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SUBJECT: Scoping for draft EIR [DEIR]: Housing Element Update [HEU] with Safety Element/Climate Vulnerability Assessment Update [CVAU]

Introduction:

As a 34 year resident of Benicia living on the East Side, I bring to this scoping effort on the Housing Element and Safety Element updates my varied experiences over 25 years here in Benicia as a local civic activist in hopes to ensure the resilience and sustainability of our community and to uphold the visions set in the General Plan, through challenges of fairly and justly fulfilling "regional housing needs allocations" [RHNA] and under increasing pressures and extreme effects of predicted climate changes as outlined in the Climate Vulnerability Assessment Update and also latest research by the International Panel on Climate Change [ICCP].

My concerns expressed in this letter stem from my active engagements over the last 25+ years. For the record: I served on the General Plan Oversight Committee in the 1990's; actively participated on three EPA- and USACE-led investigations and restoration projects (Braito Landfill; Tourtelot; Arsenal); challenged and co-led major challenges to planning initiatives (Koch Industries Coke Domes project; Seeno; Arsenal Specific Plan; Valero Crude By Rail) and have served on the Valero CAP and Community Sustainability Commission. In addition, I am a founding member of the Good Neighbor Steering Committee and board chair of the non-profit Sustainable Solano, and a founder and board member of Benicia Community Air Monitoring Program. I am also a practicing artist with a studio on Tyler St in the lower Arsenal industrial waterfront area.

I've read the Planning Commission Staff Report and the NOP, published June 2nd, and have participated in staff's webinars and workshops on the East 5th Street Corridor/Gateway Project. I've read the Climate Vulnerability Assessment and Adaptation Plan, and subsequently the CVAU in its entirety, and on June 21st, submitted a comment letter supporting the CVAU's adoption, with the caveat that its recommended adaptive strategies not be limited in the future to those enumerated in its conclusion. I also give reasons why

the Safety Update needs further additional revisions in order to address existing current dangers, hazards and pollution sources in the Arsenal port waterfront that variously impact the existing community on the East Side and would affect potential future residents and sensitive receptors.

This letter provides general comments pertaining to the development of the DEIR's scope, as well as more specific comments and examples addressing the usual CEQA topics. I also discuss the the opportunities, constraints and specific procedural problems affecting public participation over the last 3 years.

Herein, I incorporate by reference all of my own letters submitted to staff, council and planning commission since 2019. My letters, with comments and questions, express my concerns about existing issues related to protecting public health and safety and for preserving our Arsenal's cultural and historic assets of National Register District C.

In addition, I incorporate by reference all comment letters and questions submitted by Natalie Macris, Steve Goetz, Don Dean, Toni Haughey and Jane Lauder King on the subject of the SB35 projects under current review for the Arsenal Historic District, as well as those comment letters submitted by Ms. Macris and Mr. Goetz for scoping of the HEU/CVAU DEIR.

General Comments:

The NOP states: . . . "*The DEIR will not discuss conditions of specific parcel sites, but focus on impacts, including growth-inducing factors, and cumulative impacts that may be presented by the numbers of 'opportunity sites' that would require revised designations and rezones, as well as minor amendments to the Zoning Ordinance to address pet-related land uses and podium parking in the Mixed Use-Infill District*".

1. Regarding the need to describe and analyze full implementation of the HEU, inclusive of parcels already permitted for infill residential under the existing HE, and, under conditions of various scenarios for climate change:

The DEIR must describe the three basic elements of the General Plan's keystone goal of "sustainability" — environmental, social and economic—and analyze impacts of fully implementing the HEU IF those 3-pronged elements of sustainability are *not* integrated into consideration of rezones for infill development, and as specifically related to implementation of strategies presented in the CVAU.

A DEIR is meant to serve public understanding of potential significant impacts of large scale development plans. It's understood that the HEU serves to fulfill Benicia's obligations under requirements set by the state as "Regional Housing Needs Allocations" [RHNA]. Although all rezoned parcels proposed by the HEU would not likely be developed—certainly not all at

once—nevertheless, the DEIR should *conservatively evaluate* the possibility that, over time, all parcels identified as infill sites would/could be developed.

We know from mounting scientific and local evidence that climate change has begun to alter how we think about where and how we live and how we can and must adapt.

— The DEIR must discuss potential adverse consequences of FULL implementation of the HEU under various foreseeable scenarios of extreme climate conditions and the strategies to proactively address them as outlined in the CVAU's conclusion. Most recent research available should be cited to account for projections of more frequent and possibly more severe and multiple climate events occurring during the next decades, thus affecting Benicia and future planned infill development. Hence, the *totality* of parcels cited for potential future infill, inclusive of those parcels previously permitted under the existing HE, must be analyzed.

— The DEIR must describe and discuss the case in which development would occur on ALL available parcels cited by the HEU, and, the effects of permitting SB35 projects for maximum density infill without CEQA review as allowed under current iteration of the SB35 law. Concomitantly, the DEIR should explain how implementation of the CVAU's recommended policies and strategies for addressing climate impacts would condition all future reviews of particular individual infill development projects, including applications submitted under SB35 for maximum density infill projects, which require building at least 10% affordable, (low to very low income) units, and how such proposals may entail, depending on the infill site location, environmental justice concerns.

— The DEIR must discuss the effects of rezones should the CVAU's recommended adaptation policies and strategies were *not* to be implemented within the next decade: *thus, the DEIR should consider whether the community at large would be able to withstand, endure and survive climate impacts of various degrees of extremes as the CVAU cites, in the event that development of all rezoned parcels would occur.*

— The DEIR should weigh not only conditions discussed in the CVAU but also entertain "black swan" events that are not envisioned by the CVAU but which are credible: such as, a case where two or more climate events happen simultaneously or consecutively in a short time frame, that when coupled with other potential natural disasters (major earthquake) within that time frame may seriously compromise the city's and residents' ability to cope effectively, especially if CVAU-recommended strategies for adaptation have not been implemented by the time of those climate calamities.

— The DEIR must describe and discuss potential cumulative impacts related to population increases whereby all residents will be under pressure to respond to increasing numbers of climate-related events impacting the city at large as projected

by the CVAU. Particular scrutiny must be given to "climate vulnerable" neighborhoods where SB35 infill projects allowing maximum density may be proposed and whereby population increases would conceivably increase demands for, and increase stress upon, existing resources and services.

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2. Regarding adoption of the Climate Vulnerability Assessment Update as the sole revision and update of the General Plan's Safety Element:

Recent scientific evidence points to accelerating rates of global warming and ramifying extreme "domino effects". Strategies recommended for incorporation in the General Plan must not be limited in the DEIR discussion and analyses to those listed in the CVAU's conclusion.

— The DEIR should consider that the General Plan's Safety Element needs to be further expanded to include more revisions, policies and strategies that go beyond those articulated in the CVAU.

— The DEIR should articulate why such further revisions are necessary. For example: The CVAU only briefly describes existing risks posed to the public associated to known sources of hazards, types and sources of airborne pollution, soil and water contamination in the lower Arsenal industrial waterfront area.

—The Safety Element Update should recommend new General Plan policies that would *measurably* better protect public health and safety from *existing and persisting* dangers, hazards and pollution sources.

For example: General Plan Goal 4.21 states "Reduce significant hazards associated with pipelines, and high voltage transmission lines." Policy 4.21.A states "Continue to implement existing adopted policies governing development near pipelines." I asked the City Attorney to have a copy of those "existing adopted policies" and was given a digital copy of protocols from 1986 written by Exxon that describe hazards that the pipelines represent, inclusive of catastrophic leaks, fires and explosions. However, there is no mention of an actual physical setback number which would guide future development. There is no map showing where the pipelines run— behind and below the north slope of the Jefferson Ridge. When I spoke to staff about why those protocols were not the basis for an "objective standard" for evaluating SB35 projects proposed for the Arsenal Historic District, I was told that GP policy 4.21.A does not state an actual figure for an allowable setback, such that the policy could not be considered "objective" for purposes of establishing a "minimum objective standard". This rejection seemed an extreme example of zealous disregard of the basic intent

of the protection provided for public safety reasons by GP policy 4.21.A, and, by contrast, zealous support for SB35 and subjective fears of challenging its strictures and lack of exemption in the case that an SB35 infill project for the Arsenal's District C would put people in harms way of major existing hazards and Valero's and Amports' industrial port facilities.

— The DEIR should describe and discuss potential climate change events that would especially impact the lower Arsenal port/waterfront area as well as downtown East Side neighborhoods in the vicinity of the waterfront and invoke those discussions for expansion of the currently proposed Safety Element Update, to ensure that impact studies will be done for ALL future residential infill where there could be risks posed to future residents by existing dangers, hazards and pollution sources in the immediate vicinity of a specific infill project site.

— Climate impacts may especially affect the health of sensitive receptors, wherein those impacts could be compounded by receptors' chronic and acute exposures to health risks and dangers that *already exist* in those particular areas of the community. [Reference: my letter dated April 9, 2022; also under "Hazards" Environmental Justice].

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3. Regarding SB35's CEQA exemption for SB35 projects:

Since 2019, I've written numerous letters to the city regarding the allowance for residential infill housing in the Arsenal Historic District as a "permitted use in a mixed use district", and have offered critique concerning the inadequacy of both the initial and amended "objective planning and design standards" [OPDS], by which all current and future SB35 projects for maximum density are to be objectively evaluated whether for the Arsenal Historic District, Downtown Historic District or other identified sites located throughout the community as identified on the HEU site inventories as "Opportunity Sites" and/or "Vacant Lands".

I understand that SB35 projects would not be part of the DEIR's impact analyses for the HEU/CVAU. I protest this proscription.

As SB35 currently stands unamended, the law lacks any nuance or allowance for exemptions for historic districts as would be the case if AB2561, sponsored by Assemblymember Tim Grayson, were to be considered and approved by the legislature. Meanwhile, the law currently diminishes and even forfeits a city's authority over land use—the very authority originally conferred by the State of California to her cities, with the proviso that a city was required to create and adopt a general plan that would incorporate the community's vision and guide its future development, e.g., goals and policies would be drafted that would express agreed upon, well-established community values.

This loss of control of land use puts a city's sustainability and well-being at stake for lack of means to seriously consider reasonable and feasible alternatives to SB 35 projects, as would be possible if such projects were to be reviewed under CEQA, e.g., in context of the HEU, with environmental studies and assessment of sticking issues; for example, traffic studies related to hazards— a safety issue that would certainly be identified, described and analyzed under a CEQA review process.

— The DEIR for the HEU/CVAU must discuss the conundrum that could foreseeably occur in which multiple sites throughout the city could be proposed for SB35 projects and win approval without CEQA review.

— The DEIR must make clear how, in the future, proposals for infill development submitted as SB35 projects will be reviewed, given that the DEIR does not focus on specific sites that would be suitable for maximum density as encouraged by SB35, and given that SB35 projects could be proposed for multiple parcels throughout the community and stir much public controversy over environmental issues, and given that there is currently no mechanism or procedure allowable under SB35 that could evaluate those real issues.

— The DEIR should suggest as part of the Safety Element Update further revisions and additions to the OPDS that could effectively help decision-makers evaluate environmental concerns raised by site locations proposed for SB35 projects.

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4. Regarding requests to amend the General Plan to eliminate residential use in the Arsenal Historic District, as pertaining to historic preservation and public health and safety:

My letter dated April 19, 2022, whose subject header was "Housing Element Update: Housing Opportunity Sites Request", remains salient to the scoping for the DEIR. In that particular letter, I call for a General Plan amendment to omit residential as a permitted use in the Arsenal Historic District/lower Arsenal area, inclusive of HEU listed parcels on the "Vacant Lands" inventory and those cited as "Opportunity Sites" for residential infill, and also, those parcels previously permitted for residential use in "mixed use districts": thus, parcels located at 1471 Park Road (categorized as a "Core Site"), and 1025 Grant Street, (labeled a "2nd Tier" site) and the parcels composing 7.9 acres on the Jefferson Ridge. My letter outlines reasons for their removal:

"Removing these parcels from consideration for infill family housing in the Arsenal would resolve decades-old sticking problems which have been [previously] publicly raised and addressed". [See further comments under CEQA topic "Hazards"]

Over the last two decades such issues were deliberated by staff, planning commission, council and the public as part of the CEQA review of the Lower Arsenal Mixed Use Specific Plan (2006-2007). They were previously raised during controversy in 1994-1995 over a large scale industrial development proposal for the Port of Benicia, submitted by Koch Industries, for a petroleum coke storage and shipping terminal facility that would serve all 5 Bay Area refineries. In the aftermath of that project's defeat, beginning in 2001, a number of housing development proposals were floated and subsequently withdrawn for residential infill in the Arsenal Historic District's National Register District C— the Civil War era "Officers' Enclave".

— The DEIR must consider removal of those specific parcels (cited above) from consideration for infill residential, and, discuss how the required RHNA numbers can be met throughout the city *without* those specific Arsenal sites designated for prospective development.

— The DEIR must identify and describe the distinctions conferred on the Arsenal Historic District and particularly District C that have not been mentioned or accounted for in the SB35 project applications for the Arsenal Historic District. I note that a general reference to the Arsenal Historic Conservation Plan is not sufficient to inform the public, since many residents have no knowledge of its contents. Staff presentations have also not used proper names, such as are used on historic maps and other official materials, such as "Officers' Enclave". Distinctions that must be named and discussed for their value to the City, state and nation: In 1936, the Arsenal earned official state landmark status; and in 1976, the National Park Service of the U.S. Dept of the Interior listed 4 subdistricts on the National Register of Historic Places, of which the area encompassing "subDistrict C" is now threatened by SB35 proposals for massive housing infill development.]

The "test" of the SB35 review process is occurring right now for special contiguous parcels located within the highly distinguished and unique core of the Arsenal Historic District: The Civil War era Officers' Enclave whose commanding officers' living quarters, surrounded by their historic landscape settings, were located along Jefferson Street. Officers' Row, within District C, as well as officers' admin buildings that border Adams St and Grant St were central to the purpose and administration of the Arsenal's command structure from 1859 until the Arsenal's closure in 1964.

— The DEIR must discuss adverse effects to the City's economic future if District C's integrity, inclusive of structures and landscapes, is sacrificed to infill housing.

— The DEIR should include economic studies that would discuss the values of preserving the Arsenal's National Register District C as the locus of future potential cultural and economic enterprises.

— The DEIR must discuss alternatives to allowing infill residential in the Arsenal, under CVAU recommendations for enhancing park amenities, and the need on the East Side for a substantial parkland for passive recreation, as the historic Jefferson Ridge open landscape settings could serve.

— The DEIR An aim of the General Plan towards the future of the Arsenal's historic core was to better utilize the Clocktower and the COQ, to support not only heritage tourism but also other cultural activities and events. Several architects specializing in historic preservation attended the June 30th PC hearing and one, Ms. Cynthia Scoggin, commented publicly that she saw the possibility here of another Fort Mason, making connection to District C with other historic Arsenal properties and the Arsenal artists' community located within the port waterfront area.

The Lower ARsenal Specific Plan failed on this count, precisely because it ignored the value of preserving District C as a district with its landscape settings, and also dismissed the existing hazards posed by Valero's and Amports' port/waterfront infrastructure and operations.

Owing to SB35, a precedent could be set if the Jefferson Ridge Project and the 1471 Park Road Project are approved based wholly on inadequate Objective Planning and Design Standards [OPDS], thus "minimum standards" that fail to acknowledge, let alone protect, the inherent cultural, historic and economic value of District C as a whole intact visible unit designed by the Army. The Officers' Enclave represents the city's legacy as an historic city.

A task force of citizen stakeholders could tackle fulfilling the vision of the General Plan as well as update the Arsenal Conservation Plan, to best reflect principles of historic preservation of District C, for enhancing all its worth to the City into the future.

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5. Regarding the need to build affordable housing:

While the serious aim to provide affordable housing is necessary and laudably noble, how can this aim be justly and equitably realized by current means, wherein, for example, SB35 projects are required to build *only* 10% affordable of the total number of units proposed for maximum density? And, since SB35 streamlined approval processes lie outside the purview of CEQA, it appears that "environmental justice issues" are given no attention by SB35, e.g. consideration of conditions of a specific location where such a density infill project could be

developed. Ergo, those projects' potentially significant impacts related to environmental justice could remain uncharacterized, veiled by SB35 proscriptions against CEQA.

The implications of SB35, and by example and precedent, how the streamlined review is being conducted for the two SB35 projects proposed for the Arsenal Historic District, are ominous for Benicia, since SB35 projects are likely to be proposed for "vacant lands" and "opportunity sites" throughout the community to fulfill RHNA numbers.

— The DEIR should identify all sites inventoried in the HEU for possible development where maximum density housing proposed under SB35 would be located and indicate the total number of "low and very low" affordable units that would be *required* to be built on those potential sites?

— The DEIR must provide conservative analyses especially where affordable housing is envisioned in the Arsenal Historic District: according to current state laws, concern for environmental justice must be paramount. According to California's attorney general, <https://oag.ca.gov/environment/justice>,

" 'Environmental justice' means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (Gov. Code, § 65040.12, subd. (e)). Fairness in this context means that the benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be borne by sensitive populations or communities that already are experiencing its adverse effects."

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6. Regarding the "underserved" East Side:

I am particularly concerned about how future anticipated increases of residential infill will improve and/or adversely impact Benicia's East Side, which is still considered to be "underserved", lacking services and amenities, as described by a City study published in 1985 on East Side conditions.

How will the full impacts to the East Side be accounted for if *ALL* projects proposed for the East Side were to be developed apropos the HEU, whether as Opportunity Sites or Vacant Lands, in addition to any and all SB35 projects approved now or in the future for the East Side?

The full scope of cumulative impacts must be addressed in the DEIR, yet how is the public to understand their scope for Benicia's East Side neighborhoods, when currently the two SB35 projects, now under review for approval — the Jefferson Ridge Project and 1471 Park Rd Project — are not by terms of the SB35 law subject to CEQA? Presumably those projects' potential impacts will be left uncharacterized and excluded from the prospective review of cumulative impacts, under *this* DEIR.

From the CVAU climate perspective, given projected increases in population, the lack of a substantial "passive recreation" park on the East Side is a glaring problem. The CVAU cites the importance of parks that provide shade and respite outdoors for residents during long hot summers. The DEIR must provide discussion of how and where such a park could be created within available open space on the East Side.

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7. Regarding opportunities and constraints on public participation in planning processes, reviews and attendant procedural problems

The presumed objective of public participation in planning and review processes is to allow the public a chance to more fully understand prospective development plans, and as well, to invite the public's voice to be heard for the benefit of possibly more nuanced and thus better decision-making, for example, to help resolve controversy toward improvements that would benefit the community as a whole and enhance community well-being. Sadly, this objective seems to have been lost on this council and staff.

Informational presentations by staff and consultants held via Zoom have appeared to be "one-way" exercises in communication. Under such circumstances, meaningful exchanges that entertain discussion of community values so necessary to good decision-making are no longer expected by the public. Yet, such decisions made especially under streamlined review of SB35 project applications will *affect the community as a whole over many years*.

Public discussion of the two SB projects' reviews has been mainly engaged through comment letters submitted to staff, with little hope of a direct response to questions raised whether orally or in writing. It has been expressed by residents of lower Jefferson Street that they had not been notified in 2021 of the existence of the several SB35 project applications for development along Park Rd and Jefferson St. or the dates when those projects would be reviewed by the planning commission, nor when and how the "minimum objective standards" were drafted by which the SB35 project applications were to be evaluated. As residents of the Arsenal Historic District's most historically significant street of Officers' Row, they do not understand how it is that they were not notified of the potential for such massive changes to the historic district that would effectively obliterate its character and distinction as a district as well as completely alter the character and living conditions of lower Jefferson St. neighborhood, especially with regard to increases in population, traffic hazards, parking and evacuation in the case of major accidents or natural calamity.

I will be submitting an Addendum specific to other issues of public participation bearing on my own personal experiences over the last year and a half, as well as of other members of BAPT.

Specific CEQA topics

Project Description:

Natalie Macris states,

"The EIR project description should describe the total development potential of the draft Housing Element, not just the newly identified "housing opportunity sites" that are the focus of the NOP. If the draft Housing Element includes Arsenal sites that the existing Housing Element designates for housing, such as the sites on Jefferson Ridge, the EIR must consider the environmental impacts of housing development on those sites, including the full range of hazards and the impacts on the National Register-listed Benicia Arsenal Historic District and other cultural resources".

There have been 20 years of controversy surrounding various applications for residential infill development along the Jefferson Ridge in National Register-listed District C.

—The DEIR must discuss conditions for future residents If all potential infill sites were indeed to be developed within the boundaries of the Arsenal Historic District, (the on Jefferson Ridge, at Park Rd and Grant St) and how upwards of 500 residents including children, seniors and "sensitive receptors" would be living in harms way, in close proximity to serious existing hazards and pollution sources.

— The DEIR must identify and describe the topography of the Jefferson Ridge: its very steep, fire-prone slopes and currently their easy accessibility to public intrusion, which presents a real danger as an attractive public nuisance, given that there is still no secure fencing along the entire upper perimeter of the Ridge.

— the DEIR must describe the locations, types and features of existing refinery infrastructure in very close proximity to the Ridge and provide readable maps for visual understanding of port infrastructure, which include:

6 active refinery pipelines running along the base of the Ridge on its north side and angling up at Army Point, where they cross Bayshore Rd and tie into Valero's hazardous tanker dock and port infrastructure; high voltage power lines; Valero's petroleum coke storage terminal and operations including petcoke trains' offloading site.

Aesthetics

Ms Macris states: *"Housing development on Jefferson Ridge and elsewhere in the Arsenal would substantially affect scenic vistas and public views of the Benicia Arsenal Historic District and the Carquinez Strait, as seen from public vantage points such as the City-owned Clocktower and Commanding Officer's Quarters. The EIR should evaluate these impacts (see California Environmental Quality Act [CEQA] Guidelines Appendix G, Items I(a) through I(c))."*

Over the past year and a half, numerous letters sent to the City by Jane Lauder King, Don Dean, Natalie Macris, Steve Goetz, Belinda Smith, myself and others have outlined the need to protect and preserve the Arsenal Historic District's aesthetic character and specific qualities. Of special concern, and under threat of housing developments, are parcels on the Jefferson Ridge that are the landscape settings purposefully designed by the Army to grace and buffer the Civil War era officers' mansions of NATIONAL REGISTER DISTRICT C. [Figure 3, Arsenal Conservation Plan].

— The DEIR must evaluate the potential loss of open space on the Jefferson Ridge within District C, as relevant to the historic character and integrity of the district as a whole, as listed on the National Register of Historic Places. The landscape of the Jefferson Ridge represents the last and ONLY green open space within the lower Arsenal, and for that matter, the entire East Side of town. The ambience of that landscape/open space is aesthetic and beneficial from the perspective of community health and well-being. Protection of local natural habitat in the lower Arsenal industrial area is an aesthetic as well as an environmental benefit.

The historically significant aesthetic components and features of National Register District C are not limited to appearances of historic structures (the Clocktower Fortress, Commanding Officers' Quarters, Lieutenant's Quarters, Officers' Duplex, Command Post and Guard House).

— The DEIR must describe the spatial relations expressed by the Army's layout of their Officers' Enclave, which includes landscape settings that must be acknowledged as "cultural landscapes" as intrinsic to the visual appearances and organization of the Enclave, which was established as part of the Arsenal's expansion ordered by President Lincoln at the onset of the Civil War. (see Cultural Landscape Foundation < <https://www.tclf.org/>>

— The DEIR must describe the historic purposes, social uses and environmental benefits of the landscaped Ridge as designed by the Army, and enjoyed and appreciated by commanding officers, along with their families living District C's Officers' Row, and visitors to the Arsenal.

— The DEIR should describe current uses of the Jefferson St landscape/open spaces as "parkland"— the only substantial open 'green' space on the East Side that provides pleasure and respite to residents and visitors to the District.

Air Quality:

Ms. Macris states: "*Residents of any future housing at the Arsenal would be "sensitive receptors" for air pollution from immediately adjacent heavy industrial uses, including the Valero refinery and Port of Benicia operations. The EIR should evaluate the potential for housing development at the Arsenal to "expose sensitive receptors to substantial pollutant concentrations" (see CEQA Guidelines Appendix G, Item II(c)).*"

The lower Arsenal/industrial port waterfront area is a source of various airborne pollutants, including PM2.5 from petcoke dust and fires. (Most recent example of pollution source of toxic PM2.5 smoke: the fire, April 9th, that first consumed the conveyor belt carrying petcoke from storage silos to the hopper that pours coke into coke ships' hulls, and by which embers spread in high western winds that then ignited the eastern stretch of the dock, consuming its creosote-soaked pilings.) Had the wind been blowing from the original fire at the conveyor built toward land, grass fires could have been ignited by embers blown to the surrounding area including the Jefferson Ridge. Evacuation would have been called.

The CVAU considers air quality impacts resulting from increasing dangers of inhaling "fire smoke" coming from urban/wild land interface areas that contain smallest particulates that may be composed of toxic metals, VOCs and other urban-related gases from burning structures; especially chronic exposure risks during extended fire seasons. The CVAU also considers impacts of having to endure prolonged heatwaves with temperatures rising to 100+ degrees.

— The DEIR must describe and evaluate climate events that would contribute to existing air quality conditions on the East Side, and that would foreseeably affect future residents of the Arsenal Historic District, among whom would be sensitive receptors who may already suffer chronic exposures to airborne toxic emissions released from multiple sources in the lower Arsenal and port area, including from tailpipe emissions from vehicle traffic along roadways and ships in port and traveling along the Strait.

— The DEIR should include descriptions of "Particulate Matter" at smallest particle sizes and their impact to human respiratory and circulatory systems and functions. Data from Purple Air monitors located in Benicia should be cited as sources of specific information on air quality at any given time of day or night. Descriptions and toxicological characteristics of PM should be referenced as provided by CAL-EPA's Office of Environmental Health Hazard Assessment [OEHHA].

— The DEIR should describe the new independent "Benicia Community Air Monitoring Program" and its recently launched air monitoring station located along Bayshore Rd., and how data collected can be readily accessed by the public at beniciacommunityairmonitoringprogram.org

Cultural Resources:

Ms. Macris states: "*Housing development at the Arsenal, particularly on Jefferson Ridge, would significantly affect the Benicia Arsenal Historic District, a district of local, state, and national significance that is listed in the National Register of Historic Places. In addition, development there could affect as-yet unknown historical and archaeological resources, the potential for which has been documented in previous studies (August 21, 2006 "Report on the History of Vacant Properties Located on Officers' Row at The Benicia Arsenal" by Nancy*

E. Stoltz, AIA, AICP and July 2007 Lower Arsenal Mixed Use Specific Plan Public Review Draft EIR by LSA Associates). The EIR should thoroughly investigate and evaluate these impacts (see CEQA Guidelines Appendix G Items V(a) through V(c); see also CEQA Guidelines Section 15125(c))."

In previous general comments and under "Aesthetics" I've referenced the value, both cultural/historical, social and environmental of the Arsenal Historic District and especially regarding the specific, still visually intact 19th century feel and character of National Register District C's Officers' Enclave, and how panoramic sight lines across the District to the Strait and between historic mansions and related admin buildings make clear the purpose of the original design layout of the Enclave.

— The DEIR must describe the character, visual landscape features, sight lines and ambiance of District C and what would be lost if those inherent, original features and characteristics are visually lost to density housing infill.

— the DEIR must describe the objective meaning of "integrity" as used in the phrase "integrity of District C" with relation to the value of preserving original landscape settings as integral to the design of the Officers' Enclave.

— The DEIR must weigh the adverse impact to District C in the event of infill development on the Jefferson Ridge, which would cause the loss of a the vision enshrined in goals and policies of the General Plan for its protection as a heritage site and how loss of such a beneficial legacy asset will be affect Benicia's identity as as an "historically important early California city" on the Strait, thus, as the specific site of the US Army presence for more than a century since 1847— a place of history-making events in the past through major 20th century wars.

— The DEIR must consider the promise of the Arsenal legacy as represented by its most distinguished National Register District C, and discuss alternatives that would avoid the destruction of its original characteristic, expansive landscape settings that lie between and across from the historic mansions: the COQ, Lieutenant's Quarters and Officers' Duplex.

Hazards

Ms. Macris states: "Housing development at the Arsenal would place residents in an area that has been in heavy industrial use for decades. Potential hazards include industrial accidents, unremediated hazardous materials in soil or groundwater, and problems with emergency response and evacuation. Parts of the Arsenal, including Jefferson Ridge, are also located in or near wildland/urban interface fire hazard zones identified in the May 2022 Benicia Community Health and Safety Element Update Climate Change Vulnerability Assessment Report. Developing housing at the Arsenal would exacerbate these hazards, and therefore the EIR must evaluate these impacts (see CEQA Guidelines Appendix G Items IX(b), IX(d), IX(f), and IX(g))."

Valero's port facilities and operations are sources of airborne pollution [PM2.5], soil contamination from petcoke dust in the surrounding area and petcoke pollution in the Strait. Pollution is also generated by auto detail shops, a machine shop, and daily and constant truck, ship and vehicular traffic especially associated to Amports car import business and Valero's shipping operations. Uncertainty surrounds what hazards and contamination from previous Army uses in the lower Arsenal and port area may remain *even after* certain ordered removal and cleanup actions have been taken by CalEPA's Department of Toxic Substances Control.

— The DEIR must identify all sources of toxic pollution. In the event of major fires, potential explosion or other routine toxic releases, such as from the loading procedures at the petcoke terminal facility.

— The DEIR should make clear that no real estate disclosure statement would exempt or protect surrounding businesses and port facilities from their liability nor residents from harm caused by industrial users. "Buyer beware" warnings in the fine print of a real estate contract should not be the cornerstone of a planning decision to permit infill housing in close proximity to dangerous port related facilities. General Plan guidance in the Safety Element should be protective of human health and safety and be updated to more fully characterize and describe existing hazards and pollution in the industrial port waterfront area.

— The DEIR must sufficiently analyze all foreseeable and potentially significant environmental impacts that would affect future residents of the Arsenal Historic District should projects win approval. The analyses must describe all reasons for the perceived incompatibility of residential and industrial uses, inclusive of liability issues related to industrial port operations as sources of hazards, air, soil and water pollution, as well as other nuisances and disturbances, including light and noise pollution.

— The DEIR should enumerate and discuss the foreseeable health and safety risks that future residents would be exposed to on a daily basis living in close proximity to multiple hazards and pollution sources in the surrounding lower Arsenal/port waterfront area.

— The DEIR must integrate analyses of issues cited above in relation to foreseeable climate events in the area of the lower Arsenal waterfront area and Arsenal Historic District that could impact stability of the Jefferson Ridge's steep, uneven slopes, roadways and other services and vulnerable infrastructure (Grant Street overpass) affecting multiple uses in the area.

— The DEIR must describe and discuss the the issue of "incompatibility" in the lower Arsenal/port waterfront area and how residential and industrial uses in that area present a special case within the city as a whole and provide explanatory background to how residential use became allowable as part of the newly adopted General Plan on June 15,1999.

For 3 years In the mid 1990's, the General Plan Oversight Committee, [GPOC] took up the task assigned the committee to draft a completely new general plan. GPOC was comprised of 17 council-appointed members representing a broad spectrum of stakeholders, including attorneys for Exxon and Benicia Industries, the then owner of the Port of Benicia. The final draft GP was accomplished successfully through a consensus process. The GPOC had rejected inclusion of "residential" as a permitted use within designated "mixed use" areas of the lower Arsenal within the boundaries of the Arsenal Historic District for reasons of the perceived incompatibility of uses of residential and industrial, and the likely adverse effects of encroachment of residential into the designated industrial/port waterfront area. However, when the draft General Plan was considered by the city council for adoption on June 15, 1999, the then mayor advocated for one amendment: to permit residential use in the historic Arsenal and Downtown mixed use historic districts. The General Plan was adopted with that new provision. It was 4 months later when 7.9 acres of parcels on the Jefferson Ridge within National Register District C were privately purchased, presumably because of the potential increase in land value owing to the newly permitted residential use for those newly acquired parcels. The prospect of allowing residential use would trump the historic district's zoning, which remains "office/commercial".

— The DEIR must describe the trade-offs, compromises and adverse impacts that would occur to current CO zoning uses along the Jefferson Ridge.

Land Use and Planning:

Ms Macris states: "The EIR should evaluate the potential for housing development at the Arsenal to conflict with plans, policies, and regulations that were adopted to avoid or mitigate environmental effects (see CEQA Guidelines Appendix G Item XI(b)). These include Benicia General Plan and Arsenal Historic Conservation Plan policies for protection of the Arsenal Historic District and avoidance of air pollution, noise, and other hazards.

The Arsenal Historic Conservation Plan [AHCP] was created and adopted in 1993, to help guide the future preservation of the Arsenal Historic District and its National Register

subdistricts that had been distinguished in 1976 by the National Park Service, by their listing on the National Register of Historic Places. Unfortunately, the AHCP has never been updated since its adoption in 1993. Confusions, contradictions and gaps in its texts and even on its maps (confusion around road names) have affected how staff has described historic elements of the Jefferson Ridge's Officers Row, which blithely assume that the character and integrity of elements of the Officers' Enclave would be preserved as long as a few sight lines are protected and original structures (mansions) are not damaged. In fact, Ms. King's letters fully describe the numbers of corrections and descriptions in the AHCP that would more clearly tell why the staff's descriptions and assumptions are hopelessly amiss and how, by virtue of such assumptions, the original character and character of the Officers' Enclave as a whole intact *district* would be utterly destroyed by current SB35 proposals for infill development.

Numerous letters submitted to the City by Ms. Jane Lauder King of Kennebunk Maine, a former resident of Benicia until 2004, played a critical role in 2001 challenging the first infill housing proposal slated for development on the Jefferson Ridge in 2001. Ms. King was then a member of Benicia Arsenal Task Force. Over the last two years, she has participated as a member of the Benicia Arsenal Park Task Force, to insist that the best uses of the historic open spaces/cultural landscapes of District C would be an Arsenal Park. As a retired civil engineer, and still active historic preservationist and realtor who had worked in those capacities during her time living in Benicia, Ms. King remains closely engaged with issues of preservation of the Arsenal's most prized District C. Her letters assert the urgent need for updating and correcting errors, confusions and oversights of the AHCP that should clarify staff's, council's and planning commissions decision-making and help public understanding of the intrinsic value of preserving District C.

— The DEIR must acknowledge that the Arsenal Historic Conservation Plan has not been updated since its adoption in 1993, and how that fact of neglect has inadvertently or intentionally influenced decisions for approval for residential use within the Arsenal Historic District, when that use was inserted in the draft General Plan on the eve of its adoption, June 15, 1999. [See background provided on this GP amendment under "Hazards"]

Recreation:

Ms Macris states: "Housing development at the Arsenal would place new residents in an area of town that even today does not have enough parkland. The EIR should therefore evaluate the potential impacts on existing parks and other recreational facilities, and the need to expand these facilities or provide for new parks and other facilities (see CEQA Guidelines Appendix G Items XVI(a) and XVI(b))."

Unfortunately, the drafting of the update for the Parks and Open Space Master Plan, inclusive of recommended revisions, is not in synch with the planning schedule associated

to the Housing Element and Safety Element update review processes. The existing Parks Master Plan identifies a site suggested but abandoned for unspecified reasons in 2005, for a "Clocktower Park" to possibly extend from just east of Clocktower toward the Commanding Officer's Quarters.

Members of the Benicia Arsenal Park Task Force have suggested that such a park should be established and further extend to include the heritage cultural landscapes/open spaces still existent on the Jefferson Ridge. This would create a substantial park for passive recreation that the East Side of Benicia has truly lacked for years, and creating such a natural site for parkland would effectively preserve the original character and integrity of the layout of the Officers' Enclave— District C.

—The DEIR should identify and consider the specific advantages and benefits of creating a park on the Jefferson Ridge, as an alternative to allowing residential infill on the Jefferson Ridge.

—The DEIR should discuss how the scale of such a park begs to be inclusive of historic and cultural landscapes, and why "pocket parklets" designed for residents of infill developments proposed under SB35 for the Jefferson Ridge and Park Rd do not qualify as "substantial parkland" that would be fully protective of the original character, design and layout of District C.

Transportation:

Ms. Macris states: "The EIR should evaluate potential traffic hazards due to the incompatibility of housing with existing heavy industrial uses, and the potential for inadequate emergency access at the Arsenal (see CEQA Guidelines Appendix G Items XVII(a) and XVII(b))."

I have submitted many letters describing the considerable significant hazards that represent a liability for residential uses and that represent key incompatibilities between residential use and industrial uses in and around the Arsenal Historic District and port waterfront area. Traffic hazards are of paramount and immediate concern should residential infill, that would allow for upwards of 400+ new residents and their cars on the Jefferson Ridge, as posed by SB35 applications for the Jefferson Ridge Project and the 1471 Park Rd Project.

— The DEIR must describe and give specific traffic condition hazards with maps and photos to illustrate the liability risks to public safety: blind curve on steep slope of Park Rd intersecting at Jefferson St without a stop sign for pedestrian crossing; regular industrial truck traffic up and down Park Road day and night wherein Park Rd serves access to the Benicia Industrial Park, Amports parking lots, and Valero refinery.

— The DEIR must discuss evacuation plans as related to the area's roads that provide egress from the area during foreseeable emergencies in the area such as from port

area fires, grass fires on Jefferson Ridge slopes, etc. and other potential for catastrophic events, such as pipeline leaks, ruptures and explosions, as outlined in pipeline protocols in possession of the City that were drafted in 1986 by Exxon. Access and egress routes from the port area and from the Jefferson Ridge must be evaluated for the time it would take potential future residents of the Jefferson Ridge, existing residents of Jefferson St as well as employees in the lower Arsenal and the arts community to evacuate the general area onto Military East, under various scenarios, including climate change impactful events.

Tribal Cultural Resources

"Ms Macris states: "Based on the Arsenal's high likelihood of containing archaeological resources, the EIR should thoroughly investigate and evaluate potential impacts on tribal cultural resources (CEQA Guidelines Appendix G Item XVIII(a))."

The public needs to know what efforts have been made to contact tribal leaders with regard to "likely inhabitation" of the Jefferson Ridge for millennia by native peoples. Randi Scott, an experienced forensic archeologist and resident of Benicia could assist with such research.

—The DEIR must acknowledge that, right now, any decision made about whether or not there remain buried tribal cultural resources cannot be verified without evidence and written proof of sampling and forensic evaluation.

Alternatives

Ms. Macris states: "The EIR should include an alternative that does not designate housing at the Arsenal. This alternative will be important for showing how the City can meet its housing needs while avoiding the hazards, damage to a National Register-listed historic district and other cultural resources, and other impacts of allowing housing at the Arsenal."

— The DEIR must evaluate the option to create parkland on parcels now in private hands now proposed under SB35 for infill residential. Options for purchase of those parcels should be considered by the City to create an Arsenal Park to benefit preservation of our National Register District C.

— The DEIR should describe and characterize the cultural and social value of creating such a park as an amenity benefiting the East Side, and how such a substantial park would serve as destination and starting point for heritage tours of the Arsenal Historic District as well as of the Delta Heritage Corridor established by Congress.

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Thank you for your considerable time in reading my copious comments. I hope they will be useful in developing the DEIR.

Respectfully,

Marilyn Bardet