



FINAL ENVIRONMENTAL IMPACT REPORT
**VANDEN MEADOWS SPECIFIC PLAN
AND DEVELOPMENT PROJECT**
VOLUME I - RESPONSE TO COMMENTS DOCUMENT

JANUARY 2013

LEAD AGENCY:

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



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650 Merchant Street
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PREPARED BY:

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SECTION 1.0

INTRODUCTION

1.0 INTRODUCTION

1.1 OVERVIEW

This Response to Comments document has been prepared to address comments received by the City of Vacaville (City/Lead Agency) on the Draft Environmental Impact Report (Draft EIR) for the Vanden Meadows Specific Plan and Development Project (Proposed Project). The Draft EIR was published by the State Clearinghouse on December 12, 2011 (SCH# 2011022008), initiating a 45-day public comment period. On April 25, 2012, the public comment period was extended through June 8, 2012. The responses to comments received on the Draft EIR together with the Draft EIR, as revised, and the Mitigation Monitoring and Reporting Program comprise the Final EIR.

An EIR is an informational document that must be considered by the Lead Agency prior to project approval. CEQA *Guidelines* Section 15132 specifies that the Final EIR shall consist of:

- The Draft EIR or a revision of the draft (Volume II of the Final EIR – Revised Draft EIR).
- Comments and recommendations received on the Draft EIR either verbatim or in summary (Volume I of the Final EIR, **Chapter 2.0** of this Response to Comments).
- A list of persons, organizations, and public agencies commenting on the Draft EIR (Volume I of the Final EIR, **Chapter 2.0** of this Response to Comments).
- Responses of the Lead Agency to significant environmental points raised in the review and consultation process (Volume I of the Final EIR, **Chapter 3.0** of this Response to Comments, together with Volume II of the Final EIR, Revised Draft EIR text).
- Any other information added by the Lead Agency.

1.2 PUBLIC PARTICIPATION PROCESS

The process of environmental review for the Proposed Project was initiated with public release of the Notice of Preparation (NOP) on February 2, 2011. A scoping meeting was held at the City Council Chambers on February 28, 2011. The Notice of Availability (NOA) for the Draft EIR was released on December 12, 2011. The NOA announced a 45-day comment period running from December 12, 2011 to January 26, 2012, as well as a Planning Commission comment hearing held on January 17, 2012, at the City Council Chambers. A revised Public Notice of Availability was published on April 25, 2012 extending the public comment period through June 8, 2012.

The public comment period provides an opportunity for interested public and private parties to provide input regarding the completeness and adequacy of an EIR. CEQA *Guidelines* Section 15151 addresses the standards by which EIR adequacy is judged:

An 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. An evaluation of the environmental effects of a

proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

CEQA *Guidelines* Section 15204(a) encourages parties to focus comments 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.” Commenters are advised:

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.

1.3 RESPONSE TO COMMENTS ORGANIZATION

This Response to Comments document consists of this introduction and the chapters outlined below:

Chapter 2, Comments on the Draft EIR – This chapter includes a list of all agencies, organizations, and individuals who submitted written comments during the public review period for the Draft EIR. The list is followed by copies of original written comments received during the public review period for the Draft EIR as well as a Record of Public Comments taken at the Planning Commission comment hearing. Comment letters are each assigned a number, and individual comments are bracketed in the margin.

Chapter 3, Responses to Comments - This chapter provides individual responses to each written comment submitted during the public review period for the Draft EIR. Responses are keyed to the bracketed comment numbers provided in **Chapter 2.0**.

Chapter 4, Mitigation Monitoring and Reporting Plan - This chapter presents the Mitigation Monitoring and Reporting Plan for the Proposed Project.

SECTION 2.0

COMMENTS ON THE DRAFT EIR

2.0 COMMENTS ON THE DRAFT EIR

This chapter contains written comments that were received during the public review period for the Draft Environmental Impact Report (EIR) prepared for the Vanden Meadows Specific Plan and Development Project (Proposed Project). The Draft EIR was submitted to the State Clearinghouse (SCH# 2011022008) and released for public and agency review for a 45-day review and comment period on December 12, 2011. The comment period closed on January 26, 2012. A total of fifteen comment letters were received by the City of Vacaville (City) in response to the Draft EIR during the comment period. A Revised Public Notice of Availability was published on April 25, 2012 extending the public review period through June 8, 2012. One additional comment letter was received during the extending review period. The agencies, organizations, and individuals who provided comments on the Draft EIR are listed in **Table 2-1**. Individual comment letters are provided following this table. As discussed in **Section 1.0**, each individual letter and comment has been provided a number in the right-hand margin. This number is cross-referenced with a specific response in **Section 3.0**.

TABLE 2-1 PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES COMMENTING IN WRITING

Comment Letter Number	Name/Individual(s)	Agency/Organization	Date Received
1	Katy Sanchez, Program Analyst	Native American Heritage Commission	12/28/2011
2	Genevieve Sparks, Environmental Scientist	California Regional Water Quality Control Board	12/28/2011
3	Scott Sheldon	Terra Realty Advisors, Inc. (On behalf of Travis Unified School District)	1/13/2012
4	Glenn Wylie		1/17/2012
5	Phillip F. Littlejohn		1/17/2012
6	Tim Miles, Hazardous Substances Scientist	California Department of Toxic Substances Control	1/20/2012
7	Scott Wilson, Acting Regional Manager	California Department of Fish and Game	1/23/2012
8	Jim Immer, VP Planned Community Dev	Lewis Operating Corporation	1/23/2012
9	Bob Challburg		1/24/2012
10	N.P. Giaquinto		1/24/2012
11	John and Lynn Holbrook		1/25/2012
12	Peggy Rollins		1/25/2012
13	Steven and Ellen Fawl		1/27/2012
14	Matthew R. Jones, Supervising Air Quality Planner	Yolo-Solano Air Quality Management District	1/19/2012
15	Paul Shecter		1/17/2012
A	David Diepenbrock	Diepenbrock Elkin LLP	6/1/2012

Additional opportunity to comment on the Draft EIR was provided at the January 17, 2012, Draft EIR Planning Commission comment hearing. A summary of the proceedings, including comments and questions raised in the hearing, is included at the end of this chapter. All issues raised at the hearing were either addressed at the hearing or were within the scope of the written comments in **Section 3.0**, and therefore have not been addressed individually.

Neither the comments received on the Draft EIR nor the responses thereto indicate new significant impacts or significant new information that would require recirculation of the Draft EIR pursuant to CEQA *Guidelines* Section 15088.5.

Comment Letter 1

STATE OF CALIFORNIA

Edmund G. Brown Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



December 21, 2011

RECEIVED

DEC 28 2011

CITY OF VACAVILLE
PLANNING DIVISION

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

RE: SCH# 2011022008 Vanden Meadows Specific plan and Development Project; Solano County.

Dear Mr. Buderl:

The Native American Heritage Commission has reviewed the Notice of Completion (NOC) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **Sacred Lands File check completed, no sites indicated.**
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

1-1

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst
(916) 653-4040

cc: State Clearinghouse



**California Regional Water Quality Control Board
Central Valley Region
Katherine Hart, Chair**



Matthew Rodriguez
Secretary for
Environmental Protection

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114
(916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

Edmund G. Brown Jr.
Governor

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DEC 28 2011

CITY OF VACAVILLE
PLANNING DIVISION
CERTIFIED MAIL

7010 3090 0000 5045 1692

27 December 2011

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

**COMMENTS TO DRAFT ENVIRONMENTAL IMPACT REPORT, VANDEN MEADOWS
SPECIFIC PLAN AND DEVELOPMENT PROJECT, SCH NO. 2011022008,
SOLANO COUNTY**

Pursuant to the State Clearinghouse's 12 December 2011 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Environmental Impact Report* for the Vanden Meadows Specific Plan and Development Project, located in Solano County.

2-1

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

1. General – Definition of "Waters of the State"

Page 4.4-26 of the Draft EIR references "waters of the State." The Final EIR should clarify the definition of "waters of the State", as related to "waters of the United States." "Waters of the State" are defined more broadly than "waters of the United States." According to California Water Code Section 13050(e), means "any surface water or groundwater, including saline waters, within the boundaries of the state", and includes all waters within the state's boundaries, whether public or private, including waters in both natural and artificial channels.

"Waters of the State" includes all "waters of the United States", including all federally jurisdictional and non-federally jurisdictional waters, whether hydrologically isolated or not, and territorial seas.

2-2

This definition is relevant and central to any action taken by the Central Valley Water Board on the Proposed Project and should be incorporated within the Final EIR accordingly.

Please clarify throughout the Final EIR, including, but not limited to, the discussion provided on page 4.4-26, in preface to any discussion regarding waters of the United States or federal jurisdictional waters, the definition of "waters of the State." All tables, figures, maps, discussions, and references to "waters of the United States" should be revised to "waters of the State and waters of the United States" throughout the entire Final EIR.

2. Laws, Regulations, Policies and Plans

Clean Water Act 303(d) Listed for Impaired Water Bodies

Page 4.8-5 of the Draft EIR references the Clean Water Act 303(d) list.

Please use the 2010 Clean Water Act 303(d) list for impaired water bodies, which can be located at http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml

The Final EIR should provide a comprehensive list of all water bodies located within, and downstream of, the project area, which are included on the 2010 Clean Water Act 303(d) list for impaired water bodies, and the constituent(s) or parameter(s) each water body or water body segment is listed for, and Total Maximum Daily Loads, should they be under development, developed and approved, or forecasted for development.

2-3

The Final EIR should provide an extended discussion on how the Proposed Project will not contribute to further impairment of any constituent and/or parameter listed on the Clean Water Act 303(d) list or Total Maximum Daily Load, or discussed elsewhere in the document, either as a constituent of concern or found through general research of water quality problems and history within and downstream of the project site.

Statement of Policy With Respect to Maintaining High Quality of Waters in California (State Water Board Resolution 68-16):

Page 4.8-10 of the Draft EIR references the "State Nondegradation Policy."

A key policy of California's water quality program is the State's Antidegradation Policy. This policy, formally known as the *Statement of Policy with Respect to Maintaining High Quality Waters in California* (State Water Board Resolution No. 68-16), restricts degradation of surface and ground waters. In particular, this policy protects water bodies where existing quality is higher than necessary for the protection of beneficial uses. Under the Antidegradation Policy, any actions that can adversely affect water quality in all surface and ground waters must:

1. meet Waste Discharge Requirements which will result in the best practicable treatment or control of the discharge necessary to assure that a pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the State will be maintained;
2. not unreasonably affect present and anticipated beneficial use of the water; and
3. not result in water quality less than that prescribed in water quality plans and policies.

2-4

Furthermore, any actions that can adversely affect surface waters are also subject to the Federal Antidegradation Policy (40 Code of Federal Regulations Section 131.12) developed under the Clean Water Act.

For more information on this policy, please visit our website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf.

The Final EIR should provide an expanded discussion on the Proposed Project's consistency with the State's Antidegradation Policy.

2-4
Cont.

Basin Plan:

Page 4.8-10 of the Draft EIR references the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*.

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 Code of Federal Regulation Section 131.36, and the California Toxics Rule, 40 Code of Federal Regulation Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board, Office of Administrative Law and in some cases, the United States Environmental Protection Agency. Basin Plan amendments only become effective after they have been approved by the Office of Administrative Law and in some cases, the United States Environmental Protection Agency. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

2-5

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

The Final EIR should provide an expanded discussion on the Proposed Project's consistency with the Basin Plan, in terms of protecting surface and ground water quality in, and downstream of, the project area. Of particular interest will be the consistency of the Proposed Project with maintaining or enhancing each of the water quality objectives and beneficial uses described in the Basin Plan, as they apply to the surface and groundwater within, and downstream of, the project area.

3. Permitting

Construction Storm Water General Permit

Page 4.8-10 of the Draft EIR references the Construction General Permit.

2-6

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

2-6
Cont.

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

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

The Final EIR should clarify that this permit applies to dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. The statement, "...This permit regulates discharges from construction sites that disturb one acre or more of total land area.", as indicated on page 4.8-10 is only partially correct.

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

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

2-7

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

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

The Final EIR should provide an expanded discussion on the Proposed Project's consistency with the applicable MS4 permit, and the implementation of low impact development/post-construction standards.

Clean Water Act Section 404 Permit

Page 4.4-1 of the Draft EIR references Clean Water Act Section 404 permits.

2-8

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

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

2-8
Cont.

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

Waste Discharge Requirements

Pages 4.8-9 of the Draft EIR references Waste Discharge Requirements.

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

2-9

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

http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Clean Water Act Section 401 Permit – Water Quality Certifications

Pages 4.4-1 and 4.8-8 of the Draft EIR reference Clean Water Act Section 401 Water Quality Certifications.

USACOE permit(s), or other federal permit(s), may be required for a future individual project due to the disturbance of waters of the United States (such as streams, wetlands and vernal pools). Clean Water Act Section 401 Water Quality Certifications must be obtained for each future individual project from the Central Valley Water Board prior to initiation of activities.

The Final EIR should clarify that (a) there are no waivers for Clean Water Act Section 401 Water Quality Certifications in the State of California; (b) a Clean Water Act Section 401 Water Quality Certification serves as both a certification, in part or in whole, of a federal permit, under Section 401 of the Clean Water Act, and as a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act; and (c) under Section 401 of the Clean Water Act, the State of California can review and approve, condition, or deny all federal permits that may result in a discharge to waters of the State, including wetlands.

2-10

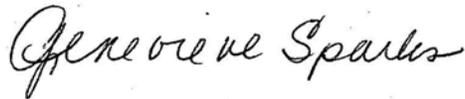
The Central Valley Water Board does not issue Individual 401 Water Quality Certifications and/or Waste Discharge Requirements for Proposed Projects that are not in final design.

Required items for issuance of a Clean Water Act Section 401 Water Quality Certification are based on Sections 3836 and 3856 of Title 23 of the California Code of Regulations.

Should one federal permit be issued for the all future individual projects, the Central Valley Water Board may opt to incrementally certify the federal permit according to the project proponent's demonstration of readiness-to-proceed with specific project phases. Should this occur, a sequence of 401 Water Quality Certifications and/or Waste Discharge Requirements may be issued in 5-year increments as specific project phases are ready-to-proceed and implemented.

2-10
Cont.

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.



Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

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



MEMO

To: Fred Buder
City of Vacaville

From: Scott Shilton

cc: Kate Wren Gavlak
Catrina Howatt
Kelly Hatcher
Frank Weber - SID
Tom Phillippi

Date: 13 January 2012

Re: Travis Unified School District Comments
DRAFT EIR – Vanden Meadows

As you are aware, the Travis Unified School District (TUSD) acquired the approximately 28.41 acres of land in 2006 that is included as part of the Vanden Meadows annexation request. In 2009 we dedicated the ultimate right of way to the City of Vacaville for Nut Tree Road, and completed all necessary frontage improvements. There are several clarifications we wish to make regarding the Draft EIR, to be incorporated into the Final EIR document. In addition, we have questions on a couple of items. All references below are page numbers in the Draft EIR:

3-14 The EIR document states TUSD will use City water to irrigate any fields. The District intends to use Solano Irrigation District (SID) water for irrigation purposes. As such, this should be corrected in the EIR.

3-16 TUSD executed and recorded an easement agreement with SID in 2009 to place a pump station serving the Southtown and future Vanden Meadows development areas on a portion of the District land, which should be noted in the EIR.

3-16 While landscape irrigation water is not subject to sewer discharge or use charges, provided water is separately metered, the consultant should confirm there are no impacts to the currently designed sewer system with TUSD utilizing SID water for irrigation purposes.

3-1

3-2

3-3

3-17 While the TUSD has not determined a timeline for construction of any school facilities on this property, we wish to understand the timeline for the proposed upgrades to the sewer system, to ensure there are no delays when TUSD is ready to develop a new school and commence construction.

3-4

3-22 As stated in 3-17 above, TUSD has no timeline for construction of school facilities on this site.

3-5

3-22 As stated in 3-14 above, TUSD intends to use SID non-potable water for irrigation purposes.

4.2-14 This school site was acquired and sized to meet California Department of Education acreage requirements to include both an elementary AND middle school. A typical elementary school can accommodate approximately 750 students. A typical middle school can accommodate approximately 850 students. A total combine student population could be 1,600 students, not the 625 indicated in the EIR.

3-6

4.2-21 The number of parking spaces at the school site shall be determined by the Department of State Architect, per the current state regulations in effect when a school is proposed.

4.2-27 What is the impact to TUSD regarding the purchase of CO₂e emission reduction credits? We cannot comment on this matter until we more fully understand this condition.

3-7

We are available to meet and discuss these issues at your convenience. In addition, we will be attending the public hearing on this matter Tuesday January 17, 2012 @ 7:00 in the Council Chambers.

Thanks.

13 January 2012

RECEIVED

1001 Mimosa Drive
Vacaville, CA 95687

JAN 17 2012

City of Vacaville
Planning Division

City of Vacaville
Community Development Department
Planning Division
650 Merchant Street
Vacaville, CA 95688-6908

To Whom It May Concern:

I am writing to provide comment on the proposed Vanden Meadows development. I urge the planning department to delay implementing this development until the Southtown development nears completion in order to avoid flooding the housing market and driving down existing property values. The existing supply of houses, including foreclosed properties together with the remaining units for sale or to be built in Southtown, more than meet current demand. The untimely addition of houses from the Vanden Meadows development would further suppress existing property values.

4-1

In considering the design of the proposed Vanden Meadows development, I urge that houses built adjacent to the existing neighborhoods be commensurate in square footage and lot size to the adjacent existing properties in order to maintain existing property values.

4-2

Because traffic will be greatly increased by the Vanden Meadows development, I urge that significant improvements be made to Vanden Road to accommodate commuter traffic flow. Ideally these improvements should extend to Peabody road. The City should keep in mind the cumulative effect on traffic of the various developments approved or proposed for the Leisure Town/Vanden Road corridor.

4-3

Because the Vanden Meadows development abuts the railroad tracks, I urge that only commercial development or park space be allowed near the tracks. Housing should not be allowed near the tracks.

4-4

Thank you for your time in considering my comments.

Sincerely,



Glenn Wylie

Comment Letter 5

From: Mary Ann Littlejohn [<mailto:allthingsnice@comcast.net>]

Sent: Tuesday, January 17, 2012 1:40 PM

To: Mary Page

Subject: Vanden Meadows

To whom it may concern:

Please be advised that I would like to register my opposition to the planned Vanden Meadows project. I understand this will be a topic of discussion at tonight's meeting. Since I will be unable to be in attendance, I would appreciate it if my opinion could be considered along with those that will be offered at the meeting.

We reside on Ruby Drive just off Foxboro. We are opposed to having Foxboro extended out to Leisure Town Road as this would undoubtedly bring an even greater flow of traffic on Foxboro than is now the case. We also oppose the housing plans which are being considered for the area.

5-1

Thank you,

Phillip F. Littlejohn
Vacaville, CA



Department of Toxic Substances Control



Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Edmund G. Brown Jr.
Governor

January 20, 2012

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JAN 23 2012

CITY OF VACAVILLE
PLANNING DIVISION

Ms. Christina Corsello
Associate Planner
Community Development Department
City of Vacaville
650 Merchant Street
Vacaville, California 95688

**DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE VANDEN MEADOWS SPECIFIC
PLAN AND DEVELOPMENT (SCH # 2011022008) PROJECT**

Dear Ms. Corsello:

The Department of Toxic Substances Control (DTSC) has reviewed the document described above that proposes constructing residential housing on agricultural property. The draft Environmental Impact Report states that the presence of pesticides has not been identified at the site but does not describe what, if any, analysis has been conducted to determine whether pesticides are present and may pose a threat to human health or the environment. DTSC recommends that additional research be conducted to determine whether pesticides were used on the proposed development site. The site should be evaluated to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists.

6-1

In addition, although DTSC does not regulate pesticides legally applied to crops, if pesticides have historically been used on the property, we strongly recommend that these areas be tested for environmentally persistent pesticides such as organic pesticides and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents and workers.

Please contact me by email at tmiles@dtsc.ca.gov or by telephone at (916) 255-3710 if you have any questions.

Sincerely,

Tim Miles
Hazardous Substances Scientist
Brownfields and Environmental Restoration Program

cc: See next page.

Ms. Christina Corsello
January 20, 2012
Page 2

cc: State Clearinghouse (sent via email)
Office of Planning and Research
1400 10th Street, Room 121
Sacramento, California 95814-0613
State.Clearinghouse@opr.ca.gov

County of Solano
Resource Management Department
Environmental Health-Site Mitigation
675 Texas Street, Suite 5500
Fairfield, California 94533

Ms. Nancy Ritter (sent via email)
Planning & Environmental Analysis Section (PEAS)
CEQA Tracking Center
Department of Toxic Substances Control
1001 I Street, 22nd Floor
P.O. Box 806
Sacramento, California 95812-0806



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

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



January 23, 2012

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

Dear Mr. Buder:

Subject: Vanden Meadows Specific Plan and Development Project, Draft Environmental Impact Report, SCH #2011022008, City of Vacaville, Solano County

The Department of Fish and Game (DFG) has reviewed the draft Environmental Impact Report (EIR) for the Vanden Meadows Specific Plan and Development Project (Project). DFG is providing comments on the draft EIR as a Trustee Agency and Responsible Agency. DFG provided comments on the Notice of Preparation (NOP) for the proposed Project in a letter dated February 18, 2011. As Trustee for the State’s fish and wildlife resources, DFG has jurisdiction over the conservation, protection, and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California.

Project Location and Description

The proposed Project area is approximately 265.6 acres in size, and located approximately 2.6 miles southeast of the City of Vacaville (south of Interstate 80) between Leisure Town Road to the east and Nut Tree Road to the west. The east side of the Project area borders the Union Pacific Railroad (UPRR) tracks. Leisure Town Road parallels the UPRR tracks and Vanden Road bisects the eastern and western portions of the Project area.

The proposed Project includes the annexation of 265.6 acres of land located within unincorporated Solano County to the City of Vacaville for the development of 939 single-family, clustered and multi-family units. The Project also includes the development of a 28.4-acre school, 7.4-acre park, bike station, and 4 miles of connecting pedestrian trails. The trails, landscaping and agricultural buffer would be part of approximately 30.4 acres of dedicated open space and recreational areas. Land uses surrounding the Project area include residential development to the northwest and west, and farmland under active agriculture production or grazing to the south, east and northeast. The approved Southtown Phase I Subdivision Project (State Clearinghouse Number 2003062071) is located directly north of the proposed Project area.

Biological Resources

The proposed Project area is composed of mostly undeveloped land which is dominated by non-irrigated agricultural crops (196.18 acres), non-native annual grassland (45.14 acres), ruderal grasses (10.77 acres) and *Eucalyptus* sp. woodland (2.77 acres). Approximately 68.83 acres of the Project area are designated as Prime Farmland (56.81 acres) and Farmland

7-1

of Statewide Importance (12.02 acres) by the Department of Conservation (DOC) Farmland Mapping and Monitoring Program. Aquatic habitat types located within the Project area include seasonal wetlands (1.45 acres), wetland and ephemeral drainage swales (0.13 acres), and Brazelton Drain (0.05 acres). Other aquatic habitat features located within the Project area include a 110-acre-foot detention basin, and both earthen-bottom and concrete-lined agricultural drainage channels. Two of the channels are owned and operated by the Solano Irrigation District (SID). Three home sites are also located within the Project area. Implementation of the proposed Project would result in permanent impacts to approximately 254.86 acres of terrestrial habitat and 2.38 acres of aquatic habitat.

7-1
Cont.

The draft EIR states that reconnaissance, special-status wildlife and floristic surveys, as well as, wetland delineations were conducted within the proposed Project area in 2009, 2010 and 2011. Potentially suitable habitat is present within the Project area for the following special-status species: 1) California tiger salamander (*Ambystoma californiense*; CTS); 2) northern pacific pond turtle (*Actinemys marmorata marmorata*); 3) western burrowing owl (*Athene cunicularia*); 4) Swainson's hawk (*Buteo swainsoni*); 5) northern harrier (*Circus cyaneus*); and 6) white-tailed kite (*Elanus leucurus*).

Mitigation Measure 4.4-3 California Tiger Salamander

The proposed Project area provides suitable aquatic and upland habitat for CTS which is listed as threatened under the California Endangered Species Act (CESA). The nearest known occurrence of CTS is located approximately two miles south of the proposed Project area where larvae were documented in a vernal pool complex. Implementation of the Project would remove a total of approximately 1.55 acres of suitable CTS breeding habitat and 215.84 acres of suitable upland dispersal habitat. Approximately 0.39 acres of the suitable CTS breeding habitat located within the Project area is located within the known CTS range as described in the draft Solano Multi-Species Habitat Conservation Plan (HCP).

The draft EIR states that, prior to Project-related construction, a CTS site assessment based on the 2003 *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* will be submitted to the U.S. Fish and Wildlife Service (USFWS) and DFG. The site assessment should include a clear description of aquatic habitat features located within the Project area, including hydroperiod and depth during normal and above-average rainfall years, hydrologic connectivity to other wet features nearby, and vegetation composition. Surveys conducted in years with less than 70% of average rainfall between September 1 and April 1, should provide strong justification that the data is reliable including, but not limited to, local climate (e.g., daily rainfall totals, pond filling date, pond drying date) and biological survey data (e.g., other species captured during each sampling interval). If protocol-level aquatic and terrestrial CTS surveys will be conducted to confirm CTS presence or absence within the Project area, please be advised that in addition to a federal permit, an active state Scientific Collecting Permit and Memorandum of Understanding will be required. Additional information on the state permitting process is available at http://dfg.ca.gov/wildlife/nongame/research_permit/.

7-2

Under CESA, impacts of the authorized take must be minimized and fully mitigated, and adequate funding to implement those mitigation measures must be ensured. Early consultation is encouraged during the CESA permitting process, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit pursuant to Fish and

Game Code Section 2081(b). Issuance of a CESA Permit is subject to the California Environmental Quality Act (CEQA) documentation; therefore, if CTS is likely to be present within the Project area, the EIR must specify impacts, mitigation measures, and mitigation monitoring and reporting programs.

7-2
Cont.

Mitigation Measure 4.4-5 Burrowing Owl

The draft EIR states that suitable habitat is present within the proposed Project area for the western burrowing owl which is a state Species of Special Concern (SSC). Birds in the order of Falconiformes and Strigiformes (birds-of-prey or raptors) and their nests are protected under Fish and Game Code Section 3503.5. Migratory raptors are also protected under the Migratory Bird Treaty Act. It is also unlawful to take, possess, or destroy the nest or eggs of any bird pursuant to Fish and Game Code Section 3503. If burrowing owls are documented within or adjacent to the proposed Project area then the Project may have a significant impact to burrowing owls. DFG recommends the conservation of the extant burrowing owl habitat. DFG is available to provide guidance on compensatory mitigation based on site-specific factors.

The draft EIR includes mitigation measures to reduce potential impacts of the proposed Project to western burrowing owl. Mitigation Measures (4.4-5a and b) include conducting burrowing owl surveys during both the non-breeding season (September 1 to January 31) and within 30 days prior to construction. In addition to mitigation measures outlined in the draft EIR, DFG recommends that burrowing owl surveys be conducted by a DFG-approved qualified biologist during the peak burrowing owl nesting (April 15 through July 15) season. Breeding season surveys ensure appropriate take avoidance and mitigation for the loss of burrowing owl habitat. A minimum of four survey visits should be conducted approximately every three weeks during the peak burrowing owl nesting season. Both wintering and breeding season surveys should take place from one hour before to two hours after sunrise, as well as two hours before to one hour after sunset.

7-3

DFG considers pre-construction surveys as supplemental to the breeding season survey protocol. If time has lapsed between pre-construction surveys and site disturbance then additional pre-construction surveys should be conducted a maximum of seven days prior to construction to identify occupied burrows within the Project's impact area and avoid direct take of owls. A report on the proposed Project's survey results should be prepared and submitted to DFG prior to construction. If avoidance is not possible, mitigation for the loss of foraging and nesting habitat should be provided off-site at a DFG-approved location on an acre-for-acre basis. The mitigation site should provide permanent protection for the burrowing owl.

Mitigation Measures 4.4-6 and 4.4-7 Swainson's hawk

The *Eucalyptus* sp. trees located along Vanden Road within the proposed Project area provide suitable nesting habitat for the Swainson's hawk (*Buteo swainsoni*) which is listed as threatened under CESA. An active Swainson's hawk nest was documented in 2005 within 800 feet of the southern boundary of the proposed Project area.

The draft EIR includes mitigation measures to reduce potential impacts of the proposed Project to Swainson's hawk through identification and avoidance of active nests. Mitigation Measure 4.4-6a states that a qualified biologist will conduct a minimum of two protocol-level pre-construction surveys. Surveys will be conducted during the recommended survey periods for Swainson's hawk in accordance with the *Recommended Timing and Methodology for*

7-4

Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000). DFG supports the use of the Swainson's Hawk Technical Advisory Committee (TAC) survey protocol for increasing the likelihood of detecting active Swainson's hawk nests, and recommends that the survey methodology and timing be strictly followed. Surveys should be completed for at least the two survey periods immediately prior to the start of Project-related construction work. For example, according to the TAC recommended survey timing, if a project is scheduled to begin in mid-June, three surveys should be completed in Period III (April 5 to April 20) and three surveys in Period V (April 21 to June 10). Completion of additional surveys at other times during the Swainson's hawk nesting season, which is typically from March 1 until September 15, is also recommended. Surveys should be conducted during diurnal periods when hawks are most active, which are typically early to mid-morning and late afternoon. Due to the difficulty of detecting nests after mid-April, surveys should not be initiated during this phase of the hawk nesting season. DFG recommends that the proposed survey methodology be submitted to DFG for review and approval a minimum of 15 days prior to the proposed start of survey activities.

To avoid take or adverse impacts to Swainson's hawk, DFG recommends avoiding all Project-related activities with the potential to cause nest abandonment or forced fledging of young within a minimum of 0.25 miles of nesting hawks between March 1 and September 15. A CESA permit will be required from DFG if Project activities with the potential to cause disturbance to nesting Swainson's hawks are proposed to be conducted within the 0.25-mile buffer.

Project implementation would result in the loss of a total of 241.32 acres of Swainson's hawk foraging habitat through conversion of 196.18 acres of agricultural cropland and 45.14 acres of annual grassland. The draft EIR states that compensation for loss of Swainson's hawk foraging habitat may include preservation and management of foraging habitat of similar quality at a 1:1 ratio and purchase of mitigation credits (Mitigation Measure 4.4-7). Compensatory habitat would be located within the Irrigated Agriculture Conservation Area as described in the HCP. Mitigation Measure 4.4-7 states that, if determined acceptable by DFG, the preservation of 68.83 acres of active farmland as required by Mitigation Measure 4.3-1 may count as partial fulfillment (68.83 of the total 241.32 acres) for the loss of Swainson's hawk foraging habitat. Under Mitigation Measure 4.3-1, mitigation options proposed for the loss of active farmland include preserving similar quality land by establishing an agricultural easement, purchasing development rights, donating mitigation fees to an agricultural land trust or conservancy, contributing to the DOC fund for farmland preservation, or some other feasible method.

DFG will consider the purchase of Swainson's hawk foraging habitat credits at a DFG-approved mitigation bank and/or land protected and managed in perpetuity as appropriate mitigation options for loss of Swainson's hawk foraging habitat. Mitigation lands should, however, be at a ratio appropriate for the impact and determined by the quality and function of the proposed mitigation, and proximity to known nesting habitat. Off-site mitigation land should be preserved with a conservation easement, include an endowment fund for long-term resource management, and specify long-term sustainability and management of resources. Incompatible land uses should be prohibited on lands designated for species protection. A detailed Mitigation and Monitoring Plan (MMP) should be prepared for the Project, and include a site-specific habitat assessment, species occurrence information, effective compensatory mitigation, monitoring methods, performance criteria to ensure mitigation success, adaptive management, and

Mr. Fred Buder
January 23, 2012
Page 5

reporting requirements. The MMP should be prepared in consultation with DFG, and submitted to DFG for review and approval prior to Project implementation.

Lake and Streambed Alteration Agreement

DFG will require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the City of Vacaville for any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank, or use material from the streambed of Brazelton Drain or any other drainage channel located within the Project area. The draft EIR (Section 4.4-3) states that notification of an LSAA will be required for the installation of a water diversion pump and facilities. Project activities such as excavation or filling-in of both natural or constructed channels, and installation of culverts and pipelines within a channel would also be subject to Section 1600 requirements. DFG jurisdiction also extends to channel-associated riparian and/or wetland resources. The EIR should fully analyze the direct and indirect impacts of Project activities on aquatic and riparian resources and avoid or minimize those impacts. Specific mitigation requirements for unavoidable impacts to channel, wetland and riparian habitat will be determined during the Section 1600 process. Issuance of an LSAA is subject to CEQA. DFG, as a responsible agency under CEQA, will consider the EIR for the Project. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

7-4
Cont.

7-5

If you have any questions, please contact Ms. Brenda Blinn, Environmental Scientist, at (707) 944-5541; or Ms. Stephanie Buss, Staff Environmental Scientist, at (707) 944-5502.

Sincerely,


Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

Mr. Ryan Olah
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W2605
Sacramento, CA 95825-1888

Comment Letter 8

From: Jim Immer [<mailto:jim.immer@lewisop.com>]

Sent: Monday, January 23, 2012 4:38 PM

To: Fred Buderl

Cc: [REDACTED]

Subject: Comments re Vanden Meadows EIR

Hello Fred and Christina,

Please accept the following comments to the Vanden Meadows EIR.

In the Traffic Section, there are a number of references to mitigating certain intersection or roadway impacts through a future updated Development Impact Fee Program. We have two comments regarding these mitigations utilizing an updated Development Impact Fee Program. First, we understand that the City Council has already accepted that a number of the listed intersections will operate at a level of service D, and therefore, such intersection improvements should not be included in the DIF program unless level of service were to fall below level of service D. Second, Mitigation 4.6b regarding Peabody Road being expanded with 5th and 6th lanes south of Alamo Road, such expansion seems excessive and probably not warranted given that we believe the regional plans for Peabody connecting to the City of Fairfield call for a 4-lane roadway.

8-1

8-2

Also in the Traffic Section, Mitigation 4.13e references the potential Regional Transportation Impact Fee in order to improve Peabody south of Vacaville border, and states that the City will support the regional efforts. Until the Regional Fee is fully defined, we believe it is premature for the City to commit to supporting the Regional Transportation Impact Fee because the entire program may not be acceptable to the City of Vacaville.

8-3

Thanks,

Jim Immer

VP Planned Community Dev

Lewis Operating Corp.

9216 Kiefer Blvd.

Sacramento, CA 95826

jim.immer@lewisop.com

(916) 403-1705 Phone

(916) 416-3783 Mobile

(916) 848-0219 Fax

www.lewisop.com

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From: [B C](#)

To: [Ron Rowlett, Vice Mayor](#) ; [Steve Hardy, MAYOR](#) ; [Mitch Mashburn, Councilmember](#) ; [Curtis Hunt, Councilmember](#) ; [Dilenna Harris, Councilmember](#) ; [Laura Kuhn, City Manager](#)

Sent: Tuesday, January 24, 2012 10:15 AM

Subject: TRAFFIC-Vanden Meadows

Honorable Mayor Hardy, Council Members and City Manager

REF: MAINTAIN Level of Service C
Vanden Meadows

I highly encourage you to maintain traffic Level of Service C in any and all planning for Vanden Meadows, and any other proposed developments in Vacaville.

Based on the Environmental Impact Report for this project, I feel the city of Vacaville and its citizens will suffer if the level of service for traffic is reduced.

The desired level of service in Vacaville has been set at Level of Service C. To reduce the level of service below that (D or worse) is not consistent with the needs of the residents of Vacaville and it would destroy the "quality of life" that Vacaville is well known for. I strongly oppose any reduction in the level of Service below C. Please do not cave in to the interests of the developers, hired consultants, and engineering firms at the expense of the citizens of Vacaville.

As I have previously mentioned at a City Council Meeting regarding the General Plan currently being reviewed, I **strongly oppose** any reduction in the level of service below "C" in Vacaville. The consultants hired by the City of Vacaville seem to think that we should accept a level below C along with potential developers and hired engineering firms. The citizens of Vacaville deserve better. The developers need to pay for any necessary infrastructure improvements, NOT the citizens of Vacaville.

I highly encourage you to maintain Level of Service C for the aforementioned development.

Respectfully submitted,

Bob Challburg email: 1chopper@msn.com
448 Stonewood Dr.
Vacaville, CA 95687

Comment Letter 10

To whom this may Concern,

I believe the Vanden Meadows project needs more studying. I have listed a few questions and concerns.

1. Why would we as a city accept lower standards for our citizens? (intersections)
2. Why would we build a new subdivision when South town is not built out?
3. Why does the EIR Drainage Analysis say these words, the Flooding would **most likely** be confined to the street section.
4. It seems to me that the projected school is way under sized.

10-1

10-2

10-3

10-4

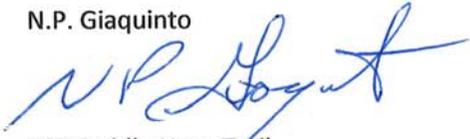
I know the city needs revenue, but at what expense.

I also wonder, in this economy, who is going to buy these houses? And will we have another unfinished subdivision.

Thank you, a concerned citizen.

January 24, 2012

N.P. Giaquinto



767 Saddle Horn Trail

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JAN 24 2012

CITY MANAGERS OFFICE

JAN 24 2012

CITY OF MACAVILLE
PLANNING DIVISION

RECEIVED

JAN 26 2012

CITY OF VACAVILLE
PLANNING DIVISION

6375 Katleba Lane
Vacaville, CA 945987-9429
January 25, 2012

City of Vacaville
650 Merchant Street
Vacaville, CA 95688

Dear Mayor Hardy and Members of the Vacaville City Council:

My wife and I have significant concerns regarding the EIR for Vanden Meadows. We are especially concerned about the amount of fees being expected from the developer, which in turn would be passed on to the future residents of the proposed homes.

Per Section 4.12 Public Services, Utilities and Recreation AES 4.11:

At this time, the 22.98-acres of open space areas associated with the Proposed Project have not been accepted by the City as qualifying as city or community park facilities; therefore, the Proposed Project would not meet the City's desired service-area ratio. However, development fees associated with the Proposed Project would provide the project's fair share payment for the development of 4 planned community parks, and facilitate the expansion of the Centennial city park as described within the Vacaville General Plan Update –Parks and Recreation Technical Memorandum (City of Vacaville, 2011f). Therefore, with development impact fees, the Proposed Project's direct and incremental contribution to cumulative impacts associated with regionally serving parks would be less than significant.

If the development impact fees were inadequate, how would the open space/parks be funded? Would adequate service be provided?

In Section 4.12 Water Storage section, reference again is made to developer fees being used:

The City is currently investigating sites for new storage reservoirs, as future buildout of the City's General Plan, including the Proposed Project, would require additional storage within the main pressure zone. As described above, the Proposed Project will be required to pay the City's Development Impact Fee for water to provide adequate financing for planning, design, construction, and inspection of water supply and distribution system projects that would be carried out by the City to serve the Proposed Project. Buildout of the Proposed Project would contribute towards the need to construct planned water reservoirs. These reservoirs would be provided as needed by the City and financed through a combination of developer funds and existing impact fee reserves. The potential locations for the additional reservoirs are generally in undeveloped and/or agricultural areas. Construction of the proposed reservoirs would be in accordance with the City's standard specifications and would be subject to environmental review in compliance with CEQA. The CEQA review and mitigation measures will be funded, in part, by the development impact fees that will be paid by the Project Proponent. Due to the general locations of the additional reservoirs, potentially significant and unavoidable environmental effects to agricultural and/or biological resources may occur as a result of construction. The Proposed Project's cumulative contribution to the triggering of the construction of the planned reservoirs is, therefore, considered a significant and unavoidable impact. **Significant and Unavoidable**

This would further add to the cost of homes for consumers, especially significant in a very depressed housing market, with rebound considered to be many years in the future.

If the development impact fees were inadequate, how would vital water storage be funded? Would adequate service be provided? Furthermore, can we accept further public funds becoming necessary for further environmental review for locating "potential locations for additional reservoirs"? Can we accept further use of precious agricultural land, ultimately used to feed people, in exchange for providing water?

11-1
Cont.

Section 4.13 of the EIR is of special concern to us, as follows:

4.13-1 Implementation of the Proposed Project with and without the Foxboro Parkway Extension has the potential to increase traffic on Vacaville and Solano County roadways beyond acceptable capacities under Existing Conditions.

The operations results for roadway segments in the PM peak hour are presented in **Table 4.13-10**. Under Existing Conditions, two roadways would operate at LOS D or below:

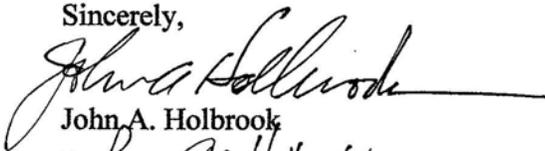
- Vanden Road south of Leisure Town Road – LOS D
- Peabody Road south of Vacaville City Limits – below LOS D

11-2

Would increased developer fees for these potential new home owners and abysmal traffic conditions entice new owners into the homes? We think not. Substandard traffic flow is not acceptable.

We whole heartedly agree with Mr. Ernest Kimme's recent article in The Reporter on 1/24/12: "Vacaville deserves better plan."

Sincerely,



John A. Holbrook



Lynn A. Holbrook

Comment Letter 12

From: PEGGY ROLLINS [<mailto:childlibrarian@yahoo.com>]

Sent: Wednesday, January 25, 2012 10:56 PM

To: Community Development Info

Subject: Vanden Meadows

As a resident of Vacaville, I am ashamed to say that news of this proposed housing area came as a surprise. I missed my chance to give comments early on and having browsed through the documents online, I see the extensive work put into it. When I first heard of this project, my response was "Why?" We have so many empty houses and certainly areas within the city on which housing could be built. Unfortunately, my question is over a year too late.

As a resident of the area close to Peabody and Foxboro, I am concerned about the problem with traffic and noise that will increase as the project goes forward. I see in the documents that Peabody Road will be improved but obviously, not soon enough since the money to do so will trickle in.

I see that the environmental impact has been considered in detail. Despite that, I think that there will be damage.

Who will gain? That's rhetorical, of course.

Peggy Rollins

12-1

RECEIVED

JAN 27 2012

CITY OF VACAVILLE
PLANNING DIVISION

To Whom it May Concern:

I am writing in protest of the suggested mitigations found in the Environmental Impact Report for the Vanden Meadows Development Project. More specifically I am writing to protest the lack of mitigation and complete disregard for potential significant impact on the wildlife and creek systems in Vacaville and Solano County. Additionally, traffic impacts of this community are too intense for the area and will reduce our quality of life and put us further out of compliance with current air quality laws.

13-1

Regarding Section 4.4-5 Adverse impact on Burrowing Owls.

4.4-5 Grading and construction activities associated with the Proposed Project could result in the removal of potential nesting habitat for burrowing owls.

Burrowing Owls are an unusual and unique part of our Solano County heritage. All attempts should be made to preserve and protect these charming creatures. They are part of what makes Vacaville and Solano County a special place to live. They add value to our community and their presence enhances our quality of life.

The EIR suggests that the careful destruction of Burrowing Owl nests and potential nests is somehow a form of mitigation. That is not mitigation; it's just destruction of habitat and nests. Sections 4.4-5 a-d go into great detail about the methods that should be used to destroy the nests, but there is no mitigation suggested in the entire document to make up for the massive loss of hundreds of acres of hunting grounds for these birds. The Vanden Meadows Development must provide land for a burrowing owl sanctuary with fences to keep out domestic cats, dogs, dog walkers, and other human encroachment into their nesting areas. Land mitigation should be given for the areas that show burrowing owl potential habitats. A one day observation by a geologist does not accurately predict where the owls will live, nor does it give an accurate depiction of how many owls are living in the area. Burrowing owls have specific needs and not just any open space will suffice as a habitat. Having watched the Burrowing Owl Colony at Orange and Leisure Town for a decade, it has become apparent that the owl families move from den to den during the year. Sometimes they move as often as once per week when they don't have fledglings. Any potential habitat within close proximity to the owls should be considered true habitat and nesting area and should be protected and preserved. Adequate land for hunting must also be given.

13-2

Section 4.5 Swainson's Hawk. Provides no mitigation for destruction of Swainson's Hawk habitat, nesting areas, and hunting grounds. Mitigation must be provided in the form of a preserve of land within or attached to the development and area and surrounding the potential habitat sites. Protection of nestlings through a fenced preserve is necessary due to increased predation by household pets such as cats and dogs should be constructed.

13-3

The EIR suggests the following:

"In accordance with the conservation measures identified within the draft SMHCP, the applicant shall purchase credits for the conversion of 241.32 acres of Swainson's hawk foraging habitat at a 1:1 ratio. If determined acceptable by the DFG, the preservation of

68.83 acres of active farmland in Solano County as required by **Mitigation Measure 4.3-1** may count towards this requirement, reducing the additional preservation requirement to 172.49 acres.”

This is unacceptable. Farmlands do not provide adequate foraging and hunting grounds for hawks and migratory birds. Farmlands are tilled which destroys prey burrows on a regular basis. Pesticides and insecticides are used in farmlands which is not safe for raptors. Additionally farmlands have high human activity, loud machinery, and hunting activity throughout much of the year. These activities would significantly and detrimentally impact the Swainson’s Hawk. Mitigation must be provided in a 1:1 ratio and include the complete 241.32 acres of land purchase.

13-3
Cont.

The EIR discusses loss of habitat for migratory birds
Mitigation Measure 4.4-8 b provides for safe ways to destroy bird habitats and cut down trees used for nesting, but nowhere in the document is there a requirement for Tree Mitigation that would provide nesting grounds outside of the development areas to make up for the loss of nesting areas. Tree mitigation must be provided in areas outside of the development and at a distance far enough away from human development to safely allow for nesting and fledgling activities. Tree mitigation does not mean planting new trees. It means providing sufficiently large trees for the birds to use as a habitat.

13-4

Mitigation measure 4.4-4 a. Western Pond Turtle Mitigation is ludicrous. If there are Western Pond Turtles in the area, redesign the subdivision and preserve the area. You cannot possibly find, capture and remove all of the turtles. Turtle breeding cycles are easily disrupted and such disturbances could stop them from breeding for many years, thus risking a huge drop in species numbers. Turtles choose their habitats based on the available food supply, clarity of the water, and protection against predators. Simply moving the turtles to a new area is not sufficient. Resources sufficient to promote the health and welfare of the turtles must be considered.

13-5

Vernal Pools and brachiopods. Vernal pools are protected as are the brachiopods found in them. Leave the vernal pools alone, leave the brachiopods alone. Purchasing mitigation credits is not acceptable. Vernal ponds and other wet lands are an asset to our community and Vacaville has had a long tradition of protecting them. They should be left alone, buffered, and protected. The development can be creatively designed around them.

13-6

Section 4.8. Hydrology and Flooding.

The detention basin for the Vanden Meadows project runs into the Noonan Drain owned by the Solano Irrigation District. From Noonan Drain it flows into the Barker Slough, then to the Suisun Bay.

The area of development has very small lot sizes. Even the low density residential shows maximum homes per acre, and there is an increased rate of MDR building to make up for a current lack of this housing in the rest of Vacaville. With small lots sizes, there will be increased water runoff. This will have severe damaging effects on the Barker Slough, particularly where it flows through the 264 acre Barker Slough Ecological Reserve in Solano County.

13-7

Additionally the 100 year flow plan releases water into New Alamo Creek which, if it is keeping with our other local creeks, will have a plethora of wildlife including American Mink, Western Pond Turtle, migratory birds, and Salmon Runs. There was no study on what the effects would be on this area. A study is required to evaluate the impact the increased runoff will have on Baker Slough and New Alamo Creek. Please review Vacaville General Plan Guiding Policies 8.1-G.1. Please review the video documentation of American Mink and other species that are found in our local creeks and waterways. See,

13-7
Cont.

<http://www.youtube.com/watch?v=1v2tx74Y4h8>

Traffic.

This development plan will create Level of Service (LOS) D on many intersections within South Vacaville. Currently our General Plan requires LOS - C. Agreeing to LOS- D is unacceptable. Allowing LOS D in the South Vacaville streets will create an even wider divide between property values in South Vacaville and those in North Vacaville due to the lowering of quality of life in these neighborhoods. Allowing LOS D or worse, puts us further out of compliance with AB 32, the Global Warming Solutions Act, and SB 375. The EPA has placed Vacaville and Solano County listed as Severe 15 for Ozone Pollution.

13-8

(<http://www.epa.gov/oar/oaqps/greenbk/gnca.html#6921>).

This ranking places us in the top 5 worst ozone polluted areas in the nation. Creating more standing traffic, higher numbers of cars on our streets and more gas emissions will put us into a category for which there is no recovery. Taking grasslands that are CO₂ sinks out of use and putting homes on top of them will further reduce our abilities to process CO₂. Increased machinery use in this subdivision will increase ozone emissions and take us further out of compliance.

13-9

Vanden Meadows must significantly reduce the numbers of housing units in order to keep the City of Vacaville in compliance with its General Plan and with State Air Quality Laws. Leisure Town Road is scheduled to become Jepson Parkway. The City of VV is mandated to keep this road at LOS D or better. This development will have severe negative impacts upon the LOS on Leisure Town Road. It is not acceptable to throw up our hands and make no recommendation for mitigation for gridlocking Leisure Town Road.

13-10

Vacaville is currently in a depressed housing market. Our county is listed as the second highest level of home repossession in the nation. We are not suffering from a housing shortage in Vacaville. We do not need to build this high level of housing. Doing so will decrease home values for all Vacaville residents and reduce the quality of life for all residents of South Vacaville.

13-11

Steven & Ellen Fawl
6708 Willow Road
Vacaville, CA 95687
(707)592-8770



January 18, 2012

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

JAN 19 2012

CITY OF VACAVILLE
PLANNING DIVISION

Re: Draft Environmental Impact Report – Vanden Meadows Specific Plan and Development Project

Dear Mr. Buderl:

The Yolo Solano Air Quality Management District (District) has received the Draft Environmental Impact Report for the project referenced above (Project), and is submitting comments. The Project would develop 939 residential units on a 238 acre project site. The development would also include a school site, and a seven-acre park.

The District would like to make the following comments:

Construction Impacts

1. The District appreciates the inclusion of the URBEMIS outputs in the appendices to the DEIR.
2. On page 47 of the URBEMIS outputs in Appendix D, the outputs specify that in the 2013 to 2015 timeframe, ROG emissions from the application of architectural coatings will be reduced through the use of Low VOC coatings. This mitigation is applied to four different categories of surfaces: residential exterior, residential interior, nonresidential exterior, and nonresidential interior. For each category, the URBEMIS outputs indicate that the measure will achieve a 10% ROG reduction.

14-1

14-2

Table 4.2-5 in the DEIR shows that ROG emissions are reduced through mitigation by up to 70% a year in the 2013 to 2015 timeframe. It is unclear how these reductions are being achieved. The outputs do not indicate that any ROG-reduction mitigation measures are being implemented during construction other than the low-VOC coating mitigation. According to the description of the mitigation on page 47 of the URBEMIS outputs, there should be no more than a 10% reduction in ROG from implementation of this measure. Please clarify where the additional ROG reduction will be obtained. This is especially important for years such as 2014, where ROG generated during construction exceeds the District threshold of significance prior to mitigation.

14-2
Cont.

Additionally, the applicant should provide information detailing the low-VOC coatings are available to be used to achieve a 10% VOC reduction. The District's Rule 2.14 – Architectural Coatings already requires the use of coatings with low VOC contents. These limits are believed to be the lowest achievable in practice. The following VOC limits for the major coatings categories are presented from Rule 2.14.

14-3

100 grams/liter VOC	Flat Coatings
150 grams/liter VOC	Nonflat Coatings
250 grams/liter VOC	Nonflat-High Gloss Coatings

- The URBEMIS Summary Report in Appendix D to the DEIR claims a NOx reduction of between 18 to 24% and a reduction in PM exhaust of between 34 and 43% from the use of aqueous fuel and diesel oxidation catalysts. Currently, Lubrizol PuriNOx is the only CARB verified aqueous fuel. PuriNOx is verified to reduce NOx and PM for 1988-2003 on-road engines only. The District does not believe that PuriNOx is available in the Sacramento region. Consequently, it is doubtful that this would represent a feasible mitigation measure.

14-4

It is possible that other measures could be implemented in place of the aqueous fuel measure. Other potentially feasible measures to reduce NOx and PM 10/2.5 exhaust could include a combination of technologies including

- Use of biodiesel (PM reductions)
- Use of CARB off- road verified lean NOx catalysts (NOx reductions)
- selective catalyst reduction (NOx reductions)
- diesel oxidation catalysts (PM)
- diesel particulate filters (PM)
- Use of newer and cleaner equipment than the statewide construction fleet average.

14-5

Measures to reduce construction related NOx would be especially important in 2013 since unmitigated NOx emissions are shown to exceed the District's threshold for this pollutant during this year.

4. Mitigation Measure 4.2-1b includes a commitment to limit construction vehicle idling times to five minutes. The District agrees that limiting idling to five minutes is an efficient and practical way to reduce unnecessary construction emissions. However, State law already limits idling of heavy-duty vehicles to five minutes. Since this prohibition is already required, it should not be considered mitigation. The District suggests instead that the applicant ensure that employees are aware of this existing regulation.

14-6

5. Mitigation Measure 4.2-1a includes a commitment to conduct any burning of cleared vegetation according to BAAQMD Regulation 5. The District would like to point out that the District also has adopted a rule limiting open burning within our jurisdiction. District Rule 2.8 – *Open Burning, General*, applies to all open burning within the jurisdiction of the District, and sets prohibitions for such burning. The applicant should abide by the requirements of BAAQMD Regulation 5 as well as the District’s Rule 2.8 for the duration of the construction period.

14-7

Operational Impacts

6. Page 49 of the URBEMIS outputs in Appendix D shows mitigated and unmitigated operational emissions for a summer day. For all of the land use categories except the Elementary School category, emissions increase under the “mitigated” scenario. Please explain why this occurs.

14-8

7. Page 53 of the URBEMIS outputs in Appendix D show a 49% reduction in vehicle trips associated with the “Non-Residential Parking Supply Mitigation for Elementary School” measure. Mitigation Measure 4.2-2 in Chapter 4.2 of the DEIR specifies that “The number of parking spaces at the proposed school shall be consistent with the Leadership in Energy and Environmental Design standards”. Please specify whether the mitigation in Appendix D is equivalent to the parking measure in Mitigation Measure 4.2-2. The District is unfamiliar with the Leadership in Energy and Environmental Design standards. Please clarify what would be done as a result of implementation of this measure and how the 49% trip reduction would be obtained.

14-9

8. Impact 4.2-5 of the DEIR discusses potential toxic impacts to new receptors from locomotives that would run on the nearby train track. In order to analyze this impact, the DEIR equates one train to 20 light duty vehicle trips. While the overall horsepower of a locomotive and the horsepower of 20 light duty vehicles may be similar, it may not be suitable to compare the two for purposes of evaluating toxic air contaminant (TAC) impacts. The TAC at issue here is diesel particulate matter, which is produced through the combustion of diesel fuel. While locomotives running on the nearby rail line would be diesel-fueled, very few light-duty vehicles run on diesel. Consequently, while the total horsepower may be equivalent, the TAC impact of one locomotive would be far greater than that of 20 light-duty vehicles. The California Air Resources Board’s Carl Moyer Guidelines show that even a relatively clean Tier 2 line-haul locomotive engine produces 0.086 grams per brake-horsepower-hour of particulate matter (2011 Carl Moyer

14-10

Guidelines, Chapter 11, Table 11-4). It is likely that the locomotives that will run on the nearby train track would be engines with lower tier engines.

14-10
Cont.

9. The District appreciates the inclusion of a climate change and greenhouse gas analysis in the DEIR. The District would like clarification on one mitigation measure in this analysis. Mitigation Measure 4.2-8(3) specifies that the applicant will purchase 19,555 metric tons of CO₂e emission reduction credits in order to reduce the greenhouse gas impact of the project. The applicant should provide more detail as to where they plan to purchase these credits.

14-11

Site Plan/Circulation

10. Curvilinear street patterns, cul-de-sacs and sound walls, as proposed in the Vanden Meadows plan are not necessarily the most efficient pattern for non-motorized transportation and convenient access to transit. Under the proposed site plan, many of the residents that will be located closest to the bike and pedestrian trail system will not have direct access to this resource because it will be located behind the resident's backyard fence or sound wall. To help offset this impact, pass-through areas, openings and gaps could be integrated into the design of sound walls and cul-de-sac to allow access to adjacent streets and pathways to the extent possible to further maximize connectivity for bicyclist, pedestrians and direct access to transit stops. Easier access to bike, pedestrian, and transit infrastructure will increase the opportunities for residents to utilize non-vehicular travel modes, and would decrease emissions from motor-vehicles.

14-12

11. The non-motor-vehicle circulation system map found in the Vanden Meadow Specific Plan shows that the major roadways within the project have designated bike lanes. However, bike lanes are not shown in the cross sections of Vanden and Leisure Town Road/Jepson Parkway, Nut Tree Road or Foxboro Parkway, nor are they shown on the collector streets in the specific plan. On-street bike lanes are useful for the more experienced and regular bike commuters that generally prefer to ride on the street. Please consider including bike lanes on all arterial and major and minor collector streets connecting to existing routes in adjacent developments.

14-13

As mentioned in the comments on the project notice of preparation, the following District Rules and Regulations may apply to the project during construction:

- The District would like to note that if any portable diesel fueled equipment greater than 50 horsepower (HP), such as generators or pumps, would be used as part of project operations, this equipment must be permitted with the District. Under specific circumstances as approved by the District, the equipment may instead be registered with the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) (<http://www.arb.ca.gov/perp/perp.htm>).
- Architectural coatings and solvents used at the project shall be compliant with District Rule 2.14, ARCHITECTURAL COATINGS.

14-14

- All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District rules and regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.

14-14
Cont.

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

Sincerely,



Matthew R. Jones
Supervising Air Quality Planner

Vanden Meadows Draft EIR

Public Comment – Received by Christina Corsello via phone conversation January 17, 2012

Paul Shecter
PO Box 2428
Vacaville, CA 95696

Mr. Shecter's main points are:

- 1 – No new development. We are in a bad economy with many vacant houses that are available for rent or purchase. The housing market is over saturated and Vacaville does not need to grow more at this time. 15-1
- 2 – Absolutely no apartments; unless senior apartments or very tasteful duplexes like those on Marshall. Apartments only bring the socially dependent and dysfunctional population. Apartments bring criminals, people with economic problems; they are not family friendly or conducive. Apartments enable alcoholics or drug addicts and their problems; why invite any of them in to Vacaville? 15-2
- 3 – If the area must be developed, allow for only single family unit on large lots, .5 to 10.0 acre minimum lot size. 15-3

Mr. Shecter suggests that the following rules be followed by the City:

- 1 – Restrict and constraint. Minimalism is better. Demand quality, not quantity. 15-4
- 2 – Minimize the socially dependent and dysfunctional groups. Do not allow for more to move in. 15-5
- 3 – Transparency in the process is important. 15-6
- 4 – We have low cost housing and huge amounts of vacancies sitting on bank owned lots, therefore we do not need to build huge new projects. The City should not demand more houses. Density becomes a problem and brings traffic issues, increased crime, and increased delinquency. With growth we must ensure that the construction workforce does not include illegal aliens. All the arguments for low cost apartments are incorrect. This growth will lead to city gridlock. 15-7

No on Vanden Meadows.

Public Comment Hearing
Vanden Meadows Development Project Environmental Impact Report

Planning Commission Meeting
January 17, 2012

Public Comment Period:

1. Resident, Greg Duncan, asked if the public comment letter from Travis Unified School District was available for public review now.
City staff, Fred Buderer, affirmed it was and gave Greg a copy of the letter.
2. Commissioner, Brett Johnson, asked the applicant, Tom Phillippi about a resident comment letter received that indicated the resident did not want Foxboro Parkway to be connected to Vanden Road. Commissioner Johnson asked if, at any time, was there ever any indication of this connection not being made.
Tom Phillippi responded by saying that the Vanden Meadows project has always included the Foxboro connection to Vanden Road, in part because the Southtown development project includes the connection; but also because the 1990 General Plan requires the arterial connection as an implementation measure of the General Plan.
3. Resident, Greg Duncan, inquired about the reasoning for the realignment of Vanden Road.
City staff, Fred Buderer, explained that the realignment is to adjust traffic so the Vanden is not a straight thoroughfare in an effort to decrease traffic through the Southtown development on Vanden Road

Commission Comment Period:

4. Commissioner Brett Johnson asked if the City has any assurances from the Travis School District that a school will be built on the identified school site and that the land will not be designated "surplus land".
Travis School District Representative, Scott Sheldon, responded by saying that Travis School District does own the land as of 2006 and purchased it for the purpose of an elementary and middle school. No guarantee of if or when the school will be built can or will be made; but the purpose and intent are still there. Mr. Sheldon further pointed out that surplus school lands are smaller in size than this land and usually are identified as being too small for necessary schools and amenities.
5. Commissioner Shannon Nadasady asked if the identified park will be included in the General Plan Parks section and labeled as a park on the General Plan Map.
City staff, Fred Buderer, affirmed that if the project is approved, then the neighborhood park would be City park lands.
6. Commissioner Johnson suggested that if the school falls through, then maybe the Travis School District could make the site a park to help the City with the current park deficit; just a friendly suggestion.



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June 7, 2012

VIA EMAIL - ccorsello@cityofvacaville.com

Christina Corsello, Project Manager
City of Vacaville,
Community Development Department
650 Merchant Street
Vacaville, CA 95688

Re: *Vanden Meadows Specific Plan and Development Project*
Our File No. 4237-001

Dear Ms. Corsello:

We represent the owners of the 25.36 acre parcel (APN 0137-050-020) that includes the entirety of Subareas J and K shown in Figure 3-4 of the Draft Environmental Impact Report ("DEIR") for Vanden Meadows Specific Plan and Development Project ("Project"). Consistent with the DEIR, we will sometimes refer to our clients' 25.36 acre parcel as the "Montgomery Property."

We provide these comments pursuant to the Revised Public Notice of Availability, dated April 12, 2012, extending the public review period through June 8, 2012. As you know, the City did not provide our clients with a copy of the original Notice of Availability. We therefore appreciate that the City afforded our clients an opportunity to comment through the Revised Notice.

A-01

Because the City Council will be reviewing concurrently both the proposed Specific Plan and the Final Environmental Impact Report for the Vanden Meadows project, this letter provides comments on both documents.

Comments on Vanden Meadows Specific Plan

I. Unfair Alignment of Foxboro Connection

Our clients are very concerned about the alignment of Foxboro Parkway proposed in the Vanden Meadows Specific Plan ("Specific Plan"). As shown in Figure 3-4, the proposed new Foxboro Expressway alignment ("Foxboro Connection") bisects the Montgomery Property, leaving a small 4.06 acre parcel to the north of the proposed alignment (Subarea J), and a larger 16.61 acre parcel to the south (Subarea K). This division is highly problematic because it would greatly interfere with farming activity, and

A-02

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June 7, 2012
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would also greatly impede development of the parcel following termination of such farming activity and the Williamson Act contract that is currently in place on the property. This result could have been avoided by the City respecting the property boundaries of the Montgomery Property. If an alignment following the property's northern or southern border is impossible, our clients request adjustments be made to the alignment that would be the least disruptive to farming activity, and would have the least negative impact on any future development on the property.

A-02
Cont.

II. Unnecessary Width of Proposed Foxboro Connection

The traffic impact analysis included in the DEIR causes us to seriously question whether the Foxboro Connection should be a four-lane arterial, rather than a two-lane roadway. The levels of service shown at key intersections studied in the DEIR indicate that the Foxboro Connection will not demonstrably improve circulation in the Project's vicinity. (See DEIR, 4.13-23, 4.13-24.) In fact, the DEIR asserts that the Foxboro Connection would have a positive impact on only Intersection 14 (Alamo Drive at Merchant Street). (See DEIR, 6-7.) How the Foxboro Connection would have a positive impact on that distant intersection is entirely unclear. Accordingly, we see no factual support for a four-lane arterial connection.

A-03

We understand that roadway widths are typically dictated by the number of lanes at roadway intersections. We are fully aware that Foxboro Parkway is a four-lane where it presently terminates at Nut Tree Road. However, we are also aware that installation of traffic circles at the future intersections of (a) Foxboro and Nut Tree Road, and (b) Foxboro and Vanden Road could make a two-lane Foxboro Connection viable. We understand City staff are currently analyzing this option, and we urge implementation of that approach to minimize an unnecessary taking and/or dedication of private property.

A-04

III. Requested Change In Zoning Designation For Subareas J and K.

Our clients request that the City do everything reasonably possible to mitigate our clients' severance damages by, among other things, (a) reducing the width of the Foxboro Connection to two lanes, and (b) permitting a greater range of future development options in Subareas J and K. On the second point, the land use designations along the western and southern borders of the Montgomery Property should be changed from "Estate" to "Urban Residential." Our clients wish to preserve the potential development of at least some portions of the property as Residential Low-Medium Density, Residential Low Density, and Residential High Density, in whatever configuration future market demand may support. The City is currently in the process of updating the 1990 General Plan, and so it would not add appreciably to the City staff work load to include a revision to the current zoning affecting Subareas J and K.

A-05

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It is our understanding that City staff have previously taken the position that housing density should decline from north to south in the Vanden Meadows area, such that the lowest density housing should be located along the extreme southern border of Vanden Meadows, which is adjacent to the agricultural areas. We request that City staff re-visit this policy because it does not account for current and projected market realities. There is currently no market demand for large-lot housing product, and there is no reasonable assurance that demand for such housing will return in the foreseeable future. Accordingly, our clients are concerned that limiting future development on their property to 10,000 square-foot lots would make it economically infeasible to develop their property should they terminate their Williamson Act contract through the nonrenewal process.

A-06

Tasteful, high quality, higher density housing can both increase surrounding property values, and support enjoyment of more open space by a larger number of people. Given the need to allow an 80 foot set back from the southern property boundary for fire protection purposes, a higher density product facing southward, overlooking agricultural open space could be a superior land use. Attractive two-story residences have been successfully developed elsewhere in Northern California adjacent to scenic areas, and we see no reason why those successes could not be replicated in Vanden Meadows. We therefore request that City staff revise existing policy to allow for more development options for which market support may be stronger.

A-07

In short, we ask that the City give our clients and future owner/developer of the property more development options by amending the land use designation for Subareas J and K from "Estate" to "Urban Residential," as part of the General Plan update that is presently underway.

A-08

Comments on DEIR

I. The DEIR's Project Description Is Unclear And Incomplete, Because It Does Not Expressly Reference The Foxboro Connection.

As detailed below, the DEIR consultant's alternatives analysis is fundamentally flawed as a result of a defective Project description, and the City's failure to expressly acknowledge that construction of the Foxboro Connection is a component of most of the City's objectives for the Project.

A-09

Section 15124(b) of the CEQA Guidelines requires that the DEIR include "[a] statement of the objectives sought by the proposed project." According to this CEQA Guideline, "[a] clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary." As courts have explained: "An *accurate*, stable and finite project description is the sine

A-10

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qua non of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 193 (1977) (emphasis added).

The project description in the DEIR does not meet this standard, and therefore resulted in a DEIR that fails to meet the informational goals specified in Section 15124, and applicable decisional law. *See, e.g., City of Redlands v. County of San Bernadino*, 96 Cal. App. 4th 398, (2002) (“by failing to accurately describe the agency action and by deferring full environmental assessment of the consequences of such action, the County has failed to comply with CEQA’s policy and requirements.”)

A-10
Cont.

Section 3.4.1 of the DEIR lists five (5) objectives identified by the Applicant, and seven (7) objectives identified by the City. The third objective included in the City’s list is, however, unclear. It states as follows:

Utilize existing infrastructure; such as detention basins and the urban service area; to encourage economic vitality, accommodate new housing, increase City’s revenue base, enhance mobility and economic opportunity, and correct deficiencies.

A-11

(DEIR, 3-7.) This objective is unclear because it does not specify what existing infrastructure the City seeks to utilize, and what deficiencies the City seeks to correct. The public and City Council should not be left to guess what these vague references mean. The only thing that is clear from the text of this objective is that the above list of existing infrastructure the City seeks to utilize is incomplete.

Among other things, the project objectives listed in the DEIR fail to expressly identify construction of the Foxboro Connection as one of the Project’s goals. A review of the Specific Plan prepared by Phillippi Engineering, which is attached as Exhibit C to the DEIR, confirms that the Foxboro Connection is one of the Project goals. The Foxboro Connection is identified in the project summary as one of the Project’s proposed “amenities” (Specific Plan, § 1.1.) Section 1.1.2 of the Specific Plan elaborates as follows:

A-12

The Foxboro Parkway connection from Nut Tree Road to Vanden Road has been identified by the City of Vacaville as a key arterial which will provide an enhanced connection to Leisure Town Road and Vanden Road (the future Jepson Parkway) from the Foxboro development area.

Section 4.2.3 of the Specific Plan describes the current status of the Foxboro Parkway, and the improvements proposed as part of the Project as follows:

Currently, Foxboro Parkway is a four lane arterial within the Foxboro development that terminates at Nut Tree Road. The City of Vacaville

A-13

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General Plan requires that this four lane parkway be continued from Nut Tree Road to the intersection of Leisure Town Road at Vanden Road. This connection will greatly improve circulation in the southeast Vanden area and will provide connectivity to Travis Air Force Base to the south as well as Interstate 80 to the north for those residents within the Foxboro development. Completion of the parkway improvements (including trails and landscaping) is the joint obligation of the Southtown developers and the Vanden Meadows developers. See Figure 4.2 for the location and Figure 4.2.3 Foxboro Parkway for the details of the proposed street section.

In addition, Section 4.3 of the Specific Plan describes the benefits expected to result from completion of the Foxboro Connection as follows: "The Foxboro Parkway connection will provide ease of movement from Southeast Vacaville to Travis Air Force Base and to Interstate 80. In addition, this connection will provide for a direct connection to Peabody Road from the southeast Vacaville area." (Specific Plan, §§ 4.4-P-3, 4.4-P-4.)

Section 4.5 of the Specific Plan describes the Foxboro Connection as an important part of Project's goal for the *Non-Vehicular* Circulation Network described as follows: "Develop a comprehensive bikeway/ pedestrian system that connect the park, school(s), and Southtown development, and promote the use of alternatives to driving." To achieve that goal, the Specific Plan proposes to "[c]onstruct the trail/bike system as shown in Figure 4.3 Non-Vehicular Circulation Diagram." (Specific Plan, § 4.5-P-1.) Figure 4.3 shows both a designated bike land, and a major multi use trail on the proposed Foxboro Connection.

In summary, construction of the Foxboro Connection plainly is one of the Project goals as described in the Specific Plan. Therefore, it should have been expressly identified as such in Section 3.4.1 of the DEIR, rather than assumed, or left to surmise. The DEIR's failure to expressly include that goal resulted in a fundamentally flawed alternatives analysis, and could, unless corrected in the Final Environmental Impact Report ("FEIR) impede decision makers in preparing findings, and a statement of overriding considerations, should one be necessary.

II. The DEIR's Analysis of Alternative B Is Inadequate

The DEIR identifies Alternative B as the supposedly environmentally superior alternative to the Project as proposed by the Applicant. Alternative B consists of adoption of the Specific Plan as proposed, "with the exception that no development would occur within Sub-Areas J and K consisting of approximately 20.7 acres in the southwestern corner of the site[.]" (DEIR, 6-6.) The DEIR further states that "[u]nder

A-13
Cont.

A-14

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Alternative B, the proposed extension of Foxboro Parkway would be aligned to run along the northern border of Sub-area J to connect to Nut Tree Road.” (*Id.*)

The CEQA Guidelines provide that in evaluating the proposed alternatives, “[t]he EIR shall include *sufficient information* about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” *Id.*, § 15126.6(d) (emphasis added). As shown below, the DEIR failed to meet this standard, and is therefore inadequate.

A-14
Cont.

A. Alternative B Does Not Satisfy Most of the Project Objectives Identified By The City.

Section 15126.6 of the CEQA Guidelines, which governs a DEIR’s consideration and discussion of alternatives to the Project, provides in relevant part as follows:

An EIR shall describe a range of reasonable alternatives to the project, or to 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.

CEQA Guidelines, § 15126.6 (emphasis added). The CEQA Guidelines further provide that alternatives may be eliminated from consideration if, among other reasons, they fail “to meet most of the basic project objectives[.]” *Id.*, § 15126.6(c).

The DEIR states that “Alternative B would accomplish *all* of the project objectives identified by the City and Applicant.” (DEIR, 6-6.) That statement is not correct. Indeed, Alternative B does not accomplish most of the basic Project objectives identified by the City, which are listed below:

A-15

- Encourage development within the City of Vacaville Sphere of Influence of the 1990 General Plan by utilizing existing General Plan land use designations.
- Encourage development within the City of Vacaville’s Urban Service Area as set by and in accordance with the May 1995 City of Vacaville / Solano Irrigation District Master Water Agreement.
- Utilize existing infrastructure; such as detention basins and the urban service area; to encourage economic vitality, accommodate new housing, increase City’s revenue base, enhance mobility and economic opportunity, and correct deficiencies.
- Meet planned growth projections within the City’s General Plan by providing smart growth through development of a mixture of single-

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family and multi-family dwellings in close proximity to public schools, public parks, and pedestrian trails;

- Encourage a range of housing types within the City with an emphasis on single family moderate density development while addressing the policies and goals in the City of Vacaville General Plan;
- Develop a comprehensive bikeway/ pedestrian system that connects the park, school(s), and Southtown development, and promote the use of alternative transportation within the City; and
- Incorporate planned public school development within a master planned community.

A-15
Cont.

(DEIR, 3-7.) Five (5) of these seven (7) Project objectives identified would *not* be met if Alternative B were adopted.

The first City objective is not met because the City and County's land use designations specify Subarea J and K as either "Estate" or "Urban Residential." (See Figure 4.9-1.) Alternative B obviously would *not* encourage development within Subareas J and K, and would *not* utilize existing land use designations. Thus, Alternative B does not meet this Project objective.

A-16

The third City objective is not met because Alternative B would preclude development of the Foxboro Connection, a proposed arterial that would utilize existing infrastructure, and presumably would encourage economic vitality, enhance mobility, and correct deficiencies.¹ Paradoxically, while asserting that Alternative B meets all of the Project's objectives, the DEIR admits that "Alternative B would not be consistent with the existing General Plan for a Foxboro Parkway connection."² (DEIR, 6-7.) Obviously, Alternative B would be inconsistent with the General Plan because its Implementing Policy 6.1-12 provides that the City will implement the "Transportation Elements summarized in Table 6-1 and illustrated in Figure 6-2...." (December 2007 General Plan, Chapter 6, Page 3.) Table 6-1 of the General Plan lists connecting Foxboro Parkway, between Nut Tree Road and Vanden Road, among its recommended roadway improvements. (*Id.*, at p. 6.) Without the Foxboro Connection, the Project would not utilize the existing infrastructure in the form of Foxboro Drive, between Peabody Road and Nut Tree Road, to serve as a connection to Leisure Town Road / Jepson Parkway, and hence to Highway 80, and the Kaiser Permanente hospital

A-17

¹ In making these comments on the DEIR, we and our clients in no way concede that the Foxboro Connection is necessary.

² Though we commend this acknowledgement, it falls short of the legal requirement that the DEIR "discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans." CEQA Guidelines, § 15125(d) (emphasis added). Merely noting an inconsistency cannot reasonably be characterized as a discussion.

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located at 1 Quality Drive. We assume that the lack of a direct route to Leisure Town Road between the subdivision located immediately to the west of the proposed Project is a perceived deficiency the City desires to correct. For all of these reasons, Alternative B does not meet the City's third objective.

A-17
Cont.

The fourth Project objective would not be met under Alternative B because eliminating the Foxboro Connection could, as just discussed, isolate a sizeable residential subdivision (i.e., the one located to the west of the Project area) from both Leisure Town Road / Jepson Parkway, and make it far more difficult for the residents of that neighborhood to access the network of trails proposed for the Project area.

A-18

The fifth Project objective would not be met because Alternative B does *not* (as shown above with respect to the third City objective), address the General Plan policies and goals relating to the Foxboro Connection.

A-19

The sixth Project objective is not met because a critical component of the comprehensive bikeway / pedestrian system shown in Figure 4.3 Specific Plan would never be developed if Alternative B is adopted, and the Foxboro Connection is eliminated.

A-20

Thus, Alternative B does *not* meet five (5) of the seven (7) objectives the City identified for the Project. As a result, the City Council should properly eliminate Alternative B from consideration, as expressly permitted under Section 15126.6(c) of the CEQA Guidelines.

A-21

B. The DEIR Incorrectly Presumes Alternative B Will Provide Meaningful Environmental Benefits.

1. The DEIR's Analysis of Alternative B's Impacts Is Illogical.

The DEIR rejects the "No Project/No Development Alternative" because it would not achieve any of the project alternatives. (DEIR, 6-9.) The DEIR then proceeds to select Alternative B as the supposedly "superior alternative among the other alternatives considered in the EIR." (*Id.*) The DEIR based this conclusion on the following reasoning: "Under Alternative B, development of fewer housing units on a smaller area with increased open space would fulfill all of the project objectives and would result in lesser impacts than the Proposed Project in 8 issue areas and greater impacts in 1 issue area." (DEIR, 6-8.) The flaw in the reasoning supporting this conclusion is shown by considering the DEIR's analysis of the one (1) issue area in which the DEIR found that greater impacts would result under Alternative B. In particular, the DEIR states that the City had a remaining need for 1,792 residential units. (DEIR, 6-6) (discussing Impact 4.11-2). The Proposed Project would result in the development of 939 housing units. (DEIR, 4.11-5.) Alternative B, however, would result in the development of only

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882 single-family units. (DEIR, 6-6.) The DEIR goes on to conclude, that because there would be a remaining need for approximately 910 housing units under Alternative B, those units “would need to be constructed elsewhere.” (DEIR, 6-7.) Based on this fact, the DEIR concludes that “Alternative B would result in greater impacts in regards to housing than the Proposed Project.” (*Id.*)

A-22
Cont.

Paradoxically, while acknowledging that 910 housing units would still need to be built elsewhere if Alternative B were adopted, the DEIR asserts that the “reduced development and construction footprint [under Alternative B] would result in proportionately lessened long-term impacts relating to aesthetic resources, air quality, climate change, agricultural resources, hydrology, noise, and public utilities and services.” (DEIR, 6-6.) Of course, applying the same logic the DEIR used in its housing impact analysis for Alternative B could just as easily be applied to air quality, climate change, hydrology, noise, and public utilities and services, and support a similar conclusion that Alternative B would result in greater environmental impacts than the Project as proposed by the Applicant. The City may properly ignore this illogical impacts analysis.

A-23

2. Alternative B Does Not Preserve Valuable Farmland

The DEIR's analysis regarding the supposed benefits Alternative B would provide in the area of agriculture resources is incomplete and therefore potentially misleading. The DEIR states that “[t]he overall impact of Alternative B to agricultural resources is considered similar to, but less than would occur under the Proposed Project.” (DEIR, 6-6.) The DEIR recognizes, however, that “because Prime Farmland would be converted to non-agricultural uses, significant and unavoidable affects to agricultural resources would still occur under Alternative B.” (*Id.*) The alternatives analysis seems to imply that less Prime Farmland would be converted under Alternative B because Subareas J and K are presently preserved from development under the Williamson Act. Not so. Subareas J and K include *no* Prime Farmland, *no* Farmland of Statewide Importance, and *no* Unique Farmland. (See DEIR, Figure 4.3-1.) Adopting Alternative B would *not* lessen any of the significant and unavoidable impacts to agricultural resources identified in the DEIR. As stated in the DEIR, “[b]ecause no development would be initiated prior to termination of the Williamson Act Contract and the Proposed Project would fulfill future plans for the City, the impact [on agricultural resources] is considered less than significant.” (DEIR, 4.3-11.)

A-24

3. There Is No Factual Or Scientific Support For Precluding Development On The Entirety of Subareas J and K.

The DEIR's conclusion that Alternative B is supposedly the environmentally superior alternative appears to rest on the USFWS' inclusion of Subareas J and K as

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designated critical habitat for the Contra Costa Goldfields, vernal pool fairy shrimp, and vernal pool tadpole shrimp. Our clients retained an experienced, and highly qualified biologist, Michael Bumgardner, to evaluate whether that critical habitat designation supports precluding all development on Subareas J and K. A copy of Mr. Bumgardner's analysis is attached to this letter as **Exhibit A**.

A-25
Cont.

Mr. Bumgardner notes that the DEIR fails as an informational document to justify the environmental benefits that the City believes would result from precluding future development on Subareas J and K. This defect stems from the USFWS's failure to identify the primary constituent elements (PCEs) for each species upon which the designation of critical habitat was based. (Bumgardner Letter, p. 2.) It is therefore unclear what portions of Subareas J and K include PCEs. As explained by Mr. Bumgardner:

The DEIR provides no information in regards to what PCEs for vernal pool tadpole shrimp, vernal pool fairy shrimp, and Contra Costa goldfields are provided in Subareas J and K (as determined by the USFWS for the applicable critical habitat units). Therefore, *it is impossible to evaluate the location or magnitude of the proposed project's impacts within the designated critical habitat units and determine if the impacts would appreciably diminish the value of the habitat for either the survival or recovery of the species*. As such, the DEIR does not provide substantial evidence or analysis that leads the decision-makers to a finding under CEQA that the proposed project will have a substantial adverse effect through habitat modification on any of the species addressed by the designated critical habitat units. Nor, does it allow for a reasoned assessment of how the impacts, if any, can be most effectively mitigated.

A-26

(*Id.*) (Emphasis added). Of course, a governmental act that precludes future development under the federal Endangered Species Act that is not supported by substantial evidence (including the best scientific information available), is arbitrary and capricious and cannot stand as a matter of law. See, e.g., *Bennett v. Spear*, 520 U.S. 154, 176 (1997) ("The obvious purpose of the [best available science requirement] is to ensure that the ESA not be implemented haphazardly, on the basis of speculation or surmise."). Under federal law, an agency's failure to utilize the best available science is arbitrary and capricious. 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(g)(8); *Grand Canyon Trust v. U.S. Bureau of Reclamation*, 623 F. Supp. 2d 1015, 1035, 1043 (D. Ariz. 2009); *Pac. Coast Fed'n of Fishermen's Ass'ns ("PCFFA") v. Gutierrez*, 606 F. Supp. 2d 1122, 1144 (E.D. Cal. 2008). The Endangered Species Act also prohibits governmental agencies from relying on "ambiguous studies as evidence" to support findings made under that Act. *Tucson Herpetological Society v. Salazar*, 566 F.3d 870, 879 (9th Cir. 2009). Cases construing CEQA likewise prohibit agencies from acting on an inadequate record. See, e.g., *Sierra Club v. State Board of Forestry*, 7 Cal. 4th

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1215, 1236 (1994) (Board abused its discretion and failed to proceed as required by law in approving proposed action where administrative record lacked adequate information on relevant issue); *Association of Irrigated Residents v. County of Madera*, 107 Cal. App. 4th 1283 (2003) (“[a] prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.”) (internal quotation omitted); *Rural Land Owners Ass’n v. Lodi City Council*, 43 Cal. App. 3d 1013, 1023 (1983) (“[w]here the failure to comply with the law results in a subversion of the purposes of CEQA by omitting information from the environmental review process, the error is prejudicial.”)

A-27
Cont.

Mr. Bumgardner’s analysis confirms that the evidence and available science do not support preclusion of all development on Subareas J and K. Rather, the available science demonstrates that PCE’s in Subareas J and K would at most consist of “conveying surface water to downstream habitat (once known to be occupied by Contra Costa goldfields) located outside of the subareas.” (Bumgardner Letter, p. 3.) Mr. Bumgardner therefore concludes that “much of the upland portion of Subareas J and K could be developed without appreciably diminishing the value of the habitat for the survival and recovery of vernal pool tadpole shrimp, vernal pool fairy shrimp, or Contra Costa goldfields.” (*Id.*) Indeed, “[s]etbacks and/or set asides to small portions of Subareas J and K could be used to avoid adverse changes to the PCE (i.e., disruption of surface water conveyance to the off-site habitat).” (*Id.*) Accordingly, it would be wholly improper for the City to preclude future development on the entirety of Subareas J and K.

A-28

Because there is no legitimate scientific basis for precluding all development on Subareas J and K, we respectfully request that the City designate Alternative C as the environmentally superior alternative and/or reject Alternative B as such.

A-29

Thank you again for granting our clients the opportunity to comment on the DEIR, and for considering our comments on the Specific Plan.

Sincerely,

DIEPENBROCK ELKIN LLP

David A. Diepenbrock

DAD/sa

Enclosure(s)

Exhibit A

Michael Bumgardner
 Bumgardner Biological Consulting
 11571 Prospect Hill Drive
 Gold River, CA 95670-8216

Bumgardner Biological Consulting

June 1, 2012

David Diepenbrock
 Diepenbrock Elkin LLP
 400 Capitol Mall, Suite 1800
 Sacramento, CA 95814

Dear Mr. Diepenbrock:

This letter is provided at your request and addresses the potential ramifications of federally-designated critical habitat for the federally-listed vernal pool tadpole shrimp (*Lepidurus packardii*), vernal pool fairy shrimp (*Branchinecta lynchi*), and Contra Costa goldfields (*Lasthenia conjugans*) on Subareas J and K of the Vanden Meadows Specific Plan and Development Project (i.e., proposed project). My qualifications to address the above issue are based on 20+ years in the biological consulting industry whereby much of that time has been spent assisting private and public sector clients with their federal Endangered Species Act (ESA) and California Environmental Quality Act (CEQA) compliance as it relates to federally-listed species (see attached resume).

Review of the Vanden Meadows Specific Plan and Development Project Draft Environmental Impact Report (DEIR) determined that Subareas J and K of the proposed project support two seasonal wetlands and two wetland drainage swales (see Figure 4.4-2 of the DEIR). The seasonal wetlands (SW1 and SW2) are located immediately adjacent to a concrete-lined Solano Irrigation District (SID) canal that forms the northern boundary of Subareas J and K. Furthermore, these seasonal wetlands are connected via a wetland drainage swale (WDS3) that flows along the SID canal and eventually exits the southern boundary of Subarea K. Another wetland drainage swale (WDS1) is located in the southwestern corner of Subarea K. The seasonal wetlands and wetland drainage swale located adjacent to the SID canal are likely man-made wetlands that were formed when the canal was constructed and intercepted surface flows that previously drained to the north and east (see topographic contours in the Elmira, California U.S. Geological Survey 7.5-minute topographic quadrangle). Wet season stormwater flows now pool against the canal embankment and drain southeast along the embankment as the water seeks the path of least resistance.

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 Proficiency and Experienced Management*

The property within Subareas J and K was designated as critical habitat for vernal pool tadpole shrimp, vernal pool fairy shrimp, and Contra Costa goldfields on August 11, 2005 (70 FR 46924). Within the latter final rule the U.S. Fish and Wildlife Service (USFWS) identified the primary constituent elements (PCEs) for each species upon which the designation of critical habitat was based. However, the individual PCEs that are provided by each designated critical habitat unit are not identified in the final rule. Consequently, it is unclear as to what PCEs are provided by Subareas J and K (particularly given that all of the wetlands within these subareas other than WDS1 appear to be man-made). Without identification of the individual PCEs that were used to designate the critical habitat units within Subareas J and K it is impossible at this time to support a finding of "adverse modification" of critical habitat due to the proposed project. Under current practice, the USFWS will find "adverse modification" if the impacts of a proposed action on a species' designated critical habitat would appreciably diminish the value of the habitat for the survival and recovery of the species. Additionally, a proposed action in designated critical habitat only requires consultation under Section 7 of the ESA if it affects areas that contain the PCEs required by the species.

The DEIR provides no information in regards to what PCEs for vernal pool tadpole shrimp, vernal pool fairy shrimp, and Contra Costa goldfields are provided in Subareas J and K (as determined by the USFWS for the applicable critical habitat units). Therefore, it is impossible to evaluate the location or magnitude of the proposed project's impacts within the designated critical habitat units and determine if the impacts would appreciably diminish the value of the habitat for either the survival or recovery of the species. As such, the DEIR does not provide substantial evidence or analysis that leads the decision-makers to a finding under CEQA that the proposed project will have a substantial adverse effect through habitat modification on any of the species addressed by the designated critical habitat units. Nor, does it allow for a reasoned assessment of how the impacts, if any, can be most effectively mitigated.

The alternatives analysis that is provided in the DEIR appears to be predicated, in part, on avoiding development within the designated critical habitat based on the mistaken assumption that development is precluded in critical habitat. Alternative B (Reduced Footprint), though not implicitly stated in the DEIR, appears to have been developed for the sole purpose of addressing the critical habitat issue. The alternative seeks to achieve this goal by precluding development within Subareas J and K. However, the wetlands within Subareas J and K are seasonal wetlands (not vernal pools) and have *not* been shown to be occupied by vernal pool tadpole shrimp, vernal pool fairy shrimp, or Contra Costa goldfields (through protocol surveys).

Even assuming the seasonal wetlands on Subareas J and K provide habitat for vernal pool tadpole shrimp, vernal pool fairy shrimp, or Contra Costa goldfields, the PCEs provided by the designated critical habitat units are likely limited to the following described PCE from the 2005 final rule designating critical habitat: (i) topographic features characterized by isolated mound and intermound complex within a matrix

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of surrounding uplands that result in continuously, or intermittently, flowing surface water in the depressional features including swales connecting the pools described in PCE (ii), providing for dispersal and promoting hydroperiods of adequate length in the pools.

The value of the subareas in regards to critical habitat is therefore limited to conveying surface water to downstream habitat (once known to be occupied by Contra Costa goldfields) located outside of the subareas. The latter habitat where Contra Costa goldfields was previously recorded consists of a roadside ditch between the existing railroad tracks and Vanden Road north of the junction with Canon Road (beginning approximately 0.35 miles south of Subarea K).

It therefore appears that much of the upland portion of Subareas J and K could be developed without appreciably diminishing the value of the habitat for the survival and recovery of vernal pool tadpole shrimp, vernal pool fairy shrimp, or Contra Costa goldfields. Setbacks and/or set asides to small portions of Subareas J and K could be used to avoid adverse changes to the PCE (i.e., disruption of surface water conveyance to the off-site habitat). Hence, Alternative B precludes development on far more land included within the proposed project than would be needed to support the survival and recovery of the vernal pool tadpole shrimp, vernal pool fairy shrimp, or Contra Costa goldfields.

Should you have any questions or require any clarification of the information provided in this comment letter please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Bumgardner".

Michael Bumgardner

Bumgardner Biological Consulting

Bumgardner Biological Consulting (BBC), in business since 2001, is an incorporated and certified small business in California (OSDC Reference No. 28840). Michael Bumgardner (BBC President) has more than 20 years of experience in conducting biological assessments, studies, and inventories, and developing mitigation plans, restoration plans, conservation plans and strategies, and constraints analyses. His clientele has included the U.S. Fish and Wildlife Service; U.S. Forest Service, U.S. Department of Defense; California Department of Parks and Recreation; University of California; natural gas and oil industry; reclamation districts; ski industry; mining industry; transportation agencies; Union Pacific Railroad; water, wastewater and power utilities; and building industry. Although the bulk of his project experience is in California, he has also provided consulting services in several other states and in Europe, Asia, Africa, and South America. He is particularly accomplished at resolving conflicts between new proposed land uses and sensitive biological resources and has served as the lead biologist for the development of habitat conservation plans (HCPs), safe harbor agreements, habitat management plans (HMPs), integrated natural resources management plans (INRMPs), and mitigation/conservation banks. He has also provided third party technical review of other consultant's biological assessments and environmental documents and conducted biological compliance monitoring for large projects.

Mr. Bumgardner's technical experience spans a wide spectrum of wildlife species, geographic regions, and natural resource management issues. However, his understanding of avian ecology is a particular strength. He currently holds federal scientific take permits for California gnatcatcher, southwestern willow flycatcher, and California clapper rail (permit number TE-785564-7). In addition, he holds a Letter of Agreement from the California Department of Fish and Game to conduct surveys for California gnatcatcher, willow flycatcher, yellow-billed cuckoo, California clapper rail, and California black rail and has previously held a Memorandum of Understanding to conduct excavation and passive relocation of burrowing owls.

Mr. Bumgardner also has an extensive understanding of herpetological ecology and is one of the three principal founders of the Northern California Herpetological Society. He has previously conducted studies of the population demographics of desert iguanas in California, collected data on blood parasites associated with reptilian species in Mexico, and managed a major inventory of desert tortoise populations in southern Nevada in support of the Southern Nevada Water Authority's development and operation of new water treatment and transmission facilities between Lake Mead and the Las Vegas Valley. He currently holds a federal scientific take permit (permit number TE-785564-7) and state memorandum of understanding for the California Tiger Salamander (including the Santa Barbara County and Sonoma County populations) and has been actively involved in the resolution of land use and natural resource management conflicts between the agricultural, petrochemical, and mining industries and local and federal government that involve this latter species. He is currently serving on the Science Subteam of the U.S. Fish and Wildlife Service's Recovery Team for the Santa Barbara County population of California Tiger Salamander.

Mr. Bumgardner has also managed the preparation of environmental documents that include Negative Declarations and Environmental Impact Reports (EIRs) under the California Environmental Quality Act (CEQA), Environmental Assessments (EAs) and Environmental Impact Statements (EISs) under the National Environmental Policy Act (NEPA) and Tahoe Regional Planning Agency (TRPA) Rules of Procedure, and Environmental Impact Assessments (EIAs) for international lending institutions. He has assisted in developing policy (particularly as it relates to biological resources) for city and county general plans. Lastly, he has prepared environmental documents and provided expert witness services for both domestic and foreign environmental compliance processes.

SECTION 3.0

RESPONSE TO COMMENTS

3.0 RESPONSES TO COMMENTS

The following responses to have been prepared for each bracketed comment included in **Chapter 2.0** of this Response to Comments document.

Initial 45-Day Comment Period

The following responses are provided to the 15 comment letters received during the initial 45-day public comment period.

Letter 1 – Katy Sanchez, Program Analyst, Native American Heritage Commission, December 28, 2011

Response to Comment 1-1

Section 4.5 of the Draft Environmental Impact Report (EIR) provides a description of consultation with NAHC and Native American Tribes and summarizes the results of the record search conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System by NWIC staff on February 16, 2011 (NWIC File No. 10-0723). Implementation of the mitigation measures listed within Section 4.5.4 of the Draft EIR would ensure that potential impacts to cultural resources, including unrecorded cultural resources and human remains, would be less than significant.

Letter 2 – Genevieve Sparks, Environmental Scientist, California Regional Water Quality Control Board, December 28, 2012

Response to Comment 2-1

The scope of the commenter's review is noted.

Response to Comment 2-2

The following italicized text was added under Section 4.4.2 of Volume II of the Final EIR, State Subsection: *Waters of the United States in California are also "waters of the state" (defined by the Porter-Cologne Water Quality Control Act as "any surface water or ground water, including saline waters, within the boundaries of the state." [Water Code Section 13050(e)]). Not all waters of the state (e.g., ground water) are waters of the United States. For the purposes of this EIR, all waters of the U.S. are also considered waters of the state.*

Response to Comment 2-3

Section 4.8.2 of Volume II of the Final EIR has been revised to reference the 2010 Clean Water Act 303(d) list for impaired water bodies. Additional details regarding nearby water bodies on the 2010 Clean Water Act 303(d) list have been added to the Final EIR.

As stated in Section 4.8.4 of the Draft EIR, the Proposed Project will comply with the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Runoff Associated with Construction (General Permit). The SWRCB requires that all construction sites have adequate control measures to reduce the discharge of sediment and other pollutants to streams to ensure compliance with Section 303 of the Clean Water Act. This would ensure that the construction of the Proposed Project would not contribute to further impairment of any water body listed on the Clean Water Act 303(d) list. As described within Section 3.4.3 of the Draft EIR, the proposed on-site storm water conveyance lines would drain into the on-site detention basin on the east side of Leisure Town Road. Proposed mitigation measures would require the installation of various improvements identified in the Storm Water Master Plan that would increase the capacity of the drainage system to accommodate the increase in storm water flows resulting from the Proposed Project and planned growth within the City. The detention time within the on-site detention basin would allow suspended solids to settle at the bottom of the detention pond. It would also allow the degradation of organic contaminants by inorganic and organic processes. Additionally, Mitigation Measure 4.8-2 requires that the procedures outlined in the California Storm Water Best Management Practice Handbooks be followed to ensure less-than-significant impacts to water quality. These procedures include biofilters and vegetative swale drainage systems, structural source controls, and protective covering for trash storage areas. These measures would ensure that the operation of the Proposed Project would not contribute to further impairment of any water body listed on the Clean Water Act 303(d) list. This has been clarified within the Final EIR, Volume II, Section 4.8.

Response to Comment 2-4

Comment noted. The Section 4.8.3 of Volume II of the Final EIR included a discussion of the State “Nondegradation” Policy adopted by the State Water Board in accordance with the federal antidegradation policy. This discussion has been corrected to say “Antidegradation Policy” as referenced in the Central Valley Regional Water Quality Control Board’s (CVRWQCB) letter. Impacts to hydrology and water quality were outlined in Section 4.8.4 and mitigation measures were recommended to reduce these impacts to less-than-significant levels to ensure compliance with state and federal water quality standards, including the State’s Antidegradation Policy. This has been clarified within the Final EIR, Volume II, Section 4.8.

Response to Comment 2-5

Comment noted. Impacts to hydrology and water quality were outlined in Section 4.8.4 of the Draft EIR and mitigation measures were recommended to reduce these impacts to less-than-significant levels; therefore, the project would have no affect on the water quality objectives and beneficial uses described in the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins. This has been clarified within the Final EIR, Volume II, Section 4.8.

Response to Comment 2-6

Section 4.8.3 of Volume II of the Final EIR has been revised to clarify that the Construction General Permit also applies to projects that disturb less than one acre but are part of a larger common plan of development that in total disturbs more than one acre.

Response to Comment 2-7

Comment Noted. A description of the General NPDES Permit for Small Municipal Separate Storm Sewer Systems (MS4) has been added to the regulatory discussion in the Final EIR, Volume II, Section 4.8.3. The analysis of storm water has been revised accordingly. Refer to revised Impact 4.8-2 of the Final EIR, Volume II, Section 4.8.4.

Response to Comment 2-8

Comment noted. A description of Section 404 of the Clean Water Act and Section 1600 of the California Department of Fish and Game (DFG) Code (Streambed Alteration Agreements) was included in Section 4.4.2 of the Draft EIR. A preliminary wetland delineation was included in Appendix G of the Draft EIR and a summary of its findings was included within Section 4.4 of the Draft EIR. As discussed therein, wetland habitat impacted by the Proposed Project shall be restored, enhanced, and/or replaced on a “no net loss” basis at an acreage and location and by methods agreeable to the U.S. Army Corps of Engineers (USACE) and the CVRWQCB, as determined during the Section 404 and Section 401 permitting processes. Mitigation measures within Section 4.4.4 of the Draft EIR require that the applicant shall obtain a Section 404 Clean Water Act permit from the USACE and a Section 401 Water Quality Certification from the SWRCB prior to discharge of fill of waters of the U.S./State, respectively, and comply with the mitigation measures identified in the Hydrology and Water Quality Section of the Draft EIR to prevent discharge of pollutants to surface waters during construction. As discussed in Section 4.4.2 of the Draft EIR, notification to DFG will be required under Section 1600 of the DFG Code prior to installation of the proposed water diversion pump and facilities.

Response to Comment 2-9

Comment noted. Please refer to **Response to Comment 2-8**, regarding potential impacts to wetlands and other waters of the U.S.

Response to Comment 2-10

A description of Section 401 Water Quality Certification was included in Sections 4.4.2 and 4.8.3 of the Draft EIR. Please refer to **Response to Comment 2-8**, regarding potential impacts to wetlands and other waters of the State.

Letter 3 – Scott Sheldon, Terra Realty Advisors, Inc. January 13, 2012

Response to Comment 3-1

Comments noted. Section 3.4.3 of Volume II of the Final EIR has been revised to indicate that the Travis Unified school District (TUSD) intends to utilize Solano Irrigation District (SID) water for irrigation purposes.

Response to Comment 3-2

Comments noted. Section 3.4.3 of Volume II of the Final EIR has been revised to indicate that TUSD executed and recorded an easement for an SID pumping station to serve the project site on a portion of the TUSD property.

Response to Comment 3-3

Any overflow experienced at the school site from irrigation water, regardless of the source, would be collected within the storm water system as described in Section 3.4.3 of the Draft EIR and assessed in Section 4.8 of the Draft EIR. Irrigation runoff would not increase flows within the wastewater collection system nor impact the wastewater treatment capacity at the Easterly Wastewater Treatment Plan (EWWTP); therefore, no impact to the sewer system would occur.

Response to Comment 3-4

As stated in Section 3.4.4 of the Draft EIR, build out of the Proposed Project is expected to occur over a six year period, with an anticipated completion date of 2019. A description of specific phasing strategies for the development of the on-site sewer system on each of the parcels is provided in the Specific Plan (Appendix C of the Draft EIR). Appendix C also details off-site sewer upgrades needed to the City's wastewater collection pipeline which runs from Leisure Town Road to the EWWTP to accommodate the increase in flows resulting from the Proposed Project in combination with the Southtown development. Any or all upgrades to the sewer system could occur during the six year build out period; however, the actual timing of the improvements is variable and may be triggered by Southtown before Vanden Meadows acquires any building permits.

Response to Comment 3-5

Comment noted. Please refer to **Response to Comments 3-1 and 3-3**.

Response to Comment 3-6

Comment noted. Section 4.2.4 of Volume II of the Final EIR has been corrected to state that the total combined student enrollment for the proposed TUSD facilities within the project site would be approximately 2,000 students. It should be noted that the reference to 650 students within the Draft EIR was a typographical error and that the analysis within the Draft EIR, including traffic, air quality, and water/wastewater demand, conservatively assumed an enrollment of 2,000 students within the TUSD school facilities on the project site. This number was chosen to ensure any potential overcrowding was accounted for within the analysis. Mitigation requiring that LEED standards for parking be met at the school has been removed from the Final EIR, Volume II Section 4.2.4, and the reduction in emissions from the measure has been corrected.

Response to Comment 3-7

Mitigation Measure 4.2-8a of the Final EIR has been revised to require that payment for the purchase of GHG emission credits be collected by the City prior to approval of tentative maps and would be a condition of the development agreement with the Vanden Meadows developer. Additional mitigation

applicable to the TUSD for the reduction of GHG emissions has been included in Section 4.2 of Volume II of the Final EIR, Impact 4.2-8, Mitigation Measure 4.2-8b.

Letter 4 – Glenn Wylie, January 13, 2012

Response to Comment 4-1

The need for additional housing is discussed in Section 4.11 of the Draft EIR. As discussed in detail therein, the Regional Housing Needs Allocation (RHNA) for the City of Vacaville for the 2007 to 2014 planning period identified a total need for 2,901 units to be constructed during this time period in order to accommodate for population growth. Of this overall amount, 1,152 units have been approved/permitted as of January 2011; therefore, as of January 2011, there is a remaining need for 1,749 housing units to be provided by 2014. The Proposed Project would assist the City in meeting these goals. Furthermore, as described in Section 3.4.1 of the Draft EIR, one of the City's objectives for the Proposed Project is to meet planned growth projections within the City's General Plan by providing smart growth through development of a mixture of single-family and multi-family dwellings in close proximity to public schools, public parks, and pedestrian trails.

Response to Comment 4-2

As shown in Figure 3-5 of the Draft EIR, proposed residential lots near the existing residential area to the west would be estate lots with densities less than 2.75 units/acre; proposed residential lots near the future Southtown Development would be mostly low density lots (less than 4.75 units/acre) with some medium density development (9.44 units/acre) along Vanden Road. As such, the proposed lot sizes along the perimeter of the project site would be consistent with densities in adjacent developed areas within the City. The actual size of each home will be determined during the final design stage.

Response to Comment 4-3

Traffic impacts were analyzed in Section 4.13 of the Draft EIR. As shown therein, Vanden Road would operate at an acceptable level of service (LOS) under the City's General Plan LOS threshold with the addition of project-related traffic under existing and cumulative conditions that take into account future development in the City as well as the Fairfield Train Station Specific Plan located south of the City. Therefore, no mitigation measures are warranted for Vanden Road. With the addition of project-related traffic, Peabody Road and several intersections along Peabody Road would operate at an unacceptable LOS in the buildout and cumulative conditions. Mitigation has been included in the EIR that would result in an acceptable LOS on Peabody Road and at the intersections along Peabody Road.

Response to Comment 4-4

As demonstrated in Figure 3-5 and discussed in Section 4.7 of the Draft EIR, residential units located along the southeastern portion of the site would be separated from the railroad by the detention basin, agricultural buffer, and Leisure Town Road. These features would create a buffer of greater than 350 feet between the railroad and the nearest proposed residential properties. In addition, with the implementation of Mitigation Measure 4.10-6 identified in the Draft EIR, solid noise barriers would be

constructed along the north side of Leisure Town Road from the northern site boundary to Vanden Road South providing an additional protective barrier for the residences closest to the railroad tracks.

Letter 5 – Philip F. Littlejohn, January 17, 2012

Response to Comment 5-1

Comments noted. The Foxboro connection to Vanden Road is included as a component of the Vanden Meadows Project, in part because the Southtown development project circulation includes the connection; but also because the 1990 General Plan requires the arterial connection as an implementation measure of the General Plan. Traffic impacts were fully analyzed in Section 4.13 of the Draft EIR.

Letter 6 – Tim Miles, Hazardous Substances Scientist, Department of Toxic Substances Control, January 20, 2012

Response to Comment 6-1

As discussed in Section 4.3-1 of the Draft EIR, the project site is mostly undeveloped and primarily used for dry farming of field crops and has not been irrigated within the last 10 years. Pesticides are not currently used on the project site. In response to the comment provided by the Department of Toxic Substance Control (DTSC), the City requested that the applicant provide property histories of the project parcels in relation to historical agricultural practices, and particularly historical pesticide use. The proponent indicated that for a majority of the site, pesticides have not been used on the site while under current ownership, ranging from 8 to 11 years. The environmental persistence of pesticides (length of time pesticides remain in the soil, vegetation, or water once applied) is rated from low to high based on the half-life once applied (time required for half of the initial application to be broken down and no longer be detected). Low persistence pesticides have a half life of 30 days or less, moderate persistence pesticides have a half-life of 30 to 100 days, and high persistence pesticides have a half life of greater than 100 days¹. With a timeframe of 8 to 11 years for any pesticides applied by previous owners to break down, the potential for environmental impacts associated with historical pesticide use is less than significant. For one parcel, pesticides were applied once in the past 5.5 years of ownership. The owner sprayed glyphosate (Round-Up™) and medimethalin (Pendulum Aquacap™). These pesticides have a half life of 174 and 90 days, respectively^{2,3}. Given the relatively low level of application (160 ounces

¹ Extension Toxicology Network (Exttoxnet), 1993. Toxicology Information Brief: Movement of Pesticides in the Environment. A Pesticide Information Project of Cooperative Extension Offices of Cornell University, Michigan State University, Oregon State University, and University of California at Davis. Available online at: <http://pmep.cce.cornell.edu/profiles/exttoxnet/TIB/movement.html>. Accessed March 2, 2012.

² Exttoxnet, 1994. Pesticide Information Profile: Glyphosate. A Pesticide Information Project of Cooperative Extension Offices of Cornell University, Michigan State University, Oregon State University, and University of California at Davis. Available online at: <http://pmep.cce.cornell.edu/profiles/exttoxnet/dienochlor-glyphosate/glyphosate-ext.html>. Accessed March 2, 20

³ Exttoxnet, 1993. Pesticide Information Profile: Pendimethalin. A Pesticide Information Project of

each) and half life, there is no indication that this single pesticide use would result in significant environmental impacts. As a result of the assessment of historical pesticide use on the project site, there are no indications that historical pesticide use represents an environmental condition that has the potential to impact the environment or public health and safety (such as worker exposure during construction grading activities). As a result, the City will not require pesticide soil sampling prior to construction of the Proposed Project.

Letter 7 – Scott Wilson, Acting Regional Manager, Department of Fish and Game, January 23, 2012

Response to Comment 7-1

The commenter's summary of the Proposed Project is accurate and is reflected in Section 3.0 of the Draft EIR. The commenter's summary of biological resources is correct, with the exception that the acreage of ephemeral drainage swales, as described in Section 4.4 of the Draft EIR, is 0.03 acres.

Response to Comment 7-2

Comment noted. The CTS site assessment methodology outlined in the comment is fully described in the USFWS (2003) *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander*. Mitigation Measure 4.4-3a, Section 4 of the EIR states that "Prior to construction with the project site, a qualified biologist shall prepare and submit a CTS Site Assessment to the USFWS and the DFG, in accordance with the USFWS (2003) *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (CTS Guidance)."

The commenter states that in addition to a federal permit, an active state Scientific Collecting Permit and Memorandum of Understanding would be required in order to conduct protocol-level CTS surveys. The following text identified within italics was revised in Mitigation Measure 4.4-3b. "Upon USFWS and DFG's request, a biologist who holds a USFWS Recovery Permit *and a state Scientific Collecting Permit* for CTS shall conduct protocol level surveys within the construction site in accordance with the CTS Guidance. *A Memorandum of Understanding shall be obtained from the CDFG prior to commencement of protocol level surveys.*"

The following text identified in Impact 4.4-3 specifies impacts if CTS is determined to be present: "The Proposed Project would remove approximately 0.39 acres of potential breeding habitat within the known range documented in the draft SMHCP for CTS and 1.16 acres of potential breeding habitat and 215.84 acres of potential upland habitat occurring outside of the known range documented in the draft SMHCP for CTS." Impacts of the proposed project are fully described in the Final EIR, Volume II, and a Mitigation Monitoring and Reporting Program is included within Chapter 4.0 of this Response to Comments

Cooperative Extension Offices of Cornell University, Michigan State University, Oregon State University, and University of California at Davis. Available online at: <http://pmep.cce.cornell.edu/profiles/extoxnet/metiram-propoxur/pendimethalin-ext.html>. Accessed March 2, 2012.

document. The Final EIR has been prepared to meet CEQA documentation requirements for issuance of a CESA permit by DFG, should it be determined through protocol level surveys that one is required.

Response to Comment 7-3

Comment noted. Mitigation Measure 4.4-5 of the Final EIR, Volume II, Section 4.4.4, has been revised as suggested in the comment to include breeding season surveys and would reduce potential impacts to burrowing owls to less than significant.

The DFG requests that surveys be conducted from one hour before to two hours after sunrise, as well as from two hours before to one hour after sunset. The *Staff Report on Burrowing Owl Mitigation* recommends surveys are conducted either before sunrise or after sunset. Impact 4.4-5 states that the mitigation measures identified within the EIR would adhere to The *Staff Report on Burrowing Owl Mitigation*. The following text has been added to Mitigation Measures 4.4-5a, 4.4-5b, and 4.4-5c for wintering, breeding and preconstruction surveys: *The survey shall either take place from one hour before to two hours after sunrise or from two hours before to one hour after sunset.*

As stated in Mitigation Measures 4.4-5d and e, in the event that burrowing owls are occupying the site, buffers would be established until an active burrow is no longer occupied and a minimum of 7.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is finished. If avoidance is infeasible, onsite passive relocation techniques would be implemented and mitigation for foraging habitat for relocated pairs range from 7.5 to 19.5 acres per pair would be purchased. These mitigation measures reduce potential impacts to less-than-significant levels.

Response to Comment 7-4

The DFG considers Swainson's hawk nests that have been documented within the last 5 years to be active. The CNDDDB occurrence of an active Swainson's hawk nest within the *Eucalyptus* sp. tree located along Vanden Road is a 7-year old record that was documented in 2005.

Mitigation Measure 4.4-6a of the Final EIR, Volume II, Section 4.4.4, has been modified as followed: "A qualified biologist shall conduct a minimum of three protocol level preconstruction surveys during each survey period immediately prior to start of construction, in accordance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee, 2000)." The measure has been revised to require that the survey methodology be submitted to DFG 15 days prior to the start of survey activities as requested.

Mitigation Measure 4.4-6b regarding establishing consultation with DFG to establish an appropriate noise buffer, develop take avoidance measures, and implement a monitoring and reporting program prior to any construction activities occurring within 0.25 miles of the nest would ensure that nest abandonment or forced fledging between March 1 and September 15 would not occur and accordingly a CESA take permit would not be required. However, the mitigation measure also includes a contingency that in the event DFG determines take would occur a CESA permit must be obtained.

Comment noted. Mitigation Measure 4.4-7b of the Final EIR, Volume II, Section 4.4.4, states that preservation of 68.83 acres of active farmland may count as partial fulfillment for the loss of Swainson's hawk foraging habitat with DFG's approval. The requirements within DFG's comment have been included in the revised mitigation measure.

Response to Comment 7-5

The following italicized text was added to the Final EIR, Volume II, Section 4.4 under the Regulatory Section, State Subsection, Streambed Alteration Agreement (Section 1600 of the DFG Code) heading: "Notification from DFG will be required prior to installation of the water diversion pump and facilities, *excavation or filling in of both natural or constructed channels, and installation of culverts and pipelines within a channel.*" Impacts of the proposed project are fully described in the Final EIR, Volume II, and a Mitigation Monitoring and Reporting Program is included within Chapter 4.0 of this Response to Comments document. The Final EIR has been prepared to meet CEQA documentation requirements for issuance of an LSAA by DFG.

Letter 8 – Jim Immer, Vice President Planned Community Development,
Lewis Operating Corporation, January 23, 2012

Response to Comment 8-1

The City may consider whether level of significance policies should be amended as part of the City of Vacaville General Plan update; however, the General Plan update process is in the preliminary stages and no proposed policy amendments have been developed or approved to date. The Vanden Meadows project was proposed and initiated prior to the initiation of the General Plan Update; therefore, consistent with Section 3.3 of the Draft EIR, the level of service thresholds used to evaluate the traffic impacts of the project were taken from current General Plan. These existing General Plan thresholds were established in an open process involving public input and were subject to CEQA review and analysis. There is no substantial evidence before the City that these thresholds are not adequate to identify a significant traffic impact resulting from a project. LOS thresholds identified in the Draft EIR are consistent with current City policies and, therefore, appropriately establish the basis for requiring mitigation of transportation impacts.

Response to Comment 8-2

The Traffic impact analysis was conducted consistent with the current General Plan using land use projections provided by City Community Development Department applied to the local traffic model. The results of this analysis found that cumulative traffic volumes projected to use Peabody Road south of Alamo Drive require providing 5th and 6th lanes to maintain LOS C consistent with the 1991 General Plan Policy. It is noted this is a cumulative impact of citywide development and mitigation would be implemented through inclusion of this improvement within a Development Impact Fee program. As this program is updated and monitoring of traffic volumes continues, the nexus for this improvement will continue to be validated.

Response to Comment 8-3

It was the intent of the statement in the transportation analysis to acknowledge that the City's decision makers and staff will continue to participate and support the effort to review the nexus for, and actively participate in, any recommendation considered by Solano Transportation Authority (STA) Board for approval of a Regional Transportation Impact Fee (RTIF). The process to establish an RTIF includes STA Staff working with the Regional Working Group (including Vacaville Public Works Director), stakeholders (Citizen Based Advisory Committee), and policy committees (currently including Vacaville Mayor and City Manger) that would make recommendations to a Technical Advisory Committee (currently including Vacaville Public Works Director) that in turn would make recommendations to STA Board (currently including City of Vacaville Mayor). It is through active participation in the process of developing the recommendation to STA Board and participation on STA Board that Vacaville is supporting the RTIF and can register approval or disapproval. It is noted that there is the potential that an RTIF unacceptable to the City of Vacaville could be approved, but this disapproval would be documented in the process under which the fee was approved. Therefore, because payment into the RTIF may not be feasible mitigation measure, impacts to the segment of Peabody Road south of the City of Vacaville limits are considered significant and unavoidable.

Letter 9 – Bob Chalburg, January 24, 2012

Response to Comment 9-1

Refer to **Response to Comment 8-1**. Traffic impacts were analyzed in Section 4.13 of the Draft EIR and compared against adopted thresholds within the City's General Plan. As noted in Section 4.13.3 of the Draft EIR, the City's goal is to maintain a LOS C for roadways and intersection, while a LOS D may be acceptable with decision-maker approval. This goal was established within the City's General Plan, which is a public document that has been approved by the City Council following public comment and input. As shown in Section 4.13 of the Draft EIR, the City has approved several roadways to operate at an LOS D. All road segments and intersections would operate at an acceptable LOS under the City's traffic thresholds with the exception the segment of Leisure Town Road north of Sequoia Drive and the segment of Peabody Road south of the City limits.

Letter 10 – N.P. Giaquinto, January 24, 2012

Response to Comment 10-1

Please refer to **Response to Comment 8-1** and **Response to Comment 9-1**.

Response to Comment 10-2

Please refer to **Response to Comment 4-1**.

Response to Comment 10-3

As stated in the Southeast Vanden Area Major Drainage Facilities Master Plan and Addendum included as Appendix J of the Draft EIR, a hydraulic analysis was conducted for the existing storm drains located

in Foxboro Parkway. Although the existing storm drains provide adequate capacity during a 10-year design storm event based on the current City Design Standards, the drainage system does not have adequate capacity to convey the 10-year design flows based on the Solano County Water Agency's rainfall data. As a result, flooding was anticipated to occur along most of the existing system and confined to the street section because once the water reaches the street surface it will spread out, thereby reducing the hydraulic grade line. The results of this analysis were used to ensure that drainage from the proposed project would flow into the appropriate drainage facilities and away from the development, thereby avoiding any flooding. A detailed discussion of drainage facilities and the proposed flood control system for the project site is provided in the Final EIR, Volume II, Section 4.8.4, Impact 4.8-3.

Response to Comment 10-4

Please refer to **Response to Comment 4-1** regarding the anticipated need for additional housing. The sizing of TUSD school facilities is not determined by the City, but rather determined by TUSD as part of its facility needs process. The school site was acquired and sized by TUSD to meet California Department of Education acreage requirements to accommodate both an elementary and a middle school, with a combined student enrollment of 1,600 students.

Letter 11 – John and Lynn Holbrook, January 25, 2012

Response to Comment 11-1

Development impact fees are one time charges applied to new developments. Their goal is to raise revenue for the construction or expansion of capital facilities located outside the boundaries of the new development that benefit the contributing development. The payment of the development fees discussed in the Draft EIR will be enforced by the City and, therefore, the adequacy of the payments will be ensured. The cost of housing prices is outside the scope of CEQA and is therefore not included in this analysis. Contrary to the comment, the EIR states that with the payment of development impact fees, impacts associated within use of regional recreational facilities would be less than significant. The EIR does not indicate that impact fees are inadequate to fund the construction of necessary water storage facilities, but rather concludes that the environmental impact from the construction of these storage facilities may result in the conversion of farmland, which would be considered a significant and unavoidable impact.

Response to Comment 11-2

Please refer to **Response to Comment 9-1**.

Letter 12 – Peggy Rollins, January 25, 2012

Response to Comment 12-1

Comment noted. Refer to **Response to Comment 4-1** regarding the need for additional housing and **Response to Comment 4-3** regarding traffic. Noise and traffic impacts were analyzed in Sections 4.10 and 4.13 of the Draft EIR, respectively. As stated in **Section 4.13.3** of the Draft EIR, the City of Vacaville has a Development Impact Fee Program that has established monies for the cumulative impacts that

development will have on transportation infrastructure. Please refer to **Response to Comment 8-3** for additional discussion on impact fees. Further, the Vacaville Land Use and Development Code Traffic Impact Mitigation Chapter provides a basis to condition development to provide transportation improvements. It is the intent of this program and policy to establish fair share contributions for mitigating cumulative transportation impacts from all responsible developments, rather than use up available transportation capacity over time until mitigation is found to be warranted, which would not hold prior developments accountable for their contributions to the impacts.

Letter 13 – Steven and Ellen Fawl, January 27, 2012

Response to Comment 13-1

Comment noted. Please refer to the following responses to the commenter's detailed comments.

Response to Comment 13-2

Comment noted. Please refer to Mitigation Measure 4.4-5a-d of the Draft EIR regarding collapsing unoccupied burrows during the non-nesting season, establishment of buffer zones if burrows are determined to be occupied during the breeding and non-breeding season until the burrows are no longer occupied, passive relocation techniques used to encourage burrowing owls to move to alternative burrows outside of the project site if impacts to occupied burrows are unavoidable, and Mitigation for foraging habitat of relocated pairs in accordance with *the California Burrowing Owl Survey Protocol and Mitigation Guidelines* (California Burrowing Owl Consortium, 1993). Implementation of the mitigation measures identified within the EIR would reduce impacts to burrowing owl to less than significant.

Response to Comment 13-3

Sufficient mitigation for the conversion of foraging habitat is provided in Mitigation Measure 4.4-7 of the Draft EIR. As stated therein, "in accordance with the conservation measures identified within the draft SMHCP, the applicant shall purchase credits for the conversion of 241.32 acres of Swainson's hawk foraging habitat at a 1:1 ratio."

Mitigation Measure 4.4-7 states "if determined acceptable by the DFG, the preservation of 68.83 acres of active farmland in Solano County as required by Mitigation Measure 4.3-1 may count towards this requirement, reducing the additional preservation requirement to 172.49 acres." Additional requirements for establishing a conservation easement, should the City choose to do this rather than require payment into a mitigation bank, have been included within Mitigation Measure 4.4-7b within the Final EIR, Volume II, Section 4.4.4. If the DFG does not determine this to be acceptable, then the applicant shall purchase credits for the conversion of 241.32 acres of Swainson's hawk foraging habitat at a 1:1 ratio, as stated in Mitigation Measure 4.3-1 of the Draft EIR.

Response to Comment 13-4

Mitigation Measure 4.4-11 requires the applicant to replace trees removed with trunk circumferences of 31 inches or greater at a 1:1 ratio within the project site. This mitigation measure would off-set the

removal of suitable nesting trees within the project site. Further, landscape trees within the project development would provide additional nesting habitat.

Response to Comment 13-5

As identified in Impact 4.4-4, “western pond turtles have the potential to occur within the earth-lined canal and the detention basin on the project site. The Proposed Project was designed to avoid impacts to these features.” Construction activities would occur across the street. The mitigation measures are precautionary in nature and are more than sufficient to reduce potential impacts to western pond turtle to less than significant.

Response to Comment 13-6

Comments noted. The seasonal wetlands onsite are a result of manmade alteration of hydrology. These features would not be present but for manmade modifications. The purchase of compensatory credits in a USFWS-approved mitigation bank would ensure that vernal pools and vernal pool branchiopods are protected in an ecosystem-level landscape rather than in a micro-habitat area isolated from other features. Therefore the proposed mitigation within the EIR sufficiently reduces impacts to vernal pool habitats and branchiopods to less than significant.

Response to Comment 13-7

Comments noted. The Southeast Vanden Area Major Drainage Facilities Master Plan and Addendum was designed to ensure that drainage from the Proposed Project would flow into appropriately sized drainage facilities. As noted in Section 4.8.2 of the Draft EIR, the on-site detention basin is connected to the Noonan Drain. Runoff from the detention basin flows into Noonan Drain and eventually discharges into Barker Slough, or to Union Creek, which discharges into Suisan Bay. New Alamo Creek is an engineered channel designed and constructed to collect and convey storm water runoff from surrounding agricultural and urban lands into Ulatis Creek and flows into Cache Slough to the east of the project site. During 100-year storm events, the detention basin releases water into New Alamo Creek to the north through an overland release path which begins to occur when the water elevation at the detention basin spillway crest is at 88.5 feet, and not before. Floodwater flowing into this existing channel would comply with all federal and state water quality policies and standards to ensure that there will be no impact to local plant and wildlife, especially those under various federal and state regulations and protections. With regards to future impacts to Baker Slough, although there will be an increase in water flow levels downstream of the regional detention basin due to the Proposed Project, its distance from Baker Slough (15 miles) will ensure that cumulative impacts of excess water to Baker Slough would be minimal. For information regarding the biological species found within and near the Proposed Project site, as well as those under state and federal protection, please refer to Section 4.4 of the Draft EIR.

Response to Comment 13-8

Please refer to **Response to Comment 9-1** regarding this issue.

Response to Comment 13-9

As shown in the Final EIR, Volume II, Section 4.2, with the implementation of Mitigation Measure 4.2-8a(3) including the purchase of carbon off-set credits, the Proposed Project's GHG emissions would be below the BAAQMD CEQA Guidelines threshold of 1,100 metric tons per year. The BAAQMD CEQA Guideline thresholds for determining if project-related GHG emissions would impact climate change were developed to support California's effort to meet its GHG reduction goals under AB 32; therefore, consistency with the BAAQMD CEQA Guidelines shows consistency with AB 32 reduction goals. The Proposed Project's consistency with the BAAQMD CEQA Guidelines and AB 32 would support the City's progress in meeting its GHG emission reduction goals under AB 32. The Vanden Meadows development is a mixed use development with access to bike and public transit; thus, is consistent with SB 375. The EPA has classified Solano County as nonattainment with a designation of severe-15 for ground-level 8-hour ozone. The designation of severe-15 indicates that Solano County will reach attainment in 2025. When the EPA develops a designation it takes into account past, present, and future emissions; because the project site is within the City's sphere of influence and was designated within the General Plan for residential development consistent with the densities proposed by the Proposed Project, project emissions were taken into account when the severe-15 designation was assigned to Solano County. The Vanden Meadows development would be in compliance with the City's General Plan and state air quality laws.

Response to Comment 13-10

The commenter is correct that the General Plan policies require the City to maintain a LOS D and there would be a significant and unavoidable impact to a segment of Leisure Town Road north of Sequoia Drive. As stated in the Draft EIR, the Leisure Town Road segment north of Sequoia Drive is part of the approved Jepson Parkway project that would improve the roadway to a four-lane arterial and would improve the LOS on the Leisure Town Road segment north of Sequoia Drive to C or better. However, because the Jepson Parkway project is not under the City's jurisdiction, the timing and implementation is not under the City's control and therefore the impact would be significant and unavoidable. Feasible mitigation was provided in Section 4.13 of the Draft EIR for all impacted roads and intersections in the project study area.

Response to Comment 13-11

Please refer to **Response to Comment 4-1**.

Letter 14 – Yolo–Solano Air Quality Management District, January 18, 2012

Response to Comment 14-1

Comment noted.

Response to Comment 14-2

The URBEMIS model contains four categories of VOC emissions reductions that are all applicable to the Proposed Project due to the construction of the park, school, and residences as described in Section 3.0

of the Draft EIR. Four categories at 10 percent each is 40 percent reduction. Due to the overlap in construction phases, the URBEMIS model accounts for the mitigation from construction beginning in the model year and mitigation from construction extending into the model year, resulting in emissions reductions greater than 40 percent.

Response to Comment 14-3

Mitigation Measure 4.2-1b has been revised within Volume II of the Final EIR to include a reference to YSAQMD Rule 2.14 along with a list of available brands that would be compliant under the rule.

Response to Comment 14-4

The URBEMIS air quality model was re-run in response to comments received on the Draft EIR. The updated run excluded the mitigation measure that requires aqueous diesel fuel in construction vehicles and equipment. The results of the updated URBEMIS air quality model are provided in Appendix D of the Final EIR and presented in Table 4.2-5 of Section 4.2 of the Final EIR. The removal of this mitigation feature in the URBEMIS air quality model does not change the significance conclusions regarding impacts to local and regional air quality as a result of construction activities.

Response to Comment 14-5

Mitigation measure 4.2-1a has been revised within the Final EIR to include the following YSAQMD recommended mitigations:

- Use of biodiesel whenever available to reduce PM
- Use of a diesel particulate filters on heavy-duty equipment to reduce DPM
- Use of a diesel oxidation catalyst to reduce NOx
- Use of the newest and cleanest heavy-duty construction equipment available to reduce all criteria pollutants

Response to Comment 14-6

Mitigation measure 4.2-1b of the Final EIR has been clarified as suggested.

Response to Comment 14-7

YSAQMD Rule 2.8 has been added to Mitigation Measure 4.2-1b of the Final EIR as suggested.

Response to Comment 14-8

The inclusion of the parking mitigation measure within the URBEMIS model caused the mitigated emissions for all land uses to go up, with the exception of the school land use for which the mitigation measure is applicable. This is an URBEMIS program error that has been acknowledged by the BAAQMD. The parking mitigation measure was excluded from the updated URBEMIS run (refer to the response to **Comment 14-4**), and accordingly, updated quantified mitigated emissions for all land categories decrease compared to unmitigated emissions (refer to Appendix D of the Final EIR).

Response to Comment 14-9

The 49 percent reduction in trips associated with the “non-Residential Parking Supply Mitigation for Elementary School” was calculated in error due to a glitch in the URBEMIS air quality program that has been acknowledged by the BAAQMD. The parking mitigation measure was excluded from the updated URBEMIS run (refer to Appendix D of the Final EIR). The removal of this mitigation in the URBEMIS air quality model does not change the significance that operation of the Proposed Project has on local and regional air quality.

Response to Comment 14-10

The analysis of diesel particulate matter emissions from passing trains has been revised within the Final EIR, Volume II, and Section 4.2.4. The revised analysis has been updated using emission factors for tier 2/3 train engines as requested by the YSAQMD. Refer to Impact 4.2-5 of the Final EIR, Volume II, Section 4.2.4 for an updated discussion of the methodology utilized to compare train emissions to BAAQMD thresholds for requiring a more refined modeling analysis of DPM emissions and associated health risks. The results as presented in Impact 4.2-5 indicate a more refined modeling analysis is not required under the BAAQMD screening threshold. Further, DPM emissions are not expected to result in a significant health risk to sensitive receptors as prevailing winds would transport DPM away from the proposed location of residential housing (there are no sensitive receptors proposed east or downwind of the tracks) and the proposed 8-10 foot sound wall would further reduce DPM levels in outdoor activity areas. Mitigation Measure 4.2-5a has been added to the Final EIR, Volume II, Section 4.2.4 which would further reduce potential health risks from diesel particulate matter from trains at the nearest sensitive receptors.

Response to Comment 14-11

Comment noted, it is not known exactly where the applicant would purchase the credits; however, as stated in Mitigation Measure 4.2-8(3) the credits would be permanently retired by the project proponent; thereby reducing annual GHG emissions for the lifetime of the Proposed Project. Language has been added to Mitigation Measure 4.2-8a(3) that specifies the type of trading market that carbon emissions reduction credits will be purchase from, i.e. the Climate Action Reserve, the Verified Carbon Standard, the American Carbon Registry.

Response to Comment 14-12

Mitigation Measure 4.2-2b has been revised in Section 4.2 of Volume II of the Final EIR to require that openings and gaps in the sound walls and cul-de-sacs be provided to allow access to adjacent streets and pathways to the extent possible to further maximize connectivity for bicyclist, pedestrians, and direct access to transit stops.

Response to Comment 14-13

Mitigation Measure 4.2-1c has been included in Section 4.2 of Volume II of the Final EIR to require bicycle lanes on all arterial and major and minor collector roadways.

Response to Comment 14-14

Mitigation Measure 4.2-1b in Volume II of the Final EIR has been revised to reference all applicable YSAQMD Rules. The requirement to obtain a permit from YSAQMD for any portable diesel fueled equipment greater than 50 horsepower, as well as the operation of any stationary equipment with greater than 50 horsepower, has been added to the Final EIR, Volume II, Section 3.5, Regulatory Requirements.

Letter 15 – Paul Shecter, January 17, 2012

Response to Comment 15-1

Please refer to **Response to Comment 4-1**.

Response to Comment 15-2

Comment noted.

Response to Comment 15-3

Comment noted.

Response to Comment 15-4

Comment noted.

Response to Comment 15-5

Comment noted.

Response to Comment 15-6

Comment noted.

Response to Comment 15-7

Please refer to **Response to Comment 4-1**.

Extended Comment Period

The following responses are provided to the one comment letter received during the extended comment period advertised in the Revised Public Notice of Availability published April 25, 2012.

Letter A – David Diepenbrock, Diepenbrock Elkin, LLP.

Response to Comment A-1

The City acknowledges that the comment letter has been provided in accordance with the Revised Public Notice of Availability dated April 2012 extending the public review period through June 8, 2012. The commenter notes that the comment letter provides comments on the Final EIR as well as the Specific

Plan. In accordance with CEQA, this Final EIR responds to comments raised concerning the completeness and adequacy of the EIR.

Response to Comment A-2

Implementation of the Proposed Project would result in an amendment to the City's General Plan that would change the land use designation of APN 137-050-020 or the "Montgomery Property" (shown as Sub-areas J and K in Figure 3-4) to "Residential Estate". While continued agriculture use of the Montgomery property may occur until such time the Williamson Act contracts are terminated, it is not a contemplated long-term use of the property. Impacts associated with agricultural resources are discussed in Section 4.3 of the EIR. As described therein, the Montgomery Property is currently designated in the City's General Plan for Low Density Residential use, and conversion of this agricultural land has been within the City and County's long-term land use plans for the site. No prime farmland occurs within the Montgomery Property. Implementation of the Proposed Project would not greatly interfere with farming activities nor impede development of the parcel following termination of such activities and cancellation of the Williamson Act contracts. While the City understands Option 1 of the Foxboro Parkway extension would divide the parcel, the City has recommended the extension of Foxboro Parkway from Nut Tree Road to Vanden Road South (Option 1 in the Draft EIR) as a key four-lane arterial to connect traffic in the Foxboro residential development to the west to Vanden Road South and Leisure Town Road (*City of Vacaville Infrastructure, Facilities and Services Status Report, 2007*).

As discussed in Section 3.4.3, two options for the alignment of Foxboro Parkway are evaluated on an equal level basis within the Draft EIR. Option 1 includes the extension of Foxboro parkway through the Montgomery Property as shown in the City's January 2007 General Plan (refer to the Land Use Map) and the Southtown Specific Plan EIR (refer to Figure 2-1). Under Option 2, Foxboro Parkway would only be constructed to span from the intersection of Leisure Town Road and Vanden Road South to the realigned Vanden Road to the west, and would not bi-sect the Montgomery Property. As shown in Section 4.13 of the Draft EIR, Option 2 is expected to result in greater impacts associated with traffic and circulation.

An alignment following the Montgomery parcels northern or southern boundaries would not be feasible from a design and roadway operations standpoint. The recommended alignments would either require a new intersection on Nut Tree Road north of the proposed Option 1 Foxboro Parkway/Nut Tree Road intersection or require a southern extension of Nut Tree Road. These alignments would not function as efficiently as the proposed Option 1 alignment, and may result in vehicle queuing issues due to proximity to existing intersections. It should be noted that continued farming operations within Sub-areas J and K and the extension of Foxboro Parkway along the northern boundary of the Montgomery Property is evaluated under Alternative B of the Draft EIR.

Response to Comment A-3

As discussed in the **Response to Comment A-2**, the development of Option 1 of the Foxboro Parkway extension has been identified by the City as a transportation infrastructure improvement needed to meet future traffic demands as a result of build out of the General Plan. In order to ensure sufficient right of way, the Vanden Meadows Specific Plan acknowledges the future need for the four lane arterial roadway and designates adequate land for its development. Restricting development to two lanes would conflict

with the General Plan designation of the Foxboro Parkway extension as a four-lane arterial roadway (refer to Table 6-1 of the Transportation Element of the 2007 General Plan). The commenter references the existing and with project conditions A.M. and P.M. peak hour level of service tables in the transportation and circulation section of the Draft EIR (Tables 4.13 and 4-14) to indicate that the Foxboro Parkway does not improve circulation in the vicinity of the project site. In addition, the commenter references the analysis of Alternative B to indicate that the Draft EIR asserts that the Foxboro Parkway would only have a positive impact on one study roadway intersection. On the contrary, with 1,151 new trips generated during the evening peak hour as a result of the Proposed Project, the extension of Foxboro Parkway would reduce the number of these trips that would be required to travel along Vanden Road or Leisure Town Road. For example, as indicated in Impact 4.13-6 of the Draft EIR, the segment of Vanden Road north of the Foxboro Parkway extension would operate at LOS D with the addition of project trips without the installation of Option 1 of the Foxboro Parkway extension. For Alternative B, because a portion of the Foxboro Parkway extension would still be developed, the beneficial impacts to the study roadway network identified under the Proposed Project would still be experienced. The commenter states that there is no indication why the Foxboro Parkway extension would have a positive impact on the distant intersection of Alamo Drive at Merchant Street. The reduction in impacts experienced under Alternative B compared to the Proposed Project at this intersection is attributed to the reduction in the number of residential units that would be developed, which would reduce the number of new vehicle trips on the study roadway network when compared to the Proposed Project, thereby reducing the impact to the intersection of Alamo Drive at Merchant Street.

Response to Comment A-4

Comment noted. However, no decision has been made concerning a roundabout at the Nut Tree Road/Foxboro Parkway intersection. Accordingly, a four lane connecting intersection is still the proposed alignment for Option 1 of the Foxboro Parkway extension. As discussed above in the **Response to Comment A-2**, the General Plan identifies the extension as a four-lane arterial roadway and accordingly, implementation of Option 1 of the Foxboro Parkway extension would be consistent with the General Plan. Should the General Plan Update include development of traffic circles at the intersections of Foxboro Parkway/Nut Tree Road and Foxboro Parkway and Vanden Road, the effects of these improvements would be addressed in the CEQA document prepared for the General Plan Update.

Response to Comment A-5

Comment noted. As discussed in Table 4.9-1 of the Draft EIR, proposed residential land uses south of Foxboro Parkway and west of Vanden Road will be very low density, with the minimum lot size being 10,000 square feet (approximately 0.25-acres), in accordance with General Plan Implementation Policy 2.3-112. Increasing the density of housing along the southern boundary of the project site would be inconsistent with this implementation policy.

Response to Comment A-6

Comment noted. As discussed in the **Response to Comment A-5**, the proposed residential land uses south of Foxboro Parkway and west of Vanden Road are guided by General Plan Implementation Policy 2.3-112, which, as

shown in Table 4.9-1 of the Draft EIR, states “In the portion of the Vanden Specific Plan area south of Foxboro Parkway and west of Vanden Road, the minimum lot size shall be 10,000 square feet.”

Response to Comment A-7

As discussed in the Response to Comment A-5, the development of residential estates adjacent to the open space buffer separating Vacaville and Fairfield is consistent with the goals of the General Plan. The environmental impacts resulting from the zoning of the Montgomery Parcels as Residential Estate are discussed in Sections 3 and 4 of the EIR. Increasing the density of land uses within the Montgomery Parcel would not reduce any potentially significant effects.

Response to Comment A-8

The commenter presents a request for consideration in the General Plan Update being conducted by the City. The commenter does not provide a comment on the Draft EIR and therefore no response is warranted.

Response to Comment A-9

The commenter states that the Draft EIR does not expressly reference the Foxboro Connection or acknowledge that the construction of the connection is a component of most of the City’s objectives for the Project. Development of the Foxboro Parkway extension is not an established goal of the Proposed Project as presented in the Draft EIR. The development of the Foxboro Parkway extension is evaluated as a project component, but is not considered, by either the City or the project applicant, as a project objective as defined by the CEQA guidelines. As discussed on Page 3-13 of Section 3.4.3 of the Draft EIR, two options for the extension of Foxboro parkway are described in detail within the project description and impacts associated with the extension are addressed in Section 4.0 of the EIR.

Response to Comment A-10

The project objectives, presented in Section 3.4.1 of the Draft EIR, were developed in accordance with the CEQA Guidelines and are not too narrowly defined in order to allow an assessment of a reasonable range of alternatives that will assist the Lead Agency with making an informed decision on the project. The comment does not provide any rationale as to how these objectives, as written, do not comply with CEQA guidelines.

Response to Comment A-11

The commenter states that the City’s third objective is unclear because it does not specify what existing infrastructure the City seeks to utilize and the deficiencies it seeks to correct. However, as quoted by the commenter, the City includes examples of such infrastructure including detention basins and the urban service areas. A complete list of the entire City infrastructure features that the City would seek to utilize is not required to be incorporated into the objective to meet CEQA guidelines. Furthermore, the deficiencies the City intends to correct includes sizing of utility conveyance lines such as wastewater lines. However, exclusion of exact deficiencies, again, does not conflict with CEQA guidelines concerning project objectives.

Response to Comment A-12

Refer to the **Response to Comment A-9**.

Response to Comment A-13

Excluding the development of Foxboro Parkway extension as a project objective in Section 3.4.1 of the Draft EIR does not indicate the analysis is flawed, as the extension of Foxboro Parkway (including an alternative to the proposed extension) are included in the project description and incorporated into the analysis within Section 4.0 of the Draft EIR. Option 2 for the Foxboro Parkway alignment proposed in the event that the Foxboro Parkway cannot be extended to the existing intersection with Nut Tree Road demonstrates that this extension is not integral to the project. Accordingly, the alternatives analysis within the Draft EIR is not fundamentally flawed because the Foxboro Parkway extension was not included as an objective of the project in Section 3.4.1.

Response to Comment A-14

The description of Alternative B provided in Section 6.4.2 of the Draft EIR provides adequate detail to provide an impact comparison between Alternatives A and B. Because the sole difference between the two alternatives is the exclusion of development on Sub-Areas J and K and realignment of Foxboro Parkway to follow the northern boundary of Sub-Area J, all other aspects of Alternative B are referenced to the descriptions provided in Section 3.0 for the Proposed Project. Accordingly, the description of Alternative B in the Draft ER meets the CEQA guidelines requirement to provide sufficient information concerning each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Response to Comment A-15

The commenter states that Alternative B would not meet the objectives of the Proposed Project as required by CEQA guidelines. As indicated in the **Response to Comment A-14**, Alternative B is nearly identical to the Proposed Project, with the exception of the exclusion of Sub-Areas J and K in order to avoid impacts to critical biological habitat. This alternative meets the criteria for alternatives in Section 15126.6 of the CEQA Guidelines referenced in the comment. Responses to the commenter's specific comments concerning Alternative B are provided below.

Response to Comment A-16

The commenter states that the first objective would not be met because Sub-Areas J and K would not be developed and would not utilize existing land use designations. The first objective is to encourage development in the City's Sphere of Influence according to existing General Plan land use designations. While Sub-Areas J and K would not be developed, the remainder of the project site sub areas would be developed in accordance with General Plan land use designation; therefore, Alternative B meets the project objective to encourage development in accordance with the General Plan.

Response to Comment A-17

Although the Foxboro Parkway extension would not be developed consistent with the alignment presented in the General Plan, development of Alternative B would utilize existing infrastructure (such as the service areas and detention basin), encourage economic vitality, accommodate new housing, increase the City's revenue base, enhance mobility and economic opportunity, and correct deficiencies in City infrastructure; however, not to the extent the Proposed Project would meet these objectives. The exclusion of Sub-Areas J and K would not prohibit Alternative B from meeting these objectives as school, parkways, housing, and infrastructure facilities would still be expanded in the City.

Response to Comment A-18

As shown in Figure 3-5, the neighboring development west of the project site would have access to the school and public parks via Street A and the extension of Foxboro Parkway to Nut Tree Road along the northern boundary of Sub-Area J, as well as planned pedestrian trails along the western boundary of the project site. Therefore, the implementation of Alternative B would not isolate the community west of the Project Site and would meet the fourth objective to providing residential dwellings in close proximity to public schools, public parks, and pedestrian trails.

Response to Comment A-19

Alternative B presents a range of housing types with an emphasis on single-family moderate-density development and meets the policies and goals of the General Plan. The Foxboro Parkway extension is a recommended improvement in the General Plan and does not apply to the policies or goals outlined within the General Plan. Regardless, the Foxboro Parkway extension would still be developed under Alternative B, with a slightly altered alignment following the northern boarder of Sub-Area J.

Response to Comment A-20

The Foxboro Parkway extension, and associated pedestrian facilities, would still be developed under Alternative B, except the alignment would differ compared to the Proposed Project. Accordingly, implementation of Alternative B would meet the fifth project objective concerning development of a comprehensive bikeway/pedestrian system connecting the park, school, and the Southtown Development, while promoting alternative transportation.

Response to Comment A-21

As indicated in the **Responses to Comment A-15** through **A-20**, Alternative B would meet the project objectives outlined in Section 3.1.4 of the Draft EIR. Therefore, Alternative B is not required to be eliminated from consideration during the Lead Agencies review process.

Response to Comment A-22

The commenter states that Alternative B was selected as the superior alternative among the alternatives analyzed in the Draft EIR. For clarification, Alternative B is considered to be the Environmentally Superior Alternative, not the "superior alternative". The commenter further states that the conclusion is flawed because of the consideration of the greater impact to housing that would result from the Implementation

of Alternative B compared to the Proposed Project. The analysis considering the housing needs of the City and the fewer houses proposed under Alternative B compared to the Proposed Project is not flawed. Although neither alternative would fully meet the City's housing needs, Alternative B would result in a lesser reduction in housing needs. As indicated in Table 6-1, when compared to the Proposed Project, Alternative B would result in greater impacts associated with Population and Housing. Refer to the discussion of Population and Housing in Section 4.11 of the Draft EIR.

Response to Comment A-23

Impacts to aesthetic resources, air quality, climate change, biological resources, agricultural resources, hydrology, noise, and public utilities and services would be less under Alternative B when compared to the impacts of the Proposed Project due to the development of fewer houses and exclusion of lands designated as critical habitat for biological resources and under a Williamson Act Contract from development. As stated in **Response to Comment A-22**, the impact comparison where Alternative B is greater than Alternative A relates to meeting housing needs and not development of the remaining housing units to meet the needs. Analyzing the impacts of future housing development to meet proposed housing needs for the City is outside of the scope of analysis for the Proposed Project and project alternatives.

Response to Comment A-24

The commenter states that the analysis implies that less Prime Farmland would be converted under Alternative B because Sub-Areas J and K would not be developed. The discussion on the referenced page (page 6-6 of the Draft EIR) specifically states that Sub-areas J and K are designated as grazing land by the Department of Conservation. Prime Farmland on the other Sub-Areas of the project site would still be developed under Alternative B; however, the Williamson Act grazing lands on Sub-Areas J and K would remain undeveloped. Therefore, the analysis of agricultural impacts for Alternative B concluded that the overall impact of Alternative B to agricultural resources is considered similar to, but less than, impacts that would occur under the Proposed Project. The statement does not indicate that Alternative B would lessen significant and unavoidable impacts identified under the Proposed Project.

Response to Comment A-25

The commenter states that an independent consultant was hired to assess the designation of critical habitat on the project site and the associated preclusion of development on Sub-Areas J and K. The analysis within the Draft EIR does not state that development is precluded on Sub-Areas J and K as a result of the parcel being designated as critical habitat for the Contra Costa Goldfields, vernal pool fairy shrimp, and vernal pool tadpole shrimp. If development were precluded, then the Proposed Project could not be developed. However, although a significant impact is identified in Section 4.4 as a result of the proposed development on Sub-Areas J and K, mitigation is provided to reduce the impacts to less-than-significant levels.

Response to Comment A-26

The commenter states that an independent expert states that there is a defect in stating that there would be environmental benefits from excluding development on Sub-Areas J and K under Alternative B as a

result of the U.S. Fish and Wildlife Services (USFWS) failure to identify primary constituent elements for each species upon which the designation of critical habitat was based. The method in which the USFWS determined that the project site is critical habitat is not a point of contention in the EIR process. The Proposed Project would remove approximately 1.55 acres of seasonal wetlands and wetland drainage swales, which provide potential habitat for vernal pool branchiopods. Approximately 0.39 acres of the 1.55 acres of seasonal wetlands and wetland drainage swales occur within the USFWS-designated critical habitat for Contra Costa Goldfields (Unit 4A), vernal pool fairy shrimp (Unit 16C), and vernal pool tadpole shrimp (Unit 11B) (Figure 4.4-4 of the Draft EIR). Impacts associated with the conversion of the critical habitat areas for these species are considered potentially significant impacts. Mitigation was provided for the Proposed Project to reduce the significance level of the impact. Accordingly, by removing these subareas from development under Alternative B, these impacts would not be experienced and therefore Alternative B was determined to have a lesser extent of impacts to biological resources when compared to the Proposed Project.

Response to Comment A-27

The commenter provides a summary of case law concerning the implementation of the Endangered Species Act but does not provide a comment on the Draft EIR. No response required.

Response to Comment A-28

The commenter presents findings of the independent expert stating that development would not be precluded from the entire site and mitigation is available to offset impacts. The City agrees and development of the site is a component of the Proposed Project. At the City's discretion, Alternative B was evaluated within the EIR as a "reasonable" alternative that would accomplish the basic objectives of the project while reducing potential impacts associated with agriculture and biological resources. As indicated above in the **Responses to Comment A-15** through **A-20**, Alternative B would meet the basic project objectives outlined in Section 3.1.4 of the Draft EIR and therefore is a viable alternative in accordance with the CEQA guidelines.

Response to Comment A-29

As indicated in the **Response to Comment A-26**, there is adequate scientific evidence to demonstrate environmental benefits from excluding Sub-Areas J and K from development (refer to the **Responses to Comment A-15** through **A-20** indicating that Alternative B would meet the project objectives outlined in Section 3.1.4 of the Draft EIR). Alternative C would include development on Sub-Areas J and K and, based on the reasoning identified in the Response to **Comments A-26**, habitat within a designated critical habitat area would be significantly impacted; although mitigatable. Accordingly, Alternative C would not be considered the environmentally preferable alternative.

Response to Comment A-30

Refer to the responses to **Comments A-25**, **A-26**, and **A-28** concerning the referenced portions of the analysis included as Exhibit A of the comment letter.

SECTION 4.0

MITIGATION MONITORING AND REPORTING PLAN

4.0 MITIGATION MONITORING AND REPORTING PLAN

4.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to report on and monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Plan (MMRP) is designed to ensure that the mitigation measures identified in the Environmental Impact Report (EIR) for the Vanden Meadows Specific Plan and Development Project (Proposed Project) are fully implemented. The MMRP, as presented **Table 4-1**, describes the timing/frequency of mitigation implementation responsibilities and standards, and verification of compliance for the mitigation measures identified in the Proposed Project EIR.

Table 4-1 presents all recommended mitigation measures and is organized in the same order as the contents of the EIR, by topic. A number of entities have been assigned monitoring responsibilities under this MMRP. All monitoring actions, once completed, would be reported (in writing) to the City of Vacaville Community Development Department (CDD), which would maintain mitigation monitoring records for the Proposed Project. The MMRP will be considered by the Planning Commission, City Council, and/or staff in conjunction with review and approval of the project and each subsequent approval related to future project phases, and will be adopted as a condition of project approval for each action and future action.

The components of this table are addressed below:

Mitigation Measure: The mitigation measures are taken verbatim from the Draft EIR or, when a revision has been made, from the Final EIR. Mitigation measures are assigned the same number they have in the EIR.

Timing/Frequency of Action: Identifies the timing for the implementation of each action.

Responsibility for Implementation: Identifies the authority responsible for implementing the mitigation measures.

Responsibility for Monitoring: Identifies the authority responsible for monitoring implementation of the mitigation measure.

Standards for Compliance: Identifies the action that must be completed in order for the mitigation measure to be considered implemented.

Verification of Compliance: Identifies verification of compliance with each identified mitigation measure.

TABLE 4-1. Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
4.1 AESTHETICS					
4.1-2 Lighting on the project site shall be designed and installed in accordance with the City’s Land Use Development Code (City of Vacaville Municipal Code Section 14.09.127.110). Street lighting on the project site shall utilize effective light shielding devices to minimize uplighting and glare to the greatest extent feasible. Light shields shall be installed above and around all street lights, such that no portion of a luminary extends below the base of the light shield. Drop lens luminaries, which are rounded and extend below the lowest portion of the light shield, shall not be used. All street lighting designs, including lens types and shielding devices, shall be approved by the Vacaville Community Development Department prior to installation.	Prior to the approval of each use permit for each phase of project development.	Applicant	CDD	Project design review.	
4.2 AIR QUALITY					
4.2.1a The Applicant shall ensure through the enforcement of contractual obligations that construction contractors implement a fugitive dust abatement program during construction, which shall include the following elements: <ul style="list-style-type: none"> • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. • Cover all exposed stockpiles. • Water all exposed roadway and construction areas twice a day. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent streets. • Limit traffic speeds on unpaved roads to 15 miles per hour (mph). • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. 	During construction.	Applicant	CDD	Site inspection to verify compliance with mitigation measures during construction.	
4.2.1b The applicant shall ensure through contractual obligations with construction contractors that the following Best Management Practices shall be implemented during all stages of construction:	During construction.	Applicant	CDD	Site inspection to verify compliance with mitigation measures during construction.	

CDD = Community Development Department CDFG = California Department of Fish and Game PWD = Public Works Department USFWS = U.S. Fish and Wildlife Service
 USACE = United State Army Corps of Engineers SWRCB = State Water Resources Control Board YCPHD = Yolo County Public Health Department

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<ul style="list-style-type: none"> • All heavy-duty construction equipment shall be equipped with a diesel oxidation catalyst and diesel particulate filter. Heavy-duty construction equipment shall be the newest and cleanest equipment available. Biodiesel shall be used whenever available. • Only low VOC coatings that conform to the limits specified in YSAQMD Rule 2.14 shall be utilized. Low VOC paints are available through local paint retailers that supply Olympic Premium and Benjamin Moore Aura paints. • Construction employees and subcontracts shall be informed that Emissions of reactive organic gases, nitrogen oxides, sulfur oxides, and carbon monoxide, and GHGs shall be controlled by requiring all diesel-powered equipment is to be properly maintained and that, in accordance with state law, minimizing idling time must be limited to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required. Since these construction emissions would be generated primarily by construction equipment, machinery, and engines shall be kept in good mechanical condition to minimize exhaust emissions. • The applicant shall obtain a permit from the YSAPCD prior to operation of any portable diesel fueled equipment greater than 50 horsepower • All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants shall obtain an Authority to Construct and Permit to Operate from the YSAPCD prior to the beginning of construction. • The project proponent shall employ periodic and unscheduled inspections to accomplish the above mitigation. • Any burning of cleared vegetation shall be conducted according to the rules and regulations of the 					

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 USACE = United State Army Corps of Engineers SWRCB = State Water Resources Control Board YCPHD = Yolo County Public Health Department

4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>BAAQMD's Regulation 5 (BAAQMD, 2008) and YSAQMD Rule 2.8. Open Burning, General. Prior notification to BAAQMD shall be made by submitting an Open Burning Prior Notification Form to BAAQMD's office in San Francisco.</p>					
<p>4.2-4a The City shall ensure through conditions of project approval or the specific plan requirements that the following mitigation measures are implemented to reduce project-related operational emissions:</p> <ul style="list-style-type: none"> The following provision along with design standards shall be included within the Vanden Meadows Specific Plan: If the City expands City Coach's Route 8 (or any other route) into Vanden Meadows area, the Applicant shall install bus turnouts and transit stops in location(s) designated by the City. 	<p>Prior to issuance of building permits.</p>	<p>Applicant/CDD</p>	<p>CDD</p>	<p>Verify through permit approval process.</p>	
<p>4.2-4b To reduce project-related emissions, the applicant shall incorporate openings and gaps in the sound walls and cul-de-sacs shown on tentative maps and building plans to allow access to adjacent streets and pathways to the extent possible to further maximize connectivity for bicyclist, pedestrians, and direct access to transit stops.</p>	<p>Prior to issuance of building permits.</p>	<p>Applicant/CDD</p>	<p>CDD</p>	<p>Verify through permit approval process.</p>	
<p>4.2-4c To reduce project-related emissions, bicycle lanes shall be provided on all arterial and major and minor collector roadways that connect to existing bicycle routes in adjacent developments.</p>	<p>Prior to issuance of building permits.</p>	<p>Applicant/CDD</p>	<p>CDD</p>	<p>Verify through permit approval process.</p>	
<p>4.2-5a The Applicant shall plant trees such as redwood, deodar cedar, live oak or oleander adjacent to the sound wall along Leisure Town Road north of Vanden Road to the northern project boundary.</p>	<p>Prior to issuance of building permits.</p>	<p>Applicant/CDD</p>	<p>CDD</p>	<p>Verify through permit approval process.</p>	
<p>4.2-7 Implement Mitigation Measure 4.2-4a through 4.2-4c.</p>					

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 USACE = United State Army Corps of Engineers SWRCB = State Water Resources Control Board YCPHD = Yolo County Public Health Department

	Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
4.2-8a	<p>The applicant shall implement the following BAAQMD mitigation measures. Evidence of compliance with these measures shall be submitted to the City prior to the issuance of building permits:</p> <ul style="list-style-type: none"> The applicant shall require through contractual obligations with the contractor(s) that all heating, air conditioning, and ventilation (HVAC) ducts be sealed. This mitigation measure will reduce residential and school electricity-related GHG emissions by 30 percent. The applicant shall require through contractual obligation with the local utility district and contractors that smart meters and programmable thermostats be installed in the school site and all residences. This mitigation measure will reduce residential and school electricity- and natural gas-related GHG emissions by 10 percent. The applicant shall purchase CO₂e emissions reduction credits in the amount of 19,555 MT prior to the start of construction (5,925 MT for mitigation of construction emissions and 13,630 for mitigation of operational emissions). The CO₂e emission reduction credits must be permanently retired by the project proponent; thereby reducing annual GHG emissions for the lifetime of the Proposed Project. Evidence of purchase of GHG emission credits must be submitted to the City prior to approval of tentative maps and shall be a condition of the development agreement with the Vanden Meadows developer. The applicant shall purchase carbon emissions reduction credits from the Climate Action Reserve, the Verified Carbon Standard, the American Carbon Registry, or an equivalent carbon emissions reduction credit trading market, which has the same or more stringent standards for carbon sequestration projects which reduce atmospheric GHGs or direct GHG emissions reductions achieved by existing GHG emitters. 	During construction.	Applicant	CDD	Site inspection to verify compliance with mitigation measures during construction.	

CDD = Community Development Department CDFG = California Department of Fish and Game PWD = Public Works Department USFWS = U.S. Fish and Wildlife Service
 USACE = United State Army Corps of Engineers SWRCB = State Water Resources Control Board YCPHD = Yolo County Public Health Department

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>4.2-8b The applicant shall implement the following mitigation measures, which would further reduce project-related GHG emissions. Evidence of compliance with these measures shall be submitted to the City prior to the issuance of building permits:</p> <ul style="list-style-type: none"> • The applicant shall require the project contractors to utilize local and regional building materials in order to reduce energy consumption and vehicle emissions associated with transporting materials over long distances; thus, reducing GHG emissions from material delivery trips. • The applicant shall construct new bus stops at convenient locations with pedestrian access to the project developments. Pullouts will be designed so that normal traffic flow or arterial roadway would not be impeded when buses are pulled over to serve riders. This mitigation would reduce project-related GHG emissions from idling and commuter vehicles. • The applicant shall implement Mitigation Measures 4.2-1c and 4.2-1c, which would reduce project-related vehicle GHG emissions. • The Applicant shall incorporate the use of the following in all development to the extent feasible: <ol style="list-style-type: none"> 1. Installation of efficient street and parking lot lighting (e.g., high pressure low sodium fixtures); 2. Installation of reflective window film or awnings on south and west facing windows; 3. Installation of ceiling and wall insulation; and 4. Installation of Energy Management Systems to control HVAC systems including operating hours, set points, scheduling of chillers, etc. <p>Implementation of the above mitigation would reduce energy use and GHG emissions from its production.</p> • The applicant shall through contractual obligation with the contractor install, in all buildings reflective, EnergyStar™ cool roofs. Cool roofs decrease roofing maintenance and replacement costs, improve building comfort, reduce impact on surrounding air temperatures, reduce peak electricity demand, and 	<p>During construction.</p>	<p>Applicant</p>	<p>CDD</p>	<p>Site inspection to verify compliance with mitigation measures during construction.</p>	

CDD = Community Development Department CDFG = California Department of Fish and Game PWD = Public Works Department USFWS = U.S. Fish and Wildlife Service
 USACE = United State Army Corps of Engineers SWRCB = State Water Resources Control Board YCPHD = Yolo County Public Health Department

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>reduce waste stream of roofing debris. Implementation of the above mitigation would reduce energy use and GHG emissions from its production.</p> <ul style="list-style-type: none"> The applicant shall include, in all residential buildings measures to conserve water usage including use of water efficient features such as high efficiency toilets, water conserving dishwashers, hot water demand systems, and electronic timers to control landscape irrigation systems. This mitigation would reduce energy used to transport water and GHG emissions from its production. The applicant shall prohibit any wood-burning fireplaces, woodstoves, or similar wood-burning devices. Homes may be fitted with UL rated natural gas burning appliances. This prohibition shall be included in any CC&Rs that are established. This mitigation would reduce GHG emissions from the combustion of wood products. 					

4.3 AGRICULTURE AND FORESTRY RESOURCES

<p>4.3.1 The applicant shall preserve 68.83 acres of active farmland in Solano County with soils similar in productive value to on-site soils through agricultural easement, purchase of development rights, donation of mitigation fees to an agricultural land trust or conservancy, contribution to the State Department of Conservation fund for the preservation of farmland, or by some other feasible method, as determined by the City Council, that achieves the goal of preserving active farmland. Should donation of mitigation fees be the preferred method for mitigating impacts, the fees shall be based on fair market value of a conservation easement over similar quality active farmland as determined by the County Assessor’s Office at the time the fee is to be paid.</p>	<p>Prior to the approval of each use permit for each phase of project development.</p>	<p>CDD</p>	<p>CDD</p>	<p>Project design review.</p>	
<p>4.3.3 In order to protect ongoing surrounding agricultural operations from future complaints by future Vanden Meadow residents, a note on the final subdivision maps for the Project shall be included. The note shall require that, prior to recording, residential property titles shall include a deed restriction prohibiting complaints by future</p>	<p>Prior to the approval of each use permit for each phase of project development.</p>	<p>CDD</p>	<p>CDD</p>	<p>Project design review.</p>	

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Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
residents related to potential inconsistency with ongoing surrounding agricultural operations. The nature of prohibited complaints would include those attributable to nearby ongoing agricultural operations related to generation of noise, odor, dust, and other elements generally associated with agricultural operations and potentially inconsistent with residential development.					
4.3.4 Implement Mitigation Measure 4.3-1 .	Prior to the approval of each use permit for each phase of project development.	CDD	CDD	Project design review.	
4.4 BIOLOGICAL RESOURCES					
4.4-1a Prior to commencement of construction activities that would result in discharge of fill material to wetlands and other waters of the U.S., the applicant shall obtain a Section 404 Clean Water Act permit from the USACE and a Section 401 Water Quality Certification from the SWRCB prior to discharge of fill of waters of the state. As a condition of these permits, the applicant shall provide compensatory mitigation for the restoration, enhancement, and/or replacement of wetland habitat on a "no net loss" basis at an acreage and location and by methods agreeable to the USACE and the RWQCB. At minimum, the applicant shall be required to mitigate at a one:one ratio for construction of new wetlands. The creation credits purchased in accordance with Mitigation Measure 4.4-2 for seasonal wetlands and wetland drainage swales located within critical habitat may contribute to a portion of this mitigation requirement. Evidence of the Section 404 and 401 permits shall be submitted to the Community Development Department prior to the issuance of any grading permits or building permits for construction activities that would result in discharge of fill to waters of the U.S. and of the state. All conditions of the permits shall be adhered to.	Prior to the commencement of construction	CDD	CDD/USACE	Section 404 Clean Water Act Permit	
4.4.1b The applicant shall implement Mitigation Measure 4.8-1 to obtain coverage the SWRCB NPDES General Construction Permit. This shall include preparation of a	Prior to and during Construction	CDD/SWRCB	Applicant/ Construction Contractor	SWRCB NPDES General Construction Permit	

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SWPPP and implementation of the BMPs specified in Mitigation Measure 4.8-1 . Evidence of the SWPPP and coverage under the Construction General Permit shall be submitted to the Community Development Department prior to the issuance of any building or grading permits for construction activities within the project site.					
<p>4.4-2a A Biological Assessment, in accordance with USFWS standards, shall be prepared and submitted to the USACE, the federal lead agency for issuance of 404 permits, to support consultation with the USFWS pursuant to Section 7 of the ESA. A Biological Opinion with an incidental take statement for Contra Costa goldfields, vernal pool fairy shrimp, and vernal pool tadpole shrimp shall be obtained from the USFWS prior to construction within designated critical habitat. All mitigation measures in the Biological Opinion and incidental take statement issued by USFWS shall be adhered to. At minimum, these measures shall include:</p> <ul style="list-style-type: none"> The applicant shall purchase preservation credits at a two:one ratio and creation credits at a one:one ratio for removal of critical habitat at a USFWS-approved mitigation bank prior to commencement of construction activities, including discharge of fill material. Preservation credits are calculated based on the direct impacts of 0.39 acres and the indirect impacts of 6.9 acres (a 250-foot buffer around the seasonal wetlands and wetland drainage swales for land occurring within critical habitat). Creation credits are calculated based on direct impacts to the 0.39 acres. The preservation and creation credits will be a condition of the Biological Opinion with an incidental take statement. Evidence of the purchase of preservation credits shall be submitted to the Community Development Department prior to the issuance of grading or building permits for construction activities within critical habitat. 	Prior to construction	CDD	CDD/USFWS	USFWS Section 7 of the Endangered Species Act	
<p>4.4-2b Prior to construction within the project site, a USFWS-approved biologist who holds a Recovery Permit for vernal pool branchiopods shall conduct protocol level</p>	Prior to construction	Applicant/CDD	CDD/USFWS	USFWS Section 7 of the Endangered Species Act	

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<p>surveys within the 1.16 acres of seasonal wetlands and wetland drainage swales occurring outside of critical habitat, in accordance with the USFWS (1996) <i>Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for the Listed Vernal Pool Branchiopods</i>. The protocol level surveys may be conducted during two wet seasons within five years or two consecutive seasons of one full wet season survey and one dry season survey. The results of the surveys shall be summarized within the Biological Assessment prepared under Mitigation Measure 4.4-2a.</p>					
<p>4.4-2c Should it be determined that federally listed species are not present, and the USFWS agrees within its Biological Opinion, then no further mitigation would be required for effects to federally listed species as a result of construction outside of designated critical habitat. Evidence of compliance with the measures and conditions of the Biological Opinion shall be submitted to the Community Development Department prior to the issuance of any grading and building permits within the project site.</p>	<p>Prior to construction</p>	<p>Applicant/CDD</p>	<p>CDD/USFWS</p>	<p>USFWS Section 7 of the Endangered Species Act</p>	
<p>4.4-2d Should the protocol level surveys determine presence of federally listed vernal pool branchiopods, this impact shall be addressed within the Biological Opinion with an incidental take statement for vernal pool branchiopods to be obtained from the USFWS, in accordance with Mitigation Measure 4.4-2a. All conditions of the permit required by USFWS shall be implemented. At a minimum, the following conservation measure shall be implemented to minimize impacts to the federally listed species:</p> <ul style="list-style-type: none"> • The applicant shall purchase preservation credits at a two:one ratio and creation credits at a one:one ratio for removal of habitat at a USFWS-approved mitigation bank prior to commencement of construction activities, including discharge of fill material. • Evidence of the incidental take statement and 	<p>Prior to the issuance of grading or building permits</p>	<p>Applicant/CDD</p>	<p>CDD/USFWS</p>	<p>USFWS Section 7 of the Endangered Species Act</p>	

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4.0 Mitigation Monitoring and Reporting Plan

	Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
	purchase of preservation credits shall be submitted to the Community Development Department prior to the issuance of any grading and building permits within the project site.					
4.4-3a	Prior to construction with the project site, a qualified biologist shall prepare and submit a CTS Site Assessment to the USFWS and the DFG, in accordance with the USFWS (2003) <i>Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander</i> (CTS Guidance). The CTS Site Assessment shall be submitted to the USFWS and the DFG to provide recommendations to the appropriateness of the field surveys and guidance of the surveys conducted.	Prior to construction	Applicant/CDD	CDD/CDFG /USFWS	Verify completion of CTS Site Assessment	
4.4-3b	Upon USFWS and DFG's request, a biologist who holds a USFWS Recovery Permit and a state Scientific Collecting Permit for CTS shall conduct protocol level surveys within the construction site in accordance with the CTS Guidance. A Memorandum of Understanding shall be obtained from the CDFG prior to commencement of protocol level surveys. Results of the surveys shall be summarized within a letter report submitted to DFG and the City, and the Biological Assessment submitted to USACE for consultation with USFWS in accordance with Mitigation Measure 4.4-2a. Should the surveys determine that CTS is not present within the project site, then no further mitigation is necessary.	Prior to construction	Applicant/CDD	CDD/CDFG/USFWS	Verify completion of surveys and submittal of letter reports.	
4.4-3c	Should surveys determine presence of CTS, then a Biological Opinion with an incidental take statement shall be obtained from the USFWS and an Incidental Take Permit shall be obtained from the DFG for impacts to CTS prior to construction. All conditions of the permits, including preservation and compensatory measures required by USFWS and by DFG, shall be implemented.	Prior to construction	Applicant/CDD	USFWS/CDFG	USFWS Incidental Take Permit, if warranted.	
4.4-3d	Evidence of the incidental take permits from USFWS and CDFG, or evidence of concurrence by USFWS with a finding of no effect to CTS, shall be submitted to the Community Development Department prior to the issuance of any grading and building permits.	Prior to construction	CDD	USFWS/CDFG	USFWS Incidental Take Permit, if warranted.	

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4.4-4a	<p>If grading within 300 feet of either of the detention basin or earth-lined canal is scheduled during the active nesting period (April through November), a pre-construction survey shall be conducted by a qualified biologist prior to commencement of construction activities. The survey shall be conducted no more than 14 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity. The biologist shall look for adult western pond turtles, in addition to nests containing pond turtle hatchlings and eggs. If a western pond turtle is located in the construction area, the biologist will move the turtle to a suitable aquatic site, outside of the construction area. If an active pond turtle nest containing either pond turtle hatchlings or eggs is found, DFG will be consulted to determine and implement appropriate avoidance measures, which may include a “no-disturbance” buffer around the nest site until the hatchlings have moved to a nearby aquatic site. Evidence, in the form of a letter report documenting the results of the survey (and any consultation with DFG in the event that nesting pond turtles are found) shall be submitted to the Community Development Department prior to the issuance of any grading or building permits for construction activities within 300 feet of either of the detention basin or earth-lined canal between April and November.</p>	<p>Prior to commencement of construction activities. No more than 14 days prior to initiation of grading within 300 ft of the detention basin between April and November.</p>	Applicant/CDD	CDFG/CDD	CDFG Survey Report regarding western pond turtle, if warranted.	
4.4-4b	<p>A qualified biologist shall conduct an environmental awareness training for construction crew members prior to commencement of construction activities within 300 feet of the earth-lined canal or the detention basin. The training shall consist of a brief presentation by persons knowledgeable in western pond turtle biology to contractors, their employees, and military and agency personnel involved in the project. A fact sheet conveying this information should be prepared for distribution to the above-mentioned people and anyone else who may enter the project site. A letter report shall be submitted to the City within 30 days following the worker awareness training to document the results.</p>	Prior to construction activities	Applicant/CDD	CDD	Verify completion of environmental awareness training.	

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4.4-5a	A qualified biologist shall conduct a survey during the non-breeding season (September through January 31), prior to the anticipated start of construction. In accordance with the DFG burrowing owl survey protocol, the survey area will extend 500-feet from construction areas (CDFG, 1995) where legally permitted. The non-breeding season survey shall either take place from one hour before to two hours after sunrise or from two hours before to one hour after sunset. The biologist will use binoculars to visually determine whether burrowing owls occur beyond the construction areas if access is denied on adjacent properties. If no burrowing owls or their sign are detected in the vicinity of the project site during the pre-construction survey, a letter report documenting survey methods and findings shall be submitted to the City and the DFG within 30 days following the survey. If unoccupied burrows are detected during the non-breeding season (September 1 through January 31), the City shall be contacted within one day following the pre-construction survey to report the findings. A qualified biologist shall collapse the unoccupied burrows, or otherwise obstruct their entrances to prevent owls from entering and nesting in the burrows.	Survey shall be conducted 30 days prior to construction activities within potential habitat for the burrowing owl. The letter report shall be submitted within 30 days following the survey.	Applicant/CDD	CDFG/CDD	Verify completion of surveys and submittal of letter reports.	
4.4-5b	A qualified biologist shall conduct a survey during the peak breeding season (April 15 through July 15), prior to the anticipated start of construction. A minimum of four survey visits shall be conducted. In accordance with the DFG burrowing owl survey protocol, the survey area will extend 500-feet from construction areas (CDFG, 1995) where legally permitted. The breeding season survey shall either take place from one hour before to two hours after sunrise or from two hours before to one hour after sunset. If no burrowing owls or their sign are detected in the vicinity of the project site during the breeding season surveys, a letter report documenting survey methods and findings shall be submitted to the City and the DFG within 15 days following the survey, and no further mitigation is required so long as construction commences within seven days of the breeding season survey.	Survey shall be conducted 30 days prior to construction activities within potential habitat for the burrowing owl. The letter report shall be submitted within 30 days following the survey.	Applicant/CDD	CDD/CDFG	Verify completion of surveys and submittal of letter reports.	
4.4-5c	A qualified biologist shall conduct a pre-construction	Survey shall be conducted 30	Applicant/CDD	CDD/CDFG	Verify completion of	

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<p>survey within seven (7) days prior to construction activities. In accordance with the DFG burrowing owl survey protocol, the survey area will extend 500-feet from construction areas (CDFG, 1995) where legally permitted. The survey shall either take place from one hour before to two hours after sunrise or from two hours before to one hour after sunset. If no burrowing owls or their sign are detected in the vicinity of the project site during the pre-construction survey, a letter report documenting survey methods and findings shall be submitted to the City and the DFG within five (5) days following the survey, and no further mitigation is required. If more than seven days has lapsed between the survey date and site disturbance, then an additional survey shall be conducted a maximum of seven days prior to construction activities. Mitigation Measure 4.4-5a or Mitigation Measure 4.4-5b may meet the requirements of this pre-construction survey mitigation measure, so long as construction commences within seven days of the breeding or non-breeding season surveys.</p>	<p>days prior to construction activities within potential habitat for the burrowing owl. The letter report shall be submitted within 30 days following the survey.</p>			<p>surveys and submittal of letter reports.</p>	
<p>4.4-5d If occupied burrowing owl burrows are detected, impacts on burrows shall be avoided by providing a buffer of 160 feet during the non-breeding season (September 1 through January 31) or 250 feet during the breeding season (February 1 through August 31). The size of the buffer area may be adjusted if a qualified biologist or the DFG determine the burrowing owl would not likely be affected by the Proposed Project. Project activities shall not commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 7.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is finished.</p>	<p>During construction.</p>	<p>Applicant/CDD</p>	<p>CDD/CDFG</p>	<p>Verify appropriate buffer has been established.</p>	
<p>4.4-5e If impacts to occupied burrows are unavoidable, onsite passive relocation techniques approved by the DFG shall be used to encourage burrowing owls to move to alternative burrows outside of the project site. No occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through non-</p>	<p>Prior to disturbance of occupied burrows.</p>	<p>Applicant/CDD</p>	<p>CDD/CDFG</p>	<p>Verify passive relocation techniques approved by CDFG are implemented. Verify replacement of occupied habitat in</p>	

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<p>invasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Mitigation for foraging habitat of relocated pairs shall follow the guidelines provided in the <i>California Burrowing Owl Survey Protocol and Mitigation Guidelines</i> (California Burrowing Owl Consortium, 1993). The mitigation for foraging habitat for relocated pairs range from 7.5 to 19.5 acres per pair.</p>				<p>accordance with <i>California Burrowing Owl Survey Protocol and Mitigation Guidelines</i>.</p>	
<p>4.4-6a A qualified biologist shall conduct a minimum of three protocol level preconstruction surveys during each survey period immediately prior to start of construction, in accordance with the <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i> (DFG, 2000). The survey methodology shall be submitted to CDFG 15 days prior to survey activities. The qualified biologist shall conduct surveys for nesting Swainson's hawk in the project site and within 0.25 miles of construction activities where legally permitted. The biologist will use binoculars to visually determine whether Swainson's hawk nests occur beyond the 0.25-mile survey area if access is denied on adjacent properties. If no active Swainson's hawk nests are identified on or within 0.25 miles of construction activities within the recommended survey periods, a letter report summarizing the survey results shall be submitted to the City and the DFG within 30 days following the survey, and no further mitigation for nesting habitat is required. Evidence, in the form of a letter report documenting the results of the survey, shall be submitted to the Community Development Department prior to the issuance of any grading or building permits within the project site.</p>	<p>Surveys shall occur prior to construction activities between March 1 and September 15. The letter report shall be submitted within 30 days following the survey.</p>	<p>Applicant/CDD</p>	<p>CDD/CDFG</p>	<p>Verify completion of surveys and submittal of letter reports documenting survey results.</p>	
<p>4.4-6b If active Swainson's hawk nests are found within 0.25 miles of construction activities, the biologist shall contact the City and the DFG within one day following the pre-construction survey to report the findings. For purposes of this mitigation requirement, construction activities are defined to include heavy equipment operation associated</p>	<p>The City and CDFG shall be contacted immediately following the preconstruction survey. Monitoring shall occur while nests are occupied during construction.</p>	<p>CDD</p>	<p>CDD/CDFG</p>	<p>Consult with CDFG to establish noise buffer and implement a monitoring and reporting program that would prevent</p>	

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<p>with construction (use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging within 0.25 miles of a nest site between March 1 and September 15. Should an active nest be present within 0.25 miles of construction areas, then the DFG shall be consulted to establish an appropriate noise buffer, develop take avoidance measures, and implement a monitoring and reporting program prior to any construction activities occurring within 0.25 miles of the nest. The monitoring program would require that a qualified biologist shall monitor all activities that occur within the established buffer zone to ensure that disruption of the nest or forced fledging does not occur. Should the biologist determine that the construction activities are disturbing the nest, the biologist shall halt construction activities until the DFG is consulted. The construction activities shall not commence until the DFG determines that construction activities would not result in abandonment of the nest site. If the DFG determines that take may occur, the applicant would be required to obtain a CESA take permit. Should the biologist determine that the nest has not been disturbed during construction activities within the buffer zone, then a letter report summarizing the survey results shall be submitted to the City and the DFG and no further mitigation for nesting habitat is required.</p>				<p>disruption of the nest or forced fledging. Verify appropriate mitigation has been implemented. Obtain a CESA take permit should take occur.</p>	

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4.4-7a	Mitigation measures for impacts to foraging habitat in areas designated as Irrigated Agriculture Conservation Area in the draft SMHCP may include the preservation and management of like foraging habitat at a ratio of 1:1 (241.32 acres). In accordance with the conservation measures identified within the draft SMHCP, the applicant shall purchase credits for the conversion of 241.32 acres of Swainson’s hawk foraging habitat at a 1:1 ratio.	Prior to direct conversion of agricultural land.	CDD	CDD/CDFG	Verify purchase of mitigation credits.	
4.4-7b	If determined acceptable by the DFG, the preservation of 68.83 acres of active farmland in Solano County as required by Mitigation Measure 4.3-1 could count towards the requirement to preserve Swainson’s Hawk foraging habitat at a 1:1 ratio, reducing the additional preservation requirement to 172.49 acres. In order for this land to be considered suitable mitigation, the 68.83 acres of land must be preserved with a conservation easement, include an endowment fund for long-term resource management, and specify it is for the long-term sustainability and management of resources. Incompatible land uses would be prohibited on lands designated for species protection within the conservation easement area. A detailed Mitigation and Monitoring Plan (MMP) shall be prepared, including a site-specific habitat assessment, species occurrence information, effective compensatory mitigation, monitoring methods, performance criteria to ensure mitigation success, adaptive management, and reporting requirements. The MMP would be prepared in consultation with the DFG and submitted to the DFG for review and approval prior to implementation of the project.					
4.4-8a	A qualified biologist shall conduct a pre-construction bird survey for nesting within 14 days prior to commencement of construction activities if anticipated to commence during the nesting season (between March 1 and September 15). The qualified biologist shall document and submit the results of the pre-construction survey in a letter to the DFG and the City within 30 days following the survey. The letter shall include: a description of the	Surveys shall occur prior to construction activities between March 1 and September 15. The letter report shall be submitted within 30 days following the survey.	CDD	CDD/CDFG	Verify completion of surveys and submittal of letter reports documenting survey results.	

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methodology including dates of field visits, the names of survey personnel, a list of references cited and persons contacted, and a map showing the location(s) of any bird nests observed on the project site. If no active nests are identified during the pre-construction survey, then no further mitigation is required. Evidence, in the form of a letter report documenting the results of the survey, shall be submitted to the Community Development Department prior to the issuance of any grading or building permits within the project site.					
4.4-8b If any active nests are identified during the pre-construction survey within the project site, a buffer zone will be established around the nests. A qualified biologist will monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. The biologist will delimit the buffer zone with construction tape or pin flags within 250 feet of the active nest and maintain the buffer zone until the end of the breeding season or until the young have fledged. Guidance from the DFG will be requested if establishing a 250-foot buffer zone is impractical. Guidance from the DFG will be requested if the nestlings within the active nest appear disturbed.	While nests are occupied during construction.	CDD	CDD/CDFG	Verify 250 buffer or reduced buffer has been established in consultation with CDFG.	
4.4-8c Trees anticipated for removal should be removed outside of the nesting season. The nesting season occurs between March 1 and September 15. If trees are anticipated to be removed during the nesting season, a pre-construction survey shall be conducted by a qualified biologist. If the survey shows that there is no evidence of active nests, then the tree shall be removed within ten days following the survey. If active nests are located within trees identified for removal, a 250-foot buffer shall be installed around the tree. Guidance from the DFG will be requested if the 250-foot buffer is infeasible.	During construction.	CDD	CDD/CDFG	Verify 250 buffer or reduced buffer has been established in consultation with CDFG.	
4.4-10 Implement of Mitigation Measures 4.4-2a, 4.4-6a through 4.4-6d, 4.4-7a through 4.4-7b, and 4.4-8a.	See Mitigation Measures 4.4-2a, 4.4-6a through 4.4-6d, 4.4-7a through 4.4-7b, and 4.4-8a.				
4.4-11 Prior to the issuance of grading permits and removal of any trees, a certified arborist or registered professional	Prior to the issuance of grading permits	CDD	CDD	Verify completion of surveys.	

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forester shall conduct an arborist survey documenting all trees with trunk circumferences of 31 inches or greater and their location. The report shall be submitted to the Community Development Department. The applicant shall not remove any trees without prior approval from the Community Development Department. All recommendations of the arborist report shall be implemented prior to the issuance of building permits for development on the project site. The arborist report shall specify measures including, but not limited to the following: <ul style="list-style-type: none"> To the extent feasible, trees anticipated for removal shall be removed outside of the nesting season for birds. The nesting season is from March 1 to September 15. The project proponent shall plant replacement tree species recommended by the City at a 1:1 ratio within the project site. 					
4.4-12a A qualified biologist shall conduct a botanical inventory focusing of the nine special status plants with the potential to occur within the ruderal vegetation in the vicinity of Upgrade 2 prior to the trenching activities associated with installing the proposed off-site sewer connection upgrades within Upgrade 2 (Figure 3-8). The botanical survey should be conducted in April, which is within the evident and identifiable blooming period for these species. A Rare Plant Survey Report shall be prepared and submitted to DFG prior to trenching in the vicinity of Upgrade 2. The Rare Plant Survey Report shall recommend measures to avoid impacts to special-status species, if present. If special status species would be impacted by the Proposed Project, recommended measures could include transplanting individual specimens or providing compensatory conservation lands.	Surveys shall occur during the April prior to construction.	CDD	CDD/CDFG	Verify submittal of letter report following the preconstruction survey.	
4.4-12b A qualified biologist shall conduct a pre-construction survey for nesting birds within 14 days prior to commencement of construction activities if anticipated to commence during the nesting season (between March 1 and September 15). The qualified biologist shall	Surveys shall occur between March 1 and September 15 prior to construction.	CDD	CDD/CDFG	Verify submittal of letter report following the preconstruction survey.	

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document and submit the results of the pre-construction survey in a letter to the DFG and the City within 30 days following the survey. If no active nests are identified during the pre-construction survey, then no further mitigation is required. Evidence, in the form of a letter report documenting the results of the survey, shall be submitted to the Community Development Department prior to the issuance of any grading or building permits within the project site.					
4.4-12c If any active nests are identified during the pre-construction survey within the off-site sewer connection upgrade route, a buffer zone will be established around the nests. A qualified biologist will monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. The biologist will delimit the buffer zone with construction tape or pin flags within 250 feet of the active nest and maintain the buffer zone until the end of the breeding season or until the young have fledged. Guidance from the DFG will be requested if establishing a 250-foot buffer zone is impractical. Guidance from the DFG will be requested if the nestlings within the active nest appear disturbed.	Prior to and during construction activities.	CDD	CDD/CDFG	Verify appropriate buffer has been established.	
4.4-13 Implement Mitigation Measures 4.4-1 through 4.4-12 .	See Mitigation Measures 4.4-1 through 4.4-12 .				

4.5 CULTURAL RESOURCES

4.5-2a Applicant shall require that, in the event of any inadvertent discovery of archaeological resources, all such finds shall be subject to PRC 21083.2 and CEQA Guidelines 15064.5. Procedures for inadvertent discovery include the following:	During project construction.	Applicant/CDD	Applicant/CDD	Verify that a qualified archaeologist would be available. If any find is determined to be significant, verify completion and implementation of Treatment Plan according to current professional standards.	
<ul style="list-style-type: none"> All work within 50 feet of the find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can evaluate the significance of the find in accordance with NRHP and CRHR criteria. If any find is determined to be significant by the archaeologist, or paleontologist as appropriate, then representatives of the City shall meet with the 					

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4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
4.6-1b The applicant shall obtain a grading permit which includes the requirement of an ESC plan and a PC Plan. These plans shall include sufficient engineering analysis to show that the proposed erosion and sediment control measures during preconstruction, construction, and post-construction are capable of controlling surface runoff and erosion, retaining sediment on the project site, and preventing pollution of site runoff in compliance with the Clean Water Act.	Prior to issuance of a grading permit.	Applicant/CDD	CDD	Verify that site-specific erosion control and sediment plans and post construction plans have been prepared and implemented.	
4.6-2 Prior to issuance of building permits, the Project applicant shall contract with a certified geologic engineer to perform a soils analysis of the Project site, consistent with requirements of the City of Vacaville. Grading and building designs, including foundation requirements, shall be consistent with the findings of the soils report, the California Code of Regulations, and the Uniform Building Code. The Building Department shall require that foundation design and grading requirements of individual lots and buildings are sufficient to reduce potential liquefaction of soils to a low level.	Prior to issuance of building permits.	Applicant/CDD	CDD	Verify that site-specific soil studies have been prepared and implemented.	
4.6-3 Implement Mitigation Measures 4.6-2.	See Mitigation Measures 4.6-2				
4.6-4 Implement Mitigation Measures 4.6-1 through 4.6-3.	See Mitigation Measures 4.6-1 through 4.6-3.				
4.7 HAZARDS AND HAZARDOUS MATERIALS					
4.7-1 The Applicant shall ensure through the enforcement of contractual obligations that all contractors transport, store, and handle construction-required hazardous materials in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by the City of Vacaville Fire Department and the Solano County Fire Protection District. Recommendations may include, but are not limited to, transporting and storing materials in appropriate and approved containers, maintaining required clearances, and handling materials using approved protocols.	Prior to entering into construction contracts. Implement procedures during construction.	Applicant/CDD	Applicant	Verify stipulations in construction contracts. Site inspection to verify compliance with mitigation measure during construction.	
4.7-2a The project applicant shall require through contractual obligations that the construction contractor(s) marks the	Prior to entering into construction contracts.	Applicant/CDD	Applicant	Verify stipulations in construction contracts.	

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4.0 Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
areas planned to be disturbed in white paint and notify Underground Service Alert (USA) one week prior to the beginning of excavation activities. This will be completed so the entire construction area is properly surveyed in order to minimize the risk of exposing or damaging underground utilities. USA provides a free "Dig Alert" service to all excavators (contractors, homeowners and others), in northern California, and will automatically notify all USA Members (utility service providers) who may have underground facilities at their work site. In response, the USA Members will mark or stake the horizontal path of their underground facilities, provide information about, or give clearance to dig. This service protects excavators from personal injury and underground facilities from being damaged. The utility companies will be responsible for the timely removal or protection of any existing utility facilities located within construction areas.	Implement procedures during construction.				Site inspection to verify compliance with mitigation measure during construction.
4.7-2b Septic systems must be removed by a licensed septic system contractor. A permit must first be obtained from the YCPHD, Division of Environmental Health Services. The septic tank must be emptied and the sewage must be disposed by a licensed septic hauler. The septic tank must then be removed and the hole must be back-filled with soil or gravel. On-site wells must be abandoned and capped in accordance with appropriate regulatory requirements.	Prior to issuance of the grading permit.	Applicant	Applicant/YCPHD	Completion of a septic tank removal permit from the YCPHD Division of Environmental Health Services.	
4.7-2c Prior to issuance of grading permits, the applicant shall hire a Certified Asbestos Consultant (CAC) to perform an asbestos survey on building materials located throughout the existing structures on the project site to determine if ACMs and lead-based paints are present. If the results of the asbestos survey indicate ACMs and/or lead-based paint are present within the structures that will be demolished, then the applicant shall require through contractual obligations that the following mitigation measure will be implemented: <ul style="list-style-type: none"> All construction activities shall comply with all requirements and regulations promulgated through the YSAQMD Rule 9.9 and Rule 4.3. Rule 9.9 	Prior to issuance of the grading permit.	Applicant	CDD	Verify that a site-specific asbestos survey have been performed and construction mitigation measures are implemented during construction activities.	

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Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>requires special provisions for structures containing ACMs. These provisions focus on limiting the emission of asbestos to the atmosphere and require an appropriate waste disposal procedure.</p> <ul style="list-style-type: none"> Construction activities involving the demolition of structures containing lead based paints shall conform to DHS recommendations and OSHA requirements. Recommendations could include construction BMPs such as applying water to the structures before, during, and after demolition. 					
<p>4.7-3 The applicant shall ensure through the enforcement of contractual obligations that the following measures are implemented by contractors during project construction:</p> <ul style="list-style-type: none"> Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a fire break. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. 	During construction.	CDD	CDD	Site inspection to verify compliance with mitigation measure during construction.	
<p>4.7-5 The City shall ensure through conditions of project approval or requirements of the adopted Specific Plan, that development south of Foxboro Parkway and west of Vanden Road is in compliance with Chapter 14.20.290 of the Vacaville Municipal Code with respect to residential uses adjacent to open space areas where wildfire is a threat.</p>	Prior to final design and construction.	Applicant/CDD	CDD	Compliance with Vacaville Municipal Code- Chapter 14.20.290	
<p>4.7-7 Implement Mitigation Measures 4.7-1 through 4.7-3, and 4.7-5.</p>	See Mitigation Measures 4.7-1 through 4.7-3 , and 4.7-5 .				
4.8 WATER					
<p>4.8-1 The Applicant shall comply with the SWRCB NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit). The SWRCB requires that all construction sites have</p>	Prior to and during Construction	Applicant	Applicant/SWRCB	Submit NOI to SWRCB. Verify that a SWPPP has been prepared and implemented.	

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Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>adequate control measures to reduce the discharge of sediment and other pollutants to streams to ensure compliance with Section 303 of the Clean Water Act. To comply with the NPDES permit, the applicant will file a Notice of Intent with the SWRCB and prepare a SWPPP prior to construction, which includes a detailed, site-specific listing of the potential sources of stormwater pollution; pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills) to include a description of the type and location of erosion and sediment control BMPs to be implemented at the project site, and a BMP monitoring and maintenance schedule to determine the amount of pollutants leaving the Proposed Project site. A copy of the SWPPP must be current and remain on the project site. Control measures are required prior to and throughout the rainy season. Water quality BMPs identified in the SWPPP could include but are not limited to the following:</p> <ul style="list-style-type: none"> • Temporary erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) shall be employed for disturbed areas. No disturbed surfaces will be left without erosion control measures in place during the winter and spring months. • Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures. • A spill prevention and countermeasure plan shall be developed which would identify proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used onsite. The plan would also require the proper storage, handling, use, and disposal of petroleum products. • Construction activities shall be scheduled to minimize land disturbance during peak runoff periods and to the immediate area required for construction. Soil conservation practices shall be completed during the 					

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Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>fall or late winter to reduce erosion during spring runoff. Existing vegetation will be retained where possible. To the extent feasible, grading activities shall be limited to the immediate area required for construction.</p> <ul style="list-style-type: none"> • Surface water runoff shall be controlled by directing flowing water away from critical areas and by reducing runoff velocity. Diversion structures such as terraces, dikes, and ditches shall collect and direct runoff water around vulnerable areas to prepared drainage outlets. Surface roughening, berms, check dams, hay bales, or similar devices shall be used to reduce runoff velocity and erosion. • Sediment shall be contained when conditions are too extreme for treatment by surface protection. Temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out. Store, cover, and isolate construction materials, including topsoil and chemicals, to prevent runoff losses and contamination of groundwater. • Topsoil removed during construction shall be carefully stored and treated as an important resource. Berms shall be placed around topsoil stockpiles to prevent runoff during storm events. • Establish fuel and vehicle maintenance areas away from all drainage courses and design these areas to control runoff. • Disturbed areas shall be revegetated after completion of construction activities. • All necessary permits and approvals shall be obtained. • Provide sanitary facilities for construction workers. 	<p>During Project design phase and during construction activities.</p>	<p>Applicant/CDD</p>	<p>CDD</p>	<p>Verify that infiltration systems are designed accordingly and that construction BMPs are</p>	
<p>4.8-2 Infiltration systems shall be designed in accordance with the following procedures outlined in the California Storm Water Best Management Practice Handbooks to reduce runoff and restore natural flows to groundwater:</p>					

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	<ul style="list-style-type: none"> Biofilters and/or vegetative swale drainage systems will be installed at roof downspouts for all buildings on the project site, allowing sediments and particulates to filter and degrade biologically. Structural source controls, such as covers, impermeable surfaces, secondary containment facilities, runoff diversion berms, sediment and grease traps in parking lots will be included in the project design. Designated trash storage areas will be covered to protect bins from rainfall. 				implemented.	
4.8-3	<p>The City shall require that the following drainage improvements outlined in the Master Plan and subsequent Addendum (Appendix J) be completed prior to the issuance of building permits for construction of the Proposed Project.</p> <ul style="list-style-type: none"> The existing SID twin 36-inch CMP culverts located just east of the Railroad shall be replaced with twin 60-inch culverts in order to match capacity or exceed the combined capacity of the current culverts under the Railroad. Alternatively, the culverts under the Railroad shall be extended. Replace the existing culverts at Meridian Road, Hay Road, and Farm Road (Figure 4.8-3) with the one of the following alternatives: <ul style="list-style-type: none"> Twin 96-inch RCP culverts with concrete headwalls 16-foot by 8-foot Conspan culverts at Meridian Road and Hay Road, and 16-foot by 10-foot Conspan culverts at Farm Road. Raise and maintain the top-of-bank elevations along reaches of the Noonan Dam as recommended in the Master Plan and Addendum (Appendix J). 	Prior to issuance of building permits.	Applicant/CDD	CDD	Project design review.	
4.10 NOISE						
4.10-1	<p>The Applicant shall ensure through contractual agreements that the following measures are implemented during construction:</p> <ul style="list-style-type: none"> Construction activities shall be limited to occur 	During construction.	Applicant	CDD	Site inspection to verify compliance with mitigation measures during construction.	

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<p>between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays, Sundays, and Federal Holidays. The intent of this measure is to prevent construction activities during the more sensitive nighttime period.</p> <ul style="list-style-type: none"> • Stationary equipment and staging areas shall be located as far as practical from noise-sensitive receptors. • All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds, in accordance with manufacturers' recommendations. • To the extent feasible existing barrier features (structures) shall be used to block sound transmission between noise sources and noise sensitive land uses. • Construction activities shall conform to the following standards: (a) there shall be no start-up of machines or equipment, no delivery of materials or equipment, no cleaning of machines or equipment and no servicing of equipment except during the permitted hours of construction; (b) radios played at high volume, loud talking and other forms of communication constituting a nuisance shall not be permitted; and (c) there shall be no construction on Sundays or legal holidays. Exceptions to these time restrictions may be granted by the Community Development Director for one of the following reasons: (1) inclement weather affecting work; (2) emergency work; or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors so as to constitute a nuisance. The Community Development Director must be notified and must approve the work in advance. • The general contractors for all construction and demolition activities shall provide a contact number for citizen complaints and a methodology for dealing 					

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Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
with such complaints such as designating a noise disturbance coordinator. This noise disturbance coordinator shall receive all public complaints about construction-related noise and vibration, shall be responsible for determining the cause of the complaint, and shall implement any feasible measures to be taken to alleviate the problem. All complaints and resolution of complaints shall be reported to the City weekly.					
4.10-2 Prior to the issuance of building permits for residential units located within 200 feet of Leisure Town Road, Vanden Road South, and the proposed Foxboro Parkway Extension, the applicant shall construct solid noise barriers along these roadway segments as indicated in Figure 4 of the NIA (Appendix K). The noise barrier shall be uniform with a height of 8 feet relative to backyard elevations to reduce future traffic noise levels to 60 dB Ldn within the outdoor activity areas of the residences proposed adjacent to these roadways.	Prior to issuance of building permits for residential units within 200 feet of Leisure Town Road, Vanden Road South, and the proposed Foxboro Parkway Extension.	CDD	CDD	Project design review.	
4.10-6 The applicant shall construct a solid noise barrier of sufficient height to intercept line of sight between a point 10 feet above the railroad tracks and a backyard receiver five feet in height. The barrier should be constructed along the north side of Leisure Town Road, from the northern site boundary to Vanden Road South, at the locations shown in Figure 4 of the NIA (Appendix K). Construction of the noise barrier would provide a reduction of 5 dB Ldn. The noise barrier shall be installed prior to the issuance of building permits for residential units within 300 feet of the UPRR rail tracks.	Prior to issuance of building permits	Applicant/CDD	CDD	Project design review.	
4.12 PUBLIC SERVICES, UTILITIES, AND RECREATION					
4.12-4 Prior to the construction of off-site sewer upgrades, the City shall implement Mitigation Measures 4.4-12a-c to conduct pre-construction surveys for rare plants and nesting birds and implement avoidance measures during construction.	See Mitigation Measure 4.4-12a-c .				
4.12-5 The Vanden Meadows Specific Plan shall incorporate phasing standards to require development of the VFD	Prior to issuance of development permits.	CDD	CDD	Development phasing standards shall be	

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Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
Southtown Fire Station prior to issuance of the first development permit of any project homes that are located outside of the City's five minute response time coverage area.				implemented prior to issuance of development permits.	
4.13 TRANSPORTATION AND CIRCULATION					
4.13-3a The City shall accept LOS D as the standard for the intersection as allowed by City General Plan Policies. The City of Vacaville shall continue to monitor the operation of the AM peak hour intersection operation to maintain an acceptable LOS. Based on the outcome of the monitoring, the City shall optimize signal timing and update transportation portion of Vacaville Development Impact Fee Program to consider funding improvements at this intersection to address cumulative impact.	Intersection monitoring during operation.	CDD	CDD	City General Plan	
4.13-3b The City shall widen northbound (Alamo Drive) approach to provide a third left turn lane and a free right turn under signal control. With the improvement, the intersection operations would improve to operate within acceptable standards. The Project shall pay transportation portion of the Development Impact Fees that would provide funding towards the implementation of this improvement. Alternatively, should widening be determined unfeasible, the City may accept LOS D as the standard at this intersection as allowed by City General Plan Policies.	Applicant shall pay transportation portion of the Development Impact Fees.	CDD/Applicant	CDD	Development Agreement	
4.13-6a The City shall accept LOS D as the standard for the segment of Vanden Road north of Foxboro Parkway Extension as allowed by the City General Plan Policies.	Certification of EIR	CDD	CDD	City General Plan	
4.13-6b The City of Vacaville shall continue to monitor the operation on Peabody Road. The City shall use the results of the monitoring to coordinate the development of the 5th and 6th lane of Peabody Road south of Alamo Drive with the next update of the Development Impact Fee Program. The City shall accept LOS D as an acceptable LOS for this segment in the interim until the impact fee program provides for this project. Alternatively, should widening be determined unfeasible, the City may accept LOS D as the standard at this intersection as allowed by City General Plan Policies.	Intersection monitoring during operation.	CDD	CDD	City General Plan	

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4.13-6c. Implement Mitigation Measure 4.13-6b.	See Mitigation Measure 4.13-6b.				
4.13-6d. Implement Mitigation Measure 4.13-6b	See Mitigation Measure 4.13-6b.				
<p>4.13-8a The City of Vacaville shall accept LOS D as an acceptable LOS at the following eight intersections, where the operation would be LOS D with or without the proposed project. The City shall continue to monitor the operations at these intersections, optimize signal timing, and implement Transportation Impact Mitigation provisions of Land Use and Development Code. Upon implementation of the Mitigation Measures 4.13-8a through d, the project impacts at the eight intersections would be less than significant.</p> <p>The City shall include funding for improvements at the intersections (listed on Page 4.13-33) to achieve LOS C in updates to the transportation portion of the Development Impact Fee Program. Under the Development Impact Fee Program, the following mitigations would be needed to achieve LOS C at these intersections for Existing + Approved Project Conditions:</p> <p><u>Peabody Road and Alamo Drive (#10)</u> - Widen southwest corner to provide an additional third EB thru lane. With improvement, intersection is projected to operate at LOS C in the PM peak hour.</p> <p><u>Davis Street and Alamo Drive (#11)</u> - Widen southwest corner to provide an additional (3rd) EB thru lane. With improvement intersection is projected to operate at LOS C in the PM peak hour.</p> <p><u>Alamo Drive and Merchant Street (#14)</u> - Widen northbound (Alamo Drive) approach to provide a third left turn lane and a free right turn under signal control. With improvement intersection is projected to operate at LOS C in the AM peak hour and LOS B in the PM peak hour.</p>	<p>Applicant shall pay transportation portion of the Development Impact Fees. Continued monitoring of intersections is ongoing.</p>	CDD	CDD	Transportation Impact Mitigation provisions of Land Use and Development Code	

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Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p><u>Nut Tree Road and Ulatis Road (#17)</u> - Widen west side of Nut Tree to provide a third southbound thru lane. With improvement intersection is projected to operate at LOS C in the PM peak hour.</p>					
<p><u>Peabody Road and CSP-Solano (#18)</u> - Widen west side of Peabody Road to provide second southbound thru lane. With improvement intersection is projected to operate at LOS A in the AM peak hour.</p>					
<p><u>Peabody Road and Foxboro Parkway (#19)</u> - Widen Peabody Road to add a third northbound thru lane. With improvement intersection is projected to operate at LOS C in the PM peak hour.</p>					
<p><u>Peabody Road and California Drive (#20)</u> - Reconfigure three northbound lanes to provide two thru lanes and a shared thru/right turn lane. With improvement intersection is projected to operate at LOS B in the PM peak hour.</p>					
<p><u>Peabody Road and Cliffside Drive (#21)</u> - Reconfigure three southbound lanes to provide two thru and 3rd thru shared with right turn lane, and provide an eastbound free right turn lane. With improvement intersection is projected to operate at LOS B in the PM peak hour.</p>					
<p>4.13-8b The City shall widen the southwest corner of the intersection to provide a dedicated eastbound right turn lane would improve the intersection operation to LOS C in the PM peak hour. The Project shall be conditioned to provide this improvement as a condition of approval of development with appropriate timing tied to level of project development. Alternatively, the Project could be conditioned to fund the improvement by providing cash deposit to the City. The City would provide this improvement as appropriate through regular monitoring of the intersection to maintain acceptable LOS.</p>	<p>Applicant shall pay transportation portion of the Development Impact Fees.</p> <p>Continued monitoring of intersections is ongoing.</p>	<p>Applicant</p>	<p>CDD</p>	<p>Transportation Impact Mitigation provisions of Land Use and Development Code</p>	

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The City may alternatively accept LOS D as an acceptable LOS at the Nut Tree Road and Alamo Drive intersection. The City shall continue to monitor the operations at these intersections, optimize signal timing according to the results of the monitoring, and implement Transportation Impact Mitigation provisions of Land Use and Development Code. Upon implementation of the Mitigation Measure 4.13-8b , the project impacts at the intersection would be less than significant.					
4.13-8c The City shall complete the City Capital Improvement Project to the Davis Hume intersection and associated widening of Davis Street. With these improvements this intersection is project to operate at LOS A without and with the Project with or without Foxboro Parkway Extension. Upon implementation of Mitigation Measure 4.13-8c , the project impact would be less than significant.	Applicant shall pay transportation portion of the Development Impact Fees.	CDD	CDD	City Capital Improvement Project	
4.13-9a The City of Vacaville shall accept LOS D as an acceptable LOS. The City shall continue to monitor the operation on Leisure Town Road and continue to implement Transportation Impact Mitigation provisions of Land Use and Development Code to maintain an acceptable LOS. Upon implementation of Mitigation Measure 4.13-9a , the project impact would be less than significant.	Continued monitoring of intersections is ongoing.	CDD	CDD	Transportation Impact Mitigation provisions of Land Use and Development Code	
4.13-9b The City of Vacaville shall accept LOS D as an acceptable LOS. The City shall continue to monitor the operation on Leisure Town Road and continue to implement Transportation Impact Mitigation provisions of Land Use and Development Code to maintain an acceptable LOS. Upon implementation of Mitigation Measure 4.13-9b , the project impact would be less than significant.	Continued monitoring of roadway is ongoing.	CDD	CDD	Transportation Impact Mitigation provisions of Land Use and Development Code	
4.13-9c The City shall continue to monitor the operation on Peabody Road and continue to implement Transportation Impact Mitigation provisions of Land Use and Development Code to maintain an acceptable LOS. Upon implementation of Mitigation Measure 4.13-9c , the project impact would be less than significant.	Continued monitoring of roadway is ongoing.	CDD	CDD	Transportation Impact Mitigation provisions of Land Use and Development Code	

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	Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
4.13-9d	The City shall continue to monitor the operation on Peabody Road and continue to implement Transportation Impact Mitigation provisions of Land Use and Development Code to maintain an acceptable LOS. Upon implementation of Mitigation Measure 4.13-9d , the project impact would be less than significant.	Continued monitoring of roadway is ongoing.	CDD	CDD	Transportation Impact Mitigation provisions of Land Use and Development Code	
4.13-9e	The City shall continue to monitor the operation of Peabody Road south of City Limits and support regional efforts to provide additional capacity on this segment of Peabody Road through the proposed Regional Transportation Impact Fee Program. City shall continue to participate and support the Regional Transportation Impact Fee. Should Regional Transportation Impact Fee be approved prior to issuance of building permits for the project, the Project shall participate in the Regional Transportation Impact Fee Program. With implementation of Regional Impact Fee Program that includes improves to two lane section of Peabody Road south of Vacaville City Limits, impact would be less than significant. However, since the implementation and timing of the Fee Program is beyond the City's control, this impact remains significant and unavoidable.	Continued monitoring of roadway is ongoing.	CDD	CDD	Transportation Impact Mitigation provisions of Land Use and Development Code	
4.13-11a	The City shall accept LOS D as an acceptable LOS at the following seven intersections, where the operation would be LOS D with or without the proposed project. The City shall continue to monitor the operations at these intersections, optimize signal timing based on the results of the monitoring, and implement Transportation Impact Mitigation provisions of Land Use and Development Code. Upon implementation of this measure, the project impacts at the eight intersections would be less than significant. Alternatively, the City shall include funding for improvements at these intersections to achieve LOS C in updates to the transportation portion of the Development Impact Fee Program. Upon implementation of the	Continued monitoring of roadway is ongoing. Applicant funding within Development Impact Fee Program.	CDD	CDD	Transportation Impact Mitigation provisions of Development Impact Fee Program.	

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Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring	Standards for Compliance	Verification of Compliance
<p>measure, the project impacts at these locations would be less than significant. Under the Development Impact Fee Program, the following mitigations would be needed to achieve LOS C at these intersections for Cumulative Conditions:</p>					
<p><u>Leisure Town Road and I-80 Eastbound Ramps (#2)</u> - Widen Leisure Town Road to provide additional (4th) northbound and southbound thru lanes. With this improvement, the intersection operation is projected to be LOS D (V/C=0.85), or better in the PM peak hour.</p>					
<p><u>Leisure Town Road and Sequoia Drive (#4)</u> - Reconfigure southbound lanes to provide three thru lanes including a shared through-right turn lane. With this improvement, the intersection is projected to operate at LOS C (V/C=0.72 or 0.73) in the PM peak hour.</p>					
<p><u>Leisure Town Road and Elmira Road (#5)</u> - Reconfigure southbound lanes to provide three thru lanes including a shared through-right turn lane. With improvement intersection is projected to operate at LOS C (V/C=0.75 or 0.78 in the PM peak hour.</p>					
<p><u>Davis Street and Alamo Drive (#11)</u> – Implement Mitigation Measure 4.10-8a by widening the southwest corner to provide an additional (3rd) EB thru lane. In addition, widen Alamo Drive to provide an additional (3rd) westbound thru lane. With this improvement intersection is projected to operate at LOS B or C (V/C=0.65 to 0.73) with and without Project in the AM and PM peak hours.</p>					
<p><u>Peabody Road and Foxboro Parkway (#19)</u> - Implement Mitigation Measure 4.10-8a by widening Peabody Road to add third northbound thru lane. With this improvement, the intersection is projected to operate at LOS C (V/C=0.75 to 0.79) in the PM peak hour.</p>					
<p><u>Peabody Road and Cliffside Drive (#21)</u> - Implement</p>					

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<p>Mitigation Measure 4.10-8a by reconfiguring three southbound lanes to provide two thru and one thru-right shared lane, and providing an eastbound free right turn lane. With this improvement, the intersection is projected to operate at LOS C (V/C=0.78 or 0.79) in the PM peak hour.</p> <p><u>I-80 Westbound Ramp and Cherry Glen Road (#23)</u> - Reconfigure southbound lanes to provide one through lane and one through-right shared lane, and add a second eastbound left turn lane along with corresponding receiving lane on the north leg. With improvement intersection is projected to operate at LOS B or C (V/C=0.67 to 0.71) in the PM peak hour.</p>					
<p>4.13-11b The City of Vacaville shall accept LOS D for operation at the Nut Tree Road and Alamo Drive (#9) intersection. The City shall continue to monitor the operations at these intersections, optimize signal timing based on the results of the monitoring, and implement Transportation Impact Mitigation provisions of Land Use and Development Code. Upon implementation of this mitigation, the project impact would be less than significant.</p> <p>Alternatively, implementation of Mitigation Measure 4.13-8b by widening the southwest corner of this intersection to provide a dedicated eastbound right turn lane would improve the operations to LOS C with the project with the Foxboro Parkway Extension but the operations would remain at LOS D if the Foxboro Parkway Extension is not constructed. If the Extension would not be constructed, the City shall approve LOS D as acceptable for this intersection or limit future approvals to maintain an acceptable LOS at this intersection. Upon implementation of this mitigation, the project impact would be less than significant.</p> <p>Alternatively, in addition to Mitigation Measure 4.13-8b, the Project shall be conditioned to also widen Nut Tree Road to provide a dedicated southbound right-turn lane</p>	<p>Continued monitoring of roadway is ongoing.</p> <p>Applicant funding within Development Impact Fee Program.</p>	<p>CDD</p>	<p>CDD</p>	<p>Transportation Impact Mitigation provisions of Development Impact Fee Program.</p>	

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<p>as a condition of approval of development with appropriate timing tied to level of project development if the Foxboro Parkway Extension would not be constructed. Alternatively, the Project could be conditioned to fund the improvement by providing cash deposit to the City. The City would provide this improvement as it regularly monitors the intersection and would determine the appropriate timing to implement in order to maintain acceptable LOS. With the addition of a southbound right-turn lane, the operation would be LOS C with the project even if the Foxboro Parkway Extension is not constructed; therefore, the project impact would be less than significant.</p>					
<p>4.13-11c The City of Vacaville shall accept LOS D for operation at the Peabody Road and Alamo Drive (#9) intersection. The City shall continue to monitor the operations at these intersections, optimize signal timing based on the results of the monitoring, and implement Transportation Impact Mitigation provisions of Land Use and Development Code. Upon implementation of this mitigation, the project impact would be less than significant.</p> <p>Alternatively, implement Mitigation Measure 4.13-8a by widening the southwest corner to provide an additional third EB thru lane. In addition, also widen Alamo Drive to provide an additional (3rd) westbound thru lane. With this improvement, the intersection is projected to operate at LOS C during both AM and PM peak hours.</p>	Continued monitoring of roadway is ongoing.	CDD	CDD	Transportation Impact Mitigation provisions of Development Impact Fee Program.	
<p>4.13-11d The City of Vacaville shall accept LOS D for operation at the Cherry Glen Road and I-80 Eastbound Ramp intersection. The City shall continue to monitor the operations at these intersections, optimize signal timing based on the results of the monitoring, and implement Transportation Impact Mitigation provisions of Land Use and Development Code. Upon implementation of the Mitigation Measure 4.13-11d, the project impact would be less than significant.</p> <p>Alternatively, to achieve LOS C at the Cherry Glen Road</p>	Continued monitoring of roadway is ongoing. Applicant funding within Development Impact Fee Program.	CDD	CDD	Transportation Impact Mitigation provisions of Development Impact Fee Program.	

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<p>and I-80 Eastbound Ramp intersection, the intersection would need to be widened on Cherry Glenn Road to provide an additional southbound lane to provide two left turn lanes and an outside shared through-right lane, and widen eastbound onramp to receive two left turn lanes. The City shall continue to regularly monitor the operation of this intersection, optimize signal timing based on the results of the monitoring, implement Transportation Impact Mitigation provisions of Land Use and Development Code, and update transportation portion of the Development Impact Fee Program to maintain an acceptable LOS at this intersection. Implementing this mitigation would result in acceptable LOS at this intersection and therefore result in a less than significant impact.</p>					
<p>4.13-11e The City of Vacaville shall include funding for improvements at the following intersections to achieve LOS C in updates to the transportation portion of the Development Impact Fee Program. The following mitigations would be developed under the Development Impact Fee to achieve acceptable service levels under Cumulative Conditions:</p> <p><u>Alamo Drive and Marshall Road (#12)</u> - Widen Alamo Drive to provide an additional (3rd) southbound thru lane and reconfigure eastbound lanes on Marshall Road to provide two thru lanes with outside shared with right turns. With this improvement, the operation is projected to be LOS C (V/C=0.78) without Project, LOS D (V/C=0.82) with Project. The City shall accept LOS D for operation of the Alamo Drive and Marshall Road intersection. This improvement would require right-of-way acquisition.</p> <p><u>Peabody Road and CSP-Solano (#18)</u> - Implement Mitigation Measure 4.10-8a by widening the west side of Peabody Road to provide a second southbound thru lane. With this improvement, the intersection is projected to operate at LOS A (V/C= 0.489 0r 0.49) in AM peak</p>	<p>Applicant funding within Development Impact Fee Program.</p>	<p>CDD</p>	<p>CDD</p>	<p>Transportation Impact Mitigation provisions of Development Impact Fee Program.</p>	

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<p>hour, and LOS C ($V/C=0.72$) in the PM peak hour. This improvement would require right-of-way acquisition.</p> <p>The City shall continue to regularly monitor the operation of these intersections, optimize signal timing, implement Transportation Impact Mitigation provisions of Land Use and Development Code and update transportation portion of Development Impact Fee Program to maintain acceptable LOS.</p>					
<p>4.13-11f The City of Vacaville shall include funding for improvements at the following intersections to achieve LOS C in updates to the transportation portion of the Development Impact Fee Program. The following mitigations would be developed under the Development Impact Fee Program to achieve acceptable service levels under Cumulative Conditions:</p> <p><u>Leisure Town Road and Alamo Drive/Fry Road (#6)</u> - Widen Leisure Town Road to provide additional (3rd) southbound lane, the outside shared with right turn lane. With improvement intersection is projected to operate at LOS C. Consequently, the project impact would be less than significant.</p> <p><u>Peabody Road and California Drive (#20)</u> – Implement Mitigation Measure 4.10-8a by reconfiguring three northbound lanes to provide two thru lanes and one shared thru-right turn lane. With improvement intersection is projected to operate at LOS D with and without the project. In addition, widen Peabody Road to provide an additional (3rd) southbound thru lane and improve geometrics of intersection to allow east-west signal phasing to operate without split phasing. With these improvements, the intersection is projected to operate at LOS C. Consequently, the project impact would be less than significant.</p> <p><u>Davis Street and Hume Way (#22)</u> - Reconfigure three southbound lanes to provide two thru and 3rd thru shared</p>	<p>Applicant funding within Development Impact Fee Program.</p>	<p>CDD</p>	<p>CDD</p>	<p>Transportation Impact Mitigation provisions of Development Impact Fee Program.</p>	

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<p>with right turn lane, and provide an eastbound free right turn lane. With the improvements, the intersection is projected to operate at LOS C. Consequently, the project impact would be less than significant.</p>					
<p>4.13-11g The City of Vacaville shall continue to regularly monitor the operation of the following intersections, optimize signal timing, implement Transportation Impact Mitigation provisions of Land Use and Development Code to maintain acceptable LOS. The City shall include funding for improvements at the following intersections in updates to the transportation portion of the Development Impact Fee Program. The following measures would be developed under the Development Impact Fee Program:</p>	<p>Applicant funding within Development Impact Fee Program.</p>	<p>CDD</p>	<p>CDD</p>	<p>Transportation Impact Mitigation provisions of Development Impact Fee Program.</p>	
<p><u>Leisure Town Road and I-80 Westbound Ramps (#1)</u> - Widen intersection to provide an additional (4th) southbound thru lane, an additional (3rd) northbound thru lane, and an additional (3rd) eastbound left turn lane with corresponding receiving lane on the north leg. With these improvements, the intersection is projected to operate at LOS D. These improvements would require right-of-way acquisition. Additional mitigation was not found that would mitigate to LOS C without significant impact to adjacent private property. The City shall accept LOS D for operation of this intersection.</p>					
<p><u>Leisure Town Road and Orange Drive (#3)</u> - Widen Leisure Town Road to provide an additional (3rd) southbound thru lane and an additional (2nd) southbound left turn lane, and also provide an additional (3rd) northbound thru and a dedicated northbound right turn lane. With the improvements, the intersection is projected to operation at LOS D. These improvements would require right-of-way acquisition. Additional mitigation was not found that would mitigate to LOS C without significant impact to adjacent private property. The City shall accept LOS D for operation of this intersection.</p>					

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<p><u>Alamo Drive and Merchant Street (#14)</u> – Implement Mitigation Measure 4.10-8a by widening northbound approach to provide a 3rd left turn lane and provide a free right turn under signal control on Alamo Drive. With the improvement, the operation is projected to be LOS C in AM peak; while remaining at LOS F in the PM peak hour. To improve the operation to LOS C or better, allow the northbound right-turn movement to operate free from signal control.</p> <p>With this modification to the northbound right-turn control, the intersection is projected to operation at LOS C in the PM peak hour. These improvements would require right-of-way acquisition.</p>					
<p><u>Nut Tree Road and Ulatis Drive (#17)</u> – Implement Mitigation Measure 4.10-8a by widening the west side of Nut Tree Road to provide a third southbound thru lane and widening Ulatis Drive to provide a second eastbound thru lane and a dedicated right turn lane. With this improvement, the intersection is projected to operate at LOS D. To achieve LOS C, widen Nut Tree Road to provide two left turn lanes and two thru lanes on the northbound approach and modify signal phasing to remove north-south split phase. With these improvements, the intersection is projected to operate at LOS C in the PM peak hour. These improvements would require right-of-way acquisition.</p>					

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