

Sept. 30, 2008

Dear City Council Members,

The EIR Addendum to the proposed Benicia Business Park states that the project will cause "significant unavoidable air quality impacts that cannot be reduced to a less-than-significant level" by any of the proposed mitigation measures. Specifically, it will cause "long-term project-related emissions from traffic which would exceed the BAAQMD thresholds of significance for ozone precursors." (Ozone is a serious public health risk, and Benicia already has higher levels of ozone than most communities.)

Because the applicant claims they cannot provide mitigations to reduce those emissions below BAAQMD thresholds, CEQA law will require you to sign a Statement of Overriding Considerations if you choose to approve the project. You must affirm in this statement that the economic benefit of the project to the city's tax base and job supply (75% jobs for out-of-town employees) is so great that it "outweighs the unavoidable adverse environmental effects."

In addition, CEQA law requires that your claims of significant economic benefit "must be based on substantial evidence in the administrative record." But the problem is, there has been NO economic analysis performed on the revised 2008 version of this project that would provide that substantial evidence and reliably quantify those glowing economic claims.

I know that all of you are deeply committed to your fiduciary responsibilities and to preserving Benicia's health and quality of life, so I can't understand why any of you would consider signing off on that Statement, and permanently impairing our air quality and public health, when its claim of significant economic benefit is based on sheer speculation.

In fact I was surprised and dismayed that the Council has never once spent any time reviewing the now outdated (2005) economic analysis (which was based on a former and much larger version of the project), and asking the developer to explain and defend its sources of data, assumptions, and projections in the light of today's dire economic climate.

Before signing that Statement, I hope that you will require Seeno/Discovery Builders to produce a new economic analysis to support its glowing revenue claims, one based on their current (smaller) version of the project and on current economic data and projections. Or better yet, since the developer negligently omitted an updated economic analysis from the documentation for the current project, I hope you will simply refuse to sign the unsupported Statement of Overriding Considerations, and thereby deny approval of this poorly designed project.

Sincerely,
Norma Fox

PS. Project denial would not be the end of the project. Instead, it would finally open the door and allow a fresh start for the developer to work with the City and the community on a new vision for the project, clearly outlined in a detailed Specific Plan. Many details of the community's vision have already been thoroughly described throughout the approval process by many individuals and groups (most recently in a detailed document posted at www.greengatewaygroup.org), so the developer would not have to start over with no ideas and a blank slate.

September 30, 2008

Dear City Council Members,

In the Statement of Overriding Conditions that LSA Associates prepared for the Benicia Business Park EIR, they state the following:

4.1 AIR QUALITY

Impact AIR-2: Long-term project-related "regional emissions" would exceed the BAAQMD thresholds of significance for ozone precursors.

[I might add, there is nothing "regional" about the direct impact those ozone precursors would have on increased levels of ozone here in Benicia.]

They go on to propose Mitigation Measure AIR-2:

"The BAAQMD CEQA Guidelines identifies potential mitigation measures for various types of projects. The following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the project."

They then list several mitigations that they will implement which are suggested by the BAAQMD CEQA Guidelines, such as benches and shelters for transit facilities, bicycle lanes, sidewalks, and a Trip Demand Management measure such as a ride-matching program.

Following that list of mitigations, they state that those measures will not be sufficient to reduce ozone precursors to levels below BAAQMD significance threshold. They claim "there is no mitigation available with currently feasible technology to reduce the project's regional air quality impacts to a less than significant level." And based on that claim of no other mitigation available, they are asking you to this extremely harmful air quality impact by signing the Statement of Overriding Considerations.

But an important mitigation measure which is suggested by the BAAQMD CEQA Guidelines is missing from their list of measures that they will implement. That is the provision of a "shuttle service to transit stations" and the establishment of "mid-day shuttle service from worksite to food service establishments." This is a mitigation that is available and feasible and very effective. Lawrence Berkeley Lab has been using this measure for years in Berkeley (ALL of it paid for by the Lab, including the wages for the bus drivers). It has dramatically reduced vehicle traffic at the Lab because it is, free, frequent, convenient, and because parking space for private cars is extremely limited.

Please note that our General Plan program 4.10.B states that the City shall require that projects with significant air quality impacts must include all feasible mitigation measures needed to reduce impact to less than significant levels.

Since Discovery Builders is not willing to include this mitigation measure, please do not sign the Statement of Overriding Considerations !

Thank you,
Norma Fox

[You can see the BAAQMD CEQA Guidelines at the following link; of particular note is Table 15, on pg.65... http://www.baaqmd.gov/pln/ceqa/ceqa_guide.pdf]