

## 5 *COMMENTS AND RESPONSES*

This chapter includes a reproduction of, and responses to, comments received during the public review period. Comments are presented in their original format in Appendix A, along with annotations that identify each comment number.

Responses to those individual comments are provided in this chapter alongside the text of each corresponding comment. Comment letters in this chapter follow the same order as listed in Chapter 4, List of Commenters, of this Final EIR and are categorized by:

- ◆ State and Regional Agencies
- ◆ County Agencies
- ◆ Local Governments and Municipal Providers
- ◆ Non-Profit Associations
- ◆ Members of the Public

In addition, the chapter includes responses to comments received at the public hearing on the Draft EIR, which was held on December 17, 2013.

Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to analysis presented in the Draft EIR, these revisions are explained and shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.

### *A. Master Responses*

Certain topics were raised several times, albeit in slightly different forms, in comments on the Draft EIR. In order to minimize duplication and to provide a more comprehensive discussion, “Master Responses” have been prepared for several of these issues. Responses to individual comments reference these master responses as appropriate. Each master response is intended to provide a general response to several comments on the given subject. A particular master response may provide more information than requested by any individual comment. Conversely, the master response may not provide a complete response to a given comment, in which case additional information may be contained in the individual response to that comment.

Master responses in this Final EIR address the following issues:

1. Project merits (the qualities, pros, and cons of the Project itself)
2. Speculation without substantial evidence

3. Development projections
4. Mitigation (additional possible mitigation measures)
5. Land use alternatives
6. Full buildout alternative
7. Draft EIR revisions and recirculation

### **1. Master Response: Project Merits**

The proposed General Plan and ECAS constitute the Project being analyzed in the Draft EIR. During public review of the Draft EIR, several issues and concerns related to the merits of the Project were expressed. These concerns were related to topics such as the Project's community consequences or benefits, personal wellbeing and quality of life, and economic or financial issues (referred to hereafter as "Project merits"), rather than to the environmental analyses or impacts and mitigations raised in the EIR.

The purpose of the California Environmental Quality Act (CEQA) and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on the environment. While issues and concerns pertaining to the Project's merits are also important to the overall process, the Draft EIR is not intended to address such issues. Pursuant to CEQA, the Draft EIR focuses on the Project's physical impacts on the environment.

The City of Vacaville's review of environmental issues and the merits of the Project are important factors to be discussed and considered in the decision-making process for a project. However, as part of the environmental review process, CEQA only requires the City to respond to environmental issues that are raised and the adequacy of the environmental analysis. The Planning Commission and City Council will hold publicly-noticed hearings to consider action on the General Plan and Energy Conservation Action Strategy (ECAS) for adoption. As part of that process, both the Planning Commission and City Council will consider the EIR's compliance with the requirements of CEQA, as well as Project merits issues raised as part of the community's review of the proposed General Plan and ECAS. As part of this review, the City is preparing separate analysis and information related to comments on the merits of the Project features for consideration by both the Planning Commission and City Council in the form of a companion document to this Final EIR, as discussed further below.

In accordance with Sections 15088 and 15132 of the State CEQA Guidelines, a Final EIR must include a response to comments on the Draft EIR pertaining to environmental issues analyzed under CEQA. Several of the comments provided in response to the Draft EIR express an opinion for, or against, the Project or a Project alternative, but do not pertain to the adequacy of the analysis or conclusions in the Draft EIR. Rather, these opinions relate to the merits of the Project.

Section 15204(a) of the State CEQA Guidelines provides direction for parties reviewing and providing comment on a Draft EIR, as follows:

*In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

Therefore, in accordance with Section 15204(a) of the CEQA Guidelines, the City is not required to respond to comments that express an opinion about the Project's merits but that do not relate to environmental issues covered in the Draft EIR.

Even though such opinions and comments on the Project merits that were received during the EIR process do not require responses in the EIR, as previously noted, they do provide important input in the process of reviewing the Project overall. Therefore, merits and opinion-based comment letters are included in the EIR to be available to decision-makers when they consider adopting the General Plan and ECAS. The City has prepared a response to those comments in a separate companion document to this Final EIR. In addition, this companion document responds to comments received at the following public meetings about the Draft General Plan and ECAS in late 2013:

- ◆ Vacaville Senior Center on November 20 and December 11
- ◆ Town Square Library on December 12
- ◆ Ulatis Community Center Library on December 9 and December 14.

The companion document includes recommended changes to the General Plan in response to these comments about the Project merits. These recommended changes do not pertain to this EIR or CEQA issues; such changes will not change the findings of this EIR or create substantial adverse impacts, as discussed further in the companion document. See also Master Response #7 regarding Draft EIR revisions and recirculation.

## **2. Master Response: Speculation without Substantial Evidence**

Some comments assert or request that certain impacts should be considered significant or that significance conclusions of the EIR should be revised without providing substantial evidence in

support of the assertions or evidence of why substantial evidence does not support the conclusions in the EIR comment. Predicting the Project's physical impacts on the environment without firm evidence based on facts to support the assertion would require a level of speculation that is inappropriate for an EIR.

The CEQA Statute Section 21082.2(a) requires that the lead agency “determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record.” Section 15384(a) of the State CEQA Guidelines 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.” Where there are no facts available to substantiate a commenter's assertion that the physical environment could ultimately be significantly impacted as a direct result of the Project, the City, acting as the Lead Agency, is not required to analyze that effect or assertion, nor to mitigate for that assertion. Section 15204(c) of CEQA advises reviewers that comments should be accompanied by factual support:

*Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.*

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 this EIR is based on scientific and factual data which has been reviewed by the City of Vacaville 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.” This EIR provides that discussion in the context of the responses to comments on the Draft EIR, which are provided in Table 5-1.

### **3. Master Response: Development Projections**

Several comments stated that the Draft EIR should have analyzed the full amount of development that would be allowed under the Draft General Plan and assert that the EIR fails to provide this information. As described on page 3-31 of the Draft EIR, development projections were prepared for a “full buildout” scenario, in which every parcel within the EIR Study Area

would be developed with the maximum amount of development allowed under the General Plan, and also for a General Plan horizon-year scenario, which only includes development that is anticipated to occur by the General Plan horizon year of 2035.

As reported on page 3-35 of the Draft EIR, the full buildout scenario includes the following:

- ◆ 15,800 new dwelling units
- ◆ 8.7 million square feet of new commercial space (on 665 acres)
- ◆ 2.3 million square feet of new office space (on 178 acres)
- ◆ 19.1 million square feet of new industrial space (on 1,098 acres)

As noted on page 3-31 of the Draft EIR, the full buildout would result in 63 percent more new housing units and 635 percent more new non-residential development in Vacaville by 2035 than expected based on past development history, as described further below.

In comparison, based on the methodology described on pages 3-42 to 3-47 and as shown in Table 3-2 of the Draft EIR, the horizon-year projection includes the following:

- ◆ 9,680 new dwelling units
- ◆ 1 million square feet of new commercial space (on 77 acres)
- ◆ 1.1 million square feet of new office space (on 84 acres)
- ◆ 2.1 million square feet of new industrial space (on 115 acres)

#### a. Horizon-Year Projections

The horizon-year projections were based on the probable, or reasonably foreseeable, “planning period development” that is described in detail on pages 3-42 to 3-46 of the Draft EIR. The planning period development describes the amount of new development that is expected to occur within the planning period through the year 2035. The probable planning period development numbers are based on substantial evidence, as described below:

- ◆ New residential development through 2035 was based on past development trends in Vacaville. Specifically, the analysis considered the average number of permits for new dwelling units during the twenty years from 1990 to 2010. As explained on page 4-34 of the Draft EIR, between 1990 and 2010, 445 new units were constructed per year in Vacaville on average.<sup>1</sup> The results of this analysis indicate that approximately 9,680 new dwelling units are likely to be constructed during the planning period, which translates to a 1.2-percent growth rate. For comparison, the Association of Bay Area Governments (ABAG) predicts a 0.86-percent growth rate for the Bay Area as a whole between 2010 and 2040. Therefore, as described on page 3-43, the Draft EIR is based on a conservative projection of residential growth.

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<sup>1</sup> City of Vacaville Building Division, City of Vacaville Historical Growth Rates (1990-2010).

- ◆ New commercial development through 2035 was based on considerations of both the increase in population base and on past permit history in Vacaville. Specifically, commercial development is closely linked to growth in population because commercial development requires market demand, which is created by the local population. The new population associated with the 9,680 new dwelling units described above, combined with factors for average taxable retail sales per capita in Solano County and estimated sales productivity per square foot of new retail space in Vacaville, would project a demand for approximately 800,000 square feet of new commercial development, as explained on page 3-44 of the Draft EIR. The analysis increased this estimate to 1 million square feet of new commercial development based on a permit history that shows a higher annual growth rate in commercial development. Between 1990 and 2010, 175,821 square feet of new retail development was constructed per year in Vacaville on average.<sup>2</sup> Therefore, the full amount of commercial development that would be expected by 2035 based solely on permit history would be significantly greater – almost 4 million square feet. However, as described on page 3-45 of the Draft EIR, the 1990-2010 period included a time during which there was a change in the nature of retailing, and significant “power center” retail operations were constructed in Vacaville. According to the City’s economic consultant, Bay Area Economics, that amount of commercial development is unlikely to occur again in Vacaville by 2035, given that significant retail square footage of relatively recent construction is already in place and national retail trends are currently trending towards smaller stores and increased online retail.
- ◆ New office development through 2035 was based on past development trends in Vacaville. Between 1990 and 2010, 49,626 square feet of new office development was constructed per year in Vacaville on average.<sup>3</sup> Using this as a basis for projections resulted in an estimate of 1.1 million square feet of new office development by 2035.
- ◆ Similar to the commercial development projection, new industrial development through 2035 was based on a combination of ABAG employment projections and past development history. Between 1990 and 2010, 184,279 square feet of new industrial development was constructed per year in Vacaville on average.<sup>4</sup> The estimate of 2.1 million square feet of new industrial development is higher than ABAG’s employment growth projections, but less than what would be anticipated based solely on past development trends, based on known infrastructure constraints on vacant industrial sites.

Based on the evidence described above, only a fraction of the full buildout is likely to occur by 2035. In fact, the above evidence shows that full buildout of the General Plan area will occur many years beyond the General Plan horizon year of 2035. Specifically:

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<sup>2</sup> City of Vacaville Building Division, City of Vacaville Historical Growth Rates (1990-2010).

<sup>3</sup> City of Vacaville Building Division, City of Vacaville Historical Growth Rates (1990-2010).

<sup>4</sup> City of Vacaville Building Division, City of Vacaville Historical Growth Rates (1990-2010).

- ◆ If residential development occurred at the same rate as the average annual development during the 1990-2010 period, it would take an additional 14 years beyond the 2035 horizon year to build out the residential capacity of the city.
- ◆ If commercial development occurred at the same rate as the average annual development in the 1990-2010 period, which, as discussed above, is likely an overestimate, it would take an additional 44 years beyond the 2035 horizon year to build out the commercial capacity in the city.
- ◆ If office development occurred at the same rate as the average annual development in the 1990-2010 period, it would take an additional 24 years beyond the horizon year to build out the office capacity in the city.
- ◆ If industrial development occurred at the same rate as the average annual development in the 1990-2010 period, it would take an additional 92 years beyond the horizon year to build out the industrial capacity in the city.

As discussed on page 3-31 of the Draft EIR, given the significant difference between the horizon-year projections and full buildout, it is extremely unlikely that full buildout will occur by the year 2035. Moreover, in keeping with current California case law that requires local jurisdictions to update their general plans regularly, Vacaville will most likely update its General Plan by or before 2035. Therefore, development after 2035 is expected to take place under a revised General Plan, rather than under the proposed General Plan.

Because there is no requirement under CEQA to analyze a speculative “worst case” scenario, this approach of determining reasonably foreseeable impacts associated with a general plan or specific plan project is used by many lead agencies in California. For example, in *Molano v. City of Glendale*, (2009) 2009 WL 428800, the Court of Appeal rejected claims that the City of Glendale was required to analyze the maximum buildout permitted by a specific plan. The court upheld the City’s determination of what was a reasonable buildout scenario, which, similar to the EIR’s analysis here, relied on assumptions related to density and historic rates of development. A similar approach for a general plan update was upheld in *Sierra Club v. County of Tehama* (2012) 2012 WL 5987582. There, the County used historic growth rates to estimate a 55-percent increase in population over the life of the Project versus the 918-percent increase in population that would be permitted under a full buildout scenario.

#### b. Role of the Horizon-Year Projections in EIR Analyses

Although estimates about the location of horizon-year development were made in order to provide the necessary inputs for the traffic model, the main difference between the full buildout and horizon-year development scenarios is one of quantity, not location. Therefore, the horizon-year projection was used in the quantitative analyses, which, as explained on page 3-51 of the Draft

EIR, include traffic generation, air pollution emissions, greenhouse gas emissions, noise generation, population growth, and impacts on public services, utilities, and recreation. These analyses are affected by the number of people living and working in Vacaville. This is consistent with a reliable analysis, which depends on a reasonable, quantitative estimate of new population and employment. This is also consistent with CEQA, which requires that an EIR evaluate the “reasonably foreseeable” direct and indirect impacts of a proposed project.

Conversely, the analyses for aesthetics, agriculture and forestry resources, exposure to localized air pollution and noise, biological resources, cultural resources, geology, hazards and safety, hydrology and water quality, and land use are based on spatial location only. These analyses consider whether the proposed General Plan would allow any development in a geographic area that could trigger potential impacts, regardless of the quantity. For example, a 10-acre project at a density of 1 dwelling unit per acre (10 units) would convert the same amount of farmland of significance as a 10-acre project in the same location at a density of 20 dwelling units per acre (200 units). Therefore, for spatial analyses, the Draft EIR assumed the disturbance of entire parcels without making speculative assumptions regarding setbacks or site-design. Thus, the horizon-year impacts for spatial impacts would be equal to the full buildout of the proposed General Plan.

### c. Definition of Project

Section 15378(a) of the CEQA Guidelines requires that the project definition include the “whole of an action.” In this EIR, the Project is defined as the adoption and implementation of the proposed General Plan and ECAS. Implementation of the General Plan includes development that is allowed by the General Plan land use map, as well as adherence to the General Plan policies and actions. Here, the “whole of the action” is the potential adoption of the General Plan and the ECAS, as well as the reasonably foreseeable development that would result from the adoption of those plans. The EIR’s reliance on a horizon-year projection for the quantitative analyses does not risk speculative potentially higher rates of development escaping environmental review.

The Project Draft EIR is a programmatic EIR for the proposed General Plan and ECAS; therefore, it does not serve as project-level environmental analysis for any specific development project. All future development, located within existing city limits or within the new growth areas, will require discretionary actions, and therefore, be subject to project-specific environmental review as required by CEQA. Project-specific environmental analyses may tier from the General Plan and ECAS EIR. However, as enumerated in General Plan Policies LU-P3.1, LU-P17.6, and LU-P17.7, shown below,<sup>5</sup> if and when approved development reaches the amount of development projected and evaluated in this EIR, additional environmental analysis must be conducted

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<sup>5</sup> Policies LU-P3.1, LU-P17.6, and LU-P17.7 have been revised since the Draft General Plan was published with the Draft EIR to clarify consistency with State law. The revised policy language is shown in this master response.



to address any changes to the General Plan buildout assumptions, consistent with CEQA and the CEQA Guidelines. The City currently maintains a land use database to monitor new development within the new growth areas and within the city as whole. As a result, the proposed policies and existing land use database monitoring system will prevent the land use assumptions contained in the EIR from being exceeded unless subsequent environmental review is conducted. Because these three policies are part of the Project, and they require development beyond the amount analyzed in this EIR to be evaluated through subsequent environmental analysis, the horizon-year projections used in the quantitative analyses accurately capture the potential impacts of the whole of the Project.

- ◆ Policy LU-P3.1 states: “The General Plan Update Environmental Impact Report (EIR) assumes the following maximum development projections for the year 2035 for the lands located within the Urban Growth Boundary, excluding the East of Leisure Town Road and Northeast Growth Areas, shown in Figure LU-3 [of the proposed General Plan]:
  - Residential: 7,340 units
  - Commercial: 880,000 square feet (67 acres)
  - Office: 1.06 million square feet (81 acres)
  - Industrial: 1.49 million square feet (86 acres)

If and when approved development within the city reaches the maximum number of residential units and commercial square footage projected and analyzed in the General Plan EIR, the City shall require preparation of additional environmental analysis in accordance with Section 21166 of the California Environmental Quality Act (CEQA) and Section 15162 of the CEQA Guidelines to address any changes to the proposed Project, including, but not limited to, changes to the proposed General Plan buildout assumptions. *This policy does not apply to development within the East of Leisure Town Road and Northeast Growth Areas. See policies LU-P17.6 and LU-P17.7, respectively, for these areas.*”

- ◆ Policy LU-P17.6 states: “The General Plan Update Environmental Impact Report (EIR) assumes the following maximum development projections for the year 2035 for the lands located within the East of Leisure Town Road Growth Area, shown in Figure LU-7 [of the proposed General Plan]:
  - Residential: 2,340 units
  - Commercial: 160,000 square feet (12 acres)

If and when approved development in the East of Leisure Town Road Growth Area reaches the maximum number of residential units and commercial square footage projected and analyzed in the General Plan EIR, the City shall require preparation of additional environmental analysis in accordance with Section 21166 of the California Environmental Quality Act

(CEQA) and Section 15162 of the CEQA Guidelines to address any changes to the proposed Project, including, but not limited to, changes to the proposed General Plan buildout assumptions.”

- ◆ Policy LU-P17.7 states: “The General Plan Update Environmental Impact Report (EIR) assumes the following maximum development projections for the year 2035 for the lands located within the Northeast Growth Area, shown in Figure LU-7 [of the proposed General Plan]:
  - Industrial: 560,000 square feet (32 acres)

If and when approved development in the Northeast Growth Area reaches the maximum industrial square footage projected and analyzed in the General Plan EIR, the City shall require preparation of additional environmental analysis in accordance with Section 21166 of the California Environmental Quality Act (CEQA) and Section 15162 of the CEQA Guidelines to address any changes to the proposed Project, including, but not limited to, changes to the proposed General Plan buildout assumptions.”

#### **4. Master Response: Mitigation**

Several comments received on the Draft EIR expressed concerns about the number of significant and unavoidable impact findings, and, in some cases, suggest additional mitigation measures are needed to reduce these impacts.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the City of Vacaville, acting as the lead agency, based on substantial evidence in the record as a whole, including the views held by members of the public. An ironclad definition of significant effect is not always possible because the significance of an activity may vary based on the setting. The analysis in the Draft EIR is based on scientific and factual data which has been reviewed by the lead agency and represents the lead agency’s independent judgment and conclusions.<sup>6</sup>

As previously discussed in Chapter 2, Report Summary, of this Final EIR, implementation of the proposed General Plan and Energy Conservation Action Strategy (ECAS), in combination with long-term, region-wide growth and development, has the potential to generate 50 significant environmental impacts, most of which are significant and unavoidable. Of these 50 impacts, one noise impact and 19 of the traffic and transportation impacts can be mitigated to a less-than-significant level. Significant and unavoidable impacts were identified in Chapters 4.1, Aesthetics, 4.2, Agricultural and Forestry Resources, 4.4, Biological Resources, 4.7, Greenhouse Gas Emis-

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<sup>6</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15064(b).

sions, 4.9, Hydrology and Water Quality, 4.12, Population and Housing, and 4.14, Transportation and Traffic.

As required by CEQA<sup>7</sup> and the CEQA Guidelines,<sup>8</sup> the Draft EIR proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact whenever it is feasible to do so. The term “feasible” is defined in CEQA to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”<sup>9</sup> Consistent with the CEQA Guidelines, this EIR identifies feasible mitigation measures even if they will not reduce the impact to a less-than-significant level.<sup>10</sup>

The CEQA Guidelines prohibit the formulation of mitigation measures to be deferred until some future time. As such, the mitigation measures described in this EIR specify performance standards to mitigate the significant effect of the proposed Project, or show how mitigation can be accomplished in more than one specified way.<sup>11</sup> Furthermore, if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the proposed Project, those effects are also discussed in this EIR. However, these effects are discussed in less detail than the significant effects of the Project as proposed (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986).<sup>12</sup>

The mitigation measures described in this EIR to mitigate Project impacts are fully enforceable through permit conditions, agreements, or other legally binding instruments. In addition, impacts are further mitigated by mandatory General Plan policies that include the words “shall” or “prohibit.” Given that CEQA permits the adoption of a plan with incorporated mitigation measures, the proposed General Plan and ECAS have been developed to be largely self-mitigating through the incorporation of goals, policies and actions that have been designed to protect, preserve and enhance environmental resources. These goals, policies and actions are fully enforceable at the discretion of the decision-makers and, as a result, there are few impacts that would occur solely on the basis of adoption of this General Plan and ECAS.<sup>13</sup>

Given that CEQA does not require mitigation measures for impacts that are not found to be significant, the mitigation measures in this EIR only address impacts that were found to be sig-

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<sup>7</sup> Public Resources Code, Section 21002.1(b).

<sup>8</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.4.

<sup>9</sup> Public Resources Code, Section 21061.1.

<sup>10</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.2(b).

<sup>11</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.4(a)(1)(B).

<sup>12</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.4(a)(1)(D).

<sup>13</sup> Public Resources Code, Section 21081.6(b) and California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.4(a)(2).

nificant.<sup>14</sup> Furthermore, there is a nexus, or connection, between the mitigation measures discussed in this EIR and the significant impact (*Nollan v. California Coastal Commission*, 483 U.S. 825 (1987))<sup>15</sup> and the mitigation measures are “roughly proportional” to the Project’s significant impacts (*Dolan v. City of Tigard*, 512 U.S. 374 (1994)).<sup>16</sup>

The CEQA Guidelines 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.<sup>17</sup> While, by definition, mitigation may be imposed that require changes to the proposed Project for purposes of minimizing environmental impacts, the proposed mitigation measures in this EIR do not alter the description of the Project contained in Chapter 3 of the Draft EIR, entitled “Project Description,” or the actual Project analyzed. The purpose of the Draft EIR is to fully disclose the environmental impacts of the Project as proposed. Consistent with the CEQA Guidelines, where there are impacts that cannot be avoided without imposing changes to the Project’s design, the EIR identifies the impact and the reasons why the Project is being proposed, notwithstanding the impact.<sup>18</sup>

Under CEQA, there are occasions when mitigation is not available or feasible. If the City of Vacaville, acting as 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.<sup>19</sup> 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,<sup>20</sup> including the views held by members of the public.<sup>21</sup> This statement of overriding considerations must be supported by substantial information in the record, including the EIR. The City of Vacaville may approve a proposed project even though the proposed project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that shows there is no feasible way to lessen or avoid the significant effect. The City of Vacaville must also specifically identify how the expected benefits from the proposed project

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<sup>14</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.4(a)(3).

<sup>15</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.4(a)(4)(A).

<sup>16</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.4(a)(4)(B).

<sup>17</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15370.

<sup>18</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.2(b).

<sup>19</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15002 and 15126.4(a)(5).

<sup>20</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15093(b).

<sup>21</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15064(a).

outweigh the mitigation measure of reducing or avoiding the significant environmental impacts of the proposed project.<sup>22</sup>

When a proposed project would result in significant and unavoidable impacts and would result in the conversion of agricultural and vacant lands to residential, commercial, and industrial uses and the intensification of underutilized areas, the City would be required to adopt a statement of overriding considerations if it approves the project.<sup>23</sup>

Some comments on the Draft EIR provided specific examples of modifications to recommended mitigations in the Draft EIR, and suggested new mitigation measures that could potentially reduce significant impacts or further reduce the already less than significant environmental impacts of the Project. Not every suggested change or new mitigation measure was added to the EIR, given that CEQA does not require a lead agency to conduct every test or perform all research, studies, and experimentations recommended or demanded by commenters, so long as a good faith effort at full disclosure is made in the EIR.<sup>24</sup> Responses to comments regarding mitigation measures, including discussions on infeasible mitigation measures, the inclusion of feasible mitigation measures that are applied but don't fully reduce impacts, revisions to existing mitigation measures, and new mitigation measures are set forth in Table 5-1 below.

Additionally, Table 2-1 in Chapter 2, Report Summary, of this Final EIR presents a summary of impacts and mitigation measures identified in the Draft EIR, including those that have been revised and new mitigation measures that have been added in response to comments made on the Draft EIR. It is organized to correspond with the environmental issues discussed in Chapter 4, Environmental Evaluation, of the Draft EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

## **5. Master Response: Land Use Alternatives**

Several comments received on the Draft EIR suggested additional alternatives that differ from the alternatives presented and evaluated in the Draft EIR. These comments propose specific examples of modifications to the Project that could address a specific concern, and attempt to reduce the Project's significant environmental impacts.

### **a. Range of Land Use Alternatives**

The CEQA Guidelines set forth the intent and extent of the alternatives analysis to be provided in an EIR. Consistent with the CEQA Guidelines, the EIR describes a range of reasonable alternatives to the proposed Project that feasibly attain most of the basic objectives of the Project,

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<sup>22</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15043.

<sup>23</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15064(a)(2), 15091 and 15093.

<sup>24</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15204(a).

but avoid or substantially lessen its significant effects. The EIR also evaluates the comparable merits of the alternatives. Consistent with CEQA, the EIR does not consider every conceivable alternative to a project or multiple variations on the alternatives that it does consider. Rather, the EIR considers a reasonable range of three potentially feasible alternatives that would mitigate or avoid at least one of the significant impacts of the proposed Project in order to foster informed decision-making and public participation. Given that it would be inconsistent with the CEQA Guidelines, the EIR does not consider alternatives that are infeasible. The City of Vacaville, acting as the lead agency, selected the range of Project alternatives for examination, and publicly disclosed its reasoning for selecting those alternatives in Chapter 5, Alternatives to the Proposed Project, in the Draft EIR. This Final EIR provides further explanation as a result of comments made on the Draft EIR.<sup>25</sup>

As shown in Table 5-1, in Chapter 5 of the Draft EIR, the No Project Alternative, Focused Growth Alternative, and Town Grid Alternative are potential alternatives to the proposed Project that avoid or substantially lessen one or more of the significant effects.

#### b. Land Use Alternatives Identification Process

The Draft EIR describes the process for selecting the alternatives in Chapter 3 of the Draft EIR, entitled “Project Description,” under the subheading “General Plan Update Process” starting on page 3-11.<sup>26</sup> The General Plan Update process began in March 2010 and included extensive community input including seven City Council study sessions, 17 Steering Committee meetings, and four community workshops, all of which were open to the public and included extensive public comment periods. The City also staffed an information booth at the Downtown Farmer’s Market, and hosted a number of community outreach meetings with community groups, including civic groups, church groups, and neighborhood associations, throughout the General Plan process. This input and direction from the public was then incorporated into the General Plan by City staff and the General Plan consultant team. Furthermore, the City created a website ([www.vacavillegeneralplan.org](http://www.vacavillegeneralplan.org)) to enhance and inform the public process, which includes all maps and documents, meeting summaries, meeting announcements and information, and additional records from public workshops, Steering Committee meetings, and City Council meetings. The website also includes an online discussion forum in which members of the public could post and discuss comments about Vacaville and the proposed General Plan and ECAS. The City also published three newsletters at key points throughout the process to raise awareness of the General Plan Update and inform the public about its progress.

Within this process, one community workshop, eleven Steering Committee meetings, and six City Council meetings were specifically devoted to creating, evaluating, and selecting among al-

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<sup>25</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.6(a).

<sup>26</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.6(c).

ternatives. This highly interactive and participatory phase involved crafting alternative land use scenarios in response to the issues identified in the second phase of the planning process, which identified the issues and opportunities for the General Plan Update. The land use alternatives were then evaluated and compared in relation to market and financing feasibility, utilities and transportation infrastructure needs, public service needs, and impacts on environmental resources. This evaluation was made available to the public in the *Alternatives Evaluation Workbook* published on September 8, 2011. The land use alternatives evaluation informed the City Council's selection of the Preferred Land Use Alternative, shown in Figure 3-4, in Chapter 3 of the Draft EIR. The Preferred Land Use Alternative became the General Plan Land Use Map (i.e. proposed General Plan), which will guide the nature, pattern, and location of land development and conservation in the city.

Based on this phase of the General Plan process, and given that there is no firm rule governing the nature or scope of the alternatives to be discussed other than the rule of reason,<sup>27</sup> the City of Vacaville, acting as the lead agency, selected three alternatives, including the No Project alternative,<sup>28</sup> for analysis in the Draft EIR to constitute a reasonable range of potentially feasible alternatives that would foster informed decision-making and public participation.<sup>29</sup> The alternatives that were analyzed in comparison to the proposed Project include:

- ◆ No Project Alternative
- ◆ Focused Growth Alternative
- ◆ Town Grid Alternative

This Chapter 5, Alternatives to the Proposed Project, discusses the Project alternatives considered in this EIR. The alternatives analysis is presented as a comparative analysis to the proposed Project. Differences between the alternatives include changes to the General Plan Land Use Map and the total amount of residential and non-residential development. A thorough description of each of the alternatives is also provided in Chapter 5 of the Draft EIR, entitled "Alternatives to the Proposed Project."

#### c. Consistency with Project Objectives

As described in Chapter 3 of the Draft EIR, entitled "Project Description," the vision statement described in the General Plan and the Project objectives is as follows:

*Through the year 2035, the City of Vacaville will continue to preserve and enhance the qualities that make it a great community in which to live, work, and play. Drawing on its many strengths, the city will grow in a man-*

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<sup>27</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.6(a).

<sup>28</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.6(e).

<sup>29</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.6(a).

*ner that provides a high quality of life for all current and future residents and employees. In the coming years, Vacaville will:*

- ◆ *Preserve its “small town feel” by continuing to be a family-friendly city.*
- ◆ *Promote a balance of high-quality housing and commercial development within the Urban Growth Boundary.*
- ◆ *Support existing businesses while attracting new businesses, particularly those that reflect community aspirations.*
- ◆ *Foster community-oriented neighborhoods that are diverse, attractive, safe, walkable, and affordable.*
- ◆ *Maintain its unique character by preserving historic and cultural resources.*
- ◆ *Meet the transportation challenges of the future, so that people can travel safely and conveniently on foot or by car, air, bicycle, and transit.*
- ◆ *Emphasize and protect natural and scenic features, such as open spaces, ridgelines, and creeks that define Vacaville’s setting and atmosphere.*
- ◆ *Ensure that development adheres to basic principles of high quality design.*
- ◆ *Continue to strengthen Vacaville’s Downtown culture and identity, supporting a vibrancy that will draw residents and visitors to the Downtown.*
- ◆ *Protect Vacaville’s unique identity through the preservation of agricultural lands and the creation of new park and open space lands.*
- ◆ *Protect public health, safety, and the environment by taking steps to reduce noise and air pollution, conserve water and energy, and prepare for natural and man-made disasters.*
- ◆ *Continue to provide beautiful parks, exciting cultural and recreational amenities, and civic institutions that inspire community pride.*
- ◆ *Encourage and support high quality schools.*
- ◆ *Enhance the cultural environment in the city by promoting the arts and cultural activities.*
- ◆ *Welcome people from all backgrounds, ages, income levels, and physical abilities and invite them to become integral, long-term members of the community.*
- ◆ *Promote the health of Vacaville’s residents by providing a safe environment and increased opportunities for physical activity.*
- ◆ *Look ahead to plan for expected population growth and allow landowners to maintain economic use and value of their property.*

Of the three alternatives presented in Chapter 5 of the Draft EIR, entitled “Alternatives to the Proposed Project,” each of the three alternatives would generally meet these Project objectives.



However, the No Project Alternative would not adopt new General Plan policies that have been revised and enhanced to specifically meet these objectives.

d. Infill Alternative

Some comments stated that the City should consider an alternative to the proposed Project that focuses on infill development only. These comments tend to characterize such an alternative as a mitigation measure rather than a Project alternative. The City believes a better framework of analysis for these comments to be in the alternatives analysis because the proposed “mitigation” requests a change in the proposed General Plan’s land use plan. The land use plan is the heart of the proposed action because it sets forth the framework of future development in the City of Vacaville, thus changes to the land use plan would be an alternative to the proposed Project.

The Focused Growth Alternative that is described on pages 5-2, 5-14, and 5-16 of the Draft EIR is an infill-focused land use alternative, which is evident through a review of the land use map, full buildout development projection, and horizon-year development projection that was estimated for this alternative as part of the General Plan land use alternatives evaluation process discussed above.<sup>30</sup> These development projections were published as Table B-1 in Appendix B of the *Alternatives Evaluation Workbook* dated September 8, 2011 (available on the General Plan Update website here: [http://www.vacavillegeneralplan.org/wp-content/uploads/2011/09/FinalAppendices\\_reduced.pdf](http://www.vacavillegeneralplan.org/wp-content/uploads/2011/09/FinalAppendices_reduced.pdf)). This table has also been reproduced as Appendix B of this Final EIR for ease of reference.

As shown in the table, the majority of the residential development capacity in the Focused Growth Alternative is within the existing city limits, which constitutes the current edge of urbanization. Therefore, development within the existing city limits would generally be of an infill nature. The specific estimates regarding locations of development potential for the Focused Growth Alternative are as follows:

- ◆ Almost all of the focus areas with residential development capacity are located within the existing city limits. The only exception is the Locke Paddon Community, in which 13 new units could be constructed. Therefore, 464 of the 477 new units anticipated in the focus areas would be located within the existing city limits.
- ◆ All of the pipeline projects, totaling 5,846 new units, are located within the existing city limits.
- ◆ The majority of the other existing capacity areas are located within the existing city limits. The only exceptions are: Non-Approved Around Rice McMurtry, totaling 116 new units; Site H – Vine Street Area, totaling 25 new units; Site F – Orchard/Fruitvale, totaling 97 new

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<sup>30</sup> Note that the full buildout and horizon-year projection for residential development under the Focused Growth Alternative are the same because the full residential buildout would not fully meet the anticipated demand for new housing by 2035.

units; and Site G – Gibson Canyon, totaling 132 new units. Therefore, 891 of the 1,261 new units anticipated in the other existing capacity areas would be located within the existing city limits.

Furthermore, as shown in Figure 5-2 on page 5-15 of the Draft EIR, a significant portion of the new units projected for the East of Leisure Town Road Growth Area would also be located in the existing city limits. Since the development projections were prepared for the General Plan land use alternatives, the Brighton Landing project, which constitutes a large portion of the area devoted to development in the East of Leisure Town Road Growth Area under the Focused Growth Alternative, has been approved. The General Plan horizon-year development projection estimates that approximately 790 new units will be constructed within the approved Brighton Landing residential subdivision by 2035.

In total, 7,991 of the 9,244 new units, or 86 percent, that could be constructed under the Focused Growth Alternative would be located within the existing city limits. Therefore, the Focused Growth Alternative is an “infill” alternative.

#### e. Other Alternatives Considered

The Draft EIR also identified the alternatives that were considered by the lead agency but were determined as infeasible during the scoping process, and briefly explains the reasons underlying the lead agency’s determination therefor at page 5-3 in Chapter 5 of the Draft EIR. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.<sup>31</sup> As discussed on page 5-4 in Chapter 5 of the Draft EIR, the City considered the Village Alternative, but ultimately deemed it infeasible because it did not provide a significantly different land use approach from the other alternatives that were considered; thus, it would not avoid the significant impacts of the proposed Project any more than what was already being considered. In addition, the Steering Committee and City Council were not supportive of the “town square” approach of the Village Alternative due to the possibility that it might detract from the Downtown, thereby failing to meet the Downtown-related Project objectives.<sup>32</sup>

Finally, this Final EIR considers a fourth alternative as discussed in the following master response, entitled “Full Buildout Alternative.”

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<sup>31</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15126.6(c).

<sup>32</sup> Section 15126.6(c).

## 6. Master Response: Full Buildout Alternative

Several comments on the Draft EIR requested more information about potential impacts under a full buildout scenario.

Following each impact discussion in Chapter 4 of the Draft EIR, a section called “Full Buildout” is provided. As discussed in the master response regarding development projections, the quantitative analyses (traffic generation, air pollution emissions, greenhouse gas emissions, noise generation, population growth, and impacts on public services, utilities, and recreation) made impact findings based on the horizon-year projections. The “Full Buildout” section provided after each impact discussion was intended to disclose that impacts would be greater under the full buildout scenario, even though a full buildout analysis is not required for the quantitative analyses, as discussed in Master Response Number 3 regarding development projections.

The “Full Buildout” sections for some of the spatial analyses (aesthetics, agriculture and forestry resources, exposure to localized air pollution and noise, biological resources, cultural resources, geology, hazards and safety, hydrology and water quality, and land use) were not clearly worded and may have implied that the impact discussions for these spatial analyses did not consider a full buildout scenario. As discussed in Master Response Number 3 regarding development projections, all spatial analyses did, in fact, evaluate the full buildout scenario.

In order to address this unintentional implication, clarify the analysis, and respond to comments on the Draft EIR, this Master Response describes and evaluates a new alternative to the proposed Project that includes the full buildout development projections. In addition, as shown in Chapter 3 of this Final EIR, the “Full Buildout” sections provided after each impact discussion in the Draft EIR have been removed, and replaced by the analysis of this new alternative.

Section 15126.6(a) of the CEQA Guidelines explains that the alternatives analysis must consider alternatives to the proposed project that would “avoid or substantially lessen any of the significant effects of the project.” As shown in the impact discussion of the Full Buildout Alternative below, this alternative would not avoid or lessen any significant effects of the proposed Project; rather, it would cause greater impacts in comparison to the proposed Project. For this reason, the Full Buildout Alternative is not a feasible alternative under CEQA. Nevertheless, in response to the comments provided on the Draft EIR, this alternative is evaluated in order to better disclose the impacts of the proposed Project under a full buildout scenario. Also see Master Response Number 5 regarding land use alternatives for additional explanation of how the Draft EIR considered a reasonable range of alternatives.

a. Full Buildout Alternative Description

The Full Buildout Alternative is identical to the proposed General Plan and ECAS, with one exception: it assumes that the maximum development permitted by the General Plan will occur by 2035, and that the General Plan would not include Policies LU-P3.1, LU-P17.6, and LU-P17.7, which require additional environmental analysis to address any changes to the General Plan buildout assumptions prior to approval of development beyond the projected development amounts evaluated in the General Plan EIR. The full text of each of these three policies is listed in Master Response Number 3 regarding development projections within the General Plan area. Therefore, the Full Buildout Alternative considers development of every parcel with the maximum amount of development allowed under the proposed General Plan. This would result in:

- ◆ 15,800 new dwelling units
- ◆ 8.7 million square feet of new commercial space
- ◆ 2.3 million square feet of new office space
- ◆ 19.1 million square feet of new industrial space

As noted on page 3-31 of the Draft EIR, full buildout of the General Plan would result in a 63-percent increase in new housing units, and a 635-percent increase in new non-residential development over and above the amount of projected development anticipated to occur by 2035.

All other aspects of the proposed General Plan and ECAS, including the proposed General Plan land use map, are the same as the proposed Project.

As explained in Master Response 3, Development Projections, such a rapid rate of growth is speculative and not supported by substantial evidence. However, for purposes of disclosure of a theoretical buildout scenario in response to commenter's concerns, the impacts of full buildout are reorganized and disclosed in the Full Buildout Alternative Project.

b. Full Buildout Alternative Impact Discussion

As discussed in Master Response Number 3 regarding development projections, the spatial analyses in the Draft EIR evaluated the full buildout of the proposed General Plan. These spatial analyses include aesthetics, agriculture and forestry resources, exposure to localized air pollution and noise, biological resources, cultural resources, geology, hazards and safety, hydrology and water quality, and land use. Therefore, for all of those impact areas, the Full Buildout Alternative would be the same as the proposed Project. The quantitative impact analyses for the Full Buildout Alternative are provided below.

Section 15126.6(d) of the CEQA Guidelines requires that the alternatives analysis provide "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project," and allows the significant effects of an alternative be discussed

“in less detail than the significant effects of the project as proposed.” Consistent with this guideline, the quantitative impact analyses of the Full Buildout Alternative below provide less detail than the impact analyses for the proposed Project. In particular, they do not rely on traffic, air quality, noise, or greenhouse gas modeling of the Full Buildout Alternative. However, they consult the General Plan Update’s Alternatives Evaluation Workbook, which evaluated the three land use alternatives that were considered for the General Plan land use map under a full buildout scenario. None of the three alternatives is an exact match to the proposed General Plan land use map; rather, the proposed General Plan land use map is a combination of the three alternatives. However, the areas with the greatest development potential under the proposed General Plan land use map are the East of Leisure Town Road and Northeast Growth Areas, which are very similar to Alternative C in the Alternatives Evaluation Workbook. Therefore, for a complete understanding of the public services and recreation and traffic generation impacts of the Full Buildout Alternative, consult the full buildout analysis of Alternative C in the Alternatives Evaluation Workbook. The Workbook and its associated appendices, which provide the details regarding the full buildout evaluation, are available at City Hall and on the General Plan Update website as follows:

[http://www.vacavillegeneralplan.org/wp-content/uploads/2011/09/FinalAEW\\_reduced.pdf](http://www.vacavillegeneralplan.org/wp-content/uploads/2011/09/FinalAEW_reduced.pdf)

[http://www.vacavillegeneralplan.org/wp-content/uploads/2011/09/FinalAppendices\\_reduced.pdf](http://www.vacavillegeneralplan.org/wp-content/uploads/2011/09/FinalAppendices_reduced.pdf)

Note, however, that the Alternatives Evaluation Workbook did not evaluate air pollution emissions, greenhouse gas (GHG) emissions, or noise generation for the Full Buildout Alternative. Those impacts under the Full Buildout Alternative are discussed below.

*i. Air Pollution Emissions*

Under full buildout conditions, an additional 63 percent of residential development and 635 percent of non-residential development beyond the forecasted 2035 development levels would occur. This would cause a corresponding increase in total vehicle miles traveled (“VMT”) compared to the proposed Project. This increase in VMT would increase the severity of the air quality impact found for the proposed Project related to exceeding the significance criterion for coarse particulate matter (PM10). It would also likely violate air quality standards for other criteria air pollutants, including ozone precursors, which would result in a cumulatively considerable increase in ozone, a pollutant for which the region is in non-attainment. In addition, the increase in VMT would cause more traffic congestion, which could lead to carbon monoxide (“CO”) hot spots and potentially violate CO air quality standards. Finally, the Full Buildout Alternative would also conflict with and obstruct implementation of applicable air quality plans because the Alternative includes significantly more development than assumed for the *Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan* and the *Triennial Assessment and Plan Update*, which rely on projections of VMT, population, and employment that are based on land use projections made by local jurisdictions. In consideration of all of these factors, the Full Buildout

Alternative would cause a *substantially greater impact* in air pollution compared to the proposed Project.

*ii. Greenhouse Gas Emissions*

As described in Chapter 4.7 of the Draft EIR, Greenhouse Gas Emissions (“GHG”), transportation emissions from VMT are the largest contributor to Vacaville’s GHG emissions. As described in the air pollution analysis above, the Full Buildout Alternative would include significantly more VMT than the proposed Project. Therefore, GHG emissions associated with VMT would also significantly increase. In addition, GHG emissions from other sources, such as energy use, water and wastewater treatment, and solid waste disposal, would increase due to the greater number of people living and working in Vacaville. The higher GHG emissions associated with the Full Buildout Alternative would increase the severity of the GHG-related impact than under the proposed Project. Specifically, the higher levels of GHG emissions would make it less feasible for the City to meet the 2050 goal of Executive Order S-03-05 than under the proposed Project. In addition, the significant increase in development that is evaluated under the Full Buildout Alternative compared to the proposed Project would likely cause a commensurate significant increase in GHG emissions, and it is very likely that the City would no longer meet its GHG reduction target of a 21.7 percent reduction from 2020 Business As Usual levels. In consideration of all of these factors, the Full Buildout Alternative would cause a *substantially greater GHG impact* in comparison to the proposed Project.

*iii. Noise Generation*

As described in the air pollution analysis above, the Full Buildout Alternative would include significantly more VMT than the proposed Project, which would cause significantly more traffic-related noise throughout the city. This increase in traffic-related noise would increase the severity of the proposed Project’s noise impacts on Vaca Valley Parkway, Leisure Town Road, and Ulatis Drive. It would also likely cause additional roadways to experience a substantial and permanent increase in ambient noise levels above baseline conditions. Therefore, the Full Buildout Alternative would cause a *substantially greater noise impact* in comparison to the proposed Project.

*iv. Population Growth*

As noted, the Full Buildout Alternative would include 63 percent more residential development than the proposed Project. The proposed Project would induce substantial population growth in the EIR Study Area, which would result in project-level and cumulative significant and unavoidable impacts. Because the Full Buildout Alternative would include 63 percent more residential development, impacts associated with population growth would be more severe. Therefore, the Full Buildout Alternative would cause a *substantially greater population growth impact* in comparison to the proposed Project.

*v. Public Services and Recreation*

As described in the population growth analysis above, the Full Buildout Alternative would include 63 percent more residential development than the proposed Project, and over six times the amount of commercial, office, and industrial development than the proposed Project, resulting in many thousands of more residents, employees, and visitors to Vacaville. Therefore, the Full Buildout Alternative would generate more demands on police, fire protection, school, library, and park and recreation services and facilities. As described in the introduction to this Master Response Number 6, Alternative C from the Alternatives Evaluation Workbook can be used as a general approximation of the public service and recreation impacts of the Full Buildout Alternative. Under Alternative C, the impacts would include the following:

- ◆ Police: 24 new staff, nine new vehicles, and minimal equipment
- ◆ Fire Protection and Emergency Services: 24 new staff and three new vehicles
- ◆ Education: Over 3,000 new students

Compared to the proposed Project, the Full Buildout Alternative would create greater demand for new or expanded public services and recreation facilities to serve the additional development. The impacts related to the provision, construction, and operation of these services and facilities would be project-specific, thereby requiring permitting and review in accordance with CEQA. Overall, the Full Buildout Alternative would cause a *slightly greater impact* on public services in comparison to the proposed Project.

*vi. Traffic Generation*

As described in the introduction to this Master Response Number 6, Alternative C from the Alternatives Evaluation Workbook can be used as a general approximation of traffic generated by the Full Buildout Alternative. Alternative C would generate 142 percent more PM peak hour trips compared to baseline conditions, while the proposed Project would generate 50 percent more PM peak hours trips compared to baseline conditions. In addition, Alternative C would cause 42 intersections (of 74 analyzed, or 57 percent) to operate at LOS F. The proposed Project would cause 30 intersections (of 100 analyzed, or 30 percent) to operate at LOS F. Given the anticipated increase in VMT as described in the air quality analysis above, and the higher trip generation and intersection operations impacts associated with a similar level of development under Alternative C from the Alternatives Evaluation Workbook, the Full Buildout Alternative would cause a *substantially greater traffic impact* in comparison to the proposed Project.

*vii. Utilities*

Due to the greater amount of development under the Full Buildout Alternative, such development would increase the demand for water, wastewater treatment, stormwater, solid waste, and energy services, supplies, facilities, and equipment than the proposed Project. This would require a greater extent of new or expanded utility supplies, services, facilities, and equipment to serve the additional development. The impacts related to the construction and operation of these facil-

ities would be project-specific, thereby requiring permitting and review in accordance with CEQA. Overall, the Full Buildout Alternative would cause a *slightly greater impact* on utility services in comparison to the proposed Project.

## 7. Master Response: Draft EIR Revisions and Recirculation

During the review period for the Draft EIR, several comments requested that the Draft EIR be revised and recirculated based on their comments or general opinions about the Draft EIR or how the Project should be changed.

Section 15204(a) of the CEQA Guidelines provides that CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

Section 15003 explains that CEQA emphasizes good-faith efforts at full disclosure rather than technical perfection:

*(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692).*

*(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553).*

Sections 15204(a) and 15003 reflect judicial interpretation of CEQA. Under CEQA, lead agencies need only respond to significant environmental issues, and do not need to provide all information requested by reviewers, so long as a good faith effort at full disclosure is made in the EIR.

As such, the Draft EIR does not have to be revised and recirculated simply because a request to recirculate has been made by a commenter. Under CEQA, recirculation is only required when the lead agency adds “significant new information” to an EIR after the public comment period, but prior to certification of the EIR (*Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128). “Information” can include changes in the project or environmental setting, as well as additional data or other information. “Significant new infor-



mation” requiring recirculation can include, but is not limited to, a disclosure showing any of the following:<sup>33</sup>

- ◆ A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- ◆ A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- ◆ A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- ◆ The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

In *Laurel Heights*, the California Supreme Court interpreted this “significant new information” standard and explicitly rejected the proposition that “any new information” triggers recirculation; recirculation is intended to be an exception, not the general rule. Thus, recirculation is required only if changes to the Draft EIR deprived the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project.

Given that recirculation is not required when new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications to an otherwise adequate EIR,<sup>34</sup> and because no “substantial adverse” impact would result from any of the revisions of the Draft EIR shown in Chapter 3 of this Final EIR, entitled “Revisions to the Draft EIR,”<sup>35</sup> recirculation is not required.

## ***B. Individual Responses***

Responses to individual comments are presented in Table 5-1, below. Individual comments are reproduced from the original versions in Appendix A, along with the comment numbers shown in the appendix, followed by the response.

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<sup>33</sup> Public Resources Code, Section 21092.1 and California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15088.5(a).

<sup>34</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15088.5(b).

<sup>35</sup> California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15088.5(c).

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
<b>STATE AGENCIES</b>			
1	12/2/2013	Ken Chiang, Utilities Engineer, Rail Crossings Engineering Section, Safety, & Enforcement Division, State of California Public Utilities Commission	
1-1		The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the draft Environmental Impact Report (DEIR) for the proposed City of Vacaville (City) General Plan project.	This comment describes the jurisdiction of the California Public Utilities Commission (Commission) with respect to highway-rail crossings in California and does not address the adequacy of the Draft EIR. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.
1-2		The project area includes active railroad tracks. RCES recommends that the City add language to the General Plan so that any future development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian/bike circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.	<p>Future development projects under the proposed General Plan will be required to comply with all relevant regulations regarding railroad and grade crossing safety, including:</p> <ul style="list-style-type: none"> <li>- California Public Utilities Commission regulations regarding grade crossings and grade crossing safety (Public Utilities Code General Provisions, Division 1, Part 1, Chapter 6)</li> <li>- Requirements for railroad operators to maintain appropriate fencing along their right-of-way (Public Utilities Code General Provisions, Division 4, Chapter 1, Article 6)</li> </ul> <p>The proposed General Plan does not propose any new locations for at-grade crossings of streets and active railroad tracks. Compliance with these existing regulations will ensure safety associated with railroad operations in the EIR Study Area. For this reason, the proposed General Plan does not include any new or additional General Plan policies or mitigation measures.</p>
1-3		If you have any questions in this matter, please contact me at (213) 575-7076, ykc@cpuc.ca.gov	This comment serves as a closing remark and does not address the adequacy of the Draft EIR; therefore, no response is required.
2	12/4/2013	Erik Alm, District Branch Chief, Local Development - Intergovernmental	Review, State of California Transportation Agency
2-1		Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the Draft Environmental Impact Report (DEIR) and have the following comments to offer.	This comment serves as an opening remark and does not address the adequacy of the Draft EIR; therefore, no response is required.
2-2		<b>Community Planning</b> Section 4.14- Transportation Demand Management measures should be included in the mitigation matrix for reducing traffic demand on the State Highway System (SHS).	Proposed General Plan Goal TR-10 and its associated Policies TR-P10.1 through TR-P10.4 aim to reduce traffic impacts through transportation systems management and transportation demand management. As described on page 4.14-69 of the Draft EIR, these General Plan policies reduce traffic demand on the SHS.

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
2-3		Page 4.14-40 -Widening of intersections and roadways may result in higher motorist speeds and longer crosswalks. Include a discussion on secondary impacts to pedestrians and bicyclists that could result from proposed road and intersection widening.	Higher motorist speeds would result in greater risk of harm to pedestrians and bicyclists. However, while there is evidence that wider lane width might potentially result in higher vehicle speeds, there is little evidence to suggest that increasing the number of lanes would have the same effect. Proposed mitigation measures do not include widening lanes; rather, they would only add new lanes. Widening of intersections would result in longer crossing distance for pedestrians and may increase their exposure to vehicles. However, all intersections where widening is proposed as mitigation measures either are, or will be, signalized. Crossing pedestrians will have marked crosswalks and pedestrian signal indications to minimize conflict with vehicles. Consequently, the impacts to pedestrians and bicyclists are not considered to be significant.
2-4		In addition to multimodal goals and Transportation Demand Management policies (TR-7- TR-10), consider parking strategies to further reduce traffic demand on the SHS. See the Metropolitan Transportation Commission's Toolbox/Handbook on Reforming Parking Policies ( <a href="http://www.mtc.ca.gov/planning/smartgrowth/parking/parking_seminar/Toolbox-Handbook.pdf">http:// www.mtc.ca.gov/planning/smartgrowth/parking/parking_seminar/Toolbox-Handbook. pdf</a> ) for guidance.	Parking strategies would be among the elements to be considered in the Transportation Demand Management programs described in the policies under proposed General Plan Goal TR-10. In addition, the ECAS proposes several parking strategies that would reduce traffic demand on the SHS, such as shared parking and infill parking reductions (Measure TR-3), parking cash-out (Measure TR-8), and preferred parking for carpool vehicles (Measure TR-17). Parking strategies will consider the context of Vacaville's suburban nature.
2-5		<b>Traffic Safety</b> On all proposed traffic mitigation measures on Interstate (I-) 80 and I-505, please make sure that all signal warrants are required for the signal intersections. Signal warrants shall comply with the requirements as shown in the latest edition of California Manual on Uniform Traffic Control Devices. Double turning lanes should be provided to accommodate turning demand traffic volume which are 300 vehicles per hour or more. Proposed turning lanes shall be designed to allow for truck turning movements.	Signal warrants based on peak hour volumes were evaluated for all intersections where installation of traffic signals is recommended as mitigation, including TRAF-21 for the Cherry Glen Road at I-80 eastbound ramp intersection and TRAF-26 for the Midway Road at I-505 northbound ramp intersection. Double turn lanes are proposed as mitigation measures, if their provision would be required to improve operations. However, if the intersection level of service, queue lengths and other elements of traffic operations were found to be acceptable without such installation, double turn lanes were not automatically included as mitigation measures for turn volumes exceeding 300 vehicles per hour. All future intersection improvements will be designed to appropriate agency standards, including allowance for truck turning movements.
2-6		<b>Traffic Operations</b> Page 4.14-15 -under the Section in Roadways, it states that the "levels of service for roadway links were estimated based on the 2009 Florida Department of Transportation (FDOT) methodology." What was the reason for using FDOT's methodology? The DEIR also mentions that the methodology was based on the Highway Capacity Manual (HCM). Was it based on the newer HCM 2010? The procedures contained in the 2010 update of the Highway Capacity Manual should be used as a guide for your analysis. Mitigation measures from prospective projects and future developments involving modifications and lane additions to the ramp	The HCM does not include capacities for various types of non-highway roadway segments, but instead provides a methodology for calculating capacities using a number of assumptions regarding geometry and intersection controls. The FDOT has developed a series of capacity tables for road segments based on the HCM, using reasonable standard default assumptions for road design and intersection control. These assumptions are considered appropriate for planning analysis such as environmental review, but would not be appropriate for specific design of transportation facilities. The City of Vacaville has included a set of standardized road segment capacities in its transportation impact analysis guidelines for many years. The segment capacities from the FDOT based on the HCM were used to update these segment capacity values and

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		terminals should be coordinated with Caltrans.	<p data-bbox="1100 386 1423 418">ensure consistency with the HCM.</p> <p data-bbox="1100 440 1904 954">The 2010 HCM was not available for use as of the February 2011 NOP for this EIR, so capacity values based on the 2000 HCM were used. Use of capacity values from the 2010 HCM in place of the capacity values based on the 2000 HCM would not significantly affect the results of the road segment analysis. The primary assumptions from the HCM used to estimate segment capacities for urban streets are the recommended assumptions for signalized intersection analyses, as the capacity of an urban street segment is primarily controlled by the intersection at the end of the segment. For urban areas outside a Central Business District, both the 2010 HCM and 2000 HCM recommend default values of 1,900 for base saturation flow rate, a peak hour factor of 0.92, 2.0 bus movements per hour, average lane widths of 12 feet, and yellow+red clearance times corresponding to 4.0 seconds per major signal phase. The 2010 HCM does recommend a default heavy vehicle percentage of 3.0 percent compared to 2.0 percent in the 2000 HCM. This could result in a decrease of 1.0 percent in the assumed segment capacities based on the 2010 HCM. This 1-percent difference would not be expected to significantly affect the road segment analysis, and the City of Vacaville could choose to maintain the 2.0 percent heavy vehicle assumption with the 2010 HCM if warranted by local conditions. Other assumptions used to estimate segment capacity, such as allocation of green signal time to each type of street, would not be affected by the updates to the HCM.</p> <p data-bbox="1100 976 1904 1084">As the City evaluates its traffic impact analysis methodologies, it will assess implementation of updated HCM procedures, and will update to the most current HCM at the point that the HCM can be feasibly used and defended as providing accurate representation of local traffic operations.</p>
2-7		<p data-bbox="415 1138 611 1170"><b>Traffic Impact Fees</b></p> <p data-bbox="415 1170 1087 1409">To ensure that the SHS can facilitate and fund improvements necessary from the increased demand, we recommend the City work with the Solano Transportation Authority (STA) to implement the proposed Regional Transportation Impact Fee (RTIF) to help mitigate any impacts resulting from the proposed plan. Please also identify other traffic impact fees to be used for plan mitigation. Development plans should require traffic impact fees based on projected traffic and / or based on associated cost estimates for transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on the State</p>	<p data-bbox="1100 1117 1493 1149">See also the response to comment 13-110.</p> <p data-bbox="1100 1149 1904 1279">The City of Vacaville is one of the partner agencies with STA in the development of the RTIF program, and will continue to support its efforts. Until the RTIF is approved, a basis to establish a fee level for fair share contributions to SHS has not been established. In the interim, current standards for assessment of and mitigation of impacts will be accomplished in project-specific environmental assessments.</p> <p data-bbox="1100 1300 1904 1409">Vacaville has also adopted a Development Impact Fee program and has included a number of interchange improvements in this program, as presented on page 4.14-36 of the Draft EIR. Future land use development projects will be required to pay into these programs to support future improvements.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		right-of-way should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.	
2-8		Should you have any questions regarding this letter, please contact Keith Wayne of my staff by telephone at (510) 286-5737, or by email at keith_wayne@dot.ca.gov.	This comment serves as a closing remark and does not address the adequacy of the Draft EIR; therefore, no response is required.
3	12/9/2013	Scott Wilson, Acting Regional Manager, Bay Delta Region. State of California, Natural Resources Agency, Department of Fish and Wildlife	
3-1		<p>This letter is intended to summarize the California Department of Fish and Wildlife's (CDFW) concerns regarding the botanical, wildlife and fisheries impacts associated with the City of Vacaville General Plan and Energy and Conservation Action Strategy (Plan) draft Environmental Impact Report (EIR) for future development in the City of Vacaville (City).</p> <p>The City of Vacaville is located in Solano County between the cities of Dixon and Fairfield. The City lies 27 miles southwest of the City of Sacramento and 46 miles northeast of the City of San Francisco. Interstate 80 runs through the middle of the City, connecting Vacaville to the core of the Bay Area to the southwest, and to the Sacramento metropolitan area to the northeast. Interstate 505 branches off Interstate 80 and connects to Interstate 5 to the north.</p> <p>The proposed Plan addresses growth within the City to the horizon year of 2035. The proposed Plan would replace the existing Plan, which was adopted in 1990 and amended through 2013. This draft EIR provides a general review of the environmental effects of future development activities and City actions based on proposed land use designations. This draft EIR will be used to evaluate the direct and indirect environmental effects of subsequent development under the General Plan Update (i.e., residential development, rezoning, commercial structures, park sites, recreation facility development, and infrastructure improvements). This draft EIR also assesses the proposed Vacaville Energy and Conservation Action Strategy (ECAS), which outlines strategies to reduce greenhouse gas emission.</p> <p>CDFW is identified as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386 and is responsible for the</p>	This comment serves as an opening remark, summarizes the Project, and explains the role of the commenting agency. It does not address the adequacy of the Draft EIR; therefore, no response is required.

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
3-2		<p>conservation, protection, and management of the State's biological resources. CDFW considers the draft EIR as a means to understand this growth while also developing adequate conservation and protection measures to conserve some of the City's biological natural resources.</p> <p><b>EIR Scope, Issues, and Concerns (Section B)</b></p> <p>The Plan states this EIR is a program level-EIR, and as such, it does not evaluate the impacts of specific, individual developments. Each specific future project will require separate environmental review, as required by CEQA, to secure the necessary discretionary development permits. The Plan further states that subsequent environmental review may be tiered off of this EIR. CDFW recognizes that, pursuant to CEQA Guidelines Section 15152 subdivision (c), where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval such as a general plan, the development of detailed, site-specific information may not be feasible but can be deferred. In many instances, it can be deferred until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand. Based on CEQA Guidelines Section 15183.3 and associated <i>Appendix N Checklist</i>, the EIR should include a clear procedure for evaluating future projects based on biological resources.</p>	<p>Policies and actions contained in the proposed General Plan Conservation and Open Space Element provide requirements for the development of site-specific information for subsequent environmental analysis. Specifically, Policy COS-P1.5 requires subsequent proposals for development projects to provide baseline assessments prepared by qualified biologists. These assessments shall provide sufficient detail to characterize the resources on and adjacent to the development site, including important and sensitive resources, such as wetlands, riparian habitats, and rare, threatened, or endangered species. Additional policies and actions provide standards and requirements for new development to mitigate significant impacts to biological resources, including the following: Policies COS-P1.1 and COS-P1.12 and Action COSA1.1 will require avoidance, minimization, and mitigation measures outlined in the draft Solano HCP; Policy COS-P1.6 requires that new development minimize the disturbance of natural habitats and vegetation, and requires revegetation of disturbed habitat; Policy COS-P1.9 requires that new developments protect and preserve wetlands, and Policy COS-P1.10 requires off-site mitigation when preservation is not practicable or doesn't contribute to the long-term conservation of the resources; Policy COS-P1.11 requires that new policy and specific plans contain resource management policies to protect natural communities; Policy COS-P1.13 requires that new development avoid the loss of special-status bat species, as feasible, and new development will also be subject to the protections for special-status bat species outlined in Action COS-A1.6; Policy COS-P1.14 requires that new development minimize impacts to woodland resources, and new development will also be subject to the tree protection measures established in Actions COS-A1.3 and COS-A1.7 through COS-A1.10; and Policies COS-P2.2 and COS-P2.3 require new development to provide buffers and setbacks to creeks and riparian areas, including during construction, and new development will also be subject to the creek protection ordinance described in Action COS-A2.1. In addition, as discussed in the response to comment 13-50, the mitigation measures from the HCP that are applicable to the EIR Study Area have been added to Chapters 2 and 3 of this Final EIR; these measures provide additional clarification on the requirements for future development projects.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
3-3		<p><b>Lake and Streambed Alteration Agreement</b>                      As correctly identified in the draft EIR, any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the project. To obtain information about the LSAA notification process, please access our website at <a href="http://www.dfg.ca.gov/habcon/1600/">http://www.dfg.ca.gov/habcon/1600/</a> or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 944-5500.</p>	<p>This comment notes the potential for the requirement of a LSAA and states that the CDFW will consider the CEQA document for the Project. However, the comment does not address the adequacy of the Draft EIR; therefore, no response is required.</p>
3-4		<p><b>California Endangered Species Act</b>                      As correctly identified in the draft EIR, a California Endangered Species Act (CESA) Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. A CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.</p>	<p>This comment notes the potential necessity of a CESA permit. However, the comment does not address the adequacy of the Draft EIR; therefore, no response is required.</p>
3-5		<p>CDFW appreciates the opportunity to provide comments on the draft EIR and is available to meet with you to further discuss our concerns. If you have any questions, please contact Ms. Lorie Hammerli, Environmental Scientist, at (707) 944-5568; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory) at (707) 944-5525.</p>	<p>This comment serves as a closing remark and does not address the adequacy of the Draft EIR; therefore, no response is required.</p>
4	12/12/2013	<p>Scott Morgan, Director. State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit</p>	
4-1		<p>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 December 9, 2013, 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.</p>	<p>This comment pertains to the functions of the State Clearinghouse and acknowledges that the City has complied with the State Clearinghouse review requirements for environmental documents. It does not address the adequacy of the Draft EIR, and no response is required.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>Please note that Section 21104(c) of the California Public Resources Code states that:</p> <p>"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."</p> <p>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.</p> <p>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.</p>	
<b>REGIONAL AGENCIES</b>			
5	11/19/2013	Chris Lee, Principal Water Resources Specialist. Solano County Water Agency	
5-1		<p>On behalf of the Solano County Water Agency (Water Agency), we appreciate the opportunity to comment on the City's General Plan update. As you are aware, the Water Agency has been developing a County-wide Habitat Conservation Plan (HCP), which the City of Vacaville is part of. The General Plan update appears to follow the draft conservation measures in the HCP. We do have a few comments where we have noticed some discrepancies. Those comments are detailed below.</p>	<p>The comment serves as an introduction to the comments that follow. No further response is necessary.</p>
5-2		<p>Section 2-Land Use Element                      Page-LU-26                      Policy LU-P2.4</p> <p>Require that development in the East of Leisure Town Road Growth Area purchase conservation easements to permanently protect lands within the Permanent Agriculture Overlay Area at a ratio of 1 acre of conserved agricultural land per 1 acre of developed agricultural land. If</p>	<p>The City recognizes its commitments and obligations under the Solano HCP. The proposed General Plan Policy COS-P1.1 supports the continued preparation and adoption of the Solano HCP, and Policy COS-P1.12 requires that the City comply with the draft HCP until it is adopted. Action COS-A1.1 commits the City to adopt and implement standardized policies for conserving natural communities and associated species, as would be required per the City's obligations under the Solano Project Water Contract. These policies and actions set the HCP mitigation measures as the standards for current and future mitigation requirements. In addition, as discussed in</p>



TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>for any reason an adequate amount of agricultural conservation land cannot be identified or acquired within the Permanent Agriculture Overlay Area, 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 located within 1 mile of the eastern boundary of the Permanent Agriculture Overlay Area where conservation acquisitions can occur to satisfy the conservation goals described in this section. (2.1-14)</p> <p>Comment: For projects that will occur under the HCP (all new development projects and Vacaville's operations and maintenance activities once the HCP is adopted) that affect habitat, mitigation will occur at the prescribed ratios (HCP Section 6-Mitigation Measures), at either an approved mitigation bank, at a private, project-specific mitigation area, or through an approved conservation easement. In the case of the latter two methods, conservation easements will be held by the Water Agency for all projects under the HCP. Once Vacaville adopts the HCP, as required for all Solano Project member agencies, all conservation measures in the HCP must be adhered to.</p>	<p>the response to comment 13-50, the mitigation measures from the HCP that are applicable to the EIR Study Area have been added to Chapters 2 and 3 of this Final EIR.</p> <p>The referenced Policy LU-P2.4 addresses mitigation for impacts to agricultural land. This program may overlap with mitigation requirements for Swainson's hawk foraging habitat, if the conserved lands include applicable restrictions to preclude cultivation of crops that do not provide suitable foraging habitat. Note that, as shown in Chapter 3 of this Final EIR, Policy LU-P2.4 has been revised to apply to development throughout the EIR Study Area, rather than just to development within the East of Leisure Town Road Growth Area.</p>
5-3		<p>Page-LU-26                      Policy LU-P2.6</p> <p>Lands designated Public Open Space that are converted to developed urban use shall be compensated for by providing equal or better lands for a similar use in another location. All proceeds that the City receives from any sale of Public Open Space lands shall be used to acquire additional open space lands elsewhere. (3.5-I12- split)</p> <p>Comment: Same comment as above, impacts to habitat shall be mitigated at the prescribed ratios and defined locations found in Section 6 of the HCP. The Water Agency shall hold all conservation easements for projects approved under the HCP.</p>	<p>See the response to comment 5-2.</p>
5-4		<p>Page-LU-29                      Policy-LU-P5.2</p> <p>Lands East of Leisure Town Road: In conjunction with approval of any new urban development on lands shown as "Area B" on Figure LU-3, which consists of lands that are inside the Urban Growth Boundary but</p>	<p>See the response to comment 5-2.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>east of Leisure Town Road and between the Locke Paddon Community areas on the north and New Alamo Creek on the south, the City shall require such development 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 1 acre of land outside the Urban Growth Boundary but within Pleasants Valley, Upper Lagoon Valley, or Vaca Valley, or any other location that is within 1 mile of the Urban Growth Boundary. Alternatively, to the extent consistent with applicable law, such development may pay an equivalent in-lieu fee as determined by the 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 Urban Growth Boundary but within 1 mile of the Urban 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. (2.10-G2)</p> <p>Comment: Same comment as above, impacts to habitat shall be mitigated at the prescribed ratios and defined locations found in Section 6 of the HCP. The Water Agency shall hold all conservation easements for projects approved under the HCP.</p>	
5-5		<p>LU-30                      Policy-LU-P5.3</p> <p>Coordination with Future Solano County LAFCO Open Space or Agricultural Land Mitigation Program: If the Solano County Local Agency Formation Commission (LAFCO) adopts an open space or agricultural land mitigation program applicable to the area defined in Policy LU-P5.2, lands defined therein shall be subject only to the requirements of the LAFCO mitigation program, provided that if the requirement described in Policy LU-P5.2 provides greater mitigation than the LAFCO requirement, the incremental difference between the two programs shall be imposed in addition to the LAFCO requirement to the maximum extent permitted by State law. To the extent the LAFCO requirement and this requirement overlap, development shall be subject to only the LAFCO requirement. (2.10-G3)</p>	See the response to comment 5-2.

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		Comment: As described above, once the HCP is adopted, all lands within Vacaville's sphere of influence are subject to the conservation and mitigation measures in the HCP.	
5-6		<p>LU-34                      Goal LU-8</p> <p>Coordinate with surrounding jurisdictions and other local and regional agencies that may affect Vacaville's future development patterns and character.</p> <p>Comment: Vacaville will need to adopt an ordinance (policy) to adopt, abide by, and implement the HCP in coordination with the Solano County Water Agency.</p>	<p>Action COS-A1.1 commits the City to adopt and implement the Solano HCP once it has been approved. The City understands that a City ordinance (policy) will need to be adopted to implement the HCP.</p>
5-7		<p>Section 4-Conservation and Open Space Element                      COS-6-8</p> <p>Table COS-2 does not accurately reflect the Covered and Special Management Species in the HCP. Specifically, the following species are included in the HCP but are not listed on Table COS-2:</p> <p>Suisun thistle (<i>Cirsium hydrophilum</i> var. <i>hydrophilum</i>)                      Soft Bird's-beak (<i>Cordylanthus mollis</i> ssp. <i>mollis</i>)                      Mason's lilaepsis (<i>Lilaeopsis masonii</i>)                      California Black Rail (<i>Laterallus jamaicensis coturniculus</i>)                      California Clapper Rail (<i>Rallus longirostris obsoletus</i>)                      Suisun Song Sparrow (<i>Melospiza melodia maxillaris</i>)                      California red-kegged frog (<i>Rana aurora draytonii</i>)                      Giant garter snake (<i>Thamnophis gigas</i>)                      Salt Marsh harvest mouse (<i>Reithrodonomys raviventris haliocoetes</i>)                      Callippe silverspot butterfly (<i>Speyeria callippe callippe</i>)                      Steelhead California Central Valley ESU (<i>Oncorhynchus mykiss</i>)                      Delta smelt (<i>Hypomesus transpacificus</i>)                      Sacramento splittail (<i>Pogonichthys macrolepidotus</i>)                      Longfin smelt (<i>Spirinchus thaleichthys</i>)                      Green sturgeon (<i>Acipenser medirostris</i>)                      Hogwallow starfish (<i>Hespererax caulescens</i>)                      Rose-mallow (<i>Hibiscus lasiocarpus</i>)                      Ferris' goldfields (<i>Lasthenia ferrisiae</i>)</p>	<p>The comment is correct that the listed species do not appear in Table COS-2 of the Draft EIR, but are included in the HCP. Suitable habitat and known ranges for these species are not present within the EIR Study Area and General Plan Planning Area. The species listed are primarily associated with the coastal marsh habitats of Suisun Marsh and San Pablo Bay. Therefore, they were excluded from the table.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		Delta tule pea ( <i>Lathyrus jepsonii</i> var. <i>jepsonii</i> ) Delta mudwort ( <i>Limosella subulata</i> ) Suisun marsh aster ( <i>Symphotrichum lentum</i> ) Saline clover ( <i>Trifolium depauperatum</i> var. <i>gydrophilum</i> ) Valley Needlegrass Grassland San Francisco Common Yellowthroat ( <i>Geothlypis trichas sinuosa</i> ) Suisun shrew ( <i>Sorex ornatus sinuosus</i> ) Samuels Song Sparrow ( <i>Melospiza melodia samuelis</i> ) Yellow-headed blackbird ( <i>Xanthocephalus xanthocephalus</i> )	
5-8		The following species on Table COS-2 are not in the HCP:  Big-scale balsamroot ( <i>Basamorhiza macrolepis</i> var. <i>macrolepis</i> ) Big tarplant ( <i>Biepharizonia plumose</i> ) Holly-leaved ceanothus ( <i>Ceanothus purpureus</i> ) Mt. Diablo buckwheat ( <i>Erigonum truncatum</i> ) Adobe-lily ( <i>Fritillaria pluriflora</i> ) Brewer's western flax ( <i>Hesperolimon breweri</i> ) Northern California black walnut ( <i>Juglans hindsii</i> ) Rayless ragwort ( <i>Senecio aphanactis</i> ) Slender-leaved pondweed ( <i>Stuckenia filiformis</i> ) Showy Indian clover ( <i>Trifolium amoenum</i> ) Wilbur Springs shore bug ( <i>Saldula usingeri</i> ) American Peregrine Falcon ( <i>Falco peregrinus anatum</i> ) White-tailed Kite ( <i>Eianus leucurus</i> ) Pallid bat ( <i>Antrozous pallidus</i> ) Townsend's big-eared bat ( <i>Corynorhinus townsendii</i> ) Greater western mastiff-bat ( <i>Eumops perotis californicus</i> ) Western red bat ( <i>Lasiurus blossevillei</i> )	The species listed in the comment include species that were considered for inclusion in the HCP, but were ultimately not included for various reasons, generally because of the absence of known occurrences in the HCP plan area. The text of the Open Space and Conservation Element incorrectly indicates that these are included in the HCP. The City will revise the General Plan text and table heading to clarify this point. Note that the Draft EIR text does not include this error.
5-9		COS-10 Policy COS-P1.10  Where avoidance of wetlands is not practicable or does not contribute to long-term conservation of the resources, require new development to provide for off-site mitigation that results in no net loss of wetland acreage and functional value within the watersheds draining to the Delta. (8 .2-16- split)  Comment: As described above, once the HCP is adopted, all lands with-	See the response to comment 5-2.

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		in Vacaville's sphere of influence are subject to the conservation and mitigation measures in the HCP.	
5-10		<p>COS-10                      Policy COS-P1.12</p> <p>Until the Solano Habitat Conservation Plan (HCP) is adopted, comply with all of the Avoidance and Minimization Measures listed in the Draft Solano HCP. In addition, require that development projects provide copies of required permits, or verifiable statements that permits are not required, from the California Department of Fish and Game (2081 Individual Take Permit) and US Fish and Wildlife Service (Section 7 Take Authorization) prior to receiving grading permits or other approvals that would permit land disturbing activities and conversion of habitats or impacts to protected species.</p> <p>Comment: The Water Agency applauds Vacaville's effort to comply with draft conservation measures of the HCP.</p>	<p>This comment is noted. As it does not address the adequacy of the Draft EIR, no response is required.</p>
5-11		<p>COS-10                      Action COS-A1.1</p> <p>Adopt and implement the requirements of the Solano Habitat Conservation Plan (HCP) once it is approved. If the Solano HCP is not adopted, develop standardized policies for conserving natural communities affected by development.</p> <p>Comment: This Action may resolve comments in this letter regarding compliance with the Solano HCP, however, there is no qualifying language stating that this Action supersedes the noted actions in this letter that might conflict with the HCP.</p>	<p>The City recognizes its commitments and obligations under the Solano Project Water Contract renewal to implement the HCP once it is adopted. The City further understands that the mitigation measures and associated elements for implementation of the HCP set the minimum standards. Policy COS-P1.12 requires the City to comply with the avoidance, minimization, and mitigation measures in the draft HCP until it is adopted. Action COS-A1.1 and other associated Conservation and Open Space policies are consistent with and would not conflict with the HCP. See also the response to comment 5-2.</p>
5-12		<p>COS-12                      Action COS-A1.7</p> <p>Amend the Land Use and Development Code to require that new development mitigate all impacted oak woodland and oak savanna habitats by preserving oak woodland and oak savanna habitat with similar tree canopy densities at a 3:1 ratio (preservation: impact).</p> <p>Comment: Same comment as above, impacts to habitat shall be mitigated</p>	<p>Impacts to oak woodland and oak savannah are not addressed in the current drafts of the HCP. The referenced Action COS-A1.7 sets mitigation standards for impacts that are not addressed in the HCP, and implementation of such measures would not conflict with the implementation of the HCP.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		at the prescribed ratios and defined locations found in Section 6 of the HCP. The Water Agency shall hold all conservation easements for projects approved under the HCP.	
5-13		<p>COS-14                      Policy COS-P2.2</p> <p>Protect existing stream channels and riparian vegetation by requiring buffering or landscaped setbacks and storm runoff interception. (8.1-15)</p> <p>Comment: The HCP (Section 6.3.5) has specific avoidance, minimization, and setback requirements for stream channels and riparian areas that must be adhered to once the HCP is adopted.</p>	<p>Policy COS-P2.2 establishes a requirement to establish buffers and landscaped setback. Policy COS-P1.12, which requires the City to comply with the draft HCP requirements until it is adopted, along with Action COS-A1.1 to adopt and implement the HCP, establish that the specific criteria for such buffers will be based on the HCP. See also the response to comment 5-2.</p>
5-14		<p>COS-14                      Policy COS-P2.3</p> <p>Require creekway and riparian area protection during construction, such as providing adequate setbacks from the creek bank and riparian areas, and creekway and riparian area restoration after construction. (8.1-I4 and 8.2-I1)</p> <p>Comment: The HCP (Section 6.3.5) has specific avoidance, minimization, and setback requirements for stream channels and riparian areas that must be adhered to once the HCP is adopted.</p>	<p>Policy COS-P2.3 establishes a requirement to avoid and minimize impacts to riparian areas during construction activities. Policy COS-P1.12, which requires the City to comply with the draft HCP requirements until it is adopted, along with Action COS-A1.1 to adopt and implement the HCP, establish that the detailed standards for these measures will be based on the HCP. See also the response to comment 5-2.</p>
5-15		<p>COS-14                      Policy COS-P2.5</p> <p>Encourage restoration and expansion of riparian and floodplain habitat within channelized streams and flood channels where feasible, such as old Alamo Creek and old Ulatis Creek channels east of Leisure Town Road.</p> <p>Comment: We applaud this action, the HCP has identified specific areas for riparian and floodplain conservation and restoration (Section 4.3.6.3) and portions of Alamo and Ulatis Creeks are targeted for such actions in the HCP.</p>	<p>Policy COS-P2.5 was designed to further encourage these actions consistent with the draft HCP.</p>
5-16		<p>COS-15                      Action COS-A2.1</p>	<p>Action COS-A2.1 was designed to further emphasize the City's commitment to preservation and enhancement of creeks and associated riparian habitat in the City, while providing public access along these corridors where compatible with habitat</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		Develop a creek protection ordinance requiring development setbacks from creeks and protection of the creeks and associated riparian habitats during construction, and restoration after construction. As part of this ordinance, implement programs to limit invasive non-native species from becoming established or expanding within the city, and evaluate public access along creekways to ensure protection of habitat resources and to ensure public safety within creek setback areas. Update the City's Creekways Policy to be consistent with the creek protection ordinance. (8.1-I4)	protection. See also the responses to comments 5-13 and 5-14.
		Comment: We applaud this action as well. As noted above, there are specific avoidance and minimization efforts in the HCP for stream and riparian zones.	
5-17		Section 6 PUB-18 Solano Project	This comment contains references and does not directly address the adequacy of the Draft EIR; therefore, no response is required.
		Water Supply-Solano Project-Monitcello Dam was completed in 1957, Solano Project water deliveries commenced in 1959.	
5-18		If you have any questions regarding these comments, please give me a call at 455-1105 or send me a note at clec@scwa2.com.	This comment serves as a closing remark and does not address the adequacy of the Draft EIR; therefore, no response is required.
6	12/17/2013	Judith Franco, Program Coordinator. City of Vacaville, Vacaville REACH Youth Coalition	
6-1		I am writing this letter on behalf of the Vacaville REACH Youth Coalition, a group of about 30 youth who focus on community service projects and safety concerns in the community. They are working on improving a well worn path that grew out of necessity in the Markham Area of the city. The path is known as the "Ghetto Trail" but the youth have renamed it the Rocky Hill Trail.  Our Coalition has been invested in the improvement of the trail due to safety concerns. REACH discovered the Rocky Hill Trail in 2009 after conducting surveys on middle school students in the Vacaville Unified School District. The survey sought to find out what youth issues were present in Vacaville. One issue that stood out was bike trail safety. Youth specifically noted the Rocky Hill Trail as a dangerous path. They noted that while unsafe, the trail was necessary to get to jobs, schools, child care, local stores and as a short cut through the community since walking is the primary mode of transportation for many in that area. The trail	The comment expresses a concern about the existing Rocky Hill Trail and 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. City staff will be recommending the addition of the proposed Rocky Hill Trail to the General Plan Circulation Element in addition to adding a policy pertaining to the trail. This recommendation will be considered at future hearings before the Planning Commission and City Council. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>provides a connection for the neighborhood and is a vital resource for area residents. However, due to the conditions of the trail and the fact that it is not a recognized bike trail it attracts crime and abusive activities.</p>	
		<p>For the past four (4) years, REACH has worked with the Fathers House, B&amp;G Club and Primera Iglesia Bautista to conduct community clean ups of the Rocky Hill Trail. Additionally, these organizations and community members participate in an effort to make the trail safer for area residents. This summer, REACH held 3 clean up days where they surveyed individuals using the trail to ask about some of their concerns. Many individuals mentioned they felt unsafe and did not like the conditions of the trail.</p>	
		<p>REACH has focused on improving safety not only on the trail but also the neighborhood as a whole. REACH youth did this through outreach with the Boys and Girls (B&amp;G) Club, local churches and community members. For example, REACH youth worked with the B&amp;G Club to provide tenants in over 600 apartments in the area with magnets with local important phone numbers such as graffiti and gang hotlines in an effort to encourage community members to call the police when needed. Our primary goal in the area is to improve safety.</p>	
		<p>In January 2013, REACH released their video “The Rocky Hill Trail – On a Path of Transformation” (<a href="http://www.youtube.com/watch?v=IS7UziKKWus">http://www.youtube.com/watch?v=IS7UziKKWus</a>) and presented it to the Vacaville City Council. Youth spoke about the quality of life and safety issues on the trail and neighborhood. They brought awareness to the trail and have since met with county and city officials and city staff from departments such as Police, Engineering, Housing and Public Works to develop solutions for the Rocky Hill Trail. The Housing Department owns the South side area of the trail that people are now using to get to Markham Ave. The Housing Department discussed that as part of future development for the Lincoln Corner Apartments they may include a park area for residents that incorporates part of the trail. REACH is also working to get Solano County on board since part of the property belongs to them. We have met with Solano County Board member John Vasquez and he is supportive of having a trail through their property and partnering with the City.</p>	



TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		We are asking for the City to include the Rocky Hill Trail in the proposed General Plan. Having the trail as part of the General Part will allow us to make future improvements possible. These improvements will make the trail safer for families using it out of necessity. It will also give law enforcement greater accessibility to the trail in emergencies. The REACH Coalition along with many of our partners are heavily invested in making the trail and neighborhood safer. Having the trail on the General Plan will get us one step closer to that goal.	
7	12/17/2013	Ken Jacopetti, Superintendent. Vacaville Unified School District, Educational Services Center	
7-1		Vacaville Unified School District ("School District") is pleased to provide the City with comments to the General Plan Update and associated Draft Environmental Impact Report.	This comment serves as an opening remark and does not address the adequacy of the Draft EIR; therefore, no response is required.
7-2		A. School District Properties.  First, the District would like to compliment the City Staff for its efforts in proposing a "Residential Low Density (3.1-5 units/acre)" General Plan Designation for the 4.2-acre Jepson Middle School surplus property and for the "Residential Estate (0.5-3 units/acre)" designation for the 8.01-acre western remainder surplus parcel of the Rice-Murtry/Browns Valley Elementary School No.2 site.	The comment is noted. However, the comment does not address the adequacy of the Draft EIR; therefore, no response is required.
7-3		Second, the former District Office Site, 751 School Street, 2.03 acres gross (APN 0130-112-060) has been declared surplus by the School District. Its current General Plan Designation is "Public Park" <sup>1</sup> , with a zoning Overlay District of "Residential Urban High Density". The proposed General Plan Designation is "Public/Institutional (0.3 max FAR)". The School District continues to request a mixed-use or appropriate residential designation for this property.  The former District Office Site remains the best downtown location available for residential development or mixed-use commercial-residential development. It is located adjacent to Andrews Community Park and close to the riparian way with its mature trees and downtown commercial uses. It also opens up onto the commercial land uses of Monte Vista Avenue.	The comment is noted. The comment does not address the adequacy of the Draft EIR. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
		<sup>1</sup> The current designation is apparently due to a mapping error. The designation for the then-operating District Office property should have	

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#	Date	Comment	Response
		been "Public/Institutional".	
7-4		<p>B. East of Leisure Town Road and Northeast New Growth Areas</p> <p>The District appreciates the efforts that City staffmembers have taken to work with us and the landowners/developers in the ELT and Northeast New Growth Areas. Because of these efforts, there are currently three school sites designated on the land use map.</p> <p>The Draft EIR states that the new growth area east of Leisure Town Road is likely to provide 4,682 new homes at full build-out. It is anticipated that this new development will generate 1,387 new K-6 students; 544 new 7th-8th grade middle school students and 792 new 9th-12th grade high school students, for a total of 2,724 new K-12 students. As we have documented in previous letters and responses throughout the General Plan process, these new students will generate a need for 1-2 new elementary or K-8 schools, plus additions and/or improvements at existing middle and high schools.</p> <p>Because the cost of new schools for this area is not adequately funded by the current level of the state's and the District's statutory mitigation fees, the District will seek full mitigation from the developers in order to construct the schools. The School District looks forward to working with developers and the City to achieve this mitigation so students will be able to attend neighborhood schools.</p> <p>As has been stated by the School District in a number of General Plan Update community meetings, the District can make no commitment to opening new schools where the impact has not been fully mitigated by local funding sources. Of course, in developing any new schools in the East of Leisure Town area, the School District looks forward to working with the City on traffic, sidewalk, and infrastructure issues.</p>	The comment is noted. However, the comment does not address the adequacy of the Draft EIR; therefore, no response is required.
8	12/18/2013	Erin L. Beavers, Director of Community Development. City of Fairfield, Community Development Department, Planning Division	
8-1		The City of Fairfield has reviewed the Draft EIR for the City of Vacaville General Plan. Thank you for the opportunity to review and comment upon this project.	This comment serves as an opening remark and does not address the adequacy of the Draft EIR; therefore, no response is required.
8-2		The City of Fairfield notes that some of the impacts identified in the EIR, along with associated mitigation measures, affect intersections with-	As noted, Mitigation Measures TRAF 31 to TRAF 34 identified the impacts at Fairfield locations to be significant and unavoidable because they are outside Vacaville's

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>in the City of Fairfield. Some impacts are inevitable as Fairfield and Vacaville are neighboring communities experiencing significant growth, with additional growth planned for the future. At the same time, the two communities have historically acknowledged growth impacts and have worked together to mitigate such impacts.</p> <p>The Vacaville General Plan Draft EIR identifies four key intersections and interchanges which will be impacted by development in the new General Plan. As acknowledged by the Draft EIR, the City of Vacaville has no control over these intersections and interchanges and it would be challenging for the City of Vacaville to implement intersection improvements under the jurisdiction of Fairfield or the State (CALTRANS). For reference, the specific Traffic Mitigation Measures at issue are TRAF 31-34, which address the following intersections:</p> <ul style="list-style-type: none"> <li>• Air Base Parkway and Interstate 80</li> <li>• North Texas Street and Interstate 80</li> <li>• Peabody Road and Air Base Parkway</li> <li>• Peabody Road and Jepsen Parkway (Cement Hill Road/Vanden Road)</li> </ul>	<p>jurisdiction. The City of Vacaville will continue to work with the City of Fairfield to address local and regional traffic issues.</p>
8-3		<p>The Draft EIR includes mitigation measures which may require reconfiguration of and expansion at existing intersections and interchanges, including intersections within the Train Station Specific Plan Area. As you know, the City is currently designing roadway improvements along Peabody Road, and there may be engineering constraints at these and the other locations identified in the Draft EIR.</p>	<p>See the response to comment 8-2.</p>
8-4		<p>The City of Fairfield is certainly willing to work with the City of Vacaville to fund and implement feasible improvements within the City of Fairfield needed to address local and regional traffic congestion. Jepsen Parkway and Peabody Road are Routes of Regional Significance, and the City of Fairfield and the City of Vacaville will need to continue to work together to monitor traffic flow and congestion as detailed planning for development is completed.</p> <p>However, because mitigating the impacts at these locations requires improvements outside Vacaville's jurisdiction, the EIR should conclude that the specific impacts are "significant and unavoidable".</p> <p>We would be happy to meet to discuss these comments.</p>	<p>See the response to comment 8-2.</p>

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#	Date	Comment	Response
9	12/18/2013	Cary Keaten, General Manager. Solano Irrigation District	
9-1		Thank you for the opportunity to provide final comments on the City of Vacaville's General Plan Draft Environmental Impact Report (EIR). The Solano Irrigation District (SID) appreciates having had the opportunity to work with the City of Vacaville (City) over the past number of months to come to a better understanding of the City's updated General Plan and its impacts on SID and agricultural lands within SID.	This comment serves as an opening remark and does not address the adequacy of the Draft EIR; therefore, no response is required.
9-2		As you know, the updated General Plan does cause impacts to the Master Water Agreement (MWA) last amended on June 15, 2010 between SID and the City. Although the City and SID have many mutual goals (more specifically identified in the MWA) when it comes to the preservation of farmland, urbanization and to the allocation of our joint water resources, to date the MWA has not been amended to address those impacts. SID does look forward to finalizing its negotiations with the City regarding the MWA before the City adopts a Final EIR (the goal will be to ensure the City addresses all potential environmental impacts). As such, SID is not relinquishing its rights under the June 15, 2010 Amendment of the MWA.	See the response to comment 9-4 regarding the proposed Project's consistency with the Master Water Agreement. Regarding negotiations between the City and the Solano Irrigation District (SID) to amend the Master Water Agreement, see Master Response Number 1 regarding Project merits, in Section A of this chapter.
9-3		In addition, the EIR needs to address the impacts to existing District facilities used to convey irrigation and drainage water to/from SID customers. Those facilities need to be protected and/or relocated such that the District can continue to efficiently serve its customers without impact to current or future operations and costs to replace or maintain those facilities.	<p>While not specifically identified in the comment, it is assumed the comment is referring to existing water conveyance infrastructure owned by SID that could potentially need to be protected or relocated as a result of future development in the East of Leisure Town Road Growth Area.</p> <p>As discussed in Chapter 4.15, Utilities and Service Systems, of the Draft EIR on page 4.15-6, potable water is provided by the City to users within the city limits via a network of existing water mains, transmission mains, reservoirs, groundwater wells, booster pump stations, and treatment plants. Non-potable water is currently primarily used in Vacaville for non-residential landscape irrigation, and is provided by SID via an existing SID conveyance system.</p> <p>Though impacts to the District's service obligations are outside the scope of CEQA, as discussed on page 4.15-9, impacts from the construction of new or expanded water production facilities would be project-specific. A generic summary of the types of potential impacts associated with water production facilities is provided in Table 4.15-5. Any new or expanded water production/conveyance facilities projects would require permitting and review in accordance with CEQA, which would ensure that any environmental impacts are disclosed and mitigated to the extent possible. This EIR is</p>

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#	Date	Comment	Response
9-4		In summary, SID supports the City in achieving its long-term planning goals. The City's proposed General Plan, however, is inconsistent with the MWA and the MWA needs to be updated before the City issues its Final EIR. Although the City and SID have had positive work towards an update, it remains incomplete. Therefore, SID looks forward to finalizing these negotiations as soon as possible.	<p>a programmatic document and does not evaluate the environmental impacts of any project-specific development. Therefore, similar to the proposed Project's impacts with regard to new or modified water production/conveyance facilities, any changes to the water production/conveyance facilities owned by SID that are the direct result of future development under the proposed Project would require additional project-specific environmental analysis to be conducted pursuant to CEQA.</p> <p>Chapter 4.15 has been revised to clarify how this discussion relates not only to the City's water production/conveyance facilities, but also to those owned by SID, with an emphasis on infrastructure changes associated with potential future development under the proposed General Plan. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.</p> <p>The Master Water Agreement is a contract between the City and the District. Therefore any inconsistency with such contract is only relevant for CEQA purposes to the extent it implicates a significant adverse physical change in the environment.</p> <p>As explained on page 4.10-25, the Draft EIR found a less-than-significant impact with regard to the proposed Project's consistency with the Master Water Agreement. The analysis recognizes that the proposed General Plan land use map includes land use designations that allow development beyond the current Urban Service Area boundary, which is inconsistent with the Master Water Agreement, but the Draft EIR analyzes the physical impacts associated with potential development of the areas, including an analysis of impacts to agriculture. The Draft EIR finds that proposed General Plan policies and actions that direct the City to continue to work with SID to expand the Urban Service Area boundary and amend the Master Water Agreement to accommodate urban development in these areas would reduce the impact to less than significant. This finding is supported by City and SID actions to continue to meet to discuss and negotiate the expansion of the Urban Service Area. Furthermore, these negotiations to expand the Urban Service Area boundary are consistent with Section 3E of the existing Master Water Agreement, which states that "the City and SID will in the future consider expansion of the development area as far east as the PG&amp;E transmission line right of way."</p>
10	12/18/2013	Mike Yankovich, Planning Program Manager, Solano County, Department of Resource Management, Planning Services Division	
10-1		The Department would like to submit the following comments relative to the city's General Plan Update, Energy Conservation Action Strategy, and DEIR.	This comment serves as an opening remark and does not address the adequacy of the Draft EIR; therefore, no response is required.
10-2		1. Policy COS-P4.1 proposes a 500 foot agricultural buffer between new	As shown in Chapter 3 of this Final EIR, after further consultation with Solano Coun-

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>development and existing agricultural lands in the East of Leisure Town Growth Area. 115' of this buffer is to be located within the City's Urban Growth Boundary and 385' is to be located outside the UGB, within the unincorporated area of Solano County. The Policy states that the area outside the UGB is limited in land use to public infrastructure improvements necessary to accommodate build-out of the Vacaville General Plan.</p> <p><u>County Comments:</u>                      The County's General Plan includes Policy AG.P-16, which reads:</p> <p><i>"Minimize potential conflicts between agricultural and residential uses by encouraging the use of urban-agricultural buffers within city municipal service areas between residential uses and agricultural lands".</i></p> <p>Implementation Program AG.I-5 further reads:</p> <p><i>"Work with cities to establish appropriate urban-agricultural buffers where new residential uses within municipal service areas may conflict with agricultural uses. Urban-agricultural buffers shall be an appropriate size to meet desired objectives, but in no case less than 300 feet in width. The buffer should occur on developing parcels located within municipal service areas to the extent feasible; be managed by the landowner, developer, homeowners association, or a special purpose district; and favor protection of the maximum amount of farmable land".</i></p> <p>The County General Plan encourages the location of the buffer to be within the MSA to the extent feasible. The City's requirement for 385' of the buffer to be located outside the UGB will require that land to be permanently taken out of agricultural use to accommodate the buffer. It also removes the City from any jurisdictional control of this portion of the buffer.</p> <p>Further, for the 385' of buffer outside the UGB, the County General Plan designation is Agriculture and the zoning designation is Exclusive Agriculture. County zoning regulations and permitting would apply. County regulations primarily encourage agricultural related uses. To the extent that infrastructure uses are proposed, they may be permitted, conditionally permitted, or outright prohibited. The uses referenced in</p>	<p>ty, the proposed Agricultural Buffer has been adjusted so that it is located within the Urban Growth Boundary ("UGB") north of Elmira Road.</p> <p>The City has additionally suggested that the buffer be 300 feet wide in this area to match the County's General Plan agricultural buffer width.</p> <p>South of Elmira Road, the planning area includes the Brighton Landing area, which is currently located within the city limits and is an approved project. In this area, the buffer would remain as proposed in the draft General Plan, thus matching the City's approval of the Brighton Landing project.</p> <p>South of the Brighton Landing project, the buffer is proposed by the City to remain as shown in the Draft General Plan because in this area, the buffer is measured from the east side of the existing railroad right-of-way and effectively places all of the buffer area within future City jurisdiction.</p> <p>In total, the proposed revised Agricultural Buffer would comprise approximately 190 acres within the EIR Study Area.</p> <p>By shifting the Agricultural Buffer to be within the UGB north of Elmira Road, slightly less farmland of concern would be converted to non-agricultural uses, so the agricultural analysis in the Draft EIR is conservative.</p>

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#	Date	Comment	Response
10-3		<p>the City's draft policy are solely intended to accommodate the development area within the City and should be located within the City's permitting jurisdiction, not in the County.</p> <p>The County believes that the buffer should be located entirely within the City's UGB in order for this policy (and the associated draft Land Use Map) to be consistent with the County's General Plan.</p>	
		<p>2. Action COS-A4.1 requires the adoption of an Agricultural Buffer Policy and zoning district.</p> <p><u>County Comments</u>                      Because 385' of the buffer is intended to be located outside the UGB and within the County's jurisdictional boundary, the City does not have any zoning authority in this area. County zoning regulations and General Plan policies will apply. Since this area will still be designated Agriculture in the General Plan and Exclusive Agriculture in the zoning ordinance, placing easements or deed restrictions over this area with the intent of eliminating agricultural uses would seem in direct conflict with the County General Plan and zoning ordinance. As stated above, any infrastructure needed to accommodate the City's proposed growth in this area should be located within the City's UGB.</p>	<p>See the response to comment 10-2. In addition, impacts related to consistency with the Solano County General Plan are discussed in Chapter 4.10 of the Draft EIR, entitled "Land Use and Planning," beginning on page 4.10-21 and ending on 4.10-23. As explained in that Chapter, because only one set of land use policies apply at a given time, and because both the County General Plan and the proposed Vacaville General Plan include policies that ensure development at the city's edge only occur after annexation and that promote cooperation and communication between the two agencies, the impact related to consistency with the Solano County General Plan would be less than significant.</p>
10-4		<p>3. Permanent Agriculture Overlay area.</p> <p><u>County Comments</u>                      First off, this area should be remapped to remove the Elmira area and the city's treatment ponds from this overlay. Elmira is predominantly a residential area with no agricultural land uses existing or proposed. Secondly, while we understand that that the primary intent of this area is for mitigation of city development, we'd like to stress that the city has no land use or permitting authority in this area. It falls within the jurisdiction of Solano County. So while the city may like to see it as permanent agriculture, all land uses listed in the County's zoning ordinance are potential uses that could locate in this area subject to the permitting procedures of Solano County. As such, it seems that referencing this area as an "overlay" on the map is awkward as an overlay presumes some sort of authority. It would seem that discussing this area as a priority area for mitigation purposes within the textual context of the Plan would be more appropriate.</p>	<p>The City agrees with the comment. As shown in Figure 3-4 in Chapter 3 of this Final EIR, the Permanent Agriculture Overlay Area has been removed from the proposed General Plan.</p>

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#	Date	Comment	Response
10-5		<p>4. Transportation and Circulation Element</p> <p><u>County Comments:</u>                      Under the General Plan's Transportation Element, Goal TR-4 is to mitigate traffic impacts from new development. There are three major impacts to the existing transportation system: Level of Service (LOS), geometric standards, and life cycle.</p> <p>LOS and geometric standards are covered within the city limits, but impacts to adjacent unincorporated roads are not. Peabody Road is identified as a rural arterial which receives a high volume of traffic; however, the LOS for the section between Vacaville and Fairfield city limits is not covered adequately. This segment of road becomes heavily impacted during peak hours. The LOS of this short segment is not studied nor addressed, while additional traffic will further reduce the LOS and thus create an impact.</p>	<p>The initial statement provides an introduction to three potential traffic impacts resulting from new development. This response and responses to comments 10-7 and 10-8 address each of these perceived impacts.</p> <p>LOS analysis for the General Plan EIR was provided at key locations just outside Vacaville's jurisdiction. LOS at these locations, and those just inside Vacaville's jurisdiction, provide a means to assess expected LOS impacts to area County roadways.</p> <p>The Draft CTP Project List 2009 indicates that the segment of Peabody Road in the unincorporated county is planned to be widened from two lanes to four lanes. As indicated on Page 4.14-37 of the Draft EIR, this improvement has been included in the analysis. The Draft EIR analyzed the four-lane Peabody Road segment to the immediate north of the city limits, where traffic to/from the County segment would flow through, and found that the segment would operate within acceptable standards (see page 4.14-70 of the Draft EIR). Therefore, it is reasonable to conclude that the similar County segment of Peabody Road between the Vacaville and Fairfield city limits would also operate within the LOS D standard because the traffic volumes and capacity characteristics on the segment analyzed represent the same conditions as the County segment.</p> <p>Fair share contribution to cumulative impacts to Peabody Road would be addressed by participating in the County Traffic Impact Fee (TIF). Potential significant impacts to County facilities not identified in the programmatic evaluation of the proposed General Plan update would be evaluated with project-specific environmental assessments.</p> <p>Also see the response to comment 10-7.</p>
10-6		<p>The second aspect to traffic impacts from new development is life cycle. These impacts are not addressed in the General Plan and stand to be significant for adjacent unincorporated roads. The City development that is planned will result in increased usage of the unincorporated routes of regional significance. The increased traffic will produce higher maintenance costs with resulting shorter life spans of the road surfaces. These impacts need to be addressed.</p>	<p>Implementation of the General Plan would increase traffic and utilization on certain roadways. However, its effect on the life span of the road surface is not considered to be an environmental impact under CEQA and therefore is not analyzed in the Draft EIR. Ongoing maintenance of County roads and funding mechanisms would be addressed outside of the General Plan EIR process.</p>
10-7		<p>The County Transportation Impact Fee (TIF) identifies the impacts of new development on county roads and identifies improvements needed to bring many of the identified roads on Figure TR-1 up to an appropriate geometric standard. The TIF does not cover all the costs associated</p>	<p>Future development in Vacaville would continue to pay approved County Transportation Impact (TIF) fees, and when approved, these projects would contribute to the proposed Regional TIF (RTIF) program as a means to provide fair share contributions to cumulative impacts requiring regional improvements. Prior to RTIF approval,</p>



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#	Date	Comment	Response
		with bringing the roads up to appropriate geometric standards, nor does it cover the impacts from increased axle loadings and resulting reduced life cycles. These impacts need to be addressed.	current standards for assessment of and mitigation of impacts will be accomplished in project-specific environmental assessments.
10-8		5. Draft Energy and Conservation Action Strategy (ECAS)  <u>County Comments:</u> The County would like to see a reference to, or a discussion of a Community Choice Aggregation (CCA) program in the City's proposed Energy and Conservation Action Strategy. In the County's adopted Climate Action Plan, the potential benefits and costs of a CCA are discussed and an estimated reduction in GHGs is provided if the County were ever to participate in a CCA. The potential GHG emissions reduction is substantial and worthy of disclosure to the public and decision makers. Though the County has not yet looked at the feasibility of such a program, it would likely need to include many, if not all, of the cities in Solano County to participate. It would seem that providing a discussion of the potential benefits (in terms of reduction of GHG emissions) of a CCA program in the ECAS would provide both the public and decision makers with valuable information.	See the response to comment 10-6 related to the reduction of road surface life cycle. This comment suggests additional information to include in the ECAS. It is not a comment on the adequacy of the Draft EIR. See Master Response Number 1 regarding Project merits in Section A of this chapter.
10-9		Thank you for considering these comments. Questions relating to #s 1, 2, 3, and 5 can be directed to Matt Walsh at 784-6765. Questions related to #4 above should be directed to Matt Tuggle at the same number.	This comment provides direction on potential follow-up questions but does not address the adequacy of the Draft EIR; therefore, no response is required.
11	12/19/2013	Robert Macaulay, Director of Planning, Solano Transportation Authority	
11-1		T2040, Plan Bay Area, was approved by MTC on July 18, 2013. PBA serves as the first Sustainable Communities Strategy (SCS) for the Bay Area, as required by SB 375.  <i>Note: This comment was in reference to the following sentence on page 4.14-4 of the Draft EIR: MTC authored the current regional transportation plan known as Transportation 2035 that was adopted on April 22, 2009.</i>	As noted in the comment, Plan Bay Area was adopted in July 2013, which is after issuance of the February 2011 NOP for this EIR. Nevertheless, information on Plan Bay Area and the updated Regional Transportation Plan has been added to page 4.14-5 of the Draft EIR, as shown in Chapter 3 of this Final EIR.
11-2		Update to include PBA projects, and list the 10 performance criteria included in PBA.  <i>Note: This comment was in reference to the following sentence on page 4.14-4 of the Draft EIR: The projects included in the 2035 Plan that will most directly affect the proposed Vacaville General Plan are:</i>	See the response to comment 11-1.

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#	Date	Comment	Response
11-3		<p>Complete Streets requires consideration of the accumulation of all forms of travel, including bike, ped, ADA, transit and goods movement, and is sensitive to the context of the roadway (i.e. no need top full sidewalks in rural areas).</p> <p><i>Note: This comment was in reference to the following sentences on page 4.14-5 of the Draft EIR: MTC has established its policy on Complete Streets in the Bay Area. The policy states that projects funded all, or in part, with regional funds (e.g. federal, State Transportation Improvement Program, bridge tolls) must consider the accommodation of bicycle and pedestrian facilities, as described in Caltrans Deputy Directive 64.</i></p>	<p>While Complete Streets entail accommodation of all forms of travel, MTC's Complete Streets policy focuses on the needs of bicyclists and pedestrians, including wheelchair users. Therefore, the text is accurate.</p> <p>On December 11, 2012, the City Council adopted a Complete Streets policy for Vacaville, which was modeled on elements of the Complete Street Policy provided by Metropolitan Transportation Commission (MTC).</p>
11-4		<p>ABAG no longer prepares Projections. It does prepare the existing conditions and land use scenarios for the SCS, as required by SB 375.</p> <p><i>Note: This comment was in reference to the following sentence on page 4.14-5 of the Draft EIR: The ABAG Projections serve as the basis for regional travel forecasts and transportation programming.</i></p>	<p>As of the February 2011 NOP for this EIR, the ABAG Projections series had not been formally discontinued. ABAG has continued to provide forecasts of population and employment, although the current series is called the draft forecast for 2010-2040 for the Jobs-Housing Connections Strategy, also known as the Preferred Land Use Scenario for Plan Bay Area. The EIR text has been modified on page 4.15-5 of the Draft EIR, as shown in Chapter 3 of this Final EIR.</p>
11-5		<p>recommend text be deleted/ as some CMP roadways have a standard above F</p> <p><i>Note: This comment was in reference to the phrase "(i.e., congestion worsens to LOS F)" in the following sentence on page 4.14-6 of the Draft EIR: If the actual system performance falls below the standard (i.e., congestion worsens to LOS F), actions must be taken to improve the level of service.</i></p>	<p>As shown in Chapter 3 of this Final EIR, this text has been deleted from page 4.14-6 of the Draft EIR.</p>
11-6		<p>and transportation network</p> <p><i>Note: This comment was in reference to the following sentence on page 4.14-6 of the Draft EIR: The Solano/Napa Model maintains consistency with the population, housing, and employment projections developed by ABAG.</i></p>	<p>The transportation network in the Solano/Napa model is consistent with the most current Regional Transportation Plan. The EIR text on page 4.14-6 of the Draft EIR has been modified as shown in Chapter 3 of this Final EIR.</p>
11-7		<p>STA is concerned about the installation of an additional traffic signal on the Jepson Parkway. This is an area where the traffic signals are already dense, and additional signals could reduce the through-put of the Jepson Parkway.</p> <p><i>Note: This comment was in reference to the following bullet under Mitigation Measure TRAF-23 on page 4.14-63 of the Draft EIR: Install a traffic signal at the intersection as the peak hour traffic signal warrant would be met.</i></p>	<p>As stated on page 4.14-63 of the Draft EIR, Mitigation Measure TRAF-23 recognized that installation of a traffic signal at Gilley Way would conflict with the adopted Jepson Parkway Concept Plan. The proposed mitigation would introduce a signal within 0.17 miles of the existing traffic signal at Orange Drive, while the Plan specifies (page 66) that full-access intersections will be generally located at minimum intervals of 0.25 to 0.50 miles. Therefore, the impact is found to be significant and unavoidable.</p> <p>During the preparation of the Draft EIR, a mitigation was tested which would construct a closed median on Jepson Parkway to prohibit left turns and allow right turns</p>

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#	Date	Comment	Response
			<p>in and out of Gilley Way only, maintaining the existing stop-sign control on Gilley Way. This mitigation would be consistent with the Jepson Parkway Concept Plan, as it would not provide a full-access intersection. However, the level of service for right turns from Gilley Way would still be LOS F, and therefore this mitigation would not cause the impact to be less than significant.</p> <p>Including a traffic signal as mitigation at the interection of Leisure Town Road and Gilley Way, and assessing installation of a median, was the means to address a programmatic evaluation of mitigation for the impact to this intersection. The City is committed to working with STA during the design and implementation of Jepson Parkway and its Concept Plan.</p>
11-8		<p>The STA is concerned about the installation of additional traffic signals along the Jepson Parkway at intersections that are currently not signaled.</p> <p><i>Note: This comment was in reference to the following bullet under Mitigation Measure TRAF-24 on page 4.14-64 of the Draft EIR: Install a traffic signal at the intersection as the peak hour traffic signal warrant would be met.</i></p>	<p>Installation of a traffic signal at Leisure Town Road/Marshall Road would be required to mitigate the traffic operations impact identified at this intersection. While this signal was not specifically identified in the Jepson Parkway Concept Plan, the Plan allows for additional signals "on an as-needed basis" (Jepson Parkway Concept Plan, 2000, page 67). The Marshall Road intersection would be more than 0.25 miles from full-access intersections at Alamo Drive and Elmira Road, and therefore establishment of a full-access signalized intersection would be consistent with the Jepson Parkway Concept Plan. Further, installation of a traffic signal at this location is consistent with the mitigation measures listed in the Jepson Parkway Concept Plan EIR, as stated in Impact TRA-1 on page 3.6-19 and Mitigation Measure TRA-1 on page 3.6-24 of the Jepson Parkway Concept Plan EIR.</p> <p>Including the a traffic signal as mitigation at interection of Leisure Town Road and Marshall Road was the means to address a programmatic evaluation of mitigation for the impact to this intersection. The City is committed to working with STA during the design and implementation of Jepson Parkway and its Concept Plan.</p>
<b>NON PROFIT ORGANIZATIONS</b>			
12	12/18/2013	Joel Devalcourt, Regional Representative. Greenbelt Alliance, Walnut Creek Office	
12-1		<p>Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the City of Vacaville's General Plan and Energy and Conservation Strategy.</p> <p>By way of introduction, Greenbelt Alliance is a non-profit public benefit environmental organization with over 4,000 active members in the San Francisco Bay Area. Our purpose is to make the Bay Area a better place to live by protecting and preserving open space within the nine-county</p>	<p>This comment serves to introduce and provide context for the Greenbelt Alliance's comments that follow. However, the comment does not specifically address the adequacy of the Draft EIR; therefore, no response is required.</p>

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#	Date	Comment	Response
		<p>Bay Area region and creating walkable, transit-oriented communities in the region through public policy development, advocacy, and education.</p> <p>Our staff, board, and members have worked for more than fifty years to protect and enhance the quality of life in the Bay Area. We have participated in numerous land use issues in and adjacent to the City of Vacaville, including collecting more than 10,000 signatures in support of the current Urban Growth Boundary (UGB) and drafting smart land use and growth management policies for the city. We therefore have a direct and substantial organizational interest in the scope and quality of the environmental impact analysis of the project and its resultant impacts on the surrounding environment and communities.</p>	
12-2		<p>The City of Vacaville (City) is considering the adoption of a comprehensive general plan update, covering development through 2035. The proposed General Plan (Plan) calls for extensive development of open space and agricultural lands, potentially outside the voter-approved UGB, and lacks any consideration for compact, infill development that could offset many of the anticipated significant and unavoidable impacts.</p>	<p>The comment mischaracterizes the proposed Project in two ways: that the Project calls for development outside the UGB and that it "lacks any consideration" of infill development.</p> <p>As explained in the response to comment 13-25, the proposed General Plan does not designate areas outside the UGB for development; rather, it shows the Solano County General Plan land use designations (which are already in place) outside the UGB. The only exception is a parcel south of the UGB that the proposed General Plan would designate for public use to reflect City plans for this City-owned parcel, but public uses outside the UGB are consistent with the City's UGB policies. See the response to comment 13-25 for additional information about consistency with the UGB policies.</p> <p>As described in detail on pages 3-27 to 3-29 of Chapter 3, Project Description, of the Draft EIR, the primary locations where the land use designations would change from the existing General Plan are within "focus areas" and the two "growth areas." These terms were developed through the land use alternatives process for the General Plan Update to include areas identified by City staff and the community as locations where changes in land use may be appropriate in the future. Focus areas and growth areas are shown in Figure 3-5, and potential development within each of these types of areas is quantified in Table 3-3. As discussed on page 3-27, focus areas are, in fact, infill sites, located throughout and adjacent to the existing city limits. As shown in Table 3-3, the Draft General Plan would allow capacity for over 2,300 units, 2 million square feet of commercial space, and 2 million square feet of office space on infill focus area sites.</p> <p>The comment speculates that the consideration of compact, infill development could reduce significant and unavoidable impacts of the proposed Project, but does not</p>

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#	Date	Comment	Response
12-3		If adopted, the General Plan would further exacerbate the region's job-housing imbalance and result in increased greenhouse gas emissions, air pollution, and traffic impacts. In addition to the substantial loss of agricultural lands, the Plan would result in severe impacts on numerous sensitive biological communities, including vernal pools and wetlands, and the plant and wildlife species that rely on these habitats.	<p>describe nor specify which significant and unavoidable impacts could be reduced. In addition, the commenter does not provide factual support for this assertion.</p> <p>Given that an effect is not considered significant in the absence of substantial supporting evidence, Section 15204(c) of the CEQA Guidelines advises reviewers to provide data or references in support of their comments. Specifically, Section 15204(c) states that "Reviewers should explain the basis for their comments, and, should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence."</p> <p>The commenter is directed to Chapter 5, Alternatives, of the Draft EIR, for a discussion of the CEQA-required No Project Alternative and two additional alternatives (Focused Growth and Town Grid Alternatives) that reduce development proposed under the proposed Project and result in reduced or equivalent environmental impacts. Please see Master Response Number 5 regarding land use alternatives, in Section A.5 of this chapter.</p>
12-4		Unfortunately, the DEIR for the Plan is thoroughly deficient and fails to comply with fundamental requirements of the California Environmental Quality Act (CEQA), including the proper analysis of the impacts of the proposed development pattern, project alternatives, and assessment of feasible mitigation measures.	<p>The comment expresses the opinion of the commenter regarding impacts to agricultural resources, biological resources, housing, greenhouse gas emissions, air pollution, and traffic impacts, yet does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The basis for the commenter's opinion is contained in their comments that follow; each of these comments is more precisely addressed in the responses below. 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 proposed Project.</p> <p>The comment states that the Draft EIR is deficient and fails to comply with CEQA, but does not itself specifically demonstrate how the analysis presented in the Draft EIR is deficient and fails to comply with fundamental requirements of CEQA. The basis for the commenter's statement is contained in their comments that follow, each of which is more precisely addressed by the responses below. 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 Project.</p> <p>As described in Chapter 1, Introduction, of the Draft EIR, the Draft EIR has been prepared in compliance with CEQA and the CEQA Guidelines. The commenter is directed to Chapter 1 for a complete description of how the Draft EIR has been prepared, with emphasis on Sections B and C of that Chapter. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
			the Final EIR for their consideration in reviewing the Project. Please also see Master Response Number 4 regarding mitigation and Master Response Number 5 regarding land use alternatives, in Section A of this chapter.
12-5		Of particular concern, it fails to analyze an infill development alternative, which could potentially show that the City’s growth could be accommodated by more compact development, thereby reducing the overall negative impacts on prime farmland and biological resources, while simultaneously creating more livable communities.	As discussed in on page 5-1 in Chapter 5 of the Draft EIR, entitled “Alternatives,” the alternatives evaluation was prepared consistent with Section 15126.6 of the CEQA Guidelines, which states that "an EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.” The comment provides no data or references that the suggested alternative would reduce the proposed Project’s significant impacts. Further, see Master Response Number 5 regarding land use alternatives, in Section A of this chapter, which explains how the Focused Growth Alternative that was evaluated in Chapter 5 of the Draft EIR is an infill-focused alternative and that CEQA does not require an analysis of variations of an alternative. See also the response to comment 12-2.  The lead agency selected three alternatives for analysis in the Draft EIR as a reasonable range of potentially feasible alternatives that would foster informed decision-making and public participation. The commenter is directed to Chapter 5 of the Draft EIR, entitled “Alternatives,” for a discussion of the CEQA-required No Project alternative and two additional alternatives (Focused Growth and Town Grid Alternatives) that reduce development proposed under the proposed Project, resulting in reduced or equivalent environmental impacts (see Table 5-1).
12-6		Because of these deficiencies, the DEIR fails to serve as a meaningful decision-making tool for the Vacaville City Council, Vacaville residents, and other decision makers and stakeholders. The DEIR should be thoroughly revised and recirculated to address these issues. Some of the most pressing failures of the DEIR are described below:	The comment asserts the Draft EIR is deficient, but does not specify or explain the deficiencies of the Draft EIR. The comment serves as an introduction to the comments that follow, each of which is more precisely addressed in the responses below. The comment also expresses an opinion regarding the value of the Draft EIR as a decision-making document and requests the Draft EIR be revised and recirculated. Please see Master Response Number 7 regarding Draft EIR revisions and recirculation, and Master Response Number 5 regarding land use alternatives, in Section A of this chapter.
12-7		<u>The DEIR is fundamentally inconsistent with CEQA law, which requires that the DEIR be recirculated after extensive revision and re-scoping</u>  Greenbelt Alliance is deeply concerned about the DEIR’s failure to pro-	The commenter expresses a concern about the analysis provided in the Draft EIR, but does not explain or elaborate on how the Draft EIR fails to provide adequate analysis of the proposed Project. Further, the comment does not identify any specific concern regarding the Draft EIR’s adequacy nor does it raise any new environmental issue or

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#	Date	Comment	Response
		vide adequate analysis of development impacts from the proposed General Plan. A DEIR must provide extensive analysis of the full breadth of issues required by CEQA, determine the significance of those impacts, and detail achievable mitigations to reduce the negative consequences of the impacts from development.	<p>concern not addressed in the Draft EIR. The analysis of the Draft EIR is based on scientific and factual data that have been reviewed by the City of Vacaville, acting as the lead agency, and this analysis reflects the City's 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."</p> <p>The basis for the commenter's concern is contained in their comments that follow, each of which is more precisely addressed in the responses below. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p> <p>Please also see Master Response Number 7 regarding Draft EIR revisions and recirculation, in Section A of this chapter.</p>
12-8		The failure of the DEIR to provide an adequate description of the Project – one that accounts for the land uses and types of development actually permitted by the General Plan – undermines its analysis of environmental impacts as well as its discussion of potential mitigation measures.	See Master Response Number 3 regarding development projections and Master Response Number 6 regarding the Full Buildout Alternative in Section A of this chapter.
12-9		The DEIR also fundamentally fails to disclose, analyze, and propose mitigation for environmental impacts that it merely assumes will be less than significant. The many vague, voluntary, and unenforceable policies cited as mitigation measures in the DEIR fail to comply with CEQA, which requires enforceable, concrete commitments to mitigation. As a result, the DEIR completely fails to describe measures that could avoid or substantially lessen the General Plan's numerous significant impacts.	<p>The comment incorrectly states that: (i) the Draft EIR does not disclose, analyze, or propose mitigation measures, and (ii) the Draft EIR assumes impacts would be less than significant. The commenter provides no data or references in support of the comments nor does the commenter specify how the Draft EIR and recommended mitigation measures in the Draft EIR should be revised.</p> <p>Under CEQA Guidelines Section 15064(b), 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 that have been reviewed by the lead agency, and the analysis reflects its independent judgment and conclusion on whether an environmental effect is significant. 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."</p> <p>Please also see Master Response Number 4 regarding mitigation, in Section A of this</p>

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#	Date	Comment	Response
12-10		CEQA requires recirculation of an EIR when significant new information is added to the document after notice and opportunity for public review was provided (CEQA § 21092.1; CEQA Guidelines § 15088.5). As will be shown in this comment letter, the requirements for a recirculated document are clearly met due to the extensive deficiencies in the DEIR. Greenbelt Alliance expects that the City will revise the DEIR based upon the issues identified here and those raised by others, and recirculate the DEIR after those revisions.	This comment correctly cites the Section of CEQA and the CEQA Guidelines that describe the circumstances for when recirculating the Draft EIR is required. The comment serves as an introduction to the comments that follow. The comment expresses the commenter’s expectation that the City will revise the Draft EIR based on their comments and other comments shown in this Final EIR. Please see Master Response Number 7 regarding Draft EIR revisions and recirculation, in Section A of this chapter.
12-11		<u>The DEIR fails to include enforceable mitigations throughout most of the document</u>  The DEIR identifies 30 areas of significant and unavoidable impacts. Despite the extensive development impacts, the DEIR provides entirely inadequate mitigation strategies, often lacking legally required analysis or suitable strategies to reduce the proposed significant effects of development.  Worse, the DEIR often simply concludes that an impact is significant and unavoidable and moves on. A conclusion of residual significance does not excuse the lead agency from (1) performing an thorough evaluation and description of the impact and its severity before and after mitigation, and (2) proposing all feasible mitigation to “substantially lessen the significant environmental effect” (CEQA Guidelines § 15091(a)(1)).	The comment expresses an opinion about the general adequacy of all the mitigation measures analyzed in the Draft EIR, but fails to state how the mitigation measures are inadequate or how they should be revised. See the response to comment 12-9.  Throughout the Draft EIR, mitigation measures are identified to reduce impacts that were found to be significant. However, there are instances where mitigation was found to be infeasible and the Draft EIR accurately found that significant and unavoidable impacts would occur. Please see Master Response Number 4 regarding mitigation, in Section A of this chapter.  As to the comment that the Draft EIR fails to thoroughly evaluate the impacts and their severity before and after mitigation and does not propose all feasible mitigation measures, the Draft EIR considered and analyzed alternatives to the Project that would result in a lesser level of some impacts. Please also see Master Response Number 5 regarding alternatives, in Section A of this chapter.
12-12		In particular, CEQA requires that the DEIR consider changes to land use designations or densities and intensities as potential mitigation. However, a thorough land use alternative analysis is entirely left out of the DEIR.  There is no indication that the DEIR considered modifications to land use designations or densities and intensities to mitigate the impacts of the General Plan. Yet those changes are the easiest, most effective, and most obvious ways to lessen or avoid many of the General Plan’s impacts. Compact, infill development around the urban core is widely shown to reduce vehicle trips, increase alternative modes of transportation, reduce infrastructure costs, and provide significant net environmental benefits. The proposed Plan instead proposes nearly all development in areas that	The comment incorrectly states that CEQA requires the consideration of land use designations or densities and intensities as potential mitigation, and also asserts that the Draft EIR did not include a thorough land use alternatives analysis. 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.”  On page 5-1 in Chapter 5, entitled “Alternatives,” the Draft EIR does discuss an alternatives evaluation consistent with Section 15126.6 of the CEQA Guidelines. CEQA does not restrict alternatives or mitigation measures to only showing changes to land use designations or densities and intensities, nor does it preclude the consideration of alternatives or mitigation that show alternative designs to the proposed Pro-



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#	Date	Comment	Response
		would result in the loss of farmland of concern. Because this proposed development is far from Vacaville's urban areas, it will result in increased travel, which in turn will result in increased criteria air pollutants and greenhouse gas emissions. Exploring alternative land use scenarios is essential to reduce numerous General Plan impacts, such as air quality, climate change, biological resources, agriculture, and traffic.	ject. The alternatives analysis compared the selected alternatives to the proposed Project.  Differences between the alternatives included changes to the density, intensity, and location of the proposed residential and non-residential development. In fact, the Draft EIR analyzed the Focused Growth Alternative, which was specifically crafted to evaluate the potential impacts of an infill-focused alternative. As noted on page 5-16 of the Draft EIR, the Focused Growth Alternative "maintains significant areas outside the current city limits for agricultural use." Moreover, as explained in Master Response 5 regarding land use alternatives, about 86 percent of the residential capacity of the Focused Growth Alternative would occur within the existing city limits, which serves as the current edge of urbanization. Please see Master Response Number 5 regarding land use alternatives, in Section A of this chapter. As explained in that Master Response, the City concludes that changes to the land use plan would be an alternative to the proposed Project and that a separate analysis of changes to the land use plan as mitigation is not required or appropriate.
12-13		A recirculated DEIR must show enforceable mitigation strategies, such as permit conditions, agreements, or other legally binding instruments, rather than vague and optional strategies that will do little to nothing to reduce negative impacts from development.	The comment expresses an opinion about the mitigation measures analyzed in the Draft EIR and requests the Draft EIR be recirculated with revised mitigation measures, but fails to state which mitigation measures are inadequate or how they are inadequate. Please see Master Response Number 4 regarding mitigation, and Master Response Number 7 regarding revisions and recirculation, in Section A of this chapter.
12-14		<u>The DEIR fails to accurately calculate and analyze anticipated development</u>  CEQA law requires that Environmental Impact Reports, especially with local general plans, analyze the full extent of development. The City's current DEIR not only provides a confusing and unlawful dual development alternative model ("Full Buildout" versus "Horizon-Year Projection"), but also provides little substantiation for the proposed development scenarios.	The proposed General Plan includes explicit policies to limit the amount of development that could be approved without further environmental analysis to the amount analyzed in the Draft EIR. Moreover the Draft EIR includes 17 pages of detailed substantiation for the 2035 horizon year development scenario, including twenty years of past permit history, ABAG demographic projections, local sales tax revenues, and national retail trends. For additional explanation and response, see Master Response Number 3 regarding development projections and Master Response Number 6 regarding the Full Buildout Alternative in Section A of this chapter.
12-15		The DEIR uses the Horizon-Year Projection to evaluate the impacts of development, which assumes a lower level of growth anticipated over the next 22 years, but these estimates are based on conjecture, rather than solid analysis of existing conditions.	CEQA Guidelines Section 15144 acknowledges that "Drafting an EIR... necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." In this case, the City of Vacaville, as lead agency, did not rely on "conjecture" as stated in the comment, but consulted economic and land use planning professionals who analyzed twenty years of permit history as well as local, regional, and national development trends, to establish a reasonable forecast of anticipated development. See

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#	Date	Comment	Response
			pages 3-31 through 3-47 of the Draft EIR, as well as Master Response Number 3 regarding development projections, in Section A of this chapter. Further, the commenter does not explain how the horizon year projection provides a lower level of growth nor how the background data, methodology, and explanation included in the Draft EIR at pages 3-31 through 3-47 do not constitute "solid analysis" supporting the 2035 horizon year projection..
12-16		The Full Buildout alternative allows for two times more dwelling units and retail space and approximately nine times as much new commercial space and industrial space, as is assumed under the Horizon-Year Projection. Because the DEIR fails to assume development as allowed under the General Plan, it significantly underestimates the Project's impacts.	See Master Response Number 3 regarding development projections and Master Response Number 6 regarding Full Buildout Alternative in Section A of this chapter.
12-17		CEQA requires that a municipality provide a robust investigation of existing conditions.	As described in Chapter 3 of the Draft EIR, the first phase of the General Plan Update process was devoted to researching and documenting baseline environmental conditions in Vacaville. This effort resulted in a series of detailed technical memoranda covering the following topics: land use, agriculture, demographics, economic development, parks and recreation, public services, utilities and infrastructure, biological resources, cultural resources, transportation, greenhouse gas emissions, air quality, and noise. These memoranda informed the issues identification phase and the development of land use alternatives, and provided the foundation of baseline conditions for this EIR. Since their publication in September 2010, these memoranda have been available for public review at City Hall and on the City's web site at <a href="http://www.vacavillegeneralplan.org/documents/">http://www.vacavillegeneralplan.org/documents/</a> . Chapter 3 of the Draft EIR provides the reader with the context of the setting, with regard to the EIR Study Area boundaries, including the population, number of homes, average household size, and existing office, commercial, and industrial lands by square feet and acreage. Specifically, see Table 3-2, 2035 Horizon-Year Growth Projections. Also shown in Chapter 3 are the primary locations where the land use designations would change from the existing General Plan (see Figure 3-5). Furthermore, the existing setting is described in detail in Chapters 4.1 through 4.15 of the Draft EIR.
12-18		The DEIR fails to provide adequate context for the two proposed alternatives, which undermines the document's findings and strategies for mitigating the significant effects of the intensive sprawl development proposed. A recirculated DEIR must analyze the "Full Buildout" scenario in its entirety to provide a clear distinction from the other alternatives, as well as include a robust investigation of existing conditions.	As discussed on page 5-1 of Chapter 5 of the Draft EIR, entitled "Alternatives," the alternatives evaluation was prepared consistent with Section 15126.6 of the CEQA Guidelines, which states that "an EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation." Please also see Master Response Number 5

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#	Date	Comment	Response
12-19		<p><u>The DEIR fails to provide the required analysis and mitigation strategies for impacts on prime farmland and open space</u></p> <p>Low-density residential and commercial developments have significant detrimental impacts on prime farmland and the sustainability of agricultural enterprise. In addition, farmers and ranchers struggle to remain economically viable due to speculative sprawl development. The California State Legislature has repeatedly asserted that preservation and protection of state farmland is an important policy goal and that CEQA is an important tool that should be used to carry out this goal.</p> <p>Despite the importance of agricultural resources to the City, County, and State, the DEIR fails to adequately describe the impacts to agricultural resources, and wholly fails to identify any mitigation measures to avoid or mitigate the loss of agricultural land. Accordingly, the DEIR's discussion of agricultural resources, not only fails to effectuate an important public policy, but also fails to meet the basic requirements of CEQA.</p>	<p>regarding land use alternatives, in Section A of this chapter. In addition, in response to this and other comments, this Final EIR includes a more detailed analysis of a full buildout scenario, provided in Section A.6 of this chapter.</p> <p>See the response to comment 13-23.</p>
12-20		<p>The DEIR should propose mitigation measures to lessen development impacts on areas of prime farmland. Eleven percent (11%) of the land within the City limits is currently vacant (DEIR, section 4.10-10). Instead of focusing development in these vacant areas, the General Plan allows for, and the DEIR assumes that, the agricultural areas will be some of the first areas to be developed (DEIR, Figure 3-6). The DEIR must propose mitigation measures that would ensure that the vacant areas within the City limits are developed before areas with farmland of concern.</p>	<p>Per the commenter's suggestion to propose mitigation to lessen development impacts on areas of prime farmland, Chapter 4.2 of the Draft EIR, entitled "Agricultural and Forestry Resources," notes that the General Plan includes Goal LU-5 and its associated policies to protect agricultural lands beyond the UGB. These and other proposed General Plan policies and actions cited on pages 4.2-17 to 4.2-18 of the Draft EIR describe the City's intent to concentrate growth within the city, Sphere of Influence, and UGB as a means to protect against the conversion of agricultural lands outside of the UGB to non-agricultural use.</p> <p>As to the recommendation that the Draft EIR propose mitigation measures that would ensure the development of vacant areas within the city prior to the development of farmland of concern, the City lacks the authority to control the order in which specific parcels are developed because the City cannot legally restrain or prohibit one land owner from developing his/her property until land owned by another develops first.</p> <p>Moreover, the comment's proposed mitigation is in conflict with the General Plan objective of preserving Vacaville's "small town feel." The proposed mitigation could</p>

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#	Date	Comment	Response
			<p>stymie the construction of community-oriented neighborhoods and other desirable housing options. Such an effect could also limit the City’s ability to attract “people from all backgrounds, ages, income levels, and physical capabilities” by overly restricting product types such as single family homes that are attractive to families and new home buyers and foreclosing the ability to establish age-restricted single-family home communities for retirees. See page 3-11 of the Draft EIR for the full list of Project objectives.</p> <p>The commenter's suggested mitigation is infeasible for the above reasons. Please also see Master Response Number 4 regarding mitigation, in Section A of this chapter. Also, to the extent that the commenter is requesting a change in the land use plan, please see Master Response Number 5 regarding land use alternatives.</p>
12-21		In addition to considering land use alternatives that prioritize and phase growth so that it first occurs in areas outside of prime farmland, the DEIR should include a mitigation measure that requires that every acre of farmland that is converted must be mitigated by preserving, at a minimum, one acre of farmland of equal or greater quality in the area. Another common, feasible, and effective practice is to purchase agricultural conservation easements to prevent the loss of agricultural land. These are but a few of the many mitigation strategies the DEIR should consider in a recirculated document.	See the response to comment 13-35.
12-22		<p><u>The DEIR fails to convey whether and how much growth is anticipated to occur outside of Vacaville’s Voter-Approved Urban Growth Boundary</u></p> <p>The City of Vacaville has a clearly defined voter-approved Urban Growth Boundary (UGB). The current DEIR proposes 2,640 acres of development in areas considered farmland of concern, which is more than the 2,500 acres of agricultural land shown to be within Vacaville’s Sphere of Influence and UGB in the Energy and Conservation Action Strategy (ECAS, section 1-15). The DEIR does not explicitly show the extent of development outside of the UGB. The Plan should be clarified to ensure that no urban development occurs outside of the UGB and the recirculated DEIR must show the entire geographic extent of proposed development.</p>	See the response to comment 13-25.
12-23		<p><u>The DEIR fails to provide an adequate alternative for infill growth</u></p> <p>This General Plan Update offers the City of Vacaville a great opportunity</p>	This comment expresses an opinion regarding the selection of alternatives analyzed in the Draft EIR. As discussed on page 5-1 of Chapter 5 of the Draft EIR, entitled “Alternatives,” the alternatives evaluation was prepared consistent with Section 15126.6

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		<p>to create compact development that will accommodate future growth in thriving neighborhoods, while also ensuring a more fiscally sustainable budget and protecting natural resources and open spaces.</p> <p>Although the General Plan DEIR identifies two alternative land use scenarios, each of these alternative land use scenarios includes extensive development on open space and agricultural lands with little or no infill development. The DEIR fails to include the obvious land use scenario that calls for urban infill development. In the current regional planning context, the City of Vacaville needs to include at least one alternative that focuses growth on infill-oriented development. This will enhance the DEIR's usefulness for evaluating the land use and transportation impacts of development, as well as demonstrate compliance with the intent of CEQA and statewide goals for reducing greenhouse gas emissions.</p>	<p>of the CEQA Guidelines, which states that "an EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation." Please see Master Response Number 5 regarding land use alternatives, in Section A of this chapter, and responses to comments 12-2, 12-5, and 12-12. 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.</p>
12-24		<p><u>The DEIR fails to adequately analyze and mitigate effects on biological resources</u></p> <p>The City of Vacaville has a multitude of sensitive natural communities and special-status species that have the potential to occur in the General Plan study area. The DEIR acknowledges the potential conversion of about 6,900 acres of habitat to various land uses including, residential, commercial, and industrial (DEIR, section 4.4-50). Most of these undeveloped lands provide habitat for one or more of the 28 special-status wildlife species and the 19 special status plant species that could potentially occur in the EIR Study Area.</p> <p>Even with such biological diversity, the DEIR fails to sufficiently describe these resources because it relies on database searches rather than botanical surveys. Surveys are one of the preliminary steps to detect the presence of special-status plant species or a natural community. In the absence of surveys to determine the specific characteristics of a wildlife species' use of the habitat, the DEIR undercuts the legitimacy of the environmental impact analysis.</p>	<p>Please see the responses to comments 13-41 and 13-42 with respect to the level of detail of the analysis and the value and practicability of conducting detailed botanical surveys at the General Plan level of analysis. See also the response to comment 13-46 regarding the extent of fieldwork and analysis that supported the baseline information presented in the Draft EIR.</p>
12-25		<p>Moreover, based upon a modest survey analysis, the DEIR concludes that impacts to certain habitats will be significant, yet the DEIR does not identify the specific locations of habitats that would be eliminated or impacted by the Project. The DEIR must explain how it arrived at its conclusions. Accordingly, the revised EIR should include maps that</p>	<p>See the response to comment 13-47 regarding new figures provided in Chapter 3 of this Final EIR that depict biological impact areas.</p>

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		overlay proposed development locations on sensitive habitats. Once this information is provided, it may be possible to evaluate alternative locations for certain development that would protect these sensitive communities and the species that rely on them.	
12-26		Once again, a recirculated DEIR should consider an urban infill land use alternative to provide the public and decision-makers with information on how compact development could potentially decrease significant and irreversible impacts on biological resources. It should also identify how land use patterns in areas outside of currently urbanized areas could be improved to reduce impacts on sensitive habitats and species.	See Master Response Number 5 regarding land use alternatives in Section A of this chapter.
12-27		<p><u>The DEIR's transportation impact analysis is woefully inadequate, resulting in meaningless targets and goals out of compliance with local, county, regional and state policy</u></p> <p>The DEIR fails to evaluate the General Plan's transportation impacts against an accurate baseline. Rather than compare existing transportation conditions with the proposed General Plan, the DEIR compares the number of proposed trips to the 1990 General Plan. Specifically, the DEIR states that the number of trips due to the proposed General Plan would be "within 1 percent of the 2035 trips generated with the 1990 General Plan" (DEIR at 4.14-37). Comparing environmental impacts to a plan, rather than existing conditions, is inconsistent with CEQA case law.</p> <p>The General Plan has the potential to result in a significant increase in traffic impacts compared to existing conditions. Indeed, DEIR Table 4.14-8 reveals that the General Plan would increase the number of daily trips in Vacaville by 48 percent and the number of peak-hour trips will increase by 47-50 percent, which is obviously substantially greater than the one percent value assumed in the DEIR.</p>	The trip generation information provided in Table 4.14-8 of the Draft EIR presents a comparison of trips projected to be generated in Vacaville under existing conditions (2008), in the year 2035 under the existing 1990 General Plan, and in the year 2035 under the proposed General Plan (Project). Although all traffic impacts and mitigation measures were evaluated using existing conditions as the baseline, information about conditions under the 1990 General Plan is provided as additional information to help the reader understand the long-term conditions that may occur with adoption of the new General Plan relative to not adopting a new General Plan. However, this comparison was not used for the determination of impacts or required mitigation; it is for informational purposes only. This is explained on page 4.14-35 of the Draft EIR as follows: "Besides analysis results of the proposed 2035 General Plan, the operations of the study locations under Existing Conditions and adopted 1990 General Plan scenarios are also presented in Section E, Impact Discussion. As described in Chapter 3, Project Description, impacts are determined by comparing the proposed General Plan and ECAS to existing conditions, rather than to the existing General Plan. The inclusion of operations under the 1990 General Plan scenario is for informational purposes, to provide a comparison of the future transportation system in 2035 under the proposed General Plan to existing conditions, and provides a comparison to a future transportation system in 2035 if the 1990 General Plan remained in effect."
12-28		<p>Again, appropriate mitigation measures for the potential significant increases in vehicle trips are left out of the DEIR. In particular, the DEIR uses transportation system improvements without designated funding sources as mitigation strategies. These "mitigations" are purely speculative.</p> <p>Without any meaningful indication of the availability of adequate funding for the necessary transportation system improvements it is impossible to</p>	See the response to comment 13-72.

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		state with certainty that the improvements are feasible. Thus, it is inappropriate to conclude that the associated impacts will be reduced to less than significant.	
12-29		<u>Conclusion</u>  As this letter demonstrates, the City of Vacaville’s General Plan Update DEIR clearly requires extensive new information and analysis. This analysis will likely result in the identification of new, substantial environmental impacts or substantial increases in the severity of significant environmental impacts. Moreover, the flaws that permeate the entire document, particularly the DEIR’s use of the Horizon Year Projection, constitute precisely the sort of pervasive flaws in the document that independently require recirculation under CEQA Guidelines section 15088.5(a)(4).	This comment summarizes the comments provided by The Greenbelt Alliance in Comment Letter 12. As shown in the individual responses to this comment letter, the Draft EIR does not require substantial new information or new analysis to be disclosed. Please see Master Response Number 7 regarding Draft EIR revisions and recirculation, and Master Response Number 3 regarding development projections, in Section A of this chapter. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.
12-30		Greenbelt Alliance expects that in the process of revising the DEIR, the City will also re-scope the document to include an alternative that prioritizes urban infill development. This will provide the City and the public a realistic analysis of land use and transportation alternatives that could substantially reduce the negative impacts of sprawl development.	The comment is noted. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As explained in Master Response Number 5 regarding land use alternatives, in Section A of this chapter, and the response to comment 12-12, the Draft EIR already includes the Focused Growth Alternative, which maintains significant areas outside the current city limits for agricultural use and in which 86 percent of the residential development capacity is within the existing city limit, which serves as the current edge of urbanization.
12-31		Moreover, we encourage the City to work collaboratively with organizations (both government and non-governmental alike) that can provide the tools and strategies for a DEIR that meets CEQA requirements and will create great communities in Vacaville well into the future.	The comment is noted. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As described in Chapter 1, Introduction, of the Draft EIR, the Notice of Preparation (NOP) for the EIR was published on February 10, 2011 and a scoping meeting was held on March 10, 2011. Further, as described in Chapter 3 of the Draft EIR, entitled “Project Description,” the process to update the existing Vacaville General Plan began in March 2010 with extensive community outreach and input. Widely-publicized community meetings were held during the planning process, including a total of seven City Council study sessions, 17 Steering Committee meetings, and four community workshops, all of which were open to the public and included extensive public comment periods. In addition, an additional Steering Committee meeting and community workshop were held after publication of the Draft EIR to review the Draft General Plan, Energy and Conservation Strategy (ECAS), and EIR, and two more City Council meetings are planned for final review and adoption of General Plan and certification of the EIR. The City also staffed an information booth at the Downtown Farmer’s Market, and hosted a number of community outreach meetings with community groups, including civic groups, church groups, and neighborhood associa-

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13	12/18/2013	13. Laurel L. Impett, AICP, Urban Planner, and Erica Maharg. Shute, Mihaly & Weinberger LLP (on behalf of the Solano Orderly Growth Committee)	tions, throughout the General Plan process.
13-1		We have been retained by the Solano County Orderly Growth Committee to review and comment on the draft environmental impact report ("DEIR") for the City of Vacaville General Plan and Energy and Conservation Strategy ("Project"). Our review of the DEIR reveals serious violations of the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 <i>et seq.</i> ) and CEQA Guidelines (California Code of Regulations, title 14 section 15000 <i>et seq.</i> ).	This comment generally describes the commenter and confirms they have reviewed the Draft EIR. This comment asserts that the Draft EIR violates CEQA and the CEQA Guidelines, yet does not state how the Draft EIR violates CEQA and the CEQA Guidelines. The basis for the commenter's assertion is contained in the comments that follow, each of which is more precisely addressed in the responses below.
13-2		The DEIR is fundamentally inconsistent with CEQA. Its failure to provide an adequate description of the Project - one that accounts for the land uses and types of development actually permitted by the General Plan - fatally undermines its analysis of environmental impacts as well as its discussion of potential mitigation measures.	Chapter 3 of the Draft EIR describes the Project, including the proposed General Plan land use map, the types of uses envisioned, and other information about development allowed by the General Plan. The impact analyses consider the whole of the development allowed by the policies included in the proposed General Plan. See Master Response Number 3 regarding development projections and Master Response Number 6 regarding Full Buildout Alternative in Section A of this chapter.
13-3		The DEIR also fundamentally fails to disclose, analyze, and propose mitigation for environmental impacts that it merely assumes will be less than significant. The countless vague, voluntary, and unenforceable policies cited as mitigation measures in the DEIR fail to comply with CEQA, which requires enforceable, concrete commitments to mitigation. As a result, the DEIR completely fails to describe measures that could avoid or substantially lessen the General Plan's numerous significant impacts.	This comment expresses an opinion regarding the impact conclusions and mitigation measures described in the Draft EIR, but does not state a specific concern regarding any specific conclusion or mitigation measure identified in the Draft EIR. Therefore, a more detailed response cannot be provided. Please also see Master Response Number 4 regarding mitigation, in Section A of this chapter, and responses to comments 12-9 and 12-11.
13-4		The pervasive flaws in the document demand that the DEIR be substantially modified and recirculated for review and comment by the public and public agencies.	This comment asserts the Draft EIR is flawed and that the Draft EIR be revised and recirculated. The basis for the commenter's assertion is contained in the comments that follow, each of which is more precisely addressed in the responses below. Please also see Master Response Number 7 regarding Draft EIR revisions and recirculation, in Section A of this chapter.
13-5		For all the reasons set forth below, it is our opinion that the DEIR does not comply with the requirements of CEQA. The City must revise and recirculate the DEIR to provide the public an accurate assessment of the environmental issues at stake, and a mitigation strategy – developed before General Plan approval – that fully addresses the Project's significant impacts. The City must also take a serious look at alternatives that can avoid or lessen the Project's significant impacts.	This comment expresses an opinion regarding the Draft EIR's compliance with CEQA and asserts the Draft EIR should be revised and recirculated. The basis for the commenter's assertion is contained in the comments that follow, each of which is more precisely addressed in the responses below. Please also see Master Response Number 7 regarding Draft EIR revisions and recirculation, Master Response Number 4 regarding mitigation, and Master Response Number 5 regarding land use alternatives, in Section A of this chapter.
13-6		This letter, along with the transportation report prepared by MRO Engineers (Exhibit A) constitutes our comments on the DEIR. We respect-	This comment serves as an introduction to the commenter's letter and the traffic report prepared by MRO Engineers, included as an attachment to the comment letter.



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		fully refer the City, both here and throughout these comments, to this transportation report for further detail and discussion of the DEIR's inadequacies with regard to impacts to transportation.	The comment expresses an opinion regarding the traffic analysis prepared for the Project, but does not explain how the traffic analysis is inadequate. The basis for the commenter's assertion is contained in their comments that follow, each of which is more precisely addressed in the responses below.
13-7		<p><b>I. General Comments</b></p> <p>The following are our general comments on the legal inadequacies of the DEIR. More specific comments on individual sections of the document follow.</p>	This comment serves as an introduction to the comment letter and does not address the adequacy of the Draft EIR. No response is required.
13-8		<p><b>A. The DEIR Improperly Attempts to Avoid Analysis and Mitigation of the General Plan's Impacts by Concluding that They Are Significant and Unavoidable.</b></p> <p>Where all available and feasible mitigation measures have been proposed but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable. See Cal. Code Regs., tit. 14 ("CEQA Guidelines"), § 15126.2. If supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the project in spite of its significant and unavoidable impacts. Id. at §§ 15091, 15093. However, the lead agency cannot simply conclude that an impact is significant and unavoidable and move on. A conclusion of residual significance does not excuse the agency from ( 1) performing a thorough evaluation and description of the impact and its severity before and after mitigation, and (2) proposing all feasible mitigation to "substantially lessen the significant environmental effect." CEQA Guidelines § 15091(a)(1); see also id. § 15126.2(b) (requiring an EIR to discuss "any significant impacts, including those which can be mitigated but not reduced to a level of insignificance" (emphasis added). "A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely." 1 Stephen Kostka &amp; Michael Zischke, Practice Under the California Environmental Quality Act § 14.6 (2d ed. 2008).</p> <p>The DEIR finds a staggering 30 areas of significant and unavoidable impacts. DEIR at 2-6-2-20. As detailed below, in numerous instances, the DEIR fails to thoroughly assess impacts deemed to be significant and unavoidable or to identify all feasible mitigation measures to reduce the severity of the impacts.</p>	<p>The comment re-states the CEQA Guidelines regarding mitigation measures and generally alleges that the Draft EIR fails to thoroughly assess impacts deemed to be significant and unavoidable or to identify all feasible mitigation measures to reduce the severity of the impacts. The comment also expresses an opinion about the number of significant and unavoidable impacts being "staggering," but does not provide any support for this description.</p> <p>The comment does not specify any particular impact or mitigation measure nor any specific concern or question regarding the sufficiency of the analysis or mitigation measures analyzed 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. Please also see Master Response Number 4 regarding mitigation, in Section A of this chapter.</p>

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13-9		<p><b>B. Changes to the Land Use Designations and Densities and Intensities Proposed in the General Plan Are Feasible Mitigation Ignored in the DEIR.</b></p> <p>For many of the General Plan's 30 significant and unavoidable impacts, the DEIR concludes that no feasible mitigation is available. Nevertheless, nowhere in the DEIR does the document consider changes to land use designations or densities and intensities as potential mitigation. CEQA requires the EIR to consider such mitigation.</p> <p>The City cannot approve projects with significant environmental impacts if any feasible mitigation measure or alternative is available that will substantially lessen the severity of any impact. Pub. Res. Code § 21002; CEQA Guidelines § 15126(a). The City is legally required to mitigate or avoid the significant impacts of the projects it approves whenever it is feasible to do so. Pub. Res. Code § 21002.1(b). "In the case of the adoption of a plan, policy, regulation, or other public project [such as the General Plan], mitigation measures can be incorporated into the plan, policy, regulation, or project design." CEQA Guidelines § 15126.4(a)(2). Mitigation is defined by CEQA to include "[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation." CEQA Guidelines § 15370(b). Nothing in the statute, Guidelines, or case law limits the City to proposing new "policies" as mitigation, as opposed to proposing changes in where development is planned, what kind is planned, and how dense or intense that development is planned to be, i.e., changes to land use diagram and land use designations.</p> <p>There is no indication that the DEIR considered modifications to land use designations or densities and intensities to mitigate the impacts of the General Plan. Yet those changes are the easiest, most effective, and most obvious ways to lessen or avoid many of the General Plan's impacts. For example, the Plan will result in a substantial loss of farmland of concern resulting from the planned development in areas such as the East of Leisure Town Road Growth Area. Because this development is removed from Vacaville's urban areas, it will result in increased travel, which, in turn, will result in increased criteria air pollutants and greenhouse gas emissions. Exploring alternative land use scenarios would go a long way toward reducing numerous General Plan impacts, such as air quality,</p>	<p>The comment asserts that CEQA requires an EIR to consider changes to land use designations or densities and intensities as potential mitigation. The comment states that CEQA provides (i) that public agencies should not approve projects if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of projects (Pub. Res. C. § 21002); (ii) that they shall mitigate or avoid a project's significant effects on the environment whenever it is feasible to do so (Pub. Res. C. § 21002.1(b), and that mitigation measures can be incorporated into a plan, project, regulation or project design. Based on the foregoing, the commenter concludes that the public agency can propose new policies as mitigation, including changes to the land use diagram and land use designations, but that there is no indication that the Draft EIR considered modifications to land use designations or densities.</p> <p>This comment has previously been addressed. Please see Master Response Number 4 regarding mitigation and Master Response Number 5 regarding land use alternatives in Section A of this chapter, and the response to comment 12-12.</p>

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13-10		<p>climate change, biological resources, agriculture, traffic, wildfire hazards, and flood risks.</p> <p><b>C. Merely Hortatory General Plan Policies Are Inadequate as Mitigation for CEQA Purposes.</b></p> <p>Mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code §21081.6(b); CEQA Guidelines §15126.4(a)(2). Many of the General Plan's policies and programs relied on to mitigate impacts are vague, optional, directory, or otherwise unenforceable. A few examples-out of numerous instances-include the following (emphases added):</p> <ul style="list-style-type: none"> <li>• Policy COS-P2.1: "<i>discourages</i> undergrounding of creeks and encourages day lighting of existing culverted creeks." DEIR at 4.1-10.</li> <li>• Policy COS-P2.5: <i>encourages</i> restoration and expansion of riparian and floodplain habitat within channelized streams and flood channels <i>where feasible. Id.</i></li> <li>• Policy COS-P1.1 <i>supports efforts</i> to prepare and implement the HCP. <i>Id.</i> at 4.4-53.</li> <li>• Policy COS-P1.11 requires that, <i>as appropriate</i>, new policy plans or specific plans contain a resource management component and associated funding mechanisms that includes policies to protect preserved natural communities. <i>Id.</i></li> <li>• Policy COS-P1.3 <i>directs</i> the protection and creation of new wildlife corridors where feasible. <i>Id.</i> at 4.4-56.</li> <li>• Policy COS-P12.3 <i>encourages</i> project designs that protect and improve air quality, and <i>minimize</i> direct and indirect air pollutant emissions by including components that reduce vehicle trips and promote energy efficiency. <i>Id.</i> at 4.3-20.</li> </ul> <p>A general plan's goals and policies are necessarily somewhat vague and aspirational. However, the City may rely on such policies to mitigate environmental impacts under CEQA only if they are proposed to be implemented through specific implementation programs that represent a firm, enforceable commitment to mitigate. <i>See Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors</i>, 91 Cal. App. 4th 342, 358 (2001) (citing <i>Rio Vista Farm Bureau Center v. County of Solano</i>, 5 Cal. App. 4th 351, 377 (1992)). CEQA requires that mitigation measures actually be</p>	<p>The comment has extracted six isolated policies from various locations in the Draft EIR to illustrate its point; however, the policies identified on the pages indicated by the commenter are, in fact, accompanied by other General Plan goals, policies, and actions, which, when combined, provide context and describe a comprehensive approach to help to reduce the associated impact.</p> <p>Policy COS-P2.1 is one of ten policies identified on page 4.1-8 through 4.1-11 in Chapter 4.1 of the Draft EIR, entitled "Aesthetics," to reduce impacts to existing visual character or quality of the site and its surroundings. Some of the other listed mitigating policies include: Policy COS-P2.2, which requires buffers; Policy COS-P1.9, which requires creek areas in new developments to be visible from the public right-of-way; and Policy COS-P3.1, which requires the City to maintain a compact urban form. (See pages 4.1-8 through 4.1-11 of the Draft EIR for a complete discussion of impacts and mitigation).</p> <p>Policy COS-P2.5 and Policy COS-P1.1 are two of nine policies and actions identified on page 4.4-54 in Chapter 4.4 of the Draft EIR, entitled "Biological Resources," to reduce and mitigate potential impacts to special-status species associated with valley floor grassland and vernal pool habitats to a less-than-significant level. Some of the other listed mitigating policies include: Policy COS-P1.5, which requires new development proposals to provide baseline assessments prepared by qualified biologists, and specifies requirements about the baseline assessments; Policy COS-P1.9, which requires that new development include provisions to protect and preserve wetland habitats; and Policy COS-P1.12, which directs the City to comply with all of the Avoidance, Minimization, and Mitigation Measures listed in the Draft Solano HCP until the Solano HCP is adopted, and to require that development projects provide copies of required permits, or verifiable statements that permits are not required, from the California Department of Fish and Wildlife (2081 Individual Take Permit) and the United States Fish and Wildlife Service (Section 7 Take Authorization) prior to receiving grading permits or other approvals that would permit land disturbing activities and conversion of habitats or impacts to protected species. (See pages 4.1-8 through 4.1-11 of the Draft EIR for a complete discussion of impacts and mitigation).</p> <p>Policy COS-P1.11 and Policy COS-P1.3 are two of 13 policies and actions identified on pages 4.4-56 through 4.4-57 in Chapter 4.4 of the Draft EIR, entitled "Biological Resources," to reduce and mitigate potential impacts to special-status species associat-</p>

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		<p>implemented - not merely adopted and then disregarded. <i>Anderson First Coalition v. City of Anderson</i>, 130 Cal. App. 4th 1173, 1186-87 (2005); <i>Fed'n of Hillside &amp; Canyon Ass'ns v. City of Los Angeles</i>, 83 Cal. App. 4th 1252, 1261 (2000).</p> <p>By contrast, the General Plan's vague and noncommittal policies and programs (and policies for which no implementation programs are identified) allow the City to decide to take no action and thus fail to mitigate impacts. As a result, the DEIR cannot ensure that the policies relied on will in fact be implemented to mitigate the General Plan's impacts, and therefore they cannot serve as CEQA mitigation. See <i>Anderson First</i>, 130 Cal. App. 4th at 1186-87.</p>	<p>ed with riparian, stream, and freshwater marsh habitat (combined with eight additional actions and polices previously described on page 4.4-54). Some of the other listed mitigating polices include: Policy COS-P1.4, which directs that mature trees and existing native non-agricultural trees be protected; Policy COS-P2.2, which requires buffering or landscaped setbacks and storm runoff interception in order to protect existing stream channels and riparian vegetation; and Policy COS-P2.3, which requires creekway and riparian area protection during construction, and creekway and riparian area restoration after construction. (See pages 4.4-56 through 4.4-57 of the Draft EIR for a complete discussion of impacts and mitigation).</p> <p>Policy COS-P12.3 is one of three policies listed on pages 4.3-20 and 4.3-21 to help to mitigate air quality impacts from mobile and area air pollutant sources. The other two polices include Policy COS-12.4, which requires development projects to implement Best Management Practices (BMPs) to reduce air pollutant emissions associated with construction and operation of development projects, and Policy COS-P12.6, which requires that any fireplaces in new and significantly renovated residential projects or commercial projects be pellet-fueled heaters, United States EPA Phase II certified wood burning heaters, or gas fireplaces, consistent with YSAQMD requirements, which would reduce air pollutant emissions from future development projects in Vacaville.</p> <p>The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p>
13-11		<p><b>II. The DEIR's Use of Two Development Scenarios in the Project Description and Impact Analysis Is Misleading and Unlawful.</b></p> <p>The DEIR purports to analyze the impacts of the General Plan under two scenarios: "Full Buildout" that assumes development will occur as permitted by the General Plan, and a "Horizon-Year Projection" that assumes that development will occur at significantly less intensity than allowed under the General Plan. DEIR at 3-31. This dual scenario approach is unlawful and is misleading because it underestimates the impacts of the General Plan as proposed.</p>	<p>See Master Response Number 3 regarding development projections and Master Response Number 6 regarding the Full Buildout Alternative in Section A of this chapter.</p>
13-12		<p><b>A. CEQA Requires that the DEIR Analyze the Potential Impacts of the Development as Permitted Under the General Plan.</b></p> <p>Courts have consistently held that an EIR must examine a project's <i>potential</i> to impact the environment, even if the development may not ulti-</p>	<p>The Draft EIR horizon-year projections represent the reasonably foreseeable development resulting from the adoption of the General Plan, and the General Plan includes explicit policies to limit the amount of development that could be approved without further environmental analysis to the amount analyzed in the Draft EIR. Therefore, the reasonably foreseeable environmental impacts of the plan are accurate-</p>

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#	Date	Comment	Response
		mately materialize. <i>Bozung v. Local Agency Formation Comm'n</i> , 13 Cal. 3d 263, 279, 282 (1975). Because general plans serve as the crucial "first step" toward approving future development projects, a general plan EIR must evaluate the amount of development actually allowed by the plan. <i>City of Carmel-By-the-Sea v. Bd. of Supervisors of Monterey County</i> , 183 Cal. App. 3d 229, 244 (1986); <i>City of Redlands v. County of San Bernardino</i> , 96 Cal. App. 4th 398, 409 (2002). Thus, an agency may not avoid analysis of such development merely because historic and/or projected land use trends indicate that the development might not occur.	ly analyzed in the in the Draft EIR. See Master Response Number 3 regarding development projections in Section A of this chapter.
13-13		In <i>San Joaquin Raptor Rescue Center v. County of Merced</i> , 149 Cal. App. 4th 645 (2007), the Court of Appeal confirmed an agency's obligation to describe and analyze the impacts from the whole project, and "not some smaller portion of it." <i>Id.</i> at 654. The project at issue in San Joaquin Raptor was a new Conditional Use Permit ("CUP") for an existing aggregate mine and processing operation. The new CUP authorized a maximum production level of 550,000 tons per year, which was an increase over existing levels. However, historic mine production rates indicated that actual production could be less than the theoretical maximum. Based on historic rates and projected future rates, the EIR "estimated average production of about 260,000 tons per year." <i>Id.</i> at 655. The court held that the EIR's identification of the estimated average in the project description, rather than the maximum level of production authorized by the CUP, violated CEQA. The court stated: "By giving such conflicting signals to decisionmakers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading." <i>Id.</i> at 655-56.	See response 13-12, above, and Master Response Number 3 regarding development projections in Section A of this chapter.
13-14		The Court of Appeal in <i>Stanislaus Natural Heritage Project v. County of Stanislaus</i> , 48 Cal. App. 4th 182 (1996), reached a similar conclusion in a slightly different context. The county argued that an EIR can avoid providing a full analysis of water supply for future phases of a proposed development project because the EIR included a mitigation measure that would prevent development of those future phases until a water supply had been identified. The court rejected this argument and held that a lead agency must assume that a project will be developed as planned and must evaluate the impacts of the planned project, not a potential, more limited project. <i>Id.</i> at 205-06.	See Master Response Number 3 regarding development projections in Section A of this chapter.
13-15		The DEIR attempts to justify its failure to describe and analyze the entirety of the General Plan by stating that it need only "evaluate the rea-	See Master Response Number 3 regarding development projections in Section A of this chapter.

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
13-16		<p>sonably foreseeable' direct and indirect impacts of the proposed project." DEIR at 3-31. The City has taken the "reasonably foreseeable" language from the definition of project under the CEQA Guidelines, but has misinterpreted its meaning. Under CEQA, a project means <i>"the whole of an action</i>, which has a potential for resulting in either a direct physical change in the environment .... " CEQA Guidelines § 15378(a). "Reasonably foreseeable" describes the likelihood of indirect impacts; it does not suggest that an EIR need only evaluate the "reasonably foreseeable" aspects of a project. Rather, it makes clear that a project is a "whole of an action." Here, the whole of the action is the level of development permitted under the General Plan. If the City would like to limit its analysis to a predicted amount of growth, it must also limit the allowable development to that lower level by placing those restrictions in the General Plan itself.</p> <p><b>B. By Improperly Describing the Project as the Horizon-Year Projection, the DEIR Underestimates the Extent of the General Plan's Impacts.</b></p> <p>As explained above, the <i>Project</i> that must be described and analyzed in the DEIR is the Full Buildout, not the Horizon-Year Projection. The importance of this distinction is not merely theoretical. The Full Buildout allows for two times more dwelling units and retail space and approximately nine times as much new commercial space and industrial space, as is assumed under the Horizon-Year Projection. Because the DEIR improperly fails to assume development as allowed under the General Plan, it significantly underestimates the Project's impacts.</p> <p>Accordingly, the DEIR is fundamentally misleading to the public and decisionmakers, in violation of CEQA. "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." <i>City of Santee v. County of San Diego</i>, 214 Cal. App. 3d 1438, 1454 (1989). Thus, because the DEIR fails to describe the Project properly, it fails to serve its purpose as an informational document. See <i>San Joaquin Raptor Rescue</i>, 149 Cal. App. 3d at 674.</p>	<p>See Master Response Number 3 regarding development projections and Master Response Number 6 regarding the Full Buildout Alternative in Section A of this chapter.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
13-17		<p>In the limited places where it mentions the Full Buildout, the DEIR's analysis of impacts under the Full Buildout is purely perfunctory. That analysis is limited to one paragraph at the end of each impact discussion and includes only generic statements that the impact will be of the same kind as that caused by the Horizon-Year Projection, only worse. For example, the DEIR states that Full Buildout "would include significantly more development than the [Horizon-Year Projection] in terms of both the amount and extent of development. Therefore, the potential for impacts to agriculture and forestry resources would increase." DEIR at 4.2-25; <i>see also, e.g.</i>, DEIR at 4.3-32 (air quality impacts will be more significant under Full Buildout). The DEIR makes no attempt to quantify the impacts on agriculture, air quality or any other impact area under the Full Buildout despite the fact that this scenario is the <i>Project</i>. Moreover, the DEIR never identifies new or different mitigation measures to lessen the more significant impacts that will occur under the Full Buildout, as compared to the Horizon-Year Projection.</p>	<p>See Master Response Number 3 regarding development projections and Master Response Number 6 regarding the Full Buildout Alternative in Section A of this chapter.</p>
13-18		<p><b>III. The DEIR's Analyses of and Mitigation for the General Plan's Environmental Impacts Are Legally Inadequate.</b></p> <p>The DEIR's impact sections for the most part simply name potential impacts of the Project and cite General Plan policies to conclude impacts would be less than significant. The DEIR rarely quantifies the impacts or describes their nature and extent. Its analyses read more like a set of general discussions of these types of impacts in a generic location anywhere in California, rather than analyses of how <i>this</i> General Plan will effect <i>this</i> City. The DEIR's impact analyses are universally flawed in this manner, because none of them considers the Project actually put forth by the proposed General Plan.</p>	<p>This comment expresses the opinion that the Draft EIR's analyses of environmental impacts and mitigation measures are inadequate because the analyses are general in nature and not specific to the Project. The comment, however, does not identify any specific impact or mitigation measure. Under CEQA Guidelines Section 15064(b), 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 analyses of this EIR are based on scientific and factual data, which have been reviewed by the lead agency and reflect its independent judgment and conclusions on the Project's impacts. 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 shown in Chapter 4.1 through 4.15, the Draft EIR provides a description of the Regulatory Setting, the Existing Setting, the Standards of Significance under which impacts are measured, and a complete Impact Discussion for each standard of significance in accordance with Appendix G of the CEQA Guidelines.</p> <p>As noted, the comment does not identify any specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Accordingly, no further response is required. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
13-19		<p>The "programmatic" nature of this DEIR is no excuse for its lack of detailed analysis. Indeed, the DEIR grossly misconstrues both the meaning and requirements of a "program" EIR by referring to it as a document that "assesses and documents the broad environmental impacts of the program with the understanding that a more detailed site specific analysis may be required to assess future projects implemented under the program." DEIR at 1-2. This approach is flawed, at the outset, because CEQA requires that a program EIR provide an in-depth analysis of a large project, looking at effects "as specifically and comprehensively as possible." CEQA Guidelines § 15168(a), (c)(5). Because it looks at the big picture, a program EIR must provide "more exhaustive consideration" of effects and alternatives than can be accommodated by an EIR for an individual action, and must consider "cumulative impacts that might be slighted by a case-by-case analysis." CEQA Guidelines § 15168(b)(1)-(2).</p>	<p>The comment expresses the opinion of the commenter regarding the methodology for preparing a programmatic level EIR for a General Plan, and does not identify any specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. A program EIR may evaluate environmental effects "at a broad level," so long as to the extent a subsequent project is not covered, additional CEQA review occurs. See <i>Committee for Green Foothills v. Santa Clara County Bd. of Supervisors</i> (2010) 48 Cal.4th 32, 45. A programmatic-level document is designed to provide a level of detail for the public to be informed and decision-makers to make decisions that intelligently take into account environmental consequences consistent with CEQA Guidelines Section 15151. An advantage of using a program EIR is that it can "[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts." Cal. Code Regs., tit. 14, § 15168(a), § 15168(b)(4). Many site-specific details may be properly deferred to a later environmental review document. <i>In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings</i> (2008) 43 Cal.4th 1143, 1173. The document serves as a "first-tier" document that assesses and documents the broad environmental impacts of a program with the understanding that more detailed site-specific environmental reviews may be required to assess future projects implemented under the program. As individual projects with specific site plans and facilities are planned, the City will evaluate each project to determine the extent to which this EIR adequately addressed the potential impact of the project and to what extent additional environmental analyses may be required for each specific future project. (See Public Resources Code Sections 21083.3, 21093, and 21094 and State CEQA Guidelines Sections 15152, 15168, and 15183.)</p> <p>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." The analytical approach of the Draft EIR is consistent with the Governor's Office of Planning and Research's General Plan Guidelines, which provides that an EIR should include a broad scope of physical development issues. California Government Code Section 65300 requires that the General Plan be comprehensive, internally consistent, and long-term. The commenter is directed to subparagraph H of Chapter 3 of the Draft EIR, entitled "Project Description," where it states that the Draft EIR is intended to review potential environmental impacts associated with the adoption and implementation of the proposed Vacaville General Plan and ECAS, and to determine corresponding mitigation</p>



TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
			<p>measures, as necessary.</p> <p>The proposed General Plan and ECAS are regulatory documents that establish goals and policies that guide development. No specific development projects have been identified or are proposed as part of the proposed Project; therefore, the Project does not directly result in development in and of itself. Accordingly, the Draft EIR has been appropriately prepared as a program-level EIR consistent with CEQA Guidelines Section 15168. This EIR does not evaluate the impacts of specific, individual developments that may be allowed under the proposed General Plan. Any specific future project that requires discretionary approval is subject to environmental review as required by CEQA. Therefore, while subsequent environmental review may be tiered off this EIR, this EIR is not intended to address impacts of individual projects. Subsequent projects will be reviewed by the City and be analyzed for conformance with the General Plan, ECAS, Zoning Ordinance, and other applicable federal, State and local requirements and subsequent project-level environmental review will be conducted per CEQA Guidelines Section 15168(c) (Use with Later Activities). As stated under Section 15168(c), subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. CEQA Guidelines Section 15168(c)(1).</p> <p>Further, as correctly noted by the commenter, CEQA Guidelines Section 15168(b) (Advantages) states that the use of a program EIR can provide the following advantages: (1) provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action, (2) ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis, (3) avoid duplicative reconsideration of basic policy considerations, (4) allow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and (5) allow reduction in paperwork.</p> <p>This EIR provides the appropriate broad programmatic-level environmental analysis necessary to allow the decision-makers to apply the General Plan as it is intended to serve the City of Vacaville as a comprehensive guide for making decisions about land use, community character, economic development, circulation, open space, the environment, and public health and safety.</p>
13-20		<p>Further, it is only at this early stage that the City can design wide-ranging measures to mitigate City-wide environmental impacts. <i>See</i> CEQA Guidelines §15168(b)(4) (programmatic EIR "[a]llows the lead agency to</p>	<p>The commenter correctly describes the application and use of a program-level EIR prepared pursuant to CEQA Guidelines Section 15168(b)(4). As stated in Response to Comment 13-19, this EIR provides the appropriate broad programmatic-level envi-</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility .... "). A "program" or "first tier" EIR is expressly not a device to be used for deferring the analysis of significant environmental impacts. <i>Stanislaus Natural Heritage Project v. County of Stanislaus</i>, 48 Cal. App. 4th 182, 199 (1996). It is instead an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses. Thus, it is particularly important that the DEIR for the General Plan analyze the overall impacts for the complete level of development it is authorizing now, rather than when individual specific projects are proposed at a later time.</p>	<p>ronmental analysis necessary to allow the decision-makers to apply the General Plan as it is intended to serve the City of Vacaville as a comprehensive guide for making decisions about land use, community character, economic development, circulation, open space, the environment, and public health and safety. See Response to Comment 13-19.</p> <p>In light of General Plan policies restricting the amount of development that can be allowed to occur without the need for additional environmental review, the Draft EIR does appropriately analyze the reasonably foreseeable impacts to the environment from the Project. Please see Master Response Number 3 regarding development projections and Master Response Number 6 regarding full buildout, in Section A of this chapter.</p>
13-21		<p>In addition to considering full buildout, another indispensable component of a complete assessment of Project impacts is an accurate depiction of existing environmental conditions. Investigating and reporting existing conditions are "crucial function[s] of the EIR." <i>Save Our Peninsula Comm. v. Monterey County</i>, 87 Cal. App. 4th 99, 122 (2001) ("SOPC"). "[W]ithout such a description, analysis of impacts, mitigation measures and project alternatives becomes impossible." <i>County of Amador v. El Dorado County Water Agency</i>, 76 Cal. App. 4th 931, 953 (1999). Decision-makers must be able to weigh the project's effects against "real conditions on the ground." <i>City of Carmel-by-the-Sea</i>, 183 Cal. App. 3d at 246. "Because the chief purpose of the EIR is to provide detailed information regarding the significant environmental effects of the proposed project on the physical conditions which exist within the area, it follows that the existing conditions must be determined." <i>SOPC</i>, 87 Cal. App. 4th at 120 (internal quotations omitted). Therefore, the DEIR must present the existing acreage and dwelling units or floor area of existing uses and uses proposed within the planning area. The document must also show or describe <i>where</i> the new uses proposed would represent changes from existing uses.</p>	<p>The commenter is directed to Chapter 3 of the Draft EIR, entitled "Project Description," for a complete description of existing conditions as of February 10, 2011 when the Notice of Preparation (NOP) of an EIR was published (see Appendix A of the Draft EIR). As described in Chapter 3, the first phase of the General Plan Update process was devoted to researching and documenting baseline environmental conditions in Vacaville. This effort resulted in a series of technical memoranda covering the following topics: land use, agriculture, demographics, economic development, parks and recreation, public services, utilities and infrastructure, biological resources, cultural resources, transportation, greenhouse gas emissions, air quality, and noise. These memoranda were used as the foundation in creating the baseline conditions for this EIR. Chapter 3 provides the reader with the context of the setting with regard to the EIR Study Area boundaries, including the population, number of homes, average household size, and existing office, commercial, and industrial lands by square feet and acreage. Specifically, see Table 3-2, 2035 Horizon-Year Growth Projections, which includes a column showing Existing Development. Also shown in Chapter 3 are the primary locations where the land use designations would change from the existing General Plan (see Figure 3-5). Furthermore, the existing setting is described in detail in Chapters 4.1 through 4.15 of the Draft EIR.</p>
13-22		<p>The DEIR, here, fails to provide the legally required analysis of the substantial growth that the General Plan allows and promotes. Thus, the City must revise the DEIR to accurately disclose the impacts of the maximum density allowed by the General Plan it does propose to adopt. Below, this letter details the specific legal inadequacies of the DEIR's various impact sections.</p>	<p>This comment asserts the Draft EIR fails to provide the legally required analysis per CEQA. The basis for the commenter's assertion is contained in the comments that follow, each of which is more precisely addressed in the responses below. 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.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
13-23		<p><b>A. The DEIR's Analysis of and Mitigation for the General Plan's Agricultural Impacts Is Inadequate.</b></p> <p>The DEIR recognizes that agriculture is a significant economic resource within Solano County and points out that the Solano County General Plan focuses, to a large extent, on preserving this important resource. DEIR at 4.2-3. 10,407 acres of agricultural land is located within the EIR Study Area; 2,793 acres, or 27%, of which is prime farmland, farmland of statewide importance, or unique farmland ("farmland of concern"). DEIR at Table 4.2-1.</p> <p>The Legislature has repeatedly asserted that preservation and protection of state farmland is an important policy goal and that CEQA is an important tool that should be used to carry out this goal. <i>Masonite Corp. v. Cnty. of Mendocino</i>, 218 Cal. App. 4th 230, 240 -241 (2013) ("our Legislature has repeatedly stated the preservation of agricultural land is an important public policy"). In particular, "[a]gricultural lands near urban areas that are maintained in productive agricultural use [such as the ones near Vacaville] are a significant part of California's agricultural heritage .... Conserving these lands is necessary due to increasing development pressures and the effects of urbanization on farmland close to cities." Pub. Resources Code, § 10201(c). "The Legislature has also declared that CEQA is intended to effectuate this public policy." <i>Masonite Corp.</i>, 218 Cal. App. 4th at 241.</p> <p>Yet, despite the importance of agricultural resources to the City, County, and State, the DEIR fails to adequately describe the impacts to agricultural resources and wholly fails to identify any mitigation measures to avoid or mitigate the loss of agricultural land. Accordingly, the DEIR's discussion of agricultural resources, not only fails to effectuate an important public policy, but also fails to meet the basic requirements of CEQA.</p>	<p>CEQA does not prohibit the conversion of agricultural land to other uses, but rather requires the disclosure of impacts to agricultural resources. The Draft EIR adequately discloses impacts to agricultural resources. See the responses to comments 13-24 through 13-27 for specific responses regarding the Draft EIR's analysis of impacts to agricultural resources. See also the responses to comments 13-28 through 13-38 regarding mitigation of agricultural impacts. Note that the proposed General Plan implements the 2008 voter-initiated Urban Growth Boundary (UGB), which sets a limit on urban development around Vacaville. Consistent with this, the proposed General Plan land use map applies urban land use designations within the UGB, thus eliminating areas currently designated and used for agriculture within the UGB. Meanwhile, the proposed General Plan includes clear policies to maintain agricultural and open space uses beyond the UGB, such as proposed Policy LU-P5.4, which directs the City to: "Establish and maintain an Urban Growth Boundary so that urban development within the City's land use jurisdiction will be focused within the Urban Growth Boundary and the land outside the Urban Growth Boundary within the City's land use jurisdiction will be maintained primarily for agriculture, park, open space, public facility, and utility uses."</p>
13-24		<p><b>1. The DEIR Fails to Adequately Describe Impacts to Agricultural Lands (Impact AG-1).</b></p> <p>The DEIR finds that 2,640 acres of farmland of concern could be converted to non-agricultural uses under the General Plan. DEIR at 4.2-18. As stated above, 2,793 acres of farmland of concern are located within</p>	<p>This comment correctly states the amount of farmland of concern that could be converted to non-agricultural uses under the proposed General Plan. The comment, however, does not comment on the adequacy of the Draft EIR. For this reason, no response is required.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		the EIR Study Area. Therefore, the General Plan is proposing to convert almost all of this protected resource.	
13-25		It is unclear from the DEIR's description of impacts how much of the 2,640 acres of farmland of concern that will be developed is located outside the Urban Growth Boundary ("UGB"). The Energy and Conservation Action Strategy ("ECAS") states that there are only 2,500 acres of agricultural land within Vacaville's Sphere of Influence and UGB. ECAS at 1-15. Logically, the General Plan must allow for development of agricultural land outside the UGB. However, the DEIR also states that "[l]and outside the UGB cannot be designated for anything other than agricultural, park, open space, public facility, and utility uses." DEIR at 3-17 (emphasis added). The revised EIR should clarify how much of the converted agricultural land is outside the UGB, and how this development complies or does not comply with the prohibition on developing land outside the UGB.	<p>As described on page 3-5 of the Draft EIR, the EIR Study Area includes the combined area of the city limits, Sphere of Influence (SOI), and Urban Growth Boundary (UGB). The EIR analysis is limited to the SOI and UGB because they include the areas that are likely to be annexed by the City within the horizon of the proposed General Plan. Areas outside the SOI and UGB would remain under County jurisdiction. In most cases, the UGB is larger than the SOI, but there are a few areas where the SOI extends beyond the UGB, and therefore the EIR Study Area is larger than the UGB.</p> <p>The agricultural land acreage reported in the ECAS is a rounded figure used to convey, in a general sense, the carbon sequestration potential of agricultural lands in the Vacaville area. The exact acreage of agricultural land within the EIR Study Area is reported in Table 4.2-1 of the Draft EIR; the three categories that make up "farmlands of concern under CEQA" – prime farmland, farmland of statewide importance, and unique farmland—total <u>2,793 acres</u>. (Note that this number is larger than the 2,640 acres of farmland that would be <u>impacted</u>, because there are approximately 150 acres that would not be impacted.)</p> <p>The only proposed land use designations outside of the UGB but within the EIR Study Area that could convert farmlands of concern to non-agricultural uses are the public designations to the south of the city limits and UGB between Peabody Road and Vanden Road and the Agricultural Buffer east of the city. These uses are consistent with the UGB policies that prohibit land outside the UGB from being designated for anything other than agricultural, park, open space, public facility, and utility uses. Furthermore, the areas outside the EIR Study Area that are designated for other uses reflect the Solano County General Plan's land use designations; the proposed General Plan would maintain those existing County designations. Note that in the Draft General Plan there were a few locations outside of the UGB that did not match the County General Plan land use designations, including an area that the County designates for public uses east of the Northeast Growth Area and the area comprising the town of Elmira, which the County designates for mixed use, industrial, and public uses; these areas have been corrected in Chapter 3 of this Final EIR to match the County's designations, and will be corrected on the General Plan land use map for consideration by decision-makers during their review of the Project.</p>
13-26		Further, the DEIR only describes the loss of farmland of concern. The majority of farmland within the EIR Study Area is grazing land. DEIR at	Public Resources Code Section 21060.1 defines agricultural land to include prime farmland, farmland of statewide importance, or unique farmland. In addition, Appen-

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#	Date	Comment	Response
		<p>Table 4.2-1. Yet the DEIR does not state how much of this land will be converted to non-agricultural uses under the General Plan. The revised EIR should fully disclose and mitigate for this impact.</p>	<p>dix G of the CEQA Guidelines only lists these three categories in the sample standards of significance for agriculture. These three categories are adequately addressed. Moreover, as a program EIR, this document evaluates environmental effects “at a broad level,” with the understanding that additional CEQA review may occur. See <i>Committee for Green Foothills v. Santa Clara County Bd. of Supervisors</i> (2010) 48 Cal.4th 32, 45. A programmatic-level document is designed to provide a level of detail for the public to be informed and decision-makers to make decisions that intelligently take into account environmental consequences consistent with CEQA Guidelines Section 15151. The City concludes that the conversion of grazing land is not a significant impact to agriculture, though the conversion of grazing lands was taken into account in impacts to habitat.</p> <p>Further, while prime farmland may be difficult to replace due to its unique physical and chemical soil conditions, as well as the availability of irrigation, grazing land is not associated with such restrictive requirements. The City also has not been presented with any evidence that the conversion of certain grazing land may have a significant impact upon regional grazing practices.</p>
13-27		<p>Finally, the DEIR is internally consistent about whether the 2,640 acres is the full amount of agricultural land that will be allowed to be converted under the General Plan or whether it is the amount of development that the DEIR assumes is likely under the horizon-year projection. On the one hand, the DEIR states that it analyzed impacts to agricultural resources assuming that all development allowed by the General Plan will occur. DEIR at 3-51 (“all potential development allowed by the land use map of the proposed General Plan was evaluated to assess impacts to [agriculture]”). Yet later the DEIR indicates that it evaluated the loss to agricultural resources under the 2035 horizon-year projection. At the end of the agricultural section, the DEIR states that “[t]he full buildout anticipated under the proposed General Plan would include significantly more development than the 2035 horizon-year development projection ... in terms of both the amount and extent of development.” DEIR at 4.2-25. The EIR must clarify whether its analysis of agricultural impacts is based on the development that will occur under the horizon-year projection or the development allowed for under the General Plan.</p> <p>As explained above, the EIR must assume, and mitigate for, the impacts caused by all development allowed for under the General Plan. Assuming the DEIR is evaluating the impacts under the horizon-year projection, it</p>	<p>See Master Response Number 3 regarding development projections in Section A of this chapter. As explained in that response, spatial analyses, such as the agriculture analysis, were equivalent to an analysis of full buildout conditions because they assumed that all areas designated for development would be developed. Therefore, the 2,640 acres of farmland of concern that would be impacted by the proposed General Plan includes <i>all</i> farmland of concern that is designated for a non-agricultural use under the proposed General Plan. See also Master Response Number 6 regarding the Full Buildout Alternative in Section A of this chapter. As acknowledged in that response, some of the spatial analyses implied that the impact discussions for these spatial analyses did not consider a full buildout scenario. The text from page 4.2-25 of the Draft EIR quoted in the comment is an example of that implication. For this reason, the text has been removed, as shown in Chapter 3 of this Final EIR, to clarify the scope of the impact.</p>

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#	Date	Comment	Response
		must be amended to fully describe the impacts that will occur under the full buildout and propose feasible and effective mitigation measures for this loss of farmland.	
13-28		<p><b>2. The DEIR Neglects Feasible Mitigation for the Loss of Farmland.</b></p> <p>The DEIR concludes that the loss of agricultural land under the General Plan is a significant impact and that no mitigation is available for this impact. DEIR at 4.2-18. The DEIR states that "[t]he only way to mitigate this impact would be to prohibit any development on farmland of concern, even within the UGB." <i>Id.</i></p> <p>Here again the DEIR makes the assumption that because feasible mitigation cannot wholly eliminate the impact, the DEIR need not identify any mitigation at all. As discussed above, this conclusion is legally erroneous. See <i>supra</i> Section I.A. The DEIR must identify any and all feasible mitigation measures even if they will not reduce the impact to a less than significant level. CEQA Guidelines § 15126.2(b).</p>	<p>The analysis regarding agricultural land conversion from Chapter 4.2 of the Draft EIR has been revised in Chapter 3 of this Final EIR to consider as a mitigation measure the removal and relocation of top soil from developed farmlands of concern to other farm locations. As indicated in that revised text, this measure is infeasible because of the additional environmental impacts, including potential impacts to air quality, biological resources, greenhouse gases, noise, and traffic. Also, the City is unaware of such a mitigation measure being successfully used by another lead agency, and CEQA does not permit remote or speculative mitigation measures. See <i>Federation of Hillside &amp; Canyon Ass'ns v. City of Los Angeles</i> (2000) 83 Cal.App.4th 1252, 1260-1261. The City need not consider such an infeasible mitigation measure. Further, loss of agricultural land is being mitigated by requiring a 1:1 mitigation ratio, in which each acre of developed farmland of concern requires a conservation easement to permanently protect an equal acreage of agricultural land of equal or greater value (see the revised text for pages 4.2-17 to 4.2-18 of the Draft EIR, as shown in Chapter 3 of this Final EIR). See also the responses to comments 13-29 through 13-36 and Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-29		<p>In fact, numerous feasible measures are available to reduce the severity of this impact. First and foremost, the DEIR should identify ways in which the General Plan could avoid developing agricultural land, in particular the most productive farmland such as prime farmland and other farmland of concern.</p> <p>Currently, the General Plan does the opposite of this; it identifies two growth areas on the east side of the City, both of which are located in areas of prime farmland, the most productive type of farmland. These growth areas, the Northeast Growth Area and the East of Leisure Town Road Growth Area, are located within two agricultural regions, the Dixon Region and the Elmira Maine Prairie. See DEIR at Figure 3-5, Figure 4.2-3. Agricultural land in the Dixon Region is the "second most valuable land in Solano County." DEIR at 4.2-12. Solano County General Plan Policy AG.P-28 states that "preservation efforts should be focused and conflicting land uses avoided" in both the Dixon and Elmira Maine Prairie Regions. Solano County General Plan at AG-31. Proposing to develop these areas - the most valuable farmland near Vacaville - is contrary to Solano County's General Plan and is illogical if the Vacaville purports to</p>	<p>Consistent with the CEQA Guidelines Section 15126.2, where there are impacts that cannot be avoided without imposing changes to a project's design, the EIR must identify the impact and the reasons why the project is being proposed, notwithstanding the impact. See also the response to comment 13-28 regarding additional mitigation measures that were considered, the responses to comments 13-31 to 13-36 regarding mitigation measures that were suggested by the commenter, and Master Response Number 4 regarding mitigation in Section A of this chapter. Not permitting development in the new growth areas would fundamentally change the nature of the Project and would entail a changed land use plan, and therefore must be considered as an alternative to the proposed Project. As explained in Master Response Number 5 regarding land use alternatives in Section A of this chapter, the Final EIR in this case considers an alternative land use scenario in its alternatives analysis in which much of the agricultural land in the growth areas would not be developed.</p>

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		protect key agricultural lands.	
13-30		Rather, the DEIR should propose mitigation measures to avoid these areas. Avoiding the development of farmland of concern is not only the simplest and most effective way to protect agricultural resources, but it is also feasible. Eleven percent (11%) of the land within the City limits is currently vacant. DEIR at 4.10-10. Instead of focusing development in these vacant areas, the General Plan allows for, and the DEIR assumes that, the growth areas will be some of the first areas to be developed. DEIR at Figure 3-6. The DEIR must propose mitigation measures that would ensure that the vacant areas within the City limits are developed before areas with farmland of concern.	<p>See the response to comment 12-20 and Master Response Number 4 regarding mitigation in Section A of this chapter. In addition, as explained in Master Response Number 5 regarding land use alternatives, the Focused Growth Alternative that was evaluated in Chapter 5 of the Draft EIR considered an alternate land use map that would reduce the amount of agricultural land designated for development.</p> <p>The General Plan includes a number of goals aimed at preserving and enhancing certain attributes of Vacaville, as enumerated in the General Plan vision statement provided on pages 3-10 and 3-11 of the Draft EIR. These goals include preserving Vacaville’s “small town feel” and fostering a certain development strategy. To accomplish these goals, some conversion of farmland may be necessary. The comment fails to account for the complex balancing of goals that must occur in the General Plan process.</p>
13-31		<p>In addition to reducing the amount of farmland of concern that is designated for nonagricultural use, the DEIR should also analyze the following mitigation measures that would lessen impacts to this resource:</p> <ul style="list-style-type: none"> <li>• Expanding minimum parcel size on farmland of concern in the agricultural regions;</li> </ul>	<p>See the response to comment 13-29 regarding reducing the amount of farmland of concern that is designated for non-agricultural use. Regarding the suggestion to expand minimum parcel sizes on farmland of concern in the agricultural regions, this proposed mitigation measure is infeasible for the following reasons.</p> <p>First, agricultural lands beyond the UGB are outside the city limits and are therefore subject to Solano County’s jurisdiction.</p> <p>Second, large parcel sizes would be inconsistent with urban development envisioned to occur within the UGB and therefore infeasible for policy reasons. Also, the use of larger parcel sizes would likely require new land use designations, causing fundamental changes to the land use map. Therefore, such a change would be analyzed as an alternative to the Project. See Master Response Number 5 regarding land use alternatives in Section A of this chapter for an explanation of how the Draft EIR considered a reasonable range of alternatives. See also the response to comment 13-23 regarding implementation of the UGB and how the UGB provides for urbanization within the UGB while protecting agricultural land beyond the UGB. In addition, see the response to comment 13-29 regarding changes to the General Plan land use map and Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-32		<ul style="list-style-type: none"> <li>• Restricting subdivision of farmland of concern;</li> </ul>	<p>General limitations on subdivisions are established by the density and lot size requirements of the City’s Land Use and Development Code (Vacaville Municipal Code, Title 14), not by the City’s General Plan. For example, lands zoned as Agriculture are required to maintain a minimum lot size of 20 acres. Restricting subdivisions in areas</p>

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#	Date	Comment	Response
13-33		<ul style="list-style-type: none"> <li>Expanding the Agricultural Reserve Overlay to include additional farmland of concern; and</li> </ul>	<p>designated by the proposed General Plan for urban development (beyond the general density/lot size requirements of the General Plan and Land Use and Development Code) would be contrary to the Project and make the General Plan internally inconsistent; therefore, the suggested mitigation measure is infeasible. See also the response to comment 13-29 regarding changes to the General Plan land use map, the response to comment 13-23 regarding implementation of the UGB, and Master Response Number 4 regarding mitigation in Section A of this chapter.</p> <p>As explained in the response to comment 10-4, the Permanent Agriculture Overlay Area has been eliminated from the proposed General Plan, in order to allow conservation in a larger area, as this comment suggests. However, this Overlay Area only identified the area in which conservation of agricultural land should occur in order to mitigate development of agricultural lands within the East of Leisure Town Road Growth Area. The Overlay itself did not require conservation of agricultural land. Hence, maintaining and/or expanding the Overlay Area would not help to mitigate agricultural impacts. Furthermore, the Solano County General Plan has already established an Agricultural Reserve Overlay to serve as one possible source of mitigation lands for development of agricultural lands; because mitigation would occur on land outside the UGB, the County's Agricultural Reserve Overlay would be a more appropriate mechanism to identify mitigation areas than an area designated by the City's General Plan, which doesn't have jurisdiction beyond the city limits. Also, as discussed in the response to comment 13-35, Policy LU-P2.4 has been revised to implement a more effective mitigation approach of requiring conservation of agricultural land in exchange for development of farmlands of concern in all portions of the General Plan Area. Conserved land could be located within the County's Agricultural Reserve Overlay. See also Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-34		<ul style="list-style-type: none"> <li>Opting into the Farmland Security Zone program established by 1998 amendments to the Williamson Act (referred to as the "Super Williamson Act"), 1998 Cal. Stat. ch. 353, which provides additional incentives to preserve agricultural land by reducing property taxes.</li> </ul>	<p>See the responses to comment 13-23 and 13-29. As explained in those responses, the City considers land within the UGB to be appropriate for urban development, and has crafted a land use map that reflects such development, which is consistent with the voter-initiated UGB policies. Incorporating mitigation measures that are aimed at conserving farmland within the UGB, such as the one suggested in this comment, runs counter to the proposed Project. An alternative land use scenario that would have maintained agricultural designations within the UGB was considered in the Draft EIR's alternatives analysis. Furthermore, Solano County has not established a Farmland Security Zone program for lands within its territorial jurisdiction. For these reasons, the suggested mitigation measure is infeasible. See also Master Response Number 4 regarding mitigation in Section A of this chapter.</p>



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13-35		<p>Finally, if farmland cannot be avoided or preserved, the DEIR should include a mitigation measure that requires that every acre of farmland that is converted must be mitigated by preserving, at a minimum, one acre of farmland of equal or greater quality in the area. The proposed General Plan includes Policy LU-P2.4, which requires development in the East of Leisure Town Road Growth Area to purchase conservation easements to permanently protect lands within the Permanent Agricultural Overlay at a ratio of 1:1. DEIR at 4.1-17-4.1-18. Although this policy mitigates for a portion of the agricultural land that the General Plan allows to be developed, it falls short of proposing to lessen the environmental impacts of the loss of all agricultural land.</p> <p>The purchase of agricultural conservation easements is a feasible and effective way of mitigating the loss of agricultural land. See <i>Masonite Corp.</i>, 218 Cal. App. 4th at 237-241. There is no reason that a requirement to purchase conservation easements should be limited to the loss of agricultural land in the East of Leisure Town Road Growth Area. The DEIR must propose to modify this policy to require that development of agricultural land in any area under Vacaville's control be mitigated at a minimum 1: 1 ratio.</p>	<p>The City, as lead agency, agrees with the recommendation to amend Policy LU-P2.4 to require 1:1 mitigation for development of farmlands of concern located anywhere in the General Plan Area. This revised policy will be considered by decision-makers during their consideration of the proposed General Plan. This policy has been revised in the Draft General Plan as discussed in Chapter 3 of this Final EIR, which shows revisions to pages 4.2-17 to 4.2-18 of the Draft EIR to reflect this change. As shown in the revised text, the impact would still be considered significant and unavoidable, but this mitigation would reduce the severity of the impact. See also Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-36		<p>Moreover, if land is unavailable in the Permanent Agricultural Overlay, any mitigation measure should specify that conversion of farmland must be mitigated by preserving an area of farmland designated with the same subcategory of farmland of concern (prime farmland, unique farmland, and farmland of statewide significance).</p>	<p>The revised Policy LU-P2.4 requires that conserved land be of equal or greater quality, as shown in the revisions to pages 4.2-17 to 4.2-18 of the Draft EIR that are shown in Chapter 3 of this Final EIR. See also the response to comment 10-4 and Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-37		<p><b>3. The DEIR Does Not Support Its Conclusion that No Feasible Mitigation Exists for Loss of Agricultural Land Subject to Williamson Act Contracts (Impact AG-2).</b></p> <p>As discussed for Impact AG-1, the DEIR errs in concluding that it need not propose mitigation unless that mitigation is sufficient to reduce the impact to a less-than-significant level. DEIR at 4.2-20.</p>	<p>As shown in Chapter 3 of the Final EIR, the analysis on page 4.2-20 of the Draft EIR regarding conflicts with Williamson Act contracts has been revised to consider mitigation involving the establishment of new Williamson Act contracts. However, as indicated in that revised text, this measure is considered to be infeasible because the decision to place land under new Williamson Act contracts is made by individual land-owners, not the City. Please also see Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-38		<p>The DEIR also fails to support its conclusion that there is no feasible mitigation for this impact. <i>Id.</i> The mitigation measures discussed above for Impact AG-1 apply here as well. These measures encourage the preservation of a larger area of farmland in Solano County. As a result, they necessarily also provide an incentive for the retention of Williamson Act contracts on that farmland to reduce the owners' property tax liabil-</p>	<p>See the responses to comments 13-29 through 13-37.</p>

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#	Date	Comment	Response
13-39		<p><b>4. The DEIR Fails to Adequately Identify and Analyze the Project's Cumulative Impacts to Agriculture.</b></p> <p>An EIR must discuss significant cumulative impacts. CEQA Guidelines §15130(a). Cumulative impacts are defined as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. CEQA Guidelines § 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects. CEQA Guidelines § 15355(a). A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. CEQA Guidelines § 15355(b). The cumulative impacts concept recognizes that "[t]he full environmental impact of a proposed ... action cannot be gauged in a vacuum." <i>Whitman v. Board of Supervisors</i>, 88 Cal. App. 3d 397,408 (1979) (internal quotation omitted).</p> <p>Here, the DEIR's discussion of cumulative impacts to agriculture is merely cursory and conclusory. The DEIR fails to analyze the General Plan's effects on agriculture together with the effects of past, present, and future development projects. Instead, it simply concludes that because the Project will contribute to loss of agricultural land in Solano County generally, the cumulative impacts are significant. The EIR must be revised to include a proper cumulative analysis for agricultural resources. As regard to the cumulative analysis, the EIR preparers must examine the combined effects of both the proposed General Plan and other identified projects.</p>	<p>Section 15130(b) of the CEQA Guidelines provides that the cumulative impact discussion "need not provide as great detail as is provided for the effects attributable to the project alone." In addition, Section 15130(b) allows the cumulative analysis to consider a "summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect." The cumulative impact analysis on page 4.2-24 of the Draft EIR complies with Section 15139(b) by disclosing the acreage of agricultural land that is anticipated to be converted to urban use in Solano County, as reported in the Solano County General Plan EIR, and finding that because the proposed Project would contribute to that loss of agricultural land, the cumulative impact would be significant.</p>
13-40		<p>Moreover, the DEIR must identify mitigation measures to lessen the cumulative impacts. Again, the DEIR states merely that "the decisions of surrounding counties regarding the conversion of agricultural land are outside the control of Vacaville." DEIR at 4.2-24. However, the decision to convert land within Vacaville is entirely under the control of the City. Yet the General Plan suggests converting almost all agricultural lands to urban uses. The DEIR must identify mitigation measures, such as the</p>	<p>This comment quotes a portion of the discussion provided on page 4.2-24, which taken on its own, out of context, does not accurately reflect the conclusion to Impact AG-3. The complete discussion on page 4.2-24 states that although the policies and actions in the proposed General Plan would reduce and partially offset regional agricultural impacts, the proposed Project would contribute to cumulatively significant agricultural impacts in the region. This shows how the City, as outlined in Chapter 4.2 of the Draft EIR, entitled "Agricultural and Forestry Resources," will reduce and</p>

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		ones suggested above, to mitigate its cumulative contribution to this impact.	partially offset regional agricultural impacts.
13-41		<p data-bbox="415 526 1087 579"><b>B. The DEIR's Analysis of and Mitigation for the General Plan's Biological Resources Impacts Is Inadequate.</b></p> <p data-bbox="415 607 1087 846">The City of Vacaville has a multitude of sensitive natural communities and an astonishing array of special-status species that have the potential to occur in the General Plan study area. The DEIR acknowledges the potential conversion of about 6,900 acres of habitat areas to various land uses including, residential, commercial, and industrial. DEIR at 4.4-50. Most of these undeveloped lands provide habitat for one or more of the 28 special-status wildlife species and the 19 special status plant species that could potentially occur in the EIR Study Area. Id. at 4.4-22, 4.4-32, 4.4-50.</p> <p data-bbox="415 873 1087 1224">Given this rich array of plant and wildlife that inhabit the area, one would expect the DEIR to provide a comprehensive analysis of the effect that implementation of the General Plan would have on these resources. Yet the DEIR does no such thing. It does not provide sufficient information about the resources that exist because it fails to conduct any botanical surveys. With very few exceptions, the document provides no explanation of the species' needs and their status-a discussion, that is, of how rare they are locally and overall, and how development under the General Plan might threaten them. Nor does the DEIR provide the necessary evidentiary support that impacts to these sensitive natural communities and plant and wildlife species would be less than significant. Finally, the DEIR fails to adequately analyze and mitigate the Project's cumulative effects on these resources.</p>	<p data-bbox="1100 444 1906 521">This comment also summarizes the commenter's previous comments, 13-28 to 13-39, which have been addressed in the responses to those comments, above. For this reason, no further response is required.</p> <p data-bbox="1100 526 1906 711">The comment states that the Draft EIR is inadequate because it does not provide information about the potential species needs and status. Table 4.4-2 on pages 4.4-23 through 4.4-31 of the Draft EIR provides a list of potentially occurring plant species in the EIR Study Area vicinity and information on their status (which reflect regional and State rarity), natural community associations, more specific habitat requirements, and potential for occurrence in the EIR Study Area. See also the response to comment 13-42 regarding the appropriateness of botanical surveys for this analysis.</p> <p data-bbox="1100 738 1906 1062">The Draft EIR is a programmatic-level document designed to provide a level of detail for the public to be informed and decision-makers to make decisions that intelligently take into account environmental consequences consistent with Section 15151 of the CEQA Guidelines. As a program EIR, this document serves as a "first-tier" document that assesses and documents the broad environmental impacts of a program with the understanding that more detailed site-specific environmental reviews may be required to assess future projects implemented under the program. As individual projects with specific site plans and facilities are planned, the City will evaluate each project to determine the extent to which this EIR adequately addressed the potential impact of the project and to what extent additional environmental analyses may be required for each specific future project. (See Public Resources Code Sections 21083.3, 21093, and 21094 and State CEQA Guidelines Sections 15152, 15168, and 15183).</p> <p data-bbox="1100 1089 1906 1305">It would not be feasible to discuss all occurrences of each species within the entire study area. Instead, "[a]n EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." <i>Twain Harte Homeowners Assn. v. City of Tuolumne</i> (1982) 138 Cal.App.3rd 664, 673; see also <i>Rio Vista Farm Bureau Center v. County of Solano</i> (1992) 5 Cal.App.4th 351, 368. The Draft EIR provides sufficient information to enable the decision-maker to understand and weigh the potential impacts to biological resources in a programmatic first-tier document.</p> <p data-bbox="1100 1333 1906 1409">In order to assess potential impacts to special-status plant and animal species, the Draft EIR used available information from various sources and made a conservative assumption that special-status species occur in any natural community with which they</p>

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13-42	<p><b>1. The DEIR Fails to Adequately Describe the Site's Biological Resources.</b></p> <p>The DEIR explains that the Project may impact at least 28 special-status wildlife species and 19 special-status plant species because these species have the <i>potential to occur</i> in the EIR Study Area. DEIR at 4.4-22, 4.4-32, 4.4-50. Yet the DEIR fails to sufficiently describe these resources because it relies on database searches rather than botanical surveys. Surveys are one of the preliminary steps to detect the presence of special-status plant species or a natural community. In the absence of surveys to determine the specific characteristics of a wildlife species' use of habitat, the DEIR undercuts the legitimacy of the environmental impact analysis.</p> <p>Rather than conduct surveys, the DEIR asserts, absent any factual support, that surveying is infeasible. DEIR at 4.4-52. The document further states that such surveys would not be useful since development would take place over the course of many years and the conditions on each site will change over time. <i>Id.</i> To the contrary, the time to conduct these surveys - and the associated environmental impact analysis - is now, so that the decision-makers can be informed of the severity and extent of</p>	<p>are associated. Therefore, any special-status species associated with natural community areas that are designated for development under the proposed General Plan were assumed to be impacted in the Draft EIR. In essence, natural community impacts were used as a proxy for potential impacts to many species.</p> <p>In order to provide adequate information to assess potential impacts at a project-specific level, proposed General Plan Policy COS-P1.5 requires: "new development proposals to provide baseline assessments prepared by qualified biologists. The assessment shall contain sufficient detail to characterize the resources on, and adjacent to, the development site. The assessment shall also identify the presence of important and sensitive resources, such as wetlands, riparian habitats, and rare, threatened, or endangered species affected by the development." As described on pages 4.4-54, 4.4-56, 4.4-57, and 4.4-62, the General Plan contains numerous additional policies and actions to avoid, minimize, and mitigate impacts to special-status species as part of future development actions.</p> <p>See also the response to comments 13-50 and 13-65 regarding mitigation of potential impacts to a less-than-significant level and the cumulative impacts analysis.</p> <p>The Draft EIR relied on known information about biological resources from various sources, including the California Natural Diversity Database and environmental documents for the EIR Study Area. While detailed studies were not directly conducted for the Draft EIR, the background database and associated sources are based on often extensive field surveys. For example, one of the primary sources of information regarding the occurrences and distribution of Contra Costa goldfields, a federally endangered species, is a multiyear study of this species' population levels and distribution throughout its range in Solano County, as presented in the Administrative Draft Solano Habitat Conservation Plan (HCP), which is cited as source document in the Draft EIR. As noted in the response to comment 13-41, the analysis conservatively assumed impacts to special-status plant species (in terms of lost habitat acreage) whenever the potential suitable natural community associations overlapped with a development-related land use designation. See also the response to comment 13-41.</p> <p>Detailed surveys to identify special-status plant species as well as animal species at the General Plan level of analysis are impracticable for several reasons and would not likely provide significantly better information to assess environmental consequences than will be necessary under the subsequent, project-specific environmental analyses for future development (required under proposed General Plan Policy COS-P1.5, as discussed in the response to comment 13-42). Standard survey protocols for botanical</p>	

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		<p>the General Plan's impacts and so that mitigation measures can be identified. Moreover, there may not be further environmental review for many of these land use projects. Under these circumstances- and especially where the EIR concludes the impacts will be potentially significant- the environmental impact analysis must be performed now.</p>	<p>and most animal species require multiple, systematic field surveys of all habitats on the site to ensure thorough coverage of potential impact areas. These surveys are time-sensitive and must be conducted during the periods when species are both evident and identifiable. Species presence is also significantly influenced by the amount and seasonal distribution of rainfall. Protocols also often require two or more years to conclude the absence of a species in an area that may provide suitable conditions. Results of such surveys also have a short lifespan; typically surveys for most rare species are only valid from one to five years. In habitats supporting primarily annual species, such as those which dominate the EIR Study Area, annual surveys may be necessary.<sup>1</sup> Also, the entire EIR Study Area would need to be surveyed, which would require permission from every landowner to survey their property—an extremely costly and logistically difficult task. Given all of these considerations, and as explained on page 4.4-52 of the Draft EIR, General Plan surveys would not necessarily provide any more relevant information useful at this time since development under the proposed General Plan would take place over the course of many years and the conditions on each site will likely change over time.</p>
			<p>The level of detail of information regarding biological resources in the Draft EIR is consistent with Section 15146 of the CEQA Guidelines, entitled “Level of Specificity,” which explicitly states: “An EIR on a project such as the adoption...of...a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.” Surveys are precisely the type of detail that an EIR on a specific construction project would be required to include, but not for an EIR on a General Plan.</p>
		<p>As the Court of Appeal recently explained in <i>Stanislaus Natural Heritage Project v. County of Stanislaus</i>, 48 Cal. App. 4th 182 (1996), CEQA requires that this environmental review take place <i>before</i> project approval. <i>Id.</i> at 196 (citing <i>Laurel Heights II</i> for the proposition that a fundamental purpose of CEQA is to inform the public and responsible officials of the environmental consequences of their decisions before they are made). The court specifically rejected the argument that a programmatic EIR for a specific plan and general plan amendment could ignore site-specific environmental review because future phases of the development project would include environmental review, stating that tiering is not a device</p>	<p><sup>1</sup>United States Fish and Wildlife Service. 2000. <i>Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants</i>.</p> <p>Section 15152 of the CEQA Guidelines specifically addresses and promotes the approach used for the environmental analysis of the proposed General Plan. Section 15152 states that the use of tiering for future environmental review is appropriate for “general matters contained in a broader EIR (such as one prepared for a general plan or policy) with later EIRs and negative declaration on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.” The Draft EIR provides a level of impact assessment applicable to a general plan level document. While the Draft EIR does not necessarily provide assessments of the site-specific resources, it provides discussion of the environmental consequences, address-</p>

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		<p>for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause. <i>Id.</i> at 199. The court emphasized that agencies should expect environmental analysis to involve some degree of forecasting:</p> <p style="padding-left: 40px;">We do not by this opinion place any new burdens on preparers of EIRs. Our opinion today is merely an affirmation of already existing law. Drafting an EIR ... necessarily involves some degree of forecasting. While forecasting the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.</p> <p><i>Id.</i> at 206, citing CEQA Guidelines §15144.</p>	<p>ing impacts to habitat and associated special-status species potentially present within the General Plan boundaries and associated study area. The proposed General Plan Conservation and Open Space Element goals, policies, and actions further provide clear requirements regarding information needed for future projects (e.g., Policy COS-P1.5, which is discussed in the response to comment 13-41) to support subsequent environmental review and for avoidance, minimization, and mitigation requirements for significant biological resources. See also the responses to comments 13-41 and 13-42. Finally, the <i>Stanislaus</i> and <i>Laurel Heights II</i> cases cited in the comment involved site-specific EIRs compared to a general plan EIR. These cases do not disallow the use of tiering for general plan EIRs, particularly in view of the specific reference to general plan EIRs in the text of Section 15152.</p>
13-44		<p>CEQA also requires that project descriptions and environmental impact assessments account for reasonably foreseeable future phases, or other reasonably foreseeable consequences of proposed projects. <i>Laurel Heights Improvement Assn. v. Regents of University of California</i>, 47 Cal. 3d 376, 393-399 ("<i>Laurel Heights I</i>"). In <i>Laurel Heights I</i>, the California Supreme Court required that an EIR analyze future effects of project expansion or other action where (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. <i>Id.</i> at 396. In that case, the court required the University's EIR to discuss the future expansion of its project in order to inform decision-makers and the public about the impacts that would likely occur. <i>Id.</i> Here, environmental review is even more clearly required, as the proposed General Plan clearly facilitates land use development on these environmentally sensitive lands.</p>	<p>The Draft EIR addresses the potential for future, reasonably foreseeable impacts to special-status species through the surrogate use of natural communities or potentially associated habitats. The analysis considered the designation of any of these natural community or habitat areas for development to be a potentially significant impact based on an expectation of the reasonably foreseeable consequence that such areas would be developed. See also the responses to comment 13-41 and 13-43.</p>
13-45		<p>In sum, since the EIR skips the crucial first step of its environmental impact analysis, it likely understates the Project's potential impacts and fails to identify effective mitigation. Thus, the revised EIR must include comprehensive botanical surveys to describe the existing environment.</p>	<p>See the responses to comments 13-41 through 13-44. In addition, see the response to comment 13-50 regarding mitigation of potential impacts to biological resources.</p>
13-46		<p><b>2. The EIR Fails to Adequately Analyze the Project's Impacts on Biological Resources.</b></p> <p>The DEIR errs further because it lacks the necessary detail about the Project's potential direct and indirect effects on sensitive species and natural communities that potentially occur in the study area. As discussed</p>	<p>Please see the responses to comments 13-41 and 13-42 with respect to the level of detail of the analysis and the value and practicability of conducting detailed botanical surveys at the General Plan level of analysis. In addition, the information used as the baseline for the Draft EIR is based on field work and surveys used for the development of the Solano HCP, which serves as a primary information source for the Draft EIR. The information is not just based on an existing single data source. For example,</p>

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13-47		<p>above, in the absence of botanical surveys, the EIR cannot do its job. Because the DEIR fails to establish a baseline, it is unable to compare the locations of habitat and species to the locations of development. Not surprisingly, in most instances, the DEIR includes only cursory conclusions that the potential for impacts exist, but does not contain any substantive analysis of those impacts.</p> <p>For example, although the DEIR concludes that impacts to certain habitats will be significant, the DEIR does not identify the specific locations of habitats that would be eliminated or impacted by the Project (see, e.g., DEIR at 4.4-53, acknowledging that the Project would result in the loss of "several isolated wetlands" but omitting the location of these wetlands; see also DEIR at 5.4-55, stating that the Project will impact 33 acres of riparian, stream, and freshwater marsh habitat but failing to identify the location of these habitats). Simply stating that an impact is significant is insufficient. Meaningful analysis of impacts effectuates one of CEQA's fundamental purposes: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." <i>Laurel Heights Improvement Ass'n v. Regents of the University of California</i>, 6 Ca1.4th 1112, 1123 (1993) (<i>Laurel Heights II</i>). To accomplish this purpose, an EIR must contain facts and analysis, not just an agency's bare conclusions. The DEIR must explain how it arrived at its conclusions. Accordingly, the revised EIR should include maps that overlay proposed development locations on sensitive habitats. Once this information is provided, it may be possible to evaluate alternative locations for certain development that would protect these sensitive communities and the species that rely on them.</p>	<p>the vegetation and cover type mapping depicted on Figure 4.4-2 is the result of detailed field review and assessments of aerial imagery. Similarly, the designations of species or species-association conservation areas depicted on Figures 4.4-3 to 4.4-6 are also based on field studies and evaluation of conditions following the criteria summarized in the Draft EIR on pages 4.4-41 to 4.4-49.</p> <p>The information from the HCP has been developed over a 12-year period and includes a broad spectrum of information sources. The draft Solano HCP is a massive, two-volume document containing approximately 1,500 pages. Rather than reproducing the exhaustive detail of that document, the Draft EIR has summarized relevant findings and incorporated the detail of the draft HCP by reference. See also the response to comment 13-47 regarding additional maps that are provided in this Final EIR to further clarify potential impact areas.</p> <p>Habitat impacts for the Draft EIR were determined by comparing habitat areas to General Plan land use designations that could result in the conversion of vacant lands to an urban use, such as residential, industrial, or commercial land uses, as shown on Figure 3-4 of the Draft EIR. The location-specific impacts can be determined by comparing these land use designations with the natural community areas, vegetation and cover types, and species conservation area maps depicted on Figures 4.4-1 through 4.4-6 of the Draft EIR. However, to clarify the areas of impacts, new figures (4.4-8 through 4.4-12) have been added to Chapter 3 of this Final EIR. These maps depict biological resource impacts based on the General Plan land use designations that could result in the loss or conversion of habitats for the respective natural community (or species) baseline information provided in Figures 4.4-1 through 4.4-6. Areas that are not shown as impacted on these figures would not be designated for a land use that would impact habitats or do not contain the habitats suitable for the applicable species (e.g. vernal pool species habitat would not be affected in irrigated agricultural lands).</p> <p>While commenter requests more specific information about all features that might be impacted, it would be infeasible to anticipate all future development projects and to describe the environmental impacts those projects would have. Using databases and modeling to analyze certain types of potential impacts, the City concluded that some impacts are likely to occur. However, it cannot and should not speculate as to the exact nature of those impacts. These future potential impacts would be more appropriately discussed in project-level environmental review documents.</p> <p>See also Master Response Number 5 concerning land use alternatives in regard to</p>

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13-48		<p>The DEIR also fails to adequately analyze impacts to the California tiger salamander ("CTS"), a federally and state protected species. As discussed above, the DEIR includes no surveys for CTS and therefore does not disclose where the populations of the species are located within the study area and where the species may breed. Even without surveys, the document acknowledges that the Project could impact 500 acres of land that is suitable as CTS habitat and 20 acres of potential CTS <i>breeding habitat</i>. DEIR at 4.4-35, 4.4-43-4.4-53 (emphasis added). The DEIR concedes the Project could lead to local <i>extinction</i> of the CTS. <i>Id.</i></p> <p>Despite these alarming facts, the DEIR concludes, absent any evidential support, that impacts to CTS would be less than significant. To conclude as the DEIR does, that an impact is less than significant, substantial evidence must demonstrate that measures will reduce an impact to a less-than-significant level. Substantial evidence consists of "facts, a reasonable presumption predicated on fact, or expert opinion supported by fact," not "argument, speculation, unsubstantiated opinion or narrative." Pub. Res. Code §21 080(e)(1)-(2).</p> <p>The DEIR attempts to explain its illogical conclusion by relying on a series of vague policies located in the General Plan- none of which specifically address or even acknowledge the CTS. These vague policies cannot override the overwhelming evidence in the DEIR that development under the General Plan will significantly impact CTS. In fact, the DEIR completely ignores references in other sections of the EIR explaining that the Project will facilitate development of approximately 44 acres within a wildlife corridor that is essential for CTS. DEIR at 4.4-65. Again, the DEIR's conclusion of insignificance is not supported by substantial evidence, and is inadequate under CEQA.</p>	<p>evaluation of alternative locations for development.</p> <p>The identification of known and potential habitat as shown on Figure 4.4-4 in the Draft EIR and the assessment of potential impacts to the California tiger salamander (CTS) is based on information obtained from the Solano HCP. This information is based on specific surveys for CTS throughout Solano County from multiple sources and over a series of years. These sources include studies conducted at Lagoon Valley (no captures), in the City of Fairfield Train Station Specific Plan Area, and the majority of the land within the Vacaville-Fairfield Greenbelt. Known range is based on lands generally lying within 1.3 miles of documented breeding habitats, which is considered to be the normal, maximum distance identified for CTS to move from breeding sites.<sup>2</sup> This distance generally coincides with major barriers to CTS movement (e.g. high traffic volume roads, Putah South Canal) or changes to unsuitable habitats such as irrigated agriculture. Figure 4.4-10 has been added to Chapter 3 of this Final EIR to more clearly define the locations of potential impacts.</p> <p>As stated in the response to comment 13-46, the draft Solano HCP is a massive, two-volume document containing approximately 1,500 pages. Rather than reproduce the exhaustive detail of that document, the Draft EIR has summarized relevant findings and incorporated the detail of the baseline conditions in the draft HCP by reference.</p> <p>The Draft EIR concludes that the impacts to CTS are less than significant based on the fragmentation of the potentially impacted areas from larger core habitat areas supporting larger populations, as well as the requirements for mitigation for CTS habitat required under the Solano HCP. Further, Policy COS-P1.12 requires the City to comply with all of the Avoidance, Minimization, and Mitigation Measures listed in the Draft Solano HCP until the HCP is fully adopted or a comparable program is prepared. See the response to comment 13-50 regarding reliance on the Solano HCP to mitigate impacts, as well as the addition of mitigation measures in Chapters 2 and 3 of this Final EIR to memorialize those measures. Specifically, as shown in Chapters 2 and 3 of this Final EIR, page 4.4-55 of the Draft EIR has been revised to include Mitigation Measure BIO-4, which requires a minimum 3:1 preservation of CTS breeding habitat and additional requirements to create new CTS breeding habitat. These HCP mitigation requirements have been accepted and used by both the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service as conditions for several incidental take permits issued within Solano County. See also Master Response Number 4 regarding mitigation, in Section A of this chapter.</p>
			As noted in the comment, the Draft EIR acknowledges the potential for 44 acres of



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13-49		<p>In another example, the DEIR ignores its own facts to conclude that the Project would not conflict with any plan, policy, regulation or ordinance adopted for the purpose of protecting biological resources. The DEIR explains that the United States Fish and Wildlife Service ("USFWS") has issued a Recovery Plan for vernal pool ecosystems of California and Southern Oregon. DEIR at 4.4-32. Two areas designated as Core Recovery Areas in the Recovery Plan are located in the EIR Study Area. <i>Id.</i> at 4.4-32, 4.4-52-4.4-53. Although the Project would impact these Core Recovery Areas, and thus interfere with the overall USFWS Recovery Plan, the DEIR concludes that the Project would not conflict with any policies or ordinance. <i>Id.</i> at 4.4-67. Once again, the DEIR cites no evidence or analysis to support its conclusion.</p>	<p>development in the Vacaville-Fairfield Greenbelt due to the proposed Public/Institutional General Plan land use designation, as shown on Figure 4.4-7 of the Draft EIR. As described in the response to comment 13-50, under General Plan Policy COS-P1.12, General Plan Action COS-A1.1, and the additional mitigation measures shown in Chapters 2 and 3 of this Final EIR (added to page 4.4-55 of the Draft EIR), development in the Greenbelt for a public or institutional use would be required to comply with Solano HCP measures to protect corridors.</p> <p>The comment further states that the corridor is essential to the CTS. Please note that neither the greenbelt/corridor area nor any lands within the City of Vacaville's planned Sphere of Influence contain any lands officially designated by the U.S. Fish and Wildlife Service as critical habitat for the CTS. Critical habitat is defined in the Endangered Species Act of 1973 (7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.) as "a specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection." The Commenter provides no evidence for why the mitigation for biological resources would be ineffective.</p> <p><sup>2</sup>California Department of Fish and Game. 2010. <i>Report to the Fish and Game Commission: A Status Review of the California Tiger Salamander (Ambystoma californiense)</i>. State of California, Natural Resources Agency, Sacramento.</p> <p>Federal recovery plans are intended, among other objectives, to provide direction to local, regional, and State planning efforts. The General Plan and the associated policies to implement conservation and open space goals are heavily based on the Solano HCP, a multi-agency, regional cooperative effort designed to promote conservation of threatened and endangered species and the natural communities on which they depend. The development of the Solano HCP has been ongoing since 1999 and has involved significant stakeholder and general public input, and detailed coordination and review to develop the comprehensive conservation program in association with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife. The presence of the two designated recovery areas has been considered and analyzed in the Solano HCP. The HCP provides more in-depth analysis of the conditions in these and other designated recovery areas and provides a more specific regional context and program for applicable vernal pool species recovery than provided in the Service's Recovery Plan. As depicted on Figure 4.4-3 of the Draft EIR, the HCP designates the larger Recovery Area in northern Vacaville along Eubanks Road as a Low Value Conservation Area. This area lies within an existing industrial park with installed streets, utilities, and other associated infrastructure.</p>

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13-50		<p><b>3. The General Plan Policies Are Not Adequate to Reduce the Project's Impacts to Biological Resources to a Less-than-Significant Level.</b></p> <p>The DEIR employs a strategy throughout the biological resources chapter of citing numerous proposed General Plan policies, followed by the assertion that they in combination with other procedures such as the Solano County habitat conservation plan ("HCP") would collectively provide sufficient mitigation to reduce impacts to a less than significant level. There are numerous flaws with the DEIR's approach.</p> <p>First, the HCP has yet to be adopted, and the DEIR provides no indication that it will be adopted. The CEQA Guidelines state that "mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments." CEQA Guidelines § 15126.4(a)(2). The HCP, because it has not been adopted, clearly does not meet this standard. Even if the HCP were adopted, the DEIR never describes how the HCP would mitigate for the Vacaville General Plan's numerous impacts to sensitive species. Therefore, the DEIR's reliance on the HCP to mitigate impacts to sensitive species is not based on substantial evidence.</p>	<p>While the dominant cover is annual grassland vegetation, all of the parcels have been graded, and are regularly disked for weed abatement. They support little if any current conservation value, and are not even likely to provide any potential future conservation value for vernal pool species.</p> <p>The Solano HCP is intended to, among other goals, provide a comprehensive regional plan for preserving biological resources throughout much of Solano County. The Draft EIR acknowledges that the Solano HCP has not been adopted and, while preparation of the HCP is required under the Solano Project (Lake Berryessa) Water Contract renewal with the Bureau of Reclamation (see the Draft EIR discussion on pages 4.4-7 and 4.4-8), there are no assurances that the HCP will be adopted. However, the development of goals, objectives, and mitigation measures and the process for implementation involved significant stakeholder and general public input and detailed coordination and review to develop the comprehensive conservation program with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife. The City has actively supported and participated in the development of the HCP since its initial inception in 1999 and, as such, has a vested interest in seeing the HCP adopted and implemented. In addition, proposed General Plan Action COS-A1.1 directs the City to implement the Solano HCP once it is adopted.</p> <p>The Biological Opinion from the U.S. Fish and Wildlife Service for the Solano Project Water Contract renewal further requires that until such time as an HCP is adopted and implemented, the City and others receiving water from the Solano Project are required to implement interim measures to preserve and protect threatened and endangered species within the contract service area (see page 4.4-7 of the Draft EIR). The proposed General Plan policies follow and expand the process set forth in the Solano Project Water Contract renewal, which has been implemented by the City and other water users since the Water Contract was renewed in 1999. The expansion covers inclusion of State-listed threatened and endangered species as well as numerous other special-status species within Solano County that were not required to be addressed under the Water Contract renewal. The interim measures implemented during this period follow the drafts of the Solano HCP as they have been developed and revised. Policy COS-P1.12, which requires the City to comply with all of the Avoidance, Minimization, and Mitigation Measures listed in the Draft Solano HCP until the HCP is fully adopted or a comparable program is prepared, commits the City to continue this process. In the event that the HCP is not adopted, the proposed General Plan provides other protections for biological resources. Specifically, Action COS-A1.1 states that if the HCP is not adopted, the City will develop and implement policies for con-</p>

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13-51	Second, the policies in the General Plan are unlikely to reduce the Project's impacts because of their voluntary, flexible, and unenforceable	<p>serving natural communities and their associated species. Such policies would need to be consistent with the HCP requirements for applicable species and habitats in order to be consistent with the analysis in the Draft EIR.</p> <p>Nevertheless, in order to memorialize the draft HCP mitigation requirements and respond to the concerns outlined in this and other comments, the HCP mitigation measures that are applicable to the EIR Study Area have been added as mitigation measures for this Vacaville General Plan and ECAS EIR, as shown in Chapters 2 and 3 of this Final EIR (added to pages 4.4-55, 4.4-58, and 4.4-60 of the Draft EIR). These mitigation measures provide clear and enforceable performance standards to mitigate potential impacts to biological resources. In addition, the minimization measures from the Draft HCP that are applicable to the EIR Study Area will be added as an appendix to the proposed General Plan.</p> <p>Furthermore, as described in the Draft EIR on pages 4.4-1 to 4.4-7, federal and State regulations protect biological resources:</p> <ul style="list-style-type: none"> <li>• Section 404 of the federal Clean Water Act and the State's Porter-Cologne Act regulate activities that fill wetlands, streams, and other aquatic habitats.</li> <li>• Section 1602 of the State Fish and Game Code regulates activities that substantially affect rivers, streams, or lakes.</li> <li>• The federal Endangered Species Act broadly prohibits actions that could result in the take of federally-listed threatened and endangered animal species without first obtaining an incidental take permit.</li> <li>• The State Endangered Species Act similarly prohibits actions that could result in the take of State-listed species, such as the Swainson's hawk.</li> <li>• Federal and State regulations, such as the federal Migratory Bird Treaty Act and the companion State Fish and Game Code (Sections 3503 and 3503.5), make it unlawful to take, possess, or needlessly destroy the nests or eggs of bird species.</li> </ul> <p>All of these regulations, as described in the Draft EIR, apply to development projects as well as actions by individuals.</p> <p>See also Master Response Number 4 regarding mitigation, in Section A of this chapter. Such mitigations and regulations provide substantial evidence to support the Draft EIR's conclusions.</p>	
			See the response to comment 13-50 regarding the proposed General Plan Action COS-A1.1 and Policy COS-P1.12, which provide clear direction to the City about

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		<p>nature. Here, the proposed policies are vague and include directory terms like "as appropriate," "where feasible" and "support," rather than mandatory terms like "require," "reduce," and "deny." Consequently because the DEIR fails to provide supporting evidence that such measures would reduce impacts to less than significant. Set forth below are a few of the most egregious examples of this legally deficient approach.</p>	<p>implementing the HCP Avoidance, Minimization, and Mitigation Measures, and the additional mitigation measures that have been added to Chapters 2 and 3 of this Final EIR (added to pages 4.4-55, 4.4-58, and 4.4-60 of the Draft EIR) to memorialize those HCP requirements.</p>
13-52		<p><b>(a) Vernal Pool Habitat and Valley Floor Grassland</b></p> <p>Development allowed by the proposed General Plan would directly impact approximately 1,200 acres of valley floor grassland and 42 acres of wetland habitat within the valley floor grassland and vernal pool natural community. DEIR at 4.4-52. In addition, development would indirectly impact approximately 100 acres of upland habitat and 21 acres of wetland habitat within the valley floor grassland and vernal pool natural community. <i>Id.</i></p> <p>The DEIR relies on a series of General Plan policies to fully mitigate these impacts. <i>Id.</i> at 4.4-63. The DEIR does not even identify the specific policies that would purportedly eliminate these impacts; instead it directs the reader to the "policies and actions described in Section D.l.a.i.e." <i>Id.</i> We could find no section D.l.a.i.e in the DEIR, leaving the reader to guess which General Plan policies are intended to address the Project's extensive impacts to valley floor grassland and wetlands. The following policies may be intended to reduce grassland and wetland impacts. As shown below, there is no evidentiary support that these policies would reduce the Project's impacts to less than significant levels (<i>see</i> commentary in italics).</p>	<p>In addition to those clear requirements, the proposed General Plan includes other policies and actions that serve to help implement important elements of the Solano HCP mitigation program; many of these policies and actions provide unequivocal, enforceable directives such as "require," "prohibit," and "manage." While several policies are advisory, such as Policy COS-P1.7, which encourages use of native vegetation in landscaping, such measures are not intended to mitigate significant impacts; such policies, if cited in the Draft EIR, are mentioned to show how they support other policies and HCP requirements that are enforceable. See also Master Response Number 4 regarding mitigation in Section A of this chapter and the response to comments 13-53 through 13-56, 13-58 through 13-60, and 13-62 through 13-64 regarding individual policies that were indicated by the commenter.</p> <p>The comment is correct that the Draft EIR provides an incorrect reference to the policies. As shown in Chapter 3 of this Final EIR, this discussion on page 4.4-63 of the Draft EIR has been revised to clarify this reference.</p>

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13-53		<ul style="list-style-type: none"> <li>• Policy COS-P1.1 supports efforts to prepare and implement the HCP. DEIR at 4.4-54. <i>As the DEIR makes clear, the HCP has not been adopted and the EIR provides no assurance that it will be adopted.</i></li> </ul>	See the response to comment 13-50.
13-54		<ul style="list-style-type: none"> <li>• Policy COS-P1.6 requires that new development minimize the disturbance of natural habitats and vegetation, and requires revegetation. DEIR at 4.4-54. <i>A policy calling for a development to "minimize" disturbance is vague and unenforceable. Minimizing impacts to habitats does not ensure sufficient protection for these habitats and the species that rely on them.</i></li> </ul>	Section 15021 of the CEQA Guidelines establishes a duty for public agencies to avoid or minimize environmental damage where feasible. The assessment of feasible as used in the Guidelines requires site-specific information to determine if the measures can be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Policy COS-P1.6 reflects this City obligation while recognizing that factors affecting the feasibility of avoiding and minimizing impacts to natural habitats are site-specific and need to be addressed on a project-specific basis in subsequent environmental reviews. The policy further requires that natural habitats disturbed by projects must be revegetated with native or naturalized species to further minimize long-term impacts. This policy by itself does not ensure that impacts are reduced to a less-than-significant level. However, the proposed General Plan policies in total provide a comprehensive requirement to preserve, manage, and protect natural habitats and vegetation, as discussed further in the response to comment 13-50. See the revised explanation of the policies that contribute to mitigation in Chapter 3 of this Final EIR (discussed in the response to comment 13-52). See also Master Response Number 4 regarding mitigation in Section A of this chapter.
13-55		<ul style="list-style-type: none"> <li>• Policy COS-P1.9 requires that new development include provisions to protect and preserve wetland habitats. DEIR at 4.4-54. <i>This policy is non-specific and does not ensure that impacts would be reduced to a less than significant level.</i></li> </ul>	This policy establishes specific criteria that require future development to preserve and protect wetlands. The intent of the policy wording is to preclude situations where avoidance of wetlands would result in small, isolated patches of habitat that are unlikely to contribute to or have any significant long-term functional value. This policy by itself, as noted in the comment, does not ensure that impacts are reduced to a less-than-significant level. However, the proposed General Plan policies and compliance with regulations such as Section 404 of the Clean Water Act and the Porter Cologne Water Quality Act in total provide a comprehensive requirement to preserve, manage, and protect wetlands and other avoided habitats, as discussed further in the response to comment 13-50. See the revised explanation of the policies that contribute to mitigation in Chapter 3 of this Final EIR (discussed in the response to comment 13-52). See also Master Response Number 4 regarding mitigation in Section A of this chapter.
13-56		<ul style="list-style-type: none"> <li>• Policy COS-P1.10 requires that, where avoidance of wetlands is not practicable, new development provide for off-site mitigation that results in no net loss of wetland acreage and functional value within the watersheds draining to the Delta. DEIR at 4.4-54. <i>A "no net loss" policy is only sufficient where there is a certainty that mitigation acreage will be of comparable quality, function, and sustainability to the area proposed to be disturbed. With respect to</i></li> </ul>	The policy language does include requirements to provide for no net loss of both acreage and functional value. The comment cites a 1994 report that states that "manufactured habitats" are not guaranteed to meet these standards. Habitat restoration has evolved significantly since the 1994 assessment by the California Coastal Commission. While success is not guaranteed, current restoration efforts have a much higher probability of success. As articulated in the Army Corps of Engineers' 2008 Final Rule on

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		<p><i>manufactured habitat, these requirements cannot be guaranteed. In fact, the performance record of manufactured habitat is not strong. See California Coastal Commission, Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone Ch. 2 (1994) ("CCC, Procedural Guidance"), attached hereto as Exhibit B. Accordingly, the value of mitigation habitat should be discounted to reflect the substantial likelihood that replacement habitat will not be equivalent in all respects to impacted habitat.</i></p>	<p>Compensatory Mitigation for Losses of Aquatic Resources, 40 C.F.R. Part 230, and in other policy documents and rules, current standards for habitat restoration also provide for increased measures and commitments to ensure successful establishment of acreage and functions. Such measures include: increased monitoring and management, increased ratios to address temporal losses of value, and limitations on available acreage until performance criteria are achieved. These requirements are further contingent on provisions for financial commitments to implement these actions and required remedial actions that may be necessary for successful establishment. As shown in Chapters 2 and 3 of this Final EIR, which revise page 4.4-55 of the Draft EIR, Mitigation Measures BIO-1 through BIO-4 reflect the Draft Solano HCP and incorporate its current standards as requirements (as also described in the response to comment 13-50). See also Master Response Number 4 regarding mitigation, in Section A of this chapter.</p>
13-57		<p><b>(b) Riparian Habitats and the Sensitive Species Associated With These Habitats</b></p> <p>Development allowed by the proposed General Plan would directly impact approximately 33 acres of riparian, stream, and freshwater marsh habitat. DEIR at 4.4-55. An additional 20 acres of agricultural drainage ditches and other open water habitats also could be directly impacted by development activities. <i>Id.</i> at 4.4-63. The Project would also have indirect effects to riparian, stream, and freshwater marsh habitat including changes in channel morphology (e.g. down-cutting and bank erosion) from increased peak and base flows.<sup>1</sup> <i>Id.</i> at 4.4-55. Finally the DEIR explains that these impacts to riparian, stream, and freshwater marsh habitat could directly or indirectly affect the special-status species, including the valley elderberry longhorn beetle and western pond turtle. <i>Id.</i> at 4.4-55.</p> <p>Here too, the DEIR looks to a series of General Plan policies to fully mitigate these impacts riparian habitats and the sensitive-species that occur within these habitats. <i>Id.</i> at 4.4-63. And, again, the policies do not come close to mitigating the Project's significant effects.</p>	<p>The footnote for the comment claims that the Draft EIR does not clearly identify the acreage of indirect impacts to riparian habitats. The indirect impacts could affect all of the 145 acres of riparian and channel habitat in the EIR Study Area. As shown in Chapter 3 of this Final EIR, the impact discussion on age 4.4-63 of the Draft EIR has been revised to more clearly indicate this potential effect.</p> <p>See the responses to comments 13-50, 13-58, and 13-60 regarding mitigation of riparian habitat impacts. See also Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-58		<p>Policy COS-P1.3, for example, directs the protection and creation of new wildlife corridors <i>where feasible</i>. DEIR at 4.4-56. This policy is vague and</p>	<p>The referenced policies in this comment and in comment 13-59 identify the City's goal to preserve and restore Vacaville's creeks and riparian zones, but recognize that</p>

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		<p>directory and it is therefore impossible to evaluate its effectiveness. <i>See San Franciscans for Reasonable Growth v. City and County of San Francisco</i>, 151 Cal. App. 3d 61, 79 (1984). Moreover, this policy is essentially meaningless inasmuch as the DEIR acknowledges that development allowed by the proposed General Plan could result in the development of approximately 44 acres within the Vacaville-Fairfield Greenbelt. This wildlife corridor is critical in providing connectivity between the lowlands of the Jepson Prairie and the uplands of the Vaca Mountains. DEIR at 4.4-65.</p>	<p>preservation and enhancement may not be practicable in all instances. In instances where a project would impact creeks or riparian zones, Mitigation Measure BIO-5 requires new projects or facilities that create a gap in a stream channel or riparian corridor greater than 300 feet to provide an alternative bypass or rerouted channels, in order to replace impacted habitats and maintain connectivity—this in addition to the requirements for riparian habitat restoration. As discussed in the response to comment 13-50, this mitigation measure reflects the Solano HCP requirements.</p> <p>Finally, the comment references the Draft EIR discussion on pages 4.4-65 to 4.4-67 about the Public/Institutional land use designation within the Vacaville-Fairfield Greenbelt, which is an important wildlife corridor. This land use designation is adjacent to, but does not directly affect, a riparian area along Union Creek. See the response to comment 13-48 about how the proposed General Plan would protect wildlife corridors. In addition, as shown in the revisions to pages 4.4-55, 4.4-58, and 4.4-60 of the Draft EIR provided in Chapter 3 of this Final EIR, the Solano HCP mitigation requirements have been added as mitigation measures to this EIR to provide a comprehensive approach for maintaining wildlife movement corridors through urban areas (as also discussed in the response to comment 13-50).</p> <p>See also Master Response Number 4 regarding mitigation, in Section A of this chapter.</p>
13-59		<p>Other measures are entirely voluntary. <i>See</i> DEIR at 4.4-57 (citing Policy COS-P2.1: <i>discourages</i> undergrounding of creeks and <i>encourage</i> daylighting of existing culverted creeks; and Policy COS-P2.5 <i>encourages</i> restoration and expansion of riparian and floodplain habitat within channelized streams and flood channels where feasible) (emphasis added).</p>	<p>See the response to comment 13-58.</p>
13-60		<p>In other instances, the DEIR unlawfully defers mitigation by relying on policies in the General Plan that require some future action. For instance, the General Plan calls for the City to: (1) amend the Land Use and Development Code ("LUDC") to include tree protection measures (Actions COS-A1.3, COS-A1-7); and (2) develop a creek protection ordinance (Action COS-A2.1). DEIR 4.4-57. The conditions here do not meet the requirements necessary to defer mitigation. CEQA allows a lead agency to defer mitigation only when: (1) an EIR contains criteria, or performance standards, to govern future actions implementing the mitigation; (2) practical considerations preclude development of the measures at the time of initial project approval; and (3) the agency has assurances that the future mitigation will be both "feasible and efficacious." <i>Communities for a</i></p>	<p>The comment cites the proposed General Plan actions directing the City to amend the Land Use and Development Code to include tree protection measures. The comment specifically takes issue with proposed Actions COS-A1.3 and COS-A1-7. The comment overlooks the performance standards for these measures that are provided in proposed Actions COS-A1.8 and COS-A1.9. Action COS-A1.8 would establish detailed requirements for the long-term protection and management of oak trees and oak habitats, and Action COS-A1.9 specifies mitigation ratios for tree replacement based on tree size and nativity of the tree species, as well as other mitigation requirements. Actions COS-A1.8 and COS-A1.9 set forth specific and mandatory performance criteria that would govern tree protection practices.</p> <p>The cited Draft EIR comment with respect to trees being "to some extent protected"</p>

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		<p><i>Better Environment v. City of Richmond</i>, 184 Cal. App. 4th 70, 94-95 (2010); San Joaquin Raptor Rescue Center, 149 Cal. App. 4th at 669-71; CEQA Guidelines § 15126.4(a)(1)(B).</p> <p>For example, the policy calling for the development of a creek ordinance is too vague to be effective. The policy contains no performance standards that will govern future actions. Nor does the DEIR provide evidence that the policies calling for LUDC amendment to protect trees would sufficiently mitigate impacts to riparian habitats and the species that rely on them. First, the City's tree "protection" program is anything but that. As the DEIR itself admits, trees are "to some extent protected" because the LUDC "requires a permit for their removal." <i>Id.</i> at 4.4-64. Moreover, this code section does not protect smaller trees at all. <i>Id.</i></p>	<p>and the lack of protection for smaller trees is based on the existing City Tree Ordinance, rather than the proposed expanded protection required in Actions COS-A1.8 and COS-A1.9. These proposed actions provide a greater level of protection and resulting compensation for trees over the existing ordinance requirements.</p> <p>As discussed in the response to comment 13-50, Action COS-A1.1 and Policy COS-P1.12 (as well as the additional mitigation measures that reflect the HCP requirements outlined in Chapters 2 and 3 of this Final EIR, which revise pages 4.4-55, 4.4-58, and 4.4-60 of the Draft EIR) set the HCP mitigation measures as the standards for creek and riparian habitat and species mitigation. The creek protection ordinance cited in the comment would be required to reflect these measures and standards. The HCP's applicable mitigation measures are based on direct, measurable, and mandatory criteria for impacts to trees and linear feet of channel, setbacks and buffers, and tree protection, among other detailed requirements. Through the General Plan policies and actions, and the additional mitigation measures in this EIR, there are measurable, adequate performance standards for these future actions.</p> <p>See also Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-61		<p>Because the DEIR lacks sufficient protection for riparian habitats, it has no basis to conclude that impacts to the valley elderberry longhorn beetle, foothill Yellow-Legged Frog, and the Western Pond Turtle will be less than significant.</p>	<p>The less-than-significant finding regarding impacts to the valley elderberry longhorn beetle, foothill yellow-legged frog, and western pond turtle is based on the mitigation measures contained in the referenced Solano HCP, which, as discussed in the response to comment 13-50, are required by the proposed General Plan and by the additional mitigation measures that are shown in Chapters 2 and 3 of this Final EIR (added to pages 4.4-55, 4.4-58, and 4.4-60 of the Draft EIR). See also the responses to comments 13-57 to 13-60.</p>
13-62		<p><b>(c) Swainson's Hawk and Burrowing Owl</b></p> <p>The DEIR does not support its conclusions that loss of hawk and owl habitat will be less than significant. Development allowed by the proposed General Plan could impact approximately 6,844 acres of potential Swainson's hawk and burrowing owl foraging habitat. DEIR at 4.4-58-4.4-59. It could also result in the loss of between 18 and 20 known Swainson's hawk nest trees and the loss of at least 14 burrow sites known to support burrowing owls. <i>Id.</i> Finally, the DEIR acknowledges the potential for indirect effects on both species including, for example, from human disturbance. Again, the DEIR relies on the same ineffectual measures to conclude that impacts to these species would be less than significant.</p>	<p>See the response to comment 13-50. As noted in that response and shown in Chapters 2 and 3 of this Final EIR (which edit pages 4.4-55, 4.4-58, and 4.4-60 of the Draft EIR), HCP mitigation requirements have been added as mitigation measures for this EIR, including Mitigation Measures BIO-10, BIO-11, and BIO-12, which require 1:1 foraging habitat mitigation. See also Master Response Number 4 regarding mitigation, in Section A of this chapter.</p>



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#	Date	Comment	Response
13-63		<p>To mitigate impacts to the hawk and owl, the DEIR also relies on a proposed General Plan Goal COS-3 calling for supporting Solano County efforts to preserve existing agricultural lands located in the Permanent Agriculture Overlay Area and the Planning Area. DEIR at 4.4-58. As discussed above, the General Plan proposes to convert 2,640 acres of farmland of concern to non-agricultural uses. DEIR at 4.2-18. Yet only 2,793 acres of land within the EIR Study Area is farmland of concern. DEIR at 4.2-11. Therefore, although the General Plan purports to preserve agricultural lands, it, in fact, allows for the conversion of almost all land qualifying as farmland of concern.</p>	<p>The referenced loss of Swainson’s hawk foraging habitat essentially includes all open or vacant lands within the EIR Study Area that would have a development-related land use designation under the proposed General Plan. This includes current agricultural lands, grasslands, and larger vacant lots. Please see Figure 4.4-12, which has been added to Chapter 3 of this Final EIR, for the locations of potential impacts. As discussed in the response to comment 13-50, the Draft EIR relied on proposed General Plan policies that require the City to implement the draft Solano HCP mitigation measures to mitigate potential impacts to Swainson's hawks and burrowing owls; these mitigation measures have been added to Chapters 2 and 3 of this Final EIR (which edit pages 4.4-55, 4.4-58, and 4.4-60 of the Draft EIR). Of particular relevance are Mitigation Measures BIO-10, BIO-11, BIO-12, and BIO-13, which require that all suitable foraging habitats, except for small infill lots less than 5 acres in size (which provide limited suitability) be replaced at a minimum 1:1 ratio. These mitigation measures further require that loss of foraging habitat be mitigated in-kind (e.g., mitigation for loss of irrigated agricultural lands must preserve and manage an equal acreage of irrigated agricultural lands). These mitigation measures further specify management actions to maximize foraging habitat value for Swainson’s hawks and other species, such as the burrowing owl, which inhabit irrigated agricultural lands. Measures are also required in the Solano HCP to protect known hawk nests and increase nest site availability in nonurban areas.</p> <p>Furthermore, the comment implies that almost all agricultural land within the EIR Study Area will be developed under the proposed General Plan. However, the farmland acreages referenced in the comment apply to only farmlands of concern, which exclude grazing lands. Therefore, more agricultural lands would remain in use as grazing/open land than indicated by the acreages cited in the comment, and the policies under proposed Goal COS-3 regarding agricultural land preservation would benefit the Swainson's hawk and burrowing owl species that rely on agricultural land habitat.</p> <p>See also Master Response Number 4 regarding mitigation, in Section A of this chapter.</p>
13-64		<p>None of the policies within the proposed General Plan require the preservation of agricultural lands or any other habitat needed to protect the Swainson's hawk or burrowing owl. Indeed, none of the various categories of mitigation in the CEQA Guidelines' definition, CEQA Guidelines § 15370, applies. It does not "[c]ompensat[e] for the impact by replacing or providing substitute resources or environments" for the loss of habitat. <i>Id.</i> § 15370(e). Consequently, the DEIR has no basis to</p>	<p>As described in the Draft EIR on page 4.4-58, approximately 3,400 acres of irrigated agricultural crop land that provides foraging habitat for Swainson’s hawk could be impacted by the proposed General Plan. As explained in the response to comment 13-63, under the proposed General Plan policies and the additional mitigation measures that are described in the response to comment 13-50, which implement the draft HCP mitigation measures, 3,400 acres of irrigated crops lands would be preserved and managed in perpetuity to mitigate impacts to Swainson’s hawk, burrowing owl, and associ-</p>

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#	Date	Comment	Response
		conclude the Project's impacts on these sensitive species would be less than significant.	<p>ated species.</p> <p>In addition, as described in the response to comment 13-35, proposed General Plan Policy COS-LU-P2.4 has been expanded to provide 1:1 mitigation for the loss of farmlands of concern throughout the entire EIR Study Area, as shown in Chapter 3 of this Final EIR, which edits pages 4.2-17 and 4.2-18 of the Draft EIR.</p> <p>See also Master Response Number 4 regarding mitigation, in Section A of this chapter as well as the response to comment 13-62.</p>
13-65		<p><b>4. The DEIR Fails to Adequately Analyze and Mitigate the Project's Cumulative Effects on Biological Resources.</b></p> <p>Poorly planned development has resulted in the loss of valuable habitat and has placed a large number of endangered species and entire ecosystems at risk of extirpation. <i>See</i> Ecological Support For Rural Land-Use Planning, Theobald et al., attached as Exhibit C. Because of the fundamental importance of the City's lands in maintaining the region's biodiversity, the DEIR should have carefully analyzed the cumulative impacts of this loss of habitat together with other habitat loss in the County and the northern California region. The need for such analysis is compelling given that conservation scientists are particularly concerned about the changes in native landscapes, habitat fragmentation, disruption of landscape linkages and wildlife corridors, and biodiversity as a consequence of development and other forms of resource use. <i>Id.</i></p> <p>Incredibly, the EIR simply identifies the acreage of potential cumulative development but never evaluates what effect this loss of acreage will have on sensitive species. The failure to conduct any cumulative impacts analysis is especially disconcerting given that this is a program-level EIR that should appropriately focus on cumulative impacts. <i>See</i> CEQA Guidelines §15168(b)(4) (consideration of broad policy alternatives and program mitigation measures at this early stage when agency has greater flexibility to deal with cumulative impacts).</p>	<p>While the Solano HCP and corresponding discussions in the Draft EIR use the term natural communities, the vast majority of lands designated for development by the proposed General Plan lack significant natural components. Most communities, as described in the Draft EIR on pages 4.4-14 to 4.4-21, are dominated by non-native species or are currently or have been historically subject to regular cultivation. While these areas may include remnants of native vegetation or habitats that may support sporadic locations of native species, the overall EIR Study Area lacks significant areas that currently or could potentially contribute to conservation of native species. For the remaining areas that contribute to biological resources conservation, the General Plan Conservation and Open Space policies and actions contain measures to avoid and minimize development in a manner that maintains and enhances landscape linkages and wildlife corridors and to protect or mitigate impacts to remaining significant resources, such as riparian and stream corridors and oak woodlands.</p> <p>For the cumulative impacts analysis, the Draft EIR considers a larger geographic scope, and reports anticipated habitat acreages throughout Solano County that could be impacted based on information contained in the Solano HCP and Solano County General Plan EIR. Similar to the Project impacts section on pages 4.4-51 to 4.4-67, for this programmatic level of analysis in which site-specific details cannot be known, it is conservatively assumed that these acreages of impacted habitat would all be lost for use by the species that rely on them. However, the Solano HCP measures (which, as discussed in the response to comment 13-50, are required by proposed General Plan policies and actions and additional mitigation measures in this EIR) would provide substantial evidence that the General Plan Project would not result in a cumulatively considerable contribution to cumulative biological impacts. This conclusion was reached based upon the same reasoning as described in the response to comment 13-50 (with the exception of the proposed General Plan's designation of an area within the Vacaville-Fairfield Greenbelt corridor, as discussed on page 4.4-68 of the Draft EIR).</p>

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#	Date	Comment	Response
13-66		Notwithstanding the failure to conduct a thorough cumulative impact analysis, the DEIR relies on the City's participation in the Solano HCP for mitigation of the Project's contribution to these impacts. <i>Id.</i> As discussed above, however, the DEIR provides no assurance the HCP will be adopted. Consequently, the DEIR may not rely on the HCP as adequate mitigation.	See the responses to comments 13-50 and 13-65.
13-67		<p><b>C. The DEIR's Analysis of and Mitigation for the General Plan's Transportation Impacts Is Factually and Legally Deficient.</b></p> <p><b>1. The DEIR Contains No Evidence that Its Transportation Model Actually Reflects Buildout Conditions Under the General Plan.</b></p> <p>Rather than use a land use-based approach to transportation impact analysis, the DEIR relies on a Citywide travel demand forecast model to develop its trip generation and vehicle miles traveled projections. DEIR at 4.14-38, 39. Because the assumptions employed in the use of this model are not presented in the DEIR, it is not possible to determine if the traffic model uses the same population and employment assumptions as the draft General Plan itself or if and how it considers the General Plan's land use designations. In other words, there is no evidence that the transportation model is actually analyzing the impacts of the General Plan rather than some other scenario.</p>	<p>The citywide travel demand forecast model was updated to specifically include the population and employment assumptions consistent with Table 3-2 of the Draft EIR. Modeling assumptions are also discussed on page 4.14-36 of the Draft EIR, and the document explicitly states that the traffic model provides scenarios assuming development reasonably anticipated to occur by year 2035 based on the 1990 General Plan and based on the proposed General Plan. The land use assumptions, which were based on the General Plan land use map, were compiled at the parcel level and aggregated to transportation analysis zones (TAZs) for input to the travel model. Therefore, the traffic model implements a "land use based approach". By using the land use assumptions, which are consistent with land use assumptions applied to all other analyses in the General Plan EIR, the traffic model generates trips based on the land use assumptions and distributes this trip generation to the roadway network.</p> <p>In accordance with the anticipated growth projected for the General Plan, the transportation analysis evaluates development and roadways that are expected to be developed by 2035. The traffic forecasts include developments that have been approved or are reasonably projected to be built by 2035, as well as roadway improvements that have been identified in the current transportation portion of the Development Impact Fee Program or would be constructed as conditions of approval with development. The model incorporates vehicle trip generation, trip distribution, and assignment of the trips to the roadway network, and vehicle traffic forecasts are based on vehicle trip generation characteristics calibrated to existing observed conditions. The outputs from the traffic forecasts are summarized in the Draft EIR and appendices. While the Draft EIR includes substantial information regarding the traffic model and its underlying assumptions, it is unclear what information the commenter believes has not been disclosed. The traffic modeling industry standards are implemented in calibrating and validating the local traffic model. Any additional information on the model can be requested from the City of Vacaville's Public Works Department.</p>
13-68		<p><b>2. The DEIR Improperly Evaluate the Project's Transportation Impacts Against the 1990 General Plan.</b></p> <p>The DEIR fails to evaluate the General Plan's transportation impacts</p>	As described in the Project Description chapter of the Draft EIR, existing conditions constitute the baseline for analysis in this Draft EIR. The document explains that the first phase of the General Plan Update process was devoted to understanding existing baseline conditions in Vacaville. See the response to comment 12-27.

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#	Date	Comment	Response
		<p>against an accurate baseline. As the MRO Engineers Report explains, the DEIR compares the number of trips associated with the proposed General Plan to the 1990 General Plan rather than to existing conditions. Specifically, the DEIR states that the number of trips due to the proposed General Plan would be "within 1 percent of the 2035 trips generated with the 1990 General Plan." DEIR at 4.14-37.</p> <p>Comparing environmental impacts to a plan, rather than existing conditions is inconsistent with CEQA case law. In <i>Communities for a Better Environment v. South Coast Air Quality Management District</i>, 158 Cal. App. 4th 1336, 1353 (2007), the court held that it is improper to use "the level of emissions that [the applicant] is allowed to emit under existing permits as the baseline" because the applicant had not emitted at the level permitted in the past. Using the "permit's maximum figure as the baseline for [the project], ... improperly calculated the baseline environmental setting on the basis of 'merely hypothetical conditions' as opposed to 'realized physical conditions on the ground.'" <i>Id.</i> (citing <i>San Joaquin Raptor Rescue Center</i>, 149 Cal. App. 4th at 658). The court "conclude[d] that a project's baseline is normally comprised of the existing environmental setting-not what is hypothetically allowed pursuant to existing zoning or permitted plans." <i>Id.</i> at 1361.</p> <p>Similarly, in <i>Woodward Park Homeowners Assn., Inc. v. City of Fresno</i>, 150 Cal. App. 4th 683, 708 (2007), the court held that when evaluating the impact of developing a parcel, the lead agency could not use the maximum development allowed under existing zoning as the baseline. Rather, the baseline was what was actually on the ground, a vacant lot. The court explained that without the proper baseline, "the EIR never presented a clear or a complete description of the project's impacts compared with the effects of leaving the land in its existing state." <i>Id.</i></p> <p>Here, the General Plan has the potential to result in a significant increase in traffic impacts compared to existing conditions. Indeed, DEIR Table 4.14-8 reveals that the General Plan would increase the number of daily trips in Vacaville by 48 percent and the number of peak-hour trips will increase by 47-50 percent, which is obviously substantially greater than the one percent value assumed in the DEIR.</p>	
13-69		<p><b>3. The DEIR Underestimates the Project's Transportation Impacts</b></p>	<p>The Draft EIR analysis of transportation impacts compares 2035 Project conditions</p>

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#	Date	Comment	Response
		<p><b>Because It Relies on a Questionable Future Roadway Network.</b></p> <p>The DEIR errs further because its evaluates the General Plan's transportation impacts against a future baseline. DEIR at 4.14-36. The DEIR assumes that several roadways will be in place by 2035, yet the DEIR lacks evidence showing that these projects will actually be constructed by this date. CEQA case law holds that existing conditions at the time an agency prepares environmental review, rather than some hypothetical future scenario, establish the "baseline" for determining the significance of impacts. <i>See</i> CEQA Guidelines § 15125(a); <i>see also</i> <i>Communities for a Better Env't. v. S. Coast Air Quality Mgmt. Dist.</i>, 48 Cal. 4th 310, 322 (2010); <i>Save Our Peninsula Cmte. v. Monterey County Board of Supervisors</i>, 87 Cal. App. 4th 99, 125 (2001); <i>Environmental Planning &amp; Information Council v. County of El Dorado</i>, 131 Cal. App. 3d 350, 354 (1982).</p>	<p>with existing conditions, not with a future "no Project" baseline. For the 2035 Project conditions, the Draft EIR traffic operations analysis assumes transportation improvements will be in place only if: (1) they are already included in an established funding and implementation program, such as the City's Development Impact Fee program; or (2) they are new streets which would be required, as conditions of approval, to be constructed to provide access to land parcels that were assumed for development in the 2035 land use forecast. Since the funding mechanism for these transportation improvements has been established, and the timing of implementation is under the City's control, it is reasonable to assume that the improvements will be in place when their needs are triggered. This approach is appropriate for programmatic EIR. Similarly, since the City is authorized by the police power to impose conditions of approval on new development, it is reasonable to assume that the new streets will be in place when needed.</p>
13-70		<p>If these roadway projects are not in place in 2035 as the DEIR assumes, the Plan's traffic impacts will be considerably more severe than disclosed in the DEIR. Indeed certain projects would appear to be outside the City's jurisdiction. The Vaca Valley Road/Interstate 505 Interchange and Overcrossing Widening California Drive Extension and Interstate 80 Overcrossing Construction, in particular, would likely be constructed by Caltrans. As such, the City has even less certainty and assurance that the roadway improvements will be in place by 2035.</p>	<p>The Vaca Valley Road/Interstate 505 Interchange and Overcrossing Widening project and the California Drive Extension and Interstate 80 Overcrossing Construction project are both included in the City's Development Impact Fee Program. While it is necessary for the City to obtain Caltrans review and approval, past projects within Caltrans jurisdictions, such as the Alamo Drive I-80 Overcrossing widening, Nut Tree Road I-80 Overcrossing, and Leisure Town Road I-80 Overcrossing widening, alignment and interchange improvements, have largely been funded and implemented locally. Therefore, it is reasonable to include these projects that are in the current Development Impact Fee Program in the 2035 projections.</p>
13-71		<p>In order to understand exactly how the City's roadways would operate upon implementation of the General Plan, the revised EIR must conduct two separate analyses. First, it should evaluate the traffic that would be generated by General Plan buildout against existing conditions (i.e., the 2013 roadway network). Second, the EIR should evaluate the traffic that would be generated by General Plan buildout against a 2035 roadway system. Yet, in regards to this latter analysis, only those transportation improvement projects that have a high likelihood for full implementation by 2035 - i.e. those that are programmed and have a high likelihood of funding - should be included in the transportation model in order to provide a realistic evaluation of future traffic impacts.</p>	<p>Analyzing the traffic that would be generated by the proposed General Plan in 2035 in the context of an existing roadway network would not provide valuable information because the land use assumed in the General Plan horizon-year development scenario would be very unlikely to occur with only the 2013 transportation system. Anticipated development under the proposed General Plan would occur over an extended period of time of 20 years or more. The appropriate transportation system for the evaluation of this development would include roads that would be necessary to provide access to development areas, transportation improvements that are or will be conditioned to be constructed as part of known land use development approvals, and roadway projects that are programmed for funding and implementation through the City's existing Development Impact Fee program. An analysis that includes this transportation network provides better information on conditions that would exist with the 2035 development projection than an analysis with the 2013 transportation system. The Draft EIR analysis is also conservative in that it does not include specific transportation improvements that may ultimately be required by the City as conditions of approval for</p>

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#	Date	Comment	Response
13-72	<p><b>4. The DEIR Fails to Include Feasible Mitigation Measures for the General Plan's Transportation Impacts.</b></p> <p>The DEIR relies on mitigation measures of questionable feasibility and therefore lacks sufficient evidentiary basis to conclude the Project's transportation impacts would be reduced to a less-than-significant level. The DEIR states:</p> <p style="padding-left: 40px;">If a mitigation measure is included in the proposed General Plan Transportation Element, it is considered to be part of the proposed project and is assumed to be able to be implemented as a mitigation measure. For these mitigation measures, implementation is assumed regardless of funding status, and the impact after mitigation is considered to be less than significant. DEIR at 4.14-40.</p> <p>The DEIR cannot assume that a mitigation measure is feasible and implementable simply because it is included in the DEIR. One of the basic principles of environmental analysis is that until there is a reasonable level of certainty that a particular mitigation measure can, in fact, be implemented, no mitigation exists. MRO Engineer Report at 7. Transportation system improvements without a designated funding source remain speculative, and without any meaningful indication of the availability of adequate funding for the necessary transportation system improvements, it is impossible to state with certainty that the improvements are feasible. Thus, it is inappropriate to conclude that the associated impacts will be reduced to less than significant.</p>	<p>future individual land use development projects. The second level of analysis described in the comment, the 2035 development projection against a 2035 roadway system including only those transportation improvement projects that have a high likelihood for full implementation by 2035, is consistent with the traffic analysis provided in the Draft EIR. Please see the response to comment 13-69.</p> <p>The quoted text pertains to future transportation improvements, not mitigation measures identified in the EIR; it should instead read "If a mitigation measure transportation improvement..." The text on page 4.14-40 of the Draft EIR has been edited in Chapter 3 of this Final EIR. As stated in the response to comment 13-69, the Draft EIR traffic operations analysis assumes transportation improvements will be in place only if: (1) they are already included in an established funding and implementation program, such as the City's Development Impact Fee program; or (2) they are new streets which would be required to be constructed to provide access to land parcels that were assumed for development in the 2035 land use forecast.</p> <p>Regarding mitigation measures identified in this EIR, as explained in the two paragraphs following the quoted sentences on page 4.14-40 of the Draft EIR, because the City of Vacaville can affect the implementation of mitigation measures for locations under its jurisdiction, and because there are identified funding sources for these improvements, the Project impacts at these locations are found to be less than significant after implementation of the identified mitigation measures. The City is committed to either requiring the development/project that triggers the impact to implement/fund the mitigation measure as part of the conditions of approval, or include the improvements in the Development Impact Fee Program, which requires fair share contribution from future developments, and then implement the improvements as they become necessary.</p> <p>The Draft EIR further states on page 1.14-40 that where there is lack of certainty about the implementation of a mitigation or the availability of right-of-way to implement an improvement that requires roadway widening, the impact was found to be significant and unavoidable, even if the impacted location is under City of Vacaville jurisdiction. For locations that are outside the City's jurisdiction, the impacts are found to be significant and unavoidable regardless of the identification of mitigation measures, due to the uncertainty of implementation.</p>	
13-73	<p>Finally, the DEIR must evaluate the potential environmental effects of each of the proposed mitigation measures. CEQA Guidelines §15126.4 (a)(1)(D). The DEIR fails to conduct such an analysis.</p>	<p>The mitigation measures, which consist primarily of signalization, signal timing modification, lane restriping, and/or roadway widening, would not result in significant secondary impacts. As discussed in the response to comment 2-3, roadway widening may increase pedestrians' exposure to vehicles; however, since these locations will be</p>	

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#	Date	Comment	Response
13-74	<p><b>D. The DEIR Fails to Adequately Analyze and Mitigate the General Plan's Air Qualities Impacts.</b></p> <p>The City of Vacaville, and the surrounding Sacramento Valley Air District, suffers from poor air quality. It is nonattainment for the state and national ozone standards, nonattainment for the state PM10 standard, and partial nonattainment for the federal PM2.5 standards. DEIR at 4.3-10. It is imperative that the DEIR provide an accurate assessment of the Plan's potential to further degrade air quality. Unfortunately, the air quality analysis does not comply with CEQA.</p>	<p>signalized with pedestrian crosswalks and signals complying with established standards for operations and safety, there will be no additional safety impacts. Mitigation measures may cause other secondary environmental impacts, such as impacts on biological resources and water quality resulting from land disturbance during construction. These impacts have been addressed at a programmatic level, which is appropriate for this General Plan Project and in the absence of detailed street improvement plans. Additional CEQA review will be completed as necessary once detailed street improvement plans become available prior to implementation of individual projects.</p>	
13-75	<p><b>1. Criteria Air Pollutant Emissions</b></p> <p>There are numerous flaws in the DEIR's criteria air pollutant analysis. First, like the transportation analysis discussed above, criteria pollutant analysis, relies on the Citywide Travel Demand Model. Because the DEIR omits any explanation of the model's assumptions, it is impossible to determine whether the emissions' estimates accurately reflect the General Plan. The DEIR simply identifies the Project's increase in ROG, NOx and PM10 without explaining how these estimates were determined. Meaningful analysis of impacts effectuates one of CEQA's fundamental purposes: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." <i>Laurel Heights II</i>, 6 Cal. 4th at 1123. To accomplish this purpose, an EIR must contain facts and analysis, not just an agency's bare conclusions. <i>Citizens of Goleta Valley v. Board of Supervisors</i>, 52 Cal. 3d 553, 568 (1990).</p>	<p>The Vacaville Citywide Traffic Model estimated Project traffic through a process that involved vehicle trip generation, trip distribution, and assignment of the trips to the roadway network, which is consistent with standard traffic engineering practices. The resulting VMT data was used in the air quality analysis for the Project, which was conducted using the Emission Factor (EMFAC) 2011 model, which was prepared by the California Air Resources Board (ARB). EMFAC2011 is approved for use by the U.S. Environmental Protection Agency (EPA). EMFAC models on-road mobile source emissions, producing annual emissions for specific California geographic areas by county. This model requires the input of vehicle miles traveled (VMT) data, which is identified in Chapter 4.14, entitled "Traffic and Transportation," of the Draft EIR. Additional documentation on the ARB's EMFAC2011 model can be found in the ARB's document "EMFAC2011, Technical Documentation" from September 2011.</p> <p>Table 4.3-4 (Regional Emissions from the Proposed General Plan in 2035) in the Draft EIR estimates the emissions that would result from the proposed General Plan. The Draft EIR also discusses General Plan policies that would help to mitigate air quality impacts from mobile and area air pollutant sources to less than significant levels, except for PM<sub>10</sub> impacts which would be significant and unavoidable. See also the response to 13-67.</p>	

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#	Date	Comment	Response
13-76		<p>Second, the DEIR's conclusions regarding projected vehicular emissions levels are further undermined by an assumed reduction in per-car tailpipe emissions, sufficient to overcome the increased driving due to population growth. DEIR at 4.3-20. Although vehicles are getting cleaner, the DEIR's conclusion that overall ROG and NOx vehicular emissions will decrease by 2035 is wholly insupportable in the absence of evidence regarding land use patterns. Studies show that growth in driving is likely to cancel out improved vehicle fuel economy:</p> <p style="padding-left: 40px;">If sprawling development continues to fuel growth in driving, the projected increase in the total miles driven between 2005 and 2030 will overwhelm expected gains from vehicle efficiency and low-carbon fuels. Even if the most stringent fuel-efficiency proposals under consideration are enacted, [ ] "vehicle emissions still would be 34 percent above 1990 levels in 2030 - entirely off-track from reductions of 60-80 percent below 1990 levels by 2050 required for climate protection."</p> <p><i>See</i> "Growing Cooler: Evidence on Urban Development Change," Executive Summary, attached as Exhibit D.</p>	<p>The conclusions in the Draft EIR regarding projected vehicular emission levels were based on the emissions analysis, which used the VMT estimates from the Project's traffic study in the EMFAC2011 emissions model to determine the Project's expected tailpipe emissions. Table 4.14-9 of the Draft EIR indicates that total daily VMT would increase from 5,717,000 miles to 9,347,000 miles under the proposed General Plan. The analysis thus takes into account both changes in average tailpipe emissions and the increase in VMT from development allowed by the proposed General Plan.</p> <p>The vehicle emission conclusions are supported by substantial evidence, as they are substantiated by the EMFAC model analysis results shown in Table 4.3-4 of the Draft EIR. The net reduction in emissions of reactive organic gases (ROG) and nitrogen oxides (NOx) was supported by the EMFAC analysis using a model that, as indicated in the response to comment 13-75, was created by the California ARB and is approved for use by the U.S. EPA. Reliance on the EMFAC model is reasonable under these circumstances. See <i>Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.</i> (1988) 47 Cal.3d 376, 409. U.S. EPA. This analysis shows that emissions reductions can occur even with overall growth in VMT, and that they are reasonably likely to occur under the proposed General Plan. See also the responses to comments 13-67 and 13-75 regarding the traffic model's reliance on the land use pattern of the proposed General Plan, as well as the use of the EMFAC model.</p>
13-77		<p>If future growth occurs in a pattern that encourages more driving than the Citywide Travel Model assumes, then the DEIR's conclusions are entirely wrong. Without information about the correlation between the transportation model and the development patterns under the General Plan, one cannot assess whether the reduction in vehicular emissions will indeed compensate for the increased in vehicle miles travelled ("VMT"). Thus the DEIR is not supported by the substantial evidence that CEQA requires.</p>	<p>See the responses to comments 13-67 and 13-76.</p>
13-78		<p>Third, the DEIR does not analyze the Project's emissions of ROG, NOx and PM10 against a baseline of existing conditions. Instead it compares emissions in 2035 against two improper baselines: (1) emissions assumed under the existing General Plan, and (2) emissions assumed under hypothetical conditions in 2035. <i>See</i> DEIR Table 4.3-4 at 4.3-20. As discussed above, comparing environmental impacts to a plan, rather than existing conditions is inconsistent with CEQA case law. <i>Communities for a Better Environment</i>, 158 Cal. App. 4th at 1353. Thus, the DEIR's comparison of emissions under the proposed General Plan to emissions assumed under the 2008 General Plan is improper. The EIR must be revised to evaluate</p>	<p>Table 4.3-4 in the Draft EIR mistakenly refers to the "Existing General Plan (2008 Conditions)" in the first row; this row should have referred to "Existing Conditions (2008)," and has been corrected in Chapter 3 of this Final EIR. The text describing the table is correct in the Draft EIR.</p> <p>Similar to the traffic analysis, the air quality analysis provided information about emissions in 2035 under the existing 1990 General Plan for informational purposes only. This is clearly stated in the footnote to Table 4.3-4, which states: "Existing General Plan 2035 emissions are presented for informational purposes only. The impact analysis in this section is based on a comparison between existing conditions and condi-</p>



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		the Plan's impacts against a baseline of existing conditions.	tions under the proposed General Plan." See also the response to comment 12-27.
13-79		The DEIR further errs because it compares the Project's ROG, NO <sub>x</sub> and PM 10 emissions to hypothetical future conditions in 2035, instead of to existing conditions. DEIR at 4.3-20. Thus, the DEIR incorrectly concludes the Plan's ROG and NO <sub>x</sub> emissions would be reduced under the proposed General Plan scenario due to more stringent tailpipe controls that would be implemented by the year 2035. As discussed above, studies show that growth in driving is likely to cancel out improved vehicle fuel economy. If the DEIR had used a proper baseline, the EIR would have disclosed that the Project will likely cause a significant increase in ROG and NO <sub>x</sub> emissions, and the EIR would be required to adopt all feasible mitigation measures.	See the response to comment 13-79 regarding the statement about "emissions assumed under hypothetical conditions in 2035." The Draft EIR air quality analysis compares 2035 Project conditions with existing 2008 conditions. The existing 2008 conditions serve as the baseline, and are based on actual data, not on hypothetical conditions. For the 2035 conditions, the air quality analysis assumes that known federal and State regulations will create more stringent tailpipe controls; this assumption is part of the EMFAC2011 model, which, as discussed in the response to comment 13-75, was developed by the California ARB and approved for use by the U.S. EPA. Specifically, the model accounts for the federal government's National Fuel Economy Standards, which gradually increase fuel efficiency for new cars through the year 2025. The model also includes reductions achieved through the State's Smog Check Program. It should also be noted that, based on Department of Motor Vehicle registration data, the EMFAC model estimates that a fleet mix of current and older year model vehicles would be on the road for the selected analysis year. It is common and accepted practice to account for known federal and State regulations that will reduce emissions in air quality analyses for CEQA. See also the responses to comments 13-75 and 13-76.
13-80		Fourth, the DEIR provides no analysis of PM <sub>2.5</sub> in its criteria pollutant analysis. <sup>2</sup> Such an analysis is necessary inasmuch as the region is considered partial nonattainment for the federal PM <sub>2.5</sub> standards. DEIR at 4.3-10. PM <sub>2.5</sub> is generated by both vehicles and wood-burning fireplaces, among other sources. DEIR at 4.3-14; General Plan COS-30. An analysis of the Plan's increase in PM <sub>2.5</sub> emissions is critical since PM <sub>2.5</sub> can result in public health impacts. PM <sub>2.5</sub> particles are so small that they can evade the body's natural defense mechanisms and penetrate deep into lung tissue. See PM <sub>2.5</sub> Designations Under the Clean Air Act, U.S. Environmental Protection Agency, attached as Exhibit E.	The Yolo-Solano Air Quality Management District (YSAQMD) does not have a significance threshold for PM <sub>2.5</sub> emissions. PM <sub>2.5</sub> emissions are a subset of the PM <sub>10</sub> emissions that were identified in Table 4.3-4 of the Draft EIR. As explained on page 4.3-21, the Draft EIR found that the proposed Project would generate PM <sub>10</sub> emissions that would exceed the significance criterion, and the impact was found to be significant and unavoidable.
13-81		<p data-bbox="415 1198 1083 1279"><sup>2</sup> The DEIR does consider PM 2.5 in the analysis of construction-related impacts. While important, this construction-related analysis cannot substitute for the Plan's operational PM<sub>2.5</sub> emissions.</p> <p data-bbox="415 1279 1083 1411"><b>2. Violation of the Applicable Air Quality Plan</b> The DEIR concludes the Project would not conflict with or obstruct implementation of the applicable air quality plan. There are several applicable air quality plans relevant to the proposed Project. These include the</p>	As explained on page 4.14-40 of the Draft EIR, the VMT generated for the 2035 horizon year with the proposed General Plan would be within 1 percent of the 2035 VMT generated with the 1990 General Plan. This is because the total 2035 housing and employment growth forecast in the city would be similar under either General Plan scenario, although the specific locations of various land uses would differ be-

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		<p>Sacramento Regional 8-Hour Ozone Attainment Draft Report ("Ozone Plan"), the 2006 and 2009 Triennial Assessment and Plan Update ("Triennial Plan"), and the Sacramento Association of Government's Metropolitan Transportation Plan ("MTP"). DEIR at 4.3-18.</p> <p>The DEIR explains that the forecasts for these air quality plans rely on projections of VMT, populations, and employment, which are based on land use projections made by local general plans. <i>Id.</i> The population and employment data assumptions are based on Vacaville's current General Plan. The proposed General Plan would not increase the 2035 population or employment forecast. <i>Id.</i> The DEIR then asserts that total VMT with implementation of the proposed General Plan would slightly increase beyond the level predicted for the current General Plan in 2035; however, this increase would not generate substantial emissions that would result in a violation of air quality standards. <i>Id.</i> We can find no evidence in the record to support this assumption. In fact, documentation in the DEIR itself refutes the assumption that VMT would increase only slightly. VMT is projected to increase by at least 63 percent. DEIR at 4.14-38.</p>	<p>tween the two scenarios. As explained on pages 3-42 to 3-47 of the Draft EIR, the horizon-year projections are based on the "probable planning period development," which is the total amount of new development that is likely to occur in Vacaville by 2035 based on past development trends and other growth projections. This probable planning period development would be the same under both the existing and proposed General Plans because they both allow significantly more development than anticipated by 2035, so the probable planning period development can be accommodated under both scenarios. The difference would be in the pattern and configuration of development. See also Master Response Number 3 regarding development projections, in Section A of this chapter.</p> <p>As the comment states, air quality plans are based on projections of VMT estimated by models that use population and employment data from general plan projections. The proposed General Plan would not conflict with air quality plans because the total housing and employment growth forecast in the city for the year 2035 would be similar under the proposed and existing General Plans; therefore, the proposed General Plan would not substantially increase VMT over that anticipated in the 1990 General Plan. The current projections (using the 1990 General Plan) would increase VMT by 62.4 percent by 2035, while the proposed Project would increase VMT by 63.5 percent in 2035, a net increase of 0.7 percent from the assumptions in the air quality plans that are based on the existing 1990 General Plan (see Table 4.14-9 of the Draft EIR for the VMT projections). This 0.7-percent increase associated with the proposed General Plan would not conflict with or obstruct the implementation of an air quality plan.</p> <p>While the Draft EIR does state that the total VMT with implementation of the proposed General Plan would only slightly increase the level predicted for the current General Plan, this statement is used to show that because the current General Plan does not violate any air quality assumptions in any of the plans adopted for the purpose of reducing air quality, the proposed General Plan also will not. See Draft EIR at 4.3-18. This statement does not suggest that the Draft EIR uses a baseline other than existing conditions.</p>
13-82		<p>In addition, the DEIR provides no evidence to support the conclusion that total VMT under the proposed Plan would "not generate substantial emissions." CEQA requires the information regarding the project's impacts must be "painstakingly ferreted out." <i>Environmental Planning and Information Council of Western El Dorado County v. County of El Dorado</i>, 131 Cal. App. 3d 350, 357 (1982). The DEIR does not meet this standard.</p>	<p>The statement referenced in the comment is from page 4.3-18 of the Draft EIR, and, to provide the full context of the statement, it reads: "As demonstrated in Chapter 4.14, Traffic and Transportation, total VMT with implementation of the proposed General Plan would slightly increase beyond the level predicted for the current General Plan in 2035; however, this increase would not generate substantial emissions that would result in a violation of air quality standards." See the response to comment 13-</p>

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#	Date	Comment	Response
13-83		<p><b>3. The DEIR Fails to Adequately Analyze or Mitigate the Plan's Cumulative Air Quality Impacts.</b></p> <p>The DEIR's analysis of cumulative impacts is incomplete, cursory and superficial. Initially, the analysis does not comply with CEQA's requirement that agencies first determine whether cumulative impacts to a resource are significant, and then to determine whether a project's impacts are cumulatively considerable (i.e., significant when considered in conjunction with other past, present and reasonably foreseeable projects). CEQA Guidelines § 15064(h)(1). The DEIR skips the first step and focuses only on the second. This error causes the document to underestimate the significance of the Project's cumulative impacts because it focused on the significance of the Project's impacts on their own as opposed to considering them in the context of the cumulative problem. It is wholly inappropriate to end a cumulative analysis on account of a determination that a project's individual contribution would be less than significant. Rather, this should constitute the beginning of the analysis. Even where a project might cause an "individually limited" or "individually minor" incremental impact that, by itself, is not significant, the project may nevertheless contribute to a cumulative impact if the contribution is "cumulatively considerable" when viewed together with environmental changes anticipated from past, present, and probable future projects. CEQA Guidelines §§ 15064(h)(1), 15355(b).</p> <p>Here, the DEIR fails even to analyze the General Plan's effects together with the effects of past, present, and future development projects. Instead, it simply concludes that because the Project would be consistent with the applicable air quality plans, the Project's cumulative impacts would be less than significant. Even if this analysis were sufficient, the DEIR lacks the evidentiary support to conclude that the Plan-specific impacts would be less than significant, as explained above.</p>	<p>81 for a description of the substantial evidence to support this statement.</p> <p>As explained on page 4.3-31 of the Draft EIR, because of the nature of air quality analyses, project-level impacts are essentially the same as cumulative impacts. Air pollution is a regional issue, and project-level impacts cannot be considered independently from the rest of the region because air pollutants move throughout the atmosphere and air basin. Therefore, any impacts that were found for the Project would also contribute to a cumulative impact.</p> <p>CEQA Guidelines Section 15064 (h) (3) states: "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program... When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable." As shown in Chapter 3 of this Final EIR, the text on page 4.3-31 of the Draft EIR has been revised to more clearly explain both the fact that the project-level analysis takes into account other cumulative past, present, and future projects, and also to reiterate the conclusions from the project-level discussion of how compliance with the relevant clean air plans would ensure that the Project's incremental contribution to the cumulative effect is not cumulatively considerable.</p>
13-84		<p>The EIR must be revised to include a proper Plan-specific and cumulative air quality analysis. In regards to the cumulative analysis, the EIR preparers must examine the combined effects of both the proposed Plan and the other identified projects. There are two parts to this question: (a) is there a significant impact to the environment that (b) is the result of</p>	<p>See the responses to comments 13-75 through 13-82 regarding the air quality analysis for the proposed Project. See the response to comment 13-83 regarding the cumulative analysis. As explained in the response to comment 13-83, the cumulative impact analysis considered whether there is a significant impact to the environment based on the project-level air quality analysis because the Project analysis considered the region-</p>

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		<p>the effects of the Plan combined with the effects of other projects? If the Plan contributes to the cumulative impact, the EIR must identify mitigation for this contribution.</p>	<p>al air quality throughout the air basin. This is consistent with CEQA Guidelines Section 15130(b)(1)(B), which allows the cumulative analysis to consider a "summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect."</p>
13-85		<p><b>E. The DEIR Fails to Adequately Analyze and Mitigate for the General Plan's Greenhouse Gas Emissions.</b></p> <p><b>1. The DEIR May Not Identify Compliance with the ECAS as a Standard of Significance Because the ECAS Is Itself Part of the Project.</b></p> <p>The DEIR establishes the Project's compliance "with a qualified GHG emissions reduction strategy" as a standard of significance for greenhouse gas ("GHG") emissions' impacts. DEIR at 4.7-22-4.7-23. The DEIR determines that the ECAS is a qualified GHG emissions reduction strategy. DEIR at 4.7-23. Thus, it evaluates whether the General Plan complies with the ECAS in order to determine whether the Project will result in a significant impact in regards to GHG emissions. <i>Id.</i></p> <p>In order to be a "qualified emissions reduction strategy," the ECAS must have undergone environmental review. DEIR at 4.7-23 (listing requirements established by the Bay Area Air Quality Management District guidance). The ECAS has not undergone environmental review. In fact, the Project that the DEIR is evaluating comprises the ECAS, along with the General Plan. DEIR at 3-1. Therefore, the ECAS is <i>not</i> a qualified emissions reduction, and this standard of significance is not applicable to this DEIR. They City must identify a standard of significance that is</p>	<p>As indicated on pages 4.3-31 to 4.3-32 of the Draft EIR, the cumulative impact analysis found a significant impact related to increased PM10 emissions, and this impact is the result of the Project in combination with the effects of other projects. As explained further on page 4.3-21 of the Draft EIR, the impact is considered significant and unavoidable because the proposed General Plan doesn't have the authority to reduce PM10 tailpipe emissions. See also Master Response Number 5 regarding Land Use Alternatives, in Section A of this chapter, for a discussion about how the Draft EIR considered changes to the proposed General Plan land use map in order to avoid or reduce impacts.</p> <p>The GHG emissions analysis in Chapter 4.7 of the Draft EIR considered two standards of significance. The first standard, which is the one called into question by this comment, stems from the CEQA Guidelines, which state that GHG impacts would be considered significant if the project would "generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment." Interpretation of what would constitute a significant impact on the environment is made by the local air districts. In this case, the Yolo Solano Air Quality Management District (YSAQMD) has not established significance thresholds for GHGs, but directed the City to use the significance thresholds prepared by the Bay Area Air Quality Management District (BAAQMD) for this Project. BAAQMD offers two options for this significance threshold: 1) consider whether the Project complies with a qualified GHG emissions reduction strategy, or 2) consider whether the Project results in emissions less than 6.6 MTCO<sub>2e</sub> per service population, per year. However, as explained in the Draft EIR, the second option is only applicable to the Bay Area, so the first option is the only option available for this Project. Because it was recommended by the local air district, it is considered appropriate to use.</p> <p>Furthermore, although this EIR for the ECAS has not yet been certified, in order for the General Plan to be adopted, this EIR must be certified. Therefore, upon Project approval, the ECAS will be a fully qualified GHG emissions reduction strategy.</p> <p>In addition, the Draft EIR considered another standard of significance that did not rely on the ECAS being a qualified GHG emissions reduction strategy; see the discus-</p>

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13-86		<p>applicable to evaluate the Project and that is supported by substantial evidence.</p> <p><b>2. The DEIR Wholly Fails to Analyze and Mitigate the Impacts from the Project's Noncompliance with EO S-03-05.</b></p> <p>The DEIR concludes that the Project's impacts from GHG emissions are significant because the Project conflicts with the goal of Executive Order S-03-05 to reduce GHG emissions by 80% below 1990 levels by 2050. DEIR at 4.7-27. Yet the DEIR fails to actually disclose the extent of the impact, as required by CEQA.</p> <p>An agency's rote acknowledgement that impacts are "significant" does not cure an EIR's failure to analyze the issue. As the court stated in <i>Galante Vineyards v. Monterey Peninsula Water Management Dist.</i>, 60 Cal. App. 4th 1109 (1997), "this acknowledgment is inadequate. 'An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences....'" <i>Id.</i> at 1123 (quoting <i>Santiago County Water Dist. v. County of Orange</i>, 118 Cal. App. 3d 818, 831 (1981)); <i>see also Mira Monte Homeowners Assn. v. County of Ventura</i>, 165 Cal. App. 3d 357, 365 (1985) (an EIR is meant to protect "the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of a] contemplated action."). Thus, an agency may not, as the City attempts to do here, "travel the legally impermissible easy road to CEQA compliance ... [by] simply labeling the effect 'significant' without accompanying analysis ...." <i>Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners</i>, 91 Cal. App. 4th 1344 1371, 2001.</p> <p>This is precisely what the DEIR does in regard to its conclusion that the Project's noncompliance with Executive Order S-03-05 is a significant impact. The DEIR calculates the GHG emissions in 2035 under the proposed General Plan. DEIR at 4.7-27. However, it fails to identify the level the GHG emissions need to be in 2035 to be on track to meet the 2050 goal set by the executive order. Thus, the EIR fails to disclose to what extent the GHG emissions under the General Plan will fail to meet the target emissions. According, under CEQA, "a more detailed analysis of how adverse the impact will be is required." <i>Galante Vineyards</i>, 60 Cal.</p>	<p>sion on pages 4.7-26 to 4.7-28 of the Draft EIR.</p> <p>As described in Chapter 4 of the proposed ECAS, 1990 GHG emissions data for Vacaville is not available. However, based on statewide data, it was estimated that 1990 emissions would be approximately equal to a 21.7-percent reduction from 2020 business as usual GHG emissions in Vacaville, or 941,722 MTCO<sub>2e</sub>. Therefore, to comply with Executive Order S-03-05's goal to reduce GHG emissions to 80 percent below 1990 levels by 2050, emissions in Vacaville would need to be 188,344 MTCO<sub>2e</sub> in 2050. Using a straight-line projection between the 2008 baseline GHG emissions (949,340 MTCO<sub>2e</sub>) and the 2050 goal, the 2035 interim target would be 460,127 MTCO<sub>2e</sub>.</p> <p>As explained on page 4.7-27 of the Draft EIR, 2035 GHG emissions in Vacaville are projected to be 1,131,010 MTCO<sub>2e</sub>; this estimate is based on the proposed General Plan land use map and known State and federal measures. Although the GHG emissions reductions from the proposed ECAS measures were not quantified for the year 2035, it is highly unlikely that they would be adequate to address the remaining gap of 670,883 MTCO<sub>2e</sub>. In addition, as explained on this same page of the Draft EIR, additional State action beyond 2020 is uncertain because the State is still identifying strategies for longer-term GHG emissions reduction goals beyond 2020.</p>

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		App. 4th at 1123.	
13-87		<p>The DEIR further fails to meet the requirements of CEQA because it fails to identify any mitigation measures to lessen the Project's noncompliance with Executive Order S-03-05. Instead, the DEIR summarily concludes that "all feasible measures are included in the proposed ECAS. No additional mitigation is available, and the impact is considered significant and unavoidable." DEIR at 4.7-28. To the contrary, the most effective mitigation measure for most of the General Plan's impacts, including climate impacts, is to modify the land use diagram and land use designations to discourage sprawl, to increase the density of residential uses, and to increase mixed-use residential and commercial areas that are designed to be walkable and to be near mass transit systems. <i>See</i> CAPCOA, <i>CEQA and Climate Change</i> (Jan. 2008), excerpts attached as Exhibit F, at 69; Air Resources Board, Economic and Technology Advisory Committee, <i>Technologies and Policies to Consider for Reducing Greenhouse Gas Emissions in California</i> (2008), excerpts attached as Exhibit G, at 3-12-3-15.</p>	<p>See Master Response Number 5 regarding land use alternatives in Section A of this chapter. Modifying the land use diagram would be an alternative to the Project. Further, under CEQA Guidelines Section 15064(b), 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 that have been reviewed by the lead agency and reflect 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." The Energy and Conservation Action Strategy (ECAS) is a strategic tool to implement the proposed General Plan. It is a detailed, long-range strategy to reduce greenhouse gas (GHG) emissions and achieve greater conservation of resources with regard to transportation and land use, energy, water, solid waste, and open space, with over 70 greenhouse gas (GHG) emissions reduction measures. As discussed on page 4.7-25 in Chapter 4.7, entitled "Greenhouse Gas Emissions," of the Draft EIR, all calculations and assumptions are transparently demonstrated in the appendices to the ECAS.</p> <p>The General Plan and ECAS include a number of policies very consistent with those suggested by the commenter that discourage sprawl, support mixed use, and support walkability. For example, General Plan Policy LU-P16.1 encourages continued improvement and redevelopment of the Downtown area with new specialty shops, restaurants, major stores, offices, and supporting commercial uses, while retaining the small-town scale and character conveyed by development along Main Street, with an appropriate transition between commercial and adjoining existing residential areas. LU-P16.2 through LU-P16.8 encourage mixed-use development, local-serving offices, commercial uses, and transit-oriented development in downtown Vacaville. LU-P18.1 requires the City to provide a variety of housing options within close proximity to transit, jobs, shopping, and services, within Priority Development Areas. In addition, ECAS TR-10 requires the City to develop a pedestrian plan and implement network improvements, especially where needed to fill in gaps in the existing network. The document also includes supportive baseline data, along with goals to increase the percent of walking for transportation purposes. Additionally, LU-5 encourages a variety of local-serving commercial uses and mixed-use development in the Downtown and RUHD Overlay areas, thus serving to reduce VMT. The General Plan Update added a new Residential High Density designation that allows densities of 20.1 to 24 dwelling</p>

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13-88		<p>The ECAS recognizes that unsustainable growth has created conditions in Vacaville where "driving is often the only viable mode of transportation." ECAS at 1-12. Specifically, "auto-oriented designs ... have made non-automotive transportation mode more difficult and less appealing to use." <i>Id.</i> Because of this historic growth pattern, it is no surprise that the vast majority of GHG emissions currently produced in Vacaville (63%) come from transportation sources. DEIR at Table 4.7-4.</p> <p>The General Plan as proposed continues this pattern of unsustainable growth. The amount of VMT under the General Plan is expected to increase by 63% by 2035. DEIR at 4.14-38. Thus, the General Plan will result in significant increases in VMT, despite the fact that vehicles are the greatest source of GHG emissions in Vacaville. Although the ECAS includes measures to mitigate GHG emissions, including measures that will reduce VMT, the ECAS does nothing to modify the land use diagram proposed by the General Plan, which will continue the pattern of auto-oriented design.</p>	<p>units per acre, a 43 percent increase in density over the existing maximum density of 14 dwelling units per acre in the current General Plan. This General Plan Update would also add a new Residential Medium High Density, allowing 14.1 to 20 dwelling units per acre, and a new Mixed Use designation specifically intended to increase mixed use development, as suggested in the comment. The Mixed Use designation allows 10 to 40 dwelling units per acre.</p> <p>While, by definition, mitigation may require that changes be made to the proposed Project for purposes of minimizing environmental impacts, the proposed mitigation measures in this EIR do not alter the description of the Project contained in Chapter 3, entitled "Project Description," of the Draft EIR, or the actual Project analyzed. The purpose of the Draft EIR is to fully disclose the environmental impacts of the Project as proposed.</p> <p>Consistent with the CEQA Guidelines Section 15126.2, where there are impacts that cannot be avoided without imposing changes to the project's design, the EIR identifies the impact and the reasons why the project is being proposed, notwithstanding the impact. Please see Master Response Number 4 regarding mitigation, in Section A of this chapter.</p> <p>This is a comment on the merits of the ECAS and the General Plan, and does not address the adequacy of the 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.</p>
13-89		<p>Recognizing the unsustainable growth in driving, the American Association of State Highway and Transportation Officials, which represents</p>	<p>This comment has been addressed. Please see response to comment 13-87 and Master Response Number 5 regarding land use alternatives in Section A of this chapter. In</p>

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#	Date	Comment	Response
13-90		<p>state departments of transportation, is urging that the growth of VMT be <i>cut in half</i>. See "Growing Cooler: Evidence on Urban Development and Climate Change," Urban Land Institute, attached as Exhibit D. Slowing the growth of VMT, especially when many jurisdictions including Vacaville are facing substantial increases in population, is a daunting task. However, much of the rise in vehicle emissions can be curbed simply by managing land use in a way that makes it easier for people to drive less. <i>Id.</i> The Legislature and the people of California have decided that this state must move toward sustainable growth. The City must take a far more aggressive role in working toward this goal. Consequently, as discussed below, the DEIR must identify mitigation measures or Plan alternatives that promote sustainable growth as a mechanism for reducing VMT.</p> <p><b>3. The DEIR Fails to Analyze the Impacts of GHG Emissions that Will Occur Under Full Buildout.</b></p> <p>As described previously, the DEIR's use of two development scenarios is inappropriate and misleading, particularly because the DEIR fails to provide a full analysis of the impacts occurring under the full buildout, i.e., the General Plan. The climate impact analysis provides a particularly egregious example of this flaw in the document. <i>The DEIR supplies no estimate of GHG emissions under the full buildout scenario.</i> The DEIR does not provide any explanation for why emissions could be modeled for the Horizon-Year Projection but not for the General Plan as proposed. Rather, the DEIR simply states that "the potential for impacts related to GHG emissions would increase" under the full buildout scenario. DEIR at 4.7-28. Without this analysis, the DEIR fails to evaluate the impacts of the General Plan as proposed, in flagrant violation of CEQA.</p>	<p>particular, the Focused Growth Alternative presented in the EIR does provide a qualitative analysis of the relative impacts of a different land use pattern.</p> <p>See Master Response Number 3 regarding development projections and Master Response Number 6 regarding Full Buildout Alternative in Section A of this chapter, which recognize that full buildout would result in substantively greater greenhouse gas impacts than the proposed Project.</p>
13-91		<p><b>4. The DEIR and ECAS Fail to Include Mitigation Measures for GHG Emissions that Are Sufficiently Enforceable.</b></p> <p>The DEIR fails to meet the requirements of CEQA because the mitigation measures proposed in the ECAS are not sufficiently enforceable. Mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code § 21081.6(b); CEQA Guidelines §15126.4(a)(2). Further, in order to qualify as a GHG emissions reduction strategy, the plan must demonstrate "target achievement" and mitigation measures</p>	<p>The comment asserts the Draft EIR and ECAS fail to provide enforceable mitigation, but does not specifically explain how the mitigation measures presented in the Draft EIR are not enforceable. The General Plan Policies and ECAS measures are policy decisions and are therefore fully enforceable at the discretion of the decision-makers. The basis for the commenter's statement is contained in their comments that follow, each of which is more precisely addressed in the responses below. 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.</p>



TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		must be "mostly mandatory." DEIR at 4.7-23. The measures included in the ECAS fail to meet these standards.	
13-92		<p>The following mitigation measures should be revised so that they are sufficiently mandatory:</p> <ul style="list-style-type: none"> <li>• LU-8: Discourage density reductions on infill sites within 1/4-mile of retail and employment centers and transit routes. ECAS at 5-9. <i>This measure should be revised to "prohibit density reductions unless applicant makes written findings demonstrating financial or technical infeasibility."</i></li> </ul>	<p>The City, as lead agency, finds the suggested revisions to proposed ECAS measure LU-8 to change the text to "prohibit" rather than to "discourage" density reductions (absent written findings by the applicant demonstrating financial or technical infeasibility) infeasible. To strictly prohibit density reductions absent findings by the applicant demonstrating financial or technical infeasibility inappropriately limits the agency's authority to decide whether a density reduction is appropriate in a given situation. Also, this ECAS measure is a policy decision for the agency and is therefore fully enforceable at the discretion of the agency. Please also see Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-93		<ul style="list-style-type: none"> <li>• TR -10: Develop a pedestrian plan and implement network improvements, especially where needed to fill in gaps in the existing network. Include baseline data with goals to increase the percent of walking for transportation purposes. ECAS at 5-10. <i>This measure could be strengthened by committing to double the City's existing pedestrian and bicycle mode share for workers by 2020.</i></li> </ul>	<p>The commenter's suggestion to strengthen measure TR-10 by committing to double the City's existing pedestrian and bicycle mode share for workers by 2020 is acknowledged, but such a commitment would be no more quantifiable than the existing measure. ECAS measure TR-10 sets the policy for establishing a pedestrian plan that identifies gaps and provides the opportunities for pedestrian mode share to be increased. This is further supported by implementation of Complete Streets policies and the Traffic Calming Ordinance. The current bicycle and pedestrian mode share for most commutes (except for commutes to school) is a very low percentage given Vacaville's suburban context. Hence, doubling the existing pedestrian and bicycle mode share would have limited impact. The City is committed to implementing a context-sensitive application of Complete Streets policies and completing bicycle and pedestrian improvements to provide a complete network. The limited gaps in the bicycle and pedestrian network that exist are in areas with limited development or that developed prior to current and proposed policies for providing bicycle and pedestrian improvements. Implementation of the General Plan policies, including those in the ECAS, is expected to significantly increase bicycle and pedestrian mode shares. Simply including a goal of doubling the existing pedestrian and bicycle mode shares would not have any additional effect on bicycle and pedestrian activity. Therefore, the recommended revision would have little, if any, effect in reducing GHG emissions. Please also see Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-94		<ul style="list-style-type: none"> <li>• TR-3: Revisit off-street parking ordinances to encourage shared parking and parking maximums. Reduce required parking as an incentive for infill development and the installation of bikeways and bicycle parking. ECAS at 5-10. <i>This measure should be revised to require the City to adopt a comprehensive parking management ordinance that would include measures selected from "Driving Urban Environments: Smart Growth Parking Best Practices," Governor's Office of Smart Growth, Maryland, attached as Exhibit H. These measures include:</i></li> </ul>	<p>As discussed in the ECAS, the City has, and will continue to, update its Complete Streets policies and evaluate parking requirements to determine if changes are appropriate on a policy- and project-specific basis. Specifically, Transportation and Land Use Measure TR-3 directs the City to revisit off-street parking ordinances and reduce required parking. All of the specific parking measures listed by the commenter could be considered within Measure TR-3. Measures TR-8 and TR-17 also address unbundling, parking pricing strategies, and preferred parking for low-emission vehicles.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<ul style="list-style-type: none"> <li><i>o reduced minimum parking requirements</i></li> <li><i>o parking maximums and area-wide parking caps</i></li> <li><i>o fees-in-lieu as an alternative to requiring on-site parking facilities</i></li> <li><i>o shared parking</i></li> <li><i>o unbundling parking</i></li> <li><i>o pricing strategies</i></li> <li><i>o parking management districts</i></li> </ul>	<p>Also, as discussed in the response to comment 2-4, parking strategies would be among the elements to be considered in the Transportation Demand Management programs described in the policies under proposed General Plan Goal TR-10.</p> <p>Please also see Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-95		<p>The DEIR should also further analyze the feasibility of the following measures to reduce the General Plan's significant climate change impacts:</p> <p>1. <u>Transportation Management Plan</u>                      The City should adopt a Transportation Management Plan ("TMP") culminating in "Implementing Mechanisms" to ensure that the City is taking all available means to ensure the success of alternative modes of transportation. The TMP could be modeled on Portland's Central City Transportation Management Plan ("CCTMP"), attached as Exhibit I, which would include the following components:</p> <ul style="list-style-type: none"> <li>a. Commit to reducing vehicle miles traveled over 2013 levels.</li> <li>b. Develop a traffic monitoring plan (e.g., at five year intervals, commencing upon adoption of the General Plan, the City shall conduct a city-wide evaluation of the ability of the arterial and freeway system to accommodate traffic).</li> <li>c. Commit to increasing the City's existing transit mode share for workers by twenty percent and overall transit mode share by ten percent by 2035.</li> <li>d. Commit to a detailed study which shall culminate in a series of Strategies and Implementation Actions addressing the following:                             <ul style="list-style-type: none"> <li>i. Creation of a transit "fareless square" within the City's employment and retail core to expand the use of transit in the off-peak hours for non-commute trips.</li> <li>ii. Study the feasibility of enacting an ordinance to collect an alternative transportation impact fee for transit and streetscape improvements.</li> <li>iii. Prepare a plan for enhancing streetscapes along transit corridors and redesigning bus stops so that they are attractive, welcoming, comfortable and user friendly.</li> <li>iv. Implementation of downtown shuttle service (with private sector</li> </ul> </li> </ul>	<p>Per the commenter's suggestion to adopt a transportation management plan, the proposed General Plan and ECAS policies establish the City's commitment to reduce VMT over current levels. The City has a record of evaluating traffic operations citywide on a routine basis through infrastructure reviews. The timing has been driven by the level of development. The approval process for proposed development provides the mechanism to assess a given project's transportation impact.</p> <p>The City also has a record of continuing to increase transit use through the evaluation of routes and implementing Short and Long Range Transit Plans. In addition, transit funding requirements include established fare box ratio goals to be met to maintain funding eligibility.</p> <p>The comment proposes the establishment of a Transportation Management Plan (TMP) based on Portland, Oregon's <i>Central City Transportation Management Plan</i>. This suggestion does not take into account the context in Vacaville or the issues faced in charging additional fees on development. As described on page 4.14-8 of the Draft EIR, the City already has a Transportation System Management Ordinance (Chapter 10.60 of the Municipal Code), which establishes requirements for employers to promote alternative commute modes and to reduce the total number of vehicle trips. To implement the suggested policy would require the City to take on additional labor and materials costs for which funding sources have not been identified. The level of fees faced by development is extensively scrutinized and challenged. A nexus for the assessment of fees to support transit has not been established, and therefore it is not reasonable to expect that additional fees can be imposed.</p> <p>That said, the proposed General Plan and ECAS policies address the City's perspective on the level of encouragement proposed to be accomplished at the City policy level. In addition, the current and updated Complete Streets policies in the Draft General Plan and ECAS will enhance transit corridors.</p> <p>For these reasons, the commenter's suggested mitigation is considered to be infeasible.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
13-96		<p>financial contributions).</p> <p><u>2. Reduce Vehicular Demand</u>                      The City should develop strategies to reduce vehicle demand on City roadways. Land development projects shall be required to contribute toward transit, bike and pedestrian improvements before consideration is given to highway or intersection capacity expansion.</p>	<p>Please see Master Response Number 4 regarding mitigation in Section A of this chapter.</p> <p>Per the commenter's suggestion to develop strategies to reduce vehicle demand on City roadways, the proposed General Plan and ECAS policies do include strategies to reduce demand on City roadways. Future development projects are required to pay development impact fees to provide pedestrian and bicycle improvements, consistent with current policy that requires payment of such fees when a nexus exists between such projects and improvements. The proposed policy would subject the City to legal challenges related to the nexus and rough proportionality of an exaction to a project's impacts. The commenter's suggested mitigation is considered to be infeasible for these reasons. Whether a transit, bike, or pedestrian improvement is appropriate for a land development project is better determined on a case-by-case basis. Please see Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-97		<p><u>3. Project Review by Regional Planning and Transit Agencies</u>                      When an application is filed for any development project, the City should promptly provide the Council of Governments, applicable transit districts, and transit providers with a copy of the plans and specifications, and shall request that these agencies recommend changes or conditions that can achieve one or more of the following objectives:</p> <ul style="list-style-type: none"> <li>a. Reduce automobile use, especially single occupant vehicle automobile trips;</li> <li>b. Encourage and support the use of transit;</li> <li>c. Encourage the use of bicycles and walking as an alternative mode of transportation.</li> </ul> <p>Recommendations from the agencies should be incorporated into the project, and shall be made conditions of project approval, unless, based upon substantial evidence, the City determines that the recommendations would be ineffective in achieving one or more of the above objectives, or that the benefits provided by imposing the requirement would be disproportionately small, compared to the cost or difficulty of implementing or carrying out the requirement.</p>	<p>The commenter's suggestion to require that future projects undergo review by regional planning and transit agencies is acknowledged. The existing Regional Congestion Management Plan and regional policies require the City to submit projects that meet an established trip generation threshold to the regional authority as a responsible agency for review and approval. Further, CEQA establishes the regional transportation agency (i.e. the Solano Transportation Authority [STA]) as a responsible agency. To establish the requirement for a greater level of review of projects undermines the City's authority to make local land use decisions, and further creates an unwarranted burden on STA to review and comment on projects.</p> <p>The City makes a significant effort to support STA's efforts to address regional transportation issues (e.g. City Council members serve as board members and City staff are part of many committees, including the Technical Advisory Committee). Further the City accepts all comments from STA and responds to them appropriately and to the best of its ability.</p> <p>The commenter's suggested mitigation is considered to be infeasible for these reasons. Please see Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-98		<p><u>4. Programs for Smart Growth/Transit-Oriented Development</u>                      To facilitate development of transit-oriented development ("TOD") projects, the City should directly facilitate "smart growth" or TOD programs and funding. The City should award funds for transportation projects to local jurisdictions that approve building permits for compact housing and mixed use development near transit. When possible, the</p>	<p>The commenter's suggestion to develop programs for smart growth and transit-oriented development is acknowledged. This comment makes reference to "award[ing] funds for transportation projects to local jurisdictions that approve building permits for compact housing and mixed-use development near transit." This comment does not speak to policy within a local General Plan. The comment's reference to the City awarding funds to "local jurisdictions" is unclear given that the City is a local jurisdiction.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		City should also provide its own incentives, including fast track project approval, and fee waivers to encourage such "smart growth" and TOD projects	<p>tion and does not award funds to other jurisdictions. Such awards are normally made by the federal and State governments - not City government. Furthermore, the concept to award funds in support of compact housing and mixed-use development has not been determined to be a priority for the allocation of local General Fund budget given that services to local residents have been reduced in recent years. However, the City is and will be committed to seek out State and regional funding that supports "smart growth," particularly within the established Planned Development Areas (PDAs), which are discussed on page 4.10-3 of the Draft EIR.</p> <p>The consideration of fast-tracking project approvals and fee waivers is inappropriate for the level of policy guidance provided in a General Plan. Rather, the proposed General Plan includes a set of policies and actions that support development within the Allison Policy Plan Area and Downtown Vacaville PDAs, including:</p> <ul style="list-style-type: none"> <li>• Policy LU-P18.2, which directs the City to continue to pursue grants and funding to support planning and development within the PDAs.</li> <li>• Action LU-A18.1, which directs the City to identify steps to further support development within PDAs. Note that this action could result in the establishment of incentives such as those suggested in the comment. However, a decision about such incentives should be made as part of a comprehensive discussion about how to support development within PDAs. That discussion will implement this General Plan action, but it is premature and inappropriate for the General Plan to dictate such incentives without this comprehensive discussion.</li> <li>• Action LU-A18.3, which directs the City to amend the Land Use and Development Code to provide development and design standards for the PDAs.</li> </ul> <p>For these reasons, the commenter's suggested mitigation is considered to be infeasible. Please also see Master Response Number 4 regarding mitigation in Section A of this chapter.</p>
13-99		<p><b>IV. The EIR Should Be Recirculated</b>                      CEQA requires recirculation of an EIR when significant new information is added to the document after notice and opportunity for public review was provided. CEQA §21092.1; CEQA Guidelines§ 15088.5. "Significant new information" includes: (1) information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure; (2) information showing a substantial increase in the severity of an environmental impact not mitigated to a level of insignificance; (3) information showing a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a</p>	<p>This comment correctly describes the CEQA Guidelines section that enumerates the circumstances when recirculation of a draft EIR is required. The commenter opines that the Draft EIR requires extensive new information and analysis. Please see Master Response Number 7 regarding Draft EIR revisions and recirculation, in Section A of this chapter. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>project and the project proponent declines to adopt the mitigation measure; or (4) instances where the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft EIR was essentially meaningless. CEQA Guidelines § 15088.5(a); <i>Laurel Heights II</i>, 6 Cal. 4th at 1130</p> <p>As this letter explains, the General Plan DEIR clearly requires extensive new information and analysis. This analysis will likely result in the identification of new, substantial environmental impacts or substantial increases in the severity of significant environmental impacts. Moreover, the flaws that permeate the entire document, particularly the DEIR's use of the Horizon-Year Projection (<i>see</i> Section II), constitute precisely the sort of pervasive flaws in the document that independently require recirculation under Guidelines section 15088.5(a)(4). <i>See Mountain Lion Coalition v. Fish &amp; Game Comm'n</i>, 214 Cal. App. 3d 1043, 1052-53 (1989). Consequently, the City must revise and recirculate the EIR for public review and comment.</p>	
13-100		This comment lists the exhibits that are attached to Letter 13.	This comment lists the exhibits which support the issues raised in the previous comments but does not directly address the adequacy of the Draft EIR. The attachments to the comment 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.
13-101		As requested, MRO Engineers, Inc., has completed a review of the "Traffic and Transportation" analysis completed with respect to the proposed City of Vacaville General Plan Update. The proposed project is the subject of a Draft Environmental Impact Report (DEIR), which was prepared by The Planning Center/DC&E in October 2013. The DEIR incorporates a traffic and transportation impact analysis prepared by Kittelson & Associates, Inc.	This comment serves as an opening remark and does not address the adequacy of the Draft EIR; therefore, no response is required.
13-102		<p>Before presenting the results of our detailed review of the "Traffic and Transportation" analysis, we would like to point out a potentially misleading statement in the DEIR Report Summary. Specifically, DEIR p. 2-3 includes the following statement:</p> <p><i>... the proposed General Plan and ECAS have been developed to be largely self-mitigating, and as a result, there are few impacts that would occur solely on the basis of implementation of the proposed project.</i></p>	The quoted text is in reference to the many proposed General Plan policies and actions that would mitigate potential environmental impacts. Although the proposed policies and actions in the General Plan Transportation Element would potentially reduce traffic and improve traffic operations, to provide the most conservative analysis, the quantitative traffic analysis did not model specific reductions from these policies, so they were less effective at self-mitigation than in other topic areas. Because the statement includes the modifier "largely," the existence of one topic area where some impacts are significant and unavoidable when other areas have few such impacts does not render the statement inaccurate or misleading.

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#	Date	Comment	Response
13-103		<p>In contrast to this statement, we would note that the "Traffic and Transportation" section of the DEIR identifies a total of 38 significant impacts. Of that total, 19 (i.e., 50 percent) will remain significant and unavoidable. It is clear, therefore, that the traffic circulation component of the proposed plan falls far short of being "self-mitigating." Instead, implementation of the proposed General Plan Update will substantially reduce the quality of life of Vacaville residents, as they will find it increasingly difficult to travel about the city.</p> <p><b>TRAFFIC AND TRANSPORTATION ANALYSIS REVIEW</b></p> <p>Our review of the "Traffic and Transportation" analysis prepared for the proposed Vacaville General Plan Update revealed several issues that must be addressed prior to approval by the City of Vacaville of the environmental documentation. These issues are presented below.</p> <p><b>1. Level of Service Standard for Caltrans Facilities</b> - Two major roadways in Vacaville are under Caltrans' jurisdiction: Interstate 80 (I-80) and Interstate 505 (I-505). Page 4.14-3 of the DEIR states that:</p> <p><i>Caltrans maintains a minimum level of service (LOS) at the transition between LOS C and LOS D for all of its facilities. Where an existing facility is operating at less than the LOS C/D threshold, the existing measure of effectiveness should be maintained.</i></p> <p>In other words, Caltrans considers LOS C to be acceptable and LOS D to be unacceptable. This standard is presented in the Guide for the Preparation of Traffic Impact Studies (Caltrans, 2002). Moreover, in their response to the Notice of Preparation for the General Plan Update DEIR, Caltrans specifically stated that this threshold "should be applied to all state facilities." (Ref.: Letter to Tyra Hays, City of Vacaville, from Lisa Carboni, Caltrans District Branch Chief, Local Development- Inter-governmental Review, February 23, 2011.)</p> <p>However, the impact analysis employs a much more lenient set of significance criteria. DEIR page 4.14-34 presents the following standards of significance:</p> <ul style="list-style-type: none"> <li>• Cause Interstate 80 between Post Mile 23.03 and 24.08 (segment between Pena Adobe Road and Alamo Drive) to degrade below LOS E.</li> <li>• Cause Interstate 80 between Post Mile 28.359 and 32.691 (segment</li> </ul>	<p>As indicated on page 4.13-34 of the Draft EIR, the significance criteria for the Interstate 80 segments are based on standards established by the County congestion management agency for designated roads or highways—in this case the Solano Transportation Authority. Evaluation of impacts against Congestion Management Program (CMP) standards are specified in the transportation checklist in Appendix G of the CEQA guidelines. In addition, a comment letter on the Draft EIR was received from Caltrans, which did not object to the use of CMP standards. As shown in Chapter 3 of this Final EIR, the text on page 4.14-34 of the Draft EIR has been amended to clarify the CMP standards, and also to add a standard of significance specified by the City of Vacaville for this study.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>between Interstate 505 interchange and Leisure Town Road) to degrade below LOS F.</p> <p>These criteria raise several issues:</p> <ul style="list-style-type: none"> <li>• They conflict with the stated operational standard established by Caltrans, the agency that owns and controls these roadways.</li> </ul>	
13-104		<ul style="list-style-type: none"> <li>• No standard is presented with respect to I-505, so it is impossible to determine whether the proposed General Plan Update would result in a significant impact on that facility.</li> </ul>	<p>The CMP standard for the I-505 segment is LOS E. As shown in Chapter 3 of this Final EIR, the text on page 4.13-34 of the Draft EIR has been amended to include this standard.</p>
13-105		<ul style="list-style-type: none"> <li>• No standard is presented with respect to the following segments of I-80: <ul style="list-style-type: none"> <li>o Between the southwesterly city limit and Pena Adobe Road,</li> <li>o Between Alamo Drive and I-505, and</li> <li>o Between Leisure Town Road and the northeasterly corner of the study area.</li> </ul> </li> </ul>	<p>The City of Vacaville selected the segments of I-80 for analysis that would have the highest relative impacts from traffic increases generated by the Project. This determination was based on prior traffic studies for the City of Vacaville, including the Alternatives Evaluation Workbook prepared as part of the Vacaville General Plan Update (available at <a href="http://www.vacavillegeneralplan.org/documents">www.vacavillegeneralplan.org/documents</a>). The impacts on the additional I-80 segments indicated by the commenter were assumed to be less than the impacts on the selected segments. As shown in Chapter 3 of this Final EIR, the text on page 4.13-34 of the Draft EIR has been amended to include the standards for all CMP roadway segments.</p> <p>Also, Biennial Congestion Management Program updates and subsequent project-specific environmental assessments would monitor operations on these freeway segments.</p>
13-106		<ul style="list-style-type: none"> <li>• The second significance standard presented above indicates that a significant impact would result if the pertinent segment of I-80 were "to degrade below LOS F." Because LOS F is the lowest operational level, it is impossible to degrade below that level of service (i.e., there is no LOS G). Thus, it would be impossible to ever have a significant impact on that freeway segment.</li> </ul>	<p>The comment is correct, as LOS F is the CMP standard and cannot be exceeded. The Solano County CMP does not include specific evaluation criteria for projects that would add traffic to CMP segments with a LOS F standard. As shown in Chapter 3 of this Final EIR, page 4.14-34 of the Draft EIR has been amended to add a City of Vacaville standard of significance for CMP study segments that identifies a significant impact if a CMP study segment degrades from LOS E or better to LOS F.</p>
13-107		<ul style="list-style-type: none"> <li>• There is no correlation between the DEIR level of service standards and the freeway segments analyzed. Specifically, the three freeway segments addressed by the analysis are as follows: <ul style="list-style-type: none"> <li>o I-80 west of Lagoon Valley Road,</li> <li>o I-80 east of Leisure Town Road, and</li> <li>o I-505 north of I-80.</li> </ul> </li> </ul> <p>None of these three segments fall within the boundaries of the standards of significance presented above and on DEIR p. 4.14-34. That is, none of the segments analyzed are on I-80 between Pena Adobe Road and</p>	<p>The correct Post Miles for the study segment on I-80 west of Lagoon Valley Road would be between 21.043 and 23.034, rather than between 23.034 and 24.08, which is the segment between Cherry Glen Road and Pleasants Valley Road. The CMP segment between Post Miles 28.359 and 32.691 is actually between Interstate 505 and Midway Road and includes the study segment east of Leisure Town Road. As shown in Chapter 3 of this Final EIR and described in the response to comment 13-106, page 4.13-34 of the Draft EIR has been amended to include the CMP and City of Vacaville standards for all CMP roadway segments, and the impacts are evaluated against these standards.</p>

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#	Date	Comment	Response
13-108		<p>Alamo Drive or between the Interstate 505 interchange and Leisure Town Road. Given this, it is impossible to evaluate whether the proposed General Plan Update would have a significant impact on the I-80 and I-505 freeways within the study area.</p> <ul style="list-style-type: none"> <li>• Application of the Caltrans standard presented above (i.e., the threshold between LOS C and LOS D) to the freeway segments analyzed would result in the following significant impacts, based on information presented in DEIR Table 43.14-12 (DEIR p. 4.14-71):                             <ul style="list-style-type: none"> <li>o I -80 west of Lagoon Valley Road                                     <ul style="list-style-type: none"> <li>• Eastbound: PM peak hour- LOS F</li> <li>• Westbound: AM peak hour- LOS D and PM peak hour - LOS E</li> </ul> </li> <li>o I-80 east of Leisure Town Road                                     <ul style="list-style-type: none"> <li>• Eastbound: PM peak hour- LOS F</li> <li>• Westbound: AM peak hour- LOS D</li> </ul> </li> </ul> </li> </ul> <p>The westbound impacts listed here were not included in the DEIR.</p> <p>Clearly, the analysis of the Caltrans-controlled freeway segments within the study area is deficient. Although the DEIR identifies two freeway segments as having significant impacts (the eastbound segments of I-80 west of Lagoon Valley Road and east of Leisure Town Road), it is not clear how this conclusion was derived, since no significance criteria were stated with respect to those areas.</p> <p>Moreover, the DEIR analysis only evaluates I-80 freeway operations at the extreme southwest and northeast corners of the City. It completely ignores the segments of I-80 between Lagoon Valley Road and Leisure Town Road, which represent the bulk of the I-80 freeway within Vacaville.</p> <p>The freeway segment analysis must be revised to reflect application of the Caltrans operational standard to I-80 and I-505 throughout the study area, as well as to incorporate analyses of the segments of I-80 between Lagoon Valley Road and Leisure Town Road. The revised DEIR will then need to be recirculated for further public review.</p>	See the responses to comments 13-103 and 13-105.
13-109		<p><b>2. Travel Demand Forecasting Model</b> - DEIR p. 4.14-6 describes the role of the Solano Transportation Authority (STA) as the local Congestion Management Agency, including that agency's responsibilities relative to maintaining the Napa-Solano Travel Demand Model. The DEIR states that:</p>	The City of Vacaville citywide traffic model uses traffic forecasts from the Napa-Solano Travel Demand Model to establish traffic volumes on all regional roads at the city cordons. Therefore, the analysis of traffic impacts on the selected CMP segments is consistent with the Napa-Solano Travel Demand Model.



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#	Date	Comment	Response
		<p><i>Traffic volume forecasts from the Solano/Napa Model are used to analyze regional transportation projects. The Solano/Napa Model maintains consistency with the population, housing, and employment projections developed by ABAG [Association of Bay Area Governments].</i></p> <p>In their NOP comment letter dated March 17, 2011, STA stated that the City, " ... should use the Napa-Solano Travel Demand Model to analyze project impacts on the Routes of Regional Significance that will be impacted by the project ... " However, DEIR p. 4.14-36 says that the DEIR traffic analysis used the Vacaville Citywide Traffic Model instead of the Napa-Solano Travel Demand Model.</p> <p>The use of this locally-based model, rather than the regional model maintained by STA, must be explained and justified so as to ensure that the analysis accurately reflects future conditions in and around Vacaville and, further, that the impacts of the proposed General Plan Update are fully revealed.</p>	
13-110		<p><b>3. Intersection Level of Service Analysis Methodology</b> - DEIR pages 4.14-7 and 4.14-8 describe the recent decision by the City of Vacaville to abandon the long-obsolete Circular 212 intersection level of service analysis methodology, and to adopt the Highway Capacity Manual in its place. On March 26, 2013, the Vacaville City Council unanimously adopted resolution 2013-023, which established the Highway Capacity Manual as the standard for "transportation congestion analyses."</p> <p>The Highway Capacity Manual is a publication of the Transportation Research Board (TRB), one of the entities within the National Academy of Sciences. The current (fifth) edition of the HCM was published in the year 2010. It follows previous editions completed in 1965, 1985, 1997, and 2000.</p> <p>The year 2010 version of the Highway Capacity Manual (HCM 2010) was released on April 11, 2011, almost two years prior to its adoption by the City of Vacaville. Despite this, the intersection level of service calculations presented in DEIR Appendix G reflect application of the superseded year 2000 version of the HCM.</p>	<p>The HCM 2000 was used for intersection analysis rather than the HCM 2010 methodology for two reasons. First, the Notice of Preparation for the EIR was issued in February 2011, prior to the release of HCM 2010. At that time, the existing conditions baseline for analysis had already been established using HCM 2000 and switching to HCM 2010 would introduce inconsistencies between the existing conditions baseline presented to the public and the analysis of the Project. Second, during the period when the traffic analysis was being conducted, the software tools available for HCM 2010 intersection analysis, such as Synchro, HCM and Vistro, were not adequately refined to yield results consistent with observed traffic operations. Therefore, the HCM 2000 methodology, which has been and still is widely used for transportation impact studies, was selected for impact evaluation for the proposed General Plan. Use of HCM 2010 for intersection analysis would not be expected to significantly change the magnitude of Project impacts identified in the Draft EIR because HCM 2010 and HCM 2000 are based on the same basic principles.</p> <p>As the City evaluates its traffic impact analysis methodologies, it will assess implementation of updated HCM procedures, and will update to the most current HCM at the point that the HCM can be feasibly used and defended as providing accurate representation of local traffic operations.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		To ensure the accuracy of the DEIR traffic analysis, as well as consistency with City of Vacaville Resolution 2013-023, the intersection level of service calculations must be performed using the current, year 2010 version of the Highway Capacity Manual. After the LOS calculations are corrected, the DEIR will need to be recirculated for further public review.	See also the response to comment 2-6.
13-111		<p><b>4. Roadway Segment Level of Service Analysis Methodology</b> - The analysis of roadway segment operations was performed using " ... commonly-accepted default values derived by the Florida Department of Transportation." (DEIR page 4.14-12) No evidence is presented, however, to verify that these Florida-based "default" values apply to California. Although the use of default values in a planning-level analysis is often considered acceptable, we note that the Highway Capacity Manual suggests that, "[a]gencies that use the methodology in this [Urban Street Segments] chapter are encouraged to develop a set of local default values based on field measurements on streets in their jurisdiction." (Ref.: Transportation Research Board, Highway Capacity Manual, 2010, p. 17-67.)</p> <p>Unless the validity of the Florida values can be confirmed, the roadway segment level of service analyses should be revised using locally-developed capacity assumptions.</p>	The default values for lane widths, road geometry, and signal operations, as used in the segment capacities calculated by the Florida Department of Transportation based on the Highway Capacity Manual, were reviewed and determined to be appropriate for planning-level application in the City of Vacaville. See also the response to comment 2-6.
13-112		<p><b>5. Obsolete Traffic Volume Data</b> - According to the DEIR (page 4.14-17), the intersection analysis results are based on turning movement counts performed in 2009 and 2010, three-to-four years ago. Accepted practice within the traffic engineering profession is to view such traffic volumes as obsolete. Page 19 of the 2006 Institute of Transportation Engineers (ITE) document, Transportation Impact Analyses for Site Development, specifically states that " ... traffic volume data should generally be no older than 1 year."</p> <p>Because the traffic volumes represent the most critical input parameter in the intersection level of service calculation process, any inaccuracies in those values directly affects the validity of the level of service results. In short, to the extent that the existing peak-hour traffic volumes are inaccurate, the corresponding level of service results reported in the DEIR are invalid, and a misleading representation of the environmental setting and project-related impacts will be provided. (Because the future year</p>	<p>The existing conditions baseline for the Vacaville General Plan was presented to the public in 2011, when the traffic counts were one to two years old. This is also the same timeframe in which the Notice of Preparation of the EIR was released (in February 2011). The Draft EIR analysis was intended to be consistent with the existing conditions baseline that was already presented to the public.</p> <p>It is common practice to use traffic volume data more than one year old in traffic studies unless the area is experiencing significant recent growth. Due to the economic recession and recovery, most areas in California, including Vacaville, did not experience significant land use growth in the years following 2008. For example, Caltrans reports a small increase in peak hour traffic volumes on I-80 west of Vacaville between 2009 and 2012 but a decrease in traffic volumes east of Vacaville (Caltrans Traffic Data Branch website).</p> <p>The standard traffic impact study referenced in the ITE Transportation Impact Analyses publication would estimate the traffic volumes for the Project scenario by adding</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>traffic volumes were developed by adding projected traffic growth onto the existing traffic volumes, any shortcomings in the existing conditions data will adversely affect the validity of the future year information.)</p> <p>Updated traffic data must be obtained and the analysis must be revised using the current traffic volume information. The modified traffic impact analysis should then be incorporated into a revised DEIR, which must be recirculated for further public review.</p>	<p>Project trip generation to existing traffic counts. The total volumes would be low if the base traffic counts were low. The traffic volumes for the proposed General Plan were not estimated in this way. Rather, all potential 2035 land uses were inputted to the traffic model. Therefore, the analysis represents the full amount of traffic generated with the 2035 land uses, and would not underestimate total 2035 traffic volumes due to the use of older traffic counts.</p>
13-113		<p><b>6. Failure to Consider the Operational Effects of Truck Traffic-</b> As noted on DEIR page 4.14-30, the City of Vacaville has an extensive network of truck routes traversing its local streets. That truck route network is illustrated on Figure TR-3 of the Transportation Element of the General Plan, which is presented here as Attachment A. Also presented in Attachment A is Figure 4.14-1 of the DEIR, which illustrates the locations of the study intersections. Comparison of the two figures reveals that the majority of the study intersections are located on designated truck routes, including routes on which extra-legal loads are allowed upon issuance of a permit.</p> <p>A spot check of a limited number of the level of service calculations for intersections located on designated truck routes reveals that the DEIR's intersection calculations incorporated a default assumption of two percent trucks. Although the Synchro calculation sheets presented in DEIR Appendix G do not list the assumed truck percentage, we were able to reproduce certain of the intersection analysis results. For example, using a two percent "heavy vehicle" assumption, we replicated the level of service analysis results at Browns Valley Road/Glen Eagle Way and Meridian Road/I-80 Westbound Ramps, both of which are on truck routes.</p> <p>To ensure that a traffic impact analysis conducted using the Highway Capacity Manual procedures fully accounts for truck traffic, the analysis of each study intersection incorporates a "heavy vehicle percentage."</p> <p>In the unsignalized intersection level of service analysis procedure, that percentage is used to adjust the "critical gap" and the "follow-up time." In effect, the analysis is modified to reflect the greater amount of time needed for trucks to enter or cross the stream of traffic on the major road, due to the slower acceleration rate associated with their higher</p>	<p>The comment is correct that the analysis included a 2-percent Heavy Vehicle assumption, which is consistent with the default value listed in the HCM 2000. The default value is generally consistent with observed heavy vehicle percentages on streets serving primarily residential and commercial areas. Since the same assumptions were used for the analyses of existing and future conditions, the Draft EIR presents a consistent comparison of existing and future traffic operations.</p>

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#	Date	Comment	Response
		weight.	
		Similarly, the signalized intersection analysis includes consideration of the number of heavy vehicles. This is accomplished through incorporation of a "passenger-car equivalent" (PCE) factor. According to the Highway Capacity Manual, the passenger-car equivalent built into the signalized intersection analysis procedure is "2.0 passenger-car units" (i.e., one truck is equivalent to two passenger cars). Attachment B presents the relevant pages from the 2000 and 2010 versions of the Highway Capacity Manual. (References: Transportation Research Board, Highway Capacity Manual, 2000, page 16-10 and "Exhibit 16-7 - Adjustment Factors for Saturation Flow Rate," page 16-11; and Transportation Research Board, Highway Capacity Manual, 2010, page 18-36 and page 19-15.)	
		The failure to incorporate appropriate factors reflecting the presence of a substantial percentage of trucks in the prevailing traffic stream at study locations on designated truck routes results in unrealistic, overly-optimistic delay and level of service results. The intersection level of service analyses must be revised to reflect the actual composition of traffic in the study area.	
13-114		<p><b>7. Trip Generation Rates</b> - According to DEIR p. 4.14-37:</p> <p><i>The number of projected trips in Vacaville under each of the study scenarios was determined from the Citywide Model by applying trip rates for housing units and non-residential acres. The model trip rates are primarily derived from those published in Trip Generation by the Institute of Transportation Engineers.</i></p> <p>Because the specific trip generation rates employed in the analysis are not presented in the DEIR, it is impossible to judge whether those rates are appropriate. We note that the footnote associated with the excerpt presented above indicates that the Eighth Edition of the ITE Trip Generation publication was used. The current (Ninth) edition of that document was published in 2012, well in advance of the release date of the DEIR.</p> <p>In order that the public may judge the appropriateness and validity of the trip generation rates employed in the analysis, those rates must be revealed, along with the detailed calculations that resulted in the trip gener-</p>	The detailed calculations used in the traffic model are attached as Appendix C. See also the response to comment 13-115.

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#	Date	Comment	Response
		ation estimates presented in DEIR Table 4.14-8. Those detailed calculations should indicate the number of residential units (single-family and multi-family) as well as the nature and magnitude of the non-residential uses assumed.	
13-115		Furthermore, the trip generation estimates derived from use of the Eighth Edition of Trip Generation should be directly compared to a similar set of calculations based on application of the corresponding rates from the Ninth Edition of the Trip Generation Manual. If the updated rates result in substantially higher estimates of peak-hour trip generation, the analysis must be modified to incorporate new level of service calculations reflecting the corrected trip generation estimates.	The trip generation rates used for the Draft EIR are consistent with the trip generation rates required to calibrate and validate the citywide traffic model. These trip generation rates were based on ITE Trip Generation, 8th Edition, which was published in 2008. ITE Trip Generation, 9 <sup>th</sup> Edition was published in 2012, after the issuance of the Notice of Preparation of the EIR and after the calibration of the Vacaville traffic model. The use of trip generation rates from the 9th Edition would not be expected to significantly change the impacts reported in the Draft EIR, as the rates for the primary land use categories in Vacaville did not change significantly between 2008 and 2012. The trip generation rates used in the citywide traffic model are included in Appendix C.
13-116		<b>8. Analysis Baseline</b> - The DEIR trip generation discussion (p. 4.14-37) provides potentially misleading information, as it focuses on the comparison of the number of trips associated with the Proposed General Plan to the 1990 General Plan, rather than to Existing Conditions. Specifically, the DEIR states that the number of trips due to the Proposed General Plan would be "within 1 percent of the 2035 trips generated with the 1990 General Plan." While this General Plan-to-General Plan comparison might be of limited interest, the key comparison for determination of environmental impacts relates to the increase in tripmaking from Existing Conditions to the Proposed General Plan. DEIR Table 4.14-8 reveals that the Proposed General Plan will increase the number of daily trips in Vacaville by 48 percent and the number of peak-hour trips will increase by 47 - 50 percent, which is obviously substantially greater than the one percent value that a careless reader might assume.	See the response to comment 12-27.
13-117		As noted above, we also suggest that derivation of the trip generation values for existing conditions must be documented in detail, in order that a reasonable determination can be made with respect to the validity of the analysis baseline. Were the estimates presented in DEIR Table 4.14-8 simply taken directly from the City's travel demand forecasting model, or were they calculated manually by applying the ITE trip generation rates to current land use information? What measures, if any, have been taken to validate these estimates?	The analysis for the Existing Conditions scenario was based directly on traffic data. No trip generation values were used in the analysis. The traffic data was gathered and compiled using typical, accepted practices.
13-118		<b>9. Vehicle Miles Traveled Calculation</b> - DEIR Table 4.14-9 presents estimates of vehicle miles traveled (VMT) for the three analysis scenarios	The vehicle miles of travel (VMT) were calculated using the citywide traffic model. The calculation multiplies the traffic volume on each road segment by the length of

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		<p>addressed in the traffic study: Existing (2008 Baseline), 1990 General Plan (2035), and Proposed General Plan (2035). Further, the estimates are broken down into three trip categories (Internal, Internal - External, and External - Internal), as well as Total Daily VMT. The average trip length associated with each of the analysis scenarios is also presented, which indicates that implementation of the proposed General Plan will result in a 10 percent increase in average trip length over existing conditions, as well as a slight increase over the value associated with the 1990 General Plan. Total VMT is projected to increase by over 63 percent compared to existing conditions.</p> <p>As with the trip generation estimates discussed above, no specifics are provided with respect to the VMT calculations, thereby making it impossible to perform any meaningful review of these critical values. Because the VMT values are key inputs to the air quality and greenhouse gas analyses, it is important to ensure the validity of these values. (The DEIR Air Quality section refers readers to the "Traffic and Transportation" section " ... for a description of the assumptions included in the 2035 traffic conditions," yet no assumptions relating to the VMT derivation are presented.)</p>	<p>each segment. All segments are summed to generate the total VMT estimate. The traffic model also stratifies the traffic volumes on each segment into four categories relative to the city limits: internal-internal, internal-external, external-internal and external-external (through trips), so that the VMT can be calculated separately for each category. The provided information is sufficient to satisfy the Draft EIR's purpose as an informational document. Additionally, the traffic model files can be obtained from the City of Vacaville upon request.</p>
13-119		<p>In addition, Table 4.14-9 presents a single overall value for average trip length for each analysis scenario. As an aid to understanding and potentially accepting the VMT estimates, it would be helpful to know the average trip lengths for the various trip categories (internal, internal-external, and external-internal) and trip purposes.</p>	<p>The overall average trip length was considered sufficient to identify environmental impacts. See also the response to comment 13-118.</p>
13-120		<p><b>10. Mitigation Measure Feasibility-</b> DEIR page 4.14-40 contains the following statement:</p> <p><i>If a mitigation measure is included in the proposed General Plan Transportation Element, it is considered to be part of the proposed project and is assumed to be able to be implemented as a mitigation measure. For these mitigation measures, implementation is assumed regardless of funding status, and the impact after mitigation is considered to be less than significant.</i></p> <p>To assume that a mitigation measure is feasible and implementable simply because it is included in the DEIR violates one of the basic principles of environmental analysis. Specifically, until there is a reasonable level of certainty that a particular mitigation measure can, in fact, be implement-</p>	<p>See the response to comments 13-72 and 13-73.</p>

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#	Date	Comment	Response
		<p>ed, no mitigation exists. Transportation system improvements without a designated funding source remain speculative, and it is inappropriate to assume that they can be implemented.</p> <p>Moreover, the DEIR must evaluate the potential environmental effects of each of the proposed mitigation measures. The DEIR lacks this information.</p> <p>Without any meaningful indication of the availability of adequate funding for the necessary transportation system improvements or the potential environmental impacts of the improvements, it is impossible to state with certainty that the improvements are feasible and can actually be achieved. Thus, it is inappropriate to conclude that the associated impacts will be reduced to less than significant.</p>	
13-121		<p><b>11. Study Intersections</b> - Although the DEIR "Traffic and Transportation" analysis includes a wide range of intersections across Vacaville and even in Fairfield, it ignores a number of locations that the City has deemed worthy of inclusion within its City-wide Transportation Operations Monitoring program. According to the General Plan Update existing conditions report entitled, Transportation and Circulation in Vacaville, 89 such intersections were included in the January 2007 City of Vacaville Infrastructure, Facilities, and Services Status Report. Selected locations that the City includes in its Citywide monitoring program, but were ignored in the General Plan Update DEIR include the following:</p> <ul style="list-style-type: none"> <li>• Alamo Drive/Bel Air Drive</li> <li>• Alamo Drive/Tulare Drive,</li> <li>• Alamo Drive/Mariposa Avenue,</li> <li>• Alamo Drive/ Alamo Lane,</li> <li>• Mason Street/McClellan Street,</li> <li>• Elmira Road/Shasta Drive/Aegean Way,</li> <li>• Elmira Road/Beelard Drive,</li> <li>• Elmira Road/Christine Drive,</li> <li>• E. Monte Vista Avenue/Callen Street,</li> <li>• Allison Drive/Ulatis Drive,</li> <li>• Nut Tree Road/Bel Air Drive,</li> <li>• Nut Tree Road/Yellowstone Drive,</li> <li>• Nut Tree Road/Helen Way, • Peabody Road/Caldwell Drive,</li> </ul>	<p>The environmental analysis of the proposed General Plan has a different purpose than the City's traffic monitoring program. The environmental analysis is intended to identify the potential impacts of long-term growth in the city. Therefore, the City selected study intersections that would be most likely to require mitigation for long-term impacts. The traffic monitoring program is more focused on short-term traffic issues.</p>

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#	Date	Comment	Response
		<ul style="list-style-type: none"> <li>• Peabody Road/Southwood Drive,</li> <li>• Peabody Road/Beelard Drive,</li> <li>• Peabody Road/Berryessa Drive,</li> <li>• Davis Street/Marshall Road,</li> <li>• Merchant Street/Orchard Avenue, and</li> <li>• Merchant Street/Walnut Avenue</li> </ul> <p>If these intersections are worthy of being included in the City's traffic monitoring program, they should be included in the General Plan Update DEIR. Failure to do so results in an incomplete analysis of the proposed plan's impacts on the local circulation system.</p>	
13-122		<p><b>CONCLUSION</b></p> <p>Our review of the "Traffic and Transportation" analysis incorporated into the Draft Environmental Impact Report for the proposed City of Vacaville General Plan Update revealed several issues potentially affecting the validity of the conclusions presented in that document. Further, our review indicates that the proposed project will have additional significant impacts on the environment beyond those identified in the EIR, particularly with respect to degradation of freeway level of service. These issues should be addressed prior to City of Vacaville approval of the proposed General Plan Update and the associated environmental documentation.</p>	<p>This comment summarizes the concerns that were detailed in earlier comments made in Letter 13 and includes conclusory remarks; it does not address the adequacy of the Draft EIR beyond the more detailed comments provided earlier in the letter. For this reason, no response is required.</p>
13-123		<p>Comment 13-123 includes Attachments A and B to the MRO Engineers Report, as well as the following exhibits that were attached to Letter 13; these attachments and exhibits are included in Appendix A of this Final EIR:</p> <p>Exhibit B: Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone Ch. 2, California Coastal Commission.</p> <p>Exhibit C: Ecological Support For Rural Land-Use Planning, Theobald et. al.</p> <p>Exhibit D: Growing Cooler: The Evidence on Urban Development Change, Urban Land Institute.</p> <p>Exhibit E: PM2.5 Designations Under the Clean Air Act, U.S. Environmental Protection Agency.</p>	<p>This comment includes attachments and exhibits that support the issues raised in Letter 13, but they do not directly address the adequacy of the Draft EIR. Therefore, no response is required.</p>



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#	Date	Comment	Response
		<p>Exhibit F: CEQA and Climate Change, Jan. 2008, CAPCOA.</p> <p>Exhibit G: Technologies and Policies to Consider for Reducing Greenhouse Gas Emissions in California, 2008, Air Resources Board, Economic and Technology Advisory Committee.</p> <p>Exhibit H: Driving Urban Environments: Smart Growth Parking Best Practices," Governor's Office of Smart Growth, Maryland.</p> <p>Exhibit I: Portland's Central City Transportation Management Plan.</p> <p>Note: Exhibit A was included in comments 13-101 to 13-123.</p>	
<b>MEMBERS OF THE PUBLIC</b>			
14	11/14/2013	Teresa Perrone. terrperr@aol.com. November 14, 2013	
14-1		<p>Message: For years I have been concerned that Vcvi is becoming overpopulated and overdeveloped. I believe we need to put more priority on open space and the current residents' needs. It seems that the ruling body frequently appears to be working together with developers if the developers agree to provide some extra features for the city (e.g. flood basin, paved road).</p> <p>Meetings where the people are invented to air their opinions about a project are essentially a waste of time -- it appears that the ruling body has met privately and already and has approved the project; inviting public opinion is just window dressing.</p> <p>Finally, and perhaps most disturbing, the Council often votes unamously which I find disturbing. If we are to have an 'open door' policy then the public should be able to hear the Council's decision process.</p>	<p>The comment is noted. All decisions on development by the City Council are made at public hearings where all interested parties may speak and provide comments to the City Council prior to a decision being made. A series of public meetings and outreach efforts to obtain ideas for the General Plan have been held as part of the General Plan Update process. However, this comment does not specifically address the adequacy of the Draft EIR, but instead the type of process used. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>
15	11/20/2013	Marlhem Frutos. jfranco2@cityofvacaville.com. November 20, 2013.	
15-1		<p>Message: Hello my name is Marlhem Frutos i am with the Vacavill Reach Youth Coalition we wanted to know if you could include the Rocky Hill Trail (AKA: THE GHE'TTO TRAIL) in the Genereal Plan .The rocky Hill Trail is a trail that is verry muddy on the rainy times,it is dangerous becaus people have got raped , chased with knife or guns,getjumped,get bullying, and all this other bad stuff .I ask you to put it in the General</p>	<p>The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to</p>

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#	Date	Comment	Response
		Plan because this a very public place that people that always use no matter what weather or time and if u put a fence i am sure people would jump over it to get wher ther going becous that way is faster and esear .Starting with the littel kids they use it to go to school and people to go to the store, church and places like that .	comment 6-1.
16	11/20/2013	Brett Johnson. bnjohnson@sbcglobal.net. November 20, 2013 (1 of 2).	
16-1		Message: The one glaring deficiency from prior VV General Plans is the lack of land dedicated to parks. What previsions are being presented in this general plan to address this?	The comment expresses a concern about parkland in Vacaville and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Park-related impacts are discussed on pages 4.13-39 to 4.13-54 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
17	11/20/2013	Brett Johnson. bnjohnson@sbcglobal.net. November 20, 2013 (2 of 2).	
17-1		Message: The method used to pay for park maintenance is antiquated. I trust this general plan has addressed this issue and includes an option to have ALL residents pay their "fair share" for park maintenance.	The comment expresses a concern about park maintenance funding in Vacaville and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
18	11/20/2013	Oscar Murillo. murillooscarjr@hotmail.com. November 20, 2013.	
18-1		Message: I am from Reach. we believe we need to focus on the Rocky hill Trail (AkA: Ghetto Trail) The Rocky Hill Trail is muddy, dangerous, and is needed by the community. A lot of people use this trail and a lot of people get hurt like being raped or being shot even getting bullied. Most kids use this trail to get to their destination such as school. we need this trail to be paved. it gets really muddy and people trip and fall. Most trails are paved and this trail is not. We believe if we get this trail paved the community will treat this trail with dignity and respect. We would like to ask if you will consider adding this to the General Plan.	The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.
19	11/20/2013	Bob Vollmer. bvollmer@downtownvacaville.com. November 20, 2013.	
19-1		Message: As the Executive Director for the Downtown Vacaville Business Improvement District, I would like to state that the organization is not in favor of any affordable housing units in the Downtown area. We	The comment expresses a concern about affordable housing in the Downtown area and 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 acknowl-

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#	Date	Comment	Response
		know the importance of affordable housing to a community but it would not be a positive addition to what we are trying to achieve Downtown. Thank you.	edged 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 Master Response Number 1 regarding Project merits, in Section A of this chapter.
20	11/21/2013	Gary Houk. g_houk@sbcglobal.net. November 21, 2013	
20-1		Message: The first ting I see is the increased traffic throught the city. The plan should look at a circle route around the city . also ary new streets, consideration should be taken to make them wider like 3-4 lanes in each direction. A model city is Colorado Springs. They build the streets before any development. Something to consider.	<p>The comment expresses a concern and suggestions about traffic and related infrastructure, and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The commenter is directed to General Plan Transportation Element Figure TR-4, which illustrates the planned future roadway system, including streets at the periphery of the city. In addition, proposed General Plan Action TR-A1.1 directs the City to create a loop system around the city to avoid over-reliance on Interstate 80 for internal city travel.</p> <p>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 Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>
21	12/3/2013	Kathleen Ramos. Kathleen@KathleenRamos.com. November 21, 2013.	
21-1		Message: I'd like to support the council approving NO MORE than 3000 homes on LARGER residential lots East of Leisure Town. I'm also a huge supporter of affordable housing, but am not sure that downtown Vacaville is the place for it. I believe that we also need to protect against high density housing where we have the greatest current and potential traffic problems, especially in south Vacaville. Thank you.	<p>The comment expresses a concern about placing housing on larger lots in the area east of Leisure Town Road, and specific comments related to preferred locations for affordable and higher density housing. 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>
22	12/3/2013	Nate Pyron. December 3, 2013.	
22-1		<p>I would like to comment to you with regards to the City's Recent General Plan update and the Draft Environmental Impact Review Report.</p> <p>In July of 2011, the owner applied and was granted a Demolition Permit # 1101251 to demolish multiple single-family structures at 18 Vine Street and was completed on August 23 2011 signed by Inspector Dan Devine. Based on the City's municipal code the fee impact credits will be credited towards a new structure when a permit is applied for a single-family structure.</p>	<p>The proposed General Plan designates the parcel located at 18 Vine Street as Residential Low Density. The Draft EIR evaluated the potential impacts associated with development allowed by the proposed General Plan (i.e. Low Density Residential, 3.1 to 5 units per acre). Therefore, the Draft EIR considered impacts associated with low density residential development on this parcel.</p>

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#	Date	Comment	Response
		Currently 18 Vine Street remains a 16,000 sq. ft. vacant lot and it is the land owner's intent to split the parcel for two single family residential structures. We would request that the Draft EIR encompass this proposed action.	
22-2		<p>Last night 2 DEC 2013 at the public hearing I requested clarification with regards to the City of Vacaville General Plan update with regards to the rezoning of the Land Use Element for the South Vine Street properties. Currently the South Vine Street properties are designated High Density Residential and the General Plan Update would designate these South Vine Street properties to Low Density Residential. Based on the General Plan update the south of Vine properties will be included within the downtown district. However, the general plan state's that "No Single Family Development will be approved" in the downtown district.</p> <p>Because of this statement were the city states "No Single Family Development will be approved" We would like clarification within the general plan update to state that "Single Family Residential would be allowed within this low density zoning area.</p> <p>We appreciate all the hard work that has gone into the General Plan Update and we look forward to providing an allowable use within this low density residential zoned area.</p>	<p>This is a request for clarification of the General Plan's intent for a specific location; it is a comment on the merits of the Project, and not on the adequacy of the Draft EIR. However, based on this comment, the City has adjusted the Downtown boundary to exclude the parcels designated Low Density Residential in the Vine Street vicinity, as shown in the revised General Plan land use map in Chapter 3 of this Final EIR. Therefore, the intent of the Plan is to allow Low Density Residential development on these parcels (including single-family homes), subject to the normal standards for single-family residential development, instead of the current Residential High Density designation. See also Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>
23	12/5/2013	Nate Pyron. December 5, 2013.	
23-1		<p>Thank you for your response with regards to the clarification on the downtown overlay. In an email dated 4 DEC 2013 you responded to my questions as outline in blue.</p> <p>Essentially how the general plan is written it states on page LU-23 last sentence under the definition of the downtown. It states, "Construction of new, detached single family-family housing in the downtown area is not permitted" <i>This statement is referring to the "real" Downtown area. This statement was not meant to include the Vine Street Area. We now realize that this statement is not consistent with the graphic that shows the Vine Street area included in the Downtown area. We will need to either change our graphic, or clarify the language, to omit or exempt the Vine Street area from this statement.</i></p>	See the response to comment 22-2.

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>Is the City Council stating that new single family residential housing on vacant lots within the south of vine street area proposed low density residential area within the downtown overlay wont be permitted? <a href="#">No</a>.</p> <p>I may be reading into this a little much but the way that reads it sounds like a taking that's why I would like clarification by you and the City council. <a href="#">I understand</a>.</p>	
23-2		<p>As for the draft EIR. Is it possible to incorporate a proposed action of constructing two single family lots at this location? <a href="#">I'm still not clear regarding this request. Are you proposing to subdivide the property at 18Vine Street? If so, that is not a DEIR issue. The General Plan designates this area as Residential Low Density, and that's what it will become if and when the General Plan Update is approved. Following the adoption of the new General Plan, the area will need to be rezoned. That's an implementation task that's subject to a completely different process. As long as your property, or the property in question, can be subdivided while complying with the development standards of the future zoning district, there shouldn't be anything that prevents such a request.</a></p>	See the response to comment 22-1.
23-3		<p>Based on your responses above we feel that the South Vine Street properties should still be within the downtown overlay area. These properties have been around since the beginning of Vacaville's inception and led to the growth of the City as it is today. All of the neighbors agree that these properties should be within the downtown overlay. Nonetheless, we appreciate your due diligence with this matter and we look forward in working with the City of Vacaville with the development of these properties.</p> <p>Do you know of the timeline that the City has with rezoning properties when the General Plan is adopted?</p>	See the response to comment 22-2.
24	12/9/2013	Jasmine Acosta. <a href="mailto:ramirrezz.14@gmail.com">ramirrezz.14@gmail.com</a> . December 9, 2013.	
24-1		<p>Message: My name is Jasmine Acosta. I am a student at Vaca Pena Middle School and member of the Vacaville REACH Youth Coalition, a group of youth who focus on service projects and safety concerns in the community. We are working on improving a well worn path in the Markham Area of the city, which is known as the "Ghetto Trail" and/or the Rocky Hill Trail.</p>	<p>The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		I'm asking for the City to include the Rocky Hill Trail in the proposed General Plan. I feel that having the trail as part of the General Part will allow us to make future improvements possible. Recognizing the trail in the General Plan will allow REACH and other organizations to make it a safer place. I live on Brown Street and see people walking on the trail during the rainy season. Because it's unpaved, people end up walking in the mud and getting themselves dirty. It would be nice to have it recognized as an actual trail.	
25	12/9/2013	Nicole Arances. nicolearances@cityofvacaville.com. December 9, 2013.	
25-1		<p>Message: My name is Nicole Arances and I am a sophomore at Solano Community College, a college intern for the Vacaville Unified School District, and college intern for the Vacaville Police Department. I work with the REACH youth coalition on improving the Rocky Hill Trail, which can be found in the Markham Area. The trail is unpaved and unrecognized in the General Plan. It's important for the Trail to be recognized in order for further improvements to be made.</p> <p>The Rocky Hill trail is used by many of the youth I work with. They feel unsafe on the trail because it is dark and dirty. I have done several clean ups on the trail and know first hand that it is littered, muddy, and taken over by weeds. This trail needs to be recognized in the General Plan for the overall safety of those living near it.</p>	The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.
26	12/9/2013	Bianca Bermudez. jfranco2@cityofvacaville.com. December 9, 2013.	
26-1		<p>Message: My name is Bianca Bermudez. I am a student at Willis Jepson Middle School and member of the Vacaville REACH Youth Coalition, a group of youth who focus on service projects and safety concerns in the community. I have been working with the REACH Coalition in order to improve the "Ghetto Trail" which can be found near the Markham Area of Vacaville.</p> <p>I am asking for the City to include the Rocky Hill Trail in the proposed General Plan. I live near the Rocky Hill Trail and use it frequently. The trail can sometimes be scary to walk through because it doesn't have lights or pavement. Whenever I walk through there is the possibility of me getting bullied or harmed by other people hiding in the bushes. My own grandfather was robbed as he was walking down the trail. This shows that people of all ages can be harmed on this trail. Please consider</p>	The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		recognizing the Rocky Hill Trail in the General Plan so that the community can work on making it a safer place.	
27	12/9/2013	Alexis Cardenas. jfranco2@cityofvacaville.com. December 9, 2013.	
27-1		<p>Message: My name is Alexis Cardenas. I am a student at Markham Elementary School and member of the Vacaville REACH Youth Coalition, a group of youth who focus on service projects and safety concerns in the community. I have been working with the REACH Coalition in order to improve the "Ghetto Trail" which can be found near the Markham Area of Vacaville.</p> <p>I am asking for the City to include the Rocky Hill Trail in the proposed General Plan. I live near the Rocky Hill Trail and use it frequently. It's important for the trail to be a part of the General Plan so we can continue to make improvements on it. I would like to see the trail paved because when it rains, it gets really muddy and I get dirty when I try to walk through it. Sometimes when it rains the dirt and mud get really cold. There's also a lot of trash on the Rocky Hill trail, and I think having it paved would prevent people from littering. Please consider adding the Rocky Hill Trail to the General Plan.</p>	<p>The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.</p>
28	12/9/2013	Cecilia Hernandez. cecihernandez70727@gmail.com. December 9, 2013.	
28-1		<p>Message: My name is Cecilia Hernandez. I am a student at Vacaville High School and member of the Vacaville REACH Youth Coalition, a group of youth who focus on service projects and safety concerns in the community. I have been working with the REACH Coalition in order to improve the "Ghetto Trail" which can be found near the Markham Area of Vacaville.</p> <p>I am asking for the City to include the Rocky Hill Trail in the proposed General Plan. I live near the Rocky Hill Trail and use it frequently. I often feel unsafe when using the trail because it is dirty and unlit. When I go at night, I am always worried that I could get harmed. I've heard stories of people getting hurt by other hiding on the trail, and I don't want that to happen to my family or myself. Recognizing the Trail in the General Plan would make the area safer for my neighbors and family.</p>	<p>The comment expresses a concern about the existing Rocky Hill Trail and 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 <u>Project</u>. Please see <u>Master Response Number 1</u> regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.</p>
29	12/9/2013	Paulina Huerta, REACH Youth Participant. paulinahuerta187@gmail.com. December 9, 2013.	

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
29-1		<p>Message: My name is Paulina Huerta. I am a student at Jepson Middle School and member of the Vacaville REACH Youth Coalition, a group of youth who focus on service projects and safety concerns in the community. We are working on improving a well worn path in the Markham Area of the city, which is known as the "Ghetto Trail."</p> <p>The neighborhood members use the trail out of necessity, getting to jobs, school, child care, relatives homes, and local stores and as a short cut through the community. I am asking for the City to include the Rocky Hill Trail in the proposed General Plan. I feel this trail is greatly needed by the residents of that neighborhood. I believe you should make it The Rocky Hill Trail more visible so other people can know about it to use it. And it would be helpful if you can make the trail safer.</p>	<p>The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.</p>
30	12/9/2013	<p>Abigail Meza, REACH Youth Participant. jfranco2@cityofvacaville.com. December 9, 2013.</p>	
30-1		<p>Message: Hi. My name is Abigail Meza and I'm a student at Markham Elementary School as well as a participant in the Vacaville REACH Youth Coalition. REACH is a goroup of youth who focus on service projects and safety concerns in the community. We're working on trying to improve the current condition of the Rocky Hill Trail, frequently called "The Ghetto Trail" by many.</p> <p>The Rocky Hill Trail is a shorter way for people to go to school. I use the Rocky Hill Trail sometimes and when I use it I don't feel completely safe because there's stuff growing around the trail and there are strange people on the trail. If people could clean it up and don't let people throw drugs on the ground or do drugs on the trial, I would feel safer.</p>	<p>The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.</p>
31	12/9/2013	<p>Jennifer Meza, REACH Youth Participant. jfranco2@cityofvacaville.com. December 9, 2013.</p>	
31-1		<p>Message: Hello, my name is Jennifer Meza. I'm a student at Jepson Middle School and a Vacaville REACH Youth Coalition participant.</p> <p>As a coalition, REACH is currently working with Fathers House, Boys and Girls Club and City departments such as Police, Engineering, Housing and Public Works in addition to Supervisor John Vasquez, to plan on making some future improvements on this trail.</p> <p>I feel that the Rocky Hill trail has to be fixed because a lot of people go</p>	<p>The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.</p>



TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		on the trail and it can be a little dangerous because some people actually get killed there. I've used the trail before, and when I use it I feel creeped out because there's all these gangsters there.	
32	12/9/2013	Angelica Villagomez. angelicavillagomez57@yahoo.com. December 9, 2013.	
32-1		<p>Message: My name is Angelica Villagomez. I am a student at Willis Jepson Middle School and member of the Vacaville REACH Youth Coalition, a group of youth who focus on service projects and safety concerns in the community. REACH is currently working on improving a well worn path in the Markham Area of the city, which is known as the "Ghetto Trail" and/or the Rocky Hill Trail.</p> <p>I am asking for the City to include the Rocky Hill Trail in the proposed General Plan. I live near the Rocky Hill Trail and feel that it's important to include it in the Plan in order to make the area safer. A lot of gangsters live in the area and use the trail, making a lot of the residents feel unsafe. Also, the trail is used by bikers but because it's so bumpy, it is hard to go through quickly. Having the trail recognized in the Plan would mean overall safety in my neighborhood.</p>	The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.
33	12/9/2013	Ana Karen Zanabria. anakarensanabria707@gmail.com. December 9, 2013.	
33-1		<p>Message: My name is Ana Karen. I am a student at Vacaville High and member of the Vacaville REACH Youth Coalition. We are working on improving a well worn path in the Markham Area of the city, which is known as the "Ghetto Trail,"</p> <p>I honestly think that it should be fixed because its too dark and many people have been harassed, probably jumped, stabbed, raped, etc, and they should really take action on it and do what we can because we know that there are going to be a lot of people that can help us out.</p> <p>Even people that don't live in the area should come out and help, even the people that don't live by there and use the trail should help us make it into a beautiful trail.</p> <p>When I'm on the trail, I feel scared - like I'm being watched by strangers, like someone's gonna jump out of the bushes and get me and do something to me. I just get so scared going through there at night. If we fix</p>	The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		the trail, people won't have to feel that way anymore.	
34	12/15/2013	Robert and Debra Papin. 6140 & 6144 Leisure Town Road, Vacaville, CA 95687. December 15, 2013.	
34-1		<p>The following are some of our concerns of the General Plan.</p> <p>Our property is already being impacted by the Jepson Parkway Project.</p> <p>We would like confirmation that as the city continues to grow we will not incur anymore loss such as property, leans etc.</p>	<p>The comment requests confirmation regarding the loss of their property, a topic which is outside the scope of this 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>
35	12/16/2013	Colleen Britton. December 16, 2013.	
35-1		<p>Most of my time was focused on the Energy and Conservation Action Strategy and my remarks apply to that document.</p> <p><b>First Thoughts:</b></p> <p><b>It's Good News</b> that due to already existing Federal and State emission controls already in place, <b>Vacaville is on-target to meet its 2020 GHG Emissions Reduction target</b> of 21% below the 2020 BAU (Business as Usual) forecast. As I understand it, all of the suggestions in the plan that follows are contingency options “in the event that the modeling estimates are incorrect.” (Hummmm...How could they possibly go wrong? Or, they might even error on the positive side. Who knows.)</p> <p><b>My overall comment is that you have done an excellent job <u>minimizing mandatory actions</u></b>, and have focused for the most part on voluntary ones, which unfortunately can't be modeled or measured accurately. My overarching suggestion regarding the entire plan is <b>to maintain as much local control and flexibility as is humanly possible</b>. Focus on keeping “Voluntary—Voluntary!” Beyond that, I have three general areas of concern:</p> <ol style="list-style-type: none"> <li>1. <b>All of the proposals require significant additional staff time</b>---that sounds like expanding city manpower, monitoring, measuring, reporting, more paperwork, oversight, and collaboration with other agencies. Time = money + paper and lost trees :)</li> <li>2. <b>Most “actions” require amending Land Use and Development</b></li> </ol>	<p>The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Accordingly, no further response is required. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. As part of the adoption hearings, the City Council will consider recommendations about changes to the ECAS and General Plan. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>Codes, etc. <b>More restrictions which further increase builders’ costs and businesses’ costs and will limit local flexibility in future planning and may discourage both new building and business.</b></p>	
		<p>3. <b>Funding: Funding is still an unknown</b>, and I have little faith in the “pot of gold” out there somewhere. While the city has already adopted many of the ‘pre-requisite strings required for “possible Grants” from MTC and ABAG, I am concerned that funding will ultimately come from the taxpayers. <b>I would encourage the city leaders not to overly encumber their citizens to enact voluntary measures with miniscule possibility of returns.</b></p>	
		<p>p. 199 <b>Plan Adaption, re-inventory, and monitoring: Sounds very reasonable to me! Go SLOW!</b> “The Energy and Conservation Action Strategy, as a whole, will be reviewed and modified in 2019 to evaluate implementation and achievement of measure reductions and to identify potential updates. It is also anticipated that this Energy and Conservation Action Strategy will be updated at some point to address emissions beyond 2020, in which case regular reviews will continue every five years beyond 2020” Who knows what the economic and political climate will be then? —I am hoping for a political climate change!</p>	
		<p><b>Several Proposed “Actions” deserve further review and comment:</b></p>	
		<p><b>P. 77 TR-1 Bikeway Plan</b> (less than 1% reduction) (“costs could range from as high as <b>\$550,000.00 per mile</b> –\$2,500.00 per mile.”) \$550K per mi. is one heck of a bike trail. Is it paved with gold?</p>	
		<p><b>p. 79 TR-3 Reduce on-street and designated Parking</b> in favor of more bicycle and walking access to business. The unintended consequence may be driving businesses elsewhere where parking is accessible.</p>	
		<p><b>p. 80 TR-4 Voluntary Trip Reduction Program</b> Make sure this stays <b>VOLUNTARY!</b> What are the incentives? Who pays for those incentives? Business, city, taxpayer, all?</p>	
		<p><b>p. 82 TR-6 School Trip Reduction</b> Here’s another suggestion: Minimize sports practices and other activities on <b>“non-school days</b>, school</p>	

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>holidays, etc. so that parents don't have to make multiple unnecessary trips. Eliminate double practices which also result multiple trips. This would also give families much needed relief and allow more opportunity for family time, activities, etc.</p>	
		<p><b>p. 83 TR-7 Shuttle Service for Major Employment Centers Let's not amend the Land Use and reduce available parking until we conduct a survey to see what the response is.</b> Again it puts additional financial burden on employers.</p>	
		<p><b>p. 84 TR-8 Parking Cash-Out</b> Who Pays for this? Employer or the Taxpayer? Doesn't sound like a good deal to me. Benefits also sound a little "iffy".</p>	
		<p><b>p. 85 TR-9 Transit Network Expansion</b> Expand as the DEMAND WARRANTS and FUNDING ALLOWS ☺</p>	
		<p><b>p. 89 TR-13 End-of-Trip Bike Facilities:</b> Potential costs to employers and potentially developers for providing bicycle parking and <u>shower facilities</u>. What about the employer having to pay the employee for not using the parking space TR-8??? <b>I don't see a win here for the employer!</b></p>	
		<p><b>p. 90 TR-14 Incentives for Electric Vehicle Stations</b> What financial support is provided now-city, state, fed?</p>	
		<p><b>p. 100 TR-24 Transit Stop Amenities</b> (How about a Starbucks? :) What Land Use Development Code adjustments would need to be made? Maybe similar options for neighboring properties.)</p>	
		<p><b>p. 102 TR-26 Impact Fees for Alternative Transportation</b> It seems to me that the VAST majority of bike trail users are recreational instead of commuting. We are giving bikers a FREE ride. How about asking them to pay for the benefit of million dollar bike trails in the form of a bicycle license, use FEE, registration, etc. Where is their "skin in the game?"</p>	
		<p><b>p. 110 GB-4 Regional Green Building</b> Question: What does economics of scale mean?</p>	

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p><b>p. 112 Renewable Energy and Low Carbon Fuels</b> This fosters a reliance on a much more expensive energy source funding a technology and relies on heavy taxpayer subsidies to be even remotely viable. <b>It mandates greater expenses in all building with marginal returns and unforeseen costs.</b> Note the number of birds killed by Wind turbans.</p> <p><b>Final Thoughts</b></p> <p>I appreciate the fact that the report laid out the underlying reason for this entire costly process: <u>compliance with a myriad of federal and state, regulations</u> and regional requirements that are prerequisites for possible future funding. I also appreciate that the report acknowledged that the <u>controversial theory of man-made climate change embraced by our California legislators is the basis for all this legislation and regulation.</u> My concern is that their legislation is more about gaining control than about preserving the environment or local decision-making. <u>Again, I encourage you to Preserve Local Control and as much FLEXIBILITY as possible as you make the important decisions that lie ahead.</u></p> <p>I thank you all for all your hours and hours of hard work! Like my Dad used to say, "If it was easy, anybody could do it." Thank You All Again!</p> <p>Colleen Britton</p> <p>PS Greatly appreciated time staff took to meet with citizens on many occasions during this process! Thanks!</p>	
36	12/16/2013	Mahmoud Karaouni. December 16, 2013.	
36-1		I am the owner of the parcel located on Weber Road at Byrnes Road. As I discussed with you at the Community Meeting located at the Town Square Library, the following three (3) points are my concerns which should be addressed before continuing with this proposed project:	This comment serves as an introduction to the comments that follow. Responses are provided below.
36-2		1.) Putting apartments on a major road (proposed on Weber Road at Byrnes Road) right across from heavy commercial property, between two (2) busy intersections and located very close to the interchange located at Weber Road and 1-80 is an impact on traffic and the quality of life.	As indicated in the comment, the property at the southwest corner of the intersection of Weber and Byrnes Roads would be designated Residential High Density (20.1-24 units/ acre) under the proposed General Plan. The property across Weber Road from this property would be designated General Commercial. The General Commercial

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
			<p>designation would allow commercial uses like retail stores, food and drug stores, auto sales, and businesses selling home furnishings, apparel, durable goods, and specialty items, rather than heavy commercial uses, such as lumber yards and auto-related services. Such heavy commercial uses are allowed in the Commercial Service designation, which would not applied in this area of the city under the proposed General Plan. High density apartments are often located near commercial retail areas because this configuration can reduce vehicle trips while also providing market demand to support the retail uses. Although such uses are compatible from a land use perspective, the high population density combined with commercial retail uses can lead to traffic impacts. However, the traffic analysis in the Draft EIR found that the level of service at the intersection of Weber Road and the I-80 eastbound ramps, the nearest study intersection to the subject property, would operate acceptably with implementation of the proposed General Plan.</p> <p>The City may consider alterations to the specific land use boundary for this location as part of the hearings that will take place prior to adoption of the General Plan. Based upon the EIR analysis, the City could adjust the relative locations of the Highway Commercial and Residential High Density at this location without altering the findings of the EIR. This issue will be forwarded to the decision-makers for consideration during the final Project review.</p>
36-3		<p>2.) The assumption of how Orange Drive will connect to Weber Road is unreasonable and will have a major impact on traffic. It should curve eastward and connect with Byrnes Road. It will divide the property by almost half:</p> <p>a. The Frontage along Weber Road as Highway Commercial</p> <p>b. The back portion as residential high density</p>	<p>The alignment of Orange Drive will be studied in more detail when the City of Vacaville begins to implement the street extension, and the City is considering this suggestion in the companion document to this EIR that is discussed in Master Response Number 1 regarding Project merits. The specific alignment would not affect the analysis or findings of the EIR.</p>
36-4		<p>3.) The most practical connection for Orange Drive is as it is in Figure TR -5 and TR-6 of the General Plan.</p> <p>a. In this scenario also up to half of the parcel (frontage ) along Weber Road should be Commercial Highway</p> <p>b. The back half along the canal should be Residential High Density.</p>	<p>See the response to comment 36-3.</p>
36-5		<p>The last time I went to a meeting concerning the General Plan, the property was supposedly zoned Commercial Highway. We did not get any mail from the City of Vacaville concerning these proposed changes until</p>	<p>The comment is noted. The City will address this request for alteration of the land use boundaries in this area as part of the adoption hearings on the General Plan. The comment does not address the adequacy of the Draft EIR. Please see Master Re-</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		October and November of this year.	sponse Number 1 regarding Project merits, in Section A of this chapter.
36-6		See Attached Figures	The attachment to 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.
37	12/17/2013	Michael Geller. 5310 Kilkenny Road, Vacaville, CA 95687. December 17, 2013.	
37-1		<p>Let me first thank you for giving up a Saturday to meet with those of us having concerns about the City of Vacaville General Plan Update. On behalf of myself and my family, I want to let you know how much I appreciated having the opportunity to talk to you about this.</p> <p>This letter follows the concerns expressed in my email to Ms. Thornbrugh, City Clerk, dated October 19, 2011, a copy of which I have forwarded to myself and made a part of this correspondence (see the first attachment above and original email below). Since none of those concerns were addressed in what is now the final General Plan Update, I raise them again, along with additional issues and ask that you kindly confirm that you have received this electronic communication. (A simple return email would be fine.)</p>	This comment serves as an introduction and requests information on the public review draft of the General Plan (called the Final General Plan in the comment). The commenter's specific questions are contained in their comments that follow, each of which is more precisely addressed in the responses below. 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 addition, the City responded to the commenter by email on December 17, 2013, acknowledging receipt of the comments.
37-2		Our property is located at 5310 Kilkenny Road in the unincorporated area of the county that is adjacent to the Northeast Growth Area referenced in General Plan Update. I can not think of another property that will be more affected by this process than ours. If approved as presently construed, not only will we be faced with enduring all of the negative effects that result from the additional growth and traffic, we will not benefit by anything that is planned for the area, as we will still be outside the city limits, and not have access to the traditional benefits of being a part of the city, (things like water and sewer hook-ups). Stated differently, given the bucolic nature of things as they are, nothing good can come from this from our perspective. Our concern is one of mitigating the environmental impacts of the effort to funnel growth to an area that was clearly not designed to accomodate such growth. Toward that end, we raise or reiterate the following issues:	This comment serves as an introduction to the comments that follow and does not address the adequacy of the Draft EIR. The commenter's subsequent comments are more precisely addressed in the responses below. 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 Master Response Number 1 regarding mitigation, in Section A of this chapter.
37-3		<p><b><u>Item 1: Have affected property owners been properly notified of the potential impacts to their individual property?</u></b></p> <p>Although this is no longer an issue for us, we are not at all certain surrounding (county) property owners adjacent to the proposed develop-</p>	The comment does not identify a specific concern regarding the adequacy of the Draft EIR or raise a new environmental issue. As described in Chapter 1, Introduction, of the Draft EIR, the Notice of Preparation (NOP) for the EIR was published on February 10, 2011 and a scoping meeting was held on March 10, 2011. Further, as de-

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#	Date	Comment	Response
		<p>ment area have been notified of the impacts that will come with this revision. The Singh family owns the 160 acre almond orchard that surrounds our property. Before yesterday afternoon, they were unaware of the status of your general plan review process. I believe they and others will have a legitimate complaint at a later date given the fact that property owners outside of the city limits have not been notified of the impacts of the general plan update.</p>	<p>scribed in Chapter 3, Project Description, of the Draft EIR, the process to update the existing Vacaville General Plan began in March 2010 with extensive community outreach and input. Widely-publicized community workshops were held during the planning process, including total of seven City Council study sessions, 17 Steering Committee meetings, and four community workshops, all of which were open to the public and included extensive public comment periods. In addition, more City Council meetings are planned for final review and adoption. The City also staffed an information booth at the Downtown Farmer’s Market, and hosted a number of community outreach meetings with community groups, including civic groups, church groups, and neighborhood associations, throughout the General Plan process. The City did speak with a representative of the Singh family, mentioned in the comment, and discussed the City’s proposed plans for the area. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please also see Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>
37-4		<p><b><u>Item 2. Does the environmental impact report properly account for the Historic Architectural Resources affected by the update in the General Plan?</u></b></p> <p>It is our contention that it does not. The main portion of our home, usually referred to as the Kilkenny House, a two story Victorian farmhouse, (pictured above) was constructed prior to the turn of the previous century by George H. Sharpe, renowned builder and civic leader in Vacaville. Mr. Sharpe was the builder of several homes on Buck Avenue, including both of the Buck mansions, the Harbison House, the Carnegie Library and several other homes and structures still standing today. Mr. Sharpe was also a town Trustee and Councilman, and the mayor of Vacaville from 1916-1918 (see attached account). The existing general plan makes no acknowledgement or accomodation for this historic property, and, as we will discuss below, would call for the widening of Kilkenny Road to four lanes encroaching on this property with a wider right-of-way.</p>	<p>The baseline conditions for the cultural resources portion of the Draft EIR analysis is based on background research and focused interested party contacts. Resource- or area-specific studies were not completed for architectural resources due to the programmatic nature of the analysis. The archival record for historical architectural resources in and around Vacaville is a work in progress and cannot be considered comprehensive at this time; therefore, buildings and structures that have historical associations with notable individuals or families, such as the Kilkenny House, may not have been identified in the current databases or inventories because they have not yet been studied or documented.</p> <p>The commenter has provided additional information related to the Kilkenny House, located at 5310 Kilkenny Road, including information related to its connection to historical figures in the development of Vacaville. Although this property is located outside of the EIR Study Area, roadway widenings related to the proposed Project could affect this property because it is located on Kilkenny Road, which serves as the EIR Study Area boundary in this area. However, as described on page 4.5-32 of the Draft EIR, the General Plan includes goals, policies, and actions that provide for the identification of historical architectural resources prior to development actions that may affect them, including roadway widening.</p> <p>Although the proposed General Plan does not call for the widening of Kilkenny Road to four lanes within the 2035 horizon of the General Plan, it does identify four lanes as being required for full buildout conditions. The four-lane improvements for Willow</p>



TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
37-5		<p><b><u>Item 3. Does the Environmental Impact Report properly account for the existing agricultural use of the property adjacent to the Northeast Growth Area?</u></b></p> <p>The updated General Plan does not have a sufficient buffer area on the north side of Kilkenny Road for any of the agricultural property on located on the south side of Kilkenny Road. I again assert the concerns referenced in my October 19, 2011 letter regarding farming issues that arise with both the almond bloom and the almond harvest. More importantly, people like ourselves were provided a notice from the Solano County Department of Agriculture when we purchased our property in 1990. The notice provides "that properly conducted agricultural operations will not be deemed a nuisance" (see full notice above). This begs an interesting question about the expectations of future residents to the Northeast Growth Area, given that agricultural operations are located in Solano County and their new homes/businesses will be in the City of Vacaville. Since they will only be separated by a road, we believe an additional agricultural buffer is necessary on the north side of Kilkenny Road and the land adjacent to the west side of the Singh property and other similarly situated ag/city interfaces.</p>	<p>Road and Kilkenny Road referenced in the comment are based on Figure TR-6 and Table TR-2 of the General Plan. This table and figure address future right-of-way that would be needed to accommodate additional development beyond the 2035 horizon of the General Plan. These improvements would not be needed within the 2035 horizon of the General Plan, and are therefore not evaluated as part of this Draft EIR. Instead, the General Plan calls for Kilkenny Lane to remain classified as a 2-lane collector, as illustrated on Figure TR-4, Future Roadway Classifications. No improvements to Kilkenny Road are listed in Table TR-1, Recommended Roadway Improvements (Year 2035) or shown in Figure TR-5, Transportation Improvements in 2035.</p> <p>However, given that future development may lead to the widening of Kilkenny Road and the concerns raised in this comment, the City has proposed adding a new Policy TR-P4.6 to the proposed Transportation Element, which would require that any future widening of Kilkenny Road occur to the north of the existing Kilkenny Road right-of-way. This proposed new policy will be considered by the City Council when they consider adoption of the General Plan.</p> <p>This comment contends that the updated General Plan does not have a sufficient buffer area on the north side of Kilkenny Road for any of the agricultural property located on the south side of Kilkenny Road. The Draft EIR acknowledges that the proposed General Plan would allow development that could result in potentially incompatible urban uses for farms or ranches which would create circumstances that impair the productivity and profitability of agricultural operation, and could eventually lead farmers to take their land out of production. Although buffers between agricultural operations and residential uses would be required by the proposed Project, such buffers between agricultural operations and non-residential uses were not included. In response to the concerns expressed in this comment, the City has proposed to add a new Policy COS-P4.6 to the proposed Conservation and Open Space Element, which would require non-residential development in the Northeast Growth Area to maintain an agricultural buffer within the development area that contains substantial landscaping. This proposed new policy will be considered by the City Council when they consider adoption of the General Plan.</p> <p>Furthermore, as the commenter notes and the Regulatory Framework section of Chapter 4.2 of the Draft EIR describes, Chapter 2.2 of the Solano County Code, commonly known as the "Right-to-Farm Ordinance," would protect existing agricultural uses from nuisance complaints and allow for continued agricultural operations. Additionally, as discussed in Impact 1.e. of Chapter 4.2 of the Draft EIR, the Urban Growth Boundary (UGB) (which runs along the southern edge of Kilkenny Road)</p>

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#	Date	Comment	Response
37-6	<p><b><u>Item 4. Does the Environmental Impact Report properly assess and address traffic concerns in the area?</u></b></p> <p>It is our contention that it does not. The physical impact on several of the homes on Willow Road and Kilkenny Road are the two most glaring examples. If the Orange Drive extension is designed to take traffic flow to/from Leisure Town Road to Meridian Road, why are the proposed 4-lane improvements for Willow Road and Kilkenny road necessary in the first place? Where is the traffic flow that is intended to be diverted on to those roads coming from and where is it going to? What is the impact on the affected properties? Why does the proposed traffic circulation plan not move the existing road away from the few properties with existing homes? It seems that the inclusion of the additional arterials is acknowledgement that the existing freeway access provided at both Weber/Meridian and Leisure Town are inadequate to service the needs of the area in conjunction with the proposed development. We contend these traffic issues have not been properly addressed.</p>	<p>would protect agricultural uses outside of the UGB by limiting the extension of infrastructure outside of the UGB. Moreover, the policies and actions contained in the proposed General Plan and listed in Impact 1.e. of Chapter 4.2 of the Draft EIR would further reduce impacts to potential conflicts between agricultural and urban uses.</p> <p>The General Plan shows that Kilkenny Road and Willow Road would remain classified as two-lane collectors, as illustrated on Figure TR-4, Future Roadway Classifications. The reference to Willow Road and Kilkenny Road as four lanes is based on Figure TR-6 in the proposed General Plan, which identifies not needed improvements, but ultimate potential right-of-way (ROW) reservation needs under a full buildout scenario. As explained on page TR-22 of the proposed General Plan, the full buildout of the proposed General Plan is anticipated to occur many decades in the future, so it is premature to design specific improvements. However, to prepare for long-term future roadway improvements, proposed General Plan Policy TR-P4.3 requires dedication of ROW consistent with General Plan Figure TR-6 to support full buildout. The specific alignments of the Willow Road and Kilkenny Road improvements will be studied in more detail if and when the City of Vacaville begins to implement the street improvements. The specific alignments would not affect the analysis or findings of the EIR.</p> <p>Nevertheless, improvements to both roads may be required in order to meet two-lane collector standards, which are the standards that are necessary to support development that is anticipated to occur by 2035. Impacts related to adjacent land uses are considered in the following sections of the Draft EIR:</p> <ul style="list-style-type: none"> <li>• Pages 4.1-8 to 4.1-10 consider visual character and quality impacts.</li> <li>• Pages 4.2-22 to 4.2-24 consider agricultural impacts.</li> <li>• Pages 4.3-19 to 4.3-26 consider air quality impacts.</li> <li>• Pages 4.10-15 and 4.10-19 consider impacts related to physically dividing communities.</li> <li>• Pages 4.11-20 to 4.11-32 consider noise impacts.</li> <li>• Pages 4.14-72 to 4.14-73 consider hazards impacts related to roadway design and incompatible uses.</li> </ul> <p>See also the response to comment 37-4, which describes a new proposed General Plan policy that requires any future widening of Kilkenny Road to occur north of the existing Kilkenny Road right-of-way.</p>	
37-7	<p><b><u>Item 5. What is the City of Vacaville's policy of widening roads</u></b></p>	<p>See the responses to comment 37-4 and 37-6.</p>	

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#	Date	Comment	Response
		<p><b><u>when the zoning is such that the road is zoned as city property on one side and county on the other?</u></b></p> <p>The General Plan Update as presently construed would call for the widening of Willow Road and Kilkenny Road to 4 lanes. If that were to happen, and we hope it will not, would the city take an equal measure from both sides or would it require the additional width to come from the property on the developed (city) side? In the case of Kilkenny Road, if an arterial was actually necessary, we would like to see, at an absolute minimum, the existing road relocated to the opposite side of what is now the SID ditch as well as additional area for an ag buffer (referenced above) for the span of roadway in the developed area across from our property.</p>	
37-8		<p>Since our property falls in Solano County, and not the City of Vacaville, there is little we can do except appeal to your sense of fair play. We would very much appreciate consideration of these issues and ask that you keep in mind the tremendous physical, economic and emotional impact your body of work will have on the handful of us who call the area "home".</p>	<p>This comment serves as a closing remark. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The City has addressed a number of issues raised by residents of adjacent rural areas during the General Plan process. Please see the responses above regarding proposed edits to the General Plan in response to the comments in this letter, including:</p> <ul style="list-style-type: none"> <li>• A new Policy TR-P4.6, which would require that any future widening of Kilkenny Road occur north of the existing Kilkenny Road right-of-way.</li> <li>• A new Policy COS-P4.6, which would require non-residential development in the Northeast Growth Area to maintain an agricultural buffer within the development area that contains substantial landscaping.</li> </ul>
37-9		<p>I attended the City Council meeting yesterday hoping to share some concerns I have regarding the Northeast Growth area. I am not able to attend the Council meeting on Thursday, so I have attached a letter with the points I intended to raise.</p> <p>Could you please distribute this to the City Council Members, the Steering Committee Members and City Manager for me?</p> <p>Thank you for your assistance.</p>	<p>The comment serves as an introduction to the comments that follow. The comment and attachment are acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p>
37-10		<p>By way of introduction, my name is Michael Geller, and my family has lived at 5310 Kilkenny Road in Vacaville since 1990. The property is the old Kilkenny house, a Victorian farmhouse built by George Sharpe in the 1890's. The property is within the County, but is across the street from the southern edge of the Northeast Growth Area.</p>	<p>This comment serves as an introduction to comments which follow and does not address the adequacy of the Draft EIR.</p>

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#	Date	Comment	Response
		I have some concerns regarding the General Plan Update with respect to the Northeast Growth Area that I was prepared to comment on during the October 18, 2011 meeting. Unfortunately, time constraints did not allow you to take up the matter, and I will not be able to attend the October 20, 2011, meeting as I will be out of town on business. I will summarize my initial concerns below.	
37-11		<u>Item 1. The Process</u>	See the response to comment 37-3.
		I apologize for coming in after the Steering Committee has developed its recommendation. Had I received any sort of notice that this process was going on, I would have been involved much sooner. One of my concerns is that some of the people most impacted by your work do not know it is going on. My immediate neighbor, Gurmail Singh, was also unaware. I believe that sufficient notice should be provided to all residents--not just those within the city limits-- and more time should be allowed for comment. By doing so, people will have the input you envisioned. Had I not read an account in the Vacaville Reporter a little over a week ago, I would still not know what was going on. I have added my email address to your notification list for further activity in this regard.	
37-12		<u>Item 2. Traffic</u>	Prior to implementation of any potential revisions to Kilkenny Road, the City of Vacaville will assess the specific need for improvements and any alignment alternatives that would best serve the needs at the time of implementation. See also the responses to comments 37-4 and 37-6, including the proposed new General Plan policy that requires any future widening of Kilkenny Road to occur north of the existing Kilkenny Road right-of-way.
		We are not opposed to the development of the area in question, as long as it is done right. I did have a chance to view the Steering Committee meeting of October 14 on the General Plan website. If I could summarize what I heard with respect to traffic, none of the committee members liked it, but we have to take the bad with the good. Let us first identify who "we" is. As presently construed, all three of the alternatives will severely impact both the economic value and the utility of our property. There are only two homes on the entire one-mile length of Kilkenny Road. There has been absolutely no recognition of the impact that routing all of that traffic on Kilkenny Road will have on us, and no attempt to mitigate any impact. Kilkenny Road is currently in a condition that could be labeled "third-world" at best. There is no shoulder on either side and two cars cannot bypass each other in most areas without slowing down and pulling over. None of you that live in town would put up with living on a road in that condition. We don't complain about it, as we realize the City and County do not have the resources to apply to a road	

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#	Date	Comment	Response
		that gets so little traffic. We believe that a new, east/west road through the proposed developed area on the north side of the existing SID ditch is necessary, and would not be significantly more expensive than rebuilding the existing road to the level that would be necessary to support the anticipated volume of traffic. We would like to see the existing Kilkenny Road remain as is to service the existing needs of the area.	
37-13		<u>Item #3. Agricultural Buffer Zones</u>  Our property (approximately 3 acres) is surrounded by 160 acres of almonds. During the bloom in early March, our neighbors spray to enhance pollination. That process involves a crop duster, and I am quite sure that whatever use is ultimately allowed across the street will not appreciate the noise or the drifting spray. Also, I invite you to come by during the harvest (now) so that you can witness the amount of dust generated by the sweepers that pick up the nuts on the ground. The prevailing wind pattern at this time of year is from the southwest, so we are talking about a significant nuisance to the developed area. We would like to see a buffer between the agricultural area on the south side of Kilkenny and the developed area on the north side.	As noted in the response to comment 37-5, the Draft EIR does address the issue of potentially incompatible uses adjacent to agriculture. As described in impact discussion 1.e in Chapter 4.2 of the Draft EIR, the UGB policies and actions contained in the proposed General Plan, as well as the County's "Right to Farm Ordinance," would protect existing agricultural operations and a less-than-significant impact would result. However, as discussed in the response to comment 37-5, the City has proposed to add a new Policy COS-P4.6 to the proposed Conservation and Open Space Element, which would require non-residential development in the Northeast Growth Area to maintain an agricultural buffer within the development area that contains substantial landscaping, which would further address the issue.
37-14		I would like to thank each of you that have volunteered your time to see this process through. We are not opposed to the development of the area, but would like to see the accommodations mentioned above to mitigate the impact on our property. We would like to thank each of you for consideration, and share your interest in making Vacaville the best it can be.	This comment serves as a closing remark and does not address the adequacy of the Draft EIR. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.
37-15		Comment 37-15 is included in the Appendices to this FEIR. Included are: (1) An article from the Reporter titled "He Created Landmarks and a Legacy." (2) A Notice from the Solano County Department of Agriculture.	The attachment to 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.
38	12/17/2013	John and Lynn Holbrook. 6375 Katleba Lane, Vacaville, CA 95687-9429. December 17, 2013.	
38-1		Thank you for requesting public input for the proposed Vacaville General Plan update, with the accompanying EIR.	This comment serves as an introduction and does not address the adequacy of the Draft EIR.
38-2		Is the City of Vacaville in an insurmountable quandary? Citizens and city officials are expected to comply with legal requirements for General Plans and environmental impact statements related to projected growth, while simultaneously protecting the environment (e.g., reducing green-	The comment expresses a concern about the future growth of Vacaville and 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

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		house emissions) and providing affordable housing.	for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
		The EIR warns the city about dire consequences to Vacaville and the surrounding area, if the area is built according to even 50% of the proposed build out. Does Vacaville, without geographic boundaries to limit its growth (such as the ocean or mountains on the east side of the city) want to implement and encourage urban sprawl to ultimately look (and smell) like larger cities such as Los Angeles or Beijing?	
38-3		Will our City be facing fines when we are unable to meet the federal requirements for air quality, which are already exceeded? As of November 20, 2013, according to an article in <u>The Reporter</u> on page 3A: “Ground-level ozone is the only air pollutant for which Yolo-Solano does not meet federal health standards.” This is from an article encouraging students to apply for “Clean Air Classroom grants.” If that situation exists now, how much worse can we expect when we read in the current EIR under review in Table 2-1 dealing with Air Quality (AIR-1) that suggested mitigation factors only allow for an end result of “Significant and Unavoidable” Impact?	The comment expresses a concern about the air quality impacts in Vacaville and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment correctly notes that the EIR discloses a potentially significant and unavoidable impact related to air quality resulting from implementation of the General Plan. The EIR is a disclosure document intended to provide information to the public and to 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. Please see Master Response Number 1 regarding mitigation measures, in Section A of this chapter.
38-4		We encourage our students to enter contests to encourage water awareness, as seen in the December 17, 2013, edition of The Reporter, page 3A. On the same day, the public is requested to come to a meeting in which they review the EIR document that says in Table 2-1 dealing with Biological Resources (BIO-1) that due to water issues the destruction of the “important wildlife corridor” would be “Significant and Unavoidable.” What kind of message are we giving to our youth about the importance of providing water not only for ourselves but for the wildlife we are responsible for, safeguarding it for future generations?	The comment expresses a concern about the biological impacts in Vacaville and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment correctly identifies the conclusion of the EIR with regard to certain biological resources impacts and 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 Master Response Number 1 regarding mitigation measures, in Section A of this chapter.
38-5		Money seems to be at the bottom line. Under Population and Housing (POP-1), the statement is made: “The proposed general plan would induce substantial population growth within the EIR Study Area.” It goes on to say that by limiting housing, states that this could “drive up home prices in Vacaville, reducing housing opportunities for Vacaville residents and changing the character of the city.” The EIR concludes that there is a “Significant and Unavoidable” Impact, made in part by previous decisions by the City to allow growth that would irreparably destroy what we currently enjoy about Vacaville. The “small town” feeling is leaving us as we continue to discuss issues.	The comment expresses a concern about population and housing growth in Vacaville and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The EIR does disclose a significant and unavoidable population and housing impact. Decisions to allow growth as envisioned by the proposed General Plan are required to consider the potential environmental effects of the Project. The EIR provides that information to the decision-making bodies. 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 Master Response Number 4 regarding mitigation measures, in Section A of this chapter.

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
38-6		<p>Author Denis Waitley has said: “Expect the best, plan for the worst, and prepare to be surprised.” We do expect the best of Vacaville city officials. We see that the general plan is <u>not</u> planning for the worst, as it seems to be progressing toward <b>twenty-nine</b> “significant and unavoidable impacts” as stated in Table 2-1. The surprises that may need to be prepared for are fines for not complying with environmental laws.</p> <p>Vacaville must not see itself as an isolated unit. It will be impacting nearby I-80 as it funnels in large number of vehicles (even if some may be electric cars or buses). Let’s prepare to be surprised. Let’s not surprise our future children with how insensitive we were to the environment. Let’s surprise our future generations (and ourselves) when we saw the “significant and unavoidable impacts” and avoided them.</p>	<p>The comment expresses a concern about future development in Vacaville and proposes an alternative approach that avoids the significant and unavoidable impacts of the proposed General Plan. The City has the option to select an alternative project for final approval under CEQA and California Planning Law. The Draft EIR outlines three alternatives to the proposed General Plan, and identifies the Focused Growth Alternative as the environmentally superior alternative (i.e. the alternative with the fewest environmental effects) on page 5-33.</p> <p>The comment also asserts that the City is not complying with environmental laws that may result in fines. The proposed General Plan was prepared in compliance with State laws, including environmental laws, and does not anticipate fines for non-compliance.</p> <p>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. Please see Master Response Number 4 regarding mitigation measures, in Section A of this chapter.</p>
39	12/17/2013	Ernest Kimme. egk3@mac.com. December 17, 2013.	
39-1		<p>I would encourage you to send your comments to Tyra Hays at thays@cityofvacaville.com.</p> <p>Be sure to include contact info (address, phone number, etc) so she knows that you are not some random person from Virginia or something.</p> <p>smiles, Ernest</p>	<p>The comment provides direction on how to submit a comment on the EIR; it is not a comment on the adequacy of the Draft EIR; therefore, no response is required.</p>
39-2		<p>On Dec 17, 2013, at 1:39PM, doug lenser &lt;doug.lenser@oracle.com&gt; wrote:</p> <p>Unfortunately there is a 1000 character limit on the website to response to general plan. The plan document was an interesting read, and here is my feedback.</p> <p>We were wew to this community last year and the revised general plan was interesting.</p> <p>A few observations:</p>	<p>See the responses to the comments in Letter 40 (this is a reproduction of Letter 40).</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p><b>1- Intersection improvement omitted</b>                      Vaca Valley Pkwy and Browns Valley Road                      New arterial planned between Browns Valley and Gibson Canyon will increase traffic on Vaca Valley. The current intersection control on Vaca Valley of 3 lanes with stop sign hidden on right side, is just asking for newcomer drivers to run the intersection. Some improvement is needed. At the very very minimum a 4way stop sign in the center of the intersection would be a vast improvement. Since this is a long range plan, it should include the option of adding a traffic light controlled intersection based on traffic flow from new arterial.</p>	
		<p><b>2- Noise: land use standards</b>                      Table NOI-3 Land Use Standard                      Residential-low density                      Upper end of each noise level in decibels (CNEEL/Ldn) range is 10 Db too high Changing the expectations of developers that low density residential should be oasis of peace and quiet should really enhance the reputation of Vacaville. A 10 Db reduction will reduce perceived noise levels by 50%.</p>	
		<p><b>3- Noise mitigation</b>                      On page 231 of the plan,                      "                      Section 65302(f) of the California Government Code requires that General Plans contain a Noise Element that can be used as a guide for establishing a pattern of land uses that minimize the exposure of community residents to excessive noise. Local governments are required to analyze and quantify noise levels and exposure to noise through field measurements or noise modeling, and to use the Noise Element to address existing and foreseeable noise problems                      "                      and later on there's a section on:                      Goal NOI-3 Minimize noise from mobile sources. (1 0.6-G4)                      However I did not see any policy or actions to achieve that target.</p>	



TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>I would expect to see included:</p> <p>Non-commercial traffic noise abatement goals, such as traffic calming intersections, such a roundabouts, for example Wrentham is not an artial and has a posted speed of 25 Mph and has a major Elementary School in its midst. Traffic generally flows at 35-40 mph done the street with safety concerns. The radar activated sign near the school property helps, but drivers are compensating by increasing speeds just before and after the sign. There is seldom driver response of slowing down when there are children on their way to the school. Not suggesting speed bumps, unless they are included in the plan as a temporary budget saving major until permanent solution is in place. Better is a roundabout or funneled roadways [A funnelled roadway is where the lane is "squeezed" by concrete/shrub plantings that eliminate the parking lanes for 15 feet and the roadway at this point has only the width of the traffic lane.] Speed bumps cannot be satisfactory solution because they create serious safety issues for bicyclists. Ideal locations for roundabouts would be Wrentham--Grey Eagle, and Wrentham--Clarecastle.</p> <p>-- incentives for all residential properties to have trees in their front yards for both noise mitigation and air purification.</p> <p>-- a city forestry resource of climate recommended trees and shrubs for the front yards, including xeriscape recommendations.</p> <p>-- increased promotion of alternative transportation. For example, a target percentage of business units that have bicycle storage lockers available for rental. There is really no gain in firing up the SUV to go get a bottle of milk, when we could combine shipping and fitness by cycling for quick item pickups.</p> <p><b>4. Mobility enhancements</b></p> <p>This is a section I may have missed, but with the population aging it would make sense to adjust new driveway standards. Currently the slope angle seems to be determined as what angle is best for drainage. However, requiring steeper slopes makes vehicle entry/exit difficult for elderly and mobility impaired as the doors are pushing too hard. Recommenda-</p>	

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		tion is to adjust the required slope to either A-- the minimum needed for drainage, or B-- a vehicle sized driveway segment that is fairly flat so the needs of drainage and easier vehicle access are met.	
		Thank you for considering my observations	
40	12/17/2013	Doug Lenser. doug.lenser@oracle.com. December 17, 2013.	
40-1		Unfortunately there is a 1000 character limit on the website to response to general plan. The plan document was an interesting read, and here is my feedback.  We were wew to this community last year and the revised general plan was interesting.	This comment serves as an introductory statement. No response is needed.
		A few observations:	
40-2		<b>1- Intersection improvement omitted</b> Vaca Valley Pkwy and Browns Valley Road New arterial planned between Browns Valley and Gibson Canyon will increase traffic on Vaca Valley. The current intersection control on Vaca Valley of 3 lanes with stop sign hidden on right side, is just asking for newcomer drivers to run the intersection. Some improvement is needed. At the very very minimum a 4way stop sign in the center of the intersection would be a vast improvement. Since this is a long range plan, it should include the option of adding a traffic light controlled intersection based on traffic flow from new arterial.	The City of Vacaville monitors the operations and safety of City streets, and recommends and implements near-term traffic control improvements based on observed conditions. It is beyond the scope of the General Plan EIR to assess the potential driver behavior on a planned street improvement. However, the City would monitor and work to improve conditions on any new street segments, as it does with existing streets. The specific impacts and design of any new roadway improvement would be addressed as the improvement project is considered for implementation.  The Draft EIR did evaluate the intersection operations at the all-way stop controlled intersection of Vaca Valley Parkway and Browns Valley Road, and found that it would continue to operate acceptably with implementation of the proposed General Plan, as shown on page 4.14-52 of the Draft EIR.
40-3		<b>2- Noise: land use standards</b> Table NOI-3 Land Use Standard Residential- low density Upper end of each noise level in decibels (CNEI/Ldn) range is 10 Db too high  Changing the expectations of developers that low density residential should be oasis of peace and quiet should really enhance the reputation of Vacaville. A 10 Db reduction will reduce perceived noise levels by 50%.	The comment is referring to the Land Use Compatibility Standards table contained in the proposed General Plan. Although it is reproduced in Table 4.11-8 of the Draft EIR, the comment is not about the adequacy of the EIR analysis. Nevertheless, this table and the noise exposure ranges are modeled after the Noise and Land Use Compatibility Matrix Guidelines contained in the California Department of Health document "Guidelines for the Preparation and Content of Noise Elements of the General Plan" (November 1990). As such, hundreds of municipalities throughout the state use these same (or very similar) guidelines and associated noise levels as the de facto standard for determining land use compatibility with respect to community noise levels. Although achieving the lowest physically possible noise level standards (so as to create/encourage a quieter overall environment) may be ideal, some degree of noise

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#	Date	Comment	Response
40-4		<p><b>3- Noise mitigation</b>                      On page 231 of the plan,                      "                      Section 65302(f) of the California Government Code requires that General Plans contain a Noise Element that can be used as a guide for establishing a pattern of land uses that minimize the exposure of community residents to excessive noise. Local governments are required to analyze and quantify noise levels and exposure to noise through field measurements or noise modeling, and to use the Noise Element to address existing and foreseeable noise problems                      "                      and later on there's a section on:                      Goal NOI-3 Minimize noise from mobile sources. (10.6-G4)                      However I did not see any policy or actions to achieve that target.</p>	<p>pollution in urban and suburban settings is an inevitable aspect of modern living, for which total or even near-total avoidance is not practicable. Vacaville, along with hundreds of other California communities, has decided, through the General Plan update process, that the noise compatibility standards contained in General Plan Table NOI-3 and Draft EIR Table 4.11-8 are a reasonable balance between enduring the noise that comes along with economic and social activity, and protecting the overall health, safety, and peace of the general population. Therefore, the indicated noise level ranges represent a prudent compromise regarding noise and land use compatibility.</p> <p>The comment notes that the General Plan should provide policies and actions to minimize noise exposure, but does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Note that the proposed General Plan includes four policies (Policies NOI-P3.1 through NOI-P3.4) and one action (Action NOI-A3.1) that aim to minimize noise from mobile sources. The City will follow these policies during the review of new development projects as the method of minimizing noise exposure.</p> <p>The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter</p>
40-5		<p>I would expect to see included:                      ----Non-commercial traffic noise abatement goals, such as, traffic calming intersections, such a roundabouts, for example Wrentham is not an artial and has a posted speed of 25 Mph and has a major Elementary School in its midst. Traffic generally flows at 35-40 mph done the street with safety concerns. The radar activated sign near the school property helps, but drivers are compensating by increasing speeds just before and after the sign. There is seldom driver response of slowing down when there are children on their way to the school. Not suggesting speed bumps, unless they are included in the plan as a temporary budget saving major until permanent solution is in place. Better is a roundabout or funneled roadways [A funneled roadway is where the lane is "squeezed" by concrete/shrub plan-</p>	<p>The issues raised by this comment deal with either (a) existing conditions on specific roadways or (b) suggested methods for how the commenter would propose to improve traffic flows on certain streets. Please see the proposed General Plan policies and actions under Goals TR-6 and TR-9 for a description of how the City will address traffic calming and planning for safe streets. The Draft EIR noise analysis considered the proposed Project in combination with these existing conditions, and identified mitigation measures that would mitigate all potential noise impacts to a less-than-significant level. Therefore, additional mitigation is not necessary. Further, the conditions and suggested improvements are under the purview of the City's existing Traffic Calming Ordinance, which, as described in proposed General Plan Action TR-A6.1, will be re-evaluated and updated to slow traffic on local roads and redirect through traffic.</p>

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#	Date	Comment	Response
		nings that eliminate the parking lanes for 15 feet and the roadway at this point has only the width of the traffic lane.] Speed bumps cannot be a satisfactory solution because they create serious safety issues for bicyclists. Ideal locations for roundabouts would be Wrentham--Grey Eagle, and Wrentham--Clarescastle.	
40-6		---incentives for all residential properties to have trees in their front yards for both noise mitigation and air purification.	See the response to comment 40-5. From a technical standpoint, trees in front yards may provide some benefit in terms of air purification (an air quality issue); however such tree configurations would yield negligible benefits for noise mitigation and are not a practical solution for reducing roadway noise. See Chapter 4.11 of the Draft EIR for a discussion of methods to reduce traffic noise impacts on residential properties.
40-7		---a city forestry resource of climate recommended trees and shrubs for the front yards, including xeriscape recommendations.	See the response to comment 40-6. In addition, the draft ECAS contains strategies to improve the use of tree shading through measures GB-2, GB-5, and EC-3, and the draft General Plan Conservation and Open Space Element includes Policies COS-P1.4, COS-P1.6 through COS-P1.8, and COS-P1.14, as well as Actions COS-A1.2 through COS-A1.4 and COS-A1.7 through COS-A1.10, which outline the City's tree protection and planting policies.
40-8		---increased promotion of alternative transportation. For example, a target percentage of business units that have bicycle storage lockers available for rental. There is really no gain in firing up the SUV to go get a bottle of milk, when we could combine shopping and fitness by cycling for quick item pickups.	See the response to comment 40-5. In addition, the proposed General Plan and ECAS include policies, actions, and measures to promote alternative transportation; see the policies and actions under proposed General Plan Goals TR-7 through TR-11 and the transportation measures in the proposed ECAS.
40-9		<b>4-Mobility enhancements</b> This is a section I may have missed, but with the population aging it would make sense to adjust new driveway standards. Currently the slope angle seems to be determined as what angle is best for drainage. However, requiring steeper slopes makes vehicle entry/exit difficult for elderly and mobility impaired as the doors are pushing too hard. Recommendation is to adjust the required slope to either A-- the minimum needed for drainage, or B -- a vehicle sized driveway segment that is fairly flat so the needs of drainage and easier vehicle access are met.	The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. However, the comment does focus on a development standards issue that the City could address further as part of the implementation of the General Plan. Policies and actions under Goal TR-9 in the proposed General Plan Transportation Element address ADA accessibility and accessibility for the elderly. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
		Thank you for considering my observations	

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
41	12/17/2013	R. Clark Morrison, Cox, Castle & Nicholson LLP. December 17, 2013.	
41-1		<p>On behalf of the Jepson Ranch Landowners Group ("JPLG"), the members of which collectively own or control approximately 1,182.51 acres of land located East of Leisure Town Road (the "ELTR Area") and 331.84 acres of land located in the Northeast Growth Area (the "NE Area"), we submit these comments on the October 25 public review draft of the City of Vacaville General Plan (the "Draft General Plan") and the draft environmental impact report prepared in connection therewith (the "DEIR").</p> <p>We appreciate the opportunity to review and comment on the Draft General Plan and DEIR. Our comments, which are set forth below, address questions related to (1) land use policy, (2) agricultural policy, and (3) biological resource mitigation.</p>	This comment serves as an introductory statement. No response is required.
41-2		<p>A. <u>Land Use Policy</u>                      1. <u>Policies for New Growth Areas.</u>                      On December 8, 2011, the Vacaville City Council, with the support of the JRLG, identified a preferred land use alternative for the Draft General Plan. We are pleased to see this alternative reflected in the General Plan. And we further support the use of multiple specific plans within the new growth areas to facilitate the rational planning of land use and infrastructure development (although we note that Figure LU-2 should be clarified as it tends to suggest that there would be only a single specific plan for each new growth area, which is not consistent with the language of the policies under Goal LU-17).</p>	The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
41-3		<p>Policy LU-P17-6 is intended to communicate that the DEIR assumes that, by 2035 (the horizon year of the Draft General Plan), the ELTR Area will not have reached full build-out (i.e., that 2,340 residential units and 12 acres of commercial space will have been developed) and that virtually no commercial development would occur in the NE Area. And it correctly states, at least in general, that development exceeding these assumptions would require additional environmental review under CEQA. We do believe, however, that this language- and the associated language in the Draft EIR -- requires a few basic clarifications, as follows:                      a. <u>Development Assumptions.</u>                      The Draft General Plan should be clear that the numbers assumed for</p>	The numbers assumed for growth in Policy LU-P17.6, as well as in Policies LU-P17.7 and LU-P3.1, identify the amount of development evaluated by the Project Draft EIR. All development within the new growth areas will be subject to project-specific environmental analysis. These environmental analyses may tier from the General Plan and ECAS EIR. However, prior to approval of development beyond the projected development amounts evaluated in the Project Draft EIR, additional environmental analysis must address any changes to the General Plan buildout assumptions, consistent with CEQA and the CEQA Guidelines. The comment is correct that a General Plan Amendment would not be required for development that exceeds the amount of development evaluated by the Project EIR, as long as it is otherwise consistent with the General Plan.

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#	Date	Comment	Response
		<p>growth under Policy LU-P17 -6 do not represent a cap or maximum permitted density or building intensity. The General Plan EIR projects that the City will have 9,680 new dwelling units and 1 million square feet of new commercial development in 2035. Therefore, development beyond the stated 2,340 units and 160,000 square feet of commercial development projected by the General Plan EIR in the EL TR Area (and any commercial development in the NE Area) would not require a general plan amendment if this subset of development exceeds the EIR's projection for the new growth areas.</p>	<p>The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 41-5.</p>
41-4		<p><u>b. CEQA Requirements.</u></p> <p>In some instances, the language under LU-P17.6 and LU P17.7 may not correctly reflect the requirements of CEQA. For example, when the first specific plan for the ELTR Area is submitted for review, that specific plan may need to assume growth in the ELTR Area beyond the thresholds described under LU-P17.6 in order to appropriately size major infrastructure. Thus, rather than say that additional environmental review will be required only for those plans calling for growth that, cumulatively, exceeds the DEIR's assumptions, the City should require environmental review for any development in the EL TR Area and the NE Area to the extent required under the relevant provisions of CEQA (e.g., Section 21166 and related guidelines).</p> <p>These provisions of CEQA require an individualized determination, at the time of initial study, as to the scope of any needed environmental review in light of, among other things, (i) the assumptions in the EIR prepared for the general plan, (ii) changed circumstances, and (iii) new information. In our view, the language of Policy LU-P17.6 and LU-P17.7 should be modified simply to say that the City will conduct the appropriate scoping at the time of initial study for any specific plan, all in accordance with these requirements.</p>	<p>While the comment is correct that CEQA requires an individualized determination at the time of initial study as to the scope of needed environmental review, which would consider the General Plan EIR assumptions, the City believes that it is important to keep proposed General Plan Policies LU-P17.6 and LU-P17.7, as well as Policy LU-P3.1, which, combined, identify the amount of development that can occur within the city before additional environmental analysis is required to evaluate development levels beyond the amount of development projected and evaluated by the General Plan EIR. By establishing this limitation, the "whole of the project" that is evaluated in this EIR is limited to a reasonable amount of development that is anticipated to occur under this General Plan, as explained in Master Response Number 3 regarding development projections in Section A of this chapter. Furthermore, because the East of Leisure Town Road and Northeast Growth Areas would represent a significant part of the development capacity of the proposed General Plan, individual limitations on development in these two areas are provided through the two cited policies to help ensure that future development that relies on this EIR analysis is consistent with what was evaluated in this EIR.</p> <p>However, in response to this comment, Policies LU-P3.1, LU-P17.6, and LU-P17.7 have been amended to include the following additional language: "This does not preclude the City, as lead agency, from determining that an EIR would be required for any development in the [Urban Growth Boundary, East of Leisure Town Road Growth Area, or Northeast Growth Area, respectively for each policy] to the extent required under the relevant provisions of CEQA (e.g. Section 21166 and related guidelines). The City will conduct the appropriate scoping at the time of initial study for any specific plan, all in accordance with these requirements."</p>
41-5		<p><u>c. Phasing of Development.</u></p> <p>We are quite concerned that the "Project Description" in the DEIR contains information purporting to show where, within the ELTR Area and NE Area, growth will occur or be approved prior to 2035. See, e.g.,</p>	<p>Some of the quantitative analyses, including the traffic model and the other analyses that rely on the traffic model results (air pollutant emissions, GHG emissions, and roadway noise) require an estimate about the locations of future development. As described in Master Response Number 3 regarding development projections in Sec-</p>

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#	Date	Comment	Response
		<p>DEIR Figure 3-6 and Table 3-3. Although this information apparently is intended to be illustrative only, from a CEQA perspective it would tend to suggest that a complete environmental review will be required for any development that occurs within the areas not assumed for development under these figures and tables. Moreover, these figures might tend to further the incorrect notion that a general plan amendment would be required either for development that exceeds the thresholds identified in Policy LU P17-6, or any development below that threshold that is not assumed for development in the DEIR's "Project Description."</p>	<p>tion A of this chapter, the quantitative analyses are based on a horizon-year development projection; therefore, the analysis needed to distribute the projected horizon-year development geographically since the horizon-year scenario assumes that not all areas designated for development on the General Plan land use map would actually develop by 2035. The factors used to distribute the horizon-year projection are described on pages 3-46 and 3-47 of the Draft EIR.</p> <p>The comment is correct that the assumed locations of horizon-year development shown in Figure 3-6 and Table 3-3 are illustrative only. This information was provided only to help the reader better understand the assumptions that underlie the analysis. The locations of the projected horizon-year development form the basis for the environmental assessment, but they do not restrict or specify the actual physical location of future development that will be permitted under the proposed General Plan. This is clearly stated on page 3-34 of the Draft EIR, as is the fact that the assumed locations for future development are in no way "pre-cleared" for development, and the CEQA review for locations that are excluded from the horizon-year projection would be the same as for those that are included. Furthermore, a General Plan Amendment would not be required to develop on parcels that were excluded from the horizon-year projection, as long as the development is consistent with the General Plan land use map, nor would a General Plan Amendment be required for development that exceeds the thresholds identified in Policies LU-P3.1, LU-P17.6, or LU-P17.7. These policies state that additional environmental review would be required prior to development beyond these thresholds that addresses changes to the General Plan buildout projections, but do not state that a General Plan Amendment would be necessary. A project that is otherwise consistent with the General Plan would not require a General Plan Amendment.</p> <p>In response to the concerns outlined in this comment, Figure 3-6 from the Draft EIR has been revised to include a note summarizing the points above, as shown in Chapter 3 of this Final EIR.</p>
41-6		<p>The approval and development of projects within the ELTR Area and NE Area should be guided by market forces and opportunities and constraints relative to the construction of public infrastructure and facilities. To our knowledge, the information in Figure 3-6 and Table 3-3 do not take these factors into consideration, nor could they given the limited information available to us today. Accordingly, we recommend that they be deleted from the DEIR, along with any appropriate text modifications.</p>	<p>As described on page 3-47 of the Draft EIR, in determining how to distribute the planning period development, the horizon-year projection considered the likelihood of development on sites with development capacity based on the following factors:</p> <ul style="list-style-type: none"> <li>-Existing development entitlements</li> <li>-Developer interest</li> <li>-Site characteristics, such as access to transportation and infrastructure, local competition, and market demand</li> </ul>

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41-7		<p>It is somewhat troubling to the JRLG that development within the ELTR Area and NE Area is limited by the absorption assumptions stated in LU P17-6 and LU P17-6, a treatment that is not applied to other development within the Draft General Plan or regional growth in general. But we do understand the need for growth assumptions associated with the 2035 horizon year. We just believe that, as currently drafted, these growth assumptions might improperly be applied in the future as actual regulatory constraints on entitlements or actual development or the phasing thereof.</p>	<p>While the comment is correct that it is difficult to predict information about future public infrastructure and market demands, some general assumptions can be made based on the locations of sites and information known at this time. As explained in the response to comment 41-5, the Draft EIR analysis necessitated that the projected horizon-year development be distributed geographically throughout the city, so assumptions had to be made based on available information at this time. As clearly stated on page 3-34 of the Draft EIR, the approach for distributing horizon year development throughout the Study Area does not restrict future development to those areas where development was assigned for the purposes of the quantitative analyses. Figure 3-6 and Table 3-3 are crucial for the disclosure of the methodology in the Draft EIR and are not deleted by this Final EIR.</p> <p>See also the response to comment 41-5.</p> <p>Proposed General Plan Policy LU-P3.1 establishes a similar limitation on future development without additional environmental review for the rest of the city outside of the East of Leisure Town Road and Northeast Growth Areas. See also the response to comment 41-4.</p>
41-8		<p>d. <u>Commercial Development</u>                      We are concerned about Action LU-A17 -3, which calls for an amendment to the City Gateways Design Master Plan to "address billboard development" in the NE Area. The Draft General Plan does not provide any associated policy guidance for this action, thus deferring the question entirely to a future master plan amendment. We would appreciate some discussion with the City about what is intended here, as we believe any billboard issues can and should be addressed through the specific plan process.</p> <p>We also have concerns that the Draft General Plan's policies and action items related to commercial uses may be overly restrictive and may unnecessarily foreclose successful new commercial and mixed-use developments. Restricting commercial uses in new residential areas may also impact the livability and attractiveness of new residential development. We request the following revisions be made to provide more flexibility in</p>	<p>The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>



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#	Date	Comment	Response
		<p>the determination in whether a specific commercial development is appropriate for a specific location:</p> <p>Policy LU-Pl3.8 <u>Locate appropriately-scaled commercial centers with reasonable access to the residential neighborhoods they serve. Regional commercial centers should be located at sites that would provide adequate access, circulation, and visibility to draw customers from a broad geographic area. Provide new commercial sites in new residential areas only in proportion to additional demand so that existing sites are not abandoned.</u> (2.6 G 1 0)</p> <p>Action LU-A13.2 <u>Revise the Land Use and Development Code to set specific limits on the size of neighborhood shopping centers to preserve opportunities for local serving businesses and to exclude region serving stores likely to generate high traffic volumes. Require increased setbacks from residential neighborhoods.</u> (2.6 15)</p> <p>Action LU-A13.3 <u>Revise the Land Use and Development Code to define competing neighborhood commercial uses, and to outline the development review process applicable to addressing commercial development proposals including competing land uses appropriate siting standards.</u></p> <p><u>c. Priority Development Areas.</u>                      Page LU-47 and 48 of the Draft General Plan contain narrative regarding priority development areas identified by ABAG for the Allison Policy Plan and Downtown Vacaville. We believe this text should be moved to its more appropriate location under Goal LU-18. It is currently located under Goal LU-17.</p> <p><u>B. Agricultural Policy.</u>                      Under Goal LU-5 (Maintain the City's Urban Growth Boundary), the Draft General Plan identifies a number of agricultural protection policies that were adopted by the voters in connection with their adoption of the City's urban growth boundary. Under Goal LU-4, the Draft General Plan contains one policy (LU-P2.4), that is more restrictive than those contains under Goal LU-5 in that, among other things, it does not provide for an agricultural in lieu fee. Please modify LU-P2.4 to be consistent with the Draft General Plan's other policies on agricultural protection.</p>	

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#	Date	Comment	Response
41-9		<p><u>C. Biological Resource Mitigation.</u>                      The draft Solano HCP has been in preparation for several years. Although the HCP contains a great deal of helpful biological data, it has not been finalized, reviewed under CEPA or NEPA, or adopted by any agency with appropriate implementing agreements or established governance structure. We believe it is therefore inappropriate to defer to the mitigation policies contained in that draft plan, particularly given that these policies are still subject to change during the public review process. Moreover, the building industry and other private development interests have expressed concern about the feasibility of the policies contained in the Draft HCP.</p>	See the response to comment 13-50.
41-10		<p>We would strongly recommend removing Policy COS-P1.12 and Action COS-A1-1 from the Draft General Plan. Policy COS-P1.12, which requires landowners to comply with all of the avoidance and minimization measures contained in the HCP, should be replaced with a policy requiring that the resource management components of future specific plans (Policy COS-P1.11) be prepared in a manner that satisfies the applicable performance standards established under, e.g., the Federal Clean Water Act ("no net loss"), the California Endangered Species Act ("minimization and mitigation to the maximum extent practicable") and Federal Endangered Species Act ("FESA") (either "no jeopardy" or the standards established under Section 10 of FESA, as applicable). These performance standards can be used under CEQA to evaluate the biological impacts of development under the general plan without deferring to a planning tool (i.e., the HCP) that does not yet exist.</p>	See the response to comment 13-50. As noted in that response, Policy COS-P1.12 essentially implements and acknowledges the City's obligation to avoid, minimize, and mitigate impacts to threatened and endangered species, as required by the interim measures under the U.S. Fish and Wildlife Service Biological Opinion for the Solano Project Water Contract renewal with the Bureau of Reclamation. Action COS-A1.1 further acknowledges the City's obligations under the Solano Project Water Contract. The Solano HCP has been expanded in scope to include State-listed threatened and endangered species as well as numerous other special-status species and their associated habitats within the Solano County that were not required to be addressed under the contract renewal. This expansion is designed to comprehensively address the California Endangered Species Act, CEQA, and Clean Water Act requirements. Even though the Solano HCP has not been formally adopted, it represents the most comprehensive and currently accepted document to promote conservation of threatened and endangered species, and the natural communities on which they depend, in EIR Study Area.
41-11		<p>We also strongly suggest removing any requirement that, in the event permits are not required, "verifiable statements" be provided by USFWS and CDFG [sic] prior to receiving "grading permits or other approvals" (e.g., specific plans) that would permit any land disturbing activity, habitat conversion or other impact to protected species. Given the workload and very limited staffing of these state and federal agencies, such "verifiable statements" can be extremely difficult and time-consuming (if not impossible) to secure, even in cases where there is no question about whether a permit is required. Moreover, in some instances (e.g., relative to streambed alteration agreements under Section 1602 of the Fish and Game Code), it is state policy to require the submission of actual permit applications (and payment of fees) before CDFW will determine whether or not a permit is required.</p>	The requirements under Policy COS-P1.12 for providing permits or requiring verifiable statements that no permits are required from the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service are included, in part, to fulfill the City's obligations under the interim measures under the Solano Project Biological Opinion. Additionally, City staff generally does not have the in-depth technical expertise to determine compliance with State and federal endangered species act requirements, as suggested by the comment. Reliance on consultation with qualified biologists for determining compliance can also be problematic as the City encounters differences of opinion with respect to the need for appropriate permits. However, the City recognizes that it can be difficult to obtain "no permit required" statements for these agencies. While it is important to include this consultation measure, Policy COS-P1.12 has been revised to allow the Community Development Director to establish reasonable time limits for response from the agencies. Specifically, the following has

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		<p>Most significantly, it is commonplace for CDFW or USFWS personnel to decline "no permit required" statements until protocol surveys have been completed and, in many instances, even where protocol surveys have been completed with negative results. This is not due to any particular malfeasance on the part of agency personnel, but rather because in most cases it is impossible to provide a biological negative with 100 percent certainty. Thus, the agencies are reluctant to issue such statements, in recognition that the risk of compliance is to be shouldered by individual landowners.</p>	<p>been added to the end of Policy COS-P1.12: "In cases where environmental review indicates that such permits may not be required, the Community Development Director may establish time limits of not less than 45 days from the submission of an adequate request for concurrence response from an agency. If the agency has not responded, or requested a time extension of no more than 90 days to complete their assessment, within the established time frame, applicable grading permits or other authorizations shall be provided, subject to other City requirements and review."</p>
		<p>Given that the case law under CEQA has clearly established that municipal lead agencies are fully authorized to make their own determinations about the impacts of particular activities (see, e.g., Ass'n of Irrigated Residents v. County of Madera (2003) 107 Cal.App.4th 1383) we believe that any permitting requirements should be determined at the specific plan stage in consultation with qualified biologists.</p>	
41-12		<p><b>D. Other Comments.</b>                      We appreciate the opportunity to comment on the Draft General Plan and DEIR. Attached to this letter as <u>Exhibit A</u> are additional technical comments related to the policy concerns expressed above. We look forward to meeting with the City in the coming months to address these and any other issues or questions and will likely have additional comments on the Draft General Plan as the update process progresses.</p>	<p>The attachment to the letter 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.</p>
41-13		<p><b>Exhibit A</b>  <b>Specific Plans</b>                      In order to harmonize the General Plan's intent regarding specific plans with the City's obligations under CEQA, we recommend the following revision on Draft General Plan p. LU-7.</p> <p>Future specific plans must include a diagram showing the distribution of land uses; define permitted and conditionally permitted land uses; identify major public facilities, including roads, water, sewer and drainage facilities, schools, and parks; describe phasing; identify infrastructure financing mechanisms; and describe any other elements that may be needed to ensure an orderly development process <del>with minimal adverse impacts</del> <u>that minimizes significant adverse environmental impacts to the extent feasible.</u></p>	<p>The attachment to the letter 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. The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>And amend General Plan Policy LU.17 .2 as follows:</p> <p>Require that specific plans for the East of Leisure Town Road and Northeast Growth Areas include a diagram showing the distribution of land uses and define permitted and conditionally permitted land uses, major public facilities (including schools, parks, roads, and water, sewer, and drainage facilities), phasing, infrastructure financing mechanisms, interim fire protection measures, and any other elements that may be needed to ensure an orderly development process <del>with minimal adverse impacts that minimizes significant adverse environmental impacts to the extent feasible</del> to the existing community.</p> <p><b>Master Water Agreement</b>                      To clarify that a general plan amendment would not be required if the Master Water Agreement is amended, we recommend the following revision to Policy LU-P3.3:</p> <p><u>Provide urban services</u> in accordance with the May 1995 City of Vacaville/Solano Irrigation District Master Water Agreement, <del>provide urban services only to development within the Urban Service Area Boundary, which is shown in Figure LU-3, as it may be amended from time to time. (2.2-11)</del></p>	
41-14		<p><b>Solano HCP</b>                      Because the Draft HCP has not been adopted and may be substantially modified prior to final approval, we recommend the following revisions be made to the Draft EIR:</p> <p>4.10-26                      Revise discussion of draft HCP to conform with revisions to draft General Plan Policy COSP.1.12 and Action COS-A1-1.</p> <p>4.4-49                      Result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans <del>(including the current Draft of the Solano HCP)</del>, policies, regulations, or by the CDFG or USFWS.</p>	<p>See the responses to comments 13-50, 41-10, and 41-11. As explained in those responses, the City disagrees with the commenter's suggestions to remove Policy COS-P1.12 and Action COS-A1.1. Therefore, Draft EIR revisions to reflect the removal of the policy and action are not needed. Furthermore, as explained in the response to comment 13-50, reliance on the avoidance, minimization, and mitigation measures in the HCP is valid mitigation for potential impacts on biological resources, so the other suggested edits in this comment are not warranted.</p>

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>4.4-50                      The largest overall effect under the General Plan is the potential conversion of 6,543 acres of habitat areas to more residential, commercial, or industrial uses within the city limits and Urban Growth Boundary (UGB) <del>and with implementation of the avoidance, minimization, and mitigation measures contained within the Solano HCP.</del></p>	
		<p>4.4-51                      a. Result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans <del>(including the current Draft of the Solano HCP)</del>, policies, regulations, or by the CDFG or USFWS.</p>	
		<p>4.4-52                      These impacts would occur within areas <del>proposed to be</del> designated by <u>the current draft</u> of the Solano HCP as medium value conservation areas, low value conservation areas, and isolated wetlands within agricultural areas.</p>	
		<p>4.4-54                      Revise general plan policies and action items to be consistent with proposed general plan revisions.</p>	
		<p>...                      When the Solano HCP is adopted, the City of Vacaville, as a required plan participant, will be required to implement the measures in the Solano HCP, helping to <u>potentially</u> further reduce the projected impacts of implementing the proposed General Plan.</p>	
		<p>4.4-55                      Approximately 33 acres of riparian, stream, and freshwater marsh habitat are anticipated to be impacted with implementation of the relevant General Plan policies and objectives, <del>including implementation of the Solano HCP.</del></p>	
		<p>...</p>	

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>Overall, implementation of the <del>Solano HCP and the</del> proposed General Plan policies and actions, in combination with federal and State laws, would reduce potential impacts to special-status species associated with valley floor grassland and vernal pool habitats to a less-than-significant level.</p>	
		<p>Indirect effects to riparian, stream, and freshwater marsh habitat include changes in channel morphology (e.g. down-cutting and bank erosion) from increased peak and base flows. If the <u>General Plan policies and actions avoidance and minimization measures and conservation measures in the Solano HCP are implemented</u>, they will maintain peak and base flows by establishing buffers and detention basins and will result in substantial riparian and stream restoration. In addition, <del>and</del> the buffers required by Section 14.12.174.050 of the Vacaville Land Use and Development Code would protect the re-maining riparian resources, channel morphology, and the quality of in-stream habitat.</p>	
		<p>4.4-56-57                      Revise general plan policies and action items to be consistent with proposed general plan revisions.</p>	
		<p>4.4-58                      In addition, as described in Section D.1.a.i.d, the City of Vacaville, as a required plan participant of the Solano HCP, will implement the measures in the Solano HCP, which will <u>potentially</u> further mitigate potential impacts of the proposed project. <u>Even without adoption of the Solano HCP</u>, <del>Therefore</del>, implementation of the Solano HCP and the proposed General Plan and ECAS policies, actions, and measures, in combination with federal and State laws, would reduce potential impacts to special-status species associated with riparian, stream, and freshwater marsh habitats to a less-than-significant level.</p>	
		<p>In addition, as described in Section D.1.a.i.d, the City of Vacaville, as a required plan participant of the Solano HCP, will implement the measures in the Solano HCP, which will <u>potentially</u> further mitigate potential impacts of the proposed project. <del>Therefore</del>, <u>Even without adoption of the Solano HCP</u>, implementation of the <del>Solano HCP and</del> the proposed General Plan and ECAS policies, actions, and measures, in</p>	

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>combination with federal and State laws, would reduce potential impacts to special-status species associated with riparian, stream, and freshwater marsh habitats to a less-than-significant level.</p>	
		<p>...</p>	
		<p>In addition, as described in Section D.1.a.i.e, the City of Vacaville, as a required plan participant of the Solano HCP, will implement the measures in the Solano HCP, which will <u>potentially</u> further mitigate potential impacts of the proposed project. <u>Even without adoption of the Solano HCP, Therefore, implementation of the Solano HCP and the proposed General Plan and ECAS policies, actions, and measures, in combination with federal and State laws, would reduce potential impacts to Swainson's hawks to a less-than-significant level.</u></p>	
		<p>4.4-59-60                      Therefore, implementation of the <del>Solano HCP and the</del> proposed General Plan policies and actions, in combination with federal and State laws, would reduce potential impacts to burrowing owls to a less-than-significant level.</p>	
		<p>4.4-60                      As with the potential impacts to other special-status species discussed above, implementation of the <del>Solano HCP and the</del> proposed General Plan policies and actions, in combination with federal and State laws, would reduce potential impacts to tricolored blackbirds to a less-than-significant level.</p>	
		<p>4.4-61                      As with the potential impacts to other special-status species discussed above, implementation of the <del>Solano HCP and the</del> proposed General Plan policies and actions, in combination with federal and State laws, would reduce potential impacts to these species to a less-than-significant level.</p>	
		<p>4.4-63                      Therefore, implementation of the <del>Solano HCP and the</del> proposed General Plan policies and actions, in combination with federal and State laws,</p>	

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#	Date	Comment	Response
		would reduce potential impacts to vernal pools and other seasonal wetlands to a less-than-significant level.	
		...	
		Development allowed by the proposed General Plan is estimated to directly impact approximately 33 of the 145 acres of riparian habitats within the EIR Study Area with implementation of the avoidance and minimization requirements <del>currently proposed contained</del> in the Solano HCP.	
		...	
		Also, as described in Section D.1.a.ii, potential indicated impacts on riparian habitat include changes in channel morphology (e.g. down-cutting and bank erosion) from increased peak and base flows. <del>However, If the General Plan policies and actions avoidance and minimization measures and conservation measures in the Solano HCP are implemented, they will maintain peak and base flows by establishing buffers and detention basins and will result in substantial riparian and stream restoration. In addition, and</del> the buffers required by Section 14.12.174.050 of the Vacaville Land Use and Development Code would protect the remaining riparian resources, channel morphology, and the quality of in-stream habitat.	
		4.4-64	
		Therefore, implementation of <del>the Solano HCP and</del> the proposed General Plan policies and actions, in combination with federal and State laws, would reduce potential impacts to riparian habitats to a less-than-significant level.	
		4.4-64	
		In addition, oak woodlands are not <del>proposed to be</del> covered under the Solano HCP.	
		4.4-65	
		Therefore, imple-mentation of the <del>Solano HCP and</del> the proposed General Plan policies and actions, in combina-tion with federal and State	



TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>laws, would reduce potential impacts to vernal pools and other sea-sonal wetlands to a less-than-significant level.</p> <p>...</p> <p>Approximately 33 acres of riparian, stream, and freshwater marsh habitat are anticipated to be impacted with implementation of the relevant General Plan policies and objectives, including implementation of the Solano HCP.</p> <p>...</p> <p>Therefore, implementation of the Solano HCP and the proposed General Plan policies and actions, in combination with federal and State laws, would reduce potential impacts to wetlands to a less-than-significant level.</p> <p>...</p> <p>Therefore, implementation of the Solano HCP and the proposed General Plan policies and actions, in combination with federal and State laws, would reduce potential impacts to wildlife corridors to a less-than-significant level.</p>	
	4.4-67	<p>f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.</p> <p>The Solano HCP is not an adopted conservation plan <u>thus the proposed Project would have no impact related to a conflict with an adopted Habitat Conservation Plan.</u> Nevertheless, the City of Vacaville, being a plan participant, has used the draft plan to develop goals, policies, and actions, such that the proposed General Plan will be consistent with the HCP once it is adopted. Specifically, Policy COS-P1.1 supports efforts to prepare and implement the HCP, and Action COS A1.1 directs the City to adopt and implement the requirements of the HCP. This policy and action would mitigate potential impacts related to conflicts with an</p>	

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#	Date	Comment	Response
		adopted HCP to a less than significant level.	
		4.4-68 As directed by the proposed Policy COS-P1.1 and Action COS-A1.1, the City of Vacaville, as a required plan participant, will implement the measures in the Solano HCP, Implementation of the proposed General Plan and ECAS policies, actions, and measures, in combination with federal and State laws, would reduce the proposed General Plan's contribution to the cumulative impacts of this loss/conversion of habitats for the anticipated development within the county to a less-than-significant level.	
42	12/17/2013	Bob Panzer. 572 Arlene Drive, Vacaville, CA 95688. December 17, 2013.	
42-1		Role of the City Council: Invest our resources to maintain or even improve our quality of life in Vacaville.  How does the proposed General Plan accomplish this objective?  1. Aren't cities planning to locate jobs and housing in the same area, thereby reducing the need for new housing units requiring long commutes and increased traffic congestion?	The comment implies that the land use mix in the proposed General Plan will cause longer commute trips and increased traffic congestion. See the analysis of impacts related to commutes and traffic congestion in Chapter 4.14 of the Draft EIR. In addition, see the transportation and traffic analysis of the Focused Growth Alternative on pages 5-23 to 5-24 of the Draft EIR, which shows that a land use map with less and more focused development potential would have substantially reduced impacts related to transportation and traffic.  The comment does not identify a specific concern regarding the adequacy of the Draft EIR. It is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits and Master Response Number 5 regarding land use alternatives, in Section A of this chapter.
42-2		2. Aren't the demographics calling for upscale housing units showing a trend toward smaller units, which meet the needs of smaller families and an aging population no longer needing large homes? With nearly 5,000 units already approved in North Village, Southtown, Vanden Meadows, Brighton Landing and Lagoon Valley, how can an additional 5,000 units be justified?	The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. For an explanation of the assumptions and process used to estimate future development under the proposed General Plan, see pages 3-31 to 3-51 of the Draft EIR; assumptions regarding existing approved projects are summarized in Table 3-3. Please also see Master Response Number 1 regarding Project merits, in Section A of this chapter. The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue.
42-3		3. Aren't we missing an opportunity to invest in downtown infilling of residential properties, which can enhance the small-town atmosphere we find attractive about Vacaville?	Master Response Number 5 regarding land use alternatives, in Section A of this chapter, describes how the Focused Growth Alternative considered an infill-focused alternative to the proposed Project. Please see Chapter 5 of the Draft EIR for an analysis of the impacts of the EIR alternatives. The comment is acknowledged and will be

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		<p>4. Does the Council figure that the revenue raised from residential development will offset the costs we can expect? Will the projection of businesses coming to Vacaville justify this major development?</p> <p>In conclusion, I ask the members of this Council to consider this General Plan in the context of how it will maintain or improve our quality of life?</p>	<p>forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please also see Master Response Number 1 regarding Project merits, in Section A of this chapter. The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue.</p>
43	12/18/2013	Ellie Bush. epbdvm@aol.com. December 18, 2013.	
43-1		<p>Message: I do not understand the projected public school numbers in the draft envi. plan. It seem to me that adding 25000 new residents would overcrowd the current middle and high school facilities, necessitating the construction of a new public middle and high school.</p> <p>In the report, the student numbers are not projected to significantly increase, despite the increase in population and therefore no middle or high schools are proposed, even though new elementary schools are in the plan.</p> <p>This does not seem realistic to me.</p>	<p>Impacts to schools are discussed in Chapter 4.13, Public Services and Recreation, of the Draft EIR, and are based on factual data prepared by the Vacaville Unified School District (VUSD), Travis Unified School District (TUSD), Dixon Unified School District (DUSD), and Fairfield-Suisun Unified School District (FSUSD), which are all of the districts that are potentially affected by growth within the EIR Study Area. Anticipated new students generated by development allowed by the proposed General Plan are reported in Tables 4.13-8, 4.13-9, and 4.13-10; throughout all school districts, the total student population increase is expected to be 4,415. The proposed General Plan identifies locations for new schools (see Figure 4.13-3 of the Draft EIR). The impact discussion discloses that the planned school sites would provide adequate capacity for the number of students projected by the school districts (see pages 4.13-28 through 32 of the Draft EIR)). The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p>
44	12/18/2013	Karen Cook. kyccing@yahoo.com. December 18, 2013.	
44-1		<p>As a resident of Vacaville I am adamantly against the proposed plan to develop the land east of town. We do not want to be like all of the other sprawling California suburban cities. We do not need urban sprawl!</p> <p>And, we have enough houses already! We do not need more houses that will bring down the value (further) of what we already have.</p>	<p>This comment states a preference for no growth east of Leisure Town Road. Chapter 5 of the Draft EIR addresses alternatives, including a Focused Growth Alternative that designates a smaller area for development east of Leisure Town Road. The comment does not identify concerns regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>
45	12/18/2013	Jennifer Darcangelo, Vacaville resident. jdarc623@yahoo.com. December 18, 2013.	
45-1		<p>I was able to review the Draft General Plan Update and the Draft EIR online, and I have one question pertaining to Native American consultation. it does appear that your consultant reached out the the California Native American Heritage Commission for a review of their Sacred</p>	<p>The City has notified Native American tribes of the opportunity to consult with or provide comment on protecting or mitigating impacts to traditional tribal cultural places within the General Plan area, per the requirements of Government Code Section 65352.3, the regulations that implement the consultation provisions of Senate Bill</p>

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#	Date	Comment	Response
		Lands files. Per their letter dated February 15, 2011, has the City conducted specific Native American consultation per California Government Code Section 65352.3 (SB 18 consultation)? I did not see any specific correspondence to Tribes in addition to the NAHC letters. Thanks,	18. As part of this outreach, on February 4 and 5, 2014, the City distributed copies of the Draft General Plan as a basis for pursuing consultation with those tribal entities that elect to affirmatively participate in the consultation.
46	12/18/2013	Steven and Ellen Fawl. 6708 Willow Road, Vacaville, CA 95687. December 18, 2013.	
46-1		I am a resident of Vacaville and live in the Locke Paddon area. Based on my understanding of the General Plan, the Locke Paddon Colony and Horse Creek will be greatly impacted by the surrounding General Plan Updates. We do not believe this has been adequately addressed in the EIR.	This comment serves as an introduction to the comments that follow. See the responses to comments 46-2 through 46-9 regarding impacts to the Locke Paddon Colony and Horse Creek.
46-2		Regarding the preservation of creeks in the Vacaville general plan; we believe that Horse Creek and its riparian pathways have not been adequately assessed by the EIR, nor does the EIR address the true extent of the wildlife in this creek. Over the course of the General Plan Update, the development community has referred to Horse Creek as "a ditch that runs around the back of the Locke Paddon Colony." Nothing could be further from the truth. Horse Creek has been listed as a legitimate creek in all of the Vacaville General Plans and continues to be designated in the current plan. Locals have found migrating steelhead salmon and sightings of river otters but no photographic evidence has been obtained to this point. Lack of photographic evidence should not be determinative of the existence of such important and unique types of wildlife in a setting so close to urban areas. This is part of what makes Vacaville unique and keeps the small town feeling in our City's General Plan Update. To the extent that we have been able to document some of the charm and the unique wildlife elements of the Locke Paddon Colony and specifically Horse Creek, we have submitted three videos as evidence.	See the responses to comments 13-42 and 13-43 regarding the assessment of baseline biological resources and the programmatic nature of this EIR with respect to biological resources. Potential impacts on riparian corridors and associated species are discussed on pages 4.4-55 to 4.4-58 and 4.4-63 to 4.4-64 of the Draft EIR.
46-3		Regarding the traffic impacts to the Locke Paddon Colony (The Colony) and its sister neighborhoods; the DEIR does not address this area and only mentions them as "Analyzed for Future Conditions Only." This is a woeful omission from the DEIR. As shown at the Steering Committee Meetings, the impact on this area will be significant. With the proposed increase in traffic and lower level of service on Leisure Town Road, travelers will be looking for a way around the traffic gridlock. As a consequence, Walnut, Maple, Poplar and in particular, Willow Road will have greatly increased traffic congestion. These roads are rural at best and	Future traffic operations affecting Locke Paddon are represented throughout the Draft EIR's traffic analysis through the analysis of traffic operations at the adjacent intersections of Leisure Town Road at Gilley Way and at Sequoia Drive, and at the intersections of Walnut Road with Orange Drive and Willow Road. The commenter's assumption that traffic volumes on roads adjacent to the Locke Paddon Colony would increase is not supported by the analysis. The planned Orange Drive extension to Weber Road is projected to carry the majority of the traffic between Leisure Town Road and the Northeast Growth Area, and its design as a multiple-lane arterial roadway would make it more attractive to drivers than the existing narrow, local two-lane

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#	Date	Comment	Response
		essentially single lane in some areas and cannot adequately handle an increase in traffic flow. This was pointed out in detail at the Steering Committee Meetings and discussed at length but does not seem to have made it into the DEIR. We believe that this is a negligent omission.	roads. The analysis indicates that the intersections of Walnut Road with Orange Drive and Willow Road, adjacent to the Locke Paddon Colony, would both operate at LOS B or better under 2035 conditions with the Project.
46-4		The projections for level of service were based on the so-called "Horizon Year" rather than Full Buildout. The DEIR does not address the impact that a Full Buildout will have on this area though it is already known that the "Horizon Year" projection for Leisure Town Road places the LOS at F but this projection only assumes a fractional buildout. When Full Buildout occurs the LOS will be gridlock.	See Master Response Number 3 regarding development projections and Master Response Number 6 regarding the Full Buildout Alternative in Section A of this chapter.
46-5		It is unconscionable that we would not mitigate this level of service by reducing the number and size of new construction in this area. Rather than the proposed buildout of 5000 or more homes, the General Plan should encourage lower density housing in the East of Leisure Town area that is in keeping with the flavor of the area to the north, the Locke Paddon Colony. Perhaps Rural Residential or Residential Estate zoning would be appropriate for this area rather than the medium to high density zoning that is currently planned.	While, by definition, mitigation may require that changes be made to the proposed Project for purposes of minimizing environmental impacts, the proposed mitigation measures in this EIR 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. Consistent with Section 15126.2 of the CEQA Guidelines, where there are impacts that cannot be avoided without imposing changes to the Project's design, the EIR identifies the impact and the reasons why the Project is being proposed, notwithstanding the impact. Please see Master Response Number 4 regarding mitigation, in Section A of this chapter.
46-6		An important possible mitigation is our willingness to say that no building or limited building might be appropriate. We already know that the planned community to our south in Fairfield will have a deleterious effect on the LOS on Leisure Town Road. I have heard many times that, even if we do nothing, traffic will increase. So, do we give up and march on or do we try to mitigate this problem by attenuating our plan to build in the East of Leisure Town Road area? We have a very clear view of this. We know what is going to happen and we have a chance to fix it, or at least mitigate the problem. We need to reduce the buildout of the East of Leisure Town Road growth area.	While, by definition, mitigation may require that changes be made to the proposed Project for purposes of minimizing environmental impacts, the proposed mitigation measures in this EIR do not alter the description of the Project contained in Chapter 3, entitled "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. Consistent with Section 15126.2 of the CEQA Guidelines, where there are impacts that cannot be avoided without imposing changes to the Project's design, the EIR identifies the impact and the reasons why the Project is being proposed, notwithstanding the impact. Please see Master Response Number 4 regarding mitigation, in Section A of this chapter.
46-7		Regarding the North East Growth area; it is our understanding that this area is essentially unbuildable. The infrastructure needed to support this area will be so expensive that no commercial building would be possible. Apparently, sewage is the main problem. To move the sewage from this area to the south would require a large pump station that is prohibitively expensive (the sewage treatment center us uphill to this proposed commercial center). As a consequence it would take someone with very deep pockets to provide the necessary infrastructure to build in this area. Since	The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

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#	Date	Comment	Response
		properties in this area have already been available for sale for many years with no takers, it seems prudent to abandon the proposed rezoning and keep the current agricultural designation. The recent addition of a successful almond orchard to this North East zone validates the use of this land as profitable agricultural property.	
46-8		<p>Regarding the language and the general tenor of the DEIR; I am very concerned that the language used in the DEIR is so vague as to be meaningless. In particular, I point to the following, (emphasis added)</p> <ul style="list-style-type: none"> <li>• Policy COS-P2.1: "<i>discourages</i> undergrounding of creeks and encourages daylighting of existing culverted creeks." DEIR at 4.1-10.</li> <li>• Policy COS-P2.5: <i>encourages</i> restoration and expansion of riparian and floodplain habitat within channelized streams and flood channels <i>where feasible. Id.</i></li> <li>• Policy COS-P1.1 <i>supports efforts</i> to prepare and implement the HCP. <i>Id.</i> at 4.4-53.</li> <li>• Policy COS-Pl.11 requires that, <i>as appropriate</i>, new policy plans or specific plans contain a resource management component and associated funding mechanisms that includes policies to protect preserved natural communities. <i>Id.</i></li> <li>• Policy COS-P1.3 <i>directs</i> the protection and creation of new wildlife corridors where feasible. <i>Id.</i> at 4.4-56.</li> <li>• Policy COS-P12.3 <i>encourages</i> project designs that protect and improve air quality, and <i>minimize</i> direct and indirect air pollutant emissions by including components that reduce vehicle trips and promote energy efficiency. <i>Id.</i> at 4.3-20.</li> </ul> <p>Discouraging undergrounding of creeks is not a strategy and neither is it mitigation. What it is, is a way to say, "We see the problem and we get to ignore it." In each case you have used words that allow you to ignore the problems these environmental issues raise. You can tell the public that you encouraged, discouraged, supported and directed events where feasible, but it didn't work out so we went ahead with the project. This is not mitigation. There is no consequence. These policies have no teeth. It is disingenuous and counter to the purpose of the EIR.</p>	Please refer to the response to comment 13-10.
46-9		Finally, I want to reiterate my stand on the overall view of the DEIR. The public cannot make an informed choice about the impacts of these	See Master Response Number 3 regarding development projections and Master Response Number 6 regarding the Full Buildout Alternative in Section A of this chapter.

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#	Date	Comment	Response
		developments with incomplete data. Without a clear view of the amount of development allowed by the General Plan and its impact on our city, we have no way of judging the numbers presented to us. Your own documents say that full build out will bring an increased environmental impact in several areas, and in some cases, that impact will be significant. But you also tell us that you do not plan on a full build out. In essence, you are asking us to trust you. The problem is that the General Plan allows you to fully build and as a consequence requires that you do an impact statement on the entire proposed project. This is a legal requirement of CEQA and ignoring it is irresponsible. It is my opinion, and the opinion of others, that either you must scale back the General Plan to match the statements made in the DEIR or you have to expand the DEIR to include the full build out. No other alternative is acceptable.	
47	12/18/2013	Robert Haran. haran4u@sbcglobal.net. December 18, 2013 (1 of 2).	
47-1		Message: My reaction the General Plan is negative. The unsustainable expansion east of Liesure Town Road is unacceptable as is. I would like to see a move toward protecting the agricultural ingredient of the of our town by making the General Plan reflect a more agriculture friendly development and a less subdivision feel. Make the lot's larger and keep the grade A soil available for the future food needs of our community. We have an obligation and a responsibility to preserve this land for food production for this and future generations. If this plan promoted less housing density and more county like lot size, which would keep the land for food cultivation I would be more for supporting the General Plan.	See the responses to comments 13-23 and 48-2.
48	12/18/2013	Robert Haran. Robert.Haran@Nissan-Usa.com. December 18, 2013 (2 of 2).	
48-1		The subdivisions, strip malls, churches, and schools east of Leisure Town Road are ill-conceived and not good for Vacaville as a whole. The City Council would be better served to take visionary approach to the area east of Leisure Town Road, rather than business as usual.	The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
48-2		I would like to see a more sustainable vision for east of Leisure Town Road. The future development for this area would be better suited as larger residential/farm to preserve the agricultural heritage of Vacaville. We have a responsibility to future generations, as well as our own generation to maintain this prime agricultural area.	The commenter requests a revised vision for the area of the proposed Project east of Leisure Town Road and expresses an opinion about the future development in this area, but does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the commenter raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Chapter 5, entitled "Alter-

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#	Date	Comment	Response
48-3		The General Plans Environmental Impact Study underestimate the damage this plan would have on the wild life and the carbon reduction the City will need to meet. If the Environmental Impact Study for the General Plan is followed, the development would not move be approved.	natives to the Proposed Project,” of the Draft EIR for a discussion of alternatives analyzed in the EIR, and Master Response Number 4 regarding mitigation and Master Response Number 5 regarding land use alternatives in Section A of this chapter.  The commenter asserts that the Draft EIR underestimates the impact that the Project would have on wildlife and greenhouse gases, but does not state specifically how these impacts are underestimated. Chapters 4.4 and 4.7 of the Draft EIR contain extensive analyses of biological resources and greenhouse gas impacts associated with the proposed General Plan. The City believes the EIR correctly identifies potential impacts regarding to these topics. Project components and mitigation measures are included to reduce or avoid impacts related to biological resources and greenhouse gases, but the EIR also recognizes that some impacts may be significant. The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See also Master Response Number 2 regarding speculation without substantial evidence, in Section A of this chapter.
48-4		After the City Council approved Brighton Landing subdivision East of Leisure Town Road, two hundred plus acres of prime growing was supposed to be set aside. This plan does not recognize this in its present form. I want to make my opposition to this General Plan as-is for the reasons I have stated in the e-mail.  Please make this email part of the City of Vacaville General Plan EIR comments.	The comment raises an issue regarding mitigation for impacts to agricultural land. Impacts related to agricultural land are discussed on pages 4.2-16 to 4.2-18 of the Draft EIR, which acknowledges that approximately 2,640 acres of farmland of concern, which include Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, would be impacted by the proposed Project. As discussed in the response to comment 13-35, the City has amended Policy LU-P2.4 to require 1:1 mitigation for development of farmlands of concern located anywhere in the General Plan Area.  The comment does not identify a specific concern regarding the adequacy of the Draft EIR. It is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
49	12/18/2013	Vic Jenkins. December 18, 2013	
49-1		I attended the Vacaville Planning Commission meeting held on Tuesday, December 17. This meeting was announced as presenting the final opportunity for citizen input on the Environmental Report to the City Council pertaining to the General Plan Update. I have been following this process with great interest Most of my information has come via the Reporter and friends who have been actively involved in the issues. My intention was not to speak up, but to listen to what others had to say - a wise decision because virtually all of my concerns were addressed by	This comment serves as introductory remarks and does not address the adequacy of the Draft EIR; no response is required.



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#	Date	Comment	Response
		those who had delved much more deeply than I into the voluminous General Plan document.	
49-2		As it turns out, I am not alone in my concerns about current and future development in Vacaville. The primary questions I had going into the meeting were: (1) Can the considerable increase in traffic be accommodated? (2) Is there truly a demand for housing on the scale proposed? (3) Assuming there is such a demand, is it necessary to build on land best suited for agriculture? These questions were posed, or at least alluded to, by a number of articulate and well ... informed members of the community. It became obvious that these questions are not answered by this proposed draft of the Environment Report.	The commenter provides a list of three questions and asserts that these questions are not answered in the Draft EIR. The commenter's first question is a general question about traffic impacts as a result of the proposed Project, but does not refer to a specific concern regarding the adequacy of the Draft EIR nor does it raise a new environmental issue. The commenter is directed to review Chapter 4.14, Traffic and Transportation, of the Draft EIR to address their concerns. As shown in this chapter and summarized in Chapter 2, entitled "Report Summary," of the Draft EIR, some traffic related impacts are less than significant while others are significant and unavoidable. With regards to the commenter's other questions, they do not identify a specific concern regarding the adequacy of the Draft EIR, nor do they raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
49-3		In fact, I was alarmed to discover that the final sentence of the staffs presentation to the Planning Commission read as follows: "Significant and unavoidable impacts are identified in Aesthetics, Agriculture, Air Quality, Biological Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Population and Housing, and Traffic and Transportation." I no longer had only three questions. After three years of inquiry and study are we to conclude that all of these negative impacts are ~unavoidable?" I am now convinced that there is a simple way in which to uavoid" these impacts. Do not build - at least, in the area proposed.	The EIR analyzes the proposed Project, which is the Draft General Plan and ECAS. While, by definition, mitigation may require that changes be made to the proposed Project for purposes of minimizing environmental impacts, the proposed mitigation measures in this EIR do not alter the description of the Project contained in Chapter 3, entitled "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. Consistent with the CEQA Guidelines Section 15126.2, where there are impacts that cannot be avoided without imposing changes to the Project's design, the EIR identifies the impact as significant and unavoidable and the reasons why the Project is being proposed, notwithstanding the impact. The EIR also analyzes three alternatives (i.e. alternative land use plans) to compare the potential impacts between different possible land use maps. Please see Master Response Number 4 regarding mitigation, in Section A of this chapter.
49-4		I could stop there - but won't. Following the public comments, as the Commissioners Were given the opportunity to make their own commentary, Commissioner Johnson chose to give a brief civics lesson, expressing his disappointment that after three years of hard work there would be so much opposition expressed. Commissioner, I am one of those citizens you have not yet seen or heard. My expectation is that in my role as citizen I have a responsibility to elect officials who will represent the interests of their constituents. When I do choose to attend a public meeting where the results of a three year study of Vacaville's future concludes that there a.re ((significant and unavoidable impacts", I have a right to	The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response regarding Project merits, in Section A of this chapter.

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#	Date	Comment	Response
		express my disappointment	
49-5		<p>Disappointed after a three-year study? Do you realize that in 1869, when John Wesley Powell was commissioned by the U. S. government to explore the American west and report as to the feasibility of settlement he reported back that the lack of water and the cyclical weather pattern of drought made settlement and agriculture unfeasible. His report ("A Report on the Lands of the Arid Region of the United States") was published in 1876, after seven years in preparation (incidentally, he managed to make his case in "only" 200 pages). Imagine his disappointment when his recommendations were largely ignored by the government as well as special interests. When faced with the ensuing impact of the so-called westward movement on an environment unsuited for population growth, Powell saw the only recourse to be through developing systems providing irrigation. Since that time, the history of the American west has been largely shaped by efforts to address that underlying issue. If we are to have growth - if we are to plan for that growth - where do get our water?</p> <p>Currently, the prevailing belief among those who study weather patterns is that we are moving into a dry cycle.</p>	<p>The comment expresses concern about water supply, but does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. See page 4.15-21 of the Draft EIR for the water supply analysis. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>
49-6		<p>This is apart from the debate relating to the impact of humans on climate change. It seems to me to be short-sighted, if not irresponsible, to not consider these global and regional considerations in planning for the future. I find it disturbing that a person charged with the responsibility of planning our community's future would state that the only answer to the problems brought about growth (referring to the need for wider, and an increased number, of streets) is more growth. Yet another "unavoidable" impact, I suppose - this one brought about, or so he stated, by the actions of another planning commission -- in this case, the city of Fairfield.</p> <p>A kindred spirit spoke up at the meeting. He was quite eloquent and passionate in stating his love for Vacaville and the quality of life he has experienced during the uquarter century" of his life. I share those same feelings, having moved to Vacaville the year he was born and having spent the greater part of the remaining half-century of my life as a Californian. I am here by choice, and there is no place I would rather be. I am not opposed to growth, but I am opposed to poor choices. I do not</p>	<p>The comment expresses a concern about climate change and about the wisdom of selecting a Project alternative that includes impacts identified as significant and unavoidable, but does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Climate change-related impacts are discussed on pages 4.7-23 to 4.7-28 of the Draft EIR. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Chapter 5 of the Draft EIR for an analysis of the impacts of alternatives to the proposed Project and Master Response Number 1 regarding Project merits, in Section A of this chapter.</p>

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#	Date	Comment	Response
		choose to support a course leading to what is termed unavoidable negative impact.	
50	12/18/2013	Roberto Valdez. roberto58valdez@hotmail.com. December 18, 2013 (1 of 2).	
50-1		General Plan {GP} Draft re: Transportation Section: I prefer more 4 lanes rather than 6 lane roads, guarding from development; more bike lanes/ safe & walking pathways; more mass transit (Bus riders) than vehicle drivers; more walkers than drivers; more alternative-energy vehicles (AV) than gas-guzzlers. Thus, above all, keep Vacaville safe, friendly, and small-town orientated.  Energy and Conservation Action Strategy {ECAS} Draft: I prefer more solar module-usage at individual homes & business buildings rather than large-scaled farms, but proceed with extra caution with regards to wind turbine impacts with regards to natural environment/migratory species. Thus, less greenhouse-gas emissions; please recycle more trash and keep a close eye on local Hay Road landfill.	The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
50-2		Environmental Impact Report (EIR) Draft re: Conservation Action: Please treasure wildlife species & critical habitats in/around Vacaville; save Lagoon Valley Park, Lake, & Pond as well as Pen a Adobe Historic Site, i. e., all Vacaville-Fairfield Greenbelt & agricultural farm buffers; more city parks; respect, honor sacred sites of decimated Malaka people of South Patwin Tribe; support proposed Habitat Conservation Plan (HCP) of Solano County; value Lake Berryessa water which is 1/3 of Vacaville's water-usage; Thus, this is my 25-year proposal, having lived, in my living & involvement with Vacaville.	The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
51	12/18/2013	Roberto Valdez. roberto58valdez@hotmail.com. December 18, 2013 (2 of 2).	
51-1		With regards to my previous statements during the GP Steering Committee meeting (12/2nd), I need to that either the City staff or CAL TRANS need to exercise more imagination on our roadways by building underground tunnels and green-grassland bridges (ex. San Diego HCP) to allow wildlife species to migrate across our roadways.	The Draft EIR found that impacts related to interfering with wildlife migration would be less than significant due to proposed General Plan policies and actions that would mitigate such impacts. In addition, as described in the response to comment 13-50 and shown in Chapters 2 and 3 of this Final EIR, mitigation measures that reflect the HCP mitigation requirements have been added to this EIR.  In consideration of other nearby development within the Vacaville-Fairfield Greenbelt, the Draft EIR found a significant cumulative impact related to wildlife migration. As described on page 4.4-68, the proposed Project's contribution to this impact is from the designation of land within the Vacaville-Fairfield Greenbelt for public use.

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#	Date	Comment	Response
51-2		<p>Also, I have page comments (10) to state, plus Figures (6), Tables (2), and Corrections (2) to indicate with regards to document data in a nitty-gritty manner; please refer to following pages:</p> <p>p. 4.4-7 to 4.4-9: whether Vacaville likes it or not, the city is situated, covers along Lagoon Valley corridor(s) (#2 of proposed Multi-Species Habitat Conservation Plan (HCP) of Solano County), so that the city needs to recognize the environmental significance of this open (both VACA Mtns. &amp; Lagoon Valley (LV) Floor) space as well as critical habitats (Figure 4.4-4) re: California Tiger Salamander (CTS) other vernal pool species as well as birds (ex. Swainson's Hawks (SH) &amp; Burrowing Owls (BO)). By the way, our climate change is already impacting the north-south migratory patterns for above-mentioned &amp; associate species.</p>	<p>The suggestion to mitigate wildlife migration impacts through roadway tunnels and bridges would not address the Project's contribution to this impact because it is related to the construction and operation of a detention basin, rather than roadways. See also Master Response Number 4 regarding mitigation, in Section A of this chapter.</p> <p>The Draft EIR's discussion of existing conditions on pages 4.4-9 through 4.4-49 recognizes that the General Plan Study Area includes the following features and animal species:</p> <ul style="list-style-type: none"> <li>• Lagoon Valley, including the valley floor grassland and vernal pool natural community that it supports and its label as a Medium Value Conservation Area in the HCP.</li> <li>• Vaca Mountains, including the Inner Coast Range natural community that it supports and its role as suitable habitat for the foothill yellow-legged frog.</li> <li>• California tiger salamander conservation areas identified by the HCP, although, as noted in the response to comment 13-48, the General Plan Study Area does not contain land that has been officially designated by the U.S. Fish and Wildlife Service as critical habitat for the California tiger salamander.</li> <li>• The vernal pool natural community and vernal pool conservation areas identified by the HCP, which support other vernal pool species.</li> <li>• Swainson's hawk conservation areas identified by the HCP.</li> <li>• Burrowing owl conservation areas identified by the HCP.</li> </ul> <p>Impacts related to all of these biological resources are considered in the impact discussion of the Draft EIR on pages 4.4-51 through 4.4-67.</p>
51-3		<p>Figure 4.4-1: Agreeing with Vacaville Councilman Curtis Hunt, the city need to clarify the Urban Limit Lines (ILL)/Urban Growth Boundary (UGB) as well as environmental impacts in Lagoon Valley with regards to the proposed HCP of Solano County.</p>	<p>The comment is unclear with respect to what needs to be clarified about the Urban Growth Boundary. See proposed General Plan Policies LU-P5.1 through LU-P5.7, which provide detailed policy guidance to the City about the Urban Growth Boundary. Impacts in Lagoon Valley were considered in the analysis on pages 4.4-51 to 4.4-55 of the Draft EIR regarding impacts to special-status species associated with valley floor grassland and vernal pool habitats, including Medium Value HCP Conservation Area 2N (Lagoon Valley) on page 4.4-52. See also Master Response Number 2 regarding speculation without substantial evidence, in Section A of this chapter.</p>
51-4		<p>p. 4.4-5: re: D. Impact Discussions: please separate and identify upland hillsides acreage (approx. 1,244 plus 21 acres) in Table 4.4-4 ("Habitat Impacts").</p>	<p>Based on the substance of this comment, it is assumed that the referenced page (4.4-5) is, in fact, page 4.4-50 of the Draft EIR. Table 4.4-4 of the Draft EIR provides a breakdown of the acreages of the habitats/vegetation communities potentially affected by implementation of the General Plan. The Grassland – Upland category corre-</p>

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			sponds to the grasslands in hillside areas of the Inner Coast Range Community. These distinctions are described in Table 4.4-1 and on pages 4.4-15 and 4.4-16 of the Draft EIR.
51-5		Tables 4.4-2 & 4.4-3: please include the Contra Costa Goldfields (CCGF), Red-Legged Frogs (RLF), & Conservancy Fairy Shrimps (CFS) which are associated with vernal pools and targeted by Final Administrative Draft (FAD) for proposed HCP of Solano County; they need to be mentioned in "13 species" impacted with regards to "appropriately timed surveys (p. 4.4-52) by both assigned-city & governmental agency biologists/vernal-pool experts.	In Tables 4.4-2 and 4.4-3, respectively, in the Draft EIR, Contra Costa goldfields and Conservancy fairy shrimp are included and their potential for occurrence in the EIR Study Area is discussed. There are no known occurrences of these species in the General Plan Study Area. The 13 species mentioned on page 4.4-52 of the Draft EIR are species known to occur in the area. In any event, the scope of surveys required to provide acceptable information for future project assessments required under Policy COS-P1.5 would require surveys to be conducted in habitats that may support these species, specifically during periods when these two species are evident and identifiable.  The California red-legged frog is a species addressed in the Solano HCP; however, this species is not known or believed to occur in the General Plan Study Area. All known populations are in the hills west of Fairfield and Green Valley. The red-legged frog is believed to be extirpated from the valley floor and while there is some potential for undiscovered populations to exist in the Inner Coast Range hills along the western edge of the Study Area, no red-legged frogs have been documented during surveys of several areas, including the Lagoon Valley/Cement Hill area and in undeveloped areas in northwestern Fairfield.
51-6		p. 4.4-53: Did you all forget the threatened bumble bees in the upland hillsides (ex. Vaca Mountains)? By the way, both the Lower Lagoon Valley/LV Implementation/Improvement Projects are faulted and will become a heavy burden to Vacaville Taxpayers rather than current developer(s) (75th)?	The comment is unclear with respect to the presence of threatened bumblebees in the upland hillside areas. It is assumed that the comment refers to the recent petition to list the Franklin's bumble bee ( <i>Bombus franklini</i> ) under the federal Endangered Species Act. While the petition notice lists northern California and southern Oregon as habitat, this species has a very limited range, which currently and historically is considered to be limited to the Klamath Mountain region of southern Oregon and northern California.
51-7		p4.4-55: Correction: Even though Solano County Water Agency (SCWA) is planning, coordinating detention basins (4) in Vacaville, in my understanding, the proposed HCP of Solano County does not cover, espouses environmental benefits/constructions of Detention basins in our city (Please explain this assumption)?	The Solano HCP does provide coverage for actions such as construction of detention basins by all HCP participants, including the Solano County Water Agency. The HCP, itself, does not address potential flood control benefits or propose that such basins be specifically managed to promote other environmental benefits. The HCP does, however, set forth the requirements to avoid, minimize, and mitigate impacts to covered species and their associated habitats on which they depend.
51-8		p. 4.4-58: in Swainson's Hawk: please exercise extreme caution with regards to implementing potential/approved solar module (not panel) farms & "trendy" wind turbines within Vacaville's UGB.	The Draft EIR considered potential impacts in this regard, as noted on page 4.4-58: "Solar arrays and wind turbines in agricultural areas could remove Swainson's hawk habitat, and large wind turbines could kill birds." The Draft EIR found that the policies and actions in the proposed General Plan, combined with Solano HCP measures and federal and State laws, would reduce potential impacts to the Swainson's hawk to

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			a less-than-significant level.
51-9		Also, please realize scientifically that non-native eucalyptus trees/clusters are valuable habitat for SH & associate species, including the threatened monarch butterflies. Did I forget the targeted Callippe Silverspot Butterfly? So, the DECAS are not enough to reduce potential impacts to SH occurrences (3-plus known) near Easterly Wastewater Treatment Plant in eastern Vacaville. Rather, please abide, ahere diligently to Citys Tree Removal policies with regards to dealing with native Oaks trees/clusters in/around Vacaville.	While the use of eucalyptus trees as habitat is not specifically discussed in the Draft EIR, it is noted that implementation of the proposed General Plan could result in the loss of between 18 and 20 known Swainson's hawk nest trees. While the Draft EIR notes that the proposed ECAS directs the City to continue to enhance a landscape buffer at the Easterly Wastewater Treatment Plant through extensive tree plantings, which would improve habitat for Swainson's hawks, it relies on the larger set of proposed General Plan policies and actions, in combination with the Solano HCP and federal and State laws, to find that impacts would be less than significant. In addition, as the commenter notes, tree preservation is an important aspect of protecting Swainson's hawk habitat. Proposed General Plan Policy COS-P1.14 and Actions COS-A1.3, COS-A1.7, COS-A1.8, and COS-A1.9 improve protections for trees. See also the response to comment 51-8.
51-10		p.4.4-59: Yes, wind turbines (ex. Montezuma Hills in Solano County) kill exponentially burrowing owls, but they also will kill inevitably both Blad & Golden Eagles in Solano County. Thus, because ECAS will not probably protect, preserve significantly burrowing owl nests and govt. agencies are overloaded as well as underfunded at the county, state, & federal level, I am suggesting that City create "quick&responsive environmenta"l team to deal with monitoring of construction-sites during BO nestings (BON) & other wildlife nestings (ex. SHN) .	The creation of a "quick and responsive environmental team" would require additional staff and City resources, and it would duplicate the work of State and federal resource agencies, which already have staff with the appropriate level of expertise to monitor nests. Given that the City has had to cut staff in recent years due to fiscal constraints, this suggestion is considered infeasible. However, the comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.
51-11		p. 4.4-64: Both 3:1 ratio & 5-year monitoring for oak tree removal mitigation are considered minimal standards for loss of California's oak clusters scattered in Lagoon Valley & surrounding hills. Thus, I would like to suggest that the City revisit its tree removal policies (ex. Section 14.09.131), so that it can allow further discussions from local residents in a comprehensive manner.	Proposed General Plan Action COS-A1.7 requires mitigation of oak woodland and oak savanna at a 3:1 ratio. Action COS-A1.8 requires five years of monitoring. The commenter requests the City revisit the tree removal policies, but does not state how they should be revisited. As such, no further response can be provided as part of this Final EIR. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.
51-12		p.4.4-65: Correction: Solano has at least 7 natural corridors rather 6 open-space corridors which were revised in FAD of proposed HCP of Solano County. In my opinion, there are at least 8 significant corridors, if the Montezuma Hills are identified appropriately near both Rio Vista & Collinsville, CA.	The information reported in the Draft EIR is based on the Solano HCP, which indicates that there are six key corridor areas throughout Solano County, one of which falls within the General Plan Study Area: the Vacaville-Fairfield Greenbelt. This information is considered the best available information at this time.
51-13		Figure 4.4-67 in Section f: In my opinion, neither the City's GP, ECAS, or EIR will be an adequate substitute for adoption/endorsement of the proposed Multi-Species HCP of Solano County, because the FAD is	The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the

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		more comprehensive from a scientific viewpoint. Please refer to Final Administrative Draft & Appendices as well as Figures & Tables in the SCW A website.	Final EIR for their consideration in reviewing the Project. However, please note that proposed General Plan Policy COS-P1.1 supports the efforts to prepare and implement the Solano HCP, and Action COS-A1.1 directs the City to adopt and implement the Solano HCP once it is approved.
51-14		By the way, in my viewpoint, Impact BIO-1 will not be enough to mitigate adequately cumulative impacts on boht wildlife species & critical habitats in Vacaville, whether CEQA applies or not to piecemeal development/conservation under City's environmental stewardship.	As explained on pages 4.4-68 to 4.4-69 of the Draft EIR, the cumulative impact BIO-1 was found to be significant and unavoidable because no feasible mitigation is available.
<b>PUBLIC HEARING COMMENTS</b>			
52	12/17/2013	DEIR Comment Hearing	
52-1		A Vacaville High Student, Lizbeth Cervalis, speaking on behalf of the Vacaville Reach Coalition, stated that their organization is working to improve the Markham area trail (“Rocky Hill Trail”) with the help of non-profit organizations, which provides connections to the neighborhood. This area has safety concerns due to how it attracts crime and abusive activities and they are working with other organizations to clean up the area and make is safer for area residents. She explained how many citizens do not feel safe on the trail and how there is no lighting - it’s not paved, and it is difficult to travel in general. She asked that the City include the Rocky Hill Trail as part of the General Plan trail system to allow future improvements for family and law enforcement.	The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.
52-2		Anna Caren, Vacaville High Student and Reach participant also asked that the Rocky Hill Trail be included in the General Plan, adding that action needs to be taken to make the area safer. She explained how people are harassed, and do not feel safe – especially at night. Needs to be a safer trail because many people use it out of necessity. Provided example of how she doesn’t feel safe using the road due to the threat of something bad happening every time she uses it.	The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.
52-3		Kelisha Webb, a Vaca High student and member of the Vacaville Reach Collation (intern) also requested that awareness be brought to the trail and that Reach polled middle school students and most do not feel safe using the trail. Stated that doing this requires city awareness and that the trail should be recognized as a bike trail on the General Plan.	The comment expresses a concern about the existing Rocky Hill Trail and 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. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. See also the response to comment 6-1.
52-4		Clark Morrison, legal counsel and expert in Land Use Law, representing the Jepson Ranch Land Group, expressed the group’s appreciation for	This comment serves to express the commenter's opinion regarding the General Plan and does not address the adequacy of the Draft EIR. The comment is acknowledged

TABLE 5-1 *RESPONSE TO COMMENTS*

#	Date	Comment	Response
		work on the General Plan and the excellent technical work that has been done on the document. He stated that a written comment letter was submitted and the group is pleased with DEIR for future development purposes.	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 Master Response Number 1 regarding Project merits, in Section A of this chapter.
52-5		Steven Fawl, Locke Paddon Colony, expressed concern with the air quality analysis portion of the draft DEIR (referenced AB32). With the imposition of reducing greenhouse gases, the DEIR states that the City is currently compliant with this requirement, but the larger Sacramento area is out of compliance, so the reduction of greenhouse gases should be reduced even further. He noted that the DEIR does not address full build out so we may not be in compliance in the future, and air quality should be more of a concern because of this.	<p>As explained on pages 4.7-26 to 4.7-27 of the Draft EIR, the proposed General Plan and ECAS would achieve a GHG reduction target that is consistent with AB 32. It is unclear what is meant by the comment about the larger Sacramento area being "out of compliance." The State as a whole is working to achieve the GHG reduction target established by AB 32, including efforts at the State, regional, and local agency levels. However, there is no official designation of certain geographic areas being "out of compliance" with AB 32 or other GHG-related requirements. Therefore, the reference to the Sacramento area is assumed to refer to air quality, rather than GHGs.</p> <p>As described on page 4.3-9 of the Draft EIR, the Yolo Solano Air Quality Management District (YSAQMD), which includes the General Plan Study Area, has been included in the Sacramento Federal Nonattainment Area. The YSAQMD and EIR Study Area do not meet federal or State standards for ground level ozone, State standards for coarse particulate matter, or federal standards for fine particulate matter. The Draft EIR considered whether the proposed Project would result in an increase in a criteria pollutant for which the region is in non-attainment on page 4.3-27. As explained in that analysis, a cumulatively significant impact was found because the proposed Project would exceed the project-level threshold for coarse particulate matter. As explained on page 4.3-21 of the Draft EIR, the impact is considered significant and unavoidable because the proposed General Plan doesn't have the authority to reduce PM10 tailpipe emissions. See also see Master Response Number 5 regarding land use alternatives, in Section A of this chapter, for a more detailed analysis of the impacts of full build out, as requested in this comment and others.</p> <p>In response to the last sentence in the comment, see Master Response Number 3 regarding development projections and Master Response Number 6 regarding the Full Buildout Alternative, in Section A of this chapter.</p>
52-6		He noted that the DEIR is inadequate because it was based on a horizon year versus full build out of the General Plan area. He felt that there is more information needed to determine if compliance can be met and that there is no exact percentage of full buildout.	The City disagrees with the assertion that the Draft EIR is inadequate. See Master Response Number 3 regarding development projections and Master Response Number 6 regarding the Full Buildout Alternative in Section A of this chapter.
52-7		He pointed out that there are thirty (30) significant and unavoidable impacts and believes that the City is not being accountable for these mitigations and is finding ways around mitigation by stating the impacts	It should be noted that acknowledging that an impact would remain significant and unavoidable does not relieve the City of its responsibility to develop and implement feasible mitigation measures. The City is still obligated to implement all adopted miti-



TABLE 5-1 *RESPONSE TO COMMENTS*

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		as unavoidable. He noted that if there is no feasible mitigation then “don’t build” should be an option of mitigation when some impacts are significant and unavoidable, and that the city should consider changes to land uses densities as well.	gation measures even when they do not reduce the impact to a less-than-significant level. Therefore, it is incorrect that the City is "finding ways around mitigation" by stating the impact is unavoidable. Furthermore, the City has incorporated mitigation measures into the proposed Project through the policies and actions added to the General Plan.  While, by definition, mitigation may require that changes be made to the proposed Project for purposes of minimizing environmental impacts, the proposed mitigation measures in this EIR do not alter the description of the Project contained in Chapter 3, entitled “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. Consistent with the CEQA Guidelines Section 15126.2, where there are impacts that cannot be avoided without imposing changes to a project’s design, the EIR identifies the impacts and the reasons why the project is being proposed, notwithstanding the impact. Please see Master Response Number 4 regarding mitigation, in Section A of this chapter. Please also see Chapter 5 of the Draft EIR for a discussion of alternatives analyzed in the EIR. The City could select an alternative to the plan. Such decision is part of the public decision-making process, for which CEQA review is required.
52-8		He expressed that the DEIR is inadequate; it must evaluate build out of the General Plan. CEQA requires “adequate review of the project and its impacts.” The DEIR does not reveal what the full build out looks like. The DEIR is on the entire General Plan, not a part of it; General Plan DEIR must address the significant development proposed by the entire General Plan area.	See Master Response Number 3 regarding development projections and Master Response Number 6 regarding the Full Buildout Alternative in Section A of this chapter.
52-9		He believes that the verbiage in the DEIR is an illusion of doing the right thing by stating things like “We will discourage...” versus “We won’t...” The DEIR should contain much stronger wording. The City needs to go back to the drawing board ( <i>concerning the review of impacts and wording of policies</i> ).	The comment makes a general request to revise the language in the Draft EIR, but does not provide specific details about what language should be revised. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.
52-10		Ellen Fawl, Chair of the Solano Growth Committee, stated that the DEIR is “overreaching” by going over 20 years. The DEIR does not analyze full buildout and it assumes that traffic will be bad and nothing can be done about it. She noted that the impact to the existing citizens who live in the area needs to be considered. She expressed her belief that the city should not build or find new ways to handle traffic.	See Master Response Number 4 regarding mitigation, Master Response Number 3 regarding development projections, and Master Response Number 6 regarding the Full Buildout Alternative in Section A of this chapter. The traffic analysis in the Draft EIR proposed mitigation measures for traffic-related impacts. Some were still found to be significant and unavoidable due to right-of-way constraints that made the mitigation measure infeasible, or because the roadway is under another agency’s jurisdiction such that implementation of a mitigation measure is beyond the City’s control and cannot be guaranteed.

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#	Date	Comment	Response
52-11		Bob Panzer agreed that the DEIR does not take into account unintended consequences of traffic and could end up being much worse than we have considered.	See Master Response Number 2 regarding speculation without substantial evidence, in Section A of this chapter.
52-12		Tony Smith commented that the DEIR does not address maintenance of parks and trail systems (drew upon his own firsthand experience from working within the City). Loss of jobs in the city means less people to actually buy the houses being developed, and that more houses and development provides more stress on all City departments. He added that they need to focus on the industrial park areas versus housing, which stresses parks and schools.	The comment states that the Draft EIR does not address the maintenance of parks and trail systems. Impacts to park and recreation areas are discussed in Chapter 4.13, entitled “Public Services and Recreation,” of the Draft EIR, which determined the impacts to be less than significant. The comment also references job loss and its effect on housing demand. The comment does not address the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
52-13		Roberto Valdez, commented that: <ul style="list-style-type: none"> <li>• The DEIR needs to include more creative "green bridges" or (underground) tunnels to provide for wildlife movement.</li> </ul>	See the response to comment 51-1.
52-14		<ul style="list-style-type: none"> <li>• 4.4-55, SCWA detention basins do not add to wildlife habitat and have no environmental benefits.</li> </ul>	See the response to comment 51-7.
52-15		<ul style="list-style-type: none"> <li>• 4.4-65, Solano County has at least 8 corridors (rather than 6) for wildlife movement.</li> </ul>	See the response to comment 51-12.
52-16		<ul style="list-style-type: none"> <li>• 4.4-7, City need to recognize migratory pathways and also burrowing owls.</li> </ul>	See the response to comment 51-2 regarding recognition of various species and other biological resources, including burrowing owls. Migratory pathways are discussed on pages 4.4-65 and 4.4-67 of the Draft EIR.
52-17		<ul style="list-style-type: none"> <li>• 4.4, the City needs to clarify the urban growth boundary in Lagoon Valley with regards to the Habitat Conservation Plan.</li> </ul>	See the response to comment 51-3.
52-18		<ul style="list-style-type: none"> <li>• 4.4-9, include the California Goldfields.</li> </ul>	See the response to comment 51-5.
52-19		<ul style="list-style-type: none"> <li>• 4.4-52 questioned the appropriately timed surveys.</li> </ul>	See the responses to comments 13-41 and 13-42.
52-20		<ul style="list-style-type: none"> <li>• 4.4-53, no mention of bumble bees in upper areas.</li> </ul>	See the response to comment 51-6.
52-21		<ul style="list-style-type: none"> <li>• 4.4-58 exercise caution with wind turbines.</li> </ul>	See the response to comment 51-8.
52-22		<ul style="list-style-type: none"> <li>• Eucalyptus trees provide valuable habitat for butterflyfields and Swainson Hawk.</li> </ul>	See the response to comment 51-9.
52-23		<ul style="list-style-type: none"> <li>• 4.4-5, separate and identify hillside acreage.</li> </ul>	See the response to comment 51-4.
52-24		<ul style="list-style-type: none"> <li>• 4.4-9, wind turbines harm bird species (specifically burrowing oals, bald eagles, and golden eagles).</li> </ul>	See the response to comment 51-8, which discusses potential effects of wind turbines on Swainson's hawks. The Draft EIR impact analysis made similar findings for all bird species that were evaluated.

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#	Date	Comment	Response
52-25		<ul style="list-style-type: none"> <li>• 4.4-64, for minimal protection of Oaks, provide a 3:1 replacement plus 5 year monitoring.</li> </ul>	Proposed General Plan Action COS-A1.7 requires mitigation of oak woodland and oak savanna at a 3:1 ratio. Action COS-A1.8 requires five years of monitoring.
52-26		<ul style="list-style-type: none"> <li>• 4.4-67 DEIR does not substitute the HCP.</li> </ul>	See the response to comment 51-13.
52-27		<ul style="list-style-type: none"> <li>• 4.4-67, corridor between Vacaville and Fairfield needs to lessen impacts.</li> </ul>	Page 4.4-67 of the Draft EIR discusses potential project-level impacts associated with development within the Vacaville-Fairfield Greenbelt. As explained in that discussion, proposed General Plan policies and actions, combined with the Solano HCP and federal and State laws, would reduce impacts to a less-than-significant level. If the comment is referring to the significant cumulative impact discussed on pages 4.4-68 to 4.4-69 of the Draft EIR, see the response to comment 51-1.
52-28		<ul style="list-style-type: none"> <li>• BI0-1, not enough mitigation of impacts. Expressed the idea of an “environmental mobility team” to ensure the safety of the environment and animal’s habitats.</li> </ul>	See the responses to 51-10 and 51-14.
52-29		Nancy Martin, Maple Road (Locke Paddon) resident, commented that traffic is an issue especially pertaining to emergency disaster issues. Flooding is an issue in Locke Paddon. Also, that the City needs to look at these areas before development takes place.	The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Chapter 4.14, Traffic and Transportation, of the Draft EIR assesses the impact of the proposed General Plan with respect to emergency access (see pages 4.14-73 to 4.14-74). Impacts of the proposed General Plan with respect to flooding are primarily addressed in Chapter 4.9 Hydrology and Water Quality, of the Draft EIR. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.
52-30		Laura Peters, Locke Paddon Colony resident, stated that the proposed DEIR is “intentionally negligent” with word choice and structure, incomplete, and there are impacts that are not included. The language “needs to be chiseled” and not broad.	This comment incorrectly states the Draft EIR is intentionally negligent. The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. As described in Chapter 1, entitled “Introduction,” of the Draft EIR, the Draft EIR has been prepared in compliance with CEQA and the CEQA Guidelines. The commenter is directed to Chapter 1 for a complete description of how the Draft EIR has been prepared, with emphasis on Section B and C. Please also see Chapter 4.1 through 4.15 of the Draft EIR for a complete description of the Regulatory Setting, the Existing Setting, the Standards of Significance under which impacts are measured, and a complete Impact Discussion for each standard of significance per Appendix G of the CEQA Guidelines. See also the response to comment 13-19.
52-31		The property north of Leisure Town should be Urban Reserve because the cost to provide services is too great to justify allowing urban designations now.	Although the minutes from the Planning Commission meeting that served as the EIR Comment Hearing refer to “property north of Leisure Town,” it is assumed that the reference should have been to the Locke Paddon community, which is located just south of the Northeast Growth Area, since Leisure Town Road runs north/south.  The comment expresses a preference to designate lands north of the Locke Paddon

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#	Date	Comment	Response
			area as Urban Reserve since this area currently would require costly public infrastructure to obtain public services. The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
52-32		Dr. Ellie Bush stated that the language of the DEIR is too vague and was concerned about the loss of 2,000 ± acres of ag land, which is a significant and unavoidable impact.	This comment expresses a concern about the loss of agricultural land. The City has concluded that the loss of agricultural land is an unavoidable effect from development envisioned by the proposed General Plan, even though policies are included that will mitigate to some extent the loss of that land use. Regarding the level of detail in the Draft EIR, see the response to comment 13-19. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.
52-33		Also, that the difference of amount between what could be developed versus what will be developed is vague.	See Master Response Number 3 regarding development projections and Master Response Number 6 regarding the Full Buildout Alternative, in Section A of this chapter.
52-34		She commented that she was in favor of a "no project" alternative and suggested that development occur more in the center of the community where vacant land is underutilized. Echoed Steven Fawl's argument against growth in ag land. Vast expansion east of Leisure Town should be reconsidered. Development is for the multi-zoned development of Downtown. The policy of preserving the small town feel of Vacaville is not consistent with what is proposed. And lastly, that there is a lot of potential controversy within the document.	The comment is noted. The No Project Alternative is analyzed in Chapter 5 of the Draft EIR. The comment expresses the opinion of the commenter regarding the merits of adopting the plan and recommends alternative approaches; it does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Therefore, a more detailed response cannot be provided. The comment also suggests that the alternative that focuses most growth in the Downtown area is preferable to the proposed Project. Please see Chapter 5, Alternatives, for a comparison of impacts between the alternatives. The comment suggests that the proposed plan is not consistent with the stated goal of preserving a small town feel in Vacaville. 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.
52-35		Dennis Ferguson, Quinn Road resident, questioned development east of Leisure Town Road, adding concern about the water levels in the area (cited evidence from his own well). Went further to explain that with current development plan, one pump would have to be used 24/7 for a detention basin to work with other pumps on hand for storm events. There is a high water table that results in the ground consistently swelling and shrinking according to the climate (cited visible evidence on his property and others in surrounding areas nearby).	Following adoption of the General Plan, the City will prepare master infrastructure studies that will address water and drainage facilities. In addition, all new development in the area east of Leisure Town Road will be subject to project-specific environmental analysis and specific plans, which will further evaluate and plan for water and drainage facilities as it applies to specific development projects. As discussed in Chapter 4.15, Utilities and Service Systems, of the Draft EIR, the proposed General Plan includes policies and actions to ensure adequate stormwater facilities are provided by new development, and to reduce increases in stormwater runoff quantity resulting from new development. Specifically:

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#	Date	Comment	Response
52-36		He stated that ag land is more appropriate, and residential development should be closer to I-505 or towards the hills. He felt that the City is responsible for preserving ag land.	<ul style="list-style-type: none"> <li>◆ Policy SAF-P2.2 directs the City to assess the adequacy of storm drainage utilities in existing developed areas, and program any needed improvements in coordination with new infrastructure that will serve developing areas.</li> <li>◆ Policy SAF-P3.1 requires that the storm drainage needs for each project be evaluated and account for projected runoff volumes and flow rates once the drainage area is fully developed. In the Alamo Creek watershed upstream of Peabody Road (including Alamo, Laguna, and Encinosa creeks), this policy requires post-development 10-year and 100-year peak flows to be reduced to 90 percent of predevelopment levels. In the remainder of Vacaville, for development involving new connections to creeks, peak flows may not exceed predevelopment levels for 10- and 100-year storm events.</li> <li>◆ Policy SAF-P3.3 requires that a Storm Drainage Master Plan be prepared for new development projects to ensure new development adequately provides for on-site drainage facilities necessary to ensure that potential off-site impacts are fully mitigated.</li> <li>◆ Action SAF-A3.2 directs the City to revise the Land Use and Development Code to limit the amount of impervious surfaces in non-residential parking lots.</li> </ul> <p>As stated on page 4.15-45 of the Draft EIR, the General Plan EIR is a programmatic document and does not evaluate the environmental impacts of any project-specific development. Any new or expanded stormwater facilities would be considered as part of a specific project and would require environmental review in accordance with CEQA. As a result, the proposed General Plan would have a <i>less-than-significant</i> impact on stormwater drainage facilities.</p> <p>The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p> <p>The comment is noted. The comment expresses the opinion of the commenter and 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</p>

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#	Date	Comment	Response
			EIR for their consideration in reviewing the Project.
52-37		Doug Bush commented that Vacaville's assets - agricultural and park land being one of the main ones - are being eliminated and that the DEIR is an opportunity for reflection on where the City should develop from here. Stated that the city should not just be going through the motions and should take this opportunity to think about what we all want Vacaville to be.	The comment is noted. The Draft EIR addresses impacts to agricultural land in detail on pages 4.2-16 to 4.2-24 and impacts to parks on pages 4.13-49 to 4.13-54. The comment does not address the adequacy of the Draft EIR or raise a new environmental issue; therefore, a response is not required. The comment will be forwarded to decision-makers for their consideration during their review of the Project. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter.
52-38		Mike Geller, Kilkenny Road resident, stated that the EIR does not address historic structures in the Kilkenny area and that traffic is definitely a concern with too many large arterials that go to nowhere.	See the responses to comments 37-4 and 37-6.
52-39		He questioned the need for a four lane road on Kilkenny Road stating that it would be unfair to existing residents – should be rerouted since the Orange Drive Extension should be fine for leisure Town and Meridian.	See the response to comment 37-6.
52-40		The existing almond farmers will create a significant impact on new residential or industrial development in the area in September and October due to dust that is generated.	See the response to comment 37-5.
52-41		Traffic will also be a significant impact. And that significant and unavoidable is not a good enough response by the city.	The comment is concerned about the significant and unavoidable impacts related to transportation and traffic, but does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response Number 4 regarding mitigation in Section A of this chapter, and responses to comments 13-67 to 13-73, 37-4, and 37-6 regarding the traffic analysis in the Draft EIR.
52-42		Tom Phillippi, Phillippi Engineering thanked everyone who was involved in the process, and reviewed the work that has occurred with the land owners in the area. He requested that they establish a firm schedule for completion of the process for everyone to be able to follow along and to help aid in a difficult process.	This comment expresses the commenter's opinion regarding the General Plan process and does not address the adequacy of the Draft EIR nor raise a new environmental issue. 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 Master Response Number 1 regarding Project merits, in Section A of this chapter.
52-43		City Planner Buderer noted when the comment period would close on December 18th at 5pm.	The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.
52-44		Commissioner Nadasdy, commented that the 2010 data for public services and recreation statistics should be updated.	The Notice of Preparation for the EIR was released in 2010. The baseline data were based on the most up-to-date information available at that time. Consistent with CEQA Guidelines Section 15126.2, when assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes

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#	Date	Comment	Response
52-45		<p>Commissioner Johnson encouraged comments to help improve the current document and went on to state that home based solar and wind power should be addressed. The City is deficient in parks, but the issue of expanding park space becomes a concern regarding maintenance of the parks and how that is paid for (explained how it is based on revenue from new development and that there is no way to catch up to increased park production without development). He commented that the issue may need to be addressed by a vote of the citizens, because there is a lot of open space that have the potential to become parks, but no good mechanism on how to maintain parks. Other impacts not mitigated are traffic on Leisure Town Road, the Fairfield rail station and additional homes (that will increase traffic if we do nothing), how do we pay for the expansion of Leisure town Road (argued that that is through the right amount of development).</p>	<p>in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published.</p> <p>The comment expresses an opinion regarding addressing solar and wind power, park deficiencies and maintenance, but does not identify a specific concern or direction on how these issues should be addressed in the EIR. The comment does not address the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response Number 1 regarding Project merits, in Section A of this chapter. The comment also includes a general statement about impacts found to be significant and unavoidable. Please see Master Response Number 4 regarding mitigation measures, in Section A of this chapter. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.</p>
52-46		<p>Vice-Chair Wilkins, noted the importance of capturing the comments that have been made. He commented that air quality is an issue and that there needs to be a number attached to buildout. He thanked the Vaca High students for making an effort to ensure that the Markham trail is within the General Plan. Stated that the trail is an issue that should be improved today and will forward information along to the police department and others. Appreciated the turn-out and in the end wants people in the future to look back and see us as people with a good view.</p>	<p>The Draft EIR explains both 2035 horizon buildout and maximum theoretical buildout in detail, and provides numbers for both, on pages 3-31 through 3-47. Air quality impacts are addressed in Chapter 4.3 of the Draft EIR. The comment does not address the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required.</p>

VACAVILLE GENERAL PLAN AND ECAS  
FINAL EIR  
COMMENTS AND RESPONSES