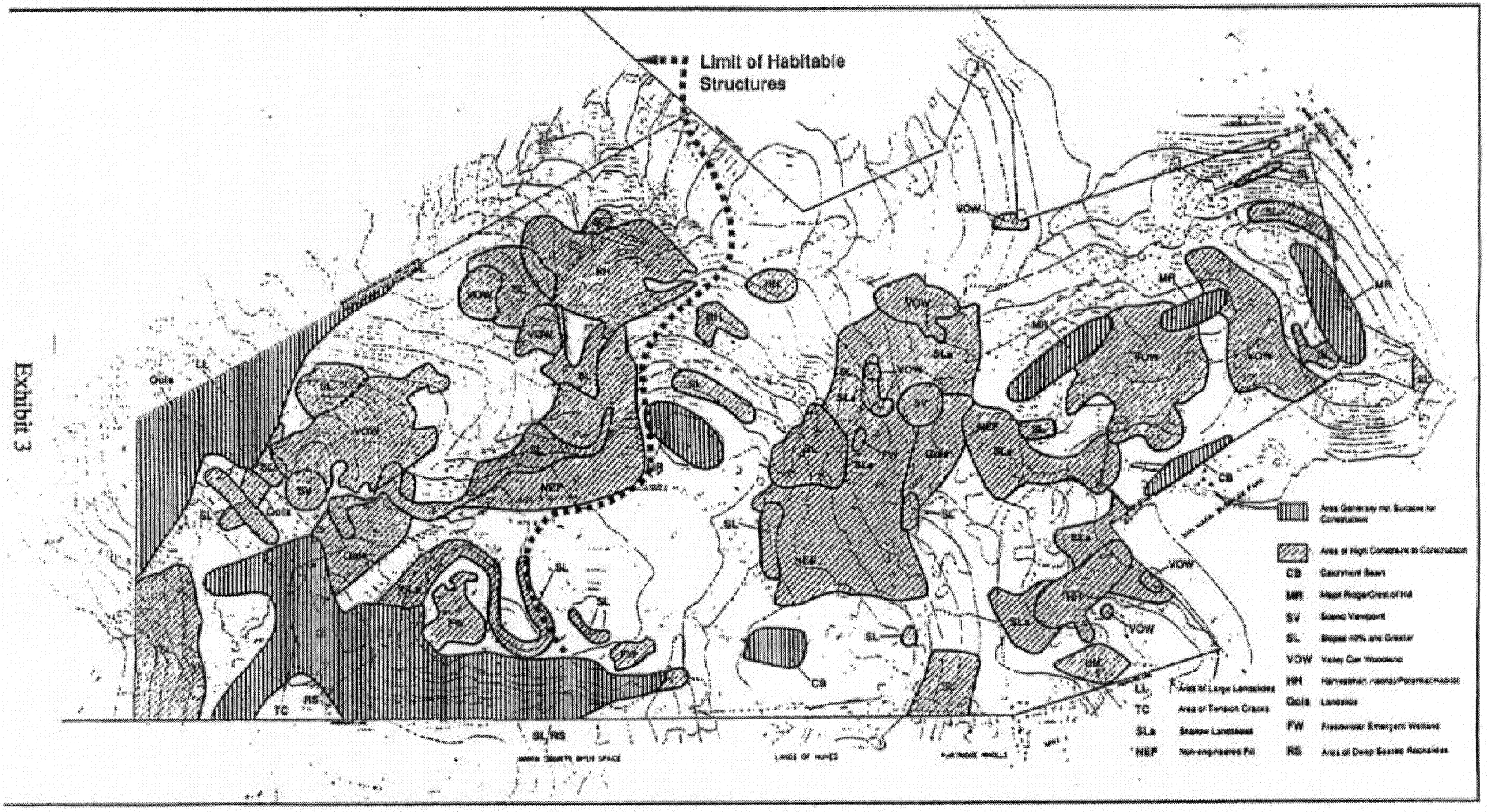
Exhibit 3



ICE: EIP Associates, 1994.

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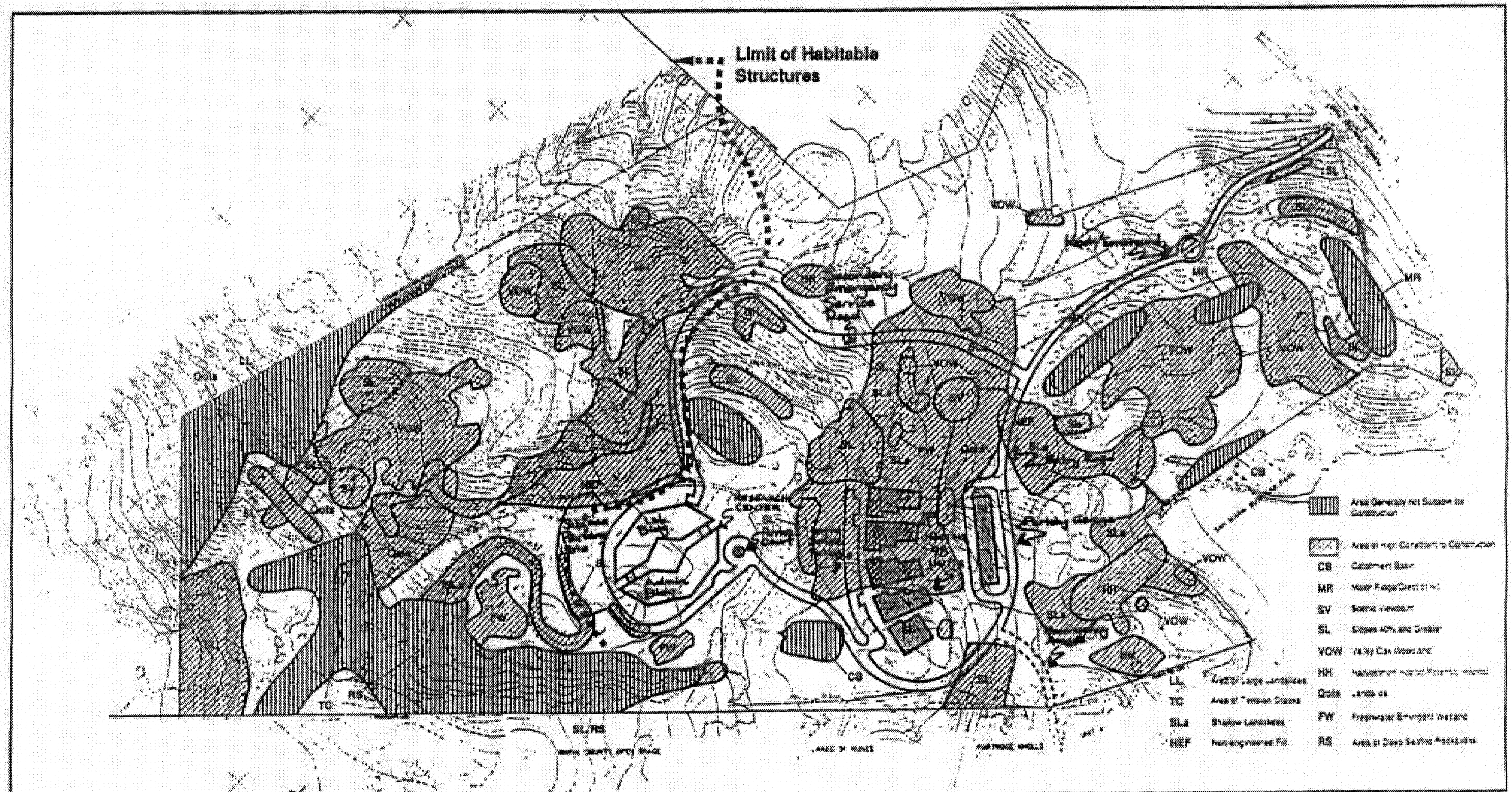
SUMMARY COMPOSITE CONSTRAINTS I

Buck Center for Research in Aging R
County of

DAMES & MOORE
1343-025-001

FIGURI



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PROJECT ALTER**

Buck Center for Research in Agi
County

DAMES & MOORE
1343-025-001

FIG

Exhibit 5.1-1

Preliminary Geologic and Landslide Map

0 100 Feet

Legend:

Qc Colluvium: Soils that are generally greater than 5 feet thick and composed of slope wash deposits, ravine fills and residual soil material which are prone to downhill creep due to gravitational forces

Qls Probable Landslide Deposits: Shallow to deep seated past slope failure masses generally consisting of weak, incoherent soil and rock materials

Fm Undifferentiated: Blocks of sedimentary, metamorphic, metavolcanic and ultramafic rock in a sheared shale matrix

Fss Metasedimentary Rock: Low grade metamorphic rock chiefly semi-schist and phyllite derived from sandstone, shale, conglomerate, volcanics and chert

Sp Franciscan Melange Serpentine: Thermally altered and sheared ultramafic rocks

Geologic Contact

Possible landslides with arrows showing direction of movement

Proposed lot boundaries

21 Proposed building envelope

Proposed streets or street improvements

Location of spring or seep

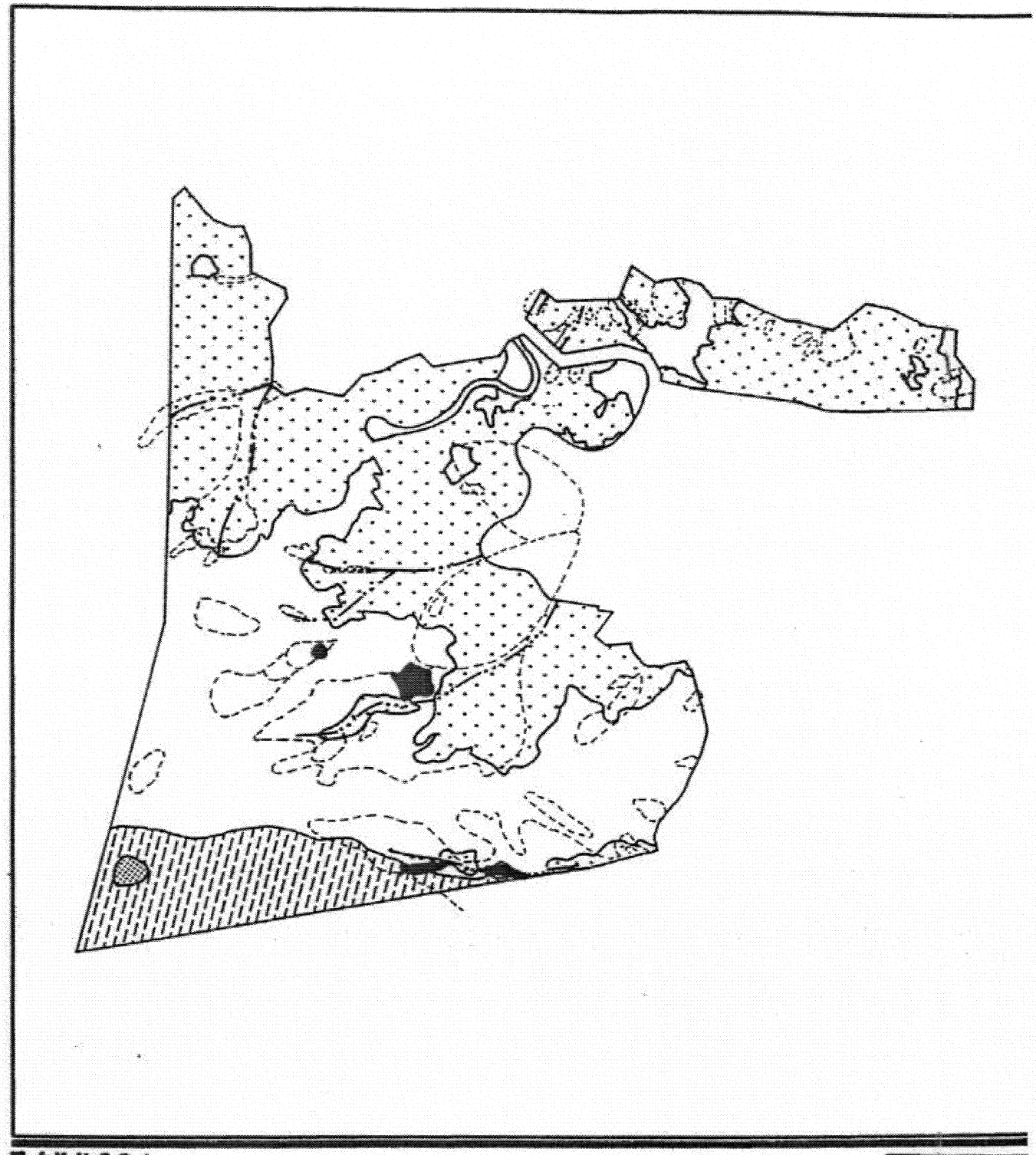

Exhibit 6.0-1

Resource Conservation Map

Legend:

- Coast Live Oak Forest
- Serpentine Bunchgrass
- Wetland
- *Hesperolinon congestum* Marin Dwarf Flax
- Landslide

Source: Nichols-Berman

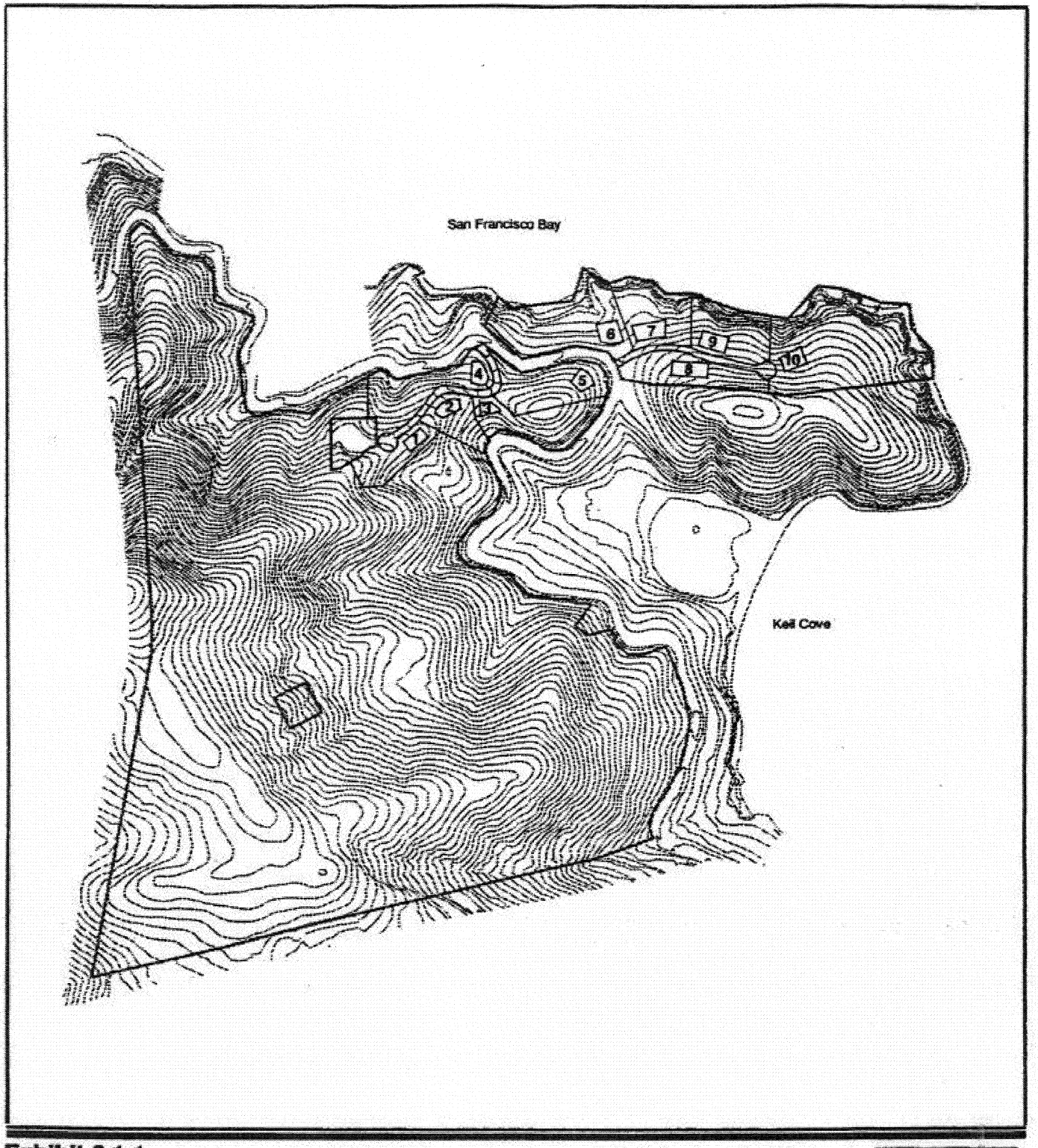

Exhibit 6.1-1

10-Lot Alternative Site Plan

0 600 Feet

Legend:

6 Building Envelope

Source: Royston Hanamoto Alley & Abey

North

COMMENT LETTER 17: Greenbelt Alliance

Response to Comment 17-1:

The City disagrees with the commentor's assertion that the Draft EIR fails to provide information about the Proposed Project, its impacts, mitigation measures or alternatives. All of these items are addressed in great detail in the approximately 500 pages that comprise the Draft EIR, the thousands of pages of technical studies and other documents that support the analysis and conclusions in the Draft EIR, and the more than 200 pages of these Responses to Comments. The City believes that it has complied with the law in the EIR and Specific Plan processes thus far, and intends to do so throughout this process. The Final EIR provides substantial and detailed information about the potential environmental impacts of the Proposed Project. It also recommends to the City Council numerous measures designed to reduce or avoid those impacts. Impact avoidance and reduction are built in to the Specific Plan as well. The City Council will exercise its discretion, based on the information provided in the Final EIR and in the entire record of this proceeding, in determining whether to certify the Final EIR and adopt the Specific Plan, including requiring the mitigation measures recommended by the Final EIR as conditions of development under the Specific Plan.

Response to Comment 17-2:

The comment addresses the merits of the project and not the content or adequacy of the Draft EIR, and it will be forwarded to the decision-makers for their consideration. The Draft EIR evaluated impacts of the Proposed Project on biological resources (Section 4.15) and open space (Section 4.2).

Response to Comment 17-3:

See Responses to Comments 17-1 and 17-4 through 17-47.

Response to Comment 17-4:

This comment claims that consideration of the Proposed Project is premature because Solano County has initiated the preparation and consideration of a HCP. See Response to Comment 15-2. There is no legal or other requirement that the City wait for on-going planning efforts to be completed before engaging in or completing its own planning efforts. The logical conclusion of such an assertion would be a complete standstill of planning efforts everywhere.

Response to Comment 17-5:

The comment asserts that the Vacaville General Plan is inadequate because the Proposed Project is inconsistent with the General Plan in certain respects. The Draft EIR clearly states, on pages 3-1 - 3-2, that the Proposed Project includes amending the General Plan to make it and the Proposed Project consistent. Additionally, the Specific Plan was prepared so as to be consistent with the existing General Plan to the greatest extent feasible. Because it effectively updates the General Plan, however, amendments to the General Plan are required.

On February 11, 2003, the Vacaville City Council voted to initiate a General Plan Amendment to consider the Proposed Project as described in the Draft EIR. State and local law allows the City Council to initiate consideration of General Plan Amendments. The City Council's action only

initiated consideration of the proposed General Plan Amendments. Any final decision on the proposal is subject to the City Council's consideration and decision, subsequent to and based on its receipt and certification of this Final EIR.

Response to Comment 17-6:

CEQA does not require project applicants to eliminate all potentially significant impacts. Pub. Res. Code § 21081; *Towards Responsibility in Planning v. City Council* (1988) 200 Cal.App.3d 671. Projects are often approved, despite significant unavoidable environmental impacts, on the basis of policy or other considerations such as adding to or diversifying the housing stock, improving tax revenue, improving a community, and providing employment opportunities, and CEQA provides specific procedures for that process. Pub. Res. Code § 21081. The procedure suggested by this comment is contrary to CEQA.

Response to Comment 17-7:

The City appreciates the commentor's recitation of CEQA and CEQA case law. The City disagrees, however, with the assertion that the Draft EIR is "inadequate." On the contrary, the City believes it has complied with all of the comment's stated and cited requirements for an adequate Draft EIR. See Response to Comment 17-1. The comment fails to give any specific examples of how the City has not complied with these requirements. In summary, the City has made a good faith effort at full disclosure that has resulted in the compilation and analysis of substantial information about the potential environmental impacts of the Proposed Project, and the development of measures to mitigate or avoid those impacts. Moreover, the City has developed the Specific Plan itself with a goal of avoiding or reducing environmental impacts.

Response to Comment 17-8:

The Draft EIR contains detailed information concerning project-level impacts, as the comment urges it should. See Response to Comment 17-1; see also Draft EIR, and Lower Lagoon Valley Specific Plan. Contrary to the commentor's assertion, the Draft EIR does not improperly defer information or analysis. To the extent the Draft EIR recommends further studies or the development of specific mitigation plans to occur immediately prior to construction of the Proposed Project, it does so because that is the most appropriate time to gather useful information about the property and the Proposed Project's potential impacts. In those cases, the Draft EIR expressly states that the further study will occur at a later time, and recommends mitigation or other actions, depending on the results of such study. Thus, regardless of the outcome of the study, the impact it helps define must be mitigated to a less-than-significant level. This type of analysis and development of future mitigation is proper under CEQA, as long as there is a "reasonable plan" for mitigation and the evidence demonstrates that whatever specific mitigation may be ultimately required will be feasible and effective. *Save Our Peninsula Comm. v. Board of Supervisors* (2001) 87 Cal.App.4th 99; *Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011; *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428. This methodology is also consistent with CEQA's directive that environmental analysis should not be completed so far in advance of implementation of the Proposed Project that conditions may have changed so as to reduce the effectiveness of the analysis as a tool for developing appropriate mitigation. CEQA Guidelines, Section 15004(b). In all cases where the Draft EIR recommends further study, that recommendation includes a plan for mitigation based on the results of that further study.

Response to Comment 17-9:

The City appreciates the commentor's recitation of CEQA and CEQA case law. The comment fails, however, to give any specific examples of how the City has not complied with these requirements. Moreover, the City disagrees with the comment's general assertion that the Draft EIR does not adequately describe the Proposed Project or the setting. On the contrary, the City believes it has complied with all of the comment's stated and cited requirements for an adequate project and setting description. See Response to Comment 17-1; Draft EIR Chapters 1 through 3; and Specific Plan Chapters 1 through 9.

Response to Comment 17-10:

See Response to Comment 17-9.

Response to Comment 17-11:

The City disagrees with the commentor's assertions that the Draft EIR fails to describe aspects or impacts of the Proposed Project. See Responses to Comments 17-1, 17-7 and 17-9; Draft EIR Chapters 1 through 6; and Specific Plan Chapters 1 through 9.

Response to Comment 17-12:

Substantial information regarding grading and geology is contained in the Draft EIR at Section 4.12 and in Technical Appendixes I, J and K. Most of the commentor's specific question are answered. Final and specific information on grading will be developed for the grading permit application. The information currently in the Draft EIR, however, demonstrates that the cut and fill will be approximately balanced, describes the necessary mitigation for landslides, and the impact of that mitigation (see also Section 4.15). The precise structure and funding of the homeowners association and geotechnical monitors, will be developed as required by the mitigation monitoring and reporting program and the recommendations in the Draft EIR.

Regarding the suggestion for a site plan with numbered lots overlain on site constraints such as landslides, that level of detail is beyond the type of lot layout plan contained in a Specific Plan. The Proposed Project does not include an application for a subdivision map and so the level of detail provided for the Specific Plan land use layout is the appropriate level of detail for these exhibits. The City has included a wide variety of exhibits in the Draft EIR, in the Specific Plan and in this Final EIR. At the level of a Specific Plan review, final subdivision designs are not prepared and so there is no large exhibit identifying each individual lot by number. The actual subdivision maps will be prepared based on the final approved development standards adopted in a Specific Plan, as well as based upon the mitigation measures that may be adopted for any project. Thus, the Specific Plan establishes the development standards that will govern the specific design of future subdivision maps, should the project be approved. The City believes that the method of analysis offered in the Draft EIR provides an appropriate method for assessing the potential environmental effects of the Proposed Project. Technical reports in the Draft EIR Appendixes provide some large maps identifying such physical constraints as landslide and geologic hazards, biological resources, and wetlands. This information has been used throughout the planning and review process to identify resources that should be avoided, leading to revisions to various basic design components of the Specific Plan. Thus, rather than establish a final design and examine its effects on the environment, several revisions have been made to the design to avoid certain environmental resources as well as improve upon the land use plan. Many larger exhibits have been prepared to assist the City staff in their analysis, and

these have been available at community meetings and public hearings and are also available for review at the Community Development Department.

Response to Comment 17-13:

The Draft EIR does not provide an opinion as to whether the proposed General Plan Amendments and rezoning are "major" as suggested by the comment. However, the comment correctly notes that General Plan Amendments and changes to the zoning for certain properties are required.

A complete description of the proposed General Plan Amendments and Rezoning is provided in Draft EIR Chapter 3, pages 3-36 and 3-37. In addition, Appendix C identifies each General Plan policy and analyzes the project's consistency with those policies. For each element of the General Plan, a description is provided in Appendix C for the changes required to General Plan diagrams. The relationship of the Specific Plan to the General Plan is described in detail in Specific Plan, Chapter 1, Section 1.2.2, including the revised text for the General Plan Special Area Implementing Policy 2.3-I 14.

The proposed zoning designations for the Specific Plan land use area are designed to be consistent with the land use regulations identified in detail in Chapter 3, Land Use, of the Specific Plan. The proposed General Plan land use designations, the Zoning Districts, and the Specific Plan land use standards are designed to be consistent with each other, thus, in their February 11, 2003 action to initiate the study of the project, the City Council initiated General Plan Amendments, Rezoning and other actions necessary for the Proposed Project. The potential environmental effects of these proposed changes to land use designations and regulations are addressed in Chapters 4 and 5 and Appendix C of the Draft EIR.

Please also refer to the May 18, 2004 Planning Commission staff report for additional information about the General Plan amendment. The Planning Commission staff report is available for review at the City of Vacaville Community Development Department located at 650 Merchant Street, Vacaville, California, 95688 during normal business hours.

Response to Comment 17-14:

The Project Description is contained in Draft EIR Chapter 3, pages 1 through 38. This comment notes nine specific items or points for which the commentor requests additional information:

1) The Draft EIR Chapter 3, pages 15 and 16 describe the park and open space uses. Specifically, the Draft EIR notes that the City has an adopted Park Master Plan for Lagoon Valley Regional Park, and that the City has initiated a Park Master Plan update to identify potential new uses within the park and open space areas. The Specific Plan assumes that the uses within the park will remain consistent with the approved Park Master Plan unless and until a revised Park Master Plan is adopted. This circumstance is described on pages 3-15 and 3-16 of the Draft EIR, in the Land Use and Planning analysis (Draft EIR Section 4.2, pages 4.2-11 and 4.2-12) and in the Parks and Recreation analysis (Draft EIR Section 4.3, pages 4.3-5 through 4.5-9).

2) The cost of proposed homes is not a CEQA impact issue and the EIR does not examine the likely cost of the proposed homes. As explained in Draft EIR at Appendix C, the proposed mix of housing types is consistent with the City's General

Plan goals and policies for housing (General Plan Land Use Element, Section 2.5 and Housing Element, Section 7.1). Additionally, Specific Plan Chapter 3, Land Use, Section 3.4, fully describes the proposed residential areas and the types of housing and proposed development intensity standards that would be permitted within the Specific Plan.

3) Specific Plan Chapter 3, Section 3.5 describes the proposed permitted uses for the Golf Course Residential area, including the allowance for Secondary Living Units in accordance with the provisions of Chapter 14.09.122 of the Vacaville Municipal Code. It would be speculative to guess at how many lots might someday have a Secondary Living Unit, however, the Specific Plan area is treated the same as any area of the City with residential zoning, allowing Secondary Living Units subject to compliance with the zoning criteria established in the Municipal Code.

4) Churches are identified as conditional uses in Specific Plan Chapter 3, Land Use, Sections 3.5.1 (Golf Course Residential Areas – Site Uses), Section 3.6.1 (Business Village – Site Uses), and Section 3.7.1 (Commercial Areas 1B & 1C – Site Uses). The Business Village layout for the Specific Plan identifies one potential church site within the Business Village that has been specifically discussed during the project planning. This potential church location is discussed in the Draft EIR on page 3-11 and is shown on Figure 3-6 of the Draft EIR.

5) According to the Specific Plan, Sections 3.6.1.4 and 3.7.1.3, fast food restaurants and similar types of commercial uses would be prohibited from locating in the proposed Commercial and Business Park land use areas.

6) The Specific Plan analysis is based on a preliminary conceptual grading plan that is available at the City's Community Development Department and that was available to the EIR preparers. This conceptual grading plan is incorporated into the EIR. This grading plan, and the proposed grading standards contained in Section 5.6 of the Specific Plan establish the standards for development within the Specific Plan area. Draft EIR Technical Appendix J describes the geologic conditions existing on the proposed development area and identifies typical land stabilization techniques to be uses to correct landslide or other geologic hazards that may be present on individual development sites. Specific lot designs and individual grading features would be designed at the subsequent project-specific development review stages, subject to the Grading standards in the Specific Plan.

7) The Specific Plan, Section 3.5.2 identifies the proposed "Density Standards" for proposed residential development areas. The Specific Plan has been revised to clarify specific lot coverage standards for each lot size type, rather than simply referencing the relevant Vacaville Municipal Code section. Analyzing the impacts of the Specific Plan does not require final identification of each building envelope on each individual parcel. The Draft EIR correctly uses the preliminary grading plan, draft development standards and overall development layout to describe and analyze the potential impacts of site coverage and grading. These impacts are identified in Section 4.11 Hydrology, Drainage & Water Quality and Section 4.12 Geology and Soils as well as Appendices I, J and K. Draft EIR Technical Appendix I describes the methodology and results of the analysis to determine the drainage and runoff impacts associated with land coverage resulting from development in the Specific Plan area.

The specific water quality protection methods proposed by the project proponents are identified in Draft EIR Chapter 3, pages 3-29 and 3-30. The Specific Plan, Chapter 5, Section 5.3.1, describes the proposed golf course design and operations methods for protecting sensitive resources in more detail. This section of the Specific Plan describes proposed standards for golf course design, habitat maintenance, environmental planning principles, grading standards, construction practices, chemical and pesticide selection and use, water use strategies, waste management practices and facility operations standards. The Specific Plan, Chapter 9, also describes the implementation procedures for infrastructure within the Specific Plan area including the proposed phasing, funding and maintenance responsibility for all infrastructure components. Also, Mitigation Measure 4.11-3(b) requires the Specific Plan to incorporate policies directing that a comprehensive stormwater quality management plan for the development area be developed for final approval prior to any tentative maps for the project. Policies addressing this issue are incorporated in the Specific Plan. Mitigation Measure 4.11-3 also establishes the proposed standard by which water quality maintenance systems would be operated, including being subject to compliance with the standards set forth in the City's NPDES permit.

8) The City has included a wide variety of exhibits in the Draft EIR, in the Specific Plan and in this Final EIR. At the level of a Specific Plan review, final subdivision designs are not prepared and so there is no large exhibit identifying each individual lot by number. The actual subdivision maps will be prepared based on the final approved development standards adopted in a Specific Plan, as well as based upon the mitigation measures that may be adopted for any project. Thus, the Specific Plan establishes the development standards that will govern the specific design of future subdivision maps, should the project be approved. The City believes that the method of analysis offered in the Draft EIR provides an appropriate method for assessing the potential environmental effects of the Proposed Project. Technical reports in the Draft EIR Appendixes provide some large maps identifying such physical constraints as landslide and geologic hazards, biological resources, and wetlands. This information has been used throughout the planning and review process to identify resources that should be avoided, leading to revisions to various basic design components of the Specific Plan. Thus, rather than establish a final design and examine its effects on the environment, several revisions have been made to the design to avoid certain environmental resources as well as improve upon the land use plan. Many larger exhibits have been prepared to assist the City staff in their analysis, and these have been available at community meetings and public hearings and are also available for review at the Community Development Department.

Response to Comment 17-15:

The information requested in the comment is included in the Draft EIR analysis and is adequate for an evaluation of project-specific and cumulative impacts. Project construction and grading information is included in the Project Description (Chapter 3) under Construction Considerations starting on page 3-33. Assumptions for construction trips and types of equipment are included in the Draft EIR analysis and the technical appendices, as appropriate. Construction-related impacts are evaluated for all issue areas, as appropriate in Chapter 4 and Section 5.1. See also Response to Comment 17-8.

Response to Comment 17-16:

The comment is correct that the project includes numerous on-site drainage facilities. The use of the terms "major" and "significant" to describe these facilities is a description offered by the comment. The Draft EIR identifies the proposed drainage facilities, including the standards for amount of storm water storage that must be detained in order to comply with the City's General Plan policies for the Lower Lagoon Valley area. Draft EIR Technical Appendix I evaluates the conceptual drainage plan and identifies the ability of this proposed system to comply with City policies and mitigate all potential drainage and stormwater impacts of the Project.

The Draft EIR Chapter 3, Figure 3-12 presents the conceptual stormwater detention and drainage plan, including the proposed locations for detention basins. The type of overlay map requested in this comment is more typically associated with the analysis of a particular impact issue (in this case, landslide hazards and effect on drainage facilities), rather than in the project description. The Draft EIR provides exhibits showing the landslide or potential landslide locations and other potential geologic hazards in Figure 4.12-3, with the general locations of residential and golf land use areas identified.

Response to Comment 17-17:

The comment correctly recites the Draft EIR's statement that information prepared by FEMA is currently lacking to fully characterize the floodplain (Draft EIR, page 4.11-14). For this reason, the City and its consultants prepared Technical Appendix I to accurately characterize the extent of the floodplain for the Specific Plan area. The basis for this characterization is presented in Technical Appendix I and is illustrated in Draft EIR Figure 4.11-2. See also Response to Comment 17-12.

The comment correctly identifies the conclusions of the City's analysis with regard to how much various portions of the development area may need to be raised to be taken out of the estimated floodplain. The Specific Plan, Chapter 7, Policies 7.3.14 and 7.3.15, establishes the standard and the timing requirements for receiving verification of the floodplain location from FEMA. Specific Plan, Chapter 7, Section 7.6 describes the setting more fully, including the type of analysis previously conducted by FEMA for this area. This section also describes the manner in which the residential and business village areas would be removed from the floodplain (i.e. through grading to raise portions of the property and through the planned drainage improvements that will prevent flooding caused by lack of stormwater detention facilities in the area). This section of the Specific Plan also describes the timing for developers to prepare this information.

The visual analysis takes the planned grading into account in order to create the visual simulations.

Preliminary grading information submitted by the applicant proposed a "balanced" grading scheme that would use soils from throughout the development area to create the final grades for the project (Draft EIR, Chapter 3, page 3-33). The proposed grading plans do not request the use of imported material. The Specific Plan, Chapter 5, Section 5.7, describes proposed grading standards for hillside areas. Policies are incorporated into the Specific Plan to address for Conservation and Public Safety, to address the procedures for implementation of grading practices to protect future residents and visitors to the project area. These standards would

also be supplemented by the proposed mitigation measures for hazards/contamination (Mitigation Measures 4.12-3, 4.12-6, 4.13-3, and 4.13-4).

Response to Comment 17-18:

The commentor asserts that the Draft EIR lacks setting information in a number of areas. In fact, where required or feasible, this information is provided. Specifically, the Draft EIR provides detailed information concerning the underlying soils characteristics of the site (see Section 4.12 and Technical Appendix J). The Specific Plan also contains this information (see Chapters 7 and 8). This includes detailed information about slopes and site elevations (see Section 4.12.2, and Technical Appendix J). See also Response to Comment 17-8.

Likewise, the Draft EIR contains detailed information about the biological resources the Proposed Project may affect (see Section 4.15, and Technical Appendices N, O). The information for the entire region that the commentor requests, however, is neither required nor feasible to obtain or include in the Draft EIR. CEQA Guidelines Sections 15130(b) (requiring cumulative impacts analysis but at less detail than the analysis of project impacts), 15146 (requiring an EIR to conform its level of specificity to that of the project, here a plan-level project), 15147 (stating that an EIR may, and generally should, summarize technical information in order to make the document accessible to the public). Moreover, the General Plan EIR, which is part of the record supporting the Draft EIR, contains substantial information on regional biology.

As the commentor notes, the Draft EIR in Section 5.1 clearly states that its cumulative impacts analysis includes the entire buildout under the Vacaville General Plan, as well as the Southtown and Rice-McMurtry projects, which were recently approved. The General Plan contains the total development information and map of projects that the commentor requests. The General Plan also contains much of the other cumulative impact information that the commentor requests. The City relied on the General Plan in preparing the Specific Plan and the Draft EIR, and the General Plan is available to the public at the City's offices and the Housing Element of the General Plan is also available on the City's website.

Much of the information the commentor requests regarding housing and golf course market information and regional affordable housing information is beyond the scope of a CEQA analysis. CEQA Guidelines Section 15131 (stating that economic and social information "may" be included in an EIR). Such information is, however, provided in the Specific Plan (Chapters 3 and 9), in the other documentation such as the General Plan on which the Draft EIR's analysis relies, and in the reports appended to these Responses to Comments.

Information about road improvements is likewise provided in the Draft EIR, the Specific Plan and the supporting documents (see Draft EIR Chapter 3, Section 4.5; and Specific Plan Chapters 3, 4, 9). Similarly, these documents provide information about potential flooding (see Sections 4.11 and 4.13, and Technical Appendices I, J; and Specific Plan Chapters 7, 9). See also Response to Comment 17-17.

Because this information is, in fact, not "missing" from the EIR as the commentor asserts it is, there is no basis for preparing a revised Draft EIR as the commentor urges.

As to specific information about slopes, the existing terrain of the Proposed Project site includes gentle slopes (2% to 5 %) on the floor of the valley to moderate slopes at the perimeter of the site (15% to 25%). Elevations of the existing site range from 210 near the lagoon and freeway

to 350 at the perimeter of the residential project area. Grading for the proposed residential project and golf course will utilize the existing terrain features as much as possible and minimize the cuts/fills during the grading operations. The site grading plan will be designed as a "balanced" site with minimal export or import of soil material.

All of the grading for the Proposed Project will be in conformance with the Lower Lagoon Valley Specific Plan, the City's General Plan, Vacaville Municipal Code, and the City's Grading Ordinance (LU&DC, Ch.14.19). In general, development with the Specific Plan area shall not require grading in areas of greater than 25 percent slope. As described in the Specific Plan, small areas of grading within the 25 percent slope areas will be allowed for the golf course, utility construction, and trails. Other minimal areas at the perimeter of the residential area may require small amounts of grading within the 25 percent area at the conform edges and will be submitted to the City for review prior to tentative map approvals.

Final Geotechnical Reports will be completed prior to the development of final grading plans for the Proposed Project. The reports will identify the existing slides that will require mitigation as part of the project grading. Slide repairs will be re-graded to match the existing contours. All of these measures would be conditions of approval, therefore they would be required components of any grading work, as well as construction of the Proposed Project.

Response to Comment 17-19:

The City appreciates the commentor's recitation of CEQA and CEQA case law. The City disagrees, however, with the assertion that the Draft EIR does not provide adequate or well-supported analyses of the Proposed Project's potential environmental impacts. On the contrary, the City believes it has complied with all of the comment's stated and cited requirements for an adequate EIR. See Responses to Comments 17-1, 17-8, 17-9, 17-12. 17-14 and 17-18.

Response to Comment 17-20:

The specific details on the exact number and types of construction equipment will be available at the time of project construction after final design of the Proposed Project has been approved. An EIR is prepared prior to project approval, or earlier in the process. The nature of an EIR analysis and particularly a plan-level EIR, takes into consideration the fact that specific details are not available and conservative assumptions are made so that the project can be described and the range of potential environmental impacts can be assessed. One air quality analysis is based on industry standards and represents conservative assumptions based on professional judgment and experience.

See also Responses to Comments 17-7 through 17-12, 17-15 through 17-19.

Response to Comment 17-21:

The City disagrees with the comment that certain urban design characteristics cannot help reduce significant air quality impacts in the type of setting present in the Specific Plan area. The Draft EIR, Section 4.6-2, contains a list of measures incorporated into the design of the Specific Plan land use plan that will help reduce significant air quality impacts. The Draft EIR's estimate of construction equipment was based on industry standard practices and the City's experience.

The City can not know the exact number of persons who will both live and work in the Specific Plan area. There is no way to accurately quantify how many persons will choose to bike or walk

to work. The EIR's analysis, however, is based on conservative estimates of these figures, which are derived from industry standards and the City's experience.

The Specific Plan requires that the project provide space for bus/transit stops in the Business Village and to the streets adjacent to the school site. Section 4.6 of the Specific Plan further identifies transit measures, including bus service facilities, that will be required for the project. . Section 4.5 of the Draft EIR on page 4.5-4 describes the current transit service and the procedure by which future service could be considered. Once ridership potential is adequate, the transit provider may consider extending service to this area. This situation is most likely to occur once there is substantial build-out in the Business Village.

Contrary to the commentor's assertions, the Specific Plan does incorporate a number of measures that will allow residents and employees with alternative options to automobile use. These measures include the provision of an extensive non-vehicular transportation system (trails), provision for transit service, close proximity of retail services to employment centers, provision of the highest residential densities in relatively close proximity to the school and retail center, comprehensive landscape standards for parking lot and sidewalk shading, and provision of extensive recreational facilities will encourage fewer or shorter auto trips.

Response to Comment 17-22:

This comment primarily addresses policy issues regarding the merits of the Proposed Project. This comment also asks where the Draft EIR analyzes impacts associated with broad social and land use trends in the region and nation. Such an analysis is beyond the scope of what CEQA requires or of what is feasible to prepare or provide in an EIR. "An evaluation of the environmental effects of a Proposed Project need not be exhaustive [much less consider broad national and regional trends], but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible." CEQA Guidelines Section 15151; *see also* CEQA Guidelines Sections 15004(g) (CEQA's purpose is not to generate paper), 15004(i) (CEQA requires a good faith effort at full disclosure, but not perfection or an analysis of every possible mitigation measure or alternative, 15141 (an EIR should not exceed 150 pages for most projects), 15143 (the EIR shall focus on the significant effects of the project it analyzes, not broad trends), 15145 (EIRs should not speculate). The Draft EIR does, however, discuss the Proposed Project's impacts and relationship to the jobs-housing balance in Vacaville and the region. See Draft EIR Chapters 1 and 3, and Section 4.2.

Response to Comment 17-23:

Mitigation measures in the Draft EIR to reduce identified significant project impacts by revising the proposed Specific Plan are subject to approval by the City Council following certification of the EIR. As part of the City Council's findings on the EIR during the certification process, the Council will determine if they accept and/or reject any identified mitigation measures. The City will require site-specific plans for various components of the Specific Plan build-out to incorporate mitigation measures such as the ones identified in this comment. At the Specific Plan level, it would not be feasible to conduct the specific design of individual building sites. However, the Specific Plan diagrams and polices establish a bikeway system, as well as the requirements to provide for the facilities identified in this mitigation.

As discussed on page 4.6-16, the mitigation measures proposed to reduce air pollutant emissions associated with daily project operations (Impact 4.6-2) can not be quantified at this time because the reduction potentials and efficiencies of the measures are not known . It is

further stated that it is anticipated that there would be little overall effect so the impact was conservatively determined to remain significant and unavoidable. All mitigation measures would be implemented following consultation with the YSAQMD. See also Response to Comments 9-1 through 9-8.

Response to Comment 17-24:

The City believes it has included a reasonable range of alternatives for analysis in the EIR. Two of the alternatives are determined to result in lower air quality impacts than the proposed project. In addition, the project is determined to result in lower air quality impacts than the City's adopted land use plans for the area. The comment suggests two additional alternatives for the purpose of reducing air quality effects. The City believes that the six alternatives analyzed in the EIR are sufficient for a thorough EIR. Please also see Response to Comment 15-7.

Response to Comment 17-25:

The air quality analysis is based on the types of land uses proposed, including employment and residential uses. The analysis in the EIR, including the air quality and traffic analyses, thus takes into account the mix of land uses and the numbers of dwelling units contained in the project. See Draft EIR Sections 4.5 and 4.15, and Appendices D and E.

Response to Comment 17-26:

This comment contains a broad statement that the Draft EIR fails to describe all relevant plans and policies and fails to evaluate the project's consistency with each policy. Draft EIR Appendix C contains an analysis of the project's consistency with each relevant policy of the General Plan. Approximately 226 policies from the City's General Plan are identified in Appendix C, and a consistency analysis provided for each set of policies as grouped in the General Plan. Appendix C also lists the General Plan diagrams that would be amended based on the project description. Section 4.2 of the Draft EIR evaluates the project with applicable plans, policies and regulations, including consistency of the proposed project with applicable plans. Draft EIR Chapter 3 pages 3-34 through 3-38 list the regulatory actions such as General Plan amendments required for project approval. Section 5.1 on page 5-1 describes the study area and development assumptions used in the EIR. Regarding the HCP that is currently being formulated, please see Response to Comment 15-2.

Response to Comment 17-27:

The City disagrees with the comment's assertion that the Draft EIR lacks evidence to conclude transportation and circulation will be less than significant after mitigation with the exception of regional roadways. Specifically, and contrary to the comment's assertions, Project trip assumptions are based on the occupancy of the completed project (see Draft EIR Section 4.5 and Appendix D). It is not typical for construction traffic to occur at levels greater to or equal to Project occupancy. Therefore the traffic analysis contained in the EIR appropriately accounted for the traffic impacts during both construction and operation of the Proposed Project.

Regarding, the Proposed Project's support of transit facilities, the commentor is referred to Section 4.2 of the Specific Plan.

The need for each mitigation measure recommended is associated with the analysis year for which the mitigation was established. Regarding LOS standards, the commentor is referred to

Policies 4.1.1 and 4.1.2 in the Specific Plan. Also, Policy 4.1.1.4 allows the City to require future studies or improvements to ensure that these level of service standards are maintained. Please also see Response to Comment 6-6 regarding the City's on-going regular monitoring of traffic conditions. As the Proposed Project develops, area intersections will be added to this annual review and reporting process. Where this monitoring identifies necessary improvements, those may be funded in whole or in part by the transportation impact fees the project will pay prior to the occupancy of various phases. See Specific Plan Policy 4.1.1.6.

The cumulative impacts of roadway improvements are addressed in the Draft EIR and its associated traffic study (see Sections 4.5 and 5.1, and Appendix D). Appendix D also details the secondary effects of the mitigation measures, including the necessary right of way and improvements necessary to implement each of the identified mitigation measures. The traffic study includes "Year 2025" analysis that accounts for all expected development within the scope of the cumulative impacts analysis (buildout under the General Plan plus certain approved projects), including anticipated trips to and from points outside the City, and that travel through the City. See Response to Comment 6-1 regarding the Draft EIR's inclusion of regional traffic in its traffic impacts analysis for both project and cumulative impacts.

Regarding transportation impacts to the Lagoon Valley Regional Park, please see Response to Comment 12-10.

The commentor requests the trip rate for "service" trips made to "executive" type homes. The Draft EIR's traffic analysis applied trip rates for residential units based on rates calibrated to existing conditions. Those rates are initially obtained from the Institute of Transportation Engineers publication "Trip Generation" 7th edition. That publication, which is the "Bible" of trip rate data, does not differentiate between executive type homes and other types of single family detached homes. Nonetheless, because its trip rates are based on actual trip counts from all over the country, it does include a variety of neighborhoods and accounts for service trips, as well as all other types of trips associated with residential uses. In any case, the trip generation for the Proposed Project is not expected to be noticeably different than the trip generation for the single family home for the City. If trip rates did prove to be different and the Project generated more traffic than the Draft EIR anticipates, the impacts of that additional traffic will be mitigated through the mechanisms for level of service monitoring and Project funding of necessary traffic improvements. In summary, however, trip generation is not typically impacted by "service trips," therefore these trips do not contribute to an unidentified significant impact as the comment asserts.

Response to Comment 17-28:

The City disagrees with the statement that the Draft EIR fails to adequately describe the potential construction and operational effects on water quality. Draft EIR Section 4.11 examines the drainage and water quality effects of the project. Appendix I provides a Technical Memorandum with supportive documentation and analysis of these issues. Section 4.11, pages 4.11-12 through 4.11-17, describes the methodology used to analyze the proposed storm drainage system and address the propose system against the City's standards. Incorporation of Mitigation Measures 4.11-1(a) through (c) reduce the project's impacts to a less-than-significant level.

Response to Comment 17-29:

This comment mischaracterizes the Draft EIR's analysis of the potential for flooding impacts. The comment lists statements from the Draft EIR in reverse order, as follows:

> "According to the Draft EIR, "The Specific Plan includes construction of several detention basins and related drainage facilities that would reduce the water surface elevations within the Lower Lagoon Valley watershed, thus decreas[ing] the potential for flooding. Draft EIR at 4.11-17. The Draft EIR continues: ".....development of structures within the floodplain could impede or redirect flood flows, such that additional areas could be inundated." Draft EIR at 4.11-17."

The text of the Draft EIR actually presents these two sentences in reverse order from the comment (Draft EIR, page 4.11-17). The analysis correctly notes that placing structures within an identified flood plain could have a flooding impact. The analysis continues by then noting that the Specific Plan includes the construction of detention basins and related drainage facilities that would reduce the potential for flooding. Mitigation Measures 4.11-2 (a) through (c) provide the steps by which the project will implement City standards and policies regarding flood protection.

With regard to the five items listed in this comment, the City does not believe that a revised analysis is necessary, these items are addressed in the Draft EIR analysis as follows:

1) Boundaries of the floodplain and procedures for verification are identified in Technical Appendix I, discussed in Section 4.11, and illustrated on Figure 4.11-2. The analysis does not defer disclosure and analysis (please see Response to Comment17-8)

2) Impacts to drainages, wetlands, vernal pools and the lake are addressed in Technical Appendix I ("Impacts of Proposed Lower Lagoon Valley Development on the Drainage, Flooding and Storm Water Quality Within the City of Vacaville"), Technical Appendix N ("Biological Resources, Lagoon Valley Project"), and Technical Appendix O ("Delineation of the Waters of the United States on the Lagoon Valley Residential / Commercial Development"). Draft EIR Section 4.11 (Hydrology, Drainage and Water Quality) and Section 4.15 (Biological Resources) analyze the impacts of the project and present mitigation for potentially significant effects on these resources.

3) See Item 2) above.

4) See Item 2) above.

5) The City believes that a thorough analysis of project related impacts is presented in the Draft EIR and Technical Appendix.

Response to Comment 17-30:

This comment offers an opinion on what the commentor considers the best method to maintain water quality by either clustering development or deleting golf courses. The term clustering is not defined and this is not a comment on the contents of the Draft EIR. The Draft EIR does

include analysis of a "No Golf Course" alternative and a reduced development alternative (Draft EIR, Chapter 6).

The comment suggests consideration of additional alternatives. As noted above, one of the suggested ideas is included in the EIR. In response to the comment for a clustered alternative "significantly reduces the footprint" of the project, no definition as to an appropriate amount of coverage is offered. The City notes that of the proposed Specific Plan area of approximately 2,354 acres, approximately 73% of the land area is in park, open space, private hillside agriculture, and golf course. If the golf course is removed from this calculation, approximately 64% of the land area of the Specific Plan is in open land categories (please see Specific Plan, Chapter 3, Section 3.4 for land use acreage figures). The City believes that the alternatives analyzed provide a reasonable range for consideration of the project's impacts. See also Response to Comment 15-7.

Response to Comment 17-31:

Water quality controls to protect the lake are detailed in the Specific Plan, Chapter 5, Section 5.3, which describes the plan for construction and operation of the golf course, including general design standards, and in Draft EIR Mitigation Measures 4.11-3 (a) through (f) and 4.11-4. The Specific Plan, Section 3.5.1, identifies the golf course design concept for chemical use, water usage, water quality protection,

The Draft EIR, Technical Appendix I, addresses the estimated pollutant impacts from the type of development anticipated on the site, and cumulatively within the watershed and the mitigation strategy to reduce these potential effects.

In response to the question regarding storage of hazardous materials, the Uniform Fire Code requires a plan for the storage and hazardous materials response. This requirement is overseen by the City Fire Department and applies to any such use within the City.

Cumulative water quality impacts are addressed in Draft EIR Technical Appendix I, pages 21 and 22, and in Draft EIR, Section 5.1, Impact 5.1-22.

The comment regarding funding mechanisms for operation of the drainage system is not a comment on the Draft EIR analysis. However, the Specific Plan, Section 9.4, describes the funding mechanisms envisioned that are designed to fund the construction, operation and maintenance of the storm drainage systems. The City has completed a separate fiscal analysis of the project, including projected maintenance costs over time, and this report is available from the City's Community Development Department.

Response to Comment 17-32:

The biological resource analysis of the Draft EIR (Section 4.15, Section 5.1 and Appendices N and O) identifies and evaluates impacts of developing Lower Lagoon Valley. As described under Impact 5.1-29, partial mitigation has been achieved through project design that includes preservation and/or enhancement of habitat areas and wildlife movement corridors. Additional mitigation consisting of habitat replacement buffers or avoidance of impacts during sensitive periods is recommended in the Draft EIR, Section 4.15. The discussion of how recommended mitigation would reduce identified project-specific and cumulative impacts is included either before or following each mitigation measure.

Response to Comment 17-33:

Regarding the level of detail required in the Draft EIR generally, CEQA Guidelines Section 15146(b) states that:

> An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

Additionally, the Draft EIR is substantially informed by the Specific Plan, as the Specific Plan contains numerous policies and guidelines for any construction that occurs in the Development Area. Those policies and guidelines provide additional information that this comment appears to have missed. See also Response to Comment 17-8.

The project design strives to be sensitive to the local importance of wildlife habitat and incorporates environmentally conscientious features to ensure connectivity to regional habitat resources. Ecologically sensitive golf course design, coupled with a concerted effort to preserve and maintain intact riparian corridors will hopefully encourage wildlife to move through the area and will provide valuable breeding, foraging and shelter to more mobile species.

By their nature, golf courses provide significant open spaces and opportunities to provide needed wildlife habitat in increasingly urbanized communities across North America. At the same time, golf courses are called to address environmental concerns related to the potential and actual impacts of water consumption and chemical use on local water sources, wildlife species, and native habitats.

The Audubon Cooperative Sanctuary Program for Golf Courses, for example, seeks to address golf's environmental concerns while maximizing golf course opportunities to provide open space benefits. Environmental planning, wildlife and habitat management, chemical use reduction and safety, water conservation and quality management, and outreach and education are among the issues considered in course design. Over 50 successful such projects are described at the Audubon International website @ http://www.audubonintl.org/programs/acss/golf.htm.

Response to Comment 17-34:

The mitigation measures provided in the Draft EIR are based on standard agency requirements for compensating direct and indirect impacts on habitat for plant and wildlife species, and as such, reduces project related and cumulative impacts to a less than significant level.

Response to Comment 17-35:

This comment lists several mitigation measures that the commentor believes should be addressed in the EIR:

1) No clarification of what "clustering" the commentor suggests is offered. However, as noted in Response to Comment 17-30, the proposed Specific Plan identifies approximately 73% of the land area within the Specific Plan as more open style land uses, including approximately 49% of the area as permanent public open space. The project additionally was revised during the planning review process to provide a

dedicated riparian zone of approximately 15 acres in size along the section of creeks extending into the site from adjacent hillside areas (see proposed plan, Village 3). This area would connect with the golf course, within which the Specific Plan identifies proposed 50 foot setbacks from creeks to any golf course plantings. (Specific Plan, Chapter 5)

2) Setbacks are proposed and mitigation measures established that result in less-than-significant impacts according to the Draft EIR, therefore the proposed 1,000 foot setbacks from "sensitive habitats" including the lake are not required. It is noted that substantial development already exists within 1,000' of the lake, including numerous park improvements.

3) Again, a mitigation measure is suggested but not specifically identifying which impacts it is intended to address. Mitigation in the Draft EIR reduces impacts to biological resources to less-than-significant levels. It is noted that the Proposed Project includes the dedication of approximately 16 acres of additional open space lands to the City, the preservation of approximately 15 acres of riparian habitat zone within the residential area, the proposed creation of habitat zones within the golf course, and the payment of a Community Benefit Contribution fee which may, at the discretion of the City Council, be used in part for the purpose of open space acquisition. It is also noted that the original annexation and development approval for Lower Lagoon Valley (still in effect) dedicated hundreds of acres of hillside agriculture and open space lands to the City as mitigation for designating portions of the valley for urban development.

4) The City disagrees with the statement that mitigation for vernal pool crustaceans habitat is improperly deferred. Impact 4.15-2 on page 4.15-24 notes that a wetlands delineation has been conducted for the project area and that no vernal pools were identified. Mitigation is identified to require applicants to mitigate impacts to vernal pool crustacean habitat in the event that any such resources are later identified. See Response to Comment 17-8 for a discussion regarding deferral of mitigation.

5) The City believes that the mitigation measures proposed do reduce biological resources impacts to less-than-significant levels. Mitigation measures that specify steps for either avoidance or other forms of mitigation such as replacement, are identified using standard agency protocols and requiring consultation with or verification from the responsible agencies. For a Specific Plan level review, this mitigation is appropriate since final development plans for individual pieces of the project could result in site specific conditions that can not be known at this level of review. Establishing these mitigation measures to address the potential for different mitigation methods is an appropriate type of mitigation language to apply in these situations. Since these measures typically require the concurrence of responsible agencies overseeing a resource (CDFG), the appropriateness of the measure can be guaranteed to meet the standards established by resource agencies for protection of the particular resources.

The City has addressed through the mitigation measures in Section 4.15, steps that will meet established standards for avoidance of or compensation for the biological resources identified through field surveys by two separate teams of biologists during the preparation of the EIR. The use of these measures meets the standards established by the relevant resource protection

agencies and thus the EIR correctly concludes that the impacts will be less-than-significant after mitigation. Reclassification of biological resources impacts is not required.

Response to Comment 17-36:

The City does not agree with the statement that the Draft EIR fails to contain any analysis of population, housing and employment because these factors are considered in various analyses throughout the EIR. The comment states that where jobs and housing are imbalanced that increased traffic will result, but does not identify a particular balance or method of assessing this issue. The comment notes several questions or comments about this issue:

- Assumptions used to calculate employee related impacts (commute trips, etc.) are included in the traffic model, explained in Draft EIR Technical Appendix D, pages 18 and 19. The City has developed its own traffic model for use in these analyses. Air quality analysis considers increased emissions from project construction activities, increased building space, residential population, and increased traffic volumes (Draft EIR, Impact 4.6-11). Noise analysis also considers implementation of the project and resulting changes in the noise environment, resulting from increase in the on-site population of residents, employees and visitors, among other factors (Draft EIR, Impacts 4.7-8 and 4.7-9).

- The estimated gap in affordable housing units in the City and region is a socio-economic issue and thus not a CEQA issue for the EIR.

- The number of construction jobs based on industry standards and the City's experience.

- It would be speculative for the Draft EIR to guess at potential commute trends resulting from future unknown gaps in affordable housing and employment and thus inappropriate for the EIR analysis.

- The likely number of affordable housing units to be built in the region and City over the next 15 years is not an environmental impact issue for study in the EIR.

- The project-related and cumulative traffic and air quality impacts are identified in Draft EIR Section 4.5 (Traffic) and Section 4.6 (Air Quality). These analyses consider the project characteristics, including population, employment and other characteristics as described above, using methodologies developed by the City and its consultants, in consultation with relevant affected agencies (*e.g.* Yolo Solano Air Quality Management District) and provide an analysis of the environmental effects associated with the project's population, housing and employment characteristics. The illustrative example of a jobs-housing analysis was presumably found acceptable for the particular project and jurisdiction using it. CEQA permits the lead agency to use the type of analysis that in its judgment will provide the most reasonable method of addressing environmental effects of projects under its jurisdiction. (CEQA Guidelines Sections 15144, 15145, 15151)

Response to Comment 17-37:

See Responses to Comment 17-8, 17-12, 17-14 through 17-18, and 17-35.

In addition, it is important to note that the Proposed Project analyzed in the Draft EIR is a specific plan. See Response to Comment 17-33 regarding the level of detail required in a plan-level Draft EIR generally.

In response to the specific items in the comment:

- Engineering specifications for traffic improvements are not required at this time. The Draft EIR and Specific Plan provide schematic descriptions and diagrams of the proposed improvements. Additionally, the Draft EIR specifies that the improvements must be designed so as to achieve certain levels of service. The existing schematic designs are prepared to meet that objective. This is more than sufficient for a plan-level EIR.

- The Draft EIR clearly discloses that the extent of the 100-year floodplain as it relates to the development area is not precisely known at this time. Appendix I to the Draft EIR provides additional information on this. The Draft EIR also requires that the extent of the floodplain must be determined and all impacts related to that must be mitigated prior to final project construction approvals. The precise definition of the floodplain will not change the Draft EIR's conclusion or require additional mitigation, since both the potential impacts and required mitigation are already analyzed in the Draft EIR.

- The City believes that identifying the construction staging areas as already disturbed areas within the Specific Plan area is a sufficient basis on which to conclude that there will not be additional significant impacts related to the use of these areas. The Draft EIR fully evaluated all potential impacts of construction. Construction is a temporary activity with temporary impacts. Additionally, all areas where construction will occur will be disturbed as a result of that construction. Thus, there is a direct link between proposed permanent disturbance as analyzed in the Draft EIR and the proposed staging areas.

- The traffic mitigation fee paid by the Proposed Project will be equivalent to the traffic impact fee required by the City's existing fee ordinances for the dwelling units and the commercial space. In adopting that fee, the City prepared a nexus study that concluded that the amount of the fee was equal to a project's pro rata or "fair share" impact. That is the limit of mitigation that may be required. The Draft EIR, and these responses, acknowledge that those fees will be insufficient to completely fund certain improvements such as freeway widening. Because those improvements are outside the jurisdiction of the City and well beyond the scope of the Proposed Project, either in being required or being funded or constructed, the City cannot identify the specific additional funding or timing of those improvements. The on-site improvements, as well as the improvements that the Proposed Project will fund will be constructed as they are needed in accordance with project buildout. Need will be determined by the traffic generated by the various phases of the Proposed Project. For example, when a phase is going to be constructed that is expected to push the level of service at a given intersection or facility over the acceptable level, the improvement designed to regain the acceptable level of service will be implemented. Please also see Responses to Comments 6-1, 10-6, 11-1 and 13-1, and Specific Plan, Chapter 9.

- The reference to a mitigation fee to offset "dust impacts" is not clear. In any case, Mitigation Measure 4.6-1 provides detailed information on measures that will mitigate dust, or more precisely particulate matter impacts, pursuant to the jurisdiction and supervision of the Yolo-Solano Air Quality Management District. See also Response to Comment 9-1.

- The final drainage report, final soils characterization, final SWPPP and identification of BMPs will all be prepared as specified in the Mitigation Monitoring and Reporting Program. All of those items include performance standards that are enforceable by various agencies. Those performance standards provide a reasonable plan for mitigation, and the jurisdiction of various agencies as well as the City of Vacaville to enforce the achievement of those performance standards demonstrates that mitigation will be adequate. Accordingly, it is not necessary to further develop those items at this time. Nonetheless, all of the impacts to which they relate have been analyzed and identified in the Draft EIR. Thus, the Draft EIR provides sufficient disclosure of the impacts as well as a reasonable plan for their mitigation.

- Golf course management will occur pursuant to the protocols set forth in Section 5.3.1 of the Specific Plan as well as their best management practices and measures designed to reduce environmental impacts consistent with Specific Plan policies.

- Project plans specifying the buildable area of each lot, the need for retaining walls and the total site grading are not required or feasible at this stage of plan-level design and analysis. The Specific Plan and the Draft EIR do provide the total number of buildable lots, an estimate of balanced cut and fill and limits on retaining wall sizes.

- The Draft EIR and its technical appendices include all necessary surveys for biological resources. As explained in Response to Comment 17-37, the necessary surveys and mitigation measures will be implemented prior to project approval. As to the avoidance analysis requested, although the Specific Plan included avoidance of impacts as one if its design criteria, avoidance is neither a requirement or policy of the City. Accordingly, the requested analysis is neither required nor provided here.

- The construction of trails and utilities is identified and analyzed in the Draft EIR. See also Specific Plan Chapters 5 and 7. The Draft EIR also recommends mitigation measures for any site-specific impacts that may occur during the precise location or construction of those items.

- Project design guidelines, including lighting design guidelines, are provided in Chapter 6 of the Specific Plan as well as the separate Design Guidelines document prepared by the City for the Proposed Project

Response to Comment 17-38:

The City appreciates the commentor's recitation of CEQA and CEQA case law regarding cumulative impacts. The City disagrees, however, with the assertion that the Draft EIR's cumulative impacts analysis is not adequate. On the contrary, the City believes it has complied

with all of the comment's stated and cited requirements for an adequate cumulative impacts analysis. See Response to Comment 17-1; and Draft EIR Chapter 4 and Section 5.1.

Response to Comment 17-39:

The comment claims that the Draft EIR's cumulative impacts analysis is unduly narrow and thus failed to analyze impacts on regional habitat. In fact, the Draft EIR contained that analysis and concluded that "construction of the Proposed Project would result in a considerable contribution to the regional loss of wildlife habitat." See Impact 5.1-20 in Section 5.1.

More generally, the Draft EIR properly defined and described the geographic scope of its cumulative impacts analysis. In doing so, the City followed CEQA's principle that a cumulative impacts analysis "should be guided by the standards of practicality and reasonableness." CEQA Guidelines Section 15130(b). The EIR clearly describes the geographic scope of that analysis as including the entire area covered by the Vacaville General Plan, as well as the Southtown and Rice-McMurtry projects. See also Response to Comment 17-18.

The commentor urges a cumulative impacts analysis that extends well beyond the area in which the Proposed Project could make a cumulatively considerable contribution to a delineable, significant impact. The commentor also urges a cumulative impacts analysis that is well beyond practical or reasonable. For example, the comment states that the EIR should "characterize the biological values of each [valley in an alleged chain of valleys], and the threats to each (*e.g.*, cumulative development and planned development in each valley in the chain)." The EIR for the Specific Plan, however, need not analyze the impacts of every project in the region, as the commentor urges. Rather, CEQA requires the EIR to identify the potentially significant cumulative impacts of this Proposed Project. CEQA defines those impacts as only those to which this Proposed Project makes a considerable contribution to an impact that occurs or increases due to that contribution and the impacts of the other reasonably foreseeable past, present and future project(s). CEQA Guidelines Section 15130. A cumulative impacts analysis thus "should not discuss impacts which do not result in part from the project evaluated in the EIR." CEQA Guidelines Section 15130(b). Development in other valleys or other areas of the region does not result from this Proposed Project. Additionally, the cumulative regional impacts of the buildout of the Vacaville General Plan, including the development of the Lower Lagoon Valley under the 1990 Policy Plan, were analyzed in the General Plan EIR. CEQA does not require reanalysis of such impacts. CEQA Guidelines Section 15130(b)(4).

Accordingly, in addition to being impractical and infeasible, the analysis urged by the commentor is well beyond that required by CEQA.

Response to Comment 17-40:

The scope of cumulative traffic impacts is explained in Responses to Comments 17-18 and 17-27. For projects that are initiated in the future and are inconsistent with regional projections, it is the responsibility of the environmental review for those subsequent project proposals to account for changes in cumulative conditions resulting from their development. The Draft EIR does not speculate as to what future projects might be proposed, beyond those that are reasonably foreseeable, which are included in the cumulative impacts analysis.

Response to Comment 17-41:

The commentor claims that the Draft EIR's cumulative impacts analysis contains conclusory statements. The example provided in the comment, however, is not conclusory. It does, as it must, reach a conclusion — that the impact would be cumulatively significant. Thus, it is unclear as to how the commentor's point supports its overall assertion that the Draft EIR understates the Proposed Project's cumulative impacts.

The commentor also asserts that many of the mitigation measures for cumulative impacts are "unaccountable or poorly defined." The City disagrees. The comment provides on example of a mitigation measure that it believes is inadequate, but that example is taken out of context. Specifically, the measure refers to the Proposed Project design, which is set forth in great detail in the Specific Plan, as well as in Chapter 3 of the Draft EIR. The comment fails to note this, however. Moreover, the mitigation measure recited by the commentor is clearly tied to the Proposed Project and to improving the existing habitat conditions in the Specific Plan area. Those existing conditions are well documented in the Draft EIR, contrary to the commentor's assertion. See Draft EIR Section 4.15, and Technical Appendices N, O. The commentor's assertion regarding insufficient information about resources in other "'islands' in the chain of valleys" ignores the fact that CEQA limits EIRs to analyses that are practical, reasonable and related to the Proposed Project. The discussion of cumulative impacts (Section 5.1-29) on page 5.1-20 assumes the value of such islands of diversity along the Coast Range foothills, irregardless of information we may or may not have concerning their inherent resources, and seeks to ensure their connectivity by incorporating suitable habitat and movement corridors within the project design. See also Response to Comment 17-39.

As to the comment's assertion that the Draft EIR is not adequate because specific storm water best management practices have not been fully identified, please see Response to Comment 17-8 and 17-37. Please also see Technical Appendices I and J to the Draft EIR.

Lastly, the commentor suggests that the Draft EIR does not "explore the full range of mitigation measures," and suggests three measures that should be investigated. The first suggested measure, participation in the HCP and delaying the Proposed Project until the HCP is completed, is contrary to CEQA, is neither feasible or required by CEQA. The HCP is not yet completed or adopted. Thus it cannot be relied on for mitigation. See Response to Comment 15-2. Likewise, modifying the General Plan and adopting an open space mitigation fee are well beyond the scope of the Proposed Project or its impacts, and thus again those are not appropriate mitigation measures. Additionally, a lead agency is not required to investigate, analyze or include in an EIR every last mitigation measure that a commentor might conceive of or suggest.

Moreover, this comment ignores the fact that approximately 1,000 acres of land on the east and south sides of the Specific Plan Development Area were dedicated as permanent open space in conjunction with approval of the 1990 Policy Plan project as mitigation for the project approved at that time, and that the Proposed Project will contribute $1 million for acquisition of habitat for the Swainson's hawk under the terms of the proposed development agreement. That habitat is most likely agricultural land. That in itself is substantial mitigation for the potential cumulative impacts suggested in the comment.

Response to Comment 17-42:

The City appreciates the commentor's recitation of CEQA and CEQA case law regarding requirements for growth inducing impacts analyses. The City believes that the EIR's growth inducing impacts analysis complies with these requirements and is thus adequate. Draft EIR at Chapter 5.2. The infrastructure and road improvements constructed or funded by the Proposed Project directly serve the Proposed Project. See Draft EIR Section 4.5 and Specific Plan Chapters 4 and 6. Accordingly, the construction of those facilities will not support or foster any significant growth.

The Proposed Project will make contributions to the City to support future freeway mainline improvements on I-80. Those contributions, however, are limited to the Proposed Project's fair share as determined by its contribution of traffic on the freeway and the City's traffic impact fee. In other words, the Proposed Project does not itself fund or allow the future improvement of the freeway, but only contributes a portion of that funding commensurate with its impacts. (For that reason, the freeway improvements are not feasible mitigation to fully reduce the Proposed Project's transportation impacts to a less-than-significant level.) Thus, to the extent that improvement induces growth, if any, the Proposed Project's contribution is not significant.

Likewise, all of the other infrastructure anticipated as part of buildout of the Specific Plan is designed and sized to serve only the Specific Plan area (see Draft EIR Sections 4.8, 4.9, 4.10; and Specific Plan Chapters 7, 8, 9). Similarly, the school provided by the Proposed Project will largely serve the Specific Plan, and thus again is not likely to substantially induce growth outside of the Specific Plan area.

The Specific Plan covers and anticipates full "buildout" of the Lower Lagoon Valley. Approximately three quarters of the Specific Plan area, namely the 1,000 acre-plus dedicated open space area and the nearly 400-acre Lagoon Valley Regional park areas, is permanently restricted from development. Thus, the EIR analyzes all anticipated development of the area, and implementation of the Specific Plan will limit development to that analyzed in the EIR. Indeed, the purpose of the Specific Plan is to identify and plan for all such anticipated development.

The business park portion of the Proposed Project will generate new employees. The residential portion of the Proposed Project, however, will substantially add to the housing stock. Thus, on balance, the new employment created by the Proposed Project will not induce substantial growth.

Response to Comment 17-43:

The City appreciates the commentor's recitation of CEQA and CEQA case law regarding mitigation measures. The City disagrees, however, with the assertion that the Draft EIR improperly defers mitigation. See Responses to Comments 17-8 and 17-41.

Response to Comment 17-44:

The City disagrees that it has impermissibly deferred mitigation. See Responses to Comments 17-8, 17-41 and 17-43. Moreover, as the commentor notes, mitigation measures are finalized and adopted or rejected by the City Council at the time the Council considers the Proposed Project, not at the time the City publishes the Draft EIR. Accordingly, many of the measures the commentor claims are being deferred are actually properly on schedule to be

finalized and adopted in accordance with CEQA. Additionally, as part of this Final EIR process, the City is modifying mitigation measures as suggested by commentors. See Chapter 2 for a revised Summary of Impacts and mitigation measures.

Response to Comment 17-45:

The City appreciates the commentor's recitation of CEQA and CEQA case law regarding mitigation measures. The City disagrees, however, with the blanket statement that it has not considered mitigation measures for a variety of impacts. See Response to Comment 17-44. Although the commentor lists six impact areas in which it believes additional mitigation may be warranted, it only actually suggests two additional mitigation measures. Both measures — an affordable housing program and an open space fee program — are well beyond the scope of this Proposed Project or its impacts, and are policy matters that the City Council may or may not wish to take up in its general duties of governing the City. Moreover, the open space fee program suggestion ignores the fact that approximately 1,000 acres of the Lower Lagoon Valley have already been placed in a permanent conservation easement and that the Specific Plan will result in the contribution of over $4 million for the future improvement and maintenance of parks and $1 million for Swainson's hawk mitigation.

The City also disagrees with the assertion that the Draft EIR should conclude that the impacts listed in the comment are significant and unavoidable. The City does note that the commentor disagrees with the EIR's conclusions as to the significance of these impacts. Disagreement with an EIR's conclusion, however, does not render the EIR inadequate. Additionally, the commentor appears to look only to the Draft EIR itself for all evidence of the potential significance or insignificance of these impacts. As CEQA directs, the EIR includes the primary discussion of impacts and all impact conclusions, but the supporting technical studies and other evidence are not in the EIR itself. CEQA Guidelines Section 15147; *see also* Draft EIR at Volume II (containing twelve separate, detailed technical appendices); Specific Plan; General Plan EIR.

Finally, the commentor is mistaken in stating that the feasibility and effectiveness of mitigation measures must be determined in the EIR. Those aspects of mitigation are analyzed in the EIR,. The final determinations are made by the decision maker at the time of Proposed Project approval based on the information in the Final EIR as well as the entire administrative record.

Response to Comment 17-46:

The City appreciates the commentor's recitation of CEQA and CEQA case law requirements regarding alternatives analyses. The City believes that the EIR's analysis of alternatives complies with all of these criteria. Regarding off-site alternatives, please see Response to Comments 15-7. Regarding delaying consideration of the Proposed Project until an HCP is completed and adopted, please see Response to Comment 15-2. Regarding a methodology for developing alternatives based on a constraints map, the City believes that the methodology used to identify the alternatives analyzed in the EIR meets CEQA's requirements because it too was geared toward identifying alternatives that reduce or avoid potentially significant impacts, including avoiding high value habitat areas. See Draft EIR Chapter 6.

Response to Comment 17-47:

The City disagrees that the Draft EIR includes numerous deficiencies that would render the EIR inadequate under CEQA. See Responses to Comments 17-1 through 17-46 and 15-1.

April 19, 2004

Attn: Fred Buderi

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

By FAX:

Re: Comments on Draft Environmental Impact Report (DEIR) for the Proposed Lower Lagoon Valley Specific Plan; SCH No. 2003032063

Submitted by the California Native Plant Society (CNPS), Willis L. Jepson Chapter

Dear Mr. Buderi,

In reference to Biological Resources, Special Status Species (Section 4.15-8 through 4.15-22, V.1) The California Native Plant Society believes that the DEIR for this project is inadequate under CEQA requirements. 18-1

The DEIR fails to provide sufficient information to enable informed decision-making by the City, the public, and the permitting agencies. The information provided in the DEIR, concerning Special Status Plants is confusing and misleading.

Loss and degradation of rare plant populations.4.15-7
CNPS comment:
Surveys taken at the wrong time of year and publication of such incomplete data as a basis for evaluation of the special status species is misleading and inadequate under CEQA.
According to the DEIR, biological reconnaissance surveys were conducted on July 17th, 2003 (LSA Associates), July 24th, 2003 (EIP Associates), August 5th, 2003 (LSA), August 14th, 2003 (LSA) and September 17th, 2003 (EIP). According to the DEIR, information gained from the California Natural Diversity Database (CNDDB) and a letter from the United States Fish and Wildlife Service (USFWS) (Dec. 15th 2003), describes 24 (this number was later changed to 32) native plant species of special concern which have the potential to occur in the vicinity of the Specific Plan area. Suitable habitats are considered to exist on and around the project site. Eighteen of these special status plants were removed from further consideration by LSA (Table 4.15-2) with the accompanying statement that there was no potential for them to occur within the vicinity of the Specific Plan (4.15-9, V.1). Finally, the nine remaining species of special concern (this number was later changed to 8), which were determined to have the potential to occur within the Specific Plan area, were re-evaluated as to the likelihood of their occurrence. 18-2

Of the nine special-concern plants listed by LSA, seven species grow and bloom in the spring, in response to winter rainfall. Four species are annual herbs, which mature in a single growing season, set seed, and die back during the summer. 2 are bulbiferous herbs, which also die back during the summer. The reconnaissance surveys were conducted in the dry months from mid-July, 2003 to late September, 2003.

Why were the only preliminary surveys taken during the dry months? Why were there no surveys made when the plants of concern would be more evident and observable?

Mitigation measures, avoidance strategies, conservation and management plan for Rare Plants in and around the Project Area are inadequate because the surveys are incomplete.

Section 4.15-p.42
"Loss of individual special-status plants or their habitat as a result of project development would constitute a *significant impact.* "
The follow-up documentation in Technical Appendix N, (Volume 2 of the DEIR), LSA states "No special status plants were observed during the reconnaissance survey, and it is unlikely any of the nine special-status plants will occur on the property" (Sept., 2003). Yet a follow-up reconnaissance survey performed by EIP Associates in September, 2003 observed one of the nine listed plants, *Atriplex joaquiniana,* (noted as existing outside the project area). The project applicant has stated that the project area (which includes areas adjacent to the project site) could be affected by the development or by development infrastructure. 18-3

CNPS Comment:
Atriplex joaquiniana is dependent upon Pescadero clay soil and is most likely a remnant Vernal Pool species and it should be noted that Pescadero clay does exist on the proposed project site (4.12-9, Geology and Soils, V.1). The project area containing Pescadero clay should be re-surveyed for rare plants associated with this soil type.

As part of the DEIR additional botanical surveys should be conducted in the spring, when spring-blooming species would be evident. All of the assessments concerning any potential special status plants were made based on surveys taken during the wrong time of year. Keeping in mind that timing of botanical surveys should be based on the amount and timing of winter rainfall, preliminary botanical surveys should be initiated at the appropriate time in the spring, when plants are growing and in flower, rather than during the summer, when many grassland and vernal pool species may not be in evidence. Follow-up surveys can be taken during the summer and fall to confirm the presence of other species with different bloom times. LSA's assessment of the natural resources in Lagoon Valley is incomplete, and by their own admission (Technical Appendix N), "new rare plant surveys will be needed to determine whether spring-blooming rare plant species are present". 18-4
Why were the spring surveys not completed as part of the current DEIR, which is now under review?

Additional surveys must be undertaken for the DEIR to conform to CEQA. The DEIR is inadequate due to the incomplete surveys, therefore potential impacts and mitigation strategies are also inadequate.

Important Rare Natural Plant Communities
Incomplete information concerning California Grasslands species 4.15-3
Although the Project area has been heavily disturbed and most species observed in the reconnaissance surveys were non-native, invasive weeds, two species that were observed during surveys include remnant and rare native grassland communities, containing *Leymus triticoides* Alliance (or Creeping Wildrye Alliance) and *Nassella pulchra* Alliance (or Purple Needlegrass Alliance). These native species have not been identified in size, number or extent in the DEIR. Since this information is incomplete, there is inadequate information concerning potential impacts and mitigation strategies for rare native grassland communities. CNPS would like to see the Project Applicant develop a plan to enhance or restore these important native plant communities. 18-5

Loss of Seasonal Wetlands: 4.15-6
According to the DEIR, wetland surveys were completed in August, 2003. The extent of seasonal wetlands is under reported due to the poor timing of the surveys. Therefore the presence of Species of Concern associated with wetlands is under reported as well. This is incomplete information and inadequate in terms of CEQA. 18-6

Why were the preliminary wetland surveys not taken during the spring, when the full extent of the wetlands would be more evident?

Loss of Oak Woodlands: 4.15-8
Construction of the Proposed Project could result in the loss of Oak Woodland/Savannah, individual oak trees, and other protected trees.
The project applicant states that "it is not possible to determine accurate impacts to Oak woodland/Savannah or individual tree resources from project implementation" (4.15-43). Applicant admits that some Oak woodland/Savannah and individual trees (Valley Oak and Interior Live Oak) would be lost due to offsite infrastructure requirements and proposes that a 5:1 ratio for native oaks and 2:1 ratio for other tree species would be appropriate as a replacement of the plant community and habitat. (This being consistent with the City of Vacaville's Tree Preservation ordinance.) They conclude that any impacts would be ***less-than-significant*** and no mitigation measures would be required.

CNPS Comment:
Mature oaks and Oak woodlands cannot be "replaced" by a 5:1 ratio due primarily to the length of time needed for the species to reach maturity (100-200 years). Furthermore, wildlife depends upon mature oaks and mature oak stands. Removal of oaks will have a significant impact upon the wildlife. **Since no adequate surveys were completed for oaks and oak woodlands, the DEIR does not provide complete information concerning potential impacts and mitigation strategies.** For more information about the impact of Oak and Oak woodland removal, see the USDA Forest Service web site about the aforementioned oak species. http://www.fs.fed.us/database/feis/plants/tree/quelob/all.html. and http://www.fs.fed.us/database/feis/plants/tree/quewis/all.html

Why were arborist surveys not completed <u>during</u> the preliminary DEIR process rather than being proposed as still needed?

Pending legislation pertaining to Oak Woodlands:
Senate Bill 1334:
SB 1334 (Kuehl) would require oak woodlands conversions to be subject to CEQA and to be mitigated. It would do so by requiring all 58 counties in California to adopt oak woodlands management plans and ordinances that require a discretionary permit for oak woodland conversions and set a minimum mitigation standard.

Oak woodlands" means a tree habitat with five or more oak trees per acre, except for valley oaks that include one or more trees per acre.

"Conversion" of oak woodlands means cutting or removing 30 percent or more of the canopy from an oak woodland and changing the land use so that the converted acreage will not sustain oak species functioning as a biological unit in the future, or undertaking an activity within the dripline of an oak tree in order to convert the land into another use.

What are the applicant's long term management plans for oaks and oak woodlands on the project site?

What type of follow-up and monitoring program will the project applicant put in place to insure the survival of oaks and oak woodlands?

18-7

CEQA Article 7, Section 15086
The statutory requirements for consultation with other public agencies and the authority to consult with people who have special expertise concerning the environmental effects of the project have not been fulfilled by the project applicant in the DEIR.

18-8

Potential for harmful pathogens in Project Area:
The project applicant has made no reference to Sudden Oak Death (SOD) or other plant pathogens that may be associated with the Hines Nursery site on the eastern portion of the project site. The SOD

18-9

pathogen, *Phytophthora ramorum,* is known to infect a wide a variety of commercial nursery stock plants. Also other soil-borne *Phytophthora* species commonly occur in commercial nurseries and can infest the soil for extended periods of time, The likelihood that one or more soil-borne plant pathogens are present in the soils at the nursery site is high. This area will be graded and the soil materials including any biological contaminants will likely become distributed within, around, and beyond the project area. The DEIR needs to include an analysis of impacts associated with this activity. Assessments of soil contamination must be made prior to finalizing the DEIR, or the DEIR must assume that the soil is highly contaminated and should specify mitigation measures needed to prevent wholesale contamination of the valley with these plant pathogens. 18-9

What type of plant pathogen assessment, mitigation measure, follow-up and monitoring program will be put into place?

Loss of Riparian Plant Community and habitat 4.15-9
Loss of Riparian plants will diminish the habitat. A 1:1 replacement is inadequate due to well-developed habitat dominated by mature trees and understory. Erosion, sedimentation and aggressive weed growth on Project site. The DEIR did not clearly identify and describe impact to the Riparian habitat. The DEIR did not clearly identify mitigation measures or avoidance strategies to make the impact ***less-than-significant***. 18-10

Landscaping for the proposed development:
There is no landscaping plan or plant list included for the proposed development in the DEIR. The Project Applicant needs to include a landscaping plan with maps and an appropriate plant list. CNPS will be happy to provide the Lead Agency with a list of appropriate native or non-invasive, non-native landscaping plants. 18-11

Weed Management:
There is no plan for weed management for the proposed development project in the DEIR. 18-12

CNPS Summary Statement:
The Biological Resources Section in the DEIR for the Lower Lagoon Valley Development is incomplete and therefore unsatisfactory in it's descriptions, assessments of impacts and proposed mitigation measures. While the DEIR addresses the rare plants and rare plant communities in vague generalizations, they do not fully address the types and extent of the rare plants and natural communities. Rare plant, riparian, and wetland plant communities need to be better defined, as well as the rare native grasslands and oak woodlands. Further, the DEIR has not adequately addressed the significant impacts to the rare natural communities and plants, and they have not adequately addressed the avoidance and/or mitigation measures so that the impacts are less-than-significant. 18-13

CNPS recommends more scoping by the City of Vacaville to avoid potential problems and to resolve the concerns raised in this comment letter. In addition, specific attention needs to be given to weed abatement measures and management. Finally, specific actions described in this letter should be undertaken in order for the DEIR for the Lower Lagoon Valley development to satisfy CEQA.

Thank you for your attention to these issues.
Sincerely,

Mary Shaw
California Native Plant Society, Willis L. Jepson Chapter

COMMENT LETTER 18: California Native Plant Society

Response to Comment 18-1:

The City respectfully disagrees that the Draft EIR is inadequate under CEQA or that it fails to provide the decision-makers, public and agencies sufficient information. See Responses to Comments 15-1 - 15-10, 17-1 - 17-47. See Responses to Comments 18-2 through 18-13 concerning the Special Status Plant information provided in the Draft EIR.

Response to Comment 18-2:

Surveys conducted for the Draft EIR were not intended to fulfill protocol level rare plant surveys. The intent of these surveys was to identify project area habitats, and to make an assessment of that habitat and its ability to support those species. The Draft EIR clearly recognizes that the surveys were not conducted during the bloom period for these species, and as one of the required mitigation measures, the applicant will be required to retain a qualified botanist to conduct a rare plant survey. Mitigation Measures 4.15-7(a) through 4.15-7(c) address avoidance, conservation and replacement of plants that could be affected by the Proposed Project.

Response to Comment 18-3:

It is noted that additional special-status plant surveys are needed in areas containing the Pescadero Clay soil type. See Mitigation Measure 4.15-7(a), which requires protocol level plant surveys on the entire site prior to construction, and provides appropriate mitigation should any special-status species be found.

Response to Comment 18-4:

The City disagrees that the Draft EIR must be delayed while additional plant surveys are completed. First, the plant surveys that have been completed were appropriate and adequate to determine the general presence and extent of special status plants on the property. As the commentor notes, the potential presence or absence of plants is generally determined through an analysis of soil types and other conditions, which are present year round. Second, it is appropriate under CEQA to rely on surveys done after an EIR is certified but before a project is constructed, as long as there is a feasible plan in place to mitigate the impacts of any items that may be found during the survey. See Responses to Comments 17-8, 18-3. Pre-construction surveys are most effective because they ascertain the most current conditions at the time the impact may occur. The Specific Plan also includes more than 1,000 acres of permanently protected open space and other design measures that avoid most special-status species and sensitive habitats. See the Specific Plan Chapters 2, 3, 5, 7, 9.

See also Response to Comment 18-2 that addresses the need for additional special-status plant surveys. Also, as explained in Response to Comment 18-3, the Draft EIR proposes mitigation for all potential impacts to special-status plant species.

Response to Comment 18-5:

Native grasses that were observed during surveys conducted for and described in the Draft EIR consisted of scattered individuals and very small stands within a grassland community that was otherwise populated by weedy introduced annual species. Since these individual plants do not

form a contiguous population or community, no restoration plan is proposed. It is known that native grass communities exist in the hills above the Specific Plan Area, but these areas will remain in open space and not be affected by the Proposed Project.

Response to Comment 18-6:

The comment asserts that seasonal wetlands are under reported due to the timing of the survey. Seasonal wetlands can be recognized, and the wetland boundaries can still be delineated, even when dry because the delineation is based on soil types, vegetation and soil markings, which are present year round.

Dry season identification/delineation of seasonal wetlands is possible because seasonal wetlands (including vernal pools) leave distinct evidence of their presence through topography, hydrology and vegetation patterns that are visible long after the pools themselves have dried. For this reason, the Corps does not require that wetland delineations be done during any particular time of year, and regularly accepts delineations of seasonal wetlands that were conducted during the dry season.

Wetland boundaries will be finalized and approved during the verification of the wetland delineation by the Corps. the existing delineation has been submitted for verification. In any case, the Draft EIR has proposed and analyzed feasible mitigation measures for all potential wetland impacts.

Response to Comment 18-7:

The extent of oak woodland savannah is documented in the Draft EIR, Section 4.15-8 and is identified on a biological resources map as Draft EIR Figure 4.15-1. By overlaying the project footprint on oak woodland savannah resources, this figure (4.15-1) clearly indicates potential project impacts on this resource. One can also see in this figure, that the majority of oak woodland savannah is outside the proposed development area. Draft EIR Technical Appendix J discusses further information about the oak woodlands present in Lower Lagoon Valley. The City considers replacement plantings a mitigation measure that can reduce the level of impact associated with removal of oak woodland areas. In this case, the City believes that the impact to oak woodlands will be minimal, based upon the design of the project and the policies contained in the Specific Plan and Vacaville Municipal Code. The Specific Plan incorporates policies 5.1.10 through 5.1.14 addressing the tree protection standards and methods to be incorporated into specific project designs within the Specific Plan area. The Specific Plan establishes the standards with which future specific project designs would comply in order to be constructed within the Lower Lagoon Valley area. Specific Plan Chapter 5, Section 5.4.3.1 establishes the proposed management program for specific resource types, including oak woodlands. The resource surveys done for the Draft EIR provide adequate information for identifying the location of oak woodlands and for understanding the potential effects from proposed land uses on these woodlands. The Specific Plan has been drafted to incorporate oak woodland protection strategies and replanting concepts (landscaped berm to be landscaped as oak woodland) and thus the City concludes that impacts to this resource will be less-than-significant.

See Response to Comment 16-3 that addresses the timing of the arborists report.

Response to Comment 18-8:

The City circulated a Notice of Preparation to solicit comments on the scope of the EIR to agencies and the public on March 13, 2003. A scoping meeting was held on March 18, 2003. CEQA Guidelines Section 15086 describes requirements for the lead agency to consult with and request comments on the Draft EIR. Section 15086(b)(1) states that the lead agency may consult directly with "any person who has special expertise with respect to any environmental impact involved." The City did directly obtain comments on environmental impacts from persons who responded to the Notice of Preparation and who spoke at the scoping meeting. Those comments on the Notice of Preparation are included in the Draft EIR as Appendix B. The Draft EIR expressly responds to those comments, as explained at the beginning of each analysis section. The City has fulfilled it's statutory requirements under CEQA Guidelines section 15086.

Response to Comment 18-9:

Mitigation measure 4.13-3(a) requires that soils at the nursery site shall be tested for pathogens prior to grading.

If found above background levels, agency (DTSC) protocols will be followed to prevent the spread of any such substances. Measures may include treatment of soils and/or removal, stockpiling and storage of those soils at an approved site.

Response to Comment 18-10:

The majority of the riparian habitat in the Specific Plan Area will be preserved in place (Draft EIR, Section 4.15-9. The Specific Plan, Resource Management Program (Specific Plan Section 5.4.2.1) proposes to preserve all natural riparian corridors within the development area, and to re-align and reconstruct the riparian areas that consist of previously modified roadside ditches (e.g. along Lagoon Valley Road). Buffers of 100 feet from the edge of riparian vegetation from development and 50 feet from the edge of golf course greens will be maintained to preserve the integrity of the existing riparian habitat. The riparian habitat that will be subject to removal is of marginal quality and consists of young willows and cottonwoods that grow along a channelized ditch. This waterway will be rerouted to a more natural configuration and then revegetated with native riparian species. This may result in more and higher quality riparian habitat than exists today.

Response to Comment 18-11:

Specific Plan Figure 5-4 proposes landscape concepts for various parts of the Specific Plan area. The Specific Plan identifies design concepts for various landscape buffers throughout the Specific Plan area. Specific Plan policies in Section 5.5 identify strategies and actions, including protocols for use of native plant materials and for sustainable landscaped principles to be followed in the Plan area. Final detailed landscape plans would be required at different stages of project approvals. The City acknowledges and accepts the CNPS' offer of a list of appropriate landscape materials.

Response to Comment 18-12:

The policies for Resource Management (Specific Plan, Chapter 5, Section 5.1) identify strategies for encouraging native plant materials.

Response to Comment 18-13:

Please see Responses to Comments 18-2 through 18-10.