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Tyra Hays, Project Manager
City of Vacaville, Community Development Department
650 Merchant St.
Vacaville, CA 95688

**Re: City of Vacaville General Plan and Energy and Conservation Strategy Draft
Environmental Impact Report**

Dear Ms. Hays,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the City of Vacaville's General Plan and Energy and Conservation Strategy.

By way of introduction, Greenbelt Alliance is a non-profit public benefit environmental organization with over 4,000 active members in the San Francisco Bay Area. Our purpose is to make the Bay Area a better place to live by protecting and preserving open space within the nine-county Bay Area region and creating walkable, transit-oriented communities in the region through public policy development, advocacy, and education.

Our staff, board, and members have worked for more than fifty years to protect and enhance the quality of life in the Bay Area. We have participated in numerous land use issues in and adjacent to the City of Vacaville, including collecting more than 10,000 signatures in support of the current Urban Growth Boundary (UGB) and drafting smart land use and growth management policies for the city. We therefore have a direct and substantial organizational interest in the scope and quality of the environmental impact analysis of the project and its resultant impacts on the surrounding environment and communities.

Overview

The City of Vacaville (City) is considering the adoption of a comprehensive general plan update, covering development through 2035. The proposed General Plan (Plan) calls for extensive development of open space and agricultural lands, potentially outside the voter-approved UGB, and lacks any consideration for compact, infill development that could offset many of the anticipated significant and unavoidable impacts.

If adopted, the General Plan would further exacerbate the region's jobs-housing imbalance and result in increased greenhouse gas emissions, air pollution, and traffic impacts. In addition to the substantial loss of agricultural lands, the Plan would result in severe impacts on numerous sensitive biological

communities, including vernal pools and wetlands, and the plant and wildlife species that rely on these habitats.

Unfortunately, the DEIR for the Plan is thoroughly deficient and fails to comply with fundamental requirements of the California Environmental Quality Act (CEQA), including the proper analysis of the impacts of the proposed development pattern, project alternatives, and assessment of feasible mitigation measures. Of particular concern, it fails to analyze an infill development alternative, which could potentially show that the City's growth could be accommodated by more compact development, thereby reducing the overall negative impacts on prime farmland and biological resources, while simultaneously creating more livable communities.

Because of these deficiencies, the DEIR fails to serve as a meaningful decision-making tool for the Vacaville City Council, Vacaville residents, and other decision makers and stakeholders. The DEIR should be thoroughly revised and recirculated to address these issues. Some of the most pressing failures of the DEIR are described below:

The DEIR is fundamentally inconsistent with CEQA law, which requires that the DEIR be recirculated after extensive revision and re-scoping

Greenbelt Alliance is deeply concerned about the DEIR's failure to provide adequate analysis of development impacts from the proposed General Plan. A DEIR must provide extensive analysis of the full breadth of issues required by CEQA, determine the significance of those impacts, and detail achievable mitigations to reduce the negative consequences of the impacts from development.

The failure of the DEIR to provide an adequate description of the Project – one that accounts for the land uses and types of development actually permitted by the General Plan – undermines its analysis of environmental impacts as well as its discussion of potential mitigation measures. The DEIR also fundamentally fails to disclose, analyze, and propose mitigation for environmental impacts that it merely assumes will be less than significant. The many vague, voluntary, and unenforceable policies cited as mitigation measures in the DEIR fail to comply with CEQA, which requires enforceable, concrete commitments to mitigation. As a result, the DEIR completely fails to describe measures that could avoid or substantially lessen the General Plan's numerous significant impacts.

CEQA requires recirculation of an EIR when significant new information is added to the document after notice and opportunity for public review was provided (CEQA § 21092.1; CEQA Guidelines § 15088.5). As will be shown in this comment letter, the requirements for a recirculated document are clearly met due to the extensive deficiencies in the DEIR. Greenbelt Alliance expects that the City will revise the DEIR based upon the issues identified here and those raised by others, and recirculate the DEIR after those revisions.

The DEIR fails to include enforceable mitigations throughout most of the document

The DEIR identifies 30 areas of significant and unavoidable impacts. Despite the extensive development impacts, the DEIR provides entirely inadequate mitigation strategies, often lacking legally required

analysis or suitable strategies to reduce the proposed significant effects of development.

Worse, the DEIR often simply concludes that an impact is significant and unavoidable and moves on. A conclusion of residual significance does not excuse the lead agency from (1) performing a thorough evaluation and description of the impact and its severity before and after mitigation, and (2) proposing *all* feasible mitigation to “substantially lessen the significant environmental effect” (CEQA Guidelines § 15091(a)(1)). In particular, CEQA requires that the DEIR consider changes to land use designations or densities and intensities as potential mitigation. However, a thorough land use alternative analysis is entirely left out of the DEIR.

There is no indication that the DEIR considered modifications to land use designations or densities and intensities to mitigate the impacts of the General Plan. Yet those changes are the easiest, most effective, and most obvious ways to lessen or avoid many of the General Plan’s impacts. Compact, infill development around the urban core is widely shown to reduce vehicle trips, increase alternative modes of transportation, reduce infrastructure costs, and provide significant net environmental benefits. The proposed Plan instead proposes nearly all development in areas that would result in the loss of farmland of concern. Because this proposed development is far from Vacaville’s urban areas, it will result in increased travel, which in turn will result in increased criteria air pollutants and greenhouse gas emissions. Exploring alternative land use scenarios is essential to reduce numerous General Plan impacts, such as air quality, climate change, biological resources, agriculture, and traffic.

A recirculated DEIR must show enforceable mitigation strategies, such as permit conditions, agreements, or other legally binding instruments, rather than vague and optional strategies that will do little to nothing to reduce negative impacts from development.

The DEIR fails to accurately calculate and analyze anticipated development

CEQA law requires that Environmental Impact Reports, especially with local general plans, analyze the full extent of development. The City’s current DEIR not only provides a confusing and unlawful dual development alternative model (“*Full Buildout*” versus “*Horizon-Year Projection*”), but also provides little substantiation for the proposed development scenarios. The DEIR uses the Horizon-Year Projection to evaluate the impacts of development, which assumes a lower level of growth anticipated over the next 22 years, but these estimates are based on conjecture, rather than solid analysis of existing conditions. The Full Buildout alternative allows for two times more dwelling units and retail space and approximately nine times as much new commercial space and industrial space, as is assumed under the Horizon-Year Projection. Because the DEIR fails to assume development as allowed under the General Plan, it significantly underestimates the Project’s impacts.

CEQA requires that a municipality provide a robust investigation of existing conditions. The DEIR fails to provide adequate context for the two proposed alternatives, which undermines the document’s findings and strategies for mitigating the significant effects of the intensive sprawl development proposed. A recirculated DEIR must analyze the “Full Buildout” scenario in its entirety to provide a clear distinction from the other alternatives, as well as include a robust investigation of existing conditions.

The DEIR fails to provide the required analysis and mitigation strategies for impacts on prime farmland and open space

Low-density residential and commercial developments have significant detrimental impacts on prime farmland and the sustainability of agricultural enterprise. In addition, farmers and ranchers struggle to remain economically viable due to speculative sprawl development. The California State Legislature has repeatedly asserted that preservation and protection of state farmland is an important policy goal and that CEQA is an important tool that should be used to carry out this goal.

Despite the importance of agricultural resources to the City, County, and State, the DEIR fails to adequately describe the impacts to agricultural resources, and wholly fails to identify any mitigation measures to avoid or mitigate the loss of agricultural land. Accordingly, the DEIR's discussion of agricultural resources, not only fails to effectuate an important public policy, but also fails to meet the basic requirements of CEQA.

The DEIR should propose mitigation measures to lessen development impacts on areas of prime farmland. Eleven percent (11%) of the land within the City limits is currently vacant (DEIR, section 4.10-10). Instead of focusing development in these vacant areas, the General Plan allows for, and the DEIR assumes that, the agricultural areas will be some of the first areas to be developed (DEIR, Figure 3-6). The DEIR must propose mitigation measures that would ensure that the vacant areas within the City limits are developed before areas with farmland of concern.

In addition to considering land use alternatives that prioritize and phase growth so that it first occurs in areas outside of prime farmland, the DEIR should include a mitigation measure that requires that every acre of farmland that is converted must be mitigated by preserving, at a minimum, one acre of farmland of equal or greater quality in the area. Another common, feasible, and effective practice is to purchase agricultural conservation easements to prevent the loss of agricultural land. These are but a few of the many mitigation strategies the DEIR should consider in a recirculated document.

The DEIR fails to convey whether and how much growth is anticipated to occur outside of Vacaville's Voter-Approved Urban Growth Boundary

The City of Vacaville has a clearly defined voter-approved Urban Growth Boundary (UGB). The current DEIR proposes 2,640 acres of development in areas considered farmland of concern, which is more than the 2,500 acres of agricultural land shown to be within Vacaville's Sphere of Influence and UGB in the Energy and Conservation Action Strategy (ECAS, section 1-15). The DEIR does not explicitly show the extent of development outside of the UGB. The Plan should be clarified to ensure that no urban development occurs outside of the UGB and the recirculated DEIR must show the entire geographic extent of proposed development.

The DEIR fails to provide an adequate alternative for infill growth

This General Plan Update offers the City of Vacaville a great opportunity to create compact

development that will accommodate future growth in thriving neighborhoods, while also ensuring a more fiscally sustainable budget and protecting natural resources and open spaces.

Although the General Plan DEIR identifies two alternative land use scenarios, each of these alternative land use scenarios includes extensive development on open space and agricultural lands with little or no infill development. The DEIR fails to include the obvious land use scenario that calls for *urban infill development*. In the current regional planning context, the City of Vacaville needs to include at least one alternative that focuses growth on infill-oriented development. This will enhance the DEIR's usefulness for evaluating the land use and transportation impacts of development, as well as demonstrate compliance with the intent of CEQA and statewide goals for reducing greenhouse gas emissions.

The DEIR fails to adequately analyze and mitigate effects on biological resources

The City of Vacaville has a multitude of sensitive natural communities and special-status species that have the potential to occur in the General Plan study area. The DEIR acknowledges the potential conversion of about 6,900 acres of habitat to various land uses including, residential, commercial, and industrial (DEIR, section 4.4-50). Most of these undeveloped lands provide habitat for one or more of the 28 special-status wildlife species and the 19 special status plant species that could potentially occur in the EIR Study Area.

Even with such biological diversity, the DEIR fails to sufficiently describe these resources because it relies on database searches rather than botanical surveys. Surveys are one of the preliminary steps to detect the presence of special-status plant species or a natural community. In the absence of surveys to determine the specific characteristics of a wildlife species' use of the habitat, the DEIR undercuts the legitimacy of the environmental impact analysis. Moreover, based upon a modest survey analysis, the DEIR concludes that impacts to certain habitats will be significant, yet the DEIR does not identify the specific locations of habitats that would be eliminated or impacted by the Project. The DEIR must explain how it arrived at its conclusions. Accordingly, the revised EIR should include maps that overlay proposed development locations on sensitive habitats. Once this information is provided, it may be possible to evaluate alternative locations for certain development that would protect these sensitive communities and the species that rely on them.

Once again, a recirculated DEIR should consider an urban infill land use alternative to provide the public and decision-makers with information on how compact development could potentially decrease significant and irreversible impacts on biological resources. It should also identify how land use patterns in areas outside of currently urbanized areas could be improved to reduce impacts on sensitive habitats and species.

The DEIR's transportation impact analysis is woefully inadequate, resulting in meaningless targets and goals out of compliance with local, county, regional and state policy

The DEIR fails to evaluate the General Plan's transportation impacts against an accurate baseline.

Rather than compare existing transportation conditions with the proposed General Plan, the DEIR compares the number of proposed trips to the 1990 General Plan. Specifically, the DEIR states that the number of trips due to the proposed General Plan would be “within 1 percent of the 2035 trips generated with the 1990 General Plan” (DEIR at 4.14-37). Comparing environmental impacts to a plan, rather than existing conditions, is inconsistent with CEQA case law.

The General Plan has the potential to result in a significant increase in traffic impacts compared to existing conditions. Indeed, DEIR Table 4.14-8 reveals that the General Plan would *increase the number of daily trips in Vacaville by 48 percent* and the number of peak-hour trips will increase by 47-50 percent, which is obviously substantially greater than the one percent value assumed in the DEIR.

Again, appropriate mitigation measures for the potential significant increases in vehicle trips are left out of the DEIR. In particular, the DEIR uses transportation system improvements without designated funding sources as mitigation strategies. These “mitigations” are purely speculative. Without any meaningful indication of the availability of adequate funding for the necessary transportation system improvements it is impossible to state with certainty that the improvements are feasible. Thus, it is inappropriate to conclude that the associated impacts will be reduced to less than significant.

Conclusion

As this letter demonstrates, the City of Vacaville’s General Plan Update DEIR clearly requires extensive new information and analysis. This analysis will likely result in the identification of new, substantial environmental impacts or substantial increases in the severity of significant environmental impacts. Moreover, the flaws that permeate the entire document, particularly the DEIR’s use of the Horizon Year Projection, constitute precisely the sort of pervasive flaws in the document that independently require *recirculation* under CEQA Guidelines section 15088.5(a)(4).

Greenbelt Alliance expects that in the process of revising the DEIR, the City will also re-scope the document to include an alternative that prioritizes urban infill development. This will provide the City and the public a realistic analysis of land use and transportation alternatives that could substantially reduce the negative impacts of sprawl development. Moreover, we encourage the City to work collaboratively with organizations (both government and non-governmental alike) that can provide the tools and strategies for a DEIR that meets CEQA requirements and will create great communities in Vacaville well into the future.

Sincerely,

/s/

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