

**City Council**

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**From:** Hank Trowbridge [hankt@cal.net]  
**Sent:** Monday, November 28, 2005 2:33 PM  
**To:** City Council  
**Subject:** Racetrack

Dear Dixon City Council members.

We are opposed to the racetrack because of the potential traffic congestion, air pollution and the influx of undesirable elements of our society ,i.e., gamblers, drinkers, pickpockets, thieves, etc. By and large, we have a wholesome community; let's not spoil it. Do what is best for our children and our great grandchildren.

31-1

Respectfully submitted,

Hank & Lynda Trowbridge



**LETTER 31: Hank and Lynda Trowbridge**

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



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

November 28, 2005

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

Dear Mr. Salmons:

I am enclosing two letters, one from Alan E. Pryor, President of Ozone Process Consultants, Inc. and the other from Wing Choy, a fourth year undergraduate engineering student at the University of California, Davis. Please include these letters in the citizens' comments for the Draft Environmental Impact Report for the Dixon Downs Project

32-1

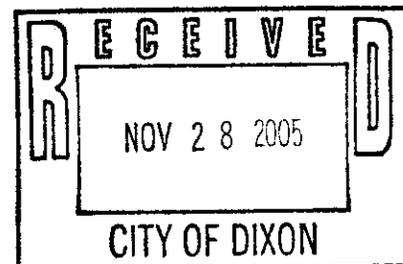
Thank you for attending to my request.

Sincerely,



Stephen V. Sikes

Enclosures



# **Ozone Process Consultants, Inc.**

2736 Brentwood Place, Davis, CA 95616 • Telephone and Fax: (530) 758-5173

November 22, 2005

Dixon City Council  
600 East A Street  
Dixon, CA 95620

Re: Deficiency of the Dixon Downs DEIR with Respect to Properly Accounting for Emissions of Reactive Organic Gases from Horse Manure at the Proposed Facility

Dear Council Members,

I am an environmental engineer with two BA degrees in Biology and Chemistry and an MS in Environmental Health Sciences/Industrial Hygiene Engineering from the University of California at Berkeley. I have recently reviewed the Dixon Downs DEIR and believe it inadequately accounts for Area Source Emissions of Reactive Organic Gases (ROG) from the horse manure generated at the facility even though the barns/stalls are proposed to be scraped and put in containers each day and then moved off-site within 24 hours after collection.

The DEIR states the impact significance threshold for ROG is 82 lbs per day, as follows (bold emphasis added for ease of review):

"4.2-12

*As discussed above, thresholds for air quality have also been established by the YSAQMD. As the agency principally responsible for air pollution control in Yolo County, the YSAQMD recommends that projects should be evaluated in terms of these air pollution impact significance thresholds. The following quantifiable thresholds are currently recommended by the YSAQMD and are used to determine the significance of air quality impacts associated with the Proposed Project:*

- **82 pounds per day of ROG,**
- **82 pounds per day of NOx,...**

The DEIR later estimates the ROG from the facility during operational phases on a large event day, as follows (bold emphasis added for ease of review):

"Table 4.2.5

*Phase 2 (Operational Emissions)*

	<b><i>PM10</i></b>	<b><i>ROG</i></b>	<b><i>NOx</i></b>
<i>Mobile Emissions</i>	299.21	238.02	305.06
<i>Area Source Emissions</i>	0.03	<b>1.12</b>	12.03
<i>Total Operational Emissions</i>	299.24	239.14	317.09

Total Operational Emissions (Mitigated)	299.12	239.06	316.98
Exceeds YSAQMD Threshold	Yes	Yes	Yes

As discussed earlier, daily operational Phase 1 activities would not generate large amounts of ozone precursors as shown in Table 4.2-5. However, when larger events occur, motor vehicle emissions could generate substantial ozone precursor emissions which would exceed the YSAQMD thresholds. As shown in Table 4.2-6, mobile emissions associated with a large event would exceed the YSAQMD thresholds for ROG by over 26 pounds per day and NOx by over 60 pounds per day. Table 4.2-6 shows estimated peak daily operational emissions for Phase 1 both with and without a large event.

Table 4.2-6  
Phase 1 Operational and Phase 2 Construction Impacts (peak pounds-per-day)

Operational Phase (no large event)		
	ROG	NOx
Mobile Emissions	19.38	9.24
Area Source Emissions	0.57	5.65
Total Operational Emissions 1	9.95	14.89
Total Operational Emissions (Mitigated)	19.95	14.89
Exceeds YSAQMD Threshold	no	no

32-2  
(con't.)

...Because Phase 1 of the Proposed Project would not create any considerable stationary sources of TACs, and because Phase 1 commercial uses would not require substantial numbers of deliveries to be made by diesel trucks, Phase 1 would not generate TACs in any significant amounts. **The impact would be considered less than significant.**

In summary, the DEIR estimates that only 0.57 lbs per day of ROG are released from the site during operation of phase 2 when fully built out and on major event days and concludes that this is not significant.

This is incorrect because there is no consideration of the production of ROG from the manure that will be significant even though it is only on site for an average of 36 hours before it is removed to an offsite location.

For example, the average daily manure production for horses and the amount of VS (volatile solids) in that manure is estimated in ASAE Standard D384.1DEC93 (ASAE, 1998).

Fresh Manure Production (kg per day per 1000 kg liveweight)

<u>Animal</u>	<u>Total Manure</u>	<u>VS</u>
Horse	51	10

For example, a 1,000 lb. horse (approx 450 kg) will produce 51 lbs. (approx 23

kg) of manure per day of which 10 lbs. (approx 4.5 kg) will be VS (volatile solids) per day. Volatile solids are low molecular weight solids that can be easily volatilized and released into the atmosphere. These include fatty acids and phenols and a variety of other compounds which, by virtue of their low molecular weight and polar nature, are generally quite reactive with other atmospheric pollutants. The actual production of manure and VS produced per horse per day will vary somewhat due to dietary differences and animal size. But assuming an average 1,000 lb horse, the average daily production of VS in the manure for the entire facility is estimated to be

32-2  
(con't.)

$1,400 \text{ horses} \times 10 \text{ lb VS/horse/day} = 14,000 \text{ lb VS /day}$  in the manure.

This analysis does not include any additional emissions produced and released by the additional quantities of horse urine mixed with the manure onsite. Assuming only 1% of the Volatile Solids are released from the manure within the average 36 hours between production of the manure and its offsite removal, the total Volatile Solids released from the facility on a daily basis will be as follows:

32-3

$14,000 \text{ lb/day} \times 1\% = 140 \text{ lbs per day of ROG.}$

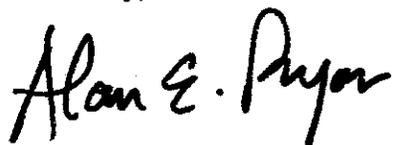
This is almost twice the significance threshold of the YSAQMD as described above and about 125 - 250 times the 0.57 - 1.12 lbs of area source ROG emissions per day estimated by the DEIR. In fact, it is almost equal to 60% of the ROG estimated from all the autos traveling to and from the phase 1 venue each day of a major event except that this ROG would be produced and released every single day and not just on the major event days.

32-4

In addition to the adverse health effects of these air contaminants themselves, the emissions will also contribute to increased levels of atmospheric ozone near the facility particularly on days with low wind speeds. On more windy days, of course, the contamination will often blow directly into either Dixon or into Davis depending on the direction of the seasonally prevailing winds. Accordingly, I respectfully submit that the DEIR is deficient in the analysis of the quantity of emissions from the horse manure and should be corrected and revised to be in compliance with standards established for EIRs in California.

Thank you for your consideration in this matter.

Sincerely,



Alan E. Pryor  
President

October 29, 2005

**Introduction**

I am opposing the proposal of constructing Dixon Downs Horse Racetrack and Entertainment Center Project in the City of Dixon. As a senior who is majoring in Civil Engineering in University of California, Davis, the City of Davis and the surrounding county such as City of Dixon have been the cities that many of my colleagues care the most. Most UCD students think that there should have more felicity and entertainment for them in a place to be relaxed from the excessive amount of work loads. A neighborhood town of the City of Davis is the City of Dixon. The City of Dixon is mainly a town for agricultural and residential use. With a Casino and a Horse Racetrack proposed to build in the City of Dixon, various types of impacts such as air pollution, addiction to gambling, and traffic jam due to heavy road congestion should be thoroughly considered by the government.

32-5

**Impact on University of California, Davis, and its students**

A new Casino or a Horse Racetrack which is planning to be built within 5 miles can definitely be an entertainment for students. But this is not appropriate to our students who might be attracted and be addicted to the Casino. There are more than 30,000 students studying in UC Davis with most of them are over 21-year-old and are having a valid Driving License with their automobile in the campus. Students can easily get to the new Casino and the Horse Racetrack within 10 minutes and furthermore might be addicted to gambling. Debt has been a huge problem for many university students; credit cards debts and student loans can always relate to university students. How much can a student earn by working a part-time job or an internship? There is no way they can handle more debts. Some might argue that people do not always lose in a Casino and there are chances to win and take out money from a Casino. The percentage that a person can take out money from a Casino is statically less than 30%. Thus, students who are addicted to gambling may need to carry more debts than they are already having.

32-6

**Air pollution impact on people of City of Dixon**

Besides an issue of addiction to gambling, a new Horse Racetrack can affect people environmentally. In a small town such as the City of Dixon with a population just a little bit less than 20,000, is a traditionally agricultural production city. An invasion from a new Casino and Horse Racetrack can alter this city to becoming a city similar, for instance, to Reno, which is a well-known place for gambling. As more people and automobiles might be attracted by the Casino, the more air pollution will be emitted to the air. The farmers' harvests and their lands of agriculture will eventually die out as emission of air pollution increase. Despite there are 25% of carbon monoxide, 22% of NOx, 18% of hydrocarbons and 18 percent of fine particulate matter emitted by diesel automobiles such as construction trucks and trucks for horses' transportation, unleaded gasoline motor vehicles still contribute significantly to air pollution. Percentage-wise, there are 51% of the carbon monoxide, 30% of the carbon dioxide, 34% of the nitrogen oxides, 10% of fine particulate matter (PM 2.5), and one-third of VOCs emitted by motor vehicles in the United States. Solano County has already been classified as severe for the excessive amount of emission of Ozone, more automobiles attraction can be the tradeoffs to the city and its people's health to having the Dixon Downs Horse Racetrack and Entertainment Center Project in the City of Dixon.

32-7

**Impact on the Transportation networking system of City of Dixon**

Another issue can be the transportation networking system problem. Dixon Downs Horse Racetrack and Entertainment Center Project is planning to have 300 parking spaces in their center. With more automobiles expected to be attracted by the Casino and Horse Racetrack, the main roads to the Entertainment Center will mostly likely to be heavily congested. The two main roads to the Entertainment Center are the Stratford Avenue and the First Street, which they are both the ramps to Interstate highway 80. If these two main roads are congested, people who live in the City of Dixon will be suffering in traffic jams going on the highway and inconveniently in going to work out of town. Public transportation such as Amtrak that has been constructing inside the City of Dixon will also contribute to a greater amount of air and noise pollution.

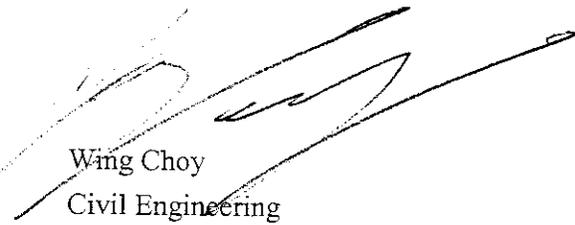
32-8

**Conclusion**

The proposal of Dixon Downs Horse Racetrack and Entertainment Center Project in the City of Dixon could give a place for people to relax and to enjoy, but the tradeoff from construction of a Horse Racetrack is that in which none of us want. University students might gamble in the Entertainment Center and thus bombarding them an extra debt beside credit card debts and student loans. Concentration of emission and road congestion can also be a significant factor of air pollution. There will be an increase of concentration from automobile emission as more cars will be attracted by the Casino and Horse Racetrack. Furthermore, the heavy road congestion problem might cause dirty air to stay in one area instead of going off to the highway. The air quality in the City of Dixon will worsen if the Dixon Downs Horse Racetrack and Entertainment Center Project in the City of Dixon are to be built. Thus, the local government of the City of Dixon should consider the farmers, residency, students, and public health instead of just viewing the project economically and not socially. I am here to urge that the government of the City of Dixon to ban this proposal of Dixon Downs Horse Racetrack and Entertainment Center Project in the City of Dixon immediately.

32-9

Sincerely,



Wing Choy

Civil Engineering

University of California, Davis



**LETTER 32: Stephen V. Sikes****Response to Comment 32-1:**

The attached comment letters are responded to in Responses to Comments 32-2 through 32-9, please see below.

**Response to Comment 32-2:**

The comment that the Draft EIR estimates that 0.57 pounds per day of ROG would be released from the site during operation of Phase 2 is not accurate. The 0.57 pounds per day referenced in the comment is clearly shown in Table 4.2-6 (see page 4.2-19) of the Draft EIR as being associated with area sources from operation of Phase 1 only. As shown in Table 4.2-5 of the Draft EIR, operational ROG emissions from Phase 2 were calculated to be 299.12 pounds per day on non-event days and 390.98 pounds per day on large-event days.

As discussed in Response to Comment 18-9, the YSAQMD, which is the primary local regulatory agency in charge of improving air quality in the area, commented on potential VOC emissions from horse waste (please see Response to Comment 17-4). VOC is an acronym for volatile organic compounds. VOC's are the EPA's term for organic gases that react to form ozone. Reactive organic gases, or ROG, is the term used by the California Air Resources Board (CARB) to denote organic gases that react to form ozone. VOC's and ROG's are virtually the same, except that the EPA considers slightly more gases to be reactive. The terms "ROG" and "VOC" are normally used interchangeably, and will be considered identical in this response. The CARB has developed a methodology for measuring emissions of ROG from livestock as part of their emission inventory process. In CARB's Methods and Sources for calculating emissions from Livestock Husbandry operations, Table A shows that horses are estimated to have an emission factor of 84 lb/head/year of total organic gases (TOG), and 6.7 lb/head/year of ROG. This 6.7 lb/head/year of ROG would result in an additional 26 pounds per day of VOC/ROG from daily operation of the project, assuming as a worst case that 1,440 horses were stabled on site. An additional 26 pounds per day of ROG from horse waste would increase daily build-out operational emissions from 239 pounds per day to 265 pounds per day. This is not a significant increase in the calculated operational ROG emissions from the Proposed Project.

**Response to Comment 32-3:**

As discussed in Response to Comment 32-2, the CARB has developed emission factors for livestock as part of the CARB's emissions inventory process. For horses, the CARB factor is 84 lbs/head/year of TOG and 6.7 lbs/head/year of ROG. This would result in an additional 26 pounds per day of VOC/ROG from daily operation of the project, assuming as a worst case that 1,440 horses were stabled on-site. As discussed in Response to Comments 18-9 and 32-2, the Draft EIR already finds operational ROG to be significant because it is above the YSAQMD threshold. Application of the emission factor to the Proposed Project and adding the result to the total operational ROG would not significantly increase the previously calculated operational ROG number.

**Response to Comment 32-4:**

The comment asserts that ozone levels would increase near the project because of the project's potential to increase emissions of ozone precursors. Ozone is not a directly emitted pollutant that normally has

substantial impacts in the vicinity of where ozone precursor emissions occur. Ozone is a regional pollutant problem, not a localized problem. Formation of ozone occurs over a period of days. The ozone precursors of ROG and NO<sub>x</sub>, as gases, would not remain in a localized area for multiple days, whether or not calm conditions are prevalent in the vicinity. Consequently, it is not realistic to expect that higher ozone levels would occur near the project site, although ROG and NO<sub>x</sub> emitted at the project may add to the cumulative effect of ozone concentrations elsewhere in the region.

The YSAQMD Air Quality Handbook states “The time period required for ozone formation allows the reacting compounds to spread over a large area, producing a regional pollution problem.”<sup>7</sup> This shows the nature of ozone as a regional pollutant. The Proposed Project would add to the cumulative regional ozone impact but would not necessarily result in higher ozone concentrations in the vicinity of the project site.

**Response to Comment 32-5:**

The commenter’s opposition to the project is noted and forwarded to the decision-makers for their consideration. Please note that the NQSP designates development of the project site for employment generating uses including light industrial and office.

**Response to Comment 32-6:**

The comment repeatedly refers to the project as including a “casino”. This is not true. The Project Description contained in Chapter 3 of the Draft EIR does not describe the project as including a casino. Rather, it describes a horse racetrack and associated pari-mutuel betting facilities in the Finish Line Pavilion building. The concern raised by the commenter does not address any environmental concerns or the adequacy of the EIR. The social effects of the project were addressed in a study done by Economics Research Associates, An Assessment of Potential Social Impacts of the Proposed Dixon Downs Project, August 2005. A copy of this report is available on the City’s website. The concern regarding gambling and the proximity to U.C. Davis is noted and forwarded to the decision-makers for their consideration.

**Response to Comment 32-7:**

The potential increase in air pollutants associated with the Proposed Project were addressed in Section 4.2, Air Quality, of the Draft EIR. As stated in the Draft EIR, Solano County is currently in non-attainment under both the State and federal standards for ozone and in nonattainment for PM<sub>10</sub> under the State standards. Air emissions associated with project construction and operation of both Phase 1 and Phase 2 of the project would exceed the Air District’s thresholds. Therefore, during project construction there would be a short-term significant and unavoidable impact and a long-term significant and unavoidable impact associated with project operation.

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7 Air Quality Handbook – Guidelines for Determining Air Quality Thresholds of Significance and Mitigation Measures for Proposed Development Projects that Generate Emissions from Motor Vehicles, page 2. Yolo-Solano Air Quality Management District, May 1996, revised 2002.

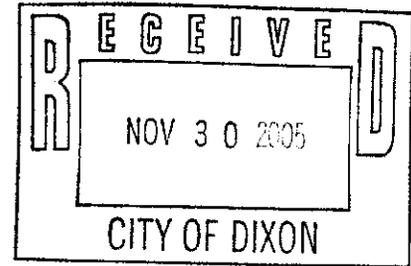
**Response to Comment 32-8:**

The increase in traffic associated with the project is discussed in detail in the Draft EIR in Section 4.10, Transportation and Circulation. The project is anticipated to increase traffic along area roadways, especially during any special events. Please see Master Response TRAFF-1. The project-specific effects of construction activities associated with expanding Amtrak facilities and any potential impacts associated with an increase in air pollutants or noise would be addressed in a separate environmental document. The cumulative impacts of air quality and noise associated with future development in the City of Dixon in combination with the Dixon Downs project were addressed in Section 4.2, Air Quality and Section 4.8, Noise of the Draft EIR.

**Response to Comment 32-9:**

The commenter's concern regarding the increase in air pollutants and traffic is noted and will be forwarded to the decision-makers for their consideration.





Gail and Ada Preston  
 1645 Gill Drive  
 Dixon, CA  
 693-0642

November 29, 2005

City of Dixon  
 600 East A Street,  
 Dixon, Ca 95620

Attention: Mr. Warren Salmons, City Manager

Subject: Environmental Impact Report #2004012001 (Horse Racetrack and "Entertainment" Center)

Thank you very much for the opportunity to review and comment on this DEIR. The DEIR describes a project that is **totally inconsistent with Dixon's Mission Statement** as given beginning on page 9 of the General Plan and it should not be approved. We have a series of comments and questions.

### 1.0 Introduction

Noted the last 2 sentences on p. 1-4 of the section on Public Review - Statement of Overriding Considerations (which begins on p. 1-3): There should be a way for the public to review the proposed "explanation" of the City's decision to balance the benefits of the project against the unavoidable environmental impacts. Actually, the City is simply making a conscious choice. Please provide an explanation for each significant, unmitigatable, unavoidable impact to be inflicted on Dixon and the corresponding "heavier" benefit the racetrack would bring.

33-1

### 3.0 Project Description

a. Noted on p. 3-11 that the main function of the Finish Line Pavilion is not given. The description begins "in addition ..."; in addition to what? Isn't the main purpose of this building to be a place where up to 5,000 (or 6,800) people can place bets on horse races here and around the world all the time? Please revise the description.

33-2

b. Noted on p. 3-35 that there is Figure 3-13 titled "Phase 2" which does **not** show Phase 2. There are 3 pages here which are so vague and flexible that not a single proposed feature can be shown on the drawing. We suggest that this application be divided into two: Phase 1, which could be acted upon, and Phase 2, which could be considered when it is more fully developed.

33-3

c. Noted on p. 3-48 that there is a list of Applicant goals. These goals do not seem appropriate for an Environmental Impact Report. The EIR describes the existing environmental resources, analyzes the impacts and identifies mitigation measures (See Scope of the EIR p. 1-2). We are requesting that Pages 3-48, 49 and 50, and pages 6-2, 3 and 4 be removed because they are clearly advocacy and out of place in an objective document. It is blindingly obvious that the Applicant's goals are inconsistent with General Plan Goal #1 "to maintain Dixon's small town character"

33-4

#### 4.2 Air Quality

a. Noted on p. 4.2-24 that neither Phase 1 nor Phase 2 is expected to produce much diesel truck traffic. This statement is hard to accept because of the ongoing activities that require continuous transport. For Phase 1, we refer to the coming and going of horses; this is continuous. We refer to the need to provide these horses with food every day. We refer to the need to provide betting tickets, tip sheets, programs, food, beverages, cigars and nail polish, all to be delivered on a regular basis by trucks. Then there are the trucks needed to carry the money away, to say nothing of those that carry away the manure and bedding material, and the waste from the restaurant, and the other solid waste.

33-5

For Phase 2, there is an area of 1.2 million square feet, which is 20% larger than Arden Fair Mall. There will be "fine dining" so trucks will bring in supplies and remove solid waste. There will be a 20 screen movie house, popcorn and paper in and popcorn and paper out, then there will be about 4 anchor stores for which goods have to be shipped in and money taken away. Then there will be more than 150 small shops, each with their need for inventory, etc. There will be lots of trucks to serve this project and they will pollute. This truck pollution, combined with the patrons vehicles, added to that generated by the horses will make the air unfit to breathe.

33-6

Please review the conclusions regarding the pollution that will be caused by diesel trucks.

b. Review of the URBEMIS Output in Appendix D developed the following questions:

(1). Although there is considerable asphalt paving in this project, it is not considered in the analysis. Please provide a reason for this omission.

33-7

(2). On the first page 2 of the Appendix, (which is Phase 2 Construction) there is a reference to a natural gas source that emits ROG and the other pollutants. What source is that?

33-8

(3). On the first page 3 of the Appendix, below the heading Summary of Land Use, Total Trips are calculated. Are these results for a day, week, month, or year?

33-9

(4). On the same page, Urban and Rural Trip lengths are listed. The distances seem low, given that according to the Fiscal and Economic Analysis which accompanied this EIR, 60% of the revenues generated will come from outside the City of Dixon, and the economic impact of this project will be strong to a 30 mile radius, and will reach out to a 50 mile radius. Please review and recalculate Phase 2 Operational if appropriate.

33-10

(5). On the first page 4 of the Appendix, noted the last 7 mitigation measures. We understand Park and Ride, but that was turned off. Do the other 6 actually meaningfully affect air quality?

33-11

(6). Comments/questions 1 through 5 above apply to the other pages of this Appendix.

c. It is a pity that the impact of the most dangerous of the particles emitted by the internal combustion engine, the PM2.5, is not even addressed simply because the government does not require its inclusion. These particles will have a deadly effect on our residents.

33-12

4.2 d. The credibility of this analysis is weakened by the complete lack of local data. Mobile air quality monitoring equipment should be used to establish a base for use in projections. It should include equipment to measure the concentration of PM2.5. The environment surrounding the various stations from which data was collected piecemeal is not representative of the location of this project.

33-13

#### 4.6 Hydrology, Drainage and Water Quality

a. Noted on p. 4.6-10 that this facility will be a Large CAFO.

(1) Is this an activity permitted by the proposed rezoning?

33-14

(2) Are Large CAFOs permitted within Dixon City limits?

33-15

(3) Could an ordinance be so carefully crafted to allow this one Large CAFO but not allowing any others without exposing the City to a protracted lawsuit?

33-16

b. Noted on p. 4.6-23, among the means to be used to convey runoff through the project site are drains under Pedrick Road. This proposal will require raising Pedrick Road 3.5 feet.

33-17

(1) Please provide the extent of this raised section of Pedrick Road and discuss the effect of this change in elevation on the mitigation measures proposed in Section 4.10.

33-18

c. On p. 4.6-28, beginning at the 6th line from the bottom, there is some misplaced text that could cause confusion. This affects the 5th, 4th and 3rd line from the bottom. (editorial).

33-19

#### 4.7 Land Use

Please refer to p. 4.7-11 especially the last paragraph and Table 2-1 Item 4.7-1 evaluated as having **no impact**. That is, no conflict is seen with the General Plan or the NEQSP or any other ordinance or policy. The first four General Plan Fundamental Goals are in direct conflict with this project. You can not maintain anything like a small town character when you have a 5,000 stool horserace betting parlor with full bar service in operation all day (9:30 a.m. to 12:00 midnight), **every day** into the night (this aspect of the project has been glossed over in the DEIR); growth has not been controlled when the traffic clogs the local service network (that is, the roads), for miles around (Section 4.10) for about 125 days per year, and when the air itself will be fouled by both trucks and horses (see Section 4.2); other essential approved projects will be delayed while ever more temporary and expensive patches are applied to our overloaded WWTP (see Section 4.11-27 and on); and when the goal of balancing residential growth with job creation is scuttled by acceptance of far fewer jobs than currently in the NEQSP, and there is a substantial reduction in economic activity (see Tables 12 and 13 of the Fiscal and Economic Analysis that accompanies the DEIR). The City of Dixon will be forced to revise the Fundamental Goals of the General Plan to suit the reality of the proposed project.

33-20

#### 4.9 Public Services

##### a. Law Enforcement

Noted inclusion of the Horse Racing Act on p. 4.9-3. Confirm that this wording appears here only to make the point that the entire subject of Law Enforcement is considered among the “ordinary and traditional municipal services” the city must continue to provide without additional taxes on the facility.

33-21

##### b. Fire Protection

Noted inclusion of the Horse Racing Act on p. 4.9-12. Confirm that this wording appears here only to make the point that the entire subject of Fire Protection is considered among the “ordinary and traditional municipal services” the city must continue to provide without additional taxes on the facility.

33-22

##### c. Solid Waste

(1) Noted inclusion of the Horse Racing Act on p. 4.9-21. Confirm that this wording appears here only to make the point that the entire subject of Solid Waste is considered among the “ordinary and traditional municipal services” the city must continue to provide without additional taxes on the facility.

33-23

(2) Methods of Analysis on p. 4.9-22 gives a list of types of solid waste and their rate of generation. In the list, the solid waste generated by a horse is estimated to be 50 lbs/day.

According to **Manure Management**, 1998 Cherry Hill, @ [www.horsekeeping.com](http://www.horsekeeping.com):

“A one thousand pound horse produces approximately fifty pounds of manure per day or about 10 tons per year. In addition, from six to ten gallons of urine are produced that, when soaked up by bedding can constitute another fifty pounds daily.”

33-24

Please add “urine-soaked bedding” at 50 lbs/day to the list and account for it in the calculation of waste to be disposed of each day.

(3) In the paragraph above the heading “Impacts and Mitigation Measures” on p. 4.9-23, there is a discussion of the landfill capacity and a comparison to the annual tonnage to be generated by the project.

(a) What is the landfill’s capacity in tons?

(b) What is the basis for the “three years” in line 2?

33-25

33-26

(4) In the last para of p. 4.9-23, as a result of including the urine-soaked bedding, the weight of material produced by 1,440 horses should be increased to 144,000 lbs/day (72 tons/day). Note that if it became necessary to send this material to the landfill, based on 1,440 horses for 182 days per Table 4.9-1, the weight of manure and urine-soaked bedding would be 13,104 tons, which when added to the 2,158 tons of other waste generated by Phase 1 equals 15,262 tons (42 tons/day). Confirm that the Hay Road Landfill would be willing to accept such shipments.

33-27

4.9 c. (4) cont. For use in the next-to-bottom paragraph on p. 4.9-24, if the manure was delivered to the landfill, Dixon's contribution would increase to 31,845 tons which is approximately a **92% increase in solid waste from Dixon**. And for the next paragraph, **Phase 1 would generate 42 tons/day - more than the waste flow planned by the NEQSP EIR**.

33-28

The discussion in the section "Phases 1 and 2" should be revised.

(5) Appendix E - Manure Management Plan

(a) The Plan should clearly state how often the activities described in Items 1, 5 and 8 will occur. We have been assured that each horse eats every day, and that the day after a horse eats it defecates. For this reason, revise these items to require that they occur **daily** (not, "on a daily basis" which means "not daily").

33-29

(b) Re Item 9, the quantity of waste material transported from the facility should be **measured**, not estimated.

33-30

(c) It is very important that this disposal operation go smoothly at all times, so provision should be made to accommodate any labor disruption which would affect the steady removal of the manure, and ample spare parts should be on hand for any mechanical equipment used in processing this material. Dr Deanne Meyer of UC Davis (530) 752-9391, suggests that storage be provided for 1 week of manure. Please augment the Plan to provide for contingencies.

33-31

(6) The volume of material to be disposed of is also a factor. According to the paper referenced in footnote 50 p. 4.9-23, one horse produces 730 cubic feet of material per year (2 cubic feet per day per horse). On the days there are 1,440 horses at the facility, 2,880 cubic feet of material must be moved. In the past, UC Davis used trucks with beds that were 8' wide x 12' long x 3' deep, each of which held 288 cubic feet. 10 such trucks would be required each day to dispose of the material. Confirm that the number of truck trips needed to dispose of the animal waste is included in the air quality analyses and the traffic study and that the Hay Road Landfill would accept such shipments.

33-32

d. Schools

(1) Noted inclusion of the Horse Racing Act on p. 4.9-29. Confirm that this wording appears here only to make the point that the entire subject of Schools is considered among the "ordinary and traditional municipal services" the city must continue to provide without additional taxes on the facility.

33-33

(2) Noted 3rd para on p. 4.9-32 re the requirement of dedication of land or payment of in-lieu fees. Does the Applicant propose to donate land?

33-34

(3) Noted 4th para on p. 4.9-32 re fees. Is the payment of \$0.36 per square foot applicable to Phase 1 of the project? Is it applicable to Phase 2 of the project?

33-35

4.9 e. Parks and Recreation

(1) Noted inclusion of the Horse Racing Act on p. 4.9-35. Confirm that this wording appears here only to make the point that the entire subject of Parks and Recreation is considered among the “ordinary and traditional municipal services” the city must continue to provide without additional taxes on the facility.

33-36

(2) Noted on p. 70 of Appendix A “Initial Study” that a 10-acre park was to be dedicated to the City. Please advise where this park is mentioned in the DEIR.

33-37

**4.10 Traffic**

a. Trip Generation, Phase 1 - Tier 1 Event (Live Horseracing): Noted footnote 1 to Table 4.10-7 (p. 4.10-23) “Attendance figures provided by Magna”; they were for a Thursday in October 2003 at Bay Meadows, 1,919 people, and a Wednesday in November 2003 at Golden Gate Fields, 1,852 people. Statistics from the CHRB for 2003 (attached) show that the **average daily** attendance at Bay Meadows for the fall meet was 6,818 people. The **average daily** attendance at Golden Gate Fields for the fall meet was 6,327 people. **It is highly unlikely both of these sets of attendance numbers could be correct.** Per the following text, Wednesdays and Thursdays are considered to be typical weekdays. There is also mention of the Applicant-provided “**median** mid-weekday” attendance for the 2003 season. The original source and applicability of these numbers is unknown. The basis for as much of the traffic analysis and any other aspect of this project that depends on these Applicant-furnished numbers should be reviewed and revised as necessary to permit the most objective and accurate analysis possible.

33-38

b. With respect to the above, see p. 4.10-54 re Year 2015 Conditions (Cumulative) Phase 1 (Tier 1 event) that also seems to be based on the Applicant-furnished attendance numbers. The conclusions reached here could be quite different using revised numbers. Actually, the use of 3,740 (55% full attendance) may not be conservative.

33-39

c. Parking Supply, p. 4.10-69

(1) Next to last para, noted that for a Tier 2 event, the parking will be on dirt. This is not consistent with the high-class project in the Applicant’s goals.

33-40

(2) Last para, The last line of this paragraph states the parking demand is projected to be 10,400 spaces. Provide information on how this demand will be met.

33-41

d. Vaughn Road-Pedrick Road Connector, p.4.10-70

Is the connector described and shown in Fig. 4.10-11 part of the project? Will the Applicant build it? Why is this road in this EIR?

33-42

e. Statement of assumptions and methodologies, beginning in the middle of p. 4.10-73

- (1) With respect to horseracing and the harvest, scant consideration was given to this impact; mitigation consists of hanging a few signs and increasing traffic enforcement. This will not be effective according to the Consultant's words on p. 4.10-92. 33-43
- (2) The assumed weekday attendance is probably not conservative. 33-44
- (3) The average vehicle occupancy of 2.8 does not seem conservative for these kinds of events in Dixon. If the average occupancy was down to, say, 2.0, a number of the Consultants conclusions would be very different. What is the expected accuracy of these factors? 33-45

f. Impact 4.10-1, beginning on p.4.10-74

(1) MM 4.10-1(a), p. 4.10-75, last line of text re I-80 EB ramps/Pedrick Road. Translated, this last line says it will be many, many years before any construction is begun, if ever. If the work could be done before Phase 1 is complete; it would be effective mitigation. If not, this is not mitigation measure - it is just words. A **dangerous condition** will be allowed to occur, and nothing will be done about it. 33-46

(2) In the first words of the description of MM4.10-1 (b) re I-80 EB ramps/North First Street, there is reference to an EB left turn movement at this intersection. **There is no such movement.** To go east on I-80, a driver veers to the right. If this MM refers to the required left turn to access WB I-80, the wording should be revised. 33-47

(3) It is possible to have a Tier 2 event when only Phase 1 has been built. This MM probably will not be effective for a Tier 1 event, and it surely will not be for a Tier 2 event. Technical calculations notwithstanding, traffic will back up onto I-80 EB here just like it does at Golden Gate Fields. A more comprehensive measure should be proposed to mitigate this impact or a **dangerous condition** will be allowed to occur, and nothing will be done about it. 33-48

g. Impact 4.10-3, beginning on p.4.10-80

(1) See page 4.10-85 text after description of MM 4.10-3(a) re a Transportation Demand Management strategy: Above all else, mitigation measures must be **effective**. This one is not, based on the Consultants words. The Consultant should be required to propose an effective MM and let the city decision-makers decide whether or not to require its implementation. 33-49

(2) Page 4.10-85 2nd para, noted the recommendation to defer mitigation measure 4.10-3(b) (construction of an auxiliary lane in each direction on I-80 to Kidwell) until Phase 2, based on the assumed infrequency of sold-out Sunday (Tier 1) events. First, the assumption about the frequency of sold-out events may not be conservative (based on CHRB numbers referred to above), and second, deferring the implementation of MM 4.10-3(b) until Phase 2 ensures that the construction would occur at precisely the time period to cause maximum traffic disruption and thirdly, note that the real recommendation **is to not do it at all, ever** - see p.4.10-87 next to last para: it would cost too much (that doesn't make it unfeasible to me), it may cause other operational problems, and Caltrans may oppose it. This is an unacceptable handling of an impact. If it simply can't be made better, if the residents and traveling public are just going to have to live with it, the Consultant is obligated to just say so in plain language. Another **dangerous condition** will be allowed to occur, and nothing will be 33-50

4.10 g (2) cont.

done about it.

↑ 33-50  
(cont.)

h. Impact 4.10-4, beginning on p. 4.10-86 middle

(1) Apparently, nothing can be done about the change from acceptable to unacceptable operations on I-80 Midway to A Street, Kidwell to SR113, and from Mace to the Causeway. Even MM 4.10-3(b) is seen as un-doable. Please see last two sentences of the paragraph above.

33-51

(2) Re MM4.10-4 (a) & (b) re a signal at SR12/113 and widening W. A Street: they are fine, and should be done, but they do nothing for travelers on I-80. Dixon will be known as the “big bottleneck“.

33-52

i. Impact 4.10-5, p. 4.10-88 bottom

Every segment of I-80 and its exits and entrances not mentioned before appears here as significant, unmitigatable, and unavoidable, and **nothing can be done about it**, at all. The Consultant suggests that a plan be developed that would satisfy the City Engineering Department. We can not imagine such a thing.

33-53

j. Impacts 4.10-13 and -14, p. 4.10-98 and on

See last line on p. 4.10-98 and correct referenced page number. The discussion does not occur on p. 4.10-52.

33-54

All the previous discussion and work on traffic in this EIR finally come to these two MMs. None of the previously recommended MMs will be imposed on the Applicant. No mitigation construction will occur. All the **dangerous conditions** described will be generated by this project and nothing will be done about it. The Applicant will pay a negotiated fee, which will be called his “fair share”. The City was warned in a letter from the Applicant dated 5/20/05 not to be too demanding, and to be “realistic“, because this EIR/CEQA process has taken a long time, and cost a lot of money, and Magna did not intend to contribute any more. Two sentences from that letter confirm these statements:

33-55

“MEC also strongly believes that any effort to extract additional revenues from the project, either directly or indirectly, will undermine the competitiveness of the venture, will reduce the reinvestment capital available to MEC to take the project to the next phase, and will put in jeopardy the success of the project from a business perspective. Put simply, MEC will not invest over \$125,000,000 in a facility whose competitiveness is constrained, whose reinvestment capital is diluted, and whose success is put at risk by exactions that seek to reach beyond the substantial contribution of discretionary funds already flowing to the City.”

We will say it if the Consultants won't: **The aggravating, wasteful, polluting, dangerous traffic conditions will exist past Year 2030** - per the Solano Comprehensive Transportation Plan Arterials, Highways, and Freeways Element January 2005, page 27 (available in the City Hall lobby).

33-56

4.10 j. cont

The City may well accept this EIR, but they should think long and hard before they accept this project. 33-57

4.10 k. Earlier in this letter, we suggested that the project be split into two separate parts. The traffic issue would be much easier to describe and evaluate, and hopefully mitigate if considered one Phase at a time. 33-58

l. Appendix G on the City supplied CD is almost useless to a reviewer due to the tiny type size used in the descriptive heading on each page. 33-59

m. Section 4.10 presents a partial analysis of the impact of this project on traffic on I-80.

(1) The analysis indicates that there will be delays; but it does not estimate the number of accidents that will accompany the unmitigated congestion. There are costs associated with accidents, and they should be included as an impact. 33-60

(2) Most of the traffic is commercial or business-related. There is economic loss caused by the unmitigated delays and accidents to be caused by this project and they should be included as an impact. 33-61

(3) I-80 is an interstate highway, and is the only high-speed, high-capacity E-W road in Northern California. There is a national defense and homeland security issue in that this road must not be rendered unusable in case of an emergency. The extent to which this project will impact the use of this highway should be addressed in this EIR. 33-62

#### **4.11 Wastewater Treatment Plant**

a. Noted on p.4.11-28 (& -38,) that the city's WWTP does not have the capacity to serve city growth for the next five years. Confirm that the words "including Phase 1 of the project" means there is not enough WWTP capacity for any of the Racetrack and Entertainment Center that is the subject of this EIR, that is, the reference is not to Phase 1 of the WWTP Expansion. Also noted last sentence of the section on Phase 1 on p.4.11-38 (& also on p. 4.11-39 3rd para) "...because there is inadequate capacity to serve the project's demand in addition to the city's existing commitments..." These words speak directly to Fundamental Goal #2 of our General Plan. Please give an example of an amendment to the General Plan, which could accommodate approvals of projects that exceed the "capacity of the local service network to adequately serve it". 33-63  
33-64

b. No basis is given for the demand on the WWTP from Phase 1 or Phase 2 of the project. See p.4.11-38 Phase 1 1st line and Phases 1 & 2 1st line, neither of which reference the assumptions or calculations used to generate the estimates. Please revise the EIR to include the basis for these estimates and assumptions. 33-65

4.11 c. There are many numbers used to describe the WWTP capacity now and in the future, but it seems that right now our capacity is 1.8 mgd. If Phase 1 of the proposed WWTP expansion goes as planned, the capacity will be raised to 2.0 mgd ADWF in 2007. Noted that on p. 4.11-38 the treatment demand for Phase 1 of the racetrack will be about 0.17 mgd, that is, about 9% of the total WWTP capacity if Phase 1 of the WWTP expansion goes as planned and on schedule. The racetrack Phase 1 would consume 85% of the WWTP Phase 1 expansion, leaving practically no capacity for the other currently approved projects through 2009. We are referring to Pulte, Brookfield, Southeast and Southwest all of which expect to use some of the WWTP expansion to 2.0 mgd and beyond. If the racetrack is approved, someone is going to be very disappointed. Please comment.

33-66

d. Phase 2 of the WWTP expansion in 2009 will bring the capacity to 2.5 mgd ADWF. The Milk Farm Project, approved in November 2005, plans to develop 465,000 square feet of about the same sort of businesses as Phase 2 of the racetrack, but expects to generate, conservatively, 81,250 gpd according to p. 4.11-23 of FEIR State Clearinghouse No. 2004052075. According to p. 4.11-38 of the racetrack DEIR Phases 1 and 2, Phase 2 of this project will generate only 80,000 gpd. This Phase of the project is a total of 1.2 million square feet. What features are to be included in Phase 2 of the racetrack to produce such a low flow? What factors were used to estimate the ADWF for Phase 2? Please resolve any substantial differences from the factors used for the Milk Farm (see Milk Farm EIR Table 4.11-3). Note that the FEIR for the recently approved Milk Farm project concluded that there was no capacity left for new growth (p. 4.11-24).

33-67

e. Dixon's Waste Water Treatment system is given the courtesy title of "secondary equivalent" which means it is **not** secondary treatment. With minimal treatment our sewage runs out into basins to evaporate or percolate. Please confirm that Dixon now has about 400 acres of such basins. According to p.4.11-31, in 2nd para. of WWTP Expansion, **500 more acres** are to be removed from agriculture and acquired for use as percolation basins. It is our understanding that there is no possible future use for land that has been used for percolation except possibly storm water detention. Note that recently the Hilmar Cheese Co. was heavily fined for pollution - what they did is worse than what Dixon is doing, but Dixon is doing it to a much larger area. The cost to line ponds is so high, it almost is not feasible for serious consideration, essentially since lining would only be another temporary fix to increase the capacity another couple of hundred thousand gpd. When will Dixon consider building a real secondary treatment plant? Has Dixon considered sending some sewage to Vacaville's Easterly Plant? Has Dixon considered participating in construction of a new regional WWTP?

33-68

33-69

33-70

f. Noted inclusion of the Horse Racing Act on p. 4.11-32. Confirm that this wording appears here only to make the point that the entire subject of Wastewater is considered among the "ordinary and traditional municipal services" the city must continue to provide.

33-71

4.11 g. Noted in Table 2-1 p.2-48 Mitigation Measure 4.11-5(d). The proposed revision to the

NEQSP does not “clarify responsibilities” because it does not specify the extent of the Applicants contribution to “the appropriate hookup fees to help offset costs”. Speaking of the NEQSP, in Section 6.2 (p. 6-4) the second sentence is proposed to be revised, although as written it corresponds to the DEIR statements of pages 4.11-28 and -38. As proposed to be revised, however, it would make it clear that it is the **City** that will provide the increased sewer capacity. Both of these sections should be revised to clarify and coordinate.

33-72

h. Noted in Table 2-1 p. 2-49 Mitigation Measure 4.11-6 (a) & (b). Offering an alternative MM that would allow the Applicant to grade, install utilities, and build structures with a building permit but with no assurance of an occupancy permit seems designed to produce tremendous pressure on the Public Works and City Engineering Department and creates the real risk of a lawsuit demanding the COO. We suggest that the alternative MM be removed.

33-73

This EIR describes a project that may be attractive to City officials, and some local businessmen, but that is very bad for its residents, many of whom moved here specifically to avoid bad air, grid-locked traffic and the other negative aspects of the racetrack.

33-74

Thank you for this opportunity to comment on the DEIR and we look forward to the Final version

*Gail S. Preston*

*Ada B. Preston*

encl: CHRB Statistics for Year 2003.

CALIFORNIA HORSE RACING BOARD

SUMMARY: ANNUAL STATISTICAL REPORT FOR RACING YEAR 2003

THOROUGHBRED RACE MEETINGS	RACING DATES	DAYS	DAYS/WK	ATTENDANCE (1)	AVE/DAILY	HANDLE (2)	AVE/DAILY	RETAINED	RETURNED
LOS ANGELES TURF CLUB	12/26/02-04/20/03	85	5	1,888,123	19,625	896,657,861	10,431,269	189,875,447	716,862,414
PACIFIC RACING ASSOCIATION	12/26/02-03/30/03	70	5	488,789	6,987	311,965,940	4,456,652	60,212,804	251,753,037
BAY MEADOWS OPERATING COMPANY	04/02/03-06/15/03	55	5	429,704	7,813	228,191,864	4,148,943	43,975,156	184,216,708
HOLLYWOOD PARK OPERATING CO.	04/23/03-07/20/03	65	5	1,221,782	18,797	608,436,358	9,360,544	116,428,461	492,005,896
DEL MAR THOROUGHBRED CLUB	07/23/03-09/10/03	43	6	1,288,228	28,494	472,814,887	10,995,695	91,071,019	381,743,867
BAY MEADOWS OPERATING COMPANY	08/29/03-11/02/03	50	5	340,916	6,818	179,797,076	3,595,942	35,338,485	144,458,591
OAK TREE RACING ASSOCIATION	10/01/03-11/09/03	32	5	642,953	20,092	362,062,081	11,314,440	69,030,731	293,031,350
HOLLYWOOD PARK FALL OPERATING CO.	11/11/03-12/21/03	30	5	444,524	14,817	234,447,387	7,814,913	45,193,462	189,253,925
PACIFIC RACING ASSOCIATION	11/05/03-12/21/03	35	5	221,432	6,327	137,661,321	3,932,885	26,675,823	110,975,488
<b>TOTALS</b>		<b>465</b>		<b>6,706,453</b>	<b>14,422</b>	<b>3,422,023,475</b>	<b>7,359,190</b>	<b>687,902,188</b>	<b>2,764,121,288</b>
<b>HARNESS HORSE MEETINGS</b>									
CAPITOL RACING AT CAL EXPO	12/26/02-07/26/03	123	5	513,243	4,173	115,747,692	941,038	25,972,135	89,775,567
CAPITOL RACING AT CAL EXPO	09/28/03-12/21/03	46	4	181,686	3,950	41,503,926	902,259	9,387,527	32,116,399
<b>TOTALS</b>		<b>169</b>		<b>694,929</b>	<b>4,112</b>	<b>157,251,618</b>	<b>930,483</b>	<b>35,359,662</b>	<b>121,891,967</b>
<b>QUARTER HORSE MEETINGS</b>									
LOS ALAMITOS QTR. HORSE RACING ASSN.	12/26/02-12/21/03	204	4	976,851	4,788	213,555,922	1,046,843	43,240,980	170,314,942
<b>TOTALS</b>		<b>204</b>		<b>976,851</b>	<b>4,788</b>	<b>213,555,922</b>	<b>1,046,843</b>	<b>43,240,980</b>	<b>170,314,942</b>
<b>FAIR RACE MEETINGS</b>									
SAN JOAQUIN COUNTY	06/11/03-06/22/03	10	5	86,393	8,639	15,351,038	1,535,104	3,078,325	12,272,713
ALAMEDA COUNTY	06/25/03-07/06/03	11	5	83,850	7,623	32,128,082	2,920,735	8,409,654	25,718,428
SOLANO COUNTY	07/09/03-07/20/03	10	6	63,131	6,313	28,514,191	2,851,419	5,803,102	22,711,089
SONOMA COUNTY	07/23/03-08/04/03	12	6	122,676	10,223	35,304,489	2,942,041	7,119,426	28,185,063
HUMBOLDT COUNTY	08/07/03-08/17/03	10	5	58,433	5,843	1,959,787	195,979	399,761	1,560,025
SAN MATEO COUNTY	08/06/03-08/18/03	12	6	71,453	5,954	31,446,535	2,620,545	6,355,874	25,090,661
CAL EXPO & STATE FAIR	08/20/03-09/02/03	11	6	117,101	10,646	20,650,186	1,877,290	4,177,602	16,472,586
LOS ANGELES COUNTY	08/12/03-09/28/03	17	7	258,527	15,207	91,749,337	5,397,020	18,504,823	73,244,514
FRESNO DISTRICT	10/01/03-10/13/03	11	6	110,934	10,085	6,224,585	565,871	1,261,192	4,963,393
<b>TOTALS</b>		<b>104</b>		<b>972,498</b>	<b>9,351</b>	<b>263,328,233</b>	<b>2,532,002</b>	<b>53,109,759</b>	<b>210,218,474</b>
<b>GRAND TOTALS</b>		<b>942</b>		<b>9,350,731</b>	<b>9,926</b>	<b>4,056,159,248</b>	<b>4,305,902</b>	<b>789,612,568</b>	<b>3,286,546,860</b>

**LETTER 33: Gail and Ada Preston****Response to Comment 33-1:**

In the event that the City determines to approve the Proposed Project notwithstanding the existence of unavoidable significant environmental impacts, it would be required to adopt a written Statement of Overriding Considerations. The Statement of Overriding Considerations must be provided to the decision-makers and the public for their review prior to taking action on the project.

**Response to Comment 33-2:**

A description of the Finish Line Pavilion Building is provided on page 3-11 of the Project Description. As described in the Project Description, the Finish Line Pavilion Building would be an approximately 192,372 square foot three-story building with capacity for 5,000 patrons. The multi-purpose Pavilion building would include a stage for in-door concerts, restaurant(s), meeting rooms, conference facilities, and the latest advances in simulcast technologies available. The description in the Draft EIR adequately describes the facility and additional detail is not required.

**Response to Comment 33-3:**

Figure 3-13 on page 3-35 of the Draft EIR includes a site plan that shows the location of Phase 2 relative to Phase 1. As described on page 3-33 of the Project Description,

Phase 2 is presented as a conceptual design to allow the project applicant flexibility to adapt the design of subsequent sub-phases to meet market demands. For example, if there is a greater demand for retail uses versus office uses, the amount of retail space would increase (not to exceed a maximum sf of 950,000 sf) while the total amount of office use would decrease, providing the total developed building floor area stays within the allowable 1.2 million square feet. The Design Guidelines would include specific design parameters for Phase 2 even though the buildings have not yet been designed. These design parameters include the development standards relative to the maximum height set forth in Table 3-3. All new development associated with Phase 2 would conform to the design parameters defined in the Design Guidelines.

The land uses proposed as part of Phase 2 would be designed to build upon and supplement the destination entertainment theme established in Phase 1 by the racetrack with its multi-purpose Finish Line Pavilion. Phase 2 would consist of an approximately 65-acre "Marketplace" located west of the racetrack (shown in Figure 3-13 as Mixed Use Development Area No. 7.) and an approximately 15-acre "Commerce Center" located north of the racetrack (shown on Figure 3-13 as Mixed Use Development Area No. 7a.). The Marketplace would include retail and hotel/conference uses. Office uses would be permitted in this area, but would be peripheral to the other uses.

The Marketplace would have as its principal design feature a clustered, mixed-use "Village Core" that would be situated internal to the site in proximity to the Finish Line Pavilion along both sides of the project's main entry boulevard. Opportunities would also be provided for freestanding stores, movie theaters, office buildings, and smaller inline centers at the project entries and along the Dixon Downs Parkway frontage. The Commerce Center would include office and hotel/conference uses. Retail uses would also be permitted, and may be substituted for office uses as the defining element of the Commerce Center should the retail market support such a shift in emphasis. The Commerce Center is envisioned as a "campus" style development that would incorporate the finish line turn of the racetrack as a design element.

Development of Phase 2 would be required to conform to specific design and other performance thresholds included in the Draft EIR to ensure it is within the parameters of what was analyzed in the EIR. Please refer to Chapter 3, Project Description for a more detailed explanation of Phase 2.

**Response to Comment 33-4:**

On page 3-48 of the Project Description (see Chapter 3) there is a list of objectives set forth by the City of Dixon in considering the Proposed Project and amendments to the NQSP and General Plan. Below the City's objectives are the applicant's objectives for the project. It is clearly stated that the applicant's objectives are not necessarily endorsed by the City. Section 15124 of the CEQA Guidelines specifies the project description include a statement of the "objectives sought by the proposed project". Typically the project objectives are provided by the applicant in proposing the project, but in this case the EIR also included the objectives of the City in its consideration of the merits of the project as well as the applicant in approving the project. In essence, the applicant's objectives are part of their project being analyzed in the EIR; therefore, there is no justification to remove this information from the Draft EIR.

**Response to Comment 33-5:**

The comment states that there would be many diesel truck trips generated by the Proposed Project. The project would generate some diesel truck traffic as goods are transported to the site and materials such as human solid waste and soiled horse bedding are transferred off-site. This truck activity would be consistent with other typical commercial development.

It is true that large numbers of diesel truck trips can contribute to human health impacts. However, the trucks that cause the most concern are the heavy-duty diesel trucks that are normally associated with heavy industrial or agricultural operations, or that are used to transport goods from ports, distribution centers, etc., to warehouses or industrial facilities. The Proposed Project would not generate large numbers of trips from these types of trucks. Horses are transported in horse trailers, not by semi-trucks and trailers. Some goods that would be used at the facility, such as beverages and food, and possibly the food for the horses, could be transported via larger delivery trucks. Other goods listed in the comment would most likely arrive via smaller delivery-type trucks. Again, this activity is common to commercial development. The Proposed Project would not create heavy-duty truck trips like a distribution center or truck stop, and would not have the health impacts associated with facilities such as these.

**Response to Comment 33-6:**

Please see Response to Comment 33-5, above, for a discussion of why truck traffic associated with the project would not be similar to that of industrial or agricultural uses that are known to have the potential to impact nearby receptors.

The truck traffic associated with the Proposed Project would add to cumulative pollution levels, but would not, by itself, create conditions that would make the air unfit for breathing. Any pollutants generated by truck traffic, (except ozone precursors, which would add to the regional ozone problem) would be experienced in the vicinity of the area where the truck travels. The project site is located adjacent to I-80. Trucks would approach and depart from the project site on I-80. The location of the project site would allow trucks to access the facility directly from the Interstate and depart on the Interstate directly after leaving the facility. Accordingly, trucks trips on local roads through areas surrounding the project site would be few, and there would be no impacts on sensitive uses because trucks would not pass near these uses.

Aside from project-related truck traffic, the comment states that the vehicles of patrons would also make the air unfit for breathing. Patrons would travel to the facility in cars. As discussed in the Draft EIR, the

pollutants of concern emitted by personal vehicles are the ozone precursors, carbon monoxide, and, to a lesser extent, PM<sub>10</sub> and PM<sub>2.5</sub>. The Draft EIR indicates what the ozone precursor impact would be in Table 4.2-5 (see page 4.2-15) when it estimates emissions of ROG and NO<sub>x</sub>. The Draft EIR finds both operational ROG and NO<sub>x</sub> to be significant. Ozone is a regional pollutant and would add to the regional ozone problem, but the Proposed Project would not necessarily increase ozone levels in the vicinity of the project site. Impact 4.2-3 addresses potential CO impacts from vehicles by calculating worst-case CO concentrations at intersections. As shown in Impact 4.2-3, CO levels would not exceed the CAAQS for CO, therefore the impact is considered less than significant. The particulate matter (PM) impact from project-related motor vehicles is also estimated in Table 4.2-5. Operational PM<sub>10</sub> emissions are shown in Table 4.2-5. PM<sub>2.5</sub> would be a subset of this PM<sub>10</sub> number. The total operational vehicle PM<sub>10</sub> emissions listed in Table 4.2-5 would be generated over the entire vehicle trip. Consequently, the vast majority of PM<sub>10</sub> and PM<sub>2.5</sub> would be generated away from the project site. As with trucks, most vehicles would access the facility from the freeway, so very little PM<sub>10</sub> or PM<sub>2.5</sub> would be produced in proximity to receptors surrounding the proposed project or elsewhere in the city, and there would be no substantial air quality impact.

**Response to Comment 33-7:**

URBEMIS modeling was conducted in order to estimate peak pounds per day of PM<sub>10</sub>, ROG and NO<sub>x</sub>. Paving of the parking areas associated with the Proposed Project would not occur simultaneously with other heavy emissions producing construction activities for Phases 1 or 2. Consequently, paving emissions would not be added to the maximum daily construction ROG number. The maximum daily emissions of ROG would occur during Phase 2 construction from the use of heavy-duty equipment and architectural coatings. This is reflected in Table 4.2-5 (see Draft EIR page 4.2-15).

**Response to Comment 33-8:**

The natural gas source indicated in Appendix D (see Volume II of the DEIR) is the equipment that would be used to heat the indoor areas of the facility. Like other commercial heating units, these units would be natural gas fueled. The use of this equipment would generate a certain amount of emissions that are indicated in the appendix outputs shown in Appendix D.

**Response to Comment 33-9:**

The total number of trips included in Appendix D indicates daily trips.

**Response to Comment 33-10:**

As discussed in Section 4.10, Transportation and Circulation, trips in the 30-mile radius range would come mostly from the east. Trips in the 30 to 60 mile radius range would come from the west. This means that the great majority of the miles traveled on the longer trips would be traveled outside of the air basin in which the Proposed Project is located. Consequently, lengthening vehicle trips to account for the longest trips would overestimate the emissions that would be generated in the air basin.

**Response to Comment 33-11:**

Table 4.2-5 (see page 4.2-15) shows operational emissions both before and after mitigation measures are applied. This shows the emissions reductions obtained from the specified mitigation measures.

**Response to Comment 33-12:**

PM<sub>10</sub> accounts for particulate matter of ten microns or less. PM<sub>2.5</sub> is therefore a subset of PM<sub>10</sub>. As shown in Table 4.2-5 (see page 4.2-15), operational PM<sub>10</sub> emissions for the Proposed Project were estimated by construction and project phase. See also Response to Comments 27-1 and 33-6 for an explanation of why PM<sub>10</sub> and PM<sub>2.5</sub> from mobile sources would not create significant impacts.

**Response to Comment 33-13:**

Monitoring for PM<sub>2.5</sub> is a very technically complicated and expensive undertaking. Air quality regulatory agencies are currently the only entities that perform this type of modeling in the area. It is not reasonable to require the project applicants to absorb the expense of purchasing this very expensive monitoring equipment and the continued cost of paying to maintain, operate, and collect the data. This expense could possibly be justified if PM<sub>2.5</sub> was believed to be generated in large amounts by the project. However, as shown in Responses to Comments 27-1, 33-6 and 33-12, PM<sub>2.5</sub> would not be generated in significant amounts on the project site or in the surrounding area from operation of the Proposed Project.

**Response to Comment 33-14:**

The project site, which is part of the NQSP, is being rezoned to a Planned Development (P-D) zoning designation. The Zoning Ordinance requires that implementation of the PD zoning district occur through approval of a “PD Plan”. For the Proposed Project, the Dixon Downs Development and Design Guidelines document, in combination with the NQSP, constitute the Proposed Project’s “PD Plan” [to define the project’s development plan, including the general location, size, setbacks, and heights of buildings, as well as development density assumptions and permitted uses]. Through the Dixon Downs Development and Design Guidelines, a horse racetrack, training center, and ancillary uses are permitted. The City’s Zoning Ordinance and the Dixon Downs Development and Design Guidelines do not formally provide a definition for “Confined Animal Feeding Operation” (CAFO), or regulate such uses.

**Response to Comment 33-15:**

The Agricultural District of the City of Dixon Zoning Ordinance lists many permitted uses related to agricultural activity, including the raising of livestock, and the operation of commercial kennels or stock feeding yards. While the Zoning Ordinance does not specifically define “Confined Animal Feeding Operation” (CAFO), the definition of the name can be reasonably interpreted as a use consistent with the established purpose and permitted uses listed for the Agricultural Zoning District.

**Response to Comment 33-16:**

It is not clear what ordinance the comment is referring to. As described in Response to Comment 33-14, the project site, which is part of the NQSP, is being rezoned to a P-D zoning designation. The Zoning Ordinance requires that implementation of the PD zoning district occur through approval of a “PD Plan”. For the Proposed Project, the Dixon Downs Development and Design Guidelines document, in combination with the NQSP, constitute the Proposed Project’s “PD Plan”. Through the Dixon Downs Development and Design Guidelines, a horse racetrack, training center, and ancillary uses are permitted.

While the City's Zoning Ordinance and the Dixon Downs Development and Design Guidelines do not formally provide a definition for CAFO, given the permitted uses established for the project, a CAFO would be permitted as it relates to the horse racetrack and entertainment center.

In addition, as discussed under Response to Comment 33-15, operation of a CAFO can be reasonably interpreted as a use consistent with the established purpose and permitted uses listed for the Agricultural Zoning District.

Therefore, approval of any other CAFOs by the City would be evaluated for consistency with the City Zoning Ordinance requirements. The act of approving a CAFO that is consistent with the City's Zoning Ordinance would not, in and of itself, expose the City to a lawsuit.

As it relates to water quality, stormwater, the Proposed Project qualifies for coverage under the General NPDES permit requirements for CAFOs consistent with Section 122.23 of Title 40 Code of Regulations. The permit regulates all manure, litter and process wastewater generated by the animals to protect receiving water quality. A more detailed discussion of the permit requirements is included on pages 4.6-10 and 4.6-11 of the Draft EIR.

**Response to Comment 33-17:**

The comment correctly notes that Pedrick Road would be raised 3.5 feet at the existing lowest point in the road (at the CMP culvert). The road would be raised between 0 to 1.5 feet along the Proposed Project frontage. The road is being raised to meet City standard requirements to maintain the 10-year hydraulic grade line and to prevent the road from overtopping during a 10-year event.

**Response to Comment 33-18:**

Please see Response to Comment 33-17. This measure is part of the improvements proposed to provide for adequate drainage capacity. It would not interfere with other proposed improvements.

**Response to Comment 33-19:**

In response to the comment, the second sentence in the last paragraph on page 4.6-28 is revised as follows:

Process water (e.g., horse wash water and water from unpaved surfaces, such as the stable walkways) would first be filtered through a 20-mesh screen at the storm drain inlet, followed by filtration through sand traps to remove grit and sand. Volumes of water less than or equal to the 25-year, 24-hour storm event would be detained in an underground storage system and pumped to the sanitary sewer system for final disposal (see Figure 4, SWQMP).

**Response to Comment 33-20:**

As discussed under Impact 4.7-1 on page 4.7-11, "the project appears to be essentially consistent with the overall intent of the applicable goals and policies in the NQSP and the City's General Plan, as well as the zoning ordinance. However, it is within the City's purview to interpret its own General Plan and other planning documents to ultimately decide if the project is consistent or inconsistent with any adopted City goals or policies." The EIR does not contain, and is not required to contain, a line-by-line evaluation of

the project compared to the goals, policies and action steps of the General Plan. It is the responsibility of the City Council, in considering the merits of the proposed project, to determine if the project is in substantial compliance with the General Plan.

**Response to Comment 33-21:**

The information included in the Regulatory section on page 4.9-3 under Horse Racing Act is included because if the City decides to receive a statutory distribution of funds from the racing facility there still would be the requirement that the City “shall continue to provide ordinary and traditional municipal services, such as police services and traffic control.”

**Response to Comment 33-22:**

Please see Response to Comment 33-21, above.

**Response to Comment 33-23:**

Tucker Bill distributions do not affect solid waste removal because the City of Dixon does not provide those services. The removal of solid waste is provided by NorCal Waste Systems (dba Dixon Sanitary) pursuant to a franchise agreement between NorCal and the City.

**Response to Comment 33-24:**

As discussed in Chapter 3, Project Description, as well as in the Solid Waste discussion in Section 4.9, Public Services, when the bedding material in the stables is soiled, it would be removed from the stalls and moved to an on-site transfer station for daily off-site transport to permitted composting facilities. It is unlikely that any of the manure or soiled bedding would be disposed of at the landfill. However, if this were the case assuming all 1,440 stalls are occupied 50 percent of the year, an additional 72,000 lbs/day or 6,552 tons/year could be disposed of at the landfill. This would increase the total amount from an estimated 8,710 tons/year to 15,262 tons/year that could be disposed of at the landfill.

If the horse manure and bedding is also delivered to the landfill, Dixon’s annual contribution to the landfill would increase to 31,835 tons per year, approximately a 50 percent increase in solid waste from Dixon; this would use about one percent of the facility’s maximum daily disposal.

To address the commenter’s concern, the Methods of Analysis on page 4.9-22 and Table 4.9-1 on page 4.9-24 are revised as follows:

- Horse Manure and Soiled Bedding: ~~6350~~ lbs/horse/day

**Table 4.9-1  
Dixon Downs Phase 1  
Solid Waste Generation**

Phase 1 Use	Capacity	Generation Rate	Days Per Year	Total Solid Waste Generation (per day)	Total Solid Waste Generation (per year)
Finish Line Pavilion & Grandstand	6,800 guests	1.25 lbs/guest/day	353	8,500 lbs/day	1,500.2 tons/yr
Tier 2 Event	15,000 guests	1.25 lbs/guest/day	12	18,750 lbs/day	112.5 tons/yr
Employees	760	2.7 lbs/emp/day	365	2,050 lbs/day	374.1 tons/yr
Temporary Housing	265 dorm rooms (470 people)	2.7 lbs/res/day	270 <sup>1</sup>	1,270 lbs/day	171.3 tons/yr
<b>Subtotal</b>					<b>2,158 tons/yr</b>
Horse Manure and Soiled Bedding	1,440 horses	<del>6,350</del> lbs/day	182 <sup>2</sup>	<del>90,720</del> <sup>72,000</sup> lbs/day	<del>8,256</del> <sup>6,552</sup> tons/yr
<b>Total</b>					<b>8,710 10,414 tons/yr</b>

Notes:

1. Assumes occupancy of temporary housing approximately 75% of the year.

2. Assumes maximum occupancy 50% of the year.

Source: EIP Associates, 2004.

The third paragraph under Impact 4.9-7 on page 4.9-24 is also revised as follows:

Upon completion, Phase 1 would increase Dixon's annual contribution to Hay Road Landfill by approximately 13 percent and would use 1.9 ~~0.25~~ percent of the permitted maximum daily disposal. Total waste (excluding animal waste) received by the Dixon Sanitary Service would increase from 16,573 tons per year to 18,731 tons per year. If the horse manure and bedding is also delivered to the landfill, Dixon's annual contribution to the landfill would increase to ~~25,283~~ 26,987 tons per year, approximately a 62 ~~50~~ percent increase in solid waste from Dixon; this would use about 2.5 ~~one~~ percent of the facility's maximum daily disposal.

### Response to Comment 33-25:

Solid waste is transported to the Hay Road Landfill (previously called the B&J Landfill), located approximately eight miles south of Dixon. The remaining capacity of the landfill has been estimated at 23,198,067 cubic yards, or 82.1 percent. Hay Road Landfill is permitted to accept a maximum disposal of 2,400 tons per day, and is anticipated to have capacity through the year 2070.<sup>8</sup> The site has a permitted disposal area of 256 acres, with a 640-acre permitted site area.<sup>9</sup> Please see page 4.9-20 in the Draft EIR for more information.

8 California Integrated Waste Management Board, *Active Landfills Profile for Hay Road Landfill, Inc. (B & J Landfill)*, <http://www.ciwmb.ca.gov/profiles/facility>, Accessed on June 18, 2004.

9 California Integrated Waste Management Board, *Active Landfills Profile for Hay Road Landfill, Inc. (B & J Landfill)*, <http://www.ciwmb.ca.gov/profiles/facility>, Accessed on June 18, 2004.

**Response to Comment 33-26:**

Construction of Phase 1 is anticipated to be completed in three years (see page 3-58 of the Draft EIR). The information included in the second paragraph on the top of page 4.9-23 is not accurate. Therefore, this text has been removed. The remainder of the information on page 4.9-23 is correct.

The 2<sup>nd</sup> paragraph on page 4.9-23 is revised as follows:

~~In order to determine how the project would affect the landfill, an estimate of the annual tonnage generated by the project was multiplied by three years, which represents the general estimate of the time that the project would be completed and occupied. The total tonnage estimated to be generated was then compared to the remaining landfill capacity.~~

**Response to Comment 33-27:**

In response to the comment, the text on page 4.9-23 is revised to reflect the manure and the additional bedding materials. During preparation of the Draft EIR the Hay Road Landfill was contacted and they indicated that they could accept the solid waste generated by the project.

The last sentence in the last paragraph on page 4.9-23/24 is revised as follows:

Assuming all 1,440 stalls are occupied 50 percent of the year, the Phase 1 uses plus manure and soiled bedding would generate an estimated 8,710 ~~8,256~~ tons per year, or an average of 24 ~~45~~ tons per day.

**Response to Comment 33-28:**

In response to the comment, the text on page 4.9-24 under Impact 4.9-7 is revised to reflect the manure and additional bedding materials.

The third full paragraph on page 4.9-24 is revised as follows:

If the horse manure and bedding is also delivered to the landfill, Dixon's annual contribution to the landfill would increase to ~~25,283~~ 26,987 tons per year, approximately a ~~62~~ 50 percent increase in solid waste from Dixon; this would use about 2.5 ~~one~~ percent of the facility's maximum daily disposal.

The last sentence in the last paragraph on page 4.9-24/25 is revised as follows:

Phase 1, including manure and bedding waste, ~~would~~ is estimated to generate 24 ~~45~~ tons of solid waste per day, 17 tons per day more less than the waste flow planned by the NQSP EIR. However, because there is adequate capacity in the landfill, ~~†~~this would be a *less-than-significant impact*.

**Response to Comment 33-29:**

Horse stalls are cleaned by the stable hands under the direction of the trainer for equine hygiene. Soiled bedding material would be removed on a daily basis. In some instances, stalls are cleaned more frequently than daily. The bedding material is completely replaced with all new material every several days.

When the bedding material is removed from the stalls, it is deposited in covered containers located beside each barn (“Barn Containers”). The Barn Containers are filled and moved when full or nearly full to an on-site collection point, the Manure Transfer Building, for unloading and then loaded into trucks for removal off-site. This activity is done on a daily basis. The Barn Containers also provide additional storage capacity for contingencies.

**Response to Comment 33-30:**

Most major horse racing/training facilities arrange for vendors to pick-up and remove the soiled bedding material to composting facilities, mushroom farms, or other end users. The trucks are filled and compressed using the loader. The volume of each load is fixed, but the weight may vary slightly. In the unlikely event the end user market for the soiled bedding material is not adequate to accommodate the daily volumes leaving the site, the excess material would go to the landfill for disposal. Please see Responses to Comments 8-3, 33-24, and 33-25.

**Response to Comment 33-31:**

While not specifically mentioned in the Manure Management Plan, there are contingency plans for removing soiled bedding material and for addressing mechanical breakdowns of equipment. For example, there is extra on-site covered storage capacity available that can be used should there be a problem moving materials off-site. In addition, supplemental containers are readily available through an equipment rental vendor. Alternately, the horse trainers and owners could be required to remove their animals from the site to stop the generation of soiled bedding materials. Also, critical spare mechanical parts would be kept on-site as part of a preventative and critical maintenance program. Contingency plans also include the ability to rent or lease material handling equipment, if necessary.

**Response to Comment 33-32:**

The Draft EIR assumed there would be approximately between three and five truck trips per day to remove manure off-site to nearby composting facilities or mushroom farms or the landfill, if necessary.

**Response to Comment 33-33:**

Tucker Bill distributions do not affect school district operations or taxation because the Dixon Unified School District is an independent public agency. Please see Response to Comment 33-21, above.

**Response to Comment 33-34:**

The project applicant is proposing to pay in-lieu fees to meet this requirement.

**Response to Comment 33-35:**

All new industrial and commercial development is required to pay the Dixon Unified School District school impact fees. At this time the current maximum rate for commercial, office, and hotel is \$0.42 per square foot. All commercial development in Phase 1 and Phase 2 would be required to pay school impact fees to the district.

**Response to Comment 33-36:**

Please see Response to Comment 33-21, above.

**Response to Comment 33-37:**

A private recreation area with basketball courts and a softball field is planned adjacent to the Grooms Quarters as shown in Figure 3-4 on page 3-10 of the Project Description. This information is also included on page 3-14 of the Project Description and in the discussion on parks and recreation included on pages 4.9-35 through 4.9-40 in Section 4.9, Public Services. It is assumed an approximately 10-acre private recreation area would be provided; however, at this time the exact number of acres is not known.

The Notice of Preparation indicates that the park was originally designated as a public amenity. As the project evolved, the City determined that because the site was not on the City's Parks Master Plan, was physically isolated from any residential areas, was located inside the racetrack security area, and was primarily designed to provide recreational opportunities for the on-site workers, the City was not supportive of designating the park a public amenity.

**Response to Comment 33-38:**

This comment asserts that attendance levels described in the Draft EIR at Bay Meadows and Golden Gate Fields, which were used as the basis for estimating an average trip generation rate per live horseracing attendee, were underestimated based on data published by the California Horse Racing Board (CHRB). Attached to the comment letter is a chart obtained from the CHRB website ([www.chrb.ca.gov](http://www.chrb.ca.gov)). This chart shows that average daily attendance during the fall 2003 racing season was 6,818 persons at Bay Meadows and 6,327 persons at Golden Gate Fields. The average attendance per day column includes the following footnote that was not mentioned in the comment letter:

*"The attendance column represents total patrons in attendance at on- and off-track sites located in California."*

In this instance, "on-track" refers to the track conducting the live horseracing event and "off-track" refers to any California guest location accepting wagers. A breakdown of on-track versus off-track attendance was not provided. However, data on the CHRB website indicates that on-track wagering represented less than 20 percent of the total wagers at each facility. Thus, assuming on-track and off-track patrons wager at comparable levels, actual on-track attendance levels are likely to be about 20 percent of the average 6,000+ attendees asserted in the comment (about 1,200 to 1,400 attendees per day on average).

Fehr & Peers obtained data provided by the applicant for each live race day in 2003 at Bay Meadows and Golden Gate Fields. The data was extremely detailed and included attendees (within grandstand,

clubhouse, and turf club), track and weather conditions, parking, and track personnel. After carefully reviewing the data, Fehr & Peers deemed it reliable for use in preparing the transportation analysis for the EIR. This data is on file at the City of Dixon offices for review by interested parties.

In conclusion, there is no evidence to suggest that the Draft EIR is in any way inaccurate or deficient because it made use of attendance data provided by the applicant for Bay Meadows and Golden Gate Fields.

**Response to Comment 33-39:**

Please see Response to Comment 33-38 for a discussion of the accuracy of attendance levels. Since attendance assumptions were correct, none of the analyses and conclusions contained in the Draft EIR have been altered.

**Response to Comment 33-40:**

The commenter's concern regarding whether or not the use of a dirt parking lot would be consistent with the applicant's goal of developing a high class project is a policy issue for the City Council to determine. The commenter's concern is noted and will be forwarded to the decision-makers for their consideration.

**Response to Comment 33-41:**

Page 4.10-69 of the Draft EIR states that: "Phases 1 and 2 with a Tier 2 event would require a supply of approximately 10,400 spaces to accommodate the entire parking demand on-site". This is identified in Impact 4.10-11 as being a significant and unavoidable impact despite the requirement of a parking management plan (as recommended in Mitigation Measure 4.10-11(b)). The parking management plan would identify potential off-site parking locations, use of shuttles, logical pedestrian connections, and other items associated with a Tier 2 event.

**Response to Comment 33-42:**

Please see Master Response TRAFF-3 regarding the project's responsibility for the Vaughn Road-Pedrick Road connector.

**Response to Comment 33-43:**

Please see Response to Comment 30-49.

**Response to Comment 33-44:**

Please see Response to Comment 33-38.

**Response to Comment 33-45:**

The assumed average vehicle occupancy of 2.8 is in the more conservative end of the generally-accepted range of 2.5 to 3.5 persons per vehicle for live concerts and sporting events. The assumed rate is supported by various field observations and assumptions made in previous environmental documents. For instance, the *California Speedway EIR* (San Bernardino County, 1995) assumed an AVO of 3.0 based

on observed AVO data at several South California race venues. An analysis by Fehr & Peers in 1997 for a proposed amphitheater in South Placer County, which was ultimately constructed in Yuba County, assumed an average vehicle occupancy (AVO) of 3.0 based on data from the Shoreline Amphitheater in Mountain View. Based on data from various sources (including studies of several sports venues in Southern California), the analysis for the Stockton Ports Stadium (*Traffic Impact Analysis for Stockton Ports Stadium*, Fehr & Peers, 1999) assumed an AVO of 2.8 for concerts and baseball games. Thus, the AVO of 2.8 assumed in the Draft EIR is supported by substantial evidence demonstrating its reasonableness.

**Response to Comment 33-46:**

Please see Master Response TRAFF-2.

**Response to Comment 33-47:**

The eastbound left-turn movement referred to in Mitigation Measure 4.10-1(b) is made by motorists on the overcrossing of I-80 (e.g., motorists who originated on Currey Road or Milk Farm Road) who desire to travel eastbound on I-80. The movement is controlled by a stop sign and yields to the through and left-turn movements on northbound North First Street and the eastbound-to-southbound off-ramp movement from I-80.

**Response to Comment 33-48:**

The effects of a Tier 2 Event were analyzed for Phase 1 only and for Phases 1 and 2 combined. Please see pages 4.10-88 through 4.10-91 in the Draft EIR for a discussion of impacts and mitigation measures. The Draft EIR recognizes that with implementation of mitigation measures associated with Phase 1 only, Tier 2 events would require greater levels of off-site traffic management personnel. The Draft EIR concludes that impacts would be significant and unavoidable under this condition despite the implementation of a Traffic Management Plan.

**Response to Comment 33-49:**

The TDM plan was recommended in Mitigation Measure 4.10-3(a). The discussion of this mitigation measure states that some level of reduced single-occupant vehicle trips would likely be achieved, but the level of reduction would not be sufficient to offset any of the identified significant impacts. This statement does not imply that TDM strategies are ineffective, as asserted by the comment. It should be noted that Mitigation Measure 4.10-3(b), which would add a 4<sup>th</sup> lane in each direction of I-80 east of Pedrick Road, was also recommended and would be extremely effective in improving operations on I-80.

**Response to Comment 33-50:**

The comment expresses concern regarding the deferral of Mitigation Measure 4.10-3(b) to Phase 2. Impact 4.10-3 indicates that the mainline segment of I-80 directly east of Pedrick Road is not significantly impacted during either a weekday or Sunday p.m. peak hour with Phase 1 (Tier 1 event) of the project. However, a significant impact would occur with Phases 1 and 2 (Tier 1 event). Thus, Mitigation Measure 4.10-3(b) is required for Phase 2 of the project, not Phase 1.

Please see Response to Comment 33-38 for a discussion of the accuracy of attendance levels. Since attendance assumptions were correct, none of the analyses and conclusions contained in the Draft EIR have been altered. Please see Master Response TRAFF-1 regarding improvements to I-80.

The commenter, in citing the last full paragraph of page 4.10-87, expresses concern that due to potential costs, operational problems, and lack of Caltrans support, Mitigation Measure 4.10-3(b) may never be implemented. The discussion on page 4.10-87 refers to potential concerns with widening other segments of I-80 (e.g., between Pitt School Road and West A Street), not the segment directly east of Pedrick Road. Caltrans would likely support the widening of I-80 directly east of Pedrick Road because it is necessary to improve operations at the I-80/Pedrick Road interchange. Please see Master Response TRAFF-1 and TRAFF-2 for more information regarding potential improvements on I-80 and at the I-80/Pedrick Road interchange.

**Response to Comment 33-51:**

The comment is incorrect in stating that operations on each of the referenced segments of I-80 are all currently acceptable. Please see Master Response TRAFF-1 and Response to Comment 33-50 regarding improvements on I-80.

**Response to Comment 33-52:**

The commenter's opinion regarding traveler perceptions of Dixon is noted and forwarded to the decision-makers for their consideration.

**Response to Comment 33-53:**

The comment is correct in stating that Tier 2 events would cause numerous intersections and freeway segments to operate at unacceptable levels. Impacts of a Tier 2 event would be greater under Phase 1 conditions than with Phase 1 and 2 because the I-80/Pedrick Road interchange and I-80 widening would be completed in conjunction with Phase 2.

Table 4.10-27 compares operations along Pedrick Road and I-80 under "Existing Plus Phases 1 & 2" conditions, without and with the recommended mitigations. Improvements to I-80 and the I-80/Pedrick Road interchange would provide substantial operational benefits during a Tier 2 event. Although implementation of a TMP would provide additional operational benefits, some study facilities would continue to operate unacceptably. Thus, Impact 4.10-5 was considered significant and unavoidable.

**Response to Comment 33-54:**

The last sentence on page 4.10-98 is revised as follows:

As discussed on page ~~4.10-52~~ 4.10-53 through 4.10-58, all of these intersections would operate at LOS F under cumulative conditions.

**Response to Comment 33-55:**

The comment states that none of the previously recommended mitigation measures (4.10-1 through 4.10-12) would be imposed by the applicant and that no mitigation construction would occur. Mitigation

measures would be imposed by the City of Dixon, not the applicant. In *No Slo Transit, Inc. vs. City of Long Beach* (1987), the court stated that mitigation measures are “suggestions which may or may not be adopted by the decision-makers. There is no requirement in CEQA that mitigation measures be adopted.” However, if the City chooses to not require certain mitigation measures, they must then make written CEQA findings and a statement of overriding considerations, supported by substantial evidence, that specific economic, legal, social, technological, or other benefits of the Proposed Project outweigh the unavoidable adverse environmental effects.

The letter referred to in the comment was a letter from Magna to the City of Dixon related to negotiation of the Development Agreement. In addition to traffic mitigation measures which would ultimately be the subject of public hearings and final approval by the City Council, matters relating to the nature, timing, and allocation of costs of freeway mainline and interchange improvements would be addressed in the project development agreement. The project applicant’s concerns related to any financial requirements to fund improvements are of interest, however they should not be assumed to be the final word on the matter. The outcome of the negotiation process will go through public review as well as Planning Commission and City Council review prior to any formal action being taken.

**Response to Comment 33-56:**

The concerns put forth by the commenter are forwarded to the decision-makers for their consideration.

**Response to Comment 33-57:**

The concerns put forth by the commenter are forwarded to the decision-makers for their consideration.

**Response to Comment 33-58:**

The technical analysis presents the project impact discussion for Phase 1 alone and Phases 1 and 2 combined. This was done to assist the reader in understanding the impact associated with just the Phase 1 component of the project in the event Phase 2 is not constructed, as well as the combined effect of the full project, as proposed. The traffic section contains a large volume of information but was written to assist the reader, to the greatest extent possible, to understand all the various traffic scenarios associated with the project, including its component parts.

**Response to Comment 33-59:**

A hardcopy of the document is available for review at the City offices.

**Response to Comment 33-60:**

The comment states that Section 4.10 of the Draft EIR contains a partial analysis of the project’s impact on I-80. Section 4.10, Transportation and Circulation included an extremely detailed and thorough analysis of potential project impacts on various segments of I-80 from I-505 in Solano County to the Yolo Causeway in Yolo County during weekday, Saturday, and Sunday peak hours. Five interchanges with I-80 were also studied. Analyses were conducted for Existing, Existing Plus Project, Cumulative, and Cumulative Plus Project conditions. It is not customary to estimate changes in accident rates resulting from changes in congestion and delays as suggested by the comment. Traffic crash rates are function of a number of different variables. Any attempt to establish direct causality between increased

congestion on I-80 and changes in accident rates would be speculative. CEQA Guidelines Section 15145 states that if an agency finds that a particular impact (e.g., increased accident rates on I-80 due to project traffic) is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

**Response to Comment 33-61:**

The economic loss or cost resulting from traffic delays is not an environmental impact addressed by CEQA. The commenter's concern is noted and forwarded to the decision-makers for their review and consideration.

**Response to Comment 33-62:**

The Draft EIR includes substantial information of the extent to which the project would use and potentially impact I-80.

**Response to Comment 33-63:**

Page 4.11-38 in the Draft EIR states: "the City's WWTP does not have the capacity to serve City growth for the next five years, including Phase 1 of the Proposed Project." The Proposed Project that is the subject of the Draft EIR is the Dixon Downs Horse Racetrack and Entertainment Center (see page 1-1 in the Draft EIR). The wording in the Draft EIR referenced by in the comment clearly refers to the Dixon Downs Horse Racetrack and Entertainment Center and not Phase 1 of the planned WWTP expansion. No changes to the Draft EIR are necessary as a result of this comment.

**Response to Comment 33-64:**

The City of Dixon General Plan contains goals and policies that are applicable to the provision of wastewater services. Policy 6, which is referenced in the Draft EIR on page 4.11-33, recognizes that new development will increase the demand for treatment capacity and requires the expansion of wastewater treatment capacity in response to such development. As stated on page 4.11-38 in the Draft EIR, expansion of the City's WWTP to accommodate new development would be required regardless of whether the Proposed Project is implemented. Mitigation Measure 4.11-6(a) (Draft EIR, page 4.11-39) specifically would require capacity expansion to accommodate Phase 1 of the Proposed Project, which would ensure consistency with Policy 6 and the General Plan. No amendment to the General Plan would be required, as suggested in the comment.

In addition, the general plan designates this area as an "employment center". An Employment Center is defined on page 50 in the general plan to mean "...an umbrella designation pending submission of more detailed patterns of specific land uses consistent with the types included under the Planned Business/Industrial (PI), Professional/Administrative Office (O), and Highway Commercial (HC) designations..." As stated on page 51 of the general plan, Highway Commercial includes those uses which "...cater primarily to the traffic passing Dixon on I-80..." Since the project would draw the overwhelming majority of its patrons from outside of the City, this would be consistent.

**Response to Comment 33-65:**

The basis for the WWTP demand assumptions and timeline for Phases 1 and 2 of the Proposed Project are stated in the “Methods of Analysis” section on pages 4.11-34 through 4.11-35 in the Draft EIR. The technical calculations were included in a technical study prepared by ECO:LOGIC Engineering (*Review of Dixon Downs Project Impacts on City Wastewater Facilities*), which is referenced in the footnotes throughout the “Wastewater” subsection of Section 4.11, Public Utilities. An additional study (Morton & Pitalo, *Preliminary Sewer Study-Dixon Downs*) was completed prior to the ECO:LOGIC study. The Morton & Pitalo study is also noted on page 4.11-34 in the Draft EIR. These documents are available for public review at the Dixon Community Development Department, 600 East A Street, Dixon, during normal business hours. No changes to the Draft EIR are necessary as a result of this comment.

**Response to Comment 33-66:**

This comment relates to the timing of wastewater flows from new development and the proposed expansion schedule of the city’s wastewater treatment plant. When the projected timelines of new development are compared to the proposed expansion schedule for the wastewater treatment plant the City’s wastewater consultant has determined that the proposed expansion schedule stays ahead of the increased flows from new development. Accordingly, it is not anticipated that wastewater treatment capacities would be exceeded by wastewater flows generated by new development.

**Response to Comment 33-67:**

Features associated with Phase 2 development of the Proposed Project are described in the Project Description (Chapter 3) on page 3-33 in the Draft EIR. Factors used to determine Phase 2 flows are included in ECO:LOGIC’s *Review of Dixon Downs Project Impacts on City Wastewater Facilities*. A review of wastewater generation rates for the Milk Farm project and wastewater flows to be generated by Phase 2 of the Dixon Downs project indicates that the unit demand rates for the two projects are different. The Milk Farm project includes a higher percentage of wastewater generating commercial uses (restaurants, etc.) than the more traditional retail uses (retail stores, etc.) that predominate the mix of uses in Phase 2 of the Dixon Downs project. Traditional retail uses generate less wastewater on a per square foot basis than do restaurants. Accordingly, a smaller percentage of these types of uses in Phase 2 of the Dixon Downs project resulted in a lower projection of wastewater flows than would result from the straight ratio comparison provided in the comment.

**Response to Comment 33-68:**

The comment indicates that the city’s wastewater treatment plant is not a secondary treatment facility while, in fact, the existing facility is a land-based secondary equivalent treatment facility. The total land area in basins is approximately 230 acres.

**Response to Comment 33-69:**

This is a comment on plans for the City’s WWTP expansion and is not a comment on the analysis of the Proposed Project presented in the Draft EIR. Although approximately 500 acres would be needed (see Draft EIR, page 4.11-31), as stated on page 4.11-44 in the Draft EIR, the location(s) for the percolation disposal areas have not been identified, so current land uses are unknown. If the land identified for the

ponds is agricultural, the conversion of that land could result in adverse environmental impacts that may not be avoidable, which is acknowledged in Impact 4.11-9 (cumulative impact) in the Draft EIR.

**Response to Comment 33-70:**

The City of Dixon WWTP is an aerated pond facility that provides full secondary treatment in the normal sense, except that natural algae grow in the wastewater during the treatment process. Other than this difference, the same treatment processes like settling, aerobic digestion, and anaerobic digestion are used in ponds and more mechanized/energy-intensive facilities such as at the City of Vacaville WWTP. Pond treatment has the advantage over mechanical treatment by being more stable, and using less mechanical equipment and power. Mechanical treatment has the advantage over pond treatment by not growing algae, having the ability to remove nitrogen better, having a smaller footprint, and losing less water by evaporation. At some of the most recent state-of-the-art treatment facilities, such as at the City of Lincoln WWTP, both ponds and mechanical treatment are provided to maximize compliance with stringent new wastewater regulations.

The term "secondary equivalent" is a federal regulatory acknowledgement that for compliance testing purposes an allowance for natural algae growth is appropriate. It does not imply lesser or inferior treatment.

In the planning for new treatment facilities that meet the latest state permitting requirements, and provide new capacity for growth, a variety of regional options were considered. The Vacaville WWTP was considered and rejected because they have unresolved permit compliance issues with the state related to their practice of discharging wastewater to low-flow surface waters. Discharging wastewater to low-flow surface waters is not considered by the state to be an appropriate, long-term, planning policy. Exporting the wastewater to the Sacramento River, possibly in concert with the Sacramento regional facility, is considered cost prohibitive, and not necessarily politically viable. The City's current wastewater plan, which was negotiated with the state, is relatively cost effective, flexible, and best meets the goals of the State's Basin Plan.

**Response to Comment 33-71:**

Wastewater service is provided in Dixon as an enterprise, and that enterprise is funded through sewer connection or hook up fees and monthly sewer user fees. Those fees would be required to be paid by the project regardless of whether the Tucker Bill option is pursued. Please see Response to Comment 33-21, above.

**Response to Comment 33-72:**

The proposed NQSP text amendments regarding sewer capacity are reflective of the improvement program mandated by the recent decision of the Regional Water Quality Control Board and do not change the plan's pre-existing commitment for the City to provide service capacity for future development within the NQSP. In the Public Facility and Service Element policies, the NQSP requires adherence to City ordinances and policies applicable to wastewater collection and disposal. Those ordinances and policies include payment of connection and user fees reflective of wastewater treatment and disposal demand generated by new development, regardless of whether the development occurs under the existing or an alternative land-use plan such as the Proposed Project.

The proposed revision to the NQSP EIR Mitigation Measure PS-E expands the original reference to fees for “sewage treatment” to include “sewage conveyance, storage, treatment, and disposal.” The specific fee amounts are not included in the mitigation measure because they may, and likely will, change over time. The reference to “appropriate hook-up fees” provides the City greater flexibility in revising and requiring payment of such revised fees in the future. The responsibility of increased sewer capacity as required by the Proposed Project falls on the City of Dixon as stated in the NQSP (Section 6.2 Sewer). The City will provide system capacity to serve the anticipated increase in sewer requirements resulting from the new development. In addition to appropriate hook-up fees, the mitigation measure also requires that the project applicant is responsible for the construction of sewer lift stations, sewer mains, and any other facility improvements necessary to serve the Proposed Project.

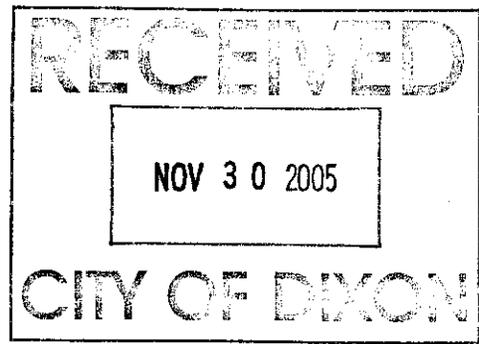
**Response to Comment 33-73:**

This approach could present some risk of “pressure on the Public Works and City Engineering Departments” to allow occupancy if the City’s wastewater treatment plant improvements had not been significantly clarified in recent months. With the Regional Board’s requirements to implement water quality and capacity upgrades by 2009, comes significant certainty of the plant’s ability to meet demands from new development.

The intent of the options provided in Mitigation Measure 4.11-6 (a) and (b) is to allow the City to permit simultaneous construction of the Proposed Project, if it is approved, and the expansion of the City’s wastewater treatment plant. Rather than requiring expansion of the wastewater treatment plant prior to issuance of the project building permit, the option provided would require completion of the City’s wastewater treatment plant prior to issuance of the project occupancy permit. Mitigation Measure 4.11-6(a) is the wording from the previously certified NQSP EIR. Mitigation Measure 4.11-6(b) provides an alternative that would require determination of wastewater treatment capacity availability prior to occupancy of Phase I buildings, rather than prior to issuance of building permits as required in Mitigation Measure 4.11-6 (a). The schedule for construction of the wastewater treatment plant expansion has been established in an order from the Central Valley Regional Water Quality Control Board. Contrary to the comment, the intent of the optional mitigation measure is not to increase pressure on the City’s Public Works Department but to facilitate the construction of both projects if so desired by the City Council.

**Response to Comment 33-74:**

The concerns raised by the commenter are forwarded to the decision-makers for their consideration.



1

November 30, 2005

TO: City Manager  
Dixon, CA

RE: Dixon Downs DEIR

Thank you for the opportunity to comment on the Dixon Downs EIR. I have reviewed the EIR and have the following questions and comments. My general points are not always keyed to specific pages because the Draft EIR and associated documents (1800 pages) were lengthy, and I had limited time to review the document.

I am a 50-year resident of Dixon and am familiar with the area. I have a B.S. in Community Development from the University of California, Davis, am a director for a nonprofit corporation with almost \$1 billion in assets, and have extensive experience in analyzing research and educational projects. I have chaired regional and local projects for Soroptimist International of Greater Davis. I was a member of the University of California Rural Development Committee for many years.

I want to reiterate information in a letter sent to you regarding the EIR process. The letter is from the Sierra Club, Yolano Group. Their comments were as follows:

“Dixon City Council  
City of Dixon  
300 A Street  
Dixon, CA 95620

“We are writing to ask the City to halt the Dixon Downs EIR process. We make this request because we are concerned about the appearance of improprieties in the process. Enclosed you will find several documents that we believe illustrate the need for such action. Our specific concerns are:

34-1

“Senior staff (administrative policy makers) have become so involved with the project that it will not be possible for them to fulfill the duties of the lead agency. According to a State document regarding the top ten problems with CEQA “Any agency that allows the

34-2

<sup>1</sup> DEIR, 17 pages

applicant too much control over the CEQA document process could jeopardize its ability to defend the document if it is ever challenged. CEQA requires that the lead agency subject the draft environmental document to the lead agency's own review and analysis and that the document must reflect the independent judgment of the lead agency.'

34-2  
(con't.)

"City staff have made recommendations that Dixon's traffic level of service be degraded to substantially benefit the project applicant rather than the citizens of Dixon.

34-3

"City staff have proposed General Plan changes to the benefit of the applicant at the applicant's request.

34-4

"Draft changes have been made to the city's General Plan and Northeast Quadrant Specific plan to accommodate the applicant, not the citizens.

34-5

"The applicant may have altered the screencheck EIR to its advantage before release of the EIR to the public. The concern is that the public will not see potential impacts because of the alterations.

34-6

"The comments made by the citizens in opposition to this project may be summarily dismissed as it is in 'the overriding interest to the city' to adopt the project.

34-7

"The applicant has threatened to air 'dirty laundry'.

34-8

"We respectfully request that the Dixon City Council stop the EIR process immediately. We request that you arrange for the appointment of a competent, truly neutral official to oversee the EIR process to ensure that it is objective and fair. Our suggestion is that a court appointed official (preferably a judge) oversee the process.

34-9

"We do not make this request lightly. It is our firm desire to work with the City of Dixon's elected officials in an open and objective way."

34-10

Sincerely: Pamela Nieberg and Holly Bishop

The City Council was non-responsive to this request. Please respond to each point.

**General Plan**

The proposed development violates the **Dixon General Plan** goal of "a small town atmosphere" and increases traffic to the benefit of the developer, not the citizens.

- What are all of the General Plan amendments required for project approval at this time?
- What was the study area used to determine cumulative land use impacts?
- What projects and total development assumptions were used in the analysis?
- Does the analysis include the general plans and projects in adjacent cities and unincorporated areas? If not, why not?

34-11

34-12

34-13

34-14

- How is the project consistent with applicable plans, policies and regulations of all responsible agencies? 34-15
- Dixon's General Plan policies require that all new developments contribute to addressing Dixon's affordable housing? 34-16

**Impacts of Project**

- What area are the IMPLAN multipliers for? They seem too high for the city of Dixon. 34-17
- It seems likely that the proposal will cause an increase in population for the city. Do the various impacts take that increase in demand for city services (traffic, sewer, school, etc.)? 34-18
- If there is a multiplier effect in the city of Dixon, what is the increase in population caused by the proposal? 34-19
- Is the fiscal impact done with that population increase in mind? Why not? 34-20
- What is the increase in demand for city services caused by the proposal? 34-21
- In Volume 1, Chapter 5 of the DEIR, the estimated (multiplier) growth induced by the project is mentioned, but then it kind of brushes it aside in a sort of strange way. I think one could safely say that it's not zero on housing and schools, but cannot determine the number. 34-22

**Chapter 1, Introduction, Page 1-1:** The City of Dixon is the lead agency....” Note in an e-mail to me, Mary Courville states, “The lead agency is the City, which is the City Council and the public. Ultimately it is OUR responsibly to ensure that the Final EIR is objective and accurately reflects current data and analyses of the impacts.” 34-23

- Please explain how Dixon's elected officials assured that the document was objective. 34-24
- It is customary for the public officials to allow the applicant to “bulletproof” an EIR? 34-25
- Please explain how “the public” can be part of the lead agency. 34-26
- Please explain who the “public” is. 34-27

**Chapter 1, Introduction, Page 1-1,** “The City of Dixon is the lead agency.... Please provide a written policy on how much involvement the applicant is allowed into the EIR process and at what stage. 34-28

- Please provide an itemized account of how much money the city was reimbursed by Magna for processing the EIR. 34-29
- Please provide the total funds expended on this EIR. 34-30
- Please provide a written copy of Dixon's policies for EIRs and authorities granted to whom. Please indicate how lead agency is determined. 34-31
- Please indicate what the planning department's role is in processing EIRs and a copy of the written policies outlining the authorities. 34-32
- Are all CEQA documents processed as Dixon Downs was? 34-33
- If not, what are the differences? 34-34

- Since this establishes a past practice, will all CEQA documents be processed the same way that Dixon Downs was? 34-35
- Please explain how one racetrack will reinvigorate the sport of horse racing in Northern California? 34-36
- Please define “major employment center”. 34-37

**Chapter 1, Introduction, Page 1-1 “...associated with the proposed Dixon Downs Horse Racetrack...”**

- How will the federal Clean Water Act affect this operation? 34-38
- Will the water uses be in compliance with the Clean Water Act? 34-39

**Chapter 1, Intended Use of this EIR, Page 1-1, Intended Use of This EIR, Page 1-1,” This EIR will be used for the following approvals necessary for the Proposed Project: Mitigation Monitoring Program.”**

Mitigation measures adopted as conditions of approval become part of the project and are legally binding. As the city finalizes mitigation measures, I understand it must simultaneously develop a Mitigation Monitoring Program to be adopted when the project is approved and the environmental document approved or certified. Monitoring of mitigation measures (*CEQA Guidelines Section 15097*) requires that the decision maker adopt a program to monitor all mitigation measures, and project revisions, to ensure that they are implemented. Monitoring provides a benefit to the City enabling the City to understand which mitigation techniques are successful, and which mitigation measures may need to be clarified in subsequent documents.

Please clarify the following for the Dixon Downs EIR

Environment	Mitigation	Measure	Status	Responsible	Task
Aesthetics					
Air Quality					
Biological Resources					
Cultural Resources					
Hazardous Materials and Public Safety					
Land Use, Planning and Agricultural Resources					
Noise					
Public Services					
Transportation and					

Circulation					
Utilities					

**Chapter 1, CEQA Process, Public Review.** Page 1-3. In accordance with CEQA Guidelines, organizations and individuals who have an interest should have an opportunity to comment. Dixon’s Hispanic population is approaching 40%.

- Why were no materials or meetings held in Spanish?

34-41

The notice of public meetings has given the impression, whether intended or not, that the City of Dixon is going through the motions to provide an opportunity for public input, but making it very difficult for the public to do so.

Examples

- Informational meeting were held with the speaker talking at the audience with little time for questions.
- Questions not answered at the informational exchange were not answered, if all, for months.
- Requests by the public for open town hall style meetings were denied.
- Citizens were denied an opportunity to vote of Dixon Downs.
- Further a job fair was held in the middle of the DEIR review creating an impression that a decision has already been made before the project is voted on.

34-42

34-43

34-44

34-45

34-46

The examples, whether intentional or not, or whether legal or not, give the impression that the project was a done deal from the start. Dixon Downs Phase 1 and 2 will have impacts beyond our lifetimes and will certainly affect the quality of life for Dixon residents for decades.

34-47

**Chapter 1, Type of EIR.** Page 1-4. This is a “Project EIR,” pursuant to Section 15161 of the CEQA Guidelines.” The CEQA guidelines required that the lead agency conduct an independent review.

- Please explain who and how the independent and objective review was conducted?
- Who was involved?
- How did these individuals satisfy the requirement that they remain at arms-length during the process?
- Courts have ruled that if cities do not have performance standards or written policies, they must survey the surrounding cities and use the most stringent standard. Did the city council insist this be done in this case?

34-48

34-49

34-50

34-51

**Chapter 1, Type of EIR,** Page 1-1. This is a “Project EIR” pursuant to Section 15161. City received a letter from the Yolano Chapter of the Sierra Club (attached with supporting documents).

- Please explain why Magna’s attorneys were allowed to bulletproof the EIR.

34-52

**Chapter 2, Project Specific Significant Unavoidable Impacts**, page 2-3, "Construction activities associated with the Proposed Project would generate emissions of criteria pollutants".

- Please provide supporting data on how conclusion was reached.

34-53

**Chapter 2, Operation of the Phase 1**, page 2-4 combined with construction of Phase 2 and operation of Phases 1 and 2 would generate emissions of ROG and NO<sub>x</sub>,

- Please provide supporting data on how conclusion was reached.

34-54

**Chapter 2, Large events** could increase noise levels in the vicinity of the project site, page 2-4

- Please provide supporting data on how conclusion was reached.
- How will noise from special events affect businesses ad St. Antons to the west?

34-55

34-56

**Development Agreement, page 3-37.** "...the Development Agreement would vest the Phase 1 entitlements and the right to."

- list all entitlements and any funds expended on entitlements before approval of this project. Please see statement in Bloodhorse.com stating that \$5 million has been spent on entitlements. See <http://www.bloodhorse.com/articleindex/article.asp?id=30156> "We're already close to spending more on the entitlement process than we spent on the land," said Kumer.

34-57

A year after Stronach declared Dixon as the perfect spot for a new track, Magna spent \$6.3 million in 2001 on 260 acres of freeway-side property. So far, the entitlement process has cost about \$5 million, including \$1.5 million for this report.' --**Dixon Releases Track's Environmental Draft**

by Debbie Arrington

Date Posted: September 24, 2005

Last Updated: September 24, 2005

- Please clarify who is involved in the review and issuance of land use entitlements in Dixon. Please refer to written policy, which grants authority to these folks.
- Please state what the city's written policy is regarding Development Agreements.
- Please estimate a monetary value for the entitlements under consideration.
- Please indicate what the city is receiving for the entitlements.
- How much will Dixon get from Dixon Downs, if passed? And how will the funds be used?
- Could more money be gotten from someone else?
- Will Dixon Downs' contribution to affordable housing be included in the Development Agreement?
- What assurances are there that Dixon Downs will bring full time living wage jobs to Dixon?
- Will the number and the requirement that the jobholders live and reside in Dixon be included in the development agreement?

34-58

34-59

34-60

34-61

34-62

34-63

34-64

34-65

34-66

**Chapter 2: Summary of Environmental Effects**, page 2-1, “Conflict with existing agricultural zoning or Williamson Act contracts. Generally the loss of prime farmland cannot be mitigated. Once useful farmland is paved over, it will be lost to farming forever. Solano County has lost quite a bit of farmland in the last decade. The loss of 260 acres would only exacerbate the problem and provide no mitigation.

- It appears that we are giving up 260 acres of our scarce income and job producing ground for too little gain. Phase 1 of the Dixon Downs proposal suggests an annual income to the city of \$800,000. Why is a horse race track considered a fit for Dixon? 34-67
- How will paving over acres and acres of prime farmland protect agriculture in the area? 34-68
- Are horse farms considered “agricultural” in Solano County? 34-69
- Does Dixon have a right to farm ordinance? 34-70
- Does Solano County have a right to farm ordinance? 34-71
- What are Dixon’s policies to protect agriculture land? 34-72
- Should our local government be making the decision to allow conflict with existing zoning or Williamson Act contracts? 34-73
- Does Dixon have a policy to protect sensitive habitats? 34-74
- Does Dixon have a policy to minimize land disturbance and erosion? 34-75
- What assumptions and provisions were made for bicycle riders? 34-76
- At what point do the Dixon Downs bike path connect with city bike paths? 34-77
- From what I could see the proposed bike path runs parallel with Interstate 80. If the freeway is widened, will it compromise the bike paths? 34-78
- Will such bike paths be safe for children? 34-79
- If not, were they considered? At what point do the Dixon Downs bike path connect with city bike paths? 34-80

**Local Regulations**, City of Dixon General Plan, Page 4.1-13

Local governments can decide to not process applications that are inconsistent with the adopted General Plan. This project would basically overturn the fundamental principles of Dixon’s General Plan.

- Why was the Dixon Downs project allowed to go forward? 34-81
- Can Magna request a change to the General Plan after it is adopted? 34-82

**Local Regulations**, City of Dixon General Plan 4.1-13. Goal to maintain Dixon’s “small town character.”

- When did the residents have a voice in saying what the town should look like? 34-83
- How many voting-age residents are in favor of Dixon Downs? 34-84
- How many voting-age residents are opposed to Dixon Downs? 34-85

**Employment**

- What assumptions were used to calculate employee impacts on traffic, air quality and noise? 34-86
- How was the estimated number of construction jobs calculated? 34-87

- Over what period would these employees be working? 34-88
- Where are construction employees expected to reside? 34-89
- What is the cumulative total number of construction employees in the study area during the total construction period for the project? 34-90
- How many of jobs that Magna will fill will be full time jobs? 34-91
- How many of the jobs that Magna will hire will be part time? 34-92
- How many of these employees will be paid health benefits? 34-93
- How many will be paid retirement benefits? 34-94
- How many of the positions are union positions? 34-95
- If the cannery leaves, how many jobs will be lost? 34-96
- The 480+ backstretch employees will not be hired by Magna. Is this correct? 34-97
- Might they be considered transient employees? 34-98
- Which jobs could be filled by employees less than 18 years of age? 34-99
- How many positions do you estimate this would be? 34-100
  
- Where will employees for the racetrack and Finish Line Pavilion reside? 34-101
- Regarding the employees that the horse owner will hire, we don't know how many grooms a horse owner will provide. However, there is no guarantee that the horse owners will provide a certain number. How many horses can each groom take care of in any given time? We don't know if each horse owner will bring 50, 25, or 2 horses and we don't know if each owner will bring 2 or 20 grooms. It seems like a good idea for the city council to establish criteria of so many grooms per so many horses, i.e. 1 groom for 2 or 3 horses. What is the city council's thinking on this? 34-102

**Pari-Mutual, Page 3-45 and 3-46**

- Information on simulcast betting is very sparse in the DEIR, yet this facility has the potential to hold 5,000 individuals 365 days a year, which will create traffic (almost 2 million vehicular trips/yearly), air pollution, and add to our wastewater and landfill problems. The report does not explain to the reader that the Finish Line Pavilion is a global gambling facility. Further, at the public meetings, the city representative provided little information on this aspect although it will affect the environment. If this aspect is not part of the DEIR, please explain why it was included in the DEIR. And if it is not part of the DEIR, please recirculate the document. 34-103
- Please explain how patrons will get to the Finish Line Pavilion and why they will have no impact on the environment. 34-104

The National Gambling Impact Study Commission Report made the following recommendations:

- Because of the easy availability of automated teller machines (ATM's) and credit machines encourages some gamblers to wager more than they intended, the Commission recommends that states, tribal governments, and pari-mutuel facilities ban credit card cash advance machines and other devices activated by 34-105

- debit or credit cards from the immediate area where gambling takes place.
- Will credit ATM's be banned at Dixon Downs? If not, what is your justification?
- While the Commission recognizes that the responsibility for children and minors lies first and foremost with parents, it recommends that gambling establishments implement policies to help ensure the safety of children on their premises and to prevent underage gambling. How will Dixon Downs do this? 34-105 (cont.)
  - Since problem gamblers are not evenly distributed in the populations and are often concentrated near where gambling facilities are located, what is the estimate for youth problem gamblers in the area? 34-106
  - The Commission recommends that students be warned on the dangers of gambling beginning at the elementary level and continuing through college. How will this be done? Does Magna have an agreement with UCD, Travis Air Force Base and the Dixon Unified School District? 34-107
  - It is the stated goal of Magna Entertainment Corporation to exploit its product "Horse Wizard" which is a slot machine simulation based on pari-mutuel to attract players interested in slot machine type gaming. How many such gaming modules will be in Finish Line Pavilion in Phase 1 and in Phase 2? 34-108
  - How many computer monitors will be present in the building? 34-109
  - Does the draft EIR consider what would happen if Dixon Downs had 3,000 slots how would the EMF atmosphere be determined for public health and safety? 34-110
  - Should state law be changed to allow slot machines at racetracks in the course of development Dixon Downs Phase 1 and/or Phase 2, what are the anticipated machines that would be housed in the Finish Line Pavilion? 34-111
  - Would there be increased traffic? What would happen to police services? 34-112
  - The City of Dixon has an anti-gambling and gaming ordinance. Introducing satellite wagering appears to be a total violation of that ordinance. What is your rationale for introducing satellite, Internet, telephone and live horse racing? 34-113
  - How might the racetrack affect the supply of capital locally, regionally and statewide? 34-114
  - What is the estimate of the social costs of this project? 34-115
  - How will the social costs compare to the revenues raised? 34-116

**Temporary Quarters for Grooms and Trainers, page 3-47**

- Why does the Transient occupancy tax not apply to on-site housing (262 rooms) for horse trainers, grooms, etc? 34-118
- Please explain why this state law does not apply to this applicant 34-119

**Special Events**

- This permit for Tier 2 would allow up to 25 special events with a possible attendance of 15,000. The estimates for cars do not appear adequate. 34-120
- Please provide data on how this estimate is arrived at? 34-121

- Why it is necessary to have overflow parking if special events will generate less than 3,000 cars? 34-122
- What is the estimated wear and tear on the public roadways for buses or other conveyance high volumes of patrons to and from the facility? 34-123
- Under the special events permits for one activity with projected attendance at 50,000, why should any event of that size be permitted? It is almost triple the population of the city. 34-124
- If such an event does tie up traffic for medical emergencies, what contingency plans will be available? 34-125
- What is the maximum number of Tier 2 events that can be held in a 12-month period? 34-126
- What is the maximum number of horse races that can be in a 12 month period including any county fair or other non-Magna horse races? 34-127
- Bay Meadows horse racing days are numbered. The property on which it's located is scheduled for development at some future date. Golden Gate Fields, which Magna also owns, is facing strong competition from Indian casinos in the area, is it possible that all Northern California racing would be moved to Dixon? 34-128
- If this were possible, what would be the air quality and traffic implications from more than 125 races per year? 34-129
- Traffic on already-clogged Interstate 80 could increase by perhaps 10 percent if Dixon Downs with the races and special events is approved. Widening the highways could take up to 20 years and cost more than \$100 million. Who would pay for the increased cost? 34-130

### Section 4.3 Biological Resources

- Will future landscaping affect the ecological community? 34-131
- Will non-native species be used? 34-132
- If not, have they been considered? 34-133
- Will Dixon Downs mitigate negative environmental impacts? 34-134
- Will native central valley plants be used? 34-135
- Will the increased nutrient inputs from horse manure on terrestrial and aquatic ecosystems have negative effects? 34-136

### Facilities

- To accommodate the diversity of users, will unisex family facilities be available to assist a child or another adult of the opposite sex? 34-137
- Will sidewalks be ADA compliant? 34-138
- How many bicycle racks will be provided? 34-139

### Project

- Would a lack of adequate parking and the competing nature of two-patron groups (phase 1 and 2) result in the project never reaching its full economic potential? 34-140

- The proximity of the racetrack to the large parking areas is excessive. Will a shuttle system be required? 34-141
- A project of this magnitude will certainly result in physical changes in traffic patterns within the City of Dixon and the surrounding area. It could also create a much larger population to the city of Dixon. This increase in population will be permanent. This impact does not seem to be considered in the EIR 34-142
- It appears that a large amount of Phase 1 parking will be wiped out by phase 2 development. Is this an indication that Phase 2 may never be built? 34-143
- Is there a clause for Magna to reimburse the city for lawsuits by third parties, including personal injury agreement? 34-144
- The development of Dixon Downs may result in a migration of business from downtown Dixon and other jurisdictions to the project site. This may result in an increase in business vacancies in these areas, which could result in blight in this areas and loss of jobs. These changes could result in changes in the environment. Will funds be available to businesses that will fail because of Dixon Downs? 34-145
- Consultants were selected by the City based on their reputation, their expertise, and their independence. During open records, we found that the applicant was allowed to change their finished work using a team of attorneys—data assumptions, conclusions or recommendations—why is this not unacceptable to city council? 34-146
- Permitted uses: Other uses may be determined by the Community Development Director. This is not adequate. Policies must be established by the City Council to ensure adequate oversight of this project. 34-147
- Dixon’s zoning compliance officer cannot keep track of zoning problems in Dixon now because of an excessive workload, wouldn’t this project just add to employee’s workload? 34-148
- Thoroughly explain the disadvantages and advantages of accepting money as allowed by the Tucker bill. What taxes and/or fees cannot be collected? If the money is accepted what services is the city obligated to provide? 34-149
- The cost of the Horse Wizards does not appear in the construction section. Where will these machines be built? Will Dixon gain any taxes? 34-150
- Project will be completed in at least 2 phases—what does this mean? Could it be completed in 8 phases? 10 phases? 34-151
- A 20-year development agreement is way too long. If the project is not built, what are the consequences? 34-152

**Park**

- Please provide more information about the 10-acre park. 34-153
- Is it a public park? 34-154
- Who will use it? 34-155
- Explain how the park will benefit people who live in Dixon. 34-156
- Who will be responsible for maintaining the park? 34-157
- Who will pay the costs associated with maintaining it? 34-158

## Transportation

- Sometime ago a Magna representative stated that either the State or the City should pay for the upgrade to the interchange for the proposed racetrack. Since Magna stands in the shoes of a private developer, I find it incomprehensible that Magna would expect the State/city taxpayers would be expected to bear the burden of such upgrades. I do not believe that the State would agree to finance such an upgrade nor should the city burden the citizens with paying for such an upgrade. Can the city council assure us that the burden will not be shifted to taxpayers? 34-159
- Please provide more details on the modifications needed for I-80 starting at Midway Road and continuing to Pedrick/113/Kidwell. Please explain who will pay for these modifications? The total cost? Please attach a copy of agreed on contracts on when this work will start. 34-160
- Project talks about outbound trips but is scarce on information on inbound trips. Please give more information. 34-161
- Many intersections are shown to have LOS F service. Is this acceptable in the annexed portion of the project? 34-162
- Please provide a copy of the signed contract with the State of California for relocating Highway 113. 34-163
- If a contract is not available, please provide a schedule of when you estimate this will take place. 34-164
- Phase 2 will produce many more cars. In fact the number could increase up to 6 million vehicular trips per year. Is this estimate too low? 34-165
- How will the project support transit? 34-166
- What are the specific cumulative impacts of needed roadway improvements? 34-167
- There are many roadway and intersection/interchange improvements related to the project. They will have direct and indirect impacts on traffic, grading, air quality, biological resources, water quality and more. Diagrams of each improvement, total amount of grading, cut and fill and other information should be added 34-168
- When does each of the needed roadway improvements need to be completed for acceptable levels of service to be maintained? 34-169
- When will impact fees be raised for these improvements? 34-170
- How much will this project generate in traffic mitigation fees? 34-171
- How will those fees be used? 34-172
- Certain traffic improvements are necessary to maintain adequate levels of service; will there still be a gap in the funding needed to complete these? 34-173
- Is Transit oriented development feasible in Dixon, an area with lots of single-family housing? 34-174
- What evidence supports the need for TOD in conjunction with Phase 1 and Phase 2? 34-175
- Is there realistic evidence that the millions of square feet of retail space are necessary and can be absorbed in the area? 34-176

- Does the city of Dixon have a signed contract with Amtrak confirming that the train will stop in Dixon? 34-177
- If not, when does the city anticipate that a contract guaranteeing buses stop in Dixon will be made? 34-178
- Please estimate when the first Amtrak trains stops will be made in Dixon. 34-179
- Does the city of Dixon have a signed contract with Greyhound (or other bus lines) indicating the bus will stop in Dixon? 34-180
- If not, why not? 34-181
- What public benefits are to be derived from approving these plans and how do these benefits compare to the significant unavoidable impacts of the projects? 34-182
- What traffic calming measures will Magna pay for? If roads are widened, it will cost more money to maintain them. Who will pay the additional costs? 34-183
- Has traffic been analyzed with all the projects in the surrounding area? 34-184
- If not, why not? 34-185
- If Magna will not widen Interstate 80 from Midway to Highway 113, please provide a letter stating exactly when the state will widen the road? 34-186
- If Magna will not widen the Pedrick Overpass, please explain when it will be widened? And who will pay? 34-187
- Has the city contracted for a project study report with CalTrans? 34-188
- If not, when will this be initiated? 34-189
- Does this preclude commencement of development of Phase 1 until after such a report is concluded? 34-190
- I understand that the city limits stop in the middle of Pedrick Road. What is the legally binding agreement for city and county for changes to Pedrick road? Please include a copy in the final EIR 34-191

It should be noted that projecting even existing amount of traffic is an inexact science. Traffic counts were cherry picked by using the time of the year when traffic is lowest on Pedrick Road (January and February). I request these traffic counts be updated for current peak usage. 34-192

A number of traffic impacts are identified in the Draft EIR on streets, freeway segments and freeway onramps. The Draft EIR does not provide cost estimates of the various projects needed to significantly mitigate the significant traffic impacts on the freeway system. Thus it is not possible to determine if Magna is paying a fair share. The significant traffic impacts to the freeway cannot simply be dismissed through the Draft EIR as “significant and unavoidable.” Furthermore the specific projects and their estimated costs must be made available to the public for their review. Mitigation fees are not adequate mitigation unless the lead agency can show that the fees will fund a specific mitigation plan that will be funded in its entirety. Please provide a mitigation plan. 34-193

**Water**

- Will water need to be stored? 34-194
- If the area suffers from a drought, what restrictions would be put on Dixon Downs? 34-195

- Will these restrictions be different than the restrictions on residences? 34-196
- There is an on-going effort every day to conserve water in California. How will Dixon Downs participate in this project? 34-197
- Will the Magna racetrack proposal have an adverse effect on the water supply for Dixon, Davis, and Vacaville over the next year? 20 years? 40 years? 34-198

### Waste Disposal

- What are figures for the solid waste in terms of distinguishing human waste going to the sewage treatment plant from animal waste which will be removed from the site. 34-199
- How much human waste will go to the landfill? 34-200
- What is the impact of that volume on the longevity of the Hay Landfill as compared to residential use? 34-201
- For manure that will trucked "off-site" and onto fields, how close is the nearest field to the Dixon City limits? 34-202
- Are these fields upwind or downwind? 34-203
- How many flies will be able to breed in the material distributed on the fields? 34-204
- Are these fields close to any city limits in Solano or Yolo County? 34-205
- What types of pesticides will be used to control flies? 34-206
- What is their human toxicity? 34-207
- What is their estimated time of usefulness before resistance is developed? 34-208
- Does the facility have adequate storage for manure in case of a labor strike or any breakdown in transportation? 34-209
- What is the maximum number of days manure can be stored under the closed conditions touted by the applicant? 34-210

### Stall Bedding

- Magna has its own bedding mix. Are any local businesses contracted to produce and provide it? 34-211
- Does Magna wholly own its own production facility for bedding? 34-212
- Does it have long-term contracts with non-local providers? 34-213

### Feed

- Is it true that the owners and trainers determine the source of feed for each animal? 34-214
- Does Magna have any direct influence with alfalfa growers that is substantially binding so that growers can anticipate long-term production? 34-215
- Are any contracts currently in existence? 34-216
- Will these contracts continue for Dixon Downs? 34-217
- Alfalfa requires intensive pesticide use for control of crop specific larvae. What are the toxicity increases for citizens of Dixon due to this pesticide usage? 34-218
- What is the adverse affect on the health of domestic animals? 34-219

- What is the percentage weed infestation tolerance of alfalfa being fed to thoroughbreds? 34-220

**Flood Plain**

- Most of the area is in a 100-year flood plain and is therefore subject to flooding. This project is right in the middle of the flood plan. 34-221
- Why would the city want to approve such a large project in such an area? 34-222

**Groundwater**

- Are there any signs of groundwater overdraft? 34-223
- Please estimate the net change in cubic feet per second of ground water for 10, 20, 50 and 100 years that Dixon Downs will cause. 34-224
- What kind of real time groundwater monitoring is being done to recognize any negative impacts at the earliest time so that as conditions change, corrections can be made or stopped? 34-225
- Can you provide us with a copy of the current groundwater management plan? 34-226
- Has a water source plan been done as required by state law for 500 units or more? 34-227
- Is Dixon’s sewage management plant adequate for the increased capacity? 34-228
- If not, will Magna develop its own sewage management plant? 34-229
- If Dixon sewage management plant is being expanded, what is the total cost? 34-230
- How much will each developer pay? 34-231
- How much will residents pay? 34-232
- Since this is an agricultural use, does Magna have an agricultural water or urban management plan for that area? 34-233
- What steps are you taking that will give us real time indicators of groundwater drainage/stability? 34-234
- Is there a ground water management plan as required by SB 1938? 34-235
- Does the area have BMO’s in the groundwater management plan? 34-236
- An important issue is the affects of the CFO’s (confined feeding operations), which will protect our water sources. How is this being addressed? Is a plan available? 34-237
- What is the normal water table in spring? summer? fall? winter? 34-238
- What are the estimating pumping quantities that will be pumped yearly? 34-239
- How does this compare to the Basin management objectives? 34-240
- Will this affect others using the same source? 34-241
- Will the amount of water needed by Magna for animals be pumped from a different source than the water for human use? 34-242

**Landfill, Animal/Electronic Waste**

- We believe all of the new projects (high school, multimodal center, the Southwest development area, new big box stores near Wal-Mart, Flying J, and the Parkway Blvd.) are linked together and will impact Dixon citizens. They will have an impact of the sewage movement and treatment plus return from utilization of solid 34-243

- waste disposal. They appear again to have changed the long-range general plan for the community. At what steps is Dixon in mitigating the obvious problems that will arise from additional development in our community?
- Has the community been informed that a change in the long-range general plan been made? Was the information provided in Spanish? How will these changes be funded? 34-243 (con't.)
  - Have Dixon managers and staff reviewed the literature on animal waste disposal? 34-244
  - Assuming that horses and cows generate about the same amount of waste, why are mega-dairies prohibited in city limits but mega-horse facilities allowed? 34-245
  - Have managers and technical staff reviewed the scientific literature? 34-246
  - What does the science put forth? 34-247
  - What contact has Dixon technical staff and consultants had with the UCD animal waste experts who are just a few miles away? 34-248
  - If you have not contacted or reviewed the scientific literature, what information are you using to base your decisions? 34-249
  - Please cite the scientific data/studies you are using to make recommendations on landfills/animal waste? 34-250
  - What are the adverse health implications of the electromagnetic force field with such an intense concentration of cathode tubes and other imaging equipment concentrated in the Dixon Downs Pavilion? 34-251
  - Have managers/technical staff reviewed the scientific literature? 34-252
  - If yes, please summarize what the scientific literature puts forth? 34-253
  - With whom is Magna contracting for waste removal transport out of Dixon Downs? 34-254
  - Will any of this come through Dixon residential areas? 34-255
  - With whom is Magna contracting for waste removal for Dixon Downs? 34-256

**Wastewater**

- What kinds of wastewater will be generated by the horses? 34-258
- What kinds of wastewater will be generated by washing the stalls, etc? 34-259
- Where will the wastewater go? 34-260
- What kinds and levels of pollutants might be in the water? 34-261
- The potential for nitrates in the wastewater is a concern. Will this be a problem? 34-262
- Will there be any landfill runoff on urban or agricultural land? 34-263
- What kinds of pollutants might the horses generate compared to what happens in a mega-dairy? 34-264
- Will there be pollutants that might be a concern? 34-265

**4.7 Land Use EIR.** The conversion of 260 acres is a significant impact.

- It appears that we are giving up 260 acres of our scarce income and job producing ground for too little gain. Phase 1 of the Dixon Downs proposal suggests an annual income to the city of \$700,000. Why a horse race track is considered a fit for Dixon? 34-266

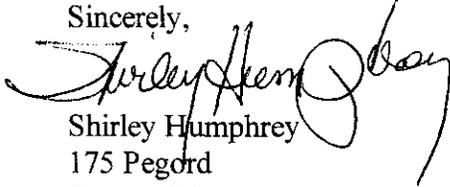
- Does Dixon have a policy that would prevent division of productive agricultural lands?

34-267

Dixon Downs, Phase 1 and Phase 2, will impact Dixon and surrounding cities with increased traffic, and will compound problems already in existence-- poor air quality, noise and our landfill. The development violates Dixon General Plan goal of a small town atmosphere and increases traffic to the benefit of the developer, not the citizens. It will mean rezoning of land. Without a vote, it will create apathy and cynicism in citizens with regard to participating in future general plans since the current plan is being incrementally changed by developers and is not being honored and adhered to by the council. It is crucial to understand Dixon Downs will have serious effects towards the urbanization of Dixon, despite the fact that citizens have frequently and strongly voiced their desire for slow growth, particularly with Measure B. This project flies in the face of the wishes of many of Dixon's citizens. Denial of a vote and the loss of a meaningful voice in this process is a significant impact and must be understood as such.

34-268

Sincerely,



Shirley Humphrey

175 Pegord

Dixon, CA



**LETTER 34: Shirley Humphrey**

**Response to Comment 34-1:**

The City has complied with all requirements of the CEQA process as established in the Public Resources Code and the State CEQA Guidelines.

**Response to Comment 34-2:**

The City is not aware of the source of the quote provided by the commenter. Nonetheless, it is incorrect to draw the conclusion that the requirement for the lead agency to exercise its independent judgment under CEQA does not allow for appropriate involvement of the project applicant. In fact, several key requirements of the CEQA process necessitate involvement of the applicant, including the statement of project objectives and acknowledgement of the applicant's willingness to undertake mitigation measures. In fact, CEQA expressly allows for the potential preparation of a preliminary draft of an EIR by the project applicant (see Section 15084(c)(d)). Under CEQA, the emphasis is less on the specific participants and the level of engagement of the applicant, than on the importance of the EIR to reflect the independent judgment of the lead agency.

**Response to Comment 34-3:**

As is described on page 3-57 of the Draft EIR, the project applicant has proposed an amendment to the City General Plan. The amendment would allow certain intersections in the City to operate at a level of service below "C" where the benefits of a project are deemed by the City Council to balance adverse effects of a project on traffic operations. As of the writing of this Final EIR, the City staff has not made any recommendations pertaining to this project applicant proposed amendment to the City General Plan.

**Response to Comment 34-4:**

Please see Response to Comment 34-3.

**Response to Comment 34-5:**

As is described on pages 3-51 through 3-56 of the Draft EIR, the project applicant has proposed a number of amendments to the Northeast Quadrant Specific Plan that would be necessary to accommodate the proposed project. As of the writing of this Final EIR, the City staff has not made any recommendations pertaining to these project applicant proposed amendments to the NQSP. Please see Response to Comment 34-3 regarding the project applicant proposed amendment to the City General Plan.

Contrary to the comment, no changes have been made to the City's General Plan or the Northeast Quadrant Specific Plan related to the Proposed Project at this time. The applicant is proposing amending the General Plan and the NQSP as part of the project, but the City has not yet taken any formal action on the project at this time.

**Response to Comment 34-6:**

In the process of development of the Draft EIR, under the direction of the City staff the City's consultant prepared a Screencheck Draft EIR. The Screencheck Draft EIR is a staff-level review draft of the Draft EIR produced prior to publication of the Draft EIR. As part of the City staff review of this version of the Draft EIR, the project applicant team was allowed the opportunity to review the document and provide comments to the City pertaining to the accuracy of the project description, and the applicant's opinion of the analyses and mitigation measures. The applicant's comments were provided to the City staff, which reviewed every comment and provided explicit direction to the environmental consultant. This exercise of the City's independent judgment is proper under CEQA, regardless of the origin of the review comments. The comments provided by the applicant and the City direction as to each comment is on file at the City offices and would be part of the administrative record for this project, if the project is ultimately approved by the City Council.

**Response to Comment 34-7:**

As is required under CEQA, all comments on the Draft EIR provided by the public and interested agencies and other parties have been thoroughly reviewed and written responses prepared. Those comments and responses are included in this Final EIR.

**Response to Comment 34-8:**

The City is unaware of any information pertaining to this comment.

**Response to Comment 34-9:**

The City Planning Commission and the City Council will exercise their independent judgment in determining the adequacy of the EIR prior to considering the merits of the project application. Under CEQA, it is improper for the City Council, as the duly elected legislative body, to delegate the role of lead agency to any other party.

**Response to Comment 34-10:**

Please see Response to Comment 34-9.

**Response to Comment 34-11:**

The approvals required for the project are included on pages 3-51 through 3-61 in the Draft EIR Project Description (Chapter 3). The only General Plan Amendment required for this project is to amend Policy VI.E.1 of the General Plan to allow exceptions to the LOS "C" standard under certain qualifying circumstances. The new language is included on page 3-57 of the Project Description.

**Response to Comment 34-12:**

Because the project-specific land use analysis considers both existing and future planned land uses, impacts resulting from the additive effect of other proposed or reasonably foreseeable land use plans would not differ from those identified in the project-specific impact discussions. Similarly, because the analysis of applicable land use goals and policies considers both existing and planned land uses,

cumulative land use compatibility impacts are not considered independently. The cumulative loss of agricultural land within Solano County is addressed in Section 4.7, Land Use and Agricultural Resources. In that case, the cumulative context included agricultural land within Solano County.

Each technical issue area, or section of the Draft EIR, an analysis of the cumulative impacts was included at the back of the section. For each technical issue area a specific cumulative context or setting was identified because it differs depending upon the resource or issue analyzed.

**Response to Comment 34-13:**

As discussed above, each technical issue area assumed a different cumulative context depending upon the resource or the issue area analyzed. For example, for air quality the cumulative setting would depend on the pollutant being evaluated. For regional pollutants, such as ozone, the cumulative setting extends over the entire Sacramento Valley Air Basin in a future year. For pollutants with localized impacts, the cumulative context would include the area in the immediate vicinity of the project site in a future year. To evaluate the cumulative impacts of a temporary activity, such as construction, the cumulative context includes the vicinity of the project site over the duration of the activity. For biological resources the cumulative impacts analysis assumes build out of the adopted City of Dixon General Plan. For traffic, Year 2015 was selected as the horizon year for the analysis of City of Dixon intersections because it represents the approximate 20-year horizon of the City's current General Plan (adopted in 1993) and provides sufficient lead time to assume that all major land developments in and around Dixon (including Phase 2 of Dixon Downs, Milk Farm project, UC Davis West Village Neighborhood, Flying J Truck Stop, Southwest Dixon Specific Plan, Brookfield, and the new high school) are constructed. Year 2025 was the horizon year selected for the analysis of Interstate 80 and its interchanges. This year was selected to provide a cumulative impact analysis based on a 20-year planning horizon. Traffic forecasts were developed using the City of Dixon Travel Demand Model. This model produces traffic forecasts for Year 2015 and 2025 conditions based on anticipated land use absorption and planned roadway improvements. All Year 2015 analysis scenarios assume buildout of the residential component of the City in accordance with the current General Plan and 2015 market levels of non-residential land absorption (with the exception of the NQSP which was assumed to be fully developed). The non-residential uses are not expected to be fully built out until well beyond 2015.

All Year 2015 and 2025 analyses assume development of the Milk Farm site (based on the most recent project application submitted to the City) and the Flying J properties. Other pending and approved projects within the City (e.g., Valley Glen, Southwest Dixon Specific Plan, Brookfield, new high school) are also included in the cumulative analysis scenarios.

**Response to Comment 34-14:**

Only if applicable will the cumulative analysis include general plans and projects in adjacent cities or unincorporated areas. It would depend upon what the cumulative context was for a specific issue area or resource. Please see discussion above in Response to Comment 34-13.

**Response to Comment 34-15:**

Under CEQA an EIR is not required to conduct a full evaluation of the relationship of the project to the goals and policies of plans of Responsible Agencies. Rather, Section 15125 (d) of the State CEQA Guidelines requires that the environmental setting discussions "discuss any inconsistencies between the

proposed project and applicable general plans and regional plans.” This is accomplished throughout the Dixon Downs EIR in the Regulatory Setting section of each technical issue area section of the EIR. The ultimate determination of consistency of the Proposed Project with the goals, policies and regulations of responsible agencies is within the responsibility and authority of those very agencies.

**Response to Comment 34-16:**

The City of Dixon’s General Plan policies do not require commercial and industrial projects to contribute to addressing Dixon’s affordable housing needs.

**Response to Comment 34-17:**

The multipliers are based on regional accounts and multipliers for the County of Solano that are reduced appropriately to reflect characteristics for the Dixon area, which are based on data at the zip code level for Dixon. The zip code level data are derived from information contained in the Bureau of Census County Business Patterns program.

**Response to Comment 34-18:**

If applicable, all of the technical issue areas analyzed in the Draft EIR take into account the increase in employee population associated with the project and the increased demand for public services (e.g., water, sewer, solid waste, police, fire, schools, etc). In addition, the increase in vehicle trips associated with the project is addressed as well as any increase in air pollutants and noise. The potential increase in population that could result from the project is also indirectly addressed in EIRs prepared for other development projects in the City, such as the Southwest Dixon Specific Plan that includes a large residential component to address future residential growth anticipated to occur in the City. Please see sections 4.1 through 4.11 in the Draft EIR.

**Response to Comment 34-19:**

The multipliers used in the economic impact analysis apply to goods and services. The Proposed Project is for a non-residential development; therefore, it would not directly result in a population increase. Please see the discussion on page 66 of the Initial Study (Volume II Appendices, Appendix A of the DEIR) that addresses population.

**Response to Comment 34-20:**

Please see Response to Comment 34-19 that addresses the population issue. The fiscal impact analysis does account for an increase in employment created by the Proposed Project.

**Response to Comment 34-21:**

The project would increase demand for a variety of City services including fire, police, water supply, wastewater treatment, solid waste. Sections 4.9, Public Services and 4.11, Utilities address the impacts associated with the increase in demand associated with the project. The commenter is referred to the Draft EIR for more information.

**Response to Comment 34-22:**

Please see Response to Comment 12-15 for an estimate of the growth-inducing impacts on housing. Since the impacts on schools would be based on student generation rates per household, which would reflect what is happening in the City of Dixon currently, the impact on schools is estimated to be the same proportionately as the impact on housing. In other words, the school system could expect a 20% increase in K-12 students over 15 years as a result of the Proposed Project.

**Response to Comment 34-23:**

The commenter is correct. For the purposes of the CEQA analysis, the City of Dixon is the Lead Agency for the project. The Dixon City Council is made up of elected officials that are charged with making the decision to determine the adequacy of the EIR and to either approve or deny the project.

**Response to Comment 34-24:**

The procedure for certifying CEQA documents is established by state law. The CEQA consultants were chosen by the City who had no conflict of interest or prior connection to the applicants. The consultants and their scope(s) of work were controlled by the City. The resulting work product was reviewed by City staff, by the City's Planning Commission, and City Council, and was the subject of intense review by the public.

**Response to Comment 34-25:**

It is not unusual for public agencies to permit applicants to review Administrative Draft EIRs or Draft EIRs prior to release to the public and to receive comments from them. As previously indicated by the City in its "Community Questions and Responses Document" (October 12, 2005) in response to Question 14.2:

"The term "bullet proofing" when used in a CEQA context means ensuring that the CEQA documentation (EIR or negative declaration) has been prepared in such a way that it will withstand legal challenge. Since CEQA acts as an informational document, and the primary basis for challenging an EIR is that it failed to provide sufficient information or analysis regarding a particular environmental impact, a "bullet proof" CEQA document is one which provides more, not less, information to the public, or one which indicates more, not less, of an environmental impact. Use of the term "bullet proof" indicates a caution to not understate environmental concerns."

**Response to Comment 34-26:**

The term "lead agency" is defined in CEQA to mean the public agency having the primary responsibility to ensure compliance with CEQA (in this case, the City of Dixon). While the public is provided an opportunity to participate in the process, the public is not considered "part of" the lead agency.

**Response to Comment 34-27:**

The public is considered any interested person or organization.

**Response to Comment 34-28:**

Written policy regarding implementation of CEQA in the City of Dixon is contained in Resolution 95-50. Section 05.01 titled *Environmental Impact Report* states:

“[A]n environmental impact report is an informational document which objectively informs public decision makers, responsible agencies, and the general public of the environmental affects, alternatives, and mitigation measures for projects proposed for approval. The EIR process identifies the likely impacts of a project on the environment, examines and proposes mitigation measures to reduce or avoid adverse impacts, and considers alternatives to the project as proposed. The EIR examines all phases of the project, including planning, construction, operation, and expansion.”

That section goes on to describe the process for preparation of an EIR leading to the certification of the EIR by the City Council. Certification of the EIR after the public review process is the final test of objectivity and thoroughness of the document. The policy does not discuss preparation of an administrative draft EIR or, a “screen check” EIR, which are steps in the administrative process of preparing a Draft EIR for public review. The applicant’s review of an administrative draft or screen check version is not precluded. As you have learned through your review of the record on this project, there is a comprehensive list of applicant comments on the administrative draft document and the disposition of each comment. If through the public review and hearing process objective review of the disposition of each of those comments suggests that they were not satisfactorily addressed by staff/consultants in preparation of the Draft EIR, then those issues should be raised with the Planning Commission and the City Council which are charged with making the final determination of adequacy of the EIR.

**Response to Comment 34-29:**

As of mid January 2006, the City of Dixon has paid the environmental consultant, EIP Associates, a total of \$361,430. This money was provided to the City by the project applicant, MAGNA, for preparation of the EIR.

**Response to Comment 34-30:**

Please see Response to Comment 34-29.

**Response to Comment 34-31:**

The City’s policy regarding preparation of EIRs pursuant to CEQA are contained in the City of Dixon CEQA Guidelines adopted by Resolution 95-50; available for review at the Dixon City Hall during normal business hours.

**Response to Comment 34-32:**

Section 01.02 of the City’s CEQA Guidelines states that “[T]he provisions of this chapter shall be administered by the Community Development Department”. A copy of the City’s CEQA Guidelines that include specific policies outlining responsibilities are available for review at the Dixon City Hall during normal business hours.

**Response to Comment 34-33:**

The City's CEQA Guidelines, Section 05 Environmental Impact Report, in conjunction with the California Public Resources Code and the CEQA Guidelines, describe the process for preparing an EIR. Draft EIRs, are generally prepared in the same manner as was the Dixon Downs Horse Racetrack and Entertainment Center project Draft EIR. Under the State CEQA guidelines a lead agency, such as the City of Dixon, is actually permitted to utilize a Draft EIR prepared by the applicant or a consultant retained by the applicant, a practice which is not followed in Dixon.

**Response to Comment 34-34:**

Differences between the EIR prepared for the Proposed Project and other EIRs prepared by the City of Dixon are as follows:

- Numerous companion studies were prepared as part of the project evaluation process, making more information available for preparation of the Draft EIR than is typically available.
- The applicant was provided the opportunity to review the administrative draft (screen check) document and provide feedback.
- The public review period for the Draft EIR exceeded the typical 45-day public review period.
- A two-evening joint workshop of the Planning Commission and City Council was held during the public review period to answer questions from both decision makers and the community and to provide responses. See Chapter 6, Transcripts, of this Final EIR.

**Response to Comment 34-35:**

The deliberate and cautious process to evaluate the Proposed Project under CEQA does not and should not create a "past practice" except as relates to any future project proposed in the City of Dixon of a size and unique nature consistent with the proposed Dixon Downs project.

**Response to Comment 34-36:**

The vision and mission of Magna Entertainment Corp. (MEC) is to revitalize the sport of horse racing. This vision is being implemented through a system of existing and new racetracks located around the United States and in various parts of the world.

MEC, founded in 1998, by Frank Stronach, founder and chairman of MAGNA International, is the publicly traded American company (headquartered in Canada) dedicated to the revival of the sport of horse racing in the U.S., Canada, and other parts of the world. MEC's network of racetracks includes properties such as Santa Anita Park and Golden Gate Fields in California; Gulfstream Park in Florida (Sunshine Millions); Lonestar Park in Texas (Breeder's Cup); Pimlico Race Course in Maryland (Preakness Stakes); and several others scattered throughout North America.

Key elements in MEC's effort to build the sport of horse racing include the introduction of exciting new state-of-the-art racing and training facilities, the redesign and "reinvention" of the older, classical tracks and the combination of both new and classic tracks with destination, family-oriented entertainment and retail opportunities.

**Response to Comment 34-37:**

The definition for “employment center” can be found on page 50 of the City’s General Plan. As defined in the General Plan:

Employment Center (E) – This designation is applicable only in those areas for which a Specific Plan is to be prepared for future adoption by the City, and represents an ‘umbrella’ designation pending the submission of more detailed patterns of specific land uses. Includes only non-residential uses consistent with the types included under the Planned Business/Industrial (PI), the Professional/Administrative Office (O), and the Highway Commercial (HC) designations defined above and below. The requirements defined in the City’s Zoning Ordinance under sections 12.13 (ML – Light Industrial District), 12.07 (PAO – Professional & Administrative District), and 12.10 (CH – Highway Commercial District) shall provide the general framework for compliance. The standards of building intensity, height, and coverage, and of employee density for Employment Center uses shall fall within the ranges defined for these component designations and shall not exceed them.

The NQSP also includes a land use goal to “Provide the City of Dixon with a major employment center.” The NQSP does not define what constitutes a major employment center, but as stated on page 2-1 of the NQSP, the function of the NQSP is “...to provide a variety of employment site opportunities and to provide a retail and service center for the residents of Dixon, the employees in the area, and the travelers on I-80.”

**Response to Comment 34-38:**

The federal Clean Water Act regulates the introduction of pollutants into surface waters and wetlands. The project would be required to comply with the Clean Water Act as it relates to the quality of surface runoff during construction and the potential fill of jurisdictional wetlands on the site. Section 4.6, Hydrology, Drainage, and Water Quality, includes an analysis of the project’s proposed drainage plan and addresses any potential water quality issues. Page 4.6-10 outlines the federal Clean Water Act and provides a summary of all the requirements set forth in the Act. In addition, Impact 4.6-6 on page 4.6-40 addresses development of the Proposed Project and any contribution of additional polluted runoff to downstream receiving waters or the project’s contribution to the degradation of water quality. Mitigation Measure 4.6-6 is required to ensure typical mechanisms are implemented and included in the post-construction phases of the Proposed Project that would reduce pollutant loads and concentrations to a less-than-significant level.

**Response to Comment 34-39:**

The project is required to comply with all applicable federal, State, and local laws and requirements. The project would comply with all of the requirements set forth in the Clean Water Act, as applicable.

**Response to Comment 34-40:**

If a project is approved, a Mitigation Monitoring Program (MMP) is required to be prepared by the lead agency to track and monitor compliance with all of the adopted mitigation measures. A copy of the draft MMP for the Proposed Project is included in Chapter 7 of this Final EIR.

**Response to Comment 34-41:**

There is no requirement under CEQA for the provision of materials in Spanish, or other languages. Further, and more importantly, despite extensive outreach, the city has received no specific requests for the provision of the EIR or other project informational materials in languages other than English.

The City recognizes that the population of Dixon has a high percentage of people of Hispanic background, however, a considerably smaller percentage of the community communicates only in Spanish. The production of reports and the conduct of public meetings regarding the Proposed Project only in English is consistent with what is done for other development projects proposed in the City of Dixon.

**Response to Comment 34-42:**

During the Information Exchanges that occurred in 2004/5, and during the City Council/Planning Commission special meetings in November 2005, members of the community who attended and asked questions were provided time to ask as many questions as they desired. Each session was kicked-off with a presentation of information, and then followed by an extensive question and answer period. In addition, the City has responded in writing to all comments that have been provided related to the EIR in this Final EIR, and on issues not directly related to the EIR in a document titled Responses to Public Questions (published in October 2005).

The information exchange meetings, a unique feature of the process of public information dissemination regarding this project, were initiated to provide early opportunity for the community to gain additional information regarding this large and unique project. The information exchange meetings did feature speakers providing background information on various topical areas such as economics, public safety, community character, etc. Each meeting also provided an opportunity for audience members to ask questions and voice viewpoints. Relatively unrestricted opportunity was provided for public comment at every meeting.

**Response to Comment 34-43:**

In some cases, answers could not be provided at the information exchange because the studies that underlie the EIR were not yet completed. Please see the Community Questions and Responses document published in October 2005 available at the City or on the City's website. Please see also Response to Comment 34-42.

**Response to Comment 34-44:**

After consideration, the City Council did indicate that it was disinclined to conduct "town hall style meetings" sponsored by the City; however, noted that anyone in the community was certainly free to hold their own meetings.

**Response to Comment 34-45:**

The City Council discussed the question of a public vote on the Dixon Downs project and determined not to place the matter on the ballot. However, community based initiative and referendum processes are available if the public wishes to pursue them.

**Response to Comment 34-46:**

The job fair was not affiliated with the City of Dixon and independently held by the applicant. Holding a job fair was a decision the project applicant made and did not involve the City. Please see Response to Comment 34-24.

**Response to Comment 34-47:**

The City took special care to insure that there was a thorough and comprehensive evaluation of the Proposed Project and that the community had ample opportunity to be involved in the process.

**Response to Comment 34-48:**

City staff conducted a thorough review of interim working drafts of the Draft EIR prior to publication. Participants in this review included the City Manager, City Economic Development Director, City Public Works Director, City Finance Director, Police Chief, Fire Chief, as well as representatives of DSMWS. Each individual focused on issues within their particular area of expertise. The review conducted was focused on the accuracy and completeness of:

- Technical information and data,
- City and other local policies and ordinances,
- Conclusions of the impact analyses,
- Suggested mitigation measures, and
- Alternatives.

Based on direction of City staff, the consultant team made revisions to the interim working drafts to ensure that the Draft EIR reflected the independent judgment of the City. Please see Response to Comment 34-24.

**Response to Comment 34-49:**

Please see Responses to Comments 34-24, and 34-48.

**Response to Comment 34-50:**

Under CEQA, representatives of the lead agency are not required to “remain at arms-length” during the development of the EIR. In fact, the lead agency is required to be very involved in the development of the Draft EIR to ensure that it reflects the independent judgment of the City. Please also see Responses to Comments 34-24 and 34-48.

**Response to Comment 34-51:**

The comment’s reference to the courts having determined that a lead agency is required to use the most stringent standard in the region is not correct. The use of performance standards as a method of mitigation has been validated by California courts, and is embodied in Section 15126.4(a)(1)(B) of the State CEQA Guidelines. There is no specific requirement to use any particular performance standard, as

long as achievement of that standard is feasible, and such achievement would mitigate the impact to a less-than-significant level.

**Response to Comment 34-52:**

The term “bullet proofing” when used in the CEQA context refers to preparing an EIR (or any other type of CEQA document) to withstand a legal challenge. Since an EIR is an informational document and the primary basis for challenging an EIR is that it failed to provide sufficient information or analysis regarding a particular environmental impact, a “bullet proof” EIR is one that provides more, not less, information. Use of the term “bullet proof” indicates a caution to not understate the environmental concerns. Please see Response to Comment 34-25.

**Response to Comment 34-53:**

On page 4.2-12 of the Draft EIR, under the heading “Methods of Analysis” and “Construction Emissions” the methodology that was used for calculating air quality emissions from construction activities is explained. In addition, Impact 4.2-1 gives a detailed explanation of the assumptions that were used and the rationale behind the model inputs. The air quality model outputs are included in Appendix D in Volume II of the Draft EIR.

**Response to Comment 34-54:**

On page 4.2-12 of the Draft EIR under the heading “Methods of Analysis” and “Operational Emissions” the methodology that was used for calculating air quality emissions from the operation of the proposed project is explained. In addition, Impact 4.2-2 gives a detailed explanation of the assumptions that were used and the rationale behind the model input. Page 4.2-12 of the Draft EIR under the headings “Methods of Analysis” and “Operational Emissions” presents the methodology that was used for calculating air quality emissions from the operation of the proposed project. In addition, the text of Impact 4.2-2 gives a detailed explanation of the assumptions that were used and the rationale behind the model input. Appendices of the model outputs are included in the Draft EIR as well.

**Response to Comment 34-55:**

Impact 4.8-4 on page 4.8-17 gives a clear explanation of how the conclusions in the impact were reached, including noise from crowds and public address systems, and how this noise would affect the surrounding area.

**Response to Comment 34-56:**

It is assumed the comment is referring to the St. Anton’s Partners property located on North Lincoln Street in Dixon. According to maps of the area, this property is approximately two miles west of the site of the proposed project.

Based on a visit to the project site, businesses to the west of the proposed project site included manufacturing, distribution centers, etc. that are not considered sensitive noise receptors. Also, special events that would take place typically would happen on evenings and weekends when these businesses would not necessarily be operating.

As discussed in Impact 4.8-4 (see page 4.8-17), large special events at the project site could conceivably produce maximum noise levels of 130 dB at the interior of the racetrack. This would only occur if concerts were held at the facility where music was amplified to extremely high levels, and represents the absolute maximum level of noise that could be generated during a special event. Noise events this extreme are unlikely to occur based on the types of special events proposed by the applicant, and any instances of noise levels this high would be on an occasional basis. However, if noise levels this high are generated, Impact 4.8-4 indicates that at 1500 feet away, noise levels would be approximately 84 dB. Also as shown in Impact 4.8-4, buildings that would be constructed as part of the proposed project would intervene between the racetrack and the nearest receptors, and reduce the estimated maximum noise level to approximately 74.5 dB.

The St. Anton property referenced in the comment letter would be located approximately 10,560 feet from the proposed racetrack. Taking into account the noise attenuation provided by this distance, maximum special event noise levels could perhaps be 66 dB. As with the existing residences on Vaughn Road, the proposed project buildings would be constructed between the racetrack and the receptor. Other intervening vegetation and structures exist as well. These intervening structures would have a buffering effect and further attenuate noise levels at the St. Anton property, reducing noise levels by approximately another 10 dB, generating maximum noise levels of approximately 56 dB at the property. This would be less than the background noise levels at this location, and consequently would be only slightly noticeable, if at all.

**Response to Comment 34-57:**

The City has no way of knowing how much the applicant may have expended to promote or advance the project. The statements made in the comment are noted and the reference to the trade publication “Bloodhorse” included in the comment is also noted. No further response is required.

**Response to Comment 34-58:**

Authority for review and issuance of land use entitlements varies by the type of entitlement. Decision making authority is established both by state law (which in the case of General Plan Amendments, Zoning Ordinance amendments, development agreements and subdivisions provides that approval is by the City Council, following the Planning Commission’s recommendation) and by the City’s Zoning Ordinance (which provides that use permit approval and variance approval is by the Planning Commission). Most provisions of the state law are not subject to revision at a City level.

The City’s Zoning Ordinance is found in the Dixon City Code, Article II chapter 12. The City’s subdivision regulations are found in the Dixon City Code, Article II chapter 10. The State Planning and Zoning Law (including matters relating to general plans, zoning and development agreements) is found in the California Government Code, section 65000 *et seq.* The State Subdivision Map Act is found in California Government Code, section 66410 *et seq.*

**Response to Comment 34-59:**

The City policies are contained in Council Resolution no. 88-128, adopted December 13, 1988.

**Response to Comment 34-60:**

The City has no estimate for the monetary value of the entitlements currently under consideration.

**Response to Comment 34-61:**

It is not clear what the comment is asking. The City is not receiving anything for the entitlements with the exception of the standard processing fees, providing the project is approved.

**Response to Comment 34-62:**

Please refer to pages 11-12, as well as Appendix 1, of the Fiscal and Economic Analysis report, dated August 19, 2005, to see the projected fiscal impacts associated with Dixon Downs. Decisions regarding the use of general funds generated by the project would be made by the Dixon City Council from year to year as a part of the budget hearing process. Funds dedicated to a particular purpose by law or through the development agreement would be utilized for those specified purposes.

**Response to Comment 34-63:**

It is possible that a larger fiscal surplus could be generated from a different project, but the proposed project is anticipated to produce much higher fiscal surpluses than would a project that develops pursuant to the existing zoning. Please see Response to Comment 34-62.

**Response to Comment 34-64:**

The City of Dixon's General Plan policies do not require commercial and industrial projects to contribute to addressing Dixon's affordable housing needs. Therefore, the project would not be required to contribute to the City's affordable housing program. Please see Response to Comment 34-16.

**Response to Comment 34-65:**

Please refer to Table 16 in Appendix 3 of the Fiscal and Economic Analysis report, dated August 19, 2005, (this information is available for review at the City offices or on the City's website) for a list of jobs and wages anticipated at Dixon Downs. A discussion of this table is provided on page 27 of the report.

**Response to Comment 34-66:**

It is unlikely that residency requirements for project employees would be negotiated in the development agreement because of the difficulty of long-term enforceability. However, provisions for preferential recruitment efforts in Dixon could very well be a subject of negotiations.

**Response to Comment 34-67:**

The Proposed Project site has been within the city limits since approximately 1995 and planned for urban development of a commercial/industrial nature since that time. A decision to amend the Specific Plan and Zoning for the proposed Dixon Downs project has, as yet, not been made. Questions of employment generation and costs or benefits in terms of municipal finance have been evaluated in

special studies funded by MAGNA Entertainment. That information will be considered as the land-use entitlements are evaluated by the Planning Commission and City Council.

**Response to Comment 34-68:**

The City of Dixon General Plan includes policies designed for urban growth and development that state that the “City shall identify agriculture as an acceptable interim use on land in the unincorporated portions of the Planning Area which have been designated for ultimate development in residential, commercial, industrial, or institutional use” and that the “City shall encourage the maintenance of agricultural uses in all undeveloped areas designated for future urban use, especially in the areas designated for future industrial uses.” The NQSP is an area of the city designated for future development. The General Plan also contains specific policies designed to protect agricultural land from the premature conversion to urban uses for land not designated for future development. Because the NQSP is an area designated for future development, the City has not designated this agricultural land for protection.

**Response to Comment 34-69:**

Based on a conversation with Solano County Planner Ron Klaus, if the Proposed Project were located within the jurisdiction of the County several factors would apply.<sup>10</sup> The Proposed Project must be consistent with the Williamson Act and it would need to be determined if the Proposed Project would be required to comply with the County’s Confined Animal Facility Ordinance. According to the Solano County General Plan, horse shows are considered compatible uses under areas designated agricultural. In order for a horse racetrack to be compatible under the General Plan, the project applicant would need to demonstrate to the planning commission that a horse race is similar to a horse show, thus making it a compatible use under the agricultural designation.<sup>11</sup>

**Response to Comment 34-70:**

As discussed under the Regulatory Setting section on pages 4.7-5 through 4.7-9 in Section 4.7, Land Use and Agricultural Resources, the City of Dixon does not have a Right-to-Farm ordinance, but includes numerous policies in the general plan that address agricultural issues and concerns. Please see Section 4.7 in the Draft EIR for more information.

**Response to Comment 34-71:**

Solano County has a Right-to-Farm Ordinance, as discussed on page 4.7-9 of the Draft EIR.

**Response to Comment 34-72:**

As discussed on pages 4.7-5 through 4.7-9 in Section 4.7, Land Use and Agricultural Resources, the City of Dixon’s General Plan includes a number of policies designed to address the preservation and protection of agricultural resources. Please see Section 4.7 for more information and a list of all the applicable policies.

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10 Ron Klaus, Solano County Planner, personal communication, February 7, 2006.

11 Jason Rosa, Solano County Planner, personal communication. May 9, 2006.

**Response to Comment 34-73:**

State law delegates to the City Council the authority to establish and change land uses through its General Plan and zoning ordinance. It is also within the authority of the City to establish and cancel Williamson Act contracts. The Initial Study (Appendix A of Volume II of the Draft EIR) determined that the project site is not subject to any Williamson Act contracts; therefore, there would be no conflicts.

**Response to Comment 34-74:**

The City of Dixon General Plan includes goals to conserve natural resources and to protect the environment within the City. In addition, the General Plan includes a policy that “[T]he City shall require the proponents of new development projects to submit a study identifying the presence or absence of special-status species at proposed development sites. If special-status species are determined by the City to utilize a development site, appropriate mitigation measures must be incorporated as part of the proposed development prior to final approval.” The Draft EIR includes Section 4.3, Biological Resources, that provides a detailed analysis of special-status plant and animal species that are either present on the site or could be present on the site. In addition, there are numerous mitigation measures included that address these issues. The commenter is referred to Section 4.3 for more information.

**Response to Comment 34-75:**

There are numerous federal and State requirements that address erosion and water quality issues, as discussed in detail in Section 4.6, Hydrology, Drainage and Water Quality, specifically on pages 4.6-10 through 4.6-21. The NQSP includes a number of policies designed to prevent soil erosion and to protect water quality. In addition, the City of Dixon Municipal Code includes a Grading Control Ordinance (Chapter 16.04, Title 16 of the Dixon Municipal Code) that addresses erosion during grading. Please see pages 4.6-16 through 4.6-20 for more detail on City policies that address erosion issues.

**Response to Comment 34-76:**

Section 4.10, Transportation and Circulation in the Draft EIR describes the existing bicycle system in the project vicinity. It also recommends mitigations to ensure that the project does not interfere with existing or planned bicycle facilities in the NQSP area. Mitigation Measure 4.10-9 would require construction of Class II (on-street with appropriate signing and striping) bicycle lanes along Pedrick Road (I-80 to Vaughn Road), Dixon Downs Parkway (Vaughn Road to Pedrick Road), and the extension of East Dorset Drive to Dixon Downs Parkway.

**Response to Comment 34-77:**

Bike paths are not proposed to be located within the project site. However, on-street bicycle lanes would be provided on the adjacent segments of Dixon Downs Parkway and Pedrick Road.

**Response to Comment 34-78:**

The Draft EIR does not discuss a proposed bike path parallel and adjacent to I-80. The comment may be referring to the Davis-Dixon Bicycle Route, which generally parallels I-80 between Davis and Dixon. Within the project vicinity, it is located on Vaughn Road. The Proposed Project would not affect this

route. The project applicant is not proposing to construct a bike path in the open space buffer parallel to I-80.

**Response to Comment 34-79:**

Please see Response to Comment 34-78.

**Response to Comment 34-80:**

Please see Response to Comment 34-77.

**Response to Comment 34-81:**

A project can, and must, be denied if it is inconsistent with the General Plan. However, it is only through the public hearing process that a final decision as to whether or not it is consistent is made. The City has an obligation to process any land use application that are received. Processing of an application does not imply support of a project, nor that the project would ultimately be approved. The applicant has a right to have the application processed. The decision whether or not the project will go forward has yet to be made. To staff's knowledge, the opportunity for someone to seek approval for a project in Dixon has never been denied; however, specific project applications have been denied after due process.

**Response to Comment 34-82:**

An amendment to a General Plan is usually requested when there is a proposed change to an existing land use designation or zoning. Magna, similar to any other landowner, may legally request a General Plan amendment. It is within the authority of the City to make decisions regarding amendment of its General Plan.

**Response to Comment 34-83:**

Residents "...have a voice in saying what the town should look like" on an on-going basis through specific project review and decision making processes carried out by the Planning Commission and City Council. "What the town should look like" is quintessentially the issue answered by the General Plan. Prior to adoption of the general plan, or any amendment to the general plan, public hearings were held in order to provide the public with an opportunity to provide input in accordance with the State Planning and Zoning Law. The general plan is only adopted or amended after public hearings in which the citizens have a voice in saying what the town should look like.

**Response to Comment 34-84:**

It is unknown how many "voting-age residents are in favor or opposed" to the Dixon Downs project.

**Response to Comment 34-85:**

Please see Response to Comment 34-84.

**Response to Comment 34-86:**

The Air Quality, Noise, and Transportation and Circulation sections of the Draft EIR include occupancy assumptions for the facility during Tier 1, 2, and 3 events under Phase 1. The occupancy assumptions include employees of the facilities as well as the horse handlers. The number of employees is not known at this time for Phase 2, so specific thresholds have been established in the EIR which Phase 2 must demonstrate that either meets the thresholds or results in less demand. Once the specific uses of Phase 2 are more defined the project applicant would be required to prepare an environmental review demonstrating how the project would meet or fall below the established thresholds.

**Response to Comment 34-87:**

A discussion is included on pages 19 through 21 of the Fiscal and Economic Analysis report, dated August 19, 2005, (a copy of the report is available for review at the City offices and on the City's website) that summarizes the methodology used to calculate the various impacts, including construction jobs.

**Response to Comment 34-88:**

A discussion is included on page 21 of the Fiscal and Economic Analysis report, dated August 19, 2005, (a copy of the report is available for review at the City offices and on the City's website) that identifies the anticipated construction period for the Proposed Project.

**Response to Comment 34-89:**

Please see Response to Comment 12-15.

**Response to Comment 34-90:**

Table 3 in Appendix 3 of the Fiscal and Economic Analysis report, dated August 19, 2005, (a copy of the report is available for review at the City offices and on the City's website) identifies the number of direct jobs, as well as the number of total jobs, anticipated to be created during the construction phase of the Proposed Project.

**Response to Comment 34-91:**

It is impossible to predict exactly how many jobs full-time versus part-time employees would be created by the project. Of the 797 jobs projected for Phase 1, the 484 backstretch employees would not be hired by MEC. This leaves a total of 313 full-time equivalent MEC-hired positions consisting of 303 finish line pavilion jobs and 10 veterinary clinic jobs. Most of these jobs are anticipated to be full-time positions since they would be required whether it's racing season or not. Some of the Racing Department jobs and Pari-Mutuel Department jobs may be part-time or seasonal positions due to the race-specific nature of their duties. In addition, MEC expects to hire 11 full-time and 32 part-time employees to staff the Food Service Department.

**Response to Comment 34-92:**

Please see Response to Comment 34-91.

**Response to Comment 34-93:**

MEC would employ both salaried and hourly employees; some positions would be full time and some part time. It is unknown at this time how many positions would be paid health benefits, retirement benefits or belong to labor organizations.

**Response to Comment 34-94:**

Please see Response to Comment 34-93.

**Response to Comment 34-95:**

Please see Response to Comment 34-93.

**Response to Comment 34-96:**

There are 15 full-time employees who work at the Dixon Canning Corporation on a year-round basis. An additional 230 full-time employees are hired from July through October to assist during the tomato processing season.

**Response to Comment 34-97:**

The backstretch employees would be hired by individual horse owners using the training facility or participating in races at Dixon Downs.

**Response to Comment 34-98:**

Most backstretch employees could be considered transient employees; others may work at the racetrack year-round depending on how long horses are trained and boarded on-site. At any given time during a racing meet or training session, a portion of the backstretch crew would move to other tracks, but they would be replaced, or backfilled, by new grooms and trainers as new horses and their owners' teams are cycled through the Dixon Downs facility, so the number of backstretch personnel at the racetrack is expected to remain relatively constant throughout the year. In other words, it is anticipated that considerably more than 484 individuals would conduct backstretch work at Dixon Downs at one time or another during the year, but the 484 number is an estimate of the number of full-time equivalent backstretch employees that would be at the racetrack at any one time.

**Response to Comment 34-99:**

It is anticipated that few employees would be under 18 years of age.

**Response to Comment 34-100:**

The number of positions that would be filled by individuals under the age of 18 is unknown at this time.

**Response to Comment 34-101:**

The Proposed Project would provide on-site housing for backstretch employees. The Fiscal and Economic Analysis report, dated August 19, 2005, (a copy of the report is available for review at the City offices and on the City's website) assumes that 50% of the remaining Dixon Downs employees would be Dixon residents.

**Response to Comment 34-102:**

Horse racing and horse racetracks are closely regulated by the California Horse Racing Board ("CHRB"), a State Board with extensive expertise and experience in the care and housing of thoroughbred race horses.

**Response to Comment 34-103:**

Simulcast technology is noted in the Draft EIR project description and the data regarding employment in the simulcasting department is described on page 3-46 in Chapter 3 of the Draft EIR.

**Response to Comment 34-104:**

As discussed in the Draft EIR in Section 4.10, Transportation and Circulation, it is assumed that a majority of patrons would access the Finish Line Pavilion by automobile and chartered bus. The City of Dixon does not currently have any bus or light rail transit that serves the project site. The City of Dixon currently provides Read-Ride Transit Service, a public dial-a-ride transit system that provides curb-to-curb transit service within the Dixon City limits. Fixed-route bus operations are not currently provided within the City limits. Fairfield/Suisun Transit Route 30 provides service from Fairfield and Suisun through Dixon to UC Davis and Sacramento. It travels each way five times a weekday. The stop in Dixon is at the Market Lane Park and Ride (corner of Market Lane and Pitt School Road).

Section 4.10 includes a detailed analysis of the potential impacts to the adjacent roadways associated with patrons accessing the Finish Line Pavilion to attend a Tier 1, 2, or 3 event. As discussed in the Draft EIR, implementation of the Proposed Project would result in a number of significant impacts associated with the increase in vehicle trips accessing the project site. Chapter 2, Summary of Environmental Effects provides a detailed overview of the impacts of the project both on a project level and a cumulative level, before and after mitigation.

**Response to Comment 34-105:**

Automated teller machines have become a common feature in our community environment, readily accessible in many retail, recreational, traveler, and other settings. Inclusion or exclusion of ATM's from Phase I of the Dixon Downs project can be a subject of development agreement negotiations; however, these machines would certainly be a normal feature in the Phase 2 retail/office/entertainment/hotel area components of the project.

**Response to Comment 34-106:**

Dixon Downs is designed to be a "family friendly" horse racetrack and destination entertainment and retail complex. Beyond the legally required and obvious signage prohibiting underage gambling, a well-

trained Dixon Downs security staff would monitor all activity within the Finish Line Pavilion to assure that such prohibitions are strictly enforced. In addition, Dixon Downs would provide youth-oriented and family-oriented activities. For children attending races with their parents, there would be numerous activities available that are designed for their entertainment.

**Response to Comment 34-107:**

There are several responses to this question which provide a cumulative perspective: For purposes of identifying the "area", the consultants used the Cities of Dixon and Davis and the Counties of Solano and Yolo. It was recognized that the City of Sacramento and Sacramento County may also be part of an "area", but note that Indian casino gambling is located immediately to the northeast and horse racing also occurs seasonally at Cal Expo.

Using the California Department of Finance official estimates of population, as shown in the table below, and defining the age group 15 to 19 years as roughly 8 percent of population, the total youth groups are shown. The rest of the table defines the application of problem and pathological gambling rates which were estimated in the significant benchmark report prepared for the National Gambling Impact Study Commission in 1999. The consultants then estimated mathematically what the possible impacts might be in an area composed of the Cities of Dixon and Davis and the concentration of youth in education at and surrounding U.C. Davis, the local community colleges, and the high schools.

Further research was done to extract the information provided by the 1999 study (see Chapter 4) which defined gambling behavior and the types of gambling which adolescents (and more specifically those ages 16 and 17) participate in.

<b>Estimated Total Potential Youth Problem Gamblers in Concentrated Areas In the Cities of Davis, Dixon, and U.C. Davis, which Includes High School/ Community College/U.C. Davis</b>				
	<b>Dixon</b>	<b>Davis</b>	<b>U.C. Davis</b>	<b>Total</b>
<b>Youth Problem Gambler</b>	27	101	261	389
<b>Youth Pathological Gamble</b>	21	81	191	292
<b>Total</b>	<b>48</b>	<b>181</b>	<b>452</b>	<b>681</b>

Source: Interviews with Hollywood Park, Agua Caliente Tribe, City of Davis Community Development/Sociodemographics; *Gambling Impact and Behavior Study* (1999), for the National Gambling Impact Study Commission.

Data from a 1998 Survey included in the 1999 Report to the National Gambling Impact Study Commission found the following:

- One-third of 16- and 17-year-olds never gambled.
- Adolescent gambling was 40 percent private betting on games of skill/card games.
- Next most popular was instant lottery scratcher tickets.
- Fifteen percent of adolescent gamblers bought multi-state, daily or big jackpot lottery tickets.
- Adolescents (less than 18 years) were not casino players.
- Pari-mutuel (horse/dog tracks) betting got 2.2 percent of 16- to 17-year-olds and 7.1 percent of those 18 years and older.

In California, horse racing allows betting by 18-year-olds while casino gambling entry age varies by tribal casino compact and location. Some allow gambling at 18, others restrict the age to 21.

**Response to Comment 34-108:**

MEC shares the Commission's view that gambling can be a problem for some individuals. If Dixon schools or other educational institutions in the Dixon area determine there is a need to address the subject of gambling, whether it be wagering on horse racing, the state-run lottery, the office sports pool, the church bingo social, the friendly Friday night poker game, the increasingly popular internet card games, or casino style gambling at Cache Creek or South Lake Tahoe, MEC has agreed to fund problem gambling programs for local schools.

**Response to Comment 34-109:**

A Horse Wizard is not a slot machine; it is an automated pari-mutuel betting system based on the performance of horses in live races. The Horse Wizard is offered at some but not all MEC tracks as an alternative mechanism to wager on a live horse racing. In contrast to slot machines which are betting machines based on "pure chance". Slot machine gambling is based on the random generation of numbers that pay off when a specific pre-determined combination of numbers "line up" and result in a "win". It is not known at this time how many, if any, Horse Wizards would be included within Phase 1 of the project. No Horse Wizards, or any other form of pari-mutual wagering, would be permitted in Phase 2.

**Response to Comment 34-110:**

The Proposed Project is still being reviewed and the General Plan amendment, rezone, and other requested land use changes have not yet been approved. The site-specific detailed plans and specifications for the Phase I facilities have not yet been prepared. It is premature at this time to predict how many computer monitors, plasma TV's or other pieces of electronic equipment would ultimately be in use at the project site.

**Response to Comment 34-111:**

The Draft EIR evaluates the project as proposed. The project applicant has specifically indicated that the project application does not include slot machines, other than legal pari-mutuel betting on horse races. Because slot machines and other similar gaming is illegal in the State of California, it would be speculative to consider the effects of the addition of such machines to the Proposed Project. Section 15146 of the State CEQA Guidelines expressly states that when the lead agency finds an environmental issue to be speculative, it should stop the analysis. As such, evaluation of the inclusion of 3,000 slot machines, as requested by the commenter, would be speculative and improper to include in the EIR.

**Response to Comment 34-112:**

Slot machines would not be provided or available as part of the project. This information was provided to the City two years ago.

**Response to Comment 34-113:**

As is stated in Response to Comment 34-111, the project as proposed does not include the addition of slot machines or other gaming facilities, other than the proposed pari-mutuel betting that is part of the proposed horse racing operation. Any addition of slot machine or similar facilities would be speculative, as would any assessment of the affects of such facilities on traffic or police services.

**Response to Comment 34-114:**

As indicated in the prior responses to public comments in response to Question 6.19 (see the City's website for a copy of this document):

Dixon City Code Article I section 16.9 currently provides that any form of gaming not mentioned in either California Penal Code Section 330 or 330a is unlawful. Since those two sections contain a list of prohibited forms of gaming, the effect of Section 16.9 is to prohibit all other forms of gaming not already prohibited by state law. In the event the City desires to approve the Dixon Downs project, this section should be amended to expressly permit pari-mutuel wagering as permitted by the Horse Racing Law. (Bus. & Prof. Code 19400 et seq.)

The remainder of the comment inquires why the City would approve satellite wagering. That is a policy decision left to the decision makers.

Additionally, the rationale for approving pari-mutuel wagering is not a CEQA-related question and would be determined by the decision makers when and if the project is approved. The proposal is currently inconsistent with the provisions of the Dixon City Code prohibiting all forms of gaming. The approval of the project would include either the amendment of that prohibition or an exception for pari-mutuel wagering.

**Response to Comment 34-115:**

The economic impacts are described and quantified in the Fiscal and Economic Analysis report, prepared by the Goodwin Group, dated August 19, 2005, (a copy of the report is available for review at the City offices and on the City's website) relate specifically to the City of Dixon. Additional economic impacts would be felt on a regional and statewide basis. To the extent that compensation impacts and total industry output result in direct deposits at financial institutions by employees and businesses, which are in turn recycled through the economy in the form of personal loans, business loans, and other financial instruments, the supply of capital should be positively affected. Therefore, the supply of capital should increase locally, increase even more regionally, and increase further still on a statewide basis.

**Response to Comment 34-116:**

Many segments of this comment are already answered in responses to other comments as well as within prior studies and the EIR itself. Some of these comments have previously been addressed in a separate study concerning the social impacts of the Dixon Downs development prepared by Economics Research Associates available for review at the City of Dixon or on the City's website.

This response relates to the calculation of probable social cost impacts which, for the most part, are experienced by problem gamblers and pathological gamblers who may be drawn to the Dixon Downs project, and also to new entries into those classifications in the future.

The information included below provides a methodology for estimation of these social costs. The real issue is the probability that the Dixon Downs project would actually cause patrons to transition from normal and "at risk" gamblers to problem and pathological gamblers. Contemporary evidence already suggests that horse racing has fallen to 3.5 percent or less of those problem gamblers calling in to the California Council on Problem Gambling (as compared to 78.2 percent from Indian casinos).

Table 1 defines the potential distribution of horse race and satellite wagering patronage origins, expressly defining those coming from Solano and Yolo counties as compared to those coming from other areas. The second table defines the possible average number of return visits by patrons annually, estimated to be five to seven times per year.

The third table estimates the potential number of problem gamblers and pathological gamblers in Solano and Yolo counties as well as from other areas. The fourth table compares the Dixon Downs patronage estimates with the probable estimated already existing problem and pathological gamblers in the immediate two-county region. The resultant numbers are very modest.

The fifth table relates to the possibility that the Dixon Downs project would actually generate incremental additions to the numbers of problem and pathological gamblers in the two counties. This is a very difficult estimation given the enormity of the existing and growing number of such gamblers already in the region - a number that is increasing, based on the rapid expansion of Indian casinos, lotteries, and on-line internet wagering.

The seventh table relates to the updated information regarding the economic and social costs of pathological and problem gambling on an annual basis and on a lifetime basis. ERA referenced Table 19 of the *1999 Gambling Impact and Behavior Study* and updated the information by adding 8 percent per year for eight years from the 1998 base data to generate a reasonable 2006 estimated costs profile. Additionally, 20 percent was added because of the higher costs in California.

Next, the consultants defined the likely 1 percent increment in combined problem gamblers and pathological gamblers and generated the likely social costs on an annual basis and on a lifetime basis. These numbers were not projected forward from the year 2006.

It is projected that the Dixon Downs project might cumulatively impact an additional 1 percent of local area (the two counties) race track attendees, which could be a range of 143 to 240 individuals who might become problem or pathological gamblers. The difficulty in making this estimate is the continuing and compelling growth of gambling at Indian casinos, lotteries, and via on-line internet wagering. In reality, the project might generate even less transition of population to problem and/or pathological gambling.

Yolo and Solano counties	15% - 18%	99,657 – 119,588 +/-
Other Areas	82% - 85%	544,792 – 564,723 +/-
<b>Total</b>		<b>664,380 +/-</b>

Source: Economics Research Associates, 2006.

<b>Table 2</b>		
<b>Possible Average Number of Return Visits by Patrons Annually: Five to Seven Times</b>		
	<b>15 Percent</b>	<b>18 Percent</b>
Solano and Yolo counties	19,931 – 14,237	23,918 – 17,084
Other Areas	108,958 – 77,827	112,945 – 80,675

Source: Economics Research Associates, 2006.

<b>Table 3</b>	
<b>Potential Problem Gambler and Pathological Gambler Estimates (among adult patrons who are 73 percent of the population)</b>	
	<b>Patrons</b>
<b>Problem gamblers at 1.5% of adult population</b>	
From Solano and Yolo counties	14,237-23,918
@ 1.5%	214-359
Other Areas	77,827-112,945
@ 1.5%	1,167-1,694
<b>Pathological gamblers at 1.2% of adult population</b>	
From Solano and Yolo counties	14,237-23,918
@ 1.2%	171-287
Other Areas	77,827-112,945
@ 1.2%	934-1,355

Source: Economics Research Associates, 2006.

**Comparison with Already Existing Problems and Pathological Gamblers**

Dixon Downs patronage by problem and pathological gamblers is a very small proportion of those regional residents already engaged in such behavior. For example, compare estimated numbers of residents in both counties with estimated patronage at Dixon Downs, as shown below in Table 4.

<b>Table 4</b>	
<b>Comparison with Existing Problems and Pathological Gamblers</b>	
Population of Solano and Yolo counties (2005)	609,400
Projected problem gamblers at 1.5% of adult population (73%)	6,673
Projected pathological gamblers at 1.2% of adult population (73%)	5,338
<b>Total</b>	<b>12,011±</b>
Estimated Problem gamblers attending Dixon Downs (multiple times/year)	214-359
Estimated Pathological gamblers attending Dixon Downs (multiple times/year)	171-287
<b>Total</b>	<b>385-646±</b>
Percentage of projected problem and pathological gamblers from Solano and Yolo counties coming to Dixon Downs annually	3%-5%

Source: Economics Research Associates, 2006.

### Social Costs of the Dixon Downs Project

The social costs are essentially costs experienced by problem and pathological gamblers and those entities which become responsible for intervention and possible recovery. Based on 1998 cost estimates, adjusted by an additional 8 percent per year to 2006, Table 5 illustrates the cost of problem gambling.

Type of Cost	Who Pays (Primary)	Problem Gambler Costs		Pathological Gambler Costs	
		Lifetime	Annual	Lifetime	Annual
Job Loss	Employer	n/a	\$370	n/a	\$590
Unemployment Benefits	Government	n/a	120	n/a	160
Welfare benefits	Government	n/a	170	n/a	110
Filed bankruptcy	Creditors	\$2,870	n/a	\$6,100	n/a
Arrests	Government	1,780	n/a	2,310	n/a
Corrections	Government	1,240	n/a	3,150	n/a
Divorce	Gambler/spouse	3,610	n/a	7,960	n/a
Poor health	Health insurance	n/a	0	n/a	1,300
Poor mental health	Health insurance	n/a	670	n/a	610
Gambling treatment	Government	0	0	n/a	60
Total costs/impacts		\$9,500	\$1,330	\$19,520	\$2,220
Costs minus transfers		6,650	1,040	13,410	1,950
Transfers to gamblers		2,850	290	6,100	270

Notes: n/a = Not able to be estimated in this survey.  
Source: Table 19, on page 52 of the 1999 *Gambling Impact and Behavior Study* (1999).

It is difficult to determine the social costs of this project; however, as indicated above, the project's contribution would be similar to other horse racing facilities.

#### **Response to Comment 34-117:**

The information provided in Response to Comment 34-116 gives a framework for indicating how the social costs experienced in connection with problem and pathological gamblers are distributed, to the degree that such connections can actually be made. Most recently, in April 2005, a new report prepared for the California Council on Problem Gambling on behalf of the State Office of Problem Gambling (Situation Assessment of Problem Gambling Services in California) dealt partly with the problems of costs coverage for different types of health and mental health issues. This report is available on line from the California Department of Alcohol and Drug Programs, Program Services Division, Office of Problem Gambling. The report, prepared by several of the same individuals who prepared the benchmark 1999 study entitled, *Gambling Impact and Behavior Study*, on a national basis, deals with the coverage of costs. The points made in the Gambling Impact and Behavior study are as follows:

- Currently, there is no state level funding for the treatment of problem gambling in California.

- Major health insurance providers in California have no formal policy denying payment for the treatment of pathological gambling but there are measures in place that make it extremely difficult for the patient and the counselor to obtain reimbursement.
- The researchers were not able to identify any state agencies or county clinics in California that treat problem gamblers or that have a specialized gambling track.
- There are three residential treatment providers in California, in Napa, Orange County, and Pasadena.
- There are also 22 individual treatment professionals who have completed requirements for certification as California compulsive gambling counselors.

As noted in Response to Comment 34-116, only about 3.5 percent of all of those who seek guidance and help by calling the California Council on Problem Gambling hot line actually come from horse racing gambling circumstances, as compared to 78.2 percent who call in because of Indian casino gambling problems.

In 2004, the research team found that spending on problem gambling services in the U.S. is very modest. It was reported that California has a total spending of roughly \$3 million, which equates to \$.09 per capita in spending on a statewide basis.

The true social costs, which includes public health, criminal and civil justice, family and household income stabilization, etc., do tend to be covered, on a minimal basis, by a widespread group of counties in California. Problem and pathological gambling, however, are not recognized necessarily as truly eligible reasons for the provision of problem recovery.

Note also that cities, which tend to be the hosts for horse racing tracks, are generally not specifically engaged in social services, welfare, public health, mental health, and family and household stabilization activities. Thus, when the problems are actually recognized and dealt with, it is more frequently the counties and their various social services and health/welfare entities that are engaged.

By definition, the revenues which are obtained by cities tend to run the entire gamut of the local revenue sources in place which can include:

- Property taxes
- Sales taxes
- Utility user taxes
- Business license taxes
- Hotel guest taxes
- Municipal services fees
- Mandated assessment districts revenues

Additional revenues based upon other unique state legislation which mandates specific revenue flows to the local governmental jurisdiction.

The City of Dixon is currently in negotiation of a development agreement with Magna Entertainment regarding the Dixon Downs project and may require that Magna include some type of social services costs coverage, based upon a formula yet to be agreed upon. Quite clearly, any such contribution would

need to go beyond the simple costs of counseling services because the relevant actual costs are indeed much greater, as is shown in Response to Comment 34-116.

**Response to Comment 34-118:**

The Dixon Transient Occupancy Tax (TOT) applies only to occupancies that are both shorter than 30 days and for which a rent is levied. To the extent occupancies meet these requirements, the TOT would apply. However, an equivalent “in lieu” payment could be negotiated as a provision of the development agreement. The Tucker Bill (exempting taxes levied on the racing association in return for a share of the pari-mutuel wagering handle) would not be applicable as the TOT is not levied on the racing association or its patrons.

**Response to Comment 34-119:**

Please see Response to Comment 34-118.

**Response to Comment 34-120:**

Page 3-31 of the Draft EIR describes the expected type and frequency of Tier 2 events. Section 4.10 includes a detailed analysis of the expected vehicular trip generation of these events. Please see also Response to Comment 33-45 regarding the assumed average vehicle occupancy for Tier 2 events.

**Response to Comment 34-121:**

This comment states: “Please provide data on how this estimate is arrived at.” If this comment relates to the trip generation of Tier 2 events, please see Responses to Comments 33-45 and 34-120.

**Response to Comment 34-122:**

Table 4.10-10 indicates that a Tier 2 event (with 15,000 attendees) is expected to generate 2,240 trips during the pre-event peak hour and 4,120 trips during the post-event peak hour. Table 4.10-26 indicates that the peak parking demand (including employees) for a Tier 2 event (Phase 1 only) would be 6,120 spaces. The trip generation is less than the peak parking demand because not all event attendees and employees will enter/exit the site during the pre- and post-event peak hours.

**Response to Comment 34-123:**

The City of Dixon, as well as Solano County and all other jurisdictions, include programs for roadway maintenance. The Proposed Project would generate their fair share of taxes that would be used by the City for such things as roadway maintenance. It is not possible to quantify the project’s contribution to wear and tear on roadway’s. In addition, this is not an issue that is addressed in CEQA documents. Please see also Response to Comment 14-6.

**Response to Comment 34-124:**

As part of the project, the project applicant is requesting that a “Tier 3” event could be held which would have an attendance of between 15,000 up to 50,000 patrons. The project applicant has indicated they do not anticipate more than one Tier 3 event per year. Notice of a Tier 3 event would be provided to the

City a minimum of one year in advance. A Tier 3 event would be limited to a special large horse racing event such as a Breeders Cup.

**Response to Comment 34-125:**

The Proposed Project is required to prepare a Master Fire, Safety, and Security Plan (see Mitigation Measure 4.5-4(a)) to address emergency preparedness and evacuations associated with a potential fire, as well as safety and security issues. As discussed under Impact 4.5-4 on page 4.5-17 of the Draft EIR, the Master Fire, Safety, and Security Plan would address concerns associated with medical emergencies and access into and out of the Proposed Project site. The Plan would need to be approved by the City of Dixon Fire Department and Police Department. The plan would be prepared by a qualified consultant with experience in emergency preparedness and response planning and would address individually and collectively each type of event that could occur in project facilities and credible accident scenarios.

**Response to Comment 34-126:**

As discussed in the Chapter 3, Project Description, the project applicant is requesting approximately 10 horse-related Tier 2 events and 15 non-horse related Tier 2 events.

... “Tier 2” events, consisting of events involving an attendance of between 6,800 patrons (capacity of the Finish Line Pavilion and Grandstand combined) and 15,000 patrons, are also proposed. Tier 2 events could include concerts, large horse racing events or other events. Tier 2 events would occur periodically throughout the year. The project applicant has not proposed any particular number of Tier 2 events. However, for the purposes of this EIR and based on the applicant’s experience and observation at other racetracks, it is reasonable to assume it is unlikely there would be more than 10 horse-related Tier 2 events per year and 15 non-horse related Tier 2 events per year. By December 15th of each year, the racetrack operator would notify the City of any Tier 2 events that are expected to be staged at the racetrack during the following calendar year. Additional events could be added during the course of the year, provided the City is notified at least 30 days in advance. The administrative and enforcement authority of the City with respect to Tier 2 events at the project site would be ministerial in nature.

**Response to Comment 34-127:**

The California Horse Racing Board (CHRB) regulates horse racing in California. The CHRB is the legal entity that grants racing dates. The CHRB will determine the racing season(s) for Dixon Downs and the maximum number of potential live race days. The project applicant will be seeking a race season of approximately 100 days.

**Response to Comment 34-128:**

Golden Gate Fields is a successful track owned by the project applicant. According to the project applicant, there is no opposition from Indian casinos to either Golden Gate Fields or the Dixon Downs project. MEC plans to continue operating Golden Gate Fields as a racetrack, but MEC is also in the process of upgrading the racing facilities and re-designing the Golden Gate Fields site to add complementary land uses such as retail and other entertainment uses in a manner similar to the proposed Phase 2 uses planned for Dixon Downs.

**Response to Comment 34-129:**

It would be speculative to address more events than what the project is currently proposing. The Draft EIR analyzed a conservative estimate of the number of events to be held at the facility and there is no requirement that additional events be analyzed if they are not currently anticipated to occur as part of the project. There is no specific limit on the number of horse races that could be held in a 12-month period.

**Response to Comment 34-130:**

Please see Master Response TRAFF-1 regarding funding and timing of improvements on I-80.

**Response to Comment 34-131:**

The Dixon Downs Development & Design Guidelines include a section on landscaping. One of the goals for the proposed landscaping plan is to use drought tolerant and drought resistant plants. The perimeter of the project site is proposed to be landscaped using a mix of trees, shrubs, ground covers and native grasses. Street trees would be planted along the perimeter sidewalks to provide shade. The proposed landscaping plan would not adversely affect the existing ecological community because, the entire site would be graded and the existing ecological community removed and replaced with an urban environment. In addition, the project site is currently a disturbed agricultural area and not considered a natural ecological community. Due to the distance of the project site from any undisturbed natural habitats it is unlikely that any landscaping on the project site would adversely effect those existing natural habitats.

**Response to Comment 34-132:**

The Dixon Downs Development & Design Guidelines encourages the use of native, drought tolerant and drought resistant plants and trees to provide aesthetic quality, be adaptive to the environment, and to require minimal maintenance.

**Response to Comment 34-133:**

Please see Response to Comment 34-132, above.

**Response to Comment 34-134:**

The Biological Resources section of the Draft EIR includes a detailed analysis of the existing plant and animal species on the site and mitigation measures to address the change in the environment associated with the project. If an impact is identified feasible mitigation measures are identified.

**Response to Comment 34-135:**

Please see Response to Comment 34-132, above.

**Response to Comment 34-136:**

This issue is addressed in Section 4.6, Hydrology, Drainage, and Water Quality and Section 4.11, Utilities. The project is required to comply with a number of federal, State and local requirements which are

designed to minimize runoff to any waterways and to ensure all horse manure is removed off-site on a daily basis to minimize any adverse effects. The barn area would be served by a separate stormwater drainage system that conveys some polluted water to a sanitary treatment facility and diverts some through hydrodynamic separators before discharge to Trunk Drainage System. In order to operate this facility, the project applicant is required to prepare a Water Quality Management Plan (WQMP) that addresses operations, water quality standards, water quality monitoring, manure and straw handling systems, spill containment, and post-construction Best Management Practices. The project applicant has prepared a WQMP that is currently being reviewed by both the City of Dixon and the Central Valley Regional Water Quality Control Board.

**Response to Comment 34-137:**

The proposed Dixon Downs project has not yet been reviewed or received any entitlements to build. As a result, the plans and specifications for the facilities have not yet been finalized. MEC does intend to incorporate unisex family facilities into its plans for Phases 1 and 2. As has previously been mentioned, if approved, the Dixon Downs project would be the first new track built on the west coast in almost 70 years. It would be designed in such a fashion as to incorporate a variety of up-to-date amenities that other new sports facilities and entertainment centers currently include. Unisex restrooms are just one of those amenities.

**Response to Comment 34-138:**

In accordance with federal law, all of the sidewalks would be designed to be ADA compatible.

**Response to Comment 34-139:**

At this time it is not known the exact number of bike racks to be provided; however, it is anticipated that most patrons would be expected to drive to the facility since the vast majority would come from outside of the area.

**Response to Comment 34-140:**

Phase 1 and Phase 2 of the proposed Dixon Downs project are considered complementary, rather than competing, land uses. The Dixon Downs project is designed to be a regional attraction, and as such, visitors to Dixon Downs would likely partake in the various retail and hotel alternatives offered in Phase 2. However, Phase 2 shoppers, moviegoers, visitors, conference attendees, and employees would come and go at times that are often different than the times when Phase 1 is operating. This is another complementary feature of Phases 1 and 2. A lack of adequate parking could have an adverse impact on the project's economic potential, but there is no indication that inadequate parking is proposed given the complementary nature of Phase 1 and 2 of the Proposed Project.

**Response to Comment 34-141:**

The comment is asking whether a shuttle system is required to transport patrons between the racetrack and parking areas. An on-site shuttle system is currently not proposed given that the majority of surface parking (with Phase 1 of the project) is located relatively close to the Finish Line Pavilion building. However, the project applicant is exploring incorporating a shuttle system into the parking management

strategy on those days or for those events where Dixon Downs patrons would find it necessary to park lengthy distances from the Finish Line Pavilion.

A shuttle system is proposed for Tier 2 and 3 events to transport patrons between the off-site parking areas and the project site.

**Response to Comment 34-142:**

The Draft EIR includes an analysis of the increase in demand on public utilities, public services, traffic, and air quality associated with the increase in employees and traffic generated by the project. In addition, the cumulative impacts of each issue area are presented in the Draft EIR. The project does not include a permanent new residential population; therefore, this issue was addressed solely in the Initial Study (see Volume II Appendices).

**Response to Comment 34-143:**

As discussed on page 3-36 in Chapter 3, Project Description,

“[A]s Phase 2 land uses are introduced, they would replace those portions of the Phase 1 parking field located adjacent to the entry corridor/secondary roadway axis. The Phase 1 parking that would be displaced by Phase 2 development would, in turn, be replaced and additional parking would be provided to accommodate Phase 2 development, through a combination of new parking structures and surface parking spaces. The use of parking structures provides an expandable means of addressing Phase 2 parking requirements once surface parking options are at capacity.”

The removal of the temporary surface parking for Phase 1 associated with development of Phase 2 is not an indication that Phase 2 would not be built.

**Response to Comment 34-144:**

The City and the project applicant are currently negotiating the development agreement. As previously indicated by the City in its “Community Questions and Responses Document” (dated October 12, 2005) in Response to Question 12.13:

“Development Agreements typically require that the developer defend and indemnify the applicable public agency against third person lawsuits that relate to the approval of the development project. It is not typical that such agreements extend the defense and indemnity provisions to include injuries to third persons arising from the normal day-to-day operations of the project, but there would be no liability on the party of the city for any injuries to third persons from such day-to-day operations.”

**Response to Comment 34-145:**

Consideration for an economic impact by this project on downtown businesses, which might fail because of the presence of the project, could be included in a development agreement. However, neither the Draft EIR nor the Fiscal Impact Analysis indicates such an impact would occur. Please see Response to Comment 12-13.

**Response to Comment 34-146:**

The applicant was not allowed to change the Draft EIR prior to publication. Rather, the applicant was provided the opportunity to review the Screencheck Draft EIR and provide comments to the City. The comments were in written form, and the City staff reviewed each comment and made a determination in its independent judgment as to the appropriateness of each change. In some cases the City staff agreed to the suggested revisions and in other cases the City disagreed with the changes and did not allow them. The applicant's comments and the City's determination as to each comment were documented and are part of the City's file on the Proposed Project. A complete record of the applicant's comments regarding the ADEIR is in the public record, including the disposition of each comment relative to the Draft EIR.

None of the interaction between the City and the applicant regarding the Draft EIR was inappropriate or contrary to CEQA. Please see also Responses to Comments 34-25 and 34-52.

**Response to Comment 34-147:**

The ability of the City's Community Development Director to determine what would be considered appropriate "other uses" is certainly a policy open to City Council determination in order to "insure adequate oversight of the project". The comment is forwarded to the decision-makers for their consideration.

**Response to Comment 34-148:**

The City's Code Compliance Technician currently has a full work load and the Proposed Project, as well as any other development proposed in the City, would likely increase the work load. Future new development might necessitate hiring an additional full or part-time Code Compliance Technician.

**Response to Comment 34-149:**

California Business & Professions Code sections 19610.3 and 19610.4. permit a city to receive a statutory distribution of funds from a racing facility in the amount of 0.33% of the "handle" or "total pari-mutual wagering". The Dixon Downs Fiscal and Economic Analysis (August 2005), indicates (see Table 5 and 5-A) on pages 7 and 8 that the estimated handle could be up to \$218 million, (a copy of the report is available for review at the City offices and on the City's website). The amount wagered includes satellite wagering. If the City accepts this distribution, it must forego any license or excise tax or fees with respect to an event conducted by the racing association including admission, parking or business license taxes, where such taxes are levied solely on the racing association, racing patron, service-suppliers, promoters, or vendors. It appears that every California City faced with this option to date has elected the distribution. It is important to note that the City is not obligated to provide any particular services by accepting this distribution.

**Response to Comment 34-150:**

Horse Wizards are simplified wagering machines and would be considered equipment; therefore, the cost of the Horse Wizards would not be incorporated into the construction costs. Their contribution to the City's tax revenue would be in the form of increased unsecured property taxes and wagering taxes.

**Response to Comment 34-151:**

The project applicant is proposing to construct the project in two distinct phases. The first phase is development of the Finish Line Pavilion and racetrack as well as the barns and housing for the visiting grooms, jockeys, and trainers. The second phase consists of the non-horse track amenities including office, retail, and the hotel/conference facility. At this time the project that the applicant is proposing and the one that the City will review consists of only two phases. It is not anticipated that the project applicant would make any changes to the project phasing.

The EIR analyzes the impact of the entire project; therefore, development of the project in more than one phase would not affect the environmental analysis.

**Response to Comment 34-152:**

The development agreement has not yet been finalized and the term of the development agreement is a subject for negotiation. There are both positives and negatives – from the perspective of both the City and the developer—to having a longer or shorter term. There should be a distinction drawn, however, between the term of the development agreement, and the timing of the development. The terms of the development other than timing (for example, relating to size of events, policing requirements, horse maintenance, etc.) should continue for quite some time, thus arguing for perhaps a much longer term than 20 years in this instance.

**Response to Comment 34-153:**

A private recreation area is proposed in the southeast portion of the project site adjacent to the Grooms Quarters and the barn area. The recreation area would include a baseball diamond and basketball courts for people staying in the temporary living quarters.

**Response to Comment 34-154:**

No. It is a private recreation area for people that would be staying in the temporary living quarters.

**Response to Comment 34-155:**

Please see Response to Comment 34-154, above.

**Response to Comment 34-156:**

It is a private recreation facility for the Dixon Downs Racetrack facility similar to other private recreational facilities provided by private corporations or other private industries for the use of their employees.

**Response to Comment 34-157:**

The project applicant would pay all the costs associated with providing maintenance and upkeep for the park facility.

**Response to Comment 34-158:**

Please see Response to Comment 34-157, above.

**Response to Comment 34-159:**

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

**Response to Comment 34-160:**

Page 4.10-54 of the Draft EIR includes a discussion of the proposed improvements (from the *I-80/680/780 Major Investment and Corridor Study*) on I-80 between Meridian Road and Kidwell Road. According to that study, the widening would cost approximately \$60 million. Since funding for its construction has not been secured, there are no timeframe for expected completion. Please see Master Response TRAFF-1 for a discussion of proposed improvements on I-80 east of Pedrick Road.

**Response to Comment 34-161:**

Please see Response to Comment 6-5.

**Response to Comment 34-162:**

The Proposed Project is located within the NQSP and does not require an annexation. Please see the standards of significance section beginning on page 4.10-21 for the established thresholds of operations for various streets and intersections. An amendment to the City's General Plan level of service policy is proposed on page 3-57 to address situations where LOS C cannot be attained and no feasible mitigation measures are available.

**Response to Comment 34-163:**

Currently the City is not aware of any contract. While it is the goal of the City to have SR 113 relocated, the relocation is not controlled by the City and is within the discretion of Caltrans.

**Response to Comment 34-164:**

As noted above, the City is not aware of any contract. Therefore, the City is not aware of the schedule to relocate SR 113.

**Response to Comment 34-165:**

The comment asks whether an estimate of 6 million additional vehicle trips per year due to Phase 2 is too low. Table 4.10-10 in the Draft EIR indicates that Phase 2 of the project would add an additional 2,460 trips during the weekday p.m. peak hour. This would translate into a very rough estimate of about 8 million additional trips per year assuming 10 percent of daily traffic occurs during the p.m. peak hour, and given the weekday versus weekend variations in trips as published on page 1450 of *Trip Generation*. It should be noted that a project's annual trip generation is not used to evaluate its potential impacts or to identify its access or internal circulation needs. The traffic analysis is based on peak demand and not annual demand, so the analysis contained in the EIR is more conservative.

**Response to Comment 34-166:**

Pages 3-41 and 4.10-166 of the Draft EIR indicate that the project would provide on-site transit amenities such as bus turnouts, shelters, and parking. In addition, a shuttle service is proposed between the project site and the future downtown rail station.

**Response to Comment 34-167:**

The comment is asking, “What are the specific cumulative impacts of needed roadway improvements?” It is unclear whether this comment relates to the roadway infrastructure that is ultimately necessary to accommodate cumulative traffic levels, or if this comment relates to the impacts of making these improvements. Figure 4.10-10 displays the circulation system required to accommodate buildout the NQSP including the Proposed Project. Additional environmental review may be required to evaluate the impacts of specific roadway improvements. Please see Response to Comment 34-168.

**Response to Comment 34-168:**

The Draft EIR identifies a number of transportation improvements that may be required to facilitate development and operation of the project while optimizing the operations of the nearby and regional circulation system. The onsite improvements, including construction of streets in and around the project site are fully addressed in the EIR. The detailed information requested by the commenter is not necessary to conduct a thorough environmental analysis, and is a level of detailed design that is typically deferred until the preparation of improvement plans during the design review and plan check stages of the permitting process.

The offsite circulation improvements, such as are outlined in mitigation measures presented in Section 4.10, are discussed conceptually. These improvements will be designed in detail at a later date if the City approves the Proposed Project and adopts the relevant mitigation measures. Some of the improvements will be designed in coordination with Caltrans (for those improvements to state and federal highways). Other local improvements will be designed in coordination with the City Engineering staff. During the design process for these improvements, further environmental analysis will be conducted, to the extent that the detailed design raises environmental concerns not fully addressed in this EIR.

**Response to Comment 34-169:**

The discussion of each recommended mitigation measure indicates whether the mitigation is required for Phase 1 or Phase 2. During Tier 2 and 3 events, acceptable levels of service would not be maintained despite implementation of all recommended mitigations. Please see Responses to Comments 21-19 and 21-20 for more information.

**Response to Comment 34-170:**

It is unclear if the commenter is inquiring when impact fees would be increased or when during the life of the project are the fees levied. Impact fees are generally levied (collected from a developer) at the building permit stage. With respect to the amount of fees, the City is in the process of re-evaluating its LOS policies to determine if increases or other adjustments are necessary to fund the roadway infrastructure. Changes in the LOS policies may affect the City’s street master plan, which in turn, could

affect the funds required to construct the necessary improvements. After completing this evaluation, the City will review the traffic mitigation fee (paid by new development on a per unit or per square foot basis) to determine if adjustments are necessary to fund the roadway infrastructure required to accommodate new development.

**Response to Comment 34-171:**

It is uncertain how much the project would generate in traffic mitigation fees because the precise mix of retail and office land uses in Phase 2 has not been identified at this time.

**Response to Comment 34-172:**

The City uses traffic mitigation fees to fund a prioritized list of circulation improvements included in its Capital Improvement Program (CIP). The CIP is adopted by the City Council each year and funds a variety of circulation improvements that can also contribute to mitigating the traffic-related impacts of a project.

**Response to Comment 34-173:**

That information is not known at this time. Please see Response to Comment 34-170.

**Response to Comment 34-174:**

Transit-oriented development is likely feasible in Dixon at a scale appropriate to the community.

**Response to Comment 34-175:**

To staff's knowledge, there is no specific connection between transit-oriented development in a downtown area and the proposed Dixon Downs project.

**Response to Comment 34-176:**

Please see Response to Comment 12-13.

**Response to Comment 34-177:**

Please see Response to Comment 34-178, below.

**Response to Comment 34-178:**

The City currently contributes to funding of the regional bus route along the I-80 corridor which services the City of Dixon. In addition, the City has requested that Amtrak consider a stop in Dixon, but at this point Amtrak has declined. The City has also recently completed a multi-modal facility to enable train stops in the City. Please see Response to Comment 34-181.

**Response to Comment 34-179:**

Amtrak is typically the long distance railroad carrier, (i.e., national and interstate), whereas routes such as the “Capitol Corridor” provide regional commute service. The time frame for regional commute rail service in Dixon is estimated at between 5 and 10 years. Please see Response to Comment 34-177.

**Response to Comment 34-180:**

The City of Dixon currently does not have a signed contract with Greyhound or any other private bus company to serve Dixon. Please see also see Responses to Comments 34-177 and 34-178.

**Response to Comment 34-181:**

The nature of private bus lines serving smaller communities has changed significantly in the past several decades. In California, private bus companies tend now to primarily serve people traveling between larger cities. Greyhound or other private bus lines are regulated on a state level by the CPUC which dictates the routes they may or must serve. There is no local authority to require such service. To assist in providing facilities for buses, the City recently completed a multi-modal facility to service bus and train travel.

**Response to Comment 34-182:**

Pages 3-48 through 3-51 of the Draft EIR list the objectives for the Proposed Project 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 City’s stated objectives include providing a public benefit if the project is approved including civic and cultural opportunities for the community and the region; local venues for entertainment; increased shopping opportunities, economic uses capable of fully paying for infrastructure and public service costs while improving the long-term municipal finance situation; diverse employment opportunities; and creating anchor uses which would help attract other significant economic activity to the NQSP area.

As discussed in Response to Comment 35-64, in the event the City determines to approve the Proposed Project, notwithstanding the existence of unavoidable significant environmental impacts, it would be required to adopt a written Statement of Overriding Considerations. The Statement of Overriding Considerations must be provided to the decision-makers and the public for their review prior to taking action on the project. CEQA requires that the City balance the economic, social, technological, or other benefits of a project against the significant impacts when determining whether to approve a project. If the economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” See the CEQA Guidelines Section 15093.

Weighing and balancing public benefits derived from approving the Dixon Downs project versus the significant unavoidable impacts of the project is precisely what the public hearing is for. It is hoped that the extensive information provided about the project relative to economics, public safety, community character, etc., would be beneficial to the community and decision-makers as this question is debated and decided.

The objectives described above would be used by the decision-makers in preparing overriding considerations for significant unavoidable impacts identified for the Proposed Project.

**Response to Comment 34-183:**

The project is designed as a regional facility located adjacent to I-80. No traffic calming measures were identified as necessary for the project because it is not adjacent to any residential neighborhoods and most patrons are anticipated to access the site from the freeway. The project applicant would be responsible for paying for a number of infrastructure improvements or contributing their fair share to fund and/or maintain an improvement.

**Response to Comment 34-184:**

As required by CEQA, the cumulative analysis includes all the known and reasonably foreseeable developments in the area. Please see pages 4.10-53 and 4.10-54 in the Draft EIR for more information.

**Response to Comment 34-185:**

Please see Response to Comment 34-184.

**Response to Comment 34-186:**

Please see Responses to Comments 14-6, 30-46, and 30-47 for more information on future improvements to SR 113.

**Response to Comment 34-187:**

Please see Master Response TRAFF-2.

**Response to Comment 34-188:**

Caltrans has provided comments on this EIR. Please see Comment Letter 6 and Master Response TRAFF-2.

**Response to Comment 34-189:**

Please see Response to Comment 34-188 and Master Response TRAFF-2.

**Response to Comment 34-190:**

No additional responses from Caltrans are required prior to Phase 1. Please see Response to Comment 34-188 and Master Response TRAFF-2.

**Response to Comment 34-191:**

The city limits include the entire Pedrick Road right-of-way; therefore, any work within the right-of-way or to the west of the right-of-way is not subject to approval of Solano County.

**Response to Comment 34-192:**

The comment asserts that traffic counts were “cherry picked” by using the time of year when traffic is lowest on Pedrick Road. Traffic counts were conducted when the preparation of EIR studies began in early 2004. Pages 4.10-5 and 4.10-6 of the Draft EIR describe how the existing volumes (measured in the field and deemed to be reliable) on Pedrick Road, Vaughn Road, and North First Street were adjusted to account for peak summer traffic conditions.

**Response to Comment 34-193:**

A copy of the Mitigation Monitoring Program (MMP) is included in Chapter 7 of this Final EIR. Please see Response to Comment 35-65 regarding the cost issue.

**Response to Comment 34-194:**

Water would be provided by the Dixon-Solano Municipal Water System (DSMWS). As discussed in Chapter 3, Project Description (pages 3-42 and 3-43), “[I]t is anticipated that two future DSMWS wells, two water tanks, and a pump station would be needed to adequately serve land uses within the NQSP area, including the Proposed Project. In addition, the Proposed Project would include a request to make use of an existing private well on-site or install a new private well for the purpose of providing an alternative source of water for irrigation and horse wash down water. Water from the DSMWS would be used to provide backup. The project also proposes to relocate a well owned by the Solano Irrigation District (SID) to another location on-site and replace a section of pipeline owned by SID along Professional Drive.”

**Response to Comment 34-195:**

As required by law a Water Supply Assessment (WSA) was prepared for the Proposed Project. The WSA assumed that water demand would be independent of climatic conditions based on historical average water use data. Annual historical and projected water use for 1994 through 2024 in the DSMWS service area are included on page 4.11-18 in five-year increments. In addition to overall project water demand, the WSA calculated water demand for the DSMWS service area for the next 20 years in five-year periods using the estimated average development rates for non-residential land uses, and “Measure B” development rates for residential land uses and water demand factors presented in the WSA. This methodology was used to project water use for any given five-year time period out to year 2024. The WSA determined that adequate water supplies would be available to serve the project even during drought years. At this time it is not anticipated that any restrictions would be placed on the project in the event of severe drought conditions; however, if that were to occur it is anticipated that the City would prepare an aggressive water conservation plan that all businesses and residents would be required to comply with.

**Response to Comment 34-196:**

Although at this time it is not anticipated that any restrictions would be necessary even in the event of a severe drought, if such restrictions were needed at some point in the future, it is anticipated that the restrictions would differ between residences and business uses; however, the specifics are not known at this time.

**Response to Comment 34-197:**

Landscaping in the public rights-of-way (e.g., roadway medians) must meet the City of Dixon standards. The Dixon Solano Municipal Water Service provides water to its customers based on a volumetric rate. The more the customer uses the more it costs. The project applicant has indicated that drought resistant landscaping, the use of recycled water and other water conservation measures would be evaluated for use at Dixon Downs, if determine feasible.

**Response to Comment 34-198:**

As discussed in Section 4.11, Utilities, on page 4.11-22, under project-specific conditions the project's demand for water would be approximately 687 ac-ft/yr for Phase 1 and 702 ac-ft/yr at build-out in Phase 2. These water demands are less than the Proposed Project's demand presented in the WSA. As shown in Table 4.11-7 on page 4.11-20, an excess of water supplies would be available through the proposed on-site well and DSMWS facilities to serve the Proposed Project and future NQSP demands, including buildout of the Proposed Project. The WSA did not identify any adverse effects on the water supply for Dixon, Davis and Vacaville.

Under cumulative conditions, as discussed on page 4.11-26,

“...the Solano Sub-basin is in a state of equilibrium, where groundwater levels are stable and at levels that preceded the overdraft of the basin from intense agricultural use of groundwater in the 1930's. The data presented in these reports, and additional data published by DWR, show that the Solano Sub-basin is not permanently impacted by multiple dry or wet years and is not in a state of overdraft. In other words, the Solano Sub-basin level changes slightly over short periods of time in response to climatic conditions, and over the past twenty years the basin has showed an average level of stability despite the increased level of growth and water demands.”

As identified in the WSA, adequate supplies of water are available to serve the City of Dixon for the next 20 years. Since adequate water supplies are available it is not anticipated that there would be any adverse effects on the water supplies of the cities of Vacaville and Davis.

**Response to Comment 34-199:**

As discussed in Section 4.11, Utilities, the Proposed Project would generate wastewater flows that would be discharged to the City's sewer system. Phase 1 peak flow is estimated to be 0.46 mgd. Phase 2 peak flow is estimated to be approximately 0.22 mgd. The total estimated peak flow to the sewer system would be 0.68 mgd.<sup>12</sup>

As discussed in Section 4.9, Public Services, the total amount of solid waste generated by patrons and employees of the project was calculated using specific generation rates (see page 4.9-22) provided by the Dixon Sanitary Service. The total amount of horse manure and soiled bedding was also calculated using a rate of 63 lbs of manure per horse, per day. Based on the calculations it was assumed that under Phase 1 the project would generate a total of approximately 2,160 tons per year, or six tons per day of solid waste that would disposed of at the Hay Road Landfill. Assuming all 1,440 stalls are occupied 50 percent of the year, a total of approximately 90,720 pounds of manure and soiled bedding would be produced every day. The manure and soiled bedding would be removed from the stalls on a daily basis and trucked off-site to either a composting facility, or, in the unanticipated event that no composting facility would be available, to the Hay Road Landfill.

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12 ECO:LOGIC Engineering, Review of Dixon Downs Project Impacts on City Wastewater Facilities, Draft, January 5, 2005.

Under Phase 2, a total of approximately 1,160 tons of solid waste per year (3.17 tons of solid waste per day) could be generated. Phases 1 and 2, combined, would result in 3,318 tons per year (approximately nine tons per day). Phase 1, 2, and the horse manure with soiled bedding would result in 9,870 tons per year (an average of approximately 32 tons per day).

**Response to Comment 34-200:**

Please see Response to Comment 34-199, above.

**Response to Comment 34-201:**

As discussed in Impact 4.9-7 on page 4.9-23, the project would increase the City's annual contribution to the Hay Road Landfill by approximately 13 percent. The amount of solid waste generated by a single resident is approximately 3 lbs/resident/day. Because the NQSP area was not designated for residential development it is not known how many residences could be constructed on the project site. However, it is safe to assume that if the site were developed as residential it would generate less solid waste.

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

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

**Response to Comment 34-202:**

As discussed on page 3-43 of Chapter 3, Project Description, Jepson Organics, a subsidiary of Norcal Waste Systems, Inc., is a permitted composting facility located approximately 10 miles south of the City of Dixon which accepts horse waste, which includes horse manure and bedding waste for composting. There are also numerous other facilities that accept horse manure and bedding material including Monterey Mushroom, Royal Oaks Facility, Morgan Hill Facility, and South Valley Mushroom Farm to note a few places. The disposal and/or reuse of this material would be required to comply with all applicable state laws that oversee the disposal or composting of animal waste.

**Response to Comment 34-203:**

Jepson Organics is located approximately 10 miles south of the project site and two miles east of Vacaville in Solano County. Winds normally come from the south and west during the warmer months so the project site would be considered downwind of Jepson Organics.

**Response to Comment 34-204:**

As noted in Response to Comment 34-202, the disposal and/or reuse of this material would be required to comply with all applicable state laws that oversee the disposal or composting of animal waste. It is not

known how many flies would be present at any of the off-site facilities. Pest management at those facilities would be subject to CEQA review, if required.

**Response to Comment 34-205:**

Jepson Organics is located approximately two miles east of Vacaville in Solano County

**Response to Comment 34-206:**

The project applicant, MEC, is subject to the same hazardous materials rules and regulations as other businesses. Pesticide use and application by MEC would be done in accordance with such rules and regulations. MEC would use only pesticides that have been approved for use around people and animals, are commonly accepted, and have been determined to be safe.

**Response to Comment 34-207:**

Please see Response to Comment 34-206.

**Response to Comment 34-208:**

Please see Response to Comment 34-206.

**Response to Comment 34-209:**

The Manure Transfer Building has been designed to accommodate manure and soiled bedding. The temporary storage of manure and soiled bedding would use a two-tiered storage system—consisting of numerous transportable and strategically located barn area bins in addition to the central collection point, the Manure Management Building. Inherent within this redundant storage system is limited, but adequate capacity to store manure and soiled bedding material in response to an interruption in off-site transport of waste materials. If in the event there is a labor strike or a breakdown in transportation to removed the manure and soiled bedding from the site on a daily basis there would be adequate storage space available. In addition, if necessary the project applicant would hire a trucking company to remove the manure and soiled bedding off-site either to the landfill or a composting facility. Please see Response to Comment 29-31.

**Response to Comment 34-210:**

Please see Response to Comment 34-209.

**Response to Comment 34-211:**

The project applicant, MEC, has developed a bedding product called “Streufex,” which is, at this time, in limited use and manufactured only in North Carolina. Streufex is used experimentally at some MEC tracks, but is currently not in use at all MEC tracks as it is not yet widely accepted by all horse owners and trainers. As acceptance of this new product grows, MEC anticipates expanding production. MEC has not yet determined the extent to which local businesses may be involved in the production or distribution of Streufex.

**Response to Comment 34-212:**

Please see Response to Comment 34-211.

**Response to Comment 34-213:**

Please see Response to Comment 34-211.

**Response to Comment 34-214:**

The comment is correct. The horse owners and trainers determine the type of feed each horse will receive.

**Response to Comment 34-215:**

Magna Entertainment or MEC does not have any relationships with alfalfa growers.

**Response to Comment 34-216:**

As mentioned in Response to Comment 34-215, MEC does not have any relationships with alfalfa growers; therefore, there are no contracts in place.

**Response to Comment 34-217:**

Please see Response to Comment 34-216.

**Response to Comment 34-218:**

The comment is speculative and involves too many variables to answer. The project does not include growing or cultivating any crops. However, it is assumed the use of any pesticides in agricultural production is regulated to protect the public health and safety.

**Response to Comment 34-219:**

Please see Response to Comment 34-218, above.

**Response to Comment 34-220:**

The diet of thoroughbreds trained and raced at Dixon Downs would be determined by the horse owners and trainers, not MEC. Please see Response to Comment 34-214.

**Response to Comment 34-221:**

As discussed on page 4.6-8 of the Hydrology, Drainage and Water Quality section of the Draft EIR, “the project site is not in the 100-year floodplain. Review of FEMA maps indicates the property is not in the 100 year flood zone, but is in Zone C, which is an area identified to experience minimal flooding.” Localized flooding does occur, however, because of existing drainage system constraints. The Drainage Report (see Volume II Appendix C of the DEIR) and Storm Water Quality Management Plan (see

Volume II Appendix F of the DEIR) show the planned drainage system and stormwater detention facilities to prevent on- and off-site flooding potential.

Flooding was not determined to be an issue associated with development in this area of the city.

**Response to Comment 34-222:**

The nature of land in the Northeast quadrant relative to storm drainage is not significantly different than other portions of the City which have been urbanized or are designated for future urbanization. Storm drainage conveyance systems through the Northeast quadrant would be sized to accommodate flow that comes from the upper portion of the drainage basin within which the Northeast quadrant lies. Detention ponds would be required to hold and to meter storm flows into the downstream system and meet water quality requirements. Downstream channel improvements would be required to move storm water through the agricultural areas south and east to the delta.

**Response to Comment 34-223:**

As discussed in the Environmental Setting in Sections 4.6 and 4.11, on pages 4.6-5 to 4.6-6 and 4.6-11 through 4.11-13, respectively, there are no signs of groundwater overdraft in the Putah Creek Fan area of the Solano sub-basin.

**Response to Comment 34-224:**

Potential groundwater impacts are not typically related to flow rates, but rather, changes in water table elevations. Changes in groundwater elevation could also affect pumping rates and groundwater flow rates. Impacts 4.6-7, 4.6-10, 4.11-1, and 4.11-2 address potential project impacts on groundwater supplies.

**Response to Comment 34-225:**

See Section, 4.6 Hydrology and Water Quality, Impact 4.6-7 on pages 4.6-51 through 4.6-53 for the analysis on potential impacts to groundwater quality from on-site project operations. Mitigation Measure 4.6-7 on page 4.6-53 requires the project applicant to implement and design a groundwater monitoring program prior to issuance of any grading permit. In addition, as noted in Section 4.11 Utilities, Impact 4.11-4 on pages 4.11-25 and 4.11-26, the Dixon-Solano Municipal Water System (DSMWS) and other neighboring water districts continue to monitor groundwater levels and quality in the Solano sub-basin. In accordance with the technical requirements set forth in California Water Code Section 10750 through 10756 and Assembly Bill 3030, the DSMWS and other neighboring water districts have prepared and implemented groundwater monitoring and management plans.

The groundwater management plan recently updated by the Solano Irrigation District (SID) will be used by DSMWS to update its groundwater management plan. The SID *Groundwater Management Plan Update* (January 2006) includes specific monitoring protocols for groundwater quality and quantity. The groundwater monitoring program in this updated plan implements long-term monitoring of groundwater levels throughout the SID and DSMWS service on a bi-annual basis. These measurements will provide a basin-wide quantification of existing water supplies in the spring and fall to measure the effects of weather and peak summer water demands on groundwater levels in the Solano sub-basin. As described in the Environmental Setting section for Section 4.11, groundwater in the DSMWS service area is

supplied from the Putah Creek Fan which has surplus groundwater supplies. Despite the surplus, DSMWS will implement the yearly monitoring program to inform decision-makers of decreases in water quality and quantity in a timely manner.

**Response to Comment 34-226:**

A separate groundwater management plan was not prepared by the project applicant because water to serve the project would be provided by the Dixon-Solano Municipal Water System (DSMWS). The DSMWS is preparing a groundwater management plan, pursuant to AB 3030 requirements for groundwater management plans. As stated above, the plan would be based on SID's updated plan, which is provided in Appendix A of this FEIR.

**Response to Comment 34-227:**

As required by SB 610 and Water Code Sections 10631, 10910, and 10912, a Water Supply Assessment (WSA) was done for the project. A copy of the WSA is included in Appendix I in Volume II of the Draft EIR.

**Response to Comment 34-228:**

With the capacity improvements mandated by the Regional Water Quality Control Board over the next four years, the City's sewage treatment and disposal facilities would have adequate capacity to serve the project.

The City's WWTP currently does not have capacity for all of the Citywide growth planned for the next several years. The City is in the process of implementing two phases of WWTP improvements, to be complete in 2007 and 2009, that provide for increased capacity for Citywide growth through year 2014 and meet new more stringent treatment requirements. The WWTP improvement plan would provide capacity for build out of the current General Plan, including the NQSP area.

The Dixon Downs project is projected to produce slightly less wastewater per acre than the typical commercial/industrial facilities originally planned for in the NQSP. Although, since peak flows during race events could overwhelm the sewer system in the NQSP, the project applicant is required to install larger pipes than originally anticipated for that area.

**Response to Comment 34-229:**

On-site project wastewater flow management is required in Mitigation Measure 4.11-5(a). This is discussed in Section 4.11, Utilities, of the Draft EIR.

**Response to Comment 34-230:**

The total cost for the WWTP improvements through 2009 is estimated to be approximately \$40 million. The City has completed a Wastewater Financial Plan and Rate/Fee Update Study, February 2006, which sets forth the connection charges and monthly user fees required to fund the improvements. The City will hold rate hearings between now and July 1, 2006 when, if approved, the new rates are planned to take effect.

In general, new development would be required to pay the cost of capacity increases, while the cost of new permit compliance quality would be shared by existing users and new development. The Dixon Downs project is larger than the standard table of charges included in the rate/fee document, so the details of the connection charge and monthly fees would be specified in a separate Development Agreement between the City and MEC. This agreement has not yet been drafted, but wastewater related charges would conform to the breakdown of rates and fees that are adopted Citywide to fund the wastewater improvements.

**Response to Comment 34-231:**

Please see Response to Comment 34-230.

**Response to Comment 34-232:**

Please see Response to Comment 34-230.

**Response to Comment 34-233:**

Since the Draft EIR was published, the water provider, DSMWS has begun preparation of an Urban Water Management Plan (UWMP). However, at the time the Draft EIR was being prepared an UWMP was not available. To date DSMWS, the water supplier for the Proposed Project, has not prepared an UWMP. The project applicant is not required to prepare an UWMP because it is not the water supplier for the project. California Water Code Section 10610 (et seq.) requires that all public water systems providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000 ac-ft/yr, must prepare an UWMP. The water provider (i.e., DSMWS) may choose to prepare an UWMP in years ending in zero (0) or five (5). There are no penalties for not preparing an UWMP.

Further, as noted in the Draft EIR, the service area water supplier (DSMWS) does not have more than 3,000 customers and does not supply more than 3,000 acre-feet per year of water. Therefore, an UWMP is not required and has not been prepared. However, the DSMWS has prepared a Master Water Plan for managing water supplies and potential project water supply usage projections and impacts are addressed in Section 4.11, Utilities, in Impacts 4.11-1 and 4.11-2.

**Response to Comment 34-234:**

Please See Response to Comment 34-225. Water quantity is managed according to the DSMWS Master Water Plan. As noted in the Draft EIR, because the DSMWS maintains current data on the local groundwater quality and quantity, has more than sufficient water supplies for projected growth, and is legally responsible for monitoring the groundwater quality in its delivery system, it is better equipped to decide how future water demand would be met if groundwater quality affected future use (i.e., drinking water treatment plants).

**Response to Comment 34-235:**

Please see Response to Comment 34-225.

**Response to Comment 34-236:**

Please see Response to Comment 34-225, above. The *SID Groundwater Management Plan* (January 2006), included in this document as Appendix A, contains Basin Management Objectives (BMOs) specific to groundwater. The plan includes BMOs for surface water flows and quality. The DSMWS is using the *SID Groundwater Management Plan* to form its own plan which will be released this year.

**Response to Comment 34-237:**

As noted in the Draft EIR, in accordance with the Large CAFO NPDES Permit a Storm Water Quality Management Plan (SWQMP) (see Appendix F in Volume II of the Draft EIR) has been prepared for the Proposed Project. This SWQMP designates specific stormwater quality BMPs and operational plans for specific areas on the project site, including those specific to the horse stables. Further, an associated Manure Management Plan was prepared for minimizing impacts associated with waste management (see Appendix E in Volume II of the Draft EIR) by defining specific standard procedures to be incorporated in daily operations.

**Response to Comment 34-238:**

A discussion of the groundwater table is included on pages 4.6-5 through 4.6-8 of the Draft EIR as well as in the Water Supply Assessment (WSA) included in Appendix I of the Draft EIR. As discussed in the WSA, groundwater levels are only taken in the spring and fall. For year 2004, groundwater levels averaged 25.5 inches in the spring and 42.5 inches in the fall.

**Response to Comment 34-239:**

The water demand for the Proposed Project is presented in Table 4.11-6 on page 4.11-19, with a more detailed account of non-potable water demand presented in Table 4.11-7, on page 4.11-20. The total water demand for the Proposed Project at Phase 1 would be approximately 687 ac-ft/yr. At full build-out (Phase 2), the Proposed Project would have a water demand of approximately 702 ac-ft/yr. As shown on Table 4.11-8, on page 4.11-20, lists the current and proposed DSMWS facilities and the Proposed Project's well, and their individual and cumulative maximum pumping capacities.

**Response to Comment 34-240:**

It is not clear what Basin management objectives the comment is referring to. Several documents have been prepared that address groundwater resources in the project area including the June 1988 *Groundwater Resources* report, the May 1995 *North Central Solano County Groundwater Resources Report* prepared for the Solano Irrigation District and the Solano Water Authority, respectively, and the January 2006 *Groundwater Management Plan Upgrade* prepared for the Solano Irrigation District. Each of these reports describes the existing groundwater resources (quality and quantity), existing pumping amounts, and the long-term availability of groundwater resources as a supply source. The 2006 Groundwater Management Plan Upgrade includes monitoring results aimed at determining if groundwater resources (quality and quantity) of the basin are maintained and sustainable for the beneficial use of all parties.

The Proposed Project's use of groundwater would not prohibit or hinder attaining the goals of maintaining a reliable and consistent supply source. As described in Response to Comment 21-30, adequate groundwater exists to serve the project without adversely affecting the total basin supply.

**Response to Comment 34-241:**

Impacts to others using the Solano Sub-Basin aquifer would not be significantly affected. According to the WSA, sufficient water supplies exist to meet both Proposed Project demands and full build-out of the NQSP.

**Response to Comment 34-242:**

As discussed on page 4.11-22 in Section 4.11, Utilities, both potable and non-potable water would come from the same sources:

“The WSA assumed that the Proposed Project, and the remaining land uses in the NQSP, would use water supplied from two proposed groundwater wells, a one million-gallon water tank, and a booster station that would be connected to the rest of the DSMWS service system and existing water supplies. The total water demand for the Proposed Project was based on land use water demand rates and supplemental information supplied by the applicant to the DSMWS on water demand for horse facilities (i.e., dust control and horse washing).

Since the WSA was published in late 2003, more detailed information about the Proposed Project has become available. The project applicant has recently calculated the Proposed Project’s demand and separated demand into potable and non-potable water uses. The non-potable water uses include dust control for the dirt track and stables, landscape watering for the turf track and other landscaped areas in the project site, and horse washing. Potable water uses would include drinking water for the humans and horses on the project site. The Proposed Project water use, demand, and demand rates are listed in Table 4.11-8 and 4.11-9 on pages 20 and 21. As shown in these tables, the Proposed Project demand would be approximately 687 ac-ft/yr for Phase 1 and 702 ac-ft/yr at build-out in Phase 2. These water demands are less than the Proposed Project’s demand presented in the WSA. As shown in Table 4.11-7 (see page 4.11-20), an excess of water supplies would be available through the proposed on-site well and DSMWS facilities to serve the Proposed Project and future NQSP demands, including the buildout of the Proposed Project.”

Water for animal washing and facilities maintenance would not use potable water supplies. This is discussed in the Environmental Setting of sections 4.11, Utilities, and also outlined in Table 4.11-7 on page 4.11-20.

**Response to Comment 34-243:**

The cumulative impacts of developing the Proposed Project, along with other approved development in the City of Dixon, on the City’s wastewater treatment plant were addressed in the cumulative impacts analysis on page 4.11-43 of the Draft EIR. As discussed under Impact 4.11-9, the City is moving forward with efforts to expand the City’s WWTP to the planned capacity of approximately 2.5 mgd, which would accommodate project buildout plus growth in the city projected in the most current adopted General Plan. However, as currently planned, expansion of the city’s WWTP capacity would require additional effluent percolation disposal area outside of the existing WWTP boundary. Development of the additional percolation disposal area under the planned Phase 2 improvements would require the acquisition of property and would result in the conversion of undeveloped land to another use. The location(s) for the percolation disposal areas have not been identified, so current land uses are unknown. Therefore, expansion of the WWTP would be required to accommodate cumulative development, including the project, and cumulative impacts could be significant. These impacts would be considered indirect consequences of getting additional capacity; there is no danger that additional hookups would be granted without adequate capacity available. The impact was determined to be significant and unavoidable.

**Response to Comment 34-244:**

Through the information provided in the Draft EIR, the community has been informed that the applicant has proposed an amendment to the City's General Plan. No such change has yet been made, and would require the approval of the City Planning Commission and the City Council prior to taking effect. In every case, General Plan amendments are subject to public hearing and notice requirements. Public notices and reports are not published in Spanish. Of the projects listed, the Multi-Modal Center, the Southwest Development area, stores near Wal-Mart, Flying J and Parkway Boulevard are consistent with the 1993 General Plan. The high school project replaced 80 acres of future housing with a high school and school farm. The portion of the question regarding how the changes "will be funded" is unclear. In general it is the City's policy that "development pays its own way", such that changes in the General Plan which cause increased costs are funded by the development itself rather than the general public.

The proposed change to the General Plan does not have a material fiscal effect on the City, other than to potentially decrease the cost of street improvements if the measure is implemented. The cost of proposing and evaluating the amendment is being funded by the project applicant, which has proposed the amendment.

Please see Response to Comment 34-41 regarding the provision of EIR and other materials in Spanish.

**Response to Comment 34-245:**

Appropriate literature and research was conducted by the EIR preparers and City staff as well as the city's subconsultants to ensure the project was designed specifically to address the disposal of animal waste. Animal waste disposal was evaluated in the Draft EIR.

**Response to Comment 34-246:**

Neither "mega dairies" or "mega horse facilities" are regulated uses within the City of Dixon. Solano County has Large Concentrated Animal Feeding Operation (CAFO) regulations. Horse and cow manure tend to be somewhat similar in composition; however, both are highly affected by the type and quality of feed the animals are provided. Overall, horse manure tends to be slightly less thoroughly broken down than cow manure; therefore, it tends to have a higher amount of weeds and other seeds left in it. Horse manure also tends to be drier (less liquid waste) than cow manure. A horse will produce 39 to 52 percent less total manure per day compared to a similar size dairy cow.

Typical mega-dairies often use storage pits or lagoons to contain liquid manure waste until removal and disposal. These are regulated under the Large CAFO Permit. The Proposed Project is required to comply with the CAFO regulations and obtain all the necessary permits. However, the proposed horse stalls would not be a major source of above-ground sewage because the majority of waste products would not be liquid and would not be stored on-site. Liquid waste generated in the stalls would be absorbed by the straw and bedding material and disposed of as solid waste manure. Liquid waste generated in the walkway areas would be conveyed through the underground drainage system and disposed of in the sewer system. This type of use is less intensive than and mega-dairy.

**Response to Comment 34-247:**

Technical information regarding animal waste was included in the Draft EIR. Please see Response to Comment 34-245.

**Response to Comment 34-248:**

Please see Response to Comment 34-246.

**Response to Comment 34-249:**

The EIR preparers did not contact UCD to discuss animal waste.

**Response to Comment 34-250:**

To calculate the amount of manure and soiled bedding to be generated by the project, information was provided by the project applicant on the amount of manure and soiled bedding produced each day based on a review of data from other race tracks. Local composting facilities and the landfill were contacted to determine if they would accept horse manure and soiled bedding. The compost facilities contacted as well as the landfill indicated they would take the waste. No issues were raised from a CEQA perspective that would require conducting additional scientific research.

**Response to Comment 34-251:**

Sources contacted regarding the disposal of horse waste are included in the Draft EIR on pages 4.9-20 through 4.9-27. The Hay Road Landfill and local compost facilities were contacted to determine if animal waste and soiled bedding would be accepted. Horse manure is not considered a hazardous material; therefore, the handling and disposal did not constitute a significant issue. In addition, because the volume of waste generated would be accepted at the Hay Road Landfill, as well as at local composting facilities the disposal was not determined to be an issue.

**Response to Comment 34-252:**

As discussed in Response to Comment 35-203, the number of cathode ray tubes (CRTs) or other imaging equipment (assumed to be electronic devices such as video screens) used by the Proposed Project has yet to be determined. The commenter did not provide any quantified information to support the assertion there would be an "intense concentration" of CRTs or similar devices producing electromagnetic fields (EMF).

Video display terminals (VDT) or monitors provide some magnetic field exposure unless it is of the new flat-panel design. Conventional VDTs containing cathode ray tubes use magnetic fields to produce the image on the screen, and some emission of those magnetic fields is unavoidable. VDTs emit magnetic fields in both the extremely low frequency (ELF) and very low frequency (VLF) frequency ranges. Many newer VDTs have been designed to minimize magnetic field emissions, and those identified as "TCO'99 compliant" meet a standard for low emissions.

In June 1999, the National Institute of Environmental Health Sciences (NIEHS) reported to the U.S. Congress that scientific evidence for an EMF-cancer link is weak. The NIEHS believes that the

probability that ELF-EMF exposure is truly a health hazard is currently small. The weak epidemiological associations and lack of any laboratory support for these associations provide only marginal, scientific support that exposure to this agent is causing any degree of harm. No regulatory action was recommended or taken based on the NIEHS report. The NIEHS director, Dr. Kenneth Olden, told the Congress that, in his opinion, the conclusion of the NIEHS report was not sufficient to warrant aggressive regulatory action. The full report is available on the NIEHS EMF Research and Public Information Dissemination (RAPID) web site (<http://www.niehs.nih.gov/emfrapid/>).

In summary, over the past 25 years, research has addressed the question of whether exposure to power-frequency EMF might adversely affect human health. For most health outcomes, there is no evidence that EMF exposures have adverse effects. EMF exposures are complex and come from multiple sources in the home and workplace in addition to power lines. Although scientists are still debating whether EMF is a hazard to health, the NIEHS recommends continued education on ways of reducing exposures.<sup>13</sup>

#### **Response to Comment 34-253:**

The EIR preparers reviewed technical information published by the National Institute of Environmental Health Sciences (NIEHS) EMF Research and Public Information Dissemination (RAPID) Program. The EMF RAPID Program had the central goal of determining if electric and magnetic fields associated with the generation, transmission, and use of electrical energy pose a risk to human health.<sup>14</sup> The information provided through the RAPID Program is a thorough compilation of the current scientific literature and regulatory considerations regarding EMF.

#### **Response to Comment 34-254:**

Please see Response to Comment 34-252, which summarizes the current scientific understanding of potential health effects of EMF.

#### **Response to Comment 34-255:**

General waste removal from the Dixon Downs project would be done by the Dixon Sanitary Service which has a franchise to serve the entire City of Dixon. Animal waste removal would likely be by a separate waste hauler to be determined by the project applicant in the future.

#### **Response to Comment 34-256:**

Waste removal vehicles would likely only traverse residential areas if using an arterial street such as First Street which generally has abutting residential land uses south of the downtown area.

#### **Response to Comment 34-257:**

Please see Response to Comment 34-255.

13 National Institute of Environmental Health Sciences, *EMF Questions and Answers*, June 2002. <http://www.niehs.nih.gov/emfrapid/>.

14 <http://www.niehs.nih.gov/emfrapid/html/overview.htm>

**Response to Comment 34-258:**

As described on page 4.11-41 in the Draft EIR, waste from the horses would consist of inorganic and organic matter associated with manure and urine, bedding, hair, or spilled feed. The project includes a separate “process wastewater” system that would direct wastewater and runoff from the stable interior and horse walk paths to the sewer. Generally, the primary pollutants associated with these discharges would include nitrogen compounds, salts, organic matter, pathogens, and to a lesser extent antibiotics, pesticides, and hormones. It is important to note that the floors of the stable stalls would be covered with an absorptive bedding material typically consisting of straw and wood shavings. When the bedding material is soiled, it would be removed on a daily basis from the stalls, deposited in enclosed containers and moved to an on-site Manure Transfer Building for daily off-site transport to a permitted composting facility, the landfill, or some other disposal site, as discussed on page 4.5-12 in Section 4.5, Hazardous Materials. In addition, one of the operational elements of the Dixon Downs Storm Water Quality Management Plan is routine “street sweeping” in the stable and service areas to remove and dispose of fecal material. This would also minimize the potential for fecal material to be tracked outside the stable area by horses or vehicles entering and leaving the stable area. This would reduce the potential for bacterial contamination in stormwater runoff conveyed through the site piped drainage system. Even for larger storm events, where water could pond in the infield, contaminants, if any, would be substantially diluted by the volume of runoff (see Draft EIR, p.4.5-13).

**Response to Comment 34-259:**

Please see Response to Comment 34-258, above.

**Response to Comment 34-260:**

Wastewater would be discharged to the City sewer system. Please see Response to Comment 34-258, above.

**Response to Comment 34-261:**

Please see Response to Comment 34-258. The levels of pollutants in the wastewater would vary. The kinds of pollutants would be limited to nutrients, some fecal coliforms, and detergents from horse and stable washing. Levels in water would vary, however, all wash-water, and the highest concentration stormwater (runoff for up to a 25-year 24-hour storm event) would be conveyed to the sanitary sewer system and treated as human waste is treated.

As discussed on page 4.11-41 in the Draft EIR, wastewater constituents from the horse barns are not expected to adversely affect the quality of wastewater leaving the site and entering the City’s WWTP. Moreover, periodic sampling for these constituents at the site would need to be performed at the City’s discretion as part of a comprehensive monitoring program required by the new WWTP Cease and Desist Order and future discharge permit when it is issued by the Central Valley Regional Water Quality Control Board.

A discussion of water quality and the level of pollutants generated by the project is included in Impact 4.6-6 on page 4.6-10. As discussed in Section 4.6, Hydrology, Drainage, and Water Quality;

“Table 4.6-4 on page 4.6-10 lists the projected mean annual pollutant loads for Existing Conditions and Proposed Project conditions. For the Proposed Project analysis, the barn area is not included since it would be served by a separate stormwater drainage system that conveys some polluted water to a sanitary treatment facility and diverts some through hydrodynamic separators before discharge to the Trunk Drainage System. Moreover, in order to operate this facility, a Storm Water Quality Management Plan (SWQMP) would be developed that addresses operations, water quality standards, water quality monitoring, manure and straw handling systems, spill containment, and post-construction BMPs. A SWQMP has been prepared and is included as Appendix H”.

“The Proposed Project would be subject to the provisions of the NPDES General Permit. Under this permit, the project applicant or developer would be required to implement a Storm Water Quality Management Plan (SWQMP). The SWQMP must include BMPs that would reduce sediment and other pollutants in stormwater discharges after development Proposed Project. Applicable BMPs would be compiled in the SWQMP and based on final site characteristics, runoff potential, and project design needs.”

A copy of the appendices is included in Volume II of the Draft EIR.

**Response to Comment 34-262:**

Nitrates in wastewater discharged to the City’s sewer system would be processed at the City’s WWTP and would not represent a substantial adverse environmental hazard. Please see also Responses to Comments 34-258 and 34-260, above.

The potential for nitrates and other pollutants in wastewater would not be a concern. As noted in the Storm Water Quality Management Plan and Draft EIR Impact 4.6-6, all wash-water and up to the 25-year 24-hour stormwater runoff from uncovered areas of the Stable Area would be conveyed to the sanitary sewer system and treated prior to any discharge. Therefore, animal wastes (liquid and solid) deposited on the surface in uncovered areas that might be carried in stormwater and wash-water would be treated like human waste (e.g., toilet water). This stormwater would contain most of the pollutants that could run off the Stable Area, therefore the majority of waste that might migrate off the site would be captured and treated. The majority of nitrates in animal liquid waste in covered areas (e.g., stalls) would be absorbed by bedding material. This bedding material containing the liquid and solid waste would be periodically removed. Stored manure would be in an enclosed area and removed daily and taken to a manure composting facility, landfill, or otherwise disposed off-site according to regulatory requirements. Furthermore, the stalls would be lined with impervious material that would prevent leaching to the groundwater. Mitigation Measure 4.6-7 would assure that any potential deficiencies in the limestone and impervious barriers would be identified, contaminated material removed, and if wastes leak below the soil, groundwater would be remediated.

**Response to Comment 34-263:**

The Proposed Project is a horse racetrack and entertainment facility. All of the wastewater generated by the project would be conveyed to the City’s WWTP for treatment prior to being discharged. Water used in the barn area to hose down the stalls and the general walkway areas would be conveyed through a separate, treated drainage system and partially through hydrodynamic separators for treatment. Impact 4.6-1 on page 4.6-34 provides a detailed analysis of stormwater generated on the project site. Stormwater flows from the project site would be directed to the City’s storm drainage system. There would be no “landfill runoff” onto urban or agricultural land. No landfills would be created with implementation of the Proposed Project. Animal bedding waste material would not be stored on-site for longer than one day and temporary storage would be in a covered and contained area.

**Response to Comment 34-264:**

Please see Response to Comment 34-258. Unlike a dairy, manure and soiled materials would be removed daily, and all wastewater from the horse barn areas containing organic and inorganic matter would be directed to the City's sewer system for treatment and disposal.

Although the types of pollutants and amount of waste generated from horses are similar to dairy cows (for the same equivalent weight), a mega-dairy typically operates with a storage pit or lagoon for holding liquid waste in open areas and uncovered or minimally covered facilities for the dairy cows. The horses associated with the racetrack would live in covered stalls and covered stable areas. By covering most of the surfaces that might collect waste products, rainfall would be prevented from washing potential waste material off surfaces and carrying waste materials in runoff. Bedding material in the stalls would absorb most of the liquid waste, which would be removed daily, along with the solid waste, and taken to a composting facility. Impermeable liners beneath the horse stalls would prevent leaching of waste to the groundwater. All drainage from the Stable Area, up to the amount for a 25-year 24-hour storm volume, would be disposed of in the sanitary sewer system. All other runoff, in excess of the 25-year 24-hour storm volumes would not likely contain many pollutants and would be treated through standard stormwater quality BMPs.

Furthermore, although waste products from dairy cows and horses contain similar types and amounts of pollutants, horse solid waste tends to be less degraded (less digested) compared to dairy waste and therefore, nutrients left in the materials are less susceptible to being leached out and transported off-site. Because it is less degraded, this material does not emit as much smell (volatilized ammonia and urea).

**Response to Comment 34-265:**

Please see Responses to Comments 34-258 and 34-261 through 34-264, above. Wastewater from the non-barn area would not be different from typical commercial land use wastewater. Process water and runoff from the barn area could contain inorganic and organic matter associated with animal wastes, bedding, hair, or spilled feed. Generally, the primary pollutants associated with these materials include nitrogen compounds, salts, organic matter, pathogens, and, to a lesser extent, antibiotics, pesticides, and hormones. These constituents could temporarily affect the character of wastewater entering the City's WWTP, which has specific effluent quality standards that must be achieved to satisfy the Cease and Desist Order (CDO), and future WDR permit for land disposal. If the levels of constituents of concern contributed by the Proposed Project to the WWTP were sufficiently elevated, this could increase the potential for WWTP effluent discharge limits established by the Central Valley Regional Water Quality Control Board (CVRWQCB) to be exceeded. However, like in other areas, it is expected that careful handling and use of products containing constituents of concern would minimize the amount entering the sewer. As such, wastewater constituents from these areas are not expected to adversely affect the quality of wastewater leaving the site and entering the City's WWTP. Moreover, periodic sampling for these constituents at the site would need to be performed at the City's discretion as part of a BPTC program required by the new WWTP CDO and future WDR permit when it is issued by the CVRWQCB.

**Response to Comment 34-266:**

The City Council has not reviewed the entirety of the project yet and no final decisions regarding the project have been made. It is the responsibility of the City Council to make the final determination regarding if the project "fits" within the City of Dixon.

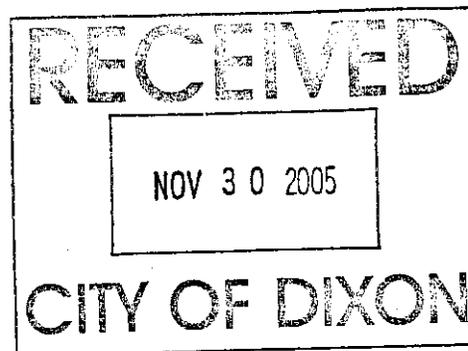
**Response to Comment 34-267:**

The City of Dixon General Plan does not include a specific policy that addresses the division of productive agricultural land. However, the General Plan does include a policy stating that the “City shall preserve agricultural lands and prevent their premature conversion to urban uses”. Whether this proposed conversion of agricultural land is considered premature within the meaning of the General Plan is an issue for the City Council to determine and is beyond the scope of this EIR. The adoption of the NQSP and associated zoning indicated a prior policy determination by the City Council that the area is appropriate for future development.

**Response to Comment 34-268:**

The commenter’s concern and opinions are noted and forwarded to the decision-makers for their consideration.





November 30, 2005

City of Dixon  
 600 East A Street  
 Dixon, CA 95620 - 3697  
 Attention: Community Development Director or responsible party

Dear Ladies and/or gentlemen, as the case may be:

**Comments on MEC Dixon, Inc.'s proposed "Dixon Downs" : Draft EIR:**

- Which of the documents, concurrently made available by the City of Dixon, comprise the full body and text of the "MEC Dixon, Inc." DEIR [often referred to, loosely, as "Magna", or "MEC"]?
  - Are all of the documents not considered "official text" of the DEIR open for continuous comment and discussion with city elected, appointed and hired individuals past November 30, 2005? 35-1
  - Which documents and findings will apply to projects in addition to the Magna application? 35-2
    - Will these finding only apply within the Northeast Quadrant? 35-3
    - If not, where else might they apply? 35-4
  
- "MEC Dixon, Inc" owns the property for which this proposal is generated. It is the formal applicant for the requested amendments to the Dixon General Plan and the Northeast Quadrant Specific Plan.
  - Has this corporation ever shown a profit? 35-5
  - Has this corporation ever hired employees?
  - What is the product of this corporation?
  - Is this a "sham corporation" only designed to serve as a tax dodge?
  - Who are the officers of this corporation?
  - Who is on its board of directors?
  - This property is shown as unsecured collateral on a loan Magna Entertainment Corporation obtained from Magna Development International.
    - Should Magna Entertainment Corporation default on this loan, what would become of the 260 acres in Dixon? 35-6
    - Does the city of Dixon have any recourse? 35-7
  
- After the "Screen check DEIR" was produced for the applicant in the spring of 2005,
  - How many change orders have been initiated by the applicant? 35-8
  - How many change orders have been initiated by the Dixon City Manager? 35-9
  - How many by change orders have been initiated the Dixon Development Director? 35-10
  - What is the total cost of the change orders as of November 30, 2005? 35-11
  
- Please detail what you mean by "or equivalent regulatory mechanism" as opposed to "a Planned Unit Development (PUD). City Council's Attorney, Michael Dean, explained to a citizen that a PUD allowed the city to make up the rules as they went along.
  - Is that what is anticipated as well by the "equivalent regulatory mechanism"? 35-12
  - What written city policies define the latitude of discretionary decisions on a "case by case basis"? 35-14
  - What city staff or commission exercises this discretion? 35-15
    - Please be explicit.

- Who has final oversight? 35-16
  
- The General Plan for Dixon is anticipated to be reviewed and revised around 2010.
  - Why do you request the wording “and beyond” be added to 1-1 of the Northeast Quadrant Specific Plan [NEQSP]? 35-17
  - The General Plan does not include “and other” development on page 1-2 NEQSP. 35-18
    - What is the purpose of trying to amend the Dixon General Plan in this way? 35-19
    - Nothing in the General Plan provides for an “Entertainment Center” in the NEQSP. What is the purpose of trying to amend the Dixon General Plan this way? [p. 1-5 NEQSP] 35-20
    - The timeline for a multi-modal center being functional in Dixon is speculative at best. What is the long-range commitment of the applicant to funding a shuttle link with a mid-town transportation center should this project be approved? 35-21
    - The unaltered NEQSP correctly states, “Although a passenger station stop in Dixon is not currently considered in any rail service plans, the potential exists for a future passenger/computer[sic] link.” [p. 1-6 NEQSP] 35-22
      - Without a passenger rail stop in Dixon, how would patrons access the proposed “Phase 1” complex except by automotive-style travel? [See also p. 2-1 NEQSP] 35-23
      - A rail stop exists in Davis and one is approved for Fairfield/Vacaville within a decade. How would potential patrons access the “Phase 1” facility from either of these? 35-24
  
- What is the projected noise level impact on the full NEQSP when added to the 1995 projected noise levels? [p. 1-12 NEQSP] 35-25
  - “Phase 1”?
    - Would this noise level drive out other noise sensitive businesses? 35-26
    - How is this compatible with “child care” facilities; a use sought by the applicants in requested changes to the NEQSP? 35-27
    - Use of the bicycle path shown on the proposal map? 35-28
  - “Phase 1+2”?
    - Would this noise level drive out other noise sensitive businesses? 35-29
    - How is this compatible with “child care” facilities; a use sought by the applicants in requested changes to the NEQSP? 35-30
    - Use of the bicycle path shown on the proposal map? 35-31
  - What noise level data are you using that incorporate the statewide intention to vastly increase the number of commuter trains running in the state? By 2020 there are expected to be 172 weekday passenger trains running in California in addition to all of the rail freight traffic. 35-32
    - As many as 64 passenger trains are expected to run the length of the state. Given there are no plans for a grade separation over the rail tracks at Pedrick Road or at Vaughn Road, the trains must sound their whistles at these crossings. 35-33
      - Is this compatible with the “entertainment” aspect of the proposed project? 35-34
      - How would this affect the racehorses? 35-35
        - During training?
        - During races?

- How would this affect automobile traffic around the site? 35-36
- Who would form a “business owners association” [p. 3-10 NEQSP]? 35-37
  - Would Magna International control it?
- What is the realistic timetable for expanding the Dixon municipal sewage treatment plant to the size needed to accommodate either phase of the proposed project? 35-38
  - Should this project be approved, would the start of “Phase 1” construction be constrained to begin after the sewage treatment and waste water diversion mechanism are fully in place and operational? 35-39
    - If no, why not? Please be specific. 35-40
- What agreements are being sought by the applicant to be reimbursed for infrastructure installed by the applicant within and on behalf of the NEQSP? 35-41
  - Would any of these agreements fall back on current or future taxpayers in Dixon? 35-42
  - Please specify the details of any agreements that would obligate “the city” 35-43
  - Please specify any agreements that would directly impact the homeowners tax burden. 35-44

This project flies in the face of the wishes of perhaps a majority of Dixon’s adult citizens. Denial of a secret ballot vote and the loss of a meaningful voice in this process is a significant impact and must be understood and addressed as such. “Dixon Downs”, “Phase 1” and “Phase 2”, will impact Dixon and surrounding cities with increased traffic, and will compound problems already in existence—sewage treatment capacity, poor air quality, water quality, power usage, noise and our landfill longevity. The proposed development violates the **Dixon General Plan** goal of “a small town atmosphere” and increases traffic to the benefit of the developer, not the citizens. The developers request rezoning the Northeast Quadrant in such a way as to “move the goal posts” for a forced “win” to their advantage. Without a vote of the Dixon citizens, you are increasing local cynicism and apathy. Why should elected or hired officials be trusted, since the current General Plan is being incrementally changed by developers and is not being honored and adhered to by the Council? It is crucial to understand “Dixon Downs” will have serious effects on the urbanization of Dixon, despite the fact that citizens have frequently and strongly voiced their desire for slow growth, particularly through Measure B. 35-45

- What is your justification for requesting alterations to the General Plan and the Northeast Quadrant Specific Plan through this application process? 35-47

### Transportation

- It should be noted that projecting even the existing levels of traffic is an inexact process. Traffic counts for “Dixon Downs” appear to have been “cherry picked” by gathering numbers at the time of the year when traffic is typically lowest on Pedrick Road. 35-48
  - What is the most recent actual count data use to generate these data? 35-49
    - I request these traffic counts be updated for current peak usage including gravel hauling, concrete hauling, cannery hauling, general construction and movement of product in and out of the industrial area along Vaughn Road. 35-50
  - When can you supply contemporary, relevant data before the final EIR decision is made? 35-51
- Are the Magna applicants financially involved in the dense, transit-oriented housing development proposed for the core area in Dixon, an area currently predominately used for single-family housing? 35-52
  - What evidence supports the need for transit oriented development in conjunction with “Phase 1” and “Phase 2”? 35-53

- What is your realistic evidence that the millions of square feet of retail space are necessary and can be absorbed among the core downtown Dixon area, the Southwest development as well as in the Northeast Quadrant as suggested in this application? 35-54
  - Which Dixon segment would be the greatest potential loser if all projects are constructed? 35-55
- How would patrons of the “Finish Line Pavilion” access public transportation from the inter-modal center? 35-56
  - Dixon RediRide was never envisioned to serve a predominately commercial clientele for a single business. 35-57
    - How would this impact the safety of seniors and school children that presently rely upon these busses? 35-58
  - Who will bear the costs of adding busses and drivers? 35-59
    - What meaningful hours would the busses run relative to the hours of operation at the Finish Line Pavilion? 35-60
    - Given the intention of the Pavilion to operate until midnight every night, what public transportation would be available? 35-61
      - Who would operate it? 35-62
      - What would the impact be on private homes in Dixon? 35-63
- What public benefits are to be derived from approving the Magna transportation plans and how do these benefits compare to the significant unavoidable impacts of the projects? 35-64
- A number of traffic impacts are identified in the Draft EIR on streets, freeway segments and freeway onramps. The Solano County transportation budget has millions of dollars in shortfall for even the most urgent projects. The State of California has a transportation deficit in the billions of dollars. This EIR is insufficient because the Draft EIR does not provide cost estimates for the various elements needed to appropriately mitigate the significant traffic impacts of the Magna project on the full roadway systems. Thus, from your figures, it is not possible to determine whether Magna can or will fund all mitigation measures related to this application. 35-65
  - “Fair share” for Dixon citizens and taxpayers is zero because each project is supposed to be revenue neutral regarding needed mitigations generated by the project. 35-66
    - Will you hold to this?
  - Solano County Board of Supervisors has voted against using eminent domain to condemn private property to the benefit of a private commercial development
    - How do you propose to make the changes to the roadways impacted by this project? 35-67
  - Please provide the relevant expected costs and timelines for altering:
    - Pedrick Road
    - I-80 at Pedrick Road interchange
    - I-80 at Kidwell Road interchange 35-68
    - I-80 at State Highway 113 [North First Street] in Dixon
    - Surface streets in Dixon identified to carry patron traffic to the wagering site.
- This DEIR is inadequate because the traffic impacts to the freeway cannot simply be dismissed through the Draft EIR as “significant and unavoidable.” Even periodically reducing the traffic speed to 15 mph or 35 mph on Interstate 80, as shown in this proposal, impairs interstate commerce. 35-69
  - Provide the estimated fiscal damages resulting from the project’s impact on moving goods and services smoothly on the Interstate.
- Furthermore the specific projects and their estimated costs must be made available to the public for their review. Mitigation fees are not adequate unless the lead agency can show that the fees will fund a specific mitigation plan in its entirety. 35-70
  - Please provide.

- Approving a 20-year commercial development which is inconsistent with Dixon’s current General Plan regarding traffic standards is not reasonable or responsible.
  - Is this in conformity with past practices?
  - Or, is this precedent setting?
  - Please document.
- Given the city’s goal of protecting local streets, I was aghast at the projected increase in traffic on East and West A Street through residential neighborhoods. The projected traffic increase is significant, and I find this document deficient in that regard.
  - Please provide the documentation of the traffic density anticipated on A Street when the currently approved city development projects combine with this proposed project’s impact on that residential street.
  - If this is greater than LOS C, what alternate routes will Magna utilize to bring the impacts into conformity with the Dixon General Plan as written at the time of application?
- Further, I find that mitigation is not adequately addressed given the projected increase in surface traffic on all city streets. It was my understanding that General Plan implies that connector streets that link to neighborhoods are not intended for through traffic.
  - Why do you propose this be allowable for “Dixon Downs”?
    - Please be specific.
  - Please identify traffic diversion measures that will route the majority of the patron traffic away from the residential areas of Dixon without bringing I-80 to a standstill.
- Should the project be approved, project construction would contribute to existing significant ozone impacts, thus are cumulatively significant. Actual site emissions could be much higher because there are numerous sources of construction emissions, including emissions from commuting construction workers, grading equipment, fill and other import trucks, delivery trucks and water trucks plus the asphalt paving fumes.
  - What requirements are in place to ensure diesel-powered equipment will be outfitted with state of the art emission control devices to limit air pollution?
    - Is the city deliberately avoiding moving towards healthy air quality standards for diesel-powered vehicles?
  - List and identify mitigation for the road hazards that will be generated on Pedrick Road due to this project, such as
    - Excessive mud in the rainy season
    - Visibility of construction vehicles entering and leaving Pedrick Road during heavy fog, and
    - Interference with normal commercial and Dixon citizens’ traffic on Pedrick Road.
  - How will this be compatible with current and projected bicycle traffic on Pedrick Road?
- What will be the impact on the air quality for existing business such as Campbell Soup, Grainer Heating and Air, and the Truck Repair shop?
- Will the air-borne containments reduce the crop value or damage the plants in the almond groves immediately south of the project?
  - If so, what is the extent of this economic damage?
- CalTrans estimates the road damage done by one 18-wheeler to be the equivalent of that of 9,000 cars.
  - How will the city and the county be compensated for the damage to our roadways due to this construction and subsequent operation?
- Section 6-25 shows the I-80 interchange at West A Street is inadequate to handle the traffic for the currently approved projects.

- CalTrans has no plan to modify that interchange.
- How will the anticipated added traffic load impact on that interchange be forestalled in this proposed project?
  - Please identify specific remedies to which Magna is financially committed.
- Will Magna have liability for damage done to private vehicles due to city and county road potholes, etc. created by construction equipment accessing the Magna site?
  - How will the car owner and the local taxpayers be compensated?
  - It is well known that a “pothole” patch is readily dislodged by big-rigs. Will Magna maintain the integrity of the road surfaces around their project site during and after construction?

35-86  
(con't.)  
35-87  
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**Heat Effects**

- As planned, both the “Phase 2” and “Phase 1” projects will contribute to “urban heat island effect” and increase the formation of ozone. The project proposes to add multiple buildings, parking lots, roads, and roofs in place of what is currently undeveloped land covered with vegetation, thus increasing the amount of heat gain. This is a significant effect that is well documented in the literature.
  - Will mitigation be required via establishment of a parking structure instead of surface pavement?
    - If not, why not?
  - What will be the disposal of the asphalt when future construction is undertaken should “Phase 2” ever be built?
  - What is the environmental impact of tearing up such vast amounts of asphalt?
  - What other measures are we guaranteed in this project that will limit the heat island effect?

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**Public Services**

- To help pay for the elevated demands for police and fire service, this DEIR recommended creating a Mello Roos tax district for the city's entire Northeast Quadrant where Magna proposes to build.
  - Would those funds be used exclusively to help pay the salaries of additional police personnel, firefighters or paramedics?
    - If not, what would the money be used for?
  - Why is Mello Roos deemed necessary or desirable?
  - How much will it cost each resident in Dixon for this tax district?
  - Why should the entire quadrant be taxed for problems generated by a specific project of huge magnitude?
  - Is it possible for the citizens of Dixon to be stuck with the bill for increased fire services to the site?
- Should the city accept any income from the Tucker Bill funds generated by horse racing, are the costs of fire protection covered by Magna?
  - By Dixon?
- Should the unfortunate plan of a 10-story hotel be approved, who would be financially responsible for supplying fire trucks adequate to safely handle a fire in the upper stories?
  - Do any such fire trucks exist within the shared responders community?

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**“Horse Racing Act” and “Tucker Bill”**

The California Business and Professions Codes regulate the taxes and fees imposed on racing facilities. Section 19495 limits excise taxes or fees levied on licensees to \$100 per racing day. Under Section 19610,

35-103

the city or county in which the racetrack facility is operating can select, by resolution, to receive a statutory distribution of funds from the racing facility. Section 19610.3 sets this distribution amount at 0.33 of 1% of the total pari-mutuel wagers placed at the facility. Section 19610.4 extends this distribution amount to apply to satellite wagering as well. The city may not levy any taxes or fees on the racing association, or any racing patron, service provider, participant, promoter, or vendor if the city elects to receive distribution payments from the racing facility. In addition, Section 19610.3 specifies that any city or county that elects to receive distribution payments “shall continue to provide ordinary and traditional municipal services, such as police services and traffic control.” Should Dixon elect to accept this wagering allocation?

35-103  
(cont.)

- Can sales tax be charged to patrons at the racing venue for non-racing related purchases? 35-104
- How much will be lost to Dixon city funds because of protected activities which do not have to pay taxes? 35-105
  - Please enumerate the exact transactions that would be exempt from Dixon taxes under these provisions. 35-106
  - Are restaurant and bar sales exempt? 35-107
  - What is the cumulative projected financial impact on the city? 35-108
- What does this mean in relation to school taxes? 35-109
- How much liability does the city assume? 35-110
- What explicitly are the limits of the “site” to which the Tucker Bill restrictions apply? 35-111
- Is there a legally binding, written guarantee to the city that any and all businesses in “Phase 2” will pay full taxes? 35-112
- Are special events held within the “Finish Line Pavilion” or the in-field of the race track considered to be protected from taxation via the Tucker Bill even though they are not horse racing related? 35-113
  - What would be the projected loss of revenue for Dixon? 35-114
- How will be city cover its costs and liability for traffic control? 35-115
- Will the city’s insurance premiums increase? 35-116
  - Would such costs be passed on to the general citizenry? 35-117

## Employment

- Employment tables and data
  - What Type I and Type II multipliers are you using to generate your data? 35-118
  - Are your chosen multipliers local or regional? 35-119
  - Please specify your multipliers for each set of fiscal impact data in this DEIR. 35-120
- How many Magna payroll jobs per year will be generated for “Phase 1” after initial hiring? 35-121
  - How many of these jobs would be 365 days/year? 35-122
  - How many jobs would pay a living wage? 35-123
  - How many jobs would have full-family benefits? 35-124
- How many Magna payroll jobs per year will be generated through “Phase 2” development? 35-125
  - How many of these jobs would be expected to continue for 10 years? 35-126
  - How many of these jobs would be 365 days/year? 35-127
  - How many jobs would pay a living wage, with benefits, for a head of household? 35-128
  - What Type I and Type II multipliers are you using to generate your data? 35-129
  - Are your chosen multipliers local or regional? 35-130
- Backstretch employees, not on Magna payroll, who live on-site have little need to venture off the premises. 35-131
  - What is their contribution to the local economy?

- What factors do you consider while generating these figures?
  - If the backstretch employees live on the project, why are they not counted as “full people” for the fiscal impact calculation? Clarify in detail. 35-132
  - If there is a multiplier effect of the project, then the population of Dixon increases and there is an effect on the schools, etc. What is the economic impact on schools, social services, etc.? 35-133
- What agency is responsible for the annual monitoring of the backstretch living quarters for health and safety considerations? 35-134
- Does the transient occupancy tax apply to their use of housing facilities on site? 35-135
  - If not, why not? 35-136
- What is the anticipated financial impact on established businesses providing essentially the same services as projected in “Phase 1”? 35-137
  - Dixon?
    - Bar Services
    - Restaurant services?
    - Memorabilia sales?
    - Horse care products?
  - Vacaville, Davis, Woodland, Winters, Esparto and Cache Creek?
    - Restaurant services?
    - Memorabilia sales?
    - Bar services?
    - Entertainment income?
- Who hires backstretch employees?
  - Who is responsible for verifying US citizenship of the employees?
    - Validity of legal work permits? 35-138
  - What is the likelihood that a significant number of Dixon residents will ever be hired as backstretch employees?
    - With whom would employment contracts be negotiated? 35-139

### Cumulative Impacts

CEQA Section 15130 requires an analysis of cumulative effects found to be significant that includes a summary of projections contained in related planning documents; a summary of expected environmental effects; an analysis of cumulative impacts of related projects using the growth projected and an examination of options for mitigating or avoiding cumulative impacts.

As set forth by the court in *Communities for a Better Environment v. Cal Resources Agency*, the cumulative impact from several projects is, “the change in the environment which results from incremental impact of the project when added to other closely related past, present and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant impacts taking place over a period of time.”

This draft EIR is inadequate because it does not yet take into account:

- Travis Air Force Base housing of C-17 aircraft and other huge transport planes
  - These contribute to air pollution
    - Aerial fuel dumping 35-142
    - Take off and landing fuel exhausts
    - Noise pollution
- The intended UC Davis “West Village” located off of State Highway 113 at Hutchison Road 35-143

- Lagoon Valley mixed use residential and commercial development located in the City of Vacaville
- The Nut Tree commercial project also located in Vacaville along I-80
- A proposed “transit village” to be located in downtown Dixon
- The Vacaville/Fairfield inter-modal center
- “Spring Lake” development under construction in Woodland
- The football stadium at UC Davis which will house a Division I football team
- A newly proposed shopping center located near Research Park in Davis
- Kaiser Hospital in Vacaville
- The expansion of the North Bay Hospital in Vacaville
- The Veterans Cemetery in the Dixon /Vacaville Greenbelt
- The equestrian center at UC Davis which will be moved into the Solano County side of Putah Creek

35-143  
(cont.)

Obviously these developments in the surrounding area will add to the cumulative impacts of the Magna project on traffic, air quality, water quality, the impact on our landfill, potential impact on the Delta water quality and every other resource.

35-144

- I request that the DEIR be amended to consider the cumulative impact of all these projects.

### Air Quality

Development of “Dixon Downs” would result in generation of additional pollutants from stationary sources (construction activities, electrical and natural gas usage) and mobile sources primarily from increased vehicular travel. Short-term impacts will result from construction activities due to site disturbance and emissions from construction equipment. It is important that the growth pressure experienced from “Dixon Downs” be monitored so that attainment of the state and federal ambient air standards occurs as projected. Yolo/Solano Counties are in non-attainment for air quality.

- To what degree will this project cause the area to continue to be in non-attainment? 35-145
- To what degree will that jeopardize federal funding in this area? 35-146
- Will the air quality around “Dixon Downs” be measured? 35-147
  - If not, why not?
- How many elderly will suffer or die in our town as a result of the increased pollution? 35-148
- What is the contribution of Travis Air Force Base to your air pollution calculations? 35-149
  - Training flights routinely come directly over Dixon and at times fuel dumping takes place before landing. How have you accounted for this in your estimations?

“Asthma is the number one reason for school absences due to chronic health conditions and can be life-threatening without proper management.” Medic Alert, November 29, 2005 [www.medicalert.org]

- What are the current rates of asthma in Dixon schools? 35-150
  - What is the economic impact of these cases on school attendance and funding? 35-151
  - What will Dixon consider an acceptable increase in the number of asthma cases due to air quality degradation if this project is approved? 35-152
    - Is there an acceptable upper threshold?
    - How do you account for putting a large, confined animal operation in the city limits when such facilities are known to affect asthma rates?
  - What is the projected economic impact on school attendance and funding? 35-153
    - What multipliers are used in your calculations?
    - Sources local? Regional?

- What is the current adult asthma rate in Dixon?
- What is the economic impact of these cases
  - On worker absenteeism?

35-154

- What are the combined local effects of child plus adult respiratory distress
- On emergency services requests?
  - On emergency room visits at regional hospitals?
  - What is the projected increase in these impacts should the proposed projects be approved?  
What is an acceptable increase?  
Economically  
For personal impacts within the community?  
For loss of life?
  - Do you find it economically “entertaining” to do this to Dixon citizens?

35-154  
(con't.)

## Noise

Noise levels in the “Dixon Downs” area will increase in the future regardless of whether the project is implemented or not because of the inevitability of future development outside the project area. Noise in the sub-region will increase also due to development pressures from in the area

- Is there a plan for all jurisdictions to comply with noise standards developed by State, Federal and Local agencies?
  - What, specifically, are Dixon’s written policies on noise level monitoring and compliance?
    - Are these adequate to address the proposed project?
    - Are these policies adequate to address further development in the NEQSP?
- What policies are set forth in the Dixon General Plan to help reduce impacts caused by increased traffic and short term construction activities?
- What is the specific plan in place for reducing air quality violations in and around Dixon?
- Is the current noise monitoring policy for Dixon still an average over 24 hours?
  - This is inadequate for the impacts of this project?
  - How will this be modified and monitored?
  - Is event-specific noise level monitoring a requested “General Plan” amendment by the applicants?
- What is the maximum working decibel output of the combined field of amplifiers that are expected to be used for sound projection at the “Dixon Downs” site?
  - Horse race days?
  - “Tier 2” events?
  - “Tier 3” events?
  - What binding and actionable guarantees will Dixon residents have to keep the sound levels at current levels off the Magna site?

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## Visual Resources

The cumulative impacts of potential development must be considered in conjunction with other proposed development within the city of Dixon and to some extent the entire Solano and Yolo County areas. “Dixon Downs”, when taken together with all of the other projects in Dixon and Solano and Yolo Counties, has the potential to create a significant adverse impact. This could result in a mess. Since visual quality is subject to the interpretation of the observer, the transformation of Dixon into more intense uses may be considered by some to be a significant cumulative impact. Policies in the City of Dixon’s General Plan are intended to both enhance Dixon’s “Small Town” quality and mitigate adverse impacts of growth through implementation of policies for town design, historic and scenic preservation and agricultural preservation.

- Have other Solano and Yolo cities adopted design policies to ensure visual quality?
  - How does “Dixon Downs” harmonize with the policies adopted by other near-by cities?
  - Would the Magna project be an “eye sore” relative to surrounding designs?
    - Casino-style freeway signage?

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- Ten story hotel?
- How well do Dixon policies for the visual aspects of planned buildings, with regard to “Dixon Downs”, fit with other policies within Solano County and Yolo County?
  - A ten-story hotel appears to be wholly inconsistent with our General Plan. How will this be addressed?

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**Biotic Resources**

Development of “Dixon Downs” and other projects as outlined above will cumulatively impact the biological resources of the area. Increased population and an underdetermined amount of associated development will result in an incremental loss of plant and animal species including officially listed species and their habitats.

- How is the cumulative impact of all of these projects on the biotic resources being addressed?

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**Land Use**

Land uses proposed for Dixon and surrounding cities will contribute to cumulative population growth in the area. Regional impacts in areas such as jobs/housing balance, traffic, and noise and air quality are the cumulative result of land use decisions made by other jurisdictions in the county and adjacent counties. Dixon may strive to achieve balance in its own General Plan, but these efforts may be compromised by other cities’ decisions which will result in countywide excesses or deficits in certain types of land uses or poor spatial arrangement uses.

- How does “Dixon Downs” fit in with all of the land use changes being proposed in Dixon?
  - What is the city’s reason for wanting this project?
- What is the cumulative impact of all projects on land use in this county?

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**Traffic**

Generally this portion of the Draft EIR is woefully inadequate. It is noted that few roadway improvements are planned to 2025. This alone is a significant factor since “Dixon Downs” will overload the freeways. Development of “Dixon Downs” would be very significant diversion from all of the assumptions in the General Plan.

- Due to the magnitude of the growth projected for Solano County, it is unlikely that transportation programs, even if implemented regionally and by each jurisdiction, will be sufficient to reduce all cumulative traffic related impacts below a level “less than significant”. Please list all written agreements with the state of California for widening I-80, and with the County of Solano County and modification of any of the Dixon Overpasses and indicate the amount of funds committed now or to be committed in the future (ten years, twenty years) as they relate to “Dixon Downs”. Cumulative projects now approved already overwhelm every I-80 interchange in Dixon.
  - Where is your study of the expected increases in traffic related deaths?
    - What is the source [or sources] of your data?
- The EIR shows that “Dixon Downs” will substantially increase traffic volume but it does not do an estimate the cost of health effects associated with these increases.
  - Please provide the data
  - Please identify the sources of the data
- The EIR does not address the issue of pet death due to increased traffic volumes.
  - Please provide the data.
  - Please identify the sources of the data
- The Solano County budget for traffic mitigation is millions of dollars in shortfall. The state budget for addressing statewide traffic priorities is several billion dollars in shortfall. Therefore, there is no reasonable expectation of the citizens of either Solano County or the state of California contributing

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any "fair share" to any modification of the impacted freeway interchanges or roadways. Does the development agreement provide a legally binding recovery of these costs from the developer?

- The Dixon General Plan states that all projects should be revenue neutral to the citizens of Dixon for infrastructure required for development.
  - Where is this guaranteed in writing for this proposal?
  
- Multi-agency "fix" for railroad grade separations is standard procedure.
  - Have the railroad track owners been approached about the feasibility of a grade separation over the tracks at Vaughn Road?
    - What are the specific requirements?
    - What agencies have been contacted for possible cost sharing?
      - Are there any commitments?
        - Are they considered as a part of this EIR?
    - Same questions about a grade separation at Pedrick Road
    - Rail traffic density vs safety will be an ever-increasing issue throughout Dixon.
      - Is the entire city, including this proposed project to rely exclusively on the Pitt School Road grade separation for traffic crossing the railroad tracks south of I-80?
      - Is this realistic? What is your source of data? Please provide details.
      - Is this sustainable for the 20-year requested build-out of this project?

### Public Utilities

Cumulative population growth in Solano County will add to the need for infrastructure to provide water.

- Please list the cumulative impact of all projects being planned for Dixon and those listed above and how this will affect the supply of water.
- Please explain the well monitoring and replenishment program to recharge ground water levels in Dixon.
- Are there any signs of groundwater overdraft?
  - Is base-line data in place against which future impacts can be measured?
  - Who will monitor these effects?
  - What legally binding agreements does the City have with the applicant to address the impacts of groundwater overdraft?
- If yes, will "Dixon Downs" and all other projects recently approved for Dixon have a cumulative impact on the area's water supply both residential and agricultural?
- The proposed racetrack is a confined animal operation. Wells supplying confined animal operations are required to have a 50 foot diameter concrete collar to prevent groundwater contamination, please designate which wells will be thus protected and who will pay for the costs of these legally required measures?

### Energy (local and cumulative impact issue).

Implementation of "Dixon Downs" and other projects being proposed will result in a substantial increase in demand for natural gas, petroleum products and electricity; therefore a significant, unavoidable impact on non-renewable energy resources comes with this proposal.

- How are the cumulative impacts of "Dixon Downs" [phases I and II] and other approved and proposed Dixon projects being assessed and reported?
- Solar panels should be required on all appropriate buildings, especially the barn areas, to reduce the impact on our state power grid.
  - Please designate where renewable energy generation is addressed in this EIR.
    - Are these measures adequate?

- In section, 3-14, the plans show approximately 250,000 gsf of south facing roof area. These are ideal for solar powered generation. How much electrical power could be generated if state-of-the-art solar panels are installed on this amount of roof area? 35-194
  - Please supply the sources of the data
- Plasma television sets are said to require 25% more electrical energy than smaller household sets. What will be the cumulative energy load of all of the anticipated television apparatus in the “Finish Line Pavilion”? 35-195
- How many television style sets and gaming machines will be in the “Finish Line Pavilion”? 35-196
  - Should it open?
  - Number projected in 5 years after opening? Ten years?

**Training and racing conditions:**

- In section 3-14, what is the stall sized per horse? 35-197
  - Square feet?
  - Cubic feet?
- In section 3-14, there is an indication of a “future veterinary clinic”. 35-198
  - For the health and safety of the 1440 horses, why isn’t the vet clinic a first priority at the facility?
  - What time line is guaranteed for its construction and function?
- In weather conditions prevailing during the anticipated race season, October through April, in some years we have serious ground fog, (three to four months), in the hours designated for training and racing.
  - Is this safe for thoroughbreds?
  - Would fog produce hazardous conditions on the track?
  - Would it be safe for a horse to be stalled after a training workout in the bitter, damp cold?
  - Would races be scratched if the fog were too dense for patron viewing of the entire track?

What will be the disposal mechanism for horses euthanized at Dixon Downs?

Will any of the carcasses be processed at Superior Packing in Dixon?

Will any processed carcasses be used for human consumption?

How many thoroughbreds, 5 years and younger, were euthanized as a result of training or racing: 35-200

In California last year?

In the past 5 years?

At Magna Entertainment Corporation owned or operated racetracks globally, last year?

In the past five years?

In the Notice of Preparation for this project, there is an indication of “up to 100” race days at the Dixon Downs track. How was this figure obtained? 35-201

- Is it still viable?
- What is the maximum number of race days possible in Dixon 35-202
  - With a new northern California racing association formed?
  - Without a new northern California racing association?
  - With any county fair race date being accommodated at the facility?

**Waste management:**

- How much electronic waste would be generated annually? 35-203
  - How much of this waste would be hazardous?

- How would the hazardous waste disposal impact the Hay landfill that serves Dixon residents? 35-204
- "Phase 2" additions? 35-205
- Regarding section 6-25: Given the figure of 9 tons of solid waste per day, what is the distinction in this figure between the solid waste from humans and from animals? 35-206
  - What will be the human waste impact on the Dixon sewage treatment plant?
  - How much human waste will impact our landfill? 35-207
- What are the separate annual "Phase 2" figures for solid waste generation of:
  - Horse manure
  - Horse bedding
  - "Phase 2" figures for
    - Human sewage
    - Human garbage

**Subdivision of the land:**

- Why is there is a request to subdivide the property into 16 lots, apart from the racing complex? 35-208
  - Who would be able to sell these lots? 35-209
  - Who would be able to purchase these lots? 35-210
  - Is it anticipated that this EIR would suffice regardless of what use each subdivided lot might be put to? 35-211
  - Among the endless latitude sought through the NEQSP changes requested, would all of those open-ended business possibilities convey seamlessly upon sale of any one of the 16 requested lots? 35-212
  - Could any lot be further sub-developed without coming to the city for approvals?
    - How is this legally provided for within this application?

**Other general questions and comments:**

- In section 4.11-1, what kind of flooring will be used? 35-213
  - What adhesives will be used?
  - Some carpets and adhesives cause indoor air pollution, for as long as a year, through out gassing.
    - How will this be monitored?
    - How will this be mitigated?
- How many consecutive days can a "Tier 2" event continue? 35-214
  - How many for a "Tier 3" event?
  - How many such events may be held in any given month?
  - How many consecutive days can separate "Tier 2" events be booked?

Dixon has an anti-gambling ordinance in place.

- How do the primary wagering uses of the "Finish Line Pavilion" comply with this city ordinance? 35-215
- By California regulation, no horse racing meets may be held at "Dixon Downs" between May and the end of September. 35-216
  - What will be the primary function of the "Finish Line Pavilion" between May and the end of September?

There are large movie theater complexes within 8 miles of Dixon, east or west, near I-80.

- What is your data/research to support the concept of a 20-screen movie theater being a viable business for inclusion in "Phase 2"?
- What daily attendance is required for economic viability?
- What community population is required to support a movie theater of this size?
- If heavy traffic near the site is an on-going issue, how likely would attendance be?

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The "Development Agreement" and "entitlements" are said to be closely linked with the EIR.

Will these documents be based on the Draft EIR or the Final EIR?

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What public scrutiny of the "Development Agreement" and "entitlements" are part of the process before they are finalized?

What city personnel or agencies have input into these documents?

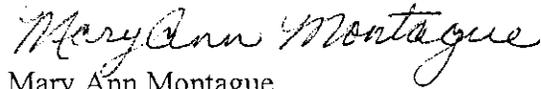
35-221

What is the timing for review and/or approval of these instruments?

Should the project be rejected, are all such "agreements" void?

Thank you for the opportunity to review these documents and to ask for clarification of the data.

Sincerely,



Mary Ann Montague

P. O. Box 764

Dixon, CA 95620



**LETTER 35: Mary Ann Montague****Response to Comment 35-1:**

The Dixon Downs Racetrack and Entertainment Center EIR consists of the Draft EIR (Volume 1), the Appendices (Volume II), the Technical Traffic Model Output Sheets (Volume III) and the Responses to Comments or Final EIR that will comprise all the comment letters and responses received during the public comment period. The documentation used to prepare the EIR was provided, in part, from a variety of technical reports including the *Dixon Downs Development and Design Guidelines*, *Fiscal and Economic Analysis for the Proposed Dixon Downs Development*, Goodwin Consulting Group, Inc., *Overview of Social and Cultural Issues*, David Wilcox, Economics Research Associates, *Dixon Downs Public Safety Report*, Organizational Effectiveness Consulting, *Public Outreach Summary Report for the Proposed Dixon Downs Project*, MIG, Inc. All of these documents are available at the City offices or on the City's website.

**Response to Comment 35-2:**

The California Environmental Quality Act (CEQA) requires that a Draft EIR be publicly circulated for a minimum of 45 days. The public comment period on the Dixon Downs Racetrack and Entertainment Center project Draft EIR closed on November 30, 2005. The Responses to Comments or Final EIR will provide responses to all written and oral comments received during the 45-day review period. The City's Planning Commission and City Council will have the Draft EIR (Volume 1, II, and III) and the Final EIR to review prior to making their final decision on the project. The public will have the opportunity to voice their opinion on the project before the Planning Commission and City Council prior to the City Council taking final action on the project. The public had the opportunity to provide comments on the adequacy of the Draft EIR before the comment period closed on November 30.

**Response to Comment 35-3:**

The documents made available to the public as part of the public review of the Dixon Downs project have been developed to assist the public and the decision makers to fully understand the environmental, social, economic, and other consequences of construction and operation of the Proposed Project. The extent that these documents provide utility to the public and decision makers in understanding and considering other proposals in the Northeast Quadrant or elsewhere in and around the City of Dixon will depend on the nature, location, and timing of other proposals. The Dixon Downs documents have not been prepared with the intent that they would apply to any other projects.

**Response to Comment 35-4:**

Please see Response to Comment 35-3.

**Response to Comment 35-5:**

MEC Dixon, Inc. is a single purpose entity that has been formed to own and operate Dixon Downs. The use of single purpose corporations which operate as subsidiaries of a parent company (in this case MEC) is a commonly accepted and widely used approach to business organization. To date, MEC Dixon, Inc. (MEC Dixon) has not shown an operating profit or loss. MEC Dixon is still in the pre-development stage of its planned development program for the 260-acre site located in Dixon. All pre-development

costs are capitalized until MEC Dixon becomes operational or it is determined that the capitalized costs no longer have a future economic benefit.

MEC Dixon has appointed corporate officers and engaged consultants to assist in processing its entitlement application.

MEC Dixon does not currently sell products or services. However, MEC Dixon continues to move forward on its planned development program for the Dixon Downs project.

MEC Dixon is a single-purpose corporation that owns land in Dixon, California that it is developing for business purposes. MEC Dixon is a wholly-owned subsidiary of Magna Entertainment Corp. (MEC) and is included in MEC's consolidated income tax filings.

The officers of the corporation include Tom Hodgson – Chairman; Ron Charles - President & Chief Executive Officer; Don Amos - Executive Vice-President and Chief Operating Officer; Blake Tohana - Executive Vice-President and Chief Financial Officer; Frank DeMarco Jr. - Vice-President, Regulatory Affairs; William Ford – Secretary; Mary Lyn Seymour – Controller; and Scott Fischer - Assistant Controller.

Tom Hodgson, Ron Charles, and Blake Tohana are all on the Board of Directors.

**Response to Comment 35-6:**

MEC has a number of credit facilities and loan agreements for which it has pledged certain assets as security, including land and other assets at some of its wholly-owned subsidiaries. In connection with one of MEC's loan agreements with MI Developments, Inc. (MID, which is MEC's parent company), MEC has pledged certain assets as collateral for the loan, including the land held by MEC Dixon. In the event MEC were to default on this loan, the lender could realize on its security, including the land held by MEC Dixon. The rights and obligations of both MEC Dixon, Inc. and the City with respect to the use and development of the Dixon Downs property would be as set forth in the project Development Agreement.

MEC Dixon, MID, and Magna International, Inc. (MII) are each separate, publicly traded companies that are controlled by the Stronach Trust. Frank Stronach is the Chairman of the Board of each of these companies. Mr. Stronach and three members of his family are trustees of the Stronach Trust. MEC is a publicly traded company listed on NASDAQ and TSX with a market capitalization of \$765 million as at December 31, 2005. MID is a publicly traded company listed on the NYSE and TSX. MID is also MEC's parent company and owns approximately 59% of MEC's equity and is able to exercise approximately 96% of the total voting power of MEC's outstanding stock. MID is controlled by the Stronach Trust through its right to direct the votes attaching to approximately 66% of MID's Class B Shares.

Magna International, Inc. (MII) is a publicly traded company listed on the NYSE and TSX. The Stronach Trust controls MII through the right to direct the votes attaching to 66% of MII's Class B Shares.

The City's rights and obligations with respect to the use and development of the Dixon Downs property would be set forth in the terms and conditions of the Development Agreement.

**Response to Comment 35-7:**

The Development Agreement has not yet been finalized. However, development agreements typically contain provisions relating to the rights of a lender in the event of foreclosure. Usually the lender obtains no land use entitlement right unless it agrees to assume all the development agreement obligations. The same or similar provisions are anticipated in this case.

**Response to Comment 35-8:**

If the question relates to changes in the Draft EIR no “change orders” have been initiated by the applicant “after the screencheck Draft EIR was produced”.

**Response to Comment 35-9:**

If the question relates to changes in the Draft EIR since the “screencheck Draft EIR” was produced, the Dixon City Manager agreed to address many of the applicant’s suggested changes as reflected in the spread sheet which is part of the public record plus more recently clarification of a map reflecting the proposed zoning which was published in the Draft EIR.

**Response to Comment 35-10:**

If the question relates to changes in the Draft EIR, no “change orders” have been initiated by the Dixon Development (sic) Director “after the screencheck Draft EIR was produced”.

**Response to Comment 35-11:**

Relative to preparation of the EIR by the environmental consulting firm EIP Associates, there had been “change orders” totaling \$147,985 prior to November 30, 2005.

**Response to Comment 35-12:**

To clarify the purpose of a Planned Unit Development or PUD, the currently-approved NQSP provides for development projects within the specific plan to utilize the PUD process outlined in Section 12.17 of the City of Dixon Zoning Ordinance. In a non-residential context, a PUD enables the City to review and approve large-scale projects with multiple buildings, that may be constructed in a single phase or multiple phases. The Zoning Ordinance’s PUD regulations also give the City discretion to allow flexibility in the permitted uses, development standards, and design of individual projects. In short, a PUD provides a process for the review and approval of a development plan, which can include the general location, size, setbacks, and heights of buildings, as well as development density assumptions and permitted uses.

As amended, the NQSP would change the zoning for the project area to P-D (Planned Development). This change would permit a different review process for future permit approvals than is outlined in the PUD section of the Zoning Ordinance. Per Section 12.15 of the City of Dixon Zoning Ordinance, the purpose of the Planned Development Zoning District (P-D District) is to provide the City with a process that authorizes more flexibility in the design of development projects within designated areas than would be possible through the strict application of the zoning regulations. Through the use of this zoning

designation, the City is enabled to encourage and facilitate the development of well-planned residential, commercial, and industrial projects that have a diversification of uses and development standards.

Because the amendments to the NQSP would change the zoning for the Proposed Project to P-D, future development projects within Dixon Downs would be subject to the P-D regulations in the City's Zoning Ordinance. This requires the City to approve a "PD Plan" that outlines the development standards, design guidelines, and design review process for a project in a P-D District. The Dixon Downs Development and Design Guidelines document, in combination with the NQSP, constitute the Proposed Project's "PD Plan" and would be approved concurrently with the amendments to the Specific Plan. Therefore, in recognition of this process, the Specific Plan amendments include the text "or equivalent mechanism" after references to the PUD to allow the future development review of projects within the Dixon Downs area to utilize the regulations set forth for P-D Districts. This text addition does not preclude other projects within the NQSP from utilizing the permit review process outlined in the Zoning Ordinance for PUD's.

**Response to Comment 35-13:**

This comment asserts that the City can "make the rules" while utilizing the Zoning Ordinance's PUD process through an entitlement review process. To clarify, and as indicated in Response to Comment 35-12 above, the purpose of adding the text "equivalent regulatory mechanism" is to allow the City to use the development regulations set forth in the Zoning Ordinance for P-D districts to process subsequent entitlements associated with the buildout of the Proposed Project. For projects in P-D Districts, the Zoning Ordinance requires that a "PD Plan" be adopted to outline a project's development standards, design guidelines, and design review process. The Dixon Downs Development and Design Guidelines document, in combination with the NQSP, constitute the Proposed Project's "PD Plan" and would be approved concurrently with the amendments to the Specific Plan.

**Response to Comment 35-14:**

The City's authority to utilize PUD zoning is found in the State Planning and Zoning Law (California Government Code, section 65000 *et seq.*). The City policies are found in the City's Zoning Ordinance, Article II Chapter 12 of the Dixon City Code (including sections 12.12 (planned mixed use), 12.15 (planned development), and 12.17 (planned unit development)). Please see also Response to Comment 34-58.

**Response to Comment 35-15:**

The City of Dixon City Planning Commission and City Council are appointed and elected officials that make land use and policy decisions for future growth and development in the City.

**Response to Comment 35-16:**

The City of Dixon City Council is the final decision-maker for land use decisions in the City.

**Response to Comment 35-17:**

The language "and beyond" was added to this sentence to recognize that the City's General Plan will continue serving the City beyond the year 2010. While the City's current General Plan originally looked

at a horizon year of 2010 when it was adopted, the adopted goals, policies, and (programs/implementation measures) will not expire and they continue to be valid after the year 2010 passes. Furthermore, the General Plan will continue to be useful as a citywide document that provides policy guidance and vision for the City's future beyond the year 2010.

**Response to Comment 35-18:**

The text "and other" was inserted to recognize that the City's General Plan provides for other types of development other than industrial, office, and commercial land uses. Rather than list every land use contemplated by the General Plan, this language was added to provide a level of consistency between the amended NQSP and the General Plan.

**Response to Comment 35-19:**

Amendments to the City's General Plan would ensure that it would be consistent with the NQSP, as amended. In accordance with State law, when a City considers adoption of, or amendments to, a Specific Plan, the document must be consistent with the City's General Plan. With the current project, the proposed amendments to the NQSP would result in inconsistencies with specific policies of the City's adopted General Plan. As an example, currently, the City's General Plan does not provide a land use designation for Entertainment/Commercial/Office Mixed Use, which is the proposed land use for the project area. Because a new land use is proposed for the project site that is not currently included in the General Plan, it would need to be amended accordingly, and prior to the City approving the proposed changes to the NQSP.

**Response to Comment 35-20:**

As indicated in Response to Comment 35-19 above, currently the City's General Plan does not provide a land use designation for Entertainment/Commercial/Office Mixed Use. In addition, when the General Plan was originally adopted, it did not contemplate development of a large-scale entertainment center within the City or the NQSP area. Also, as indicated in Response to Comment 35-19 above, State law requires a Specific Plan be consistent with the City's adopted General Plan. Because the General Plan does not currently include the proposed land use designation for the Proposed Project, the appropriate General Plan amendment would need to be adopted by the City prior to the amended NQSP being approved.

**Response to Comment 35-21:**

The question of applicant funding of a shuttle link to the downtown transportation center would be subject to certification of mitigation measures in the Final EIR and negotiation of the development agreement.

**Response to Comment 35-22:**

The "unaltered NQSP" is not correct because the passenger station stop in Dixon is currently being considered for future commute rail service.

**Response to Comment 35-23:**

Alternative travel modes are available for patrons to travel to/from the site. The City operates a dial-up curb-to-curb transit service. A shuttle system is proposed to run between the project and a future downtown rail station. In addition, bicycle and pedestrian facilities would be provided adjacent to the project site; however, the specific number of bike racks is not known at this time. Without a passenger rail stop in Dixon, the most likely non-automobile access for visitors or employees to the project would be by bus. Please see also Response to Comment 34-139.

**Response to Comment 35-24:**

It is unlikely that Phase 1 patrons would access the site by rail stop in Davis given the lack of direct bus route between the Davis rail station and the site. However, a shuttle system is proposed to run between the project site and a future downtown rail station. This would provide an opportunity for Phase 1 patrons to use non-auto modes of travel to access the site. If public transportation to the project site was initiated from a Davis or Fairfield/Vacaville rail stop it would likely be by shuttle bus.

**Response to Comment 35-25:**

There is no accurate way to estimate what the difference in the future ambient noise environment would be as a result of the proposed project. It is too speculative to predict what specific kinds of uses could potentially develop in the NQSP in the future, so future noise levels cannot be determined. As shown in Impact 4.8-3, on a daily basis operational noise levels associated with the project would not create a significant increase in the existing ambient noise environment.

**Response to Comment 35-26:**

As stated in Response to Comment 35-25, above, normal daily operational activities of the Proposed Project would not create a significant change in the existing ambient noise environment. There are three residences located along Vaughn Road near the project site, but the analysis determined that they would not be adversely affected during project operation. In addition, since noise increases would be less than significant, it would not be expected that any businesses would be adversely affected; therefore, it is assumed there would be no impetus for these businesses to move.

**Response to Comment 35-27:**

There are no changes or proposed amendments to the NQSP that incorporate “child care facilities” as a requested use. In addition, there are no references to “child care facilities” in the current Specific Plan document.

**Response to Comment 35-28:**

The Proposed Project and the amended NQSP do not show any designated bicycle paths as indicated in the comment letter. The NQSP references that a meandering path would be constructed adjacent to arterial roadways that would provide pedestrian and bicycle access. It is not clear what the comment is referencing.

**Response to Comment 35-29:**

Please see Response to Comment 35-26, above.

**Response to Comment 35-30:**

Please see Response to Comment 35-27, above.

**Response to Comment 35-31:**

Please see Response to Comment 35-28, above.

**Response to Comment 35-32:**

The Proposed Project would not have any effect on the number or frequency of train trips or the noise generated by trains. Because the project does not include any sensitive receptors the potential increase in train trips was not analyzed. The Proposed Project is the development of a horse racetrack with associated infrastructure as well as retail, office, and other commercial development.

**Response to Comment 35-33:**

As noted in Section 4.10, Transportation and Circulation, the City does have plans for a future grade separation at Pedrick Road as well as other improvements.

“Policy VI.E.7 of the *City of Dixon General Plan* states that “the City shall pursue the construction of grade separated rail crossings within the Planning area”. The General Plan map shows the general locations of grade-separations to be at Pedrick Road north of Vaughn Road, Jackson Street in downtown, and Parkway Boulevard in the south part of the City. The *Railroad Grade Separation / New Alignment Feasibility Study and Financing Plan – Phase III Implementation Plan* (Parsons Brinckerhoff, January 1995) evaluated two preferred alternatives for the grade-separation of the North First Street at-grade crossing. The estimated cost of the alternatives ranged from \$8 to \$9 million (in 1994 dollars).

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

Currently all trains blow their whistles (or horns) at road crossings for safety concerns. Train traffic is not affected by development or operation of the project. The increases in the number of trains and the whistle-blowing would occur with or without the project, until such time as the grade separation is completed. The intersection of Pedrick Road and the UPRR tracks is not located in close proximity to the Finish Line Pavilion building.

**Response to Comment 35-34:**

It is not anticipated that trains blowing their whistles at the intersection of Pedrick Road and the UPRR tracks would interfere with any of the entertainment aspects of the project. Due to the distance of the tracks and the Finish Line Pavilion building there would not be an issue with noise associated with either the trains or their whistles.

**Response to Comment 35-35:**

The train whistle is not anticipated to have a significant affect on horses training or racing at Dixon Downs. Trains run adjacent to tracks throughout the U.S. Trains used to be the main method of transporting horses from racetrack to racetrack before airfreight became a viable alternative.

**Response to Comment 35-36:**

The traffic circulation around the site is discussed in the Traffic Section of the Draft EIR. A discussion of the Vaughn Road-Pedrick Road Connector is included on page 4.10-70 of the Draft EIR. As indicated on page 4.10-70, the NQSP shows a new road that connects Vaughn Road and Pedrick Road to the north of the UPRR tracks. This connection would provide improved circulation to the Specific Plan area and allow for one or both of the at-grade UPRR track crossings to be eliminated. The new Pedrick Road/Vaughn Road/Dixon Downs driveway intersection would be signalized. The at-grade UPRR crossing on Pedrick Road would be maintained, while the at-grade crossing on Vaughn Road would be eliminated. Vaughn Road would be turned into a cul-de-sac on either side of the tracks. However, more detailed studies would be necessary to identify the precise alignment of the connector road.

**Response to Comment 35-37:**

A “business owners association” (like a property owners association or a homeowners association) is formed by the developer and is a private non-profit organization. It is not known who would control the organization, as control is established by the organizations articles of incorporation and bylaws. Typically the voting authority of such organizations are organized on the basis of which business has the greatest financial obligation to the organization (unlike Home Owners Associations which are usually organized as one vote per one dwelling unit).

**Response to Comment 35-38:**

Based on Regional Water Quality Control Board dictates, the first stage of Dixon municipal sewage treatment plant capacity improvements would be completed in 2007 with the long-term capacity improvements being completed in 2009.

**Response to Comment 35-39:**

As described on page 4.11-39 of the Draft EIR, permitted capacity of the WWTP must be demonstrated either prior to issuance of a building permit, or the City must determine that the permitted WWTP capacity is sufficient to serve Phase 1 of the project prior to issuance of an occupancy permit. Completion and occupancy of Phase 1 of the project is dependent on achieving adequate wastewater treatment capacity at the City’s WWTP. There is some flexibility in the actual timing of required improvements as described in the below text from page 4.11-39 of the Draft EIR.

The NQSP EIR identified Mitigation Measure PS-C to address WWTP capacity issues. Mitigation Measure PS-C requires that permitted capacity be demonstrated prior to issuance of a building permit. A plan and timeline to expand the WWTP to 2.0 mgd, which would accommodate Phase 1 flows, has been developed, and expansion is expected by the end of 2007. The applicant may elect to grade the site, install infrastructure, and construct other

improvements, which would require a building permit, but which could also occur in advance of completion of the expansion. Mitigation Measures 4.11-6(a) and 4.11-6(b) provide flexibility in the timing of such improvements relative to the interim WWTP (2.0 mgd) and ultimate Phase 2 (2.5 mgd) improvement plans. Implementation of either option in Mitigation Measure 4.11-6(a) would reduce impacts for Phase 1 to a *less-than-significant level* and would ensure consistency with Public Services and Facilities Element Policy 6 and Policy 7. Implementation of NQSP EIR Mitigation Measure PS-E (which is included in Mitigation Measure 4.11-6) identifies the applicant's financial obligations for the WWTP expansion. Under Mitigation Measure 4.11-6(b), the WWTP capacity with Phase 2 improvements would accommodate Proposed Project flows, but such expansion (to which the Proposed Project would incrementally contribute) could result in significant, and possibly unavoidable, significant impacts.

**Response to Comment 35-40:**

Please see Response to Comment 35-39.

**Response to Comment 35-41:**

Negotiations for the development agreement have not yet commenced, and therefore it is not known what the developer would be asked to install, nor what the developer would request reimbursement for.

It is typical for the first developer in an area to be required to develop more or larger facilities than necessary to serve that first development, because later development would have to use the same facilities. For example, while a specific development project might need only a 6-inch sewer line, it may have to install a much larger line to account for known or anticipated future development in the same area. Typically, such developers request that the city require those later developers to reimburse them for the cost of over sizing the required infrastructure. It is anticipated that this would be required with the Dixon Downs project for certain facilities, but it is not known at this time which facilities would be included.

**Response to Comment 35-42:**

The City's obligation is to act as a "conduit" or "pass through" for the payments by future developers. However, if the City were to request "oversizing" of facilities that do not serve future development, but instead is designed to serve currently existing residents, then those costs would be directly borne by the City.

**Response to Comment 35-43:**

Please see Response to Comment 35-42.

**Response to Comment 35-44:**

Please see Response to Comment 35-42.

**Response to Comment 35-45:**

The concerns raised by the commenter are noted and forwarded to the decision-makers for their review. Please note, the City of Dixon conducted a number of informational meetings regarding the project to inform the community, in addition the City complied with the CEQA process and circulated the Notice of Preparation for the required 30 days as well as the Draft EIR for more than the required 45 days.

Please see Response to Comment [outreach process] that addresses in more detail the public outreach conducted by the City of Dixon.

**Response to Comment 35-46:**

The concerns raised by the commenter are noted and forwarded to the decision-makers for their review.

**Response to Comment 35-47:**

The project applicant, MEC, is requesting a change to the existing level of service policy in the General Plan but no other General Plan amendments. The NQSP is approximately 10 years old and certain statements in the Specific Plan are inaccurate by virtue of events which have occurred during the last decade. Additional amendments to the NQSP, requested by the applicant, are specifically geared to allow the Dixon Downs project to be developed on land which is currently designated for future industrial and commercial development. Please see also Responses to Comments 35-19 and 35-20.

**Response to Comment 35-48:**

Please see Response to Comment 34-192.

**Response to Comment 35-49:**

Please see Response to Comment 34-192.

**Response to Comment 35-50:**

Please see Response to Comment 34-192.

**Response to Comment 35-51:**

Please see Response to Comment 34-192.

**Response to Comment 35-52:**

No, Magna International, Inc. and MEC Dixon are not involved in any fashion in the proposed transit oriented development in downtown Dixon.

**Response to Comment 35-53:**

Please see Response to Comment 35-175.

**Response to Comment 35-54:**

Please see Response to Comment 34-176.

**Response to Comment 35-55:**

Please see Responses to Comments 12-13 and 19-12.

**Response to Comment 35-56:**

As mentioned on page 3-41 of the Draft EIR, a shuttle system is proposed by the applicant to transport patrons between the project site and the future downtown Dixon rail station. Patrons of the “Finish Line Pavilion” could access public transportation at the downtown transportation center, using the City’s Read-Ride system or, if implemented, a shuttle bus connecting the project to the downtown area.

**Response to Comment 35-57:**

The service that Read-Ride currently provides in the City of Dixon is not envisioned to change as part of this project. Read-Ride Transit Service is a public dial-a-ride transit system that provides curb-to-curb transit service within the Dixon City limits. It operates from 7:00 a.m. to 6:00 p.m. and fares range from \$1.00 to \$1.50 per trip.

**Response to Comment 35-58:**

The comment asks whether the safety of seniors and school children would be compromised by patrons desiring to visit the project site via the City’s dial-a-ride transit service. Since the transit service is used primarily by existing residents (the service does not extend into adjacent jurisdictions), the project would not be introducing a new class of users. In other words, a resident who wants to use the service to travel to the site may already be using the shuttle to travel to other areas of the City.

The Dixon Read-Ride system has expanded its patronage significantly over the past 10 years to a point where in 2005 the system carried approximately 55,000 passengers. A significant portion of the Read-Ride trips serve people going to and from work, not just students and seniors. The system has expanded by adding additional buses and drivers without jeopardizing the safety of any passengers.

**Response to Comment 35-59:**

Historically, the cost of providing the Read-Ride service has been borne by state and federal transportation grants and, to a much lesser degree, fare box receipts. If it were determined that Read-Ride should provide a significant portion of the transportation to and from the project site, the development agreement could provide for a contribution to Read-Ride from the project operators.

**Response to Comment 35-60:**

The busses would operate on days with live horseracing events. They would generally arrive prior to the start of the races and depart after the races end. Exact arrival and departure times would depend on the provider, geographic origin, and many other considerations. The Read-Ride system currently operates between 6:00 a.m. and 6:00 p.m. Monday through Friday. The system periodically prepares a 5 and 10 year Transportation Plan to address new and changing ridership demands including expanded hours/days of service.

**Response to Comment 35-61:**

The City’s dial-a-ride transit service operates until 6 p.m. Thus, unless service hours are expanded, no transit service would be provided after 6 p.m. According to page 3-44 of the Draft EIR, live races

typically finish by 5 p.m. and track facilities that accommodate live racing patrons would then close. Only the inter-track simulcast racing area would remain open until midnight. Thus, the majority of live race attendees would depart the site while the City's dial-a-ride service is still in operation.

The likelihood of minimal public transportation patronage during the later hours of any business day would generally preclude regularly scheduled public transportation other than taxis from being available.

**Response to Comment 35-62:**

Please see Response to Comment 35-61.

**Response to Comment 35-63:**

The comment asks "what would be the impact on private homes in Dixon"? The comment is presumably referring to the effects of additional transit demand on existing City residents. Transit impacts are discussed in the Draft EIR under Impact 4.10-7. It is unlikely that public transportation serving the Proposed Project would have any impact on private homes in Dixon.

**Response to Comment 35-64:**

As discussed previously, in the event that the City determines to approve the Proposed Project notwithstanding the existence of unavoidable significant environmental impacts, it would be required to adopt a written Statement of Overriding Considerations. The Statement of Overriding Considerations must be provided to the decision-makers and the public for their review prior to taking action on the project. CEQA requires that the City balance the economic, social, technological, or other benefits of a project against the significant impacts when determining whether to approve a project. If the economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." See the CEQA Guidelines Section 15093.

**Response to Comment 35-65:**

The comment suggests that the Draft EIR is insufficient because it does not provide cost estimates for the various elements needed to appropriately mitigate the significant impacts of the project. The costs of traffic mitigation measures have not been included in the Draft EIR, and are not required by CEQA. The measures that have been identified are considered feasible at this time.

Please see also Master Responses TRAFF-1 and TRAFF-2.

**Response to Comment 35-66:**

Funding for project mitigation should come from the project, except to the extent that improvements installed by the project benefits other new development in which case that development should pay a proportionate fair share or reimburse the project for a fair share. This approach to reimbursement for some portion of infrastructure costs would be consistent with provisions of other developments such as the Southwest Dixon area and the Brookfield project.

**Response to Comment 35-67:**

The vast majority of traffic and other transportation improvements that could be required to mitigate adverse effects of the project or cumulative development would occur within existing public rights-of-way. In the event that additional land is required to fully implement a particular mitigation measure, the City would use legal means to implement the measure.

**Response to Comment 35-68:**

Mitigation at the I-80/Pedrick Road interchange, and I-80/North First Street interchange, and Pedrick Road between I-80 and Dixon Downs Parkway were identified for each phase of the project. The timeline for construction would depend on the timing of each phase of the project. No improvements were recommended at the I-80/Kidwell Road interchange. Please see Response to Comment 35-65 for a response to the cost estimate request.

**Response to Comment 35-69:**

The economic effects or the fiscal impacts associated with a loss of revenue due to increased traffic along I-80 is beyond the scope of an EIR to address. Please see Responses to Comments 19-11, 19-12, and 36-63.

**Response to Comment 35-70:**

The commenter is correct that mitigation fee programs must be designed to collect the necessary fees for mitigation within a reasonable period of time in order for the payment of fair share fees to qualify as adequate mitigation under CEQA. As part of the preparation of the Development Agreement, if the project is approved, the City would determine the appropriate contribution of the Proposed Project to area wide mitigation measures. Also, currently the City is studying its transportation impact fee program and, when completed, will determine appropriate fees based on current and anticipated future needs.

**Response to Comment 35-71:**

The City may not approve any development which is inconsistent with its general plan. To approve this or any other development, the City must either (i) find the development to be consistent with the general plan; (ii) amend the development proposal such that it is then consistent with the general plan; or (iii) amend the general plan prior to approval of the proposal.

**Response to Comment 35-72:**

To the best of its knowledge, the City has not approved any development which is inconsistent with the general plan. The City has on occasion amended the general plan so as to harmonize the general plan and a proposed project and thus permit an otherwise inconsistent project to be approved.

**Response to Comment 35-73:**

Please see Response to Comment 34-72.

**Response to Comment 35-74:**

The transportation analysis included in the Draft EIR included an evaluation of the project's impacts at the A Street/First Street and West A Street/Pitt School Road intersections. The segment of West A Street between I-80 and Pitt School Road was also analyzed as part of the regionally significant project analysis. Please see Section 4.10, Transportation and Circulation for Existing, Existing Plus Project, Cumulative, and Cumulative Plus Project volumes at these locations. Mitigation Measure 4.10-4(b) would require the applicant to widen the segment of West A Street between I-80 and Pitt School Road to four lanes with Phase 2 in the event it is not already widened as part of the Southwest Dixon Specific Plan. Impacts to the A Street/First Street intersection were found to be significant and unavoidable with development of Phase 2 of the project. The comment's asserts that "the projected traffic increase is significant, and I find this document deficient in that regard". However, this statement is not accompanied by any evidence of technical errors or inaccuracies that would suggest that the document is deficient.

**Response to Comment 35-75:**

Section 4.10 of the Draft EIR includes a detailed analysis of alternative travel routes through Dixon that are likely to be used by patrons to the project. Although the project applicant can encourage the use of certain routes to avoid sensitive streets through downtown, individual travel behavior is difficult to control. The A Street/First Street intersection would worsen to LOS D during the Sunday p.m. peak hour with Phase 1 and 2 with a Tier 1 sold-out event. This impact would be significant and unavoidable during these events.

**Response to Comment 35-76:**

The purpose of the transportation impact analysis is to identify the potential significant impacts of the Proposed Project on the transportation system and to identify mitigation to lessen their significance. Measures are not available to mitigate several impacts to less-than-significant levels; therefore, these impacts are considered significant and unavoidable.

The comment states that the Dixon General Plan implies that connector streets linking neighborhoods are not intended for through traffic. The comment then asks why this is proposed to be allowable for the project. The Draft EIR evaluates the extent to which roads such as Lincoln Street, Stratford Avenue, Adams Street, and West A Street are likely to be used by the project. The resultant volumes and traffic operations are then compared to the established standards of significance to determine whether impacts are considered significant and require mitigation. Neither the applicant nor the Draft EIR propose an amendment to the City's General Plan to allow the project to add through traffic to streets that provide access to neighborhoods.

**Response to Comment 35-77:**

Please see Response to Comment 35-75.

**Response to Comment 35-78:**

As discussed in Impact 4.2-6 (see page 4.2-26), the Draft EIR acknowledges that construction and operational emissions of ozone precursors would be cumulatively significant. The URBEMIS modeling

to document the construction emissions of the Proposed Project accounts for the sources specified in the comment to obtain a maximum pounds per day for ozone precursors. Please see also Response to Comment 33-7 for an explanation of why paving emissions would not be included in the maximum pounds per day calculation.

**Response to Comment 35-79:**

The YSAQMD would determine which ozone precursor-reducing technologies are applicable for the equipment used during construction. The California Air Resources Board has developed a Diesel Risk Reduction Plan that would reduce diesel PM emissions by 75 percent by year 2010 and 85 percent by year 2020.

**Response to Comment 35-80:**

Impact 4.10-6 on page 4.10-92 of the Draft EIR addresses safety issues on Pedrick Road associated with potential conflicts with farm equipment and vehicles. This was determined to be a significant impact and Mitigation Measures 4.10-6(a) and (b) were imposed which require appropriate signage and enforcement of the speed limit along Pedrick Road. The presence of mud along the roadway was determined to be a less-than-significant safety issue. During the winter months whatever mud is tracked onto the roadway from construction vehicles would, more than likely, be washed away once it rains. Unfortunately, this is a nuisance that accompanies all construction projects.

The project applicant is required to prepare a Stormwater Pollution Prevention Plan (SWPPP). The City could require that the SWPPP include a requirement that the mud from all trucks be washed off prior to leaving the site; or the City could require this measure as a condition of construction permit.

**Response to Comment 35-81:**

Construction vehicles would be required to comply with all safety regulations and keep their running lights and headlights turned on at all times and comply with the speed limit along all local roadways. It is anticipated that signage would be placed along Pedrick Road warning motorists of trucks accessing the roadway in compliance with City requirements. In the event of fog, it is assumed any motorists traveling along Pedrick Road would regulate their speed based on the conditions and site visibility and that any construction vehicles accessing or exiting the site would have all their running lights and headlights on to be visible to oncoming motorists. No mitigation is required.

**Response to Comment 35-82:**

During project construction there would be increased traffic along Pedrick Road and other roadways around the project site due to construction vehicles accessing the project site. It is not anticipated that the presence of construction traffic would significantly disrupt commerce or the ability of Dixon residents to travel along the same roadways. There may be short periods of time when traffic is heavier due to a specific construction activity which may inconvenience motorists in the area; however, the presence of construction traffic would be no different than other large construction projects (i.e., Wal-Mart). No mitigation is required.

**Response to Comment 35-83:**

As discussed in Section 4.2, Air Quality, operational activities associated with the proposed project would be significant for emissions of the ozone precursors ROG and NO<sub>x</sub>. Since ozone is a regional pollutant, emissions of ozone precursors would have an effect region-wide, and not at any one specific location such as the existing businesses in the vicinity of the proposed project. Directly emitted pollutants, such as carbon monoxide (CO) or Toxic Air Contaminants (TACs) could have adverse impacts only if emitted in significant amounts. As discussed in the Air Quality Section, the amount of CO or TACs emitted associated with project operation would result in a less-than-significant impact.

**Response to Comment 35-84:**

High ozone levels have been shown to have an impact on the health of vegetation. Ozone is a regional pollutant, so ozone levels that would affect the agricultural uses to the south of the project site would not be the result of the Proposed Project. Instead the impact would be generated by many pollution sources over a much broader area. Although ozone can impact vegetation, the actual impact on agricultural uses south of the project site cannot be quantified, nor can an economic impact be calculated.

**Response to Comment 35-85:**

The City of Dixon CIP includes a street maintenance program. Please see Response to Comment 14-6 regarding maintenance of Solano County roadways used by the project. It is a standard requirement that any roadway damage to local roads would be repaired by the project applicant.

**Response to Comment 35-86:**

The Draft EIR did not identify a significant project impact at the I-80/West A Street interchange. Thus, no mitigation measures were identified. The City's CIP includes funding for preparation of a Preliminary Study Report (PSR) for this interchange and small capacity improvements, such as signals or ramp widenings, required by Caltrans. However, there are no known funding sources or entities obligated to fund its construction.

**Response to Comment 35-87:**

The development agreement would specify what the applicant would be financially responsible to pay for. In many instances for some of the larger infrastructure improvements the applicant would be required to contribute their fair share. Please see Response to Comment 30-59.

**Response to Comment 35-88:**

It is a standard requirement that any roadway damage to local roads caused during construction of a project would be repaired by the project applicant. The project applicant's liability for damages sustained by third persons due to road conditions would depend upon the specifics of each situation, including the ability of the third person to demonstrate the applicant had caused the specific pothole in question and that the specific pothole had caused the damages in question. Please see Response to Comment 35-85.

**Response to Comment 35-89:**

Damages suffered by individuals as a consequence of a dangerous or defective condition of public property may be recovered from the City, under some circumstances, by filing a claim pursuant to the Government Claims Act, Government Code section 810 *et seq.* If it is clear that the condition was caused by a given contractor, the City may recover the costs of repair and any third party costs from the contractor.

**Response to Comment 35-90:**

It is a standard requirement that any roadway damage to local roads caused during construction of a project would be repaired by the project applicant. Please see also Response to Comment 35-85.

**Response to Comment 35-91:**

Regulatory agencies, including the EPA have addressed the existence of a heat island effect. However, the literature examines this effect in terms of very large areas of developed land, such as large specific plan areas or entire cities. The size of the Proposed Project is much too small to cause any significant increase in ozone due to the heat island effect, or to contribute substantially to any cumulative heat island effect impact.

**Response to Comment 35-92:**

At this time it is anticipated that once Phase 2 is developed the temporary surface parking lots provided for Phase 1 would be replaced with a combination of parking structures and surface parking lots. Please see the discussion on page 3-37 in Chapter 3, Project Description.

**Response to Comment 35-93:**

Construction of Phase 2 would require that the temporary parking areas constructed as part of Phase 1 be removed. It is anticipated, based on current typical construction practices, that any asphalt removed would be ground up and recycled.

**Response to Comment 35-94:**

The effects of removing asphalt from Phase 1 parking during the construction of Phase 2 would be minimized by the Development Standards that would allow for the use of non-paved parking for portions of the Phase 1 parking. To the extent that pavement needs to be removed during Phase 2 construction, it is anticipated that the asphalt would be removed from the site and recycled. The dust effects of such land disturbance activities have been considered in the air quality analysis contained in Section 4.2 of the Draft EIR (see Impact 4.2-1, page 4.2-13 of the Draft EIR).

**Response to Comment 35-95:**

As part of Phase 1 the project applicant has proposed to provide limited landscaping within and around the temporary surface parking lots for a period of time so they do not have to remove expensive landscaping when Phase 2 is constructed. As part of Phase 2, parking structures may be constructed to provide parking; however, at this time that has not yet been determined.

**Response to Comment 35-96:**

It is not clear from the comment where in the document the reference to creating a Mello Roos district is mentioned. It is not discussed in the Project Description or in Section 4.9, Public Services or Section 4.11, Utilities. The Draft EIR does not include a recommendation to create a Mello Roos district for the entire NQSP area. Section 4.9 includes a discussion of both fire and police services and identifies how these services would be funded. The City is authorized to levy impact fees among other methods, in order to provide adequate funds.

It is not known at this time whether a Community Financing District (or other land-based financing mechanisms) would be formed, or what it would be used to fund. Typically such districts are used to fund infrastructure, not salaries.

**Response to Comment 35-97:**

A “Mello Roos District” (the formal name for which is a community facilities district or “CFD”) is often used in order to finance the costs of public infrastructure which would otherwise have to be constructed over a lengthy period of years as cash flow permits. In addition, the CFD provides a convenient mechanism for allocating costs of infrastructure among multiple property owners and varying types of land uses whose “fair share” of such costs is not otherwise immediately apparent.

**Response to Comment 35-98:**

The entire cost is borne by property within the CFD itself, not by residents living outside of the project boundaries.

**Response to Comment 35-99:**

The infrastructure constructed by this project would serve and benefit the remainder of the NQSP.

**Response to Comment 35-100:**

The development agreement has not yet been finalized. Typically such agreements (and the CFDs or other financing mechanisms put in place or required by the agreements) obligate the developer to bear the entire cost of providing service.

**Response to Comment 35-101:**

Tucker Bill funds would be deposited into the City’s general fund and could be used to provide municipal services, i.e., fire protection services, or used for any other municipal purpose under the City’s discretion.

**Response to Comment 35-102:**

As discussed in the Draft EIR in Section 4.9, Public Services under Impact 4.9-4, the impact associated with the need for additional fire personnel and equipment was determined to be potentially significant. Compliance with Mitigation Measure 4.9-4(a) through (c) would reduce impacts to a less-than-significant level. Mitigation Measure 4.9-4 requires that prior to completion of design review the city shall determine

the project's fair-share contribution for additional fire protection services and that the project applicant shall either dedicate land for a fire station and provide financial contributions toward equipment and/or personnel or shall participate in establishment of an assessment district in which all property owners in the area would dedicate funds towards establishment of adequate fire protection facilities, or shall make financial contributions to operations of fire protection services.

Adequate fire personnel and equipment would be available to provide fire suppression services to serve the project site, including Phase 2.

**Response to Comment 35-103:**

The City would more likely receive greater revenue by accepting the Tucker Bill allocation and using those general fund revenues to help cover the cost of ordinary and traditional municipal services. If the City elects not to accept Tucker Bill revenues it would be forced to find other sources of revenue to cover the costs of these services. This would result in the City experiencing a lower fiscal surplus from the project.

**Response to Comment 35-104:**

Sales tax would be charged to racing patrons.

**Response to Comment 35-105:**

Please see Response to Comment 35-103, above.

**Response to Comment 35-106:**

Please see Response to Comment 34-149.

**Response to Comment 35-107:**

Please see Response to Comment 34-149.

**Response to Comment 35-108:**

Please see Response to Comment 34-62.

**Response to Comment 35-109:**

The Tucker Bill does not affect taxes imposed by entities other than the City.

**Response to Comment 35-110:**

The City would not assume any liability for this project.

**Response to Comment 35-111:**

There would be no impact on commercial development in Phase 2 of Dixon Downs (the non-race track related development).

**Response to Comment 35-112:**

It is anticipated that the development agreement would specify that Phase 2 is not subject to the Tucker Bill.

**Response to Comment 35-113:**

The City does not currently have any taxes applicable to such events (such as an admissions tax or parking tax). Please see Response to Comment 35-101.

**Response to Comment 35-114:**

Please see Response to Comment 35-105.

**Response to Comment 35-115:**

There is no City liability for traffic control. Costs of additional traffic control are anticipated to be recovered from the developer through provisions included in the development agreement.

**Response to Comment 35-116:**

According to the City, no increase in the City's insurance premiums are anticipated due to this project.

**Response to Comment 35-117:**

Please see Response to Comment 35-116.

**Response to Comment 35-118:**

The economic impacts are derived using the Type SAM multipliers, which are based on regional social accounting matrices. These multipliers are used to generate direct, indirect, and induced effects.

**Response to Comment 35-119:**

Please see Response to Comment 34-17 that addresses the local nature of the multipliers used in the analysis.

**Response to Comment 35-120:**

It is important to note that the Fiscal Analysis that was conducted for the Dixon Downs project was a separate document and not part of this EIR, (a copy of the report is available for review at the City offices and on the City's website). As stated in the CEQA Guidelines Section 15131, "[E]conomic or social effects of a project shall not be treated as significant effects on the environment." The Draft EIR

does not include an analysis of the social or economic effects of the project, but the City of Dixon prepared a number of reports that address these concerns and were presented at the numerous informational exchange meetings.

Please refer to Tables 7 and 8 in Appendix 1-D of the Fiscal and Economic Analysis report, dated August 19, 2005, for a list of multipliers used in the fiscal analysis. The multipliers inherent in the economic analysis can be derived by reviewing the tables in Appendix 3 of the report.

**Response to Comment 35-121:**

Please refer to Table 16 in Appendix 3 of the Fiscal and Economic Analysis report, dated August 19, 2005, for a list of jobs and wages anticipated for Phase 1 of the proposed Dixon Downs project. This information is available for review at the City offices or on the City's website.

**Response to Comment 35-122:**

Please see Response to Comment 34-91.

**Response to Comment 35-123:**

Please see Response to Comment 35-121 that addresses jobs and wages related to Phase 1.

**Response to Comment 35-124:**

Please see Responses to Comments 35-118 through 35-121.

**Response to Comment 35-125:**

Phase 2 is not expected to be operated by Magna Entertainment Corporation (MEC); therefore, none of the direct jobs or employees for Phase 2 would be employed by MEC.

**Response to Comment 35-126:**

It is not known at this time the number of jobs that would continue for 10 years or more.

**Response to Comment 35-127:**

It is assumed that all of these jobs are expected to be 365 days per year. Some may be part-time and most would be full-time, but the number of jobs is expressed in full-time equivalents.

**Response to Comment 35-128:**

It is anticipated that all of the full-time jobs associated with Phase 2 are anticipated to pay a living wage.

**Response to Comment 35-129:**

Please see Response to Comment 35-118 that addresses the type of multipliers used in the analysis.

**Response to Comment 35-130:**

Please see Response to Comment 34-17 that addresses the local nature of the multipliers used in the analysis.

**Response to Comment 35-131:**

The analysis contained in the Fiscal and Economic Analysis report, dated August 19, 2005, did not specifically identify the contribution to the local economy made by backstretch employees. Based on a cursory analysis of the economic impacts generated by this group of employees, it is estimated that approximately 40 jobs would be created. Compensation impacts are estimated to be a little over \$1.0 million, and total industry output impacts are estimated to be just under \$4.0 million. A copy of the Fiscal and Economic Analysis is available for review at the City offices or on the City's website.

**Response to Comment 35-132:**

Please see Responses to Comments 34-17 and 35-118.

**Response to Comment 35-133:**

Please refer to page 4 of the Fiscal and Economic Analysis report, dated August 19, 2005, for a detailed discussion on the relationship between residents and employees (a copy of the report is available for review at the City offices and on the City's website). Since backstretch employees are considered mostly transient by nature, they would be characterized more like visitors staying at hotels for an extended period of time than as actual residents living on site permanently. The analysis in the report does not treat Phase 2 hotel guests as residents, and it would also be inappropriate to treat backstretch employees as residents.

**Response to Comment 35-134:**

The increased property tax and sales tax revenue would augment the City's General Fund. In addition, the increased revenue would generate more funds for the Dixon Unified School District (schools) as well as the County of Solano (social services).

**Response to Comment 35-135:**

The California Horse Racing Board has rules and regulations pertaining to facility workers and public safety. It is anticipated that the Horse Racing Board would oversee the monitoring of backstretch living quarters for health and safety considerations.

**Response to Comment 35-136:**

Please see Response to Comment 34-118.

**Response to Comment 35-137:**

Please see Responses to Comments 35-138 and 35-139.

**Response to Comment 35-138:**

Please see Response to Comment 12-13.

**Response to Comment 35-139:**

Please see Response to Comment 12-14 for Davis. As with Davis, it is not anticipated that the cities of Vacaville, Woodland, Winters, Esparto, or Cache Creek would experience significant negative impacts in the areas of restaurant, bar, memorabilia, or entertainment services, although the impacts on these other jurisdictions have not been evaluated.

**Response to Comment 35-140:**

Backstretch personnel such as trainers, handlers, hot walkers and exercise riders would be employed by horse owners and trainers; MEC would also have its own backstretch personnel responsible for maintaining the “backstretch infrastructure”.

The employer is responsible for verifying U.S. citizenship of each employee and the validity of required work permits, visas, and other required documentation to work in the U.S.

**Response to Comment 35-141:**

The City’s fiscal and economic expert, Goodwin Consulting, has projected that nearly 1,000 jobs associated with Phase 1 and another 2,500 jobs tied to Phase 2 would be created. The Phase 1 jobs associated with the racetrack and training center would include executive, administrative, fiscal and accounting, technical, telecommunication and computer-related operations and maintenance, marketing and security positions, many of which would be associated with the operation of the Finish Line Pavilion and racetrack. Within the projected 1,000 jobs a significant number would be dedicated to working the backstretch as well. Backstretch personnel such as trainers, handlers, hot walkers and exercise riders would be employed by horse owners and trainers; MEC would also have its own backstretch personnel responsible for maintaining the “backstretch infrastructure”.

MEC has a long-standing corporate policy of using local vendors for goods and services whenever possible. The same policy applies to hiring locally, for the backstretch, and Finish Line Pavilion and track development. To this end, MEC, in cooperation with the Dixon Chamber of Commerce, Downtown Business Association, and local construction trades sponsored a Job and Vendor Fair at which over 250 names were obtained from local citizens seeking either employment opportunities or looking to sell goods and services. The 250 individuals and families who left business cards and signed the Vendor/Job Fair roster would be the first contacted for business and employment opportunities if the project is approved and moves forward.

**Response to Comment 35-142:**

Operational impacts from Travis Air Force Base would only be taken into account in the context of a cumulative analysis because they are not part of the Proposed Project. As stated in Impact 4.2-6, the YSAQMD would consider the effects of a project to be cumulatively significant if the project would require a change in land use from the current zoning in the local general plan to a more intense use. As stated in Impact 4.2-6, the YSAQMD would consider a project to be cumulatively significant if it requires

a change in land use from the current zoning in the local general plan. This is because the local air quality plans take into account emissions from both existing development and proposed future development. The Travis Air Force Base, and the emissions produced by it, already would be taken into account in the air quality plan, and therefore are accounted for in the cumulative analysis.

**Response to Comment 35-143:**

Please see Response to Comment 35-142, above. As with Travis Air Force Base, emissions from the UC Davis “West Village” and the other development listed by the commenter would be considered only in the cumulative analysis since they are not part of the proposed project analyzed in this Draft EIR. Also, as with Travis Air Force Base, these future uses are included in the local land use plan(s) and would therefore be accounted for in the applicable air quality plans. Consequently, they are taken into account as part of the cumulative context for air quality.

**Response to Comment 35-144:**

The cumulative impact analyses are contained in Sections 4.1 through 4.11 in the Draft EIR, and summarized in Section 5 of the Draft EIR, establish the cumulative context for each impact. In some cases the cumulative context is very local, in and around the project site; other times it is the whole of the City of Dixon. In this case, the development projects referenced by the commenter would not combine with the Proposed Project to add to any cumulative impact. Other times the cumulative context is regional in nature, accounting for development projects throughout the Nonattainment Area which would include, the individual projects mentioned by the commenter in Response to Comment 35-143. The establishment of a cumulative context unique to each impact is appropriate and required under CEQA. For a more thorough discussion of the context for cumulative analyses in the Draft EIR, please see the discussion on pages 5-7 through 5-8 of the Draft EIR.

**Response to Comment 35-145:**

As shown in Impact 4.2-6 (see page 4.2-26), the Proposed Project would have a cumulatively considerable effect on ozone levels. Consequently, the Proposed Project would combine with other development in the Sacramento Regional Nonattainment Area to contribute to the regional ozone problem. The air districts included within the Nonattainment Area, along with the federal and State regulatory agencies, are making progress towards reducing emissions from various stationary, area, and mobile sources, to enable the region to come closer to attaining the ozone standard. New development in the region creates sources of emissions of criteria pollutants and ozone precursors. These emissions add to the region-wide inventory and increase the amount of pollutants that must be reduced to achieve attainment of State and federal standards. Even with the approval of new development, the air districts of the region anticipate that ozone levels will decline in future years.

**Response to Comment 35-146:**

Federal funding for the region would only be jeopardized if the local transportation agency’s transportation plan was in conflict with the applicable regional air quality plan. The Proposed Project would not influence this.

**Response to Comment 35-147:**

Air quality monitoring is conducted by the YSAQMD and the CARB at various locations throughout the area. These regulatory agencies choose monitoring sites based on a site's potential to be the site of an air quality violation. If the agency were to choose not to monitor in close proximity to the project site, it would be because the agency has determined that other locations better represent worst-case conditions in the area.

**Response to Comment 35-148:**

As discussed in Response to Comment 35-83, operation of the Proposed Project would not be significant for any of the directly emitted criteria air pollutants. The Proposed Project would result in a significant impact for emissions of ozone precursors (i.e., ROG, NO<sub>x</sub>). Ozone is a pollutant that has impacts on a region-wide basis, not necessarily a localized one. In other words, ozone precursors emitted at the project site could add to the overall amount of precursors in the air basin and help to increase the chances of an ozone violation. These violations could potentially occur anywhere in the air basin, possibly far away from the proposed project site. Consequently, it is impossible to estimate what effect ozone precursor emissions from the proposed project could have on receptors at any particular location.

While ozone precursor emissions in one area can lead to actual ozone violations elsewhere, the meteorology and topography of a region make certain areas more likely to experience ozone violations than others. The closest monitoring station to the proposed project site is the Davis-UCD Campus monitoring site in Davis. This monitoring site has registered no violations of the previous one hour federal ozone standard or the new eight-hour federal ozone standard over the last three years. Only three violations of the state ozone standard have been recorded at this site over the last three years. This would indicate that an exceedance of the ozone standards in the area near the proposed project site are rare, and emissions of ozone precursors at the site would do little to contribute to ozone an exceedance in the area.

**Response to Comment 35-149:**

Travis Air Force Base is not part of the Proposed Project, so emissions from the Base are not included as emissions generated by the project. Emissions from the base are included with other regional air pollution generators as part of the cumulative analysis of air pollution in the EIR.

**Response to Comment 35-150:**

According to Leticia Widemann, MSN, Director of Health Services Dixon Unified School District, the economic impact of these cases on school attendance and funding is minimal. Although asthma is one of the main reasons that children miss school, the children in the Dixon Unified School District with this chronic disease are well managed. District-wide there is an average of 175 children out of approximately 4,000 students diagnosed with asthma; or 4.4% of the total student population. The majority of these students have mild to moderate asthma. Educational support is offered at school sites as well as trained personnel to medicate the children according to physician orders.

**Response to Comment 35-151:**

Please see Response to Comment 35-150.

**Response to Comment 35-152:**

Please see Response to Comment 35-150.

**Response to Comment 35-153:**

Project impacts, relative to schools, are discussed in Section 4.9, Public Services, of the Draft EIR. Schools are basically funded through the state, based on attendance. So, to the degree this project generated new students in the district, commensurate funding from the state would be provided.

**Response to Comment 35-154:**

Information on the adult asthma rate and the health effects in the adult population is not available.

**Response to Comment 35-155:**

As stated in the Draft EIR, there are no federal noise regulations that apply to the Proposed Project. Compliance with other regulations is ensured through the local planning and environmental process. However, if the City determines that a project is consistent with the City's General Plan and a significant impact has been identified the City can override the impact. If the environmental analysis finds that a significant noise impact would occur, the lead agency would either not approve the project, or alternatively, could override the impact.

**Response to Comment 35-156:**

As with the vast majority of other local jurisdictions in California, the City of Dixon does not have a policy for monitoring noise. Compliance is determined by the City Code on a complaint basis. If a source of noise exceeds the standards in the City Code, a complaint can be lodged and the City can take appropriate enforcement action against the noise source. The City of Dixon Zoning Ordinance sections 12.24.03 through 12.24.06 deal with permitted noise levels. Section 12.24.03 provides maximum permitted levels of stationary source noise for various zoning districts. These permitted levels are shown in Table 4.8-4 of the Draft EIR.

**Response to Comment 35-157:**

Noise associated with the Proposed Project is analyzed in the Draft EIR. The lead agency has the option of overriding any significant noise impacts providing the project is consistent with the General Plan. The Dixon City Code would provide recourse for Dixon residents if for some reason abnormally high noise levels would at any time be generated by the Proposed Project.

**Response to Comment 35-158:**

Please see Response to Comment 35-157. The same explanation applies to the entire NQSP and to the City as a whole.

**Response to Comment 35-159:**

As stated on page 4.8-8 in the Draft EIR, the General Plan identifies four policies concerning noise in its Natural Environment section:

- The city shall protect existing noise sources from future noise-sensitive development.
- The city shall establish performance standards to limit noise generation.
- The city shall establish physical development patterns compatible with the noise environment of Dixon.
- The city shall, where feasible, mitigate traffic and other noise to the levels defined as “Acceptable Levels of Noise Exposure.” Areas in which noise levels currently exceed, or as a result of future development, will exceed these levels of noise exposure are deemed inappropriate for the development in question.

The Acceptable Levels of Noise Exposure reflect noise levels that the City deems to be appropriate for various uses. By recommending these levels, the City acknowledges that quiet environments are more appropriate to uses such as residential development, hospitals or schools, and that industrial or commercial development can be appropriate uses in areas with higher noise levels. These noise level recommendations are used to guide land-use decisions and City policy.

**Response to Comment 35-160:**

There are a number of plans in existence that would improve air quality in the City of Dixon. The *Sacramento Regional Ozone Attainment Plan* contains a strategy to meet federal ozone standards. The CARB’s *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles* is a strategy for decreasing particulate matter and diesel TAC from heavy-duty vehicles throughout the State.

**Response to Comment 35-161:**

The Dixon General Plan contains noise standards for various uses as 24-hour standards. The 24-hour standard is appropriate for assessing the day-to-day operation of the Proposed Project. The Dixon Municipal Code, which sets maximum noise level standards would be appropriate for the regulation of noise peaks during events.

The Proposed Project does not propose to modify either the Dixon General Plan, in regards to noise, or the noise provisions of the City Code. The provisions of the existing General Plan and City Code are sufficient for making informed policy decisions regarding the Proposed Project and regulating potentially significant noise from the project. There are no plans, as part of this project, to adopt event-specific noise level monitoring as a General Plan amendment.

**Response to Comment 35-162:**

It is assumed the comment is referring to the maximum decibel level that could be experienced by an off-site individual or residences. The decibels that could be experienced by an individual or residence from the public address system would depend on how far the individual or residence is from the project site. As is clearly shown in Impact 4.8-4 (see page 4.8-17), monitoring data collected at facilities similar to the

Proposed Project showed that speakers generated noise up to 105 dB at the interior of the facility. It can be estimated that the Proposed Project would generate similar noise levels. As stated in Impact 4.8-4, speaker sound levels are expected to be relatively consistent regardless of whether the event is a Tier 2 or horse racing event. Consequently, attenuated noise at the nearest receptors during these events could reach approximately 65 dB at the nearest offsite receptor (individual or residence). For the purposes of the EIR analysis, a worst-case analysis was assumed which was an outdoor concert event.

As stated in Impact 4.8-4, concert events could conceivably reach up to 120 – 130 dB at the interior of the facility. This would result in attenuated noise levels of 64.5 at the nearest off-site receptors.

**Response to Comment 35-163:**

Please see Response to Comment 35-162.

**Response to Comment 35-164:**

The requirements set forth in the City Code are established to ensure that noise levels would not exceed appropriate standards. The City is responsible for enforcing these provisions, so excessive noise produced during onsite events would be subject to enforcement action, which would limit the noise.

**Response to Comment 35-165:**

Other jurisdictions in Yolo or Solano County may have adopted design policies; however, because the project is located in the City of Dixon it is not relevant to the Proposed Project.

**Response to Comment 35-166:**

An EIR is not required to address how a project would or would not harmonize with adopted policies in adjacent jurisdictions. The Draft EIR addresses policies contained in the City of Dixon General Plan. An EIR does not contain, and is not required to contain, a line-by-line evaluation of the project compared to the goals, policies and actions of the General Plan. It is the responsibility of the City Council, in considering the merits of the Proposed Project, to determine if the project is in substantial compliance with the General Plan.

**Response to Comment 35-167:**

The Proposed Project includes the Dixon Downs Development and Design Guidelines (Design Guidelines) which addresses lighting, landscaping, signage and other development-related issues. The perception of a visual impact is personal and subjective; what one person may perceive as a negative impact another may find visually pleasing. Even those experienced in urban design principals and architecture can have differing opinions on the visual “quality” of a particular project or element. It is assumed that compliance with the Design Guidelines, as deemed appropriate by the reviewing bodies (e.g., City Planning Commission and City Council), would ensure that a project would be substantially consistent with the direction of future development within the City, and, as a result, would not result in significant negative aesthetic effects.

**Response to Comment 35-168:**

How well the project complies with design guidelines set forth in other jurisdictions is not relevant. The project is located in the City of Dixon and is therefore required to be reviewed by the City. It is the purview of the reviewing bodies in the City of Dixon to determine what is appropriate for their community.

**Response to Comment 35-169:**

It is within the purview of the City's Planning Commission and Council to interpret the City's General Plan and to determine what is consistent or inconsistent with the goals and values of the community set forth in the general plan.

**Response to Comment 35-170:**

The Biological Resources section of the Draft EIR includes a section that addresses cumulative impacts of the project and identifies mitigation, if required. The commenter is referred to Section 4.3, Biological Resources, pages 4.3-24 through 4.3-28 for more specific information on the cumulative impacts of the project.

**Response to Comment 35-171:**

It is not clear from the comment what other land use changes the commenter is referring to. Recently approved and pending development projects including Southpark (Valley Glen), Brookfield, Southwest Dixon Specific Plan, and Milk Farm have involved "land use changes" involving reconfiguration of previously approved similar land use patterns or, in the case of the Brookfield project, timing. All of these projects were addressed and taken into account in the cumulative impact analysis included in each technical section of the Draft EIR.

**Response to Comment 35-172:**

The City has made no determination that it "wants" this project. The project applicant has requested land use approvals, and the City has an obligation to study the application, hold hearings, and for the City Council to ultimately make a decision whether or not to approve the project.

**Response to Comment 35-173:**

In each section of the Draft EIR there is a discussion of the cumulative impacts of the project pertinent to that issue area. For example, cumulative traffic impacts, air quality impacts, biological resource impacts, and agricultural resource impacts are all addressed in the applicable section of the Draft EIR. The Land Use analysis in an EIR does not typically include a discussion of cumulative impacts. Because the project-specific analysis considers both existing and future planned land uses, impacts resulting from the additive effect of other proposed or speculative land use plans would not differ from those identified in the impact discussions. Similarly, because the analysis of applicable land use goals and policies considers both existing and planned land uses, cumulative land use compatibility impacts are not considered independently. However, the cumulative loss of agricultural land is addressed in Section 4.7, Land Use.

**Response to Comment 35-174:**

The Proposed Project includes specific mitigation measures to mitigate traffic impacts associated with the project. In addition, the Solano Transportation Authority (STA) is the Congestion Management Agency of Solano County. The STA is responsible for countywide transportation planning, coordination, financing of priority projects, and programming of federal, state, and regional transportation funds. Its goals and objectives are to: 1) document transportation needs from both local and countywide perspectives; 2) provide safety and operational improvements; 3) preserve the transportation system; 4) reduce congestion and maintain mobility; 5) improve commute options to the Bay Area and Sacramento regions; 6) promote transit, including intercity bus, rail, and ferries; 7) promote alternative modes such as carpooling, vanpooling, and bicycling; and 8) encourage Transportation for Livable Communities projects. The City of Dixon also prepares a Five-Year Capital Improvement Program (CIP) which requires new development to pay for certain City-wide infrastructure improvements. For the next five years, the CIP has allocated approximately \$64 million in improvements to wastewater, storm, water, fire, police, administrative, recreation, public works, and transportation facilities and services. Little funding has been allocated for roadway improvements within and surrounding the NQSP.

**Response to Comment 35-175:**

The cumulative effects of the Proposed Project are described in Impacts 4.10-13 and 4.10-14 in the Draft EIR. Both impacts are considered significant and unavoidable. There are no known written agreements with the state that specify funding and timing of improvements to I-80 in Solano County or any of the Dixon interchanges. Please see Master Response TRAFF-1 regarding improvements to I-80.

**Response to Comment 35-176:**

It is not customary to estimate changes in accident rates or health effects resulting from changes in congestion and delays as suggested by the comment. Any attempt to establish direct causality between increased congestion on I-80 and changes in accident rates would be speculative. CEQA Guidelines Section 15145 states that if an agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

**Response to Comment 35-177:**

Please see Response to Comment 35-176.

**Response to Comment 35-178:**

There is no relevant connection between the potential increase in traffic due to the proposed project and pet death due to dogs and cats being struck by moving vehicles. Pet death from automobiles and trucks is, in most cases, due to the failure of pet owners to adequately control their pets through application of local leash and animal control laws. Please see Response to Comment 35-176.

**Response to Comment 35-179:**

The development agreement would provide a legally binding requirement to construct interchange and roadway improvements or a mechanism for the city to recover fair share costs from the project applicant

for such improvements. It is not anticipated that the development agreement would cover state/county shortfalls beyond those explained above.

**Response to Comment 35-180:**

Please see Response to Comment 35-179, above.

**Response to Comment 35-181:**

The Union Pacific Railroad has been contacted regarding the project and given an opportunity to comment on the Draft EIR. The NQSP identifies a future connector road from Vaughn Road to Pedrick Road to eliminate the Vaughn Road railroad grade crossing. Currently a grade-separation is not proposed at the railroad tracks on Vaughn Road. Thus, no discussions with UPRR regarding the feasibility of this concept have been held.

**Response to Comment 35-182:**

Please see Response to Comment 35-181.

**Response to Comment 35-183:**

No other agencies have been contacted regarding possible cost sharing of the Vaughn/Pedrick connector. The Vaughn Road/Pedrick Road connector is considered in the EIR. Please see also Response to Comment 35-181.

**Response to Comment 35-184:**

The City's General Plan Policy V.I.E.7 encourages the construction of grade-separated railroad crossings. Since the project does not propose a grade-separation at Pedrick Road nor is it required as project mitigation, no discussions with UPRR have been held in the context of this project. The temporary and ultimate access to the backstretch facilities near the UPRR tracks, along with the Vaughn Road-Pedrick Road connector, have been developed so as to not preclude the ultimate grade-separation.

**Response to Comment 35-185:**

Please see Response to Comment 35-184 for the City's policy on grade-separation. It should be noted that the City is currently pursuing the construction of the Parkway Boulevard grade-separated crossing of the UPRR tracks in the southern portion of the City as a means to better connect the areas on either side of the tracks.

The NQSP anticipated improving the railroad/vehicle traffic situation by recommending a connector from Vaughn Road to Pedrick Road to allow the closure of the Vaughn Road grade separation, thus eliminating one potential point of roadway and railroad conflict. Historically, the City also has prepared preliminary plans for a grade separation as an eastward extension of "H" Street. This grade separation project should be an integral part of the future development eastward to Pedrick Road contemplated in the current General Plan as occurring after the year 2010. To the extent that additional significant future development occurs in Dixon along the Pedrick Road corridor south of the Union Pacific railroad

crossing, funding of a grade separation for the Union Pacific Railroad and Pedrick Road should also be contemplated with that development.

**Response to Comment 35-186:**

Please see Section 4.11, Utilities of the Draft EIR, pages 4.11-25 and 4.11-26 for cumulative impact analysis on water supplies. See all other sections of the Draft EIR for cumulative impacts related to the construction of infrastructure in Solano County.

**Response to Comment 35-187:**

As described on page 7 of the WSA contained in Appendix I of the Draft EIR, a *Groundwater Management Plan* was adopted by the Solano Irrigation District (SID) in 1995. An updated plan was published in January 2006. In addition, the City of Dixon and SID, among others, participated in the preparation of the 1995 *Groundwater Resources Report*. The participants agree to monitor groundwater levels and that groundwater pumping would be modified, as required, to ensure the sustainability of groundwater resources. Monitoring activities include groundwater levels, water quality, and land subsidence.

The 2006 *Groundwater Management Plan Upgrade* includes a management objective of facilitating conjunctive use operations with a goal of balancing recharge and extraction of groundwater. Solano Irrigation District, along with the other participating agencies of the Solano Water Authority, measure ground water levels throughout the county in the spring and fall. Also, DSMWS monitors water quality of its domestic deep wells on an ongoing basis according to EPA guidelines. Currently, there is not a replenishment program in place. Instead, when the Solano Project was constructed (which supplies surface water to the county), it significantly reduced the pumping of ground water and most irrigation and domestic water is now supplied via surface water. Recharge of the basin occurs naturally through rain and irrigation practices. Please see also Response to Comment 21-30.

**Response to Comment 35-188:**

Please see Responses to Comments 18-29 and 21-29 through 21-36 that address groundwater concerns. Dixon Solano Municipal Water Service (DSMWS), the local water purveyor for the project area, in its SB 610 water supply assessment for the proposed project found there to be an abundance of groundwater available even with development of the project. DSMWS has determined that there is neither an overdraft currently nor a potential for an overdraft situation to occur if the proposed project were constructed. Accordingly, there are not binding agreements on overdrafts, and there is no justification for the imposition of binding agreements relating to overdraft.

**Response to Comment 35-189:**

A Water Supply Assessment (WSA) was prepared for the Proposed Project in compliance with SB 610. The cumulative setting for impacts to water supply is buildout of the Proposed Project, in addition to other development within the Solano groundwater basin, in the year 2024. As discussed in Impact 4.11-4, adequate water is available to serve the Proposed Project as well as other development and agricultural uses in the Solano Sub-basin through the year 2024.

**Response to Comment 35-190:**

The comment erroneously notes that the well construction standard for agricultural wells, such as the well for the Proposed Project, mandates a “50 foot diameter concrete collar to prevent groundwater contamination”. On the contrary, State and County well construction standards mandate an annular grout for agricultural wells extending 20 feet below the ground surface. The well construction regulations are enforced by Solano County Ordinance Chapter 13.10 for well construction. This ordinance uses the California Department of Water Resources well construction standards published and updated in Bulletin 74-90. Bulletin 74-90 requires the annular space for agricultural wells extend to 20 feet below ground surface while those constructed for municipal or industrial use extend 50 feet below ground surface. Please note that the Draft EIR text has been changed to reflect that the project applicant would be required to follow all County and DSMWS standards with respect to constructing the groundwater well.

The second to last sentence in the second paragraph on page 4.11-22 is revised as follows:

The proposed groundwater wells would be constructed in compliance with all applicable county and DSMWS standards. ~~The groundwater wells and would be in operation~~ prior to buildout of the Proposed Project and would provide an adequate water supply to meet the demands of the Proposed Project at buildout.

**Response to Comment 35-191:**

The Draft EIR, on page 5-2, recognizes that construction and operation of the project would result in “the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels...” The EIR does not identify this as a significant impact because it is speculative to identify the location and nature of the impacts caused by the project’s incremental increase in energy demand, particularly the increased demand for electricity from the state’s grid. The energy demand of the Proposed Project would be part of the overall demand for energy from the region and state. The cumulative demand for energy in California is being met from energy sources throughout the West, including gas and coal fired power plants which create air emissions and require the extraction and delivery of natural gas and/or coal. Other energy sources include hydroelectric operations from facilities in the Sierra Nevada, as well as facilities in the Pacific Northwest. Because of the complex nature of the electricity transmission system, and the open market methods of purchase and delivery of electricity in today’s marketplace, it is impossible to specifically connect the demands of a specific project or region to the environmental effects of constructing or operating specific electricity generation facilities.

**Response to Comment 35-192:**

Please see Response to Comment 35-191.

**Response to Comment 35-193:**

The use of renewable energy generation is not specifically addressed in the EIR. Issues associated with the use of nonrenewable energy sources are addressed on page 5-2 of the Draft EIR. No mitigation measures are identified because no specific impacts were identified. Please see Response to Comment 43-16.

**Response to Comment 35-194:**

The plans and specifications for the Phase I facilities have not yet been prepared. It is anticipated that the project will comply with the Title 24 state recommendations for energy conservation. The City of Dixon currently does not have any energy conservation requirements or policies. MEC has not conducted any solar energy calculations for use of solar panels on any of the roof areas associated with the project. Once the project is entitled, MEC will determine if it makes economic sense to incorporate solar into project design.

**Response to Comment 35-195:**

The detailed plans and specifications for the Finish Line Pavilion building have not yet been prepared. At present, there is inadequate information to perform cumulative energy load calculations.

**Response to Comment 35-196:**

Please see Response to Comment 35-195. Until detailed plans and specifications for the Finish Line Pavilion building are prepared, this information is not available.

**Response to Comment 35-197:**

The size of horse stalls would be 12 feet by 12 feet or 144 square feet in area (standard size); the number of cubic feet within the stall is not relevant.

**Response to Comment 35-198:**

A veterinary clinic is not a prerequisite or requirement of a racetrack. However, MEC has planned space for a future veterinary clinic. A future veterinary clinic specializing in equine health, medicine, and training may be a part of Phase 1 construction. The design and staffing of the proposed vet clinic would be undertaken in collaboration with the U.C.D. Veterinary School. A number of discussions have taken place over the last 2 years both with the U.C.D. Chancellors office and Veterinary School regarding the Dixon Downs project.

**Response to Comment 35-199:**

There are other thoroughbred horse racetracks and training centers on the west coast and in the U.S. (including MEC's track at Golden Gate Fields) that have to deal with ground fog, and at these venues, no problems have been identified associated with fog or other weather conditions.

Horse races would not be held and training would not be allowed when adverse weather results in hazardous conditions on the track.

The trainers and/or owners carefully monitor the safety and well-being of their horses. The trainers determine if the weather is too cold to train safely.

When fog is present, one of the factors race officials would consider in determining whether to allow races to proceed on schedule is the extent to which patron viewing is limited by the foggy weather conditions.

**Response to Comment 35-200:**

Before a sick or injured horse is euthanized at Dixon Downs or any other California horse racetrack, a consultation is made with track officials and a representative of the State Veterinarian's office. If a horse is euthanized at Dixon Downs, it would be then transferred to UCD Veterinary School for an autopsy. Once the autopsy is concluded, the disposal of the euthanized animal would be the horse owner's prerogative and responsibility.

None of the carcasses would be used for human consumption.

MEC does not collect and maintain system wide records for horses euthanized at its tracks. Horse owners, again, are responsible for the health, well-being and euthanasia, if necessary, of the horses within their racing "stables". If statistics are kept on euthanized horses, whether they are at MEC tracks or other tracks within the state, they would be compiled and maintained by either the State Veterinarian or CHRHB.

**Response to Comment 35-201:**

Race calendars are determined by the California Horse Racing Board. Up to 100 race days may be permitted by the CHRHB, please see also response to Letter 34, Response to Comment 34-127.

**Response to Comment 35-202:**

Please see Response to Comment 35-201.

**Response to Comment 35-203:**

Many types of electronic products used in a commercial or retail setting contain hazardous substances such as lead or mercury. As part of its implementation of the Electronic Waste Recycling Act of 2003, the California Department of Toxic Substances Control (DTSC) has tested certain types of electronic devices to determine which would be a hazardous waste when discarded. The DTSC presumes the only the following video display devices would be considered hazardous waste when discarded: cathode ray tube (CRT) devices [including televisions and monitors]; LCD desktop monitors, laptop computers with LCD displays, LCD televisions, and plasma televisions. In other words, not all electronic waste would necessarily be considered hazardous waste.

One of the objectives of the Act is a program to recycle and ensure the safe and environmentally sound disposal of video display devices. On January 1, 2005, retailers began charging fees to consumers at the time of purchase for "e-waste" recycling programs. The fees are deposited into a special account to be paid to qualified e-waste collectors and recyclers to cover the costs of managing certain electronic products when they are discarded.

The amount of electronic waste generated annually by the proposed project would depend on the number of electronic devices that would be categorized as e-waste when they are discarded. Until project occupancy, it would be premature and speculative to quantify a specific amount of e-waste.

**Response to Comment 35-204:**

Please see Response to Comment 35-203.

Regardless of the amount of e-waste generated by the proposed project, any discarded product determined by DTSC to require handling as hazardous waste under the Electronic Waste Recycling Act must be collected and disposed of by a qualified service. The Hay Road Landfill operator (Norcal Waste Systems, Inc.) is certified by the California Integrated Waste Management Board (CIWMB) as an “approved collector” under the Act. While the landfill operator is authorized to receive and manage e-waste, this does not mean the discarded devices are disposed of in the landfill itself.

The Dixon Sanitary Service, which collects waste from Dixon, operates an e-waste program in Vacaville. This program is designed for residents and small businesses. Large commercial operations that generate e-waste, such as the proposed project, typically arrange their own e-waste handling services. Once e-waste is removed from the proposed project, it would need to be disposed of or recycled by a certified e-waste handler.

Therefore, there would not be any effect on the Hay Road Landfill.

**Response to Comment 35-205:**

The discussion in the alternatives chapter, specifically Alternative 3, regarding solid waste does not include horse manure it just reflects the amount of solid waste generated by the other proposed uses. The total amount of manure and soiled bedding that could be generated is estimated to be 144,000 lbs/day or 13,104 tons/year. However, it is anticipated that the horse manure and soiled bedding waste would be transported to a composting facility and not the landfill.

**Response to Comment 35-206:**

Wastewater generated by the project is addressed in Section 4.11, Utilities. As discussed on page 4.11-35, implementation of the Proposed Project would generate wastewater flows that would be discharged to the City’s sewer system. Phase 1 peak flow is estimated to be 0.46 mgd. Phase 2 peak flow is estimated to be approximately 0.22 mgd. The total estimated peak flow to the sewer system would be 0.68 mgd.<sup>15</sup>

As discussed in Section 4.9 of the Draft EIR, it is anticipated that a total of 2,158 tons/year of solid waste associated with the Phase 1 uses would be disposed of at the landfill. A total of 1,160 tons/year of solid waste associated with the retail, hotel and office uses under Phase 2 would be disposed of at the landfill.

**Response to Comment 35-207:**

Section 4.9, Public Services and Section 4.11, Utilities in the Draft EIR address solid waste and wastewater associated with development of Phase 1 and Phases 1 and 2 combined. The racetrack and horse barns are included as part of Phase 1; therefore, there are no horses included as Phase 2 so there would be no manure or soiled bedding associated with Phase 2. The Phase 2 land uses include retail, office, and hotel. Table 4.9-2 on page 4.9-25 includes the total amount of solid waste generated under

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15 ECO:LOGIC Engineering, Review of Dixon Downs Project Impacts on City Wastewater Facilities, Draft, January 5, 2005.

Phase 2, which is estimated to be 1,160 tons/year. The amount of wastewater associated with Phase 2 is discussed under Impact 4.11-5 on page 4.11-36, and is estimated to be approximately 0.22 mgd (under peak flow conditions).

**Response to Comment 35-208:**

Many commercial end users require ownership in fee as opposed to a leasehold interest in the property. The subdivision of the Dixon Downs property follows common practice where large, multi-use, phased projects are proposed and is intended to provide MEC Dixon with the flexibility to implement the Phase 2 development plan as set forth in the project entitlements, including in particular the Development and Design Guidelines, by attracting appropriate commercial ventures.

**Response to Comment 35-209:**

MEC Dixon, as the owner of the Dixon Downs property, would be able to sell the parcels to qualified buyers. However, all of the lots would be subject to the mitigation measures set forth in the EIR, the conditions of project approval, and the conditions contained in the development agreement if the project was approved and there was no change to the project components.

**Response to Comment 35-210:**

The Draft EIR Project Description, Chapter 3, describes the intended subdivision of the property into 16 parcels and presents the proposed tentative subdivision map in Figure 3-16, page 3-59, of the Draft EIR. The use of this EIR for approval of the tentative subdivision map would be limited to the extent that the approved parcels are used in a manner consistent with the remainder of the Project Description. In the event that the applicant chooses to seek permits for development of any of the created parcels for uses that are not consistent with the Project Description, the City would be required to reexamine the adequacy of this environmental analysis in light of the new proposed uses.

**Response to Comment 35-211:**

Development of the Dixon Downs site must be carried out in a manner that is consistent with the project entitlements, including, in particular, the Development Agreement, the land use designation and zoning, the NQSP, and the Development and Design Guidelines. The rights and obligations relative to the use and development of the Dixon Downs site are ultimately tied to the land.

**Response to Comment 35-212:**

Any application to further sub-divide the Dixon Downs property would be required to go before the City Council for review and approval.

**Response to Comment 35-213:**

Plans and specifications for the Phase 1 facilities have not yet been prepared. At this time MEC has not determined the type of flooring or adhesives that would be used in constructing the Finish Line Pavilion or other buildings on-site. It is assumed the type of flooring, carpets, or adhesives used would not cause “indoor pollution”.

**Response to Comment 35-214:**

Parameters and definitions for duration and frequency of Tier 2 and Tier 3 events would be included in the draft Development Agreement for the project.

**Response to Comment 35-215:**

As previously indicated by the City in its Community Questions and Responses Document (dated October 12, 2005) available for review at the City or on the City's website:

Yes. Dixon City Code Article I section 16.9 currently provides that any form of gaming not mentioned in either California Penal Code section 330 or 330a is unlawful. Since those two sections contain a list of prohibited forms of gaming, the effect of section 16.9 is to prohibit all other forms of gaming not already prohibited by state law. In the event the City desires to approve the Dixon Downs project, this section should be amended to expressly permit paramutual wagering as permitted by the Horse Racing Law (Bus.& Prof. Code 19400 *et seq.*).

If the City were to choose not to amend section 16.9, gaming in the Finish Line Pavilion would still be authorized by reason of the ordinance adopting the development agreement.

**Response to Comment 35-216:**

The Finish Line Pavilion building would be designed to be used throughout the year. The Pavilion building is designed to function as a multi-use entertainment venue with enclosed indoor capacity for 5,000 patrons and outdoor seating for an additional 1,800 patrons in an open air grandstand. The building would be equipped with the most advanced simulcast technology available. The building would also include a theater stage with seating capacity for stage shows of approximately 2,000, would be designed to function as a performing arts center as well as a spectator facility for live and simulcast racing, and would offer a broad range of programs and events to complement the racing related activities. In addition, the Pavilion building would offer fine dining along with meeting rooms and conference facilities and would be available for community functions and charity events.

**Response to Comment 35-217:**

Market research and analysis conducted by the project applicant is considered proprietary in character and not for public review. The project applicant, MEC, is confident that there is adequate demand to support the inclusion of a multiplex theater as one of the principle entertainment anchors of the Phase 2 Marketplace.

The project is designed to be a destination entertainment and retail center. It is anticipated that the synergy of the variety of land uses to be incorporated within the Marketplace, including the Finish Line Pavilion, restaurants, shopping and hotel/conference center, would create the ideal market environment for a new theater complex.

**Response to Comment 35-218:**

Please see Response to Comment 35-217.

**Response to Comment 35-219:**

Please see Response to Comment 35-217.

**Response to Comment 35-220:**

The Development Agreement is a separate document that is negotiated between the City and the project applicant. The EIR is comprised of the Draft EIR and the Final EIR documents. Both of these documents constitute the “EIR” for the project. The EIR must be certified prior to the City Council taking final action to approve or deny the project.

**Response to Comment 35-221:**

As previously indicated by the City in its Community Questions and Responses Document (dated October 12, 2005) available for review at the City offices or on the City’s website:

“The decision is made following a public hearing by the planning commission, which makes a recommendation to the City Council. The City Council itself also holds a public hearing, following which it makes the final decision”.

In addition to this legally required process, the City has held a number of special workshops and meetings regarding the project.

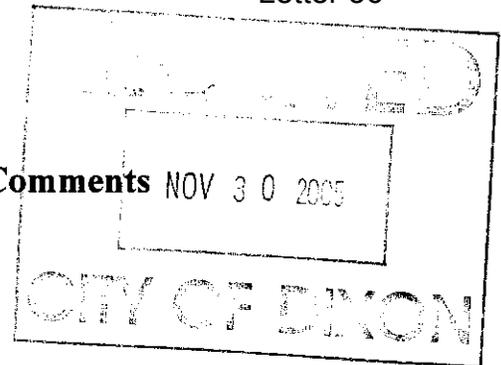
All affected City departments have the opportunity to provide input and review of the Development Agreement. The Development Agreement is subject to a public hearing by the Planning Commission and the City Council and would either be approved or denied when the project is reviewed by the City Council.

If the project is not approved the Development Agreement would also not be approved, and would become “void”.



**Dixon Downs Draft EIR Questions & Comments**

Kay Fulfs Cayler  
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On 4.1-13 it refers to the General Plan goal “to maintain Dixon’s small town character”.  
How does this project maintain the small town character?  
While this goal is quoted in the DEIR this project seems to do just the opposite even suggesting a 10 story hotel in Phase 2.  
It should be better explained as the environment of a small town is considerably different than a town with a “destination entertainment center”.

36-1

No mitigation is described for the lights at the track and surrounding parking lots etc other than to turn them off by 11:00 p.m. This would probably not be sufficient for neighbors and any students with an astronomy assignment. There is no indication as to the hour of the night when the lights for the finish line pavilion and parking lot would be turned off.

36-2

Won’t the lights be on in that area for more hours?

36-3

Won’t they also be on every day of the year as that is where the simulcast betting will take place?

36-4

This is environmentally sensitive and should be addressed.

Lighting for Phase 2 is said not to be considered until after Phase 1 is complete. Does this mean that the city will be approving lighting for Phase 2 without knowing what is planned?

36-5

Plans for Phase 2 are not complete. It is talked about in only the vaguest terms. Why is it even being considered at this time?

36-6

It is possible that construction of Phase 2 might not begin for as much as twenty years. Dixon will not be the same in 2025 as it is in 2005 but commitments made now will tie the hands of the city once the decision is made.

36-7

Could the proponent sue the city if Dixon later changed its mind about allowing Phase 2 to proceed?

36-8

Could the city even stop Phase 2 if they thought it was not right for Dixon?

36-9

4.9-3 reads as though the city will not receive any tax revenue from any one but the racing facility.

36-10

How much revenue does the city expect to lose under this requirement?

36-11

How much tax money is generated by vendors at large special events?

36-12

What fees will the city lose?

36-13

Will this prohibition extend to Phase 2?

36-14

Does this mean that the city would not get any of the sales tax generated in the retail shops proposed for Phase 2?

36-15

What steps if any must the city take to make certain they receive sales tax revenue from the retail shops when or if they are built?	36-16
How much money will the city spend to provide services to Dixon Downs?	36-17
How will the city recoup this money if only limited taxes or fees can be collected?	36-18
Will this include special assessments on the property?	36-19
Will it include any impact fees?	36-20
Can the proponent decline to pay fees and taxes due to this law?	36-21
The NQSP says that police department review of development proposals is <i>encouraged</i> . In view of the fact that this project could generate exceedingly large crowds shouldn't such review be required for this project?	36-22
Dixon has an events ordinance which addresses public safety requirements for public events but the DEIR says that this would not affect events at Dixon Downs. This sounds as though the proponent could have any kind of event that they could book. Can the city approve an ordinance for events of the type which might held at Dixon Downs?	36-23
If it is done after Dixon Downs is approved will it still apply or will they be grandfathered into an approved non-compliance category?	36-24
The DEIR speaks of hiring law enforcement people on an overtime basis. Who will pay the overtime?	36-25
If the city has to pay – why?	36-26
The effect of a large crowd will impact the city as well as the surrounding state and federal highways.	36-27
Will this result in overtime requirements for the CHP?	36-28
Will the city or the proponent be billed for this extra time by these state employees?	36-29
Because land use requirements and distribution for Phase 2 cannot be determined at this time (4.9-6) why is it part of this DEIR?	36-30
Will there be any chance to properly assess the environmental impact of Phase 2 prior to its construction?	36-31
The DEIR talks about crimes which will happen on the grounds but it does not talk about crimes which will happen away from the grounds but which will be directly related to the gambling which will take place there.	36-32
What about the increased domestic violence which often happens when family maintenance money gets spent on gambling?	36-33
What about crimes such as embezzlement when money is needed to pay a gambling debt or to support a gambling habit?	36-34
What about bankruptcies, which while not a crime, are more frequent in an area with easily accessible gambling opportunities?	36-35
While these things might have a minimal effect on a “Mother Nature” environment they will have a substantial effect on the quality of life for the families and businesses in Dixon.	36-36
	36-37

Highway 80 is already very crowded with traffic often moving at below speed limit levels. Adding even 3000 extra people, many of whom will arrive as solo drivers, will have a significant impact on that highway. Major events with 10,000 to 15,000 are likely to bring traffic to a halt.

36-38

What will happen if there is an emergency?

The nearest hospital is in Davis. Multi car accidents are obviously more likely to happen. They can block the road for very long periods especially if there are serious injuries or fatalities.

36-39

Is the proponent being required to contribute financially to widening the highway?

36-40

If so what is the formula for determining that sum of money?

36-41

All Dixon overpasses are just two lanes. This will create huge bottlenecks when there are major tier two or tier three events. It seems very unwise to even consider such a crowd generator as Dixon Downs until both the overpasses and the highway are widened.

36-42

While section 6 of the DEIR says that patrons would go to I-80 without “disrupting or otherwise impacting” residential neighborhoods this will almost certainly not be the case as people search for a way – any way – to avoid the traffic obstacle at Pedrick and I-80. People already “cut through” Dixon in order to avoid freeway traffic.

36-43

This will only increase as thousands are leaving an event at the same time.

What plans are being made for disasters such as a terrorist threat during a crowded event?

36-44

Can the facility be evacuated quickly and safely in case of an emergency?

36-45

How much time would it take to evacuate?

36-46

Once people were out of the facility how long would it take them to get on a highway to head to home or another safe destination?

36-47

The plan in the DEIR is definitely not adequate especially when considering the number of patrons Dixon Downs hopes to have at their tier two and tier three events.

36-48

One has only to remember the 1989 World Series and the Loma Prieta quake to know that disasters can and do happen at any time.

In view of the fact that concerts held at the May Fair are frequently heard all over Dixon it is likely that noise from the project would be heard just as widely. (Willie Nelson was heard by people living three blocks south of Safeway.) This is a serious and, for many, an unpleasant impact on their environment. Residents are likely to discover that there is no such thing as a quiet evening on the patio. The DEIR leaves the impression that very little can be done about this type of noise. A possible policy which would maintain both the character of the city and the sanity of the inhabitants might be to require the proponent to ban or sharply limit concerts which produce sound exceeding certain decibel levels.

36-49

A clearer picture of the impact of Phase 2 on fire and EMS responses is needed before this EIR is certified. A range of 65 to 170 responses is a substantial difference and could have a severe impact on the level of services available to the residents in Dixon. Extreme traffic congestion caused by events at the project would also have an impact on the response time. This issue is not addressed in the DEIR

36-50

Will the cost of increased EMS personnel and equipment be borne by the city or will the proponent be at least partially responsible?	36-51
At what point will the funds be transferred from the proponent to the city?	36-52
How much EMS equipment will just the construction phase require?	36-53
This is not addressed adequately in the DEIR.	
If manure cannot be moved from the transfer station to an off site destination how long will it remain at the transfer station?	36-54
What is the capacity of the "station"?	36-55
If there was an earthquake or flood which would make roads impassible how much manure would be stored on site before it became a biological and environmental hazard?	36-56
If electrical power is required will there be adequate generating capabilities?	36-57
This type of disaster planning definitely should be addressed in the EIR as failure to do so can have an extremely serious environmental impact.	36-58
Failure to find a facility willing to take the manure and soiled bedding materials will result in this being taken to the landfill.	36-59
What precautions would be taken to prevent bacterial growth once it is at the landfill?	36-60
What impact would this have on the surrounding area?	36-61
Chapter 6 states that this will bring this project will contribute to financing and constructing infrastructure improvements. This is a very vague statement. The infrastructure required by this project is enormous. The cost to the city could very well exceed what the proponent might wish to "contribute".	36-62
Why wasn't a stronger statement required?	
Gambling is barely discussed in the DEIR. There is a portion in a follow on report but that is supposedly not to be considered for certification of the EIR. While much of the land use is taken up by the horse racing part of the project the purpose of the pavilion is clearly to provide opportunities to gamble. Gambling will be going on every day of the year for 14.5 hour every day. This will cause serious and negative impact on Dixon's "small town character". For this reason the topic of gambling should have been addressed at length in the DEIR.	36-63
6.4 #18 says that a project objective is "To provide a self-mitigating project, whereby mitigation measures are incorporated in the project design so as to minimize the project's environmental impacts.	36-64
Exactly what does this mean?	
How does the project self mitigate the pollution caused by the vehicles both private and commercial which will come to and from the facility?	36-65
How does the project self mitigate the traffic hazards generated by hundreds or thousands of vehicles arriving and leaving the events on two lane roads and overpasses?	36-66
How does the project self mitigate the traffic problems caused for those who are trying to simply travel on I-80 which is one of the most heavily traveled highways in the country?	36-67
How does the project self mitigate the increased traffic on residential streets as people try to avoid the freeway gridlock?	36-68

How does the project self mitigate the noise pollution caused by concerts and other special events?	36-69
How does the project self mitigate the environmental impact of up to 36 tons of manure per day?	36-70
How does the project self mitigate the environmental impact of 1440 horses within the city limits if there were to be an outbreak of such illnesses as equine flu or West Nile Virus?	36-71
How does the project self mitigate the impact on EMS responses for Dixon residents especially when there is a tier two or tier three event?	36-72
How does the project self mitigate the impact on the police when there is a major event?	36-73
How does the project self mitigate the impact on other businesses such as Campbell Soup?	36-74
How does the project self mitigate the impact on seasonal produce haulers who are paid by the load and who find themselves stuck in project induced traffic?	36-75
How does the project self mitigate the impact on city of Dixon events such as the May Fair and Lambtown?	36-76
How does the project self mitigate the damage done to the city and its inhabitants by having a gambling facility within its limits?	36-77

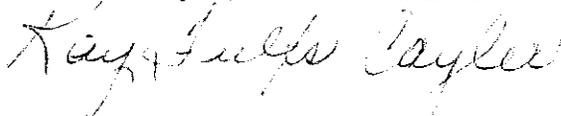
This DEIR deals with a project proposed by a Canadian company with some serious financial problems.

What if they cannot fulfill all of the promises to the city?	36-78
What if they only partially complete Phase 1?	36-79
What if they get the project approved and then sell the property to another racing entity?	36-80
What if they get the project approved and then sell the property to a developer who is not in the horse racing business?	36-81
Could they sell to an Indian tribe so that there might be a casino or even a racino there?	36-82
What if Magna sells Magna Entertainment?	36-83
How dependent is this project on the vision of Frank Stronach?	36-84

This DEIR should be recirculated as two different projects. Phase 1 and Phase 2 are so totally different in scope and purpose that they should not be considered in the same document. The only thing they have in common is the ground on which they will be built. Added to this is the very obvious fact that the planning for Phase 2 is not complete. The DEIR says just that in many different places and actually does not even begin to address the environmental impact of Phase 2.

In order to be honest with the citizens of Dixon this DEIR should be divided into the two phases just as the construction of the project will be divided. To certify an EIR for the entire project at this time is to risk approving something that could even be potentially very harmful to the city. Magna Entertainment is in the gambling business; a business where the odds are always in favor of the house. To approve Phase 2 at this time is to give them a stacked deck, loaded dice or a rigged race.

Submitted by  
 Kay Fulfs Cayler, 30 November 2005





**LETTER 36: Kay Fulfs Cayler**

**Response to Comment 36-1:**

The commenter refers to the City of Dixon General Plan Goal that states “To maintain Dixon’s ‘small town character’.” The EIR does not contain, and is not required to contain, a line-by-line evaluation of the project compared to the goals, policies and action steps of the General Plan. It is the responsibility of the City Council, in considering the merits of the proposed project, to determine if the project is in substantial compliance with the General Plan.

**Response to Comment 36-2:**

As discussed in the Aesthetics Section, 4.1, the racetrack lights are anticipated to be turned off no later than 11 p.m.(see page 4.1-17) and the stadium light adjacent to the track are also anticipated to be turned off by 11 p.m. (see page 4.1-20). In addition, as discussed in the Project Description (see page 3-44) the parking lot lights and lights on the Finish Line Pavilion Building would also be turned off no later than midnight. However, non-race-related events (i.e., concerts) would occur in the evening hours; as a result the Finish Line Pavilion Building may be open until 12:00 midnight or later on any given day of the week to accommodate non-race-related events. The Finish Line Pavilion Building would be lit every day of the year and the lights along the racetrack and in the stadium would only be lit during evening races. Track lighting would be directed, generally, from the perimeter of the track directly onto the track to illuminate the race surface. Parking lot lighting would be directed downward to provide for the safety of those using the facility. For safety reasons, Phase 1 “surface parking” and Phase 2 “structured parking” would have low-voltage lighting on from dusk to dawn, 7 days a week. In addition, the development agreement will contain restrictions on "night glow" and the extent of light cast by the racetrack lights.

**Response to Comment 36-3:**

Please see Response to Comment 36-2.

**Response to Comment 36-4:**

The Finish Line Pavilion building would host a variety of events in addition to night live racing and night satellite simulcast wagering. The Finish Line Pavilion would include restaurants, sports bars, a performing arts center, meeting rooms, and other facilities. The Finish Line Pavilion building would also be available for different types of community events, including anniversaries, business meetings, high school graduations, reunions, etc. The Finish Line Pavilion would be open until midnight on a daily basis. Racetrack lights would be used primarily to accommodate night racing. Night racing typically occurs between dusk, approximately 7:00 p.m. and midnight or 12:00 p.m. Track lights would be shut off shortly after the final day race, unless there is night racing. It is anticipated that the lights from the interior of the building would be shielded by the building design and would not create an impact to either residents living on Vaughn Road or traveling along I-80. Please see Response to Comment 36-2, above.

**Response to Comment 36-5:**

Lighting proposed as part of Phase 2 would meet the requirements set forth in the Dixon Downs Permitted Uses, Development Standards & Design Guidelines. In addition, the City will review plans for

Phase 2 to ensure they meet all City requirements as well as the Dixon Downs Permitted Uses, Development Standards & Design Guidelines.

**Response to Comment 36-6:**

The project applicant would like to get the entire project site entitled for development at this time. As described in the Project Description, the Draft EIR analyzed preliminary plans for Phase 2 to allow the project applicant flexibility to adapt the design of subsequent sub-phases to meet market demands. The Dixon Downs Design Guidelines include specific design parameters for Phase 2 even though the buildings have not yet been designed. These design parameters include the development standards relative to the maximum height as well as other elements. All new development associated with Phase 2 would be required to conform to the design parameters defined in the Design Guidelines. The City Council will ultimately consider, and then approve or deny, the project submitted by the applicant.

**Response to Comment 36-7:**

Depending upon the market it is possible, although unlikely, that construction of Phase 2 would not begin for twenty years. However, as the various elements of Phase 2 are designed design review and approval would be required by the City. Such an application would be accompanied by a detailed site plan, elevations and perspective drawings for the land use that is the subject of the application. The City would ultimately determine if the project is consistent with the direction of the City at that time.

**Response to Comment 36-8:**

The project applicant could sue the City at a later date if the City does not grant an entitlement that was previously approved. One of the primary characteristics of a development agreement is that the right to proceed is “vested” in the developer, and the City (in return for whatever else is bargained for in the agreement) loses its right to undo the entitlements granted.

**Response to Comment 36-9:**

Please see Response to Comment 36-8.

**Response to Comment 36-10:**

Please see Response to Comment 34-149.

**Response to Comment 36-11:**

Please see Response to Comment 35-105.

**Response to Comment 36-12:**

Vendors at special events are required to collect sales tax from their customers in the same manner as permanent retailers. The amount varies depending on the amount of the sales.

**Response to Comment 36-13:**

Please see Response to Comment 35-105.

**Response to Comment 36-14:**

Please see Response to Comment 35-111.

**Response to Comment 36-15:**

Please see Response to Comment 35-111.

**Response to Comment 36-16:**

It is anticipated that the development agreement would define that the Phase 2 facilities are not part of the racing facility, and the ownership interests in Phase 2 not be held by the same entity as has the horse racing license. The City is obligated to consider and approve or disapprove plans submitted by an applicant.

**Response to Comment 36-17:**

Please see Response to Comment 34-62.

**Response to Comment 36-18:**

The net positive fiscal impact of the project is anticipated to be much greater than the costs of services, despite the limitations of the Tucker bill. In general, the land use carrying the greatest net negative fiscal impact is residential; commercial or industrial land uses carry the greatest net positive fiscal impact. Specific amounts are included in the Fiscal Impact Analysis available for review at the City offices or on the City's website.

**Response to Comment 36-19:**

Please see Response to Comment 35-36.

**Response to Comment 36-20:**

All City impact fees would apply to this project.

**Response to Comment 36-21:**

Development mitigation or impact fees are not prohibited by the Tucker bill. With respect to taxes, please see Response to Comment 34-149.

**Response to Comment 36-22:**

The Dixon Police Department reviewed the Draft EIR and Mitigation Measure 4.9-1(a) (see page 4.9-7) requires that the project applicant prepare a Major Event Management Plan (to the satisfaction of the

City) in coordination with the City of Dixon that includes standards and criteria addressing public health and safety, parking, traffic management, hours of operation, event access, crowd control, and waste management. The City's police department would be involved in reviewing this plan to ensure it is satisfactory.

**Response to Comment 36-23:**

As stated on page 4.9-4 of the Draft EIR, The City of Dixon has an events ordinance (Dixon City Code Article I, section 14G.1, *et seq*) that addresses public safety requirements for large gatherings. However, the ordinance only applies to public events on public streets, and would not apply to the Proposed Project because the events would be at a privately owned facility and not on a public street. As discussed above in Response to Comment 36-22, the project applicant would be required to prepare a Major Event Management Plan to address public safety associated with large events.

**Response to Comment 36-24:**

The City can approve a special ordinance, if necessary.

**Response to Comment 36-25:**

It is anticipated that the development agreement would contain at least some regulations relating to special events (i.e., nature, time, size, frequency, costs, etc.). The City may not later pass an ordinance which would contradict or restrict those matters approved in the development agreement. Non-conflicting regulations could be added at a later date.

**Response to Comment 36-26:**

As discussed in the Draft EIR, these services would likely be contracted on an event basis, not by adding additional staff to the police department. If staff from the Dixon Police Department were required to be hired to assist in large events all fees would be paid by the project applicant.

**Response to Comment 36-27:**

For special events at the Dixon Downs Racetrack and Entertainment Center, the project would be required to pay for additional support from the Dixon police department.

**Response to Comment 36-28:**

A discussion of traffic impacts associated with the project is included in Section 4.10, Transportation and Circulation. The traffic study analyzed a Tier 1, Tier 2, and a Tier 3 event and identified any impacts. As discussed under Impact 4.10-1, under Phase 1 a Tier 1 event would not result in any traffic impacts to nearby intersections. Under Phases 1 and 2 there would be a significant and unavoidable impact identified at the A Street/First Street intersection. Under a Tier 1 event the contribution of traffic on I-80 under both Phase 1 and Phases 1 and 2 would be considered a significant and unavoidable impact. All feasible mitigation measures have been included, but would not be able to reduce the significance of the impact to a less-than-significant level.

Under a Tier 2 or Tier 3 event impacts to intersections and I-80 would all result in significant and unavoidable impacts.

**Response to Comment 36-29:**

During large events there may be the need for additional security to be provided by the California Highway Patrol (CHP). The Draft EIR discusses the impacts of the project on traffic congestion and its repercussions to police services in Section 4.9. The City acknowledges the concern of the CHP and this comment will be considered by the City Council as part of its deliberations on this EIR. The CHP is a state agency and is funded through the state.

Please see Response to Comment 5-1.

**Response to Comment 36-30:**

Please see Response to Comment 36-29, above.

**Response to Comment 36-31:**

The general land uses are known at this time for Phase 2 which include a 250,000 square foot (sf) hotel/conference center, 750,000 sf of retail uses and 200,000 sf of office uses, along with parking facilities to serve these land uses. The project applicant proposes to allow up to 200,000 sf of building floor area to be transferred between retail and office uses. Accordingly, if 200,000 sf of retail is developed as office, the project would buildout with 550,000 sf of retail and 400,000 sf of office; alternatively, if all 200,000 sf of office is developed as retail, the project would build out with 950,000 sf of retail and no office square footage. Phase 2 uses would not exceed a maximum of 1.2 million square feet (msf) of development. Future development of Phase 2 is required to comply with the Dixon Downs Permitted Uses, Development Standards & Design Guidelines. In addition, development of Phase 2 land uses would require an application for design review approval. Such an application would be accompanied by a detailed site plan, elevations and perspective drawings for the land use that is the subject of the application.

Phase 2 is presented as a conceptual design to allow the project applicant flexibility to adapt the design of subsequent sub-phases to meet market demands. For example, if there is a greater demand for retail uses versus office uses, the amount of retail space would increase (not to exceed a maximum sf of 950,000 sf) while the total amount of office use would decrease, providing the total developed building floor area stays within the allowable 1.2 msf. The Design Guidelines would include specific design parameters for Phase 2 even though the buildings have not yet been designed.

As discussed in the Project Description, for purposes of evaluating the environmental impacts of Phase 2, the project has been defined in terms of the mix of land uses and the development standards and criteria established by the Design Guidelines. The Development Agreement, however, would allow square footage to be transferred between uses without triggering further environmental review provided that the development standards and criteria of the Design Guidelines are met and the mix of uses does not exceed the thresholds quantified in this EIR. This would include traffic demand (in terms of p.m. peak hour trips), water demand (in terms of gallons per day), and sewer demand (in terms of million gallons per day) that is equal to or less than the demand generated by the mix of uses assumed for the purpose of evaluating the environmental impacts of the project addressed in this EIR.

**Response to Comment 36-32:**

It is anticipated that the City would review the adequacy of the EIR to consider whether the environmental impacts associated with Phase 2 have been adequately described in light of more specific design information. Providing the impacts do not exceed the thresholds established in the EIR, as discussed above in Response to Comment 36-31, there would be no need to conduct additional environmental review.

**Response to Comment 36-33:**

The City's consultant, Organizational Effectiveness Consulting evaluated this issue in their report. None of the comparative jurisdictions reported any nexus between crime that occurs in the community and the wagering at the racetrack. On the other hand, those jurisdictions do not have a method of capturing such data. Hence, some crime may occur that is somehow related to the racetrack but does not reach a level sufficient to create a community concern. As discussed on page 28 of the Public Safety Report (June 2005):

Dixon police officials and some community members have expressed some concern about the impact on the community in general. Those concerns included severe traffic congestion, housing shortage, crime perpetrated by horse track employees and those attending events.

Based on interviews with police and racetrack officials at other locations, there does not appear to be much need for concern. In fact, the consultants were somewhat surprised to learn from police officials that track employees rarely cause problems in the community. They indicate that the racing facilities closely monitor its employees, and all must be licensed by the California Horse Racing Board (CHRB). This licensing requirement gives the racetrack officials considerable leverage over employees and can suspend or revoke the license of any employee who commits crimes, disturbs the peace or otherwise engages in disorderly conduct.

The track officials and police agencies report that most of the backstretch employees who live on-site do not often venture off the premises.

A copy of the report is available for review at the City offices or on the City's website.

**Response to Comment 36-34:**

None of the comparative jurisdictions reported any domestic violence incidents that were associated with gambling losses at the racetrack. On the other hand, most jurisdictions do not have a method of capturing such data. Therefore, some incidents may occur that are somehow related to wagering at the racetrack but would not reach a level sufficient to create a community concern.

**Response to Comment 36-35:**

None of the comparative jurisdictions identified any embezzlement in their communities, which were associated with supporting a gambling debt or habit incurred at the racetrack in their jurisdiction. On the other hand, most jurisdictions do not have a method of capturing such data. Therefore, some crime may occur that is somehow related to wagering at the racetrack but would not reach a level sufficient to create a community concern.

**Response to Comment 36-36:**

Bankruptcies were not addressed by the City's consultant; however, none of the comparable jurisdictions reported any nexus between bankruptcies and wagering at the racetracks.

**Response to Comment 36-37:**

In all of the research completed by the City's consultant, no detrimental impact on a community's quality of life was identified.

**Response to Comment 36-38:**

A thorough analysis of Tier 1, Tier 2 and Tier 3 events is included in Section 4.10, Transportation and Circulation of the Draft EIR. Please see also Response to Comment 36-28. A thorough evaluation of project impacts on I-80 was conducted. Impacts under existing and cumulative conditions were identified and mitigation measures were recommended. The permit process required for Tier 2 or Tier 3 events would address emergency services issues in regards to adjacent roadways. Please see Response to Comment 30-40.

**Response to Comment 36-39:**

There is always the potential for any number of scenarios to occur. However, an EIR is not required to address all the possible scenarios that could occur because it would be too speculative. Section 15146 of the State CEQA Guidelines expressly states that when the lead agency finds an environmental issue to be speculative, it should stop the analysis. The project applicant would be required to prepare a Major Event Management Plan to address access into and out of the facility during large events. Please see Responses to Comments 36-22, 43-24, and 43-25 for more detail on what is included in the Major Event Management Plan.

**Response to Comment 36-40:**

Section 4.10, Transportation and Circulation, addresses traffic impacts associated with the Proposed Project. As discussed under Impact 4.10-3 on page 4.10-80, the project would adversely impact operations on I-80. Mitigation Measure 4.10-3(b) identifies the construction of an auxiliary lane on I-80 in each direction that begins at Pedrick Road and extends easterly for about 0.5 miles to conform to the existing eight-lane section of I-80 (west of Kidwell Road). This improvement would be required under Phase 2 of the project. Please see also Master Response TRAFF-1.

**Response to Comment 36-41:**

The project applicant is required to provide their fair-share contribution to any upgrades or improvements to I-80. As part of Phase 2 Mitigation Measure 4.10-3(b) requires that the project applicant construct an auxiliary lane in each direction of I-80 that begins at Pedrick Road and extends easterly for about 0.5 miles to conform to the existing eight-lane section of I-80 (west of Kidwell Road). Please see Master Response TRAFF-1.

**Response to Comment 36-42:**

Impacts to the I-80/Pedrick Road and I-80/North First Street interchanges were identified. Please see the Impacts and Mitigation Measures section for the type of impact and recommended mitigation included in Section 4.10. The analysis also considered the use of alternative routes, particularly during periods when I-80 is congested. Please see Master Response TRAFF-2 for improvements at the I-80/Pedrick Road interchange.

**Response to Comment 36-43:**

The concerns raised by the commenter are noted and forwarded to the decision-makers for their consideration. Please see also Responses to Comments 35-75, 35-76, 35-77 and 36-68.

**Response to Comment 36-44:**

The Master Safety Plan would address a variety of incidents including such events as earthquakes, fires, and bomb threats. The Safety Impact Report (June 2005), available for review at the City offices or on the City's website states the following:

**Recommendation 12 – Safety Officer**

- Require the racetrack to provide and maintain one full time management employee qualified and trained to manage all emergency related issues, conduct self-inspections, communicate with public safety, prepare and maintain emergency plans and coordinate special events. Security staff and or other day to day on duty personnel should be trained to carry out Emergency Operations Plans, observe unsafe conditions and monitor the day to day conditions of fire protection equipment and exit ways.

**Recommendation 20 – Emergency Operations Plan**

- Require the facility to develop and maintain an Emergency Operations Plan, agreed upon by the City that addresses the issues in Appendix III, Master Safety Elements List prior to operation.

Page 1 of Appendix III, of the report states the following:

**RECOMMENDED MASTER SAFETY PLAN ELEMENTS**

This plan should include the following elements, at a minimum:

- Fires and/or Explosions
- Medical Emergencies
- Handling and Disposal of Combustible Materials
- Evacuation Plan
- Release of hazardous substance
- Civil Disturbances
- Labor disruptions
- Extreme weather conditions
- Earthquakes
- Bomb and other Terrorism threats
- Traffic Mitigation Plans
- Parking Management Plans

- General Crime (Robbery, aggravated assaults, disturbance of the peace and disorderly conduct, etc.)
- Traffic Accidents

**Response to Comment 36-45:**

All of the facilities constructed as part of the project would be built in compliance with the Uniform Building Code, Uniform Fire Code, and all applicable City building code requirements. All of the facilities must comply with the newest and latest building standards which are specifically designed to address the issue of safe evacuation. Ongoing inspections by both the racetrack's safety personnel and the City of Dixon would insure the requirements are met during construction, and continue to be met during operation.

The Safety Impact Report (June 2005), available for review at the City offices or on the City's website addressed these issues as stated below:

**Recommendation 12 – Safety Officer**

- Require the racetrack to provide and maintain one full time management employee qualified and trained to manage all emergency related issues, conduct self-inspections, communicate with public safety, prepare and maintain emergency plans and coordinate special events. Security staff and or other day to day on duty personnel should be trained to carry out Emergency Operations Plans, observe unsafe conditions and monitor the day to day conditions of fire protection equipment and exit ways.

**Recommendation 19 – Construction Requirements**

- Require all construction to meet the requirements of City Codes such as the Building Code, National Electric Code, NFPA Life Safety Code and the Fire Code with amendments and conditions recommended in this section.

**Response to Comment 36-46:**

Time necessary to evacuate varies by both event size and type. Section 4.5, Hazardous Materials and Public Safety includes an analysis of emergency evacuation under Impact 4.5-4 on page 4.5-17. The project applicant would be required to prepare a Master Fire, Safety and Security Plan in coordination with the City of Dixon. The plan would be prepared by a qualified consultant with experience in emergency preparedness and response planning. The plan would address individually and collectively each type of event that could occur in project facilities and credible accident scenarios. It should also be noted that security personnel would be trained in the most efficient methods of conducting evacuations. Please see Responses to Comments 36-44 and 36-45 above.

**Response to Comment 36-47:**

Please see Response to Comment 36-46, above, as well as Responses to Comments 36-44, 36-45, and 43-25.

**Response to Comment 36-48:**

Such incidents are addressed in the June 2005 Safety Impact Report. As stated on page 1 of Appendix III this information will be included in the Master Safety Plan prepared for the project. Natural disasters can occur anywhere, and are not triggered by a particular venue. Contemporary building codes will significantly mitigate the damage associated with an earthquake at this facility, and those in attendance will have adequate avenues of exit.

The opinion and concerns of the commenter is noted and forwarded to the decision-makers for their consideration.

**Response to Comment 36-49:**

The Draft EIR finds in Impact 4.8-4 that concert events held at the proposed racetrack could produce maximum noise levels that could exceed standards found in the Dixon City Code. The comment refers to the possibility of a policy that could regulate this type of noise. This policy already exists. It is the noise ordinance in the City's Code. The City has the responsibility for enforcing the provisions of the City Code. As such, the legal mechanism already exists to regulate noise sources, such as concert events, within the City limits and to require compliance with existing City Code provisions. Events at the May Fair are not subject to City noise regulation because the grounds are owned by the State of California and are therefore exempt from such regulation.

**Response to Comment 36-50:**

The Draft EIR includes a discussion of fire and emergency responders on pages 4.9-10 through 4.9-19. As discussed under Impact 4.9-4, the Proposed Project could result in the degradation of fire response times and service ratios, resulting in the need for additional personnel and/or equipment. This was determined to be a potentially significant impact with development of Phase 1 as well as Phases 1 and 2 combined. As discussed under Impact 4.9-4 Phase 1 and 2 of the Proposed Project:

“...would likely generate 83 fire/EMS responses, if 950,000 square feet of retail uses were developed approximately 105 emergency responses would occur. This would result in a 4 to 5 percent increase over current conditions.<sup>16</sup> The public safety report concludes the need for one additional fire prevention staff to meet the combined demand from Phases 1 and 2 (an estimated 65 to 170 additional emergency calls), primarily due to the lack of specifics regarding Phase 2 uses. This analysis concluded that the increase in emergency calls would be a potentially significant impact.<sup>17</sup>”

A number of mitigation measures are required to address the increase in demand on fire and emergency personnel. Compliance with the required mitigation measures would reduce the impact to a less-than-significant level by requiring payment of appropriate fees and implementation of other emergency safety measures. The analysis included in the Draft EIR is adequate to address impacts to fire and emergency personnel.

Please see Master Response TRAFF-1 regarding traffic concerns.

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16 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 42.

17 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 43.

**Response to Comment 36-51:**

The project applicant would be required to pay their fair share contribution to fund additional fire (including emergency medical) and police protection services. The project applicant is required to pay fees, as required by the City to address the need to purchase new equipment and hire more personnel. Please see Section 4.9, Public Services for more details on the required fees.

**Response to Comment 36-52:**

The project would generate many different sources of tax revenue, which are collected at different times. For example, property taxes are collected by the County twice a year and disbursed to cities twice a year; other taxes may be collected monthly, quarterly, or annually.

**Response to Comment 36-53:**

The city's existing emergency response equipment and personnel is adequate to address emergency response during the construction phase of the project. The City does not have any special requirements pertaining to the provision of emergency response equipment during project construction activities. The existing equipment and personnel is adequate to address any emergency situations that may occur during project construction. Please see Response to Comment 30-40, above.

**Response to Comment 36-54:**

If manure cannot be removed from the transfer station to an off-site destination the manure would remain at the transfer station for no longer than 48 to 72 hours.

**Response to Comment 36-55:**

The Manure Transfer Building (on-site collection point) is designed to store approximately one day of waste assuming full occupancy with additional storage capacity available in the covered containers located in each barn. Please see Responses to Letter 33 and 34 and Response to Comments 29-31 and 209-210.

**Response to Comment 36-56:**

Depending on how many horses are currently housed on-site at that time there could be capacity for one day or multiple days. Planning for natural disasters would be covered by a Master Fire, Safety and Security Plan in coordination with the City of Dixon. Please see Response to Comment 36-46.

**Response to Comment 36-57:**

The project includes back-up generators in case of a power outage.

**Response to Comment 36-58:**

Please see Response to Comment 36-46.

**Response to Comment 36-59:**

As discussed in the Draft EIR under Impact 4.9-7, if necessary, the soiled bedding and manure would be transferred to the Hay Road Landfill for disposal. However, the project applicant is intending for all the soiled bedding and manure to be transferred to a permitted composting facility. Please see also Response to Comment 33-24.

**Response to Comment 36-60:**

The Hay Road Landfill has indicated that they would accept the soiled bedding and manure if a composting facility is not available. Because landfills are subject to stringent federal and state requirements that oversee the proper disposal of a variety of items it is assumed the Hay Road Landfill would comply with any requirements that pertain to the proper disposal of manure and soiled bedding to minimize or eliminate bacterial growth.

**Response to Comment 36-61:**

It is not known what impact the potential growth of bacteria would have on the surrounding area. It is assumed the Hay Road Landfill would comply with all federal and state requirements and bacteria would not be an issue.

**Response to Comment 36-62:**

The comment is referencing the applicant's project objectives, as stated on page 6-3 of Chapter 6, Alternatives. As mentioned previously, the project applicant has proposed a set of project objectives that they would like to see the project attain. The project is required to pay their fair-share of costs, as determined by the City, associated with constructing required infrastructure improvements.

**Response to Comment 36-63:**

Please see Responses to Comments 19-11 and 19-12 regarding the issue of addressing socioeconomic issues in an EIR. To address some of the other issues associated with the project separate reports were completed and made available both on the city's website and at the city offices. Economics Research Associates prepared "An Assessment of Potential Social Impacts of the Proposed Dixon Downs Project" that addresses the issue of gambling. For more information, copies of the report are available for review at the City offices or on the City's website.

**Response to Comment 36-64:**

The commenter refers to one of the applicant's stated project objectives, stated on page 6-4 of the Draft EIR as "[t]o provide a self-mitigating project, whereby mitigation measures are incorporated in the project design so as to minimize the project's environmental impacts." As is reported in the Draft EIR, there are several features of the Proposed Project that effectively mitigate the potential for future on and offsite impacts. Examples of this include the design of the storm drainage system that eliminates upstream and downstream drainage effects, the inclusion of parking adequate to meet demand for Phase 1 and Phase 2 uses, the handling and transport of horse waste materials from the site, and the like. The Draft EIR also identifies several impacts that are not fully mitigated through the project design, and

where available, identifies additional mitigation measures that could be incorporated into the project to avoid or lessen environmental impacts.

**Response to Comment 36-65:**

Due to the nature of the project there are aspects that cannot be fully mitigated to eliminate the impact. The project would require vehicle and truck trips associated with employees, vendors and patrons accessing the site. The Proposed Project, both Phase 1 and Phase 2, would provide on-site facilities (e.g., bus turnouts, shelters) to accommodate transit use. City of Dixon General Plan Policy VI.E.3 encourages the City to continue to develop and expand the local transit system. It also requires that new development be designed to maximize the use of public transit where feasible. In addition, Mitigation Measure 4.10-3(a) includes Transportation Demand Management (TDM) strategies to reduce the number of single-occupant vehicle trips generated by the project during the Sunday p.m. peak hour. Examples include: preferential parking (or other incentives) for carpools/vanpools, a shuttle that operates between the site and the planned multi-modal station in downtown Dixon, strategies to encourage shoppers/race patrons to use public transit, and post-race activities that keep attendees on-site.

The use of buses to transport employees and patrons to the site would help to offset the number of vehicles accessing the site; however, because Dixon is an auto-oriented community and not conducive to mass transit it is unlikely the use of transit would make a significant contribution to reducing the number of automobiles and trucks.

**Response to Comment 36-66:**

As discussed in Section 4.10, Transportation and Circulation, of the Draft EIR there are a number of mitigation measures included that address the surrounding roadway infrastructure. It was difficult for the project to include these infrastructure improvements as part of the project because until the traffic analysis was conducted it was not known what the impacts would be. However, the project is required to implement all feasible mitigation measures to offset or eliminate any of the significant impacts identified.

**Response to Comment 36-67:**

Mitigation Measure 4.10-3(b) would require the construction of auxiliary lanes in the east and west-bound directions of I-80 between Pedrick Road and Kidwell Road, east of the project site. This would effectively widen I-80 from three lanes in each direction to four lanes in each direction in the affected portion. These additional lanes would be available for use by any vehicle traveling on that portion of I-80. Please see Response to Comment 36-66.

**Response to Comment 36-68:**

Chapter 4.10, Transportation and Circulation, identifies a range of measures to reduce congestion on local streets. Nonetheless, the most substantial “self mitigation” of traffic on residential streets is due to the location of the proposed project, near two interchanges with I-80. Because vehicles can travel from I-80, the primary regional transportation facility in Solano County, to the project site without traversing local residential streets through residential neighborhoods, the vast majority of impacts that could occur to residential streets if the project site was located further from I-80 would be avoided. Please see Response to Comment 36-66.

**Response to Comment 36-69:**

The exposure of residents to noise is largely a factor of the amount of noise generated and the distance to local residences. The location of the project site in the northeast corner of the City of Dixon largely mitigates any potential noise effects of the project on Dixon's residential neighborhoods.

**Response to Comment 36-70:**

The project has proposed a Manure Management Plan that calls for the elimination of the project horse manure from the project solid waste stream. The Manure Management Plan is included in Appendix E to the Draft EIR. Please see Impact 4.9-7 for a discussion of the methods that are proposed to manage and mitigate the effects of horse manure production on the project site.

**Response to Comment 36-71:**

The manure management measures that are described as part of the Proposed Project would be intended to substantially lessen or avoid the conditions that could occur that could contribute to unhealthy conditions for humans or horses on the project site. Please see Impact 4.5-2 for a discussion of potential disease hazards associated with horse wastes and bedding materials and vectors.

**Response to Comment 36-72:**

The project applicant would prepare a Master Fire, Safety and Security Plan that would describe security measures to be taken for any large event, and which would be subject to approval by the City of Dixon police and fire departments (see pages 3-31 and 3-32 of the Draft EIR). As is described on pages 3-32 and 3-33 of the Draft EIR Project Description, the project applicant would provide health stations, including emergency services, during large events, especially if the infield were used for visitor entertainment. Further mitigation of potential effects to EMS is described in the discussion of Impact 4.9-4 in the Draft EIR.

**Response to Comment 36-73:**

Please see Response to Comment 36-72.

**Response to Comment 36-74:**

The project would largely avoid impacts to the Campbell's canning facility through the timing of racing seasons (which would largely avoid the summer harvest period) and through construction of improvements to Pedrick Road and the Pedrick Road/I-80 interchange. Please see Comment Letter 21 and responses.

**Response to Comment 36-75:**

Please see Response to Comment 36-74.

**Response to Comment 36-76:**

There are no known environmental effects, subject to consideration in an EIR, that would adversely affect the May Fair and Lambtown.

**Response to Comment 36-77:**

There are no known environmental effects, subject to consideration in an EIR, that are related to pari-mutuel betting that occurs in the Finish Line Pavilion, other than those effects disclosed in the Draft EIR. Environmental impacts identified in the Draft EIR are mitigated to the extent possible as indicated in the MMP. To the extent there are significant impacts following mitigation, the Council would be required to state what it deems to be overriding considerations prior to approval of the project. Mitigation has been identified to the extent feasible and available.

**Response to Comment 36-78:**

In 2000 MEC became a public company following the distribution of MEC shares to Magna International, Inc. shareholders.

MEC operates in three primary countries: U.S.A., Canada and Austria with over 5,000 employees and a dozen racetracks. Total assets are near \$1.5 billion and revenues through years 2000 to 2004 grew from \$413 million to over \$730 million.

The Development Agreement defines the rights and obligations of both the City and the applicant with respect to the use and development of the Dixon Downs property. The Development Agreement is a contract that will bind both the City and applicant to perform consistent with its terms and conditions. The Development Agreement will also specify the consequences if either the applicant or the City fail to fulfill their respective obligations pursuant to the Agreement's terms and conditions.

**Response to Comment 36-79:**

The project is proposing to construct Phase 1 as a single integrated project. All of the elements of Phase 1 are required to be constructed; however, the project applicant may defer construction of a portion of the capacity in the barns and residential quarters if such capacity is not needed to accommodate initial occupancies.

**Response to Comment 36-80:**

The project applicant does not intend to sell the property to another entity if the entitlements are approved. In addition, if the project is approved and a Development Agreement is recorded against the property, the City would require that if the property were to be sold, any use or development of the site would have to be consistent with the approved land use entitlements.

**Response to Comment 36-81:**

Please see Response to Comment 36-80.

**Response to Comment 36-82:**

Please see Response to Comment 36-80.

**Response to Comment 36-83:**

MEC is a publicly traded company. It is not owned by MAGNA International.

**Response to Comment 36-84:**

According to the project applicant, Frank Stronach's vision for a network of horse racetracks and destination entertainment venues is a shared vision of the MEC Board of Directors and senior management.

**Response to Comment 36-85:**

The Draft EIR evaluates the project as proposed by the applicant. Since the applicant has requested approval of both Phase 1 and Phase 2, the EIR is required to consider both phases of the project. However, the EIR does separately account for the effects of just Phase 1 versus the combined effect of Phase 1 and 2. CEQA requires the evaluation of the entirety of a project rather than a piecemeal approach so the entirety of the impacts are not understated. To the extent that Phase 2 is still undefined, further CEQA review may be required once Phase 2 (or a portion) is submitted to the city for review and approval.

**Response to Comment 36-86:**

The commenter's concern is noted and forwarded to the decision-makers for their review.

## Dixon Downs Project Comments

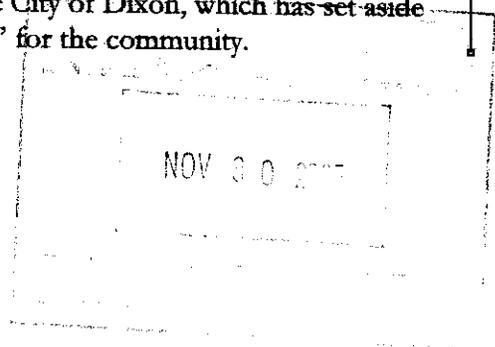
The Dixon Downs project poses immitigable impacts which do not benefit the community to an extent allowing the impacts to be considered or overridden. In its essence, Dixon Downs is nothing more than a gambling facility hiding behind the façade of a horse training-racing facility offering limited family-worthy entertainment venues for the citizens of Dixon. If the Dixon Downs project were allowed to go forward, the community of Dixon would suffer significant and unavoidable environmental impacts, which do not justify the risk involved with the project.

The list of significant and unavoidable impacts is long:

- Impact 4.2-1, Phase 1, Phases 1 and 2 for Nitrogen Dioxide: Emissions associated with construction of Phases 1 and 2 would exceed Yolo-Solano Air Quality Management District thresholds of significance for nitrogen dioxide, even with the implementation of mitigation measures. 37-1
- Operation of Phase 1 racetrack and gambling facility combined with Phase 2 construction would generate emissions of Reactive Organic Gases and NoX exceeding Yolo-Solano Air Quality Management District thresholds of significance on large event days; additionally these impacts would be cumulative and ongoing, further degrading the air quality on a long term basis for area residents. Particulate matter, PM10, would also degrade air quality during construction of Dixon Downs and would have an additional cumulative impact effect for Dixon residents. 37-2
- Large events such as concerts could increase noise levels in the vicinity of the project site exceeding Dixon Noise Ordinance Zoning for standards covering nearby residential areas. 37-3
- Dixon Downs Tier 1 events would cause unacceptable traffic congestion at A and First streets; Interstate I-80, and nearby roadways would undergo traffic loadings that will be intolerable to drivers. 37-4
- Dixon Downs Tier 2 and 3 events would also cause intolerable traffic conditions at all major roadways, interchanges, and the I-80 corridor near the project location. 37-5
- The heavy use of Pedrick Road by agricultural vehicles including large trucks will be in conflict with vehicle and truck traffic related to the Dixon Downs site, resulting in unsafe driving conditions. 37-6
- The increase in vehicle traffic will cause significant pooling of vehicles at level grade railroad crossings in Dixon, adding further congestion and intolerable conditions for motorists. 37-7
- Dixon Downs will result in the need to expand the wastewater facilities at a cost of tens of millions of dollars, requiring the conversion of large tracts of agricultural land to wastewater treatment facility uses. The stated amounts of additional treated wastewater capacities in the DEIR are not reliable since any additional treatment credits must be agreed to by the Regional Water Quality Board per the agreement by which Dixon must abide in order to acquiesce to the most recent cease and desist order brought against the City of Dixon by the board. 37-8

Furthermore, the requested zoning changes and entitlements by the Dixon Downs applicant to accommodate the project would also have a substantial negative impact to the community, resulting in the loss of an estimated 2,000 jobs that otherwise would be realized at build-out under current zoning for the project area. The economic loss to the community and surrounding area would exceed \$300 million dollars, a price Dixon residents cannot afford for the sake of a gambling enterprise. Additionally, any loss of jobs through zoning changes would be in direct conflict with the current General Plan for the City of Dixon, which has set aside the Northeast Quadrant and Dixon Downs project area as a "job center" for the community. 37-9

John Rosenberger  
 1460 Georgia Ct  
 Dixon CA 95620



**LETTER 37: John Rosenberger**

**Response to Comment 37-1:**

As discussed in the Draft EIR, the peak construction emissions of ROG and NO<sub>x</sub> are estimated to be 2,506.78 lbs/day and 344.41 lbs/day, respectively which would exceed the current thresholds. Even with mitigation the impact would remain significant and unavoidable.

**Response to Comment 37-2:**

Please see Response to Comments 27-1, 33-6, and 33-12 for discussions of why operational particulate matter would not substantially affect receptors in the vicinity of the Proposed Project.

**Response to Comment 37-3:**

The Draft EIR discloses that the Proposed Project would create noise, especially during large events. However, please see Response to Comments 35-161 and 35-164 for an explanation of how existing local regulations would regulate noise levels during these events.

**Response to Comment 37-4:**

Impacts 4.10-1 through 4.10-3 in the Draft EIR identify the impacts of Tier 1 events on the surrounding transportation system. The A Street/First Street intersection would worsen to LOS D during the Sunday p.m. peak hour with Phase 1 and 2 with a Tier 1 sold-out event. Since no mitigation is available, this impact was considered significant and unavoidable.

**Response to Comment 37-5:**

Tier 2 and 3 events would cause significant impacts in the project vicinity. However, not all roadways and segments of I-80 would be impacted. Further, it is not known whether motorists would consider these impacts “intolerable” as suggested by the comment. Please see Master Responses TRAFF-1 and TRAFF-2 for proposed improvements on I-80 and at the I-80/Pedrick Road interchange.

**Response to Comment 37-6:**

Impacts 4.10-2 and 4.10-6 in the Draft EIR discuss the impacts of the project on Pedrick Road. Mitigation measures are recommended for each impact.

**Response to Comment 37-7:**

Please see Response to Comment 30-50.

**Response to Comment 37-8:**

Conditions of the Cease and Desist Order (CDO) issued by the Central Valley Regional Water Quality Control Board for the City of Dixon Wastewater Treatment Plant (WWTP) are described on page 4.11-28 in the Draft EIR. Planned capacity improvements, which are incorporated into the CDO, are described on page 4.11-31 in the Draft EIR. The commenter did not provide any supporting

documentation that contradicts the amount of planned capacity expansion presented in the Draft EIR or in the CDO. No changes to the Draft EIR are necessary as a result of this comment.

**Response to Comment 37-9:**

The commenter's opinion is noted and forwarded to the decision-makers for their review.

**City Manager**

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**From:** Bruce Danielson [bdanielson@onramp113.org]  
**Sent:** Wednesday, November 30, 2005 4:46 PM  
**To:** City Manager  
**Subject:** Race track

To whom it may concern,

I have lived in the town of Dixon for 15 years and love it here. Everything I love about it will be gone if you allow a racetrack to come in. Please consider the citizens of this town enough to let us vote on this very important very impacting issue. It is after all a democratic land that we live in. Cinnamon Danielson 851 W. A. St. Dixon

38-1



**LETTER 38: Bruce and Cinnamon Danielson**

**Response to Comment 38-1:**

The concerns raised by the commenter and the request to vote on the project are noted and forwarded to the decision-makers for their consideration.



**City Council**

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**From:** Jean Jackman [jjackma@dcn.davis.ca.us]  
**Sent:** Wednesday, November 30, 2005 1:12 PM  
**To:** City Council  
**Subject:** Public Comment to the Draft EIR Dixon Downs Proposed Project

Dear Mayor Courville, Members of the Dixon Council and Members of the Planning Commission:

First, I hope that this is the legal email address for sending this letter. I have made numerous calls to City of Dixon, left messages, been put on hold multiple times for as much as 5 minutes in an attempt to get the correct address. Please forward this to the correct department if necessary.

Though I am a Davis resident, I had the pleasure of meeting with Mayor Courville regarding the megadairy issue. We were in agreement on many concerns because megadairies are regional issues. We both attended numerous meetings. On the megadairy issue, we were at first not really listened to by the Solano County Supervisors. In fact, we were treated rudely, until there was a major pollution spill. Then spill was of liquid cow manure running unchecked into the waters headed toward the Yolo bypass wildlife area, drinking water for people downstream, a fish farm, etc. Then there was a second spill. Solano supervisors started reconsidering megadairies and reversed initial decisions and created new rules to protect the quality of life for concerned citizens.

39-1

Now we are looking again at an issue that should properly be a regional issue: the Dixon Downs proposed racetrack and complex.

I am totally opposed to the project because of loss of prime farmland, air pollution, water usage, growth inducing factors, traffic on an already horrible I-80 corridor, new sources of light and glare,

39-2

increase in crime and the costs associated with that, increase in gambling opportunities, loss of quality of life, loss of a small town character, loss of feeling of community and community control.

39-2  
(con't.)

Recently in Davis, we had our own issue on whether or not to have another 1900 houses. This plan violated our citizen based general plan. Four of five council members were for it and campaigned for the new development. It was proposed by local developers and there were many perks associated with it, more perks than I see being offered to Dixon residents. I fought against the development because of air pollution, level F traffic, loss of quality of life. I didn't think that we who were fighting against it had much of a chance. How surprised I was to find that all but one precinct voted against that development. And the precinct that voted for it, was one of new houses, new people perhaps not as tied in with community values.

39-3

I believe our Davis Council majority was very surprised. I know that I was.

Most people stay in their town because they like it. They do not want it drastically changed.

I have been putting my energies on my own town issues and helping to care for grandchildren, 2 of 3 with severe life threatening asthma. Their parents were both award winning, healthy athletes in Davis and at UC Davis. Yet their kids end up regularly in emergency rooms and intensive care units.

39-4

They appear super healthy one minute and the next they are gasping for air. Many young and old in California are experiencing such problems.

Air pollution is a real concern. I do not feel that it is sufficiently addressed in the draft EIR. There are not air measuring devices in Dixon run by the Yolo-Solano Air Quality Maintenance District. I

39-5

believe that it is important that they take mobile devices and get an accurate measurement of existing air pollution in Dixon, along the I-80 corridor. At the California American Lung Site, the pollution for particulates for Solano County is:

39-5  
(cont.)

From the California American Lung Site...for Solano County  
2005 Report

Grade:

D

Weighted Average:

3.2

Orange Particle Days:

5

Red Particle Days:

3

Purple Particle Days:

0

**PARTICLE POLLUTION - Annual**

2005 Report

Grade:

P

Design Value

11.8

**GROUPS AT RISK**

Pediatric Asthma:

9,639

Adult Asthma:

25,218

Chronic Bronchitis:

11,825

39-6

Emphysema:

4,053

Cardiovascular Disease:

94,545

Diabetes:

18,701

39-6  
(con't.)

Since there are people at risk, I believe a draft EIR should include the number of likely Dixon deaths and regional deaths in the old and young, the at risk people, from the increase in air pollution.

I believe the quality of Dixon air should be monitored and that Magna Entertainment should pay for it. And, if you end up voting for it, Magna should pay to monitor air quality on a continual basis by an independent scientist with severe mitigations for an increase in air pollution.

39-7

I would also like to see the cost of one drunk driving event, in terms of costs for emergency services and court costs to Dixon and the county and other related costs.

39-8

You will be able to avoid having megadairies on your doorstep only because of accidents that occurred that made the supervisors rethink positions. Unfortunately, if you decide FOR the citizens of Dixon, and the regional area, that Dixon should have this impacting racetrack/gambling complex, when the accidents of various kinds happen, it will be too late to stop future impacts.

39-9

Please put it to the vote of your people. Who knows how it will turn out? Our Davis City Council thought they knew what was best. Obviously, the people, voting in private, had another idea. I am so grateful we had that option.

What legacy will you leave your town? What legacy will you leave

your region? What addictions will be fostered if it goes in? How many children stand to suffer from loss of family income due to gambling addictions and asthma due to degradation of air quality. How impotent will town people feel if you make this decision that will affect them all?

39-9  
(con't.)

The breezes that blow in from the Carquinez Straits bring us wonderful cooling relief in the summers in Davis. If you put in the race track, they will also blow your air pollution right into Davis where we already have a D grade in particulate matter. Where is a figure in the draft EIR for how many Davis people will die prematurely as a result of the racetrack?

39-10

Please see the folly of the proposed racetrack. Please vote no, or if you cannot, give it to the people to decide.

39-11

Thank you for giving this your attention. Please make it part of the public record for the response to the draft EIR.

Jean Jackman  
306 Del Oro Ave.  
Davis, CA 95616  
530.756.3484



**LETTER 39: Jean Jackman**

**Response to Comment 39-1:**

The concerns raised by the commenter do not pertain to the Proposed Project.

**Response to Comment 39-2:**

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

**Response to Comment 39-3:**

The concerns raised by the commenter do not pertain to the Proposed Project.

**Response to Comment 39-4:**

The concerns raised by the commenter do not raise a question that can be addressed.

**Response to Comment 39-5:**

The Draft EIR evaluated air quality and the potential for the project to generate air emissions associated with project construction and operation. Please see Section 4.2, Air Quality for a thorough analysis of air quality in the region and the project's potential to increase air pollutants.

**Response to Comment 39-6:**

The information on the status of air quality in Solano County is noted and forwarded to the decision-makers for their consideration. The information provided is consistent with the air quality analysis contained in the Draft EIR and would not change the conclusions of the impact analysis.

**Response to Comment 39-7:**

Conducting an analysis of deaths specifically attributed to an increase in air pollutants is a very difficult task. A specific study would need to be conducted that would be well outside the scope of an EIR.

The Proposed Project would contribute criteria air pollutant emissions. There is no tool available to accurately quantify the potential health impacts from the release of these criteria pollutants. Since many factors come into play when an individual experiences, for example, lung disease or asthma, it is virtually impossible to determine what contribution, if any, the Proposed Project would contribute to that health effect (e.g., lung disease or asthma). Any attempt to monitor air pollution levels in the Dixon area would entail monitoring the ambient air quality. The ambient air quality would be influenced by many sources, including other development in the City of Dixon and traffic on local roadways as well as on I-80. Consequently, air quality monitoring could not assess the Proposed Project's contribution to background pollutant levels, but only overall pollutant levels.

Air quality is currently monitored by the Sacramento Metropolitan Air Quality Management District (SMAQMD). Monitors that collect air quality data are located throughout the Sacramento Valley. The

closest monitoring station to the project site is the Davis – UC Davis Monitoring station, located in Davis on the UC Davis campus.<sup>18</sup> Since the Davis – UC Davis Monitoring Station does not monitor for PM<sub>10</sub>, data from the closest monitoring station, the Woodland – Gibson Road station in Woodland, that monitors PM<sub>10</sub> was used. Since air pollutants are emitted into the atmosphere and can easily travel from one location to another it would be very difficult to determine what air pollutants are directly associated with the Proposed Project. In addition, due to the proximity to I-80 many of the air pollutants would be generated by vehicles traveling along I-80 that would have nothing to do with the project. Short of putting a bubble over the project site it is virtually impossible to know what specific pollutants are associated with the project.

**Response to Comment 39-8:**

The commenter's request to see data detailing the cost to emergency services and court costs associated with drunk driving is not relevant to the project because there is no connection between the uses in the Proposed Project and drunk driving. Therefore, no response is required and this information is noted and forwarded to the decision-makers for their consideration.

**Response to Comment 39-9:**

The commenter's request that the project be put to a vote of the residents of Dixon is noted and forwarded to the decision-makers for their consideration.

**Response to Comment 39-10:**

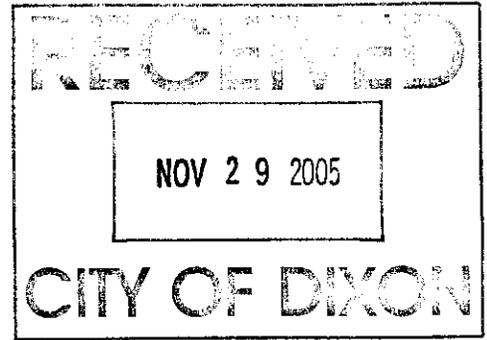
As shown in Table 4.2-5 of the Draft EIR, operational emissions of particulate matter would be approximately 299.15 pounds per day. As shown in Table 4.2-5, particulate matter would be generated by area sources (at the project site) and mobile sources (the cars and other vehicles driving to and from the project site). Only 0.03 pounds per day of particulate matter is actually generated on-site from area sources. Approximately 299.12 pounds per day of particulate matter is generated by mobile sources. These mobile sources generate particulate matter as they drive to and from the project site. Consequently, the particulate matter from one mobile source trip is generated over the course of the entire trip, most of which occurs far from the project site and the City of Davis. Only a small amount of the 299.12 pounds per day of particulate matter from mobile sources would actually be generated in or around the project site and have the potential to be experienced in the City of Davis. It is unrealistic to expect an increase in particulate matter in Davis as a result of the Proposed Project or that the Proposed Project would in any way increase the possibility of premature death of the residents living in the City of Davis.

**Response to Comment 39-11:**

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

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18 CARB website: [arb.ca.gov/aqd/namslams/sv1.pdf](http://arb.ca.gov/aqd/namslams/sv1.pdf).



November 30, 2005

Warren Salmons  
City Manager  
Dixon, CA

Dear Mr. Salmons

Comments on Dixon Downs EIR:

Chapter 2, Summary:

2-1 and 2-2: This section is confusing since it appears to suggest that these impacts are substantial.

40-1

2-6: The Proposed project would result in the need to expand the City's wastewater treatment plant facilities: This section states that the impacts are too speculative and may not be avoidable. This analysis violates CEQA because it leaves to the future to determine the environmental impacts. It is not difficult to evaluate the nature and quantity of waste that would be discharged to the sewer systems and determine the costs and technologies needed to treat the waste. The project description proposes that the waste from the confined animal facility area be discharged to the sewer system. Such waste discharge will require meeting stringent water quality standards that may not be able to be met and subject the City to significant monetary penalties. It is not adequate to leave such analysis to the future. See, for example the Sundstrom case in Mendocino County.

40-2

Chapter 3, Project Description:

3-43: Are confined animal areas to be lined? If not, how will ground and surface water pollution be prevented?

40-3

3-48: States that the goal is to "reinvigorate horseracing". How can this goal be justified? Recently the horseracing facility in San Mateo is closing due to lack of support for horse racing. How is horse racing to be supported in a small populated area if it can't be supported in an area of large population?

40-4

3-48: States that the goal is to build upon the City of Dixon's agricultural heritage: How is that possible when the project involves paving over ag land and creating a hotel/business complex and center for non-ag activities?

40-5

3-48: Another goal of the project is that it would enhance the quality of life for those in Dixon and surrounding region. How is that possible for a project that will by its own description create serious air pollution, traffic, and safety problems that cannot be mitigated?

40-6

3-49: How does a gambling facility complement Dixon's agricultural heritage without bringing increased crime due to gambling and include commercial development that has nothing to do with agriculture? How does a large gambling and commercial complex enhance Dixon other than take away from existing businesses in Dixon and Davis?

40-7

3-61: Discharges to surface water from a confined animal facility does not constitute "non-point source" runoff. A permit that requires treatment of all waste to meet strict water quality standards is necessary. How do they propose to meet those standards?

40-8

#### Chapter 4.11

Page 4.11-28: Confined animal facilities, especially large ones such as the proposed project, generate significant high TDS waste. How will the project prevent further groundwater pollution when it proposes that waste from the animal facility, such as storm water runoff, be discharged to the sewage treatment plant? The Dixon sewage treatment plant is under a cease and desist order from the Central Valley Regional Water Quality Control Board due to groundwater pollution with TDS. How can discharge from the confined animal facility go to the City's sewage treatment plant when it is under order to reduce salt input? How is City's sewage treatment modifications a "separate action" independent of the proposed project when the proposed project could increase the salt load to the City?

40-9

Page 4.11-32: The EIR does not discuss the application of the federal Clean Water Act or the state Porter-Cologne Water Quality Control Act on the facility.

40-10

Page 4.11-36: In addition to the water quality impacts of increased salt load to the City's sewage treatment plant, who will pay for the cost to expand the City's treatment plant to handle the increased load of waste?

40-11

Page 4.11-38: It is improper to put off the environmental analysis of the impacts of the discharges to a later environmental analysis.

40-12

Page 4.11-40: This analysis of the water quality impacts is extremely inadequate. The types of wastes could create significant issues with meeting the City's sewage treatment plant water quality requirements and appears to put the burden on the City and postpone consideration to a later date.

40-13

Page 4.11-41: It is questionable whether the discharges from a large confined animal facility such as this would only "temporarily affect the character of the wastewater". The City already is required to reduce salt loads and this facility would likely increase salt

40-14

loads as well as increase other constituents that are likely to be expensive and difficult to control, such as pesticides and hormones.

↑  
40-14  
(con't.)

Aren't there growth-inducing impacts not covered in the report, as demonstrated in the Economics section?

↑  
40-15

Sincerely,



James R. Humphrey  
175 Pegord  
Dixon, CA



**LETTER 40: James R. Humphrey****Response to Comment 40-1:**

The list included on pages 2-1 and 2-2 of the Draft EIR identifies those specific issue areas listed in the Initial Study that did not result in any potentially significant impacts. Please see the Initial Study included in Appendix A in Volume II of the Draft EIR. The specific wording for each issue is taken directly from the Initial Study so it may seem like there is an impact, but the discussion in the Initial Study explains why there is no potentially significant impact.

**Response to Comment 40-2:**

The commenter is referred to the discussion on pages 4.11-27 through 4.11-45 in Section 4.11, Utilities in the Draft EIR which explains the wastewater flows associated with the project and the mitigation measures. Specific mitigation measures are included that require the City to determine if adequate wastewater treatment capacity is available to serve the project. In addition, the project is required to comply with stringent water quality standards. All of this information and detail is contained in Section 4.11, Utilities.

**Response to Comment 40-3:**

The barn areas are not lined; however, the individual stalls would be lined. This issue is discussed on page 4.11-41 of Section 4.11, Utilities and included below.

As currently planned, the stables in the barn area would be covered, and associated floor drains would capture stormwater in an underground holding tank where it would then discharge to the sanitary sewer system during times when discharges from the project site are low. Directing the barn area runoff to the sewer is a stormwater runoff Best Management Practice (BMP) intended to reduce contaminant loading in stormwater runoff generated at the site (see Impact 4.6-6 in Section 4.6, Hydrology and Water Quality). Runoff from the barn roofs and other areas not exposed to horse wastes and storm flows from the barn area in excess of a 25-year storm event would discharge to the on-site stormwater system.

Process water and runoff from the barn areas could contain inorganic and organic matter associated with animal wastes, bedding, hair, or spilled feed. Generally, the primary pollutants associated with these materials include nitrogen compounds, salts, organic matter, pathogens, and to a lesser extent antibiotics, pesticides, and hormones.<sup>19</sup> These constituents could temporarily affect the character of wastewater entering the WWTP, which has specific effluent quality standards that must be achieved to satisfy the CDO, and future WDR permit for land disposal. If the levels of constituents of concern contributed by the Proposed Project to the WWTP were sufficiently elevated, this could increase the potential for WWTP effluent discharge limits established by the CVRWQCB to be exceeded. However, like in other areas, it is expected that careful handling and use of products containing constituents of concern would minimize the amount entering the sewer. As such, wastewater constituents from these areas are not expected to adversely affect the quality of wastewater leaving the site and entering the City's WWTP. Moreover, periodic sampling for these constituents at the site would need to be performed at the City's discretion as part of a BPTC program required by the new WWTP CDO and future WDR permit when it is issued by the CVRWQCB.

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19 Brown, Vence & Associates, Review of Animal Waste Management Regulations Task 2 Report, October 2003, Final Report-1.

**Response to Comment 40-4:**

The Bay Meadows racetrack located in San Mateo is being redeveloped not because of lack of support for horse racing but rather because the owners of this track determined the land had a higher and better use. Please see Response to Comment 34-36.

**Response to Comment 40-5:**

The decision to designate the Dixon Downs property for development with employment generating and commercial land uses was made by the City of Dixon in 1996 with adoption of the NQSP, long before MEC Dixon purchased the 260-acre site. The project site has been designated and zoned for commercial and industrial development under the NQSP since 1996.

**Response to Comment 40-6:**

The Dixon Downs project, if approved, would bring new construction and permanent jobs to the City of Dixon. In addition, it would provide infrastructure improvements to the NQSP area which has remained essentially underdeveloped for over a decade.

**Response to Comment 40-7:**

Dixon's history with horse racing is over 100 years old. The May fair was the site of one of the earliest horse racetracks in the region. Dixon Downs will bring back the tradition of thoroughbred racing to the City of Dixon. As discussed in Response to Comment 40-5, the project site has been designated and zoned for commercial and industrial development. Since 1996 the City has designated this area for development, which would not complement the City's agricultural roots.

The Dixon Downs Public Safety Impact Report (available for review at the City offices or on the City's website) provides a detailed program to address public safety at the Dixon Downs project. Please see Responses to Comments 36-33, 36-44 through 36-46, and 36-50 regarding impacts to businesses in surrounding communities.

**Response to Comment 40-8:**

Section 4.6, Hydrology, Drainage, and Water Quality includes a detailed discussion of runoff associated with the project and all the regulations that the project is required to follow. The federal Clean Water Act includes very specific requirements for the control of pollution associated with non-point sources. The NPDES permit system was established in the CWA to regulate both point source discharges (a municipal or industrial discharge at a specific location or pipe) and non-point source discharges (diffuse runoff of water from adjacent land uses) to surface waters of the U.S. All of these issues are addressed in Section 4.6.

As noted in the Stormwater Quality Management Plan and the Draft EIR, all stormwater runoff from up to the 25-year 24-hour storm event would be directed to a sanitary sewer system and treated. The barn area facility would be regulated under the Large CAFO NPDES permit. The rest of the site would be considered a non-point source of runoff regulated under the NPDES General Permit.

**Response to Comment 40-9:**

The City's WWTP is under a Cease and Desist Order (CDO) from the Central Valley Regional Water Quality Control Board, as described on page 4.11-28 in the Draft EIR. The CDO sets forth a compliance schedule to assess background groundwater conditions at the WWTP and proposed off-site land disposal areas, and constructs facilities by 2009 that do not degrade groundwater, including salt impacts. Another component of the CDO compliance plan involves limiting the amount of salt entering the City's wastewater stream, which may include lowering the current city-wide Sewer Ordinance limits on salt, limiting the use of salt-discharging water softeners, and, over the long-term, changing at least some of the City's water supply to surface water. The anticipated operational changes would occur regardless of whether the Proposed Project is implemented (Draft EIR, page 4.11-28).

As also stated on page 4.11-38, expansion of the City's WWTP capacity (and the associated wastewater effluent limits to reduce salt) would be needed regardless of whether the Proposed Project is implemented. As stated on page 4.11-31 in the Draft EIR, the potential environmental effects of physical changes to the WWTP would be accomplished as a separate action, independent of the Proposed Project. Therefore, it is appropriate to analyze the potential environmental effects of the WWTP expansion separate from the Proposed Project. The environmental review of the proposed WWTP expansion would consider all sources of wastewater discharges to the plant (including those from the Proposed Project), treatment methods and efficiencies, and the quality of treated wastewater effluent discharged. The Regional Water Quality Control Board would review the technical data along with the environmental document and make an independent determination of any limits or prohibitions that may be imposed on the WWTP to ensure compliance with federal and State water quality protection laws and regulations.

Most of the salt load would be absorbed in the bedding material and transported to a compost facility. Impacts associated with stormwater discharges to the sanitary sewer system are addressed in Impacts 4.11-6, 4.11-7, and 4.11-10. Implementation of the requirements of the CDO would serve to mitigate potential project impacts, as well as existing deficiencies. The NQSP EIR identified Mitigation Measure PS-C to address WWTP capacity issues. Mitigation Measure PS-C requires that permitted capacity be demonstrated prior to issuance of a building permit. A plan and timeline to expand the WWTP to 2.0 mgd, which would accommodate Phase 1 flows, has been developed, and expansion is expected by the end of 2007.

In accordance with the CDO, expansion and WWTP modifications are required, regardless of implementation of the Proposed Project. Therefore, implementation of WWTP modifications and expansion are a separate action and independent of the Proposed Project.

**Response to Comment 40-10:**

Information about the federal Clean Water Act and Porter-Cologne Water Quality Control Act is presented on pages 4.6-10 and 4.6-12 in the Draft EIR, respectively, in Section 4.6, Hydrology, Drainage, and Water Quality. Wastewater discharged from the Proposed Project to the City's WWTP would be treated by the WWTP, which is required to operate according to these two laws and their implementing regulations.

**Response to Comment 40-11:**

The City of Dixon is responsible for paying for the cost of expansion and improvements that are required under the CDO as part of the City's WWTP.

**Response to Comment 40-12:**

The subject of the environmental analysis in the Draft EIR is the proposed Dixon Downs Horse Racetrack and Entertainment Center. Impact 4.11-6 on page 4.11-38 adequately characterizes the physical environmental effects of the Proposed Project's incremental demand on City's WWTP and that such demand would result in the need to expand WWTP capacity. Please see the second paragraph of Response to Comment 40-9 regarding the environmental review process for the City's WWTP as it relates to the Proposed Project.

Potential impacts of discharges are also discussed in sections 4.6, Hydrology, Drainage and Water Quality and 4.11, Utilities (see Impacts 4.11-6, 4.11-7, and 4.11-10, specifically).

**Response to Comment 40-13:**

Potential impacts of the wastewater discharge associated with the Proposed Project are discussed in sections 4.6 and 4.11 (see Impacts 4.11-6, 4.11-7, and 4.11-10, specifically). The City is responsible for determining the amount and type of waste the WWTP can successfully treat while meeting requirements of the CDO and future WDR deemed acceptable by the State and Regional Water Quality Control Boards. Mitigation Measure 4.11-7 would assure that potential impacts associated with discharge of barn area waste would have a less- than-significant impact on the wastewater treatment and discharge.

**Response to Comment 40-14:**

The commenter did not provide any technical supporting data to conclude that discharges from the Proposed Project would increase TDS loads or other constituents that would be expensive and difficult to control. As noted on page 4.11-41, directing the barn area runoff to the sewer is a stormwater runoff Best Management Practice (BMP) intended to reduce contaminant loading in stormwater runoff generated at the site (see Impact 4.6-6 in Section 4.6, Hydrology, Drainage and Water Quality). Process water and runoff from the barn areas could contain inorganic and organic matter associated with animal wastes, bedding, hair, or spilled feed. Generally, the primary pollutants associated with these materials include nitrogen compounds, salts, organic matter, pathogens, and to a lesser extent antibiotics, pesticides, and hormones. Neither process water nor runoff would be discharged to the sewer continuously (e.g., over a 24-hour period on a daily basis). Therefore, it is reasonable to state that the effect on the character of wastewater entering the WWTP would be temporary. As further noted on page 4.11-41, the WWTP has specific effluent quality standards that must be achieved to satisfy the CDO, and future WDR permit for land disposal. Moreover, periodic sampling for these constituents at the site would need to be performed at the City's discretion as part of a BPTC program required by the new WWTP CDO and future WDR permit when it is issued by the CVRWQCB.

The temporary effect on the character of the wastewater refers to the conditions that wash water, stormwater, and other forms of wastewater entering the sanitary sewer system would be episodic (stormwater would enter the WWTP system only during storm events). No continuous nuisance flows are expected. Requirements for compliance with the CDO must be implemented, regardless of

development of the Proposed Project. Compliance with the CDO would allow for expanded capacity sufficient to serve the Proposed Project discharge needs.

**Response to Comment 40-15:**

The Growth Inducing Effects of the Proposed Project are presented in Chapter 5, CEQ Considerations of the Draft EIR. The Economics Report presents information about the economic characteristics of the City and the Proposed Project. The growth inducing effect of the project is not the same as the economic effect; rather, growth inducement considers the ways in which the project could stimulate additional growth, beyond its own economic effects, due to removing obstacles to growth or creating an economic stimulus on nearby properties. In this case, the economic stimulus is somewhat limited because the property to the west is already designated to urbanize as part of the NQSP, and development potential of lands to the east is limited by agricultural zoning and the fact that the land is outside of the sphere of influence of the City of Dixon.



Wednesday, November 30, 2005

Dear Madame Mayor, Mr. Salmons, City Council and Planning Commission,

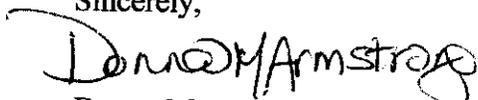
I have reviewed the Traffic section of the DEIR for the Dixon Downs project, and I have the following questions concerning it.

- 1. Please explain how you can ensure mitigation Phase 1 mitigations 4.10 b on Pedrick Rd. and North 1<sup>st</sup> Street, if no engineering study has been performed and it is unknown whether Caltrans would agree to the partial improvements? 41-1
  
- 2. Please explain how you can seriously consider Phase 2 mitigations 4.10c for (I) 80 and Pedrick Rd when the Major Investment and Corridor Study indicates the improvements would cost \$18. 8 million dollars. How do you propose that mitigation be funded, and by whom? Whom do you need to get the right of way from regarding that mitigation measure, and how can you ensure getting it from the current owners of the properties. 41-2
  
- 3. Please explain how you will guarantee a timely response to emergency calls to the Dixon Fire Department, Police Department or paramedics when a Tier 2 or Tier 3 event has ended and the heavy traffic is letting out? 41-3

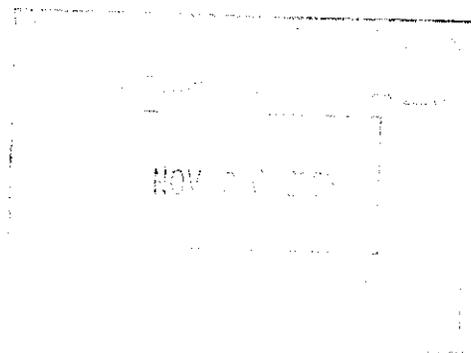
I want complete and precise answers with specific details. Please make the responses as concrete as possible.

Thank you for your time and attention on this very important matter.

Sincerely,



Donna M. Armstrong  
915 Mason Court  
Dixon, CA 95620





**LETTER 41: Donna M. Armstrong**

**Response to Comment 41-1:**

The Draft EIR cannot ensure that mitigation at the I-80/Pedrick Road and I-80/North First Street interchanges would be implemented. The inclusion of mitigation measures in an EIR does not bind a lead agency to later adopt and carry out the mitigation measure. In *No Slo Transit, Inc. vs. City of Long Beach* (1987) the court stated that mitigation measures are “suggestions which may or may not be adopted by the decision-makers. There is no requirement in CEQA that mitigation measures be adopted.” Please see Master Response TRAFF-2 for proposed improvements at I-80/Pedrick Road interchange.

**Response to Comment 41-2:**

Please see Master Response TRAFF-2.

**Response to Comment 41-3:**

Please see Responses to Comments 30-51, 33-60, 35-176, 36-53, and 43-25 for more detail on the comments raised regarding congestion on I-80 during an emergency situation.



NOV 30

**Dixon Downs Draft EIR Questions and Comments**

Russell L. Cayler  
510 Spruce Street  
Dixon, CA 95620

Page 4.5 – 17: 4.5 Hazardous Materials and Public Safety: Emergency preparedness planning does not adequately analyze or mitigate traffic chokepoints posed by the infrastructure surrounding the Dixon Downs project site. The Pedrick Road/I-80 entrance and exit consists of a two lane road (Pedrick) onto which you must turn across traffic to the left, in order to proceed Eastbound, and you must stop at a four way stop, cross the two lane overpass, and then stop at a second four-way intersections, before turning right to go Westbound. Similar problems exist at the entrance to I-80 at Highway 113. In addition, emergency evacuation plans that empty onto roads leading South then East or West also will bottleneck on the inadequate two lane rural road systems at those locations. Any traffic congestion on I-80 (a common occurrence), oncoming traffic, accidents, or road blockage for any reason will create gridlock. Any emergency evacuation plan will be defeated if you cannot keep evacuation routes clear. These inadequacies are particularly acute during Tie 2 or Tier 3 events where up to 50,000 patrons may be expected. How will this serious problem be addressed and mitigated?

42-1

Page 4.9-3: Horse Racing Act: Why are tax policies addressed in this EIR. It is not an environmental subject, nor is it subject to CEQA guidelines.

42-2

Page 4.9-5: Phase 1: While the EIR mentions a possible increase in crime of approximately 2.8% for the horse racing activities at Dixon Downs, it does not specify a similar estimate for non-racing events. If, as estimated, there are 100 days of horse racing per year, other events during the balance of the year, (Tier 2 and Tier 3) will bring large numbers of visitors to the project site that do not meet the same criteria as horse racing fans. While an increase in criminal activity of 2.8% may be well within city police capabilities, what about large events of up to 50,000 in attendance? The crowds associated with rock or rap music concerts are strikingly different from that of horse racing patrons. A thorough analysis of these other projected venues, including attendant risks of violence, alcohol and drug abuse, and potential for riots or civil unrest must be included.

42-3

Page 4.9-12: Horse Racing Act: Same problem as 4.9-3 above. Restatement of tax policy is not necessary, and has no environmental role. Remove.

42-4

Page 4.9-21: Horse Racing Act: Remove tax discussion as not an environmental issue. Include only information relevant to the subject under discussion.

42-5

Sincerely,

*Russell L. Cayler*  
Russell L. Cayler



**LETTER 42: Russell L. Caylor**

**Response to Comment 42-1:**

Mitigation measures have been recommended for the I-80/Pedrick Road and I-80/North First Street interchanges to accommodate project traffic.

Please see Responses to Comments 33-60, 34-125, 36-46, 36-50, and 36-72 for more information regarding emergency evacuation issues.

**Response to Comment 42-2:**

The commenter is correct that tax policies are not subject to CEQA and responses to comments regarding tax policy in this Final EIR so indicate. The information pertaining to the Horse Racing Act is included in the Draft EIR because it pertains to one way in which the City of Dixon could opt to receive funds in lieu of other options for revenues.

**Response to Comment 42-3:**

The potential increase in crime associated with larger events (Tier 2 and 3) is discussed in Impact 4.9-1 on page 4.9-5. The potential increase in crime was determined to be a significant impact and Mitigation Measure 4.9-1 would be required which would ensure the project applicant provides an adequate level of planning prior to large events to address these issues. The project applicant would be required to prepare a Major Event Management Plan in coordination with the City of Dixon that includes standards and criteria addressing public health and safety, parking, traffic management, hours of operation, event access, crowd control, and waste management. It is anticipated that this plan would also address issues associated with large crowds and alcohol and the potential for violence to occur. The Major Event Management Plan would be prepared to the satisfaction of the City of Dixon and may vary based upon the type of event to account for differences in the types of patrons anticipated to attend.

**Response to Comment 42-4:**

See Response to Comment 42-2.

**Response to Comment 42-5:**

See Response to Comment 42-2.



**OCTOBER 30, 2005**

**TO: WARREN SALMONS, CITY MANAGER**

**FROM: DOUG UHLIK, PLANNING COMMISSIONER**

**DIXON DOWNS PROJECT  
DRAFT EIR  
INQUIRIES/DISCUSSION ITEMS**

**My comments and thoughts (including basic questions and reminder questions) below were compiled upon reviewing the Draft DIR and accompanying documents. I don't necessarily expect that all comments/questions be addressed at the upcoming meetings, since all of us will have questions, but I would hope that some of my inquires would be answered at the meetings as part of the question/answer period. I request that those questions, etc. that were not specifically addressed at the upcoming meetings be addressed prior to review of the Final EIR.**

**I will let you decide if it would be appropriate to share the following with the other Planning Commissioners and City Council members**

**DRAFT EIR**

Comment: What is the mission statement of the City of Dixon, as it relates to growth i.e., is the vision to preserve Dixon's small town character?? Pls provide at the upcoming meetings for reference.

43-1

Pg 1: How does the General Plan Land Designation (E - Employment) and NE Quad Specific Plan Land Use/Zoning Map Designation (Light Industrial – ML, Community Commercial (CC) and Professional/Administration Offices (PAO) differ from the Proposed zoning (CH - Highway Commercial, CN - Neighborhood Commercial, CS – Service Commercial, PAO, A- Agriculture, PD – Planned Development. I would like to know the three biggest positive changes and three biggest negative changes that will occur if these zoning changes occur? These questions should consider quality of life issues and fiscal matters for both local Dixon businesses and Dixon residents?

43-2

Discuss the City of Dixon General Plan Policy VI.E.I to allow exceptions to the Level of Service "C" traffic standard under certain qualifying circumstances. Is it the goal of the City of Dixon to NEVER drop below this Level of Service? Should we plan more routes of compensate for additional residents and businesses in order to maintain a Level C traffic level.

43-3

Pg 3: What does this the "caution" mean when the author of the Draft EIR refers to differences in the Notice of Preparation/Initial Study and Draft EIR? What does this mean to me as a Planning Commissioner and my review of this document? I would like to know what significant differences there are and what prompted those changes?

43-4

Pg 3: How does the proposed 1,656 horses differ from the large number of cows being housed at local dairies? Why is the Dixon Downs applicant being held to a different standard than local dairies when housing large farm animals, i.e., proximity to residents of Dixon is inconsistent? Or is it different?

43-5

Pg 3: The EIR states that this project is the “first project of its kind in he State of California”, i.e., horse racing integrated into a large destination/entertainment mixed-use commercial facility. It makes me uncomfortable to make Dixon a test bed for this type of project and I think we should be very careful on how this project is approached in term of the project’s negative impacts on the City of Dixon.....now and in the future.

43-6

Pg 6: In terms of the objectives stated by the applicant, how is this ONE racetrack going to “reinvigorate” the sport of thoroughbred horse racing in Northern California and will it be done at the expense of Dixon residents, i.e., traffic air quality, etc. Does this mean that Dixon Downs will attract horse racing fans from all of Northern California (and not just the “surrounding area” as stated elsewhere in the EIR, i.e., Sacramento and Bay Area). Again, regarding the objectives.....will this project really make Dixon a “major employment center”. Is there a definition of “major employment center?”

43-7

Pg 6: In terms of the principal objectives, does Dixon want to be a “destination” location, i.e., traffic, crowded gas stations, restaurants, etc. Although maybe good for business will it be good for residents? Most residents did not move to Dixon for it to be a destination location. The objectives state that this project “respects and embraces the small town values”, but it does not say that this project is consistent with Dixon’s small town values. Explain further.

43-8

Pg 7: In terms of the principal objectives, does this project truly add to a strong local economic base, i.e., are the jobs created by this project considered low-income, moderate-income, or high-income jobs? What does this do to Dixon’s census and what impact will this have on Dixon’s housing element? Will Dixon be required to construct more Apts to satisfy the housing element? I just want to be sure I understand the relationship between these items.

43-9

Pg 7: In terms of the multi-use entertainment Pavilion, the applicant indicates that this complex will be available for used by the Dixon community, high school, etc., but will this be based on availability, will the community be given priority over other venues, i.e., rock, heavy metal, rap concerts, that will draw people from long distances which will result in profits.

43-10

Pg 7: Will this 10 acre park be considered a community park or neighborhood park? Residents will not be able to access this park easily since they will need to cross SR 113, commercial businesses with much local and transient vehicular traffic, etc. How will this park benefit the residents of Dixon? It is referred to as a “public park” on Pg 71.

43-11

Pg 8: This project will provide a “destination entertainment/dining/retail/hotel/conference, venue”... Specifically how does the applicant for this project propose to OPTIMIZE the use of the major rail transit improvements planned in the future?

43-12

Pg 8: Given the Pavilion's size (three stories), will this project truly establish a "scenic gateway" to the community. Pg 9: How does the Pavilion's height (75 ft) compare to a freeway sign? They are requesting a variance (Pg 34) that would exceed the accepted building ht of the Pavilion by 40 feet.

43-13

Comment: I would like to get a study regarding this projects interaction with the cannery traffic, proposed flying J project, and Milk Farm project, especially during commute hours, weekends, and during the canning season. How many jobs will be lost if the cannery leaves the area? What will the traffic situation look like when there is an event and trucks are entering and leaving the area. Will other routes through town be recommended to visitors from outside the area by the applicant, which will negatively impact residential traffic, etc. In **Appendix G - Supplemental Traffic Analysis** section language stated, this analysis assumed no background traffic growth on Pedrick Rd assoc with other land development proposals such as Flying J." I think Mild Farm, Flying J, and the Cannery models should be provided for consideration by decision makers. There is also language regarding "reasonable conservative assumption" when discussion the traffic analysis. What does this mean and is this the EIR acceptable standard when evaluating traffic conditions for a project?

43-14

43-15

Comment: Is this project plan on using treated gray water to accommodate the on-site grass, shrubs and trees?. What about the incorp of solar tubes, solar panels, etc., similar to that of the CA State Fair parking lots? Could this project, because of the size of the parking lot, provide power to the City of Dixon, i.e., street lights, city buildings, etc. (using solar power).

43-16

Pg 9: The EIR states that the "proposed project would be developed in AT LEAST TWO phases", which could mean that the project may not be completed in ONLY TWO phases. I am concerned that if Phase TWO is stretched out over a long period of time using many different phases then the project will look fragmented and without flow. Is it two phases or more?

43-17

Pg 20: How many people attended the Dixon May Fair last year, i.e., Sat and Sun. Also, how many people does the Dixon May Fair grandstand hold? I want to compare this number, and associated traffic, to the Pavilion (5,000 guests), Grandstand (1,800 seats), etc.

43-18

Pg 21" The Groom's Quarters will have 260 rooms. Will RV parking be allowed on-site? For who? How long will they be allowed to park? Will there be hook-ups? What about on-site permanent trailers?

43-19

Pg 23: The applicant proposed that the Development Agreement vest the right to develop approx 1 million sq feet over the course of 20 years, i.e., theatre, restaurant? I think this is too long. I am thinking 10 years upon completion of the racetrack would be more reasonable. And then what happens if it is not build out? My son will be 35 years old in 20 years!

43-20

Pg 24: The proposed circulation plan involves two freeway interchanges to access the facility. Dixon only has four freeway entrances for ingress/egress traffic, i.e., good for business but maybe not residents. Just like at resort areas, the locals are held captive to the tourists during the peak tourist season. Many remain indoors to avoid traffic, etc.

43-21

Pg 24: Are the 484 “backstretch employees” imported from outside the area when the horses arrive, i.e., Mechanical Building, Fed Building, and future Vet Clinic?

43-22

Pg 27: The bedding material will be removed to mushroom farms when soiled. Who determines when the material is “soiled” and what if the mushroom farms have too much material? Where would the excess material be sent? Kept on sight and for how long?

43-23

Pg 27: I think the level of Security needs to be agreed upon by the applicant and the City of Dixon (specifically the PD). I believe there are different levels of security?

43-24

Pg 27: The Disaster Plan should be approved by Dixon PD, and other law enforcement that would be impacted by a major incident.

43-25

Pg 28: What would the hourly wage be for the 276 Finish Line Employees and 484 Backstretch and Operations Employees? What jobs would be part-time, weekend and summer jobs, which would benefit local high school kids? How many jobs would be imported from outside the area?

43-26

Pg 30: Since groomers “follow the transfer of horses”, i.e., not employees of Dixon Downs and since there are 260 rooms to accommodate these individuals when on-site, it may be a consideration to know some basic info regarding these individuals when they report into the area. Maybe Dixon Downs could readily provide this info if needed by law enforcement officials. Again, it is just a thought for discussion purposes.

43-27

Pg 34: What if a project development agreement is not honored by an applicant? Is there an enforcement component with fines, etc. If not, maybe something to consider. Also, I have been advised that the City has one compliance officer to address violations of ordinances, conditional use permits, etc., and many times only when an issue is brought to the attention of the City. Maybe this is the time to consider the hiring of a second compliance officer so a more proactive approach to enforcement of violations can be effected.

43-28

Pg 38: Potentially Significant Impact is defined in part, “an impact that could be significant, and for which NO mitigation has been identified.” If my math is correct, 47 of the 84 individual enviro checklist items addressed in the EIR have been identified as having a “Potentially Significant Impact” which is 56% of all checklist items. If the enviro headings of “Geology and Soils”, “Hazards and Hazardous Materials”, and “Mineral Resources”, the percentage increases to 46 of 69 items (67%). This seems excessive to me regarding impacts that CANNOT BE MITIGATED, by definition. I would like a comment on my analysis.

43-29

Pg. 40: As a side note, upon review of this large scale project, I think it is imp't that the north side of I-80 remain an Agriculture zoning (besides the Milk Farm project due to its historical significance) to help preserve the beauty of Dixon and keep it unique to the I-80 Corridor, i.e., keep urban sprawl on the south side of the Interstate. 43-30

Pg 69: In terms of surveillance cameras, I would suggest at a minimum cameras would be placed at the all entrances/exits of the facility(both public and private gates) and at the pedestrian entrance exit gates. Videos should be held for 30 days in the event they need to be reviewed at a later date by the PD? 43-31

Pg 78: Comments on NOP/IS – Have all of the issues been addressed as outlined in the letters included under this section. 43-32

Appendix H – Hydrology – What does Table 1 – Historical Annual Groundwater Production by DSMWS indicated in terms of ground water recharge and/or collapse of aquifer due to too much water demand in the area. Is this a concern? 43-33

**DIXON DOWNS SCREENCHECK DEIR MAGNA TEAM COMMENT SUMMARY TABLE**

3-19: Was the DIR based on 15 non-racing events and 10 racing events? 43-34

4.1-19: What effect will the lighting have on freeway traffic? Please provide another well known venue for comparison purposes to gain a better understanding of the lighting situation. 43-35

4.2-23: What does “wind patterns would be unlikely to contribute to odor impacts on a frequent basis” in a quantitative sense? Would this statement indicated that there would be problems with odors infrequently? How many days each year would this involve? What about flies? 43-36

4.6-31: How does a berm avoid the effect of noise 43-37

4.8 - Do barns attenuate sound from events? 43-38

**DEVELOPMENT AND DESIGN GUIDELINES**

Pg 17: Permitted Used – “Racetrack uses, including but not limited to :.....” I am more concerned about the OTHER uses aside from horse racing, i.e., loud outdoor concerts in grandstand area or parking lot area, stockcar, motorcycle, and other small engine stockcar racing which would add to additional noise for Dixon residents. The wording is such where “Other used may be determined by the Community Development Director...” I would like the Planning Commission to be involved in the approval process of any events not listed in the Permitted/Conditional Use Agreement. 43-39

Pg 19: Tier I Special Events – I am not comfortable with OUTDOOR concerts (spill over noise), tractor pulls/autocross/dirt motorcycle races, etc., again because of spill over noise. I WOULD LIKE TO SEE THAT NO OUTDOOR MOTORIZED VEHICLE AND/OR OUTDOOR CONCERTS WOULD BE ALLOWED. Also, the plan talks about the number of events but it does NOT address the length of each event, i.e., one event could last for one month in theory.

43-40

I would like to know more about Tier I and Tier II special and major events. I would like to see the 15 major non-racing events require approval of the Planning Commission.

43-41

I didn't see anything that referred to the start/end time of Tier I and Tier II events, i.e., spill over noise for residents.

43-42

Pg 27: Where do "Assumptions" come from when it comes to traffic, parking, etc. Is there an accepted guidebook for this sort of thing or is it arbitrary based on the group doing the EIR?

43-43

Pg 29: Commissioner Hefner – Is 15 years acceptable for a tree canopy with 50% shade coverage for parking areas?

43-44

Comment: I would like to ensure that a bike route is established from the core of Dixon to Dixon Downs/retail area, etc.

43-45

Comment: If the remains of the American Indian are uncovered during the ground work, I would like to see a statue of tribute to the land located somewhere in the retail facility. Input regarding the design of the statue of tribute should be obtained from the tribe for whom the remains belong.

43-46

## **FISCAL AND ECONOMIC ANALYSIS**

As I read this document I was feeling a little bit overwhelmed with the amount of financial data provided by the consultant. I would like to have the following summarized:

Phase I – What taxes, fees, etc. will be collected during the construction phase of Dixon Downs Racetrack? How much will be lost by the City? What is the Net Gain or Loss to the City??

43-47

Phase I – Same info at the completion of Phase I? Compare this info with if the zoning was not changed? Net gain or loss during the comparison?

43-48

Phase II – Same info during the construction of Phase II?

43-49

Phase II – Same info at the completion of Phase II? Compare this info with if the zoning was not changed? Net gain or loss during the comparison?

43-50

Projected revenues from the entire complex? Where typically would these net funds be channeled, i.e., how would the community benefit? Schools? School and Park sporting facility improvements? Roads? Lighting? Police and Fire? Parks maintenance? 43-51

Who are the three largest contributors to the City of Dixon's tax base? Where does Walmart fit into the mix? What is the superstore expected to return to the City of Dixon in terms of taxes? How do these compare to the Dixon Downs Project – Phase I and II. 43-52

I want to be sure that if a project of this magnitude is approved there will be a significant benefit to not only the City of Dixon, but its residents in terms of quality of life issues. 43-53

What are the cut-offs for low income jobs, moderate income jobs, and high income jobs, by definition? Does the census have this info? 43-54

Are there going to be privately funded health benefits and retirement plans with the projected salaries? 43-55

How will trash be addressed on the routes to and from the facility during Tier II and III events? Will there be something factored into the mix for this type of post event clean-up. 43-56

Pg 28: Camping in self-contained rec vehicles rarely permitted on-site. When is it allowed? 43-57

Pg 33: I would like to know more about the indiv hired to serve as a safety officer, i.e., minimum qualifications. 43-58

Pg 53: I would like to know more about the indiv hired to serve as the Security Chief, i.e., minimum qualifications. 43-59

## **NORTHEAST QUADRANT SPECIFIC PLAN**

Pg 1-12: Figure 1-6 – Does this Noise contour continue along the I-80 corridor to the west? If so, I would like to get a copy for future residential planning, i.e., overlay a copy of the noise contours along the RR tracks and I-80 corridor on an aerial photo of Dixon. I am specifically interested in how these contours interact with the approved St. Anton Apts. 43-60

## **PUBLIC OUTREACH SUMMARY REPORT**

I would like to see responses to the oral and written comments listed in the Public Comment Summary sections (fiscal impact, planning process, general, etc.) for all five info exchange workshops addressed and provided to the Planning Commissioners prior to the final EIR. Responses can refer to the EIR or stand alone. 43-61

## OVERVIEW OF SOCIAL AND CULTURAL ISSUES

How does the satellite betting work? How are the winnings split? Will the City of Dixon get \$ when horse racing occurs on-site? Will the City of Dixon get \$ when horse racing occurs off-site, i.e., satellite betting?

43-62

Golden Gate Fields needed some paint, etc. in the grandstand area upon my visiting the facility. Are there plans on closing this facility, which would explain the deferred maintenance? Is this what we should expect from Magna Entertainment Corp if Dixon Downs is approved?

43-63

What is the logic behind holding a job fair prior to Dixon Downs being approved by the Planning Commission and City Council? There is already a perception by many residents that this project is a “done deal”, and holding a job fair prior to this project’s approval just as fuel to those perceptions.

43-64

I did not see anything that addressed Dixon Down’s impact on the future of the May Fair. Was this addressed?

43-65

I don’t remember anything that addressed air quality in terms of vehicles idling while waiting to enter the facility, especially during the larger events. Was this addressed?

43-66

## OTHER INQUIRES

I would like to know the City’s policy on providing incentives to choice businesses, i.e., Bass Pro, Cabellas, etc., who are interested in relocating to Dixon. I would like to discuss this issue at some point to weigh out the Pros and Cons of such a practice, since many cities do offer incentives. I think Dixon is getting too many fast food businesses, and it would be nice to see something like Genetech, Bass Pro, Cabellas, etc.

43-67

**LETTER 43: Doug Uhlik, City of Dixon Planning Commissioner**

**Response to Comment 43-1:**

The City does not have an adopted Mission Statement of the City as it relates to growth. The Mission Statement of the City, as it relates to growth and community character, is contained in the goals and policies identified in the City's General Plan, as interpreted and implemented over time by the elected and appointed decision makers of the City. The Mission Statement and fundamental goals are included in the General Plan on pages 9 and 10.

**Response to Comment 43-2:**

The project's existing General Plan land use designation for the project site is E – Employment Center. The originally-adopted Northeast Quadrant Specific Plan (NQSP) established the land use and zoning within the plan area. The NQSP's land use designations are consistent with the General Plan's definition for an Employment Center land use designation.

With the Proposed Project, a new land use designation would be added to the NQSP, in tandem with a new zoning designation for the project site. The new land use designation is Entertainment/Commercial/Office Mixed Use (ECO-MU) and allows a mixture of uses in the 260-acre project area, including a horse racing and training facility, and commercial, office, and entertainment uses that are further defined in the Dixon Downs Development and Design Guidelines document. The new zoning designation for the project area is Planned Development (P-D), which is combined with Highway Commercial (CH) and Professional and Administrative Office (PAO) districts. These districts are consistent with the definitions established in the City of Dixon Zoning Ordinance.

While new land use and zoning designations are proposed for the NQSP, and specifically, the project site, they remain consistent with the definition of the General Plan's Employment Center land use designation. Under the General Plan's designation, the Zoning Ordinance's definitions for Highway Commercial (CH) and Professional and Administrative Office (PAO) districts are to provide the framework for development of Employment Center areas. In this case, the adopted NQSP, further refined through the Dixon Downs Development and Design Guidelines, establishes the specific zoning regulations and development pattern for the project, which remains consistent with the General Plan and Zoning regulations.

The various project reports collectively discuss the possible negative and positive consequences of the project and the proposed zoning change. The comment requests that the city list the 3 largest positive and 3 largest negative changes in quality of life that would occur should the project be approved and the area rezoned as proposed. This calls for a subjective determination that cannot be made by the city staff. The EIR indicates the environmental impacts that would occur, and which are either significant or less than significant, both before and after mitigation measures are imposed. To the extent impacts are non-environmental in nature, they are beyond the scope of a CEQA document and hence to this extent the comment is not a comment on the adequacy of the EIR.

**Response to Comment 43-3:**

The City of Dixon General Plan currently includes Policy VI.E.I (see below) that requires the City to maintain traffic operations at Level of Service "C" or better. The project applicant has proposed the

following amendment to Policy VI.E.1 of the General Plan, as described in the Project Description on page 3-57 of the Draft EIR to allow exceptions to the LOS “C” standard under certain qualifying circumstances. The proposed language is reflected in underlined text as follows:

Policy VI.E.1. - The City shall ensure that Dixon’s existing and proposed street configuration and highway network maintains traffic operations at Level of Service “C” or better, while acknowledging that this objective may be difficult to achieve in those locations where traffic currently operates at Levels of Service below “C” for limited periods of time. Achieving this policy will require a variety of traffic improvements, including:

- Improving existing arterials;
  - Construction of arterials and collector streets in newly developing areas; and
  - Intersection improvements.

Notwithstanding the above provisions of Policy VI.E.1., where an Environmental Impact Report prepared for a project within an approved Specific Plan area concludes that there are no feasible mitigation measures sufficient to maintain Levels of Service “C” at certain intersections or roadway segments, or where the Planning Commission or City Council reaches this conclusion in findings on the project, the Planning Commission or City Council may adopt a Statement of Overriding Considerations allowing Levels of Service below “C” on a case by case basis in order to balance the community benefits of the project against the adverse affects of the project on traffic operations.

The planning Commission recently recommended to the City Council that, independent of the Proposed Project, the LOS be amended to provide for LOS D within the downtown area (while remaining LOS C in the remainder to the City). A public hearing on the proposed general plan amendment was scheduled for the City Council to hear in mid-April 2006.

#### **Response to Comment 43-4:**

When the Notice of Preparation (NOP) was prepared in December 2003 many elements of the project were still being finalized, which is common for large projects. Therefore, on the top of page 3 of the Initial Study (see Appendix A of the DEIR) readers were “cautioned” that the details of the project design and land use plan may change between the time the NOP is released and the Draft EIR is ready for public review. During December 2003 when the NOP was released and September 2005 when the Draft EIR was released elements of the project design and land use plan were further refined. The Draft EIR and staff report contain a current description of the project that will be going before the Planning Commission for review and approval. The differences include a reduction in the total number of barns developed on the site, changes in project circulation, and drainage, further clarification on events to be held in the Finish Line Pavilion building, refinement of the parking facilities, and clarification on additional plans to be developed to address public safety, security, and event traffic.

#### **Response to Comment 43-5:**

The total number of horses that could be housed on-site has been reduced from 1,656 to 1,440, as discussed in the Draft EIR Project Description (see Chapter 3). Regarding the regulations that oversee the managing and handling of large animals, it is typical for dairies to store both liquid and solid manure on-site in a lagoon prior to disposal/treatment. That is why groundwater monitoring and water quality

monitoring is so highly regulated for dairy operations. The Dixon Downs project is proposing to use a combination of sanitary sewer facilities and daily removal of manure so there is no on-site long-term storage of either urine or manure. Therefore, minimizing potential problems with both odor and water quality issues.

The Dixon Downs project is required to comply with all the regulations and requirements that oversee a Large Concentrated Animal Feeding Operation (CAFO).

**Response to Comment 43-6:**

The concern raised is noted.

**Response to Comment 43-7:**

Please see Responses to Comments 33-6, 34-36, and 34-37.

**Response to Comment 43-8:**

The applicant's project objectives are listed in the Draft EIR so the community and decision makers can understand the applicant's views and goals as they pertain to the project.

It is the task of the elected and appointed decision makers to evaluate the Proposed Project in the context of the City's General Plan and their understanding/interpretation thereof, and decide whether the applicant's project objectives, e.g., creating a "destination" location, are consistent with the community's vision as expressed by the General Plan.

**Response to Comment 43-9:**

The elected and appointed decision makers will determine if they believe if the project will, in this case, add to a strong local economic base. The Fiscal and Economic Analysis report, dated August 2005, (available for review at the City offices or on the City's website) estimates the economic impacts of the proposed Dixon Downs project on the City, and provides information about the types of jobs that would be created and the expected income levels of the employees who fill those jobs. Employment, wage, and other economic effects of employment are analyzed in Chapter 5 of the report.

The local housing demand created by the Proposed Project, if approved, would replace demand which would have been created by development under the current industrial and commercial land use designations for the property. It is not possible to predict the exact difference at this time because no specific land uses have been proposed under the existing land use categories contained in the NQSP.

Rental/multi-family housing production targets which would be mandated by the State for inclusion in Dixon's next housing element would be based on regional modeling which, in part, considers existing local job and dwelling unit availability, plus available residential and employment generating vacant land.

With respect to population growth and the impacts on housing, please see Response to Comment 12-15.

**Response to Comment 43-10:**

As discussed in the Draft EIR Project Description, the project proposes a state-of-the-art entertainment pavilion, which would include a stage for live performances, several restaurants, meeting rooms, and themed entertainment areas. These facilities would be available for community events. To address scheduling the facility the project applicant has proposed preparing an annual Master Entertainment Calendar. The calendar will identify entertainment events by type and date (i.e., upcoming music concerts such as Willie Nelson or Martin Sexton, performing artists like Cirque d' Sole, or magicians like David Copperfield). Similarly, there would be a Master Community Calendar which would list (by date, group and location) community events or meetings (i.e., Downtown Business Association, Dixon Chamber of Commerce, Soroptomists, class reunions, etc.). The community meeting events do not typically compete with scheduled entertainment. However, this is an issue that the City could regulate as a part of its land use approval and include in the development agreement.

**Response to Comment 43-11:**

As stated in the Draft EIR Project Description, the Groom's Quarters complex would also include private recreational facilities for the use of visiting backstretch personnel (i.e., softball field and basketball court). No public park facilities are proposed as part of the project.

**Response to Comment 43-12:**

The project applicant would work with the City of Dixon to encourage Amtrak to accelerate the designation and construction of the Dixon train stop in downtown Dixon. At the point in time when this occurs, the project applicant would coordinate with the City to optimize the use of this facility as a means of accessing Dixon Downs.

**Response to Comment 43-13:**

As described in Chapter 3, Project Description, Phase 1 includes development of a three-story, up to 85 feet in height, approximately 192,372 gross square foot (gsf) multi-purpose Finish Line Pavilion building. The Dixon Downs Development Standards provide that the Finish Line Pavilion may be up to 85 feet in height, may include a tower element(s) of an additional 50 feet in height, and may have a building floor area of up to 225,000 sf. If approved, the project would be very prominent when viewed from the freeway and Pedrick Road. The project would be significant enough and close enough to downtown to constitute a gateway project.

**Response to Comment 43-14:**

The traffic section included in the Draft EIR (see section 4.10, Transportation and Circulation) includes a thorough analysis of traffic impacts associated with the project as well as under cumulative conditions (combined with Flying J, Milk Farm, and other projects proposed in the area).

In terms of providing a conservative assumption in some instances the traffic analysis needed to make some assumptions regarding number of daily patrons, vehicle trips, hours of events, etc. For example, based on information provided by tracks in the Bay Area (Bay Meadows and Golden Gate Fields) the traffic analysis assumed higher typical weekday attendance numbers than were provided at the other facilities to provide for a more conservative estimate of traffic impacts. Overall, assumptions made in

the traffic analysis were more conservative to, in some instances, overestimate the impact. This is a common practice used in preparing traffic studies in order to create a “worst case” scenario.

Please see Responses to Comments 43-15 and 34-96 that addresses potential job losses if the cannery leaves the area.

**Response to Comment 43-15:**

Often times certain assumptions need to be made in order to analyze potential impacts that could be created by a project. It is important that for the purposes of CEQA the assumptions are reasonably conservative because it is better to overestimate rather than underestimate the potential impact. On page 4.10-73 of the Draft EIR there is a list of assumptions and methodologies used in the traffic analysis to ensure that the analysis is reasonably conservative and does not understate the impacts of the project. Assumptions for the parking analysis are also included on page 4.10-66 of the traffic section.

**Response to Comment 43-16:**

The project would connect to existing City infrastructure to receive water and wastewater services, but also proposes to retain an existing on-site water well for some non-potable water uses. Once the project is entitled, plans and specifications for the Phase I facilities and improvements would be prepared and it would be possible to evaluate whether cost-effective opportunities exist to use recycled water to irrigate project landscaping. The City of Dixon currently does not provide a separate system for non-potable water to be used for landscape irrigation. The project, as proposed, does not include any mandatory solar energy features. The project would comply with the requirements set forth in Title 24. Please see Responses to Comments 34-197, 35-193 and 35-194.

**Response to Comment 43-17:**

The project is proposed to be developed in two separate phases. A complete description of the two project phases is included in Chapter 3, Project Description, in the Draft EIR. Generally, Phase 1 includes the Finish Line Pavilion building and grandstand, racetrack, barns, jockey’s and groom’s quarters, and other support buildings. Phase 2 includes office, retail, and a hotel/conference facility. Please see Response to Comment 34-151.

**Response to Comment 43-18:**

The Dixon May Fair, held annually on Mother’s Day weekend (Thursday – Sunday), experienced a total attendance in the range of 60,000± people for the 2006 fair (final attendance numbers are still being determined from the final accounting for the 2006 event). Dixon May Fair officials estimate the daily attendance for the 2006 fair is as follows: Thursday (10,000±), Friday (15,000±), Saturday (16,000±) and Sunday (19,000±). The Grandstand has a seating capacity of 2,000± for arena events (rodeo, destruction derby, etc.), and 6,400± for concert events (additional seating on the floor of the arena is provided for concert events). The 2006 event included a sold out concert event (6,400± people in attendance at the Carrie Underwood concert).

**Response to Comment 43-19:**

As discussed in the Draft EIR Project Description, the Dixon Downs preliminary conceptual site plan provides for a total of 647 automobile parking spaces and 180 open trailer parking spaces for horse trailers in surface lots to serve the Backstretch facilities. There are no RV spaces provided in the Backstretch area. Backstretch employees that temporarily live on-site would reside in the 260 room Grooms Quarters; no Backstretch employees would be allowed to stay, or live in RV's within the Backstretch area. There would be a limited number of RV parking spaces included within the parking area for the Finish Line Pavilion, but these spaces would be limited to day use and would not provide hook-ups for extended overnight stays.

**Response to Comment 43-20:**

Please see Response to Comment 34-152.

**Response to Comment 43-21:**

The Draft EIR includes a detailed review of the traffic anticipated to occur as part of the project evaluated by different events that could occur in the facility and identifies specific mitigation measures. The commenter is encouraged to review Section 4.10, Transportation and Circulation in the Draft EIR for more specific information.

Consideration of any changes in traffic volumes, requirements for mitigation measures, and implications of traffic on the City will be part of the Planning Commission and City Council's decision making process.

**Response to Comment 43-22:**

Please see Response to Comment 35-141.

**Response to Comment 43-23:**

The horse stalls would be cleaned of all soiled bedding on a daily basis. The horse owners, trainers, and grooms would determine whether the bedding material is soiled and in need of removal. The manure and soiled bedding would be stored in the Manure Transfer Building until it is removed. Removal of manure and soiled bedding to either a composting facility or the landfill would occur on a daily basis. Section 4.9, Public Services in the Draft EIR includes a discussion on solid waste, including storage and removal of horse manure and soiled bedding material.

Please see Responses to Comments 29-31 and 209-210.

**Response to Comment 43-24:**

The Draft EIR addresses security in Section 4.9, Public Services. As discussed on page 4.9-5,

“[A]s a part of the project, a 26-member security staff is included in Phase 1 development; however, the development would still require support from the DPD. Using other racetrack facilities as examples, the *Potential Impacts of the Proposed Dixon Downs Phases I & II Development on the City of Dixon Public Safety Services*

report estimates that Phase 1 could generate as many as 250 calls for service, which is approximately a 2.8 percent increase above existing levels in Dixon. Experience at other horse racing facilities indicates that those facilities contribute to a very small increase in crime that necessitates a police response. The report states that if Phase 1 of the project achieved 75 percent occupancy it would likely generate approximately 31 Part 1 crimes.<sup>20,21</sup> The report concluded that Phase 1 would not necessitate additional police staffing, because the current staff could handle a 2.8 percent increase.<sup>22</sup>

In addition, Mitigation Measure 4.9-1 requires that the project applicant prepare a Major Event Management Plan in coordination with the City of Dixon that includes standards and criteria addressing public health and safety, parking, traffic management, hours of operation, event access, crowd control, and waste management. The Major Event Management Plan would be prepared to the satisfaction of the City of Dixon.

In addition, the Public Safety Report (available for review at the City offices or on the City's website) included a recommendation about this issue, as follows:

**Recommendation 11 – Security Staffing**

Require at least 26 full time (or full time equivalent) Security staff. This could be made a requirement of the CUP and/or the Development Agreement. Once the track has been in operation for 12 months (or sooner if necessary), the security-staffing requirement should be re-evaluated by the Chief of Police and the City and/or the Chief of Police should retain the ability to require additional security staffing if it can be justified. The City Council should be the final arbitrator. If Recommendation 13 – Security Technology is not followed, the number of security officers should be increased substantially, perhaps by as many as 10-15 security officers.

**Response to Comment 43-25:**

The project applicant would be required to prepare a Major Event Management Plan that addresses public health, safety, parking, traffic management, crowd control and waste management associated with larger events (see Mitigation Measure 4.9-1). This plan would need to be approved by the City of Dixon. In addition, the project applicant would also prepare a Master Fire, Safety, and Security Plan (see Mitigation Measure 4.5-4(a)) in coordination with the City of Dixon. The plan shall be reviewed and approved by the City of Dixon Fire Department and Police Department. The plan would address event emergency response and evacuation planning for event attendees, racetrack personnel, and horses and off-site traffic and pedestrian congestion management. The emergency equipment and operations component of the plan shall, at a minimum, address the following issues: fire protection/suppression systems; procedures for emergency response and warning systems; documentation (as a condition of project approval) that adequate trained staff resources and equipment can be made available (including veterinarians) through mutual aid agreements, if necessary; and emergency access routes for any necessary additional equipment and/or personnel to the project site.

The event emergency (evacuation) element would be developed for use in the event of an emergency situation that necessitated partial or complete evacuation of the facility, including the horse stalls. Such emergencies could include, but would not be limited to, fires, earthquake, explosions, flooding, security

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- 20 Part 1 crimes include murder, forcible rape, robbery, aggravated assault, burglary, larceny – theft, and motor vehicle theft.
- 21 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 23.
- 22 Organizational Effectiveness Consulting, *Public Safety Impacts, Dixon Downs*, April 2005, page 23.

incidents, hazardous materials release on I-80 or UPRR adjacent to the site, or other incidents of a similar nature. The plan would identify evacuation routes and routes to nearby medical facilities and horse boarding facilities/veterinary care and contingency measures to deal with anticipated traffic and/or pedestrian congestion, including movement of large horse trailers. This component of the plan, which shall be completed to the satisfaction of the City of Dixon Fire Department, would be incorporated into facility employees' operations and procedure manuals and updated regularly. The plan would be coordinated by trained supervisory personnel and would be integrated with the City's emergency response plan.

**Response to Comment 43-26:**

Please see Responses to Comments 35-124, 35-141, 43-55.

**Response to Comment 43-27:**

All Backstretch personnel would be required to be background checked and licensed by the California Horse Racing Board (CHRB). This type of screening and licensing does not occur at most businesses. It is not anticipated that Backstretch employees would exhibit more problematic behavior than any other group of workers.

**Response to Comment 43-28:**

Development agreements typically contain provisions regarding what happens if one party or another fails to comply with the agreement. Because the Dixon Downs development agreement has not been negotiated it is unknown what those provisions would ultimately be.

"Fines" are normally imposed as a part of the criminal enforcement of a local ordinance, such as a zoning ordinance. As an agreement, rather than an ordinance of the City, fines are not appropriate for breach of the development agreement. To the extent that a breach of a development agreement occurs it is also a violation of the terms of a land use approval, such as a condition on a use permit, violation of the City's Zoning Ordinance can be enforced criminally. Depending on the terms of the development agreement, violation could result in freezing of further development rights or the loss of the right to utilize already developed property or the imposition of a civil injunction compelling compliance.

The City currently has one full-time code enforcement technician. Whether the City acts on a "complaint basis" or pro-actively seeks out and prosecutes code violations is a matter which is a result both of budgetary constraints and a policy decision.

**Response to Comment 43-29:**

An Initial Study is completed by the Lead Agency early in the CEQA process to identify any potential impacts associated with a project. The Initial Study is a tool to help identify those issue areas that need more analysis in an Environmental Impact Report (EIR). As shown in the Initial Study that accompanied the Notice of Preparation (see Appendix A of Volume II of the Draft EIR) there were a number of issue areas identified as being potentially significant impacts. An EIR is then prepared to fully analyze those issue areas that were identified in the Initial Study as being potentially significant. The EIR prepared for the Dixon Downs project includes eleven technical sections and provides a thorough review of all the potential impacts associated with the project as well as feasible mitigation measures.

The percentage of impacts which can be completely mitigated is not a standard by which projects are evaluated, nor is it reasonable to do so, since all projects are different, creating both differing environmental impacts and differing benefits to the community.

**Response to Comment 43-30:**

The opinion of the commenter is noted and forwarded to the decision-makers for their review and consideration.

**Response to Comment 43-31:**

The Public Safety Report (available for review at the City offices or on the City's website) provided the following recommendation regarding video cameras and surveillance.

**Recommendation 13 – Security Technology**

Require modern security technology that makes heavy use of but not limited to the following:

- CCTV surveillance of public areas, parking lots, gates, backstretch, money room, and all sensitive access points. Require this system to be monitored at all times, and video recordings to be made of all cameras and retained for at least 90 days.
- Electronic gate and door access by code, card, or other suitable device. Require that access points be open to on-duty police and fire personnel when engaged in official duties. Provide the ability for both the Police and Fire Department to make access through any gate or door (i.e., KNOX-BOX, card access, code access, personal escort, or key).
- Blue Light Alarm System in parking lots, and other out of the way areas.
- Panic alarms at all public contact points such as public gates, betting windows, reception areas, and service counters so that an employee who is being threatened can easily send a silent alarm to the security office dispatcher.
- Quality radio system for security employees that provides good coverage anywhere on the facility and with the Dixon Police and Fire Departments.
- Dispatch center that is staffed at all times (could be consolidated with the CCTV).
  - Landscape and lighting designed for public safety.
  - Armored cars for transport of money to and from the site.
  - Central public address system that can cover the entire grounds including the parking lots and backstretch.

Any security plans prepared by the applicant would be required to be reviewed and approved by the City of Dixon police department. The recommendations included in the Security Report are noted and forwarded to the decision-makers for their review and consideration.

**Response to Comment 43-32:**

All of the comments received in response to the Notice of Preparation (see Appendix B of Volume II of the Draft EIR) have been addressed in the appropriate technical section. A summary of the issues raised are included in the Introduction of each technical section.

**Response to Comment 43-33:**

The condition of the aquifers in the area are not a concern. Please see Responses to Comments 21-29 through 21-36 for a discussion of groundwater recharge and how the project would not adversely affect the groundwater table in the area.

**Response to Comment 43-34:**

As explained in the Draft EIR Project Description (see Chapter 3, page 3-31) the Proposed Project includes three different event scenarios: a Tier 1 event would include horse racing and non-horse racing events involving an attendance of up to 6,800 patrons; a Tier 2 event includes an attendance of between 6,800 and 15,000 patrons; while a Tier 3 event would have an attendance of between 15,000 up to 50,000 patrons. The Draft EIR analysis assumed the project would host 10 horse-related Tier 2 events per year and 15 non-horse related Tier 2 events per year and only one Tier 3 event per year.

**Response to Comment 43-35:**

The Draft EIR includes an analysis of light generated by the project in Section 4.1, Aesthetics. The Finish Line Pavilion building is setback from I-80, as shown in Figure 3-4 on page 3-10 of the Draft EIR. The racetrack is proposed on the east side of the Pavilion building, away from the freeway. The primary source of light closer to the freeway would be lights in the surface parking lots. The Dixon Development and Design Guidelines include provisions that lights would be shielded and focused downward to minimize spillover light. In addition, nighttime events at the Finish Line Pavilion building are required to end no later than 11:00 p.m. As shown in Figure 3-4, the surface parking lots are also setback from I-80 a considerable distance. This would change once Phase 2 is developed; however, the lighting associated with Phase 2 would be similar to other retail development adjacent to the freeway. Lights were not identified as having the potential to impact drivers on I-80 associated with either Phase 1 or Phase 2. Until Phase 2 is developed, the lighting most visible to the freeway would be from the surface parking lots similar to lights at auto dealerships.

**Response to Comment 43-36:**

The Draft EIR includes an air quality section (see Section 4.2) that evaluates impacts associated with an increase in air emissions associated with the project. The Draft EIR examines impacts on those sensitive receptors (residences) that currently exist in the area. This is because future development cannot always be predicted with accuracy, especially before it is formally approved. However, it is acknowledged that because of the existence of the Northeast Quadrant Specific Plan Area, property to the west of the Proposed Project site would eventually be developed. As discussed in Response to Comment 20-2, prevailing winds are such that odor impacts from stabled horses would not be either severe or frequent at property located to the west of the Proposed Project site. Impact 4.2-4 on page 4.2-23 addresses the issue of odors and states that since winds normally come from the south and west during the warmer months, wind patterns would be unlikely to contribute to odor impacts on a frequent basis. In addition, because horse waste would be quickly removed from the Proposed Project site and disposed of, and because wind patterns would not transfer odors towards nearby receptors, odor impacts from the Proposed Project would be considered less than significant. Please see Response to Comment 34-204.

**Response to Comment 43-37:**

The Draft EIR includes a section that addresses noise issues (see Section 4.8, Noise). Noise can be attenuated by constructing a solid wall or barrier between the noise source and the noise receptor (e.g., residence). The commonly used rule of thumb is that a solid wall or barrier reduces noise levels by five to 10 dBA. An earthen berm can also be used as a barrier to unwanted sound to reduce noise levels

**Response to Comment 43-38:**

As discussed in Impact 4.8-4 on page 4.8-17,

“Crowd noise can be attenuated by constructing a solid barrier between the racetrack and the noise receptors. Sound levels from public address systems can potentially be attenuated by constructing barriers and by directing the public address speakers away from sensitive receptors. The commonly used rule of thumb is that a solid wall or barrier reduces noise levels by five to 10 dBA. Because the racetrack would be in an outdoor arena type of setting, noise from crowds and the public address system would be partially attenuated by surrounding seating areas. Stables and groom’s quarters would also be built between the track and Vaughn Road as part of Phase 1. This would help to attenuate noise, although not as much as a solid barrier. The site plan for the Proposed Project shows that four rows of barns 25-feet tall would be constructed between the racetrack and Vaughn Road. One row of buildings between a noise source and a receptor can reduce noise levels by 5 dBA. Additional rows can reduce sound by 1.5 dBA each.<sup>23</sup> Assuming that there is no “line of sight” between the PA system speakers and the residences on Vaughn Road, noise levels could be reduced by a total of 9.5 dBA due to the intervening barns. Consequently, sound levels generated during events, however, could still exceed standards at residences on Vaughn Road even with this attenuation, if noise is produced in the 85 to 105 dBA range at the racetrack and the event lasts past 10 p.m. If the event ended prior to 10 p.m., the 60 dBA standard would not likely be exceeded.”

Buildings, such as the horse barns, would act as barriers to help attenuate sound generated by the project.

**Response to Comment 43-39:**

Please see Response to Comment 24-4 regarding events to be prohibited in the development agreement. The comment that the Planning Commission should be involved in the review of events is referred to the decision-makers for their consideration.

**Response to Comment 43-40:**

Determinations about Tier 2 and Tier 3 Special Events, relative to type, duration, frequency, total number, etc., would all be addressed in the development agreement which is subject to public hearing and review/approval by the Planning Commission and the City Council. Please see Response to Comment 24-40 regarding events to be prohibited and Responses to Comments 12-8 through 12-11 regarding noise.

The length of an event is tied to the event itself. It is conceivable that one event could span a month, but would be highly unlikely.

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23 FHWA Highway Traffic Noise Prediction Model, 1978.

**Response to Comment 43-41:**

A discussion of the Tier 1 and Tier 2 events is included on page 3-31 in Chapter 3, Project Description. Please see Response to Comment 43-34 for a discussion of the frequency of events and the maximum attendance. Tier 1 events could include both horse and non-horse events. Some of the non-horse events could include but are not limited to, music concerts (ranging from rock to classical); equestrian events (such as polo, dressage, horse auctions, and ride and tie); athletic events (such as soccer, rugby, and bicycle races); automobile/motorcycle related events (such as auto club shows, auto and RV auctions/shows, ride and drive events, drivers training, and emergency vehicle training); social events (such as homecoming and graduation events, weddings, bar/bat mitzvahs, church gatherings, rallies, and reunions); business events (such as conventions, conferences, retreats, seminars, workshops, and annual meetings); and miscellaneous other events (such as flea markets, farmers' markets, food shows, cooking events, cirque de soleil events, swap meets, and job fairs).

Tier 2 events could include concerts, large horse racing events or other events. Tier 2 events would occur periodically throughout the year. By December 15th of each year, the racetrack operator would notify the City of any Tier 2 events that are expected to be staged at the racetrack during the following calendar year. Additional events could be added during the course of the year, provided the City is notified at least 30 days in advance. The administrative and enforcement authority of the City with respect to Tier 2 events at the project site would be ministerial in nature. At this time no Planning Commission approval would be required.

As defined on page 3-31 of the Draft EIR, Tier 1 events would involve activities with an attendance level of up to 6, 800 patrons, whether for a horse race or some special event. Tier 2 events would consist of those events with attendance between 6,800 and 15,000 patrons. The Draft EIR assumes a maximum of 10 horse related and 15 non-horse related Tier 2 events per year. Tier 3 events would involve patronage between 15,000 and 50,000 persons and for purposes of the Draft EIR, were considered to occur no more frequently than once per year. As recommended in the Safety Impact Report, no special permitting would be required for a Tier 1 event, however Tier 2 and 3 events would, as recommended, require a special permit. The suggested permit process is outlined as Appendix 2 of the Safety Impact Report.

The commenter's request that the Planning Commission review Tier 2 events is noted and forwarded to the decision-makers for their consideration.

**Response to Comment 43-42:**

All nighttime events would be completed by 11 p.m. Spillover noise is subject to the limitations set forth in the City's Noise Ordinance. Please see Response to Comment 43-40.

**Response to Comment 43-43:**

Please see Response to Comment 43-15.

**Response to Comment 43-44:**

The question by the commenter is asking if 15 years is acceptable for a 50% shade requirement. The City of Dixon Zoning Ordinance Section 12.26.09FI provides that by the fifteenth year of growth trees should shade 40% of the parking area.

**Response to Comment 43-45:**

An on-street bike route on North First Street from Dorset southward to H Street and on Vaughn Road/North Lincoln from Pedrick to Stratford currently exists. Bike routes to connect to Vaughn and Pedrick Roads would be part of the NQSP street development. Please see Responses to Comments 15-11, 15-16, and 34-76 regarding bike routes.

**Response to Comment 43-46:**

The request that a statue be included within the retail facility if any native American artifacts are unearthed during construction is noted and forwarded to the decision-makers for their consideration.

**Response to Comment 43-47:**

Please refer to Table A in Appendix 1-A of the Fiscal and Economic Analysis report, dated August 19, 2005, (available for review at the City offices or on the City's website) for a comparison of fiscal expenses and fiscal revenues related to each phase of the Dixon Downs project as well as development of the project site under the current zoning. The analysis evaluated the fiscal impacts of each phase as if completed. During construction, the City would incur expenses for plan checking, building inspection, etc., but charges for services, permit fees, and other revenues have been established to offset those costs.

**Response to Comment 43-48:**

Please see Response to Comment 43-47 that addresses the net fiscal impact comparison of the project site under both the proposed zoning as well as the current zoning.

**Response to Comment 43-49:**

Please see Response to Comment 43-47 that addresses the fiscal impacts during construction.

**Response to Comment 43-50:**

Please see Response to Comment 43-47 that addresses the net fiscal impact comparison of the project site under both the proposed zoning as well as the current zoning.

**Response to Comment 43-51:**

Please refer to Table 10 in Appendix 1-D of the Fiscal and Economic Analysis report, dated August 19, 2005, for a summary of fiscal revenues generated by the Dixon Downs project (Phases 1 and 2 combined) to the City's General Fund. To the extent fees are received to pay for required mitigation or "impact fees", those funds must be used for that purpose. To the extent there is revenue received which is not "earmarked" or designated for a specific purpose they may be used at the discretion of the City Council. Note that after accounting for fiscal expenses related to the Dixon Downs project, the project is expected to generate additional revenue to the City's General Fund in the form of a net surplus. The City would apportion the anticipated surplus at project buildout to the various City departments to provide for services through the annual budgeting process or to a reserve fund. The Dixon Unified

School District would also benefit from the Dixon Downs project through increased property taxes; however, the actual impacts on the school district have not been determined.

**Response to Comment 43-52:**

The three entities with the highest assessed valuation for 2005 in the City are as follows: Basalite Concrete Products, LLC (\$24.7 million); Premier Industries, Inc. (\$16.0 million); and Suntrust Banks, Inc. (\$15.2 million). Wal-Mart Stores, Inc. (\$10.8 million) is eighth in terms of assessed valuation in the City for 2005. Assessed valuation is directly related to property tax contribution to the City; a higher assessed value leads to higher property tax revenue. The estimated assessed value for the Dixon Downs project (Phases 1 and 2) is \$392 million, which is more than 15 times the 2005 assessed valuation of Basalite Concrete Products, LLC.

Existing sales tax contributors in the City cannot be identified as a result of confidentiality laws that prohibit the release of individual sales tax data to the general public. The Dixon Downs project (Phases 1 and 2) is projected to generate approximately \$1.9 million in annual sales and use tax revenue to the City's General Fund at buildout.

**Response to Comment 43-53:**

As a member of the Planning Commission, quality of life issues would be a factor that you and your Planning Commission colleagues and the City Council may consider as you evaluate the Proposed Project and make your recommendations and final decision. The comment is noted and forwarded to the decision-makers for their consideration.

**Response to Comment 43-54:**

There is no recognized salary which is defined as being "low", "moderate", or "high" income. Instead the designation typically refers to total household income, adjusted for household size and expressed as a percentage of the median income as established by the State Department of Housing and Community Development. The definitions come from the obligation to provide "affordable" housing as defined in the State Planning and Zoning Law and in the Community Redevelopment Law. Generally, the income brackets are defined as follows:

"Very Low Income"	Less than 50% of the median income
"Low Income"	Between 50% to 80% of the median income
"Moderate Income"	Between 81% to 120% of the median income
"Above Moderate Income"	More than 120% of the median income

**Response to Comment 43-55:**

It is anticipated that employees of the Dixon Downs project would be hourly or salaried depending on the position. According to the project applicant, all full time MEC employees would have access to health benefits and retirement plans, partially to fully funded by MEC. The balance of jobs, roughly 2,500 within Phase 2, would not be MEC employees. It is not known what benefit plans may be offered by other employers.

**Response to Comment 43-56:**

For activities up to the capacity of the Finish Line Pavilion building and grandstand (6,800 patrons) no special provisions would be required for the removal of solid waste. All solid waste would be disposed of at the Hay Road Landfill. For Tier 2 and 3 events the project applicant is required to prepare a Major Event Management Plan that addresses public health, safety, parking, traffic management, crowd control, and waste management associated with larger events. Please see the discussion on solid waste in Section 4.9, Public Services for more detail.

**Response to Comment 43-57:**

According to the project applicant, overnight camping in vehicles would not be permitted on-site. In the Backstretch area there would be 180 horse trailer parking spaces. These spaces would be reserved for empty live stock trailers. Owners and trainers would not be permitted to temporarily stay in RV's parked in these spaces while training and racing their horses. Please see Response to Comment 43-19.

**Response to Comment 43-58:**

The Security Chief has not yet been hired; however, it is assumed whoever is hired would be a trained professional with experience handling a large multi-purpose development.

The Public Safety Report (available for review at the City offices or on the City's website) provided the following recommendations for this position:

**Recommendation 12 – Safety Officer**

- Require the racetrack to provide and maintain one full time management employee qualified and trained to manage all emergency related issues, conduct self-inspections, communicate with public safety, prepare and maintain emergency plans and coordinate special events. Security staff and other day to day on duty personnel to be trained to carry out Emergency Operation Plans, observe unsafe conditions and monitor the day to day conditions of fire protection equipment and exit ways.

**Recommendation 6 – Security Chief**

- Require the racetrack to employ a full time manager (Chief of Security) who is qualified and trained to manage all emergency related issues, conduct self-inspections, communicate with public safety, prepare and maintain emergency plans and coordinate special events. This manager must be familiar with police and security requirements, criminal law, and other regulations affecting a horseracing facility.

Note, the duties of the Safety Officer and those of the Security Chief are often performed by the same individual who would go by the title Chief of Security.

**Response to Comment 43-59:**

Please see Response to Comment 43-58.

**Response to Comment 43-60:**

The noise contours shown in Figure 6-1 in the North Quadrant Specific Plan reflect noise generated by traffic on I-80. Therefore, the noise contours would continue along the I-80 corridor to the east and west. Please contact the Community Development Department for more current noise contours within the city.

**Response to Comment 43-61:**

Questions not answered at the 5 information exchanges were responded to in the Community Questions and Responses document dated October 2005, available for review at the City offices or on the City's website. That document also addressed numerous questions which had been sent to the City in writing both during and after the information exchange process through October 2005.

**Response to Comment 43-62:**

Satellite wagering, simulcast wagering or "off track betting" all basically describe a form of wagering that has been legal in California since the mid 1980s. Satellite wagering allows horse racing enthusiasts to place a wager on a race that is telecast or broadcast from the track where the live race takes place to remote or satellite wagering location. The race is simulcast or televised in real time for the viewing pleasure of the horse race enthusiast. It is some times referred to as a non-live race. Satellite wagering is regulated in Business and Professions Code sections 19605-19608.8.

California Business and Professions Code sections 19610.3 and 19610.4 permit a city to receive a statutory distribution of funds from a racing facility in the amount of 0.33% of the "handle" or "total pari-mutual wagering". Please see Responses to Comments 34-118 and 34-149.

**Response to Comment 43-63:**

According to the project applicant, Golden Gate Fields, also owned by MEC, will soon be undergoing a major renovation and upgrade. Golden Gate Fields is not planned for closure at this time.

**Response to Comment 43-64:**

The project applicant held a job fair in the fall of 2005. The City was not involved in the job fair or in the applicant's decision to hold the job fair. According to the applicant, the job fair was held to provide residents of Dixon and the surrounding community a chance to better understand the types of jobs that would be available at Dixon Downs and the skill levels required. In addition, the project applicant was able to obtain more information on the skill levels currently available in Dixon and the surrounding communities. This is a typical process a company would go through when developing such a large project.

The perception that this project is a "done deal" is not shared by the City or the project applicant. The Dixon Planning Commission and City Council will make the final determination. According to the applicant, the project is entering its sixth year and processing costs are anticipated to exceed \$6 million.

**Response to Comment 43-65:**

The fiscal and economic impact analysis did not specifically address the potential impacts on the annual May Fair in Dixon. The May Fair is the oldest fair in California and generally runs four days in the middle of May each year. The fair features high-profile entertainers as well as local musicians, and includes customary county and state fair activities such as carnival rides, games, food, livestock exhibits, horse shows, and, after a ten-year hiatus, the demolition derby was reintroduced in 2005. It is improbable that this event, with such a longstanding and storied tradition that is isolated to four days out of the year and offers a distinctive entertainment experience, would be significantly impacted in a negative way by the Proposed Project. In fact, if racing season overlaps the fair, racetrack patrons may elect to attend the May Fair as part of an extended visit to Dixon and actually improve support for the fair.

**Response to Comment 43-66:**

The air quality section of the Draft EIR (see Section 4.2) addressed an increase in carbon monoxide (CO) concentrations associated with a decline in level of service (for traffic). Modeling conducted for the air quality section is based on the traffic estimates provided for the project. As discussed in Impact 4.2-3 on page 4.2-22, CO levels are highest at intersections where there is congestion and traffic is slow. Table 4.2-7 identifies the specific intersections where the level of service would decline and the results of the CO modeling. The highest CO concentrations are not representative of daily conditions, but of peak hour conditions after a Tier 2 event held at the project site (i.e., horseracing events, concert events). Tier 2 events could draw as many as 15,000 spectators. As such, these concentrations would be expected to occur irregularly, and most likely on weekends. There is also the possibility that Tier 3 events could be held at the facility, which would generate even more trips than a Tier 2 event. However, since Tier 3 events would occur very infrequently (at most once per year, and more likely only once every several years) they were not analyzed in the section.

Based on the CO modeling it was determined that peak 8-hour CO concentrations would not exceed the California Ambient Air Quality Standard (CAAQS) of 9 ppm; therefore, this was determined to be a less-than-significant impact.

**Response to Comment 43-67:**

The City does not have an existing policy on economic development incentives. Any proposal for “incentivizing” an economic development activity would be considered on its individual needs and merits on a case-by-case basis. Incentives can be useful in “closing the deal” with an economic enterprise, however, any such enterprise must first be willing to consider locating in Dixon and describe its rationale for and amount of the incentive it would need, so that the City Council and community could make an informed judgment about the costs and merits of any such proposal. The comments provided by the commenter are noted and forwarded to the decision-makers for consideration.





# County of Yolo

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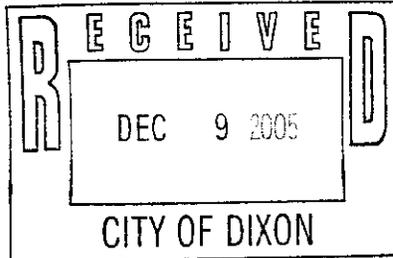
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December 6, 2005

City of Dixon  
Attn: Rebecca Van Buren,  
Community Development Director  
600 East A Street  
Dixon, CA. 95620



Re: Draft Environmental Impact Report (DEIR) for the Proposed Dixon Downs Horse Racetrack and Entertainment Center Project

Dear Ms. Van Buren,

The purpose of this letter is to respond to the Draft Environmental Impact Report (DEIR) dated September of 2005, regarding the above referenced development. The deadline for comments was November 30, 2005. Although these comments are being submitted after that deadline, we request that they be considered as a part of the Final EIR. Based on the information provided within the DEIR, the County has a number of concerns.

### Air Quality:

The proposed project would have adverse and unavoidable impacts to air quality. The Yolo-Solano Air Quality Management District has established the following maximum thresholds for determining significance under the California Environmental Quality Act (CEQA):

Reactive organic gasses (ROG):	82 pounds per day
Nitrogen Dioxide (NO <sub>x</sub> ):	82 pounds per day
Particulate Matter (PM <sub>10</sub> ):	150 pounds per day

The proposed project at full build-out, even after all proposed mitigation measures are implemented, is expected to have the following emission levels:

Reactive organic gasses (ROG):	305 pounds per day
Nitrogen Dioxide (NO <sub>x</sub> ):	409 pounds per day
Particulate Matter (PM <sub>10</sub> ):	391 pounds per day

Proposed mitigation measures include a dust control plan, limitations on vehicle idling, requiring the use of lean, No<sub>x</sub> catalyst diesel fuel in construction equipment where feasible, providing shuttle service to the nearest public transit stop, encouraging carpools, providing bicycle racks, and paving parking areas and roads. The DEIR concludes that there are no feasible mitigation measures to address the cumulative impacts to air quality.

Land Use and Planning:

Phase 1 of the project is expected to create about 1,001 operational jobs at the end of construction in 2009. The City of Dixon's 1993 General Plan assumes that only 931 new homes will be constructed between 2005 and 2010. Phase 2 will create 2,583 additional operation jobs. Assuming a 10-year build-out, the City will have only added 2,330 new homes between 2010 and 2020. In both cases, the housing anticipated under the General Plan will not be able to keep up with the jobs being created by the proposed project. Consequently, it is likely that increased housing demand will be experienced throughout the immediate region as a result of the project. Since Yolo County's median housing prices are generally lower than those in Dixon or Solano County, it is reasonable to assume that a portion of new employees will be locating in Yolo County.

44-2

The project would create, both directly and indirectly, nearly 9,000 jobs (5,400 jobs during construction, with an additional 3,600 operational jobs at full build-out). The DEIR did not analyze the impacts of these jobs, as they are less than the 10,500 jobs that would be created if the existing adopted Northwest Quadrant Specific Plan (NQSP) is implemented. The NQSP was adopted in 1995, at a time when regional housing prices and pressures were considerably less than they are today. As a result of these changed circumstances, the DEIR should be revised to review the impacts of the proposed project on the available capacity of the regional housing market to absorb the new growth.

44-3

Transportation/Traffic:

The project would result in unavoidable and adverse impact to the Level of Service (LOS) on Interstate 80. Interstate 80 is already the most traveled route within Yolo County and the volume generated by the proposed project will impact the flow of traffic up and down the corridor. Dixon Downs is anticipated to add up to 6,800 new trips during a Tier 2 event at full build-out. More than 60 percent of those trips are expected to travel west to and from the project. This will worsen traffic at the Highway 113 and I-80 intersection from LOS C to LOS D on weekdays, and from LOS D to LOS E on weekends. Weekend traffic through Davis (Old Davis Road to Richards Boulevard) will worsen from LOS D to LOS E, while Mace Boulevard and the Yolo Causeway will worsen from LOS E to LOS F on weekends. The DEIR includes mitigation to implement a Transportation Demand Management strategy focusing on carpools, shuttles, and public transit. The DEIR also concludes that there are no feasible mitigation measures to address the cumulative impacts to I-80.

44-4

Recommendation:

One change that would directly address the problems of air quality, transportation, and housing availability would be to create a mixed-use project at Dixon Downs. Given the increasing desirability of "smart growth" development, the City should consider taking advantage of a unique opportunity to complement a significant employment generator such as this project with on-site affordable housing. People would be able to live close to work, driving fewer miles, thereby reducing the impact to the transportation system and reducing vehicle emissions. A well-designed project combining entertainment, retail, and housing would set a precedent throughout the region and could be a model for similar development.

44-5

If you have any questions about the items addressed in this letter, please contact David Morrison, Assistant Planning and Public Works Director, by e-mail at david.morrison@yolocounty.org or by phone at (530) 666-8041. Thank you for the opportunity to review this environmental document.

Sincerely,

  
Helen M. Thomson, Chairwoman  
Yolo County Board of Supervisors

**LETTER 44: County of Yolo Board of Supervisors, Helen M. Thompson, Chairwoman**

**Response to Comment 44-1:**

The comment reiterates information included in the Air Quality section of the Draft EIR.

**Response to Comment 44-2:**

It is not clear where employees of the project would live, but it is assumed employees could live in the Cities of Dixon, Davis, or Woodland as well as within Solano County or Yolo County.

**Response to Comment 44-3:**

The Draft EIR considers and describes all of the direct and indirect physical environmental effects of the Proposed Project, including the effects of employees and patrons. The direct and indirect effects of the development under existing zoning are considered and described in Alternative 2 in the Draft EIR.

**Response to Comment 44-4:**

The comments are generally correct with the exception of the percentage of trips expected to travel east versus west on I-80, in which 60 percent of trips are to/from the east (not the west). It should be noted that in addition to TDM strategies, the Draft EIR includes a mitigation that if implemented, would require the widening of I-80 to four lanes in each direction for approximately 0.5 miles east of Pedrick Road.

**Response to Comment 44-5:**

The suggestion provided by the commenter to construct a mixed-use project as part of the project is noted and forwarded to the decision-makers for their consideration.