

## I. INTRODUCTION

### A. PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed Lower Arsenal Mixed Use Specific Plan (project), including specific sections of the Draft EIR that were recirculated in April 2008. The Draft EIR identifies the likely environmental consequences associated with the implementation of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides a response to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to clarify any errors, omissions, or misrepresentations of material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

### B. ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On March 30, 2007, the City of Benicia circulated a Notice of Preparation (NOP) notifying responsible agencies and interested parties that an EIR would be prepared for the project and indicating the environmental topics anticipated to be addressed. Comments received by the City on the NOP were taken into account during preparation of the EIR. In addition, a public scoping session was held as a public meeting before the Planning Commission on April 12, 2007. Comments received by the City at the public scoping meeting were also taken into account during the preparation of the Draft EIR.

The Draft EIR was made available for public review on July 20, 2007 and distributed to local and State agencies. The public was notified of the availability of the Draft EIR through direct mailings and through an announcement posted on the City's website. Copies of the Draft EIR were made available at the Benicia Community Development Department.

The CEQA-mandated 45-day public comment period for the Draft EIR ended on September 4, 2007. The City also held a hearing with the Planning Commission during the comment period, on August 9, 2007. The public provided verbal comments at this meeting. The City received a total of seven comment letters from State, regional and local agencies during this period; ten comment letters were received from organizations (including one letter submitted after the end of the review period); and four comment letters were received from individuals.

Select sections of the Draft EIR (Section IV.E, Hazards and Hazardous Materials and Section IV.K, Cultural and Paleontological Resources) were recirculated on April 22, 2008 in accordance with *CEQA Guidelines* section 15088.5. In responding to comment letters received on the Draft EIR, and revising the information in the Draft EIR accordingly, "significant new information" (as defined in

CEQA Guidelines section 15088.5) was added to the Draft EIR. CEQA Guidelines section 15088.5 requires recirculation of a Draft EIR “when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review... but before certification.” The significant new information added to Sections IV.E and IV.K of the Draft EIR includes the identification of new hazards and cultural resources impacts that were not previously identified in the Draft EIR. The recirculated sections of the Draft EIR were distributed to local and State responsible and trustee agencies. The public was notified of the availability of the recirculation component and it was made available through the same process as the Draft EIR. The CEQA-mandated 45-day public comment period was extended and ended on July 22, 2008. Ten letters were received on the recirculated sections. Individuals also provided verbal comments at a Planning Commission hearing.

Copies of all written comments received on the Draft EIR (including the recirculated sections) are contained in Chapter III of this RTC Document.

## C. DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

- *Chapter I: Introduction.* This chapter discusses the purpose and organization of this RTC Document, and how the RTC Document fits into the Final EIR, and summarizes the environmental review process for the project.
- *Chapter II: List of Commenting Agencies, Organizations and Individuals.* This chapter contains a list of agencies, organizations, and individuals who submitted written comments or spoke at the public hearings on the Draft EIR during the public review periods.
- *Chapter III: Comments and Responses.* This chapter contains reproductions of all comment letters received on the Draft EIR, as well as notes of verbal comments provided at the public hearings. A written response for each CEQA-related comment received during the public review periods (both the initial Draft EIR and the recirculated sections) is provided. Each response is keyed to the preceding comment.
- *Chapter IV: Draft EIR Revisions.* Corrections to the Draft EIR necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR. Revisions to figures are also provided, where appropriate.