

MINUTE ITEM  
Calendar item No. 21  
was approved as Minute Item  
No. 21 by the State Lands  
Commission by a vote of 3  
to 0 at its 5/5/92  
meeting.

CALENDAR ITEM

A 4  
S 2

**C 2 1**

05/05/92  
W 24738 PRC 7625  
PRC 2256  
PRC 2684  
PRC 5345  
PRC 5738  
N. Smith

ISSUANCE OF A GENERAL LEASE - PUBLIC AGENCY USE  
AND ACCEPTANCE OF QUITCLAIM DEEDS  
FOR LEASES PRC 2256, 2684, 5345, AND 5738

**APPLICANT:**

Redevelopment Agency  
City of Suisun  
701 Civic Center Boulevard  
Suisun, California 94585

**AREA, TYPE LAND AND LOCATION:**

A 12±-acre parcel of tide and submerged land in Suisun  
Slough, City of Suisun, Solano County.

**LAND USE:**

Demolition of existing 144 operating berths and construct an  
150 open-berth commercial marina with a fuel dock, sewage  
pumpout station and public promenade.

**TERMS OF PROPOSED LEASE:**

Initial period:  
Thirty (30) years beginning May 1, 1992.

**Public liability insurance:**

Combined single limit coverage of \$1,000,000.

**Consideration:**

\$250 per annum for first two years in recognition of  
the costs of demolition and construction; then \$11,900  
per annum; six percent (6%) of gross income per annum,  
whichever is greater, with the State reserving the  
right to fix a different rental on each fifth  
anniversary of the lease.

(ADDED pgs. 177-177.40)

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CALENDAR ITEM NO 021 (CONT'D)

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003.

**APPLICANT STATUS:**

Applicant is owner of upland.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee and processing costs have been received.

**STATUTORY AND OTHER REFERENCES:**

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

**AB 884:**

08/24/92

**OTHER PERTINENT INFORMATION:**

1. As part of a multi-phase redevelopment project, the City will demolish 144 existing berths and construct 150 open berths along both sides of the Suisun Slough. This project will also include dredging up to 2,500 cubic yards of material from the Slough, with disposal either in the adjacent upland areas of the project site or at the Potero Hills disposal site. removal of 40,000 cubic yards of fill along the shoreline with disposal at Potero Hills and maintenance dredging of up to 12,900 cubic yards every sixth year with disposal at Pierce Island.
2. The proposed project includes existing State Lands leases PRC 2256, 2684, 5345, and 5738. Staff has determined that quitclaim deeds should be accepted for leases PRC 2684 and 5345 upon execution of this lease because they are located wholly within the proposed lease premises. As to PRC 2256 and 5738, quitclaim deeds will be accepted upon completion of demolition because they are not included within the proposed lease area. The Redevelopment Agency is the current lessee.
3. The proposed lease will allow a limited and controlled mooring of a maximum of seven (7) navigable vessels used as a residence on the lease premises to provide

CALENDAR ITEM NO. C 2 1 (CONT'D)

security for the marina. The westerly portion of the proposed marina will be 1,350± feet in length and comprised of ninety (90) berths with accessibility by the general public. The residential berths will be placed so as to provide maximum security to this portion of the facility. The lessee will provide annually the location of the residential vessels within the marina. Also, proof of navigability of residential vessels will be required during each quarter of the calendar year. A vessel granted residential privileges must submit a log of his/her vessel's trips out of the marina and a list of the dates the holding tank pumpout station was used for each quarter of the calendar year.

4. The proposed project will also provide public access throughout the lease area.
5. An EIR, SCH 90030951, was prepared and adopted for this project by the City of Suisun City (City). The State Lands Commission staff has considered the FEIR as prepared by the City. The State Lands Commission staff has reviewed the CEQA Findings, attached as Exhibit "D", and the Wetland Impact and Mitigation Monitoring Plan, dated June 1991, on file in the offices of the State Lands Commission within the document entitled "Amendments to the Specific Plan for the Historic Downtown and Waterfront SCH 90030951 Draft and Final Environmental Impact Reports, pages 1-1 through 3-6".

With the exception of one impact, Construction Noise, all adverse impacts have been mitigated to a less-than-significant level. The City has adopted a Statement of Overriding Considerations for the short-term impact on ambient noise levels. Commission staff has reviewed the Statement of Overriding Considerations for this impact. The project will provide access to and use of the waters of the greater San Francisco Bay, provide economic benefits to the City, remove a blighted area, as well as to restore, enhance, and protect environmentally sensitive areas, including wetlands and wetland habitat, to the benefit of the flora and fauna and the public at large. This benefit is considered to outweigh the one unavoidable adverse effect. A copy of the Statement of Overriding Considerations is included in Exhibit "D".

CALENDAR ITEM NO. C 2 1 (CONT'D)

6. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**FURTHER APPROVALS REQUIRED:**

San Francisco Bay Conservation and Development Commission,  
Department of Fish and Game, United States Army Corps of  
Engineers, and Regional Water Quality Control Board.

**EXHIBITS:**

- A. Land Description
- B. Location Map
- C. Resolution 91-63, City of Suisun City
- D. CEQA Findings/Statement of Overriding Consideration

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF SUISUN CITY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE CEQA FINDINGS ATTACHED AS EXHIBIT "D".
3. FIND THAT THE CITY OF SUISUN CITY HAS ADOPTED A STATEMENT OF OVERRIDING CONSIDERATIONS FOR CONSTRUCTION NOISE IMPACTS, THAT STAFF HAVE REVIEWED THE STATEMENT AND FIND THAT, IN BALANCING THE PROJECT'S BENEFITS AGAINST ITS UNAVOIDABLE ENVIRONMENTAL RISKS, THE BENEFITS OUTWEIGH THE LEVEL OF ENVIRONMENTAL RISKS (NOISE IMPACTS) WHICH WOULD REMAIN AFTER THE APPLICATION OF MITIGATION MEASURES DISCUSSED IN THE EIR.
4. FIND THAT THE CITY OF SUISUN CITY, OR ITS DESIGNATED REPRESENTATIVE, IN CONJUNCTION WITH THE U. S. FISH AND WILDLIFE SERVICE, THE ARMY CORPS OF ENGINEERS, CALIFORNIA DEPARTMENT OF FISH AND GAME, AND SOLANO COUNTY, SHALL BE RESPONSIBLE FOR IMPLEMENTATION OF THE ENVIRONMENTAL MITIGATION MEASURES IDENTIFIED IN FEIR, SCH 90030951, AND IN THE WETLAND IMPACT AND MITIGATION MONITORING PLAN, PREPARED FOR THIS PROJECT PURSUANT TO P.R.C. SECTION 21081.6.

CALENDAR ITEM NO. C 2 1 (CONT'D)

5. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
6. AUTHORIZE ISSUANCE TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN OF A THIRTY-YEAR GENERAL LEASE - COMMERCIAL USE, BEGINNING MAY 1, 1992; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$250 FOR THE FIRST TWO YEARS, A BASE ANNUAL RENT IN THE AMOUNT OF \$11,900 FOR THE NEXT THREE YEARS OR SIX PERCENT OF GROSS INCOME PER ANNUM, WHICHEVER IS GREATER, SUBJECT TO FIVE-YEAR RENT REVIEWS, PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR THE DEMOLITION OF EXISTING 144 OPERATING BERTHS AND THE CONSTRUCT OF A COMMERCIAL MARINA, FUEL DOCK, SEWAGE PUMPOUT STATION, AND PUBLIC PROMENADE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
7. AUTHORIZE ACCEPTANCE OF QUITCLAIM DEEDS FOR PRC 2684 AND 5345 UPON EXECUTION OF LEASE FOR PROPOSED PROJECT AND ACCEPT QUITCLAIM DEEDS FOR LEASES PRC 2256 AND 5738 CONTINGENT UPON COMPLETION OF DEMOLITION OF EXISTING FACILITIES BY THE CITY AND STAFF'S DETERMINATION, BASED ON AN ONSITE INSPECTION THAT THE AREA HAS BEEN RESTORED TO A SAFE CONDITION.

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REPAGE	1254

EXHIBIT "A"

W 24738

LAND DESCRIPTION  
WEST SIDE OF CHANNEL SITE

A parcel of tide and submerged land, in the bed of Suisun Slough, Suisun City, Solano County, California lying within the following described parcel of land:

BEGINNING at the point of intersection of the easterly line of Kellogg Street and the northerly line of Morgan Street; thence Northerly, 140 feet more or less along the projection of the easterly line of Kellogg Street to a point of intersection with the projection of the northerly line of Parcel A as shown on the map entitled "Parcel Map, Division of Land into 2 Parcels, All of lots 3,7,8,9, and a Portion of Lots 2 and 6, Block 15, City of Suisun City" filed on June 21, 1971 in the Office of County Recorder of Solano County in Book 5 of PM, page 28; thence at a right angle Easterly, 95 feet along the projection of the northerly line of said parcel; thence at a right angle Northerly, 130 feet more or less to a point of intersection with the northerly line of Parcel B as shown on the map entitled "Division of Block 14 and a portion of the Northwest One-Quarter of Section 36, T5N, R2W, MDM, City of Suisun, Solano County, California" filed on October 27, 1969 in the Office of the County Recorder of Solano County in Book 3 of PM, page 82; thence at a right angle Easterly, 25 feet; thence at a right angle Northerly, 149 feet more or less to a point of intersection with a line that is the easterly projection of the northerly line of Solano Street; thence Easterly, 82 feet more or less along a line perpendicular to the centerline of the authorized Federal Channel in Suisun Slough, to a line parallel with and 75 feet westerly of the centerline of said channel, thence at a right angle Southerly along said parallel line 1,540 feet more or less to point of intersection with a line that is the easterly projection of the centerline of Walnut Street; thence Westerly, 97 feet more or less along a line bearing S 72° 23' W to a point of intersection with a line 52 feet south of and parallel with the easterly projection of the centerline of Walnut Street; thence Westerly along said parallel line, 440 feet more or less to the easterly line of Kellogg Street; thence Northerly, 120 feet more or less along the easterly line of Kellogg Street to the southwest corner of the land of Hunter Boat Company as per deed filed in the Office of the County Recorder of Solano County, in Book 172, page 462; thence Easterly along the southerly line of said land, 375 feet; thence N 12° 00' W, 960 feet more or less to a point of intersection with the northerly line of Parcel C as shown on the map entitled "Division of Block 14 and a Portion of the Northwest One-Quarter of Section 36, T5N, R2W, MDM, City of Suisun, Solano County, California" filed on October 27, 1969 in the Office of the County Recorder of Solano County in Book 3, page 82, thence Westerly along the northerly line of said Parcel C, 170 feet more or less to a point of intersection with the easterly line of Kellogg Street; thence Northerly, 40 feet more or less along the easterly line of Kellogg Street to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the westerly bank of Suisun Slough.

END OF DESCRIPTION

REVISED MARCH, 1992 BY LLB

EXHIBIT "A"

W 24738

LAND DESCRIPTION  
CITY HALL SITE

A parcel of tide and submerged land, in the bed of Suisun Slough, Suisun City, Solano County, California, lying within the following described parcel of land:

COMMENCING at the northwest corner of Parcel 1 as shown on the map entitled "Record of Survey of the Lands of the Fairfield Suisun Sewer District as described in those Grant Deeds Book 1301 OR Page 433, Book 1976 OR Page 67116 and Book 695 OR Pages 39 and 43 Official Records of Solano County" filed June 28, 1984 in the Office of the County Recorder of Solano County in Book 17 R/S Page 14; thence Easterly 115.00 feet along the northerly line of said Parcel 1 to a point which is the TRUE POINT OF BEGINNING of this description; thence due South, 240 feet more or less to a point of intersection with the southerly line of said Parcel 1; thence due West, 135 feet more or less to a line that is parallel with and 75 feet easterly of the centerline of the authorized Federal Channel in Suisun Slough; thence Northerly, 800 feet more or less along said parallel line to a point of intersection with the westerly projection of the southerly line of the Transon Street easement as shown on a Map entitled "A Division of Fairfield Suisun Sewer District Land, being a portion of Sections 25 and 36, T5N, R2W, MDM, into three Parcels, City of Suisun City, Solano County", filed August 21, 1974 in the office of the County Recorder of Solano County in Book 8 PM Page 74; thence Easterly, 185 feet more or less along said projection of the southerly line of Transon Street easement to the easterly shoreline of Suisun Slough; thence continuing Easterly, 125 feet along the southerly line of Transon Street easement to a point of intersection with a line that is parallel with and 125 feet west of the westerly line of Cedar Street extension easement as said easement is shown on said Map recorded in Book 8 PM Page 74; thence Southerly, along said parallel line 190.00 feet; thence at right angle Easterly, 103 feet more or less to a point of intersection with the westerly line of Cedar Street extension easement; thence Southerly along said easement line on a curve concave to the left, to the northwesterly corner of Parcel C as shown on said Map recorded in Book 8 PM Page 74; thence S 63° 03' 03" W along the boundary of said Parcel C, 120.00 feet; thence S 00° 37' W, 255 feet more or less to a point of intersection with the northerly line of Parcel 1 as shown on said Map recorded in Book 17 R/S Page 14; thence Westerly along said northerly line, 60 feet more or less to the true point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the easterly bank of Suisun Slough.

END OF DESCRIPTION

REVISED MARCH, 1992 BY LLB

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PAGE 1256

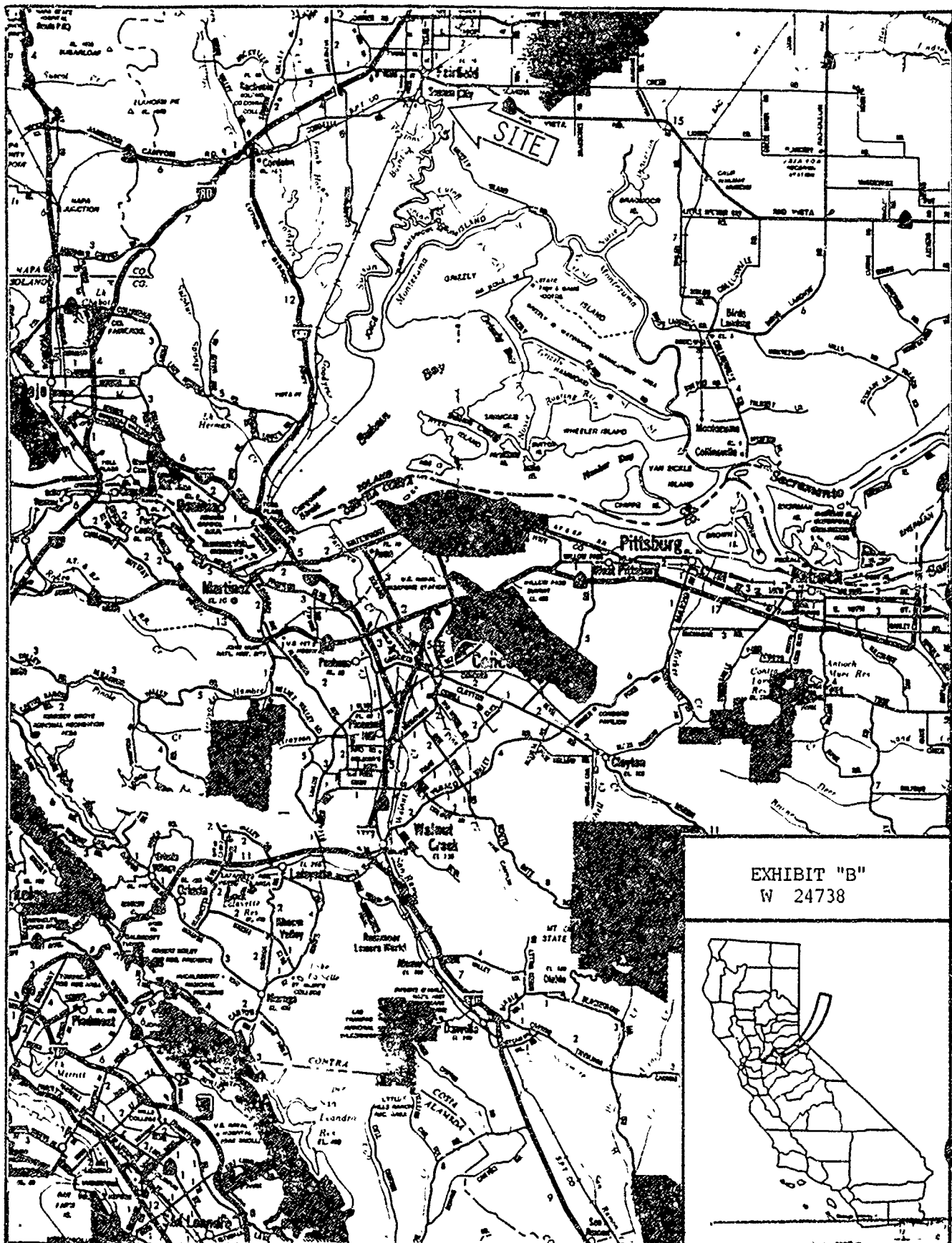


EXHIBIT "B"  
W 24738





RESOLUTION NO. 91-63

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SUISUN CITY  
CERTIFYING REVIEW AND CONSIDERATION  
OF THE FINAL ENVIRONMENTAL IMPACT REPORT,  
MAKING FINDINGS REQUIRED BY THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT;  
ADOPTION OF COMPREHENSIVE AMENDMENT TO THE  
DOWNTOWN/WATERFRONT SPECIFIC PLAN**

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9       **WHEREAS**, the City Council of the City of Suisun City (the "City  
10 Council") is considering adoption of Comprehensive Amendments to the City's  
11 Downtown/Waterfront Specific Plan, consisting of an Expansion of the area  
12 covered by the Specific Plan and various changes in proposed land uses,  
13 development standards and design guidelines (hereafter the "Amended Specific  
14 Plan"); and

15       **WHEREAS**, an Environmental Impact Report (the "EIR") on the Specific  
16 Plan Amendments was prepared by the City of Suisun City pursuant to the  
17 California Environmental Quality Act (Public Resources Code Sections 21000 et.  
18 seq., hereafter "CEQA"), the Guidelines for Implementation of the California  
19 Environmental Quality Act (14 California Code of Regulations, Sections 15000  
20 et. seq., hereafter the "State CEQA Guidelines") and the City's Guidelines for  
21 Implementing CEQA adopted on November 3, 1981, by the City Council  
22 Resolution No. 81-46 (the "Local Guidelines"); and

23       **WHEREAS**, on March 1, 1991, the City forwarded the Draft EIR to the  
24 State Clearinghouse for distribution to those State agencies which have a  
25 regulatory responsibility with respect to potential impacts of the Amended  
26 Specific Plan, and to other interested persons and agencies, and sought the  
27 comments of such persons and agencies for a period of forty-five (45) days; said  
28 comment period closed on April 16, 1991; and

**WHEREAS**, notice to all interested persons and agencies of the  
completion of the Draft EIR was published in the Fairfield Daily Republic on  
March 1, 1991; and

**WHEREAS**, eight (8) comments were received on the Draft EIR. The  
comments received and the City's responses to such comments, as well as a  
comprehensive summary of the EIR, are contained in the Final EIR, which  
document is incorporated herein by this reference; and

1991 MAR 17 12:53

1           WHEREAS, a public hearing was held by the Suisun City Planning  
2 Commission on March 12, 1991, for the purpose of obtaining additional public  
3 input on the Draft EIR; and

4           WHEREAS, a public hearing was held by the City Council on July 1 and  
5 July 15, 1991 on the Amended Specific Plan and the Final EIR respectively,  
6 following notice duly and regularly given as required by law. All interested  
7 persons expressing a desire to comment thereon or object thereto were heard;  
8 and

9           WHEREAS, the Final EIR consists of the Draft EIR (dated March, 1991);  
10 written comments received during the forty-five (45) day circulation period and  
11 responses thereto; additional comments received at the public hearings together  
12 with responses to those comments, said document dated July, 1991; and written  
13 findings and responses adopted pursuant to this Resolution; and

14           WHEREAS, the Final EIR was considered by the City Council on July 15,  
15 1991; and

16           WHEREAS, by this Resolution, the City Council, as the lead agency  
17 under CEQA for preparing the Final EIR and the entity responsible for adopting  
18 the Amended Specific Plan, desires to comply with the requirements of CEQA,  
19 the State EIR Guidelines, and the Local Guidelines for consideration,  
20 certification, and use of the Final EIR by lead and responsible agencies in  
21 connection with the approval and subsequent implementation of the Amended  
22 Specific Plan.

23           NOW, THEREFORE, BE IT RESOLVED BY the City Council of the  
24 City of Suisun City as follows:

25           SECTION 1. The City Council hereby finds and certifies that the  
26 Final EIR has been completed in compliance with CEQA and State  
27 EIR Guidelines; that the Final EIR adequately addresses the  
28 environmental issues of the Amended Specific Plan; and that the  
City Council has reviewed and considered the information  
contained in the Final EIR prior to approving the Amended Specific  
Plan.

SECTION 2. The City Council hereby identifies the significant  
effects and adopts the mitigation measures set forth in detail in the  
above certified Final EIR, in compliance with Sections 15091,  
15092, and 15093 of the State CEQA Guidelines and Section  
21081.6 of CEQA.

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SECTION 3. The City Council hereby incorporates into the Final EIR certain Amendments to the Responses to Comments proposed by the State Lands Commission, as modified and recommended by the letter from Howard Ellman to the City Council dated July 9, 1991, contained in its entirety in the attached Exhibit "A".

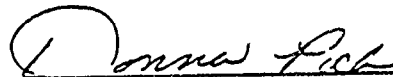
SECTION 4. The City Council hereby makes the specific findings stated in the attached Exhibit "B", in compliance with Sections 15091, 15092, and 15093 of the State CEQA Guidelines and Section 21081.6 of CEQA.

**CERTIFICATION:**

I, Donna Pock, Deputy City Clerk of the City of Suisun City and ex-officio clerk of the City Council of said City, do hereby certify that the above and foregoing Resolution was regularly passed and adopted at a special meeting of said City Council held, Monday, the 15th day of July, 1991, by the following vote:

AYES: Dodini, Sargent, Day, Rundlett, Spering  
NOES: None  
ABSENT: None  
ABSTAIN: None

WITNESS my hand and the seal of the said City this 16th day of July, 1991.

  
DONNA POCK,  
DEPUTY CITY CLERK

(agency.ctycounc.reserisp-als)

JUL 16 1991  
1250

EXHIBIT A

ELLMAN, BURKE, HOFFMAN & JOHNSON

A PROFESSIONAL CORPORATION

ONE ECKER BUILDING SUITE 200

SAN FRANCISCO, CALIFORNIA 94105

TELECOPIER (415) 495-7527

TELEPHONE (415) 777-2727

July 9, 1991

Mayor And Members  
City Council  
City Of Suisun City  
701 Civic Center Blvd.  
Suisun City, California 94585

Att'n: Mr. Camran Nojoomi, Executive Director Of  
Redevelopment Agency.

Re: Comments Of State Lands Commission To  
Specific Plan EIR.

Dear Honorable Mayor and Members:

You have before you for consideration at your meeting of July 15 the final EIR prepared in connection with the Amendments to the Specific Plan For The Historic Downtown And Waterfront ("Specific Plan"). I have been retained by the Redevelopment Agency to assist it in finalizing the EIR process in compliance with law.

As you know, the draft EIR was the subject of extensive critical comments by the State Lands Commission. The Commission's comments and the responses are included in the document that you are scheduled to consider on July 15.

Prior to finalizing the responses, your Staff sent a draft to the State Lands Commission and followed up with a meeting with Commission staff members in Sacramento.

SEARCHED 177:11  
1201

July 9, 1991  
Page 2

Although such contact is not required by the California Environmental Quality Act (or the Guidelines promulgated under it), your Staff concluded that such a meeting might serve to remove areas of potential disagreement and help establish a constructive atmosphere so that the project can be implemented in the most efficient manner.

The City's consultants drafted the final responses that are included in the document before you based upon the concerns of the Commission staff as stated at the meeting described above. As a courtesy, the consultants sent a copy of the responses to the Commission staff. A copy of the communication to the Commission staff attempting to respond to their concerns is attached.

After the proposed final EIR had been sent out, the City's consultants received the written comments from the Commission that are also attached. You can follow the flow of communication with the Commission staff by reading the attachments as a fair reflection of the concerns your Staff was attempting to address and the Commission's position on those matters. With one minor exception, I believe that the Commission's remaining concerns deal purely with matters of form and can be adopted or rejected by you without significant effect, one way or the other. I suggest that you consider them, however, as possible amendments to the final EIR or as explanations of your intent when you are

177.12  
1262

July 9, 1991  
Page 3

considering the matter on July 15.

My specific responses to the points raised by the Commission are as follows (dealing with the point raised in each paragraph of the Commission's letter in the same order):

1. All discussion of adverse impacts in EIRs deals with "potential" impacts. Thus, it should not be necessary to add the word "potential" in order to convey the necessary meaning. It does not hurt to do so, however.

2. The Commission's proposed language simply paraphrases the language of Response 13 and does not change the meaning -- with one exception. The Commission seeks to characterize your EIR as a "program" EIR for all purposes. It may be a program EIR in some cases and not in others, depending upon whether or not the facts or circumstances under which it is to be used require a supplement. Thus, to call it a "program" EIR in all cases prejudices the basic issue. If you wish, you can adopt the Commission's language, delete the word "program."

3. The proposed addition to the second paragraph of Response 15 is appropriate, albeit unnecessary in my judgement.

4. The proposed changes to Response 16 restate concepts stated elsewhere. Once again, the proposed addition may serve to clarify the response but is not

1991.13  
1263

July 9, 1991  
Page 4

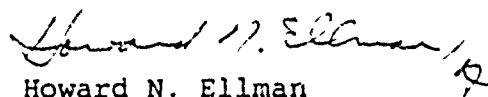
necessary.

5. The proposed addition to Response 18 states in more detail a concept that the responses already contain. It also states an obligation that the City has as a matter of law. Addition of the proposed language may add meaning and understanding for some readers by providing a specific example of how a subsequent issue may be addressed, i.e., the issue of final wetlands mapping.

If you decide to certify the final EIR, it is my view that the comments contained in the Commission's draft letter do not raise issues of sufficient import to affect the legal adequacy of your action. To avoid any question, however, you could certify the EIR with a resolution directing incorporation of the Commission's language (modified as suggested herein) as part of the responses. As a third alternative, you could order that this letter and the attachments be made part of the responses as explanatory material.

If any of this is not clear, I will be happy to attempt to answer your questions.

Very truly yours,

  
Howard N. Ellman

HNE/slf

Enclosure

177.14  
1264

STATE LANDS COMMISSION

LEO T. McCARTHY, Lieutenant Governor  
RAY DAVIS, Controller  
THOMAS W. HAYES, Director of Finance

EXECUTIVE OFFICE  
1807 - 13th Street  
Sacramento, CA 95814

CHARLES WARREN  
Executive Officer  
(916) 322-4105  
FAX (916) 322-3568

RETURN ORIGINAL

TOSS



TELECOPIER MESSAGE

DATE: 7-9-91

PLEASE DELIVER  
ASAP TO:

Howard Ellman

FROM:

Dwight Sanders / Diane Jones

NUMBER OF PAGES (INCLUDING COVER): 4

SPECIAL  
INSTRUCTIONS:

Attached is revised suggested  
language re Final EIR -  
Duquoin City

CALENDAR PAGE 15  
1295



D R A F T

July 5, 1991

Mr. Booker Holten  
EIP  
150 Spear Street  
Suite 1500  
San Francisco, California 94105

Re: Suisun Redevelopment Agency:  
Responses to Comments

Dear Booker:

I recommend the following changes to the Responses to Comments based on our conference with representatives of the State Lands Commission yesterday.

1. At the end of the first paragraph of Response No. 13, add:

"The Agency would also be required to consider additional data concerning potential the adverse impacts of the proposed action."

2. At the end of the second paragraph of Response No. 13, add:

"If the initial study disclosed significant adverse impacts that had which have not previously been analyzed or additional details concerning impacts that would allow for a substantially more refined analysis and/or consideration of additional feasible mitigation if the level of information in the program EIR is not sufficient to fully describe potential environmental impacts or to

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develop mitigation measures, a supplemental environmental impact report that focuses on these issues would be required or sufficient information would be obtained to support a mitigated project negative declaration. Additional information will be required for impacts related to soil contamination as well as potential loss of wetlands and plant species of concern. The State Lands Commission and other interested parties and agencies would have an opportunity to raise these issues and request preparation of a focused supplemental environmental impact report when conditions warranted such action."

3. At the end of the second paragraph to Response No. 15, add the following:

"Please refer to Response to Comment No. 13 for additional description of supplemental analysis that may be required."

4. Strike the word "fully" in the fourth line of Response No. 16. At the end of that response, add:

"Response to Comment No. 13 describes the process that the Agency will follow in considering future actions to implement the Specific Plan. Wherever those actions disclose additional potential impacts or where additional information is required, further environmental documentation may be required, including focused supplemental environmental impact reports in appropriate cases."

5. At the end of the second paragraph of Response No. 18, add:

"The wetlands maps will be refined as required to satisfy the affected public agencies (including the U.S. Fish & Wildlife Service and Corps of Engineers, where appropriate). As Response to Comment No. 13 describes, these refinements may result in disclosure of additional information that will require preparation of focused supplements to the EIR to consider impacts of the proposed action that have not previously been analyzed and/or additional mitigation measures suggested by the more refined information."

If you have any questions or wish to discuss any aspect of the foregoing in greater detail, please let me know.

1203

ELLMAN, BURKE, HOFFMAN & JOHNSON

A PROFESSIONAL CORPORATION  
ONE ECKER BUILDING, SUITE 200  
SAN FRANCISCO, CALIFORNIA 94105  
TELECOPIER (415) 498-7587  
TELEPHONE (415) 777-2727

June 28, 1991

VIA FACSIMILE: 243-0373

Mr. Booker Holten  
EIP  
150 Spear Street  
Suite 1500  
San Francisco, California 94105

Re: Suisun Redevelopment Agency:  
Responses To Comments

Dear Booker:

I recommend the following changes to the Responses to Comments based on our conference with representatives of the State Lands Commission yesterday.

1. At the end of the first paragraph of Response No. 13, add:

"The Agency would also be required to consider additional data concerning the adverse impacts of the proposed action."

2. At the end of the second paragraph of Response No. 13, add:

"If the initial study disclosed significant adverse impacts that had not previously been analyzed or additional details concerning impacts that would allow for a substantially more refined analysis and/or consideration of additional feasible mitigation

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Mr. Booker Holten  
June 28, 1991  
Page 2

measures, a supplemental environmental impact report that focuses on these issues would be required. The State Lands Commission and other interested parties and agencies would have an opportunity to raise these issues and request preparation of a focused supplemental environmental impact report when conditions warranted such action."

3. At the end of the second paragraph to Response No. 15, add the following:

"Please refer to Response to Comment No. 13 for additional description of supplemental analysis that may be required."

4. Strike the word "fully" in the fourth line of Response No. 16. At the end of that response, add:

"Response to Comment No. 13 describes the process that the Agency will follow in considering future actions to implement the Specific Plan. Wherever those actions disclose additional potential impacts, further environmental documentation may be required, including focused supplemental environmental impact reports in appropriate cases."

5. At the end of the second paragraph of Response No. 18, add:

"The wetlands maps will be refined as

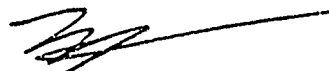
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Mr. Booker Holten  
June 28, 1991  
Page 3

required to satisfy the affected public agencies (including the U.S. Fish & Wildlife Service and Corp of Engineers, where appropriate). As Response to Comment No. 13 describes, these refinements may result in disclosure of additional information that will require preparation of focused supplements to the EIR to consider impacts of the proposed action that have not previously been analyzed and/or additional mitigation measures suggested by the more refined information."

If you have any questions or wish to discuss any aspect of the foregoing in greater detail, please let me know.

Very truly yours,



Howard N. Ellman

HNE/slf

cc: Mr. Camran Nojoomi  
Ms. Mary Berger

1271

EXHIBIT "D"

COPY

NOTICE OF DETERMINATION

TO: XX Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

FROM: (Public Agency) \_\_\_\_\_  
CITY OF SUISUN CITY

Filed in the Office of the County Clerk of  
Solano County, State of California.

XX County Clerk  
County of SOLANO  
FAIRFIELD, CALIFORNIA

this day of: JUL 31 '91

VIRGINIA RYAN County Clerk  
By [Signature] Deputy

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title SUISUN CITY DOWNTOWN/WATERFRONT SPECIFIC PLAN  
COMPREHENSIVE AMENDMENTS

State Clearinghouse Number \_\_\_\_\_ Contact Person \_\_\_\_\_ Area Code/Number/Extension \_\_\_\_\_  
(If Submitted to Clearinghouse) THOMAS E. BLAND  
#90030951 PLANNING DIRECTOR (707) 421-7335

Project Location \_\_\_\_\_  
CITY OF SUISUN CITY

Project Description EXPANSION OF SCOPE AND REVISIONS TO LAND USES AND DESIGN  
STANDARDS FOR WATERFRONT AND RELATED DEVELOPMENT PROJECTS.

This is to advise that the CITY OF SUISUN CITY  
(Lead Agency or Responsible Agency)  
has approved the above described project on JULY 15, 1991 and has made the follow-  
(Date)

ing determinations regarding the above described project:

1. The project XX will, \_\_\_ will not have a significant effect on the environment.
2. XX An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
\_\_\_ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures XX were, \_\_\_ were not made a condition of the approval of the project.
4. A statement of Overriding Considerations XX was, \_\_\_ was not adopted for this project.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

CITY OF SUISUN CITY, PLANNING DIVISION  
701 CIVIC CENTER BOULEVARD, SUISUN CITY, CALIFORNIA 94585

Date Received for Filing and Posting at OPR \_\_\_\_\_

[Signature] \_\_\_\_\_  
Signature (Public Agency) PLANNING DIRECTOR  
Title

Revised March 1986

1277

AMENDMENTS TO THE SPECIFIC PLAN  
FOR THE HISTORIC DOWNTOWN AND WATERFRONT,  
CITY OF SUISUN CITY

FINAL ENVIRONMENTAL IMPACT REPORT

CEQA FINDINGS

A. Description of the Project

The proposed project under discussion in this Environmental Impact Report (EIR) is a series of amendments to the 1983 Specific Plan that will result in changes to the planned physical design elements of the Downtown and Waterfront areas. With the element of the Specific Plan that remain unchanged, the amendments will become the guide for development within the Downtown and Waterfront areas. The project as proposed would involve refinements and revisions to land use designations in selected subareas, revisions to the circulation plan, revisions to the public facilities concepts and changes to the scope (i.e., an expansion of the total area) of the existing Specific Plan.

B. Unavoidable Significant Impacts

The Final Environmental Impact Report ("FEIR") concludes that all but one of the potential adverse environmental impacts of the proposed project summarized in these Findings can be mitigated to a level of insignificance by adoption of feasible mitigation measures. The one impact which cannot be mitigated to a less than significant level is identified as temporary construction noise that will inevitably result from construction activities during the development process. The City Council has considered the information and analysis in the Draft EIR (DEIR), FEIR, and the public record and finds that the conclusion of the FEIR in this regard is correct.

C. Findings of Overriding Considerations

The City Council has considered the information and analysis in the DEIR, FEIR and the public record on the proposed project and finds that the above described impact (temporary construction noise) and any other adverse environmental impact identified by the FEIR that might not be mitigated to a level of insignificance, would be overridden by the following considerations, all of which justify and support the approval of the project:

1. Approval of the project represents the preferred land use for the site, carrying out and implementing the City's General Plan and Amended and Restated Redevelopment Plan policies. Implementation of the Amended Specific Plan will, as described in detail by the DEIR and FEIR, allow the removal of blighted areas that affect the economic and social well being of all Suisun



CEQA Findings

Page #2

- City residents, provide major new public facilities and public access to the waterfront, improve circulation, and preserve existing historic residential and commercial structures.
2. Approval of the project will generate tax revenues for the City to finance vital urban services.
  3. The project will provide employment for City residents and a focal point for economic activity that should enhance the economic and commercial base for many local businesses.
  4. The economic benefits described in the above findings can be derived from the project with lesser environmental impact than would be associated with the implementation of the existing 1983 Specific Plan (No Project Alternative).
  5. The project will expand access to and use of the waters of the greater San Francisco Bay by members of the public at large. This will be accomplished by creating public pedestrian and vehicular access to large portions of the Suisun Slough and Channel within Suisun City that are not currently accessible to the public.
  6. The project will restore, enhance and protect environmentally sensitive areas including wetlands and wetland habitat, to the benefit of the flora and fauna and the public at large. A conceptual plan which specifies the location, methodology and financing of tidal wetland restoration and enhancement is included in the FEIR.
  7. All substantive comments of the public at large and responsible local, state and federal agencies have been addressed by responses in the FEIR and Exhibit "A" of the Resolution of Certification. None of these comments has addressed the one impact identified as an unavoidable significant impact, that being temporary construction noise; and no comment was received which challenged the finding by the DEIR that temporary construction noise is in fact the only unavoidable significant impact.

D. Environmental Impacts:

Geology, Soils and Seismicity

1. Amendment 1 (re-configuration of the marina) would increase the amount of material to be excavated, dredged, and disposed of for channels and slips, and the amount of soil compaction and over-covering for access and other on-shore facilities (DEIR Impact 3.1-1).

Mitigation:

Three types of shore protection techniques are being considered; revetment, bulkheads or no protection. One of these methods

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CEQA Findings

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will be implemented with the new configuration of the channel marina area. All excavation and dredge material should be disposed of in accordance with applicable local, State and federal regulations.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.1 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

2. Amendments 2, 3, 4, 5, 7, and 9 (addition of single family and townhouse homes to the planning area) would increase the number of dwelling units in an area that has a substrate subject to liquefaction, ground cracking, lateral spreading, or excessive settlement (DEIR Impact 3.1-2).

Mitigation:

- a) The City will require geotechnical investigations conducted under the direct supervision of a California Certified Engineering Geologist (CEG) for Sites A, B, C, D, F, and H prior to the construction of the proposed dwelling units on them.
- b) The CEG would interpret the field data in the context of local soils/geologic/seismic conditions, and would make recommendations for the abatement of geotechnical hazards at the Site, using UBC Seismic Zone 4 Standards as minimum requirements. The proposed construction would be made in accordance with the recommendations.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.1 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

3. Amendments 6, 7, and 8 (addition/renovation of hotel, office, retail, and other commercial space to the planning area) would increase the number of people working in, and visiting, an area that has a substrate subject to liquefaction, ground cracking, lateral spreading, or excessive settlement (DEIR Impact 3.1-3).

Mitigation:

None required beyond those provided in the County and City General Plan Revision Program of 1976, and the current (1983) Specific Plan EIR.

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CEQA Findings

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## Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.1 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

**Public Health and Safety**

1. During project construction, excavated soil could present a hazard of exposure to workers and the surrounding community; construction activities may cause additional release of hazardous materials to the environment (DEIR Impacts 3.2-1 and 3.2-2).

## Mitigation:

The following mitigation measures shall be implemented according to direction from the Solano County Department of Environmental Management and other appropriate regulatory agencies. These measures include but are not limited to the preliminary recommendations stated in ENGEO's report of August 1990 regarding areas B, G, and H, Certified Environmental Consultants' report of December, 1990 regarding Southern Pacific depot site, area E, and ENGEO's January 22, 1991, report regarding Sheldon Oil Co., area F.

- a) The Suisun City Redevelopment Agency shall prepare a soils and groundwater Sampling Plan which will be based upon historical industrial uses and preliminary environmental assessments conducted for amendment areas B, E, F, G, and H.
- b) The Sampling Plan shall be reviewed and approved by the DEM. The Plan shall include all revisions imposed by the DEM.
- c) The Redevelopment Agency or project developer shall implement the Sampling Plan and transmit the results to the DEM.
- d) If contamination levels are at or near thresholds set by California regulations (California Code of Regulations, Title 22) or relevant federal law, the project sponsor shall meet with the County DEM, the City Manager and Attorney, and other relevant City staff to determine whether further action, including additional testing, would be necessary.
- e) If contamination exceeds State and/or federal threshold levels, the project proponent shall prepare a Remedial Action Plan.

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CEQA Findings

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- f) The Remedial Action Plan shall be reviewed and approved by the DEM. The Plan shall include all revisions imposed by the DEM.
- g) Upon acceptance, the project sponsor shall implement the Plan of Correction, and provide written verification of its completion to the DEM and the City.
- h) The DEM shall specify appropriate protective clothing for construction workers, if necessary. DEM specifications would be included in site specific health and safety plans as required by DHS.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.2 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

**Air Quality**

- 1. Construction planned for the Specific Plan Amendment Areas would temporarily increase PM<sub>10</sub> concentrations and could lead to violations of the federal and State 24-hour average PM<sub>10</sub> standards (DEIR Impact 3.3-1).

Mitigation:

To reduce the potential for nuisance due to dust and odors, all construction contracts should require dust and odor controls.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.3 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

- 2. The land use components proposed under the Specific Plan Amendments will result in localized increased traffic or trip generation and a potential violation of the State CO standards (DEIR Impact 3.3-2).

Mitigation:

The cumulative impact of emissions from Specific Plan Amendments on the Regional pollutant totals for CO and NO<sub>x</sub> may be mitigated with the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

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CEQA Findings

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Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.3 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

**Hydrology and Water Quality**

1. Development within much of the Specific Plan area could subject people and improved structures to the hazards of both tidal and upland stormwater flooding (DEIR Impact 3.4-1).

Mitigation:

- a) No habitable portions of structures intended for human use or occupancy would be constructed below the 100 year flood elevation.
- b) As part of the redevelopment process in the Specific Plan area, the City should determine the capacity of the existing storm drainage systems, and identify those areas that may be subject to flooding. New or additional drainage facilities should be installed where warranted by potential public safety hazards or by the value of property and improvements that may be lost in the event of flooding.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.4 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

2. The quantity and quality of stormwater runoff that is discharged into Suisun Slough from the Specific Plan area may change with development of the new and revised land uses proposed in the Specific Plan (DEIR Impact 3.4-2).

Mitigation:

- a) The increase in the total volume and rate of stormwater runoff that would be caused by implementation of the Specific Plan would be evaluated as part of the drainage studies recommended above. Facilities needed to prevent additional, project-caused flooding would be incorporated into the design of public and private improvements.
- b) The City has implemented a program of street and parking lot cleaning and maintenance to remove many contaminants before they are washed into the storm drain

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CEQA Findings

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systems (DEIR). All stormwater disposal systems will conform to applicable EPA regulations in 1992. The discharge of pollutants will be controlled to the maximum extent feasible (FEIR).

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.4 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

3. Excavation and dredging of contaminated soils along the edge of Suisun Channel and around the perimeter of the Sheldon Oil turning basin could potentially pollute surface and groundwaters. The release of petroleum products as a result of soil removal and dredging at Site F (Sheldon Oil) could result in damage to vegetation and wildlife along Suisun Slough, which may result in the loss of rare and endangered plants (DEIR Impact 3.4-4).

Mitigation:

- a) The full site characterization study recommended in the preliminary Sheldon Oil site assessment would be performed before development plans for the property are finalized. This study would include the Air Force's fuel dock and underground jet fuel pipeline, located on the east boundary of the Sheldon Oil terminal. A mitigation plan would be prepared to establish procedures for removal and off-site disposal, or else effective on-site containment, of contaminated soils and groundwater found at these sites.
- b) To the extent possible, all marina excavation around the perimeter of the existing turning basin would be performed in the "dry." The existing shoreline levee or embankment would be left in place to hold waters from the slough cut of the excavation until contaminated soils and groundwater are removed from dryland areas.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.4 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

4. Boat wake has reportedly caused embankment erosion in the area, particularly along the west side of Suisun Channel. Increased boat traffic using the proposed marinas would continue this erosion (DEIR Impact 3.4-5).

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CEQA Findings

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Mitigation:

At the upper end of Suisun Channel and within most of the proposed marina basins, the proposed construction of shoreline protection would prevent significant wave-caused erosion. In addition, boat speeds would be controlled throughout the marina area (DEIR). Natural vegetation or a stabilization product (erosion control blankets or geotextile grids) which work in conjunction with natural vegetation, shall be used, if feasible (FEIR).

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.4 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

5. Development of the proposed marinas would significantly increase the volume of dredge spoils that must be excavated and disposed of in the future (DEIR Impact 3.4-6).

Mitigation:

- a) The City has formally applied to BCDC to amend the Bay Plan to allow long term disposal of dredge material on Pierce Island.
- b) It is recommended that the City develop as part of its Pierce Island Management Plan a program for the removal of dried dredged material from the island to extend the useful life of the disposal site to 30 years. The amount of material removed would be approximately 4,500 cubic yards per year. Alternatively, to extend the life of the disposal site to over 30 years, the City would eliminate from project consideration the redevelopment of the Whispering Bay Marina.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.4 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

**Vegetation and Wildlife**

The proposed project could result in the loss of degradation of populations of plant species of concern. The proposed project would eliminate or alter between one-half and 1 acre of wetland habitat (DEIR Impact 3.5-1 and 3.5-2).

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CEQA Findings

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Mitigation:

If feasible, the project would be designed in such a way that the project and its associated construction activities would avoid these populations. If avoidance is not feasible, the City of Suisun City will locate a site that is known to contain populations of these two plant species for preservation. The loss of wetland habitat at sites along Suisun Slough and Whispering Bay will be mitigated through the creation of wetland habitat from upland sites. A five-year plan will be designed to monitor the progress of the conversion to tidal marsh on the mitigation sites and will be done with the cooperation of the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.5 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

Noise

1. Construction noise represents a short-term impact on ambient noise levels (DEIR Impact 3.6-1).

Mitigation:

Construction adjacent to existing residential development shall be limited by contract or City ordinance from 7 a.m. to 6 p.m., Monday through Friday, 9 a.m. to 5 p.m. Saturdays and prohibit construction activity on Sundays and holidays.

Finding:

The proposed mitigation reduces the level of adverse impact and is hereby adopted. However, based upon the information and analysis in Chapter 3.6 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will not avoid or reduce the adverse impact to a level that is less than significant. Therefore, this impact is further discussed in Section B (Unavoidable Significant Impacts) and Section C (Findings of Overriding Considerations).

2. Proposed project land uses sited within an area in which noise levels would be incompatible with those identified in the Suisun City Land Use Compatibility Chart for Exterior Community Noise and Interior Noise (DEIR Impact 3.6-3).



CEQA Findings

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Mitigation:

- a) Residential units sited in areas which may potentially be exposed to noise levels greater than 65 CNEL will require a more detailed noise analysis prior to construction.
- b) Building types identified in the Suisun City Land Use Compatibility Standards for Interior Noise would be located or architecturally designed so the interior noise level would not exceed 45 CNEL with the windows closed.
- c) Potential noise impacts would be evaluated as part of the design review for all projects. If determined to be significant, mitigation measures would be identified and alternatives suggested. As a minimum, all multi-family housing would comply with Title 24 of the California Administrative Code, requiring indoor noise levels not to exceed 45 dBA CNEL.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.6 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

**Land Use**

1. The designation of Areas C, D and K as Downtown Waterfront Specific Plan would be in conflict with the current General Plan designation. The proposed new through-traffic bypass road connecting Main Street from north of Louisiana Street to Cordelia Road parallel to the Southern Pacific Railroad tracks is not included in the General Plan (DEIR Impacts 3.8-1 and 3.8-2).

Mitigation:

The General Plan is being amended to include Areas C, D and K and the bypass road in the land use designation.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.8 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

2. Areas A, B, C and D of the proposed project would be inconsistent with the designation, according to the Suisun City Zoning Ordinance (DEIR Impact 3.8-3).

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CEQA Findings

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Mitigation:

The Suisun City Zoning Ordinance is being amended to designate Areas C and D as Low Density Residential, Area A as Low Density Residential and Marina Use, and Area B as Low Density Residential.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.8 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

3. The use of Pierce Island as a dredge disposal area for the Suisun City Marina Redevelopment Plan and as wildlife habitat without public shoreline access is inconsistent with the Bay Plan (DEIR Impact 3.8-4).

Mitigation:

The Bay Plan is being amended to permit the proposed use as specified in the Suisun City Specific Plan Amendments.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.8 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

4. The proposed Area B designation change from a park and community center to low density housing would result in increased residential density of the Downtown and Waterfront Specific Plan area (DEIR Impact 3.8-5).

Mitigation:

The City will replace the park and recreation grounds lost through development of the proposed project with a similar facility in an area accessible to City residents.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.8 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

### Traffic and Circulation

1. The project would contribute to cumulative impacts at the Pennsylvania Road/State Route 12 signalized intersection (DEIR Impact 3.10-1).

#### Mitigation:

The Pennsylvania/SR 12 intersection is constrained primarily by the lack of through capacity on SR 12 eastbound and westbound. Also, there is an existing high demand for southbound left turns. An additional southbound left-turn is recommended in order to ease traffic congestion to LOS E, but without additional east-west through capacity mitigation to existing LOS will not be possible. It should be noted that the project adds a small amount of traffic to the critical movements of this intersection, as compared to cumulative traffic from area developments, and the project should contribute to any mitigation measures in proportion to its own increase. The proposed mitigation measure more than offsets the project's contribution to cumulative impacts.

#### Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.10 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

2. The project would contribute to cumulative impacts at the Marina Boulevard/State Route 12 signalized intersection (DEIR Impact 3.10-2).

#### Mitigation:

The Marina/SR 12 intersection is also constrained by the lack of through capacity on SR 12. Caltrans' plans to widen this link to four lanes will help ease this congestion, and improve traffic service levels. The City is participating with Caltrans in the widening of Route 12.

#### Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.10 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

3. The project would be a major contributor to the degradation of service levels at both the Florida Street/Main Street and

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CEQA Findings

Page #13

Louisiana Street/Main Street unsignalized intersections (DEIR Impacts 3.10-3 and 3.10-4).

Mitigation:

In order to improve traffic operations at the Main Street intersections to LOS C or better signalization at both locations is recommended. This will improve operations of both intersections from LOS D to LOS A, and will create gaps in traffic flow that will facilitate minor street movements from other unsignalized intersections.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.10 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

4. The expansion of the existing Amtrak depot to a full multimodal facility will be accompanied by additional commuter train service to the site. Also, there will be an increased demand for bus service to and from the station (DEIR Impact 3.10-10).

Mitigation:

Assumed in the station's improvement plans are an addition twenty-four train stops per day. The rail corridor has the capacity to facilitate more daily stops, if demand dictates. In order to serve the station's drop-off area, bus routes will need to be diverted. Fairfield/Suisun Transit's intends to add one more bus route to Suisun's existing system; the supplemental route and its buses will serve to meet the necessary demand.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.10 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

**Public Services**

1. Development of Site A and along Civic Center Boulevard would require additional fire flow (DEIR Impact 3.11-3).

Mitigation:

- a) The City would improve as necessary the water system to meet fire flow requirements in order to accommodate development within each amendment area.

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CEQA Findings

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- b) All development site plans should be reviewed and analyzed by an engineer and the fire department to ensure adequate water supply and access for fire safety. Additional facilities may be required to be constructed by private developer(s) or funded through development impact fees assessment districts or other mechanisms.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.11 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

2. Development of the proposed project would remove 10.7 acres of parkland; providing less parkland than with implementation of the 1983 Specific Plan (DEIR Impact 3.11-9).

Mitigation:

The City should replace the park with a comparable park and recreational facility that is accessible to residents in the community. Development of the site for housing should not take place until recreational facilities have been relocated.

Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.11 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

Energy

The proposed amendments would result in an increase in energy used for transportation (DEIR Impact 3.12-3).

Mitigation:

Reduce transportation-related energy consumption through transportation planning including:

Developing and integrating a network of pedestrian and bicycle pathways that offer attractive and safe circulation alternatives to motorized vehicles within the site.

Transportation off-site will be accommodated through the promotion of the inter-modal transportation center, including intercity bus, local transit and other transportation modes.

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Finding:

The proposed mitigation discussed above is hereby adopted. Based upon the information and analysis in Chapter 3.12 of the Draft EIR, the Final EIR and the public record, the finding is made that adoption of the proposed mitigation will avoid or reduce the adverse impact to a level that is less than significant.

E. Project Alternatives

1. "No Project" Alternative

The "No Project" alternative would be a continuation of development under the current Specific Plan, without significant update or modification. The area of the Specific Plan and the proposed amendments is a redevelopment area and as such has a City and Redevelopment Agency policy of commitment to promoting development with Agency-funded activities and improvements. The analysis of the "No Project" alternative considers the option of retaining all of the adopted 1983 Specific Plan. For those areas proposed by these amendments to be added to the scope of the Specific Plan, the "No Project" conditions would be the current General Plan designations.

Reasons for Rejection

The current Specific Plan is not bringing about the desired changes and development to the area. Previous underfunding and inactivity of the Redevelopment Agency, lack of consideration of the Crescent neighborhood and proposed land uses that did not reflect the market place have been factors in the scarcity of development proposals. The environmental impacts as a result of implementing the 1983 Specific Plan rather than the amendments to the Specific Plan as proposed would be more intensive in the areas of housing, noise, traffic, localized air quality and public services.

Finding:

Based on the information contained in Chapter 4 of the DEIR, the information in the FEIR, the above stated reasons for rejection and the public record, the finding is made that Alternative 1 would not bring about the desired changes in the area and does not achieve the goals of the City's General Plan or the Redevelopment Plan. Further, the impacts associated with implementation of the 1983 Specific Plan are actually more intensive in a number of areas. Therefore, Alternative 1 is not a feasible alternative.

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2. "No Planned Development" Alternative

This alternative would continue the existing land uses in place and have new development occur only in response to existing market forces within the Specific Plan area. There would be no governmental intervention to promote or implement new development. To implement this "Do Nothing" alternative, the current Specific Plan and Redevelopment Plan would have to be rescinded and development would be governed only by the current zoning principles of the General Plan. Existing land uses that would be continued by the proposed amendment areas include: Site A, vacant and mini-storage warehousing; Site B, ball field and recreational use; Site C, 360 units of multifamily housing; Site D, vacant; Site E, warehousing, office and retail uses; Site F, Sheldon Oil distribution and offices along with 91 units of multifamily housing; Site G, retail and warehousing; Site H, industrial uses, warehousing and retail; Site I, vacant; Site J, vacant (dredge disposal area), Site K, residential (both single- and multi-family housing), light industry, retail and office uses. Much of the existing development described above has been found to be in a condition of deterioration and blight.

Reasons for Rejection

Leaving the process of development to the existing market forces would continue the deterioration of the area that led to the creation of the Redevelopment Plan for the area. This alternative would not meet Suisun City's objectives to enhance the economic viability of the area nor would it do anything to preserve or enhance the historic character of the downtown. This alternative would also do nothing to protect the natural environment nor encourage water-oriented recreation.

Finding:

Based on the information contained in Chapter 4 of the DEIR, the information in the FEIR, the above stated reasons for rejection and the public record, the finding is made that Alternative 2 would result in the continued deterioration of the area and therefore would not meet stated goals and objectives of the General Plan or the Redevelopment Plan. Therefore, Alternative 2 is found to be infeasible.

3. "Lower Density" Alternative

This proposed alternative would have a lower density of residential and commercial/retail development in the proposed amendment areas to the Specific Plan. Both the residential density and the commercial intensity have been lowered by approximately 25 percent. This would lower the overall residential project density from medium-density (eight to 14 units/net acre) and low-density (four to seven units/net acre)

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residential use to entirely low-density (four to seven units/net acre) residential use.

### Reasons for Rejection

Reducing the intensity of development would, for the most part, reduce the number and severity of the environmental impacts to the Specific Plan area. This alternative, however, would not meet as fully Suisun City's objectives to enhance the economic viability of the area or to foster cooperation between the public and private sectors in carrying out the revitalization of the study area. The cost of redevelopment is substantial; if the intensity of development is lessened, economic return may not be sufficient to ensure its success.

### Finding:

Based on the information contained in Chapter 4 of the DEIR, the information in the FEIR, the above stated reasons for rejection and the public record, the finding is made that Alternative 3 would not fully meet the economic requirements for successful revitalization of the area. Therefore, this alternative would not fulfill the goals and objectives of the General Plan or the Redevelopment Plan and is found to be infeasible.

#### 4. "Combination of Plan Densities" Alternative.

This alternative would implement all the proposed amendments to the Specific Plan in areas B through K as described in Chapter 1 of this document except in the area around Whispering Bay (Site A, Figure 1-4 of the DEIR) which would be developed in accordance with the 1983 Specific Plan. In the 1983 plan, the Whispering Bay development area was proposed for development of approximately 7.15 acres with Medium Density residential uses, 6 acres for marina services and a marina and 1.25 acres in streets rights-of-way. Marina services included dry docking, boat repair and storage, food sales (e.g., sandwich shops, delis, snack foods, etc.), bait shops and gas sales. The medium-density zoning category would allow 10 to 16 units per acre for a maximum of 114 dwelling units in the Whispering Bay area.

### Reasons for Rejection

It is not known whether combining densities from the current Specific Plan (Site A, Whispering Bay) and the proposed amendments would meet the objectives of the City and the Redevelopment Agency for revitalizing the area. It is known, however, that the previously proposed mix of land uses for the Whispering Bay area did not result in any development proposals during the time that the 1983 Specific Plan was in place. The kind and number of environmental impacts as a result of implementing this alternative would probably be

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substantially the same as were examined for the preferred project. However, because there would be more dwelling units and more population, the impacts would be more intensive in the areas of housing, noise, traffic, localized air quality and public services. These additional impacts would be most noticeable in the existing Marina residential area.

Finding:

Based on the information contained in Chapter 4 of the DEIR, the information in the FEIR, the above stated reasons for rejection and the public record, the finding is made that Alternative 4 would generate more intensive impacts than the proposed project, while its effectiveness in implementing the goals and objectives of the General Plan and Redevelopment Plan is unknown. Therefore, Alternative 4 is found to be infeasible.

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