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February 25, 2010

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 4433.001

VIA E-MAIL AND HAND DELIVERY

Matt Walsh
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 Solano County
 675 Texas Street
 Suite No. 5500
 Fairfield, California 94533

Re: Comments on the Middle Green Valley Specific Plan Draft EIR (State Clearinghouse #2009062048)

Dear Mr. Walsh:

We represent the Fairfield-Suisun Unified School District ("District") related to its review and comment on the Draft Environmental Impact Report ("EIR" or "Draft EIR") pursuant to the California Environmental Quality Act ("CEQA") for the Middle Green Valley Specific Plan ("Project"). On behalf of the District, we hereby submit the following comments on the Project's Draft EIR and identify the need for further analysis and/or mitigation in the areas of school facilities, traffic, emergency access, aesthetics, agriculture, air quality, climate change, biological resources, cultural resources, energy, geology, hydrology and water quality, land use and planning, noise, population and housing, public health and safety, public services and utilities, and CEQA-required assessment considerations. As a result, the District believes that Solano County ("County") should revise the Draft EIR and recirculate it to disclose the significant new information to the public and allow comment on that new information. 10.01

The District is entrusted with providing its students with a high quality education, which includes insuring that its students are safe and are not significantly or cumulatively impacted by development. The Draft EIR notes that the District instructs the children that would live in the Project area, and notes the nearest three public schools: Nelda Mundy Elementary School, Green Valley Middle School, and Angelo Rodriguez High School. The Project's proximity to these schools raises concerns that construction and operation of the Project will adversely effect the 10.02

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students' learning environment, facilities, health, and safety more than as disclosed in the Draft EIR. These impacts should be adequately evaluated and mitigated to protect our students, parents, faculty, and staff.

This letter is technical in nature due to the subject matter. The District wishes to emphasize that its comments are meant to ensure that the County fully evaluates and mitigates the potential impacts to the schools and their surroundings, the particulars of which the District may be more attuned to due to the District's educational mission. The District does not wish to be critical or confrontational. Instead, the District wishes to continue cooperating and collaborating with the County to insure the continued high quality of life in the County and education in its schools.

1. SCHOOL FACILITIES.

The Draft EIR states that payment of school impact fees pursuant to Education Code section 17620 (i.e., "Developer Fees") would completely mitigate potential Project impacts to the District's schools. (p. 16-59.) Despite the Draft EIR's citation to *Goleta Union School District v. Regents of University of California*, which such decision was made prior to the enactment of Government Code sections 65665 and 65996, Developer Fees only provide de facto mitigation for impacts associated with providing new classrooms for Project-generated students. Developer Fees do not provide (either legally or otherwise) sufficient mitigation of all Project-caused significant impacts to the District. As stated in Government Code section 65996(e), "Nothing in this section shall be interpreted to limit or prohibit the ability of a local agency to mitigate the impacts of land use approvals other than the need for school facilities." For example, a developer still must feasibly mitigate significant traffic impacts caused by the Project that have nothing to do with increased enrollment. As discussed below, the District has identified such potential significant or cumulatively considerable impacts that are not mitigated by Developer Fees and require additional feasible mitigation.

10.03

The Draft EIR provides as part of the Project a 10-acre elementary school site. (pp. 2-15, 2-16, 2-25, 5-11, 16-58.) Unfortunately, the Draft EIR does not depict where the proposed school site is; the referenced figures do not show the site. The District reviewed the Draft Specific Plan ("DSP") for the Project, and the proposed school building is depicted on Figure 3-6 on page 3-13, but does not delineate the 10-acre property. As shown to the District, the 10-acre site in the DSP was roughly identified as straddling Hennessey Creek and partly on the adjoining foothill. The figure shows riparian habitat and oak trees dominating the site. On preliminary examination, the District believes that it would be extremely difficult to get site approval for that site from the California Department of Education ("CDE") and would require substantial funds to mitigate the environmental impacts and impediments.

10.04

With the exception of the understated trips for the proposed school site depicted in the DSP, the Draft EIR does not analyze the potential impacts of making the 10-acre site into a school. Since this would be a new school site, the Draft EIR needs to analyze whether this

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would be a feasible school site. The feasibility study needs to demonstrate that the 10-acre school site would meet the CDE standards and requirements, as CDE has jurisdictional control over the siting of new school sites. The feasibility and impacts of the proposed school site should be analyzed in the Draft EIR and recirculated for public comment.

10.06

As the Draft EIR recognizes, the currently closed Falls Elementary School is near the Project's northern edge. (p. 16-56.) Rather than considering the potential reopening of Falls Elementary School, the Draft EIR only proposed a new elementary school at a different site, as discussed above. Unfortunately, the proposed new elementary school site will be difficult to get site approval from CDE and require rezoning. Two alternate 10-acre school sites should be considered in the Draft EIR that would likely alleviate many of the impacts and impediments associated with the currently proposed site. The first would be to put the 10-acre school site in the proposed "Sports Fields" location between the proposed Elkhorn and Nightingale neighborhoods. The second location would be at the northern end of the Project area accessed by Paseo Arboles, Walnut Drive, or Siebe Road, all of which are off of Via Palo Linda and west of Green Valley Road.

Further, it would likely cost less money without the need for additional land to modernize and reopen the Falls Elementary School, which is already accommodated in the County's General Plan. The Project should include the alternative of modernizing and reopening the Falls Elementary School and analyze its feasibility and impacts in a revised Draft EIR. Since Falls Elementary School is currently connected to a septic system, its use is limited. However, if Falls Elementary School is connected to the Project's sewer infrastructure, the site can be used to its maximum potential.

The County's General Plan Policy PF.P-44 requires that necessary funding for new school facilities be secured: "Coordinate with the local school districts in developing and implementing school facility mitigation plans to ensure the necessary financing for the provision of new school facilities." (p. 16-57.) The Draft EIR acknowledges this. The District has insufficient funds to construct a school at the proposed new site even with the receipt of Developer Fees. Thus, the proposed new school also conflicts with the County's General Plan.

10.07

2. TRAFFIC IMPACT ANALYSES.

A. Operational Traffic.

As more detailed herein, the large number of vehicles warrants detailed analysis in the Draft EIR. There is no such analysis in the current Draft EIR.

10.08

The Project is expected to generate 5,823 new daily weekday traffic trips. (Table 17.5, p. 17-22.) The Draft EIR fails to analyze some important aspects that likely cause the Draft EIR to understate the Project's traffic impact. For example, the Draft EIR identifies in Table 17.5 that 930 trips are expected to be generated by the proposed 300-student public elementary school.

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Elsewhere in the Draft EIR, it estimates that an enrollment maximum is anticipated at 350 students. (pp. 2-15, 2-16, 2-25, 16-58.) The proposed school trip estimates need to be revised and the traffic impacts re-analyzed to determine if other significant or cumulatively considerable traffic impacts would result from the Project.

Other Project trip generation rates also appear to be inaccurate. For example, the ITE average daily trip generation rate for Single Family Residential is 9.57 trips per unit, which would equal 3,828 daily trips for the 400 single family residential units of the Project. On the other hand, the Draft EIR states that Single Family Residential trip generation would only be 3,071. (Table 17.5, p. 17-22.) This is an understatement of 757 daily trips. The understatements continue for the PM Peak Hour. Rather than the total of 373 trips, the actual ITE derived trips would be 401. This is an understatement of 28 PM peak hour trips.

10.10

The Draft EIR may not account for additional trips resulting from the Project. For example, tourism, trail usage, and sports field usage do not appear to be accounted for in the Project's trip generation estimates. Will the sports fields be lighted? If so, will this add to traffic in the PM peak hours? Without more accurate trip generation estimates, the true traffic impacts of the Project cannot be readily understood and are likely understated.

10.11

Moreover, the Draft EIR states that the payment of development impact fees by future developers will mitigate the significant impacts at intersections 7 and 9, both of which are traversed by existing students going to and from Angelo Rodriquez High School and Green Valley Middle School. (p. 17-26.) Impacts to intersection 7 will also negatively affect the Nelda Mundy Elementary School. Increased traffic congestion will impede parents, students, and staff from getting to and from these schools. The future payment of development impact fees when no such impact fee program exists is illusory and insufficient mitigation. Without an established program, there are no assurances that such a fee program would provide feasible mitigation to improve these intersections. A sufficient EIR must include mitigation measures to improve these intersections to reduce the traffic impacts even if they cannot reduce the impact to below significant. Without the mitigation measures, the traffic impact to the District's schools will be severely worsened by the Project. A significant traffic impact makes it difficult for parents, students, and staff to access these schools. As such, potential mitigation measures need to be fully explored.

10.12

The Draft EIR is unclear whether intersection 10 is on- or off- eastbound ramps. (p. 17-26.) The Draft EIR should provide clarification.

10.13

Also missing from the Draft EIR is any analysis of potential traffic impacts to the I-80 and I-680 freeway segments. The Draft EIR should be revised to accurately reflect the Project's operational trip generation, the resultant impacts, and feasible mitigation.

10.14

Under the Cumulative (2030) Plus Project Roadway Conditions, the Draft EIR discloses, "The 2030 Cumulative Scenario assumes build-out of the area under the current adopted Solano County and City of Fairfield General Plans." (p. 17-27.) This build-out does not consider future

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projects that require general plan and zoning amendments—like this Project. Projects requiring this type of amendment typically generate increased development beyond what is permitted under the existing general plans and zoning. Thus, to more accurately describe the 2030 Cumulative Scenario, the expected increase in traffic from any known future projects approved, but not yet built, and all applications pending before the County or the City of Fairfield that required or would require an amendment to the general plans or zoning of the County of the City of Fairfield should be included.

The Draft EIR should be revised to include the significant new information on traffic, as discussed above, and the Draft EIR should be recirculated.

10.16

B. Construction Traffic.

The Draft EIR disclosed that construction will last at least three years at the most aggressive schedule. (pp. 7-16.) However, the Draft EIR does not quantitatively analyze the potential traffic impacts from the Project's construction traffic on the District's schools or otherwise and does not disclose the amount of construction traffic that is expected to occur. How many dump truck trips are expected? How many construction delivery trips are anticipated? What would be the haul route(s)? How many construction workers will flow back and forth on a daily basis? This information needs to be disclosed in order for the District and the public to understand the potential impacts from long-term construction traffic, which is likely to last much longer than the 3-year aggressive schedule.

10.17

In addition, without an analysis of construction trip generation, the indirect environmental impacts (such as noise, dust, air emissions, etc.) are likely understated.

The Draft EIR should be revised to include a quantitative analysis of potential significant traffic impacts to determine whether the Project's construction-added traffic will significantly impact school traffic. Should the traffic impacts be found significant or cumulatively considerable, sufficient mitigation measures will need to be developed and implemented.

3. EMERGENCY ACCESS.

Emergency access to the operational Project is qualitatively analyzed in the Draft EIR. However, the Project's potential significant impact on emergency access to the District's nearby schools is not analyzed. To determine whether emergency access to the District's schools is significantly impacted or cumulatively considerable, the Draft EIR should provide an analysis of the Project's construction- and operational-added traffic impacts to emergency access in terms of potential blockage and delay in response time. If found significant or cumulatively considerable, feasible mitigation is required to adequately protect our students, parents, faculty, and staff.

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4. AESTHETICS.

A. Scenic Views.

Summarizing the General Plan EIR, the Draft EIR states that views of agricultural landscapes and oak- and grass-covered hills are the primary aesthetic resources of the County and that the Western Hills are a prominent scenic resource in the Project area. (p. 3-1.) Also, Green Valley Road is a Scenic Roadway. (p. 3-8.) General Plan Land Use Goals concerning aesthetics are recited (pp. 3-9 and 3-11), with several that have key importance in this discussion:

- “Establish rural residential development in a manner that preserves rural character and scenic qualities and protects sensitive resources including agricultural lands, creeks, native trees, open spaces, and views. (Policy LU.P-14)”
- “Maintain the rural character of Middle Green Valley while still allowing development to be guided into area screened from Green Valley Road because of natural contours in the land, woodland vegetation, and/or riparian vegetation. Locate upland development in areas screened by landforms or vegetation. (Policy SS.P-1)”
- “Protect the unique scenic features of Solano County, particularly hills, ridgelines, wetlands, and water bodies. (Policy RS.P-35.)”
- “Project the visual character of designated scenic roadways. (Policy RS.P-37.)”
- “Preserve the visual character of scenic roadways as shown in Figure RS-S through design review, designating alternate routes for faster traffic, regulating off-site advertising, limiting grading in the view corridor through the grading ordinance, limiting travel speeds, and providing pullover areas with trash and recycling receptacles. (Implementation Program RS.I-21)”

Against this policy framework of stringent aesthetic preservation, the Draft EIR claims that certain DSP policies “if effectively implemented” would yield beneficial aesthetic results. (p. 3-12.) All Project neighborhoods are laid out in the Draft EIR. (Figure 2.6.) Three neighborhoods (Elkhorn, Nightingale and Tree Creeks) are pressed against the hills and on part of the foothill slopes. Without showing what potential view impacts of the proposed neighborhoods as sited, the Draft EIR simply declares the impacts to be potentially significant and defers analysis and mitigation by putting the onus to properly evaluate and mitigate potential view impacts on a future Middle Green Valley Conservancy Design Review Committee, County Staff, and the County Planning Commission. (p. 3-16.) The Draft EIR does not discuss whether such a committee is feasible. Who will be its members? How will they be appointed? How will the committee be funded? This method of deferred analysis and mitigation is without justification. It takes the review of the development’s potential view impacts out of the public’s deliberation. This action should not be condoned.

10.19

Simply put, the Draft EIR does not provide a sufficient disclosure of the potential view impacts. Photosimulation views along Green Valley Road, at key vantage points, at Nelda

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Mundy Elementary School, and on the trails in the Project area, should be provided in the Draft EIR to adequately disclose the potentially significant view impacts and the efficacy of mitigation measures. The Draft EIR only provides plan sketches of the Project’s neighborhoods. Solely looking straight down on the Project area using sketches may understate the severity of the view impacts. For example, Figure 2.6 does not appear to have any vegetation or landform screening on the northern and eastern edges of the Elkhorn and Nightingale neighborhoods.

For Impact 3-3, Project Contribution to General Plan-Identified Countywide Cumulative Impacts on the County Visual Character, the Draft EIR discloses that the Project would create an unavoidable significant visual impact. (p. 3-19.) It goes on to state that existing vegetative screening and “stringent development standards and guidelines” would be used to “minimize project visual impacts.” Without discussing any other potential mitigation measures, the Draft EIR concludes there are no mitigation measures that would reduce the visual impact to less than significant. Under CEQA, the EIR must provide the analytical path taken from facts to conclusions. This analysis fails to show that analytical path. Further, the Draft EIR should disclose potential mitigation measures evaluated and provide an explanation why none of them are feasible before concluding that the significant impact is unavoidable. 10.21

If the impact is truly significant and unavoidable, the Project is inconsistent with above-cited General Plan Policies and Implementation Program. The Project does not protect the scenic resources and visual character of Middle Green Valley, but degrades it. 10.22

The Draft EIR does not sufficiently analyze alternatives to its current placement of the houses. For example, the Draft EIR does not analyze avoiding placement of the neighborhoods against the hills and on the foothills, and instead placing the neighborhoods more onto the valley floor to minimize their sight lines. Further, the Draft EIR does not consider or analyze placement of the neighborhoods to maximize existing landform and vegetation screening. Such an analysis should be part of the Draft EIR. 10.23

B. Nighttime Lighting and Glare.

The Draft EIR acknowledges that the Project will potentially cause a significant nighttime lighting and glare impact. (p. 3-18.) Mitigation 3-2 provides low lighting fixtures, shields, and natural-color-rendition lighting. It also identifies avoidance of exterior reflective surfaces. The Draft EIR concludes that such mitigation would reduce the lighting and glare impact to less than significant. (p. 3-18.) This analysis appears partially sufficient, but is missing any statement of what the significance or cumulative considerable thresholds are for sky glow, spill light, or glare. Also missing from the Draft EIR is an analysis demonstrating that Mitigation 3-2 would reduce the lighting and glare impacts to less than significant. 10.24

Also, the Draft EIR does not state whether the proposed sports fields would be lighted? Will Mitigation Measure 3-2 adequately lessen the sky glow, spill light, and glare impacts of the lighted sports fields? As discussed above, the Draft EIR should be revised to include adequate aesthetics impact and mitigation analyses and be recirculated for public review.

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5. AGRICULTURE.

The Draft EIR sets forth an impressive list of General Plan Policies and Goals that target the preservation of agriculture. (pp. 4-7 through 4-10.) Unfortunately, the Draft EIR does not discuss how the Project is consistent with each of these Policies and Goals. Rather, the Draft EIR changes course, avoids that analysis, and lists significance criteria that do not take into account those Policies and Goals. (p. 4-11.) A consistency analysis should be provided in the Draft EIR.

10.25

The Project is expected to remove 123 acres of Prime Farmland and is rightfully determined to be a significant impact. (p. 4-11.) The Draft EIR goes on to discuss the potential indirect impacts on Prime Farmland concerning potential “nuisance” effects of locating residential development adjacent to agricultural areas. (p. 4-13.) Mitigation Measure 4-2 identifies the right-to-farm ordinance to limit legal challenges against agricultural operations, but does not address the actual physical impacts of residential development on Prime Farmland. Thus, a certain setback should be developed to protect Prime Farmlands from degradation by residential development.

10.26

6. AIR QUALITY.

A. Operational Air Quality.

The Draft EIR notes that children are more susceptible to air pollution than others and that schools are sensitive receptors. (p. 5-5.) Nelda Mundy Elementary School is a nearby sensitive receptor that is in close proximity to Green Valley Road—the primary access road to the Project. As discussed above in the traffic section, the Draft EIR understates the Project’s trip generation. Correcting the trip generation estimates will require re-analyzing the Project’s operations air quality impacts.

10.27

Omitted from the air impact analysis is any health risk assessment of the Project’s air emissions on the District’s students. As mentioned before, three schools are near the Project. The CDE has developed and enforces a standardized health risk assessment for evaluating the air quality impact to a school site where hazardous air emitters (which include freeways) are within a quarter mile of a school site. Since the CDE developed the standardized health risk assessment to determine the air quality safety of a school site, the Draft EIR should include an evaluation of the Project’s air quality impact to the three nearby schools and the proposed 10-acre school site using CDE’s standards.

10.28

The Draft EIR claims that future local Carbon Monoxide (“CO”) levels near the worst-case intersections would be within the state and federal air quality standards and as a result the CO impact would be less than significant. (p. 5-13.) Table 5.4 on page 5-15 discloses the predicted CO levels one intersection for “Existing 2009,” “Background (2012),” “Background + Project (2012),” and “Cumulative + Project (2030).” Conspicuously missing is the required

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impact comparison of Existing + Project (2009). As the Draft EIR rightfully acknowledges, the correct significant impact analysis is the comparison of the Project with existing conditions:

“CEQA Guidelines section 15125(a) and (e) stipulate that the existing environmental setting (the environmental conditions in the project vicinity at the time the environmental analysis is begun—i.e., June 6, 2009, the date the County's Notice of Preparation was released) should constitute the baseline physical conditions by which it is determined whether an impact is significant. Pursuant to this guideline, *all impact assessments in this EIR are based on comparison of the projected future "with project" conditions (i.e., full development under the proposed Specific Plan) with the existing environmental setting* rather than with the *future* "without project" condition (i.e., buildout under existing zoning).” (p. 1-4, emphasis added.)

Without the comparison analysis between the Project and the existing conditions, the potential impact is likely understated. The Draft EIR should be revised to include the correct significant impact analysis of CO. The CO analysis should be further revised with corrected Project-generated trips and cumulative trips that include projects that increase traffic beyond general plan levels (i.e., those projects having a general plan and/or zoning amendment) as discussed above in the traffic section.

Future Project-created air emissions are predicted in Table 5.5 based upon area source emissions and vehicle travel emissions. (p. 5-18.) As discussed above, the Project-generated trips are inaccurately reported in the Draft EIR and require correction. Thus, Table 5.5 and the analysis of the air emission impacts must also be corrected in a revised Draft EIR. The sources that make up the Area Source Emissions are not specified. Does this category include emissions from fireplaces, landscape services, barbeques, heating, cooling, and waste disposal? Does it include the anticipated emissions from the Project's proposed on-site sewer plant and school? Mitigation 5-3 states that it will achieve a five percent reduction in regional emissions. (p. 5-18.) Unfortunately, the Draft EIR does not explain how this reduction percentage was calculated. An explanation should be added to a revised Draft EIR demonstrating that 5 percent is achievable.

10.30

B. Construction Air Quality.

The Draft EIR acknowledges that construction activities will use certain materials (e.g., adhesives, paints, thinners, insulating materials and caulking) that emit organic gases for a short time after application. (p. 5-12.) Additionally, emissions from other building materials should also be included and analyzed, such as formaldehyde emissions from carpets and certain drywalls, to accurately portray the air quality impacts from construction.

10.31

Construction equipment and site emissions as well as dust from hauling are analyzed and mitigation is provided in the Draft EIR. Exhaust emissions from construction trucks (dump and delivery) and construction worker traffic are acknowledged, but the Draft EIR simply concludes that the BAAQMD has not determined construction period exhaust, particulate matter, or NOx

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emission thresholds. (p. 5-12.) As a result, the Draft EIR does not provide an analysis of these impacts, but concludes that Mitigation 5-1 would reduce construction air quality impacts to less than significant.

Without significance thresholds, it cannot be demonstrated that mitigation would reduce the impact to less than significant. Further, under CEQA, the lead agency is obligated to set thresholds for significant and cumulatively considerable impacts. The fact that another agency has not recommended certain thresholds does not relieve the lead agency from nonetheless setting forth what would be appropriate emission thresholds. As such, thresholds for air emissions from construction traffic (dump, delivery and worker trips) exhaust, particulate matter, and NOx need to be developed and the potential impacts analyzed and mitigated if necessary. Such should be disclosed in a revised Draft EIR.

The Draft EIR analyzes a potential CO hot spot from the operational Project, but it omits any CO hot spot analysis during construction of the Project. The Project's added construction truck and worker trips expected along with other resulting traffic will certainly elevate CO levels during construction, which spans three years (a long-term duration when compared to student ages). The potential impact from CO hot spots occurring during construction of the Project should also be analyzed and reported in the Draft EIR.

10.33

Without further analysis of the air quality impacts, the Draft EIR likely underestimates the Project's air quality impacts and calls into question the validity of the Draft EIR's conclusions that certain pollutants will not rise to the level of significant or cumulatively considerable.

10.34

7. CLIMATE CHANGE.

Future Project-created greenhouse gas emissions are predicted in Table 7.1 based upon emissions from area sources, indirect sources, and mobile sources. (p. 7-15.) As discussed above, the Project-generated trips are inaccurately reported in the Draft EIR and require correction. Thus, Table 7.1 and the analysis of greenhouse gas emission impacts must also be corrected in a revised Draft EIR. The sources that make the Area Sources and Indirect Sources are not specified. The Draft EIR should indicate whether this category includes emissions from fireplaces, landscape services, barbeques, heating, cooling, and waste disposal. Also, it should include the anticipated emissions from the Project's proposed on-site sewer plant and school. Mitigation 7-1 provides a number of measures that are meant to reduce greenhouse gases, but there is no explanation what amount of reduction they would provide. An explanation should be added to a revised Draft EIR disclosing the anticipated reduction amounts and the resultant impacts to the District's schools.

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10.36

8. BIOLOGICAL RESOURCES.

The Project would be set within large areas of undeveloped and natural areas. (Figure 6.) Following are biological resources identified in the Draft EIR:

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- Sensitive plant communities of mixed oak woodlands cover 274.3 acres of the Project area. (p. 6-6.)
- Coast live oak woodlands cover 106.0 acres of the Project Area. (*Id.*)
- Great valley mixed riparian forest covers 30.2 acres along the Green Valley Creek Corridor. (p. 6-7.)
- Wetlands account for 13.0 acres. (p. 6-8.)
- Streams take up 6.8 acres. (*Id.*)
- Northern California black walnut, which is a special-status plant, was observed in the Project area. (p. 6-10.)
- Additionally, the Project Area contains suitable habitat for 19 other special-status species.
- Six special-status wildlife species are present in the Project area: Loggerhead Shrike, Lewis' Woodpecker, Grasshopper Sparrow, Western Pond Turtle, Steelhead trout, and the Monarch butterfly. (pp. 6-26 through 6-32.)
- The Project area contains suitable habitat for 18 other special-specie animals. (pp. 6-36 through 6-41.)
- The Project also has at least three wildlife corridors. (Figure 6.6.)

A. Biological Surveys.

To determine the extent of the biological resources within the 1,905-acre project area, only two back-to-back survey days (April 22 and 23, 2009) were done. (Appendix 23.2.) This is a drastically insufficient survey duration to adequately identify the biological resources with the large Project area. Importantly, some species may only be present during certain times of the year for migration, roosting, or nesting. Thus, the biological surveys need to be conducted during those times of year and times of day that such potentially occurring special-status species may be present.

10.37

Rather than conducting sufficient biological resource surveys and disclosing the results, the Draft EIR instead turns this deficiency into a mitigation measure. Measure 6-6 states that protocol-level surveys will be conducted by "a qualified professional biologist" later when future individual development plans are proposed. (p. 6-67.) This is an impermissible deferred mitigation that takes review of these future protocol-level surveys out of the public's purview and long after this Project is approved. The Project already sites the neighborhoods and other developments. Thus, adequate biological resource surveys in these areas need to be completed and reported in the Draft EIR.

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Indeed, nearly all of the biological resources mitigation in the Draft EIR defers analysis of the Project's impacts on biological resources and the development of actual mitigation to a later time. One Project component is the establishment of a new Green Valley Conservancy that would oversee "the preservation, monitoring and management of natural resources" presumably to review the future analyses and mitigation. (p. 6-51.) Is such an entity even feasible? Can the County lawfully delegate its discretionary review obligations to this private, nonpublic entity? Who would be on this conservancy and how would conflicts of interest be avoided? Where would this conservancy get its funding?

10.39

CEQA requires a full analysis of a project's impact on biological resources prior to a project's approval. Proposing a future person or a future "conservancy" to take those actions is not permitted under CEQA.

B. *Non-Sensitive Habitats.*

The Draft EIR claims that Project impacts to non-sensitive vegetation and aquatic communities cannot rise to a significant impact under CEQA. This is counterintuitive because the destruction of a large vegetation or aquatic community could significantly delete natural habitat in the region even though such habitat may be present elsewhere. Thus, the Project's impacts on the amount of regional natural communities should be evaluated in the Draft EIR.

10.40

C. *Sensitive Oak Woodlands.*

Mitigation 6-3 requires direct impacts on oak woodlands to be mitigated on 1:1 ratio and concludes such to reduce the impact to less than significant. (p. 6-59.) For adequate mitigation, the ratio should be higher (1.5:1 or 2:1) and care and monitoring should be included to ensure sufficient oak tree make it to maturity. In addition, the Oak Woodland Measures included in the DSP may not be adequate. The Draft EIR points out that one of the measures is to have a 30-foot setback from buildings and a 10-foot setback from driveways and other site improvements (pp. 6-59 and 6.60.) There is no indication that this is a sufficient setback to protect Heritage oak trees. What is the maximum root radius of Heritage Oaks? If the setback measurement is between a structure and the tree's trunk, this may not be a sufficient distance.

10.41

D. *Riparian Vegetation.*

The Draft EIR divulges that Project-generated stormwater may impact riparian vegetation and claims that the mitigation measures listed in the Hydrology and Water Quality sections would mitigate such impacts. There is no indication how much stormwater the Project will generate. The Draft EIR is missing an explanation how the mitigation measures would be able to reduce stormwater impacts to riparian habitat to less than significant.

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E. Special-Status Plant Mitigation.

Mitigation 6-6 does not preserve any special-status plants. Rather, it requires them to be transplanted to an undesignated location. The location of such transplant site should be disclosed and monitoring and care of the transplants need to be carried on to a point to ensure their survivability. 10.43

F. Special-Status Wildlife.

Mitigation 6-10 allows the removal of inactive bird nests to make way for construction. What is the impact of removing nests used by special-status birds? Is the loss of nesting for special-status birds a significant impact? Is there sufficient alternate nesting habitat within range? 10.44

Interestingly, the Draft EIR suggests (not mandates) that bells should be put on cat collars to minimize impacts to bird species as a part of a public education campaign. (p. 6-74.) While hunting, cats can adjust their movements to avoid ringing their bells and when they pounce, the bell ring will be too late. The introduction of this super predator (cats will surely be pets in the new residential neighborhoods) into the adjacent habitats of special-status birds warrants more analysis and effective mitigation included—otherwise the impact may be unavoidably significant. 10.45

The Draft EIR discloses that one potential source of domestic water for the Project would be provided by extracting groundwater from three or more wells. (p. 16-20.) Since special-status Steelhead trout are present in the streams of the Project area, the Draft EIR should analyze the drawdown of groundwater impact on the Steelhead trout streams. For example, the drawn down of groundwater could cause a trout stream to dry up and impact trout reproduction and movement. This potential impact to Steelhead trout needs to be analyzed and disclosed in a revised Draft EIR. Further, the Draft EIR claims that a setback of 50 feet from tributaries and 100 feet from lower Hennessey Creek and Green Valley Creek would be sufficient to protect Steelhead trout habitat. (p. 6-78.) There is no explanation on how these setbacks were determined or that they would be effective. Additional information justifying such setbacks should be provided in a revised Draft EIR. 10.46

It is noted that wildlife corridors are extremely important to ensure the genetic diversity of wildlife. (p. 6-42.) The Draft EIR continues with Mitigation 6-13 to defer analysis of the impacts to wildlife corridors to future studies when future developments within the Project are proposed and require such project to provide an “adequate” buffer. (p. 6-80.) The Draft EIR discloses that the Project will reduce wildlife corridors down to as little as 100 feet. (p. 6-80.) The Draft EIR does not explain how the setbacks were developed or demonstrate that such setbacks would reduce the impact to less than significant. Further, it is difficult to believe that a 100 feet wide corridor would be adequate because the Draft EIR notes that mountain lions and mule deer require wider corridors than other animals. (p. 6-42.) What is the adequate corridor 10.47

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width for mountain lions and mule deer? If 100 feet is too narrow, then the Project must be further mitigated or the impact to be declared as significant and unavoidable.

These comments regarding biological resources impact would be similar concerns for the proposed school site and should be analyzed in a revised Draft EIR. 10.47

9. CULTURAL RESOURCES.

The Draft EIR discloses that the Project area has six recorded Native American archeological resources and a historic-era ranch complex. (p. 8-3.) Another 133 cultural resources exist on 35 properties within the Project area. (p. 8-4.) To address these cultural resources, the Draft EIR notes in bold type that implementation of Mitigation 8-2 would reduce the impact to cultural resources to a less-than-significant level. (p. 8-16.) When the page is turned, Mitigation 8-2 is continued to divulge in non-bolded type that demolition of the historical resource would result in an unavoidable significant impact. (p. 8-17.) Although similarly discussed in Table ES on pages ES-42 and ES-43, the column for Potential Significance With Mitigation contains an "LS" for less than significant. Since demolition of a historical resource would be an unavoidable significant impact, the resultant impact for Mitigation 8-2 should be corrected in a revised Draft EIR. 10.48

10. ENERGY.

Reliance is placed on a number of Specific Plan principles to assert there would not be a significant impact on energy supply. (pp. 9-6 through 9-8.) However, a number of principles are not mandatory: 10.49

- "A high level of individual occupant control for thermal, ventilation and lighting systems *should* be incorporated. Occupancy sensors and time clock controls *should* be incorporated into the building's mechanical design to reduce energy usage." (Emphasis added.)
- "The building envelope (which defines the conditioned and unconditioned spaces in the house) *should* form a continuous insulated barrier and a continuous air barrier." (Emphasis added.)
- "It is *intended* that all homes utilize natural gas for clothes dryers, cooking stoves, heating, central air furnaces, water heaters and/or boilers." (Emphasis added.)
- "Specifying ENERGY STAR® light fixtures that use less energy and produce less heat than traditional incandescent light fixtures is *encouraged*." (Emphasis added.)

To be adequate energy-reducing features, these items must be made mandatory before concluding that the Project will have a less than significant impact on energy supply. Further, the Draft EIR's analysis does not disclose the amount of the Project's energy demand and 10.50

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whether such demand can be met by existing or future supply. Accordingly, the Draft EIR should be revised with this information and recirculated for public comment.

11. GEOLOGY.

The Draft EIR defers analysis of geotechnical and geological impacts to future studies when future development projects are submitted. (p. 10-12.) The analysis should be provided in this Draft EIR since the footprints of each neighborhood is established in the Draft EIR. Further, the geological suitability of the proposed school site needs to be analyzed as a part of determining whether the proposed school site is feasible.

10.51

In similar fashion, analysis and mitigation of potential landslide and erosion hazards are deferred. With the footprints of the neighborhoods and the proposed school established, the impact analysis needs to be presented in a revised Draft EIR.

12. HYDROLOGY AND WATER QUALITY.

Mitigation 11-2 sets forth various setbacks to buffer riparian habitat. (p. 11-13.) However, there is no explanation on how these setbacks were derived and how they would adequately mitigate the impact on habitat and wildlife to less than significant. As discussed above, are these setbacks sufficient to protect the Steelhead trout population?

10.52

On page 11-14, the Draft EIR concludes that there is an abundance of groundwater recharge and no basis to anticipate an adverse groundwater impact, and thus, a less than significant impact. This is a bare conclusion without any analysis. The Draft EIR needs to be revised to include an analysis demonstrating that recharge will cover the Project's and future project's draw on groundwater. How much can be pumped before the basin reaches overdraft? The Draft EIR notes that groundwater levels can fluctuate widely. Such may be indicative of an unstable supply of groundwater.

10.53

Looking at Figure 11.2, the inundation area that would result from a dam failure shows Green Valley Road becoming impassable. If such were to occur during the school year, this would be a significant impact on the proposed school site. This potential significant impact needs to be analyzed and included in a revised Draft EIR.

10.54

13. LAND USE AND PLANNING.

The Draft EIR states that it would be consistent with zoning if the County approves zoning amendments for the Project. (p. 12-13.) This means that the Project is inconsistent with existing zoning. The inconsistency with existing zoning should be examined and disclosed in the Draft EIR so that the public can understand the Project's impact. Further, although a number of general plan goals, policies, and implementation program measures are set forth, there is no comparison of them to the Project. The Draft EIR needs to include an analysis demonstrating

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that the Project is consistent with those applicable goals, policies, and implementation program measures.

14. NOISE.

In Mitigation 13-1, the Draft EIR states that noise studies will be done at some future time to determine if the noise levels along Green Valley Road would become significant. Only then would residential outdoor activities be mitigated if that noise reached the stated levels of 65 dBA Ldn and 45 dBA Ldn. Since Green Valley Road is next to riparian and creek habitats, what would be the appropriate thresholds to protect these habitats from disruptive noise? This is particularly worrisome considering that Mitigation 13-4 concludes that traffic noise impact along Green Valley Road is significant and unavoidable. (p. 13-16.)

10.56

15. POPULATION AND HOUSING.

Under the heading "Growth Inducement Impact," the Draft EIR reports that the neighborhoods, commercial facilities, and agricultural tourism would provide jobs for an estimated 136 additional employees in the Project area. (p. 14-6.) This estimate does not appear to include the jobs created by the proposed school, the sewer treatment plant, or other infrastructure maintenance. If not included, the jobs estimate should be corrected in the Draft EIR. Additionally, job growth for the region is drawn from ABAG estimates. (p. 14-7.) Existing or future known projects that include or require an amendment to a general plan or zoning should also be included, as most such projects tend to increase population, housing, and employment.

10.57

16. PUBLIC HEALTH AND SAFETY.

This section of the Draft EIR does not analyze whether the new school site is acceptable in terms of potential exposure to hazardous substances. At a minimum, a Phase I Environmental Assessment should be conducted and discussed in a revised Draft EIR.

10.58

17. PUBLIC SERVICES AND UTILITIES.

A. *Water Supply.*

As discussed above and in this section of the Draft EIR, there is no discussion of whether the Project, or in combination from other projects, may cause an overdraft of the groundwater basin. Such an analysis should be included in the Draft EIR. In Table 16.1, the water and wastewater demand estimates for the Project are understated since the proposed school is only evaluated at 300 students rather than the 350-student proposed school. (p. 16-14.) The water and wastewater demand needs to be corrected and reported in a revised Draft EIR and recirculated for public comment.

10.59

10.60

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The Draft EIR reports that under Option B, the Project's water supply would be from the Green Valley-Suisun aquifer of the Suisun-Fairfield Groundwater Basin. (p. 16-15.) It states, "The water would probably be treated by small treatment facilities at each well to provide filtration and disinfection to CCR Title 22 standards prior to being pumped to an onsite storage facility." This statement speculates on the feasibility of making the groundwater drinking water ready. Missing from the analysis is an explanation of what groundwater quality is. What contaminants are in the groundwater and at what levels? Are "small treatment facilities" feasible? The Draft EIR acknowledges that no hydrologic studies have been performed for the Project. (p. 16-18.) If none have been done, it is impossible to determine the Project's impacts on groundwater supply. The Draft EIR speculates that one well could supply up to 300 acre-feet of water per year, but speculation is not adequate analysis under CEQA.

B. Wildfire Hazards.

As discussed above, the estimated Project employment is understated. Thus, the estimated employees used in the analysis of wildfire hazards will need to be corrected and the analysis revised. (p. 16-45.) Further, the potential wildfire hazard to trail use does not appear to be addressed in the Draft EIR. In addition, the impact of wildfire on the proposed school site is not analyzed in the Draft EIR.

C. Solid Waste Management.

In this section of the Draft EIR, it notes that the nearest landfill, Potrero Hills, has a closure date of January 1, 2011 and that lawsuits are challenging plans to expand the landfill. (p. 16-60.) If Potrero Hills Landfill is closed, how will air quality be impacted from waste hauling the extra distance to B + J Landfill in Vacaville?

18. CEQA-REQUIRED ASSESSMENT CONSIDERATIONS.

As discussed above, the job estimates for the Project are understated. Thus, the Growth-Inducing Effects section should be revised accordingly.

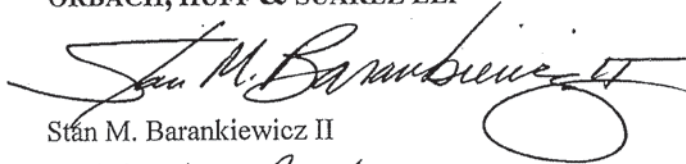
CONCLUSION.

The District seeks the continuation of its long-standing partnership with the County and the mutual cooperation between the County and the District and wishes to emphasize that it is not opposed to this Project per se. The District is very concerned that the breadth of the Project's potential significant and cumulative impacts to the children, parents, faculty, and staff of the District's schools are not fully analyzed and/or mitigated in the Draft EIR. Accordingly, the District respectfully requests that the impact analyses be revised and mitigation provided, as set forth herein, and the results disclosed in a revised Draft EIR that is recirculated for public comments.

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Thank you for your consideration of the District's concerns and recommendations.

Very truly yours,
ORBACH, HUFF & SUAREZ LLP



Stan M. Barankiewicz II



Philip J. Henderson



SMB:smb

cc: Jacki Cottingim-Dias, Ph.D.
Kim VanGundy
Scott Sheldon, Terra Advisors
Erin Beavers, City of Fairfield, Director of Planning

10. Stan M. Barankiewicz II, Philip J. Henderson; Orbach, Huff & Suarez LLP, on behalf of Fairfield-Suisun Unified School District; January 25, 2010

- 10.01 General Comment on DEIR Adequacy--need for revision and recirculation--need for further analysis and/or mitigation for many cited subjects. As a result, DEIR should be revised and recirculated.

Response: See Master Response N.

- 10.02 Public Services and Utilities--Public Education--General comment--project proximity to nearest three public schools raises concerns with adverse effects of project construction and operation on student learning environment, facilities, health and safety--these impacts should be adequately evaluated and mitigated to protect students, parents, faculty and staff.

Response: Project-related construction activity would not significantly affect the nearest three public schools. In any event, Mitigation 13-3 on DEIR p. 13-15 would reduce noticeable effects, if any.

Also, see Master Response D.

- 10.03 Public Services and Utilities--Public Education--in addition to fees, developer must still feasibly mitigate all project-caused significant impact to the District--i.e., impacts of land use approvals other than school facilities need impacts--e.g., significant traffic impacts--District has identified such potential significant or cumulatively considerable impacts in the following comments that are not mitigated by Developer Fees and require mitigation.

Response: The comment misconstrues the DEIR as saying that School District fees mitigate all possible impacts to the District's Schools and suggests an obligation to mitigate all possible impacts to the District's schools including those unrelated to the environment. To the extent that the comment suggests an obligation to mitigate "all Project-caused significant impacts to the District," the comment overstates applicable requirements. The DEIR acknowledges the requirement to mitigate both school facilities impacts and environmental impacts (DEIR, p. 16-59). School District fees are the sole mitigation allowed by law concerning impacts of "land use approvals" on "the need for school facilities." (Gov. Code, §65995(e).) "[S]chool facilities" means "any school-related consideration relating to a school district's ability to accommodate enrollment." (Gov. Code, §§65995(e)&(g)(3), 65996(c).)

CEQA's mitigation obligation applies only to impacts on the environment, not the District; impacts directly on the District are "economic" or "social," as the DEIR notes. (See also, CEQA Guidelines, §15131(a)(economic or social effects of a project shall not be treated as significant effects on the environment; focus shall be on physical changes; EIR may trace economic or social changes through chain of causation to physical changes).)

Please also see Master Response D.

- 10.04 Public Services and Utilities--Public Education--DEIR does not depict where proposed 10-acre elementary school site is--depicted on Figure 3-6 (p. 3-13), but 10-acre

property not delineated. CDFG approval of site use as school at this location (riparian, oak trees, etc.) would be extremely difficult with expensive mitigation needs.

Response: Please see Master Response D.

- 10.05 Public Services and Utilities--Public Education--impacts of making 10-acre site into school not analyzed--feasibility of site needs analysis in relation to CDE standards and requirements. Reopening of closed Falls Elementary School site not considered; site approval by CDE for proposed new school site will be difficult and require rezoning; two suggested alternative school sites are suggested for consideration that would alleviate many impacts and impediments. Would cost less money to modernize and open Falls Elementary with connection to project sewer infrastructure--DEIR should include this alternative.

Response: As described in Master Response D, the Specific Plan is being revised to remove the previous land use provisions that would accommodate a public District-operated elementary school. The EIR does not need to look at feasibility for this use, including state standards applicable to school districts. (Cal. Code Regs., tit. 5, sec. 14010 et seq., and section 2(j) ("school" means "public school maintained for a grade or grades K-12"); §14001(c) (CDE standards apply to educational facilities planned by school districts).)

The comment suggests looking at two alternative sites within the plan area for a school, that the commenter believes might alleviate impacts and impediments associated with the previously mentioned site. No information is provided as to why those sites might be preferable for a school, or how either might address any constraint or impact. As noted, the proposal for a public school has been removed, and replaced with a designation which would allow only a much smaller use, which reduces any impacts and eliminates any concerns identified in the letter about impediments.

The comment suggests looking at an alternative of modernizing and reopening Falls Elementary School and analyzing its impacts in a revised draft EIR. The School District itself may consider a range of alternative facilities in order to meet its planning requirements. Consideration of alternative sites for a public school in the DEIR is not necessary in view of removal of this use from the project description.

- 10.06 Public Services and Utilities--Schools--Reopening of Falls Elementary School site not considered; site approval by CDE of proposed new school site would be difficult and require rezoning; two suggested alternative school sites would alleviate many impacts and impediments. Would cost less money to modernize and open Falls Elementary with connection to project sewer infrastructure--DEIR should include this alternative.

Response: See response to comment 10.05. Please also see Master Response D.

- 10.07 Public Services and Utilities--Schools/Project Consistency with Local and Regional Plans--County General Plan Policy PF.P-44 calls for coordination with the District on school facility mitigation and ensuring financing for new school facilities. The District does not have sufficient funds to build a new school even with impact fees. Therefore, the project conflicts with the County General Plan.

Response: General Plan Policy PF.P-44 does not apply to individual development projects; rather, the policy addresses the need for County cooperation with and assistance to local school districts in developing and implementing school facility planning and mitigation plan formulation. The policy does not require the County to provide funds sufficient to build new schools beyond the statutorily prescribed mitigation levels. With regard to DEIR adequacy pertaining to school impact mitigation, please see Master Response D, and in particular, subsection (1) under Master Response D.

The comment suggests that the school district has insufficient funds to construct a school at the indicated site, notwithstanding the provision of fees which are the maximum allowed by law to mitigate for this impact. The commenter cannot know the level of future fees the school district will charge, nor the level of revenues that will result. The comment purports to identify an inconsistency with the County General Plan in that the project does not provide financing sufficient, in the commenter's view, to ensure necessary financing. Necessary financing is defined by state law and is commensurate to the level of fees set by the School District. The provision of the fee specified by the statute and by the school district's own formal process of study and findings is the financing that is ensured.

The General Plan policy calls for coordination, but does not make the County the guarantor of a fee's sufficiency if and when the School District itself does not establish a fee that reflects facility mitigation needs.

- 10.08 Transportation and Circulation--The large number of vehicles warrants detailed analysis; there is no such analysis in the Draft EIR.

Response: The 35-page DEIR Transportation and Circulation chapter includes a complete and adequate evaluation of project impacts on the local roadway system which was prepared by a qualified transportation planning and engineering consultant and includes detailed analysis of operational (levels of service) and safety conditions for 13 "study" intersections, and for the following five scenarios: existing, baseline, baseline plus project, 2030 cumulative and 2030 cumulative plus project. The analysis reflects current standard CEQA practice. The comment includes no evidence supporting the claim that there is no "detailed analysis" in the EIR.

- 10.09 Transportation and Circulation--trip generation--The Draft EIR understates school trip generation and thus traffic impacts. The Draft EIR identifies 930 trips generated by the proposed 300-student school in Table 17.5 but elsewhere notes a maximum enrollment of 350 students.

Response: The correct (Specific Plan-intended) figure for the previously-designated possible plan area public elementary school was 325 students. As explained under Master Response D herein, the December 23, 2009 version of the Specific Plan which was assumed in DEIR traffic generation Table 17.5 indicated a possible 325-student, 10-acre public elementary school site in the plan area (in the Nightingale Neighborhood). Location of this possible public elementary school site in the plan area is no longer proposed. The final version of the Specific Plan to be forwarded to County decision-makers replaces reference to the 325-student public school possibility with reference to a smaller, up-to-100-student private school possibility. As a result, the trip

generation figures in DEIR Table 17.5 are overstated rather than understated, resulting in a more conservative traffic impact analysis.

- 10.10 Transportation and Circulation-- trip generation--The Draft EIR understates single family residential trip generation. The daily and PM peak hour trip generation rates used are lower than ITE rates.

Response: The DEIR daily trip generation rates assumed for residential uses include 7.7 trips per average weekday for all single-family residential units, and assume that all 400 units permitted will be constructed; and include 7.3 trips per average day for all secondary units, and assume that all 100 permissible secondary units would be constructed. These trip generation figures are considered by the EIR transportation engineer to be conservatively high for the proposed predominantly cluster residential types described in the Specific Plan.

- 10.11 Transportation and Circulation-- trip generation--The Draft EIR understates traffic impacts by not accounting for various other trips generated by the project, such as tourism, trail use, or sports field, including PM peak hour lighted sports field use.

Response: Specific Plan-designated agricultural tourism uses and other designated uses are fully accounted for in DEIR project description Table 2.1 and in corresponding trip generation Table 17.5. Possible trailheads, with parking for 5-to-8 cars, would not be a substantial source of trip generation in the critical peak commute hours.

- 10.12 Transportation and Circulation--Significant impacts to intersections 7 and 9 will impede access to Angelo Rodriguez High School and Green Valley Middle School by parents, students and staff. The payment of development impact fees by future developers is not adequate mitigation because no such fee program exists and mitigation is not assured (p. 17-26).

Response: See Master Response D.

- 10.13 Transportation and Circulation--The Draft EIR (p. 17-26) is unclear whether intersection 10 involves the eastbound on- or off-ramps.

Response: Intersection # 10, I-80 EB Ramps and Green Valley Road, as analyzed in the DEIR, includes all intersection legs, including the eastbound on- and off-ramps from I-80.

- 10.14 Transportation and Circulation--The Draft EIR fails to and should address traffic impacts to the I-80 and I-680 freeway segments.

Response: It was determined at the outset of the analysis, in consultation with the County, that project impacts on I-80 and I-680 freeway segments would be negligible. Caltrans has commented on the DEIR (letter 17) and has not challenged this conclusion.

- 10.15 Transportation and Circulation--The Cumulative (2030) Plus Project conditions assumes buildout of the Solano County and Fairfield General Plans. The analysis should reflect approved and pending projects that require general plan amendments to increase development beyond what is allowed by the General Plans.

Response: The additional hauling distance would contribute to DEIR-identified significant unavoidable air emissions Impact 5-3. DEIR-identified Mitigation 16-12 would serve to minimize this impact.

- 10.16 Transportation and Circulation--The Draft EIR should be revised and recirculated due to the significant new information from these additional traffic analysis needs.

Response: No additional traffic analysis needs have been substantiated through the response-to-comments process; see responses to comments 10.01 through 10.15 above.

- 10.17 Transportation and Circulation/Air Quality/Noise/Climate Change--construction traffic--The Draft EIR fails to quantify and adequately analyze and mitigate construction traffic impacts, including dump truck, construction delivery and construction worker commute trips. Without adequate consideration of construction traffic, air quality and noise impacts are likely understated.

Response: Project-related construction period transportation and circulation impacts are adequately discussed on DEIR p. 17-35. Project-related construction period noise implications are adequately discussed on DEIR pp. 13-14 and 13-15. Project-related construction period air quality implications are adequately discussed on DEIR pp. 5-11 and 5-12. Project-related construction period public health and safety impacts are adequately discussed on DEIR pp. 15-6 and 15-7.

- 10.18 Emergency Access--The Draft EIR does not adequately analyze the project and cumulative impacts on emergency access to schools due to traffic from project construction and operation.

Response: Please see Master Response D.

- 10.19 Aesthetics--scenic vistas--The Draft EIR and Mitigation 3-1 improperly defer analysis and mitigation, and opportunity for public review, of potentially significant impacts on scenic vistas. The feasibility, funding and membership of the Design Review Committee identified in Mitigation 3-1 are not discussed.

Response: Please see response to comment 7.11 and Master Response H.

- 10.20 Aesthetics--scenic vistas--Photosimulations, including along Green Valley Road, at Nelda Mundy Elementary School, and on trails in the project area, are needed to adequately evaluate view impacts. Figure 2.6 appears to indicate no screening on the northern and eastern edges of the Elkhorn and Nightingale neighborhoods.

Response: Please see response to comment 7.11 and Master Response H. In addition, Specific Plan Policy SS.P-1 calls for directing development into those areas that are screened from Green Valley Road.

- 10.21 Aesthetics--visual character--The Draft EIR notes that cumulative impacts on visual character would be significant and unavoidable, without discussing any potential mitigation measures and evaluating their effectiveness and feasibility.

Response: The DEIR simply reiterates on p. 3-19 the County's previous conclusion in its General Plan EIR that, although implementation of General Plan-required project-specific comprehensive design guidelines and architectural standards would reduce project-specific impacts on aesthetic resources, "there is no mechanism to allow implementation of development projects while avoiding the conversions of local viewsheds from agricultural land uses and open spaces to urban...development."

- 10.22 Aesthetics--visual character--If cumulative impacts on visual character are significant and unavoidable, then the project is inconsistent with General Plan policies that seek to protect the scenic resources and visual character of Middle Green Valley.

Response: The DEIR conclusion in this regard is consistent with the Solano County General Plan and EIR. See response to comment 10.21.

- 10.23 Aesthetics--alternatives--The Draft EIR does not sufficiently analyze alternatives to the proposed development layout that would avoid the hills and maximize landform and vegetation screening.

Response: The DEIR has determined that the project itself would sufficiently avoid the hills and maximize landform and vegetative screening through implementation of DEIR-identified Mitigation 3-1. The DEIR also includes identification of Alternative 19.4, Specific Plan with Reduced Capacity, on DEIR pp. 19-4 and 19-5, and explains in Table 19.1 that this alternative would reduce the project contribution to cumulative countywide aesthetic effects.

- 10.24 Aesthetics--light and glare--The nighttime light and glare analysis is missing thresholds of significance for spill light, sky glow and glare, and any analysis to show that Mitigation 3-2 would reduce light and glare to a less than significant level. The Draft EIR does not disclose whether the sports fields would be lighted, and does not analyze or mitigate the impacts of sports field lighting.

Response: Mitigation 3-2 is based on common light and glare mitigation and lighting design practice. The mitigation requires implementation of lighting design measures and common lighting design performance standards ("ensure surrounding uses from spillover light and glare," "use of low lighting fixtures," "use of adequately shielded light sources," "avoidance of light reflectance off of exterior building walls," "by a qualified design professional") for which there is adequate experience demonstrating effectiveness in avoiding significant nighttime light and glare impacts. Required implementation of these measures to the satisfaction of the proposed Conservancy design review process (advisory to the County) and standard County design review process provides reasonable assurance that the impact will be adequately mitigated.

- 10.25 Agricultural and Mineral Resources--agriculture--The Draft EIR lists but does not evaluate consistency with General Plan policies related to agricultural preservation and does not reflect those policies in the significance criteria.

Response: CEQA Guidelines sec. 15125(d) states that "The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." CEQA Guidelines Appendix G, section IX(b), indicates that the environmental document should focus on conflicts with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project "adopted for the

purpose of avoiding or mitigating an environmental effect.” Pursuant to these CEQA provisions, the DEIR focuses on the identification of any potential inconsistencies with policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect, rather than providing an unnecessary comprehensive evaluation of project consistency and inconsistency with all General Plan policies and related regulations.

With regard to adopted policies and regulations pertaining to agriculture preservation listed in DEIR section 4.2.1, the introductory paragraph to that section specifically states that these listed General Plan policies and implementation programs “are pertinent to consideration of the proposed Specific Plan and its potential impacts on Middle Green Valley agricultural and mineral resources” and “where any proposed Specific Plan land use and development policy or standard is found in this EIR to be potentially inconsistent with one or more of these County-adopted policies or implementation programs, a potentially significant impact has been identified, and one or more mitigations have been identified for incorporation into the Specific Plan to reduce the impact and better implement the General Plan.”

- 10.26 Agricultural and Mineral Resources--agriculture--The right-to-farm ordinance limits lawsuits but does not address the actual impact of residential development on agriculture. A setback from farmland should be provided.

Response: As indicated under Impact 4-2 on DEIR page 4-13, the large size of most draft Specific Plan-proposed residential lots adjacent to existing or potential Prime Farmland agricultural activity would allow for substantial setbacks from adjacent ag. activities. In addition, the proposed “Community Plan” component of the draft Specific Plan incorporates a gradual transition between residential and agricultural areas to minimize associated land use conflicts by applying the concept of the “Transect,” as described in Specific Plan section 5.3 (The Regulating Plan and Zones). Through the “Transect” approach, residential development is minimized along the direct-edges of agricultural lands, and in most cases is separated from the agricultural edge by a roadway.

The draft Specific Plan includes many policies that protect the viability of agriculture and that advocate enhanced agricultural activity as the prominent “amenity,” aesthetic component, and foundation of the community image as a whole (esp. see SP section 4.2.2, SP Principal #2, SP Policies OL-4, OL-10, OL-11, OL-14, IM-1, LUC-5, and NP-4). Also, under SP Policies OL-13 and OL-14, the Conservancy is required to prepare an Agricultural Business Plan (AGP). SP section 4.2.1 (SP p. 4-13) sets forth general requirements for best management and sustainable agricultural practices (HS-I-58), which could include buffer zones.

- 10.27 Air Quality--Since the Draft EIR understates the project trip generation, correcting the trip generation will require reanalyzing the air quality impacts of project operation.

Response: The DEIR does not understate project trip generation. Please see response to related comments 10.09 through 10.11.

- 10.28 Air Quality--toxic air contaminants--The Draft EIR should evaluate the elevated health risks to students at the three existing schools and the proposed new school from project traffic using the CDE standardized health risk assessment.

Response: Please see Master Response D. The issue of toxic air contaminants (diesel exhaust emissions) from mobile sources and associated health risks is of concern in intensive urban environments where freeway corridors adjacent to sensitive land uses (schools, multifamily residential development) may expose people to prolonged high levels of TAC exposure. The issue is not a significant concern in rural settings such as the plan area.

- 10.29 Air Quality--carbon monoxide--The Draft EIR understates Carbon Monoxide impacts by not analyzing the Existing + Project (2009) scenario, despite indicating on p. 1-4 that the existing environmental setting at the date of the Notice of Preparation constitutes the baseline for all impact assessments in the EIR. The CO analysis should also be revised with corrected trip generation and with cumulative trips that reflect projects with general plan amendments.

Response: The modeling of long-term changes in local and regional carbon monoxide levels associated with project and cumulative traffic in the plan area vicinity was completed by the EIR air quality management consultant, Illingworth & Rodkin, Inc., using the screening guidance recommended by the BAAQMD. As indicated on DEIR p. 5-14, for local CO levels, emissions were calculated using the EMFAC2007 model developed by the CARB, based on the year 2030-with-project cumulative traffic scenario described in DEIR chapter 17, which in turn is based on the project trip generation characteristics in combination with cumulative traffic forecasts using the Solano County Transportation Agency-maintained Solano County Travel Demand Model results for 2030. As indicated in the response herein to comments 10.09 through 10.11, the DEIR does not understate the project trip generation component of this cumulative assessment.

- 10.30 Air Quality--The operational emissions of the project need to be reevaluated with corrected trip generation estimates. The sources included the area source emissions are not specified. Do area source emissions include fireplaces, landscape services, barbecues, heating, cooling and waste disposal, and the proposed sewer plant and school? The Draft EIR does not explain and justify how the 5 percent reduction in regional emissions assumed in Mitigation 5-3 was achieved.

Response: Please see response to comments 10.09 through 10.11 and 10.29 regarding the adequacy of project trip generation and 2030 cumulative plus project traffic impact findings. Area source emissions in the plan area vicinity were considered by the EIR air quality management consultant, Illingworth & Rodkin, inc., in modeling the BAAQMD-recommended project contribution to regional air emissions (the total direct and indirect emissions from buildout of the Specific Plan), using the BAAQMD-recommended URBEMIS2007 model (version 9.2.4). As explained on DEIR p. 5-17, this model provides daily and annual emissions from area and mobile sources for various land uses. DEIR p. 5-17 also specifically explains that "Area sources include emissions from natural gas combustion (e.g., space and water heating and cooking), use of landscape equipment, and use of consumer products." Daily trip generation information for the Specific Plan was combined in URBEMIS2007 with emissions factors computed by CARB's EMFAC2007 model; the results are summarized in Table 5.5 on DEIR p. 5-18.

- 10.31 Air Quality--construction--The Draft EIR notes that certain building materials emit organic gases. The document should also analyze emissions from other building materials, such as formaldehyde emissions from carpets and drywalls, to accurately characterize construction air quality impacts.

Response: The cited emissions sources are insignificant; all significant sources are inherently considered in the BAAQMD and CARB-established modeling methodologies referenced in response to 10.30 above.

- 10.32 Air Quality--construction--The Draft EIR notes that the Bay Area Air Quality Management District (BAAQMD) does not have significance thresholds for construction period emissions of particulate matter, ROG or NOx, and does not analyze these impacts, yet concludes that Mitigation 5-1 would reduce the impact to a less than significant level. Notwithstanding the lack of BAAQMD thresholds, the lead agency is obligated to set and use thresholds of significance. Without thresholds, the effectiveness of the mitigation cannot be determined.

Response: The DEIR analysis of construction period air quality impacts follows common regional practice and is consistent with guidance provided by the BAAQMD Guidelines for Compliance with CEQA for construction period impacts. The significance of construction impacts is, according to the BAAQMD Guidelines, determined by whether or not appropriate dust control measures are implemented. Implementation of the conventional BAAQMD Guidelines-based dust control measures identified under DEIR Mitigation 5-1 would therefore be expected to reduce project construction period emissions impacts to a less-than-significant level.

- 10.33 Air Quality--construction--The Draft EIR fails to analyze potential CO hot spots during the three-year construction period.

Response: Please see response to comment 10.32.

- 10.34 Air Quality--Without further air quality analysis, the Draft EIR underestimates the project air quality impacts and the document's significance conclusions are questionable.

Response: The DEIR does not understate project air quality impacts, as explained in response to comments 10.27 through 10.32 above.

- 10.35 Climate Change--The greenhouse gas emissions of the project need to be reevaluated with corrected trip generation estimates. The sources included in the area source and indirect source emissions are not specified. Do area source emissions include fireplaces, landscape services, barbecues, heating, cooling and waste disposal, and the proposed sewer plant and school?

Response: The trip generation estimates in DEIR Table 17.5 are reasonably correct, as explained in response to comments 10.09 and 10.10 and, therefore, related GHG emissions computations are reasonably correct. Also, contrary to the claim in this comment, the sources included in the area source and indirect source emissions summarized in DEIR Table 7.1 of annual GHG emissions from the plan area under Specific Plan development are specified on DEIR p. 17-14. They include:

- “Area Sources,” which are described on DEIR p. 7-14 as mostly emissions associated with the combustion of natural gas consumed for space and water heating as well as cooking under Specific Plan buildout;
- “Indirect Sources,” which are described on DEIR p. 7-14 as emissions for residential and commercial electricity usage under Specific Plan buildout; and
- “Mobile Sources” associated with plan area vehicular traffic generation under Specific Plan buildout.

Emissions from the possible onsite sewer plant and school are not quantified, but would contribute to the DEIR-identified significant unavoidable climate change (greenhouse gas emissions) impact.

- 10.36 Climate Change--The anticipated reductions in greenhouse gas emissions from the measures in Mitigation 7-1 and the residual impact on District schools, should be disclosed.

Response: As explained under Mitigation 7-1 on DEIR p. 7-16, “the effectiveness of this mitigation program in reducing the Specific Plan-related contribution to cumulative greenhouse gas emissions in the region cannot be reasonably quantified...” Such quantification would be highly speculative.

- 10.37 Biological Resources--The biological surveys conducted for the Draft EIR are inadequate to properly characterize the resources on the site. Surveys should be of sufficient duration and conducted during appropriate times of the year and day.

Response: The descriptions in the DEIR Biological Resources chapter were independently formulated by the EIR consulting biologist, WRA Consultants, based on field reconnaissance, including Spring field visits on March 2, April 23 and April 24, 2009, plus review of the list of background information listed on DEIR pp. 6-2 and 6-3. The Spring field survey dates represent common practice and, in particular, appropriate times to identify special status plant species. The commenter provides no evidence to the contrary.

- 10.38 Biological Resources--Mitigation 6-6 improperly defers protocol-level surveys to the future after the location of development and disturbance within the site has already been approved, and outside the public’s ability to review and comment.

Response: Please see Master Responses B and C and response to similar comment 14.07.

- 10.39 Biological Resources--The Draft EIR improperly defers nearly all of the analysis and mitigation of biological resources impacts, and improperly assigns these responsibilities to a new Green Valley Conservancy. Is such an entity even feasible? Can the County lawfully delegate its discretionary review obligations to this private, non-public entity? Who would be on this conservancy and how would conflicts of interest be avoided? Where would this conservancy get its funding?

Response: Please see Master Response C and response to comment 14.07.

- 10.40 Biological Resources--The Draft EIR incorrectly claims that impacts to non-sensitive communities cannot be significant. Impacts on the regional amounts of habitats due to the loss of large vegetation and aquatic communities as a result of the project should be evaluated in the Draft EIR.

Response: The comment bears no relationship to common practice and the established CEQA significance criteria for biological resources listed in DEIR section 16.3.1, and provides no evidence to support its claim.

- 10.41 Biological Resources--oak woodlands--The 1:1 oak woodland replacement ratio is inadequate mitigation and should be 1.5:1 or 2:1, with monitoring to ensure sufficient trees survive to maturity. Additionally the setback distances included in the Draft Specific Plan's oak woodland measures are inadequate to protect heritage oak trees.

Response: The DEIR consulting biologists disagree with the comment. Please see responses to similar comments 18.01 and 16.02.

- 10.42 Biological Resources--riparian habitat--The Draft EIR relies on mitigation measures in the Hydrology and Water Quality section to mitigate significant impacts on riparian habitat, but there is no indication of storm water runoff volumes or rates, and no explanation of how the measures would avoid significant riparian habitat impacts.

Response: The comment is incorrect. The DEIR includes appropriate first-tier mitigation for potential project impacts on Hennessey Creek and Green Valley Creek riparian corridors in the Biological Resources chapter under Impact and Mitigation 6-1 ("General Areawide Impacts on Biological Resources," DEIR pp. 6-52 and 6-53); Impact and Mitigation 6-4 ("Impact on Riparian Communities," DEIR pp. 6-61 through 6-63); and Impact and Mitigation 6-5 ("Impact on Wetlands, Streams and Ponds," DEIR pp. 6-63 through 6-66).

- 10.43 Biological Resources--special-status plants--Mitigation 6-6 does not preserve special-status plants but rather would transplant them to an undesignated location. The location should be disclosed and monitoring and care provided to ensure survival.

Response: Mitigation 6-6 represents latest common practice and "state of the art" mitigation for special status plants identified as observed or known to occur in the plan area. In particular, the transplant options described under Mitigation 6-6 represent common practice, and as stipulated under this mitigation, would have to be implemented "to the satisfaction of the listing jurisdictional agency...i.e., the USFWS, or CDFG, CNPS or County...that has recognized (i.e., listed) the species as a special status species deserving special consideration because of its rarity or vulnerability."

- 10.44 Biological Resources--special status wildlife--Mitigation 6-10 allows removal of inactive bird nests. What is the impact of removing nests of special status birds and is it significant? Is there adequate alternate nesting habitat?

Response: Again, the mitigation program described under Mitigation 6-10 for the subject protected bird species, including the option of "removal of suitable nesting vegetation...if...conducted between September 1 and January 31" (outside nesting season dates) represents the most current mitigation practice for these special-status and Migratory Bird Treaty Act-protected bird species with potential to occur in the plan

area. Removal of suitable nesting vegetation during this period would prevent disturbance of nesting activity--i.e., would prevent impacts on the subject special status birds. There would be no need for "adequate alternative nesting habitat" during this period when substantial species breeding and foraging activities do not occur.

- 10.45 Biological Resources--special status wildlife--Putting bells on cat collars is inadequate mitigation for impacts on special status birds from predation and disturbance by pet cats. This impact needs more analysis and mitigation.

Response: The comment refers to the detailed discussion under DEIR Mitigation 6-10 of the numerous "example" avoidance and minimization measures to reduce the potential impacts of plan area development on protected bird species known to occur in the plan area. The collar bell measure would be difficult to enforce and is therefore included as part of a broader range of "public education initiatives" which are included among the list of many other example impact reduction measures listed on DEIR p. 6-74. These measures described on DEIR p. 6-74 are secondary to the primary measures identified in the Mitigation 6-10 "box" on DEIR p. 6-73.

- 10.46 Biological Resources--special status wildlife--Special Status steelhead trout are present in the streams of the project area. The Draft EIR does not analyze the impact on steelhead trout habitat of groundwater drawdown from project water supply wells. Also, the adequacy of the proposed 100-foot setback from lower Hennessey Creek and Green Valley Creek, and 50-foot setbacks from tributary streams, is not justified.

Response: Any groundwater withdrawal associated with water supply Option B would occur from wells drilled into saturated aquifers over 200 feet deep (see Master Response I), which would have no direct relationship to or effect on the Hennessey and Green Valley Creek water flow volume. In addition, as explained on DEIR p. 6-77 under Mitigation 6-12, mitigation measures for steelhead "are subject to approval, and may change, based on consultation with the National Marine Fisheries Service (NMFS)." The references in this comment to proposed 100-foot and 50-foot creek setbacks apparently pertain to DEIR Mitigation 6-4 for potential project impacts on riparian communities. These distances represent standard setback minimums applied throughout the County and state for creeks with riparian values. Under Mitigation 6-4, final mitigation, including creek setbacks for projects that have been determined under Mitigation 6-1 (biological resource assessment report) to involve potential impacts on riparian communities, "would be subject to *jurisdictional agency approval*--i.e., approval by the CDFG and Water Board."

- 10.47 Biological Resources--The Draft EIR notes that wildlife corridors will be reduced to as little as 100 feet wide, yet it improperly defers analysis to future studies, requiring an "adequate" buffer, and concludes without explanation that impacts on wildlife corridors would be mitigated to a less than significant level. Is 100 feet adequate, even for mountain lions and mule deer? If not, the project must be further mitigated or the impact declared significant and unavoidable. These biological resources analysis issues also pertain to the proposed school site and should be analyzed in a revised Draft EIR.

Response: The comment apparently pertains to the discussion of Impact and Mitigation 6-13 on DEIR pp. 6-78 through 6-81. The language in the comment has been excerpted out of context from verbiage on these DEIR pages that describe

habitat corridors and linkages that would be available for wildlife movement following implementation of the Specific Plan. The complete discussion explains that the main Green Valley Creek Linkage would remain intact with only small areas of development abutting the 200-foot-wide creek corridor, and movement across the valley would also remain intact, with a viable corridor varying in width from approximately 500 to 1,500 feet, between the Elkhorn neighborhood and Three Creeks Neighborhood (see DEIR Figure 6.9, Available Landscape Linkages After Development Allowed by the Specific Plan, on DEIR p. 6-78), plus other more restricted corridor widths of approximately 100 to 400 feet in areas proposed for less intensive development in the western foothills.

Nevertheless the DEIR indicates under Mitigation 6-13 that each second-tier project undertaken pursuant to the Specific Plan shall include mitigation measures for potential impacts on wildlife movement corridors as part of the biological resources assessment report required under Mitigation 6-1, and prior to project approval, the County must also confirm that project-level development has received the necessary jurisdiction permits, approvals and determinations from applicable biological resource agencies.

Regarding potential biological resources analysis issues pertaining to a possible plan area school site, please see Master Response D.

- 10.48 Cultural Resources--historic resources--Mitigation 8-2 is unclear in that it would result in both a less than significant impact and, in the case of demolition of historic resources, a significant and unavoidable impact. Mitigation 8-2 and the summary table should be corrected to show an unavoidable significant impact on historic resources.

Response: Mitigation 8-2 fully and clearly explains CEQA requirements for historic resources and how any future discretionary action that would result in demolition of a CEQA-defined historical resource would result in the potential for a significant unavoidable historical resources impact under the CEQA Guidelines and CEQA case law and would therefore may require second-tier preparation of a project-specific EIR.

- 10.49 Energy--The Draft EIR relies on non-mandatory principles of the Specific Plan to conclude that the project would have a less than significant impact on energy supply. These principles must be made mandatory conditions for energy impacts to be less than significant.

Response: The DEIR correctly concludes, and provides adequate evidence, that the potential for inefficient energy use associated with the Specific Plan proposed compact land use patterns and extensive energy efficiency guidelines would avoid excessive daily energy requirements (the key CEQA-based significance criterion identified in DEIR section 9.3.1) and would therefore result in less-than-significant project energy consumption impacts.

- 10.50 Energy--The Draft EIR does not disclose the project energy demand and whether it can be met by existing or future supply.

Response: Please see response to comment 10.49.

- 10.51 Geology--The Draft EIR improperly defers analysis of geological impacts, and landslide and erosion hazards to future studies. The footprints of the neighborhoods

and the proposed school site are known and geologic impacts should be analyzed in the Draft EIR.

Response: The DEIR adequately describes the potential and adequate mitigation requirements for Specific Plan buildout-related “landslide and erosion impacts” and “expansive soil impacts” under Impacts and Mitigations 10-1 and 10-2, respectively on DEIR pp. 10-16 and 10-17. Please see Master Responses B and C regarding mitigation specificity and deferral in first-tier program EIRs.

- 10.52 Hydrology and Water Quality--riparian habitat buffers--Mitigation 11-2 sets forth setbacks to buffer riparian habitat but does not explain how the setbacks are adequate to mitigate impacts. Are these setbacks sufficient to protect the Steelhead trout population?

Response: Please see responses to similar comment 10.46.

- 10.53 Hydrology and Water Quality--The Draft EIR concludes without any analysis that there is an abundance of groundwater recharge and a less than significant impact on groundwater. The Draft EIR must analyze the project use of groundwater, recharge rates and sustainable yields.

Response: Please see Master Response I.

- 10.54 Hydrology and Water Quality--dam failure inundation--The Draft EIR must analyze the significant impact on the proposed school site of Green Valley Road becoming impassable in the event of dam failure inundation.

Response: Please see Master Response D and response to comment 7.17.

- 10.55 Land Use and Planning--The Draft EIR must analyze the project inconsistency with existing zoning and the consistency of the project with each of the relevant General Plan goals, policies and implementation measures.

Response: CEQA Guidelines sec. 15125(d) states that the EIR shall discuss any inconsistencies between the proposed project and applicable general plan and regional plans. CEQA Guidelines Appendix G, which has been generally applied in the DEIR as CEQA based “significance criteria,” indicates under section IX(b) that a project conflict with any applicable land use plan, policy or regulation of any agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect should be identified as a significant impact. The DEIR includes comprehensive consideration of project consistency with such General Plan policies throughout the document for each environmental topic evaluated--e.g., see DEIR sections 3.2, 4.2, 5.2, 6.2, 7.2, etc. Solano County Zoning Ordinance relevance to the proposed project is described in DEIR section 12.1.2 on DEIR p. 12-11. Detailed evaluation of project compliance with County zoning regulations pertaining to environmental purposes is deferred to future second-tier environmental analysis phases for individual, more detailed development proposals.

- 10.56 Noise--Since Green Valley Road is next to riparian habitat, what would be the appropriate threshold to protect this habitat from noise?

Response: The Green Valley Roadway alignment is sufficiently separated from the specialized wildlife habitat conditions along Green Valley Creek to avoid significant noise impacts on these habitats (see DEIR Figures 6.1, 6.4, 6.7, 6.8).

- 10.57 Population and Housing--the estimated 136 jobs generated by the project does not appear to include jobs related to the proposed school, sewage treatment plant or other infrastructure. This should be corrected in a revised Draft EIR. Additionally, ABAG regional jobs estimates should be adjusted to reflect projects with general plan amendments, which increases population, housing and employment.

Response: Please see Master Response D. There is no substantial link between project employment projection and environmental impacts. The Project-related public services, transportation, noise, air quality, climate change impacts, etc., have been determined based on land use types, an approach that inherently accounts for employment. The comment pertaining to ABAG regional jobs estimates does not represent a substantive environmental issue--i.e., would have no effect on the DEIR impact and mitigation conclusions.

- 10.58 Public Health and Safety--The Draft EIR does not analyze the proposed school site for potential exposure to hazardous substances. At a minimum, a Phase I Environmental Site Assessment should be conducted and discussed in a revised Draft EIR.

Response: See Master Response D.

- 10.59 Public Services and Utilities--Water--The Draft EIR should discuss project and cumulative impacts on groundwater levels and overdraft.

Response: See Master Response I.

- 10.60 Public Services and Utilities--Water--The water and wastewater demand estimates are understated because they incorrectly use an enrollment of 300 students rather than 350 students for the proposed new school.

Response: Please see Master Response D.

- 10.61 Public Services and Utilities--Water--The Draft EIR explains that under water supply Option B, groundwater would be treated at each individual well, but the document does not discuss groundwater quality and the feasibility that treatment approach.

Response: Please see Master Response I.

- 10.62 Public Services and Utilities--Water--The Draft EIR speculates that one well could supply up to 300 acre feet per year but acknowledges that no hydrologic studies have been performed. The Draft EIR lacks any basis to determine the project impact on groundwater supply.

Response: Please see Master Response I.

- 10.63 Public Services and Utilities--Fire Protection and Emergency Services--The wildfire hazards analysis needs to reflect correct employment estimates.

Response: Project employment totals (up to 136 added employees) and employment locations have no substantial bearing on Specific Plan wildfire impact implications.

- 10.64 Public Services and Utilities-- Fire Protection and Emergency Services --The Draft EIR does not analyze the potential wildfire hazard to trail use or the proposed school site.

Response: The broad-based description of the potential impacts of “development in accordance with the Specific Plan” on fire protection demands (Impacts 16-7, 16-8, 16-9, and 16-10) inherently includes the impacts of the Specific Plan-anticipated private school possibility in the Nightingale Neighborhood and Specific Plan-anticipated trail provisions in the plan area. For example, the description of Specific Plan-related wildfire hazard impact potentials under Impact 6-8 refers to Specific Plan-facilitated development with or abutting areas where wildfire danger has been identified as “moderate” to “very high.” Such development includes the Specific Plan-anticipated private school in the Nightingale Neighborhood and Specific Plan-anticipated trail provisions throughout the plan area. Implementation of DEIR identified Mitigations 16-7, 16-8, 16-9, and 16-10 would mitigate project-related wildfire impact potentials related to schools and trails. Please see Master Response D.

- 10.65 Public Services and Utilities--Solid Waste Management--What would be the air quality impact of hauling solid waste the extra distance to the B + J Landfill?

Response: The potential impacts and mitigation needs associated with operation of a possible onsite wastewater treatment plant including any associated solid waste transport and disposal would be routinely addressed through an established federal, state and local regulatory structure, as described on DEIR p. 15-11.

- 10.66 CEQA Required Assessment Considerations--Growth Inducement--The growth inducement analysis needs to be revised to reflect revised job estimates. The District requests that the impact analyses and mitigation measures be revised per District comments and a revised Draft EIR be recirculated for public review.

Response: The regional growth-inducing implications of the estimated approximately 136 added jobs in the plan area are considered and discussed in section 20.1, Growth-Inducing Effects, of the DEIR.

Regarding the commenter’s request for a revised and recirculated DEIR, please see Master Response N.