

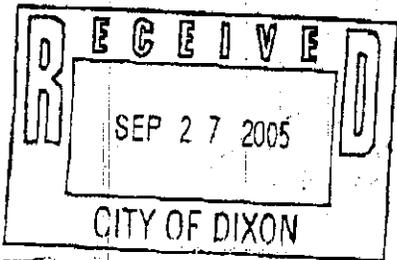
City Officials,

Dixon is our city - "we the people"
"Dixon Downs" would adversely affect
traffic and population.

My wife and I are opposed
to this change in our current
zoning for this area.

Please honor our request and as
our representative
votes

25-1



NO and Deny

any change in the zoning.

2 - votes - NO to "Dixon Downs"

Patricia L. Bushey
Patricia L. Bushey

Ken Bushey 9/25/05
Ken Bushey 1560 Hannah Ct

If majority oppose - let's just say no.

1072 BB
✓
10-10

We went down south &
 Saw Del Mar Race track -
Traffic was a nightmare!

2005 OCT 10 10:00 AM

2082

LETTER 25: Patricia and Ken Bushey

Response to Comment 25-1:

The commenter's opposition to the project is noted and forwarded to the decision-makers for their consideration. Please see Chapter 5 Master Responses TRAFF-1 through TRAFF-3 for more information relating to traffic concerns.

October 10, 2005

Dear Warren Solmons,

As a homeowner, I am very concerned with the pollution that Dixon Downs will create.

My family and I have sinus and allergy problems almost year round, and we don't need the burden of more doctors visits, with the rising price of gas.

The pollution from SUV's, trucks and cars, as well as dust from the horses and animal waste will in my opinion a big problem. The increased traffic will be another problem to deal with.

I hope that you take this matter into consideration when you make your final decision.

Sincerely,

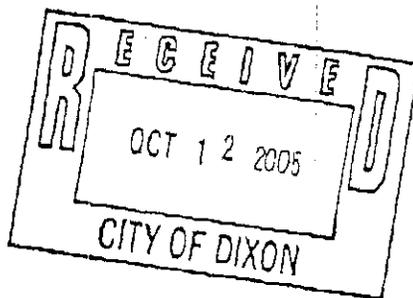


Carolyn Saalwaechter

605 W. H Street

Dixon, Ca. 95620

26-1



LETTER 26: Carolyn Saalwaechter

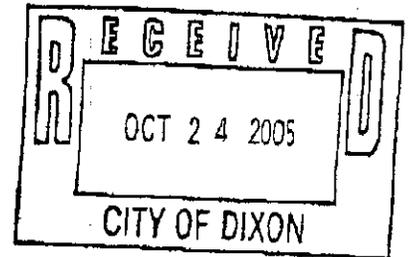
Response to Comment 26-1:

The commenter's concern regarding increased in air pollution and health issues is noted. Please see Responses to Comments 27-1, 32-7, and 35-148 that address issues associated with the increase in air pollutants. Please see Chapter 5 Master Traffic Responses that will hopefully address the commenter's concern regarding increased traffic. The commenter's concerns are noted and forwarded to the decision-makers for their consideration.

Stephen V. Sikes
525 Peterson Lane
Dixon, CA. 95620-2643

October 23, 2005

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



Dear Mr. Salmons:

After carefully reading Section 4.2, Air Quality, of the Draft Environmental Impact Report for the Dixon Downs Project, I am certain that this project is no fit for Dixon!

Section 4.2-28 of this DEIR closes with the remark:

"However, operational emissions of PM 10 would still be greater than YSAQMD, [Yolo/Solano Air Quality Management District] thresholds, and would also be greater than PM 10 emissions under the current land use designation."

I have previously written and submitted material to you and spoken about the specific health and safety dangers to Dixon. I now include Davis as well. PM 10 (Particulate Matter 10 μM^2) also contains PM 2.5 and smaller material which either immediately or over time is the source of a variety of lung diseases as well as cancer and ischemic heart disease.

Together with the direct and substantial pollution from the proposed Dixon Downs, ten additional sources of diesel pollution of PM 10 and PM 2.5 exist near the proposed site. They are not listed in the DEIR for Dixon Downs and they do contribute to the cumulative impact. They are:

- Interstate 80
- Dixon Truck and Tractor on Pedrick Road
- Campbell Soup Supply Company, L.L.C., 8380 Pedrick Road
- State of California Caltrans, Dixon Maintenance Station, 8638 Sparling Lane
- Valley Farm Transport, Sparling Lane
- Hanson Dixon Plant Concrete Roof Tile, Sparling Lane
- Mike Lowrie Trucking, 8714 Sparling Lane
- Anderson Truss, a Divison of Pacific Coast Supply, L.L.C., Sparling Lane
- A R Readymix, 7043 Tremont Road
- Rink Materials Tremont Plant, 7059 Tremont Road

All of the listed facilities use large diesel trucks to transport materials and products via the Pedrick Road overpass.

LETTER 27: Stephen V. Sikes**Response to Comment 27-1:**

It is acknowledged that PM_{10} and $PM_{2.5}$ can contribute to health impacts, hence their designation as criteria air pollutants. As shown in the URBEMIS modeling for the Proposed Project, operational PM_{10} (and $PM_{2.5}$) emissions would be generated mostly by mobile sources, especially the vehicle trips of attendees traveling to and from the project. Some of this PM_{10} would be generated by actual vehicle fuel combustion, but much of it would also be entrained road dust that becomes airborne as a vehicle moves over a road. All of these particulate emissions would be generated over the entire length of the trip. Consequently, only a small fraction of overall PM_{10} and $PM_{2.5}$ emissions would actually be generated in the vicinity of the project site.

Since PM_{10} and $PM_{2.5}$ are localized pollutants, PM_{10} and $PM_{2.5}$ generated outside of the project vicinity would not affect the area around the facility. While overall PM_{10} emissions may exceed YSAQMD thresholds of significance, the actual impact to the area around the project site would be small by virtue of the fact that the vast majority of each vehicle trip would occur outside of the area.

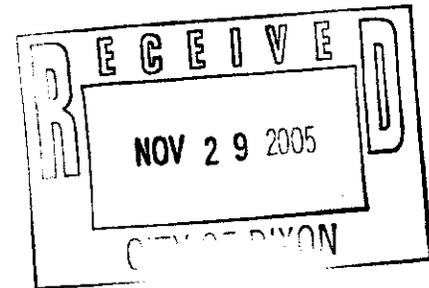
While there are other sources in the area that generate truck trips, the sources listed by the commenter are large industrial, or agricultural uses that rely on heavy trucks to import materials or export finished product. The Dixon Downs project would not be similar to these sources. Trucks would, without a doubt, service commercial uses at the project site. These would be more similar to delivery trucks rather than the heavy-duty trucks common to industrial uses. These vehicles would generate far fewer emissions of PM_{10} and $PM_{2.5}$ than the heavier industrial type. Moreover, truck traffic would not be nearly as frequent as that associated with industrial uses. Thus, the Proposed Project, while it would produce additional PM_{10} and $PM_{2.5}$, would not produce a substantial contribution to the cumulative effect.

HAND DELIVERED
11/29/05

BY FIRST CLASS MAIL

November 22, 2005

Mayor Courville
Members of Dixon City Council
600 East A Street
Dixon, CA 95620



Subject: Dixon Downs Horse Racetrack and Entertainment Center Project
(the "Project").

Dear Mayor and Council:

We respectfully request this letter be included as our collective comment to the Final Environmental Impact Report – Dixon Downs Racetrack and Entertainment Center Project.

With respect to the proposed Dixon Downs project, we have

Attended informational meetings over the past several years;

Read with interest letters both in support of as well as in opposition to, the Project;

Attended City Council meetings in which Dixon Downs was an agenda item;

Discussed the Project amongst ourselves as well as with friends, business associates and neighbors; and

Reviewed the draft Environmental Impact Report.

Citizens of Dixon, as well as citizens from the surrounding countryside, have voiced their opinions in public and in private.

We believe the time has come for us to publicly voice our opinion -

WE SUPPORT DIXON DOWNS.

Our support opinion is based both in logic and in a strong belief that Dixon Downs offers Dixon a unique opportunity to distinguish itself in a positive manner. Dixon Downs will be a good "fit" for the area, including both our agricultural

28-1

heritage (it will continue) and its proximity to the U.C. Davis School of Veterinary Medicine.

Dixon has grown over the years; it grew the moment each of us moved to town, or elected to stay in Dixon, if born here.

Although historically steeped in agriculture, over the years Dixon has become diversified. Yes, agriculture continues as a mainstay, however we are a more diversified City and that diversification of economic and business interests will continue.

Dixon is in the middle of the Interstate 80 Corridor; we enjoy the benefits that come in our direction across the Carquinez Straits; we enjoy the benefits that come to us from the Greater Sacramento area, and including the University of California at Davis.

Approval, construction and ribbon cutting for Dixon Downs will bring a great set of benefits.

For those readers who have swung the gate at any race track, we believe you will agree with us – those facilities are beautiful; they are well maintained; they attract positive patrons who enjoy the great spectator sport of horse racing. Horse racetrack operators have an excellent reputation for corporate citizenship.

For those readers who have not swung the gate of a race track in California, give it a try.

For those readers who have personal and/or religious beliefs unfavorable to gambling, don't favor the track with your attendance. Life is full of choices – Californians don't need to go to Stateline, Nevada or Las Vegas any more to gamble. Pari-mutuel betting, Indian gaming, the California lottery – all legal in California; all here to stay. Gaming choices are profuse; they confront us in our daily lives at every turn.

Project benefits and constraints are carefully weighed and evaluated by way of federal, state and local statutes. The process required to achieve a projects approval these days is not for the feint of heart. Project applicants are risk takers – they commit tremendous capital and energy when a project is embarked upon. We applaud the project proponent; we believe MEC presents to us a great project. Stay the course; the benefits of Dixon Downs far exceed the constraints.

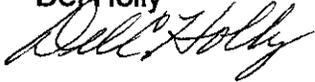
We believe Dixon Downs will serve to add economic balance to our area, as well as present itself as a beautiful facility – one that we can all be proud of.

We believe the Dixon City Council has the capacity to evaluate Dixon Downs, and including voting on the matter at the appropriate time.

28-1
(cont.)

Sincerely,

Del Holly



Rich Rainoldi

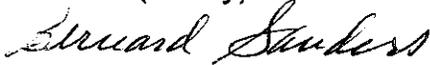


Joe Anderson



Gary Archer

Bernard (Sandy) Sanders



Peter Timm, DVM



P. O. Box 880
Dixon, CA 95620

Adam Ascher



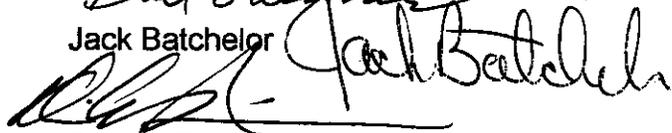
Gene Robben



Bud Fanning



Jack Batchelor



Dennis Rinearson

Pat Burley



LETTER 28: Del Holley, Adam Ascher, Rich Rainoldi, et al.

Response to Comment 28-1:

The commenter's support of the project is noted and forwarded to the decision-makers for their consideration.

770 Marvin Way
Dixon, CA. 95620
707-678-5728
11/22/05

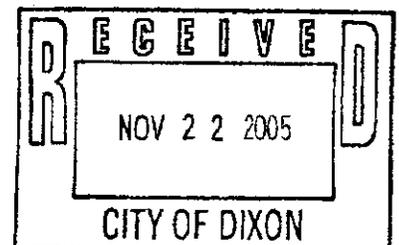
To: Warren Salmons, Dixon City Manager
From: Harold Axelson
Subject: Dixon Downs fly control

At the recent November 3rd meeting to present questions on the Dixon Downs Draft E.I.R., I asked the question about how flies would be controlled at the proposed race track and training facility. An answer was given by Mr. Boxer, but it was not complete. He described the method of manure removal in the stables, but neglected the part of the question relating to manure control outside the stables.

With large numbers of horses involved, some 1440, several hundred would be on the dirt track, and the grassy infield at any one time. They would be in alternating groups during daylight hours. These large animals would defecate any time, anywhere, resulting in small piles of manure scattered all over these outside areas. The big cleaning difficulty is that the manure will be impossible to completely remove from the track and the grass of the infield. This remaining residue would be a perfect place for fly breeding, and they breed rapidly. Given the number of horses involved, this residue could rapidly increase and so would the flies. With our occasionally strong north winds, hundreds, if not thousands of flies could be blown into greater Dixon. Given the above, how would this situation be remedied? I could find nothing in the Draft E.I.R. that addresses this problem.

29-1

Harold Axelson
Harold Axelson



LETTER 29: Harold Axelson

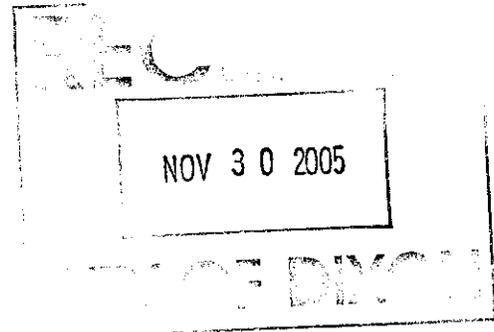
Response to Comment 29-1:

In response to the concern raised in the comment associated with flies, odors, and manure management, the barn and stable area would require daily manure collection and transport off-site. The track, infield and other areas where horses would race, train, and cool down would also be cleaned as frequently as necessary to remove horse manure, not only for aesthetic reasons and odor control, but to aid in the prevention of fly breeding. Please see responses to Letter 8, and Responses to Comments 1-11, 29-31, 34-209, 34-210, 36-54, 36-55, 36-56, 36-57, and 36-58, and 43-23.

To: City of Dixon
600 East A Street
Dixon, CA 95620

11-28-05

From: Pam Nieberg
3010 Loyola Drive
Davis, CA 95616



Attention: Community Development Director

**RE: Dixon Downs Horse Racetrack and Entertainment Center Project Draft
Environmental Impact Report**

I have reviewed the Dixon Downs Horse Racetrack and Entertainment Center Project DEIR. Since the location of the track is in the sphere of influence for the City of Davis, I believe it is important that Davis residents also weigh in on this proposed project. Based on the location, size, and potentially serious negative impacts that could occur as a result of this proposal, I have serious concerns with the proposed project. My comments follow.

Air Quality

Solano County is currently out of attainment for both federal and state standards for ozone and small particulates. (Ozone is a gas formed when reactive organic gases [ROGs] and nitrogen oxides [NOx] undergo photochemical reactions in the presence of sunlight. Both ROGs and NOx are by-products of internal combustion engine exhaust. Small particulates [PM10] are very small, suspended particle or droplets 10 microns in diameter or smaller. Most PM10s in populated areas are caused by road dust, diesel soot, combustion products, abrasion of tires and brakes and construction activities.)

Ozone is a strong irritant that can lead to asthma, chronic bronchitis and cardiovascular diseases. Small particulates can enter the lungs and cause damage to the alveoli, the tiny air-sacs where air from the lungs is transferred into the bloodstream. These particles can also carry carcinogens and other toxins into the lungs. Addition of a project that will result in thousands of new vehicle trips and that will bring levels of service at several intersections, road segments, and I80 to unacceptable levels, even after mitigation, will greatly exacerbate these problems.

The Yolo-Solano Air Quality Management District (YSAQMD) is classified as a severe non-attainment area for federal one-hour ozone standards. California has adopted standards that are in some cases more stringent than Federal Standards. The YSAQMD is implementing plans to bring the district into compliance with ambient air quality standards. This will be accomplished partly through education in the public and private sectors in ways to reduce air pollution. Under YSAQMD standards, a development project is considered to contribute substantially to an existing violation of the California Ambient Air Quality Standard if it emits pollutants at a level equal to or greater than 5% of the CAAQS. The YSAQMD has established air pollution impact significance

30-1

30-2

thresholds for certain criteria pollutants. These thresholds are used to determine the significance of air quality impacts of any project. The current thresholds for ROG = 82 pounds per day; for NOx = 82 pounds per day; and for PM10 = 150 pounds per day. Construction and/or operation of Phases 1 and 2 of the Proposed Project will result in levels of these pollutants to exceed the significance thresholds even after all feasible mitigation measures are implemented.

30-2
(con't.)

Impact 4.2-1 states that construction activities associated with the Proposed Project would generate emissions of criteria pollutants (PM10, ROG, NOx) that exceed the YSAQMD thresholds of significance. Construction activities during both Phase 1 and 2 would bring levels of these pollutants to levels considerably above the significance thresholds. Even after mitigation measures to reduce dust and vehicle idling; compliance with the YSAQMD's architectural coating rule (Rule 214); and requiring construction equipment used during Phase 2 to use a lean-NOx catalyst, levels of these pollutants would exceed the YSAQMD levels of significance.

30-3

Impact 4.2-2 states that operation of Phase 1 combined with construction of Phase 2 and operation of the two combined would generate emissions of ROG and NOx exceeding thresholds of significance.

30-4

Phase 1. Since Phase 1 operation would create infrastructure for large events at the site, such an event would produce large numbers of vehicle trips to the site. Most attendees would chose to drive personal vehicles, regardless of mitigation measures to reduce use of personal vehicles. It is expected that transit service would be limited, and there is no way to require its use. Table 4.2-5 indicates that emissions from the Project on a large event day would exceed YSAQMD thresholds of significance for both NOx and ROG, ozone precursors.

30-5

Phase 1 Operational and Phase 2 Construction. Operation of Phase 1 would be occurring simultaneously with part of the Phase 2 construction. Daily emissions from Phase 2 would also cause levels of ROG, NOx and PM 10 to exceed thresholds of significance. The URBEMIS 2002 modeling shows that implementing feasible mitigation measure could only slightly reduce the combined impacts of Phase 1 and Phase 2. Daily operational emissions from Phase 1 and 2 would still exceed thresholds of significance.

30-6

Impact 4.2-6 states that combined Phase 1 operation and Phase 2 operation and construction, when combined with other existing and future development in the SVAB, could generate emissions of ROG and NOx contributing to a cumulative impact.

Phase 1. YSAMQD thresholds for NOx, ROG, and PM10 would be exceeded on large event days. These would combine with emissions from other development in the SVAB and contribute to an air quality violation in the region. The fact that implementation of the Project itself causes exceedance of the thresholds by itself, shows that its contribution to a violation would be considerable.

30-7

Phase 1 and 2. The new land use would contribute more vehicle trips than would occur with the current zoning. Thus, Phase 1 and 2 of the Project would contribute emissions that would be cumulatively significant. Even with implementation of mitigation measures, this impact remains significant. Since PM10 produced by the Project would not only exceed threshold levels, but would also be greater than that produced with existing zoning, the Project violates the current AQMD to reduce PM10. This is a cumulative significant impact that cannot be mitigated.

30-8

Another potential contributor to air pollution that was not considered in this DEIR is the production of ROG from the manure from the approximately 1400 horses that would be stabled on site at any given time. On average, a 1,000 pound horse will produce approximately 50 pounds of manure per day of which about 20% or 10 pounds will be volatile solids, capable of volatilizing and releasing into the atmosphere. Therefore, for 1400 horses, the total amount of volatile solids produced per day for the entire facility would be 14,000 pounds per day. This does not take into account emissions from the urine produced and mixed with the manure on site. Assuming only a small percentage of the total volatile solids emit into the atmosphere, large amounts of ROG could be produced by the manure and urine produced on site. These emissions could be significant and would be emitted every day on site, independent of any special events. A study of these emissions should be undertaken and the impacts and proposed mitigations included in the DEIR which should then be recirculated for review.

30-9

Approval of this project will result in significant degradation of air quality in the area and region. In particular, increased vehicle trips induced by large events at Phase 1 and the regional draw of a large shopping and entertainment venue at Phase 2 will add thousands of vehicle trips to the destination site. This will result in the release of hundreds of more pounds of health-threatening pollutants into the air, thereby greatly exacerbating the poor air quality. None of the proposed mitigation measures can reduce ROG, NO_x, and PM10 to less than significant levels. The contribution of the very high emissions of these criteria pollutants to degradation of the local and regional air quality cannot be mitigated. These impacts on air quality and on health of residents in the immediate area and the region are significant and unavoidable if the project is built. How can the city justify allowing a project that seriously violates current YSAQMD plans to reduce these pollutants? Development under current zoning for this site under the NQSP, while also adding to air pollution to some extent as will any development, will have fewer impacts on air quality than will the Proposed Project. In an attempt to comply with regional air quality goals, the City of Dixon should reject this project and proceed with planning under the current zoning, using all available technologies to mitigate for impacts on air quality. Otherwise, the City must submit a plan to mitigate for the effects of this project on area and regional air quality and the DEIR must be recirculated.

30-10

Biological Resources.

The discussion under Habitat Types attempts to reduce the significance of the project site as far as habitat, and implies that, since the site is actively cultivated, it supports few natural species. However, farmland does support numerous species. Many species have had to adapt because farming practices have taken over so much of what was their

30-11

habitat, and many have adapted well. For example, grain and low row crops provide excellent Swainson's Hawk and other raptor foraging habitat. Irrigated areas also attract migrating water fowl. The edges of fields and irrigation and drainage channels provide habitat for a number of other species, including squirrels and other rodents, and Burrowing Owls. The DEIR does provide a list of species known or expected to occur at the site. The potential for occurrence of special-status species was determined through habitat information obtained by field surveys conducted in May and June of 2004 and from review of the California Natural Diversity Data Base and the U.S. Fish and Wildlife plant and animal list. It should be noted that these data bases are generally not kept up to date and should not be heavily relied upon. Also, May and June surveys would not have captured occurrence of plant and animal species present only in winter, such as certain wetland species.

30-11
(con't.)

The project site is Swainson's Hawk foraging habitat as stated in the DEIR. Swainson's Hawks were regularly seen flying over the site during surveys. The DEIR comments on the fact that the CNDDDB includes approximately 57 recorded occurrences of Swainson's Hawks within a five-mile radius of the Project site. When was this list last updated? Does the sited data indicate how many of these occurrences are nest sites? Table 4.3-2 indicates that the Project site does not provide nesting habitat for the Hawk, since the only tree on the site, and known to have supported a nesting pair, was removed four years ago. Why was this tree removed and by whom? Who authorized the removal of a tree known to be a nest site for a species listed as threatened by the State of California and is a USFWS Species of Concern? Was a certified biologist involved in the timing of removal of the tree?

30-12

30-13

The Burrowing Owl is shown on the map, Figure 4.3-1, to occur at the south-eastern tip of the site or just across the street from it, and it would not be unlikely for them to occur on-site. There are apparently several sites within a five-mile radius of the Proposed Project site that do support Burrowing Owls. Protocol Level surveys were not performed for Burrowing Owl, although the DEIR mentions that none were seen during the walk-through surveys conducted on May 24 and June 1 in 2004. This does not mean they are not at the site. The Burrowing Owl is a federal and state species of concern. Their population has declined by 80% in the last two decades. They have been extirpated in some counties. Loss of habitat is mainly attributed to the loss of open grassland associated with development. The proper surveys should be conducted for the Burrowing Owl, and if present, proper mitigation measures proposed and the DEIR recirculated.

30-14

Impact 4.3-1 indicates that construction of the Proposed Project "could" result in loss of foraging habitat for Swainson's Hawk and other raptors. Since the surveys conducted in May and June 2004 indicated that the Swainson's Hawk was repeatedly observed flying over the site, construction of the Project will most certainly remove 260 acres of Swainson's Hawk foraging habitat. The DEIR states that acquisition and preservation of suitable foraging habitat off site and at a ratio acceptable to CDFG would not restrict the current range of Swainson's Hawks. A loss of 260 acres of foraging habitat will most certainly restrict the range and could impact breeding pairs using the site for foraging.

30-15

The mitigation measures proposed are not adequate for protection of Swainson's Hawk habitat or the species. Mitigation Measure 4.3-1 requires that the project applicant preserve an equal amount of raptor foraging habitat *based upon Phase 1 project impacts*. It is unclear whether this means that Phase 1 impacts are impacts on the entire 260 acres, or only on the 180 acres that will be developed in Phase 1. Since the entire site, for Phase 1 and 2, will be graded at one time, and since construction and consequent operation activities associated with Phase 1 will render the entire site unusable for foraging habitat for any raptor, the project applicant must be required to preserve suitable Swainson's Hawk foraging habitat (at a 1:1 ratio or better) equal to the loss of the entire 260 acres.

30-16

Measure 4.3-1 also states that "to the extent possible, mitigation lands that provide suitable habitat to mitigate impacts to multiple species could be considered as well as land that includes Prime Farmland to also comply with Mitigation Measure 4.7-1." If the land that is used as mitigation for loss habitat for the Swainson's Hawk and other raptors is also farmland, then there must be a written agreement for management of the mitigation land to ensure that it remains cultivated only with those crops that support raptor foraging habitat. (Grain and low row crops mainly. No vineyards or orchards.) The land acquired should also be near enough to the project site to be of benefit to the population impacted by the development. It is to be preferred that the two types of mitigation (for loss of habitat and for loss of prime farmland) are carried out separately on separate parcels to provide for maximum preservation of land lost to development.

30-17

Mitigation Measure 4.3-1 also permits that preservation of suitable foraging habitat occur through *either* purchase by the applicant of conservation easements or fee title on lands with suitable foraging habitat *or* payment of a mitigation fee to an established mitigation bank or similar habitat development and management company, or the City of Dixon. The monies would be held in a trust and used to purchase mitigation credits. The mitigation measure further states that if the lands or easements have not been acquired at the time of the first building permit, the City will hold the money until suitable lands are identified and acquired by the city or preserved through other methods such as a suitable mitigation bank, or the money may also be paid by the City into Solano County's HCP effort if and when it becomes approved.

30-18

Under the fee-based system, how is the amount of the fee to be determined? Is it based on the real cost of land? Will the agreement with the applicant require that the fee be equal to the real cost of suitable mitigation land at the time of purchase, regardless of when that is? Since the price of land continues to escalate due to development pressures, money paid today will not be sufficient to purchase suitable Swainson's Hawk foraging habitat at a 1:1 ratio in the future. This has been the case in Yolo County where the county has collected nearly \$5 million in money for the loss of approximately 2600 acres of habitat lost to development, and has acquired no mitigation land whatsoever. Other fee-based mitigation programs in the region have also failed. The City of Elk Grove and County of Sacramento had fee-based systems, and they failed to allow for acquisition of mitigation lands to replace those lost to development. Both Elk Grove and Sacramento

30-19

County adopted the requirement that the developer must acquire the land or easement prior to issuance of grading permits.

30-19
(cont.)

As stated in the DEIR, Solano County has no HCP and apparently no monitoring plans to determine that any mitigation for loss of Swainson's Hawk habitat is effective. If the money is paid into the HCP effort, there is no guarantee that land can be acquired to replace that lost to development when the HCP is adopted, for the same reasons as stated above. If the money is paid into a mitigation bank, are there management and monitoring plans in place? What guarantee is there that the fee paid by the applicant is adequate to acquire Swainson's Hawk foraging habitat that is equal to or better than the land lost at this site and reasonably close to this site order to benefit the population that will impacted by its loss?

30-20

CEQA requires that there must be a reasonable certainty that the chosen mitigation measures can be implemented. Mitigation Measure 4.3-1 would allow the City to hold the fee moneys in an interest-bearing account until suitable lands are identified or to pay the fee into the HCP if and when it becomes approved. This means then, that the fee could go into an account for an unknown period of time, and suitable land may be acquired at some unknown future date. Under this scenario, by the time the county attempts to acquire habitat to replace that lost to development, the money will be grossly insufficient to acquire suitable habitat to replace that lost. Since in this case, there is no certainty that the mitigation measure can be implemented, then the measure is infeasible and this is a violation of CEQA. Furthermore, since the provisions of an HCP are not known at this time, and will be determined long after the construction of this project, payment of a fee into the HCP effort at this time would also be a violation of CEQA. Adoption of a mitigation measure where substance of the measure will be decided after approval of the project is a violation of CEQA.

30-21

To ensure acquisition of Swainson's Hawk and other raptor mitigation lands to replace on a 1:1 ratio or better than that lost to development, the applicant should be required to acquire, prior to issuance of any permits or disturbance of the land, either through fee title or permanent easement, suitable Swainson's Hawk foraging habitat on a 1:1 or better ratio, that is equal to or better than the land lost to development and near enough to this site to be of benefit to the population being impacted. The applicant should transfer the land or easement to an appropriate conservation operator, along with a fee to cover costs of management and monitoring of the mitigation lands to ensure mitigation is working. A management and monitoring plan should also be adopted and circulated for review. This DEIR should be recirculated reflecting responses to the above concerns.

30-22

Impact 4.3-2 states that construction of the project could result in loss of nesting birds protected by the CDFG of the Migratory Bird Treaty Act (MTBA). Mitigation measure 4.3-2(a) is to conduct a pre-construction breeding-season survey during the calendar year that construction is planned. The results of this survey will be submitted to the City of Dixon. Conducting a survey is NOT a mitigation. Furthermore, the appropriate surveys should have been done for this DEIR so that the public had the ability to review the

30-23

results of the surveys and adequacy of proposed mitigations. Unless more EIR's are planned for the time of survey conduction, this will not be possible.

30-23
(con't.)

Mitigation Measure 4.3-2(b) requires pre-construction surveys be done if vegetation removal for the potential nesting area is planned. If nesting is occurring, the vegetation removal will be delayed until a qualified biologist determines that the young have fledged OR, if construction cannot be delayed, avoidance will include establishment of a buffer zone around the nest site. Appropriate surveys should have been done for the EIR so that the public had an idea of the extent (or not) of the occurrence of ground-nesting birds on the site. This is again, not a mitigation measure, since there is still a loss of this nesting habitat for possible protected species. Mitigation should entail acquisition of suitable habitat elsewhere to mitigate for the loss of this land to development. This mitigation should be included and the DEIR recirculated.

30-24

Impact 4.3-3 states that the development would fill irrigation channels that could be wetlands and wetland habitat under state or federal jurisdictions. Mitigation Measure 4.3-3 requires that a wetland delineation will be conducted and submitted to the Army Corps of Engineers to determine federal jurisdiction of the major east/west drainage ditch. If the ditch or others on the project site are under federal or state jurisdictions, the applicant will be required to compensate for the loss of habitat at a 1:1 ratio. This wetland delineation and determination of existence of protected species should have been conducted for the DEIR so that the public had the ability to review the data and presence or absence of protected wetland species and proposed mitigation measures. The mitigation measures proposed here are speculative in nature, depending on the outcome of studies to be performed in future. The studies must be performed for this EIR, substantive mitigation measures proposed, and the DEIR recirculated.

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Impact 4.3-4 states that cumulative development.....including the Proposed Project, would contribute to the cumulative loss of foraging habitat for Swainson's Hawks and other raptors. Swainson's Hawks and other raptors have had to depend more and more on agricultural lands for foraging habitat. The ag lands of Yolo, Solano, and San Joaquin County support the core breeding population of Swainson's Hawks in California. Cumulative loss of foraging habitat as a result of urbanization of ag land will substantially reduce foraging habitat necessary to support breeding nest sites for the Swainson's Hawk. Construction of the Proposed Project will contribute to loss and fragmentation of Swainson's Hawk foraging habitat through incremental conversion of ag land to human use. Loss of habitat on this project site will be significant, and therefore the loss on ag lands on a regional level would be significant. The mitigation measures proposed are inadequate to compensate for this cumulative impact. Mitigation measure 4.3-4(a) is to simply implement Mitigation Measure 4.3-1. We have discussed at length the inadequacies of this measure above. Mitigation Measure 4.3-4(b) requires implementation of Measures B-D or B-E from the NQSP EIR. These measures require that studies be done to determine if the species nests on the site and, if so, develop appropriate mitigation measures. The mitigation measures are not defined here but will be determined at some undefined future date. This violates CEQA which requires that specific mitigation measures be described and implemented as a condition of

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development. Those measures must be available for review by the public. Simply conducting surveys is not mitigation. The appropriate surveys should have been done for this DEIR as stated previously, and appropriate mitigation measures proposed in this DEIR. The studies should be conducted, appropriate Mitigation Measures proposed and the DEIR recirculated.

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(con't.)

If B-D are not implemented, then B-E are to be implemented and that is that future development will participate in the HCP for the county. The HCP does not exist; the substance of the HCP is unknown; this mitigation is speculative and a violation of CEQA.

30-28

Hazardous Materials.

The project site was evaluated in 2001 and 2005. A Phase II ESA completed as recommended in the Phase I ESA for the Mistler property determined that soil in the area of a former 10,000 gallon AST had been contaminated by a diesel leak. The contaminated soil area is roughly 20 feet across and at least 10.5 feet deep. Shallow groundwater contamination may also have occurred, but ground water testing has not occurred. The Phase II ESA recommended further soil and groundwater testing. Known contamination is limited to areas on the Mistler property which will probably be developed with a parking lot. This is not certain however. Mitigation Measures require that prior to issuance of a grading permit, contaminated soil be removed and further soil tests be conducted to ensure that all soil contamination has been removed. After soil removal, a groundwater testing system will be implemented to demonstrate that diesel fuel releases have not affected groundwater at the site. Groundwater monitoring will continue until the Solano County Environmental Management Department determines testing is no longer required. If the Solano County EMD determines that remediation is required, the developer or successors shall work with county staff to affect clean-up.

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Diesel fuel contains carcinogens among other toxic substances. If there is a potential for ground water contamination, this should be determined and proper remediation efforts implemented prior to development of the Project. The area where diesel leakage occurred should be off-limits to any development until groundwater monitoring wells are in place and monitoring has occurred long enough to determine that either there is not groundwater contamination and construction can proceed or there is contamination and appropriate mitigation measures are adopted and implemented. Proper mitigation measures may include installation of an extraction system or treatment in situ of the contaminated groundwater, both of which could be hampered by development in that particular location. The county should not allow any development of the area where diesel fuel leaked until groundwater monitoring has taken place and a treatment system, if needed, is in place. If the county or city do allow this development to take place, they could be liable for future costs, both economic and human, in relation to remediation of groundwater contamination and efforts to prevent spread or human contact.

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Land Use, Planning, and Agricultural Resources.

Agricultural Resources

This entire 260 acre parcel is prime farmland with predominantly Class I and II soils and with high Storie Index ratings. The soil types are Brentwood clay loam, Capay silty clay loam and Yolo silty clay loam. The soils on this property are among the best in the country.

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Development of this property represents a violation of the City's current General Plan which calls for preserving agricultural lands and preventing their premature conversion to urban uses, and for encouraging the maintenance of agricultural uses in all undeveloped areas designated for future urban use, especially in the areas designated for future industrial uses. Development of this project would constitute premature development, as development at this site is not otherwise proposed at this time. (It is designated for future development as commercial and light industrial.) It would also constitute a form of leap-frog development, as the land to the west and south, especially that south of Vaughn Road, though within the city limits, is not slated for developed at this time, would most likely not be at the time of this project development, and development of this project could lead to premature development of these other parcels, much of which is also prime farmland. Good planning generally dictates that development will take place adjacent to already developed land and proceed outward in an orderly manner, rather than unnecessarily sprawling onto prime farmland or leapfrogging over undeveloped land. How does the city justify this type of proposal in light of the fact that this is prime land, is currently actively farmed, and this parcel is not contiguous with the current developed portions of the city?

30-32

Impact 4.7-1 states that implementation of this project could conflict with current policies intended to protect the environment. The conclusion is that this would not be the case as this project is not considered a premature conversion of ag land, as this area is within the NQSP and is zoned for development. Nonetheless, the current land use is agricultural, not slated for immediate development and development of this project now would constitute premature conversion.

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Impact 4.7-3 deals with problems with incompatible uses. The analysis concludes that this is not a significant impact. However, there could be significant conflicts at this site with farming practices on surrounding lands. If this site is developed into a track and entertainment venue, drawing large numbers of people for on-site events, and into a retail/commercial venue also drawing large numbers of people to on-site activities, there will undoubtedly be conflicts with adjacent farming practices, such as discing, spraying, including aerial, of pesticides and herbicides, and other farming practices that normally create dust, noise, or presence of airborne toxic substances. How does the city and applicant intend to prevent these conflicts and protect on-site users from these activities? Are major buffers proposed between the site and surrounding farmland? The EIR should state specifically how this issue will be addressed.

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Impact 4.7-2. Development of the site would result in conversion of prime farmland to non-agricultural uses. Mitigation for this is that the applicant will preserve an equal amount of prime farmland and protect it for long-term ag use through various

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mechanisms. This still results in a net loss of prime agricultural land and a permanent loss of this site for ag uses.

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(con't.)

Impact 4.7-4 covers cumulative loss of prime farmland. This project taken together with other development in the County will result in a cumulative loss of significant amount of prime farmland. While the applicant is required to preserve an equal amount of prime farmland, this does not replace that lost. There is still a net loss. How does the city and county justify continual loss of prime farmland to urban uses, when prime farmland is disappearing at a high rate in Solano County?

30-36

Planning and Land Use

The northeast quadrant specific plan land use goals include providing the City of Dixon with a major employment center. According to the fiscal analysis done for the project, the existing zoning would generate far more jobs and compensation than the Dixon Downs proposal. In Table 7, Economic Impact Analysis for Operational Phase, Employment Impacts (Jobs) it is shown that jobs provided by operation of Phase 1 and 2 combined equals 3,592. Jobs provided under current zoning are 5,639.7. In Table 8, under Compensation Impacts, Phases 1 and 2 combined provide total compensation impacts of \$139,766,559 compared to \$244,016,423 for current zoning. In Table 9, Industry Output Impacts are \$275,171,440 for Phases 1 and 2 combined and \$649,248,494. It appears from a jobs/benefits and industry output standpoint, the current zoning provides twice the jobs and compensation benefits as well as output. How does the city justify changing the General Plan and NQSP to permit a project that will actually provide less benefit to the community as far as jobs and associated benefits than that which would be provided under the current zoning?

30-37

A look at the Fiscal Analysis Summary of Each Scenario at Build out submitted by Goodwin Consulting, Inc. on 1-21-05 reveals that Phase 1 of the proposed project will provide the City of Dixon with \$764,907 or \$961,808 after fair share, while development under current zoning would provide \$301,059 or \$688,157 after fair share. The number provided for development under current zoning is in conflict with a report done by the same consultant on 12-6-04 which states that development under current zoning would result if a net fiscal impact of \$971,726 and after fair share of \$1,225,725. Using these numbers, the City reaps greater benefits with current zoning than from Phase 1 of the Dixon Downs project. (Since there is considerable speculation that Phase 2 will be built at all, but certainly not for some time, we used only Phase 1 in this analysis. The DEIR and other documents repeatedly state that Phase 2 will be built as the market dictates or as there is evidence that is a market for it. This could mean anything.) There are also problems with speculating on what development under current zoning would actually provide, since there is no specific project to analyze. It is virtually impossible to say what the eventual development under current zoning might be. Therefore, the assertion that the Dixon Downs project brings more to the community than development under current zoning is not necessarily true. Even with added revenues from Phase 2, if it is ever built, the city will still grapple with the costs of the large, negative impacts of this project, such as the very significant infrastructure costs triggered by this project. Moreover, it is clear from the analyses, that from a jobs/compensation standpoint, current

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zoning would bring more benefits to the community than the project even with Phase 2 built out. What justification is there for changing existing zoning to permit a project with fewer benefits to the community and the very real potential for serious negative fiscal impacts for the city?

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(cont.)

Transportation and Circulation.

Implementation of this project will cause significant negative impacts on transportation and circulation both locally and regionally. Several intersections, interchanges, road segments and sections of I-80 will be affected with service levels reduced from acceptable to unacceptable levels. The DEIR states in several places that roads, interchanges, and parts of I-80 would require widening in order to accommodate the additional traffic generated by this project under all conditions. This impact is not limited to the immediate area, but would also have impacts on surrounding areas and cities. Many other communities use Road 98/Pedrick Road in their daily commutes and this road is also heavily used by the farming community. Many people use this route as an alternative to I-80 due to current traffic conditions, and with the additional impacts from this project, traffic on Road 98/Pedrick Road would grow substantially. In addition, the DEIR also states that the applicant expects that much of the attendance at the facility would come from the greater Sacramento Region. This means that the sections of I-80 east of the project and through the causeway would also be heavily impacted. Traffic impacts from this project will require major changes and augmentations to existing traffic routes at a cost of many millions of dollars. Where is this money going to come from? Caltrans does not have funding for this. Funding for much of this expansion of the road system will not be available for several years if at all. The cost of widening I-80 just over the causeway would be prohibitive. How can the City of Dixon justify approving a project that will have such enormous regional impacts, with no solution in the foreseeable future?

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There is also a serious safety issue here. I-80 is the major east-west route in northern California. Traffic impacts to I-80 from this project will be serious and can only be mitigated by widening the roadway. However, with no funding to do so for many years, with this project, I-80 will become gridlocked and a serious threat to security and safety. Unlike the bay area, where major free-ways can be circumvented by using surface streets in adjoining cities, this will not be the case here. There are virtually no other routes for emergency vehicles and no other route of evacuation in the event of a catastrophic event. Have these considerations been reviewed by regional homeland security officials and other emergency response agencies? This should have been required as part of the safety studies conducted for the project. As it stands, the safety study looks only at local impacts, response times to the site or other areas locally when the project is in operation, and at staffing numbers to accommodate the project. It does not look at impacts of the project on major freeway routes, including I-80 in the event of a catastrophic event or threat to homeland security. This must be considered before this DEIR is certified, and should be done as part of a recirculated DEIR or addendum to this DEIR.

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Other considerations:

Impact 4.10-1 Implementation of Proposed Project with only a Tier 1 event could cause existing operations at study intersections to worsen to unacceptable levels. Mitigation Measure 4.10-1(a) involves installing a traffic light and widening Pedrick Road and the on ramp to I-80. The DEIR states that these improvements are “constructible”, but no engineering study has been done to show that they are feasible, nor is there any guarantee Caltrans would permit a partial improvement to the interchange, especially given the non-standard design. There is every likelihood that this measure could not be implemented. If a mitigation measure is infeasible, it is a violation of CEQA. Even if it were, it would improve service only to LOS D. This is a violation of the Dixon General Plan policy that all intersections and roadways will operate at LOS C or better.

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Measure 4.10-1(b) requires a traffic light and lengthening of the northbound left-turn lane. Again, this would bring service levels to LOS D or better, contrary to current GP goals. It is also not certain that this will accommodate the additional traffic, as traffic assumptions are optimistic. Traffic could back-up onto I-80 under this scenario.

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Measure 4.10-1(c) requires major construction of the Pedrick Road/I-80 interchange and reconfiguration of streets. This measure does not consider potential engineering constraints, and at this time is speculative. A mitigation that is speculative is not a mitigation and is a violation of CEQA.

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These mitigation measures are all speculative to some degree, given that there have not been appropriate studies to determine feasibility nor is there any guarantee Caltrans will permit some of the proposals. Under CEQA, mitigations that are speculative, are not mitigations. These impacts must be reconsidered, appropriate studies and discussion with appropriate agencies should be completed and included in a recirculated DEIR.

30-44

Impact 4.10-2. Implementation could result in inadequate access to the project site from Pedrick Road. The mitigation measures address mainly traffic *leaving* the site moving onto Pedrick Road, not accessing it. However, addressing the measures, they require widening Pedrick Road to include three northbound lanes and two southbound lanes, and widening it to include three lanes in each direction between I-80 and Dixon Downs Parkway. The right-of-way is not available on Pedrick Road to accommodate these changes, but it is “expected” that the properties adjacent to Pedrick Road will be willing to work with the applicant and City to allow these improvements. This is not a given, in that a project of this magnitude may not be considered desirable by adjacent property owners. This mitigation measure is also speculative and under CEQA, not a mitigation. To ensure it’s implementability, the applicant could agree to devote a section of his property along Pedrick Road as right-of-way to allow widening of Pedrick, since it is his project that will require it. Under these conditions, this mitigation measure would be feasible. This possibility should be investigated and included in the DEIR for consideration.

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Impact 4.10-3. Implementation could cause operations on I-80 to worsen from acceptable to unacceptable levels. This impact is considered significant and unavoidable even with mitigation. Mitigation includes adding a lane to I-80 from Pedrick Road east to conform to the existing 8-lane section west of Kidwell and implementing Transportation Demand Management strategies such as offering preferential parking for carpools, a shuttle operating between the site and a planned multi-modal station in Dixon, encouraging use of public transit, and post-race activities that keep attendees on site. Addition of the lane works only as far as the lane goes, then traffic ends up in the six-lane configuration, and a bottle-neck occurs with LOS of E or less. The effect of encouraging TDM strategies is not known. Most attendees will most likely want to use their own personal vehicle. The multi-modal station is not currently funded, and may not occur for some time, so this is speculative. Use of TDM strategies will most likely have little or no effect, and this impact is unmitigated.

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Impact 4.10-4, causing existing operations on roads of regional significance to worsen to unacceptable levels with a Tier 1 event is also not mitigated for Phase 1, as use of TDM strategies to lessen impacts to I-80 will have few if any effect, and making a fair share financial contribution toward cost of a traffic signal or other mitigation *is not a mitigation*. There is no guarantee this money will be augmented or even used for this purpose. This is speculative. Mitigation Measure 4.10-4(b) does not mitigate for impacts to the other roadways.

30-47

Impact 4.10-5 Implementation of the project with Tier 2 and 3 events could cause existing operations of study intersections and freeway segments to worsen to unacceptable. This cannot be mitigated. Mitigation suggested is to do the road widenings, etc., recommended for a Tier 1 event covered above. The impacts will be worse with Tier 2 and 3 events, and still unmitigated. A further mitigation measure is suggested here, which is to have the applicant develop a Traffic Management Plan for Tier 2 and 3 events. This may lessen severity of impacts, but cannot eliminate them. The mitigation measures for this impact again are mostly speculative and not mitigation under CEQA.

30-48

Impact 4.10-6. Conflicts with farm equipment and vehicles. Road 98/Pedrick Road is heavily traveled by generally slow-moving farm equipment and farm vehicles. It is also a major truck route. Implementation of this project with the additional traffic generated by the project and special events will result in many conflicts with current users of Pedrick Road. This will create serious unsafe conditions. Mitigation measures proposed are use of signage to advise motorists of farm vehicles and to increase enforcement of traffic laws. This will not prevent conflicts and potential serious safety hazards. The safety issues need to be addressed. One solution is that Pedrick Road not be a major access route. Other solutions might be to widen Pedrick (given that all the previously mentioned obstacles to this can be overcome) with separated lanes set aside for farm vehicle use only. This should be considered in the DEIR.

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Impact 4.10-8. Increase in number of vehicles that cross at-grade railroad crossings. Caltrans does not permit at-grade road crossings any longer due to dangers associated

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with them. The City of Dixon has policies in its General Plan to construct grade-separated crossings within the planning area. There is little or no funding to accomplish this. Therefore, the at-grade crossings will remain for the foreseeable future. Addition of vehicles at most of these at-grade crossings with implementation of this project will be significant. Traffic back up on most of the roads with at-grade crossings could result in traffic backing up onto I-80 under certain scenarios. This was not analyzed in the DEIR. This should be considered in the DEIR and the DEIR recirculated.

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(cont.)

Impact 4.10-10 relates to emergency access. The question of emergency response is limited to response to the site in the event of an emergency at the project site. It does not consider the impact of this project on the larger picture of a regional or even larger emergency or catastrophic event requiring evacuation from the area and the region of large numbers of people. This should be considered and the DEIR recirculated.

30-51

Impact 4.10-13. Cumulative impacts on operations at study intersections. With this project in concert with current traffic conditions, operations at several intersections, road segments, and sections of I-80 would be reduced to less than acceptable levels. The mitigation measures require the city to pay its fair share toward improvements. However, there is no money for the improvements either in the city, county or from Caltrans at this point, and will not be for many years. Therefore, the impacts remain unmitigated, and gridlock traffic on many roads and on I-80 are potential results. The requirement to pay a fee is not a mitigation measure, when it is known that there is no money to pay the fee. This is not a mitigation.

30-52

Impact 4-10-14. Cumulative impacts on I-80 with this project. This project will cause significant increases to traffic on I-80 locally and regionally. Taken with existing conditions, the LOS will be reduced to unacceptable levels creating dangerous conditions on I-80. Improvements include widening sections of I-80, but there are no funds available to accomplish this. The applicant should be required to make a contribution to this effort, but there is apparently no mechanism for this. Therefore, impacts to I-80 remain unmitigated.

30-53

Impacts to traffic with this project will be serious and largely cannot be mitigated due to many factors. The project itself is responsible for these impacts, and the project applicant should be required to mitigate fully for the impacts. The city should enter into further discussions with the applicant to determine how to mitigate for the impacts on traffic, especially impacts to I-80 and to Pedrick Road before consideration of approving this project. If the impacts cannot be mitigated to less than significant, this project should be rejected.

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There are also several instances where mitigations offered are speculative only. This is a violation of CEQA. This DEIR should be recirculated after reconsideration of mitigation measures that are feasible and implementable.

30-55

Alternatives.

The City of Dixon is considering this project and a number of amendments to the General Plan and NQSP for various stated reasons. The selection of alternatives is guided by the need to reduce or eliminate project impacts and to achieve project objectives, which are listed on page 6-1 through 6-4. Most of the city's objectives in considering this project can be satisfied under the current zoning. If the goal of the City of Dixon is to provide more retail, entertainment, civic and cultural opportunities for the community, then these can be achieved on the existing property or others within the city without this massive project. As stated previously and as admitted by the applicant, Phase 2 of this project may never be built if there is no "market" for it, and at any rate, it will not be built for some time. Therefore, it cannot be guaranteed that this project will provide civic, cultural, or retain opportunities for the community, while build out of the NQSP under existing zoning could guarantee such amenities. There is continual mention of providing these amenities to the region. The City of Dixon is under no obligation to provide these opportunities for the region. The City should be considering what is best for the community of Dixon before any other considerations. Furthermore, since there is no guarantee of Phase 2 in the near future, there is every possibility that infrastructure, service and maintenance costs will far exceed fiscal benefits.

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Many of the objectives stated are not those of the city, but of the applicant. The objectives of the applicant should not determine whether or not this project is a fit for Dixon and the region. The applicant's objectives are not those of the community, have nothing to do with long-term planning for the community or the region, and should have no bearing on any decision made regarding this project. The city should be concerned with meeting only the city's objectives in its long-term land use planning, in its General Plan, and in the current NQSP.

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Reviewing the alternatives analyzed in the DEIR, It is clear that the superior alternative, other than "no project" which would not achieve the long-term planning goals already set by the City of Dixon, is the "No Project/No Action Alternative. Although there are apparently a few instances (4 out of 66) where the impacts from this alternative would allegedly be greater than with the Proposed Project, the No Action Alternative will meet all the goals of the City of Dixon with far fewer impacts on the environment, cultural resources, public services, transportation, and the community than the Proposed Project.

30-58

Arguments presented against it are not founded in fact. On page 6-21, it is stated that there would be little change in visual character, but that there could be presumably less stringent design review with the current zoning. This is up to the city. If the city wants to require the same or even higher design review, it can. This is not a valid argument. The second paragraph deals with speculation that construction activities could have greater impacts if more buildings are built which could translate to more traffic, etc. This is, as stated, pure speculation, and the city has full control of what the city eventually permits there, so there is no danger of something worse going in if the city does not permit it.

30-59

Most impacts, including impacts on agricultural and biological resources, would be essentially the same. Traffic and transportation impacts, noise impacts, etc. would be less, as there would be no large-scale destination events taking place here, and no regional shopping and entertainment center. Under impacts identified as being more severe, most are pure speculation based on what might or might not be permitted uses in the future. The assertion is also made that the No Action alternative would generate more waste water. This is hard to conceive of, especially in view of the large amounts of water that would be needed for cleaning associated with a large race track and with large special events.

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It is also asserted that the No Action Alternative would not achieve the city's goals of providing alternatives to existing zoning, an entertainment venue, and a retail center. These goals were developed as a response to this project proposal in order to accommodate it, and are not goals that the city intended to meet with the original zoning in the NQSP. The goals of providing entertainment and retail should be directed at the downtown and in neighborhood centers, not to a huge, peripheral development that will directly compete with the downtown and could severely negatively impact the downtown creating abandoned business and associated blight. This project is akin to building a huge mall outside the city which will draw business and customers away from downtown Dixon, and, since the intent of the project applicant is to keep visitors to the project on-site, would offer nothing to the current downtown businesses or entertainment venues.

30-62

This project is not in the best interests of the community and should be rejected. The City should adhere to the current zoning plans under the NQSP in eventually developing this site. How does the City justify changing General Plan and NQSP policies and goals, developed over a long period of time with significant public input in order to accommodate a project with the potential for so much negative impact on the community, the environment, and the quality of life of current residents?

30-63

I thank the City of Dixon for the opportunity to review and comment on this DEIR. If there are any questions, please contact Pam Nieberg at 530-756-6856 or pnieberg@dcn.davis.ca.us.

Sincerely,



Pamela S. Nieberg
3010 Loyola Drive
Davis, CA 95616

LETTER 30: Pamela S. Nieberg

Response to Comment 30-1:

It is important to note that the project site is located within the incorporated boundaries of the City of Dixon and not within the City of Davis Sphere of Influence. Please see Response to Comment 18-1 regarding air quality.

Response to Comment 30-2:

Please see Response to Comment 18-2.

Response to Comment 30-3:

Please see Response to Comment 18-3.

Response to Comment 30-4:

Please see Response to Comment 18-4.

Response to Comment 30-5:

Please see Response to Comment 18-5.

Response to Comment 30-6:

Please see Response to Comment 18-6.

Response to Comment 30-7:

Please see Response to Comment 18-7.

Response to Comment 30-8:

Please see Response to Comment 18-8.

Response to Comment 30-9:

Please see Response to Comment 18-9.

Response to Comment 30-10:

Please see Response to Comment 18-10.

Response to Comment 30-11:

Please see Response to Comment 18-11.

Response to Comment 30-12:

Please see Response to Comment 18-12.

Response to Comment 30-13:

Please see Response to Comment 18-13.

Response to Comment 30-14:

Please see Response to Comment 18-14.

Response to Comment 30-15:

Please see Response to Comment 18-15.

Response to Comment 30-16:

Please see Response to Comment 18-16.

Response to Comment 30-17:

Please see Response to Comment 18-17.

Response to Comment 30-18:

Please see Response to Comment 18-18.

Response to Comment 30-19:

Please see Response to Comment 18-19.

Response to Comment 30-20:

Please see Response to Comment 18-20.

Response to Comment 30-21:

Please see Response to Comment 18-21.

Response to Comment 30-22:

Please see Response to Comment 18-22.

Response to Comment 30-23:

Please see Response to Comment 18-23.

Response to Comment 30-24:

Please see Response to Comment 18-24.

Response to Comment 30-25:

Please see Response to Comment 18-25.

Response to Comment 30-26:

Please see Response to Comment 18-26.

Response to Comment 30-27:

Please see Response to Comment 18-27.

Response to Comment 30-28:

Please see Response to Comment 18-28.

Response to Comment 30-29:

Please see Response to Comment 18-29.

Response to Comment 30-30:

Please see Response to Comment 18-30.

Response to Comment 30-31:

Please see Response to Comment 18-31.

Response to Comment 30-32:

Please see Response to Comment 18-32.

Response to Comment 30-33:

Please see Response to Comment 18-33.

Response to Comment 30-34:

Please see Response to Comment 18-34.

Response to Comment 30-35:

Please see Response to Comment 18-35.

Response to Comment 30-36:

Please see Response to Comment 18-36.

Response to Comment 30-37:

Please see Response to Comment 18-37.

Response to Comment 30-38:

Please see Response to Comment 18-38.

Response to Comment 30-39:

The comment states that traffic on Pedrick Road/Road 98 would grow substantially with the project. According to Table 4.10-22, the segment of Pedrick Road north of I-80 currently carries 360 vehicles (both directions) during the p.m. peak hour. With Phases 1&2 (Tier 1 event with 55% attendance), this volume is expected to increase to 540 vehicles. Since operations remain at LOS C, this was not considered a significant impact and did not require mitigation. The commenter also expresses concern regarding the availability of funding for improvements to I-80 east of Dixon. Please see Master Response TRAFF-1 for discussion of improvements on I-80.

Response to Comment 30-40:

The comment's assessment of future traffic conditions on I-80 (i.e., gridlocked if no improvements are made) is correct. Emergency preparedness and evacuation concerns are handled through the County's Office of Emergency Services. The city's emergency response plan, which is coordinated with the County's plan, would need to be amended to reflect the special and unique character of the Dixon Downs project. Further, Tier 1, 2 & 3 events would require event specific emergency plans of varying levels of detail and complexity, depending upon the type of event, and the types of emergency scenarios associated therewith, many of which would need review and approval by the city's police and/or fire departments. These integrated plans would address the full range of emergency situations that may arise during both the construction and operational phases at the Dixon Downs project site.

With regard to the future traffic conditions on I-80, the adequacy of these emergency response plans does not necessarily turn on the ability of emergency vehicles to access or exit the project site via I-80 during periods when the freeway is congested. Depending on the type of event, emergency vehicles (police and/or fire) may be stationed on-site before, during, and after the event to handle emergencies that may arise. Additionally, local fire and police responding to an emergency at the project site would access the site via surface streets in Dixon, not on I-80. Ambulance vehicles would access the site from either surface streets in Dixon or I-80, and, in all probability, exit the site via I-80. Unlike citizen vehicles, ambulances using I-80 to access to exit the site would have access to both the median and shoulder of the road, which should be open.

The above referenced emergency plans would deal with a full range of issues, including evacuation of the buildings, staging of evacuees in safe locations, transporting of sick or injured individuals via ground and air modes of transport, and the impact that regional emergency or catastrophic events would have on the ability to provide emergency services to the proposed project.

Response to Comment 30-41:

Mitigation Measure 4.10-1(a) consists of the installation of a traffic signal and widening at the I-80 EB Ramps/Pedrick Road intersection. This mitigation was recommended because it mitigated the impact to a less-than-significant level and met CEQA's definition of feasible (i.e., capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors). Since this intersection is under the jurisdiction of Caltrans, it is not subject to the City of Dixon General Plan level of service policy.

Response to Comment 30-42:

Mitigation Measure 4.10-1(b) consists of the installation of a traffic signal and lengthening of the northbound left-turn lane at the I-80 EB Ramps/North First Street intersection. The technical analysis results indicated that with the installation of a traffic signal, traffic on the I-80 EB off-ramp would not spill back to the mainline. Since this intersection is under the jurisdiction of Caltrans, it is not subject to the City of Dixon General Plan level of service policy.

Response to Comment 30-43:

Please see Master Response TRAFF-2.

Response to Comment 30-44:

Please see Master Response TRAFF-1 and TRAFF-2.

Response to Comment 30-45:

Mitigation Measure 4.10-2(b) consists of the widening of Pedrick Road to three lanes in each direction between I-80 and Dixon Downs Parkway. The mitigation discussion acknowledges the current lack of available right-of-way. The majority of the widening would occur on the west side of the road on properties within the City. Since these properties are zoned for commercial uses, their owners are likely to be willing to work with the applicant and City to ensure that right-of-way for six lanes is provided. Without the widening to six lanes, access to these properties may be compromised and traffic operations would not meet the City's General Plan policy. As a last resort, the City may exercise its powers of eminent domain to acquire the necessary property for the roadway widening. For these reasons, this impact was considered to be less than significant after mitigation. If the project is approved it would be conditioned to widen Pedrick Road to four lanes along the project's frontage. All widening would occur to the west.

Response to Comment 30-46:

The comment states that the widening of I-80 works "only as far as the lane goes, then traffic ends up in the six-lane configuration, and bottle-neck occurs with LOS E or less." Implementation of Mitigation Measure 4.10-3(b) would require that the project construct (not pay fair share) the 4th lane in each direction of I-80 for approximately ½ mile east of Pedrick Road to conform with the existing eight-lane section (west of Kidwell Road). With this improvement in place, I-80 would be eight lanes beginning at Pedrick Road and extending easterly to beyond SR 113. Impact 4.10-3 does not identify impacts to

segments east of SR 113. Please see Master Response TRAFF-1 for more information on the widening of I-80. The comment's assessment of the effect of TDM strategies is correct.

Response to Comment 30-47:

Impact 4.10-4 identifies project impacts on several roadways of regional significance including I-80, SR 113, and West A Street. Mitigation measures are recommended for each facility (see pages 4.10-86 through 4.10-88 of the Draft EIR). Mitigation Measure 4.10-4(a) would require the project to make a fair share contribution toward installation of a traffic signal at the SR 113/SR 12 intersection. Since there is no certainty that the remainder of the construction cost would be available or Caltrans would agree to approve its installation, the impact would remain significant and unavoidable. Fair share contributions are frequently applied as mitigations for project impacts. In fact, Comment 6-7 from Caltrans recommends that the project pay a fair share contribution toward additional travel lanes on I-80. The comment letter from the Solano Transportation Authority (STA) also recommends fair share contributions for project impacts (please see also Response to Comment 15-12).

Response to Comment 30-48:

The comment is correct in stating that project impacts (as described in Impact 4.10-5) associated with Tier 2 and 3 events cannot be fully mitigated. The comment also suggests that the applicant develop a Traffic Management Plan for Tier 2 and 3 events. Mitigation Measure 4.10-5 would require the applicant to develop and implement such a plan for Tier 2 and 3 events.

Response to Comment 30-49:

The comment states that the mitigation measures proposed for Impact 4.10-6 (Conflicts with Farm Equipment and vehicles on Pedrick Road) would not prevent conflicts and potential serious safety hazards. The Draft EIR acknowledges that the recommended mitigation measure would not fully eliminate potential conflicts, and thus considers the impact significant and unavoidable. The proposed suggestion by the comment that Pedrick Road not be a major access route to the project would introduce a variety of serious circulation, safety, and project viability concerns. The comment's suggestion that a separate travel way on Pedrick Road be dedicated for farm vehicle use would be very difficult to implement given existing physical constraints (Campbell facility, railroad tracks), property owner consent issues, signing, and safety liability and other considerations. For these reasons, a separate path is not considered a viable mitigation option.

Response to Comment 30-50:

The comment states that the addition of project vehicles at most of the city's at-grade crossings would be significant and that back-ups on roads with at-grade crossings could result in traffic backing up onto I-80 under certain scenarios. Impact 4.10-8 includes a thorough discussion of the potential adverse effects of additional project trips crossing at-grade railroad tracks. The added traffic to the North First Street crossing just north of downtown was found to be significant, while the impacts to the Vaughn Road and Pedrick Road crossings were found not to be significant. It is unlikely that traffic would spill back from an at-grade railroad crossing back to I-80 given the considerable distance between I-80 and the North First Street crossing and the modest traffic volumes at the Pedrick Road crossing.

Response to Comment 30-51:

Regional emergency preparedness and response is handled by the Solano County Office of Emergency Services (OES). Given the speculative and unpredictable nature of what the comment refers to as “regional or even larger emergency or catastrophic events” (e.g., hazardous spill on I-80), such events are not appropriately studied in the context of an EIR for a project that does not cause or contribute to the event. Please see Response to Comment 30-40.

Response to Comment 30-52:

Mitigation Measure 4.10-13 requires the project (not the City) to pay its fair share for several city-wide improvements. The City is currently evaluating the appropriate mechanism (e.g., fee program update) and procedures for calculating the fair share contribution. Project impacts at study intersections in Dixon were deemed cumulatively considerable. According to CEQA Guidelines 15130, a project’s contribution can be made less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure(s) designed to alleviate the cumulative impact.

Response to Comment 30-53:

Please see Master Response TRAFF-1 regarding impacts and improvements to I-80.

Response to Comment 30-54:

The comment is correct in stating that the Proposed Project would cause a number of significant transportation impacts, some of which cannot be fully mitigated. The comment’s assertion that the project should be denied if impacts cannot be mitigated to less than significant is inconsistent with CEQA Guidelines Section 15043. This section states that 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.

Response to Comment 30-55:

Section 15126.4 of the State CEQA Guidelines establishes what a feasible mitigation measure would be. As discussed in subsection (1)(B) it is important that mitigation measures not be “deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one way.” All of the mitigation measures set forth in the Draft EIR are considered feasible and implementable. The California courts have determined that the appropriate commitment to a defined performance standard that is feasible and achievable does not constitute either deferred mitigation or speculation, but rather is a reasonable and appropriate approach that allows the specifics of certain mitigation strategies to be worked out based on future conditions that cannot be known at the time that the EIR is prepared.

Please see Master Responses TRAFF-1 and TRAFF-2 and Responses to Comment 30-41 through 30-45 for a discussion of the feasibility of the recommended mitigation measures.

Response to Comment 30-56:

Please see Response to Comment 18-39.

Response to Comment 30-57:

The discussion of project objectives presented in the Draft EIR describes both the objectives that the City of Dixon intends to use in considering a decision on the merits of the project application, as well as the objectives of the project applicant in making the project application to the City of Dixon. The Draft EIR presents both sets of objectives, and clearly distinguishes between the two sets, in order to inform the public and decision makers, and improve informed decision making. It is appropriate for the statement of objectives to include the applicant's objectives, consistent with Section 15124 of the State CEQA Guidelines which states that "[t]he statement of objectives should include the underlying purpose of the project."

Response to Comment 30-58:

Please see Response to Comment 18-40.

Response to Comment 30-59:

The commenter suggests that the description of the effects of Alternative 2: the No Project/No Action alternative overstates some impacts because the City could require similar or greater design review and could permit fewer buildings than proposed for the Dixon Downs project. While these contentions could be true, the evaluation of Alternative 2 describes the potential comparative effects for a project on the site consistent with existing zoning, and under the rules and procedures of the existing City zoning ordinance, as is required in Section 15126.6 (e)(2) of the State CEQA Guidelines. There is no guarantee that a future project consistent with the City zoning ordinance would propose a high level of design review or propose the implementation of a development agreement that allows the City to negotiate higher levels of design review, as is proposed with the current Dixon Downs project. For the EIR to include in its description of Alternative 2 an assumption that future conditions would be any less than the maximum allowable under the existing site entitlements would misinform the public about what level of development could occur on the site under existing entitlements. As such, to suggest that the City could permit something less than is allowed would not foster informed decision making and would not meet the requirements of CEQA.

Response to Comment 30-60:

Please see Response to Comment 18-41.

Response to Comment 30-61:

In reference to Table 6-4 on page 6-23 of the Draft EIR, Alternative 2 is shown to generate 0.39 million gallons per day (mgd) of wastewater, which is more than the projected amount of 0.25 mgd listed under the Proposed Project. The Proposed Project wastewater flow, listed at 0.25 mgd in Table 6-4, only takes into account the total buildout flows for Phases 1 and 2. The peak flow for Phase 1 development and operations is estimated to be 0.46 mgd, while Phase 2 development and operation is estimated to be approximately 0.22 mgd. Therefore, the total estimated peak flow would be 0.68 mgd as stated in the

Section 4.11, Utilities. This is consistent with the comparison of alternatives shown in Table 6-1. Impact 4.11-6 states the Proposed Project would result in the need for expansion of the City's wastewater treatment plant facilities resulting in a significant impact. Buildout of Alternative 2 would result in the generation of less wastewater than the Proposed Project resulting in a less severe impact than the Proposed Project.

Response to Comment 30-62:

Please see Response to Comment 18-42.

Response to Comment 30-63:

The opinion of the commenter is noted. Many large projects require either General Plan amendments or Specific Plan amendments as part of the requested project approvals. The Proposed Project is requesting to amend one policy in the City's General Plan to address a level of service issue. The NQSP was adopted in 1995 and since that time there has been limited development in this area of the city. The City of Dixon, specifically the Planning Commission and City Council, are responsible for reviewing the proposed project as well as the EIR to determine if the benefits of the project outweigh the environmental impacts identified. If the Dixon City Council chooses to approve the Proposed Project or any alternative in light of identified unavoidable significant impacts it would be required to adopt a Statement of Overriding Conditions in which it would identify those community benefits that it deems to outweigh the environmental consequences of the project. The Statement of Overriding Conditions is not part of this EIR, but would be available to the public prior to adoption, and would be part of the Administrative Record for this EIR if the project is approved.

