground disturbance or construction activities in areas with aquatic habitats or within 300 feet of aquatic habitats, a qualified biologist shall survey the work area for California red-legged frogs. 	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
BIO-4 <i>Continued</i>		If red-legged frogs are found within the work area, all work shall cease and the occurrence shall be reported immediately to the City, USFWS and CDFG. Work onsite shall resume only when authorized by the USFWS. <u>If red-legged frogs are found, a</u> report shall be prepared at the end of each construction season detailing the results of the monitoring effort. The report shall be submitted to the City by November 30 of each year.	
BIO-5: The proposed project may result in the loss of nesting habitat for the white-tailed kite, Cooper’s hawk, loggerhead shrike, saltmarsh common yellowthroat, and other breeding birds, and may result in direct take of these species through injury or mortality.	S	BIO-5a: A qualified biologist shall conduct raptor and passerine nest surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities on the site to locate any active nests on or immediately adjacent to the site. Preconstruction surveys shall be conducted no more than 14 days prior to the start of pruning, construction, or ground disturbing activities if the activities occur during the nesting season (February 1 and August 31). <u>Preconstruction surveys for nesting raptors shall be conducted on a minimum of 3 separate days during the 14 days prior to disturbance.</u> Preconstruction surveys shall be repeated at 30-day intervals until construction has been initiated in the area. Locations of active nests shall be described and protective measures implemented. Protective measures shall include establishment of clearly delineated (i.e., orange construction fencing) avoidance areas around each nest site that are a minimum of 300- 500 feet from the dripline of the nest tree or nest for raptors and 50 feet for passerines. The active nest sites within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance. These protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. A report shall be submitted to the City at the end of the construction season documenting the observations made during monitoring.	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
G. TRANSPORTATION AND CIRCULATION			
<p><u>TRANS-5</u>: Unacceptable LOS at the intersection of East 2nd Street / 1-780 Eastbound Ramps. The effect of project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for AM peak hour.</p>	S	<p><u>TRANS-5</u>: The project sponsor shall install and pay for the following improvement. Reconfigure WB approach to provide one shared left-turn-right lane, and one freeway exclusive right-turn lanes. Implementation of the identified improvement would result in this intersection operating at an acceptable LOS <u>CD</u> and LOS <u>BC</u> with a delay of 37.8 and 21.8 for the AM and PM peak hours, respectively.</p>	LTS
<p><u>TRANS-15</u>: Unacceptable LOS at the intersection of East 2nd Street / 1-780 Eastbound Ramps. The effect of cumulative growth and project traffic would result in the intersection operating at LOS F with a delay of over 80.0 seconds for both the AM and PM peak hours.</p>	S	<p><u>TRANS-15</u>: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits: Reconfigure WB approach to provide one shared left-turn-right lane, and one freeway exclusive right-turn lanes. Implementation of the identified improvements would result in this intersection operating at an acceptable LOS <u>CD</u> and LOS <u>BC</u> with delays of 52.9 and 29.6 seconds for the AM and PM peak hours, respectively.</p>	LTS
<p><u>TRANS-24</u>: The project would not include bicycle and pedestrian facilities.</p>	S	<p><u>TRANS-24</u>: The project sponsor shall incorporate the following design elements and services into the proposed development plans to minimize potential pedestrian and bicycle facility impacts. Bicycle facilities would be developed along East 2nd Street and Industrial Way as part of the project.</p> <ul style="list-style-type: none"> • Pedestrian sidewalks connecting all major buildings and parking areas within the project site; 	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
TRANS-24 <i>Continued</i>		<ul style="list-style-type: none"> • Crosswalks at all areas where there may be potential pedestrian/vehicular conflicts; • Bicycle racks at all building entrances; and • Incentives for individual buildings to contain showers and lockers, and secure indoor bicycle lockers; • Sidewalks along East 2nd Street, A Street, and Industrial Way; • Sidewalks along Lake Herman Road (between A Street and East 2nd Street); and • Class I/II Bikeway along Lake Herman Road (between A Street and I-680); • <u>Class II/III Bikeway along Lake Herman Road (between Industrial Way and A Street);</u> • <u>Class I Bikeway between East 2nd Street and Lake Herman Road in the project site;</u> • <u>Class I Bikeway between Channel Road and East 2nd Street; and</u> • Parking and building leases at the Business Park shall be “unbundled” (i.e., rents for building space and parking lots shall be separate). Businesses at the Business Park that have 50 or more employees and provide employee parking on a free or subsidized basis shall provide financial compensation to those employees who commute by means other than private automobile, in accordance with CA Health and Safety Code 43845. 	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
I. NOISE			
<p><u>NOI-2</u>: Implementation of the proposed project would increase traffic noise levels at the project site and surrounding areas.</p>	S	<p><u>NOI-2b</u>: <u>If a sound study confirms that the interior noise level without sound-attenuated ventilation systems would exceed the City's standards,</u> sound-attenuated ventilation systems, such as air conditioning, shall be installed in all buildings that require good speech intelligibility (as outlined in sub-note 5 of Table IV.I-4) for buildings located as follows:</p> <ul style="list-style-type: none"> • Within 199 feet from the centerline of the outermost travel lane of Lake Herman Road; • Within 263 feet from the centerline of the outermost travel lane of East 2nd Street. <p><u>NOI-2c</u>: <u>For existing unprotected residential and school land uses along East 2nd Street from I-780 to Rose Drive, one (or more) of the following measures shall be implemented:</u></p> <ul style="list-style-type: none"> • <u>A sound barrier at least 8 feet high shall be constructed along the property/right-of-way line of sensitive receptors along this roadway segment; or</u> • <u>Rubberized asphalt shall be used to resurface the entire identified roadway segment.</u> 	LTS
J. VISUAL RESOURCES			
<p><u>VIS-3</u>: The water tanks would be visible from several public viewpoints and would be out of scale and character with the adjacent open space.</p>	S	<p><u>VIS-3c</u>: The water storage tanks shall be screened by <u>native</u> vegetation. Trees shall be planted to obscure at least 50 percent of the water tanks within 10 years of final project build out. A 20-foot buffer between the vegetation and tanks would be required to maintain access to the tanks. The trees shall be properly planted and maintained by the project sponsor <u>or its successor-in-interest.</u></p>	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
M. UTILITIES AND INFRASTRUCTURE			
<p><u>UTIL-1</u>: Implementation of the proposed project would require the extension of water supply distribution facilities to service proposed uses.</p>	S	<p><u>UTIL-1</u>: Construction of water supply infrastructure shall be subject to the following measures:</p> <ul style="list-style-type: none"> • All water storage and pumping facilities required to serve the proposed project shall be constructed and operational before the first phase of development begins. The main connections shall be sized to serve the whole development and not upsized with each phase. • All on-site water infrastructure improvements required to serve each phase of development shall be constructed in the initial year of development of that phase. • The sponsor shall obtain City approval for each phase of development, including development of individual projects. Development plans for individual projects shall only be approved when a dependable and adequate water supply is available to serve new development. • The two new tanks shown on the project plans are located at different elevations, which would require two separate pressure zones. The City shall require the plans to be modified so that only one new pressure zone is required for the project site. Pressure-reducing valve stations and zone valves shall be required to allow this <u>the</u> new zones to connect to the City's existing Zone 1 system in an emergency. 	LTS

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<p><u>UTIL-4</u>: Implementation of the proposed project would exceed the capacity of the existing wastewater collection system during peak wet weather periods.</p>	<p>S</p>	<p><u>UTIL-4</u>: Prior to the issuance of building permits for Phase 1 of the proposed project, the project sponsor shall fully fund and install all the required on-site and off-site wastewater collection improvements to serve the project. Required improvements shall consist of one of the stand-alone alternatives listed in the Benicia Business Park Sewer System Collection Analysis (October 16, 2006) prepared by Brown and Caldwell that solely serves the proposed project. Required improvements include the following:</p> <ul style="list-style-type: none"> • Replace the existing 8-inch west fork of the Industrial Park gravity sewer system with a new 18-inch sewer line. • Replace the existing 8-inch force main with a new 16-inch force main that is cross-connected to the existing force main. • Replace the existing PILS to operate at a new higher pressure to maximize capacity in both pipelines. Upgrade the PILS to meet the design criteria of the two pipelines. • Increase maintenance of eastern fork of gravity sewer to reduce root intrusion and the long-term settlement of debris. • A force main surge analysis shall be performed prior to approval of final project design. Proposed improvements to the force main shall be reviewed and approved by the City prior to installation. 	<p>LTS</p>

Table II-2 *Continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
N. URBAN DECAY			
<p><u>DECAY-1</u>: If the tenant mix of the project changes, the project could result in urban decay.</p>	<p>S</p>	<p><u>DECAY-1</u>: Prior to issuance of an use 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 anticipated tenant retail mix analyzed in this EIR. A substantial change in the anticipated retail tenant 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 use occupancy permit could be issued. If the economic analysis shows that the new tenant mix would not result in significant urban decay impacts, the use occupancy permit could be issued without further analysis or mitigation.</p> <p>A revised economic analysis shall be similarly completed in conjunction with subsequent CEQA review of any changes to the project, if deemed necessary by the City.</p>	<p>LTS</p>

Source: LSA Associates, Inc. 2007.

Pages 50 and 51 of the Draft EIR are modified as follows:

K. CULTURAL AND PALEONTOLOGICAL RESOURCES			
CULT-1: Ground-disturbing project construction could result in adverse impacts to cultural resource BBP-2 in the project area.	S	<p>CULT-1a*: Lot plans for the project site shall be designed to avoid impacts to BBP-2. The design shall employ impact avoidance strategies as described in 14 CCR §15126.4(b)(3)(B)(2-3) by either: (1) incorporating BBP-2 and a 25-foot buffer around its known boundary in project area open space, thus providing for its protection from future ground disturbance; or (2) capping BBP-2 and a 25-foot buffer around its known boundary with at least two feet of chemically neutral fill devoid of cultural debris and a layer of geofabric between the fill and the surface of the site and buffer zone area. Prior to placing BBP-2 in open space or capping the deposit, archaeological boundary definition excavation shall be conducted to identify the limits of subsurface deposits and features and assist in establishing protective measures. If option #2 (capping) is selected, the location of BBP-2 and the 25-foot buffer shall be recorded on the tentative map prior to final permit approval, and no ground-disturbing construction shall occur below the depth at which the fill meets the original ground surface.</p> <p>CULT-1b*: In accordance with the recommendations presented the <i>Benicia Business Park Cultural Resources Assessment</i> (prepared by Ric Windmiller in November 2006), the following actions shall be taken prior to project construction if avoidance or capping as described in Mitigation Measure CULT-1a is not feasible. The applicant shall undertake archaeological excavation to document and analyze BBP-2.</p>	LTS

*Either Mitigation Measure CULT-1b or Mitigation Measure CULT-1b shall be implemented.

Pages 66 and 67 of the Draft EIR are revised as follows:

2. Plan Features

The proposed land uses would be predominantly industrial with some commercial and open space. Proposed future land use locations are shown in Figure III-3. Proposed development intensities by phase and lot, for those areas of the site proposed for industrial and commercial use, are listed in Table III-1. Table III-3 shows land uses assumed as part of the project. If the project land uses change from the assumptions listed in this table, supplemental environmental review may be required. Features of the Master Plan are described below.

Table III-3: Project Land Use Details

<u>Land Use</u>	<u>Size</u>
Hotel/Conference Center	105 employees
Hotel (3 stories)	87 employees
Fitness Club	60,000 s.f.
Movie	60,000 s.f.
Office (4 stories)	200,000 s.f.
Office (2 stories)	100,000 s.f.
Retail	100,000 s.f.
Restaurant	20,000 s.f.
Fast Food	8,000 s.f.
Gas Station	7,000 s.f.
Bank	12,000 s.f.
Research and Development	50,000 s.f.
Industrial/Warehouse	2,021,000 s.f.
Flex Use	2,423,000 s.f.

Source: Korve Engineering, 2006

Footnote a to Table III-1 on page 69 of the Draft EIR is revised as follows:

^a Conceptual Phasing as proposed by the sponsor.

Page 69 of the Draft EIR is revised as follows:

Uses in the commercial area may include all CG permitted uses, and are likely to include uses that serve the industrial park, such as: business and professional offices, public safety facilities (fire station), restaurant/food services, conference and meeting facilities, banks/savings and loans, maintenance and repair services, research and development services, and service station. No big box retail establishments would be constructed as part of the project.

Page 70 of the Draft EIR is revised as follows:

The proposed Master Plan includes the extension of Industrial Way, in the western portion of the project site, from East 2nd Street north to Lake Herman Road. This new roadway would replace existing Reservoir Road. Access to the project site would also be provided from Lake Herman Road along a new street labeled “A Boulevard” in the Master Plan, which would traverse the project site in an east/west direction and would connect with Industrial Way (Figure III-2). A connector street, Park Road, would connect East 2nd Street with the proposed A Boulevard in the southeastern portion of the site. Internal roads and cul-de-sacs would serve individual lots (Figure III-2). Access to the project site from the east would be from I-680 via Lake Herman Road and the proposed A Boulevard. Access from the west would be provided via East 2nd Street and Industrial Way. Access from the north would be from I-680 via Lake Herman Road and the proposed A Boulevard. East 2nd Street would be widened and/or reconstructed (as required by the City Engineer) from Industrial Way to Lake Herman Road and would be 70 feet wide (four lanes with a median) with 5-foot wide Class II bike lanes on each side of the road. Industrial Way would be 48 feet wide and would include a 10-foot wide off-street Class I bike path adjacent to the roadway. The graded embankment along East 2nd Street would have a slope of approximately 30 percent and would range from 16 to 40 feet in height.

Page 80 of the Draft EIR is revised as follows:

3. Development Phasing and Infrastructure Improvement

Table III-1 provides a list of proposed uses and densities that would be developed in each phase of the project.

Site preparation and development would occur in five phases, beginning in the southeastern portion of the site (Figure III-10). The project site is expected to be built out within approximately 25 ~~20~~ years of the beginning of construction. Water infrastructure (reservoirs and distribution system) would be developed prior to the first phase to allow for fire protection and the use of water during the construction period. Other utilities would be installed as part of the first development phase. Prior to occupancy of the first development phase, off-site sewer system improvements and selected main collection lines would be developed to transport wastewater from the project site. The development of roadways in the site would proceed in phases.

Page 85, Figure III-10, is revised as shown following.

Page 95 of the Draft EIR is revised as follows:

(3) City of Benicia Zoning Ordinance. The broad purposes of the Benicia Zoning Ordinance are to protect and promote the public health, safety, and general welfare of the citizens of Benicia, and to implement the policies of the City's General Plan. The Zoning Ordinance is composed of: 1) a set of regulations establishing various classes of zoning districts and governing land use and the placement of buildings and improvements within districts; and 2) a set of maps showing the boundaries of zoning districts within the City.

A Master Plan is required by the City of Benicia General Plan and implemented by the Master Plan Overlay Zoning District for properties under common ownership which comprise more than 40 acres. The goals of the master plan process are to encourage the best and most effective use of properties and to allow the City to project the need for and plan future public services and facilities.

Chapter 17.68.010 of the Benicia Municipal Code lists the following purposes of the Master Plan Overlay District:

A. Ensure orderly planning for the development of large, unsubdivided areas of the city consistent with the General Plan;

B. Maintain an environmental equilibrium consistent with existing vegetation, soils, geology, topography, and drainage patterns;

C. Avoid premature or inappropriate development that would result in incompatible uses or create public service demands exceeding the capacity of existing or planned facilities; and

D. Encourage sensitive site planning and design. (Ord. 87-4 N.S., 1987).

Approximately 40 acres of land in the eastern portion of the project site are designated General Commercial (CG), with the remainder of the site designated Limited Industrial (IL) in the City’s Zoning Ordinance.

Table IV.A-1 on page 96 of the Draft EIR is revised as follows:

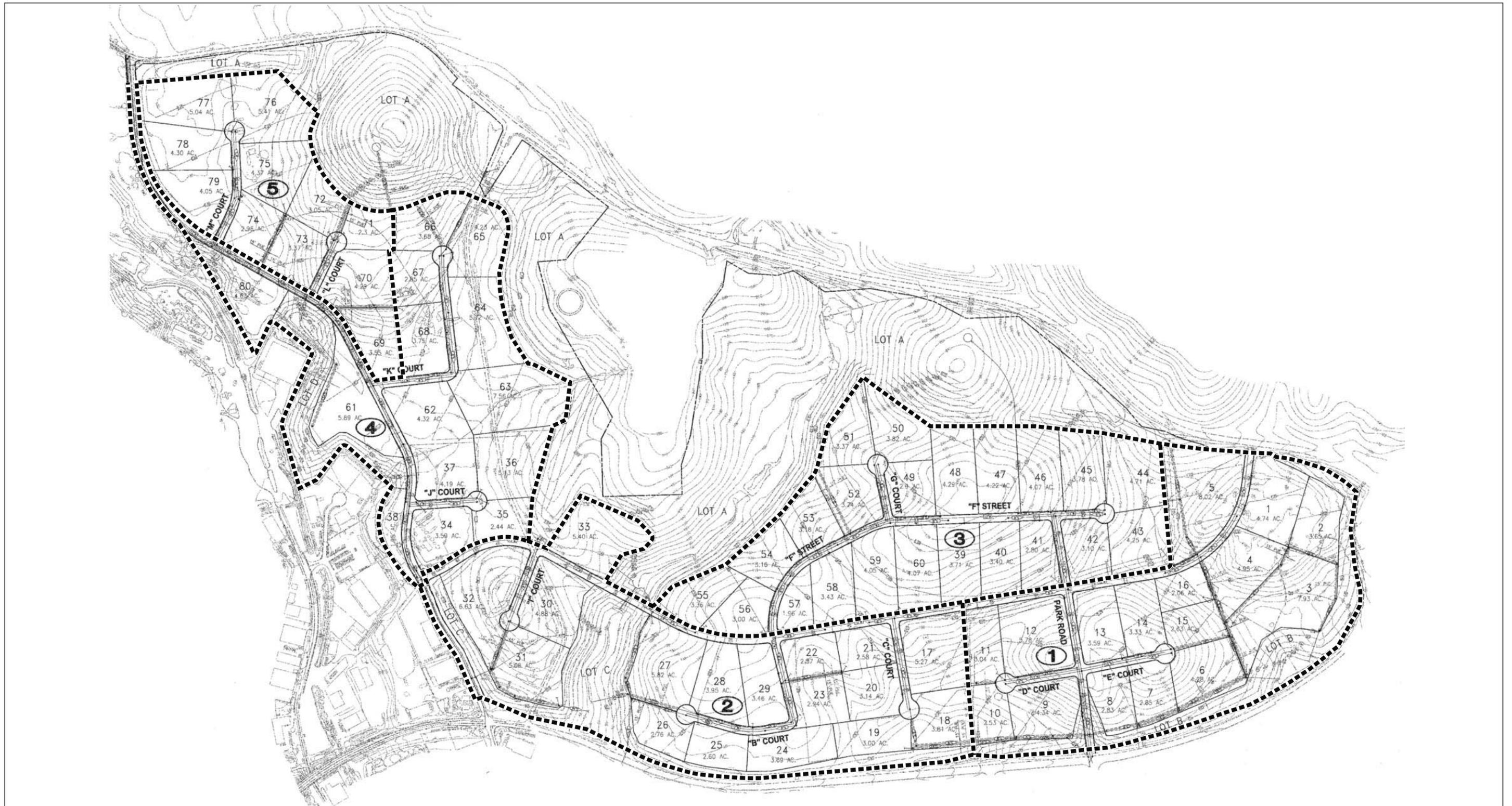
Element and Goal, Program or Policy Number	Goal, Policy or Program Language	Relationship with Project
<u>Goal 2.3</u>	<u>Ensure orderly and sensitive site planning and design for large undeveloped areas of the city, consistent with land use designation and other policies of the General Plan.</u>	<u>The project would be consistent with the land use designations for the project site (Limited Industrial and General Commercial) but would be inconsistent with numerous General Plan policies adopted for the purpose of environmental protection.</u>
<u>Goal 2.20</u>	<u>Provide a balanced street system to serve automobiles, pedestrians, bicycles and transit, balancing vehicle flow improvements with multi-modal considerations.</u>	<u>See Policy 2.14.1.</u>
<u>Goal 2.38</u>	<u>Protect water quality</u>	<u>The project as currently proposed would remove 5.26 acres of wetlands and drainage channels on the site and would expose watersheds in the area to risk of degradation.</u>
<u>Policy 4.13.2</u>	<u>Promote non-structural solutions to flood problems where feasible.</u>	<u>The project would replace the natural drainage system with an engineered one.</u>

Page 104 of the Draft EIR is revised as follows:

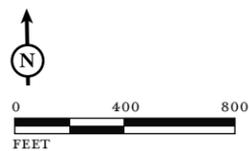
Although the project is generally consistent with the General Plan designations for the project site (General Commercial and Limited Industrial), it would be inconsistent with numerous General Plan policies, programs, and goals (see Table IV.A-1). (The project also appears inconsistent with purposes “B” (“maintain an environmental equilibrium consistent with existing vegetation, soils, geology, topography, and drainage patterns”) and “D” (“encourage sensitive site planning and design”) of Benicia Municipal Code Chapter 17.68.010.)

Page 125 of the Draft EIR is revised as follows:

Mitigation Measure GEO-2b: Prior to the issuance of any site-specific ~~grading or~~ building permit, designs of all common landscaped areas shall be reviewed and approved by the City of Benicia Community Development Planning and Building Department. The designs of all common landscaped areas shall incorporate low water-need plantings to minimize the potential for damage associated to pavements,



LSA



UTILITY LEGEND

EXISTING	PROPOSED	DESCRIPTION
		CL SLOPE
		CL GRADE
		TREE TO BE REMOVED
		DRAINAGE SWALES/WATER COURSE
		CONTOUR

----- PHASING

NOTE: WATER INFRASTRUCTURE AND OFF-SITE SEWER IMPROVEMENTS WOULD BE COMPLETED PRIOR TO PHASE I.

FIGURE III-10

Benicia Business Park EIR
Phasing

utilities, and structures from expansive soils. The use of similar landscaping shall be encouraged at individual parcels by providing information to new tenants regarding the relationship between irrigation and subsequent property damage. A document which describes the potential for damage from expansive soils from over-irrigation and includes solutions such as drought-tolerant plant material and drip irrigation systems shall be prepared by the applicant and provided to all occupants of the proposed commercial and industrial facilities. (LTS)

Page 126 of the Draft EIR is revised as follows:

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.

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

The second paragraph of Mitigation Measure HAZ-4b on page 165 of the Draft EIR is revised as follows:

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

until the area it is deemed safe to do so by the local responding agency, and/or the Sacramento District of the Army Corps of Engineers and Department of Toxic Substances Control.

Page 196 of the Draft EIR is revised as follows:

Mitigation Measure BIO-2c: A contractor education program shall be created and initiated by the project restoration specialist prior to the initiation of ground disturbing activities. The purpose of this program shall be to inform the contractors about the mitigation measures being implemented onsite, the biology and life history of special-status species that may be present, and the areas to be preserved and avoided during construction, and the measures being implemented to avoid the impacts to these species during construction. During construction, wetlands to be preserved shall be clearly marked with flagging and or construction fencing. During construction in the vicinity of jurisdictional wetlands and non-wetland waters of the United States, The project restoration specialist shall conduct periodic site visits (once every week or once every two weeks, depending on the level of activity) ~~during the construction period~~ to provide direction and ensure protection of sensitive resources and permit compliance.

Page 197 of the Draft EIR is revised as follows:

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

Pages 197 and 198 of the Draft EIR are revised as follows:

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

- If feasible, impacts to these plants shall be avoided completely. If complete avoidance is not possible, the extent of impact will be minimized to the extent possible by the proposed development project. The project sponsor and City, in consultation with a qualified botanist, shall determine the feasibility of implementing avoidance measures and shall develop and implement those measures based on the botanist's recommendations and field assistance. Avoidance measures include redesigning the project footprint, avoiding changes in the hydrology of the plants' habitat, fencing the existing plants with ESA fencing prior to construction and establishing a buffer zone, and training

construction personnel to identify this species. Long-term avoidance measures shall also be developed to ensure the long-term stability of the population.

- If impacts to pappose tarplant are unavoidable, the project sponsor shall develop and implement a salvage and recovery plan for individuals prior to initiation of construction activities on the site. The mitigation plan, which shall be prepared by a qualified botanist experienced in the development and implementation of native plant restoration, mitigation, and management plans, shall include the following:
 - Salvage and/or recovery requirements, including clearly defined goals focusing on plant establishment (stability, succession, reproduction) and non-native species control measures.
 - Locations and procedures for restoration/replanting of salvaged plant material including seeds. Onsite relocation in the undeveloped areas of the site shall be considered if suitable habitat for this species is present.
 - Specification of a 5-year post-construction maintenance and monitoring program by a qualified restoration team to ensure that the project goals and performance standards are being met. The monitoring program shall include provision for remedial actions to correct deficiencies, as needed. After 5 years, the species relocation shall be considered successful if the number of plants that were removed on the site is successfully established at the mitigation site at a minimum of a 1:1 ratio. Annual reports and a final report prepared by the project sponsor and subject to approval by CDFG shall document the progress/success of the revegetation effort. If the revegetation is not successful, an additional period of correction and monitoring shall be specified.
 - The project sponsor shall provide and secure a source of funding for this salvage and monitoring operation.
 - The mitigation shall be considered a success if for the last 3 years of the 5-year monitoring program, the numbers of pappose tarplants has remained above the number of individuals that were adversely affected by the project (1:1 mitigation). The populations should show no sign of decline during this period. In addition, for at least the last 4 of 5 monitoring years, the growth of grass, presence of thatch, and growth of weeds should not hinder tarplant plants. Grazing is a potential management tool to reduce competition from non-native grasses and weeds. If the mitigation is unsuccessful after 5 years because the number of tarplants is less than a 1:1 ratio during the last 3 monitoring years (Years 3, 4 and 5), then monitoring could ~~shall~~ be continued for a 6th year if it is feasible that a 1:1 ratio could be achieved for Years 4, 5, and 6 ~~it is warranted~~. If the lack of success after 5 years suggests that a 6th year of monitoring is not warranted, off-site mitigation land that supports this species shall be purchased. The purchase of these lands shall be approved by the City or CDFG. (LTS)

Page 199 of the Draft EIR is revised as follows:

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

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

Page 200 of the Draft EIR is revised as follows:

Mitigation Measure BIO-5a: A qualified biologist shall conduct raptor and passerine nest surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities on the site to locate any active nests on or immediately adjacent to the site. Preconstruction surveys shall be conducted no more than 14 days prior to the start of pruning, construction, or ground disturbing activities if the activities occur during the nesting season (February 1 and August 31). Preconstruction surveys for nesting raptors shall be conducted on a minimum of 3 separate days during the 14 days prior to disturbance. Preconstruction surveys shall be repeated at 30-day intervals until construction has been initiated in the area. Locations of active nests shall be described and protective measures implemented. Protective measures shall include establishment of clearly delineated (i.e., orange construction fencing) avoidance areas around each nest site that are a minimum of 300-500 feet from the dripline of the nest tree or nest for raptors and 50 feet for passerines. The active nest sites within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify any signs of disturbance. These protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. A report shall be submitted to the City at the end of the construction season documenting the observations made during monitoring.

Pages 209, 216, 223, 234, 241 of the Draft EIR is revised as follows:

East 2nd Street / Military ~~East~~ West Street

Page 214, Figure IV.G-4, of the Draft EIR is revised as shown following.

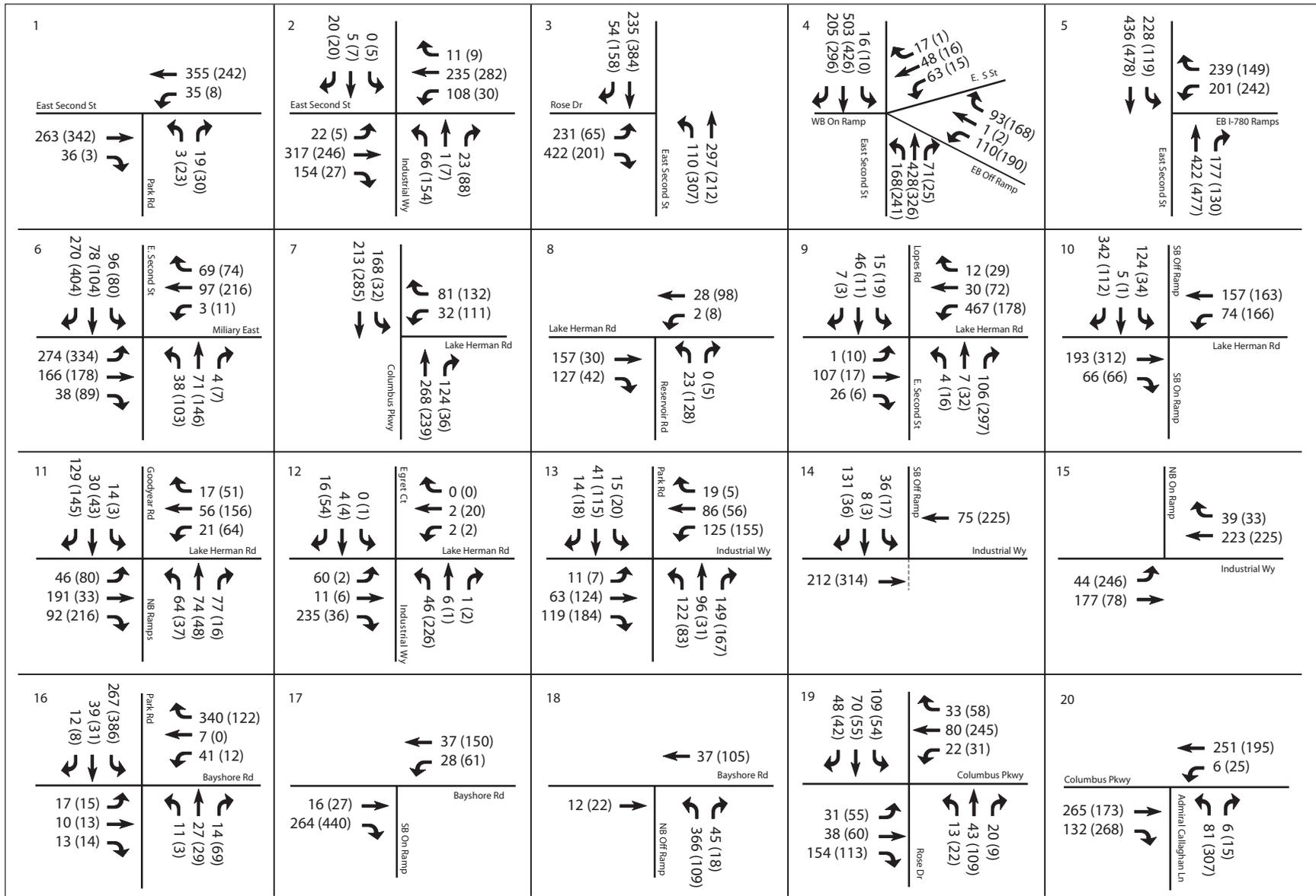


FIGURE IV.G-4

LSA



AM (PM) Peak Hour

Benicia Business Park EIR
Existing Intersection Traffic Volumes

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.

Page 222, Figure IV.G-5, of the Draft EIR is revised as shown following.

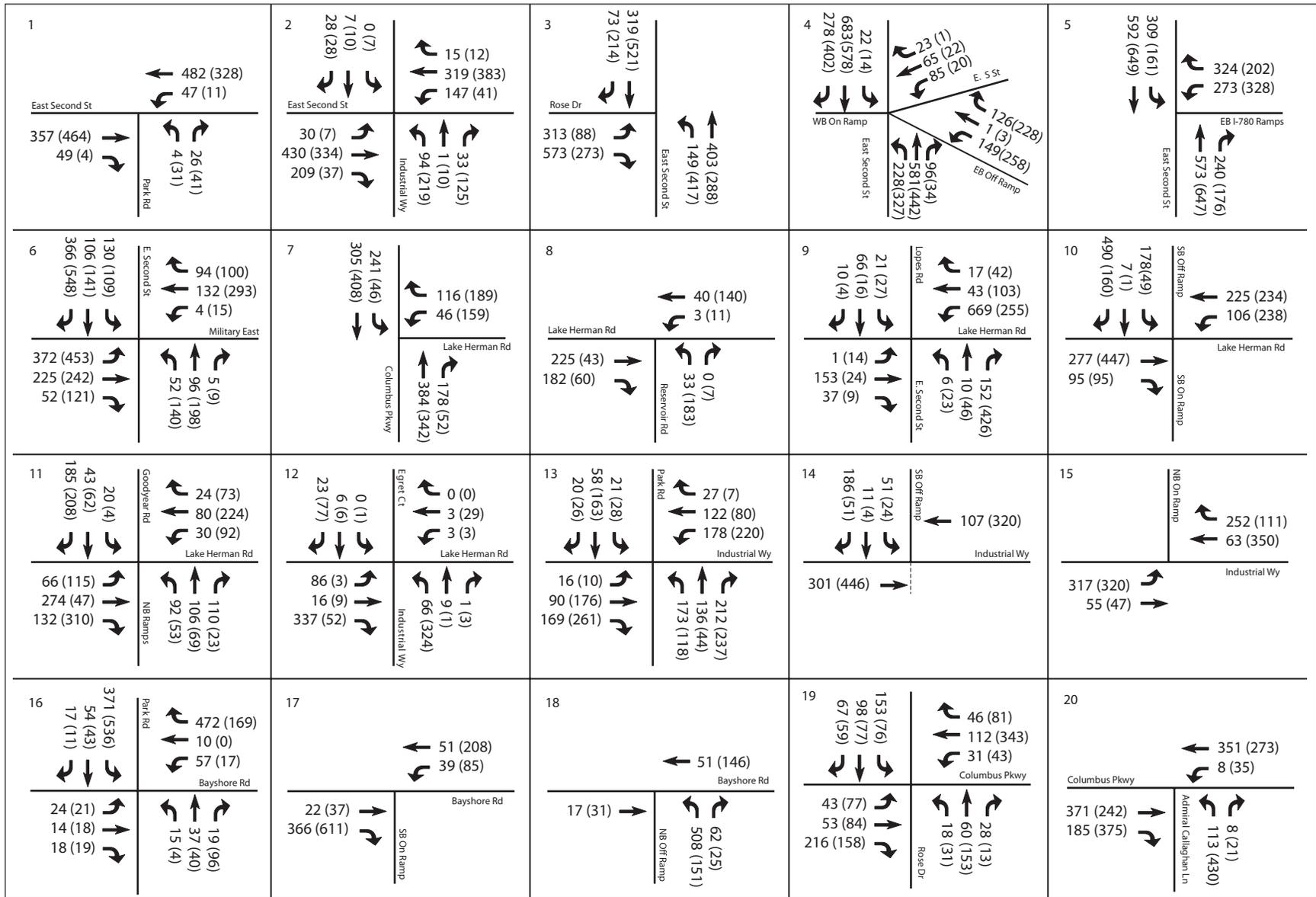
Pages 226 and 227 of the Draft EIR are revised as follows:

Table IV.G-10: Trip Generation Rates and Equations

ITE Land Use Code	Daily	AM Peak Hour	PM Peak Hour
Warehousing (150)	$3.68 * X + 350.27$	$\text{Ln}(T) = 0.71 * \text{Ln}(X) + 1.15$	$\text{Ln}(T) = 0.79 * \text{Ln}(X) + 0.54$
Hotel (310)	$14.34 * X$	$0.69 * X$	$0.80 * X$
Movie Theatre with Matinee (444)	$38.00 * X$	$0.00 * X$	$3.80 * X$
Health/Fitness Club (492)	$32.9326.30 * X$	$1.21 * X$	$4.05 * X$
General Office Building (710)	$11.01 * X$	$1.55 * X$	$1.49 * X$
Research and Development Center (760)	$8.11 * X$	$1.24 * X$	$1.08 * X$
Business Park (770)	$12.76 * X$	$1.43 * X$	$1.29 * X$
Specialty Retail (814) ^a	$44.32 * X$	$0.00 * X$	$2.71 * X$
Drive-in Bank (912)	$246.49 * X$	$12.34 * X$	$45.74 * X$
High-Turnover (Sit-Down) Restaurant (932)	$127.15 * X$	$11.52 * X$	$10.92 * X$
Fast-Food Restaurant with Drive-Through Window (934)	$496.12 * X$	$53.11 * X$	$34.64 * X$
Gasoline/Service Station with Convenience Market (945)	$1,208.70870.25 * X$	$77.68 * X$	$96.37 * X$

X = Units of land use, as defined in Table IV.G-9.

^a Specialty retail centers are generally small strip shopping centers that contain a variety of retail shops and specialize in quality apparel; hard goods; and services, such as real estate offices, dance studios, florists, and small restaurants. Source: ITE, *Trip Generation Manual, 7th Edition*



LSA

FIGURE IV.G-5



AM (PM) Peak Hour

Benicia Business Park EIR
Cumulative Intersection Traffic Volumes

SOURCE: KORVE ENGINEERING, 2006.

I:\CIB530 Benicia Bus Park\figures\Fig_IVG5.ai (6/22/07)

Table IV.G-11: Project Trip Generation

Land Use	ITE Land Use Code	Size	Unit	ADT	AM Peak Hour			PM Peak Hour		
					In	Out	Total	In	Out	Total
Hotel/ Conference Center	Hotel (310)	105	Employees	1,506	43	29	72	45	39	84
Hotel (3 Stories)	Hotel (310)	87	Employees	1,248	36	24	60	38	32	70
Fitness Club	Health/Fitness Club (492)	60	KSF	1,976 4,578	31	42	73	124	119	243
Office (4 Stories)	General Office Building (710)	200	KSF	2,202	273	37	310	51	247	298
Movie	Movie Theatre with Matinee (444)	60	KSF	2,280	-	-	-	91	137	228
Office (2 Stories)	General Office Building (710)	100	KSF	1,101	136	19	155	25	124	149
Retail	Specialty Retail (814)	100	KSF	4,432	-	-	-	119	152	271
Restaurant	High-Turnover (Sit-Down) Restaurant (932)	20	KSF	2,543	120	110	230	133	85	218
Fast Food	Fast-Food Restaurant with Drive-Through Window (934)	8	KSF	3,969	217	208	425	144	133	277
Gas Station	Gasoline/Service Station with Convenience Market (945)	7	KSF	8,461 6,092	277	267	544	338	338	675
Bank	Drive-in Bank (912)	12	KSF	2,958	83	65	148	275	275	549
R&D	Research and Development Center (760)	50	KSF	406	51	11	62	8	46	54
Industrial/ Warehouse	Warehousing (150)	2,021	KSF	7,788	414	288	702	56	645	701
Flex Use	Business Park (770)	2,423	KSF	30,916	2,911	554	3,465	719	2,406	3,125
Total				71,786 69,017	4,592	1,654	6,246	2,165	4,777	6,942

KSF = 1,000 square feet.

Source: Korve Engineering, 2006

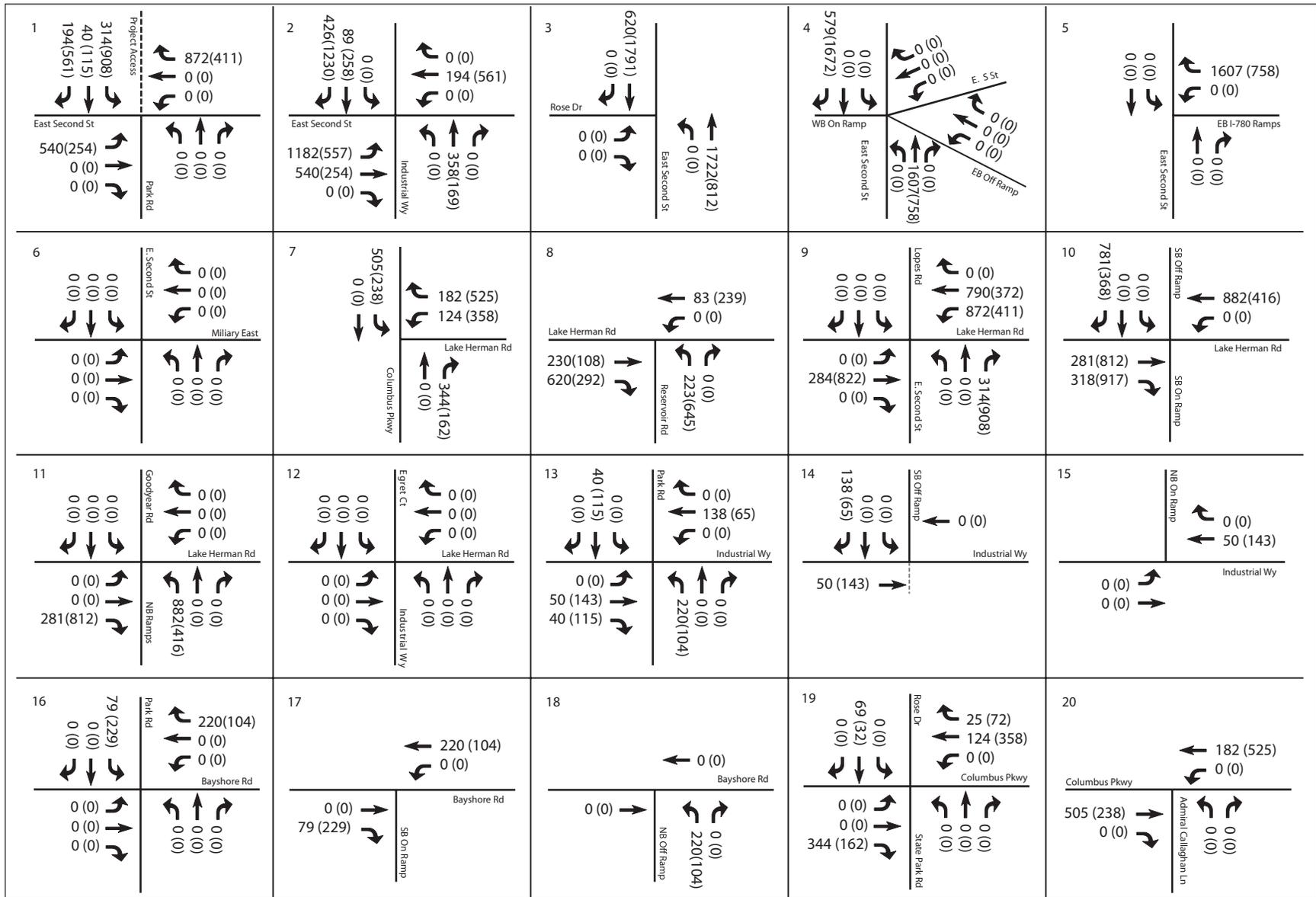
Page 231, Figure IV.G-7, is revised as shown following.

Page 233, Figure IV.G-9, is revised as shown following.

Page 237 of the Draft EIR is revised as follows:

Mitigation Measure TRANS-5: The project sponsor shall install and pay for the following improvement.

Reconfigure WB approach to provide one ~~shared~~-left-turn-right lane, and one free~~two~~
~~exclusive~~ right-turn lanes.



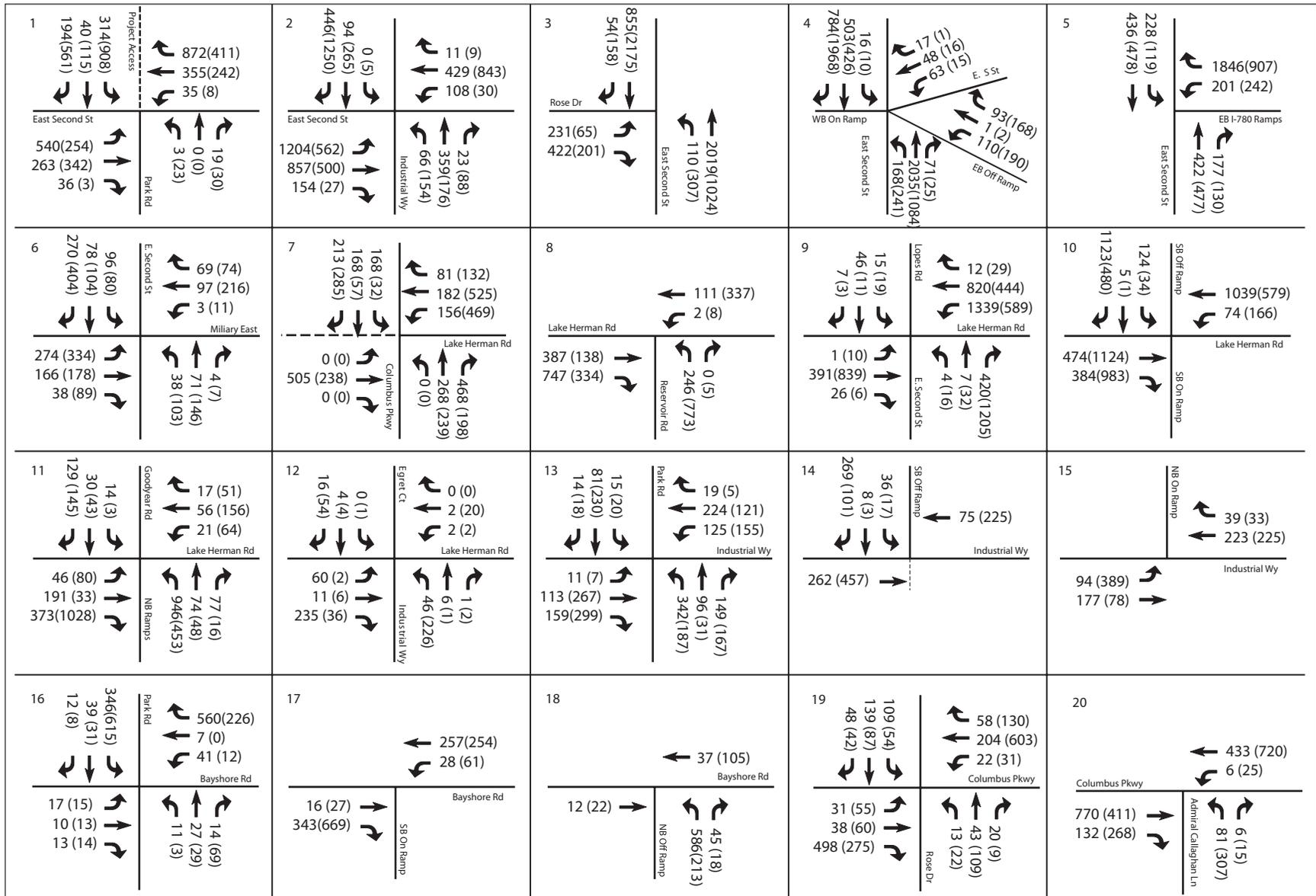
LSA

FIGURE IV.G-7



AM (PM) Peak Hour

Benicia Business Park EIR
Project Intersection Traffic Volumes



LSA

FIGURE IV.G-9



AM (PM) Peak Hour

Benicia Business Park EIR
Existing Plus Project Intersection
Traffic Volumes

SOURCE: KORVE ENGINEERING, 2006.

I:\CIB530 Benicia Bus Park\figures\Fig_IVG9.ai (6/22/07)

Implementation of the identified improvement would result in this intersection operating at an acceptable LOS CD and LOS BC with a delay of 37.8 and 21.8 for the AM and PM peak hours, respectively.

Page 240, Figure IV.G-10, of the Draft EIR is revised as shown following.

Page 244 of the Draft EIR is revised as follows:

Mitigation Measure TRANS-15: The project sponsor shall install and pay for the following improvement without Transportation Impact Fee credits:

Reconfigure WB approach to provide one ~~shared-left-turn-right~~ lane, and one freeway exclusive right-turn lanes.

Implementation of the identified improvements would result in this intersection operating at an acceptable LOS CD and LOS BC with delays of 52.9 and 29.6 seconds for the AM and PM peak hours, respectively.

Pages 250 and 251 of the Draft EIR are revised as follows:

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

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

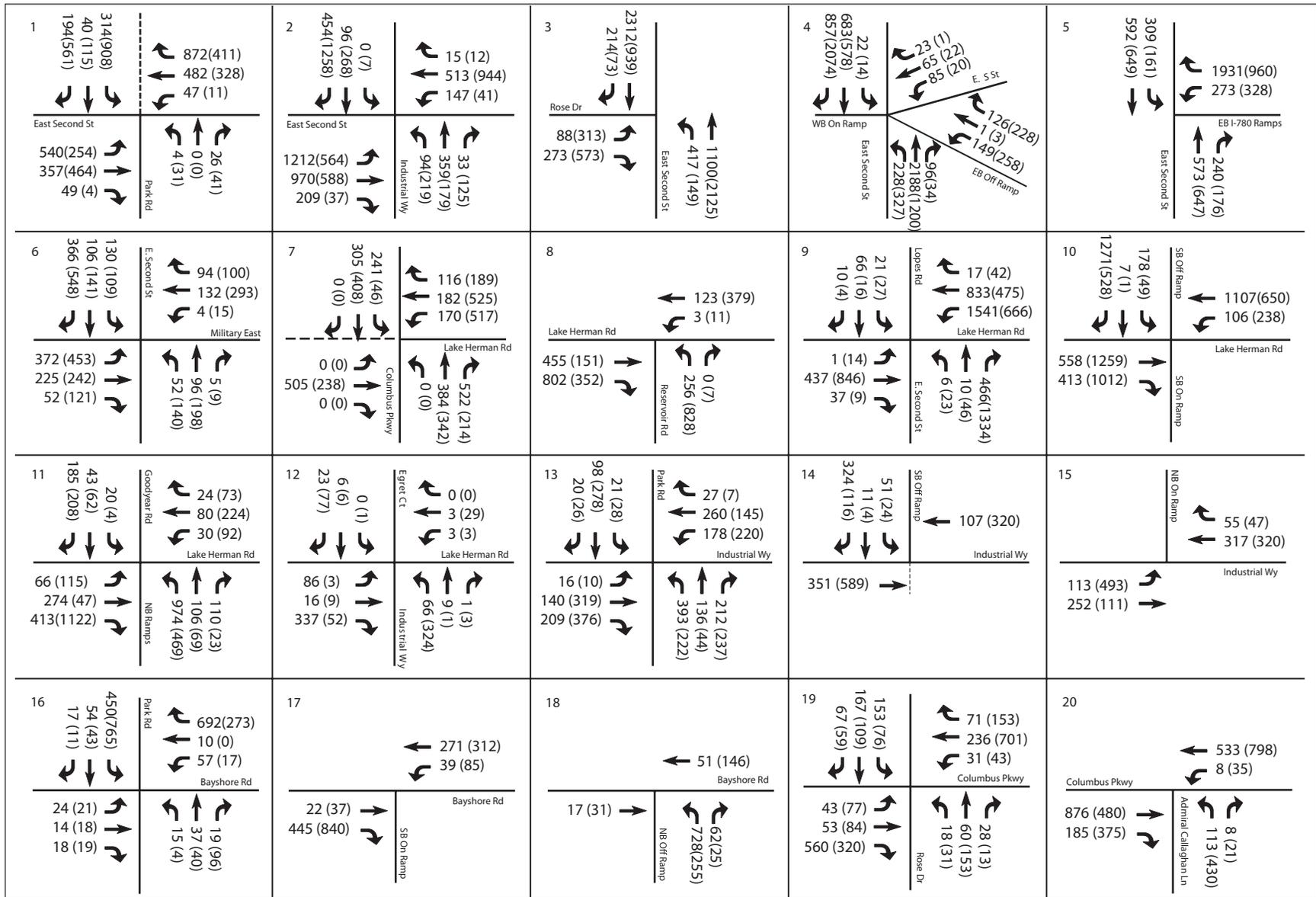


FIGURE IV.G-10

LSA



AM (PM) Peak Hour

Benicia Business Park EIR
Cumulative Plus Project Intersection
Traffic Volumes

SOURCE: KORVE ENGINEERING, 2006.

I:\CIB530 Benicia Bus Park\figures\Fig_IVG10.ai (6/22/07)

The first row of Table IV.H-2 on page 254 of the Draft EIR is revised as follows:

Table IV.H-2: Health Effects of Major Criteria Pollutants

Pollutant	Health Effects	Examples of Sources
Particulate Matter (PM ₁₀ ; less than or equal to 10 microns <u>and</u> PM _{2.5})	<ul style="list-style-type: none"> • Increased respiratory disease • Lung damage • Premature death • <u>Decreased lung function in children</u> • <u>Increased respiratory and cardiovascular hospitalizations</u> 	<ul style="list-style-type: none"> • Cars and trucks, especially diesels • Fireplaces, wood stoves • Windblown dust from roadways, agriculture, and construction

Source: ARB, 2005.

Page 264 of the Draft EIR is revised as follows:

(5) Global Warming. Neither CEQA nor the CEQA Guidelines provide any methodology for analysis of “greenhouse gases,” including CO₂, nor do they provide any significance thresholds. In the absence of standardized criteria for determining the significance of a project’s contributions to global climate change, the analysis in this section determines the consistency of the proposed project with greenhouse gas emission reduction strategies identified by the California Environmental Protection Agency Climate Action Team. These strategies were identified pursuant to State Executive Order S-3-05 (announced on June 1, 2005), which sets greenhouse gas emission targets in California through 2050.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05, acknowledging the environmental impacts of greenhouse gas emissions on climate change. The Executive Order established the following climate change emission reduction targets for California:

- By 2010, reduce greenhouse gas emissions to 2000 levels
- By 2020, reduce greenhouse gas emissions to 1990 levels
- By 2050, reduce greenhouse gas emission to 80 percent below 1990 levels

It also directed the California Environmental Protection Agency (Cal/EPA) to coordinate efforts among State agencies to meet these targets. As part of this directive, in 2006 the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires Cal/EPA to lead the evaluation of California’s impacts on climate change and identify mitigation strategies to reduce emissions and adaptive measures to minimize adverse effects of climate change.

In response to the Executive Order, Cal/EPA established the Climate Action Team to develop strategies for reducing climate change emissions in the State. In March 2006, Cal/EPA released a document called the *Climate Action Team Report to Governor*

Schwarzenegger and Legislature.¹ The Report provides suggested strategies for reducing climate change emissions that would be implemented by State agencies over the next 2 years. It is a guidance document to be used by the identified State agencies in developing Statewide programs for reducing climate change emissions. The strategies in the report are used in this air quality analysis to determine if the proposed project would result in a significant impact on global warming.

The consistency of the proposed business park with these reduction strategies is summarized in Table IV.H-9. As shown in the table, the project would be inconsistent with most of the various measures identified by Cal/EPA to reduce greenhouse gas emissions in residential and commercial/industrial development. However, in the absence of significance criteria established by either the City of Benicia or State of California, this inconsistency would not result in a significant environmental impact. The following recommended measure would bring the project closer to compliance with the Climate Action Team's greenhouse gas emission reduction strategies. However, full compliance would require a reconfiguration of land uses on the site to support the use of alternative transportation. The following recommended measure is not a mitigation measure and is not required to reduce the significant impacts of the project to a less-than-significant level. However, it could be incorporated into the project's conditions of approval.

Recommended Measure GREEN-1: The project should incorporate the following greenhouse gas emission reduction strategies:

- Develop a tree replacement program that exceeds the requirements of the City's tree ordinance (see Mitigation Measure BIO-1);
- Reconfigure land uses on the site so that open space is connected and encompasses existing drainages and wetlands (see three development alternatives in Chapter V, Alternatives);
- Prepare and implement a landscape plan that includes only native and/or drought-resistant plants; and
- Ensure that 20 percent of the energy needs of the business park are met with renewable sources, preferably on-site sources (e.g., photovoltaic cells).

¹ California Environmental Protection Agency, 2006. Op. Cit.

Table IV.H-9: Consistency of the Proposed Project with State Greenhouse Gas Emission Reduction Strategies

<u>State Strategy to Reduce Greenhouse Gas Emissions</u>	<u>Would Project Substantially Include Strategy?</u>
<u>Meet vehicle climate change standards (including standards for heavy-duty vehicles).</u>	<u>Yes. Vehicle climate change standards are enforced by the California Air Resources Board. All vehicles that enter the project site would be required to meet these standards.</u>
<u>Reduce use of hydrofluorocarbons.</u>	<u>Yes. When the California Air Resources Board adopts standards for hydrofluorocarbons, these standards will be applied to all consumer goods.</u>
<u>Achieve 50 percent State-wide recycling goal; recycle as much as possible.</u>	<u>No. The conceptual site plans submitted by the project sponsor make no provision for materials recycling. However, the project would be expected to comply with local and State recycling requirements.</u>
<u>Protect and plant trees in urban settings (urban forestry).</u>	<u>Partially. Implementation of the proposed project would result in the planting of street trees along roads within and around the project site. However, the project would also result in the removal of 3.2 acres of blue-gum eucalyptus and removal of a large stand of trees adjacent to Reach C.</u>
<u>Protect open space and forested areas.</u>	<u>Partially. The project would include 180 acres of open space, including a major drainage; however, this open space would exclude several on-site drainages and wetlands.</u>
<u>Increase water use efficiency as much as practicable.</u>	<u>No. No features of the project site would promote water conservation. The landscaped areas around the periphery of the site would be expected to require large amounts of irrigation.</u>
<u>Increase energy efficiency by 20 percent beyond Title 24 requirements.</u>	<u>No. The project would include little provision for alternative transportation and therefore would not be considered energy-efficient.</u>
<u>Use energy-efficient appliances.</u>	<u>Yes. Energy-efficient appliances would be required, per State regulations.</u>
<u>Encourage high-density mixed use projects.</u>	<u>No. The proposed project is nominally mixed-use, and would be built at a relatively low density (the proposed floor-area-ratio is lower than permitted in the General Plan for limited industrial and commercial areas).</u>
<u>Encourage green construction.</u>	<u>No. The project does not include provisions to encourage green construction.</u>
<u>Encourage the use of solar energy.</u>	<u>No. The project would not include photovoltaic cells or other features that would generate solar energy.</u>
<u>Impose anti-idling requirements on diesel vehicles.</u>	<u>Yes. Bay Area Air Quality Management District (BAAQMD) guidelines would prohibit unnecessary idling.</u>
<u>Implement measures to reduce emissions from Transportation Refrigerator Units (TRUs)</u>	<u>No. The project does not include provisions to reduce TRUs (although it is unclear, at the current conceptual level of development, whether the project would include TRUs).</u>

Source: State of California Environmental Protection Agency, 2006. Climate Action Team Report to Governor Schwarzenegger and the California Legislature. March.

Pages 280 and 281 of the Draft EIR are revised as follows:

Table IV.I-8: Existing Plus Project Traffic Noise Levels

Roadway Segment	ADT	Center line to 70 CNEL (feet)	Center line to 65 CNEL (feet)	Center line to 60 CNEL (feet)	CNEL (dBA) 50 feet from Centerline of Outermost Lane	Increase from Baseline Conditions
East 2nd St. - Lake Herman Rd. to Park Rd.	19,300	54 <u>56</u>	116	248	69.4 <u>68.7</u>	5.5 <u>4.8</u>
East 2nd St. - Park Rd. to Industrial Way	11,700	< 50 ^a	83 <u>84</u>	178	67.3 <u>66.5</u>	2.9 <u>2.1</u>
East 2nd St. - Industrial Way to Rose Dr.	31,700	77	161	345	70.8	6.3
East 2nd St. - Rose Dr. to I-780 WB On Ramp	25,000	66	138	295	69.8	3.5
East 2nd St. - I-780 EB On Ramp to Military St.	13,300	< 50	60 <u>62</u>	128 <u>129</u>	65.1 <u>64.4</u>	0.0 <u>-0.7</u>
Lake Herman Rd. - East 2nd St. to Reservoir Rd.	13,800	< 50	93 <u>94</u>	199	68.0 <u>67.2</u>	10.3 <u>9.5</u>
Lake Herman Rd. - Reservoir Rd. to Sky Valley Rd.	15,900	< 50	102	218	68.6	7.2
Lake Herman Rd. - Sky Valley Rd. to Columbus Pkwy	16,000	< 50	102	219	68.6	7.0
Reservoir Rd. - Lake Herman Rd. & East 2nd St.	11,200	< 50	81	173	67.1	7.7
Industrial Way - East 2nd St. to Park Rd.	7,400	< 50	< 50	87 <u>88</u>	62.6 <u>61.8</u>	3.7 <u>2.9</u>
Park Rd. - East 2nd St. to Industrial Way	2,400	< 50	< 50	< 50	57.7	5.4
Park Rd. - Industrial Way to Bayshore Rd.	13,300	< 50	60	128	65.1	2.5

^a Traffic noise within 50 feet of the roadway centerline requires site-specific analysis.

Source: LSA Associates Inc., September 2006

Table IV.I-9: Cumulative Without Project Traffic Noise Levels

Roadway Segment	ADT	Center line to 70 CNEL (feet)	Center line to 65 CNEL (feet)	Center line to 60 CNEL (feet)	CNEL (dBA) 50 feet from Centerline of Outermost Lane
East 2nd St. - Lake Herman Rd. to Park Rd.	7,800	< 50 ^a	64	136	67.7 <u>65.5</u>
East 2nd St. - Park Rd. to Industrial Way	8,300	< 50	66	142	67.7 <u>65.8</u>
East 2nd St. - Industrial Way to Rose Dr.	10,100	< 50	77	162	67.8 <u>65.9</u>
East 2nd St. - Rose Dr. to I-780 WB On Ramp	15,000	< 50	99	210	69.5 <u>67.6</u>
East 2nd St. - I-780 EB On Ramp to Military St.	18,000	< 50	73	157	68.4 <u>66.4</u>
Lake Herman Rd. - East 2nd St. to Reservoir Rd.	1,800	< 50	< 50	52	61.4 <u>59.1</u>
Lake Herman Rd. - Reservoir Rd. to Sky Valley Rd.	4,300	< 50	< 50	92	65.2 <u>62.9</u>
Lake Herman Rd. - Sky Valley Rd. to Columbus Pkwy	4,500	< 50	< 50	94	65.3 <u>63.1</u>
Reservoir Rd. - Lake Herman Rd. & East 2nd St.	2,700	< 50	< 50	67	63.0 <u>60.9</u>
Industrial Way - East 2nd St. to Park Rd.	4,500	< 50	< 50	63	62.4 <u>60.4</u>
Park Rd. - East 2nd St. to Industrial Way	900	< 50	< 50	< 50	55.4 <u>53.4</u>
Park Rd. - Industrial Way to Bayshore Rd.	10,500	< 50	52	11 <u>110</u>	66.1 <u>64.1</u>

^a Traffic noise within 50 feet of the roadway centerline requires site-specific analysis.

Source: LSA Associates Inc., September 2006

Table IV.I-10: Cumulative Plus Project Traffic Noise Levels

Roadway Segment	ADT	Center line to 70 CNEL (feet)	Center line to 65 CNEL (feet)	Center line to 60 CNEL (feet)	CNEL (dBA) 50 feet from Centerline of Outermost Lane	Increase from Cumulative Conditions
East 2nd St. - Lake Herman Rd. to Park Rd.	26,800 <u>21,000</u>	57 <u>59</u>	122 <u>123</u>	263	69.8 <u>69.0</u>	4.5 <u>3.5</u>
East 2nd St. - Park Rd. to Industrial Way	18,500 <u>16,500</u>	< 50 ^a	104 <u>105</u>	224	68.8 <u>68.0</u>	3.0 <u>2.2</u>
East 2nd St. - Industrial Way to Rose Dr.	40,200 <u>36,100</u>	83	176	377	71.4	5.5
East 2nd St. - Rose Dr. to I-780 WB On Ramp	37,300 <u>37,900</u>	86	181	389	71.6	4.0
East 2nd St. - I-780 EB On Ramp to Military St.	28,100 <u>18,000</u>	< 50	73 <u>75</u>	157 <u>158</u>	66.4 <u>65.7</u>	0.0 <u>-0.7</u>
Lake Herman Rd. - East 2nd St. to Reservoir Rd.	15,500 <u>13,800</u>	< 50	93 <u>94</u>	199	68.0 <u>67.2</u>	8.9 <u>8.1</u>
Lake Herman Rd. - Reservoir Rd. to Sky Valley Rd.	20,000 <u>17,100</u>	< 50	107	229	68.9	6.0
Lake Herman Rd. - Sky Valley Rd. to Columbus Pkwy	20,300 <u>15,000</u>	< 50	98	210	68.3	5.2
Reservoir Rd. - Lake Herman Rd. & East 2nd St.	2,700 <u>12,000</u>	< 50	<u>84</u>	181	67.4	6.5
Industrial Way - East 2nd St. to Park Rd.	11,300 <u>8,700</u>	< 50	< 50	97 <u>98</u>	63.3 <u>62.5</u>	2.9 <u>2.1</u>
Park Rd. - East 2nd St. to Industrial Way	3,100 <u>2,100</u>	< 50	< 50	< 50	57.1	3.7
Park Rd. - Industrial Way to Bayshore Rd.	22,700 <u>13,800</u>	< 50	62	132	65.3	1.2

^a Traffic noise within 50 feet of the roadway centerline requires site-specific analysis.
Source: LSA Associates Inc., September 2006

Page 282-283 of the Draft EIR is revised as follows:

~~In summary, because there are no noise sensitive receptors within the noise contour areas for these roadway segments, the increased traffic noise levels would result in a less than significant impact for off-site receptors.~~

The segment of East 2nd Street from I-780 to Rose Drive could also experience a significant increase in traffic noise levels. The cumulative noise model for the project shows that traffic noise levels along East 2nd Street could increase to 71.6 dBA CNEL at 50 feet from the centerline of the outermost travel lane, a 4.0 dBA increase over the Cumulative Without Project scenario. Construction of a sound barrier at least 8 feet high along the property/right-of-way line would reduce the traffic noise impacts to sensitive receptors along this roadway segment to a less-than-significant level. The use of rubberized asphalt along the roadway segment, as an alternate mitigation measure, would also be effective in reducing traffic noise levels to a less-than-significant level. Rubberized asphalt reduces traffic noise through its porous and ductile qualities (refer to the following study for more information: Bollard and Brennan, Inc., 1999. Report on the Status of Rubberized Asphalt., Traffic Noise Reduction in Sacramento County. Prepared for Sacramento County Public Works Department.).

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

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

Page 283 of the Draft EIR is revised as follows:

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

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

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.

Page 300 of the Draft EIR is revised as follows:

Mitigation Measure VIS-3c: The water storage tanks shall be screened by native vegetation. Trees shall be planted to obscure at least 50 percent of the water tanks within 10 years of final project build out. A 20-foot buffer between the vegetation and tanks would be required to maintain access to the tanks. The trees shall be properly planted and maintained by the project sponsor or its successor-in-interest.

Page 326 of the Draft EIR is revised as follows:

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

Page 331 of the Draft EIR is revised as follows:

(1) **Wastewater Treatment Facilities.** The City of Benicia Wastewater Treatment Plant (WWTP) is located at the intersection of East 5th Street and East G Street. The WWTP has a design capacity of 4.5 mgd. Current average dry weather flow is approximately 3 mgd. The maximum short-term hydraulic capacity to handle peak wet weather flows at the WWTP is approximately 30 mgd. The WWTP provides secondary level treatment for domestic, commercial, and industrial wastewater. Untreated wastewater enters the WWTP from two main gravity sewer pipelines and a third wet weather gravity interceptor pipeline.

Wastewater entering the WWTP is screened to remove larger objects and is then subject to primary sedimentation, solids treatment, and secondary sedimentation to remove small particles and contaminants. The effluent is then disinfected prior to discharge to the Carquinez Strait.

Page 332 of the Draft EIR is revised as follows:

Gravity sewer lines in the vicinity of the project site are located parallel to Industrial Way and Park Road. These pipes range from 8- to 15-inches in size. These two lines connect to the Park/Industrial Lift Station (referred to as the PILS). This pump station has a designed operating point of 1,200 gallons per minute (gpm) and a total dynamic head (TDH) of 62 feet. The actual operating range of each pump is estimated to be approximately 550 gpm. The PILS is designed to accommodate the phasing in of additional capacity. In addition to the PILS, there are five other pump stations that contribute flow to the force main: Industrial lift station, Tiresshop lift station, Bayshore lift station, Wharf lift station, and Benicia Industries lift station. These pump stations, with the exception of the Tiresshop lift station, contribute negligible flows to the force main system. The force main system includes parallel force mains, one 8 inches in diameter and the other 12- to 14-inches in diameter. The force main system runs from the PILS to within 1,400 feet of the WWTP. The force main empties into a 24-inch gravity sewer line, which transports wastewater to the WWTP. The existing Peak Wet Weather Flows (PWWF) and system capacity for these systems, based on the Sewer Study prepared by Brown and Caldwell in 2006, are shown in Table IV.M-2. The Benicia Public Works Department does not fully agree with the data presented in Table IV.M-2 and the conclusions of Brown and Caldwell in regard to existing system capacities and operational limits. Based on Public Works Department maintenance and operations records, ~~the existing sewer collection system (including the existing pump station and force main systems) functions adequately and is serviceable according to Public Works Department maintenance and operations records.~~

Page 336 of the Draft EIR is revised as follows:

(1) **Wastewater.** Although implementation of the proposed project would result in an increase in the demand for wastewater treatment, storage, and disposal,

this demand would not result in dry weather wastewater flows that exceed existing or planned capacity of the WWTP.

Calculated PWWF for the proposed project would be 1.59 mgd.¹ PWWF for the proposed project could adversely affect the capacity of the existing collection system. Under peak conditions, the 24-inch gravity sewer line would be slightly overloaded, but this would not warrant a pipeline replacement or relief sewer. The 24-inch gravity sewer line would have sufficient capacity through General Plan and project buildout. In addition, the east fork of the Industrial Park gravity sewer is in good condition and would have sufficient capacity through General Plan buildout with the proposed project. The proposed project would require new infrastructure. There should be limited to no inflow/infiltration into the infrastructure constructed as part of the project due to wet weather flows and wet weather flows should not increase beyond what the development would contribute in dry weather.

Page 338 of the Draft EIR is revised as follows:

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

- All water storage and pumping facilities required to serve the proposed project shall be constructed and operational before the first phase of development begins. The main connections shall be sized to serve the whole development and not upsized with each phase.
- All on-site water infrastructure improvements required to serve each phase of development shall be constructed in the initial year of development of that phase.
- The sponsor shall obtain City approval for each phase of development, including development of individual projects. Development plans for individual projects shall only be approved when a dependable and adequate water supply is available to serve new development.
- The two new tanks shown on the project plans are located at different elevations, which would require two separate pressure zones. ~~The City shall require the plans to be modified so that only one new pressure zone is required for the project site.~~ Pressure-reducing valve stations and zone valves shall be required to allow ~~this~~ the new zones to connect to the City's existing Zone 1 system in an emergency. (LTS)

Pages 340 and 341 of the Draft EIR are revised as follows:

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

¹ Brown and Caldwell, 2006. *Benicia Business Park Sewer Collection System Analysis*. October 16.

prepared by Brown and Caldwell that solely serves the proposed project. Required improvements include the following:

- Replace the existing 8-inch west fork of the Industrial Park gravity sewer system with a new 18-inch sewer line.
- Replace the existing 8-inch force main with a new 16-inch force main that is cross-connected to the existing force main.
- Replace the existing PILS to operate at a new higher pressure to maximize capacity in both pipelines. Upgrade the PILS to meet the design criteria of the two pipelines.
- Increase maintenance of eastern fork of gravity sewer to reduce root intrusion and the long-term settlement of debris.
- A force main surge analysis shall be performed prior to approval of final project design. Proposed improvements to the force main shall be reviewed and approved by the City prior to installation.

Implementation of the above mitigation measure would reduce impacts to the capacity of wastewater collection facilities to a less-than-significant level. (LTS)

Pages 349 and 350 of the Draft EIR are revised as follows:

Mitigation Measure DECAY-1: Prior to issuance of an use 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 anticipated tenant retail mix analyzed in this EIR. A substantial change in the anticipated retail 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, 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 use occupancy permit could be issued. If the economic analysis shows that the new tenant mix would not result in significant urban decay impacts, the use occupancy permit could be issued without further analysis or mitigation.

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

