

Brighton Landing Specific Plan Final Environmental Impact Report

for the City of Vacaville



SCH # 2011022044

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Prepared By:



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CITY OF VACAVILLE
BRIGHTON LANDING SPECIFIC PLAN FINAL EIR
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1 INTRODUCTION

A. Purpose of the Environmental Impact Report

This document provides responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the proposed Brighton Landing Specific Plan (Specific Plan) and development project (project or proposed project), and it includes revisions to the text and analysis in the Draft EIR made in response to comments. The Draft EIR identified significant impacts associated with the Specific Plan, and examined alternatives and recommended mitigation measures that could avoid or reduce potential impacts.

This document, together with the Draft EIR, will constitute the Final EIR if the Vacaville Planning Commission certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

B. Environmental Review Process

The City of Vacaville is the lead agency for this EIR.

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to comments received on the Draft EIR and to clarify any errors, omissions, or misinterpretations of discussions of findings in the Draft EIR. The Draft EIR was made available for public review on July 9, 2012. The Draft EIR was distributed to State, regional and local responsible and trustee agencies and the general public was advised of the availability of the Draft EIR through public notice mailed to surrounding property owners, residents, and others in the vicinity of the project, posted on the site and throughout the areas surrounding the project site, and posted on the City website as required by law. The CEQA-mandated 45-day public comment period ended on August 23, 2012. The City conducted a public hearing to accept public comments on the Draft EIR at the Planning Commission hearing of August 21, 2012. Copies of all written comments received during the comment period and comments provided at the public

hearing are set out in Chapter 5 of this Final EIR. Comments that were received after the close of the public comment period are not included in this Final EIR. The City will respond to those comments in the Staff Report that will be sent to the City of Vacaville Planning Commission and City Council as part of the project review process.

C. Document Organization

This document is organized into the following chapters and appendices:

- “ **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final EIR.
- “ **Chapter 2: Report Summary.** This chapter is a summary of the findings of the Draft and Final EIR. It has been reprinted from the Draft EIR with necessary changes made in this Final EIR.
- “ **Chapter 3: Revisions to the Draft EIR.** Corrections to the text and graphics of the Draft EIR are contained in this chapter. Underline text represents language that has been added to the EIR; text with ~~striketrough~~ has been deleted from the EIR.
- “ **Chapter 4: List of Commenters.** Names of agencies and individuals who commented on the Draft EIR are included in this chapter.
- “ **Chapter 5: Comments and Responses.** This chapter contains reproductions of the letters received from agencies and the public on the Draft EIR. The chapter also contains responses keyed to the comments which precede them.

2 REPORT SUMMARY

This chapter presents a summary of the findings of the Draft and Final Brighton Landing Specific Plan EIR. This chapter has been reprinted from the Draft EIR with additions to the text of the Draft EIR summary shown in double underline and omissions shown in ~~striketrough~~.

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AESTHETICS			
AES-1: The visual character of the site would be substantially altered.	S	<u>AES-1:</u> There are no available mitigation measures.	SU
AES-2: The visual character of the surrounding area would be substantially altered.	S	<u>AES-1:</u> There are no available mitigation measures.	SU
AES-3: Development under the Specific Plan would have a substantial adverse effect on a scenic vista.	S	<u>AES-3:</u> There are no available mitigation measures.	SU
AES-4: Development under the Specific Plan may expose people to substantial light or glare and impact nighttime views.	S	<u>AES-4:</u> The Specific Plan shall incorporate design standards to ensure that the: <ol style="list-style-type: none"> a. Exterior lighting (for example on parking lots, schools, or commercial buildings) is angled downwards to preclude or minimize to the maximum extent practicable the glare observed by viewers on the ground; b. Reflectivity of materials used is not greater than the reflectivity of standard materials used in residential and commercial developments. c. A lighting plan shall be prepared that meets requirements of GP and Muni Code to minimize impacts to the extent feasible and includes operational plans for non-residential uses that restrict late night lighting. d. Compliance with this mitigation measure shall be determined by the City of Vacaville during the design review process. Applications for Design Review shall include design of light fixtures to demonstrate compliance with this standard. 	LTS
AES-CUM-1: Views of hills, looking south and southwest over the Specific Plan area would be obstructed by the Brighton Landing Project together with the Southtown Commons (an approved project).	S	<u>AES-CUM-1:</u> There are no available mitigation measures.	SU
AES-CUM-2: Views of hills, looking south and southwest over the Specific Plan area would be obstructed by the Brighton Landing Project together	S	<u>AES-CUM-2:</u> There are no available mitigation measures.	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
with other land to the south and southwest that would be developed under the existing 1990 General Plan.			
AGRICULTURE AND FORESTRY RESOURCES			
AGRI-1: Development under the Specific Plan would convert Prime and Unique Farmlands to non-agricultural use.	S	<p><u>AGRI-1:</u> A total of 254.54 acres of agricultural land that is viable for farming operations would be purchased and preserved. The area represents the sum of the area of the agricultural buffer outside of the Specific Plan area (12.69 + 7.04 acres), the detention basin (17.6 acres), and the entire Specific Plan area (217.21 acres, including residential parcels). This land would be near the Urban Growth Boundary and in Solano County. This would satisfy the 1990 General Plan policy <u>2.10-G2</u> that the City shall require development in the Specific Plan area “to mitigate its impact on agricultural and open space lands by preserving, to the extent consistent with applicable law, for each acre of land developed, at least one acre of land outside the Growth Boundary but within Pleasants Valley, Upper Lagoon Valley, or Vaca Valley, or any other location that is within 1 mile of the Growth Boundary. Alternatively, to the extent consistent with applicable law, such development may pay an equivalent in-lieu fee as determined by City in consultation with the Solano Land Trust. Lands acquired directly or with fees collected pursuant to this requirement shall first be offered to the Solano Land Trust. Any such fees transferred to the Solano Land Trust may only be used to acquire or protect lands outside of the Growth Boundary but within 1 mile of the Growth Boundary, or within Pleasants Valley, Upper Lagoon Valley, or Vaca Valley. Acquisitions pursuant to this requirement shall be coordinated with the Solano Land Trust.”</p> <p><u>If for any reason adequate land to meet the conservation goals described in the Vacaville General Plan, and in particular this Section 2.10, cannot be identified or acquired, the City and the Solano Land Trust, or, if the Solano Land Trust declines to participate, the City and another land conservation entity, shall meet and confer to identify other areas where conserva-</u></p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>AGRI-2: The Specific Plan would allow development which would change the existing environment from farmland to non-agricultural use.</p>	S	<p><u>tion acquisitions can occur at a reasonable cost and to satisfy the conservation goals described in this Section 2.10.</u></p> <p><u>AGRI-2a:</u> See Mitigation Measure AGRI-1.</p> <hr/> <p><u>AGRI-2b:</u></p> <ul style="list-style-type: none"> · At the time of final map for a housing unit within 80 feet of the southern border of the Specific Plan area, if a development application has not been submitted for the land adjacent to the southern border of the Specific Plan area, then the applicant shall record a disclosure against such housing unit disclosing that agricultural operations occur to the south of the home and that agricultural operations may involve activities involving, among other things, noise, dust, and odors, that a resident may consider to be offensive. The disclosure shall also identify a point of contact such as a Brighton Landing homeowners' association for any complaints related to agricultural operations. · Fencing along the southern edge of the Specific Plan Area shall be designed to prevent people and pets from trespassing onto the farmland to the south. · Landscaped areas include trees with large spreading canopies shall be included in project design. · Playgrounds or other facilities within the linear park along the southern edge that would place people in the linear park for long periods of time, shall be prohibited. 	SU
<p>AGRI-CUM-1: The Specific Plan, together with approved projects, would allow development which would change the existing environment from farmland to non-agricultural uses.</p>	S	<p><u>AGRI-CUM-1:</u> See Mitigation Measure AGRI-1.</p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AGRI-CUM-2: The Specific Plan, together with development under the 1990 General Plan, would allow development which would change the existing environment from farmland to non-agricultural uses.	S	<u>AGRI-CUM-2:</u> See Mitigation Measure AGRI-1.	SU
AIR QUALITY			
AQ-1: The effects of construction activities would be increased dust fall and locally elevated levels of PM ₁₀ downwind of construction activity. Construction dust would be generated at levels that would create an annoyance to nearby properties. Implementation of the following mitigation measures would eliminate or offset proposed project emissions from construction impacts.	S	<u>AQ-1:</u> The applicant shall submit a construction plan for the project which includes the following conditions: <ul style="list-style-type: none"> • Water all active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure. • Haul trucks shall maintain at least 2 feet of freeboard, • Cover all trucks hauling dirt, sand, or loose materials. • Apply non-toxic binders (e.g. latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area. • Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). • Plant vegetative ground cover in disturbed areas as soon as possible. • Cover inactive storage piles. • Sweep streets if visible soil material is carried out from the construction site. 	LTS
AQ-2: Proposed project emissions from operation shown in Table 4.3-7 would exceed the threshold for NO _x , ROG, and PM ₁₀ ; therefore, the proposed project would have a significant effect on regional air quality. It should also be noted that individual projects that have a significant effect on regional air quality also have a significant cumulative effect on regional air	S	<u>AQ-2:</u> The Brighton Landing Specific Plan shall incorporate the following measures to reduce emissions associated with vehicle trip generation and area source emissions from the project: <ul style="list-style-type: none"> • Provide transit facilities (e.g. bus bulbs/turnouts, benches, shelters). • Provide bicycle lanes and/or paths, connected to community-wide network. 	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
quality.		<ul style="list-style-type: none"> • Where feasible, provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and the existing community-wide trail network. • The Specific Plan shall be modified to include bicycle parking standards as follows: <ul style="list-style-type: none"> • For residential development, one, sheltered, secure bicycle parking space per dwelling unit shall be required. Garages, storage sheds, utility rooms, or similar areas that can be secured from unauthorized access and are sheltered from sun and rain would satisfy this requirement without the addition of special improvements or racks. Additional convenience bicycle parking may be provided with exterior racks but does not count toward the sheltered bicycle parking requirement. • New parking areas created to serve nonresidential uses should provide one bicycle parking space for every 20 vehicle parking spaces, with a minimum of four bicycle spaces. • For all school developments, secured bicycle parking shall be provided at a minimum rate of 10 percent of the student capacity plus 3 percent of the maximum number of employees. • All wood burning devices shall be prohibited in residential units. 	
AQ-3: The Specific Plan would result in considerable increases to non-attainment pollutants individually, which indicates that it would also result in cumulative increases.	S	<u>AQ-3:</u> The same mitigations as described in Mitigation Measure AQ-2 would be applicable here.	SU
AQ-CUM-1: See Impact AQ-2.	S	<u>AQ-CUM-1:</u> See Mitigation Measure AQ-2.	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIOLOGICAL RESOURCES			
<p>BIO-1: The proposed widening of Elmira Road would not directly result in removal of any of the identified elderberry along Alamo Creek, although at least one bush will be adjacent to planned work areas. Additional elderberry plants may be directly impacted by activities required to armor the stream banks at the Frost Drain outfall into Old Alamo Creek and through potentially increased downstream erosion from future stormwater discharges (see Hydrology and Water Quality, Section 4.9, Impact HYDRO-4). In addition, the loss of dispersal and foraging riparian habitat along Old Alamo Creek in and downstream of the Specific Plan Area could result in significant adverse effects to the Valley elderberry longhorn beetle. If this portion of the Jepson Parkway Project is built prior to construction of the Brighton Landing Specific Plan, mitigating impacts to the Valley elderberry beetle within the section of creek between Leisure Town Road and Elmira Road will be the responsibility of STA. If the creek channel in this segment or downstream of the Specific Plan Area is impacted as a result of actions for the Brighton Landing Specific Plan, including actions associated with stormwater discharge, the following measures shall be required:</p>	S	<p>BIO-1a: The applicant shall survey Old Alamo Creek, including the Frost Drain outfall, for elderberry bushes and shall replace all impacted Valley elderberry longhorn beetle habitat by employing the following measures, adapted from the Biological Opinion for the Jepson Parkway project:</p> <ul style="list-style-type: none"> · Transplant all elderberry shrubs within the affected reach of Old Alamo Creek to other suitable areas, including along Old Alamo Creek; within the 100-foot buffer beside the Riparian Area as mentioned in Mitigation Measures BIO-2b, 10b and 10c; or at other locations approved by the USFWS. Transplanting shall occur between June 15 and March 15 (November through February is the optimal period for transplanting). Elderberry may not be transplanted between March 16 and June 14, except where isolated bushes are located more than 0.5 miles from other suitable Valley elderberry longhorn beetle habitat and only if no signs of use by beetles (exit holes) have been identified. · Plant a minimum of five elderberry seedlings or rooted cuttings, and five associated native, woody riparian plants for each elderberry bush removed/transplanted as a result of Specific Plan implementation. · Trimming/removal of stems one-inch or greater shall be mitigated in the following manner: for every ten elderberry stems one-inch or greater in diameter trimmed/removed, plant two elderberry seedlings and two native, associated woody riparian plant seedlings. · A permanent buffer of 100 feet shall be established between the riparian canopy of Old Alamo Creek and the development proposed at Brighton Landing. <p>If specific traffic improvements or other construction activities for the Brighton Landing Specific Plan require work along Old Alamo Creek within 100 feet of any additional elderberry plans, the following additional</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		avoidance and minimization measures shall be implemented:	
		<ol style="list-style-type: none"> 1. A minimum setback of 20 feet from the dripline of the elderberry plant shall be established between the development and all elderberry plants containing stems measuring one inch or greater in diameter at ground level. The setback shall be fenced and flagged in order to prevent encroachment of equipment and materials. If ground-disturbing work must encroach within this 20-foot setback to place critical infrastructure that cannot be located elsewhere, four additional elderberry trees for each affected elderberry shall be planted within the channel restoration area or at a nearby location on Old Alamo Creek. 2. All contractors shall be briefed on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements. Work crews shall be instructed on the status of the beetle and the need to protect its elderberry host plant. 3. Signs shall be placed every 50 feet along the edge of the 20-foot setback with the following information: "This area is habitat of the Valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act. Violators are subject to prosecution, fines, and imprisonment." The signs shall be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction. 4. Following completion of construction work affecting the 100-foot buffer zone, any damage done to the buffer zone shall be restored with native erosion control seed mixes and native riparian plant species, as appropriate. 5. The 100-foot buffer zones must continue to be protected after construction from adverse effects of the development project. Protection measures such as fencing and signage shall be included in the project 	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>BIO-2: The Specific Plan would significantly impact western pond turtles by harming them during construction should they move into the construction area, by removing potential breeding habitat beside the riparian area after construction, and by reducing their ability to move between upstream and downstream segments of Old Alamo Creek.</p>	S	<p>plans and subject to the approval of the City of Vacaville.</p> <p>6. No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant shall be used within 100 feet of any elderberry plant with one or more stems measuring one inch or greater in diameter at ground level.</p> <p>7. A qualified Biologist shall be retained to monitor implementation and compliance of all the above measures.</p>	LTS
		<p><u>BIO-2a:</u> If the Brighton Landing project is constructed prior to the Jepson Parkway project, exclusion fencing shall be installed and maintained between Specific Plan work areas and the riparian area during all work activities to prevent western pond turtles and other animals from entering the construction area. Exclusion fencing shall consist of silt fabric, plywood, aluminum or another material approved by USFWS and/or CDFG; shall be at least 3 feet in height; and shall extend a minimum of 200 feet beyond the creek on either side of work areas. The base of the fence shall be buried in the ground to prevent animals from crawling under. The remainder of the fence shall be left above ground to serve as a barrier for animals moving on the ground surface. The fence shall</p> <hr/> <p>be pulled taut at each support to prevent folds or snags. Construction personnel shall also install an orange plastic-mesh construction fence 1 foot on the development side of the exclusion fence to increase visibility, unless the exclusion fence is composed on highly visible materials. Exclusion fencing shall be inspected and repaired on a weekly basis during construction work. If the Jepson Parkway project is constructed prior to the Brighton Landing Project and the Old Alamo Creek Channel is not relocated within Subarea O, Mitigation Measure BIO-2a is not applicable.</p> <hr/> <p><u>BIO-2b:</u> The loss of riparian and stream habitat for the western pond turtle in relation to the Brighton Landing Project can be mitigated by providing riparian and creek habitat at an alternative offsite location where western pond turtles are present (see Mitigation BIO-10a).</p>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>BIO-3: The Specific Plan could significantly impact foraging habitat and nesting of the Modesto population of the song sparrow and yellow warblers due to construction activity and removal of habitat adjacent to the riparian vegetation.</p>	S	<p><u>BIO-2c:</u> If the Brighton Landing project is constructed prior to the Jepson Parkway project, maintain a 100-foot buffer between the canopy of riparian vegetation and the edge of proposed residential or commercial development. This buffer area shall be available as breeding habitat for western pond turtles. If the Jepson Parkway is constructed prior to the Brighton Landing Project and the Old Alamo Creek Channel is not relocated within Subarea O, Mitigation Measure BIO-2c is not applicable.</p>	LTS
		<p><u>BIO-3a:</u> Mitigation Measures BIO-2c and BIO-10a through 10c adequately mitigate impacts to the foraging and nesting habitat of the Modesto population of the song sparrow and yellow warbler.</p>	
		<p><u>BIO-3b:</u> Construction activities within 50 feet of the riparian area should be avoided during the nesting season (March 1 to August 31) or alternatively, for any construction activities conducted during the nesting season, a qualified biologist (i.e., experienced in searching for passerine nests) shall conduct a preconstruction nest survey of all trees or other suitable nesting habitat in and within 50 feet of the limits of work. The survey shall be conducted no more than 15 days prior to the start of work. If the survey indicates the presence of nesting birds, the biologist shall determine an appropriately sized buffer around the nest in which no work shall be allowed until the young have successfully fledged. The size of the nest buffer shall be determined by the biologist in consultation with CDFG and shall be based on its sensitivity to disturbance. In general, buffer sizes of up to 50 feet for song sparrows and warblers should suffice to prevent substantial disturbance to nesting birds, but these buffers may be increased or decreased, as appropriate, depending on the level of disturbance anticipated near the nest and the sensitivity of the birds to construction activity.</p>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>BIO-4: Swainson’s hawks would be significantly impacted by a loss of approximately 228.59 acres of foraging habitat, loss of potential nest trees in the developed area and along Old Alamo Creek, and potential destruction of nests, eggs, and nestlings.</p>	<p>S</p>	<p>BIO-4a: An <u>CDFG</u>-Approved Biologist shall conduct pre-construction nest surveys between March 1 and August 31 to identify any nesting Swainson’s hawks. Surveys shall <u>follow protocols developed by the Swainson’s Hawk Technical Advisory Committee (Recommend Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley May 31, 2000; available at http://www.dfg.ca.gov/wildlife/nongame/docs/swain_proto.pdf)</u>. At least one survey shall be conducted within 15 days prior to the anticipated start of construction for any phase or Specific Plan component, and shall be designed and of sufficient intensity to document nesting within 0.25 mile (1,320 ft) of planned work activities. If a lapse in Specific Plan-related construction work of 15 days or longer occurs, additional preconstruction surveys shall be required before Specific Plan work may be reinitiated.</p> <p>BIO-4b: If a nest is encountered during a pre-construction survey, construction work (including grading, earthmoving, and any operation of construction equipment) shall not occur within a 0.25 mile buffer zone around an active Swainson’s hawk nest, except as provided below. Construction work may commence within the buffer zone when an Approved Biologist has confirmed that nesting activity is complete (i.e., Swainson’s hawk young have fledged and are capable of flight, or the adults have abandoned the nest for a minimum of seven days). Nest trees may be removed between September 1 and February 1, when nests are unoccupied. Removal of a previously active, but currently unoccupied nest may require a 2081 Take Permit from the CDFG.</p> <p>The size of nest site buffer zones may be reduced only under the following conditions:</p> <ol style="list-style-type: none"> 1. A site-specific analysis prepared by an CDFG Approved Biologist indicates that the nesting pair under consideration would not be adversely affected by construction activities. CDFG shall be provided the option of approving this analysis before construction may begin within 0.25 mile of a nest. 	<p>LTS</p>

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<ol style="list-style-type: none"> 2. Monitoring by a CDFG Approved Biologist is conducted for a sufficient time (minimum of 10 consecutive days following the initiation of construction) and the nesting pair does not exhibit adverse reaction to construction activities (i.e., changes in behavioral patterns, reactions to construction noise). 3. Monitoring is continued at least once a week through the nesting cycle at that nest. 4. Monitoring reports are submitted to the City of Vacaville and CDFG (or the Solano County Water Agency if the Solano HCP is approved by the time of construction). 	
		<p>If adverse effects are identified (e.g., the adults or juvenile birds react to construction activities), construction activities shall cease immediately and construction shall not be resumed until the Approved Biologist, in consultation with CDFG, has determined that nesting activity is complete or that construction may continue under modified restrictions.</p>	
		<p><u>BIO-4c:</u> If a nest tree becomes occupied by Swainson’s hawks during ongoing construction activities, construction activities shall not occur within 500 feet of the nest, except where monitoring consistent with the criteria in Mitigation Measure 4b documents that adverse effects will not occur.</p>	
		<p><u>BIO-4d:</u> The Specific Plan proponent shall preserve a minimum of 229 acres of <u>suitable</u> Swainson’s hawk agricultural foraging habitat. The preservation of the mitigation area shall be accomplished through purchase of credits from a CDFG approved mitigation bank or through preservation of <u>suitable foraging habitat</u>irrigated agricultural lands protected in perpetuity by a conservation easement. Such an easement will need to include provisions that would provide for agricultural uses that are</p>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>compatible with Swainson’s hawk foraging needs. Agricultural foraging habitats consist of alfalfa, tomatoes, other annual vegetable row crops, and grain. The mitigation area shall not include crop types and land uses incompatible with Swainson’s hawk foraging. The following additional restrictions and prohibited uses, at a minimum, shall also be noted as forbidden within the conservation easement:</p> <ul style="list-style-type: none"> “ Commercial feedlots, which are defined as any open or enclosed area where domestic livestock are grouped together for intensive feeding purposes. “ Horticultural specialties, including sod, nursery stock, ornamental shrubs, ornamental trees, Christmas trees, or flowers. “ Commercial greenhouses or plant nurseries. “ Commercial aquaculture of aquatic plants, animals, and their byproducts. “ Planting orchards or vineyards for the production of fruits, nuts, or berries except in designated farmstead areas. “ Cultivation of perennial vegetable crops such as artichokes and asparagus, as well as annual crops such as cotton or rice. “ Construction, reconstruction, or placement of any building, billboard or sign, antennas, towers, and facilities for generation of electrical power, or any other structure or improvement of any kind, except as may be specifically permitted in site-specific management plan. Acreage occupied by any such existing facilities may not be counted toward mitigation requirements. 	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>CDFG shall approve the site, conservation easement, and conservation easement holder. The agricultural buffer area along the eastern portion of the site does not provide appropriate mitigation habitat because: it is too close to urban development; it would allow uses such as alternative energy facilities that are not compatible with hawk foraging; and because the PG&E easement would preclude or complicate a conservation easement over the same property.</p>	
		<p><u>BIO-4e</u>: Specific Plan activities resulting in the destruction or removal of a known or active Swainson’s hawk nest site shall preserve an active nest site, in the removed nest’s stead. Preservation of an active nest site may be achieved through purchase of occupied nest credits from an approved mitigation bank or through a Specific Plan-specific reserve approved by CDFG. If preserved active nest sites are unavailable, Specific Plan proponents shall provide funding to the Solano HCP’s <i>Interim Nest Protection Program</i>.</p>	
		<p>Take of a known or active nest tree would occur if:</p> <ol style="list-style-type: none"> 1. The activity directly removes the nest tree or involves soil compaction or grading (excavation or fill) on soils covering more than 25 percent of the root zone of the nest tree. The root zone may be determined by a qualified arborist, but shall (at a minimum) include all areas within a distance from the trunk that is equal to the tree’s height or within the outer edge of the tree’s canopy. 2. The Specific Plan activity indirectly affects the nest such that when active, Swainson’s hawks are disturbed to a degree that causes, or is likely to cause: injury to the nesting birds; a decrease in productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. Activities within 250 	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>BIO-5: Burrowing owls would be significantly impacted by: a loss of 228.59 acres of foraging habitat; loss of potential nesting habitat; and potential destruction of eggs, nestlings, and nesting adult burrowing owls.</p>	S	<p>feet of an active nest are presumed to have a long-term indirect effect the nest.</p> <p>If the Approved Biologist determines that the Specific Plan potentially indirectly affects a nest, the Specific Plan proponent shall obtain any necessary authorizations, such as a 2081 Incidental take Permit from CDFG, and implement any required additional mitigation as required by CDFG. Such measures may include protection of other known nest sites or potential nesting habitat; planting and protection of trees to create suitable future nesting habitat; or otherwise increasing the amount of preserved foraging habitat.</p> <p><u>BIO-5a:</u> Between February 1 and August 31, an Approved Biologist shall conduct preconstruction surveys within known or suitable habitat areas to identify and subsequently avoid nesting areas for burrowing owls. <u>Survey protocols shall follow the methodology described in Appendix D: Breeding and Non-breeding Season Surveys of the 2012 DFG Staff Report on Burrowing Owl Mitigation (available at http://www.dfg.ca.gov/wildlife/nongame/docs/swain_proto.pdf). These protocols require a minimum of four survey visits during the breeding season. At least one of the preconstruction surveys shall be conducted within 4514 days prior to the anticipated start of construction, and shall follow standard survey protocols developed by the Burrowing Owl Consortium or as contained in the most current draft of the Solano HCP.²⁰ If a lapse in Specific Plan related construction work of 4514 days or longer occurs during the nesting season, additional preconstruction surveys shall be required before Specific Plan work may be reinitiated.</u></p> <p><u>BIO-5b:</u> If burrowing owls are identified on the site during preconstruction surveys, the following measures shall be implemented for new construction activities.</p> <ol style="list-style-type: none"> 1. During the non-breeding season (September 1–January 31), a circular exclusion zone with a radius of 160 feet shall be established around oc- 	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>cupied burrows, <u>unless a reduced buffer width is approved per the requirements of Condition 3, below.</u> If a buffer cannot be <u>practicably established</u> (except as provided below) and upon approval from CDFG, burrowing owls shall be evicted from the entire construction area using passive relocation techniques. <u>Before any exclusion or closure of burrows occurs, the Applicant shall prepare and submit a Burrowing Owl Exclusion Plan to CDFG and the City of Vacaville Community Development Director for review and approval. In accordance with the guidance found in Appendix E of the CDFG Staff Report of Burrowing Owl Mitigation (CDFG 2012), the Burrowing Owl Exclusion Plan, at minimum, shall require</u> One-way doors shall be installed in all suitable burrows, left in place for a minimum of 48 hours, and monitored <u>twice</u> daily to evaluate owl exclusion and to ensure doors are functioning properly. Burrows <u>and burrow surrogates</u> shall then be excavated, using hand tools whenever possible, and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into burrows during excavation to maintain an escape route for any animals inside the burrow. <u>Photographs of the excavation and closure of the burrow shall be taken to demonstrate success and sufficiency.</u></p> <ol style="list-style-type: none"> 2. During the breeding season (February 1–August 31), a qualified burrowing owl biologist shall establish a circular exclusion zone with a radius of 250 feet around each occupied burrow. No construction-related activity (e.g., site grading, staking, surveying, or any use of construction equipment) shall occur within the exclusion zone during the breeding season. Once the breeding season is over, passive relocation may proceed as described in No. 1 above. 3. Construction buffers may be reduced from 250 feet for breeding season buffers and 160 feet for non-breeding season buffers in accordance with the following requirements: 	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<ul style="list-style-type: none"> a. A site-specific analysis prepared by an Approved Biologist indicates that the nesting pair(s) or wintering owl(s) would not be adversely affected by construction activities. The City of Vacaville and the CDFG shall approve this analysis in writing before construction can proceed; b. Monitoring by an Approved Biologist is conducted for a sufficient time (minimum of 10 consecutive days following the initiation of construction) and the nesting pair does not exhibit adverse reaction to construction activities (e.g., changes in behavioral patterns, reactions to noise) and the burrows are not in danger of collapse due to equipment traffic; c. Monitoring is continued at least once a week through the nesting/wintering cycle at that site and no change in behavior by the owls is observed; and d. Monitoring reports are submitted to the City of Vacaville and CDFG. 	
		<p>If adverse effects are identified, construction activities shall cease immediately and construction shall not be resumed until the Approved Biologist, in consultation with the City of Vacaville and CDFG, has determined that nesting activity is complete or that construction may continue under modified restrictions.</p>	
		<p><u>Mitigation Measure BIO-5c: Mitigation for the permanent loss of 228.59 acres of burrowing owl foraging habitat and potential nesting habitat for urban development or other permanent facilities shall be provided at a 1:1 land/area ratio. This measure may be accomplished in conjunction with Swainson’s hawk Mitigation BIO-4d, above, provided that the applicant submits a Burrowing Owl Mitigation and Monitoring Plan for review by CDFG and to the City of Vacaville Community Development Director for approval by the City. The Burrowing Owl Mitigation and Monitoring Plan shall include the following components, which require that additional measures are implemented.</u></p>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<ul style="list-style-type: none"> “ At least 5 acres of mitigation area shall be permanently taken out of agricultural production to provide suitable nesting habitat and cover for burrowing owls. “ <u>In addition to the requirements of BIO 5-b, if occupied burrows are confirmed on site during pre-construction surveys, a</u>At least four artificial burrow complexes (three multi-entrance burrows per complex) shall be installed within the habitat set aside for burrowing owls <u>5-acre area set-aside for nesting habitat from the overall 228.59 acres of foraging habitat for both the burrowing owl and Swainson’s hawk.</u> “ Vegetation within the owl habitat shall maintain an average effective vegetation height less than or equal to 6 inches from February 1 to April 15, when owls typically select mates and nest burrows. In addition, tree and shrub canopy cover shall be limited to the edges of the set aside area and shall not be within 200 feet of the artificial burrows. “ Adequate funding shall be provided to manage the owl mitigation area, including maintenance of the artificial burrows and grass height, in perpetuity <u>or as specified in the Burrowing Owl Mitigation and Monitoring Plan.</u> 	
<p>BIO-6: Tricolored blackbirds and loggerhead shrikes would be significantly impacted by: a loss of approximately 228.59 acres of foraging habitat; loss of potential nesting habitat; and potential destruction of eggs and nestlings.</p>	S	<p><u>BIO-6a:</u> An Approved Biologist shall conduct preconstruction nest surveys between March 1 and August 31 to identify any nesting tricolored blackbirds and loggerhead shrikes. Surveys shall be conducted within 15 days prior to the anticipated start of construction. If a lapse in Specific Plan related construction work of 15 days or longer occurs, additional preconstruction surveys shall be required before Specific Plan work may be reinitiated.</p> <p><u>BIO-6b:</u> If nests are encountered during a preconstruction survey, construction work (including grading, earthmoving, and any operation of construction equipment) shall not occur within a 150-foot buffer zone</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>around an active tricolored blackbird colony and a 50-foot buffer around a loggerhead shrike nest, except as provided below. Construction work may resume within the buffer zone when an Approved Biologist has confirmed that nesting activity is complete (i.e., the young have fledged and are capable of flight, or the adults have abandoned the nest for a minimum of seven days).</p> <p>The size of nest site buffer zones may be reduced only under the following conditions:</p> <ol style="list-style-type: none"> 1. A site-specific analysis prepared by an Approved Biologist indicates that the nesting pair under consideration would not be adversely affected by construction activities. Construction within a nest buffer zone shall be subject to approval from the City of Vacaville and CDFG before any construction activity within 50 feet of a nest. 2. Monitoring by an Approved Biologist is conducted for a sufficient time (minimum of five consecutive days following the initiation of construction) and the nesting pair does not exhibit adverse reaction to construction activities (i.e. changes in behavioral patterns, reactions to construction noise). 3. Monitoring is continued at least once a week through the nesting cycle at that nest. 4. Monitoring reports are submitted to the City of Vacaville and CDFG. <p>If adverse effects are identified, construction activities shall cease immediately and construction shall not be resumed until the Approved Biologist, in consultation with CDFG, has determined that nesting activity is complete or that construction may continue under modified restrictions.</p>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p><u>BIO-6c</u>: Mitigation Measures BIO-4d for Swainson’s hawk and Mitigation Measure BIO-5c for burrowing owl, in conjunction with the following, shall mitigate loss of nesting habitat for loggerhead shrikes. Twenty-five native shrubs shall be established on the Swainson’s hawk and/or burrowing owl foraging habitat to provide nesting substrate for loggerhead shrikes.</p> <hr/> <p><u>BIO-6d</u>: In the unlikely event that an occupied tricolored blackbird colony is impacted, the Specific Plan proponent shall preserve a known colony (one that has been active within the last five years) within Solano County, through purchase of a conservation easement. If the Specific Plan proponent cannot practicably obtain a conservation easement for a known colony, the Specific Plan proponent shall evaluate the potential to establish tricolored blackbird nesting habitat in the detention basin and, if practicable, shall develop and implement a plan approved by both the City and CDFG.</p>	
BIO-7 : Yellow-headed blackbird, short-eared owl, and northern harrier would be significantly impacted by a loss of 229 acres of foraging habitat in nearby agricultural fields.	S	<u>BIO-7</u> : Mitigation Measures BIO-4d for Swainson’s hawk and Mitigation Measure BIO-5c for burrowing owl serve to mitigate loss of nesting habitat of yellow-headed blackbird, short-eared owl, and northern harrier.	LTS
BIO-8 : The proposed Specific Plan could significantly impact roosting habitat of pallid bat and western Townsend’s big-eared bat, and bats would potentially be harmed by the removal process.	S	<p><u>BIO-8a</u>: An Approved Biologist shall conduct preconstruction roost surveys between March 1 and August 31 to identify any roosting bats. Surveys shall be conducted within 30 days prior to the anticipated removal of habitat.</p> <hr/> <p><u>BIO-8b</u>: If a maternity roost is encountered during a preconstruction survey, demolition of the roost shall wait until September 15, when the young can live independently of the adults. Prior to demolition, the bats shall be excluded by an experienced expert. If the roost is not a maternity roost, then the bats shall be excluded from the roost by the certified expert prior to demolition.</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>BIO-9: Implementation of the proposed Brighton Landing Specific Plan would result in the colonization of habitat of special-status species by invasive species of plants and animals, which would be a significant impact.</p>	S	<p><u>BIO-8c:</u> A bat roost shall be created within 5 miles of the Specific Plan area. A conservation easement shall be placed on the mitigation bat roost to ensure that it is not destroyed. The bat roost shall be monitored until it can be demonstrated that bats have used the mitigation roost for 3 years in a row. An endowment of sufficient value shall be established to provide for ongoing maintenance of the bat roost. The City of Vacaville shall approve the size of the endowment.</p> <p><u>BIO-9a:</u> The species listed in the Table 4.4-5 are particularly invasive ornamental plants and shall be prohibited from being planted in open space areas, parks, public landscaping in street rights-of-way, or on the future private school site, within the Specific Plan area. These restrictions shall be incorporated into the Specific Plan development standards. Prior to approval of final landscape plans, the plant palette for any Developer-implemented landscaping shall be reviewed by a biologist to ensure that the species in Table 4.4-5 and species listed in the California Invasive Plant Council's Invasive Plant Inventory are not included in the landscaping for the site.</p> <p><u>BIO-9b:</u> The detention basin shall be designed to minimize the breeding and expansion of non-native species, such as bullfrog and warm-water fish, which require year-round water. The basin shall be managed such that a permanent pool is not created, and the basin dries out each year.</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>BIO-10: The Specific Plan would result in significant impacts to Old Alamo Creek and its riparian habitat by reducing the width of the adjacent buffer, increasing run-off and erosion, increasing the deposition of pollutants and sediment, and harming or removing riparian trees and shrubs. As described in Section 4.9, Hydrology and Water Quality, increased runoff generated from the urban land uses proposed by the Specific Plan could cause an increase in discharge of pollutants and erosion or siltation downstream of the Specific Plan area.</p>	S	<p><u>BIO-10a:</u> The Applicant shall develop plans to enhance remaining portions of Old Alamo Creek or other approved offsite location to mitigate both the loss of riparian habitat from the widening of Elmira Road and any additional impacts associated with the storm drain outfall to the creek east of the Specific Plan Area. At a minimum, 0.18 acres of riparian habitat (a 4:1 ratio relative to the loss of 0.045 acres of riparian habitat) shall be enhanced through planting of desirable native species and removal of exotic vegetation. All affected riparian tree and shrub species shall also be re-established at a 4:1 ratio <u>and a minimum 10:1 ratio for significantly impacted mature oaks</u>; that is at the end of a minimum 5-year monitoring period and after 2 years of no significant intervention (e.g., additional planting or irrigation), four times the affected number of trees and shrubs shall be established in good condition within the restoration area. This may require initial plantings at a higher than 4:1 ratio <u>or 10:1 ratio for significantly impacted mature oaks</u>. The location of and plan for riparian restoration and enhancement shall be reviewed and approved by the City and CDFG prior to implementation.</p> <hr/> <p><u>BIO-10b:</u> Implementation of Mitigation Measure BIO-2c, which establishes building setbacks along Old Alamo Creek in Subarea O mitigates impacts associated with urban encroachment and will help promote continued biological connectivity. <u>The following additional measures shall be implemented to minimize construction impacts to the avoided riparian trees:</u></p> <ol style="list-style-type: none"> <u>Where trees and/or riparian shrubs are present and will be preserved, ground disturbance shall avoid the dripline of the riparian trees and shrubs. Temporary construction fencing shall be placed at the edge of the work outside the edge of the tree driplines. No construction work, storage of equipment or materials, or other disturbance shall be allowed in the protected areas.</u> 	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-11: Implementation of the proposed Brighton Landing Specific Plan would result in the loss of approximately 0.13 acre of jurisdictional wetland, which would be a <i>significant</i> impact.	S	<ol style="list-style-type: none"> <li data-bbox="940 444 1675 597">2. <u>Excavation work within a distance of 1.5 times the radius of the drip line or within a 25-foot radius of the driplines, whichever is greater, of native riparian trees shall be done with hand tools or with light mechanized equipment (e.g., mini or light excavator or backhoe) in order to minimize disturbance or damage to roots.</u> <li data-bbox="940 610 1644 699">3. <u>An air spade or the equivalent shall be used to aerate and loosen the soil in the structural root zone of native riparian trees to minimize physical injury to the tree roots.</u> <li data-bbox="940 712 1640 773">4. <u>Branch or root pruning of native riparian trees, if required, shall be conducted under the supervision of a Certified Arborist.</u> <li data-bbox="940 786 1667 875">5. <u>Equipment staging areas/storage areas shall not be located within a distance of 1.5 times the radius of the drip line or within a 25-ft radius of the dripline, whichever is greater, of native riparian trees.</u> <li data-bbox="940 888 1659 946">6. <u>Fill, gravel, or other construction materials shall not be stockpiled in the driplines of native riparian trees.</u> 	LTS
		<p>BIO-10c: Mitigation Measures HYDRO-1, HYDRO-2, and HYDRO-6 shall be implemented and will generally reduce downstream impacts to water quality. The Stormwater Master Plan required under Mitigation Measure HYDRO-6 shall further evaluate the effects on the two-year flow in Old Alamo Creek and downstream riparian vegetation. The two-year flow is typically identified as the channel-forming flow; significant increases in this flow rate can result in channel erosion and loss of riparian vegetation. Stormwater discharge shall be designed to avoid downstream channel impacts.</p>	
<p>BIO-11a: The Specific Plan proponent shall create an estimated 0.26 acres of seasonal wetland habitat (2:1 ratio). Actual mitigation acreage requirements shall be adjusted and determined based on a revised and Corps-verified wetland delineation, and shall be based on the verified wetland acreage and not just areas subject to Section 404 regulation. Mitigation may be accomplished by (1) on- or off-site creation of new seasonal wet-</p>			

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		lands at an appropriate mitigation site or (2) purchase of the appropriate number of credits at an agency-approved off-site mitigation bank. A credit purchase agreement or receipt shall be provided prior to approval of the grading plan.	
		If the mitigation is to be accomplished by creating new wetlands on-site (or at an off-site location owned or otherwise controlled by the applicant), the applicant shall prepare and implement a wetland mitigation and monitoring plan (MMP) for approval by regulatory agencies and the City, and which details the mitigation design, the wetland planting design, maintenance and monitoring requirements, reporting requirements, long-term funding for management, and success criteria. Mitigation wetlands shall be monitored for a minimum of five years to verify that the success criteria have been achieved. The MMP shall be approved by the Corps, RWQCB and the City of Vacaville prior to approval of the Final Map.	
BIO-12: Implementation of the Specific Plan will impact wetlands, channel and riparian habitats, and habitat for State- and federally-listed threatened species regulated by multiple State and/or federal agencies. Non-compliance with these adopted regulations would constitute a significant impact.	S	BIO-12: The Specific Plan proponent shall provide copies of required permits, or verifiable statement that permits are not required, prior to receiving grading permits or other approvals that would permit land disturbing activities/conversion of habitats or impacts to protected species associated with Specific Plan implementation. Such agencies and permits include: U.S. Army Corps of Engineers (404 permit), Regional Water Quality Control Board (401 certification or WDR), California Department of Fish and Game (1602 Streambed Alteration Agreement, 2081 Individual Take Permit), and U.S. Fish and Wildlife Service (Section 7 Take Authorization).	LTS
BIO-13: Implementation of the Specific Plan could result in significant impacts to nesting birds protected under the federal Migratory Bird Treaty Act and the California Fish and Game Code.	S	BIO-13: To the extent feasible, vegetation removal activities shall occur during the non-nesting season (September 1 to January 31). For any construction activities conducted during the nesting season, Project Applicants are responsible for compliance with the federal Migratory Bird Treaty Act and the California Fish and Game Code. Project applicants shall	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-14: Development of the Brighton Landing Specific Plan would conflict with several Vacaville General Plan policies for preserving creek corridors and riparian vegetation, specifically policies 2.1-G3, 3.5-G3, 3.5-G4, 3.5-I6, 8.1-G1, 8.2-I1, and 8.2-I3.	S	submit affidavits to the City of Vacaville describing both their obligations and the measures undertaken to comply with these regulations. <u>BIO-14:</u> Implement Mitigation Measures BIO-2c, 10-b, and 10-c.	LTS
BIO-15: Construction of the Specific Plan could result in damage to or removal of trees protected by the City of Vacaville, which would be a <i>significant</i> impact.	S	<u>BIO-15a:</u> The removal of protected trees shall be avoided by design where possible (see Mitigation Measures BIO-2c and BIO-10a). For each protected tree removed, three native trees such as valley oak, blue elderberry, or other suitable tree species, shall be established within common areas, such as landscaping areas and the park site. (“Established” shall mean growing for a minimum of three years without supplemental irrigation or other significant support, except for normal maintenance.) The mitigation trees shall be derived from local stock. A mitigation plan shall be developed by a biologist or professional arborist in order to ensure the long-term survival of the native plantings and this plan shall be reviewed and approved by Planning Director of the City of Vacaville prior to implementation. The mitigation plan shall include details on the location of planting, planting techniques, the need for irrigation, monitoring, maintenance, performance standards, and annual reporting requirements. Monitoring shall be done for at least 5 years after planting or until establishment criteria are achieved. <u>BIO-15b:</u> To mitigate potential damage to native trees on the site during construction, a tree protection zone (TPZ) shall be established on the site adjacent to the work area. Usually, a tree protection zone encompasses all areas within the edge of the tree canopy. A professional arborist shall be consulted prior to construction regarding the specifications of the TPZ and the appropriate care for trees before, during, and after construction. Trees whose roots are damaged by implementation of the Specific Plan	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>BIO-CUM-1: The cumulative effect of the Brighton Landing project as currently designed, together with the construction of Jepson Parkway, would result in the undergrounding of 283 feet of Old Alamo Creek in order to accommodate the widening and relocation of Leisure Town Road, the widening of Elmira Road, and the installation of landscaping and sidewalk proposed as part of the Brighton Landing Specific Plan. This will create a gap of approximately 393 feet between open sections of Old Alamo Creek and would significantly impact habitat for special status species such as Valley elderberry longhorn beetle as well as local movement of terrestrial and aquatic wildlife, including western pond turtle.</p>	S	<p>shall be monitored for 5 years after the end of construction. Those trees that die within the 5-year monitoring period shall be replaced with three native trees. These new replacement trees shall be covered by the mitigation plan described in Mitigation Measure BIO-12a.</p> <p><u>BIO-CUM-11:</u> Prior to a development application being submitted for development in Subarea O, the applicant shall prepare a site plan for Subarea O. The City shall ensure that this site plan allows for an adequate area to the east of the current Old Alamo Creek channel for the possible relocation (by the Jepson Parkway project) of the portions of Old Alamo Creek that would be impacted by the Jepson Parkway project. This area shall allow for the width of a potentially relocated channel of Old Alamo Creek to remain at least the width of the existing channel, and for the slope of the bank to be less than the current slope, in order to increase bank stability. A Subarea O site plan must also allow for a 100-foot buffer between the riparian vegetation and any development, according to the provisions of the Solano HCP.</p> <p>After completion of the Jepson Parkway project adjacent to the Specific Plan Area, any portion of Subarea O that is not required to maintain a 100-foot buffer from riparian habitat would no longer be restricted by this mitigation measure. Also, in the event that Jepson Parkway is constructed prior to the submittal of a development application for Subarea O, a Subarea O applicant shall only be required to submit a land use plan that includes a 100-foot buffer from riparian habitat.</p> <p>Implementation of this measure will not prevent the Jepson Parkway project from maintaining a movement corridor for western pond turtles, Valley elderberry longhorn beetle, and other species along Old Alamo Creek. In combination with the other mitigation measures in this chapter, this</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		measure would mitigate for the Brighton Landing Specific Plan project's 43-foot contribution to the cumulative impact, since this distance does not in itself represent a significant impediment to wildlife movement.	
CULTURAL RESOURCES			
CULT-1: Specific Plan implementation has the potential to result in the disturbance or destruction of archaeological deposits. These deposits could qualify as historical or unique archaeological resources under CEQA.	S	<p><u>CULT-1:</u> If deposits of prehistoric or historical archaeological materials are encountered during Specific Plan activities, all work within 25 feet of the discovery shall be redirected until an archaeologist is contracted to assess the finds, consult with agencies and descendant communities (as appropriate), and make recommendations for the treatment of the discovery. If preservation in place is not feasible, the archaeologist shall evaluate the deposit for its eligibility for listing in the California Register of Historical Resources. If the deposit is not eligible, mitigation is not necessary. If the deposit is eligible, impacts to the deposit shall be mitigated. Mitigation shall include excavation of the archaeological deposit in accordance with a data recovery plan (see <i>CEQA Guidelines</i> Section 15126.4(b)(3)(C)). The City of Vacaville shall ensure that descendant communities are consulted for their input and concerns during the development and implementation of any mitigation plan.</p> <p>Upon completion of the evaluation and/or mitigation, the report shall be submitted to the City of Vacaville, the applicant, the Northwest Information Center at Sonoma State University, and descendant communities.</p>	LTS
CULT-2: Specific Plan implementation has the potential to result in the disturbance or destruction of unique archaeological resources.	S	<u>CULT-2:</u> See Mitigation Measure CULT-1.	LTS
CULT-3: Specific Plan implementation has the potential to result in the disturbance or destruction of paleontological resources that could occur in the sensitive formations underlying the Brighton Landing site. Such disturbance would be considered a significant impact under CEQA.	S	<u>CULT-3:</u> If paleontological resources are encountered during Specific Plan activities, all ground-disturbing activities within 25 feet shall be stopped and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery (including, as appropriate, data recovery).	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
CULT-4: Specific Plan implementation has the potential to result in the disturbance of human remains, including those interred outside of formal cemeteries. Such disturbance would be considered a significant impact under CEQA.	S	CULT-4: If human remains are encountered during Specific Plan activities, all ground-disturbing activities within 25 feet should be redirected. The remains shall be treated in accordance with the provisions of California Health and Safety Code Section 7050.5.	LTS
GEOLOGY, SOILS, AND MINERAL RESOURCES			
<i>The project would not result in any significant impacts to geology, soils, and mineral resources; therefore, no mitigation measures are necessary.</i>			
GREENHOUSE GAS EMISSIONS			
GHG-1: Greenhouse gases emitted from project operation would be above the threshold of 4.6 MT CO ₂ e/yr/Service Population.	S	<p>GHG-1a: The applicant shall implement the following BAAQMD mitigation measures:</p> <ol style="list-style-type: none"> The applicant shall require through contractual obligations with the contractor(s) that all heating, air conditioning, and ventilation (HVAC) ducts be sealed. The applicant shall require through contractual obligation with the local utility district and contractors that smart meters and programmable thermostats be installed in the schools and all residences. <p>GHG-1b: Residential developments that include garage parking shall be electrically wired to accommodate electric vehicle charging. The location of these electrical outlets shall be specified on building plans.</p> <p>GHG-1c: Installation of Energy Star appliances (dishwashers, refrigerators, clothes-washers, and dryers) shall be specified in project-level residential development and in the private school plans. Installation of Energy-Star appliances shall be verified by the City during plan check.</p> <p>GHG-1d: Mitigation Measure AQ-2, which includes measures to reduce air quality deterioration associated with vehicle trip generation and area source emissions from the project, shall be implemented.</p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<u>GHG-1e</u> : LED fixtures shall be used for outdoor lighting in the public right-of-way.	
		<u>GHG-1f</u> : Project features specified in Mitigation Measures GHG-1a through 1e shall be incorporated into the Specific Plan's development standards, and then subsequently included on the buildings plans.	
		<u>GHG-1g</u> : Additional mitigation as listed in the Metropolitan Transportation Commission toolbox shall be provided where feasible. This could include such features as: shuttle services to train stations, electric car-charging stations at public places such as schools or shopping centers, and improved bicycle access through the site.	
HAZARDS AND HAZARDOUS MATERIALS			
HAZ-1: Pesticide-contaminated soils could be present in the Specific Plan area above levels considered harmful to human health for residential development and schools.	S	<u>HAZ-1:</u> Additional samples shall be taken from the area of the soil samples SS19 analyzed in the Phase II soil sampling, and tested for organo-chlorine pesticides. If analyses indicate aldrin or other pesticides are present over regulatory limits, the area shall be excavated until all contaminated soil is removed and the contaminated soil removed to the nearest appropriate landfill, or a risk assessment shall be carried out to show that the levels that remain would not be harmful to human health.	LTS
HAZ-2: Construction of the Specific Plan would place residences in a zone subject to wildfires.	S	<u>HAZ-2:</u> Development under the Specific Plan shall at all times conform to the development standards laid down in Section 14.20.290 of the Vacaville Municipal Code, Development Standards for New Construction Adjacent to Open Space Lands Where Wildfire Is a Threat. Fire breaks at the boundary with undeveloped lands must be provided at all stages during Plan buildout, subject to the approval of the Vacaville Fire Department.	LTS
HAZ-3: The first phases of the project to be constructed would only have one route for emergency access, along Elmira Road, which the Vacaville Fire Department considers to be inadequate emergency access. Traffic circles and other traffic calming devices, as well	S	<u>TRAF-3a:</u> See Mitigation Measure TRAF-2a. <u>TRAF-3b:</u> See Mitigation Measure TRAF-2b.	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
as other site-specific design might delay emergency response time or impede movement of emergency vehicles. Therefore, there would be a <i>significant</i> impact.			
HYDROLOGY AND WATER QUALITY			
HYDRO-1: Construction activities could substantially degrade water quality resulting in a violation of water quality standards, and, thus, a <i>significant</i> impact.	S	<p>HYDRO-1: The applicant shall comply with the NPDES General Permit for Discharges of Storm Water Discharge Associated with Construction Activities issued by the SWRCB. The Construction General Permit requires the development and implementation of a SWPPP. The SWPPP must contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list BMPs the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants, to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.</p> <p>BMPs to prevent or reduce potential erosion control could include mulch covering, temporary seeding, soil stabilizers, binders, fiber rolls, temporary vegetation, and permanent seeding. BMPs to control sediment that may be introduced into runoff could include silt fences, straw wattles, and sediment basins. BMPs for controlling run-on and runoff could include control berms and swales that direct runoff away from sensitive areas. Source control BMPs that prevent pollutants from entering runoff could include establishment of vehicle fueling and maintenance areas and material storage areas that are either covered or are designed to control runoff.</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>HYDRO-2: Runoff generated from the urban land-uses proposed with the Specific Plan area would drain into a detention basin that has not been configured to allow adequate settling time to achieve adequate stormwater quality treatment. The runoff could therefore substantially degrade water quality, resulting in a violation of water quality standards and a <i>significant</i> impact.</p>	S	<p>HYDRO-2: The applicant shall incorporate the City’s Design Standards and Best Management Practices into the Specific Plan development standards and project design to reduce urban pollutants in runoff in accordance with the requirements of the City’s Storm Drain Design Standards, the City’s Stormwater Management Plan, and the City’s latest NPDES stormwater permit. Design of projects under the Specific Plan shall incorporate design features such as minimizing to the extent feasible impervious surfaces and maximizing to the extent feasible areas that are landscaped. The applicant may use the proposed detention basin as a BMP to provide stormwater quality treatment by modifying the design of the basin to meet the requirements of an extended detention basin or other accepted water quality treatment design in accordance with the requirements of the latest City design standards and NPDES requirements when the project is implemented.</p> <p>Extended detention basins reduce pollutants in runoff by allowing particles and associated pollutants to settle. Other viable BMPs include infiltration techniques such as infiltration trenches and infiltration basins. Infiltration type BMPs allow runoff to infiltrate into the underlying soil, which filters out pollutants. Infiltration techniques are not appropriate in areas with highly pervious soils (Hydrologic Soils Types A and B), so the suitability of infiltration techniques for the Specific Plan area will depend on specific soil conditions. Biofiltration BMPs include vegetated swales and buffer strips and bioretention. These types of BMPs reduce pollutants in runoff by filtering the vegetation and subsoil and infiltration into the underlying soils. Source control BMPs, which prevent pollutants from entering runoff, include directing roof spouts to pervious areas, use of porous pavements, enclosing trash storage areas, and providing signs at storm drain inlets to educate the public. Design criteria for these types of BMPs can be found in the California Storm Water Best Management Practices Handbook, New Development and Redevelopment, California Stormwater Quality Association, January 2003.</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDRO-3: Increased runoff generated from the urban land-uses proposed with the Specific Plan could cause an increase in erosion or siltation downstream of the Specific Plan area if runoff is not adequately conveyed to the proposed detention basin, thus representing a <i>significant</i> impact.	S	<u>HYDRO-3:</u> See Mitigation Measure HYDRO-5.	LTS
HYDRO-4: Increased runoff generated from the urban land uses proposed with the Specific Plan could cause an increase in flooding downstream of the Specific Plan area if runoff is not adequately conveyed to the proposed detention basin.	S	<p><u>HYDRO-4:</u> The applicant shall have a Storm Drain Master Plan (SDMP) prepared by a registered civil engineer that identifies the specific improvements that would mitigate the increased runoff from the Specific Plan area. The SDMP shall provide the necessary calculations to adequately demonstrate that the proposed drainage facilities adequately convey the design runoff from the Specific Plan area and adequately mitigate the impacts of increased runoff. In accordance with the City’s Storm Drain Design Standards, the SDMP shall be prepared and incorporated into the tentative map design and shall include, but is not limited to, the following items:</p> <ul style="list-style-type: none"> “ A topographic map of the drainage shed and adjacent areas as necessary to define the study boundary. The map shall show existing and proposed ground elevations (including preliminary building pads), with drainage sub-shed areas in acres, and the layout of the proposed drainage improvements. “ A map showing analysis points, proposed street grades, storm drainage facilities, and overland release paths with required easement locations for overland flow across private property. “ Preliminary pipe sizes with hydraulic grade lines, design flows, inverts, and proposed ground elevations at analysis points. This information is to be provided on the map showing the layout of the proposed drainage facilities. “ Information on the proposed detention basin and pump station 	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		including: ʘ Preliminary Grading Plan showing the layout, configuration, and elevations. ʘ Preliminary Stage, storage, and discharge information for selected design storms. ʘ Description of storage requirements, operation, and pumping operation to provide water quality benefits, route storm runoff, and depict dry weather operation. ʘ Preliminary site plan for the detention facilities, and sizing and layout for the pump station.	
HYDRO-5: The Specific Plan could create runoff water that exceeds the proposed storm drain system and the existing downstream system, which would be a <i>significant</i> impact.	S	<u>HYDRO-5:</u> See Mitigation Measure HYDRO-4.	LTS
HYDRO-6: Runoff generated from the urban land-uses proposed with the Specific Plan could substantially degrade water quality.	S	<u>HYDRO-6:</u> See Mitigation Measure HYDRO-2.	LTS
HYDRO-7: The Specific Plan could expose people or structures to <i>significant</i> flood risks within and downstream of the Specific Plan area.	S	<u>HYDRO-7:</u> See Mitigation Measure HYDRO-4.	LTS
HYDRO-CUM-1: The additional area of impervious surface from roads, buildings, and other hardscape features would reduce the quantity of water that reaches the aquifer.	S	<u>HYDRO-CUM-1:</u> See Mitigation Measure HYDRO-3.	LTS
LAND USE AND PLANNING			
<i>The project would not result in any significant impacts to land use; therefore, no mitigation measures are necessary.</i>			

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOISE			
NOISE-1: Future projected traffic noise levels along roadway segments adjacent to the Specific Plan area site would exceed the City’s normally acceptable standard of 60 dBA L _{dn} for transportation noise source impacts on new residential development, as well as exceed the City’s 45 dBA L _{dn} residential interior noise level standard.	S	<u>NOISE-1:</u> A minimum 8-foot-high sound barrier wall or wall/berm shall be constructed along the property lines of the proposed residential properties that adjoin Leisure Town Road and a minimum 6-foot-high sound barrier wall or wall/berm shall be constructed along the property lines of the proposed residential properties that adjoin Elmira Road. The sound walls should be located along the residential property line of all residences that adjoin Leisure Town Road or Elmira Road. The sound barrier height shall be determined as measured from either the adjoining edge of roadway elevation or the receiving property elevation, whichever is higher. If the existing residential properties located in the northwest corner of the Specific Plan area remain after buildout of the Specific Plan, these mitigating sound barrier walls shall also be required along the edges of these property lines adjoining Leisure Town Road and Elmira Road, with wrap-around portions extending along any necessary access driveways to these properties, so that line of sight from outdoor active use areas of these properties to the roadways is blocked.	LTS
NOISE-2: New stationary noise sources associated with buildout of the Specific Plan could exceed the City’s noise standards for stationary (non-transportation) noise sources as measured at proposed residential outdoor active use areas.	S	<u>NOISE-2a:</u> Prior to the issuance of building permits, the project applicant shall submit documentation to the City planning department demonstrating how proposed mechanical equipment will comply with the applicable standards. This can take the form of installation of quieter rated equipment (such as HVAC units with a noise bel (B) rating of 7.6 B or lower), or through strategic placement of units, or the use of sound-attenuating shielding or sound walls. <u>NOISE-2b:</u> In addition, the project applicant shall submit documentation to the City planning department demonstrating how noise from any commercial delivery loading/unloading activities and how noise from proposed school uses, such as student and spectator talking and shouting in playground and outdoor sport facilities areas, will be mitigated to com-	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>NOISE-3: Construction period activities could result in temporary significant increases in the existing ambient noise levels at sensitive land uses in the Specific Plan area vicinity above noise levels existing without buildout of the Specific Plan.</p>	S	<p>ply with the City’s non-transportation noise standards. This mitigation can take the form of strategic placement of these uses (locating them as far as feasible from sensitive receptors), or through the use of sound walls to provide shielding for receiving outdoor active use areas of residential land uses. Commercial and school delivery loading/unloading activities shall be restricted to the hours of 6:00 a.m. to 10:00 p.m. in order to reduce sleep disturbance to adjacent on-site residential receptors.</p> <p><u>NOISE-3:</u> In accordance with City standards, the construction contractor shall ensure the following:</p> <ul style="list-style-type: none"> “ All internal combustion engine-driven construction equipment operated on the site are fitted with intake and exhaust mufflers that are in good condition and appropriate for the equipment and are used at all times such equipment is in operation. “ All stationary construction equipment is placed so that emitted noise is directed away from sensitive receptors nearest the site. “ To the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the site during all construction. “ All noise-producing general construction related activities (including, but not limited to, the operation of construction or grading equipment) are restricted to the hours between dusk (one-half hour after sunset) and 7:00 a.m. Monday through Saturday. No construction or grading activities shall be allowed on Sundays or holidays except as provided in Section 8.10.030 of the Municipal Code. 	LTS
<p>NOISE-CUM-1: Future projected traffic noise levels along roadway segments adjacent to the Specific Plan area site for Existing + Approved Projects + Brighton Landing Specific Plan Project would exceed the City’s normally acceptable standard of 60 dBA L_{dn} for trans-</p>	S	<p><u>NOISE-CUM-1:</u> See Mitigation Measure NOISE-1.</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
portation noise source impacts on new residential development, as well as exceed the City's 45 dBA L _{dn} residential interior noise level standard.			
NOISE-CUM-2: Future projected traffic noise levels along roadway segments adjacent to the Specific Plan area site under 1990 General Plan Conditions in 2035 + Brighton Landing Specific Plan, would exceed the City's normally acceptable standard of 60 dBA L _{dn} for transportation noise source impacts on new residential development, as well as exceed the City's 45 dBA L _{dn} residential interior noise level standard.	S	<u>NOISE-CUM-2:</u> See Mitigation Measure NOISE-1.	LTS
POPULATION AND HOUSING			
PH-1: Extension of roads, sewer, and other infrastructure into undeveloped areas would occur under the Specific Plan, indirectly inducing unplanned growth to the north and south, resulting in a <i>significant</i> impact.	S	<u>PH-1:</u> There is no available mitigation measure.	SU
PH-CUM-1: Extension of roads, sewer, and other infrastructure into undeveloped areas would occur under the Specific Plan, which, together with approved projects, would indirectly induce unplanned growth, resulting in a <i>significant</i> impact.	S	<u>PH-CUM-1:</u> There is no available mitigation measure.	SU
PUBLIC SERVICES AND RECREATION			
PS-CUM-1: Together with other reasonably foreseeable growth, the Specific Plan would likely require new or physically altered fire service facilities, the construction of which could cause significant environmental impacts.	S	<u>PS-CUM-1:</u> The City shall use the development agreement process to ensure that the funding sources and mechanisms, notably impact service fees and community facilities district called for in the Draft Specific Plan, are adequate to provide for additional fire service personnel, other public safety staff, and associated equipment.	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
PS-CUM-2: Future growth, whether from approved plans, or build-out of either the 1990 General Plan or the Proposed General Plan Update, together with build-out of Brighton Landing, may bring enough additional residents to Vacaville to require provision of a new, expanded, or renovated library and additional staff.	S	PS-CUM-2: It is not known at this point when such facilities would be required or what the exact nature of these facilities would be. As a result, it cannot be determined what project-specific environmental impacts would occur from their construction and operation and how exactly to mitigate those impacts. The potential impacts would be identified during the facility planning process. However, by paying the County's Public Impact Fees, the project would satisfy the County's financial requirements, which would be considered adequate mitigation for its contribution to the cumulative impact.	LTS
PS-CUM-3: Cumulatively, the increase in population associated with new and proposed projects and plans in Vacaville would be likely to require construction of new parks and facilities or contribute to existing park and facility deterioration. This is a <i>significant</i> impact.	S	PS-CUM-3: It is not known at this point when such new or expanded parks and facilities would be required or what the exact nature of these facilities would be. As a result, it cannot be determined what project-specific environmental impacts would occur from their construction and operation. Potential impacts would be identified during the facility planning process. However, the City shall use the development agreement process to ensure that the funding sources and mechanisms, notably impact service fees and community facilities district called for in the Draft Specific Plan, are adequate to provide for new or expanded additional parks and facilities.	LTS
TRAFFIC AND TRANSPORTATION			
TRAF-1: The Leisure Town Road/Elmira Road intersection (#6) would degrade to LOS F in the AM peak hour and LOS E in the PM peak hour with the addition of project traffic under the Existing + Project scenario.	S	TRAF-1: At the Leisure Town Road/Elmira Road intersection (#6), the project shall install the following improvements and/or shall provide right-of-way along the frontage of the project site and pay in-lieu fee to the City for the acquisition of necessary right-of-way and installation of the improvements: widen the south leg to provide one left-turn lane, two through lanes and one right-turn lane on the northbound approach; widen the west leg to provide one shared left-through lane, one through lane and one right-turn lane on the eastbound approach; and widen the east leg to provide one left-turn lane, one through lane and one shared through-right lane on the westbound approach.	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>TRAF-2: The Leisure Town Road/Alamo Drive intersection (#8) would degrade to LOS D in the AM peak hour with the addition of project traffic under the Existing + Project scenario.</p>	S	<p>The City shall implement these improvements or shall apply the in-lieu fee towards installation of the Jepson Parkway improvement project, which is currently being designed by the City in this area. At this intersection, the Jepson Parkway improvement project would provide two left-turn lanes, two through lanes, a third future through lane and one right-turn lane on the northbound approach; two left-turn lanes, two through lanes and one future right-turn lane on the eastbound approach; two left-turn lanes, one through lane and one right-turn lane on the westbound approach; and two left turn lanes, two through lanes and one right-turn lane on the southbound approach.</p> <p>Upon implementation of the above improvements, the intersection would operate at LOS C or better in both peak hours. However, because the ability for the project and/or the City to acquire the necessary right-of-way to install the improvement is uncertain, the project impact would remain significant.</p> <p>TRAF-2: At the Leisure Town Road/Alamo Drive intersection (#8), the project shall pay in-lieu fees to the City for the installation of the following improvements: convert the eastbound through lane to a left-turn lane and the exclusive right-turn lane to a shared through-right lane to provide two left-turn lanes and one shared through-right lane on the eastbound approach; and widen the north leg of the intersection to provide two corresponding receiving lanes on Leisure Town Road.</p> <p>The City shall implement these improvements or shall apply the in-lieu fee towards installation of the Jepson Parkway improvement project, which is currently being designed by the City at this location. At this intersection, the Jepson Parkway improvement project would provide one left-turn lane and two through lanes on the northbound approach; two left-turn lanes and two through lanes on the eastbound approach; two left-turn lanes and two through lanes on the westbound approach; and one left</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>TRAF-3: The proposed S Street or Major Collector Street segment south of Elmira Road would exceed LOS C conditions in the northbound direction during the AM peak hour.</p>	S	<p>turn lane, two through lanes and one right-turn lane on the southbound approach.</p> <p>Upon implementation of the above improvements, the intersection would operate at LOS C or better during both peak hours.</p>	SU
<p>TRAF-4: The first phases of the project to be constructed would only have one route for emergency access, along Elmira Road, which the Vacaville Fire Department considers to be inadequate emergency access. Traffic circles and other traffic calming devices, as well as other site-specific design might delay emergency response time or impede movement of emergency vehicles.</p>	S	<p>TRAF-3: The project shall provide an additional northbound lane on S Street between Elmira Road and the private high school driveway, which would increase capacity and improve the segment to LOS C or better. Because the utilization of the northbound lanes would likely be uneven since most of the traffic would turn left at the Elmira Road intersection and would therefore use the leftmost lane, the project shall convert the proposed northbound right-turn lane at the S Street/Elmira Road intersection to a shared left-right lane to provide one exclusively left-turn lane and one shared left-right lane; and provide two corresponding receiving lanes on Elmira Road by widening the segment between Leisure Town Road and S Street to two travel lanes in the westbound direction when the high school is installed.</p> <p>Upon implementation of the above improvements, the northbound segment would operate at LOS C or better during the AM peak hour. However, because the ability for the project and/or the City to acquire the necessary right-of-way on Elmira Road to install the two receiving lanes is uncertain, the project impact would remain significant.</p> <p>TRAF-4a: The Specific Plan shall incorporate an emergency access and evacuation plan for ensuring adequate access to all phases of the project from Elmira Road and Leisure Town Road. For each phase of the project development, the project-level site plan shall be reviewed and approved by the City, including the Vacaville Fire Department, to ensure adequate accommodation of emergency access. The emergency access and evacuation plan shall provide secondary access, such as public streets, trails or temporary roadways, designed to accommodate emergency vehicles.</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<u>TRAF-4b</u> : Traffic circles shall be designed to accommodate fire trucks and other large vehicles to travel through the intersection at an appropriate speed for emergency response purposes. On-street parking shall be prohibited near the circle to ensure clear passage. All traffic calming devices shall be designed in accordance to the City's standards and be approved by the City.	
<u>TRAF-5</u> : Interim phases of the project may conflict with adopted plans, policies, and programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities during the initial phases of implementation. As the site plan is not clearly defined, the project impact is potentially significant.	S	<u>TRAF-5</u> : For each phase of the project development, the project-level site plan shall be submitted for review and approval by the City to ensure safe and direct facilities for pedestrians, bicyclists and transit riders are provided to Elmira Road and Leisure Town Road and the design does not conflict with adopted plans, policies and programs related to such facilities.	LTS
<u>TRAF-CUM-1</u> : At the Leisure Town Road/Sequoia Drive intersection (#4), the project would contribute traffic to the already substandard operation and would cause the v/c to increase by more than 0.02 while maintaining LOS D.	S	<u>TRAF-CUM-1</u> : At the Leisure Town Road/Sequoia Drive intersection (#4), implementation of the following improvements would improve the intersection to LOS C or better in both peak hours: add an exclusive southbound through lane on Leisure Town Road to provide one left-turn lane, one through lane and one shared through-right lane on the southbound approach; and widen the south leg to provide a corresponding receiving lane. While the improvements are part of the planned Jepson Parkway Improvement Project, the timing of their implementation is not established at this time. The City may include funding for these improvements in the next update of the Development Impact Fee Program and implement the improvements at an appropriate time in order to maintain acceptable level of service if necessary prior to the installation of the Jepson Parkway Improvement Project. However, the improvements' inclusion in the Development Impact Fee Program Update and the implementation of the Jepson Parkway Improvement Project could not be ascertained at this time. Therefore, the cumulative impact remains significant.	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>TRAF-CUM-2: The Leisure Town Road/Elmira Road intersection (#6) would degrade to LOS F during both peak hours with the addition of project traffic under Existing + Approved Projects with Project scenario.</p>	S	<p>TRAF-CUM-2: At the Leisure Town Road/Elmira Road intersection (#6), implementing Mitigation Measure TRAF-1 as well as converting the southbound right-turn lane to a shared through-right lane and providing the corresponding receiving lane on the south leg would improve the intersection to LOS C or better in both peak hours.</p> <p>As discussed in Mitigation Measure TRAF-1, this intersection is being designed by the City of Vacaville as a part of the planned Jepson Parkway Improvement Project to provide two left-turn lanes, two through lanes, a third future through lane and one right-turn lane on the northbound approach; two left-turn lanes, two through lanes and one future right-turn lane on the eastbound approach; two left-turn lanes, one through lane and one right-turn lane on the westbound approach; and two left turn lanes, two through lanes and one right-turn lane on the southbound approach. Implementation of the Jepson Parkway Improvement Project would also improve the intersection to LOS C or better in both peak hours. The City may include funding for these improvements in the next update of the Development Impact Fee Program and implement the improvements at an appropriate time in order to maintain acceptable level of service if necessary prior to the installation of the Jepson Parkway Improvement Project. However, the improvements' inclusion in the Development Impact Fee Program Update and the implementation of the Jepson Parkway Improvement Project could not be ascertained at this time. Therefore, the project impact remains significant.</p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>TRAF-CUM-3: The unsignalized Leisure Town Road/Marshall Road intersection (#7) would degrade to LOS F during the AM peak hour with the addition of project traffic under Existing + Approved Projects with Project scenario.</p>	S	<p>TRAF-CUM-3: At the Leisure Town Road/Marshall Road intersection (#7), implementation of either of the following improvements would improve the intersection to LOS C or better: install a traffic signal, or construct a median to prohibit eastbound left turns from Marshall Road. Signalization is currently allowed by the Jepson Parkway Concept Plan; however, there are concerns that installing a traffic signal at this intersection would significantly increase traffic volume along Marshall Road. Prohibition of left-turn movements from Marshall Road would divert traffic onto Elmira Road and could potentially affect its intersection with Leisure Town Road. Analysis has shown that implementation of the mitigation measures identified under Mitigation Measure TRAF-CUM-2 would be sufficient to accommodate the diverted traffic from Marshall Road.</p>	SU
<p>TRAF-CUM-4: The Leisure Town Road/Alamo Drive intersection (#8) would degrade to LOS D during the AM peak hour with the addition of project traffic under Existing + Approved Projects with Project scenario., continue to operate at LOS D in PM Peak Hour and change V/C > 0.02.</p>	S	<p>The City may include funding for these improvements in the next update of the Development Impact Fee Program and implement one of these improvements at an appropriate time in order to maintain acceptable level of service. However, the improvements' inclusion in the Development Impact Fee Program Update could not be ascertained at this time. Therefore, the project impact remains significant.</p> <p>TRAF-CUM-4: At the Leisure Town Road/Alamo Drive intersection (#8), implementation of the following improvements would improve the intersection to LOS B in the AM peak hour and LOS C in the PM peak hour: convert the eastbound through lane to a left-turn lane and the exclusive right-turn lane to a shared through-right lane to provide two left-turn lanes and one shared through-right lane on the eastbound approach; add a southbound through lane to provide one left-turn lane, one through lane and one through-right lane on the southbound approach; and widen the north leg and south leg on Leisure Town Road to provide two corresponding receiving lanes on each leg. Widening of Leisure Town Road to provide two travel lanes in each direction is a part of the Jepson Parkway</p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>Improvement Project. Further, this segment of Jepson Parkway is currently in design by the City of Vacaville so that these improvements may be included in the design. Nonetheless, the timing for completion of the Jepson Parkway implementation is not established at this time.</p> <p>The City may include funding for these improvements in the next update of the Development Impact Fee Program and implement the improvements at an appropriate time in order to maintain acceptable level of service if necessary prior to the installation of the Jepson Parkway Improvement Project. However, the improvements' inclusion in the Development Impact Fee Program Update and the implementation of the Jepson Parkway Improvement Project could not be ascertained. Therefore, the cumulative impact remains significant.</p>	
<p>TRAF-CUM-5: The Leisure Town Road segment north of Elmira Road would degrade to LOS D on the northbound direction during the AM peak hour and to LOS E on the southbound direction during the PM peak hour under Existing + Approved Projects with Project scenario.</p>	S	<p>TRAF-CUM-5: Widening Leisure Town Road to provide two travel lanes on each direction would improve the segment operations to LOS C or better. While this improvement is a part of the planned Jepson Parkway Improvements Project, the timing of its implementation is not established at this time.</p> <p>The City may include funding for this improvement in the next update of the Development Impact Fee Program and implement the improvement at an appropriate time in order to maintain acceptable level of service if necessary prior to the installation of the Jepson Parkway Improvement Project. However, the improvement's inclusion in the Development Impact Fee Program Update and the implementation of the Jepson Parkway Improvement Project could not be ascertained at this time. Therefore, the project impact remains significant.</p>	SU
<p>TRAF-CUM-6: The Leisure Town Road segment north of Marshall Road would degrade to LOS D on the northbound direction during the AM peak hour under Existing + Approved Projects with Project scenario.</p>	S	<p>TRAF-CUM-6: Widening Leisure Town Road to provide two travel lanes per direction would improve the operation to LOS C or better. While this improvement is a part of the planned Jepson Parkway Improvements Project, the timing of its implementation is not established at this time.</p> <p>The City may include funding for this improvement in the next update of</p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		the Development Impact Fee Program and implement the improvements at an appropriate time in order to maintain acceptable level of service if necessary prior to the installation of the Jepson Parkway Improvement Project. However, the improvement's inclusion in the Development Impact Fee Program Update and the implementation of the Jepson Parkway Improvement Project could not be ascertained at this time. Therefore, the project impact remains significant.	
TRAF-CUM-7: The proposed S Street segment south of Elmira Road would operate at LOS D on the northbound direction during the AM peak hour under Existing + Approved Projects with Project scenario.	S	<u>TRAF-CUM-7:</u> Implementing Mitigation Measure TRAF-3 would improve the operations to acceptable levels. However, as discussed, the implementation of the improvement is not assured due to potential right-of-way constraint along Elmira Road. Therefore, the cumulative impact remains significant.	SU
TRAF-CUM-8: At the Leisure Town Road/Interstate 80 westbound off-ramp intersection (#2), the Project would contribute to the substandard operations and cause the v/c to increase by more than 0.02 while maintaining LOS D during the AM peak hour under Cumulative Conditions.	S	<u>TRAF-CUM-8:</u> At the Leisure Town Road/ I-80 westbound off-ramp intersection (#2), implementation of the following improvements would improve the operation to LOS B in the AM peak hour and LOS C in the PM peak hour: Improving the intersection to provide an additional northbound through lane to provide three northbound through lanes at the intersection. The City may include funding for the improvements in the next update to the Development Impact Fee Program and implement the improvements at an appropriate time in order to maintain acceptable level of service. However, the improvements' inclusion in the Development Impact Fee Program Update could not be ascertained at this time. Therefore, the project impact remains significant	SU
TRAF-CUM-9: The Leisure Town Road/Elmira Road intersection (#6) would degrade to LOS F during both peak hours with the addition of project traffic under Cumulative + Project conditions.	S	<u>TRAF-CUM-9:</u> As mentioned in Mitigation Measure TRAF-1 and TRAF-CUM-2, the Leisure Town Road/Elmira Road intersection (#6) is being designed by the City of Vacaville to provide two left-turn lanes, two through lanes, a third future through lane and one right-turn lane on the northbound approach; two left-turn lanes, two through lanes and one	SU

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>future right-turn lane on the eastbound approach; two left-turn lanes, one through lane and one right-turn lane on the westbound approach; and two left turn lanes, two through lanes and one right-turn lane on the southbound approach. The resulting lane geometry is shown below. Implementing these improvements, including the future lanes, would improve the intersection to LOS C with v/c of 0.75 and 0.79 during the AM and PM peak hours, respectively.</p> <div data-bbox="1024 683 1444 852" style="text-align: center;"> <p>The diagrams illustrate the proposed lane improvements at the Leisure Town Rd / Elmira Rd intersection. The left diagram, labeled '6 Leisure Town Rd / Elmira Rd', shows the current lane configuration with LOS E(F). The right diagram, also labeled '6 Leisure Town Rd / Elmira Rd', shows the proposed improvements with LOS C(C). The improvements include a future right-turn lane on the eastbound approach, two left-turn lanes, one through lane, and one right-turn lane on the westbound approach, and two left turn lanes, two through lanes, and one right-turn lane on the southbound approach.</p> </div> <p>The City may include funding for these improvements in the next update of the Development Impact Fee Program and implement the improvements at an appropriate time in order to maintain acceptable level of service. The project shall be required to provide right-of-way along the project frontage to accommodate this improvement. However, the improvements' inclusion in the Development Impact Fee Program Update and the final design of the Jepson Parkway Improvement Project at this intersection could not be ascertained at this time. Therefore, the project impact remains significant.</p>	
<p>TRAF-CUM-10: The Leisure Town Road/Alamo Drive intersection (#8) would degrade to LOS E during the AM peak hour and would contribute to a sub-standard level of service in the PM peak hour by increasing the v/c by more than 0.02 under Cumulative + Project conditions.</p>	<p>S</p>	<p>TRAF-CUM-10: At the Leisure Town Road/Alamo Drive intersection (#8), implementation of the following improvements would improve the intersection to LOS C or better in both peak hours: convert one of the eastbound through lane to a left-turn lane and convert the right-turn lane into a shared through-right lane to provide two left-turn lanes and one shared through-right lane on the eastbound approach; and add an exclusive southbound right-turn lane to provide one left-turn lane, two through lanes and one right-turn lane on the southbound approach.</p>	<p>SU</p>

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>TRAF-CUM-11: The project would contribute to substandard operations and increase the v/c by 0.02 while maintaining at LOS D during the AM peak hour at the Leisure Town Road/Vanden Road intersection (#9) under Cumulative conditions.</p>	S	<p>This intersection is being designed by the City of Vacaville as a part of the Jepson Parkway project to provide one left-turn lane and two through lanes on the northbound approach; two left-turn lanes and two through lanes on the eastbound approach two left-turn lanes and two through lanes on the westbound approach; and one left turn lane, two through lanes and one right-turn lane on the southbound approach. Implementing this measure would also improve the intersection to LOS C or better in both peak hours.</p> <p>The City is planning to begin construction of this portion of the Jepson Parkway improvements in 2014, with all of the improvements completed in 2016. This portion of the Jepson Parkway improvements is in design and is fully funded through an STA grant. However, the acquisition of the necessary right-of-way for construction has not been completed; hence its implementation cannot be assured. Therefore, the project impact remains significant.</p> <p>TRAF-CUM-11: At the Leisure Town Road/Vanden Road intersection (#9), widening the west leg of the intersection to provide an additional eastbound right-turn lane would improve the level of service to LOS C in both peak hours.</p> <p>This intersection is being designed by the City of Vacaville as a part of the Jepson Parkway Improvement Project. The design would incorporate elements that would fully mitigate the Brighton Landing project’s cumulative impact. Construction of this portion of the Jepson Parkway improvements, including improvements at this intersection, would begin in 2014 with all of the improvements completed in 2016. The Jepson Parkway improvements are fully funded through an STA grant. However, the acquisition of the necessary right-of-way for construction has not been completed; hence its implementation cannot be assured. Therefore, the project impact remains significant.</p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAF-CUM-12: The proposed S Street, the Major Collector Street, segment south of Elmira Road would exceed LOS C conditions on the northbound direction during the AM peak hour under Cumulative + Project conditions.	S	TRAF-CUM-12: Implementing Mitigation Measure TRAF-3 would improve the LOS to acceptable levels. However, as discussed, the implementation of the improvement is not assured due to potential right-of-way constraint along Elmira Road. Therefore, the cumulative impact remains significant.	SU
TRAF-CUM-13: The Peabody Road segment south of Vacaville City Limits would operate at LOS F on the northbound direction during the PM peak hour under Cumulative + Project conditions.	S	TRAF-CUM-13: Provision of a divided four-lane arterial by adding a center median along Peabody Road would improve the operation to LOS C or better on this segment in Solano County. While the project's cumulative contribution is small, the City shall work with Solano County and other jurisdictions to develop strategies and improvements to ensure efficient operations along this key corridor. However, implementation of such strategies and improvements are not under the City's control, the project's cumulative impact would remain significant.	SU
UTILITIES AND SERVICE SYSTEMS			
UTIL-1: The water distribution system plan provided by the applicant would not provide adequate fire service at all locations within the Specific Plan area. Therefore, there would be a <i>significant</i> impact to the water distribution system.	S	UTIL-1: The City allows a reduction in minimum fire flow from 3,000 gpm to 1,500 gpm in residential land use areas where a minimum eave to eave separation of 6 feet is specified. The Specific Plan and subsequent development approvals shall incorporate the <i>Nolte Associates Water Modeling Study Technical Memorandum</i> recommendation as follows: <ul style="list-style-type: none"> · Confirming the minimum eave to eave separation is 6 feet for the proposed Specific Plan area, or · Upsizing the 8-inch water mains in the cul-de-sacs to 12-inch. · The Technical Memorandum also recommends additional water mains not originally included in the Specific Plan. These recommendations shall be followed. · Additional modeling shall be required if changes are made to water main sizes or alignment other than those analyzed for this EIR, and/or to accommodate any proposed project phasing. 	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>UTIL-2: The Specific Plan requires additional storage of 0.78 million gallons for operational and emergency requirements, therefore there would be a significant impact to the water distribution system.</p>	S	<p><u>UTIL-2:</u> Fees paid by the applicant to the City shall cover the fair share of the cost of construction of the additional reservoir storage required by the City.</p>	LTS
<p>UTIL-3: The Brighton Landing Specific Plan includes installation of a new regional trunk sewer, which could cause significant environmental effects.</p>	S	<p>UTIL-3a: The City shall employ or retain a licensed design engineer, funded by the developer, to complete an engineering report detailing elevation data at locations along the proposed regional trunk sewer where flow may be diverted from the City's existing trunk sewers into the proposed regional sewer. At the time design of any portion of the proposed regional trunk sewer is initiated, the City shall require the design engineer to identify and consider controlling elevations at all points of future connections and crossings that could affect the vertical alignment of the portion currently being designed.</p> <p>UTIL-3b: Prior to any temporary connection being allowed to connect to the Elmira Road trunk sewer, the applicant shall provide a financial guarantee that adequate funding will be available to construct the proposed regional sewer at such time as the City deems necessary to accommodate flow from the upstream Elmira Road trunk sewer service area.</p> <p>UTIL-3c: The City shall prepare a Sewer Master Plan, after completion of the General Plan Update that provides detailed specifications for the conceptual design and alignment of the installation of a new regional trunk sewer, and expansion of the EWWTP. The Sewer Master Plan shall be subject to CEQA review to identify and mitigate environmental impacts resulting from improvements to the sewer system.</p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
UTIL-4: The required construction of new infrastructure and new detention basin could cause significant environmental effects.	S	<u>UTIL-4:</u> The applicant shall ensure all construction follows the Floodplain Management Ordinance guidelines for construction to ensure a reduction in flood hazards. Additionally, the applicant shall construct the detention basin to adhere to Vacaville's <i>Standard Specifications and Standard Drawings</i> . Further, development under the Specific Plan would be required to comply with the NPDES General Permit for Discharges of Storm Water Discharge Associated with Construction Activities issued by the State Water Resources Control Board. This permit requires implementation of measures to prevent impacts to water quality during construction. Also, development under the Specific Plan would need to comply with the City's NPDES stormwater permit and their Stormwater Management Plan which prevent impacts to water quality after construction of a project. Maintenance of the detention basin and pump facility shall be incorporated into the Specific Plan Lighting and Landscaping District.	LTS
UTIL-CUM-1: Future growth in Vacaville of the Specific Plan area in conjunction with growth anticipated under the 1990 General Plan would require an increase in the capacity of the regional trunk sewer above what is needed for the proposed project, as well as expansion of the existing wastewater treatment facility.	S	<u>UTIL-CUM-1a:</u> See Mitigation Measure UTIL-3a.	LTS
		<u>UTIL-CUM-1b:</u> See Mitigation Measure UTIL-3b.	
		<u>UTIL-CUM-1c:</u> See Mitigation Measure UTIL-3c.	

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CITY OF VACAVILLE
BRIGHTON LANDING SPECIFIC PLAN FINAL EIR
REPORT SUMMARY

3 REVISIONS TO THE DRAFT EIR

This chapter presents specific changes to the text, tables, and figures of the Draft EIR that are being made in response to comments made by the reviewing agencies. In each case, the revised page and location on the page is set forth, followed by the textual, tabular, or graphical revision. None of the changes constitute significant changes to the Draft EIR, so the Draft EIR does not need to be recirculated.

All changes to Chapter 2 of the Draft EIR, including changes to Table 2-1, Summary of Impacts and Mitigation Measures, are included in Chapter 2 of this Final EIR.

A. Revisions to Chapter 3, Project Description

Section C, Specific Plan Objectives, on pages 3-6 to 3-7 of the Draft EIR is hereby amended as follows:

In general, a specific plan provides guidance for future development in a particular area. The project design also includes some of the project-specific actions intended to provide for project construction activities to begin. This is a program-level and project-level document as the level of analysis and detail is intended to allow, upon certification of this EIR, the developer to request approval of items such as subdivision construction permits.⁷

~~⁷ Buderl, Fred, City Planner, City of Vacaville. Personal email communication with Melissa McDonough, The Planning Center | DC&E, April 10, 2012.~~

B. Revisions to Chapter 4.2, Agricultural and Forestry Resources

Page 4.2-11, in Section A. Regulatory Framework, is hereby amended as follows:

5. Solano Irrigation District Master Water Agreement

The City of Vacaville entered into a Master Water Agreement with the Solano Irrigation District (SID) in 1995, which was most recently amended in 2010, and is currently undergoing review for another amendment.¹¹ This

agreement determines the amount of water that the City of Vacaville will receive from SID through the year 2050. In addition, it establishes a long-term urban service area boundary and restricts water delivery for non-agricultural purposes outside of that boundary. The western portion of the project site falls within the urban service area boundary, while the eastern portion is within the agricultural service area. This Master Water Agreement also requires SID to consider with the City the limit of development and the width of an agricultural buffer between development and the remaining agricultural land uses. The amendment of the Master Water Agreement is a required project approval because the City would otherwise be contractually prohibited from providing water service to the project's non-agricultural uses outside the current urban service area boundary. This issue is addressed in City General Plan policy and acknowledged in the Master Water Agreement, noting that the City and the Solano Irrigation District will in the future consider expansion of the development area as far east as the PG&E transmission line right-of-way subject to the expansion of the width of the greenbelt.

¹¹ Solano Irrigation District Staff Report, Establish Policy Regarding Development and Agricultural Buffer Areas East of Leisure Town Road, Vacaville. February 15, 2011.

Page 4.2-17 and -18 under subheading “Impact AGRI-1: Development under the Specific Plan would convert Prime and Unique Farmlands to non-agricultural use, is hereby amended as follows:

Mitigation Measure AGRI-1: A total of 254.54 acres of agricultural land that is viable for farming operations would be purchased and preserved. The area represents the sum of the area of the agricultural buffer outside of the Specific Plan area (12.69 + 7.04 acres), the detention basin (17.6 acres), and the entire Specific Plan area (217.21 acres, including residential parcels). This land would be near the Urban Growth Boundary and in Solano County. This would satisfy the 1990 General Plan policy 2.10-G2 that the City shall require development in the Specific Plan area “to mitigate its impact on agricultural and open space lands by preserving, to the extent consistent with applicable law, for each acre of land developed, at least one acre of land outside the Growth Boundary but within Pleasants

Valley, Upper Lagoon Valley, or Vaca Valley, or any other location that is within 1 mile of the Growth Boundary. Alternatively, to the extent consistent with applicable law, such development may pay an equivalent in-lieu fee as determined by City in consultation with the Solano Land Trust. Lands acquired directly or with fees collected pursuant to this requirement shall first be offered to the Solano Land Trust. Any such fees transferred to the Solano Land Trust may only be used to acquire or protect lands outside of the Growth Boundary but within 1 mile of the Growth Boundary, or within Pleasants Valley, Upper Lagoon Valley, or Vaca Valley. Acquisitions pursuant to this requirement shall be coordinated with the Solano Land Trust.”

If for any reason adequate land to meet the conservation goals described in the Vacaville General Plan, and in particular this Section 2.10, cannot be identified or acquired, the City and the Solano Land Trust, or, if the Solano Land Trust declines to participate, the City and another land conservation entity, shall meet and confer to identify other areas where conservation acquisitions can occur at a reasonable cost and to satisfy the conservation goals described in this Section 2.10.”

C. Revisions to Chapter 4.3, Air Quality

The second paragraph on page 4.3-8 is hereby amended as follows:

~~The 1994 Sacramento Area Regional Ozone Attainment Plan Sacramento Regional 8-Hour Ozone Attainment and Regional Further Progress Plan is the current federal ozone SIP for the YSAQMD, and sets out stationary source control programs and statewide mobile source control programs for attainment of the 1-hour ozone standard. The air districts of the Sacramento region have also prepared an 8-hour Ozone Rate of Progress Plan that shows a 3-percent per year emission reduction in volatile organic compounds (or the NO₂ equivalent) for six years through 2008. This plan continues the strategies found in the 1-hour ozone SIP. Consistent with the EPA’s June 2005 revocation of the 1-hour ozone standard and enactment of the 8-hour ozone~~

~~standard required the air districts and the CARB to prepare a new attainment demonstration SIP. The latest SIP for the 8 hour ozone standard, the 2009 Sacramento Metropolitan Area 8 Hour Ozone Attainment Plan contains additional control measures to demonstrate that the region will attain the 8-hour standard by the target date of 2018. It includes the information and analyses to fulfill the federal Clean Air Act requirements for demonstrating reasonable further progress and attainment of the 1997 8-hour ozone NAAQS for the Sacramento region by the target date of 2018. In addition, the Plan proposes implementation of reasonably available control measures. Control measures included in the plan include Intelligent Transportation System (ITS) Projects, Park and Ride Lots/Transit Centers, Transit Service Funding Programs, Transportation Demand project funding, the Spare the Air Program, and Urban Forest Development Program. The Plan also includes local regulatory measures including architectural coating, automotive refinishing, degreasing/solvent cleaning, graphic arts, natural gas production, and large water heaters.~~

The second paragraph on page 4.3-9 is hereby amended as follows:

In addition to the YSAQMD's primary role of controlling stationary sources of pollution, the YSAQMD is required to implement transportation control measures ~~and identify indirect source control programs to reduce mobile source emissions.~~ To accomplish this, the YSAQMD works closely with cities, including the City of Vacaville, other air districts in the region, and with counties and regional transportation planning agencies to implement transportation control measures as described in the Sacramento Regional 8-Hour Ozone Attainment and Regional Further Progress Plan.

The third paragraph on page 4.3-9 is hereby amended as follows:

Areas that do not violate ambient air quality standards are considered to have attained the standard. Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The YSAQMD does not meet CAAQS ~~or NAAQS~~ for ground level ozone, nor State standards for PM₁₀ and national standards for PM_{2.5}. However, the YSAQMD does meet the NAAQS 8-hour ozone standard within its jurisdic-

tion, although the larger Sacramento Federal Nonattainment Area, of which YSAQMD is a part, does not meet this standard. Table 4.3-3 provides a summary of the YSAQMD's attainment status.

The third paragraph on page 4.3-18 is hereby amended as follows:

The Easterly Waste Water Treatment Plan (WWTP) is located approximately 1 mile east of the Specific Plan boundary. The Hay Road Landfill is located approximately 5 miles southeast of the Specific Plan boundary.

The second and third paragraphs on page 4.3-20 are hereby amended as follows:

Clean Air Plan accounts for increases in population growth and subsequent vehicle miles traveled through 2020 based on a forecasted emission trend. This forecast shows decreases in the overall emission inventory due to adopted control measures by the State (e.g. more stringent motor vehicle standards) and by YSAQMD levels.

To demonstrate how attainment of the federal 8-hour ozone standard would be achieved, the YSAQMD, together with other District's in the Air Basin prepared the Sacramento Regional 8-Hour Ozone Attainment and Regional Further Progress Plan, described in Section A.2.c, Yolo-Solano Air Quality Management District, above. The proposed project is a residential and school development project for which the measures outlined in the plan would not be specifically applicable. During project construction, the project would comply with all regulatory requirements related to architectural coatings as specified by the YSAQMD. The project would therefore not conflict with the Sacramento Regional 8-hour Ozone Attainment and Reasonable Further Progress Plan.

~~The focus of the commitments made in the Clean Air Plan include the adoption of control measures for architectural coatings, industrial sources, graphic arts, stationary internal combustion engines and large water heaters and small boilers. All development associated with the Specific Plan would be required to comply with the rules established by the YSAQMD including the Clean~~

~~Air Plan's architectural coatings requirements and the Specific Plan would therefore not conflict with Triennial Assessment Plan Update.~~ Therefore, buildout of the Specific Plan would not conflict with or obstruct implementation of the applicable air quality plan resulting in a *less-than-significant* impact.

The second paragraph on page 4.3-30 is hereby amended as follows:

According to the YSAQMD odor complaint records, there have been no odor complaints in the vicinity of the Specific Plan within the last three years. Historically, complaints from the town of Elmira located approximately 1 mile east of the project site had been filed with YSAQMD regarding odors from the Easterly WWTP. The City has recently made upgrades to the Easterly WWTP, including measures to reduce odor generation through both on-site and off-site improvements, resulting in an overall net decrease in odor emissions at the Easterly WWTP. Therefore, this facility is not expected to be a significant source of odors. Although there is a landfill to the southeast of the Specific Plan boundary, it is over 5 miles away and has not been the subject of an odor complaint. There are no other known odor sources in the vicinity of the Specific Plan that would affect sensitive receptors. Therefore, the project would not generate odor impacts and would also not be expected to expose people to objectionable odors. This impact would be considered a *less-than-significant impact*.

D. Revisions to Chapter 4.4, Biological Resources

Mitigation Measure BIO-4a on page 4.4-45 is hereby amended as follows:

Mitigation Measure BIO-4a: A CDFG-approved Biologist shall conduct pre-construction nest surveys between March 1 and August 31 to identify any nesting Swainson's hawks. Surveys shall follow protocols developed by the Swainson's Hawk Technical Advisory Committee (Recommend Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley May 31, 2000; available at http://www.dfg.ca.gov/wildlife/nongame/docs/swain_proto.pdf). At least one survey shall be conducted within 15 days prior to the anticipat-

ed start of construction for any phase or Specific Plan component, and shall be designed and of sufficient intensity to document nesting within 0.25 mile (1,320 feet) of planned work activities. If a lapse in Specific Plan-related construction work of 15 days or longer occurs, additional preconstruction surveys shall be required before Specific Plan work may be reinitiated.

Mitigation Measure BIO-4d on page 4.4-46 and -47 is hereby amended as follows:

Mitigation Measure BIO-4d: The Specific Plan proponent shall preserve a minimum of 229 acres of suitable Swainson's hawk ~~irrigated agricultural~~ foraging habitat. The preservation of the mitigation area shall be accomplished through purchase of credits from a CDFG approved mitigation bank or through preservation of suitable foraging habitat~~irrigated agricultural~~ lands protected in perpetuity by a conservation easement. Such an easement will need to include provisions that would provide for ~~agricultural~~ uses that are compatible with Swainson's hawk foraging needs. ~~Agricultural foraging habitats consist of alfalfa, tomatoes, other annual vegetable row crops, and grain.~~ The mitigation area shall not include ~~crop types and~~ land uses incompatible with Swainson's hawk foraging. The following additional restrictions and prohibited uses, at a minimum, shall also be noted as forbidden within the conservation easement:

- “ Commercial feedlots, which are defined as any open or enclosed area where domestic livestock are grouped together for intensive feeding purposes.
- “ Horticultural specialties, including sod, nursery stock, ornamental shrubs, ornamental trees, Christmas trees, or flowers.
- “ Commercial greenhouses or plant nurseries.
- “ Commercial aquaculture of aquatic plants, animals, and their byproducts.
- “ Planting orchards or vineyards for the production of fruits, nuts, or berries except in designated farmstead areas.

- “ Cultivation of perennial vegetable crops such as artichokes and asparagus, as well as annual crops such as cotton or rice.
- “ Construction, reconstruction, or placement of any building, billboard or sign, antennas, towers, and facilities for generation of electrical power, or any other structure or improvement of any kind, except as may be specifically permitted in site-specific management plan. Acreage occupied by any such existing facilities may not be counted toward mitigation requirements.

CDFG shall approve the site, conservation easement, and conservation easement holder. The agricultural buffer area along the eastern portion of the site does not provide appropriate mitigation habitat because: it is too close to urban development; it would allow uses such as alternative energy facilities that are not compatible with hawk foraging; and because the PG&E easement would preclude or complicate a conservation easement over the same property.

Mitigation Measure BIO-5a on pages 4.4-49 through 4.4-50 is hereby amended as follows:

Mitigation Measure BIO-5a: Between February 1 and August 31, an Approved Biologist shall conduct preconstruction surveys within known or suitable habitat areas to identify and subsequently avoid nesting areas for burrowing owls. Survey protocols shall follow the methodology described in Appendix D: Breeding and Non-Breeding Season Surveys of the 2012 DFG Staff Report on Burrowing Owl Mitigation (available at http://www.dfg.ca.gov/wildlife/nongame/docs/swain_proto.pdf). These protocols require a minimum of four survey visits during the breeding season. At least one of the preconstruction surveys shall be conducted within 4514 days prior to the anticipated start of construction, and shall follow standard survey protocols developed by the Burrowing Owl Consortium or as contained in the most current draft of the Solano HCP.²⁰ If a lapse in Specific Plan related construction work of 4514 days or longer occurs during the nesting season, additional precon-

struction surveys shall be required before Specific Plan work may be reinitiated.

Mitigation Measure BIO-5b on pages 4.4-50 through 4.4-51 is hereby amended as follows:

Mitigation Measure BIO-5b: If burrowing owls are identified on the site during preconstruction surveys, the following measures shall be implemented for new construction activities.

1. During the non-breeding season (September 1–January 31), a circular exclusion zone with a radius of 160 feet shall be established around occupied burrows, unless a reduced buffer width is approved per the requirements of Condition 3, below. If a buffer cannot be practically established (except as provided below) and upon approval from CDFG, burrowing owls shall be evicted from the entire construction area using passive relocation techniques. Before any exclusion or closure of burrows occurs, the Applicant shall prepare and submit a Burrowing Owl Exclusion Plan to CDFG and the City of Vacaville Community Development Director for review and approval. In accordance with the guidance found in Appendix E of the CDFG Staff Report of Burrowing Owl Mitigation (CDFG 2012), the Burrowing Owl Exclusion Plan, at minimum, shall require o~~One-way doors shall be~~ installed in all suitable burrows, left in place for a minimum of 48 hours, and monitored twice daily to evaluate owl exclusion and to ensure doors are functioning properly. Burrows and burrow surrogates shall then be excavated, using hand tools whenever possible, and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into burrows during excavation to maintain an escape route for any animals inside the burrow. Photographs of the excavation and closure of the burrow shall be taken to demonstrate success and sufficiency.
2. During the breeding season (February 1–August 31), a qualified burrowing owl biologist shall establish a circular exclusion zone with a radius of 250 feet around each occupied burrow. No construction-

related activity (e.g., site grading, staking, surveying, or any use of construction equipment) shall occur within the exclusion zone during the breeding season. Once the breeding season is over, passive relocation may proceed as described in No. 1 above.

3. Construction buffers may be reduced from 250 feet for breeding season buffers and 160 feet for non-breeding season buffers in accordance with the following requirements:
 - a. A site-specific analysis prepared by an Approved Biologist indicates that the nesting pair(s) or wintering owl(s) would not be adversely affected by construction activities. The City of Vacaville and the CDFG shall approve this analysis in writing before construction can proceed;
 - b. Monitoring by an Approved Biologist is conducted for a sufficient time (minimum of 10 consecutive days following the initiation of construction) and the nesting pair does not exhibit adverse reaction to construction activities (e.g., changes in behavioral patterns, reactions to noise) and the burrows are not in danger of collapse due to equipment traffic;
 - c. Monitoring is continued at least once a week through the nesting/wintering cycle at that site and no change in behavior by the owls is observed; and
 - d. Monitoring reports are submitted to the City of Vacaville and CDFG.

If adverse effects are identified, construction activities shall cease immediately and construction shall not be resumed until the Approved Biologist, in consultation with the City of Vacaville and CDFG, has determined that nesting activity is complete or that construction may continue under modified restrictions.

Mitigation Measure BIO-5c on pages 4.4-51 through 4.4-52 is hereby amended as follows:

Mitigation Measure BIO-5c: Mitigation for the permanent loss of 228.59 acres of burrowing owl foraging habitat and potential nesting habitat for

urban development or other permanent facilities shall be provided at a 1:1 land/area ratio. This measure may be accomplished in conjunction with Swainson's hawk Mitigation BIO-4d, above, provided that the applicant submits a Burrowing Owl Mitigation and Monitoring Plan for review by CDFG and to the City of Vacaville Community Development Director for approval by the City. The Burrowing Owl Mitigation and Monitoring Plan shall include the following components, which require that additional measures are implemented.

- “ At least 5 acres of mitigation area shall be permanently taken out of agricultural production to provide suitable nesting habitat and cover for burrowing owls.
- “ In addition to the requirements of BIO 5-b, if occupied burrows are confirmed on site during pre-construction surveys, aAt least four artificial burrow complexes (three multi-entrance burrows per complex) shall be installed within the ~~habitat set aside for burrowing owls~~ 5-acre area set-aside for nesting habitat from the overall 228.59 acres of foraging habitat for both the burrowing owl and Swainson's hawk.
- “ Vegetation within the owl habitat shall maintain an average effective vegetation height less than or equal to 6 inches from February 1 to April 15, when owls typically select mates and nest burrows. In addition, tree and shrub canopy cover shall be limited to the edges of the set aside area and shall not be within 200 feet of the artificial burrows.
- “ Adequate funding shall be provided to manage the owl mitigation area, including maintenance of the artificial burrows and ~~grass~~ height, in perpetuity or as specified in the Burrowing Owl Mitigation and Monitoring Plan.

Mitigation Measure BIO-10a on page 4.4-56 is hereby amended as follows:

Mitigation Measure BIO-10a: The Applicant shall develop plans to enhance remaining portions of Old Alamo Creek or other approved offsite location to mitigate both the loss of riparian habitat from the widening of Elmira Road and any additional impacts associated with the storm

drain outfall to the creek east of the Specific Plan Area. At a minimum, 0.18 acres of riparian habitat (a 4:1 ratio relative to the loss of 0.045 acres of riparian habitat) shall be enhanced through planting of desirable native species and removal of exotic vegetation. All affected riparian tree and shrub species shall also be re-established at a 4:1 ratio and a minimum 10:1 ratio for significantly impacted mature oaks; that is at the end of a minimum 5-year monitoring period and after 2 years of no significant intervention (e.g., additional planting or irrigation), four times the affected number of trees and shrubs shall be established in good condition within the restoration area. This may require initial plantings at a higher than 4:1 ratio or 10:1 ratio for significantly impacted mature oaks. The location of and plan for riparian restoration and enhancement shall be reviewed and approved by the City and CDFG prior to implementation.

Mitigation Measure BIO-10b on page 4.4-61 is hereby amended as follows:

Mitigation Measure BIO-10b: Implementation of Mitigation Measure BIO-2c, which establishes building setbacks along Old Alamo Creek in Subarea O mitigates impacts associated with urban encroachment and will help promote continued biological connectivity. The following additional measures shall be implemented to minimize construction impacts to the avoided riparian trees:

1. Where trees and/or riparian shrubs are present and will be preserved, ground disturbance shall avoid the dripline of the riparian trees and shrubs. Temporary construction fencing shall be placed at the edge of the work outside the edge of the tree driplines. No construction work, storage of equipment or materials, or other disturbance shall be allowed in the protected areas.
2. Excavation work within a distance of 1.5 times the radius of the drip line or within a 25-foot radius of the driplines, whichever is greater, of native riparian trees shall be done with hand tools or with light mechanized equipment (e.g., mini or light excavator or backhoe) in order to minimize disturbance or damage to roots.

3. An air spade or the equivalent shall be used to aerate and loosen the soil in the structural root zone of native riparian trees to minimize physical injury to the tree roots.
4. Branch or root pruning of native riparian trees, if required, shall be conducted under the supervision of a Certified Arborist.
5. Equipment staging areas/storage areas shall not be located within a distance of 1.5 times the radius of the drip line or within a 25-ft radius of the dripline, whichever is greater, of native riparian trees.
6. Fill, gravel, or other construction materials shall not be stockpiled in the driplines of native riparian trees.

E. Revisions to Chapter 4.5, Cultural Resources

Footnote 5 on page 4-5 of the Draft EIR is hereby amended as follows:

⁵ The Planning Center | DC&E, 2010. *Land Use Technical Memorandum*, page 4815; City of Vacaville, Residential Activity Report, 2010.

Footnote 21 on page 4.5-14 of the Draft EIR is hereby amended as follows:

²¹ ~~Debbie Pilas Treadway~~ Andrew Pulcheon, ~~Environmental Specialist III~~ Principal/Cultural Resources Manager, NAHC. Letter faxed to LSA, ~~May 29, 2010~~ August 17, 2012.

F. Revisions to Chapter 4.8, Hazards and Hazardous Materials

Footnote 17 on page 4.8-16 of the Draft EIR is hereby amended as follows:

¹⁷ AES, 2010. *Easterly Wastewater Treatment Project Final EIR*, page 4.6-2.

G. Revisions to Chapter 4.10, Land Use and Planning

Footnote 11 on page 4.10-11 of the Draft EIR is hereby amended as follows:

¹¹ City of Vacaville, ~~October 2010~~ February 2011, *Alamo Creek and Ulatis Creek Detention Basins Project ~~Draft~~ Final EIR*, page 4-2-11.

Page 4.10-3 of Section A. Regulatory Framework, under subheading “Regional Agencies and Regulations” is hereby amended as follows:

d. Solano Irrigation District Master Water Agreement

The City of Vacaville entered into a Master Water Agreement with the Solano Irrigation District (SID) in 1995, which was most recently amended in 2010, and is currently undergoing review for another amendment.⁶ This agreement determines the amount of water that the City of Vacaville will receive from SID through the year 2050. In addition, it establishes a long-term urban service area boundary and restricts water delivery for non-agricultural purposes outside of that boundary. The western portion of the project site falls within the urban service area boundary, while the eastern portion is within the agricultural service area. This Master Water Agreement also requires SID to consider with the City the limit of development and the width of an agricultural buffer between development and the remaining agricultural land uses. The amendment of the Master Water Agreement is a required project approval because the City would otherwise be contractually prohibited from providing water service to the project’s non-agricultural uses outside the current urban service area boundary.

⁶ Solano Irrigation District Staff Report, Establish Policy regarding Development and Agricultural Buffer Areas east of Leisure Town Road, Vacaville. February 15, 2011.

H. Revisions to Chapter 4.13, Public Services

The first paragraph on page 4.13-19, under subheading “a. Senate Bill 50,” of the Draft EIR is hereby amended as follows:

a. Senate Bill 50

SB 50, approved by the California Legislature in 1998, and funded by Proposition 1A, limits the power of Vacaville or any other city or county to require fiscal mitigation on home developers as a condition of approving new development, and provides for a standardized developer fee for schools. In 1998, SB 50 generally provided for a 50/50 State and local school facilities funding match, with a \$9.2 billion bond authorized to fund the State portion. SB 50 also provided for three levels of statutory impact fees; which may be imposed upon new development by the governing board of a school district depending upon certain conditions within a district. The application level depends on whether State funding is available, whether the school district is eligible for State funding, and whether the school district meets certain additional criteria involving bonding capacity, year-round schools, and the percentage of portable classrooms in use. These three levels are as follows:

Level 1: Level 1 fees are the base statutory fees. These amounts are the maximum that can be legally imposed upon new construction projects by a school district unless the district qualifies for a higher level of funding.

Pursuant to Section 65995 of the California Government Code, as of January 2008, the statutory maximum Level 1 school fees that may be levied by a school district on new development is a maximum of \$2.97 per assessable square foot of residential construction and a maximum of \$0.47 per square foot of enclosed and covered space for commercial/industrial development. These rates are established by the State Allocation Board, and may be increased to adjust for inflation based upon a statewide cost index for Class B construction. To implement Level 1 fees, the governing board of a school district must adopt a nexus study linking development impacts and the need for construction of new facilities. Although not standard, such studies are frequently referred to as Developer Fee Justification Study (DFJS).

Level 2: Level 2 fees allow the school district to impose developer fees above the statutory level, up to 50 percent of new school construction costs. To implement Level 2 fees, the governing board of the school district must adopt a School Facilities Needs Analysis (SFNA) and meet other pre-requisites in accordance with Section 65995.6 of the California Government Code.

The purpose of an SFNA is to determine the need for new school facilities attributable to growth from new residential development (California Government Code Section 65995.6). An SFNA documents that the district has met prerequisite eligibility tests and calculates the fee per square foot of new development. If the school district is eligible for State new construction funding, the State will match the Level 2 fees if funds are available. According to the Office of Public School Construction, although they are currently not being released for funding school facilities, State funds for new school construction are available from existing bond measures.

Level 3: Level 3 fees apply if the State runs out of bond funds, allowing the school district to impose 100 percent of the cost of the school facility or mitigation minus any local dedicated school monies. If the State runs out of bond funds, the school district would be eligible to charge Level 3 fees.

California Government Code Sections 65995 to 65998 set forth provisions to implement SB 50. Specifically, according to Section 65995(3)(h), the payment of statutory fees is “deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization [...] on the provision of adequate school facilities.” Local school districts in Vacaville are responsible for implementing the specific methods for mitigating school impacts under the Government Code.

The first paragraph on page 4.13-20, under subheading “2. Existing Conditions,” of the Draft EIR is hereby amended as follows:

The City of Vacaville is largely served by VUSD. There are ten elementary schools, two middle schools, and four high schools in VUSD. In addition, VUSD runs independent study programs for kindergarten through twelfth grade and operates alternative educational programs at various campus locations. The names and addresses of the VUSD schools are included in Table 4.13-4.

The first and second paragraphs on page 4.13-20, under subheading “b. Student Enrollment and School Capacity,” of the Draft EIR are hereby amended as follows:

Current enrollment for each school for the 2011/12 school year is shown in Table 4.13-45. As shown in the table, all but two schools, Buckingham Charter School and Country High School, are currently operating below capacity.

VUSD tracks enrollment in special education classes separately, though there are special education programs at nearly every school. Therefore, capacity and enrollment for special education programs are listed separately in Table 4.13-45.

Table 4.13-5 on pages 4.13-23 and -24, of the Draft EIR is hereby amended as shown on the following page:

The first and third paragraph on page 4.13-27, under subheading “4. Project Impacts,” of the Draft EIR is hereby amended as follows:

According to VUSD, at buildout, the Specific Plan’s 769 residential units would generate a total of ~~423~~538 additional students:¹

- ” ~~215~~274 K-6 students

¹ Coop, Leigh, Director of Facilities, Vacaville Unified School District. Personal email communication with Melissa McDonough, The Planning Center | DC&E, February 1, 2012.

TABLE 4.13-5 VACAVILLE UNIFIED SCHOOL DISTRICT CAPACITY 2011/12 ENROLLMENT AND PROJECTED ENROLLMENT

School	Grade	Address	Capacity	11/12	Projected Enrollment				
				Enrollment	12/13	13/14	14/15	15/16	16/17
ACE	K-6	400 Hemlock Street	150	139	140	150	150	150	150
Alamo	K-6	500 S. Orchard Avenue	734	567	563	561	560	560	560
Browns Valley	K-6	333 Wrentham Drive	1,172	944	979	1,034	1,055	1,073	1,073
Jean Callison	K-6	6261 Vanden Road	1,027	1,027 <u>968</u>	563 <u>949</u>	561 <u>901</u>	560 <u>901</u>	1,633 <u>901</u>	1,633 <u>901</u>
Cooper	K-6	750 Christine Drive	1,056	906	882	882	882	882	882
Fairmont	K-6	1355 Marshall Road	734	580	572	572	572	572	572
Hemlock	K-6	400 Hemlock Street	469	270	430	446	442	450	450
Edwin Markham	K-6	101 Markham Avenue	1,083	772	838	836	839	836	836
Orchard	K-6	805 North Orchard Avenue	499	393	383	388	394	394	394
Padan	K-6	200 Padan School Road	940	643	657	660	646	660	660
Independent Study	K-6	Various	28	28	28	28	28	28	28
Willis Jepson Middle School	7-8	580 Elder Street	1,164	925	897	922	950	998	998
Vaca Peña Middle School	7-8	200 Keith Way	1,107	852	943	935	923	920	921
Independent Study	7-8	Various	38	25	45	45	46	47	47
Buckingham Charter School	9-12	188-B Bella Vista Road	432	460	460	460	460	460	460
Country High School	9-12	100 McClellan Street	135	165	121	119	125	123	123
Vacaville High School	9-12	100 West Monte Vista Avenue	2,133	1,860	1,921	1,855	1,842	1,827	1,827
Will C. Wood High School	9-12	998 Marshall Road	1,998	1,487	1,492	1,494	1,685	1,634	1,634
Independent Study Program	9-12	188-A Bella Vista Road	306	239	285	280	295	290	290
Special Education	K-6	Various	240	141	140	140	142	143	144
Special Education	7-8	Various	48	58	45	46	46	47	48
Special Education	9-12	Various	120	105	107	109	107	112	111

Source: Coop, Leigh. Director of Facilities, Vacaville Unified School District. Personal email communication with Melissa McDonough, The Planning Center | DC&E, February 1, 2012.

- “ ~~85108~~ 7th and 8th grade students
- “ ~~423156~~ 9th to 12th grade students

The Specific Plan proposes to include a new public school site serving elementary ~~and middle~~ school students. This would expand VUSD’s capacity and address the school service needs of the elementary ~~and middle~~ school students generated at Specific Plan buildout. However, it is likely that many of the ~~423156~~ high school students generated by Specific Plan development would choose to attend a VUSD public high school rather than the private Catholic high school included in the Specific Plan. Therefore, buildout of the Specific Plan would contribute to the need for expansion of and improvements to existing middle and high school facilities and/or construction of new middle and high school facilities.

The first paragraph on page 4.13-28, under subheading “5. Cumulative Impacts,” of the Draft EIR is hereby amended as follows:

Like the Brighton Landing Specific Plan, other development in Vacaville as part of approved projects, ~~or~~ the 1990 General Plan and any future projects approved under the Proposed General Plan Update would be required to pay state-mandated school impact fees to VUSD. Payment of these impact fees is considered adequate mitigation under CEQA. Therefore, cumulative impacts to school services would be *less than significant*.

I. Revisions to Chapter 4.14, Transportation and Traffic

On pages 4.14-37, the header is hereby amended as follows:

CITY OF VACAVILLE
BRIGHTON LANDING SPECIFIC PLAN ~~2nd EIR~~ DRAFT EIR
ENVIRONMENTAL EVALUATION
TRAFFIC AND TRANSPORTATION

On pages 4.14-39, and 4.14-41, headers are hereby amended as follows:

CITY OF VACAVILLE
BRIGHTON LANDING SPECIFIC PLAN DRAFT EIR
ENVIRONMENTAL EVALUATION
TRAFFIC AND TRANSPORTATION

On pages 4.14-38 and 4.14-40, headers are hereby amended as follows:

CITY OF VACAVILLE
BRIGHTON LANDING SPECIFIC PLAN DRAFT EIR
~~ENVIRONMENTAL EVALUATION~~
TRAFFIC AND TRANSPORTATION

The first paragraph on page 4.14-48 of the Draft EIR is hereby amended as follows:

As shown in Figure 3-19, the initial phases of construction would introduce development in the eastern portion of the Specific Plan area prior to construction of the proposed S Street. This area would only be accessible from Elmira Road. The Vacaville Fire Department has determined that this limited accessibility would adversely affect emergency and fire access even if the south side of Elmira Road is widened in the first phase of construction. Specifically, if Elmira Road is blocked, access to or evacuation of the eastern portion of the Specific Plan area would be significantly impaired. Furthermore, Section 503.1.2 of the California Fire Code ~~requires a second point of access when a fire apparatus access road exceeds 1,000 feet~~ authorizes the fire code official “more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.” Since emergency access to the site during the first phases of development would require City emergency response provider to travel at least 2,000 feet along Elmira Road as the only path of access to the development, a substantial hazard to emergency response would exist if that single access path became blocked. This deficiency in emergency access or evacuation ability prior to full buildout of the Plan area would violate the Fire Code standard.⁸

A revised version of Table 4.14-10 on page 4.14-22 of the Draft EIR is presented on the following page.

TABLE 4.14-10 TRIP GENERATION

Trip Generation for Proposed project and Maximum Allowed Land Use Using Calibrated Vacaville Traffic Model									Trip Generation for Maximum Allowed Use Using ITE Trip Generation Manual					
ITE Category	Proposed Project	Max Allowed	Proposed Project		Proposed Project		Max Allowed		ITE Category	Max Allowed	Max Allowed		AM Trips	PM Trips
			AM City Rate	PM City Rate	AM Trips	PM Trips	AM Trips	PM Trips			AM ITE Rate	PM ITE Rate		
			Rate	Rate	Trips	Trips	Trips	Trips			Rate	Rate		
Single Family ^a	769	933 unit	0.75	0.88	577	677	700	821	210 Single Family ^a	933 unit	0.71	0.84	663	784
Neighborhood Commercial	4.78	4.78 acre	31.38	37.3	150	178	150	178	820 Shopping Center ^c	62.47 ksf	1.87	7.43	117	464
Park	6	6 acre	0.54	0.63	3	4	3	4	411 City Park	6 acre	0.01	0.04	0	0
Elem/Jr High School	700	700 stu	0.42	0.15	294	105	294	105	520 Elementary School	700 stu	0.45	0.15	315	105
Private High School ^b	1,200	1,200 stu	0.81	0.17	972	204	972	204	536 Private School K-12 ^b	1,200 stu	0.79	0.17	944	204
Total Trips					1,996	1,168	2,119	1,312	Total Trips				2,039	1,557

^a Maximum allowed for residential is based on the maximum allowable number of units per acre of the proposed zoning designations (RL and RLM)

^b City calculations use ITE Private School K-12 (536) rates; ITE calculations use ITE rate for PM peak hour and fitted curve equation for P

^c The square footage for maximum allowed of ITE Shopping Center is based on City floor-area-ratio requirements under City's Neighborhood Commercial zoning designation.

Footnote 8 on page 4.14-48 of the Draft EIR is hereby amended as follows:

~~⁸ Buderl, Fred, Planning Director, City of Vacaville. Personal communication with Joanna Jansen, The Planning Center | DC&E, January 31, 2012. Pursuant to California Fire Code, Title 24, Part 9, Section 503.1.2, the Vacaville Fire Department has reviewed the Brighton Landing Specific Plan and related documents and determined that the single proposed access road would provide insufficient fire access.~~

J. Revisions to Chapter 4.15, Utilities and Service Systems

The first paragraph on page 4.15-7 under subheading “Solano Irrigation District Master Water Agreement” is hereby amended as follows:

The City of Vacaville entered into a Master Water Agreement with the Solano Irrigation District (SID) in 1995, which was most recently amended in 2010, and is currently undergoing review for another amendment.¹ This agreement determines the amount of water that the City of Vacaville will receive from SID through the year 2050. In addition, it establishes a long-term urban service area boundary and restricts water delivery for non-agricultural purposes outside of that boundary. The western portion of the project site falls within the urban service area boundary, while the eastern portion is within the agricultural service area. SID also provides the City with non-potable water supply. See the Recycled Water subsection below for additional information. As noted in Section 3.E of the Master Water Agreement SID, together with the City, shall in the future consider expansion of the urban area as far east as the PG&E right-of-way, subject to the expansion of the agricultural buffer. The amendment of the Master Water Agreement is a required project approval because the City would otherwise be contractually prohibited from providing water service to the project’s non-agricultural uses outside the current urban service area boundary.

¹ Solano Irrigation District Staff Report, Establish Policy regarding Development and Agricultural Buffer Areas east of Leisure Town Road, Vacaville. February 15, 2011.

The second paragraph on page 4.15-17 under subheading “b. Have insufficient water supplies available to serve the project from existing entitlements and resources” and the associated Table 4.15-4 on page 4.15-19 of the Draft EIR, are hereby amended as follows:

Nolte Associates also evaluated the potable water distribution system shown in Figure 3-14 of the Project Description to ensure the proposed system meets the City’s Level of Service requirements for minimum fire flow, minimum pressure, minimum pipe size and storage requirements. The analysis was performed for Specific Plan buildout conditions. As demonstrated in Table 4.15-4, the City has sufficient water to meet its customers’ needs through 2035, with and without the services of the Solano Irrigation District. This includes ~~ing~~ the proposed Brighton Landing development project forecasted under single and multiple dry years demand, therefore, there would be a *less-than-significant* impact.

TABLE 4.15-4 COMPARISON OF PROJECTED WATER DEMAND AND SUPPLY

Year	Normal Year		Single Dry Year		Multiple Dry Year	
	Projected Demand ^a	Available Supply ^b	Projected Demand	Available Supply	Projected Demand	Available Supply
<u>With Water Supplied by the Solano Irrigation District</u>						
2015	18,547	30,853	16,692	31,974	14,838	28,424
2020	19,408	32,723	17,467	33,834	15,527	30,194
2025	20,269	34,508	18,242	35,704	16,215	31,929
2030	21,004	36,393	18,904	36,148	16,803	33,642
2035	21,320	38,278	19,188	38,118	17,056	35,477
<u>Without Water Supplied by the Solano Irrigation District</u>						
<u>2015</u>	<u>18,547</u>	<u>27,759</u>	<u>16,692</u>	<u>28,911</u>	<u>14,838</u>	<u>25,643</u>
<u>2020</u>	<u>19,408</u>	<u>28,639</u>	<u>17,467</u>	<u>29,791</u>	<u>15,527</u>	<u>26,523</u>

Year	Normal Year		Single Dry Year		Multiple Dry Year	
	Projected Demand ^a	Available Supply ^b	Projected Demand	Available Supply	Projected Demand	Available Supply
<u>2025</u>	<u>20,269</u>	<u>28,939</u>	<u>18,242</u>	<u>30,191</u>	<u>16,215</u>	<u>26,923</u>
<u>2030</u>	<u>21,004</u>	<u>29,339</u>	<u>18,904</u>	<u>29,165</u>	<u>16,803</u>	<u>27,301</u>
<u>2035</u>	<u>21,320</u>	<u>29,739</u>	<u>19,188</u>	<u>29,665</u>	<u>17,056</u>	<u>27,801</u>

^a Projected demand includes Brighton Landing, proposed developments (i.e. Lower Lagoon Valley, Southtown, Rice McMurtry, and Vanden Meadows), and future development (i.e. North Village, as well as future development water demands from the 2010 UWMP).

^b Available supply includes the following sources: Solano Project (Vacaville Entitlement and SID Agreement), State Water Project (Vacaville Table A, KCWA Agreement, and Settlement Water), Groundwater, and Recycled Water.

Source: Nolte Associates, *SB610 Water Supply Assessment Report for Brighton Landing*, April 2012 and September 2012.

Mitigation Measure UTIL-3a on page 4.15-36 of the Draft EIR is hereby amended as follows:

Mitigation Measure UTIL-3a: The City shall employ or retain a licensed design engineer, funded by the developer, to complete an engineering report detailing elevation data at locations along the proposed regional trunk sewer where flow may be diverted from the City's existing trunk sewers into the proposed regional sewer. At the time design of any portion of the proposed regional trunk sewer is initiated, the City shall require the design engineer to identify and consider controlling elevations at all points of future connections and crossings that could affect the vertical alignment of the portion currently being designed.

Footnote 20 on page 4.15-48 of the Draft EIR is hereby amended as follows:

²⁰ California Integrated Waste Management Board's Zero Waste Campaign's website, <http://www.zerowaste.ca.gov>, accessed on June 17, 2010, California Department of Resources, Recycling, and Recovery (CalRecycle), Universal Waste,

<http://www.calrecycle.ca.gov/HomeHazWaste/UWaste/default.htm>, accessed on September 6, 2012.

Footnote 21 on page 4.15-49 of the Draft EIR is hereby amended as follows:

²¹ ~~California Integrated Waste Management Board~~ CalRecycle, <http://www.calrecycle.ca.gov/LGCentral/Basics/PerCapitaDsp.htm#Jurisdiction>, accessed on ~~July 30, 2010~~ March 3, 2012.

Footnote 22 on page 4.15-49 of the Draft EIR is hereby amended as follows:

²² ~~California Integrated Waste Management Board~~ CalRecycle, <http://www.calrecycle.ca.gov/LGCentral/GoalMeasure/DisposalRate/MostRecent/default.htm>, accessed on ~~January 17, 2012~~ March 3, 2012.

Footnote 23 on page 4.15-51 of the Draft EIR is hereby amended as follows:

⁵¹ ~~California Department of Resources, Recycling and Recovery~~ CalRecycle, <http://www.calrecycle.ca.gov/lgcentral/goalmeasure/DisposalRate/MostRecent/default.htm> ~~http://www.calrecycle.ca.gov/lgcentral/tools/mars/DrmcMain.asp?VW=Disposal~~, accessed on ~~January 31~~ 17, 2012.

Footnote 29 on page 4.15-53 of the Draft EIR is hereby amended as follows:

²⁹ ~~California Department of Resources, Recycling and Recovery~~ CalRecycle, <http://www.calrecycle.ca.gov/profiles/Juris/JurProfile2.asp?RG=Incorporated%20City&JURID=553&JUR=Vacaville> ~~http://www.calrecycle.ca.gov/LGCentral/reports/diversionprogram/JurisdictionDiversion.aspx~~, accessed on ~~January 17, 2012~~ March 16, 2012; ~~California Department of Resources, Recycling and Recovery~~ CalRecycle, <http://www.calrecycle.ca.gov/lgcentral/tools/mars/DrmcMain.asp?VW=Disposal>, accessed on ~~January 17, 2012~~.

CITY OF VACAVILLE
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REVISIONS TO THE DRAFT EIR

4 LIST OF COMMENTERS

A. Written Comments

Comments on the Draft EIR were received from the following agencies, organizations, and individuals. The comment letters are arranged by State and regional agencies, local agencies, members of the public and comments provided at the Planning Commission Hearing held on August 21, 2012. The comment letters that were received after the CEQA-mandated 45-day public comment period, which ended on August 23, 2012, are identified at the end of the list. Each comment letter has been assigned a number, as indicated below.

State and Regional Agencies

1. Scott Morgan, Director, State Clearinghouse. State of California, Governor's Office of Planning and Research. August 24, 2012.
2. Erik Alm, District Branch Chief, Local Government-Intergovernmental Review. State of California, Caltrans (Department of Transportation). August 23, 2012.
3. Scott Wilson, Action Regional Manager, Bay Delta Region. State of California, Department of Fish and Game. August 22, 2012.
4. Trevor Cleak, Environmental Scientist. California Regional Water Quality Control Board, Central Valley Region. August 14, 2012.

Local Agencies

5. Matthew R. Jones, Supervising Air Quality Planner. Yolo-Solano Air Quality Management District. August 20, 2012.
6. Michelle McIntyre, Analyst. Solano Local Agency Formation Commission. August 22, 2012.
7. Jim Leland, Principal Planner, Current Planning Section. Solano County. August 23, 2012.
8. Cary Keaton, Solano Irrigation District Manager. Solano Irrigation District. August 22, 2012.
9. Paul R. Minasian, Attorney at Law. Minasian, Meith, Soares, Sexton & Cooper, LLP. August 23, 2012.
10. Leigh Coop, Director of Facilities. Vacaville Unified School District. August 21, 2012.

Members of the Public

11. Shelly Bass. August 23, 2012.
12. Daniel Bedinger, Vacaville. August 22, 2012.
13. Marian Conning, Vacaville. August 22, 2012.
14. Virginia Cross. August 22, 2012.
15. Robert Haran, Vacaville. August 23, 2012.
16. Holly Keefer, Vacaville. August 23, 2012.
17. Asisclo Lonso, Jr., Vacaville. August 22, 2012.
18. Nancy Martin, DVM and Dennis Ferguson. August 23, 2012.
19. Robert and Debra Papin, Vacaville. August 6, 2012.
20. Tom Phillippi, Phillipi Engineering, 425 Merchant Street, Vacaville. August 23, 2012.
21. Sheldon J. Reber and Judy J. Dennis, Vacaville. August 22, 2012.
22. Nora Salet, Vacaville. August 23, 2012.
23. Paul Schechter, Vacaville. August 22, 2012.

Planning Commission Hearing Comments

24. Frank O'Neill, 831 Linwood Street, Vacaville. August 21, 2012.
25. Lynn Holbrook, 6375 Katileba Lane, Vacaville. August 21, 2012.
26. Randy Papin, 6140 and 6144 Leisure Town Road, Vacaville. August 21, 2012.
27. Maxine Brugman, 700 Arbor Oaks Drive, Vacaville. August 21, 2012.

Comments Received after the close of the comment period

These comment letters are not included in this Final EIR. The City will respond to these comments in the staff report sent to the Planning Commission and City Council as the project review process.

28. A Sad Citizen (sic). August 24, 2012.
29. Ronald Schock, Vacaville. August 24, 2012
30. John Holbrook. August 27, 2012.
31. Suzanne Schwartz, Vacaville. September 1, 2012.

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32. James Herota, Staff Environmental Scientist, Flood Projects Improvement Branch, State of California, Central Valley Flood Protection Board. September 14, 2012.
33. Matt Tuggle, Engineering Manager, Department of Resource Management, Public Works Engineering, Solano County. September 17, 2012.

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LIST OF COMMENTERS

5 COMMENTS AND RESPONSES

A. Introduction to Comments and Responses

This chapter includes a reproduction of, and responses to, each letter received during the CEQA-mandated 45-day public comment period on the Draft EIR, which ended on August 23, 2012. A total of 27 comment letters were received within the public comment period.

B. Comment Letters and Responses to Comments

In this section, each letter is reproduced in its entirety, and is immediately followed by responses to the comments in it. Letters follow the same order as listed in Chapter 4 of this Final EIR and are categorized by:

- State Agencies
- Local Agencies
- Members of the Public
- Planning Commission Hearing Comments
- Comments Received after the close of the comment period

The six comment letters that were received after the close of the public comment period are not included in this Final EIR. The City will respond to those comments in the Staff Report that will be sent to the City of Vacaville Planning Commission and City Council as part of the project review process.

Where a response requires revisions to the Draft EIR, these revisions are explained and shown in Chapter 3 of this Final EIR document.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

August 24, 2012

Fred Buderl
City of Vacaville
650 Merchant Street
Vacaville, CA 95688

Subject: Brighton Landing Specific Plan
SCH#: 2011022044

Dear Fred Buderl:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 23, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2011022044
Project Title Brighton Landing Specific Plan
Lead Agency Vacaville, City of

Type EIR Draft EIR

Description Prepared in November 2011, the Brighton Landing Specific Plan is intended to guide future development on the approximately 217-acre Specific Plan area east of Leisure Town Road to the west, Elmira Road to the north, Pacific Gas and Electric (PG&E) towers to the east, and agricultural land to the south. The Specific Plan envisions a single-family residential neighborhood on the site, with some supporting uses such as a private high school, a public elementary school, public open space, and an off-site detention basin. In addition to describing the proposed physical development, the Specific Plan also contains goals, policies, and programs relating to land use, transportation, recreation, open space, community design, public facilities, and community services and facilities.

Lead Agency Contact

Name Fred Buderl
Agency City of Vacaville
Phone 707 449-5140 **Fax**
email
Address 650 Merchant Street
City Vacaville **State** CA **Zip** 95688

Project Location

County Solano
City Vacaville
Region
Lat / Long 38° 21' 3.85" N / 121° 56' 1.38" W
Cross Streets Leisure Town Road and Elmira Road
Parcel No. 0135-080-070, 0135-080-020, 010, 080, 030; 0135-090-070
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 80, 505
Airports Nut Tree Airport, Travis AFB
Railways CA Northern Railroad
Waterways Alamo, Ulatis, New Alamo and Creeks; Putah Canal
Schools VUSD, TUSD
Land Use Land Use: Agriculture, Residential. Zoning: Agriculture. General Plan: Estate Residential, Agricultural Buffer, Agriculture.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

**Document Details Report
State Clearinghouse Data Base**

Date Received 07/10/2012 *Start of Review* 07/10/2012 *End of Review* 08/23/2012

**1-2
cont.**

LETTER 1: Scott Morgan, Director, State Clearinghouse. State of California, Governor's Office of Planning and Research. August 24, 2012.

1-1: This comment states that the Draft EIR was submitted to select State agencies for review, and acknowledges that the City has complied with the State Clearinghouse review requirements for environmental documents. No additional response is required.

1-2: This comment is an attachment to the above letter. No response is required.

COMMENT LETTER #2

Sent By: CALTRANS TRANSPORTATION PLANNING; 510 286 5560;
To: STATECLEARINGHOUSE At: 919163233018

Aug-23-12 11:12AM;

Page 1/1

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

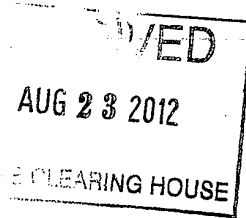
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-8053
FAX (510) 286-5559
TTY 711



*Flex your power!
Be energy efficient!*

August 22, 2012

8/23/12
Clear
e



SOL080460
SOL-80-R26.5-R29.5
SCH#2011022044

Mr. Fred Buderi
City of Vacaville
650 Merchant Street
Vacaville, CA 95688

Dear Mr. Buderi:

Brighton Landing Specific Plan – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the Brighton Landing Specific Plan. The following comments are based on the Draft Environmental Impact Report (DEIR).

Trip Generation

Table 4.14-10 on page 4.14-33 shows the number of trips generated by the Retail Commercial use is based on 4.8 acres instead of allowable square footage. The trip generation table should show the maximum allowable square footage and include the specific use of those retail uses. In addition, given the locale of the proposed plan, please include a table that compares the number of the trips generated by the proposed plan calculated by the Vacaville Traffic Model and those calculated based on the Institute of Transportation Engineers (ITE) Generation, 8th Edition rates. The comparison table should include the specific ITE land use code and maximum allowable units.

2-1

Should you have any questions regarding this letter, please call Yatman Kwan, AICP of my staff at (510) 622-1670.

Sincerely,

ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

LETTER 2: Erik Alm, District Branch Chief, Local Government-Intergovernmental Review. State of California, Caltrans (Department of Transportation). August 23, 2012.

2-1: This comment correctly states that the number of trips generated by the Retail Commercial use is based on 4.8 acres instead of allowable square footage, and requests that the trip generation table shows the maximum allowable square footage and includes the specific use of those retail uses. In addition, the commenter requests a table that compares the number of trips generated by the proposed plan calculated by Vacaville Traffic Model and those calculated based on ITE.

In response to this comment, Table 4.14-10, Trip Generation, has been revised as shown in Chapter 3 of this Final EIR to show the maximum allowable square footage (for Retail Commercial use) and includes the specific ITE category used to model those retail uses. The revised Table 4.14-10 in Chapter 3 of this Final EIR presents the number of trips that would be generated by the project using the City's trip generation rates which were calibrated based on local data. It also presents the number of trips that would be generated if the maximum number of housing units allowed under the proposed zoning designations are built using both City rates and data presented in Trip Generation Manual version 8 published by the Institute of Transportation Engineers.

The specific use for the Neighborhood Commercial area is not known at this time. Although the proposed project designates a portion of the project area as potentially zoned for Neighborhood Commercial (CN), there is no specific development proposal for this commercial site at this time, so specific uses and building square footages are unknown. Moreover, the proposed project presents three alternative uses for this portion of the Brighton Landing Specific Plan area, known as Subarea O, which are commercial, residential, or part of the larger private school site, so it would be speculative to analyze a specific use or configuration of commercial uses.

The City of Vacaville has developed trip generation rates for various land uses originally based on ITE *Trip Generation*, but then further calibrated, through the validation of their traffic model to observed traffic counts, to represent actual local trip generation characteristics of land uses in Vacaville. The Vacaville trip generation rate for Neighborhood Commercial (CN) zoning districts is based on site acreage rather than building square footage, and represents the observed trip generation per acre for current commercial sites in Vacaville. The CN zoning category allows for a variety of commercial land uses. It also allows for additional uses, such as those that might generate higher trips (including various food service uses), only with the issuance of a conditional use permit. At the time of permit application, the City may require additional traffic analysis. The analysis in the EIR represents the most likely trip generation characteristics of this commercial site. The City has an existing mechanism in place to address issues related to potential variations in trip generation when a specific development proposal is submitted for the site.

COMMENT LETTER #3



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



August 21, 2012

Mr. Fred Buder
City of Vacaville
650 Merchant Street
Vacaville, CA 95688

Dear Mr. Buder:

Subject: Brighton Landing Specific Plan, Draft Environmental Impact Report,
SCH #2011022044, City of Vacaville, Solano County

The Department of Fish and Game (DFG) has reviewed the draft Environmental Impact Report (EIR) for the Brighton Landing Specific Plan (Plan) for the City of Vacaville (City).

DFG is identified as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386, and is responsible for the conservation, protection, and management of the State's biological resources. DFG is submitting comments on the draft EIR as a means to inform the City as the Lead Agency of our concerns regarding sensitive resources which could potentially be affected by the proposed Plan. DFG previously submitted comments on the Notice of Preparation of the draft EIR for the proposed Plan in a letter dated February 25, 2011. DFG is providing additional comments on some of the mitigation measures for special-status species that were included in the draft EIR.

Project Location and Description

The proposed Plan area is approximately 217 acres, and located in the southeastern portion of the City. The Plan area is bounded by Elmira Road to the north, Leisure Town Road to the west, Pacific Gas and Electric Company (PG&E) towers to the east and the City limits to the south. The proposed Plan area is surrounded by agricultural land to the north, east and south, and residential development to the west.

The Plan proposes the implementation of a land-use plan and development standards for a single-family residential neighborhood, two schools, new road infrastructure, public open space, and bike and pedestrian trails. A portion of the Plan area would also be allocated to commercial uses. A 500-foot agricultural buffer would be established partially underneath the PG&E power lines between the proposed residential development and existing agricultural land to the east. Off-site development would include construction of a detention basin on a 17.6-acre parcel located just south of the proposed Plan area, and changes to Leisure Town Road such as widening and shifting the road to the east. The proposed Plan also includes land use and zoning amendments to the City's existing General Plan.

Biological Resources

Mitigation Measure BIO-4a

The proposed Plan area supports suitable nesting habitat for Swainson's hawk (*Buteo swainsoni*) within the riparian area of Old Alamo Creek which is located in the northwestern portion of the Plan area. The riparian area consists mostly of mature valley oaks (*Quercus lobata*), Fremont cottonwood (*Populus fremonti*), and willows (*Salix* spp.).

The draft EIR states that Swainson's hawks will be significantly impacted, but with proposed mitigation, the impact will be less-than-significant. Mitigation Measure BIO-4a states that pre-construction surveys for nesting Swainson's hawk will be conducted within 0.25 miles of the proposed Plan area between March 1 and August 31. Surveys are proposed to be conducted within 15 days prior to the start of construction for any phase of the proposed Plan.

DFG recommends that a qualified DFG-approved biologist conduct protocol-level surveys for Swainson's hawk using the Swainson's Hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*, which is available at http://dfg.ca.gov/wildlife/nongame/docs/swain_proto.pdf. The survey methodology specifies starting surveys early in the nesting season (late March to early April) in order to maximize the likelihood of detecting an active nest. Nesting season surveys should be completed for at least the two survey periods immediately prior to initiating any Plan-related construction work. Raptor nests may be very difficult to locate during egg-laying or incubation, or chick brooding periods (late April to early June) if earlier surveys have not been conducted. These protocol-level surveys are used to establish baseline conditions for potential Swainson's hawk nest sites. Full-season surveys also assist with project planning and development of appropriate avoidance, minimization and mitigation measures, and help to avoid any project delays.

Mitigation Measure BIO-5a

The draft EIR states that burrowing owls will be significantly impacted, but with proposed mitigation, the impact will be less-than-significant. Mitigation Measure BIO-5a states that, between February 1 and August 31, pre-construction surveys for burrowing owls (*Athene cunicularia*) will be conducted within known or suitable owl habitat. Surveys are proposed to be conducted within 15 days prior to the start of construction activities.

In order to determine the type and extent of habitat potentially used by owls and to appropriately quantify mitigation for nesting habitat, DFG recommends that burrowing owl surveys follow the methodology described in *Appendix D: Breeding and Non-breeding Season Surveys* of the DFG Staff Report on *Burrowing Owl Mitigation* (Staff Report), which is available at <http://dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf>. These surveys maximize the likelihood of detecting owls and should be conducted by a qualified DFG-approved biologist. In accordance with the Staff Report, a minimum of four survey visits should be conducted during the owl breeding season which is typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart,

3-1

3-2

should be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Pre-construction surveys should be conducted no less than 14 days prior to the start of construction activities with a final survey conducted within 24 hours prior to ground disturbance.

3-2
cont.

Mitigation Measure BIO-5b

The draft EIR states that, if burrowing owls are identified within the proposed Plan area during pre-construction surveys, an exclusion zone with a radius of 250 feet will be established around each occupied burrow during the breeding season, and an exclusion zone with a radius of 160 feet will be established around occupied burrows during the non-breeding season. No construction-related activity will occur within the exclusion zone during the owl breeding season. If a buffer cannot be established during the non-breeding season, burrowing owls will be evicted from the construction area using passive relocation techniques (one-way doors), and burrows will be excavated to prevent re-occupation by owls.

3-3

DFG does not consider exclusion of burrowing owls as a "take" avoidance, minimization or mitigation method. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of evicted or excluded burrowing owls is unknown. Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction; therefore, eviction from nesting, roosting, and satellite burrows may lead to indirect impacts or "take." All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented in order to avoid "take." DFG recommends that, before any burrow exclusion and/or burrow closure (temporary or permanent) is undertaken, a Burrowing Owl Exclusion Plan (refer to Appendix E of the DFG Staff Report) should be prepared and submitted to DFG.

Mitigation Measure BIO-5c

Mitigation Measure BIO-5c of the draft EIR states that mitigation for loss of approximately 229 acres of burrowing owl foraging habitat will be provided at a 1:1 land/area ratio. This may be accomplished in conjunction with mitigation associated with loss of 229 acres of Swainson's hawk foraging habitat (Mitigation Measure BIO-4d in the draft EIR).

3-4

Mitigation Measure BIO-5c also states that at least five acres of the mitigation area will provide suitable nesting habitat and cover for burrowing owls and at least four artificial burrow complexes will be installed within the five-acre nesting habitat area. It is unclear whether the installation and maintenance of artificial burrows will occur within the mitigation area for Swainson's hawk and if this is mitigation for loss of burrowing owl foraging or nesting habitat. Please clarify how these mitigation measures would be implemented.

If mitigation lands will be protected as compensation for loss of burrowing owl habitat, then DFG recommends that a Burrowing Owl Mitigation Lands Management Plan be developed (refer to Appendix F of the DFG Staff Report). The mitigation plan should be submitted to

3-5

DFG prior to any Plan related development. The mitigation area should be in close proximity to the impact site, and contain habitat in sufficient quantity to support burrowing owls. If habitat adjacent to, or near the Plan area, is insufficient to support burrowing owls, then an off-site mitigation option may be chosen. However, off-site mitigation lands may not adequately offset the biological and habitat values impacted on a one-to-one basis. The off-site mitigation acreage should be determined in consultation with DFG.

3-5
cont.

Lake and Streambed Alteration Agreement

The draft EIR states that the proposed Plan may result in permanent impacts to approximately 0.045 acres of channel and riparian habitat located on Old Alamo Creek as a result of road widening.

DFG will require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Fish and Game Code section 1600 *et seq.*, with the City for the proposed Plan-related activities within Old Alamo Creek and any other 1600-jurisdictional waters within the proposed Plan area. Notification is required for any activity that will divert or obstruct the natural flow, change the bed, channel, or bank including associated riparian or wetland resources, use material from the streambed, or substantially adversely affect fish and wildlife resources. Issuance of an LSAA is subject to CEQA. DFG, as a Responsible Agency under CEQA, will consider the EIR for the Plan. DFG may not execute the final LSAA until it has complied with CEQA (Public Resources Code section 21000 *et seq.*) as the Responsible Agency.

3-6

DFG recommends that the draft EIR include a more detailed description of the physical and hydrologic characteristics of the streams and drainage channels, including associated wetlands and riparian habitat that may be affected by the proposed Plan. Plan-related activities such as installation of storm drains, stormwater detention basins and culverts, and their impacts on streams, agricultural and irrigation channels, and riparian/wetland habitat should be fully described.

3-7

According to Mitigation Measure BIO-2c, a 100-foot buffer is proposed to be established between the canopy of riparian vegetation and the edge of the proposed development. The draft EIR should describe and indicate on a map the location and extent of riparian habitat to be protected along with the associated buffer. Since any ground disturbance or soil compaction that occurs beneath the tree canopy may result in tree damage or mortality, DFG recommends that any construction work (including equipment staging) occur outside of the dripline of any trees proposed to be retained. Any substantial impacts to the tree root zone should be considered a permanent impact and appropriately mitigated.

3-8

Mitigation Measure BIO-10a indicates that plans will be developed to mitigate for impacts of the proposed Plan to channel and riparian habitat. Mitigation options include enhancing riparian habitat along remaining portions of Old Alamo Creek and/or re-establishing riparian habitat at an off-site location. The proposed mitigation area would be 0.18 acres for loss of 0.045 acres (mitigation ratio of 4:1). Mitigation plantings should be of similar quality and have the capacity to serve the same wildlife function as the impact sites.

3-9

Mr. Fred Buder
August 21, 2012
Page 5

The draft EIR should include the number of trees to be affected according to species and size (using diameter at breast height). Since oaks typically have slow growth rates and are of high value to many wildlife species, the mitigation for loss of oaks should be sufficient to offset the temporal impacts that would occur over the course of several decades. DFG recommends a minimum 10:1 replacement ratio for any permanent impacts to mature oaks.

3-9
cont.

DFG recommends that adequate and effective avoidance, mitigation, monitoring and reporting commitments be provided to DFG for completion of the LSAA. A detailed Mitigation and Monitoring Plan for stream, riparian and wetland habitat should be included in the LSAA notification package.

3-10

To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

DFG appreciates the opportunity to comment on the City of Vacaville Brighton Landing Specific Plan. DFG staff is available to meet with you to further clarify our comments and provide technical assistance on any changes necessary to protect resources. If you have any questions, please contact Ms. Brenda Blinn, Environmental Scientist, at (707) 944-5541 or bblinn@dfg.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist, at (707) 944-5525.

Sincerely,



Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

LETTER 3: Scott Wilson, Acting Regional Manager, Bay Delta Region. State of California, Department of Fish and Game. August 22, 2012.

3-1: This comment correctly identifies that the proposed plan area supports suitable nesting habitat for Swainson's hawk (*Buteo swainson*) within the riparian area of Old Alamo Creek and that the Draft EIR found impacts to be less than significant with implementation of Mitigation Measure BIO-4a. In this comment, the California Department of Fish and Game (CDFG) has provided recommendations to include a CDFG-approved biologist to conduct protocol-level surveys using the Swainson's Hawk Technical Advisory Committee Recommend Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley May 31, 2000, which is available at http://www.dfg.ca.gov/wildlife/nongame/docs/swain_proto.pdf.

In response to this comment, Mitigation Measure BIO-4a has been revised per CDFG's recommendation. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of this Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

3-2: This comment correctly states that burrowing owls (*Athene cunicularia*) will be significantly impacted by the proposed project; however, impacts would be less than significant with the implementation of Mitigation Measure BIO-5a. In this comment, the CDFG has provided recommendations to clarify that the preconstruction surveys in Mitigation Measure BIO-5a follow recently published burrowing owl survey protocols which update the originally Burrowing Owl Consortium Guidelines and those published in the 2009 Draft of the Solano Habitat Conservation Plan.

In response to this comment, Mitigation Measure BIO-5a has been revised per CDFG's recommendation. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of this Final EIR.

These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

3-3: This comment correctly states that exclusion of burrowing owls is not a take avoidance or mitigation method because the consequences of and survival rate associated with exclusion of burrowing owls is unknown. In this comment, the CDFG has provided recommendations that all possible avoidance and minimization methods should be considered before implementing exclusion and closure of burrows and that a Burrowing Owl Exclusion Plan be prepared and submitted to the CDFG prior to any burrow exclusion and/or burrow closure. Mitigation Measure BIO-5b is consistent with the CDFG comments and recommendations. The measure allows for reductions in buffers if certain performance criteria are met (Condition 3) and requires CDFG approval prior to evicting owls from work areas.

In response to this comment, Mitigation Measure BIO-5b has been revised per CDFG's recommendation to clarify the sequence that must be followed if burrowing owls are present in the construction area. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of this Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

3-4: This comment states that Mitigation Measure BIO-5c does not clearly identify whether the installation and maintenance of artificial burrows will occur within the mitigation area for Swainson's hawk, whether this mitigates for loss of burrowing owl foraging or nesting habitat, or how the measure will be implemented. Mitigation Measure BIO-5c is modeled after similar measures contained in the 2009 Draft Solano Habitat Conservation Plan. The installation and maintenance of artificial burrows is intended to be located within the 5-acre set-aside for nesting habitat from the overall 229 acres foraging habitat for both the owl and Swainson's hawk. The mitigation is also intended to address both loss of foraging habitat (229 acre total area) and potential

nesting (5-acre set aside and artificial burrow installation and maintenance for both species).

In response to this comment, Mitigation Measure BIO-5c has been revised per CDFG's recommendation to clarify the points above. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

3-5: This comment states that off-site mitigation lands may not adequately provide a one-to-one mitigation and recommends additional accompanying actions. The CDFG recommends that a Burrowing Owl Mitigation Lands Management Plan be developed and submitted to CDFG prior to any project related development. The mitigation area should be close to the impact site and contain sufficient habitat to support burrowing owls. If there is insufficient habitat adjacent to the impact site, the comment indicates that an off-site mitigation determined in consultation with CDFG would be acceptable, although an off-site mitigation may not adequately off-set impacts.

In response to this comment, Mitigation Measure BIO-5c has been revised per CDFG's recommendation to add a requirement that the applicant shall submit a Burrowing Owl Mitigation and Monitoring Plan to CDFG and the City of Vacaville Community Development Director for review and approval. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

3-6: This comment correctly indicates that the CDFG is a responsible agency under CEQA and the project requires a Lake and Streambed Alteration Agreement (LSAA), subject to CEQA, for proposed activities within Old Alamo Creek and any other jurisdictional waters within the project area. Additionally, the comment states that

there are notification requirements for diverting or obstructing the natural flow; changing the bed, channel, or creek; using material from the streambed; or substantially adversely impacting fish and wildlife resources. The City acknowledges CDFG's role and requirements. Pages 4.4-6 through 4.4-7 of the Draft EIR explain that CDFG administers the issuance of Streambed Alteration Agreements under Fish and Game Code Section 1600 and acknowledges these requirements as part of the regulatory setting affecting the project. Streambed Alteration Agreements are further acknowledged in Mitigation Measure BIO-12 on page 4.4-64 of the Draft EIR. No further response is required.

3-7: The commenter requests a more detailed description of the physical and hydrologic characteristics of streams and drainage channels, associated wetlands, and riparian habitat, and associated project-related activities and impacts. Section 4.9.1, Hydrology and Water Quality, of the Draft EIR provides detailed information on the characteristics of Old Alamo Creek and Frost Canal, the major drainage features in the project Area.

As described in Chapter 3, Project Description, of the Draft EIR, although the project proposes land use and development standards for a single-family residential neighborhood, a private high school, a public elementary school, public open space, an agricultural buffer, and a detention basin, the detailed plans and designs necessary to prepare a detailed hydrological description, including design information for sizing and location of storm drains, stormwater detention basins, and culverts and their effect on riparian and wetland habitat, are not available.

CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur "before a project gains irreversible momentum" (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334). In other words, CEQA requires agencies to prepare EIRs "as early as feasible in the planning process to enable environmental consideration to influence project

program and design and yet late enough to provide meaningful information for environmental assessment” (see *CEQA Guidelines* Section 15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358). As outlined in Chapter 3 of the Draft EIR, the project would likely be developed over a 20 to 30 year period, depending on market demand. Accordingly, details, by necessity, would be determined during site-specific design and would be reviewed and approved by the City and other applicable agencies, including the CDFG.

3-8: This comment requests a description and map indication of the location and extent of riparian habitat to be protected along with the proposed 100-foot buffer proposed in Mitigation Measure BIO-2c. Additionally, in this comment, the CDFG recommends that any construction work should occur outside the dripline of any trees to be retained and notes that any substantial impacts to the tree root should be considered permanent and appropriately mitigated. Mitigation Measure BIO-2c and its companion Mitigation Measure BIO-10b require a 100-foot setback from the riparian zone along Alamo Creek. The extent of the riparian habitat is presented on Figure 4.4-1 in Chapter 4.4 of the Draft EIR. Furthermore, the Project Applicant will be required to achieve this performance objective for any future development.

In response to this comment, Mitigation Measure BIO-10b has been revised per CDFG’s recommendation to provide additional standards for riparian tree protection during construction. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of this Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

3-9: This comment states that mitigation plantings, as proposed in Mitigation Measure BIO-10a, should be of similar quality and be able to serve the same wildlife habitat function as the impact sites. Additionally, this comment requests to know the number and species of

affected trees and recommends a minimum 10:1 replacement ratio for significantly impacted mature oaks.

As previously noted in response to comment 2-1, the precise design of the development in Subarea O of the Brighton Landing Specific Plan, which contains the affected portion of Old Alamo Creek and its riparian habitat, is not known. Accordingly it would be somewhat speculative to identify the number and species of all the trees impacted by project development. However, Sheet T1, Existing Topography and Boundary, of the Preliminary Tentative Map for the project, dated October 5, 2010, shows 12 trees along Leisure Town Road within Subarea O, as well as an additional seven trees along Elmira Road within Subarea O. These trees would potentially be impacted by any of the development scenarios considered in the project.

Once final site plans are prepared for Subarea O, the exact number and species of trees would be known. Under Section 14.09.131 of the Vacaville Land Use and Development Code, any tree greater than 31 inches in circumference at 4.5 feet above the ground surface would require a City permit. Additionally, in response to this comment, Mitigation Measure BIO-10a has been modified to include a minimum 10:1 replacement ratio for significantly impacted mature oaks. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

3-10: In this comment, the CDFG recommends that adequate and effective avoidance, mitigation, monitoring, and reporting commitments be provided to CDFG, particularly the inclusion of a detailed Mitigation and Monitoring Plan for stream, riparian, and wetland habitat in the LSAA notification package. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As discussed in Chapter 4.4 of the Draft EIR, Mitigation Measures BIO-10a requires that the

location of and plan for riparian restoration and enhancement to be reviewed and approved by the City and CDFG prior to implementation. In addition, as noted in response 3-6, above, the Draft EIR acknowledges CDFG requirements for Streambed Alteration Agreements in both the Regulatory Setting Section of Chapter 4.4, Biological Resources, as well as in Mitigation Measure BIO-12.



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

RECEIVED

13 August 2012

AUG 14 2012

CITY OF VACAVILLE
PLANNING DIVISION

Fred Buderi
City of Vacaville
650 Merchant Street
Vacaville, CA 95688

CERTIFIED MAIL
7011 2970 0003 8939 1927

COMMENTS TO THE DRAFT ENVIRONMENTAL IMPACT REPORT, BRIGHTON LANDING SPECIFIC PLAN PROJECT, SCH NO. 2011022044, SOLANO COUNTY

Pursuant to the State Clearinghouse's 10 July 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Environmental Impact Report* for the Brighton Landing Specific Plan Project, located in Solano County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

4-1

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

4-2

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

4-2
cont.

LETTER 4: Trevor Cleak, Environmental Scientist. California Regional Water Quality Control Board, Central Valley Region. August 14, 2012.

4-1: This comment identifies the Central Valley RWQCB's permits and requirements for the Construction Storm Water General Permit, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As discussed in Chapter 4.9, Hydrology and Water Quality, of the Draft EIR, the project would comply with both the NPDES General Permit for Discharges of Storm Water Discharge Associated with Construction Activities issued by the State Water Resources Control Board and the City's NPDES stormwater permits (Statewide MS4 and Construction permits) from the Central Valley RWQCB and the City's Stormwater Management Plan.

4.2: This comment identifies the Central Valley RWQCB's permits and requirements for Phase I and II MS4 Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit, and Waste Discharge Requirements. It does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Chapter 4.9, Hydrology and Water Quality, of the Draft EIR notes that the project would comply with the City's NPDES stormwater permits (Statewide MS4 and Construction permits) from the Central Valley RWQCB and the City's Stormwater Management Plan. Chapter 4.9 also notes that Waste Discharge Requirements are incorporated into the Basin Plan, which has largely been folded into the City's NPDES General Permit. Additionally, Chapter 4.9 states that the City's Sewer System Master Plan, which, like the NPDES General Permit, the project must comply with, is also reflective of the Waste Discharge Requirements.

Chapter 4.3, Biological Resources, of the Draft EIR, discusses that some ditches within the project boundary would be subject to the Clean Water Act Section 404 Permit and that the project must comply with the Clean Water Act Section 401 Permit.

Because there are no industrial sites or uses proposed by the project, an Industrial Storm Water General Permit would neither be required nor applicable.

1947 Galileo Ct., Suite 103 • Davis, California 95616

(530) 757-3650 • (800) 287-3650 • Fax (530) 757-3670



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AUG 20 2012

VACAVILLE
DIVISION

August 16, 2012

Fred Buderl
City Planner
City of Vacaville, Planning Division
650 Merchant Street
Vacaville, CA 95688

Re: **Draft Environmental Impact Report – Brighton Landing Specific Plan**

Dear Mr. Buderl:

The Yolo Solano Air Quality Management District (District) has received the Draft Environmental Impact Report for the project referenced above (Project), and is submitting comments. The Project as proposed, at completion of buildout, would develop approximately 217 acres and construct 769 single family homes. The Project would also include a private high school and public elementary school. An agricultural buffer would be located on the easternmost side of the project site to separate the site from existing agricultural uses.

The District would like to make the following comments:

1. Page 4.3-8 of the DEIR refers to the 1994 Sacramento Area Regional Ozone Attainment Plan as "the current federal ozone SIP for the YSAQMD". Since the 1-hour ozone standard has been revoked by the EPA, it is more appropriate to consider the Sacramento Regional 8-Hour Ozone Attainment and Regional Further Progress Plan as the governing ozone plan for the District. This plan was prepared to demonstrate how attainment of the federal 8-hour ozone standard would be achieved by the region, and was adopted by the District Board of Directors on February 11, 2009.
2. Page 4.3-9 of the DEIR states "the YSAQMD is required to implement transportation control measures and identify indirect source control programs to reduce mobile source emissions." The YSAQMD does not operate an indirect source control program. It would be more

5-1

5-2

appropriate to state that the District works with the other air districts of the region and the transportation planning agencies to implement transportation control measures as described in the Sacramento Regional 8-Hour Ozone Attainment and Regional Further Progress Plan.

5-2
cont.

3. Page 4.3-9 states that the YSAQMD does not meet the CAAQS or the NAAQS for ground level ozone. The District has three ozone monitors operating in its jurisdiction. The monitors are located in Davis, Woodland, and Vacaville. Based on the most recent three years of verified monitoring data, the site with the highest design value is Davis at 0.070 ppm. This design value is below the 0.075 ppm federal NAAQS for ozone. However, the District has been included by the EPA in the Sacramento Federal Nonattainment Area (SFNA). The ozone design value for the SFNA is currently 0.095. So while the District attains the federal 8-hour ozone standard within its jurisdiction, the larger nonattainment area, of which the District is a part, does not attain the standard.

5-3

4. Page 4.3-19, Impact Discussion #1 states that the Project would not conflict with relevant air quality plans and would therefore have a less than significant impact. Impact #1 specifically refers to the District's Triennial Assessment and Plan Update to make this determination. The Triennial Assessment is a State-required planning exercise and provides an overall look at the progress that the District has made towards meeting the State ozone standard over a given period of time. The more imperative standard to be attained is the federal ozone standard. As mentioned in comment #1 of this letter, the District participated in a planning process with the other air districts of the region to produce the Sacramento Regional 8-Hour Ozone Attainment and Regional Further Progress Plan to show how this federal standard would be attained by the appropriate deadline. Consequently, when deciding whether a project would conflict with a relevant air quality plan, the project's impacts should be evaluated against the federal ozone plan, not the Triennial Assessment.

5-4

Construction Impacts

5. The District would appreciate a clearer explanation of the potential construction impacts to air quality from the Project. Appendix E of the document includes a summary of the URBEMIS outputs for construction emissions for the years 2019 and 2020. This appendix indicates that unmitigated construction emissions of the ozone precursors in 2019 would be 10.69 tons of volatile organic compounds (VOC) and 3.36 tons of nitrogen oxides (NOx). The District has a construction threshold of 10 tons per year for both ROG and NOx.

5-5

In contrast to what is shown in Appendix E, Table 4.3-6 of the DEIR shows that annual average construction emissions for the Project would be 3.17 tons per year of ROG and 1.12 tons per year of NOx. The District would like to point out that our ROG and NOx thresholds of significance are for individual years, and do not represent an average of all the construction years for a project. Consequently, an average of several years, such as what is shown in Table 4.3-6, should not be measured against the 10 ton per year thresholds. Instead, the applicant

should model emissions for the most intensive construction year and compare the annual emissions from that year to the District thresholds.

It is also unclear whether the ROG and NOx emissions shown in Table 4.3-6 represent unmitigated or mitigated values. As mentioned above, values in Table 4.3-6 are significantly lower than those shown in the URBEMIS outputs in Appendix E. Therefore, we assume that the values in Table 4.3-6 represent construction emissions after mitigation. If this is the case, the applicant should clearly describe the ROG and NOx mitigation measures for construction that will be implemented. The applicant should also indicate whether any URBEMIS default values were changed during construction emission modeling. If changes were made to the defaults, the applicant should clearly explain the changes and the rationale behind them.

5-5
cont.

6. The District agrees that the PM10 reduction measures listed in Mitigation Measure AQ-1 will be sufficient to reduce PM10 during construction to less than significant levels. The measures listed incorporate the District's best management practices for control of fugitive dust.

5-6

7. It appears that woodstoves will be installed in a significant number of homes in the development. Under District Rule 2.40 – Wood Burning Appliances, the only wood burning appliances that may be installed in the District are:

5-7

- Pellet-fueled appliances;
- Wood burning heaters that are EPA Phase II *certified*; or
- An appliance that has been specifically approved by the District APCO for use in the District.

8. The following District Rules and Regulations may apply to the project during construction:

- The District would like to note that if any portable diesel fueled equipment greater than 50 horsepower (HP), such as generators or pumps, would be used as part of project operations, this equipment must be permitted with the District. Under specific circumstances as approved by the District, the equipment may instead be registered with the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) (<http://www.arb.ca.gov/perp/perp.htm>).
- Architectural coatings and solvents used at the project shall be compliant with District Rule 2.14, ARCHITECTURAL COATINGS.
- All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District rules and regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.

5-8

Operational Impacts and Project Design

9. The District would highlight that regional attainment of the ozone standard is largely dependent upon reductions in ROG and NOx from mobile sources. The Sacramento Area Council of Governments (SACOG) has adopted the Blueprint for Sustainable Communities which provides a

5-9

vision for growth in the region through 2035. The Blueprint for Sustainable Communities focuses on increased transit and alternative transportation modes, which will have the effect of reducing mobile emissions. Consequently, the District promotes growth that is consistent with the Blueprint, and encourages infill development (where possible) and mixed-use development that has higher residential densities. With this in mind, option #1 for the Project's "Subarea O" may be the preferred option since it will create some commercial/retail use in proximity to residential development. This might allow residents to make some trips by walking or biking rather than driving. If residents do drive, closer commercial/retail uses may shorten the overall trip length.

**5-9
cont.**

10. Sound walls are proposed for noise mitigation next to residences adjoining Leisure Town Road and Elmira Road. While sound walls may provide effective noise mitigation to residents from adjacent roadways, they can also serve as significant barriers to convenient and direct bicycle and pedestrian access and circulation within and between neighborhoods, to transit stops and other major destinations. A transit stop or bike and pedestrian pathway located on a major street on the opposite side of a sound wall is not conveniently accessible for local neighborhood residents, further hindering transit, bicycle and pedestrian transportation to and from the project. The District recommends that adequate pass-throughs and access points for bicycles and pedestrians be strategically located between properties in addition to the proposed street access points to minimize the barrier effect of any proposed sound walls. At a minimum, bicycle and pedestrian access points should be located at the corners of the development to allow access to main intersections, at mid-block between street access points and at cul-de-sacs.

5-10

11. Traffic and Transportation mitigation measures to improve traffic LOS on Elmira Road, Leisure Town Road and other roads as a result of the project have the potential to negatively impact safe and convenient bicycle and pedestrian circulation. Increasing the number of motor vehicle lanes can result in wider streets and intersections which can increase average travel speeds. This can discourage bicycle and pedestrian transportation and transit use. The District recommends that the city consider these potential impacts when implementing LOS mitigation measures and utilize best practices and all feasible and appropriate safety countermeasures when integrating bicycle and pedestrian facilities at these locations.

5-11

12. To promote and accommodate the use of electric vehicles and landscaping tools and equipment, the District recommends providing conveniently accessible electrical outlets in the front and back yards of each residential unit. In addition, provide electrical infrastructure in the garages of each residential unit sufficient to accommodate the requirements of the current Level 2 (240 volt) electric vehicle charging units or the appropriate level at the time of construction. Adequate electrical infrastructure should also be provided to accommodate future potential electric vehicle charging stations at commercial and institutional locations.

5-12

In conclusion, the District appreciates receiving this DEIR and the opportunity to discuss the recommendations presented in this letter. If you require additional information or would like to discuss the project, please contact Matt Jones at (530) 757-3668.

Sincerely,

A handwritten signature in black ink that reads "Matthew R Jones". The signature is written in a cursive style with a large, prominent "M" and "J".

Matthew R. Jones
Supervising Air Quality Planner

**LETTER 5: Matthew R. Jones, Supervising Air Quality Planner.
Yolo-Solano Air Quality Management District. August 20, 2012.**

5-1: In this comment the Yolo-Solano Air Quality Management District (YSAQMD) correctly states that the adopted ozone plan for the District is the Sacramento Regional 8-Hour Ozone Attainment and Regional Further Progress Plan. In response to this comment, the text on page 4.3-8 of the Draft EIR has been revised to indicate that the Sacramento Regional 8-Hour Ozone Attainment and Regional Further Progress Plan is the current federal ozone implementation plan for the YSAQMD. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

5-2: The YSAQMD indicates in this comment that it does not operate an indirect source control program, but rather works with other air district and transportation planning agencies to implement transportation control measures as described in the Sacramento Regional 8-Hour Ozone Attainment and Regional Further Progress Plan. In response to this comment, the text on page 4.3-9 of the Draft EIR has been revised to describe YASQMD as working together with other agencies to implement transportation control measures. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

5-3: This comment states that while the YSAQMD is included in the Sacramento Federal Nonattainment Area, its ground level ozone is below the 0.075 ppm federal National Ambient Air Quality Standards (NAAQS) for ozone. Additionally, this comment clarifies that while the YSAQMD attains the federal 8-hour zone standard within its own jurisdiction, the larger nonattainment area, of which it is a part, does not attain this standard. In response to this comment, the text on page

4.3-9 of the Draft EIR has been revised to indicate that the YSAQMD meets the NAAQS for ground level ozone and that the larger San Francisco Nonattainment Area does not. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

5-4: This comment recommends that rather than examining whether the project complies with the Triennial Assessment and Plan Update which looks at progress towards attaining the State ozone standard, the Draft EIR should examine compliance with the Sacramento Regional 8-Hour Ozone Attainment and Regional Further Progress Plan which demonstrates how the federal standard will be attained by the appropriate deadline.

In response to this comment, the text on page 4.3-20 has been revised to describe the project's consistency with the Sacramento Regional 8-Hour Ozone Attainment and Regional Further Progress Plan. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

5-5: This comment requests a clarification of potential construction impacts to air quality. In this comment, the YSAQMD recommends that the Draft EIR model emissions for the most intensive construction year and compare the emissions from that year to YSAQMD thresholds and provide an indication of any default values changed during construction emission modeling, including the rationale behind any such changes. Additionally, this comment states that it is unclear whether emissions shown in Table 4.3-6 are mitigated or unmitigated values.

As noted in the text on page 4.3-21 of the Draft EIR, a precise timeline for construction activities is not known at this time. As outlined in the

Chapter 3, project Description, the project would be developed over a 20 to 30 year period, depending on market demand. Appendix E presents URBEMIS outputs showing that total unmitigated construction emissions, assuming a 1-year building out in 2019, would be 10.69 tons of reactive organic gases (ROG) and 3.36 tons of nitrogen oxides (NOx). No changes to URBEMIS default values were made.

However, a 1-year construction period for a project of the size of the Brighton Landing Specific Plan is unrealistic and inconsistent with the history of recent development in Vacaville. Therefore, to provide a more realistic, yet still conservative assessment of construction emissions, these totals were then spread evenly over three years to determine the unmitigated annual emissions, as shown in Table 4.3-6. These amounts correspond to the individual year thresholds of significance established by YSAQMD. It is not possible at this time to determine exactly in what order or at what pace the project will develop or which year would be the most intensive construction year. However, an analysis of emissions for three years represents a conservative worst-case scenario. Please see response to comment 3-7.

5-6. This comment states that the YSAQMD agrees with the PM₁₀ reduction measures listed in Mitigation Measure AQ-1. No response is required.

5-7: In this comment, the YSAQMD, referencing the possible installation of woodstoves in the houses built under the project, notes that only wood-burning appliances which comply with YSAQMD Rule 2.40 are permitted. Certain project details, by necessity, would be determined during site-specific design and would be required to comply with all relevant policies and regulations, including YSAQMD Rule 2.40. All construction activities would be required to comply with all relevant policies and regulations, including those described in comment 5-7. Please see response to comment 3-7.

5-8: The YSAQMD notes in this comment that certain rules and regulations may apply to the proposed project during construction, including rules regarding permissible equipment, compliance with district rules (e.g. YSAQMD Rule 2.14), and required YSAQMD permits. All construction activities would be required to comply with all relevant policies and regulations, including those described in comment 5-8.

5-9: In this comment, the YSAQMD describes its general commitment to the Blueprint for Sustainable Communities and suggests that option #1 for Subarea O, retail/commercial development, would be most in keeping with this commitment. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project.

5-10: This comment states that proposed sound walls may inhibit pedestrian and bicyclist circulation and recommends that adequate pass-throughs and access points be provided. Pedestrian and bicycle safety is addressed in Chapter 4.14, Traffic and Transportation, of the Draft EIR. Figure 3-1, in Chapter 3, Project Description, of the Draft EIR, shows the sidewalk connections to the north-south Major Collector (S Street in Chapter 4.14 of the Draft EIR) from adjacent cul-de-sac. In addition, some residential blocks have been rearranged in order to provide more connections between different parts of the project area, in particular focusing on connection to the school and park sites. However, the specific details for additional pass-throughs and access points could also be included in later stages of the project process. Certain project details, by necessity, would be determined during site-specific design and would be reviewed and approved by the City and other applicable agencies, including the YSAQMD. As described in Mitigation Measure TRAF-5 of the Draft EIR, for each phase of the

project development, the project-level site plan shall be submitted for review and approval by the City to ensure safe and direct facilities for pedestrians, bicyclists and transit riders are provided to Elmira Road and Leisure Town Road and the design does not conflict with adopted plans, policies and programs related to such facilities. Please see response to comment 3-7. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project.

5-11: The YSAQMD, in this comment, expresses concerns that traffic and transportation measures will potentially negatively impact pedestrian and bicycle safety and circulation and recommends that the City use best practices and all feasible safety countermeasures. Pedestrian and bicycle safety is addressed in Chapter 4.14, Traffic and Transportation, of the Draft EIR. The City considers the circulation features of the project to represent an appropriate and safe balance between various modes of transportation, including automobiles, bicycles and walking, and has revised the project design over time to improve connectivity of the various parts of the project. As noted in response to comment 5-10 revisions to pathways and circulation patterns have been incorporated into the final plan to increase connectivity. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project. Please see response to comment 5-10.

5-12: In this comment, the YSAQMD recommends providing accessible electrical outlets, sufficient voltage, and adequate infrastructure to promote and accommodate electric vehicles and tools. This comment does not address the adequacy or findings of the Draft EIR; therefore no additional response is necessary. The Brighton Landing Specific Plan document requires outlets to serve electric vehicles at each residential unit. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for

CITY OF VACAVILLE
BRIGHTON LANDING SPECIFIC PLAN FINAL EIR
COMMENTS AND RESPONSES

their consideration in reviewing the project. Please see response to comment 5-10.



Solano Local Agency Formation Commission

3700 Hilborn Rd. Ste. 600 • Fairfield, California 94534
(707) 439-3897 • FAX: (707) 438-1788

August 22, 2012

Mr. Fred Buder
Planning Division
The City of Vacaville
650 Main Street
Vacaville CA 95688

RE: DEIR Brighton Landing Specific Plan & Development Project

Dear Mr. Buder:

Thank you for the opportunity to comment on the City's Draft Environmental Impact Report for the Brighton Landing Specific Plan & Development Project. Below are staff comments with respect to the proposed project:

- 1. Include LAFCO as a Responsible Agency as LAFCO will have to review the environmental documents once the project territory is ready for detachment from Solano Irrigation District (SID).
- 2. Include (SID) as an Affected Agency. The proposed project must include detachment from SID where non-urban irrigation water is no longer needed.

| 6-1
|
| 6-2
|

If you have any questions, please do not hesitate to contact LAFCO staff.

Sincerely,



Michelle McIntyre

cc: Paul Fuchslin, Solano Irrigation District

Commissioners

John Saunderson, Chairperson • Harry Price, Vice-Chairperson
Jack Batchelor • Jim Spering • John Vasquez

Alternate Commissioners

Linda Seifert • Nancy Shopay • Jan Vick

Staff

Shaun Pritchard, Executive Officer • Michelle McIntyre, Analyst • P. Scott Browne, Legal Counsel

STANDARD NO. 11: THE AFFECT OF THE PROPOSED ACTION ON ADJACENT AREAS, MUTUAL SOCIAL AND ECONOMIC INTERESTS, AND ON LOCAL GOVERNMENTAL STRUCTURE

The application shall describe the effect which the annexation could have on adjacent areas and outside the agency. It shall also describe any social and economic benefits, or detriments, which will accrue to the agency and other affected agencies. The proposal should not be motivated by inter city rivalry, land speculation, or other motivates not in the public interest, and should create no significant negative social or economic effects on the County or neighboring agencies.

Explanation and Discussion

This Standard responds to the Cortese-Knox-Hertzberg factor listed under Section 56668(c). As worded in the law, the factor is somewhat vague and tends to overlap with the purpose of several other Standards, including those pertaining to the protection of agricultural land, meeting needs of the housing market, orderly growth, and the provision of urban services. Consequently, meeting this Standard requires placing in perspective the overall beneficial consequences of a proposal as compared to potential negative impacts, through qualitative analysis.

Examples of mutual social and economic benefits include achieving a balanced housing supply within the community, the provision of commercial areas where existing commercial development does not meet the needs residents, the creation of new employment opportunities to meet the needs of the unemployed or under-employed, protecting sensitive resources, advancing the time when public improvements needed by the larger community may be provided, improvement of levels of service within the community without incurring additional costs or harming other public service providers and protection of communities of regional/national economic and social importance, such as Travis Air Force Base, through the utilization of permanent open space and reserve areas.

These types of benefits may, in a given case, argue for a project as off-setting negative consequences or negative determinations identified in responding to other Discretionary Standards. The written response to this standard provides the opportunity to make a case for a proposal which, based on other standards, might appear to be questionable.

Potential negative impacts upon the County and neighboring agencies will also be considered. Examples include proposals that negatively impact Special District budgets or service provision or proposals that demand Special District services without the provision of adequate funding, threaten major employers, alter current/future military missions or otherwise cause hardship to communities of regional/national economic and social importance.

Required Documentation

In cases where Special Districts might be harmed, either through detachment or annexation, the applicant should work with the Executive Director to identify the affected agencies and work with those agencies to identify and mitigate the impacts. *LAFCO will not normally approve detachments from special districts or annexations that fail to provide for adequate mitigation of the adverse impacts on the district. Where the adverse impact is fiscal, adequate mitigation will normally include a permanent, funding source for lost revenues or*

increased costs to the affected Special District. Where potential impacts on other agencies have been identified, the application may be deemed incomplete or the LAFCo hearing continued, until the applicant has met with the affected agencies and made a good faith effort to reach agreement with those agencies on appropriate mitigation.

This standard requires that an application for a change of organization or reorganization show the inter-relationship and effect of the proposed project on adjacent areas, both within and outside the boundaries of the affected agency, and to weigh the overall beneficial aspects of a proposal as compared to the potential negative impacts. The application shall provide a written response to this standard and all supporting documentation regarding mitigation.

LAFCo Action

If the applicant and the affected agencies have reached agreement on *permanent, annual* mitigation for the impacts to affected agencies, LAFCo will normally include the mitigation measures in its terms and conditions approving the change of organization. If the parties have failed to reach agreement, LAFCo shall hear from both sides and determine an appropriate mitigation, if any, and impose that mitigation to the extent it is within its powers. If the needed mitigation is not within LAFCo's authority and approval would, in the determination of the Commission, seriously impair the District's operation, the Commission may choose to deny the application.

**6-3
cont.**

LETTER 6: Michelle McIntyre, Analyst. Solano County Local Agency Formation Commission. August 22, 2012.

6-1: The Solano County Local Agency Formation Commission (LAFCo) requests in this comment that the Draft EIR include the Solano County LAFCo as a Responsible Agency. As discussed in Chapter 3, Project Description, of the Draft EIR, under CEQA 15381, “Responsible Agencies” include all public agencies other than the lead agency which have discretionary approval over the project. Table 3-4, Permits and Approvals Required, in Chapter 3, identifies the Solano County LAFCo as the agency that has jurisdiction over possible special district formation. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

6-2: This comment requests that the Solano Irrigation District (SID) be identified as an Affected Agency due to proposed detachment from the SID. Similar to the Solano County LAFCo, the SID is identified on Table 3-4, Permits and Approvals Required, in Chapter 3 as being the agency with authority to process the Master Water Agreement Amendment (MWA) together with City of Vacaville. Moreover, as demonstrated by Letter 8 in this Final EIR, SID is aware of the project and is in active discussions with the City regarding it. The City has included SID as an Affected Agency on its lists of such agencies and will continue to include SID on future noticing for the project.

6-3: This comment is an attachment to the above letter and provides the City with guidance for following Solano County LAFCo annexation procedures. No response is required.

COMMENT LETTER #7

RECEIVED

AUG 23 2012

**VACAVILLE
PLANNING DIVISION**

Leland, James H. [JHLeland@SolanoCounty.com]

Fred,

I am submitting comments from the County Resource Management Department – Planning Division on the Draft Environmental Impact Report for the Brighton Landing Specific Plan, as follows:

“The Brighton Landing DEIR indicates that a detention basin serving the development will be located in the unincorporated county. The County of Solano does not understand how such a facility is consistent with the agricultural land use designation in the 2008 Solano County General Plan and agricultural zoning of the subject property. Will the detention basin impact the agricultural production capacity of the land? In addition, the County would like some clarification of the City’s intentions regarding annexation of the detention basin lands in the future. Is this area planned for residential expansion in the preferred alternative being studied by the City? The County prefers that any facilities necessary for urbanization be located within incorporated cities. The proposal to locate such a facility within the county requires entitlements which are not necessarily guaranteed. If the detention basin is not approved by the County, where will it be located within the City limits?”

7-1
7-2
7-3
7-4

Please give me a call if you have any questions regarding the Planning Division’s response to the DEIR.

Best Regards,

Jim

Jim Leland
Principal Planner
Current Planning Section

County of Solano
675 Texas Street
Suite 5500
Fairfield, CA 94533

Office: 707.784.6765
Fax: 707.784.4805

www.solanocounty.com

LETTER 7: Jim Leland, Principal Planner, Current Planning Section, Solano County Department of Resource Management. August 23, 2012.

7-1: This comment asks whether the detention basin will affect agricultural production and expresses a concern about the proposed project's location of the detention basin in the unincorporated county and how such a facility is consistent with the agricultural land use designation in the 2008 Solano county General Plan. The Draft EIR discloses that the detention basin will result in the conversion of 17.6 acres of agricultural land and includes mitigation for the loss of that agricultural land (Page 4.2-17, Mitigation Measure AGRI-1). Page 4.10-11 in Draft EIR Chapter 4.10, Land Use, notes:

As required by the County Zoning Ordinance, the proposed detention basin would be within the Agricultural 40-acre minimum (A-40) district and surrounded by land with the same designation. *Uses allowed in the A-40 district include public facilities (e.g., a detention basin).* If built by the private applicant, the detention basin would require use permit approval from the County. Once the applicant has obtained use and building permits, construction of the proposed detention basin and sewer would comply with existing County General Plan policies and the County Zoning Code. (emphasis added)

The Solano County General Plan description of the Agriculture land use designation (page LU-19) does not provide detail of additional allowable uses, but Table 28.21A, on page II-18 of the County's Zoning Code, states that a "public service facility" is allowed on property with A-40 zoning, which implements the Agriculture General Plan land use designation and which includes the detention basin site.

7-2: This comment requests clarification from the City regarding their intentions of annexing the detention basin lands in the future, but

does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The basin would be used only for drainage purposes as proposed and would be maintained through a maintenance district formed for this project, as detailed in the Brighton Landing Specific Plan. The detention basin area is not proposed for annexation into the City of Vacaville. This area is not planned for urban development in the City's General Plan Update. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

7-3: This comment requests to know if the detention basin area is planned for residential expansion in the preferred alternative being studied by the City and identifies that the County prefers that any facilities necessary for urbanization be located within the incorporated cities. The Preferred Land Use Alternative for the General Plan Update currently underway, accepted by the Vacaville City Council on December 13, 2011, and available on the General Plan Update website at http://www.vacavillegeneralplan.org/wp-content/uploads/2012/01/PLUA_-Citywide_11X17.pdf, shows that the detention basin site is outside of the City's Urban Growth Boundary and is not designated for future residential development. In addition, it should be noted that the Brighton Landing Draft EIR considered a Reduced Footprint Alternative, analyzed on pages 5-15 through 5-19, that would locate the detention basin inside the project area boundary, which would be within the City limits. The City Council will have the opportunity to consider the Reduced Footprint Alternative as part of the public review process of the Brighton Landing Specific Plan and the EIR.

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

7-4: This comment notes that the project's proposal to locate the detention basin in unincorporated county lands requires entitlements which are not necessarily guaranteed and requests to know where the detention basin would be located if not approved by the County. Draft EIR Table 3-4, Permits and Approvals Required (page 3-45), noted that Solano County approval of a land use permit and grading permit would be required. However, the notes for Table 3-4 also pointed out that these permit approvals are only required if the detention basin is constructed by the developer, prior to dedicating the land to the City. If the City takes ownership of the property and constructs the basin, then no County permits would be required. Final siting of the detention basin will be determined as part of the improvement plans for the project. State local and federal law require adequate stormwater and flood protection facilities (Draft EIR Chapter 4.9) and the project will be required to have adequate drainage facilities regardless of whether it is feasible to construct such facilities in the County's jurisdiction (Mitigation Measure HYDRO-2).

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

COMMENT LETTER #8

DIRECTORS

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SOARES & SEXTON, LLP
ATTORNEYS

August 22, 2012

Maureen Traut Carson
Director of Community Development
City of Vacaville
650 Merchant Street
Vacaville, CA 95688

RE: Brighton Landing Specific Plan Draft EIR

Dear Ms. Carson,

Thank you for the opportunity to comment on the Brighton Landing Specific Plan Draft EIR. This letter is in addition to Solano Irrigation District's (SID) legal counsel's letter and is intended to lay the groundwork for problem solving and resolving project related issues. In the spirit of problem solving, our Board of Directors has appointed a Subcommittee (Board President Hansen and Board Member Bishop) to meet with City of Vacaville (City) Council Members to focus on resolving project related issues.

In the past, both the City and SID have negotiated land use issues in and around the City in the context of the Master Water Agreement (Agreement), last amended on June 15, 2010. The City and SID have agreed upon mutual goals when it comes to the preservation of farmland and its conversion to urban uses, should that occur. Specifically, the Agreement outlined the mutual goals to include, but not limited to:

- ✓ Ensuring scarce natural resources, such as water, are allocated and utilized to maximize community benefits.
- ✓ Accommodating reasonable urban growth consistent with regional housing needs while maintaining productive agriculture on prime soils. The General Plan and this agreement recognize the need to give priority to the preservation and protection of prime agricultural lands.
- ✓ Recognizing urban sprawl is a problem for City, SID and agricultural interests and, therefore, phased, moderate growth is beneficial to the municipal and agricultural

8-1

communities as a whole. A shared policy between City and SID could provide both urban and agricultural interests a comprehensive and secure basis for future urban and agricultural investments.

- ✓ That it was to the mutual benefit of City and SID to support each other's predominant social purposes by:
 - a. having City plan for and provide a buffer area on its northwestern, southern, and eastern limits in order for SID to protect prime agricultural lands from new urban expansion, and
 - b. having SID supply additional water to City in order to facilitate urban development within prescribed boundaries which furthers SID's goals of insuring the long-term stability of agricultural production beyond those urban boundaries and its goal of providing an economic base from which SID can continue to supply water to lands within SID and City common boundaries.

8-1
cont.

Although SID and City agree on many mutual goals, we do not agree that the Brighton Landing Project (Project) provides full mitigation of impacts on several issues relating to farmland. Specific mitigations that do not adequately mitigate the project's environmental impacts are:

1. Loss of Farmland. A total of 254.54 acres of prime and unique farmland currently viable for farming operations would be taken out of agricultural operations. In addition, additional undefined acreage would be taken out of agricultural operations to accommodate out of area drainage basins for the project. Although the project proposes to mitigate for the loss of agricultural land by either purchasing and preserving existing farmland or paying a fee for the purchase and preserving existing farmland, there is a significant net loss of farmland. The Draft EIR recognizes this and assigns it as a "significant and unavoidable impact." SID disagrees this impact cannot be feasibly mitigated. Specifically, the project does not, but should, mitigate for the loss of farmland by either, protecting, bringing on new farmland, or upgrading the use of existing farmland within SID. For example, there are lands within SID that are not productive agricultural lands either because they are under-irrigated, non-irrigated or non-farmed lands. Also, City should modify its AB 1600 impact fee program with the goal of maintaining no net loss of productive agricultural lands rather than reducing future loss.
2. Agricultural Buffer. Along with the loss of 254.54 acres of farmland, Solano County and City policy stipulates there should be "minimized conflicts between agriculture and urban uses..." and provide for a transitional area or buffer between agricultural and urban uses. Said goal is identified in the County's Right to Farm Ordinance and the City's 1990 General Plan. In order to address potential CEQA impact issues, the Project identifies a 500 foot mitigation buffer along its eastern boundary. However, the Draft EIR states that "land use control of the entire 500 foot wide buffer on the east side of the Project site is not assured at this time. Therefore, with mitigation, this impact would remain significant and unavoidable." The mitigation as identified in the Draft EIR is insufficient to meet the County Ordinance (the purpose of which is to "protect agricultural operations ...") and

8-2

8-3

City's General Plan policy (which identifies a policy of "minimizing conflicts between agriculture and urban uses and provide for a transitional area or buffer between agriculture and urban uses"). As a result, environment impacts which can and should be fully mitigated under CEQA have the potential not to be mitigated.

8-3
cont.

3. Dislocation Mitigation. Under CEQA, City is required to mitigate for all environmental impacts. The Project, however, proposes to urbanize farmlands without regard to SID's long-term financial viability due to a permanent loss of rehabilitation and betterment assessment and operational revenues. These losses cause a significant decrease in economies of scale to SID's remaining agricultural customers. Consistent with CEQA requirements to mitigate for environmental impacts, and to be in compliance with the Agreement, an Agricultural Dislocation Mitigation Fee program is needed to supplement SID's existing Maintenance Detachment Fee such that, long-term, SID is able to generate revenues to operate, maintain, replace and upgrade its systems. The Fee program would offset, therefore, revenue losses due to the subject Project conversion from agricultural production to urban development. Also, the intent to keep SID whole was also addressed in the June 15, 2010 Amendment to the Master Water Agreement, however, it has not been addressed in the subject Project's Draft EIR.

8-4

8-5

4. Water Supply. Even though the Draft EIR shows supplies for development through 2035, the quantity of water available to be transferred under the Agreement was based on a number of assumed conditions that have changed since the original 1995 Agreement. For example, the Draft EIR represents that about 26% of City's identified water supply is from allocations in the Solano Project, both its own allocation and the allocation made under the Agreement. The Draft EIR, however, does not adequately reflect the reduced reliability of the Solano Project water supply based on reductions mandated by regulatory, judicial, legislative action (e.g. in-stream flow requirements in Putah Creek) or drought restrictions.

8-6

Although SID supports the City of Vacaville in achieving its long-term planning goals, some of the City's goals conflict with SID's operations and responsibilities. We would appreciate the opportunity to meet to discuss the issues raised in this letter and hope to resolve our concerns amicably. However, we also formally request these issues be properly addressed in the Project's Final EIR.

Sincerely,

Cary Keaten
Solano Irrigation District General Manager

Copy: Solano Irrigation District Board of Directors
Paul Minasian, Solano Irrigation District General Counsel

**LETTER 8: Cary Keaton, Solano Irrigation District Manager.
Solano Irrigation District. August 22, 2012.**

8-1: This comment describes the relationship between the Solano Irrigation District (SID) and the City of Vacaville with regards to their Master Water Agreement (MWA), last amended on June 15, 2010. The commenter expresses a concern that the proposed mitigation of the projects impacts to farmland is inadequate. This comment introduces the more specific comments that are addressed in responses 8-2 through 8-6, below, and no further response is required to comment 8-1.

8-2: The comment expresses a concern regarding the loss of farmland and disagrees with finding in the Draft EIR that states that even with implementation of Mitigation Measure AGRI-1, the loss of agricultural land would be significant and unavoidable. The commenter believes the loss of agricultural lands can be mitigated through protecting, bringing on new farmland, or upgrading the use of existing farmland within the SID. The commenter incorrectly states that the Draft EIR fails to mitigate the loss of agricultural land by protecting existing farmland.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of the Draft EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” As described in Chapter 4.3, Agricultural and Forestry Resources, of the Draft EIR, Mitigation Measure AGRI-1 recommends that a total of 254.54 acres of agricultural land that is viable for farming operations would be “pur-

chased and preserved.” This area represents the sum of Prime Farmland and Unique Farmland impacted by the project, including the area of the agricultural buffer outside of the project area (19.73 acres), the detention basin (17.6 acres), and the entire project area (217.21 acres, including residential parcels). The agricultural land to be purchased and preserved would be near the Urban Growth Boundary and in Solano County. This mitigation would satisfy the current 1990 General Plan Policy 2.10-G2, which states that the City shall require development in the project area:

“to mitigate its impact on agricultural and open space lands by preserving, to the extent consistent with applicable law, for each acre of land developed, at least one acre of land outside the Growth Boundary but within Pleasants Valley, Upper Lagoon Valley, or Vaca Valley, or any other location that is within 1 mile of the Growth Boundary. Alternatively, to the extent consistent with applicable law, such development may pay an equivalent in-lieu fee as determined by City in consultation with the Solano Land Trust. Lands acquired directly or with fees collected pursuant to this requirement shall first be offered to the Solano Land Trust. Any such fees transferred to the Solano Land Trust may only be used to acquire or protect lands outside of the Growth Boundary but within 1 mile of the Growth Boundary, or within Pleasants Valley, Upper Lagoon Valley, or Vaca Valley. Acquisitions pursuant to this requirement shall be coordinated with the Solano Land Trust.”

If for any reason adequate land to meet the conservation goals described in the Vacaville General Plan, and in particular this section 2.10, cannot be identified or acquired, the City and the Solano Land Trust, or, if the Solano Land Trust declines to participate, the City and another land conservation entity, shall meet and confer to identify other areas where conservation acquisitions can occur at a reasonable cost and to satisfy the conservation goals described in this Section 2.10.

This mitigation measure is also consistent with past practice on other approved projects in the City of Vacaville and this ratio is a commonly-accepted mitigation measure by Solano County LAFCo throughout Solano County for projects involving annexations. Revising the mitigation measure to include bringing new land into agricultural production or extending irrigation to non-irrigated or non-farmed lands would not mitigate the project's environmental impact, but would instead provide an economic benefit to the landowners where such actions were taken. Any environmental benefit from such measures would be speculative. The commenter notes that lands exist in its jurisdiction that are "not productive because they are under-irrigated, non-irrigated, or non-farmed lands." The commenter does not argue that the quality of soils prevents agricultural use of the unproductive lands, nor does the commenter present a feasible mitigation program to improve the quality of soils to the extent that lands would be redesignated by the Farmland Mapping and Monitoring Program as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. As noted on page 4.2-1 of the Draft EIR, such designations are primarily based on the chemical and physical features of the land and used for active irrigated agriculture. The transactional complexity of either irrigating land or obtaining the agreement of a landowner to change the use of the land to active agricultural and locating a farmer willing to farm such land as compared to the speculative outcome that the California Department of Conservation would designate the lands as Prime Farmland, Unique Farmland or Farmland of Statewide Importance leads the City to conclude that such mitigation is logistically and effectively infeasible and would call for significant and inappropriate speculation on the part of the City and the Project Applicant. A variety of factors, such as location, soil type, drainage, microclimate, and economic and market forces, and regulatory jurisdictions affect farmland, and it would be very difficult for the applicant to assess each of these factors and ensure that land that is not currently farmed or not currently irrigated could be transformed into viable agricultural land over the long term. By permanently protecting land that is already suc-

cessfully operating as viable agricultural land, this mitigation measure directly addresses impacts to viable farmland with feasible mitigation measures to reduce, although not eliminate, the impact to agricultural land. The City believes the Draft EIR correctly concludes that this impact is significant and unavoidable.

However, as discussed in the Draft EIR, although agricultural land would be preserved elsewhere, the Prime and Unique Farmland in the project area (in the proposed Agricultural Buffer area beyond the project boundary) and in the detention basin area would all still be permanently lost for agricultural use. Therefore, even with mitigation that “preserves an equal amount of prime farmland,” the impact would remain significant and unavoidable.

This comment also requests that the City update their Assembly Bill (AB) 1600 impact fee program. However, this request is outside of the scope of the Draft EIR. Amending the City’s fee program to include the goal of no net loss of farmland would not mitigate the project’s agricultural impacts. Such a policy change would not result in reducing the project’s impacts unless the project would not convert any agricultural land. This is impracticable and such policy change would result in a de-facto moratorium on any expansion of the City. Thus, in addition to rejecting the amendment based on its apparent lack of effectiveness, the City also rejects it as infeasible based on policy considerations. A policy of no net loss of farmland by adding farmland within SID would be contrary to the City’s anticipated expansion east of Leisure Town Road and its current policy standard of preservation of existing agricultural land within 1 mile of the Urban Growth Boundary in areas around the City. The City has selected the current policy as the proposed standard to retain in its General Plan and concludes that its current policy of reducing future loss of farmland is the appropriate policy for the City when balanced with many other City policies.

These comments are acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

8-3: This comment expresses a concern regarding the project's proposed agricultural buffer and believes that Mitigation Measure AGRI-2 is insufficient to meet the County's Right to Farm Ordinance and the City's 1990 General Plan. The commenter accurately describes the findings in the Draft EIR and states that the project's impacts can and should be fully mitigated under CEQA, but does not suggest what additional mitigation measures should be applied to reduce the impact to a less-than-significant level.

Under CEQA, there are occasions that feasible mitigation is not available. *CEQA Guidelines* Section 15126.4(5) states if the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may reference that fact and briefly explain the reasons underlying the lead agency's determination. In this case, as explained in the Draft EIR, at the time of writing the Draft EIR the Applicant has been unable to secure control over a portion of the land that would be the designated agricultural buffer on lands located within the existing City limit on the east side of the site. Moving the proposed buffer on the project site would be considered a change to the proposed project. As identified, discussed, and analyzed in the Draft EIR, the project, if implemented as proposed, could result in various potentially significant effects on the environment. As required by CEQA and the *CEQA Guidelines* Section 15126.4, the Draft EIR also proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact. *CEQA Guidelines* Section 15370 define "mitigation" as including: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of an action and its implementation; (3) rectifying the impact by repairing, rehabilitating, or restoring the impacted

environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (5) compensating for the impact by replacing or providing substitute resources or environments (14 Cal. Code Regs., Section 15370). While, by definition, mitigation may require that changes be made to the project for purposes of minimizing environmental impacts, the Draft EIR's proposed mitigation measures do not alter the description of the project contained in Chapter 3, Project Description, of the Draft EIR, or the actual project analyzed. Rather, the purpose of the Draft EIR is to fully disclose the environmental impacts of the project as proposed.

The City has also analyzed two other alternative configurations for the proposed buffer area. The decision-maker (Vacaville City Council) will have information to determine whether the mitigation is infeasible or whether other forms of the project would be more appropriate, and would have to determine whether maintaining the proposed agricultural buffer in its proposed location is the most appropriate location. The proposed agricultural buffer matches the location that the Vacaville City Council has selected as its preferred alternative for the General Plan Update.

Furthermore, when a lead agency approves a project that would result in significant and unavoidable impacts that are disclosed in the EIR, the agency must state in writing its reasons for supporting the approved action (*CEQA Guidelines* Section 15093[b]). This statement of overriding considerations must be supported by substantial information in the record, including the EIR. Because the proposed project would result in significant and unavoidable impacts related to loss of agricultural lands and would change the existing environment from farmland to non-agricultural use, the City would be required to adopt a statement of overriding considerations if it approves the project.

8-4: This comment incorrectly states that the City is required to fully mitigate all significant environmental impacts as a result of project development. As noted, in response to comment 8-3, there are occasions that feasible mitigation is not available. The lead agency may still choose to approve a project that does not fully mitigate impacts, but must acknowledge this circumstance in findings of fact and a statement of overriding considerations.

The comment is also concerned about the long-term financial viability due to permanent loss of rehabilitation and betterment assessment and operational revenues. However, the Draft EIR is not meant to address personal wellbeing, economic or financial issues, or the market demand for a project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment to the extent feasible. The comment implies that physical environmental impacts could occur if decreases in SID's revenue affect service to remaining agricultural customers. However, predicting the project's effect on SID's long-term financial viability, as well as any resulting effects on other SID customers, and evaluating the physical impacts of those effects, would require a level of speculation that is inappropriate for an EIR.

CEQA Statute 21082.2(a) requires that the lead agency "shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record." *CEQA Guidelines* 15384(a) clarifies that "'substantial evidence'... means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or

are not caused by physical impacts on the environment does not constitute substantial evidence.” Section 15384(b) goes on to state that “substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” Since there are no facts available to substantiate an assertion that the physical environment could ultimately be significantly impacted by changes in SID’s long-term financial viability as a direct result of the project, the City acting as the Lead Agency is not required to analyze that effect, nor to mitigate for that effect. According to the SID, they have entitlements for 141,000 acre feet of agricultural and domestic water for service to many areas in Solano County each year.¹ As described in Chapter 4.15, Utilities and Service Systems, of the Draft EIR, the project’s potable water demand is 428,580 gallons per day (gpd) or approximately 480 acre feet per year (afy) and its non-potable (irrigation) demand is 157,161 gpd or approximately 176 afy, which when combined represents 0.5 percent of the SID’s annual entitlements. The SID has not provided evidence that it is reasonably foreseeable that the physical environment would be significantly impacted by changes in the SID’s long-term financial viability as a direct result of the project. Further, the City is not independently aware of any such evidence. Hence, such an impact is speculative and not significant and therefore requires no mitigation. Please see response to comment 8-2.

8-5: The commenter states that in order for the project to be in compliance with the MWA between the City and SID, an Agricultural Dislocation Mitigation Fee program is needed. The commenter also states that it is the intent of the MWA to keep the SID whole and expresses a concern that this was not addressed in the Draft EIR. However, the preparation of an Agricultural Dislocation Mitigation Fee program and maintaining the overall intent of the MWA is related to contractual negotiations between the City and the SID and is not relat-

¹ Solano Irrigation District website, About Us page, at <http://www.sidwater.org/index.aspx?NID=84>, retrieved Tuesday, October 30, 2012.

ed to impacts of the project on the environment. Therefore, this comment raises concerns that are outside the scope of CEQA and the Draft EIR. As noted above, the Draft EIR is not meant to address economic or financial issues. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project and the proposed amendment to the MWA. See response to comment 8-4.

8-6: This comment expresses a concern about the water supply analysis prepared for the Draft EIR and asserts that the Draft EIR does not adequately reflect the reduced reliability of the Solano Project water supply based on reduction mandated by regulatory, judicial, legislative action (e.g. in-stream flow requirements in Putah Creek) or drought restrictions. However, the commenter does not provide factual support for this assertion. The water supplies reported in the Brighton Landing Specific Plan Draft EIR are based on the City of Vacaville SB610 Water Supply Assessment Report for Brighton Landing prepared in April 2012 (2012 WSA) and the City of Vacaville 2010 Urban Water Management Plan Update (UWMP Update). The water supply estimates in the 2012 WSA were calculated by multiplying the entitlement amount by a reliability percent for each source. Vacaville receives water allocations from the State Water Project through the Solano County Water Agency (SCWA). The reliability of this water source was provided by SCWA as 99 percent during normal years, 98 percent during single dry years, and 89 percent during multiple dry years. This calculation is shown in Tables 18 – 22 of the 2012 WSA, which is provided in Appendix H of the Draft EIR. Accordingly, the 2012 WSA and UWMP Update along with the Draft EIR document the available water supply and take into account reduced reliability of the Solano Project as documented and presented by SCWA.

COMMENT LETTER #9

08/23/2012 10:59 FAX 5305330197

MINASIAN LAW FIRM

001/007

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FAX TRANSMISSION

DATE: August 23, 2012
TO: City of Vacaville
Community Development Department
FAX NO.: 707-449-5423
FROM: PAUL R. MINASIAN
NO. OF PAGES: 7, including cover page

ENCLOSURES: Letter to City of Vacaville, Community Development Dept
Re: Brighton Landing Specific Plan Draft EIR

NO. 9052

OUR FAX MACHINE MAY BE REACHED BY CALLING (530) 533-0197
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August 14, 2012

City of Vacaville
Community Development Department
650 Merchant Street
Vacaville, CA 95688

Via Fax: 707-449-5423

RE: Brighton Landing Specific Plan Draft EIR

Ladies and Gentlemen:

- I. An EIR must properly and accurately describe the environmental setting. This Draft EIR does not accomplish that goal. This Draft should be withdrawn because it assumes SID will agree to changes in the greenbelt buffer until it can be determined if those changes will be agreed to and are an alternative that is feasible, this Draft EIR should be withdrawn.

Although SID and the City have a comprehensive agreement in the form of the Master Water Agreement which contemplates greenbelt buffers and provisions designed to prevent impacts upon either direct or indirect or cumulative impacts upon farming land and the maintenance of agricultural land, we do not believe the draft EIR for the Brighton Land specifically takes into account either the requirements of CEQA or the Master Water Agreement in this regard. We do not wish to infer that these deficiencies are the sole responsibility of the Developer or the City of Vacaville, but we believe that the proposed project and requirements of CEQA are such that it is really not possible to proceed with this EIR unless there are first modifications in the Master Water Agreement in regard to the greenbelt requirements adjacent and within this development site or the EIR is expanded to properly describe a "project" which either breaches the 1995 Agreement or analyzes the Environmental Impacts of voluntary modification by the parties of the 1995 Agreement. Alternatively, the EIR could propose to breach the Master

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Water Agreement and examine the consequences environmentally of that action but the significant environmental impacts of that alternative are also not examined.

9-1
cont.

The reasons for the inadequacy of this document are that:

1. CEQA requires that the environmental baseline be correctly described and fully understood in order to write an analysis of the significant impacts which may occur as a result of the proposed development and an analysis of alternatives which might better avoid those impacts. In *Environmental Planning and Information Council v. County of El Dorado* (1982) Third Dist 131, Cal.App. 3d 350, the failure to properly describe the baseline conditions was found to inevitably cause the EIR to fail to properly measure or identify significant environmental impacts or alternatives. The "project" being examined here does not identify the 1995 Master Water Agreement terms as terms to be ignored or breached by the approval of the urban development within the former designated greenbelt buffer area. As a result, it is inevitable that the EIR does not properly identify significant impacts or identify alternatives or mitigation measures.

9-2

9-3

Here the Master Water Agreement between SID and Vacaville provides a very specific definition of "Greenbelt Buffer" on page 4, paragraph D. In Section 8 of the Master Agreement, City covenants to certain basic actions: "City agrees not to annex land or to provide approvals of Urban development within the area of or extending beyond the greenbelt buffer areas except in limited conditions permitted in this Agreement." The greenbelt in regard to the area made subject to the Brighton Landing EIR is described in Paragraph 2: "A greenbelt of at least 500 feet in width to the east of Leisure Town Road beyond a development area of 1,000 feet in width. As provided in the City General Plan, the City and SID will in the future consider expansion of the development area as far east as the PG&E transmission line right of way subject to the expansion of the width of the greenbelt."

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9-5

The proposed urban development would extend well eastward of 1,000 feet and the usefulness and integrity of any buffer is questionable because no provision is made for the full width plus the area under the PG&E power lines. Although the City policy quoted within the 1990 General Plan that the City would not permit urbanization or annexation of land within the greenbelt buffer areas (quoted on page 4.15-8 of the Draft EIR) is reaffirmed and the recognition that to allow modification of the greenbelt buffer in one area adjacent to Leisure Town Road development would have a potential significant effect upon maintaining the protection of agricultural uses in other areas eastward of Leisure Town Road, the EIR simply apparently assumes that SID has consented to modification of the 1995 Master Water Agreement terms and to modifications and

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relaxation of the greenbelt buffer because this project does not comply with the 1995 Agreement terms,

9-6
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If changes are to occur, nevertheless, the EIR does not quantify the potential impacts of such a relaxation or change in terms and does not examine the impacts if such modification is not agreed to and the City simply proceeds forward. The decision makers of the City need to know the impacts of such a policy change in the Specific Plan and they are not presently included: Examples: (i) How can SID be expected to continue to maintain economic agricultural water delivery when the area to be urbanized is increased? Will there be sufficient land planted to profitable crops to be able to maintain the SID agricultural water delivery pipelines and services within the area? (ii) Modifying the greenbelt buffer location for this landowner will have impacts and effects upon the ability to maintain the integrity of the buffer in the other areas eastward of Leisure Town Road. No plan or description of those impacts is included. (iii) The width of the greenbelt buffer, if the 1000 foot eastward of Leisure Town Road limit on city annexation and urban type uses in the 1995 Agreement were abided by, is never described. Instead, the discussion assumes that the area under the PG&E power lines would serve as a buffer when that area under the power lines was originally proposed to be added to the undevelopable area eastward of the 1000 foot line. No quantification of the difference is included in the project description or the impacts that arise from that difference. (iv) Further it is apparently assumed that conservation easements will be recorded within the portions of the 500 feet not used for roads or paths or linear parks. Paragraph (g) on pages 3-19 assumes that no agricultural use would be permitted yet how is a narrower buffer to function if land is not utilized and the buffer use is protected from harassment? If water service is not available, dry vegetation under a PG&E high tension line is a recipe for disaster. The EIR has simply not thought out the significant impacts and alternatives instead choosing to focus upon the label of a "buffer being maintained" while rejecting the terms of the existing buffer... (v) Whether the buffer will be effective as changed in this regard and how the significant cost burdens upon SID in maintaining continued agricultural water delivery to a diminishing number of acres while being required to maintain the same facilities with the added costs of urban impacts because of a potentially less effective buffer is not examined at all.

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II. An EIR must examine the significant environmental effects, even those engendered by economic forces set in play by the Project. Here, the EIR ignores that contractual provisions would be breached in regard to the green belt buffer requirements, and significant loss of water supply to the City or significant additional charges to the City for water taken would occur.

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The Project must be examined both from the point of view of physical changes but also from the point of view of impacts caused by economic forces which result in physical impacts. Remy, Thomas Application of CEQA 10th Ed page 161.

9-14
cont.

Subparagraph B of Section 8 contains the requirements for the area of a greenbelt: “(1) a prohibition upon sewer service and potable water service by the City within and beyond the area; (2) the use is permitted.... will not stimulate or encourage urban growth to extend into the agricultural area lying beyond the particular buffer area, and will not burden or deter the use of adjacent agricultural lands for intensive agricultural purposes.... (3) the buffer and the implementation of the goals of the buffer shall be to prevent expansion of urban-type development into the agricultural service area of District during the term of this agreement.”

9-15

In section (g) on pages 3-19 and the map figure 3-7 made clear that not only is the original agreed buffer area of the distance between the 1,000 foot line eastward of Leisure Town Road and the PG&E line area to be used for urban activities, but the PG&E easement area is now to be the principal feature of any buffer. The 1995 Master Water Agreement is, of course until 2050. The project description fails to describe how mitigation or avoidance of a breach of the 1995 Master Water Agreement terms would be accomplished.

(i) Section 3.D. describes the area within which a greenbelt is to be maintained in the vicinity of Leisure Town Road. That paragraph states “During the term of this Agreement, in the area to the east of the urban service area, east of the existing alignment of Leisure Town Road as shown on Exhibit A.” The depiction of the Project in Figure 3-7 makes clear that the greenbelt area would be encroached upon by City annexation and urban improvements such as roadways sidewalks and by annexation to the City itself.

9-16

(ii) The specific plan EIR does not include any discussions of the Environmental Impacts arising from failure to comply with the terms of the Master Water Agreement which obviously contemplates an integral buffer function parallel to the PG&E high tension power line for, not only the Brighton Landing Development, but other developments. This EIR does not explain if any other development along Leisure Town Road would be relieved of the 1,000 limit, yet change and dilution of the buffer’s effectiveness as to these areas would increase the threat to convert further agricultural lands served by SID and obvious cumulative impacts.

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9-18

(iii) Modification or change in one area will obviously impact the ability to protect agricultural land in other areas. Alternatives which would provide for a functioning and effective buffer are not identified in Section 6. (iv) Cumulative impacts in terms of coordinating with the agricultural buffer goal or reducing the impacts to SID as its ability

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9-20

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to maintain economic agricultural service on other properties abutting Leisure Town Road are not discussed; (v) and the section 10 remedies for violations which themselves cause significant impacts from violating the terms and provisions of the Master Water Agreement resulting in a reduction in the amounts of water available to the City of Vacaville (5x2 ac ft x 217 acres 2,170 acre feet of water) withdrawn from Vacaville supply annually, or an additional monetary amount (triple cost of water paid by Vacaville to SID) on all water supplied by SID and received by Vacaville. Who would pay this additional amount is not specifically called to the attention of the reader and this demonstrates the omission of the effects of significant impacts for this report.

9-20
cont.

9-21

We believe that this Draft EIR may simply be premature since a process to obtain agreement as to alternatives is mentioned in the Master Agreement as possible and has not occurred. On page 22, subparagraph C of the Master Agreement, the "City agrees with District that it will not, during the term of this Agreement, directly or indirectly provide for urban services including... recreation or similar urban-type services to those lands described in Section 8.A.2 and 3, without the written permission and consent of District given in advance." Section 8.A.2. states "A greenbelt of at least 500 feet in width to the east of Leisure Town Road beyond a development area of 1,000 feet in width. As provided in the City General Plan, the City and SID will in the future consider expansion of the development area as far east as the PG&E transmission line right of way subject to the expansion of the width of the greenbelt." This draft CEQA document has been prepared without determination of whether or not SID can agree to a modified greenbelt or if there is a modified plan that would achieve the goals of the original Agreement or the Environmental impacts of various alternatives in regard to the effects upon existing agricultural operations. This may be argued to be an impermissible splitting of the CEQA process by treating the buffer location and its effects as a separate project to be examined in some other venue. CEQA is explicit that such division is not permissible. Remy, Thomas CEQA 10th Ed pages 373-4 (Improper segmenting or division of Project).

9-22

9-23

However, even if alternatives are possible of consideration, this Draft EIR does not examine the baseline or other alternatives as part of the project to be considered. It is axiomatic that to comply with CEQA the environmental setting must be properly described in order to identify impacts. *Bozung v. LAFCO* (1975) 13C 3d 263; *Laurel Heights Improvement Assoc v. Regents of Univ of Calif* (1988) 47 Cal3d 376. Neither in the regulatory framework nor in the impact section is there any identification of the effects of a violation of the Master Water Agreement. In the water supply section, Section 4.15-1, there is no identification as an example that a violation of the greenbelt area should SID and the City of Vacaville be unable to agree to a comprehensive modification of the greenbelt buffer area that in addition to a breach of the obligation undertaken by the City in Section 8.C. that the City, not the developer, for each gross acre of land could be required to pay triple the amount of money currently paid for each 5-acre feet of water per acre.

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Obviously the author of the Draft EIR contemplated that there would be some agreement between Solano Irrigation District and the City of Vacaville. That Agreement, however, has fallen behind the efforts of the developer to move the Environmental Impact Report and general plan modification process.

9-25

We do not wish to assert that the responsibility for the delay is the problem of others only, since clearly the Solano Irrigation District has a role in considering alternatives. However, we believe that the process of the CEQA document has been moved ahead of the discussion of whether or not changes can be made in the greenbelt buffer area or the program for protection of agricultural land along the whole stretch of Leisure Town Road and, as a result, an inadequate CEQA document is before us, both in terms of discussing significant impacts such as violation of the terms of the 1995 Master Water Agreement and in terms of the cumulative impacts to agricultural land.

9-26

We believe a good faith discussion of these subjects can occur and that the CEQA process should be suspended and this consultation process convened to see if there are substantial modifications to the 1995 Water Agreement which can be agreed to. This document is inadequate to describe the potential impacts and cumulative impacts of violation of that 1995 Agreement and would need to be substantially modified to comply with California law if the City determines to move forward to approve this specific plan and its modification of the General Plan.

Very truly yours,

MINASIAN, MEITH, SOARES
SEXTON & COOPER, LLP

By:



PAUL R. MINASIAN

PRM:dk

cc: Cary Keaton (via email)

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LETTER 9: Paul R. Minasian, Attorney at Law. Minasian, Meith, Soares, Sexton & Cooper, LLP. August 23, 2012.

9-1: This comment incorrectly states that the Draft EIR does not properly and adequately describe the environmental setting. Chapter 4.15, Utilities and Service Systems, describes the relationship between the City of Vacaville and Solano Irrigation District (SID) with regards to the Master Water Agreement (MWA) that was entered into in 1995 and most recently amended in 2010. While Chapter 4.15 does not describe every aspect of the MWA, it does provide adequate context for the reader to understand the relationship between the City and SID per the MWA. Furthermore, Table 4.15-1 in Chapter 4.15, Utilities and Service Systems and Table 4.2-1 in Chapter 4.2, Agriculture and Forestry Resources, of the Draft EIR, identify the 1990 General Plan policies that further illustrate the City's relationship with SID (i.e. Policies 2.1-I 2, 2.2-I 1, 2.2-I 4, 3.5-I9, and 5.1-I-16). Nonetheless, in response to this comment the text on page 4.2-6 of Chapter 4.2, Agriculture and Forestry Resources; page 4.10-3 of Chapter 4.10, Land Use and Planning; and page 4.15-7 has been revised to include a discussion of the MWA with regards to water service and establishing agricultural buffers. These revisions are shown in Chapter 3 of this Final EIR. These revisions do not alter any conclusions or significance determinations provided in the Draft EIR.

The commenter believes that the environmental review process under CEQA cannot continue and the Draft EIR should be withdrawn until amendments to the MWA occur with regards to the Greenbelt Buffer requirements that apply to the proposed 500-foot agriculture buffer within and adjacent to the project site. Alternatively, the comment states that the Draft EIR should be expanded to describe a project that either breaches the MWA or analyzes the environmental impacts of the parties' voluntary modification of the MWA. The amendment of the MWA would be a discretionary action by both the City and SID and would be considered a "project" under CEQA. Therefore, it would be

legally infeasible to amend the MWA before the appropriate level of CEQA review of this project has been certified.

The City concludes that it would be inappropriate to conduct CEQA review of the amendment of the MWA alone, without any consideration of the project's anticipated environmental impacts. The City believes the segregation of the MWA amendment from the rest of the project would amount to impermissible segmentation of the environmental review of the project and this related action (MWA Amendment). Instead, the City acknowledges that the amendment of the MWA must occur before the project may be implemented (see, e.g. Table 3-4) and analyzes the impacts associated with SID providing water to the areas of the project outside the current urban service area boundary. Specifically, because any proposed residential, commercial and school uses outside the current urban service boundary will require potable water supply that is currently prohibited by the MWA, the Draft EIR's existing analysis of the environmental impacts associated with those uses also captures the scope of environmental impacts that would be the reasonably foreseeable result from the amendment of the MWA. Because the Draft EIR acknowledges that the amendment of the MWA is a required project approval, any discussion of a breach of the MWA would be speculative and not improve the informational disclosure of the Final EIR. Just as the Final EIR does not discuss the speculative failure of the project to obtain other necessary approvals, such as a general plan amendment, there is not a requirement under CEQA to analyze a speculative breach of contract. The discussion of such a breach of contract is outside the scope of this Draft EIR; therefore, subsequent environmental analysis would not be warranted. Moreover, the environmental effects of "voluntary modification by the parties of the 1995 Agreement" would not be different than the environmental effects of the proposed project, which the Draft EIR analyzed in detail.

Nevertheless, to clarify the Project Description, no breach of the MWA is proposed. Chapter 3, Project Description of the Draft EIR, contains a detailed discussion of the proposed water supply system on page 3-31 and on Figure 3-15, including a description of supply sources and the need for City / SID negotiations to amend the MWA. Table 3-4, Permits and Approvals Required, lists the SID as a Responsible Agency under CEQA and identifies the need for the City and the SID to amend their existing MWA. During the planning process and during the analysis of the proposed project, the City has supported and provided regular communications with the SID to discuss the procedures for amending the MWA (see below) and to advise of the status of the City's General Plan Update and the Brighton Landing project. The City and SID have now initiated formal discussions on a potential amendment to the MWA to consider extending the Urban Services Area to the PG&E power line easement, exactly as envisioned in Section 3.E. of the MWA. The City has not approved any development that is contrary to the Urban Services Area agreement and is not in breach of the MWA and has been clear in the Draft EIR and in presentations to the SID that no breach of the agreement is proposed. The Draft EIR provides the environmental analysis of the effects of amending the MWA.

As discussed in Chapter 3, Project Description, of the Draft EIR changes to the General Plan would amend existing policies related to expansion of urban development farther east of Leisure Town Road, amend existing water use agreements with the SID, and revise the Agricultural Buffer policy by placing a portion of the buffer outside of the City's Urban Growth Boundary, but still within the city limits and the City's Sphere of Influence. In addition, the SID Staff Report, subject titled "Establish Policy regarding Development and Agricultural Buffer Areas east of Leisure Town Road, Vacaville," dated February 15, 2011, states that the SID and the City are currently undergoing negotiations to amend the MWA. CEQA does not require a project to mature to its precise final form, including the conclusion of all negotiations or per-

mit procedures with outside agencies, before it is studied. Instead, CEQA review must occur “before a project gains irreversible momentum” (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334). In other words, CEQA requires agencies to prepare EIRs “as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (see *CEQA Guidelines* Section 15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358). Please see response to comment 3-7.

The City and the SID have continued to meet and review the proposed project over time and the City’s goal is to ensure that the SID is aware of plans for growth on the Brighton Landing site and in the East of Leisure Town Growth area as well. In February 2011, the City provided the SID with the Notice of Preparation for the Brighton Landing EIR and the General Plan Update EIR. In June 2011, following publication of the Notice of Preparation for the Draft EIR, the City made a presentation to the SID Board, advising of the design of the project and of the potential alternative growth plans for the area east of Leisure Town Road. The presentation recognized that an amendment to the MWA is required prior to development occurring in the planned new growth areas, including the project site. During the Spring of 2012, prior to the publication of the Draft EIR, the City and the SID staff met to review issues related to the proposed project. The City staff spoke at the SID Board meeting of June 19, 2012 and advised the SID Board that the City understands that an amendment to the MWA is required for projects in the new growth areas, including Brighton Landing. City staff also noted that the City Council has selected a Preferred Land Use Alternative for the General Plan Update for detailed study in the ongoing General Plan Update process. Therefore, the City informed the SID Board that the City wants to work with the SID to prepare an acceptable amendment to the MWA and to keep the SID advised of the City’s preferred land use plans.

Despite such project details not being required at this juncture in the application process or for CEQA analysis, the Draft EIR has made a good faith effort at full disclosure regarding the potential impacts to the loss of agricultural lands if the project receives all necessary permits and approvals and is allowed to proceed. The Draft EIR accurately found that a significant and unavoidable impact would occur with development of the project as proposed due to the fact that the proposed 500-foot wide agricultural buffer to the north and south is outside of the City's jurisdiction and is not owned by the Project Applicant. Furthermore, the Draft EIR, under Alternative B, Reduced Footprint Alternative, provides an analysis of the project with the 500-foot agricultural buffer and detention basin located inside the project area.

The commenter states that the Draft EIR assumes that the SID will agree to proposed changes in the Greenbelt Buffer. The Draft EIR, however, made no findings based on that assumption that the SID would agree to changes in the Greenbelt Buffer. Consequently, the Draft EIR properly finds that impacts due to loss of agricultural lands would be significant and unavoidable. Moreover, the Draft EIR also evaluated a No Project Alternative in Chapter 5, Alternatives, of the Draft EIR. This alternative, which would be a continuation of the status quo, would be the likely outcome if the SID does not agree to amend the MWA. Therefore, the City, as the Lead Agency, has appropriately analyzed the potential environmental effects of a range of possible actions by the City and SID relative to the MWA.

9-2: This comment describes the requirements pursuant to CEQA for establishing the environmental baseline in an EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

9-3: The commenter states that the Draft EIR does not properly identify the MWA and therefore does not properly identify the significant impacts or alternatives or mitigation measures. As stated in response to comment 9-1, the MWA is described and acknowledged in several places throughout the Draft EIR, and additional references to the MWA have been added in response to these comments, as shown in Chapter 3 of this Final EIR. Description and analysis of the proposed move of the agricultural buffer described in the MWA is also provided in Chapters 4 and 5 of the Draft EIR. Please see response to comment 9-1 for more detail.

9-4: This comment identifies the section of the MWA that provides the definition of a greenbelt buffer, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

9-5: This comment describes the greenbelt area proposed by the project as described in the MWA and states that the project would extend well eastward of 1,000 feet from Leisure Town Road. The comment states that the usefulness of the buffer is questionable because no provision is made for the full width plus the area under the PG&E power lines. The provision of a 500-foot buffer, as required in the MWA (and as required by the City's General Plan and as proposed in the City's General Plan Update), which would include the area under the PG&E power lines, is addressed in detail on pages 4.2-20 through 4.2-22 of the Draft EIR and, in Chapter 4.2, Agriculture and Forestry Resources. It is unclear from the comment how the proposed 500 foot buffer would not have sufficient integrity or usefulness. The City concludes the function of the 500 foot buffer would adequately meet the intended purpose of the buffer to minimize conflicts between land us-

es, thereby satisfying the General Plan policy 2.5-I 8 related to required buffers between residential and agricultural uses. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

9-6: This comment states that the Draft EIR assumes that SID has consented to modification of the MWA. On the contrary, Table 3-4 in Chapter 3, Project Description, of the Draft EIR, lists the SID as a relevant jurisdiction and the “Master Water Agreement Amendment” as a required permit/approval necessary for the project to proceed. Please see response to comment 9-1 for more detail.

9-7: This comment expresses a concern regarding the approval of the project’s requested amendment to the MWA, which is described in Chapter 3, Project Description, of the Draft EIR. The commenter states that the Draft EIR did not consider environmental impacts with the approved amendment and without. This issue, however, is addressed in the Draft EIR. As noted in response to comment 9-1, the analysis of the project throughout the Draft EIR quantifies the potential impacts that would occur if the MWA is modified to allow the project, and the evaluation of the No Project Alternative in Chapter 5 provides a qualitative discussion of the potential impacts that would occur if the MWA is not modified and the project is not permitted to proceed.

9-8: This comment questions how the SID can be expected to continue to maintain economic agricultural water delivery when the areas to be urbanized are increased. The Draft EIR is not meant to address personal wellbeing, economic or financial issues, or the market demand for a project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate a project’s potentially significant physical

impacts on the environment. Please see response to comment 8-4 for more detail on this issue.

9-9: This comment states that modifying the greenbelt buffer for the project would have impacts and effects upon the ability to maintain the integrity of the buffer in the other areas eastward of Leisure Town Road and that no plan or description of these impacts is included in the Draft EIR. The Draft EIR, however, considered the potential impacts of the proposed project on agricultural lands to the north and south of the project site, east of Leisure Town Road, on pages 4.2-20 through 4.2-22. Impact AGRI-2 acknowledges that the project would allow development which would change the existing environment from farmland to non-agricultural use by extending residential development into an area that is currently agricultural, and concludes that this impact will remain significant and unavoidable even after implementation of Mitigation Measures AGRI-2a and AGRI-2b.

9-10: This comment states that the width of the greenbelt buffer, assuming that the MWA is not modified, is never described. Page 5-10 of Chapter 5, Alternatives, of the Draft EIR, describes the principal characteristics of the No Project Alternative. The No Project Alternative addresses what would happen if the MWA is not modified. The description on page 5-10 notes that the existing General Plan, which is consistent with the existing MWA, shows a 1,000-foot-wide area of Estate Residential designation east of Leisure Town Road, bordered to the east by a 500-foot-wide agricultural buffer. This buffer is also shown, to scale, on Figure 5-1, which illustrates the No Project Alternative.

9-11: This comment accurately states that the Draft EIR assumes the area under the PG&E power lines would be used as part of the agricultural buffer with the proposed project. It also states that the Draft EIR does not quantify the difference between the buffer that would be required under the existing MWA and the buffer in the proposed project.

CEQA Guidelines Section 15125(a) requires that an EIR base determinations of impact significance on the effects of a proposed project on the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published. Impact determinations are not based on a comparison of the proposed project to adopted regulations, land use plans, or agreements such as the MWA. Therefore, it is not necessary or appropriate for the Draft EIR to analyze or quantify the differences between the buffer areas under the existing MWA and the proposed project. Nevertheless, as explained in responses 9-1 and 9-10, the Draft EIR does present the buffer area that would be required under the existing MWA as part of the discussion of the No Project Alternative.

9-12: This comment expresses a concern about the use of the lands in the agricultural buffer. The comment questions how the project's proposed agricultural buffer will function if the buffer is not protected from harassment and expresses a concern that a lack of water service will result in dry vegetation under the PG&E power lines.

The proposed project is described in Chapter 3, Project Description, of the Draft EIR and is included in the Appendix to the Draft EIR. The proposed Brighton Landing Specific Plan, Section 5, Resource Management, proposes that the Agricultural Buffer lands will be placed within the Brighton Landing Lighting and Landscape Maintenance District (LLD), thus providing maintenance for the trails, lighting, landscaping, and fencing that would be placed within the agricultural buffer area. The project proposes a non-potable water system as the water source for the landscape irrigation. The SID is the proposed source, at least on an interim basis, for this irrigation need while the City explores the feasibility of a recycled water system. The proposed project identifies the non-potable water distribution system and a location for a SID pump station on the project site. This issue is addressed in detail in the Draft EIR in Chapter 4.15, Utilities and Service Systems.

The commenter asserts that the Draft EIR does not include a discussion of the significant impacts and alternatives to the project's proposed agricultural buffer. This comment has previously been discussed. Please see response to comment 9-1.

9-13: This comment expresses a concern about the economic impacts that could result to the SID from approval of the project's proposed agricultural buffer and contends that the Draft EIR does not analyze the project without the proposed agricultural buffer. This comment has previously been discussed. Please see the responses to comments 8-4, 9-1 and 9-9. With regard to the likely effectiveness of the buffer, the Draft EIR identifies the proposed characteristics of the buffer location, width, fencing, landscaping, avoidance of incompatible adjacent uses (residential back yards), and other features that are intended to function as an effective buffer.

9-14: This comment states that an EIR must analyze the significant environmental effects engendered by economic forces that are set in play by the project and that result in physical impacts. This comment has been previously discussed. Please see responses to comments 8-4, 8-6, and 9-1.

9-15: This comment describes the sections of the MWA that describe the requirements for a greenbelt buffer and Figure 3-7 in Chapter 3, Project Description, of the Draft EIR. The comment repeats that the Draft EIR did not analyze the impacts of a breach of the terms of the MWA. This comment has been previously discussed. Please see response to comment 9-1. The comment suggests that the MWA requires that the entire area from 1,000 feet east of Leisure Town Road and the PG&E easement to be a "greenbelt" or buffer. The agricultural buffer is designated as a 500' wide space between urban designations and agricultural land use designations. The project proposes to move the agricultural buffer to a 500' wide space that includes the PG&E

power line easement and land to the west of the easement. The Draft EIR has analyzed the environmental effects of the relocated buffer.

9-16: This comment relates to the sections of the MWA that describe the areas where a greenbelt buffer is to be maintained east of Leisure Town Road and states that Figure 3-7 in Chapter 3, Project Description, of the Draft EIR illustrates that the greenbelt area would be encroached upon by City annexation and urban improvements and by the City itself. There is no annexation required by the proposed project because the project is within the City limits of Vacaville, except for the detention basin site which will not require annexation under the proposed project. As explained in response 9-6, the Draft EIR acknowledges in Table 3-4 that an amendment to the MWA would be required in order for the project to go forward.

9-17: This comment states that the Draft EIR does not discuss the impacts from not including the agricultural buffer as proposed by the project. This comment has been previously discussed. Please see responses to comments 9-1 and 9-11.

9-18: This comment states that the Draft EIR does not consider cumulative impacts to other property along Leisure Town Road to the north and south of the project site. The Draft EIR, however, in Chapter 4.2, Agricultural and Forestry Resources, describes the impact of the project on adjacent agricultural lands were they to remain as agriculture. This chapter also discusses the potential effects on interim agricultural uses of lands adjacent to the development since the project would be constructed in phases. Finally, the Draft EIR also describes the likely effects of the project in combination with both the current General Plan and the proposed Preferred Land Use Alternative included in the City's General Plan Update under review at this time. This comment has also been previously discussed in response to comment 9-9.

9-19: This comment states that alternatives that would provide for a functioning and effective buffer are not identified in Section 6, but it is unclear to which Section 6 is being referred. Chapter 5 of the Draft EIR, Alternatives, includes three different alternatives to the agricultural buffer in the proposed project. As explained in response 9-10, the No Project alternative evaluated on pages 5-10 to 5-15 of the Draft EIR represents the continuation of the existing City General Plan land use designations and existing MWA. As described in responses 7-3 and 9-1, the Reduced Footprint Alternative, evaluated on pages 5-15 through 5-19 of the Draft EIR, would locate a 500-foot-wide buffer entirely within the project boundary, which is coterminous with the City limits. Finally, the Higher Density Mixed Use Alternative, evaluated on pages 5-19 through 5-24 of the Draft EIR, includes a 700-foot wide buffer, which would exceed the current SID and City buffer width requirements, evenly distributed across the Urban Growth Boundary. Therefore the Draft EIR does consider three alternatives that could provide for a functioning and effective buffer.

9-20: This comment expresses a concern about the economic impacts that could result to the SID from approval of the project and does not raise a concern regarding an impact on the physical environment. This comment has previously been discussed. Please see responses to comments 8-4, 9-1, and 9-18.

9-21: This comment relates to the project's compliance with the MWA and identifies that Section 10 of the MWA describes the penalties for violating provisions of the MWA. Specifically, Section 10.D.2 of the MWA states that for each acre-foot (AF) of water in a water year served by the City in violation of the MWA, the SID may elect to reduce the City's supply by 5 AF of water or, alternatively the City may elect to pay triple the cost of SID water delivered to the City instead of the reduction.

The commenter provides the calculation of $5 \times 2 \text{ AF}^2 \times 217 \text{ acres} = 2,170 \text{ AF}$ of water, but does not provide factual support for this assertion. Presumably, 2 AF describes the annual water demand per acre of farmland, the 217 acres describes the area of the project that the commenter believes would be violation of the MWA, and the five represents the ratio of the penalty of 5 AF reduced per AF delivered in violation of the agreement, as described in Section 10.D.3 of the MWA. Nonetheless, any breach of the MWA is speculative and need not be addressed in the Draft EIR. As previously noted, the Draft EIR acknowledges that an amendment to the MWA is a required approval for the project. Thus, any discussion of the remedies provided for in the MWA in the Draft EIR is irrelevant. In addition, the remedies described by the commenter are related to financial payments and do not implicate impacts to the physical environment and are therefore beyond the scope of CEQA and the Draft EIR.

The summary of the projected water demand compared to the available supply in normal, single dry, and multiple dry years is shown on Table 4.15-4 in Chapter 4.15, Utilities and Service Systems, of the Draft EIR (also Table 26 of the Water Supply Assessment prepared pursuant to SB 610). This table included water supplied by SID via the Solano Project. The loss of SID water is speculative and is not expected to occur. However, for informational purposes only, in response to this comment, Table 4.15-4 of Chapter 4.15 has been revised to document that even if the City of Vacaville lost all water supply from SID, the City would have sufficient supply to meet projected demands. Table 4.15-4 supplements Table 26 of the SB 610 Water Supply Assessment, which was included as Appendix H of the Draft EIR. Table 4.15-4 has been added to the EIR to show water supply with and without water supply from SID. Revisions are shown in Chapter 3 of this Final EIR.

² An acre-foot is a unit of measurement of water and is the amount of water necessary to cover one acre of land a foot deep in water. It equates to approximately 325,850 gallons.

As illustrated in the revised Table 14.5-4, the Brighton Landing development can be supplied if no water was delivered through the SID Agreement. The upper portion of revised Table 14.5-4 presents a comparison of water supply and demand including the supply under the SID Agreement. The lower portion of the revised table presents a comparison of water supply and demand assuming no water is received from the SID.

Regarding the portion of this comment describing the monetary costs of water, this issue has been previously addressed. Please see responses to comments 8-4 and 9-1.

9-22: This comment is essentially the same as the commenter's previous comment 9-1. Please see responses to comments 8-4 and 9-1.

9-23: This comment reiterates that the Draft EIR does not consider whether SID can agree to a modified greenbelt, which has been previously addressed (see response to comment 9-1). It also states that the EIR does not consider a modified plan that would achieve the goals of the original MWA or the environmental impacts of various alternatives, which has also been previously addressed. See response to comment 9-19.

This comment also claims that the Draft EIR may be "splitting the CEQA process" by separating the analysis of the buffer location and its effects from the analysis of the proposed project. The comment is correct that CEQA does not permit "piece-mealing" or breaking a project into small individual components in order to avoid a discussion of the overall impacts of the project as a whole. However, it is unclear what is meant by this comment, since the potential impacts of the urban development within the project area, as well as the impacts of removing land within the agricultural buffer from agricultural production, are discussed together throughout the Draft EIR. For example, pages 4.2-16 through 4.2-18 in Chapter 4.2, Agriculture and Forestry Re-

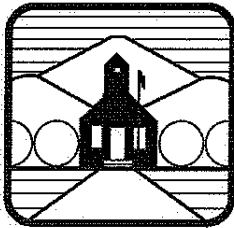
sources, identify and mitigate an impact to farmlands of concern that would occur as a result of both the project development and the associated 500-foot-wide buffer. All components of the proposed project that could affect the physical environment have been adequately and appropriately analyzed in the Draft EIR. A range of alternatives is also addressed in the Draft EIR so decision-makers will have adequate information to make an informed decision about the project. See Draft EIR, Chapter 5.

9-24: This comment repeats the assertion that the Draft EIR does not consider the effects of a violation of the MWA. This comment has already been addressed (see response to comment 9-1). The comment also repeats the statement that the costs of SID water to the City would triple as a penalty for violation of the MWA. This comment has already been addressed (see response to comment 9-21).

9-25: This comment acknowledges that the Draft EIR anticipates an agreement between SID and the City of Vacaville and repeats that the EIR will be completed before of modifications to the MWA. This comment has already been addressed. As noted in response to comment 9-1, CEQA does not require a project to mature to its precise final form, including the conclusion of all negotiations or permit procedures with outside agencies, before it is studied. The City, in preparing the Draft EIR, has correctly identified that an amendment to the MWA is proposed and has analyzed a range of alternatives that proposed different buffer widths and locations, including the effects of retaining the buffer in its current location. Thus decision-makers are provided with detailed information on the potential effects of each alternative, including at least one alternative, the No Project Alternative that would not require an amendment to the MWA. See responses to comments 3-7 and 9-1 for additional detail.

9-26: This comment summarizes the commenter's opinions on the Draft EIR, which describes the commenter's concerns about the Draft

EIR failure to analyze the project with and without the amendment to the MWA as described in Chapter 3, Project Description, of the Draft EIR. Please see the previous responses to comments 9-1 through 9-25.



Vacaville Unified School District
Educational Services Center
401 Nut Tree Road, Vacaville, California 95687-3508



Board of Education

Michael Kitzes, President • Whit Whitman, Vice President
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Dr. John Niederkorn, Board Secretary & Superintendent

Facilities Department
(707) 453-6138; FAX (707) 453-7132

August 21, 2012

Mr. Fred Buderl, Project Manager
City of Vacaville
Community Development Department
650 Merchant Street
Vacaville, CA 95688

RE: Comments on the Draft Environmental Impact Report (DEIR) for the Brighton Landing Specific Plan & Development Project dated July 9, 2012.

The Vacaville Unified School District (VUSD) has the following comments in response to the Brighton Landing Draft Environmental Impact Report (DEIR).

First, the overall comment has to do with the limited scope of the DEIR which analyzes only a part of the area east of Leisure Town Road which is in planning to be developed over the next twenty or more years. VUSD recognizes that the Brighton Landing area is already annexed into the City, and, from this perspective, is legitimately an area to be dealt with distinctively from the potential development areas also located east of Leisure Town Road but which are not yet within the City limits.

Nevertheless, because the VUSD will serve almost the entire East of Leisure Town Road New Growth Area proposed in the General Plan Update, we believe that analysis of Brighton Landing in isolation from the ELT Growth Area does not adequately analyze the cumulative impacts of the entire area. For example, there is a projected number of students that will be generated from the Brighton Landing project, but school facilities would not be built specifically for that small number of students in isolation. Projected student enrollment from the entire ELT Growth Area and the amount of new school facilities needed to accommodate those students constitutes appropriate and adequate school facility planning.

As the first project to go forward in the planning process for this area, Brighton Landing represents roughly only 16% of the total number of residential units currently proposed within the VUSD service area. In this context, it must be understood that any single elementary school

that VUSD would develop to serve students east of Leisure Town Road would serve more than just the students generated from the 769 houses to be built in Brighton Landing. In particular, the analysis of an area-wide facilities and facilities financing plan would serve to assure the School District that adequate infrastructure systems have been identified and found to be feasible to mitigate school facility impacts from this development.

10-1
cont.

In addition, impacts on middle and high school facilities from the entire ELT Growth Area, not just Brighton Landing, need to be analyzed, in particular, any financing plan that would fund new school facilities or improvements and expansion of current school facilities.

The following additional comments are related to Section 4.13 C “Environmental Evaluation: Public Services and Recreation: Schools”, pages 4.13-19 through 4.13-28:

C 1. a. The discussion in the first paragraph references Senate Bill 50 and Proposition 1A. It is relevant and useful to discuss the Government Code sections added due to SB 50.

However, it is misleading to refer to Proposition 1A, which was a 1998 State school bond in the amount of \$9.2 billion. The bond money from this statewide proposition has been expended many years ago and is no longer available to provide funding. This section should include this information in order to more accurately state possible mitigations.

More recent successful statewide bonds have also been largely completely expended and the State School Facilities Program (SFP) is essentially out of funding at this time with no statewide bond on a future election ballot. For all intents and purposes at the current time, there is no State school facilities funding available. The language in this section should include this information to more accurately portray the current opportunities for school facility mitigation from this development.

10-2

Because of the funding formula used by the SFP and without a programmatic change in this formula, currently VUSD has no state funding eligibility, even if there were future successful statewide bond measures. The current formula requires districtwide growth. VUSD currently has growth in some areas and some schools, but declining enrollment districtwide. The current formula also continues to count VUSD’s four closed elementary schools as open and available capacity, thereby effectively precluding eligibility for future state funding. For this reason, VUSD must turn to local funding to mitigate the school facility impacts from this development and from the ELT Growth Area in its entirety. Because it is unlikely for current voters in other areas of the City to vote to increase their taxes to fund new schools in this specific plan area, development impact fees or other mechanisms funded exclusively from the new development area, will be required.

This section also mentions three levels of developer fees. Level I fees are already being levied in the VUSD. These fees provide only about one third of the cost of new schools. Level II fees are

called 50% fees, but because they are calculated due to a statewide formula, they rarely provide a full 50% of the costs of new school facilities. In addition, VUSD is not eligible to levy Level II fees because of the formula required by the State.

Level III fees, or “full mitigation fees,” – which, if enacted, would become mandatory in a local school district -- have never been allowed by the State and recent legislation reinforced this ban by suspending them for two years, even though the State SFP is out of money.

The reality is that, in order for VUSD to be able to develop “walk-to”, neighborhood elementary schools in the ELT Growth Area, VUSD will need to depend on local financial assistance, which will itself depend on developer fees or other area-specific funding mechanisms. VUSD will not be able to plan on financial support from a State program without a programwide, systematic change at the State level. This makes the current planning effort for East of Leisure Town Road even more important as far as public schools are concerned.

C 1. b. In the 1990 General Plan Policies Related to Schools in Table 4.13-4, Policy 5.3-G 3 states “Support the principle that school children deserve to attend schools that are housed in permanent facilities and located within close proximity to their homes.”

The current law required by SB 50, is in direct conflict with this sound and prudent local policy. By precluding cities from requiring school facility impact mitigation as part of the CEQA process, schools are essentially left out of the public infrastructure and land use planning process for new developments and existing areas. School districts, including VUSD, are left to attempt to negotiate voluntary mitigation agreements with developers and landowners to provide 100% funding of new school facilities required to house students in neighborhood schools in the new growth areas.

Because developers are not required to pay fully for school facilities, and because there is currently no State School Facilities Program with funding available, there is currently no ability to provide new schools to accommodate the new students which are projected to be generated from the Specific Plan area. Because the District has some existing facility capacity, without new neighborhood schools constructed in the Specific Plan area, parents will be required to transport their children to various schools throughout the VUSD, causing increased air pollution, and traffic congestion on streets and around existing schools.

C 2. The first paragraph should add that “VUSD also operates alternative educational programs at various campus locations.

C 2. a. A review of Table 4.13-5 (references to “Table 4.13-4” are incorrect) shows that it is not correct to state that “all schools are currently operating below capacity”. Three schools on this table are shown at or above capacity (Buckingham, and Country HS).

10-2
cont.

10-3

10-4

10-5

There are a number of reasons for available capacity at VUSD's schools. These reasons include: overall decline in enrollment in the District; the recent dramatic increase in class sizes due to State budget reductions; and the boundaries, programs and opportunities for open enrollment and enrollment at schools other than resident schools.

10-6

It is important to note that this table shows projected enrollment prior to the approval of Brighton Landing and ELT. Student enrollment projections for the new growth area and for this development are currently provided separately.

10-7

The table includes incorrect information for Callison Elementary School (Brighton Landing and ELT Growth Area are currently in the Callison attendance area). This information was inadvertently provided by myself in February, 2012. It should be corrected as follows:

10-8

	11/12 Enrollment	12/13	13/14	14/15	15/16	16/17
Callison ES	968	949	901	901	901	901

C. 4. It is important to note that the Student Generation Factor (SGF) used to project students from this Specific Plan is based on a lower SGF that occurred during the real estate "boom," with a study occurring in 2004. The lower SGF was likely largely due to the lack of affordable homes for young families with school-aged children in the Vacaville area. This lower SGF averages 0.55 K-12 students per single family dwelling unit.

10-9

The developer representatives of Brighton Landing and of the ELT Growth Area have indicated that they may construct smaller, more affordable homes in at least parts of these areas. If this occurs, we would project that a SGF of 0.70 (or higher) K-12 students per home may occur and therefore, more new school facilities would be needed.

C. 4. The sentences beginning with "The Specific Plan..." should be amended to state "The Specific Plan proposes to include a new public school site serving elementary ~~and middle~~ school students. This would expand VUSD's capacity and address the school service needs of the elementary ~~and middle~~ school students generated at Specific Plan buildout." There is no current VUSD Board policy which allows any other grade configuration than K-6 elementary, 7-8 middle and 9-12 high school. Currently, the public school site shown in Brighton Landing would likely accommodate a new K-6 elementary school. Middle school students would be served in existing middle school facilities.

10-10

The last sentence of the same paragraph referenced above, should be corrected as follows, "Therefore, buildout of the Specific Plan would contribute to the need for expansion of and

improvements to existing middle school and high school facilities and/or construction of new middle school and high school facilities.”

10-10
cont.

Brighton Landing and ELT Growth Area are currently within the Callison Elementary School, Vaca Pena Middle School and Will C. Wood High School attendance areas. Current capacity of Callison is 1,027, with 11/12 enrollment at 968, only 59 under the school capacity.

Vaca Pena Middle School has a capacity of 1,107, with an 11/12 enrollment of 852, which is 255 under capacity.

10-11

Will C. Wood HS has a capacity of 1,998, with an 11/12 enrollment of 1,487, which is 511 under capacity.

C 5. The last paragraph of this section acknowledges that the City in its General Plan Update is planning for additional growth for the area east of Leisure Town Road. However, in the closing sentence it states that “VUSD’s school facility analysis includes planning for and constructing new schools to accommodate this growth.” This suggests that VUSD’s planning process can be separated from the City’s planning process and that, somehow, VUSD will by itself be able to account for and develop plans to build new schools for the residents in the east of Leisure Town area. As previously suggested, the planning for new school sites – from designation of possible sites through their approval by the State – is a process that depends on VUSD’s meaningful participation in the City’s planning process. In this case, that process should include all of the area east of Leisure Town Road.

10-12

Tentative Map and Zoning Map Amendment/Brighton Landing Village Layout Map

The school site shown on the Brighton Landing Village Layout Map is shown as adjacent to the collector street. This location in Brighton Landing does not provide for a location with at least two adjacent neighborhood streets which would provide separate schoolbus and parent pick-up/drop-off areas and would provide adequate vehicular and pedestrian access. We will continue to work with the City and with the developer representative in adequately siting this school. It is possible that the school site shown as part of the Brighton Landing Specific Plan, would include the playfields, with the actual school buildings and entrances to the school located to the parcel immediately south of Brighton Landing, as part of the ELT Growth Area, which is not part of this DEIR analysis.

10-13

It also must be pointed out that the proposed school site cannot be considered as other than tentative at this point because it has not been approved by the California Department of Education. Independent due diligence site investigation and approval by CDE must be performed prior to a school district acquiring a parcel for a school site. The site must be investigated to determine compliance with requirements by CDE, the Department of Toxic

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Substances Control (DTSC) and California Environmental Quality Act (CEQA) whereby the VUSD is the lead agency.

10-13
cont.

We look forward to continuing to work on this vital planning effort with the City of Vacaville and all its departments as well as the developer and landowner representative to provide safe and adequate school facilities.

Thank you for this opportunity to respond to this DEIR.

Sincerely,



Ms. Leigh A. Coop
Director of Facilities

Cc: Dr. John Niederkorn, Superintendent
Ms. Kari Sousa, Assoc. Supt., Business and Admin. Services
Mr. Jerry Suich, Oxbridge Development, Inc.

LETTER 10: Leigh Coop, Director of Facilities. Vacaville Unified School District. August 23, 2012.

10-1: This comment expresses a concern about the area considered under cumulative impacts in the “Schools” subsection of Chapter 4.13, Public Services, of the Draft EIR. As described in Chapter 4, Environmental Review, and throughout the Draft EIR, the City is currently in the process of preparing a Proposed General Plan Update. The Proposed General Plan Update has identified Growth Areas on the east side of the city, and Focus Areas which include parcels within and adjacent to the city that could potentially change from their existing use. These parcels are identified in the Preferred Land Use Alternative, provided in Appendix D of the Draft EIR, which will serve as the basis for the Proposed General Plan land use diagram and the CEQA analysis for the Proposed General Plan. Because the Brighton Landing Specific Plan EIR process is occurring simultaneously with the Proposed General Plan Update process, the Brighton Landing Specific Plan Draft EIR discloses “potential cumulative impacts” relating to the Proposed General Plan Update. However, since the Proposed General Plan was not adopted at the time of publication of the Brighton Landing Specific Plan Draft EIR, findings or conclusions about potential “project impacts” in the Draft EIR were made based on the existing General Plan. In response to this comment, the text on page 4.13-28 has been revised to include the Proposed General Plan Update in the cumulative impacts discussion regarding schools in the VUSD, as shown in Chapter 3 of this Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

In addition, with regards to environmental impacts as a result of future school construction, as outlined in Chapter 3, Project Description, of the Draft EIR, and correctly identified by the commenter, the project would be developed over a 20- to 30-year period, depending on market demand. Accordingly, as discussed in Chapter 4.13, Public Services, of the Draft EIR, it is not known at this point in the project process when

new school facilities potentially would be required or what the exact nature of these facilities would be. As a result, it cannot be determined what project-specific, and similarly, what cumulative environmental impacts would occur from their construction and operation. Any future construction required due to project-generated students and students generated from other development in Vacaville as part of approved projects or the 1990 General Plan (see Chapter 4 of the Draft EIR) would be subject to project-level CEQA review and required to follow State school siting guidelines as specified in California Government Code Section 33050. Accordingly, project details, by necessity, would be determined during site-specific design and would be reviewed by the City and other applicable agencies, prior to approval by the VUSD. Please see response to comment 3-7.

This comment also suggests that an area-wide facilities and facilities financing plan should be prepared in order to adequately ensure appropriate infrastructure systems are identified and found feasible to mitigate school facility impacts as a result of development of the project. However, it is unclear if the commenter is requesting that the Project Applicant prepare this plan. Nonetheless preparation of such a study is outside the scope of this EIR and it would be inappropriate to expect the Project Applicant to bear the costs associated with the preparation of an area wide facilities and facilities financing plan for the VUSD. Also, as discussed in Chapter 4.13, the Project Applicant, in accordance with California Government Code Section 65997, is required to pay school impact fees, which for the purposes of CEQA must be deemed an adequate mitigation measure. Additionally, as noted in Chapter 4.13, during the Proposed General Plan Update, VUSD is analyzing future school facility needs for the area east of Leisure Town Road. This area is being considered as a new growth area in the Preferred Land Use Alternative and as such would experience additional population, housing, and associated student generation. However, the

VUSD's school facility analysis includes planning for and constructing new schools to accommodate this growth.³

10-2: This comment expresses a conclusion about the status of Proposition 1A and overall statewide funding for school facilities, and requests the regulatory setting discussion of the Draft EIR be revised to include this information. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Rather this comment describes the VUSD funding procedures and methodology, and states that development impacts fees or other mechanisms funded exclusively from the new development area will be required and expresses a concern for the current status of available school facilities funding from the state, which is not related to the specific impacts of this project and is outside the scope of this EIR. As discussed in Chapter 4.13, the Project Applicant, in accordance with California Government Code Section 65997, is required to pay school impact fees, which for the purposes of CEQA must be deemed an adequate mitigation measure. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

In response to this comment, the text on page 4.13-19 has been revised to expand the regulatory discussion regarding Senate Bill 50. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

10-3: This comment expresses an opinion regarding SB 50 and 1990 General Plan Policy 5.3-G and suggests a conflict between the two impedes the construction of new neighborhood school. The commenter

³ Coop, Leigh, Director of Facilities, Vacaville Unified School District. Personal email communication with Melissa McDonough, The Planning Center | DC&E, February 1, 2012.

speculates the suggested conflict could potentially increase air pollution and traffic congestion on streets and around existing schools, but does not provide factual support for this assertion. Impacts to air quality and traffic are discussed in Chapters 4.3, Air Quality and Chapter 4.14, Traffic and Transportation, of the Draft EIR, respectively.

10-4: The commenter requests that the text under subheading “2. Existing Conditions,” be revised to identify that VUSD operates an alternative educational program. In response to this comment, the text on page 4.13-20 has been revised to this text. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

10-5: This comment identifies that the references to Table 4.13-4 on page 4.13-20 of the Draft EIR are incorrect. Furthermore, the comment notes that the Draft EIR incorrectly summarizes that all schools shown in Table 4.13-5 are currently operating below capacity. In response to this comment, the text on page 4.13-20 has been revised to reference Table 4.13-5 and disclose that Buckingham Charter School and Country High School are above capacity. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

10-6: This comment expresses the VUSD’s analysis of the reasons for the availability capacity at the VUSD schools. The information does not question the sufficiency of the analysis or mitigation measures contained in the Draft EIR, but provides valuable information for consideration by the decision-makers. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

10-7: This comment correctly states that the information provided in the Draft EIR, Table 4.13-5, regarding projected student enrollment shows projections that do not include new students from the Brighton Landing and East of Leisure Town Road development. Projected enrollment is shown on page 4.13-27 of the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

10-8: This comment provides revised enrollment projections for Jean Callison Elementary School. In response to this comment, the Table 4.13-5 has been revised to reflect the current enrollment projects provided by the commenter. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

10-9: This comment states a higher student generation factor would be appropriate for the proposed project. While the Draft EIR appropriately applied student generate rates provided by the commenter on February 1, 2012,⁴ in response to this comment, the student generation numbers have been recalculated using the new student generation factor of .70 suggested by the VUSD. Application of the higher student generation factor results in 27 percent increase in additional students from that which was considered in the Draft EIR (423 students vs. 538 students). While this does increase the amount of new students the project would generate, as identified by the commenter, it would not change the finding in the Draft EIR which disclosed that the additional students generated by the project would require one third of a new elementary school, expansion of or improvements to an existing middle school, and new high school facilities, such as classrooms. The spe-

⁴ Coop, Leigh, Director of Facilities, Vacaville Unified School District. Personal email communication with Melissa McDonough, The Planning Center | DC&E, February 1, 2012.

cific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. As such, these revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

10-10: This comment identifies that the project would provide an elementary school housing K-6 students and recommends revisions to the Draft EIR to correctly identify this. In response to this comment, the text on page 4.13-27 has been revised to reflect that no middle school age students would attend the proposed elementary school within the project site. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

10-11: This comments states the three schools that would likely serve the future school-age children of Brighton Landing, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

10-12: This comment suggests that the text on page 4.13-28 of Chapter 4.13, Public Services, of the Draft EIR is misleading and could imply that the VUSD's planning process is separate from the City's planning process. The commenter states the planning for new school sites is a mutual process between the City and VUSD and the City acknowledges this factor. The City's planning process will require close coordination with the VUSD. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

10-13: This comment expresses a concern about the proposed location of the school site within the project area and clarifies that the final location will require approval from the California Department of Education. This comment relates to the project design and provides comments that the City can use in reviewing the project design. The VUSD suggests that since the City is also planning appropriate land uses for the area to the south of the proposed Brighton Landing school site, the City may be able to provide additional neighborhood street frontage for the school site when the adjacent property is planned. The City agrees that this approach would be appropriate and notes that the Preferred Land Use Alternative for the General Plan Update proposes to place additional public school land on this adjacent property along with a second street frontage. As previously described, CEQA does not require a project to mature to its precise final form before it is studied and therefore this comment will provide information for the City to use as final land use plans are prepared for the areas east of Leisure Town Road. Please also see responses to comments 3-7 and 9-1. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

RECEIVED

AUG 23 2012

CITY OF VACAVILLE
PLANNING DIVISION

Attached please find my concerns regarding the Brighton Landing Project. Please share this information with the Planning Commission. Please confirm receipt of the same. Thank you for your assistance in this matter.

Shelly Bass

I deeply regret I was not able to attend Tuesday night's meeting to discuss in detail my concerns regarding the Brighton Landing Development. Briefly, after 15 years of practicing law combined with the last four years focusing on real estate issues, primarily in Vacaville, I would urge the City to not approve said development.

In part, the project is bad for Vacaville for the following reasons:

REAL ESTATE

- Bringing "affordable" new housing to Vacaville will only bring down the value of existing properties.
- People will, unfortunately, foreclose/short sale their current Vacaville property in order to get into a newer home. Yes, this is unethical but it *will* happen. And, Lenders will allow new loans to be taken out for a new property because 1 – homeowners will be going to a different Lender for their new loan and 2 – the new Lender expects the homeowner will want to keep their new home as their primary residence and truly does not care if they default on the property they left behind.
- Others will actually try to rent out their homes but an argument can be made that too many rentals are not a good thing for property values either.
- There are still many properties in Vacaville that are bank owned but not yet listed for sale.
- There are still hundreds of people upside down on their mortgage – not just due to property values but also their initial interest only loans which are coming to an end within the next 6-12 months. We find, on average, it takes a homeowner 14 months to come to grips with the fact of losing their home. Contrary to the advertised misconception, banks are actually not moving quickly at processing foreclosures/short sales. So based on the current trend & time lines we will continue to see foreclosures/short sales (separate from those dumping houses to buy new ones) for at least another 5 years.
- Our existing developments are already plagued by empty houses, dead yards and vandalism.

11-1

EXPECTATIONS

- We are setting up new homeowners for disappointment when one thing is advertised and another thing happens. Look at the recent North Village uproar over their promises of homes, parks & trails and what the developer was actually

11-2

willing to do. Or the South Town Project where the builder came back desiring to build “cheaper” homes. Those buyers were promised one thing and years later are still fighting

11-2
cont.

- Is the developer advertising –as I believe they suggested in North Village – that an elementary school will be built for the families moving to this new development? You can build a beautiful building with development funds but VUSD does not have – and based on every indication from the State and the Department of Education budget will not anytime soon – the funds to actually open said school. A school is not just a building – it requires teachers, staff, equipment, etc and one only need to go to any of our existing to sites to see all of those areas are already lacking. In fact, it was only three years ago that VUSD voted to close an elementary school.
- How knowledgeable will the potential buyers be of the trains which run all night just outside their new homes, the farmers/tractors that also work outside their property kicking up dust, spraying fields and also working late night/early morning hours.
- How long before yet another strip mall for services needs to be built in said area cause residents find it really is too far to drive down Elmira for a quart of milk.

11-3

11-4

11-5

11-6

COMMUNITY

- Since there are no new jobs to support the need for more housing, anyone moving to Vacaville will be working outside of Vacaville.
- People working outside of Vacaville are facing long commutes resulting in less time to be involved & participate in local activities.
- There’s been a steady decrease in parent involvement in our schools over the past 5+ years as either one or both parents work and that work is outside our area.

11-7

There are other, also important issues surrounding this project – like the safety of the roads considering Marshall is already used as a gateway to Leisure Town and people already drive 35-40mph on a street that should be considered a residential speed of 25mph.

11-8

Again, this is only a brief (and quickly written) glimpse of the negative issues/impact said development will have on our City. Our City can grow but this growth needs to be focused/built from the inside out. Otherwise what you have is just another good/new part of town which ultimately leads to a different area becoming the bad/old part of town. Please thoughtfully consider the points I’ve briefly outlined above and I would, again, urge the City to *not* move forward with the Brighton Landing Development.

LETTER 11: Shelly Bass. August 23, 2012.

11-1: This comment expresses a concern regarding adding affordable housing and existing housing conditions in Vacaville and concludes that the project will be bad for Vacaville. The comment provides opinions on the possible effect on the housing market from the construction of new developments. However, this comment does not address the adequacy of the environmental analysis in the Draft EIR; rather, it focuses on the possible socio-economic effects of the project. This topic is relevant for the planning analysis of the project and for consideration during the hearings on the project, but is not a topic addressed in an EIR or required by CEQA. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

11-2: This comment expresses concern about the development of the project, and a concern that after approval, the project proponents could change the type of homes and cause concern for the new homeowners. This comment does not address environmental impacts or state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR but more an operational issue regarding the administration of projects over time. The project description in Chapter 3 of the Draft EIR proposes development standards and a land use plan for a single-family residential neighborhood, a private high school, a public elementary school, public open space, an agricultural buffer, and a detention basin. The specific details of the project would occur as each phase of the development is constructed, all of which would be subject to a public review process. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

11-3: The comment expresses a concern about the feasibility of addition of a new school in the Vacaville Unified School District

(VUSD). This comment does not address the adequacy or findings of the Draft EIR. However, the commenter is advised of the comments received from the VUSD (Letter 10) for additional information regarding school funding. Please see responses to comments 10-1, 10-5, and 10-6. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

11-4: The comment expresses a concern about the rail train frequency. The Draft EIR discusses rail train frequency and associated noise levels in Chapter 4.11, Noise. Specifically, pages 4.11-16 and 4.11-17 detail that existing conditions include 36 passenger and commuter trains and 34 freight trains in daily operation on the tracks which would equate to below 55 dBA L_{dn} at the nearest project area property line which would be a less-than-significant noise impact under City standards.

11-5: The comment expresses a concern regarding future residents and nearby agricultural activities. The Draft EIR discusses agriculture in Chapter 4.2, Agriculture and Forestry Resources. Pages 4.2-19 through 4.2-22 state that the project would be placing residential homes near agricultural activities and, although it includes agricultural buffers, it would not fully prevent residents from experiencing agriculture-related dust, odors, noise, or sprayed chemicals.

11-6: The commenter expresses a concern about future retail/commercial services. The proposed project does allow for the possibility of neighborhood commercial uses at the corner of Leisure Town Road and Elmira Road (Land Use Area O). Section 15126.2(d) of the *CEQA Guidelines* requires that an EIR discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. As noted in Chapter 4.12, Population and Housing, of the Draft EIR, addition of the project's 769 housing units

and 2,107 associated new residents would be within the growth projected under the 1990 General Plan and within the growth projected by ABAG.

11-7: This comment expresses a concern regarding future residents working outside of Vacaville and lack of community involvement. The comment does not address the adequacy or findings of the Draft EIR, thus, no further response is necessary regarding adequacy of the CEQA document. However, projected traffic impacts account for estimated commute patterns and this information is contained in Chapter 4.14, Traffic and Transportation, of the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

11-8: The commenter expresses safety concerns about speed limits on Marshall Road where drivers access Leisure Town Road. Chapter 4.14, Traffic and Transportation, of the Draft EIR includes a discussion of traffic along Marshall Road. Additionally, traffic-related safety concerns are discussed on page 4.14-47. The Draft EIR does not find significant traffic-related hazards associated with the proposed project. Transportation features to serve pedestrians and bicyclists are included in the project design. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

COMMENT LETTER #12

Dear Fred Buder,

I am writing in regards to the proposed Brighton Landing Development. This project, and new developments like it are something our town, or more specifically the homeowners in our town, can not afford. Since I bought my house in 2003 it has lost 40% of its value, due primarily to the thousands of new homes that have been built around the periphery of the town. My neighborhood, The Meadowlands which was built out in 1988, is suffering from the slow decline of many of the neighborhoods in Vacaville. The never ending supply of fresh new houses leaves no incentive for buyers to stay in previously developed parts of town. The new site has a public school site as well which is another tragic reminder of how broken our city currently is. My son just started kindergarten at Jean Callison Elementary with 34 students in his class and no teachers aid, not because this city has a lack of physical schools, but because they could not afford to keep open the ones they already have and had to lay off many teachers. Callison was combined with Sierra Vista school causing impaction, lower school ratings and even more of a property value decline in my neighborhood. For city officials to condone the building of more houses in this town, which can not sustain any demand on existing houses, is really a slap in the face of home owners and citizens. I can guarantee that any incumbent in city offices that does anything other than oppose this development will not get my vote and I will be vocal in recruiting others to join me. Enough is enough. Also as for the EIR, the water addendum alone is 238 pages, I am suspicious that the entire exercise is one that is orchestrated to deliberately prevent anyone from reading or trying to understand it. Although I am sure the environmental impacts are similar to any other development that paves over productive farmland in favor of asphalt, run-off, and thousands more automobiles, and as such will not provide any significant barriers to slow the cities ram-rodging this developer give-away down the throats of the citizens of Vacaville.

12-1

12-2

12-3

A concerned citizen,
Daniel Bedinger
451 Robin Circle
Vacaville, CA 95687

RECEIVED

AUG 22 2012

**CITY OF VACAVILLE
PLANNING DIVISION**

LETTER 12: Daniel Bedinger, Vacaville. August 22, 2012.

12-1: This comment addresses the economics of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Draft EIR is not meant to address personal well-being, economic or financial issues, or the market demand for a project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the Draft EIR. Please see response to comment 8-4. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the merits of the project and determining whether to approve the proposed development.

12-2: The commenter expresses a concern over the length of a document referred to as "the water addendum" at 238 pages long, but it is unclear as to which document commenter is referencing. There are no documents in the Draft EIR titled "water addendum" and no technical studies prepared for the project's water impact analysis are 238 pages long. The technical studies prepared for the Draft EIR are included in Appendix G, Hydrology And Water Quality Technical Memo from West Yost Associates; Appendix H, Water Supply Technical Memo and Water Supply Analysis; and Appendix I, Wastewater and Trunk Sewer Technical Memo. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

12-3: The commenter expresses a concern over impacts from development on productive farmland and growth inducing impacts, but does not state additional specific concerns or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Draft EIR summarizes all environmental impacts asso-

ciated with the proposed project, including those relating to farmland, in Chapter 2, Report Summary, and provides an analysis on growth inducing impacts in Chapter 6, CEQA Conclusions. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

Mr. Fred Buder
Members of the Vacaville Planning Commission
Editor, The Reporter

August 22, 2012

In 2004 dozens of us read the Draft Environmental Impact Report for the Lower Lagoon Valley Specific Plan. We read it from cover to cover, highlighting important issues and making notes in the margins. We submitted written and oral comment. Hundreds of us spoke before the Vacaville Planning Commission and City Council on this issue. We packed the City Council chambers to overflowing; the meetings lasted until well after midnight.

Thousands of us signed referendum petitions challenging the Specific Plan and the General Plan Amendment. We wrote letters to the editor, we spoke to newspaper and television reporters, we held press conferences and vigils. The end result was that the City Council, ever whoring after developers and pandering to property owners, did an end run around all that public outcry against a housing development in Lagoon Valley.

The Council ignored public opinion and substituted an old development agreement for a golf course subdivision. That old development agreement stands to this day.

There are consequences to ignoring public opinion. I think that after the Lagoon Valley fiasco the citizens of Vacaville pretty much gave up on being heard or being taken seriously on development issues. And I think that explains the pitifully sparse response to the Draft EIR for the proposed Brighton Landing project. At Tuesday's public hearing before the Planning Commission only 3 people commented, each of them an immediate neighbor of the proposed subdivision.

The fact is that with your history of ignoring public opinion, the public is not motivated to come out on a Tuesday evening to comment on a process with a predetermined outcome.

Marian Conning
735 Brookside Drive
Vacaville, CA 95688
(707)447-7356

LETTER 13: Marian Conning, Vacaville. August 22, 2012.

13-1: The commenter expresses a concern regarding public involvement in Vacaville, rather than state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The City has included public meetings, access to documents on the City website and local libraries, presentations to other public agencies, and other steps to provide public input opportunities during this project review process. Additional hearings are required as part of the project review process and additional notification of these hearings will be provided by the City. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

COMMENT LETTER #14

August 22, 2012

Regarding Brighton Landing development:

Areas of concern aesthetics, agricultural resources, air quality, population, traffic, and utilities service and adequate water. This is bad timing for such a project. We have no need for more housing when we have new homes sitting empty.

14-1

Virginia Cross

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AUG 22 2012

**CITY OF VACAVILLE
PLANNING DIVISION**

LETTER 14: Virginia Cross. August 22, 2012.

14-1: The commenter lists areas of concern as aesthetics, agricultural resources, air quality, population, traffic, utilities services, and water supply, and notes that new housing is unnecessary because there are existing vacant new homes, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This general listing of concerns is relevant to consideration of the project's impacts and merits. The existing conditions of and potential project-related impacts on these areas of concern are found in Chapters 4.1 Aesthetics, 4.2 Agriculture and Forestry Resources, 4.3 Air Quality, 4.9 Hydrology and Water Quality, 4.12 Population and Housing, 4.14 Traffic and Transportation, and 4.15 Utilities and Service Systems. Mitigation measures are identified to reduce many of the project impacts, but other impacts in these chapters will remain significant and unavoidable if the project is constructed.

COMMENT LETTER #15

RECEIVED

AUG 23 2012

Haran, Robert [Robert.Haran@Nissan-Usa.com]

Public comment for the Brighton Landing development

CITY OF VACAVILLE
PLANNING DIVISION

I would like to enter, for the record, my concern with the proposed Brighton Landing project. The environmental impact report has listed several concerns which cannot be mitigated satisfactorily. Prime grade # 1 agricultural soil will be lost forever if the subdivision is allowed to be built the land which has been used for crops since before Vacaville was incorporated will never be used for growing food again. As we move from a bedroom community to a more sustainable live/work community this land will be more important to us as farm land and not housing. Green house gas emission in the future play bigger role in our daily lives than ever before, therefore we cannot continue business as usual. Transportation options in Solano County are poor at best. If residents do not drive a car the only other option is the limited local bus service, morning and afternoon Solano Transit to Sacramento and the Bay Area/ East Bay and the limited Capitol Corridor Train. The lack of State redevelopment money will not be available for the needed infrastructure the City of Vacaville will be responsible for and will fall on current home owners. For these reasons I am against the proposed Brighton Landing project as proposed. Please include this email in the public comments on the Brighton Landing Environmental Impact Review.
Thank you.

15-1

15-2

15-3

Robert Haran
700 Calico Trail
Vacaville Ca. 95687
707 446-9545
haran4u@sbcglobal.net

Robert Haran
Nissan Technical Center N.A.
Principal Technician
Electric & Fuel Cell Vehicle
haranr@nissan-usa.com
Phone: 916 375-3702
mobile: 707 365-0850
Fax: 916 375-3709



LETTER 15: Robert Haran, Vacaville. August 23, 2012.

15-1: The comment expresses a concern regarding the mitigation for impacts to loss of farmland, greenhouse gas emissions, and vehicular and alternative modes of transportation, and expresses the opinion that continued development in a “business as usual” manner will not be sustainable. As discussed in the Draft EIR, in Chapter 4.3, Agriculture and Forestry, and Chapter 4.7, Greenhouse Gas Emissions, impacts were found to be significant and unavoidable effects, even after recommended mitigation measures are included in the project design. Alternatives to the project that would result in a lesser level of some impacts are also analyzed in the Draft EIR and could be selected by the decision-maker if desired. Changes of this magnitude would be made during the City’s project approval process through the City’s Planning Commission and/or City Council based, in part, on the information contained in the EIR.

15-2: The comment expresses a concern regarding existing vehicular and alternative modes of transportation, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As discussed in Chapter 4.14, Traffic and Transportation of the Draft EIR, while some phases of the proposed project may decrease bicycle and pedestrian performance, this impact is mitigated to a less than significant level by requiring City review and approval of the project-level site plan at each phase of development to ensure safety and compliance with adopted plans, policies, and programs. The project will include infrastructure intended to provide a pedestrian and bicycle network that will connect to adjacent areas of the City.

15-3: The comment incorrectly assumes that the cost of infrastructure related to the proposed project would become the responsibility of the current homeowners. As described in Chapter 4.13, Public Services and Recreation, and Chapter 4.15, Utilities and Services Systems,

of the Draft EIR, the City would require the project area to annex into a Community Facilities District as a mechanism to pay for new police and fire services, pay Park and Recreation Development fees for required parkland not provided within the project area, pay the Sewer System Impact Fees, and pay any other relevant Development Impact Fees. Please see response to comment 8-4.

COMMENT LETTER #16

RECEIVED

AUG 23 2012

Dear Mr. Buderl,

CITY OF VACAVILLE
PLANNING DIVISION

I just learned about this project and the public hearing on the 23rd. I would like to briefly express my comments about this project before the 5pm deadline today.

I recently bought a home on Colby Drive in February. I believe this project will have a direct impact on me and my neighbors as well as my daughter who lives on Rio Grande—Leisure Town Road runs directly behind her house. I have briefly skimmed through the reports online and have the following comments.

I think there are serious repercussions for encroaching on agricultural land. I'm not in favor of building any development that will have a negative impact on the surrounding area.

16-1

There is a real concern about noise and I see in the report that others have raised this issue. For the people who live close to Leisure Town Road, expanding the road to four lanes will surely increase the noise they have to live with. Does the city plan to construct walls to minimize the noise for those residents?

16-2

The traffic on this road is already a concern. Widening the road and adding more traffic isn't the solution. I drive this road every day. I don't want to deal with worse traffic. I also don't understand how a city with limited finances can afford such a project. And even if we have the money, is this the smartest way to spend it?

16-3

16-4

The increased traffic will also increase air pollution. How does the city plan to mitigate the impact of additional traffic on air quality? I don't understand the statistics in the report, but I don't think you need to be a scientist to know that residents along Leisure Town Road will have the put up with reduced air quality.

16-5

I also see others have noted that there are a large number of homes for sale in Vacaville. I looked for a property to buy for over a year and visited most neighborhoods in the city. I can tell you first hand that I saw many neighborhoods with many foreclosed properties. In fact, the house I bought was a short-sale, close to foreclosure. I bought a 1658 square foot home in a very nice neighborhood for \$165,000. If you have a glut of really cheap houses on the market why build such a large development? Does the city really think there are 769 buyers just chomping at the bit for brand new homes? How will this impact the value of the other homes in our area?

16-6

Another thing to consider is that currently it is very difficult for people to secure the financing to purchase a home. Many don't even qualify to refinance the homes they have. Somehow I think the combination of too many homes on the market and a shortage of qualified buyers is probably just not a good thing. Even if this project takes years to complete, I don't see the real estate market making a recovery anytime in the foreseeable future.

Vacaville schools are already in financial trouble. The city wants to build another school? How does that makes sense? I'd rather my tax dollars keep the existing programs, like music, in the schools we already have.

**16-6
cont.**

I am settling into my new community and I'm really starting to love Vacaville. I am concerned about the city's future. I look forward to future reports and public hearings about this project.

Thank you for your time and the opportunity to voice my concerns.

Best regards,
Holly Keefer

LETTER 16: Holly Keefer. August 23, 2012.

16-1: The commenter expresses concern about developing agricultural land and expresses opposition to development that negatively affects surrounding areas. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Draft EIR considers impacts to farmland in Chapter 4.2 Agriculture and Forestry Resources—including findings on pages 4.16 through 4.2-26 of significant and unavoidable impacts to farmland. These significant and unavoidable impacts are relating to the conversion of prime and unique farmland to non-agricultural use, changing the environment from farmland to non-agricultural use, and cumulative effects on farmland under approved projects and the existing 1990 General Plan. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

16-2: The commenter states that noise is a concern along Leisure Town Road and asks whether sound walls will be constructed. Mitigation Measure NOISE-1 on page 4.11-25 of Chapter 4.11, Noise, of the Draft EIR, requires the construction of a sound barrier or berm along the property lines of proposed residential development along Leisure Town Road and along Elmira Road.

16-3: The comment expresses a concern about traffic on Leisure Town Road and widening Leisure Town Road, but does not provide additional factual details regarding potential traffic impacts. The impacts of the widening of Leisure Town Road to four lanes were analyzed as part of the Jepson Parkway Improvement project Environmental Impact Statement (EIS) and thus are not part of the analysis for the Draft EIR. The Jepson Parkway Improvement project is proposed as a four-lane road along Leisure Town Road, but could widen up to six lanes at certain intersections that are being designed by the City.

The Jepson Parkway Improvement project is a regional transportation improvement project under the lead of the Solano Transportation Agency. The Vacaville City Council has already approved the Jepson Parkway Improvement Concept Plan (2000) for the Jepson Parkway Improvement project. The Brighton Landing Specific Plan development would be required to provide the right-of-way along their frontage to allow the widening for the Jepson Parkway Improvement project. As discussed in Chapter 4.14, Traffic and Transportation, the widening of Leisure Town Road associated with the Jepson Parkway Improvement project is assumed for the traffic forecasts for the Cumulative in 2035 – Development of the 1990 General Plan Conditions (Section F.2); however, the specific improvements at intersections that are being designed by the City are not assumed in this analysis because designs are not yet finalized.

The Draft EIR analyzes the impacts of increased traffic in Chapter 4.14, Traffic and Transportation. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR for the proposed project but does express a concern about the future level of traffic on Leisure Town Road.

16-4: The commenter expresses an opinion about City finances, in particular for the Jepson Parkway Improvement project construction. The Jepson Parkway Improvement project is a separate project with its own funding. The City and other jurisdictions within Solano County have jointly agreed to construct the Jepson Parkway Improvement project independently of the proposed Brighton Landing Specific Plan project. Please also see the response to comment 8-4.

16-5: The comment expresses a concern about increased traffic and associated air quality impacts, and requests to know how air quality impacts as a result of increased traffic will be mitigated. Chapter 4.3, Air Quality, discusses air quality impacts and mitigation measures, in-

cluding the air quality impacts specifically related to increased traffic from the proposed project. Specifically, the Draft EIR analyzes air quality impacts from the construction vehicles that are used during the time the project is under construction and the air quality impacts from automobiles that are would drive to and from the project once the project is complete and occupied. While there are other sources of emissions that can create adverse air quality impacts, the commenter specifically requests to know how traffic related air quality impacts would be mitigated. Therefore, this response will only discuss those impacts. A complete discussion on all of the project's air quality impacts is included in Chapter 4.3, Air Quality, of the Draft EIR.

As described on page 4.3-16, the primary source of air pollution in the City of Vacaville is from on-road mobile sources such as automobiles, trucks, motorcycles, buses, and motor homes. The emissions associated with automobiles, trucks, motorcycles, buses, and motor homes are directly related to regional vehicle miles traveled (VMT) on both local roadways and interstate freeways. In other words, the more miles driven, the greater the pollutant emissions from vehicles and the more air quality impacts occur.

In addition to other types of air quality pollutants, construction activities would generate exhaust emissions from vehicles or equipment that could adversely affect local air quality. The construction related activities that create dust would require mitigation. Therefore, Mitigation Measure AQ-1 requires a series of measures that would reduce the amount of dust in the air. For example, Mitigation Measure AQ-1 requires that the construction site water all active construction locations at least twice daily and trucks that haul dirt, sand or loose materials must be covered. Mitigation Measure AQ-1 is listed on pages 4.3-22 and 4.3-23 of the Draft EIR.

After the project is completed and occupied, the automobiles, trucks, motorcycles, buses, and motor homes that drive to and from the pro-

ject site would add emissions to the air and could create an adverse air quality impact. A computer model known as URBEMIS 2007 is commonly used to calculate these types of emissions. The modeling results can be difficult for the non-technical expert to understand, but as summarized in the Draft EIR, the results of the computer modeling showed that the project would exceed the permitted limits of air pollutants. Therefore, the buildout of the project would have a significant effect on regional air quality and mitigation measures are required to reduce this impact. Mitigation Measure AQ-2 has required a series of measures that are aimed at reducing the number of motorized vehicles trips and subsequently reducing the amount of air pollution from motorized vehicles. For example, Mitigation Measure AQ-2 requires that transit facilities (e.g. bus bulbs/turnouts, benches, shelters) be provided by the project. In addition, the project must provide convenient bicycle lanes and/or paths and pedestrian sidewalks and/or paths that connect to the existing to adjacent land uses, transit stops, and the existing community-wide trail network. In addition, the Brighton Landing Specific Plan shall be modified to include bicycle parking standards such as sheltered and secured bicycle parking for the residential and school development.

Although impacts relating to air quality pollutants would be mitigated as described above, they would still be significant and unavoidable and the Draft EIR recognizes and discloses this result. Under CEQA, there are occasions that feasible mitigation is not available. *CEQA Guidelines* Section 15126.4 (5) states: If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination. Furthermore, when a lead agency, such as the City of Vacaville, approves a project that would result in significant and unavoidable impacts that are disclosed in the EIR, the lead agency must state in writing its reasons for supporting the approved action (*CEQA Guidelines* Section 15093[b]). This statement of overriding considerations must be

supported by substantial information in the record, including the EIR. Because the proposed project would result in significant and unavoidable impacts a statement of overriding considerations would be required.

16-6: This comment expresses an opinion on the availability of and financing options relating to homes and schools in Vacaville. This comment is related to the economic effects of the current housing market versus the potential environmental effects of the project. As previously discussed in response to comment 8-4, the Draft EIR is not meant to address personal wellbeing, economic or financial issues, or the market demand for a project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment to the extent feasible. This comment does not state a specific concern or question regarding the sufficiency of the environmental analysis or mitigation measures contained in the Draft EIR for the proposed project. This comment raises an issue that the City decision-makers may consider in their planning actions on the project. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

COMMENT LETTER #17

Sir, My name is Asisclo Lonso Jr. & I reside at 166 Kingswood Ave, Arbor Oaks subdivision. I have lived here for 22 years & have seen numerous building projects being built in our area. When I first moved into this home I could look out my kitchen window and see the trains passing by. The Brighton Landing Project will rob us of that 'small' town and rural setting that the city claims we have and want to maintain. As for a school site being allocated, remember the site on Ruby Dr. or how about the one in North Village. Have our city leaders really studied this project with 'a fine tooth comb'? I have also seen a significant increase in traffic on Leisure Town Rd. this project will certainly double or triple traffic thru our area. Also, how long will it take to build 700 homes? I have seen north and south building projects take off fast only to slow down and cease building because of a 'slow market'. To me it seems that this project will be the same as all the others, built fast and stop when there are no buyers, then construction of this project will take years to complete. As a concerned citizen I strongly oppose the Brighton Landing project. Respectfully, Asisclo (Tony) Lonso Jr.

17-1

17-2
17-3

LETTER 17: Asisclo Lonso, Jr., Vacaville. August 22, 2012.

17-1: The commenter expresses concern about aesthetics and land use, especially the impact to views caused by the project. Aesthetics and Land Use impacts are discussed in Chapters 4.1 and 4.10, respectively. The project is determined in the Draft EIR to result in significant and unavoidable impacts to views of the surrounding area since construction of any project on this site will obstruct the current viewshed around the property. The Draft EIR correctly identifies this impact as significant and unavoidable. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

17-2: The commenter generally assumes the project will double or triple traffic in the project area. Traffic impacts are discussed in Chapter 4.14, Traffic and Transportation, of the Draft EIR. As described on page 4.14-32 and shown on Table 4.14-10, Trip Generation, on page 4.14-33, the proposed project would generate 1,997 AM peak hour trips and 1,169 PM peak hour trips. These project trips were distributed and assigned to the roadway network by the approved citywide traffic model. The traffic model's distribution patterns for the project trips are summarized in Table 4.14-11 on page 4.14-33.

Peak hour intersection volumes for the Existing Conditions are presented in Figure 4.14-3 and Figure 4.14-4; volumes for Existing + Project Conditions are presented in Figure 4.14-5 and Figure 4.14-6. As shown on these figures, and correctly noted by the commenter, there are nine identified locations where intersection volumes double or triple as a result of the project.

As described on page 4.14-30, seven scenarios were modeled for this EIR to determine the project's contribution and impacts to 29 intersections, eight roadway segments, and two freeway mainline segments that were determined to be potentially impacted by the project. Out of

these selected intersections, roadways and freeway mainline segments, six intersections and four roadway segments, as summarized below, were determined to have significant and unavoidable impacts. All of these impacts can be reduced to less-than-significant levels with implementation of mitigation measures, dependent upon the acquisition of the necessary right-of-ways, the proposed roadway improvements' inclusion in the City's Development Impact Fee Program Update and the implementation of the approved Jepson Parkway Improvement project. However, because of these identified constraints to implementing the mitigation measures, the Draft EIR correctly identified the associated traffic impacts as significant and unavoidable. A brief summary of the project's traffic impacts is provided below.

Existing Conditions + Project Conditions at Intersections

Peak hour intersection volumes for Existing + Project Conditions are presented in Figure 4.14-5 and Figure 4.14-6; the intersection level of service is shown in Table 4.14-12. Only intersection #6 (Leisure Town Road/Elmira Road) would have significant impacts. While Mitigation Measure TRAF-1 would improve the intersection #6 to Level of Service (LOS C) or better, which are acceptable standards for the City, in both peak hours, because of right-of-way constraints, the project impact would be significant and unavoidable.

Existing Conditions + Project Conditions at Roadway Segments

Peak hour volumes and levels of service for the study roadway segments for Existing + Project Conditions are presented in Table 4.14-13. Only the proposed S Street or Major Collector Street segment south of Elmira Road would exceed LOS C conditions in the northbound direction during the AM peak hour with the addition of project-generated trips due to the proposed high school. Implementing Mitigation Measure TRAF-3 would improve this intersection to LOS C or better; however, because of right-of-way constraints, the project impact would be significant and unavoidable.

Existing + Approved Projects with Brighton Landing at Intersections

Peak hour intersection volumes for Existing + Approved Projects with Brighton Landing scenarios are presented in Figure 4.14-9 and Figure 4.14-10. The intersection levels of service are shown in Table 4.14-15. Only intersections #4 (Leisure Town Road/Sequoia Drive), #6 (Leisure Town Road/Elmira Road), #7 (the side-street stop-controlled intersection of Leisure Town Road/Marshall Road), and #8 (Leisure Town Road/Alamo Drive) would exceed acceptable LOS. Implementing Mitigation Measures TRAF-CUM-1, -2, -3, and -4 would improve intersections #4, #6, #7 and #8 to LOS C or better in both peak hours and fully mitigate the cumulative impact. However, because the implementation of these measures could not be assured, the project impact remains significant and unavoidable.

Existing + Approved Projects with Brighton Landing at Roadway Segments

Peak hour volumes and level of service at the study roadway segments under Existing + Approved Projects with Brighton Landing are presented in Table 4.14-16. The Leisure Town Road segments north of Elmira Road and north of Marshall Road, and the segment of the Major Collector Street (S Street) within the project area would exceed acceptable LOS standards. Implementing Mitigation Measures TRAF-CUM-5 and -6, and TRAF-3, and would improve the Leisure Town Road segment north of Elmira Road, Leisure Town Road segment north of Marshall Road and the Major Collector Street (S Street) to LOS C or better in both peak hours and fully mitigate the cumulative impact, respectively. However, because the implementation of these measures could not be assured, these cumulative impacts remain significant and unavoidable.

Year 2035 Cumulative Conditions under the 1990 General Plan plus Brighton Landing at Intersections

Peak hour intersection volumes for Year 2035 Cumulative Conditions under the 1990 General Plan plus Brighton Landing are presented in Figure 4.14-13 and Figure 4.14-14. Intersections #2 (Leisure Town

Road/Interstate 80 Westbound off-ramp) and #6 (Leisure Town Road/Elmira Road), #8 (Leisure Town Road/Alamo Drive), and #9 (Leisure Town Road/Vanden Road) would exceed acceptable standards. Implementing Mitigation Measures TRAF-8, TRAF-CUM-9, and -10, and TRAF-11 would improve the operation to LOS C or better in both peak hours and fully mitigate the cumulative impacts at intersections #2, #6, #8, and #9, respectively. However, because the implementation of these measures could not be assured, the cumulative impact is significant and unavoidable.

Year 2035 Cumulative Conditions under the 1990 General Plan plus Brighton Landing at Roadway Segments

Peak hour volumes and levels of service at the study roadway segments under Cumulative conditions are presented in Table 4.14-19. Roadway segments at the S Street (proposed) segment south of Elmira Road and the Peabody Road segment south of Vacaville City Limits would exceed acceptable standards. Implementing Mitigation Measure TRAF-3 and TRAF-CUM-13 would improve the segments to acceptable level of service, respectively. However, because of right-of-way constraints, the cumulative impact would be significant and unavoidable.

17-3: The comment asks how long the project will take to build 700 homes. As outlined in Chapter 3 of the Draft EIR, the project could be developed over a 20 to 30 year period, depending on market demand, but a specific time period is not possible to predict. Accordingly, details, by necessity, would be determined during site-specific design and would be reviewed and approved by the City and other applicable agencies.

COMMENT LETTER #18

RECEIVED

AUG 23 2012

Mr. Buderl,

CITY OF VACAVILLE
PLANNING DIVISION

We vigorously oppose the Brighton Landing development for the following reasons:

1. There is no demonstrated need nor a demand for 700 more house and an elementary school in Vacaville now or in the distant future. Currently we have over 700 foreclosed homes in Vacaville, 800 homes for sale in Vacaville, and three incomplete subdivisions in Vacaville. Making more homes available in this market further depresses the value of all homes in Vacaville. The VUSD did not have the money to provide a school for the North Village development (as promised by the developer) and does not have the desire or funding to commit to building a school this proposed development. In fact, a frequent issue the last 10 years for the VSUD has been the closure of elementary schools due to lack of funds and students. And quite frankly another Catholic Christian school is not what this town needs.
2. This project will factor into contract negotiations between SID and the City of Vacaville. We are residents of Maple Rd. and use SID water allotments to irrigate permanent pasture, fruit trees and vegetable gardens. We are concerned that in the future a new contract with SID will be affected by the housing constructed immediately south of us and disrupt or stop the ability of the small parcels on Maple, Poplar, and walnut to receive irrigation water.
3. How does this development affect agriculture south and east of the proposed development? It seems to me that Leisure Town Rd. is a great boundary between agriculture and residential housing, why keep sprawling east? Will new residents be comfortable with crop dusting and other agricultural activities occurring at 4 to 6 am during spring, summer and fall months. Those of us with small parcels realize these activities are part of rural life.
4. Bike riding is hazardous on Leisure Town Rd. as it is on most streets in Vacaville. We try to help our 15 yr. old use her bike as often as possible but with the lack of bike lanes and high traffic speeds its very dangerous. Biking to school is not an option for her. How are kids going to get to these new schools. You can't cut bus service and not provide safe routs for kids. Bikers are always using the pedestrian sidewalk along Leisure Town Rd.
5. Has anyone considered the proximity to the landfill on Hay Road. In the foggy winter months it is not unusual to smell the garbage compost from the landfill. Again, we rural residents don't appreciate it but tolerate it as part of our rural life. Will residents of new homes be able to co-exist with the landfill?
6. The proposed traffic adjustments (Willow Rd. as a thoroughfare, 4 lane Leisure Town Rd.) will increase traffic in and around our neighborhoods. Driving out with horse trailers on to L.T.R. or bike riding across LTR to work or school for everyone will become to hazardous as speeds will increase with traffic. The Traffic on willow will lead us to discontinue our quiet evening walks. In other words, life here on Maple, Poplar, Willow and Walnut will have all the problems associated with poorly planned residential developments with none of the advantages (safer streets for a variety of uses; community and recreation).
7. Do we really want Vacaville to sprawl onto class I and class II Ag soils? They are disappearing at an alarming rate in California and it's your fault! We need to preserve these soils and do our building on lesser soils! DIF funds can't fix the budget. And destroying these ag lands is harming the entire California economy. Ag is Solano Counties economic engine! We need to fill in our city first before annexing new properties. Will developers and city planners ever consider the aesthetics of wide open views of crop lands as they plan new developments. Even residents of urban areas appreciate the views of the Vaca Hills and Mt. Diablo rather than artificial sound

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and visual barriers like the one surrounding the Sr. Development at the end of Maple at LTR. I notice the residents walk on Maple instead of around there own streets. I would also like to point out that the homes in the that development were originally listed for \$439,000. In order to finally fill the development the price had to be dropped to \$259,000.

8. The last point will be the proposed sewer and water hook ups for the residents of Maple, Poplar, Willow and Walnut. No one , including the developer has been honest about all the costs associated with this for the residents of this area which made it difficult for residents to understand how this proposed development would really impact their lives.

We would ask you to consider all of the above concerns and say **NO** to this ill-planned proposal for development.

Sincerely,

Nancy Martin DVM
Dennis Ferguson

18-8
cont.
18-9
18-10

LETTER 18: Nancy Martin, DVM and Dennis Ferguson. August 23, 2012.

18-1: The comment expresses an opinion regarding the status and need for new housing and school in Vacaville. This comment is not a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. An EIR seeks to provide information on the project's environmental effects. The socio-economic effects associated with the project would not be a topic addressed in the EIR but are valid issues for consideration by City decision-makers. Please also see response to comment 8-4. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

18-2: This comment is concerned with impacts on the Solano Irrigation District (SID) contract and provision of irrigation water to existing users, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The City believes any possible effect on the SID's ability to deliver water elsewhere would be speculative. At the same time, the Draft EIR acknowledges that the project does require an amendment to existing agreements between the City and the SID regarding provision of water to the City. During the planning process and during the analysis of the proposed project, the City has supported and provided regular communications with SID to discuss the procedures for amending the MWA and to advise of the status of the City's General Plan Update and the Project. The City and SID have entered formal discussions on an amendment to the MWA to consider the extending of the Urban Services Area to the PG&E power line easement, as contemplated in Section 3.E. of the MWA. The SID has also commented on the Draft EIR and described potential impacts from the project and relating to the SID contract with the City. Please see responses to comment let-

ters #8 and #9 for the responses to SID regarding potential impacts to their ability to provide service.

18-3: The commenter asks how the project will impact agriculture south and east of the proposed development. Impacts on agriculture are discussed in Chapter 4.2, Agriculture and Forestry Resources, of the Draft EIR. In particular, on pages 4.2-19 through 4.2-21, analysis indicates that introducing residential development adjacent to farmland can impair farmland productivity and profitability, eventually leading to conversion of farmland to nonagricultural use. The discussion concludes that this, even after mitigation, would be a significant and unavoidable impact.

18-4: The comment expresses an opinion about bicycling safety in Vacaville requests to know how students would get to school considering traffic safety issues. The Draft EIR discusses traffic safety issues in Chapter 4.14, Traffic and Transportation, in particular on page 4.14-47 noting that project design will inhibit traffic speeds and that the project would have a less-than-significant impact on the increase of traffic-related hazards. Additionally, on page 4.14-49 through 4.14-51, the Draft EIR notes that while the project includes bikeways and pedestrian paths, that interim phases of the project may result in decreases in bicycle and pedestrian safety. The decreases in safety potentially occurring during interim phases would be reduced to a less-than-significant impact due to a mitigation measure requiring that a project-level site plan be submitted for review and approval at each phase of project development. This phasing plan requires that pedestrian and bicycle paths be installed at the first phase of the project to ensure a safe bike/pedestrian path from the project to Leisure Town Road and provides for a signal to ensure safe crossing point at Leisure Town Road. The design of major streets within the project and along the perimeter of the project area provides a system of bike trails and pathways.

18-5: The comment asks whether new residents will tolerate odors from the landfill, and is assumed to mean that the project may be exposed to this odor, but does not state a specific question regarding the sufficiency of the air quality analysis or mitigation measures contained in the Draft EIR. The location of the Hay Road landfill is approximately five miles to the southeast of the proposed project's boundary. As described on page 4.3-30 in Chapter 4.3, Air Quality, of the draft EIR, according to the Yolo-Solano Air Quality Management District's odor complaint records no odor complaints have been filed in the past three years about this facility. In response to this comment, additional information has been added to Chapter 4.3, Air Quality, of the Draft EIR and the specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of this Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

18-6: This comment is concerned about increases in traffic congestion and the related impacts on vehicle, bicycle, and pedestrian safety. Please see response to comment 18-4. Related to Willow Road, the project does not propose any connection to Willow Road and would not result in a significant traffic impact at that location.

18-7: The commenter expresses an opinion about the loss of Class I and Class II agricultural soils and the need to preserve these soils. The Draft EIR considers impacts to farmland in Chapter 4.2 Agriculture and Forestry Resources. As discussed in this chapter on pages 4.16 through 4.2-26, the project would result in significant and unavoidable impacts even after mitigation to the conversion of prime and unique farmland to non-agricultural use, changing the environment from farmland to non-agricultural use, and cumulative effects on farmland under approved projects and the existing 1990 General Plan.

18-8: The comment asks whether the aesthetic views of the open crop lands and the views of the Vaca Hills and Mount Diablo have been considered. This impact has been considered in the Draft EIR.

As discussed on pages 4.1-12 through 4.1-19 of Chapter 4.1, Aesthetics, of the Draft EIR, there would be significant and unavoidable impacts to aesthetics, including to the visual character of open farmland and views of the mountains.

18-9: The commenter expresses an opinion regarding the decrease in the price of homes in the senior development at the end of Maple Road at Leisure Town Road. This comment does not address the environmental effects of the project but instead addresses socio-economic effects that may or may not result from new development. Please see response to comment 8-4. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

18-10: The comment expresses a concern about proposed sewer and water hook-ups for existing residents. This is a general environmental impact comment, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Utilities connections to existing homes outside of the project area were not included in the project and have not been analyzed as part of the Draft EIR. The project will not extend sewer and water to the area mentioned in the comment.

COMMENT LETTER #19

From: Robert & Debra Papin

6140 & 6144 Leisure Town Road

Vacaville, CA 95687

(707) 365-1621 or (707) 365-7384

Date:

To: Fred Buderer, Project Manager, City of Vacaville, Community Development Department

RE: DEIR for Brighton Landing Specific Plan

The following are our concerns of the Jepson Parkway Project as impacted by the Brighton Landing Project.

In July of 2008 we submitted a letter of concerns of the Jepson Parkway Project for the Environmental Impact Report by the Solano Transportation Authority. We have enclosed a copy from the EIR of our letter and their responses.

It is our understanding that the response in that EIR from STA will be honored.

One response being that the northern parcel will have full movement access (left from Leisure Town Road and left onto southbound Leisure Town Road) directly across from the existing Commerce Place. On the southern parcel a right-in/right-out access will be provided.

Another concern of ours is the position of the road to our homes.

In the Jepson Parkway Project EIR it states the selected Alternative B would be a four lane roadway. With the Brighton Landing Project it has been proposed that the Jepson Parkway would be increased to six lanes.

This increase would greatly impact us. The six lanes would increase the size of the intersection (Leisure Town Road / Elmira Road) to maybe eight lanes. With this extra widening we would lose our home.

We ask that more care be put into the routing of the extra traffic as to not overload the Jepson Parkway.

Thank You

Robert & Debra

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19-2

RECEIVED

AUG 06 2012

VACAVILLE
PLANNING DIVISION

Letter 33
Robert and Debra Papin



RECEIVED

JUL 28 2008

SOLANO TRANSPORTATION
AUTHORITY



Public Hearing Comment Sheet
June 24, 2008 - 6:00 p.m. - 9:00 p.m.
Callison Elementary School

Name: Robert/Debra Papin

Affiliation: N/A

Address: 6140 & 6144 Leisure Town Road

Phone: (707) 448-9330

City/State/Zip: Vacaville, CA, 95687

Cell Phone: (707) 689-0923

The following are our concerns of the Jepson Parkway Project draft environmental document:

All of our concerns encompass two separate parcels, our home at 6144 Leisure Town Road, and the home at 6140 Leisure Town Road that our daughter lives in.

- **Traffic:** how are we going to enter and leave our properties safely, and without making it an inconvenient process for us? 33-1
- **Noise:** since the road is widening and there will be more cars creating noise closer to our homes we will be impacted negatively. 33-2
- **Dirty Air quality:** since the road is widening and there will be more cars closer to our homes our air quality will decrease significantly. 33-3
- **Trees and Fence:** we have a fence line with heritage and old trees lining the road. This offers a much needed barrier between the road and our homes from noise, pollution from the cars, headlights, and not to mention safety. The fence was built by us, maintained by us and we consider both the trees and our fence to be part of this property that we hate to lose. 33-4
- **Position of Road to Our Homes:** both of our properties will become closer to the road with this project and we want to know how close the road will be to each home and what can be done if we feel it is too close. We feel our homes will be right at the street and while our neighbors are being accommodated with sound walls and buffer zones all we are getting is a curb. We want some input such as should our homes be relocated on our properties further away from the road. 33-5
- **Property Lines:** we would like the discrepancy of the property lines established. We were under the impression that our property line was to the middle of Leisure Town Road. We would like to come to an agreement as to where the property lines are before the project continues. 33-6
- **Value of Remaining Property:** our feelings are any time you take a part of our property away you devalue the remaining property. So we want to be compensated for not only the property you are taking but also the devaluation of the rest of our properties. 33-7
- **Because of a lot of unknown and unseen factors these are our concerns at this moment, but we know things will come up in the future that we still want to be able to voice.**

19-3

Responses

33-1. Alternative B has been selected as the Preferred Alternative. Please refer to Essay Response 2: Identification of the Preferred Alternative. The construction of the raised median on Leisure Town Road in this area will require a change in access to and from your property. On the southern parcel a right-in/right-out access will be provided. To enter the parcel from southbound Leisure Town Road, a u-turn would be made at Elmira Road, and to go south from this parcel, a right turn out of the parcel followed by a u-turn at Commerce Place would be required. The northern parcel will have full movement access (left from Leisure Town Road and left onto southbound Leisure Town Road) directly across from the existing Commerce Place.

33-2. The location of the commenters' properties along Leisure Town Road was evaluated in Section 3.14, Noise, of the Draft EIR/EIS and the Final EIR/EIS as location 61a; see Figure 3.14-2, and Tables 3.14-7 and 3.14-8. The noise level for the property was identified to be above the Noise Abatement Criteria under existing and project conditions. Noise abatement was considered but rejected for this area because construction of a sound wall for the two residences would not meet reasonableness criteria under Caltrans guidance. In response to the comment, however, additional sound wall analysis was conducted to show what noise level reductions could be achieved with construction of sound barriers at the locations of the two individual residences. As shown in Table 2 below, construction of a noise wall for these two residences would result in a reduction of 5 dB for the southern residence, which is close to the roadway. However, for the northern residence, because it is set back farther from the roadway, even with a 10-foot wall, a 5-dB reduction would not be achievable. As shown in Table 3, this noise wall would not meet reasonable and feasible criteria.

**19-3
cont.**

Table 2
Year 2030 Traffic Noise Impacts under 23 CFR 772 (L_{eq}) for Residences East of Leisure Town Road

Receiver ^{a, b}	Major Roadway	Existing Worst Noise Level (dB-L _{eq}) [h]	Predicted Worst Noise Hour Noise Level (dB-L _{eq}) [h] ^c					Feasibility Analysis (Noise Reduction) of Noise Barriers by Barrier Height									
			Noise Increase Relative to Existing Conditions					6ft			8ft			10ft			
			Alt. A	Alt. B	Alt. A	Alt. B	Alt. A	Pred. Noise Level (dB)	Red. (dB)	Pred. Noise Level (dB)	Red. (dB)	Pred. Noise Level (dB)	Red. (dB)	Pred. Noise Level (dB)	Red. (dB)	Pred. Noise Level (dB)	Red. (dB)
61f	Leisure Town Road	64	68	69	4	5	66	3	65	4	65	4	65	4	65	4	
61g	Leisure Town Road	66	70	72	4	6	67	5	66	6	66	6	65	7	65	7	

Source: PBS&J, 2008

Notes:

-- = not applicable.

Bold = Impacts identified. Impacts only identified for noise abatement criterion thresholds which are approached or exceeded under existing and/or 2030 conditions. No impacts are identified under Alternative A, as this is the No Build Alternative.

Highlight indicates receiving a 5 dB or greater noise reduction by noise barrier.

a. All receptor locations were residential developments that would be considered within the FHWA Activity Category B. Applicable Noise Abatement Criteria (NAC) for the residences would be 67 dBA.

b. See Figure 3.14-2 for receiver locations.

c. Predicted design year 2030.

Table 3
Soundwall Feasibility and Reasonableness Allowances for Residences East of Leisure Town Road

Noise Barrier	Height (feet)	Provides 5 dB of Noise Reduction?	Impacted Residences	Benefited Residences	Reasonable Allowance per Residence ^a		Total Reasonable Allowance ^{a, b}	Projected Cost of Construction ^c	Reasonable and Feasible?
					Residence ^a	Residence ^{a, b}			
East of Leisure Town Road—	6	Yes		1	\$52,000	\$52,000	\$195,931	No	
Union Way to Commerce Place	8	Yes		1	\$54,000	\$54,000	\$261,252	No	
	10	Yes	2	1	\$54,000	\$54,000	\$326,525	No	

Source: PBS&J, 2008

Notes:

- a. Cost in 2007 dollars.
- b. Based on Caltrans guidance, no modification to the reasonable allowance is required as the barrier costs for each alternative would be less than 50 percent of the construction cost without abatement; see Appendix B in the Noise Study.
- c. Cost prediction based on \$45 per square foot.

33-3. The Draft EIR/EIS and the Final EIR/EIS, Section 3.14, Noise, acknowledges that temporary air emissions would be associated with construction impacts from project construction equipment exhaust and fugitive dust. Mitigation Measures AQ-1 and AQ-2 in Section 3.13.4, Air Quality, of the Draft EIR/EIS and the Final EIR/EIS are proposed to mitigate these impacts to a less-than-adverse level. Impacts associated with operation of the project were identified to be less than adverse, as the project would not result in CO hot spots or a substantial increase in mobile source air toxics.

33-4. Alternative B has been selected as the Preferred Alternative. Please refer to Essay Response 2: Identification of the Preferred Alternative. The widening of Leisure Town Road will require removing some of the trees and the fence near the existing roadway. The fence and landscaping will be replaced in kind by the project.

33-5. Alternative B has been selected as the Preferred Alternative. Please refer to Essay Response 2: Identification of the Preferred Alternative. The widening of Leisure Town Road will move the edge of the roadway approximately 25 feet closer to your homes. Discussions regarding right-of-way acquisition from your property, if any, will take place during the final design and right of way phases of the project.

33-6. Alternative B has been selected as the Preferred Alternative. Please refer to Essay Response 2: Identification of the Preferred Alternative. According to legal descriptions on record with Solano County, your property line is 30 feet from the section line in Leisure Town Road. The 30-foot right of way originates in a very old Solano County Road Grant, which states 30 feet either side of a section line shall be County road right of way.

33-7. As described in Section 3.4, Community Impacts, of the Draft EIR/EIS and the Final EIR/EIS, all right-of-way acquisition associated with the proposed project would be subject to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended) and Title 49 CFR Part 24. The act requires that property owners are provided with an objective appraisal of the fair market value of their property. The purpose of the act is to ensure that persons displaced as a result of a transportation project are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

The act requires STA to provide relocation advisory assistance to any person, business, farm, or nonprofit organization displaced as a result of acquisition of real property for public use. STA would assist residential displacees in obtaining comparable, decent, safe, and sanitary replacement housing by providing current and continuous information on sale prices and rental rates of available housing. Nonresidential displacees would receive information on comparable properties for lease or purchase. Residential replacement dwellings would be in equal or better neighborhoods, at prices within the financial means of the individuals and families displaced, and reasonably accessible to their places of employment. Before any displacement occurs, displacees would be offered comparable replacement dwellings that are available to all persons consistent with the requirements of Civil Rights Act Title VIII. Relocation assistance would also include supplying information concerning federal and State

19-3
cont.

assisted housing programs, and any other known services being offered by public and private agencies in the area. A local certified public agency designated by STA would carry out the relocation plan to help eligible displaced individuals move with as little inconvenience as possible. Appraisals to determine fair market value would be conducted for each displaced property after an alternative has been selected and the environmental document is complete.

All relocation services and benefits are administered without regard to race, color, national origin, or sex in compliance with Title VI of the Civil Rights Act (42 U.S.C. 2000d, et seq.). Please see Appendix D of the Draft EIR/EIS and the Final EIR/EIS for a copy of the Title VI Policy Statement.

19-3
cont.

LETTER 19: Robert and Debra Papin, Vacaville. August 6, 2012.

19-1: The comment provides the commenter's concerns about the project's impacts on the Jepson Parkway Improvement project and documents that they commented on the Jepson Parkway Improvement project EIS. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Brighton Landing Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

19-2: The comment expresses a concern about the responses to comments received as part of the environmental review process for the Jepson Parkway Improvement project and believes these will be honored as part of the proposed Brighton Landing Specific Plan project. However, the commenter is referred to the City of Vacaville City Council staff report for October 9, 2012, discussing the approval of the Jepson Parkway Improvement Concept Plan (2000) and agreements for access at various intersections (City Council meeting, 10-9-12, Item 8A.), which is a separate project and not part of the Brighton Landing Specific Plan project.

Additionally, the commenter states the widening of Leisure Town Road beyond four lanes is proposed as part of the Brighton Landing project. The Jepson Parkway Improvement project is proposed as a four-lane road along Leisure Town Road, but could widen at intersections to more than four-lanes. The commenter's assumption that the Brighton Landing Specific Plan would widen Leisure Town Road beyond four lanes is incorrect; however, additional clarification of the information provided in the Draft EIR is provided as part of this response. As discussed in Chapter 4.14, Traffic and Transportation, the widening of Leisure Town Road associated with the Jepson Parkway Improvement project is assumed for the traffic forecasts for the Cumu-

lative in 2035 – Development of the 1990 General Plan Conditions (Section F.2). However, the specific improvements at intersections that are being designed by the City along the portion of property owned by the commenters are not assumed in this analysis because designs are not yet finalized and are not required as mitigation for the Brighton Landing project's impacts.

The City recognizes that the commenter owns the property at the northeast corner of Leisure Town Road and Elmira Road and is most directly impacted by improvements at this location, and particularly by improvements to the north leg of the intersection. As noted on page 4.14-40 of the Draft EIR, at this intersection, on the northbound approach, the Jepson Parkway Improvement project would provide two left-turn lanes, two through lanes, a third future through lane and one right-turn lane; two left-turn lanes, two through lanes and one future right-turn lane on the eastbound approach; two left-turn lanes, one through lane and one right-turn lane on the westbound approach; and two left turn lanes, two through lanes and one right-turn lane on the southbound approach.

Mitigation Measure TRAF-1 addresses the Leisure Town Road/Elmira Road intersection (identified as intersection #6 in the Draft EIR) and states: “[T]he project shall install the following improvements and/or shall provide right-of-way along the frontage of the project site and pay in-lieu fee to the City for the acquisition of necessary right-of-way and installation of the improvements: widen the south leg to provide one left-turn lane, two through lanes and one right-turn lane on the northbound approach; widen the west leg to provide one shared left-through lane, one through lane and one right-turn lane on the eastbound approach; and widen the east leg to provide one left-turn lane, one through lane and one shared through-right lane on the westbound approach. In addition, Mitigation Measure TRAF-CUM-2 and -9, also describe lane configuration changes being designed by the City at intersection #6. The figures provided under the Mitigation Measure TRAF-

CUM-9 discussion on pages 4.14-80 and -81 for intersection #6 show the resulting lane geometry that is being designed by the City, which, as shown, would include up to six northbound lanes at the south approach to this intersection. Implementing these mitigation measures would result in the lane configuration described above and would improve intersection #6 to LOS C in both peak hours and fully mitigate cumulative impacts; however, because the implementation of these measures could not be assured, the cumulative impact is significant and unavoidable. There are occasions that feasible mitigation is not available. *CEQA Guidelines* Section 15126.4 (5) states: If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.

The City shall implement these improvements or shall apply the in-lieu fee towards installation of the Jepson Parkway Improvement project, which is currently being designed by the City in this area.

The mitigation measures proposed to be incorporated into the proposed project do not change the improvements or widening of the north leg of the intersection beyond what is anticipated to be installed as part of the Jepson Parkway Improvement project.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

19-3: This comment is an attachment to the above letter and includes the responses provided to the commenter during the environmental review process for the Jepson Parkway Improvement project. No additional response is required but this information will be forwarded to the decision maker.

COMMENT LETTER #20

Tom Phillippi [tphillippi@phillippieng.com]

Mitigation Measure UTIL-3a

RECEIVED

AUG 23 2012

CITY OF VACAVILLE
PLANNING DIVISION

Fred and Joanna,

This is sent as a comment related to the Draft Environmental Impact Report for the Brighton Landing Project. Specifically, this comment is related to Mitigation Measure UTIL-3a: "The city shall employ or retain a licensed design engineer, funded by the developer, to complete an engineering report detailing elevation data at locations along the proposed regional trunk sewer where flow may be diverted from the City's existing trunk sewers into proposed regional sewer."

20-1

Based on our review of the recent West-Yost report regarding sewer flows, it would appear that the City has existing deficiency issues regarding sewer mains in the vicinity of Brighton Landing. Further, it would appear that the City is requiring the developer to fund a study to ascertain how the City's existing deficiencies can be alleviated by the proposed Brighton Landing sewer mains.

20-2

First, we would request that this Mitigation Measure be clarified. It is very open ended and is subject to significant interpretation. Second, we would request that the City explain the nexus which would require the developer to fund a study to address existing deficiencies within the City's system.

Respectfully submitted,
Tom

LETTER 20: Tom Phillippi, Phillippi Engineering, 425 Merchant Street, Vacaville. August 23, 2012.

20-1: This comment expresses a concern about Mitigation Measure UTIL-3a recommended in Chapter 4.15, Utilities and Service Systems, of the Draft EIR. The commenter correctly states that due to existing deficiencies, as shown in previous studies, the “CSP-S Trunk Sewer” will require replacement with a larger pipeline in the future to accommodate planned growth. As discussed in Chapter 4.15, the proposed replacement sewer will need to be larger than previously planned to accommodate the Brighton Landing project, as well as other growth identified in the new General Plan, if adopted.

20-2: The commenter expresses a concern that the City is requiring the developer to fund a study to ascertain how the City’s existing deficiencies can be alleviated by the proposed Brighton Landing sewer mains and requests clarification of the measure. However, the purpose of Mitigation Measure UTIL-3a, is not to ascertain a new method for alleviating existing deficiencies, but rather to ensure that when the proposed regional trunk sewer is constructed, it is constructed deep enough to receive flow from the connecting sewers and to clear the existing Elmira Road Trunk Sewer. During the normal design process, the required depths would be identified and verified, as long as the necessary design criteria are imposed on the regional sewer design project.

If the portion of the proposed regional sewer that passes through Brighton Landing is designed before the upstream and downstream portions are designed, it will be very important to identify future elevation constraints and to establish the vertical alignment of those upstream and downstream segments. The “engineering report” required in the mitigation measure would serve this purpose, i.e., to establish the elevation constraints and future vertical alignment of the proposed regional sewer.

In response to this comment, Mitigation Measure UTIL-3a has been revised to indicate that at the time design of any portion of the proposed regional trunk sewer is initiated, the City shall require the design engineer to identify and consider controlling elevations at all points of future connections and crossings that could affect the vertical alignment of the portion currently being designed. The specific text changes are noted in Chapter 3, Revisions to the Draft EIR, of the Final EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

COMMENT LETTER #21

Dear Mr. Buderl,

We are writing to oppose the proposed Brighton Landing development. We live near the intersection of Marshall and Leisure Town Road. Vacaville doesn't need 770 more homes when the city has an abundance of homes available, many of which are foreclosures or short sales. Vacaville does not need another elementary school since the district, and the entire county, has been in a period of declining enrollment for the past 10 years. Vacaville Unified closed an elementary school as recently as last year. Leisure Town Road does not need any more traffic, it's already congested, and many people pass cars unsafely and drive way too fast. The development will totally ruin the aesthetics of this rural area. Please do not approve this project.

21-1

Sincerely,
Sheldon J. Reber and Judy J. Dennis

RECEIVED

AUG 22 2012

**CITY OF VACAVILLE
PLANNING DIVISION**

LETTER 21: Sheldon J Reber and Judy J. Dennis, Vacaville. August 22, 2012.

21-1: The comment expresses an opinion about the existing conditions in Vacaville with regard to homes, schools, traffic and the aesthetic impacts of the proposed project. The comments do not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR but do raise issues that have been mentioned in several comment letters. The existing conditions of and potential project-related impacts on these areas of concern are found in Chapters 4.1, Aesthetics; 4.12, Population and Housing; 4.14, Traffic and Transportation; and 4.15, Utilities and Service Systems. The comment also expresses a concern regarding the aesthetic impacts of the project. The Draft EIR does acknowledge potentially significant and unavoidable impacts in the areas of aesthetics and traffic. As discussed on pages 4.1-12 through 4.1-19 of Chapter 4.1, Aesthetics, of the Draft EIR, there would be significant and unavoidable impacts to aesthetics, including to the visual character of open farmland and views of the mountains.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

COMMENT LETTER #22

RECEIVED

AUG 23 2012

Dear Mr. Buderl,

CITY OF VACAVILLE
PLANNING DIVISION

I have been a Vacaville resident for 15 years and enjoy living on the east side of Vacaville. I live on Oak Hollow Ave about 1 mile from the proposed development site.

There are many reasons for living in this area of Vacaville but one of the most important ones is that I always understood that the east side of Leisure Town Road would stay agricultural and not be developed. A lot of the desirability of this side of Vacaville is the open area. Creating city land by approving this project would be a HUGE mistake. Not only would the already heavy traffic on Leisure Town Road be made unbearable, but the loss of the open space would impact everyone.

22-1

The traffic on Leisure Town Road in the last couple of years has increased at least 50%, it is very difficult at most times of the day to cross onto the street from Ulatis Dr and also Arbor Oaks Dr - where my relatives live. Needless to say, try to cross around 5:10 pm, 8:00 am or after school gets out. It can take 5 minutes just to get on the street!! If you add the traffic from those going to a new High school, 100's + homes, and those traveling to Fairfield it will be ridiculous!

22-2

The other aspect is there are so many empty homes in Vacaville at this time both new and older. There are at least 2 new developments - Southtown and North Village that can't sell houses; and many foreclosed homes that bring down neighborhood home values. Why do we need more??? Also, Southtown is taking up so much agricultural land so very close to this development. Solano County prides itself on its agriculture, it won't be that way long if the fields are developed.

22-3

22-4

The project says it will have parks and trails. Really cool, but they will be within the development and not easily accessible to most people.

22-5

the additional loss of wildlife would be huge. The new homes, building them, etc will bring lots of noise, dust and other issues to the area.

22-6

This project is really a bad idea! I can think of nothing positive except for the fact that the developers make lots of money and the city may get some money. But what would the costs be to the city - large traffic issues, unhappy residents, possible flooding and water drainage problems, loss of agricultural land, loss of wildlife. There is no good answer to this project.

PLEASE DO NOT APPROVE IT!!

thank you
Nora Salet

LETTER 22: Nora Salet, Vacaville. August 23, 2012.

22-1: The commenter expresses an opinion about proposed development east of Leisure Town Road, loss of agricultural land and open space, and traffic impacts on Leisure Town Road as a result of project development. The comments address general environmental issues, but do not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The project site is already within the City limits of Vacaville. The existing General Plan designates the western 1,000 feet of the site for Estate Residential. Development east of Leisure Town Road is mentioned as part of the General Plan Update process in Chapter 5, Alternatives, of the Draft EIR. The project's proposed development on agricultural land, analyzed in Chapter 4.2, Agriculture and Forestry Resources, of the Draft EIR, would have significant and unavoidable environmental impacts. Land use changes proposed under the project, analyzed in Chapter 4.10, Land Use and Planning, of the Draft EIR, would not result in any significant impacts to land use. Traffic impacts and proposed mitigation measures, including those that would occur on Leisure Town Road, are described in Chapter 4.14, Traffic and Transportation. Please see response to comment 19-2 for a summary of the traffic impacts on Leisure Town Road. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

22-2: The comment expresses an opinion about existing traffic on Leisure Town Road and a concern that existing traffic conditions would worsen under the proposed project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Chapter 4.14, Traffic and Transportation, of the Draft EIR examines impacts to traffic conditions. The project would have significant and unavoidable impacts to levels of service at the Leisure Town Road and Elmira Drive, Leisure Town Road and Alamo Drive, and the proposed major collector street

segment south of Elmira road. Additionally, there would be several less than significant impacts after mitigation in relation to emergency access, conflicts with adopted plans, policies and regulations, and cumulative impacts to the level of service at the intersection of Leisure Town Road and Sequoia Drive. There would be multiple significant and unavoidable impacts to levels of service, or traffic congestion, at several intersections. All of the above impacts mentioned in this response are detailed on pages 4.14-32 to 4.14-100 of Chapter 4.14, Traffic and Transportation, and summarized on pages 2-41 to 2-51 of Chapter 2, Report Summary, of the Draft EIR.

22-3: The commenter expresses an opinion on the status of existing homes in Vacaville and the subsequent loss of home value, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Analysis of issues relating to population and housing is discussed in Chapter 4.12, Population and Housing, of the Draft EIR. The Draft EIR is not meant to address personal wellbeing, economic or financial issues, or the market demand for a project; rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the Draft EIR, but which may be relevant or important considerations for the decision-makers for the project. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project. Please see response to comment 8-4.

22-4: The commenter expresses an opinion about the loss of agricultural lands under the proposed project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. However, as mentioned previously, the Draft EIR considers impacts to farmland in Chapter 4.2 Agriculture and Forestry Resources—including findings on pages 4.16

through 4.2-26 of significant and unavoidable impacts. These significant and unavoidable impacts are relating to the conversion of prime and unique farmland to non-agricultural use, changing the environment from farmland to non-agricultural use, and cumulative effects on farmland under approved projects and the existing 1990 General Plan. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

22-5: The commenter expresses an opinion regarding the accessibility of the proposed parks and trails. The proposed project would not be a gated or private community, and as noted in Chapter 3, project Description, of the Draft EIR, the project would provide a neighborhood park, 21 acres of dedicated open space and recreational areas, and pedestrian and bike connections, all of which would be accessible to the public. As discussed in Chapter 4.10, Land Use and Planning, the proposed non-vehicular circulation system, which includes a series of paths and walkways for pedestrians and bicyclists, will provide alternative methods of connecting to adjacent neighborhoods.

22-6: This commenter describes their concern about the loss of wildlife, as well as concerns with potential noise and dust impacts from project construction, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Impacts to wildlife and wildlife habitat are discussed in Chapter 4.4, Biological Resources, of the Draft EIR. Issues pertaining to noise are analyzed in Chapter 4.11, Noise, of the Draft EIR. Dust impacts are considered in Chapter 4.3, Air Quality, of the Draft EIR.

COMMENT LETTER #23

1) Paul Schechter, Phone call to City on August 22, 2012

- a. Would recommend reducing the size of the project to approximately 500 units. Larger developments are not necessarily better and a smaller project would be a higher quality.
- b. The growth should be phased in slowly vs. more quickly. Growing too fast can produce impacts and can produce unintended consequences.
- c. Not supportive of the Catholic high school.



23-1

LETTER 23: Paul Schechter, Vacaville. August 22, 2012.

23-1: This comment expresses opinions about the size of the project, its rate of growth, and the merits of inclusion of a Catholic high school, and the general quality of the project. This comment does not state specific concerns or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. In response, it is noted that the Project Description, presented in Chapter 3 of the Draft EIR, includes a proposed phasing plan to regulate the improvements installed with each phase of the project to attempt to ensure provision of adequate public facilities with each phase of the project build-out. The project will be built out in response to market demand over a period of time that could be 20 to 30 years, although the Draft EIR attempts to provide a conservative analysis of this build-out period in order to provide a thorough analysis of the potential environmental effects of the project. No multi-family housing is included in the project. Future single family residential homes would be subject to a design review process as part of their specific approval if the project proceeds. The future Catholic High School would be subject to a site-specific design review and additional environmental analysis under the proposed project, thus providing additional opportunities for public review and comment on the merits of future school development should the Brighton Landing Specific Plan proceed. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

COMMENT LETTER #24-27

BRIGHTON LANDING DRAFT EIR COMMENT HEARING AT PLANNING COMMISSION

AUGUST 21, 2012

- 1) Frank Oneill, 831 Linwood Street, Vacaville
 - a. Supports the proposed high school. Would like to be on the mailing list for this project. | 24-1
- 2) Lynn Holbrook, 6375 Katleba Lane, Vacaville
 - a. Mitigation measure AGRI-2 is not adequate. Disclosure will not protect the agricultural land use. Fencing also will not work. | 25-1
 - b. Pg.26: there is no mitigation for aesthetic impacts. | 25-2
 - c. Well #8: The West Yost Associates study says that the project will substantially deplete ground water. The study does not adequately evaluate ground water impacts. | 25-3
 - d. The water analysis does not adequately address water supply (and SB 901?). | 25-4
 - e. Air quality mitigations are inadequate. Hybrid cars are not a feasible mitigation. | 25-5
 - f. The Planning Commission should wait until the future for the project.
- 3) Randy Papin, 6140 and 6144 Leisure Town Road, Vacaville
 - a. STA and City have approved only 4 lanes on the Jepson Parkway. But the EIR says that the high school will create a large traffic impact. Will this impact require more lanes on Leisure Town Road? Will Brighton Landing maintain the approved 4-lane width for Leisure Town Road? The diagrams showing the mitigation in the EIR contradict the approved Jepson Parkway plan and would cause the removal of the house if the road is made wider than 4 lanes. | 26-1
 - b. What is the final decision on the number of lanes needed for Leisure Town Road?
 - c. Brighton Landing should be designed around the need to fit within the 4-lane width approved for the Jepson Parkway.
- 4) Maxine Brugman, 700 Arbor Oaks Drive, Vacaville
 - a. Their driveway is very close to the corner with Leisure Town Road. Will there be enough room for them to pull their RV out of their driveway once the street is widened? | 27-1

Public Hearing Comment 24: Frank O’Neil, Vacaville. August 21, 2012.

24-1: This comment expresses an opinion about the overall development of the project and requests to be on the City’s notification mailing list for the project. In response to this comment, Mr. O’Neil has been added to the City’s mailing list.

Public Hearing Comment 25: Lynn Holbrook, Vacaville. August 21, 2012.

25-1: This comment expresses an opinion about Mitigation Measure AGRI-2 as presented in Chapter 4.2, Agriculture and Forestry, of the Draft EIR. The commenter believes that disclosure notices will not protect agricultural land use and fencing will not work. The EIR does acknowledge that significant and unavoidable impacts may occur with regard to agricultural operations but both permanent and interim buffer measures are incorporated into the project design to reduce these impacts. The mitigation measure is intended to address compatibility issues between land uses and is not intended to address direct impacts to the conversion of agricultural land. Please see pages 4.2-16 to 4.2-18 for the Draft EIR’s discussion of the project’s impacts related to the conversion of agricultural lands, which is acknowledged as a significant and unavoidable effect. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

25-2: This comment correctly identifies that there are no feasible mitigation measures to reduce the significant aesthetics impacts associated with the shift in character from undeveloped, rural, flat, open farmland to suburban, landscaped, populated residential development. The City’s analysis did not identify any feasible way to avoid this effect. Regardless, the project would be required to be consistent with all plans and policies related to the design standards set forth in the

Vacaville General Plan and Development Code and site-specific development would undergo design review as part of the approval process.

25-3: The comment expresses a concern about the impacts to groundwater depletion with respect to Well #8 and states the Draft EIR does not adequately evaluate groundwater impacts. As discussed on pages 4.9-22 and -23 of Chapter 4.9, Hydrology and Water Quality, under subheading “Substantially depletes groundwater supplies or substantially interferes with groundwater recharge” of the Draft EIR, the project would not be expected to substantially deplete groundwater supplies, and the impact would be less than significant. This finding is based on the results of the Water Supply Assessment Report (WSAR) that was prepared for the proposed project pursuant to State law (SB 610) and approved by the Vacaville City Council on April 24, 2012. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

25-4: The comment expresses an opinion about the adequacy of the water supply analysis with respect to State Bill 901. However, the comment does not provide any direction as to how the Draft EIR fails to adequately address this issue and does not provide factual support for this assertion.

Senate Bill (SB) 901, aimed at ensuring that cities and counties analyze the adequacy of available water supplies to meet projected water demand prior to approving significant new land development projects, was enacted into the California Legislature in 1995 and subsequently codified in California Water Code sections 10910-10915. As discussed in Chapter 4.15, Utilities and Service Systems, of the Draft EIR, the statutes of 1995, require local water agencies to assess the reliability of their water supplies. Senate Bill (SB) 610 and SB 221 amended State law to better coordinate local water supply and land use decisions and ensure adequate water supply for new development. The City has com-

plied with SB 610 and SB 221. The SB 610 water supply assessment was prepared for Brighton Landing and accepted by City Council on April 24, 2012. Pursuant to SB 221, a water supply verification report will be prepared for project as part of the project approval process, which is outside the scope of the CEQA document.

25-5: This comment expresses an opinion about the mitigation measures recommended in Chapter 4.3, Air Quality, of the Draft EIR and believes that hybrid cars are not mitigation. While the project does require that all garage spaces be equipped for electric vehicles, no mitigation measures in the Draft EIR recommend the use of hybrid cars to reduce impacts to air quality as a result of the project. The comment does not provide any direction as to how the Draft EIR fails to adequately address this issue and does not provide factual support for this assertion.

As discussed in Chapter 4.3, impacts to air quality would be significant and unavoidable even with implementation of recommended Mitigation Measures AQ-1 and AQ-2.

Public Hearing Comment 26: Randy Papin, Vacaville. August 21, 2012.

26-1: This comment expresses a concern about the widening of Leisure Town Road as a result of the Jepson Parkway Improvement project and the proposed project. The commenter requests to know if there are plans to widen Leisure Town Road to more than the currently proposed four-lane road identified in the Jepson Parkway Improvement project. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The commenter incorrectly states that figures in the Draft EIR illustrating the mitigated intersections contradict Jepson Parkway Improvement project and would cause the removal of a house. It is assumed the commenter is referring to the fig-

ures provided under the Mitigation Measure TRAF-CUM-9 discussion on pages 4.14-80 and -81 for the Leisure Town Road/Elmira Road intersection, identified as intersection #6 in Chapter 4.14, Traffic and Transportation, of the Draft EIR, which shows the resulting lane geometry that is being designed by the City of Vacaville. This proposed roadway improvement would provide two left-turn lanes, two through lanes, a third future through lane and one right-turn lane on the northbound approach; two left-turn lanes, two through lanes and one future right-turn lane on the eastbound approach; two left-turn lanes, one through lane and one right-turn lane on the westbound approach; and two left turn lanes, two through lanes and one right-turn lane on the southbound approach. Please see response to comment 19-2, which describes that the widening of Leisure Town Road beyond four lanes as part of the proposed project is incorrect and is not proposed. The EIR identifies lane configurations adjacent to the project site that would reduce future impacts to less-than-significant levels, and determines that this mitigation is not feasible. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.

Public Hearing Comment 27: Maxine Brugman, Vacaville. August 21, 2012.

27-1: The commenter requests to know that once Leisure Town Road is widened, if they will be able to pull their recreational vehicle (RV) out of their driveway. This is not a comment on the sufficiency of the Draft EIR but is a comment about the potential design changes caused by the Leisure Town Road widening. While the widening of Leisure Town Road as part of the Jepson Parkway Improvement project is not a part of the Brighton Landing Specific Plan Draft EIR analysis, the roadway engineers of that project will be required, as would any roadway project, to complete the roadway widening to meet the California Department of Transportation current standards. The Jepson Parkway Improvement project will widen Leisure Town Road but

will move the curb line farther east than its current location. This will add some additional space between the current property lines along the west side of Leisure Town Road and the future traffic lanes. The City will contact the commenter's directly to review the Jepson Parkway Improvement Concept Plan (2000) with them. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the project.