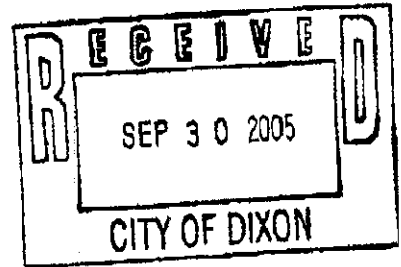

CHAPTER 4 RESPONSES TO COMMENTS



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2822

September 28, 2005

REPLY TO
ATTENTION OF



Regulatory Branch (200400031)

Marshall Drack
City of Dixon
Economic Development Director
Community Development Department
600 East A Street
Dixon, California 95620

Dear Mr. Drack:

We are responding to your September 23, 2005, request for comments on the Dixon Downs Horse Racetrack and Entertainment Center project. This project is located at Latitude 38° 28' 37.0", Longitude 121° 48' 27.6", Sections 1 and 12, Township 7 North, Range 1 East, near Dixon, in Solano County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial, intermittent or ephemeral streams, drainage ditches, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

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Please refer to identification number 200400031 in any correspondence concerning this project. If you have any questions, please contact Marc Fugler at our Delta Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email Marc.A.Fugler@usace.army.mil, or telephone 916-557-5255. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,



Michael Finan
Chief, Delta Office

2082

Please note: Chapter 5 of this Final EIR contains Master Responses (TRAFF-1 through TRAFF-3) prepared to address commonly asked questions that pertain to improvements proposed along I-80, Improvements to the Pedrick Road/I-80 Interchange, and the Vaughn Road Closure and Vaughn-Pedrick Connector. Chapter 6 includes the transcripts and responses to comments from the two special hearings held in November 2005.

LETTER 1: U.S. Army Corps of Engineers, Michael Finan, Chief, Delta Office

Response to Comment 1-1:

A discussion on potential jurisdictional wetlands is included on page 4.3-23 of the Draft EIR, and Mitigation Measure 4.3-3(1) states that the project applicant shall conduct a wetland delineation to be submitted to the U.S. Army Corps of Engineers.

Response to Comment 1-2:

At this time a formal wetland delineation has not been prepared, and, as such, it is not yet determined if jurisdictional wetlands or other waters exist on the site. If the U.S. Army Corps of Engineers exerts regulatory authority over a wetland feature on the site, and the project design would place more than one tenth of an acre of fill material in the wetland, the project applicant would be required to apply for a Section 404 permit. As part of the permit process the project applicant would be required to provide an evaluation of project alternatives, including feasible alternatives that could avoid fill of wetlands. Given the design parameters required for a horse racetrack, the configuration of the site, and the location of the potential wetland on the project site, it is unlikely the wetland area could be avoided through revisions to the project design.



California Regional Water Quality Control Board Central Valley Region

Robert Schneider, Chair



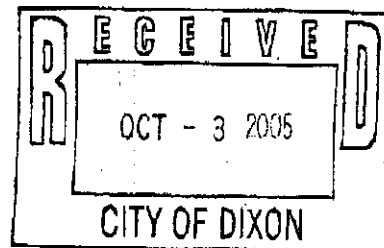
Alan C. Lloyd, Ph.D.
Agency Secretary

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

Arnold
Schwarzenegger
Governor

27 September 2005

Community Development Director
City of Dixon
600 East A Street
Dixon, CA 95620



PROPOSED PROJECT REVIEW, CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DIXON DOWNS HORSE RACETRACK AND ENTERTAINMENT CENTER, DIXON, SOLANO COUNTY

As a Responsible Agency, as defined by CEQA, we have reviewed the Notice of Availability of a Draft Environmental Impact Report for the Dixon Downs Horse Racetrack and Entertainment Center. Based on our review, we have the following comments regarding the proposed project.

Construction Storm Water

A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 99-08-DWQ is required when a site involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation that results in soil disturbances of one acre or more of total land area. Construction activity that involves soil disturbances on construction sites of less than one acres and is part of a larger common plan of development or sale, also requires permit coverage. Coverage under the General Permit must be obtained prior to construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>

2-1

Post-Construction Storm Water Management

Manage storm water to retain the natural flow regime and water quality, including not altering baseline flows in receiving waters, not allowing untreated discharges to occur into existing aquatic resources, not using aquatic resources for detention or transport of flows above current hydrology, duration, and frequency. All storm water flows generated on-site during and after construction and entering surface waters should be pre-treated to reduce oil, sediment, and other contaminants. The local municipality where the proposed project is located may now require post construction storm water Best Management Practices (BMPs) pursuant to the Phase II, SWRCB, Water Quality Order No. 2003 - 0005 - DWQ, NPDES General Permit No. CAS000004, WDRS for Storm Water Discharges from Small Municipal Separate Storm Sewers Systems (MS4). The local municipality may require long-term post-construction BMPs to be incorporated into development and significant redevelopment projects to protect water quality and control runoff flow.

2-2

California Environmental Protection Agency



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Community Development Director

- 2 -

27 September 2005

Wetlands and/or stream course alteration

Section 401 of the federal Clean Water Act requires any project that impacts waters of the United States (such as streams and wetlands) to file a 401 Water Quality Certification application with this office. The project proponent must certify the project will not violate state water quality standards. Projects include, but are not limited to, stream crossings, modification of stream banks or stream courses, and the filling or modification of wetlands. If a U.S. Army Corp of Engineers (ACOE) permit is required for the project, then Water Quality Certification must be obtained prior to initiation of project activities. The proponent must follow the ACOE 404(b)(1) Guidance to assure approval of their 401 Water Quality Certification application. The guidelines are as follows:

1. **Avoidance** (Is the project the least environmentally damaging *practicable* alternative?)
2. **Minimization** (Does the project minimize any adverse effects to the impacted wetlands?)
3. **Mitigation** (Does the project mitigate to assure a no net loss of functional values?)

If, after avoidance and minimization guidelines are considered and wetland impacts are still anticipated:

- determine functional losses and gains (both permanent and temporal; both direct and indirect)
- conduct adequate baselines of wetland functions including vegetation, wildlife, hydrology, soils, and water quality
- attempt to create/restore the same wetland type that is impacted, in the same watershed
- work with a regional context to maximize benefits for native fish, wildlife, vegetation, as well as for water quality, and hydrology
- use native species and materials whenever possible
- document all efforts made to avoid the minimize adverse wetland impacts
- be prepared to develop performance criteria and to track those for between 5 to 20 years
- be prepared to show project success based on achieving wetland functions
- if the project fails, be prepared to repeat the same process (via financial assurance), with additional acreage added for temporal losses
- specify how the mitigation project will be maintained in perpetuity and who will be responsible for the maintenance

For more information regarding Water Quality Certification may be found at
http://www.waterboards.ca.gov/centralvalley/available_documents/wq_cert/application.pdf

2-3

283

Community Development Director

- 3 -

27 September 2005

Dewatering Permit

The proponent may be required to file a Dewatering Permit covered under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit, Order No. 5-00-175 (NPDES CAG995001) provided they do not contain significant quantities of pollutants and are either (1) four months or less in duration, or (2) the average dry weather discharge does not exceed 0.25 mgd:

- a. Well development water
- b. Construction dewatering
- c. Pump/well testing
- d. Pipeline/tank pressure testing
- e. Pipeline/tank flushing or dewatering
- f. Condensate discharges
- g. Water Supply system discharges
- h. Miscellaneous dewatering/low threat discharges

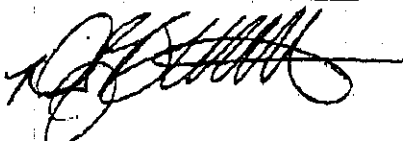
2-4

Industrial

A NPDES General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES No. CAS000001, Order No. 97-03-DWQ regulates 10 broad categories of industrial activities. The General Industrial Permit requires the implementation of management measures that will achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). The General Industrial Permit also requires the development of a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring plan. The General Industrial Permit requires that an annual report be submitted each July 1. More information may be found at <http://www.swrcb.ca.gov/stormwtr/industrial.html>

2-5

For more information, please visit the Regional Boards website at <http://www.waterboards.ca.gov/centralvalley/> or contact me at 916.464.4683 or by e-mail at berchtd@waterboards.ca.gov.



DANNAS J. BERCHTOLD
Storm Water Unit
916.464.4683

cc: City of Dixon

383

**LETTER 2: California Regional Water Quality Control Board, Central Valley Region,
Dannas J. Berchtold**

Response to Comment 2-1:

The Draft EIR includes a discussion on pages 4.6-10 through 4.6-16 that identifies the federal and state requirements of the NPDES permit. In addition, Impact 4.6-4 on page 4.6-36 of the Draft EIR describes how the project would be required to obtain a NPDES General Permit associated with project construction.

Response to Comment 2-2:

Please see the discussion on pages 4.6-36 through 4.6-40 in the Draft EIR under Impacts 4.6-4 and 4.6-5 that describe the actions and permits required of the project applicant to minimize or eliminate erosion and siltation associated with both project construction and post-construction activities.

Response to Comment 2-3:

Please see Responses to Comments 1-1 and 1-2 that address wetland issues.

Response to Comment 2-4:

Please see the discussion on dewatering included on page 4.6-14 of the Draft EIR. If any dewatering is required the project applicant would be required to obtain a Dewatering Permit from the Regional Water Quality Control Board.

Response to Comment 2-5:

Please see discussion on pages 4.6-10 through 4.6-16 of the Draft EIR that addresses the NPDES requirements, for the project if approved, including a General Industrial Permit.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3288



September 29, 2005

Warren Salmons
City of Dixon
600 East A Street
Dixon, CA 95620

Dear Mr. Salmons:

Re: SCH# 2004012001; Dixon Downs Horse Racetrack and Entertainment Center Project

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

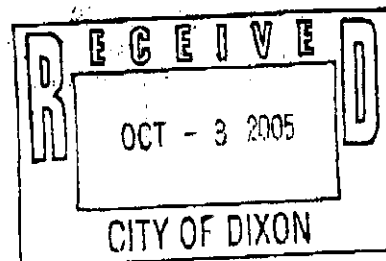
The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Pat Kerr, UP



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BB
✓

3-1

LETTER 3: State of California Public Utilities Commission, Kevin Boles, Utilities Engineer

Response to Comment 3-1:

The City of Dixon General Plan recognizes the need for construction of grade-separations at crossings of local roads and the UPRR tracks at some point in the future. The General Plan map shows the general locations of grade-separations to be at Pedrick Road north of Vaughn Road, Jackson Street in downtown, and Parkway Boulevard in the south part of the City. The *Railroad Grade Separation/New Alignment Feasibility Study and Financing Plan – Phase III Implementation Plan* (Parsons Brinckerhoff, January 1995) evaluated two preferred alternatives for the grade-separation of the North First Street at-grade crossing. The estimated cost of the alternatives ranged from \$8 to \$9 million (in 1994 dollars).

The City of Dixon *Five-Year Capital Improvement Program* (Dixon, March 2004) shows \$9.5 million earmarked for the Parkway Boulevard Grade-Separation. The North First Street Grade-Separation is not included in the Capital Improvement Program (CIP). Construction of this grade-separation would be a regional improvement that would be of City-wide benefit. If the City chooses to prioritize this improvement, it can include it in subsequent updates of its CIP. However, the timing for these improvements is not known at this time.



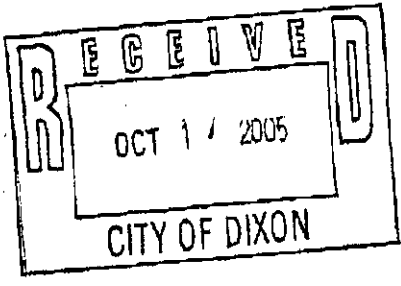
State of California—Health and Human Services Agency Department of Health Services



California
Department of
Health Services

SANDRA SHEWRY
Director

ARNOLD SCHWARZENEGGER
Governor



October 12, 2005

City of Dixon
Attn: Marshall Drack
Community Development Department
600 East A Street
Dixon, CA 95620

RE: Dixon Downs Horse Racetrack and Commercial Development Project

Dear Mr. Drack,

The California Department of Health Services (CDHS) Environmental Review Unit is in receipt of the Draft EIR for this project. As a "responsible agency" pursuant to the California Environmental Quality Act (CEQA), we appreciate the opportunity to comment.

In the Utilities and Services Section located on page 75, the document states that the development will receive potable water from the Dixon-Solano Municipal Water system.

If the City finds it necessary to construct a new water supply well or add treatment to an existing supply to serve this development, CDHS will require the City of Dixon (or the water purveyor) to apply for a new or amended water supply permit. Any new drinking water supply source must be reviewed and approved by the CDHS San Francisco District Office.

In addition, if the existing environmental documentation is lacking in detail for proper evaluation of the new source or treatment, an additional document must be submitted as part of the water supply application process and circulated through the State Clearinghouse.

Please contact the office at (510) 540-2158 for further information.

Sincerely,

Veronica L. Malloy
CDHS - Drinking Water Program, Environmental Review Unit

Cc: CDHS San Francisco District Office

4-1

LETTER 4: State of California Department of Health Services, Veronica L. Malloy

Response to Comment 4-1:

At this time as noted in the Draft EIR adequate water is available to serve the project from the Dixon-Solano Municipal Water System. When new wells are added to that system as part of the buildout of the Northeast Quadrant Specific Plan Area, including the Proposed Project, appropriate permits from the California Department of Health Services would be obtained.

M e m o r a n d u m

Date: October 14, 2005

To: State Clearinghouse

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Solano Area

File No.: 365.11759.12533

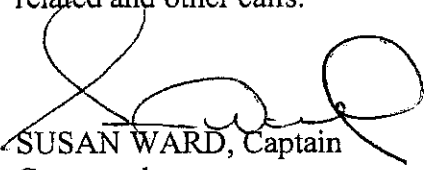
Subject: ENVIRONMENTAL IMPACT REPORT SCH2004012001

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Area has reviewed the above noted Environmental Impact Report (EIR). This project would be located along Pedrick Road between I-80 and Vaughn Road. A pavilion with capacity for approximately 5,000 people would be equipped with advanced simulcast technology and would accommodate a theater-in-the-round. In addition to the pavilion, a 1,800-seat open-air grandstand will be built.

Please find attached a copy of the Area's response to EIR SCH2004052075, which would go hand in hand with the Milk Farm Project. Both the Milk Farm Project as well as the proposed Dixon Downs project will impact the Solano Area CHP substantially.

Area is requesting an additional (6) officers and (3) additional patrol vehicles. These resources would be used for additional patrol as well as needed for race and event days. As you know this Area continues to grow at a rapid pace, and additional units would be needed to handle traffic related and other calls.



SUSAN WARD, Captain
Commander

cc: Golden Gate Division
Special Projects Section

Attachment

5-1

Safety, Service, and Security

Memorandum

Date: June 21, 2005

To: State Clearinghouse

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Solano Area

File No.: 365.11759.12533

Subject: ENVIRONMENTAL IMPACT REPORT SCH2004052075

Area has reviewed the above noted Environmental Impact Report (EIR). This project will result in the development and modification of the 60-acre Milk Farm property located on the north side of Interstate 80 (I-80) in the city of Dixon. The project would develop the 60 acres into "Specialty Commercial" and a research and development park may be arranged around the west side of the proposed five-acre pond. A recreational facility and hotel/wellness center could be located on the north and east sides of the pond. The northern one-half of the project site would be developed as agriculture and may include visitor trails and interpretive exhibits.

Although this project is in the city of Dixon, the traffic generated to and from this location, will have a significant impact on traffic through I-80. The proposal of this project goes hand in hand in the assistance of facilitating visitors to the proposed Dixon Downs. The Dixon Downs site would be located along Pedrick Road between I-80 and Vaughn Road. A pavilion with a capacity for approximately 5,000 people would be equipped with advanced simulcast technology and would accommodate a theater-in-the-round. In addition to the pavilion, a 1,800-seat open-air grandstand would be built.

Solano County has seen incredible growth of the past few years, increasing in population from 194,000 in 2000, to a projected 424,000 by 2006, a 15 percent increase; and 33 percent since 1990. In the very recent past, Area has responded to numerous Environmental Reports which introduced the development of numerous single and multi-family residential areas throughout the county, primarily focusing in the Fairfield, Vacaville, and Dixon Areas. The means of transportation for this project as well as numerous prior proposed housing projects is I-80. Traffic will no longer just be those commuting to the Bay Area and Sacramento, the Area will now have an additional burden of commuters to and from the city of Dixon.

As stated above, Solano County continues to grow at a rapid pace. This project is another example of the growth that continues in this Area. Unfortunately for the Area, numerous projects are scheduled to occur simultaneously, which will only impact the Area tremendously with the amount of regular and vacationing traffic traveling through this Area, as well as construction traffic which will be traveling via I-80.

Safety, Service, and Security

State Clearinghouse
June 21, 2005
Page 2

It is evident with all the open land spaces in the county, the growth will continue. Solano Area CHP continues to function with a limited staff and can no longer absorb the additional calls for service and enforcement from this project or others without providing additional manpower. Area would request three (3) additional officers and one (1) additional patrol vehicle in order to meet the needs of traffic generated by this project. The additional officers and vehicles will be utilized in the Area to respond and handle the additional calls placed on the Area due to the increase of travelers.

5-2



S. WARD, Captain
Commander

cc: Golden Gate Division
Special Projects Section

LETTER 5: Department of California Highway Patrol, Susan Ward, Captain

Response to Comment 5-1:

The commenter states that the Proposed Project, as well as the Milk Farm project, would impact the Solano Area California Highway Patrol (CHP) substantially. To meet the needs of traffic congestion generated by this and other major development projects in the Dixon area, the CHP requests six additional highway patrol officers and three additional patrol vehicles. The Draft EIR discusses the impacts of the project on traffic congestion and its repercussions to police and fire services in Section 4.9. The City acknowledges the concern of the CHP and this comment will be considered by the City Council as part of its deliberations on this EIR. The CHP is a state agency and is funded through the state.

Respond to Comment 5-2:

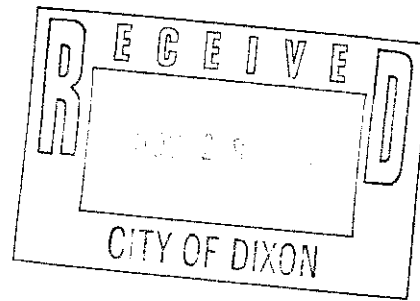
Please see Response to Comment 5-1, above.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
 P. O. BOX 23660
 OAKLAND, CA 94623-0660
 PHONE (510) 286-5505
 FAX (510) 286-5559
 TTY (800) 735-2929



*Flex your power!
 Be energy efficient!*



November 22, 2005

SOL080340
 SOL-80-42.67
 SCH 2004012001

Mr. Warren Salmons
 City of Dixon
 600 East A Street
 Dixon, CA 95620-3697

Dear Mr. Salmons:

Dixon Downs Horse Racetrack and Commercial Development Center – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the proposed project. The comments presented below are based on the Draft Environmental Impact Report (DEIR) for the Dixon Downs Horse Racetrack and Commercial Development Center Project. As lead agency, the City of Dixon is responsible for all project mitigation, including improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities, and lead agency monitoring should be fully discussed for all proposed mitigation measures. Any required roadway improvements should be completed prior to issuance of the project's building permit. While an encroachment permit is only required when the project involves work in the State Right of Way (ROW), the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's concerns prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

6-1

1. The modifications for the Interstate 80 (I-80) Ramps/Pedrick Road and I-80 Ramps/Curry Road/State Route 113 (SR-113) interchanges require more detailed review if the proposed project is initiated.

6-2

2. Table 4.10-14 shows all scenarios for the proposed project in the study; however, intersection level of service (LOS) analyses for affected intersections along SR-113 and I-80 for 2025 scenarios are not included in the study.

6-3

3. The document should address how the proposed project would impact Interstate 505 (I-505) traffic operations.

6-4

4. Figures 4.10-5, 4.10-6, and 4.10-7: These figures show distribution of outbound trips from the proposed project area. However, no analysis is provided to address the impacts of inbound traffic generated by the proposed project. Although outbound trips may be more critical, additional and/or different mitigation may be required to offset inbound traffic impacts at some intersections and freeway segments.

6-5

5. Tables 4.10-20, 4.10-21, and 4.10-22: These show only peak hour volumes and LOS for both directions of various roadway segments in Existing and Existing Plus conditions. Peak hour volumes and LOS should be shown for each direction for Existing, Existing Plus, Ultimate (2025) and Ultimate Plus (2025) conditions, so bottlenecks are clearly identified in the study area and impacts addressed.

6-6

6. Traffic Technical Appendix figures G-12 to G-16: In the study area, I-80 peak hour volumes are shown on figures G-1 to G-8, but I-80 peak hour volumes are not shown on figures G-12 to G-16. The Appendix technical calculation sheets for the 2025 scenarios indicate demand for all freeway segments would exceed existing capacities and would result in LOS F operations with the buildout of the Northeast Quadrant Specific Plan (NQSP) area even without the proposed project. Without the proposed project, the additional 4th lane would be required to accommodate the 2025 traffic on I-80 in both directions, and with the proposed project, I-80 would require the 5th lane in both directions to accommodate the 2025 traffic. Therefore, the NQSP project should pay a fair share contribution toward the cost of the 4th lane in both directions on I-80, and the Dixon Downs Horse Racetrack and Commercial Development Center project should pay a fair share contribution toward the cost of the 5th lane in both directions on I-80.

6-7

7. Page 4.10-57, paragraph 1: "Figures A-13 through A-16" should be labeled as "Figures G-13 through G-16".

6-8

8. Page 4.10-75, paragraph 3: "1500 vehicles per day" should be changed to "1500 vehicles per hour".

6-9

9. Queuing should be addressed in the document for the ramp approaches to the study intersections. Ramps that do not have sufficient storage to accommodate expected queues may adversely impact mainline operations. Additional mitigation should be included to prevent any ramp queues from impacting mainline operations where this project is adding traffic.

6-10

10. Are there any locations where there is not enough distance between adjacent intersections to accommodate expected queues? If so, where, for what scenario, and what mitigation would be required?

6-11

11. The adequacy of existing and proposed left-turn pockets should be included in the document and additional mitigation included for inadequate left-turns where these projects are adding traffic. It should also be noted that, the Department's requirement for left turn storage is

6-12

that the lane should be long enough that there is a 95% probability that it can accommodate randomly distributed traffic arrivals. Left turn lanes should be designed to meet this requirement.

6-12
(cont.)

12. Table 4.10-9: Please recheck calculations for Saturday "Post Tier 2 Event" Peak Hour for internal trips between Phase 1 and Phase 2.

6-13

13. Table 4.10-8: What is the basis for the assumption that Sunday PM peak hour trips are the same as weekday peak hour trips?

6-14

14. Many intersections are shown to have LOS F for existing and future conditions. Please provide a specific measurement of delay to indicate improvement or a worsening condition.

6-15

15. Section 4.10 Transportation and Circulation: As a means for decreasing operational impacts within the study area, mitigation planning for all local interchange improvements should include provisions for installation of ramp metering at all on-ramps to I-80. The approved I-80/I-680/I-780 Major Investment & Corridor Study (July, 2004), Section 5.4 Local Interchange Improvements provides estimates for ramp metering components, "All local interchange projects assume ramp metering, and the costs of ramp metering are included in the estimates for all projects."

6-16

16. Please send a copy of the Synchro electronic file for further review.

6-17

Cultural Resources

If ground disturbing activities take place as part of this project within State ROW and there is an inadvertent archaeological or burial discovery, all construction within 50 feet of the find shall cease and the Department's Cultural Resource Study Office, District 4, immediately contacted at (510) 286-5613 or 286-5618. A staff archaeologist will evaluate the finds within one business day.

6-18

Encroachment Permit

Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information:

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans (in metric units) which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Sean Nozzari, Office of Permits.

6-19

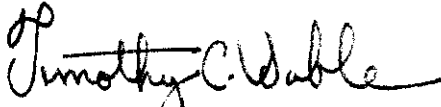
Please label the State ROW on your plan sheets with respect to the proposed project and provide typical cross-sections for any proposed work within State facilities.

Please provide traffic signal warrants (refer to 2003 MUTCD, Chapter 4C) for any proposed traffic signals within the State ROW.

Please ensure that the Solano Transportation Authority also reviews the DEIR for this project.

Should you require further information or have any questions regarding this letter, please call Lisa Carboni of my staff at (510) 622-5491.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse
Dan Christians (Solano Transportation Authority)

6-19
(cont.)

LETTER 6: Department of Transportation, Timothy C. Sable, District Branch Chief**Response to Comment 6-1:**

The comment states that the City of Dixon, as lead agency, is responsible for all project mitigation, including improvements to state highways. CEQA Guidelines Section 15126 states that “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments”. However, in *No Slo Transit, Inc. vs. City of Long Beach* (1987) the court stated that mitigation measures are “suggestions which may or may not be adopted by the decision-makers. There is no requirement in CEQA that mitigation measures be adopted.” The commenter is referred to Master Response TRAFF-1 and TRAFF-2 for more information regarding proposed improvements to I-80 and the I-80/Pedrick Road interchange.

Response to Comment 6-2:

The comment states that more detailed review of modifications to the I-80/Pedrick Road and I-80/North First Street/Currey Road interchanges would be necessary if the project is approved. This comment is consistent with pages 4.10-75 and 4.10-76 of the Draft EIR, which state that preparation of a Project Study Report (PSR) and coordination with Caltrans would be necessary prior to implementation of the recommended mitigation measures at each interchange. The commenter is referred to Master Response TRAFF-2 for more information regarding planned improvements at the I-80/Pedrick Road interchange.

Response to Comment 6-3:

Intersections along SR 113 (North First Street) were analyzed for cumulative (Year 2015) conditions because this timeframe represents the approximate 20-year horizon of the City’s current General Plan (adopted in 1993) and provides sufficient lead time to assume that all major land developments in and around Dixon are constructed. Please refer to Table 4.10-23 in the Draft EIR for LOS results for intersections along SR 113 through Dixon. The ramp terminal intersections at the I-80/Pedrick Road, I-80/North First Street/Currey Road, and I-80/Pitt School Road interchanges were analyzed for Year 2025 consistent with Caltrans’ preference for evaluating operations for a 20-year time horizon beyond current conditions. Page 4.10-57 states that “each ramp terminal intersection is expected to operate at LOS F during the p.m. peak hour under Year 2025 conditions....This is consistent with the findings of the *City of Dixon Northeast Quadrant Specific Plan Draft EIR* (1994), which identified the need to improve the I-80/North First Street and I-80/Pedrick Road interchanges to accommodate buildout of the NQSP. Because funding sources have not been identified for constructing improvements to these interchanges, no improvements were assumed for the analysis.” Please refer to pages 4.10-75 and 4.10-76 in the Draft EIR for mitigation measures recommended at each interchange.

Response to Comment 6-4:

The segment of I-505 between I-80 and SR 128 was included in the regionally significant roadway segment analysis. Project impacts on this segment were found to be less than significant.

Response to Comment 6-5:

The analysis of a Tier 1 event focuses on outbound trips (versus inbound trips) because trip generation data collected during live horseracing events at Bay Meadows and Golden Gate Fields reveals a pronounced surge in outbound traffic between 4 and 5 p.m. This peak occurs simultaneously with the peak hour of traffic on the surrounding roadways. Conversely, inbound trips display less of a peaking effect and do not occur during the adjacent street peak hour. Nevertheless, several improvements (as shown on Figures 4.10-12 and 4.10-13 in the Draft EIR) were identified as mitigation measures and would accommodate inbound trips associated with Phase 1 and Phases 1 and 2.

Response to Comment 6-6:

The comment addresses the need to evaluate roadway segments by direction. The segments of I-80 between Pitt School Road and Kidwell Road were evaluated by direction in accordance with procedures from the *Highway Capacity Manual* (Transportation Research Board, 2000) for Existing, Existing plus Project, Cumulative No Project, and Cumulative plus Project Conditions. The roadway segments listed in Tables 4.10-20 through 4.10-22 in the Draft EIR were evaluated using criteria established in the *Solano Comprehensive Transportation Plan* (STA, 2002). Because these criteria have been applied by STA to assist in countywide transportation planning, prioritizing of projects, and programming of transportation funds, the criteria are considered adequate for identifying project impacts and mitigation measures. It should be noted that the roadway segment analysis was complemented by intersection analysis, which evaluates constraints in the roadway system.

Response to Comment 6-7:

The commenter is correct in noting that peak hour volumes are not reported for any of the 2025 scenarios on Figures G-12 through G-16 in Appendix G, whereas they are reported for the Existing and Existing plus Project scenarios. Page 4.10-56 in the Draft EIR discusses projected traffic volumes on I-80 based on historical traffic growth rates and projections from the City of Dixon Traffic Model. Regardless of whether the low or high end of the traffic growth range is assumed, the mainline segments of I-80 would be at or over-capacity by 2025 if no improvements are made. Specific forecasts for I-80 were not shown because the overall conclusion (I-80 would be at or over-capacity) does not necessitate that specific forecasts be created. Please refer to page 4.10-56 in the Draft EIR for more information.

The commenter states that the remainder of the NQSP and the Dixon Downs project should each pay a fair share contribution toward the cost of constructing the 4th and 5th lanes in each direction of I-80. The commenter is referred to Master Response TRAFF-1, which addresses planned improvements on I-80. This comment appears inconsistent with the following statement included in the Caltrans comment letter on the NOP (dated January 30, 2004, see Appendix B of the DEIR) “Special attention should be given to the development of alternative solutions to circulation problems that do not rely on increased highway construction”. Implementation of Transportation Demand Management (TDM) strategies, as discussed in Mitigation Measure 4.10-3(a), is such an alternate solution.

Response to Comment 6-8:

In response to the comment the language in the Draft EIR is revised accordingly.

The last sentence in the first paragraph on page 4.10-57 is revised as follows:

~~Figures A-13 through A-16~~ Figures G-13 through G-16 display the Year 2025 p.m. peak hour traffic forecasts for the four scenarios.

Response to Comment 6-9:

In response to the comment the language in the Draft EIR is revised accordingly.

The last sentence of the third paragraph on page 4.10-75 is revised as follows:

It should be noted that because the anticipated on-ramp volume under this scenario does not exceed 1,500 vehicles ~~per day~~ per hour, a two-lane on-ramp onto eastbound I-80 was not recommended.

Response to Comment 6-10:

The comment relates to queuing on the off-ramps from I-80. Detailed queuing analysis would be conducted as part of the Project Study Report for the I-80/Pedrick Road interchange. The interchange would be sized so that queued vehicles on the off-ramps do not spill back to the I-80 mainline. Mitigation measure 4.10-5 requires the project applicant develop and implement a Traffic Management Plan (TMP) for Tier 2 and 3 events. The TMP, which is discussed on page 4.10-91 of the Draft EIR, could be operated with the intent of minimizing vehicle spillbacks onto I-80 from the Pedrick Road and North First Street off-ramps. Vehicle storage needs were considered in the development of Mitigation Measures 4.10-1(a) and (b).

Response to Comment 6-11:

The recommended mitigation measures for Pedrick Road between I-80 and Dixon Downs Parkway were developed using the SimTraffic micro-simulation model. The SimTraffic program accounts for the effects of queuing, signal timing, upstream/downstream bottlenecks, and lane utilization. The SimTraffic analysis indicated that additional mitigations (beyond those recommended for Phase 1) would be needed for Phase 2. Table 4.10-27 in the Draft EIR indicates that under “Existing Plus Phases 1&2” conditions assuming a Tier 1 (55 percent attendance) event with the recommended mitigation, all study intersections along Pedrick Road would operate at LOS B or better during the weekday p.m. peak hour. During the peak hours of a Saturday or Sunday Tier 2 event, considerable delays and queuing would be likely even with the recommended mitigations in place. Implementation of the TMP would improve operations to some extent (but not to LOS C or better). Vehicle queuing requirements were considered in the development of mitigation at the I-80/North First Street EB ramps intersection.

Response to Comment 6-12:

Due to the number of study intersections and scenarios, it was not practical to analyze the storage requirement for every left-turn pocket. However, the traffic section in the Draft EIR did analyze the storage needed in existing left-turn lanes expected to be significantly used by the project. Mitigation Measure 4.10-1(b) for the I-80 EB Ramps/North First Street intersection explicitly considers the storage required in the northbound left-turn lane. Detailed queuing analysis would be performed in conjunction with the development of a PSR for the I-80/Pedrick Road interchange.

Response to Comment 6-13:

The internal trip capture calculation between Phases 1 and 2 for the Saturday “Post Tier 2 event” peak hour is correct. The calculation assumes that 10 percent of the Phase 2 trips (approximately 400 of the 4,000 gross trips) originated from Phase 1 (e.g., a group stays on-site to eat dinner after an event). Thus, the total internal trip capture is 800 trips (400 from Phase 1 and 400 from Phase 2).

Response to Comment 6-14:

This comment is presumably referring to footnote 3 of Table 4.10-8 in the Draft EIR. This footnote states that the trip generation of a movie theater during the Sunday p.m. peak hour is assumed to be the same as the trip generation during the weekday p.m. peak hour. This assumption was necessary because a Sunday p.m. peak hour trip rate is not contained in *Trip Generation* (Institute of Transportation Engineers, 2003). Although recent studies, such as one published in *Parking Generation* (ITE, 2003) indicates that movie theaters are generally busier on Sundays than weekdays, it is unclear whether this trend also applies to each day’s p.m. peak hour (4-5 p.m.). If the movie theater were generously assumed to generate 25 percent more trips during the Sunday p.m. peak hour, the resulting external trip generation of Phases 1&2 (for a Tier 1 100% attended Sunday event) would increase from 5,157 to 5,239 trips. It is unlikely that this 80-trip increase would change any study findings.

Response to Comment 6-15:

The intersection LOS tables include footnotes stating that delays for intersections in the LOS F range are imprecise given limitations in analysis procedures for over-saturated conditions. Delay estimates (e.g., 687 seconds per vehicle) are shown for intersections in the LOS F range to facilitate comparisons of operations across different scenarios. Certain cells show LOS F conditions with an average delay that exceeds 999 seconds per vehicle. In these instances, the projected traffic volumes exceed the TRAFFIX software program’s range of acceptable input values, thereby resulting in extreme delay estimates, or the inability to calculate the delay. The procedure of not displaying delay estimates for extremely over-capacity conditions is routinely applied in EIRs and other transportation studies.

Response to Comment 6-16:

Ramp metering at the I-80/Pedrick Road and I-80/North First Street/Currey Road interchanges would be analyzed in conjunction with the development of a PSR for each location.

Response to Comment 6-17:

Fehr & Peers will deliver the electronic Synchro files to Caltrans staff for their review.

Response to Comment 6-18:

The commenter has requested a mitigation measure that is identified in the Draft EIR as Mitigation Measure 4.4-1 included in the Section 4.4, Cultural Resources.

Response to Comment 6-19:

The peak hour warrant for a traffic signal (as described in the MUTCD, 2003) was evaluated at all unsignalized intersections. None of the locations currently satisfy with peak hour traffic volume the warrant for a traffic signal. It is likely that other warrants as described in the MUTCD will also need to be evaluated for existing and with project conditions to confirm the need for the installation of traffic signals within the state right-of-way. Such evaluations will be conducted during the preparation of PSR's for the I-80/Pedrick Road and I-80/North First Street/Currey Road interchanges. The Solano Transportation Authority has reviewed and commented on the Draft EIR (refer to Comment Letter 15). The City will apply for and obtain an encroachment permit from Caltrans for all work to be performed within the State right-of-way.



DEPARTMENT OF CONSERVATION

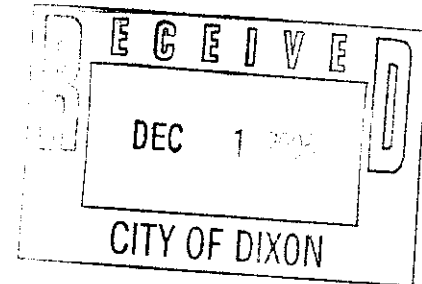
DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

TO: Project Coordinator
Resources Agency

Warren Salmons
City of Dixon
600 East A Street
Dixon, CA 95620



FROM: 
Dennis J. O'Bryant, Acting Assistant Director
Department of Conservation, Division of Land Resource Protection

DATE: November 30, 2005

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE
DIXON DOWNS HORSE RACETRACK AND ENTERTAINMENT
CENTER PROJECT **SCH# 2004012001**

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above DEIR and has the following comments with respect to the project's potential impacts on agricultural land.

The proposed project involves development of a thoroughbred horse racing and training facility, retail and office uses, and hotel/conference center on 260 acres of Prime Farmland. The DEIR acknowledges that conversion of 260 acres of Prime Farmland is a significant impact of the project and requires mitigation.

Mitigation Measure 4.7-2, addressing agricultural land conversion, requires the applicant to preserve an equal amount of Prime Farmland of equal quality or an equivalent amount subject to City approval. This land would be protected through long-term land use restrictions, such as conservation easements, established through the Solano Land Trust or similar organization. This mitigation measure is required to be implemented prior to grading.

7-1

Mitigation Measure 4.7-2 also requires, if possible, to use the same mitigation land to provide raptor foraging habitat to satisfy requirements for Mitigation Measure 4.3-1. Use of the same land for raptor foraging habitat may restrict use of Prime Farmland to alfalfa and other low growing row crops. Restriction of agricultural land for habitat purposes may restrict the land from being used at its highest and best use such as for permanent orchard or vineyard uses. Therefore, Mitigation Measure 4.7-2, when used in concert with Mitigation Measure 4.3-1, may be providing 100 percent mitigation for foraging habitat at the expense of limiting the full potential of Prime Farmland.

7-2

The Division recommends that the above factors be considered especially if mitigation above the acre-per-acre ratio is considered. In addition, the Division recommends that the implementation deadlines for the two mitigation measures, especially if applied to the same mitigation land, be coordinated (prior to building permits or prior to grading).

7-3

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

cc: Solano RCD
1170 North Lincoln, #110
Dixon, CA 95620RCD

LETTER 7: Department of Conservation, Division of Land Resource Protection, Dennis J. O'Bryant, Acting Assistant Director

Response to Comment 7-1:

The commenter is correct and is reiterating information contained in the Draft EIR. Compliance with Mitigation Measure 4.7-2 would be required prior to obtaining a grading permit.

Response to Comment 7-2:

Mitigation Measure 4.7-2 requires that the project applicant replace on a one-to-one ratio 260-acres of Prime Farmland currently cultivated with low growing row crops. Because the land is currently cultivated with row crops it also provides foraging habitat for the Swainson's hawk. It is true that the Prime Farmland needed to satisfy Mitigation Measure 4.7-2 would be restricted to row crops because orchards or vineyards do not provide suitable foraging habitat for the Swainson's hawk.

Response to Comment 7-3:

The concerns expressed regarding the timing of mitigation are noted and addressed above in Response to Comment 7-1.



California Integrated Waste Management Board



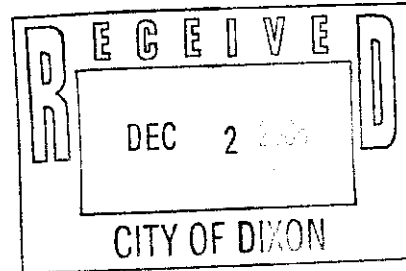
Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

Rosario Marin, Chair
1001 I Street • Sacramento, California 95814 • (916) 341-6000
Mailing Address: P. O. Box 4025, Sacramento, CA 95812-4025
www.ciwmb.ca.gov

Arnold Schwarzenegger
Governor

November 30, 2005

Mr. Warren Salmons
City of Dixon
600 East A Street
Dixon, California 95620



Subject: State Clearinghouse (SCH) No. 2004012001 – Draft ‘Project’ Environmental Impact Report (EIR) for the development and operation of the Dixon Downs Racetrack and Entertainment Center project (proposed project), Solano County.

Dear Mr. Salmons:

Permitting and Inspection (P&I) Branch staff of the California Integrated Waste Management Board (CIWMB or Board) have reviewed the proposed draft EIR for the project cited above. Following is P&I Branch staff’s understanding of the project [for Board staff’s referral] as the proposal applies to the CIWMB permitting and regulatory oversight process; the CIWMB’s role as a responsible agency and comments intended by P&I Branch staff to assist the lead agency in the draft EIR review and approval process for the project.

PROJECT DESCRIPTION

The Dixon Downs Racetrack (DDR) and Entertainment project is a proposed thoroughbred horse racing/entertainment facility that includes retail and office uses, as well as a hotel/conference center. The proposed project is to be located on 260 acres within a portion of the Northeast Quadrant Specific Plan (NQSP) area of the City of Dixon. The proposed project area is bounded to the south by Vaughn Road, to the west by 1st Street, to the northwest by Interstate (I) 80, and to the east by Pedrick Road. The NQSP “establishes a land use and circulation plan, policies and guidelines for the ultimate development” of the NQSP area [NQSP, 1995, pg. 1-1]. An EIR for the NQSP was circulated for public review in 1994 and the plan was approved by the City Council on April 3, 1995. The 260-acre project site is currently designated Employment Center (E) and Highway Commercial (HC) in the City of Dixon General Plan (1993) and is zoned Light Industrial (ML-PD 195 +/- acres), Highway Commercial (HC 5 +/- acres), and Professional/Administrative Offices (PAO 60 +/- acres). The proposed project is proposed to be implemented in two phases: Phase 1 for the Horse Racetrack and Entertainment Center; and, Phase 2 for the

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California Environmental Protection Agency

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development of Commercial Services in support of the racetrack and HC and PAO designated land use in the City of Dixon's General Plan.

Section 4.9, Public Services, Solid Waste

Section 4.9 of the Initial Study Checklist on pages 4.9-20 through 4.9-27 in the draft EIR addresses the issues pertaining to the management of municipal solid waste (MSW) and compostable materials at the Dixon Downs Racetrack and Entertainment Center project. In compliance with mitigation measures PS-F, PS-G, and PS-H, in the NQSP final EIR, the project proposes the following mitigation measures for solid waste management:

“4.9-7(a) (Phase 1 and 2)

Implement Mitigation Measures PS-G and PS-H from the NQSP EIR:

PS-G The project proponent shall provide provisions for an on-site recycling center for commercial and industrial uses. In addition, adequate collection facilities for recyclable materials shall be located throughout the project site including outside storage and collection containers.

PS-H Grass clippings, prunings and other organic waste resulting from open space maintenance are classified as clean waste and shall be made available for composting or recycling.

4.9-7(b) Prior to tentative map approval, the project applicant shall prepare a waste and management plan that addresses construction, operation, waste, and green waste recycling program[s].”

“Construction of Phase 1 would introduce a horse racing and training facility, a three-story pavilion structure that would include a theater, restaurant, and simulcast technologies, housing for jockeys and grooms, dining facilities, and parking in an area that is currently undeveloped and used for agricultural production. During live racing, approximately 760 full-time employees would work in the Dixon Downs Phase 1 project. Solid waste generated by Phase 1, using [estimated generation rates], would be approximately 2,160 tons per year, or six tons per day.

Up to 1,440 horses could be housed in the 46 barns constructed as part of Phase 1. The average 1,000-pound horse produces 50 pounds of manure per day; resulting in up to 72,000 pounds of manure per day at the Dixon Downs facility. When the bedding material in the stables is soiled, it would be removed from the stalls and moved to an on-site transfer station for daily off-site transport to permitted composting facilities. Under this scenario, the manure would not enter the solid waste flow from Dixon Downs to the Hay Road Landfill. However, if the facility ever failed to find a purchaser of the bedding and manure, it could be delivered to the landfill. Assuming all 1,440 stalls are occupied 50 percent of the year, the Phase 1 uses plus manure would generate 8,710 tons per year, or an average of 24 tons per day.”

“Upon completion, Phase 1 would increase Dixon’s annual contribution to Hay Road Landfill by 13 percent and would use 0.25 percent of the permitted maximum daily disposal [capacity]. Total [municipal solid] waste received by the Dixon Sanitary Service would increase from 16,573 tons per year to 18,731 tons per year. If the horse manure and bedding is also delivered to the landfill, Dixon’s annual contribution to the landfill would increase to 25,283 tons per year, approximately a 50 percent increase in the solid waste from Dixon; this would use about one percent of the [Hay Road Landfill] facility’s maximum daily disposal [capacity].

The NQSP EIR states that implementation of the 643-acre specific plan would generate 138,992 pounds of solid waste per day (70 tons per day). The Proposed Project totals 260 acres, or 40 percent of the NQSP area. 40 percent of the solid waste planned for the NQSP area would be approximately 28 tons per day. Phase 1, including manure waste, would generate 24 tons of solid waste per day...”

“Construction of Phase 2 could develop up to 1,200,000 square feet of retail, theater, restaurant, hotel, and office use. As discussed in the project description, the exact breakdown of uses for Phase 2 has not been determined. The solid waste generated by Phase 2, using [estimated generation rates]... would produce approximately 1,160 tons of solid waste per year (3.17 tons of solid waste per day). Phases 1 and 2, combined, would result in 3,318 tons per year (approximately nine tons of solid waste per day). Phase 1, 2, and the horse manure would result in 9,870 tons per year (an average of 27 tons per day).”

“Upon completion, Phases 1 and 2 would increase Dixon’s annual contribution to Hay Road Landfill by approximately 20 percent and would use 0.38 percent of the permitted maximum daily disposal [capacity]. Including manure, Phases 1 and 2 would increase Dixon’s contribution to the landfill by 60 percent.”

Appendix E of the draft EIR establishes a “Dixon Downs Manure Management Plan” to include:

“Manure Management Plan

1. Horse stalls will be cleaned of horse manure and bedding waste (“Horse Waste”) on a daily basis.
2. Horse waste will be taken from each stall and placed in containers (“Barn Containers”) located in a designated area at the end of each barn.
3. Each Barn Container will have a lid which will be closed except when waste is placed in or removed from container or when container is cleaned.
4. Only horse waste will be placed in the Barn Containers. The Barn Containers will be easily identifiable.
5. The Barn Containers will be transported on a daily basis from the barn area to the Manure Transfer Building for temporary storage until removal with[in] the next 24 hours.
6. The Manure Transfer Building will have a roof over the building including the truck transfer area to prevent rain water from mixing with the Horse Waste.
7. The Manure Transfer Building will have an impervious floor surface.

8. Horse Waste from the Manure Transfer Building will be loaded onto transport trucks and removed on a daily basis to approved locations.
9. Records will be maintained onsite of the estimated quantity of Horse Waste transported from the Dixon Downs facility each day.”

8-1
(con't.)

AGENCY BACKGROUND INFORMATION

Criteria for California Environmental Quality Act (CEQA) Compliance Disclosure

CEQA compliance is required for the establishment, expansion, or change in operation(s) of a solid waste facility (SWF) requiring the issuance or revision of a Solid Waste Facility Permit (SWFP). P&I Branch staff's review of the proposed draft EIR is to help decision-makers: (1) identify potential impacts from proposed projects, (2) determine whether any such impacts are significant, and (3) ascertain whether significant impacts can be mitigated to a level of insignificance in compliance with the CEQA statute and guidelines. In order for the CIWMB to ascertain that the proposed draft EIR is complete and adequate for our use in the SWF permitting process, the proposed project should be described in sufficient detail and the potential environmental impacts must be identified clearly in the environmental assessment and analysis. Mitigation to reduce potentially significant environmental impacts should be incorporated into the project, when feasible, in order to avoid potentially significant effects from SWF design and operations.

8-2

CIWMB Role as a Responsible Agency

The CIWMB operates in cooperation with local government to assure protection of the public health and safety and the environment from the potentially detrimental effects of improper solid waste management. The CIWMB concurs in the issuance of new or revised SWFPs with Local Enforcement Agencies (LEAs) to assure that SWFs operate in a manner consistent with all applicable solid waste laws and regulations. After reviewing the draft EIR, it is not proposed nor clear whether a SWF would be operated at the proposed project site thus, requiring a SWFP. If a SWF is anticipated or proposed, then the CIWMB will be a responsible agency [CEQA Guidelines, Title 14, California Code of Regulations (CCR), Section (§)15096] and the CIWMB would have discretionary approval for the proposed design and operation of the Dixon Downs Racetrack and Entertainment Center municipal solid waste and compostable materials operations components using the proposed draft EIR in the SWF permitting process. Therefore, P&I Branch staff will perform this environmental review as a commenting agency and reserve consideration of the adequacy of the draft EIR for SWF permitting in the event that a SWFP is required.

8-3

P&I BRANCH STAFF'S QUESTIONS and COMMENTS

Operational Conditions Requiring the Issuance of a Solid Waste Facility Permit

The draft EIR does not go into any relevant detail about the percentage of residual waste expected to be encountered in the recyclable materials and how this material will be handled and

8-4

processed, or the storage and transfer of compostable material (e.g. Horse Waste) that will be processed at the Dixon Downs Racetrack.

8-4
(cont.)

Recycling Facility/Operation Requirements Information

Please note that Title 14, Division 7, Chapter 3, Article 6.0 of the CCR, §17402.5 stipulates the definitions and related provisions regarding activities that are not subject to the *Transfer/Processing Operations and Facilities Regulatory Requirements* at the following link: <http://www.ciwmb.ca.gov/Regulations/Title14/ch3a6.htm#c3a6>. Subsection (d) of this Section specifies that "A 'Recycling Center' [is] a person or business entity that meets the requirements of this subdivision" and is not subject to the Transfer/Processing regulations. One of the requirements is that Subsection [14 CCR §17402.5(d)(2)] stipulates that "The residual amount of solid waste in this [the recyclable] material shall be less than 10% of the amount of separated for reuse material received by weight."

8-5

It has been CIWMB staff's experience with recycling centers in California that non-recyclable solid waste materials are often found mixed in with the source separated recyclables. The presence of non-recyclable solid waste [contamination] can contribute to odors and the attraction and breeding of vectors. CIWMB staff have found that if the public participating in the recycling program are reminded, as needed, about what should and should not be placed in recycling containers, the incidence of contamination can be greatly reduced. As previously indicated, if the level of contamination exceeds 10%, the facility will be viewed as a solid waste transfer facility requiring a permit and inspections. It would be the determination of the LEA for Solano County whether the proposed recyclables processing operation/facility does, or does not, pass the three part test in 14 CCR §17402.5(d). If the Dixon Downs does not comply with this Section of Title 14, and the LEA determines that a SWFP is required in order for the Dixon Downs to operate in compliance with solid waste statutes and regulations, further CEQA analysis and compliance would be required for project approval.

8-6

Compostable Material Handling Regulatory Requirements

Please note that Title 14, Division 7, Chapter 3.1, Article 2.0 of the CCR, stipulates the *Compostable Materials Handling Operations and Facilities Regulatory Requirements* at the following link: <http://www.ciwmb.ca.gov/Regulations/Title14/ch31.htm#article2>. Compostable operations/facilities are not exempt/excluded from the provisions/requirements of Chapter 3.1, in Division 7 of Title 14, unless they fall into one of the following categories:

8-7

Section 17855. Excluded Activities.

(a) The activities listed in this section do not constitute compostable material handling operations or facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the board from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) An activity is excluded if it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an

agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after use as a growth medium is not an excluded activity and is subject to the requirements of this chapter. Handling of agricultural material on the site of a vermicomposting activity, for use as a growth medium on that same site, is an excluded activity if it complies with §17855(a)(1).

(3) Mushroom farming is an excluded activity. The handling of compostable material prior to and after use as a growth medium is not an excluded activity and is subject to the requirements of this chapter. Handling of agricultural material on the site of a mushroom farm, for use as mushroom bedding on that same site, is an excluded activity if it complies with §17855(a)(1).

(4) Handling of green material, feedstock, additives, amendments, compost, or chipped and ground material is an excluded activity if 500 cubic yards or less is on-site at any one time, the compostable materials are generated on-site and if no more than 1,000 cubic yards of materials are either sold or given away annually. The compostable material may also include up to 10% food material by volume.

(5) The handling of compostable materials is an excluded activity if:

(A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered or full permit as defined in §18101,

1. has a Report of Facility Information which is completed and submitted to the EA that identifies and describes the activity and meets the requirements of Titles 14 or 27; and,

2. will only use the material on the facility site, or

(B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Operated Treatment Works (POTW), or

(C) the activity is located at the site of biomass conversion and is for use in biomass conversion as defined in Public Resources Code section 40106; or

(D) the activity is part of a silvicultural operation or a wood, paper, or wood product manufacturing operation; or

(E) the activity is part of an agricultural operation and is used to temporarily store or process agricultural material not used in the production of compost or mulch; or

(F) the activity is part of an operation used to chip and grind materials derived from and applied to lands owned or leased by the owner, parent, or subsidiary of the operation; or

(G) the activity is part of an agricultural operation used to chip and grind agricultural material produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation, for use in biomass conversion; or

(H) the activity is part of an animal food manufacturing or rendering operation.

(I) the activity is the storage of yard trimmings at a publicly designated site for the collection of lot clearing necessary for fire protection provided that the public agency designating the site has notified the fire protection agency; or

(J) the materials are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the EA.

(6) Non-commercial composting with less than one cubic yard of food material is excluded provided that all compostable material is generated and used on-site.

(7) Storage of bagged products from compostable material is an excluded activity provided that such bags are no greater than 5 cubic yards.

(8) Within-vessel composting process activities with less than 50 cubic yard capacity are excluded.

(9) Beneficial use of compostable materials is an excluded activity. Beneficial use includes, but is not limited to slope stabilization, weed suppression, alternative daily cover, and similar uses, as determined by the EA; land application in accordance with California Department of Food and Agriculture requirements for a beneficial use as authorized by Food and Agricultural Code section 14501 et seq.; and reclamation projects in accordance with the requirements of the Office of Mine Reclamation of the Department of Conservation as authorized by Public Resources Code section 2770 et seq.

8-7
(cont.)

Project Consultation with Responsible Agencies and Trustee Agencies

In the event that the proposed facility is determined to fall under the jurisdiction of the CIWMB, prior to the preparation of any additional CEQA document preparation and circulation, the following statute would apply:

Public Resources Code §21080.3. Consultation with responsible and trustee agencies; assistance by Office of Planning and Research

(a) Prior to determining whether a negative declaration or environmental impact report is required for a project, the lead agency shall consult with all responsible agencies and trustee agencies. Prior to that required consultation, the lead agency may informally contact any of those agencies.

(b) In order to expedite the requirements of subdivision (a), the Office of Planning and Research, upon request of a lead agency, shall assist the lead agency in determining the various responsible agencies and trustee agencies, for a proposed project. In the case of a project described in subdivision (c) of Section 21065, the request may also be made by the project applicant.

8-8

Document Preparation Guidelines for Transfer and Processing Stations

To assist the lead agency in the event that a SWFP is required for the project, P&I Branch staff requests that the lead agency also refer to the MRF/Transfer Station Checklist developed by CIWMB staff. This checklist, other information helpful in determination of requirements for a SWFP and information required for any environmental documents prepared for this proposed project, are also available on our website: <http://www.ciwmb.ca.gov/PermitToolbox>.

8-9

Odor Impact Minimization Plan (OIMP)

Please note that the following regulation in 14 CCR §17863.4. is not mandated unless the proposed Horse Waste Transfer/Processing Operations/Facility falls under Title 14, Division 7, Chapter 3.1, Article 2.0 of the CCR, stipulating the *Compostable Materials Handling Operations and Facilities Regulatory Requirements*. However, it has come to the attention of Board staff and LEAs that operations and/or facilities that do not fall under the provisions of Article 2.0 can

8-10

also benefit from implementing the following regulation in Title 14, Division 7, Chapter 3.1, Article 2.0 of the CCR:

17863.4. Odor Impact Minimization Plan.

(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.

(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.

(1) an odor monitoring protocol which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,

(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,

(3) a complaint response protocol; and,

(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns; and,

(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping.

(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.

(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if and revisions are necessary.

(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to §18304) to require the operator to either comply with the odor impact minimization plan or to revise it.

(f) If the odor impact minimization plan is being followed, but the odor impacts are still occurring, the EA may issue a Notice and Order (pursuant to §18304) requiring the operator to take additional reasonable and feasible measures to minimize odors.

Note:

Authority cited:

Sections 40502, 43020, 43021 and 43209.1 of the Public Resources Code.

Reference:

Sections 43020, 43201 and 43209.1 of the Public Resources Code.

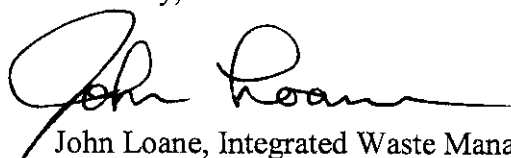
CONCLUSION

P&I Branch staff have no further comments on the project as proposed at this time. We encourage the lead agency to consider P & I Branch staff's comments in the event that the project proposal is a SWF as outlined in these comments. CIWMB staff is willing and able to assist the lead agency if any additional information or clarification is needed, upon request.

8-11

Thank you for the opportunity to comment on this proposed draft EIR. If you have any questions regarding these comments, please contact me at 916.341.6327, by facsimile at 916.319.7213 or e-mail me at jloane@ciwmb.ca.gov.

Sincerely,



John Loane, Integrated Waste Management Specialist (IWMS)
Permitting and Inspection Branch, North Central Region III
Permitting and Enforcement Division
California Integrated Waste Management Board

cc: Christine Karl, IWMS
Permitting and Inspection Branch, Region III
California Integrated Waste Management Board

Sue O'Leary, Supervisor
Permitting and Inspection Branch, Region III
California Integrated Waste Management Board

Mr. Terry Schmidtbauer, Solid Waste LEA Program Manager
Solano County Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533

LETTER 8: California Integrated Waste Management Board, John Loane, Integrated Waste Management Specialist

Response to Comment 8-1:

The comment summarizes and reiterates information contained in the Draft EIR. No response is required.

Response to Comment 8-2:

The comment describes a solid waste facility (SWF) and the SWF permitting process. No response is required.

Response to Comment 8-3:

The comment indicates that it is unclear whether or not the Proposed Project would require a Solid Waste Facility Permit (SWFP). There is legislation and specific regulations provided by the local Lead Enforcement Agency (LEA) that identify those facilities that would require a SWFP. If the Proposed Project is below specific criteria thresholds listed in these regulations, also known as Tiered Regulatory Placement, the project would not require a permit and would be excluded from oversight by the California Integrated Waste Management Board (CIWMB). According to the Tiered Regulatory Placement, the project would be excluded from oversight if the facility stores waste for less than 48 hours on the premises and the material remains under 122 degrees Fahrenheit. Reaching a temperature of 122 degrees Fahrenheit is a determining factor of composting. Additionally, if the facility produces less than 25 tons of waste per day, the project would be excluded from oversight.

As discussed in the Draft EIR Project Description and Section 4.9 Public Services, the manure produced onsite would only be stored in the Manure Transfer Building for a minimum of 24 to 48 hours before it is taken to composting facilities. If the project applicant is unable to secure a contract with the appropriate composting facilities, the Hay Road Landfill has already confirmed its ability to accept the horse waste. Currently the project would remove all manure and soiled bedding on a daily basis; however, there is the possibility that small amounts of manure and soiled bedding could remain on-site for up to, but not more than, 48 hours before being removed.

According the California Code of Regulations Section 17852 of Title 14 Chapter 3.1, horse manure is considered compostable material, but would not become an active compost because the manure would be removed within 24 to 48 hours of being placed in the building; there would be no additives mixed with the manure, and the manure would remain under 122 degrees Fahrenheit. The likelihood of the manure reaching temperatures of over 122 degrees is low because all storage bins and the Manure Transfer Building would have roofs to shield from any precipitation and direct sunlight. Moisture is a huge contributor to creating high temperatures within a compost. If moisture is avoided, the temperature would stay well below that threshold.

In regards to waste tonnage, it is projected that the manure and soiled bedding produced would average 63 tons per day assuming all 1,440 stalls are occupied 50 percent of the year. This figure is a conservative estimate and reflects the actual amount of horse manure combined with soiled bedding. Because this estimate is above the threshold of 25 tons per day, the Proposed Project would fall under the notification

tier which does not require a permit, but would be subject to minimum operating standards. If the project produced over 100 tons of waste per day, it would require a SWFP.

Section 18103 of Title 14, Chapter 5 establishes the requirements for compliance with LEA notification. The Proposed Project must comply with the filing requirements of Section 18103.1, the record keeping requirements of Section 18103.2, and the termination of operation Section 18103.3. The notification tier is not a permit and does not require a Report of Facility Information (RFI). However, some notification operations do require the submittal of an operation plan or an odor impact minimization plan (OIMP). The operator of the Proposed Project would be responsible for notifying the LEA of the facility operations and submitting an OIMP (Title 14, Section 17863.4). Instead of monthly inspections required under a SWFP, the notification tier would require only quarterly inspections of the facility. The project would also be required to request assignment of a Solid Waste Information System (SWIS) Facility File Number.

In response to the comment, information regarding compliance of the Proposed Project with LEA notification is added to the Draft EIR.

The following text is added to page 4.9-21 of the Draft EIR after the second paragraph under the State Regulations heading:

The California Code of Regulations Section 18103 of Title 14 establishes the requirements for compliance with Local Enforcement Agency (LEA) notification for a facility transferring or storing compostable material (i.e., horse manure). The project does not qualify for a solid waste facility permit; however, the project applicant must comply with the filing requirements outlined in Section 18103, as the project qualifies for the notification tier. The operator of the Proposed Project would be responsible for notifying the LEA of the facility operations and submitting an odor impact minimization plan (OIMP). The project would also be required to request assignment of a Solid Waste Information System (SWIS) Facility File Number and would be subject to quarterly inspections.

Response to Comment 8-4:

The comment also notes the lack of detail regarding the storage and transfer of compostable material (e.g., horse waste). This information can be found in Appendix E of the Draft EIR under the “Manure Management Plan.” Please see also Response to Comment 8-3, above.

Response to Comment 8-5:

The comment provides information on what activities are not subject to the Transfer/Processing Operations and Facilities Regulatory Requirements contained in Title 14. The handling of manure excludes the Proposed Project from the Transfer/Processing facility designation according to PRC Section 40200; instead, the project falls under the Compost Facility/Operation type. Please see Response to Comment 8-3, above, regarding the notification requirements applicable to the project.

Response to Comment 8-6:

The comment provides information on recycling and reiterates that the project may meet the requirements of Title 14. Subsection (d)2 of Title 14 states that a facility may require an SWFP if there is

contamination of recyclable materials by organic or municipal waste of more than 10 percent. According to the CIWMB, if the Proposed Project includes an education program for facility guests addressing proper separation, distinguishing between organic waste and recyclable materials, and using proper signage on bins, the project would not require a permit, and would therefore be excluded from oversight by the CIWMB and LEA. The project is proposing to recycle cardboard, glass and plastic containers, and aluminum cans. Recyclables would be source segregated on the premises and then transferred to on-site collection points for storage and shipment to an off-site vendor for processing. It is assumed separate containers for recyclable material (i.e., cans, glass, and plastic) would be provided throughout the facility. Cardboard may be bundled or compacted, but there would be no on-site processing of non-segregated solid waste.

Response to Comment 8-7:

The comment provides more information on what activities are excluded and do not constitute compostable material handling operations or facilities. Please see Response to Comment 8-3, above, regarding compliance of the Proposed Project under the notification requirements.

Response to Comment 8-8:

The comment describes the requirements if the project falls under the jurisdiction of the CIWMB. Please see Response to Comment 8-3, above, regarding compliance of the Proposed Project under jurisdiction of the LEA notification requirements.

Response to Comment 8-9:

The comment provides information that would be required as part of an environmental document if the project qualifies as a SWF. However, as discussed in Response to Comment 8-3, the Proposed Project would not require a SWFP and only falls under the notification tier of the LEA.

Response to Comment 8-10:

The CIWMB suggests development and implementation of an Odor Impact Minimizing Plan (OIMP) for the Proposed Project in order to mitigate for any odors that may impact sensitive receptors. The Proposed Project would be required to submit an OIMP under the notification tier as discussed in Response to Comment 8-3, above. Regulations describing this report can be found in Title 14, Section 17863.4.

Response to Comment 8-11:

The comments of the CIWMB have been noted and addressed. In addition, the EIR preparers contacted Mr. Loane to discuss the project and to determine if the project would meet any of the permitting requirements.

State Capitol
 P.O. Box 942849
 Sacramento, CA 94249-0008
 (916) 319-2008
 Fax (916) 319-2108

District Office
 555 Mason Street, Suite 275
 Vacaville, CA 95688
 (707) 455-8025
 Fax (707) 455-0490

E-mail
 assemblymember.wolk@assembly.ca.gov

Website
 www.assembly.ca.gov/wolk



Chair
 Water, Parks and Wildlife

Committees
 Budget
 Natural Resources
 Local Government

Subcommittees
 Budget Subcommittee on
 Transportation and Information Technology

Select Committees
 Water, Infrastructure and the Economy
 Wine
 Ports

Boards
 California Public Library Construction
 and Renovation Board
 Wildlife Conservation Board

November 30, 2005

Hon. Mary Ann Courville, Mayor
 Dixon City Council Members
 600 East A Street
 Dixon, CA 95620

Dear Mayor and Councilmembers:

You have a major decision ahead regarding Dixon Downs. It is a decision that is solely the province of the Dixon City Council, and I respect that. However, the project's regional impacts on the I-80 corridor exist and I respectfully request that you address these impacts in your EIR decisions. The EIR process and developer agreement present the best opportunity to address mitigations.

9-1

Specifically, I request city staff and consultants address the impact detailed in Section 4.10-14 of the DEIR, that "Implementation of the Proposed Project, in conjunction with other cumulative development, could exacerbate unacceptable operations on Interstate 80," and to devise creative mitigation strategies to lessen the impacts Dixon Downs will certainly have on I-80. At the legislative hearing I held in Fairfield on November 15 regarding the I-80/680 corridor, there was unanimous recognition that all the cities along the corridor have a stake in addressing the broader, regional traffic problems.

9-2

I look forward to working with all of you as the Dixon Downs proposal moves forward. And I greatly appreciate your attention to this matter. If you should have any questions or comments, please give me a call at (707) 455-8025.

Sincerely,

LOIS WOLK
 Assemblywoman 8th District

LETTER 9: Lois Wolk, Assemblywoman 8th District

Response to Comment 9-1:

The commenter identifies that the project may have impacts to regional facilities, such as I-80. Section 4.10 of the Draft EIR includes a lengthy analysis of traffic impacts associated with the project along with any feasible mitigation measures.

Response to Comment 9-2:

Please see Master Response TRAFF-1 for information on traffic congestion on I-80.



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

December 1, 2005

Warren Salmons
City of Dixon
600 East A Street
Dixon, CA 95620-3697

Subject: Dixon Downs Horse Racetrack and Entertainment Center Project
SCH#: 2004012001

Dear Warren Salmons:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 30, 2005, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

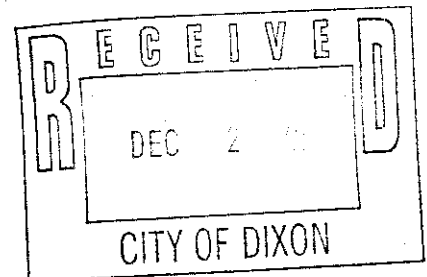
These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency



10-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2004012001
Project Title Dixon Downs Horse Racetrack and Entertainment Center Project
Lead Agency Dixon, City of

Type EIR Draft EIR
Description Development of a thoroughbred horse racing and training facility, entertainment, retail and office uses, along with a hotel/conference center.

Lead Agency Contact

Name Warren Salmons
Agency City of Dixon
Phone (707) 678-7000 **Fax**
email
Address 600 East A Street
City Dixon **State** CA **Zip** 95620-3697

Project Location

County Solano
City Dixon
Region
Cross Streets Pedrick Road and Highway 80
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways I-80
Airports
Railways SPRR
Waterways Putah Creek
Schools
Land Use Undeveloped; Light Industrial (ML-PD), Highway Commercial (HC), Professional/Administrative Office (PAO); Employment Center (E), Highway Commercial (HC).

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Growth Inducing; Landuse; Noise; Public Services; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Parks and Recreation; Native American Heritage Commission; Integrated Waste Management Board; Public Utilities Commission; Department of Health Services; Department of Housing and Community Development; Office of Emergency Services; Department of Fish and Game, Region 3; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 4

Date Received 09/23/2005 **Start of Review** 09/23/2005 **End of Review** 11/30/2005

LETTER 10: State of California, Governor's Office of Planning and Research, Terry Roberts, Director, State Clearinghouse

Response to Comment 10-1:

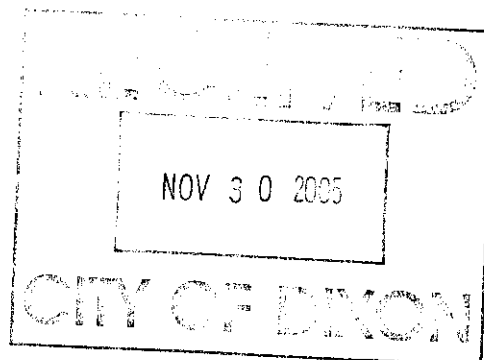
Copies of the Draft EIR were provided to the State Clearinghouse for distribution to State agencies.

Dixon Resource Conservation District

1170 N. Lincoln, Suite 110, Dixon, CA 95620-Phone (707) 678-1655

November 27, 2005

Mr. Warren Salmons
City of Dixon
600 East A Street
Dixon CA, 95620



Re: Comments on the Dixon Downs Draft Environmental Impact Report

Mr. Salmons:

The Dixon Resource Conservation District (District) has reviewed the Draft EIR and other pertinent documents regarding the Dixon Downs Project and has identified several issues that need to be further addressed. The District is a member of the Dixon Regional Watershed Authority and fully supports the efforts of the Authority efforts to plan, finance, acquire, construct, operate, and maintain drainage facilities designed to service the Dixon Regional Watershed. The District also supports the Authority efforts focused on improving regional drainage by accommodating increased drainage needs of future development and reducing current drainage problems throughout the region.

11-1
(cont.)

However, the District has several concerns and noted several inaccuracies in the Draft EIR that need to be addressed to insure that the regional drainage facilities are adequately designed and constructed to meet the contractual and identified regional drainage needs:

- 1) On page 4.6-20 under the Dixon Resource Conservation District (DRCD) heading, the District would like this section to include the following discussion "that this project is outside the Dixon RCD service area and therefore no outlet channel has been provide." The District would like to point out that this statement comes from the 1994 EIR for the NQSP and without the Authority's regional drainage project that the District can not accept water from the project site without violating existing agreements with Reclamation District No. 2068. However, the District has, as a member of the Authority, adopted a plan that would extend service to the project site through the construction of the regional drainage project.
- 2) On page 4.6-20 and 21 the District has agreed that, "pursuant to this Agreement and for the purpose of settling potential disputes, the baseline present storm flows from the Northeast Quadrant shall be set at 23.1 cfs for a 5-year storm, 27.2 cfs for a 10-year storm, and 37.2 cfs for a 100-year storm measured at the 30-inch CMP in the railroad embankment". This represents the existing condition and should be considered the EIR's existing condition downstream of the identified point of measurement. (reference exhibit K, JPA agreement) The Draft EIR and supplemental report from West Yost assumes combined existing condition (EC)

11-2

11-3

flows of 51.0 cfs for a 5-year storm, 59.0 cfs for a 10-year storm, and 95.0 cfs for a 100-year storm from the 36-inch RCP and the 30-inch CMP. These inconsistencies require resolution. Great deference should be given the conclusions agreed to by the agencies executing the JPA. Moreover, the project EIR indicates that while the post project flows will not be greater than the EC, it does not acknowledge the fact that the member agencies have recognized that the lands of the project and lands west of NEQ did not participate in the existing downstream drainage system development and that flows from these lands were not accommodated in the downstream watershed drainage design.

11-3
(cont.)

3) The District is concerned that the project assumes that the existing privately owned drainage facilities from Pedrick Road to Tremont 3, a distance of 1½ miles, are capable of conveying the modeled flows. Furthermore, these private ditches, as they exist, are meant to provide drainage for lands within the District's service area and were not intended to convey flows from the project site. Also, this segment is not maintained by any of the public entities responsible for local drainage, there may exist no reliable assurance that a perfected right of drainage has been established. The JPA agreement flows, as described in Appendix K, neither anticipate nor provide for flows above 37.2 cfs without substantial downstream modifications. Such modifications are not proposed in the draft EIR. The project proponent should undertake a review of this issue to ensure that the conditions modeled are not change in a manner consistent with the project's analysis.

11-4

4) Furthermore, on page 4.6-33 the DIER indicates that the project will enter into a development agreement that will require the project to participate by paying its fair share in the regional drainage. This limited statement seems to pale in comparison to the detail in which the existing political and contractual conditions were explained. The District feels that since the lands in NQSP never participated in the construction or maintenance costs of the downstream drainage facilities that the DEIR assumed existing condition are unacceptable unless further detail is provided as to how the project will participate in the regional drainage plan as put forth in the August 2001 Regional Drainage Master Plan (WYA) and as discussed in Exhibit K of the Dixon Regional Watershed Joint Powers Agreement.

11-5

5) The District would like to point out the following misstatements or inaccuracies in the DEIR and suggest the following corrections:

a. On page 4.6-5 the DEIR states that "Along the east side west side of the railroad is a borrow ditch pit". At the present time it appears that there is no borrow ditch along the east side of the railroad embankment.

11-6

b. On page 4.6-17 the DEIR states that "The Dixon Resource Conservation District drainage master plan includes ..." The District believes that the

11-7

reference should be to the City of Dixon's Dixon Regional Master
Drainage March 9, 1989 Dixon Regional.

↑
11-7
(con't.)

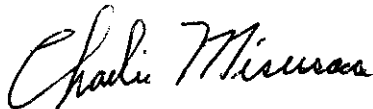
Again, the District is actively working with the Dixon Regional Watershed Authority to facilitate the construction of the regional drainage project. However, it can not be overstated that without the regional drainage project that this project has no rights to use the facilities that were constructed for the benefit of the landowners within the District's service area.

↑
11-8

The District has identified that above issues that need additional clarification in order to insure that Dixon Regional Drainage Authority can implement the contemplated regional drainage facilities. If you have any question please call John S. Currey District Manager at (707) 678-1655 extension 105.

Sincerely,

Dixon Resource Conservation District



Charlie Misuraca
Board Chairman

LETTER 11: Dixon Resource Conservation District (RCD), Charles Misuraca, Board Chairman

Response to Comment 11-1:

The Dixon RCD's support of the Dixon Regional Watershed Authority is noted.

Response to Comment 11-2:

In response to the comment, the following information is added to page 4.6-20 of the Hydrology, Drainage, and Water Quality section of the Draft EIR.

The following text is added to page 4.6-20 under the Dixon Resource Conservation District heading:

The Proposed Project is outside the DRCD service area, and therefore, no outlet channel has been provided. Without the Dixon Regional Watershed Joint Power Authority's (DRWJPA) regional drainage project, no water can be accepted from outside its service area without violating existing agreements with Reclamation District 2068. However, the DRCD has, as a member of the DRWJPA, adopted a plan that would extend service to the project site through the construction of the regional drainage project.

Response to Comment 11-3:

It is acknowledged that the DRWJPA baseline conditions, considered valid for assessment of disputes, are inconsistent with the modeled existing conditions stated in the Draft EIR. However, unlike potential NEPA or other analyses, CEQA analysis requires that project impacts are compared with the actual on-ground existing conditions. Therefore, it is important to use the actual existing condition flow contributions to the regional drainage system for evaluation of the Proposed Project potential impact, whether or not the participating drainages are recognized or included in the original drainage system design, management, or drainage rights. As noted in the Draft EIR, the Northeast Quadrant Specific Plan (NQSP) Public Facilities and Services Element Policy 6.11.4 Drainage states:

"4. Overall stormwater volume generated from the plan area will be mitigated through plan area participation in a regional drainage project, funded, in part through the Dixon North First Street Assessment District and supplemented by other methods as determined by the City."

Furthermore, an encroachment permit is required from the Dixon RCD in order to add or modify culverts or pipes contributing drainage to the Tremont 3 Drain.

Response to Comment 11-4:

To provide a maintainable outfall from the Proposed Project site to Tremont 3 is beyond the scope of this project and EIR. However, the Proposed Project has two outfall options included in the Conceptual Drainage Plan:

- Option 1 includes an improved channel to the Tremont #3 and a new culvert under the UPRR; the improvement conceptual detail is provided in the report. This option would require purchasing of property/easements for the private drainage ditches east of Pedrick Road.

- Option 2 includes use of a 66-inch storm drain along Vaughn Road to convey Proposed Project site drainage to Tremont #3.

Under existing conditions, the drainage ditch from Pedrick Road to Tremont currently conveys storm flows from the project site to Tremont 3. Implementation of the Proposed Project would include sufficient stormwater detention to maintain peak runoff at near existing conditions. For the CEQA analysis, the impacts of the Proposed Project are compared to existing conditions, and would therefore include conveyance of storm flows through the existing drainage facility without maintenance by any public entities (existing conditions). Option 1 would provide for improvements to and acquire property for the private drainage to enhance conveyance capacity adequate to meet existing and Proposed Project potential storm flows. Incorporation of Option 2 would eliminate potential problems with conveyance through the private drainage feature. It has also been acknowledged that this new pipe into Tremont 3 would require a DRCD Encroachment Permit.

Response to Comment 11-5:

Under CEQA, the Proposed Project impact must be compared to on-ground existing conditions, rather than historic conditions or conditions that represent a certain perspective or position. Consequently, the impacts analysis in this Draft EIR compares potential changes in hydrology and water quality under implementation of the Proposed Project with the current drainage condition situation. Included in the Proposed Project design is sufficient detention to maintain or reduce off-site peak storm flow rates. Nevertheless, the drainage fee is to cover the Eastside Drainage Project and the new South Channel. Development of the fee is explained in detail in the City's update to the Storm Drainage Facilities Impact Fee Fund, prepared by Goodwin Consulting Group, June 10, 2003.

Response to Comment 11-6:

In response to the comment, the third sentence in the first paragraph on page 4.5-5 of the Draft EIR is revised as follows:

Along the ~~east~~ west side of the railroad is a borrow pit (for the railroad construction), and flow from the Central NEQ drainage and the North NEQ drainage are hydraulically connected by this borrow pit.

Response to Comment 11-7:

In response to the comment, the third sentence under the Public Facilities and Service Element heading on page 4.6-17 of the Drat EIR is revised as follows:

The ~~Dixon Resource Conservation District (DRCD)~~ City of Dixon drainage master plan¹ includes construction of three retention basins along the eastern perimeter of Dixon's 50-year development boundary and a new channel paralleling Pedrick Road to empty to Haas Slough.

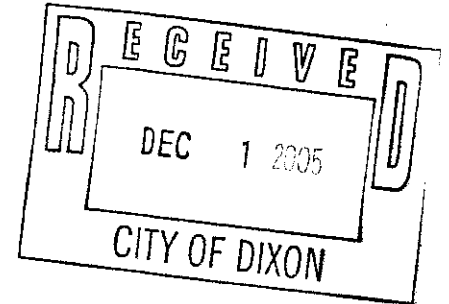
1 City of Dixon. 1989. City of Dixon's Regional Master Drainage Plan. March 8, 1989.

Response to Comment 11-8:

The comment is noted and the concerns raised by the commenter are noted and will be forwarded to the decision-makers for their consideration.

COMMUNITY DEVELOPMENT DEPARTMENT

23 Russell Boulevard – Davis, California 95616
530/757-5610 – FAX: 530/757-5660 – TDD: 530/757-5666



November 28, 2005

Dave Dowswell
Community Development Director
City of Dixon
600 East A Street
Dixon CA 95620

RE: Dixon Downs EIR Comments

Dear Mr. Dowswell:

The City of Davis appreciates the opportunity to review the Draft EIR prepared for the Dixon Downs Horse Racetrack and Entertainment Center Project. We have spent significant time reviewing the EIR, economic study and related materials. The project is practically adjacent to Davis, and the potential impacts of the project would be significant, not only for our community but for the region.

Our comments in this correspondence focus primarily on the adequacy of the Draft EIR and are generally technical in nature. In general we believe the Draft EIR greatly understates its assessment of certain impacts, particularly in its evaluation of regional traffic impacts along the increasingly congested I-80 corridor. In addition, impacts on alternate routes, which will likely become congested as well, are largely ignored. The project may well accelerate the gridlock that has become increasingly common on weekends along the corridor and seriously impedes the flow of goods, people and emergency services between the Bay Area and Sacramento.

12-1

We recognize that the nature of land use politics often results in the overstatement of impacts of a given project by the various interests that might be so inclined. In this case, however, this one project reaches a magnitude that could be a regional backbreaker from a circulation standpoint, and yet the land use is one that is hardly essential for those who reside in the local or regional area. Accordingly, while our comments in this correspondence focus on DEIR adequacy, the City of Davis would like to go on record early as having serious concerns with the proposal as we currently understand it.

12-2

Our comments on specific DEIR issues follow.



Transportation and Circulation impacts

It is disappointing to see that the Richards Boulevard to Mace Boulevard segment of Interstate 80 was omitted from the table of Regionally Significant Roadways. Because of this, we are unable to determine whether the additional trips from the proposed project will have a significant impact on Davis residents.

12-3

What is the basis for determining that concert employees would all arrive and depart prior to or after the hours for concert-goers?

12-4

The estimate for a Tier 2 Event is that it would generate 2,240 pre-event peak hour trips, and 4,120 post-event peak hour trips. Over 6,000 new trips would result from Phases 1 and 2. Yet the regional traffic analysis is assumed to be similar to the Tier 1 event and not analyzed (page 4.10-37). This does not appear to make sense, given that trips from a sold-out horse racing event are estimated to be 3,400 total trips, compared to the 4,120 peak hour trips from the concert (a 20% difference). The analysis of congestion on Interstate 80 is based upon peak hour volume in both directions. This appears to assume that the traffic will be even split between east- and west-bound, which is not necessarily the case. As noted in the EIR, west-bound traffic is heavy on Sundays. The analysis minimizes the impacts of pre-event traffic on segments east of Dixon, and of post-event traffic on segments west of Dixon (possibly backing up to segments east of Dixon).

12-5

The cumulative traffic analysis does not include impacts of the proposal on regionally significant roadway segments. Page 4.10-56 notes that I-80 segments in Dixon are expected to be at LOS F in 2025, yet there is no discussion of segments outside Dixon, or the contribution to regional congestion that would be made by this proposal. This is inconsistent with CEQA. Without any analysis, we cannot tell whether the project's incremental effect is cumulatively considerable upon regional congestion. Section 15130 requires an analysis of why the impact is not cumulatively significant, if it not discussed in detail. This analysis is missing from the EIR.

12-6

The EIR discusses alternative routes in Dixon based upon congestion on I-80. The EIR should also analyze whether the increased congestion on I-80 will cause attendees or employees to seek alternate eastbound routes, such as Pedrick/Russell/SR113, to destinations in Davis, Woodland, or North Sacramento. We are concerned that drivers will seek alternate routes and cause congestion, noise, and air quality impacts on surface streets or SR 113 fanning out from the project site, particularly after the frequent Tier 2 events.

12-7

Noise impacts

The DEIR proposes that noise would be a significant impact if it exceeds levels in the zoning ordinance performance standards or the State of California General Plan Guidelines. As noted in *Berkeley Keep Jets over the Bay Committee* (91 Cal. App 4th 1344), a specific decibel standard is not determinative in setting a threshold of

12-8

significance. The City of Davis has worked diligently to preserve its quality of life as a quiet community.

12-8
(con't.)

There is no analysis of noise resulting from increased traffic other than on Vaughn road. Without this analysis, we cannot tell wither the increased traffic will significantly increase noise levels along Interstate 80, Russell Boulevard, or other streets adjacent to residential uses. Without this analysis, the EIR does not present a complete picture of the impacts of the proposed project.

12-9

There is no analysis of noise that will extend beyond the immediate Dixon area, particularly if “long-throw” speakers are used. Mitigation Measure 4.8-4(b) prohibits speakers from being directed to the south. This may direct them northwest, toward residences in West Davis. That is ordinarily a very quiet area. How loud will the noise be? Will it disturb sleep (a key issue in the *Berkeley* decision)? Without this analysis, the EIR does not present a complete picture of the impacts of the proposed project. In addition, it is not clear to us how differential placement requirements for “long-throw” speakers will be monitored and enforced, particularly since the DEIR notes that the sound system is frequently installed by the entertainer or group. Will affected parties have the ability to shut down a concert if noise ordinance levels are exceeded?

12-10

There appears to be no basis for the mitigation that concerts not continue past 11:00 p.m. given that the noise ordinance standard shifts at 10:00 p.m. Nor is it clear why this mitigation applies only to concerts, and not to other noise-generating activities.

12-11

As noted under “Transportation and Circulation Impacts,” above, the cumulate impacts discussion does not include any assessment of cumulative roadway impacts beyond the immediate vicinity of the City of Dixon. Because of this, the Noise analysis is also inadequate because it does not consider the noise impacts of increased traffic on Interstate 80, Russell Boulevard, and other regional roadways. Impacts on Russell Boulevard and SR 113 seem particularly likely to occur if congestion on Interstate 80 causes drivers to seek alternate routes through Davis for destinations to the north or the east. This will further spread the congestion from Interstate 80 throughout the region and impair the movement of goods and services in Davis and elsewhere.

12-12

Economic Impacts

The DEIR does not address potential economic impacts from the Phase 2 hotel or retail development. Although fiscal impacts are not subject to CEQA, the Bakersfield decisions and other cases hold that the environmental review must consider whether the project would result in urban decay or blight.

12-13

The hotel market in Davis is fragile, with a number of the hotels struggling at barely-acceptable occupancy rates. We have invested millions of dollars into strengthening our downtown, which is identified as the community’s retail and economic center.

12-14

The EIR should identify how much of the retail sales, hotel room nights, and movie admissions will be new, and how many will be diverted from elsewhere in the region. The EIR should also differentiate between local and regional demand for retail, room nights, and movie seats. Furthermore, it should analyze the impacts of lost sales on Davis merchants and hoteliers, and whether the loss will result in urban decay or blight. We would be glad to provide local economic data to assist you in this effort.

12-14
(cont.)

Population and Housing / Growth-Inducing Impacts

Our response to the initial study requested an analysis of the pressure caused by project employees (plus indirect jobs) for approving additional housing in Davis or other nearby agricultural areas. The fiscal and economic impact analysis projects that 72 percent of Dixon Downs employees, and 50 percent of Phase 2 employees, will live in Dixon (pp24-5). Where will the others live? What will be the impacts on those communities?

12-15

Aesthetic impacts

The DEIR states that exterior lighting will not have a significant impact if it does not create a substantial source of light that would contribute to a night sky glow that could affect adjacent uses. The DEIR describes the new lighting that would be installed with the project and notes that it would be visible from surrounding areas. The determination that there is no significant impact is based upon two determinations:

12-16

- There are few residences and no astronomy observatories within the immediate vicinity; and
- The Design Guidelines provide goals for minimizing spillover light.

Although there are few residences in the immediate area, Davis has multiple homes on its western border. Fairfield School, on Road 96 at Russell Boulevard, is frequently used as a location for star- and meteor-watching events. The dark skies in the rural areas in Yolo and Solano Counties are a community resource and causing additional sky glow will significantly affect the regional environment. It is the policy of the State to require governmental agencies to consider qualitative factors (PRC 21001). The DEIR's analysis of sky glow and spillover light does not do that, nor does it provide any qualitative analysis of the amount of light that would be generated by the project.

12-17

We recognize the goal of the Design Guidelines to minimize spillover light. We certainly hope that this goal will be reflected in any approved construction, but believe that it should be an explicit mitigation measure to ensure that this goal is heeded as individual project components are reviewed.

12-18

Even if all lighting is directed downward, the development, particularly the parking lots and the racetrack itself, will be a significant source of light in an area that is currently dark. The EIR should analyze the distances from which this light will be visible, any sensitive receptors within that area such as residences, and identify the overall impacts on dark skies in the area between Davis, Dixon, and Winters.

12-19

Agricultural impacts

The DEIR accurately notes that the loss of prime agricultural land would be significant and unavoidable. Although insufficient to mitigate the impact to less-than-significant levels, preservation of agricultural land is recommended for the equivalent number of acres lost. The agricultural land is encouraged to provide suitable foraging habitat for raptors, so that it would also meet mitigation needs for biological impacts.

12-20

The restrictions imposed on raptor foraging area limit the suitability of agricultural land for common agricultural uses such as grapes, tree crops, and rice. Moreover, mitigation for biological resources is already required under Mitigation Measure 4.3-1. In essence, Mitigation Measure 4.7-2 would provide no additional mitigation for agricultural impacts.

The City of Davis suggests that appropriate mitigation would be a minimum of two-to-one preservation of agricultural land, and that the agricultural mitigation not be restricted to provide raptor habitat. Although impacts would remain significant and unavoidable, this would provide mitigation to the extent feasible, as required by CEQA.

12-21

We look forward to reviewing your response to you comments. If you have any questions, please feel free to contact me or Community Development Administrator Katherine Hess at (530)757-5610.

Sincerely,



Bill Emlen
Assistant City Manager / Community Development Director

C: Davis City Council

LETTER 12: City of Davis Community Development Department, Bill Emlen, Assistant City Manager, Community Development Director

Response to Comment 12-1:

The Draft EIR analyzed the potential impacts of the project on I-80 from I-505 in Solano County to the Yolo Causeway in Yolo County under various scenarios for weekday, Saturday, and Sunday peak hours. Five interchanges along I-80 were also studied. Impacts 4.10-3, 4.10-4, and 4.10-13 identify the significant project-specific and cumulative impacts on various segments of I-80 in Solano and Yolo Counties. Mitigation measures are identified for many of the impacted facilities. The analysis of project impacts considered the likely use of several alternative routes to I-80 (please refer to page 4.10-32 of the Draft EIR for a discussion). The commenter is referred to page 4.10-73 of the Draft EIR, which includes a list of assumptions and methodologies used to ensure that the analysis is reasonably conservative and does not understate the impacts of the project.

Response to Comment 12-2:

The Draft EIR identifies numerous significant project impacts on the transportation system and proposes mitigation (where feasible) to lessen their significance. According to CEQA Guidelines Section 15043, the lead agency (City of Dixon) may approve a project even though it would cause a significant effect on the environment if there is no feasible way to lessen or avoid the effect, and specifically identified expected benefits from the project outweigh the policy of reducing or avoiding the significant environmental impacts of the project. It is the City's responsibility to determine whether the specific benefits of the project outweigh the adverse effects on circulation and other issues. The Findings of Fact and Statement of Overriding Conditions will provide this additional information, as well as respond to other concerns raised by the commenter.

The concerns associated with the regional transportation network are noted and will be forwarded to the decision-makers for their consideration.

Response to Comment 12-3:

The segment of I-80 between Mace Boulevard and the Yolo Causeway was purposefully chosen over the segment between Richards Boulevard and Mace Boulevard for the regionally significant project analysis because it carries greater levels of traffic (according to Caltrans' traffic volume data) and functions as a bottleneck during peak travel periods. The Draft EIR analyzes several roadway segments and intersections located within or adjacent to Davis. The inclusion of these study facilities provides the City of Davis with the necessary information to understand the project's traffic impacts on the City.

Response to Comment 12-4:

The Draft EIR assumes that concert employees arrive prior to and depart after a Tier 2 event. The vast majority of employees (e.g., security, concessions, parking lot attendants, stage operators, etc.) must arrive well in advance of the start of the event. Likewise, their assignments often require that they remain on-site until after the event ends. If employees do not need to remain on-site until after the event ends, most are likely to depart prior to its completion to avoid the "post-event" traffic surge.

Response to Comment 12-5:

Page 4.10-37 of the Draft EIR states that a regionally significant analysis was not performed for a Tier 2 event scenario due to their infrequent nature, and the fact that such an analysis would likely result in conclusions similar to the Sunday p.m. peak hour analysis of a Tier 1 event consisting of a sold-out horseracing event. The commenter is correct in stating that a Tier 2 event would generate more trips (4,120 during “post-Tier 2” event peak hour) than a Tier 1 sold-out event (3,400 trips). However, the conclusions with regard to impacts on I-80 east of the project site would remain unchanged. Namely, significant impacts (as identified in Impact 4.10-3) would occur in both directions of I-80 between Pedrick Road and Kidwell Road. Impacts would not occur east of Kidwell Road where each direction of I-80 has four through lanes plus an auxiliary lane. The commenter is referred to page 4.10-89 for a list of the segments and ramps of I-80 that are significantly impacted during the pre- and post-Tier 2 event peak hours.

Response to Comment 12-6:

A cumulative analysis of the project’s impacts on intersections within Dixon was conducted. An analysis of cumulative impacts on I-80 and its interchanges at Pedrick Road, North First Street/Currey Road, and Pitt School Road was also performed. Impact 4.10-14 identifies cumulatively considerable significant impacts on eastbound I-80 east of Pedrick Road and on westbound I-80 west of North First Street. A mitigation measure for the former impact was identified. CEQA Guidelines Section 15130 provides, in part, that “the discussion of cumulative impacts shall reflect the severity of the impacts and the likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone”. The discussion of cumulative impacts is consistent with this direction. The commenter is referred to Master Response TRAFF-1 for a discussion of the project’s contribution to traffic growth on I-80 and its fair share of required improvements.

Response to Comment 12-7:

The use of the alternative routes shown on Figure 4.10-5 by project traffic is expected to occur primarily during periods of peak congestion on westbound I-80. While the Pedrick Road-to-Russell Road-to-SR 113 route is a potential alternative to using eastbound I-80 to SR 113, this route is not expected to be used to any significant degree because Mitigation 4.10-1(c) includes reconstruction of the I-80/Pedrick Road interchange and construction of an auxiliary lane in both directions of I-80 that would become the fourth travel lane. Assuming this mitigation is implemented, the I-80-to-SR 113 route would have a shorter travel time than the Pedrick Road-to-Russell Road-to-SR 113 route. Figure 4.10-6 indicates that some project trips are expected to use Pedrick Road and Russell Boulevard. These segments were analyzed and the impacts were found to be less than significant.

Response to Comment 12-8:

The Draft EIR uses the City of Dixon Municipal Code noise standards in order to evaluate noise impacts from the Proposed Project because the Municipal Code is the adopted regulatory document used in the City of Dixon. As such, its standards provide the most applicable threshold of significance to determine impacts associated with noise. In very quiet environments a more restrictive threshold of significance may be chosen, although this is not the case with the receptors in the vicinity of the project site. As shown in Table 4.8-3 on page 4.8-7 of the Draft EIR, ambient noise levels monitored at the nearest residences would be affected by traffic noise, above the 60 dBA threshold.

Response to Comment 12-9:

The noise analysis in the Draft EIR evaluated traffic noise from the Proposed Project and its impact on nearby residences by analyzing the roadways that would be most severely affected by operation of the Proposed Project based on the increase in traffic volumes. As shown in Table 4.10-21 on page 4.10-49 of the Draft EIR, the segments of Russell Boulevard that could be affected by operation of the Proposed Project during live events (e.g., concerts) are in unincorporated Yolo County and not in the City of Davis. The one roadway segment in the City of Davis that was identified in Table 4.10-21 as being affected by operation of the Proposed Project is the Pedrick Road to Lake Boulevard segment. On weekdays during live events, this segment is anticipated to only increase from 220 vehicles to 260 vehicles during the peak hour. On Sundays during live events, this segment is anticipated to only increase from 200 vehicles to 230 or 240 vehicles during the peak hour. In each case, increases would be minimal and would occur only during the peak hours.

When the weekday live event and Sunday live event scenarios were modeled with the Federal Highway Noise Prediction Model, the results showed that these traffic increases would result in noise increases over ambient conditions of less than one dBA L_{dn} . This increase would not be noticeable to the human ear. Moreover, these increases would be limited only to the days when live events occur. Consequently, the increase of less than one decibel would not reflect typical conditions, but only the conditions during live events.

It is also acknowledged in the traffic section of the Draft EIR that most of the project-related trips would occur on I-80. For freeway traffic noise to increase by three dBA, the volume of freeway traffic would have to effectively be doubled.² Three dBA is the level at which a noise increase becomes just noticeable to the human ear. As shown in Table 4.10-21, traffic created by the Proposed Project on I-80 during live event days would not come close to doubling the existing traffic volumes on I-80. Consequently, any noise increase from increased traffic on I-80 associated with the Proposed Project would not be noticeable.

Response to Comment 12-10:

The noise analysis in the Draft EIR examines noise impacts to the residents along Vaughn Road because these are the receptors that would be expected to be most affected by noise from the Proposed Project. Mitigation Measure 4.8-4(a) requires that “[L]ong-throw speakers used in an outdoor setting for projecting amplified sound shall not be directed to the south. This shall include public address speakers and speakers used during concert and race events.” As discussed in Impact 4.8-4, noise from a stationary source attenuates at six dBA at 50 feet and for every doubling of distance thereafter. When sound travels over “soft sites” such as earth or vegetation instead of pavement or asphalt, it attenuates at approximately 7.5 dBA per doubling of distance. Impact 4.8-4 also states that noise levels at comparable facilities have been monitored at between 85 and 105 dBA, with concert events possibly reaching up to between 120 and 130 dBA.

The project description in the Draft EIR states that the City of Davis is approximately six miles (31,680 feet) to the northeast of the Proposed Project site. The intervening terrain between the project site and

2 Colorado Department of Transportation, Noise frequently asked questions. Colorado DOT website: www.dot.state.co.us/environmental/CulturalResources. Accessed 12/2005.

the Davis city limit is mostly rural fields. Using the doubling of distance rule, even if noise levels from the Proposed Project reached the maximum of 130 dBA, then at six miles away the noise would be reduced to somewhere between 52 and 55 dBA. Noise would be reduced still further by any intervening buildings, hills, trees, or other natural or man-made barriers. Thus, even the very highest noise levels that could conceivably be generated by the Proposed Project would be below typical ambient outdoor noise levels in all but the quietest rural areas, and would not be noticeable to Davis residents, much less disturb sleep.

As part of the Tier 2 and Tier 3 event permit process, the City can require acoustical monitoring at the property boundary for events the City believes may produce excessive noise.

Response to Comment 12-11:

Mitigation Measure 4.8-4(b) requires that “[P]erformances during concert events shall not continue past 11:00 p.m.” The 11:00 p.m. concert limit was chosen to ensure that nearby residents would not be exposed to concert noise during late-night hours. The mitigation would apply to any uses at the project site, not just concerts. The only activities that would generate noticeable noise levels during project operation besides concerts would conceivably be horse racing events. These types of events are expected to occur in the afternoon and would not occur during the late-night hours, so including them in the mitigation is unnecessary.

Response to Comment 12-12:

Please see Master Response TRAFF-1 and Responses to Comments 6-3, 12-1 and 12-6.

Response to Comment 12-13:

Normally under CEQA, social and economic factors are not considered significant impacts unto themselves, but under certain circumstances can be used to connect the project to a physical adverse effect. In the context of this project, the issue of blight is relevant under CEQA only if it can be shown to result in physical effects such as building abandonment and deterioration, loss of landscaping, or harm to historic structures in an area that is not currently experiencing these issues.

The comment is expressing concern that the Draft EIR does not address potential economic impacts associated with the Phase 2 hotel or retail development. Goodwin Consulting Group, the City’s economist, prepared the August 19, 2005, Fiscal and Economic Analysis Report for Dixon Downs, (available on the City’s website or at the City’s offices) conducted preliminary research and provided input to address this issue. Phase 2 of the proposed Dixon Downs project involves, among other land uses, approximately 550,000 to up to 950,000 square feet of retail shopping and restaurant opportunities and a 240-room hotel and conference center. These retail and hotel land uses would be adjacent to, visible from, and easily accessed by I-80 as it passes across the northern section of Dixon. According to CalTrans, I-80 currently carries approximately 120,000 vehicles per day past Dixon, which translates into over 160,000 passengers per day on average. The number of vehicles has grown by nearly 40% over the past 15 years, and it is expected to continue growing into the foreseeable future; likewise, the amount of passengers per vehicle continues to increase over time. It is also anticipated that proposed Phase 1 racetrack development would bring potential retail customers into Phase 2 as well.

A primary step in analyzing an area's retail market is to determine whether "leakage" or "capture" of retail sales is occurring. Leakage would occur if there is insufficient retail space to meet the shopping needs of Dixon residents, which would result in retail dollars "leaking" outside the City as shoppers go elsewhere to acquire the goods and services they demand. Capture would occur if there is an excessive amount of retail space to meet the shopping needs of Dixon residents, combined with a lack of retail space in surrounding areas, which would result in retail dollars being "captured" from areas outside the City as shoppers from surrounding areas come to Dixon to consume the goods and services they demand.

Analysis of available data indicates that Dixon is currently experiencing neither a leakage nor capture condition in total. Recent data from the California State Board of Equalization (SBOE), Association of Bay Area Governments (ABAG), U.S. Census Bureau, and U.S. Department of Labor Consumer Expenditure Survey (CES) suggests that both estimated supply and estimated demand in Dixon amount to roughly \$170 million. In other words, local demand and supply appear to be in a state of relative equilibrium for all retail goods and services combined. However, a closer look at specific retail categories suggests a different story. Dixon appears to be leaking sales of apparel-related retail, home furnishings and building materials, and big box/department store type retail, but is capturing sales of general merchandise, auto-related retail, and restaurants and bars; other types of retail, such as supermarkets and specialty retail, appear to be in balance. For example, Dixon is experiencing an \$8 million dollar leakage in apparel-related retail (supply of \$7 million versus demand for \$15 million). In addition to the leakage in apparel-related retail, Dixon is also experiencing a leakage in home furnishings and building materials in the amount of \$6 million (supply of \$7 million versus demand for \$13 million). On the other hand, Dixon is capturing approximately \$11 million in sales of general merchandise (supply of \$24 million versus demand for \$13 million).

Given the region-serving, visitor-attracting, destination-oriented focus of the proposed retail, this data suggests that there would not be much overlap between the existing retail in town in a capture situation and the proposed retail included within the project, and the proposed retail could fill a void where leakage is happening. The one exception to this could be the proposed restaurant development, which could capture some sales currently going to existing restaurateurs if the proposed development were to occur in the immediate future; however, Phase 2 development is expected to occur over a period of approximately 15 years.

Projecting into the future, demand would ultimately outstrip existing supply as the number of households increases, real household income rises, Phase 1 patrons arrive, and highway travelers increase. Business-to-business retail transactions would also grow as non-residential development picks up as well. The retail sales leaking out of Davis (please see Response to Comment 12-14 below) also represents a retail opportunity in Dixon.

The implication of this analysis is that unless new retail space is built to meet all manner of increasing demands, Dixon will begin to leak additional retail dollars to surrounding cities for goods and services in categories for which it currently enjoys a capture condition, and the leakage condition that exists for other retail categories would only become exacerbated. The Proposed Project would expand Dixon's retail offerings and prevent future retail sales from leaking outside the City.

Targeted additions to the retail economy such as those anticipated for Dixon Downs would not negatively impact existing Dixon merchants over the long term, and the increased retail activity could generate synergies that actually benefit existing merchants. Both academic studies and empirical data

analyses presented in many publications over the last decade indicate that if existing retailers in a commercial district are thriving, then development of a new shopping center in the same community would benefit the local merchants because the new center attracts more shoppers into the area and creates the impression of an even stronger retail economy with more shopping opportunities. After a possible initial reduction in sales for local merchants, total retail sales would grow for both the existing and new merchants.

Finally, while the Proposed Project includes approximately 550,000 to 950,000 square feet of retail uses, the project, as currently zoned, is estimated to include approximately 390,000 square feet of retail uses. The total for the project, as currently zoned, includes 100,000 square feet of dedicated retail plus another 290,000 square feet of local-serving retail within the service commercial and light industrial land uses (approximately 10% of the total square footage). It is unlikely that the incremental difference in retail development between the project as proposed and the project pursuant to current zoning would have a dramatic affect on existing businesses. Moreover, the local-serving retail component associated with the current zoning would likely be more competitive with local businesses that are providing local services.

The current lodging market in Dixon is extremely limited, and consists of only a few businesses operating a small number of rooms at affordable room rates. The Microtel Inn and Suites and Best Western Inn offer 165 rooms total at an average daily room rate of approximately \$85. The Super 8 Motel and Dixon Motel offer 55 rooms total at an average daily room rate of approximately \$65. In total, the lodging market in Dixon is comprised of four businesses operating 230 rooms in a motel-type environment at an average daily room rate of \$80.

The proposed hotel included in Phase 2 would offer 240 higher end rooms, coupled with conference facilities, at an average daily room rate that would likely range from \$125 to \$150. The Fiscal and Economic Analysis Report for Dixon Downs assumed a very conservative rate of \$105 to ensure that fiscal revenues generated by the project would be cautiously projected and even underestimated. Although this hotel would more than double the supply of transient occupancy rooms in Dixon, it would cater to a completely different demographic than the four lodging opportunities currently available. The Dixon Downs hotel would likely attract racetrack customers and business travelers, as well as additional visitors along I-80 who would be attracted to a higher quality lodging facility with more amenities than the existing inns offer.

The preliminary analysis demonstrates that sufficient demand currently exists for some of the proposed retail and hotel uses, and that demand is anticipated to develop over time and warrant the remaining portion of these land uses in the future. The Association of Bay Area Governments (ABAG) anticipates population figures to increase by two-thirds and employment estimates to increase by one-third by year 2030 for the City of Dixon. ABAG also projects a 40% increase in population and a 50% increase in employment for Solano County as a whole by year 2030. Based on the ABAG projections, significant increases in population and employment would likely generate additional demand for remaining land uses in Dixon Downs. It is anticipated that enough demand would materialize to support some or all of the new project without adversely impacting existing merchants or commercial areas to an extent that could force them out of business. The degree and duration of impacts on existing businesses should be minimal, and the risk of displacement is considered extremely low.

Response to Comment 12-14:

As noted above in Response to Comment 12-13, the proposed retail and hotel development would include a predominantly region-serving component; the draw for the proposed multi-screen movie theater complex would also be largely regional in nature. The proposed 20-screen movie theater complex would be the largest and newest movie theater complex within the surrounding area, as the Vacaville theater complex contains 16 screens and the Davis theaters total only six. This, coupled with the fact that the proposed theaters would have freeway visibility and access, suggests that the Dixon Downs complex could serve to attract residents from surrounding cities. Given the likely regional nature of the retail, hotel, and movie theater operations in Dixon Downs, it is relevant to explore the potential effects that Dixon Downs might have on businesses in Davis.

Preliminary research into the Davis retail market suggests that a vast amount of demand for goods and services is being fulfilled in neighboring communities. Every retail category in Davis is experiencing a leakage condition, and the total retail sales leakage is on the order of several hundred million dollars. Based on recent data from the California State Board of Equalization (SBOE), Sacramento Area Council of Governments (SACOG), U.S. Census Bureau, and U.S. Department of Labor Consumer Expenditure Survey (CES), total estimated retail supply in Davis is approximately \$540 million while total estimated demand exceeds \$900 million. Given the lack of certain types of retail offerings in Davis, (e.g., big-box retail) and the continued difficulties that these types of retail developments find when such projects are proposed there, it is no surprise that retail sales dollars are leaking from Davis and would likely continue to do so in the future. Until very recently, the Davis General Plan contained a provision that prevents big box retail from operating in Davis. Should Dixon capture some of the retail sales demand from Davis, it would likely capture some of the existing leakage that currently goes to Woodland, West Sacramento, Sacramento, and Vacaville because the retail offerings at Dixon Downs would be closer, newer, and/or more appealing. The existing sales that occur in Davis which are generally local-serving in nature, should remain in Davis because those existing sales are supported by a unique downtown shopping experience, specialty retail opportunities, and a local customer base that is attracted to that type of shopping.

The lodging market in Davis consists principally of local-serving motels and inns. A total of ten lodging places offer a little over 600 rooms at an average daily room rate of approximately \$90. Since these hotels appear to cater to the local business and university market, there does not appear to be a reason to conclude that a high-end hotel in Dixon would present direct competition and draw away existing customers. The proposed hotel in Dixon Downs is also not expected to compete with the planned UC Davis hotel and conference center. The UC Davis hotel and conference center, situated in the heart of the UC Davis campus and adjacent to the Mondovi Center for the Performing Arts, is anticipated to provide a venue for regional, national, and international academic conferences. The customer base for the proposed high-end hotel in Dixon is anticipated to have distinct needs and varying characteristics from that of the academic-oriented customer base for the proposed UC Davis hotel. Instead, the new development in Dixon Downs could generate an additional customer base for existing Davis inns when the new hotel is sold out or when those attracted to the racetrack or other amenities at Dixon Downs decide to experience the renowned intricacies and nuances of Davis as well.

It is possible that some Davis merchants could experience lost sales due to the Proposed Project, but it is highly unlikely that those merchants would be forced out of business and, if that does occur, it would probably be just a small fraction of them that shut down. Even if displacement is anticipated, it is doubtful that the closing of these businesses would lead to long-term vacancies, that such vacancies

could occur to such an extent that they would result in the deterioration of the buildings where the businesses were located, and that they could culminate in adverse physical changes that lead to conditions consistent with blight or urban decay. New businesses would almost certainly fill any empty space in a short time to capitalize on the Davis community's high average household income, its proximity to the UC Davis campus, and other attributes that make Davis a unique retail market.

Response to Comment 12-15:

The growth-inducing impacts of the project appear to be nominal. According to the Fiscal and Economic Analysis report, dated August 19, 2005 (available for review at the City offices or on the City's website), a total of 358 annual construction jobs would be generated during construction of the project, including direct, indirect, and induced jobs. Operational employment impacts after construction are estimated in the report to be 3,592 total direct, indirect, and induced jobs. Based on the assumptions presented in the report, a total of 1,713 construction and operational employees would reside in Dixon, while 1,753 would reside outside the City; the remaining 484 are backstretch employees that would be housed on-site at Dixon Downs.

Assuming an average ratio of 1.5 workers per household, which reflects a midpoint between current ratios and the anticipated increases in those ratios over time, Dixon would need to add 1,142 new housing units to meet the needs of the employees expected to reside in the City. Those new housing units represent approximately 20% of the total housing in the City currently. Since Phase 2 of the Dixon Downs project is anticipated to develop over 15 years, these additional housing units would produce an average growth rate of approximately 1.4% per year. This growth rate is approximately one third the rate of growth incorporated into the projections for Dixon made by the Association of Bay Area Governments, so Dixon Downs does not appear to be a residential growth-inducing project.

The employees who do not reside in Dixon would be widely dispersed to many communities within a typical commute for Bay Area and Sacramento area workers. Assuming all the workers who live outside Dixon also form households based on a ratio of 1.5 workers per household, a total of 1,169 new housing units would be needed. If all of those housing units were located in Davis, the housing stock in Davis would increase by 5% over a period of 15 years, which would not be considered a significant effect.

If all of the new housing units outside Dixon were located in other parts of Solano County, the impact on Solano County would involve a 1% increase in housing stock over 15 years. Similarly, if all of the new housing units outside Dixon were located in parts of Yolo County other than Davis, the impact on Yolo would be a 3% increase in housing stock over 15 years. Clearly, these are considered insignificant impacts.

Response to Comment 12-16:

The comment restates information in the Draft EIR pertaining to lighting effects of the project. No response is required.

Response to Comment 12-17:

Section 21001 of the Public Resources Code addresses the requirement that governmental agencies shall develop standards and procedures and to consider alternatives to a project. Subsection (g) requires that "governmental agencies at all levels consider qualitative factors as well as economic and technical factors

and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.” The standard of significance that the City is using to assess potential impacts associated with sky glow is whether a project “creates a substantial new source of light that would contribute to a night sky glow that could affect adjacent uses.” As discussed in the Aesthetics section under Impact 4.1-3, it was determined that the project’s contribution to an increase in light would not create night sky glow that would affect adjacent residential uses. The project includes measures to shield lights downward and to turn off stadium lights by 11 p.m. Due to all the development within the Cities of Davis, Dixon, Woodland, and Sacramento it is not anticipated that the project would contribute enough artificial lighting that would create enough sky glow to interfere with views of astronomical features from areas in western Davis and to the north of the project site.

Response to Comment 12-18:

The Proposed Project also includes the Dixon Downs Development and Design Guidelines (Design Guidelines) which establish the standards and criteria that govern the design of both Phase 1 and Phase 2 land uses. The Design Guidelines provide the basis for analyzing the environmental effects of the racetrack and related Phase 1 facilities. The Design Guidelines are part of the project and, if the project is approved, the project applicant would be required to adhere to the lighting requirements set forth in the Design Guidelines. The commenter’s concerns are noted and will be forwarded to the decision-makers for their consideration.

Response to Comment 12-19:

Impact 4.1-3 on page 4.1-21 of the Draft EIR addresses the potential for the project to create a substantial new source of light, which would contribute to sky glow in the surrounding area. As discussed in Impact 4.1-3, there are only three residences located on the north side of Vaughn Road between North First Street and Pedrick Road. Other light sources in the area include automobiles traveling along I-80, surrounding light industrial uses, retail uses such as Wal-Mart, athletic fields, and automobile dealerships along I-80. As discussed in the Project Description, racetrack stadium lights would be turned off when events have concluded and the facility has been cleared, by approximately 11 p.m. Due to all the other sources of light in the area and the limited residential development in the area it is anticipated that sky glow would not be considered a significant impact.

Response to Comment 12-20:

Please see Response to Comment 7-2 and 12-21, below. The preservation of 260 acres of prime agricultural land to either be left fallow or to be farmed with row crops would be sufficient to meet the requirement to preserve 260 acres of prime farmland and to address the loss of foraging habitat for the Swainson’s hawk.

Response to Comment 12-21:

The City believes that a one-to-one replacement value meets the requirement under CEQA to mitigate for the loss of prime farmland. The request by the commenter to provide a two-to-one preservation of agricultural land would exceed what is required under CEQA. It is instructive that the Department of Conservation, in their comment letter on this Draft EIR (see responses to Comment Letter 7) did not request mitigation beyond the acre-for-acre mitigation suggested in the Draft EIR.