

A. LAND USE AND PLANNING POLICY

This section describes existing land uses at and in the vicinity of the project site, and evaluates the compatibility of proposed land uses with existing land uses. Relevant policies of the Benicia General Plan are also summarized and the relationship of the proposed project with these policies is evaluated.

1. Setting

This section discusses existing land uses in and around the project site, relevant planning documents, and zoning regulations.

a. Existing Conditions and Land Use at the Project Site. The project site consists of 527.8 acres of undeveloped land, currently used for grazing. The site also contains several creeks, swales, wetlands, and associated riparian vegetation. The site is traversed by Reservoir Road, a 20-foot wide paved two-lane road that extends from East 2nd Street to Lake Herman Road. Although informal trails and unpaved double track paths exist in several locations throughout the site, there are no additional formal or paved roadways on the site. The remains of farm buildings and a water tank exist on the site. Views of the site can be found in Section IV.J, Visual Resources, of this EIR.

The project site has not been identified as Prime Farmland or Farmland of Statewide or Local Importance by the California Department of Conservation's Farmland Mapping and Monitoring Program.

b. Existing Land Use at the Project Site Vicinity. Existing land uses at the project site vicinity are shown in Figure IV.A-1, and are described in more detail below.

(1) North of the Project Site. Lake Herman Road comprises most of the northern border of the project site. Land associated with the former International Technology (IT) Panoche Facility, is located north of Lake Herman Road. From Lake Herman Road, the IT land appears undeveloped. Other undeveloped land surrounds the IT property north of Lake Herman Road. A new church campus is currently under construction north of the intersection of East 2nd Street and Lake Herman Road. The City of Benicia Water Treatment Plant property is located south of Lake Herman Road, surrounded on three sides by the project site.

(2) South of the Project Site. Light industrial uses are located along Industrial Way and East 2nd Street, south and southwest of the project site. The Benicia Valero Refinery is located southwest of the project site, and is visible when looking south from the higher elevations in the northern portions of the site.

(3) East of the Project Site. A commercial center, including a combined gas station, convenience market, and fast food outlet is located at the intersection of East 2nd Street and Lake Herman Road immediately east of the project site. Immediately east of the commercial development, and east of the remainder of the project site, is Interstate 680 (I-680), which runs in a roughly north-south direction west of the Southern Pacific Railroad tracks and Suisun Bay. Commercial and Light Industrial uses are found between the Southern Pacific Railroad tracks and I-680.

(4) West of the Project Site. The area west of the project site is largely composed of open space and recreational uses. A Benicia Police Department firing range is also located to the west of

the site. The eastern boundary of the Lake Herman Regional Park is located approximately ½-mile west of the project site on Lake Herman Road. Industrial uses are located along Industrial Way, West Channel Road and California Court west of the site and north of East 2nd Street. Residential subdivisions are located beyond these industrial uses, farther west of the project site.

c. Guiding Documents. The main guiding documents for the proposed project are the City of Benicia General Plan (General Plan) and the City of Benicia Zoning Ordinance. The San Francisco Bay Plan is also briefly addressed. The City’s Zoning Ordinance is intended to be the primary instrument for implementing the General Plan.

(1) San Francisco Bay Plan. The San Francisco Bay Plan (Bay Plan) is a policy tool that, under the provisions of the McAteer-Petris Act, allows the San Francisco Bay Conservation and Development Commission (BCDC) to “exercise its authority to issue or deny permit applications for placing fill, extracting materials, or changing the use of any land, water, or structure within the area of its jurisdiction.” That includes all of the San Francisco Bay, a shoreline band 100 feet from the water, and salt ponds, managed wetlands and certain waterways associated with the Bay. The Bay Plan stipulates: “Any public agency or private owner holding shoreline land is required to obtain a permit from the Commission before proceeding with (shoreline) development.”

The project site is not located within the jurisdiction of BCDC. However, the Bay Plan contains development guidelines that are specific for sub-areas of the Bay, including land immediately adjacent to the project site. Plan map notes for Bay Plan Map 2 (which encompasses the project site) indicate that the area to the south of the project site (across East 2nd Street) is designated the Benicia Industrial Park. Notes for this area state: “Reserve area east of old Route 21 for waterfront industry. Preserve and provide access to vista points and historic buildings.” This area, to the south of the project site, is designated for Water-Related Industry.

(2) City of Benicia General Plan. The General Plan is the principal policy document for guiding future land use, conservation, and development in the City. The General Plan serves as a comprehensive guide for making decisions about land use, economic development, road improvements, and protection of natural resources and public health and safety. It also provides the legal foundation for all zoning, subdivision, and public facilities ordinances, decisions, and projects.

The General Plan is organized into the following chapters: 1) Community Development and Sustainability, which discusses the plan’s land use designations, opportunities and challenges to economic development, transportation infrastructure, and public services; 2) Community Identity, which describes the cultural, visual, and open space resources in the City, and sets forth measures for their protection; and 3) Community Health and Safety, which provides guidance on responses to health and safety hazards in the City, including flooding, fires, geologic hazards, and high noise levels.

As shown in Figure IV.A-2, the General Plan designates the extreme eastern portion of the project site along East 2nd Street for General Commercial land uses. The General Commercial designation is “intended to provide shopping and services for the community as a whole and for visitors coming from the freeways [and] is intended to allow a wide range of commercial development, with the intensity of development limited by a maximum [floor-area-ratio] of 1.2.”

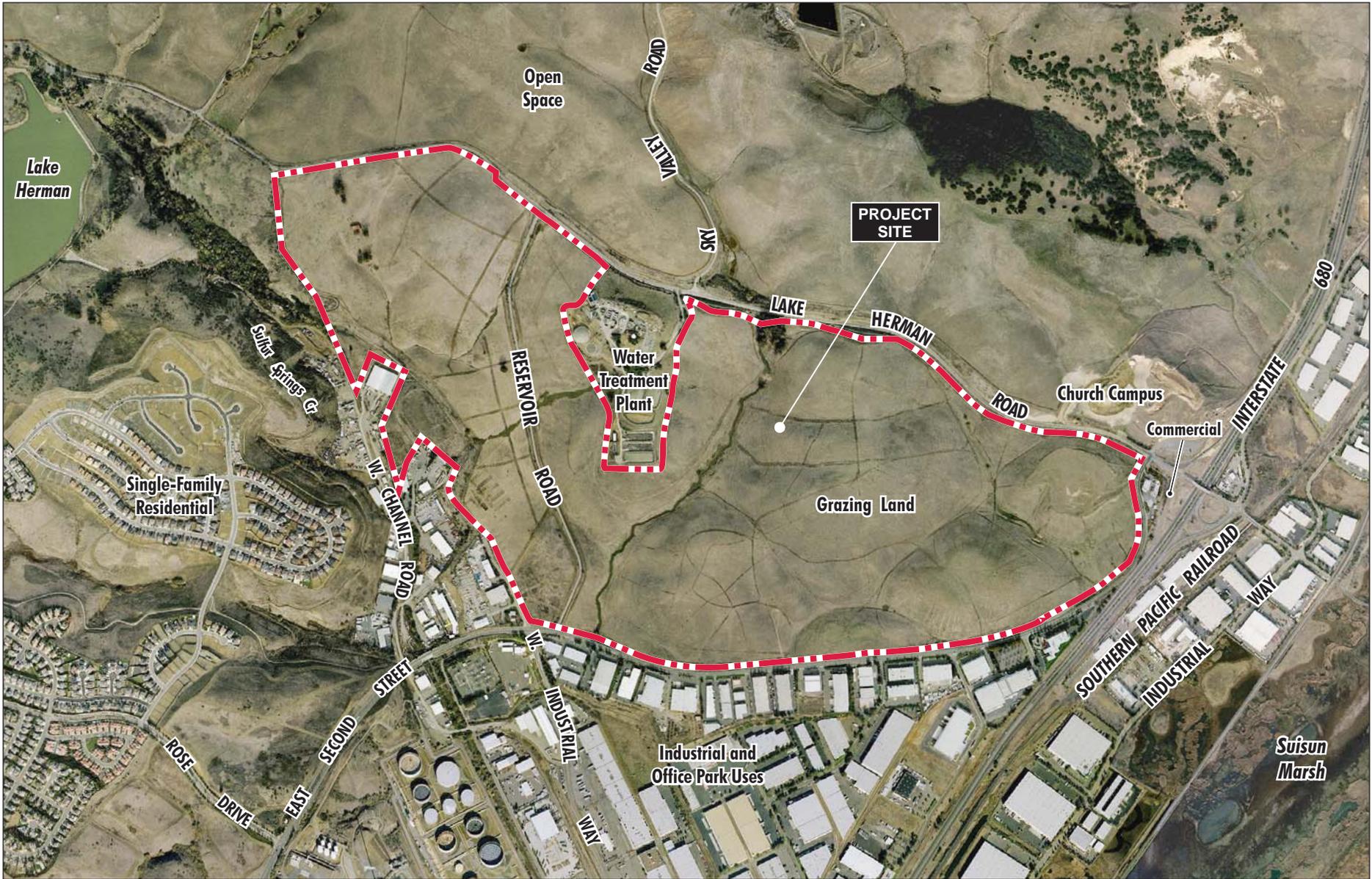
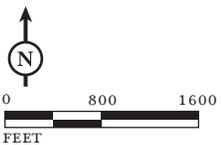


FIGURE IV.A-1

LSA



 PROJECT BOUNDARY

Benicia Business Park EIR
 Project Site and
 Surrounding Land Uses

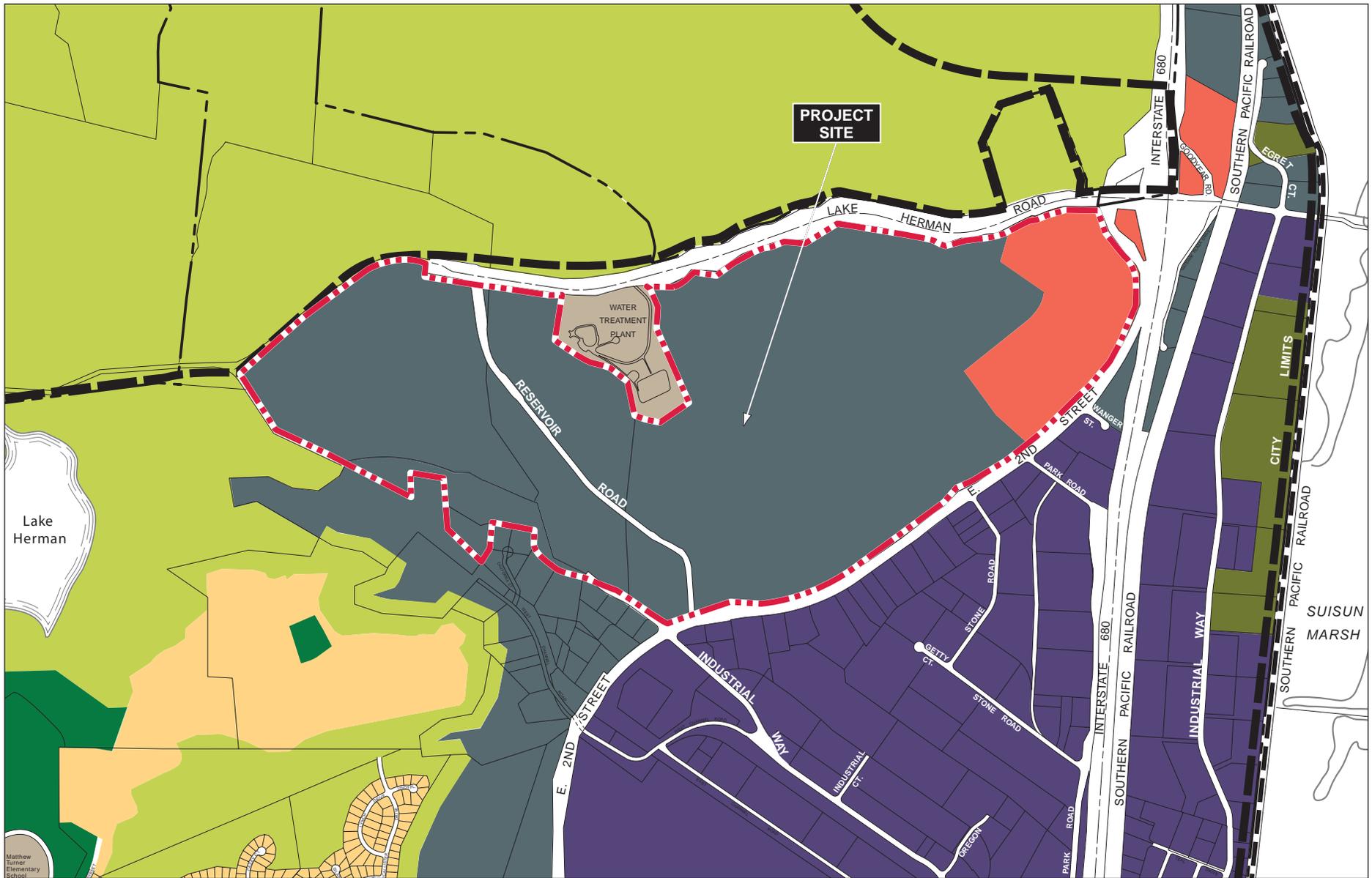


FIGURE IV.A-2

LSA



LEGEND

- RESIDENTIAL
 - LOW DENSITY 0-7 DU/A
 - COMMERCIAL GENERAL
 - PUBLIC / QUASI-PUBLIC

OPEN SPACE

- MARSH
- GENERAL
- PARKS
- INDUSTRIAL
 - GENERAL
 - LIMITED

- URBAN GROWTH BOUNDARY
- PLANNING AREA BOUNDARY
- CITY LIMITS
- PROJECT BOUNDARY

Benicia Business Park EIR
General Plan Land Use Designations

As shown in Figure IV.A-2, the remainder of the project site is designated for Limited Industrial uses in the General Plan. This designation includes manufacturing, assembly, and packaging of goods primarily from previously prepared (not raw) materials; wholesale, distribution, and storage facilities (including auto import, export, and storage); research and development facilities; and related industrial and commercial services. Limited Industrial lands are also intended to act as buffers between heavy industrial areas and other parts of the City; this buffer is made possible by the lower levels of truck traffic typically associated with Limited Industrial uses.

The General Plan was revised and readopted in August 1999. Table IV.A-1 discusses the project's consistency or inconsistency, prior to mitigation, with relevant policies of the 1999 General Plan. Applicable policies and programs related to Geology, Soils, and Seismicity; Hazardous Materials; Hydrology and Water Quality; Biological Resources; Transportation and Circulation; Air Quality; and Visual Quality are also discussed in those topical subsections of the EIR.

(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.

Allowable uses within these zoning designations include:

- *General Commercial* allows for most business and retail uses, including restaurants; maintenance and repair services; offices; hotels and motels; and retail sales.

- *Limited Industrial* permits manufacturing, assembly, and packaging of goods and products from previously prepared materials; wholesale, distribution, and storage facilities; research and development facilities; and related industrial and commercial services. Additional uses, including auto sales and services, mini-storage, eating and drinking establishments, and churches may be permitted with approval of a use permit.

2. Impacts and Mitigation Measures

This subsection analyzes impacts related to land use that could result from implementation of the proposed project. It begins with the criteria of significance, which establish the thresholds for determining whether an impact is significant and concludes with land use impacts associated with the proposed project.

Inconsistencies between a project and applicable policies do not constitute significant environmental impacts in and of themselves. However, a policy inconsistency is considered to be a significant adverse environmental impact when it is related to a policy adopted for the purpose of avoiding or mitigating an environmental effect and it is anticipated that the inconsistency would result in a significant adverse *physical* impact. The proposed project's consistency with regional policies related to physical environmental topics (e.g., air quality, transportation, and noise) is fully analyzed and discussed in those topical sections of this EIR.

a. Thresholds of Significance. The proposed project would have significant land use and planning impacts if it would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- Involve other changes in the existing environment that due to their location or nature result in the conversion of farmland to non-agricultural use; or
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

b. Less-than-Significant Land Use Impacts. Implementation of the proposed project would result in the following less-than-significant land use impacts.

(1) Divide an Established Community. The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying areas. Implementation of the proposed project would result in the development of a business park near the outer edge of Benicia. The project would result in the abandonment of Reservoir Road, which currently connects East 2nd Street to Lake Herman Road. However, this connection would be replaced with the extension of Industrial Way, along the western boundary of the project site. After implementation of the proposed

Table IV.A-1: Relationship of Project to Relevant City of Benicia General Plan Policies

Element and Goal, Program or Policy Number	Goal, Policy or Program Language	Relationship With Project
<i>Land Use and Growth Management</i>		
Policy 2.1.4	Strive to preserve significant areas of vegetation and open space when approving development projects.	The project includes approximately 180 acres of open space (approximately 23 percent of the total site), and would include a major drainage and associated riparian vegetation. However, this open space would include only a portion of the existing riparian and wetland vegetation on the site.
Policy 2.2.1	Protect and maintain agricultural and rural land uses, hillsides, two-lane curving roads, watersheds, riparian corridors and upland grasslands.	The project would result in the development of grazing lands (including upland grassland vegetation), grading of existing hillsides, substantial modification of the watersheds and drainage patterns within the project site, and the modification or removal of riparian corridors.
Policy 2.2.2	Support land divisions where existing buildings with historic or architectural significance are retained and/or improved rather than demolished.	A ranch complex dating from the 1930s would be demolished and removed as part of the project.
Goal 2.2	Maintain lands near Lake Herman and north of Lake Herman Road in permanent agriculture/open space use.	An open space buffer would be preserved at the project site immediately to the south of Lake Herman Road. However, business park development would be visible from the road.
<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>
<i>Economic Development</i>		
Program 2.5.C	Evaluate future uses on a cost/revenue basis, taking into account economic diversity for the long term and environmental and community costs and benefits.	The project would include substantial flex industrial/office space that could accommodate new firms with diverse objectives. A separate economic study prepares for the City forecasts public economic and fiscal benefits from the project's implementation. Development of the project would result in changes to environmental features on the site, including hillsides, creeks, and wetlands.
Policy 2.6.3	Facilitate continued development of the Industrial Park. Especially encourage general industrial uses to locate in the basin northeast of Downtown (around Industrial Way between East 2nd and the freeway).	The business park, which would be a northern extension of the existing industrial park, would be located on hillsides north of the "basin" described in Policy 2.6.3.

Table IV.A-1 *Continued*

Element and Goal, Program or Policy Number	Goal, Policy or Program Language	Relationship With Project
Policy 2.6.5	Establish and maintain a land buffer between industrial/commercial uses and existing and future residential uses for reasons of health, safety, and quality of life.	Industrial uses have already developed along the western boundary of the project site, reducing the effectiveness of a potential buffer at the project site. However, a topographical separation exists between the residential areas in the Tourtelot area and project site.
Program 2.6.F	Use topography, landscaping, and distance as a buffer between Industrial Park uses and residential uses.	(See Policy 2.6.5.)
<i>Circulation</i>		
Policy 2.14.1	Give priority to pedestrian safety, access, and transit over automobile speed and volume.	Bike lanes and sidewalks would be provided along East 2 nd Street and Industrial Way; however no bike lanes, sidewalks, or transit facilities are proposed for the interior of the project site. Proposed commercial and industrial uses at the project site are primarily designed for automobile access. The proposed street layout (with numerous cul-de-sacs and lack of interconnecting pathways) would make the project unappealing for pedestrians, but is not expected to result in safety or access concerns.
Goal 2.15	Provide a comprehensive system of pedestrian and bicycle routes which link the various components of the community: employment centers, residential areas, commercial areas, schools, parks, and open space.	The project would be served by bicycle lanes along East 2nd Street and Industrial Way.
Policy 2.20.3	Maintain Lake Herman Road as a rural, two-lane, curving scenic route.	Lake Herman Road would not be widened as part of the project where it has a rural scenic character (although widening of the road near I-680 could be required as part of a mitigation measure).
Goal 2.21	Encourage Benicia residents and employees to use alternatives to the single-occupant automobile.	Bicycle access to the site would be available via East 2nd Street and Industrial Way. However, the project's non-connected street system, and lack of pedestrian and bicycle amenities would discourage the use of alternatives to single occupancy vehicles.
Policy 2.15.2	Encourage the development of pedestrian paths in hill areas as a way to link neighborhoods to schools, parks, employment centers, and convenience commercial destinations.	The project includes no pathways in the hilly, open space portion of the site.
Policy 2.21.1	Provide and promote a range of travel alternatives to the use of the private automobile.	The project is designed to maximize automobile accessibility; it would not promote the use of alternatives to the single passenger car.
Policy 2.23.2	Reduce the visibility of parking lots.	Based on submitted typical site plans, parking within the site would be visible from both interior and exterior streets.
Program 2.23.D	Update parking requirements based on actual local parking generation studies wherever appropriate, and consider parking proximity to transit corridors.	Parking details are not included in the Master Plan.
Program 2.23.E	Allow future parking to be divided into smaller lots with generous internal and perimeter landscaping.	Parking details are not included in the Master Plan.

Table IV.A-1 *Continued*

Element and Goal, Program or Policy Number	Goal, Policy or Program Language	Relationship With Project
Program 2.23.F	Recommend parking to be located behind or alongside (but not in front of) buildings, where possible.	Parking details are not included in the Master Plan.
Program 2.24.A	Investigate establishment of Industrial Park bus service.	The project includes no provisions for transit access, including the extension of bus service along Industrial Way to the project site.
Community Services		
Goal 2.38	Protect water quality.	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.
Policy 2.38.1	Continue to require the use of feasible and practical Best Management Practices to protect receiving waters from adverse effects of construction and urban runoff.	Current project plans do not yet specify BMPs to protect water quality during the construction and operation periods of the business park.
Program 2.30.I	Use primarily native plant species and other drought tolerant plants in all parks and open space areas.	Of the approximately 20 plant species listed, on the landscaping plans, only one (coast live oak; <i>Quercus agrifolia</i>) is a true native. Another, McMinn Manzanita (<i>Arctostaphylos d. "Howard McMinn"</i>) is derived from native manzanitas in Sonoma County. Some, but not all, of the proposed plants are adapted to semi-arid climates.
Program 2.36.C	Continue to implement City-adopted water conservation Best Management Practices (BMP).	The project does not explicitly include BMPs to conserve water.
Program 2.36.D	Continue to require development to utilize adopted City standards for low-water-use landscaping.	Proposed landscaping, some of which would require substantial water inputs, would be at least partially inconsistent with City water conservation guidelines.
Historic Resources		
Goal 3.1	Maintain and enhance Benicia's historic ^a character.	The project would result in the demolition and removal of foundations and structures that originally formed a ranch complex dating from the 1930s.
Policy 3.1.1	Encourage reuse of historic buildings; if feasible, encourage relocation rather than demolition.	Relocation has not been proposed of the aforementioned resources.
Policy 3.1.3	Preserve historic trees and landscapes.	The project would substantially change the character of the project site, which has been historically used for ranching.
Goal 3.2	Protect archaeological (including underwater) sites and resources.	Archaeological monitoring would be required as part of the project's conditions of approval.

^a The General Plan defines "historic" or "historical" as: "An historic building or site is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts."

Table IV.A-1 *Continued*

Element and Goal, Program or Policy Number	Goal, Policy or Program Language	Relationship With Project
<i>Visual Character</i>		
Goal 3.9	Protect and enhance scenic roads and highways.	Lake Herman Road contains numerous designated scenic viewpoints in the General Plan and is generally accepted as being a scenic road. Development of the business park would change the existing scenic quality along Lake Herman Road in the vicinity of the site.
Goal 3.9.1	Preserve vistas along I-780 and I-680.	The proposed business park would be visible from I-680, including the scenic overlook adjacent to I-680.
<i>Open Space and Conservation of Resources</i>		
Policy 3.15.2	Preserve public views of open space and maintain existing vistas (including the Northern Area vistas) wherever possible.	Public views of open hillsides would be adversely affected by the proposed project. Affected views would include those from Lake Herman Park, Benicia Community Park, I-680, and Lake Herman Road.
Policy 3.15.D	Where applicable, require that new developments include view corridors that allow viewing open space from public roadways and public use areas.	The project includes a landscape buffer along the south side of Lake Herman Road; no view corridors have been explicitly designated or protected as part of the proposed development.
Policy 3.15.3	Avoid creating difficult-to-use residual open space in new development areas.	The 180 acres of on-site open space would contain no pedestrian or bike trails. The current Master Plan does not propose to integrate open space with the business park itself or with other existing open space areas.
Policy 3.15.4	Use open space as a buffer against man-made or natural hazards.	The open space that would be preserved as part of the project would not substantially mitigate slope stability or wildfire hazards.
Policy 3.15.5	Encourage the landscaping of existing open spaces, and landscape new open spaces with native plants.	No landscaping has been proposed for the open space within the project site (except for trees and shrubs in the buffer along Lake Herman Road). The proposed landscape plant species list includes one true native plant species.
Policy 3.15.6	Restore and maintain natural landscapes in a natural manner.	The project would involve 9 million cubic yards of grading comprised of slope cuts of up to approximately 100 feet in depth and fills of up to 50 feet in height, resulting in the leveling of many of the hillsides and filling of many of the drainages and swales within the site.
Policy 3.15.G	Develop a landscape master plan for open space.	The project sponsor has not submitted an open space landscape master plan.
Goal 3.16	Preserve key land forms which separate Benicia physically and visually from adjacent communities.	The project includes substantial hillside grading, and would result in a significant change to the look of the hillsides that surround Benicia.
Goal 3.17	Link regional and local open spaces.	The open space on the site would not be formally linked (through trails or explicit wildlife corridors) to Lake Herman Park or the Benicia Community Park.
Policy 3.17.1	Attempt to link existing regional and local open spaces using trails and open space corridors.	See Goal 3.17.
Program 3.17.B	Construct trails in open space corridors that link existing regional and local open spaces, where feasible.	See Goal 3.17.

Table IV.A-1 *Continued*

Element and Goal, Program or Policy Number	Goal, Policy or Program Language	Relationship With Project
Goal 3.18	Protect agricultural use.	Currently, the bulk of the 527.8-acre project site is used (or has been used in recent years) for grazing. Grazing on the proposed 180-acre open space area may not be practical after implementation of the project.
Goal 3.19	Preserve and enhance habitat for special-status plants and animals.	The project could adversely affect the habitat of the following special-status species: white-tailed kite, Cooper's Hawk, loggerhead shrike, saltmarsh common yellowthroat, burrowing owl, and bats.
Policy 3.19.1	Protect essential habitat of special-status plant and animal species.	See Goal 3.19.
Program 3.19.B	Require retention of essential habitat for special status species. If infeasible, require adequate mitigation for loss of special status species and/or habitat in compliance with State and federal regulations.	The new wetland created on-site could fulfill State and federal obligations for wetland mitigation. Final determination would rest with State and Federal resource protection agencies.
Goal 3.20	Protect and enhance native vegetation and habitats.	See Goal 3.19. The project would preserve 180 acres of open space on site, but would result in the removal of existing wetlands (coastal valley freshwater marsh), riparian zones, annual grassland, and eucalyptus groves. A major drainage would be preserved on the site.
Policy 3.20.1	Protect native grasslands, oak woodlands, and riparian habitat.	The project would result in the removal of over 150 acres of California annual grassland, which comprises mostly non-native species, although native grasslands and forbs (non-woody, broad-leaved plants other than grasses) are present. The project would also result in the removal of riparian habitat associated with several intermittent creeks and drainages. The project would preserve one major drainage (Reach C in Figure IV.F-1).
Policy 3.20.2	Restore native vegetation, such as birch grasses and oaks, wherever possible for open spaces of existing developed areas.	Approximately 7.28 acres of wetlands would be created on the site in upland areas. These wetlands would be planted with native species. The project sponsor has not submitted an open space landscape Master Plan to address native vegetation.
Policy 3.20.3	Encourage preservation of existing trees. Especially preserve and protect mature, healthy trees whenever practicable, particularly where such trees are of significant size or are of significant aesthetic value to the immediate vicinity or to the community as a whole.	Select eucalyptus stands would be preserved on the site.
Policy 3.20.4	Require protection of movement corridors.	The project would preserve 180 acres of open space on the site, including one important drainage. However, several other drainages, which may be used as wildlife movement corridors, would be culverted (discouraging their use as corridors).
Program 3.20.B	Limit the loss of native vegetation or require mitigation, or both.	The project would result in the loss of native vegetation, including native grasses and forbs and riparian and wetland species.

Table IV.A-1 *Continued*

Element and Goal, Program or Policy Number	Goal, Policy or Program Language	Relationship With Project
Program 3.20.C	Require native and compatible non-native plant species, especially drought-resistant species, to the extent possible in landscaping new development and public areas.	Refer to Program 2.30.I.
Program 3.20.E	Require preservation of open space corridors between Lake Herman, Sulphur Springs Mountain, the Northern Area, the northeast hills, the Benicia State Recreation Area, and the marshlands east of I-680.	The project includes 180 acres of open space, but would result in the fill or culverting of most existing wetlands and drainages on the site. The removal of existing wetlands on the site could weaken the link between wetlands around Lake Herman and the marshlands east of I-680.
Goal 3.21	Permanently protect and enhance wetlands so that there is no net loss of wetlands within the Benicia Planning Area.	Wetlands filled as part of the project would be mitigated through the construction of new wetlands and riparian areas (12.69 acres) in accordance with natural resource agency standards. As a result of the project, there would be no net loss of wetlands in terms of acreage and functions and values are expected to be approximately the same.
Policy 3.21.1	Encourage avoidance and enhancement of sensitive wetlands as part of future development.	The project would result in direct impacts to 5.26 acres of existing wetlands at the project site. Refer to Goal 3.19 and 3.21.
Policy 3.21.2	Require replacement for wetlands eliminated as a result of development at a higher wetlands value and acreage than the area eliminated.	The 5.26 acres of wetlands that would be adversely affected by the project would be replaced with 7.28 acres of created wetlands on the site. However, these on-site wetlands, which would be built in upland areas, may be of a lesser biological "value" (in terms of long-term species diversity) than the wetlands that would be removed as part of the project.
Program 3.21.A	Continue to require wetland delineation and mitigation as part of environmental review of proposed development.	Wetland delineations have been submitted for the project site. On-site wetland mitigation would occur as part of the project.
Policy 3.21.E	Identify small wetlands and require their protection, restoration, and enhancement as part of open space dedication in proposed development and in citywide open space improvements.	There are two small wetland areas on site that are not directly associated with the several identified drainages. These wetlands would both be removed as part of the project.
Goal 3.22	Preserve water bodies.	One major drainage in the site (Reach C in Figure IV.F-1) would be preserved as part of the project. The project would result in the culverting or fill of several drainages on the site.
Policy 3.22.1	Avoid development that will degrade existing lakes and streams.	Because the project includes 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. Similar impacts would occur during the operational phases of the project, when new impervious surfaces could create increased stormwater runoff.

Table IV.A-1 *Continued*

Element and Goal, Program or Policy Number	Goal, Policy or Program Language	Relationship With Project
Program 3.22.A	Require that all development in watersheds flowing into lakes and unchannelized streams include features to preserve run-off water quality.	The project as currently proposed does not include measures to preserve runoff water quality. By filling or culverting existing drainages and wetlands on the site (which have pollutant filtration properties), the project would degrade stormwater quality.
Program 3.22.B	Require a minimum setback of 25 feet from the top of bank of streams and ravines. Do not allow development within the setback.	The project would develop 5.26 acres of wetlands on the site, including drainage channels. Development would occur over these channels (i.e., within the 25-foot setback).
Goal 3.24	Protect watersheds.	The project, which would result in approximately 9 million cubic yards of grading on the site, the fill of 5.26 acres of wetlands and drainages, and a substantial increase of interconnected impervious surfaces on the site, would expose watersheds in the area to risks of degradation.
Responses to Hazards		
Policy 4.10.2	Encourage designs and land use strategies that reduce automobile use and promote mixed use, jobs/housing balance, telecommuting, bicycle and pedestrian facilities, and transit.	The project, as currently designed with numerous cul-de-sacs and no major bike or pedestrian trails, would encourage the use of the private automobile. As currently proposed, the project would be expected to result in low bike, pedestrian, and transit commute rates.
Goal 4.11	Minimize harm from geologic hazards.	The 9 million cubic yards of cut and fill on the site, and existing steep slopes, could create numerous geologic hazards on the site, including landslides, other slope failure, and long-term deformation of deep fills and cut slopes.
Goal 4.12	Accommodate runoff from existing and future development.	A portion of the runoff from the site would be accommodated in detention ponds and wetlands, developed to ensure that peak runoff from the site does not increase after project implementation. A technical memorandum prepared by Stetson Engineers (2004) indicated that the stormwater features proposed as part of the project would reduce peak runoff magnitudes for the 10- and 100-year storms.
Policy 4.12.1	Regulate runoff from new development so that post-development site peak flow rates are no greater and pre-development levels.	See Goal 4.12.
Policy 4.12.4	Where practicable, discourage the use of storm drain systems, and promote stormwater management strategies which maximize opportunities for absorption of rainfall, overland conveyance of runoff, non-reservoir surface storage, and other measures that reduce development-induced impacts on peak flow rates.	The project would result in the development of several small creeks and existing wetlands on the site. These drainages and wetlands serve as existing stormwater management features (associated plants bio-filter sediment and pollutants from upstream sources, and reduce the energy of stormwater runoff).

Table IV.A-1 *Continued*

Element and Goal, Program or Policy Number	Goal, Policy or Program Language	Relationship With Project
Policy 4.13.2	Promote non-structural solutions to flood problems where feasible.	The project would replace the natural drainage system with an engineered <u>one</u> .
Policy 4.14.1	Implement non-point source pollution strategies.	See Goal 4.12.
Policy 4.20.A	Maintain and designate land along East 2nd Street for non-residential purposes.	The project proposes general commercial and industrial uses along East 2nd Street, and would be consistent with this policy.

Source: LSA Associates, Inc. 2006.

project, Industrial Way would extend from East 2nd Street to Lake Herman Road. In terms of function and accessibility, the new Industrial Way extension would replicate the removed Reservoir Road. The communities to the north and west of the project site are primarily rural residential and development of the business park would not block or hinder their ability to reach Downtown Benicia or interstate highways in the area. Therefore, the proposed project would not physically divide an established community.

(2) Compatibility with Surrounding Land Uses. Existing land uses within and in the vicinity of the project site are shown in Figure IV.A-1. As depicted in that figure, the project site is surrounded by open space to the north, commercial and other highway-oriented uses to the east, industrial uses to the south, and open space, residential, and industrial uses to the west. The project site has been planned for business park uses in the City of Benicia General Plan, and is located on the edge of an industrial district that includes refinery land uses. The commercial and industrial uses proposed as part of this project would be generally consistent with adjacent uses. The project site is separated from residential uses by a strip of open space and industrial land. This buffer would ensure that residential uses around the project site are not exposed to nuisance-level air quality or noise impacts from the proposed project (those these concerns are addressed in greater detail in those two sections of this chapter). A church would be located immediately to the north of the site, across from commercial uses proposed as part of the business park. Although proposed commercial uses would generate noise and traffic, these uses would not be incompatible with church uses. Commercial and industrial uses would be compatible with adjacent industrial uses to the east, south, and west of the site. In addition, the project would not substantially diminish the use of open space to the north and west of the site, including the recreational lands around Lake Herman. Impacts to the ecological qualities of creeks around the project site, including Sulfur Springs Creek, are addressed in Section IV.F, Biological Resources.

(3) Agricultural Land. Implementation of the proposed project would convert approximately 341 acres of the project site, which has recently been used for grazing, to commercial and industrial uses. Although the project site has been subject to recent agricultural activity, its soils are not classified as Prime Farmland or Farmland of Statewide or Local Importance by the California Department of Conservation's Farmland Mapping and Monitoring Program. The project site is not designated for agricultural uses in the City General Plan or Zoning Ordinance, which also precludes the area from operating under a Williamson Act Contract or most other conservation easements. Therefore, the conversion of agricultural land at the project site would not be considered a significant environmental impact.

(4) Habitat Conservation Plan/Natural Community Conservation Plan. The project site is not subject to the provisions of a Habitat Conservation Plan or Natural Community Conservation Plan (HCP/NCCP). Therefore, the project would not conflict with such a plan. The Solano Multi-Species HCP/NCCP, which would encompass Solano County and a small portion of Yolo County, is currently being prepared. The HCP/NCCP was required of the Solano County Water Agency as part of renewing the water supply contact from the Solano Project (Lake Berryessa). Privately-held lands, with the exception of lands under conservation easements and lands already designated for habitat (e.g., private mitigation banks) would not be identified as habitat in the HCP/NCCP.

(5) San Francisco Bay Plan. The project would result in the development of a business park to the north of land that is designated in the Bay Plan for waterfront industry (i.e., the site is not sub-

ject to direct BCDC jurisdiction). Industrial and commercial uses developed as part of the project would be compatible with waterfront industries, which would be expected to produce at least moderate amounts of noise and exhaust. The project would not conflict with these uses or applicable provisions of the Bay Plan.

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

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 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.)

Key policy conflicts of note include:

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 policy statements in the General Plan listed in Table IV.A-1 were adopted by the City for the purpose of protecting the environment. 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)