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October 2, 2018

VIA EMAIL and OVERNIGHT DELIVERY

City of Vacaville Planning Commission
c/o City of Vacaville Community Development
650 Merchant Street
Vacaville, CA 95688
CommunityDevelopment@cityofvacaville.com

**Re: The Farm at Alamo Creek Specific Plan Final
Environmental Impact Report**

Dear Honorable Planning Commission members:

We write on behalf of **Vacaville Residents for Responsible Development** ("Residents"), Jason Delavega; Jack Paulson; Frank Sampson and Paul Casavant to provide comments on the Final Environmental Impact Report ("FEIR") prepared pursuant to the California Environmental Quality Act¹ ("CEQA") by the City of Vacaville ("City") for The Farm at Alamo Creek Project ("Project") proposed by Tom Phillippi, Phillippi Engineering, Inc ("Applicant").

Residents and its expert consultant biologist Scott Cashen, M.S reviewed the FEIR and the City's responses to our comments. Based on our legal and technical review, Residents has concluded that the City has adequately addressed the issues raised in our prior comments on the Draft EIR, particularly with regard to the main issue we raised in our comments, potentially significant impacts to biological resources.

In response to our comments and in order to address concerns regarding health risk impacts from construction emissions, the City required that a construction health risk assessment (HRA) be conducted. The HRA, which is included in Appendix A to the FEIR, determined that cancer and non-cancer health risk was less than significant for project construction.

¹ Pub. Resources Code, §§ 21000 et seq.; 14 Cal. Code Regs., §§ 15000 et seq. ("CEQA Guidelines").

In response to our comments regarding potentially significant impacts to biological resources on the Project's site, the city thoroughly revised the mitigation measures proposed in the EIR to respond to the issues we raised and to provide appropriate mitigation for those impacts:

Impacts on Burrowing Owls

- The City Substantially revised Mitigation Measure BIO-1c to include the following additions and improvements:
 - A new requirement for protocol surveys for borrowing owls, to be conducted according to the Department of Fish and Game (CDFW) Staff Report. MM BIO-1c now requires breeding season protocol surveys and non-breeding season protocol surveys, as well as take-avoidance surveys, depending on the timing of the protocol surveys. This revision will allow the City to properly establish the existing conditions of burrowing owls on the site and require mitigation in accordance.
 - A definition of a "qualified biologist" for the purpose of conducting take-avoidance surveys for burrowing owls as a biologist meeting the requirements of the CDFW Staff Report on Burrowing Owls.
 - A clarification that the buffer size included in the mitigation measure is a minimum, and a requirement that appropriate buffer size will be determined in consultation with the CDFW.
- The City revised Mitigation Measure BIO-1d to include the following improvements:
 - A new requirement for mitigation of potential impacts to nesting habitat if active burrowing owls burrows are present on the project site (and not only of impacts to foraging habitat).
 - A new requirement that mitigation will require preservation of *active burrowing nests* and not just of potential nesting habitat.
 - New requirements for mitigation habitat lands to ensure they will be suitable for burrowing owls.
 - A new requirement for adequate management measures and funding for mitigation habitat for burrowing owls, to guarantee mitigation sustainability over time.

Impacts on Swainson's Hawk

- The City revised Mitigation Measure BIO-1e to include a definition of “qualified biologist” as requiring a minimum two years of experience implementing the relevant survey methodologies.
- The City added a requirement in Mitigation Measure BIO-1e for protocol-level surveys to be conducted on specific survey periods, in order to properly establish the existing conditions for Swainson's hawks and enable adequate mitigation.
- The City revised Mitigation Measure BIO-1f to require that irrigated agricultural lands for mitigation habitat will be part of the Solano HCP lands, and to require consultation with the CDFW as a condition for approval of areas for mitigation which are not defined in the Mitigation Measure.

Impacts on Northern Harrier, White-Tailed Kite, Loggerhead Shrike, and Tricolored Blackbird and Other Nesting Birds

- The City thoroughly revised Mitigation Measure BIO-1g to include the following:
 - A requirement for a qualified biologist to conduct pre-construction surveys, document the findings and submit them to the CDFW and the City.
 - If active nests are identified, the mitigation measure requires that buffers will be established around them, with appropriate guidance from the CDFW.
 - Trees will not be removed during the nesting season, unless a qualified biologist conducted pre-construction surveys to determine there is no presence of any active nests. If active nests are found, a 250-foot buffer shall be installed around the tree.
 - Blackberry thickets will be evaluated for the presence of tricolored blackbird. If active colonies are found, steps will be taken, including requiring buffers and mitigation approved by the CDFW.

Impacts on Special-Status Bats

- The City thoroughly revised Mitigation Measure BIO-1h to include the following:

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- A definition of a qualified bat biologist for the purpose of conducting roosting bat surveys.
- Specific consideration that should be taken into account in the performance of surveys in order to provide better protection of roosting habitat.
- Limitations on trees removal seasons and hours in order to provide protection for hibernating bats and for bat pups.

Impacts on Riparian Woodlands

- The City thoroughly revised Mitigation Measure BIO-3 to include standards for mitigation of riparian woodland habitat, to require consistency with the Solano HCP and to require supervision and approval by the CDFW and relevant agencies.

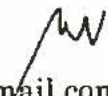
Impacts on Western Pond Turtles

- The City revised Mitigation Measure BIO-1b to provide better protection for western pond turtles and active turtle nests by requiring fencing off of active nests until hatching.

We thank the City for thoroughly addressing the legal and technical issues identified in our comments, and for its thorough and good faith responses and additional investigations and revisions. We have no further objections to the Project.

Sincerely,

Tanya A. Gulesserian
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CC: Amy Feagans, Contract Planner, abfeagans@gmail.com

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