

Advantages for All Parties and a Rough Timeline for Development

The world is turning to sustainable development out of necessity. In the 21st century, even small town Benicia must do its part to decrease its carbon footprint. A new plan for Benicia's Green Gateway Business Community could do exactly that with walkable streets, a plan to disburse the retail commercial throughout the project, green technology, and a focus on urging people to utilize alternate ways of getting to work. The vision stresses maintaining increased acres of open space, thereby protecting more habitat and streams and grading less, reducing our carbon footprint by keeping as much undisturbed land as possible. A new plan would conform to state law AB 32, requiring all cities to reduce their carbon footprints to 1990 level by 2020. The Green Gateway Business Community vision is a better model for Benicia and the 21st Century.

A new plan could probably be completed faster than the current project that will be denied. If Seeno decides to sue Benicia for denying the project, it will be tied up in court longer than it would take for the developer to jump on the bandwagon and build a new Green Gateway Business Community. Surely time is important to the developer. Additionally, information from legal experts and those who have monitored the EIR and approval process in Benicia, including the lengthy record of citizen and professional critique, indicates that the City's defense in a suit by Seeno is almost assured of holding, based on CEQA findings, the General Plan inconsistencies, and many other factors.

A rough timeline for a new project could look like this:

October 2008 - Deny the current project based on findings.

October 2008 - February 2009: Start the Specific Plan Process: Direct Staff through a resolution to establish a Specific Plan for Benicia Green Gateway Business Community, convening a stakeholder group consisting of 15 members:

- 3 planning commissioners (chosen by PC),
- 2 EDB members (chosen by EDB),
- 10 public members, 2 chosen by each council member

The Specific Plan Stakeholder Group would review planning principles for LEED-ND, LID, smart growth and R&D campus criteria, staff conditions of approval, alternative site plans and/or specific plans from others, and through as many workshops as necessary, prepare and recommend to Council a Benicia Green Gateway Business Community Specific Plan and a draft Site Plan (map) in 90 days. The process is intended to be collaborative and consensus facilitated.

Direct staff to solicit Request For Proposal for the supplemental EIR concurrently.

The Stakeholder Group process should be facilitated by a skilled mediator, possibly from Sacramento State, Center for Collaborative Policy (see their website, www.csus.edu/ccp, for list of projects they have facilitated.) Another option would be the consultants Dyett and Bhatia who have skillfully led the community of Brisbane through its Specific Plan process for their proposed Brisbane Baylands project (600 acres, industrial/commercial).

February - April 2009 - Draft supplemental EIR, which is intended to cover future projects and should be at a level of detail to meet the requirements. Hold public hearings for supplemental EIR and specific plan. Direct staff to prepare incentive program to expedite future application for new project.

April 2009 - Certify supplemental EIR and adopt specific plan.

April 2009 - Process new application and determine consistency with specific plan. Based on supplemental EIR, no additional environmental review is required and initial study will confirm this.

May - June 2009 - Public hearing by Planning Commission and City Council, approval and entitlements by June, 2009.

June 2009 – March 2010 - Tentative map filed, assessment districts established, grading plans reviewed and approved.

April 2010 – Begin construction.

Perhaps the new Green Gateway Business Community vision could help the city avoid a lawsuit altogether. If the developer knows that we are intent on a new Specific Plan AND that it would save time in the long run, why would they not consider it, especially if the city is very cooperative in providing financial incentives and incentives to expedite approval.

Pride in our City will be enhanced in many ways. We will feel that Benicia is leading the way in green technology in Solano County. We will all be proud of the fact that we have worked together in a project and reached a common goal. We will improve the quality of life in Benicia by being sure that the downtown is protected, that this large development will provide a myriad of choices for Benicians to seek employment and that the 2nd Street and Lake Herman Road exits off 680 will be attractive and well kept. The Council and citizens can be proud that we set high standards and expectations to which the developer must conform.

There is another possible benefit to the new approach; an opportunity for Seeno to build a reputation of teamwork and cooperation with cities. It could also begin its own foray into green tech, finding that it will be a desirable and profitable approach to cities in which it owns property, thereby becoming appropriate to the 21st century.

This new Green Gateway example is a beginning, and provides the Council with an outline of the genesis of a new process. It will take time and effort on the part of the Council and all stakeholders. The more stakeholders that participate, the more consensus there will be in the end. The more consensus, the more enthusiasm for the final product.

The new plan will be a better solution for Benicia.

Advocating that Benicia Undertake Development of a Specific Plan

Everyone agrees that any development in Benicia must conform to Benicia's General Plan. California law provides for a method by which communities can focus on planning and development in a particular neighborhood or boundaried parcel, utilizing what is called a Specific Plan. (See appendix A, About Specific Plans.)

A Specific Plan is simply a subset of a community's General Plan. In much the same way as a General Plan, the Specific Plan is written by citizens and interested parties over a period of time, and adopted by the local governing body, in our case, the City Council. It then becomes binding, and is backed by State of California law.

A Specific Plan sets out the guidelines and protections of the community at large, and offers a developer clear requirements and a visionary model for land use, distribution and construction on the property.

A final Specific Plan can be a rather lengthy and technical document, involving careful analyses, professionally designed maps and financial modeling. Costs for gathering input and producing a Specific Plan can be substantial, **and can by law be recouped by the City as fees levied on the landowner/developer and those who purchase and build in the area covered by the Specific Plan.**

The Green Gateway Group strongly urges the preparation and adoption of a Specific Plan as the only way to properly plan for a 21st Century development the citizens of Benicia can be proud of, and the only way to require conformation to California's new AB32 challenges. It is regrettable that this step has not been taken heretofore, but that is no excuse for not undertaking it now. Any development of this size and significance in Benicia will surely impact our community -- and the Bay Area -- far into the future. We must take every precaution to ensure that the planning is first class, and that the project itself will help reduce our city's carbon footprint.