

Fred Buderer

From: Kami McBride [kami@livingawareness.com]
Sent: Wednesday, April 07, 2004 10:03 AM
To: LVDevelopment@ci.vacaville.ca.us
Subject: Lagoon Valley question

Hello,

We are very concerned about the lack of addressing the cherry glenn road interchange. That road structure cannot handle the proposed development. What is being proposed to address the severe increase in traffic?

47-1

There are wild violets all over lagoon valley, they are not mentioned in the DEIR and they are the home of the larvae for the endangered silverspotted butterfly. Why hasn't the plant life been more thoroughly surveyed?

47-2

There are also vernal pools and vernal pool plants in Lagoon Valley, why haven't these been more thoroughly surveyed?

47-3

These are some of the plants that have been identified in Lagoon Valley

- | | | |
|---|---|------------------------------|
| x | <i>Bromus hordeaceus</i> | Soft brome |
| x | <i>Cotula coronopifolia</i> | Brassbuttons |
| x | <i>Cressa truxillensis</i> | Spreading alkali-weed |
| x | <i>Dipsacus fullonum</i> | Teasel |
| x | <i>Downingia pulchella</i> | Flatface calicoflower |
| x | <i>Eleocharis macrostachya</i> | Creeping spikerush |
| x | <i>Epilobium cleistogamum</i> | Cleistogamous spike-primrose |
| x | <i>Eryngium species</i> | coyote-thistle |
| x | <i>Frankenia salina</i> | Alkali heath |
| x | <i>Geranium dissectum</i> | Cut-leaved geranium |
| x | <i>Hemizonia fitchii</i> | Fitch's spikeweed |
| x | <i>Hordeum brachyantherum</i> | Meadow barley |
| x | <i>Hordeum marinum ssp. gussoneanum</i> | Mediterranean barley |
| x | <i>Juncus balticus</i> | Baltic rush |
| x | <i>Juncus bufonius</i> | Toad rush |
| x | <i>Lasthenia glaberrima</i> | Smooth goldfields |
| x | <i>Limosella acaulis</i> | Mudwort |
| x | <i>Lolium multiflorum</i> | Ryegrass |
| x | <i>Lotus corniculatus</i> | Birdsfoot trefoil |
| x | <i>Lupinus bicolor</i> | Bicolored lupine |

47-4

- x *Lythrum hyssopifolium* Hyssop loosestrife
- x *Picris echioides* Bristly oxtongue
- x *Plagiobothrys stipitatus* Slender popcorn-flower
var. *micranthus*



47-4
Cont.

Thank you,

Kami McBride

COMMENT LETTER 47: Kami McBride**Response to Comment 47-1:**

Impacts to the freeway overcrossing are analyzed in the Draft EIR and are identified as less-than-significant (Draft EIR, 4.5-15, 16). The intersection of Pena Adobe Road/I-80/Rivera would experience potentially significant impacts. Mitigation Measures 4.5-1 (a) and (b) are identified in the Draft EIR to reduce this impact to less-than-significant levels (see Impacts 4.5-17 and 4.5-18).

Response to Comment 47-2:

No sightings of Silverspot butterfly in Lagoon Valley have been reported. Although wild violets, which provide habitat for the Silverspot, were not observed during the surveys for this project, additional rare plant surveys may reveal their presence, if indeed they occur there. If wild violets are discovered, a qualified biologist shall be retained to conduct a focused survey for Silverspot butterfly during the appropriate season when the species is most likely to be observed. If found, avoidance of the habitat or other mitigation for loss of habitat shall be negotiated with the appropriate agency.

Response to Comment 47-3:

See Response to Comment 15-3 that addresses additional wetland surveys and potential effects to vernal pools.

Response to Comment 47-4:

It is noted that the commentor has provided a list of some of the plant species that have been observed in Lagoon Valley. A similar list of plant species that were observed during the biological surveys of the project site is provided in the Draft EIR (see Appendix A in LSA, 2003a). The list provided by the commentor is overall, smaller than that provided in the Draft EIR, but does include some common species that are more readily identified during the wet season. As the surveys conducted by both LSA Associates and EIP Associates were conducted outside of that season, these species were not observed.

Fred Buderl
City of Vacaville
Community Development Department
Vacaville, CA 95688

RECEIVED

APR 09 2004

CITY OF VACAVILLE
PLANNING DIVISION

RE: Lower Lagoon Valley Specific Plan Draft EIR, Triad Communities, applicant

After reading the *Lower Lagoon Valley Specific Plan, Volumes One and Two*, I find that important information has been omitted or deferred until a later date in violation of CEQA (California Environmental Quality Act). The drainage plan is probably one of the most important sections of this report and the final plan has been deferred for a later study. Another example of omitted information is the final result of the preliminary geotechnical study related to the Lagoon Valley Fault, which was issued in a separate letter. It is not in the report. I've enclosed the cover page of the ENGEO report and the reference to the missing letter. Many of the geologic mitigations for possible earthquake damage, soil shifting and liquefaction will be not be performed until after the project is approved and construction starts . Vacaville has not completed Vision 2025 or the planning for the public portion of Lagoon Valley Park.

48-1

48-2

48-3

The residents of Vacaville have been repeatedly told that the proposed Triad project would result in a benefit to the community yet nowhere in the DEIR is a copy of the Development Agreements so that residents can decide for themselves whether having a subdivision in the Lower Valley will be worth the negative impacts documented in this report. For instance, we were told that this community would result in more jobs, specifically 3000 jobs. There is no analysis of whether these are part-time or full-time jobs. If they are construction related, will Vacaville residents be given priority for these jobs. No mention is made of what housing will be available for recipients of these new jobs. There is no mention in the project plan pricing for these homes and the mix seems to start with moderately expensive and progress to very expensive. Affordable housing does not seem to be in the mix.

48-4

Attorney General Bill Lockyer's office has recently written the Placer County supervisors expressing strong concerns about their recent approval of the Martis Valley Community Plan(Sacramento Bee 3-15-04) One of the concerns is whether their plan adequately addresses affordable housing. The letter states that "It is at best inadvisable to approve a project that will generate thousands of low-wage jobs and not ensure that adequate housing for those workers will be provided," The letter goes on to state that the EIR "does not analyze the potential environmental impacts of the full level of development that is allowed under the Martis Valley Community Plan." It was also stated in this letter that "The (project) embodies the opposite of 'Smart Growth,' which requires that jobs and housing be located close together," The same could be said for the proposed Lagoon Valley project. Will there be an increase in businesses activity, churches and jobs or will this just be a

48-5

48-6

transfer of locations and people leaving vacancies in town? As far as benefits to existing businesses in town, will residents be shopping in Vacaville or Fairfield? Most users of the park agree that the proposed pumping station on the public portion of the park, will not constitute an "improvement." The pumping station in that location should be included in the EIR scheduled for the public park.

48-6 Cont.

48-7

The DEIR did not adequately address the traffic impact since it did not address the vast area of Dixon and Fairfield land adjacent to Vacaville that is scheduled for development (*The Reporter*, 3/11/04). When these scheduled projects are built out, there will be little justification for the project in Lagoon Valley except vanity. The Southwest Specific Plan area is the largest residential and commercial tract of land ever to be developed in the Dixon community. Even without taking into account the huge increase in traffic that will be generated by the Dixon project, the Triad project traffic will cause degradation for an acceptable to an unacceptable LOS for both highway 80 and at diverge locations near freeway off-ramps. Fairfield has begun planning for the 436 acre *Villages at Fairfield* project, just down the roads for Lagoon Valley, which will include 11,000 square feet of shopping, a 628 unit shopping complex and potentially 2,350 new housing units according to the *Vacaville Reporter*, 3/19/04. Most of the negative impacts of this traffic can not be mitigated by either the City of Vacaville or the developers, but will fall under the purview of the State. It is entirely possible that given California's current economic climate, the Department of Transportation will not be able to address this problem either leaving the residents of Vacaville to suffer the consequences and making Vacaville a less desirable place to commute or live

48-8

As far as funding for Park improvements, There is no estimate of how much money will be given the city in a lump sum and how much will be dribbled out in impact fees as the Valley slowly is developed a couple of hundred homes at a time. The residents deserve to see what commitments have been made by this developer. Planning for Lagoon Valley Park area has been deferred for a later date and the public has been left with the impression that Triad will be paying for most of the proposed park improvements. As was made clear in the public meetings, grants will have to be obtained by the City of Vacaville for many of the improvements and most of the money from Triad will be allocated for dredging the lagoon, infrastructure for police and fire personnel, a school and other amenities that would not be needed if the subdivision and commercial development weren't approved.

48-9

Although the DEIR states that the proposed project area is located within areas designated by the Vacaville General Plan as a moderate to extreme fire hazard zone, and states that people and structures could be exposed to a significant risk of loss, injury, or death as a result of wildland fires. Section 4.9-3 explains that the Vacaville Fire Protection District, unlike the City's fire department, is a volunteer resource and is not staffed 24 hours a day, seven days a week. It goes on to state that the Dixon and Fairfield stations are too far away to be first responders and they only help with second alarm specialty incidents when multiple units over a longer period of time are needed. The Proposed Project will provide

48-10

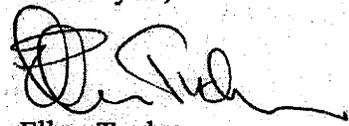
an additional combination fire/police station to be staffed and equipped with a minimum of one engine, a wild land unit, a medic unit and a three person crew, but does not state if these are volunteers or if they will be staffed 24/7 or even if one engine would be adequate to address a large fire in the hills. Mitigation fees will be required to fund the station. The station would not be required until the approval of the 200th residential building and would not be completed until the completion of the 400th dwelling unit. As stated by the report, the Proposed Project would increase the demand for fire protection services that could exceed the capacity of existing or planned services and facilities.

48-10
Cont.

Vacaville has yet to ratify its Vision 2025 plan with its annexation of 4,000 acres. Many of these yet to be annexed areas could serve as locations for Triad's project. After reading the 2004 DEIR for Lagoon Valley, I would like to express my preference for any of the six alternatives to Triad's project with the exception of Alternative 2. I do not believe that enough alternatives were explored in the DEIR and I request that Alternative 6, the off-site alternative be expanded to include any of the soon to be annexed portions of Vacaville. To date, there has been little objection to proposed development in these areas and I feel that an acceptable section of land can be found for the Triad development. The alternative section needs to be reworked to include other areas for development. As section 6.3 concludes, the No Project/No Development Alternative is the environmentally superior alternative. Lagoon Valley in it's unimproved state is our most unique and valuable resource and therefore if development is needed, the off-site alternative, Alternative 6 is the next preferred choice.

48-11

Thank you,



Ellen Tucker
368 Clareshastle Way
Vacaville, CA 95688

attachment: Request for copy of ENGE0 letter referred to on page 4 of DEIR

**COMMERCIAL DEVELOPMENT
LAGOON VALLEY**

VACAVILLE, CALIFORNIA

SUBMITTED

TO

TRIAD GROUP

VALLEJO, CALIFORNIA

PREPARED

BY

ENGEO INCORPORATED

PROJECT NO. 5489.2.003.01

AUGUST 14, 2003

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THE EXPRESS WRITTEN CONSENT OF ENGEO INCORPORATED.**

A postulated concealed fault, known as the Lagoon Valley fault has been mapped (1973), and Graymer (2002), shown to traverse the northeastern portion of the site, as shown on Figure 2. This fault has been mapped as two subparallel traces to the south of the site. The westernmost extension of the fault trace has been mapped as concealed by the underlying sediments of Lagoon Valley. Also, a mapped eastern trace is shown to the south of the subject site. Anderson Geotechnical Consultants (AGC) previously performed geologic exploration where the fault had been previously mapped to the south (1990), projecting where the fault had been shown to extend as a concealed feature across Lagoon Valley. The AGC study found no evidence of the extension of the fault as previously mapped by others. Additionally, in June 2003, ENGEO performed a preliminary geotechnical study of the Lagoon Valley Residential/Recreational Development located immediately adjacent to the site of the proposed planned commercial development area. The June 2003 ENGEO study included further geophysical evaluation of the previously mapped concealed fault trace using seismic refraction methods for any suggested evidence of anomalies possibly related to a concealed fault requiring further exploration. No evidence suggestive of faulting within alluvial soils was identified in the supplemental geophysical work. Based on previous work by AGC and findings of the recent ENGEO study, it was concluded that there were no indications of potentially active fault traces traversing the planned residential development area, as previously postulated.

It should be noted that concurrent with this study, ENGEO performed additional geotechnical exploration also traversing the alignment of the previously mapped concealed fault trace to evaluate any evidence suggestive of faulting (Figure 4). According to preliminary geotechnical results, these seismic lines showed no discernable anomalies suggestive of fault traces within alluvial soils. The final results will be issued in a separate letter. Based on the geotechnical information, it is concluded that no indications of active or potentially active fault traces exist within the planned commercial development area, as previously postulated.

COMMENT LETTER 48: Ellen Tucker**Response to Comment 48-1:**

The City respectfully disagrees that the Draft EIR is inadequate under CEQA and fails to provide the decision-makers, public and agencies sufficient information. As described in Section 4.11, Hydrology, Drainage, and Water Quality under Impact 4.11-1, a preliminary drainage study provided a conceptual plan to identify the approximate mitigation for increased flows and volumes as a result of the Proposed Project development. As stated in Mitigation Measure 4.11-1(a), a Storm Drainage Master Plan (SDMP) would be prepared prior to approval of a tentative subdivision map for the Proposed Project. The SDMP would provide detailed information on drainage facilities and features to mitigate increased flows and volumes from the project site. Please also see Response to Comment 37-4.

Regarding the acceptance of mitigation measures for the Proposed Project by the City, please see Response to Comment 17-23.

Response to Comment 48-2:

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 regarding geologic and soil conditions. The comment states that the Draft EIR is missing a reference regarding geotechnical results of a seismic study. The comment refers to a letter from Norcal Geophysical Consultants, Inc. to ENGEQ, Inc., *Addendum to Preliminary Geotechnical Exploration – Seismic Refraction Survey*, dated August 28, 2003. That letter was provided in Volume 2 of the Draft EIR in Appendix J. The City agrees with the comment that geologic-related mitigation measures would be implemented upon project approval. However, as stated in Section 4.12, Geology and Soils, mitigation measures would occur prior to, concurrent with, and after construction activities.

Response to Comment 48-3:

On July 22, 2003, the Vacaville City Council voted to discontinue the Community Visioning process called "Vision 2025".

The planning for Lagoon Valley Regional Park was initiated by the City Council in 2003. The planning process is still in progress and no specific proposals have been made as of the time of the preparation of the Draft EIR. As noted in the Draft EIR, Section 4.3-2, this park planning process will continue regardless of what action is taken on the Specific Plan.

Response to Comment 48-4:

This is a comment regarding the relative benefits of the Proposed Project, and not a CEQA issue. However, the City has prepared a fiscal impact analysis, available from the Community Development Department and on the department's web-page, to examine the project's effect on City finances. The report determines that the development anticipated by the Specific Plan would produce a net fiscal surplus for the City, both in the short term and with full build out. The estimate of 3,000 jobs is based on the amount of office space permitted by the proposed plan. These would be a mix of office jobs. This figure would be in addition to the construction jobs that would be generated for the project, but the City has no estimate for the numbers of these jobs, except for purposes of estimating air and noise impacts.

Housing prices are also not a comment on the adequacy of the environmental analysis. However, one of the goals of the project is to create an executive housing area. This goal is based upon the City Council's adopted Strategic Plan, which identifies the Lower Lagoon Valley project as an appropriate location for achieving this particular economic development goal (please see Strategic Plan Status Report, 10/28/03). The project does provide a wide variety of single-family homes on very small to very large lots. Approximately 19% of the residences will be on small lots (approx. 3,600 square foot lots or less) or townhomes.

See also Responses to Comments 17-36 and 48-6.

Response to Comment 48-5:

This comment does not address the content or adequacy of the Draft EIR, but compares the Proposed Project with the circumstances surrounding a project in Placer County. Accordingly, no further response is required. This comment will be forwarded to the decision makers for their consideration of the Proposed Project.

Response to Comment 48-6:

This comment characterizes the proposed Specific Plan as the opposite of "Smart Growth," "which requires that jobs and housing be located close together." The commentor's vision of specific characteristics that would provide the proper mix of housing and jobs at the proper distance from each other are not described. The City's General Plan does not require a certain mix of jobs and housing.

As additional information on this issue, the Proposed Project would provide, at build-out, a maximum of 1,325 homes and approximately 3,736 jobs. This jobs figure is based on the General Plan's estimate of approximately 1 job/275 square feet of office space and 1 job/500 square feet of commercial space. The project would thus be expected to provide a "positive" balance of jobs to housing.

It is not possible to know if some businesses from within the City will relocate to this location or whether these will be new employers. However, the market analysis concludes that the project will target a type of office use that has not typically located in the City's larger business park areas.

The project's commercial uses are oriented toward neighborhood serving retail uses and are expected to be relatively small scale uses since the overall retail square footage is limited. This too reflects a "smart growth" type principle by providing services close to the residents who use them. See also the numerous policies in the Specific Plan related to creating a pedestrian-oriented community.

Response to Comment 48-7:

The exact location of the pumping station (if it is needed at all) would be determined during specific project review for the proposed infrastructure. The facility's preliminary location is shown on Attachment 1 of Draft EIR Technical Appendix G. The pump station's general characteristics are described and analyzed in this technical report, including technical design requirements, odor control components and other features. The facility would be housed in a small structure, located in approximately the location of a small gravel parking area adjacent to

the park entrance (just beyond the entry kiosk). This location is currently used as a parking area and contains no vegetation. However, specific design details and exact placement would depend on detailed engineering analysis of the site for this purposes of this use. An example of the size of such structures is provided by the City's existing pump station located along E. Monte Vista Ave., just east of the Pine Tree Creek crossing near Airport Road. The impacts of the specific design and location of the facility would be subject to additional environmental review at the time of detailed infrastructure planning.

Response to Comment 48-8:

Draft EIR, Chapter 5.1, page 5.1-1 identifies the projects considered in the cumulative analysis. The City believes this methodology complies with the requirements of CEQA as explained in this section. The specific projects mentioned in this comment will be analyzed by each jurisdiction acting as a lead agency (City of Dixon, City of Fairfield) and will make decisions regarding the appropriate scope of these analyses. The commentor notes the potential uncertainties of mitigation measures that are under the control of another agency (Caltrans). The City acknowledges this uncertainty in the cumulative traffic analysis in Draft EIR Chapter 5.1 and thus concludes that the impact must be categorized as significant and unavoidable, since it is possible that the State may not implement the identified measure. However, it is noted that the project proponent is required to pay their "fair share" of these future mitigation measures. The Specific Plan, Chapter 4, Section 4.4, Transportation and Circulation, establishes a traffic impact fee for development within the Specific Plan in order to fund future traffic improvements.

See also Responses to Comments 17-18, 17-39 and 17-41.

Response to Comment 48-9:

The City Council identified the developer's willingness to contribute funds for the improvement of Lagoon Valley Park as one reason to consider the project further. The developer has agreed to contribute funding in an amount sufficient to provide approximately \$4-5 million for use by the City in improvements to Lagoon Valley Park or other open space acquisition actions. The proposed Development Agreement identifies a per-unit fee to be collected at the time of building permit issuance. Therefore, the funds would come in to the City over the course of building activity, rather than a lump sum in this scenario. Actual park improvements, however, have not been proposed or designed at this time. Moreover, park improvements may proceed with or without the Proposed Project pursuant to the Lagoon Valley Park Master Plan revision effort the City has recently initiated.

Response to Comment 48-10:

The proposed fire protection services are planned to fulfill the fire protection standards identified in the City's fire protection coverage study from 2003. The proposed fire station would be a City of Vacaville facility, staffed with paid professional firefighters and paramedics. The new station and staffing are planned to meet the fire protection needs of the Specific Plan area.

Response to Comment 48-11:

The commentor's preference for any of the six alternatives to the Proposed Project evaluated in the Draft EIR (with the exception of Alternative 2) and will be forwarded to the decision-makers for their consideration.

As described in Chapter 6 Alternatives, the primary intent of the alternatives evaluation in an EIR is to ensure that “the range of potential alternatives to the Proposed Project shall include those that could feasibly accomplish most of the basic objectives of the Proposed Project and could avoid or substantially lessen one or more of the significant effects.” Therefore, an EIR need not evaluate all possible alternatives. The alternatives selected for evaluation in this Draft EIR were selected because they reduced or eliminated project impacts while achieving some or all of the project objectives. Therefore, the alternatives analysis is adequate. Please also see Response to Comment 15-7.

April 14, 2004

Fred Buder
City Planning Division
650 Merchant Street
Vacaville, CA 95688

Dear Mr. Buder:

This is to provide further comment on the Draft Environmental Impact Report (DEIR) for the proposed Triad subdivision development in the Lower Lagoon Valley.

The draft EIR states in part that, "Lagoon Valley, and specifically the project area, contains a rich and varied historic and prehistoric heritage." The report essentially concludes that mitigation measures will not prevent considerable disturbance of either previously identified, or unidentified, prehistoric sites including the possibility of human remains.

While the draft EIR does list mitigation measures, it fails to adequately address the scientific and social significance of the project area's prehistory and archaeological resources. In particular, what is the degree of the potential significance of the known, and unknown, archaeological resources in the project area relative to future research questions? In addition, what level of social, economic and educational value might intact archaeological resources of the project area provide to the local and regional communities?

In 1980, the United States Army published a report entitled Cultural Resources Reconnaissance and Overview, Fort Hunter Liggett, California. The principal investigators were Jack L. Zahniser and Lois J. Roberts. Pages 77 through 84 of the report summarize suggested criteria for assessing the social and scientific significance of archaeological resources at Fort Hunter Liggett. These criteria should be applied to the archaeological resources in the project area in Lagoon Valley. They include: 1) investigative potential of the site; 2) integrity of the site; 3) public appreciation of the site; and, 4) monetary evaluation of the site.

Regards,

Jose' Freeman

15200 County Rd. 96B
Woodland, CA 95695

49-1

49-2

COMMENT LETTER 49: Jose Freeman

Response to Comment 49-1:

Page 22 of the cultural resources technical document (Appendix M) reviews the significance criteria for cultural resources under the California Environmental Quality Act (CEQA). By law, these are the only criteria for which the significance of cultural resources identified in Lagoon Valley can be evaluated. All known resources were evaluated according to these criteria. The significance of something that is “unknown” cannot be determined; however, on Page 27 of Appendix M there is a complete review of procedures for the “Unanticipated Discovery of Cultural Resources.”

Response to Comment 49-2:

Work conducted at Fort Hunter Liggett in 1980 is not relevant to the current EIR. Fort Hunter Liggett is a federal facility. Cultural resources contained at this facility were evaluated under Section 106 of the National Historic Preservation Act (NHPA), not the aforementioned CEQA guidelines.

GERHARD BERGER
2510 CAMPDEN COURT
FAIRFIELD, CA 94533 LETTER 50

Dear Mr BUPERI

16 APRIL 2004

As a friend of Gageon Valley I would like to voice my opposition to develop Gageon Valley as planned by THE TRIAD Co. Some comments as follows

The first ground breaking will SEVER THE GREEN Belt forever. This is a very serious decision which requires a lot of foresight-

Just think if the wrong decisions WERE made "THEN", we would not have a Golden GATE PARK in San Francisco, OR a GRAND Central PARK in New York City. OUR grand children will probably decide if A Ten story building should be build about were the VACAVILLE & GLIDES PORT used to be.

THE TRIAD project is too huge and appears to be going to fast without considering all other prospects already on file and known to you. TRIAD probably is OK west of I-80 where development has started already.

IF possible get a City Vehicle to take you up the service road to the Transmitting Tower ABOVE THE HINES NURSERY and obtain an overall birds-eye look - IT may change your mind. Me, it will break my heart to just imagine 1,325 Homes with all the attachments like clubhouse, stores etc. It will only serve a few people who most likely work some place else.

No, this land should be preserved for all folks to enjoy. MAY be a huge park with trees could be developed (no golf course) Hines NURSERY CAN stay. IF nothing else let people VOTE to see if they like TRIAD Development. I don't think so. Please consider + STOP the Bull dozers.

Sincerely GERHARD BERGER

MUNITY DEVELOPMENT DEPT.

APR 19 2004

CITY OF VACAVILLE

50-1

COMMENT LETTER 50: Gerhard Berger

Response to Comment 50-1:

This 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. A preference for a park alternative and for a No Golf alternative is expressed by the commentor. The Draft EIR No Project/No Development alternative provides an analysis of a greatly reduced intensity of development. The No Golf Alternative analyzed in the Draft EIR does address the stated preference for more park space in the valley. The concern about the generally open character of the valley is one expressed in several letters. It is noted for this response that the Specific Plan proposed for adoption by the City would result in approximately 49% of the land area under public ownership by the City.



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

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APR 19 2004

CITY OF VACAVILLE
PLANNING DIVISION

April 19, 2004

Comments regarding the Draft Environmental Impact Report for the Lower Lagoon Valley Specific Plan (SCH 2003032063)

Mr. Buderl

Thank you for the opportunity to comment on the Draft Environmental Impact Report prepared for the proposed development in Lower Lagoon Valley. As the Vacaville City staff has said, Lagoon Valley is a regional gem whose development should receive the utmost care and community involvement. And EIRs often provide the information that allows the community to intelligently debate the merits of a proposal.

But this Draft Environmental Impact Report disappointed me. I thought that it minimized several of the key issues that individuals and agencies brought up in their response to the Notice of Preparation. And although it points out an extraordinary number of significant and unavoidable impacts, it clearly severely underestimated many significant environmental impacts in key areas. The DEIR also minimized the mitigation measures and overestimated the effectiveness of alleviating impacts of those mitigation measures that were proposed. This Draft Environmental Impact Report should certainly not be certified as it is currently written.

This seems like a boiler-plate Environmental Impact Report designed to fulfill the minimum requirements of the California Environmental Quality Act rather than to honestly assess the environmental impacts that would occur if this project were approved.

To be frank, this seemed like a Focused EIR rather than a full EIR; the only sections that were covered with other than boilerplate language was traffic, geological features, and biological resources.

51-1

A DEIR that examines a large residential area (1325 dwelling units) of near 100% commuters that generates 11,925 trips per day (using the standard 9 trips per dwelling unit formula) that funnels all of those trips through a single intersection onto an interstate that is already at Level of Service D through F along its entire length and concludes that there is not a significant impact strains the bounds of credibility. This is just one of the most blatant examples that I will examine in more detail later in this paper.

51-1
Cont.

Again, I would like to protest (as I did in the comments that I wrote in my letter that responded to the Notice of Preparation) that this proposal could have waited until the pending update of the General Plan and its accompanying EIR. The pigeonholing of this project before that completion is clearly reflected in the disconnect between this project and the goals of the previous (now old) General Plan. In their letter addressing the NOP, I noticed that the Greenbelt requested that at the very least asked in their letter of March 18, 2003 that the assessment here be coupled to the assessment of Southtown and Reynolds Ranch to look for the cumulative impacts. As far as I could tell, this was not addressed in this document.

51-2

What does come through loud and clear in this document is that the proposed project is a quintessential example of suburban sprawl. It is an attempt to place a commuter community whose residents can only leave and enter the development via Interstate 80, an interstate highway nearing capacity that local transportation officials are trying to move local traffic off, with these residents' cars placing their maximized emissions into an out-of-compliance air quality control district, with and placing their students into a school system that currently is over capacity and has no prospect of handling them.

In their letter to the Notice of Preparation, the Yolo-Solano Air Quality Management District recognizes this with the comment:

"The Triad Communities proposes to build 1,300 residential units, a championship golf course, clubhouse facility, and one million square feet of office/business park in a geographically separated area from the city's urban environment. We would prefer that this development be located within existing vacant urban areas close to the City's urban core. According to the Greenbelt Alliance study, Vacaville at a Crossroads, the City of Vacaville currently has 2,500 acres of undeveloped land. Locating development in areas such as the Lower Lagoon Valley increases vehicular trips and does not invest in the central areas of the City. Also, the study states that locating growth in infill areas increases jobs and housing while preserving farmland and open space. Locating development in infill areas also helps to support existing transit and promotes increased pedestrian activity."

51-3

This quote states the obvious, that this project is suburban sprawl; what is remarkable about the quote was that it was not made by an environmental or community group, but by a governmental agency. Of course the interest of the Yolo-Solano Air Quality Management District is to try to get their district into compliance with the standards of the US EPA. Currently the Yolo-Solano District is in a severe non-attainment condition

for ozone and its precursors and for particulate matter (PM10). The District recognizes that they will never achieve compliance if the cities within their District continue to build isolated residential developments, such as this, whose residents will all commute.

51-3
Cont.

Of course the above comments are beyond the scope of this document whose goal is to point out the many areas where this Draft EIR falls short. But, that context indicates why there are so many significant impacts generated by this project.

MAJOR OMISSIONS

Again I must stress my point that this Draft EIR carried out the minimum assessments required by law. There were several elements that should have been included, and although they are not required, they are common to be included in EIRs.

Many EIRs carry out a Fiscal Analysis (as I suggested in my response to the Notice of Preparation). This is especially important for this project since the change in the Specific Plan proposes to change the earlier land use designations from job-generating industrial/commercial uses to service-requiring residential uses. This region was annexed to the City of Vacaville in the early 1990's specifically for industrial use (with a minor residential component.) The two proposals at the time were a Bank of America office campus, and a Kaiser Hospital. The Bank of America proposal turns out to be historically important, since this early proposal initiated talks between Bank of America and the Greenbelt Alliance that led to their 1995 joint report "Beyond Sprawl: New Patterns of Growth to Fit the New California." (The report is available on the Greenbelt Alliance Webpage: www.greenbelt.org/resources/reports/report_beyondsprawl.html.)

51-4

This report concluded that development at the periphery of cities contains many hidden costs and stresses city resources. The report is especially significant because of the involvement of the Bank of America in its authorship. It isn't coincidental that the proposed Lagoon Valley project represents a perfect example of the type of project condemned by the report since an earlier (and better) proposal initiated the study. Again, it's distressing that the very region that began the discussion of the cost of growth does not do the analysis on the project that initiated the discussion. I suspect that the proponents are afraid of what such an analysis might show. The EIR does give some indication, a hint, of the negative effect on services in its cursory view of the impact on schools. The full statement of the negative and unavoidable impact on schools is another major omission. (This omission is presumably triggered by a legislative compromise.)

The letters section contains a letter, really a plea, by the Vacaville Unified School District (in their letter of November 6, 2003) where they requested that the DEIR address the impacts on schools. They indicate that the development will severely stress the schools and that: "This is a notification that the current statutory rate of \$2.04 per square foot, which is levied in the VUSD, only funds about 1/3 of the new school facilities needed from the students generated by the new development. The full mitigation fee is currently \$ 10,800 but is anticipated to be increased in a few months, to reflect current construction costs. This is notification that the \$ 2.04 per square foot statutory fee does not provide full mitigation of the negative impacts on school facilities caused by the new

51-5

development." They indicate that the elementary school, middle school, and high school that would serve this area are severely overcapacity.

51-5 Cont.

Unfortunately, the Draft EIR seems hamstrung by the 1998 Proposition 1A and its accompanying SB 50 in identifying this severe school shortage and mandating the appropriate mitigation fee. It repeats the bleak projections of the VUSD "for informational purposes." But is that prohibition really in the bill?

I heard the Planning and Conservation League claim one time that they successfully had the section removed that prohibited a CEQA determination. I cannot find it in my reading of SB 50. Is it there? That is, how much does the 1998 SB 50 really prohibit the City of Vacaville as the Lead Agency from identifying the severe school shortage as a significant and unavoidable impact and of demanding the full mitigation requested by the school district? What is the text in SB 50 that would prohibit the demanding of a full mitigation? Certainly the omission of this as an impact is scandalous.

51-6

The developer proposes "dedication" of 10 - 12 acres for an elementary site. Presumably this does not mean donation, but merely designating it on a map and having the school district try to develop the money to buy it - somehow. Is this what "dedication" means?

51-7

USE OF "CONSIDERABLE"

In several sections of the Draft EIR, especially in Section 5.1 on Cumulative Impacts, the document describes environmental impacts as "Considerable." Is this a designation under CEQA? Shouldn't all of these be designated significant and unavoidable?

Specifically, in 5.1-1, the conversion of farmland, this in the text on page 5.1-2 is identified as a significant cumulative impact. Shouldn't it be significant and unavoidable and should that designation be carried over to the summary chart on page 2-54? Likewise for sections 5.1-3, 5.1-4, 5.1-5, 5.1-6, 5.1-7, 5.1-8? And certainly the cumulated affects on Air Quality identified in 5.1-9 and 5.1-10 should be deemed significant and unavoidable.

51-8

Why was the term considerable and not significant and unavoidable used in these cases?

TRAFFIC

Although it is not a surprise that the traffic generated by this sprawl project represents a significant and unavoidable impact on Interstate 80 and many intersections, I believe that the study severely underestimated the amount of traffic that would be generated. By my calculations, most of the intersections studied would be converted to LOS E or F in the year 2025.

51-9

Has anyone ever validated the traffic study methods being used? Many of these methods are in common use, but I wonder how effectively they predict future traffic impacts. Has the company that prepared the traffic study ever gone to a site that they had studied 5

years or 10 years or 25 years after the study and asked, "how well did our model predict the current traffic impact?"

51-9 Cont.

The analysis that I would always like to see is an analysis of the current LOS with Friday factored in. The standard analysis omits Friday - why? How do the figures on page 4.5-10 change if Friday traffic is figured in when clearly with Interstate 80 and most intersections are at LOS E or F?

51-10

The consultant has entered data into the computer model, and generated intersection figures that make no sense. I always tell my students to look at the numbers generated by their calculator and ask "Is this a reasonable number?"

51-11

There are several points in the document where the old argument is made that "since the LOS is already beyond acceptable levels, this projects contribution to it is not significant." This always defies reason - if the LOS is already unacceptable, the addition of one additional car is a significant impact. This is especially true since the LOS scale is not a linear scale - that is, a roadway can go from zero use to 60% of capacity and stay in LOS A. The the movement from A to B is a change from 61% to 70%. To go from D to E or F is to go from 81% capacity to 90% or 100% - a small change in number of cars. So, any additions greater than the assumptions easily move the LOS into E or F or from E to F. If the eastbound segment of Interstate 80 from Cherry Glen/Pena Adobe will degrade from LOS D to LOS E under existing projects, the addition of the proposed project to this is significant. (Page 4.5-15 - 4.5-16). Also, if the Freeway ramps at the Alamo Drive/Merchant street interchange already operation at LOS E or F in the AM or PM, then the addition of the traffic from this project will be significant even with the verbal legerdemain of reassigning trips that occurs on Page 4.5-16. The same argument applies for the North Texas/I-80 interchange and only the technicality of it falling outside city limits has the document identify the projects impact on it as significant.

51-12

All of the intersections identified in Table 4.5-9 that go to E or F should be identified as a significant impact.

WETLANDS

I was disappointed that the survey for delineation of wetlands was conducted on

51-13

AIR RESOURCES

Since the region is out of compliance with PM10 standards, will fireplaces (which generate significant PM10) be excluded from the development?

51-14

HYDROLOGY, DRAINAGE, and WATER QUALITY

The EIR identifies the project within the FEMA 100 year flood plain and it suggests that the delineation of the flood plain will occur later. In general, CEQA prohibits this sort of "putting off" of the identification of hazards. Is this legal? What was the rationale for this?

51-15

HAZARDS AND HUMAN HEALTH

In 4.13 (page 4.13-16) it states that "The Proposed Project would construct residents within areas identified by the Vacaville General Plan as moderate to extreme fire hazard zones." Could the consultant justify the reason that this impact was reduced to Less than Significant?

51-16

BIOLOGICAL RESOURCES

It was hard to find if there were any survey's associated with the assessment of the biological resources. I saw the survey for wetlands (and the field notes) but not for this section. Did anyone go out to look at biological resources or was this an "armchair" assessment based only on documents? Perhaps I missed the survey dates.

51-17

The mitigation measures on page 4.15 suggest that wetlands will be mitigated at a minimum ratio of 1:1. I have never seen a mitigation proposed that is less than 2:1; this of course carries the assumption that constructed wetlands will never equal the natural wetlands and so more acreage is needed to mitigate. Why has this minimum, far below the standard, been included here? Shouldn't a minimum be 2:1?

51-18

The ratio should be even higher for vernal pools? Why was the minimum ratio chosen on page 4.15-35?

51-19

Regarding the Swainson hawk mitigation, I'm always amused by the mitigation (repeated here) that "any active nest shall be avoided during the nesting season." If the project is going to wait until after the nesting season and then bulldoze the habitat, they might as well bulldoze it with the hawks on their nest. The effect, habitat destruction, is the same.

51-20

The mitigation for the loss of foraging habitat is "the project applicant shall pay to the city a mitigation fee to fund the acquisition of a conservation easement or easements covering lands suitable for foraging by Swainson's hawk." Is there any evidence that this system has been successful? How much money has been paid into the Swainson's hawk mitigation bank so far? What lands have been acquired by the City of Vacaville specifically for Swainson's Hawk? To reduce the impact to less than significant, there has to be some evidence that this system works. What is the evidence?

51-21

On section 4.15-5 that addresses impacts on the Valley elderberry longhorn beetle, again the document it seems like a full survey and the mitigation plan has not been prepared yet. It is not legal to put these off. What is the mitigation proposed for the destruction of VELB habitat?

51-22

In section 4.15-2 it states "no wetlands capable of supporting vernal pool crustaceans were observed during the survey of the off-site infrastructure alignments that were conducted by EIP Associations on July 24, 2003." Well, of course there are no vernal pools in mid-summer. There are several areas within the study site that could support vernal pools – why was no survey made during the season?

51-23

WETLANDS

Again, why was the wetlands survey conducted during the dry season? This would have allowed vernal pools to be visually mapped. What is the evidence that there aren't more vernal pools, a characteristic of our entire region?

51-24

Here I'd like to include the same comment as above. I have never seen a mitigation proposed that is less than 2:1; this of course carries the assumption that constructed wetlands will never equal the natural wetlands and so more acreage is needed to mitigate. Why has this minimum been included here? Shouldn't a minimum be 2:1?

51-25

CONCLUDING REMARKS

These comments, questions, and opinions are my own and do not represent an official or unofficial position of Solano College.

51-26

These are all of the comments that I had time to make. Again, thank you for the opportunity to comment.

James DeKloe
Biological Sciences
Solano College
4000 Suisun Valley Road
Fairfield, CA 94534

COMMENT LETTER 51: James DeKloe**Response to Comment 51-1:**

Comments received in response to the Notice of Preparation were taken into consideration when developing the Draft EIR analysis. The commentor provides no details to explain what key issues were minimized, what impacts were underestimated and which mitigation measures would not be effective. The Draft EIR evaluates the potential impacts that could occur with project implementation. No technical issues were focused out in Notice of Preparation, and therefore, this is not a focused EIR as defined by the CEQA Guidelines.

Standard language was used to describe regulatory setting; some of the regulatory requirements in mitigation measures and some of the CEQA required discussions in the Introduction. The commentor provides no specifics as to what “boilerplate language” was used in the analysis that would affect the adequacy of the analysis. Please also see Responses to Comments 18-8 and 51-2 through 51-26.

Response to Comment 51-2:

The City Council has elected to proceed with analyzing this proposed General Plan Amendment, as permitted under State law. There is no pending update of the overall General Plan document at this time. With regard to cumulative impacts, the Draft EIR, Chapter 5.1, page 5.1-1 notes that the cumulative analysis assumes build-out of the Vacaville General Plan and the currently proposed (now approved) Southtown and Rice/McMurtry projects. The City believes that the cumulative analysis has made the correct assumptions for reasonably foreseeable future growth for this purpose.

Response to Comment 51-3:

The comment expresses an opinion about negative characteristics of the plan. The Specific Plan, Chapter 2, Section 2.1 identifies a proposed “Project Vision” for the plan. The Yolo-Solano Air Quality Management District has commented on the Draft EIR, and has suggested a number of additional or revised mitigation measures to the document. Please see Responses to Comments 9-1 through 9-8.

Response to Comment 51-4:

CEQA does not require a fiscal analysis for preparation of an EIR. However, as additional information about the project, the City notes that it has commissioned a fiscal analysis for the proposed Specific Plan project. The report is available from the Community Development Department and on the department’s web-page. See Response to Comment 48-4.

It would be incorrect to characterize the Proposed Project as a change from a job-generating plan (referring to the existing, approved land use plan for the area) to a service-requiring residential use. The Proposed Project provides for a “positive” balance of jobs to housing, albeit fewer jobs than the current plan and more housing. However, this change in jobs and housing numbers would create a plan that is in closer balance than the existing plan. The City has not made any prejudgments regarding the policy benefits of this change to a closer balance between jobs and housing, but the Draft EIR analyzes the anticipated physical effects to the environment caused by each of these alternative land use plans (as well as others) and provides information on the environmental effects of each.

Response to Comment 51-5:

The Draft EIR, Section 4.9 (Public Services), pages 4.9-6 through 4.9-11 contains an analysis of school enrollment estimates for the project, both with and without a boundary adjustment between the Vacaville Unified School District and the Fairfield-Suisun School District. The City believes this is a complete analysis of this issue, because it examines the estimated student generation levels for each district, and identifies the likely locations for these students to attend school. As noted in the Draft EIR, the Specific Plan establishes a school site within the project area, and a method to ensure payment of educational services funds by the project to help ensure a school, either public or private, is constructed. Please also see Response to Comment 14-1 through 14-10.

Response to Comment 51-6:

The commentor's reference to Senate Bill 50 prohibiting a CEQA determination is not clear. It appears that the commentor is concerned about the statutory limit on mitigation for school crowding impacts under CEQA. Government Code section 65996 provides that the imposition of statutory school fees is the exclusive method of mitigating school crowding impacts. The Draft EIR imposes that mitigation to the full extent allowed by state law (see Draft EIR page 4.9-10).

Response to Comment 51-7:

The school site would be reserved for a school use only under the Specific Plan. The Plan contains policies requiring a school and allowing it to be private if a public school is not feasible for the school district (Specific Plan, Chapter 8, Section 8.4). If the school district boundary is modified to enable the VUSD to build a school on the site, the district would purchase the site from the developer, or the developer would donate the site and receive a credit against their school impact fee for the value of the site.

Response to Comment 51-8:

As defined in CEQA Guidelines Section 15130(a), "[a]n EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(c)." "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects as defined in section 15130 (CEQA Guidelines Section 15065(c)).

Therefore, cumulative impacts could be less than significant or significant. If a cumulative impact is considered significant, then a determination is made as to whether the project's contribution is "considerable", or not. If determined to be "considerable" then mitigation is proposed. If the mitigation does not mitigate the project's contribution to a less-than-significant level, then the project's contribution would remain considerable. (CEQA Guidelines Section 15130). Please also see Response to Comment 17-18.

In regard to the specific examples provided in the comment, Impacts 5.1-1 and 5.1-3 through 5.1-8 are significant cumulative impacts where the project's contribution was determined to be considerable with either no mitigation or with mitigation available. Therefore, the contribution would remain considerable, resulting a conclusion that the Proposed Project would have a significant and unavoidable cumulative impact in those areas.

As described under Impact 5.1-9 on page 5.1-8, cumulative development would result in significant air quality impact. However, even though the Proposed Project would result in an increase in daily emissions, it would result in far fewer emissions than what was accommodated for under Clean Air Plan growth projects. Therefore, the project's contribution to this significant cumulative impact would not be considerable, and the cumulative impact is less-than-significant.

As described under Impact 5.1-10, cumulative development would consist of uses that would not result in substantial toxic emissions, and therefore, this cumulative impact would be less-than-significant.

Response to Comment 51-9:

See Response to Comment 6-1 regarding the validation of the City's traffic model. Additionally, please see Response to Comment 6-6 regarding routine model calibration based on the City's program of on-going traffic and intersection monitoring.

Response to Comment 51-10:

The City's method for calculating significant traffic impacts is described in Draft EIR, Section 4.5, on page 4.5-13. See also Responses to Comments 6-1 and 6-6 regarding the City's modeling methodology.

Response to Comment 51-11:

This comment does not identify the specific errors that the comment addresses. See Responses to Comments 6-1 and 6-6 regarding the City's modeling methodology.

Response to Comment 51-12:

The City's thresholds for determining significant traffic impacts are identified on Draft EIR, page 4.5-15. These are the standards that are applied to the project and follow the City's adopted standards for traffic studies as contained in the City's Land Use and Development Code, Chapter 14.13.

Response to Comment 51-13:

The comment is incomplete and therefore unclear. However, Response to Comment 18-6, which addresses wetland delineation survey dates, may address the commentor's question.

Response to Comment 51-14:

Residential fireplaces would be allowed, but mitigation measures have been added to reduce the amount of PM₁₀ generated by residential fuel combustion. Specifically, Mitigation Measure 4.6-2 would specify that only US EPA Phase II certified wood burning devices would be allowed in single family residences.

See also Response to Comment 9-7.

Response to Comment 51-15:

The EIR's statement that the final flood plain delineation will be completed after the City considers the EIR for certification but before the final approvals for construction will be granted complies with CEQA. CEQA allows final information to be developed after certification of the EIR as long as the information in the EIR is sufficient to permit informed decision making and to permit the development and recommendation of a reasonable plan for mitigation. See Response to Comment 17-8; CEQA Guidelines Sections 15121, 15131, 15144 - 15151.

Response to Comment 51-16:

As described under Impact 4.13-5 in Section 4.13, Hazards and Human Health, the Proposed Project would construct residences in moderate to extreme fire hazard zones. The City's enforcement of the California Building Code (CBC) and Uniform Fire Code (UFC) would reduce risk of fires from within the project site. Furthermore, as discussed in Section 4.9, Public Services on pages 4.9-2 through 4.9-3 and pages 4.9-5 through 4.9-6, the Proposed Project would be required to develop Permanent Fire Protection Standards with the Master Tentative Map approval to minimize the risk of exposure to wildland fires. These standards are described in the Specific Plan, Section 8.1.2, Service Standards for fire protection and include, in addition to the construction and operation of a new fire station, other permanent standards of protection in compliance with the standards of the City will be required. These will include such measures as sprinklers in residential structures for certain locations within the valley, designated emergency ingress/egress routes, non-combustible building materials and larger setbacks for homes adjacent to open spaces, fire break standards that include a managed, irrigated planting zone at the edge of wildland locations and a specified maintenance program/source for these breaks. A specific design standard for fire breaks is illustrated in the Specific Plan (see Figures 5.4.10a and 5.4.10b). Additionally, please see Responses to Comments 33-15 and 48-10 discussing the fact that a fire station will be constructed in the Specific Plan area and will be staffed to full City standards.

Response to Comment 51-17:

Analysis of biological resources for the Proposed Project included both literature review and site visits. Survey dates for biological resources are clearly stated in the Draft EIR Chapter 4.15, on page 4.15-9, and in Draft EIR Technical Appendix N (Biological Resources Report) and Technical Appendix O (Delineation of Waters of the United States).

Response to Comment 51-18:

As stated on page 4.15-33, mitigation for wetlands will be a minimum of 1:1 for preservation AND 1:1 for creation (construction of new wetlands) for a total of 2:1. This ratio is consistent with U.S. Army Corps of Engineers standards.

Response to Comment 51-19:

No specific mitigation ratios for vernal pools are given on page 4.15-35. Rather, the Draft EIR states that mitigation measures would be developed as a part of the Endangered Species Act Section 7 Consultation process with the U.S. Fish and Wildlife Service, if such habitat is determined to be present in the Specific Plan Area. The specific mitigation ratios for replacement of any vernal pool habitat that may be discovered will be determined by the Service during the Section 7 consultation process, should it become necessary.

Response to Comment 51-20:

Waiting until the nesting season is over will prevent the loss of individual Swainson's hawks, and will only result in the loss of the nest site itself. Removal of an occupied active nest would result in the loss of individual Swainson's hawks and would be in violation of the California Endangered Species Act.

Response to Comment 51-21:

The payment of mitigation fees for the loss of Swainson's hawk foraging habitat is an agency accepted and widely used mechanism. The purpose of this mechanism is to provide a centralized, coordinated process for acquiring or protecting foraging habitat mitigation that is much more effective than a haphazard, project-by-project approach that results in scattered habitat. This strategy is recommended by CDFG for protection of the species, and the mitigation measure requires plans for land/easement to be implemented through consultation with the CDFG.

Response to Comment 51-22:

To date, only one elderberry shrub has been observed within the Specific Plan Area. Surveys conducted so far included a close examination of the riparian corridors and the remainder of the Development Area for additional elderberry plants, but none were observed. Nevertheless, additional shrubs could be present in portions of the Specific Plan area outside the Development Area. Detailed mitigation measures are provided in the Draft EIR on pages 4.15-39 and 4.15-40 for loss of the known shrub and any additional shrubs that may be found during subsequent surveys.

Response to Comment 51-23:

See Response to Comment 15-3 that addresses additional wetland surveys and potential effects to vernal pools.

Response to Comment 51-24:

See Response to Comment 15-3 that addresses additional wetland surveys and potential effects to vernal pools.

Response to Comment 51-25:

As stated in Response to Comment 51-18, the mitigation ratio suggested in the Draft EIR is 2:1, not 1:1.

Response to Comment 51-26:

That the comments in this letter do not represent the official or the unofficial position of Solano Community College is noted and will be forwarded to the decision-makers for their consideration.

Fred Buder
 City of Vacaville
 Community Development Department
 650 Merchant Street
 Vacaville, CA 95688
Lvdevelopment@ci.vacaville.ca.us

April 16, 2004

Dear Mr. Buder:

This letter provides comments on the Draft EIR for the Lower Lagoon Valley Specific Plan. As a regular user of the I-80 freeway, I am particularly interested in the Draft EIR's evaluation of the Project's impacts to this freeway and the mitigation measures the City may decide to adopt to help address these impacts.

In reading the February 20, 2004 Draft of the Specific Plan, I understand that the freeway and the interchanges are controlled by Caltrans. I also understand it includes the following policies that affect the freeway.

- Policy 4.1.1 limits development so that traffic volumes do not exceed the capacity of the existing over-crossings with the freeway. Any interchange improvements that may be required are the responsibility of the Master Developer and are funded through payment equivalent to the City's traffic mitigation fees.
- Policy 4.1.3 establishes that the City shall require the Master Developer to enter into a Development Agreement to provide the necessary roadway improvements to serve the development and mitigate related traffic impacts.
- Policy 4.1.16 requires developers to participate in funding their proportionate share of the costs of the improvements necessary to address impacts from the Specific Plan development on roads outside the Specific Plan area.

These policies in the Specific Plan provide a sound basis for ensuring that the Project will mitigate its impacts to the freeway as identified in the EIR.

Page 4.5-15 of the Draft EIR describes how some traffic from the Project is diverted to Pleasant Valley Road to avoid congestion on the freeway. The Draft EIR should evaluate the impact of these Project trips to Pleasant Valley Road and identify mitigation measures if needed.

Page 4.5-15 further describes how traffic is redistributed in the future as a result of the Project. This raises the question of whether the study area for the EIR should be expanded to evaluate potential traffic impacts elsewhere. Without the Project, some freeway sections, ramps and freeway merge/diverge sections will operate at unacceptable levels in the future. The addition of Project trips redistributes traffic in a manner that does not result in significant impacts in the PM peak to eastbound I-80 between the Cherry Glen and Alamo interchanges, its merge/diverge sections, or at peak hours at the ramps to the Alamo/Merchant interchange. Does this redistribution of traffic produced by the

52-1

52-2

52-3

Project warrant an expansion of the study area to adjacent freeway sections, merge/diverge sections and ramps further east to determine if capacity problems are created by moving this traffic around?

52-3 Cont.

Impact 4.5-1 occurs at the eastbound freeway ramps to the Cherry Glen/Pena Adobe freeway interchange and is a result of traffic generated by the Project. Two alternative mitigation measures are proposed that involve the interchange, ramps and an eastbound auxiliary lane to the freeway. Either mitigation measure reduces the impact to a less than significant level.

Impact 4.5-2 is for year 2025, and includes the eastbound freeway ramps at Cherry Glen/Pena Adobe and the Lagoon Valley Road interchanges. Two of the three proposed mitigation measures involve interchanges and freeway ramps. All mitigation measures reduce the impact to a less than significant level.

52-4

Impact 4.5-3 is for year 2025, and establishes that the Project will cause four freeway segments to degrade from LOS E to LOS F conditions in the westbound direction during the morning peak hour. Four mitigation measures are proposed that involve widening the freeway and would reduce the impact to a less than significant level. However, because I-80 is not within the jurisdiction of the City, the impacts would remain significant and unavoidable.

The mitigation measures proposed for impacts 4.5-1 and 4.5-2 are not within the jurisdiction of the City either, yet the Draft EIR makes no qualification as to the ability of the mitigation measures to reduce these impacts to a less than significant level. The mitigation measures for Impact 4.5-3, should require the Master Developer or the City to initiate discussions with Caltrans to implement these measures or other feasible mitigation, and require the Master Developer to fund their construction, just as it would for the mitigation measures associated with impacts 4.5-1 and 4.5-2. Caltrans may ultimately not agree to any mitigation, but that should not prevent the City of adopting these mitigation measures and taking actions within its power and authority to seek their implementation.

52-5

The EIR needs to clarify the mitigation measures proposed for Impacts 4.5-4 and 4.5-5. Caltrans jurisdiction for these mitigation measures is no different than its jurisdiction over mitigation measures proposed for Impact 4.5-1 and 4.5-2. The mitigation measures for Impact 4.5-4 and Impact 4.5-5 should require the Master Developer or the City to initiate discussions with Caltrans to implement these measures or other feasible mitigation, and require the Master Developer to fund their construction.

52-6

The Draft EIR evaluates the merits of constructing the California Drive Overcrossing Variant. This road is described as part of the General Plan. The Variant is described as reducing the Project's impacts to the freeway at certain locations. The EIR needs to list the California Drive Overcrossing Variant as a potentially feasible mitigation measure for the freeway impacts it identifies from the Project. Prior to further Project approvals, the City should complete the studies necessary for the

52-7

Mr. Buder
April 16, 2004
Page Three

Variant and require the Project to participate in constructing the Variant. The Variant should also be shown in the text and maps of the Specific Plan.

52-7 Cont.

I-80 is a state highway protected by the Congestion Management Act (Government Code Section 65088). State law requires that when the operation of a freeway drops below LOS E, the city where the freeway is located must prepare a deficiency plan. Among other things, the plan must include actions to address the deficiency created on the freeway. The Draft EIR identifies the Project as causing segments of the freeway to drop below LOS E. Since the intent of state law is to avoid the creation of deficiencies, (see Government Code 65088.1), the EIR should disclose the additional actions that would be needed to comply with the deficiency plan requirement. Would any of these actions provide additional mitigation or information above and beyond that proposed by the Draft EIR? Are there any consequences to the City for failing to comply with the requirement to prepare a deficiency plan?

52-8

These comments are provided to support preparation of an and adequate and complete EIR. The City's decision on this Project will affect all Solano County residents that use the freeway.

52-9

Sincerely,

Steven L. Goetz
347 Goldenslopes Court
Benicia, CA 94510

COMMENT LETTER 52: Steven L. Goetz**Response to Comment 52-1:**

The commentor agrees that the proposed transportation policies in the Specific Plan provide a sound basis for ensuring mitigation of the project's impacts.

See Response to Comment 6-1 and Policies 4.1.1, 4.1.3, and 4.1.6 in the Specific Plan regarding mitigation of impacts to freeways.

Response to Comment 52-2:

The Draft EIR examined the potential impacts to Pleasant Valley Road, north of Cherry Glen Road and found that impacts would be less-than-significant (Draft EIR at 4.5-15) as described for "Effects Determined to have Less-than-Significant Impacts."

The commentor notes that the Draft EIR describes some traffic from the Project being diverted to Pleasant Valley Road to avoid congestion on the freeway and asserts that the Draft EIR should to address the impact of that redistribution on area traffic. This redistribution occurs under the "Year 2025" projections without the California Drive Overcrossing, with Current Zoning, and with Project. With the California Drive Overcrossing in place, this redistribution does not take place. The Draft EIR assumes in some scenarios that the California Drive Overcrossing project will be implemented in some form by 2025. See Response to Comment 12-3. Please also see Response to Comment 11-1 regarding existing approvals for the Lagoon Valley and the fact that the current Proposed Project would allow less intense development and would be anticipated to generate fewer trips and transportation impacts.

Response to Comment 52-3:

The City believes the traffic analysis adequately analyzed the impacts of traffic redistribution by including one interchange on either side of the Proposed Project, as well as those adjacent to the Proposed Project, in the traffic analysis and including trip distribution in both of these directions as well.

Response to Comment 52-4:

The City agrees that the mitigation measures proposed for Impacts 4.5-1 and 4.5-2 will result in transportation impacts being less than significant. Regarding Impact 4.5-3, it should be clarified that cumulative volumes result in four freeway segments degrading to LOS F in the westbound direction during morning Peak Hour. Two of these segments transition from LOS E to LOS F with the Project. It is agreed that should cumulative and Project traffic reach the levels projected, and widening does not occur this impact would be significant and unavoidable. The Solano Transportation Authority is working on an I-80 corridor study, which will identify short, mid and long range priorities for widening I-80. Because the City cannot control freeway widening projects, which are under Caltrans' jurisdiction and of a scope well beyond the City's ability to implement, the Draft EIR assumes that such mitigation is not feasible and thus concludes that those impacts are indeed significant and unavoidable. The Draft EIR believes the ramp improvements can be accomplished and funded by the Project or the City's existing funds, and thus concludes that those are feasible mitigation measures, although they also do require a permit from Caltrans. Furthermore, the Project impact to the ramps is much greater than to the freeway main line. The ramp improvements covered in Mitigation Measures 4.5-1

and 4.5-2 would be accomplished as development level warrants, whereas the mainline improvement of an auxiliary lane would be expected to occur on a regional basis with a fair share contribution from development impacting these portions of freeway, including, but not limited to, the Project.

Response to Comment 52-5:

The commentor is correct in that Mitigation Measures 4.5-1 and 4.5-2 would require Caltrans approval. See Responses to Comments 6-12 and 52-4.

Response to Comment 52-6:

See Response to Comment 52-4.

Response to Comment 52-7:

The California Drive project is already included on the City's planned list of roadway improvements and will be funded by Development Impact Fees regardless of the Proposed Project, as described fully on Draft EIR page 4.5-14. As such, the roadway does not need to be identified as a mitigation measure. The City monitors the status of the street network on an annual basis and determines the timing for construction of projects on the Development Impact Fee list.

See Responses to Comments 12-3 and 52-2 regarding the California Drive Overcrossing.

Response to Comment 52-8:

See Responses to Comments 6-8 and 13-1. In addition, the City notes that failure to prepare a deficiency plan, if necessary, would result in a loss of federal funding for roadway maintenance.

Response to Comment 52-9:

See Responses to Comments 52-1 through 52-8.

April 16, 2004

Fred Buder
Project Manager
City of Vacaville
Community Development Department
650 Merchant Street
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report
..... Section 4.5 (Transportation and Circulation)

Dear Mr. Buder,

Traffic on I-80 is a problem NOW. Add 3800 more people and 1225 new homes with approximately 9 trips a day, plus people going to Lagoon Valley as gardeners, garbage collectors, decorators, landscapers, housekeepers, babysitters, visitors, delivery people, mail carriers, golfers, golf spectators during tournaments, contractors, phone and cable installers, school busses, painters, etc. will make I-80 a bottleneck, not only increasing the pollution to the Solano area but the noise and accidents. The roads listed in the DEIR were not designed for this kind of traffic. Pleasants Valley Road is already dangerous due to bike riders and busses as well as speeders. The DEIR did not fully address the traffic problems, nor did it carry it far enough. The traffic will impact not only I-80 but 680 as well from Sacramento to San Francisco and the East Bay. Using I-80 on Fridays and Sundays is life threatening. It's already stop and go, people travel way over the speed limit, there are too few highway patrol officers to control the traffic, accidents are numerous, and the freeway ramps cannot support added traffic. Project trip generation used in the DEIR is old information, developed in the 1995 calibration of the 1990 Citywide Traffic Model. It is not relevant today. People will start using surface streets to avoid the freeway. This will cause more congestion in town. People already use Peabody Rd. to get to Fairfield to avoid the freeway traffic. By the time improvements are made, traffic will be horrendous in Vacaville and Solano County if this project is approved.

53-1

Respectfully Yours,

Sandy Harris
179 Hillview Drive
Vacaville, CA 95688

COMMENT LETTER 53: Sandy Harris

Response to Comment 53-1:

This letter addresses impacts to I-80. See Responses to Comments 6-1 through 6-9, 13-1, 17-27 and 54-1. Please also see Specific Plan Policies 4.1.1, 4.1.2, and 4.1.16.

April 16, 2004

Fred Buder
Project Manager
City of Vacaville
Community Development Department
650 Merchant Street
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report
Section 4.5-14 (Project Trip Generation and Distribution)

Dear Mr. Buder:

The DEIR is inadequate because the trip rates were developed in the 1995 calibration of the 1990 Citywide Traffic Model. Saying Lagoon Valley residents would be able to shop at the commercial uses included in the project is ridiculous. Triad built at Hiddenbrook over five years ago, and to date, there is not one convenience store, school or fire station. Residents must go to the other side of the freeway through American Canyon to Highway 129 to a Safeway store to shop for groceries. Even if stores are in the plan, it does not say when they will be built. There should be a deadline given to Triad when shopping, schools and a fire station are completed and fined for every day that goes past that deadline.

54-1
54-2
54-3
54-4

Using the year 2025 is also unreasonable and unacceptable. Road improvements, overpasses, connections to California Drive take years to build. Where will this money come from when cities and counties and the state are already struggling to make ends meet?

Traffic just from school children going to Orchard School will greatly impact Alamo/Merchant, Pleasants Valley Road, Orchard Avenue and perhaps Buck Avenue or Monte Vista Avenue. If they go to Sierra Vista, it will be the same problem. In other words, the residents of Vacaville will suffer the traffic congestion for twenty years based on the DEIR.

Sandy Harris
179 Hillview Drive
Vacaville, CA 95688

COMMENT LETTER 54: Sandy Harris**Response to Comment 54-1:**

The trip rates used in the Vacaville traffic model are comparable to Institute of Transportation Engineers rates and are sufficiently current to be valid in the opinion of the City and the ITE. Additionally, the land use information in a model is at least as critical as the trip rate information, and the land use information in the Vacaville traffic model is current within at least one year of the date of the model run. The land use database in the model was updated specifically to account for recent approvals prior to modeling the traffic impacts of the Proposed Project.

Response to Comment 54-2:

The proposed Specific Plan policies require the construction of the school and fire station by specified milestones (see Specific Plan Chapter 8, Section 8.1.3 – Fire Station; and Section 8.4.1 – School). The draft Development Agreement establishes time frames for construction of both the school and fire station as well.

The proposed commercial area is identified for Phase I of the Proposed Project, but there is no specified time frame for this construction. The applicant has indicated a preference to construct a portion of the Town Center commercial area early in development of the Project, to serve as a potential sales office facility. The center is sized as a neighborhood serving commercial center that may also serve retail needs for the Business Village area. The exact timing of this construction is not known, however.

The commentor is concerned that the Proposed Project will generate more traffic and with a different distribution if the proposed commercial uses are not built. Specific Plan provisions 4.1-1 and 4.1-2 require monitoring of levels of service and a mechanism to limit residential approvals should the traffic reach the established LOS thresholds without the commercial development. Regarding annual monitoring, please also see Response to Comment 12-4.

Response to Comment 54-3:

Using a 20 year analysis timeframe for traffic impacts is a State standard and is the typical period used for traffic impacts analyses in CEQA documents. The California Drive Overcrossing is an improvement identified in the City's established development impact fee program. The fees charged under this program are charged at building permit and therefore the nexus is established that the use creating the need is funding the need improvements.

Response to Comment 54-4:

See Response to Comment 14-8.

April 16, 2004

Fred Buder
Project Manager
City of Vacaville
Community Development Department
650 Merchant Street
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report
Section 4.3 (Parks and Recreation)

Dear Mr. Buder:

It is estimated in the DEIR that Vacaville's population will increase by 3,700 residents. The DEIR is incomplete as to what parks and recreation facilities, school playgrounds, tot lots and pocket parks will be built in the future. This will impact the existing parks, many of whose residents are paying extra taxes for neighborhood parks.

55-1

The golf course will only benefit wealthy people if Lagoon Valley follows suit to Hiddenbrook. (\$3800/yr. per person, \$15 cart fees, and \$90 a round). By the time the new golf course is ready, the fees will be even higher. If it's a private course, the majority of Vacaville residents will see no benefit at all to a course being built. If the course has financial problems, Vacaville should definitely not be involved in financial aid of any type. This should be spelled out clearly.

55-2

Triad proposes to contribute \$4 to \$5 million dollars to the city for park related purposes. Which is it? A million dollars is a big difference. Will the money be used solely for Lagoon Valley lake improvements or will money be used for other parks and facilities, such as Andrews Park or Alamo Creek Park or Nelson Park or projects? Before making any agreements or approvals, this should be clearly spelled out.

55-3

Sandy Harris
179 Hillview Drive
Vacaville, CA 95688

COMMENT LETTER 55: Sandy Harris**Response to Comment 55-1:**

Draft EIR Section 4.3, Parks and Recreation addresses existing park and recreation facilities and identifies any potential impacts on any existing facilities associated with the Proposed Project. As discussed on page 4.3-5 in Section 4.3, the City of Vacaville has prepared the Comprehensive Parks, Recreation, and Open Space Master Plan which guides development of the City's recreational facilities and open space. As discussed under Impact 4.3-1 on page 4.3-6, the Proposed Project includes a total of approximately 16 to 18 acres of parks and recreation facilities within the residential community. The Proposed Project also provides for approximately 15 acres of passive open space within the residential project, primarily along existing riparian corridors to be preserved. Also, the project applicant proposes to make a contribution of \$4 to \$5 million to the City for other park-related and civic projects. In addition, hundreds of acres of open space were permanently dedicated in conjunction with the existing entitlements for the Specific Plan area (the 1990 Policy Plan). The project would therefore provide adequate park acreages that would meet or exceed the minimum total neighborhood park acreage required by the City's General Plan.

The Draft EIR, Section 4.3, Impact 4.3-1 quantifies the anticipated amount of park land and park uses to be constructed as part of the Proposed Project and concludes that the project will provide new park and recreation spaces in excess of the City's General Plan standards. This section also notes that the project would contribute funds that would be used for park-related and other purposes. Figure 4.3-1 identifies the proposed open space and recreation system anticipated for the Specific Plan area. These facts support the City's conclusion in the Draft EIR that impacts to the provision of adequate park space are less-than-significant.

Response to Comment 55-2:

This is not a comment to the adequacy of the Draft EIR's environmental analysis. The golf course is planned as a private operation, open to some public play. The City does not know what the costs of play will be. The proposed Development Agreement does require the course operator to provide local schools or non-profit organizations to use the course for a specified minimum number of days per year at a reduced cost (see draft Development Agreement). The City has no plans or contingencies for being financially involved with the golf course.

Response to Comment 55-3:

The developer would be required under the terms of the proposed Development Agreement to pay a "Community Benefit Contribution" of a proposed \$5,800 per dwelling unit and \$1.00 per square foot of non-residential construction. The draft agreement would require that between \$4 and \$5 million of this contribution be designated for park or open space improvements to parks owned by the City or acquisition of additional open space / park lands. The uses of the funds would be determined by the Vacaville City Council.

April 16, 2004

Fred Buder
Project Manager
City of Vacaville
Community Development Department
650 Merchant Street
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report
Section 4.11-1

Dear Mr. Buder,

Flooding in Vacaville has happened on many occasions. When 40% of a lot is used up either by a home, sidewalks, driveway, decks, patios, pools, etc. the likelihood of flooding increases. The DEIR does not significantly explain how the potential flooding will be handled. Will TRIAD be held responsible, or will the City be responsible for future flooding problems as a result of more runoff from the hills filling Vacaville's creeks. The creek along the bike bath will undoubtedly flood. It will also affect the creeks that run through Vacaville. The flooding on Seneca Drive, Brookside Drive, Edgewater, Auburn Way, and Wykoff Drive, Hillview/Grandview and many other locations in December, 2002 are perfect examples. The residents of Seneca Drive tried to sue the City of Vacaville for the poorly planned drainage. Building up the floor of Lagoon Valley by 4' is questionable at best. What kind of fill will be used, how will it compact, where will it come from, and how will they guarantee there will be no mudslides?

56-1

Glenbrook Hills was greatly affected this way when the developer chose to raise each lot by three feet with no regard for the residents of Landon Court. The raised lots caused water to flood back yards of homes on Landon Ct., rotting out fencing, killing trees and shrubs, and causing drainage problems where sump pumps under houses were necessary to control the water. Developers who are here today and gone tomorrow do not care about the damage done to long time residents of a community. They make their money and are gone.

56-2

Sandy Harris
179 Hillview Drive
Vacaville, CA 95688

COMMENT LETTER 56: Sandy Harris

Response to Comment 56-1:

In response to the comment about the potential adverse effects of flooding, please see Response to Comment 30-1.

In addition, many of the areas in Vacaville that currently flood during moderate storms will still flood regardless of whether the Proposed Project is built. This especially the case along Alamo Creek, where some reaches of Alamo Creek do not have capacity to convey even a 5-year storm event. As explained in the Draft EIR and in Responses to Comments, the Project will result in less off-site runoff than currently occurs, and much less than would occur if the existing, approved project were constructed.

The Proposed Project is not proposing raising the entire valley floor by 4-feet, only a limited area the around the lake, which is an accepted and commonly used practice for removing an area out of a delineated floodplain. In addition, as discussed in the Response to Comment 30-1, raising the area is not the only improvement that is recommended.

Response to Comment 56-2:

This comment is a statement of a situation outside the project area; and therefore, does not address the content or adequacy of the Draft EIR. No further response is required.

April 16, 2004

City Of Vacaville
650 Merchant Street
Vacaville, CA 95688-6908

Attn: Lower Lagoon Valley Planning Project Team

Re: Lower Lagoon Valley Development

To Scott Sexton:

First of all, thank you for taking the time to meet with us and discuss the possible concerns in regards to our properties (parcel 167-070-030, 167-070-040, 167-070-06) and the proposed development of the Lower Lagoon Valley:

After discussing the plan with you, the following items are the concerns that we talked about:

- Infringement upon our property line
- Possibility of public traffic on our property
- Researching the addition of a more secure fence between our property and the new proposed development. Ideally to keep livestock in and public out.
- Adequate Fire breaks, possibility of an access road along our property line
- Future discussions about using existing "stagecoach road" on our property for access of Fire trucks and tankers.

57-1

As for your original assumption that we do not want to be annexed into the city, you are correct – we do not wish to explore annexation.

This letter is intended to be a follow up to our meeting with you on 4/15/2004. Now that we have documented our concerns, we will attend the upcoming planning meetings and bring these issues up at that time if they have not already been address.

Thank you again for your time. If there are any additional questions or concerns, please contact us 707-426-3140.

Michael & Brook Rosenberger
3854 Paradise Valley Road
Fairfield, CA 94533

RECEIVED

APR 19 2004

CITY OF VACAVILLE
PLANNING DIVISION

COMMENT LETTER 57: Michael and Brook Rosenberger

Response to Comment 57-1:

The items addressed in this comment relate to the interface between proposed development areas and adjacent Hillside Agriculture areas. In response the City notes the following facts from the Draft EIR and the Specific Plan:

1. The Specific Plan does not propose to extend any uses across the property line referenced in the comment (which also forms the City limit). Figure 4-3 in the Specific Plan, identifying the non-vehicular circulation system has been revised to not show a potential trail alignment through this adjacent area. Policies in the Specific Plan would allow for the extension of trails provided agreements for such are reached with adjacent owners.
2. The Specific Plan would result in the dedication of additional land to the public adjacent to the subject property line and so public traffic would be a possibility directly adjacent to the property, but not crossing over onto private property.
3. The specific fence detail for locations where property lines are adjacent to private property would be determined through the development review process established by the Specific Plan. These fences would be installed by the developer upon conveyance of the property to the City.
4. The maintenance provisions for the public open space area will require placing of fire breaks adjacent to property lines or as otherwise determined by the Fire Chief.
5. Emergency access will be provided on trails within the public open space.

-----Original Message-----

From: ann dow [mailto:adow31@msn.com]
Sent: Saturday, April 17, 2004 3:13 PM
To: lvdevelopment@cityofvacaville.com
Subject: lagoon valley development

After reviewing the Environmental Impact Report for the development and increased housing, I find that there is a fair and just argument that there is not enough water for the proposed Lagoon Valley development for mixed usages such as residential and commercial. I have also reviewed all the available documentation for the water sources and usage demands for Vacaville and find that the reports are lacking and misleading in the details.

58-1

I have no doubt that the new and improved water treatment facility will increase the available potable water to the City, if there is water to be treated. However, just a few years ago, during the last drought, there was not enough water available for the City drinkable or not. In fact, the town that was inundated under the lake was exposed. Now, it does not matter in the least if the water treatment facility can operate and process more water if there are no new sources of water for processing.

58-2

The available water source located in Lagoon Valley will soon be compromised by the development as the aqua filter source will be paved, housing or commercial buildings placed, or planted under with the golf course rendering that water totally unusable even it it was considered a water source. The lake has a distinct possibility of drying up as the storm water from the proposed developed areas and golf course will not be allowed to enter the lake. That run off will be full of household, vehicle, herbicide, pesticides and many other various pollutants that must be treated by the City. That is why the dredging of the lake is being considered, to increase the amount of holding water, but does not appear to be enough to sustain the lake during five or so drought years.

58-3

Before any development of Lagoon Valley even begins, there are more demands on our existing water sources. These demands range from the lost court case with Davis to the incredible growth that our City's Council has not even attempted to restrain. Add in that the wells and delta are being emptied or compromised by increase use and pollution, and the reported available water does not exist, maybe even for the existing City's demands except on the paper it was written.

58-4

Please do not even attempt to state that Vacaville may have a possibility to increase the water from the delta or other areas if they win against Los Angeles, you are well aware that Paper water sources are not even to be considered by law. Each and every new development must be considered on its own with the existing water sources. Each time the Council has agreed to these categorical exemptions for new buildings ,without even considering the environmental impacts, has depleted all available water at the time of the last water report rendering the report outdated.

58-5

I request that an outside agency, with a check to show that there is no conflict of interest, complete a report to show the water availability for the City of Vacaville and for the increased demand for Lagoon Valley development before any construction is started. This is not the potable water after treatment, this is where the water is located, such as wells, lake, or other sources to meet the water demands of the existing City, the growth that has already been agreed by the Council, and the Lagoon Valley development without conservation, or other drastic measures, for five

58-6

years of below normal rainfall as per law. I should think that baseline needs to be set on the last year of the drought. Then the report should add in all the new growth, proposed growth, increased population, water processing facility, and if you have any new water sources that have been added from that time to prove water availability to sustain Vacaville and Lagoon Valley.

58-6 Cont.

If there is water available for the existing City and the proposed Lagoon Valley development, as the City Council Members state, they should be willing to sign a public legal document accepting personal liability attesting compliance with the water laws for the City and the proposed Lagoon Valley development. Basically, the City Council who have been calling for this development should be willing support their statements with their own personal money. After all, they are willing to place our money in jeopardy.

58-7

Ann Dow

COMMENT LETTER 58: Ann Dow**Response to Comment 58-1:**

The City disagrees with the commentor's statement that there is not enough water for the proposed development area and believes that the information provided in and referenced in the Draft EIR fully describes available water supplies for the City. Draft EIR Section 4.10 analyzes the water supply setting and impacts of the Proposed Project. Draft EIR Technical Appendix H provides the technical background analysis for the Draft EIR. The Draft EIR also references the SB 610 Water Supply Study prepared for the proposed Specific Plan and other large projects pending in the City, and is appropriately cited in the Draft EIR and Technical Appendix. For ease of reference, the SB 610 study is added as a technical appendix to the Final EIR.

Response to Comment 58-2:

This comment questions whether adequate water supplies will be available to serve the development. Draft EIR Section 4.10, pages 4.10-21 and 4.10-22 address the supply of water. The Draft EIR concludes that there is adequate supply to serve City demands.

Response to Comment 58-3:

There is no City plan to use groundwater from this valley. This comment also expresses the opinion that runoff to the lake will be lessened to the point that the lake will dry up. The water from portions of the Specific Plan area will continue to drain into the lake. In addition, under the terms of the City's license through the State that allows the City to operate the lake, the City is required to operate it as a lake for recreation and habitat purposes. Water quality issues associated with runoff are addressed in Draft EIR, Section 4.11, Impact 4.11-3.

Response to Comment 58-4:

See Response to comment 58-2.

Response to Comment 58-5:

See Response to Comment 58-2.

Response to Comment 58-6:

The City's water supply is identified in detailed in the SB610 study prepared for this project. This document is appended to this Final EIR. The SB610 study has been reviewed by the City Council and formally accepted on February 24, 2004. The document, and the supportive documentation for this EIR have been circulated to any interested agencies.

Response to Comment 58-7:

This comment does not address the EIR contents and does not require a response for the purposes of CEQA.

April 17, 2004

Fred Buder
Project Manager
City of Vacaville
Community Development Department
650 Merchant Street
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report
Section 4.12-10 (Landslides and Earthquake faults)

Dear Mr. Buder:

It is stated in the DEIR that the proposed development has 21 landslide sites, 17 of which are identified along edges of the residence sites. Rancho Solano had many earth slides, which caused damage to homes. Why would the city planners want to develop homes in an area that has this same potential? Are they so eager to get tax dollars that they put property values and lives at such a low priority?

59-1

Have the two earthquake faults (Lagoon Valley and Kirby Hills) been thoroughly studied? Were the areas above these faults retrenched to inspect for offset layers? What dates was this done to determine if there has been ANY movement? The last big earthquake in 1892 did considerable damage to Vacaville. The DEIR refers to moderate damage in Sacramento.

59-2

The analysis of the flood plane is inadequate as well. Have the soils been tested? How will they compact? Where will this soil come from? If 21 mudslides occurred recently enough to notice, there have probably been even more. What will stop the debris flows? The whole flood plane is not diagramed. They are not suppose to build in a 100 year flood plane.

59-3

The Ranch Hotel is always flooding. The lake was always a catch basin for excess water. Paving over the valley will definitely increase the chances of more flooding to the area.

There are many other alternatives that this property could be used for where earthquake faults and mudslides and flooding would not be such a problem, i.e., cemetery, 5-acre ranchos such as those on the opposite side of the freeway, a Regional Park, or a golf course without homes.

59-4

Sandy Harris
179 Hillview Drive
Vacaville, CA 95688

COMMENT LETTER 59: Sandy Harris**Response to Comment 59-1:**

The commentor correctly notes that there are landslides identified in locations adjacent to proposed residential development. The comment incorrectly characterizes the Proposed Project as being proposed by City planners. In this case, the project proponent has requested City approval of a new land use plan, to replace the existing, approved entitlements for large scale urban development in this area (the 1990 Policy Plan). The Draft EIR analyzes the risk from landslide hazards and proposes mitigation measures to reduce or eliminate this potential impact.

Response to Comment 59-2:

As discussed in Section 4.12, Geology and Soils on page 4.12-5, the Proposed Project is not within the State of California Alquist-Priolo Earthquake Fault Hazard Zone. Further, the investigation of the Lagoon Valley fault trace was discussed in Section 4.12, Geology and Soils on pages 4.12-5 through 4.12-6. Two separate geotechnical investigations for potential fault rupture were conducted in 1991 and 2003. The reference to these investigations was included in Volume 2 of the Draft EIR in Appendix J. Both geophysical studies performed on the Lagoon Valley fault trace found no evidence of active regional faulting in the project site. Both studies used geophysical techniques which described offset layers in the subsurface bedrock or soil. The studies did not indicate active or potentially active faulting in the Lagoon Valley fault trace. The dates of both geophysical fault studies, and subsequent review by ENGEQ, Inc., were provided in the Draft EIR on Page 4.12-6. The City appreciates the information relating to the considerable damage to Vacaville from the 1892 earthquake.

Response to Comment 59-3:

The entire floodplain, as delineated by FEMA and shown on the FEMA Flood Insurance Rate Map, is shown in Figure 4.11-2.

As stated in the City's Floodplain Management Ordinance and summarized in Section 4.11.3 of the EIR, construction may occur in a floodplain provided the lowest floor elevation is above the base flood elevation. In addition, through the proposed mitigation measures that are discussed under Impact 4.11-2 and the associated mitigation measure, this area will be removed from the floodplain as a result of the improvements proposed by this project. The project proponent will also prepare and submit a revised floodplain delineation to FEMA to have the area removed from the FEMA floodplain maps.

Flooding at the Ranch Hotel is an existing condition resulting in part from the insufficient capacity of the bypass channel (west of the lake) and the Lagoon Drain (south of the lake). The Proposed Project will decrease the flow to the bypass channel and install large pipes adjacent to the Lagoon Drain that will increase the capacity of the Lagoon Drain. These improvements will lower the water level in both the bypass channel and the Lagoon Drain, which will decrease the potential for flooding in the area around the Ranch Hotel, not increase the flooding. In addition, as explained in Response to Comment 30-1, the Proposed Project will install several detention basins that will decrease the amount of runoff that both the lake and the Bypass channel will receive.

Response to Comment 59-4:

As described in Responses to Comments 15-7 and 48-11, the primary intent of the alternatives evaluation in an EIR is to ensure that “the range of potential alternatives to the Proposed Project shall include those that could feasibly accomplish most of the basic objectives of the Proposed Project and could avoid or substantially lessen one or more of the significant effects.” Therefore, an EIR need not evaluate all possible alternatives. The alternatives selected for evaluation in this Draft EIR were selected because they were believed to reduce or eliminate project impacts while achieving some or all of the project objectives. Please also see Responses to Comments 59-1 through 59-3.

April 17, 2004

Fred Buder
Project Manager
City of Vacaville
Community Development Department
650 Merchant Street
Vacaville, CA 95688

Re: Comments on the Lagoon Valley Draft Environmental Impact Report (City Services)

Dear Mr. Buder,

The most obvious defect in the DEIR is that it fails to provide enough information about the long range costs to the residents of Vacaville pertaining to schools, traffic, pollution, loss of wildlife, loss of scenic open space, potential flooding and noise. Using 2025 as a benchmark for future traffic does not address the traffic problems we already have here. The DEIR does not specify when the school and fire station will be built, the exact amount of money to be given to the City of Vacaville for future park use, who will pay for the needed overpasses and connecting roads, where the funds will come from to repair or maintain our county roads that will be impacted, what measures will be taken to protect endangered species of wildlife, what studies have proven that building on two earthquake faults do not endanger future homeowners of Lagoon Valley, what impact the increased sewage will have on our already stressed sewage treatment plant, what the noise level will be, what vibration damage will occur at the Pena Adobe, or what will prevent flooding in Vacaville as the creeks overflow?

60-1

60-2

60-3

The significant and unavoidable impacts of this project cannot be mitigated. Therefore, the project should not be approved until these issues are addressed. The costs to the city are high in regard to fire, police, sewage treatment and schools. If the Planning Department will visit the other Solano County development by Triad, Hiddenbrook, they will see that although it has been under development for well over five years, there is still no school, no fire station, and no stores. The area is a drain on the City of Vallejo to provide these services.

60-4

The pretentious definition of "executive housing" is bogus as well. Please define "executive". One would think executives would want some land, not high density housing. Triad's Hiddenbrook is a subdivision with only two or three custom homes, the rest being track houses. Some are grouped on one round, shared driveway, less than seven feet apart, with no parking in front. Prices of homes in other subdivisions in Vacaville (Glen Eagle for instance) are higher than those at Hiddenbrook. Lagoon Valley's proposal is a common subdivision built too far from the city to benefit the majority of Vacaville citizens. It is a drain on our services and will increase our taxes to subsidize it.

60-5

If this development is approved, there should be a clause written in that would fine Triad for every day that passes that the fire station and school are not completed. It is in the plan at Hiddenbrook, but having it in the plan is far different than actually building it in a reasonable time. The same goes for road improvements and overpasses.

60-6

Schools will be impacted in both Fairfield and Vacaville, and if families have children of elementary and middle or high school age, they will be greatly inconvenienced by having them go to two towns. Traffic alone from children being driven or bussed to Vacaville Schools (Orchard or Sierra Vista) will impact many city and county streets, such as Alamo Drive, Pleasants Valley Road, Orchard Avenue, Foothill Drive, and possibly Buck Avenue and Merchant Street. Will there be school bussing? Will the City of Vacaville provide bus service to Lagoon Valley? If so, will the current routes have to be changed? Some city bus routes have already been curtailed here in town.

60-7

Emergency response time to Lagoon Valley will be slow. The goal is 8 minutes. Average travel time in town is 35 mph. Average wait time at Vaca Valley Emergency Room is 4 hours. Executives are predispositioned to heart attacks, which usually occur in the morning. An ambulance going through town, onto the already congested freeway, out through housing in Lagoon Valley and back to a hospital will not be fast. In the meantime, those emergency vehicles that serve certain sections of town will be gone and unavailable to the residents they currently protect.

60-8

In an emergency such as an earthquake, flood, or fire, with one road in and one out, it will be a nightmare. Emergency crews will find it difficult to get in while residents are trying to get out.

60-9

The overpass going to Lagoon Valley was not designed to handle so much traffic. What will happen when it requires repair? In extremely hot weather, asphalt roads have been known to buckle. Where will all this traffic go? The county roads near Lagoon Valley are already in bad condition and narrow.

60-10

Trips mentioned in the DEIR are under estimated. Is it based on carpooling? At least 50% of Solano residents commute to work. Most homes have two cars. Those with teens have even more. Trips by gardeners, housekeepers, decorators, babysitters, mail carriers, delivery people, service people, contractors, golfers, spectators at tournaments, and visitors add to the numbers.

60-11

Air quality is based on grading and construction days. What about when fireplaces are going, lawnmowers, weed eaters, blowers, barbeques, etc. are used? This is not a short term problem.

60-12

Noise is already a problem. If you walk the bike patch next to the freeway, you cannot hear your companion talk. We live in Alamo Terrace, about 9 blocks from the freeway, and the noise wakes me up by 5:00 every morning, even with the windows closed. Add 1225 more homes and probably triple that number of vehicles, and the noise level will definitely increase in Vacaville.

60-13

Too many questions have been left unanswered by the DEIR. It is not in the best interest of Vacaville to approve this plan. It is apparent that city planners and council members have been swayed or manipulated to approve this project, but in the long run, Vacaville has nothing to gain from this project, but we do have a lot to lose.

60-14

Sandy Harris
Vacaville, CA 95688

COMMENT LETTER 60: Sandy Harris**Response to Comment 60-1:**

An EIR need not provide economic (cost) information in the analysis. Rather, the analysis should focus on the potential physical environmental effects of the proposed action or project. The physical environmental impacts of the Proposed Project on schools, traffic, pollution, loss of wildlife, loss of scenic open space, potential flooding and noise are evaluated in the Draft EIR in the appropriate technical sections of Chapter 4 Environmental Analysis and in Section 5.1 Cumulative Impacts. Detailed technical studies are also included in the appendices to the Draft EIR and additional information supporting the EIR's analysis is in the City's files on the Proposed Project. However, the City has completed a separate market, economic, and fiscal analysis of the project. This report is available for review at the City's Community Development Department and on the department's web-page.

Response to Comment 60-2:

See Response to Comment 54-3. Also, while the impact of a proposed project on existing deficiencies is established, the proposed project is not required to mitigate or correct the existing deficiency. Rather, its obligation is to mitigate its impact.

Response to Comment 60-3:

The City disagrees with the assertion that the items mentioned in this comment are not adequately addressed in the Draft EIR. The Draft EIR, Section 4.11 identifies the timing for fire station construction and the procedure (although not the exact timing) for construction of the school. The exact timing for this construction does not need to be known for preparation of an adequate EIR. In general for this comment, the City believes all of the issues identified by the commentor are addressed in the Draft EIR, Chapters 1 through 6, and Draft EIR Technical Appendices C through O, and Specific Plan Chapters 1 through 9.

Response to Comment 60-4:

As described under Response to Comment 60-1, an EIR need not provide economic (cost) information in the analysis. The analysis focuses on the potential physical environmental effects. The physical environmental impacts of the project on schools, traffic, pollution, loss of wildlife, loss of scenic open space, potential flooding and noise are evaluated in the Draft EIR in the appropriate technical sections of Chapter 4 Environmental Analysis and in Section 5.1 Cumulative Impacts. However, the City has prepared a separate fiscal analysis to examine the project's potential effects on the City's finances. This report may be viewed at the City's Community Development Department.

The decision on whether or not to approve the project will be made by the Vacaville City Council. A project may be approved even if some significant and unavoidable impacts would result, provided the decision-maker reaches certain findings regarding the project. This will be an issue for the City Council to consider. The experience of other developments in other areas are not related to the CEQA analysis prepared for this project.

Response to Comment 60-5:

This is not a comment on the content or adequacy of the Draft EIR. As background and additional information however, it is noted that the Vacaville City Council examined the need for projects called “executive housing” in 1999. The identification of appropriate sites for executive housing were identified as part of the City’s Strategic Plan goals (and remain part of that plan today). In May of 1999, the City Council adopted a report titled “Definition of Executive Housing,” identifying a number of characteristics defining projects that would meet the definition of executive housing projects. This report is available for review at the City’s Community Development Department.

Response to Comment 60-6:

This is not a comment on the content or adequacy of the Draft EIR analysis. However, the issue of timing for construction of the fire station, roads and other infrastructure is contained in Specific Plan Chapter 9.

Response to Comment 60-7:

The City has recognized the potential inconvenience of the split between school districts. This issue is noted in the City’s 1990 General Plan update, and the Specific Plan, Section 8.4, Policy 8.4.2, the City commits to actively supporting the adjustment of the school district boundary. See Response to Comment 14-8 for a discussion regarding school busing and the traffic impacts associated with operation of a school.

With regard to City bus service, the Draft EIR, Section 4.5, page 4.5-4 identifies the procedure for monitoring the need for transit service.

Response to Comment 60-8:

The proposed Specific Plan would include a fire station, with emergency medical response staff, in the Lower Lagoon Valley area. When that station is committed to a call, then other City stations would respond to subsequent calls. The Specific Plan includes provision for secondary emergency access/egress routes to ensure adequate accessibility and evacuation ability. See also Response to Comment 37-6.

Response to Comment 60-9:

See Response to Comment 37-6.

Response to Comment 60-10:

The traffic study analyzed potential impacts to the Lagoon Valley Road overcrossing and concluded that the Proposed Project can be adequately served by this interchange if the mitigation measures proposed in the Draft EIR are implemented. In response to the comments about County roads, please see Responses to Comments 11-2 and 12-5.

Response to Comment 60-11:

In response to the comment that trips are underestimated, please see Responses to Comments 17-27 and 54-1. Also, the Draft EIR does not assume reductions from carpooling or other TSM Measures in order to ensure that the estimate of project trips is conservative.

Response to Comment 60-12:

Impact 4.6-2 describes the Proposed Project's impact to air quality from daily operation. As discussed in Impact 4.6-2, the URBEMIS 2002 model was used to model these daily operational emissions. URBEMIS 2002 takes into account sources such as fireplaces, landscape equipment, and other sources mentioned by the commentor.

Response to Comment 60-13:

It is noted that the commentor feels that noise is already a problem in the Vacaville area. The commentor is correct in stating that noise levels will increase in Vacaville as a result of the Proposed Project development. As described under Impact 4.7-4 on pages 4.7-15 and 4.7-16, the Proposed Project development would increase local noise levels by a maximum of 1.6 dBA L_{dn} , which is inaudible/imperceptible to most people and would not exceed the thresholds of significance used in the Draft EIR. As a result, the potential noise impacts to locations outside of the project site were determined to be less than significant.

The increase to traffic on Interstate 80 from the Project is estimated to be between 500 and 1,200 peak hour vehicles in the year 2025 depending upon the segment and peak hour in question. Increased noise attributed to increased vehicle trips generated by development of the Specific Plan is addressed under Impact 4.7-4 on pages 4.7-15 and 4.7-16. As shown in Table 4.7-12 on page 4.7-15, future noise levels associated with increased vehicle trips (local traffic volumes) would not exceed established thresholds, and would therefore be less than significant.

Response to Comment 60-14:

See Responses to Comments 60-1 through 60-13. This comment also addresses the merits of the project and it will be forwarded to the decision-makers for their consideration.

-----Original Message-----

From: Ellen Brown [mailto:lovacat2@yahoo.com]

Sent: Monday, April 19, 2004 2:54 PM

To: LVDevelopment@ci.vacaville.ca.us

Subject: Comments on the Lagoon Valley Draft Environmental Impact Report

April 18, 2004

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

Dear Mr. Buderl,

These are some questions I have regarding the Draft Environmental Impact Report.

TRAFFIC

In an effort to avoid congestion on I-80 to and from Lagoon Valley traffic would significantly increase on Pleasants Valley Road, Foothill Drive, Alamo Drive, Monte Vista and other existing streets throughout residential neighborhoods of Vacaville as well as added noise and pollution. How would this be mitigated?



61-1

HOUSING COSTS

Without knowing the selling prices of residential homes and revenue generated from office space how would you know if taxes collected would be enough to pay for the city services needed and maintenance for improvements made? Would the residents of Vacaville be footing the bill for Lagoon Valley?



61-2

FLOODING

The garage of my home was flooded in 2002 because the storm drains emptying into Alamo Creek couldn't handle the storm runoff. I am concerned that the added runoff from the Lagoon Valley project will further impact current storm drain capacities and increase the potential for flooding throughout the city?



61-3

5.1-21 of the DEIR states that cumulative development, including the proposed project could increase runoff that could exceed the capacity of existing drainage facilities resulting in localized flooding. This is considered a significant cumulative impact. The project proponent is required to complete a Master Drainage Plan that identifies specific improvements consistent with City General Plan policies. The Master Drainage Plan has not yet been completed or approved by the City. Isn't this something that should have been done and included in the DEIR?



61-4

Sincerely,

Ellen Brown
675 Linwood Street
Vacaville, CA 95688

COMMENT LETTER 61: Ellen Brown**Response to Comment 61-1:**

The traffic impacts of the proposed project, and the mitigation measures for any potentially significant traffic impacts are identified in Draft EIR Section 4.5. The traffic analysis did not identify significant impacts on Pleasants Valley Road, Foothill Drive or Monte Vista Avenue. Potentially significant effects were identified at the intersection of Alamo Drive and Merchant Street, and on Alamo at Marshall Road. The future California Drive Overcrossing project was found to mitigate impact cumulative impacts to Pleasant Valley Road and in turn Foothill Drive. Impacts to Alamo Drive are established by analysis at the freeway ramps. Specific Plan Policies include monitoring LOS in the project area, and City has and will continue to monitor major intersections annually along Monte Vista to verify acceptable levels of service are maintained. See Section 4.5 and Section 5.1 (Cumulative Impacts) for a complete listing of impacts and mitigation measures for traffic. The air quality impacts and mitigation measures are identified in Draft EIR Section 4.6, and the noise impacts and mitigation measures are identified in Section 4.7. Mitigation measures are specified for a variety of project impacts. No significant noise impacts were identified due to traffic increases caused by the Proposed Project and so no mitigation is identified for this impact. The air quality analysis identifies a number of mitigation measures to promote reduced automobile dependence and thus reduce air pollution impacts (please see Impact 4.6-2 on pages 4.6-15 through 4.6-17 of the Draft EIR).

See also Responses to Comments 9-6 and 9-7.

Response to Comment 61-2:

See Response to Comment 48-4, 51-4, and 60-1.

Response to Comment 61-3:

See Response to Comment 30-1 that addresses potential increase in runoff from the project site.

Response to Comment 61-4:

See Response to Comment 37-4 that addresses the drainage analyses that were done as part of the development of the Draft EIR. To summarize main points from that response, the Draft EIR, Technical Appendix I includes the results of extensive modeling and analysis of existing and proposed drainage facilities. The final Storm Drainage Master Plan, required by the Specific Plan and Mitigation Measures in the Draft EIR, is generally not prepared until more detailed project design begins after a project is approved.

RECEIVED

APR 19 2004

CITY OF VACAVILLE
PLANNING DIVISION

Elissa A. DeCaro
741 Almond Street
Vacaville, California 95688-4408
707.469.9645

April 18, 2004

City of Vacaville Community Development Department
Attention: Mr. Fred Buderl
650 Merchant Street
Vacaville, California 95688

Re: Public Comment on the Draft Environmental Impact Report ("DEIR") for the Proposed Lower Lagoon Valley Specific Plan SCH Number: 2003032063.

Dear Mr. Buderl:

Where to begin? The above referenced DEIR left more questions than answers. It is vague, fallacious and so limited in scope as to never substantively provide the "big picture". For example on page 1-1 at the end of the second paragraph,

"... the development proposed in the 1990 Policy Plan was abandoned by the developer because of a change in market conditions."

62-1

Nice spin, but wouldn't the truth actually be that after thorough analysis of infrastructure and development costs, both Bank of America and Kaiser-Permanente determined the actual expense of the proposed plan far outweighed any benefits? This is an important point because if two large corporations couldn't afford this project, how can Triad? Or better yet, how can we?

It is impossible for an informed decision to be made under this present DEIR as it is based on an outdated General Plan. In addition, the DEIR attempts to limit the scope and avoid mitigation by considering impacts in phases. Under the California Environmental Quality Act ("CEQA") and established case law, public agencies are prohibited from employing this method of splitting large projects into multiple parts and yet Pages 1-2 and 1-3 clearly state,

62-2

"... Therefore, the Park Master Plan Update is being considered as a separate project for CEQA purposes and will undergo project-level CEQA review once the master plan update is developed and proposed."

Furthermore, the DEIR does not take into account the cumulative impact that other pending developments such as North Town, South Town, Lewis Road, Nut Tree, Midway Road, Vaca Valley Business Park, Leisure Town, Paradise Valley, Suisun Valley, Cordelia and the 680 Interchange project, will have on traffic or public safety. The DEIR does not fully consider the present state of the school districts in our area. It does not fully consider the priceless and irreplaceable nature of the historic and cultural resources at Lagoon Valley. It does not encompass the wisdom that would be gathered by first participating in the Habitat Conservation Plan initiated by Solano County. Finally, the DEIR does not give equal consideration to all alternatives.

62-3

The greatest fallacy of this DEIR is the statement regarding the purported needs of Vacaville. It appears that the city is employing the misguided "trickle-down theory" of economics. The concept that "Executive" housing will draw benevolent CEO s to our city, who will in turn provide jobs and housing for "professional" level staff. Here is the problem with that theory. Hiddenbrook is the template for Lagoon Valley. It was begun in 1995 and nearly a decade later they still do not have a school, park, fire station, grocery store or other professional/retail development (other than the Club House) [source: www.hiddenbrookeonline.org]. Thus none of the theoretical jobs and services have actually come to fruition and an unfair burden on traffic, schools and public safety has been placed on Vallejo. Further, if you look at real estate listings for Hiddenbrooke the price range is \$898,000 - \$675,000. Hardly a varied mix of affordable housing.

62-4

Now compare this to the statistical data for Vacaville from the year 2000 as follows:

Median Age:	33.9
Median Household income:	\$57,667
For Population 25 years and older:	
• High School or higher:	83.9%
• Bachelor's degree or higher	19.4%
• Graduate or Professional degree	6.7%
• Unemployed:	4.4%
• Mean travel time to work:	29.6 minutes

[source: www.city-data.com]

The average family in Vacaville would not be able to afford the proposed homes based on the closest comparison. Only 6.7% of our city residents has an educational background that would generally constitute an "executive" annual income. Further, it is likely that Lagoon Valley would be even less affordable, considering property values in our area are generally higher than those found in the Vallejo area. Using the above data, an average Vacaville family would only qualify for a home in the \$200,000 - \$230,000 price range. However, I was unable to find any listing in the city of Vacaville for single family homes priced under \$320,000. I did not have any difficulty finding homes in the \$400,000 - \$800,000 price range. For this reason, I know of many people that work in the area but have moved to Natomas or Elk Grove because those areas are building new homes in their price range.

Traffic:

With individuals commuting farther away for affordable housing. This section has regional implications that are not addressed. A cumulative study needs to be done that addresses all of the proposed development along I-80 in Solano and Yolo counties.

In addition, the impacts on Fairfield need to be more thoroughly addressed. For example, North Texas Street was recently revamped to convert one-lane of southbound traffic into an additional turn lane. This was due to the heavy Paradise Valley and Raley's traffic. On the other side of the freeway, all eastbound traffic from Fairfield is diverted to the frontage road until it reaches the Lyon Road overpass. In both cases heavy flows of traffic are inundating roads that were not designed to support such flows. This is a major safety issue, particularly when you consider that the children of Lagoon Valley will rely on these roads for their commute to school.

62-5

Education:

This section should be scrapped and redrafted in its entirety once the Vacaville Unified School District ("VUSD") has completed its redistricting. Elm school is slated to be closed so the enrollment projections are obsolete. The VUSD has not yet made up its mind whether children from Lagoon Valley would be enrolled at Orchard Elementary or Sierra Vista (neither school is the closest). The DEIR does not explain why children enrolled in the Fairfield Unified District ("FUSD") would be enrolled at Laurel Creek Elementary and Dover Middle School versus Amy Blanc Elementary and Sullivan Middle School, both of which are closer. How does this foster a sense of community for our town if children must attend school in Fairfield? How do children develop meaningful friendships with their peers, if their peers live on the other side of town or the next town over? What about extracurricular activities? Is Fairfield able to handle Vacaville registrants for T-Ball, Soccer, Basketball, etc? How will the children get to school? Will there be buses? Will the families pay for bussing? How will families be expected to juggle traditional versus year round school schedules? Is it realistic to expect families to potentially send one child to elementary school in Vacaville and a sibling to middle school in Fairfield?

62-6

Safety:

This project has dangerous implications for both Vacaville and Fairfield's public safety. The station itself does not have to be completed until the 400th permit is issued. The DEIR does not cover how many times units presently have "call back" calls for staff to cover areas not covered by five member shifts. Lagoon Valley is windy and highly flammable during the Summer and Fall. It would only take one wayward firecracker, cigarette, barbeque spark, ember from a fireplace and potentially the whole hillside could be engulfed in flames. This could then lead to the potential of having to not only evacuate Lagoon Valley, but CMF and Paradise Valley as well. Is the City equipped to handle such an emergency? Which areas in the city will be impacted by lack of coverage in order to cover general calls to Lagoon Valley? Which hospital will patients be taken to? Northbay is closer but is in Fairfield. Has Northbay been informed of this potential impact?

62-7

What about police services? Presently the city has overextended themselves with construction of the new Police Department at City Hall. Ninety percent of the project is funded through

62-8

redevelopment funds that are frozen indefinitely by the State. To date a full budget disclosure of how the city intends to pay for the project in its entirety has not been released to the public. In spite of the apparent lack of substantial funding, construction is proceeding in order to beat the expiration of the building permit in 2005. How will this over-extension impact the ability to budget the payroll required to hire the necessary staff for Lagoon Valley? How will the city pay for the Police Department project and the substation, if full funding does not become available through the State?

62-8 Cont.

Historic and Cultural Resources:

Lagoon Valley is the birthplace of Vacaville and yet this seems to be an afterthought. For example, will Pena Adobe be monitored for damage from vibrations from increased traffic? Presently the noise from the freeway can be deafening next to the adobe. With the increase in traffic, how will the adobe be protected from potential collisions from cars? Presently only a chainlink fence, trees and shrubs separate the adobe from the highway. If the highway is widened this would make the building even more vulnerable. Wouldn't a barrier wall be appropriate to protect the building from these potential impacts?

62-9

Ranchotel is not examined as a potential historic site, despite the fact that it is over 50 years, it was established along historic Route 40, it represents a time in our city's history that spurred the development of the Nut Tree, the Milk Farm, Shady Grove Airport, the Monte Vista Motel and other roadside recreational establishments that were once destinations points for tourists. Ranchotel is significant in that it survived after the establishment of I-80, it has been in continuous operation and owner-operated from its inception and it is unchanged from its original design.

62-10

This area is a treasure trove of irreplaceable historic, cultural and environmental resources and should not be taken lightly. Lagoon Valley was the route taken when General Vallejo was taken to Sutter's Fort. Once a resource is gone, it is gone and no mitigation measure will replace what is irretrievably lost.

The DEIR Does Not Give Equal Consideration to All Alternatives:

There are at least three alternatives that are not even considered by the DEIR, as follows:

Alternative 7: Golf Course, No Residential or Commercial Other than Agricultural Uses. This alternative would be developed to mirror the Chardonnay Golf Course in Jamison Canyon.

Alternative 8: Limited Residential Development. This alternative would mirror the Blue Ridge Oaks gated community on the other side of the freeway. This type of development would allow property owners to develop their parcels without the huge infrastructure requirements and other constraints of the current proposal.

62-11

Alternative 9: Expand the Regional Park. This is most attractive alternative. Imagine the possibilities if the city worked in conjunction with the County, State, and public and private organizations to expand the regional park. It could be used as wildlife habitat. The heritage oak could be reestablished along the valley floor. The land could still be used for agricultural uses.

Soccer and baseball fields could be established. The expansion could be funded through Proposition 40 and land swaps from other development projects. Organizations such as the Boy Scouts of America could help with the expansion via Eagle Scout projects. Local schools, colleges and Universities could use the area as a teaching tool. Lagoon Valley could be the next Golden Gate Park or Tilden Park. Imagine the benefits our community would reap. Children who might not otherwise experience nature, could learn about local history, wildlife and ecology without ever leaving town. Visitors could be welcomed to our city by lush trees and idyllic picnic areas, they could then continue their visit by walking along our historic downtown and the Creekwalk or they could visit the outlet stores. Our city has doubled in size and yet it is dependent on a limited number of Regional Parks in our area. This would be one way of ensuring that the legacy of our history is passed down. This plan would improve air quality, would not put an unfair burden on schools, traffic or safety, and would establish a true scenic gateway to Vacaville and buffer from Fairfield.

62-11
Cont.

In closing, the DEIR fails to provide the full scope of the project. It would be negligent to allow the project to proceed without a fully revised and detailed DEIR. Further, the revised document should be open to public review upon completion and prior to adoption.

62-12

Respectfully,


Elissa A. DeCaro

cc: California Office of Historic Preservation
Sierra Club
California Department of Fish and Game
Greenbelt Alliance
Friends of Lagoon Valley
California Native Plant Society
Fairfield Mayor and City Council
Solano County Board of Supervisors

COMMENT LETTER 62: Elissa A. DeCaro**Response to Comment 62-1:**

The City believes that the EIR provides a thorough analysis of the project's impacts. The economic factors that may have caused past development interests to discontinue development efforts in Lower Lagoon Valley do not affect the EIR analysis of the current project's impacts on the environment.

Response to Comment 62-2:

The commentor asserts that evaluating the future Park Master Plan Update separately from the proposed Lower Lagoon Valley Specific Plan is improper under CEQA. While CEQA does require comprehensive analysis, it also provides that environmental documents should not speculate. CEQA Guidelines Section 15145. The Park Master Plan Update is currently an undefined future project, and it was proposed and is moving forward independently of the Proposed Project. The City will pursue that project regardless of the Lower Lagoon Valley Specific Plan proposal. Thus, analyzing that project as part of this EIR is not required under CEQA, and the City believes that attempting to do so would violate CEQA's prohibition on speculative analysis. It would also be impractical in that the impacts of an undefined project cannot be appropriately analyzed.

The City disagrees that the General Plan is outdated. The comment does not provide details as to how the General Plan is outdated.

The comment mischaracterizes the Draft EIR analysis of reasonably foreseeable actions with those that are speculative. The reference to the Park Master Plan is identified in Draft EIR, Chapter 3, and Sections 4.1 and 4.2, identifying the Park Master Plan as a separate City sponsored project. See also Response to Comment 20-1.

Response to Comment 62-3:

As to the scope of the EIR's cumulative impacts analysis, please see Response to Comment 24-1. Traffic impacts were analyzed for all projects within the cumulative scope and these projects are described on page 5.1-1 of the Draft EIR.

It is unclear from the comment how the Draft EIR does not consider the impact on schools, historic and cultural resources. See Responses to Comments 14-1 through 14-10 and 62-4 through 62-10. Regarding the Habitat Conservation Plan, please see Response to Comment 15-2.

CEQA does not require an equal level analysis of alternatives (CEQA Guidelines Section 15126.6(d)) and see also Responses to Comments 15-7, 48-11, and 59-4.

Response to Comment 62-4:

The commentor does not agree with the adopted City policy planning for executive housing as a part of its Strategic Plan goals. The statistical information about Vacaville housing and population characteristics does not identify any environmental impact issues, but rather is a discussion of the commentor's opinion regarding the likely relative affordability of the homes to be built in the Specific Plan area. This is not a comment on the adequacy of the Draft EIR

under CEQA, but instead does address socio-economic issues. Therefore, this comment will be forwarded to the decision-makers for consideration.

Response to Comment 62-5:

See Response to Comment 17-18 regarding the cumulative traffic analysis. As to the impact to North Texas Street, the Draft EIR analyzes this intersection based on a current traffic count and short and long term projections. Based on this analysis, the project was found to contribute a very small relative amount of traffic to the intersection. Because the intersection is projected to operate at an unacceptable level of service, however, the Draft EIR concludes that the impact is significant and unavoidable. See Response to Comment 10-6.

Response to Comment 62-6:

The information regarding enrollment projections and attendance locations was developed based on information provided by both school districts and cited in the references for Draft EIR Section 4.9. Specifically, the Draft EIR, Section 4.9.3, describes the fact that the Specific Plan area is divided between two school districts. The comment appears to support the concept of amending this boundary to include the entire Specific Plan area within the Vacaville Unified School District and the City supports this idea. The Specific Plan, Section 8.4, includes the description of standards and procedures to be followed for attempting to amend this boundary and the procedures that will ensure the construction of a school in the project area whether or not the district boundary is amended.

Response to Comment 62-7:

According to the Vacaville Fire Department, the Department participates in a County-wide and State-wide Master Mutual Aid System to provide assistance when local jurisdictions need assistance on emergency incidents. Independent of the location, all emergency calls are routed to a central call center that then dispatches the emergency response vehicle to one of the local hospitals. This process exists currently and would not change with project implementation. See Response to Comment 37-6 for a discussion of emergency response and evacuation planning.

Regarding hillside fire danger, the Specific Plan policies establish standards for the design and provision of fire protection features in the design of development within the project area. See Specific Plan, Chapter 5, Sections J1-J1 and J2-J2 – Residential/Hillside Transition design standards, Chapter 6, Section 6.8, “Fire and Emergency Access” with Figure 6.2, and Chapter 8, Section 8.1 for fire protection service standards proposed as part of the Specific Plan. The Draft EIR, Section 4.9, addresses fire protection impacts. Figure 3-8, Fire Access Roads, in Chapter 3 of the Draft EIR is revised and included in Chapter 2, Revisions to the Draft EIR.

Response to Comment 62-8:

Police services policies are provided for in Specific Plan, Chapter 8, Section 8.2.1. The proposed policies and standards in the Specific Plan require the developer to fund the cost of constructing the substation (located within the Fire Station) and to fund the cost of extending police protection services to the Specific Plan area through the formation of a Service District to be formed for the development. The project is also required to form a Service District to fund park maintenance, including the cost of providing a park ranger to the Lagoon Valley Regional Park.