

Response to Comment 62-9:

The cultural resources component of the study was to record and evaluate historic resources within the proposed project boundaries and to identify impacts of construction. In respect to the Peña adobe, the Lagoon Valley Project proposes the construction of underground utility alignments in the immediate vicinity of the Peña adobe. Trenching is planned to occur in the access road and parking lot east of the adobe, and through the lawn to the north of the site. JRP recommended that an engineering analysis on the adobe be made to determine the level (if any) of potential impact during the construction of the utility alignment, and that a program of monitoring during ground-disturbing activities in the immediate vicinity of the adobe be conducted by an archeologist or historic archeologist, to alert construction crews and the project proponents should unanticipated archeological resources be found. Interstate 80, which has been in its present form for over forty years, presently is a high traffic roadway. Impacts from potential increases in noise or traffic from the Lagoon Valley project are appropriately addressed in other sections of the Draft EIR. Any future improvements to Interstate 80, i.e. widening, would require additional comprehensive studies of its impacts on the Peña adobe and its surroundings.

The Draft EIR specifically evaluated the potential for vibration impacts to the Pena Adobe caused by utility construction in close proximity to the building (please see Impact 4.14-4 on page 4.14-28 of the Draft EIR). This would be a direct project impact and is addressed by mitigation to protect and evaluate the building when construction is nearby (Mitigation Measures 4.14-4 (a) and (b)).

Response to Comment 62-10:

The project does not propose to make any changes or modifications to the Ranchotel. Because no changes or modifications are proposed as part of the project, the EIR need not analyze or address the historic significance of the building. However, the Draft EIR, Section 4.14 discusses the Ranchotel in the examination of the historic context of the Specific Plan area (see page 4.14-15 of the Draft EIR), and evaluates its historic status (see page 4.14-16). This section of the EIR concludes that the Ranchotel does not meet the National Register or California Register Criterion for listing as historic structures/places. Draft EIR Technical Appendix L contains a more detailed discussion and investigation of the Ranchotel (Draft EIR, Technical Appendix L, pages ii, 12, 16, 19 and 20) and other historic resources within Lower Lagoon Valley.

Response to Comment 62-11:

As noted in Response to Comment 62-3, an EIR is not required to evaluate alternatives at an equal level of detail as it analyzes the proposed project. Furthermore, as described in Responses to Comments 15-7, 48-11 and 59-1 through 59-4, the lead agency should 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. Some of the alternatives suggested in the comment are reflected in the Draft EIR's analysis of alternatives, such as No Project/No Development (assumes existing land uses would remain as is) and Off-Site Alternative (assumes only office park development with rural subdivisions in the remainder of the development area).

The comment's suggestions for additional alternatives will be forwarded to the decision-makers for their consideration.

Response to Comment 62-12:

The City respectfully disagrees that the Draft EIR fails to provide the full scope of the project and requires revision and re-circulation. See Responses to Comments 15-1 (recirculation) 17-1 (adequacy), 17-8, and 17-15. This comment will be forwarded to the decision-makers for their consideration.

April 18, 2004

To: Members of the Vacaville City Council
cc: Fred Buderl, Project Manager, City of Vacaville

Re: Development of Lagoon Valley

I do not believe the Lagoon Valley project stems from a lack of executive housing for Vacaville. There are numerous real estate ads every day in the Reporter with homes and property suitable for executive housing in and around Vacaville, including English Hills, Green Valley, Gibson Canyon, Vine Street, Paradise Valley, Rancho Solano, and Hiddenbrook in Vallejo.

63-1

Commute traffic has got to be a major concern with over 1300 homes and limited access to the I-80 crawl. I doubt very much that the majority of these homes will be purchased by people who work in Vacaville. More likely will be additional commuters who will utilize more of our City resources. With all the talk of relocation of truck scales, a race track in Dixon and potential dairy farms along the I-80 corridor only adds to the question: Why hi-density development in Lagoon Valley? Is it because property owners want big sale profits by selling to high-density developers, or is the City of Vacaville expecting huge tax revenues from this project?

63-2

How about the issue of water runoff and flood control for this valley? Is everything going to drain into the lake and turn in into a swamp suitable only for swamp creatures? What happens when heavy rain runoff from hills impacts the subdivision?

63-3

A proposal of low-density 10 acre parcels minus the school, businesses, and golf course sounds more like country living and should not put a strain on city services which are already spread thin. Better yet, how about an improved regional park with a few amenities such as: upgrade of the lagoon lake water conditions, better hiking trails, gardens with native plants and grasses, trees, picnic areas, nature educational facilities. The lake, bird refuge, and Pena Adobe make this spot a potential unique regional park in our county and a greenbelt buffer between two large cities.

63-4

It seems a shame to turn such an excellent natural setting into just another up-scale subdivision, with a golf course (of course), to add to the existing three courses within 10 miles (Green Tree, Rancho Solano, and Paradise Valley), plus two more within 20 miles (Vallejo and Davis).

63-5

I hope you will consider an alternate plan for Lagoon Valley. Either keep it as a regional park and greenbelt, which I believe are the wishes of the majority of people who live in Vacaville, or if there must be housing, consider a low-density development. How about putting it to a vote of the Vacaville public, as we will be the recipients of the upkeep and traffic of this project forever.

Respectfully,

Joy Graham
Joy Graham
Vacaville Resident & Voter since 1963

RECEIVED

APR 19 2004

CITY OF VACAVILLE
PLANNING DIVISION

COMMENT LETTER 63: Joy Graham**Response to Comment 63-1:**

The commentor disagrees with the concept that there is a need for executive housing. This is not a comment on the adequacy of the Draft EIR. No further response is therefore required for the environmental review. This comment will be forwarded to the decision-makers for their consideration.

Response to Comment 63-2:

Projected traffic impacts are described and analyzed in Sections 4.5 and 5.1 of the Draft EIR and in Appendix D. Other questions in this comment relate to whether there is a need for this project and why it is proposed for this location and time. These are comments on the merits of whether the project should be approved to proceed or not, but do not relate directly to the environmental analysis, and no further response is therefore required for the environmental review. While not a direct environmental impact issue, the comparison of the proposed Specific Plan with the City's approved and currently adopted plans for the area (analyzed as the No Project/1990 Policy Plan Alternative) indicates that the proposed Specific Plan is a lower intensity land use plan than the plans currently in effect for the valley.

Response to Comment 63-3:

See Response to Comment 30-1 that addresses runoff and flood control.

All stormwater flows from the residential development would be routed to the golf course and through a series of vegetative swales and wet ponds to provide treatment to improve the quality of any stormwater discharged to the lake, as discussed in detail under Impact 4.11-3. As a result, the Proposed Project would improve the current Lagoon Valley Lake water quality through both the elimination the current nutrient load from the Hines Nursery and the proposed water quality improvements planned as part of the Proposed Project.

Response to Comment 63-4:

This comment suggests an additional alternative of 10 acre parcels. The Draft EIR Chapter 6 examines a range of alternatives. The Alternatives include Alternative 1, the No Project/No Development alternative. This alternative notes that existing privately owned land could continue as very low density rural style development. Alternative 6 also evaluates the potential effects of rural subdivisions (in combination with a business park on the proposed business park site). The impacts of these alternative ideas are then described in Chapter 6. The comment notes the idea of an improved regional park. It is not clear if this is meant to be in combination with the rural style alternative identified above, however, under this scenario the City would continue to operate the park, although would not have access to the funding which would be provided for improvements and maintenance by the proposed Specific Plan development. The comment expresses an opinion about the unique qualities of the park and its role as a greenbelt buffer between Fairfield and Vacaville. This opinion does not address the content or adequacy of the Draft EIR, and it will be forwarded to the decisions-makers for their consideration.

Response to Comment 63-5:

This comment addresses the merits of the project and not the content or adequacy of the Draft EIR. It is noted that the existing City operated Lagoon Valley Regional Park will remain, and that additional open space lands will be dedicated to the City for public recreation use under the Proposed Project. This comment will be forwarded to the decision-makers for their consideration.

18 April 2004

Attn: Fred Buder
City of Vacaville Comm. Dev. Dept.
650 Merchant St.
Vacaville, CA 95688

RECEIVED
APR 19 2004
CITY OF VACAVILLE
PLANNING DIVISION

Re: Comments on DEIR for the Lower Lagoon Valley Specific Plan

Dear Mr. Buder:

The DEIR needs more detail in order for people to be able to make educated decisions. Too many items are glossed over and not quantified. For example, Vol. I 5.3 Significant Irreversible Environmental Effects Section list:

1. "increased ambient noise" - In 4.2-3 all that's said about it is that "The specific plan includes required buffers to minimize...noise & other nuisances." What other nuisances? How much of a noise level change is expected in terms of decibels? I know that sound is reflected back from the hills which magnifies it's total impact. Will the noise level change over a 24-hour period? From a health standpoint, what will be the effect on residents from the constant freeway noise? Why would anyone think executives would live near freeway noise?
2. Vol. I 4.5 Traffic & Circulation only accounts for traffic to Fairfield & to Dixon. What is the collective impact up to Sacramento and down to Oakland/San Francisco? What will be the impact at the I-80 and 680 interchange? In addition, to essentially say that, the traffic will be bad by 2025 anyway, so increased traffic now won't be of significant impact, is illogical. What about the impact for the next 21 years? What will be the cost of the additional traffic on County roads? What will be the cost to improve the on-off ramps to handle the extra traffic?
3. "degradation of air quality" Vol. I, 4.6-2 A table is provided for existing localized carbon monoxide levels. The text explains how the CO concentrations were calculated but, does not say, how often, which months, etc. Testing should be done on days when there is known to be an inversion and the number of inversions in a year should also be listed. Fireplace pollutants should also be factored into this equation in the winter months.
4. 100-year floodplain 4.11-2: The project requires a 4 ft. elevation in the housing area and a 1 ft elevation near Lagoon Valley and implies by taking these steps, it will save residents from flooding. Tell that to the people who live in Twin Creeks who have had flooding at least three times in the past five years. In addition, if the drain system doesn't work effectively in Twin Creeks, how can Triad assure us that their system will work. Will they guarantee it and, if so, for how long? What will be the cost of maintenance of their drainage structures? Will their drainage system be able to handle the extra runoff that will occur because houses, patios, etc. reduce the amount of soil available to soak up rainwater when we have a steady torrent of rain for hours as we had last winter and the winter before that?

64-1

64-2

64-3

64-4

Will the city of Vacaville be responsible for the flooding of these homes if our city council approves a housing project in a known wetland?

64-4
Cont.

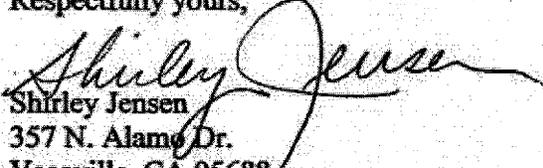
5. Putting a business park near Lagoon Valley will destroy the scenic beauty of the Lagoon Valley Park. It's an incompatible use of resources.
6. Alternatives to this project are inadequately presented. One suggestion would be to eliminate or figure out a way to move the business park from beside the lake to the other side of Lagoon Valley Road, perhaps in place of the golf course. Leave the area next to the lake open to preserve the view and sense of spaciousness and peace. Buildings are everywhere. People need a place nearby where they don't see buildings in every direction.
7. More specifics need to be written about this business park. What would be the timeline? What kind of paying jobs would there be? Is it going to be something like the restaurants & stores in the Suisun Harbor area? In which case, there won't be many, if any, well-paying jobs. It's been five years since Triad started building Hiddenbrooke and there's not a store there & yet buyers were told there would be one.

64-5

64-6

64-7

Respectfully yours,


Shirley Jensen
357 N. Alamo Dr.
Vacaville, CA 05688

COMMENT LETTER 64: Shirley Jensen**Response to Comment 64-1:**

Section 4.7, Noise, of the Draft EIR evaluates the potential noise impacts that would occur during construction activities, to the proposed land uses, and to existing locations in the project vicinity. As described under Impact 4.7-4 on pages 4.7-15 and 4.7-16, the Proposed Project 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. These are 24-hour noise levels. As a result, the potential noise impacts to locations outside of the project site were determined to be less than significant.

As discussed in Section 4.7, Noise, on page 4.7-2, environmental noise levels below 60 dBA are generally considered low. This is the standard that the City uses to ensure that noise levels at new residential uses are acceptable. As described under Impact 4.7-3 on page 4.7-13, future exterior noise levels at the residential units planned at the nearest point to I-80 could exceed the City's 60 dBA L_{dn} standard for outdoor activity areas if there was no berm between these uses and I-80. However, the Proposed Project as designed with the substantial earthen berm between the residential area and the closest sections of I-80, is expected to provide a residential environment below the acceptable maximum noise level for residential areas. Mitigation Measure 4.7-3(a) requires the project developer(s) to submit an acoustical analysis to the City of Vacaville Community Development Department that demonstrates that the final project design measures will reduce traffic noise levels within the exterior living environments of the residential uses within 2,000 feet of I-80 to not exceed 60 dBA L_{dn} . As noted in the Draft EIR, Section 4.7, the proposed berm is expected to reduce noise levels by approximately 20 dBA. Thus, the future exterior noise level at these residential uses would be less than 60 dBA L_{dn} , thereby meeting City standards. As such, the residents of these homes would not be exposed to any negative health effects due to roadway noise.

While not directed at specific nuisances, as not under Impact 4.2-3, the buffers would minimize incompatibilities between internal land uses such as residential, recreational and business park uses.

Response to Comment 64-2:

The commentor asserts that only traffic to Fairfield and Dixon is accounted for in the traffic analysis. This is not correct. Regional traffic is included in the traffic model through the use of the Metropolitan Transportation Commission Regional Model. As Project traffic progresses further from its origin or destination it becomes a smaller proportion of overall traffic, but it does not disappear at an arbitrary line such as Fairfield or Dixon. The City participates in regional modeling and infrastructure planning efforts through the Solano Transportation Authority to provide transportation infrastructure to support the region. See Response to Comment 12-5 regarding mitigating impacts to County roads.

Response to Comment 64-3:

As discussed in Section 4.6, Air Quality, on pages 4.6-4 and 4.6-5 of the Draft EIR, carbon monoxide (CO) concentrations were modeled using a simplified version of the CALINE 4 dispersion model. CALINE 4 does not model specific days, but uses available data to model existing conditions. The model uses existing background concentrations as part of the calculation. The background concentration is based on actual monitored data. This data is

collected year-round, including the winter months when fireplaces are in use. As discussed in Draft EIR Section 4.6, the methodology assumes worst-case conditions. This would account for conditions under which inversions are present.

Response to Comment 64-4:

See Responses to Comments 30-1 and 37-4, regarding flooding and drainage analysis in the Draft EIR.

This comment also addresses the merits of the Proposed Project; and therefore, the comment will be forwarded to the decision-makers for their consideration.

Response to Comment 64-5:

The changes in visual resources associated with the project are analyzed in Section 4.4, Visual Resources. In addition, to the visual simulations presented in Section 4.4, visual simulations are also included in Appendix C of this Final EIR help to illustrate how the project could affect existing view corridors. As discussed on pages 4.4-14 through 4.4-18 in Section 4.4, the Proposed Project would alter scenic vistas and the visual character of scenic resources and would therefore result in a significant and unavoidable impact.

Response to Comment 64-6:

This comment suggests an additional alternative for discussion. The alternative would eliminate or move the business park to a location across Lagoon Valley Road and leave the proposed Business Village area undeveloped. The City believes that the EIR contains a reasonable range of alternatives for analysis, however, this comment will be forwarded to decision-makers for their consideration.

Response to Comment 64-7:

This comment addresses specifics about the business park and the jobs that may be available there. As such, this is not a comment on the adequacy of the environmental analysis. However, it is noted that the Specific Plan does not require a particular timeline for build out of the commercial and office area. The general design concept for the Business Village is presented in the Specific Plan, Chapter 3, Land Use, and Chapter 5, Recreation, Open Space and Resource Management, and Chapter 6 Community Design. The Specific Plan's phasing plan identifies the Town Center (the proposed retail center) as part of Phase I of the project, although no specific timing is proposed.

April 18, 2004

Fred Buderi
Project Mgr.
Community Dev. Dept.
Vacaville CA

Re: Unacceptable Omissions and Conclusions in the Lagoon
Valley DEIR due April 19, 2004

p 2-3

Omission that the Lagoon lake will be dredged to 10 ft deep to serve as a de facto water detention basin as a part of Vacaville's bargain with Triad. No mention of the effect on aquatic species, especially Sacramento Perch a DFG Species of Concern

Omission that dredging spoils will be dumped at the south end of the lake decreasing lake area by 20-25% and the effects of dust blowing out of the spoils area. Dust containing Hines' pesticide & herbicide residue.

Omission of the loss of water quality in lake from golf course use of Atriplax and other toxic herbicides as well as pesticides

Omission of the effect on the lake of storm water overflows into the lake of toxic substances (oils etc) or airborne toxins from houses and business complexes of as yet unknown nature.

4.5.2 + 3

Omission of fact developer will not pay for the extra free way lanes on Ramps. These are somehow to be borne by the county taxpayers. The developer must pay for these impacts.

4.8.3

The DEIR is insufficient in omitting where water pipes and sewer pipes will be laid thru Pena Adobe and Lagoon Parks. There is a Cop-out by using Option 1 & 2. Omitted this report is the actual placing and disruption of park activities.

65-1

65-2

65-3

65-4

65-5

65-6

4-9-1

Omission of the visual blight that siting another water reservoir along the Butcher Rd bike trail which serves as an entrance to the Lagoon Valley Park and also Open Space.

65-7

Omission of the fact that the underground water Reservoir and 2 tank Reservoirs on the Shutter Ridge within yards of the Lagoon Valley fault line.

65-8

4-11-1

Omission of the fact that there is no provision for water in flow into the lake when evaporation is the greatest. Hines nursery inflow now keeps the lake from going dry. When Hines leaves there is no provision for an adequate inflow. Golf course runoff is not scheduled for this during the summer. City water inflow is a joke; it comes only from a 1/2" pipe

65-9

4-11-35

The DEIR last sentence sounds like a joke pious joke Will the developer post a 10 yr bond to ensure environmental success (This same tactic was used by the Dixon mega dairy to get approval)

65-10

4-11-5

Omission of a later DEIR reference to raising the height of the lake dam for more storage capacity. There is no DEIR effort to strengthen the levees around the lake in this case. Storm water in 1995 overtopped the top of the dam by 2 1/2 feet. Dam failure in a real 100 year flood would doom South Voxaville

65-11

Bio Report.doc
9/20/03

Omitted from the wildlife survey are: the names and total number bird species using the lake and adjacent fields. In the 1980 Environmental Impact Report 115 species of birds were named. Recent Papa Solano Audubon Society Records have shown 138 total species; yet only a dozen are named in the cursory report.

65-12

Omitted from the report by the DEIR investigators were the presence of breeding Swainson's hawks, seen carrying nesting

65-13

materials in the Lower Lagoon Valley area. Also these hawks have been observed by many including city staff following mowing tractors with immature, Recent fledging Swainson's Hawks. The Swainson's Hawk is on the DEG species of Concern list.

Also omitted was any sighting of the Relatively plentiful ^{a CSC bird} Loggerhead Shrike. Probably five pair live in the area to be developed and the surrounding Open Space and Park.

Burrowing Owls, ^{a CSC bird} live in the lower portion of the foothills and were omitted. Development will destroy their habitat and force their departure. Omitted in the DEIR is the compensation by land mitigation for these permanent species. Also omitted was the fact that DEIR observations were made by only one person on one day in August when heat drives many bird species away until cooler weather.

Finally omitted from the DEIR is the need for another access route for emergencies in housing developments. The city ~~is not~~ has plans to extend Marshall Rd without making these plans available for consideration in this DEIR. The cost will not be borne by the developer. It will also be a visual blight for park users.

Respectfully Submitted
James Knight

JEKNI @ AOL. com

P.S. Please address these concerns and why the DEIR should not give total information on omissions reported above

#

65-13
Cont.

65-14

65-15

65-16

65-17

COMMENT LETTER 65: James Knight**Response to Comment 65-1:**

The comment is incorrect in stating that the lake will be dredged to 10 feet deep to serve as a water detention facility for the benefit of the development. The Specific Plan does not propose to dredge the lake or use it as a detention basin. The potential for future park improvements is discussed in Draft EIR Sections 4.2 and 4.3. These improvements could include dredging the lake, but this decision would be made at a later time as part of a separate, City initiated-park planning process and is not a part of the Specific Plan project. The City operates the lake under the terms of a license from the State of California. That license does not permit the City to operate the lake as a detention basin (see Responses to Comment Letter 2).

Response to Comment 65-2:

The project does not proposed dredging of the lake and therefore the effects listed in this comment would not occur. See Response to Comment 65-1.

Response to Comment 65-3:

The Draft EIR contains an analysis of potential water quality impacts from urban runoff into the lake (please see the Draft EIR, Section 4.11, Impact 4.11-3. Mitigation Measures 4.11-3 (a) through (f) are specified to reduce potential water quality impacts to less-than-significant levels. These measures establish procedures and standards for preventing urban contaminants from polluting downstream water quality. The mitigation measures also require development of a monitoring system to be implemented for the Proposed Project to monitor downstream water quality and take corrective actions if pollutants are identified. The Specific Plan, Chapter 5, contains policies for the Specific Plan that address resource protection and management, including proposed management guidelines for the golf course that also specify additional management steps to protect water quality and minimize the use of chemicals that might affect water quality.

Response to Comment 65-4:

See Response to Comment 65-3.

Response to Comment 65-5:

The extra freeway lanes and ramps are identified as mitigation for impacts, a portion of which would be the Project's share. The mitigation measures for cumulative traffic impacts identify the improvements needed and require the developer to pay their fair share contribution for this impact.

Response to Comment 65-6:

The Specific Plan identifies the location of planned water and sewer lines through the Peña Adobe park area. Draft EIR Sections 4.8 and 4.11 discuss the locations of planned sewer and water lines to identify the impacts of those facilities. The Draft EIR Technical Appendix G, Figure Y-2 identifies the locations of different sewer main locations. Draft EIR Section 4.10 and Technical Appendix H identify the location of planned water lines. The impacts of sewer line construction are discussed in Draft EIR Section 4.8. The construction impacts of the utility line

construction is discussed in Draft EIR Section 4.3 Parks and Recreation and in Section 4.6 Noise. Mitigation measures are identified to reduce impacts to on-going park programs affected by construction and to reduce any impacts to the historic Peña Adobe structure. Impacts to biological resources from construction of various utilities are discussed in Section 4.15.

Response to Comment 65-7:

The Specific Plan will not require the construction of another water reservoir tank along the Butcher Road trail. There will be a booster pump station facility installed near the trail (See Section 4.10, Figure 4.10-8 of the Draft EIR).

Section 4.4 Visual Resources (Impact 4.4-2), notes the need to construct certain public utility infrastructure within the park or in other very visible areas, and the potential for significant alterations to visual character of the area. While the booster pump station near the Butcher Road trail would be small and subject to a siting analysis, the Draft EIR concludes that the potential for substantial alterations in the visual character would be significant and unavoidable.

Response to Comment 65-8:

Seismic hazards and potential impacts to utility structures and lines are discussed in Draft EIR Section 4.12, Geology and Hazards. Section 4.12-1 analyzes this issue and concludes a less-than-significant impact will result with the incorporation of Mitigation Measures 4.12-1(a) and (b).

Response to Comment 65-9:

Section 4.11, Impact 4.11-1 of the Draft EIR concludes that peak flows from the lake watershed will increase with the development of the Proposed Project. Section 4.11, Impact 4.11-3 examines water quality impacts to the lake. The Draft EIR notes that runoff would be expected to increase with urbanized development in the valley and thus, minimum flows into the lake would not be expected to diminish. Mitigation Measures 4.11-1 and 4.11-3 require the preparation of a Storm Drain Master Plan (SDMP) and a Storm Water Pollution Prevention Plan (SWPPP) to ensure that the final design of the drainage system for Lower Lagoon Valley, including receiving water quality for the Lagoon Lake facility, operated by the City under license to the State Regional Water Quality Control Board. The drainage plans required by these mitigation measures will incorporate any design features necessary to ensure that the City maintains an adequate water supply to the lake in order to ensure that the City complies with its license for operating the lake.

Response to Comment 65-10:

It is assumed that this comment addresses impacts to water quality from runoff, based on the margin note identifying this number. The Specific Plan requires the development to establish a service district prior to the recording of residential development parcels, that will fund the maintenance of the storm water runoff plan (see Specific Plan, Section 9.5, Maintenance).

Response to Comment 65-11:

As discussed in Section 4.11.2, Environmental Setting – On-Site Drainage, the California Division of Safety of Dams (DSOD) performs periodic inspections of the dam structure to evaluate the physical integrity of the dam. The DSOD concluded that the dam is generally in good condition with no evidence of significant erosion or destabilization. The DSOD did note

some issues that should be addressed. The City is currently in the process of addressing these issues as part of its role as operator of the lake facilities.

As recommended in Mitigation Measure 4.11-5, the project proponent will be required to complete and submit a Dam Failure Inundation Study that will identify those areas that could be affected if the dam were to fail and to identify measures to protect these areas.

Information from Rod Moresco, Deputy Director of Public Works for the City of Vacaville, indicates that the dam has never overtopped, but that the spillway has on several occasions.¹ The spillway is designed to overtop or spill water during moderate storm events. The lake has a permanent water storage capacity for the summer months, which is the volume of water below the spillway crest elevation; and a temporary water storage capacity for the winter months, which is the volume of water above the spillway crest elevation. Section 4.11 of the Draft EIR discusses flood impacts. The Specific Plan storm water detention capacity is designed to reduce downstream flows to 90% of current flows, after development. With implementation of Mitigation Measure 4.11-1 (a) through (c), the potential for the Proposed Project to increase down stream flooding hazards would be less than significant.

Response to Comment 65-12:

All bird species that were observed during the surveys for this project were discussed in the Draft EIR. It is not a requirement that the Draft EIR to provide a complete list of all species that have ever been observed at the site, or could occur at the site. Rather, the purpose of the list of species in the Draft EIR is to identify species, and particularly special-status species, that may be impacted by the Proposed Project.

Response to Comment 65-13:

A single Swainson's hawk was observed flying over the site during surveys conducted for this project. Although there are no records for active nest sites from within one mile of the Specific Plan area, the Draft EIR fully addresses the potential for this species to utilize the site for nesting and foraging. Additionally, the Draft EIR requires substantial mitigation for potential impacts to the Swainson's hawk. See pages 4.15-35 through 4.15-37 of the Draft EIR.

Response to Comment 65-14:

No loggerhead shrike were observed during surveys of the project site. However, the Draft EIR fully recognizes that the Specific Plan Area provides potential habitat for this species. Analysis of this species and mitigation measures are clearly provided in the Draft EIR on pages 4.15-45 and 4.15-46.

Response to Comment 65-15:

Though no burrowing owl have been observed during surveys for this project, potential effects on the owl are fully addressed in the Draft EIR, and detailed mitigation measures are recommended on pages 4.15-37 through 4.15-39.

1 Personal Communication, Rod Moresco, Deputy Director of Public Works, Maintenance Division, City of Vacaville.

Response to Comment 65-16:

The Specific Plan, Section 6.8, Fire & Emergency Access and Section 8.1, Fire Protection, contain detailed policies for providing emergency ingress/egress for the project. The Specific Plan provides for an alternate emergency access or evacuation route extending through the park lands on the east side of Lagoon Lake and then either to the freeway at Pena Adobe/I-80, or using the Butcher Road trail alignment. Fire access roads are illustrated on Figure 6.2 of the Specific Plan. This issue is analyzed in Draft EIR Section 4.9-2 (Public Services) and Section 4.13-5 (Hazards and Human Health) and determined to result in a less-than-significant impact because of the provisions for permanent and interim public safety protection incorporated into the Specific Plan. The comment mentions an extension of Marshall Road. There is no City plan to extend Marshall Road to Lower Lagoon Valley.

Response to Comment 65-17:

See Responses to Comments 65-1 through 65-16.

April 18, 2004

To: Fred Buder, Community Development, City of Vacaville

From: Ted Swiecki

Subject: Comments on Lagoon Valley Draft Environmental Impact Report (DEIR) –
Second installment

This is the second installment of comments on portions the Lagoon Valley DEIR. Other comments were previously submitted via email on March 15, 2004.

As I have reviewed this DEIR further, it has become clearer how vague and inadequate the description of the project is. It seems to be a general pattern that the DEIR tends to gloss over or omit details about the projects significant impacts on lands that are currently owned by the City, especially Lagoon Valley Park. This appears to be a conscious effort to avoid emphasizing some of the more controversial impacts of the project.

66-1

Section numbers and page numbers given below refer to those in the DEIR unless stated otherwise.

p 3-15 Area 5: It is clear that the plan will directly and significantly impact Lagoon Valley Regional Park in a number of ways irrespective of the ongoing Park Master Plan. The DEIR incorrectly suggests that impacts to the park related to the project need not be considered in this DEIR. Obvious changes include the intensification of use of the park due to the proximity of a large housing development, the proposed location of infrastructure needed to support the development within the park, including sewage and water pumping facilities, and the change in the overall environment that the park exists in, which will necessarily affect wildlife and plant species that currently utilize the park. These and other impacts that are a direct consequence of the project should be described in the project description and should be fully analyzed. The attempt to defer analysis until after project approval, is simply an obvious attempt to circumvent CEQA requirements.

66-2

p 3-16 Area 6. The various impacts to the open space areas cannot be evaluated based on this vague description. The description is inadequate. A list of significant land alterations are listed, including conversion to golf course land (which would require change in ownership from public to private); construction of a wide array of possible public utility structures; grading and other engineered "improvements" to attempt to stabilize hill slopes. What is the total acreage that will be affected? What is the volume of soil that will be moved in various grading activities? How many and what kinds of structures will be built and where will they be located? Over what period of time will these activities occur? Answers to these questions are needed to adequately describe the project and evaluate impacts.

66-3

p 3-17 Area 7. Description of the project alterations in this area are also too vague to assess impacts adequately. What is the volume of soil that will be mounded to develop the artificial hill (aka “berm”, although berm is hardly a reasonable description for a 50 ft tall mound)? What are the slope percentages of the mounds. What construction methods are being used to create this monstrosity? What is the total volume of soil to be used? How much will be imported? Where will this imported soil come from? What type of soil will it be? Will it be contaminated with organic or inorganic chemicals? Will it be contaminated with weeds or other nonindigenous organisms? How will it be tested? The description says “native materials and plantings” will be used to stabilize the mound. What is this supposed to mean? Also, given that the hill is likely top be constructed in such a way that will ensure that the soil is severely compacted, how do the authors expect to grow plants that will stabilize the hill? How long will plantings take to establish? Whose responsibility will it be to maintain the hill, especially if it begins to erode? Why would the City want to take on the liability of managing such a problematic site?

66-4

How can the area between Rivera Road be used both as a landscape corridor and as freeway ramps? These two uses are quite different and have different impacts. If the area is likely to be used for future road widening, the impacts of the widening should be discussed.

66-5

p. 3-19 Village III. What sort of grass is to be used in the grassed swales? Will it be irrigated in the summer? If so, isn't the maintenance of this turf another impact to be analyzed? If not, dry grass in the swale is likely to pose a fire hazard, which is a different impact. More detail is needed to understand the impacts.

66-6

Hillside Fire Access Roads – Development of these roads constitutes a major negative impact due to erosion potential, disturbance of habitat due to maintenance activities, introduction or favoring of weedy species along roads, destruction of native vegetation during construction, etc. Are the three roads shown in figure 3-8 the full extent of these roads? If not, the figure is misleading and inaccurate. It appears from the diagram that a new road is going to be built through the existing Lagoon Valley Park, a major impact that is not explicitly stated in the text. Furthermore, the text suggests that the design of the roads has not been completed, so the impact can neither be described nor evaluated if this is the case.

66-7

General note: All maps, especially those showing the proposed placement of infrastructure (e.g., Figures 3-7 through 3-13) should clearly show the boundaries of current City-owned park and open space land so it can be seen how much of the proposed infrastructure will impinge on publicly-owned resources. The impact to Lagoon Valley Park and associated open space lands cannot be clearly seen from the existing text or figures. What is the total amount of acreage on City-owned land that will need to be altered temporarily and/or permanently to support this project? Also, over how long a period will construction activities occur on these City-owned lands?

66-8

p. 3-25. Description of Sewer Option 1 does not explicitly state that the sewage pump station will be located within Lagoon Valley Park as is indicated in Figure 3-11. Where

66-9

is the proposed location of the pump station? Why does the plan even consider an option that places this incompatible structure within one of the most heavily used portions of the park?

66-9 Cont.

The description of Sewer Option 2 fails to mention that the alignment appears to include surface trenching through the historic Pena Adobe Park site. Numerous mature heritage valle oak trees are likely to be destroyed or severely debilitated by any trenching that traverses this area, and an archeologically important site will also be disturbed. Why is the alignment in this area not described in sufficient detail to reveal likely impacts?

p. 3-27. How can the project claim to restrict runoff to 90% of predevelopment flows when (a) only a preliminary analysis is available that has at least a 50% error margin (40 to 60 acre ft), (b) runoff from impervious surfaces will be increased greatly, (c) irrigation of turf and landscaping will reduce the amount of water that the soil will be able to absorb during the rainy season; (d) the chronically poor percolation of the soil in the valley will be greatly exacerbated by soil compaction associated with construction. How will "bio-swales" reduce runoff given the low percolation rates of the soils in the valley?

66-10

Figure 3-12. The "existing detention" specified in this figure along the bypass channel and near the park entrance is largely fictional. What is the basis for these designations? The northmost area is a seasonal wetland, but is inaccurately characterized on the map. Also, what "lake outfall" exists on the southside of the lake that is to be improved? The lake outfall is on the north end. How can any reasonable analysis of the stormwater drainage situation be conducted when basic facts such as these have apparently not been understood by the DEIR authors?

66-11

p. 3-29. How can the applicant claim to be following the cited "Environmental Principles" for the golf course when the descriptions provided about the course show an extreme lack of sensitivity to the constraints of the site? As examples, one only needs to look at the proposed encroachment of the course into existing publicly-owned open-space habitats and vast amounts of grading, including the construction of an artificial hill 30-50 ft high.

66-12

What independent entity will monitor the golf course operator's IPM implementation to ensure that any of the stated measures are actually followed? No such arrangement has been specified. Without independent monitoring and enforcement funded in advance by the developer, there is no guarantee that the listed practices will be followed. As such, the DEIR cannot assume that the practices will be followed in its analysis of impacts.

66-13

p. 3-30. What is the estimated total use of fertilizers (N, P, and K) and pesticides (herbicides, fungicides, insecticides, rodenticides, etc.) that are likely to be used on the site based on gross acreage?

66-14

How much soil will need to be moved to accomplish the elevation of all residential areas above the 100 year water line? Where will this soil come from? Why are there no maps showing the drainage improvements needed for the business park area? It is impossible to interpret this section as currently written.

66-15

- p. 3-31. Open space dedication. As noted earlier, the gross acreages proposed in the city land exchange are misleading because they fail to indicate the quality of land being exchanged. Functioning hillside habitat is being exchanged in part for an oversized compacted dirt pile. Why are the specifics of the exchange not described with respect to the land characteristics and potential habitat values? 66-16
- p. 3-33. Given the amounts of soil needed to raise the residential areas and build the fake hill, how is it possible to balance cut and fill within the valley? What are the actual amounts of soil needed for the proposed elevation changes? Does the plan anticipate cutting soil from the bases of existing slopes, which will inevitably destabilize these slopes? 66-17
- p. 4.2-11. It is inconceivable that the impacts to Lagoon Valley Park from this project can be considered less than significant. The proposed project is highly incompatible with Lagoon Valley Park, a regional park noted and prized for its relatively undeveloped natural setting. Change in the park character and environmental setting, gross disturbances to the site due to infrastructure placement and drainage alterations (including the sewer pump station), increased use of the park due to local population increase, effects of noise and visual blight, and other changes constitute a significant negative impact. Only a very poorly considered analysis could conclude otherwise. 66-18
- p. 4.3-3. Is it true as stated that an official general plan update was approved in 1999? If not, references to the “update” and supposed recommendation to develop Lagoon Valley Park with “urban amenities” should be deleted. 66-19
- p. 4.3-9. Section fails to mention or discuss the ongoing unmitigated impacts associated with placement of water and sewage pumping stations within the park. These are significant impacts that can be avoided by alteration of the plant to place such facilities elsewhere. 66-20
- p. 4.7-14. It is inaccurate to indicate that “no existing uses that are sensitive to noise levels” are near the proposed pump station. Recreational use of the area is sensitive to constant machinery noise that this and other pumps would produce. 66-21
- p. 4.13-3. The fourth full paragraph (beginning “The Deputy Commissioner...”) is totally incomprehensible. It is a certainty that a wide variety of pesticides have been used throughout the Hines Nursery site for many years and that residues of many of these pesticides or their breakdown products may be present in the soil of the site. Why are the pesticide use records for the Hines site not included in the report? Why have no soil tests been completed to test for pesticide residues or metabolites? It is not possible to assess impacts associated with soil grading and relocation from this site without such information. The current analysis is incomplete and inadequate. 66-22
- A significant biological hazard associated with the Hines Nursery site has not been recognized or analyzed in the DEIR. Like most if not all large commercial nurseries, 66-23

Hines Nursery has had a history of plant disease problems associated with species of *Phytophthora*, many of which cause serious and often lethal diseases of many different native and cultivated plant species. *Phytophthora ramorum*, the causal agent of sudden oak death, has recently been detected in a number of commercial nurseries and could be present in this site as well. Many of the soilborne *Phytophthora* pathogens persist for extended periods in the soil and are spread through the movement of contaminated soil on grading equipment, tires, shoes, etc. It is highly likely that grading activities on the Hines site would result in the spread of these pathogens throughout Lagoon Valley, where they could debilitate or kill both woody landscape plants and various native plant species throughout the valley. They could also be spread along highways by dirty construction equipment and could contaminate both roadside plantings and commercial orchards. Recent research that we have conducted showed that at least one endangered plant species (*Arctostaphylos myrtifolia*) has been significantly impacted by *Phytophthora cinnamomi*, a very common pathogen in nurseries that is likely to be present at the Hines site (Swiecki, T. J.; Bernhardt, E. A.; Garbelotto, M. 2003. First report of root and crown rot caused by *Phytophthora cinnamomi* affecting native stands of *Arctostaphylos myrtifolia* and *A. viscida* in California. Plant Disease 87 (11): 1395).

66-23
Cont.

The potential impacts of the spread of *Phytophthora*, *Pythium*, and other soilborne plant pathogens common in nurseries must be taken into account in the EIR because they threaten biological resources, have the potential to increase pesticide use on the golf course and in the proposed development, may affect the growth of landscaping that is being planted to mitigate other adverse environmental impacts of the project, and may pose threats to both native plant communities and commercial agricultural operations beyond Lagoon Valley. At minimum, thorough testing and identification of pathogens present at the Hines site should be conducted, and construction methods should be altered to avoid possible spread of contaminated soil.

p. 4.15-1. The wetland delineation was conducted at a time when it would be impossible to effectively delineate seasonal vernal pool wetlands that exist in the valley. As a result, the unverified delineation (Figure 4.15-1 and Figure 3 of Technical Appendix O) greatly underestimates the total acreage of seasonal wetlands within the project area. The photos below, taken in March 2004 show likely jurisdictional wetlands in areas not mapped as wetlands located both south and west of Lagoon Valley Lake. The DEIR analysis is based on an incomplete delineation and is therefore invalid. The plan should be altered to avoid additional wetlands near the lake.

66-24

Furthermore, the delineation does not cover the areas within Lagoon Valley Park and Pena Adobe Park where infrastructure for the project is planned. These areas should be analyzed for impacts in the same manner as the project area.

Following pages: unmapped Lagoon Valley wetlands:

P 6 – top: S of Lagoon Valley Rd, W of Lake; bottom: near north end of lake to W

P 7 – top: on N and S sides of Lagoon Valley Rd; bottom- SE and SW of previously mapped wetland (orange fence)

P 8 – SW (top) and NW (bottom) of previously mapped wetland (orange fence)







COMMENT LETTER 66: Ted Swiecki

Response to Comment 66-1:

See Responses to Comments 66-2 through 66-24. Specifically in relation to Lagoon Valley Regional Park, please see Responses to Comments 20-1 and 43-2, and 62-2.

Response to Comment 66-2:

Impacts of the proposed Specific Plan development uses on Lagoon Valley Regional Park were evaluated in the Draft EIR, as explained in Chapter 1 Introduction and Section 4.1 Introduction to the Analysis. These impacts are described in the analyses in Section 4. The Draft EIR does not, therefore, defer the direct or indirect impacts of the Proposed Project on regional park facilities. See also Responses to Comments 20-1, 43-2, 62-2, and 66-1.

Response to Comment 66-3:

All of the comments raised by the commentor are addressed in either the Project Description or in the technical sections included in the Draft EIR (Chapters 2 and 4). A summary of where that information is located is included below.

The loss of habitat and species included within the project site is analyzed in Section 4.15, Biological Resources. Habitat and species to be affected by the project include loss of wetland areas, potential loss of valley elderberry longhorn beetle, potential loss of western pond turtle and habitat, loss of riparian habitat, potential loss of Swainson's hawk and other raptors foraging land and nesting, loss of oak woodland/savannah, and loss of rare plants. A complete discussion of the impacts on these biological resources is included in the Draft EIR on pages 4.15-32 through 4.15-46.

The change in geologic conditions and any potential impacts associated with overall site grading and project construction is discussed in Section 4.12, Geology and Soils.

The change in character of the project site from its current condition to a developed environment is analyzed in Section 4.4, Visual Resources. The change in visual character is determined to be a significant and unavoidable impact associated with the project.

The Specific Plan, Chapter 9, Implementation, describes the projected phasing plan for the Proposed Project, including figures indicating the phasing for the various infrastructure components and for the build-out of the development area. The Specific Plan's intent (Specific Plan, Section 9.3) is to coordinate the rate of growth with the installation of infrastructure and with the terms of the development agreement, which would specify certain milestones or implementation schedules for certain key project features such as the fire station or school.

Project phasing is also discussed on pages 3-33 and 3-34 of the Draft EIR.

Response to Comment 66-4:

The description of the buffer provided on page 3-17 of the Draft EIR is adequate to do an analysis of the impacts. Impacts of the landscape berms construction and operation can be found, as appropriate, in the technical sections of Chapter 4 of the Draft EIR. See also

Responses to Comments 17-8 and 17-12. the commentor's opinion regarding the problematic nature of Area 7 will be forwarded to the decision-makers for their consideration.

Response to Comment 66-5:

It is assumed that this comment addresses the area at the intersection of Rivera Road and Lagoon Valley Road. This area would be used partly for widening of on-ramps to I-80 and partly for landscaped setback adjacent to the freeway. Final design of the freeway on-ramp would determine the exact split between these uses. The impacts of the street widening are addressed in Impact 4.5-1 on page 4.5-16 of the Draft EIR.

Response to Comment 66-6:

The specific types of grass to be used in swales along streets would be specified in final project landscaping plans. Irrigation would be provided and, according to the Specific Plan, Chapter 9, Sections 9.2.3 and 6, would be maintained by either the service district (Lighting and Landscaping Maintenance District) or the Community Association for landscaping along private streets. See also Response to Comment 66-13.

Response to Comment 66-7:

Fire roads would be constructed in any locations that meet the requirements for such roads as required by the Specific Plan. Figure 3-8 illustrates the typical locations based on the initial project designs, but the standards established by the Specific Plan will determine exact final locations. These standards are described in Specific Plan Chapter 5, Section 5.4 (Transitions and Buffers) and Chapter 6, Community Design, Section 6.8. Section 5.4.3. of the Specific Plan proposes that non-native grasslands would be removed where lower portions of hillsides are disturbed by the project, and that upper areas would be preserved and managed to prevent erosion and siltation of the storm drainage system. Specific Plan Chapter 9, requires the establishment of a maintenance district to fund City maintenance activities on City-owned open space lands above the development area. For discussions on the impacts of construction/grading activities, see Draft EIR Section 4.6 (air quality), 4.11 (water quality/erosion/sedimentation), 4.12 (soil erosion / stabilization), 4.13 (landslide/geologic hazard mitigation) and 4.15 (impacts to plant/animal species).

There is no new road proposed through the east side of Lagoon Valley Park. This diagram (Figure 3-8) indicates that the existing perimeter road in this part of the park would be used for the emergency ingress/egress route. Section 4.3 of the Draft EIR discusses the process for identifying specific trail locations on City owned property and the process for evaluating any proposed trails.

Response to Comment 66-8:

The City believes that the exhibits presented (3-7 through 3-13) provide an appropriate description of the project by showing the planned locations for various utilities or other Specific Plan components. Although not mentioned in the comment, Figure 3-4 in the Draft EIR shows each of the land use areas within the Specific Plan area and the text on Draft EIR page 3-9 describes these areas, including identifying Area 5 as Lagoon Valley Regional Park and Areas 6A and 6C as City owned open space. The Draft EIR Exhibits 3-8 through 3-13 then use this same map, although without the land use areas delineated, to show the locations of the proposed utilities. The locations of these utilities are further described in Draft EIR pages 3-21

through 3-31. Specific analysis and technical reports prepared for the Draft EIR analysis examined the design and impact issues associated with placing these utilities on both private and public lands in the respective Draft EIR sections (see Sections 4.3, 4.4, 4.7, 4.8, 4.10, 4.11, 4.12, 4.13, 4.14 and 4.5, and also Technical Appendix G, Wastewater; Technical Appendix H, Water Supply Investigation; Technical Appendix I, [Flooding/Drainage]; Technical Appendix L, Historic Resources Evaluation, and Technical Appendix M, Archaeological Survey). The exact identification of acreage would depend on engineering designs that would be at a level of detail not available or necessary for this stage of environmental review because they will depend on exact design details and final routing selections. The technical reports in the Draft EIR describe the locations for these facilities based upon the preliminary plans prepared for the project. Timing of construction periods also will vary depending on final design details. The potential impacts to park use are discussed in Draft EIR Section 4.3, Impact 4.3-4.

Response to Comment 66-9:

The comment is correct in noting that the Sewer Option 1 pump station would be located within Lagoon Valley Park. Additional specific details regarding the design and location, and the reasons for design characteristics of the facility, are provided in Draft EIR, Technical Appendix G, Wastewater Technical Memorandum.

The third paragraph on page 3-25 is revised to read as follows:

Option 1 would require constructing a pump station at the north end of the valley in Lagoon Valley Regional Park near Peña Adobe Road, and a force main to the top of the ridge.

Response to Comment 66-10:

For a detailed analysis of the proposed drainage system requirements, please see Draft EIR Section 4.11 and Technical Appendix I.

Response to Comment 66-11:

The comment expresses an opinion regarding the areas of existing stormwater detention along the bypass channel. The basis for this determination is explained in Section 4.11 and Technical Appendix I of the Draft EIR. Figure 3-12 identifies proposed “new” storm drainage improvements and the area labeled as “Lake Outfall Improvements” is a proposed drainage outflow into the lake. See revised Figure 3-12 in Chapter 2, Revisions to the Draft EIR.

A revised Figure 3-12 showing all proposed drainage collection facilities is included in Chapter 2, Revisions to the Draft EIR.

Response to Comment 66-12:

The description of the planned golf course design and operation is based upon the applicant’s proposal. The proposed characteristics are more fully described in the Specific Plan, Chapter 5, Section 5.3. The commentor’s disagreement with the design proposal is noted to be forwarded to decision-makers.

Response to Comment 66-13:

See Response to Comment 66-12 regarding Specific Plan design proposal text, which includes descriptions of monitoring and maintenance proposals. Draft EIR Section 4.11, Impact 4.11-3 contains an analysis of potential water quality impacts from runoff, including necessary mitigation measures and regulatory oversight.

Response to Comment 66-14:

See Response to Comment 66-12. Specific quantities of materials would depend on final designs and permitting requirements.

Response to Comment 66-15:

See Draft EIR, Chapter 3, page 3-33 for a description of proposed grading. Specific Plan, Chapter 5, Section 5.6 contains a listing of the standards for grading designs. Exact amounts of soil to be moved will depend upon final design details determined through site specific studies, such as the floodplain determination analysis (please see Section 4.11, Impact 4.11-2). Preliminary grading plans have been evaluated to determine that the site grading can be accomplished in a “balanced” condition from the development area. Drainage improvements for the business village area are shown in Draft EIR Figure 4.11-4 and analyzed in Draft EIR Section 4.11. Additional detailed description and analysis of proposed drainage features is included in Draft EIR Technical Appendix I.

Response to Comment 66-16:

Draft EIR Section 4.15 contains a description of habitat areas throughout the Specific Plan area and potential impacts from the construction of the project, including the golf course and landscaped berm.

Response to Comment 66-17:

The concept of balancing cut and fill amounts is based upon preliminary grading plans developed by the applicant. Actual amounts of soil moved will depend upon specific design factors determined through the approval actions for the final project design, should the project be approved. See Draft EIR Chapters 4.12 (Geology & Soils) and 4.13 (Hazards and Human Health) for an analysis of impacts from soil grading and slope repair.

Response to Comment 66-18:

Issues of land use compatibility between the Proposed Project and the adjacent Lagoon Valley Park are discussed in Section 4.2, Land Use and Planning, on page 4.2-10, and in Section 4.3, Parks and Recreation. As shown in Figure 4.2-3 on page 4.2-12, landscape buffers would be included as part of the project to screen the business village and residential uses from the adjacent park. From a land use compatibility perspective, placing residential uses as well as commercial uses near or adjacent to park uses is usually considered compatible. Long-term land use incompatibilities arise when adjacent land uses result in activities that could conflict with each other. For example, in general, land uses that produce excessive noise, light, dust, odors, traffic, or hazardous emissions are undesirable when they intrude on places where people sleep and recreate (residences and parks). Therefore, some industrial or agricultural

uses or busy roadways (which can produce noise, dust, odor, and so on) are not considered compatible with residential uses unless buffers, landscaping, or screening can be used to protect residents from health hazards or nuisances.

As discussed under Impact 4.3-2 on page 4.3-6, the Proposed Project would introduce a residential population of approximately 3,750 at buildout of the project. The project proposes to construct a variety of recreational amenities including a golf course, 16-18 acres of parks and other active recreational facilities, and 15 acres of passive open space.

Changes in the visual character, including scenic vistas, of the project site along with the increase in night lighting are all addressed in Section 4.4, Visual Resources. As discussed on page 4.4-14, the change in scenic vistas and the visual character of the project site was determined to be a significant and unavoidable impact of the project. In addition, the increase in night lighting associated with the project is also considered to be a significant and unavoidable impact.

Response to Comment 66-19:

A comprehensive technical update to the City's General Plan was adopted in November 1999. A community park was designated within Lagoon Valley Regional Park. The General Plan Parks and Recreation Element describes Community Parks as designed to generally serve a portion of the City's population living within a 1 to 1.5 mile radius of the park. They generally are expected to range in size from 10 to 40 acres and may include such facilities as ball fields, swimming pools and buildings for civic events.

Response to Comment 66-20:

No specific on-going unmitigated impacts are mentioned in this comment. Mitigation for impacts of facilities placed within the park is described in specific technical sections of Chapter 4 of the Draft EIR (e.g., noise, cultural resources, etc.). Where impacts are identified, mitigation is proposed if identified, including relocation of facilities where feasible (i.e. cultural resources impacts).

Response to Comment 66-21:

Noise impacts analyses generally focus on locations where people either live or spend a moderate to long period of time because temporary noise increases are generally not considered significant. Recreational areas as a whole can be considered sensitive to noise when people are going to be spending a moderate amount of time walking, hiking, relaxing, or picnicking. The intent is to provide an overall quiet environment for these activities. It does not mean that people cannot be exposed to any noise for a short period of time, such as when they walk by an isolated source of noise such as a pump station. There are currently no picnic areas or other areas where people would generally be inclined to stop or stay for an extended period of time in close proximity to the pump station site. Therefore, the Draft EIR is correct in its description of the pump station site from a noise perspective.

As described under Impact 4.7-3 on page 4.7-14, it is possible that future plans proposed for the park area, or final locations of other equipment near residential areas, may include uses that should be shielded from potential equipment noise sources. This potential impact is addressed by Mitigation Measure 4.7-3(b), which requires an acoustical analysis to be prepared to identify projected noise levels from equipment at the pumping station and to identify project design

measures, as necessary, that reduce noise effects on adjacent residential or other sensitive uses to levels meeting City standards. With this measure, the potential noise impacts of the pumping station would be reduced to a less-than-significant level.

Response to Comment 66-22:

As discussed in Section 4.13, Hazards and Human Health on page 4.13-2 of the Draft EIR, the Hines Nursery has been in operation since 1977 and has been using a wide variety of pesticides since that time. Page 19 of the *Phase One Environmental Site Assessment, Lagoon Valley*, provided in Volume 2 of the Draft EIR in Appendix K ("Phase I ESA"), reports that the Deputy Commissioner for the Solano County Agricultural Commissioner's Office stated Hines Nursery remained in general conformance with federal, State, and local laws regarding the storage, use, mixing, and application of pesticides. The Phase I ESA reported no current conditions on the Hines Nursery site that would indicate past releases of pesticides on the project site. Further, the Phase I ESA found that Hines Nursery was not listed as having a violation relating to its use of pesticides. The Phase I ESA reported that groundwater contamination found in the Hines Nursery area was related to leaching of nitrogen from fertilizers, but no pesticide contamination was reported. Finally, as required by Mitigation Measures 4.13-3(a) through (d), a Phase II analysis, consisting of soil and groundwater sampling and analysis, will be performed to evaluate the soil and groundwater in the Hines Nursery site. Implementation of these mitigation measures would ensure that any human health and environmental risk from pesticides are evaluated.

Response to Comment 66-23:

See Response to Comment 18-9 that addresses plant pathogens and spread of plant diseases specific to *Phytophthora* species.

Response to Comment 66-24:

See Response to Comment 18-9 that addresses the potential for soil borne pathogens at the Hines Nursery Site.

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

Potential effects to biological resources relating to offsite infrastructure are addressed in the Section 4.15 of the Draft EIR. Creek crossings would be accomplished through bore and jack methods under the creek bed.

The wetland delineation conducted for this Draft EIR covers the Development Area. Potential impacts to wetlands outside of this area are described in Section 4.15 on page 4.15-32. Mitigation measures are identified to address potential wetlands impacts on areas not yet delineated (please see Mitigation Measure 4.15-1(a) through (d)).

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

From: Richard Tietze [mailto:tietzefam@earthlink.net]
Sent: Sunday, April 18, 2004 9:17 PM
To: LVDevelopment@ci.vacaville.ca.us
Subject: Lagoon Valley Draft EIR

Dear Sir:

Please note that Hazards and Human Health sec 4.13-4(b) refers to Implementation of Mitigation Measures 4.13-2(a) through (d) yet those measures are not in the report. Please address this issue. Thank you, Richard Tietze 626 Fruitvale Rd. Vacaville, CA 95688

67-1

COMMENT LETTER 67: Richard Tietze

Response to Comment 67-1:

The comment is noted and the text of Mitigation Measure 4.13-4(b) on page 4.13-16 is revised to read as follows:

- (b) *Implementation of Mitigation Measures 4.13-~~23~~(a) through (d).*

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

From: Richard Tietze [mailto:tietzefam@earthlink.net]
Sent: Sunday, April 18, 2004 9:30 PM
To: LVDevelopment@ci.vacaville.ca.us
Subject: Comments on Lagoon Valley Draft EIR

Mr. Fred Buderl,
Biological Resources sec. 4.15-2(a) has the applicant doing
a survey to determine if mitigation is deemed necessary for
vernal pool crustaceans, Federally Listed Endangered
Species. This is like having the fox watch the hen house.
Please address this concern. Thank you. Richard Tietze 626
Fruitvale Rd. Vacaville, CA 95688

68-1

COMMENT LETTER 68: Richard Tietze

Response to Comment 68-1:

See Response to Comment 19-5 that addresses implementation and enforcement of mitigation measures.

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

From: Richard Tietze [mailto:tietzefam@earthlink.net]
Sent: Sunday, April 18, 2004 9:40 PM
To: LVDevelopment@ci.vacaville.ca.us
Subject: Lagoon Valley Draft EIR

Dear Mr. Buderer,

In perusing the DEIR on Lagoon Valley, particularly Biological Resources secs. 4.15.3 and 4.15.4, it occurred to me that the best mitigation measures for protecting the Swainson's hawk and the burrowing owl would be to significantly reduce the number of units being constructed; yet this is never mentioned as an option. Is this feasible? Please address my concern. Thank you. Richard Tietze 626 Fruitvale rd. Vacaville, CA 95688

69-1

COMMENT LETTER 69: Richard Tietze

Response to Comment 69-1:

Mitigation Measures 4.15-3 and 4.15-4 in Section 4.15 address impacts to nesting Swainson's hawk and burrowing owls, respectively. These mitigation measures reduce the potential impacts of the project on these species to a less-than-significant level. There are two alternatives to the Proposed Project, No Project/No Development and No Project/1990 Policy Plan Alternative, that reduce the number of units proposed compared to the Proposed Project. See Chapter 6, Alternatives. The No Project/No development Alternative would result in no impact to Swainson's hawk and burrowing owls when compared to the Proposed Project. However, the No Project/1990 Policy Plan Alternative would result in greater impacts when compared to the Proposed Project because there would be less open space and that alternative results in a more dense development scenario.

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

From: Richard Tietze [mailto:tietzefam@earthlink.net]
Sent: Sunday, April 18, 2004 9:53 PM
To: LVDevelopment@ci.vacaville.ca.us
Subject: Comments on Lagoon Valley Draft EIR

Dear Mr. Buderl,

I am greatly concerned that the Biological Resources of Lagoon Valley are not to be protected according to a Habitat Conservation Plan because the plan is in process, (sec 4.15-30). It would be considerably more prudent to do the plan before the project, thereby protecting the habitat and having the plan fit the area. Why is there no mention of waiting for such plan in the DEIR? Many of the mitigations listed in this section are at the discretion of the applicant. Please address why there is no mention of waiting for the HCP. Thank you. Richard Tietze 626 Fruitvale Rd. Vacaville, CA 95688

70-1

COMMENT LETTER 70: Richard Tietze

Response to Comment 70-1:

See Responses to Comments 15-2 and 17-4 regarding the HCP process in relation to this Draft EIR and the Proposed Project.

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

From: DEB CAMPBELL [mailto:debnmoon@sbcglobal.net]

Sent: Monday, April 19, 2004 8:56 AM

To: LVDEVELOPMENT@CITYOFVACAVILLE.COM

Subject: LAGOON VALLEY DEVELOPMENT

Dear Council members,

I am writing to you with deep concern regarding your proposed Lagoon Valley project. I honestly believe Vacaville and I-80 cannot handle the impact of 1300 homes. With the lack of public transportation these proposed homes will generate a minimum of 2600 vehicles. No gas stations, supermarkets, schools or churches will force these proposed residents on the road constantly. Parents wanting to rent movies for their kids will have two trips per transaction. Picking up kids from after school programs will only impact our already crowded highways even more.

Our wildlife will be severely cramped by due to building. Their quality of life will destroyed forever more.

I believe our city can do the right thing. I know we can be a leader and shining example to the rest of surrounding communities and leave Lagoon Valley alone to enjoyed by everyone and say "NO" to development. Yes, it brings up the point that there are current property owners who want to sell their land and make a decent profit. The city can purchase their land and yes it will be expensive but offset that by not having the additional expense of police and fire protection. It's no secret that the school district is not interested in building a school in Lagoon Valley.

Lagoon Valley sets Vacaville apart from other cities. It is very unique and peaceful. If we loose it we will be no different than any other city. Do we really want that?

Sincerely,
Proud Vacaville resident
Deb C, Campbell
624 Kentucky
Vacaville, Ca

71-1

COMMENT LETTER 71: Deb Campbell

Response to Comment 71-1:

The Draft EIR analyzed the Proposed Project's impact on a variety of issue areas including transportation and biological resources (please see Sections 4.5 and 4.15, respectively) and identified potential impacts of the Proposed Project and mitigation measures where those impacts were found to be potentially significant.

The remainder of the comment letter is expressing an opinion and does not address the content or adequacy of the Draft EIR. The commentator's opinion will be forwarded to the decision-makers for their consideration.

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

From: WILLIAM CAMPBELL [mailto:hookskis@sbcglobal.net]
Sent: Monday, April 19, 2004 8:35 AM
To: LVDEVELOPMENT@CITYOFVACAVILLE.COM
Subject: LAGOON VALLEY DEVELOPMENT

I am very opposed to the proposed development of any kind in Lagoon Valley. The added traffic, impact on wildlife, the eyesore of houses in a pristine area to mention a few. People of Vacaville elected the City council to serve the people. They are in no way serving the people. In fact in my view the council is serving the WANTS of the council, developer and landowners. This must stop.



72-1

Tom Campbell
624 Kentucky
Vacaville, Ca.

COMMENT LETTER 72: Tom Campbell

Response to Comment 72-1:

This comment generally addresses the merits of the project and not the content or adequacy of the Draft EIR. However, it is noted that impacts to traffic are addressed in Section 4.5, impacts on wildlife are addressed in Section 4.15, and visual impacts are addressed in Section 4.4 of the Draft EIR. The comment will be forwarded to the decision-makers for their consideration.

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

From: Conning@aol.com [mailto:Conning@aol.com]
Sent: Monday, April 19, 2004 4:53 PM
To: lvdevelopment@cityofvacaville.com
Subject: Comment on DEIR Lower Lagoon Valley

To Whom It May Concern:

I have counted eleven Western Pond Turtles in the stream between the lagoon and the RanchHotel stables. There is a sign on the stables side of the steam that states "Western Pond Turtle." What is going to be done to protect the turtles that frequent this stream? The DEIR stated that "A single individual was observed during the reconnaissance biological survey performed by EIP." (4.15-11) I believe that the sighting of one turtle by the EIP indicates how inadequate their study was of the special-status species occurring in the Lower Lagoon Valley project vicinity. I see several turtles in that stream everyday. Also I'm concerned about the deer that graze in the field next to the stables. What is going to happen to those deer, when the business park is constructed? How can you protect the wildlife in the park? They are a very important part of Lagoon Valley Regional Park. Keith Conning 735 Brookside Drive Vacaville, CA 95688 707-447-7356

73-1

73-2

COMMENT LETTER 73: Keith Conning

Response to Comment 73-1:

The Draft EIR recognizes the presence of a healthy western pond turtle population in Lagoon Valley. The full statement that is quoted in the comment is as follows

“One juvenile (approximately 8 cm long) was also observed on July 24, 2003 in the stream northeast of Lagoon Valley Lake, near the eastern entrance to the Lagoon Valley Regional Park. This observation is significant, because it confirms the presence of the species and the current reproductive viability of the population.”

Accordingly, the Draft EIR recommends mitigation for potential impacts to the western pond turtle from the Proposed Project. For additional information, see Response to Comment 19-8 that addresses mitigation measures for impacts on western pond turtle.

Response to Comment 73-2:

The Draft EIR contains mitigation measures that provide for the protection of special-status plant and wildlife species and their habitat under impacts and mitigation in the biological resources section of this Draft EIR. Wildlife travel corridors and connectivity with offsite habitat are addressed in the Cumulative Impacts section of this Draft EIR (see Impact 5.1-29 in Section 5.1 of the Draft EIR). See also Responses to Comment 19-1 and 46-1.

